



Catawba Indian Nation

Land Use Ordinance

2010 Land Use Ordinance
Committee

At no time shall any part of this ordinance supersede any one or all of the following documents:

Constitution of the Catawba Indian Nation

Federal Act

State Act

Memorandum of Agreement

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ARTICLE 1
TITLE

100 This ordinance shall be known and cited as the Catawba Indian Nation Land Use Ordinance.

ARTICLE 2
GENERAL PROVISIONS

- 200 Authority and Jurisdiction. This ordinance is adopted pursuant to the authority granted to the Catawba Indian Tribe of the South Carolina Land Claims Settlement Act of 1993; Public Law 103-116 of October 27, 1993, and the Tribal Constitution of 1975, and as approved by the General Council.
- 201 Grandfathering. Pursuant to the Old Reservation all land assignments issued before the 1993 settlement agreement are grandfathered in and cannot be changed or altered in any way.
- 202 Purpose. The purpose of these regulations are to guide development of the Catawba Indian Reservation lands and Catawba Indian non-Reservation lands in order to promote proper land use in areas and at densities meeting the objectives of the Catawba Nation and to preserve and conserve valuable land and water resources so as to establish a balance between the natural and man-made environments.
- 203 Use of Land and Buildings. As of the effective date established in this article, future land and buildings shall be in compliance with this ordinance and local, state, and federal codes and regulations.
- 204 Reservation Master Plan. While it is the intention of the Planning Board that these regulations serve to implement the provisions of the Reservation Master Plan and other related documents, the Planning Board expresses its intent that this ordinance nor any future amendments to this ordinance may be challenged due to any nonconformity with current and future plans.
- 205 Severability. If any section, paragraph, sentence, clause or phrase of this ordinance is found invalid, such invalidity shall only apply to such section, paragraph, sentence, clause or phrase found to be invalid and shall not apply to the remainder of these regulations.
- 206 Effective Date. The provisions of this ordinance were originally adopted and became effective on _____.

ARTICLE 3
DEFINITIONS

- 300 Interpretation of Certain Terms or Words. The words or phrases defined in this Article shall have the meaning indicated when used in this ordinance.
- 301 Cultural Preservation Project: The entity, within the tribal government organization, responsible for overseeing the protection of the Tribe's cultural resources.
- 302 Duplex: A two-family residential structure in which the dwelling units share a common wall and in which all living areas are on the ground floor and have a separate entrance and a separate exit.
- 303 Executive Committee: The elected officials of the Catawba Indian Nation with powers specified by the General Council and the tribe's constitution.
- 304 Farming: The cultivation of land, raising of livestock or similar agrarian activity for gain or profit, and the related buildings, structures necessary to carry out the aforementioned activities. Areas that are assigned and not farmed within 1 year will be reassigned to another tribal member.
- 305 General Council: The governing authority of the Catawba Indian Nation when in possession, with powers specified by the tribal constitution.
- 306 Home Occupation: Any occupation, hobby, or profession carried on by any member of the immediate family residing on the premises that is conducted in the principle residence and produces no change or alteration to the exterior of the principal building from that of a dwelling.
- 307 Land Assignment: An area of land that is granted to a tribal member or entity, to be used for residential or other purposes.
- 308 Landfill: Any area to be used for the disposal of inert or cellulose materials. For the purpose of this ordinance, the term landfill shall not include sanitary landfills used to dispose of household garbage.
- 309 Lot: A single parcel or tract of land whose boundaries have been established by a survey plat and/or description.
- 310 Mobile Home: A structure, transportable in one or more sections, which is eight (8) body feet or more in width and is thirty two (32) body feet or more in length, and which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes plumbing, heating, and electrical systems contained therein.
- 311 Planning Board: The tribal board that oversees the Land Use Ordinance of the Catawba Indian Nation.
- 312 Plat: A plan or map of a specified land area.
- 313 Political Boundary: A boundary depicting the jurisdiction of a state, county, city, or federal lands.

- 314 Recreational Facility: Indoor and outdoor recreational facilities including tennis and racquet ball courts, golf courses, gyms, baseball fields and similar type facilities.
- 315 Road, Private: Any road, including driveways, that is not part of the tribal road system.
- 316 Road, Public: A road that is designated as part of the tribal road system this also includes roads that are owned and maintained by the state or any county or city.
- 317 Setback: The distance a building or structure must be from a lot line or other specified area.
- 318 Sign, Free-Standing: A sign that is attached to or supported by a structure that is not attached to a building or other structure having a principal function other than the support of the sign.
- 319 Sign, Wall: A sign that is attached to the wall of any building.
- 320 Single-Family Residence, Detached: A residential use consisting of a single building containing one dwelling unit.
- 321 Special Care Home: A facility that provides assistance to needy individuals such as those facilities providing care for the elderly, children, the homeless or similar type uses. A special care home may or may not provide permanent residential facilities.
- 322 Uses Subordinate to Residential Uses: A minor building or structure that is located on the same lot as a principal residential building that is used incidentally to the principal residence. Examples of such uses include swimming pools, tennis courts, storage buildings and detached carports.
- 323 Utility Facilities, General: Any building, structure or facility used in connection or storage of electricity, natural gas, oil, water, sewer and communication signals. Examples of such facilities include water treatment plants, power plants and natural gas storage facilities. This definition does not include utility lines and supporting structures.

ARTICLE 4
ADMINISTRATION AND ENFORCEMENT

400 Tribal Planning Board: The Tribal Planning Board shall be established to assist in overseeing the provisions of this ordinance; the Planning Board shall consist of seven (7) members who shall be elected by the General Council. Five (5) members shall live on the reservation; two (2) members shall live off the reservation. Planning Board members shall serve two (2) year terms. The four members with the highest number of votes shall serve the first two years and the three members with the lowest number of votes shall serve one year on the first elections and all elections thereafter will be two year terms.

400.1 Members of the board shall serve without compensation but may be reimbursed for personal expenses related to their performance as a board member. The amount to be reimbursed for such expenses shall be in accordance with Federal Reimbursement Guidelines and approved by the General Council. Members of the Planning Board may be removed for good cause related to performance of duties by majority vote of the General Council.

The Planning board shall be responsible for:

- 400.1.1 Preparing and revising recommendations for the Reservation Master Plan and other plans and programs for the development and redevelopment of all tribal lands for adoption by the General Council, and preparing and recommending for adoption by the General Council as a means to implement the plans and programs for all tribal lands.
 - 400.1.1.1 Land use ordinances to include district maps and appropriate revisions thereof;
 - 400.1.1.2 Regulations for subdivision and development of land and appropriate revisions thereof, and to oversee the administration of the regulations that may be adopted;
 - 400.1.1.3 An official map and appropriate revision on it showing the exact location of all street, highway and utility rights-of-way and tribal building sites, together with regulations to control the erection of buildings or other structures or changes in land use within the rights-of-way, building sites or open spaces within the reservation;
 - 400.1.1.4 A landscaping ordinance setting forth required planting, tree preservation and other aesthetic considerations for land and structures;
 - 400.1.1.5 A capital improvements program setting forth projects required to implement plans which have been prepared and adopted, including an annual listing of priority projects for consideration by the General Council or other body responsible for implementation prior to preparation of their capital budget; and

- 400.1.1.6 Policies or procedures to facilitate implementation of planning elements found in the Reservation Master Plan.
- 400.1.1.7 The Planning Board shall inform the Executive Committee prior to submitting recommendations to the General Council for the responsibilities mentioned above.
- 400.1.2 Hearing and preparing recommendations to the General Council regarding appeals where it is alleged there is an error in an order, requirement, decision or determination made by the Planning and Development office in the enforcement of this ordinance; and
- 400.1.3 Hearing and preparing recommendations to the General Council regarding appeals for variance from the requirements of this ordinance when strict application of the provisions of this ordinance would result in unnecessary hardship. However, no variance may be granted that would allow the establishment of a use not permitted in a land use district, extend physically a nonconforming use of land or to change a district boundary found on the official zoning map.
- 400.2 The Planning Board shall elect one of its members as chairman and one as vice chairman whose terms must be for two years. The Planning Board shall establish a regular meeting schedule. In addition, the Planning Board shall meet at the call of the chairman and at such times as the chairman or the board may determine.
- 400.3 The Planning Board shall adopt rules of organizational procedure and shall keep a record of its resolutions, findings, and determinations. All actions of the Planning Board shall be taken by a majority vote, a quorum being present. A quorum shall consist of a majority of the membership excluding vacant seats. Minutes of all meetings shall be kept by the secretary of the Planning Board.
- 401 Variations and Appeals. Variations and appeals to this ordinance must be filed with the Planning Board for their review. The board shall provide a recommendation to approve, disapprove or approve with modifications, any variance or appeal to the Executive Committee. Notice of the Executive Committee's review shall be sent to adjacent land assignment owners at least fifteen (15) days prior to the hearing. Persons wishing to speak at such hearing shall be limited to no more than ten minutes each. In no case can an appeal be taken to the Executive Committee without first being reviewed by the Planning Board.
- 402 Amendments. Any amendments to the master plan, this ordinance (including zoning map) may be initiated by any agency or person of the Catawba Nation. Amendments must be filed with the Planning Board that shall review the proposed amendment and prepare a recommendation. Such recommendation shall be sent to the Executive Committee within thirty (30) days upon receiving an amendment request. Notice of the Executive Committee's review shall be sent to adjacent land assignment owners (if applicable) at least fifteen (15) days prior to the hearing. Persons wishing to speak at such hearing shall be limited to no more than ten minutes each. The Executive Committee must approve all amendments before they become effective.
- 403 Community Planner. The Community Planner shall be responsible for helping the Planning board establish and maintain the Land Use Ordinances. The Community Planner will work with

the Planning Board and Real Estate department to ensure that the ordinances are being enforced. The Community Planner shall also serve as secretary to the Planning Board and shall be responsible for preparing reports related to land use matters and shall keep records of all Planning Board meetings and activities.

404 Real Estate Director. The Real Estate department shall be responsible for insuring compliance of this ordinance. The Real Estate department shall accept and examine all applications for building and land use compliance. He/she shall maintain all records regarding land use and other related matters. The Real Estate Director shall be responsible for making presentations to the Planning Board, the Executive Committee, and the General Council regarding land use matters.

405 Nonconforming Uses. Nonconforming buildings, structures and uses that are in existence or have been approved or permitted at the time of the adoption of this ordinance are hereby grandfathered and may continue to exist.

ARTICLE 5
LAND ASSIGNMENTS AND SUBDIVISION

- 500 Land Assignments by the Executive Committee. The Executive Committee shall be responsible for allocating all property to tribal members for single-family residential use and to other members and entities for other uses. Persons wishing to obtain a land assignment must first file an application with the Real Estate department, who shall present the application to the Executive Committee.
- 501 Land Assignment Applicants. All persons wishing to file an application for a land assignment must be a registered member of the Catawba Nation and must be at least eighteen (18) years of age. Applications may not be accepted from non-Indian spouses or relatives of tribal members in the event the applicant intends to care for children of a member of the tribe for a land assignment. This person would be eligible for Tribal Housing but not for a land assignment.
- 502 Transfer of Land Assignments. Land assignments shall be granted and transferred in accordance with the most current adopted tribal policy and/or those requirements specified in the latest adopted version of the tribal constitution. All land assignments should be willed to another tribal member over eighteen (18) years old.
- 503 Land Assignment Criteria. Prior to review by the Executive Committee, each land assignment application must include the following:
- 503.1 Each assignment shall be surveyed by a state registered surveyor in order to provide a plat accurately establishing the property's location and dimensions. Two copies of the plat shall be filed with the Real Estate department for the purpose of keeping record of such plat with one copy being placed in the tribal archives. The applicant shall be provided with one copy of the plat for their records.
- 503.2 All land assignments must be served by public water and sewer or must have approval for a well and septic tank from the South Carolina Department of Health and Environmental Control (DHEC). No land assignment shall be approved pending the approval of a water and sewer system. Indian Health Services must issue a certificate of utility service prior to the approval of a land assignment. The certificate may include verification of water quality.
- 503.3 All lots shall be served by a public or private road or will be served by a road to be built by the tribe within the next six (6) months. All roads shall be constructed of an all weather service unless the road serves as a private drive. All road accesses must be approved prior to the issuance of a land assignment.
- 503.4 All lots must receive a Cultural assessment from the Tribal Historical Preservation Office (THPO) to make sure there are no artifacts that will be disturbed on the land assignment.
- 504 Land Assignment Dimensions. Each land assignment must meet the following dimensions:
- 504.1 Each assignment used for single-family residence or duplex shall be approximately two (2) acres in size (measured 300 X 300 feet) unless otherwise approved by the Executive Committee.

504.2 No land assignment used for the purpose of developing single-family or duplex housing shall be less than 25 feet at the front setback line unless approved by the Planning Board. Other land uses are not required to provide a minimum lot width.

505 Subdivisions and Public Improvements. In the event that any entity associated with the Catawba Nation wishes to develop a single-family subdivision and/or construct public improvements such as roads, water or sewer lines or other related facilities, such entity shall submit a plan for the subdivision or improvement to the Planning Board. Such plan must be stamped by a state registered engineer, surveyor or landscape architect. The Planning Board shall make a recommendation to the Executive Committee to approve, disapprove or approve with modifications such plan. The plan shall be to scale and must contain the following information:

505.1 Name, registration number, and seal of registered surveyor, engineer or landscape architect;

505.2 locations of all streets, rights-of-way, percents of grade and street names;

505.3 existing and proposed utility lines, rights-of-way and easements;

505.4 other rights-of-way or easements, location, widths and purpose;

505.5 lot lines and minimum setback lines;

505.6 any proposed sidewalks, trails, open space and parks;

505.7 locations of floodplains, floodways, creeks and other drainage features;

505.8 location of all temporary and permanent storm water management and sediment control devices; and

505.9 certification of approval of water and sewer system by Indian Health Services.

506 Housing Authority. The housing authority, created by the Tribe, shall be responsible for allocating funding for housing development, overseeing construction or rehabilitation and insuring all housing meets adopted building codes.

507 Dividing a Land Assignment. All land assignment can be split with someone else upon approval of the current occupant. In order to divide the land assignment please contact the Real Estate department at the Longhouse.

508 Non-Indian Spouses. (Reserved)

**ARTICLE 6
DEVELOPMENT DISTRICTS AND MAPS**

- 600 Establishment of Development Districts. The following development districts are hereby established: Residential Development (RD), Village Mixed Use District (VMUD), Business Development (BD), Natural Resource District (NRD) and Cultural Preservation District (CPD).
- 600.1 (RD) The Residential District is designed to accommodate single-family residential uses and uses that support residential development.
- 600.2 (VMUD) The Village Mixed Use District is designed to promote a mixture of residential and business uses to promote the creation of a “downtown” core. The district also serves to promote residential development at a higher density than that permitted in the Residential District.
- 600.3 (BD) The Business Development District is designed to promote areas for general commercial and industrial development. Examples of uses that would be located in this district include office buildings, warehouses, and distribution centers and manufacturing facilities.
- 600.4 (NRD) The Natural Resource District is designed to protect important natural resources such as creeks, floodways, floodplains, springs, wetlands, open space and wildlife habitat.
- 600.5 (CPD) The Cultural Preservation District is designed to protect cultural and historic resources found on the reservation. Examples of such resources include burial grounds, archeological sites, ceremonial grounds, and historic structures.
- 601 District Boundaries. The boundaries of the development districts shall be shown on a map entitled, Catawba Nation Development Districts Map. The Development Districts Map shall be identified by the signatures of the Tribal Chief and all members of the Executive Committee and shall be filed in the office of the Community Planner with at least one copy on display in the tribal offices and one copy located within the tribal archives.
- 602 Interpretation of District Boundaries. If there is uncertainty as to the boundary of a development district as reflected on the development district map, the following shall apply:
- 602.1 Boundaries indicated as approximately following the centerline of streets, highways, or roads shall be construed to follow such centerlines;
- 602.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- 602.3 Boundaries indicated as approximately following political boundaries shall be construed as following such boundaries;
- 602.4 Boundaries indicated as following the centerlines of waterways, creeks and ditches shall be construed as following such lines;

602.5 In the event that a boundary can not be determined based on the criteria established in subsections 602.1 through 602.4, the Planning Board shall make a final determination regarding the boundary.

603 Changes to District Boundaries. Changes to district boundaries shall only be done in accordance with Section 402 of this ordinance. In the event that an approved change is made to the map, the Community Planner shall change the date of the map to indicate its latest version. The Community Planner shall keep copies of preceding versions of the development district maps for historical reference.

604 Permitted Uses in Development Districts. The following table reflects uses permitted in each development district. The letter (P) indicates that the use is permitted and the letter (R) indicates that the use may be approved upon recommendation by the Planning Board.

605 Tables of Permitted Land Use.

	RD	VMUD	BD	NRD	CPD
Residential					
Single Family Residences, Detached (Excluding Mobile Homes)	P	P			
Mobile Homes	P				
Duplexes	R	P			
Multi-Family Residences	R (1)	P	R		
Special Care Homes	R	P			
Rooming Houses/Boarding Houses	R	P			
Hotels/Motels		P	P		
Home Occupations	P	P			
Uses Subordinate to Residential Uses	P	P			
Business					
Retail/Personal Services		P	P		R
Professional Office		P	P		R
Medical and Dental Office and Clinics		P	P		
Restaurants, Bars, Night Clubs		R	R		
Motor Vehicle Sales and Service		R	P		

	RD	VMUD	BD	NRD	CPD
Parking Garages		R	P		
Open Air Markets (Commercial)		P	P		
Warehousing and Distribution Facilities			P		
Manufacturing and Processing Facilities			R		
Commercial Greenhouses/Horticultural Sales			R		
Tribal Use					
Government Offices		R	R	R	R
Emergency Services		R	R		
Post Offices		R	R		
Cemeteries	R	R			R
Schools, Nurseries & Daycare Centers	R	R	R	R	R
Museums/Art Galleries/Libraries	R	R		R	R
Parks	R	R	R	R	R
Recreational Facilities	R	R	R	R	R
Transportation Stations	R	R	R	R	R
Churches	R	R			
Agricultural and Mining					
Farming	P	R	R	R (2)	
Mining and Quarry Operations			R (3)		
Utility Facilities					
Utility Facilities, General		R	R		
Utility Lines and Supporting Structures	P	P	P	R	R
Communication Towers and Related Structures		R	R		

(1) In conjunction with a project being developed by the Housing Authority.

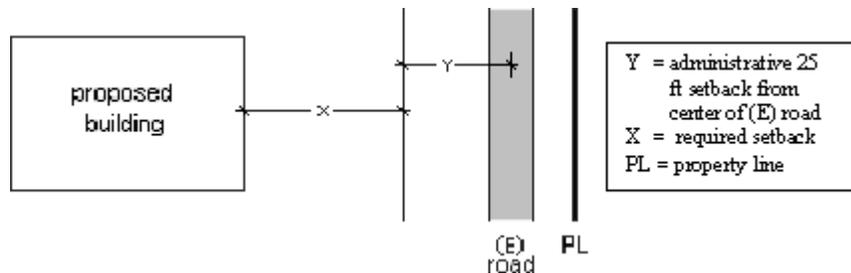
(2) Farming is only permitted in areas specified by the Planning Board. Farming areas in the NRP district shall be grandfathered only if such area has been farmed within the last two years.

- (3) Includes commercial mining and quarry operations and does not include the excavation of clay used for the creation of pottery. The excavation of such clay is permitted in any district unless specifically prohibited by the Tribe.

All uses permitted on review must be presented to the Planning Board for the purpose of reviewing the proposed project. If required (See Section 706), a site plan showing the building plan for the proposed use must be provided to the board. The Planning Board has the right to deny, approve or approve with modifications land use permitted by review.

**ARTICLE 7
DEVELOPMENT STANDARDS**

- 700 Criteria. All development within the reservation must meet the following criteria:
- 701 Minimum Lot Size. The minimum lot size for all single-family residential and duplex uses within all districts is three hundred feet by three hundred feet. However, since it is the intent of the Tribe to create higher residential density in the VMUD district located in the northern section of the reservation, the Planning Board may allow a lot size that is smaller than two hundred feet by two hundred feet in this area. There is no minimum lot size requirement pertaining to other uses and districts.
- 702 Residential Density. Residential density in the RD district shall not exceed one (1) unit per land assignment unless under special circumstances approved by the Planning Board. There is no other maximum residential density requirement in these regulations.
- 703 Building Setbacks. All residential buildings (including their accessory buildings) shall observe a building setback of twenty five (25) feet from the front property line, fifteen (15) feet from side property lines and twenty five (25) feet from rear property lines. Non-residential uses are not required to provide a building setback unless adjacent to a residential use. If this should occur, the non-residential use shall provide a setback of fifty (50) feet to the property line that is shared with the residential use. The Planning Board may increase or decrease the fifty feet requirement. As specified in Section 720 fences are required to observe a setback of twelve (12) inches along all property lines. Design and materials for fences must be approved by the Planning Board.



- 704 Building Height Limitations. No building shall exceed a height of thirty-five (35) feet unless approved by the Planning Board.
- 705 Site Plans Required. Any person or entity wishing to develop or construct buildings or facilities, including additions to existing buildings and facilities, must first have plans for such building or facility submitted to the Planning Board for review. The Planning Board has the authority to approve, disapprove or approve with modifications all site plans. Single-family homes, duplexes (including uses subordinate to these uses), and buildings and structures related to farming are not required to submit the above plans. Each plan shall consist of the following:

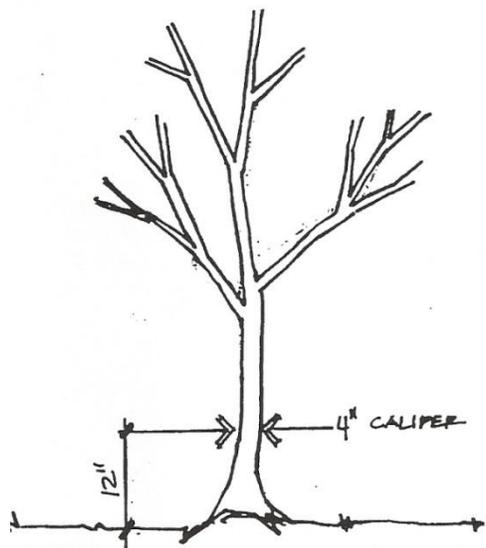
705.1 A site plan, drawn to scale, showing:

- 705.1.1 property dimensions and footprint of proposed building(s);

- 705.1.2 parking spaces and traffic circulation;
 - 705.1.3 sidewalks, paths and similar type facilities;
 - 705.1.4 existing and proposed utilities;
 - 705.1.5 location and dimensions of all signage;
 - 705.1.6 proposed landscaping and designation of areas to be protected;
 - 705.1.7 points of ingress and egress; and
 - 705.1.8 all proposed storm water management and sediment control devices.
- 705.2 A building plan showing:
- 705.2.1 elevations of all buildings; and
 - 705.2.2 specifications of building materials.
- 705.3 A sign plan showing:
- 705.3.1 location of all signage including directional signage and wall signs;
 - 705.3.2 elevations of all signs; and
 - 705.3.3 specification of building materials.
- 706 Special Provisions for Natural Resource Districts. (Reserved)
- 707 Waterways and Natural Drainage Features. No land disturbing activity (with the exception of public recreational, road and utility facilities) shall occur within fifty (50) feet of all creeks, branches, springs and other natural drainage features that have year-round or seasonal water flow measured from the edge of such creek, branch, spring and drainage feature. Structures or building activity in close proximity to a man-made drainage structure, such as a drainage ditch found along a roadway, shall observe normal setbacks unless otherwise specified. When public recreational, road and utility facilities are proposed, the entity overseeing the project shall submit a plan in accordance with Section 705.
- 708 Impoundments. No creek or water course shall be altered or dammed unless approved by the Planning Board. All impoundments shall be built in accordance with state law.
- 709 Floodways and Floodplains. Agricultural uses, public recreational, road and utility facilities shall be the only uses permitted in areas designated as a floodway or floodplain. Such facilities may be approved by the Planning Board. Any facilities in floodways or floodplains shall be constructed in compliance with the latest version of the York County Floodplain Management Ordinance.

- 710 Special Provisions for Cultural Preservation Districts. Any facilities proposed in the Cultural Preservation District must be reviewed and approved by the Cultural Preservation Project. Once the proposed facility is submitted to the Cultural Preservation Project, the project must be reviewed by the Planning Board for approval. No building or structure shall be permitted within fifty (50) feet of a burial ground, cemetery, archeological site, historic building or any other historic or cultural resource unless approved by the Planning Board.
- 711 Building Codes. All buildings and structures shall be built in accordance with the edition of the Southern Standard Building Code and supplement codes adopted by the Tribe.
- 712 Building in Rights-of-Way. No building or structure shall be placed in any dedicated rights-of-way or easements unless approved by the entity holding such right-of-way or easement.
- 713 Tree Protection and Landscaping. It is the intent of the Tribe to protect existing vegetation as much as possible. The Planning Board shall conduct a tree survey of unassigned land parcels. The purpose of the survey will be to identify and mark all trees of cultural, historical or ecological importance. Such trees shall not be removed, damaged or altered unless approved by the Planning Board.

No tree on the reservation that is four (4) inches or larger in caliper measured twelve (12) inches from the ground, regardless of whether or not it is marked as important by the previously mentioned survey, shall be cut down or removed by any person other than the person (or persons) designated by the Planning Board to cut or remove trees on the reservation. Any tree of the size mentioned above that is cut down or removed on the reservation shall be stored at a designated location. The Planning Board will designate such location for the purpose of stockpiling wood to be used by members of the Tribe for firewood or any other use approved by the Planning Board.



- 713.1 All buildings and facilities required to submit a site plan as specified by Section 705 shall indicate on such plan the location and type of landscaping to be planted along with delineation of all trees to be protected. No person or entity may damage, destroy,

remove or trim any trees or shrubs in street right-of-ways or in tree protection areas specified on required site plans unless such action is approved by the Planning Board.

713.2 Section 714 does not apply to those entities associated with the Tribe in constructing and maintaining roads and utilities including entities involved in landscape maintenance of tribal common areas. However, it is the intent of the Tribe that all natural vegetation be protected as much as possible.

714 Required Street Frontage. All lots, regardless of their land use, shall have access to a public road. A private drive can not serve more than two (2) lots unless approved by the Planning Board. Private roads serving three (3) or more principal uses may be made part of the tribal road system upon recommendation of the Planning Board. Future land assignments should consider location and road right of ways on existing land assignments. Cutting through existing assignments should be a last resort and requires written permission from the affected occupants.

715 Street Yards. All developments required to submit a site plan in accordance with Section 705 must provide a street yard along all roadways. Such street yards must be a minimum of fifteen (15) feet in width measured from the street right-of-way to the proposed building or parking area. Street yards must consist of landscaping that will serve to enhance the aesthetic quality of the site. The street yard requirement may be waived by the Planning Board in areas where it is the intent of the Tribe to create a more urban environment.

716 Parking. All commercial, industrial, multi-family residential and public facilities shall provide adequate parking based on their determined need. Parking areas shall be constructed and designed in accordance with specifications approved by the Planning Board. When possible, parking should be placed to the rear of all buildings.

717 Outdoor Storage. No commercial outdoor storage shall be permitted unless such storage is screened from public view. This does not apply to the storage of fleet vehicles and retail items to be displayed. Vehicle parking lots are also excluded from this requirement unless otherwise specified in this ordinance.

718 Sediment, Erosion and Storm water Management. When required by Section 705, all buildings and facilities shall provide plans for the management of storm water, sediment and erosion. All developments shall be subject to the provisions of the South Carolina Storm water Management and Sediment Reduction Act.

719 Buffer yards/Screening. In the event that a non-residential use proposes to locate adjacent to a residential use, the Planning Board may require that some type of screening or buffer be provided between these uses. The Planning Board shall recommend screening and buffering by determining the impact the non-residential use will have on the residential use.

720 Site Easements at Intersections. No building, sign, fence or other type structure may be located so that it interferes with the view of motorist at traffic intersections or in areas of egress and ingress to a street.

- 721 Income from Property. Members of the Tribe shall not rent their land assignments or housing units on such assignments to any person including other tribal members. Tribal members may not acquire financial gain by allowing another member to live at the residence. However, reimbursement for utility costs does not constitute a financial gain.
- 722 Street Names. The Planning Board shall approve any and all names for streets on the reservation after consulting occupants of said street. Before approving such name, the Community Planner shall notify the York County Department of Planning and Development regarding the proposed name to insure such name is approved for the county's 911 system. The Community Planner shall notify the county regarding the development of new streets and naming of streets.
- 723 Street Addressing. All street addresses on the reservation shall be assigned by the York County 911 office based on their current addressing system. The Community Planner shall be responsible for coordination with the York County Department of Planning and Development. No building permit shall be issued without an approved address.
- 724 Street Maintenance. The tribe will maintain streets on the reservation by contracting with the BIA. The Planning Board will be updated on all current road maintenance projects.
- 725 Maintenance Facility. The Planning Board has designated an area on the reservation for the stockpiling of wood and building materials and for the storage of construction equipment. If the location is changed from the current location it must come before the Planning Board.
- 726 Keeping of Animals. If permitted within the development district, tribal members wishing to raise or keep livestock, poultry, horses or similar animals may keep such animals provided they are kept in an enclosed area secured by a fence, wall or similar type structure located in the rear yard. This will be approved by the Planning Board on a case by case basis. All animals shall be licensed and inoculated against rabies as prescribed by state law. It shall be unlawful for any animal owner or other keeper of an animal to allow the animal to run at large off of property assigned, rented or controlled by owner. No animal shall be permitted to be in a public area unless on a leash or under the immediate control of the owner or other competent person and obedient to that person's command at all times. All paperwork or receipts for vaccinating animals must be kept by owner at all times.
- 727 Use of Firearms. The discharge of firearms shall not be permitted on the reservation unless within firing range facilities or hunting preserve areas approved by the Planning Board. Hunting shall only be permitted on the reservation in areas designated as a hunting preserve. The Planning Board will designate an area for target practice of all firearms.
- 728 Pets. All York County animal laws apply on the Reservation.

ARTICLE 8
SIGNS

- 800 General Provisions. Unless otherwise specified in this ordinance, no sign may be constructed, erected, moved, enlarged, illuminated or substantially altered unless approved by the Planning Board.
- 801 Signs Excluded from these Regulations. The following signs shall be exempt from these regulations:
- 801.1 Signs associated with residential uses such as signs giving the identification of the property's owner or address, signs on mailboxes and signs posted on private property relating to private parking, trespassing or danger from animal. The above mentioned signs shall not exceed four (4) square feet in size.
 - 801.2 Signs erected on behalf of the tribe or other government agency including street signs, traffic signs, informational signs, directional signs, regulatory signs and public notices.
 - 801.3 Flags, pennants or insignia of the Tribe, any other government agency or nonprofit entity when such flag, pennant or insignia is not displayed in connection with commercial promotion or advertising.
 - 801.4 Signs directing traffic on private property that do not consist of commercial advertising matter and are no larger than four (4) square feet in size.
 - 801.5 Works of art and architectural features of buildings so long as such features or works of art do not consist or contain letters or trademarks that are commercial in nature and have no lights or moving parts.
 - 801.6 Official noncommercial signs of public utilities.
 - 801.7 Church identification and directional signs and church bulletin boards not exceeding fourteen (14) square feet in size and are not internally illuminated.
 - 801.8 Signs proclaiming political, religious messages or other noncommercial signs, (except those mentioned in Section 801.9 under temporary signs) that do not exceed fourteen (14) square feet in size and do not exceed one per street frontage.
 - 801.9 Temporary signs such as real estate signs, construction site identification signs, signs (including lighting) erected in connection with a holiday or special event, signs erected in connection with a political campaign and other temporary signs as long as such sign does not exceed thirty (30) square feet in size and is removed within ten (10) days after the event.
- 802 Permitted Signs. Each development will be allowed the following:
- 802.1 One free standing sign per road frontage not to exceed two (2) signs per development. No free standing sign shall exceed eight (8) feet in height and thirty (30) feet in sign area. Such sign may be illuminated but shall not consist

of blinking or flashing lights. No free standing sign may consist of moving parts.

802.1.1 All free standing signs shall be designed as a monument type sign and shall be constructed of field stone and mortar or similar type architectural materials. All free standing signs must observe a setback of at least five (5) feet from all property lines.

802.2 One wall sign per building front that is facing a street not to exceed forty (40) square feet in size. Such sign(s) may be illuminated but may not consist of blinking or flashing lights. No wall sign may consist of any moving parts. Wall signs shall not exceed the height of the building and shall not be attached to the roof of said building.

803 Development Entrance Signs. Where an entrance is designed for any residential or commercial development, such entrance may have two (2) signs located on either side of the proposed entrance. If two signs are proposed, each sign shall not exceed fifteen (15) square feet in sign area.

804 Measurement of Sign Area. Total sign area shall be that area consisting of the total area of all symbols, logos and letters.

ARTICLE 9
SPECIAL PROVISIONS

- 900 Junk Vehicles. Only one vehicle without current license plates may be stored on a residential lot that is occupied by a residence within the RD district if such vehicle is presently being restored. The vehicle must be stored in the rear yard. In all other districts, the storage of vehicles lacking a current license plate shall only be permitted in enclosed buildings. Any junk vehicle lacking current license plates other than those mentioned above shall be removed within six (6) months after adoption of this ordinance. Junk vehicles are not grandfathered under this ordinance.
- 901 Hunting. (Reserved)
- 902 ATV's. (Reserved)