



TOWN COUNCIL MEETING

Irmo Municipal Building
7300 Woodrow Street, Irmo, SC

September 19, 2023 @ 7:00 pm

Live streaming will be available from our YouTube channel at:
<https://www.youtube.com/c/TownofIrmo>

AGENDA

- I. Call to Order
- II. Pledge of Allegiance
- III. Invocation
- IV. Reading of the Minutes – August 15th, 2023 & September 5th, 2023
- V. Report of Standing
 - A. Administrative Briefing
 - B. New In-Town Businesses
 - Hurricane Express Wash – 7718 Broad River Road
 - Bart’s Crazy Good Coffee Shop of Irmo – 7949 Broad River Road
 - Bronzed Bombshell Beauty Bar – 10071 Broad River Road
 - Essentially You Esthetics, LLC. – 10071 Broad River Road
 - Foxology Beauty Bar, LLC. – 10071 Broad River Road
 - Tincyborg – 506 North Royal Tower Drive
- VI. Consideration of Communications
 - A. Recognition of Cassell Brother’s Home Services as the September 2023 Small Business of the Month.
 - B. Information on Early Voting (Mayor).
 - C. School Showcase: Irmo High School International School of the Arts – Dr. Kaaren Hampton, Principal (Waldman).



- D. Community Connections (Waldman):
 - 1. SC Works Midlands Career Fair
 - 2. Paper Shredding Event
 - 3. Dogs for Donations Food Drive
 - 4. Okra Strut - Volunteers Needed
 - 5. Register to Vote!
 - 6. District Five Foundation for Education Excellence - Online Auction and District-wide Spirit Day
 - 7. Trunk-or-Treat
 - 8. Irmo International Festival
 - 9. Glass Recycling
 - 10. 9pm Routine
- VII. Approval of the Agenda
- VIII. Presentation by Citizens (Agenda Items IX and X only)
- IX. **UNFINISHED BUSINESS**
 - A. **SECOND AND FINAL READING of ORDINANCE 23-20** to amend the Code of Ordinances by creating Chapter 29 - Standards for Placement of Small Wireless Facilities (Staff). This will establish an ordinance that addresses Small Wireless Facilities as required by State Law.
 - B. **SECOND AND FINAL READING of ORDINANCE 23-21** to amend the Code of Ordinances Chapter 8, Article 2 - Technical Codes (Staff). This will update the town code to stipulate that the town will utilize the version of building codes most recently adopted by the Department of Labor, Licensing, and Regulation Building Codes Council.
- X. **NEW BUSINESS**
 - A. **FIRST READING of ORDINANCE 23-22** to amend Appendix A - Zoning and Land Development Article 4, Community Appearance, Buffering, Screening, Landscaping, Common Open Space, and Tree Protection (Planning Commission). Changes to the ordinance include buffer requirements, irrigation in planted areas, replacement trees, and interior and parking lot landscaping in new developments.



- B. **FIRST READING of ORDINANCE 23-23** to amend Appendix A – Zoning and Land Development Article 5, Sign Regulations (Planning Commission). Changes include guidelines for sign types, allowing electronic message centers on commercial signs, side signs on buildings, and administrative variances.
 - C. **Approval of Resolution 23-05** to suspend the land acquisition activities on Moseley Avenue for the proposed downtown district (Mayor). This would suspend the hiring of a firm to assist in acquiring property in the proposed downtown district.
 - D. **Approval of Resolution 23-06** to submit the Hometown Economic Development Grant Application (Staff). This \$25,000 grant requires a 15% match.
 - E. **Approval** to contract with Corley Lawn & Construction, LLC. in the amount of \$150,780 to make improvements to the Irmo Community Park (Staff). The improvements include sealing, striping, flatwork, carpentry, painting, and earthwork.
 - F. **Approval** to award Accommodations Tax Funds as recommended by the Accommodations Tax Advisory Committee Resolution 23-01 (A-Tax Committee). This would award A-Tax Funds to Capital City/Lake Murray (\$21,549.99), Greater Irmo Chamber of Commerce (\$15,000), Irmo Future Growth Corporation (\$10,000), Irmo International Festival (\$10,000), and the Lexington Medical Center Irmo Okra Strut (\$10,000).
 - G. **Approval** to contract with Parking Lot King, LLC. to restripe roads not to exceed \$15,500 (Mayor). This will restripe portions of College Street, Friarsgate Blvd., N. Royal Tower, and Carlisle Street.
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- XI. Presentation by Citizens
 - XII. Discussion
 - A. Discuss a policy on AI, and the use of AI by Town Council and staff for press releases and public documents (Sickinger).
 - XIII. Executive Session – Council may act on items discussed in the executive session after returning from the executive session.
 - XIV. Adjournment



In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the Town of Irmo will not discriminate against qualified individuals with disabilities based on disability in its services, programs, or activities. If you need accommodations to attend the meeting, please contact the Town Administrator or Municipal Clerk for assistance at (803)781-7050, M-F between the hours of 8:30 - 5:00 (closed most Federal and State Holidays).

STATE OF SOUTH CAROLINA)
)
TOWN OF IRMO)

ORDINANCE 23-20

AN ORDINANCE TO ESTABLISH THE STANDARDS FOR THE PLACEMENT OF SMALL WIRELESS FACILITIES IN THE TOWN OF IRMO, SOUTH CAROLINA, AND MATTERS RELATED THERETO.

WHEREAS, the Town of Irmo (the “Municipality”) encourages wireless infrastructure investment and wishes to provide a fair and predictable process for the deployment of Small Wireless Facilities (as defined herein) while managing the right of way in a manner that promotes the interests of the public health, safety, and welfare;

WHEREAS, the Municipality recognizes that Small Wireless Facilities, including facilities commonly referred to as small cell and distributed antenna systems, are critical to delivering wireless access to advanced technology, broadband, and 9-1-1 services to residences, businesses, and schools within the Municipality;

WHEREAS, the Municipality recognizes that Small Wireless Facilities together with high-capacity transport medium such as fiber optic cabling may be effectively deployed in the right of way;

WHEREAS, by Act 179 of 2020, referred to as the South Carolina Small Wireless Facilities Deployment Act and codified as S.C. Code §§ 58-11-800 *et seq.* (the “SWF Act”), the South Carolina General Assembly has established the terms, conditions, procedures, rates, and fees upon which Small Wireless Facilities may be deployed in the right of way;

WHEREAS, the Municipality now desires to enact local terms, conditions, procedures, rates, and fees that are consistent with the SWF Act and that shall apply to the deployment of Small Wireless Facilities in the right of way;

WHEREAS, this Ordinance is intended to grant municipal consent to use of the right of way and establish a standard application process to streamline the issuance of necessary permits in a manner that is not a barrier to competition, and does not unnecessarily delay the implementation and installation of Small Wireless Facilities;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF IRMO, SOUTH CAROLINA, that the Municipality’s Code of Ordinances is hereby amended to add a new Chapter 29 entitled “Standards for Placement of Small Wireless Facilities,” to read as follows:

Section 1. Definitions.

“Antenna” means (a) communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of Wireless Services; and (b) similar equipment used for the transmission or reception of surface waves.

“Applicable Codes” means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization, or local amendments to those codes that are of general application, address public safety, and are consistent with this Ordinance.

“Applicant” means any Person who submits an Application.

“Application” means a request submitted by an Applicant for a Permit to (i) Collocate Small Wireless Facilities; or (ii) install, modify, or replace a Pole.

“Collocate” means to install, mount, maintain, modify, operate, or replace Small Wireless Facilities on or adjacent to a Pole or Support Structure. **“Collocation”** has a corresponding meaning.

“Communications Facility” means the set of equipment and network components, including wires, cables, surface wave couplers, and associated facilities used by a cable operator, as defined in 47 U.S.C. Section 522(5); a provider of “video service” as defined in S.C. Code § 58-12-300(10); a telecommunications carrier, as defined in 47 U.S.C. Section 153(51); a provider of information service, as defined in 47 U.S.C. Section 153(24); or a Wireless Services Provider to provide Communications Services, including cable service, as defined in 47 U.S.C. Section 522(6); telecommunications service, as defined in 47 U.S.C. Section 153(53); an information service, as defined in 47 U.S.C. Section 153(24); Wireless Services; surface wave communication; or other one-way or two-way communications service.

“Communications Network” means a network used to provide Communications Service.

“Communications Service” means cable service as defined in 47 U.S.C. Section 522(6), information service as defined in 47 U.S.C. Section 153(24), telecommunications service as defined in 47 U.S.C. Section 153(53), or Wireless Services.

“Communications Service Provider” means a cable operator, as defined in 47 U.S.C. Section 522(5); a provider of information service, as defined in 47 U.S.C. Section 153(24); a telecommunications carrier, as defined in 47 U.S.C. Section 153(51); or a Wireless Provider.

“Day” means a calendar day unless the last day for the Municipality or an Applicant to take action under this Ordinance ends on a weekend, holiday, or time when all but Municipality emergency services are closed due to weather or some unforeseen situation.

“Decorative Pole” means a Pole, including a Municipality Pole, that is specially designed and placed for aesthetic purposes and on which no appurtenances or attachments (other than a Small Wireless Facility, public safety devices, or specially designed informational or directional signage or temporary holiday or special event attachments) have been placed or are permitted to be placed according to nondiscriminatory rules or codes.

“Design District” means a discrete area within the jurisdiction of the Municipality for which the Municipality maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis among all occupants of the ROW, on the grounds that the characteristics of the discrete area warrant design and aesthetic standards that differ from those that apply to the majority of the areas within the jurisdiction of the Municipality.

“Design Manual” means a manual or guidebook that sets forth additional aesthetic, design, concealment, and stealth requirements applicable to Small Wireless Facilities. The Design Manual may also, but need not, set forth examples of Small Wireless Facility deployments that the Municipality deems to comply with this Ordinance.

“Eligible Facilities Request” means a request for modification of an existing tower or base station (as those terms are defined in 45 CFR §1.6100(b)) that does not involve a substantial change in the physical dimensions of such tower or base station and that involves Collocation of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment.

“Fee” means a one-time, non-recurring charge.

“Historic District” means a group of buildings, properties, or sites that is either:

(a) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i v of the Nationwide Programmatic Agreement codified at 47 C.F.R. Part 1, Appendix C; or

(b) a registered historic district pursuant to State law at the time the Application is submitted; or

(c) an “overlay zone,” as defined in and limited by the South Carolina Comprehensive Planning Act, (1) that has been established by the Municipality at least sixty days prior to the relevant Application; (2) for which the special public interest to be protected is the preservation and protection of historic and architecturally valuable districts and neighborhoods or archaeologically significant resources according to uniform design standards; and (3) for which the Municipality maintains and enforces objective standards that are published in advance and applied on a uniform and nondiscriminatory basis.

“Micro Wireless Facility” means a Small Wireless Facility that (a) is not larger in dimension than twenty-four inches in length, fifteen inches in width, and twelve inches in height; and (b) for which no exterior antenna is longer than eleven inches.

“Municipality Pole” means a Pole owned, managed, or operated by or on behalf of the Municipality; provided, however, that such term shall not include any Pole, Support Structure, electric transmission structure, or equipment of any type that is part of a municipally owned or municipally controlled electric plant or system for furnishing of electricity to the public for compensation. The term Municipality Pole shall include, without limitation, Poles that the Municipality leases, rents, licenses, or otherwise compensates the owner thereof for the provision of street lighting.

“Permit” means a written authorization, in electronic or hard copy format, required to be issued by the Municipality to initiate, continue, or complete the Collocation of a Small Wireless Facility or the installation, modification, or replacement of a Pole upon which a Small Wireless Facility is to be Collocated.

“Person” means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including the Municipality.

“Pole” means a vertical pole such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal, or other material that is lawfully located or to be located within the ROW including, but not limited to, a replacement Pole and a Municipality Pole. A Pole shall not include a support structure or electric transmission structure.

“Rate” means a recurring charge.

“Right of Way” or “ROW” means the area through, upon, over, or under a road, highway, street, sidewalk, alley, or similar property provided; however, that such term shall apply only to property or any interest therein that is under the ownership or control of the Municipality and shall not include property or any interest therein acquired for or devoted to a federal interstate highway. For purposes of this definition, the Municipality shall be deemed to have “control” of property and interests thereon owned by the State and/or the South Carolina Department of Transportation to the extent that such property and interests are within the territorial jurisdiction of the Municipality.

“Small Wireless Facility” means radio transceivers; surface wave couplers; Antennas; coaxial or fiber optic cable located on a Pole or Support Structure, immediately adjacent to a Pole or Support Structure, or directly associated with equipment located on a Pole or Support Structure and within a one hundred-foot radius of the Pole or Support Structure; regular and backup power supplies and rectifiers; and associated ancillary equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a Communications Network and that meets both of the following qualifications:

(a) each Wireless Provider’s Antenna could fit within an enclosure of no more than six cubic feet in volume; and

(b) all other wireless equipment associated with the Small Wireless Facility, whether ground- or pole-mounted, is cumulatively no more than twenty-eight cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility: electric meters, concealment elements, network interface devices, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

The term “Small Wireless Facility” does not include: the Pole, Support Structure, or improvements on, under, or within which the equipment is located or Collocated or to which the equipment is attached; Wireline Backhaul Facilities; or coaxial or fiber optic cable that is between Small Wireless Facilities, Poles, or Support Structures or that is otherwise not immediately adjacent to or directly associated with a particular Antenna. For purposes of this definition, in order to be considered directly associated with equipment located on a Pole or Support Structure, coaxial or fiber optic cable must not extend more than one hundred feet in radial circumference from the base of the Pole or Support Structure to which the Antenna is attached. No portion of a Small Wireless Facility may be used as a Wireline Backhaul Facility.

“State” means the State of South Carolina.

“Supplemental Review Districts” means Design Districts, Historic Districts, and Underground Districts.

“Support Structure” means a building, billboard, or any other structure in the ROW to which a Small Wireless Facility is or may be attached. A “Support Structure” shall not include an electric transmission structure or pole.

“Technically Feasible” means that by virtue of engineering or spectrum usage, the proposed placement for a Small Wireless Facility or its design, concealment measures, or site location can be implemented without a material reduction in the functionality of the Small Wireless Facility.

“Underground District” means a group of buildings, properties, or sites in which the Municipality, at least sixty days prior to the relevant Application, has required all communications and electric lines in the specified geographic area to be placed underground, and for which the Municipality maintains and enforces objective standards that are published in advance and applied on a uniform and nondiscriminatory basis.

“Wireless Infrastructure Provider” means any Person, including a Person authorized to provide telecommunications service in the State, acting to build or install wireless communication transmission equipment, Small Wireless Facilities, or Support Structures, but that is not a Wireless Services Provider.

“Wireless Provider” means a Wireless Infrastructure Provider or a Wireless Services Provider.

“Wireless Services” means any services using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public.

“Wireless Services Provider” means a Person who provides Wireless Services.

“Wireline Backhaul Facility” means an above-ground or underground wireline facility used to transport communications between a small wireless facility network interface device and a network or another small wireless network interface device.

Section 2. Purpose and Scope; General Provisions.

(a) **Purpose.** The purpose of this Ordinance is to provide policies and procedures for the placement of Small Wireless Facilities in ROWs within the jurisdiction of the Municipality.

(b) **Scope and Intent.** It is the intent of this Ordinance to establish uniform standards applicable to the application for and deployment of Small Wireless Facilities in a manner that serves the interests of the Municipality, its citizens, and the general public by advancing the following purposes:

- (1) Prevention of interference with the use of streets, sidewalks, alleys, parkways, traffic light poles or other light poles, and other public ways and places;
- (2) Prevention of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
- (3) Prevention of interference with other facilities and operations of facilities lawfully located in the ROWs or public property;
- (4) Preservation of the character of neighborhoods where facilities are installed;
- (5) Preservation of the character of and applicable land use requirements within Design Districts, Historic Districts, and Underground Districts; and
- (6) Facilitation of the rapid deployment of Small Wireless Facilities to provide the citizens with the benefits of advanced Wireless Services.

(c) **Applicable only to Small Wireless Facilities.** Nothing in this Ordinance limits the Municipality’s powers with respect to wireless facilities that are not Small Wireless Facilities in the ROW, or Poles that are used for purposes other than installation of Small Wireless Facilities in the ROW.

(d) **Right to Prevent Interference.** The Municipality retains the right to require that all Small Wireless Facilities shall be operated and maintained in a manner that does not interfere with public safety (police, traffic control, fire, and emergency services) equipment.

(e) **Imminent Risk to Public Safety.** If the Municipality determines that a Wireless Provider's activity in the ROW pursuant to this Ordinance creates an imminent risk to public safety, the Municipality may provide written notice to the Wireless Provider and demand that the Wireless Provider address such risk. If the Wireless Provider fails to reasonably address the risk within twenty-four hours of the written notice, the Municipality may take or cause to be taken action to reasonably address such risk and charge the Wireless Provider the reasonable documented cost of such actions.

Section 3. Permitted Use; Application Process and Fees.

(a) **Permitted Use and Consent.** A Wireless Provider shall have the right, as a permitted use subject to review and conditions as set forth herein, to Collocate Small Wireless Facilities and install, maintain, modify, operate, and replace Poles in the ROW. These structures and facilities must be installed and maintained so as not to create a safety hazard; obstruct or hinder the usual travel in or the public's safe use of the ROW; or obstruct the legal use of the ROW by utilities. In accordance with Article VIII, Section 15 of the State Constitution and related municipal code and ordinance provisions, the Municipality consents to the use of the ROW by Permit holders acting in compliance with this Ordinance.

(b) **Permit Required.**

(1) No Person shall Collocate a Small Wireless Facility or install a new, modified, or replacement Pole or Support Structure associated with a Small Wireless Facility without first filing a Small Wireless Facility Application and obtaining a Permit as set forth herein. The Municipality may require an Applicant to obtain additional permits for such activity, provided that such additional permits are of general applicability and do not apply exclusively to Small Wireless Facilities. An Applicant shall not be required to obtain or pay any fees for a building permit, as the Permit issued pursuant to this Ordinance serves as a building permit for the applicable Poles and Small Wireless Facilities. Any applications for any such additional permits, once submitted, must be acted upon within the same number of days as an Application for a Permit under this Ordinance. The Municipality shall publish and keep current a list of each additional permit that is required for the Collocation of a Small Wireless Facility or the installation of a new, modified, or replacement Pole. Any failure to comply with this subsection by a Wireless Provider shall allow the Municipality, in its sole discretion, to restore the ROW to its condition prior to the unpermitted Collocation or installation and to charge the responsible Wireless Provider its reasonable, documented cost of restoration, plus a penalty not to exceed one thousand dollars (\$1,000). The Municipality may suspend the ability of the Wireless Provider to receive any new Permits from the Municipality until the Wireless Provider has paid the amount assessed for such restoration costs; provided, however, that the Municipality shall not suspend such ability of any Applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits.

(2) For deployments in ROWs under the ownership or control of the South Carolina Department of Transportation ("SCDOT"), a Wireless Provider may, in lieu of filing a formal Application hereunder, request that the Municipality evidence its approval of the proposed deployment by consenting in writing to the Wireless Provider's application for a SCDOT encroachment permit. If the Municipality consents in writing to the issuance of an SCDOT

encroachment permit, it shall concurrently therewith issue a Permit consistent with such consent. In all cases, the Municipality's consent may be conditioned on compliance with the Municipality's lawful and applicable design, aesthetic, stealth, and concealment standards, and subject to the foregoing, the Municipality will not unreasonably withhold or delay its written consent. Notwithstanding the foregoing, the Wireless Provider shall retain the right to file a formal Application for a Permit hereunder, in which case the terms, conditions, and requirements of this Ordinance shall apply in full to such Application.

(c) **Permit Applications.** All Applications filed pursuant to this Ordinance shall be on a form, paper or electronic, as required by the Municipality. The Applicant may designate portions of its Application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly, and the Municipality shall endeavor to protect materials so designated from public disclosure to the fullest extent permitted by State law.

(d) **Application Requirements.** The Application shall be made by the Applicant, or its duly authorized representative as noted in a notarized statement from the Applicant, and shall contain the following:

(1) the Applicant's name, address, telephone number, and email address, including emergency contact information for the Applicant;

(2) the names, addresses, telephone numbers, and email addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application;

(3) a general description of the proposed work and the purposes and intent of the proposed facility. The scope and detail of such description shall be appropriate to the nature and character of the physical work to be performed, with special emphasis on those matters likely to be affected or impacted by the physical work proposed;

(4) detailed construction drawings regarding the proposed use of the ROW;

(5) to the extent the proposed facility involves Collocation on a Pole, Decorative Pole, or Support Structure, a structural report performed by a duly licensed engineer in South Carolina evidencing that the Pole, Decorative Pole, or Support Structure will structurally support the Collocation, or that the Pole, Decorative Pole, or Support Structure may and will be modified to meet structural requirements, in accordance with Applicable Codes;

(6) for any new aboveground facilities, visual depictions or representations if such are not included in the construction drawings;

(7) information indicating the approximate horizontal and vertical locations, relative to the boundaries of the ROW, of the Small Wireless Facility for which the Application is being submitted;

(8) if the Application is for the installation of a new Pole or replacement of a Decorative Pole, a certification that the Wireless Provider has determined after diligent investigation that it cannot meet the service objectives of the Application by Collocating on an existing Pole or Support Structure on which:

(A) the Wireless Provider has the right to Collocate subject to reasonable terms and conditions; and

(B) such Collocation would be Technically Feasible and would not impose significant additional costs. The Wireless Provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and shall provide a written summary of the basis for such determination;

(9) if the Small Wireless Facility will be Collocated on a Pole or Support Structure owned by a third party, other than a Municipality Pole, a certification that the Wireless Provider has permission from the owner to Collocate on the Pole or Support Structure;

(10) an affirmation that the Applicant is, on the same date, submitting applications for the permits identified in the list the Municipality maintains pursuant to Section 3(b) of this Ordinance;

(11) any additional information reasonably necessary to demonstrate compliance with the criteria set forth in Section 4(f) of this Ordinance; and

(12) for any Applicant that is not a Wireless Services Provider, an attestation that a Wireless Services Provider has requested in writing that the Applicant Collocate the Small Wireless Facilities or install, modify, or replace the Pole at the requested location.

(e) ***Routine Maintenance and Replacement.*** An Application shall not be required for: (1) routine maintenance; (2) the replacement of Small Wireless Facilities with Small Wireless Facilities that are substantially similar or the same size or smaller; or (3) the installation, placement, maintenance, operation, or replacement of Micro Wireless Facilities that are suspended on cables that are suspended between Poles or Support Structures in compliance with Applicable Codes by a Wireless Provider that is authorized to occupy the ROW and that is remitting a consent, franchise, or administrative fee pursuant to S.C. Code Ann. § 58-9-2230. Notwithstanding the foregoing, the Municipality may require that prior to performing any activity described above, an Applicant must apply for and receive a permit for work that requires excavation or closure of sidewalks or vehicular lanes within the ROW for such activity. Such a permit must be issued to the Applicant on a nondiscriminatory basis upon terms and conditions that are consistent with Applicable Codes and that apply to the activities of any other Person in the ROW that require excavation or the closing of sidewalks or vehicular lanes.

(f) ***Information Updates.*** Any amendment to information contained in an Application shall be submitted in writing to the Municipality within ten (10) business days after the change necessitating the amendment.

(g) ***Consolidated Application.*** An Applicant seeking to Collocate Small Wireless Facilities may submit a single consolidated Application, provided that such a consolidated Application shall be for a geographic area no more than two miles in diameter and for no more than thirty Small Wireless Facilities. In such case, the Applicant may receive a single Permit for the Collocation of multiple Small Wireless Facilities. The denial of one or more Small Wireless Facilities in a consolidated Application must not delay processing of any other Small Wireless Facilities in the same consolidated Application. Solely for purposes of calculating the number of Small Wireless Facilities in a consolidated Application, a Small Wireless Facility includes any Pole on which such Small Wireless Facility will be Collocated.

(h) **Application Fees.** The Municipality hereby determines that the following Fees for Applications are reasonable and nondiscriminatory and do not recover more than the Municipality's direct costs for processing an Application. For each Application, the Municipality hereby imposes Fees as follows:

(1) for Applications to Collocate Small Wireless Facilities on existing Poles or Support Structures, one hundred dollars (\$100) each for the first five Small Wireless Facilities in the same Application and fifty dollars (\$50) for each additional Small Wireless Facility in the same Application;

(2) for Applications to Collocate Small Wireless Facilities on new Poles, one thousand dollars (\$1,000) for each Pole, which Fee covers both the installation of the new Pole and the Collocation on the new Pole of associated Small Wireless Facilities; and

(3) for Applications to Collocate Small Wireless Facilities on modified or replacement Poles, two hundred fifty dollars (\$250) for each Pole, which Fee covers both the modification or replacement of the Pole and the Collocation on the Pole of associated Small Wireless Facilities.

The Application Fee shall apply to a Wireless Provider regardless of whether the Wireless Provider is subject to a business license tax that is or may be imposed upon it pursuant to S.C. Code Section 58-9-2220 or a franchise, consent, or administrative fee that is or may be imposed upon it pursuant to S.C. Code Section 58-9-2230. The Application Fee shall apply to a Communications Service Provider regardless of whether the Communications Service Provider is subject to a franchise fee that is or may be imposed upon it pursuant to S.C. Code Section 58-12-330.

(i) **Consultant Fees.** To the extent that the Municipality engages one or more consultants to assist in review of Applications, the Municipality shall impose a Fee for such Applications to the extent permitted by, and calculated in accordance with, S.C. Code Section 58-11-850(D)(4).

Section 4. Action on Permit Application.

(a) **Notice of Incompleteness.** Within ten days of receiving an Application, the Municipality must determine and notify the Applicant in writing whether the Application is complete. If an Application is incomplete, the Municipality shall specifically identify the missing information in writing. The processing deadline set forth in Section 4(b) below is tolled from the time the Municipality sends the notice of incompleteness to the time the Applicant provides the missing information. The processing deadline also may be tolled by agreement of the Applicant and the Municipality, confirmed in writing.

(b) **Time Requirements for Review of Applications.** An Application must be processed on a nondiscriminatory basis. The following shall apply to all Applications except those for Eligible Facilities Requests, which are addressed below in Section 4(c). The Municipality shall make its final decision to approve or deny the Application within sixty (60) days of receipt of a complete Application for Collocation of Small Wireless Facilities and within ninety (90) days of receipt of a complete Application for the installation, modification, or replacement of a Pole and the Collocation of associated Small Wireless Facilities on the installed, modified, or replaced Pole. If the Municipality fails to act on an Application within the applicable time period, the Applicant may provide the Municipality written notice that the time period for acting has lapsed. The Municipality shall then have twenty (20) days after receipt of such notice to render its written decision. The Application shall be deemed to have been approved by passage of time and operation of law if the Municipality does not render its written decision within the noticed twenty (20) days. If applicable federal or State law establishes a shorter period or different requirements for

action, the Municipality shall comply with such applicable law, but the remedy for non-compliance shall be limited to the remedy established by that applicable law.

(c) **Eligible Facilities Requests.** If the Application is an Eligible Facilities Request, the Municipality shall approve the Application within 60 days of receipt of the Application, subject to tolling after notification of an incomplete application until the date when the Applicant submits all the documents and information identified in the notice of incompleteness. Any approval shall be operative, and any Permit issued pursuant to this subsection shall remain in effect, only for so long as federal law (47 U.S.C. § 1455) and implementing Federal Communications Commission regulations (47 C.F.R. §1.40001) provide for special approval of an Eligible Facilities Request. In approving an Eligible Facilities Request hereunder, the Municipality intends only to comply with the requirements of federal law and not to grant any property rights, interests, or consents except as compelled by federal law.

(d) **Notice in Writing Required.** The Municipality shall notify the Applicant in writing of its final decision. If the Application is denied, the Municipality shall specify the basis for a denial, including citations to federal, State, or local code provisions and/or statutes on which the denial was based.

(e) **Right to Cure.** The Applicant may cure the deficiencies identified by the Municipality and resubmit the Application within thirty (30) days of the denial without paying an additional Application Fee. The Municipality shall approve or deny the revised Application within thirty (30) days of resubmission and limit its review to the deficiencies cited in the denial. If the Municipality fails to act on a revised Application within this thirty-day period, the Applicant may provide the Municipality written notice that the time period for acting has lapsed, and the Municipality shall then have five (5) days after receipt of such notice to render its written decision approving or denying the revised Application. The revised Application shall be deemed to have been approved by passage of time and operation of law if the Municipality does not render its written decision within the noticed five (5) days.

(f) **Permissible Bases for Denial.** The Municipality may deny an Applicant's proposed Collocation of a Small Wireless Facility or a proposed installation, modification, or replacement of a Pole, Decorative Pole, or Support Structure only if the proposed Collocation, installation, modification, or replacement:

- (1) interferes with the safe operation of traffic control or public safety equipment;
- (2) interferes with sight lines or clear zones for transportation or pedestrians;
- (3) interferes with compliance with the Americans with Disabilities Act or similar federal or State standards regarding pedestrian access or movement;
- (4) requests that ground-mounted Small Wireless Facility equipment be located more than seven and one-half feet in radial circumference from the base of the Pole, Decorative Pole, or Support Structure to which the Antenna is to be attached, provided that the Municipality shall not deny the Application if a greater distance from the base of the Pole, Decorative Pole, or Support Structure is necessary to avoid interfering with sight lines or clear zones for transportation or pedestrians or to otherwise protect public safety;
- (5) fails to comply with the height limitations permitted by this Ordinance or (if applicable) in the Design Manual, or with reasonable and nondiscriminatory horizontal spacing

requirements of general application adopted by an enactment that concern the location of ground-mounted equipment and new Poles;

(6) designates the location of a new Pole, Decorative Pole, or Support Structure for the purpose of Collocating a Small Wireless Facility within seven feet in any direction of an electrical conductor, unless the Wireless Provider obtains the written consent of the power supplier that owns or manages the electrical conductor;

(7) fails to comply with Applicable Codes;

(8) fails to comply with the requirements applicable to the aesthetic, stealth, and concealment requirements contained in this Ordinance, with the requirements applicable to Supplemental Review Districts, or (if applicable) with the Design Manual;

(9) fails to comply with laws of general applicability that address pedestrian and vehicular traffic and safety requirements; or

(10) fails to comply with laws of general applicability that address the occupancy or management of the ROW and that are not otherwise inconsistent with this article.

(g) **Requirement to Replace or Upgrade.** The Municipality may not require a Wireless Provider to replace or upgrade an existing Pole except for reasons of structural necessity, compliance with Applicable Codes, or compliance with this Ordinance (including, if applicable, the Design Manual). A Wireless Provider may, with the permission of the Pole owner, replace or modify existing Poles, but any such replacement or modification must be consistent with the design aesthetics of the Poles being modified or replaced.

(h) **Compensation.** Subject to the limitations set forth herein, every Permit shall include as a condition the Applicant's agreement to pay such lawful franchise fees, business license taxes, administrative fees, and consent fees as are permitted under applicable South Carolina and federal law. The Applicant shall also pay all applicable *ad valorem* taxes, service fees, sales taxes, or other taxes and fees as may now or hereafter be lawfully imposed on other businesses within the Municipality.

Section 5. Requirements for Small Wireless Facilities; New, Modified, or Replacement Poles; Decorative Poles.

(a) **Administrative Review.** The Municipality shall perform an administrative review of Applications including the location or installation of new, modified, or replacement Poles and/or Support Structures and the Collocation of Small Wireless Facilities and equipment on Poles or Support Structures. Review factors, in addition to location, shall include the size, shape, color, texture, and materials of the structures and attachments.

(1) The Municipality may require that a proposed Small Wireless Facility or new, modified, or replacement Pole be designed to not be significantly more readily apparent or plainly visible (to a reasonable person of ordinary sensibilities) than existing facilities, structures, equipment, and Poles located within five hundred (500) linear feet on the same ROW as the subject Small Wireless Facility, Pole, or Support Structure.

(2) Where Small Wireless Facilities are determined to be appropriate, the use of reasonable stealth and concealment treatments, low-profile equipment and control boxes, and screening may be required to avoid significant negative impacts on the character and visual aesthetics of the area. However, such requirements may be waived by the Municipality upon a showing that the particular location of a Small Wireless Facility does not warrant stealth or concealment treatments or imposes an excessive expense. The waiver shall be granted or denied within forty-five (45) days after the date of the request.

(3) Supplemental Review Districts identified in Section 5(c) may be subject to a higher level of review.

(4) The Municipality may maintain a Design Manual which sets forth additional aesthetic, design, concealment, and stealth requirements applicable to Small Wireless Facilities. The Design Manual may also, but need not, set forth examples of Small Wireless Facility deployments that the Municipality deems to comply with this Ordinance and provide a means for pre-approval of designs that are suitable for a particular location, even if not strictly compliant with the design, placement, and aesthetic requirements of this Ordinance provided the design otherwise serves the goals of this Ordinance.

(b) ***Maximum Size of Permitted Use.***

(1) New Small Wireless Facilities (including any related Antenna) in the ROW may not extend more than ten feet above an existing Pole in place as of the effective date of this Ordinance, or for Small Wireless Facilities (including any related Antenna) on a new Pole, above the height permitted for a new Pole pursuant to this section.

(2) Each new, modified, or replacement Pole installed in the ROW may not exceed the greater of ten feet in height above the tallest existing Pole in place as of the effective date of this Ordinance located within five hundred feet of the new, modified, or replacement Pole in the same ROW, or fifty feet above ground level, except in Design Districts and Historic Districts where the height limit is forty feet above ground level.

(3) For Applications to place Poles in residential zoning districts to deploy Small Wireless Facilities, the Municipality may propose an alternate location in the ROW within one hundred fifty feet of the location set forth in the Application, and the Wireless Provider shall use the Municipality's proposed alternate location unless the location is not Technically Feasible or imposes significant additional costs. The Wireless Provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a written summary of the basis for such determination.

(4) Collocation is not allowed on a Decorative Pole less than twenty feet in height.

(5) New Poles are not permitted in a corridor where there are existing Poles that can be used, modified, or replaced to allow the proposed Collocation, unless the Applicant can demonstrate that (A) it is not Technically Feasible to use, modify, or replace such existing Poles; or (B) such use, modification, or replacement would impose significant additional costs on the Wireless Provider, as certified by the Wireless Provider in good faith and based on the assessment of an engineer licensed in South Carolina along with a written summary of the basis for the certification; or (C) a new Pole may be placed in a manner that will cause no more interference

with the ROW and will have no more of an impact on the overall appearance of the corridor and on adjoining properties than would the use, modification, or replacement of an existing Pole.

(c) **Supplemental Review Districts.** Collocated Small Wireless Facilities and new, modified, or replacement Poles or Support Structures located in Supplemental Review Districts shall be subject to the compliant provisions (as defined in the SWF Act) pertaining to design and aesthetic standards in the ordinance establishing the Supplemental Review District(s) in addition to the requirements of this Ordinance. In addition, the following rules shall apply within the Supplemental Review Districts.

(1) **Underground Districts.** A Wireless Provider shall comply with reasonable and nondiscriminatory requirements that prohibit the installation of Poles in the ROW in an Underground District where: (A) no less than sixty days prior to the submission of the Application, the Municipality has required all such lines to be placed underground; (B) Poles the Municipality allows to remain are made available to Wireless Providers for the Collocation of Small Wireless Facilities and may be replaced by a Wireless Provider to accommodate the Collocation of Small Wireless Facilities in compliance with this Ordinance; and (C) a Wireless Provider is allowed to install a new Pole when it is not able to provide Wireless Services by Collocating on a remaining Pole or Support Structure. Nothing in this section shall prohibit the use or replacement of existing Poles or Support Structures in Underground Districts for the Collocation of Small Wireless Facilities subject to appropriate design and concealment measures and a finding that such use or replacement does not increase the height of the Pole or Support Structure by more than three feet.

For any such Application to install a new Pole in an Underground District, the Municipality may propose an alternate location in the ROW within one hundred fifty (150) feet of the location set forth in the Application. The Wireless Provider shall use the Municipality's proposed alternate location unless the location is not Technically Feasible or imposes significant additional costs. The Wireless Provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a written summary of the basis for such determination. For Small Wireless Facilities installed before the Municipality establishes an Underground District, the Municipality shall either permit Wireless Providers to maintain the Small Wireless Facilities in place or permit the Wireless Provider to replace the associated Pole within fifty (50) feet of the prior location. In the latter case, the Wireless Provider shall allow other Communications Service Providers with attachments on the existing Pole to place those attachments on the replacement Pole under the same or reasonably similar fees, rates, terms, and conditions as applied to those attachments on the existing Pole.

(2) **Historic and Design Districts.** The Municipality may require reasonable, Technically Feasible, nondiscriminatory, and technologically neutral design and aesthetic requirements, stealth requirements, height limitations of no less than forty feet, and/or concealment measures in a Design District or Historic District. For Applications to place Poles in a Design District or a Historic District to deploy Small Wireless Facilities, the Municipality may propose an alternate location in the ROW within one hundred fifty (150) feet of the location set forth in the Application. The Wireless Provider shall use the Municipality's proposed alternate location unless the location is not Technically Feasible or imposes significant additional costs. The Wireless Provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a written summary of the basis for such determination.

This section may not be construed to limit a municipality's authority to enforce historic preservation zoning regulations consistent with the preservation of local zoning authority under 47 U.S.C. Section 332(c)(7), the requirements for facility modifications under 47 U.S.C. Section 1455(a), or the National Historic Preservation Act of 1966 (54 U.S.C. Section 300101 et seq.), and the regulations adopted to implement those laws.

(d) ***Appeals, Special Exceptions, and Variance Requirements.*** Appeals of administrative decisions and requests for special exceptions and variances from the provisions of this Ordinance, when strict application would result in an unnecessary hardship or in the inability to deploy needed Small Wireless Facilities, shall be heard and decided by the Board of Zoning Appeals or equivalent board for Supplemental Review Districts. An Applicant seeking a special exception to construct a new Decorative Pole, Pole, or Support Structure to Collocate a Small Wireless Facility in an Underground District shall demonstrate, including certification through an engineer, that it has diligently attempted to locate the proposed Decorative Pole, Pole, Support Structure, or Small Wireless Facility outside of the Underground District and that placement of the Decorative Pole, Pole, Support Structure, or Small Wireless Facility within the Underground District is necessary to provide the needed wireless coverage or capacity, and one or more of the following conditions exist supporting a Special Exception:

(1) No existing Pole or Support Structure is located within the location search radius or to the extent a Pole or Support Structure is located within the search radius, such Pole or Support Structure:

(A) is not available for Collocation under commercially reasonable rates, terms, and conditions;

(B) cannot accommodate the Collocation of the Small Wireless Facility and meet the technical requirements necessary to deliver adequate wireless service coverage or capacity; or

(C) would require modifications exceeding the three-foot height limitation imposed in section 5(c)(1); or

(2) The only available option to deliver adequate wireless service coverage or capacity in the search radius requires modifications to an existing Pole or Support Structure exceeding the three-foot height limitation imposed in section 5(c)(1) or the installation of a new Pole or Support Structure for Collocation of a Small Wireless Facility, or

(3) The applicant has demonstrated other circumstances that, in the reasonable discretion of the applicable review body, warrant a special exception or variance.

The Applicant shall abide by the design, stealth, and concealment treatments imposed as conditions of the special exception.

(e) ***Existing Supplemental Review Districts.*** Nothing in this Ordinance shall prohibit or otherwise limit the Municipality from establishing additional Supplemental Review Districts, provided however, that facilities and structures for which a Permit was approved or deemed approved pursuant to this Ordinance prior to the establishment of the additional Supplemental Review District remain subject to the provisions of this Ordinance, including routine maintenance and replacement of those facilities and structures as set out herein. If a Wireless Provider voluntarily replaces such facilities in a manner that does

not comply with Section 3(e) of this Ordinance, or if a Wireless Provider voluntarily relocates such facilities, such replacement or relocation is subject to the then-existing provisions and requirements of the additional Supplemental Review District.

(f) ***Decorative Poles.*** Subject to the Municipality's ability to deny an Application as set forth in this Ordinance, a Wireless Provider must be permitted to Collocate on or replace Decorative Poles when necessary to deploy a Small Wireless Facility.

(1) The Municipality may require the Collocation on a Decorative Pole or the replacement of a Decorative Pole to reasonably conform to the design aesthetics of the original Decorative Pole, provided these requirements are Technically Feasible.

(2) For Applications to Collocate Small Wireless Facilities on Decorative Poles or to replace Decorative Poles to deploy Small Wireless Facilities, the Municipality may propose an alternate location in the ROW within one hundred fifty feet of the location set forth in the Application. The Wireless Provider shall use the Municipality's proposed alternate location unless the location is not Technically Feasible or imposes significant additional costs. The Wireless Provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in South Carolina, and it shall provide a written summary of the basis for such determination.

(g) ***Repair of Damage.*** A Wireless Provider shall repair all damage to the ROW directly caused by the activities of the Wireless Provider in the ROW and shall restore the ROW to its condition before the damage occurred. If within thirty (30) calendar days after written notice the Wireless Provider fails to the extent practicable in the reasonable judgment of the Municipality to restore the ROW to its condition prior to the damage in compliance with this subsection, the Municipality may, at the sole discretion of the Municipality, restore the ROW to such condition and charge the applicable party the reasonable, documented cost of the restoration, plus a penalty not to exceed five hundred dollars (\$500) provided; however, that the Wireless Provider may request additional time to make such repairs, and the Municipality shall not unreasonably deny such a request. The Municipality may suspend the ability of the Wireless Provider to receive any new Permits from the Municipality until the Wireless Provider has paid the amount assessed for such restoration costs. The Municipality shall not suspend such ability of any Applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute.

Section 6. Effect of Permit; Occupancy and Use Fees.

(a) ***Authority Granted: No Property Right or Other Interest Created.*** A Permit from the Municipality authorizes an Applicant to undertake only certain activities in accordance with this Ordinance and does not create a property right or grant any authority whatsoever to the Applicant to impinge upon the rights of others who may already have an interest in the ROW. The approval of the installation, placement, maintenance, or operation of a Small Wireless Facility pursuant to this Ordinance neither constitutes an authorization nor affects any authorization a Wireless Provider may have to provide a Communication Service or to install, place, maintain, or operate any other Communications Facility, including a Wireline Backhaul Facility, in a ROW.

(b) ***Duration.*** Installation or Collocation for which a Permit is granted pursuant to this Ordinance must be completed within one year of the Permit issuance date unless the Municipality and the Applicant agree to extend this period, or a delay is caused by the lack of commercial power or by the

lack of Communications Facilities to be provided to the site by an entity that is not an affiliate, as that term is defined in 47 U.S.C. Section 153(2), of the Applicant. Approval of an Application authorizes the Applicant to: (1) undertake the installation or Collocation; and (2) subject to applicable relocation requirements and the Applicant's right to terminate at any time, operate and maintain the Small Wireless Facilities and any associated Pole covered by the Permit for a period of ten years, which may be renewed for equivalent durations so long as the installation or Collocation is in compliance with the criteria set forth in this Ordinance and the Permit. Any conditions contained in a Permit, including without limitation conditions designed to reduce the visibility of the Small Wireless Facility and associated Pole, or to make any portion of the same appear to be something other than a Small Wireless Facility, shall apply for the entirety of the Permit term and shall include a duty to maintain and replace components as necessary to ensure continued compliance.

(c) **Occupancy and Use Fees.** The Municipality hereby determines that the following Rates for occupancy and use are reasonable and nondiscriminatory. For each Small Wireless Facility, the Municipality hereby imposes the following Rates:

- (1) one hundred dollars (\$100) per year for each Small Wireless Facility Collocated on any existing or replacement Pole, including an existing or replacement Municipality Pole; and
- (2) two hundred dollars (\$200) per year for each Small Wireless Facility Collocated on a new Pole, other than a replacement Pole, which two-hundred-dollar (\$200) Rate shall cover the new Pole and the Small Wireless Facility Collocated on it.

These Rates shall apply to a Wireless Provider regardless of whether the Wireless Provider is subject to a business license tax that is or may be imposed upon it pursuant to S. C. Code Section 58-9-2220 or a franchise, consent, or administrative fee that is or may be imposed upon it pursuant to S.C. Code Section 58-9-2230. These Rates shall apply to a Communications Service Provider regardless of whether the Communications Service Provider is subject to a franchise fee that is or may be imposed upon it pursuant to S.C. Code Section 58-12-330.

Section 7. Removal, Relocation or Modification of a Small Wireless Facility in the ROW.

(a) **Widening, Repair, Reconstruction, and Relocation.** If, in the reasonable exercise of police powers, the Municipality requires widening, repair, reconstruction, or relocation of a public road or highway, or relocation of Poles, Support Structures, or Small Wireless Facilities as a result of a public project, a Wireless Provider shall relocate Poles and Support Structures that such Wireless Provider has installed in the ROW for the Collocation of Small Wireless Facilities pursuant to this Ordinance at no cost to the Municipality if such Poles and Support Structures are found by the Municipality to unreasonably interfere with the widening, repair, reconstruction, or relocation project or the public project. If widening, repair, reconstruction, or relocation is required as a condition or result of a project by a Person other than the Municipality, such Person shall bear the cost of relocating such Poles or Support Structures and any Communications Facilities on such Poles or Support Structures.

(b) **Emergency Removal or Relocation of Facilities.** The Municipality retains the right to cut or move any Small Wireless Facility, Pole, or Support Structure located within the ROW as the Municipality, in its reasonable discretion, may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. If circumstances permit, the Municipality shall notify the Wireless Provider and provide opportunity to move its own Small Wireless Facilities, Poles, or Support Structures prior to the Municipality cutting or removing a Small Wireless Facility, Pole, or Support

Structure and the Municipality shall notify the Wireless Provider after cutting or removing a Small Wireless Facility.

(c) **Abandonment of Facilities.** The Applicant or the Person that owns or operates the Small Wireless Facility Collocated in the ROW may remove its Small Wireless Facilities at any time from the ROW upon not less than thirty (30) days' prior written notice to the Municipality and may cease paying to the Municipality any applicable Fees and Rates for such use, as of the date of the actual removal of the Small Wireless Facilities. In the event of such removal, the ROW shall be, to the extent practicable in the reasonable judgment of the Municipality, restored to its condition prior to the removal. If the Applicant fails, to the extent practicable in the reasonable judgment of the Municipality, to return the ROW to its condition prior to the removal within ninety (90) days of the removal, the Municipality may, at the sole discretion of the Municipality, restore the ROW to such condition and charge the Applicant the Municipality's reasonable, documented cost of removal and restoration, plus a penalty not to exceed five hundred dollars (\$500). The Municipality may suspend the ability of the Applicant to receive any new Permits from the Municipality until the Applicant has paid the amount assessed for such restoration. The Municipality shall not suspend such ability of any Applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute.

(d) **Abandonment by Inaction.** At any point when a Wireless Provider fails to pay any required Fee or Rate, and fails to respond within sixty (60) days to a written inquiry from the Municipality as to whether the Wireless Provider intends to continue to operate a Small Wireless Facility or Support Structure, for whatever reason, the Small Wireless Facility shall be deemed abandoned and the Municipality may, at its sole option, remove all or any portion of the Small Wireless Facility or Support Structure, or take other action as authorized by law, including recovery of actual costs incurred in removing the Small Wireless Facility or Support Structure.

Section 8. Attachment to Municipality Poles.

(a) **Annual Rate.** The rate to Collocate a Small Wireless Facility on a Municipality Pole shall be fifty dollars (\$50) per year. This rate is in addition to reimbursement to the Municipality for any expenses for make-ready work. The Municipality reserves the right to require a pole attachment agreement to further define the terms and conditions of attachments to Municipality Poles. The rates specified in this section shall not apply to poles owned, or operated and accounted for as an asset of, a municipal electric utility.

(b) **Make-Ready.** The Rates, Fees, terms, and conditions for make-ready work to Collocate on a Municipality Pole must be nondiscriminatory, competitively neutral, commercially reasonable, and in compliance with this Ordinance.

(1) The Municipality shall provide a good faith estimate for any make-ready work necessary to enable the Pole to support the requested Collocation by a Wireless Provider, including Pole replacement if necessary, within sixty (60) days after receipt of a complete Application. Alternatively, the Municipality may require the Wireless Provider to perform the make-ready work and notify the Wireless Provider of such within the sixty-day period. If the Wireless Provider or its contractor performs the make-ready work, the Wireless Provider shall indemnify the Municipality for any negligence by the Wireless Provider or its contractor in the performance of such make-ready work and the work shall otherwise comply with applicable law.

(2) Make-ready work performed by or on behalf of the Municipality, including any Pole replacement, must be completed within sixty (60) days of written acceptance of the good faith estimate by the Applicant. The Municipality may require replacement of the Municipality Pole only if it demonstrates that the Collocation would make the Municipality Pole structurally unsound.

(3) The Person owning, managing, or controlling the Municipality Pole must not require more make-ready work than required to meet Applicable Codes or industry standards. Fees assessed by or on behalf of a Municipality for make-ready work, including any Pole replacement, must not include costs related to preexisting or prior damage or noncompliance; exceed either actual costs or the amount charged to other Communications Service Providers for similar work on similar types of Municipality Poles; or include any revenue or contingency-based consultant's fees or expenses of any kind.

(4) A Wireless Provider Collocating on a Municipality Pole is responsible for reimbursing third parties for their actual and reasonable costs of any make-ready work reasonably required by the third party to accommodate the Collocation.

(c) ***Municipal Utilities Excluded.*** Nothing in this section shall be construed to affect the authority of a municipal electric utility to deny, limit, restrict, or determine the Rates, Fees, terms, and conditions for the use of or attachment to a Pole owned, or operated and accounted for as an asset of, a municipal electric utility.

(e) ***Non-Exclusivity; Non-Discrimination.*** A Person owning, managing, or controlling Municipality Poles in the ROW may not enter into an exclusive arrangement with any Person for the right to attach to such poles. Subject to a Municipality's ability to deny an Application as set forth in this Ordinance, a Municipality shall allow the Collocation of Small Wireless Facilities on Municipality Poles on nondiscriminatory terms and conditions in compliance with this Ordinance.

Section 9. Indemnification, Insurance, and Bonds.

(a) ***Indemnity.*** With regard to Small Wireless Facilities, Poles, and Support Structures that are subject to this Ordinance, the Wireless Provider shall indemnify and hold the Municipality and its officers and employees harmless against any claims, lawsuits, judgments, costs, liens, losses, expenses, or fees, to the extent that a court of competent jurisdiction finds that the negligence of the Wireless Provider while siting, installing, maintaining, repairing replacing, relocating, permitting, operating, or locating Small Wireless Facilities, Poles, and Support Structures pursuant to this Ordinance caused the harm.

(c) ***Insurance.*** The Municipality may require a Wireless Provider to have in effect insurance coverage consistent with this section, so long as the Municipality imposes similar requirements on other ROW users and such requirements are reasonable and nondiscriminatory. The Municipality may require a Wireless Provider to furnish proof of insurance prior to the effective date of a Permit. The Municipality may not require a Wireless Provider to obtain insurance naming the Municipality or its officers and employees as additional insureds.

(c) **Bonds.** The Municipality may impose bonding requirements for Small Wireless Facilities if the Municipality imposes similar requirements in connection with permits issued for other ROW users. Such bonds may provide for the removal of abandoned or improperly maintained Small Wireless Facilities, including those that the Municipality determines must be removed to protect public health, safety, or welfare; restoration of the ROW; and recoupment of Rates or Fees that have not been paid by a Wireless Provider in over twelve months. Bonding requirements may not exceed two hundred dollars (\$200) per Small Wireless Facility. For Wireless Providers with multiple Small Wireless Facilities within the Municipality, the total bond amount across all facilities may not exceed ten thousand dollars (\$10,000) and that amount may be combined into one bond instrument.

Section 10. Severability.

In the event any title, subtitle, section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase, or work of this Ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the Ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this Ordinance.

Section 11. Effective Date and update to the Master Fee Schedule.

This Ordinance shall take effect immediately after adoption and update the initial form of the Master Fee Schedule as set forth in **Exhibit A** .

BE IT ORDERED AND ORDAINED, BY THE TOWN OF IRMO, SOUTH CAROLINA, IN COUNCIL DULY AND LAWFULLY ASSEMBLED AND BY THE AUTHORITY THEREOF.

PASSED AND ADOPTED this 19th day of September, 2023.

Barry A. Walker, Sr., *Mayor*

ATTEST:

Renee Caviness, *Municipal Clerk*

1st Reading – August 15th, 2023

2nd Reading – September 19th, 2023

Public Hearing – September 19th, 2023



TOWN OF IRMO MASTER FEE SCHEDULE

DEPARTMENT/PROGRAM	DETAIL	FY 2023-2024 FEE
ADMINISTRATION		
FOIA Fee	First 30 minutes	\$ 4.00
	Each additional minute	\$ 0.40
	Additional for digital media burned to CD/DVD	\$ 5.00
	Per B/W printed copy	\$ 0.10
	Per color printed copy	\$ 0.25
Returned check fee	Per Check	\$ 25.00
POLICE DEPARTMENT		
Administration	Collision & Incident Reports	FOIA Fee*
Officer	Security Services per Hour	\$ 50.00
Officer	Traffic Control per Hour	\$ 50.00
Officer	Holiday Rate (Traffic/Security) per Hour	\$ 100.00
*Free to victims or those listed on the case file		
Tickets/Fines		
	Handicapped Parking	\$ 500.00
	No Parking Zone	\$ 50.00
	Fire Lane	\$ 200.00
	Parked on Yellow Curb	\$ 50.00
	Blocking Street	\$ 200.00
	Blocking Sidewalk	\$ 50.00
	Parking within 15 ft of fire hydrant	\$ 200.00
	Blocking Crosswalk	\$ 50.00
	Blocking Driveway	\$ 50.00
* Penalty of \$25 if Handicapped Parking fine not paid within 5 days; all others \$10 penalty if not paid within 5 days		
PLANNING, ZONING , AND COMMUNITY DEVELOPMENT		
Zoning	Zoning Permit	\$ 50.00
Zoning	Administrative Appeal	\$ 100.00
Zoning	Variance, Special Exception, or Annexation Application	\$ 100.00
Zoning	Verification Letters	\$ 25.00
Permitting	Special Events Permit	\$ 25.00
Permitting	Sign Permit	\$ 50.00
Permitting	Communication Tower Permit (New Construction or Co-Location)	\$ 200.00

Permitting	Moving a Building (No Construction)	\$ 150.00
Permitting	Moving a Mobile Home; New, Used or De-Title	\$ 165.00
Permitting	Appeals of Building Codes Application	\$ 75.00
Permitting	Tree Removal Application	\$ 25.00
Permitting	Locating Small Cell Wireless on New Pole	\$ 1,000.00
Permitting	Locating Small Cell Wireless on Modified or Replacement Poles	\$ 250.00
Permitting	Locating Small Cell Wireless on existing poles or support structures	\$ 100.00

Building Permit Fees - Through CC&I	
Value of Work	Permit Fee Amount
Less than \$5,000	\$ 55.00
\$5,001 to \$100,000	\$55.00 plus \$9.50/\$1,000
\$100,001 to \$1,000,000	\$955.00 plus \$4.25/\$1,000
\$1,000,001 to \$5,000,000	\$4,750.00 plus \$3.20/\$1,000
\$5,000,001 and Up	\$17,385.00 plus \$2.15/\$1,000

Value of work shall be determined by the construction cost or by using the latest ICC Building Valuation Date using the South Carolina Multiplier
 Penalties: Permit fees shall be doubled if construction begins prior to obtaining permits

Plan Review Fees - Through CC&I	
Commercial	50% of Permit Fee
Residential	10% of Permit Fee

Demolition Permit Fees - Through CC&I	
Commercial	\$ 155.00
Residential	\$ 105.00
Three Stories	\$ 225.00
Each Additional Story	\$ 30.00

Subtrade Permit Fees - Through CC&I	
Electrical Permit	\$4.75/\$1,000 for jobs over \$1,000 plus \$50.00 base fee
Gas Permit	
Mechanical Permit	
Plumbing Permit	

*Unit is defined as any structure having a separate electric meter

Re-Inspection Fees (All Inspection Types) - Through CC&I	
1st Re-inspection	\$ 65.00
2nd Re-Inspection	\$ 65.00
3rd and Greater	\$ 65.00

Sediment Control & Drainage Plan Submittal Fees	
1 acre or less	\$ 50.00
1+ to 2 acres	\$ 100.00
2+ to 5 acres	\$ 150.00
5+ to 10 acres	\$ 200.00
10+ to 20 acres	\$ 250.00
20+ to 50 acres	\$ 300.00
50+ to 100 acres	\$ 350.00
100+ acres	\$ 400.00

Solid Waste & Stormwater Fees*	
January	\$ 300.00
February	\$ 275.00
March	\$ 250.00
April	\$ 225.00
May	\$ 200.00
June	\$ 175.00
July	\$ 150.00
August	\$ 125.00
September	\$ 400.00
October	\$ 375.00
November	\$ 350.00
December	\$ 325.00
Annual Solid Waste/Stormwater Fee	\$ 300.00
Recycling Bin	\$ 50.00

*Includes \$8.00 annual stormwater fee; Fees listed beside month reflect first time fees for the remainder of the year prior to fees being placed on County property taxes. Annual fee of \$300 thereafter.

Business License					
In Town Rate Class	Income: \$0-\$2,000 (Minimum)	Over \$2,000 per thousand	Out of Town Rate Class	Income: \$0-\$2,000 (Minimum)	Over \$2,000 Per Thousand
1	\$35.00	\$0.90	1A	\$70.00	\$1.80
2	\$40.00	\$1.00	2A	\$80.00	\$2.00
3	\$45.00	\$1.10	3A	\$90.00	\$2.20
4	\$50.00	\$1.20	4A	\$100.00	\$2.40
5	\$55.00	\$1.30	5A	\$110.00	\$2.60
6	\$60.00	\$1.40	6A	\$120.00	\$2.80
7	\$65.00	\$1.50	7A	\$130.00	\$3.00
8.1	\$30.00	\$1.00	8.1A	\$60.00	\$2.00
8	See additional class 8 rate details below				
9.3	\$200.00	\$0.65	9.3A	\$400.00	\$1.30
9.41	\$20.00	\$1.75	9.42A	\$100.00	\$3.50

Declining Scale applies in all Classes for gross income in excess of \$1,000,000

Gross Income in \$Millions	Percent in Class Rate for Each Additional
0-1	100%
1-2	90%
2-3	80%
3-4	70%
Over 4	60%

Class 8 Additional Rates

Rate Class	Description	Rate
8.2	Railroad	Set by State Statute
8.3	Telephone Companies	MASC Telecommunications
8.4	Insurance Companies and Brokers	MASC Insurance
8.51	Amusement Machines, Coin Operated (Except Gambling)	\$12.50 + \$12.50/Machine
8.52	Amusement Machines, Coin Operated (Non-Payout)	\$12.50 + \$12.50/Machine
8.6	Billiard or Pool Rooms, All Types	\$50.00 + \$5 or \$12.50/Table

Business Licenses expire April 30th. A 5% penalty accrues as of May 1st and each successive month thereafter.

FACILITY RENTAL

Amphitheater	Security Deposit	\$ 500.00
	Daily Rental Fee	\$ 1,500.00
Amphitheater (In-Town Church)	Security Deposit	\$ 200.00
	Daily Rental Fee (first four hours)	\$ 100.00
	Per hour after 4 hours	\$ 25.00
Amphitheater (Out-of-Town Church)	Security Deposit	\$ 500.00
	Daily Rental Fee (first four hours)	\$ 250.00
	Per hour after 4 hours	\$ 100.00
Gazebo (In-Town)	Security Deposit	\$ 150.00
	Daily Rental Fee (first four hours)	\$ 75.00
	Per hour after 4 hours	\$ 25.00
Gazebo (Out of Town)	Security Deposit	\$ 250.00
	Rental Fee per Hour	\$ 125.00
Picnic Shelter (In-Town)	Security Deposit	\$ 150.00
	Daily Rental Fee (first four hours)	\$ 85.00
	Per hour after 4 hours	\$ 25.00
Picnic Shelter (Out of Town)	Security Deposit	\$ 250.00
	Daily Rental Fee (first four hours)	\$ 300.00
	Per hour after 4 hours	\$ 100.00

OTHER CHARGES & FEES

Hospitality Tax	Richland County	1% of monthly gross receipts on sale of prepared foods	
	Lexington County	2% of monthly gross receipts on sale of prepared foods	
Rental Registration			\$ 250.00
Rental Registration Late Fee			\$ 500.00
Set-Off Debt Collection			\$ 25.00
Replacement of Trees removed from Public Property			\$ 300.00
Request to close, acquire or use a municipal street right-of-way			\$ 100.00
Small Cell Wireless	Annual Fee for Placement on an existing pole		\$ 100.00
Small Cell Wireless	Annual Fee for Placement on a new pole		\$ 200.00
Small Cell Wireless	Annual Fee for Placement on a Municipal Pole		\$ 50.00

STATE OF SOUTH CAROLINA)
)
TOWN OF IRMO)

ORDINANCE 23 – 21

**AN ORDINANCE TO AMEND SECTION 8 OF THE MUNICIPAL CODE OF
ORDINANCE AND LAND DEVELOPMENT FOR THE PURPOSE OF CLARIFYING
BUILDING CODES**

WHEREAS, the Town of Irmo desires to strengthen its Municipal Code of Ordinance, amending said Code to address noted errors, omissions, vague language, and add appropriate standards; and

WHEREAS, Council wishes to amend the Code of Municipal Ordinance as attached;

NOW, THEREFORE, BE IT ORDAINED and ordered by the Mayor and Town Council of the Town of Irmo, South Carolina, in Council duly assembled on this 19th day of September, 2023, that the Town of Irmo Code of Municipal Ordinance is hereby amended.

PASSED AND ADOPTED this 19th day of September, 2023.

Barry A. Walker, Sr., *Mayor*

ATTEST:

Renee Caviness, *Municipal Clerk*

1st Reading: August 15, 2023

2nd Reading: September 19, 2023

ORDINANCE 23 – 21

Changes to the Municipal Code of Ordinance

Remove, in their entirety, Sections 8-31 through 8-37, and replace as follows:

Sec. 8-31. – International Building Code Adopted

The International Building Code, including state adopted modifications as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina Department of Labor, Licensing and Regulation Building Codes Council, shall constitute and become an ordinance of the town, and is hereby adopted, incorporated in, and made a part of this article as fully as though they were set out at length herein, except as amended by this article. The amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the Town of Irmo on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard shall remain in full force and effect. Further, after the effective date of each updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the building code."

Sec. 8-32. – International Residential Code Adopted

The International Residential Code, including state adopted modifications as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina Department of Labor, Licensing and Regulation Building Codes Council, shall constitute and become an ordinance of the town, and is hereby adopted, incorporated in, and made a part of this article as fully as though they were set out at length herein, except as amended by this article. The amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the Town of Irmo on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard shall remain in full force and effect. Further after the effective date of each updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the residential code."

International Residential Code addenda:

ORDINANCE 23 – 21

R301.2 Climatic and Geographic Design Criteria. Buildings shall be constructed in accordance with the provisions of this section. Additional criteria shall be established by the local jurisdiction and set forth in Table R301.2(1).

- Ground snow load: 10.
- Wind speed: 115 mph.
- Topographic effects: No.
- Special wind region: No.
- Wind-borne debris zone: No.
- Seismic design category: B/C.
- Weathering damage: Moderate
- Front-line depth: 12.
- Termite: Very Heavy.
- Winter design temp: 28
- Ice barrier underlayment required: No. •
- Flood hazards: Chapter 14.
- Air freezing index: 1500.
- Mean annual temp: 64.8.

Sec. 8-33. – National Electrical Code Adopted

The National Electrical Code, including state adopted modifications, as promulgated by the National Fire Protection Association and approved by the American National Standards Institute in the version most recently adopted by the State of South Carolina Department of Labor, Licensing and Regulation Building Codes Council, shall constitute and become an ordinance of the town, and is hereby adopted, incorporated in, and made a part of this article as fully as though it were set out at length herein, except as amended by this article. The amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the Town of Irmo on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard shall remain in full force and effect. Further after the effective date of each updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the electrical code."

Sec. 8-34. – International Plumbing Code Adopted

The International Plumbing Code, including state adopted modifications as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina

ORDINANCE 23 – 21

Department of Labor, Licensing and Regulation Building Codes Council, shall constitute and become an ordinance of the town, and is hereby adopted, incorporated in, and made a part of this article as fully as though they were set out at length herein, except as amended by this article. The, including amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the Town of Irmo on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard shall remain in full force and effect. Further after the effective date of each updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the plumbing code."

Sec. 8-35. – International Fuel Gas Code Adopted

The International Fuel Gas Code, including state adopted modifications as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina Department of Labor, Licensing and Regulation Building Codes Council, shall constitute and become an ordinance of the town, and is hereby adopted, incorporated in, and made a part of this article as fully as though they were set out at length herein, except as amended by this article. The, including amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the Town of Irmo on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard shall remain in full force and effect. Further, after the effective date of each updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the fuel gas code."

Sec. 8-36. – International Mechanical Code Adopted

The International Mechanical Code, including state adopted modifications as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina Department of Labor, Licensing and Regulation Building Codes Council, shall constitute and become an ordinance of the town, and is hereby adopted, incorporated in, and made a part of this article as fully as though they were set out at length herein, except as amended by this article. The International Mechanical Code, including amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the Town of Irmo on the date specified as the effective date by the State of South Carolina. Prior to

ORDINANCE 23 – 21

such effective date, the existing code standard shall remain in full force and effect. Further, after the effective date of each updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the mechanical [code]."

Sec. 8-37. – International Fire Code Adopted

The International Fire Code, including state adopted modifications as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina Department of Labor, Licensing and Regulation Building Codes Council, shall constitute and become an ordinance of the town, and is hereby adopted, incorporated in, and made a part of this article as fully as though they were set out at length herein, except as amended by this article. The amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the Town of Irmo on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard shall remain in full force and effect. Further, after the effective date of each updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the fire code."

Adoption of the International Fire Code shall also include Appendix B and Appendix D.

Sec. 8-38. – International Energy Conservation Code Adopted

The International Energy Conservation Code, including state adopted modifications as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina Department of Labor, Licensing and Regulation Building Codes Council, shall constitute and become an ordinance of the town, and is hereby adopted, incorporated in, and made a part of this article as fully as though they were set out at length herein, except as amended by this article. The appendices, amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the Town of Irmo on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard shall remain in full force and effect. Further, after the effective date of each updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed

ORDINANCE 23 – 21

or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the energy conservation code."

Sec. 8-37-39. - Accessible and useable buildings and facilities.



Staff Report

Amendment to the Zoning Ordinance 23-22

DATES: Planning Commission: September 11, 2023
Town Council First Reading: September 19, 2023
Town Council Second Reading: October 17, 2023

TO: Irmo Planning Commission
Irmo Town Council

FROM: Douglas Polen, Assistant Town Administrator

SUBJECT: Zoning Ordinance Amendment

ACTION REQUESTED: Consideration of a text amendment to Article 4 of the Zoning Ordinance: Community Appearance, Buffering, Screening, Landscaping, Common Open Space, and Tree Protection

Background

Staff has been reviewing the Zoning Ordinance and is planning major revisions to many chapters. There are numerous changes to the ordinance, with notable changes such as the following:

1. Clarifying when changes to buffers are required during redevelopment of a property, and allowing for Zoning Administrator determination in certain cases.
2. Clarifying the requirement for irrigation in planted areas.
3. Clarifying replacement trees when required trees die or are damaged/killed.
4. Clarifying trees and shrubs required in buffers
5. Clarifying interior and parking lot landscaping
6. Clarifying who can decide when a tree may be cut or how said tree is replaced

The ordinance is attached with most changes highlighted. Some areas have been moved around and some new verbiage has been added without highlights, so the current ordinance is also attached for comparison.

This ordinance does create two new fees to be added to the Master Fee Schedule. Under Sec. 4-6.7, Tree Replacement, those removing trees with or without a permit that require mitigation may pay into a Town Tree Fund rather than plant new trees. The fees for these new trees is

recommended to be \$75/caliper inch of replacement, or a maximum of \$10,000/acre for clear cut lots where measuring individual trees is difficult or impossible.

Staff Findings

Staff recommends **APPROVAL** of this ordinance change.

Planning Commission

At their September 12, 2023 meeting, the Planning Commission recommended adoption of the ordinance 6-0.

STATE OF SOUTH CAROLINA)
)
TOWN OF IRMO)

ORDINANCE 23 – 22

**AN ORDINANCE TO AMEND APPENDIX A – ZONING AND LAND DEVELOPMENT;
ARTICLE 4 – COMMUNITY APPEARANCE, BUFFERING, SCREENING, LANDSCAPING,
COMMON OPEN SPACE, AND TREE PROTECTION**

WHEREAS, the Town of Irmo desires to strengthen its Code of Zoning and Land Development Regulation, amending said Code to address noted errors, omissions, vague language, and add appropriate standards; and

WHEREAS, the following text amendment to the Town of Irmo Code of Zoning and Land Development Regulations has been proposed through collaboration with the Planning Commission; and

WHEREAS, the Planning Commission, at their September 11, 2023, meeting, voted to recommend approval of this amendment, as attached; and

WHEREAS, Council wishes to amend the Code of Municipal Ordinance as attached;

NOW, THEREFORE, BE IT ORDAINED and ordered by the Mayor and Town Council of the Town of Irmo, South Carolina, in Council duly assembled on this 17th day of October, 2023, that the Town of Irmo Code of Municipal Ordinance is hereby amended.

PASSED AND ADOPTED this 17th day of October, 2023.

Barry A. Walker, Sr., *Mayor*

ATTEST:

Renee Caviness, *Municipal Clerk*

1st Reading: September 19, 2023

2nd Reading: October 17, 2023

ORDINANCE 23 – 22

Changes to the Zoning and Land Development Regulations

Remove, in their entirety, Sections 4-1 through 4-5.7, and replace as follows. Subsequent sections to be renumbered.

ORD 23-22 – PROPOSED CHANGES:

Article 4 Community Appearance, Buffering, Screening, Landscaping, Common Open Space, and Tree Protection

The regulations contained in this article are intended generally to ensure land use compatibility, improve aesthetics, ensure adequate provision of open space, and protect trees within the Town of Irmo.

Section 4-1 Descriptions

There are five separate types of landscaping outlined in this Code, as described below:

- A. Buffer Areas – landscaping placed around the exterior boundary of a parcel separating the subject property from adjacent properties and roads.
- B. Screening – a specific type of buffer designed to block or obscure a particular element or use, such as a dumpster or exterior storage, from view.
- C. Interior Landscaping – open space within a lot devoted to growing trees, shrubs, grass, and other vegetation, as well as decorative hardscape elements.
- D. Parking Area Landscaping – trees and associated vegetation designed to break up the expanse of a parking area.
- E. Common Open Space – open space particular to residential developments for the use and enjoyment of residents and property owners.

Section 4-2 Buffer Areas

4-2.1 Definition and purpose of buffer areas.

- a. Buffer areas shall be required to separate incompatible land uses from each other in order to reduce potential nuisances such as views, noise, and light by providing spatial separation and landscaping to soften or mitigate those impacts.
- b. The term *buffer area* refers to both the area of land where buffer vegetation is planted as well as the planting required thereon.
 - i. Both the amount of land and the type and amount of planting specified for each buffer area required by this section are designed to ameliorate conditions between incompatible adjacent land uses, or between a land use and a street.
 - ii. The planting requirements of buffer areas are intended to ensure that they reduce the impacts of adjacent incompatible land uses while also being horticulturally appropriate, as stated in Article 14, Irmo Planting Materials

4-2.2 Location of buffer areas.

- a. Buffer areas shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line, except for smaller parcels (outparcels) within a larger development where internal buffer area requirements shall be determined through the design review process of the overall development.
- b. Buffer areas shall not be located on any portion of an existing public or private street or right-of-way.
- c. Buffer areas shall not impede sight triangles at drives or intersections.

4-2.3 Determination of Buffer area requirements.

To determine the Buffer area required between two adjacent parcels or between a parcel and a street, the following procedure shall be followed:

- a. Identify the proposed land use.
- b. Identify the adjacent land use along each property line or segment of property line. If the adjacent parcel is undeveloped (vacant), determine the zoning from the Zoning Map. The adjacent Future Land Use as designated by the Comprehensive Plan may be used with Zoning Administrator's approval. Adjacent properties outside of Town limits will be treated the same as those within Town limits for buffering requirements.
- c. Buffer areas shall not be required adjacent to existing buffer areas which meet the intent of this ordinance. Specifically, double buffer areas are not required. However, buffer areas may be required to bring combined buffer areas up to these standards.
- d. Where no buffers are required between lots, the equivalent of a type A buffer shall be calculated for the length of the dividing property line. The calculated number of plants shall then be required somewhere on the property. The plants may be placed along the calculated property line, the interior of the property, or amongst other buffers. However, effort should be made to spread the vegetation out and not cluster all required additional plantings. These plantings will count towards the 10% required interior landscaping requirement.
- e. Use of table.
 - a. Determine the buffer area required on each boundary (or segment thereof) of the subject parcel by referring to the **Table of Buffer area Requirements** in Section 4-2.7.
 - b. The letter designations contained in the table refer to the **Table of Buffer Area Types** shown in Section 4-2.6.
- f. Required buffers shall be planted whenever a vacant parcel is developed or when permitted work equal or greater than 50% of the value of the property is performed on developed property. Property valuation is determined by the County Assessor's Office, while project valuation is determined through business licensing and associated contracts. Similarly, changes to a more intense land use shall necessitate

an increase in buffer area requirements as required by the buffer table. In all cases of redevelopment or changes in the intensity of land use, additional plantings shall be determined by the Zoning Administrator, who may grant an administrative variance at his or her professional discretion. Such findings may be appealed to the Zoning Board of Appeals.

4-2.4 Buffer area specifications.

- a. The requirements are stated in terms of the minimum width of the buffer area and the number of plants required per 100 feet of buffer area.
 - b. Multiply the length of the buffer area segment by the plant requirements to determine the quantity of plants required. Fractions are rounded up to the nearest whole number.
 - c. The “plant multiplier” is a factor by which the number of plants required for a given buffer area segment may be modified, given a change in the width of that buffer.
 - d. Arrangement of plants, as well as plant type and plant species, shall be determined through the design approval process, based upon the proposed use of the subject property and the uses of adjoining properties.
 - e. Massing and grouping of plants should be intentional and part of the overall site design. Arrangement may be either formal and regimented or naturalistic. Examples of buffer area design approaches are shown in **Section 4-2.6** for illustrative purposes only.
 - f. Where fences or walls are used, the design shall be appropriate to the project.
 - g. The ground plane of the buffer area shall be required shrubs, lawn, groundcover, and/or mulch. Bare ground shall not be allowed.
 - h. Any existing plant material, which otherwise satisfies the requirements of this section, may be counted toward satisfying all such requirements.
 - i. Irrigation is required except in certain circumstances as determined by the Zoning Administrator. Where irrigation is not in place a nearby water source shall be provided to facilitate watering of plants. See Sec. 4-2.5, below.
 - j. Plants shall meet the requirements of the American Standard for Nursery Stock.
 - k. Plants listed by Clemson University or the South Carolina Forestry Commission as invasive shall not be allowed.
2. Change in Land Use. When a land use of a previously developed parcel is changed to a more intense land use (according to Table 7.7), the buffer area shall be increased as necessary to meet the requirements for buffer areas between the new land use and existing adjacent uses.
 3. Use of buffer areas. A buffer area may be used for passive recreation, such as paths or trails, providing all spatial and planting requirements are met. All other uses, including off-street parking, is prohibited.

4. Buffer area part of required yards. Where front, side, and rear yard setbacks or build-to lines are required the buffer areas may be established inclusive of such required setbacks.
5. Buffer areas may be interrupted to provide vehicular and/or pedestrian ingress and egress to serve the property. In this case, the widths of ingress and egress areas are subtracted from the length of the buffer area segment.

4-2.5 Maintenance

1. Requirements for Maintaining Buffers and Interior Landscaping.
 - a. Responsibility. The responsibility for maintenance of a required buffer, to include fences, shall remain with the owner of the property. Maintenance is required in order to ensure the proper functioning of a buffer as a landscaped area which reduces or eliminates nuisance and/or conflict. The owner shall be responsible for installing live, healthy plants. Replacement plants shall be provided for any required plants that die or are removed.
 - b. Maintenance. Maintenance shall consist of mowing, mulching, edging, removal of litter, removal of dead plant materials, and necessary pruning. The removal of limbs higher than eight (8) feet is prohibited unless the individual limb has died due to damage. The removal of all limbs above eight feet, i.e. "topping," is prohibited, as is preventing a tree from reaching said height by pruning. Topped trees will be required to be removed and replaced with new, healthy trees of a similar category (canopy or understory).
 - c. All planted areas shall be provided with an irrigation system. In the case of redevelopment landscaping or remote vegetation, a readily available water supply to ensure continuous healthy growth and development may be permitted by the Zoning Administrator. Failure to do so is a violation of this Ordinance and may be remedied in the manner prescribed for other violations.
 - d. Where replacement planting is required the total caliper inches of replacement trees shall equal at least one-third of the total diameter at breast height (DBH) of the trees to be removed. However, where replacement planting is required as a result of a violation of this Ordinance, the total caliper inches of replacement trees shall equal at least 100% of the total DBH of the trees that were removed. In the event trees are removed and cannot be measured, stumps may be measured or recent photographs may be studied to approximate diameter. Instead of replacement planting, parties are permitted to pay into the Town Tree Fund an amount set by Council per caliper inch. These funds will be used to plant trees on public property throughout the Town.
 - e. Where pedestrian or bicycle trails are allowed within a buffer, these trails shall be maintained to provide for their safe use. Such maintenance shall include pruning of

plants to remove obstructions, removal of dead plant materials, litter, or other hazards.

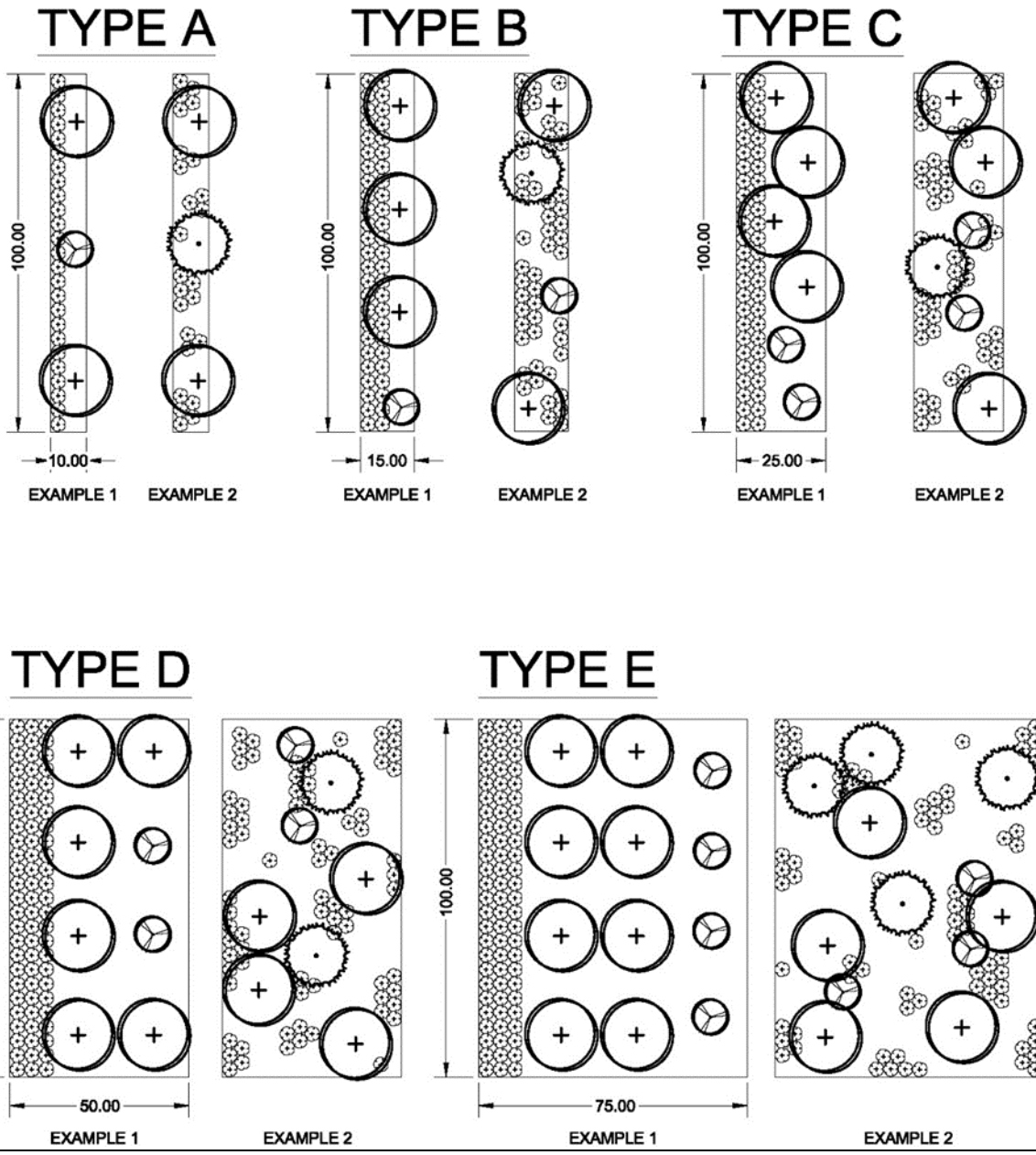
- f. Natural watercourses within a buffer shall be maintained as free-flowing and free of debris. Stream channels shall be maintained so as not to alter floodplain areas.
- g. Failure to Maintain. Failure to maintain a buffer shall be considered violation of the zoning ordinance.

4-2.6 Buffer Area Types

Buffer Type	Min. Buffer Width (Feet)	Width x .67 Plant Multiplier	Width x .5 Plant Multiplier	Width with Opaque Screen	Canopy Trees, Understory Trees, and/or Upright Evergreen per 100 LF	
					Shrubs per 100 LF	Shrubs per 100 LF
Type A	10	*	*	*	3	25
Type B	15	*	*	A	4	50
Type C	25	50	75	B	6	50
Type D	50	75	100	C	8	75
Type E	75	100	150	D	12	75

1. **Opaque Screens** may be wood or masonry (block, brick, or stucco) and must be a minimum of 6'-0" tall and placed at the property line. If screening is used the buffer area requirement defaults to the next less intensive buffer area planting and width requirements. Along streets, opaque screens shall be placed at the interior edge of the buffer, not at the property line. Opaque screens may not be used along streets for Type A, B, or C buffers, except for residential uses, in which case no reduction of buffer type shall apply.
2. **Berms** must be two feet (2') in height and have a minimum crown width of two feet (2'). Buffer width may be reduced by 25% with the inclusion of a landscaped earth berm in addition to the required number of plantings. Reduction requires Zoning Administrator approval.
3. **Canopy Trees, Understory Trees, and Upright Evergreen Trees** must be selected from the list of approved species. Canopy trees must be a minimum of 2.5" caliper at planting. Upright Evergreens and Understory Trees must be a minimum of 6'-0" tall at planting and should generally be specified as 6' - 8' tall. Over the total length of all buffer areas for a project, tree species and type may vary, as appropriate to the project. However, at least 1/3 of the total number of required trees shall be Canopy Trees. Likewise, no more than 1/3 of the total number of required trees shall be Understory Trees. Buffer area designs are subject to approval by the Town Community Development Director. Palmetto (Sabal palmetto) shall not count toward required tree requirements except by special exception. When allowed, Palmettos may be substituted at a ratio of three palmettos for each required tree.

4. **Evergreen and Deciduous Shrubs** must be a minimum size of 3 gallon at installation but shall be species that reach a mature height of at least 6'-0". Other smaller shrubs and groundcover may be included as part of the overall buffer design but shall not count towards this requirement. For Type A, B, and C buffer areas fronting streets, the 6'-0" requirement does not apply.



4-2.7 Table of Buffer Area Requirements

Proposed Land Use	Existing Land Use of Adjacent Parcel															
	Single Family Detached	Duplex	Townhomes	Multi-Family	Mobile Homes	Nursing Home/Assisted Living	Mixed use	Religious	Schools	Office/Professional	Retail/Commercial	Light Industrial	Heavy Industrial	Arterial Street	Collector Street	Local Street
Single Family Detached ¹	*	*	*	*	*	B	B	B	B	B	B	B	B	B	A	A
Duplex ¹	*	*	*	*	*	B	B	B	B	B	B	B	B	B	B	B
Townhomes ¹	*	*	*	*	*	B	B	B	B	B	B	B	B	C	B	B
Multi-Family	D	C	B	*	*	B	B	B	A	A	A	B	B	C	B	B
Mobile Homes	D	D	D	D	*	D	D	D	D	D	D	D	D	D	D	D
Nursing Home/Assisted Living	B	B	B	A	A	*	B	B	B	B	B	C	C	C	C	C
Mixed use ²	*	*	*	*	*	*	*	*	*	*	*	*	*	B	B	B
Religious	C	B	B	B	*	*	*	*	*	*	*	*	*	A	A	A
Schools	B	B	B	B	B	B	B	B	*	B	B	C	C	A	A	A
Office/Professional	C	C	B	B	B	B	*	B	C	*	*	B	B	B	B	B
Retail/Commercial	D	C	C	C	C	C	*	C	C	*	*	B	B	B	B	B
Light Industrial	E	E	E	D	D	D	D	D	D	C	C	*	B	E	E	E
Heavy Industrial	E	E	E	E	E	E	E	E	E	D	D	*	*	E	E	E

1 - If the project addresses (faces) the street, no street buffer is required. If the project backs up to (doesn't face) the street, street buffers are required as shown.

2 - All buffers for mixed-use districts, both internal and external, shall be defined in the development plan, if required. If not defined in the development plan, they default to standard buffers. Required buffers for outparcels that are part of a larger project shall be determined through the design review process of the overall development.

* - No buffer required on property line, but equivalent of Type A to be planted on lot.

4-2.8 Existing Plant Material

1. Where practicable, the natural vegetation on a site shall be preserved according to the provisions of this chapter and the Town Tree Protection Ordinance.
2. Wherever healthy plant material exists on a site, the above-mentioned standards may be adjusted to allow credit for such plant material, if, in the opinion of the Zoning Administrator, such adjustment is in the best interests of the Town and preserves all intents of this chapter and the Tree Protection Ordinance.

Section 4-3 Screening

4-3.1 Definition

Screening is a type of buffer that is designed to block or obscure a particular element or use from view.

4-3.2 Purpose

The purpose of screening is to minimize, if not eliminate entirely, the visual impact of potentially unsightly open storage areas, mechanical equipment, and refuse disposal facilities.

4-3.3 Where Required

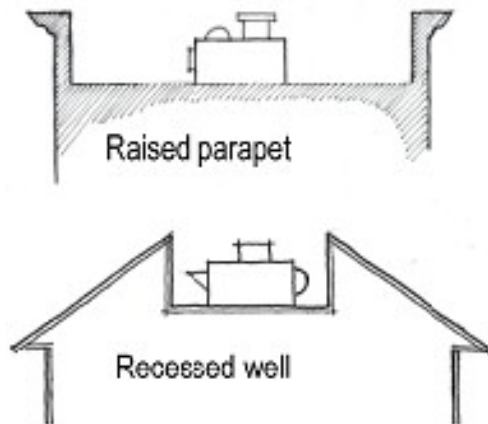
Screening specified by this Section shall be required of all open storage areas not devoted to retail sales visible from any public street which includes:

- A. Open storage areas for building materials, salvage materials, and similar unenclosed uses
- B. Appliances
- C. Mechanical systems, including roof-mounted heating ventilation and air conditioning (HVAC)
- D. Trash containers of four or more cubic yards
- E. Shipping Containers, where permitted

Screening shall be required for A-E above on all proposed new multi-family and non-residential uses, as well as whenever such uses as above are newly utilized on existing non-residential and multi-family uses.

4-3.4 Type Screening Required

Screening shall be accomplished by an opaque divide not less than six feet high or the height of the object to be screened, whichever is greater. Screening may be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, proper siting of disruptive elements, building placement or other design techniques approved by the Planning Commission. Roof-mounted mechanical systems shall be screened by architectural features such as parapet walls.



4-3.5 Retention Pond Screening

Where a retention or detention pond is included in the site design, said pond shall be landscaped by the use of sight-obscuring plant materials (generally evergreens), and be in compliance with all applicable County, State and Federal regulations.

Section 4-4 Landscaping

4-4.1 Definition

Landscaping is a type of open space permanently devoted and maintained for the growing of trees, shrubbery, and ground covers with complementary grass and mulch, as well as the addition of decorative features to the land such as plazas, courtyards, and other hardscape elements.

4-4.2 Purpose

The purpose of landscaping is to improve the appearance of vehicular use areas and development abutting public rights-of-way; to protect, preserve, and promote the aesthetic appeal, scenic beauty, character and value of land; and to promote public health and safety through the reduction of noise pollution, storm water runoff, air pollution, visual pollution, and artificial light glare.

4-4.3 Where Required

No proposed commercial, institutional, industrial, or other non-residential use, or multi-family development, shall hereafter be established and subsequently used unless landscaping is provided in accordance with the provisions of this Section. No existing building, structure, or vehicular use area shall be expanded or enlarged by 50 percent or more or renovated at 50% or more of value unless the minimum landscaping required by the provisions of this Section is provided throughout the building site. In all cases of redevelopment or changes in the intensity of land use, additional plantings shall be determined by the Zoning Administrator, who may grant an administrative variance at his or her professional discretion.

4-4.4 Interior Landscaping

- a. The area to be landscaped shall be 10% of the total gross lot area.
- b. This amount of land shall be devoted to landscaping, which includes hardscape elements (plazas and courtyards), trees, shrubs, and ground covers, with complementary grass, mulch, and other landscape treatment.
- c. Any required landscaping, including parking lot islands or screening may be included in the required landscaped area. However, the required minimum bufferyards are excluded except as outlined in Sec. 4-2.3.

4-4.5 Parking Area Landscaping

- a. All open vehicular use areas containing 10 more parking spaces require one medium- or large-maturing tree per ten parking spaces.
- b. Parking lots shall contain planter islands and peripheral landscaping to provide breaks in the expanse of paving.
 1. Landscaped islands shall be required. A maximum of 10 parking spaces in a row will be allowed without a landscaped island. However, this requirement may be adjusted by the Zoning Administrator, when strict application will significantly limit the efficiency of the parking area.

2. Planter islands shall have a minimum of 150 square feet in area (approximately 9'-0" x 18'-0" with appropriate radii).
3. Planter islands shall contain at least one 2.5-inch-caliper Canopy Tree.
4. Light poles, transformers, junction boxes, water meters, and/or fire hydrants shall not be placed where they conflict with required trees.
5. The island shall be landscaped with shrubs, ornamental grasses, groundcover, and/or mulch. The use of lawn within an island should be avoided or minimized.

4-4.6 Parking Curbs

All landscaped areas in or adjacent to parking areas shall be protected from vehicular damage by a raised concrete curb or an equivalent barrier. The barrier need not be continuous.



4-4.7 Parking and Interior Landscaping Widths

Trees shall have a minimum of 16 square feet of open soil surface area when planted in tree wells or concrete cutouts. Otherwise, trees shall have the minimum open soil surface areas listed below.

- A. Small-maturing trees - 16 square feet (four feet x four feet).
- B. Medium-maturing trees - 64 square feet (eight feet x eight feet).
- C. Large-maturing trees - 144 square feet (12 feet x 12 feet).
- D. Landscaped areas must be at least 25 square feet in size and a minimum of three feet wide to qualify.

4-4.8 Landscaping Plan

A landscaping plan shall be submitted as part of the application for a zoning permit. Applicants shall submit two (2) copies and one (1) digital landscaping plan either separately or with site plans. The plan shall contain:

- A. Name of the proposed development; the name, address, telephone number, and email address of the developer and the project designer; and a location map showing the proposed project; and,

- B. Scaled plan no smaller than one inch equals 30 feet and no larger than 24" x 36", showing the actual size, shape, and location of all existing and proposed features and landscaping as follows:
 - 1. Proposed and existing buildings, pavements, rights-of-way/utility easements, watercourses, floodways/wetland, detention/retention pond, and final grades after grading;
 - 2. Proposed landscaping, hardscaping, decorative features, and irrigation/watering system;
 - 3. A table of planting materials stating species (botanical and common names), quantity, height, spread, and installation size (Section 4-1.6(a)) for all plants, using per Article 14 Irmo Planting Materials); and,
 - 4. Tree survey, where applicable, per Section 4-5.4 and,
 - a. Significant Trees Identification per Section 4-5.2 and Section 4-5.5.
 - b. Distinguish trees and vegetation to be removed and/or preserved.

Section 4-5 Common Open Space

4-5.1 Definition

Common open space consists of land and/or water bodies used for recreation, amenity, or buffer in residential developments; it shall be freely accessible to all residents and property owners of a development, where required by this Ordinance. Open space shall not be occupied by buildings or structures other than those in conjunction with the use of the open space, including associated roads or parking, nor shall it include the yards or lots of residential dwelling units required to meet minimum lot area or parking area requirements.

4-5.2 Purpose

The purpose of this Section is to ensure adequate open space for residential development; to integrate recreation, landscaping, greenery and/or natural areas into such projects; to promote the health and safety of residents of such projects; and to compensate for the loss of open space inherent in single-family residential projects.

4-5.3 Where Required

The following uses/projects consisting of nine or more units shall provide common open space in the amounts prescribed:

Proposed Uses/Projects	Common Open Space Ratio (% of total development acreage)
Cluster developments (Conservation Design)	60
Town house projects	15
Multi-family projects	20
Single-family subdivisions of 10 or	10

- A. *New sites.* No proposed development, building, or structure in connection with the above shall hereafter be erected or used unless common open space is provided in accordance with the provisions of this Section.
- B. *Existing sites.* Expansion or enlargement of an existing development of 50 percent or more shall meet in full the minimum common open space requirements of this Section for the entire site. Expansion or enlargement involving less than 50 percent shall meet the minimum requirements for the enlargement only.

4-5.4 Common Open Space Plan

Proposed uses/projects set forth in section 4-5.3 shall submit an open space or landscaping plan as part of the application for a building permit. The plan shall:

- A. Designate areas to be reserved as open space. The specific design of open space shall be sensitive to the physical and design characteristics of the site.
- B. Designate the type of open space which will be provided and indicate the location of plant materials, decorative features, recreational facilities, etc.
- C. Specify the manner in which common open space shall be perpetuated, maintained, and administered.

4-5.5 Types of Common Open Space and Required Maintenance.

The types of common open space which may be provided to satisfy the requirements of this Ordinance together with the maintenance required for each are as follows:

- A. Natural areas are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands and wetlands are specific types of natural areas. Maintenance is limited to removal of litter, dead trees, plant materials, and brush. Natural water courses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter flood plain levels.
- B. Recreational areas are designed for specific active recreational uses, such as tot lots, tennis courts, swimming pools, ballfields, and similar uses. Recreational areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that there exists no hazards, nuisances, or unhealthy conditions.
- C. Greenways are linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas is encouraged. Maintenance is limited to a minimum of removal and avoidance of hazards, nuisances, or unhealthy conditions.
- D. Landscaped areas, lawns and required buffer areas, including creative hardscaped areas with gravel and pavers (tile, stone, brick, etc.), so long as the paver area does not occupy more than ten percent of the required open space or unless the pavers are made of pervious material. Lawns, with or without trees and shrubs, shall be watered regularly to ensure survival and mowed regularly to ensure neatness.

Landscaped areas shall be trimmed, cleaned, and weeded regularly.

- E. Retention ponds and the adjacent landscaped area may be considered as common open space by the Zoning Administrator if the area is accessible, landscaped, and incorporates amenities such as benches, fishing piers, fountains or a trail system.

4-5.6 Preservation of Open Space

Land designated as common open space may not be separately sold, subdivided, or developed. Open space areas shall be maintained so that their use and enjoyment as open spaces are not diminished or destroyed. Open space areas may be owned, preserved, and maintained as required by this Section by any of the following mechanisms or combinations thereof:

- A. Dedication of and acceptance by the Town.
- B. Common ownership of the open space by a home-owner's association which assumes full responsibility for its maintenance.
- C. Deed restricted, private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance.
- D. In the event that any private owner of open space fails to maintain same, the Town may, in accordance with the open space plan and following reasonable notice, demand that deficiency of maintenance be corrected and may enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

Section 4-6 Private Tree Protection

4-6.1 Purpose

The purpose of this Section is to protect and sustain the intrinsic value of trees and their ability to promote the public health, safety, and general welfare; to lessen air pollution; to increase air filtration; to reduce noise, heat and glare; to prevent soil erosion; to aid in surface drainage and minimize flooding; and to beautify and enhance the environment.

4-6.2 Protection of Significant Trees

Any pine tree measuring twenty (20) inches DBH (diameter breast high) or greater and all other tree species measuring twelve (12) inches DBH or greater shall constitute a "significant tree" for purposes of this Ordinance and shall be protected to the extent practical and feasible. To this end, no person, firm, organization, society, association, or corporation, or any agent or representative thereof, shall directly or indirectly destroy or remove any tree in violation of the terms of this Section.

4-6.3 Exceptions

Commercial timber, tree farms, nurseries, and agricultural operations are exempt from the protective requirements of this Section. Property cleared under the exceptions of this Section shall not be redeveloped and the Town shall withhold any development permit for a period of 24 months, unless a tree replacement schedule, approved by the Planning Commission, has been implemented.

4-6.4 Tree Survey

Prior to grading or clearing a lot or parcel for development and the issuance of a grading or building permit, the developer/owner applicant shall have conducted a tree survey identifying the location of all significant trees. Said trees shall be shown on a survey plat and physically marked with brightly colored tape or other markings.

4-6.5 Site Design (Significant Trees)

The design of any land development project or subdivision shall take into considerations the location of all significant trees identified on the tree survey. Lot and site design shall minimize the need to fell significant trees. Within any required buffer, common open space, screening, or landscaped area, all significant trees shall be utilized to the extent practicable to meet the tree planting requirements of this Article. Site plans shall clearly demonstrate the incorporation of significant trees into buffer, open space, screening, and landscape design. Outside of the buildable area, within the required setback areas, no more than 25 percent of significant trees shall be removed without replacement.

The site design shall be presented on a site plan showing:

- A. Existing location and size of all significant trees.
- B. Trees to be removed.
- C. Trees to be preserved.
- D. Percent of significant trees to be removed from the buildable area.

Site plan approval by the Zoning Administrator shall be prerequisite to the issuance of a grading and/or building permit.

4-6.6 Tree Protection

- A. *Prior to development.* Where a grading permit, building permit, or subdivision approval has not been issued, the destruction of any significant tree, as defined by this Section, without prior approval of the Zoning Administrator, shall be prohibited.
- B. *During development.* During development, a minimum protective zone, marked by barriers, shall be established (erected) at the dripline and maintained around all trees to be retained as required by this Section. There shall be no construction, paving, grading, operation of equipment or vehicles, or storage [of] materials within this protected zone.
- C. *After development.* No person shall break, damage, remove, cut, kill, or cause to be killed any significant tree, except for the following:
 - 1. In the event that any tree shall be determined to endanger the public health, safety or welfare, and require removal, written authorization may be given by the Zoning Administrator and the tree or parts thereof (i.e. dead limbs) removed.
 - 2. During the period of an emergency, such as a hurricane, tornado, ice storm, flood, or any other act of nature, the Zoning Administrator may waive the requirements of this Section.
 - 3. Where due to unusual site conditions or circumstances, the requirements of this Section pose a constraint to development and/or the use of a site or parcel, the Zoning Administrator or Zoning Board of Appeals may adjust the

requirements as necessary to moderate the constraint.

4. Trees involved in wetland mitigation.
5. Diseased (unhealthy) or invasive trees, with approval of the Zoning Administrator.
6. Trees located on lots occupied by single-family housing are not included in this ordinance.

4-6.7 Tree Replacement

Where significant trees have been removed, due to site design; where removal is necessitated at any time due to acts of negligence; or where sites were cleared of significant trees in violation of this Section, replacement trees shall be planted in accordance with a replacement schedule approved by the Zoning Administrator or Zoning Board of Appeals, who shall specify the number, species, DBH, and location of replacement trees, using the following criteria:

- A. Combined DBH of replacement trees is equal to or greater than the DBH of the trees removed and;
- B. Individual replacement trees are of the largest transplantable DBH available

In the event trees are removed and cannot be measured, stumps may be measured or recent photographs may be studied to approximate diameter.

Where replacement of trees is not feasible and/or desirable, the property owner may pay into the Town Tree Fund an amount set by Council per diameter inch removed with approval of the Zoning Administrator. These funds will be used by the Town to plant trees on public property.

Where, due to clear cutting in violation of this Section, the number of significant trees removed is unknown, a replacement plan specifying the numbers, species, DBH, and location of replacement trees shall be submitted to and approved by the Zoning Administrator prior to the issuance of a building permit. The Zoning Administrator may also require the inclusion of berms, walls, and/or more intensive buffer plantings prescribed by ordinance to help mitigate the effects of illegal clear cutting on the adjacent property.

Where replacement of trees is not feasible and/or desirable following a clear-cutting violation, the property owner may pay into the Town Tree Fund an amount set per Council per acre of property cleared, with the approval of the Zoning Administrator. These funds will be used by the Town to plant trees on public property.

As per the Town's code concerning Forestry Activity, the Town may deny a grading, land development, or building permit for one year after completion of a legal timbering operation or five years for a timbering operation in violation of Town regulations. See the Town's Land Development Design Standards for more information.



TOWN OF IRMO MASTER FEE SCHEDULE

DEPARTMENT/PROGRAM	DETAIL	FY 2023-2024 FEE
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ADMINISTRATION		
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FOIA Fee	First 30 minutes	\$ 4.00
	Each additional minute	\$ 0.40
	Additional for digital media burned to CD/DVD	\$ 5.00
	Per B/W printed copy	\$ 0.10
	Per color printed copy	\$ 0.25
Returned check fee	Per Check	\$ 25.00

POLICE DEPARTMENT		
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Administration	Collision & Incident Reports	FOIA Fee*
Officer	Security Services per Hour	\$ 50.00
Officer	Traffic Control per Hour	\$ 50.00
Officer	Holiday Rate (Traffic/Security) per Hour	\$ 100.00

*Free to victims or those listed on the case file

Tickets/Fines

Handicapped Parking	\$ 500.00
No Parking Zone	\$ 50.00
Fire Lane	\$ 200.00
Parked on Yellow Curb	\$ 50.00
Blocking Street	\$ 200.00
Blocking Sidewalk	\$ 50.00
Parking within 15 ft of fire hydrant	\$ 200.00
Blocking Crosswalk	\$ 50.00
Blocking Driveway	\$ 50.00

* Penalty of \$25 if Handicapped Parking fine not paid within 5 days; all others \$10 penalty if not paid within 5 days

PLANNING, ZONING , AND COMMUNITY DEVELOPMENT		
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Zoning	Zoning Permit	\$ 50.00
Zoning	Administrative Appeal	\$ 100.00
Zoning	Variance, Special Exception, or Annexation Application	\$ 100.00
Zoning	Verification Letters	\$ 25.00
Permitting	Special Events Permit	\$ 25.00
Permitting	Sign Permit	\$ 50.00
Permitting	Communication Tower Permit (New Construction or Co-Location)	\$ 200.00

Permitting	Moving a Building (No Construction)	\$ 150.00
Permitting	Moving a Mobile Home; New, Used or De-Title	\$ 165.00
Permitting	Appeals of Building Codes Application	\$ 75.00
Permitting	Tree Removal Application	\$ 25.00
Permitting	Tree Mitigation	\$75/caliper inch
Permitting	Tree Mitigation for Clear Cutting	Max Fee of \$10,000/acre
Permitting	Locating Small Cell Wireless on New Pole	\$ 1,000.00
Permitting	Locating Small Cell Wireless on Modified or Replacement Poles	\$ 250.00
Permitting	Locating Small Cell Wireless on existing poles or support structures	\$ 100.00

Building Permit Fees - Through CC&I	
Value of Work	Permit Fee Amount
Less than \$5,000	\$ 55.00
\$5,001 to \$100,000	\$55.00 plus \$9.50/\$1,000
\$100,001 to \$1,000,000	\$955.00 plus \$4.25/\$1,000
\$1,000,001 to \$5,000,000	\$4,750.00 plus \$3.20/\$1,000
\$5,000,001 and Up	\$17,385.00 plus \$2.15/\$1,000

Value of work shall be determined by the construction cost or by using the latest ICC Building Valuation Date using the South Carolina Multiplier

Penalties: Permit fees shall be doubled if construction begins prior to obtaining permits

Plan Review Fees - Through CC&I	
Commercial	50% of Permit Fee
Residential	10% of Permit Fee

Demolition Permit Fees - Through CC&I	
Commercial	\$ 155.00
Residential	\$ 105.00
Three Stories	\$ 225.00
Each Additional Story	\$ 30.00

Subtrade Permit Fees - Through CC&I	
Electrical Permit	\$4.75/\$1,000 for jobs over \$1,000 plus \$50.00 base fee
Gas Permit	
Mechanical Permit	
Plumbing Permit	

*Unit is defined as any structure having a separate electric meter

Re-Inspection Fees (All Inspection Types) - Through CC&I	
1st Re-inspection	\$ 65.00
2nd Re-Inspection	\$ 65.00
3rd and Greater	\$ 65.00

Sediment Control & Drainage Plan Submittal Fees	
1 acre or less	\$ 50.00
1+ to 2 acres	\$ 100.00
2+ to 5 acres	\$ 150.00
5+ to 10 acres	\$ 200.00
10+ to 20 acres	\$ 250.00
20+ to 50 acres	\$ 300.00
50+ to 100 acres	\$ 350.00
100+ acres	\$ 400.00

Solid Waste & Stormwater Fees*	
January	\$ 300.00
February	\$ 275.00
March	\$ 250.00
April	\$ 225.00
May	\$ 200.00
June	\$ 175.00
July	\$ 150.00
August	\$ 125.00
September	\$ 400.00
October	\$ 375.00
November	\$ 350.00
December	\$ 325.00
Annual Solid Waste/Stormwater Fee	\$ 300.00
Recycling Bin	\$ 50.00

*Includes \$8.00 annual stormwater fee; Fees listed beside month reflect first time fees for the remainder of the year prior to fees being placed on County property taxes. Annual fee of \$300 thereafter.

Business License					
In Town Rate Class	Income: \$0-\$2,000 (Minimum)	Over \$2,000 per thousand	Out of Town Rate Class	Income: \$0-\$2,000 (Minimum)	Over \$2,000 Per Thousand
1	\$35.00	\$0.90	1A	\$70.00	\$1.80
2	\$40.00	\$1.00	2A	\$80.00	\$2.00
3	\$45.00	\$1.10	3A	\$90.00	\$2.20
4	\$50.00	\$1.20	4A	\$100.00	\$2.40
5	\$55.00	\$1.30	5A	\$110.00	\$2.60
6	\$60.00	\$1.40	6A	\$120.00	\$2.80
7	\$65.00	\$1.50	7A	\$130.00	\$3.00
8.1	\$30.00	\$1.00	8.1A	\$60.00	\$2.00
8	See additional class 8 rate details below				
9.3	\$200.00	\$0.65	9.3A	\$400.00	\$1.30
9.41	\$20.00	\$1.75	9.42A	\$100.00	\$3.50

Declining Scale applies in all Classes for gross income in excess of \$1,000,000

Gross Income in \$Millions	Percent in Class Rate for Each Additional
0-1	100%
1-2	90%
2-3	80%
3-4	70%
Over 4	60%

Class 8 Additional Rates

Rate Class	Description	Rate
8.2	Railroad	Set by State Statute
8.3	Telephone Companies	MASC Telecommunications
8.4	Insurance Companies and Brokers	MASC Insurance
8.51	Amusement Machines, Coin Operated (Except Gambling)	\$12.50 + \$12.50/Machine
8.52	Amusement Machines, Coin Operated (Non-Payout)	\$12.50 + \$12.50/Machine
8.6	Billiard or Pool Rooms, All Types	\$50.00 + \$5 or \$12.50/Table

Business Licenses expire April 30th. A 5% penalty accrues as of May 1st and each successive month thereafter.

FACILITY RENTAL

Amphitheater	Security Deposit	\$ 500.00
	Daily Rental Fee	\$ 1,500.00
Amphitheater (In-Town Church)	Security Deposit	\$ 200.00
	Daily Rental Fee (first four hours)	\$ 100.00
	Per hour after 4 hours	\$ 25.00
Amphitheater (Out-of-Town Church)	Security Deposit	\$ 500.00
	Daily Rental Fee (first four hours)	\$ 250.00
	Per hour after 4 hours	\$ 100.00
Gazebo (In-Town)	Security Deposit	\$ 150.00
	Daily Rental Fee (first four hours)	\$ 75.00
	Per hour after 4 hours	\$ 25.00
Gazebo (Out of Town)	Security Deposit	\$ 250.00
	Rental Fee per Hour	\$ 125.00
Picnic Shelter (In-Town)	Security Deposit	\$ 150.00
	Daily Rental Fee (first four hours)	\$ 85.00
	Per hour after 4 hours	\$ 25.00
Picnic Shelter (Out of Town)	Security Deposit	\$ 250.00
	Daily Rental Fee (first four hours)	\$ 300.00
	Per hour after 4 hours	\$ 100.00

OTHER CHARGES & FEES

Hospitality Tax	Richland County	1% of monthly gross receipts on sale of prepared foods	
	Lexington County	2% of monthly gross receipts on sale of prepared foods	
Rental Registration			\$ 250.00
Rental Registration Late Fee			\$ 500.00
Set-Off Debt Collection			\$ 25.00
Replacement of Trees removed from Public Property			\$ 300.00
Request to close, acquire or use a municipal street right-of-way			\$ 100.00
Small Cell Wireless	Annual Fee for Placement on an existing pole		\$ 100.00
Small Cell Wireless	Annual Fee for Placement on a new pole		\$ 200.00
Small Cell Wireless	Annual Fee for Placement on a Municipal Pole		\$ 50.00

CURRENT ORDINANCE:

3-10.2 Intersection Sight Distance

Intersection sight distance shall be as determined by the most recent edition of the SCDOT Access and Roadside Management Standards (ARMS). The following is from Chapter 7 of the current (2008) ARMS edition:

Intersection Sight Distance (ISD)- The sight distance required within the corners of intersections to safely allow a variety of vehicular access or crossing maneuvers based on the type of traffic control at the intersection.

For an at-grade intersection to operate properly, adequate sight distance should be available. The designer should provide sufficient sight distance for a driver to perceive potential conflicts and to perform the actions needed to negotiate the intersection safely. The additional costs and impacts of removing sight obstructions are often justified. In general, intersection sight distance (ISD) refers to the corner sight distance available in intersection quadrants that allows a driver approaching an intersection to observe the actions of vehicles on the crossing leg(s). ISD evaluations involve establishing the needed sight triangle in each quadrant by determining the legs of the triangle on the two intersecting roadways. The necessary clear sight triangle is based on the type of traffic control at the intersection and on the design speeds of the two roadways. The types of traffic control and maneuvers are as follows:

- Case A – Intersections with no control (not used by SCDOT),
- Case B – Intersections with stop control on the minor road:
 - Case B1 – Left-turn from the minor road,
 - Case B2 – Right-turn from the minor road,
 - Case B3 – Crossing maneuver from the minor road,
- Case C – Intersections with yield control on the minor road:
 - Case C1 – Crossing maneuver from the minor road (not used by SCDOT),
 - Case C2 – Left- or right-turn from the minor road,
- Case D – Intersections with traffic signal control,
- Case E – Intersections with all-way stop control, and
- Case F – Left turns from the major road.

Article 4 Community Appearance, Buffering, Screening, Landscaping, Common Open Space, and Tree Protection

The regulations contained in this article are intended generally to ensure land use compatibility, improve aesthetics, ensure adequate provision of open space, and protect trees within the Town of Irmo.

Section 4-1 Buffer Areas

4-1.1 Definitions

A buffer area is a unit of yard, together with plantings, fences, walls, and other screening devices required thereon.

4-1.2 Purpose

The purpose of a buffer area is to ameliorate any potential adverse impact between adjacent land uses and streets and promote land use compatibility.

4-1.3 Location

Buffer areas shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. For purposes of complying with this Section, they shall not be located on any portion of an existing street or right-of-way; however, they may occupy part or all of any required front, side, or rear yard setback. Where specified by this Section, buffer areas and/or buffer area structures shall be developed as an integral part of the proposed use.

4-1.4 Determination of Buffer Area Requirements

Buffer areas shall be required under the following circumstances:

- A. *Type A buffer area required.* Whenever a new or fifty percent enlargement of an existing multi-family building, manufactured home park, or non-residential use is proposed, a type A buffer area shall be provided along the street right-of-way boundary of the proposed use, separating it from the adjoining street.
- B. *Type B buffer area required.* Whenever a new or fifty percent enlargement of an existing multi-family building, office, or institutional use is proposed for a site or lot adjoining an RS or RG zoning district or an existing single-family use in other zoning districts, with no intervening public or private street or right-of-way of 18 feet or greater, a type B buffer area shall be provided along the boundary of the adjoining residential property line.
- C. *Type C buffer area required.* Whenever any new or fifty percent enlargement of an existing retail use, shopping center, or other non-residential use not regulated by subsection (2) or (4) of this Section is proposed for a site or lot adjoining an RS or RG zoning district or a residential use in other zoning districts with no intervening public or private street or right-of-way of 18 feet or greater, a type C buffer area shall be provided along the boundary of the adjoining residential property line.
- D. *Type D buffer area required.* Whenever a new or fifty percent enlargement of an existing industrial, warehouse, outdoor storage, or other use permitted only in the LM district is proposed for a site or lot adjoining an RS or RG zoning district or an existing residential use in other zoning districts with no intervening public or private street or right-of-way of 18 feet or greater, a type D buffer area shall be provided along the boundary of the adjoining residential property line.
- E. *Type E buffer area required.* Type E buffers are low-density screens required between separate commercial uses on adjacent properties. Type E buffers are not required between commercial uses within multi-tenant commercial developments. Type E buffers shall be required along the boundary lines of adjoining commercial uses.

4-1.4(1) Zoning Change

If the zoning district classification for an existing use or parcel changes, then the parcel shall comply with the applicable landscaping requirements of this Article or, at a minimum, the intent of this Article as prescribed by the Planning Commission. The owner(s) or developer(s) may need to install additional plant material on the parcel in order to meet the intent of this Article, especially on developed sites, or to bring the parcel up to the standards for the type of perimeter landscaping which would be required under this Article.

4-1.5 Design Standards

Five types of buffer areas are required by this Ordinance, type A, type B, type C, type D, and type E. A description of each follows:

- A. *Type "A" buffer area.* The type A buffer area shall consist of landscaping not less than five feet in width, which shall be covered in its entirety with grass, low growth shrubs, or other permeable ground cover approved by the Planning Commission, or a combination thereof. Where existing ground cover exists on the street right-of-way, at the edge of the property line, it may be incorporated into a type A buffer yard to the extent necessary to meet the five feet minimum width requirement. An entirely grassed area not incorporating other landscaping material shall not meet Type A buffer standards. Planting of trees in a Type A buffer area is encouraged, provided that line of sight and overhead power lines are considered.
- B. *Type "B" buffer area.* The type B buffer area is a low-medium density screen intended to block visual contact between uses and to create spatial separation. The buffer area shall be a minimum width of ten feet. Per every 100 lineal feet, the screen shall consist of a combination of two medium-maturing evergreen trees planted 40 to 60 feet on center, eight evergreen shrubs ten feet on center, and appropriate growth cover throughout.
- C. *Type "C" buffer area.* The type C buffer area is a medium-high density screen intended to exclude all visual contact between uses and to create spatial separation. The buffer area shall be a minimum width of 20 feet. Per 100 lineal feet or fraction thereof, the screen shall consist of a combination of six large-maturing trees, and five small-maturing evergreen trees planted 40 [to] 60 feet on center, and 15 three-gallon shrubs planted in double-staggered rows ten feet on center, and appropriate ground cover throughout.
- D. *Type "D" buffer area.* The type D buffer area is a high-density screen designed to provide maximum buffering and screening, to exclude all visual contact between uses and to create spatial separation. The buffer area shall be a minimum width of 30 feet. Per 100 lineal feet or fraction thereof, the screen shall consist of a combination of three medium-maturing evergreen trees planted 40 feet on center and 26 evergreen shrubs or small-maturing trees planted in triple-staggered rows ten feet apart, and appropriate ground cover throughout.
- E. *Type "E" buffer area.* The type E buffer area is a low-density screen designed to provide an aesthetic and spatial separation between commercial properties. It is not intended to exclude visible contact between uses. The type E buffer area shall be no less than five feet in width, which shall be covered in its entirety with grass, low growth shrubs, or other permeable ground cover approved by the Planning Commission. An entirely grassed area not incorporating other landscaping material shall not meet Type E buffer standards. Type E buffers may be incorporated into required parking area landscaping per section 4-3.5. Type E buffers shall accommodate and not interfere with vehicular and pedestrian connectivity between commercial developments. Access management policies should encourage off-street connectivity to minimize the need to enter the public roadway to access adjacent developments.

4-1.6 Buffer Area Specifications

- A. *Minimum installation size.* Minimum tree size at planting size shall be measured in tree caliper six inches above ground:
 1. Large maturing tree: 1.5" caliper
 2. Medium maturing tree: 1.5" caliper
 3. Small maturing tree: 1.0" caliper
 4. Shrubbery shall be a minimum of three (3) gallon container size
- B. *Minimum mature size.*

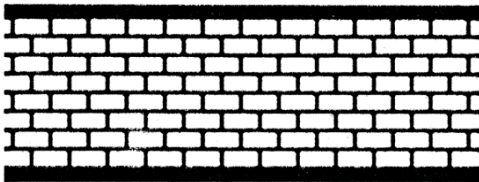
1. *Small-maturing:* A single trunk or multi-stem dimensioned tree that has the potential to reach at least fifteen (15) feet tall and fifteen (15) feet wide at maturity, but no taller than 25 feet.
 2. *Medium-maturing:* A single trunk tree whose canopy dimensions have the potential to reach at least twenty-five (25) feet tall and twenty (20) feet wide at maturity, but no taller than 40 feet.
 3. *Large-maturing:* A single trunk tree whose canopy dimensions have the potential to reach at least forty-five (45) feet tall and twenty-five (25) feet wide at maturity.
- C. *Staggered planting.* Where required, plant material shall be planted in at least two rows and in an alternating fashion to form a continuous opaque screen of plant material.

4-1.7 Substitutions and Variations

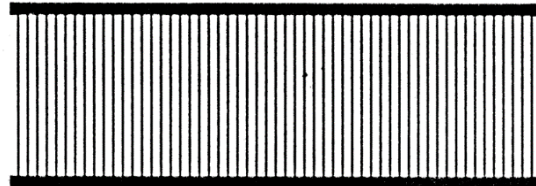
The following substitutions and variations shall satisfy the requirements of this Section:

- A. *Existing plant materials.* Existing trees meeting the requirements of this Section within the required buffer area shall be included in the computation of the required buffer area planting, with approval of the Planning Commission.
- B. *Fence or wall.* Where, owing to existing land use, lot sizes, or configurations, topography, or circumstances peculiar to a given piece of property, the buffer area requirements of this Section cannot reasonably be met, the developer(s) may request, and the Planning Commission may approve, the substitution of appropriate screening, in the way of a fence or wall structure installed at least five feet off of the property line of the proposed use in accordance with the provisions of this Section.

A six-foot fence or wall, as illustrated below, two evergreen trees, and not less than ten shrubs may be substituted for a type B or C buffer area, and not less than 20 shrubs may be substituted for a type D buffer area.



Masonry Wall

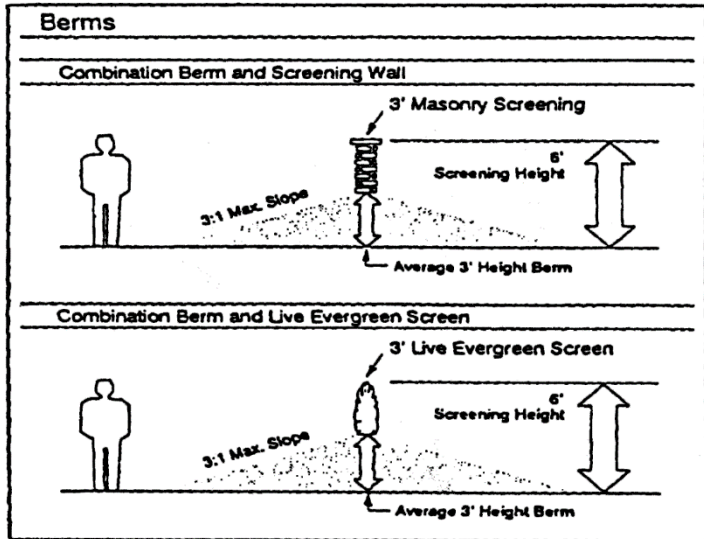


Wood Stockpile

Masonry Wall and Wood Stockpile

All fences and walls used as part of the buffer area requirements must have a finished side that is facing the adjoining property. The interior side of the fence or wall may be finished as the owner deems appropriate.

- C. *Berms.* Where berms are proposed for the buffer area, the height of required evergreen plants may be reduced, provided the berm is developed in accordance with the following illustration or variation thereof, approved by the Planning Commission.



Berms

- D. *Distance/depth.* Where added depth (width) to the buffer area is proposed, the number of required evergreen plants may be reduced at a rate of one per one foot of additional buffer area (over the minimum required), not to exceed 50 percent of the required number of evergreen plants.

4-1.8 Responsibility

It shall be the responsibility of the proposed new use to provide the buffer area where required by this Ordinance, except that no new detached single-family dwelling or duplex shall be required to provide such buffer area.

4-1.9 Maintenance of Required Buffer Area

The maintenance of required buffer areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to ensure continued buffering. Dead trees originally intended or designated to provide a screening function shall be replaced. All other dead trees shall be removed; debris and litter shall be cleaned; and berms, fences, and walls shall be maintained at all times. All planted areas shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development. Drought resistant native or adapted species may be supplied with temporary irrigation systems that can be removed after the plants are established (minimum of two years). Otherwise, permanent irrigation systems shall be installed. Failure to do so is a violation of this Ordinance and may be remedied in the manner prescribed for other violations.

4-1.10 Use of Buffer Areas

A buffer area may be used for passive recreation; however, no plant material may be removed. All other uses are prohibited, including off-street parking.

Section 4-2 Screening

4-2.1 Definition

Screening is a type of buffer that is designed to block or obscure a particular element or use from view.

4-2.2 Purpose

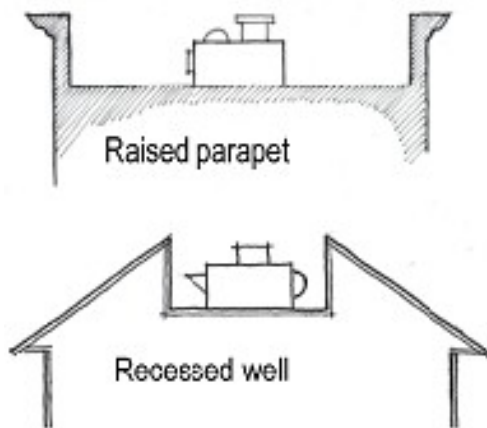
The purpose of screening is to minimize, if not eliminate entirely, the visual impact of potentially unsightly open storage areas and refuse disposal facilities.

4-2.3 Where Required

- A. Screening specified by this Section shall be required of all open storage areas not devoted to retail sales visible from any public street which includes:
- B. Open storage areas for building materials, salvage materials, and similar unenclosed uses
- C. Appliances
- D. Mechanical systems, including roof-mounted heating ventilation and air conditioning (HVAC)
- E. Trash containers of four or more cubic yards
- F. Screening shall be required per A-E above on all proposed new non-residential and multi-family uses and whenever new open storage, appliances, mechanical systems, and trash containers per A-F are utilized on existing non-residential and multi-family uses.

4-2.4 Type Screening Required

Screening shall be accomplished by an opaque divide not less than six feet high or the height of the object to be screened, whichever is greater. Screening may be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, proper siting of disruptive elements, building placement or other design techniques approved by the Planning Commission. Roof-mounted mechanical systems shall be screened by architectural features such as parapet walls.



Section 4-3 Landscaping

4-3.1 Definition

Landscaping is a type of open space permanently devoted and maintained for the growing of shrubbery, grass, and other plants, and the addition of decorative features to the land.

4-3.2 Purpose

The purpose of landscaping is to improve the appearance of vehicular use areas and development abutting public rights-of-way; to protect, preserve, and promote the aesthetic appeal, scenic beauty, character and value of land; and to promote public health and safety through the reduction of noise pollution, storm water runoff, air pollution, visual pollution, and artificial light glare.

4-3.3 Where Required

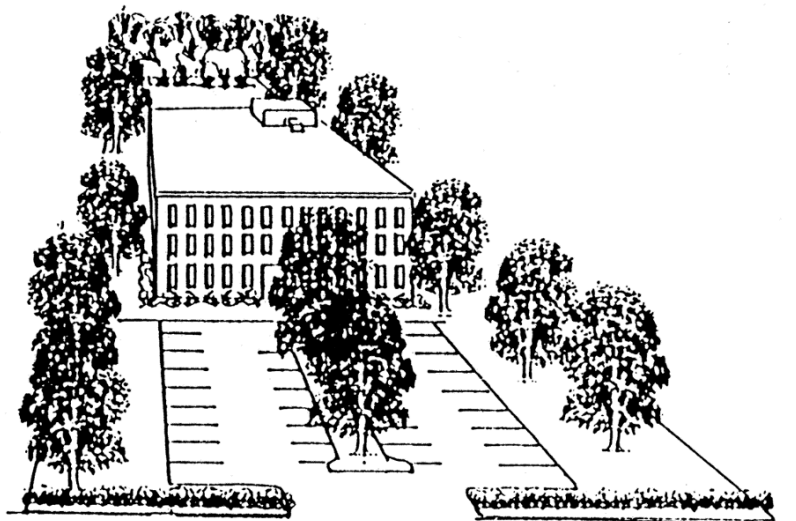
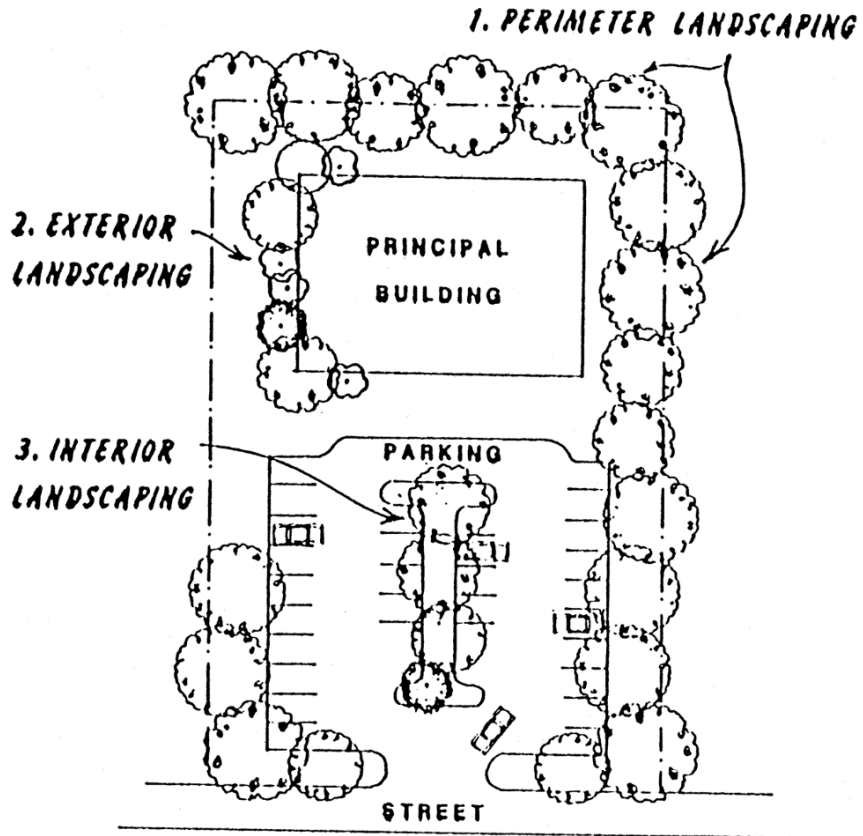
No proposed commercial, institutional, industrial, or other non-residential use shall hereafter be established and subsequently used unless landscaping is provided in accordance with the provisions of this Section. No existing building, structure, or vehicular use area shall be expanded or enlarged by 50 percent or more unless the minimum landscaping required by the provisions of this Section is provided

throughout the building site. Enlargements involving less than 50 percent shall meet the minimum requirements of the enlargement only.

At a minimum, landscaping shall be provided in the following amounts:

Use	Percentage of Lot
Institutional	15
Industrial/wholesale/storage	10
Office	10
Commercial/retail/service	5

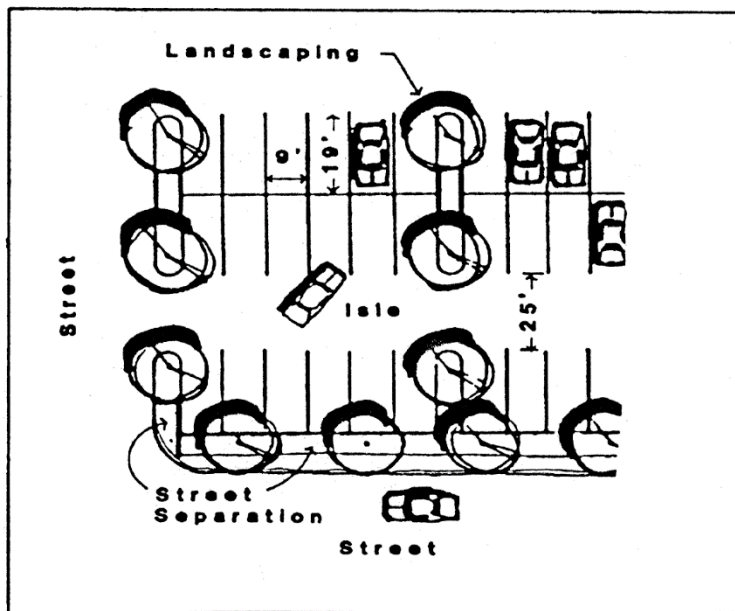
Required buffer area landscaping may provide up to 50 percent of the above requirements. Landscaping along exterior building walls and structures is suggested to separate with greenery the building from the vehicular surface area. Note that required parking area landscaping may also require that more than the minimum percentage of the lot is landscaped.



Landscaping Examples

4-3.4 Parking Area Landscaping

Additional landscaped areas shall be provided for any open vehicular use area containing 10 or more parking spaces. Landscaped areas shall be not less than 25 square feet and shall contain one medium-maturing or large-maturing tree per 10 parking spaces. Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and/or to visually block the open parking area from adjacent streets where not accomplished by perimeter buffers. Elsewhere, landscaped areas shall be designed to soften and complement the building site, and where a retention or detention pond is included in the site design, said pond shall be landscaped by the use of sight-obscuring plant materials (generally evergreens), include security fencing with a minimum height of six feet and a twelve-foot wide access gate, and be in compliance with all applicable County, State and Federal regulations.



Landscaping for parking

4-3.4(1) Parking Curbs

All landscaped areas in or adjacent to parking areas shall be protected from vehicular damage by a raised concrete curb or an equivalent barrier. The barrier need not be continuous.



Header Curb

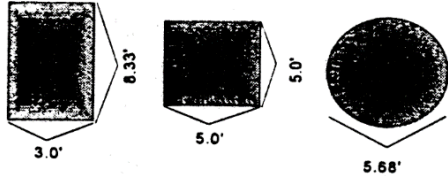


Wheel Stop

4-3.4(2) *Parking Landscape Widths*

Trees shall have a minimum of 16 square feet of open soil surface area when planted in tree wells or concrete cutouts. Otherwise, trees shall have the minimum open soil surface areas listed below.

- A. Small-maturing trees - 16 square feet (four feet x four feet).
- B. Medium-maturing trees - 64 square feet (eight feet x eight feet).
- C. Large-maturing trees - 144 square feet (12 feet x 12 feet).
- D. Landscaped areas must be at least 25 square feet in size and a minimum of three feet wide to qualify.



Landscaping width

4-3.5 Landscaping Plan

A landscaping plan shall be submitted as part of the application for a zoning permit. Applicants shall submit two (2) copies and one (1) digital landscaping plan either separately or with site plans. The plan shall contain:

- A. Name of the proposed development; the name, address, telephone number, and email address of the developer and the project designer; and a location map showing the proposed project; and,
- B. Scaled plan no smaller than one inch equals 30 feet and no larger than 24" x 36", showing the actual size, shape, and location of all existing and proposed features and landscaping as follows:
 - 1. Proposed and existing buildings, pavements, rights-of-way/utility easements, watercourses, floodways/wetland, detention/retention pond, and final grades after grading;
 - 2. Proposed landscaping, hardscaping, decorative features, and irrigation/watering system;
 - 3. A table of planting materials stating species (botanical and common names), quantity, height, spread, and installation size (Section 4-1.6(a)) for all plants, using per Article 14 Irmo Planting Materials); and,
 - 4. Tree survey, where applicable, per Section 4-5.4 and,
 - a. Significant Trees Identification per Section 4-5.2 and Section 4-5.5.
 - b. Distinguish trees and vegetation to be removed and/or preserved.

4-3.6 Required Landscaping Maintenance

The maintenance of required landscaped areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to assure their survival and aesthetic value. All planted areas shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development. Drought resistant native or adapted species may be supplied with temporary irrigation systems that can be removed after the plants are established (minimum of two years). Otherwise, permanent irrigation systems shall be installed. Failure to monitor such areas is a violation of this Ordinance and may be remedied in the manner prescribed for other violations.

Section 4-4 Common open space

4-4.1 Definition

Common open space is land and/or water bodies used for recreation, amenity, or buffer; it shall be freely accessible to all residents and property owners of a development, where required by this Ordinance. Open space shall not be occupied by buildings or structures other than those in conjunction with the use of the open space, including associated roads or parking, nor shall it include the yards or lots of residential dwelling units required to meet minimum lot area or parking area requirements.

4-4.2 Purpose

The purpose of this Section is to ensure adequate open space for residential development; to integrate recreation, landscaping, greenery and/or natural areas into such projects; to promote the health and safety of residents of such projects; and to compensate for the loss of open space inherent in single-family residential projects.

4-4.3 Where Required

The following uses/projects consisting of nine or more units shall provide common open space in the amounts prescribed:

Proposed Uses/Projects	Common Open Space Ratio (% of total development acreage)
Cluster developments (Conservation Design)	60
Town house projects	15
Manufactured home parks	15
Multi-family projects	20
Single-family subdivisions of 10 or more lots	10

- A. *New sites.* No proposed development, building, or structure in connection with the above shall hereafter be erected or used unless common open space is provided in accordance with the provisions of this Section.
- B. *Existing sites.* Expansion or enlargement of an existing building or structure of 50 percent or more shall meet in full the minimum common open space requirements of this Section for the entire site. Expansion or enlargement involving less than 50 percent shall meet the minimum requirements for the enlargement only.

4-4.4 Common Open Space Plan

Proposed uses/projects set forth in section 4-4.3 shall submit an open space or landscaping plan as part of the application for a building permit. The plan shall:

- A. Designate areas to be reserved as open space. The specific design of open space shall be sensitive to the physical and design characteristics of the site.
- B. Designate the type of open space which will be provided and indicate the location of plant materials, decorative features, recreational facilities, etc.
- C. Specify the manner in which common open space shall be perpetuated, maintained, and administered.

4-4.5 Types of Common Open Space and Required Maintenance.

The types of common open space which may be provided to satisfy the requirements of this Ordinance together with the maintenance required for each are as follows:

- A. Natural areas are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands and wetlands are specific types of natural areas. Maintenance is limited to removal of litter, dead trees, plant materials, and brush. Natural water courses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter flood plain levels.
- B. Recreational areas are designed for specific active recreational uses, such as tot lots, tennis courts, swimming pools, ballfields, and similar uses. Recreational areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that there exists no hazards, nuisances, or unhealthy conditions.
- C. Greenways are linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas is encouraged. Maintenance is limited to a minimum of removal and avoidance of hazards, nuisances, or unhealthy conditions.
- D. Landscaped areas, lawns and required buffer areas, including creative hardscaped areas with gravel and pavers (tile, stone, brick, etc.), so long as the paver area does not occupy more than ten percent of the required open space or unless the pavers are made of pervious material. Lawns, with or without trees and shrubs, shall be watered regularly to ensure survival and mowed regularly to ensure neatness. Landscaped areas shall be trimmed, cleaned, and weeded regularly.

4-4.6 Preservation of Open Space

Land designated as common open space may not be separately sold, subdivided, or developed. Open space areas shall be maintained so that their use and enjoyment as open spaces are not diminished or destroyed. Open space areas may be owned, preserved, and maintained as required by this Section by any of the following mechanisms or combinations thereof:

- A. Dedication of and acceptance by the Town.
- B. Common ownership of the open space by a home-owner's association which assumes full responsibility for its maintenance.
- C. Deed restricted, private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance.
- D. In the event that any private owner of open space fails to maintain same, the Town may, in accordance with the open space plan and following reasonable notice, demand that deficiency of maintenance be corrected and may enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

Section 4-5 Private Tree Protection

4-5.1 Purpose

The purpose of this Section is to protect and sustain the intrinsic value of trees and their ability to promote the public health, safety, and general welfare; to lessen air pollution; to increase air filtration; to reduce noise, heat and glare; to prevent soil erosion; to aid in surface drainage and minimize flooding; and to beautify and enhance the environment.

4-5.2 Protection of Significant Trees

Any pine tree measuring twenty (20) inches DBH (diameter breast high) or greater and all other tree species measuring twelve (12) inches DBH or greater shall constitute a "significant tree" for purposes of this Ordinance and shall be protected to the extent practical and feasible. To this end, no person, firm, organization, society, association, or corporation, or any agent or representative thereof, shall directly or indirectly destroy or remove any tree in violation of the terms of this Section.

4-5.3 Exceptions

Commercial timber, tree farms, nurseries, and agricultural operations are exempt from the protective requirements of this Section. Property cleared under the exceptions of this Section shall not be redeveloped and the Town shall withhold any development permit for a period of 24 months, unless a tree replacement schedule, approved by the Planning Commission, has been implemented.

4-5.4 Tree Survey

Prior to grading or clearing a lot or parcel for development and the issuance of a grading or building permit, the developer/owner applicant shall have conducted a tree survey identifying the location of all significant trees. Said trees shall be shown on a survey plat and physically marked with brightly colored tape or other markings.

4-5.5 Site Design (Significant Trees)

The design of any land development project or subdivision shall take into considerations the location of all significant trees identified on the tree survey. Lot and site design shall minimize the need to fell significant trees. Within any required buffer, common open space, screening, or landscaped area, all significant trees shall be utilized to the extent practicable to meet the tree planting requirements of this Article. Site plans shall clearly demonstrate the incorporation of significant trees into buffer, open space, screening, and landscape design. Outside of the buildable area, within the required setback areas, no more than 25 percent of significant trees shall be removed without replacement.

The site design shall be presented on a site plan showing:

- A. Existing location and size of all significant trees.
- B. Trees to be removed.
- C. Trees to be preserved.
- D. Percent of significant trees to be removed from the buildable area.

Site plan approval by the Planning Commission shall be prerequisite to the issuance of a grading and/or building permit.

4-5.6 Tree Protection

- A. *Prior to development.* Where a grading permit, building permit, or subdivision approval has not been issued, the destruction of any significant tree, as defined by this Section, without prior approval of the Planning Commission, shall be prohibited.
- B. *During development.* During development, a minimum protective zone, marked by barriers, shall be established (erected) at the dripline and maintained around all trees to be retained as required by this Section. There shall be no construction, paving, grading, operation of equipment or vehicles, or storage [of] materials within this protected zone.
- C. *After development.* No person shall break, damage, remove, cut, kill, or cause to be killed any significant tree, except for the following:
 - 1. In the event that any tree shall be determined to endanger the public health, safety or welfare, and require removal, written authorization may be given by the Planning Official and the tree or parts thereof (i.e. dead limbs) removed.

2. During the period of an emergency, such as a hurricane, tornado, ice storm, flood, or any other act of nature, the Planning Official may waive the requirements of this Section.
3. Where due to unusual site conditions or circumstances, the requirements of this Section pose a constraint to development and/or the use of a site or parcel, the Planning Commission may adjust the requirements as necessary to moderate the constraint.
4. Trees involved in wetland mitigation.
5. Diseased (unhealthy) or nuisance trees, with approval of the Planning Official.

4-5.7 Tree Replacement

Where significant trees have been removed, due to site design; where removal is necessitated at any time due to acts of negligence; or where sites were cleared of significant trees in violation of this Section, replacement trees shall be planted in accordance with a replacement schedule approved by the Planning Commission, who shall specify the number, species, DBH, and location of replacement trees, using the following criteria:

- A. Combined DBH of replacement trees is equal to or greater than the DBH of the tree removed or;
- B. Individual replacement trees are of the largest transplantable DBH available

Where, due to clear cutting in violation of this Section, the number of significant trees removed is unknown, a replacement plan specifying the numbers, species, DBH, and location of replacement trees shall be submitted to and approved by the Planning Commission prior to the issuance of a building permit. The Commission may also require the inclusion of berms, walls, and/or more intensive buffer plantings prescribed by ordinance to help mitigate the effects of illegal clear cutting on the adjacent property.

Section 4-6 Public Tree Protection

4-6.1 Purpose

The purpose of this Section is to establish policies, regulations, and standards for the management of public trees within the Town limits. Public tree management shall include, but not be limited to, tree establishment, maintenance, protection, and removal.

4-6.2 Objectives

The objectives of public tree management shall be to maximize the functional benefits of trees while minimizing the costs of management. The objectives of this Section shall be as listed below.

- A. Maintain the Town's tree canopy cover at or above its current level.
- B. Maintain and improve community character.
- C. Enhance the aesthetic appearance of the landscape.
- D. Provide direction and support to tree management.

4-6.3 Benefits of Trees

Trees provide many environmental, social, and economic benefits that include, but are not limited to, the following.

- A. Trees produce oxygen and absorb carbon dioxide, thereby reducing air pollution and improving air quality.
- B. Trees filter out dust, particulate matter, and airborne pollutants, thereby improving air quality.
- C. Trees intercept precipitation, thereby reducing storm water runoff and improving water quality.
- D. Tree roots hold the soil, thereby reducing soil erosion and sedimentation and improving water quality.
- E. Trees provide shade and cooling and provide windbreaks, thereby reducing energy usage and air conditioning and heating costs.



Staff Report

Amendment to the Zoning Ordinance 23-23

DATES: Planning Commission: September 11, 2023
Town Council First Reading: September 19, 2023
Town Council Second Reading: October 17, 2023

TO: Irmo Planning Commission
Irmo Town Council

FROM: Douglas Polen, Assistant Town Administrator

SUBJECT: Zoning Ordinance Amendment

ACTION REQUESTED: Consideration of a text amendment to Article 5 of the Zoning Ordinance: Sign Regulations

Background

Staff have been reviewing the Zoning Ordinance and is planning major revisions to many chapters. There are numerous changes to the ordinance, with notable changes such as the following:

1. Clarifying the guidelines for more sign types
2. Allowing Electronic Message Centers on commercial signs (they are currently only allowed on institutional uses)
3. Allowing signs on the side of commercial buildings with only one street face
4. Allowance for administrative variances in select circumstances

This ordinance has undergone so many changes that Staff is attaching both the proposed ordinance and the current ordinance for comparison.

Staff Findings

Staff recommends **APPROVAL** of this ordinance change.

Planning Commission

At their September 12, 2023 meeting, the Planning Commission recommended adoption of the ordinance 6-0.

STATE OF SOUTH CAROLINA)
)
TOWN OF IRMO)

ORDINANCE 23 – 23

**AN ORDINANCE TO AMEND APPENDIX A – ZONING AND LAND DEVELOPMENT;
ARTICLE 5 – SIGN REGULATIONS**

WHEREAS, the Town of Irmo desires to strengthen its Code of Zoning and Land Development Regulation, amending said Code to address noted errors, omissions, vague language, and add appropriate standards; and

WHEREAS, the following text amendment to the Town of Irmo Code of Zoning and Land Development Regulations has been proposed through collaboration with the Planning Commission; and

WHEREAS, the Planning Commission, at their September 11, 2023, meeting, voted to recommend approval of this amendment, as attached; and

WHEREAS, Council wishes to amend the Code of Municipal Ordinance as attached;

NOW, THEREFORE, BE IT ORDAINED and ordered by the Mayor and Town Council of the Town of Irmo, South Carolina, in Council duly assembled on this 17th day of October, 2023, that the Town of Irmo Code of Municipal Ordinance is hereby amended.

PASSED AND ADOPTED this 17th day of October, 2023.

Barry A. Walker, Sr., *Mayor*

ATTEST:

Renee Caviness, *Municipal Clerk*

1st Reading: September 19, 2023

2nd Reading: October 17, 2023

ORDINANCE 23 – 23

Changes to the Zoning and Land Development Regulations

Remove, in its entirety, Article 5, and replace as follows.

Irmo Sign Ordinance

Article 5 – Sign Regulations

SECTION 5-1 – PURPOSE AND GENERAL PROVISIONS

The purpose of this Article is to protect the dual interest of the public and the advertiser. The regulations herein are designed to protect public safety and welfare and to ensure the maintenance of an attractive community environment while satisfying the needs of sign users for adequate identification, communication, and advertising.

1. General Provisions

- a. The regulations set forth in this article shall apply and govern in all zoning districts. No sign shall be erected, altered or maintained unless it is in compliance with the regulations of this article.
- b. A permit shall be required for the erection, alteration or reconstruction of any sign unless otherwise noted and shall be issued by the department of planning and development.
- c. All signs must be constructed of durable materials, maintained in good condition and shall not be permitted to become dilapidated or a hazard to the health, safety or general welfare of the community.
- d. The Zoning Administrator or designated agent shall require the property owner or tenant to remove, replace or repair the sign as is deemed appropriate by the Zoning Administrator.
- e. All signs attached to buildings must meet all applicable wind standards as defined by the International Building Code. All freestanding signs greater than six feet (6') in height must meet all applicable wind and seismic standards as defined by the International Building Code.
- f. The purpose of this section is to provide comprehensive regulations for signs within the town that will eliminate confusing, distracting and unsafe signs, ensure the efficient transfer of information; and, enhance the visual environment of the town. It is declared that the regulation of signs within the town is necessary and in the public interest and also is related to the following goals:
 - i. To protect property values within the town;
 - ii. To protect the general public from damage or injury caused by, or partially attributable to the distractions and obstructions which result from improperly designed or situated signs;
 - iii. To provide a pleasing overall environmental setting and community appearance which is deemed vital to tourism and to the continued economic attractiveness of the town;
 - iv. To improve the legibility and effectiveness of commercial and governmental signs;
 - v. To allow signs appropriate to the planned character of each zoning district; and
 - vi. To promote the public safety, welfare, convenience and enjoyment of the unique historic character of the town.

- g. Any signs, displays or devices allowed under this article may contain, in lieu of any other copy, an otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity of service for sale, and that complies with size, lighting and spacing requirements of this article.
- h. All signs shall comply with existing state and federal laws.

SECTION 5-2 – SIGNS PERMITTED BY ZONE

	RS	RG	CG	CO	CN	LM	FA	IN¹
Awning & Canopy			X	X	X	X	X	X
Freestanding			X	X	X	X	X	X
Governmental Flags	R	R	R	R	R	R	R	R
Holiday Decorations	R	R	R	R	R	R	R	R
Home Occupation	X	X						
Incidental Sign			X	X	X	X	X	X
Informational Sign	R	R	R	R	R	R	R	R
Multi-Face Sign			X	X	X			
Multiple Family Dwelling		X						
Outdoor Display			X	X	X			X
Projecting Sign			X	X	X			X
Public/Official Notice	R	R	R	R	R	R	R	R
Real Estate	R	R	R	R	R	R	R	R
Sandwich Board/Pedestal			R	R	R			R
Subdivision, Permanent	X	X						
Subdivision, Temporary	X	X						
Temporary Sign	R	R	X	X	X	X	X	X
Wall Sign			X	X	X	X	X	X

X – Allowed with Permit

R – Allowed by Right, no permit required

(Blank) – Not allowed

1 – This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted in residential zoning districts, such as schools, churches, parks, etc.

SECTION 5-3 – SIGN REGULATIONS BY TYPE

A. General Regulations

1. All sign dimensions listed are maximums.
2. All signs are to be externally lit unless otherwise noted

B. Awning & Canopy Signs

1. Definitions:

- a. Awning – An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable. Example: A canvas-covered frame extending from a building wall to an area over the sidewalk in front of a shop.
- b. Canopy – A freestanding, open-sided structure constructed of rigid materials or non-rigid materials, including, but not limited to, metal, wood, concrete, plastic, canvas, or glass. The structure covering the fueling area at a gas station is considered to be a canopy. Other examples include picnic shelters, gazebos, and cabanas.
- c. Marquee – A fixed hood of permanent construction which is supported solely from a building wall and extends beyond the building. Example: The structure over the front sidewalk area at a movie theatre.

2. Permitted Zones: CG, CN, CO, LM, FA, IN

3. Requirements:

- a. Awnings and marquees are considered wall signs for purpose of area allowances, with only one sign permitted per building side. Awnings may only be externally lit, while marquees may be internally or externally lit.
- b. Canopy signs may be no more than 8% of the area of the canopy façade, with one sign permitted per street frontage. This is in addition to any signage on the primary structure. Canopy signs may be externally or internally lit.
- c. Any signage on an awning, canopy or marquee must be flush or integral with the awning, canopy, or marquee, and may not project beyond, below, or above the structure.
- d. A minimum eight (8) foot clearance shall be maintained between the bottom edge of an awning, canopy, or marquee and the sidewalk, pavement, or ground surface.
- e. Awnings or marquees shall project no closer than eight (8) feet from the street curb.

C. Freestanding Signs

1. Definition: means any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

2. Permitted Zones: CG, CN, CO, LM, FA, IN
3. Requirements:
 - a. In CN, CO, FA, and IN Districts
 1. Height: Twelve feet (12) feet, except six (6) feet for IN uses in a residential district
 2. Area: twenty (20) square feet per exposed side; forty (40) square feet aggregate
 3. Location: At least ten (10) feet from any street right-of-way.
 4. Changeable copy signs shall constitute no more than fifty percent (50%) of the total sign area and must be placed on the same sign structure as the fixed sign.
 5. Externally lit only
 6. One sign per street frontage is permitted
 7. In developments where existing signage is non-conforming, newly proposed signage may meet the standards of the existing signage with permission of the Zoning Administrator.
 - b. In CG and LM Districts
 1. Height: Twenty-Five (25) feet, except along I-26 where signs may be fifty (50) feet
 2. Area: Fifty (50) square feet per exposed side; one hundred (100) square feet aggregate
 3. Location: At least ten (10) feet from any street right of way
 4. Electronic message centers or changeable copy signs shall constitute no more than fifty percent (50%) of the total sign area. Such signs must be placed on the same sign structure as the fixed sign. Gasoline pricing signs are considered changeable copy signs. Electronic message centers must be dimmed from sundown to sunup in such manner as to not negatively affect drivers and any nearby residential lots.
 5. Such signs may be externally or internally lit
 6. One sign per street frontage is permitted

D. Governmental Flags

1. Definition: means any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of government, political subdivision or other entity.
2. Permitted Zones: All
3. Requirements
 - a. Height of Flagpole: Fifteen (15) feet maximum residential; Twenty-five (25) feet maximum commercial

- b. Area of Flag: Per the guidelines of the U.S. General Services Administration, a flag pole should be approximately three (3) to four (4) times the length of the flag. As such, a fifteen (15) foot tall pole should utilize 3' x 5' flags, a twenty (20) foot pole should use 3' x 5' or 4' x 6' flags, and a twenty-five (25) foot pole should use 4' x 6' or 5' x 8' flags. The maximum flag sizes allowed per this ordinance are fifteen (15) square feet per flag, no more than thirty (30) square feet total (residential); Forty (40) square feet per flag, no more than one hundred twenty (120) square feet total (commercial)
- c. Number of Flagpoles Allowed: One (1) residential; Three (3) commercial
- d. Setback: Pole must be setback from all property lines an amount equal to or greater than the height of the pole
- e. Governmental flags must be externally lit or removed at dusk.
- f. If the flags of the United States and the State of South Carolina are flown, a third, commercial flag may be flown on the third pole. The flag will not be included in the overall sign area total on the lot.

E. Holiday Decorations

- 1. Definition: Signs or other material temporarily displayed on traditionally accepted civic, patriotic or religious holidays containing no commercial message
- 2. Permitted Zones: All
- 3. Requirements: Materials may be displayed for no more than thirty (30) days with the exception of Christmas decorations, which may be displayed from November 15 – January 15.
- 4. Such signs may be internally or externally lit.

F. Home Occupation

- 1. Definition: A sign advertising a home-based business
- 2. Permitted Zones: RS, RG, or residential uses in other zones.
- 3. Requirements: One (1) square foot, unlit, mounted against the wall of the principal building. Only permitted on residential structures.

G. Incidental Sign

- 1. Definition: A sign which provides information that is secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading zone," or "drive through," and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.
- 2. Permitted Zones: CG, CN, CO, LM, FA, IN
- 3. Requirements: maximum height is four (4) feet.
- 4. Such signs may be internally lit in the CG zone, or externally lit in any allowable zone.

H. Informational Sign

1. Definition: Signs which direct the reader to the location of a public facility, to a facility operated by a nonprofit entity, to a facility relating to the public health, safety or welfare, to scenic or historical districts, or general business or industrial districts or a subdivision.
2. Permitted Zones: All
3. Requirements:
 - a. The Zoning Administrator is authorized to develop written and publicly posted guidelines for these types of signs.
 - b. The signs are erected by the town or other governmental entity.
 - c. The entire cost of the signs is borne by the entity requesting the sign.
 - d. The signs are installed at locations where they would not constitute a traffic hazard.
 - e. Such signs are allowed in the right-of-way and may not be lit

I. Multi-Face Sign

1. Definition: Free standing sign advertising more than four businesses located within the same development
2. Permitted Zones: CG, CO, CN, LM
3. Requirements:
 - a. In the CO & CN Districts
 - i. Height: Fifteen (15) feet
 - ii. Area: Forty-five (45) square feet per side, ninety (90) square feet in aggregate
 - iii. Number and Location: One sign per street frontage. Developments with more than 800' of frontage on one road may have two signs on that same road if the signs are at least 600' apart, in addition to any allowable signage on the other frontage(s). Signs shall be placed at least ten (10) feet from any street right-of-way.
 - iv. Changeable copy signs shall constitute no more than fifty percent (50%) of the total sign area.
 - v. Such signs may be externally or internally lit.
 - b. In the CG & LM Districts
 - i. Height: Twenty-five (25) feet
 - ii. Area: Sixty-five (65) square feet per side, one hundred thirty (130) square feet in aggregate

- iii. Number and Location: One sign per street frontage. Developments with more than 800' of frontage may have two signs on the same road if the signs are at least 600' apart, in addition to any allowable signage on the other frontage(s). Signs shall be placed at least ten (10) feet from any street right-of-way.
- iv. Electronic message centers or changeable copy signs shall constitute no more than fifty percent (50%) of the total sign area.
- v. Such signs may be externally or internally lit.

J. Multi-Family Dwelling

- 1. Definition: Permanent signs announcing the entrance to a multi-family dwelling, such as an apartment complex.
- 2. Permitted Zones: RG
- 3. Requirements:
 - a. Number: One (1) permanent sign shall be permitted per principal entrance to the subdivision.
 - b. Sign Area: Fifty (50) square feet per exposed side; one hundred (100) square feet aggregate
 - c. Location: Such signs shall be located on the premises of the dwelling, set back at least ten (10) feet from any street right of way
 - d. Height: Multiple family group dwelling signs shall not exceed six (6) feet in height as measured from average grade of lot.
 - e. Such signs may be externally lit.

K. Outdoor Display

- 1. Definition: Temporary or permanent outdoor placement of inventory intended for immediate sale and used to advertise or promote the interests of any persons when placed in view of the general public, traveling along a public street right-of-way. Outdoor vehicle sale lots are considered outdoor displays.
- 2. Permitted Zones: CG, LM
- 3. Requirements
 - a. In addition to a freestanding sign, a business may use a display with a valid sign permit. The display must be set ten (10) feet back from the right-of-way and be no more than ten (10) feet in height. Multiple displays may be used provided that they conform to the required setbacks and height limitations subject to approval of the Zoning Administrator.
 - b. Displays that are not intended for immediate sale and/or do not meet the guidelines of this ordinance will be considered outdoor storage of inventory.
 - c. Temporary Displays are displays that are only used during business operating hours. After business operating hours, temporary displays must be placed indoors or behind a solid six (6) foot stockade fence.
 - d. Permanent Displays are defined as a display that is used during business hours as well as after business hours. Permanent displays may be accompanied, in lieu of the required fencing, by a ten (10) feet wide vegetative strip placed along the right-of-way. The

vegetative strip must meet the Type A Buffer Requirements detailed in this Code. Shrubs at a ratio of 3:1 may replace required trees with Zoning Administrator Approval.

- e. No off-premise displays are allowed
- f. Permanent and temporary outdoor displays shall meet all other requirements of free-standing signs.
- g. Displays may be externally lit

L. Projecting Sign

- 1. Definition: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.
- 2. Permitted Zones: CG, CN, CO
- 3. Requirements: Such signs may extend outward from the wall of a building not more than four feet and no part of any projecting sign shall extend above the roof line of a building or into a public road, although such signs may project over a sidewalk. A minimum eight (8) foot clearance shall be maintained. Maximum allowable size is calculated along with any other wall signs.
- 4. Such signs may be externally lit.

M. Public / Official Notice

- 1. Definition: Public agency signs are those erected by any public agency, such as the state, county, or local government. Such signs include traffic signals and signs, informational signs, and the like. Official notices are postings placed by any court, officer, or other public agency.
- 2. Permitted Zones: All
- 3. Permitted in the right-of-way

N. Real Estate

- 1. Definition: A temporary sign erected by the owner, or his agent, advertising the real property upon which the sign is located for rent, for lease, or for sale.
- 2. Permitted Zones: All
- 3. Requirements
 - a. Residential: Unlit, maximum size four (4) square feet, four (4) feet in height
 - b. Commercial: Unlit, maximum size thirty-two (32) square feet, ten (10) feet in height

O. Sandwich Board/Pedestal

- 1. Definition: means a freestanding movable sign, not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one or more panels which form both the structure and sign face, and which is intended to be placed in a sidewalk or pedestrian way. (Also known as "A" and "T" stands.)
- 2. Permitted Zones: CG, CO, CN, IN
- 3. Requirements

- a. Only one sandwich board or pedestal sign shall be allowed for any single building; provided, however, that where more than one business occupies a building, each business may have a sandwich board or pedestal sign.
- b. A minimum separation of 20 feet shall be maintained between sandwich boards or pedestal signs.
- c. Sandwich boards or pedestal signs shall not exceed 24 inches in width and 36 inches in height; provided, however, that a minimum unobstructed sidewalk width of 42 inches shall be maintained.
- d. No sign shall be placed in a manner which obstructs the clearance vision at a street intersection.
- e. Sandwich boards or pedestal signs located within a public right-of-way shall be placed within that portion of the public right-of-way which abuts the building containing the business or use. Signs must always be placed as close as practical to the business being advertised; for example, such signs may not be placed along the road on the far side of a parking lot from the business.
- f. Sandwich boards or pedestal signs placed in the internal area of a shopping center walkway are permitted without a permit, provided that permission is given by the property owner. Such signs shall not be placed in a manner in which they may be construed to be a freestanding sign advertising to vehicle traffic.
- g. Such signs must be brought indoors when the business being advertised is closed.

P. Subdivision, Permanent

- 1. Definition: Permanent signs located at the entrance of a subdivision
- 2. Permitted Zones: RS, RG
- 3. Dimensional Requirements
 - a. Number: Two (2) permanent subdivision signs shall be permitted per principal entrance to the subdivision if single sided signs are placed on either side of the entrance, as on a wall. Otherwise, one (1) permanent subdivision sign is permitted per principal entrance.
 - b. Sign Area: Fifty (50) square feet per exposed side; one hundred (100) square feet aggregate
 - c. Location: Such signs shall be located on the premises of the land subdivision, at least ten (10) feet from any street right of way.
 - d. Height: Subdivision signs shall not exceed eight (8) feet in height as measured from average grade of lot.
 - e. Such signs may be externally lit and shall be accompanied by appropriate landscaping, as approved by the Zoning Administrator.

Q. Subdivision, Temporary

- 1. Definition: Temporary signs announcing a new subdivision development
 - a. Permitted Zones: RS, RG
- 2. Requirements

- a. Number: One (1) temporary subdivision sign shall be permitted per principal entrance to the subdivision.
- b. Sign Area: The sign area shall not exceed thirty-two (32) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of sixty four (64) square feet.
- c. Location: Temporary subdivision signs shall be located on the premises of the land subdivision, at least ten (10) feet from any street right of way.
- d. Height: Temporary subdivision signs shall not exceed ten (10) feet in height as measured from average grade of lot.
- e. Special Conditions: Temporary subdivision signs shall be removed from the premises once fifty (50%) percent of the lots are conveyed or when a permanent subdivision sign is permitted and constructed.
- f. Such signs may be externally lit.

R. Temporary Sign

- A. Definition: Any sign conveying a message which is made of impermanent materials designed to be used temporarily and is not permanently mounted. Temporary signs may include, but are not limited to,
 - a. freestanding banners
 - b. banners attached to permanent structures.
 - c. feather banners
 - d. any advertising and informational materials stuck into the ground using temporary wooden stakes or wire frames, including political signs; temporary directional signs; work under construction signs, garage sale signs; real estate open houses; and signs advertising civic, philanthropic, religious, or educational organizations or events.
 - e. Changeable copy portable signs, while made of permanent materials, are considered temporary signs and are not permitted within the Town of Irmo.
- B. Permitted Zones: All
- C. Requirements
 - a. Single-Family Residential Lots: One (1) sign with a maximum size of four (4) square feet is allowed to remain on a permanent basis without permit.
 - b. All other Lots:
 - i. One (1) sign per fifty (50) feet of road frontage with a maximum of four (4) signs
 - ii. Maximum size of thirty-two (32) square feet per sign (Banners) or four (4) square feet (other temporary signs)
 - iii. Height: Temporary signs shall not exceed ten (10) feet in height as measured from average grade of lot.
 - iv. Maximum of sixty (60) days per year. Days may be non-consecutive.
 - v. On lots featuring more than one business, each business may display one (1) sign per fifty (50) feet of the development's road frontage, up to two (2) signs, and signs may only be displayed for thirty (30) days per year. Temporary

internal signage, such as wire frame signage in a multi-business parking lot, are permitted but count towards the signage and time limits.

- vi. Such signs must be permitted by the zoning administrator and the permit must show the beginning and ending dates of the sign placement. Signs found to be placed without a permit will have their original placement date estimated by the Zoning Administrator.
- c. During the period thirty (30) days prior to a political primary or election until seven (7) days following such an event the maximum number of temporary signs allowed and the need for any permits shall be waived. Signs shall be placed on private property and not in the right-of-way and must meet the size requirements listed in this section.
- d. Such signs shall not be permitted in the right of way.
- e. Such signs shall not be illuminated.

S. Wall Sign

1. Definition: any sign attached parallel to, but within 12 inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.
2. Permitted Zones: CG, CN, CO, LM, FA, IN
3. Requirements
 - a. Awning, canopy, and projecting signs are included in the total square footage allowed on a wall sign
 - b. No part of any sign shall extend above the roof line of a building
 - c. In the CN, CO, LM, FA, and IN zones
 - i. The total area of signs on the exterior front surface of a building shall not exceed ten square feet or eight percent of the front surface of the building, whichever is greater.
 - ii. No signs shall be permitted on the side or rear of a building except in the case of buildings with multiple street frontages, which may place signs on all street frontages using the above size calculation.
 - iii. Such signs may be externally lit
 - d. In the CG District
 - i. The total area of signs on the exterior front surface of a building shall not exceed eight percent of the front surface of the building.
 - ii. The total area of signs on the exterior side or rear surface of a building shall not exceed three percent of that surface of the building.
 - iii. Such signs may be internally or externally lit
 - e. For multi-tenant buildings in all districts, wall area shall be calculated by multiplying the building height by the width of that particular business's façade. Businesses without an external façade, such as in an office building, are not permitted a separate wall sign.
 - f. On large retail facades with more than one distinct entrance, such as a Walmart Supercenter or Lowe's, multiple signs may be permitted with the approval of the Zoning

Administrator. Only one sign may feature a commercial message, such as the main sign stating the name of the business. Other, smaller signs distinguishing the entrances or services offered inside the structure (such as Grocery & Pharmacy, Lawn & Garden, or Pickup), may be permitted. The area of each individual sign will be calculated, and the total size of all signage placed on the façade shall not exceed eight percent of the total façade area.

T. Window Signage

1. Definition: A sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window. Signs on glass doors are considered window signs for the purposes of this ordinance, subject to the requirements below.
2. Permitted Zones: CG
3. Requirements:
 - a. Window signs are permitted by right in the CG zone. No more than fifty percent (50%) of all windows may feature window signs, and no more than fifty percent (50%) of any given window may be covered by such signage.
 - b. Signs consisting of simple verbiage, such as the name of the store (including logos), address, and hours of operation, are permitted on glass doors by right on all commercial uses. The size of the sign shall not exceed 50% of the size of the door.

SECTION 5-4 – PROHIBITED SIGNS

- A. Prohibited signs shall be defined by example as follows:
1. No sign displaying intermittent lights resembling the flashing lights customarily used in traffic signals or on police, fire or rescue vehicles is permitted nor shall any sign use the words "stop," "danger" or any other word, phrase, symbol or character in a manner that might mislead or confuse an automobile or other vehicular driver.
 2. Permanent moving signs, windblown signs or devices to attract attention, all or part of which move by any means, including fluttering, rotating or otherwise moving devices, set in motion by movement of the atmosphere or by mechanical, electrical or other means, including but not limited to, flags, pennants, posters, propellers, discs, ribbons, streamers, strings of light bulbs, spinners, moving, fluttering or revolving devices, regardless of whether they contain written messages, except as permitted in this article.
 3. Except as provided in this article, no signs, whether temporary or permanent, except traffic signs, signals and information signs erected by a public agency, are permitted within any street or highway right-of-way.
 4. Any sign and/or sign structure which obstructs the view of, may be confused with or purports to be a governmental or traffic direction/safety sign.
 5. Signs copying or imitating official government signs or which purport to have official government status.
 6. Roof Signs. Any sign or sign structure, other than freestanding, any portion of which extends above the parapet, building roofline or canopy against which the sign is located.

7. Signs which display intermittent or flashing lights or lights of varying degrees of intensity, color, or moving parts, except barber's poles, time/temperature signs and signs erected by a public agency. Such prohibited signs include those placed in and on windows and glass doors for the purpose of attracting attention.
8. Portable or mobile signs utilizing any type of illumination or electrical connections.
9. Changeable copy signs unless they meet the requirements of Sec 5-3.C, above. Portable changeable copy signs are prohibited.
10. Signs that identify or advertise a product or business not located at the premises. Off-premises signs are defined as any sign, including digital and changeable copy signs, that identifies or communicates a message related to an activity conducted, a service rendered, or a commodity sold that is not the primary activity, service, or commodity provided on the site where the sign is located. Except as allowed under Temporary Signs, any sign which relates in its subject matter to products, accommodations, services, or activities that are sold or offered elsewhere than upon the premises on which such sign is located is not allowed. Off-premises advertising signs include, but are not limited to, those signs commonly referred to as outdoor advertising signs, billboards, or poster boards.
11. Signs that create a safety hazard by obstructing clear view of pedestrian and vehicular traffic.
12. Signs that display a message or graphic representation that is lewd, indecent or otherwise offensive to public morals.
13. Abandoned signs, defined as a sign which no longer correctly directs or exhorts any person or advertises a bona fide business, lessor, owner, activity conducted, or product available.
14. Dilapidated signs, defined as any sign which is insecure or otherwise structurally unsound, has defective parts in the support, guys and/or anchors, or which is unable to withstand the wind pressure as determined by the Planning Official or Building Inspector using applicable codes. Dilapidated signs also include the entire area of a sign on which advertising copy could be placed and the permanent form or removable letter form wording on a sign surface that is not properly maintained as provided in the standard building code.
15. Searchlights and beacons.
16. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying such sign. The parking of any vehicle which is not in operating condition or lacking current registration bearing a commercial message in the public view. (This does not apply to allowed portable signs, lettering on buses, taxis or vehicles operating during the normal course of business).
17. Inflatable signs and tethered balloons.
18. Signs on street furniture (benches, trash cans, etc) except for one sign of less than 64 square inches showing the donor of the item, provided that the item is accepted by the town.
19. Portable signs, except those permitted by this Ordinance
20. Signs referencing businesses which have been out of business for more than 30 days
21. Sign structures no longer containing signs;
22. Signs which emit audible sound, odor or visible matter;
23. Signs violating any provision of any law of the state relative to outdoor advertising;
24. Signs made structurally sound by unsightly bracing;

25. Snipe signs; any form of leaflets, handbills, posters, flyers, announcements, or any other advertising and informational materials that are tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences, buildings, the ground or other objects.
26. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way;

B. Nonconforming signs

1. Any sign that does not meet the regulations herein in terms of size, height, construction, quantity, or type; as of the date of passage of this Ordinance shall hereby be declared nonconforming. To avoid undue hardship, any nonconforming signs associated with single tenant uses, and wall signs in multiple-tenant developments may remain in use until such time as they are voluntarily removed by the owner; damaged in excess of fifty percent (50%) of their current replacement cost by fire, storm, or other act of God; or if the business being advertised by the sign ceases operation. Any of the above conditions shall cause the sign to lose its grandfathered status, and the sign owner shall be required to remove the sign within thirty (30) days. Failure to do so shall constitute authorization for the City to remove it and assess the full cost to the sign owner; in addition to any other penalties prescribed for violation of this Ordinance. Such signs shall not be expanded, even if the tenant does not change. For multiple-tenant developments, existing, nonconforming directory signs (regardless of construction) may remain in use until such time as fifty percent (50%) of the original tenants at the time of passage of this Ordinance change. At such time, the nonconforming directory signs shall be removed by the landowner, and may be replaced with a conforming directory sign. Failure to do so shall constitute authorization for the Town to remove it and assess the full cost to the sign owner; in addition to any other penalties prescribed for violation of this Ordinance. Such signs shall not be expanded, even if the tenant(s) does (do) not change.

C. Enforcement

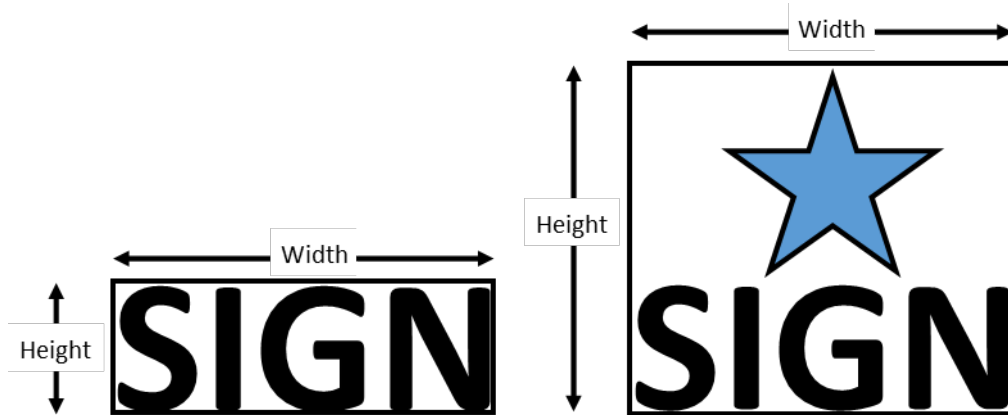
1. Signs which are found to be in violation of the provision of this article shall be subject to the following provisions. Where notice is required, such notice shall be by certified mail and may be reasonable under the circumstances surrounding the violation. Notices shall be addressed to the last known address of the sign owner.
 - a. Notice of violation. The Zoning Administrator shall send notice, by certified mail to the sign owner, stating the nature of the violation and granting an appropriate period of time to correct the violation.
 - b. In the event the certified mail is not accepted, notification of the violation shall be posted on the sign with a description of the violation and timeline to remedy the violation.
 - c. Continued violation. In the case where the Zoning Administrator has sent notice to the sign owner, or posted the sign when notice is not accepted and granted an appropriate period of time to correct the violation and the violation has not been remedied a citation may be issued to the sign owner. Each day such violation continues shall constitute a separate offense.

- d. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.
- 2. Any sign installed or placed on public property, except in conformance with the requirements, shall be forfeited to the public and subject to confiscation. In addition to other remedies under this article, the town shall have the right to recover from the owner or person placing a sign the full costs of removal and disposal of such signs.
- 3. Violation of this article or failure to comply with any of the requirements hereof unless remedied by actions and within the time frame prescribed by the administrator shall be classified as a misdemeanor punishable by a maximum \$200.00 fine, and/or a maximum of 30 days imprisonment. In addition, each sign displayed or erected in violation of this article represents a separate offense. Any person, firm, organization, society, association or corporation, or any agent or representative thereof who commits, participates, or assists in such violations may each be found guilty of a separate offense and suffer the penalties herein provided.

SECTION 5-5 – OTHER SIGN REGULATIONS

5-5.1 Sign Surface Area

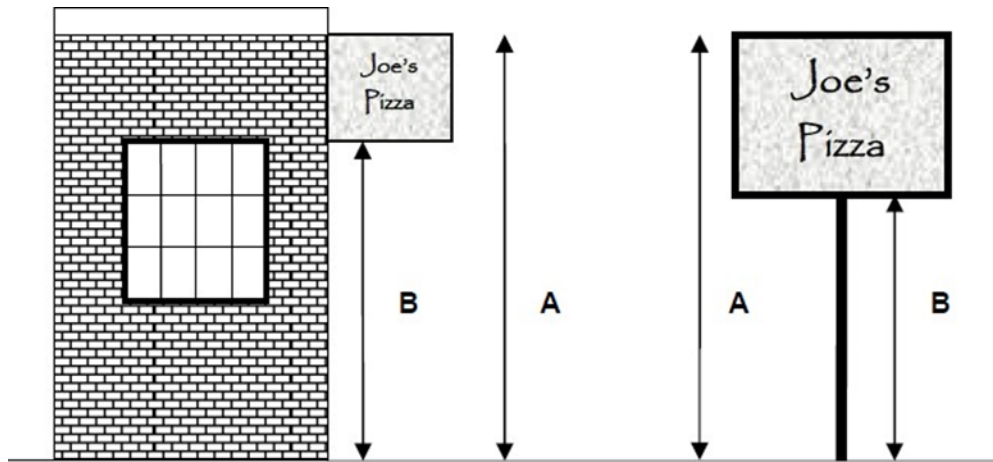
- A. Sign area means the area of a sign shall be that area which is contained within a single continuous perimeter enclosing the extreme limits of such sign, and in no case passing through or between elements of such sign. It shall include any material or color forming an integral part of the display or used to differentiate such signs from its background, but shall not include supports.



- B. Double Sided Signs - Where two sides of a double-faced sign are separated by an angle of forty five (45) degrees or less, each sign face shall be calculated separately. At greater than forty five (45) degrees the sign area shall be calculated as one face.
- C. Round, Cube, and Other 3-D Signs - In the case of cylindrical signs, signs in the shape of cubes, or other signs that are substantially three- dimensional with respect to their display surfaces, the entire display surface or surfaces are included in computations of the area.

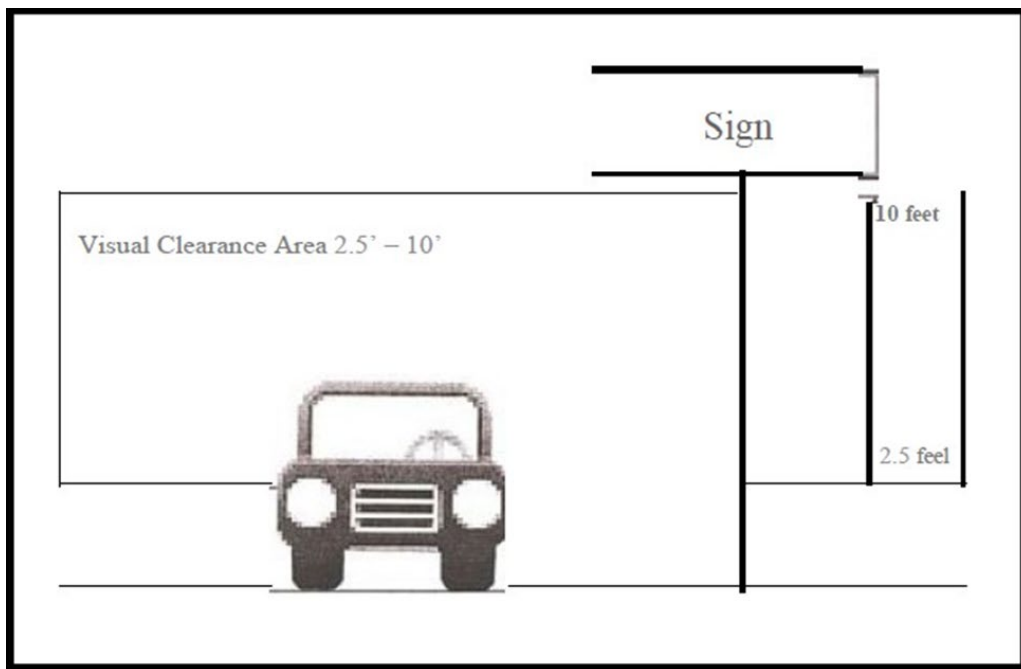
5-5.2 Sign Height

1. Sign height is measured from the natural grade below the sign to the highest point of the sign frame area. The height shall not be measured from the top of an earth berm, support foundation, or planting box.
2. Sign clearances are measured from the grade directly below the sign to the bottom of the sign frame. When a sign extends over sidewalks, walkways or other spaces accessible to the public, the bottom of the sign structure shall be at least eight feet above the ground.



A= Height B= Clearance

3. No sign shall be located in the visual clearance zone as defined in Article 3 Zoning Regulations for Use of Lots of this Ordinance.



5-5.3 Signs in the Public Right-of-Way

No sign shall be allowed in the public right-of-way, including the railway right-of-way, except for the following:

- A. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;
- B. Church signs, in accordance with State law;
- C. Informational signs of a public agency or utility regarding its facilities;
- D. Emergency signs;
- E. Directional signs; and
- F. Signs of a temporary nature not to exceed 24 hours duration for such events as yard sales, auctions, public gatherings, etc., provided such signs shall not be attached to a tree, utility pole, traffic sign, or other public structure.

For the purposes of this ordinance, all areas on or adjacent to a private road interior to adjacent property lines are considered right-of-way. Put simply, neither permanent nor temporary signs shall be placed in the area immediately adjacent to a private road simply because said private road is not a public right-of-way. In the interior of a commercial development, signs may be permitted in this area with permission of the Zoning Administrator. Sign applicants may seek appeal from the Zoning Administrator or the Board of Zoning Appeals.

5-5.4 Signs Forfeited

Any sign installed or placed on public property, except in conformance with the requirements of this Section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Town shall have the right to recover from the owner or person placing such sign the full costs of removal and disposal.

5-5.5 Removal of Signs

- A. The lawful use of any permanently mounted sign existing at the time of the enactment of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance, except those declared abandoned or dilapidated, which shall be removed or have remedial action taken upon them by notification of the Zoning Administrator.
- B. Any existing sign that is subsequently abandoned shall be removed, and any existing sign exceeding the allowable face area, and that is subsequently destroyed or damaged to the extent of 50 percent or more of its replacement cost, shall be removed or brought into conformity with these regulations.
- C. Any existing nonconforming temporary sign shall be removed within 90 days of enactment of this Ordinance.
- D. Temporary signs shall be removed within three days of the termination period.
- E. An order under this Section shall be issued in writing to the owner or responsible party of any such sign, or of the building or premises on which such sign is located, to comply within five days' time. Upon failure to comply with such notice, the Planning Official may cause the sign to

be removed and any costs of removal incurred in the process may be collected in a manner prescribed by law.

5-5.5 Sign Materials and Code Compliance

Signs must be constructed in accordance with all applicable provisions of the building code and national electrical code, consist of durable all-weather materials, be maintained in good condition (including paint), and shall not be permitted to fall into disrepair.

5-5.6 Sign Illumination

All illuminated signs shall conform to the following requirements:

- A. All signs when illuminated shall have such lighting shielded so as not to directly shine on abutting properties or in the line of vision of the public using the streets or sidewalks.
- B. No sign shall be illuminated in such a way that it causes intense illumination onto any residential premises located in any zoning district, in a manner which by intensity, duration, location, or other characteristic is incompatible with the residential character of the property in which such illumination is cast.
- C. Internally illuminated signs may not project light beyond the face of the sign or otherwise cause a glare.
- D. Externally lighted signs shall have their lighting directed in such a manner as to illuminate only the face of the sign.
- E. All lighted signs shall meet all applicable electrical codes and shall bear a nationally recognized electrical testing laboratory label (such as a UL label).
- F. No illumination simulating traffic control devices or emergency vehicles shall be used, nor shall lights which are intermittently switched on or off, changed in intensity or color, or otherwise displayed to create the illusion of flashing or movement be permitted.
- G. Signs containing changeable copy produced by light emitting diodes (LEDs), incandescent or low voltage lamps or bulbs, or cathode ray tubes (CRTs) shall include automatic brightness compensation features to adjust brightness to compensate for sun angle and ambient light conditions and to ensure that the sign is visible but not necessarily radiant.

5-5.7 Changeable Copy Signs

Changeable copy signs are signs or portions thereof with characters, letters, or illustrations that can be changed or rearranged by any means (manual, electronic [digital], atmospheric, mechanical, remote, etc.) without altering the face or surface of the sign. For the purposes of this Article, a sign on which the message or image changes more often than once every fifteen (15) seconds shall be considered a sign employing a confusion of motion and is not allowable. Digital changeable copy signs are permitted as follows:

- A. Digital changeable copy is permitted only on permanent principal freestanding signs and shall comply with all the regulations of freestanding and marquee signs as applicable.
- B. Sign copy or image shall maintain a static message or image for at least fifteen (15) seconds.
- C. The actual change between sign message and/or image shall be instantaneous.
- D. Changeable copy signs shall not employ motion or the illusion of motion by any means to depict action or create a special effect or scene.

- E. Such signs are not permitted to create the illusion of blinking, alternating, chasing, contracting or expanding, flashing, fading, repeating, oscillating, pulsating, rotating, rolling, running, scrolling, strobing, twinkling, or simulate moving video images, etc.
- F. Signs shall not employ flashing lights or lights of changing degree or intensity of color.
- G. Digital changeable copy signs, including digital message board signs, shall not be operated between the hours of 9:00 p.m. and 7:00 a.m. if located 300 feet of a residential dwelling unless the sign face is visually obscured from the residence. All such signs must be dimmed to minimum levels during this time.
- H. Digital changeable copy signs shall be a minimum of 100 feet from any intersection with a traffic light.
- I. Only one electronic digital sign per street frontage shall be allowed.
- J. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.

SECTION 5-6 – ADMINISTRATIVE VARIANCES

The Zoning Administrator is authorized to grant administrative variances upon written application by the landowner for the number, height, setback, square footage or placement of signs in cases where unusual circumstances or a particular hardship which would make a strict interpretation of the ordinance go beyond the intent of the Town Council. Examples of cases where a variance might be granted would be as follows:

1. In areas of the town where rights-of-way are unusually large, the setback requirement may be granted a variance as the sign would be a sufficient distance from the pavement without any setback.
2. On lots where there is more than one business in separate and distinct buildings and each building could meet the subdivision requirements to be a separate lot, a variance may be granted to treat each building as a separate lot.
3. The Zoning Administrator, at his discretion, may refer any request for a variance to the Board of Zoning Appeals; likewise, the applicant may appeal any decision of the Zoning Administrator to the BZA.

Current Ordinance:

Article 5 Sign Regulations

Section 5-1 Purpose

The purpose of this Article is to protect the dual interest of the public and the advertiser. The regulations herein are designed to protect public safety and welfare and to ensure the maintenance of an attractive community environment while satisfying the needs of sign users for adequate identification, communication, and advertising.

Section 5-2 Applicability and Conformance

This Article regulates the number, size, placement, and physical characteristics of signs; allows certain signs without permits; prohibits certain signs; and requires permits for certain signs.

From and after the adoption of the ordinance codified in this Section, no sign may be erected or enlarged in the Town of Irmo unless it conforms to the requirements of this Article.

Section 5-3 Use of Signs on Private Property

Signs shall be allowed on private property in accordance with Table 3. If the letter "A" appears for a sign type in a column, such a sign is allowed without prior permit approval in the zoning districts represented by that column. If the letter "P" appears for a sign type in a column, such a sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances.

Where uses are permitted, conditionally permitted, or allowed by special exception per Table 1, use of signage is regulated as follows:

Table 3

Use of Signs by Type per Zoning District, and Institutional (IN) Uses

Sign Type	RS	RG	CG	CO	CN	LM	FA	IN ¹
Permanent Signs								
Freestanding	N	N	P	P	P	P	P	P
Incidental ²	A	A	A	A	A	A	A	A
Building (wall)	N	N	P	P	P	P	P	P
Canopy	N	N	P	P	P	P	P	P
Marquee	N	N	P	P	P	N	N	N
Roof, mounted	N	N	P	N	P	P	N	N
Roof, integral	N	N	P	N	P	P	N	N
Projecting	N	N	P	P	P	N	N	N
Window	N	N	P	P	P	P	P	P
Message boards	N	N	N	N	N	N	N	P
Subdivision identification	P	P	P	P	P	N	P	N
Temporary								
Banner	N	N	P	P	P	P	P	P
Poster	A	A	A	A	A	A	A	A
Portable	N	N	N	N	N	N	N	N
Inflatable	N	N	P	N	N	P	N	N
Sandwich board	N	N	P	P	P	P	P	N

¹ This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted in residential zoning districts, i.e., churches, schools, parks, etc., and includes historical markers.

² Refer to regulations on incidental signs below.

Section 5-4 Allowable Signs That Do Not Require a Permit

Signs that do not require a permit or registration shall adhere to the following regulations:

- A. Unless otherwise stated, signs may be located in zoning districts according to Table 3.
- B. All signs not requiring a permit shall conform to all the applicable requirements contained in this Ordinance.
- C. Any limitations on the number of signs allowed per lot are prescribed in this Article.
- D. All such signs shall be located off the street right-of-way unless permission has been granted for such location by the appropriate local, State, or Federal transportation authority.
- E. Such signs may be internally or externally illuminated, except as herein prescribed.

5-4.1 Incidental Signs

No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental. Incidental Signs shall include:

- A. On-premise directional and instructional signs
- B. Warning, No Trespassing, Posted, No Hunting, etc., signs
- C. Historical markers
- D. Any sign inside a building
- E. Flags, insignia, pennants, symbols, etc., of a religious, governmental, or non-profit organization
- F. Government and public utility signs and logos
- G. Hospital, medical, or institutional directional signs, providing they contain no advertising. Maximum sign face surface area shall be three (3) square feet and the maximum height shall be eight (8) feet. Such signs shall not be illuminated.

Section 5-5 Regulations on Signs Requiring a Permit

5-5.1 Freestanding Signs (Pole Signs, Ground Signs, and Monument Signs)

Freestanding signs are any permanently mounted signs that are placed on, or anchored in, the ground and are not attached to a building or other structure. Freestanding signs are permitted as follows:

- A. Where allowed and as specified in this Article, freestanding signs are permitted where the activity associated with the sign is a permitted, or conditionally permitted, use under zoning district regulations.
- B. Except as otherwise stated, one freestanding sign is permitted per street frontage; however, lots with frontage (on one street) greater than 150 linear feet shall be permitted a second free standing sign.
- C. The maximum height is:
 1. 12 feet in Institutional Uses (IN) and in CO and CN zoning districts, and as conditionally permitted in FA zoning districts
 2. 25 feet in GC and LM zoning districts, except where contiguous to I-26 where signs may be erected to a height of 50 feet
 3. Where additional height is required to raise the base of the sign to mean elevation (average street level) of the fronting street, the Planning Official may allow greater heights.
- D. The maximum sign surface area in square feet shall be:
 1. 20 square feet for Institutional Uses and as conditionally permitted in CO, CN, and FA zoning districts

2. In CG zoning districts and as permitted outright in CN zoning districts, the maximum sign surface area for single occupancy sites is 50 square feet. Maximum sign surface area for multiple occupant sites is 62.5 square feet (refer to Common Signage Plans below).
 3. In uses permitted outright in CO zoning districts the maximum sign surface area for single occupancy sites is 36 square feet. Maximum sign surface area for multiple occupant sites is 45 square feet (refer to Common Signage Plans below).
 4. In LM zoning districts, the maximum sign surface area is 75 square feet.
- E. Such signs shall be set back a minimum of 5 feet from property lines in all zoning districts; an exception is if such signs are located adjacent to a residential use in any zoning district, the side setback shall be a minimum of fifteen (15) feet.
 - F. Pole signs may only be internally illuminated. Monument (ground) signs may be internally or externally illuminated as specified in the illumination provisions of this Section.
 - G. Changeable copy sign elements shall not be mounted on a separate structure but must be incorporated into the allowable sign surface area of the permitted freestanding sign.
 - H. Gasoline pricing signs shall not be separate sign structures but shall be incorporated into the allowable sign surface area of the permitted freestanding sign.
 - I. Freestanding signs requiring a permit are not permitted on undeveloped lots or parcels.

5-5.1(1) Types of Freestanding Signs

- A. Pole sign – A freestanding sign mounted on a pole.
- B. Ground sign or monument sign – A sign constructed on the ground with a continuous footing or foundation and with the base of the sign at-grade.

5-5.2 Signs on Building Walls

A building wall sign is any sign attached to a wall, painted on the wall surface, or erected and confined within the limits of an exterior wall of any building or structure and is supported by such wall or building, and that displays only one sign surface. Building wall signs are permitted as follows:

- A. For multi-tenant buildings, each tenant is allowed only one (1) of the following per street frontage: wall, awning, or projecting sign.
- B. Where allowed and as specified in this Section, signs on building walls are permitted on parcels where the activity associated with the sign is a permitted or conditionally permitted use under zoning district regulations.
- C. Principal building walls may have signage on all faces that front on a public street.
- D. Building wall signs shall reflect the proportional and dimensional relationships of the structure. The ratio of window and door openings to wall surface area must be considered. All building wall signs within a multiple-occupant development shall be in proportion and scale to each other.
- E. In general, the surface area dimension of building wall signs should not exceed ten (10) square feet per building side that faces a public street unless the size of the building is such that a larger sign can be justified. For multiple-occupant buildings, building wall signs shall reflect the proportional and dimensional relationships of the individual store fronts. For smaller store fronts, the appropriate size may be less than ten (10) square feet, while larger sizes may be appropriate for larger store fronts.
- F. No building wall sign shall extend beyond any point of a roofline, parapet, or mansard roof.
- G. Such signs shall be located so that they do not block the view of windows or doors and are placed in-between, and do not overlap, vertical architectural elements.
- H. Building wall signs may be internally or externally illuminated as specified in the illumination provisions of these regulations.

5-5.3 Projecting Signs (Suspended Signs, Signs Over Sidewalks, and Shingle Signs)

A projecting sign is oriented perpendicular to a building or structure and is wholly or partly dependent upon a building for support. Such signs are permitted as follows:

- A. A single occupancy building is permitted only one (1) projecting sign or wall sign per building frontage. For multi-tenant buildings, each tenant is allowed only one (1) projecting sign or wall sign per building frontage.
- B. Where allowed and as specified in this Section, projecting signs are permitted where the activity associated with the sign is a permitted or conditionally permitted use under zoning district regulations.
- C. Sign surface area of projecting sign shall reflect the proportional and dimensional relationships of the structure. In general, the surface area of projecting signs should not exceed ten (10) square feet unless the size of the building is such that a larger sign can be justified.
- D. A minimum eight (8) foot clearance between the bottom of the sign and the sidewalk, pavement, or ground surface shall be maintained.
- E. Signs hanging over sidewalks shall not project from the building wall to an extent that they obstruct the view of pedestrians, bicyclists, or motorists, or of street intersections, traffic signs, devices, or signals.
- F. Projecting signs may be mounted no higher than the bottom of the second-floor sill or no higher than the cornice, whichever is lower.
- G. All projecting signs at the intersection of building corners shall intersect at right angles to the building front.
- H. Projecting signs may be internally illuminated only as specified in the illumination provisions of these regulations.

5-5.4 Signs on Awnings, Canopies, and Marquees

For the purposes of this Ordinance, an awning, canopy, and marquee shall be defined as follows:

Awning – An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable. Example: A canvas-covered frame extending from a building wall to an area over the sidewalk in front of a shop.

Canopy – A freestanding, open-sided structure constructed of rigid materials or non-rigid materials, including, but not limited to, metal, wood, concrete, plastic, canvas, or glass. The structure covering the fueling area at a gas station is considered to be a canopy. Other examples include picnic shelters, gazebos, and cabanas.

Marquee – A fixed hood of permanent construction which is supported solely from a building wall and extends beyond the building. Example: The structure over the front sidewalk area at a movie theatre.

For single-occupant buildings, only one (1) of the following per street frontage: wall sign, awning sign, or projecting sign. For multi-tenant buildings, each tenant is allowed only one (1) of the following per street frontage: wall sign, awning sign, or projecting sign. Signs on awnings, canopies, and marquees are permitted as follows:

- A. Awnings, canopies, and marquees may have signage on all faces that front on a public street.
- B. Where allowed and as specified in this Section, canopy, awning, and marquee signs are permitted where the activity associated with the sign is a permitted or conditionally permitted use under zoning district regulations. Any sign affixed to an awning, canopy, or marquee that is not flush with or integral to the awning, canopy, or marquee is prohibited. Awnings, canopies, and marquees may not have signage projecting beyond, below, or above the structure.

- C. The sign surface area shall reflect the proportional and dimensional relationships of the surface area of the portion of the awning, canopy, or marquee visible from the street level, and shall not exceed twenty (20) percent of the surface area of the awning, canopy, or marquee to which the sign is attached.
- D. Awning, canopy, and marquee signs may be mounted no higher than the bottom of the second-floor sill or no higher than the cornice, whichever is lower.
- E. A minimum eight (8) foot clearance shall be maintained between the bottom edge of an awning, canopy, or marquee and the sidewalk, pavement, or ground surface.
- F. Awnings or marquees shall project no closer than eight (8) feet from the street curb.
- G. Awnings shall not be illuminated. Canopies and marquees may only be illuminated internally.

5-5.5 Message Board Signs for Institutional Use

- A. Message board signs are digital or manual changeable copy signs that are permitted only for institutional uses and are intended to provide schedules of events, rules, regulations, announcements, or similar messages, excluding commercial advertisement or promotional messages (refer to regulations for changeable copy signs below). Institutional uses include educational, religious, recreational, civic, municipal, and other institutional uses including historic markers that are allowable in any zoning district under the zoning district regulations.
- B. One (1) such sign oriented per street frontage per premise may be erected. The maximum sign surface area of an institutional use message board sign that contains no facility identification or logo shall be no greater than 20 square feet. If the principal identification sign and the message board are combined to serve as one (1) sign, the maximum surface area shall be 45 square feet.
- C. The maximum height is 12 feet. Where additional height is required to raise the base of the sign to mean elevation (average street level) of the fronting street, the Planning Official may allow greater heights.
- D. Message board signs shall be set back a minimum of 5 feet from property lines in all zoning districts, except if such sign is located adjacent to a residential use in any zoning district, then the side setback shall be a minimum of fifteen (15) feet.
- E. Signs shall be illuminated as specified in the illumination provisions of these regulations.
- F. Such signs may not include commercial advertisement or promotional messages of any sort.
- G. Locations with permanent message board signs shall not employ the use of temporary signs of any type.

5-5.6 Roof Signs

Roof signs, where permitted by Table 3, shall not exceed the maximum sign surface area of the allowable freestanding sign in that district. Uses employing roof signs shall not be allowed a freestanding sign, except for uses with multiple street fronts, where a freestanding sign is allowed on street fronts on which the roof sign is not oriented.

5-5.7 Subdivision (and Other Residential Development) Identification Signs

For the purposes of this Ordinance, a subdivision identification sign is a permanent sign that identifies a subdivision or neighborhood and is located internal to and visible from the initial point of entry to a subdivision or from surrounding streets. Such signs are permitted for all residential subdivisions and multi-family residential developments in all zoning districts in which such developments are permitted.

- A. One (1) subdivision entrance sign not exceeding twenty (20) square feet in size and four (4) feet in height located at the main entry or entries to any subdivision; or two (2) identical signs not exceeding sixteen (16) square feet in size each, and four (4) feet in height, placed symmetrically on each side of an entry road of any residential subdivision are permitted.

- B. Providing that an encroachment permit is granted by the governing jurisdiction, subdivision entrance signs may be located in the right-of-way of an internal subdivision street including a center median but outside of the paved section of the roadway and a driveway or intersection sight triangle.
- C. Such sign may be externally illuminated as specified in the illumination provisions of these regulations.
- D. Where a single ground sign is erected, such sign shall have a minimum of fifty (50) square feet of landscaped area at the base of the sign. Where two (2) ground signs are erected, each sign shall have a minimum of twenty-five (25) square feet of landscaped area at the base of each sign. Landscaping shall be regularly maintained.
- E. Such sign shall display no information other than the name of the subdivision.

5-5.8 Signs in Mixed-Use Development Districts

Unless alternate standards are specified in an approved development plan, all signage regulations of this Article shall apply.

Section 5-6 Sign Measurements and Design Standards

5-6.1 Sign Frame Area

The sign frame area consists of the dimensions of a geometric shape formed by all supports, frames, braces, borders, and embellishments that extend beyond the sign surface area and that enclose the sign surface area and does not contain any copy, logo, advertising, name, or message. The sign frame area shall not be used in the calculation of sign size but shall be used in calculating sign heights and clearances.

5-6.2 Sign Surface Area

The sign surface area is the area inside a geometric shape enclosing any message, logo, symbol, name, photograph, or display face. All sign size regulations in this Ordinance are calculated from the sign surface area dimensions as defined above.

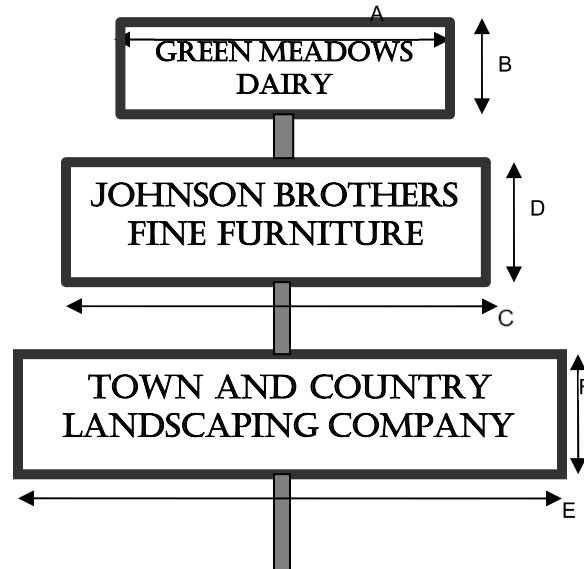


5-6.3 Double-Sided Signs

In the case of signs mounted back-to-back, only one side of the sign is to be used for computation of the sign surface area. Double-sided signs shall be defined as two-sided signs with parallel faces twelve (12) inches apart or less, or with faces joining at an angle of ten (10) degrees or less. Otherwise, the surface area of each sign is to be separately computed.

5-6.4 Multiple Cabinet Signs

For freestanding and projecting signs that contain multiple modules on one structure and are oriented in the same direction, the modules together are counted as one (1) sign.



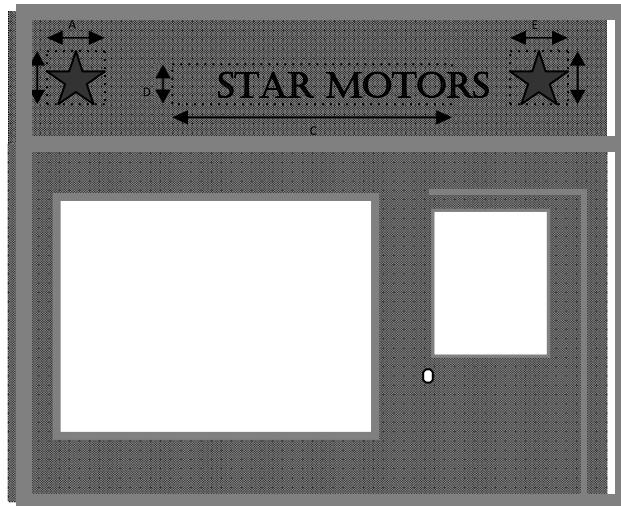
$$\text{Total Sign Surface Area} = (A) (B) + (C) (D) + (E) (F)$$

5-6.5 Round, Cube, and Other 3-D Signs

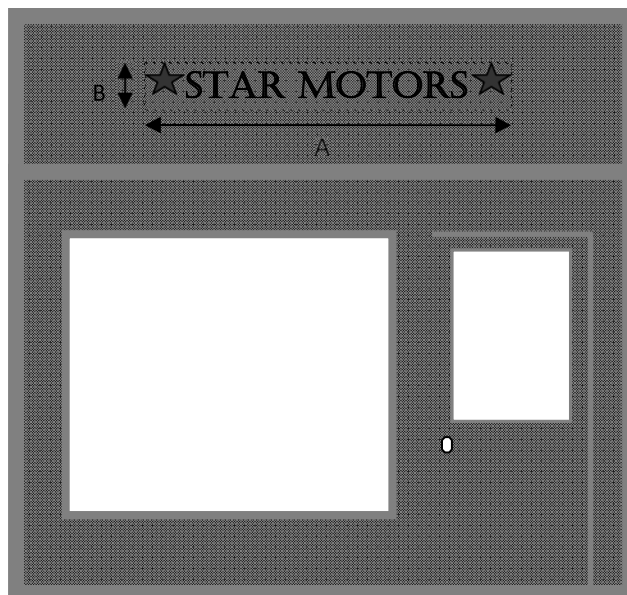
In the case of cylindrical signs, signs in the shape of cubes, or other signs that are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces are included in computations of the area.

5-6.6 Individual Element Signs

When signs are constructed of individual elements attached or applied to a wall, fence, or building wall, the sign area is determined by calculating the area of an imaginary rectangle drawn around the sign elements that encompasses all the written and graphical elements of the sign. Sign elements will be measured as one (1) unit when the distance between the elements is less than two (2) times the dimension of each element.



$$\text{Sign Area} = (A)(B) + (C)(D) + (E)(F)$$



$$\text{Sign Area} = (A)(B)$$

5-6.7 Signs on a Base Material

When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used to compute sign surface area.

5-6.8 Signs on Awnings, Canopies, and Marquees

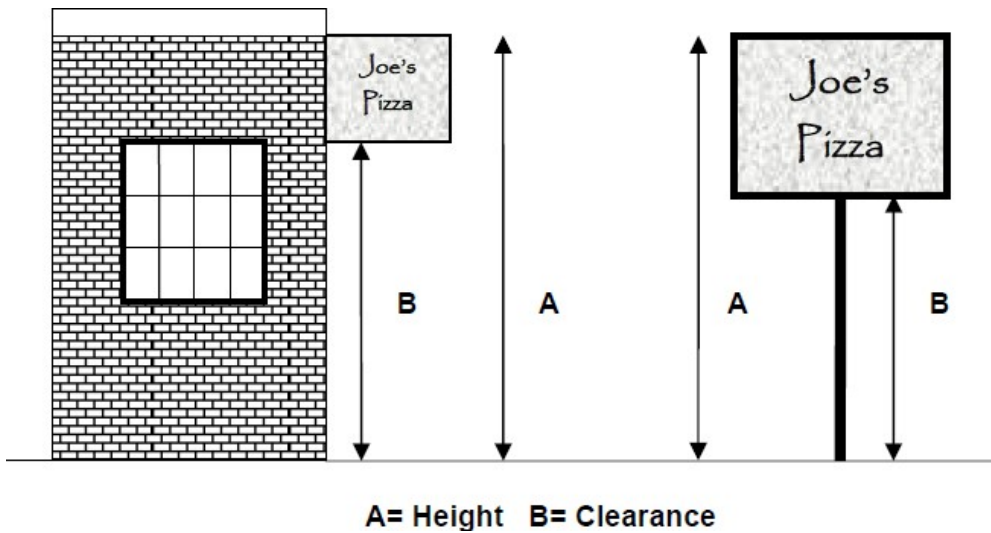
When signs are incorporated into awnings, canopies, and marquees, the sign area is determined by computing the area of an imaginary rectangle drawn around the sign face that encompasses all the written and graphical elements of the sign.

5-6.9 Sign Height

Sign height is measured from the natural grade below the sign to the highest point of the sign frame area. The height shall not be measured from the top of an earth berm, support foundation, or planting box.

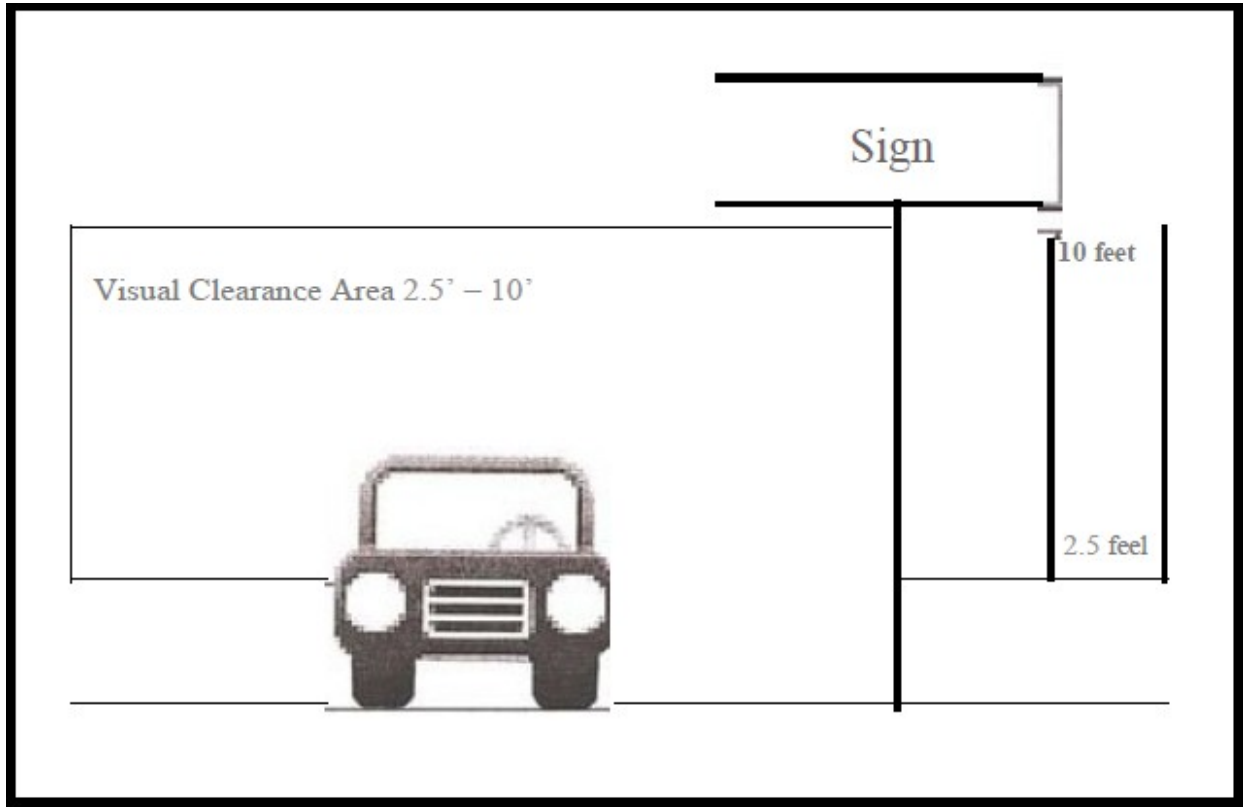
5-6.10 Sign Clearances

Sign clearances are measured from the grade directly below the sign to the bottom of the sign frame. When a sign extends over sidewalks, walkways or other spaces accessible to the public, the bottom of the sign structure shall be at least eight feet above the ground.



5-6.10(1)

No sign shall be located in the visual clearance zone as defined in Article 3 Zoning Regulations for Use of Lots of this Ordinance.



5-6.11 Sign Materials and Code Compliance

Signs must be constructed in accordance with all applicable provisions of the building code and national electrical code, consist of durable all-weather materials, be maintained in good condition (including paint), and shall not be permitted to fall in disrepair.

5-6.12 Sign Illumination

All illuminated signs shall conform to the following requirements:

- A. All signs when illuminated shall have such lighting shielded so as not to directly shine on abutting properties or in the line of vision of the public using the streets or sidewalks.
- B. No sign shall be illuminated in such a way that it causes intense illumination onto any residential premises located in any zoning district, in a manner which by intensity, duration, location, or other characteristic is incompatible with the residential character of the property in which such illumination is cast.
- C. Internally illuminated signs may not project light beyond the face of the sign or otherwise cause a glare.
- D. Externally lighted signs shall have their lighting directed in such a manner as to illuminate only the face of the sign.
- E. All lighted signs shall meet all applicable electrical codes and shall bear a nationally recognized electrical testing laboratory label (such as a UL label).
- F. No illumination simulating traffic control devices or emergency vehicles shall be used, nor shall lights which are intermittently switched on or off, changed in intensity or color, or otherwise displayed to create the illusion of flashing or movement be permitted.
- G. Signs containing changeable copy produced by light emitting diodes (LEDs), incandescent or low voltage lamps or bulbs, or cathode ray tubes (CRTs) shall include automatic brightness compensation features to adjust brightness to compensate for sun angle and ambient light conditions and to ensure that the sign is visible but not necessarily radiant.

5-6.13 Changeable Copy Signs

Changeable copy signs are signs or portions thereof with characters, letters, or illustrations that can be changed or rearranged by any means (manual, electronic [digital], atmospheric, mechanical, remote, etc.) without altering the face or surface of the sign. For the purposes of this Article, a sign on which the message or image changes more often than once every fifteen (15) seconds shall be considered a sign employing a confusion of motion and is not allowable. Digital changeable copy signs are permitted as follows:

- A. Digital changeable copy is permitted only on permanent principal freestanding signs and marquees and shall comply with all the regulations of freestanding and marquee signs as applicable.
- B. Sign copy or image shall maintain a static message or image for at least fifteen (15) seconds.
- C. The actual change between sign message and/or image shall be instantaneous.
- D. Changeable copy signs shall not employ motion or the illusion of motion by any means to depict action or create a special effect or scene.
- E. Such signs are not permitted to create the illusion of blinking, alternating, chasing, contracting or expanding, flashing, fading, repeating, oscillating, pulsating, rotating, rolling, running, scrolling, strobing, twinkling, or simulate moving video images, etc.
- F. Signs shall not employ flashing lights or lights of changing degree or intensity of color.
- G. Signs containing changeable copy produced by light emitting diodes (LEDs), incandescent or low voltage lamps or bulbs, or cathode ray tubes (CRTs) shall include automatic brightness compensation features to adjust brightness to compensate for sun angle and ambient light conditions and to ensure that the sign is visible but not necessarily radiant.
- H. Digital changeable copy signs, including digital message board signs, shall not be operated between the hours of 9:00 p.m. and 7:00 a.m. if located 300 feet of a residential dwelling unless the sign face is visually obscured from the residence.
- I. Digital changeable copy signs shall be a minimum of 100 feet from any intersection with a traffic light.
- J. Only one electronic digital sign per street frontage shall be allowed.
- K. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.

Section 5-7 Common Signage Plan

5-7.1 Applicability

A common signage plan is required for a lot or parcel with more than one principal use or building (not including accessory uses or buildings) or that qualifies on the basis of street frontage for more than one free-standing sign.

5-7.2 Plan Requirements

The plan shall contain all information required for permits generally and shall specify standards for consistency among all signs on the lot or parcel including all signs on buildings and walls affected by the plan with regard to:

- A. Lettering or graphic style;
- B. Lighting;
- C. Location of each sign on the buildings;
- D. Material; and
- E. Sign proportions.

5-7.3 Sign Surface Area for Common Signs for Multiple Occupants

The sign surface area Common signs for multiple occupants may be increased up to twenty-five percent (25%) of the maximum surface area allowed for single-occupancy signs per zoning district.

5-7.4 Number of Signs

In all zoning districts on lots with multiple uses or multiple users, the Common Signage Plan shall limit the number of freestanding signs to a total of one for each street on which the lots included in the plan have frontage and shall provide for shared or common usage of such signs. Exception: lots with frontage (on one street) greater than 150 linear feet shall be permitted a second freestanding common sign.

5-7.5 Common Signage Plan Binding

Once approved by the Planning Official, the common signage plan shall become binding on all business and uses occupying the affected zone lots but may be amended by filing a new or revised plan that conforms with all requirements of this Section.

If any new or amended Common Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within six months, all signs not conforming to the proposed amended plan or to the requirements of this Section in effect on the date of submission.

Section 5-8 Temporary Signs

The following conditions shall apply to all temporary signs:

- A. Unless otherwise specified, no such sign, with or without a permit, shall be displayed for a period exceeding 30 days, nor again be displayed on the same establishment or lot more than three times during a calendar year; however, "for sale," "for rent," "for lease" and contractor's signs may be displayed until completion of purpose for which such signs were established. Temporary sign permits for uses included in the IN column in Table 3 and sale and grand opening signs may not exceed 30 days duration.
- B. Posters shall not exceed six square feet in area.
- C. Banners shall not exceed twenty-four square feet in area.
 1. *On private property:*
 - a. No banner shall be attached to vehicles, utility poles, trees, or plants;
 - b. No more than one banner shall be displayed at one time;
 - c. Banners shall be replaced at not less than 30-day intervals; and
 - d. Banners shall be maintained in good repair.
 2. *On public streets and rights-of-way:*
 - a. Banners over public streets are prohibited in the Town of Irmo except to announce special events sponsored by domiciled eleemosynary institutions.
- D. Sandwich board signs (or A-frame signs) are allowed a temporary sign permit in neighborhood commercial (CN) and general commercial (CG) districts provided they meet the requirements as follows:
 1. A sandwich board sign (or A-frame sign) shall not be used in conjunction with a banner sign and neither be displayed for more than 30 days at a time, nor again be displayed on the same establishment more than three times during a calendar year;
 2. Sandwich board signs (or A-frame signs) shall not exceed 24 inches in width and 36 inches in height from the top of the sign to the ground where the sign is located;
 3. Each sign face shall not exceed six square feet;

4. Sandwich board signs (or A-frame signs) may not be placed on any public sidewalk or between a sidewalk and the adjacent roadway;
 5. Sandwich board signs (or A-frame signs) cannot be located within a public right-of-way;
 6. Sandwich board signs (or A-frame signs) shall be maintained in good repair;
 7. Florescent colors are prohibited.
- E. **Restaurant sandwich board and easel signs.** Where restaurants are permitted per Table 1, restaurants are permitted temporary placement of sandwich boards and easel signs displaying menus. Easel boards shall not exceed 24 inches in width and 36 inches in height from the top of the sign to the ground where the sign is located. Sandwich board and easel signs shall be located as not to obstruct public passage. Restaurant establishments shall only display sandwich boards or easel signs when the establishment is open for business.
- F. **Temporary Campaign and Election Signs** are permitted in all zoning districts provided that:
- a. One (1) sign per street frontage per candidate (or issue being voted on) shall be allowed. If the property lies on a corner lot or double frontage lot, then a second sign may be oriented along the second street so long as the two signs are at least 100 feet apart as measured by the shortest straight line.
 - b. Signs in areas zoned residential shall not exceed six (6) square feet in sign face area and shall not exceed four (4) feet in height. Signs in areas not zoned residential shall not exceed twenty (20) square feet in sign face area and shall not exceed ten (10) feet in height.
 - c. No sign shall be placed in any right-of-way; on any telephone pole, street sign, fence, or public property; or within a driveway or intersection sight triangle.
 - d. Temporary campaign and election signs shall not be illuminated.
 - e. In accordance with SC law, no such political sign shall be placed within 200 feet of any building in which an election poll is being conducted.
 - f. All such signs shall be erected no sooner than the first day of filings for each specific election or referendum for which they are made.
 - g. All such signs shall be removed within seven (7) days after the election or referendum for which they were made. Signs for runoff elections may remain until seven (7) days after the final election to which the signs apply.

Section 5-9 Prohibited Signs

All signs not expressly permitted in this Article are prohibited. Prohibited signs include, but are not limited to:

- A. Signs painted on or attached to trees, fence posts, telephone or other utility poles, or natural features.
- B. Signs displaying intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or other rescue vehicles or warning signals, and signs using the words "stop," "danger," or any other word, phrase, symbol, or character in a manner that might mislead or confuse motorists.
- C. Abandoned signs – A sign which no longer correctly directs or exhorts any person or advertises a bona fide business, lessor, owner, activity conducted, or product available.
- D. Dilapidated signs – Any sign which is insecure or otherwise structurally unsound, has defective parts in the support, guys and/or anchors, or which is unable to withstand the wind pressure as determined by the Planning Official or Building Inspector using applicable codes. Dilapidated signs also include the entire area of a sign on which advertising copy could be placed and the permanent

form or removable letter form wording on a sign surface that is not properly maintained as provided in the standard building code.

- E. Vehicles with signs either attached to or painted on them and that are conspicuously parked in close proximity to the right-of-way and obviously parked in such a way as to advertise any business to the passing motorist or pedestrian are prohibited unless said vehicle is parked within a defined public parking space within a paved parking area permitted by the Town.
- F. Signs with salacious content.
- G. Off-premise advertising signs – Any sign, including digital and changeable copy signs, that identifies or communicates a message related to an activity conducted, a service rendered, or a commodity sold that is not the primary activity, service, or commodity provided on the site where the sign is located. Except as allowed under Temporary Signs, any sign which relates in its subject matter to products, accommodations, services, or activities that are sold or offered elsewhere than upon the premises on which such sign is located is not allowed. Off-premise advertising signs include, but are not limited to, those signs commonly referred to as outdoor advertising signs, billboards, or poster boards.

5-9.1 Signs in the Public Right-of-Way

No sign shall be allowed in the public right-of-way, including the railway right-of-way, except for the following:

- A. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;
- B. Church signs, in accordance with State law;
- C. Informational signs of a public agency or utility regarding its facilities;
- D. Emergency signs;
- E. Directional signs; and
- F. Signs of a temporary nature not to exceed 24 hours duration for such events as yard sales, auctions, public gatherings, etc., provided such signs shall not be attached to a tree, utility pole, traffic sign, or other public structure.

5-9.1(1) Signs forfeited

Any sign installed or placed on public property, except in conformance with the requirements of this Section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Town shall have the right to recover from the owner or person placing such sign the full costs of removal and disposal.

Section 5-10 Removal of Signs

- A. The lawful use of any permanently mounted sign existing at the time of the enactment of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance, except those declared abandoned or dilapidated, which shall be removed or have remedial action taken upon them by notification of the Planning Official.
- B. Any existing sign that is subsequently abandoned shall be removed, and any existing sign exceeding the allowable face area by 25 percent, and that is subsequently destroyed or damaged to the extent of 60 percent or more of its replacement cost, shall be removed or brought into conformity with these regulations.
- C. Any existing nonconforming temporary sign shall be removed within 90 days of enactment of this Ordinance.

- D. Temporary signs shall be removed within three days of the termination period.
- E. An order under this Section shall be issued in writing to the owner or responsible party of any such sign, or of the building or premises on which such sign is located, to comply within five days' time. Upon failure to comply with such notice, the Planning Official may cause the sign to be removed and any costs of removal incurred in the process may be collected in a manner prescribed by law.

Section 5-11 Sign Permit Application

Each application to erect a sign, where a sign permit is required by this Ordinance, shall be accompanied by the following information:

- A. Common signage plan, where applicable, in accordance with the requirements of section 5-7.
- B. Identification of ownership and/or leaseholder of property on which the sign is to be erected, including street address.
- C. Name and address of the owner of the sign.
- D. Site plan with dimensions (non-professionally drafted plan is acceptable) showing the location of the sign with respect to the property and right-of-way lines, building and setback lines, and buildings, parking areas, existing free-standing signs, and buffer areas.
- E. Correct size, shape, configuration, sign frame and surface areas, height, nature, number, and type of sign to be erected.
- F. The value of the sign and sign structure.
- G. The zoning administrator may waive any of the informational requirements listed above deemed unnecessary to process an application.
- H. For signs thirty-two square feet and larger in area, the applicant shall include a drawing by a registered South Carolina engineer or architect and a written certification from a registered South Carolina engineer or architect that the sign is structurally sound and safe; does not constitute a hazard to persons or property on the premises, on adjoining property, or in the vicinity of its location; and that the sign is in compliance with all requirements of building or other construction codes and the requirements of this Ordinance.

STATE OF SOUTH CAROLINA)
TOWN OF IRMO)
)

RESOLUTION 23-05

A RESOLUTION OF THE TOWN OF IRMO TO IMMEDIATELY SUSPEND THE LAND ACQUISITION ACTIVITIES ON OR AROUND MOSELEY AVENUE FOR THE PROPOSED DOWNTOWN DISTRICT.

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF IRMO, SOUTH CAROLINA, IN COUNCIL DULY ASSEMBLED AND BY THE AUTHORITY THEREOF THAT:

WHEREAS, the Town of Irmo, South Carolina, is a municipal corporation, incorporated and existing under the laws of the Great State of South Carolina, and;

WHEREAS, the Town of Irmo, through its duly constituted Council, approved and adopted Resolution 22-08 authorizing the hiring of a real estate acquisition firm, and;

WHEREAS, the real estate acquisition firm was to assist in acquiring property in the proposed downtown district, and;

WHEREAS, no real estate acquisition firm has been hired since the passing of Resolution 22-08, and;

WHEREAS, the Town now desires to immediately suspend all land acquisition activities in and around Moseley Avenue in the proposed downtown district, and;

BE IT FURTHER RESOLVED that this resolution shall become effective and adopted on 19th day of September 2023.

Barry A. Walker, Sr. Mayor

ATTEST:

Renee Caviness, Municipal Clerk



Staff Report

Grant Opportunity

DATES: Workshop: September 5, 2023
Regular Meeting: September 19, 2023

TO: Irmo Town Council

FROM: Douglas Polen, Assistant Town Administrator

SUBJECT: Grant Opportunity

ACTION REQUESTED: Resolution for a grant opportunity

Background

The State Municipal Association has been offering the Hometown Economic Development Grant for approximately 6 years. This grant offers up to \$25,000 for economic development projects and requires a 15% match on the part of the Town, or \$3,750.

Staff is considering applying for the grant in order to erect wayfinding signage around Town. This will help motorists find their way around, but will also help promote the Irmo Brand, with our new logo placed in prominent locations around the area.

While no quotes have been secured, the overall price is estimated at \$75,000 for a dozen signs. These signs would point to the parks, Town Hall, Police Station, and other civic locations.

The application is due by Sept. 29th and a signed resolution by Council is required.

STATE OF SOUTH CAROLINA)
TOWN OF IRMO)
)

RESOLUTION 23-06

RESOLUTION COMMITTING THE TOWN OF IRMO TO PROVIDING A LOCAL MATCH FOR A MUNICIPAL ASSOCIATION OF SOUTH CAROLINA HOMETOWN ECONOMIC DEVELOPMENT GRANT AND FOLLOWING ITS PROCUREMENT POLICY WHEN SECURING SERVICES AND PRODUCTS WITH GRANT FUNDS

BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF IRMO, here assembled on this 19th day of September 2023, that the Irmo Town Council hereby commits to provide a local cash match of at least \$3,750, which equals the minimum fifteen percent local match required by the Municipal Association of South Carolina, to support the Town of Irmo’s application for a \$25,000 Hometown Economic Development Grant. This grant and local matching funds will be used for directional signage.

BE IT FURTHER RESOLVED that Council will follow its procurement policy adopted in accordance with SC Code of Laws Section 11-35-50 when securing all services and products purchased with funds awarded from a Hometown Economic Development Grant.

This resolution is made in regard to the submission of an application for Hometown Economic Development Grant funds to the Municipal Association of South Carolina on or before September 29, 2023.

Barry A. Walker, Sr.
Mayor, Town of Irmo

ATTEST:

Renee Caviness, Municipal Clerk
Town of Irmo, South Carolina



Staff Report

Contract

DATES: Regular Meeting: September 19, 2023

TO: Irmo Town Council

FROM: Douglas Polen, Assistant Town Administrator

SUBJECT: Contract

ACTION REQUESTED: Approve a contract to move forward on improvements to the Community Park

Background

Town Staff issued an invitation for bids on July 25 for a series of projects to be completed at the Community Park. After a pre-bid conference on August 7, addenda were issued and fifteen distinct projects were to be bid on separately by the bidders. On August 25 four bids were received. The bidders, bids, and projects are shown on the attached bid tabulation.

Following the receipt of the bids, Town Staff determined that CL Construction offered the lowest qualifying bid, and contact was made with CL's owner, Kevin Corley. The Town drew up a contract, attached, and had said contract reviewed by the Town Attorney before sending to Mr. Corley. Mr. Corley has signed the contract and is ready to begin work following the conclusion of the Okra Strut.

The work is to cost \$150,780 and will be completed by March 7, 2024.


Town of Irmo
Bid Tabulation



Project B2023-01 - Community Park Improvements

	Grace Construction Group	CL Construction	Parking Lot King, LLC	Hammer Construction
Sealing, Striping, and Flatwork				
1 All sidewalks, roads, and concrete trails to be sealed	\$ 49,939	\$ 19,900	\$ 25,851	\$ 44,000
2 All paved parking areas to be restriped		\$ 8,400	\$ 4,461	\$ 32,000
3 Place removable bollards at the end of the parking space where the wheel stop has been removed. These bollards should match the existing bollards at the other end of the trail.	\$ 2,593	\$ 1,420	\$ 750	\$ 2,200
4 Repair sidewalk cut near Magnolia Picnic Shelter		\$ 5,680	\$ 650	\$ 4,000
5 Asphalt the gravel trail near the Magnolia Shelter restroom and around the playground	\$ 33,766	\$ 30,950	\$ 9,483	\$ 18,000
6 Widen pavement to 12' from the amphitheater to the road. This area should be completely replaced with new subbase.		\$ 39,780	\$ 13,685	\$ 69,000
7 The sidewalk at the top of the stairs near the amphitheater bathroom to be repaired	\$ 1,680	\$ 1,500	\$ 700	\$ 1,800
8 Repair sidewalk between the sidewalk and the back side of the playground	\$ 3,615	\$ 1,500	\$ 1,300	\$ 4,200
Total Bid for Sealing, Striping & Flatowrk	\$ 91,593	\$ 109,130	\$ 56,880	\$ 175,200
Carpentry				
9 Repair/refinish Information Kiosks	\$ 1,299	\$ 1,500	\$ 900	\$ 3,000
10 Repair/replace the bridges	\$ 14,872	\$ 3,900	\$ 6,000	\$ 13,000
11 Repair/replace ramp and rail at the Children's Playhouse	\$ 2,586	\$ 1,280	\$ 2,000	\$ 3,200
Total Bid for Sealing, Striping & Flatowrk	\$ 18,757	\$ 6,680	\$ 8,900	\$ 19,200
Painting				
12 Restain Shelters and Amphitheater, as well as pergola at rear bathroom	\$ 29,842	\$ 14,900	\$ 2,500	\$ 28,000
13 Repaint the wood on the two bathrooms. The stucco WILL NOT be repainted		\$ 6,800	\$ 500	\$ 9,500
14 Epoxy coat the floors of the restroom near the Magnolia Shelter	\$ 7,143	\$ 8,480	\$ 1,350	\$ 6,500
Total Bid for Sealing, Striping & Flatowrk	\$ 36,985	\$ 30,180	\$ 4,350	\$ 44,000
Earthwork				
15 Install drain boxes near the playground and pipe to the rocks where existing pipes drain. Build a rock flume to then carry this water to the pond.	\$ 22,283	\$ 9,790		\$ 15,300
Total Bid for Entire Project:	\$ 169,618	\$ 155,780	\$ 70,130	\$ 253,700

I Certify the above information to be true and accurate:


Courtney Dennis, Town Administrator


Witness

8/25/23 @ 11 AM
Opened



Staff Report

A-Tax Annual Meeting

DATE: Council Meeting: September 12, 2023
TO: Town Council
FROM: Courtney Dennis, Town Administrator
SUBJECT: Accommodations Tax Advisory Committee Annual Meeting 2023
ACTION REQUESTED: A-Tax Committee Recommendations

BACKGROUND INFORMATION

As stated in the Irmo Code of Laws, the town accommodations tax advisory committee is created along with the powers and duties as outlined in that law, and whatever other powers and duties as the town council may lawfully provide.

The code also states that the advisory committee shall meet and submit written recommendations to the town council at least once annually regarding the expenditure of state accommodations tax proceeds. The town council may accept, reject, or modify these recommendations. Local Accommodations Tax proceeds must be used for tourism-related projects and programs as defined in S.C. Code 1976, § 6-1-530".

South Carolina State Law also defines how the received money will be distributed.

Specifically, S.C. Code 1976, § 6-4-10. Allocation to general fund; special fund for tourism; management and use of special fund.

The funds received by a municipality or a county in county areas collecting more than fifty thousand dollars from the local accommodations tax provided in Section 12-36-2630(3) must be allocated in the following manner:

(1) The first twenty-five thousand dollars must be allocated to the general fund of the municipality or county and is exempt from all other requirements of this chapter.

(2) Five percent of the balance must be allocated to the general fund of the municipality or county and is exempt from all other requirements of this chapter.

(3) Thirty percent of the balance must be allocated to a special fund and used only for advertising and promotion of tourism to develop and increase tourist attendance through the generation of publicity. To manage and direct the expenditure of these tourism promotion funds, the municipality or county shall select one or more organizations, such as a chamber of commerce, visitor and convention bureau, or regional tourism commission, which has an existing, ongoing tourist promotion program. If no organization exists, the municipality or county shall create an organization with the same membership standard in Section 6-4-25. To be eligible for selection the organization must be organized as a nonprofit organization and shall demonstrate to the municipality or county that it has an existing, ongoing tourism promotion program or that it can develop an effective tourism promotion program. Immediately upon an allocation to the special fund, a municipality or county shall distribute the tourism promotion funds to the organizations selected or created to receive them. Before the beginning of each fiscal year, an organization receiving funds from the accommodations tax from a municipality or county shall submit for approval a budget of planned expenditures. At the end of each fiscal year, an organization receiving funds shall render an accounting of the expenditure to the municipality or county which distributed them. Fees allocated pursuant to this subsection must not be used to pledge as security for bonds and to retire bonds. Also, fees allocated pursuant to this subsection must be allocated to a special fund and used only for advertising and promotion of tourism to develop and increase tourist attendance through the generation of publicity, and not used to pledge as security for bonds and to retire bonds.

(4)(a) The remaining balance plus earned interest received by a municipality or county must be allocated to a special fund and used for tourism-related expenditures. This section does not prohibit a municipality or county from using accommodations tax general fund revenues for tourism-related expenditures.

"Tourism-related expenditures" include:

(i) advertising and promotion of tourism so as to develop and increase tourist attendance through the generation of publicity;

(ii) promotion of the arts and cultural events;

(iii) construction, maintenance, and operation of facilities for civic and cultural activities including construction and maintenance of access and other nearby roads and utilities for the facilities;

(iv) the criminal justice system, law enforcement, fire protection, solid waste collection, and health facilities when required to serve tourists and tourist facilities. This is based on the estimated percentage of costs directly attributed to tourists;

(v) public facilities such as restrooms, dressing rooms, parks, and parking lots;

(vi) tourist shuttle transportation;

(vii) control and repair of waterfront erosion, including beach renourishment;

(viii) operating visitor information centers.

(c)(i) Allocations to the special fund must be spent by the municipality or county within two years of receipt. However, the time limit may be extended upon the recommendation of the local governing body of the county or municipality and approval of the oversight committee established pursuant to Section 6-4-35. An extension must include provisions that funds be committed for a specific project or program.

(ii) Notwithstanding the provisions of subsubitem (i), upon a two-thirds affirmative vote of the membership of the appropriate local governing body, a county or municipality may carry forward unexpended allocations to the special fund beyond two years provided that the county or municipality commits use of the funds exclusively to the control and repair of waterfront erosion, including beach renourishment. The county or municipality annually shall notify the oversight committee, established pursuant to Section 6-4-35, of the basic activity of the committed funds, including beginning balance, deposits, expenditures, and ending balance.

(d) In the expenditure of these funds, counties and municipalities are required to promote tourism and make tourism-related expenditures primarily in the geographical areas of the county or municipality in which the proceeds of the tax are collected where it is practical.

BREAKDOWNS

For FY23-24 (July 2023 – June 2024), the Town of Irmo has the following A-Tax funds to distribute:

30% Fund – (special fund used only for advertising and promotion of tourism) - **\$19,270.38.**

65% Fund – (special fund used for tourism-related expenditures) - **\$47,279.61.**

Applications Received and Amounts Requested:

Capital City/Lake Murray Country – entire 30% fund

Greater Irmo Chamber of Commerce - \$15,000

Irmo Future Growth - \$8,000

Irmo International Festival - \$20,000

Lexington Medical Center Irmo Okra Strut - \$40,000

MEETING DETAILS / RECOMMENDATIONS

The Irmo Accommodations Tax Advisory Committee met on September 7th, 2023, and elected Andre Fontana as their Chairperson, Beach Loveland as their Vice-Chairperson, and Courtney Dennis as the Secretary. The Committee reviewed applications and received presentations. The Committee has made the following recommendations to the Town Council:

30% Restricted Fund (\$19,270.38 available)

Capital City/Lake Murray Country – \$19,270.38 (entire 30% fund)

65% Special Fund (\$47,279.61 available)

Greater Irmo Chamber of Commerce - \$15,000

Irmo Future Growth - \$10,000

Irmo International Festival - \$10,000

Lexington Medical Center Irmo Okra Strut - \$10,000

Capital City/Lake Murray Country – \$2,279.61

Reporting is due to the South Carolina Tourism Expenditure Review Committee by October 1st, 2023, so the council will need to act at the September Council Meeting.

IRMO ACCOMMODATIONS TAX ADVISORY COMMITTEE
RESOLUTION NO. 23-01

**RECOMMENDATION OF DISBURSEMENT OF
ACCOMMODATIONS TAX FUNDS**

WHEREAS, under the authority set forth in S.C. Code, Supplement 1997, Title 6, Chapter 4, along with House Bill 3851, the Town of Irmo has established an Accommodations Tax Advisory Committee under Town Ordinance 16-19;

WHEREAS, the Accommodations Tax Advisory Committee is required to make recommendations to the Irmo Town Council on the expenditures of revenues generated from the accommodations tax;

WHEREAS, the Town of Irmo announced and accepted FY23-24 Tax Fund Applications that were made available to the Accommodations Tax Advisory Committee for review;

WHEREAS, on September 7th, 2023, the Irmo Accommodations Tax Advisory Committee convened and reviewed the applications;

WHEREAS, the Accommodations Tax Advisory Committee recommends the 30% Restricted Funds be awarded to **CAPITAL CITY/LAKE MURRAY** in the amount of **\$19,270.38**.

WHEREAS, the Accommodations Tax Advisory Committee also recommends the remaining 65% of Special Funds be awarded to the **GREATER IRMO CHAMBER OF COMMERCE** in the amount of **\$15,000**, **IRMO FUTURE GROWTH CORPORATION** in the amount of **\$10,000**, **LEXINGTON MEDICAL CENTER IRMO OKRA STRUT** in the amount of **\$10,000**, **IRMO INTERNATIONAL FESTIVAL** in the amount of **\$10,000**, and **CAPITAL CITY/LAKE MURRAY** in the amount of **\$2,279.61**.

NOW, THEREFORE, BE IT RESOLVED by the Irmo Accommodations Tax Advisory Committee, this resolution was formally adopted by a vote of the Accommodations Tax Advisory Committee of Irmo, South Carolina on the 7th day of **September 2023**.

Attest:



Secretary



Chairperson