
The
Zoning Ordinance
of the Town of
Harleyville

Adopted November 12, 2024

This Ordinance implements the policies of the
2021 Harleyville Comprehensive Plan, as amended.

The Zoning and Land Development Ordinance of the Town of Harleyville, South Carolina, was prepared by the Harleyville Planning Commission, with assistance from Town staff and staff of the Berkeley-Charleston-Dorchester Council of Governments and adopted by Harleyville Council in November 2024.

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Town of Harleyville
Planning Commission

A resolution to put forth to
Town Council regulations,
procedures, and administration
of the subdivision,
development, and use of land

Seal of the Town of
Harleyville, South Carolina

Resolution No.: 2024-003

Whereas, the Town of Harleyville Planning Commission has been duly appointed by the Harleyville Town council as a governing authority of the Town of Harleyville in accordance with provisions of Title 6, Chapter 29, Article 1 of the South Carolina Code of Laws: the 1994 South Carolina Local Government Comprehensive Plan Enabling Act.

Whereas, the Town of Harleyville has adopted a Comprehensive Plan, as recommended by Planning Commission, pursuant to Title 6, Chapter 29, Article 3 of the South Carolina Code of Laws by ordinance, and the Planning Commission has subsequently reviewed and updated its plan in 2021 under the same article of State Code;

Whereas, the Town of Harleyville seeks to implement the twenty-year Future Land Use Plan of the Harleyville Comprehensive Plan; to protect the health, safety, morals, convenience, and general welfare of its citizens; and to provide for the efficiency and prosperity of development within the town;

Now, therefore, the Planning Commission of Harleyville, South Carolina, does hereby resolve that it recommends to Harleyville Town Council regulations, procedures, and administration of the conservation, subdivision, development, and use of land in Harleyville contained in the documents known as the "Town of Harleyville Land Development Ordinance," "Town of Harleyville Zoning Ordinance," and the "Town of Harleyville Official Zoning Map." Which is part and parcel to the Zoning Ordinance, as prepared by Planning Commission, on this 29th day of OCTOBER of the year 2024.

Ayes: 3

Nays: 0

Abstentions: 0

Planning Commission Chairperson, FRANKLIN RILEY

Amanda Childers
Signature Attest, AMANDA CHILDERS, Clerk/Treasurer, Planning & Zoning Dir.

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Chapter One: Purpose & Applicability

I. Title.

This ordinance is officially titled “Town of Harleyville Zoning and Land Use Ordinance” and shall be known as and referred to herein as the Zoning Ordinance. The map accompanying this ordinance, designating and depicting the various zones described herein, is officially titled “Town of Harleyville Official Zoning Map” and shall be known as and referred to as the Zoning Map.

II. Authority.

This ordinance is hereby adopted under the authority and provisions of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 – Title 6, Chapter 29 of the South Carolina Code of Laws.

III. Jurisdiction.

The regulations set forth in this ordinance govern the development and use of all land and structures – built and natural environments – within the corporate limits of the Town of Harleyville.

IV. Purpose.

Through the adoption of its 1998 Comprehensive Plan, as amended, the Town of Harleyville expressed the need to create its first zoning ordinance to allow for the protection and promotion of the health, safety, and general welfare of its present and future citizens and landowners. This is an update to that original plan and may consist of rules to address the following issues –

- High quality of life and community,
- Property values and privacy,
- Natural as well as built environment,
- Efficient use of public infrastructure and services,
- Stormwater run-off management,
- Calm vehicular traffic and pedestrian accessibility, and
- Town identity and character.

The Zoning Ordinance shall ensure that future development and land uses coalesce with existing conditions in Harleyville to yield the highest and best possible benefits in each and every one of these issues.

V. Severability.

In the event that any portion of this ordinance is found illegal by a court of law of competent jurisdiction, the remainder of the ordinance shall remain in full effect.

VI. Applicability.

In the event that this ordinance contains contradictory standards or comes into conflict with the standards imposed by another Town code or ordinance or another agency of competent jurisdiction, those higher or stricter standards shall take effect.

Chapter Two: Land Use

I. Intent.

This chapter of the Harleyville Ordinance seeks to implement the future land use element of the Harleyville Comprehensive Plan, as adopted. The Plan provides for several zones to accommodate varying land uses best suited to the existing natural and built environments and available levels of infrastructure and services. These zones are then mapped as districts within Harleyville, as depicted on the Zoning Map. The zoning districts that appear on the map are described herein.

- A. *Town Center (TC)*. This district encompasses the central business district of Harleyville. It features a full complement of services and infrastructure, including the intersection of State highways 453 and 178; on-street parking and sidewalks; public water and sanitary sewer services; proximity to municipal, protective, and recreational services and venues; a wide variety of commercial goods and services; and single- and multi-family residences. This land is located on high ground and soils with few constraints to development.
- B. *Light Commercial (LC)*. These districts are aligned with the two state highways that pass through Harleyville. They also feature water and sanitary sewer service but are slightly farther from municipal services than the Town Center District. Existing land use is predominantly single-family residential, with generally light commercial services scattered throughout. This land too is higher, with few development constraints, but contains cultural significance to Harleyville with some of the town's statelier homes. Moreover, those areas designated Light Commercial are the "gateways" to the town and should therefore convey a positive image of the town to its visitors.
- C. *Highway Commercial (HC)*. This district is located along State Highway 453, between a Light Commercial district and Interstate Highway 26. These highways, along with a railroad, make it the most accessible district to freight in Harleyville and therefore the most favorable for economic development of jobs and trade. Land conditions vary, however, so care must be taken to minimize environmental impacts and stormwater management problems.
- D. *Institutional/Recreational (IR)*. This district is adjacent to the Town Center District and features Harleyville's municipal and recreational services and venues, as well as the former site of its elementary school. Its high ground, accessibility to infrastructure, and central location make this district ideal for development of public services.
- E. *Single-family Residential (SFR)*. These districts cover the neighborhoods and side streets of Harleyville, where most townsfolk reside. Water and sanitary sewer service are generally accessible. Public and commercial services are nearby, but not within single-family districts. Most of this land is well suited to development.
- F. *Rural Residential (RR)*. This district is the rural fringe of Harleyville. Environmental constraints, such as poor soils and wetlands, occur frequently. Infrastructure, infrequently in place, may offer low levels of service. Municipal and commercial goods and services are generally not nearby and require driving to reach. Agriculture is active and should not be infringed upon.

II. Official Zoning Map.

- A. *Designation of Zoning District.* All land within the corporate limits of the Town of Harleyville is hereby divided into districts as described and as depicted on the accompanying document, the Town of Harleyville Official Zoning Map. The Zoning Map, together with all explanatory matter thereon, is hereby adopted by reference and declared part of this ordinance. The Zoning Map shall be identified by the signature of the Town Mayor, attested by the Town Clerk, and shall bear the Seal of the Town of Harleyville under the words, "Official Zoning Map, Town of Harleyville, SC," together with the date of adoption of this ordinance. The Zoning Map shall be located in the Town Hall and be the final authority as to the current zoning status of land, water areas, and buildings and other structures in the town of Harleyville.
- B. *Interpretation of District Boundaries.* Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:
 - 1. Boundaries indicated as approximately following the centerlines of streets, railroads, utility easements, and alleys shall be construed as following such centerlines.
 - 2. Boundaries indicated as approximately following platted lot lines and Town limits of incorporation shall be construed as following such lines; and
 - 3. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- C. *Change of Town Boundaries.* All territory hereafter annexed to the Town of Harleyville shall be zoned Rural Residential unless the petitioner for annexation and the Harleyville Town Council agree that another zone shall apply upon annexation by ordinance and that such alternative proposed districting is in compliance with the Harleyville Comprehensive Plan.

III. Land Use Table.

The table on the following page indicates land uses allowed by district. Uses and their function codes (as designated by the American Planning Association) are listed in the two left columns. Harleyville zones appear at the table head. One of the following symbols corresponds with each listed use and zone.

- A. '-' indicates that the corresponding use is not allowed in the zone.
- B. 'P' (permitted) indicates that the corresponding use is allowed by right in the zone.
- C. 'C' (conditional) indicates that the corresponding use is allowed with conditions in the zone. Those conditions are specified throughout this ordinance.
- D. 'S' (secondary) indicates that the corresponding use may occur only in conjunction with a primary use on a parcel, provided standards set forth later in this chapter are achieved.
- E. 'SE' indicates that the corresponding use may be allowed by special exception in the zone. The person proposing the use must demonstrate to the satisfaction of the Town of Harleyville Board of Zoning Appeals that, in developing the use, potential negative impacts of the use will be mitigated, standards for which appear in Chapter Four: Site Planning. At a minimum, the conditions provided for conditional uses in the same zone shall apply.

LAND USES ALLOWED BY ZONE							
LU Code	Uses	TC	LC	HC	IR	SFR	RR
1100	Single-family detached residence	P	P	P	P	P	P
1100	Manufactured home	-	-	P	-	-	P
1100	All other private residences	SE	SE	SE	-	-	-
1200	Housing services for the elderly	SE	SE	SE	SE	-	-
1300	Accommodations services	C	C	C	-	-	-
1320	Rooming and boarding	-	SE	-	SE	-	-
2000	General sales, services, rental, and leasing	C	C	C	SE	S	S
2110	Automobile sales or services establishment	C	SE	C	-	-	S
2540	Tavern	-	-	-	-	-	-
3000	Manufacturing	-	-	SE	-	-	-
3500	Wholesale trade	-	SE	C	-	-	-
4100	Transportation services	-	-	C	-	-	-
4170	Post office	C	C	C	C	-	-
4200	Communications and information	C	-	C	C	-	-
4233	Wireless communications	-	-	-	S	-	-
4300	Utilities services, except waste services	-	C	C	C	-	C
4340	Waste services, except hazardous waste	-	-	-	-	-	SE
5000	Arts, entertainment, and recreation	P	P	P	P	S	P
5300	Amusement and recreation establishments	C	C	C	C	-	-
6000	Institution	C	C	P	P	-	-
6562	Child day care	P	P	P	P	S	S
6600	Religious institution	C	C	P	P	C	C
7000	Construction-related business	-	-	C	-	-	-
7300	Special trade contractor	C	C	C	S	S	C
8000	Mining and extraction	-	-	-	-	-	SE
9000	Agriculture	-	-	-	-	-	P
9100	Crop production	-	P	P	P	P	P
9900	Adult business	-	-	SE	-	-	-

IV. Accessory and Secondary Uses and Structures.

- A. *Accessory Uses.* Uses customary and incidental to the function of the primary use – that for which a zoning permit is sought or in hand – are allowed by right.
- B. *Accessory Structures.* One or more structures that, in total floor area, equal less than half the size of the primary structure – that housing the primary use – is allowed by right.
- C. *Secondary Uses.* Where allowed, a secondary use may occur on a parcel with an established primary use, provided the primary use operates in good standing.
- D. *Secondary Structures.* The secondary use shall cause the total enclosed floor area on the lot to increase by no more than fifty percent (50%), shall occupy no more than one third (1/3) of the total lot area, and shall not cause the total height of structure on the parcel to increase by more than fifty feet (50').

V. Home Occupations.

Residents may work out of their homes in Harleyville, regardless of the zoning district in which it is located, provided the character of the residence is retained. A home occupation is a secondary use. The following additional standards apply.

- A. Parking should generally not increase by more than two (2) vehicles at the home, outdoor activities and storage should occur in concealed areas to the rear of the home and away from property boundaries, and only minimal signage should be displayed.
- B. Activities generating externalities, such as auto repair, shall conform to the above standard and should be buffered in accordance with site planning standards of this ordinance, especially in zoning districts other than Rural Residential.
- C. All home occupations (e.g., auto repair and day care) shall adhere to any and all applicable state regulations, such as those of the departments of Health and Environmental Control and of Social Services.

VI. Temporary Uses.

- A. Those uses established for a period of no longer than six months (6 mos.) are considered temporary and are not subject to regulation of land use in Harleyville, provided the following standards are met:
 - 1. The use shall not materially endanger the public health, welfare, or safety; and
 - 2. The use shall not have a substantial negative effect on adjoining properties.
- B. A manufactured home may be allowed as a temporary residential or office use in conjunction with an active construction site with a valid building permit.

VII. Non – conformities.

- A. *Lots of Record.* If a lot of record existing upon the effective date of this ordinance or revision thereto is out of conformance with the required area, dimensions, or location required by the zone by which it is covered, such lot may nevertheless be developed and used, provided it complies to all other applicable regulations.
- B. *Non-conforming Structures.* A structure existing at the date of adoption or amendment of this ordinance that fails to conform to the current requirements of the zoning district in which it is located is hereby declared to be incompatible with the built environment of that district. The structure shall therefore not be enlarged, expanded, or altered in a way that would increase its non-conformity; however, nothing in this section shall be deemed to prevent the strengthening, reconstruction, or restoration to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- C. *Non-conforming Land Uses.* A land use predating adoption or amendment of this ordinance that fails to conform to the current requirements of the zoning district in which it is located is hereby declared to be incompatible with permitted uses in that district. The use shall neither be expanded or altered in any way that would increase non-conformity nor changed to another non-conforming use.
- D. *Grace Period.* A non-conforming use or structure that is removed, vacated, destroyed, or otherwise terminated may be reinstituted within twelve (12) months of termination. The owner must achieve reinstitution by successful application for a building permit or, for a manufactured home, a certificate of occupancy.

Chapter Three: Lot and Building Standards

I. Intent.

The Town of Harleyville hereby sets standards for the bulk and density of buildings so as to ensure adequate fire protection, allow for adequate stormwater and septic sewer management, to minimize negative environmental impacts, and to reduce clutter and overcrowding.

II. Minimum Lot Size.

A. Lots to be subdivided after the effective date of this ordinance in all districts shall be at least ½ acre (.50 ac.) in area.

1. *Exception.* Lots affected by boundary line adjustment in these districts may be allowed provided the number of lots does not increase and all other standards in this ordinance are met.

III. Required Setbacks.

The following table dictates setbacks for all above-grade artificial improvements, structures, and storage from property boundaries by zone; fences, garden walls, and landscaping excepted.

REQUIRD SETBACKS BY TOWN ZONE				
Zone		Setbacks		
		Front	Side	Rear
TC	Town Center	0	0	10
LC	Light Commercial	0	10	10
HC	Highway Commercial	25	10	25
IR	Institutional/Recreational	5	5	10
SFR	Single-family Residential	5	5	5
RR	Rural Residential	25	5	10

IV. Development Intensity.

- A. No more than four (4) residences shall be allowed on a single parcel. In all zoning districts, where the minimum lot size is ½ acre, maximum residential density of one (1) unit per ½ acre shall apply. E.g., four residences shall be located on a parcel no less than 2 acres in size.
- B. In the Light Commercial district, any development with structures totaling more than six thousand square feet (6,000) in floor area may be allowed by special exception only. Such developments are considered out of scale with the residential character of Harleyville and will therefore be subject to additional conditions of approval, as provided in Section Four. V.

V. Building Height.

- A. To ensure adequate fire protection, inhabitable heated floors shall not be elevated more than twenty-five feet (25') above grade.
- B. A Maximum height of one hundred feet (100') shall apply to all other structures.
- C. A special exception may be sought for increased building height allowance if additional height is needed for the use to function. Standards for special exceptions appear in Section Four. V.

VI. Building Safety and Appearance Standards.

- A. *Separation.* All structures collocated on a single parcel shall be separated by at least twenty feet (20') clear to allow for access between them by emergency vehicles and to reduce the risk of fire spreading from one structure to the next.
- B. *Orientation.* All primary structures within two hundred feet (200') of a public right-of-way shall be oriented to that right-of-way, so that the façade and primary entry door accessed by occupants faces the right-of-way.
 - 1. A manufactured home shall be placed such that its longer dimension is within fifteen degrees (15°) of parallel to the public right-of-way.
 - 2. A building on a corner lot and within two hundred feet of two public rights-of-way may be oriented to either.
 - 3. This standard does not apply to overhead and garage doors.
- C. *Manufactured Homes.*
 - 1. Recreational vehicles (RV's) shall not be construed or used as manufactured homes.
 - 2. All units shall be USDHUD-approved (bearing such seal), meeting the certified under the National Manufactured Housing Construction and Safety Standards Act and the SC Manufactured Housing Standards.
 - 3. All tongues, axles, transport lights, and other removable towing apparatus shall be removed prior to occupation.
 - 4. All units shall be properly founded and underpinned to fully withstand winds as set forth in the standard building code, as adopted by Town Council.
 - 5. All units shall be skirted with wooden, or vinyl screening designed and constructed to prevent birds and mammals from accessing the space underneath the unit.
 - 6. No unit shall be roofed by a structure independent of the unit.
 - 7. All units shall achieve a minimum roof pitch – rise and run – of three and twelve (3:12).

Chapter Four: Site Planning

I. Intent.

This chapter sets forth standards to ensure that negative externalities created by non-residential uses are appropriately mitigated. Standards provided implement recommended Plan policies of requiring visual and physical separation from neighborhoods and wetlands to aid in stormwater management; to minimize emission of light and noise across property lines; to screen vehicle parking areas; and of providing safe, convenient access to sites for pedestrians, motorists, and emergency vehicles.

II. Externalities.

- A. *Vibration.* No inherent and recurring generated vibration shall be created so as to be perceptible without instruments at the property line.
- B. *Noise.* No persistent noise shall be detectable beyond the property line in excess of the average level of street and traffic noise generally heard at the point of observation, and no noise below such level shall be caused that is objectionable with respect to intermittence, beat, frequency, or shrillness.
- C. *Odor.* No objectionable odor shall be created detectable beyond the property line, and the emission of odors, regardless of type, shall not be detrimental to the value and use of adjacent property.
- D. *Light.* The source of exterior lighting shall not be arranged in such a manner as to be detrimental to adjacent properties or the traveling public. Focused, directed, and undiffused light sources shall not be aimed, directed, or reflected toward a public right-of-way or another lot.

III. Buffering.

BUFFERING BY TOWN ZONE				
Zone		Buffer Type		
		R/W	Interior	Wetlands
TC	Town Center	15%	0	0
LC	Light Commercial	15%	25/10	35'
HC	Highway Commercial	15%	35/15	35'
IR	Institutional/Recreational	0	15'	0
SFR	Single-family Residential	0	15'	0
RR	Rural Residential	0	0	35'

- A. The above table sets forth buffers required for *conditional uses only* (those uses followed by a 'C' in the land use table). Buffers specified function as follows:
 1. *Right-of-way (R/W).* Conditional uses in TC, LC, and HC zoning districts shall provide buffers equal to fifteen percent of the front setback. E.g., if the primary structure is a hundred feet from the front property boundary, a fifteen-foot buffer along that property line is required. If the primary structure is built abutting the right-of-way, no buffering is required.

2. *Interior.* Conditional uses in LC, HC, IR, and SFR zoning districts shall provide buffers along all interior property boundaries. Interior buffers may be one of two depths specified in the table. The lesser depth shall employ privacy fencing; otherwise, the greater depth shall apply.
3. *Wetlands.* Conditional uses in LC, HC, and RR zoning district shall provide buffers adjacent to all wetlands when such are required to be delineated by state and/or federal agencies (SC Department of Health and Environmental Control, SC Office of Ocean and Coastal Resources Management, US Army Corps of Engineers).
- B. *Buffer Design.* Buffers shall be installed along lot lines and the high side of the delineation line of wetlands. Prescribed buffers may consist of naturally vegetated land provided the vegetation adequately screens these from beyond the property boundaries, as judged by the Zoning Administrator.
 1. *Planting standards.* Aside from conditions of existing vegetation, as qualified above, the following shall apply to required right-of-way and interior buffers.
 - a. Buffers shall be planted with trees at a rate of one per thousand (1,000) square feet of area within the buffer. Trees shall be at least two inches (2") in caliper upon installation. Required trees shall be broadleaf or coniferous; palms will not count toward the requirement.
 - b. Buffers shall be planted with shrubs at a rate of one per hundred (100) square feet of area within the buffer. Shrubs shall be at least two feet (2') in diameter and two feet (2') tall upon installation.
 - c. Ground cover, such as grass, pine straw, or mulch, shall be installed to cover barren ground and exposed soil to prevent erosion.
 2. *Privacy fencing.*
 - a. Ten-foot interior buffers in an LC district shall employ opaque fencing or wall at least four feet (4') in height.
 - b. Fifteen-foot interior buffers in an HC district shall employ opaque fencing or wall at least six feet (6') in height.
 3. *Buffering wetlands.*
 - a. No artificial improvements, except for landscaping, shall be installed within thirty-five feet (35') of the wetland to be buffered. Existing native vegetation within the prescribed buffer shall be preserved; however, no additional vegetation is required to be planted.
 - b. Town standards may be superseded by stricter state standards, if applicable for stormwater management or other purposes as stated by the agency of jurisdiction.
- C. *Buffer Modifications.*
 1. Interior buffering requirements may be waived if the owner(s) and tenant (s), where present, of adjoining property agree in writing, to be submitted to the Zoning Administrator, that no buffering is necessary. Such agreement shall remain in effect until the land use of the parcel to be buffered otherwise changes or stands vacant for one year.
 2. An interior buffer may be located to the interior the lot, away from the property boundary, with good cause as judged by the Zoning Administrator.
 3. *Vehicular access.*

- a. Buffering along the right-of-way may be interrupted for forty feet (40') to allow for a driveway.
- b. Interior buffering may be interrupted for twenty-five feet (25') to allow for access between parcels.

IV. Site Access and Parking Standards.

A. Access and Frontage.

1. All parcels, except those in Rural Residential zoning districts and those non-conforming landlocked parcels legally existing prior to adoption of this ordinance, shall have at least twenty feet (20') of frontage along a public right-of-way.
2. Private egress may be allowed only in Rural Residential zoning districts or to access those on-conforming landlocked parcels legally existing prior to adoption of this ordinance. Vehicular access crossing multiple properties shall be considered a private egress and shall be dedicated for use as such in the form of an easement recorded with Dorchester County.
3. No more than (4) detached residences (including manufactured homes) may share a private egress or other private driveway.

B. Access to Public Roads. To minimize loss of on-street parking as well as impacts to pedestrian travel, two-way driveways shall not be wider than forty feet (40') at the property boundary, and one-way driveways shall not be wider than twenty feet (20') at the property boundary. Driveways shall be allowed as follows:

1. Along a road frontage, one one-way driveway is allowed every fifty (50') feet.
2. One (1) two-way driveway is allowed every, one hundred (100') feet, these may be substituted for a pair of one-way driveways.

C. Surfacing and Materials.

1. All grounds intended for vehicular circulation and parking shall be surfaced with a durable, all-weather material that resists ponding and erosion. All parking areas serving more than eight (8) spaces are encouraged to employ gravel, paving, or similar.
2. All parking areas serving more than eight spaces shall be designed such that clear definition of the area and each vehicle stall is provided (e.g., striping, railroad ties, concrete tire bumpers, or similar).

D. Drainage. All parking areas and site access shall be designed such that stormwater is not diverted onto adjoining properties and does not retard the traveling public. Diversion to drainage ditches (or other public stormwater management) and/or on-site detention (e.g., basin, pond) is strongly encouraged.

V. Special Exception Standards.

In order to mitigate negative externalities and to protect the character and morals of the community of Harleyville from particularly noxious or otherwise incompatible land uses, the Board of Zoning Appeals (BZA) shall review those uses specified 'SE' in the land use table to ensure that the use is in compliance with the Comprehensive Plan and may require conditions to achieve that end. The applicant seeking special exception for zoning approval shall demonstrate that adequate measures will be taken to achieve compatibility

with surrounding uses, the zoning district in which the use is proposed, and the town as a whole, as judged by the BZA. The BZA will deny the application if the applicant cannot demonstrate potential to achieve compatibility.

- A. Some uses may generate externalities, as described in this chapter, that would interfere with the function or enjoyment of surrounding properties. The BZA may therefore require setbacks and buffers along property boundaries of seventy-five feet (75') as well as opaque fencing and/or sound walls to prevent the emission of light, noise, odor, and/or vibration across property boundaries.
- B. Some uses generate externalities and vehicular traffic that may interfere with residential and commercial functions within the town. The BZA may therefore require that such a use limit its hours of operation. For instance, daytime hours of operation may be required so that sleeping hours are not interrupted by noise such as that generated by heavy truck traffic.
- C. Some uses are imposing in size, extent, character, and appearance on nearby properties, thus threatening pedestrian connectivity and scale. To mitigate these impacts, the BZA may require parking and outdoor storage for the use to be located behind the primary structure or otherwise concealed and may require structures to be set back from property boundaries a distance equal to the height of the eave above grade.
- D. Some uses include structures of heights that are generally incompatible with small towns and neighborhoods due to risk of collapse, air pollution, shadowing, and vista interruption. The BZA may therefore require such structures to be set back from property boundaries by a distance equal to half of the height of the structure to separate the structure from surrounding property.
- E. Some uses detract from the function and enjoyment of homes, churches, daycares, and schools. The BZA may therefore require that the parcel accommodating such a use be separated from homes, religious institutions, daycares, and schools by three hundred feet (300').
- F. Some uses include outdoor storage of materials, such as shipping containers, that may pose a threat to surrounding properties during severe weather. The BZA may therefore require such storage areas to be buffered or moved indoors, in structures that meeting building codes adopted by the Town.
- G. Some uses have significant on-site parking needs for employees, visitors, patrons, residents, trucks, and commercial vehicles. The BZA may therefore require construction and provision of parking areas in accordance with the standards and guidelines of the Harleyville Land Development Ordinance.
- H. To ensure efficient use of Town infrastructure and to prevent potential environmental hazards, the BZA may require the use to access and utilize public infrastructure systems, such as potable water and sanitary sewer.
- I. To prevent flooding and water quality problems, the BZA may require the use to meet County and State stormwater management requirements.
- J. Some uses have the potential to generate significant pedestrian traffic. The BZA may therefore require the installation of walkways to achieve pedestrian connectivity within and across the site. Design standards of the federal Americans with Disabilities Act (ADA) may apply.

Chapter Five: Administration

I. Zoning Administration.

- A. *Zoning Administrator.* The Zoning Administrator shall be contracted by the Town of Harleyville and charged with the administration and enforcement of the Harleyville Zoning and Land Development ordinances, which shall entail the following duties:
 - 1. Interpreting the Zoning Ordinance and Land Development Ordinance.
 - 2. Administering permits and certificates.
 - 3. Processing applications for variances.
 - 4. Processing appeals to the Board of Zoning Appeals and preparing the record for appeal to circuit court.
 - 5. Investigating and resolving complaints pertaining to the ordinances.
 - 6. Enforcing the ordinances; and
 - 7. Other duties assigned by ordinance, Mayor, Town Council, Board of Zoning Appeals, or Planning Commission.
- B. The following duties may be carried out by the Zoning Administrator or delegated to another employee of the Town designated by the Zoning Administrator:
 - 1. Fee collections for permits and certificates.
 - 2. Maintaining current Zoning Map; and
 - 3. Maintaining public records related to zoning and land development.
- C. *Estoppel.*
 - 1. *Consistency of interpretation and enforcement.* The Zoning Administrator shall interpret and enforce the Zoning and Land Development ordinances with consistency. When a change in practices or interpretations is necessary, the appropriate changes to the ordinance by amendment shall be made by Town Council. Once the Zoning Administrator makes an interpretation of the ordinances, the local governing body may be estopped from changing his/her interpretation or from enforcing the ordinances differently from past enforcement when a landowner has relied upon the interpretation.
 - 2. *Proof of estoppel.* A landowner must show the following estoppel elements against the Town:
 - a. Lack of knowledge and of the means of knowledge of the truth in the matter.
 - b. Justifiable reliance on the conduct of the officials; and
 - c. A prejudicial change in the position of the party claiming estoppel.
- D. *Mandamus.* The highest writ known to law; a writ of mandamus is an order issued to compel a public official to perform his ministerial duty. Per SC Code of Laws §6-29-950(A), a citizen may seek a writ of mandamus in circuit court to require the Zoning Administrator to enforce the Zoning Ordinance or Land Development Ordinance.
- E. *Planning Commission.* The Harleyville Planning Commission, as established by Harleyville Town Council, may function as an advisory committee to the Zoning Administrator with respect to the provisions of this ordinance. The Zoning Administrator may forward to the Commission, at his/her discretion or upon

request by the Commission, any application for permit in Harleyville. The Planning Commission may review the application for compliance with any and all provisions of the Zoning Ordinance. The final decision or approval or disapproval shall nevertheless rest with the Zoning Administrator.

II. Planning Commission.

- A. *Establishment of Planning Commission.* A Planning Commission has been established for the Town of Harleyville as a board that has the powers and duties as provided in the South Carolina Code §6-29-310 et seq.
- B. *Powers and Duties of the Planning Commission.* The Planning Commission shall be assigned the duty to develop and carry out a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the town of Harleyville. The following steps constitute this duty.
 - 1. *Comprehensive plan.* Prepare and periodically revise development and/or redevelopment plans and programs.
 - 2. *Implementation.* Prepare and recommend to Town Council measures for carrying out the Plan. Such measures include the following.
 - a. *Zoning ordinance.* Text, map, and any necessary revisions.
 - b. *Regulations for land subdivision or development.* The Commission is responsible for overseeing administration of the Harleyville Land Development Ordinance upon adoption by Council.
 - c. *Official map.* Map showing the exact location of existing or proposed public streets, highways, utility rights-of-way, and public building sites. The Official Map and Zoning Map may be the same document. The Commission is responsible for developing regulations and procedures for administering the Official Map.
 - d. *Landscaping ordinance.* Provide required standards for planting, tree preservation, and other aesthetic considerations.
 - e. *Capital improvements program.* List required projects to carry out the adopted plans. The Commission submits an annual list of priority projects to Council for consideration when annual capital budgets are prepared. The Commission should take these priority projects from the adopted Comprehensive Plan.
 - f. *Policies and procedures.* Implementation of the adopted Comprehensive Plan. These cover such things as expanding the corporate limits, extending the public water and sewer systems, accepting dedicated streets, accepting drainage easements, and offering economic development incentive packages.

III. Board of Zoning Appeals (BZA).

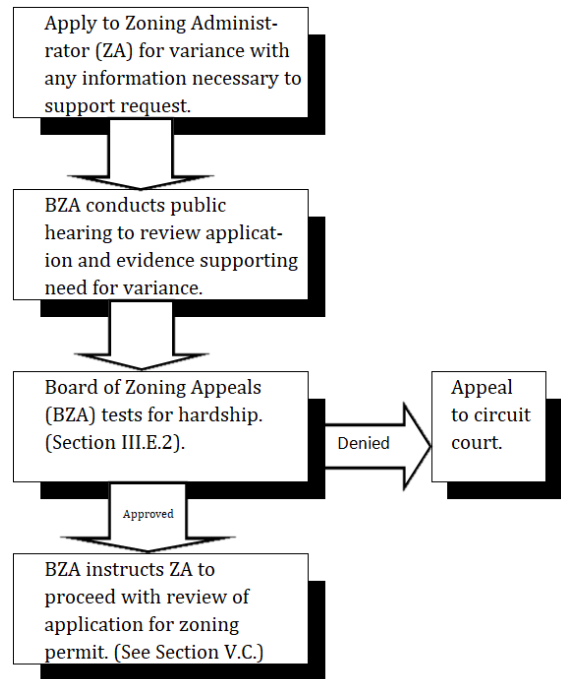
- A. *Appeal of the decisions of the Zoning Administrator.* All questions arising in connection with the enforcement of the Zoning Ordinance and/or the Land Development Ordinance shall be presented first to the Zoning Administrator, after which, such questions may be presented to the Board of Zoning Appeals, but only on appeal of the written decision of the Zoning Administrator.

- B. *Establishment of Board of Zoning Appeals.* A Board of Zoning Appeals is hereby established for the Town of Harleyville as a quasi-judicial board that has the powers and duties as provided in the South Carolina Code §6-29-780 et seq.
- C. *Membership.*
1. The Board shall consist of five (5) members.
 2. Members shall be citizens of Harleyville.
 3. Members shall be appointed by Town Council for overlapping terms of five (5) years.
 4. Members may continue to serve until a successor is appointed.
 5. Initial appointment shall be one member each for terms of one, two, three, four, and five (1, 2, 3, 4, & 5) years.
 6. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.
 7. Members shall serve without pay but may be reimbursed for expenses incurred while part of the Board.
 8. Members cannot hold any other public office or position in the Town.
- D. *Proceedings of the Board of Zoning Appeals.*
1. The Board of Zoning Appeals shall elect a chairman and a vice-chairman from its membership, who shall serve for one (1) year or until re-elected or until their successors are elected.
 2. The Board shall appoint a secretary, who may be a Town officer, a Town employee, a member of the Planning Commission, or a member of the Board of Zoning Appeals.
 3. The Board shall adopt rules and by-laws in accordance with the provisions of this Ordinance and South Carolina Code §6-29-790.
 4. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.
- E. *Powers of the Board of Zoning Appeals.*
1. *Administrative review.* The Board may hear and decide appeals where it is alleged the Zoning Administrator erred in an order, requirement, decision, or determination. Inc such cases, the Board may reverse or affirm, wholly or in part, the Zoning Administrator's actions. The Board shall have all the powers of the Zoning Administrator in such cases and may direct the issuance of a permit.
 2. *Variances.* The Board shall have the power the hear requests for variances and decide as to their validity when strict application of the Zoning Ordinance would cause unnecessary hardship.
 - a. The following standards must apply for finding of an unnecessary hardship.
 - i. *Extraordinary conditions.* There are extraordinary and exceptional conditions pertaining to the particular piece of property, which could exist due to topography, street widening, or other conditions making economically feasible use of the property difficult or impossible.

- ii. *Utilization.* Because of these extraordinary conditions, the application of the ordinance to a particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
- iii. *Detriment.* The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by granting of the variance.
- iv. *Other property.* Extraordinary conditions generally do not apply to other property in the vicinity.
- b. *Conditions.* In granting a variance, the Board may attach to it standards in the Ordinance that address the location, character, or other features of a proposed building, structure, or use as conditions of approval to protect established property values in the surrounding area and to promote the public health, safety, or general welfare.
- c. *Use variances.* The Board may not grant use variances. A use variance involves the establishment of a use not otherwise permitted in a zoning district, extends physically a non-conforming land use, or changes the zoning district boundaries shown on the Zoning Map.
- 3. *Special exceptions.* The Board may grant special exceptions as outlined in Section VI of this chapter.
- F. *Record Keeping.* The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be filed in the office of the Board and shall be public record. On all appeals, applications, and other matters brought before the Board, it shall inform in writing all the parties involved of its decision(s) and the reason(s) heretofore.
- G. *Decisions of the Board of Zoning Appeals.* The concurring vote of three (3), members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to consider under this ordinance or to affect any variation of this ordinance.
- H. *Procedures for Appeals and Variances.*
 - 1. *Application.* Any person believing to have found error in the written decision of the Zoning Administrator may appeal it to the Board of Zoning Appeals. Such appeals shall be filed with the Town within thirty (30) days of the date of written notice of the decision or order of the Zoning Administrator.
 - 2. *Stay of proceedings.* Filing an appeal to the Board stays all legal proceedings to enforce the appealed action unless the appealed officer certifies that a stay would cause imminent peril to life and property. In such cases, a Board or court restraining order may stay the action.
 - 3. *Hearings.* The Board of Zoning Appeals shall hold a public hearing within sixty (60) days of receiving written application for appeal or variance, giving public notice thereof at least fifteen (15) days prior to the hearing by placing notice in a general circulation newspaper in the community.
 - 4. *Posting property.* In cases involving variances, Town staff must post conspicuous notices on or next to the affected property at least fifteen (15)

days prior to the hearing. At least one notice must be visible from each street that borders the property.

- I. *Appeals of Decisions of the Board of Zoning Appeals.* Any person who may have a substantial interest in any decision of the Board of Zoning Appeals may appeal that decision to circuit court, filing with the clerk of such court a petition in writing setting forth plainly, fully, and distinctly wherein such decision is contrary to law. Such appeal shall be filed within thirty (30) days of the rendering of the decision of the Board.



IV. Amendments.

- A. *Intent.* The regulations, restrictions, and boundaries set forth in this Ordinance may, from time to time, be amended, supplemented, changed, or repealed by Town Council provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard.
- B. *Initiation of Amendment.* Any revision of the text or map of the Zoning Ordinance may be initiated within the Planning Commission or by a Town Councilperson. Additionally, a landowner may request a revision to the Zoning Ordinance, provided such affects solely his property, through application to the Town of Harleyville submitted to the Zoning Administrator. The procedure to amend the Ordinance is as follows.
 1. *Application to the Town of Harleyville.* In the event, that a landowner requests from the Town a rezoning of his/her parcel(s) or other amendment to an ordinance that would solely affect his/her parcel(s), he/she shall undertake the following procedure.
 - a. An application form, together with the application fee for zoning amendment shall be filed with the Zoning Administrator, who shall review the application as to proper form. Within fifteen (15) working days of receipt, the applicant shall receive written notice from the Zoning Administrator of review and the proposed hearing date or, if the application is incomplete a request for additional required information.
 - b. *Required information.* The applicant shall set forth a detailed description of the amendment on an application provided by the Zoning Administrator. When the amendment involves a change in the Zoning Map, the applicant shall submit the following information:
 - i. A legal description and street address of the subject property, together with a property boundary map if subject property is not explicitly delineated on the Zoning Map.

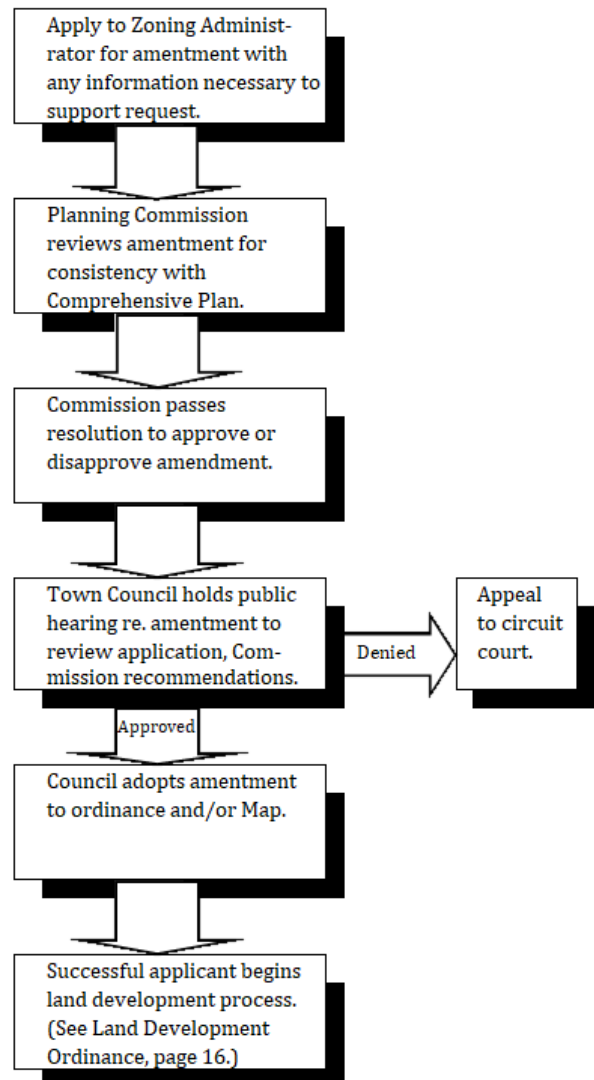
- ii. Name, address, and phone number of applicant.
- iii. Name of property owner(s) and applicant's interest in the property if not the owner in fee simple title.
- iv. Filing date of application.
- v. Zoning of adjacent properties.
- vi. Any other information deemed relevant by the Zoning Administrator; and
- vii. Applicant's and property owner's signature.

2. Any amendments, changes (including rezoning), or supplements to the Zoning Map or, Zoning Ordinance must first be submitted to the Zoning Administrator for review and recommendation. Upon receipt of a complete amendment application from a landowner, the Zoning Administrator shall transmit the application and recommendation to the Planning Commission within fifteen (15) days.

C. *Planning Commission Review.* All proposed amendments must be submitted to the Harleyville Planning Commission for its review and recommendation.

The Planning Commission shall have thirty (30) days within which to submit its report. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have recommended approval of the requested amendment. In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition. These facts shall include but not be limited to the following:

1. Whether or not the requested zoning change is justified by a change in conditions since the ordinance was adopted or by an error in the ordinance.
2. Whether or not the requested zoning change is consistent with the Comprehensive Plan.
3. The precedents and the possible effects of such precedents that might result from approval or denial of the petition.



4. The capability of the Town or other government agencies to provide any services, facilities, and/or programs that might be required if the petition is approved.
 5. Effect of approval of the petition on the condition and/or value of property in town; and
 6. Effect of approval of the petition on adopted plans and policies of the Town of Harleyville
- D. *Passage by Resolution.* If the Planning Commission finds by majority vote that the proposed zoning revision is in accordance with the above considerations, it shall pass a resolution to Town Council that such amendment is made to the Zoning Ordinance.
- E. *Notice of Public Hearing.* Town staff shall perform the following duties in the event of a proposed amendment to the Ordinance.
1. *Newspaper notice.* A notice shall be placed in a newspaper of general circulation in the town at least fifteen (15) days prior to the hearing. The notice must list the hearing time and place.
 2. *Posting property.* In rezoning cases, conspicuous notices shall be posted on or adjacent to the affected property by the Zoning Administrator. One notice must be visible from each public street that borders the property. Such sign(s) shall be posted at least fifteen (15) days prior to the public hearing.
 3. *Mail notice.* Written notice must be mailed to all interested groups requesting notice.
- F. *Public hearing and adoption by ordinance.* The Town Council shall conduct a public hearing at which the Zoning Administrator will present the proposed amendment. Town Council shall review the Planning Commission report and comments made at the public hearing before taking action to either adopt or reject the amendment to the ordinance. Adoption of the amendment shall be by ordinance by majority vote. After adoption, the Zoning Administrator shall make the necessary changes to the Zoning Ordinance text and Zoning Map.

V. Permitting.

- A. *Applicability.* It is unlawful to construct, reconstruct, alter, demolish, change the use of, or occupy any land, building, or other structure without first obtaining the appropriate permit. It is also unlawful for any other local government official to issue any permit related to land use and development without the approval of the Zoning Administrator.
- B. *Zoning Permit.* A zoning permit will be issued only after it is demonstrated to the satisfaction of the Zoning Administrator that all land development and zoning codes will be met. No building or structure shall be erected or occupied, no use or change in use commenced, and no excavation or grading commenced relating thereto unless a zoning permit has been issued by the Zoning Administrator and is valid at the inception of development.
1. *Permit applications.* Application for zoning permit shall be made on forms available from the Town of Harleyville. The application shall be submitted to the Zoning Administrator, together with the required fee and with site plans in triplicate drawn at 1" = 50' or grater, showing at a minimum the following:
 - a. Actual dimensions and shape of the lot to be built upon.

- b. Size and location of existing buildings on the lot.
 - c. Location and exterior dimensions of proposed buildings and/or additions.
 - d. Size, location, and type of existing and proposed infrastructure, including water and sewer lines as well as vehicular and pedestrian ways.
 - e. Number, size, and location of proposed and existing parking lots and/or spaces.
 - f. Location, size, and type of proposed required vegetation and other landscaping features; and
 - g. Delineated wetlands and acreage of such, when required by state or federal agencies.
- 2. The application shall include such additional information as may be required by the Zoning Administrator, including:
 - a. Existing or proposed uses of buildings and land on the parcel.
 - b. The number of families and/or housing units the building(s) is designed to accommodate; and
 - c. Such other matter as may be necessary to determine conformance with and to provide for the enforcement of this ordinance.
- C. *Building Permit.* The following shall be required in the application for a building permit from the Town, in addition to any other information required by other Town ordinances:
 - 1. A zoning permit issued by the Zoning Administrator; and
 - 2. All required permits from other agencies of jurisdiction, such as US Army Corps of Engineers, SC DHEC, SC OCRM, et al.
- D. *Certificate of Occupancy.* An inspection of the development to determine its conformance to this ordinance, the Harleyville Land Development Ordinance and other applicable codes and regulations will be required prior to the issuance of a certificate of occupancy.
- E. *Recordation of Permits.* Two (2) copies of the plans shall be returned to the applicant by the Zoning Administrator after he shall have marked such copy either as approved or disapproved, indicated by his signature on such copies. The applicant shall be responsible for recording as-built plans with Dorchester County. One copy of the plans, similarly signed, shall be retained by the Town. The Town shall maintain a record of all zoning permits on file, and copies shall be made available on request to interested parties.
- F. *Posting of Permits.* The successful applicant shall post a copy of the permit at the entrance of the property for which the permit was granted. Such shall be easily recognized from the public right of way and maintained until all certificates of occupancy for the development have been granted.
- G. *Expiration of Permits.* Any zoning permit issued in accordance with this ordinance will lapse and become invalid unless the work for which it was issued is started within six (6) months of the date of issue or if the work authorized by it is suspended or abandoned for a period of one (1) year. Further work as described in the expired permits shall not proceed unless and until new permits have been obtained.

VI. Conditional and Special Exceptions Uses.

- A. *Conditional uses.* Such uses must meet conditions, restrictions, and/or limitations in order to be permitted, as outlined in the Zoning Ordinance. These are in addition to those standards that apply to all land in the zoning district. This technique is used to allow uses generally compatible with the district but that may generate externalities adversely impacting nearby property or uses unless conditions are imposed to protect those properties or uses. If the Zoning Administrator deems that these conditions have been met, he shall issue a zoning permit for use. Otherwise, the zoning permit is denied.
- B. *Special Exception Uses.* Some uses are generally incompatible in some zoning districts but may be allowed by special exceptions upon review by the Board of Zoning Appeals. At a minimum, these uses shall meet the standards of conditional uses allowed in the district in order to obtain a zoning permit. The BZA may attach additional conditions, provided in this ordinance, to the zoning permit to correct or mitigate any non-conformities it foresees, to ensure the compatible development of the proposed site with the zoning district as well as the community as a whole.
 - 1. *Application to the Town of Harleyville.* The applicant shall complete and submit the appropriate form and fee to the Zoning Administrator, who shall then forward the application together with the application the zoning permit and its accompanying information and documentation to the Board of Zoning Appeals.
 - 2. *Notice of public hearing.* Town staff shall perform the following duties in the event of an application for special exception.
 - a. *Newspaper notice.* A notice shall be placed in a newspaper of general circulation in the town at least (15) days prior to the hearing. The notice shall list the hearing time and place.
 - b. *Posting property.* Conspicuous notices shall be posted on or adjacent to the affected property by the Zoning Administrator. One notice must be visible from each public street that borders the property. Such sign(s) shall be posted at least fifteen (15) days prior to the public hearing.
 - c. *Mail Notice.* Written notice must be mailed to all interested groups requesting notice at least fifteen (15) days prior to public hearing.
 - 3. *Public hearing.* The Board of Zoning Appeals shall conduct a public hearing at which the Zoning Administrator shall present to the BZA a report of the application for special exception and his findings of compliance or non-compliance with the Zoning Ordinance. The applicant shall provide any information necessary to demonstrate that conditions for the special exception use, as listed in the Zoning Ordinance, will be achieved.
 - 4. *Order on special exception.* The Board of Zoning Appeals shall, upon decision of approval or denial, submit to the applicant its decision in writing within thirty (30) days and shall notify the Zoning Administrator of such decision. If the Board of Zoning Appeals finds that the conditions outlined in the Zoning Ordinance for the use in question can be achieved, the Zoning Administrator shall process the application for zoning permit for the reviewed use.

VII. Enforcement.

- A. *Limit on Re-application.* Except for requests which are continued with the mutual consent of the applicant and the Zoning Administrator, an applicant shall not initiate action for a subdivision, appeal, variance, special exception, or zoning amendment affecting the same parcel of property or any part thereof more often than once in twelve (12) months.
- B. *Fees and Fines.* The Town Council shall establish a schedule of fees and fines and a collection procedure for zoning permits, zoning amendments, variances, appeals, special exceptions, and other matters pertaining to this ordinance and the Land Development Ordinance. The schedule shall be posted in the office of the Zoning Administrator and may be altered or amended as needed by Town Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application of appeal.
- C. *Violations.*
 - 1. *Applicability.* Any violation to the Zoning Ordinance or the Land Development Ordinance is unlawful and shall be a misdemeanor per SC Code of Laws §6-29-950(A). Each day in which the violation occurs or exists shall constitute a separate offense where the Zoning Administrator determines that the situation places the public in imminent danger or creates an emergency. In a situation that does not place the public in imminent danger or create an emergency, if, in the opinion of the Zoning Administrator, no substantial progress is made toward correcting the violation by the end of the seventh(7th) calendar day, each day the violation continues thereafter shall be constitute a separate offense.
 - 2. *Enforcement tools.* The following steps may be taken by the Zoning Administrator to ensure compliance with the Zoning Ordinance and Land Development Ordinance of the Town of Harleyville.
 - a. *Permits.* The Zoning Administrator may withhold any or all zoning permits, building permits, other approvals, or certificates of occupancy for any development that does not comply with the provisions of the Zoning Ordinance and/or Land Development Ordinance. Such approvals will not be granted to the applicant until the development is brought into compliance with these ordinances. Such denial may be appealed to the Board of Zoning Appeals per Section III of this chapter and shall remain in effect until overturned by the board, if so voted.
 - b. *Stop Order.* If the Zoning Administrator finds that any of the provisions of the Zoning Ordinance or the Land Development Ordinance are being violated or has received reliable information indicating that a violation of these ordinances is occurring or about to occur, he may issue a “stop order,” per SC Code of Laws §6-29-950. A stop order requires that all activities in violation of these ordinances cease. Such action may be appealed to the Board of Zoning Appeals per Section III of this chapter and shall remain in effect until overturned by the Board, if so voted. Such shall cite the activities in violation and provision of local code being violated. Failure by the applicant to stop such activities is unlawful and shall be a misdemeanor punishable by a fine as indicated on the Schedule of Fees and Fines and/or

imprisonment for up to thirty (30) days for each day of the violation, in addition to fines and penalties which may be imposed for violations of the Town Codes, the Zoning and Land Development ordinances, and other codes. The following steps shall be taken by the Zoning Administrator to serve a stop order.

- i. *Posting.* The Zoning Administrator shall post a copy of the stop order at a conspicuous location on the site of the violation (e.g., the front door of the temporary on-site construction office or on the posted permit being violated).
- ii. *Serving.* The Zoning Administrator shall serve the offending party with a copy of the stop order. If available, the construction foreman on-site shall be served. Another copy of the stop order shall be mailed to the address given on the application for permit being violated. The Zoning Administrator is also encouraged to mail a copy of the property owner, as indicated on tax records.
- c. *Selection of remedial action.* In order to correct a violation of the Zoning Ordinance or Land Development Ordinance or to mitigate the adverse impacts resulting from a violation of this ordinance, the Zoning Administrator has the discretion to select among the following courses of action, as appropriate under the circumstances. The intent of these steps is to allow the non-compliance to be eliminated or mitigated without necessitating legal action by the Town or townsfolk withstanding against the violator. Such decision by the Zoning Administrator may be appealed to the Board of Zoning Appeals; however, during such appeal process, the developer may not proceed in any manner in violation of these ordinances.
 - i. Require the developer or owner to take specific actions to bring the construction or activity in question into compliance with the Zoning and Land Development ordinances.
 - ii. Require the developer or owner to take specific actions that will minimize the extent and impacts of the non-compliance or mitigate the adverse impacts caused by or associated with the violation, so long as undue hardship on adjoining or nearby properties or uses is not created.
- d. *Ordinance summons.* Any code enforcement officer, including the Zoning Administrator, who witnesses a violation of the Zoning Ordinance or Land Development Ordinance (or other local ordinance) may issue an "ordinance summons" per SC Code of Laws. Such may also be issued to a party in violation of a stop order. The ordinance summons shall cite the activities in violation, the provision of local code being violated, and the itemized and total fine assessed the offender. The Zoning Administrator shall personally serve the ordinance summons on the offender and be prepared to serve as a prosecuting witness in the event of trial. The offender cannot appeal an ordinance summons to the Board of Zoning Appeals, as the summons gives a magistrate or judge jurisdiction to try the case. The offender may pay the fine assessed by the Town to the local magistrate's office, request a trial by jury, or agree to a court trial. In the latter two instances, upon conviction,

the court may uphold or adjust the monetary fine in addition to assessing state-mandated costs and/or sentence the offender to confinement in jail.

- e. *Injunction.* Per SC Code of Laws 6-29-950(A), the Zoning Administrator, other local government officer, a local government attorney, or a neighboring property owner specifically damaged by a zoning ordinance violation can start an action for injunction in circuit court. Such prohibits property uses contrary to the zoning ordinance and can require the removal of unauthorized structures.
- f. *Warrant.* Any person with knowledge of the facts of a violation of the Zoning Ordinance or Land Development Ordinance may file an affidavit for an arrest warrant for the violator. If authorized, the arrest warrant shall then be served on the violator by a law enforcement officer, who shall take the violator into custody. The violator is booked and held until a judge conducts a bond hearing. After bond is posted or the violator is released on his own recognizance, the case is set for trial. The case is settled by bond forfeiture, court trial, or jury trial if the violator requests one. If the case goes to trial, the person signing the affidavit must testify as a prosecuting witness. If convicted, the court may impose a fine and/or confinement on the violator as well as assessment of costs. The violator's conviction does not guarantee the condition or use contrary to the Zoning Ordinance or Land Development Ordinance will be corrected, since magistrates and municipal judges do not have the authority to issue injunctions or orders requiring compliance with the ordinance. However, the violator may be tried and convicted for each offense each day in which the violation takes place.

Chapter Six: Terms

I. Intent

For the purpose of interpreting this Ordinance, certain words, concepts, and ideas are defined. Except as defined herein, all other words used in this Ordinance shall have their everyday dictionary definition.

II. Interpretation.

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural, and words used in the plural number include the singular.
- C. The word "person" may include a firm, association, organization, partnership, corporation, trust, and company as well as an individual.
- D. The word "parcel" includes the word "lot," "plot," or "tract."
- E. The word "shall" means always mandatory.
- F. The word "structure" includes the work "building."
- G. The word "used" or "occupied" as applied to any land or building shall include the words "intended, arranged, or designed to be used or occupied."
- H. Any word denoting gender includes the female and the male.
- I. The word "town" means the town of Harleyville in Dorchester County, South Carolina, unless otherwise noted, while the capitalization of the word – "Town" – means the government of the same.

III. Definitions.

Adult business. An establishment consisting of, including, or having the characteristics of any or all of the following:

Adult bookstore. An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

Adult cabaret. (1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas, or (2) an establishment that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainer for observation by patrons.

Adult motion picture theater. A building used for presenting material, primarily in the medium of motion picture, distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

Day care. Establishment providing for the care, supervision, or guidance of persons unaccompanied by parent, guardian, or custodian, generally during daylight hours.

Setback. The shortest distance from a structural element to a lot line or to delineated wetlands. See also *Yard*.

Temporary use. A use established for a finite period of time, such as seasonal uses and events (e.g., produce stand, festival). Any structure erected for occupation by the temporary use shall be removed upon cessation of the use. Also, upon cessation, all signage and other site alterations shall be removed or returned as nearly as possible to the site conditions that existed prior to the establishment of the temporary use.

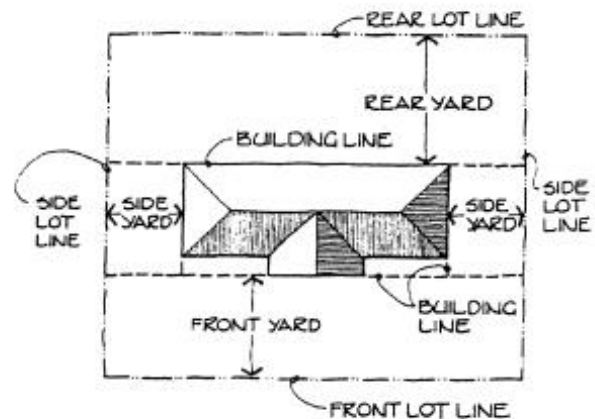
Yard. A space created by a required or provided setback on the same lot with a principal building, open, unoccupied, and unobstructed by buildings or structures from ground to the sky.

Yard, buffer. A yard containing materials used to provide sight and sound screening from adjoining properties and rights of way. The required height and width of the buffer yard and materials used in its construction vary according to use and zoning district.

Yard, front. The yard extending the full width of the lot, situated between the front lot line as it occurs along the public right of way and a line projected to the side lot lines from the front of the building. In the event of a corner lot, that yard adjacent to the intersecting street to the side of the building is also a front yard.

Yard, rear. The yard extending the full width of the lot, situated between the rear lot line and the line projected to the side lot lines from the rear of the building.

Yard, side. The yard situated between the side lot line, the front and rear yards, and the side of the building.



The
Land Development Ordinance
of the Town of
Harleyville

Adopted November 12, 2024

This Ordinance implements the policies of the
2021 Harleyville Comprehensive Plan, as amended.



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Chapter One: General Provisions

I. Title and Intent.

- A. This ordinance governs the conversion of raw land and parcels into subdivided tracts and lots for the construction of buildings and other structures and development and shall be known as the “Land Development Ordinance of the Town of Harleyville, SC, “herein referred to as the “Land Development Ordinance.”
- B. The purpose of this ordinance is to provide for harmonious, orderly, and progressive land development to promote the public health, safety, economy, good order, appearance, convenience, and general welfare of the citizens of Harleyville. This purpose shall be achieved through the following objectives:
 - 1. Encouraging the development of an economically sound and stable town.
 - 2. Assuring, in general, the wise and timely development of new areas or redevelopment of areas in harmony with the Comprehensive Plan.
 - 3. Assuring the timely provision of required streets, utilities, and other facilities and services to new land development.
 - 4. Assuring safe and convenient traffic access and circulation – both vehicular and pedestrian – in and through new land developments; and
 - 5. Assuring the provision of needed public open spaces and building sites in new land developments by dedication or reservation of land for recreation, education, transportation, and other public purposes.

II. Policy.

- A. It is declared to be the policy of the Town of Harleyville to consider the subdivision of land and the subsequent development thereof as subject to the control of the Town pursuant to the adopted comprehensive plan for the orderly, planned, efficient, and economical development of Harleyville.
- B. Land subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreational facilities, transportation facilities, and other improvements.
- C. The existing and proposed public improvements shall conform to and be properly related to the policies and the comprehensive plan, official zoning map, and capital budget and program of the Town, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, the Zoning Ordinance, the Comprehensive Plan, and the capital budget and program.
- D. Land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations to further the purposes of standards identified in Section I.

III. Jurisdiction.

This ordinance is adopted pursuant to the authority granted under §6-29-1110 of the Code of Laws of South Carolina. The Harleyville Planning Commission is vested with the authority to review, approve, conditionally approve, and disapprove applications for the subdivision and development of land, including all required site plans. The Commission may grant modifications of these standards pursuant to the provisions of Section One. VI. A.

These regulations apply to all subdivision of land located within the corporate limits of the town of Harleyville.

- B. No land may be subdivided through the use of any legal description other than with reference to a plat approved by the Planning Commission and/or the Planning Director in accordance with these regulations.
- C. No land described in this section shall be subdivided or sold, leased, transferred, or developed until the subdivider has obtained approval of the preliminary plan from the Planning Commission, where required as specified herein, and has filed the approved final subdivision plat with the Clerk and Recorder of Dorchester County.
- D. No zoning or building permit or certificate of occupancy shall be issued for any parcel or plat of land created by subdivision after the effective date of – and not in substantial conformity with – the provisions of these land development regulations, and no excavation of land or construction of any public or private improvements shall commence except in conformity with these regulations and those of the Harleyville Zoning Ordinance.

IV. Severability.

Should any portion of this ordinance be found illegal by a court of competent jurisdiction, the remainder of the ordinance shall remain in effect.

V. Amendments.

For the purpose of protecting the public health, safety, and general welfare, the Planning Commission may, from time to time, propose amendments to these regulations, which shall then be approved or disapproved by Town Council following the amendment procedure set forth in the Zoning Ordinance.

VI. Modification of Standards.

- A. Where the Planning Commission finds that extraordinary hardships from practical difficulties may result from strict compliance with these regulations and/or that the purpose of these regulations may be served to a greater extent by an alternative proposal, it may approve modifications to these land development regulations so that substantial justice may be done and the public interest secured, provided that the modification does not have the effect of nullifying the intent and purpose of these regulations; further provided, the Planning Commission shall not approve modifications unless it makes findings based upon the evidence presented to it in each specific case that:
 - 1. The granting of the modification will not be detrimental to the public safety, health, or welfare or injurious to other property.
 - 2. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property.

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result – as distinguished from a mere inconvenience – if the strict letter of these regulations is carried out; and
 4. The modification sought will not in any manner be in conflict with the provisions of the Zoning Ordinance or the policies in the Comprehensive Plan.
- B. *Conditions.* In allowing modifications, the Planning Commission may require such conditions as will, in its judgement, secure substantially the intent and policies described in this chapter.
- C. *Documentation.* Upon granting or allowing a modification, the Planning Commission shall then state in writing findings of fact supporting its decision to grant or allow the modification.

VII. Enforcement and Penalties.

- A. *In General.*
1. No owner or agent of the owner of any parcel of the land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plat of the subdivision has been approved by the Planning Commission in accordance with the provisions of the regulations and filed with the Clerk and Recorder of Dorchester County.
 2. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations, nor shall the municipality have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these regulations.
 3. It shall be the duty of the Planning Director and the Planning Commission to enforce these requirements and to bring the attention of the Town Attorney or his designated agent any violations of these regulations.
 4. The Town shall be empowered to utilize those enforcement tools provided for administration of the Harleyville Zoning Ordinance, in addition to all procedures spelled out herein.
- B. *Penalty.* Any violation of these regulations or amendments thereof shall be a misdemeanor under the laws of the State; the offender, upon conviction, shall be punished as for a misdemeanor; the court having jurisdiction of misdemeanor cases shall have jurisdiction to try such offenders and, upon conviction, to so punish them; each day that any structure or land is used in violation of these regulations shall constitute a separate offense, punishable by up to thirty (30) days in prison or by fines established in the Schedule of Fees and Fines of the Town of Harleyville.
- C. *Civil Enforcement.* Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of these regulations; to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation; and to prevent illegal occupancy of a building, structure, or premises. These remedies shall be in addition to the penalties described above.

Chapter Two: Application Procedure and Approval Process

I. General Procedure.

- A. *Applicability.* Whenever a person proposes the adjustment or subdivision of the land, vacant or improved, involving two (2) or more lots for the purpose of offer, sale, lease, or development, approval by the Planning Director and/or the Planning Commission shall be required, in addition to all other procedures and approvals required in the Zoning Ordinance, whether or not applicable zoning procedures also require approval, review, or recommendation. All such proposals are herein referred to as land developments.
- B. *Classification of Land Developments.* Before any property boundary is altered, the owners(s) of such properties, or their authorized agent, shall apply for and secure approval of the proposed land development in accordance with the procedures provided herein. A proposal shall be classified as one of the following development types.
 1. *Minor land development.* Boundary line adjustment or subdivision of land resulting in the alteration or creation of five (5) or fewer parcels resulting in the installation of no new or upgraded infrastructure described in this ordinance. The person proposing minor land development shall follow the procedures provided herein for final plat review and approval (Section IV).
 2. *Major land development.* Any other land development. The person proposing major land development shall follow procedures for review and approval of a preliminary plan and a final plat (Section III and IV).

II. Sketch Plan.

Submittal of a sketch plan by the applicant seeking land development approval is voluntary but strongly encouraged. Upon submittal of a sketch plan, the Planning Director will apprise the applicant of the land development standards of the Town of Harleyville as well as necessary materials and a possible schedule for review. The purpose of the sketch plan is to enable the Planning Director to assist the applicant in conforming with Town ordinances prior to extensive site planning and engineering work that may be necessary for the preparation of the preliminary plan and final plat required herein.

III. Preliminary Plan.

- A. *Submittal Requirements.*
 1. *Preliminary Plan.* The applicant seeking major land development approval shall prepare and submit a preliminary plan to the Planning Commission to be used for the purpose of determining compliance of the proposal depicted thereon to design standards and improvements requirements of this ordinance and the Zoning Ordinance. Seven (7) copies of the plan and any required supplemental material shall be submitted to the Planning Director or his designated agent not less than thirty (30) days prior to the meeting at which it is to be considered by the Planning Commission.
 2. *Application and fee.* The person seeking major land development approval shall complete an Application for Preliminary Plan Review and submit it,

together with the fee, as stated in the Schedule of Fees and Fines of the Town of Harleyville, with the preliminary plan. The date of receipt of the application and the preliminary plan shall be the official submittal date and noted on the completed application.

3. Standards for the content of the preliminary plan submittal are specified in Chapter III of this ordinance.

B. *Planning Commission Procedure.* The Planning Commission shall act on the submitted plan within sixty (60) days of the official submittal date. Failure to act within sixty (60) days shall constitute automatic approval, and the developer shall be notified of this in writing. The sixty-day time limit may be extended by mutual agreement between the applicant and the Planning Director.

1. *Notification of meeting.* Action taken by the Planning Commission shall be at a scheduled public meeting and notice of the time and place of said meeting shall be sent by the Town via first-class mail to the applicant whose name and address appear on the Application for Preliminary Plan Review. Such notice shall be sent not less than fifteen (15) days before the date of the meeting. Conspicuous notices shall be posted on or adjacent to the affected property by the Planning Director or his designated agent. One notice shall be visible from each public street that borders the property. Such notice(s) shall be posted at least fifteen (15) days prior to the public hearing.

2. *Decision on preliminary plan approval.* At the meeting for review, the Planning Commission shall approve, approve conditionally, or disapprove the plat. One (1) copy of the proposed preliminary plan shall be returned to the applicant while one (1) copy shall be retained by the Town for its records, each bearing the date of approval, conditional approval, or disapproval and written reasons for such actions attached, signed by the Chairperson of the Planning Commission and the Planning Director.

C. *Standards for Approval.* The Planning Commission shall review the preliminary plan, any staff report, or other municipal recommendations provided, and testimony and exhibits submitted. No preliminary plan shall be approved by the Planning Commission unless the applicant proves by clear and convincing evidence that:

1. The proposed development is consistent with the policies of the Comprehensive Plan.
2. The proposed development meets the requirements of the town's Zoning and Land Development ordinances.
3. Definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of development.
4. If a public sewage system is proposed, adequate provision has been made for such a system and, if other methods of sewage disposal are proposed, that such systems will comply with federal, state, and local laws and regulations.
5. All areas of the proposed development which may involve soil, topographical, and hydrological conditions presenting hazards or requiring special precautions have been identified by the applicant and that the proposed uses of these areas are compatible with such conditions; and

6. The applicant has taken every effort to mitigate the impact of the proposed development on public health, safety, and welfare.
- D. *Site Improvements.* No improvements shall be made, nor shall permanent markers or monuments be installed prior to a granting of approval of the preliminary plan by the Planning Commission. Such approval shall be authorization for the applicant to proceed with the installation of property access and public improvements and to proceed with preparation of the final plat but shall not authorize the sale or transfer of lots nor commencement of the erection of structures or other amenities not directly related to the installation of property access and public improvements.
- E. *Effective Period of Approval.* The approval of a preliminary plan shall be effective for a period of two (2) years from the date on which the preliminary plan was approved by the Planning Commission. If a final plat is not submitted for approval within the two-year period, preliminary approval shall be null, and the applicant shall be required to begin again and the land development application process, subject to the current zoning and land development standards.

IV. Final Plat.

- A. *Submittal.* For any land development proposal, the applicant shall prepare and submit a final plat to the Town to be used for the purpose of determining compliance of the proposal to design and improvements standards and requirements. An application requesting approval of the final plat, together with three (3) copies of the plat shall be submitted to the Planning Director or his designated agent.
 1. The final plat shall include or be accompanied by certification from the applicant's engineer that required site improvements have been installed to the Town's satisfaction or that a financial guarantee (per Chapter Four) has been posted securing to the Town the actual construction and installation of required site improvements.
 2. Property boundaries and required improvements, proposed and installed, depicted on the final plat shall conform in all respects to those approved on the preliminary plan, where applicable, except that it shall incorporate all amendments required by the Planning Commission in the event of conditional approval of the preliminary plan.
- B. *Administrative Procedure.* The Planning Director shall act on the submitted plat within thirty (30) days of the official submittal date. Failure to act within thirty (30) days shall constitute automatic approval, and the developer shall be notified of this in writing. The thirty-day time limit may be extended by mutual agreement between the developer and the Town.
- C. *Final Action on Decision.*
 1. If the final plat and all supplementary data comply with all applicable requirements of this ordinance and the Zoning Ordinance, the Planning Director shall approve said plat, and approval shall be noted in writing, signed, and dated by the Planning Director on each copy of the final plat.
 2. When an improvements agreement and guarantee are required (per Chapter Four), the Planning Director shall endorse approval on the final plat only after

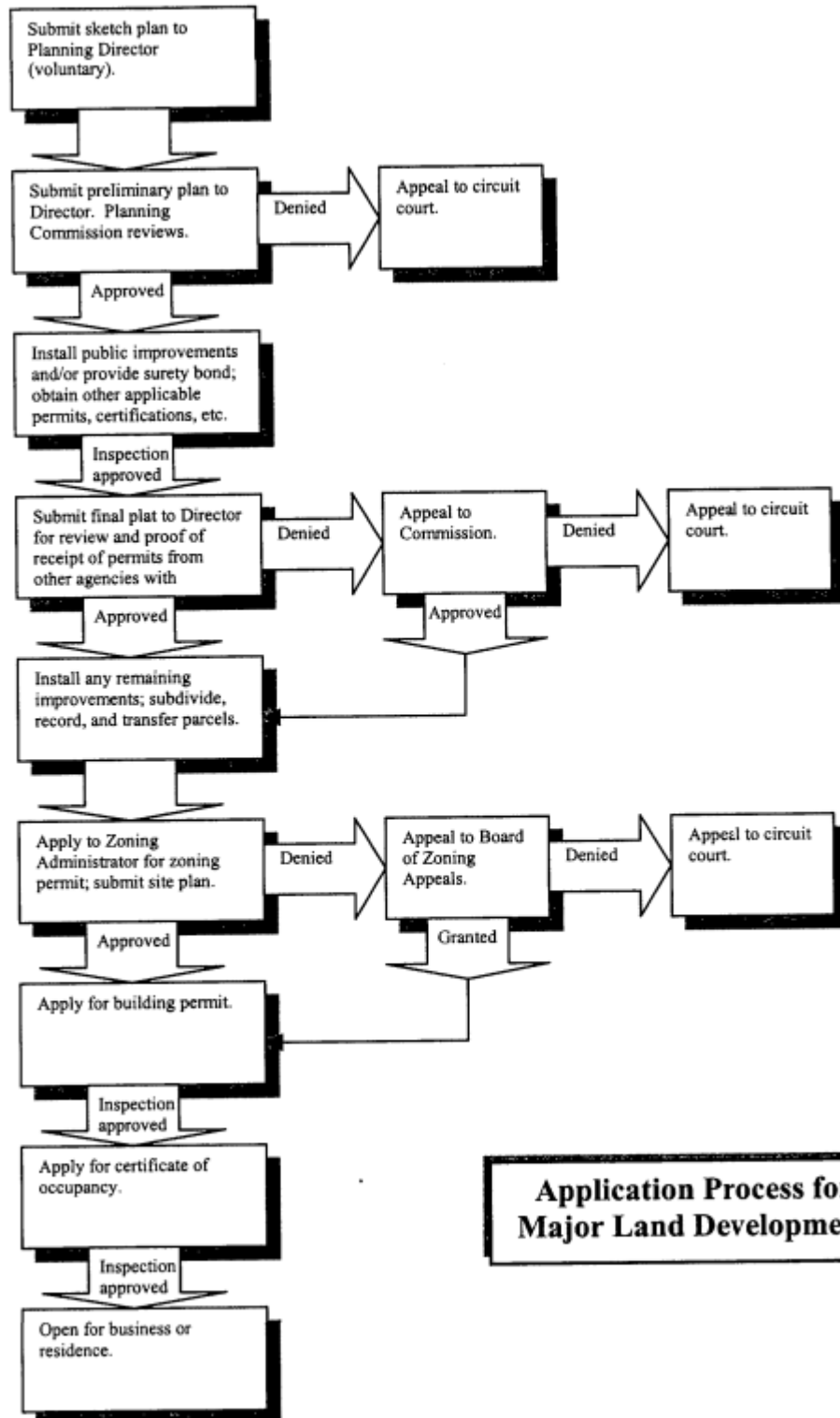
- the agreement and security have been approved by the Planning Commission and all the conditions of the resolution pertaining thereto have been satisfied.
3. When installation of improvements is required prior to recordation of the final plat, the Chairperson of the Planning Commission and the Planning Director shall endorse approval on the final plat only after all improvements have been satisfactorily completed and inspected by the Planning Director or his designated agent.
 4. If the final plat is disapproved, the reasons for such action shall be stated in writing, signed, and signed by the Planning Director. Where applicable, revisions required prior to approval should be noted on the plat so that an updated document may be submitted by the applicant thereafter.

D. *Recordation of Plat.* One (1) copy of plat shall then be retained by the Town for its records and the remaining copies returned to the applicant. The plat shall be filed with the Dorchester County Clerk and Recorder's Office by the applicant within twelve (12) months of approval, or it shall be null and void, absent an extension of time granted in writing by the Planning Director upon written request of the applicant.

V. Appeals of Land Development Decisions.

- A. *Procedure for Appeal.* An applicant or any party of legal standing believing to have found error in the written decision of the Planning Director may appeal the decision to the Planning Commission.
1. *Appeal submittal.* Seven (7) copies of the plat in question and any required supplemental material shall be submitted to the Planning Director or his designated agent not less than thirty (30) days prior to the meeting at which it is to be considered by the Planning Commission. Standards for the content of the final plat are specified in Chapter III of this ordinance.
 2. *Application and fee.* The applicant shall file an appeal by completing the form available from the Planning Director and submit it, together with the fee, as stated in the Schedule of Fees and Fines of the Town of Harleyville. The applicant shall state on the form reasons for the appeal. The date of receipt of the application and the preliminary plan shall be the official submittal date and noted on the completed written appeal.
- B. *Town Procedure.* The Planning Commission shall act on the submitted appeal within sixty (60) days of the official submittal date. Failure to act within sixty (60) days shall constitute automatic approval, and the applicant shall be notified of this in writing. The sixty-day time limit may be extended by mutual agreement between the applicant and the Planning Director.
1. *Notification of meeting.* Action taken on the appeal by the Planning Commission shall be at a scheduled public meeting and notice of the time and place of said meeting shall be mailed by the Town to the applicant. Such notice shall be sent not less than fifteen (15) days before the date of the meeting. Conspicuous notices shall be posted on or adjacent to the affected property by the Planning Director or his designated agent. One notice shall be visible from each public street that borders the property. Such notice(s) shall be posted at least fifteen (15) days prior to the public hearing.

2. *Decision of the Planning Commission.* The concurring vote of the majority of members of the Commission shall be necessary to reverse any order, requirement, decision, or determination of the Planning Director. Upon decision of the Planning Commission, one (1) copy of the plat shall be retained by the Town for its records and the remaining copies returned to the applicant, one of which shall be signed by the Chairperson of the Planning Commission and the Planning Director and bearing the date of approval or disapproval with written reasons for such action attached.
- C. An applicant or any party of legal standing may appeal a decision of the Planning Commission to circuit court, filing with the clerk of such court a petition in writing setting forth plainly, fully, and distinctly wherein such decision is contrary to law. The applicant must appeal within thirty (30) days of receiving written notice of the decision.



Application Process for Major Land Development

Chapter Three: Documentation Requirements

I. Sketch Plan.

This step is strictly voluntary, and description of content spelled out for the sketch plan is to provide guidance to the developer. The sketch plan of a proposed development should be legibly drawn to scale but not necessarily showing precise dimensions and should contain at least the following data:

- A. North arrow, written and graphic scales, and a location map showing the relationship between the proposed development and the surrounding properties.
- B. Tract boundaries and total acreages.
- C. Tentative street and lot arrangement showing average lot size and the number of lots.
- D. Approximate sizes and locations of existing structures.
- E. Existing and proposed land uses throughout the development.
- F. Zoning classification(s); and
- G. Phasing schedule plan if development is to be developed in phases.

II. Preliminary Plan.

- A. *Scale.* The preliminary plan of a proposed development shall be clearly and legibly drawn to a scale not smaller than one-inch equals on hundred feet (1" = 100') and shall be on a sheet twenty-four by thirty-six inches (24" x 36") or of a size approved by the Planning Director. If the preliminary plan requires more than one sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet.
- B. *General information.*
 - 1. Title block, including the following:
 - a. Proposed name of development, which shall not duplicate or too closely approximate, phonetically or otherwise, the name of any development within the jurisdiction.
 - b. Names, signatures, and seals of applicant, owner, surveyor, engineer and other professionals involved in plan preparation.
 - c. North arrow, graphic scale, written scale, and date, including the month, day, and year that the original drawing was completed and the month, day, and year for each revision of the original drawing.
 - d. Space for Town officials' signatures necessary for approval; and
 - e. The month, day, and year that the original drawing was completed and the month, day, and year for each revision of the original drawing.
 - 2. A vicinity map, for the purpose of locating the property being developed, drawn at a scale of one-inch equals two thousand feet (1" = 2,000') and showing the relation of the property to surrounding properties, differentiated by tone or pattern, to adjoining property and roads, municipal boundaries, and landmarks existing within two thousand feet (2,000') of any part of the property.
- C. *Existing Site Data.*
 - 1. The distance and bearing of one corner of the boundary of the development to the nearest intersection of existing streets or roads.

2. Total tract boundaries of the property being developed, showing bearing and distances, and a statement of total acreage of the property.
 3. Existing Dorchester County parcel identification numbers (tax map numbers).
 4. Location, ownership, and parcel identification numbers of adjoining properties.
 5. Existing zoning classifications.
 6. All existing municipal boundaries, property lines, rights of way, and easements, railroads, water and sewer lines, fire hydrants, utility transmission lines, culverts, bridges, storm drainage ditches, water courses, and buildings and other structures.
 7. All existing streets, including streets of record (recorded but not constructed) on or abutting the tract, including the names, right-of-way widths, and pavement or cartway widths.
 8. If required by state and/or federal agencies: delineated wetlands, flood zones, and endangered species habitats.
- D. *Proposed Site Data.*
1. Street names, rights-of-way, pavement widths, and approximate grades.
 2. Lot lines with distances and bearings, lot sizes and dimensions, and lot and block numbers.
 3. Proposed land uses by lot.
 4. Other easements and rights of way, including locations, dimensions, and purposes.
 5. Plans for utilities (i.e. – sewerage, water, electricity, cable, telephone, and gas lines and storm drainage).
 6. Plans for the protection of soils on the site from wash, erosion, and other drainage during construction, when required by State regulations.
 7. Parks, school sites, and other areas designated for public use, if any.
 8. Areas to be used for purposes other than one- and two-family residential structures with the purpose, location, and approximate footprint and dimensions of each indicated.
- E. *Platting Information.*
1. The total tract boundary lines of the area being developed shall be in accordance with the most recent edition of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, as promulgated by the Code of Laws of South Carolina, 1976, Title 40, Chapter 21.
 2. The preliminary plan shall meet all the standards and requirements as set forth in the laws of the State of South Carolina and these regulations.
- F. *Supplemental Data.* Any other information considered by the applicant, the Planning Commission, or the Planning Director to be pertinent to the review of the preliminary plan.
- G. *Improvement Plans and Data.* The applicant shall submit construction plans, profiles, cross-connections, and specifications for all public improvements required by this ordinance.

III. Final Plat.

- A. *Design.* The development design depicted on the final plat shall conform to the greatest extent possible with the design depicted on the approved preliminary plan,

except that all conditions required for preliminary plan approval shall be reflected.

B. *General Information.*

1. Title block, including the following:
 - a. Proposed name of development, which shall not duplicate or too closely approximate, phonetically or otherwise, the name of any development within the jurisdiction.
 - b. Names, signatures, and seals of applicant, owner, surveyor, engineer and other professionals involved in plan preparation.
 - c. North arrow, graphic scale, written scale, and date, including the month, day, and year that the original drawing was completed and the month, day, and year for each revision of the original drawing.
 - d. Space for Town officials' signatures necessary for approval; and
 - e. The month, day, and year that the original drawing was completed and the month, day, and year for each revision of the original drawing.
2. A vicinity map, for the purpose of locating the property being developed, drawn at a scale of one-inch equals two thousand feet (1" = 2,000') and showing the relation of the property to surrounding properties, differentiated by tone or pattern to adjoining property and roads, municipal boundaries, and landmarks existing within two thousand feet (2,000') of any part of the property.

C. *Site Data.*

1. The distance and bearing of one of the corners of the boundary of the development to the nearest intersection of existing streets or roads.
2. Total tract boundaries of the property being subdivided or developed, showing bearing and distances, and a statement of total acreage of the property.
3. Existing Dorchester County parcel identification numbers (tax map numbers).
4. Location, ownership, and parcel identification numbers of adjoining properties.
5. All municipal boundaries, railroads, culverts, bridges, and water courses.
6. All existing streets, including streets of record (recorded but not constructed) on or abutting the tract, including the names, right-of-way widths.
7. Newly installed street rights-of-way with names and widths.
8. If required by state and/or federal agencies, delineated wetlands and flood zones.
9. Lot lines with distances and bearings, lot sizes and dimensions, and lot and block numbers.
10. Other newly installed easements and rights of way, including locations, dimensions, and purposes (e.g. utilities).
11. Parks, school sites, and other areas designated for public use, if any.

D. *Platting Information.*

1. The total tract boundary lines of the area being developed shall be in accordance with the most recent edition of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, as promulgated by the Code of Laws of South Carolina, 1976, Title 40, Chapter 21.

2. The preliminary plan shall meet all the standards and requirements as set forth in the laws of the state of South Carolina and these regulations.
- E. *Certification.* The following certificates shall be lettered, printed, and/or stamped on the face of the final plat.
 1. Surveyor or Engineer Certification of Accuracy. The signature, seal, and certification of a registered professional land surveyor or engineer to the effect that the final plat accurately reflects a survey made by him or her, that any changes from description appearing in the last recorded transfer of land contained in the final plat are so indicated, that all monuments shown thereon actually exist or will be installed and their positions are accurately shown.
 2. Certification of Ownership and Dedication. A notarized certification of title showing that the applicants are the owners, and statements by such owners acknowledging any offers of dedication of land for public use and restricting land by protective covenants.
 3. Certification of the Approval of Water and/or Sewerage Systems. Where applicable, the South Carolina Department of Health and Environmental Control (DHEC) and the appropriate service district shall certify that the water supply and/or sewage disposal system(s) installed or proposed for installation fully meet DHEC requirements.
 4. Certification by Subdivider's Engineer. Where applicable, the signature, seal, and approval of the subdivider's engineer shall indicate that required infrastructure improvements have been satisfactorily installed or that adequate financial guarantees have been provided (per Chapter Five).
 5. Recording Notations. Appropriate notations for transfer and recording by the County Clerk and Recorder's Office, indicating date and time of recording, the plat book location thereof, and instrument number.

Chapter Four: Completion and Maintenance of Improvements

I. Completion of Improvements

Before the final plat is signed by the Planning Director and Chairperson of the Planning Commission, all applicants shall be required to complete, in accordance with the decision of the Planning Director and/or the Planning Commission and to the satisfaction of the Town Engineer, all public improvements, including those on the individual lots of the development, as required in these regulations, and to dedicate those public improvements to the appropriate body, free and clear of all liens and encumbrances on the dedicated property and public improvements.

II. Improvements Agreement and Guarantee.

- A. *Agreement.* The Planning Commission, in its sole discretion, may waive the requirement that the applicant complete and dedicate all public improvements prior to approval of the final plat and as an alternative, permit the applicant to enter into a subdivision improvements agreement, by which the covenants to complete all required public improvements shall be fulfilled within two (2) years of the date on which the Chairperson of the Planning Commission signs the final plat.
- B. *Security.* Whenever the Planning Commission permits an applicant to enter into a subdivision improvements agreement, it shall require the applicant to provide a performance bond, cashier's check, letter of credit, or cash escrow as security for the promises contained in the subdivision improvement agreement.
 - 1. The security shall be in an amount equal to one hundred twenty-five percent (125%) of the cost as estimated by the Town of any improvements which have not been constructed, installed, and completed in compliance with the requirements of this ordinance prior to the posting of said security and for which sufficient certification has been furnished.
 - 2. In the event that any or all the required improvements are not completed within the time specified by the Planning Commission. The Town may let or re-let the contract, using the posted security to defray the costs of such required improvements.
- C. *Certificate of Satisfactory Completion.* The governing body will not accept dedication of required improvements nor release or reduce the amount of any security posted by the applicant until:
 - 1. The Planning Director has submitted a certificate stating that all required improvements have been satisfactorily completed.
 - 2. The applicant's engineer or surveyor has certified, through submittal of a detailed survey plat of the subdivision, indicating location, dimensions, materials, and other information required by the Planning Commission, that the layout of the line and grade of all public improvements is in accordance with the construction plans; and
 - 3. A title insurance policy has been furnished to and approved by the Town Attorney indicating that the improvements have been completed, are ready for dedication to the appropriate body, and are free and clear of any and all liens and encumbrances.

III. Acceptance of Dedication Offers.

Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by ordinance of the Town before final plat approval. The approval of a subdivision plat by the Planning Commission, whether preliminary or final, shall not be deemed to constitute or imply the acceptance by the Town of any street, easement, or park shown on the plat. The Planning Commission may require the plat to be endorsed with appropriate notes to this effect.

IV. Maintenance of Improvement.

The applicant shall make such adequate provisions as shall be required by the Planning Commission for the perpetual maintenance of all public facilities in the subdivision until such obligations have been assumed by another entity.

V. Issuance of Certificates of Occupancy.

When a subdivision improvement agreement and security have been required for a development, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the required public improvements and the acceptance of the dedication of those improvements by the appropriate body, as required in the approval of the final plat, without specific written consent of the Planning Director, who shall deem that the incompleteness of such improvements shall not endanger the health, safety, or general welfare of the public in any way. If a subdivision is to be phased in, certificates of occupancy may be issued upon completion of required public improvements for the active phase only.

Chapter Five: Design Standards

I. Parcels

- A. The lot size, width, shape, grade, and orientation shall be in relation to street and block design, existing topographical and natural vegetative conditions, and the type of development and use contemplated.
- B. Corner lots shall be of sufficient size and shape to permit required building setback and orientation to both streets.
- C. Access to all proposed parcels shall be demonstrated by the subdivider, either by frontage on the road or private egress meeting the standards of this ordinance and the Zoning Ordinance.
- D. Any remnants of land not meeting all the requirements of this ordinance for a lot shall be either incorporated in existing or proposed lots or shall be legally dedicated to public use, if acceptable to the Town.

II. Roads.

- A. *Lane Width.*
 - 1. Roads serving parcels intended exclusively for residential use shall have lanes at least nine feet, nine inches (9'-9") in width.
 - 2. All other roads shall have lanes at least ten feet, six inches (10'-6") wide.
 - 3. The Planning Commission may allow lane widths as narrow as eight feet, nine inches (8'-9") over short distances, not to exceed two hundred feet (200'), as a modification of standards to allow the developer to preserve natural resources or to otherwise further the intent of this ordinance or the Comprehensive Plan.
- B. *Right-of-way Width.*
 - 1. Road rights-of-way proposed to accommodate both sanitary sewer lines and stormwater ditches shall be at least fifty feet (50') wide.
 - 2. All other road rights-of-way shall be at least forty feet (40') wide.
 - 3. The Planning Commission may allow right-of-way widths as narrow as twenty-five feet (25') as a modification of standards to preserve existing communities or cultural or natural resources or to otherwise further the intent of this ordinance or the Comprehensive Plan, provided curb and gutter drainage is in place, septic tanks and wells adequately serve all parcels accessing the right-of-way, and no infrastructure serving the properties will be buried.
 - 4. The Town of Harleyville reserves the right to refuse dedication of any road for public maintenance that it cannot turn over to Dorchester County.
- C. *Location and Design.* Soils, topography, and natural resources (e.g., large trees, wetlands, floodplains) shall be considered when location and designing a road so as to ensure its long-term durability. The following standards shall apply:
 - 1. The road shall remain passable in inclement weather, resistant to ponding in travel lanes or flooding in low spots.
 - 2. The road shall not cause flooding or erosive run-off on adjoining parcels.
 - 3. Curb and turning radii shall be of such dimensions that automobiles can maneuver safely through intersections, without encroaching into opposite travel lanes and at speeds that do not endanger pedestrian crossing.

4. Sight triangles of twenty-five feet (25'), measured at the edge of the cartway, shall be maintained at intersection so that vehicles are visible to one another at intersections; and
 5. Proposed roads shall connect with surrounding roads to facilitate convenient movement and emergency vehicle access throughout town.
- D. *Road Names.* Names shall be sufficiently different in sound and spelling from other road names in the municipality to avoid confusion. A road planned as an extension of an existing road shall bear the same name.
- E. *Hammerhead.* A dead-end road shall be equipped with two perpendicular spurs twenty-five feet (25') long to allow a motor vehicle to perform a three-point turn at the end of the road. The right-of-way width shall be expanded to accommodate the facility.

III. Private Egress.

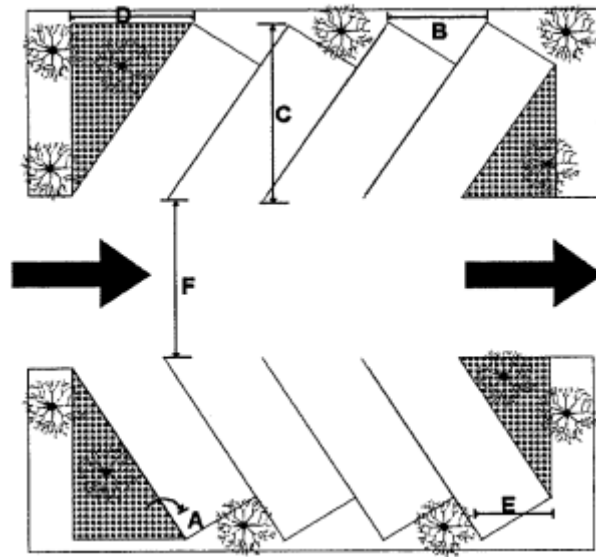
- A. A private egress shall be located in an easement at least twenty feet (20') in width, which shall be dedicated to public use and recorded with Dorchester County.
- B. The easement shall remain free from any obstructions and maintained such that it is passable in inclement weather, so that emergency vehicles can safely access properties served by the egress.

IV. Parking.

- A. *Parking Allocation Guidelines.* Off-street parking is generally not mandated in Harleyville. The developer is entrusted to provide off-street parking as needed for the business or other land use proposed. The following standards are intent to provide guidance to the developer as well as Town staff and Planning Commission.
1. *Residential.* The developer is encouraged to provide two parking spaces per residence.
 2. *Office/commercial.* The developer of a business open to the public patronage is encouraged to provide a parking area comprised of one stall per 250 square feet of floor area of the business.
 3. *Employers.* The developer of an industrial or trade use is encouraged to provide a parking space for each employee.
 4. *Assembly.* The developer of a church, funeral home, or other use at which the public assembles or congregates is encouraged to provide one space per four persons present at capacity.
 5. *Loading spaces.* The developer is encouraged to provide off-street loading spaces of significant clearance and depth as needed, such as to provide adequate access to a loading dock.
 6. *Disabled parking spaces.* The developer is strongly encouraged to consult the Accessibility Guidelines of the federal Americans with Disabilities Act to determine if the proposed land use required to provide handicapped-accessible parking. Typically, one of every 50 spaces should be accessible.
 7. *Shared parking areas.* Where on-street parking and on-site parking do not achieve the above guideline, the owner of the establishment is encouraged to seek and secure a written agreement with a nearby property owner to gain access to additional parking spaces.

B. *Parking Dimensional Guidelines.* The developer is encouraged to apply the following standards when designing off-street parking.

1. *Angled and perpendicular parking.*



PARKING DIMENSION STANDARDS						
A Parking Angle	B Curb Length	C Stall Depth	D Starting Loss	E Last Car Requirement	F Aisle Width	
					One-way	Two-way
30°	18'	16'	30'	4'	12'	20'
45°	12'	18'	20'	6'	14'	20'
60°	10'	19'	12'	8'	18'	22'
90°	9'	18'	0'	9'	20'	22'

2. *Parallel parking.* Parallel parking spaces should be twenty to twenty-two feet (20'-22') in length and seven to eight feet (7'-8') in width

C. *General Design Standards.*

- Off-street parking areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments.
- Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or parked vehicles.
- No off-street parking stall shall be designed such that the vehicle would back onto a road.
- No off-street parking area shall be located over an active septic tank field unless approved by SCDES.
- Parking areas may be of a pervious or impervious surface but shall be designed such that the parking area will remain stable and serve expected traffic demands in all types of weather from dry to extremely wet conditions.
- Parking areas should be constructed and maintained with clearly defined, preferably landscaped edges (e.g., curbing, railroad ties).

V. Walkways.

- A. *Sidewalks.* Although sidewalks might not be required by this ordinance, the developer of a major land development or multi-family residences is encouraged to provide sidewalks parallel to public and internal roads to tie into the existing sidewalk system in town.
 - 1. All sidewalks should be constructed of a hard, durable surface at least four feet (4') wide in single-family residential neighborhoods and at least six feet (6') wide in commercial and institutional areas.
 - 2. All sidewalks shall be constructed with curb ramps at intersections for wheelchair and bicycle accessibility.
 - 3. All sidewalks should be installed in compliance with the regulations and standards of SC Department of Transportation if the facilities are located within the public right-of-way.
 - 4. Sidewalks intersecting a road in commercial and institutional areas should, at a minimum, be connected by striping through the cartway as wide as the sidewalks to be connected.
- B. *Internal Walkways.* Although not required, the developer of commercial, office, institutional, or other space open to public patronage is encouraged to provide a direct pedestrian link to the primary public entrance from the public sidewalk.
 - 1. This walkway should be raised or otherwise differentiated from parking and driving surfaces.
 - 2. The walkway should be constructed of a hard, durable surface at least five feet (5') wide.

VI. Utilities, generally.

- A. *Easements.* Adequate areas of suitable size and location shall be allocated for utility easements and rights-of-way. The location and size of such easements and rights-of-way shall be coordinated with the public and private utilities involved and shall center along or be adjacent to a common property line, where practicable. In the event of a cul-de-sac or dead-end street, a fifteen-foot (15') utility easement shall, where practicable, continue to the boundary of the improved property to prevent dead-end utilities.
- B. *Clearance.* All debris, trash, and fallen trees within a proposed easement or right-of-way shall be cleared and removed by the developer.
- C. *Maintenance.* Unless otherwise negotiated, the property owner(s) shall be responsible for general maintenance of easements and removing obstructions thereto. The Town or utility companies with lines in such easements shall have full right of access.

VII. Water Supply and Sanitary Sewer Service.

- A. *Connection to Systems.* Any proposal under the purview of this ordinance developing or subdividing land in Harleyville may be required to tap into potable water supply and/or sanitary sewer systems by State standards and/or Town ordinance.
- B. *Fire Hydrants.* In a major land development where water lines of adequate pressure exist or are proposed, fire hydrants shall be required. Fire hydrants

- approved by the Town shall be located no more than five hundred feet (500') apart and no more than three hundred feet (300') from all structures.
- C. Where connections and/or hydrants are required, a professional engineer design and size the necessary infrastructure, which shall be indicated on the preliminary plan for approval by the Town.
 - D. Where public water supply and sanitary sewer system are not reasonably accessible and not planned for in the future, alternate methods of service may be indicated where approved by SC Department of Health and Environmental Control (DHEC), which shall be noted in writing and submitted to the Town for development review.

VIII. Stormwater Drainage.

Stormwater management infrastructure to be dedicated to the public shall meet the standards of Dorchester County and should be designed and sized by a licensed professional engineer. All stormwater management facilities shall tie into appropriate drainageways, as outlined in this section, to provide for expedient drainage without unduly adversely affecting water quality or the natural environment

- A. *Roadside.* Where feasible, storm water run-off shall be managed within the road right-of-way so that hazards to properties within the proposed development are minimized and neighboring properties will not be adversely affected by the increased run-off after improvement of the property. Such shall be achieved through one or more of the following methods.
 - 1. *Roadside gutters.* Concrete gutters may be placed adjacent to travel lanes, designed so as not to unduly inhibit the progress of motor vehicles or wheelchairs.
 - 2. *Subterranean culverts.* A system of grates and underground pipes may be provided, designed so that grates do not inhibit pedestrian, wheelchair, or vehicular travel.
 - 3. *Drainage ditches.* A system of drainage ditches may be provided, designed and located within the right-of-way so as not to be a safety hazard to motorists and pedestrians traveling within the right-of-way.
 - 4. The applicant may make alternate arrangements for stormwater management upon proof that an alternate system would adequately serve the purpose without negatively impacting travelers within the right-of-way or adjacent property owners, as determined by the Planning Commission.
- B. *Easements.* Drainage easements shall be provided so that hazards to properties within the proposed development are minimized and neighboring properties will not be adversely affected by the increased run-off after improvement of the property.
 - 1. Unobstructed easements at least fifteen feet (15') in width shall be provided across the property with satisfactory access to the nearest roadside drainage ditch/culvert. Easements shall be indicated on the plat. Drainage easements shall extend from the road right-of-way to a natural watercourse or to other drainage facilities.
 - 2. Where practical, drainage easements shall center along or be adjacent to a common property line.

3. Wherever possible, in the event of artificial drainageways, drainage shall be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
4. When a development is traversed by a watercourse, stream, or other natural drainageway, a drainage right-of-way conforming substantially to the edges of the drainageway, and of such width as will be adequate for the purpose of drainage, shall be provided. Natural drainageways shall be preserved in their natural state.

Chapter Six: Improvement Standards

I. Intent.

Assurance of completion of improvements is necessary to protect the prospective lot buyer and the Town from the liability of the creation of lots without the provision of necessary services. In order to protect both, the lot buyer and the Town and to ensure that the development is an asset to the community, the improvements required by these regulations shall be installed prior to the approval of the final plat, unless otherwise provided for, as set forth in Chapter Four.

II. General.

- A. *Conformity.* Improvements shall be installed in accordance with the requirements and standards set forth in this ordinance and other specifications and policies of the Town of Harleyville, Dorchester County, the State of South Carolina, and other agencies of jurisdiction when the preliminary plan has been approved by the Planning Commission and all applicable permits have been issued by the agencies.
- B. *Access and Inspections.* Before beginning any work within the development, the developer and/or developer's contractors shall make arrangements with those public agencies charged with the enforcement of the provisions of this ordinance to provide for adequate inspection of the improvements. All public agencies shall have access to the premises and structures of a development under this ordinance during reasonable hours to make those inspections as deemed necessary by them to ensure compliance with the provisions of this ordinance.
- C. *Final Plat Approval.* Approval of the final plat for recording shall not be given by the Planning Director unless the developer has successfully installed the required improvements as specified and required or has made other arrangements, as set forth in Chapter Four.
- D. *Changes in Approved Plans and Specification.* If exigencies of construction necessitate changes in the approved plans and specifications, the developer shall request approval of such changes from the Planning Commission or Planning Director, and all applicable public agencies that would be affected by the change.

III. Land Disturbance.

The developer shall comply with any and all State standards for stormwater management and sediment and erosion control, administered by SC Office of Ocean and Coastal Resources Management. Documentation of any required OCRM approval shall be provided to the Town prior to final plat approval.

IV. Monuments.

- A. Markers shall be constructed of steel rods or iron pipes one quarter of an inch (1/4") or three quarters of an inch (3/4") in diameter, minimum respectively, and not less than twenty-four (24") inches long, shall be placed vertically in the ground so as to extend two inches (2") above finished grade.
- B. Monuments shall be installed at all angles formed by intersection of lot lines, and all exterior corners of the development.

V. Roads.

All roads proposed for public maintenance shall be graded, constructed, and surfaced in accordance with these details and specifications. Any subdivision or development of land for purposes of sale or lease or any other purpose not specifically exempted shall have only paved roads complying with standards of SC Department of Transportation. The donor and the contractor who have constructed the road(s) shall submit an affidavit stating that all construction costs have been paid and that the road is free of all encumbrances. This affidavit is required by §57-1-110 of the code of Laws of South Carolina, 1976, as amended.

- A. *Roadway Clearance.* All stumps, debris, trash, and fallen trees within the road right-of-way shall be cleared and removed. Clearing and grubbing of the required right-of-way shall be completed in accordance with specifications contained in the *SCDOT Standard Specifications for Highway Construction*, latest edition. All paved areas shall be cleared of significant soil sedimentation so as to remain free of such.
- B. *Sub-grade.* Sub-grade work shall be completed in accordance with specifications contained in the *SCDOT Standard Specifications for Highway Construction*, latest edition.
- C. *Roadway Base and Surfacing.* Roadway base work and surfacing shall be executed in accordance with specifications contained in the *SCDOT Standard Specifications for Highway Construction*, latest edition, and shall be acceptable to Dorchester County. Recommended road construction standards are as follows:
 - 1. *Base:* stabilized aggregate base course (SABC), eight-inch (8") uniform thickness without prime; and
 - 2. *Surface 1:* one-and-a-half inch (1.5") binder with one-inch (1") overlay; or
 - 3. *Surface 2:* two-inch (2") bituminous double treatment, type one or type two; or
 - 4. *Surface 3:* asphalt concrete surface course, two hundred twenty pounds (220 lbs.) per square yard.
- D. *Profiles.* All roads shall be constructed to efficiently shed stormwater per the *SC DOT, Standard Specifications for Highway Construction*, latest edition.
- E. *Shoulders.*
 - 1. All shoulders and slopes shall be prepared in compliance with the *SC DOT, Standard Specifications for Highway Construction*, latest edition.
 - 2. All shoulders and slopes shall be protected from erosion.
- F. *Traffic Control Devices.* The design and placement of all traffic control devices, such as signs and signals, shall be in accordance with the *SC Manual on Uniform Traffic Control Devices for Streets and Highways*.

VI. Road Naming and Numbering.

- A. Road name signs shall be installed at all intersections by the developer, displaying names approved by the Planning Commission.
- B. Road address numbers shall be assigned to each lot created by the developer, odd and even numbers on opposite sides of the road, typically increasing by two per forty feet (40') of road frontage. Numbering, as approved by the Planning Commission, shall be posted on each house, business or other establishment constructed prior to occupancy.

VII. Sidewalks.

All sidewalks constructed in the public right-of-way, existing or proposed shall be constructed of concrete, four inches (4") thick, on compacted ground, so as to ensure the durability and longevity of the facility. Sidewalks shall meet SC DOT standards and shall not substantially interfere with the ability of the parallel roadway to shed stormwater.

VII. Utilities.

All utilities (e.g., water supply, sanitary sewer, stormwater drainage facilities) as well as all easements and rights-of-way for the same shall be provided in accordance with Chapter Six.

Chapter Seven: Terms

I. Intent.

For the purpose of interpreting this ordinance, certain words, concepts and ideas are defined. Except as defined herein, all other words used in this ordinance shall have their every-day dictionary definition.

II. Interpretation.

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural, and words used in the plural number include the singular.
- C. The word “person” includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual.
- D. The word “lot” includes the word “plot” or “parcel” or “tract.”
- E. The word “shall” is always mandatory.
- F. The word “structure” shall include the word “building.”
- G. The word “used” or “occupied” as applied to any land or building shall include the words “intended, arranged, or designed to be used or occupied.”
- H. Any word denoting gender includes the female and the male.
- I. The word “town” means the town of Harleyville in Dorchester County, South Carolina, unless otherwise noted, while the capitalization of the word – “Town” – means the government of the same.
- J. The word “state” means the state of South Carolina, unless otherwise noted, while the capitalization of the word – “State” – means the government of the same.

III. Definitions.

Applicant. The owner of land proposed to be subdivided or its representative who shall have express written authority to act on behalf of the owner. Consent shall be required of the legal owner. The terms *Subdivider* and *Developer* can mean the applicant.

Bond. Any form of a surety bond in an amount and form satisfactory to the governing body. All bonds shall be approved by the Town Council whenever a bond is required by these regulations.

Construction plan. The map(s) or drawing(s) accompanying a development plat or plan and showing the specific location and design of public/infrastructure improvements to be installed in the development in accordance with the requirements of the Planning Commission as a condition of the approval of the plat.

Developer. The owner of land proposed to be improved or subdivided or his/her representative who is responsible for any undertaking that requires review and/or approval under these regulations. See *Subdivider*.

Development. Artificial alteration or improvement of land, including subdivision, to make the land available, usable, or suitable for human activities or structures.

Easement. Authorization by a property owner for another to use the owner's property for a specified purpose, to be recorded with the Dorchester County Clerk and Recorder's Office.

Escrow. A deposit of cash with the local government or escrow agent to secure the promise to perform some act.

Flag lot. A mostly landlocked lot, surrounded by lots on all sides, that accesses a public right of way by means of a narrow strip of property projecting from the main body of the lot.

Frontage. That side of a lot abutting a public right of way or the distance over which that lot abuts the public right of way.

Lot. A tract, plot, or portion of a development or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or possession or for development.

Lot, corner. A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees, with frontage on two streets.

Planning Director. Harleyville's Zoning Administrator serves as its Planning Director.

Public improvement. Any roadway, sidewalk, parkway, drainage ditch, or other facility for which the local government or other public agency may ultimately assume responsibility for maintenance and operation, or which may affect an improvement for which the responsibility of local government or other public agency is established.

Right-of-way. Land used, or to be used, for a road or drainage facility, or other public purpose that is owned by the public and not a part of a parcel under private ownership.

Subdivider. Any person who, (1) having an interest in land, causes it directly or indirectly to be subdivided, (2) directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop a portion of land, (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, of a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision, or is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.

Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, or interests for the purpose of offer, sale, lease, or development, whether immediate or future, or act heretofore. Subdivision includes the movement or abandonment of lot lines and the combination of lots.

Utility. Public services, including potable water supply, sanitary sewer service, stormwater drainage infrastructure, telephone line, cable television line, and electricity line.

Town of Harleyville
Planning Commission

A resolution to put forth to
Town Council regulations,
procedures, and administration
of the subdivision,
development, and use of land

Seal of the Town of
Harleyville, South Carolina

Resolution No.: 2024-003

Whereas, the Town of Harleyville Planning Commission has been duly appointed by the Harleyville Town council as a governing authority of the Town of Harleyville in accordance with provisions of Title 6, Chapter 29, Article 1 of the South Carolina Code of Laws: the 1994 South Carolina Local Government Comprehensive Plan Enabling Act.

Whereas, the Town of Harleyville has adopted a Comprehensive Plan, as recommended by Planning Commission, pursuant to Title 6, Chapter 29, Article 3 of the South Carolina Code of Laws by ordinance, and the Planning Commission has subsequently reviewed and updated its plan in 2021 under the same article of State Code;

Whereas, the Town of Harleyville seeks to implement the twenty-year Future Land Use Plan of the Harleyville Comprehensive Plan; to protect the health, safety, morals, convenience, and general welfare of its citizens; and to provide for the efficiency and prosperity of development within the town;

Now, therefore, the Planning Commission of Harleyville, South Carolina, does hereby resolve that it recommends to Harleyville Town Council regulations, procedures, and administration of the conservation, subdivision, development, and use of land in Harleyville contained in the documents known as the "Town of Harleyville Land Development Ordinance," "Town of Harleyville Zoning Ordinance," and the "Town of Harleyville Official Zoning Map." Which is part and parcel to the Zoning Ordinance, as prepared by Planning Commission, on this 29th day of OCTOBER of the year 2024.

Ayes: 3

Nays: 0

Abstentions: 0

Planning Commission Chairperson, FRANKLIN RILEY

Amanda Childers
Signature Attest, AMANDA CHILDERS, Clerk/Treasurer, Planning & Zoning Dir.

Wanda Brooks
WANDA BROOKS

Maureen Villeneuve
MAUREEN VILLNEUVE

TINA WALES

Lori Monette
LORI MONETTE

Schedule of Fees and Fines – Zoning and Land Development

Town of Harleyville, South Carolina

Fees

The following fees shall be remitted to the Town of Harleyville accompanying applications as required by Town ordinance. The following fees fund staff time to review of applications; to perform inspections; to attend meetings of Planning Commission Board of Zoning Appeals, and Town Council; to give public notice through site posting, newspaper announcements, and any necessary mailings; to keep records; and to cover other expenses incurred by the Town made necessary by the application and its associated process. Additionally, costs for outside reviews (ie. engineering, utilities, stormwater), that may be required will be the responsibility of the applicant.

Zoning Permit.....	\$ 250 per application
Certificate of Occupancy.....	\$ 100 per application
Subdivision Approval	
Lot line adjustment or recombination of lots.....	\$ 100 per application
Minor Subdivision.....	\$ 100 per acre (\$500 max.)
Major Subdivision.....	\$ 200 per acre (\$2000 max.)
Special Exception.....	\$ 500 per application
Variance.....	\$ 250 per application
Appeal (to Board of Zoning Appeals or Planning Commission)	\$ 300 per application
Rezoning.....	\$ 250 per acre (\$1000 max.)*

* The Planning Commission may waive the rezoning fee if it deems that the rezoning is in the best interest of Harleyville and that the request to rezone is in response to conditions unforeseen in the preparation of the Harleyville Comprehensive Plan and Zoning Ordinance.

Fines

The following fines shall be assessed per offense those who violate the Codes and Ordinances of Harleyville. Fines shall be assessed to uphold the law of the Town of Harleyville and to protect its land and citizens. In accordance with South Carolina Code, the following fines may be incurred each day the violation continues. Such fines are in addition to those imposed by another controlling agency. Failure to pay fines stated herein may result in the imprisonment of the violator for a period of not more than thirty days.

Violation of Zoning Ordinance.....	\$ 500
Violation of Land Development Ordinance.....	\$ 500
Violation of Stop Order.....	\$ 1000

