

6971 Doar Road | P.O. Box 520 | Awendaw, SC 29429

843.928.3100 | [www.townofawendawsc.org](http://www.townofawendawsc.org)

[townadministrator@townofawendawsc.org](mailto:townadministrator@townofawendawsc.org)

Katharine Watkins | Town Administrator

Donna F. Steed | Clerk/Treasurer



**Town of Awendaw**  
**Planning Commission Meeting**  
Tuesday, February 17, 2026  
6:00 PM, Awendaw Town Hall

**Town Council**

Paul Brown | Wendy Helms  
Grace Gasper | Rodney Porcher  
Kent Prause | John Timmons

**A. Prayer, Pledge of Allegiance & Reading of the Civility Pledge**

**B. Call to Order and Roll Call**

**C. Approval of Meeting Minutes – January 20 & 27 Meeting Minutes**

**D. Public Comments –**

*The public comment period will be limited to a total of 25 minutes. Each speaker will have up to 2 minutes. No individual may speak more than once until all others wishing to comment have had an opportunity.*

**E. New Business –**

- a. **Ordinance 2026-05** - *An ordinance of the Town of Awendaw, South Carolina, to amend Title XV: Land Usage, Chapter 153: Zoning Code, Subdivision Regulations Division, Section 153.305 Water and Sewage Disposal of the Code of the Town of Awendaw.*
- b. **Ordinance 2026-06** - *An Ordinance of the Town of Awendaw, South Carolina, to Amend Title XV: Land Usage, Chapter 153: Zoning Code, General Provisions of the Code of the Town of Awendaw, South Carolina, by Amending Section 153.009 Definitions, adopting a new Section 153.065 Lighting Regulations, along with new Sections 153.066 through 153.070 thereto, providing for New Lighting Regulations.*
- c. **Ordinance 2026-07** - *An Ordinance of the Town of Awendaw, South Carolina, to Amend Title XV: Land Usage, Chapter 153: Zoning Code, Wetlands and Waterways Setbacks Division of the Code of the Town of Awendaw, South Carolina, by renaming the Division thereof to Wetlands Protection and repealing the Existing Section 153.225 thereto and adding a New Section 153.225, along with New Sections 153.226 through 153.238 thereto, Providing for the Protection of Tidal and Freshwater Wetlands, and all Effected Sections for Clarity; Section 153.009 Definitions to Include Proposed Definitions, 1 Section 153.025 through 153.032 "Description of Zoning Districts" to reference the Wetlands Standards.*

**H. Closing Remarks –**

**I. Adjournment**

**Next Meeting – (February 23, 2026)**

**IN ACCORDANCE WITH THE FREEDOM OF INFORMATION ACT, THE PRINT MEDIA WERE DULY NOTIFIED, ALONG WITH A HARD COPY POSTED AT CITY HALL. • SHOULD YOU HAVE QUESTIONS OR COMMENTS, PLEASE CONTACT PLANNING AT (843) 931-8125.**

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Town Council

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## Town of Awendaw Planning Commission Meeting Agenda

Tuesday, January 20, 2026

6:00 PM, Awendaw Town Hall

6971 Doar Road, Awendaw, SC 29429

### A. Prayer, Pledge of Allegiance & Reading of the Civility Pledge

At 6:00 pm, Chairman John Osguthorpe, began the Planning Commission Meeting. Commissioner Jeff Hardee, read the Serenity Prayer, recited the Pledge of Allegiance & led the Civility Pledge.

### B. Call to Order and Roll Call [Time Stamp 1:08]

Chairman Osguthorpe called the meeting to order. Mr. Jeff Hardee, Ms. Kelly Cousino (confirming a quorum), Town Administrator, Mrs. Katharine Watkins, Town Attorney, Mac McQuillin, Town Planning Manager, Mr. Daniel O'Hara, and Town Planning Clerk Takeya White were all present. Mr. Jay Reigart joined at 6:04 pm & James Gardner joined at 6:16 pm.

### C. Approval of Minutes – December 2025

Chairman Osguthorpe then moved to agenda item C, "Approval of Minutes" and asked Planning Clerk, Takeya White, for clarification around the inclusion of the November 2025 meeting minutes. She explained that they were included to show the final amendment requests made by Commissioner Cousino. He asked the rest of the board if they had any amendments to the December 2025 Meeting Minutes. Hearing none, Chairman Osguthorpe then made a motion.

**Motion: Motion to approve December 2025 meeting minutes.**

**Posed By: Dr. John Osguthorpe**

**Second: Mr. Jeff Hardee**

**Vote: Unanimous Approval**

Chairman Osguthorpe moved on to agenda item D, by prefacing "Public Comments," and asked Town Planner, Mr. Dan O'Hara to take on Public Comment procedures. Mr. O'Hara made the chairman aware that there are a few written comments that were submitted in writing. He asked the chairman if he would like to take the right to recognize them or if he would like for them to be submitted to be included in the meeting minutes. Chairman Osguthorpe then asked the audience if anyone who submitted written comments were present. One member of the audience said they

had not submitted their comments. He then asked the audience if they would be okay with their comments being submitted with the meeting minutes. The collective answer was yes. Chairman Osguthorpe then entertained those present who wanted to speak.

**D. Public Comments – [ Time Stamp 4:25]**

*The public comment period will be limited to a total of 25 minutes. Each speaker will have up to 2 minutes. No individual may speak more than once until all others wishing to comment have had an opportunity.*

1 member of the public wished to speak:

*Mr. Gary Freeman of 7928 Pelican Bay Drive who spoke against the Shell Ring Crossing PD.*

After hearing no other requests for public comment, Chairman Osguthorpe then moved on to New Business item, E(a) the review of the Preliminary Plat Application for the Shell Ring Crossing Planned Development, and asked Mr. O'Hara to start with his presentation

**E. New Business –**

Mr. O'Hara presented his staff report and gave a brief synopsis around his findings in reference to the Shell Ring Crossing PUD. He also noted that he has talked with town water consultant, Mr. Ron Bycroft, to verify water infrastructure and spoke through safety concerns with the Awendaw-McClellanville Fire Department.

**a. Preliminary Plat Application – Action Item**

Mr. O'Hara continued his presentation and passed the meeting back to the Chairman. Chairman Osguthorpe then asked if the applicant wanted to give their presentation.

Mr. Danny Cruze – Stillwater Civil Engineer [1104 Hitchfield Lane, Cedar Plantation] – he also noted that he is also a resident of town

Mr. Cruz thanked the Planning Staff for working with them, and to the Planning Commission for hearing their application. He stated that he has been working closely with planning staff, and even more so with Mr. Bycroft to appease the town. He then opened himself to questions from the Commission.

**i. Shell Ring Crossing (PD) TMS 661-00-00-025**

Chairman Osguthorpe went on to discuss the application. Mr. O'Hara then called a point of Correction and noted to the chair that if he was moving on with discussion, they would need to make a motion. **[Time Stamp 21:58]**

**Motion: To open discussion on the Shell Ring PD  
Posed By: Dr. John Osguthorpe**

**Second: Mr. James Gardner**

**Vote: Unanimous Approval**

The Commission continued its discussion with the applicant, the Planning Manager, and the Town Attorney. Near the conclusion of the discussion, Commissioner Reigart asked clarifying questions regarding the validity of the Planned Development (PD), noting that it did not include a mixed-use component. Town Attorney Mac McQuillin responded that the citizen's concern was valid and stated that the absence of a mixed-use element presents an issue under Town Code §153.031. He referenced relevant case law, cited page 26 of 86 of the Planning Commission packet, and advised the Commission that, in his opinion, the application conflicts with the 1994 Planning Enabling Act, raising a legal concern. Following the Town Attorney's guidance and additional discussion among the Commission, Chairman Osguthorpe entertained a motion. **[Time Stamp: 52.10]**

**Motion: To deny the Shell Ring Crossing PD based on the attorney's recommendation and because it does not meet the requirements of the PD Ordinance.**

**Posed By: Mr. Jeff Hardee**

**Second: Mr. James Gardner**

**Vote: Unanimous Approval**

Chairman Osguthorpe then moved on to agenda item E(b), prefaced the town moratorium and noted that he googled the "longest moratorium in South Carolina," and the results showed 3 cities, Mt. Pleasant, Charleston and Awendaw. **[Time Stamp: 53.33]**

- b. ***Ordinance 2026-01 – An ordinance to amend Chapter 153, Zoning Code, Section 153.010 of the Code of the Town of Awendaw, South Carolina, imposing a temporary moratorium on the issuance of all residential and commercial zone change proposals (rezonings) and subdivisions of residentially zoned land (subdivision plat approvals) comprising more than five parcels of land for the purpose of providing town council to implement any necessary changes to the Zoning Ordinance, Land Use Regulations, and/or Comprehensive Plan now under review.***

After a brief introduction, the Chairman and the planning commission discussed the town moratorium.

**Motion: To send a positive recommendation for approval with consideration of adding a building permit allocation system.**

**Posed By: Dr. John Osguthorpe**

**Second: Mr. Jeff Hardee**

**Vote: Unanimous Approval**

**[Time Stamp: 1:01:49]**

After the vote, Chairman Osguthorpe moved on to agenda item E(c), around significant tree protection.

- c. **Ordinance 2026-04 – An ordinance to amend Chapter 153, Zoning Code, Tree Preservation Requirements Division, Subsection 153.195 and 153.196, to restructure the review, mitigation, and site restoration process for the removal of protected trees.**

Town Planner Mr. O'Hara opened discussion on the proposed amendments to Ordinance 2026-04 and summarized his staff findings. Mr. O'Hara explained that Section 153.195 had previously been reviewed and amended by the Planning Commission and was incorporated into the current amendments, along with revisions to Section 153.196, which had formerly applied only to office, commercial, and industrial sites. He further noted that, based on discussions with community members and Town Council, there was interest in expanding the retention and replanting requirements beyond those limited uses to apply more broadly across all uses and sites. Following his overview, the Commission began its discussion. Town Administrator Katharine Watkins then called a point of order and requested that a motion be made to formally open discussion on the application before the body. **[Time Stamp: 1:05:56]**

**Motion: To open discussion.**  
**Posed By: Mr. Jeff Hardee**  
**Second: Mr. James Gardner**  
**Vote: Unanimous Approval**

Chairman Osguthorpe wanted clarification around where the amended language used came from. Commissioner Gardner requested clarification regarding the revised language of the tree ordinance. Mr. O'Hara noted that the change from "20 trees per acre", to "160 caliper inches", was at the recommendation of members of the community and town council, so staff proposed those edits as provided. He indicated within his staff report that perhaps there should be consideration in discussing with a professional. He also noted the same concern as Chairman Osguthorpe and felt that the definition of caliper inches would need to be refined and identified within our zoning code so it can be appropriately applied.

Commissioner Gardner expressed concern regarding the applicability of Section 153.196 of the Zoning Code. Commissioner Hardee asked for clarification as to the origin of the proposed amended language in that section. Commissioner Cousino stated that she believed the "160 caliper inch" requirement outlined in subsection (A) should also apply to subdivisions, while Commissioner Gardner maintained that the requirement should remain limited to office, commercial, and industrial uses only. The Town Attorney confirmed that the proposed amendments were suggested by Town Council.

The Planning Commission continued its discussion of the ordinance amendments with staff and the Town Attorney. Staff recommended that the Town—whether through Council, the Planning Commission, or staff—consult with a master naturalist, licensed arborist, landscape architect, or similar professional for technical guidance before advancing further revisions. Commissioner Cousino further noted that, given the current moratorium, she would prefer a more deliberate and comprehensive approach to amending the ordinance rather than continuing with piecemeal revisions. The Town Attorney stated that under the Planning Act, if the commission doesn't take action within 30 days, technically council can still take up the ordinance and it's deemed recommended. After a few more minutes of discussion, Chairman Osguthorpe then made a

motion.

**Motion:** To request that Town Council defer Ordinance 2026-04, to allow the Planning Commission more time to study the ordinance and speak to a tree professional(s).

**Posed By:** Dr. John Osguthorpe

**Second:** Mr. Jeff Hardee

**Vote:** Unanimous Approval

**H. Closing Remarks** – *There were none.*

**I. Adjournment**

**Motion:** To Adjourn

**Posed By:** Mr. James Gardner

**Second:** Dr. John Osguthorpe

**Vote:** Unanimous Approval

*The meeting adjourned at 7:14 PM*

**Next Meeting** – (VIRTUAL - January 27th, 2026)

IN ACCORDANCE WITH THE FREEDOM OF INFORMATION ACT, THE PRINT MEDIA WERE DULY NOTIFIED, ALONG WITH A HARD COPY POSTED AT CITY HALL.  
• SHOULD YOU HAVE QUESTIONS OR COMMENTS, PLEASE CONTACT PLANNING AT (843) 931-8125.

*DRAFT Minutes Respectfully submitted on Wednesday, February 11th, 2026, by Takeya White*

**Note:** These meeting minutes are not verbatim. To watch the full meeting video, please visit the town's YouTube channel: <https://www.youtube.com/@TownOfAwendaw>

# ADDENDUM – JANUARY 20<sup>TH</sup>, 2026<sup>th</sup>

## PLANNING COMMISSION MEETING

*\*To include: board exhibits and public comments*

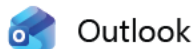
EXHIBIT A: PUBLIC COMMENTS – LYNNE VICARY, 8470 DOAR ROAD, AWENDAW, SC 29429

EXHIBIT B: PUBLIC COMMENTS – LYNN HODAPP,

EXHIBIT C: PUBLIC COMMENTS – ANDREA FRAZIER, 7864 GULL BAY DRIVE, AWENDAW,  
SC 29429

EXHIBIT D: PUBLIC COMMENTS - DANNY CRUZ, CEA CONTRACTORS

# EXHIBIT A



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## Shell Ring Crossing

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**From** Lynne Vicary [REDACTED]

**Date** Mon 1/19/2026 4:42 PM

**To** Planning Manager <planningmanager@townofawendawsc.org>; Town Administrator <townadministrator@townofawendawsc.org>

Hi Dan and Katharine,

Please enter my comments into the record for Planning Committee Meeting January 20, 2026, and share hard copy with board.

Thank you,

Lynne

I have concerns about the 13 lot subdivision known as Shell Ring Crossing on TMS# 661-00-00-025 that I wish to share.

It is situated close to the intersection of Hwy 17 N and the south end of Doar Road and the confluence of Maxville and Seewee Roads.

This area is under densely approved residential development and already places stress on the community with heavy construction trucking and on site workers' vehicles.

The lots today would not be considered to be of a workable size for aesthetic and environmental reasons.

The renderings show homes constructed over parking. This practice best sustains water flow between buildings in Lowcountry regions, but renderings show these areas built in and enclosed and are essentially 3 story buildings on slab, with further potential for outbuildings. This is not in the best interest for a septic dense development. Given the homes are 2500 to 2800 sq ft, they will most likely have at least 4 bedrooms. Bedrooms determine septic size requirements, and these will be a significant component of the lot site plans.

There is no recreation space or common play area, the retention ponds meeting that open space requirement.

Once again, with no turn lane, drivers must go from 60 to 0 to turn in at 90 degrees. This is becoming more and more prevalent, with no indication that there is any thought to take the safest and least expensive action, REDUCE THE SPEED LIMIT.

I would like to think that the fire department and emergency services are satisfied that residents and emergency responders will be able to safely and effectively service Shell Ring Crossing residents and all other residents since the town within 2 years will likely more than double the current population.

We all, legacy residents and newcomers, deserve a well thought out community with quality of life and safety prioritized for every one, for every day, and in the very real event of the need to evacuate.

Please make Awendaw a model community that others strive to emulate, not use as a cautionary warning.


Respectfully submitted,

Lynne Vicary

Doar Road

Sent from my iPad

# EXHIBIT B

 Outlook

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## Shell Ring Circle

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**From** Lynn Hodapp [REDACTED]

**Date** Mon 1/19/2026 2:01 PM

**To** Planning Manager <planningmanager@townofawendawsc.org>

**Cc** Town Administrator <townadministrator@townofawendawsc.org>

Please share with Planning Commission and please read into the record

\*Interior Sidewalks - more concrete that is not needed - careful with permeable surfaces

\*Turning right and doing a U turn at Doar and hwy 17 will be problematic as this intersection is getting more & more dangerous everyday. This PD would add many more trips per day onto Hwy 17 and this intersection. Do not forget about the development that has begun on Doar Rd.- White Doar- Hwy 17 & Doar looks to be worse than Hwy 17 and Seewee due to the slight hump / hill on the Hwy 17

\*I do not see any green space in the PD

\*is it 13 or 14 lots?

\*Does not comply with Comp plan - I understand this was approved prior to comp plan, but it should play a part in the design

\*Very small lots for the size of the homes - since septic size is determined by # of bedrooms

\*Concern if resident decides to "close" off their garage space which many do, therefore not allowing water to flow thru if there is a flood

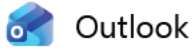
\*something to consider - Could Awendaw make new developments sign into a septic maintenance agreement then Awendaw contract with a 3rd party to maintain septic systems. Awendaw would be able to make money on this and also make sure septics are being maintained on a yearly basis. I will also send this thought to Chris.

Thank you for your time!

Lynn Hodapp

Sent from my iPad

# EXHIBIT C



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## Fw: Shell Ring Residential PUD

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**From** Town Administrator <townadministrator@townofawendawsc.org>

**Date** Tue 1/20/2026 9:13 AM

**To** Takeya White <planningclerk@townofawendawsc.org>

1 attachment (16 KB)

Shell Ring TMS 661 00 00 025.docx;

Katharine Watkins, MPA  
Town Administrator  
6971 Doar Road  
Awendaw, SC 29429  
Email: townadministrator@townofawendawsc.org  
Office: (843) 928-3100  
www.townofawendawsc.org

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**From:** Andrea Frazier [REDACTED]  
**Sent:** Monday, January 19, 2026 5:16:23 PM  
**To:** Planning Manager <planningmanager@townofawendawsc.org>; Town Administrator <townadministrator@townofawendawsc.org>  
**Subject:** Shell Ring Residential PUD

Dan and Katharine,

I have attached my public comments for tomorrow's Planning meeting. I plan on attending and reading during my allotted time. In the event I am not able to attend I would like my comments to be read and entered into the record as read.

Thank you and stay warm!  
Andrea Frazier

Shell Ring – Residential PUD

Applicant – Stillwater Development, Agent

Tax Parcel Number: 661-00-00-25

Approved March 2, 2023

Public Comments: These will be brief bullet points that I hope will be addressed by the Planning Commission.

- Unsure how a decision can be made with two different plans for layout of the development. One has a Cul de sac, one has a triangular turn around encircling a stormwater pond.
- Dangerous entering and exiting for this site. It does not appear to have any projected SCDOT deceleration lane for entrance. Exiting will be challenging. Drivers will exit north, immediately merge to the left lane for a U-turn at Doar Road to proceed southbound on Hwy 17. There will be an average of 130 trips/day. This calculation is based on 10 trips/day/household.
- Has this been reviewed by the Fire Chief and or Fire Marshall? Would like verification that the road can support the turn around of any vehicles in the event of emergency services. Awendaw has just recently obtained a larger vehicle.
- I recommend that the lighting is compliant with the potential for a Dark Sky Designation.
- Referencing page 42 it appears the stand-alone structures protrude into the shared combined setbacks. I encourage Planning to NOT allow any variance on setback requirements. The town is experiencing the on-site of approved developments. These developers must adhere to the standards set by Charleston County and the Town of Awendaw. Not forcing compliance sets a terrible precedent.
- Perhaps I may be not understanding correctly, if the presented drawing with the road with the Cul de sac (page 20) shows a radius of 28 ft. According to the Rural Road Standards (page 60) states for radius should be 35 ft. Please provide clarification.

I am well aware there are multiple PUD's floating out there for approval. I strongly encourage Planning to continue with their due diligence in carefully scrutinizing plans presented.

Thank you all for your service to our town.

Andrea Frazier



4. **Clarify that administrative approvals alone are insufficient** for Grand Tree impacts, ensuring that discretionary review occurs in a public forum with clear findings.

These recommendations reduce ambiguity, improve enforceability, and provide clear thresholds that designers, property owners, and staff can consistently apply. From a civil engineering and site planning perspective, this approach encourages thoughtful design early in the process rather than reactive mitigation after trees are already lost.

Awendaw's tree canopy is a defining feature of the Town. By closing loopholes and clearly elevating the protection of Grand Trees, the ordinance can better align with the community's long-term vision while still allowing reasonable and responsible development.

Thank you for your time, consideration, and service to the Town of Awendaw. I would be happy to answer any questions or provide additional technical input if helpful.

Respectfully,



**Danny Cruz, P.E.**

Civil Engineer

Principal / Owner CEA LLC

United States Air Force, KC-135 Pilot



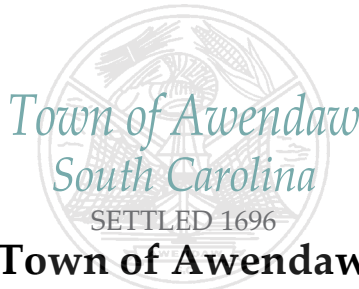
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**Town Council**

Paul Brown | Wendy Helms

Grace Gasper | Rodney Porcher

Kent Prause | John Timmons

**Town of Awendaw  
Special Planning Commission Meeting**

**Tuesday, January 27, 2026**

**6:00 PM, VIRTUAL ([Click Here for Link](#))**

Join Zoom Meeting

<https://us02web.zoom.us/j/85481184769?pwd=3aktDmomoWco8yYhbaiibgI8QbaLKRU.1>

**Meeting ID: 854 8118 4769**

**Passcode: 640035**

**One tap mobile**

+16469313860,,85481184769#,\*640035# US

+13017158592,,85481184769#,\*640035# US (Washington DC)

**A. Prayer, Pledge of Allegiance & Reading of the Civility Pledge**

At 6:00 pm, Chairman John Osguthorpe, began the VIRTUAL Planning Commission Meeting. He also read the Serenity Prayer, recited the Pledge of Allegiance & read the Civility Pledge for all.

**[Time Stamp: 0:01:07.31]**

**B. Call to Order and Roll Call**

Chairman called the meeting to order and called roll by name. Chairman Osguthorpe, Mr. James Gardner, Ms. Kelly Cousino, Mr. Jeff Hardee, Mr. Jay Reigart, Town Administrator, Mrs. Katharine Watkins, Town Attorney, Mac McQuillin, Town Planner Mr. Daniel O'Hara, and Town Planning Clerk Takeya White were all present.

Chairman Osguthorpe asked the board if there were any conflict of interest or requests for recusal from the members of the Planning Commission. Hearing none, he requested a motion to open the public hearing.

**Motion: Motion to open public hearing.**

**Posed By: Mr. Jeff Hardee**

**Second: Mr. Jay Reigart**

**Vote: Unanimous Approval**

**C. Public Hearings – Road and easement name request approval pursuant to S.C. Code § 6-29-1200 and Town Code § 153.004**

Chairman Osguthorpe prefaced the public hearing item around road names and deferred the rest of the

hearing to the Town Planning Manager, Mr. Daniel O'Hara. Mr. O'Hara deferred to Town Planning Clerk, Takeya White, as she prepared the public hearing staff report.

Mrs. White presented her staff report to the commission around the 3 road name requests, noted that the road names were properly vetted by 911 Consolidated, and the request is simply for approval of the names. After the staff report presentation, Chairman Osguthorpe opened the floor for applicant presentations. He also opened the floor for any additional comments. There were no public comments. Chairman Osguthorpe then closed the public hearing.

- a. **Settlers Bluff Way - TMS 661-00-00-290**
- b. **Roykeisha Drive – TMS 661-00-00-092**
- c. **Finnigans Way – TMS 681-00-00-020**

**D. Closing of Public Hearing [Time Stamp: 0:06:37.85]**

Mr. O'Hara called a point of correction and asked the chairman to entertain a motion to close the public hearing. Chairman Osguthorpe then requested a motion to close the public hearing.

**Motion: Motion to close public hearing.**

**Posed By: Mr. James Gardner**

**Second: Ms. Kelly Cousino**

**Vote: Unanimous Approval**

Chairman Osguthorpe then moved on to agenda item E, asked the commissioners if they had any comments around the minutes and entertained a motion for approval.

Commissioner Cousino requested one correction, on page 2 of the minutes, the last paragraph before item D(a) Vested Rights Draft Ordinance, to change the language to read "Town," instead of "Planning Commission." Chairman Osguthorpe asked the board if any other member had comments pertaining to the minutes. Hearing none, he requested a motion to approve the January 12<sup>th</sup>, 2026 meeting minutes.

**E. Approval of Meeting Minutes – January 12, 2026 Minutes [Time Stamp: 0:08:36.04]**

**Motion: Motion to approve the January 12<sup>th</sup>, 2026 meeting minutes as written and corrected.**

**Posed By: Ms. Kelly Cousino**

**Second: Mr. Jay Reigart**

**Vote: Unanimous Approval**

Chairman Osguthorpe then prefaced the public comment portion of the meeting and noted Mr. O'Hara would be the timekeeper and opened the floor for public comments.

**F. Public Comments –**

*The public comment period will be limited to a total of 25 minutes. Each speaker will have up to 2 minutes. No individual may speak more than once until all others wishing to comment have had an opportunity.*

Hearing no public comments, Chairman Osguthorpe requested a motion to close public comments then moved on to Old Business item (G)(a) and began discussion with the Commission. **[Time Stamp: 0:10:27.19]**

**Motion: Motion to close public comments.**

**Posed By: Mr. James Gardner**

**Second: Ms. Kelly Cousino**

**Vote: Unanimous Approval**

## **G. Old Business –**

Chairman Osguthorpe provided an overview of the Commission's current position in its ongoing discussion of Planned Developments, noting that this was the Commission's third review of the proposed PD regulations.

Commissioner Reigart stated that he had previously been asked to revise Item "K" related to the Stormwater Plan. He acknowledged that he had not yet completed those revisions but indicated that he would work on proposed language while the Commission continued its discussion and present it when that section was reached.

Chairman Osguthorpe then offered additional comments regarding Planned Developments within the Town of Awendaw and outlined the process the Planning Commission would use to review the proposed amendments, stating that the document would be reviewed page by page.

### **a. Planned Development Regulations**

The Planning Commission had an extensive discussion for an hour and 10 minutes about the proposed Planned Development Draft Ordinance and made the following decisions:

1. There were no changes to what was referred to as page #1 (noted as page 16 of 25 of the agenda packet)
2. Page 2, (also noted as page 17 of 25 of the agenda packet)

**Motion: To accept page #17 as amended.**

**Posed By: Ms. Kelly Cousino**

**Second: Dr. John Osguthorpe**

**Vote: Unanimous Approval**

3. Page 3, (also noted as page 18 of 25 of the agenda packet)

**Motion: To accept page #18 as amended.**

**Posed By: Ms. Kelly Cousino**

**Second: Dr. John Osguthorpe**

**Vote: Unanimous Approval**

4. Page 4, (also noted as page 19 of 25 of the agenda packet)

**Motion: To accept page #19 as modified.**

**Posed By: Mr. Jeff Hardee**

**Second: Ms. Kelly Cousino**

**Vote: Unanimous Approval**

5. Page 5, (also noted as page 20 of 25 of the agenda packet)

**Motion: To accept page #20 as written.**

**Posed By: Ms. Kelly Cousino**

**Second: Mr. Jay Reigart**

**Vote: Unanimous Approval**

6. Page 6, (also noted as page 21 of 25 of the agenda packet)

**Motion: To accept page #21 as amended.**

**Posed By: Ms. Kelly Cousino**

**Second: Dr. John Osguthorpe**

**Vote: Unanimous Approval**

7. Page 7, (also noted as page 22 of 25 of the agenda packet)

**Motion: To accept page #22 as amended.**

**Posed By: Mr. James Gardner**

**Second: Mr. Jeff Hardee**

**Vote: Unanimous Approval**

At the end of the discussion, Chairman Osguthorpe entertained a motion to send the full revised draft of the Planned Development Regulations to Town Council with a positive recommendation.

**Motion: To recommend approval of the amended Planned Development regulations as revised by the Planning Commission.**

**Posed By: Mr. Jay Reigart**

**Second: Mr. Jeff Hardee**

**Vote: Unanimous Approval**

Chairman Osguthorpe then moved on to agenda item H (a), "New Business, " prefaced the application and entertained a motion.

#### **H. New Business –**

- a. Approval of Road and easement name request pursuant to S.C. Code § 6-29-1200 and Town Code § 153.004**

**Motion: To Approve of the three requested Road and easement name changes pursuant to S.C. Code § 6-29-1200 and Town Code § 153.004**

**Posed By: Mr. James Gardner**

**Second: Mr. Jeff Hardee**

**Vote: Unanimous Approval**

**I. Closing Remarks –**

Chairman Osguthorpe spoke about the need to have at least 2 meetings in the month of February to take on ordinance reviews and to handle the regular applications

**J. Adjournment**

**Motion: To Adjourn**

**Posed By: Mr. James Gardner**

**Second: Ms. Kelly Cousino**

**Vote: Unanimous Approval**

**The meeting adjourned at 7:40 PM**

**Next Meeting – TBD (February 17, 2026)**

**IN ACCORDANCE WITH THE FREEDOM OF INFORMATION ACT, THE PRINT MEDIA WERE DULY NOTIFIED, ALONG WITH A HARD COPY POSTED AT CITY HALL. • SHOULD YOU HAVE QUESTIONS OR COMMENTS, PLEASE CONTACT PLANNING AT (843) 931-8125.**

*DRAFT Minutes Respectfully submitted on Thursday, February 17, 2026, by Takeya White*

**Note: These meeting minutes are not verbatim. To watch the full meeting video, please visit the town's YouTube channel: <https://www.youtube.com/@TownOfAwendaw>**

AN ORDINANCE OF THE TOWN OF AWENDAW, SOUTH CAROLINA, TO AMEND TITLE XV: LAND USAGE, CHAPTER 153: ZONING CODE, SUBDIVISION REGULATIONS DIVISION, SECTION 153.305 WATER AND SEWAGE DISPOSAL OF THE CODE OF THE TOWN OF AWENDAW.

WHEREAS, Town Council is authorized to adopt ordinances and amend the Town of Awendaw "Town" Code of Ordinances from time to time;

WHEREAS, Town Council now believes it is in the best interest of its citizens to now act as provided herein; and,

WHEREAS, in conformance with the goals and objectives of the recently adopted Comprehensive Plan the Town wishes to impose additional regulations regarding on-site waste water disposal systems to further protect water quality and rural identity;

WHEREAS, in order to protect water quality for existing and future residents the implementation of site design requirements for private water and sewage disposal systems;

Be it ordered and ordained by the Council of the Town of Awendaw, S. C. and it is ordained by the authority of said Council that the Town of Awendaw Code of Ordinances shall be and hereby is amended as stated herein above and as provided herein below:

**SECTION 153.305 WATER SUPPLY AND SEWAGE DISPOSAL**

(A) In accordance with State Department of Health and Environmental Control **Services** regulations, all subdivisions shall be served **obtain the necessary permits for** by approved public water and sewerage systems, if accessible for connection, or, a private well, and an on-site, private waste disposal system, **subject to the following applicable requirements:** ~~if in the opinion of the State Department of Health and Environmental Control, the public's health and the environment would best be protected by the installation of such systems. Where public sewer is not available, all buildable lots must meet minimum soil requirements established by the State Department of Health and Environmental Control.~~

**(1) Public Water System**

- 1. The developer shall install public water lines where public water service is available within 300 feet of the property (measured along adjacent rights-of-way).**

**(2) Private Water Systems**

- 1. Private water systems may only service lots no smaller than 30,000 square feet.**
- 2. Private water systems must not be placed within any identified setbacks or buffers.**
- 3. Private water systems that serve lands or structures that are leased or rented must be tested annually to monitor water quality.**

**(3) Private On-site Wastewater Disposal Systems**

- 1. Effective on (July 1, 2026) on-site wastewater disposal systems "septic systems" for all new construction within the incorporated limits of the Town of Awendaw must met the following requirements:**
  - a. Drain fields without advanced treatment mechanisms must maintain a 12" vertical distance from the zone of saturation or seasonal water table whichever occurs first. If advanced treatment is being propose this distance may be reduced to no less than 8".**

- b. The drain field must be designed to not encroach into identified setbacks or buffers.
- c. No construction activities are permitted to take place within the footprint of the septic system or its components.
- d. For all new systems a maintenance and monitoring schedule shall be created and record with any Covenants, Conditions and Restrictions (CC&Rs) applicable to the new subdivision or with the deed of subdivided lots.

~~(B) The developer shall install public water lines where public water service is available within 500-300 feet of the property (measured along adjacent rights of way), provided that this requirement shall not apply when the decision-making body determines that the extension of public water service is infeasible; or that the property owner would be required to consent to annexation in order to obtain public water service.~~

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

**THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON FINAL READING**

Introduced:

Planning Commission Recommendation:

Final Reading:

\_\_\_\_\_  
Chris Crolley  
Mayor, Town of Awendaw

Attest: \_\_\_\_\_  
Donna Steed  
Clerk of Council



Staff Report

Subject: Ordinance 2026-05  
Prepared for: Planning Commission  
Date: February 17, 2026

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**Background**

Town Council asked staff to draft changes to Section 153.305 to amend water supply and sewage disposal within the Town. The largest changes with these amendments would be to our septic system regulations. ***These revisions would affect new subdivided lots after the passage of this ordinance.*** Staff drafted these amendments following conversations with the South Carolina Department of Environmental Control (SCDES), other Local Municipalities, Private Onsite Wastewater Specialist, the South Carolina Rural Water Association, and the National Rural Water Association. This version would not restrict the usage of any particular type of septic system; however, it would promote sustainable land management and protection of water quality. This ordinance would also provide necessary updates to water requirements for subdivisions.

**Engineered vs. Non-Engineered**

SCDES is the state entity that regulates and permits septic systems. These regulations are detailed in R. 61-56. Septic systems and their regulations are very complex. However, septic systems can be broken into two distinct categories, (1) non-engineered and (2) Engineered. A non-engineered system is one that can be designed and permitted without an engineer’s stamp. These systems can be designed by SCDES or a private contractor as indicated in R.61-56. An “engineered system” or a Standard 610 – Specialized Onsite Wastewater System (OWS) Design (less than 1500 gpd) is a system must be designed by an engineer and installed by a Tier 3 Installer. Both engineered and non-engineered systems can have pump assistance, the need for pump assistance is dependent on the site conditions, specifically topography, soil, and water table. Whether a property owner may need a 610/611 or any other system is also dependent on the site conditions. SCDES recently updated their regulations to include that any subdivisions of *10 lots or more* are **REQUIRED**, to have a registered professional engineer or professional soil classifier design the systems associated with the project.

**Overview of changes**

*What will these amendments do?*

1. Promote responsible land development by requiring private wells and septic systems to follow building setbacks.
2. Increase the minimum distance of the Zone of Saturation (ZOS) or Seasonal water table, by 6" (12") for systems without advanced treatment technology and by 2" (8") for systems with advanced treatment technology.
3. Require a maintenance and monitoring schedule to be created and record with the lots/deeds

What systems will be affected?

1. Any **newly created** lots after **July 1, 2026**, will be required to meet the new septic requirements.
  - a. This allows the Town to discuss with professionals and developers to ensure everyone is aware of these changes.
2. Ultra shallow systems, systems that are designed to be placed in an area where the ZOS is <18".
  - a. These systems would need to be redesigned to be the ZOS offsets.
3. Engineered systems
  - a. The ZOS offsets would result in systems with advanced treatment being more feasible financially than a system without.
4. This ordinance **does not** affect **existing lots**, this ordinance as proposed would *require lots being created in future subdivisions after (July 1, 2026) to comply with the new regulations*. This is designed to properly manage applications and phasing out older regulations to ensure that interested parties are given the correct information.

### **Staff Findings**

Staff prepared and proposed Ordinance 2026-05 for Town Council's consideration to promote sustainable land management practices based on recommendations from SCDES, and Design Professionals. Staff have drafted additional amendments for the Planning Commission's consideration when making recommendations to Town Council with the following key points:

1. If the vertical distance requirements are viewed as too strict or could result in the over mounding of systems, Staff have a proposed modification of minimum vertical distance to the zone of saturation (ZOS) from 12" for systems without "Advanced Treatment (AT)" to 8" and from 8" to 6" for systems with AT.
  - a. Based on design costs, this modification, if approved, would result in being systems with AT being more cost effective than a system without AT. As Ordinance is currently proposed with (12" & 8") the additional offsets would come at an additional cost to applicants.
  - b. An additional consideration, based on a soil classifier finding, if the ZOS is between 0-12" then the offset should be highest and as the ZOS is further down the offset decrease. SCDES minimum offset is 6", staff concluded that the minimum should be granted to systems with AT to protect water quality.
2. The written requirement of an undisturbed buffer, for the placement of the drain field.
  - a. Following soil classification, permitting and ultimately the construction of a septic system depending on the amount of land disturbance the original soil inspection may not be the same as the conditions that the septic system was permitted to. In the event the buffer is disturbed before the installation of the system, the applicant should be required to real assess the soil and determine if that the proposed system is still viable.
3. Septic tank encroachment allowance, tanks are generally installed within the side yards, allowing partial or a percentage encroachment could allow for ease of design and

permitting.

4. Staff will need to provide definitions to this ordinance to clarify what is being enforced, staff intend to use language from R.61-56 the State Septic System regulations.

### **Future Considerations**

Staff find that the Town may need to consider adopting an onsite wastewater system Management Plan. From this management plan more precise and data driven ordinances can be drafted. Staff recommend that these amendments been seen as a steppingstone to begin a larger process to manage our waste disposal and water system from a Planning lense.

### **Potential Motions**

Staff will defer to legal counsel regarding the viability of the implementation and adoption of these amendments.

The Planning Commission may:

1. Motion to recommend the amended language to Town Council for approval based on staff recommendations.
2. Motion to recommend the amended language to Town Council for approval based on staff recommendations with additional changes (as determined by the commission).
3. Motion to defer a recommendation for further amendments.
4. Take no action.

Attachments:

- Staff report

AN ORDINANCE OF THE TOWN OF AWENDAW, SOUTH CAROLINA, TO AMEND TITLE XV: LAND USAGE, CHAPTER 153: ZONING CODE, GENERAL PROVISIONS OF THE CODE OF THE TOWN OF AWENDAW, SOUTH CAROLINA, BY AMENDING SECTION 153.009 DEFINITIONS, ADOPTING A NEW SECTION 153.065 LIGHTING REGULATIONS, ALONG WITH NEW SECTIONS 153.066 THROUGH 153.070 THERETO, PROVIDING FOR NEW LIGHTING REGULATIONS.

WHEREAS, the Town of Awendaw recognizes the importance of regulating outdoor lighting to preserve the natural night environment and reduce sky glow, glare, and light pollution; and

WHEREAS, the Town of Awendaw is committed to promoting energy efficiency and reducing energy costs through the implementation of outdoor lighting standards; and

WHEREAS, the Town of Awendaw seeks to ensure that exterior lighting is designed to illuminate surroundings effectively without causing annoyance or discomfort to the public and neighboring property users due to glare and light spill over; and

WHEREAS, the Town of Awendaw aims to enhance the quality of life for its residents by adopting measures that protect the night sky and maintain the aesthetic appeal of the community;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Awendaw that the following standards for outdoor lighting are hereby established.

#### **LIGHTING REGULATIONS**

##### **SECTION 153.065 TITLE & EFFECTIVE DATE**

- (A) Title. This ordinance is hereby officially known and cited as the Dark Sky Ordinance of the Town of Awendaw, South Carolina. References herein to “the ordinance” or “this ordinance” shall be interpreted as references to this Dark Sky Ordinance.
- (B) Effective Date. This ordinance shall take effect and be in force from and after the date of its adoption by the Town Council of the Town of Awendaw, adopted this [REDACTED] day of [REDACTED], 2026.

##### **SECTION 153.066 AUTHORITY; CONFLICT; ABROGATION; SEVERANCE**

- (A) Authority. This ordinance is enacted pursuant to the authority conferred upon the Town of Awendaw by the South Carolina General Assembly to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.
- (B) Conflict of Law. This ordinance shall be constructed so as to not conflict with any provision of state or federal law. However, the provisions of this ordinance shall control if more restrictive than other local, state, or federal laws or regulations
- (C) Abrogation. This ordinance is not intended to repeal, abrogate, annul, impair, or interfere with any existing vested rights established pursuant to law.
- (D) Severance. If any portion of this ordinance is legally invalid by a court of competent jurisdiction, all remaining provisions shall continue to be of full force and effect.

**SECTION 153.067 PURPOSE**

The Town of Awendaw hereby finds and declares that the public interest and general welfare of the residents of the Town of Awendaw will be served through the creation of unified lighting regulations and criteria to preserve the Town of Awendaw's rural appearance and prevent further light pollution. The intent and purpose of this ordinance is to regulate outdoor lighting so that exterior lights minimize sky glow, glare and light pollution. Adherence to the standards contained in the ordinance should lower energy cost, yet illuminate surroundings without causing annoyance to the public and users of property near the light source by reason of glare and light spill over.

**SECTION 153.009 DEFINITIONS**

"Cutoff fixture" - An outdoor light fixture shielded or constructed in such a manner that no more than two and one half percent of the total light emitted by the fixture is projected above the horizontal plane of the fixture.

"Footcandle (FC)" - A quantitative unit measuring the amount of light cast onto a given point, measured as one lumen per square foot.

"IES" - The Illuminating Engineering Society of North America, a nonprofit professional organization of lighting specialists that has established recommended design standards for various lighting applications.

"Kelvin" is a measure of a light's color temperature. While this is traditionally a measurement of heat it is also related to appearance, therefore it is used as a guide to colors. Color temperatures greater than 4,000 Kelvin are bluish white and are "cooler" colors. Color temperatures less than 3,000 Kelvin are yellowish and are "warm."

"Light pollution" - Spill light which, because of quantitative or directional characteristics, results in annoyance, distraction, or a reduction in the ability to see essential information, such as a traffic signal or the night sky.

"Lumen" - The amount of light which falls upon an area of one square meter, every point of which is one meter distant from a source of one candela. Therefore, a one-candela source produces a total of 12.57 lumens.

"Shielding" - A design feature or a device that is applied to a luminaire to prevent its luminous output from being visible from selected locations or horizontal and/or vertical angles.

"Sky glow" - The brightening of the night sky that results from the reflection of radiation (visible and non-visible), scattered from the constituents of the atmosphere (gaseous molecules, aerosols, and particulate matter), in the direction of the observer. It comprises two separate components:

"Spill light" - Light emitted by a lighting installation which falls outside the boundaries of the property or right-of-way on which the installation is located.

**SECTION 153.068 EXEMPTIONS AND PROHIBITIONS**

(A) Exemptions

- (1) Lighting requirements mandated by Federal or State law with superseding authority, including but not limited to:
    1. Navigation lighting systems regulated by the Federal Aviation Administration and the US Coast Guard.
    2. Any contradictory South Carolina Adopted Building Code or Department of Transportation illumination requirements.
    3. Lighting for worker safety as mandated by the Occupational Safety and Health Administration.
    4. Temporary lighting used by authorized first responders during emergency procedures.
  - (2) Temporary and semi-permanent lighting approved by the Town of Awendaw for special events, festivals, and community benefits.
  - (3) Seasonal lighting.
- (B) Prohibitions
- (1) Lighting systems must not interfere with the safe movement of motor vehicles. Any lighting that distracts or disables the vision of a motor vehicle operator (e.g., excessively bright or rapid blinking, flashing, and/or motion video) or contributes to traffic control confusion (e.g., sources resembling or imitating traffic or railroad signals) is prohibited.
  - (2) Beacons and searchlights, except for emergency use by authorized first responders.

**SECTION 153.069 LIGHTING CRITERIA**

- (A) General Requirements
- (1) Lighting shall be from a concealed light source fixture and with effective provisions made to avoid spill-light into adjoining properties, Roadways, or in any way interfere with the vision of oncoming motorists.
  - (2) Lighting shall conform to applicable building code requirements and not exceed the maximum allowable standards.
- (B) For all new construction, including but not limited to major or minor subdivisions, a photometric lighting plan shall be submitted in accordance with the regulations listed herein.
- (1) The Planning Manager shall review and approve lighting plans based on the requirements listed in the ordinance, unless approval is otherwise required to be granted by the Planning Commission.
  - (2) Site lighting and Plans shall include and conform to the following requirements:
    1. All site lighting must be IES cut-off fixtures. Lighting shall utilize shielding the light source from direct view from any adjoining residential or agricultural use or zoned Lot and public Right-of-Way.
    2. All lamps shall have a color range no greater than 3000 Kelvin (K).
    3. Site lighting shall not exceed 12 feet from the average surrounding grade for residential or agricultural use.
    4. Site lighting shall not exceed 18 feet from the average surrounding grade for commercial use.

5. Foot-candle levels from all fixtures shall not exceed 10 foot-candle levels at any point and shall provide uniform light levels.

**THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON FINAL READING**

Introduced:

Planning Commission Recommendation:

Final Reading:

\_\_\_\_\_

Chris Crolley

Mayor, Town of Awendaw

Attest: \_\_\_\_\_

Donna Steed

Clerk of Council

**TOWN OF AWENDAW**

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Katharine Watkins | *Town Administrator*  
Donna F. Steed | *Clerk/Treasurer*



**Chris Crolley | Mayor**

**Town Council**  
Paul Brown | Wendy Helms  
Grace Gasper | Rodney Porcher  
Kent Prause | John Timmons

**Staff Report**

**Subject: Ordinance 2026-06 Lighting Regulations**  
**Prepared for: Planning Commission**  
**Date: February 17, 2026**

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**Background**

In the adopted Action Plan of the 2025 Comprehensive plan, there are goals that identify a need to create lighting regulations to protect the Town’s “Dark Sky”. The protection of the Town’s “Dark Sky” has been a community discussion prior to the adoption of the Comprehensive plan. Staff at the direction of members of Town Council and with legal review have drafted the proposed Lighting regulations. Ordinance 2026-06 is a comprehensive ordinance that takes influence from Dark Sky International template as well as other municipalities within South Carolina. The objective of this ordinance is to have more unified regulations for all exterior lighting systems so that the Town may better protect its pristine ecological corridor and recreational aesthetic.

**Staff Findings**

Staff have drafted the following key points for the Planning Commission’s consideration when making a recommendation to Town Council:

1. Other communities have used Dark Sky ordinances to regulate commercial or recreational facilities that would normally result in large amounts of light pollution.
2. It’s important to ensure that any proposed lighting requirements do not conflict with any applicable State or Federal Law.
3. The requirement of a photometric lighting plan may be too burdensome for certain activities.
4. A feasible process for compliance and enforcement of this ordinance should be created to assist staff in ensuring these requirements are met.
5. At the time of drafting this report, staff have not consulted with a design expert on this matter.
6. Stakeholder engagement may be necessary with Berkly Electric to ensure that the street lights they provide meet the new requirements of this ordinance.

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### Potential Motions

The Planning Commission may:

1. Motion to recommend the amended language to Town Council for approval based on staff recommendations.
2. Motion to recommend the amended language to Town Council for approval based on staff recommendations with additional changes (as determined by the commission).
3. Motion to defer a recommendation for further amendments.
4. Take no action.

#### Attachments:

- Staff report
- Ordinance 2026-06 – Lighting Regulations.

AN ORDINANCE OF THE TOWN OF AWENDAW, SOUTH CAROLINA, TO AMEND TITLE XV: LAND USAGE, CHAPTER 153: ZONING CODE, WETLANDS AND WATERWAYS SETBACKS DIVISION OF THE CODE OF THE TOWN OF AWENDAW, SOUTH CAROLINA, BY RENAMING THE DIVISION THEREOF TO WETLANDS PROTECTION AND REPEALING THE EXISTING SECTION 153.225 THERETO AND ADDING A NEW SECTION 153.225, ALONG WITH NEW SECTIONS 153.226 THROUGH 153.238 THERETO, PROVIDING FOR THE PROTECTION OF TIDAL AND FRESHWATER WETLANDS, AND ALL EFFECTED SECTIONS FOR CLARITY; SECTION 153.009 DEFINITIONS TO INCLUDE PROPOSED DEFINITIONS, SECTION 153.025 THROUGH 153.032 "DESCRIPTION OF ZONING DISTRICTS" TO REFERENCE THE WETLANDS STANDARDS.

WHEREAS, Town Council is authorized to adopt ordinances and amend the Town of Awendaw Code of Ordinances from time to time;

WHEREAS, Town Council now believes it is in the best interest of its citizens to now act as provided herein; and,

WHEREAS, the Town of Awendaw is surrounded by a vast network of tidal and freshwater wetlands, which are biologically diverse and essential ecosystems that support the overall health of the environment; and,

WHEREAS, healthy wetlands provide crucial functions and values, including flood control and mitigation, storm protection and erosion control, and natural filtration for pollutants, all of which are vital to the public health, safety, and welfare of the community; and,

WHEREAS, wetlands offer significant benefits for habitat (including for rare, endangered, and threatened species), carbon sequestration, and provide unique opportunities for recreation, tourism, and scientific research; and,

WHEREAS, historic and continued loss and degradation of wetlands due to development have directly contributed to the Town's existing and future problems with flooding and decreased water quality, which are contrary to the public health, safety, and welfare of residents; and,

WHEREAS, the detrimental consequences of wetland loss include increased flooding, increased erosion, and decreased water quality because the land's natural water absorption and pollutant removal capacities are significantly reduced; and,

WHEREAS, existing local, state, and federal regulations for wetlands are inconsistent, deficient, and constantly shifting, failing to provide the clarity and uniformity necessary to adequately protect all vital wetland systems within the Town of Awendaw; and,

WHEREAS, greater legal protection through the adoption of local standards is necessary to preserve these vital ecosystems and their buffers, thereby furthering the Town's goals of protecting natural resources, ensuring public safety, and maintaining environmental integrity; and,

WHEREAS, Town Council now believes it is in the best interest of its citizens to now act as provided herein; and,

NOW THEREFORE, be it ordered and ordained by the Council of the Town of Awendaw, S. C. and it is ordained by the authority of said Council that the Town of Awendaw Code of Ordinances shall be and hereby is amended as stated herein above and as provided herein below:

## WETLANDS PROTECTION

### SECTION 153.225 TITLE & EFFECTIVE DATE

- (A) Title. This Ordinance is hereby officially known and cited as the Wetland Protection Ordinance of the Town of Awendaw, South Carolina. References herein to “the Ordinance” or “this Ordinance” shall be interpreted as references to this Wetland Protection Ordinance.
- (B) Effective Date. This Ordinance shall take effect and be in force from and after the date of its adoption by the Town Council of the Town of Awendaw, adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

### SECTION 153.226 AUTHORITY; CONFLICT; ABROGATION; SEVERANCE

- (A) Authority. This Ordinance is enacted pursuant to the authority conferred upon the Town of Awendaw by the South Carolina General Assembly to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.
- (B) Conflict of Laws. This Ordinance shall be construed so as to not conflict with any provision of state or federal law. However, the provisions of this Ordinance shall control if more restrictive than other local, state, or federal laws or regulations.
- (C) Abrogation. This Ordinance is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law.
- (D) Severance. If any portion of this Ordinance is held legally invalid by a court of competent jurisdiction, all remaining provisions shall continue to be of full force and effect.

### SECTION 153.227 FINDINGS

- (A) Wetland Resources. The area surrounding the Town of Awendaw is home to many tidal creeks that are surrounded and supported by a vast network of fresh and salt water wetlands.
- (B) Benefits of Wetlands. Healthy wetlands are vitally important, biologically diverse ecosystems that regulate water quality and quantity. Wetland functions support ecological and economic health and contribute to the public health, safety, and welfare of the community. These unique areas are not only essential to the overall health of the environment, but also have the capacity to address local water-related problems that affect the area. Benefits of wetlands include the following functions and values:
  - (1) Flood control and mitigation. Wetlands serve the vital ecological function of flood control and water retention during flood and rain events through hydrologic absorption and storm water flow regulation. Their topography and location allow them to capture, store, and slowly release water, providing protection for people, property, and infrastructure. Natural wetlands are more cost-effective and

efficient at addressing flooding concerns than engineered stormwater infrastructure.

- (2) Storm protection and erosion control. Wetlands provide natural protection from hurricanes, storm events, and erosion. Their vegetation and spongy soils stabilize waterways by reducing the velocity of water, preventing stream scour and bank cutting. Deeply-rooted wetland vegetation stabilizes soils and protects shorelines from erosive forces like wind and water. Through their erosion control function, wetlands also help to conserve soil and water for farms and forests.
  - (3) Pollution control and filtration. Wetlands naturally remove harmful nutrients and pollutants from the environment through biological degradation and chemical oxidation. The natural friction wetlands create slows down water flows, allowing suspended sediments to settle. Nutrients from sources like fertilizers, leaking septic systems, sewage, and manure, can then be removed from the environment through vegetation uptake or microorganism absorption. Wetlands are also effective at removing heavy metals (e.g. lead-Pb) from runoff.
  - (4) Habitat. Wetlands are some of the most biologically diverse ecosystems in the world, comparable to tropical rainforests and coral reefs in their species diversity. Wetlands provide spawning, nesting, breeding, feeding, and migration habitat for a wide variety of plants, birds, mammals, amphibians, reptiles, crustaceans, insects, and microorganisms, including rare, endangered, and threatened species. Coastal wetlands indirectly support the fishing industry by providing habitat and nursery grounds for economically valuable aquatic species like fish, shrimp, and crabs.
  - (5) Recreation, tourism, and aesthetics. Wetlands provide unique spaces for a variety of recreational activities, including hiking, boating, fishing, hunting, birdwatching, wildlife viewing, and photography.
  - (6) Groundwater. Groundwater-connected wetlands receive and recharge groundwater, contributing to healthy aquifers and maintaining drinking water supplies for communities. A healthy range of wetlands supports overall watershed health.
  - (7) Education and scientific research. Wetlands are naturally occurring classrooms and laboratories, providing excellent opportunities for education and scientific research on a wide range of topics, including soil types, water quality, and unique species of plants and animals.
  - (8) Carbon sequestration. Wetlands are heavily vegetated with plants that remove carbon dioxide from the air. Unlike other ecosystems, the characteristic wet conditions of wetlands prevent rapid decomposition of organic matter, allowing carbon to be stored long-term in the soil. In this way, wetlands help offset human carbon emissions that are harmful to the global climate.
- (C) Importance of Wetland Buffers. Wetland buffers, also known as vegetated or riparian buffers, provide a transition between uplands and wetlands and are essential to

preserving the health of wetlands and waterways. In addition to supplementing and enhancing the benefits of wetlands listed above, wetland buffers serve the additional purpose of facilitating wildlife movement to other habitats (“wildlife corridors”).

- (D) The S.C. Office of Resilience (SCOR) and the ~~Bureau of Office of Ocean and Coastal Resource Management (BCM)(OCRM)~~ within the S.C. Department of Environmental Services (DES), formerly known as the S.C. Department of Health and Environmental Control (DHEC), encourage the development and implementation of local ordinances in support of wetland buffers within the eight coastal counties, including Charleston County and the Town of Awendaw.
- (E) Loss of Wetlands. Historic wetland loss and degradation has contributed directly to the Town of Awendaw’s flooding and water quality problems. The continued loss of this natural resource due to development has had and will continue to have detrimental, irreversible, long-term implications not only for the natural environment, but for the current and future residents of the town. Further loss of wetlands and uplands adjacent to wetlands is contrary to public health, safety, and welfare of the Town and its residents. Loss of wetland areas through the practice of filling in wetlands and building on them has both direct and indirect consequences, including the following:
- (1) Increased flooding. Filling wetlands dramatically reduces the natural water absorption capacity of the land. Excess rainwater during flood and rain events that would otherwise be absorbed or distributed under normal conditions results in runoff and flooding putting people and structures directly at risk.
  - (2) Decreased water quality. Wetland loss decreases the ability of the land to naturally remove pollutants from the environment. Without absorption and vegetative uptake, pollutants are carried downstream in high concentrations during rain and flood events.
  - (3) Increased erosion. As runoff and flooding increases, so does the velocity of water flow. Fast-moving water has the power to change the entire landscape of an area. In addition to scouring, deepening, and re-routing of waterways, erosion also threatens the structural integrity of existing homes, roads, and other infrastructure.
- (F) Wetland Fluctuations. Wetlands are fluid ecosystems that experience changes depending on the season or the year. They may be more difficult to identify during dry periods, giving a false sense of security that they are suitable for development.
- (G) Existing Regulations. Unmitigated wetland loss and degradation is often a function of unregulated human activity. Existing local, state, and federal regulations do not fully contemplate or encompass all wetlands within the Town of Awendaw. In particular, the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers’ authority over wetlands is constrained by the Clean Water Act’s definition of “waters of the United States,” and is constantly changing and reforming through decades of litigation and case law. These shifts do not provide the clarity and uniformity necessary to adequately protect and maintain healthy wetland systems that are necessary for the safety and welfare of the Town’s residents, as well as for the maintenance of healthy wildlife populations. South Carolina’s authority over wetlands is only through its indirect

authority in providing certifications that certain projects are consistent with the state's Coastal Management Program; however, this authority fails to capture projects that would degrade or destroy wetlands. In addition, Awendaw does not presently have any protections for wetlands. Because of the inconsistencies and deficiencies with the state and federal regulation, greater legal protection at the local level is needed to protect and preserve these vital ecosystems.

### **SECTION 153.228 PURPOSE**

The Town of Awendaw hereby finds and declares that the public interest and general welfare of the residents of the Town of Awendaw will be served through the creation of procedures for the protection, conservation, enhancement, and proper maintenance of all existing wetlands and wetland buffer areas within the Town of Awendaw and for the protection of existing wetlands and wetland buffer areas from encroachment, pollution, degradation, alteration, or elimination. These protections are an integral part of the Town of Awendaw's broader surface and groundwater management plans. These protections are also a crucial element of the Town of Awendaw's resiliency plan in anticipation of more frequent and severe storm events as well as documented and projected sea level rise. In light of these stated findings and purposes, and in keeping with the Town of Awendaw Comprehensive Plan, the Town of Awendaw enacts these provisions to incorporate wetland area protections into all of Town of Awendaw's land use, planning, and development approval procedures.

### **SECTION 153.009 DEFINITIONS**

- (A) Buffer. An area of non-disturbance between a wetland and a setback where natural vegetation must be maintained in order to protect the wetland or its functions. **Wetland Buffer** widths are established pursuant to Section ~~VIII~~ **153.231(A)** of this Ordinance.
- (B) Degraded structure. Any building, wall, road, dock, water control device, or other structure of any kind that is determined by the Planning Manager to be more than fifty-percent (50%) destroyed or damaged.
- (C) Disturbance. Any human-made land alterations, disturbances, or construction activities, including, but not limited to, filling; clearing; grading; dredging; excavating; draining; construction; mining; removal of peat, sand, gravel, or other sediment; altering the water level or water table; altering surface drainage characteristics, sediment patterns, or flood retention characteristics; installation of septic tanks; or any other alteration or use of wetland areas.
- (D) Nonconforming. Any use, activity, or structure in operation or existence on the date of this Ordinance that would otherwise not be permissible according to the terms herein.
- (E) Person. Any individual, firm, partnership, association, trust, corporation, company, organization, or legal entity of any kind, whether public or private, including municipal corporations, governmental agencies, or subdivisions thereof.
- (F) Public Interest. As used herein, public interest, also referred to as "overriding public interest" must be demonstrated by all applicants as a prerequisite to

application approval. Public interest is defined as a purpose that directly benefits the welfare or the well-being of the community at large as opposed to benefiting a singular person, organization, or entity. An overriding public interest contemplates the purpose of the final, completed proposed project and does not include any limited public benefits that may be derived prior to project completion, such as economic benefits from providing construction jobs, etc.

- (G) Setback. An **undisturbed area** between the buffer and the upland where construction of any building or structure is prohibited. **Wetland** Setback widths are established pursuant to Section ~~VIII~~ **153.231(B)** of this Ordinance.
- (H) Water control devices. Dams, retaining walls, terraces, sluices, culverts, dikes, levees, ditches, farm pounds, or any other human-made device or structure designed to regulate the natural flow of water.
- (I) Wetland(s). Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (as defined by the United States Army Corps of Engineers and the Environmental Protection Agency). Wetlands are identified and characterized by three things: (1) predominantly hydric soils, meaning soils that are formed under wet conditions; (2) species of plants that tolerate wet conditions (hydrophytes); and (3) the presence of water above or just below the soil surface for at least a portion of the growing season each year. Wetlands generally include lands and waters meeting this definition, and encompass areas referred to as swamps, marshes, tidal flats, bays, bogs, estuaries, wetland meadows, ephemeral and tributary systems, vernal pools, banks, reservoirs, ponds, lakes, lands under water bodies, and other similar areas. Determination of wetland boundaries shall be performed in accordance with the provisions contained herein.
- (1) Jurisdictional wetlands. The U.S. Army Corps of Engineers determines whether wetlands qualify as “waters of the United States” through the Corps Wetland Delineation Manual and Southeast Supplement. Federal case law on what constitutes “waters of the United States” continues to evolve. For that reason, local governments need consistency in determining what areas are entitled to protection outside of the Corps’ regulatory authority.
  - (2) Non-jurisdictional wetlands. Wetlands falling outside the purview of “waters of the United States” are still “wetlands” and provide the same benefits and environmental services as jurisdictional wetlands. This Ordinance contemplates protections for both jurisdictional and non-jurisdictional wetlands.
  - (3) Critical area wetlands. Tidally influenced wetlands falling under the direct permitting authority of the South Carolina Department of Environmental Services' (SCDES) Bureau of Coastal Management (BCM). SCDES BCM is responsible for establishing critical area lines which locate the upland boundary of tidally influenced systems as outlined in State law. For the

purpose of this ordinance, critical area wetlands are those wetlands below a certified and valid critical area line as delineated by SCDES BCM.

- (J) Upland. An area of land that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet to elicit development of vegetation, soils, and/or hydrologic characteristics associated with wetlands. ~~Thus, an upland is a non-protected area beyond the setback.~~

#### SECTION 153.229 ADMINISTRATION

- (A) The provisions of this Ordinance shall be administered and enforced by the Town of Awendaw Planning Manager or by such other official, officer, or department as ~~may be~~ designated by the Town Council.
- (B) The Planning Manager shall institute, or cause to be instituted, such actions necessary to ensure compliance with these provisions, and/or the conditions placed upon any permit or other approval.
- (C) The Planning Manager shall have the authority to cause whatever actions are necessary at a site or location where a violation of this Ordinance has occurred to ensure that it is returned to its original quality and function, and the same cause of action shall be at no cost to the Town of Awendaw and shall be assessed to the violator.
- (D) The Planning ~~Manager~~ **Commission** has the authority to issue, deny, or conditionally approve **Wetland Certifications** consistent with the standards, goals, and criteria set forth in this Ordinance, and subject to the procedures outlined herein.
- (E) Regulation of land uses. The regulation of land uses both within and adjacent to wetlands, having been determined to be in the best interest of the Town of Awendaw, shall be done in a manner consistent with the review procedures and performance standards identified herein which reflect the relative importance, values, and functions of these areas.

#### SECTION 153.230 WETLAND DELINEATION

For all proposed land disturbances taking place within the ~~unincorporated~~ areas of the Town of Awendaw as defined herein, and all applicable activities, as enumerated herein, the following shall apply:

- (A) Where unexpired wetland delineations have already been approved by the Army Corps of Engineers, such delineations will constitute “wetlands” for the purposes of this Ordinance. This Ordinance encompasses all delineated wetlands regardless of whether they are jurisdictional or non-jurisdictional.
- (B) ~~Where unexpired critical area lines have already been approved by SCDES BCM, such delineations will constitute “critical area wetlands” for the purposes of this Ordinance. Critical area lines must be updated every five (5) years in accordance with SCDES BCM. Expired critical area lines will not be accepted as a valid delineation.~~
- (C) In all other cases, a landowner or authorized agent of the landowner shall submit to the Planning Manager either an affidavit attesting that no wetlands or wetland buffer areas exist on the site; or a professional wetlands delineation.

**SECTION 153.231 WETLAND BUFFERS AND SETBACKS**

(A) Wetland Buffer Areas. Wetland buffers are to be calculated by measuring horizontally outward from and perpendicular to the edge of the wetland, as defined herein. They must extend the entire perimeter of the wetland delineation within the property. If a wetland falls into more than one of the categories below, the more restrictive buffer width shall control. The following wetland buffer widths are applicable to all uses and activities subject to the purview of this Ordinance:

(1) General Wetland Buffers. A minimum buffer of seventy-five (75) feet must be observed for all **jurisdictional, non-jurisdictional, or critical area wetlands unless other outlined in this section: as defined by this Ordinance.**

1. Industrial or Commercial Use Buffers. To counteract the increased risk of pollution from industrial or commercial activities, an additional buffer of twenty-five (25) feet must be observed between general wetland buffer and industrial activities or uses.
2. Agricultural Use Buffers. To counteract the increased risk of pollution from fertilizer, pesticide, and animal waste, an additional buffer of twenty-five (25) feet must be observed between general wetland buffer and agricultural activities or uses.

(2) Wildlife Refuge, Wildlife Sanctuary, or Nature Preserve Wetland Buffers. A buffer of two-hundred (200) feet must be observed when a wetland is part of, adjacent to, or within one-hundred (100) feet of a Wildlife Refuge, a Wildlife Sanctuary, or a Nature Preserve, **that has been established and operates under enabling state law.**

(3) Local, State, or National Park or Forest Wetland Buffers. A buffer of one-hundred (100) feet must be observed when a wetland is part of, adjacent to, or within one hundred (100) feet of a local, state, or national park.

(4) Riparian Wetland Buffers. A buffer of one-hundred (100) feet must be observed when a wetland is adjacent to a river or a tributary of a river.

~~(5) Industrial Buffers. To counteract the increased risk of pollution from industrial activities, a buffer of one-hundred (100) feet must be observed between wetlands and industrial activities or uses.~~

~~(6) Agricultural Buffers. To counteract the increased risk of pollution from fertilizer, pesticide, and animal waste, a buffer of one-hundred (100) feet must be observed between wetlands and agricultural activities or uses.~~

(B) Wetland Setbacks.

(1) A setback line of fifteen (15) feet must be observed around all wetland buffer areas.

- (2) Wetland setbacks are to be calculated by measuring horizontally outward from and perpendicular to the edge of the wetland buffer area. They must extend the entire length of the wetland buffer within the property.

### SECTION 153.232 APPLICABILITY

- (A) Any person proposing to carry out a wetland disturbance under this subsection must, prior to the commencement of the activity, submit a Wetlands Impact Application to the Planning Manager.
- (B) Applicable Activities. This Ordinance shall apply to any proposed land disturbance use or activity within a wetland or wetland buffer area. A Wetlands Impact Application should be submitted simultaneously with ~~any action that results in land disturbance, including but not limited to~~ the following:
- (1) Applications for land use or zoning permits;
  - (2) **Building Permit**;
  - (3) Site plan and plat approvals for major and minor subdivisions;
  - (4) Requests for approval of site improvement construction plans;
  - (5) Any request for development approvals or permits related to land use, including those for stormwater management or other infrastructure improvements;
  - (6) Requests for permission to fill in ditches along town roads and rights-of-way;
  - (7) Applications for waste disposal permits;
  - (8) Any other land use action or permit required by the Town Code that may involve land disturbance.
- (C) No approval, **zoning or building** permit for land disturbance shall be issued until the required Wetlands Impact Application has been submitted and approved. Additionally, no project shall be considered fully approved until the site is certified by an on-site inspection by the Planning Manager or his/her designee.
- (D) Non-conforming buffers. All developed lots and all undeveloped but recorded single-family house lots on the effective date of this Ordinance that do not comply with the buffer and setback requirements of this Ordinance shall be grandfathered as legal non-conforming lots. However, existing **setbacks landscaping** on these legal non-conforming lots, which satisfies either partially or wholly the buffer requirements of this Ordinance, shall be required to be **undisturbed maintained**. Other exempted or prohibited provisions for nonconformities can be found in Section 153.235.C of this ordinance.
- (E) Permits issued by local, state, or federal agencies do not relieve a person of the requirement to seek approval under this Ordinance.

### SECTION 153.233 PROCEDURES

- (A) Generally.
- (1) Wetland Notification Form and Wetlands Impact Application. The Planning Manager shall develop a Wetlands Notification Form and

Wetlands Impact Application and shall make it easily accessible to the public.

- (2) Filing Fees. The Town Council ~~is authorized to create a filing fee regime, and to set reasonable rates comparable to other permit application fees.~~ **shall adopt a fee and an application form before this ordinance may be administered.** The applicant must pay this non-refundable fee at the time of filing.

**(B) Initiation; Wetlands Notification Form and Wetlands Impact Application.**

- (1) Any person wishing to undertake an “applicable activity” as defined herein, or otherwise disturb a wetland shall submit a Wetlands Impact Application to the Planning Manager. For applicants who will adhere to all buffer and setback requirements and will not impact wetlands, a Wetlands Notification Form may be submitted.
- (2) The contents of both the Wetlands Notification Form and Wetlands Impact Application shall include the following:
- (a) Full name, mailing address, telephone number(s), and e-mail address of the owner and applicant (if different);
  - (b) Whether the applicant is the owner, lessee, licensee, etc. of the subject property (if the applicant is not the owner of record, written consent of the owner or his/her legal designee must be attached);
  - (c) Physical address, TMS number, and/or geographic coordinates of the property in question;
  - (d) Zoning classification and restrictions relating to the property;
  - (e) An existing or recent (within the last two years) property survey containing the following information:
    - (a) the lot size of the entire property;
    - (b) the legal boundaries of the property;
    - (c) the legal ownership and lot size of adjacent properties;
    - (d) ~~Location and type of wetlands,~~ **a recent or unexpired wetland delineation as outlined per in 153.230;**
    - (e) **the corresponding wetland buffer and setback as required in 153.231**
    - (f) the proposed project area; and
    - (g) any surface water bodies located on or within 100 feet of the legal boundaries of the property.
  - (f) Photographs of the proposed project site showing the existing condition of the site;

- (g) Purpose and detailed description of the project, including the type of proposed activity, project dimensions, and distance from any road or water body;
- (3) If the applicable activity will result in impacts to wetlands or buffers and setbacks, the applicant must submit the following additional materials as part of the Wetlands Impact Application:
- (a) Description of anticipated direct and indirect wetland impacts of the proposed land disturbance;
  - (b) A detailed explanation of why this activity cannot be located at an upland location, along with descriptions of any alternatives that were considered;
  - (c) A detailed description of all measures proposed to reduce or compensate for project impacts; and
  - (d) A statement demonstrating how the purpose of the completed proposed project serves an overriding public interest, as defined herein.
- (4) The Planning Manager shall review all materials submitted by an applicant and shall have the authority to require additional information about the project from the applicant, schedule a site visit, or require a preliminary meeting with the applicant. The Planning Manager may also request a review of the project by planning commission.
- (5) Upon receipt of the Wetlands Impact Application, supplemental materials where applicable, and payment of applicable fees, the Planning Manager shall notify the applicant in writing that the Application has been deemed completed **and the next available date for the planning commission meeting.**
- (6) Public Notice Period. The Planning Manager shall post all Wetland Impact Applications on the Town website for public review and inspection once the application is deemed complete. This information shall remain posted for a period of ~~fourteen~~ **fifteen (15)** calendar days. During this time frame, ~~the Office of the Planning Manager~~ **the Planning Department must will** accept written public comments on all Wetland Impact Applications and ~~must the Planning Manager must consider~~ **forward** those ~~all public written comments to the Planning Commission to consider~~ **all public written** comments when making a final determination. Such ~~written~~ **public** comments may be facilitated by mail or electronically, via email or another comparable internet-based comment mechanism. **The Planning Manager shall post all Wetland Impact Applications on the** Planning Commission agenda at least seven (7) days prior to the Planning Commission meeting. A copy of the agenda will be posted on the Town's website.
- (7) Notice to Adjacent Landowners. Once an **application is placed on its public notice period by** applicant ~~receives notice from~~ the Planning ~~Manager~~ **Department shall place a** that all materials have been received

~~and its on a Planning Commission agenda, the applicant must retrieve a sign from the Town of Awendaw~~ **on the subject property** for the purpose of ~~posting of the property~~ **public notice** at least ~~seven~~ **fifteen (15)** days prior to the meeting. ~~unless otherwise instructed by the Planning Manager.~~ Property posting shall be visible from all street frontages, and in the case of corner lots, multiple signs may be needed for sufficient notice. **The Planning Department must** give written notice thereof, by certified mail (return receipt requested) ~~or hand-delivered,~~ to all **directly** adjacent landowners. This notice must include a copy of the completed Wetland Impact Application or shall state where copies may be examined or obtained by the public.

- (8) Amendment or Withdrawal. An applicant may amend or withdraw a Wetlands Impact Application at any time before a final determination is made.
- (9) Final Determination. **The final determination on application are made by the Planning Commission. After approval from the Commission, the Planning Manager shall** issue a written final determination on any Wetlands Impact Application stating the reason(s) why the application was approved, conditionally approved, or denied, no later than ~~fourteen~~ **fifteen (15)** calendar days **after the decision by the Planning Commission.** ~~Failure to do so without due cause constitutes approval.~~
- (10) Scope of Approval. The Wetlands Impact Application shall be deemed a part of the underlying application for development approval and a condition of any permit or land use decision.
- (11) Recording Procedures. The Wetlands Impact Application shall be recorded with the underlying application for development approval.

#### **SECTION 153.234 STANDARDS AND CRITERIA FOR APPROVAL OR DISAPPROVAL OF WETLAND IMPACT APPLICATION**

- (A) In addition to consideration of the materials submitted by the applicant, the Planning ~~Manager~~ **Commission** must consider other relevant factors, and shall require the applicant to demonstrate evidence of such, including, but not limited to, the following:
  - (1) The functions and values of the wetlands in question;
  - (2) The proximity of the wetland to other waterbodies;
  - (3) The environmental impact of the proposed disturbance;
  - (4) Alternatives to the proposed disturbance and suitability of the area;
  - (5) Threats to other properties from increases in flooding, erosion, and/or pollution;
  - (6) The loss of wetland habitat and the loss of flora/fauna;
  - (7) The cumulative impact of the above factors in relation to all known previous, pending, and reasonably anticipated future wetland disturbances;

- (8) Whether the purpose of the completed proposed project serves an overriding public interest, as defined herein;
- (9) Input from members of the public, if applicable; and
- (10) Input from federal, state, or local agencies, if applicable.

(B) Conditional Approval. The Planning ~~Manager~~ **Commission** shall have the authority to require certain prerequisites, plan modifications, wetland management plans, and/or compensatory mitigation plans as a condition to application approval if it deems such conditions are necessary to further the purposes of this Ordinance, and shall have the authority to fix a reasonable time within which any conditions must be completed. These conditions can include, but are not limited to:

- (1) Design modifications to reduce project impacts to wetlands and adjacent areas;
- (2) Flood and erosion loss reduction measures to prevent hazard losses;
- (3) Compensatory mitigation measures to offset losses to wetland area acreage, functions, and values;
- (4) Increasing wetland buffer widths to protect sensitive areas;
- (5) Requiring structures to be elevated on piles, flood-proofed, or otherwise protected from hazards including flood heights, velocities, and erosion potential;
- (6) Modification of waste disposal and water supply facilities to reflect flooding, high ground water, and erosion hazards;
- (7) Inclusion in the deed for the property a warning that the property contains a wetland area and that any activities in the wetland area are subject to special regulatory requirements;
- (8) Deed restrictions, covenants, or conservation easements regarding future use of lands, including but not limited to preservation of undeveloped areas; and/or
- (9) Erection of permanent wetland area markers or signs.

(C) The Planning ~~Manager~~ **Commission** shall not approve any application, conditional or otherwise, *unless* if it finds that the proposed disturbance:

- (1) will not cause a net loss of wetland area functions, values;
- (2) will avoid wetland areas to the maximum extent practicable;
- (3) will not increase flood, erosion, subsidence, or pollution;
- (4) will not adversely modify wildlife habitat or otherwise jeopardize plant, animal, or other wildlife species;
- (5) will preserve natural drainage features to the maximum extent possible and minimize the need to construct, repair, maintain, or replace structural water management systems;

- (6) will not permanently alter the aquatic ecosystem in the vicinity of the project
- (7) will not threaten public health or safety;
- (8) will not harm the public interest;
- (9) will not negatively impact recreational opportunities for the public, where applicable;
- (10) will not impair public rights in public waters;
- (11) will not create a nuisance to neighboring property owners or the community at large; and
- (12) will not violate other applicable federal, state, or local laws.

### **SECTION 153.235 ACTIVITIES PROHIBITED/EXEMPTED**

- (A) Prohibited Activities. Unless exempted below, any wetland disturbance shall be prohibited unless the proper authorization has been given to an Applicant by the Planning ~~Manager~~ **Commission**.
- (B) Exempted Activities. The following activities are exempted from the purview of this Ordinance and may be undertaken without a Wetlands Impact Application, where otherwise allowable by law.
  - ~~(1) Installation of nature trails or pervious pedestrian access paths no greater than four (4) feet in width;~~
  - (1) Pruning or trimming of grasses, shrubs, and other smaller vegetation;
  - (2) Planting native species of plants **to the location**;
  - (3) Removal of invasive species of plants **with hand tools only**;
  - (4) Any outdoor recreation activities not otherwise proscribed by the property owner or another applicable law or regulation, to include hiking, swimming, kayaking, canoeing, boating, horseback riding, hunting, fishing, shell fishing, and camping;
  - (5) Research of soil, vegetation, water, fish, or wildlife for educational, scientific, or conservation purposes;
  - (6) Maintenance or repair of existing water-control devices or structures, provided the device or structure is not “degraded” as defined herein, and the maintenance or repair does not involve enlarging, expanding, constructing, or relocating such water-control structures or devices; or
  - (7) **Minor** maintenance and repair of existing utilities and roadways, provided the activity does not involve enlarging, expanding, constructing, or relocating such utilities and roadways.
- (C) Prior nonconforming use, activity, or structure.
  - (1) Prior nonconforming uses, activities, or structures, as defined herein, shall not be enlarged or expanded to further encroach onto or otherwise disturb wetlands, wetland waterbodies, or wetland watercourses.

- (2) No nonconforming use, activity, or structure which has been discontinued for two (2) years or more shall be resumed without a permit.
- (3) Degraded structures, as defined herein, shall not be rebuilt without a permit.

**SECTION 153.236 OTHER REQUIREMENTS.**

- (A) Notification of Start of Project. The holder of a permit issued pursuant to this Ordinance must notify the Planning Manager in writing at least five (5) business days prior to the start of a project that the stated project is going to begin.
- (B) Temporary Survey Stakes. Temporary survey stakes or flags delineating boundaries between wetlands, buffer areas, setbacks, and adjacent property must be placed at all project sites by an engineer or surveyor. The markers shall follow the contour of the wetlands, buffer areas, and setbacks and shall be placed not more than fifty (50) feet apart.
- (C) Inspections. Every certification issued pursuant to this Ordinance shall grant the Planning Manager, or his/her designee, the right to inspect a project to determine compliance with conditions and provisions of this Ordinance or to perform any duty imposed upon him/her by this Ordinance.
- (D) Duration of Wetland Certifications. Wetland Certifications shall be valid concurrent with the underlying permit approval(s).

**SECTION 153.237 APPEALS**

Any affected person may appeal a decision of the Planning Manager **Commission** pursuant to this Ordinance to the **Circuit Court** ~~Town of Awendaw Board of Zoning Appeals~~ pursuant to all applicable provisions to do so.

**SECTION 153.238 MONITORING, REPORTING, AND ENFORCEMENT**

- (A) Criminal Penalties. Any person who violates any provision of this Ordinance or who fails to comply with any of the requirements thereof shall be guilty of a misdemeanor, according to applicable town and state code provisions, ~~punishable in accordance to law~~. In the case of a continuing violation, each day's violation shall constitute a separate and distinct offense.
- (B) Stop Work Orders; Permit Revocation or Suspension. The Planning Manager may, through cooperation with zoning officials, building officials, code enforcement, and the planning department if necessary, issue a Stop Work Order if he/she finds that the holder of a Wetland Certification is in violation of provisions or conditions of their approval, or if the permittee is in violation of other applicable laws and/or regulations. Such notice shall be in writing and shall be given to the owner of the property or to his/her agent, or to the person doing the work, or posted in a conspicuous place at the job site.

- (C) Restoration. The Planning Manager shall have the power to order restoration of a wetland area in the event of a violation. If the responsible person or agent does not complete such restoration within a reasonable time frame determined by the Planning Manager. The Town Council shall have the authority to restore the affected wetlands to their prior condition, and the person or agent responsible for the violation shall be held liable to the town for the costs of such restoration.
- (D) Reporting Violations. Whenever a violation of this Ordinance is alleged, any person may file a complaint with the Planning Manager. All such complaints must be in writing, accompanied by photos and supporting evidence, if possible. The Planning Manager shall record such complaints, immediately investigate, and determine the appropriate course of action pursuant to the provisions of this Ordinance.
- (E) Citizen Enforcement Provision. Causes of action resulting from the violation of this Ordinance inure to any such person or persons damaged as a result of any such violation.

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON FINAL READING

Introduced: \_\_\_\_\_  
Planning Commission Recommendation: Chris Crolley  
Final Reading: \_\_\_\_\_ Mayor, Town of Awendaw

Attest: \_\_\_\_\_  
Donna Steed  
Clerk of Council

**TOWN OF AWENDAW**

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Katharine Watkins | *Town Administrator*  
Donna F. Steed | *Clerk/Treasurer*



**Chris Crolley | Mayor**

**Town Council**

Paul Brown | Wendy Helms  
Grace Gasper | Rodney Porcher  
Kent Prause | John Timmons

**Staff Report**

**Subject: Ordinance 2026-07 Wetland Protection Ordinance**  
**Prepared for: Planning Commission**  
**Date: February 17, 2026**

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**Background**

The Wetland Protection Ordinance (Ordinance No. 2025-42) was passed on November 6, 2025, Town Council meeting. The Planning Commission reviewed and recommended edits to Ordinance 2025-42 at the September 15, 2025, meeting. As presented at the November 6, 2025, Town Council meeting there were additional edits noted by Staff that were not included in the final version. Staff have worked with members of Town Council to propose the current version of the ordinance and incorporate those recommended changes.

**Staff Findings**

Staff have identified the following key points for the Planning Commission’s consideration when making a recommendation to Town Council:

1. Further identification of these wetlands, i.e., where would a riparian buffer be enforced in Awendaw.
2. Clarity of what activities would be covered under a Wetland Notification versus a Wetland Impact Permit.
3. Establishment of a fee for Wetland Impact applications.
4. Consider annual review of denied applications to determine if modifications to the requirements of the ordinance are necessary.
5. Staff have been working with other communities to see how they are implementing ordinances similar to this.

Staff will defer to legal counsel regarding the viability of the implementation and adoption of these amendments.

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## Potential Motions

The Planning Commission may:

1. Motion to recommend the amended language to Town Council for approval based on staff recommendations.
2. Motion to recommend the amended language to Town Council for approval based on staff recommendations with additional changes (as determined by the commission).
3. Motion to defer a recommendation for further amendments.
4. Take no action.

### Attachments:

- Staff report
- Ordinance 2026-07 Wetland Protection Ordinance