

**TOWN OF ROCKVILLE**  
**UNIFIED**  
**DEVELOPMENT**  
**ORDINANCE**

**Republished July 2010**

# TOWN OF ROCKVILLE

## TOWN COUNCIL

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**John Warren**

**UDO Adopted April 2000**  
**Updated and Republished 2002, 2009, July 2010**

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## CHANGES MADE BY YEAR

**NOTE:** The UDO was adopted in April 2000. In '02 & '09, '10 the UDO was updated and republished on [www.townofrockville.com/ordinances/UDO](http://www.townofrockville.com/ordinances/UDO)

Below is a list of amendments since 2002 and are included in the 2010 republished copy.

- 2004** – Established Authority of DRB to Review and Approve/Deny Docks in the Town.
- 2004** – Limited max 3,500 sq ft Heated Space to R-1.
- 2005** – Vested Rights to Develop Property.
- 2005** - Deleted Bed & Breakfast as a Special Exception as Home Occupation R-1 and R-1/2.
- 2005** - Allowed Property Ingress and Egress (Subdivision Regulations).
- 2006** - Increased Design Review Board Membership from 3 to 5.
- 2006** – Changed Title from Compliance Officer to Code Enforcement Officer.
- 2006** - Added Protected Tree Definition and Diameter Breast Height from 24” to 18”.
- 2008** – Added Modular, Mobile/Manufactured Homes Definitions.
- 2008** - Deleted the words “Garish Colors” in DRB Guidelines.
- 2009** - Added Manufacturing Housing Units to Land Use CH.
- 2010** - Added and commercial to DRB Guidelines Appendix C and BZA Guidelines Appendix D

**TOWN OF ROCKVILLE**  
**UNIFIED DEVELOPMENT ORDINANCE (UDO)**

**STATEMENT OF INTENT**

1. WHEREAS, it is the desire of the Town of Rockville to manage and regulate the development of the Town to assure adequate public services which will harmonize with and preserve the existing rural character and pristine nature of the Town; and
2. WHEREAS, the Town of Rockville's desire to manage the development and preserve natural and historical resources will be materially facilitated by zoning regulations; and
3. WHEREAS, the nature of Rockville's terrain is best suited only for low-density housing requiring individual septic tank systems; and
4. WHEREAS, to protect the unique waterfront environment as well as to prevent the degradation of the water classifications of the creeks, rivers and marshes surrounding Rockville, it is necessary to strictly regulate the number of septic tanks; and
5. WHEREAS, this ordinance will not significantly increase the cost of housing in the Town; and
6. WHEREAS, this plan considers all aspects of Rockville's growth, with its aim of promoting not deterring the Town's orderly growth and development.

## **I. General**

- A. This ordinance pertains to and describes the various zoning categories for the Town of Rockville as shown on the accompanying map.
- B. Any property not conforming to this ordinance at the time of its adoption will be categorized “legal, non-conforming” and will remain as such with no change in use or zoning required. However, the discontinuation of the non-conforming use for a period of one (1) year will result in the property being zoned to conform with the ordinance and attached map.
- C. Here and after in this document when references are made to Town Council, Planning Commission or Board of Zoning Appeals, those references shall indicate the Town of Rockville’s Council, Planning Commission or Board of Zoning Appeals.
- D. Here and after in this document when reference is made to the Planning Director that can also indicate the Director’s designee. References to Planning Department and Public Works Department indicate Charleston County Planning and Public Works Departments acting as the Town’s.

## **II. Administrative and Procedural**

### **Town Council**

- 1. The Town Council does not act in a review or recommending capacity.
- 2. The Town Council shall have final (local) decision-making authority on the following matters:
  - A. Comprehensive Plan amendments;
  - B. Unified Development Ordinance text amendments;
  - C. Zoning Map amendments (Rezoning);
  - D. Planned Development Plans and Planned Development Zoning Map amendments; and
  - E. Acceptance of public dedications.

## **Planning Commission**

1. The Planning Commission acts in a review and recommending capacity on the following matters:

- A. Comprehensive Plan amendments;
- B. Unified Development Ordinance text amendments;
- C. Zoning Map amendments (Rezoning);
- D. PD Development Plans and PD Zoning Map amendments; and
- E. Acceptance of public dedications.

2. The Planning Commission shall have final (local) decision-making authority on the following matters:

- A. Preliminary Subdivision Plats;
- B. Public Project review;
- C. Appeals of Administrative Decisions on Final Subdivision Plats;
- D. Appeals of Administrative Decisions on Subdivision Matters; and

3. The Planning Commission shall be composed of not less than 5 members and shall be organized pursuant to Sections 6.29.350 and 6.29.360 of Title 6, Chapter 29 of the Code of Laws of South Carolina, as amended.

Rockville's amendment #07-0716, shall be five (5) members appointed by Council for 3 years.

## **Board of Zoning Appeals**

1. The Board of Zoning Appeals does not act in a review or recommending capacity.

2. The Board of Zoning Appeals shall have final (local) decision-making authority on the following matters: (Rockville's amendment #10-0621B, Appendix. D, Guidelines)

- A. Special Exceptions;
- B. Variances; and
- C. Appeals of Administrative Decisions on Zoning Matters.

3. The Board of Zoning Appeals will adopt supplemental rules of procedure in accordance with the provisions of this ordinance and not inconsistent with the provisions of Title 6, Chapter 29 of the Code of Laws of South Carolina. In its actions relating to this ordinance, the Board will be governed by these regulations, and rules adopted.

4. The Board of Zoning Appeals shall be composed of not less than 5 members and shall be organized pursuant to Sections 6.29.780, 6.29.790, and 6.29.800 of Title 6, Chapter 29 of the Code of Laws of South Carolina, as amended. Rockville's amendment #07-0716, shall be five (5) members appointed by Council for 3 years.

## **Design Review Board**

The applicable zoning laws of the Town of Rockville are hereby amended as follows:

1. There is hereby created, pursuant to Section 6-29-870 of the South Carolina Code of Laws, 1976, as Amended, a *Design Review Board* for the Town of Rockville whose purpose shall be to oversee, on behalf of the Town of Rockville, (i) the preservation and protection of historic and architectural invaluable districts and neighborhoods, (ii) the preservation and protection of significant or natural scenic areas, and (iii) the protection and preservation of the unique, special and desired characteristics of the Town of Rockville.

2. The Design Review Board shall accomplish the purposes set forth above by means of the following restrictions and conditions listed in Appendix C of this document.

3. The composition, qualification, organization and operation of the *Design Review Board* shall be in accordance with Sections 6-29-870 through 6-29-940, South Carolina Code of Laws, 1976, as Amended, and may be further provided by Resolution adopted by the Town of Rockville. Rockville's amendment #07-0716 shall be five (5) members appointed by Council for 3 years.

4. Guidance Standards – For consistency in policies and decisions, records of the Board's actions should be maintained and held in the custody of the Design Review Board.

## **Planning Director**

1. The Planning Director shall act in a review capacity on the following matters:

- A. Comprehensive Plan Amendments;
- B. Unified Development Ordinance Text Amendments;
- C. Zoning Map Amendments (Rezoning);
- D. Minor PD Development Plans and PD Zoning Map Amendments;
- E. Major PD Concept Plans and PD Zoning Map Amendments;
- F. Preliminary Subdivision Plats;
- G. Final Subdivision Plats;
- H. Special Exceptions; and
- I. Public Project Review.

2. The Planning Director shall have final (local) decision-making authority on the following matters:

- A. Written Interpretations;
- B. Zoning Permits;
- C. Sign Permits; and
- D. Final Subdivision Plats.



3. The Planning Director shall have the following powers and duties in addition to those otherwise set out under this Ordinance:

- A. Maintaining permanent and current records of this Ordinance including, but not limited to, all zoning maps, amendments, special exceptions, variances, appeals, and applications thereof and records of hearings thereon. Such records shall be open to public inspection during business hours;
- B. Providing such clerical, technical, and consultative assistance as may be required by the Board of Zoning Appeals, Planning Commission, Town Council, and other boards, commissions and officials in the exercise of their duties relating to this Ordinance;
- C. Maintaining a record of all applications for zoning permits, including all plats and plans submitted therewith, which record shall be open to public inspection during business hours;
- D. Receiving, filing, and forwarding to the Board of Zoning Appeals the records of all appeals and variances;
- E. Receiving, filing, and forwarding to the Board of Zoning Appeals all applications for Special Exceptions; and
- F. Reviewing, approving, and issuing Administrative Permits as authorized by this Ordinance and maintain records of these

**III. Zoning Districts** – All parcels in Rockville have been classified into one of the following descriptive zoning districts:

R 1/2	Residential 1/2 acre lots	Single-family residential district primarily located in the historic district
R 1	Residential 1 acre lots	Low-density single-family residential district
RC	Rural Commercial	District that allows small, neighborhood style commercial uses
CH	Highway/Waterway Commercial	District that allows commercial uses on major waterways within the town

Each zoning district is subject to different limitations as to use, lot size, density, building size, and other criteria which are further described in Section IV.

**IV. Zoning Categories** – Requirements for each zoning category are outlined in this section.

## V. Definitions

Accessory Unit - An additional unit on the same property. Not to be subdivided; for use by an employee or family member; not to be rented. For example: guest house, caretaker quarters, servants quarters, or house for elderly parent.

Boat Yard – A land-based operation primarily for the repair and service of boats, including any incidental storage of boats in the process of being repaired. This term does not include boat building.

Bulk - The part of the land that is covered by the structure, expressed as a percentage.

Front Setback - The setback measured from street right-of-way.

Height - The overall height of a structure shall be measured from the first floor elevation as required by the Federal Emergency Management Act (FEMA). Where no minimum elevation is required by FEMA, height shall be measured from ground floor elevation.

Grand Trees - any deciduous tree with a Diameter Breast Height of eighteen (18") inches or greater. Live Oak species 8" or greater DBH shall be protected. Rockville amendment #07-0820B.

Home Occupations - An accessory use of a dwelling unit or its accessory structure for gainful employment. Home Occupations shall have no more than 1 non-resident employee, exclusive of relatives.

Mobile/Manufactured Home is defined as any residential dwelling unit constructed to standards and codes as promulgated by the United States Department of Housing and Urban Development. SC Code 23-43-20(5). Rockville amendment #08-0721A.

Modular building is defined as any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, constructed off-site in accordance with applicable codes, and transported to the point of use for installation or erection. SC Code 23-43-20(5). Rockville amendment #08-0721A.

OCRM (Office of Coastal Resource Management) Critical Line - This line is defined by Office of Coastal Resource Management at the date of application and determines their jurisdiction.

Ratio - The comparison of various property line dimensions. For example, a ratio of “1 to 5” means that the shortest boundary line of a parcel may not be less than 1/5 the length of the longest boundary line.

Residential Curb Cuts - There shall be a maximum of two (2) 25 foot wide curb cuts per lot.

Screening - Growth and vegetation left as a natural border along property lines and to be at least four (4') feet in height. Where applicable, screening shall be located within the first thirty (30') feet of all front yards. Where growth is not sufficient, planting and landscaping shall be provided. Screening will be shown on the site plan at the time of application for a permit and must be in place prior to occupancy.

Setback - The distance from the property line required to be kept free from construction; there are often different setback requirements for front lot lines, interior lot lines, and critical area lines.

Width - Minimum lot width will be at the street right-of-way and must extend a minimum of 3/4 of the depth of the lot.

## LAND USE ZONE R- 1/2

<b>LOT SIZE</b>	1/2 ACRE MINIMUM
<b>LOT SHAPE</b>	RATIO OF 1 TO 3 (1/3)
<b>LOT WIDTH</b>	100'
<b>USE</b>	SINGLE-FAMILY RESIDENTIAL HOME OCCUPATIONS Rockville amendment #05-0705 SEA ISLAND YACHT CLUB (TMS# 150-0-98) IS CONSIDERED A LEGAL, NONCONFORMING USE AND WILL BE ALLOWED TO CONTINUE INDEFINITELY
<b>DENSITY</b>	1 PRINCIPAL UNIT PER 1/2 ACRE; 1 ACCESSORY UNIT PER PRINCIPAL UNIT
<b>STRUCTURES</b>	INDIVIDUAL CONSTRUCTION
<b>HEIGHT</b>	35'
<b>BULK</b>	20%
<b>SCREENING</b>	15' FRONT 3' INTERIOR
<b>TRAFFIC</b>	AS REQUIRED BY THE PREVAILING ROAD CODE (CHARLESTON COUNTY, SC DOT, ETC.)

Control parking on Sea Island Yacht Club Road and Grace Chapel  
Road. Rockville amendment #03-0616

## LAND USE ZONE R-1

<b>LOT SIZE</b>	1 ACRE MINIMUM
<b>LOT SHAPE</b>	RATIO OF 1 TO 5 (1/5)
<b>LOT WIDTH</b>	100'
<b>USE</b>	SINGLE-FAMILY RESIDENTIAL HOME OCCUPATIONS    Rockville amendment #05-0705
<b>DENSITY</b>	1 PRINCIPAL UNIT PER 1 ACRE; 1 ACCESSORY UNIT PER PRINCIPAL UNIT
<b>STRUCTURES</b>	INDIVIDUAL CONSTRUCTION
<b>HEIGHT</b>	35'
<b>BULK</b>	20%
<b>SCREENING</b>	30' FRONT 3' INTERIOR
<b>TRAFFIC</b>	AS REQUIRED BY THE PREVAILING ROAD CODE (CHARLESTON COUNTY, SC DOT, ETC.)
<b>SQUARE FOOTAGE (HEATED)</b>	LIMITED TO THREE THOUSAND FIVE HUNDRED (3,500) SQUARE FEET        Rockville amended Jul 2004.

## R-1 & R-½ SETBACKS

	FRONT	INTERIOR	CRITICAL LINE
Rockland Avenue Cherry Point Road	50'	10'	35'
Marina Road	25'	10'	35'
Sea Island Yacht Club Road	25'	10'	35'
Grace Chapel Road	25'	10'	35'
Maybank Highway			
- Up to Sea Island Yacht Club Road	50'	10'	35'
- Sea Island Yacht Club Road to water	25'	10'	35'

### FENCING

Fences are allowed in all zoning districts and **mandatory** surrounding swimming and wading pools. Fences must be a minimum of four (4') feet and a maximum of eight (8') feet in height.

## LAND USE ZONE RC

<b>LOT SIZE</b>	1 ACRE MINIMUM
<b>LOT SHAPE</b>	RATIO OF 1 TO 5 (1/5)
<b>USE</b>	AS LISTED IN <i>APPENDIX A</i>
<b>DENSITY</b>	1 UNIT PER LOT; 4 TENANTS PER UNIT
<b>STRUCTURES</b>	INDIVIDUAL CONSTRUCTED ON SITE
<b>SETBACKS</b>	FRONT: 75' INTERIOR: 10' CRITICAL LINE: 50'
<b>HEIGHT</b>	35'
<b>BULK</b>	AS REQUIRED BY USE ABOVE, BUT NOT TO EXCEED 15%
<b>BUFFERS</b>	SHALL BE AS DEFINED AND AT LEAST 10' IN WIDTH ADJACENT TO ANY RESIDENTIALLY ZONED PROPERTY ON THE COMMERCIAL PROPERTY. A 10' NATURAL OR LANDSCAPED BUFFER AREA SHALL BE MAINTAINED BETWEEN THE PROPERTY LINE ADJACENT TO THE STREET RIGHT-OF-WAY AND THE COMMERCIAL ACTIVITY, INCLUDING PARKING.
<b>TRAFFIC</b>	IMPACT STUDY MAY BE REQUIRED AT THE DISCRETION OF THE PLANNING DIRECTOR

## LAND USE ZONE CH

<b>LOT WIDTH</b>	150'
<b>LOT SHAPE</b>	RATIO OF 1 TO 5 (1/5)
<b>USE</b>	SEE <i>APPENDIX B</i> ROCKVILLE MARINE, INC. AND MARINE PROPULSION (TMS# 150-0-0175 & 150-0-011) ARE CONSIDERED LEGAL NONCONFORMING USES
<b>STRUCTURES</b>	CONSTRUCTED ON SITE
<b>SETBACKS</b>	FRONT: 75' INTERIOR: 10' CRITICAL LINE: 50'
<b>HEIGHT</b>	35'
<b>BULK</b>	AS REQUIRED BY USE ABOVE, BUT NOT TO EXCEED 15%
<b>BUFFERS</b>	SHALL BE AS DEFINED AND AT LEAST 20' IN WIDTH ADJACENT TO ANY RESIDENTIALLY ZONED PROPERTY ON THE COMMERCIAL PROPERTY. BUFFERS SHALL BE LOCATED ALONG THE PERIMETER OF A LOT OR PARCEL. THEY SHALL NOT BE LOCATED ON ANY PORTION OF PUBLIC RIGHT-OF-WAY. WHERE DRAINAGE OR OTHER UTILITY EASEMENTS EXIST ALONG PROPERTY LINES, REQUIRED BUFFERS SHALL BE LOCATED ADJACENT TO THE EASEMENT AND MAY BE REDUCED IN WIDTH BY THE WIDTH OF THE EASEMENT, BUT IN NO CASE SHALL THE BUFFER BE LESS THAN 10'. REQUIRED BUFFERS SHALL BE DEPICTED ON ALL PLATS, PLANS AND PERMIT REQUESTS.  A 10' NATURAL OR LANDSCAPED BUFFER AREA SHALL BE MAINTAINED BETWEEN THE PROPERTY LINE ADJACENT TO THE STREET RIGHT-OF-WAY AND THE COMMERCIAL ACTIVITY, INCLUDING PARKING.
<b>TRAFFIC</b>	IMPACT STUDY MAY BE REQUIRED AT THE DISCRETION OF THE PLANNING DIRECTOR



**LAND USE ZONE CH-continued**

Manufactured Housing Units

Rockville amendment #09-0615B

**A. REPLACEMENT IN R-1/2 AND R-1 ZONING DISTRICTS**

The replacement of manufactured housing units shall be allowed by-right in the R-1/2 and R-1 Districts if documentation has been submitted indicating the pre-existing Manufactured Housing Unit has been removed no longer than 30 days prior to the receipt of the application to the Planning Director.

**B. REPLACEMENT IN R-1/2 AND R-1 ZONING DISTRICTS**

Manufactured housing units placed in the R-1/2 and R-1 Zoning Districts shall be skirted by: manufactured skirting, or other materials suitable for exterior use, including corrosion-resistant metal, fiberglass/plastic, wood/wood siding (both must be protected from the elements by water resistant solution/substance), decay resistant wood/pressure treated lumber, and masonry concrete. The enclosed crawl space under the manufactured housing unit must be ventilated. Skirting placed on manufactured housing units in any Federal Emergency Management Agency (FEMA) Flood Hazard Boundary Area must comply with any applicable FEMA requirements. Additionally, placement of a manufactured home within the R-1/2 and R-1 Zoning Districts requires approval from the Rockville Design Review Board.

**C. PLACEMENT IN THE R-1/2 AND R-1 ZONING DISTRICT**

Placement of manufactured housing units within the R-1/2 Zoning District shall be prohibited unless it meets the replacement requirements as described in A. above. Placement of all other new manufactured homes that do not qualify as replacement units are conditional upon determination by the Planning Director that:

1. The area within 200 feet of the parcel proposed for manufactured home placement is characterized either entirely of manufactured homes or a mix of site built and manufactured homes. (The mix shall contain a minimum number of manufactured homes equivalent to twenty-five percent ((25%)) of the number of existing principal residences located on parcels within 200 feet of the subject property);
2. If the Planning Director determines that the area is not characterized either entirely of manufactured homes or by a mix of site built and manufactured homes, the use shall fall under the Special Exception procedures of this Ordinance as described under Rockville Board of Zoning Appeals per the provisions of Title 6, Chapter 29 of the Code of Laws of South Carolina.

# Planned Development District

## Description and Overview

### General Description

A Planned Development is defined as an area of land to be developed under a single overall plan that incorporates special regulations to allow broad land use and site design flexibility. The Planned Development may include a mix of residential, commercial and industrial activities or may focus on design concept for a specific use category. This district is intended to promote flexibility in site design and in the location of structures, more efficient land use, preservation of natural features and amenities, and innovation design.

### Overview of Procedures

#### Pre-application Conference:

Before submitting a PD Development Plan for a Planned Development, the applicant shall confer with the Planning Commission and the Planning Director. The purpose of this pre-application conference is to discuss the proposal and the applicable development review and approval procedures.

### PD Development Plan

#### Application:

After the required pre-application conference, a complete application for PD Development Plan approval must be submitted to the Planning Commission in a form established by the Planning Commission. The PD Development Plan application shall include a plan drawn to engineer's scale for the entire are of the proposed Planned Development, including tree preservation.

#### Public Hearing Notice:

Newspaper, Neighbor and Posted Notice of the Town Council's public hearing shall be provided in accordance with the requirements of the code of Laws for South Carolina, Title 6, Chapter 29, Local Government Comprehensive Planning Enabling Act of 1994, as amended.

### Planning Commission Review and Recommendation:

The Planning Commission shall review the proposed PD Development Plan, confer with the Planning Director; and by two-thirds vote of the entire membership, adopt a resolution recommending that the Town Council approve or approve with conditions the proposed development plan. If no such resolution is adopted, the Planning Commission shall be deemed to recommend that the proposed development plan be denied. The Planning Commission's recommendation shall be based on the Approval Criteria of this Ordinance. The Planning Commission shall submit its recommendation to the Town Council within forty-five (45) days of the Planning Commission meeting at which the PD Development Plan was introduced.

### Town Council Hearing and Decision:

After receiving the recommendation of the Planning Commission, the Town Council shall hold at least 1 public hearing and, following the close of the public hearing, act to approve, approve with conditions, or deny the proposed PD Development Plan based on the Approval Criteria of this Ordinance. If the Town Council acts to approve the PD Development Plan, it shall establish required time-frames for development of the entire Planned Development and its individual phases, if any.

### Approval Criteria

Applications for PD Development Plan approval may be approved only if the Town Council determines that the following criteria are met:

1. The PD Development Plan is in the best interests of each of the subject property, the surrounding properties and the Town as a whole;
2. The PD Development Plan complies with the PD District standards of this Ordinance;
3. The development is consistent with the Comprehensive Plan and other adopted policy documents; and
4. The Town and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed.

### Effect of Approval, Lapse of Approval

Approval of a PD Development Plan shall confer upon the applicant the right to develop the subject property in accordance with the approved PD Development Plan. The right to develop in accordance with an approved PD Development

Plan shall lapse and be of no further effect if Zoning Permits for all development shown on the PD Development Plan have not been obtained within the time-frame established by the Council during review and approval of the PD Development Plan. In the event of such lapse of approval, the PD Development Plan and PD Zoning classification shall be of no effect and the property shall be developed solely in accordance with the underlying zoning classification. In the event of lapse of approval pursuant to this subsection, the Planning Commission shall initiate a rezoning application to remove the PD Zoning district designation from the property.

### PD Zoning Amendment

After approval of a PD Development Plan, a Zoning Map Amendment request for PD Zoning may be reviewed and approved. PD Zoning requests shall be processed in accordance with the Zoning Map Amendment procedures of the Code of Law of South Carolina, Title 6, Chapter 29, Local Government Comprehensive Planning Enabling Act of 1994, as amended.

### PD Planned Development District Standards

#### Description:

The PD Planned Development district regulations of this article are intended to encourage innovative land planning and site design that ensures natural resource and environmental protection, high-quality appearance, open space preservation, the provision of amenities and other goals by:

1. Reducing or eliminating the flexibility that sometimes results from strict application of zoning standards that were designed primarily for development on individuals;
2. Allowing greater freedom in selecting the means to provide access, light, open space and design amenities; and
3. Promoting quality design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land use arrangements.

## Intent

By following more flexibility than base zoning districts, the PD district is intended to result in improved design, character, and quality of new mixed use developments and preserve natural and scenic features of open space.

## Identification on Zoning Maps:

Approved Planned Developments shall be indicated on the official zoning map for the Town of Rockville.

# Home Occupations

## General

Some types of work can be conducted at home with little or no effect on the surrounding neighborhood. The home occupation regulations of this section are intended to permit residents to engage in home occupations, while ensuring that home occupations will not be a detriment to the character and livability of the surrounding area. The regulations require that home occupations (an accessory use) remain subordinate to the principal residential use of the property and that the viability of the residential use is maintained. Zoning Permits shall be required for all home occupations.

## Where Allowed

Home occupations that comply with the regulations of this section shall be allowed as an accessory use to any allowed residential principal use.

## Allowed Uses

The home occupation regulations of this section establish performance standards rather than detailed lists of allowed home occupations. Uses that comply with all of the standards of this section will be allowed as home occupations unless they are specifically prohibited.

## Prohibited Uses

### 1. Vehicle/Equipment Repair, Rental or Sales

Any type of repair, rental, sales or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited as a home occupation.

### 2. Restaurants

Restaurants and food service establishments are not allowed as home occupations.

### 3. Employee Dispatch Centers

Dispatch centers, where employees come to the site to be dispatched to other locations, are not allowed as home occupations.

### 4. Animal Care or Boarding

Animal care or boarding facilities (including animal hospitals, kennels, stables and all other types of animal boarding and care facilities) are not allowed as home occupations.

5. Medical Offices or Clinics

Medical offices and medical clinics are not allowed as home occupations. This includes doctors' offices, dentists' offices, psychologist's offices, hospitals and all other medical care facilities. The prohibition shall not be interpreted as preventing medical practitioners from seeing patients in their home on an emergency basis.

6. Funeral Homes

Funeral homes and funeral service activities are not allowed as home occupations.

7. Barber Shops, Beauty Shops and Nail Salons

Barber shops, beauty shops, nail salons and other cosmetology services are not allowed as home occupations.

8. Dancing Schools

Dancing schools are not allowed as home occupations.

9. Bed and Breakfasts

Bed and Breakfasts are not allowed as home occupations. Rockville amendment #05-0705.

Employees

Home Occupations shall have no more than 1 nonresident employee, exclusive of relatives.

Resident Operator

The operator of a home occupation shall be a full-time resident of the dwelling unit.

Customers

Customers may visit the site of a home occupation only during the hours of 8 a.m. to 8 p.m. No more than 6 customers or clients may visit the site of a home occupation in any single day and no more than one (1) customer or client may visit the home occupation per hour.

### Floor Area

No more than two hundred fifty (250) square feet of the total floor area of the dwelling unit may be used to house a home occupation, or up to one thousand (1,000) square feet of an accessory structure, such as a garage. All activities and storage areas associated with home occupations must be conducted in completely enclosed structures.

### Exterior Appearance

There shall be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot. Signs for a home occupation are expressly prohibited. There may be no change in the exterior appearance of the dwelling unit that houses a home occupation or the site upon which it is conducted that will make the dwelling appear less residential in nature or function. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, adding additional entrances to the dwelling unit or adding signs or commercial-like exterior lighting.

### Operational Impacts

No home occupation or equipment used in conjunction with a home occupation may cause odor, vibration, noise, electrical interference or fluctuation in voltage that is perceptible beyond the lot line of the lot upon which the home occupation is conducted. No hazardous substances may be used or stored in conjunction with a home occupation.

### Trucks

No truck or van with a payload rating of more than 1½ ton may be regularly parked at the site of a home occupation with the exception of equipment so parked at the adoption of this ordinance.

### Deliveries

Deliveries or pick-ups of supplies or products associated with home occupations are allowed only between 8 a.m. and 8 p.m.



# Signs

## General Provisions

### Purpose

This article provides comprehensive regulations for signage in Town of Rockville designed to promote public safety and welfare by reducing visual clutter along highways, facilitating the efficient transfer of information, and thus enhancing traffic flow and the ability to locate needed goods and services.

## Administration and Enforcement

### Non-Commercial Copy

Any sign authorized in this section is allowed to contain noncommercial copy in lieu of any other copy. Noncommercial on-premise signs are permitted in any zoning district provided that such signs comply with the regulations of that district.

### Building and Electrical Code Standards

All permanent signs must meet the structural and installation standards of the Standard Building Code and electrical standards of the National Electrical Code as enforced by the Town of Rockville Building Inspection Services Department.

### Permit Required

No signs, except real estate signs shall be erected unless a sign permit has been issued by the Planning Director.

### Fees

An applicant for a sign permit shall pay such fees as determined necessary for application processing. These fees are due upon submission of an application and shall be determined by Town Council.

### Permits

A permanent tag shall be attached to every installed sign. The tag shall remain the property of Town of Rockville and shall not be removed without the Planning Director's approval.

### Documentation of Signs

Upon Request, the owner of any existing sign shall provide the Town of Rockville Planning Director with evidence that documents the size, location and date of construction of all existing signs on the premises.

### Prohibited Signs

The following signs shall be prohibited:

1. Flashing Sign/Lighted Sign
2. Pennants, Streamers, and other Moving Devices
3. Signs Imitating Traffic Devices (Signal)
4. Signs Imitating Traffic Signs
5. Signs in Marshes
6. Signs in Right-of-Way
7. Snipe Signs
8. Vehicle Sign

### House Numbers

All permanent, free-standing, On-Premise signs shall contain house numbers containing number at least four (4") inches in height. The area devoted to required house numbers shall not be included in the calculation of maximum sign area.

### Signs In Disrepair

Signs in disrepair shall be repaired, renovated, or removed from the premises within sixty (60) days following notice by Planning Director.

### Abandoned Signs

Signs advertising a person, business, service, event or other activity that is no longer available or other signs that contain inaccurate or outdated information shall be considered abandoned. Remedial action shall be taken within thirty (30) days after a sign becomes abandoned. If no remedial action is taken, the Planning Director shall give notice to the owner of record who shall have thirty (30) days to take remedial action prior to any further enforcement action being pursued. This provision shall apply to all abandoned signs, including those abandoned before April 21, 1999.

### Signs Interfering with Vehicular Vision

1. In the area near the entrance of a driveway, no sign shall obscure the travel vision from three (3') to ten (10') feet above ground level in triangular areas formed by measuring from the point of intersection of any front lot line and driveway, a distance of fifteen (15') feet along the front lot line and driveway and connecting the points to form a triangle.

2. No sign or structure shall be erected so as to interfere with the vision of vehicles operated along any highway, street, road or driveway, or at any intersection of any street, highway or road with a railroad track. Signs determined by the Planning Director to be in violation shall be removed or relocated immediately upon notice.

### On-Premise Signs

#### Free Standing Signs:

1. Maximum size, height, width, length, number of sign faces, number of signs per establishment and required minimum height and setbacks are based upon establishment size and shall conform with *Table 1*.
2. A maximum of 1 reader board shall be allowed per zoning lot for single or multi-tenant structures containing office, commercial, or industrial uses if attached to permanent free-standing signs. The area of the reader board shall be included in the site's total sign area allowance.

#### Wall/Façade Signs:

1. A maximum of 2 signs shall be allowed per wall or facade, with a maximum of 4 per building. Total area of all signs shall not exceed square footage allowed in *Table 2*.
2. Maximum size of wall/facade signs is dependent upon building frontage and setback, in accordance with *Table 2*.

**TABLE 1  
FREE STANDING ON-PREMISE SIGNS**

REQUIREMENT	ZONING DISTRICT		
	AGRICULTURAL	RESIDENTIAL	NONRESIDENTIAL
Maximum Area (sq. ft.)	10 (32 with Special Exception)	10	Bldg. Size (sq. ft.) Sign Size 0 – 2,500 = 50 2,500 – 25,000 = 100 25,000 – 100,000 = 150 100,000+ = 200
Maximum Height (ft.)	14	5	20 with minimum setback. Up to 30 with additional setback (Sliding Scale: see below)
Minimum Height (ft.)	None	None	None
Maximum Width (height of sign with face) (ft.)	N/A	5	Ratio -- longest side: shortest side 5:1
Maximum Length (ft.)	N/A	5	Ratio -- longest side: shortest side 5:1
F Setback (Front/Interior) (ft.)	10/10	10/10	5/10
Maximum No. Sign Faces	2 per sign	2 per sign	2 per sign
Maximum No. Signs Per Business (1)	1 per major frontage	1 per major frontage	1 per major road frontage

(1) When a parcel abuts more than 1 road, signs will be allowed on the higher road classification only.

**TABLE 2  
WALL/FACADE SIGNS**

BUILDING LENGTH FACING STREET*	SETBACK**	MAXIMUM SIZE (SQ. FT.)
50 feet or less	0 - 99 ft. 100 - 399 ft. 400 or more ft.	50 100 150
More than 50 feet	0 - 99 ft. 100 - 399 ft. 400 or more ft.	Bldg. Frontage x 1 15% Bldg. Frontage x 2 OR of Bldg. Frontage x 3 facade

\*Use smaller of 2 sizes

\*\*Setback measured from midpoint of structure facing street or driveway.

## Special Signs

### Size, Number and Height:

Maximum size, number, and height of special signs shall conform with *Table 3*.

## Temporary Signs

### Size, Number and Height:

Maximum size, number and height of temporary signs shall conform with *Table 3*.

## Types

Commercial and non-commercial temporary signs of the following varieties are permitted:

1. Banners.
2. Portable signs: Permitted in accordance with standards of the National Electrical Code and anchoring provisions of the Standard Building Code.

## Duration

1. Non-Commercial temporary signs shall be allowed for a maximum of thirty (30) days per event.
2. Commercial signs temporary shall be allowed for a maximum of thirty (30) days, starting with the opening of a business.

## Real Estate Signs

1. Maximum size, number and height of real estate signs shall conform with *Table 3*.
2. Signs shall face a maximum of 2 directions, and may be mounted back-to-back or V'ed.
3. Where signs are V'ed, the space between panels shall not exceed three (3') feet at the point at which panels are closest, and the interior angle formed by signs shall not exceed 60 degrees. For purposes of these requirements, V'ed signs shall be counted as 1 sign.
4. Where signs face two (2) directions, whether back-to-back or V'ed, both signs must be the same standard size.

Flags used as Signs

1. A permit shall be required for the installation of all flag poles or flag display devices erected on lots zoned for multi-family, office, commercial, or industrial use or occupied by a multi-family, office, commercial, or industrial use.
2. Applicants must submit with the permit application a scaled site plan giving the location of all flag poles and complete dimensional and installation engineering data.
3. Applicants must provide documentation of minimum clearance from electric, telephone or cable TV lines as certified by the proper utility prior to issuance of permit, or installation.
4. Maximum size and number of flags used as signs, and height of flag poles shall conform with *Table 3*.
5. The American flag and the flag of the State of South Carolina are exempt from the provisions for maximum size of flags and maximum size of flagpoles in *Table 3*, and no permit shall be required for flags or flagpoles.

**TABLE 3  
SPECIAL SIGNS**

TYPE	MAXIMUM SIZE	MAXIMUM NUMBER	MINIMUM SETBACK MAXIMUM HEIGHT
Real Estate	"For Sale" (Residential) 8 sq. ft.  Other (Nonresidential) 48 sq. ft.	"For Sale" (Residential) 2  1 per frontage  Other (Nonresidential) 1 per 1,000 ft. Frontage  Maximum: 3 per lot	"For Sale" 6 ft. (Residential)  Other (Non-Residential) (see text)  Max. Height: 15 ft.
Subdivision/Multi-Family I.D. Signs	32 sq. ft.	2 per entrance	Minimum setback: 5 ft. Maximum height: 15 ft.
Directional	3 sq. ft.	Unlimited	4 ft.
Temporary	40 sq. ft.	1 per lot per event	Minimum setback: 5 ft. Maximum height: 15 ft.
Flags	60 sq. ft.	3 per zoning lot	35 ft. or 15 ft. above highest point of roof

# Tree Protection and Preservation

## General

### Findings

Trees are an essential natural resource, an invaluable economic resource, and a priceless aesthetic resource. Trees play a critical role in purifying air and water, providing wildlife habitat, and enhancing natural drainage of storm water and sediment control. They also help conserve energy by providing shade and shield against noise and glare. Trees promote commerce and tourism by buffering different land uses and beautifying the landscape.

### Purpose

The Tree Protection and Preservation regulations of this article are intended to enhance the health, safety and welfare of the Rockville citizens.

### Applicability and Exemptions

#### 1. Applicability

The provisions of this article in their entirety shall apply to residential zoned property in Rockville, except as otherwise expressly exempt.

2. The provisions of this article in their entirety shall apply to all Grand Trees and any reference to tree or trees in this article.

3. Definition of Protected Trees. Rockville amendment #07-0820B.

A. All Live Oak species of trees 8" or greater DBH on parcels located within the Town of Rockville shall be protected.

B. All other oak species shall be protected as Grand Trees (trees 18" or greater DBH) except Water Oaks which will be evaluated on a case by case basis.

These trees are subject to protections, removal, mitigation, and violations section of the tree ordinance.

#### 4. Exemptions

A. This article shall not restrict public utilities and electric suppliers from maintaining safe clearance around existing utility lines, and existing easements in accordance with applicable state laws. Siting and construction of future gas, telephone, communications, electrical line or other easements shall not be exempt from the provisions of this article.

- B. All Water Oaks shall be evaluated by staff on a case by case basis and may be exempt from protection and preservation. Any Water Oak 24" or greater DBH must still be permitted for removal by the County's Landscape Architect regardless of its condition. Additionally, the applicant may be required to hire an arborist or forester to confirm the species of the tree.
- C. All pine species shall be exempt from tree protection and preservation.

#### Definition of "Tree Removal"

For the purpose of this article, the term "tree removal" shall include, but not be limited to damage inflicted to the root system by machinery, girdling, storage of materials and soil compaction, changing the natural grade above or below the root system or around the trunk; damage inflicted on the tree permitting fungus infection or pest infestation; excessive pruning; excessive thinning; paving with concrete, asphalt or other impervious material within such proximity as to be harmful to the tree; or any act of malicious damage to a tree. Excessive pruning or thinning shall be pruning or thinning that exceeds more than twenty-five (25%) percent of the leaf surface on both the lateral branch and the overall foliage of a mature tree that is pruned within a growing season. Additionally, one-half of the foliage of a mature tree is to remain evenly distributed in the lower two thirds of the crown and individual limbs upon completion of any pruning.

#### Measurements

*Diameter Breast Height* – Diameter Breast Height is used for measuring all trees greater than 18" caliper. The Diameter Breast Height (DBH) of a tree is the total diameter, in inches, of a tree trunk or trunks measured four and one-half (4½') feet above existing grade (at the base of the tree). In measuring DBH, the circumference of the tree shall be measured with a standard diameter tape, and the circumference shall be divided by 3.14. If a tree trunk splits at ground level and do not share a common base, then each trunk shall be measured as a separate tree. If a multi-trunk tree splits below the 4.5 foot mark, all trunks shall be measured separately and count as one tree.

### **Administration**

#### Zoning Permit Required

##### Tree Removal:

Removal of grand trees is prohibited prior to the issuance of a Zoning Permit by the Planning Director. Zoning Permits will be issued only after a tree plan is approved by the Planning Director, as outlined below.



## **Tree Plans and Surveys**

### General

Tree plans of the same scale as, and superimposed on a development site plan or preliminary plat shall include location, number, size (DBH or caliper), and species with a scaled graphic representation of each Grand Tree, canopy size and shape, and the trunk location. All tree surveys shall include the name, address, signature, and seal of a licensed surveyor, landscape architect, or civil engineer registered in the State of South Carolina. The survey shall include grand trees including dead and damaged trees. The licensed professional shall be responsible for the accuracy of information provided shall be included on the tree survey.

### Non-Residential

All non-residential zoned development in the town of Rockville shall follow the Charleston County Zoning and Land Development, Tree Protection and Preservation ordinance.

### Other Required Surveys

A plan outlining the manner in which trees are to be protected during development (tree barricades, fencing, etc.)

### Inspections and Final Approval

The Planning Director shall periodically visit development sites prior to completion to monitor compliance with the tree barricade plan approved for a project.

### Emergency Provisions

In the event that a tree poses a serious and imminent threat to public safety due to death, disease or damage resulting from emergencies including, but not limited to fires, flooding, storms, natural disasters, negligence, the Planning Director may waive requirements of this article. Written findings must later be issued, outlining the threat to public safety which initiated the removal. The Planning Director may require replacement of trees that are removed where it is determined that death or disease resulted from negligence.

### Variances

See Grand Tree Removal

## **Required Tree Protection**

### General

Grand Trees are prohibited from removal and are to be protected per this Chapter during development and construction, unless specifically permitted to be removed by this Chapter.

### Pre-Construction Planning Conference

Prior to commencement of development activities, a pre-construction planning conference for tree preservation may be required on-site with the Planning Director's representative, the applicants, and any parties deemed appropriate for the purpose of determining if there is a need for additional tree protection techniques and for designating placement of tree barricades, construction employee parking.

### Tree Protection During Development and Construction

Protective barricades shall be placed around all required trees in or near development areas, as approved by the Planning Director, prior to the start of development activities. These barricades, constructed of wood or plastic fencing or other approved materials shall be erected and placed beneath the canopy drip line or one and five tenths (1.5') feet times the diameter breast height of the tree. Other protective devices or construction techniques may be used as approved by the Planning Director. The barricades shall remain in place until development activities are complete. The area within the protective barricade shall remain free of all building materials, dirt, fill, or other construction debris, vehicles, and development activities.

### Partial Exception for Limited Clearing

Limited clearing and grubbing may be authorized by the Planning Director prior to the installation of protective tree barricades on sites that exhibit unusually heavy undergrowth where access to the interior of the site and its protected trees would be otherwise highly impractical. If permitted, this clearing shall be done by hand with hand tools or gas powered push type or walk behind equipment designed for brush and undergrowth clearing. Under no circumstances will metal tracked bulldozers, loaders, or similar rider/operator types of equipment be allowed on the site until the protective barricades are erected and a zoning permit is issued.

### Separation of Trees from Pavement, Grading and Structures

Paved areas shall be separated from trees by a minimum distance of the drip line or one and five tenths (1.5') feet times the diameter breast height or as modified by the Planning Director as deemed necessary to protect the root system of the tree. Paved areas shall not constitute more than twenty-five (25%) percent of the protected area beneath a tree. Any paving, grading, trenching, or filling within the

remaining seventy-five (75%) percent of the protected area must be approved by the Planning Director and may require specific construction techniques be used in order to preserve the health of the tree. When grading and construction within the protected area of a tree has been approved, all damaged roots shall be severed clean and inspected by the County Landscape Architect or Inspector prior to the receipt of a Zoning Permit.

## **Grand Tree Removal**

### General

Healthy grand trees may be removed only where approved by the Board of Zoning Appeals and shall be replaced according to a schedule determined by the Board. The Planning Director will make recommendations to the Board concerning the number, species, diameter breast height or caliper, and placement of such trees. The Board of Zoning Appeals is empowered to require trees of larger caliper as determined appropriate for site-specific conditions and the circumstances, lawful or illegal, under which removal occurred.

### Permitted Removal

Permits for Grand Tree removal may be approved administratively where trees are diseased, dead, or dying, and pose and imminent danger to public health and safety as determined by the Planning Director.

## **Violations and Tree Replacement**

### General

Where Grand Trees have been removed in violation of this Ordinance or where removal is necessitated at any time due to acts of negligence, trees shall be recommended to be replaced in accordance with a replacement schedule recommended by the Planning Director. The replacement schedule shall establish the number, species, caliper, and location of replacement trees and at a minimum shall require:

1. That the combined caliper of replacement trees is equal to or greater than 3 times the caliper of the Grand Tree removed;
2. Individual replacement of trees are of the largest transplantable caliper available or equal to the loss of diameter breast height inches; and
3. Where Grand Tree removal is necessitated by emergencies as defined in this article, or death and disease of trees to natural causes, as determined by the Planning Director, replacement will not be required.

## Tree Fund

The Tree Fund is a fund established to receive monies exacted from tree removal violation fines to include, but not be limited to, removal, damage, destruction, or as defined in this Chapter, and as a form of mitigation when planting of the required trees is determined to be detrimental to the overall health of existing trees or impractical for the intended site design. The Planning Director shall impose a Tree Mitigation fee based on the current market retail value of 2"-3" caliper trees installed to the American Association of Nurserymen Standards. If the applicant disagrees with the amount of the Tree Mitigation fee imposed, they may file appeal with the Board of Zoning Appeals. All Tree Mitigation fees collected shall be paid to the Town Treasurer and placed in an account established for public beautification.

## **VIOLATIONS, PENALTIES AND ENFORCEMENT**

1. No activity regulated by this Ordinance shall be undertaken except in full compliance with the express provisions of this Ordinance.

2. No activity that is the subject of any permit or approval issued pursuant to the provisions of this Ordinance shall be undertaken except in full compliance with the subject permit or approval, including any attached conditions.

3. The commencement or continuation of any activity regulated by this Ordinance that is not in compliance with the express provisions of this Ordinance, or that is not in compliance with the express provisions of any permit or approval, including any attached conditions, shall be violation of this Ordinance, and subject to enforcement under the terms of this chapter and South Carolina law.

### **Violations**

All of the following constitute violations of this Ordinance:

- to use or attempt to use land or a building in any way not consistent with the requirements of this Ordinance;
- to erect or attempt to erect a building or other structure in any way not consistent with the requirements of this Ordinance;
- to engage or attempt to engage in the development or subdivision of land in any way not consistent with the requirements of this Ordinance;
- to transfer title to any lots or parts of a development unless the subdivision has received all approvals required under this Ordinance and an approved plan or plat, if required, has been filed with the Rockville Planning Commission;
- to submit for recording with a Town office any subdivision plat that has not been approved in accordance with the requirements of this Ordinance;
- to install or use a sign in a way not consistent with the requirements of this Ordinance;
- to engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land or any other activity requiring one (1) or more approvals or permits under this Ordinance without obtaining all such required approvals or permits;
- to engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land or any other activity requiring one (1) or more approvals or permits under this Ordinance in any way inconsistent with any such approval or permit and any conditions imposed;

- to violate the terms of any approval or permit granted under this Ordinance or any condition imposed on such approval or permit;
- to obscure or obstruct any notice required to be posted or otherwise given under this Ordinance;
- to violate any lawful order issued by any person or entity under this Ordinance; or
- to continue any violation as defined above, with each day of continued violation to be considered a separate violation for purposes of computing cumulative civil or criminal penalties.

## **Enforcement Responsibility, Complaints.** Rockville amendment #07-0820A.

### Responsibility

The responsibility for the enforcement of this Ordinance is delegated to the Rockville Code Enforcement Officer appointed by the Town Council. The Code Enforcement Officer shall notify in writing the person responsible for such violations, setting forth the nature of the violation and the action necessary to correct it.

### Notice

If the Rockville Code Enforcement Officer may find that any of the provisions of this Ordinance are being or have been violated, the Code Enforcement Officer shall notify in writing the person responsible for such violation, setting forth the nature of the violation and the action necessary to correct it.

### Complaints

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a signed written complaint with the Rockville Town Council. Such complaint shall state fully the causes and basis thereof.

The Rockville Code Enforcement Officer shall properly record such complaint, immediately investigate to determine the validity of the charge, and take whatever action is determined by the Rockville Planning Commission to be necessary to assure compliance with this Ordinance.

### Authority

The Rockville Code Enforcement Officer shall have the authority to enter upon the premises subject to this Ordinance for the purpose of enforcing the provisions of this Ordinance.

## **Remedies and Enforcement Powers**

On behalf of the Town, the Rockville Code Enforcement Officer may take any one (1) or more of the following actions as a remedy for any violation of this Ordinance:

- withholding any approvals or permits required by this Ordinance or order other officials to withhold such approvals or permits;
- issuing stop orders against any work undertaken by an entity not having a proper approval or permit required by this Ordinance;
- issuing stop orders against any actions in violation of this Ordinance;
- bringing an action for an injunction (or, in appropriate cases, for

mandamus) to prevent the violation and/or to prevent the occupancy or use of any site or structure involved in the violation;

- bringing an action for injunction or mandamus to abate a violation;
- issuing and personally serving on the violator an ordinance summons for violations observed first-hand; or
- pursuing prosecution of a violation of this Ordinance as a misdemeanor.

## **Tree Protection and Preservation Violations**

In addition to the provisions listed in Remedies and Enforcement Powers (see above), the following shall apply:

### Trees Removed Without Permits

#### General:

If sites are cleared of protected trees prior to obtaining a permit (a violation), trees shall be replaced in accordance with a replacement schedule recommended by the Charleston County Planning Department. The County Planning Department's replacement schedule shall specify the number, species, caliper and location of replacement trees, according to the following minimum criteria:

- combined caliper of which equals or exceeds eighty (80") inches per acre, and
- one-half of individual replacement trees which are four (4") inches or greater caliper.

#### Grand Trees:

Where Grand Trees have been removed in violation of this article or where removal is necessitated at any time due to acts of negligence, trees shall be replaced in accordance with a replacement schedule recommended by the Charleston County Planning Department. The replacement schedule shall establish the number, species, Diameter Breast Height (DBH), and location of replacement trees, and at a minimum shall require:

1. that the combined caliper of replacement trees is equal to or greater than three (3) times the caliper of the Grand Tree removed; or
2. individual replacement trees are of the largest transplantable caliper available or equal to the loss of DBH inches.



Where Grand Tree removal is necessitated by emergencies or death and disease of trees due to natural causes, as determined by the Rockville Planning Commission, replacement will not be required.

## **Recovery from Tree Violations**

Any person, firm, organization, society, association, corporation, or any agent or representative thereof who commits, participates, or assists in a violation of the Tree Protection and Preservation standards may each be found guilty of a separate offense and suffer the penalties herein provided. Each unauthorized removal, destruction or failure to replace a tree shall constitute a separate offense.

Failure to pay all or any part of the Tree Fund mitigation fee within thirty (30) days of the fee's imposition is a violation of the Tree Fund provision of this Ordinance. Failure to pay fees may result in a collection action in the same manner as prescribed by law for the collection of other fees. Failure to pay the mitigation fee may also result in a criminal proceeding. If a matter is brought in criminal court, upon conviction, maximum penalty is Five Hundred and No/100 (\$500.00) Dollars per violation and/or thirty (30) days imprisonment, and restitution of the Tree Fund mitigation fee.

Should violations be noted during the course of a project or at final inspection, the Rockville Code Enforcement Officer shall take appropriate actions, including, but not limited to the following:

- requiring replacement of illegally removed trees and vegetative buffer;
- requiring replacement of required trees and vegetative buffer that are damaged, diseased, dying or dead;
- requiring protection of trees and vegetative buffer during construction;
- revoking Zoning Permits; and
- denying Certificates of Occupancy.

Nothing herein shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violations.

## **Sign Violations**

### Signs Subject to Impoundments

In addition to other remedies and enforcement powers of this chapter, The Rockville Code Enforcement Officer shall have the authority to remove and hold any of the following types and signs or sign structures:

- Any prohibited sign is subject to impoundment without notice to the owner.

- Any sign that is installed or used in any way that is not consistent with the requirements of this Ordinance, provided that notice has been given and no action has been taken by the owner within the specified time frame.

#### Recovery of Impounded Signs

The owner of an impounded sign structure may recover same upon the payment of Fifty and No/100 (\$50.00) Dollars for each sign plus the costs of removal. In the event it is not claimed within ten (10) days from the date of impoundment, the Rockville Code Enforcement Officer shall have authority to dispose of such sign or sign structure without compensation to the owner.

#### **Violations Continue**

Any violation of the previous Zoning Ordinance or Subdivision Ordinance will continue to be a violation under this Ordinance and be subject to penalties and enforcement under this chapter, unless the use, development, construction, or other activity complies with all applicable provisions of this Ordinance, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before April 17, 2000. Any prior lack of enforcement shall not constitute any degree of recognition, approval or other entitlement.

# Subdivision Regulations

## General

### Applicability

Unless expressly exempted, no subdivision shall be made, platted, or recorded for any purpose nor shall parcels resulting from such subdivisions be sold or offered for sale, unless such subdivision meets all applicable standards of this Ordinance and has been approved in accordance with the procedures

1. All lots shown on plats whether subdivided or not, shall have the Planning Commission Stamp of either approval or exemption on said plat; the Register of Mesne Conveyance shall not record any plat without such stamp. The plat for an individual lot exempted by virtue of pre-existence must be accompanied by a surveyor's statement on the plat that the lot is a single, individual lot, and not newly created.
2. Parcels that were recorded by deed or plat prior to the adoption of Charleston County's original Subdivision Regulations on January 1, 1955, will receive automatic approval under a Grandfather's Clause, providing the parcel involved is still in the same size and shape as when recorded prior to 1955 and is properly platted in accordance with present standards. The recorded information must be provided and attested to by the surveyor or attorney involved.

### Standard Specifications for Road and Drainage Systems

The regulations and standards of this chapter are intended to supplement the County's *Standard Specifications for Road and Drainage Systems*. In the event of conflict, the County's *Standard Specifications for Road and Drainage Systems* shall control.

## Exemptions

### Procedures

The following shall be exempt from the Subdivision Plat Procedures, if the Planning Staff determines that all other applicable requirements of this Ordinance have been met.

1. The combination or re-combination of portions of previously platted and recorded lots where the total number of lots is not increased and all lots or residual parcels thus created comply with all applicable requirements of this Ordinance.
2. The public acquisition of land for right-of-way or drainage easements.

3. When contiguous properties are to be divided for the purpose of exchanging or trading parcels of land.
4. Where a parcel of land is proposed to be used as the site for a utility substation, power line easements or right-of-way, pumping station, pressure regulating station, electricity regulating substation, gas pressure control station, or similar facilities.
5. Where properly platted lots or parcels are created and approved by judicial action.

### Standards

Lots created and recorded prior to August 15, 1971, shall be exempt from compliance with the design standards of this chapter, provided that the subject property:

1. Was or is surveyed and platted in accordance with prescribed standards;
2. Has the approval of the Charleston County Health Department; and
3. Contains no drainage ways or easements needed to drain surrounding properties, as determined by the Public Works Director.

### **Subdivision Plat Procedures**

#### Relationship to Development Review Procedures

The "General" procedural requirements and standards shall apply to the subdivision plat procedures of this section.

#### Minor vs. Major Subdivision

##### Minor Subdivision:

A minor subdivision is division of any tract of land in one ownership, into 5 or fewer lots, provided that:

1. No street right-of-way dedications are involved;
2. No utility or drainage easements are necessary;
3. The lots meet Health Department requirements for the installation of a conventional or modified individual sewage disposal system; and
4. No new or residual parcels will be created that do not comply with all applicable requirements of this Ordinance.

### Major Subdivision:

Any land division that is not a Minor Subdivision shall be processed as a "Major Subdivision."

## Overview of Review and Approval Process

### Minor Subdivisions:

There is 1 required step in the Minor Subdivision process: Final Plat review and approval. Applicants for minor subdivision are strongly encouraged to schedule and attend a Pre-application Conference prior to filing a minor subdivision.

### Major Subdivisions:

Applicants for major subdivision are required to schedule and attend a Pre-application Conference prior to filing a subdivision application. After the pre-application conference, there 2 required steps in the process: (1) Preliminary Plat review and approval; and (2) Final Plat review and approval. Each step of the process shall be completed before initiating the next step.

## Pre-application Conference

Pre-application Conferences offer an opportunity to familiarize applicants with applicable procedures, submittal requirements, development standards, and other pertinent matters before finalizing the development proposal or laying out the proposed subdivision. Applicants shall be responsible for scheduling pre-application conferences with the Planning Director who shall be responsible for

### **COMMENTARY**

APPROVAL FROM OTHER LOCAL, STATE OR FEDERAL AGENCIES MAY BE NECESSARY IN THE DEVELOPMENT OF LAND IN TOWN OF ROCKVILLE, PARTICULARLY IN REGARD TO ENVIRONMENTAL CONCERNS. PRE-APPLICATION CONFERENCES SHOULD BE HELD WITH THESE AGENCIES, INCLUDING THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL COASTAL RESOURCE MANAGEMENT, U.S. ARMY CORPS OF ENGINEERS AND THE U.S. FISH & WILDLIFE SERVICE.

contacting the Public Works Department and other affected agencies.

### Application:

#### Minor Subdivisions

Pre-application conference applications for minor subdivisions shall be submitted to the Planning Department on forms available in the Planning Department. Pre-application Conferences are not mandatory for minor subdivisions.

## Major Subdivisions

Pre-application conference applications for major subdivisions shall be submitted to the Planning Department and include the following:

- A. A completed application form (available in the Planning Department);
- B. A Plat of Survey of the subject property, if available, or a Tax Map that identifies the subject property; and
- C. A Concept Plan that includes the following information:
  - (1) the proposed means of access to a public road;
  - (2) surrounding land uses;
  - (3) all adjacent roads;
  - (4) a preliminary map and analysis of natural resources present on the subject property and surrounding property; and
  - (5) a conceptual layout of the proposed subdivision, which shall be overlaid on the preliminary natural resources map and which shall show streets, lots, parks and other facilities located to protect natural resource areas.

## Preliminary Plat

### Applicability:

Preliminary Plats shall be required for all Major Subdivisions.

### Application:

1. Applications for Preliminary Plat approval shall be submitted to Planning Department on forms available in the Planning Department. Ten copies of the Preliminary Plat shall be filed with the application.
2. Preliminary Plats shall be drawn to scale no smaller than 1" = 100'. Where large areas are being platted, they may be drawn on 1 or more sheets, twenty-two (22") inches by thirty-four (34") inches in size. For small areas being platted, a scale of 1" = 50' shall be used.
3. Even though a sub-divider intends to subdivide only a portion of a parcel or tract of land initially, the Preliminary Plat shall show a proposed street and lot layout, drainage plan and other requirements for the entire parcel or tract of land in which such portion is contained.
4. The following information shall be required on each plat:

- A. The courses and distances of the perimeter of the land involved shall be shown with the courses marked to show which are actual field observations and which are computed.
- B. References to a known point or points such as street intersections and railroad crossings shall be shown.
- C. The total acreage of the land involved in the subdivision and the acreage above the Office of Coastal Resource Management Critical Line. Date of critical line certification shall be indicated. (Aerial photography may not be used to determine OCRM critical line location)
- D. The names of adjacent land owners and streets where known or available shall be given (with the tax parcel numbers) and all intersecting boundaries or property lines shall be shown.
- E. Proposed divisions to be created shall be shown, including the right-of-way widths, roadway widths, and names of streets; the locations of proposed utility installations and utility easements; lot lines, dimensions and angles; sites reserved or dedicated for public uses; and sites for apartments, civic/institutional, commercial and industrial uses.
- F. The title, scale (including graphic scale), north arrow (magnetic, grid, or true), date, name of sub-divider and the name of engineer or surveyor with South Carolina Registration Number shall be shown.
- G. All existing physical features of the land, including contours, drainage ditches, roads and wooded areas shall be shown. The contour interval shall be 1 foot, unless otherwise approved in advance of submission by the Public Works Director. All contour information shall be based on mean sea level datum and shall be accurate within ½ foot. The Bench Mark, with its description, and the datum used for the survey shall be clearly noted on the plat.
- H. General drainage features, including proposed drainage easements and detention/retention basins. Proposed cuts and fills shall be shown. Also the proposed direction of drainage on each street, ditch and lot shall be indicated by the use of arrows and proposed street names.
- I. The location of required landscape buffers, which shall not be located within drainage easements unless expressly approved by the Public Works Director.

- J. Jurisdictional wetlands, with the date of certification.
- K. The notarized signature of the owner or their agent and a statement indicating ownership of the property and the plat shows their intent to subdivide the property.

5. Accompanying Data

- A. The Preliminary Plat shall be accompanied by a statement as to the availability of and specific indication of the distance to and location of the nearest public water supply and public sanitary sewers.
- B. The Preliminary Plat shall be accompanied by a statement indicating what provisions are to be made for water supply and sewage disposal.

6. Sight Lines for Inspection

Sight lines shall be cut a maximum of two hundred (200') feet apart for the purpose of making the topographic survey and to allow visual inspection of the property after application has been made for approval of the Preliminary Plat.

Planning Director  Review and Report

The Planning Director shall compile a staff report (which includes the comments and recommendations of the Public Works Department and other affected agencies) that reviews the Preliminary Plat application in light of all applicable requirements of this Ordinance. This report shall be forwarded to the Planning Commission.

Planning Commission  Review and Decision

Within the sixty (60) days of receipt of a complete application, the Planning Commission shall review the proposed Preliminary Plat and act to approve, approve with conditions or deny the Preliminary Plat, based on whether it complies with all applicable requirements of this Ordinance.

**COMMENTARY**

FOR THE PURPOSE OF PRELIMINARY PLAT APPLICATIONS, A COMPLETE APPLICATION MEANS ONE THAT INCLUDES ALL REQUIRED INFORMATION AND FEES AND THAT ADDRESSES THE FINDINGS OF THE INSPECTION REPORT AND HAS RECEIVED ALL APPROVALS FROM OTHER AGENCIES THAT ARE A PREREQUISITE TO PRELIMINARY PLAT APPROVAL.



## Effect of Preliminary Plat Approval

Approval of a Preliminary Plat shall constitute general acceptance of the overall planning concepts for the proposed subdivision and is a prerequisite for the filing of a Final Plat application.

## Lapse of Preliminary Plat Approval

An approved Preliminary Plat shall lapse and be of no further force and effect if a Final Plat for the subdivision (or a phase of the subdivision) has not been approved within two (2) years of the date of approval of the Preliminary Plat. If the subdivision is to be developed in phases, a phasing plan shall be approved as part of the Preliminary Plat approval.

## Appeals

Any person with a substantial interest in a Preliminary Plat decision of the Planning Commission or any officer, board, or bureau of the county may appeal the Planning Commission decision to the Circuit Court of Charleston County. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within thirty (30) days of the date of the Planning Commission's decision.

## Construction Plans

After approval of a Preliminary Plat and before commencing any work within the proposed subdivision (including land clearing and grading), road plans and profiles and a detailed drainage plan prepared by an engineer registered in the state of South Carolina shall be submitted to the Public Works Director for review and approval in accordance with the County's *Standard Specifications for Road and Drainage Systems*.

## Inspections

1. Subdivision plats that are submitted for review are field inspected by Planning and Public Works staff to ensure compliance with any applicable Ordinance requirements and county standards.
2. When no public sewer is provided to the proposed lot, a representative of South Carolina Department of Health and Environmental Control will visit the site and test the soil for minimum septic system requirements.
3. Where subdivision streets and/or drainageways are being constructed, a Public Works Department inspector will make periodic visits to the site at no cost to the developer to ensure construction compliance with County-approved road and drainage plans. Public Works Department's certification that all roads and drainage systems have been constructed in compliance with the plans is required prior to final approval of the development. This approval is necessary for both public and private developments.

## Final Plat

### Conditional Plat Approval:

Prior to approval of a Final Plat, the developer shall install all required public improvements or post an approved financial guarantee of performance and maintenance, in accordance with the requirements. If financial guarantees are posted, decision-making bodies shall be authorized to grant conditional plat approval, with final approval contingent upon completion and acceptance of all required improvements. After conditional plat approval is granted, the sales of subdivision lots shall be permitted and building permits may be granted, but no Certificates of Occupancy shall be issued until all required improvements have been installed and accepted.

### Applicability:

Final Plats shall be required for all Minor and Major Subdivisions.

### Application:

1. Applications for Final Plat approval shall be submitted to Planning Department on forms available in the Planning Department. Ten copies of the Final Plat shall be filed with the application.
2. Certification from the design engineer that the subdivision's road and drainage infrastructure has been constructed in accordance with the approved plans.
3. The Final Plat shall be drawn in ink on a material specified by the Register of Mesne Conveyance recording, on sheets twenty-two (22") inches by thirty-four (34") inches in size, and at a scale of 1" = 100' or larger. Where necessary the plat may be on several sheets accompanied by an index sheet or key map insert showing the entire subdivision.
4. The Final Plat shall show the following:
  - A. All information required on the Preliminary Plat, with the exception of topographic data.
  - B. All property lines with accurate bearings or deflection angles. If a control traverse is run between any 2 points on any property lines, then it shall be noted. For property lines which are curves or are in part curves, the arc length shall be shown. Also, in dashed lines, the chord length from property corner to property corner along the curve shall be shown with appropriate bearings and angles.

- C. Curve data for all curves consisting of the following:
  - The Delta angle, the degree of the curve, the tangent distance, the length of curve, the radius, and an indication of whether the arc method or chord method was used.
- D. The location of all points of curvature and tangency.
- E. The location of points of intersection where circular curves are not used.
- F. Block and lot numbers suitably arranged by simple system.
- G. Certificates:
  - (1) A surveyor's certificate as to accuracy of survey and plat. "I, name of surveyor, a registered surveyor of the State of South Carolina do hereby certify that I have surveyed the property shown hereon, that this plat shows the true dimensions of the property and that all necessary markers have been installed and the precision is 1: " (state actual precision). The unadjusted field measurement of lots and blocks shall be accurate within the standards set forth in the minimum Standards Manual of the South Carolina Board of Engineering Examiners.
  - (2) A statement of dedication by the property owner of streets, right-of-ways, easements, and any other sites for public use. If any change in ownership is made subsequent to the submission of the plat and prior to the granting of final approval, the statement of dedication shall be corrected accordingly.
  - (3) The signature and seal of the registered land surveyor in accordance with the current Minimum Standard Manual for the Practice of Land Surveying in South Carolina.
- H. All easements shall include their width and centerline.
- I. The Office of Coastal Resource Management Critical Line.
- J. The U.S. Army Corps of Engineers' jurisdictional line.

5. Accompanying Data

- A. A certificate of title or a sworn affidavit establishing the ownership of the land to be recorded. If any change in

ownership occurs subsequent to the date of the certificate to title or affidavit and prior to the granting of final approval, a new certificate of title or sworn affidavit establishing the ownership of the land shall be submitted to the decision-making body.

- B. In subdivisions where existing public water and public sewer systems have been extended and/or a new system installed, a certification of inspection from the South Carolina Department of Health and Environmental Control shall be submitted.

6. Certification of Approval

When Planning Commission or Council has approved the plat, a certificate noting such approval and carrying the signature of the Director of Planning and the Chairman the Planning Commission, shall be placed on the original drawing of said plat.

7. Statements on Plat

- A. The Planning Commission reserves the right to require the following statements to be placed upon the plat if the proposed roads and drainage have not been constructed in conformance with standards and specifications of the County's *Standard Specifications for Road and Drainage Systems*

- (1) "The approval of this plat does not obligate the Town of Rockville in any way to accept for maintenance any of the roads or easements shown hereon."
- (2) "WARNING! Approval of this plat does not indicate approval nor adjudicate title of the access or right-of-way shown hereon."

- B. The Planning Commission reserves the right to require additional statements to be placed upon the plat if the proposed subdivision does not meet all requirements of the Subdivision Regulations. These notes shall be included in the approval of the final plat.

- 8. Where road rights-of-way or drainage easements are being dedicated whether public or private, a certificate of ownership prepared by a licensed attorney and establishing the complete and actual ownership of the property to be dedicated shall be submitted.

## Planning Director □ Review and Decision

Within the forty-five (45) days of receipt of a complete Final Plat application, the Planning Director shall review the proposed Final Plat and the reports for the Public Works Department and other affected agencies and act to approve, approve with conditions or deny the Final Plat, based on whether it complies with the approved Preliminary Plat and all applicable requirements of this Ordinance.

## Acceptance of Dedications

Approval of a Final Plat shall not constitute acceptance of any public improvements. Such acceptance will require County Council acceptance of dedication. Once approved, a Certificate of Dedication Acceptance shall be attached to copies of the approved plat, which shall be provided to the developer.

## Recording

Approved Final Plats shall be recorded by the Planning Director with the Register of Mesne Conveyance within thirty (30) days of final approval.

## Appeals

### Appeals of Planning Director's Decision:

Any person with a substantial interest in a Final Plat decision of the Planning Director may appeal the decision to the Planning Commission by filing an appeal with the Planning Director within thirty (30) days of the date of the decision.

### Appeal Powers

In exercising the appeal power, the Planning Commission may reverse or affirm wholly or partly or may modify the decision being appealed. If the Planning Commission determines that it is necessary to obtain additional evidence in order to resolve the matter, it may remand the matter to the Planning Director, with directions to obtain such evidence and to reconsider the decision in light of such evidence.

### Consideration of Evidence

The Planning Commission shall consider only the same application, plans, and related project materials that were the subject of the original decision and only the issues raised by the appeal.

## Burden of Persuasion or Error

In acting on the appeal, the Planning Commission shall grant to the Planning Director's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.

## Approval Criteria

An appeal shall be sustained only if the Planning Commission finds that the Planning Director erred.

## Appeals of Planning Commission's Decision:

Any person with a substantial interest in a Final Plat (appeal) decision of the Planning Commission may appeal the Planning Commission decision to the Circuit Court of Charleston County. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within thirty (30) days of the date of the Planning Commission's decision.

## **Lots**

### Size

1. Lots shall comply with the lot size standards of the underlying zoning district and all other applicable standards of this Ordinance.
2. Depth of residential lots shall not exceed 2.5 times width, except in the case of attached dwellings or in cases where the additional depth is provided for the purpose of providing separation from existing major streets or railroads, non-access reservations, easements, or marshes. The depth-width ratio shall not apply in cases where the width of a lot exceeds three hundred (300') feet for its entire depth.

### Access

1. Double-frontage lots shall be avoided except where essential to provide separation of residential development from major roadways or to overcome specific disadvantages of topography and orientation. An easement with a minimum width of ten (10') feet may be required to restrict access from the major street or other area.

#### **COMMENTARY**

LOTS WITH ACCESS ON A STREET AND ALLEY SHALL NOT BE CONSIDERED DOUBLE-FRONTAGE LOTS.

2. All lots shall be provided with access by means of streets that have been constructed in conformance with the standards and specifications of this Ordinance.

### Flag Lots

Flag lots may be allowed in subdivisions established pursuant to the standards of this Ordinance.

#### Permitted Use of Flag Lots:

1. A flag lot may be utilized to facilitate subdivision of a long narrow parcel that has sufficient area but insufficient width to be otherwise subdivided.
2. A flag lot may be used to eliminate multiple access points to collector or arterial roads.
3. A flag lot may be used when the buildable area of a parcel is restricted due to the presence of a natural resource or the irregular shape of a parcel.

#### Prohibited Use of Flag Lots:

1. Flag lots shall not be used to avoid the development of streets otherwise required by this Ordinance when the effect of such flag lots would be to increase the number of access points (driveways) on a publicly dedicated road right-of-way.
2. Flag lots may be denied when an adjoining parcel also has sufficient area but insufficient width to otherwise be subdivided. In such cases, in lieu of platting a flag lot, a half-width road right-of-way may be required to be platted along the common property line to facilitate the platting of a full width road right-of-way when the adjoining property is subdivided.

#### Standards for Flag Lots:

1. Flag lots shall take direct access to streets that comply with the standards of this Ordinance.
2. The area within the flagpole portion of a flag lot shall not be counted as lot area for the purpose of meeting the minimum lot area requirements of this Ordinance.
3. As a condition of approval of a flag lot, decision-making bodies may require an access easement to be placed on the flag lot to allow the adjoining parcel to share access to the road.

## Sidewalks

### Where Required:

Concrete sidewalks shall be required on at least one side of all streets in subdivisions located within the Suburban Area.

### Width; Setback from Curb:

Sidewalks shall be at least four (4') feet in width and setback at least three (3') feet from the back of curb, or, where not curbs are present, at least four (4') feet from the pavement edge.

### Construction:

Construction details for sidewalks shall be in accordance with the *Standard Specifications for Road and Drainage Systems*.

## Streets

### Principles and Philosophy:

#### Design Philosophy

Streets are the links that provide the basis for safe, efficient and economical access to commercial, industrial and residential areas. Safe residential streets are attained by specifying street geometries that discourage excessive speed and emphasize access. Residential streets should therefore promote:

1. Safe and efficient movement of vehicular and pedestrian traffic; and
2. Cost-effectiveness, that takes into consideration both initial construction and future maintenance costs.

#### Principles

Streets and roads shall be designed to:

1. Provide safe, smooth, efficient vehicular flow;
2. Provide acceptable sight distance visibility;
3. Provide good roadway foundation and sub-grade drainage;
4. Provide acceptable environmental features;
5. Provide space for utilities, if necessary;
6. Provide drainage for adjacent properties, when practical;
7. Consider a community or subdivision master plan;
8. Follow natural contours and preserve natural features;
9. Minimize traffic speed, volume and congestion; and
10. Minimize the amount of paved area as a means of reducing stormwater runoff.



## Street and Road Classifications:

### Collector Street

Collector streets (Maybank Highway in the Town of Rockville) serve as the principal traffic arteries within residential and commercial areas. Collector streets carry relatively high traffic volumes from arterial streets to lower classification streets.

### Sub-collector Street

Sub-collector streets provide passage to access streets and convey traffic to collector streets. Sub-collectors provide access to residential lots and also carry some through traffic to lower classification streets. Sub-collector streets may provide access to 25 to 100 dwelling units (lots).

### Access Street

Access Streets are designed to conduct traffic to up to 25 dwelling units and sub-collector streets.

## Rural Road Standards

Rural roads are located in low-density areas away from commercial shopping areas. Rural roads are more informal and should blend into the surrounding landscape. Rural access roads usually carry less traffic than urban streets and may have a surface constructed of rock, pavement or an alternative surface approved by the Public Works Director. Earth roads may be allowed for cul-de-sacs with a length of one thousand five hundred (1,500') feet or less. Additionally, earth roads may be allowed within open space developments if: (1) adequate drainage can be provided, (2) soil conditions can accommodate the weight of a pumper truck and (3) a maintenance bond is provided to ensure continuing maintenance of the road.

Ingress/Egress Easements are allowed for access for a maximum of five (5) lots. The landowner/developer shall determine the location of easement(s) and the type of access to be provided. The location of the easement(s) shall be clearly depicted and labeled on submitted plats or plans. The landowner/developer is responsible for informing prospective property owners, whether solicited or unsolicited, of all conditions and responsibilities, or lack thereof, that have been placed on the property. Further, the Town of Rockville is neither obligated nor responsible for private ingress/egress maintenance. Rockville amendment #05-1121.

## RURAL ROAD STANDARDS

STANDARD	SUBCOLLECTOR	ACCESS	EARTH ROADS <sup>(1)</sup>
Minimum Finish Grade Street Centerline Elevation (feet)(MSL)	6.5	6.5	6.5
Minimum Lane Width (feet)	10	10	10
Minimum Right-of-Way Width (feet) (2)	50	50	50
Construction	rock or paved	rock, paved or approved alternative	earth
Maximum Cul-de-Sac Length (feet)	1,000	1,500	300 (1,500 in open space developments)
Minimum Cul-de-Sac Pavement Radius (feet)	40	40	30
Minimum Cul-de-Sac Right-of-Way Radius (feet)	50	50	40
Minimum Centerline Grade (%)	0.4	0.4	0.4
Maximum Centerline Grade (%)	8	8	8
Minimum Sight Distance (feet)	250	200	200
Minimum Design Speed (MPH)	30	25	20
Minimum Vertical Clearance (feet at pavement edge)	15	15	15
Minimum Intersection Radius (feet) (back edge or road)	25	20	20
Minimum Intersection Offset (feet)	125	125	125
Minimum Intersection Angle (degrees)	90	90	90

Note: Earth roads in new subdivision developments are currently not accepted by Charleston County for public maintenance. Rock roads may be accepted for public maintenance.

- (1) Applicable to earth roads serving 5 or fewer lots or located within open space developments.
- (2) The minimum allowable road right-of-way width shall be the required width of traveled way (pavement), plus safety space (shoulders), plus drainage and utilities areas. Variations of, but not exceptions to stated minimum requirements may be approved by Planning/Public Works staff.

### Centerline Radius of Horizontal Curves

1. Centerline radius for horizontal curves is dependent upon many factors including type and condition of roadway surface, horizontal and vertical sight distances, design speed and degree of curvature.
2. The roadway designer is required to utilize appropriate design techniques as outlined in American Association of State Highway and Transportation Officials (AASHTO) Design Publications in the design of horizontal and vertical curvature of Charleston County roads.

## Public Maintenance of Streets and Roads

In order to be eligible for public maintenance, streets and roads must comply with the County 's *Standard Specifications for Road and Drainage Systems*.

### Roadway Drainage

#### Acceptable Methods:

The methods of roadway drainage shall be acceptable, as detailed in the County's *Standard Specifications for Road and Drainage Systems*:

1. Roadside ditching.
2. Curb and gutter piped systems.

#### Sheet Flow:

Sheet flow from roadways is acceptable only where drainage discharges directly into a certified wetland area (such as at a causeway). Where freshwater wetlands are considered, the applicant's engineer must provide drainage calculations showing run-off impact.

#### Pavement/Sub-grade:

1. The county standard non-industrial asphalt pavement section is minimum one and one-half (1½") inches hot plant mix asphaltic concrete with prime coat on minimum six (6")-inch compacted stabilized aggregate base course on prepared sub-grade, in accordance with Charleston Transportation Commission standards. A prime coat is recommended where FABC will not be paved within 2 weeks. Geotechnical data shall be submitted to substantiate the design of all new arterial roads, collector roads and parkways.
2. The county standard earth roadway is identical to a county standard paved road, except that on earth roadways stabilizing material shall be mixed into existing soil material for a depth of six (6") inches. Crown should be six (6") inches. County inspectors will determine if the prepared sub-grade material and earth road overlay soil are acceptable.

3. The county standard rock roadway is also identical to a county standard paved road, except that on earth roadways the sub-grade is overlaid with a minimum six (6") inches compacted depth of stabilized aggregate base course with a two (2")-inch crusher run aggregate wearing course. Crown should be six (6") inches. County inspectors will determine if the prepared sub-grade material and the rock overlay are acceptable. Instead of conducting the inspection with County staff, the Public Works Director shall be authorized to require independent testing and inspections at the applicant's expenses.
4. As an acceptable alternative to the County standard sub-grade/pavement section, the developer may have a qualified independent testing laboratory/engineer determine/sample/test representative soil materials and design a base and pavement section in accordance with American State Highway and Transportation Standards and to supervise the construction. County inspectors will test the completed sub-grade prior to placement of base material and be on-site to verify proper placement of base, paving and synthetic materials.
5. Coring samples will be conducted by the Public Works Department on every newly constructed road to ensure compliance with the approved construction plans. The number of samples and the location of testing sites will be selected at random by the Public Works Department.

#### Wetlands

It is the responsibility of the developer to locate and to protect any wetlands (saltwater and freshwater). No development impacting any wetland area can be approved by Town of Rockville without prior approval by appropriate wetlands protection agencies. It is recommended that the developer contact U. S. Army Corps of Engineers Permit Section and DHEC-OCRM for specific wetland regulation information.

#### Utilities

1. The developer shall arrange to install all necessary utilities (water, sanitary sewer, electricity, telephone, street lighting, or cable TV) as part of the development, or appropriate space must be allocated for future installation.
2. Placement of utilities under the roadway surface will be considered on a case-by-case basis by Public Works.
3. Lawn sprinkler systems are acceptable only if the design and installation is authorized by encroachment permit by Public Works.

Encroachments

Encroachments into existing road rights-of-way and/or drainage easement will be authorized if the following criteria are met:

1. a permit authorizing the encroachment is acquired from the Public Works Department;
2. the encroachment meets safety requirements;
3. the encroachment does not prevent normal maintenance operations and the county is relieved of all damage liability resulting from maintenance;
4. the encroachment will be properly maintained by the permittee; and
5. the permittee agrees to temporarily or permanently relocate/remove the encroachment when requested by the Public Works Director, at no cost to the county.

Minimum Offset of Trees and Shrubs from Road Pavement

1. Trees and shrubs shall be set back from street and road pavement in accordance with the following minimum requirements:

ROADSIDE FEATURE	SPEED (MPH)	OFFSET FROM EDGE OF PAVEMENT (feet)	
		CANOPY TREES	UNDERSTORY TREES/SHRUBS
Guiderail	All	5*	3*
Barrier Curb	40 and less	5*	3*
	45 to 50	8*	5*
Open Shoulder	55 and greater	12*	5*
	40 and less	10	5
	45 to 50	15	7
	55 and greater	20	10

\*Tree limbs hanging below fifteen (15') feet in height shall be trimmed so that they do not encroach beyond the back of the curb. Minimum overhead clearance of eighteen (18') feet should be maintained for safe passage. When a barrier curb or guiderail exists, offset is measured from the face of the curb or guiderail to the face of the tree at ground level.

2. Understory trees may be located two (2') feet from the edge of pavement with the approval of the Planning Director and Public Works Director.

## Maintenance

1. All roads to be maintained by Charleston County must first be constructed (or upgraded) to meet current standards of this Ordinance and the County's *Standard Specifications for Road and Drainage Systems*.
2. Any subdivision required to meet Charleston County standards, but intended to be maintained privately, must be designed to meet all current standards. With approval of the decision-making body, construction of a portion of the facilities, such as removal of trees, can be deferred until such time as Charleston County is asked to maintain the facilities. In such situations, the developer is required to submit a maintenance plan showing specifically what work is to be accomplished, specific schedules, who is perform the work, and how payment for the work will be made. The potential owners of the development, or portion of the development, must be made aware of those factors through Homeowners Association Bylaws and/or deed restrictions. The county will not perform any maintenance services in such developments until the roadway and/or drainageways have been brought up to then-current county standards.

## Street Names, Street Signs and Street Lights

### Names:

No street names shall be used that will duplicate or be confused with the names of existing streets. Street names proposed by the sub-divider shall be subject to approval by the decision-making body.

### Street Name Signs:

Street name signs shall be installed by the development in accordance with the South Carolina Uniform Manual on Traffic Control Devices.

### Street Lights:

Street lights are encouraged within subdivisions.

### Underground Utilities and Services:

All electrical, telephone, cable television and similar distribution lines providing service to a development site should be installed underground.

## Water Supply and Sewage Disposal

1. In accordance with South Carolina Department of Health and Environmental Control Regulations, all subdivisions shall be served by approved public water and sewerage systems, if accessible for connection or, if in the opinion of the South Carolina Department of Health and Environmental Control, the public's health and the environment would best

be protected by the installation of such systems. Where public sewer is not available, all buildable lots must meet minimum soil requirements established by South Carolina Department of Health and Environmental Control.

2. The developer shall install public water lines where public water service is available within five hundred (500') feet of the property (measured along adjacent rights-of-way), provided that this requirement shall not apply when the decision-making body determines (1) that the extension of public water service is infeasible or (2) that the property owner would be required to consent to annexation in order to obtain public water service.
3. The developer shall install public sanitary sewer lines where public sanitary sewer service is available within five hundred (500') feet of the property (measured along adjacent rights-of-way), provided that this requirement shall not apply when the decision-making body determines (1) that the extension of public water service is infeasible or (2) that the property owner would be required to consent to annexation in order to obtain public sanitary sewer service.

### Fire Protection

In situations where public water systems with fire hydrants are not available, developers may be required to provide dry hydrants which can utilize ponded water from lakes, ponds, streams, detention/retention basins or other sources. Dry Hydrant design information may be obtained by contacting the U.S. Department of Agriculture, Natural Resources Conservation Service.

### Drainage and Stormwater Management

#### Applicable Regulations and Standards:

Stormwater improvements shall meet all applicable county, state and federal regulations. Those regulations require that the stormwater system meet water quality and water quantity standards and that no property be adversely affected by the stormwater runoff from the development. In addition to the standards of this section, other applicable stormwater regulations include the following:

#### County Regulations:

1. Stormwater Management and Sediment Control Ordinance.
2. *Standard Specifications for Road and Drainage Systems*
3. Charleston Transportation Committee's Standard Specifications for Roadway Construction.

### State Regulations:

1. South Carolina Stormwater Management and Sediment Reduction Act.
2. South Carolina Coastal Zone Management Act.

### Federal Regulations:

EPA stormwater regulations and the Clean Water Act, Section 404. Of particular interest to most developers is the requirement to obtain a permit for land disturbance.

### Wetlands:

It is the responsibility of the developer to locate and to protect wetlands (saltwater and freshwater). No development affecting any wetland area can be approved by Town of Rockville without prior approval by appropriate wetlands protection agencies, including the U.S. Army Corps of Engineers.

### Drainage Basin Consideration:

1. Careful consideration of the entire drainage basin must be made when designing stormwater facilities for a given development.
2. Runoff quantities from any land area depend on many factors including land area, slopes, soil types, vegetation, channelization and existing development, all of which must be considered by the stormwater designer.
3. Even though the development may be a minor segment of the entire basin, the designer must consider the runoff from the development itself, any upstream property whose runoff enters the development, and also any downstream property may be affected by the runoff from the development.
4. Runoff from upstream properties can be determined by the existing conditions. Any future development/redevelopment of those properties will be addressed at the time that development/redevelopment occurs. Runoff onto downstream properties include the total runoff quantity from the development including any runoff from upstream properties.



### Stormwater Runoff:

1. Stormwater runoff quantities are determined primarily by the amount of rain that falls during any rainfall event. For the purposes of design, the design storm shall be the ten (10)-year, twenty-four (24)-hour rainfall event, SCS Type III distribution and a rainfall intensity of six and eight tenths (6.8") inches in a twenty-four (24)-hour period. For existing channels passing through the development from upstream, the design storm is a twenty-five (25)-year, twenty-four (24)-hour rainfall event, SCS Type III distribution and a rainfall intensity of eight (8.0") inches in a twenty-four (24)-hour period.
2. Unless special detention facilities are provided, developers are required to provide facilities designed for peak rate flow. That is, the pipe channels must be large enough to handle the maximum rate of flow so that there is no overflow at any time.
3. Developers shall provide stormwater detention facilities in accordance with all applicable federal, state and county regulations. The rate of flow shall equal pre-development rates.

#### **COMMENTARY**

DEVELOPERS AND/OR DESIGN ENGINEERS SHALL BE LIABLE FOR ANY STORMWATER RUNOFF DAMAGE (TO ANY UPSTREAM OR DOWNSTREAM PROPERTY) CAUSED BY CONSTRUCTION OR STORMWATER DESIGN EVEN IF THE COUNTY ACCEPTS THE DESIGN AND THE CONSTRUCTED SYSTEM.

### Types of Drainageways:

The following types of drainageways shall be allowed:

#### Pipe Structures:

Pipe structures may be round, rectangular or oval. Pipe material shall be appropriate for the situation and comply with Charleston Transportation Commission standard specifications and the Town's *Standard Specifications for Road and Drainage Systems*.

#### Earth Channels:

Earth Channels are usually trapezoidal shaped, must be 2:1 minimum side slopes. All disturbed areas shall be vegetated.

#### Swales:

Swales must be 5:1 minimum slope, with all disturbed areas vegetated.

#### Lined Channels:

Channels shall be lined with rock or other approved material.

Sheet Flow:

Sheet flow shall be acceptable only where routine maintenance is not required, such as discharge into a designated wetland area.

Drainage Easements:

1. All new developments shall have adequate drainage outfalls. Drainage easements must be dedicated to use of the public, if maintenance will be conducted by a public agency or private entity, such as an approved Homeowners Association.
2. One purpose of required drainage easements is to allow access to drainage facilities by maintenance crews and equipment. The width and length of the easements must be of sufficient dimension to allow space for appropriate construction personnel and equipment to maneuver and to inspect, mow, regrade, reshape and clean out the drainage easement. Although the land area designated as easement is the property of the landowner, the landowner may not use it in any way that adversely impacts or restricts access or maintenance by the maintenance entity.
3. In situations where the developer is required to provide drainage easements, but is not required to construct the drainageway (such as when a tract already having road frontage is subdivided), the easement area provided shall:
  - A. Be of sufficient width to allow future construction of the drainageway (a dedication of a temporary construction easement in addition to the permanent drainage easement is acceptable and may be required);
  - B. Be of sufficient width to provide a channel with bottom width to carry the stormwater (3-foot minimum), 2:1 side slopes, plus 20-foot shoulder on one side, plus 5-foot shoulder on the other side (both sides must have 20-foot shoulders where top bank to top bank channel width exceeds fifteen (15') feet);
  - C. Be free of obstructions (including trees) that would prevent the construction or maintenance of the drainageway with heavy equipment; and
  - D. Be located so that there is continuity with the drainageway/existing drainage easements upstream and downstream. While it is not required that the easement be located on or adjacent to a property, that method is preferred since maintenance activities can be disruptive and somewhat unsightly.

### Drainage Rights-of-Way:

Drainage rights-of-way are similar to street rights-of-way. The land area is not included in any tax lot and the developer/lot owner does not pay taxes on the designated area nor do they have any rights to use the land except as approved by the County. The developer designs and constructs drainage facilities within the designated area just as he would normally do within a drainage easement area.

### Obstacles in Drainageways:

Existing obstacles (including trees, buildings, utility poles or transformer structures, items of historical significance) immediately adjacent to drainageways may be left in place provided that all of the following criteria are met:

1. the drainage system or the obstacle cannot be feasibly relocated;
2. adequate and safe easement space for maintenance by motorized equipment is provided;
3. the drainage is not obstructed; and
4. drainage easement width is increased to accommodate obstructions.

### Detention Storage:

Detention is the temporary holding back of stormwater and releasing it at a controlled rate. The entity responsible for maintaining detention basins shall be identified at the time of Preliminary Plat.

### Dry Basin:

An excavated area, within the stormwater system, that is relatively dry at all times excepting during and immediately after a rainfall event. All slopes must be gentle (maximum 3:1) with vegetation cover for erosion control. Publicly dedicated basin shall not be used as a picnic or recreation areas. Trees may be located within the basin except where the location would interfere with pond maintenance. Concrete or other lining is acceptable. The basin and outlets must be properly designed to meet computed quantity requirements. An emergency overflow spillway must be provided. Private parking lots, for example, may be designed to function in this capacity upon acknowledgment from the design engineer and applicant that flooding will occur.

### Wet Basin (Pond):

Extending the detention basin down to groundwater level will provide

maximum detention storage. The pond must: (1) be excavated to provide a minimum pond depth of six (6') feet at time of lowest groundwater elevation (drought conditions); (b) be populated by fish to ensure mosquito control; and (3) meet all requirements of SCDHEC-Division of Mining and Solid Waste Permitting. The developer shall be liable for any claims resulting from ponded water, even if the county accepts the developer's design.

Soil Information:

Considerable information regarding Town of Rockville soils is available in a manual entitled "Soil Survey of Charleston County, South Carolina" prepared by the Soil Conservation Service (now called the Natural Resources Conservation Service), U. S. Department of Agriculture, current edition.

Soil Erosion Control:

Considerable information regarding soil erosion control is available in a manual entitled "Erosion and Sediment Control Practices for Developing Areas" prepared by the South Carolina Land Resources Conservation Commission. A certain acreage of land disturbing activities must be approved by the South Carolina Land Resource Commission.

Maintenance:

1. All developments whose streets and drainage ways are maintained by Charleston County must first be constructed (or upgraded) to meet the current standards outlined in this guideline.
  
2. Any development required to meet Town of Rockville standards but intended to be maintained privately must be designed to meet all standards outlined in this guideline and further described in the County's *Standard Specifications for Road and Drainage Systems*. With approval of the decision-making body, construction of a portion of the facilities, such as removal of trees, can be deferred until such time as Charleston County is asked to maintain the facilities. In all such situations, the developer is required to submit a maintenance plan showing specifically what work is to be accomplished, schedules, who is to accomplish that work, and how payment for that work will be made. The potential owners of the development or portion of the development must be made aware of those factors through Homeowners Association Bylaws and/or deed restrictions. The County will not perform any maintenance services until the roadway and/or drainage-ways have been brought up to current standards by others.

## **Bridges and Causeways**

### Bridges

1. All bridges intended for public use shall comply with the most recent edition of the American Association of Highway and Transportation Officials' "Standard Specifications for Highway Bridges." All new bridges and pilings intended for maintenance by Charleston County shall be constructed of reinforced concrete and shall comply with the County's *Standard Specifications for Road and Drainage Systems*.
2. Minimum bridge widths from curb face to curb face shall be the total of the lane widths approaching the bridge plus 1 foot.

### Causeways

Streets or roads may be constructed on causeways provided that:

1. the roadway meets all other applicable regulations;
2. the street centerline elevation at finish grade be minimum six and five tenths (6.5') feet above mean sea level;
3. the side slopes (vegetated earth) be minimum 2:1. Steeper slopes may be used where acceptable stabilization material such as concrete cribbage is provided; and
4. shoulder width shall be six (6') feet in width with a guiderail or nine (9') feet in width without a guiderail.

## **Markers**

### Placement

A marker shall be set on the right-of-way line at the ends of the block for every block length of street. When blocks occur that have a curve or curves in them, markers shall be set on both sides of the street at the ends of tangents. Markers shall also be set on right-of-way line (on each side of the centerline) at angle points when curves are not used. All interior lot corners shall be marked. The location and type of markers used shall be indicated on the Final Plat.

## Type

Markers shall be one of the following types.

1. A reinforced concrete marker with a brass or copper pin in the top. Concrete markers shall be a minimum of three (3') feet long and have a minimum cross sectional area of nine (9") square inches. They shall protrude above the ground not less than two (2") inches and not more than six (6") inches.
2. An iron pipe or pins having a minimum diameter of three-quarter ( $\frac{3}{4}$ ") inches hollow or one-half ( $\frac{1}{2}$ ") inches solid steel. Such iron pins will be a minimum of two (2') feet in length and shall extend above the ground at least one (1") inch.

## Timing

Markers shall be installed prior to the submission of and approval of the Final Plat.

## Financial Guarantees (Surety)

### Performance Guarantees:

1. In lieu of completing the required subdivision improvements of this chapter, a financial guarantee in the form of a no-contest, irrevocable bank letter of credit, or performance and payment bond underwritten by an acceptable South Carolina licensed corporate surety, or a cashier's check may be accepted by the decision-making body, subject to county attorney approval of the guarantee to determine that the interests of Town of Rockville are fully protected. Where a cashier's check is utilized, opinion of counsel may be waived.
2. The amount of the financial guarantee shall be determined by the appropriate governmental body that exercises operational control. (Commissioners of Public Works for public water, Commissioners of the appropriate Public Service Districts for street name signs and public sewer, and the Public Works Director for all other improvements covered in this chapter.) The amount shall be sufficient to guarantee completion of the required improvement (one hundred twenty-five (125%) percent of the actual cost of the improvement with a minimum of Two Thousand and No/100 (\$2,000.00) Dollars.) within a time period specified by the government agency, not to exceed two (2) years. The governmental agency determining the amount of financial guarantee shall provide a letter to the Planning Commission (copy to the subdivider) setting forth the amount of bond, conditions of acceptance and the period covered. The Planning Commission

staff will inform all interested governmental agencies, particularly the County Building Inspection Department.

3. Developers making use of performance guarantees shall be required to post required maintenance guarantees at the time that the performance guarantee is posted.
4. Upon completion of the improvements as required by this section, written notice thereof shall be given by the subdivider to the bond holder, who shall cause an inspection of the improvements to be made. The bond holder will, within thirty (30) days of the date of notice, authorize in writing the release of the security given, provided improvements have been completed in accordance with the required specifications. Should the improvements not be completed in accordance with the required specifications by the date originally stipulated in writing by the bond holder, the funds derived from said bond or cashier's check will be used by the bond holder to complete the improvements according to required specifications, at the earliest reasonable time. Where it appears that the bond was insufficient to finance the required improvements after the subdivider has defaulted, County Council will assess the individual subdivider the cost of the improvements over and above the surety amount.
5. In no instance will the bond holder be authorized to extend for the subdivider the completion date originally stipulated.
6. Pro-rated refunds based on a percentage of overall completion shall not be authorized, with the exception of an irrevocable bank letter of credit.
7. The decision-making body shall review and approve or reject each acceptance of surety in lieu of completion of improvements. In making its determination, the decision-making shall give due consideration to the commitments made by the subdivider to individual purchasers.
8. In lieu of completed subdivision improvements, the decision-making body may accept the written guarantee of a governmental body to complete required improvements within ninety (90) days of the date of such acceptance by County Council.

9. The acceptance of performance bonds or a cashier's check in lieu of completed performance is made possible only by the introduction of effective occupancy control. This control will be coordinated with final approvals so as to ensure that all conditions covered by one or more bonds are completely fulfilled, except as specified in the County's Building Code, before an occupancy permit can be issued by the County Building Inspection Department.

Maintenance Guarantees:

Street and Stormwater management/drainage systems that are to be dedicated to Charleston County for public maintenance shall be under warranty for all defects and failures for a period of three (3) years. Prior to Final Plat approval, the developer shall provide written verification of financial responsible for the correction of any defects and/or failures in those related improvements that will be dedicated to the county. The warranty (minimum twenty-five (25%) percent of the construction costs) shall be in a form satisfactory to the Public Works Director and effective for a period of three (3) years after recording of the Final Plat. The Public Works Department shall maintain surveillance over the system and provide written notification to the developer if repair work is required during the warranty period. The Public Works Department shall identify defects not considered to be public safety and notify the developer of such defects. The developer shall then have thirty (30) days to prepare a schedule of corrective actions and begin such corrective actions. If not complete with the approved schedule, the Public Works Department shall make the repairs and bill the bonding company. Public safety defects shall be addressed immediately by the Public Works Department, with reimbursement from the bonding company.



# **VESTED RIGHTS TO DEVELOP PROPERTY**

Rockville amendment #05-0627

## **Definitions**

1. Except as hereinafter set forth, the words, terms and phrases when used in this Ordinance shall have the meaning as set forth in Section 6-29-1520 of the South Carolina Code of Laws, as enacted by Act 287 of 2004.

2. "Site specific development plan", in addition and as a supplement to the definition set forth in Section 6-29-1520 of the South Carolina Code of Laws, as enacted by Act 287 of 2004, is further defined to mean those documents that comprise a complete application for a subdivision, planned unit development, or other similar approval that specifies use or density or both and authorizes the landowner to proceed with investment in grading, installation of utilities, streets, and other infrastructure, and to undertake other significant expenditures necessary to prepare for application for a building permit.

## **Establishment and Conditions of Vested Rights**

1. A vested right to develop property in accord with a site specific development plan is triggered upon the final approval of the site specific development plan by the final official or body of the municipality authorized to approve a site specific development plan and the payment to the municipality of all applicable established fees.

2. Except as hereinafter set forth, a vested right established by this Ordinance is limited to type of use and density, is subject to the conditions and limitations as set out in Sections 6-29-1540 and 6-29-1550 of the Code of Laws of South Carolina, as enacted by Act 287 of 2004 and is subject to such conditions, if any, as are attached to the site specific development plan approval.

3. A vested right for an approved site specific development plan expires two (2) years after the date of final approval by the final official or body authorized to approve a site specific development plan.

4. No vested rights are established for phased development plans, including approved or conditionally approved phased development plans and including phased development plans applicable to property proposed for annexation. An approved or conditionally approved site specific development plan is required prior to approval with respect to each phase of a phased development plan.

5. A vested site specific development plan may be amended if the amendment conforms to, or does not cause greater nonconformity with, the then current provisions of the municipal zoning, planning, and land development ordinances, municipal code sections or regulations. Approval or conditional approval of an amendment does not re-set or re-start the expiration period of a vested right.

6. No sooner than three (3) months, and no later than forty-five (45) days prior to the expiration of the two (2)-year vested right period for an approved site specific development plan, the landowner of property with a vested right in a site specific development plan may apply to Council for an annual extension of the vested right. Council must approve an application for an annual extension of the vested right unless an amendment to the land development ordinances or regulations has been adopted that requires amendment to the site specific development plan. No more than five (5) annual extensions of the vested right must be so approved.

### **Severability**

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

## **APPENDIX A**

### **USES ALLOWED IN THE RC DISTRICT AS A *USE-OF-RIGHT*:**

- TRANSPORTATION:** Taxi cab stand.
- RETAIL TRADE:** Variety stores limited to 5,000 sq. ft. of floor area; vending machine operators; grocery stores limited to 5,000 sq. ft. of floor area; eating places; drug stores limited to 4,000 sq. ft. of floor area; books; stationery; arts and craft supplies; sporting goods including bait and tackle; garden supplies; nurseries; florists; cigar & cigarette shops; gifts, novelties & souvenirs; hay, grain & feed store; hardware store.
- SERVICES:** Beauty and barber shops; tailoring; shoe repair; physicians and dentist; religious activities; finance, insurance & real estate services; legal services; outpatient clinics; watch, clock & jewelry repair.
- RESOURCES & PRODUCTION:** Agriculture and Aquaculture processing.

### **USES ALLOWED IN THE RC DISTRICT AS A *SPECIAL EXCEPTION*:**

- COMMUNICATION:** Telephone exchange stations.
- UTILITIES:** Electricity substations; gas pressure control stations; water treatment plants; sewage treatment plants and pumping stations.
- RETAIL & SERVICES:** Day care centers; veterinarian; kindergarten; sale of alcoholic beverages; gasoline service station; & automotive and farm equipment repair.

### **USES ALLOWED IN THE RC DISTRICT AS *ALLOWED USES WITH CONDITIONS*:**

Off street parking.

## APPENDIX B

### USES ALLOWED IN THE CH DISTRICT AS A *USE-OF-RIGHT*:

**COMMUNICATION & UTILITIES:** Electric maintenance facility; gas pressure control station; water pressure control station; sewage pressure control station.

**RETAIL & SERVICES:** Variety stores; convenience stores less than 3500 sq. ft. of floor area; vending machine operators; grocery stores; eating places; ice; drug stores; books; stationery; arts and craft supplies; sporting goods including bait and tackle; garden supplies; nurseries; florists; gifts, novelties & souvenirs; newspapers & magazines; camera & photographic supplies; hay, grain & feed store; hardware store; advertising sign; protective functions & related services; postal services; religious activities; private clubs; beauty and barber shops; tailoring; shoe repair; physicians and dentist; religious activities; day care centers; finance, insurance & real estate services; legal services; veterinarian; outpatient clinics; watch, clock & jewelry repair.

### **USES ALLOWED IN THE CH DISTRICT AS A *SPECIAL EXCEPTION*:**

Water pipeline; Water treatment plant; Sale and Service of Marine Craft & Accessories but not boatyards.

**ALLOWED *TEMPORARY USES*:** Temporary vendors (eg. Hot dog vendors); religious activities.

## APPENDIX C

### Design Review Guidelines

#### Purpose

The purpose of the design guidelines is to preserve and protect the historic and architectural districts and neighborhoods; to preserve and protect significant natural and scenic areas, and to protect and preserve the unique, special and desired characteristics of the Town of Rockville.

#### Applicability

These standards shall apply to all residential and commercial (Rockville amendment #10-0621A) development requiring a building permit for Construction of any structures including additions to existing structures. Different standards apply to the historic district (R-1/2 zoning district) and to the remainder of Town (R-1 and PD zoning districts).

The construction of any dock or walkway across any marshes or to any waterways in or abutting the Town of Rockville boundaries, which meets the criteria established by the OCRM and issued a permit by such, be subject to a similar review and approval by the Design Review Board, and that no such dock or walkway be constructed without prior approval, in writing, by the Design Review Board. Rockville amendment #04-0419.

#### Intent

The Intent of the Design Guidelines is to assure the respect for the character, integrity and quality of the built and natural environments of the Town of Rockville. The following criteria shall be used in evaluating application forms.

#### R - ½ Guidelines - Historic

##### General

1. All elevations shall be in harmony, in terms of scale, proportion, detail, material color and high design quality.
2. The side and rear elevations of buildings shall be as visually attractive as the front elevation.

3. The scale of the buildings and the accessory structures shall be appropriate to the scale of structures located in the surrounding area.
4. The architectural design and material finish of buildings and other accessory structures shall be compatible with one another and with adjacent and surrounding structures where such structures are substantially in compliance with these requirements.
5. All roofs shall have at least a 4: 12 pitch.
6. It is strongly encouraged that all proposed new structures contain covered porches equal to a minimum of thirty (30%) percent of the total building footprint area excluding outbuildings, accessory structures and sheds.
7. Elevated homes shall have a minimum of two sides (the sides most visible from a right-of-way) screened to provide a finished look with an appropriate (break away) material (min. of p. t wood siding).

#### Building Materials and Color

1. Walls that are not stucco finished, hammered, tabby, exposed aggregate or sandblasted that are simply unadorned concrete shall be prohibited as an exterior building material.
2. Un-painted or bare metal panels shall be prohibited as an exterior building material. (exception: galvanized metal "standing seam" or galvanized, corrugated type metal panels may be used as a roofing material).
3. Vinyl siding used as the main building material shall be discouraged.
4. Materials shall express their function clearly and honestly and shall not appear as materials which are foreign to the character of the rest of the building.
5. Architectural roofing shingles and metal standing seam or other materials with similar appropriate texture and appearance shall be utilized.
6. Color combination of paints shall be complementary to the historic character of the Town of Rockville. In general no more than three different colors per building shall be allowed. Rockville amendment #08-0721B.

### Building Orientation

1. All buildings shall be sited so that a direct relationship with the primary street is established.
2. Where it is reasonably practical, proposed structures shall not impede scenic rural views from the main road, from existing structures, or from natural settings.
3. The siting of a structure and development of a parcel shall show an attempt to work with and preserve existing native vegetation and natural features of the site by designing structures and buildings around any such features. Clear cutting of both protected and unprotected trees shall be prohibited.

### Landscaping

1. The majority of plant materials used as part of the development of a site shall be of native species commonly found in the Rockville and the Low Country area. Exotic and non-native plant species are discouraged.

## **R-1 Guidelines - Non-historic**

### General

1. All elevations shall be in harmony, in terms of scale, proportion, detail and material color.
2. The side and rear elevations of buildings shall be as visually attractive as the front elevation.
3. The scale of the buildings and the accessory structures shall be appropriate to the scale of structures located in the surrounding area.
4. The architectural design and material finish of buildings and other accessory structures shall be compatible with one another and with adjacent and surrounding structures where such structures are substantially in compliance with these requirements.
5. Elevated homes shall have a minimum of two sides (the sides most visible from a right-of-way) screened to provide a finished look with an appropriate (break away) material (min. of p. t wood siding).

### Building Materials and Color

1. Walls that are not stucco finished, hammered, tabby, exposed aggregate or sandblasted that are simply unadorned concrete shall be prohibited as an exterior building material.
2. Un-painted or bare metal panels shall be prohibited as an exterior building material. (exception: galvanized metal "standing seam" or galvanized, corrugated type metal panels may be used as a roofing material)
3. Vinyl siding used as the main building material shall be discouraged.
4. Materials shall express their function clearly and honestly and shall not appear as materials which are foreign to the character of the rest of the building.
5. Color combination of paints shall be complementary to the historic character of the Town of Rockville. In general no more than three different colors per building shall be allowed. Rockville amendment #08-0721B.

### Building Orientation

1. All buildings shall be sited so that a direct relationship with the primary street is established.
2. Where it is reasonably practical, proposed structures shall not impede scenic rural views from the main road, from existing structures, or from natural settings.
3. The siting of a structure and development of a parcel shall show an attempt to work with and preserve existing native vegetation and natural features of the site by designing structures and buildings around any such features. Clear cutting of both protected and unprotected trees shall be prohibited.

### Landscaping

1. The majority of plant materials used as part of the development of a site shall be of native species commonly found in the Rockville and the Low Country area. Exotic and non-native plant species are discouraged.



## **APPENDIX D**

(Rockville amendment #10-0621B)

# **Board of Zoning Appeals Guidelines Approval Criteria for Special Exceptions, Variances, and Appeals of Administrative Decisions on Zoning Matters**

**Application forms are available by contacting Charleston County Planning Department.**

### I. Special Exceptions.

#### **APPROVAL CRITERIA FOR SPECIAL EXCEPTIONS**

- A. Special Exceptions may be approved only if the Board of Zoning Appeals Finds that the proposed use:
1. Is consistent with the recommendations contained in the Town of Rockville's Comprehensive Plan and the character of the underlying zoning district;
  2. Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;
  3. Adequate provision is made for such items as: setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion and similar factors;
  4. Where applicable, will be developed in a way that will preserve and incorporate any important natural features;
  5. Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, or Site Plan Review requirements of this Ordinance; and
  6. Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered.
- B. In granting a Special Exception, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

## II. Zoning Variance.

### APPROVAL CRITERIA FOR ZONING VARIANCE

- A. The Board of Zoning Appeals has the authority to hear and decide appeals for a Zoning Variance when strict application of the provisions of this Ordinance would result in unnecessary hardship.
- B. A Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Zoning Appeals makes and explains in writing the following findings:
  - 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
  - 2. These conditions do not generally apply to other property in the vicinity.
  - 3. Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
  - 4. The authorization of a Variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the Variance.
  - 5. The Board of Zoning Appeals shall not grant a Variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a Non-conforming Use of Land, or to change the zoning district boundaries shown on the Official Zoning Map. The fact that property may be utilized more profitably if a Zoning Variance is granted shall not be considered grounds for granting a Zoning Variance.
  - 6. The need for the Variance is not the result of the applicant's own actions; and,
  - 7. Granting of the Variance does not substantially conflict with the *Comprehensive Plan* or the purposes of this Ordinance.
- C. In granting a Variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

### III. Appeal of an Administrative Decisions.

- A. The Board of Zoning Appeals shall hold at least one public hearing on the appeal, and within a reasonable time following the close of the public hearing take final action based on the procedures and requirements.
- B. In exercising the appeal power, the Board of Zoning Appeals shall have all the powers of the official from whom the appeal is taken, and the Board of Zoning Appeals may reverse or affirm, wholly or in part, or may modify the decision being appealed.
- C. If the Board of Zoning Appeals determines that it is necessary to obtain additional evidence in order to resolve the matter, it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct issuance of a permit. The Board of Appeals in execution of the duties subpoenas witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction.
- D. A quorum of the Board of Zoning Appeals shall be achieved when the number of members in attendance equals more than  $\frac{1}{2}$  of the total membership of the Board of Zoning Appeals. At least  $\frac{2}{3}$  of the members present and voting shall be required to reverse any order, requirement, decision, or determination of any administrative officer or agency.