



Rev. 7/7/2014

# Town of Edisto Beach

ORDINANCE REWRITE  
CHAPTERS 62, 71, & 86

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## Overview

- ▶ Planning Commission sub-committee formed to provide thorough, detailed review of Chapters 62, 71, and 86, in accordance with the requirements of the Comprehensive Plan and direction from Town Council
- ▶ Sub-committee members:
  - Bill Andrews, Patrick Brown, Tom Edens, Nancy Fitzgerald, Wanda McCarley
  - Bob Sandifer and Rebecca Brown at start of project

## Overview

- ▶ What are the fundamental differences between these proposed revisions and those previously submitted by the Planning Commission to Town Council?
  - **Previous submittal:** Made minor changes to the consultant's rewrite .
  - **This proposal:** Started with the existing code, made corrections and modifications, and utilized consultants' recommendations, as deemed necessary.
  - Substantial boiler plate from the consultants' version not applicable to Edisto Beach was rejected.
  - Little substantive change was made; emphasis was on improving organization, clarity, and simplicity and ensuring compliance with state law.

## **Legal Review**

- ▶ The Town Attorney, Mr. Bert Duffie, has completed a thorough review of the proposed ordinance revisions following some minor changes made at his direction, and he has determined the revisions to be in accordance with existing state law and confirmed that previous non-compliance issues with state code have been corrected.
  - The most significant change pertains to government owned or operated parks and open air markets. (Chapter 86)

## **PART 1: Chapter 62 Revisions**

## Chapter 62 Revisions

### Current Ordinance

- ▶ TITLE: *Planning*
  - Only addressed Planning Commission

### Revised Ordinance

- ▶ TITLE: *Planning and Zoning Administration*
  - Addresses Planning Commission, Zoning Board of Appeals, and Building Code Administrator

- ▶ Why change the title and content?
  - The current ordinance briefly addresses Building Code Administrator and Zoning Board of Appeals in chapter 86.
  - The revision consolidates the administrative roles and functions into one chapter making it easier to figure out who does what. It contains the basic information for each board and position.

## Chapter 62 Revisions

- ▶ What is now included in the revised chapter 62?
  - Planning Commission
    - Created
    - Membership
    - Organization, meetings, rules, staff, and finances
    - General Powers and Duties
    - Specific Powers and Duties
  - Zoning Board of Appeals
    - Created
    - Membership
    - Organization and staff
    - Rules of procedure
    - General powers and duties
  - Building Code Administrator
    - Created
    - Powers and duties

## **Chapter 62 Revisions**

- ▶ **Other Changes**
  - Cleaned up some formatting and capitalization to make it consistent throughout this chapter.
  - Added a flowchart to describe the appeal, hearing, and notice process for the Zoning Board of Appeals.

## **PART 2: Chapter 71 Revisions**

## Chapter 71 Revisions

### Current Ordinance

- ▶ TITLE: *Subdivision Regulations*
  - Addressed the process and requirements to subdivide property and for development.

### Revised Ordinance

- ▶ TITLE: *Land Development Process and Subdivision Regulations*
  - Addresses same material as current ordinance with addition of needed definitions.
- ▶ Why change the title and content?
  - The current ordinance is only called "*Subdivision Regulations*" although the term *subdivision* implies that this chapter only addresses the division of properties.
  - Adding "*Land Development*" clarifies that this chapter covers the processes and requirements even if a property is not being divided.

## Chapter 71 Revisions

- ▶ What definitions were added?
  - Building Code Administrator, Developer, Development, Exempt Development and Subdivision, Structure, Town Administrator
- ▶ What definitions were removed?
  - Eliminated the definitions of *minor* and *collector streets* (*major, local, private, cul-de-sac* street designations are sufficient for Edisto Beach).
  - Substituted the term *local* street defined as "a street designed primarily to connect other local streets, cul-de-sacs, or major streets or to provide access to abutting properties."

## Chapter 71 Revisions

- ▶ Other Changes
  - Corrected references from Colleton County Clerk of Court and the Register of Mesne Conveyances to the Register of Deeds.
  - Added the definition of *Exempt Development* to specify
    - No structural, electrical, or mechanical changes required
    - No building permit required
    - No change in business class
  - Removed requirement to detail existing "railroads" in plats.

## Chapter 71 Revisions

- ▶ Other Changes (continued)
  - Changed references to *subdivider* to *subdivider/developer*
  - Required utility sketches to be submitted to the Building Code Administrator rather than the Planning Commission
  - Cleaned up some formatting and capitalization to make it consistent throughout the chapter, and dressed up the formatting of the table summarizing rights-of-way and pavement width requirements.

## **PART 3: Chapter 86 Revisions**

### **Chapter 86 Revisions**

▶ Added the following definitions to Section 86-3:

- Development
- Easement
- Floodplain
- Footprint
- One hundred year flood elevation
- Plat
- **Retail business establishment**
- Snipe sign
- Trailerable
- Use permit



## Chapter 86 Revisions

- ▶ General Changes
  - Cleaned up some formatting and capitalization to make it consistent throughout the chapter; dressed up the formatting of several tables without changing any of their content.
  - Added tables of contents for each of the Articles.
  - Added flowcharts to clarify permitting and appeal processes.
  - Corrected references to the *Board of Adjustment to the Zoning Board of Appeals*.
  - Corrected references to the *SC Carolina Coastal Council* to the *SC Office of Coastal Resource Management (OCRM)*.
  - Changed some verbiage from the consultants' version to clarify ordinances without modifying the functional content.
  - Added references to State Code; added and corrected cross-references to Municipal Code.
  - Deleted *Fairfield* from all references to *Ocean Ridge*.

## Chapter 86 Revisions

- ▶ Changes Related to Gov't Owned Parks & Markets
  - In Sec. 86-3, added definition of *Retail Business Establishment*.
  - In Sec. 86-141(b) under Permitted Uses, added the word "establishment" to "Any retail business."
  - In the following sections, removed "*government owned or operated parks and open air markets situated thereon and government owned or operated open space recreational areas*" as Permitted Uses, and replaced that language with "*public parks*."
    - ♦ Sec. 86-135 – R-1 low density residential district
    - ♦ Sec. 86-136 – R-2 two family residential district
    - ♦ Sec. 86-137 – R-4 low density residential and clubhouse district
    - ♦ Sec. 86-138 – R-7 multifamily residential district
    - ♦ Sec. 86-139 – C-1 office commercial district
    - ♦ Sec. 86-140 – C-2 marine commercial district
    - ♦ Sec. 86-141 – C-3 commercial district
    - ♦ Sec. 86-142 – PB public and semipublic district
    - ♦ Sec. 86-144 – PUD planned unit development district
    - ♦ Sec. 86-146 – O-1 open space district

## Chapter 86 Revisions

- ▶ Changes to Specific Sections
  - Added Certificate of Completion of Improvement (\$50) to the schedule of fees in Section 86-4.
  - Added conditions to Section 86-65 (3)(a) *Temporary Uses* pertaining to carnivals, fairs, festivals, etc.
  - In Section 86-66, changed the expiration of building permits, if no work has begun, from six (6) months to two (2) years to comply with state law.
  - Added legalese for Section 86-68 *Remedies* for dealing with violations of building permits.
  - Moved Chapter 86, *Div. 2: Zoning Board of Appeals* to Chapter 62.

## Chapter 86 Revisions

- ▶ Changes to Specific Sections (continued)
  - Added impervious surface limitations to the *Yard Regulations* of Section 86-135(e)(5) for the R-1 district to be consistent with the regulations from Section 86-186, *Single Family Dwellings*.
  - In Section 86-143, changed the verbiage from *Mobile Home* to *Manufactured Home* to more precisely encompass houses built off-site that may not be truly mobile, added Enabling Act stipulations of a "floating zone," and changed latest date of manufacture from 6/15/76 to 2005.
  - Used consultants' version of Sec. 86-144(d) *Permitted PUD Uses* to comply with State Code 6-29-720(c)(4) and 6-29-740 and to require compliance with Town's Comprehensive Plan.

## Chapter 86 Revisions

- ▶ Changes to Specific Sections (continued)
  - In Section 86-144(f) Processing Planned Unit Developments, added verbiage from the consultant's version to better tie the preliminary and final plans to the permitting process.
  - Eliminated information from 86-144(f)(8) duplicated in Chapter 71.
  - In Section 86-145(f)(1) *Beach Management Overlay Zoning District*, modified the calculation of the seaward setback line for a reconstruction project to consider that structure as one of the three habitable structures used to determine the average setback.
  - Added criteria for boat sheds to Section 86-146(a)(3) *O-1 District*.
  - Added verbiage to Section 86-169 to address the minimum front yard size requirement for corner lots, using the same requirements as for lots bordering two parallel streets per Section 86-167.

## Chapter 86 Revisions

- ▶ Changes to Specific Sections (continued)
  - In Section 86-171(a)(3) *Non-Conforming Buildings or Uses*, specified authority for determining the value of damaged structures (County Assessor or licensed appraiser) excluded the Homestead Exemption benefit from the assessed value used in calculating allowable replacement cost.
  - Used consultants' graphics in Section 86-187 *Landscape Regulations*, but did not change any regulatory content.
  - Made no changes to the Sign Ordinance, Article V, other than formatting. Added references to Article V in the District sections.
  - Eliminated references to Fairfield in the Tree Ordinance, Article VII, where authority is granted to the Ocean Ridge ARB. Clarified in Section 86-250A, *Responsibility of Ocean Ridge ARB*, that the Ocean Ridge ARB can approve land clearing and tree removal, but only the Building Department can issue permits.

## Chapter 86 Revisions

- ▶ Changes to Specific Sections (continued)
  - In Section 86-252, *Appeals (Trees)*, clarified that the ZBA is responsible for hearing appeals to decisions made by the Building Code Administrator.
  - In Section 86-256, *Permits Required (Trees)*, added references to Sections detailing fees, waivers, and tree replacement list.
  - In Sections 86-258, *Irreparable Damage to Protected Trees*, and 86-259, *Civil Penalties*, removed references to the defunct Tree Commission.
  - Moved the definitions in Section 86-271, *Definitions for Vesting of Rights*, to Section 86-3, *Definitions In General*.
  - In Section 86-275, *Vested Right Attaches to Real Property*, added Item (e) describing the extension of the vested rights period and referencing the pertinent state legislation.

## Review

## Review

- ▶ The proposed revisions to Chapter 62 allow the general public to look in one place to determine who they would need to go to for their applications, as well as some guidelines.
- ▶ The proposed revisions to Chapter 71, *Land Development Process and Subdivision Regulations*, provide a better understanding of the approval process to applicants.
- ▶ The proposed revisions to Chapter 86 improve consistency and clarity of the ordinances, incorporate changes consistent with state law and the Town's Comprehensive Plan, and change language pertaining to government owned or operated parks and open air markets.

## Review

- ▶ The current code of ordinances contains 98 pages for chapters 62, 71, and 86. The proposed revisions comprise 124 pages.
- ▶ By comparison, the consultant's version, previously rejected, comprised 163 pages.
- ▶ A significant portion of the additional 26 pages is attributable to new tables, flowcharts, and formatting.
- ▶ The proposed revisions will simplify the readability and reduce the amount of time spent searching for information.

## The Remaining Process

- ▶ Presentation to Council and the public July 16th
- ▶ Input received from Council and public addressed in Planning Commission worksession Aug 20<sup>th</sup>
- ▶ Action taken in regular Planning Commission meeting on items discussed in worksession Aug 26<sup>th</sup>
- ▶ Proposed revisions considered by Council in 1<sup>st</sup> reading at their regular meeting Sep 11<sup>th</sup>

## Soliciting Input

### Ordinance Revision Concerns

Name	<input type="text"/>	Date	<input type="text"/>
Address	<input type="text"/>		
Email	<input type="text"/>	Phone	<input type="text"/>
Section(s)	<input type="text"/>		
Description of Concern	<input type="text"/>		
Suggested Change	<input type="text"/>		

Email to: [nfitzgerald@townofedistobeach.com](mailto:nfitzgerald@townofedistobeach.com) or  
Deliver to Nancy Fitzgerald at the Edisto Beach Town Hall

**Questions  
&  
Comments**