



Natural Resources Committee Beaufort County, SC

This meeting will be held in person at the County Council Chambers, 100 Ribaut Road, Beaufort, and virtually through Zoom

**Monday, October 10, 2022
3:00 PM**

AGENDA

COMMITTEE MEMBERS:

**ALICE HOWARD, CHAIRMAN
LOGAN CUNNINGHAM
YORK GLOVER**

**GERALD DAWSON, VICE-CHAIRMAN
LAWRENCE MCELYNN**

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 - SEPTEMBER 6, 2022
6. **CITIZEN COMMENTS - (ANYONE who wishes to speak during the Citizen Comment portion of the meeting will limit their comments to no longer than three (3) minutes (a total of 15 minutes) and will address Council in a respectful manner appropriate to the decorum of the meeting, refraining from the use of profane, abusive, or obscene language)**

AGENDA ITEMS

- [7.](#) RECOMMEND APPROVAL OF AN ORDINANCE TO AMEND THE ZONING MAP OF BEAUFORT COUNTY TO CHANGE 175 FORDING ISLAND ROAD (PARCEL ID NUMBER R600 022 000 011A 0000) FROM T2 RURAL TO C5 REGIONAL CENTER MIXED USE
- [8.](#) RECOMMEND APPROVAL OF AN ORDINANCE FOR A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 5.11.60 (RIVER BUFFER) TO CLARIFY PENALTIES FOR REMOVING TREES FROM THE RIVER BUFFER WITHOUT APPROPRIATE PERMITS.
- [9.](#) RECOMMEND APPROVAL OF AN ORDINANCE AMENDING THE BEAUFORT COUNTY CODE OF ORDINANCES, CHAPTER 74 – BUILDING AND BUILDING REGULATIONS, SECTION 74-64, ADOPTION OF BUILDING CODES (AMENDS CODE OF ORDINANCES TO ADOPT THE 2021 STATE MANDATED CODE EDITIONS)

- [10.](#) RESOLUTION TO APPROVE THE AMENDED OYSTER FACTORY PARK MASTER PLAN (2020 OYSTER FACTORY PARK MASTER PLAN) WITH REDUCED ADDITIONAL PARKING
11. RECOMMEND APPROVAL OF THE APPOINTMENT OF STODD MCEWAN TO THE RURAL AND CRITICAL LANDS BOARD FOR A PARTIAL-TERM APPOINTMENT EXPIRING IN FEBRUARY 2023 (DISTRICT 4 SUB FOR DISTRICT 7)
12. RECOMMEND APPROVAL OF THE APPOINTMENT OF LUCIA O'FARRELL TO THE RURAL AND CRITICAL LANDS BOARD AS A REPRESENTATIVE FOR DISTRICT 4 FOR A PARTIAL TERM APPOINTMENT EXPIRING IN FEBRUARY 2023
- [13.](#) RECOMMEND APPROVAL OF THE APPOINTMENT OF WENDY ZARA TO THE REGIONAL HOUSING TRUST OVERSIGHT BOARD AS THE REPRESENTATIVE FROM BEAUFORT COUNTY FOR A TWO-YEAR TERM PURSUANT TO THE REGIONAL HOUSING TRUST FUND IGA

EXECUTIVE SESSION

14. PURSUANT TO S.C. CODE SECTION 30-4-70(A)(2): DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS AND PROPOSED SALE OR PURCHASE OF DEVELOPMENT RIGHTS ON REAL PROPERTY KNOWN AS VILLAGE CREEKSIDE PDR
15. MATTERS ARISING OUT OF EXECUTIVE SESSION
16. ADJOURNMENT

**TO WATCH COMMITTEE OR COUNTY COUNCIL MEETINGS OR FOR A COMPLETE LIST OF AGENDAS AND
BACKUP PACKAGES, PLEASE VISIT:**

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



Natural Resources Committee Beaufort County, SC

This meeting was held in person at the County Council Chambers, 100 Ribaut Road, Beaufort, and virtually through Zoom.

Tuesday, September 06, 2022
2:00 PM

MINUTES

Watch the video stream available on the County's website to hear the complete discussion or presentation on a specific topic or the entire meeting. <https://beaufortcountysc.new.swagit.com/videos/179899>

1. CALL TO ORDER

Committee Chair Howard called the meeting to order at 2:00 PM.

PRESENT

Committee Chair Alice Howard
Council Member Joseph F. Passiment
Council Member D. Paul Sommerville
Council Member York Glover
Council Member Lawrence McElynn

ABSENT

Committee Vice-Chair Gerald Dawson
Council Member Brian Flewelling
Council Member Stu Rodman
Council Member Chris Hervochon
Council Member Mark Lawson
Council Member Logan Cunningham

2. PLEDGE OF ALLEGIANCE

Committee Chair Howard led the Pledge of Allegiance.

3. FOIA

Committee Chair Howard noted that the 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 Council Member McElynn, 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 McElynn, to approve the minutes from August 15, 2022.

The Vote - The motion was approved without objection.

6. CITIZEN COMMENTS

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

<https://beaufortcountysc.new.swagit.com/videos/179899?ts=90>

Kate Schaefer (Open Land Trust) commented on agenda item seven, which included her recommendations for application deadlines and conservation easement negotiations.

7. RECOMMEND APPROVAL OF AN ORDINANCE TO ESTABLISH THE BEAUFORT COUNTY GREEN SPACE PROGRAM ORDINANCE SUBJECT TO A REFERENDUM WITHIN BEAUFORT COUNTY PURSUANT TO SECTION 4-10-1010 ET SEQ. OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976 AS AMENDED

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

<https://beaufortcountysc.new.swagit.com/videos/179899?ts=413>

Rob Merchant, Planning and Zoning Department Director, provided a detailed run-through of the draft ordinance, which covered the Green Space Advisory Committee, steps to launch and implement the program, and procurement methods and criteria.

Council Member Passiment commented on the opportunity to raise awareness about the purpose and scope of the green space program and encouraged the development of multimedia educational materials.

Council Member Sommerville raised concerns about the ambiguity of Section 5.b.1's language on transparent and equal distribution of funds. County Attorney Keaveny discussed the reason behind the language's inclusion. Merchant added that the Advisory Committee could address the ambiguity when developing the program criteria.

Council Member McElynn commented on the need to address possible misconceptions about the transportation referendum.

Council and County Administrator Greenway discussed the end date of the Advisory Committee.

Council, Merchant, and Greenway discussed the addition of stronger language to ensure consistency with adopted plans.

Committee Chair Howard and Mr. Merchant discussed a possible traffic study requirement for applications focused on reductions of vehicle miles.

Committee Chair Howard and Mr. Greenway discussed the use of funds for staff support and due diligence.

Council and Mr. Greenway discussed the potential for the Green Space Program to replace the Rural and Critical Lands Program.

Council and Mr. Merchant discussed the State's involvement in the program and the opportunity for the program developed by Beaufort County to serve as a roadmap for other counties.

Council Member McElynn asked about the Rural and Critical Lands Program's remaining funds and suggested that the two programs work collaboratively to preserve the expertise of the Rural and Critical Lands Program.

Motion: It was moved by Council Member Passiment, Seconded by Council Member Glover, to recommend approval of an ordinance to establish the Beaufort County Green Space Program Ordinance

subject to a referendum within Beaufort County pursuant to section 4-10-1010 et seq. of the code of laws of South Carolina, 1976 as amended.

The Vote - The motion was approved without objection.

Status: The item was moved forward to full Council.

8. RECOMMEND APPROVAL OF THE APPOINTMENT OF GLENN MILLER TO THE PLANNING COMMISSION FOR A PARTIAL-TERM APPOINTMENT WITH AN EXPIRATION DATE OF FEBRUARY 2023

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

Motion: It was moved by Council Member Passiment, Seconded by Council Member Glover, to recommend approval of the appointment of Glenn Miller to the Planning Commission for a partial term appointment with an expiration date of February 2023.

The Vote - The motion was approved without objection.

Status: The item was moved forward to full Council.

8. EXECUTIVE SESSION

PURSUANT TO S.C. CODE SECTION 30-4-70(A)(2): DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS AND PROPOSED SALE OR PURCHASE OF DEVELOPMENT RIGHTS ON REAL PROPERTY (LUCY CREEK, DUE DILIGENCE)

PURSUANT TO S.C. CODE SECTION 30-4-70(A)(2): DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS AND PROPOSED SALE OR PURCHASE OF DEVELOPMENT RIGHTS ON REAL PROPERTY (DAVIS ROAD, DUE DILIGENCE)

PURSUANT TO S.C. CODE SECTION 30-4-70(A)(2): DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS AND PROPOSED SALE OR PURCHASE OF DEVELOPMENT RIGHTS ON REAL PROPERTY (HWY 278, DUE DILIGENCE)

PURSUANT TO S.C. CODE SECTION 30-4-70(A)(2): DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS AND PROPOSED SALE OR PURCHASE OF DEVELOPMENT RIGHTS ON REAL PROPERTY (GREAT SWAMP, DUE DILIGENCE)

Motion: It was moved by Council Member Passiment, Seconded by Council Member Glover, to go into Executive Session to discuss items 9-12 at 2:55 PM.

The Vote - The motion was approved without objection.

9. MATTERS ARISING OUT OF EXECUTIVE SESSION

PURSUANT TO S.C. CODE SECTION 30-4-70(A)(2): DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS AND PROPOSED SALE OR PURCHASE OF DEVELOPMENT RIGHTS ON REAL PROPERTY (LUCY CREEK, DUE DILIGENCE)

Motion: It was moved by Council Member Sommerville, Seconded by Council Member Glover, to move forward with due diligence on the possible purchase of development rights on the Lucy Creek Property.

The Vote – The motion was approved without objection.

PURSUANT TO S.C. CODE SECTION 30-4-70(A)(2): DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS AND PROPOSED SALE OR PURCHASE OF DEVELOPMENT RIGHTS ON REAL PROPERTY (DAVIS ROAD, DUE DILIGENCE)

Motion: It was moved by Council Member Glover, Seconded by Council Member Passiment, to pursue due diligence on the property known as Davis Road, as recommended by the staff.

The Vote – The motion was approved without objection.

PURSUANT TO S.C. CODE SECTION 30-4-70(A)(2): DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS AND PROPOSED SALE OR PURCHASE OF DEVELOPMENT RIGHTS ON REAL PROPERTY (HWY 278, DUE DILIGENCE)

Motion: It was moved by Council Member Passiment, Seconded by Council Member Glover, to take the recommendation of the Rural and Critical Lands Board to not move forward with due diligence on the property at Highway 278.

The Vote – The motion was approved without objection.

PURSUANT TO S.C. CODE SECTION 30-4-70(A)(2): DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS AND PROPOSED SALE OR PURCHASE OF DEVELOPMENT RIGHTS ON REAL PROPERTY (GREAT SWAMP, DUE DILIGENCE)

Motion: It was moved by Council Member Glover, Seconded by Council Member Passiment, to approve the recommendation of staff and the Rural and Critical Lands Program that denied the due diligence of the property named Great Swamp.

The Vote – The motion was approved without objection.

10. ADJOURNMENT

Council Member Passiment made an announcement about Council Member Gerald Dawson.

Adjournment: 3:32 PM

Ratified:



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
<i>Zoning Map Amendment/Rezoning Request for 4.25 acres at 175 Fording Island Road (R600 022 000 011A 0000) from T2 Rural to C5 Regional Center Mixed Use</i>
MEETING NAME AND DATE:
<i>Natural Resources Committee Meeting, October 10, 2022</i>
PRESENTER INFORMATION:
<i>Robert Merchant, AICP, Director, Beaufort County Planning and Zoning (10 minutes needed for item discussion)</i>
ITEM BACKGROUND:
<i>This rezoning application went before the Beaufort County Planning Commission at their September 8, 2022 meeting. At that time, the Commission voted unanimously to recommend conditional approval of the rezoning. The two conditions of approval are:</i> <i>1) The existing curb cut on the property must be abandoned and no new curb cut will be permitted. 2) 175 Fording Island Road (R600 022 000 011A 0000) will be consolidated into the adjacent Honda dealership property (R600 021 000 0008 0000).</i>
PROJECT / ITEM NARRATIVE:
<i>The applicant seeks to change the zoning of a 4.25-acre lot at 175 Fording Island Road from T2 Rural (T2R) to C5 Regional Center Mixed Use (C5). The property is currently the site of a vacant, detached single family home. The application packet includes a conceptual plan that proposes expanding the Honda dealership, which is located next door.</i>
FISCAL IMPACT:
<i>Not applicable</i>
STAFF RECOMMENDATIONS TO COUNCIL:
<i>Though the proposed zoning change from T2R to C5 is in conflict with the Future Land Use designation laid out in the 2040 Comprehensive Plan and the Community Development code, it is compatible with the changed conditions of the area as a result of the recent Pepper Hall rezoning approved by Council and the Honda dealership's zoning. Staff recommends approval.</i>
OPTIONS FOR COUNCIL MOTION:
<i>To approve or deny the zoning amendment for 175 Fording Island Road from T2 Rural to C5 Regional Center Mixed Use.</i>

ORDINANCE 2022/_____

AN ORDINANCE TO AMEND THE ZONING MAP OF BEAUFORT COUNTY TO CHANGE PARCEL ID NUMBER R600 022 000 011A 0000 FROM T2 RURAL TO C5 REGIONAL CENTER MIXED USE

WHEREAS, parcel ID number R600 022 000 011A 0000 is currently zoned as T2 Rural; and

WHEREAS, the owner of the parcel has requested to change the zoning from T2 Rural to C5 Regional Center Mixed Use; and

WHEREAS, the Beaufort County Planning Commission considered the request on September 8, 2022, voting to recommend that County Council approve the request with conditions; and

WHEREAS, County Council now wishes to amend the zoning map to change the parcel’s zoning from T2 Rural to C5 Regional Center Mixed Use.

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

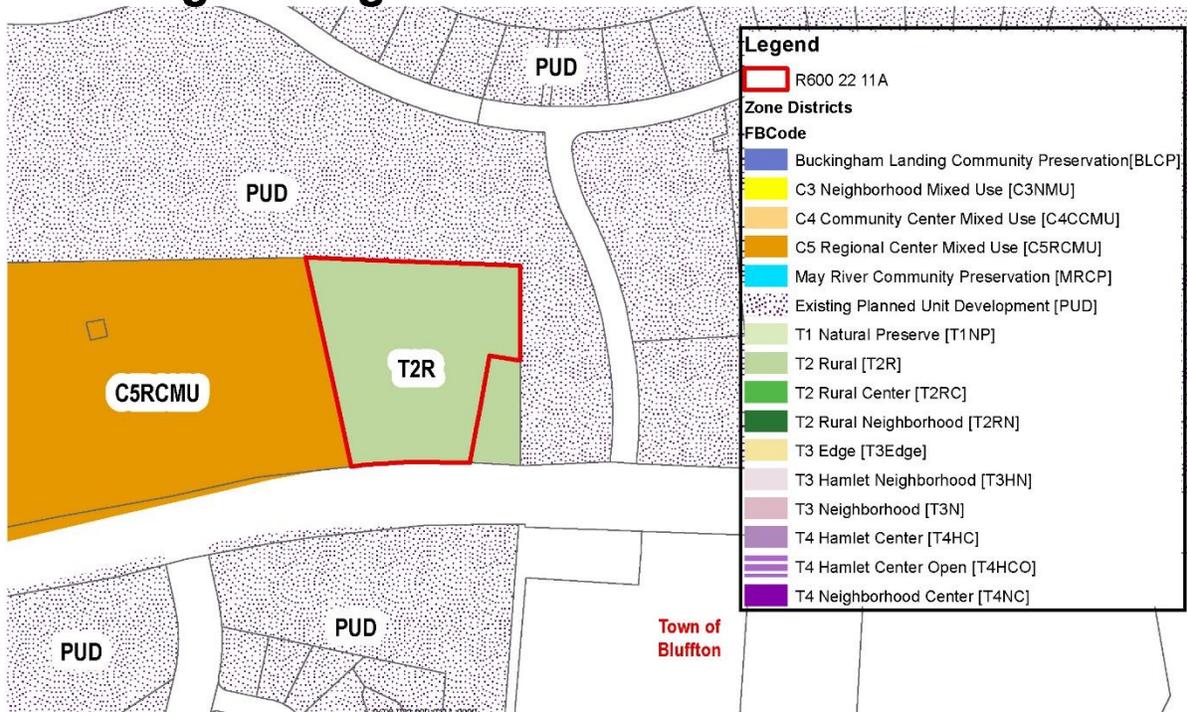
1. The zoning map of the County is hereby amended to reflect the zoning of Parcel ID Number R600 022 000 011A 0000 as C5 Regional Center Mixed Use.
2. Staff is directed to make the changes to the zoning map and to report to all persons necessary or helpful that the zoning has so changed.

Ordained this ____ day of _____, 2022

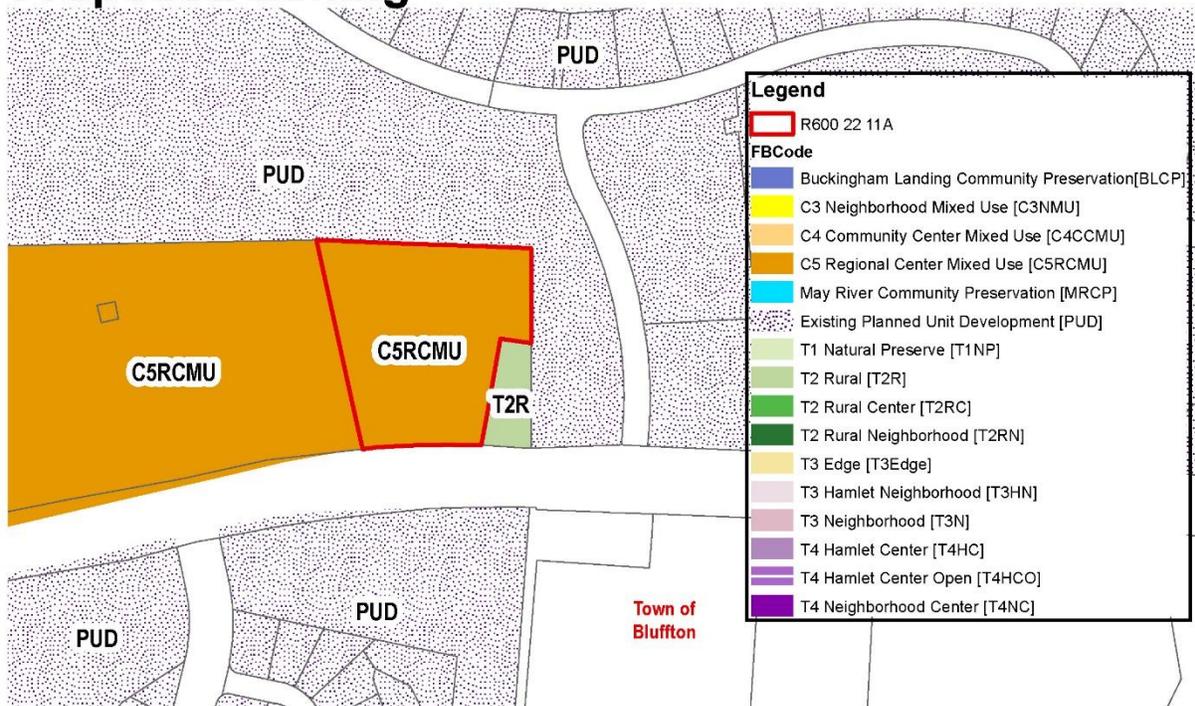
Joseph Passiment, Chairman

Sarah Brock, Clerk to Council

Existing Zoning



Proposed Zoning





MEMORANDUM

TO: Beaufort County Natural Resources Committee

FROM: Juliana Smith, Beaufort County Planning and Zoning Department

DATE: October 10, 2022

SUBJECT: Zoning Map Amendment/Rezoning Request for 4.25 acres at 175 Fording Island Road (R600 022 000 011A 0000) from T2 Rural (T2R) to C5 Regional Center Mixed Use (C5); Applicant: Laura Lewis

STAFF REPORT:

A. BACKGROUND:

Case No. CDPA-000020-2022

Owner/Applicant: Laura Lewis

Property Location: Located at 175 Fording Island Road

District/Map/Parcel: R600 022 000 011A 0000

Property Size: 4.25 acres

Current Future Land Use Designation: Community Commercial

Current Zoning District: T2 Rural

Proposed Zoning District: C5 Regional Center Mixed Use

B. SUMMARY OF REQUEST: The applicant seeks to change the zoning of a 4.25-acre lot at 175 Fording Island Road from T2 Rural (T2R) to C5 Community Center Mixed Use (C5). The property is currently the site of a vacant, detached single family home. The owner has been approached by Hilton Head Honda, which sits on the neighboring property, to purchase the property with the intent to extend their operations (see attached conceptual plan). As a part of the due-diligence period in Hilton Head Honda's purchase of the property, the owner is seeking a zoning map amendment.

C. EXISTING ZONING: The lot is currently zoned T2R, which is intended to preserve the rural character of Beaufort County. This zone applies to areas that consist of sparsely settled lands in an open or cultivated state. It may include large lot residential, farms where animals are raised or crops are grown, parks, woodland, grasslands, trails, and open space areas. Residential development is permitted at a density of one (1) dwelling unit per three (3) acres. T2R also permits very limited non-residential uses.

- D. PROPOSED ZONING:** The proposed C5 zoning district permits a full range of retail, service, and office uses. Due to the intensity of the district, it can accommodate regional and community commercial and business activities, including larger commercial activities that serve the entire County or highway-oriented businesses that need to be located on major highways. The design requirements for this zone are intended to create more attractive commercial areas than can be found in other counties in order to maintain the attractive tourist and business environment and produce minimal impacts on surrounding residential areas. C5 zoning shall be located in areas designated “regional commercial” in the Comprehensive Plan.
- E. COMPREHENSIVE PLAN FUTURE LAND USE MAP:** This 4.25-acre lot is designated Community Commercial on the Future Land Use Map which is associated with the C4 Community Center Mixed Use zoning district. The Comprehensive Plan states that these areas typically serve nearby residential areas, such as a shopping district anchored by a grocery store.
- F. ZONING MAP AMENDMENT REVIEW STANDARDS:** In determining whether to adopt or deny a proposed Zone Map Amendment, the County Council shall weigh the relevance of and consider whether and the extent to which the proposed amendment:
1. **Is consistent with and furthers the goals, and policies of the Comprehensive Plan and the purposes of this Development Code;** The Land Use chapter of the 2040 Comprehensive Plan indicates this area as Community Commercial. The proposed zoning is inconsistent with the Community Commercial future land use.
 2. **Is not in conflict with any provision of this Development Code, or the Code of Ordinances;** The proposed zoning district is consistent with the neighboring parcel to the west, which is zoned C5. However, the Community Development Code expressly states that C5 shall only be located in areas where the future land use is designated Regional Commercial. This area is designated Community Commercial.
 3. **Addresses a demonstrated community need;** N/A.
 4. **Is required by changed conditions;** Given the commercial nature of this portion of the corridor, T2 Rural zoning is no longer appropriate. This 4.25-acre lot is one of two remaining T2 Rural properties on this stretch of Fording Island Road. The other T2 Rural property is the neighboring property to the east. Both represent holdovers from a time when this corridor was indeed rural. Additionally, the neighboring Honda dealership is zoned C5. And, in October 2016, County Council approved the rezoning of Pepper Hall, which is on the western side of the extant Honda Dealership. That rezoning converted the land use in the area to C5. In sum, it is appropriate to rezone this property to a more commercially oriented use given the present-day conditions on this portion of Highway 278.
 5. **Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zone and uses for the land;** It is compatible with existing uses surrounding the property. To the west of this lot there is a Hilton Head Honda dealership, zoned C5 Regional Center Mixed Use. The lot to the east is zoned T2 Rural and, as mentioned in #4, is a lot held over from a time when Highway 278 was more rural. To the north, the property borders an undeveloped and unplatted open-space portion of the Berkeley Hall PUD that is

owned by the Berkeley Hall HOA. Fording Island Road, also known as Highway 278, borders the property's southern edge. Directly across Fording Island Road is the Island West PUD.

6. **Would not adversely affect nearby lands;** See 5 above.
7. **Would result in a logical and orderly development pattern;**
See 4, 5, and 6 above.
8. **Would not result in adverse impacts on the natural environment – including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment:** Any future development would be required to adhere to the natural resource protections, tree protections, wetland protections, and stormwater standards in the Community Development Code and Stormwater BMP Manual. The conceptual plan submitted shows a proposal for how the development would avoid significant wetlands that are on the property.
9. **Would result in development that is adequately served by public facilities (e.g. streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities):** The property is not served by sewer or water, though both are nearby making extensions achievable. Otherwise, the proposed commercial development is adequately served by public facilities.

G. STAFF RECOMMENDATION: Though the proposed zoning change from T2R to C5 is in conflict with the Future Land Use designation laid out in the 2040 Comprehensive Plan and the Community Development code, it is compatible with the changed conditions of the area as a result of the recent Pepper Hall rezoning approved by Council and the Honda dealership's zoning. Staff recommends approval.

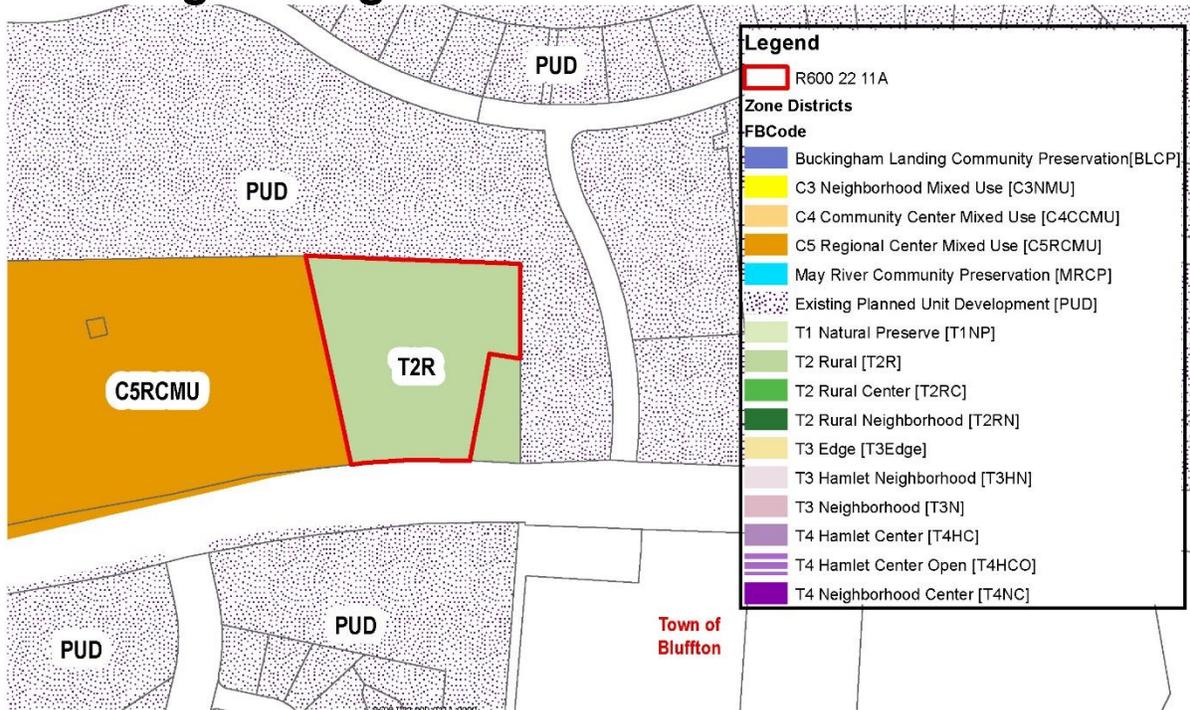
H. BEAUFORT COUNTY PLANNING COMMISSION: At the September 8, 2022 meeting of the Beaufort County Planning Commission, the Commission voted unanimously to recommend conditional approval of the rezoning. The two conditions of approval are:

- 1) The existing curb cut on the property must be abandoned and no new curb cut will be permitted.
- 2) 175 Fording Island Road (R600 022 000 011A 0000) will be consolidated into the adjacent Honda dealership property (R600 021 000 0008 0000).

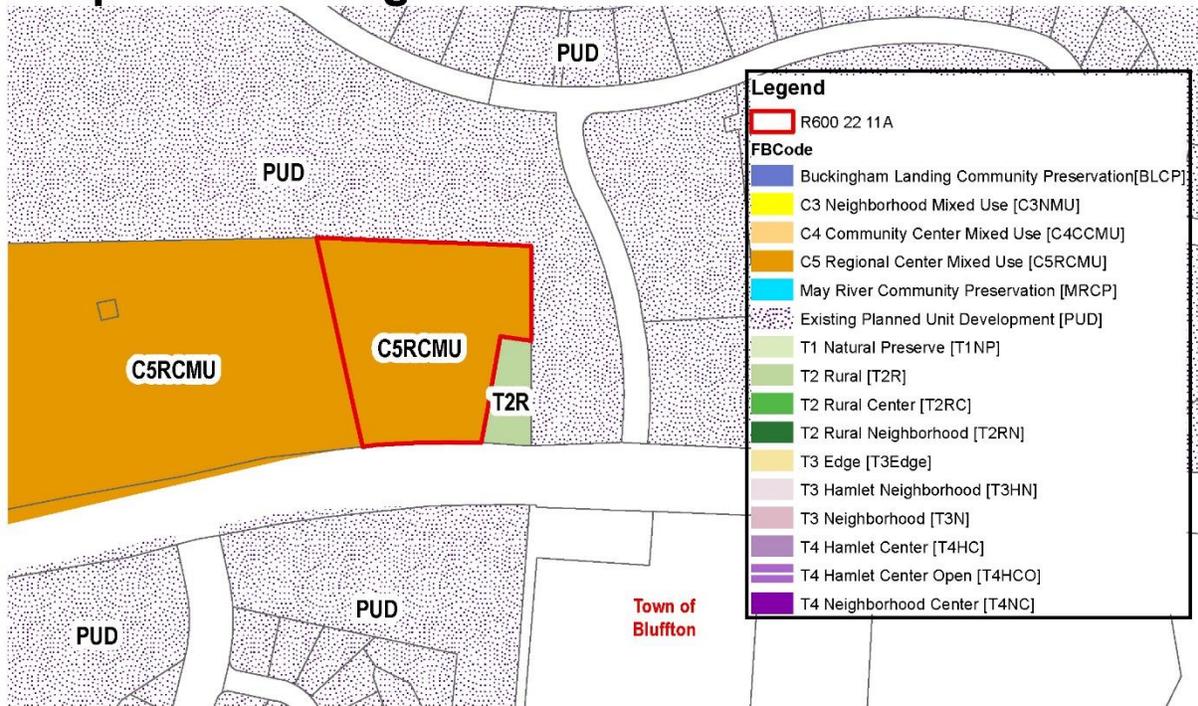
I. ATTACHMENTS

- Zoning Map (existing and proposed)
- Location Map
- Conceptual Site Plan submitted with the Application

Existing Zoning



Proposed Zoning

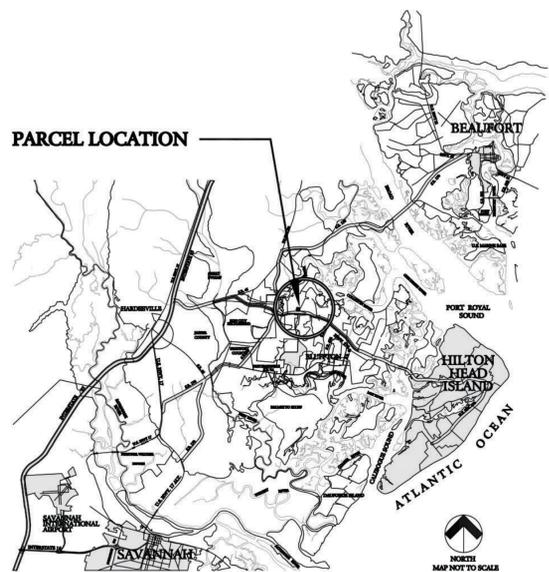






DEVELOPMENT SUMMARY

PARCEL ID NUMBER	R600 022 000 011A 0000
TOTAL ACRES	+/- 4.253 ACRES
PROPOSED ZONING	REGIONAL CENTER MIXED USE (C5)
USE: VEHICLE SERVICES: MAJOR MAINTENANCE AND REPAIR	10,000 SF
PARKING	1 PER 300 SF
REQUIRED PARKING PROVIDED	34 PARKING SPACES
NATURAL RESOURCE PROTECTION: Upland Forest Young	10% (.01 AC)

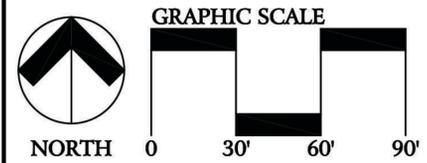


PREPARED FOR:
MFF Enterprises, LLC
 PREPARED BY:

J. K. TILLER ASSOCIATES, INC.
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HILTON HEAD HONDA SERVICE CENTER CONCEPTUAL SITE PLAN #1

BEAUFORT COUNTY, SOUTH CAROLINA
 APRIL 6, 2022



THIS IS A CONCEPTUAL PLAN AND IS SUBJECT TO CHANGE. ALL SURVEY INFORMATION AND SITE BOUNDARIES WERE COMPILED FROM A VARIETY OF UNVERIFIED SOURCES AT VARIOUS TIMES AND AS SUCH ARE INTENDED TO BE USED ONLY AS A GUIDE. ALL PROPERTY LINES, TRACT DIMENSIONS AND NARRATIVE DESCRIPTIONS ARE FOR GRAPHIC REPRESENTATION ONLY, AS AN AID TO SITE LOCATION AND POTENTIAL LAND USE, AND ARE NOT LEGAL REPRESENTATIONS AS TO FUTURE USES OR LOCATIONS. J. K. TILLER ASSOCIATES, INC. ASSUMES NO LIABILITY FOR ITS ACCURACY OR STATE OF COMPLETION, OR FOR ANY DECISIONS (REQUIRING ACCURACY) WHICH THE USER MAY MAKE BASED ON THIS INFORMATION.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
<i>Text Amendment to the Community Development Code (CDC): Section 5.11.60 (River Buffer) to clarify penalties for removing trees from the river buffer area without first obtaining appropriate tree removal permits.</i>
MEETING NAME AND DATE:
<i>Natural Resources Committee Meeting, October 10, 2022</i>
PRESENTER INFORMATION:
<i>Robert Merchant, AICP, Director, Beaufort County Planning and Zoning (10 minutes needed for item discussion)</i>
ITEM BACKGROUND:
<i>Staff have been reviewing the Community Development Code (CDC) for necessary amendments as a result of the adoption of the 2040 Comprehensive Plan. During our review, staff have identified necessary major and minor corrections to the CDC to improve and clarify its standards, including changes to the County's river buffer standards. At their September 8, 2022 meeting, the Beaufort County Planning Commission voted unanimously to recommend approval of the amendments.</i>
PROJECT / ITEM NARRATIVE:
<i>To provide clarity, section 5.11.60.F.4 has been added. This new section mirrors, almost in its entirety, the penalties outlined in Section 5.11.100.D.6, which address penalties for illegal tree removals prior to acquiring a development permit. Specifically, the new section identifies mitigation replanting requirements, including the number and size of trees that must be replanted to mitigate for trees illegally removed from the river buffer. An important difference is that illegal removal of trees in the river buffer will trigger a penalty requiring replacement at 2x the total caliper inches lost in illegal tree removals in the river buffer, as opposed to 1.25x for other illegal tree removals. It additionally provides a provision for mitigation in the form of a reforestation fee only after all possible efforts to replant trees have been made by directly referencing Section 5.11.100.D.7 (Reforestation Fee.).</i>
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 amendment to the Community Development Code (CDC): Section 5.11.60 (River Buffer)</i>

ORDINANCE 2022 / __

**TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC):
SECTION 5.11.60 (RIVER BUFFER) TO CLARIFY PENALTIES FOR REMOVING
TREES FROM THE RIVER BUFFER WITHOUT APPROPRIATE PERMITS.**

WHEREAS, the Community Development Code permits tree removals in the river buffer after appropriate tree removal permits have been issued; and

WHEREAS, Section 5.11.60 of the Community Development Code sets out the development standards for river buffers, but does not explicitly address penalties for illegal tree removals in the river buffer; and

WHEREAS, it is necessary for the Community Development Code to provide clear guidance on development standards and penalties to achieve orderly development of river buffers; and

WHEREAS, the Beaufort County Planning Commission considered the ordinance amendments on September 8, 2022, voting to recommend that County Council approve the proposed amendments; and

NOW, THEREFORE be it ordained by County Council in a meeting duly assembled that Section 5.11.60 of the Community Development Code is hereby amended as set forth in Exhibit A hereto. Deletions in the existing code are stricken through. Additions are highlighted and underlined.

Adopted this ___ day of _____ 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, JD, Clerk to Council

5.11.60 River Buffer

F. Buffer Disturbance. There shall be no disturbance of the river buffer established in Table 5.11.60.A, except as allowed for bulkheads, rip-rap and erosion control devices, view corridors, and other allowable disturbances authorized in this Section.

1. **Re-vegetation.** Any disturbance of the shoreline within the river buffer landwards of the OCRM critical line shall require submission of a re-vegetation plan. A principle objective of the plan is to preserve and replace as much of the on-site pre-construction native vegetation to the extent possible. Other acceptable landscaping plants are found in the SCDHEC publication entitled "Backyard Buffers", publication CR-003206 (11/00). The re-vegetation plan shall be prepared by a landscape designer or landscape architect. The re-vegetation plan shall be designed so that upon plant maturity, the disturbed area is completely vegetated.
2. **Removal of Trees.** Except for invasive species; see Section 5.11.100.G (Removal of Invasive Tree Species), removal of any tree within a river buffer shall require a tree removal permit; see Section 7.2.50 (Tree Removal Permit). Removal of trees shall require plant back inch for inch (DBH) of trees removed, except in those instances in which a tree is dead, hollow, or has another condition that poses a hazard to people or structures on the property or adjoining property as determined in writing by a certified arborist. In those cases, the tree shall be replaced with one 2.5-inch minimum caliper tree. If all tree inches cannot be planted back on site due to site constraints, the remaining tree inches shall be subject to a general county reforestation fee; see Section 5.11.100.D.3 (Reforestation Fee).
3. **Slope Stabilization of Re-Vegetated Areas.** Re-vegetation of areas landward of the OCRM critical line with slope topography in excess of a 1:3 slope shall also include slope stabilization measures in compliance with SCDOT standards, as set forth in Section 205, Embankment Construction, of the SCDOT Standard Specifications for Highway Construction, Edition of 2000, as amended.
4. **Penalty for Removing Trees Prior to Permitting.** If trees are cut down prior to receiving all necessary permits from the County, mitigation will be required to replace the removed trees. Mitigation shall involve the replanting of trees a minimum of 2.5 caliper inches with a total caliper equal to 2 times that of the DBH of the trees removed. If all tree inches cannot be planted back on site due to site constraints, the remaining tree inches shall be subject to a general county reforestation fee; see Section 5.11.100.D.7 (Reforestation Fee). Reforestation fees will only be considered after all possible mitigation trees are planted within the river buffer.



MEMORANDUM

TO: Beaufort County Natural Resources Committee

FROM: Juliana Smith, Beaufort County Planning and Zoning Department

DATE: October 10, 2022

SUBJECT: Proposed Text Amendments to Section 5.11.60 (River Buffer)

STAFF REPORT:

A. BACKGROUND:

Proposed changes to Section 5.11.60 (River Buffer) will clarify penalties for removing trees from the buffer area without first obtaining appropriate tree removal permits. Beaufort County has made efforts to explicitly protect river buffers from disturbance in order to protect properties from erosion, to stabilize stream banks, to protect water quality, to maintain natural habitat for native flora and fauna, and to protect viewsheds from our waterways. Yet, the Community Development Code does not provide clear guidance on the appropriate penalties if a property owner illegally removes trees from the River Buffer. This amendment seeks to provide clarity on the required mitigation and/or fee required if trees are illegally removed from river buffers.

B. SUMMARY OF PROPOSED REVISIONS: To provide clarity, section 5.11.60.F.4 has been added. This new section mirrors, almost in its entirety, the penalties outlined in Section 5.11.100.D.6, which address penalties for illegal tree removals prior to acquiring a development permit. Specifically, the new section identifies mitigation replanting requirements, including the number and size of trees that must be replanted to mitigate for trees illegally removed from the river buffer. An important difference is that illegal removal of trees in the river buffer will trigger a penalty requiring replacement at 2x the total caliper inches lost in illegal tree removals in the river buffer, as opposed to 1.25x for other illegal tree removals. It additionally provides a provision for mitigation in the form of a reforestation fee only after all possible efforts to replant trees have been made by directly referencing Section 5.11.100.D.7 (Reforestation Fee.).

C. STAFF RECOMMENDATION: Staff recommends approval.

D. BEAUFORT COUNTY PLANNING COMMISSION: At the September 8, 2022 meeting of the Beaufort County Planning Commission, the Commission voted unanimously to recommend approval of the text amendments.

E. ATTACHMENTS: Revised Community Development Code Section 5.11.60 (River Buffer)

5.11.60 River Buffer

F. Buffer Disturbance. There shall be no disturbance of the river buffer established in Table 5.11.60.A, except as allowed for bulkheads, rip-rap and erosion control devices, view corridors, and other allowable disturbances authorized in this Section.

1. **Re-vegetation.** Any disturbance of the shoreline within the river buffer landwards of the OCRM critical line shall require submission of a re-vegetation plan. A principle objective of the plan is to preserve and replace as much of the on-site pre-construction native vegetation to the extent possible. Other acceptable landscaping plants are found in the SCDHEC publication entitled "Backyard Buffers", publication CR-003206 (11/00). The re-vegetation plan shall be prepared by a landscape designer or landscape architect. The re-vegetation plan shall be designed so that upon plant maturity, the disturbed area is completely vegetated.
2. **Removal of Trees.** Except for invasive species; see Section 5.11.100.G (Removal of Invasive Tree Species), removal of any tree within a river buffer shall require a tree removal permit; see Section 7.2.50 (Tree Removal Permit). Removal of trees shall require plant back inch for inch (DBH) of trees removed, except in those instances in which a tree is dead, hollow, or has another condition that poses a hazard to people or structures on the property or adjoining property as determined in writing by a certified arborist. In those cases, the tree shall be replaced with one 2.5-inch minimum caliper tree. If all tree inches cannot be planted back on site due to site constraints, the remaining tree inches shall be subject to a general county reforestation fee; see Section 5.11.100.D.3 (Reforestation Fee).
3. **Slope Stabilization of Re-Vegetated Areas.** Re-vegetation of areas landward of the OCRM critical line with slope topography in excess of a 1:3 slope shall also include slope stabilization measures in compliance with SCDOT standards, as set forth in Section 205, Embankment Construction, of the SCDOT Standard Specifications for Highway Construction, Edition of 2000, as amended.
4. **Penalty for Removing Trees Prior to Permitting.** If trees are cut down prior to receiving all necessary permits from the County, mitigation will be required to replace the removed trees. Mitigation shall involve the replanting of trees a minimum of 2.5 caliper inches with a total caliper equal to 2 times that of the DBH of the trees removed. If all tree inches cannot be planted back on site due to site constraints, the remaining tree inches shall be subject to a general county reforestation fee; see Section 5.11.100.D.7 (Reforestation Fee). Reforestation fees will only be considered after all possible mitigation trees are planted within the river buffer.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
AN ORDINANCE AMENDING THE BEAUFORT COUNTY CODE OF ORDINANCES, CHAPTER 74 – BUILDING AND BUILDING REGULATIONS, SECTION 74-64, ADOPTION OF BUILDING CODES (AMENDS CODE OF ORDINANCES TO ADOPT THE 2021 STATE MANDATED CODE EDITIONS)
MEETING NAME AND DATE:
Natural Resources Committee - October 10, 2022
PRESENTER INFORMATION:
Chuck Atkinson, ACA Development and Recreation <i>5 Minutes</i>
ITEM BACKGROUND:
On October 6, 2021, the South Carolina Building Codes Council adopted the latest editions of the mandatory codes and appendices with modifications, as referenced in S.C. Code Ann. §6-9-50 (1976, as amended), to be enforced by all municipalities and counties in South Carolina. The Council established the implementation date for local jurisdictions as January 1, 2023. Local adoption of the latest state mandated code editions is required under state law.
PROJECT / ITEM NARRATIVE:
Local adoption of state mandated building code editions
FISCAL IMPACT:
No Fiscal Impact.
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends approval.
OPTIONS FOR COUNCIL MOTION:
Motion to approve/deny - AN ORDINANCE AMENDING THE BEAUFORT COUNTY CODE OF ORDINANCES, CHAPTER 74 – BUILDING AND BUILDING REGULATIONS, SECTION 74-64, ADOPTION OF BUILDING CODES (AMENDS CODE OF ORDINANCES TO ADOPT THE 2021 STATE MANDATED CODE EDITIONS) Move forward to Council for First Reading



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
 110 Centerview Dr • Columbia • SC • 29210
 P.O. Box 11329 • Columbia • SC • 29211-1329
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2021 MODIFICATION INDEX

*Modification Index numbers below are hyperlinked to the referenced modifications. The LLR logo on each modification page links back to index.

MODIFICATION INDEX NUMBER	CODE SECTION	REQUESTING ASSOCIATION/ JURISDICTION	NEW/ CONTINUATION
2021 IBC			
IBC 2021-01	[A] 101.4.7 Existing Buildings	American Concrete Institute (ACI)	New
IBC 2021-02	202 Definitions	BOASC	Continuation
IBC 2021-04	303.4 Assembly Group A-3	BOASC	Continuation
IBC 2021-05	312.1 General "Primitive Camp Structure"	BOASC	Continuation
IBC 2021-07	706.1 General	BOASC	Continuation
IBC 2021-10	1010.2.14 Controlled egress doors in Groups I-1 and I-2 (also in IFC)	Midlands Fire Marshal's Association	New
IBC 2021-11	1016.2 Egress through intervening spaces	BOASC	Continuation
IBC 2021-14	1803.2 Investigations required	BOASC	Continuation
IBC 2021-16	1907.1 General	Structural Engineers	Continuation
IBC 2021-17	2303.2.2 Other means during manufacture	BOASC	Continuation
IBC 2021-18	Appendix H Signs	Structural Engineers	Continuation
2021 IRC			
IRC 2021-01	R202 Definitions - Accepted Eng. Practice	Coastal Code Enforcement Association of SC	Continuation
IRC 2021-02	R202 Definitions - Crawl Space	HBA of SC	New
IRC 2021-04	R301.2.1 Wind Design Criteria	HBA of SC	New
IRC 2021-05	R301.2.2.1 Determination of seismic design category	HBA of SC	New
IRC 2021-06	R302.1 Exterior Walls (Add Exception 6)	Coastal Code Enforcement Association of SC	Continuation
IRC 2021-07	R302.1 Exterior Walls (Add Exception 7)	BOASC	New
IRC 2021-09	R302.4.1 Through penetrations	BOASC	New
IRC 2021-10	R302.5.1 Opening protection	HBA of SC	Continuation
IRC 2021-11	R302.13 Fire Protection of floors	HBA of SC	Continuation
IRC 2021-12	R303.4 Mechanical ventilation	Coastal Code Enforcement Association of SC	Continuation
IRC 2021-13	Figure R307.1 Minimum Fixture Clearances	HBA of SC	Continuation
IRC 2021-15	R311.7.5.1 Risers	Structural Engineers Association of SC	Continuation
IRC 2021-16	R312.1.1 Where required	HBA of SC	Continuation
IRC 2021-17	R312.2 Window fall protection	HBA of SC	Continuation
IRC 2021-18	R313 Automatic Fire Sprinkler Systems	HBA of SC	Continuation
IRC 2021-22	R317.1.1 Field treatment	Structural Engineers Association of SC	Continuation
IRC 2021-23	R318.1 Subterranean termite control methods	HBA of SC	Continuation
IRC 2021-24	R318.4 Foam Plastic Protection	HBA of SC	Continuation
IRC 2021-25	R318.5 Termite Inspection Strip	HBA of SC	New
IRC 2021-28	R322.1 General	BOASC	Continuation
IRC 2021-29	R326.3 Story above grade plane	HBA of SC	New
IRC 2021-31	R404.1.9.2 Masonry Piers Supporting floor girders	HBA of SC & Structural Engineers Association of SC	Continuation

MODIFICATION INDEX NUMBER	CODE SECTION	REQUESTING ASSOCIATION/ JURISDICTION	NEW/ CONTINUATION
IRC 2021-32	R408.3 Unvented Crawl Space	Structural Engineers Association of SC	Continuation
IRC 2021-33	R408.3(2.2) Unvented crawl space	HBA of SC	New
IRC 2021-34	R408.4 Access	HBA of SC	Continuation
IRC 2021-35	R408.8 Under-floor vapor retarder	HBA of SC	New
IRC 2021-36	R502.11.4 Truss design drawings	HBA of SC	Continuation
IRC 2021-37	R506.2.3 Vapor retarder	Structural Engineers Association of SC	Continuation
IRC 2021-38	R606.7 Piers	Structural Engineers Association of SC	Continuation
IRC 2021-39	R802.10.1 Truss design drawings	HBA of SC	Continuation
IRC 2021-40	R905.2.8.5 Drip Edge	HBA of SC	Continuation
IRC 2021-41	Chapter 11 Energy Efficiency	HBA of SC	Continuation
IRC 2021-42	M1411.6 Insulation of refrigerant piping	HBA of SC	Continuation
IRC 2021-43	M1411.9 Locking access port caps	HBA of SC	Continuation
IRC 2021-44	M1502.3 Duct termination	HBA of SC	Continuation
IRC 2021-45	M1502.4.2 Duct Installation	HBA of SC	Continuation
IRC 2021-46	M1502.4.6 Duct length	HBA of SC	Continuation
IRC 2021-47	M1503.6 Makeup air	HBA of SC	Continuation
IRC 2021-48	M1504.3 Exhaust Openings	HBA of SC	Continuation
IRC 2021-49	M1601.4.1 Joints, Seams and Connections	HBA of SC	Continuation
IRC 2021-50	G2418.2 Design and installation	HBA of SC	Continuation
IRC 2021-51	P2503.6 Shower liner test	HBA of SC	Continuation
IRC 2021-52	P2503.6 Shower liner test	HBA of SC	New (Adds to continuation)
IRC 2021-53	P2603.2.1 Protection against physical damage	HBA of SC	New
IRC 2021-54	P2603.5 Freezing	HBA of SC	Continuation
IRC 2021-55	P2603.5 Freezing	HBA of SC	New (Adds to continuation)
IRC 2021-56	P2705.1 (3) General	HBA of SC	New
IRC 2021-57	P2708.4 Shower control valves	HBA of SC	New
IRC 2021-58	P2713.3 Bathtub and whirlpool bathtub valves	HBA of SC	New
IRC 2021-60	P2903.10 Hose bibb	HBA of SC	Continuation
IRC 2021-62	P2904.2.4.2.1 Additional requirements for pendant sprinklers	SC Master Plumbers Association	New
IRC 2021-66	E3606.5 Surge Protection	HBA of SC	New
IRC 2021-67	E3802.4 In unfinished basements	HBA of SC	Continuation
IRC 2021-69	E3901.4.2 (1) – Island and peninsular countertops and work spaces	HBA of SC	New
IRC 2021-70	E3902 Ground-Fault & Arc-Fault Circuit-Interrupter Protection	HBA of SC	New
IRC 2021-71	E3902.5 Basement Receptacles	HBA of SC	New
IRC 2021-73	E3902.17 Arc-Fault Circuit Interrupter Protection	HBA of SC	Continuation
IRC 2021-75	E4002.14 Tamper-resistant receptacles	HBA of SC	New
IRC 2021-76	Chapter 44 Referenced Standards	AHRI	New
IRC 2021-77	Appendix AH Patio Covers	Structural Engineers Association of SC	Continuation
IRC 2021-78	Appendix AJ Existing Buildings and Structures	Structural Engineers Association of SC	Continuation
IRC 2021-79	Appendix AQ Tiny Houses	BOASC	Continuation

MODIFICATION INDEX NUMBER	CODE SECTION	REQUESTING ASSOCIATION/ JURISDICTION	NEW/ CONTINUATION
2021 IFC			
IFC 2021-02	202 General definitions - Primitive camp structure	BOASC	Continuation
IFC 2021-03	202 General definitions - A-3 occupancies	BOASC	Continuation
IFC 2021-04	202 General definitions - Recreational Fire	SC Fire Marshal's Association	Continuation
IFC 2021-05	315.3.3 Equipment rooms	Midlands Fire Marshal's Association	New
IFC 2021-07	319.11 Clearance requirements (New Section)	Midlands Fire Marshal's Association	New
IFC 2021-08	503.1.2 Additional Access	HBA of SC	New
IFC 2021-09	503.1.2.1 One- or two-family dwelling residential developments having less than 50 units (New section)	HBA of SC	New
IFC 2021-10	503.2.1 Dimensions	HBA of SC	Continuation
IFC 2021-11	507.1 Required water supply	Charleston Fire Department	Continuation
IFC 2021-12	507.5.1 Where Required	Charleston Fire Department	Continuation
IFC 2021-13	507.5.1.1 Hydrant for standpipe systems	Midlands Fire Marshal's Association	New
IFC 2021-14	507.5.4 Obstruction	Midlands Fire Marshal's Association	New
IFC 2021-16	607.1 General	Midlands Fire Marshal's Association	New
IFC 2021-19	901.6.3 Records	Charleston Fire Department	Continuation
IFC 2021-22	907.6.5 Access	Midlands Fire Marshal's Association	New
IFC 2021-24	1010.2.14 Controlled egress doors in Groups I-1 and I-2 (Also in IBC)	Midlands Fire Marshal's Association	New
IFC 2021-25	1016.2 Egress through intervening spaces	Charleston Fire Department	Continuation
IFC 2021-31	2303.2.2 Testing (New section)	Midlands Fire Marshal's Association	New
IFC 2021-33	2305.5 Fire extinguishers	Midlands Fire Marshal's Association	New
IFC 2021-34	2307.4 Location of dispensing operations and equipment	SCPGA	Continuation
IFC 2021-35	2307.7 Public fueling of motor vehicles	SCPGA	Continuation
IFC 2021-38	6101.1 Scope	SC Fire Marshal's Association	Continuation
IFC 2021-41	6106.1 Attendants	SC Fire Marshal's Association	Continuation
IFC 2021-42	6107.4 Protecting containers from vehicles	SC Fire Marshal's Association	Continuation
IFC 2021-43	6109.13 Protection of containers	SC Fire Marshal's Association	Continuation
IFC 2021-44	6110.1 Removed from service	SC Fire Marshal's Association	Continuation
IFC 2021-45	6111.2.1 Near residential, educational and institutional occupancies and other high-risk areas	SC Fire Marshal's Association	Continuation
2021 IPC			
IPC 2021-01	202 General Definitions - Drinking Fountain	Carolinas AGC	New
IPC 2021-02	202 General Definitions - Bottle Filling Station	Carolinas AGC	New
IPC 2021-03	202 General Definitions - Water Cooler	Carolinas AGC	New
IPC 2021-04	202 General Definitions - Water Dispenser	Carolinas AGC	New
IPC 2021-05	Table 403.1 Minimum number of required plumbing fixtures	Carolinas AGC	New
IPC 2021-06	410.4 Substitution	Carolinas AGC	New
2021 IMC			
IMC 2021-01	504.9.2 Duct Installation	BOASC	Continuation
IMC 2021-02	Table 1103.1 Refrigerant Classification Amount and OEL	AHRI	New

MODIFICATION INDEX NUMBER	CODE SECTION	REQUESTING ASSOCIATION/ JURISDICTION	NEW/ CONTINUATION
IMC 2021-03	1104.3 System Application Requirements	AHRI	New
IMC 2021-04	Chapter 15 Referenced Standards	AHRI	New
2021 IFGC			
IFGC 2021-01	401.9 Identification	SCPGA	Continuation
IFGC 2021-02	401.10 Third-party testing and certification	SCPGA	Continuation
IFGC 2021-03	412.4 Listed equipment	SCPGA	Continuation
IFGC 2021-04	412.6 Location	SCPGA	Continuation
IFGC 2021-05	412.8.3 Vehicle impact protection	SCPGA	Continuation
IFGC 2021-06	412.10 Private fueling of motor vehicles	SCPGA	Continuation
IFGC 2021-07	505.1.1 Commercial cooking appliances vented by exhaust hoods	Piedmont Natural gas	Continuation
2020 NEC			
NEC 2020-03	210.8(A)(5) Basements	HBA of SC	New
NEC 2020-04	210.8(F) Outdoor Outlets	HBA of SC	New
NEC 2020-05	210.12 Arc-Fault Circuit-Interpreter Protection	HBA of SC	New
NEC 2020-06	230.67 Surge Protection	HBA of SC	New



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Building Code

Modification Index Number: IBC 2021-01

Code Section: [A] 101.4.7 Existing Buildings

Modification:

[A] 101.4.7 Existing buildings. The provisions of the South Carolina Existing Building Code shall apply to matters governing the repair, alternation, change of occupancy, addition to and relocation of existing buildings.

101.4.7.1 Structural Concrete. In addition, assessment, repairs, and restoration of structural concrete in accordance with ACI 562 shall be permitted.

Exception:
ACI 562 shall not be used for the evaluation or design of repairs or rehabilitation of elements of seismic force-resisting system that result in strength, stiffness, or ductility of those elements different from the pre-damage condition.

Add new referenced standard to Chapter 16 as follows:

ACI American Concrete Institute
38800 Country Club Drive
Farmington Hills, MI 48331
Standard reference number Title Referenced in code section number
562-19 Code Requirements for Assessment, Repair, and Rehabilitation of Existing Concrete Structures
101.4.7.1

Proponent: American Concrete Institute (ACI)

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
n/a		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Building Code

Modification Index Number: IBC 2021-02

Code Section: 202 Definitions

Modification:

VAPOR RETARDER, GROUND CONTACT. Ground contact vapor retarder class shall be defined using the requirements of ASTM E1745, Class A, B, or C-Standard specification for water vapor retarders used in contact with soil or granular fill under concrete slabs.

PRIMITIVE CAMP STRUCTURE. Shall include any structure permanent or temporary in nature, used for outdoor camping (transient), open on at least one side with no fully enclosed habitable spaces, less than 400 square feet under roof, and not classified as a residential occupancy due to lack of electrical, plumbing, mechanical and sprinkler systems.

Proponent: BOASC

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IBC 2018	IBC 2018 01	202



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Building Code

Modification Index Number: IBC 2021-04

Code Section: 303.4 Assembly Group A-3

Modification:

303.4 Assembly Group A-3. Group A-3 occupancy includes assembly uses intended for worship, recreation or amusement and other assembly uses not classified elsewhere in Group A including, but not limited to:

- Amusement arcades
- Art galleries
- Bowling alleys
- Community halls
- Courtrooms
- Dance halls (not including food or drink consumption)
- Exhibition halls
- Funeral parlors
- Greenhouses* for the conservation and exhibition of plants that provide public access
- Gymnasiums (without spectator seating)
- Indoor *swimming pools* (without spectator seating)
- Indoor tennis courts (without spectator seating)
- Lecture halls
- Libraries
- Museums
- Places of religious worship*
- Pool and billiard parlors
- Structures, without a commercial kitchen, used in agritourism activity as defined by S.C. Code Ann. 46-53-10(1)
- Waiting areas in transportation terminals

Proponent: BOASC

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IBC 2018	IBC 2018 02	303.4



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Building Code

Modification Index Number: IBC 2021-05

Code Section: 312.1 General.

Modification:

SECTION 312

UTILITY AND MISCELLANEOUS GROUP U

312.1 General. Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to their occupancy. Group U shall include, but not be limited to, the following:

Agricultural buildings

Aircraft hangars, accessory to a one- or two-family residence (see Section 412.4)

Barns

Carports

Communication equipment structures with a *gross floor area* of less than 1,500 square feet (139 m²)

Fences more than 7 feet (2134 mm) in height

Grain silos, accessory to a residential occupancy

Livestock shelters

Primitive Camp Structures

Private garages

Retaining walls

Sheds

Stables

Proponent: BOASC

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IBC 2018	IBC 2018 03	312.1



South Carolina Department of Labor, Licensing and Regulation
 South Carolina Building Codes Council
 2021 Modification Index

Applicable Code: 2021 International Building Code

Modification Index Number: IBC 2021-07

Code Section: 706.1 General

Modification:

706.1 General. *Fire walls* shall be constructed in accordance with Sections 706.2 through 706.11. Each portion of a building separated by one or more firewalls may be considered a separate building. The extent and location of such *fire walls* shall provide a complete separation. Where a *fire wall* separates occupancies that are required to be separated by a *fire barrier wall*, the most restrictive requirements of each separation shall apply.

Proponent: BOASC

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IBC 2018	IBC 2018 05	706.1



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Building Code

Modification Index Number: IBC 2021-10

Code Section: 1010.2.14 Controlled egress doors in Group I-1 and I-2

Modification:

1010.2.14 Controlled egress doors in Groups I-1, I-2, and I-4 (Adult Day Care Occupancy only).

Electric locking systems, including electro-mechanical locking systems and electromagnetic locking systems, shall be permitted to be locked in the means of egress in Group I-1, I-2, and I-4 (Adult Day Care occupancy only) occupancies where the clinical needs of persons receiving care require their containment. Controlled egress doors shall be permitted in such occupancies where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or an approved automatic smoke detection system installed in accordance with Section 907, provided that the doors are installed and operate in accordance with all of the following:

1. The door locks shall unlock on actuation of the automatic sprinkler system or automatic smoke detection system.
2. The door locks shall unlock on loss of power controlling the lock or lock mechanism.
3. The door locking system shall be installed to have the capability of being unlocked by a switch located at the fire command center, a nursing station or other approved location. The switch shall directly break power to the lock.
4. A building occupant shall not be required to pass through more than one door equipped with a controlled egress locking system before entering an exit.
5. The procedures for unlocking the doors shall be described and approved as part of the emergency planning and preparedness required by Chapter 4 of the International Fire Code.
6. All clinical staff shall have the keys, codes or other means necessary to operate the locking systems.
7. Emergency lighting shall be provided at the door.
8. The door locking system units shall be listed in accordance with UL 294.

Exceptions:

1. Items 1 through 4 shall not apply to doors to areas occupied by persons who, because of clinical needs, require restraint or containment as part of the function of a psychiatric or cognitive treatment area.
2. Items 1 through 4 shall not apply to doors to areas where a listed egress control system is utilized to reduce the risk of child abduction from nursery and obstetric areas of a Group I-2 hospital.

Proponent: Midlands Fire Marshal's Association

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
n/a		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Item 9.

Applicable Code: 2021 International Building Code

Modification Index Number: IBC 2021-11

Code Section: 1016.2 Egress through intervening spaces

Modification:

1016.2 Egress through intervening spaces. Egress through intervening spaces shall comply with this section.

1. Exit access through an enclosed elevator lobby is permitted. Where access to two or more exits or exit access doorways is required in Section 1006.2.1, access to not less than one of the required exits shall be provided without travel through the enclosed elevator lobbies required by Section 3006 of the South Carolina Building Code. Where the path of exit access travel passes through an enclosed elevator lobby, the level of protection required for the enclosed elevator lobby is not required to be extended to the exit unless direct access to an exit is required by other sections of this code.
2. Egress from a room or space shall not pass through adjoining or intervening rooms or areas, except where such adjoining rooms or areas and the area served are accessory to one or the other, are not a Group H occupancy and provide a discernible path of egress travel to an exit.

Exception: Means of egress are not prohibited through adjoining or intervening rooms or spaces in a Group H, S or F occupancy where the adjoining or intervening rooms or spaces are the same or a lesser hazard occupancy group.
3. An exit access shall not pass through a room that can be locked to prevent egress.
4. Means of egress from dwelling units or sleeping areas shall not lead through other sleeping areas, toilet rooms or bathrooms.

Exception: Dwelling units or sleeping areas in R-1 and R-2 occupancies shall be permitted to egress through other sleeping areas serving adjoining rooms that are part of the same dwelling unit or guest room.
5. Egress shall not pass through kitchens, storage rooms, closets or spaces used for similar purposes.

Exceptions:
 1. Means of egress are not prohibited through a kitchen area serving adjoining rooms constituting part of the same dwelling unit or sleeping unit.
 2. Means of egress are not prohibited through stockrooms in Group M occupancies where all of the following are met:
 - 2.1. The stock is of the same hazard classification as that found in the main retail area.
 - 2.2. Not more than 50 percent of the exit access is through the stockroom.
 - 2.3. The stockroom is not subject to locking from the egress side.
 - 2.4. There is a demarcated, minimum 44-inch-wide (1118 mm) aisle defined by ~~full- or partial-height fixed walls~~ a wall not less than 42 inches high or similar construction that will maintain the required width and lead directly from the retail area to the exit without obstructions.

Proponent: BOASC

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IBC 2018	IBC 2018 10	1016.2



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Building Code

Modification Index Number: IBC 2021-14

Code Section: 1803.2 Investigations required

Modification:

1803.2 Investigations required. Geotechnical investigations shall be conducted in accordance with Sections 1803.3 through 1803.5.

Exception:

1. The *building official* shall be permitted to waive the requirement for a geotechnical investigation where satisfactory data from adjacent areas is available that demonstrates an investigation is not necessary for any of the conditions in Sections 1803.5.1 through 1803.5.6 and Sections 1803.5.10 and 1803.5.11.

2. For single story buildings not more than 5,000 sq ft and not more than 30ft in height, a site specification investigation report is not required if the seismic design category is determined by the design professional in accordance with Chapter 20 of ASCE 7.

Proponent: BOASC

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IBC 2018	IBC 2018 11	1803.2



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Building Code

Modification Index Number: IBC 2021-16

Code Section: 1907.1 General

Modification:

SECTION 1907

MINIMUM SLAB PROVISIONS

1907.1 General. The thickness of concrete floor slabs supported directly on the ground shall be not less than 3½ inches (89 mm). A 6-mil (0.006 inch; 0.15 mm) 10-mil (0.010 inch) polyethylene ground contact vapor retarder with joints lapped not less than 6 inches (152 mm) shall be placed between the base course or subgrade and the concrete floor slab, or other *approved* equivalent methods or materials shall be used to retard vapor transmission through the floor slab.

Exception: A vapor retarder is not required:

1. For detached structures accessory to occupancies in Group R-3, such as garages, utility buildings or other unheated facilities.
2. For unheated storage rooms having an area of less than 70 square feet (6.5 m²) and carports attached to occupancies in Group R-3.
3. For buildings of other occupancies where migration of moisture through the slab from below will not be detrimental to the intended occupancy of the building.
4. For driveways, walks, patios and other flatwork that will not be enclosed at a later date.
5. Where *approved* based on local site conditions.

Proponent: Structural Engineers' Association of SC

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IBC 2018	IBC 2018 12	1907.1



South Carolina Department of Labor, Licensing and Regulation
 South Carolina Building Codes Council
 2021 Modification Index

Item 9.

Applicable Code: 2021 International Building Code

Modification Index Number: IBC 2021-17

Code Section: 2303.2.2 Others means during manufacture

Modification:

2303.2.2 Other means during manufacture. For wood products impregnated with chemicals by other means during manufacture, the treatment shall be an integral part of the manufacturing process of the wood product. The treatment shall provide permanent protection to all surfaces of the wood product. ~~The use of paints, coating, stains or other surface treatments is not an approved method of protection as required in this section.~~

Proponent: BOASC

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IBC 2018	IBC 2018 13	2303.2.2



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Building Code

Modification Index Number: IBC 2021-18

Code Section: Appendix H Signs

Modification:

Appendix H was adopted for use statewide.

Appendix H Signs

Appendix H gathers in one place the various code standards that regulate the construction and protection of outdoor signs. Whenever possible, this appendix provides standards in performance language, thus allowing the widest possible application.

Proponent: Structural Engineers Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IBC 2018	IBC 2018 14	Appendix H
IBC 2015	IBC 2015 07	Appendix H
IBC 2012	IBC 2012 05	Appendix H



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-01

Code Section: R202 Definitions

Modification:

ACCEPTED ENGINEERING PRACTICE - The performance design of structures and/or structural elements that vary from prescriptive design methods of this code. Such design shall be made with accepted design standards by a South Carolina licensed Architect or Engineer as permitted by existing state law.

Proponent: Coastal Code Enforcement Association of SC

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 01	R202 Definitions
IRC 2015	IRC 2015 01	R202 Definitions
IRC 2012	IRC 2012 01	R202 Definitions



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Item 9.

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-02

Code Section: R202 Definitions

Modification:

[RB] CRAWL SPACE. An underfloor space that is not a *basement*. Spaces under decks and porches that do not contain mechanical equipment are not to be considered crawlspaces.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Item 9.

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-04

Code Section: R301.2.1 Wind design criteria

Modification:

R301.2.1 Wind design criteria. Buildings and portions thereof shall be constructed in accordance with the wind provisions of this code using the ultimate design wind speed in Table R301.2 as determined from Figure R301.2(2) the previously published maps by the S.C. Building Codes Council. The local building official may delineate the wind design category within their jurisdiction, as long as, it does not surpass those provided on the Applied Technology Council (ATC) website. The structural provisions of this code for wind loads are not permitted where wind design is required as specified in Section R301.2.1.1. Where different construction methods and structural materials are used for various portions of a building, the applicable requirements of this section for each portion shall apply. Where not otherwise specified, the wind loads listed in Table R301.2.1(1) adjusted for height and exposure using Table R301.2.1(2) shall be used to determine design load performance requirements for wall coverings, curtain walls, roof coverings, exterior windows, skylights, garage doors and exterior doors. Asphalt shingles shall be designed for wind speeds in accordance with Section R905.2.4. *Metal roof shingles* shall be designed for wind speeds in accordance with Section R905.4.4. A continuous load path shall be provided to transmit the applicable uplift forces in Section R802.11 from the *roof assembly* to the foundation. Where ultimate design wind speeds in Figure R301.2(2) are less than the lowest wind speed indicated in the prescriptive provisions of this code, the lowest wind speed indicated in the prescriptive provisions of this code shall be used.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-05

Code Section: R301.2.2.1 Determination of seismic design category

Modification:

R301.2.2.1 Determination of seismic design category. Buildings shall be assigned a seismic design category in accordance with the previously published maps by the S.C. Building Codes Council. ~~Figures R301.2.2.1(1) through R301.2.2.1(6).~~ The local building official may delineate the seismic design category within the jurisdiction, as long as, it does not surpass those provided on the Applied Technology Council (ATC) website.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-06

Code Section: R302.1 Exterior walls

Modification:

R302.1 Exterior walls. Construction, projections, openings and penetrations of exterior walls of *dwelling*s and accessory buildings shall comply with Table R302.1(1); or *dwelling*s equipped throughout with an *automatic sprinkler system* installed in accordance with Section P2904 shall comply with Table R302.1(2).

Exceptions:

1. Walls, projections, openings or penetrations in walls perpendicular to the line used to determine the *fire separation distance*.
2. Walls of *individual dwelling units* and their *accessory structures* located on the same *lot*.
3. Detached tool sheds and storage sheds, playhouses and similar structures exempted from *permits* are not required to provide wall protection based on location on the *lot*. Projections beyond the exterior wall shall not extend over the *lot line*.
4. Detached garages accessory to a *dwelling* located within 2 feet (610 mm) of a *lot line* are permitted to have roof eave projections not exceeding 4 inches (102 mm).
5. Foundation vents installed in compliance with this code are permitted.
6. Fire separation distance.
 - a. The minimum fire separation distance for improvement constructed on a lot shown on: [i] a recorded bonded or final subdivision plat, or [ii] a sketch plan, site plan, plan of phased development or preliminary plat approved by the local governing authority which was recorded or approved prior to the implementation of IRC 2012 which shows or describes lesser setbacks than the fire separation distances provided in Table R302.1(1) shall be equal to the lesser setbacks, but in no event less than 3 feet.
 - b. The minimum fire separation distance for improvements constructed on a lot where the local governing authority has prior to the implementation of IRC 2012: [i] accepted exactions or issued conditions, [ii] granted a special exception, [iii] entered into a development agreement, [iv] approved a variance, [v] approved a planned development district, or [vi] otherwise approved a specific development plan which contemplated or provided for setbacks less than the fire separation distances provided in Table R302.1(1) shall be equal to the lesser setback, but in no event less than 3 feet.

Proponent: Coastal Code Enforcement Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 04	R302.1
IRC 2015	IRC 2015 01	R302.1
IRC 2012	IRC 2012 02	R302.1



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Item 9.

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-07

Code Section: R302.1 Exterior walls

Modification:

R302.1 Exterior walls. Construction, projections, openings and penetrations of exterior walls of *dwelling*s and accessory buildings shall comply with Table R302.1(1); or *dwelling*s equipped throughout with an *automatic sprinkler system* installed in accordance with Section P2904 shall comply with Table R302.1(2).

Exceptions:

1. Walls, projections, openings or penetrations in walls perpendicular to the line used to determine the *fire separation distance*.
2. Walls of *individual dwelling units* and their *accessory structures* located on the same *lot*.
3. Detached tool sheds and storage sheds, playhouses and similar structures exempted from *permits* are not required to provide wall protection based on location on the *lot*. Projections beyond the exterior wall shall not extend over the *lot line*.
4. Detached garages accessory to a *dwelling* located within 2 feet (610 mm) of a *lot line* are permitted to have roof eave projections not exceeding 4 inches (102 mm).
5. Foundation vents installed in compliance with this code are permitted.
6. Fire separation distance.
 - a. The minimum fire separation distance for improvement constructed on a lot shown on: [i] a recorded bonded or final subdivision plat, or [ii] a sketch plan, site plan, plan of phased development or preliminary plat approved by the local governing authority which was recorded or approved prior to the implementation of IRC 2012 which shows or describes lesser setbacks than the fire separation distances provided in Table R302.1(1) shall be equal to the lesser setbacks, but in no event less than 3 feet.
 - b. The minimum fire separation distance for improvements constructed on a lot where the local governing authority has prior to the implementation of IRC 2012: [i] accepted exactions or issued conditions, [ii] granted a special exception, [iii] entered into a development agreement, [iv] approved a variance, [v] approved a planned development district, or [vi] otherwise approved a specific development plan which contemplated or provided for setbacks less than the fire separation distances provided in Table R302.1(1) shall be equal to the lesser setback, but in no event less than 3 feet.
7. Aesthetic roof and siding projections may extend beyond the common wall of a townhouse unit over an adjoining unit's property line as long as the construction of the projection does not damage the integrity of the fire rated assembly, the projection is completely supported by the common wall, the projection is protected by one hour construction or fire retardant-treated wood, and the projection is limited to 18-inches. These projections shall not contain any plumbing, electrical or mechanical installations. An easement may be required by the jurisdiction to ensure future access to this projection for repair and maintenance.

*Modification adds to modified language in IRC 2021-06.

Proponent: BOASC

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Item 9.

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-09

Code Section: R302.4.1 Through penetrations

Modification:

R302.4.1 Through penetrations. Through penetrations of fire-resistance-rated wall or floor assemblies shall comply with Section R302.4.1.1 or R302.4.1.2. No penetrations shall pass completely through the fire rated assembly separating townhouse units.

Exceptions:

1. Where the penetrating items are steel, ferrous or copper pipes, tubes or conduits, the annular space shall be protected as follows:
 - 1.1. In concrete or masonry wall or floor assemblies, concrete, grout or mortar shall be permitted where installed to the full thickness of the wall or floor assembly or the thickness required to maintain the fire-resistance rating, provided that both of the following are complied with:
 - 1.1.1. The nominal diameter of the penetrating item is not more than 6 inches (152 mm).
 - 1.1.2. The area of the opening through the wall does not exceed 144 square inches (92 900 mm²).
 - 1.2. The material used to fill the annular space shall prevent the passage of flame and hot gases sufficient to ignite cotton waste where subjected to ASTM E119 or UL 263 time temperature fire conditions under a positive pressure differential of not less than 0.01 inch of water (3 Pa) at the location of the penetration for the time period equivalent to the fire-resistance rating of the construction penetrated.
2. The annular space created by the penetration of water-filled fire sprinkler piping, provided that the annular space is filled using a material complying with Item 1.2 of Exception 1.

Proponent: BOASC

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-10

Code Section: R302.5.1 Opening protection

Modification:

R302.5.1 Opening protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches (35 mm) in thickness, solid or honeycomb-core steel doors not less than 1 3/8 inches (35 mm) thick, or 20-minute fire-rated doors. ~~Doors shall be self-latching and equipped with a self-closing or automatic-closing device.~~

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 05	R302.5.1
IRC 2015	IRC 2015 05	R302.5.1



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-11

Code Section: R302.13 Fire protection of floors

Modification:

R302.13 Fire protection of floors. Floor assemblies that are not required elsewhere in this code to be fire-resistance rated, shall be provided with a 1/2-inch (12.7 mm) gypsum wallboard membrane, 5/8-inch (16 mm) *wood structural panel* membrane, or equivalent on the underside of the floor framing member. Penetrations or openings for ducts, vents, electrical outlets, lighting, devices, luminaires, wires, speakers, drainage, piping and similar openings or penetrations shall be permitted.

Exceptions:

1. Floor assemblies located directly over a space protected by an automatic sprinkler system in accordance with Section P2904, NFPA 13D, or other *approved* equivalent sprinkler system.
2. ~~Floor assemblies located directly over a crawl space not intended for storage or for the installation of fuel-fired or electric-powered heating appliances.~~ Floor assemblies located directly over a crawl space.
3. Portions of floor assemblies shall be permitted to be unprotected where complying with the following:
 - 3.1. The aggregate area of the unprotected portions does not exceed 80 square feet (7.4 m²) per story.
 - 3.2. Fireblocking in accordance with Section R302.11.1 is installed along the perimeter of the unprotected portion to separate the unprotected portion from the remainder of the floor assembly.
4. Wood floor assemblies using dimension lumber or *structural composite lumber* equal to or greater than 2-inch by 10-inch (50.8 mm by 254 mm) nominal dimension, or other *approved* floor assemblies demonstrating equivalent fire performance.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 06	R302.13
IRC 2015	IRC 2015 06	R302.13



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-12

Code Section: R303.4 Mechanical ventilation

Modification:

R303.4 Mechanical ventilation. Buildings and *dwelling units* complying with Section N1102.4.1 shall be provided with mechanical ventilation in accordance with Section M1505, or with other *approved* means of ventilation.

(Section deleted without substitution)

Proponent: Coastal Code Enforcement Association of SC

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 07	R303.4
IRC 2015	IRC 2015 07	R303.4
IRC 2012	IRC 2012 05	R303.4



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-13

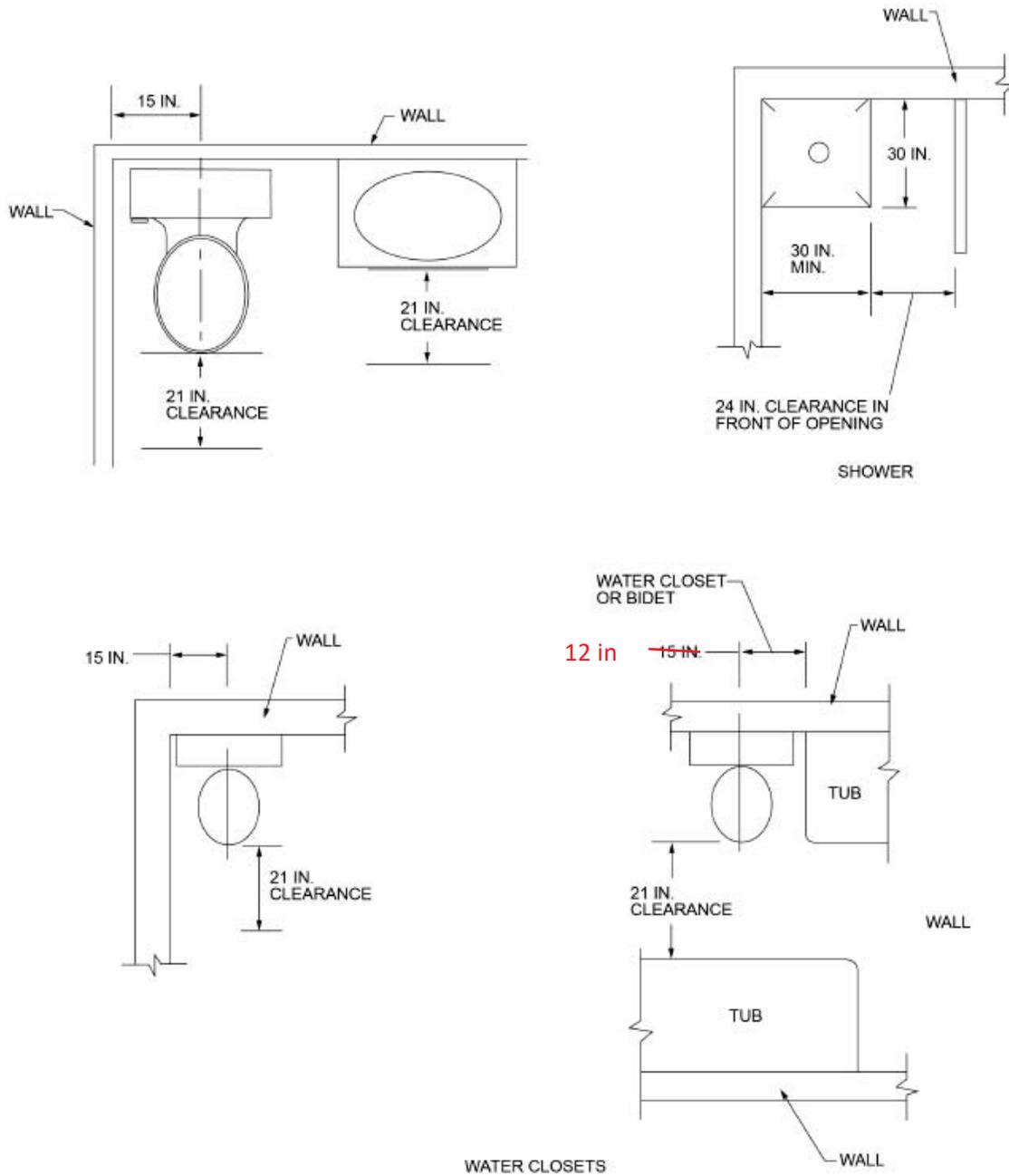
Code Section: Figure R307.1 Minimum Fixture Clearances

Modification:

Change the minimum dimension for the side clearance between bathtub and water closet or bidet from 15 inches to 12 inches. See Figure on next page.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 08	Figure R307.1
IRC 2015	IRC 2015 08	Figure R307.1
IRC 2012	IRC 2012 06	Figure R307.1
IRC 2006	IRC 2006 09	Figure R307.1
IRC 2003	IRC 2003 05	Figure R307.2



For SI: 1 inch = 25.4 mm.

FIGURE R307.1
MINIMUM FIXTURE CLEARANCES



South Carolina Department of Labor, Licensing and Regulation
 South Carolina Building Codes Council
 2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-15

Code Section: R311.7.5.1 Risers

Modification:

R311.7.5.1 Risers. The maximum riser height shall be ~~not more than 7¾ inches (196 mm).~~ The maximum riser height for masonry stairs shall be 8 inches (203 mm). The *riser* height shall be measured vertically between leading edges of the adjacent treads. The greatest *riser* height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). *Risers* shall be vertical or sloped from the underside of the *nosing* of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. At open *risers*, openings located more than 30 inches (762 mm), as measured vertically, to the floor or *grade* below shall not permit the passage of a 4-inch-diameter (102 mm) sphere.

Exceptions:

1. The opening between adjacent treads is not limited on *spiral-stairways* stairs with a total rise of 30 inches (762 mm) or less.
2. The *riser* height of *spiral stairways* shall be in accordance with Section R311.7.10.1.

Proponent: Structural Engineers Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 09	R311.7.5.1
IRC 2015	IRC 2015 09	R311.7.5.1
IRC 2012	IRC 2012 07	R311.7.5.1



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-16

Code Section: R312.1.1 Where required

Modification:

R312.1.1 Where required. *Guards* shall be provided for those portions of open-sided walking surfaces, including floors, stairs, *ramps* and landings that are located more than 30 inches (762 mm) measured vertically to the floor or *grade* below at any point within 36 inches (914 mm) horizontally to the edge of the open side. Insect screening shall not be considered as a *guard*.

Guards shall be located along-open sided walking surfaces of all decks, porches, balconies, floors, stairs, ramps and landings that are located more than 30 inches measured vertically to the floor or grade below and at any point where a downward slope exceeds 3V:12H within 36 inches (914 mm) horizontally to the edge of the open side. Insect screening shall not be considered as a guard.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 10	R312.1.1
IRC 2015	IRC 2015 10	R312.1.1
IRC 2012	IRC 2012 08	R312.1.1



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-17

Code Section: R312.2 Window fall protection

Modification:

R312.2 Window fall protection. Window fall protection shall be provided in accordance with Sections R312.2.1 and R312.2.2

Deleted without substitution.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 11	R312.2
IRC 2015	IRC 2015 11	R312.2
IRC 2012	IRC 2012 09	R312.2



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-18

Code Section: R313 Automatic Fire Sprinkler Systems

Modification:

SECTION R313

AUTOMATIC FIRE SPRINKLER SYSTEMS

R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall not be required to be installed in townhouses when constructed in accordance with R302.2.

Exception: An automatic residential fire sprinkler system shall not be required where *additions* or *alterations* are made to existing *townhouses* that do not have an automatic residential fire sprinkler system installed.

R313.1.1 Design and installation. Automatic residential fire sprinkler systems for *townhouses* when installed shall be designed and installed in accordance with Section P2904 or NFPA 13D.

R313.2 One- and two-family dwellings automatic sprinkler systems. An automatic residential fire sprinkler system shall be installed shall not be required to be installed in one- and two-family dwellings.

Exception: An automatic residential fire sprinkler system shall not be required for *additions* or *alterations* to existing buildings that are not already provided with an automatic residential fire sprinkler system.

R313.2.1 Design and installation. Automatic residential fire sprinkler systems when installed shall be designed and installed in accordance with Section P2904 or NFPA 13D.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 12	R313
IRC 2015	IRC 2015 12	R313
IRC 2012	IRC 2012 10	R313.1
IRC 2012	IRC 2012 11	R313.2



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-22

Code Section: R317.1.1 Field treatment

Modification:

R317.1.1 Field treatment. Field-cut ends, notches and drilled holes of preservative-treated wood shall be treated in the field in accordance with AWP A M4 or in accordance with the preservative-treated wood product manufacturer's recommendations.

Proponent: Structural Engineers Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 14	R317.1.1
IRC 2015	IRC 2015 13	R317.1.1
IRC 2012	IRC 2012 12	R317.1.1



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-23

Code Section: R318.1 Subterranean termite control methods

Modification:

R318.1 Subterranean termite control methods. In areas subject to damage from termites as indicated by Table R301.2, protection shall be by one, or a combination, of the following methods:

1. Chemical termiticide treatment in accordance with Section R318.2.
2. Termite-baiting system installed and maintained in accordance with the *label*.
3. Pressure-preservative-treated wood in accordance with the provisions of Section R317.1.
4. Naturally durable termite-resistant wood.
5. Physical barriers in accordance with Section R318.3 and used in locations as specified in Section R317.1.
6. Cold-formed steel framing in accordance with Sections R505.2.1 and R603.2.1.
7. Treatments may be conducted as outlined in Section 27-1085 of the Rules and Regulations for the Enforcement of the SC Pesticide Control Act and enforced by the Clemson University Department of Pesticide Regulation.

Proponent: Home Builders Association of SC

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 15	R318.1



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-24

Code Section: R318.4 Foam plastic protection

Modification:

R318.4 Foam plastic protection. In areas where the probability of termite infestation is “very heavy” as indicated in Figure R318.4, extruded and expanded polystyrene, polyisocyanurate and other foam plastics shall not be installed on the exterior face or under interior or exterior foundation walls or slab foundations located below *grade*. The clearance between foam plastics installed above *grade* and exposed earth shall be not less than 6 inches (152 mm). For crawl space applications, foam plastic shall be installed so as to provide a termite inspection gap of no less than 6 inches along the top of the foundation wall and foundation sill plate.

Exceptions:

1. Buildings where the structural members of walls, floors, ceilings and roofs are entirely of *noncombustible materials* or pressure-preservative-treated wood.
2. Where in addition to the requirements of Section R318.1, an *approved* method of protecting the foam plastic and structure from subterranean termite damage is used.
3. On the interior side of basement *walls*.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 16	R318.4



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-25

Code Section: R318.5 Termite Inspection Strip

Modification:

R318.5 Termite Inspection Strip. Where foam plastic is applied in accordance with R318.4 a continuous 6” strip centered along the sill plate shall be left open for termite activity inspection.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-28

Code Section: R322.1 General

Modification:

R322.1 General. Buildings and structures constructed in whole or in part in flood hazard areas, including A or V Zones and Coastal A Zones, as established in Table R301.2, and substantial improvement and *repair* of substantial damage of buildings and structures in flood hazard areas, shall be designed and constructed in accordance with the provisions contained in this section. Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area. Buildings and structures located in whole or in part in identified floodways shall be designed and constructed in accordance with ASCE 24. Where there is a conflict with this code section and a locally adopted flood ordinance, the more restrictive provision shall apply.

Proponent: BOASC

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 18	R322.1



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-29

Code Section: R326.3 Story above grade plane

Modification:

R326.3 Story above grade plane. A habitable attic shall be considered a story above *grade plane*.

Exceptions: A habitable attic shall not be considered to be a story above *grade plane* provided that the habitable attic meets all the following:

1. The aggregate area of the habitable attic is either of the following:
 - 1.1. Not greater than ~~one-third~~ three-fourths of the floor area of the story below.
 - 1.2. Not greater than ~~one-half~~ of the floor area of the story below where the habitable attic is located within a dwelling unit equipped with a fire sprinkler system in accordance with Section P2904.
2. The occupiable space is enclosed by the roof assembly above, knee walls, if applicable, on the sides and the floor-ceiling assembly below.
3. The floor of the habitable attic does not extend beyond the exterior walls of the story below.
4. Where a habitable attic is located above a third story, the dwelling unit or townhouse unit shall be equipped with a fire sprinkler system in accordance with Section P2904.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Item 9.

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-31

Code Section: R404.1.9.2 Masonry piers supporting floor girders

Modification:

R404.1.9.2 Masonry piers supporting floor girders. Masonry piers supporting wood girders sized in accordance with Tables R602.7(1) and R602.7(2) shall be permitted in accordance with this section. Piers supporting girders for interior bearing walls shall have a minimum nominal dimension of 12 inches (305 mm) and a maximum height of 10 feet (3048 mm) be filled solidly with grout or type M or S mortar and shall have a minimum nominal dimension of 8 inches (203 mm) and a maximum height not exceeding 10 times the nominal thickness from top of footing to bottom of sill plate or girder. Piers supporting girders for exterior bearing walls shall have a minimum nominal dimension of 12 inches (305 mm) and a maximum height of 4 feet (1220 mm) from top of footing to bottom of sill plate or girder. Piers supporting beams and girders for exterior bearing walls shall be filled solidly with grout or type M or S mortar, shall contain a minimum of one #4 (13 mm) dowel mid-depth, and shall have a minimum nominal dimension of 8 inches (203 mm) and a maximum height of 4 times the nominal thickness from top of footing to bottom of sill plate or girder unless it can be shown by accepted engineering practice that there is sufficient foundation wall along the foundation line to resist the imposed lateral loads, in which case the maximum height shall not exceed 10 times the nominal thickness. Girders and sill plates shall be anchored to the pier or footing in accordance with Section R403.1.6 or Figure R404.1.5.3. Floor girder bearing shall be in accordance with Section R502.6.

Proponent: HBA of SC & Structural Engineers Association of SC

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 20	R404.1.9.2
IRC 2015	IRC 2015 16	R404.1.9.2
IRC 2012	IRC 2012 13	R404.1.9.2



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2021 Modification Index

Item 9.

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-32

Code Section: R408.3 Unvented crawl space

Modification:

R408.3 Unvented crawl space. For unvented under-floor spaces, the following items shall be provided:

1. Exposed earth shall be covered with a continuous ~~Class I~~ vapor retarder meeting ASTM E1745 Class A. Joints of the vapor retarder shall overlap by 6 inches (152 mm) and shall be sealed or taped. The edges of the vapor retarder shall extend not less than 6 inches (152 mm) up the stem wall and shall be attached and sealed to the stem wall or insulation.
2. One of the following shall be provided for the under-floor space:
 - 2.1. Continuously operated mechanical exhaust ventilation at a rate equal to 1 cubic foot per minute (0.47 L/s) for each 50 square feet (4.7m²) of *crawl space* floor area, including an air pathway to the common area (such as a duct or transfer grille), and perimeter walls insulated in accordance with Section N1102.2.10.1 of this code.
 - 2.2. *Conditioned air* supply sized to deliver at a rate equal to 1 cubic foot per minute (0.47 L/s) for each 50 square feet (4.7 m²) of under-floor area, including a return air pathway to the common area (such as a duct or transfer grille), and perimeter walls insulated in accordance with Section N1102.2.10.1 of this code.
 - 2.3. Plenum in existing structures complying with Section M1601.5, if under-floor space is used as a plenum.
 - 2.4. Dehumidification sized in accordance with manufacturer's specifications.

Proponent: Structural Engineers Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 21	R408.3



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2021 Modification Index

Item 9.

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-33

Code Section: R408.3(2.2) Unvented crawl space

Modification:

R408.3 Unvented crawl space. For unvented under-floor spaces, the following items shall be provided:

1. Exposed earth shall be covered with a continuous vapor retarder meeting ASME E1745 Class A. Joints of the vapor retarder shall overlap by 6 inches (152 mm) and shall be sealed or taped. The edges of the vapor retarder shall extend not less than 6 inches (152 mm) up the stem wall and shall be attached and sealed to the stem wall or insulation.
2. One of the following shall be provided for the underfloor space:
 - 2.1. Continuously operated mechanical exhaust ventilation at a rate equal to 1 cubic foot per minute (0.47 L/s) for each 50 square feet (4.7m²) of *crawl space* floor area, including an air pathway to the common area (such as a duct or transfer grille), and perimeter walls insulated in accordance with Section N1102.2.10.1 of this code.
 - 2.2. *Conditioned air* supply sized to deliver at a rate equal to 1 cubic foot per minute (0.47 L/s) for each 50 square feet (4.7 m²) of underfloor area, including a return air pathway to the common area (such as a duct or transfer grille), and perimeter walls insulated in accordance with ~~Section N1102.2.10.1 of this code~~ the S.C. Energy Code.
 - 2.3. Plenum in existing structures complying with Section M1601.5, if under-floor space is used as a plenum.
 - 2.4. Dehumidification sized in accordance with manufacturer's specifications.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



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South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-34

Code Section: R408.4 Access

Modification:

R408.4 Access. Access shall be provided to all under-floor spaces. Access openings through the floor shall be not smaller than 18 inches by 24 inches (457 mm by 610 mm). Openings through a perimeter wall shall be not less than 16 inches by 24 inches (407 mm by 610 mm). Where any portion of the through-wall access is below *grade*, an areaway not less than 16 inches by 24 inches (407 mm by 610 mm) shall be provided. The bottom of the areaway shall be below the threshold of the access opening. ~~Through wall access openings shall not be located under a door to the residence.~~ See Section M1305.1.3 for access requirements where mechanical *equipment* is located under floors.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 22	R408.4
IRC 2015	IRC 2015 17	R408.4



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2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-35

Code Section: R408.8 Under-floor vapor retarder

Modification:

R408.8 Under-floor vapor retarder. In Climate Zones 1A, 2A and 3A below the warm-humid line, a continuous Class I or II vapor retarder shall be provided on the exposed face of air-permeable insulation installed between the floor joists and exposed to the grade in the under-floor space. The vapor retarder shall have a maximum water vapor permeance of 1.5 perms when tested in accordance with Procedure B of ASTM E96.

Exception: The vapor retarder shall not be required in unvented *crawl spaces* constructed in accordance with Section R408.3.

Deleted without substitution.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



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2021 Modification Index

Item 9.

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-36

Code Section: R502.11.4 Truss design drawings

Modification:

R502.11.4 Truss design drawings. *Truss design drawings*, prepared in compliance with Section R502.11.1, shall be submitted to the *building official* ~~and approved prior to installation at the time of their inspection.~~ *Truss design drawings* shall be provided with the shipment of trusses delivered to the job site. *Truss design drawings* shall include, at a minimum, the information specified as follows:

1. Slope or depth, span and spacing.
2. Location of all joints.
3. Required bearing widths.
4. Design loads as applicable:
 - 4.1. Top chord *live load*.
 - 4.2. Top chord dead load.
 - 4.3. Bottom chord *live load*.
 - 4.4. Bottom chord dead load.
 - 4.5. Concentrated loads and their points of application.
 - 4.6. Controlling wind and earthquake loads.
5. Adjustments to lumber and joint connector design values for conditions of use.
6. Each reaction force and direction.
7. Joint connector type and description, such as size, thickness or gage, and the dimensioned location of each joint connector except where symmetrically located relative to the joint interface.
8. Lumber size, species and grade for each member.
9. Connection requirements for:
 - 9.1. Truss-to-girder-truss.
 - 9.2. Truss ply-to-ply.
 - 9.3. Field splices.
10. Calculated deflection ratio, maximum description for live and total load, or both.
11. Maximum axial compression forces in the truss members to enable the building designer to design the size, connections and anchorage of the permanent continuous lateral bracing. Forces shall be shown on the truss drawing or on supplemental documents.
12. Required permanent truss member bracing location.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 23	R502.11.4
IRC 2015	IRC 2015 18	R502.11.4
IRC 2012	IRC 2012 14	R502.11.4
IRC 2006	IRC 2006 21	R502.11.4
IRC 2003	IRC 2003 17	R502.11.4



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2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-37

Code Section: R506.2.3 Vapor retarder

Modification:

R506.2.3 Vapor retarder. A minimum 10-mil (0.010 inch; 0.254 mm) vapor retarder conforming to ASTM E1745 Class A requirements with joints lapped not less than 6 inches (152 mm) shall be placed between the concrete floor slab and the base course or the prepared subgrade where a base course does not exist.

Exception: The vapor retarder is not required for the following:

1. ~~Garages~~, utility buildings and other unheated *accessory structures*.
2. For unheated storage rooms having an area of less than 70 square feet (6.5 m²) and carports.
3. Driveways, walks, patios and other flatwork not likely to be enclosed and heated at a later date.
4. Where *approved* by the *building official*, based on local site conditions.

Proponent: Structural Engineers Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 24	R506.2.3
IRC 2015	IRC 2015 19	R506.2.3



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2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-38

Code Section: R606.7 Piers

Modification:

R606.7 Piers. The unsupported height of masonry piers shall not exceed 10 times their least dimension. Where structural clay tile or hollow *concrete masonry units* are used for isolated piers to support beams and girders, the cellular spaces shall be filled solidly with grout or Type M or S mortar, except that unfilled hollow piers shall be permitted to be used if their unsupported height is not more than four times their least dimension. Where *hollow masonry units* are solidly filled with grout or Type M, S or N mortar, the allowable compressive stress shall be permitted to be increased as provided in Table R606.9.

Proponent: Structural Engineers Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 25	R606.7
IRC 2015	IRC 2015 20	R606.7



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Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-39

Code Section: R802.10.1 Truss design drawings

Modification:

R802.10.1 Truss design drawings. *Truss design drawings*, prepared in conformance to Section R802.10.1, shall be provided to the *building official* and ~~approved prior to installation~~ at the time of their inspection. *Truss design drawings* shall be provided with the shipment of trusses delivered to the job site. *Truss design drawings* shall include, at a minimum, the following information:
 (items 1-12 unchanged)

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 26	R802.10.1
IRC 2015	IRC 2015 21	R802.10.1



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2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-40

Code Section: R905.2.8.5 Drip edge

Modification:

R905.2.8.5 Drip edge. A drip edge shall be provided at eaves and rake edges of shingle roofs. Adjacent segments of drip edge shall be overlapped not less than 2 inches (51 mm). Drip edges shall extend not less than 1/4 inch (6.4 mm) below the roof sheathing and extend up back onto the *roof deck* not less than 2 inches (51 mm). Drip edges shall be mechanically fastened to the *roof deck* at not more than 12 inches (305 mm) o.c. with fasteners as specified in Section R905.2.5. *Underlayment* shall be installed over the drip edge along eaves and under the drip edge along rake edges. A drip edge shall be provided at eaves and rake edges of asphalt shingle roofs where required by the manufacturer.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 27	R905.2.8.5
IRC 2015	IRC 2015 22	R905.2.8.5



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2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-41

Code Section: Chapter 11 Energy Efficiency

Modification:

**CHAPTER 11 [RE]
ENERGY EFFICIENCY**

Chapter deleted without substitution. The State of South Carolina has specific energy standards in statutory form (Re: Title 6, Chapter 9, Building Codes and Title 6, Chapter 10, Building Energy Efficiency Standard Act). To eliminate any possible conflicts concerning the insulation requirements for single and two family residential buildings between the International Residential Code and state law, Chapter 11 was deleted.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 28	Chapter 11
IRC 2015	IRC 2015 22	Chapter 11
IRC 2012	IRC 2012 16	Chapter 11
IRC 2006	IRC 2006 27	Chapter 11
IRC 2003	IRC 2003 21	Chapter 11



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2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-42

Code Section: M1411.6 Insulation and refrigerant piping

Modification:

M1411.6 Insulation of refrigerant piping. Piping and fittings for refrigerant vapor (suction) lines shall be insulated with insulation having a thermal resistivity of ~~not less than R-3~~ at least R 2.5 hr. ft 2 F/Btu and having external surface permeance not exceeding 0.05 perm [2.87 ng/(s × m² × Pa)] when tested in accordance with ASTM E96.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 29	M1411.6
IRC 2015	IRC 2015 24	M1411.6
IRC 2012	IRC 2012 18	M1411.6
IRC 2006	IRC 2006 28	M1411.5
IRC 2003	IRC 2003 22	M1411.4



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Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-43

Code Section: M1411.9 Locking access port caps

Modification:

M1411.9 Locking access port caps. Refrigerant circuit access ports located outdoors shall be fitted with locking type tamper-resistant caps or shall be otherwise secured to prevent unauthorized access.

Deleted without substitution.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 30	M1411.8
IRC 2015	IRC 2015 25	M1411.6
IRC 2012	IRC 2012 18	M1411.6



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Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-44

Code Section: M1502.3 Duct termination

Modification:

M1502.3 Duct termination. Exhaust ducts shall terminate on the outside of the building. Exhaust duct terminations shall be in accordance with the dryer manufacturer's installation instructions. ~~If the manufacturer's instructions do not specify a termination location, the exhaust duct shall terminate not less than 3 feet (914 mm) in any direction from openings into buildings, including openings in ventilated soffits.~~ Exhaust duct terminations shall be equipped with a backdraft damper. Screens shall not be installed at the duct termination.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 31	M1502.3
IRC 2015	IRC 2015 26	M1502.3
IRC 2012	IRC 2012 19	M1502.3
IRC 2006	IRC 2006 29	M1502.2



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Item 9.

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-45

Code Section: M1502.4.2 Duct installation

Modification:

M1502.4.2 Duct installation. Exhaust ducts shall be supported at intervals not to exceed 8 feet and within 16 inches of each side of a joint that is not installed in a vertical orientation, 12 feet (3658 mm) and shall be secured in place, making rigid contact with the duct at not less than 4 equally spaced points or 2/3rds contact if strap is used. All brackets or strapping must be noncombustible. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. The overlap shall comply with Section M1601.4.2. Ducts shall not be joined with screws or similar devices that protrude into the inside of the duct. Exhaust ducts joints shall be sealed in accordance with Section M1601.4.1. and shall be mechanically fastened. Ducts shall not be joined with screws or similar fasteners that protrude more than 1/8 inch (3.2 mm) into the inside of the duct. Where dryer exhaust ducts are enclosed in wall or ceiling cavities, such cavities shall allow the installation of the duct without deformation. The duct work may be ovalized as long as it terminates in an approved duct box. Minor imperfections located on the duct, in areas other than along the seam, do not constitute a violation.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 32	M1502.4.2



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Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-46

Code Section: M1502.4.6 Duct length

Modification:

M1502.4.6 Duct length. ~~The maximum allowable exhaust duct length shall be determined by one of the methods specified in Sections M1502.4.6.1 through M1502.4.6.3.~~ The maximum length of a clothes dryer exhaust duct shall not exceed 35 feet (10668 mm) from the dryer location to the wall or roof termination.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 33	M1502.4.5
IRC 2015	IRC 2015 27	M1502.4.4
IRC 2012	IRC 2012 20	M1502.4.4
IRC 2006	IRC 2006 30	M1502.6



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Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-47

Code Section: M1503.6 Makeup air

Modification:

M1503.6 Makeup air required. Where one or more gas, liquid or solid fuel-burning *appliance* that is neither directvent nor uses a mechanical draft venting system is located within a dwelling unit's air barrier, each exhaust system capable of exhausting in excess of 400 cubic feet per minute (0.19 m³/s) shall be mechanically or passively provided with makeup air at a rate approximately equal to the exhaust air rate. Such makeup air systems shall be equipped with not fewer than one damper complying with Section M1503.6.2.

Exception: Makeup air is not required for exhaust systems installed for the exclusive purpose of space cooling and intended to be operated only when windows or other air inlets are open.

Exhaust hood systems capable of exhausting more than 400 cubic feet per minute (0.19m³ /s) shall be mechanically or naturally provided with makeup air at a rate approximately equal to the exhaust air rate more than 400 cubic feet per minute. Such makeup air systems shall be equipped with not less than one damper. Each damper shall be a gravity damper or an electrically operated damper that automatically opens when the exhaust system operates. Dampers shall be accessible for inspection, service, repair and replacement without removing permanent construction or any other ducts not connected to the damper being inspected, serviced, repaired or replaced.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 34	M1503.6
IRC 2015	IRC 2015 28	M1503.4



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Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-48

Code Section: M1504.3 Exhaust openings

Modification:

M1504.3 Exhaust openings. Air exhaust openings shall terminate as follows:

1. Not less than 3 feet (914 mm) from property lines.
2. Not less than 3 feet (914 mm) from gravity air intake openings, operable windows and doors.
3. Not less than 10 feet (3048 mm) from mechanical air intake openings except where the exhaust opening is located not less than 3 feet (914 mm) above the air intake opening. Openings shall comply with Sections R303.5.2 and R303.6.

Exception: Bathrooms, water closets and shower spaces.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 35	M1504.3



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2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-49

Code Section: M1601.4.1 Joints, Seams and Connections

Modification:

M1601.4.1 Joints, seams and connections. Longitudinal and transverse joints, seams and connections in metallic and nonmetallic ducts shall be constructed as specified in SMACNA *HVAC Duct Construction Standards --Metal and Flexible* and NAIMA *Fibrous Glass Duct Construction Standards*. Joints, longitudinal and transverse seams, and connections in ductwork shall be securely fastened and sealed with welds, gaskets, mastics (adhesives), mastic plus-embedded-fabric systems, liquid sealants or tapes. Tapes and mastics used to seal fibrous glass ductwork shall be *listed* and *labeled* in accordance with UL 181A and shall be marked “181A-P” for pressure sensitive tape, “181 A-M” for mastic or “181 A-H” for heat-sensitive tape.

Tapes and mastics used to seal metallic and flexible air ducts and flexible air connectors shall comply with UL 181B and shall be marked “181 B-FX” for pressure-sensitive tape or “181 BM” for mastic. Duct connections to flanges of air distribution system *equipment* shall be sealed and mechanically fastened. Mechanical fasteners for use with flexible nonmetallic air ducts shall comply with UL 181B and shall be marked 181B-C. Crimp joints for round metallic ducts shall have a contact lap of not less than 1 inch (25 mm) and shall be mechanically fastened by means of not less than three sheet-metal screws or rivets equally spaced around the joint. Closure systems used to seal all ductwork shall be installed in accordance with the manufacturers' instructions.

Exceptions:

1. Spray polyurethane foam shall be permitted to be applied without additional joint seals.
2. Where a duct connection is made that is partially without access, three screws or rivets shall be equally spaced on the exposed portion of the joint so as to prevent a hinge effect.
3. For ducts having a static pressure classification of less than 2 inches of water column (500 Pa), additional closure systems shall not be required for continuously welded joints and seams and locking-type joints and seams. ~~This exception shall not apply to snap-lock and button-lock type joints and seams that are located outside of conditioned spaces.~~

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 36	M1601.4.1
IRC 2015	IRC 2015 29	M1601.4.1



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Item 9.

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-50

Code Section: G2418.2 Design and installation

Modification:

G2418.2 (407.2) Design and installation. *Piping* shall be supported with metal pipe hooks, metal pipe straps, metal bands, metal brackets, metal hangers or building structural components suitable for the size of *piping*, of adequate strength and quality, and located at intervals so as to prevent or damp out excessive vibration. *Piping* shall be anchored to prevent undue strains on connected *appliances* and shall not be supported by other *piping*. Pipe hangers and supports shall conform to the requirements of MSS SP-58 and shall be spaced in accordance with Section G2424. Supports, hangers and anchors shall be installed so as not to interfere with the free expansion and contraction of the *piping* between anchors. The components of the supporting *equipment* shall be designed and installed so that they will not be disengaged by movement of the supported *piping*.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 37	G2418.2
IRC 2015	IRC 2015 30	G2418.2
IRC 2012	IRC 2012 21	G2418.2



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2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-51

Code Section: P2503.6 Shower liner test

Modification:

P2503.6 Shower liner test. Where shower floors and receptors are made watertight by the application of materials required by Section P2709.2, the completed liner installation shall be tested. The pipe from the shower drain shall be plugged watertight for the test. The floor and receptor area shall be filled with potable water to a depth of not less than 2 inches (51 mm) measured at the threshold. Where a threshold of not less than 2 inches (51 mm) in height does not exist, a temporary threshold shall be constructed to retain the test water in the lined floor or receptor area to a level not less than 2 inches (51 mm) in depth measured at the threshold. The water shall be retained Shower liner shall be tested to the lesser of the depth of threshold or 2” and shall be operated at normal pressure for a test period of not less than 15 minutes and there shall not be evidence of leakage.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 38	P2503.6
IRC 2015	IRC 2015 31	P2503.6
IRC 2012	IRC 2012 22	P2503.6



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Item 9.

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-52

Code Section: P2503.6 Shower liner test

Modification:

P2503.6 Shower liner test. Where shower floors and receptors are made watertight by the application of materials required by Section P2709.2, the completed liner installation shall be tested. Shower liner shall be tested to the lesser of the depth of threshold or 2” and shall be operated at normal pressure for a test period of not less than 15 minutes and there shall not be evidence of leakage. The shower liner test shall be performed at the final plumbing inspection.

*Modification adds to modified language in IRC 2021-51.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



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Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-53

Code Section: P2603.2.1 Protection against physical damage

Modification:

P2603.2.1 Protection against physical damage. In concealed locations, where piping, other than cast-iron or galvanized steel, is installed through holes or notches in studs, joists, rafters or similar members less than 1¼ inches (31.8 mm) from the nearest edge of the member, the pipe shall be protected by steel shield plates. Such shield plates shall have a thickness of not less than 0.0575 inch (1.463 mm) (No. 16 Gage). Such plates shall cover the area of the pipe where the member is notched or bored, and shall extend not less than 2 inches (51 mm) above sole plates and below top plates. Steel shield plates shall not be secured with nails or screws, unless required by the manufacturer.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



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Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-54

Code Section: P2603.5 Freezing

Modification:

P2603.5 Freezing. In localities having a winter design temperature of 32°F (0°C) or lower as shown in Table R301.2 of this code, a water, soil or waste pipe shall not be installed outside of a building, in exterior walls, in *attics* or crawl spaces, or in any other place subjected to freezing temperature unless adequate provision is made to protect it from freezing by insulation or heat or both. Water service pipe shall be installed not less than 12 inches (305 mm) deep and not less than 6 inches (152 mm) below the frost line.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 39	P2603.5
IRC 2015	IRC 2015 32	P2603.5



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South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-55

Code Section: P2603.5 Freezing

Modification:

P2603.5 Freezing. In localities having a winter design temperature of 32°F (0°C) or lower as shown in Table R301.2 of this code, a water pipe shall not be installed outside of a building, in exterior walls, in *attics* or crawl spaces, or in any other place subjected to freezing temperature unless adequate provision is made to protect it from freezing by insulation or heat or both. Water service pipe shall be installed not less than 12 inches (305 mm) deep and not less than 6 inches (152 mm) below the frost line.

Exception: Water pipes that are installed on the warm in winter side of the building envelope, i.e. above the insulation line in a floor system or below the insulation line in an attic, do not need additional pipe insulation.

*Modification adds to modified language in IRC 2021-54.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
n/a		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-56

Code Section: P2705.1(3) General

Modification:

P2705.1 General. The installation of fixtures shall conform to the following:

1. Floor-outlet or floor-mounted fixtures shall be secured to the drainage connection and to the floor, where so designed, by screws, bolts, washers, nuts and similar fasteners of copper, copper alloy or other corrosion-resistant material.
2. Wall-hung fixtures shall be rigidly supported so that strain is not transmitted to the plumbing system.
3. Where fixtures come in contact with walls and floors, the contact area shall be watertight.

Exception: Water closets and/or bidets shall not be required to be caulked to flooring surface.

4. Plumbing fixtures shall be usable.
5. Water closets, lavatories and bidets. A water closet, lavatory or bidet shall not be set closer than 15 inches (381 mm) from its center to any side wall, partition or vanity or closer than ~~30 inches (762 mm)~~ 27 inches center-to-center between adjacent fixtures. There shall be a clearance of not less than 21 inches (533 mm) in front of a water closet, lavatory or bidet to any wall, fixture or door.
6. The location of piping, fixtures or equipment shall not interfere with the operation of windows or doors.
7. In flood hazard areas as established by Table R301.2, plumbing fixtures shall be located or installed in accordance with Section R322.1.6.
8. Integral fixture-fitting mounting surfaces on manufactured plumbing fixtures or plumbing fixtures constructed on site, shall meet the design requirements of ASME A112.19.2/CSA B45.1 or ASME A112.19.3/CSA B45.4.

*Modification includes the approved portion of IRC 2021-14 in (5).

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-57

Code Section: P2708.4 Shower control valves

Modification:

P2708.4 Shower control valves. Individual shower and tub/shower combination valves shall be balanced-pressure, thermostatic or combination balanced-pressure/thermostatic valves that conform to the requirements of ASSE 1016/ASME 112.1016/CSA B125.16 or ASME A112.18.1/CSA B125.1. ~~Shower control valves shall be rated for the flow rate of the installed shower head. Such valves shall be installed at the point of use.~~ Shower and tub/shower combination valves required by this section shall be equipped with a means to limit the maximum setting of the valve to 120°F (49°C), which shall be field adjusted in accordance with the manufacturer's instructions to provide water at a temperature not to exceed 120°F (49° C). In-line thermostatic valves shall not be utilized for compliance with this section.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-58

Code Section: P2713.3 Bathtub and whirlpool bathtub valves

Modification:

P2713.3 Bathtub and whirlpool bathtub valves. Bathtubs and whirlpool bathtub valves shall have or be supplied by a water-temperature-limiting device that conforms to ASSE 1070/ASME A112.1070/CSA B125.70, except where such valves are combination tub/shower valves in accordance with Section P2708.4. The water-temperature-limiting device required by this section shall be equipped with a means to limit the maximum setting of the device to 120°F (49°C), and, where adjustable, shall be field adjusted in accordance with the manufacturer's instructions to provide hot water at a temperature not to exceed 120°F (49°C). Access shall be provided to water-temperature-limiting devices that conform to ASSE 1070/ASME A112.1070/CSA B125.70.

Exception: Access is not required for nonadjustable water-temperature-limiting devices that conform to ASSE 1070/ASME A112.1070/CSA B125.70 and are integral with a fixture fitting, provided that the fixture fitting itself can be accessed for replacement.

Hot water supplied to bathtubs and whirlpool bathtubs shall be limited to a temperature of not greater than 120°F (49°C) by a water-temperature limiting device that conforms to ASSE 1070/ASME A112.1070/CSA B125.70 or CSA B125.3, except where such protection is otherwise provided by a combination tub/shower valve in accordance with Section P2708.4.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-60

Code Section: P2903.10 Hose bib

Modification:

P2903.10 Hose bib. Hose bibbs subject to freezing, including the “frostproof” type, shall be equipped with an accessible stop-and-waste-type valve inside the building so that they can be controlled and drained during cold periods.

Exception: Frostproof hose bibbs installed such that the stem extends through the building insulation into an open heated or *semiconditioned space* need not be separately valved (see Figure P2903.10).

Section deleted without substitution.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 40	P2903.10
IRC 2015	IRC 2015 33	P2903.10



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-62

Code Section: P2904.2.4.2.1 Additional requirements for pendant sprinklers

Modification:

P2904.2.4.2.1 Additional requirements for pendent sprinklers. Pendent sprinklers within 3 feet (915 mm) of the center of a ceiling fan, surface mounted ceiling luminaire or similar object shall be considered to be obstructed, and additional sprinklers shall be installed.

Exception: Pendant sprinklers within 3 feet (915 mm) of the center of a ceiling fan shall not be considered to be obstructed if the total area of the fan blades do not exceed more than 50 percent of the plan area view.

Proponent: South Carolina Master Plumbers Association

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-66

Code Section: E3606.5 Surge protection

Modification:

~~**E3606.5 Surge protection.** All services supplying one- and two-family dwelling units shall be provided with a surgeprotective device (SPD) installed in accordance with Sections E3606.5.1 through E3606.5.3.~~

~~**E3606.5.1 Location.** The SPD shall be an integral part of the service equipment or shall be located immediately adjacent thereto.~~

~~**Exception:** The SPD shall not be required to be located in the service equipment if located at each next-level distribution equipment downstream toward the load.~~

~~**E3606.5.2 Type.** The SPD shall be a Type 1 or Type 2 SPD.~~

~~**E3606.5.3 Replacement.** Where service equipment is replaced, all of the requirements of this section shall apply. [230.67]~~

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-67

Code Section: E3802.4 In unfinished basements

Modification:

E3802.4 In unfinished basements and crawl spaces. Where Type NM or SE cable is run at angles with joists in unfinished basements and crawl spaces, cable assemblies containing two or more conductors of sizes 6 AWG and larger and assemblies containing three or more conductors of sizes 8 AWG and larger shall not require additional protection where attached directly to the bottom of the joists. Smaller cables shall be run either through bored holes in joists or on running boards. Type NM or SE cable installed on the wall of an unfinished basement shall be permitted to be installed in a *listed* conduit or tubing or shall be protected in accordance with Table E3802.1. Conduit or tubing shall be provided with a suitable insulating bushing or adapter at the point where the cable enters the raceway. The sheath of the Type NM or SE cable shall extend through the conduit or tubing and into the outlet or device box not less than 1/4 inch (6.4 mm). The cable shall be secured within 12 inches (305 mm) of the point where the cable enters the conduit or tubing. Metal conduit, tubing, and metal outlet boxes shall be connected to an equipment grounding conductor complying with Section E3908.14. [334.15(C)]

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 42	E3802.4
IRC 2015	IRC 2015 35	E3802.4



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Item 9.

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-69

Code Section: E3901.4.2 (1) Island and peninsular countertops and work spaces

Modification:

E3901.4.2 Island and peninsular countertops and work spaces. Receptacle outlets shall be installed in accordance with the following: [210.52(C)(2)]

1. At least one receptacle outlet shall be provided for the first 9-square feet 6 feet of length (0.84 m²), or fraction thereof, of the countertop or work surface. ~~A receptacle outlet shall be provided for every additional 18 square feet (1.7 m²), or fraction thereof, of the countertop or work surface.~~ [210.52(C)(2)(a)] A minimum of two receptacle outlets shall be provided for any island over 6 feet long.
2. At least one receptacle outlet shall be located within 2 feet (600 mm) of the outer end of a peninsular countertop or work surface. Additional receptacle outlets shall be permitted to be located as determined by the installer, designer or building owner. The location of the receptacle outlets shall be in accordance with Section E3901.4.3. [210.52(C)(2)(b)]

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-70

Code Section: E3902 Ground-Fault and Arc-Fault Circuit-Interrupter Protection

Modification:

SECTION E3902
GROUND-FAULT AND ARC-FAULT
CIRCUIT-INTERRUPTER PROTECTION

Entire section E3902.1 - E3902.18 modified to remove “through 250 volt” from text.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-71

Code Section: E3902.5 Basement receptacles

Modification:

E3902.5 Basement receptacles. 125-volt receptacles installed in basements and supplied by single phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel. [210.8(A)(5)]

Exceptions:

1. A receptacle supplying only a permanently installed fire alarm or burglar alarm system. A receptacle installed in accordance with this exception shall not be considered as meeting the requirement of Section E3901.9. Receptacles installed in accordance with this exception shall not be considered as meeting the requirement of Section E3901.9. [210.8(A)(5) Exception]

2. Receptacles in walk-out basements are excluded from this requirement.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-73

Code Section: E3902.17 Arc-fault circuit interrupter protection

Modification:

E3902.17 Arc-fault circuit interrupter protection. In areas other than kitchen and laundry areas, Bbranch circuits that supply 120-volt, single-phase, 15- and 20- ampere outlets installed in kitchens, family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreations rooms, closets, hallways, laundry areas and similar rooms or areas shall be protected by any of the following: [210.12(A)]

(language in 1 - 6 unchanged)

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 44	3902.16



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-75

Code Section: E4002.14 Tamper-resistant receptacles

Modification:

E4002.14 Tamper-resistant receptacles. In areas specified in Section E3901.1, 15- and 20-ampere, 125- and 250-volt nonlocking-type receptacles shall be *listed* tamper-resistant receptacles. [406.12]

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-76

Code Section: Chapter 44 Referenced Standards

Modification:

<p>ANCE</p> <p>ANCE</p> <p>NMX-J-521/2-40-ANCE --2014/CAN/CSA-22.2 No. 60335-2-40 --12/UL-60335-2-40: Safety of Household and Similar Electric Appliances, Part 2-40: Particular Requirements for Heat Pumps, Air-Conditioners and Dehumidifiers</p> <p>M1403.1, M1412.1, M1413.1</p>	<p style="text-align: right;">Association of Standardization and Certification</p> <p style="text-align: right;">Av. Lázaro Cárdenas No. 869</p> <p style="text-align: right;">Fraccion 3</p> <p style="text-align: right;">Col. Nva. Industrial Vallejo</p> <p style="text-align: right;">Deleg. Gustavo A. Madero</p> <p style="text-align: right;">Mexico, D.F.</p>
<p>CSA</p> <p>CAN/CSA/C22.2 No. 60335-2-40 --2012 2019:</p> <p>M1402.1, M1403.1, M1412.1, M1413.1, M2006.1</p>	<p style="text-align: right;">CSA Group</p> <p style="text-align: right;">8501 East Pleasant Valley Road</p> <p style="text-align: right;">Cleveland, OH 44131-5516</p> <p style="text-align: right;">Safety of Household and Similar Electrical Appliances, Part 2-40: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers <u>3rd edition</u></p>
<p>UL</p> <p>UL/CSA/ANCE 60335-2-40 --2012 2019: Standard for Household and Similar Electrical Appliances, Part 2-40: Particular Requirements for Motor-compressors Electrical Heat Pumps, Air-Conditioners and Dehumidifiers</p> <p>M1402.1, M1403.1, M1412.1, M1413.1, M2006.1</p>	<p style="text-align: right;">UL LLC</p> <p style="text-align: right;">333 Pfinstgen Road</p> <p style="text-align: right;">Northbrook, IL 60062</p>

Proponent: Air-Conditioning, Heating and Refrigeration Institute (AHRI)

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-77

Code Section: Appendix AH Patio Covers

Modification:

APPENDIX AH
PATIO COVERS

Appendix adopted for use statewide.

Proponent: Structural Engineers Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 45	Appendix H
IRC 2015	IRC 2015 36	Appendix H
IRC 2012	IRC 2012 25	Appendix H



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-78

Code Section: Appendix AJ Existing Buildings and Structures

Modification:

APPENDIX AJ
EXISTING BUILDINGS AND STRUCTURES

Appendix adopted for use statewide.

Proponent: Structural Engineers Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 46	Appendix J
IRC 2015	IRC 2015 37	Appendix J



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Item 9.

Applicable Code: 2021 International Residential Code

Modification Index Number: IRC 2021-79

Code Section: Appendix AQ Tiny Houses

Modification:

**APPENDIX AQ
TINY HOUSES**

Appendix adopted for use statewide.

Proponent: BOASC

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IRC 2018	IRC 2018 47	Appendix Q



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Fire Code

Modification Index Number: IFC 2021-02

Code Section: 202 General definitions

Modification:

Primitive Camp Structure: Shall include any structure permanent or temporary in nature, used for outdoor camping (transient), open on at least one side with no fully enclosed habitable spaces, less than 400 square feet under roof, and not classified as a residential occupancy due to lack of electrical, plumbing, mechanical, and sprinkler systems.

Proponent: BOASC

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IFC 2018	IFC 2018 02	202



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Fire Code

Modification Index Number: IFC 2021-03

Code Section: 202 General definitions

Modification:

[BG] Assembly Group A-3. Group A-3 occupancy includes assembly uses intended for worship, recreation or amusement and other assembly uses not classified elsewhere in Group A, including, but not limited to:

- Amusement arcades
- Art galleries
- Bowling alleys
- Community halls
- Courtrooms
- Dance halls (not including food or drink consumption)
- Exhibition halls
- Funeral parlors
- Greenhouses with public access for the conservation and exhibition of plants
- Gymnasiums (without spectator seating)
- Indoor swimming pools (without spectator seating)
- Indoor tennis courts (without spectator seating) Lecture halls
- Libraries
- Museums
- Places of religious worship
- Pool and billiard parlors
- Structures without a commercial kitchen, used in agritourism activity as defined by S.C. Code Ann. 46-53-10(1)
- Waiting areas in transportation terminals

Proponent: BOASC

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IFC 2018	IFC 2018 03	202



**South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index**

Applicable Code: 2021 International Fire Code

Modification Index Number: IFC 2021-04

Code Section: 202 General definitions

Modification:

RECREATIONAL FIRE. An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial to include sky lanterns, cooking, warmth or similar purpose.

Proponent: South Carolina Fire Marshal's Association

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IFC 2018	IFC 2018 01	202
IFC 2015	IFC 2015 01	202
IFC 2012	IFC 2012 01	202



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Item 9.

Applicable Code: 2021 International Fire Code

Modification Index Number: IFC 2021-05

Code Section: 315.3.3 Equipment rooms

Modification:

315.3.3 Equipment rooms. ~~Combustible~~ Material shall not be stored in boiler rooms, mechanical rooms, electrical equipment rooms or in *fire command centers* as specified in Section 508.1.5. Rooms shall be labeled with approved signage “No storage allowed”.

Proponent: Midlands Fire Marshal's Association

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Fire Code

Modification Index Number: IFC 2021-07

Code Section: 319.11 Clearance requirements

Modification:

319.11 Mobile cooking operations. Shall be separated from buildings, structures, canopies, tents, combustible materials, vehicles, and other cooking operations by a minimum of 10 feet. Exhaust shall be directed away from openings, air intakes and away from any means of egress.

Proponent: Midlands Fire Marshal's Association

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Fire Code

Modification Index Number: IFC 2021-08

Code Section: 503.1.2 Additional access

Modification:

503.1.2 Additional access. The *fire code official* is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

Exception. Where two fire apparatus access roads are required by Section 503.1.2 ~~or this appendix~~, the additional fire apparatus access road is permitted to be a driveway, pathway, court or other approved *fire lane* not accessible to public motor vehicles where designed by a registered design professional to meet the loading requirements and minimum specifications of Section 503 ~~and this appendix~~, and the surface provides all-weather driving capabilities. Marking or signs shall be provided in accordance with Section 503.3 and Section D103.6

*The language above has been updated as of 8-25-2022 and the previous reference to Appendix D was a scrivener's error.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Fire Code

Modification Index Number: IFC 2021-09

Code Section: 503.1.2.1

Modification:

503.1.2.1 One- or two-family dwelling residential developments having less than 50 units. Developments of one- or two-family dwellings where the number of dwelling units does not exceed 50 shall be permitted to have a single approved fire apparatus access road provided all of the following requirements are met.

1. The minimum unobstructed width of the single fire apparatus access road shall be 26 feet (7925 mm) and shall otherwise comply with Section 503.
2. A minimum of one fire hydrant on each side of the fire apparatus access road in accordance with Section 507.5 shall be provided. The fire code official shall be permitted to require additional hydrants and hydrant spacing based on the length of the fire apparatus access road, fire flow requirements, and the distance from any point on the street or road frontage to a hydrant.
3. The development is not located in a wildland-urban interface area as defined in the International Wildland-Urban Interface Code.

Future Development. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Item 9.

Applicable Code: 2021 International Fire Code

Modification Index Number: IFC 2021-10

Code Section: 503.2.1 Dimensions

Modification:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IFC 2018	IFC 2018 05	503.2.1
IFC 2015	IFC 2015 04	503.2.1
IFC 2012	IFC 2012 04	503.2.1



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Fire Code

Modification Index Number: IFC 2021-11

Code Section: 507.1 Required water supply

Modification:

507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises on which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction to meet the necessary fire flow as determined by the fire code official. Where public water supply is inadequate or not available, an approved alternative water source meeting the fire flow requirements shall be provided. Fire flow performance tests shall be witnessed by the fire official or representative prior to final approval.

Exception. One- and two-family dwellings, including attached or detached accessory structures.

Proponent: Charleston Fire Department

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IFC 2018	IFC 2018 06	507.1



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Fire Code

Modification Index Number: IFC 2021-12

Code Section: 507.5.1 Where Required

Modification:

507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than ~~400 feet (122 m)~~ 500 feet (152m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Location. The location and number of hydrants shall be designated by the fire official, but in no case shall the distance between installed fire hydrants exceed 1000 feet (305m). Fire hydrants shall be located within 500 feet (152m) of all fire fighter access points when measured along the normal routes of fire department vehicle access which conforms to the requirements of Section 503. No point of the exterior of a building shall be located more than 500 feet (152m) from a hydrant accessible to fire department vehicles as provided in Section 503.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).
2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m).

Proponent: Charleston Fire Department

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IFC 2018	IFC 2018 07	507.5.1



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Fire Code

Modification Index Number: IFC 2021-13

Code Section: 507.5.1.1 Hydrant for standpipe systems

Modification:

507.5.1.1 Hydrant for standpipe systems. Buildings equipped with a standpipe or fire sprinkler system installed in accordance with Section 903 or 905 shall have a fire hydrant within 100 feet (30 480 mm) of the fire department connections.

Exception: The distance shall be permitted to exceed 100 feet (30 480 mm) where *approved* by the *fire code official*.

Proponent: Midlands Fire Marshal's Association

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Fire Code

Modification Index Number: IFC 2021-14

Code Section: 507.5.4 Obstruction

Modification:

507.5.4 Obstruction. Unobstructed access to fire hydrants shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants. No parking shall be allowed within 15 feet of a fire hydrant.

Proponent: Midlands Fire Marshal's Association

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Fire Code

Modification Index Number: IFC 2021-16

Code Section: 607.1 General

Modification:

607.1 General. Storage of cooking oil (grease) in commercial cooking operations utilizing above-ground tanks with a capacity greater than 60 gal (227 L) installed within a building shall comply with Sections 607.2 through 607.7 and NFPA 30. For purposes of this section, cooking oil shall be classified as a Class IIIB liquid unless otherwise determined by testing. These tanks shall have the contents identified as outlined in Section 5703.5.

Proponent: Midlands Fire Marshal's Association

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



**South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index**

Applicable Code: 2021 International Fire Code

Modification Index Number: IFC 2021-19

Code Section: 901.6.3 Records

Modification:

901.6.3 Records. Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained. Copies of the inspection reports shall be sent to the local jurisdiction by the servicing vendor as prescribed by the fire code official.

Proponent: Charleston Fire Department

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IFC 2018	IFC 2018 08	901.6.3



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Fire Code

Modification Index Number: IFC 2021-22

Code Section: 907.6.5 Access

Modification:

907.6.5 Access. Access shall be provided to each fire alarm device and notification appliance for periodic inspection, maintenance and testing. Fire alarm notification devices shall be unobstructed and visible at all times.

Proponent: Midlands Fire Marshal's Association

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Fire Code

Modification Index Number: IFC 2021-24

Code Section: 1010.2.14 Controlled egress doors in Groups I-1 and I-2

Modification:

[BE] 1010.2.14 Controlled egress doors in Groups I-1, I-2 and I-4 (Adult Day Care occupancy only). Electric locking systems, including electromechanical locking systems and electromagnetic locking systems, shall be permitted to be locked in the means of egress in Group I-1, I-2 and I-4 (Adult Day Care occupancy only) occupancies where the clinical needs of persons receiving care require their containment. Controlled egress doors shall be permitted in such occupancies where the building is equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or an *approved* automatic smoke detection system installed in accordance with Section 907, provided that the doors are installed and operate in accordance with all of the following:

1. The door locks shall unlock on actuation of the automatic sprinkler system or automatic smoke detection system.
2. The door locks shall unlock on loss of power controlling the lock or lock mechanism.
3. The door locking system shall be installed to have the capability of being unlocked by a switch located at the fire command center, a nursing station or other approved location. The switch shall directly break power to the lock.
4. A building occupant shall not be required to pass through more than one door equipped with a controlled egress locking system before entering an exit.
5. The procedures for unlocking the doors shall be described and approved as part of the emergency planning and preparedness required by Chapter 4 of the International Fire Code.
6. All clinical staff shall have the keys, codes or other means necessary to operate the locking systems.
7. Emergency lighting shall be provided at the door.
8. The door locking system units shall be listed in accordance with UL 294.

Exceptions:

1. Items 1 through 4 shall not apply to doors to areas occupied by persons who, because of clinical needs, require restraint or containment as part of the function of a psychiatric or cognitive treatment area.
2. Items 1 through 4 shall not apply to doors to areas where a listed egress control system is utilized to reduce the risk of child abduction from nursery and obstetric areas of a Group I-2 hospital.

Proponent: Midlands Fire Marshal's Association

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Fire Code

Modification Index Number: IFC 2021-25

Code Section: 1016.2 Egress through intervening spaces

Modification:

1016.2 Egress through intervening spaces. Egress through intervening spaces shall comply with this section.

1. Exit access through an enclosed elevator lobby is permitted. Where access to two or more exits or exit access doorways is required in Section 1006.2.1, access to not less than one of the required exits shall be provided without travel through the enclosed elevator lobbies required by Section 3006 of the South Carolina Building Code. Where the path of exit access travel passes through an enclosed elevator lobby, the level of protection required for the enclosed elevator lobby is not required to be extended to the exit unless direct access to an exit is required by other sections of this code.
2. Egress from a room or space shall not pass through adjoining or intervening rooms or areas, except where such adjoining rooms or areas and the area served are accessory to one or the other, are not a Group H occupancy and provide a discernible path of egress travel to an exit.

 Exception: Means of egress are not prohibited through adjoining or intervening rooms or spaces in a Group H, S or F occupancy where the adjoining or intervening rooms or spaces are the same or a lesser hazard occupancy group.
3. An exit access shall not pass through a room that can be locked to prevent egress.
4. Means of egress from dwelling units or sleeping areas shall not lead through other sleeping areas, toilet rooms or bathrooms.

 Exception: Dwelling units or sleeping areas in R-1 and R-2 occupancies shall be permitted to egress through other sleeping areas serving adjoining rooms that are part of the same dwelling unit or guest room.
5. Egress shall not pass through kitchens, storage rooms, closets or spaces used for similar purposes.

 Exceptions:
 1. Means of egress are not prohibited through a kitchen area serving adjoining rooms constituting part of the same dwelling unit or sleeping unit.
 2. Means of egress are not prohibited through stockrooms in Group M occupancies where all of the following are met:
 - 2.1. The stock is of the same hazard classification as that found in the main retail area.
 - 2.2. Not more than 50 percent of the exit access is through the stockroom.
 - 2.3. The stockroom is not subject to locking from the egress side.
 - 2.4. There is a demarcated, minimum 44-inch-wide (1118 mm) aisle defined by ~~full- or partial-height fixed walls~~ a wall not less than 42 inches high or similar construction that will maintain the required width and lead directly from the retail area to the exit without obstructions.

Proponent: Charleston Fire Department

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IFC 2018	IFC 2018 11	1016.2



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Fire Code

Modification Index Number: IFC 2021-31

Code Section: 2303.2.2 Testing

Modification:

2303.2.2 Testing. Emergency disconnect switches shall be tested annually by the responsible party to ensure proper operation; records of testing shall be maintained on site for inspection. Any switches determined to be faulty, the fuel pumps they serve shall be taken out of service until the emergency shutoff switch is placed back into service.

Proponent: Midlands Fire Marshal's Association

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



**South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index**

Item 9.

Applicable Code: 2021 International Fire Code

Modification Index Number: IFC 2021-33

Code Section: 2305.5 Fire extinguishers

Modification:

2305.5 Fire extinguishers. *Approved* portable fire extinguishers complying with Section 906 with a minimum rating of 2-A:20-B:C shall be provided and located such that an extinguisher is not more than ~~75 feet (22 860 mm)~~ 50 feet (15 240 mm) from pumps, dispensers or storage tank fill-pipe openings.

Proponent: Midlands Fire Marshal's Association

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Fire Code

Modification Index Number: IFC 2021-34

Code Section: 2307.4 Location of dispensing operations and equipment

Modification:

2307.4 Location of dispensing operations and equipment. The point of transfer for LP-gas dispensing operations shall be separated from buildings and other exposures in accordance with NFPA 58 Table 6.7.2.1 and IFC Section 2306.7, the following:

1. Not less than 25 feet (7620 mm) from buildings where the exterior wall is not part of a fire-resistance-rated assembly having a rating of 1 hour or greater.
2. Not less than 25 feet (7620 mm) from combustible overhangs on buildings, measured from a vertical line dropped from the face of the overhang at a point nearest the point of transfer.
3. Not less than 25 feet (7620 mm) from the lot line of property that can be built on.
4. Not less than 25 feet (7620 mm) from the centerline of the nearest mainline railroad track.
5. Not less than 10 feet (3048 mm) from public streets, highways, thoroughfares, sidewalks and driveways.
6. Not less than 10 feet (3048 mm) from buildings where the exterior wall is part of a fire-resistance-rated assembly having a rating of 1 hour or greater.

Exception: The point of transfer for LP-gas dispensing operations need not be separated from canopies that are constructed in accordance with the International Building Code and that provide weather protection for the dispensing equipment.

LP-Gas containers shall be located in accordance with Chapter 61. LP-gas storage and dispensing equipment shall be located outdoors and in accordance with Section 2306.7.

Proponent: South Carolina Propane Gas Association

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IFC 2018	IFC 2018 12	2307.4
IFC 2015	IFC 2015 09	2307.4
IFC 2012	IFC 2012 09	2307.4



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Fire Code

Modification Index Number: IFC 2021-35

Code Section: 2307.7 Public fueling of motor vehicles

Modification:

2307.7 Public fueling of motor vehicles. Self-service LP-gas dispensing systems, including key, code and card lock dispensing systems, shall be limited to the filling of permanently mounted containers providing fuel to the LP-gas powered vehicle.

The requirements for self-service LP-gas dispensing systems shall be in accordance with the following:

1. The arrangement and operation of the transfer of product into a vehicle shall be in accordance with this section and Chapter 61.
2. The system shall be provided with an emergency shutoff switch located within 100 feet (30 480 mm) of, but not less than 20 feet (6096 mm) from, dispensers.
3. The owner of the LP-gas motor fuel-dispensing facility or the owner's designee shall provide for the safe operation of the system and the training of users.
4. The dispenser and hose-end valve shall release not more than 1/8 fluid ounce (4 cc) of liquid to the atmosphere upon breaking the connection with the fill valve on the vehicle.
5. Portable fire extinguishers shall be provided in accordance with Section 2305.5.
6. Warning signs shall be provided in accordance with Section 2305.6.
7. The area around the dispenser shall be maintained in accordance with Section 2305.7.

Proponent: South Carolina Propane Gas Association

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IFC 2018	IFC 2018 13	2307.7
IFC 2015	IFC 2015 11	2307.7
IFC 2012	IFC 2012 11	2307.6



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Fire Code

Modification Index Number: IFC 2021-38

Code Section: 6101.1 Scope

Modification:

6101.1 Scope. Storage, handling and transportation of liquefied petroleum gas (LP-gas) and the installation of LP-gas equipment pertinent to systems for such uses shall comply with this chapter and NFPA 58. Properties of LP-gases shall be determined in accordance with ~~Appendix~~ Annex B of NFPA 58.

Proponent: South Carolina Fire Marshal's Association

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IFC 2018	IFC 2018 14	6101.1
IFC 2015	IFC 2015 12	6101.1
IFC 2012	IFC 2012 12	6101.1



South Carolina Department of Labor, Licensing and Regulation
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2021 Modification Index

Applicable Code: 2021 International Fire Code

Modification Index Number: IFC 2021-41

Code Section: 6106.1 Attendants

Modification:

6106.1 Attendants. Dispensing of LP-gas shall be performed by a qualified attendant that meets the requirements of this section and NFPA 58 Section 4.4.

Proponent: South Carolina Fire Marshal's Association

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IFC 2018	IFC 2018 17	6106.1
IFC 2015	IFC 2015 16	6106.1
IFC 2012	IFC 2012 16	6106.1



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Fire Code

Modification Index Number: IFC 2021-42

Code Section: 6107.4 Protecting containers from vehicles

Modification:

6107.4 Protecting containers from vehicles. Where exposed to vehicular damage due to proximity to alleys, driveways or parking areas, LP-gas containers, regulators and piping shall be protected in accordance with NFPA 58.

Exception: An alternative method may be used that meets the intent of this section with the approval of the AHJ.

Proponent: South Carolina Fire Marshal's Association

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IFC 2018	IFC 2018 18	6107.4
IFC 2015	IFC 2015 18	6107.4
IFC 2012	IFC 2012 18	6107.4



South Carolina Department of Labor, Licensing and Regulation
 South Carolina Building Codes Council
 2021 Modification Index

Item 9.

Applicable Code: 2021 International Fire Code

Modification Index Number: IFC 2021-43

Code Section: 6109.13 Protection of containers

Modification:

6109.13 Protection of containers. LP-gas containers shall be stored within a suitable enclosure or otherwise protected against tampering. Vehicle impact protection shall be provided as required by ~~Section 6107.4.~~ the fire code official in accordance with Section 312 or NFPA 58 8.4.2.2.

Exception: Vehicle impact protection shall not be required for protection of LP-gas containers where the containers are kept in lockable, ventilated cabinets of metal construction.

Proponent: South Carolina Fire Marshal's Association

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IFC 2018	IFC 2018 20	6109.13
IFC 2015	IFC 2015 22	6109.13
IFC 2012	IFC 2012 22	6109.13



South Carolina Department of Labor, Licensing and Regulation
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2021 Modification Index

Applicable Code: 2021 International Fire Code

Modification Index Number: IFC 2021-44

Code Section: 6110.1 Removed from service

Modification:

6110.1 Removed from service Containers not connected for service at customer locations. LP-gas containers at customers' locations that are not connected for service whose use has been discontinued shall comply with both all of the following:

1. — Be disconnected from appliance piping.
- 2.1. Have LP-gas container outlets, except relief valves, closed and or plugged or capped.
- 3.2. Be positioned with the relief valve in direct communication with the LP-gas container vapor space.

Proponent: SC Fire Marshal's Association

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IFC 2018	IFC 2018 21	6110.1
IFC 2015	IFC 2015 23	6110.1
IFC 2012	IFC 2012 23	6110.1



South Carolina Department of Labor, Licensing and Regulation
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2021 Modification Index

Applicable Code: 2021 International Fire Code

Modification Index Number: IFC 2021-45

Code Section: 6111.2.1

Modification:

6111.2.1 Near residential, educational and institutional occupancies and other high-risk areas. LP-gas tank vehicles shall not be left unattended at any time on residential streets or within 500 feet (152 m) of a residential area, apartment or hotel complex, educational facility, hospital or care facility. Tank vehicles shall not be left unattended at any other place that would, in the opinion of the *fire code official*, pose an extreme life hazard.

Separation distance requirements may be reduced to not less than 50 feet as approved by the fire code official, based upon a completed fire safety analysis and consideration of special features such as topographical conditions, capacity of the LP-gas vehicle and the capabilities of the local fire department. The Office of the State Fire Marshal will provide an approved fire safety analysis to be utilized for this specific requirement.

Proponent: South Carolina Fire Marshal's Association

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IFC 2018	IFC 2018 22	6111.2.1
IFC 2015	IFC 2015 24	6111.2.1
IFC 2012	IFC 2012 24	6111.2.1



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Plumbing Code

Modification Index Number: IPC 2021-01

Code Section: 202 General Definitions

Modification:

DRINKING FOUNTAIN. A plumbing fixture that is connected to the potable water distribution system and the drainage system. The fixture allows the user to obtain a drink directly from a stream of flowing water without the use of any accessories. Such fixtures can be separate from or integral to a bottle filling station.

Proponent: Carolinas AGC

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Plumbing Code

Modification Index Number: IPC 2021-02

Code Section: 202 General Definitions

Modification:

BOTTLE FILLING STATION. A type of water dispenser that is connected to the potable water distribution system and the drainage system. The fixture is designed and intended for automatically or manually filling personal use drinking water bottles or containers not less than 10 inches (254 mm) in height and is in compliance with the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.) Such fixtures can be separate from or integral to a drinking fountain and can incorporate a water filter and a cooling system for chilling the drinking water.

Proponent: Carolinas AGC

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Plumbing Code

Modification Index Number: IPC 2021-03

Code Section: 202 General Definitions

Modification:

WATER COOLER. A drinking fountain or bottle filling station that incorporates a means of reducing the temperature of the water supplied to it from the potable water distribution system.

Proponent: Carolinas AGC

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Plumbing Code

Modification Index Number: IPC 2021-04

Code Section: 202 General Definitions

Modification:

WATER DISPENSER. A plumbing fixture that is automatic or manually controlled by the user for the purpose of dispensing potable drinking water into a receptacle such as a cup, glass or bottle. Such fixture is connected to the potable water distribution system of the premises. This definition includes a freestanding apparatus for the same purpose that is not connected to the potable water distribution system and that is supplied with potable water from a container, bottle or reservoir.

Proponent: Carolinas AGC

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
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2021 Modification Index

Item 9.

Applicable Code: 2021 International Plumbing Code

Modification Index Number: IPC 2021-05

Code Section: Table 403.1 Minimum Number of Required Plumbing Fixtures

Modification:

Add column to table - BOTTLE FILLING STATION

Row 3 Educational, under Bottle Filling Station column. add: 1 per 200 with placement of 1 on each floor (or wing, or other building section) and 1 in school food service areas

See Attachment

Proponent: Carolinas AGC

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		

Table 403.1
Minimum Number of Required Plumbing Fixtures^a (See Sections 403.1.1 and 403.2)

No.	Classification	Description	Water Closets (Urinals: See Section 424.2)		Lava- to- ries		Bathtubs/ Showers	Drinking Fountain (See Section 410)	Other	Bottle Filling Station
			M	F	M	F				
3	Educational	Educational Facilities	1 per 50		1 per 50		–	1 per 100	1 service sink	<u>1 per 200 with placement of 1 on each floor (or wing or other building section) and 1 in school food service areas.</u>



South Carolina Department of Labor, Licensing and Regulation
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2021 Modification Index

Applicable Code: 2021 International Plumbing Code

Modification Index Number: IPC 2021-06

Code Section: 410.4 Substitution

Modification:

410.4 Substitution. Where restaurants provide drinking water in a container free of charge, drinking fountains shall not be required in those restaurants. In other *occupancies* where three or more drinking fountains are required, *water dispensers* shall be permitted to be substituted for not more than 50 percent of the required number of drinking fountains. In educational settings, 50 percent of the required number of drinking fountains must incorporate a bottle filling station.

Proponent: Carolinas AGC

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Mechanical Code

Modification Index Number: IMC 2021-01

Code Section: 504.9.2 Duct Installation

Modification:

504.9.2 Duct installation. Exhaust ducts shall be supported at intervals not to exceed 8 feet and within 16 inches of each side of a joint that is not installed in a vertical orientation, ~~4-foot (1219 mm) intervals and~~ secured in place, making rigid contact with the duct at not less than 4 equally spaced points or 2/3rds contact if strap is used. All brackets and strapping must be noncombustible. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. ~~Ducts shall not be joined with screws or similar fasteners that protrude more than 1/8 inch (3.2 mm) into the inside of the duct. The overlap shall comply with Section 603.4.2. Ducts shall not be joined with screws or similar devices that protrude into the inside of the duct.~~ Exhaust ducts shall be sealed in accordance with Section 603.9.

Where dryer exhaust ducts are enclosed in wall or ceiling cavities, such cavities shall allow the installation of the duct without deformation. The duct work may be ovalized as long as it terminates in an approved duct box. Minor imperfections located on the duct, in areas other than along the seam, do not constitute a violation of this section.

Proponent: Building Official Association of South Carolina (BOASC)

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IMC 2018	IMC 2018 01	504.8.2



South Carolina Department of Labor, Licensing and Regulation
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2021 Modification Index

Applicable Code: 2021 International Mechanical Code

Modification Index Number: IMC 2021-02

Code Section: Table 1103.1 Refrigerant Classification Amount and OEL

Modification:

Footnote:
 c. The ASHRAE Standard 34 flammability classification for this refrigerant is 2L, which is a subclass of Class 2.

Proponent: Air Conditioning, Heating, Refrigeration Institute (AHRI)

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Mechanical Code

Modification Index Number: IMC 2021-03

Code Section: 1104.3 System Application Requirements

Modification:

1104.3.1 Air conditioning for human comfort. High probability systems used for human comfort shall use Group A1 or A2L refrigerant. In other than industrial *occupancies* where the quantity in a single independent circuit does not exceed the amount in Table 1103.1, Group B1, B2 and B3 refrigerants shall not be used in high-probability systems for air conditioning for human comfort.

Proponent: Air Conditioning, Heating, Refrigeration Institute (AHRI)

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Mechanical Code

Modification Index Number: IMC 2021-04

Code Section: Chapter 15 Referenced Standards

Modification:

CSA	
<u>C22.2 No. 60335-2-40 -2019</u>	<u>Household and Similar Electrical Appliances - Safety - Part 2_40: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers - 3rd Edition</u> <u>908.1, 916.1, 918.2, 1101.2</u>
UL	
<u>60335-2-40-17 2019</u>	<u>Household and Similar Electrical Appliances - Safety - Part 2_40: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers</u> <u>908.1, 916.1, 918.1, 918.2, 1101.2</u>

Proponent: Air Conditioning, Heating, Refrigeration Institute (AHRI)

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
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 2021 Modification Index

Applicable Code: 2021 International Fuel Gas Code

Modification Index Number: IFGC 2021-01

Code Section: 401.9 Identification

Modification:

401.9 Identification. Each length of pipe and tubing and each pipe fitting, utilized in a fuel gas system, shall bear the identification of the manufacturer.

Exceptions:

1. Steel pipe sections that are 2 feet (610 mm) and less in length and are cut from longer sections of pipe.
2. Steel pipe fittings 2 inches and less in size.
3. Where identification is provided on the product packaging or crating.
4. Where other *approved* documentation is provided.

Section deleted without substitution.

Proponent: South Carolina Propane Gas Association (SCPGA)

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IFGC 2018	IFGC 2018 01	401.9
IFGC 2015	IFGC 2015 01	401.9
IFGC 2012	IFGC 2012 01	401.9



South Carolina Department of Labor, Licensing and Regulation
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 2021 Modification Index

Applicable Code: 2021 International Fuel Gas Code

Modification Index Number: IFGC 2021-02

Code Section: 401.10 Third-Party Testing and Certification

Modification:

401.10 Piping materials standards. Piping, tubing and fittings shall be manufactured to the applicable referenced standards, specifications and performance criteria listed in Section 403 and shall be identified in accordance with Section 401.9. **Third-party testing and certification.** All piping, tubing and fittings shall comply with the applicable referenced standards, specifications and performance criteria of this code, including Section 403 of the South Carolina Fuel Gas Code and corresponding sections.

Proponent: South Carolina Propane Gas Association (SCPGA)

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IFGC 2018	IFGC 2018 02	401.10
IFGC 2015	IFGC 2015 02	401.10
IFGC 2012	IFGC 2012 02	401.10



South Carolina Department of Labor, Licensing and Regulation
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 2021 Modification Index

Item 9.

Applicable Code: 2021 International Fuel Gas Code

Modification Index Number: IFGC 2021-03

Code Section: 412.4 Listed Equipment

Modification:

[F] 412.4 Listed equipment. Hoses, hose connections, vehicle fuel connections, dispensers, LP-gas pumps and electrical equipment used for LP-gas shall comply with the requirements of NFPA 58 *be listed*.

Proponent: South Carolina Propane Gas Association (SCPGA)

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IFGC 2018	IFGC 2018 03	412.4
IFGC 2015	IFGC 2015 03	412.4
IFGC 2012	IFGC 2012 03	412.4



South Carolina Department of Labor, Licensing and Regulation
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2021 Modification Index

Applicable Code: 2021 International Fuel Gas Code

Modification Index Number: IFGC 2021-04

Code Section: 412.6 Location

Modification:

[F] 412.6 Location. The point of transfer for LP-gas dispensing operations shall be separated from buildings and other exposures in accordance with the following:

1. Not less than 25 feet (7620 mm) from buildings where the exterior wall is not part of a fire-resistance-rated assembly having a rating of 1 hour or greater.
2. Not less than 25 feet (7620 mm) from combustible overhangs on buildings, measured from a vertical line dropped from the face of the overhang at a point nearest the point of transfer.
3. Not less than 25 feet (7620 mm) from the lot line of property that can be built upon.
4. Not less than 25 feet (7620 mm) from the centerline of the nearest mainline railroad track.
5. Not less than 10 feet (3048 mm) from public streets, highways, thoroughfares, sidewalks and driveways.
6. Not less than 10 feet (3048 mm) from buildings where the exterior wall is part of a fire-resistance-rated assembly having a rating of 1 hour or greater.

In addition to the fuel dispensing requirements of the South Carolina Fire Code, the point of transfer for dispensing operations shall be 25 feet (7620 mm) or more from buildings having combustible exterior wall surfaces, buildings having noncombustible exterior wall surfaces that are not part of a 1-hour fire-resistance-rated assembly or buildings having combustible overhangs, property which could be built on, and railroads; and at least 10 feet (3048 mm) from public streets or sidewalks and buildings having noncombustible exterior wall surfaces that are part of a fire-resistance-rated assembly having a rating of 1 hour or more; and 5 feet from driveways.

Exceptions:

1. The point of transfer for LP-gas dispensing operations need not be separated from canopies providing weather protection for the dispensing equipment that are constructed in accordance with the International Building Code and that provide weather protection for the dispensing equipment. Liquefied petroleum gas containers shall be located in accordance with the International Fire Code.
2. The separation from driveways is not required where the driveway serves the vehicle fuel dispenser.

Liquefied petroleum gas containers shall be located in accordance with the International Fire Code. Liquefied petroleum gas storage and dispensing equipment shall be located outdoors and in accordance with the International South Carolina Fire Code.

Proponent: South Carolina Propane Gas Association (SCPGA)

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IFGC 2018	IFGC 2018 04	412.6
IFGC 2015	IFGC 2015 04	412.6
IFGC 2012	IFGC 2012 04	412.6



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 2021 Modification Index

Applicable Code: 2021 International Fuel Gas Code

Modification Index Number: IFGC 2021-05

Code Section: 412.8.3 Vehicle Impact Protection

Modification:

[F] 412.8.3 Vehicle impact protection. Where installed within 10 feet (3048 mm) of vehicle traffic, LP-gas storage containers, pumps and dispensers shall be protected in accordance with Section 2307.5, Item 2 of the International Fire Code.

Exception: An alternative method may be used that meets the intent of this section with the approval of the AHJ.

Proponent: South Carolina Propane Gas Association

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IFGC 2018	IFGC 2018 06	412.8.3
IFGC 2015	IFGC 2015 05	412.8.3
IFGC 2012	IFGC 2012 05	412.7.3



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 2021 Modification Index

Applicable Code: 2021 International Fuel Gas Code

Modification Index Number: IFGC 2021-06

Code Section: 412.10 Private fueling of motor vehicles

Modification:

412.10 Private fueling of motor vehicles. Self-service LP-gas dispensing systems, including key, code and card lock dispensing systems, shall not be open to the public. In addition to the requirements of the South Carolina Fire Code, self-service LP-gas dispensing systems shall be provided with an emergency shutoff switch located within 100 feet (30 480 mm) of, but not less than 20 feet (6096 mm) from, dispensers and the owner of the dispensing facility shall ensure the safe operation of the system and the training of users.

Proponent: South Carolina Propane Gas Association (SCPGA)

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IFGC 2018	IFGC 2018 07	412.10
IFGC 2015	IFGC 2015 06	412.10
IFGC 2012	IFGC 2012 06	412.8



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2021 International Fuel Gas Code

Modification Index Number: IFGC 2021-07

Code Section: 505.1.1 Commercial cooking appliances vented by exhaust hoods

Modification:

505.1.1 Commercial cooking appliances vented by exhaust hoods. Where commercial cooking appliances are vented by means of the Type I or II kitchen exhaust hood system that serves such appliances, the exhaust system shall be fan powered and the appliances shall be interlocked with the exhaust hood system to prevent appliance operation when the exhaust hood system is not operating. ~~The method of interlock between the exhaust hood system and the appliances equipped with standing pilot burner ignition systems shall not cause such pilots to be extinguished.~~ Where a solenoid valve is installed in the gas piping as part of an interlock system, gas piping shall not be installed to bypass such valve. Dampers shall not be installed in the exhaust system.

Exception: An interlock between the cooking appliance(s) and the exhaust hood system shall not be required for appliances that are of the manually operated type and are factory equipped with standing pilot burner ignition systems. ~~where heat sensors or other approved methods automatically activate the exhaust hood system when cooking operations occur.~~

Proponent: Piedmont Natural Gas

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
IFGC 2018	IFGC 2018 08	505.1.1
IFGC 2015	IFGC 2015 07	505.1.1
IFGC 2012	IFGC 2012 07	505.1.1
IFGC 2006	IFGC 2006 01	505.1.1
IFGC 2003 & 2000	IFGC 2003 02,IFGC 2000 02	505.1.1



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2020 National Electrical Code

Modification Index Number: NEC 2020-03

Code Section: 210.8(A)(5) Dwelling Units

Modification:

210.8(A) Dwelling Units. All 125-volt ~~through 250-volt~~ receptacles installed in the locations specified in 210.8(A)(1) through (A)(11) and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel.

- (1) Bathrooms.
- (2) Garages and also accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use.
- (3) Outdoors.
Exception to (3): Receptacles that are not readily accessible and are supplied by a branch circuit dedicated to electric snow-melting, deicing, or pipeline and vessel heating equipment shall be permitted to be installed in accordance with 426.28 or 427.22, as applicable.
- (4) Crawl spaces - at or below grade level.
- (5) Basements
Exception No. 1 to (5): A receptacle supplying only a permanently installed fire alarm or burglar alarm system shall not be required to have ground-fault circuit-interrupter protection.
Exception No. 2 to (5): Receptacles in walk-out basements are excluded from this requirement.

Receptacles installed under the exception to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52(G).

- (6) Kitchens - where the receptacles are installed to serve the countertop surfaces.
- (7) Sinks - where receptacles are installed within 1.8 m (6 ft) from the top inside edge of the bowl of the sink.
- (8) Boathouses.
- (9) Bathtubs or shower stalls - where receptacles are installed within 1.8 m (6 ft) of the outside edge of the bathtub or shower stall.
- (10) Laundry areas.
Exception to (1) through (3), (5) through (8), and (10): Listed locking support and mounting receptacles utilized in combination with compatible attachment fittings installed for the purpose of serving a ceiling luminaire or ceiling fan shall not be required to be ground-fault circuit-interrupter protected. If a general-purpose convenience receptacle is integral to the ceiling luminaire or ceiling fan, GFCI protection shall be provided.
- (11) Indoor damp and wet locations.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Applicable Code: 2020 National Electrical Code

Modification Index Number: NEC 2020-04

Code Section: 210.8(F) Outdoor Outlets

Modification:

210.8(F) Outdoor Outlets. All outdoor outlets for dwellings, other than those covered in 210.8(A)(3), Exception to (3), that are supplied by single-phase branch circuits rated 150 volts to ground or less, 50 amperes or less, shall have ground-fault circuit-interrupter protection for personnel.

Exception: Ground-fault circuit-interrupter protection shall not be required on lighting outlets other than those covered in 210.8(C).

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
South Carolina Building Codes Council
2021 Modification Index

Item 9.

Applicable Code: 2020 National Electrical Code

Modification Index Number: NEC 2020-05

Code Section: 210.12(A) Dwelling Units

Modification:

210.12(A) Dwelling Units. All 120_volt, single_phase, 15_ and 20_ ampere branch circuits supplying outlets or devices installed in dwelling unit ~~kitchens~~, family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, ~~laundry areas~~, or similar rooms or areas shall be protected by any of the means described in 210.12(A)(1) through (6):

Items (1) through (6) and Exception to remain as written.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



South Carolina Department of Labor, Licensing and Regulation
 South Carolina Building Codes Council
 2021 Modification Index

Item 9.

Applicable Code: 2020 National Electrical Code

Modification Index Number: NEC 2020-06

Code Section: 230.67 Surge Protection

Modification:

230.67 Surge Protection.

~~(A) Surge-Protective Device.~~ All services supplying dwelling units shall be provided with a surge-protective device (SPD).

~~(B) Location.~~ The SPD shall be an integral part of the service equipment or shall be located immediately adjacent thereto.

Exception: The SPD shall not be required to be located in the service equipment as required in (B) if located at each next level distribution equipment downstream toward the load.

~~(C) Type.~~ The SPD shall be a Type 1 or Type 2 SPD.

~~(D) Replacement.~~ Where service equipment is replaced, all of the requirements of this sections shall apply.

This section is deleted without substitution.

Proponent: Home Builders Association of South Carolina

Previous Code Cycles	Previous Modification Index Number	Previous Code Section
N/A		



2021 South Carolina Code Adoptions

On October 6, 2021, the South Carolina Building Codes Council adopted the latest editions of the mandatory codes and appendices with modifications, as referenced in S.C. Code Ann. §6-9-50 (1976, as amended), to be enforced by all municipalities and counties in South Carolina. The Council established the implementation date for local jurisdictions as **January 1, 2023**.

The adopted modifications and the mandatory codes are as follows:

2021 South Carolina Building Code or the 2021 International Building Code with SC modifications
2021 South Carolina Residential Code or the 2021 International Residential Code with SC modifications
2021 South Carolina Fire Code or the 2021 International Fire Code with SC modifications
2021 South Carolina Plumbing Code or the 2021 International Plumbing Code with SC modifications
2021 South Carolina Mechanical Code or the 2021 International Mechanical Code with SC modifications
2021 South Carolina Fuel Gas Code or the 2021 International Fuel Gas Code with SC modifications
2020 National Electrical Code (NFPA 70) with SC modifications
2009 International Energy Conservation Code ([Energy Standard Act](#))

Print and PDF download versions of the 2021 South Carolina codes are available for pre-order from the [ICC website](#).

The International Codes are to be used in conjunction with the latest [code modifications](#) approved by the Council. Only the modifications approved and listed on the Council's website are valid for use in the State. Building code modifications that have not been approved by the Council are invalid and cannot be adopted, employed or enforced by municipalities and counties.

The latest edition of ICC/ANSI A117.1, Accessible and Useable Buildings and Facilities, is adopted by the [Accessibility Act](#), S.C. Code Ann. § 10-5-210 et seq., and is mandatory for use in all municipalities and counties within the State.

Additional information can be found on the South Carolina Building Codes Council's [website](#).

ORDINANCE NO. 2022 / ____

AN ORDINANCE AMENDING THE BEAUFORT COUNTY CODE OF ORDINANCES, CHAPTER 74 – BUILDING AND BUILDING REGULATIONS, SECTION 74-64, ADOPTION OF BUILDING CODES (AMENDS CODE OF ORDINANCES TO ADOPT THE 2021 STATE MANDATED CODE EDITIONS).

WHEREAS, Beaufort County (“County”) adopts the most current building codes as established the South Carolina Building Codes Council pursuant to Ordinance 2018/38; and

WHEREAS, currently Beaufort County applies the 2018 code editions pursuant to the established effective dates by the South Carolina Building Codes Council of said code; and

NOW THEREFORE, BE IT ORDAINED the Beaufort County Council does hereby amend Section 74-64 of the Beaufort County Code of Ordinances that are highlighted in **RED** shall be added text and lined through shall be deleted text.

Sec. 74-64. - Adoption of building codes.

The regulations of the following standards codes recommended and published in book form and hereby adopted as the regulations governing the construction of buildings and other structures in the county with effective dates established by the South Carolina Building Code Council; and it shall be unlawful to erect or construct any building or structure in the county in violation of, or without complying with, these regulations:

~~2018~~ **2021** International Building Code with SC modifications, Including Chapter 1

~~2018~~ **2021** International Residential Code with SC modifications, Including Chapter 1

~~2018~~ **2021** International Fire Code with SC modifications

~~2018~~ **2021** International Plumbing Code with SC modification

~~2018~~ **2021** International Mechanical Code with SC modifications

~~2018~~ **2021** International Fuel Gas Code with SC modifications

2009 South Carolina Energy Conservation Code with SC modification

~~2017~~ **2020** National Electrical Code (NFPA 70) with SC modifications

~~2018~~ **2021** International Existing Building Code

DONE this ____ day of _____, 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____

Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
RESOLUTION TO APPROVE THE AMENDED OYSTER FACTORY PARK MASTER PLAN (2020 OYSTER FACTORY PARK MASTER PLAN) WITH REDUCED ADDITIONAL PARKING
MEETING NAME AND DATE:
Natural Resources Committee, October 10, 2022
PRESENTER INFORMATION:
Stefanie M. Nagid, Passive Parks Manager (10 minutes)
ITEM BACKGROUND:
Beaufort County acquired the Oyster Factory Park in 2003 through the Rural and Critical Lands Preservation Program. A Conservation Easement was placed on the property. It is held and enforced by the Open Land Trust. An agreement between the County and the Town of Bluffton for improvements, maintenance and management was executed in 2004, which included an original Master Plan. The Master Plan and Conservation Easement were amended and approved in 2015 by County Council, the Open Land Trust and the Town. An amended agreement between the County and the Town of Bluffton was executed in 2017, which included the 2015 amended Master Plan.
PROJECT / ITEM NARRATIVE:
In 2020, the Town of Bluffton Council approved a second amended park Master Plan. Until very recently, Beaufort County was unaware of this amended plan. The new plan creates additional parking for non-trailer vehicles in what is currently a canopied park open space. Although the Town of Bluffton Council has already approved the engineering site plan and construction contract for the additional non-trailer vehicle parking, neither the County nor the Open Land Trust approved the 2020 amended Master Plan with the expanded parking as set forth in Exhibit #5. Due to County and Open Land Trust staff concerns about the loss of canopied park open space, all parties met on site to discuss reducing the amount of parking as set forth in the Town's 2020 plan. All parties came to an agreement to reduce the additional non-trailer parking area as provided in Exhibit #6.
FISCAL IMPACT:
None to the County
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends approval of the 2020 Oyster Factory Park Master Plan update, which will include the reduced additional parking as illustrated in Exhibit #6.
OPTIONS FOR COUNCIL MOTION:
Motion to approve or deny the 2020 Oyster Factory Park Master Plan update, which will include the reduced additional parking as illustrated in Exhibit #6.

RESOLUTION 2022/___

A RESOLUTION APPROVING THE AMENDED OYSTER FACTORY PARK MASTER PLAN (2020 OYSTER FACTORY PARK MASTER PLAN) WITH REDUCED ADDITIONAL PARKING

WHEREAS, Beaufort County (“County”) is sole owner of certain real property in Beaufort County, South Carolina known as Oyster Factory Park (R610 039 00A 0165 0000 and R610 039 00A 0190 0000) (“Property”) in the Town of Bluffton under and by virtue of deeds recorded in the Beaufort County Register of Deeds at Deed Book 1693, Page 2006, Beaufort County, South Carolina; and

WHEREAS, the Open Land Trust (“Trust”) holds a Conservation Easement on the Property, as recorded in the Beaufort County Register of Deeds at Book 1548, Page 626, Beaufort County, South Carolina, which was amended in 2003 as recorded in the Beaufort County Register of Deeds at Book 1693, Page 2002, Beaufort, South Carolina; and

WHEREAS, in 2004, the County and Town of Bluffton (“Town”) entered into an Agreement for management, maintenance and improvements on the Property, which was amended in 2015 and again in 2017, and included updates to the Oyster Factory Park Master Plan (“Plan”); and

WHEREAS, in 2020, the Town approved another amended Plan, which the County just recently become aware of, and which includes the creation of additional parking for non-trailer vehicles in an area which is currently a canopied park open space area and which is concerning to both the County and to the Trust; and

WHEREAS, the Modified Agreement between County and Town of Bluffton dated February 17, 2017 provides that the park shall be maintained as open space and that there shall be no improvements constructed without the express, written consent of the County; and

WHEREAS, the County, Town and Trust staff have agreed to reduce the amount of non-trailer parking spaces in the 2020 Plan to comply with the 2017 Modified Agreement and to retain the original intent of the purchase of the Property.

NOW THEREFORE, BE IT RESOLVED, BY BEAUFORT COUNTY COUNCIL, duly assembled, does hereby approve the 2020 Oyster Factory Park Master Plan, but the additional parking must be reduced as illustrated in “Exhibit A and Exhibit B” both of which are attached and incorporated herein by reference.

Adopted this ___ day of _____, 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph Passiment, Chairman

ATTEST:

Sarah Brock
Clerk to Council

Exhibit A – 2020 Oyster Factory Park Master Plan

PRELIMINARY MASTER PLAN

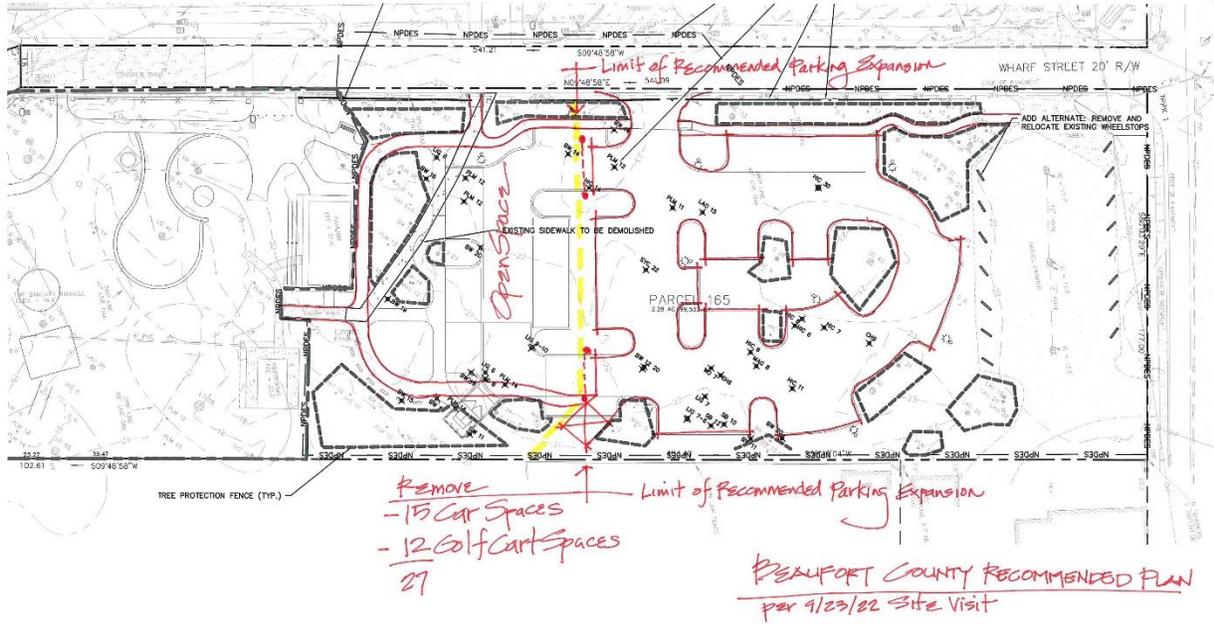


OCTOBER 2020
Project No. 18049
Wharf Street Master Plan, 63 Wharf Street, Bluffton, SC 29910 | (843) 353-2101 | www.wjkg.com

OYSTER FACTORY PARK
63 WHARF STREET
BLUFFTON, SOUTH CAROLINA



Exhibit B – Illustration of reduced additional parking area



I. PROVISIONS OF CONSERVATION EASEMENT

- A. The Property shall be held in perpetuity by the Grantor as open space, a passive park, or open gateways to scenic vistas, and no improvements shall be constructed thereon, and the Property shall not be developed for either commercial or residential purposes and will continue to be available to the general public as a recreational, scenic and historic asset; provided, however, that the Grantor shall be permitted to continue leasing to third parties the portion of the Property currently leased to D&L Seafood Corporation, and that the terms of this conservation easement shall not in any way restrict this use of that portion of the Property.
- B. The Grantor shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Property, and ensure that routine clean-up and landscape maintenance are performed as and when necessary.
- C. The Grantor shall indemnify and hold harmless Grantee against any claims for damage to person and/or property which relate in any way to the use of the Property.

II. ENFORCEMENT OF CONSERVATION EASEMENT

The Grantee, in order to insure the effective enforcement of this conservation easement, shall have, and Grantor hereby grants to it, the following rights:

- A. The Grantee and/or persons designated by him shall be permitted, at any time, to come upon the Property to inspect for possible violations of the covenants of this easement.
- B. If the Grantee determines there is a violation of this easement, after reasonable notice to the Grantor requesting the correction of any such violations, and provided the Grantor has failed to commence or continue satisfactory corrective action or work, the Grantee shall have (i) the right to institute legal proceedings to enjoin the violations by ex parte, temporary or permanent injunction, and to require the restoration of the Property to its prior condition, and to avail itself of all other legal and equitable remedies; and (ii) the right to enter upon the Property at a reasonable time and upon ten (10) days' advance notice to correct such violations and hold the Grantor responsible for the costs thereof;
- C. The Grantee shall have the right to place a lien against the Property to secure the payment of any sums owed to the Grantee under the provisions hereof and to foreclose such lien.

III. SUBJECT TO SENIOR ENCUMBRANCE

- A. This conservation easement is junior in priority to that certain first mortgage lien granted on this date by the Grantor to First Citizens Bank to secure a promissory note in the original principal amount of \$2,200,000.00.

IV. MISCELLANEOUS

- A. The benefits of this easement shall be in gross and shall be assignable by the Grantee.
- B. The Grantor intends that this easement shall be construed liberally to further the public purpose of ensuring that the Property is available to the general public as a recreational, scenic and historic asset. In the event of any ambiguity in the terms of this easement, it shall be resolved by a liberal construction of the language of the grant in favor of the Grantee to affect the purpose of this easement.
- C. Any forbearance by the Grantee to exercise his rights under this easement in the event of any breach by the Grantor shall not be deemed or construed to be a waiver by the Grantee of such term or of any subsequent breach of the same or any other term of this easement or of any of the Grantee's rights under this easement. No delay or omission by the Grantee in the exercise of any right or remedy upon any breach by the Grantor shall impair such right or remedy or be construed as a waiver.

TO HAVE AND TO HOLD, all and singular, this Grant of Conservation Easement in, on and over the Property, unto the Grantee, his heirs and assigns, forever.

IN WITNESS WHEREOF, the Grantor has hereunto affixed its Hands and Seals on this 28th day of February, 2002.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

BEAUFORT COUNTY OPEN LAND
TRUST

Ramon S. Skypsey
[Signature]

By: *R. Bruce McBratney*
R. Bruce McBratney
Its President

By: *Cindy Bayden*
Cindy Bayden
Executive Director

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT) PROBATE

PERSONALLY appeared before me Dawn Shipsey and made oath that s/he saw the within-named **BEAUFORT COUNTY OPEN LAND TRUST**, by its president and executive director, sign, seal, and as its act and deed, deliver the within-written Conservation Easement, and that s/he with Thomas C. Davis witnessed the execution thereof.

Dawn Shipsey

SWORN to before me on this 20th day of February, 2002.

[Signature]

Notary Public of South Carolina
My Commission Expires: 10/25/08

ORBIC 1548 page 626A

Item 10.

EXHIBIT "A"

ALL that certain piece, parcel or lot of land, with improvements thereon, situate, lying and being in the Town of Bluffton, Beaufort County, South Carolina and being described on a plat of the property of Johns S. Graves, III, Gerald B. Graves, and Stephen R. Graves made by Niels Christensen, RLS, and dated April 2, 1968, which said plat is attached to a deed recorded in Deed Book 171 at Page 73 in the office of the Register of Deeds for Beaufort County, South Carolina. The property described herein lies on either side of the street of the Town of Bluffton known as Wharf Street as shown on the above referred to plat and is subject to the right of way of the Town of Bluffton or appurtenant to said street. It is understood that title to said property on the South is bounded by the mean high water mark of the May River.

- B. The Grantor shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Property, and ensure that routine clean-up and landscape maintenance are performed as and when necessary.
- C. That Grantor shall indemnify and hold harmless Grantee against any claims for damage to person and/or property which relate in any way to the use of the Property.

II. ENFORCEMENT OF CONSERVATION EASEMENT

The Grantee, in order to insure the effective enforcement of this conservation easement, shall have, and Grantor hereby grants to it, the following rights:

- A. The Grantee and/or persons designated by him shall be permitted, at anytime, to come upon the Property to inspect for possible violations of the covenants of this easement.
- B. If the Grantee determines there is a violation of this easement, after reasonable notice to the Grantor requesting the correction of any such violations, and provided the Grantor has failed to commence or continue satisfactory corrective action or work, the Grantee shall have (i) the right to institute legal proceedings to enjoin the violations by ex parte, temporary or permanent injunction, and to require the restoration of the Property to its prior condition, and to avail itself of all other legal and equitable remedies; and (ii) the right to enter upon the Property at a reasonable time and upon ten (10) days advanced notice to correct such violations and hold the Grantor responsible for the costs thereof;

III. MISCELLANEOUS

- A. The benefits of this easement shall be in gross and shall be assignable by the Grantee.
- B. Any forbearance by the Grantee to exercise his rights under this easement in the event of any breach by the Grantor shall not be deemed or construed to be a waiver by the Grantee of such term or of any subsequent breach of the same or any other term of this easement or of any of the Grantee's rights under this easement. No delay or omission by the Grantee in the exercise of any right or remedy upon any breach by the Grantor shall impair such right or remedy or be construed as a waiver.

TO HAVE AND TO HOLD, all and singular, this Grant of Conservation Easement in, on and over the Property, unto this Grantee, his heirs and assigns, forever.

Item 10.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Carla D. Montgomery
Witness
Notary

Jerry H. Reeves, III
Witness

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

PROBATE

Personally appeared before me 49c witness/witness and made oath that s/he saw the within-named Grantee, sign, seal, and as its act and deed, deliver the within-written Modification Conservation Easement, and that s/he with 49c other witness witnessed the execution thereof.

SWORN to before me on this 30th day of December 2002
Carla D. Montgomery
Notary Public for the State of South Carolina
My Commission Expires:

Carla D. Montgomery
Witness

CARLA D. MONTGOMERY
NOTARY PUBLIC
COMMISSION EXPIRES
JANUARY 19, 2009

responsibilities and duties associated with the funding, operation, maintenance, and general conditions of the Park.

NOW THEREFORE, the County and the Town enter into this Agreement under the following terms and conditions:

1. The Park is occupied, in part, by the Tenant D&L Seafood Company, Inc., d/b/a Bluffton Oyster Company. D&L Seafood Company, Inc., operates an oyster processing/retail establishment in the an area designated in the Park as the "Operations Zone." The Operations Zone is not subject to this Agreement. The Operations Zone is presently committed to a use by D&L Seafood Company, d/b/a Bluffton Oyster Company under the terms and conditions of a lease and assignment of same to the County. D&L Seafood Company has been granted the use of the Operation Zone which consists of the Building in which the Bluffton Oyster Factory operates together with the land as shown and labeled on the plat attached hereto for the limited purposes provided by the Lease. The remainder of the Park property, exclusive of the Operations Zone, is operated by Beaufort County and committed to use by the general public.
2. The Park shall be maintained as open space, a passive park, and an open gateway to scenic vistas and accesses to the May River for recreational boating. There shall be no improvements constructed thereon without the express, written consent of the County. Further, such construction shall be subject to the applicable ordinances of the Town of Bluffton. The Park shall be made available to the general public for recreational use and access to scenic vistas and the May River for recreational boating; provided, however, the Town may conduct organized events within the Park upon notice to and approve by the Beaufort County Parks & Leisure Services Division.
3. Operation of the Park is under the supervisory authority of the Beaufort County Parks & Leisure Services Division. For purposes of this Agreement, the liaison

between Beaufort County and the Town is the Beaufort County Parks and Leisure Services Director or his designee.

4. The Park shall operate as follows; provided, however, this Agreement and these terms may be amended, changed, modified or altered by the County if doing so, in the discretion of the County, is in the public's best interests. Nothing in this agreement shall operate to limit the County's authority, as owner of a public facility, to operate the Park in a manner in which it deems most beneficial to the public at large.
 - a. Hours of Operation: The Park shall be open to the general public daily, during daylight hours, and at such other times as may be approved by the Beaufort County Parks and Leisure Services Department as provided herein. The boat ramp shall open for use by the general public daily, twenty-four (24) hours a day.
 - b. Special Events: A special event means the congregation of persons on the Park premises, at a function hosted by the County or the Town, and where food, beverages, entertainment, or a concert are provided. The County and Town may host, directly, a special event or the County or the Town may sponsor a third party to conduct a special event. A special event may be an event to which the general public is invited or an event to which admission is limited to a specified group to the exclusion of the general public during the duration of the event. Special events may be fee based or non-fee based. Fees may include fees for admission and charges for food, beverages, entertainment, and other vendors typical of such events. All fee based special events shall be for a public or charitable purpose as provided herein. These special event provisions shall be construed to secure the beneficial use of the Park for the general public and invitees and to secure the public's or the invitee's safety, health and general welfare by assuring the structural strength and stability of any temporary structures erected for use at a special event, and secure

sanitation and safety to life and property from fire and other hazards incidental to the congregation of persons at an outdoor public assembly at a special event.

c. **Scheduling:** A special event shall be scheduled as follows:

- i. The County or the Town must write the Beaufort County Parks and Leisure Services Director to request approval to schedule a special event to be hosted by the County or the Town. When the County or the Town intends to sponsor a third party to conduct a special event, the request must be made by the County or the Town. The request must include the information provided below.
- ii. All special events must obtain prior written approval from the Beaufort County Parks and Leisure Services Department Director or his designee.
- iii. The request to schedule a special event must include: (a) the proposed date, (b) time, (c) duration of the special event, (d) description of the special event and purpose of the event, (e) the amount of an admission fee, if any, (f) the amount charged for food, beverage and entertainment, if any, (g) whether the event is open to the general public or a named, specified group, and (h) when the County or the Town is sponsoring a third party, the third party's owner, authorized agent, promoter or individual which desires to be sponsored to host a special event must be included along with the event organizer's address and telephone number and a contact name and telephone number.
- iv. The Beaufort County Parks and Leisure Services Director shall notify the Town, in writing, of the disposition of the request. The County and the Town recognize that the Park is committed to use by the general public. The County and the Town agree exclusion of the

general public to access and free use of the Park should be an exception rather than the rule and special events shall be approved based on frequency, time, the nature of the event and the imposition of fees, if any.

- d. Disposition of Fees from Special Events: The gross receipts from special events shall inure to the benefit of the Park unless prior approval has been given to host a special event as a “fund-raiser” for a public or charitable purpose. Other than permitted public purpose or charitable “fund-raisers,” the gross receipts from special events shall be remitted to the Beaufort County Parks & Leisure Services Director within thirty days of the conclusion of the special event. In return, the Beaufort County Parks & Leisure Services Director shall notify the Town of Bluffton of such remittances. Special event funds shall be expended solely for the general upkeep, maintenance and improvement of the Park and Park facilities.
- e. General Provisions for Special Events:
- i. The approval to conduct a special event shall expire at the conclusion of the special event or at midnight on the day of the special event, whichever comes first. Special events may be held for more than one day if prior approval is granted and in that event, the approval shall expire at midnight on the last day of the special event.
 - ii. Temporary Structures: The erection of all temporary structures intended for use at a special event shall be inspected and approved by a Beaufort County Building Codes Officer prior to the day of the event. A temporary structure includes a tent, all similar temporary structures and all temporary seating, platforms and the like. If the Building Codes Officer finds the temporary structure or the construction thereof is, in his or her opinion, unsafe, then he or she

shall notify the Beaufort County Parks and Leisure Services Department Director or his designee and the contact person for the special event. The Building Codes Officer shall notify the County, the Town or the third party of the corrections to be made. The Building Codes Officer shall again inspect the work or apparatus. No temporary structures may be used at a special event without approval of the Beaufort County Building Codes Official. Tents shall not be located in areas where underbrush, grass or other products of combustion exist in substantial amounts. The grounds within and adjacent to tents may be cleared, with prior approval of the Beaufort County Parks and Leisure Services Department Director or his designee, of all such materials or similar fire hazards. No tent shall be erected closer than fifty feet to a public right-of-way or be situated in such a manner that it could create a traffic hazard. No tent shall be erected within 100 feet of an open flame-cooking source, i.e., an oyster roast pit and similar outdoor cooking facilities.

- iii. **Security and Safety.** Prior to the issuance of any approval to conduct a special event, the host shall arrange for a minimum of two paid law enforcement officers for every anticipated 500 persons in attendance. The law enforcement officers are to be paid by the host of the event. The host shall provide written advance notice to the Beaufort County Emergency Management Officer and the Town of Bluffton Police Department of the location and time of the event. An unobstructed path of travel for access and egress to the Park shall be maintained at all times during the special event for the use of emergency vehicles.
- iv. **Sanitation--Toilet facilities.** The Park shall have two toilet facilities, one for men and one for women. If attendance is anticipated to exceed

an average daily attendance in excess of two hundred and fifty (250) people, the Beaufort County Parks and Leisure Services Director may require that the host provide additional portable toilets.

- v. Solid waste disposal and recycling of oyster shells. All solid waste and litter shall be removed from the Park immediately following the special event. All oyster shells shall be removed to an approved oyster shell recycling site.
 - vi. Parking spaces for vehicles. Parking is available on the Park premises. The host of a special event shall ensure that adequate parking space for anticipated attendance is available within the Park premises or obtain permission for alternate site parking. Parking along the shoulder of the Park's entry road or frontage road is prohibited unless prior special permission is obtained from the Town of Bluffton. Parking in any major thoroughfare and in any manner that would create a traffic hazard shall be prohibited.
 - vii. Discharge of Fireworks. Discharging fireworks on the Park premises shall be prohibited except by prior written approval by the County Administrator. Approval must be obtained twenty-four hours in advance of planned fireworks display.
 - viii. Other than approved, special events, the Park shall remain free for use by the general public. Neither the County nor the Town may charge Park users for use of the Park unless the charge is associated with a special event previously approved by the County.
5. Public Beach. To the extent that the sandy area lying in and adjacent to the boat ramp in the Park premises may be used as a public beach, the County and Town agree to enforce the following restrictions. Driving or operating any motor vehicle on the public beach other than in the designated areas for purposes of launching a boat is

prohibited. Using a surfboard or a motorized device including a personal watercraft in the area of the beach and in any manner as to become a hazard to bathers, swimmers, boaters or others shall be prohibited. Glass bottles, drinking glasses or other glass containers shall be prohibited on the beach.

6. Use of Alcoholic Beverages. County recreation facilities are publicly funded and for the purpose of carrying on leisure, recreation and sporting events. It is the policy of the County and the Town to regulate the Park in a manner that shall provide for the greatest public use. Alcoholic beverages may be permitted for family outings, social events, fund raising events and special events provided that its use is not in conflict with any other County or Town ordinance or state law.
7. The Town shall regulate parking within the Park and restrict boat and boat trailer parking to the area designated for such purpose.
8. The County shall maintain the boat ramp in its current configuration and in a condition suitable for recreational boating.
9. The County shall notify the Town of the date the Park is open for public use. After the Park is opened for public use, the Town shall provide at least two (2) refuse containers on the Park property outside of the Operations Zone. Thereafter, the Town shall provide, at least weekly, regular refuse, litter and garbage pick-up free of charge to the County, in all the Park areas exclusive of the Operations Zone.
10. The County and the Town shall notify their respective property and liability insurers, which provide the County and the Town general liability insurance now and in the future of this joint undertaking. The County and Town expressly agree to share equally in any and all liability resulting from the use of the park and that same shall be shared equally to the extent that immunity has been waived by the State of South Carolina.
11. Capital Improvements including demolition shall be jointly reviewed by the County and the Town. The Town shall advise the County of Town zoning and land use

regulations which may apply to the subject property. Such improvements shall conform to Town regulations. In the event that variance(s) are required, such variance shall not be unreasonably withheld. The Concept Plan dated November 2002 (Exhibit A) shall serve as an initial and general guide concerning capital improvements. Initial capital improvements consisting of sanitary facilities shall be the responsibility of the County. Thereafter, the County and the Town shall jointly fund all capital improvements on such terms and conditions as both parties mutually agree. Funds collected by non-profit/private entities for this purpose may be accepted on terms agreed upon by the County and Town.

12. The County and the Town acknowledge the presence of a structure on the southwest side of the Park with potentially historic significance. Any improvements or disposition of the structure shall conform to the Town's Historic Preservation Commission guidelines.
13. Signage and associated lighting shall be mutually agreed on by the County and the Town. Design of the signage shall be guided by the Town's sign ordinance.
14. The Town shall provide law enforcement with back up by the County Sheriff's office, as required.
15. It is agreed that either of the parties shall have the right and privilege of terminating this Agreement at any time upon giving one (1) months notice, in writing, to the other party of its intention to do so, and in the event this Agreement is terminated, then all rights and interests of the parties shall cease, and any permanent building or improvements erected by Town shall then be, and become the property of the County.

Notice shall be provided as follows:

For the Town:
Town Manager
P.O. Box 386
Bluffton, SC 29910

For the County:
County Administrator
P.O. Drawer 1228
Beaufort, SC 29901-1228

The laws of the State of South Carolina shall govern this Agreement.

IN WITNESS WHEREOF, the parties have set their hands and seals this day and year as
aforewritten.

WITNESSES:

Cheryl Harris

Stacy W. Bradshaw

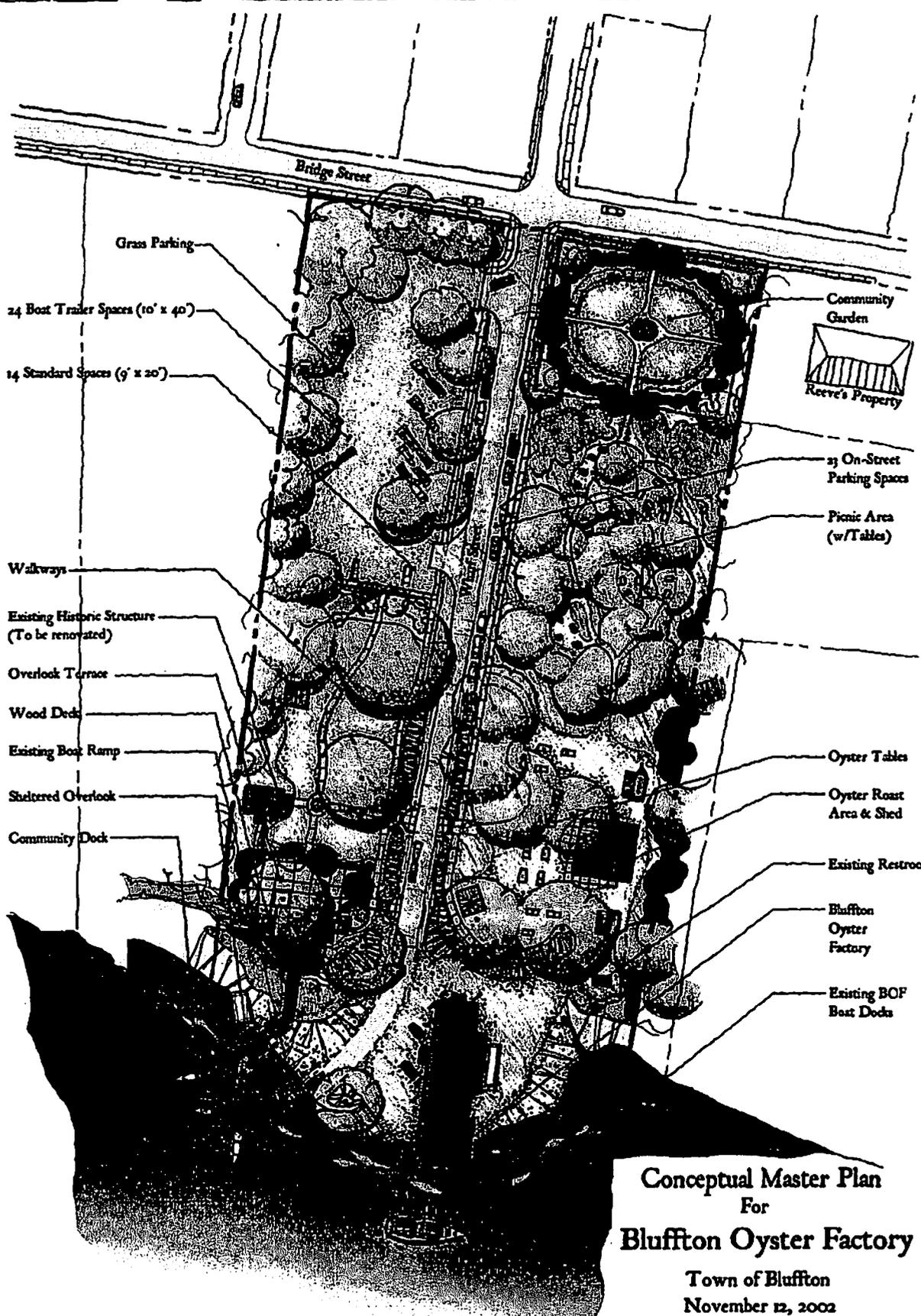
BEAUFORT COUNTY COUNCIL

BY: Gary Kubic
Gary Kubic
County Administrator

LaTanya [Signature]
Sandra [Signature]

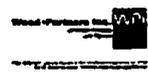
TOWN OF BLUFFTON

BY: Joshua L. Martin
Joshua L. Martin
Town Manager



**Conceptual Master Plan
For
Bluffton Oyster Factory**

Town of Bluffton
November 12, 2002



STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

AMENDMENT OF
CONSERVATION EASEMENTS

WHEREAS, on February 28, 2002, **Jerry H. Reeves, III** (Grantor) granted a conservation easement recorded March 1, 2002, in Volume 01548, Page 0626 in the Office of the Register of Deeds for Beaufort County, in favor of **Beaufort County Open Land Trust, Inc.** (Trust) and

WHEREAS, **Grantor** and the **Trust** executed a modification of such conservation easement on December 31, 2002 which was recorded on January 9, 2003 at Volume 01693 at Page 2002 in the Office of the Register of Deeds for Beaufort County, and

WHEREAS, the five (5) +/- acres encumbered by the modified conservation easement were thereafter conveyed by the **Trust** to **Beaufort County**, a political subdivision of the State of South Carolina (County) subject to the conservation easements and,

WHEREAS, the **County** has executed an agreement with the **Town of Bluffton** (Town) to develop certain passive park facilities on the property known as Oyster Factory Park, and

WHEREAS, the **County** and **Trust** wish to clarify certain items contained in the conservation easement while preserving the conservation values including the recreational, scenic, and historic uses of the property, and

WHEREAS, both the **County** and **Trust** have agreed to the following amendments to such conservation easement, and

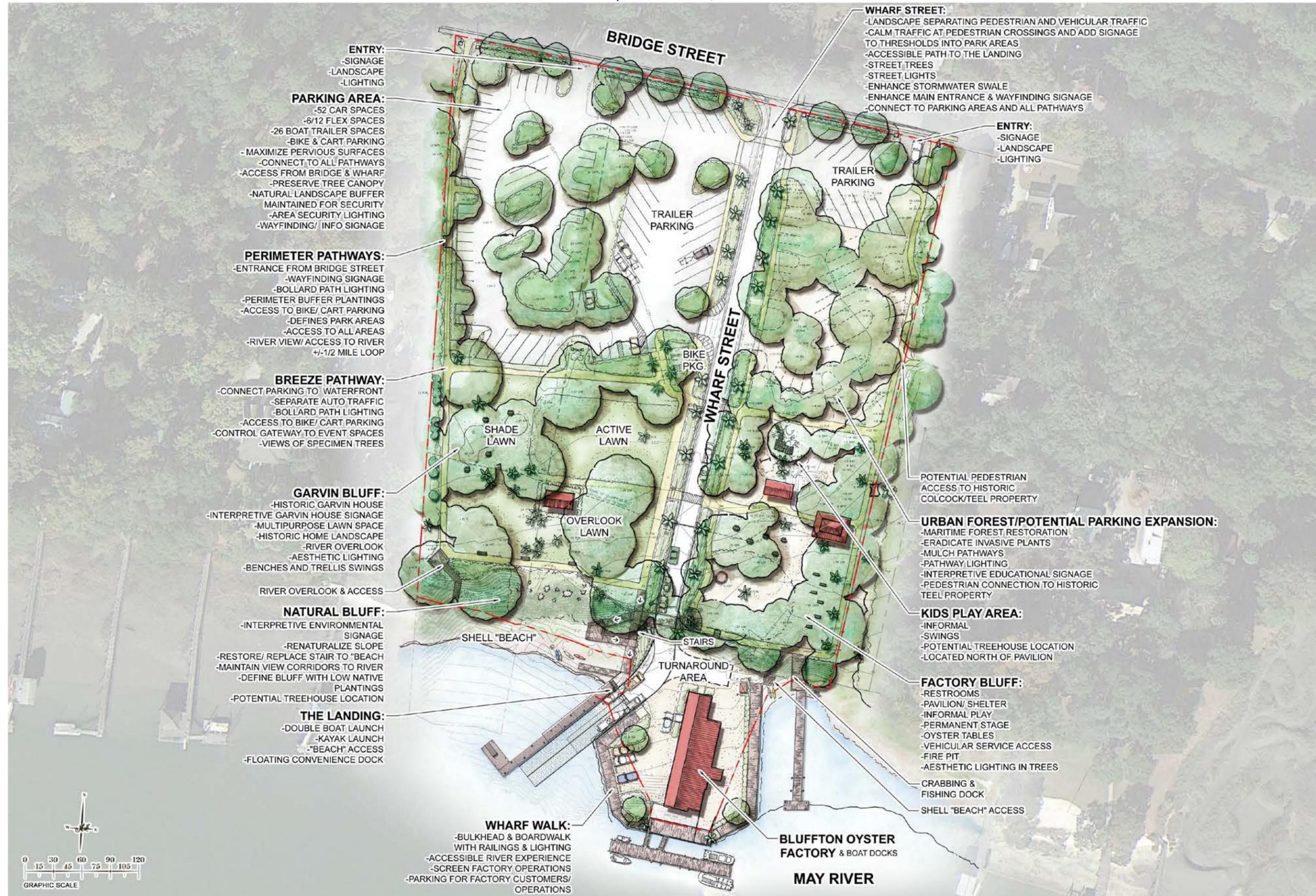
NOW THEREFORE, the **County** and **Trust** amend the Conservation Easement according to the following terms:

- 1) Park improvements that are intended for use by the **Town** for recreational, scenic, and historic uses and as depicted in Exhibit A, Oyster Factory Park Master Plan (Master Plan) dated September 8, 2015 are permitted.
- 2) Additional improvements not included in the Master Plan are subject to approval by the Trust.
- 3) Commercial, residential or industrial uses other than previously permitted by the conservation easements are expressly prohibited.

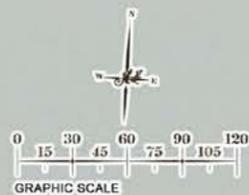
SIGNATURES ON FOLLOWING PAGE

Master Plan

September 8, 2015

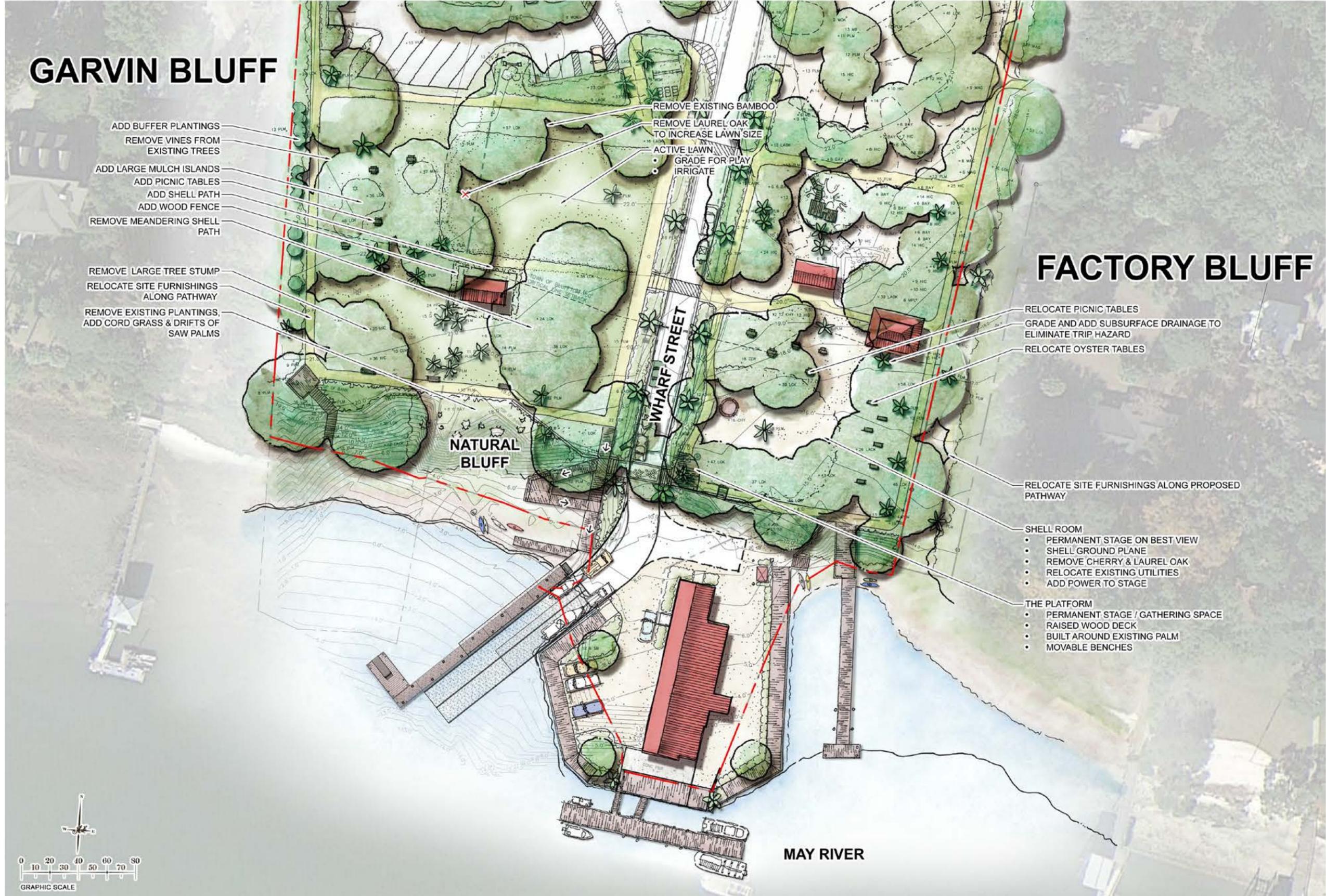


Oyster Factory Park - Bluffton, SC



Master Plan Enlargement

September 8, 2015



GARVIN BLUFF

- ADD BUFFER PLANTINGS
- REMOVE VINES FROM EXISTING TREES
- ADD LARGE MULCH ISLANDS
- ADD PICNIC TABLES
- ADD SHELL PATH
- ADD WOOD FENCE
- REMOVE MEANDERING SHELL PATH
- REMOVE LARGE TREE STUMP
- RELOCATE SITE FURNISHINGS ALONG PATHWAY
- REMOVE EXISTING PLANTINGS, ADD CORD GRASS & DRIFTS OF SAW PALMS

- REMOVE EXISTING BAMBOO
- REMOVE LAUREL OAK TO INCREASE LAWN SIZE
- ACTIVE LAWN
- GRADE FOR PLAY
- IRRIGATE

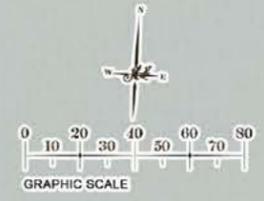
FACTORY BLUFF

- RELOCATE PICNIC TABLES
- GRADE AND ADD SUBSURFACE DRAINAGE TO ELIMINATE TRIP HAZARD
- RELOCATE OYSTER TABLES

- RELOCATE SITE FURNISHINGS ALONG PROPOSED PATHWAY

- SHELL ROOM
 - PERMANENT STAGE ON BEST VIEW
 - SHELL GROUND PLANE
 - REMOVE CHERRY & LAUREL OAK
 - RELOCATE EXISTING UTILITIES
 - ADD POWER TO STAGE

- THE PLATFORM
 - PERMANENT STAGE / GATHERING SPACE
 - RAISED WOOD DECK
 - BUILT AROUND EXISTING PALM
 - MOVABLE BENCHES



Oyster Factory Park - Bluffton, SC



STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT) **Modified Agreement Between Beaufort
) County and Town of Bluffton**

This Modified Agreement (hereinafter "Agreement") is made and entered into this 17th day of February, 2017 by and between Beaufort County, a political subdivision of the State of South Carolina (hereinafter the "County"), and the Town of Bluffton, South Carolina (hereinafter the "Town").

WHEREAS, the County, a political subdivision of the State of South Carolina, is the owner of a parcel of real property located in the Town of Bluffton, South Carolina consisting of 5.024 acres as shown in the plat recorded at Plat Book 90 at Page 188 (hereinafter "'County Property;"); and

WHEREAS, the County purchased the County Property subject to a Lease between the Beaufort County Open Land Trust, and Tenant, D&L Seafood Corporation, d/b/a The Bluffton Oyster Company, the lease being attached hereto as Exhibit A and made part hereof; and

WHEREAS, the County Property is subject to a conservation easement recorded at Book 01548 at Page 0626 of the Beaufort County Register of Deeds, which was later modified per the Modification of Conservation Easement recorded at Book 1693 at Page 2002 and then assigned per the Assignment of Modified Easement recorded at Book 1693 at Page 2010; and

WHEREAS, the County and the Town recognize the historic significance of the Bluffton Oyster Company as the last oyster processing facility in South Carolina; and

WHEREAS, the County and the Town are co-owners of that parcel of real property located in the Town of Bluffton, South Carolina which is immediately adjacent to the County Property consisting of 1.863 acres, as shown in the plat recorded at Plat Book 118 at Page 100; and

WHEREAS, the 5.024 acre County Property and the 1.863 acre County and Town property comprise the 6.887 acres, is commonly referred to as the Oyster Factory Park, (hereinafter "the Park"); and

WHEREAS, the County and the Town desire to foster the historic use of the Park as, in part, an oyster processing factory, honor the terms of the conservation easement, and continue the traditional uses of the property as a place to gather for oyster roasts, community events and the like; and

WHEREAS, the County and the Town desired to enter into this Agreement to transfer responsibility for the maintenance, liability and operation of the Park property as well as the adjacent Operations Zone in exchange for the Town being able to exclusively manage the Park and receive all income generated therefrom; and

WHEREAS, on October 25, 2004, the County and the Town entered into an Agreement for the joint undertaking to share in the use and expenses associated with the Park and maintain the historic character of the Park to the extent permitted by the Conservation Easement now in effect or as may be amended from time to time by the Grantee and the County; and

WHEREAS, the parties desire to amend the October 25, 2004 Agreement (hereinafter the "2004 Agreement"); and

WHEREAS, the County and the Town agree to assign all duties and responsibilities associated with the funding, operations, maintenance, and general conditions of the Park and the adjacent Operations Zone Property to the Town.

NOW THEREFORE, for due and valuable consideration, the parties agree as follows:

1. The Park is occupied, in part, by the Tenant D&L Seafood Company, Inc., d/b/a Bluffton Oyster Company. D&L Seafood Company, Inc. operates an oyster processing/retail establishment in the an area designated in the Park as the "Operations Zone." The Operations Zone is presently committed to a use by D&L Seafood Company, d/b/a Bluffton Oyster Company under the terms and conditions of a lease and assignment of same to the County. D&L Seafood Company has been granted the use of the Operation Zone which consists of the Building in which the Bluffton Oyster Factory operates together with the land as shown and labeled on the plat attached hereto for the limited purposes provided by the Lease. The County shall assign all of its rights in interest in the Lease to the Town of Bluffton who shall accept such assign and be responsible for the enforcement of the Lease and all of its corresponding provisions.
2. The Park shall be maintained as open space, as a passive park, and open gateway to scenic vistas and accesses to the May River for recreational boating. There shall be no improvements constructed thereon without the express, written consent of the County. Furthermore, such construction shall be subject to the applicable ordinance(s) of the Town. The Park shall be made available to the general public for recreational boating; provided, however, the Town may conduct organized events within the Park upon notice.
3. Operation of the Park is under the supervisory authority of the Town.
4. This Agreement and these terms may be amended, changed, modified or altered by the Town if doing so, in its discretion, is in the public's best interests. Nothing in this Agreement shall operate to limit the County's authority, as owner of a public facility, to limit the use of the Park in a manner it deems most beneficial to the public at large.
 - a. Hours of Operation: The Park shall be open to the general public daily, during daylight hours, and at such other times as may be approved by the Town as

provided herein. The boat ramp shall be open for use by the general public daily, twenty-four (24) hours a day.

- b. **Special Events:** A special event means the congregation of persons on the Park premises, at a function hosted or approved by the Town, and where food, beverages, events, entertainment or a concert are provided.
 - c. **Process of Handling of Special Events:** Special Events at the Park will be procedurally and substantively handled like all other special events in the Town.
 - d. **Disposition of Fees from Special Events:** The gross receipts from Special Events shall inure to the benefit of the Park unless prior approval has been given to host a Special Event as a “fund-raiser” for a public or charitable purpose. Other than permitted public purpose or charitable “fund-raisers,” the gross receipts from Special Events shall be remitted to the Town. Special Event funds shall be expended solely for the general upkeep, maintenance and improvement of the Park and Park facilities.
5. **Public Beach.** To the extent that the sandy area lying in and adjacent to the boat ramp in the Park premises may be used as a public beach, the County and Town agree to enforce the following restrictions. Driving or operating any motor vehicle on the public beach other than in the designated areas for purposes of launching a boat is prohibited. Using a surfboard or a motorized device including a personal watercraft in the area of the beach and in any manner as to become a hazard to bathers, swimmers, boaters or others shall be prohibited. Glass bottles, drinking glasses or other glass containers shall be prohibited on the beach.
 6. **Use of Alcoholic Beverages.** County owned recreation facilities are publicly funded and for the purpose of carrying on leisure, recreation and sporting events. As such, the Town shall regulate the Park in a manner that shall provide for the greatest public use. Alcoholic beverages may be permitted for family outings, social events, fund raising events and special events provided that its use is not in conflict with any other County or Town ordinance or state law.
 7. The Town shall regulate parking within the Park and restrict boat and boat trailer parking to the area designated for such purpose.
 8. The Town maintain the boat ramp in a condition suitable for recreation boating.
 9. The Town shall provide, at least weekly, regular refuse, litter and garbage pick-up free of charge to the County, in all the Park areas exclusive of the Operations Zone. Additionally, the Town shall be responsible for providing all maintenance and cleaning of the restroom facilities located at the Park.
 10. The County and the Town shall notify their respective property and liability

insurers, which provide the County and the Town general liability insurance now and in the future of the modifications to the initial undertaking. As the party responsible for the operation, maintenance, use and condition of the Park and all related facilities, the Town agrees to be the primary responsible party for any and all liability resulting from the use of the Park to the extent that immunity has been waived under State of South Carolina law.

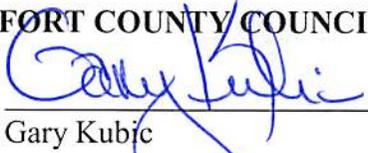
11. Capital Improvements, including demolition, shall be jointly reviewed by the County and the Town. The Town shall advise the County of Town zoning and land use regulations which may apply to the subject property. Such improvements shall conform to Town regulations. In the event that a variance(s) are required, such variance shall not be unreasonably withheld. The Concept plan dated November 2002 Exhibit B shall serve as an initial and general guide concerning capital improvements. The Town shall be responsible for updating the Concept plan as necessary. Upon approval, the updated Concept plan shall replace the Concept plan dated November 2002 as Exhibit B of this Agreement. The Town shall manage all capital improvements. The Town and County agree to cooperate to secure funds for capital improvement from any available source. Funds collected from grants and/or non-profit/private entities for capital improvements may be accepted on terms acceptable to the Town.
12. The County and the Town acknowledge the presence of a structure on the southwest side of the Park with potentially historic significance. Any improvements or disposition of the structure shall conform to the Town's Historic Preservation Commission guidelines.
13. Signage and associated lighting shall be mutually agreed on by the County and the Town. Design of the signage shall be guided by the Town's sign ordinance.
14. The Town shall provide law enforcement with back up by the County Sheriff's office, as required.
15. It is agreed that either of the parties shall have the right and privilege of terminating this Agreement at any time upon giving one (1) months notice, in writing, to the other party of its intention to do so, and in the event this Agreement is terminated, then all rights and interests of the parties shall cease, and any permanent building or improvements erected by Town shall then be, and become the property of the County.

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IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers this day and year as aforewritten.

BEAUFORT COUNTY COUNCIL

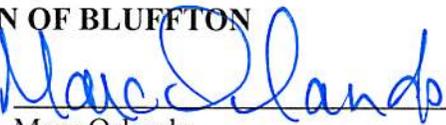
By:



Gary Kubjc
County Administrator

TOWN OF BLUFFTON

By:



Marc Orlando
Town Manager

EXHIBIT "A"

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT) **LEASE AGREEMENT**

This Lease (the "Lease") is executed as of December 30, 2002, by and between The Beaufort County Open Land Trust, P.O. Box 75, Beaufort, South Carolina, 29901 ("Landlord") and D & L Seafood Corporation, doing business as "The Bluffton Oyster Company" 63 Wharf Street, Bluffton, South Carolina, 29910 ("Tenant").

WHEREAS, Bluffton has a rich history of oyster harvesting and oyster processing, which is worth preserving. These skills have provided a livelihood and sustenance for the residents of Bluffton for more than 100 years. They provide a vital link with the past and have done much to create the current feeling of the Town of Bluffton. The oyster industry has been an integral part of the fabric of Bluffton, from the architecture of the Bluffton Oyster Factory along the May River, to a long history of employment of the African-American community in the industry. It is believed to be vital to continue the state of mind of Bluffton, the Bluffton Oyster Company be given all possible opportunity to continue as an integral part of the Bluffton Community.

WHEREAS, Tenant desires to lease from Landlord, and Landlord desires to lease to Tenant, that certain commercial space, more particularly described on Exhibit "1" (the "Demised Premises") attached hereto and which shall be defined to include the dock and wharf. The Demised Premises are divided into the Operations Zone which Tenant is entitled to exclusive possession and use, and the River Access Zone to which the Tenant has non-exclusive possession and use;

NOW, THEREFORE, Landlord agrees to lease to Tenant and Tenant agrees to lease from the Landlord the Demised Premises, upon which Tenant may operate a seafood plant, an oyster processing facility, mariculture for clams, oysters, mussels and other shellfish and a retail seafood store, to include but not be limited to, packaged snacks, non-alcoholic beverages, bait, tackle, ice and all uses ancillary thereto, all as more particularly set forth herein.

**ARTICLE 1
INTRODUCTION**

1.1 In consideration of the rent to be paid and the mutual covenants and agreements herein contained, Landlord hereby demises and rents unto Tenant and Tenant hereby rents and hires from Landlord the Demised Premises as further defined herein.

WDM
Landlord's Initials

JL
Tenant's Initials

**ARTICLE 2
DEMISED PREMISES**

2.1 Landlord hereby leases to Tenant and Tenant hereby takes and hires from Landlord, upon and subject to the terms, covenants and provisions hereof, the Demised Premises" consisting of "the Operations Zone" consisting of the Bluffton Oyster Factory located at the foot of Wharf Street at the May River in Bluffton, Beaufort County, South Carolina, and situated on the property further described as:

All those certain pieces, parcels or lots of land, with improvements thereon, situate, lying and being in the Town of Bluffton, Beaufort County, South Carolina, and being described and shown on a plat of the property prepared by T Square Surveying, a copy of which is attached hereto and incorporated herein by reference, as the Operations Zone and the River Access Zone. It is understood that the title to said property is bounded by the mean high water mark of the May River.

2.2 Provided further that the Landlord and the Tenant agree that the Demised Premises is divided into two parts: to wit: (1) The Operations Zone; and (2) the River Access Zone as shown on the plat attached hereto.

2.3 The "Operations Zone" consists of the Building in which the Bluffton Oyster Factory operates, together with the land as shown and labeled on said plat. The Tenant shall be entitled to exclusive possession and use of the Operations Zone.

2.4 "The River Access Zone" consists of the area shown and designated on the Plat as such. The Tenant shall have the non-exclusive right with the general public to use the River Access Zone. The Tenant shall have the right to cross this zone so as to gain access to the Operations Zone, and property taxes are addressed in Article 5.

**ARTICLE 3
TERMS**

3.1 The term (the "Term") of this Lease shall be for Five (5) years, commencing on 12/30, 2002 (the "Commencement Date"), and expiring on 12/29, 2007. Provided there is no continuing event of default hereunder by Tenant, Tenant shall have the right to extend the term of this lease for up to four (4) consecutive terms of Five (5) years each (the "Extended Term") upon the same terms and conditions contained herein, except the basic and additional rent, by giving written notice to Landlord of Tenant's intent to extend the then existing term at least three (3) months prior to the expiration of the then existing term.

WDM
Landlord's Initials

[Signature]
Tenant's Initials

**ARTICLE 4
RENT AND OPERATING COSTS**

4.1 Tenant shall pay the following:

- A. Tenant shall pay a base rent to Landlord on an annual basis on the anniversary of the Commencement Date. The rent shall be One and 00/100 (\$1.00) Dollar per year.**
- B. Tenant shall pay all personal property taxes; hazard, flood and liability insurance costs (see Article 5, infra); and all utilities, including, without limitation, charges for electricity, water, sewer, heating and air-conditioning.**
- C. Tenant shall make such improvements to the building on the Demised Premises as may be necessary or required so as to remain permitted by the appropriate state regulatory agency as a seafood, an oyster processing plant and a retail seafood store.**
- D. As additional rent, the Tenant shall also pay to the Landlord Four Hundred Dollars (\$400.00) per month for the months of September, October, November, December, January, February, March and April. The rent shall be due and payable on the first (1st) day of each month, and past due on the tenth (10th) day of each month.**
- E. In all other months the Tenant shall pay to the Landlord the sum of Two Hundred Dollars(\$200.00) per month. The rent shall be due and payable on the first (1st) day of each month, and past due on the tenth (10th) day of each month.**
- F. All Operating Costs as further defined in Article 5.**
- G. If any payment of rent, either base or additional, is paid more than five (5) days after the date the same was due, it shall thereafter bear interest at the rate of Twenty and 00/100 (\$20.00) Dollars per day.**

**ARTICLE 5
OPERATING COSTS**

5.1 Tenant shall pay all "operating costs" as defined herein. "Operating Costs" shall mean all capital and non-capital expenditures required to be made in the operation, management, repair and maintenance of the Land and Building constituting the "Bluffton Oyster Factory" located in the Operations Zone of the Demised Premises, including, but not limited to, any additional construction of an addition to the existing dock, wharf and pier located in the Operations Zone and all charges, fees and taxes of whatever kind attributable thereto including the following:

- A. All ad valorem, special assessment, personal property taxes and any tax or fee, including impact fees, attributable to the Land and Building within the Operations Zone of the**

WDM
Landlord's Initials

RT
Tenant's Initials

Demised Premises. The Tenant shall not be responsible for any ad valorem, special assessment, personal property taxes and any tax or fee, including impact fees, attributable to the River Access Zone.

B. All charges for water and sewer use, electricity, gas and other public utilities supplied to the Building and grounds within the Operations Zone of the Demised Premises.

C. Heating, ventilation and air conditioning supplied to the "Building" in the Operations Zone including any capital expenditures for same.

D. Wages, social security taxes, unemployment taxes and insurance for all employees of the Tenant who are full time or part time, and whose services are used for the operation and maintenance of the Bluffton Oyster Factory, the Building and grounds within the Operations Zone and River Access Zone of the Demised Premises.

E. The Cost of labor, materials and supplies for cleaning, maintaining and securing the Building in which the Bluffton Oyster Factory operates including the grounds, windows, hallways, bathrooms, elevators, offices and food service areas, whether performed by employees of the Tenant or by independent contractors or subcontractors engaged by the Tenant, within the Operations Zone or for the picking of trash and litter within the River Access Zone.

F. Premiums for any insurance whatsoever including insurance against loss or damage to the Building in which the Bluffton Oyster Factory operates, whether by fire or other hazard, general public liability insurance, worker's compensation insurance and business interruption insurance; and,

G. Any and all expenses for repair maintenance, decoration or redecoration of the common areas within the Operations Zone and the Building in which the Bluffton Oyster Factory operates including the grounds, gardening and landscaping.

H. Tenant shall make such improvements to the Operations Zone as may be necessary or required so as to remain permitted by the appropriate state regulatory agency as a seafood plant, an oyster processing plant and a retail seafood store; and,

I. Tenant shall be solely liable and responsible to pay any and all assessments, fees or other charges to or on the Operations Zone of the Demised Premises, or any activities conducted thereon as may now or hereafter be charged to the Operations Zone of the Demised Premised during the Term or any renewal term.

J. Tenant shall be responsible for picking up and disposing of trash and litter in the Operations Zone and River Access Zone.

WDM
Landlord's Initials

LT
Tenant's Initials

**ARTICLE 6
USE OF PREMISES**

6.1 Tenant shall use the Premises to operate a seafood plant, an oyster processing facility and a retail seafood store and specified uses ancillary thereto. It shall comply with any and all applicable local, state and federal ordinances and regulations, including, without limitation, the Beaufort County Hazardous Materials Ordinance, OSHA requirements, the Americans with Disabilities Act and rules imposed by permit issuers charged with the regulation of Tenant's activities.

6.2 Tenant shall have the right to use the Operations Zone for those uses presently permitted and allowed by the Town of Bluffton under its current zoning ordinances, and the Parties hereto acknowledge that the Tenant's use of the Operations Zone is grand-fathered and a permitted use. Those uses consist of and are limited to the following: sale of seafood, both retail and wholesale, the sale of mercantile goods exclusive of wine, beer and alcoholic beverages, the operation of a seafood factory, the harvesting of seafood and the operation of seafood mariculture operations, provided that same are approved by all appropriate agencies of the State of South Carolina.

6.3 If during the Initial Term or any Extended Term, the application of any statute, code or ordinance of any government, authority, agency, official or officer applicable to the Building or the Demised Premises makes it impossible or not economical for Tenant to operate in the Demised Premises in accordance with subparagraph 6.1, then Tenant, at its option, may terminate this Lease, whereupon the Base Rent and Additional Rent and all other charges payable to the Landlord hereunder by Tenant shall be apportioned as of such date of termination.

**ARTICLE 7
ASSIGNMENT AND SUBLETTING**

7.1 Tenant shall have no right to assign this Lease or sublet the Demised Premises, in whole or in part, to any person or entity including a State agency, institution, department, bureau, political subdivision or State or political subdivision operated entity or to any other successor or assign. In the event that the Tenant is involved in bankruptcy or insolvency proceedings and the Tenant's trustee fails to perform or rejects any of the Tenant's obligations provided under this Lease, this Lease shall immediately terminate.

**ARTICLE 8.
NOTICE THAT NO SERVICES OR INSURANCE IS PROVIDED**

8.1 Tenant expressly acknowledges and agrees that the Landlord is not providing any service whatsoever to the Tenant in this Lease. Tenant expressly acknowledges and agrees that Landlord is not providing any form of insurance, which would inure to the benefit of the Tenant, in this Lease.

8.2 Tenant expressly acknowledges and agrees that the Landlord is not obtaining, providing or otherwise insuring the Building in which the Bluffton Oyster Factory operates against loss, in

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whole or in part, due to fire, flood, or any other hazard including acts of God. Tenant further acknowledges and agrees that Landlord is not providing any form of insurance, which would inure to the benefit of the Tenant.

8.3 Tenant expressly acknowledges and agrees that the Landlord is not providing lighting, heating or air conditioning, ventilation, electricity, janitorial service, security service, grounds maintenance, repair and maintenance to or about the Building in which the Bluffton Oyster Factory operates or any other service or supply necessary or convenient to maintain and /or operate the Bluffton Oyster Factory, the Building in which it operates and the real property on which the Building is sited including any improvements made thereto by the Tenant. Tenant expressly agrees that Tenant shall be obligated to pay for any service, maintenance or repair required by State, Federal or Local Law ordinance or regulation.

8.4 Tenant shall use separately metered utilities servicing the Operations Zone of the Demised Premises and make direct payment for such utility services to the suppliers thereof.

**ARTICLE 9
ARCHITECTURAL BARRIERS**

9.1 Tenant covenants and agrees that those portions of the Land, Building and Demised Premises, open to the public, shall comply with any and all applicable State and Federal law, rules and regulations with respect to architectural barriers or design that would prohibit free and full access to and use of those portions of the Land, Building, Demised Premises or any part thereof within the Operations Zone of the Demised Premises open to the aged, disabled or physically handicapped. In the event the Land, Building or Demised Premises within the Operations Zone of the Demised Premises do not so comply as of the Commencement Date of this Lease, Tenant shall, at Tenant's sole cost and expense and within ninety (90) days following the Commencement Date, alter, repair, renovate or otherwise provide at the Land, Building and Demised Premises within the Operations Zone of the Demised Premises all reasonable access and use thereof for the aged, disabled or physically handicapped as required by Law, taking into account any grand-fathering compliance permitted by law.

**ARTICLE 10
IMPROVEMENTS, ALTERATIONS AND MAINTENANCE**

10.1 Tenant shall have the following responsibilities and privileges for improvements, alterations and maintenance:

- A. Tenant may develop, construct and operate within the Operations Zone, at its sole cost and expense, any additional improvements (the "Tenant's Improvements") necessary or convenient for Tenant to conduct its business. Tenant's improvements which are not permanently affixed, may be removed by the Tenant at the expiration of the Term provided; however, Tenant shall repair, cause to repair, or compensate Landlord for any repairs,

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[Signature]
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construction or reconstruction required to return the Demised Premises to its original condition existing prior to this Lease which are caused or resulted from removal of Tenant's improvements. Any such construction and operations shall be pursuant to permit by the applicable state, county or town agency.

B. Tenant agrees, except for normal wear and use, to keep and maintain the exterior and interior of the Leased Premises and any improvements thereon, including roofs, doors, windows, walls and any other structural elements in good condition and repair. Tenant shall make and be responsible for the costs of any electrical repairs, heating and air conditioning repairs, plumbing repairs and replacement, including the replacement of heating and air conditioning equipment and water heaters, all of which shall be deemed to be affixed, except in the case of personalty, such as window air conditioning units.

C. Tenant shall, at its sole expense, keep the Operations Zone (as defined hereinafter) free and clear of trash and debris, and the River Access Zone free of trash and litter.

D. Tenant agrees to perform such maintenance actions as may be commercially reasonable to keep the Building in which the Bluffton Oyster Factory operates and any improvements within the Operations Zone in the condition required by the appropriate state regulatory agencies to allow the use as a seafood plant, an oyster processing facility and a retail seafood store.

E. Tenant agrees to take such actions as may be necessary to prevent any unlawful discharge from the Operations Zone of the Leased Premises into the waters of the May River and further shall not store or allow hazardous or toxic waste or substances, which are defined as those substances, materials and wastes, including but not limited to, those substances, materials and wastes listed in the United States Department of Transportation Hazardous Materials table (49 CFR 172.101) or by the Environmental Protection Agency as hazardous substances (40 CFR Part 302) and amendments thereto, or such substances, materials and wastes which are or become regulated under any applicable local, state or federal law, including, without limitation, any material, waste or substance which is (i) petroleum, (ii) asbestos, (iii) polychlorinated biphenyl's, (iv) designated as a "Hazardous substance" pursuant to Section 331 of the Clean Water Act, 33 U.S.C. Sec 1251, et. seq. (33 U.S. C. 1321) or listed pursuant to Section 307 of the Clean Water Act (33 U.S.C. Sec 1371), (v) defined as a "hazardous waste" pursuant to Section 1004 of the Resource Conservation and Recovery Act, 42 U.S.C. Sec 6901, et. seq. (42 U.S.C. sec 9601), et seq. (42 U.S.C. 9601) within the Operations Zone of the Leased Premises.

F. Tenant shall be liable, at its sole cost and expense, for any fines, penalties and/or recovery of costs and expenses associated with any improper or unlawful discharge into the May River from the Operations Zone. The Tenant shall have no right to make any discharge from the River Access Zone into the May River.

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Page 7 of 15

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**ARTICLE 11
CONDEMNATION AND CASUALTY**

11.1 If any damage or destruction occurs, in whole or in part, to the Bluffton Oyster Factory Building, or if proceedings or negotiations are instituted which do or may result in a taking by condemnation or eminent domain ("Taking"), each party will promptly give notice thereof to the other, describing the nature and extent thereof.

11.2 If any damage or destruction occurs, in whole or in part, to the Bluffton Oyster Factory Building and the dock(s), wharf(s), and pier(s) from any cause whatsoever, including acts of God, Landlord shall have no duty, obligation or liability to Tenant to restore, replace or rebuild the Bluffton Oyster Factory Building, any structure associated therewith, the dock(s), wharf(s) and pier(s), including Tenant Improvements made thereto.

11.3 If any damage to or destruction occurs, in whole or in part, to the Bluffton Oyster Factory Building, or any structure associated with it, including docks, wharfs, and piers, Tenant may elect, at its sole cost and expense, to restore the Bluffton Oyster Factory Building, any structure associated therewith, and the docks, wharfs, and piers to the original condition subject to permitting by state and local authorities. If Tenant elects not to restore or rebuild any damaged structure as provided herein including the Bluffton Oyster Factory Building, the Tenant shall terminate this Lease by notice to Landlord within ten (10) days from the date Tenant elects not to restore or rebuild the structure.

11.4 Nothing contained in this Lease shall be deemed or construed to grant the Tenant a claim or cause of action against the Landlord, its successors and assigns, for the value of the Tenant's leasehold estate, its leasehold improvements, lost income and /or rents, moving and related costs or any other damages whatsoever. Tenant expressly waives any claim or cause of action against the Landlord and its successors and assigns.

**ARTICLE 12
INSURANCE**

12.1 Tenant shall obtain and maintain throughout the Term the following:

A. At all times during the term of this lease, Tenant shall keep in full force and effect a Commercial General Liability Policy insuring against bodily injury, including death, or damage to tangible property, with minimum limits of liability in the amount of One Million (\$1,000,000.00) Dollars for a single occurrence for activities on the Operations Zone. The Landlord shall be shown as an additional insured.

B. At all times during the term of this lease, Tenant shall keep in full force and effect a Workers' Compensation Insurance policy with statutory benefits.

C. At all times during the term of this lease, Tenant shall keep in full force and effect an Employer's Liability insurance policy with minimum limits of liability in the amount of

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[Signature]
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Three Hundred Thousand (\$300,000.00) Dollars.

12.2 The policies or certificates of insurance shall include a provision that written notice of cancellation or notice of any material change to the insurance policy, including the limits of liability in said policy(s), shall not be effective until after the Landlord is given thirty (30) days written notice of such change

12.3 The landlord shall not be required to maintain hazard or all risk insurance on the Bluffton Oyster Factory Building or the improvements of the Operations Zone. Tenant elects not to maintain hazard or all risk insurance on the Bluffton Oyster Factory Building, the improvements thereto and the contents thereof, and shall occupy and make improvements to it at its own risk.

**ARTICLE 13
INDEMNITY**

13.1 Tenant hereby agrees to indemnify and hold harmless Landlord, its successors and assigns, from any and all costs, expenses, losses, liabilities, causes of action or other obligations in any way connected or associated with its occupation of the Leased Premises pursuant to this Lease. In the event any claim or demand is made on Landlord for any such obligation, Tenant shall promptly defend, remove, bond or otherwise dispose of such claim or demand and save and hold Landlord harmless against all expenses, costs and attorney's fees which may arise from any action taken by Landlord in response to said claim or demand.

**ARTICLE 14
DEFAULTS**

14.1 Any of the following shall constitute an Event of Default by Tenant under this Lease:

A. If Tenant shall fail to perform any of Tenant's obligations to pay the base rent or additional rent hereunder on or before the due date thereof, and such default remains uncured for period of Ten (10) Days after written notice of such default; or,

B. If Tenant fails to observe or perform any of Tenant's other obligations under any of the terms, covenants, conditions and provisions of this Lease and such default shall remain uncured for a period of Thirty (30) days after written notice of such default, provided the notice sets forth the specific actions necessary for Tenant to undertake, to correct or cure such default. No event of default shall be deemed to have occurred if Tenant commences necessary corrective or remedial action within the thirty (30) day notice period and diligently pursues and completes same.

14.2 If an event of default as defined in Section 14.1 A, B occurs, then (a) Landlord shall have the immediate right to give a written termination notice to Tenant specifying a date on which this Lease shall terminate, and on such date, the Term of this Lease shall expire and terminate, and all rights of Landlord and Tenant under this Lease shall cease; or, (b) if Tenant has not (i) cured such default or (ii) made arrangements to address the default and such arrangements have not been approved by

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Landlord, which approval shall not be unreasonably withheld, within thirty (30) days of written notice of such default, Landlord shall have the right to cure such default by any reasonable means including, without limitation, the expenditure of funds, in which case Tenant shall pay to Landlord the reasonable cost of curing such default on demand of Landlord.

14.3 If within thirty (30) days after receipt by Landlord of written notice from Tenant to Landlord specifying any failure by Landlord to observe or perform any of Landlord's obligations under any of the terms, covenants, conditions and provisions of this Lease, Landlord has not commenced diligently to correct or otherwise to cure the default or defaults so specified or has not thereafter diligently pursued such correction.

14.4 If an event of default as defined in Section 14.3 shall have occurred, Tenant shall have the immediate right at any time thereafter to give a written termination notice to Landlord specifying a date on which this Lease shall terminate, and on such date, the Term of this Lease shall expire and terminate, and all rights of Landlord and Tenant under this Lease shall cease. Or in the alternative, Tenant shall have the right to cure such default by any reasonable means including, without limitation, the expenditure of funds and Tenant shall be entitled to recoup the reasonable cost of curing such default by offsetting such expenses against the basic rent due.

**ARTICLE 15
NOTICE**

15.1 Any notice to be given by either party to the other pursuant to the provisions of this Lease shall be given by personal delivery or by first-class United States mail, postage paid, addressed to the party for whom it is intended at the address first stated above or at such other address as may be designated in writing

**ARTICLE 16
SUCCESSORS AND ASSIGNS**

16.1 The covenants, conditions and agreements contained in this Lease shall bind and inure to the benefit of the Landlord and its respective successors and assigns. Unless repugnant to the context, the word "Landlord" appearing in this Lease shall be construed to mean the Landlord named above and its successors and assigns, and those claiming through or under it respectively.

16.2 The covenants, conditions and agreements contained in this Lease shall not bind or inure to the benefit of the Tenant's successors and assigns or those claiming through or under it.

**ARTICLE 17
MISCELLANEOUS**

17.1 The Lease shall be subject to the following:

- A. Landlord agrees that upon Tenant's payment of the base and additional rent and

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performing and observing the terms, covenants, conditions and provisions on its part to be performed and observed, Tenant shall and may peaceably and quietly have, hold and enjoy the Operations Zone exclusively and the non-exclusive right in the River Access Zone of the Demised Premises during the Term without any manner of hindrance, interruption or molestation from Landlord or anyone claiming under Landlord, subject, however, to the terms of this Lease.

B. If any term in this Lease shall be declared invalid or unenforceable, the remaining terms of this Lease shall not be affected thereby and shall continue to be enforced and recognized as valid agreements of the parties.

C. This agreement represents the entire understanding of the parties with reference to the subject matter hereof, and shall be construed and enforced in accordance with the laws of South Carolina.

D. Tenant shall neither assign this Lease nor sublet any portion of the Leased Premises.

E. The failure of either party to call any one default under the provisions of this Lease shall not be construed as a waiver of the right to call any other or future default.

F. Tenant shall not encumber the Demised Premises or any part thereof or permit any lien or charge to be taken against the Demised Premises or any part thereof.

G. Nothing herein shall be construed as a subordination by Landlord of its interests in the Leased Premises. Landlord shall not be required to subordinate its interest in the Leased Premises to any other party.

**ARTICLE 18
SPECIAL PROVISIONS**

18.1 The following special provisions apply to the parties herein:

A. The Demised Premises shall consist of the two areas as shown on the plat affixed hereto as Exhibit "1", the Operations Zone and the River Access Zone. The Tenant shall be entitled to the sole and exclusive possession and use of the Operations Zone. Tenant shall be entitled to non-exclusive possession and use of the River Access Zone. The Operations Zone shall include all appurtenances and improvements affixed to the property, including the docks, wharfs and piers emanating from that property.

B. Entry and access to the Operations Zone shall be limited to the Tenant and its guests and invitees.

C. Tenant shall have the right to terminate this Lease in the event of any of the following:
(i) the improvements on the Leased Premises are damaged, by fire, flood, storm or other casualty to the extent that repairs by the Tenant are not financially feasible by the Tenant

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Tenant's Initials

and there are no insurance proceeds available to Tenant to effect repairs or rebuild; Tenant acknowledges that Landlord is not providing any form of insurance including hazard insurance which would inure to the benefit of the Tenant; or, (ii) in the event that a regulatory agency having jurisdiction over the business operations of the Tenant shall issue an order, make such findings or enact such regulation(s) as will substantially impair the ability of the Tenant to conduct the permitted uses of the Leased Premises. In the event of termination under the provisions of this Paragraph, Tenant shall give the Landlord sixty (60) days written notice of its intent to terminate and this Lease shall terminate on the 60th day and all obligations of the parties hereunder shall terminate.

D. Tenant agrees that prior to making any structural modifications of the Building it will obtain the consent of the Landlord in writing, which consent shall not be unreasonably withheld.

E. Tenant shall have, subject to Tenant obtaining at it's sole and exclusive cost, all necessary permits and authorization from governmental entities having jurisdiction over such activities, the right to construct additions to the dock, wharf and pier at the eastern (down river) side of the existing structure and located in the Operations Zone. The costs related to the construction shall be the sole and exclusive responsibility of the Tenant. The additional dock, wharf and pier shall be used for purposes related to the permitted uses of the Leased Premises and shall not be used for marina type activities such as the rental or leasing of dockage to non-commercial vessels or boats or the sale of motor fuel. Landlord shall consent to any application by Tenant for all necessary permits and approvals for the construction and operation of the above specified improvements. In the event the Landlord desires to construct a dock, wharf or pier on the River Access Zone portion of the Leased Premises, the Tenant agrees to assist in the application for all necessary permits and approvals for such construction provided, that the construction will not result in the imposition of material limitations on the Tenant's use of the existing dock, wharf or pier and will not interfere with the Tenant's expansion of the facilities as contemplated under this paragraph.

F. Tenant shall have the right, subject to appropriate governmental approval, to construct fencing on the boundary between the Operations Zone and the River Access Zone to limit access to the Operational Zone of the Leased Premises. Tenant may not construct any fencing without prior written approval of Landlord. Landlord's approval right shall be limited to the location, design and specifications of the fence, and its approval shall not be unreasonably withheld.

G. Tenant agrees that it will keep the River Access Zone clean and free of trash and litter at its sole and exclusive expense. Tenant shall provide appropriate trash receptacles and shall empty same on an as-needed basis. In the event that special events sponsored by the Landlord results in Tenant incurring extra expense in the upkeep and cleaning of the River Access Zone, the Landlord shall bear the extra expense of such cleanup.

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H. Landlord shall be responsible for the upkeep and maintenance of all improvements located in the River Access Zone other than trash receptacles.

I. Landlord shall post appropriate signs setting rules and regulations for the use of the River Access Zone. Such rules shall not, by their content or operation, interfere with Tenant's possession or use described in this Lease.

J. Landlord shall take all steps necessary to prevent the parking of vehicles within the River Access Zone and on or beside Wharf Street, except while engaged in launching and recovering boats. The parties further agree to take such action as may be required to have the appropriate governmental authority designate that portion of Wharf Street between the Premises and Bridge Street a "No Parking" zone or area.

K. Landlord agrees that it shall provide parking area(s) for persons utilizing the River Access Zone, and said parking shall not be located on the Demised Premises. The Landlord shall also be responsible for providing public restroom facilities with sewer disposal to include all necessary sewer, water and utility lines.

L. The Tenant shall have the right, as a permitted use of the Leased Premises, to engage in mariculture type activities in the Operations Zone, subject to compliance with applicable rules, regulations and laws of the State of South Carolina. Tenant shall obtain, at its sole cost, all necessary permits and authorizations from governmental authorities having jurisdiction over such activities. Tenant shall have the right to construct such improvements in the Operations Zone as may be necessary to conduct mariculture type activities in the Operations Zone.

M. Landlord expressly acknowledges that Tenant, as part of its permitted use in the Operations Zone, may conduct private parties in the Operations Zone.

In witness whereof, the Parties hereto have caused these presents to be executed in each entities' respective name and the seals to be affixed, on the date above written.

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WITNESSES:

Sharon C. Rainis
Tracy D. Bradshaw
[Signature]

WITNESSES

[Signature]
Karen B. [Signature]

**LESSOR:
BEAUFORT COUNTY OPEN LAND
TRUST**

By: [Signature]
It's President
Attest: [Signature]
It's Treasurer
Attest: Paul W. Fordham
It's Secretary

**LESSEE:
D&L SEAFOOD CORPORATION**

By: [Signature]
It's President
Attest: [Signature]

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Tenant's Initials

STATE OF SOUTH CAROLINA)
)
) PROBATE
COUNTY OF BEAUFORT)

Personally appeared before me Sharon C. Raino, who first being duly sworn, states that they saw the within named William F. Meisler, President sign, seal and as their act and deed deliver the within written document, and that they with C. Scott Graker witnessed the execution thereof.

Sharon C. Raino

SWORN to before me this 9 day of January 2002. 2003

[Signature]
Notary Public for South Carolina
My Commission expires: June 25, 2012

STATE OF SOUTH CAROLINA)
)
) PROBATE
COUNTY OF BEAUFORT)

Personally appeared before me William F. Meisler III, who first being duly sworn, states that they saw the within named Larry Tanner, President of D+L Services sign, seal and as their act and deed deliver the within written document, and that they with Karen Patterson witnessed the execution thereof.

[Signature]

SWORN to before me this 30th day of December 2002.

Karen B. Patterson
Notary Public for South Carolina
My Commission expires: 11/10/09

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Tenant's Initials

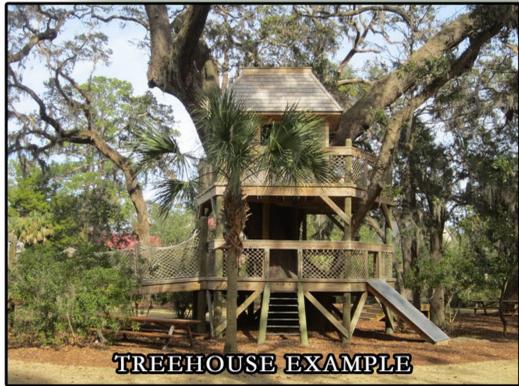
PRELIMINARY MASTER PLAN



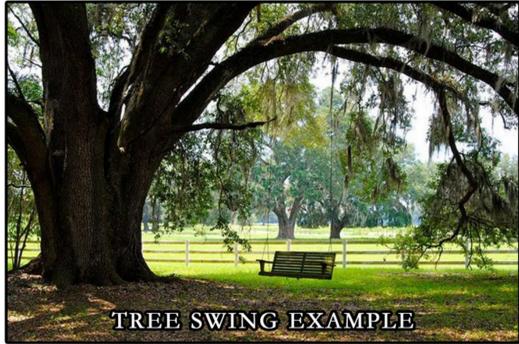
JOGGING BOARD EXAMPLE



DIAMOND RAIL FENCE EXAMPLE



TREEHOUSE EXAMPLE



TREE SWING EXAMPLE



BOTTLE CAP MURAL EXAMPLE

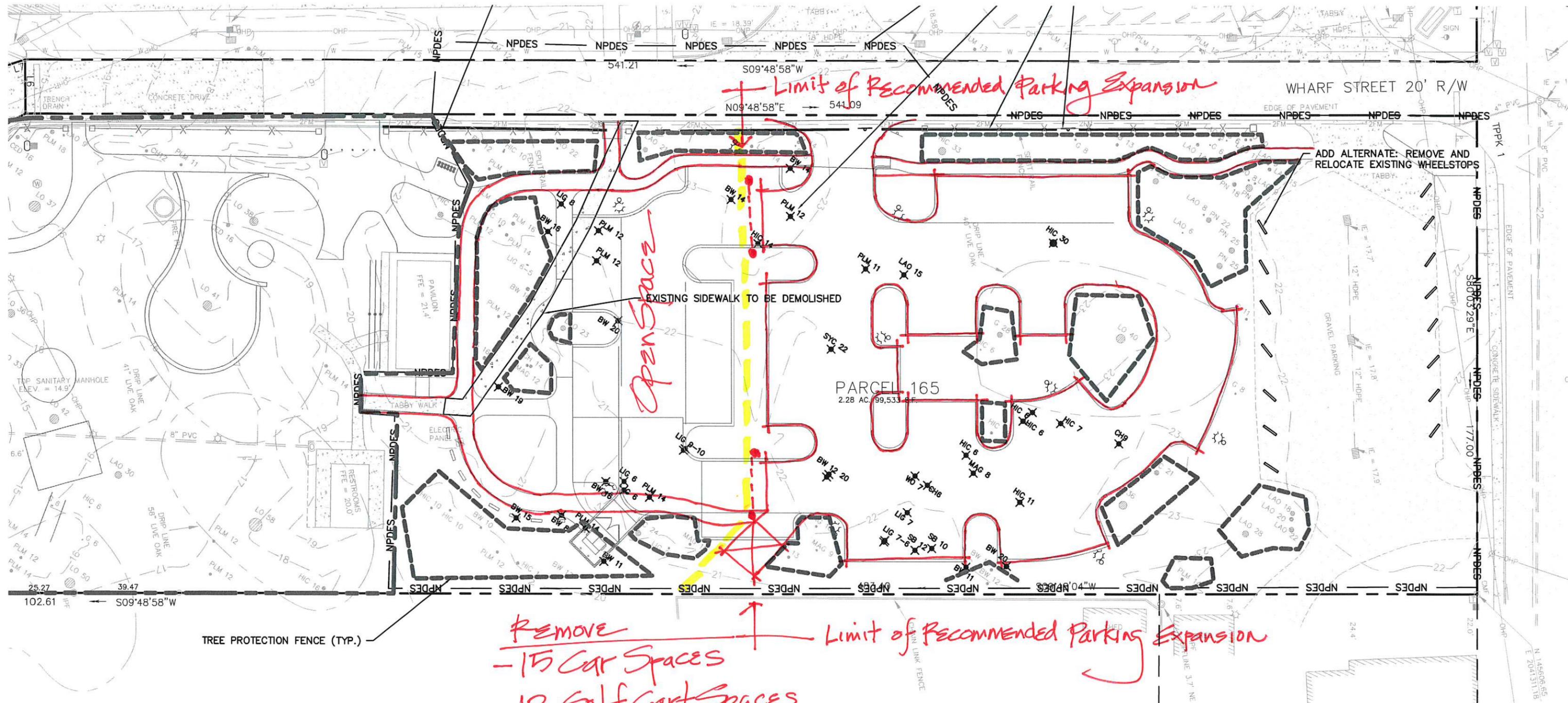


OYSTER FACTORY PARK

63 WHARF STREET
BLUFFTON, SOUTH CAROLINA

©WJK LTD.
PLAN IN CONCEPTUAL IN NATURE
AND IS SUBJECT TO CHANGE.
THIS SHEET TO SCALE: 30"X42"





Open Space

Limit of Recommended Parking Expansion

Remove
 - 15 Car Spaces
 - 12 Golf Cart Spaces
 27

Limit of Recommended Parking Expansion

DELAWARE COUNTY RECOMMENDED PLAN
 per 9/23/22 site visit

RESOLUTION 2022/51

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH JASPER COUNTY, TOWN OF HILTON HEAD ISLAND, TOWN OF BLUFFTON, TOWN OF PORT ROYAL, CITY OF BEAUFORT, CITY OF HARDEEVILLE, AND THE TOWN OF YEMASSEE TO JOINTLY CREATE, FUND, AND OPERATE A REGIONAL HOUSING TRUST FUND

WHEREAS, Beaufort County (the “County”), Jasper County, the Town of Hilton Head Island, the Town of Bluffton, and the City of Hardeeville belong to a regional association that seeks to identify problems and opportunities that face the entire southern low country as identified by each member jurisdiction known collectively as the Southern Lowcountry Regional Board ("SoLoCo"); and

WHEREAS, SoLoCo desires to expand the regional housing trust fund study area by inviting the member parties making up the Northern Regional Plan Committee of the City of Beaufort, Town of Port Royal and Town of Yemassee (collectively referred to as the “Parties”) to also participate in a Regional Housing Trust Fund (“RHTF”); and

WHEREAS, the Parties recognize that affordable housing is a serious public health and safety concern in the low country, which places stress on individual families and communities at large from a lack of diversity in neighborhoods, a separation of the workforce from workplaces, imbalances in educational opportunities and community amenities, adverse impacts on child development, and a higher incidence of violent crime that affect low-income neighborhoods; and

WHEREAS, private enterprise and investment has not produced, without government assistance, the needed construction of sanitary, decent, and safe residential housing that people with lower incomes can afford to buy or rent; and

WHEREAS, the Parties commissioned an analysis of regional housing needs and a recommendation report which was completed August 2021 by Asakura Robinson and presented to SoLoCo thereafter; and

WHEREAS, the Asakura Robinson report recommended the establishment of a non-profit 501c(3) Regional Housing Trust Fund in accordance with legislation passed by the South Carolina State Legislature known as the "William C. Mescher Local Housing Trust Fund Enabling Act" which, inter alia, allows for the establishment of RHTFs among local governments; and

WHEREAS, the purpose of this intergovernmental agreement (hereinafter "Agreement") is to authorize the Parties to jointly create, fund, and operate a RHTF and an oversight board to improve affordable housing; and

WHEREAS, an Intergovernmental Agreement Regarding Affordable Housing has been drafted for the purposes set forth above and is attached to this Resolution as “Exhibit A” and incorporated herein by reference; and

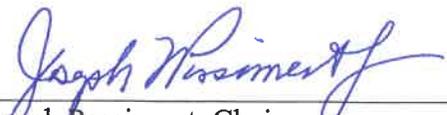
WHEREAS, the County wishes to contribute \$1,119,523 which is an amount equal to three (3%) percent of the American Rescue Fund Act funds; and

WHEREAS, funding contributions in succeeding years will be in proportion to the population of the participating jurisdictions as outlined within the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Beaufort County Council that the County Administrator is authorized to enter into an intergovernmental agreement, substantially similar to Exhibit A attached hereto and incorporated herein by reference, with Jasper County, Town of Hilton Head Island, Town of Bluffton, Town of Port Royal, City of Hardeeville, City of Beaufort, and Town of Yemassee to contribute funding for the Regional Housing Trust Fund.

DONE this 26th day of September 2022

BEAUFORT COUNTY, SOUTH CAROLINA



Joseph Passiment, Chairman

ATTEST:



Sarah Brock, Clerk of Council

EXHIBIT A

STATE OF SOUTH CAROLINA)	
)	INTERGOVERNMENTAL AGREEMENT
COUNTY OF JASPER)	REGARDING AFFORDABLE HOUSING
COUNTY OF BEAUFORT)	

THIS INTERGOVERNMENTAL AGREEMENT is entered into with an effective date of _____, 2022 by and among Beaufort County, Jasper County, the Town of Hilton Head Island, the Town of Bluffton, the City of Beaufort, the Town of Port Royal, the City of Hardeeville and the Town of Yemassee (collectively referred to as "the Parties").

WHEREAS, the member Parties of Beaufort County, Jasper County, the Town of Hilton Head Island, the Town of Bluffton, and City of Hardeeville belong to a regional association that seeks to identify problems and opportunities that face the entire southern low country as identified by each member jurisdiction known collectively as the Southern Lowcountry Regional Board ("SoLoCo"); and

WHEREAS, the member Parties of Beaufort County, Jasper County, the Town of Hilton Head Island, the Town of Bluffton, and the City of Hardeeville, known collectively as the Southern Lowcountry Regional Board ("SoLoCo"), desired to expand the regional housing trust fund study area by inviting the member parties making up the Northern Regional Plan Committee of City of Beaufort, Town of Port Royal and Town of Yemassee to also participate in the initiative; and

WHEREAS, the Parties recognize that decent, affordable housing is important in that it fulfills a basic human need for shelter, contributes to the well-being of families, provides stability which may lessen the catalysts of physical illness and mental illness and stress, and is a critical component of the economic vitality of the region to attract and retain employees in the local workforce; and

WHEREAS, private enterprise and investment has not produced, without government assistance, the needed construction of sanitary, decent, and safe residential housing that people with lower incomes can afford to buy or rent; and

WHEREAS, the Parties commissioned an analysis of regional housing needs and a recommendation report which was completed August 2021 by Asakura Robinson and presented to SoLoCo; and

WHEREAS, the Asakura Robinson report recommended the establishment of a non-profit 501c(3) Regional Housing Trust Fund ("RHTF") in accordance with legislation passed by the South Carolina State Legislature known as the "William C. Mescher Local Housing Trust Fund Enabling Act" which, inter alia, allows for the establishment of Regional Housing Trust Funds among local governments; and

WHEREAS, the purpose of this intergovernmental agreement (hereinafter "Agreement") is to authorize the parties to jointly create, fund, and operate a regional housing trust fund and an Oversight board to improve affordable housing;

NOW, THEREFORE, for and in consideration of these premises and the mutual covenants set forth below, the Parties hereto hereby agree as follows:

Section 1 Definitions.

For purposes of this Agreement:

- a. "Affordable housing" means residential housing for rent or sale that is appropriately priced for rent or sale to a person or family whose income does not exceed one hundred percent (100%) of the median income for the local area, with adjustments for household size, according to the latest figures available from the United States Department of Housing and Urban Development (HUD). Projects serving households with income at or below 60% of the Annual Median Income will receive priority consideration.
- b. "Regional housing trust fund" (RHTF) means a multi-jurisdictional government fund separate from the general fund and established jointly by the governing authorities of one or more municipalities or county governments with one or more dedicated sources of public revenue and authorized expenditures as provided in this chapter.
- c. "Special needs housing" means housing or shelter provided by private or public entities including privately operated elderly housing, nursing homes, community residential care facilities, and other special needs population housing facilities regardless of purpose or type of facility.

Section 2 Priorities.

The priorities identified in the Asakura Robinson study of August 2021 are hereby adopted as follows:

- a. Providing accessible, affordable housing to the region to support the workforce in the service economy, as well as others with high housing cost burdens.
- b. Overcoming barriers to affordable development, such as financial gaps and land availability.
- c. Ensuring a regional approach for affordable housing that addresses the needs of each jurisdiction, while meeting important strategic goals for housing location.
- d. Understanding the tools and resources available to Housing Trust Funds through various state and federal laws and regulations.
- e. Identifying a stable and reliable dedicated revenue source.

Section 3 Funding.

- a. SC Code Section 31-22-30, as amended, provides that "a local government, including a municipality or county, may jointly form a regional housing trust fund by ordinance. A regional housing trust fund created under this chapter is subject to the same requirement and has the same power as a local housing trust fund created by an individual local government".
- b. The Parties agree the RHTF established by this Agreement shall be funded for a period of ten (10) years with annual contributions by the Parties apportioned based on annual census population numbers. See Attachment A for Year 1 apportionment. Apportionment for Years 2-9 shall be

updated annually after the population census numbers are released and documented via written amendment to this Agreement to be signed by all the Parties.

- c. Funding shall be committed via the Parties' budgeting authority. Sources of these funds include, but are not limited to, one or more of the following:
 - i. donations;
 - ii. bond proceeds; and
 - iii. grants and loans from a state, federal, or private source.
 - iv. any other public funds which may be lawfully used to support Affordable Housing.
- d. Alternate sources of funding for the RHTF
The Parties may alter a source of funding for the regional housing trust fund by amending the ordinance(s) that establish financing for the regional housing trust fund, but only if sufficient funds exist to cover the projected debts or expenditures authorized by the regional housing trust fund in its budget. State law does not create, grant, or confer a new or additional tax or revenue authority to a local government or political subdivision of the State unless otherwise provided by the law of this State. Each Party will make an initial contribution to the RHTF based on the Chart outlined in Attachment A.
- e. The Parties shall safeguard the fund in the same manner as the general fund or a separate utility fund established for specific purposes. The RHTF may be included in the required financial expense reports or annual audit for each local government.
- f. The Parties may allocate funds to a program that promotes the development or rehabilitation of affordable housing as defined in the state enabling legislation. Regarding the distribution of funds from a regional housing trust fund, preference must be given to a program or project that promotes the development or rehabilitation of affordable housing for an individual or family with an annual income at or below one hundred percent of the median income with priority consideration being given to projects serving those individuals or families with incomes at or below sixty (60) percent of the median income for the local area, adjusted for family size according to current data from HUD, the development or rehabilitation of special needs housing, or the development or rehabilitation of homeless housing.
- g. RHTF funds may be used to match other funds from federal, state, or private resources, including the State Housing Trust Fund. The Parties shall seek additional resources for housing programs and projects to the maximum extent practicable. The Parties shall administer the RHTF through a new or existing nonprofit organization to encourage private charitable donation to the funds. Where a regional housing trust fund receives such a donation, the donation must be used and accounted for in accordance with the purpose as established by the RHTF Oversight Board and in accordance with State statutes.
- h. A regional housing trust fund established, utilized, or funded under this Agreement and enabling ordinances must provide an annual report to the Parties that created the fund and attested to this agreement. Minimum requirements for such said report is outlined in Attachment B. The

regional housing trust fund director must offer to present to each Parties' Council the annual report details and make the report available to the public by posting it on the appropriate website of the member local governments. Any alteration or amendment to such governing documents must conform to the provisions of the enabling legislation

- i. The Parties agree that projects funded by the RHTF will be judged on their merits and that funding and location of those projects will vary from year to year; and

Section 4 Operations.

- a. Each Party shall appoint one (1) representative to serve a two-year term on the Regional Housing Trust Oversight Board ("the Board") for so long as they remain a financial contributing party. The director of the regional housing trust fund will serve as Ex Officio member of the Board. The ninth appointee would be an at large representative agreed upon by the Parties making the membership a total of nine representatives. Board Members shall represent a diverse field of experts familiar with affordable housing, real estate, and local government housing priorities. No elected officials may serve on the Oversight Board.
- b. Meetings will be held six times per year.
- c. Board responsibilities include:
 - i. Providing feedback on community needs, serving as an advocate for affordable housing and the RHTF, connecting the Administrative Operating Contractor with community resources, and acting as a direct liaison between the RHTF and the local government entity.
 - ii. Drafting and adopting bylaws for the operation of the Board within six (6) months of the creation of the RHTF; By-laws shall address how a member Party may terminate their participation and funding, including how that termination will or could impact RHTF projects in their jurisdiction, and the methodology for complete dissolution of the RHTF if a voting majority of the Parties agree; By-laws shall address how a quorum is established, a meeting and reporting schedule, and any other requirements as defined by State statute
 - iii. Make decisions on how the RHTF will operate to include whether to establish a 501(c)3, hire employees, contract with a Certified Development Financial Institution (CDFI), or other method agreed upon by a majority of the Board, manage the operations of the RHTF to include hiring, firing, potential contracts, and other items that require approval as outlined in adopted bylaws.
 - iv. Allocating other permissible funds to projects including, but not limited to, impact fee waivers, water and sewer impact fees,
 - v. Develop an annual budget with projected revenues and expenditures.
 - vi. Define types of projects eligible for funding.

Section 5 Term and Termination.

The term of this Agreement shall be ten (10) years from the date of full execution by the Parties which shall be understood to be the date first set forth above. This Agreement may be renewed for another ten (10) year term as agreed to in writing by the Parties. Termination of the Agreement in whole may only occur via dissolution of the RHTF.

Section 6 Fiscal Agent.

Beaufort County will contract with Community Works to serve as the fiscal agent and will manage the financial relationship with the Parties, Community Works and the Board. Beaufort County will provide financial reports on a quarterly basis to the Parties.

Section 7 Notices.

All notices required or permitted under this Agreement shall be in writing. All notices and payments shall be sent to the official main address of the member parties or to such other address as may from time to time be designated by written notice or via email with confirmation of email delivery receipt. Notices shall be deemed delivered when five (5) days after deposit in U.S. registered mail, postage prepaid, addressed to the other party or upon confirmation of email delivery receipt.

Section 8 Governing Law and Severability Clause.

This Agreement is governed and interpreted in accordance with the laws of the State of South Carolina. Any and all disputes between the Parties that may arise pursuant to this Agreement shall be brought and fully litigated in a court of competent jurisdiction located in Beaufort County, South Carolina. If any term, covenant or condition of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby and each such term, covenant or condition of this Agreement shall be valid and enforceable to the full extent permitted by law. The stricken provision of this Agreement shall be enforced to the maximum extent permissible so as to affect the intent of the Parties, and the remainder of this Agreement shall continue in full force and effect.

Section 9 Assignment.

This Agreement shall be binding upon and inure to the benefit of the Parties and their respective successors, heirs, administrators, representatives, and assigns. However, this provision shall not be construed to permit or allow assignments not otherwise allowed under this Agreement.

Section 10 Miscellaneous.

This IGA expresses the complete agreement and understanding of the undersigned parties, and any and all prior or contemporaneous oral agreement or prior written agreement regarding the subject matter hereof shall be merged herein and then extinguished. The captions and headings used in this IGA are for convenience only and do not in any way limit, amplify, or otherwise modify the provisions of this IGA. As used in this IGA, the masculine, feminine or neuter gender and the singular or plural number shall each include the others whenever the context so indicates. This IGA may be executed in multiple counterparts, each of which shall be deemed an original but all of which, taken together, shall constitute the same instrument.

Section 11 Authorization and Execution.

This AGREEMENT is signed by the authorized representatives of the Parties set forth below, and is effective as of the date first set forth above.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as set forth below.

BEAUFORT COUNTY: _____ date: _____

JASPER COUNTY: _____ date: _____

THE TOWN OF HILTON HEAD ISLAND: _____ date: _____

THE CITY OF BEAUFORT: _____ date: _____

THE TOWN OF BLUFFTON: _____ date: _____

THE TOWN OF PORT ROYAL: _____ date: _____

THE CITY OF HARDEEVILLE: _____ date: _____

THE TOWN OF YEMASSEE: _____ date: _____

Attachment A

Year Sum	Beaufort County	Hilton Head Island	Bluffton	Port Royal	City of Beaufort	Jasper County	Hardeeville	Yemassee	
Y1*	\$2,035,058	\$1,119,523	\$156,815	\$59,474	\$197,669	\$200,671	\$175,240	\$108,699	\$16,967

*Year 1 = 3% of American Rescue Plan funds

Y2	\$515,000	\$228,605	\$86,559	\$63,702	\$32,683	\$31,274	\$57,117	\$12,579	\$2,482
Y3	\$530,750	\$235,596	\$89,206	\$65,650	\$33,682	\$32,230	\$58,864	\$12,964	\$2,558
Y4	\$546,672	\$242,664	\$91,882	\$67,619	\$34,693	\$33,197	\$60,629	\$13,353	\$2,635
Y5	\$563,072	\$249,944	\$94,639	\$69,648	\$35,734	\$34,193	\$62,448	\$13,753	\$2,714
Y6	\$579,965	\$257,442	\$97,478	\$71,737	\$36,806	\$35,219	\$64,322	\$14,166	\$2,795
Y7	\$597,363	\$265,165	\$100,402	\$73,889	\$37,910	\$36,275	\$66,251	\$14,591	\$2,879
Y8	\$615,284	\$273,120	\$103,414	\$76,106	\$39,047	\$37,364	\$68,239	\$15,028	\$2,966
Y9	\$633,743	\$281,314	\$106,517	\$78,389	\$40,218	\$38,485	\$70,286	\$15,479	\$3,055
Y10	\$652,755	\$289,753	\$109,712	\$80,741	\$41,425	\$39,639	\$72,395	\$15,944	\$3,146
Sum	\$7,269,662	\$3,443,127	\$1,036,623	\$706,955	\$529,866	\$518,548	\$755,791	\$236,555	\$42,197

Attachment B

Reporting Requirements

The annual report will be provided to RHTF Oversight Board by the Operating Administrator and/or staff responsible for managing and administering the Fund as outlined in a separate operating agreement between the two parties. The annual report must include, at a minimum, the following metrics:

- 1) **Impact Data:** the project names and location funded in each participating jurisdiction, the amount of funding provided per project, the number and type of dwelling units built/or preserved in each funded project along with an affordability percentage breakdown, and demographic data where available.
- 2) **Financial Data:** the accounting of revenues and expenditures of the fund, additional funding raised to support the RHTF including additional project capital and operating investments, project leveraging amounts and other in kind or financial support provided to support the purpose of the fund.
- 3) Where feasible and available, success stories and project highlights, including pictures and testimonials.