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TOWN OF MOUNT PLEASANT )

AN ORDINANCE TO AMEND CHAPTER 150, BUILDING REGULATIONS, BY ADDING A NEW SECTION ESTABLISHING NEW PROCEDURES AND GUIDELINES ENSURING THE PROTECTION OF PROPERTY FROM UNMANAGED STORMWATER AND CONSTRUCTION SITE SEDIMENT WHILE MINIMIZING IMPACTS TO EXISTING TREES AND BUFFERS. NEW GUIDELINES SHALL APPLY TO ALL PROPERTIES IN THE TOWN OF MOUNT PLEASANT ON WHICH A SINGLE FAMILY DETACHED RESIDENCE IS A PERMITTED USE. ALSO PROPOSED IS AN AMENDMENT TO CHAPTER 153, STORMWATER MANAGEMENT AND WATER QUALITY, BY INCREASING THE SINGLE FAMILY RESIDENTIAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) FEE FROM \$25 TO \$225

WHEREAS, Mount Pleasant Ordinances for code sections referenced herein were adopted June 24, 1974 and August 14, 2007 (Ord. 07045), and the same have been amended on more than one occasion; and

WHEREAS, Mount Pleasant Town Council now desires to amend Chapter 150, Building Regulations, and Chapter 153, Stormwater Management and Water Quality, of the Mount Pleasant Code of Ordinances by creating a new section in Chapter 150 establishing new procedures and guidelines ensuring the protection of property from unmanaged stormwater and construction site sediment while minimizing impacts to existing trees and buffers. These new guidelines shall apply to all properties in the Town of Mount Pleasant on which a single family detached residence is a permitted use. Also proposed is an amendment to Chapter 153 to increase the single family residential National Pollutant Discharge Elimination System (NPDES) Fee from \$25 to \$225; and

WHEREAS, the Mount Pleasant Planning Commission held a public hearing on November 14, 2018, to consider the amendment herein to the Mount Pleasant Code of Ordinances; and

WHEREAS, Mount Pleasant Town Council is empowered with the authority to make amendments to the Mount Pleasant Code of Ordinances, and now believes that it is in the best interest of the Town to so act with respect to the matter described herein.

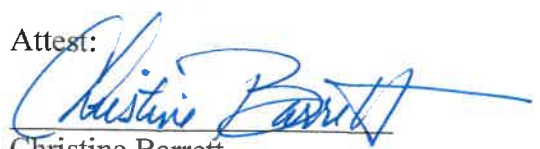
NOW, THEREFORE, BE IT ORDAINED by the Mayor and Councilmembers of the Municipality of Mount Pleasant, in Council assembled, that Chapter 150, Building Regulations, and Chapter 153, Stormwater Management and Water Quality, *shall be and is hereby amended*, by adding a new section in Chapter 150 establishing new procedures and guidelines ensuring the protection of property from unmanaged stormwater and construction site sediment while minimizing impacts to existing trees and buffers. These new guidelines shall apply to all properties in the Town of Mount Pleasant on which a single family detached residence is a permitted use. Also proposed is an amendment to Chapter 153, increasing the single family residential National Pollutant Discharge Elimination System (NPDES) Fee from \$25 to \$225, as specifically detailed in Exhibit A attached hereto.

THIS ORDINANCE SHALL BE EFFECTIVE MARCH 1, 2019, UPON FINAL READING.

SIGNED, SEALED AND DELIVERED THIS 9 DAY OF January, 2019.

  
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J.W. Haynie, Mayor  
Town of Mount Pleasant

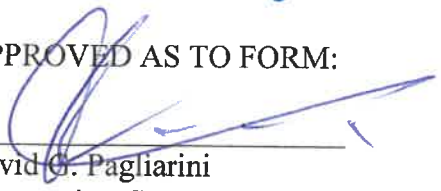
Attest:

  
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Christine Barrett  
Clerk of Council

January 9, 2018  
Mount Pleasant, SC

Introduced: December 11, 2018  
Final Reading: January 8, 2019

APPROVED AS TO FORM:

  
\_\_\_\_\_  
David G. Pagliarini  
Corporation Counsel

Single Family  
Stormwater Management  
And  
Tree Preservation Program

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November 14, 2018

Planning Director Initials



Single Family Stormwater Management and Tree Preservation Program

## **Introduction:**

The Single Family Residential Stormwater Management and Tree Preservation Program will set forth standards by which the Town, citizens and homebuilders may use as a means to administer, regulate and manage construction of single family lots, while preserving existing trees and buffers. Tree preservation is accepted and recognized as a natural resource to sustaining property values, by maintaining the historical character, and protecting the significant benefits to the environment through wildlife habitats, energy preservation, air quality, and the promotion of higher infiltration rates through tree/groundwater transpiration.

This program will utilize a new a strategic plan of action that will not only give contractors guidelines to more accurately navigate the building process but instruct in ways to build more responsibly. The scope of this permit has two purposes: (1) To establish procedures that residents can use to proceed with their site improvements that resolves stormwater runoff and tree impacts concurrently; and (2) To unify land altering site improvements while minimizing tree and buffer impacts. The goal is to enhance contractors and homeowners knowledge and give priority to the preservation of trees and buffers during the construction process.

## **Ordinance:**

### **Chapter 150.020: Building Regulations**

#### **150.020: Single Family Stormwater Management and Tree Preservation Ordinance**

Contractors and residents who plan to proceed with clearing and grading activities that disturb or alter land on a single family parcel must have a stormwater management and tree preservation permit prior to the release of any building permit. Such permit will be issued only after a suitable plan is approved and installed in accordance with such plan.

#### **150.021: Purpose and Intent**

The intent of this permit is to minimize tree and stormwater impacts due to construction on single family lots. These requirements insure the protection of neighboring properties from unmanaged stormwater and construction site sediment while minimizing impacts to existing trees and buffers.

It shall be the responsibility of each property owner to undertake land development activity in a way that does not diffuse or cast concentrated runoff in a direction that will cause adverse impacts onto lower elevated property and to alter land in such a way that will not displace, deflect, obstruct or impede stormwater from higher elevated property.



Single Family Stormwater Management and Tree Preservation Program

The owner or representative shall use good construction methods by implementing all means necessary to remain in compliance. The Town review procedure is not to be used for design purposes, but to ensure the applicant is fully aware of their responsibility to make use of proper stormwater management techniques and the latest best management practices prior to undertaking land development activity. However, additional improvements may be required throughout the implementation process if deemed necessary following field inspection.

**150.022: Administration**

The Building Inspection Division shall administer this ordinance through plan reviews and enforcement of standards that are practical and reasonable for achieving the objectives of the Town. It shall not be administered in such a way to hinder or infringe on the development property rights of citizens, but to insure site improvements proceed in a manner that protects surrounding property from flood damage and prevents the unnecessary removal of buffers and trees. Therefore, this ordinance allows each property owner the ability to responsibly remove trees, alter land, and expand development on their property while effectively managing all stormwater runoff discharging from the project boundaries. The applicant shall demonstrate compliance by submission of a stormwater management plan and tree survey depicting existing and proposed site improvements. It shall conform to the natural water course of the surrounding area or with the proposed final grades of the larger common plan for the subdivision, if applicable. Issuance of a Site Improvement Permit does not constitute a Building Permit, nor does it authorize vertical construction. It shall only authorize stormwater related site improvements. The permit may be administered independently or concurrently with a building permit submittal.

**150.023: Standards**

A. It shall be unlawful to undertake activity resulting in discharge flowrates that exceed the capacity of the receiving drainage system, or to impede the natural flow traversing the land to where the action causes water levels to increase on property.

B. A Site Improvement Permit is required before land clearing or land disturbance on any residential property. Authorization of this permit shall confirm the applicant's plan is in compliance with the minimum standards and is authorized to commence proposed site improvements.

C. All work shall comply with the applicable ordinance regulation in Chapter 155 and 156 as it relates to the following:

1. Tree Protection Zones and buffers shall be protected from grading or clearing activity, other than hand-clearing.
2. Site improvements plans shall be legible and clearly demonstrate the applicant has used good judgment and is proposing adequate provisions to implement safeguards to avoid negatively impacting surrounding property.



Single Family Stormwater Management and Tree Preservation Program

3. Erosion control devices and existing storm drainage infrastructure shall be routinely inspected by the applicant to ensure it remains in proper working order.

4. As-built surveys may be required when deemed necessary by the Town Plans Examiner. In such cases, final grade elevations are to be provided for swales, embankments, dry ponds, pipes, surface improvements such as driveways, and fill.

D. Buffers encroachments shall be pre-approved by Zoning Administrator or his designee.

E. Building Permits shall not be released until an acceptable site inspection has been completed by the Land Development Code Inspector.

F. Site Improvement Permits shall remain valid for 24 months from the date of approval. Approval date is the date the final field inspection is completed and approved.

G. Any work-related activity undertaken by a licensed contractor must be permitted under this ordinance.

H. The Permit Application found online at the official Town website must be properly completed and submitted.

I. A copy of the Site Improvement Permit is to be placed on-site and easily retrieved by an inspector at all times.

**150.024: Submittal Requirements**

A. The application provided on the official Town website will be submitted to the Town along with a scaled plan depicting details of existing and proposed activity.

B. The following will be required. Further information may be requested at the discretion of the Town Plans Examiner.

1. Stormwater Management/Tree Preservation Application
2. Certificate of Compliance
3. NPDES Fee Chapter 153.100
4. One Site Plan to include the following at an appropriate scale:
  - a. Existing grade single-point elevations, and single-point proposed elevations; topographic contours at one-foot intervals shall be acceptable.
  - b. Building Footprint
  - c. Drainage arrows demonstrating intended flow direction, indicate swale low points and high points
  - d. Indicate points of concentrated stormwater discharge, such as roof gutter downspouts. These points of discharge shall not be closer than 10 feet from any common property line.
  - e. Significant Tree Survey with Protection Zones. Trees greater than or equal to 16 inches DBH. (As defined in Chapter 156.227)





Single Family Stormwater Management and Tree Preservation Program

- f. Special Buffers, where applicable, as defined in Chapter 156.201
- g. Building Setbacks. Refer to Chapter 156.106
- h. Impervious Surface Setback and OCRM DHEC Critical Line Buffer, where applicable
- i. Existing Structures including pools, patios, driveways, sidewalks, significant landscape features
- j. All Easements, and utility structures

**150.025: Procedures**

1. Contractor shall submit the application by uploading the Single Family Site Improvement Permit application with a plan to the Town Building Inspections Division. See submittal requirements under section 150.024.
2. Town staff shall conduct an internal review and site investigation. Following approval of the plan, the permit will be released. Following, the installation of protective provisions such as tree barricades, silt fence, and other applicable best management practices are to be installed.
3. Contractor is authorized to commence site improvements once protective measures are in place and a pre-Building Permit inspection is scheduled.
4. Town staff shall conduct an onsite Site Improvement Inspection. Applicant shall be notified and have the opportunity to be present.
5. Once Site Improvement Inspection is approved, contractor shall be eligible for release of building permit.

**150.999: Penalty (no change)**

Whoever violates any provision of this chapter for which no penalty is otherwise provided, shall be fined not more than \$500 or imprisoned for not more than 30 days. However, no penalty shall exceed the penalty provided by state law for similar offenses. A separate offense shall be deemed committed on each day that a violation occurs or continues.

('81 Code, § 150.99)



§ 153.100 CHARGES AND FEES.

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(A) *Stormwater quality fee.* In addition to all other charges, fees, and penalties, the town shall have the right to develop and impose a stormwater quality fee to fund implementation of these stormwater management and water quality regulations, and associated programs and plans. This fee is established by Town Council as \$100 per disturbed acre, with a maximum of \$2,000.

(B) *Drainage inspection fee.* The inspection fee for drainage systems is based upon per linear foot of roadway as determined by Town Council.

(C) *NPDES inspection fee.* The inspection fee for town NPDES site inspections shall be as follows:

(1) *For single-family residences or sites of less than one acre.*

(a) The fee will be payable prior to the issuance of the building permit, with the submittal of a signed certificate of compliance, as provided in [Chapter 155, Appendix B](#), § 13.

(b) The Town Council establishes a fee of ~~\$25~~\$225 for sites of less than one acre.

(2) *For large residential and commercial developments that disturb one acre or greater.*

(a) The fee will be payable prior to the issuance of a clearing and grading permit.

(b) This fee is established by Town Council, based upon the area of disturbed land as:

1. 1-5 acres \$100;
2. 5-10 acres \$200;
3. 10+ acres \$400.

(D) *Reinspection fee.* A reinspection fee of \$100 shall be charged for any additional inspection required after the initial inspection of site work.

(E) *Stop work fee.*

(1) An administrative fee of \$200 shall be charged for the inspections and management associated with any stop work order issued.

(2) The fee will be payable to the Public Services Department prior to recommencement of work.

(Ord. 07045, passed 8-14-07; Am. Ord. 13027, passed 6-11-13)