

ORDINANCE NO. 08-07-45

AN ORDINANCE AMENDING ORDINANCE NO. 06-11-75, THE BERKELEY COUNTY TRANSPORTATION IMPACT FEE ORDINANCE

WHEREAS, on November 13, 2006, Berkeley County Council adopted Ordinance No. 06-11-75, the Transportation Impact Fee Ordinance for Unincorporated Berkeley County, (the "Ordinance") pursuant to the South Carolina Development Impact Fee Act, Code of Laws of South Carolina, Title 6, Article 9, Chapter 1 (the "Act"); and

WHEREAS, Berkeley County Council finds it necessary to make certain amendments to the Ordinance.

NOW, THEREFORE, BE IT ORDAINED by Berkeley County Council, in a meeting duly assembled, that Ordinance No. 06-11-75, shall be amended to reflect the following changes:

1. **Article 4: Definitions**, is amended by adding thereto, in alphabetical order, a definition of Development Permit to read as follows:

Development Permit: A permit obtained from the County which authorizes construction on a development of land where no building permit is required, to include but not be limited to, as applicable, the first authorization granted to utilize County water and/or sewer facilities or an authorization to install a driveway or other encroachment in a County right-of-way or easement.

2. **Article 7: Application and Exemptions**, is amended by striking from the introduction the word "construction" and substituting in its place and stead the words "development and redevelopment" and by adding the words "or for which a development permit is required when no building permit is required" so that hereafter the introduction shall read as follows:

The provisions of the ordinance shall apply to all new development or redevelopment in the Applicable Service Zone for which a

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Barbara S. Austin 7-15-08
 Barbara S. Austin Clerk to Council
 County Council Berkeley County SC

building permit is required or for which a development permit is required when no building permit is required except for the following:

3. **Article 7: Application and Exemptions**, is amended by deleting there from subsections (G), (H) and (I), and re-lettering subsection (J) as subsection (G).
4. **Article 9: Determination of Fees**, is amended by striking the second, third and fourth sentences of subsection (B) and substituting in their place and stead the following:

The fees to be collected for a development will be determined at the time of application for a building permit or at the time of application for a development permit if the development is one that does not require a building permit. No building permit or development permit for developments which do not require a building permit shall be issued for any development requiring payment of transportation impact fees until the impact fees have been remitted to the County Permitting Department, or in the case of affordable housing, the appropriate financial guarantees have been filed with the County Permitting Department.

In all other respects subsection (B) of Article 9 remains unchanged.

5. **Article 9: Determination of Fees**, is amended by substituting a new Exhibit B to subsection (C), a copy of said new Exhibit B being attached hereto and incorporated herein by reference.
6. **Article 9: Determination of Fees**, is amended by changing the equation in subsection (F)(6)(e) to read as follows:

$$\text{Impact Fee} = (\text{NNWT}) \times (\text{TED}) \times (\text{COST}) \times (\text{CDR}).$$

7. **Article 9: Determination of Fees**, is amended by adding at the end of subsection (F)(6)(e) a note CDR to read as follows:

CDR - For the purposes of this calculation, it is the County Council policy to only charge eighty-five (85%) percent of the maximum allowable transportation impact fee determined in the *Transportation Impact Fee Study Report*.

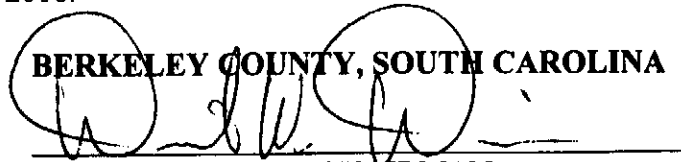
8. **Article 14: Appeal Process**, is amended by adding a new subsection (D) to read as follows:

(D) The payment of the transportation impact fee by a developer or fee payer without timely pursuit of the remedies provided by subsections (A) or (B) hereof shall constitute a waiver of the right of such developer or fee payer to avail himself of such remedies.

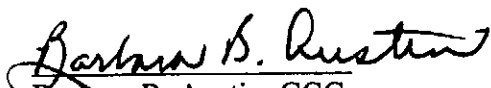
This Ordinance shall become effective upon adoption by Berkeley County Council.

ADOPTED this 14th day of July, 2008.


(SEAL)

BERKELEY COUNTY, SOUTH CAROLINA

DANIEL W. DAVIS, CHAIRMAN
BERKELEY COUNTY COUNCIL

Attest:


Barbara B. Austin, CCC
Clerk of Council

Approved as to form:


Nicole Scott Ewing
County Attorney

First Reading: April 14, 2008
Second Reading: April 28, 2008
Public Hearing: May 27, 2008
Third Reading: June 23, 2008

MEMBERS OF COUNTY COUNCIL

Phillip Farley

PHILLIP FARLEY

Voting

yes

Dennis L. Fish

DENNIS L. FISH

Voting

yes

Timothy J. Callanan

TIMOTHY J. CALLANAN

Voting

yes

Jack H. Schurlknight

JACK H. SCHURLKNIGHT

Voting

yes

William E. Crosby

WILLIAM E. CROSBY

Voting

yes

Absent 7-14-08

CALDWELL PINCKNEY, JR.

Voting

Cathy S. Davis

CATHY S. DAVIS

Voting

yes

absent 7-14-08

STEVE C. DAVIS

Voting

Exhibit B

General Transportation Impact Fee Schedule - Service Zone 1¹

Type of Land Use ²	ITE Code	Daily Trip Generation Rate ³	Pass-by Percentage ⁴	Discounted Impact Fee ⁵
Residential				
Single Family (per dwelling unit)	210	9.57	0.0%	\$1,348
Apartment (per dwelling unit)	220	6.72	0.0%	\$946
Condominium/Townhome (per dwelling unit)	230	5.86	0.0%	\$825
Mobile Home Park (per occupied dwelling unit) ⁶	240	4.99	0.0%	\$703
Senior Adult Housing (per dwelling unit)	251	3.71	0.0%	\$522
Congregate Care Facility (per dwelling unit)	253	2.02	0.0%	\$284
Hotel (per occupied room) ⁷	310	8.92	0.0%	\$1,256
Recreational				
Golf Course (per hole)	430	35.74	0.0%	\$5,032
Bowling Alley (per 1,000 s.f.) ⁸	437	33.33	0.0%	\$4,692
Multiplex Movie Theater (per 1,000 s.f.) ⁹	445	42.66	0.0%	\$6,006
Health/Fitness Club (per 1,000 s.f.) ⁸	492	32.93	0.0%	\$4,636
Institutional				
Elementary School (per 1,000 s.f.) ⁸	520	14.49	0.0%	\$2,040
Middle/Junior High School (per 1,000 s.f.) ⁸	522	13.78	0.0%	\$1,940
High School (per 1,000 s.f.) ⁸	530	12.89	0.0%	\$1,815
Junior/Community College (per 1,000 s.f.) ⁸	540	27.49	0.0%	\$3,870
University/College (per student)	550	2.38	0.0%	\$335
Church (per 1,000 s.f.) ⁸	560	9.11	0.0%	\$1,282
Daycare (per student)	565	4.48	0.0%	\$631
Library (per 1,000 s.f.) ⁸	590	54.00	0.0%	\$7,603
Medical				
Hospital (per bed)	610	11.81	0.0%	\$1,663
Nursing Home (per bed)	620	2.37	0.0%	\$334
Clinic (per employee)	630	7.75	0.0%	\$1,091
Medical/Dental Office (per 1,000 s.f.) ⁸	720	36.13	0.0%	\$5,087
General Office (per 1,000 s.f.)⁸				
< 50,000 s.f.	710	15.65	0.0%	\$2,204
50,001 - 100,000 s.f.	710	14.25	0.0%	\$2,006
100,001 - 200,000 s.f.	710	12.15	0.0%	\$1,711
>200,000 s.f.	710	11.37	0.0%	\$1,601
General Retail (per 1,000 s.f.)⁸				
< 50,000 s.f.	820	86.56	48.0%	\$6,337
50,001 - 100,000 s.f.	820	75.15	42.4%	\$6,094
100,001 - 200,000 s.f.	820	58.92	34.7%	\$5,417
>200,000 s.f.	820	53.28	32.0%	\$5,101
Specific Retail Categories				
Building Materials/Lumber Store (per 1,000 s.f.) ⁸	812	45.16	0.0%	\$6,358
Garden Center (per 1,000 s.f.) ⁸	817	36.08	0.0%	\$5,080
New Car Sales Center (per 1,000 s.f.) ⁸	841	33.34	0.0%	\$4,694
Tire Store (per 1,000 s.f.) ⁸	848	24.87	28.0%	\$2,521
Tire Superstore (per 1,000 s.f.) ⁸	849	20.36	0.0%	\$2,866
Supermarket (per 1,000 s.f.) ⁸	850	102.24	36.0%	\$9,212
Home Improvement Store (per 1,000 s.f.) ⁸	862	29.80	48.0%	\$2,182
Pharmacy/Drugstore (per 1,000 s.f.) ⁸	881	88.16	49.0%	\$6,330
Furniture Store (per 1,000 s.f.) ⁸	890	5.06	53.0%	\$335
Automobile Care Center (per 1,000 s.f.) ^{8, 10}	942	29.40	0.0%	\$4,139
Industrial				
General Light Industrial (per 1,000 s.f.) ⁸	110	6.97	0.0%	\$981
General Heavy Industrial (per 1,000 s.f.) ⁸	120	1.50	0.0%	\$211

Industrial Park (per 1,000 s.f.) ⁸	130	6.96	0.0%	\$980
Warehousing (per 1,000 s.f.) ⁸	150	4.96	0.0%	\$699
Mini-Warehouse (per 1,000 s.f.) ⁸	151	2.50	0.0%	\$352
Services				
Drive-In Bank (per 1,000 s.f.) ⁸	912	246.49	47.0%	\$18,393
High-Turnover Sit Down Restaurant (per 1,000 s.f.) ⁸	932	127.15	43.0%	\$10,204
Fast Food w/ Drive-Thru Window (per 1,000 s.f.) ⁸	934	496.12	50.0%	\$34,924
Gas Station w/ Convenience Store (per pump)	945	162.78	62.0%	\$8,709

Notes:

1 = Notwithstanding the provision of subsection (C) in this Article regarding the applicable fees listed in the General Transportation Impact Fee Schedule, transportation impact fees may be calculated independently as provided in subsection (F) of Article 9.

2 = Classification for the types of land use proposed by a developer shall be made in accordance with definitions contained in the Institute of Transportation Engineers' *Trip Generation Manual*, Seventh Edition (or subsequent editions). Land uses not specifically listed in the General Transportation Impact Fee Schedule shall be determined by the County Planning and Zoning Administrator, or its designee, as to the most comparable land use category to assume for calculating transportation impact fees.

3 = Daily trip generation rates taken from the *Trip Generation Manual*, Seventh Edition published by the Institute of Transportation Engineers' (2003).

4 = Pass-by capture trips are trips that are already on the roadway network that will make a trip to the site as they pass-by on the adjacent street.

5 = The impact fee for each land use category presented in the General Transportation Impact Fee Schedule is assessed at 70% of the maximum allowable impact fee reported in the *Berkeley County Transportation Impact Fee Study Report* consistent with Article 3, Subsection (1) of this Ordinance.

6 = For the purpose of this Ordinance, impact fees calculations for mobile home park shall assume 100% occupied units.

7 = For the purpose of this Ordinance, impact fee calculations for hotel land use shall assume 100% occupied rooms.

8 = Square footage shall be calculated in conformance with the definition provided in Article 4, Subsection (11) of this Ordinance.