



**Awendaw Town Council Monthly Meeting
November 6, 2025, 7:30 P.M.
Agenda**

- 1** Open meeting
- 2** Prayer and the Pledge of Allegiance
- 3** Civility Pledge
- 4** Roll Call
- 5** Approval of the November Agenda
- 6** Approval of the Previous Meeting Minutes
 - October 2, 2025– Finance Committee, Special Called Meeting, Regular Meeting
- 7** Approval of Previous Financial Statements
 - September 2025
- 8** Charleston County and Special Events
 - Awendaw Fire Department
 - Charleston County Sheriff’s Office
 - Municipal Park Foundation Board
 - Request for approval of entrance one plan and funding
- 9** Public Comments
 - Transportation Sales Tax Special Committee
 - Audubon South Carolina: Resilient Communities Update
 - Lille Bell Swinton
 - John Daso – Life in the Lowcountry Event, Request to use Town Park (*Action Item*)
- 10** Council Report
- 11** Mayor’s Report
- 12** Administrator Report
 - Update on the HVAC Project
 - Security Update at Town Hall
- 13** Town Activities
- 14** **Approval of Second Reading of Ordinance 2025-42: 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 153.239 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.

- 15. Approval of Second Reading of Ordinance 2025-43: An ordinance amending the adopted 2024 Comprehensive Plan to incorporate proposed language from the South Carolina Environmental Law Project.**
- 16. Approval of Second Reading of Ordinance 2025-44: An ordinance amending the Business License Ordinance of the Town of Awendaw to update the Class Schedule as required by Act 176 of 2020.**
- 17. Approval of First Reading of Ordinance 2025-45: An ordinance for a text amendment to an existing planned development, Awendaw Storage, identified by TMS 661-00-00-029. Amendment to include clarifications to dimensional standards, buffer requirements, and development review procedures.**
- 18. Resolution 2025-05: A resolution authorizing the participation of the Town of Awendaw in the South Carolina Deferred Compensation Program.**
- 19. Adjournment**

Notice of Meeting: In accordance with the SC Code of Laws, 1976, Section 30-4-80(d), as amended, the following have been notified of the time, date, place, and agenda of this meeting. The agenda was posted on the bulletin board at Town Hall prior to the meeting.



**Awendaw Town Council Finance Committee
October 2, 2025, 6:00 PM
Agenda-Minutes**

- 1. Open meeting: Councilman Frazier opened the Town Council Finance Committee Meeting at 6:00 PM.**
- 2. Roll Call: Everyone was present except Councilman Ketchens. Councilman Frazier turned everything over to The Brittingham Group, LLP, for the FY 2023 audit presentation**
- 3. Consideration of the FY 2023 audit presentation by The Brittingham Group, LLP was presented by Jessica Berry from The Brittingham Group.**
- 4. Executive Session – in accordance with SC Code Section 30-4-70(a)(2) to receive legal advice protected by the attorney-client privilege concerning Town audit findings. Upon returning to open session, the Council may take action upon matters discussed in Executive Session.**

Councilwoman Helms made a motion to go into Executive Session at 6:30 PM – in accordance with SC Code Section 30-4-70(a)(2) to receive legal advice protected by the attorney-client privilege concerning Town audit findings. Upon returning to open session, the Council may take action upon matters discussed in Executive Session. Upon returning to open session, the Council may take action upon matters discussed in Executive Session, and it was seconded by Councilman Brown. Councilman Prause made a motion to come out of the Executive Session at 6:45 PM, which was seconded by Councilwoman Helms. No votes taken.

Discussion by Councilman Prause - He questioned why an Executive Session was needed now. The Attorney explained that it was to provide legal advice regarding the Town's audit findings. All voted in favor.

- 5. Adjournment: Councilman Prause made a motion for adjournment, and Councilwoman Helms seconded it. All voted in favor. The Meeting was adjourned at 6:50 P.M.**



**Awendaw Town Council Special Called Meeting
October 2, 2025, 7:00 PM
Agenda-Minutes**

- 1** Open meeting: ***Mayor Green started the meeting at 7:00 PM***
- 2** Roll Call: ***All Present***
- 3** Appointments to the following Boards and Commissions: ***The Attorney reviewed the process. He answered questions about relatives and provided clarifications.***
 - Municipal Park Foundation Board (2 vacancies for the unexpired terms ending July 2026)
 - ***Councilwoman Helms nominated Andrea Frazier for Park Board, Councilman Brown Seconded, Councilman Prause and Frazier abstained, All in Favor, Councilman McNeal, and Councilman Ketchens. Mayor Green-No Vote.***
 - Board of Zoning Appeals (2 appointments)
 - ***Councilwoman Helms nominated Mr. Brubaker for BZA, Councilman Frazier seconded, Councilman Brown, McNeal, and Councilman Prause All in Favor. Councilman Ketchens and Mayor Green-No Vote.***
 - ***Councilman McNeal Nominated Mrs. Jewel Coan; Councilman Ketchens Seconded. Councilman Ketchens, Mayor, Councilman McNeal, voted in favor. Councilwoman Prause, Councilman Frazier, Councilwoman Helms, Councilman Brown – No Votes. This vote failed.***
 - ***Councilman McNeal nominated Robert Fuller; No Seconded***
 - ***Councilman Frazier Nominated Gary Freeman; Councilwoman Helms Seconded; Councilman Prause and Councilman Brown voted in favor. Councilman McNeal, Councilman Ketchens, and Mayor Green-No Vote.***
 - Planning Commission (2 appointments)
 - ***Councilwoman Helms Nominated Kelly Cousino; Councilman Frazier Seconded Councilman Prause, Councilman Brown, in Favor. Mayor-No Voted Councilman McNeal nominated Robert Fuller; no second. Councilman Frazier nominated James Gardner, Councilwoman Helms seconded. Councilman McNeal, Councilman Ketchens, Councilwoman Helms, Councilman Prause, Councilman Brown abstained, and Mayor Green-No Vote.***
- 4** Adjournment: ***Councilwoman Helms made a motion for adjournment, and Councilman Frazier seconded it. All voted in favor. The Meeting was adjourned at 7:19 P.M***



**Awendaw Town Council Monthly Meeting
October 2, 2025, 7:30 P.M.
Agenda-Minutes**

- 1** Open meeting: ***Mayor Green started the meeting at 7:30 PM.***
- 2** Prayer and the Pledge of Allegiance: ***Rev. Michael Alston, pastor of Mt. Nebo AME Church, delivered the prayer, and everyone recited the Pledge of Allegiance in unison.***
- 3** Civility Pledge: ***Councilman Brown, read the Civility Pledge***
- 4** Roll Call: ***All Present***
- 5** Approval of the October Agenda: ***Councilwoman Helms moved to approve the October Agenda; Councilman McNeal seconded it; all voted in favor.***
- 6** Approval of the Previous Meeting Minutes
 - September 4, 2025: Regular Meeting: ***Councilwoman Helms moved to approve the Regular Meeting; Councilman Ketchens seconded it; all voted in favor.***
- 7** Approval of the Previous Financial Statements
 - August 2025: ***Councilwoman Helms moved to approve the Financial Statements; Councilman McNeal seconded it; all voted in favor (Except Councilman Prause, who abstained because he received it today)***
- 8** Charleston County and Special Events
 - Awendaw Fire Department: ***The Chief was Absent, but he did let the Town Administrator know that MEOC and Fire Hydrants will be checked next month.***
 - ***Councilman Prause gave a public apology to Chief Gadsden for the way he spoke to him at the last town meeting.***
 - Charleston County Sheriff's Office: ***Lt. Turner gave an overview of recent activities in the area. Mayor Green thanked him.***
 - Municipal Park Foundation Board: ***Ashley Blythe and Chris Ott gave an overview of the Gate Proposals, Park Plans, and language for the signs.***
- 9** Public Comments
 - Derrick Brown: ***Mr. Brown addressed Councilman Prause. He thanked him for his apology to Chief Gadsden. He addressed his concerns about the 2023 Audit. He also addressed the issues with the county and the Awendaw/McClellanville Fire Department.***
 - Bob Markiseno: ***Coastal Cyclist: Ride the Lowcountry, April 11, 2026, Councilwoman Helms moved to approve the request; Councilman Frazier seconded it; Councilman Prause moved to add previous additions; all voted in favor.***
- 10** Council Report: ***None***

11. Mayor's Report: **Mayor Green thanked everyone for allowing her to attend all of these meetings.**

12. Administrator Report

- Update of Town Hall Projects: **HVAC and other repairs totaling \$5,500. Councilwoman Helms moved to approve the Update of Town Hall Projects; Councilman McNeal seconded it; all voted in favor.**
- Audubon Project: Building Resilient Communities Together – Community Engagement Update
- Christmas Parade: December 13, 2025, at 2:00 PM: **Include the Mayor, Floats, and working with other communities.**

13. Town Activities

- Approval of the FY 2023 Audit: **Councilwoman Helms moved to approve the FY 2023 Audit; Councilman McNeal seconded it; all voted in favor**

14. **Approval of Second Reading of Ordinance 2025-41: Annexation Ordinance using 100 Percent Petition Method of Tax Map Number 664-00-00-061 (6147 Caravelle Ct).** *Councilwoman Helms made a motion to accept the Approval of the Second Reading of Ordinance 2025-41: Annexation Ordinance using the 100 Percent Petition Method of Tax Map Number 664-00-00-061 (6147 Caravelle Ct), and it was seconded by Councilman Brown. All in favor except Councilman McNeal and Ketchens, who opposed.*

15. **Approval of First Reading of Ordinance 2025-43: An ordinance amending the adopted 2024 Comprehensive Plan to incorporate proposed language from the South Carolina Environmental Law Project.** *Councilman Prause made a motion to accept the Approval of First Reading of Ordinance 2025-43: An ordinance amending the adopted 2024 Comprehensive Plan to incorporate proposed language from the South Carolina Environmental Law Project, and Councilwoman Helms seconded it. All voted in favor.*

16. **Approval of First Reading of Ordinance 2025-44: An ordinance amending the Business License Ordinance of the Town of Awendaw to update the Class Schedule as required by Act 176 of 2020.** *Councilwoman Helms made a motion to accept the Approval of First Reading of Ordinance 2025-44: An ordinance amending the Business License Ordinance of the Town of Awendaw to update the Class Schedule as required by Act 176 of 2020. and it was seconded by Councilman McNeal. All voted in favor.*

17. **Executive Session – in accordance with SC Code Section 30-4-70(a)(2) to receive legal advice protected by the attorney-client privilege concerning potential claims with the cleaning service, waiver of water fees, and Town audit findings and discussion of negotiations with Charleston County concerning the proposed CDBG contractual arrangement. Upon returning to open session, the Council may take action upon matters discussed in Executive Session.**

Councilwoman Helms made a motion to go into Executive Session at 8:57 PM – in accordance with SC Code Section 30-4-70(a)(2) to receive legal advice protected by the attorney-client privilege concerning potential claims with the cleaning service, waiver of water fees, and ~~Town audit findings~~ and discussion of negotiations with Charleston County concerning the proposed CDBG contractual arrangement. Upon returning to open session, the Council may take action upon matters discussed in Executive Session, and it was seconded by Councilman Brown. All voted in favor.

Councilman Prause made a motion to come out of the Executive Session at 9:09 PM, which was seconded by Councilwoman Helms. No votes taken.

- Councilwoman Helms moved to authorize the Town Administrator to resolve the claims of the cleaning company; Councilman McNeal seconded, all voted in favor.


- Councilwoman Helms moved to authorize the Mayor for reimbursement of completed CDBG funds; Councilman McNeal seconded, and all voted in favor.

18. Adjournment: Councilman Prause made a motion for adjournment, and Councilman McNeal seconded it. All voted in favor. The Meeting was adjourned at 9:15 P.M.

\$1.2 Billion In Matching Funds

Previously approved half-cent TSTs will deliver \$3.4 billion for infrastructure, and combined with an additional \$1.2 billion in matching funds, will total \$4.56 billion.

 **\$386 M**
ROAD PROJECT
MATCHING FUNDS

 **\$232 M**
GREENBELT
MATCHING FUNDS

 **\$554.5 M**
PUBLIC TRANSIT
MATCHING FUNDS





HEADS UP
HALF-PENNY FACT

**Nearly 50¢ of every TST
dollar comes from visitors
and other sources outside
of Charleston County.**

Proposal

Park Entrance and Parking Plan

- Gate 1 Area
- Ranch Rail fence design – similar to the entrance at Gate 2 and 3.
- Open parking lot with no gate onto Doar Rd permits low-cost easy access while still blocking unauthorized vehicle traffic inside the park.
- Two internal locked gates ensure access for maintenance and authorized vehicles during events.



Proposal

Park Entrance and Parking Plan



Gate 1 Estimated Cost:

- Site Work:	\$ 2,500
- Gravel & Grading:	\$11,520
- Fencing & Gates:	\$11,500
- Total:	\$ 25,520

~30 Car Capacity

140 ft

105 ft

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 153.239 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, wetland buffers (or vegetated riparian buffers) are essential to supplement and enhance wetland benefits, including facilitating wildlife movement and providing a necessary transition zone between uplands and wetlands; 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.

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

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 _____, 2025.

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 (Used in the “whereas” statements in ordinance document as these define the purpose and benefits of wetlands but no regulations are contained in this text)~~

- ~~(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”). The S.C. Office of Resilience (SCOR) and the Office of Ocean and Coastal Resource Management (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.
- ~~(D) 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.
- ~~(E) 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.
- ~~(F) 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 153.229 DEFINITIONS (Move to existing Definitions Section, compare for redundancy)

- (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. Buffer widths are established pursuant to Section VIII 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 area of between the buffer and the upland where construction of any building or structure is prohibited. Setback widths are established pursuant to Section VIII 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.
- (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 153.230 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 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 153.231 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) 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 153.232 WETLAND BUFFERS AND SETBACKS (Will need to repeal/replace mention of the current 35' setback in each of the zoning district tables in 153.025-153.031)

- (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 wetlands as defined by this Ordinance.
- (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 153.233 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) Site plan and plat approvals for major and minor subdivisions;
 - (3) Requests for approval of site improvement construction plans;
 - (4) Any request for development approvals or permits related to land use, including those for stormwater management or other infrastructure improvements;
 - (5) Requests for permission to fill in ditches along town roads and rights-of-way;

- (6) Applications for waste disposal permits;
 - (7) Any other land use action or permit required by the Town Code that may involve land disturbance.
- (C) No approval or 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 landscaping on these legal non-conforming lots, which satisfies either partially or wholly the buffer requirements of this Ordinance, shall be required to be maintained. **Other exempted or prohibited provisions for nonconformities can be found in Section 153.236.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 153.234 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. 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) sketch-map 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, per 153.232.**
 - (e) the proposed project area; and
 - (f) 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 (14) calendar days. During this time frame, the Office of the Planning Manager must accept written public comments on all Wetland Impact Applications and the Planning Manager must consider those written comments when making a final determination. Such written comments may be facilitated by mail or electronically, via email or another comparable internet-based comment mechanism. **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 applicant receives notice from the Planning Manager that all materials have been received and its on a **Planning Commission agenda**, the applicant must **retrieve a sign from the Town of Awendaw for the purpose of posting of the property at least seven (7) 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.** ~~give written notice thereof, by certified mail (return receipt requested) or hand-delivered, to all 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. The After approval from the Commission, the Planning Manager must-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 (14) calendar days after the decision by the Planning Commission public notice period has closed. 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 153.235 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 153.236 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.

(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;
- (2) Pruning or trimming of grasses, shrubs, and other smaller vegetation;
- (3) Planting native species of plants;
- (4) Removal of invasive species of plants;

- (5) 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;
- (6) Research of soil, vegetation, water, fish, or wildlife for educational, scientific, or conservation purposes;
- (7) 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
- (8) 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 153.237 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.

(1) 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.

(2) Duration of Wetland Certifications. Wetland Certifications shall be valid concurrent with the underlying permit(s).

SECTION 153.238 APPEALS

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

SECTION 153.239 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,
- (D) 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.
- (E) 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.
- (F) 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: September 4, 2025
Planning Commission Recommendation:
Final Reading: _____

Miriam C. Green
Mayor, Town of Awendaw

Attest: _____
Donna Steed
Clerk of Council

ORDINANCE NO. 2025-43

AN ORDINANCE AMENDING THE ADOPTED 2024 COMPREHENSIVE PLAN TO INCORPORATE PROPOSED LANGUAGE FROM THE SOUTH CAROLINA ENVIRONMENTAL LAW PROJECT.

WHEREAS, the Town Council for the Town of Awendaw (the “Town”) adopted the “Town of Awendaw Comprehensive Plan” on August 7, 2025, via Ordinance 2025-24;

WHEREAS, pursuant to S.C. Code § 6-29-510(A), the Town’s Planning Commission (the “Planning Commission”) is charged with developing and maintaining a planning process which will result in the systematic preparation and continual re-evaluation and updating of those elements considered critical, necessary, and desirable to guide the development and redevelopment of its area of jurisdiction;

WHEREAS, S.C. Code § 6-29-510(E) requires that all planning elements within a jurisdiction’s comprehensive plan must be an expression of the Planning Commission’s recommendations to the appropriate governing body with regard to the wise and efficient use of public funds, the future growth, development, and redevelopment of its area of jurisdiction, and consideration of the fiscal impact on property owners;

WHEREAS, S.C. Code § 6-29-510(E) further requires that the local Planning Commission shall review the jurisdiction’s comprehensive plan or elements of it as often as necessary, but not less than once every five years, to determine whether changes in the amount, kind, or direction of development of the area or other reasons make it desirable to make additions or amendments to the plan;

WHEREAS, the Town Council on August 6, 2025, received a letter from the South Carolina Environmental Law Project (SCELP) on behalf of the Friends of Coastal South Carolina (FOCSC) and Coastal Conservation League (CCL) recommending minor amendments to the Comprehensive Plan;

WHEREAS, the Town Council believes these amendments align with the current vision of the Town and should be incorporated into the plan.

NOW, THEREFORE, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF AWENDAW:

Section 1. Proposed amendments to the adopted 2024 Comprehensive Plan provided by SCELPA are as follows:

1. Under Goal B on Page 26, add the strategy to “Consider or adopt the use of cultural overlay zoning to reinforce culturally significant development patterns, designs, and uses.”
2. Under Goal G on Page 29, add the strategy to “Consider or adopt ordinance to restrict septic-dependent developments.”
3. Under Goal G on Page 29, add the strategy to “Consider or adopt mining ordinance and require spacing requirement for mines.”
4. To Strategy H-12 on Page 30, add the italicized text to “Establish and enforce buffer and/or setback requirements for wetlands, floodplain, *federally protected lands*, and areas protected to be impacted by sea level rise as part of new development.”
5. Future Land Use Designations on Pages 23-25
 - a. Under “Conservation/Protected Lands” include privately protected lands.
 - b. In the Legend on Page 25, there are inconsistencies with the classifications of Village Center and Village Commercial. (SCELPA) urge any Village-type land uses to serve existing residents, implement low-impact development, and preserve rural character.
6. The Future Land Use Map on Page 25
 - a. The parcels along Bulls Island Road should be classified as “Conservation Residential”
 - b. The node at Steed Creek and US 17 is surrounded by the Francis Marion National Forest. For this reason, it is important to preserve that area and opt for a less dense zoning classification with services for existing residents.

Section 2. Severability.

If any section, subsection, paragraph, clause, or provision of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

SECTION 3. Conflicting Ordinances Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON FINAL READING

Miriam C. Green, Mayor
Town of Awendaw

Planning Commission Recommendation: September 15, 2025

First reading: October 2, 2025

Public Hearing: November 6, 2025

Second and Final Reading:

Donna F. Steed, Clerk of Council

AN ORDINANCE AMENDING THE BUSINESS LICENSE ORDINANCE OF THE TOWN OF AWENDAW TO UPDATE THE CLASS SCHEDULE AS REQUIRED BY ACT 176 OF 2020.

WHEREAS, the Town of Awendaw (the "Municipality") is authorized by S.C. Code Section 5-7-30 and Title 6, Chapter 1, Article 3 to impose a business license tax on gross income;

WHEREAS, by Act No. 176 of 2020, known as the South Carolina Business License Tax Standardization Act and codified at S.C. Code Sections 6-1-400 to -420 (the "Standardization Act"), the South Carolina General Assembly imposed additional requirements and conditions on the administration of business license taxes;

WHEREAS, the Standardization Act requires that by December thirty-first of every odd year, each municipality levying a business license tax must adopt, by ordinance, the latest Standardized Business License Class Schedule as recommended by the Municipal Association of South Carolina (the "Association") and adopted by the Director of the Revenue and Fiscal Affairs Office;

WHEREAS, following the enactment of the Standardization Act, the Municipality enacted Ordinance No. 2021-12 on October 11, 2021, in order to comply with the requirements of the Standardization Act (the "Current Business License Ordinance");

WHEREAS, the Town Council of the Municipality (the "Council") now wishes to amend the Current Business License Ordinance to adopt the latest Standardized Business License Class Schedule, as required by the Standardization Act;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Awendaw as follows:

SECTION 1. Amendments to Appendix B. Appendix B to the Current Business License Ordinance, the "Business License Class Schedule," is hereby amended and restated as set forth on the attached Exhibit A.

SECTION 2. Repealer, Effective Date. All ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be effective with respect to the business license year beginning on May 1, 2026.

ENACTED IN REGULAR MEETING, this ____ day of _____, 20__.

Mayor

ATTEST:

Clerk

First reading: October 2, 2025

Public Hearing: November 6, 2025

Final reading: November 6, 2025

**Exhibit A: Amendment to Classes 1 – 8 in Appendix B of the
Current Business License Ordinance**

APPENDIX B

Classes 1 – 8: Business License Class Schedule by NAICS Codes

NAICS Sector/Subsector	Industry Sector	Class
11	Agriculture, forestry, hunting and fishing	1
21	Mining	3
22	Utilities	1
31 - 33	Manufacturing	3
42	Wholesale trade	1
44 - 45	Retail trade	1
48 - 49	Transportation and warehousing	2
51	Information	4
52	Finance and insurance	7
53	Real estate and rental and leasing	6
54	Professional, scientific, and technical services	4
55	Management of companies	7
56	Administrative and support and waste management and remediation services	3
61	Educational services	3
62	Health care and social assistance	3
71	Arts, entertainment, and recreation	3
721	Accommodation	1
722	Food services and drinking places	2
81	Other services	3
Class 8	Subclasses	
23	Construction	8.1
482	Rail Transportation	8.2
517111	Wired Telecommunications Carriers	8.3
517112	Wireless Telecommunications Carriers (except Satellite)	8.3
517122	Agents for Wireless Telecommunications Services	8.3
5241	Insurance Carriers	8.4
5242	Insurance Brokers for non-admitted Insurance Carriers	8.4
713120	Amusement Parks and Arcades	8.51
713290	Nonpayout Amusement Machines	8.52
713990	All Other Amusement and Recreational Industries (pool tables)	8.6

2025 Class Schedule is based on a three-year average (2019 - 2021) of IRS statistical data.

AN ORDINANCE FOR A TEXT AMENDMENT TO AN EXISTING PLANNED DEVELOPMENT, AWENDAW STORAGE, IDENTIFIED BY TMS 661-00-00-029. AMENDMENT TO INCLUDE CLARIFICATIONS TO DIMENSIONAL STANDARDS, BUFFER REQUIREMENTS, AND DEVELOPMENT REVIEW PROCEDURES.

WHEREAS, the Town of Awendaw approved the *Awendaw Storage Planned Development Guidelines* ("PD") for TMS 661-00-00-029 via Ordinance No. 2019-01 on January 3, 2019 ("PD");

WHEREAS, the PD is no longer vested and is outside of the vested rights period as prescribed in the South Carolina Vest Rights Act, SC Code Ann. §6-29-1510 et seq;

WHEREAS, the Town of Awendaw has the legislative authority to amend the provisions the PD Ordinance (Ordinance No. 2019-01);

WHEREAS, such amendments are to include for clarifications to dimensional standards, buffer requirements, and development review procedures;

WHEREAS, the Town's amendments collectively support the Town's goals of sustainable development, better environmental protection, and improved aesthetics, all of which contribute to the Town's overall quality of life; and

NOW, THEREFORE, be it Ordered and Ordained by the Council of the Town of Awendaw, S. C. that and by the authority of said council to amend under Sections 6-29-340 and 6-29-760 of the South Carolina Code of Laws, the PD Ordinance (Ordinance No. 2019-01) as amended as part of the official Zoning Ordinance Text:

SECTION 1:

The property known as TMS #661-00-00-029, located at Highway 17 and containing 7.21 acres, is hereby amended per the Planned Development Guideline revisions recommended by the Town of Awendaw Planning Commission on _____, 2025. A copy of the amended document containing all the supporting text is attached hereto. A new conceptual site plan and corresponding Design Review Comments will need to be submitted to comply with the amended Planned Development Guidelines.

SECTION 2:

This change in the Planned Development Guidelines does not provide for the issuance of a Zoning Permit for construction of any structures. Prior to the issuance of any permits for construction, plans must be submitted to the Town of Awendaw Planning Commission for approval of all site features and architectural plans. Information submitted shall be as outline in the Planned Development Zoning Districts Provisions, Chapter 153 sections 153.045 through 153.050.

SECTION 3: Conflicting Ordinances Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4: Severability

The provisions of this ordinance are intended to be severable, and if a court of competent jurisdiction should hold any part of this ordinance invalid, unconstitutional, or otherwise unlawful, such ruling shall not affect the remainder of the ordinance, which shall remain in full force and effect.

Be it further ordained that the Town Council declares its intention that the “Pending Ordinance Doctrine” be effective upon first reading of this ordinance.

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON FINAL READING

First Reading: November 6, 2025
Public Hearing: November 6, 2025
Planning Commission:
Second Reading:

Miriam C. Green, Mayor
Town of Awendaw

Attest: Town Clerk

Staff Recommendations for the Revision of the Awendaw Storage Planned Development –

Red text with strikethrough equal proposed removed language (Example)

Purple text is language that is proposed to be added (Example)

Awendaw Storage - Revised Planned Development Guidelines

Date: 4/18/2018 Deferred by applicant on May 21, 2018 at Planning Commission Meeting

Re submitted for October 15, 2018 Planning Commission meeting

Planning Commission Revisions October 15, 2018

Town Council Amendments November 6, 2025

Prepared by: Zuendt Engineering

P.O. Box 26177

Greenville SC 29616

Phone: 864-990-2995

1.0 Description of Property

The property (TMS #661000029) is an undeveloped wooded parcel currently zoned PD. The previous Planned Development Guidelines are dated 6/23/2014. The parcel is currently owned by 6465 Self Storage LLC. The parcel is approximately 7.21 acres with frontage to US Hwy 17 N. on the western edge of the property and frontage to Doar Rd on the southeastern edge of the property.

2.0 Description of Permitted Uses

Both residential (single family attached, detached, ~~or multifamily~~) and commercial uses are allowed in the Planned Development. Modular or pre-manufactured homes shall not be allowed. Approximately 4.7 acres adjacent to US Hwy 17 N. (Phase I) is intended to be developed into a commercial/office building fronting the highway with self-storage buildings behind. Commercial/office must be built before or in conjunction with the storage. The remaining portion of the site (approximately 2.51 acres, Phase II) will be developed as residential use.

Table of Permitted Uses

A. Commercial:

- i. Self-Storage Facility BEHIND COMMERCIAL FRONTAGE
- ii. Offices including service, professional, medical and administrative
- iii. Consumer Repair Services
- iv. Food Sales (grocery, restaurant, or cafe)
- v. Liquor, Beer, and Wine Sales (only as an accessory use to a restaurant)
- vi. Retail Sales and Services
- vii. Hair, nail and skin care services, including massage therapy

B. Residential:

- i. Single Family Detached
- ii. Single Family Attached, including townhomes and duplexes
- ~~iii. Multi family, including apartments and condominiums~~
- iv. Accessory Dwelling Units
- v. Any uses not specifically listed herein would be subject to approval by the Planning Commission.

3.0 Architecture and Site Design All buildings must conform to the current building code as adopted by Charleston County and the State of South Carolina. Drawings submitted for

Staff Recommendations for the Revision of the Awendaw Storage Planned Development –

Red text with strikethrough equal proposed removed language (Example)

Purple text is language that is proposed to be added (Example)

Town review must be prepared by a SC licensed design professional qualified in the discipline of the area submitted. For example, site plans shall be prepared by a registered civil engineer, planting plans shall be prepared a registered landscape architect and buildings shall be designed by a registered architect.

All structures shall be reviewed for approval by the Planning Commission for exterior construction materials and aesthetics before requesting a building permit. The architecture should respect the strong rural architectural heritage of the Lowcountry. Submittals for Planned Development zoning must include photos of inspirational designs.

The Town of Awendaw requires that Low Impact Development techniques be used as much as possible. This includes the use of pervious paving materials, bio-swales, etc. Low impact measures shall be used where feasible depending on land use and site conditions. In addition to buffers, landscaping is required throughout the site to include foundation plantings, parking lot plantings, etc. All landscape details and plans must be approved by the Town prior to the issuance of any zoning permits.

Separate architecture design guidelines adopted by the Planning Commission and Design Review Comments dated October 8, 2018 are made part of these guidelines.

4.0 Building Setbacks

U.S. Highway 17 frontage: 35': **Inclusive of a 20' undisturbed landscaped buffer and Berkeley Electric Easement.**

Doar Road lot frontage: 85'

All other Front, Side, Rear Exterior Setbacks: 20'

Internal Setbacks: ~~15'~~ minimum, all sides

Wetland setback: 35'

5.0 Landscape and Buffers

No land clearing or selective tree thinning is permitted until the Planning Commission approves a development plan and all state permits are issued and then only the area to be developed may be cleared. Clearing shall be limited to the area of proposed development at the time of development or during Town approved timbering operations.

A. Landscape Standards

- i. A survey of all trees eight (8) inches or greater DBH is required for the entire parcel. A minimum of 20 trees per acre are required to be retained or planted, with the minimum tree size being 2 ½ caliper inches. The owner or developer is encouraged to retain existing trees.
- ii. Parking lots shall have a tree island between every 10 spaces and at the ends.
- iii. Foundation planting are required around buildings except in rear loading areas.
- iv. All landscaping is to be coordinated with site lighting and shown on photometric plans.
- v. All landscaped areas must be irrigated.

B. Buffer Standards

Staff Recommendations for the Revision of the Awendaw Storage Planned Development –

Red text with strikethrough equal proposed removed language (Example)

Purple text is language that is proposed to be added (Example)

- i. Vegetative buffers should contain indigenous plant material.
- ii. Existing trees within a buffer must be retained to help satisfy screening and buffer requirements. New plantings will be required where necessary, to accomplish a visual buffer as stipulated.
- iii. Planting plans must be prepared by a Landscape Architect.
- iv. Utilities/easements, drainage areas/easements, detention areas, parking, storage areas and buildings may NOT be located in buffers.
- v. Grading is NOT allowed in buffers.
- vi. Planted areas in buffers must be irrigated.
- vii. Road Frontage: 20' semi-opaque buffer (exclusive of drives):
 1. 5 understory trees 6-8 feet height per 100 lf
 2. 4 canopy trees ½" caliper per 100 lf
 3. Shrubs throughout (20-25)
- viii. Adjacent to existing commercial uses: 15' semi-opaque buffer:
 1. 5 understory trees (8-10 feet in height) per 100 linear feet and
 2. 4 canopy trees (minimum 3.5" caliper) per 100 lf and
 3. Shrubs throughout (20-25)
- ix. Adjacent to residential zoning or uses: 50' opaque buffer:
 1. 10 understory trees (8-10 feet in height) per 100 linear feet and
 2. 8 canopy trees (minimum 3.5" caliper) per 100 lf and
 3. Shrubs throughout (30-40)

C. Maintenance

The land owner, or successors in interest, shall be responsible for the following:

- i. Regular maintenance of all landscaping in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, as needed and in accordance with acceptable horticultural practices.
- ii. The repair or replacement of required landscape structures (e.g., fences, irrigation system) to a structurally sound and functioning condition;
- iii. The regular maintenance, repair, or replacement, where necessary, of any landscaping required by Planned Development documents or the Zoning Ordinance; and
- iv. Continuous maintenance of the site as a whole. When replacement of trees, plant material or other landscape features is required, such replacement shall be accomplished within one growing season, one year or such time-frame as required by the Planning Director, whichever is shorter.

6.0 Access

It is anticipated that access shall be from a single curb cut on U.S. Highway 17 and a single curb cut on Doar Road. All curb cuts, curve radii, traffic markers, signs, and pavements widths shall meet SCDOT requirements and shall have approved encroachment permits. The self-storage facility will be accessed from US Highway 17 N at a single shared curb cut with the Planned Development immediately north of this property so that both parcels have access to the median cut. The residential development will be accessed by a single curb cut

Staff Recommendations for the Revision of the Awendaw Storage Planned Development –

Red text with strikethrough equal proposed removed language (Example)

Purple text is language that is proposed to be added (Example)

located on Doar Road. There will be no vehicular access between the self-storage facility and the residential development.

7.0 Site Lighting

Exterior site lighting should be used in minimal amounts to provide for efficient and safe flow of vehicular and pedestrian traffic. These lights are to be shielded to prevent spillover and glare onto adjacent properties and roadways. To ensure this:

- A. All site lighting must be IES cut-off fixtures. They shall be shielded to reflect down onto the ground and not out onto the streets or neighboring property.
- B. All lamps shall have a color range from 2700 K-3500 K and shall be consistent throughout the site. Sodium lighting is not permitted.
- C. Luminaire heights shall not exceed 18 feet from the average surrounding grade.
- D. Foot-candle levels from all fixtures shall not exceed 10 foot-candles at any point and shall provide uniform light levels.
- E. Building Flood lights are not permitted.
- F. Requirements for Review

At the time of final plan submittal, a site lighting plan shall be submitted providing:

- i. Location and mounting information for each light shown on the landscape plan.
- ii. A fixture schedule listing fixture design, type of lamp, etc.
- iii. Manufacture's photometric data for each type of light fixture.
- iv. Photometric plan.

8.0 Signage

Along the Highway 17 property entrance there will be one monument sign (no larger than 32 sq ft.) that will represent the entire commercial property. The Doar Road residential development may have one monument sign. The monument signs are to be integrated with landscaping and will have down lighting (internal lit signs prohibited). Building materials and design should coordinate with the architecture.

All signage will follow the Town of Awendaw ordinances for size and location and will be reviewed for approval by Town Staff. ~~(Any additional signage requires approval by Planning Commission.)~~ Signage should be integrated in architectural features such as parapets or on store front windows. The architect should specify building sign locations and parameters. Each business shall apply for sign approval through the Town of Awendaw by submitting elevation drawings. Internal lit signs are prohibited. No signage will be permitted on individual storage buildings.

9.0 Garbage Disposal

Dumpsters will be provided for each business or grouping of businesses. A concrete pad and screening fence will be used to limit visibility. Dumpster locations and screening details shall be approved by the Planning Commission.

10.0 Parking

Parking to be provided per Town Zoning requirements, Sec 9.2. Shared parking to be encouraged where possible, and where approved by Town of Awendaw.