

**CITY OF BEAUFORT  
PLANNING COMMISSION  
WORKSESSION AGENDA**

1911 Boundary Street, Beaufort, SC 29902  
Phone: 843-525-7011 ~ Fax: 843-986-5606

**Tuesday, January 7, 2025, 1:00 P.M.**

**City Hall, Executive Conference Room, 2nd Floor – 1911 Boundary Street, Beaufort, SC**

**STATEMENT OF MEDIA NOTIFICATION:** "In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, all local media were duly notified of the time, date, place and agenda of this meeting."

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- I. Public Comment
- II. Discussion of Final Chapter 7 Standards
- III. Discussion of Chapters 9 Development Review Standards (2 hours)
- IV. Public Comment
- V. Adjournment

**Note:** If you have special needs due to a physical challenge, please call Julie Bachety at (843) 525-7011.

**DEVELOPMENT CODE**  
**CHAPTER 7 AMENDMENTS**  
**(with track changes)**

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## 7: LAND DEVELOPMENT

### 7.1: IMPROVEMENT REQUIREMENTS

#### 7.1.1 PURPOSE

The purpose of these land development requirements is to:

- A. Encourage economically sound and environmentally sensitive development.
- B. Assure the timely provision of required streets, utilities, and other facilities and services to new land developments.
- C. Assure the adequate provision of safe and convenient vehicular and pedestrian traffic access and circulation in and through new land developments.
- D. Assure the provision of needed open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, and other public purposes.
- E. Assure, in general, the wise and timely development of new areas, in harmony with the Comprehensive Plan of the city.
- F. Encourage new subdivision developments that complement the City's historic development pattern.
- G. Promote compact, well-defined, sustainable neighborhoods that enhance the City's character.
- H. Create livable neighborhoods that foster a sense of community and reduce dependency on vehicles.
- I. Encourage the proper arrangement of new streets in relation to existing or planned streets and ~~ensuring~~ ~~ensure~~ streets facilitate safe, efficient, and pleasant walking, biking and driving.

#### 7.1.2 APPLICABILITY

- A. Unless noted otherwise in this section, all new development projects shall be required to have public sewer and underground wiring, and shall comply with Section 7.2.3 (Lot Access Standards).
- B. All development — with the exception of projects that qualify as Minor Development Design Review or Minor Subdivision, or are located in the Historic District, and affect less than one whole block face — are required to install or construct the improvements specified in the Table of Required Improvements (Section 7.1.3).
- C. The applicant shall be responsible for the installation and construction of required improvements according to the provisions of this Code, except as may otherwise be specifically provided herein or by ~~city policy or~~ agreement.
- D. Approval of a ~~Final~~ Subdivision Plat shall be subject to the applicant having installed the improvements designated in this article, or having guaranteed (Section 7.1.5), to the satisfaction of the city, the installation of said improvement.

**7.1.3 TABLE OF REQUIRED IMPROVEMENTS**

REQUIRED IMPROVEMENTS <sup>3</sup>	SECTION REFERENCE	ZONING DISTRICT										
		T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	IC	LI	MHP
Public Water and Hydrants	7.1.3.B	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Public Sewer	7.1.3.B	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Paved Streets <sup>1</sup>	7.2.4	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Streetscape <sup>2</sup>	Appendix C	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Underground Drainage	7.1.3.A	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Curb and Gutter	Appendix C	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sidewalks	7.2.4.C	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Street Trees	7.2.5	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Street Lights	n/a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Street Signs (private streets)	n/a	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Underground Wiring On-Site	7.1.3.C	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Community Green Space and Open Space Space	7.4	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> required improvements by district		<input type="checkbox"/> may be required at the discretion of the Planning Commission based on existing conditions, surrounding context, and street section (Appendix C)										
<sup>1</sup> Rear lanes/alleys may be permitted to be paved with pervious material, such as gravel, depending on the location. <sup>2</sup> Complete street requirements shall be coordinated with the specific street section found in the regulating plan in Appendix C. <sup>3</sup> For Infill and Redevelopment, as defined in Section 8.3.2, these items [referring to the table of required provisions] are required to the extent feasible based on existing conditions including roads, utilities and adjacent buildings.												

Commented [CK1]: Should there be sidewalks required, even if no paved streets are?

- A. **Street Improvements:** Land designated for public streets shall be cleared and filled in accordance with the latest edition of the "South Carolina Standard Specifications for Highway Construction", South Carolina State Highway Department, or as determined appropriate by the administrator. No land may be disturbed until a Project Permit has been issued (Section 9.5). See Section 5.4 for Tree Removal Standards. See Section 7.2 for more standards on street location. See Appendix C for Street Regulating Plan and Design Standards.
- B. **Water and Sewer Facilities:** Water and sewer facilities shall be provided in accordance with the standard procedures and policies of the water and sewer provider and the South Carolina Department of Environmental Services (SCDES) and shall be approved by the water and sewer provider.

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- C. **Utility lines:** All utility lines within a development site shall be installed underground. The Planning Commission may approve an exception only in cases where there are existing above-ground lines that serve the property.

#### 7.1.4 SURVEY AND ENGINEERING

- A. **Installation of Permanent Reference Points:** Permanent reference points shall be placed in accordance with the following requirements:
1. **General Standards:** Boundary surveys shall be performed, in accordance with the state minimum standards published by the State Board of Registration for Professional Engineers and Land Surveyors, unless more stringent requirements are specified. A minimum of two points in any survey must be tied to the state plane coordinate system. The survey may be done on the horizontal ground distance and tied back to the state plane coordinates.
  2. **Control Monuments:** Vertical control monuments shall be placed in or near the centerline of pavement of subdivision streets at a minimum of 1 per 4 acres. Where practical, control monuments shall be placed at points of curvature and points of tangency of curves. The control monument may be poured on the job or be a concrete marker of the type commonly used in the area: at least 3 feet long and tapered with a 12-inch long, ¼-inch diameter brass or bronze rod embedded in the top. Control monuments shall be placed in a cast iron water main valve type box with a cover flush with the pavement.
  3. **Property Marker:** A steel or wrought iron pipe, rebar, or the equivalent, not less than 0.5 inches in diameter and at least 24 inches in length shall be set at all property corners and points of curves, except those located by monuments. They shall be flush with the ground.
  4. **Accuracy:** Land surveys within the city limits shall be Class A surveys, set at an accuracy of at least 1:10000.

#### 7.1.5 IMPROVEMENT GUARANTEES

- A. **Types Allowed:** Prior to approval of a Final Subdivision Plat the applicant shall provide a performance guarantee to ensure the completion of required improvements within a period of time as agreed upon by the Administrator and the applicant, and expressed in the guarantee. Such guarantee may be in the form of a performance bond, a surety bond, a cash deposit, or a letter of credit. A performance guarantee shall be posted in the amount of 125% of the total cost of improvements.
1. **Performance/Surety Bonds and Letters of Credit:** The performance or surety bond, or letter of credit, shall be in a form acceptable to the city. It shall include a pledge by the bank, insurance company or other bonding/lending institution that the funds necessary to carry out the terms of the agreement are guaranteed for payment and will be released only upon receipt of written instruction from the city.
  2. **Cash Deposits:** If surety is in the form of a cash deposit with the City of Beaufort, proportional parts thereof shall be refundable in relation to progress payments less retainage, subject to approval of the city and subject to a minimum deposit balance of 25% of the project cost.
  3. **Maintenance Guarantees:** If the applicant completes all required improvements and complies with all conditions of the subdivision agreement as determined by the city, the remainder of monies retained by a financial institution or by the city may be released to the applicant or his successor in title. Prior to release, the applicant shall provide the city, prior to the issuance of any building permit, a performance bond, a surety bond, or a cash deposit equal to the amount

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determined by the city that would ensure the repair of any damage to the existing improvements during the course of any construction, but in no case will the amount of the security be less than \$1,000.00 for each individual building lot. Prior to the issuance of any certificate of occupancy, the city shall determine whether or not any breakage or damage has occurred. If no damage to any off-site improvements has occurred, then the city may release the security to the applicant or his successor in title. If damages have occurred, they shall be repaired, or the city may draw on the security before it is released.

### 7.1.6 EASEMENT AND UTILITY STANDARDS

- A. **Multiple installations within easements:** Easements shall be designed so as to provide efficient installation of utilities. Public utility installations shall be located as to permit multiple installations within the easements. The developer will establish final utility grades prior to utility installations. Public utility easement dedication shall be required with any minor or major subdivision action.
- B. **Underground utilities:** Telephone lines, electric lines, cable television lines and other like utility services shall be placed underground. The applicant or developer shall be responsible for complying with the requirements of this Section and shall make the necessary arrangements including any construction or installation charges with each utility provider for the installation of such underground facilities. Transformers, switching boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground utilities shall be placed underground or on the surface but not on utility poles. Screening or fencing is required subject to approval of the City. Electric transmission and distribution feeder lines and necessary appurtenances thereto may not be placed above ground unless they are carrying greater than 115 kV. Upon approval of the City, such facilities shall be placed within easements or rights-of-way provided for particular facilities.

## 7.2: STREET NETWORK AND DESIGN STANDARDS

### 7.2.1 STREET INFRASTRUCTURE PLANS

- A. **Purpose and Intent:** The Street Infrastructure Plans (in Appendix C) provide diagrams of the city's street network and establishes the ideal alignment, hierarchy and design characteristics - including total right-of-way width, sidewalk and streetscape amenities, parking lanes, travel lanes and other geometric and urban design details - for all existing streets, proposed streets that have been adopted as part of an Official Map, and new potential streets in the City of Beaufort.
- B. **Official Street Network Plan:** Pursuant to the authority of S.C. Code 1976 § 6-7-1210 et seq. (1976), as amended, the City has previously adopted several Official Maps. An Official Street Network Plan is incorporated into this Code in order to represent a composite of these previously-adopted Official Maps.
  - 1. **Purpose:** This plan represents a composite of all Official Maps, to date, in the City. The map designates existing or proposed streets or ways within the City that are targeted for creation, expansion or other improvements. The Official Street Network Plan shall initially consist of a series of four (4) separate maps, included in Appendix C, which shall be deemed a part of the Beaufort Code.
  - 2. **Modification:** The Official Street Network Plan may be modified or supplemented per the procedure for Amendments and Rezoning (Section 9.16). In addition, the maps will be

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automatically updated as additional Official Maps are approved per the appropriate process required by state law.

- C. **Street Frontage Requirements:** The street sections noted in Appendix C show specific street designs for the purposes of identifying future improvements by both the city and fronting property owners. These sections depict the ideal arrangement and design of street elements.
1. **Applicability:** For any project that is considered part of a Major Subdivision Site Plan, or requires a Certificate of Appropriateness, as a Major project type (Section 9.10.2 A.2.), and for which affects one whole block face, the fronting property owner shall install all prescribed streetscape improvements as part of the development project. ~~The installation of street frontage improvements is required prior to shall be a condition of final plat approval for major subdivisions, and certificates-Certificates of occupancy-Occupancy for Site Plans.~~
    - a. **Exception:** If similar elements as prescribed in the street section exist — e.g., on-street parking, sidewalk, tree plantings — the requirement to install the streetscape element(s) shall be waived if those items meet the intent of the prescribed street section, even if the existing items do not meet the exact requirements of that street section. *Example Scenarios: If a street section prescribes a 5-foot sidewalk, but a 4-foot sidewalk already exists, the existing sidewalk will satisfy the sidewalk requirement. However, if the street section requires a 5-foot planting strip between the curb and the sidewalk, and the 4-foot sidewalk is directly adjacent to the curb, this would not satisfy the intent of the street section and would need to be reconstructed per the prescribed standards.*
  2. **Scope of Improvements:** Street frontage improvements shall be installed along the entire frontage of the property, to the centerline of the street, or if a multi-lane street, the affected lane, at the sole cost of the applicant as directed by the Codes Administrator. The Codes Administrator may permit modification of street improvement standards where the required street improvements are not in the opinion of the Codes Administrator, roughly proportionate to the impact, type, scale and cost of the proposed development action.
    - a. Street frontage improvements may include the following: curb, gutter, sidewalk, storm drainage, street lighting, traffic signal equipment, utility installation, extension, or relocation, landscaping strip, street trees and landscaping, irrigation, street widening, pavement overlay or reconstruction, and channelization.
    - b. In addition to required frontage improvements, the applicant shall provide ramps from the new sidewalk or walkway to the existing shoulder, across streets and pavement and channelization tapering back to the existing pavement and channelization as required to address safety concerns.
- D. **Dedication of Right-of-Way:**
1. **Dedication of Right-of-Way.** In the case of a street section adopted as part of an Official Map, where the width of the existing right-of-way is insufficient to install the prescribed street section, the fronting property owner shall be required to reserve the appropriate amount of right-of-way (as measured from the centerline of the existing street). The future right-of-way shall conform to all of the street network requirements of Section 7.2.2. Where a new right-of-way that is not shown in the street regulating plan, is required as part of a new development, it shall be designed with appropriate elements based on its proposed location and zoning district. (See Appendix C).
    - a. In the case of a street section that is not part of an Official Map, where the width of the existing right-of-way is insufficient to install the prescribed street section, the property

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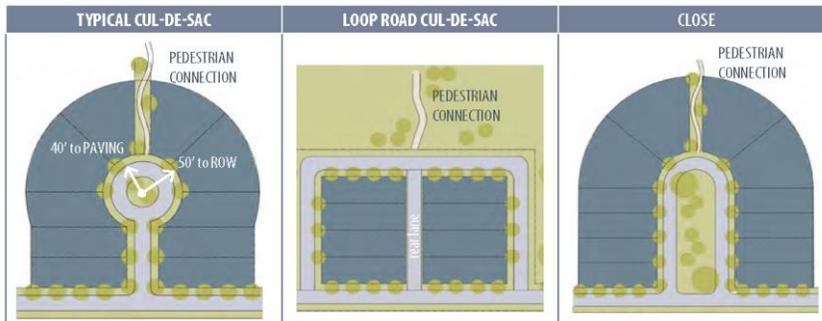
owner shall reserve the appropriate amount of right-of-way to complete the desired street section. If the owner dedicates and installs the complete right-of-way, the cost of the improvements may be compensated - see Section 7.2.1 DE.

- b. Where a future right-of-way is identified on an Official Map, and thus represented on the Official Street Network Plan— these are indicated as "New Adopted Streets" — new development shall reserve this area for the new street in the future. If access is needed to the site in that location, the street shall be constructed in the general location shown.
  - c. Exceptions and Alternatives:
    - i. Where available right-of-way — due to existing structures and topographic conditions limited to wetlands, specimen and landmark trees, — do not functionally permit the full section to be constructed, the Administrator may adjust the required street section.
- E. **Compensation:** When a project is required to make off-site improvements within the existing right-of-way, dedicate and/or improve a street with insufficient right-of-way, or install a new street (be it public or private) per the requirements in Section C. above, compensation may be available. To the extent that the City has the authority and the ability, the Traffic Impact fee for the project shall be reduced by the assessed value of the dedicated land and/or construction cost of the right-of-way improvement. This may be done either as a direct reduction, rebate, or reimbursement of fees. (Ord. No. O-14-23, 9-26-2023)

## 7.2.2 STREET NETWORK REQUIREMENTS

- A. **Continuation of Adjoining Street System:** The proposed street layout shall be coordinated with the street system of the surrounding area to form an interconnected street pattern, formalized by a platted public access easement. Adequate street connectivity shall be assessed by the TRC, based on the ability of the proposed alignments to:
  - 1. Permit multiple routes between origin and destination points;
  - 2. Diffuse traffic; and
  - 3. Shorten walking distances.
- B. **Block Sizes:** Blocks shall be compact so that they are comfortably walkable and appropriate for their context.
  - 1. In T3-S zones, block sizes are flexible, but the perimeter shall not exceed 2,640 linear feet (½ mile). An average block perimeter less than 2,000 feet is preferred.
  - 2. In T3-N zones, block sizes are flexible, but the perimeter shall not exceed 1,700 linear feet (¼ mile). An average block perimeter less than 1,500 feet is preferred.
  - 3. In T4, ~~and~~T5 -and RMX zones-, blocks shall be no more than 400 feet on any side. An average block length of 250—300 feet is preferred. The block perimeter shall not exceed 1,320 linear feet (¼-mile).
  - 4. Exceptions may be made for natural elements such as wetlands, trees, topography, and cultural resources, to be incorporated into the site design.
- C. **Street Stubs:** New developments shall connect to any existing street stubs from adjacent properties and stub to all adjacent properties.

1. **Exemptions:** Street stubs shall not be required where the Planning Commission finds the conditions listed below would prevent connections:
  - a. Topographical conditions (pre-development slopes of 18% or greater).
  - b. Environmental conditions (marshes, floodplains, specimen and landmark trees, etc.).
  - c. Property shape.
  - d. Property accessibility (existing platted subdivision with no stubs).
  - e. Incompatible adjacent land uses.
  
2. **Location:** Where multiple connection opportunities exist, street stub connections shall be prioritized in the site design as follows:
  - a. Adjacent parcels 20 acres or greater in size.
  - b. Adjacent parcels that abut or are traversed by existing or proposed streets.
  - c. Where the Street Network Diagram recommends a street connection (indicated as a proposed street).
  
3. **Design:**
  - a. Stub streets and streets intended for extension during future phases shall be constructed to extend to the property line for constructability to adjoining property.
  - b. Stub streets shall not exceed 150 feet in length without a paved turnaround (permanent or temporary).
  - c. **Disclosure:** The Final Subdivision Plat shall be recorded depicting that future connection is required at any stub streets and streets intended for extension during future phases. A clearly visible street sign shall be erected at the end of the stub street stating that the street is planned to connect to a future street.
  
- D. **Cul-de-sacs and Dead-end Streets:** Dead-end streets and cul-de-sacs are prohibited, except for only the T-3 and LI zoning districts, where cul-de-sacs or other turn-arounds may be approved by the Planning Commission. Compliance with the following standards must be met in all circumstances:



1. Permanent dead-end streets shall be no longer than 300 feet and shall be provided with a turn-around such as a cul-de-sac or close.
2. Temporary dead-end streets shall be provided with a temporary turnaround area which shall be designed considering traffic usage, maintenance, and removal.
3. Alternative design solutions, such as a close (first preference), or a loop road cul-de-sac (second preference) are preferable to a typical cul-de-sac.
4. Cul-de-sacs shall have a minimum right-of-way radius of 50 feet and minimum paved radius of 40 feet. When ample radii exist, cul-de-sacs shall contain a central planted median.
5. Whenever cul-de-sac roads are created, at least one pedestrian access easement shall be provided, to the extent practicable, between each cul-de-sac head or road turnaround and the sidewalk system of the closest adjacent road or pedestrian pathway. The access easement shall be direct with a minimum width of 12 feet.

E. **Gated Streets:** New gated streets are prohibited.

1. Exceptions: ~~they~~ **They** may be permitted, at the discretion of the Planning Commission, in T3-S zoning districts where connection to the existing street grid is not practicable due to topography or existing surrounding conditions.
2. They may be permitted by the Planning Commission when the access proposed to be gated is an alley or rear lane and is not the primary building frontage.

F. **Street Naming and Renaming:** Proposed Street names and number systems will be reviewed by the administrator and the Beaufort County Emergency Management Department. No duplicate/similar names are allowed, as determined by these agencies.

G. **Reserved Strips Prohibited:** Reserved strips at the terminus of a new street shall be prohibited.

### 7.2.3 LOT ACCESS STANDARDS

- A. **Applicability:** Any development that requires an access point (rear alley/lane or driveway) for purposes of ingress and/or egress shall be subject to the provisions of this section. All new accesses must be approved by the appropriate permitting authority. Access points may not be installed on undeveloped property less than 2 acres.
- B. **Maximum Number:** For single-family and two- and three-family dwellings, only one driveway shall be permitted per lot. In T3-S, circular driveways may be permitted on lots greater than 100 feet in width, where no sidewalk exists. Driveways may only be installed when rear access is not possible or required. For double frontage lots, one curb cut per street may be permitted. For all other building types, the maximum number of driveways allowed for any property is outlined in the table below.

FRONTAGE WIDTH	MAXIMUM PERMITTED DRIVEWAYS (CURB CUTS) PER STREET FRONTAGE
up to 150 feet	1
150 feet or more	2 - Additional driveways (in excess of 2) shall be permitted only after the applicant successfully demonstrates the necessity for such additional driveways, as determined by the appropriate Design Review Body. Along arterial roads and thoroughfares, such additional driveways shall be "right-in, right-out" driveways only.

C. **Location and Spacing:**

1. **Street Intersection:** No curb or other access point shall be located closer than:
  - a. 20 feet from the intersecting point of the 2 street right-of-way property lines involved (or such lines extended in case of a rounded corner);
  - b. 25 feet from the intersection of the 2 curb lines involved (or such lines extended in case of a rounded corner), whichever is the least restrictive.
2. **Spacing:** All access points shall have a minimum separation from certain features as follows:

FEATURE	MINIMUM SEPARATION <sup>1</sup>
Adjacent Property Line (does not apply to shared or joint-use driveways)	0 ft
Another Curb Cut (driveway or street intersection) on all roads except Major Thoroughfares	25 ft
Major Thoroughfares — defined as streets with the Street Section designation of Major Thoroughfare, or the Robert Smalls Parkway, Sea Island Parkway/Lady's Island Drive, or Boundary Street Specific Street Section — Another Curb Cut (driveway or street intersection)	Depends on Posted Speed Limit
< 35 mph	100 ft
35 mph	200 ft
40 mph	250 ft
45 mph <sup>2</sup>	300 ft
50 mph <sup>2</sup>	400 ft
55+ mph <sup>2</sup>	500 ft
<sup>1</sup> Minimum separation is measured from centerline	
<sup>2</sup> On Robert Smalls Parkway (Hwy 170) west of Parris Island Gateway, a minimum of 500 ft. separation distance is required	

3. **Corner Lots:** Access points on corner lots shall be from the side (or secondary) street, unless a shared curb cut on the main thoroughfare is existing or proposed.
4. **Access to Lots from Major Thoroughfares:** Driveways serving individual residential lots shall not have direct access onto streets identified as Major Thoroughfares — as identified on the second row of the chart in Section 7.2.3 C.2. — unless no alternative means of access, such as alleys or parallel access roads, exists, and it is unreasonable or impractical to require an alternative means of access.
5. **Shared Access:** See Section 5.7.7 C.
6. **Rear Access Required/No Front Access:** For lots developed in the transect zones of T-3N, T-4, T-5 UC, all new access points shall be from a rear alley and/or road, except for lots within the historic district. Exemptions to allow front loaded access points where connection to the existing street grid is not practicable due to topography or existing surrounding conditions shall be at discretion of the Planning Commission with approval of major subdivisions, and the Codes Administrator for individual lots.

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D. **Size:**

1. **Alleys:** Alley pavement width may be a maximum of 24 feet wide for two-way traffic and 16 feet wide for one-way traffic. For more design standards, see Appendix C.
2. **Driveways:**
  - a. Driveways for single-family and 2- and 3-family uses may not exceed 12 feet wide, except in T3-S district, where they may be a maximum of 20 feet wide.
  - b. **Tandem Parking:** Tandem parking is allowed in all zones for all residential uses if:
    - i. Both tandem parking spaces satisfy the parking requirement of one residential unit; and
    - ii. Neither of the tandem parking spaces shall be for required accessible parking spaces.
  - c. Driveways to other uses and parking areas shall not exceed 24 feet in width for 2-way drives or 12 feet in width for one-way drives, except those with turn lanes required by the city or SCDOT.

E. **Access to Lots from Alleys/Rear Lanes:**

1. **Specific to T3-N, T4, and T5 districts:** Alleys/rear lanes shall be provided along the rear property lines of lots as follows:
  - a. In new subdivisions greater than 1 acre, alleys shall be provided for newly created lots that meet any of the following criteria:
    - i. The lots are part of a block face with an average lot width of 60 feet or less at the building setback line (excluding lots on cul-de-sacs).
    - ii. The lots are arranged around a Common Open Space.
    - iii. The lots front a collector or arterial road, regardless of the average lot width.
    - iv. The lots are intended for multi-family dwellings and/or mixed-use buildings.
  - b. In infill situations, the same standards apply as specified above, but only for developments that include 4 or more contiguous lots, where one lot is a corner lot. In the Historic District, the standards apply only to the Beaufort Conservation District; the requirement may be waived at the discretion of the Historic Review Board.

F. **Specific to Commercial Developments and Subdivisions:**

1. **Out-parcels:** Out-parcels for shopping, office, or industrial centers shall be limited to internal access to the center, unless otherwise approved as part of a master development plan. All driveways shall be paved from the road to the property line.
2. **Abandoned Driveways:** Abandoned driveways (i.e., curb cuts that are no longer used for vehicular access and are physically blocked by structures) shall be closed, and the area shall be restored to the typical cross section of the right-of-way.

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#### 7.2.4 STREET DESIGN STANDARDS

- A. **Street Section Design:** The elements and widths of all proposed streets shall be in conformity with the appropriate street section designated in the Street Regulating Plan (Section 7.2.1 and Appendix C).
- B. **Traffic Control and Signs:** The type and location of traffic control devices used on City streets must be approved by City Staff, and traffic control on private Streets shall be included and approved as part of the major subdivision or site plan. Traffic signals should be used where warranted, but alternate traffic control such as roundabouts should be considered first. When it can be shown that a particular zoning action, master plan, or development plan impacts the street system to a point that a traffic signal is warranted according to Manual on Uniform Traffic Control Devices (MUTCD) and approved by City Staff, the developer shall be responsible for all or a portion of the signal installation.
- C. **Sidewalks/Multi-use Paths:** Where required per the Street Section in Appendix C, all sidewalks or multi-use paths must be constructed concurrently with the street, or, if the street is already constructed, prior to acceptance of any improvements. Exceptions to, the requirement to install a sidewalk may be granted by the Planning Commission if:
  - 1. Alternative pedestrian paths/bikeways have been or will be provided outside of the normal right-of-way.
  - 2. There are unusual topographic, vegetative, or other natural conditions to the extent that strict adherence to said requirements would be unreasonable and not consistent with the purposes and goals of this Code.
- D. **Utility Easements:** Utility easements which require a width of 8 feet or larger shall be located in rear alleys or along the side or rear lot lines. Special permission to install utility easements in other locations may be requested by the utility companies and is subject to approval by the appropriate Design Review Body.
- E. **Special Consideration to Protected Resources and other Natural Features:** Street layout and design shall give additional consideration to preserving protected resources and enabling natural areas to be protected or minimally disturbed. Where streets are built in areas that have protected resources or natural features, all utilities shall be placed within the street right-of-way and under the street in order to avoid additional destruction of the natural features.

#### 7.2.5 STREET TREE PLANTING REQUIREMENTS

- A. **Planting Areas:** Planting strips and tree wells shall be established in accordance with the width and plantings designated in the appropriate Street Section of the Street Regulating Plan (7.2.1 and Appendix C).
- B. **Location and Number:** Street trees shall be planted in the location and per the spacing specified for the corresponding street classification in Appendix C. However, in specific cases, where due to the location of utilities or other site constraints exist, the Planning Commission may allow street trees to be planted on private property adjacent to the right-of-way.
- C. **Tree Species:** Overstory and understory trees as prescribed in this section reference Appendix A.2 (Recommended Trees and Shrubs).
- D. **Minimum Tree Size:** At the time of planting, young trees should be 2.5 inch caliper, with the lower side of the crown a minimum of 6 feet above grade to avoid hazards to pedestrians.

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## 7.3: STREET ENGINEERING STANDARDS

### 7.3.1 STREET DESIGN, CERTIFICATION, AND CONSTRUCTION SPECIFICATIONS

- A. **Design Drawings and Certification:** Professional engineers, registered in the state, shall prepare plans, profiles, cross sections, and specifications for all subdivision roads and streets. The engineers shall certify roads/streets are built to comply with the approved plans and specifications. Cross sections shall be developed every 100 feet at intersections and break points in grade. Cross sections shall show the complete rights-of-way including travel lanes, shoulders, ditches, curb and gutter, and sidewalks and utility locations, as applicable.
- B. **Construction Specifications for Paved Streets:** Street construction specifications for paved streets shall be in compliance with the South Carolina Department of Transportation Standards.

### 7.3.2 TRAFFIC IMPACT ANALYSIS

- A. **Applicability:** A "traffic impact analysis" (TIA) shall be required for any development that is shown — in the most recent Institute of Transportation Engineers (ITE) Trip Generation Manual or any alternative, approved at the discretion of the Planning Commission or the TRC, or by the engineering department — to generate more than 50 trips during the peak hour on the adjacent street(s).
  - 1. A second phase, second subdivision, or addition that generates traffic beyond this threshold when taken as a whole shall also require a TIA, even though that development does not qualify on its own.
  - 2. A use shall not be changed without conducting a new TIA if the new use would generate traffic beyond the 50 trips during peak hour threshold above. The Planning Commission may waive this requirement.
  - 3. **Exception:** Development — except for Educational Facilities with greater than 100 students — on lots included in the Boundary Street Master Plan, adopted on August 28, 2006, and lots in the area bounded by Calhoun Street, Carteret Street, Bay Street, and Ribaut Road, and lots zoned Limited Industrial (LI), shall not be subject to the requirements of this section.
- B. **Traffic Access Management Analysis:** As part of the TIA process, the proposed development shall have an "access analysis" undertaken by the administrator to ensure that sufficient access to all proposed developments and subdivisions is achieved.
  - 1. The standards in the South Carolina Department of Transportation's "Access and Roadside Management Standards Manual" (a.k.a. ARMS Manual) shall serve as a guide for this analysis, which shall include identification of the following:
    - a. Access improvements that the applicant must install at his or her expense, such as deceleration lanes;
    - b. The location of any curb cuts based on, but not limited to, sight distances, existing roadway infrastructure, opposing driveways locations, and shared access;
    - c. Requirements for adequate driveway design, including, but not limited to, turning radius and stacking distance.

2. The access requirements approved by the Planning Commission or the TRC shall be incorporated on development or subdivision plans prior to their approval.
3. If an applicant is required to provide site-related traffic improvements, the cost of implementing such improvements shall be borne by the applicant, and no such costs shall be eligible for a credit or offset from any transportation impact fees unless specifically permitted by the Development Fee Procedures - Beaufort County Code of Ordinances, Chapter 82, Article VII or most recent version.

**C. Traffic Impact Analysis Plan Preparation:**

1. The TIA shall be conducted by an engineer registered in South Carolina who is experienced in the conduct of traffic analysis.
2. Prior to beginning the TIA, the applicant shall supply the city with the following:
  - a. A written narrative describing the proposed land use(s), size, and projected opening date of the project and all subsequent phases.
  - b. A site location map showing surrounding development within a one-half mile of the property under development consideration.
  - c. A proposed site plan or preliminary subdivision plat illustrating access to public or private roads and connectivity to other contiguous developments.
3. Prior to beginning the TIA, the applicant shall receive, in writing, the parameters to be followed in the study, including the directional split of driveway traffic, trip distribution, background traffic growth rate, previously approved but not completed projects, and the intersections to be analyzed, along with any associated turning movement counts that are available or discussed and approved by the TRC.
4. To review the TIA, the Planning Commission and TRC will require current trip generation information, available information on land use, travel patterns, and traffic conditions, and shall consult with the SCDOT.

**D. Plan Contents:**

Background information	Requirement
List of all nonexistent transportation improvements assumed in the analysis	Required
Map of site location, description of the parcel, general terrain features, and location within the jurisdiction and region.	Required
Description of geographic scope/ limits of study area.	Within half mile/2,640 feet of site and any roadway on which 50 or more of the new peak hour vehicle trips generated by the proposal are distributed.  At the discretion of the TRC or Planning Commission, a larger study area may be required.
Plan at an engineering scale of the existing and proposed site uses.	Required

Description and map or diagram of nearby uses, including parcel zoning.	Required
Description and map or diagram of existing roadways.	Required
Description and map or diagram of programmed improvements to roadways, intersections, and other transportation facilities within the study area.	Required
<b>Analysis of Existing Conditions</b>	
Collected daily and peak hour of the generator traffic volumes, tabulated and presented on diagrams with counts provided in an appendix.	Required
Analyses for intersections and roadways identified by SCDOT. Delay and Level of Service (LOS) are tabulated and LOS is presented on diagrams for each lane group.	Required
When the type of development proposed would indicate significant potential for walking, bike or transit trips either on - or off - site, analyses of pedestrian and bicycle facilities, and bus route or routes and segment or segments, tabulated and presented on diagrams, if facilities or routes exist.	Within half mile/2,640 feet of site and any roadway on which 50 or more of the new peak hour vehicle trips generated by the proposal are distributed –  At the discretion of the TRC or Planning Commission, a larger study area may be required.
Incorporation of all Traffic Impact Analysis studies and Trip Generation from approved developments or vested unbuilt developments within mile radius at time of proposal.	Required (submitted for any jurisdiction, including the Town of Port Royal, and County of Beaufort)
Speed Study	If requested by City
Crash history near site	If requested by City
Sight distance	If requested by City

<b>Analysis of Future Conditions without Development</b>	
Description of and justification for the method and assumptions used to forecast future traffic volumes.	Required
Analyses for intersections and roadways as identified by SCDOT. Delay and Level of Service (LOS) are tabulated and LOS is presented on diagrams for each lane group.	Required
When the type of development proposed would indicate significant potential for walking, bike or transit trips either on - or off - site, analyses of pedestrian and bicycle facilities, and bus route or routes and segment or segments tabulated and presented on diagrams, if facilities or routes exist or are planned.	<p>Within half mile/2,640 feet of site and any roadway on which 50 or more of the new peak hour vehicle trips generated by the proposal are distributed.</p> <p>At the discretion of the TRC or Planning Commission, a larger study area may be required.</p>
<b>Trip Generation</b>	
Site trip generation, with tabulated data, broken out by analysis year for multi- phase developments, and including justification for deviations from ITE rates, if appropriate.	Required
Description and justification of internal capture reductions for mixed use developments and pass-by trip reductions, if appropriate, including table of calculations used.	Required

1. **Phased Developments:** All phases of a development are subject to review, and all traffic plans for the entire development shall be integrated with the overall traffic analysis. A TIA for a specific phase of development shall be applicable to the phase of development under immediate review. However, each phase of development shall expand and provide detailed analysis at the development plan stage beyond the estimates provided for at the concept plan or master plan stage.
2. **Infrastructure Analysis:** The adequacy of the roads that the development will be accessed from shall be assessed in the TIA. Recommendations for improvements shall be made. The relative share of the capacity created shall be broken down as follows: development share, other developments' share, any existing overcapacity, and capacity available for future growth.
3. **Required Elements of the TIA:**
  - a. A site plan or subdivision plat identifying accesses to and from existing or proposed streets and intersections, along with all opposing intersections across adjacent streets.
  - b. Description of the proposed development, including the type and intensity of proposed land use(s) including, but not limited to: the number of residential units by type, the number of existing and proposed lots, the type of proposed nonresidential development and the amount of such development measured by gross floor area or other appropriate

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unit of measurement, the general size and type of accessory development or facilities, and, for nonresidential development, adequate information to identify the appropriate land use category for trip generation.

- c. Projected vehicular trips to and from the completed development during a.m. and p.m. peak hour — trip rates shall be taken from ITE Manual or alternatively, an applicant may elect to perform, at his own expense, a "trip generation study" which may be submitted as part of the traffic impact analysis plan. Such trip generation study shall be subject to the review and verification of the TRC and engineer. For proposed uses not specifically listed in the ITE Manual, and for which a trip generation study has not been performed, the designated engineer(s) shall determine the most appropriate trip generation rate. The TRC shall make the determination of the appropriate trip generation rate, from whatever the source. The percentage of pass-by trips, if used in the plan, shall be included, as well as the source of this information.
- d. A written narrative setting forth the assumptions upon which any projection was made in developing the traffic impact analysis plan shall be included in the analysis. If the assumptions are derived from the ITE Manual, the materials shall be referenced and properly cited. If the assumptions are not from the ITE Manual, appropriate excerpts from other reliable transportation planning resources shall be included in the study, and reasons underlying the assumptions shall be stated in the narrative.
- e. The TIA shall review access to the site. The adequacy of the entrance design shall be evaluated, and recommendations made on acceleration and deceleration lanes, left-turn lanes, or signalizations shall be part of the TIA. Educational facilities shall include pick-up and drop-off plans and analysis of the impact on the surrounding streets and intersections.
- f. The TIA shall review the number and types of curb cuts that are permitted. In particular, the TIA shall assess the connection of the property to adjoining properties. Where the use, scale of development, or size of adjoining properties is such that trips would be anticipated between the proposed use and the other properties, the TIA shall make recommendation on interconnections. The TIA shall recommend interconnections to provide a smooth flow of traffic between uses along arterials and collector roads to ensure that as much traffic as possible uses secondary roads, rather than major roads, for short trips.
- g. The TIA shall be based on intersection analysis procedures for signalized intersections as identified in the most current edition transportation research board's highway capacity manual, and/or the last update that analyses and emulates these procedures by means of computer software, if available. The results of any required analysis/computer analysis shall, at a minimum, indicate compliance or variance from the Traffic Goals (Section 7.3.3 M).
- h. The intersections that must be analyzed in the study are identified as:
  - i. Any intersection that serves as a development's point of access. This will include intersections of public and/or private roads with major arterials, and driveways offering direct access.
  - ii. The first major intersection as identified by the city engineer on both side of the development's point of access.
  - iii. Other intersections on major arterials if development generates more than 50 a.m. or p.m. peak hour trips to that intersection, or if the intersection's level of service or demand is significantly impacted by site related traffic.

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- iv. Unsignalized intersections and access drives — these shall be considered if development impacts are anticipated. The plan must include the results of an analysis of the operating conditions of critical intersections and/or all intersections identified in the concept plan. The analysis shall reflect the projected condition of these intersections and movements, based on the scheduled opening date of the development. Other phases of the development, if they can be reasonably determined, shall be considered as well.

E. **Mitigation Plan Required:** If the initial analysis indicates that the city's adopted Traffic Service Level Goals (Section 7.3.2 M.) will not be met, a mitigation plan must be prepared, based on additional analysis. The mitigation plan must show how the city's Traffic Service Level Goals are addressed as mitigated. Applicants will be responsible for mitigating the traffic impacts at any intersection affected by a proposed development.

1. If a traffic signal is recommended, the TIA shall provide information that:
  - a. Clearly indicates the need for a traffic signal.
  - b. Assesses the ability of other existing, planned, or proposed public roads to accommodate the new traffic at a location other than the main highway in the vicinity of the proposed development.
  - c. Describes in detail how a specific development will affect the study area transportation system.
  - d. Provides documentation of appropriate South Carolina Manual of Uniform Traffic Control Devices signal warrant satisfaction.
  - e. Gives design geometry of the private road that is consistent with that of public road intersections, including curbs, appropriate lane widths, pavement markings, and vertical alignment. Other roadway factors to be considered include, but are not limited to, speed, type of highway, grades, sight distance, existing level of service, conflicting accesses, and the effect of future traffic signal systems.
  - f. Provides an approach-throat length for the road to ensure the movement of vehicles entering the site will not be impeded by conditions within the development and ensure that all signal-spacing requirements are adequately met.
2. The desirable spacing of signalized intersections on principal arterials is the SCDOT, county, or city standards. The TRC may recommend to SCDOT the installation of a traffic signal at locations where, using SCDOT standards, spacing is inappropriate due to topography, existing or proposed road layout, documented accident history, unique physical constraints, existing or proposed land use patterns, or requirements to achieve specific objectives for highway segment designations, as shown in any locally adopted land use or transportation plan, approved city or county transportation plan, or approved transportation policy.
3. Signal spacing concerns may be ameliorated in the following ways:
  - a. A proposed private road that may otherwise be considered for the installation of a traffic signal may be replaced by an on-site route or a frontage road that directs traffic to or from a nearby public road.
  - b. A private road that is being considered for traffic signal installation may be required to connect to the existing or planned local road system to allow uses of surrounding properties.

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- c. An existing or proposed intersection may be relocated.
  - d. A shared private road may be required to serve the needs of the multiple properties.
4. A traffic signal progression analysis is required if the proposed location is closer than the SCDOT standards, given the presence of existing signals or the possible existence of identified future signals proposed as part of a highway signal system. A traffic signal progression analysis for all new, revised, or planned traffic signal systems on state highways shall be performed using methods, models, computer software, data sources, roadway segment length, and assumptions approved by the TRC. The roadway segment, analyzed to the extent possible, shall include all traffic signals in the existing or future traffic signal system. The progression analysis shall:
- a. Demonstrate acceptable existing and future traffic signal systems operation that may include the morning peak, evening peak, midday period, and other appropriate time period during any day of the week, adjusted for peak season, for cycle lengths and travel speeds approved by the TRC.
  - b. Provide for a progressed traffic band speed no more than 5 mph (8 km/h) below the existing posted speed for both directions of travel during the off-peak periods, nor more than 10 mph (16 km/h) below the existing posted speed during peak periods. Approval by the TRC is required where speeds deviate more than the above.
  - c. Demonstrate that sufficient vehicle storage is available at all locations within the traffic signal system without encroaching on the functional boundaries of adjacent lanes and signalized intersections. The functional boundary of an intersection shall be determined in discussion with the TRC, based on existing or projected conditions.
  - d. Provide a common cycle length with adequate pedestrian crossing times at all signalized intersections.
  - e. Provide a progression bandwidth as large as that required, or as presently exists, for through traffic on the federal or state highway at the most critical intersection within the roadway segment. The most critical intersection is the intersection carrying the highest through volume per lane.
5. The traffic signal progression analysis shall be supplemented by a traffic engineering report that also considers highway capacity and safety of the roadway segment under consideration. Traffic volumes, intersection geometry, and lane balance, considered at all locations, shall be appropriate for the present and identified future conditions, which are usually considered to include the year of completion, and 5 years into the future.
- F. **Summary:** A clear and concise summary of recommended improvements that can serve as an executive summary is required.
- G. **TIA Review:** The TRC shall review all TIAs as part of the applicable Design Review phase — . Final TIAs shall be approved prior to the applicant submitting a Project Permit application (Section 9.5).
- H. **Application:** A TIA shall be submitted to the TRC. Coordination with other entities in the county government or South Carolina Department of Transportation (SCDOT) shall be the responsibility of the city.
- I. **Completeness:** The Planning Commission and/or TRC shall determine whether a TIA is complete. Thorough and complete TIAs are the responsibility of the applicant. Failure by the applicant to provide a complete TIA may result in review delays for their plat or plan.

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- J. **Action on TIA:** The TRC must first approve the TIA in regard to completeness and accuracy. Following review of the required impact analysis plan, TRC shall recommend to the Planning Commission action as follows:
1. Approval of the TIA as submitted;
  2. Approval of the TIA with conditions or modifications as part of the development review and approval process. An acceptable TIA with traffic mitigation measures may include the reduction of the density or intensity of the proposed development, phasing of the proposed development to coincide with state and/or county-programmed transportation improvements, applicant-provided transportation improvements, fees in lieu of construction, or any other reasonable measures to ensure that the adopted traffic service-level goals are met. If mitigation is required, it shall be required as a condition of any approval from the city.
- K. **Timing of Implementation:** If a traffic mitigation program is part of an approved TIA, the developer may be required to place a performance bond on all traffic mitigation improvements required as a result of his project. This requirement may arise if the timing of the improvements needs to be synchronized with other scheduled improvements anticipated for the area.
- L. **Responsibility for Costs of Improvements:** The costs of implementation of an approved mitigation program shall be the responsibility of the applicant. No certificates of zoning compliance or building permits shall be issued unless provisions of the TIA are met.
- M. **Traffic Service Level Goals:** The average stop time delay in seconds per vehicle for each intersection determined to be critical to the TIA for the proposed development shall be compared to the city's traffic service level goal of "D" for the average delay for all vehicles at any signalized intersection during the a.m. and p.m. peak hours.

## 7.4: COMMUNITY GREEN SPACE AND COMMUNITY OPEN SPACE

### 7.4.1 PURPOSE AND INTENT

- A. **Intent:** Community Green Space and Community Open Space is intended for the use and enjoyment of a development's residents, employees, or users. These spaces serve to preserve natural areas, ensure access to open areas and recreation, reduce the heat island effect, enhance stormwater quality, and provide community health benefits. Community Green Space and Community Open Spaces are not, by definition, required to be deeded or to be granted via easement to any public entity or municipality. See Section 7.4.5 for ownership information.
- B. **Purpose:** The purpose of this section is to provide a set of Community Green Space and Community Open Space types and their associated standards to use within all districts. Community Green Space and Community Open Space types in this section are distinct from those areas that are environmentally sensitive and must be otherwise protected as regulated through Article 8 (Environmental Protection).
- C. **Applicability:** See Section 7.1.2.
- D. **Community Green Space Definition:** an area of grass, trees, parks, trails or multi-use pathways, or other vegetation set apart for recreational or aesthetic purposes within a development. It can be privately or publicly owned.
- E. **Community Open Space Definition:** Open space is land or water that is undeveloped and not used for residential, commercial, industrial, or institutional purposes. It can be privately or publicly owned, and can include areas like forests, farms, parks, and coastal lands.

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#### 7.4.2 COMMUNITY GREEN SPACE AND COMMUNITY OPEN SPACE REQUIREMENT

- A. **Minimum Requirements:** Development in all districts shall preserve the minimum amounts of Community Green Space and Open Space as identified below (see following page):

OPEN/CIVIC SPACE REQUIREMENT											
SIZE	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	IC	LI	MHP <sup>1</sup>
Less than 3 acres	See footnote (3)										
3 acres—10 acres	50%	20%	15%	exempt	10%	exempt	10%	10%	15%	exempt	
10 acres—15 acres	50%	20%	15%	exempt	10%	exempt	10%	15%	20%	exempt	10%
15 acres—40 acres	50%	20%	15%	n/a	15%	exempt	15%	20%	20%	exempt	10%
Greater than 40 acres	50%	25%	20%	n/a	20%	exempt	20%	25%	25%	exempt	10%

<sup>1</sup> Each Manufactured Home Park shall have a minimum total area of 2,500 square feet set aside for common recreational open space, or at least 100 square feet of space for each mobile home lot, whichever is greater.

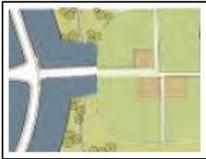
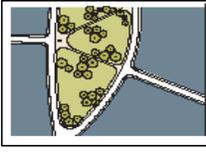
<sup>2</sup> Specific to TND Overlay Projects: The open space requirement may be calculated comprehensively or by specific Transect zones. The requirements of 2.8.3.G.2.c must be met in addition to the requirements of this table.

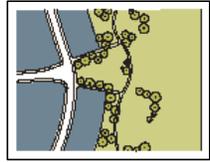
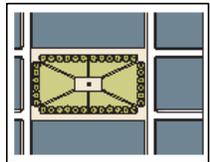
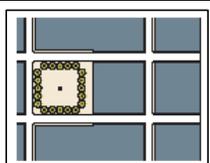
<sup>3</sup> For properties less than 3 acres, community green space and community open space shall be at the discretion of the approving authority (i.e.) Codes Administrator or Planning Commission.

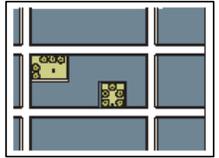
- B. **Areas to be Included in Community Green Space and Community Open Space Calculations:** The features and areas identified in Section 7.4.3 shall be credited towards the open space requirements for the purposes of complying with this article.
- C. **Areas not to be Included in Community Green Space and Community Open Space Calculations:** The following areas shall not be counted toward open space requirements:
  1. Private yards which are not subject to an open space or conservation easement.
  2. Public road rights-of-way or private street easements, including sidewalks located within those rights-of-way or easements.
  3. Open parking areas and driveways for dwellings.
  4. Land covered by structures not designated for active recreational uses.
  5. Designated outdoor storage areas.

### 7.4.3 COMMUNITY GREEN SPACE AND COMMUNITY OPEN SPACE TYPES

The majority of Community Green Space and Community Open Space shall conform to one of the 8 types in the table below. If 75% or more of the types listed below are utilized for required open space, a 20% increase in number of dwelling units is permitted.

CIVIC/ OPEN SPACE TYPE	DIAGRAM	DESCRIPTION	PERMITTED DISTRICTS	SERVICE AREA/ SIZE	CHARACTER	TYPICAL FACILITIES
<b>Regional Park/Natural Preserve</b>		A natural preserve that is available for unstructured recreation. It may contain small civic buildings and areas of structured activity, but is primarily left natural. These areas may include forests as well as wetlands and regional retention areas if they are treated as amenities (e.g. Port Royal's Cypress Wetlands).	T1	Regional Min: 200 acres* Max: None *Natural preserves with no structured activity have no minimum size.	Frontage: Independent Disposition: Natural, formal or informal	Passive and active recreation, drinking fountains, Community facility < 7,500 gross square feet, paths and trails
<b>Sport Complex</b>		An open space that consolidates heavily programmed athletic fields and associated facilities.	T1, IC, RMX	Regional Min: 25 acres Max: None	Frontage: Independent Disposition: Formal or informal	Passive and active recreation, drinking fountains, community facility < 7,500 gross square feet, paths and trails
<b>Community Park</b>		An open space that is available for unstructured recreation and a limited amount of structured recreation. It may contain a limited amount of athletic fields.	T3, T4, T5, RMX, IC	Multiple Neighborhoods Min: 8 acres Max: None	Frontage: Independent Disposition: Informal	Passive and active recreation, drinking fountains, community facility < 5,000 gross square feet, paths and trails

CIVIC/ OPEN SPACE TYPE	DIAGRAM	DESCRIPTION	PERMITTED DISTRICTS	SERVICE AREA/ SIZE	CHARACTER	TYPICAL FACILITIES
<b>Greenway</b>		A linear open space that may follow natural corridors, a greenway provides unstructured and limited amounts of structured recreation.	T1, T3, T4, T5, RMX, IC	Multiple Neighborhoods Min: 8 acres or 1 mile Max: None	Frontage: Independent or building Disposition: Natural or informal	Passive and active recreation, drinking fountains, community facility < 5,000 gross square feet, paths and trails
<b>Square/Green</b>		An open space that is available for civic purposes, unstructured, and limited amounts of structured recreation. It can be located along waterfronts.	T3, T4, T5, RMX, IC	Neighborhood Min: 0.5 acres Max: 5 acres	Frontage: Building Disposition: Formal	Passive and active (unstructured or structured) recreation, accessory structure, drinking fountains, community facility < 5,000 gross square feet, paths and trails
<b>Plaza</b>		A formal open space available for civic purposes and commercial activities, a plaza is typically hardscaped and can be located along waterfronts.	T4, T5, RMX, IC	Neighborhood Min: 0.5 acres Max: 2.5 acres	Frontage: Building Disposition: Formal	Passive recreation, accessory structure, drinking fountains, paths and trails
<b>Pocket Park/Pocket Plaza</b>		An open space that is available for informal activities in close proximity to neighborhood residences. Pocket plazas are usually paved.	T3, T4, T5, IC, RMX	Neighborhood Min: 4,000 square feet Max: 0.5 acre	Frontage: Building Disposition: Formal or informal	Passive recreation, accessory structure, drinking fountains, paths and trails

CIVIC/ OPEN SPACE TYPE	DIAGRAM	DESCRIPTION	PERMITTED DISTRICTS	SERVICE AREA/ SIZE	CHARACTER	TYPICAL FACILITIES
<b>Playground</b>		An open space designed and equipped for the recreation of children. A playground may be fenced and may include an open shelter. Playgrounds may be included within other civic spaces.	T3, T4, T5, IC, RMX	Neighborhood Min: None Max: None	Frontage: Independent or building Disposition: Formal or informal	Accessory structure, drinking fountains, paths and trails
<p><i>Notes:</i></p> <ol style="list-style-type: none"> <li><i>The illustration and description of each civic space type is illustrative in nature and not regulatory.</i></li> <li><i>The Permitted Districts may be modified per a plan if the project is utilizing the Traditional Neighborhood Development Floating Overlay District (Section 2.8.3).</i></li> </ol>						

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The following provisions apply to the [eight \(8\)](#) Community Green Space and Community Open Space Types listed in the table:

- A. **Playgrounds and Community Gardens:** These may be incorporated into any of the other Community Green Space and Community Open Space types - except Natural Preserve - or may stand alone.
- B. **Waterfront:** When Community Green Space and Community Open Space is required, per Section 7.4.2, developments that contain waterfront access should include some type of common access to at least 25% of the waterfront. This counts towards the Community Green Space and Community Open Space requirement. When open space is required, for every 10% of the waterfront that is allocated for public access, a 5% increase in number of dwelling units shall be permitted, up to a maximum of a 20% increase.
- C. **Illustrative Standards:** The columns titled "Diagram," "Description," and "Typical Facilities" of the table of Community Green Space and Community Open Space Types are illustrative only.
- D. **Regulatory Standards:** The following elements shall be regulatory:
  - 1. **Service Area:** Describes how the space relates to the city as a whole and the area that will be served by the Community Green Space and Community Open Space.
  - 2. **Size:** The permitted size for each Community Green Space and Community Open Space.
  - 3. **Frontage:** The relationship along property lines of a Community Green Space and Community Open Space to adjacent buildings or lots.
    - a. **Building:** Community Green Space and Community Open Spaces that are listed as having a "building" frontage shall have the fronts of buildings, either attached to the park or across a street, facing onto the space for a minimum of 75% of the perimeter.
    - b. **Independent:** Community Green Space and Community Open Spaces that are listed as having an "independent" frontage shall have the fronts of buildings, either attached to the park or across a street, facing onto the space to the maximum extent possible, but may have the side or rear of a building or lot front onto the space. The side or rear of a building or lot fronting onto the Community Green Space and Community Open Space shall be designed with a secondary frontage and entrance along the space.
  - 4. **Disposition:** The character of the design of the Community Green Space and Community Open Space.
    - a. **Natural:** Civic spaces with natural character are designed in a natural manner with no formal arrangement of elements.
    - b. **Formal:** Civic spaces with a formal character have a more rigid layout that follows geometric forms and have trees and other elements arranged in formal patterns.
    - c. **Informal:** Civic spaces with an informal character have a mix of formal and natural characteristics.
  - 5. **Food Production:** Community Gardens and other Community Green Space and Community Open Spaces may be used to grow food. See Section 8.4.3 for specifications and requirements.

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#### 7.4.4 DESIGN OF COMMUNITY GREEN SPACE AND COMMUNITY OPEN SPACES

- A. **Design Standards for Community Green Space and Community Open Space:** Land used as Community Green Space and Open Space shall meet the following design standards:
  - 1. **Location:**
    - a. Where relevant and appropriate, the land shall be located so as to be readily accessible and usable by residents and users of the development. To the maximum extent practicable, a portion of the open space shall provide focal points for the development.
    - b. Common space set aside for children's play areas and other recreational activities shall be clearly visible from the dwelling units on the site.
    - c. The land shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge any open areas, trails, parks, or other open space resources that exist or are planned within or adjacent to the development.
  - 2. **Provision in Multi-Phase Developments:** In multi-phase developments, open space Manuals may be calculated either by phases, or by collectively looking at the development as a whole.
- B. **Accessory Structure Standards:** All accessory structures within parks and open spaces — including, but not limited to, restrooms, open-air pavilions, gazebos, picnic shelters, and outdoor theaters — shall not be subject to the physical requirements of the building form or siting standards in Article 2 (Map and Districts). They shall be designed to be consistent with the character of the district in which they are located. Such consistency may require accessory structures to maintain building setbacks, frontage, massing, disposition, and character similar to adjacent development as determined by the administrator.

#### 7.4.5 OWNERSHIP AND MAINTENANCE OF COMMUNITY GREEN SPACE AND COMMUNITY OPEN SPACE

- A. Open space areas or other community facilities shall be preserved and maintained in accordance with the approved:
  - 1. Development Design, in accordance with Section 9.8;
  - 2. Special Exception, in accordance with Section 9.13; or
  - 3. Subdivision, in accordance with Section 9.9, whichever is appropriate.
- B. Provision must be made by the property owner to ensure preservation and long term maintenance and management of Community Green Space and Community Open Spaces through one of the following mechanisms:
  - 1. Conveyance of the land to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintaining it for its intended purposes.
  - 2. Conveyance of the land to a third-party beneficiary, such as a nonprofit environmental or civic organization, that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended purpose.
  - 3. Dedication of the land to the city or other appropriate public agency that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes.

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- C. All methods utilizing private ownership shall require deed restrictions, covenants, or other legal instruments that ensure continued use of the land and facilities for their intended uses, and provide for the continued and effective management, operation, and maintenance of the land and facilities.
  - D. Failure to maintain Community Green Space and Community Open Space areas or other community facilities shall be a violation of this Code subject to the remedies and penalties in Article 12 (Violations and Enforcement).
  - E. If the owner of a Community Green Space and/or Community Open Space fails to maintain it in reasonable condition, and in accordance with approved plans, and fails to correct deficiencies cited by the city, the city shall have the authority to correct the deficiencies per the City's Code of Ordinances at the owners expense.).

## 7.5: SUBDIVISION AND SITE PLAN STANDARDS

### 7.5.1 GENERAL PROVISIONS

The provisions of this Section shall apply to any and all subdivision of land, or site plan within the municipal boundaries of the City, unless expressly and specifically exempted or provided otherwise in this Code. No development shall be undertaken without prior approval or authorization pursuant to the terms of this Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in this Section and the Code. The submittal of an application for approval pursuant to the provisions of these Subdivision Regulations constitutes consent to, and agreement to comply with, all of its applicable provisions.

This Section establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the City's Comprehensive Plan, Civic Master Plan, Beaufort Preservation Manual, and this Code.

Scheduling of the review of development applications before Staff, TRC, the Planning Commission or City Council is at the discretion of the City. Any change to a development application by an Applicant after formal submittal of that application to the City constitutes a decision by the Applicant that may result in the City deciding to vacate the Hearing and/or void the pending application. The City may then reschedule or cancel the review of the development application at its discretion.

Prior to formal submittal of any subdivision application identified in this Section, the Planning Department will typically provide to an applicant an individualized submittal checklist indicating the documents and information needed, quantities of those documents to be submitted, and the referral agencies that will be involved in the review process. The applicants are responsible for being fully familiar with all applicable provisions of these Subdivision Regulations. Upon determination by staff that a submittal constitutes a complete development application, the City will forward the packets to each referral agency.

### 7.5.2 SUBDIVISION TYPES AND PROCESS OUTLINES

*Methods of land subdivision.* There are two ways to subdivide land based on the magnitude of scale: Minor Subdivision and Major Subdivision.

#### A. Minor Subdivisions.

Definition. A Minor Subdivision is a subdivision, or amendment to a subdivision, which has been previously platted, includes no additional public right-of-way dedication, and includes one or more of the following:

1. The boundaries of ~~six-five~~ or fewer lots are created from one parent tract or lot, no further subdivisions shall be allowed from any lot created or the parent tract;
2. Any lot line adjustment;
3. A consolidation of multiple lots into one when a new street or street change is not involved.

**B. Major Subdivisions.**

Definition. A Major Subdivision is a subdivision which includes one or more of the following:

1. Dedication of public right-of-way, public infrastructure or other public tracts, or a private road; or
2. The subdivision consists of six or more lots or tracts.
3. The creation of lots on property that has never previously been platted.

**7.5.3 SKETCH PLAN**

**A. Sketch Plan purpose.** The Sketch Plan is a conceptual design of the development submitted with a major subdivision application, that depicts what the applicant envisions for the overall development, including zoning, transportation, pedestrian network, parks, tree canopy, open space, and other amenities. The purpose is to allow the Applicant, the Planning Commission, and the Community the opportunity to discuss the conceptual subdivision before it goes through the major subdivision platting process.

**B. Requirements.** A Sketch Plan ~~shall be submitted and provided to staff~~ ~~is in advance of a any public and/or~~ community meeting for all major subdivisions. Major proposed changes to any approved preliminary plat(s), may require a new Sketch Plan approval if the Code Administrator determines the changes are significantly different from the sketch plan discussed at the public meeting.

The Sketch Plan shall consist of the following elements:

1. *Road plan:* The applicant shall provide a preliminary traffic plan that addresses the following elements:
  - a. ~~i.~~—The proposed street network and connectivity to the existing road network, including all proposed access points.
  - b. ~~ii.~~—The location and layout of all arterial and collector roads within the development.
  - c. ~~iii.~~—A current preliminary traffic impact study prepared by a licensed traffic engineer which evaluates proposed access points, the existing street system, and any need for any road improvements (including off-site improvements) created by the proposed development.
2. *Open space plan:* The applicant shall provide a preliminary open space plan that depicts compliance with Section 7.4 of this code, with the following elements:
  - a. ~~i.~~—Proposed open space distribution and location, including percentage of open space.
  - b. ~~ii.~~—Compliance with 7.4.2 Community Green Space and Community Open Space Requirement.
  - c. ~~iii.~~—Required buffer areas as per Section 5.5.1.
  - d. ~~iv.~~—Wetland areas and setbacks as determined by SCDES-BCM, if applicable.
  - e. ~~v.~~—Proposed park locations, acreage, and types of parks as per Section 7.4.
3. *Pedestrian network:*
  - a. ~~i.~~—Location of all trails within development, and connection to existing trail network.
  - b. ~~ii.~~—Connectivity of sidewalks to the existing pedestrian system, including any off-site sidewalk improvements. This includes planning for a one-quarter mile pedestrian shed.

**Commented [CK2]:** Dianne Farrelly: "(...) are we still considering approvals of Sketch Plans?"

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c. ~~iii.~~—Depiction of any bike lanes or any other multi-modal features.

4. *Zoning/Design:*

a. ~~i.~~—The location of zoning boundaries shall be provided with the application and depicted on the Sketch Plan.

b. ~~ii.~~—The plan should show how the zoning is harmonious with the surrounding area, and within the property itself.

c. ~~iii.~~—Conceptual building design and massing.

5. *Overall utility plan:*

a. ~~i.~~—A letter from the appropriate utility, confirming the existing capacity of the surrounding utility system, and the future capacity of the utility system for the proposal. Utility plans for the interior of the development (such as water and sewer service lines) are not required as part of this process.

b. ~~ii.~~—Proposed connections to the existing utility system.

**C. Sketch Plan application submittal.** The applicant shall submit a complete Sketch Plan application package to the City. The application package shall include the following items:

1. Development application form, fee.
2. Title commitment. The title commitment must be dated no more than 90 days from the date of Sketch Plan application submittal.
3. Title of project.
4. North arrow, scale (not greater than one inch equals 200 feet) and date of preparation.
5. Vicinity map.
6. Legal description.
7. Acreage of property; acreage in each zoning district; acreage in parks; acreage in open space.
8. USGS topographic contours.
9. Location and approximate acreage of proposed land uses.
10. Existing easements and rights-of-way on or adjacent to the property
11. Existing streets on or adjacent to the property (show and label street name).
12. Note or table indicating how public dedication requirements will be met.
13. Table providing the following information for each proposed land use area: total acreage; proposed density proposed number of dwelling units and/or commercial buildings.
14. Location and acreage of proposed open space and parks as per Section 7.4., trails, regional trail connections, playgrounds, schools or other public uses.
15. Proposed street system depicting the location and layout of all arterial and collector roads within the development.
16. A preliminary traffic study prepared by a licensed traffic engineer which evaluates proposed access points, the existing street system, and any need for any road improvements (including off-site improvements) created by the proposed development.
17. Floodplain boundary with a note regarding the source of information (if a floodplain does not exist on the property, this must be stated).
18. Zoning on adjoining properties.

19. A letter from the appropriate utility, confirming the existing capacity of the surrounding utility system, and the future capacity of the utility system for the proposal. ~~Utility plans for the interior of the development (such as water and sewer service lines) are not required as part of this process.~~ Utility Plans for the interior of the development (such as water and sewer service lines) are not required as part of this process.
20. Proposed connections to the existing utility system.
21. The location of any proposed or required lift stations.
22. Design rationale — description of how the development is integrated with surrounding area, how it responds to site features/constraints and how it is consistent with this Code.
23. General description of plan for drainage and storm water management, including any regional drainage solutions.
24. Description of how the proposed development complies with the City Comprehensive Plan.

**D. Application certification of completion.** Within 30 days, staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package and re-submit the application to the City.

**E. Sketch Plan Process.**

1. Planning Commission Meeting. The Planning Commission shall hold a public meeting to ~~discuss~~ review and provide comments on the Sketch Plan.
2. Notice to neighboring property owners. The City shall send advance notice of the Planning Commission meeting by regular mail to neighboring property owners within 500 feet of the property per this Code.

**F. Sketch Plan review criteria.** The Planning Commission shall use the following criteria in addition to other applicable provisions of this Code to evaluate the applicant's application:

1. The land use mix within the project conforms to Beaufort's Zoning District Map and Comprehensive Plan Preferred Land Use Map and furthers the goals and policies of the Comprehensive Plan.
2. The Sketch Plan represents a functional system of land use and is consistent with the rationale and criteria set forth in this Chapter, the City's Comprehensive Plan, and the Civic Master Plan as amended.
3. The preliminary traffic, open space, park, utility, and pedestrian design is adequate and functional given the existing and planned capacities of each system, and meets the standards found in this Code.
4. The conceptual design and massing proposed is consistent with the requirements of the Development Code.

**G. Timeframe related to approval of Sketch Plan.** ~~A Sketch Plan is in full force and effect for a period of 12 months from date of Planning Commission action. After a period of 12 months has passed without submittal of a Preliminary Plat application, the Codes Administrator may require an applicant to submit a new Sketch Plan application for Planning Commission review.~~

**H. Minor amendments.** Minor amendments to the Sketch Plan may be approved administratively under the following conditions:

1. Does not change any land use, or location of any land use.

**Commented [CK3]:** Comment from Bill Bardenwerper: "Is this the notice standard we want?"

**Commented [CK4]:** Rewrite as suggested by Bill Bardenwerper.

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2. Does not change the number of lots or density by more than ten percent.
  3. Does not contain significant changes in arterial or collector street alignment and/or access points, or other major public elements such as drainage improvements, utility lines or facilities.
  4. Does not change any measurable standard (other than above), such as open space, or park area, by more than ten percent.

#### 7.5.4 PRELIMINARY PLAT

**A. Preliminary Plat purpose.** The purpose of the preliminary plat is to provide the City with an overall plat and the associated preliminary engineering for the proposed development.

**B. Preliminary Plat application process.**

1. **Pre-application conference.** A pre-application conference/TRC with the City is required before the applicant may submit a preliminary plat application. Topics to be discussed will include:
  - a. The provisions of this Code and the applicable requirements;
  - b. The application and review process;
  - c. Submittal requirements; and
  - d. Changes or modifications based on direction from the Planning Commission at Sketch Plan approval.
2. **Preliminary Plat application submittal.** Following ~~approval or conditional approval~~ review of the ~~sketch-Sketch plan~~ Plan, the applicant may submit the complete preliminary plat application to the City. The preliminary plat application package shall be formatted and packaged per the application submittal checklist provided by the City and include the following items in both printed and electronic formats:
  - a. Development application form;
  - b. Application fee;
  - c. Title commitment. The title commitment must be current and dated no more than 120 days from the date of preliminary plat application submittal; and
  - d. The preliminary plat that shall provide the following information:
    - i. Title of project.
    - ii. North arrow, scale (not greater than one inch equals 100 feet) and date of preparation.
    - iii. Vicinity map.
    - iv. Names and addresses of owners, applicant, engineers and surveyors.
    - v. Legal description.
    - vi. Total acreage of property.
    - vii. Existing contours at two-foot intervals (based on USGS datum).
    - viii. Name and location of abutting subdivisions or owners of abutting property (if land is not platted)
    - ix. Lots, blocks, and street layout (with cross-sections), dimensions and square footage for each lot. Dimensions and square footages may be rounded to the nearest whole number.
    - x. Consecutive numbering of all lots and blocks.
    - xi. Existing and proposed easements (including rights-of-way) on and adjacent to the property.
    - xii. Existing and proposed zoning on and adjacent to property.
    - xiii. Approximate location and size of existing sewer lines, water lines and fire hydrants. Approximate location of proposed sewer lines, water lines, and fire hydrants with a letter from BJWSA and the Fire Marshall.

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- xiv. Location by field survey or aerial photography of existing and proposed water courses and bodies of water such as irrigation ditches and lakes. Water courses shall include direction of flow.
  - xv. Tree Survey and with Existing Tree Canopy Survey.
  - xvi. Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, state this on the plan).
  - xvii. The boundaries of proposed phases of the subdivision if the final plat is intended to be submitted in multiple phases.
  - xviii. General location of existing surface improvements such as buildings, fences, or other structures which will remain on the property as part of the subdivision.
  - xix. Location and acreage of proposed parks, trails, playgrounds, schools or other public uses.
  - xx. Location, function, ownership and manner of maintenance of any private open space.
  - xxi. Land use table including land uses, approximate acreage of each land use type, percentage of each land use type density (net and gross) and how public dedication requirement will be met.
  - xxii. Total number of lots.
  - xxiii. Number of each type of dwelling unit proposed.
  - xxiv. An AutoCad drawing file of the Preliminary Plat in a format specified by the City Engineer or Codes Administrator.
  - xxv. Surveyor's certificate.
  - xxvi. Traffic impact analysis (if applicable) as per the requirements found in this development code.

- 3. **Preliminary Plat drawing standards.** The preliminary plat drawing shall comply with the following standards:
  - a. The preliminary plat shall be prepared by or under the direct supervision of a registered land surveyor, shall be signed and stamped by said surveyor, and shall meet applicable State of South Carolina requirements.
  - b. Except for parcels separated by easements (including public rights-of-way), public tracts, or railroads, parcels not contiguous with each other shall not be included in one plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one plat, provided that all owners join in the dedication and acknowledgment.
  - c. Lengths on the preliminary plat boundary shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.
  - d. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.
  - e. Names and signatures of all owners of equitable interest in the property shall be on the preliminary plat and shall be made in black drawing ink.

~~4. **General development information.** A written description of the existing conditions on the site and the proposed development, including the following items:~~

~~54. **Explanation of how the plat is consistent with this Code, the Comprehensive Plan, the Civic Master Plan, and the Sketch Plan.**~~

~~65. **Preliminary grading and drainage plan and report.** This plan and report must be certified by a South Carolina registered professional engineer or Land Surveyor and include approximate earthwork quantities (how earthwork on the site is "balanced"), storm drainage concepts such as~~

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locations of pipe and other conveyance facilities, locations for on-site detention or downstream structural improvements, and soil erosion and sedimentation control plans and specifications. It must also discuss the impacts on and to any existing floodways and/or floodplains both on and adjacent to the site as well as any FEMA applications or approvals that may be required.

- ~~76.~~ **Preliminary water and sewer plan and study.** This plan shall be prepared by a registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.
- ~~87.~~ **Preliminary landscape and open space plan.** The landscape plan must address the treatment of all exterior spaces. Landscape plans are to be designed to meet the requirements of this Code and show approximate locations of trees, shrubs, groundcovers, turf, buffering, fences, walls and other site amenities that will be included in the plan.
- ~~98.~~ **Traffic study.** A TIA with requirements consistent with Section 7.3.2. This study must be prepared by a professional traffic engineer and identify the projected impacts to the local and regional traffic system. The direct roadway impacts and proposed share in the cost of regional improvements and intersections must be identified for the project.
- ~~109.~~ **—Archaeological Impact Assessment.** An applicant may be required to provide the City as per Section 8.4 with a CHS records listing historically or archaeologically significant findings on the property being subdivided at their expense.
- ~~110.~~ **General ecological resource survey.** Prepared by a qualified biologist, geologist, ecologist, or similar qualified professional, a survey identifying the potential/absence/habitat of a threatened or endangered species and wetlands or other ecologically sensitive area. Said survey shall make practical recommendations regarding treatment or mitigation of the findings.
- ~~121.~~ **—Conceptual Design.** Applicant should provide conceptual design and massing examples, (i.e. conceptual elevations, but not required for each individual lot), consistent with the requirements of the Development Code

**C. Planning Commission Hearing.** The Planning Commission shall hold a public hearing to approve, approve with conditions or deny the Preliminary Plat.

- 1. **Notice to neighboring property owners.** The City shall send **advance** notice of the Planning Commission ~~meeting-hearing~~ by regular mail to neighboring property owners within 500 feet of the property per this Code.
- 2. **Approval.** The Planning Commission shall review and act on the Preliminary Plat. The Planning Commission shall approve, approve with conditions, or deny the Preliminary Plat based on the review criteria below.

**D. Preliminary Plat review criteria.** In addition to all provisions of this Code, the Planning Commission shall use the following criteria to evaluate the applicant's request:

- 1. ~~a.~~ The Preliminary Plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code.
- 2. ~~b.~~ The land use mix within the project conforms to the City's Development Code and complies with the Comprehensive Plan and Civic Master Plan.

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3. ~~e.~~ The utility and transportation design are adequate, given existing and planned capacities of those systems.
  4. ~~ivd.~~ Lot layout, including structure location and design of each lot.
- E. Phasing.** The preliminary plat shall designate the boundaries of phases for which separate final plats will be presented for approval. Each phase, either alone or in conjunction with previously approved and recorded phases, must meet all of the requirements of this Code.
- F. Early grading.** After approval of a Preliminary Plat, Applicant may proceed with preliminary grading of the project area if a construction plan set for grading and drainage is approved and memo authorizing grading work is issued by the City Engineer or Codes Administrator. Early grading and storage of construction related equipment is at the risk of the Applicant and no presumption of any Final Plat approval at the Planning Commission is expressed or implied by any authorization of early grading.
- G. Timeframe related to approval of Preliminary Plat.** A preliminary plat is in full force and effect for a period of two years from date of approval. Approval will automatically expire at the end of two years unless an applicant formally requests an 18 month extension from the Planning Commission prior to termination or submits a completed final plat application for all or a portion of the property.

### 7.5.5 FINAL PLAT

- A. Final Plat purpose.** The purpose of the final plat is to complete the subdivision of land consistent with the technical standards of the City of Beaufort.
- B. Final Plat application process.**
1. **Final Plat application submittal.** The final plat application shall substantially conform to the preliminary plat as approved at the public hearing and shall meet all conditions of approval. The applicant shall submit the completed final plat application package to the City. The final plat application shall be formatted and packaged per the application submittal checklist provided by the City and include:
    - a. Development application form.
    - b. Application fee.
    - c. Title commitment. An updated title commitment, dated no more than 120 days from the date of final plat application submittal.
  2. **Final Plat Standards.** The final plat drawing shall comply with the following standards:
    - a. All requirements of Section 7.5.4.
    - b. The plat shall be prepared by or under the direct supervision of a registered land surveyor, shall be signed and stamped by said surveyor, and shall meet applicable State of South Carolina requirements.
    - c. Existing and proposed easements (including rights-of-way) in and adjacent to property (labeled and dimensioned).
    - d. Existing and proposed street names for all streets on and adjacent to the property.
    - e. Final Traffic Impact Analysis (if applicable) as per the requirements found in the Development Code.

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- f. If applicable, prior to commencement of construction; a State Highway utility permit from SCDOT.
  - g. If applicable, prior to commencement of construction, a State Highway access permit from SCDOT.
  - h. If applicable, prior to commencement of construction, a construction dewatering permit from DHEC
  - i. If applicable, prior to commencement of construction, a 404 Permit from the Army Corps of Engineers.
  - j. Prior to commencement of construction, acceptable collateral in the amount and form stipulated in Section 7.1.5.
3. **Original plats.** The applicant shall submit to the City, five original, signed copies of the final plat ready to record, and final executed copies of all agreements.
4. **Complete engineering plans and specifications.** As a condition of Final Plat approval the applicant shall prepare and submit the following:
- a. Construction plans and profiles. The plans and profiles shall be prepared by a registered professional engineer licensed in the State of South Carolina. Plans shall be 24 inches high by 36 inches wide and provide the following information:
  - b. The horizontal to vertical scales shall be chosen to best depict the aspects of the design.
  - c. Minimum horizontal scale: One inch equals 100 feet.
  - d. Minimum vertical scale: One inch equals ten feet.
  - e. The typical road geometric and structural cross-section is to be shown on each plan sheet.
  - f. The plan must show right-of-way lines and widths, road names, lot lines, tangent lengths and bearings, curve radii, delta angles, curve lengths, chord lengths and bearings, stationing at all beginning of curves and end of curves, intersections, structures, angles, curb lines, cross pans, traffic control devices (islands, striping, signs, etc.), drive cuts, curb returns and radii, and all other features to enable construction in accordance with approved standards and standard engineering practice. Stationing may be centerline if approved by the City Engineer or Codes Administrator. Construction plans shall include water lines and appurtenances, sewer lines and appurtenances, and storm water lines and appurtenances and any other wet utilities.
  - g. The profiles shall include existing and proposed grade at curb and gutter or centerline of street elevation at point of intersection of vertical curves, intersections, grade breaks, point of curb return (PCR), point of reverse curve (PRC), and other critical points, structures, and all other features.
  - h. Signature blocks for all utility providers unless otherwise provided in agreement form.
  - i. Structure details. Sufficient data shall be given to construction of major structures and road appurtenances such as bridges, culverts, gutters, drives, walks, cross pans, etc; detail shall include orientation line and grade, cross-sections, dimensions, reinforcement schedules, materials, quality specification, etc., or as the City Engineer may approve.
  - j. Final Water Report. A final water report including hydraulic analysis and pipe sizing calculations. Note, this report can be verified by BJWSA and does not need to be submitted to the City.

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- k. Final Sanitary Sewer Report. A sanitary sewer report including hydraulic analysis and pipe sizing calculations. Note, this report can be verified by BJWSA and does not need to be submitted to the City.
  - l. Sewage collection and water supply distribution plans, profiles and specifications. The plans, profiles and specifications shall be prepared by a registered professional engineer and shall be accompanied by written approvals from BJWSA.
  - m. Final drainage plans and reports. Based upon the approved preliminary drainage plan, a final report is to be submitted in accordance with SOLOCO Drainage and Design Criteria, as amended or as the City Engineer may approve. The plan and report must provide:
    - n. Erosion control plans, when required.
    - o. Sizing of all pipes, inlets, conveyance ways, and other appurtenances.
  - p. Final grading plan. The final grading plan shall be 24 inches high by 36 inches wide and illustrate existing and proposed contours and lot and block grading details.
  - q. Soils report. The soils report shall detail pavement design and construction requirements and shall be submitted after overlot grading is complete.
  - r. Final landscape and open space plan. The landscape plan must address the treatment of all exterior spaces. Landscape plans are to be designed to meet the requirements of this Code and show trees, shrubs, groundcovers, turf, buffering, fences, walls and other site amenities that will be included in the plan. All plant materials must be adapted to the physical limitations of the local climate and specific conditions of the landscape plan. All plant materials must meet specifications of the American Association of Nurseryman for number one grade. All street trees must be selected from the City of Beaufort recommended tree list.
  - s. Landscape Plan drawn to scale (not greater than one inch equals 50 feet) on 24 by 36-inch sheets which includes:
    - i. Project name.
    - ii. Scale, north arrow and date of preparation.
    - iii. Existing and proposed streets and street names.
    - iv. Lot lines, easements and public rights-of-way as shown on the subdivision plat, including gross and net area of all parcels.
    - v. Location of proposed building footprints and parking areas.
    - vi. Location of storage, loading and service areas.
    - vii. Existing and proposed two-foot contours (based on USGS datum).
    - viii. Natural features, wetlands, wildlife corridors, floodplains, streams, ditches and other waterways.
    - ix. The location of existing and proposed utilities. Utility lines can be 'ghosted' in on the landscape plan to vary the line types for cleaner drawings.
    - x. All existing trees within the proposed site and adjacent to the site must be accurately identified on the plan. Existing trees must be labeled as to their size, species and if they are intended to remain, be removed or transplanted. All replacement mitigation trees will need to be shown separately on the plan. Tree protection standards for existing trees to remain shall be included on the plan.

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- xi. The extent and location of proposed trees, shrubs and perennials and quantities of each species. Plant materials are to be drawn at two-thirds of their mature size.
  - xii. Landscape schedule including the represented plant symbol, Latin name, common name, planting size and number of individual plants. All plant materials are to meet the minimum size requirements as provided in this Code.
  - xiii. Proposed treatment of all ground surfaces must be clearly indicated, including turf, paving, mulch, native grass, seeded grass, etc. Grass areas are to be specified as seed or sod, and a seed mix/rate specified.
  - xiv. Sight distance triangles must be shown at street intersections pursuant to this Code.
  - xv. Project specific landscape notes and details to ensure the proper planting, establishment and survival of plant materials. Additional notes detailing the warranty for plant materials and continued maintenance shall be included.
  - xvi. Open space and pedestrian circulation system.
  - xvii. Proposed grading of the project site, including drainage swales, detention basins, retaining walls and any off-site infrastructure improvements.
  - xviii. Notes for conservation and retention of topsoil and landscape soil preparation.
  - xix. Restoration, revegetation or enhancement of disturbed natural areas or open space feature.
  - xx. Park structures, signage, play equipment, and other landscape or park amenities and appurtenances.
  - xxi. A "pdf" file and an AutoCad drawing file of the final plat in an electronic format specified by the City Engineer.

5. **Post approval actions.** Prior to issuance of a building or grading permit, the applicant shall submit the following documentation to the City:

- a. List of contractors. List of all contractors that will be performing the improvements.
- b. Proof of insurance/business license. Proof of workman's comprehensive insurance and liability insurance for each contractor and business license.
- c. Open space deed restriction. Areas designated as open space shall be protected by a deed restriction or other appropriate method to ensure that they cannot be subdivided or developed in the future and will remain as open space until the use is modified by the City.
- d. Construction traffic control plan. Applicant will develop a plan for City Engineer, Codes Administrator or appointee, review that addresses construction traffic, construction water, temporary road closures, street repairs, dust, noise and other construction-related concerns.
- e. Other certificates, affidavits, enforcements or deductions as required by the City.

C. **Approval.** The City Codes Administrator shall review and act on the Final Plat. The Codes Administrator may choose to approve, approve with conditions, or deny the Final Plat based on the criteria below.

- 1. **Final Plat review criteria.** In addition to all provisions of this Code, the Codes Administrator uses the following criteria to evaluate the applicant's final plat application:

- a. The Final Plat is in substantial conformance with the approved Preliminary Plat. For the purposes of this Code, "substantial conformance", includes design adjustments made to meet any conditions of preliminary plat approval, and is determined as follows:
- b. Does not change any land use.
- c. Does not contain changes which would render the final plat in nonconformance with requirements of this Code.
- d. Does not contain significant changes in street alignment and/or access points, or other public elements such as drainage improvements, utility lines or facilities.
- e. Does not increase density ~~by more than 15 percent.~~

**D. Timeframe related to approval of Final Plat.** A final plat is in full force and effect for a period of two years from date of recordation unless a longer timeframe is specifically allowed by the City in an approved Development Agreement or unless public improvements are completed and accepted on all or a portion of the final plat. Applicants may formally request one 18 month extension from the Codes Administrator prior to termination of final plat approval. Prior to the expiration of the original two year timeframe or the extension timeframe, an applicant may formally request an additional extension if substantial progress has been made on installation of public improvements.

### 7.5.6 MINOR SUBDIVISION PLAT

**A. Minor Subdivision Plat purpose.**

- 1. The purpose of the Minor Subdivision Plat is a subdivision, or amendment to a subdivision, which has been previously platted, includes no additional public right-of-way dedication, and includes one or more of the following:
  - a. The boundaries of five or fewer lots are created from one parent tract or lot, cumulatively and not more than 3 acres; (ex. any portion of a tract that is subdivided counts toward the five total, and does not itself become a new parent tract to subdivide an additional five lots from)
  - b. Any lot line adjustment, consolidation of multiple lots into one.

**B. Minor Subdivision plat application submittal.** The applicant shall submit the complete Minor Subdivision plat application package to the City. The application shall be formatted and packaged per the application submittal checklist provided by the City and include:

- 1. Development application form.
- 2. Application fee.
- 3. Title commitment. A current title commitment, dated no more than 30 days from the date of minor subdivision plat application submittal

**C. Minor Subdivision plat standards.** The plat drawing shall comply with the following standards:

- 1. The plat shall be prepared by or under the direct supervision of a registered land surveyor and meet applicable State of South Carolina requirements.
- 2. Except for parcels separated by public rights-of-way, public tracts, or railroads, parcels not contiguous shall not be included in one plat, nor shall more than one plat be made on the same

Commented [CK5]: Numerical order at this sub-level!

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sheet. Contiguous parcels owned by different parties may be included on one plat, provided that all owners join in the dedication and acknowledgment.

3. Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.
4. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.
5. All signatures shall be made in black drawing ink.
6. Title of project.
7. North arrow, scale (not greater than one inch equals 100 feet) and date of preparation.
8. Vicinity map.
9. Legal description.
10. Basis for establishing bearing.
11. Names and addresses of owners, applicant, designers, engineers and surveyors.
12. Total acreage of subdivision.
13. Bearings, distances, chords, radii, central angles and tangent links for the perimeter and all lots, blocks, rights-of-way and easements.
14. Lot and block numbers, numbered in consecutive order, and square footage or acreage to two decimal places of each lot or tract.
15. Parcels excepted from inclusion noted as "not included in this subdivision" and the boundary completely indicated by bearings and distances.
16. Existing rights-of-way in and adjacent to subject property (labeled and dimensioned).
17. Existing and proposed street names for all streets on and adjacent to the property.
18. Existing easements and their type in and adjacent to subject property (labeled and dimensioned).
19. Location and description of monuments:
  - i. Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plat).
20. Certificates blocks for signatures of owner, surveyor, utility providers, and City approval, as applicable.

**Commented [CK6]:** Numerical order at this sub-level!

- D. Record Minor Subdivision Plat.** Five signed copies of the minor subdivision plat shall be delivered to the City. The applicant will be responsible to record the minor subdivision plat with Beaufort County.

### 7.5.7 SITE PLAN

**A. Site Plan Purpose.** The site plan is a prerequisite to a building permit for all multi-family (excluding duplexes), commercial, and industrial developments. The site plan shows how the lot will be developed so that the City can ensure that the site design will be in compliance with the Development Code, Comprehensive Plan and Civic Master Plan.

**B. Site Plan Application.** A Site Plan Application shall include the following:

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1. Land use application form.
  2. Application fee and fee agreement.
  3. **Site Plan plat** — The site plan shall be a minimum of 18 inches by 24 inches and shall provide the following information:
    - a. Title of project.
    - b. North arrow, scale (no greater than one inch equals 50 feet) and date of preparation.
    - c. Vicinity map.
    - d. Address of project.
    - e. Legal description of property.
    - f. Name, address and phone number of property owner.
    - g. Name, address and phone number of person or firm responsible for plan.
    - h. Lot size (square footage).
    - i. Bearings and distances of all lot lines.
    - j. Existing and proposed easements and rights-of-way.
    - k. Existing and proposed paved areas and sidewalks on the site and in the adjacent rights-of-way, all dimensioned, showing how pedestrians will have access to the site and buildings.
    - l. Gathering areas for people.
    - m. Existing and proposed curb cuts on the site and in the adjacent rights-of-way (on both sides of perimeter streets), all dimensioned.
    - n. Existing and proposed two-foot contours.
    - o. Existing waterways on or adjacent to the site.
    - p. Finished floor elevations for all structures.
    - q. Footprint (including roof overhangs and eaves, decks, balconies, outside stairs and landings) of all proposed structures and their use with their dimensions and locations noted with respect to the property lines.
    - r. Existing structures and their use.
    - s. Square footage of the proposed building(s) and the footprint of the proposed building(s).
    - t. Proposed structure height.
    - u. For multi-family residential, the number of residential units and bedrooms per unit.
    - v. Location of proposed signs and lighting.
    - w. Specifications for the signs and lights, including type, height and general conformance to the Code. For commercial and industrial uses, a photometric plan prepared by a qualified electrical or lighting engineer shall be submitted that depicts all lighting fixtures and the light spread (in footcandles) of these fixtures across the site to all property boundaries.
    - x. Proposed traffic controls and striping for parking areas (all lanes, driveways, and parking spaces must be dimensioned).
    - y. Trash disposal areas and enclosures including specifications for enclosures.

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- z. Location and size of existing and proposed water and sewer service connections and tap sizes.
  - aa. Location and size of water and sewer lines to which the service connections will be or are made.
  - bb. Location and size of water meter(s).
  - cc. Location and size of backflow-prevention devices.
  - dd. Indication of how and where perimeter drain will drain (if one exists).
  - ee. Location of existing electrical lines and poles on or adjacent to the site.
  - ff. Location of proposed electrical service connection and meter location.
  - gg. Location of electric transformer.
  - hh. Location of all fire hydrants. If none exist on site, note distance and direction of the closest hydrant adjacent to the site within 500 feet.
  - ii. Location of detention/retention areas and storm sewer infrastructure with the required drainage easements.
  - jj. The distance from the proposed building(s) or structure(s) to adjacent lot lines, easements, and adjacent structures.
  - kk. A land use chart (table).
  - ll. Certificate blocks for signatures of owner, surveyor, utility providers, and City approval, as applicable.
4. **Design standards** — Demonstrate in written or graphic form how the proposed structure(s) is consistent with the design requirements of this code. ~~Provide Exterior~~ elevations of proposed structures/graphic visual aids. Provide complete building elevations, drawn to scale, with illustrations of all colors and identifying major materials and cut sheets to be used in the structure(s). In addition, Staff may require building floor plans, sectional drawings, perspective drawings, models, and/or computer visualizations when the impacts of a proposal warrant such information.
5. **Certified drainage report** — A certified drainage report, including an erosion control study and plan, as applicable, must be reviewed and approved by the appropriate sanitation district (if applicable) prior to submittal of the report to the City as part of the site plan application.
6. **Final landscape and open space plan** — Provide an existing and proposed landscape plan with tree protection zones and a tree survey, and open space plan consistent with ~~this Section~~Sections 5 and 7 within this Code.
7. **Traffic Impact Analysis** — Provide TIA as per requirements of Section 7.3.2.
- C. TRC and Staff Review.** Staff and TRC reviews application and prepares comments. Staff and TRC will review the site plan map to ensure it is consistent with the site plan review criteria. Following the review, Staff will prepare a written report outlining any changes that the applicant must make before the site plan can be recommended for public hearing with the Planning Commission. This report will be forwarded to the applicant.
- 1. Applicant addresses staff comments. Applicant shall make all necessary changes to the site plan and resubmit a revised copy to the City.

**D. Planning Commission Hearing.** ~~The Planning Commission shall hold a public hearing to approve, approve with conditions or deny the Site Plan as per the following conditions.~~

1. Notice to neighboring property owners. The City shall send advance notice of the Planning Commission meeting by regular mail to neighboring property owners within 500 feet of the property per this Code.
2. The Planning Commission shall hold a public hearing on the proposal. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard.
3. ~~Decisions/Findings of Fact: Following~~At the conclusion of the public ~~meeting~~hearing, the Planning Commission may approve, deny, or approve with conditions the application for a Major Development. No Major Development shall be approved unless the following findings of fact ~~can~~ be made:
  - a. The plan is consistent with the City of Beaufort Comprehensive Plan and Civic Master Plan.
  - b. The plan complies with all applicable requirements of this Code.
  - c. There exists adequate infrastructure (transportation and utilities) to support the plan as proposed.
  - d. The ~~proposed~~ plan conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site.

**Commented [CK7]:** Comment from Bill Bardenwerper: "This sentence is repeating 2 & 3 below, so delete it."

**E. Post approval actions.**

1. Building Permit. A building permit shall be issued only when a site plan has been approved. However, with the approval of the City, an applicant may submit a building permit application concurrent with the site plan application. Building permits shall not be issued for any development that is not in conformance with the approved site plan.
2. Phasing and expiration of approval. The site plan shall be effective for a period of three years from the date of approval, unless stated otherwise in the written site plan approval. Building permits shall not be issued based on site plans that have an approval date more than three years old. For multi-phased plans, building permits shall not be issued based on an approval date more than three years from the date of Phase I approval.

**F. Appeals.** Any party aggrieved by the decisions of the Planning Commission may appeal to the Circuit Court within 30 days of the decision.

**Commented [CK8]:** Comment by Bill Bardenwerper: "See new appeals sections I've written in Chapter 9." (therefore to be stricken)

**G. Permit Validity.** Upon the approval of the Major Development Design application, the applicant shall have 2 years to obtain a Project Permit. Failure to secure a permit for the permitted work within this time shall render the compliance void. Any change to the approved plans that has not been authorized by the Administrator shall invalidate the design approval, and any subsequent building permits.

**H. Permit Extension.** The Administrator may grant a one year extensions of this time period upon submittal by the applicant of sufficient justification for the extension. Extensions shall be submitted at least 1 month prior to the expiration date.

**I. Amendments to approved Site Plans.**

1. Minor variations in the location of structures, improvements, or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved by the City Staff. Such

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changes shall not exceed ten percent of any measurable standard or modify the use, character, or density of an approved site plan. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the City.

2. Changes to approved site plans that exceed the ten percent threshold, or other major modifications (such as changes in building size or footprint, relocation of access points, changes to required parking, etc.), shall be considered as a new site plan application. Such amendments shall require Planning Commission review and approval to become effective. A complete site plan application shall be prepared and submitted in compliance with the requirements set forth in this Section.

**DEVELOPMENT CODE**  
**CHAPTER 7 AMENDMENTS**  
**(clean version)**

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## 7: LAND DEVELOPMENT

### 7.1: IMPROVEMENT REQUIREMENTS

#### 7.1.1 PURPOSE

The purpose of these land development requirements is to:

- A. Encourage economically sound and environmentally sensitive development.
- B. Assure the timely provision of required streets, utilities, and other facilities and services to new land developments.
- C. Assure the adequate provision of safe and convenient vehicular and pedestrian traffic access and circulation in and through new land developments.
- D. Assure the provision of needed open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, and other public purposes.
- E. Assure, in general, the wise and timely development of new areas, in harmony with the Comprehensive Plan of the city.
- F. Encourage new subdivision developments that complement the City's historic development pattern.
- G. Promote compact, well-defined, sustainable neighborhoods that enhance the City's character.
- H. Create livable neighborhoods that foster a sense of community and reduce dependency on vehicles.
- I. Encourage the proper arrangement of new streets in relation to existing or planned streets and ensure streets facilitate safe, efficient, and pleasant walking, biking and driving.

#### 7.1.2 APPLICABILITY

- A. Unless noted otherwise in this section, all new development projects shall be required to have public sewer and underground wiring and shall comply with Section 7.2.3 (Lot Access Standards).
- B. All development — with the exception of projects that qualify as Minor Development Design Review or Minor Subdivision or are located in the Historic District, and affect less than one whole block face — are required to install or construct the improvements specified in the Table of Required Improvements (Section 7.1.3).
- C. The applicant shall be responsible for the installation and construction of required improvements according to the provisions of this Code, except as may otherwise be specifically provided herein or by agreement.
- D. Approval of a Final Subdivision Plat shall be subject to the applicant having installed the improvements designated in this article, or having guaranteed (Section 7.1.5), to the satisfaction of the city, the installation of said improvement.

### 7.1.3 TABLE OF REQUIRED IMPROVEMENTS

REQUIRED IMPROVEMENTS <sup>3</sup>	SECTION REFERENCE	ZONING DISTRICT										
		T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	IC	LI	MHP
Public Water and Hydrants	7.1.3.B	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Public Sewer	7.1.3.B	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Paved Streets <sup>1</sup>	7.2.4	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Streetscape <sup>2</sup>	Appendix C	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Underground Drainage	7.1.3.A	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Curb and Gutter	Appendix C	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sidewalks	7.2.4.C	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Street Trees	7.2.5	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Street Lights	n/a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Street Signs (private streets)	n/a	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Underground Wiring On-Site	7.1.3.C	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Community Green Space and Open Space	7.4	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> required improvements by district		<input type="checkbox"/> may be required at the discretion of the Planning Commission based on existing conditions, surrounding context, and street section (Appendix C)										
<sup>1</sup> Rear lanes/alleys may be permitted to be paved with pervious material, such as gravel, depending on the location. <sup>2</sup> Complete street requirements shall be coordinated with the specific street section found in the regulating plan in Appendix C. <sup>3</sup> For Infill and Redevelopment, as defined in Section 8.3.2, these items [referring to the table of required provisions] are required to the extent feasible based on existing conditions including roads, utilities and adjacent buildings.												

- A. **Street Improvements:** Land designated for public streets shall be cleared and filled in accordance with the latest edition of the "South Carolina Standard Specifications for Highway Construction", South Carolina State Highway Department, or as determined appropriate by the administrator. No land may be disturbed until a Project Permit has been issued (Section 9.5). See Section 5.4 for Tree Removal Standards. See Section 7.2 for more standards on street location. See Appendix C for Street Regulating Plan and Design Standards.
- B. **Water and Sewer Facilities:** Water and sewer facilities shall be provided in accordance with the standard procedures and policies of the water and sewer provider and the South Carolina Department of Environmental Services (SCDES) and shall be approved by the water and sewer provider.
- C. **Utility lines:** All utility lines within a development site shall be installed underground. The Planning Commission may approve an exception only in cases where there are existing above-ground lines that serve the property.

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## 7.1.4 SURVEY AND ENGINEERING

- A. **Installation of Permanent Reference Points:** Permanent reference points shall be placed in accordance with the following requirements:
1. **General Standards:** Boundary surveys shall be performed, in accordance with the state minimum standards published by the State Board of Registration for Professional Engineers and Land Surveyors, unless more stringent requirements are specified. A minimum of two points in any survey must be tied to the state plane coordinate system. The survey may be done on the horizontal ground distance and tied back to the state plane coordinates.
  2. **Control Monuments:** Vertical control monuments shall be placed in or near the centerline of pavement of subdivision streets at a minimum of 1 per 4 acres. Where practical, control monuments shall be placed at points of curvature and points of tangency of curves. The control monument may be poured on the job or be a concrete marker of the type commonly used in the area: at least 3 feet long and tapered with a 12-inch long, ¼-inch diameter brass or bronze rod embedded in the top. Control monuments shall be placed in a cast iron water main valve type box with a cover flush with the pavement.
  3. **Property Marker:** A steel or wrought iron pipe, rebar, or the equivalent, not less than 0.5 inches in diameter and at least 24 inches in length shall be set at all property corners and points of curves, except those located by monuments. They shall be flush with the ground.
  4. **Accuracy:** Land surveys within the city limits shall be Class A surveys, set at an accuracy of at least 1:10000.

## 7.1.5 IMPROVEMENT GUARANTEES

- A. **Types Allowed:** Prior to approval of a Final Subdivision Plat the applicant shall provide a performance guarantee to ensure the completion of required improvements within a period of time as agreed upon by the Administrator and the applicant and expressed in the guarantee. Such guarantee may be in the form of a performance bond, a surety bond, a cash deposit, or a letter of credit. A performance guarantee shall be posted in the amount of 125% of the total cost of improvements.
1. **Performance/Surety Bonds and Letters of Credit:** The performance or surety bond, or letter of credit, shall be in a form acceptable to the city. It shall include a pledge by the bank, insurance company or other bonding/lending institution that the funds necessary to carry out the terms of the agreement are guaranteed for payment and will be released only upon receipt of written instruction from the city.
  2. **Cash Deposits:** If surety is in the form of a cash deposit with the City of Beaufort, proportional parts thereof shall be refundable in relation to progress payments less retainage, subject to approval of the city and subject to a minimum deposit balance of 25% of the project cost.
  3. **Maintenance Guarantees:** If the applicant completes all required improvements and complies with all conditions of the subdivision agreement as determined by the city, the remainder of monies retained by a financial institution or by the city may be released to the applicant or his successor in title. Prior to release, the applicant shall provide the city, prior to the issuance of any building permit, a performance bond, a surety bond, or a cash deposit equal to the amount determined by the city that would ensure the repair of any damage to the existing improvements during the course of any construction, but in no case will the amount of the security be less than \$1,000.00 for each individual building lot. Prior to the issuance of any certificate of occupancy, the city shall determine whether or not any breakage or damage has occurred. If no damage to any off-site improvements has occurred, then the city may release the security to the applicant or his successor

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in title. If damages have occurred, they shall be repaired, or the city may draw on the security before it is released.

### 7.1.6 EASEMENT AND UTILITY STANDARDS

- A. **Multiple installations within easements:** Easements shall be designed to provide efficient installation of utilities. Public utility installations shall be located as to permit multiple installations within the easements. The developer will establish final utility grades prior to utility installations. Public utility easement dedication shall be required with any minor or major subdivision action.
- B. **Underground utilities:** Telephone lines, electric lines, cable television lines and other like utility services shall be placed underground. The applicant or developer shall be responsible for complying with the requirements of this Section and shall make the necessary arrangements including any construction or installation charges with each utility provider for the installation of such underground facilities. Transformers, switching boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground utilities shall be placed underground or on the surface but not on utility poles. Screening or fencing is required subject to approval of the City. Electric transmission and distribution feeder lines and necessary appurtenances thereto may not be placed above ground unless they are carrying greater than 115 kV. Upon approval of the City, such facilities shall be placed within easements or rights-of-way provided for particular facilities.

## 7.2: STREET NETWORK AND DESIGN STANDARDS

### 7.2.1 STREET INFRASTRUCTURE PLANS

- A. **Purpose and Intent:** The Street Infrastructure Plans (in Appendix C) provide diagrams of the city's street network and establishes the ideal alignment, hierarchy and design characteristics - including total right-of-way width, sidewalk and streetscape amenities, parking lanes, travel lanes and other geometric and urban design details - for all existing streets, proposed streets that have been adopted as part of an Official Map, and new potential streets in the City of Beaufort.
- B. **Official Street Network Plan:** Pursuant to the authority of S.C. Code 1976 § 6-7-1210 et seq. (1976), as amended, the City has previously adopted several Official Maps. An Official Street Network Plan is incorporated into this Code in order to represent a composite of these previously-adopted Official Maps.
  - 1. **Purpose:** This plan represents a composite of all Official Maps, to date, in the City. The map designates existing or proposed streets or ways within the City that are targeted for creation, expansion or other improvements. The Official Street Network Plan shall initially consist of a series of four (4) separate maps, included in Appendix C, which shall be deemed a part of the Beaufort Code.
  - 2. **Modification:** The Official Street Network Plan may be modified or supplemented per the procedure for Amendments and Rezoning (Section 9.16). In addition, the maps will be automatically updated as additional Official Maps are approved per the appropriate process required by state law.
- C. **Street Frontage Requirements:** The street sections noted in Appendix C show specific street designs for the purposes of identifying future improvements by both the city and fronting property owners. These sections depict the ideal arrangement and design of street elements.
  - 1. **Applicability:** For any project that is considered part of a Major Subdivision Site Plan, or requires a Certificate of Appropriateness as a Major project type (Section 9.10.2 A.2.), and/or which affects

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one whole block face, the fronting property owner shall install all prescribed streetscape improvements as part of the development project. The installation of street frontage improvements shall be a condition of final plat approval for major subdivisions, and Certificates of Occupancy for Site Plans.

- a. **Exception:** If similar elements as prescribed in the street section exist — e.g., on-street parking, sidewalk, tree plantings — the requirement to install the streetscape element(s) shall be waived if those items meet the intent of the prescribed street section, even if the existing items do not meet the exact requirements of that street section. *Example Scenarios: If a street section prescribes a 5-foot sidewalk, but a 4-foot sidewalk already exists, the existing sidewalk will satisfy the sidewalk requirement. However, if the street section requires a 5-foot planting strip between the curb and the sidewalk, and the 4-foot sidewalk is directly adjacent to the curb, this would not satisfy the intent of the street section and would need to be reconstructed per the prescribed standards.*
2. **Scope of Improvements:** Street frontage improvements shall be installed along the entire frontage of the property, to the centerline of the street, or if a multi-lane street, the affected lane, at the sole cost of the applicant as directed by the Codes Administrator. The Codes Administrator may permit modification of street improvement standards where the required street improvements are not in the opinion of the Codes Administrator, roughly proportionate to the impact, type, scale and cost of the proposed development action.
  - a. Street frontage improvements may include the following: curb, gutter, sidewalk, storm drainage, street lighting, traffic signal equipment, utility installation, extension, or relocation, landscaping strip, street trees and landscaping, irrigation, street widening, pavement overlay or reconstruction, and channelization.
  - b. In addition to required frontage improvements, the applicant shall provide ramps from the new sidewalk or walkway to the existing shoulder, across streets and pavement and channelization tapering back to the existing pavement and channelization as required to address safety concerns.

**D. Dedication of Right-of-Way:**

1. Dedication of Right-of-Way. In the case of a street section adopted as part of an Official Map, where the width of the existing right-of-way is insufficient to install the prescribed street section, the fronting property owner shall be required to reserve the appropriate amount of right-of-way (as measured from the centerline of the existing street). The future right-of-way shall conform to all of the street network requirements of Section 7.2.2. Where a new right-of-way that is not shown in the street regulating plan, is required as part of a new development, it shall be designed with appropriate elements based on its proposed location and zoning district. (See Appendix C).
  - a. In the case of a street section that is not part of an Official Map, where the width of the existing right-of-way is insufficient to install the prescribed street section, the property owner shall reserve the appropriate amount of right-of-way to complete the desired street section. If the owner dedicates and installs the complete right-of-way, the cost of the improvements may be compensated - see Section 7.2.1 E.
  - b. Where a future right-of-way is identified on an Official Map, and thus represented on the Official Street Network Plan— these are indicated as "New Adopted Streets" — new development shall reserve this area for the new street in the future. If access is needed to the site in that location, the street shall be constructed in the general location shown.
  - c. Exceptions and Alternatives:
    - i. Where available right-of-way — due to existing structures and topographic conditions limited to wetlands, specimen and landmark trees, — do not functionally permit the

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full section to be constructed, the Administrator may adjust the required street section.

- E. **Compensation:** When a project is required to make off-site improvements within the existing right-of-way, dedicate and/or improve a street with insufficient right-of-way, or install a new street (be it public or private) per the requirements in Section C. above, compensation may be available. To the extent that the City has the authority and the ability, the Traffic Impact fee for the project shall be reduced by the assessed value of the dedicated land and/or construction cost of the right-of-way improvement. This may be done either as a direct reduction, rebate, or reimbursement of fees. (Ord. No. O-14-23, 9-26-2023)

## 7.2.2 STREET NETWORK REQUIREMENTS

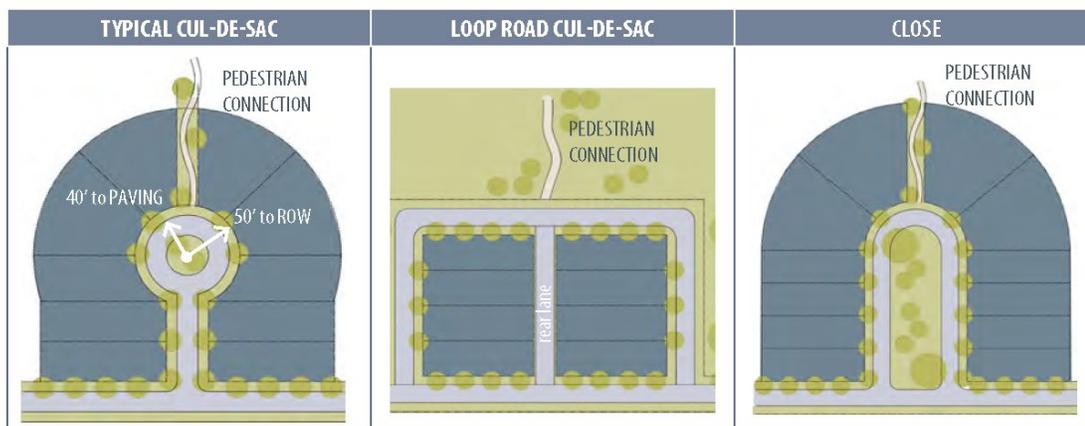
- A. **Continuation of Adjoining Street System:** The proposed street layout shall be coordinated with the street system of the surrounding area to form an interconnected street pattern, formalized by a platted public access easement. Adequate street connectivity shall be assessed by the TRC, based on the ability of the proposed alignments to:
  - 1. Permit multiple routes between origin and destination points;
  - 2. Diffuse traffic; and
  - 3. Shorten walking distances.
- B. **Block Sizes:** Blocks shall be compact so that they are comfortably walkable and appropriate for their context.
  - 1. In T3-S zones, block sizes are flexible, but the perimeter shall not exceed 2,640 linear feet (½ mile). An average block perimeter less than 2,000 feet is preferred.
  - 2. In T3-N zones, block sizes are flexible, but the perimeter shall not exceed 1,700 linear feet (⅓ mile). An average block perimeter less than 1,500 feet is preferred.
  - 3. In T4, T5 and RMX zones, blocks shall be no more than 400 feet on any side. An average block length of 250—300 feet is preferred. The block perimeter shall not exceed 1,320 linear feet (¼-mile).
  - 4. Exceptions may be made for natural elements such as wetlands, trees, topography, and cultural resources, to be incorporated into the site design.
- C. **Street Stubs:** New developments shall connect to any existing street stubs from adjacent properties and stub to all adjacent properties.
  - 1. **Exemptions:** Street stubs shall not be required where the Planning Commission finds the conditions listed below would prevent connections:
    - a. Topographical conditions (pre-development slopes of 18% or greater).
    - b. Environmental conditions (marshes, floodplains, specimen and landmark trees, etc.).
    - c. Property shape.
    - d. Property accessibility (existing platted subdivision with no stubs).
    - e. Incompatible adjacent land uses.
  - 2. **Location:** Where multiple connection opportunities exist, street stub connections shall be prioritized in the site design as follows:

- a. Adjacent parcels 20 acres or greater in size.
- b. Adjacent parcels that abut or are traversed by existing or proposed streets.
- c. Where the Street Network Diagram recommends a street connection (indicated as a proposed street).

3. **Design:**

- a. Stub streets and streets intended for extension during future phases shall be constructed to extend to the property line for constructability to adjoining property.
- b. Stub streets shall not exceed 150 feet in length without a paved turnaround (permanent or temporary).
- c. **Disclosure:** The Final Subdivision Plat shall be recorded depicting that future connection is required at any stub streets and streets intended for extension during future phases. A clearly visible street sign shall be erected at the end of the stub street stating that the street is planned to connect to a future street.

D. **Cul-de-sacs and Dead-end Streets:** Dead-end streets and cul-de-sacs are prohibited, except for only the T-3 and LI zoning districts, where cul-de-sacs or other turn-arounds may be approved by the Planning Commission. Compliance with the following standards must be met in all circumstances:



1. Permanent dead-end streets shall be no longer than 300 feet and shall be provided with a turnaround such as a cul-de-sac or close.
2. Temporary dead-end streets shall be provided with a temporary turnaround area which shall be designed considering traffic usage, maintenance, and removal.
3. Alternative design solutions, such as a close (first preference), or a loop road cul-de-sac (second preference) are preferable to a typical cul-de-sac.
4. Cul-de-sacs shall have a minimum right-of-way radius of 50 feet and minimum paved radius of 40 feet. When ample radii exist, cul-de-sacs shall contain a central planted median.
5. Whenever cul-de-sac roads are created, at least one pedestrian access easement shall be provided, to the extent practicable, between each cul-de-sac head or road turnaround and the sidewalk system of the closest adjacent road or pedestrian pathway. The access easement shall be direct with a minimum width of 12 feet.

- E. **Gated Streets:** New gated streets are prohibited.
  1. Exceptions: They may be permitted, at the discretion of the Planning Commission, in T3-S zoning districts where connection to the existing street grid is not practicable due to topography or existing surrounding conditions.
  2. They may be permitted by the Planning Commission when the access proposed to be gated is an alley or rear lane and is not the primary building frontage.
- F. **Street Naming and Renaming:** Proposed Street names and number systems will be reviewed by the administrator and the Beaufort County Emergency Management Department. No duplicate/similar names are allowed, as determined by these agencies.
- G. **Reserved Strips Prohibited:** Reserved strips at the terminus of a new street shall be prohibited.

### 7.2.3 LOT ACCESS STANDARDS

- A. **Applicability:** Any development that requires an access point (rear alley/lane or driveway) for purposes of ingress and/or egress shall be subject to the provisions of this section. All new accesses must be approved by the appropriate permitting authority. Access points may not be installed on undeveloped property less than 2 acres.
- B. **Maximum Number:** For single-family and two- and three-family dwellings, only one driveway shall be permitted per lot. In T3-S, circular driveways may be permitted on lots greater than 100 feet in width, where no sidewalk exists. Driveways may only be installed when rear access is not possible or required. For double frontage lots, one curb cut per street may be permitted. For all other building types, the maximum number of driveways allowed for any property is outlined in the table below.

FRONTAGE WIDTH	MAXIMUM PERMITTED DRIVEWAYS (CURB CUTS) PER STREET FRONTAGE
up to 150 feet	1
150 feet or more	2 - Additional driveways (in excess of 2) shall be permitted only after the applicant successfully demonstrates the necessity for such additional driveways, as determined by the appropriate Design Review Body. Along arterial roads and thoroughfares, such additional driveways shall be "right-in, right-out" driveways only.

- C. **Location and Spacing:**
  1. **Street Intersection:** No curb or other access point shall be located closer than:
    - a. 20 feet from the intersecting point of the 2 street right-of-way property lines involved (or such lines extended in case of a rounded corner);
    - b. 25 feet from the intersection of the 2 curb lines involved (or such lines extended in case of a rounded corner), whichever is the least restrictive.
  2. **Spacing:** All access points shall have a minimum separation from certain features as follows:

FEATURE	MINIMUM SEPARATION <sup>1</sup>
Adjacent Property Line (does not apply to shared or joint-use driveways)	0 ft
Another Curb Cut (driveway or street intersection) on all roads except Major Thoroughfares	25 ft
Major Thoroughfares — defined as streets with the Street Section designation of Major Thoroughfare, or the Robert Smalls Parkway, Sea Island Parkway/Lady's Island Drive, or Boundary Street Specific Street Section — Another Curb Cut (driveway or street intersection)	Depends on Posted Speed Limit
< 35 mph	100 ft
35 mph	200 ft
40 mph	250 ft
45 mph <sup>2</sup>	300 ft
50 mph <sup>2</sup>	400 ft
55+ mph <sup>2</sup>	500 ft
<sup>1</sup> Minimum separation is measured from centerline	
<sup>2</sup> On Robert Smalls Parkway (Hwy 170) west of Parris Island Gateway, a minimum of 500 ft. separation distance is required	

3. **Corner Lots:** Access points on corner lots shall be from the side (or secondary) street, unless a shared curb cut on the main thoroughfare is existing or proposed.
4. **Access to Lots from Major Thoroughfares:** Driveways serving individual residential lots shall not have direct access onto streets identified as Major Thoroughfares — as identified on the second row of the chart in Section 7.2.3 C.2. — unless no alternative means of access, such as alleys or parallel access roads, exists, and it is unreasonable or impractical to require an alternative means of access.
5. **Shared Access:** See Section 5.7.7 C.
6. **Rear Access Required/No Front Access:** For lots developed in the transect zones of T-3N, T-4, T-5 UC, all new access points shall be from a rear alley and/or road, except for lots within the historic district. Exemptions to allow front loaded access points where connection to the existing street grid is not practicable due to topography or existing surrounding conditions shall be at discretion of the Planning Commission with approval of major subdivisions, and the Codes Administrator for individual lots.

**D. Size:**

1. **Alleys:** Alley pavement width may be a maximum of 24 feet wide for two-way traffic and 16 feet wide for one-way traffic. For more design standards, see Appendix C.
2. **Driveways:**
  - a. Driveways for single-family and 2- and 3-family uses may not exceed 12 feet wide, except in T3-S district, where they may be a maximum of 20 feet wide.
  - b. **Tandem Parking:** Tandem parking is allowed in all zones for all residential uses if:
    - i. Both tandem parking spaces satisfy the parking requirement of one residential unit; and

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- ii. Neither of the tandem parking spaces shall be for required accessible parking spaces.
      - c. Driveways to other uses and parking areas shall not exceed 24 feet in width for 2-way drives or 12 feet in width for one-way drives, except those with turn lanes required by the city or SCDOT.
  - E. **Access to Lots from Alleys/Rear Lanes:**
    - 1. **Specific to T3-N, T4, and T5 districts:** Alleys/rear lanes shall be provided along the rear property lines of lots as follows:
      - a. In new subdivisions greater than 1 acre, alleys shall be provided for newly created lots that meet any of the following criteria:
        - i. The lots are part of a block face with an average lot width of 60 feet or less at the building setback line (excluding lots on cul-de-sacs).
        - ii. The lots are arranged around a Common Open Space.
        - iii. The lots front a collector or arterial road, regardless of the average lot width.
        - iv. The lots are intended for multi-family dwellings and/or mixed-use buildings.
      - b. In infill situations, the same standards apply as specified above, but only for developments that include 4 or more contiguous lots, where one lot is a corner lot. In the Historic District, the standards apply only to the Beaufort Conservation District; the requirement may be waived at the discretion of the Historic Review Board.
  - F. **Specific to Commercial Developments and Subdivisions:**
    - 1. **Out-parcels:** Out-parcels for shopping, office, or industrial centers shall be limited to internal access to the center, unless otherwise approved as part of a master development plan. All driveways shall be paved from the road to the property line.
    - 2. **Abandoned Driveways:** Abandoned driveways (i.e., curb cuts that are no longer used for vehicular access and are physically blocked by structures) shall be closed, and the area shall be restored to the typical cross section of the right-of-way.

## 7.2.4 STREET DESIGN STANDARDS

- A. **Street Section Design:** The elements and widths of all proposed streets shall be in conformity with the appropriate street section designated in the Street Regulating Plan (Section 7.2.1 and Appendix C).
- B. **Traffic Control and Signs:** The type and location of traffic control devices used on City streets must be approved by City Staff, and traffic control on private Streets shall be included and approved as part of the major subdivision or site plan. Traffic signals should be used where warranted, but alternate traffic control such as roundabouts should be considered first. When it can be shown that a particular zoning action, master plan, or development plan impacts the street system to a point that a traffic signal is warranted according to Manual on Uniform Traffic Control Devices (MUTCD) and approved by City Staff, the developer shall be responsible for all or a portion of the signal installation.
- C. **Sidewalks/Multi-use Paths:** Where required per the Street Section in Appendix C, all sidewalks or multi-use paths must be constructed concurrently with the street, or, if the street is already constructed, prior to acceptance of any improvements. Exceptions to, the requirement to install a sidewalk may be granted by the Planning Commission if:
  - 1. Alternative pedestrian paths/bikeways have been or will be provided outside of the normal right-of-way.

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- 2. There are unusual topographic, vegetative, or other natural conditions to the extent that strict adherence to said requirements would be unreasonable and not consistent with the purposes and goals of this Code.
  - D. **Utility Easements:** Utility easements which require a width of 8 feet or larger shall be located in rear alleys or along the side or rear lot lines. Special permission to install utility easements in other locations may be requested by the utility companies and is subject to approval by the appropriate Design Review Body.
  - E. **Special Consideration to Protected Resources and other Natural Features:** Street layout and design shall give additional consideration to preserving protected resources and enabling natural areas to be protected or minimally disturbed. Where streets are built in areas that have protected resources or natural features, all utilities shall be placed within the street right-of-way and under the street in order to avoid additional destruction of the natural features.

### 7.2.5 STREET TREE PLANTING REQUIREMENTS

- A. **Planting Areas:** Planting strips and tree wells shall be established in accordance with the width and plantings designated in the appropriate Street Section of the Street Regulating Plan (7.2.1 and Appendix C).
- B. **Location and Number:** Street trees shall be planted in the location and per the spacing specified for the corresponding street classification in Appendix C. However, in specific cases, where due to the location of utilities or other site constraints exist, the Planning Commission may allow street trees to be planted on private property adjacent to the right-of-way.
- C. **Tree Species:** Overstory and understory trees as prescribed in this section reference Appendix A.2 (Recommended Trees and Shrubs).
- D. **Minimum Tree Size:** At the time of planting, young trees should be 2.5 inch caliper, with the lower side of the crown a minimum of 6 feet above grade to avoid hazards to pedestrians.

## 7.3: STREET ENGINEERING STANDARDS

### 7.3.1 STREET DESIGN, CERTIFICATION, AND CONSTRUCTION SPECIFICATIONS

- A. **Design Drawings and Certification:** Professional engineers, registered in the state, shall prepare plans, profiles, cross sections, and specifications for all subdivision roads and streets. The engineers shall certify roads/streets are built to comply with the approved plans and specifications. Cross sections shall be developed every 100 feet at intersections and break points in grade. Cross sections shall show the complete rights-of-way including travel lanes, shoulders, ditches, curb and gutter, and sidewalks and utility locations, as applicable.
- B. **Construction Specifications for Paved Streets:** Street construction specifications for paved streets shall be in compliance with the South Carolina Department of Transportation Standards.

### 7.3.2 TRAFFIC IMPACT ANALYSIS

- A. **Applicability:** A "traffic impact analysis" (TIA) shall be required for any development that is shown — in the most recent Institute of Transportation Engineers (ITE) Trip Generation Manual or any alternative, approved at the discretion of the Planning Commission or the TRC, or by the engineering department — to generate more than 50 trips during the peak hour on the adjacent street(s).

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1. A second phase, second subdivision, or addition that generates traffic beyond this threshold when taken as a whole shall also require a TIA, even though that development does not qualify on its own.
  2. A use shall not be changed without conducting a new TIA if the new use would generate traffic beyond the 50 trips during peak hour threshold above. The Planning Commission may waive this requirement.
  3. **Exception:** Development — except for Educational Facilities with greater than 100 students — on lots included in the Boundary Street Master Plan, adopted on August 28, 2006, and lots in the area bounded by Calhoun Street, Carteret Street, Bay Street, and Ribaut Road, and lots zoned Limited Industrial (LI), shall not be subject to the requirements of this section.
- B. Traffic Access Management Analysis:** As part of the TIA process, the proposed development shall have an "access analysis" undertaken by the administrator to ensure that sufficient access to all proposed developments and subdivisions is achieved.
1. The standards in the South Carolina Department of Transportation's "Access and Roadside Management Standards Manual" (a.k.a. ARMS Manual) shall serve as a guide for this analysis, which shall include identification of the following:
    - a. Access improvements that the applicant must install at his or her expense, such as deceleration lanes;
    - b. The location of any curb cuts based on, but not limited to, sight distances, existing roadway infrastructure, opposing driveways locations, and shared access;
    - c. Requirements for adequate driveway design, including, but not limited to, turning radius and stacking distance.
  2. The access requirements approved by the Planning Commission or the TRC shall be incorporated on development or subdivision plans prior to their approval.
  3. If an applicant is required to provide site-related traffic improvements, the cost of implementing such improvements shall be borne by the applicant, and no such costs shall be eligible for a credit or offset from any transportation impact fees unless specifically permitted by the Development Fee Procedures - Beaufort County Code of Ordinances, Chapter 82, Article VII or most recent version.
- C. Traffic Impact Analysis Plan Preparation:**
1. The TIA shall be conducted by an engineer registered in South Carolina who is experienced in the conduct of traffic analysis.
  2. Prior to beginning the TIA, the applicant shall supply the city with the following:
    - a. A written narrative describing the proposed land use(s), size, and projected opening date of the project and all subsequent phases.
    - b. A site location map showing surrounding development within a one-half mile of the property under development consideration.
    - c. A proposed site plan or preliminary subdivision plat illustrating access to public or private roads and connectivity to other contiguous developments.
  3. Prior to beginning the TIA, the applicant shall receive, in writing, the parameters to be followed in the study, including the directional split of driveway traffic, trip distribution, background traffic growth rate, previously approved but not completed projects, and the intersections to be analyzed, along with any associated turning movement counts that are available or discussed and approved by the TRC.

4. To review the TIA, the Planning Commission and TRC will require current trip generation information, available information on land use, travel patterns, and traffic conditions, and shall consult with the SCDOT.

**D. Plan Contents:**

<b>Background information</b>	<b>Requirement</b>
List of all nonexistent transportation improvements assumed in the analysis	Required
Map of site location, description of the parcel, general terrain features, and location within the jurisdiction and region.	Required
Description of geographic scope/ limits of study area.	Within half mile/2,640 feet of site and any roadway on which 50 or more of the new peak hour vehicle trips generated by the proposal are distributed.  At the discretion of the TRC or Planning Commission, a larger study area may be required.
Plan at an engineering scale of the existing and proposed site uses.	Required
Description and map or diagram of nearby uses, including parcel zoning.	Required
Description and map or diagram of existing roadways.	Required
<b>Analysis of Existing Conditions</b>	
Collected daily and peak hour of the generator traffic volumes, tabulated and presented on diagrams with counts provided in an appendix.	Required
Analyses for intersections and roadways identified by SCDOT. Delay and Level of Service (LOS) are tabulated and LOS is presented on diagrams for each lane group.	Required
When the type of development proposed would indicate significant potential for walking, bike or transit trips either on - or off - site, analyses of pedestrian and bicycle facilities, and bus route or routes and segment or segments, tabulated and presented on diagrams, if facilities or routes exist.	Within half mile/2,640 feet of site and any roadway on which 50 or more of the new peak hour vehicle trips generated by the proposal are distributed –  At the discretion of the TRC or Planning Commission, a larger study area may be required.

Incorporation of all Traffic Impact Analysis studies and Trip Generation from approved developments or vested unbuilt developments within mile radius at time of proposal.	Required (submitted for any jurisdiction, including the Town of Port Royal, and County of Beaufort)
Speed Study	If requested by City
Crash history near site	If requested by City
Sight distance	If requested by City
<b>Analysis of Future Conditions without Development</b>	
Description of and justification for the method and assumptions used to forecast future traffic volumes.	Required
Analyses for intersections and roadways as identified by SCDOT. Delay and Level of Service (LOS) are tabulated and LOS is presented on diagrams for each lane group.	Required
When the type of development proposed would indicate significant potential for walking, bike or transit trips either on - or off - site, analyses of pedestrian and bicycle facilities, and bus route or routes and segment or segments tabulated and presented on diagrams, if facilities or routes exist or are planned.	Within half mile/2,640 feet of site and any roadway on which 50 or more of the new peak hour vehicle trips generated by the proposal are distributed.  At the discretion of the TRC or Planning Commission, a larger study area may be required.
<b>Trip Generation</b>	
Site trip generation, with tabulated data, broken out by analysis year for multi- phase developments, and including justification for deviations from ITE rates, if appropriate.	Required
Description and justification of internal capture reductions for mixed use developments and pass-by trip reductions, if appropriate, including table of calculations used.	Required

1. **Phased Developments:** All phases of a development are subject to review, and all traffic plans for the entire development shall be integrated with the overall traffic analysis. A TIA for a specific phase of development shall be applicable to the phase of development under immediate review. However, each phase of development shall expand and provide detailed analysis at the development plan stage beyond the estimates provided for at the concept plan or master plan stage.
2. **Infrastructure Analysis:** The adequacy of the roads that the development will be accessed from shall be assessed in the TIA. Recommendations for improvements shall be made. The relative share

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of the capacity created shall be broken down as follows: development share, other developments' share, any existing overcapacity, and capacity available for future growth.

**3. Required Elements of the TIA:**

- a. A site plan or subdivision plat identifying accesses to and from existing or proposed streets and intersections, along with all opposing intersections across adjacent streets.
- b. Description of the proposed development, including the type and intensity of proposed land use(s) including, but not limited to: the number of residential units by type, the number of existing and proposed lots, the type of proposed nonresidential development and the amount of such development measured by gross floor area or other appropriate unit of measurement, the general size and type of accessory development or facilities, and, for nonresidential development, adequate information to identify the appropriate land use category for trip generation.
- c. Projected vehicular trips to and from the completed development during a.m. and p.m. peak hour — trip rates shall be taken from ITE Manual or alternatively, an applicant may elect to perform, at his own expense, a "trip generation study" which may be submitted as part of the traffic impact analysis plan. Such trip generation study shall be subject to the review and verification of the TRC and engineer. For proposed uses not specifically listed in the ITE Manual, and for which a trip generation study has not been performed, the designated engineer(s) shall determine the most appropriate trip generation rate. The TRC shall make the determination of the appropriate trip generation rate, from whatever the source. The percentage of pass-by trips, if used in the plan, shall be included, as well as the source of this information.
- d. A written narrative setting forth the assumptions upon which any projection was made in developing the traffic impact analysis plan shall be included in the analysis. If the assumptions are derived from the ITE Manual, the materials shall be referenced and properly cited. If the assumptions are not from the ITE Manual, appropriate excerpts from other reliable transportation planning resources shall be included in the study, and reasons underlying the assumptions shall be stated in the narrative.
- e. The TIA shall review access to the site. The adequacy of the entrance design shall be evaluated, and recommendations made on acceleration and deceleration lanes, left-turn lanes, or signalizations shall be part of the TIA. Educational facilities shall include pick-up and drop-off plans and analysis of the impact on the surrounding streets and intersections.
- f. The TIA shall review the number and types of curb cuts that are permitted. In particular, the TIA shall assess the connection of the property to adjoining properties. Where the use, scale of development, or size of adjoining properties is such that trips would be anticipated between the proposed use and the other properties, the TIA shall make recommendation on interconnections. The TIA shall recommend interconnections to provide a smooth flow of traffic between uses along arterials and collector roads to ensure that as much traffic as possible uses secondary roads, rather than major roads, for short trips.
- g. The TIA shall be based on intersection analysis procedures for signalized intersections as identified in the most current edition transportation research board's highway capacity manual, and/or the last update that analyses and emulates these procedures by means of computer software, if available. The results of any required analysis/computer analysis shall, at a minimum, indicate compliance or variance from the Traffic Goals (Section 7.3.3 M).
- h. The intersections that must be analyzed in the study are identified as:

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- i. Any intersection that serves as a development's point of access. This will include intersections of public and/or private roads with major arterials, and driveways offering direct access.
  - ii. The first major intersection as identified by the city engineer on both side of the development's point of access.
  - iii. Other intersections on major arterials if development generates more than 50 a.m. or p.m. peak hour trips to that intersection, or if the intersection's level of service or demand is significantly impacted by site related traffic.
  - iv. Unsignalized intersections and access drives — these shall be considered if development impacts are anticipated. The plan must include the results of an analysis of the operating conditions of critical intersections and/or all intersections identified in the concept plan. The analysis shall reflect the projected condition of these intersections and movements, based on the scheduled opening date of the development. Other phases of the development, if they can be reasonably determined, shall be considered as well.
- E. **Mitigation Plan Required:** If the initial analysis indicates that the city's adopted Traffic Service Level Goals (Section 7.3.2 M.) will not be met, a mitigation plan must be prepared, based on additional analysis. The mitigation plan must show how the city's Traffic Service Level Goals are addressed as mitigated. Applicants will be responsible for mitigating the traffic impacts at any intersection affected by a proposed development.
1. If a traffic signal is recommended, the TIA shall provide information that:
    - a. Clearly indicates the need for a traffic signal.
    - b. Assesses the ability of other existing, planned, or proposed public roads to accommodate the new traffic at a location other than the main highway in the vicinity of the proposed development.
    - c. Describes in detail how a specific development will affect the study area transportation system.
    - d. Provides documentation of appropriate South Carolina Manual of Uniform Traffic Control Devices signal warrant satisfaction.
    - e. Gives design geometry of the private road that is consistent with that of public road intersections, including curbs, appropriate lane widths, pavement markings, and vertical alignment. Other roadway factors to be considered include, but are not limited to, speed, type of highway, grades, sight distance, existing level of service, conflicting accesses, and the effect of future traffic signal systems.
    - f. Provides an approach-throat length for the road to ensure the movement of vehicles entering the site will not be impeded by conditions within the development and ensure that all signal-spacing requirements are adequately met.
  2. The desirable spacing of signalized intersections on principal arterials is the SCDOT, county, or city standards. The TRC may recommend to SCDOT the installation of a traffic signal at locations where, using SCDOT standards, spacing is inappropriate due to topography, existing or proposed road layout, documented accident history, unique physical constraints, existing or proposed land use patterns, or requirements to achieve specific objectives for highway segment designations, as shown in any locally adopted land use or transportation plan, approved city or county transportation plan, or approved transportation policy.

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3. Signal spacing concerns may be ameliorated in the following ways:
    - a. A proposed private road that may otherwise be considered for the installation of a traffic signal may be replaced by an on-site route or a frontage road that directs traffic to or from a nearby public road.
    - b. A private road that is being considered for traffic signal installation may be required to connect to the existing or planned local road system to allow uses of surrounding properties.
    - c. An existing or proposed intersection may be relocated.
    - d. A shared private road may be required to serve the needs of the multiple properties.
  4. A traffic signal progression analysis is required if the proposed location is closer than the SCDOT standards, given the presence of existing signals or the possible existence of identified future signals proposed as part of a highway signal system. A traffic signal progression analysis for all new, revised, or planned traffic signal systems on state highways shall be performed using methods, models, computer software, data sources, roadway segment length, and assumptions approved by the TRC. The roadway segment, analyzed to the extent possible, shall include all traffic signals in the existing or future traffic signal system. The progression analysis shall:
    - a. Demonstrate acceptable existing and future traffic signal systems operation that may include the morning peak, evening peak, midday period, and other appropriate time period during any day of the week, adjusted for peak season, for cycle lengths and travel speeds approved by the TRC.
    - b. Provide for a progressed traffic band speed no more than 5 mph (8 km/h) below the existing posted speed for both directions of travel during the off-peak periods, nor more than 10 mph (16 km/h) below the existing posted speed during peak periods. Approval by the TRC is required where speeds deviate more than the above.
    - c. Demonstrate that sufficient vehicle storage is available at all locations within the traffic signal system without encroaching on the functional boundaries of adjacent lanes and signalized intersections. The functional boundary of an intersection shall be determined in discussion with the TRC, based on existing or projected conditions.
    - d. Provide a common cycle length with adequate pedestrian crossing times at all signalized intersections.
    - e. Provide a progression bandwidth as large as that required, or as presently exists, for through traffic on the federal or state highway at the most critical intersection within the roadway segment. The most critical intersection is the intersection carrying the highest through volume per lane.
  5. The traffic signal progression analysis shall be supplemented by a traffic engineering report that also considers highway capacity and safety of the roadway segment under consideration. Traffic volumes, intersection geometry, and lane balance, considered at all locations, shall be appropriate for the present and identified future conditions, which are usually considered to include the year of completion, and 5 years into the future.
- F. **Summary:** A clear and concise summary of recommended improvements that can serve as an executive summary is required.
- G. **TIA Review:** The TRC shall review all TIAs as part of the applicable Design Review phase —. Final TIAs shall be approved prior to the applicant submitting a Project Permit application (Section 9.5).

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- H. **Application:** A TIA shall be submitted to the TRC. Coordination with other entities in the county government or South Carolina Department of Transportation (SCDOT) shall be the responsibility of the city.
  - I. **Completeness:** The Planning Commission and/or TRC shall determine whether a TIA is complete. Thorough and complete TIAs are the responsibility of the applicant. Failure by the applicant to provide a complete TIA may result in review delays for their plat or plan.
  - J. **Action on TIA:** The TRC must first approve the TIA in regard to completeness and accuracy. Following review of the required impact analysis plan, TRC shall recommend to the Planning Commission action as follows:
    - 1. Approval of the TIA as submitted;
    - 2. Approval of the TIA with conditions or modifications as part of the development review and approval process. An acceptable TIA with traffic mitigation measures may include the reduction of the density or intensity of the proposed development, phasing of the proposed development to coincide with state and/or county-programmed transportation improvements, applicant-provided transportation improvements, fees in lieu of construction, or any other reasonable measures to ensure that the adopted traffic service-level goals are met. If mitigation is required, it shall be required as a condition of any approval from the city.
  - K. **Timing of Implementation:** If a traffic mitigation program is part of an approved TIA, the developer may be required to place a performance bond on all traffic mitigation improvements required as a result of his project. This requirement may arise if the timing of the improvements needs to be synchronized with other scheduled improvements anticipated for the area.
  - L. **Responsibility for Costs of Improvements:** The costs of implementation of an approved mitigation program shall be the responsibility of the applicant. No certificates of zoning compliance or building permits shall be issued unless provisions of the TIA are met.
  - M. **Traffic Service Level Goals:** The average stop time delay in seconds per vehicle for each intersection determined to be critical to the TIA for the proposed development shall be compared to the city's traffic service level goal of "D" for the average delay for all vehicles at any signalized intersection during the a.m. and p.m. peak hours.

## 7.4: COMMUNITY GREEN SPACE AND COMMUNITY OPEN SPACE

### 7.4.1 PURPOSE AND INTENT

- A. **Intent:** Community Green Space and Community Open Space is intended for the use and enjoyment of a development's residents, employees, or users. These spaces serve to preserve natural areas, ensure access to open areas and recreation, reduce the heat island effect, enhance stormwater quality, and provide community health benefits. Community Green Space and Community Open Spaces are not, by definition, required to be deeded or to be granted via easement to any public entity or municipality. See Section 7.4.5 for ownership information.
- B. **Purpose:** The purpose of this section is to provide a set of Community Green Space and Community Open Space types and their associated standards to use within all districts. Community Green Space and Community Open Space types in this section are distinct from those areas that are environmentally sensitive and must be otherwise protected as regulated through Article 8 (Environmental Protection).
- C. **Applicability:** See Section 7.1.2.

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- D. **Community Green Space Definition:** an area of grass, trees, parks, trails or multi-use pathways, or other vegetation set apart for recreational or aesthetic purposes within a development. It can be privately or publicly owned.
  - E. **Community Open Space Definition:** Open space is land or water that is undeveloped and not used for residential, commercial, industrial, or institutional purposes. It can be privately or publicly owned, and can include areas like forests, farms, parks, and coastal lands.

#### **7.4.2 COMMUNITY GREEN SPACE AND COMMUNITY OPEN SPACE REQUIREMENT**

- A. **Minimum Requirements:** Development in all districts shall preserve the minimum amounts of Community Green Space and Open Space as identified below:

*(see following page)*

OPEN/CIVIC SPACE REQUIREMENT											
SIZE	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	IC	LI	MHP <sup>1</sup>
Less than 3 acres	See footnote (3)										
3 acres—10 acres	50%	20%	15%	exempt	10%	exempt	10%	10%	15%	exempt	
10 acres—15 acres	50%	20%	15%	exempt	10%	exempt	10%	15%	20%	exempt	10%
15 acres—40 acres	50%	20%	15%	n/a	15%	exempt	15%	20%	20%	exempt	10%
Greater than 40 acres	50%	25%	20%	n/a	20%	exempt	20%	25%	25%	exempt	10%

<sup>1</sup> Each Manufactured Home Park shall have a minimum total area of 2,500 square feet set aside for common recreational open space, or at least 100 square feet of space for each mobile home lot, whichever is greater.

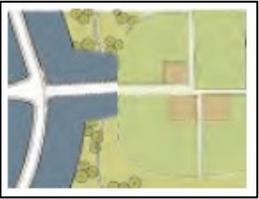
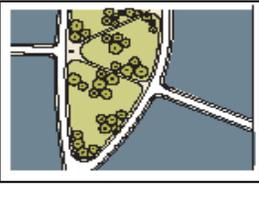
<sup>2</sup> Specific to TND Overlay Projects: The open space requirement may be calculated comprehensively or by specific Transect zones. The requirements of 2.8.3.G.2.c must be met in addition to the requirements of this table.

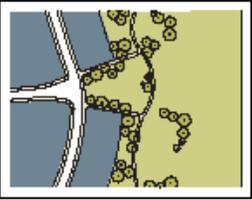
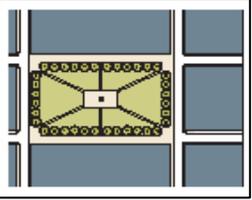
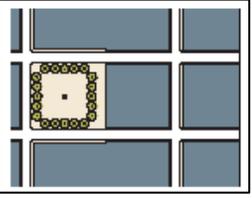
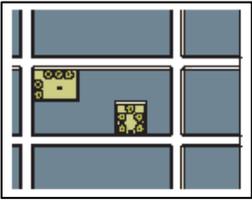
<sup>3</sup> For properties less than 3 acres, community green space and community open space shall be at the discretion of the approving authority (i.e.) Codes Administrator or Planning Commission.

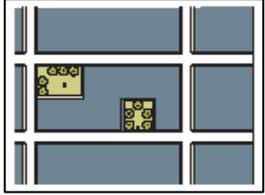
- B. **Areas to be Included in Community Green Space and Community Open Space Calculations:** The features and areas identified in Section 7.4.3 shall be credited towards the open space requirements for the purposes of complying with this article.
- C. **Areas not to be Included in Community Green Space and Community Open Space Calculations:** The following areas shall not be counted toward open space requirements:
1. Private yards which are not subject to an open space or conservation easement.
  2. Public road rights-of-way or private street easements, including sidewalks located within those rights-of-way or easements.
  3. Open parking areas and driveways for dwellings.
  4. Land covered by structures not designated for active recreational uses.
  5. Designated outdoor storage areas.

### 7.4.3 COMMUNITY GREEN SPACE AND COMMUNITY OPEN SPACE TYPES

The majority of Community Green Space and Community Open Space shall conform to one of the eight (8) types in the table below. If 75% or more of the types listed below are utilized for required open space, a 20% increase in number of dwelling units is permitted.

CIVIC/ OPEN SPACE TYPE	DIAGRAM	DESCRIPTION	PERMITTED DISTRICTS	SERVICE AREA/ SIZE	CHARACTER	TYPICAL FACILITIES
<b>Regional Park/Natural Preserve</b>		A natural preserve that is available for unstructured recreation. It may contain small civic buildings and areas of structured activity, but is primarily left natural. These areas may include forests as well as wetlands and regional retention areas if they are treated as amenities (e.g. Port Royal's Cypress Wetlands).	T1	Regional Min: 200 acres* Max: None *Natural preserves with no structured activity have no minimum size.	Frontage: Independent Disposition: Natural, formal or informal	Passive and active recreation, drinking fountains, Community facility < 7,500 gross square feet, paths and trails
<b>Sport Complex</b>		An open space that consolidates heavily programmed athletic fields and associated facilities.	T1, IC, RMX	Regional Min: 25 acres Max: None	Frontage: Independent Disposition: Formal or informal	Passive and active recreation, drinking fountains, community facility < 7,500 gross square feet, paths and trails
<b>Community Park</b>		An open space that is available for unstructured recreation and a limited amount of structured recreation. It may contain a limited amount of athletic fields.	T3, T4, T5, RMX, IC	Multiple Neighborhoods Min: 8 acres Max: None	Frontage: Independent Disposition: Informal	Passive and active recreation, drinking fountains, community facility < 5,000 gross square feet, paths and trails

CIVIC/ OPEN SPACE TYPE	DIAGRAM	DESCRIPTION	PERMITTED DISTRICTS	SERVICE AREA/ SIZE	CHARACTER	TYPICAL FACILITIES
<b>Greenway</b>		A linear open space that may follow natural corridors, a greenway provides unstructured and limited amounts of structured recreation.	T1, T3, T4, T5, RMX, IC	Multiple Neighborhoods Min: 8 acres or 1 mile Max: None	Frontage: Independent or building Disposition: Natural or informal	Passive and active recreation, drinking fountains, community facility < 5,000 gross square feet, paths and trails
<b>Square/Green</b>		An open space that is available for civic purposes, unstructured, and limited amounts of structured recreation. It can be located along waterfronts.	T3, T4, T5, RMX, IC	Neighborhood Min: 0.5 acres Max: 5 acres	Frontage: Building Disposition: Formal	Passive and active (unstructured or structured) recreation, accessory structure, drinking fountains, community facility < 5,000 gross square feet, paths and trails
<b>Plaza</b>		A formal open space available for civic purposes and commercial activities, a plaza is typically hardscaped and can be located along waterfronts.	T4, T5, RMX, IC	Neighborhood Min: 0.5 acres Max: 2.5 acres	Frontage: Building Disposition: Formal	Passive recreation, accessory structure, drinking fountains, paths and trails
<b>Pocket Park/Pocket Plaza</b>		An open space that is available for informal activities in close proximity to neighborhood residences. Pocket plazas are usually paved.	T3, T4, T5, IC, RMX	Neighborhood Min: 4,000 square feet Max: 0.5 acre	Frontage: Building Disposition: Formal or informal	Passive recreation, accessory structure, drinking fountains, paths and trails

CIVIC/ OPEN SPACE TYPE	DIAGRAM	DESCRIPTION	PERMITTED DISTRICTS	SERVICE AREA/ SIZE	CHARACTER	TYPICAL FACILITIES
<b>Playground</b>		An open space designed and equipped for the recreation of children. A playground may be fenced and may include an open shelter. Playgrounds may be included within other civic spaces.	T3, T4, T5, IC, RMX	Neighborhood Min: None Max: None	Frontage: Independent or building Disposition: Formal or informal	Accessory structure, drinking fountains, paths and trails
<p><i>Notes:</i></p> <ol style="list-style-type: none"> <li><i>The illustration and description of each civic space type is illustrative in nature and not regulatory.</i></li> <li><i>The Permitted Districts may be modified per a plan if the project is utilizing the Traditional Neighborhood Development Floating Overlay District (Section 2.8.3).</i></li> </ol>						

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The following provisions apply to the eight (8) Community Green Space and Community Open Space Types listed in the table:

- A. **Playgrounds and Community Gardens:** These may be incorporated into any of the other Community Green Space and Community Open Space types - except Natural Preserve - or may stand alone.
- B. **Waterfront:** When Community Green Space and Community Open Space is required, per Section 7.4.2, developments that contain waterfront access should include some type of common access to at least 25% of the waterfront. This counts towards the Community Green Space and Community Open Space requirement. When open space is required, for every 10% of the waterfront that is allocated for public access, a 5% increase in number of dwelling units shall be permitted, up to a maximum of a 20% increase.
- C. **Illustrative Standards:** The columns titled "Diagram," "Description," and "Typical Facilities" of the table of Community Green Space and Community Open Space Types are illustrative only.
- D. **Regulatory Standards:** The following elements shall be regulatory:
  - 1. **Service Area:** Describes how the space relates to the city as a whole and the area that will be served by the Community Green Space and Community Open Space.
  - 2. **Size:** The permitted size for each Community Green Space and Community Open Space.
  - 3. **Frontage:** The relationship along property lines of a Community Green Space and Community Open Space to adjacent buildings or lots.
    - a. **Building:** Community Green Space and Community Open Spaces that are listed as having a "building" frontage shall have the fronts of buildings, either attached to the park or across a street, facing onto the space for a minimum of 75% of the perimeter.
    - b. **Independent:** Community Green Space and Community Open Spaces that are listed as having an "independent" frontage shall have the fronts of buildings, either attached to the park or across a street, facing onto the space to the maximum extent possible, but may have the side or rear of a building or lot front onto the space. The side or rear of a building or lot fronting onto the Community Green Space and Community Open Space shall be designed with a secondary frontage and entrance along the space.
  - 4. **Disposition:** The character of the design of the Community Green Space and Community Open Space.
    - a. **Natural:** Civic spaces with natural character are designed in a natural manner with no formal arrangement of elements.
    - b. **Formal:** Civic spaces with a formal character have a more rigid layout that follows geometric forms and have trees and other elements arranged in formal patterns.
    - c. **Informal:** Civic spaces with an informal character have a mix of formal and natural characteristics.
  - 5. **Food Production:** Community Gardens and other Community Green Space and Community Open Spaces may be used to grow food. See Section 8.4.3 for specifications and requirements.

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#### 7.4.4 DESIGN OF COMMUNITY GREEN SPACE AND COMMUNITY OPEN SPACES

- A. **Design Standards for Community Green Space and Community Open Space:** Land used as Community Green Space and Open Space shall meet the following design standards:
1. **Location:**
    - a. Where relevant and appropriate, the land shall be located so as to be readily accessible and usable by residents and users of the development. To the maximum extent practicable, a portion of the open space shall provide focal points for the development.
    - b. Common space set aside for children's play areas and other recreational activities shall be clearly visible from the dwelling units on the site.
    - c. The land shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge any open areas, trails, parks, or other open space resources that exist or are planned within or adjacent to the development.
  2. **Provision in Multi-Phase Developments:** In multi-phase developments, open space Manuals may be calculated either by phases, or by collectively looking at the development as a whole.
- B. **Accessory Structure Standards:** All accessory structures within parks and open spaces — including, but not limited to, restrooms, open-air pavilions, gazebos, picnic shelters, and outdoor theaters — shall not be subject to the physical requirements of the building form or siting standards in Article 2 (Map and Districts). They shall be designed to be consistent with the character of the district in which they are located. Such consistency may require accessory structures to maintain building setbacks, frontage, massing, disposition, and character similar to adjacent development as determined by the administrator.

#### 7.4.5 OWNERSHIP AND MAINTENANCE OF COMMUNITY GREEN SPACE AND COMMUNITY OPEN SPACE

- A. Open space areas or other community facilities shall be preserved and maintained in accordance with the approved:
1. Development Design, in accordance with Section 9.8;
  2. Special Exception, in accordance with Section 9.13; or
  3. Subdivision, in accordance with Section 9.9, whichever is appropriate.
- B. Provision must be made by the property owner to ensure preservation and long term maintenance and management of Community Green Space and Community Open Spaces through one of the following mechanisms:
1. Conveyance of the land to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintaining it for its intended purposes.
  2. Conveyance of the land to a third-party beneficiary, such as a nonprofit environmental or civic organization, that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended purpose.
  3. Dedication of the land to the city or other appropriate public agency that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes.

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- C. All methods utilizing private ownership shall require deed restrictions, covenants, or other legal instruments that ensure continued use of the land and facilities for their intended uses, and provide for the continued and effective management, operation, and maintenance of the land and facilities.
  - D. Failure to maintain Community Green Space and Community Open Space areas or other community facilities shall be a violation of this Code subject to the remedies and penalties in Article 12 (Violations and Enforcement).
  - E. If the owner of a Community Green Space and/or Community Open Space fails to maintain it in reasonable condition, and in accordance with approved plans, and fails to correct deficiencies cited by the city, the city shall have the authority to correct the deficiencies per the City's Code of Ordinances at the owners expense.).

## **7.5: SUBDIVISION AND SITE PLAN STANDARDS**

### **7.5.1 GENERAL PROVISIONS**

The provisions of this Section shall apply to any and all subdivision of land, or site plan within the municipal boundaries of the City, unless expressly and specifically exempted or provided otherwise in this Code. No development shall be undertaken without prior approval or authorization pursuant to the terms of this Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in this Section and the Code. The submittal of an application for approval pursuant to the provisions of these Subdivision Regulations constitutes consent to, and agreement to comply with, all of its applicable provisions.

This Section establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the City's Comprehensive Plan, Civic Master Plan, Beaufort Preservation Manual, and this Code.

Scheduling of the review of development applications before Staff, TRC, the Planning Commission or City Council is at the discretion of the City. Any change to a development application by an Applicant after formal submittal of that application to the City constitutes a decision by the Applicant that may result in the City deciding to vacate the Hearing and/or void the pending application. The City may then reschedule or cancel the review of the development application at its discretion.

Prior to formal submittal of any subdivision application identified in this Section, the Planning Department will typically provide to an applicant an individualized submittal checklist indicating the documents and information needed, quantities of those documents to be submitted, and the referral agencies that will be involved in the review process. The applicants are responsible for being fully familiar with all applicable provisions of these Subdivision Regulations. Upon determination by staff that a submittal constitutes a complete development application, the City will forward the packets to each referral agency.

### **7.5.2 SUBDIVISION TYPES AND PROCESS OUTLINES**

*Methods of land subdivision.* There are two ways to subdivide land based on the magnitude of scale: Minor Subdivision and Major Subdivision.

#### **A. Minor Subdivisions.**

Definition. A Minor Subdivision is a subdivision, or amendment to a subdivision, which has been previously platted, includes no additional public right-of-way dedication, and includes one or more of the following:

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1. The boundaries of five (5) or fewer lots are created from one parent tract or lot, no further subdivisions shall be allowed from any lot created or the parent tract;
  2. Any lot line adjustment;
  3. A consolidation of multiple lots into one when a new street or street change is not involved.

**B. Major Subdivisions.**

Definition. A Major Subdivision is a subdivision which includes one or more of the following:

1. Dedication of public right-of-way, public infrastructure or other public tracts, or a private road; or
2. The subdivision consists of six or more lots or tracts.
3. The creation of lots on property that has never previously been platted.

### 7.5.3 SKETCH PLAN

**A. Sketch Plan purpose.** The Sketch Plan is a conceptual design of the development submitted with a major subdivision application, that depicts what the applicant envisions for the overall development, including zoning, transportation, pedestrian network, parks, tree canopy, open space, and other amenities. The purpose is to allow the Applicant, the Planning Commission, and the Community the opportunity to discuss the conceptual subdivision before it goes through the major subdivision platting process.

**B. Requirements.** A Sketch Plan shall be submitted and provided to staff in advance of any public and/or community meeting for all major subdivisions. Major proposed changes to any approved preliminary plat(s) may require a new Sketch Plan approval if the Code Administrator determines the changes are significantly different from the sketch plan discussed at the public meeting.

The Sketch Plan shall consist of the following elements:

1. *Road plan:* The applicant shall provide a preliminary traffic plan that addresses the following elements:
  - a. The proposed street network and connectivity to the existing road network, including all proposed access points.
  - b. The location and layout of all arterial and collector roads within the development.
  - c. A current preliminary traffic impact study prepared by a licensed traffic engineer which evaluates proposed access points, the existing street system, and any need for any road improvements (including off-site improvements) created by the proposed development.
2. *Open space plan:* The applicant shall provide a preliminary open space plan that depicts compliance with Section 7.4 of this code, with the following elements:
  - a. Proposed open space distribution and location, including percentage of open space.
  - b. Compliance with 7.4.2 Community Green Space and Community Open Space Requirement.
  - c. Required buffer areas as per Section 5.5.1.
  - d. Wetland areas and setbacks as determined by SCDES-BCM, if applicable.
  - e. Proposed park locations, acreage, and types of parks as per Section 7.4.
3. *Pedestrian network:*
  - a. Location of all trails within development, and connection to existing trail network.
  - b. Connectivity of sidewalks to the existing pedestrian system, including any off-site sidewalk improvements. This includes planning for a one-quarter mile pedestrian shed.
  - c. Depiction of any bike lanes or any other multi-modal features.

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4. *Zoning/Design:*
    - a. The location of zoning boundaries shall be provided with the application and depicted on the Sketch Plan.
    - b. The plan should show how the zoning is harmonious with the surrounding area, and within the property itself.
    - c. Conceptual building design and massing.
  5. *Overall utility plan:*
    - a. A letter from the appropriate utility, confirming the existing capacity of the surrounding utility system, and the future capacity of the utility system for the proposal. Utility plans for the interior of the development (such as water and sewer service lines) are not required as part of this process.
    - b. Proposed connections to the existing utility system.

**C. Sketch Plan application submittal.** The applicant shall submit a complete Sketch Plan application package to the City. The application package shall include the following items:

1. Development application form, fee.
2. Title commitment. The title commitment must be dated no more than 90 days from the date of Sketch Plan application submittal.
3. Title of project.
4. North arrow, scale (not greater than one inch equals 200 feet) and date of preparation.
5. Vicinity map.
6. Legal description.
7. Acreage of property; acreage in each zoning district; acreage in parks; acreage in open space.
8. USGS topographic contours.
9. Location and approximate acreage of proposed land uses.
10. Existing easements and rights-of-way on or adjacent to the property
11. Existing streets on or adjacent to the property (show and label street name).
12. Note or table indicating how public dedication requirements will be met.
13. Table providing the following information for each proposed land use area: total acreage; proposed density proposed number of dwelling units and/or commercial buildings.
14. Location and acreage of proposed open space and parks as per Section 7.4., trails, regional trail connections, playgrounds, schools or other public uses.
15. Proposed street system depicting the location and layout of all arterial and collector roads within the development.
16. A preliminary traffic study prepared by a licensed traffic engineer which evaluates proposed access points, the existing street system, and any need for any road improvements (including off-site improvements) created by the proposed development.
17. Floodplain boundary with a note regarding the source of information (if a floodplain does not exist on the property, this must be stated).
18. Zoning on adjoining properties.

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19. A letter from the appropriate utility, confirming the existing capacity of the surrounding utility system, and the future capacity of the utility system for the proposal. Utility Plans for the interior of the development (such as water and sewer service lines) are not required as part of this process.
  20. Proposed connections to the existing utility system.
  21. The location of any proposed or required lift stations.
  22. Design rationale — description of how the development is integrated with surrounding area, how it responds to site features/constraints and how it is consistent with this Code.
  23. General description of plan for drainage and storm water management, including any regional drainage solutions.
  24. Description of how the proposed development complies with the City Comprehensive Plan.

**D. Application certification of completion.** Within 30 days, staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package and re-submit the application to the City.

**E. Sketch Plan Process.**

1. Planning Commission Meeting. The Planning Commission shall hold a public meeting to review and provide comments on the Sketch Plan.
2. Notice to neighboring property owners. The City shall send advance notice of the Planning Commission meeting by regular mail to neighboring property owners within 500 feet of the property per this Code.

**F. Sketch Plan review criteria.** The Planning Commission shall use the following criteria in addition to other applicable provisions of this Code to evaluate the applicant's application:

1. The land use mix within the project conforms to Beaufort's Zoning District Map and Comprehensive Plan Preferred Land Use Map and furthers the goals and policies of the Comprehensive Plan.
2. The Sketch Plan represents a functional system of land use and is consistent with the rationale and criteria set forth in this Chapter, the City's Comprehensive Plan, and the Civic Master Plan as amended.
3. The preliminary traffic, open space, park, utility, and pedestrian design is adequate and functional given the existing and planned capacities of each system, and meets the standards found in this Code.
4. The conceptual design and massing proposed is consistent with the requirements of the Development Code.

**G. Timeframe related to approval of Sketch Plan.** After a period of 12 months has passed without submittal of a Preliminary Plat application, the Codes Administrator may require an applicant to submit a new Sketch Plan application for Planning Commission review.

**H. Minor amendments.** Minor amendments to the Sketch Plan may be approved administratively under the following conditions:

1. Does not change any land use, or location of any land use.
2. Does not change the number of lots or density by more than ten percent.
3. Does not contain significant changes in arterial or collector street alignment and/or access points, or other major public elements such as drainage improvements, utility lines or facilities.

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4. Does not change any measurable standard (other than above), such as open space, or park area, by more than ten percent.

#### 7.5.4 PRELIMINARY PLAT

**A. Preliminary Plat purpose.** The purpose of the preliminary plat is to provide the City with an overall plat and the associated preliminary engineering for the proposed development.

**B. Preliminary Plat application process.**

1. **Pre-application conference.** A pre-application conference/TRC with the City is required before the applicant may submit a preliminary plat application. Topics to be discussed will include:
  - a. The provisions of this Code and the applicable requirements;
  - b. The application and review process;
  - c. Submittal requirements; and
  - d. Changes or modifications based on direction from the Planning Commission at Sketch Plan approval.
2. **Preliminary Plat application submittal.** Following review of the Sketch Plan, the applicant may submit the complete preliminary plat application to the City. The preliminary plat application package shall be formatted and packaged per the application submittal checklist provided by the City and include the following items in both printed and electronic formats:
  - a. Development application form;
  - b. Application fee;
  - c. Title commitment. The title commitment must be current and dated no more than 120 days from the date of preliminary plat application submittal; and
  - d. The preliminary plat that shall provide the following information:
    - i. Title of project.
    - ii. North arrow, scale (not greater than one inch equals 100 feet) and date of preparation.
    - iii. Vicinity map.
    - iv. Names and addresses of owners, applicant, engineers and surveyors.
    - v. Legal description.
    - vi. Total acreage of property.
    - vii. Existing contours at two-foot intervals (based on USGS datum).
    - viii. Name and location of abutting subdivisions or owners of abutting property (if land is not platted)
    - ix. Lots, blocks, and street layout (with cross-sections), dimensions and square footage for each lot. Dimensions and square footages may be rounded to the nearest whole number.
    - x. Consecutive numbering of all lots and blocks.
    - xi. Existing and proposed easements (including rights-of-way) on and adjacent to the property.
    - xii. Existing and proposed zoning on and adjacent to property.
    - xiii. Approximate location and size of existing sewer lines, water lines and fire hydrants. Approximate location of proposed sewer lines, water lines, and fire hydrants with a letter from BJWSA and the Fire Marshall.
    - xiv. Location by field survey or aerial photography of existing and proposed water courses and bodies of water such as irrigation ditches and lakes. Water courses shall include direction of flow.
    - xv. Tree Survey and with Existing Tree Canopy Survey.
    - xvi. Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, state this on the plan).

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- xvii. The boundaries of proposed phases of the subdivision if the final plat is intended to be submitted in multiple phases.
  - xviii. General location of existing surface improvements such as buildings, fences, or other structures which will remain on the property as part of the subdivision.
  - xix. Location and acreage of proposed parks, trails, playgrounds, schools or other public uses.
  - xx. Location, function, ownership and manner of maintenance of any private open space.
  - xxi. Land use table including land uses, approximate acreage of each land use type, percentage of each land use type density (net and gross) and how public dedication requirement will be met.
  - xxii. Total number of lots.
  - xxiii. Number of each type of dwelling unit proposed.
  - xxiv. An AutoCAD drawing file of the Preliminary Plat in a format specified by the City Engineer or Codes Administrator.
  - xxv. Surveyor's certificate.
  - xxvi. Traffic impact analysis (if applicable) as per the requirements found in this development code.
3. **Preliminary Plat drawing standards.** The preliminary plat drawing shall comply with the following standards:
    - a. The preliminary plat shall be prepared by or under the direct supervision of a registered land surveyor, shall be signed and stamped by said surveyor, and shall meet applicable State of South Carolina requirements.
    - b. Except for parcels separated by easements (including public rights-of-way), public tracts, or railroads, parcels not contiguous with each other shall not be included in one plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one plat, provided that all owners join in the dedication and acknowledgment.
    - c. Lengths on the preliminary plat boundary shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.
    - d. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.
    - e. Names and signatures of all owners of equitable interest in the property shall be on the preliminary plat and shall be made in black drawing ink.
  4. **Explanation of how the plat is consistent with this Code, the Comprehensive Plan, the Civic Master Plan, and the Sketch Plan.**
  5. **Preliminary grading and drainage plan and report.** This plan and report must be certified by a South Carolina registered professional engineer or Land Surveyor and include approximate earthwork quantities (how earthwork on the site is "balanced"), storm drainage concepts such as locations of pipe and other conveyance facilities, locations for on-site detention or downstream structural improvements, and soil erosion and sedimentation control plans and specifications. It must also discuss the impacts on and to any existing floodways and/or floodplains both on and adjacent to the site as well as any FEMA applications or approvals that may be required.
  6. **Preliminary water and sewer plan and study.** This plan shall be prepared by a registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.
  7. **Preliminary landscape and open space plan.** The landscape plan must address the treatment of all exterior spaces. Landscape plans are to be designed to meet the requirements of this Code and show

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approximate locations of trees, shrubs, groundcovers, turf, buffering, fences, walls and other site amenities that will be included in the plan.

8. **Traffic study.** A TIA with requirements consistent with Section 7.3.2. This study must be prepared by a professional traffic engineer and identify the projected impacts to the local and regional traffic system. The direct roadway impacts and proposed share in the cost of regional improvements and intersections must be identified for the project.
9. **Archaeological Impact Assessment.** An applicant may be required to provide the City as per Section 8.4 with a CHS records listing historically or archaeologically significant findings on the property being subdivided at their expense.
10. **General ecological resource survey.** Prepared by a qualified biologist, geologist, ecologist, or similar qualified professional, a survey identifying the potential/absence/habitat of a threatened or endangered species and wetlands or other ecologically sensitive area. Said survey shall make practical recommendations regarding treatment or mitigation of the findings.
11. **Conceptual Design.** Applicant should provide conceptual design and massing examples, (i.e. conceptual elevations, but not required for each individual lot, consistent with the requirements of the Development Code

**C. Planning Commission Hearing.** The Planning Commission shall hold a public hearing to approve, approve with conditions or deny the Preliminary Plat.

1. **Notice to neighboring property owners.** The City shall send advance notice of the Planning Commission hearing by regular mail to neighboring property owners within 500 feet of the property per this Code.
2. **Approval.** The Planning Commission shall review and act on the Preliminary Plat. The Planning Commission shall approve, approve with conditions, or deny the Preliminary Plat based on the review criteria below.

**D. Preliminary Plat review criteria.** In addition to all provisions of this Code, the Planning Commission shall use the following criteria to evaluate the applicant's request:

1. The Preliminary Plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code.
2. The land use mix within the project conforms to the City's Development Code and complies with the Comprehensive Plan and Civic Master Plan.
3. The utility and transportation design are adequate, given existing and planned capacities of those systems.
4. Lot layout, including structure location and design of each lot.

**E. Phasing.** The preliminary plat shall designate the boundaries of phases for which separate final plats will be presented for approval. Each phase, either alone or in conjunction with previously approved and recorded phases, must meet all of the requirements of this Code.

**F. Early grading.** After approval of a Preliminary Plat, Applicant may proceed with preliminary grading of the project area if a construction plan set for grading and drainage is approved and memo authorizing grading

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work is issued by the City Engineer or Codes Administrator. Early grading and storage of construction related equipment is at the risk of the Applicant and no presumption of any Final Plat approval at the Planning Commission is expressed or implied by any authorization of early grading.

- G. Timeframe related to approval of Preliminary Plat.** A preliminary plat is in full force and effect for a period of two years from date of approval. Approval will automatically expire at the end of two years unless an applicant formally requests an 18 month extension from the Planning Commission prior to termination or submits a completed final plat application for all or a portion of the property.

### 7.5.5 FINAL PLAT

- A. Final Plat purpose.** The purpose of the final plat is to complete the subdivision of land consistent with the technical standards of the City of Beaufort.

**B. Final Plat application process.**

1. **Final Plat application submittal.** The final plat application shall substantially conform to the preliminary plat as approved at the public hearing and shall meet all conditions of approval. The applicant shall submit the completed final plat application package to the City. The final plat application shall be formatted and packaged per the application submittal checklist provided by the City and include:
  - a. Development application form.
  - b. Application fee.
  - c. Title commitment. An updated title commitment, dated no more than 120 days from the date of final plat application submittal.
2. **Final Plat Standards.** The final plat drawing shall comply with the following standards:
  - a. All requirements of Section 7.5.4.
  - b. The plat shall be prepared by or under the direct supervision of a registered land surveyor, shall be signed and stamped by said surveyor, and shall meet applicable State of South Carolina requirements.
  - c. Existing and proposed easements (including rights-of-way) in and adjacent to property (labeled and dimensioned).
  - d. Existing and proposed street names for all streets on and adjacent to the property.
  - e. Final Traffic Impact Analysis (if applicable) as per the requirements found in the Development Code.
  - f. If applicable, prior to commencement of construction; a State Highway utility permit from SCDOT.
  - g. If applicable, prior to commencement of construction, a State Highway access permit from SCDOT.
  - h. If applicable, prior to commencement of construction, a construction dewatering permit from DHEC
  - i. If applicable, prior to commencement of construction, a 404 Permit from the Army Corps of Engineers.

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- j. Prior to commencement of construction, acceptable collateral in the amount and form stipulated in Section 7.1.5.
  3. **Original plats.** The applicant shall submit to the City, five original, signed copies of the final plat ready to record, and final executed copies of all agreements.
  4. **Complete engineering plans and specifications.** As a condition of Final Plat approval the applicant shall prepare and submit the following:
    - a. Construction plans and profiles. The plans and profiles shall be prepared by a registered professional engineer licensed in the State of South Carolina. Plans shall be 24 inches high by 36 inches wide and provide the following information:
    - b. The horizontal to vertical scales shall be chosen to best depict the aspects of the design.
    - c. Minimum horizontal scale: One inch equals 100 feet.
    - d. Minimum vertical scale: One inch equals ten feet.
    - e. The typical road geometric and structural cross-section is to be shown on each plan sheet.
    - f. The plan must show right-of-way lines and widths, road names, lot lines, tangent lengths and bearings, curve radii, delta angles, curve lengths, chord lengths and bearings, stationing at all beginning of curves and end of curves, intersections, structures, angles, curb lines, cross pans, traffic control devices (islands, striping, signs, etc.), drive cuts, curb returns and radii, and all other features to enable construction in accordance with approved standards and standard engineering practice. Stationing may be centerline if approved by the City Engineer or Codes Administrator. Construction plans shall include water lines and appurtenances, sewer lines and appurtenances, and storm water lines and appurtenances and any other wet utilities.
    - g. The profiles shall include existing and proposed grade at curb and gutter or centerline of street elevation at point of intersection of vertical curves, intersections, grade breaks, point of curb return (PCR), point of reverse curve (PRC), and other critical points, structures, and all other features.
    - h. Signature blocks for all utility providers unless otherwise provided in agreement form.
    - i. Structure details. Sufficient data shall be given to construction of major structures and road appurtenances such as bridges, culverts, gutters, drives, walks, cross pans, etc; detail shall include orientation line and grade, cross-sections, dimensions, reinforcement schedules, materials, quality specification, etc., or as the City Engineer may approve.
    - j. Final Water Report. A final water report including hydraulic analysis and pipe sizing calculations. Note, this report can be verified by BJWSA and does not need to be submitted to the City.
    - k. Final Sanitary Sewer Report. A sanitary sewer report including hydraulic analysis and pipe sizing calculations. Note, this report can be verified by BJWSA and does not need to be submitted to the City.
    - l. Sewage collection and water supply distribution plans, profiles and specifications. The plans, profiles and specifications shall be prepared by a registered professional engineer and shall be accompanied by written approvals from BJWSA.
    - m. Final drainage plans and reports. Based upon the approved preliminary drainage plan, a final report is to be submitted in accordance with SOLOCO Drainage and Design Criteria, as amended or as the City Engineer may approve. The plan and report must provide:
    - n. Erosion control plans, when required.

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- o. Sizing of all pipes, inlets, conveyance ways, and other appurtenances.
  - p. Final grading plan. The final grading plan shall be 24 inches high by 36 inches wide and illustrate existing and proposed contours and lot and block grading details.
  - q. Soils report. The soils report shall detail pavement design and construction requirements and shall be submitted after overlot grading is complete.
  - r. Final landscape and open space plan. The landscape plan must address the treatment of all exterior spaces. Landscape plans are to be designed to meet the requirements of this Code and show trees, shrubs, groundcovers, turf, buffering, fences, walls and other site amenities that will be included in the plan. All plant materials must be adapted to the physical limitations of the local climate and specific conditions of the landscape plan. All plant materials must meet specifications of the American Association of Nurseryman for number one grade. All street trees must be selected from the City of Beaufort recommended tree list.
  - s. Landscape Plan drawn to scale (not greater than one inch equals 50 feet) on 24 by 36-inch sheets which includes:
    - i. Project name.
    - ii. Scale, north arrow and date of preparation.
    - iii. Existing and proposed streets and street names.
    - iv. Lot lines, easements and public rights-of-way as shown on the subdivision plat, including gross and net area of all parcels.
    - v. Location of proposed building footprints and parking areas.
    - vi. Location of storage, loading and service areas.
    - vii. Existing and proposed two-foot contours (based on USGS datum).
    - viii. Natural features, wetlands, wildlife corridors, floodplains, streams, ditches and other waterways.
    - ix. The location of existing and proposed utilities. Utility lines can be 'ghosted' in on the landscape plan to vary the line types for cleaner drawings.
    - x. All existing trees within the proposed site and adjacent to the site must be accurately identified on the plan. Existing trees must be labeled as to their size, species and if they are intended to remain, be removed or transplanted. All replacement mitigation trees will need to be shown separately on the plan. Tree protection standards for existing trees to remain shall be included on the plan.
    - xi. The extent and location of proposed trees, shrubs and perennials and quantities of each species. Plant materials are to be drawn at two-thirds of their mature size.
    - xii. Landscape schedule including the represented plant symbol, Latin name, common name, planting size and number of individual plants. All plant materials are to meet the minimum size requirements as provided in this Code.
    - xiii. Proposed treatment of all ground surfaces must be clearly indicated, including turf, paving, mulch, native grass, seeded grass, etc. Grass areas are to be specified as seed or sod, and a seed mix/rate specified.
    - xiv. Sight distance triangles must be shown at street intersections pursuant to this Code.

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- xv. Project specific landscape notes and details to ensure the proper planting, establishment and survival of plant materials. Additional notes detailing the warranty for plant materials and continued maintenance shall be included.
  - xvi. Open space and pedestrian circulation system.
  - xvii. Proposed grading of the project site, including drainage swales, detention basins, retaining walls and any off-site infrastructure improvements.
  - xviii. Notes for conservation and retention of topsoil and landscape soil preparation.
  - xix. Restoration, revegetation or enhancement of disturbed natural areas or open space feature.
  - xx. Park structures, signage, play equipment, and other landscape or park amenities and appurtenances.
  - xxi. A "pdf" file and an AutoCAD drawing file of the final plat in an electronic format specified by the City Engineer.
5. **Post approval actions.** Prior to issuance of a building or grading permit, the applicant shall submit the following documentation to the City:
- a. List of contractors. List of all contractors that will be performing the improvements.
  - b. Proof of insurance/business license. Proof of workman's comprehensive insurance and liability insurance for each contractor and business license.
  - c. Open space deed restriction. Areas designated as open space shall be protected by a deed restriction or other appropriate method to ensure that they cannot be subdivided or developed in the future and will remain as open space until the use is modified by the City.
  - d. Construction traffic control plan. Applicant will develop a plan for City Engineer, Codes Administrator or appointee, review that addresses construction traffic, construction water, temporary road closures, street repairs, dust, noise and other construction-related concerns.
  - e. Other certificates, affidavits, enforcements or deductions as required by the City.
- C. **Approval.** The City Codes Administrator shall review and act on the Final Plat. The Codes Administrator may choose to approve, approve with conditions, or deny the Final Plat based on the criteria below.
1. **Final Plat review criteria.** In addition to all provisions of this Code, the Codes Administrator uses the following criteria to evaluate the applicant's final plat application:
- a. The Final Plat is in substantial conformance with the approved Preliminary Plat. For the purposes of this Code, "substantial conformance", includes design adjustments made to meet any conditions of preliminary plat approval, and is determined as follows:
  - b. Does not change any land use.
  - c. Does not contain changes which would render the final plat in nonconformance with requirements of this Code.
  - d. Does not contain significant changes in street alignment and/or access points, or other public elements such as drainage improvements, utility lines or facilities.
  - e. Does not increase density.

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- D. Timeframe related to approval of Final Plat.** A final plat is in full force and effect for a period of two years from date of recordation unless a longer timeframe is specifically allowed by the City in an approved Development Agreement or unless public improvements are completed and accepted on all or a portion of the final plat. Applicants may formally request one 18 month extension from the Codes Administrator prior to termination of final plat approval. Prior to the expiration of the original two year timeframe or the extension timeframe, an applicant may formally request an additional extension if substantial progress has been made on installation of public improvements.

### 7.5.6 MINOR SUBDIVISION PLAT

**A. Minor Subdivision Plat purpose.**

1. The purpose of the Minor Subdivision Plat is a subdivision, or amendment to a subdivision, which has been previously platted, includes no additional public right-of-way dedication, and includes one or more of the following:
  - a. The boundaries of five or fewer lots are created from one parent tract or lot, cumulatively and not more than 3 acres; (ex. any portion of a tract that is subdivided counts toward the five total, and does not itself become a new parent tract to subdivide an additional five lots from)
  - b. Any lot line adjustment, consolidation of multiple lots into one.

**B. Minor Subdivision plat application submittal.** The applicant shall submit the complete Minor Subdivision plat application package to the City. The application shall be formatted and packaged per the application submittal checklist provided by the City and include:

1. Development application form.
2. Application fee.
3. Title commitment. A current title commitment, dated no more than 30 days from the date of minor subdivision plat application submittal

**C. Minor Subdivision plat standards.** The plat drawing shall comply with the following standards:

1. The plat shall be prepared by or under the direct supervision of a registered land surveyor and meet applicable State of South Carolina requirements.
2. Except for parcels separated by public rights-of-way, public tracts, or railroads, parcels not contiguous shall not be included in one plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one plat, provided that all owners join in the dedication and acknowledgment.
3. Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.
4. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.
5. All signatures shall be made in black drawing ink.
6. Title of project.
7. North arrow, scale (not greater than one inch equals 100 feet) and date of preparation.
8. Vicinity map.

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9. Legal description.
  10. Basis for establishing bearing.
  11. Names and addresses of owners, applicant, designers, engineers and surveyors.
  12. Total acreage of subdivision.
  13. Bearings, distances, chords, radii, central angles and tangent links for the perimeter and all lots, blocks, rights-of-way and easements.
  14. Lot and block numbers, numbered in consecutive order, and square footage or acreage to two decimal places of each lot or tract.
  15. Parcels excepted from inclusion noted as "not included in this subdivision" and the boundary completely indicated by bearings and distances.
  16. Existing rights-of-way in and adjacent to subject property (labeled and dimensioned).
  17. Existing and proposed street names for all streets on and adjacent to the property.
  18. Existing easements and their type in and adjacent to subject property (labeled and dimensioned).
  19. Location and description of monuments:
    - i. Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plat).
  20. Certificates blocks for signatures of owner, surveyor, utility providers, and City approval, as applicable.
- D. Record Minor Subdivision Plat.** Five signed copies of the minor subdivision plat shall be delivered to the City. The applicant will be responsible to record the minor subdivision plat with Beaufort County.

### 7.5.7 SITE PLAN

- A. Site Plan Purpose.** The site plan is a prerequisite to a building permit for all multi-family (excluding duplexes), commercial, and industrial developments. The site plan shows how the lot will be developed so that the City can ensure that the site design will be in compliance with the Development Code, Comprehensive Plan and Civic Master Plan.
- B. Site Plan Application.** A Site Plan Application shall include the following:
1. Land use application form.
  2. Application fee and fee agreement.
  3. **Site Plan plat** — The site plan shall be a minimum of 18 inches by 24 inches and shall provide the following information:
    - a. Title of project.
    - b. North arrow, scale (no greater than one inch equals 50 feet) and date of preparation.
    - c. Vicinity map.
    - d. Address of project.
    - e. Legal description of property.

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- f. Name, address and phone number of property owner.
  - g. Name, address and phone number of person or firm responsible for plan.
  - h. Lot size (square footage).
  - i. Bearings and distances of all lot lines.
  - j. Existing and proposed easements and rights-of-way.
  - k. Existing and proposed paved areas and sidewalks on the site and in the adjacent rights-of-way, all dimensioned, showing how pedestrians will have access to the site and buildings.
  - l. Gathering areas for people.
  - m. Existing and proposed curb cuts on the site and in the adjacent rights-of-way (on both sides of perimeter streets), all dimensioned.
  - n. Existing and proposed two-foot contours.
  - o. Existing waterways on or adjacent to the site.
  - p. Finished floor elevations for all structures.
  - q. Footprint (including roof overhangs and eaves, decks, balconies, outside stairs and landings) of all proposed structures and their use with their dimensions and locations noted with respect to the property lines.
  - r. Existing structures and their use.
  - s. Square footage of the proposed building(s) and the footprint of the proposed building(s).
  - t. Proposed structure height.
  - u. For multi-family residential, the number of residential units and bedrooms per unit.
  - v. Location of proposed signs and lighting.
  - w. Specifications for the signs and lights, including type, height and general conformance to the Code. For commercial and industrial uses, a photometric plan prepared by a qualified electrical or lighting engineer shall be submitted that depicts all lighting fixtures and the light spread (in footcandles) of these fixtures across the site to all property boundaries.
  - x. Proposed traffic controls and striping for parking areas (all lanes, driveways, and parking spaces must be dimensioned).
  - y. Trash disposal areas and enclosures including specifications for enclosures.
  - z. Location and size of existing and proposed water and sewer service connections and tap sizes.
  - aa. Location and size of water and sewer lines to which the service connections will be or are made.
  - bb. Location and size of water meter(s).
  - cc. Location and size of backflow-prevention devices.
  - dd. Indication of how and where perimeter drain will drain (if one exists).
  - ee. Location of existing electrical lines and poles on or adjacent to the site.
  - ff. Location of proposed electrical service connection and meter location.
  - gg. Location of electric transformer.

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- hh. Location of all fire hydrants. If none exist on site, note distance and direction of the closest hydrant adjacent to the site within 500 feet.
  - ii. Location of detention/retention areas and storm sewer infrastructure with the required drainage easements.
  - jj. The distance from the proposed building(s) or structure(s) to adjacent lot lines, easements, and adjacent structures.
  - kk. A land use chart (table).
  - ll. Certificate blocks for signatures of owner, surveyor, utility providers, and City approval, as applicable.
- 4. **Design standards** — Demonstrate in written or graphic form how the proposed structure(s) is consistent with the design requirements of this code. Provide elevations of proposed structures/graphic visual aids. Provide complete building elevations, drawn to scale, with illustrations of all colors and identifying major materials and cut sheets to be used in the structure(s). In addition, Staff may require building floor plans, sectional drawings, perspective drawings, models, and/or computer visualizations when the impacts of a proposal warrant such information.
  - 5. **Certified drainage report** — A certified drainage report, including an erosion control study and plan, as applicable, must be reviewed and approved by the appropriate sanitation district (if applicable) prior to submittal of the report to the City as part of the site plan application.
  - 6. **Final landscape and open space plan** — Provide an existing and proposed landscape plan with tree protection zones and a tree survey, and open space plan consistent with Sections 5 and 7 within this Code.
  - 7. **Traffic Impact Analysis** — Provide TIA as per requirements of Section 7.3.2.
- C. TRC and Staff Review.** Staff and TRC reviews application and prepares comments. Staff and TRC will review the site plan map to ensure it is consistent with the site plan review criteria. Following the review, Staff will prepare a written report outlining any changes that the applicant must make before the site plan can be recommended for public hearing with the Planning Commission. This report will be forwarded to the applicant.
- 1. Applicant addresses staff comments. Applicant shall make all necessary changes to the site plan and resubmit a revised copy to the City.
- D. Planning Commission Hearing.**
- 1. Notice to neighboring property owners. The City shall send advance notice of the Planning Commission meeting by regular mail to neighboring property owners within 500 feet of the property per this Code.
  - 2. The Planning Commission shall hold a public hearing on the proposal. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard.
  - 3. At the conclusion of the public hearing, the Planning Commission may approve, deny, or approve with conditions the application for a Major Development. No Major Development shall be approved unless the following findings of fact are made:
    - a. The plan is consistent with the City of Beaufort Comprehensive Plan and Civic Master Plan.

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- b. The plan complies with all applicable requirements of this Code.
  - c. There exists adequate infrastructure (transportation and utilities) to support the plan as proposed.
  - d. The plan conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site.

**E. Post approval actions.**

- 1. **Building Permit.** A building permit shall be issued only when a site plan has been approved. However, with the approval of the City, an applicant may submit a building permit application concurrent with the site plan application. Building permits shall not be issued for any development that is not in conformance with the approved site plan.
- 2. **Phasing and expiration of approval.** The site plan shall be effective for a period of three years from the date of approval, unless stated otherwise in the written site plan approval. Building permits shall not be issued based on site plans that have an approval date more than three years old. For multi-phased plans, building permits shall not be issued based on an approval date more than three years from the date of Phase I approval.

**F. Appeals.** Any party aggrieved by the decisions of the Planning Commission may appeal to the Circuit Court within 30 days of the decision.

**G. Permit Validity.** Upon the approval of the Major Development Design application, the applicant shall have 2 years to obtain a Project Permit. Failure to secure a permit for the permitted work within this time shall render the compliance void. Any change to the approved plans that has not been authorized by the Administrator shall invalidate the design approval, and any subsequent building permits.

**H. Permit Extension.** The Administrator may grant a one year extension of this time period upon submittal by the applicant of sufficient justification for the extension. Extensions shall be submitted at least 1 month prior to the expiration date.

**I. Amendments to approved Site Plans.**

- 1. Minor variations in the location of structures, improvements, or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved by the City Staff. Such changes shall not exceed ten percent of any measurable standard or modify the use, character, or density of an approved site plan. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the City.
- 2. Changes to approved site plans that exceed the ten percent threshold, or other major modifications (such as changes in building size or footprint, relocation of access points, changes to required parking, etc.), shall be considered as a new site plan application. Such amendments shall require Planning Commission review and approval to become effective. A complete site plan application shall be prepared and submitted in compliance with the requirements set forth in this Section.

**DEVELOPMENT CODE**  
**CHAPTER 9 AMENDMENTS**  
**(with track changes)**

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## 9: DEVELOPMENT REVIEW PROCEDURES

### 9.1: PURPOSE AND GENERAL PROVISIONS

#### 9.1.1 PURPOSE

In order to establish an orderly process to develop land within the jurisdiction of the City of Beaufort, the purpose of this article is to provide a clear and comprehensible development process that is fair and equitable to all interests, including the applicants, affected neighbors, city staff and related agencies, and the City Council.

#### 9.1.2 APPLICABILITY

The provisions of this article shall be applicable to all development activity under the jurisdiction of the City of Beaufort.

#### 9.1.3 CONFORMITY WITH CODE

The Administrator shall not issue a permit or license for any use, building, or purpose that conflicts with any provision of this Code. ~~Any permit, license or certificate issued in conflict with the provisions of this Code, whether intentionally or unintentionally, shall be null and void.~~

#### 9.1.4 PERMIT/DEVELOPMENT DESIGN REVIEW/HISTORIC REVIEW PROCESS TYPE TABLE

See following pages.

PERMIT/PROCESS TYPE	SECTION	PERMIT/PROCESS TYPE	REVIEWING AGENCY	PUBLIC NOTIFICATION (9.1.3)	APPROVING AGENCY	APPEAL PROCESS	PERMIT PERIOD	PERMIT EXTENSION
<b>ADMINISTRATIVE PERMITS</b>								
Zoning Permit	9.5	Administrative	Admin	None	Admin	ZBOA	6 months	6 months, 1 time
<del>Building Project</del> Permit	9.5	Administrative	Admin	None	Admin	ZBOA	6 months	Resubmit
Certificate of Compliance	9.5	Administrative	Admin	None	Admin	ZBOA	n/a	n/a
Certificate of Occupancy	9.6	Administrative	Admin	None	Admin	ZBOA	n/a	n/a
<b>DEVELOPMENT DESIGN REVIEW</b>								
Development Design Review, Minor	9.7	Administrative	Admin	None	Admin	PC	24 months	12 months, <del>1 time</del> <u>up to 5 times</u>
Development Design Review, Major	9.7	Discretionary	Admin, <u>TRC</u>	<del>Yes</del> - Levels <u>1, 2, 3</u> <del>None</del>	PC	Court 30 days to appeal	24 months	12 months, <del>up to 5 times</del> <u>1 time</u>
<b>SUBDIVISION REVIEW</b>								
<del>Subdivision, Minor, Site Plan</del>	9.8	Administrative	Admin, <u>TRC</u>	<del>Yes</del> - Levels <u>1, 2, 3</u> <del>time</del> <del>None</del>	<u>PC</u> Admin	<u>PC</u> Court	24 months	12 months, <del>up to 5 times</del> <u>1 time</u>
Subdivision, Major, Sketch Plan	9.8	<del>Discussion</del> Discretionary	Admin TRC	<del>Yes</del> - Levels <u>1, 2, 3</u> <del>None</del>	PC	<del>None</del> Court	<del>24</del> 12 months	<del>12</del> 2 months, <del>up to 5 times</del>

PERMIT TYPE	SECTION	PROCESS TYPE	REVIEWING AGENCY	PUBLIC NOTIFICATION (9.1.3)	APPROVING AGENCY	APPEAL PROCESS	PERMIT PERIOD	PERMIT EXTENSION
Subdivision, Major, Preliminary PlatSite Plan	9.8	Administrative	Admin, TRC	Yes, - Levels 1, 2, 3None	PCAdmin	PC Court	24 months	12 months, up to 51 times
Subdivision Final Plat	9.8	Administrative	Admin TRC	None	Admin	PC	24 months	12 months, up to 51 time times
<b>HISTORIC PRESERVATION</b>								
Certificate of Appropriateness, Minor	9.9	Administrative	Admin	Demolition Only: Yes (1,2, 3)	Admin	HRB	24 months	12 months, up to 35 times
Certificate of Appropriateness, Major	9.9	Discretionary	Admin	Demolition & Design Exception only: Yes (1,2)	HRB	Court 30 days to appeal	24 months; no expiration for demolitions	12 months, up to 53 times
Local Historic District/Historic Sign Designation	9.10	Legislative	Admin, PC, HRB	None	CC	Court	n/a	n/a
<b>RELIEF</b>								
Administrative Adjustment	9.11	Administrative	Admin	None	Admin	ZBOA	24 months	12 months, up to 53 times
Special Exception	9.12	Discretionary	Admin	Yes (1, 2,3)	ZBOA	Court 30 days to appeal	24 months	12 months, up to 35 times
Variance	9.13	Discretionary	Admin	Yes (1, 2,3)	ZBOA	Court 30 days to appeal	24 months	12 months, up to 53 times

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<u>PERMIT TYPE</u>	<u>SECTION</u>	<u>PROCESS TYPE</u>	<u>REVIEWING AGENCY</u>	<u>PUBLIC NOTIFICATION (9.1.3)</u>	<u>APPROVING AGENCY</u>	<u>APPEAL PROCESS</u>	<u>PERMIT PERIOD</u>	<u>PERMIT EXTENSION</u>
<b>ADMINISTRATION APPEALS</b>								
Administrative Appeal	9.14	Discretionary	Admin	Yes (1)	ZBOA	Court 30 days to appeal	12 months	6 months
<b>AMENDMENTS</b>								
Code Amendments	9.16	Legislative	Admin, PC	Yes (1, 2 & 3)	CC	Court 30 days to appeal	n/a	n/a
Admin-Administrator / PC-Planning Commission / CC-City Council / ZBOA-Zoning Board of Appeals / HRB-Historic District Review Board / TRC-Technical Review Committee / Court - Circuit Court								
Note: Any appeals that are assigned to Court are eligible for pre-litigation mediation pursuant to § SC ST 6-29-1155								

(Ord. No. O-14-23 , 9-26-2023)

## 9.1.5 PUBLIC NOTIFICATION

All public meetings shall be posted and advertised with the media as required by state law. The following procedures have been established for development applications/petitions that require additional notification of the public prior to consideration and/or approval.

### A. Level 1—Published Notice:

1. **Required Notification Type:** A distinctive advertisement (public hearing notice) shall be placed by the Administrator in a local newspaper of general circulation within the city.
2. **Required Period of Notice:** This notice shall be published not less than 15 calendar days prior to the meeting.
3. **Content of Notice:**
  - a. The general location of land that is the subject of the application;
  - b. The tax map and parcel number, and street address if available;
  - c. The substance of the application, including the magnitude of proposed development and the current zone;
  - d. The time, date, and location of the public hearing;
  - e. A phone number to contact the city;
  - f. A statement that interested parties may appear at the public hearing.

### A. BASIC NOTICE, MINIMUM STANDARDS FOR NOTICE OF ALL MEETINGS AND HEARINGS:

Written public notice of dates, times and places of all City of Beaufort development review public meetings and hearings shall be provided in accordance with South Carolina Code of Laws Section 30-4-80, any other applicable provision of State Law and this Code. This includes at minimum posting of a copy of the notice including the agenda in the building where the meeting shall be held, posting of the notice, the agenda and the meeting materials packet on the website maintained by the City of Beaufort, and notifications to persons, organizations and news media requesting such notice as contemplated by Section 30-4-80 (E). While State Law requires a minimum of 24 hours written notice in the absence of a special notice requirement, City Staff shall aspire to exceed this minimum standard in the interest of transparency and so as to encourage public participation, and shall strive to post notices, agendas and meeting packets one week prior to any scheduled meeting; Public Bodies shall entertain and consider any objections from the public based on notice that fails to meet this aspirational standard.

Commented [CK1]: Rewrite as suggested by Kim McFann.

### B. Level 2—Posted Notice:

- 1. **Required Notification Type:** A notice of application sign shall be posted by the Administrator. The sign shall be posted on the subject property in a location clearly visible from each street adjacent to the property.
2. **Required Period of Notice:** This notice shall be posted not less than 15 calendar days prior to the meeting at which the application will be reviewed.
3. **Content of Notice:**
  - a. Type of application;
  - b. The date of the public hearing;
  - c. A phone number to contact the city.

**B. PUBLICATION OF NOTICE OF A HEARING IN A NEWSPAPER:**

When required by State Law, a distinctive advertisement (public hearing notice) shall be placed by the Administrator in a local newspaper of general circulation within the city. This notice shall be published in accordance with the time limits required by State Law, or if none not less than 15 calendar days prior to the meeting. The content of said published notice shall all content required by State Law, including without limitation the following:

1. The general location of land that is the subject of the application;
2. The tax map and parcel number, and street address if available;
3. The substance of the application, including the magnitude of proposed development and the current zone;
4. The time, date, and location of the public hearing;
5. A phone number to contact the city;
6. A statement that interested parties may appear at the public hearing

Commented [CK2]: Rewrite as suggested by Kim McFann.

**C. Level 3—Mailed/Emailed Notice:**

1. Unless otherwise required by state law, the city may choose to provide, at its discretion, mailed and/or emailed notice in accordance with city policy, which may be amended from time to time.
2. For demolition of structures listed on the most recent "Above-Ground Historic Sites Survey" that are located outside of the Historic District, written advance notice to members of the Historic District Review Board, Historic Beaufort Foundation, and neighbors within 200 feet of the property will be required at least 15 days before any permit is issued.
3. For all process types approved by the Planning Commission, written advance notice to all property owners within 500 feet of the property will be required at least 15 days before the Planning Commission meeting.
4. For all appeals, variances and special exceptions heard by the Board of Zoning Appeals, written advance-notice within 200 feet of the property will be required at least 15 days before the Board of Zoning Appeals.

**C. NOTICE OF APPLICATION SIGN:**

A notice of application sign shall be posted by the Administrator on the subject property in a location clearly visible from each street adjacent to the property as required by State Law, including without limitation for all hearings on applications for zoning or rezoning, variances, special exceptions, demolition, demolition and design exceptions, the notice shall be posted no less than 15 calendar days prior to the hearing at which the application will be reviewed. The sign shall include the following information:

- A. Type of application;
- B. The date, time and place of the public hearing;
- C. A phone number to contact the city.

Commented [CK3]: Rewrite as suggested by Kim McFann.

**D. MAILED/EMAILED NOTICE:**

Mailed/emailed notice shall be provided as required by State Law, including without limitation mailed notice to adjoining property owners when required by State Law. Additionally, the City shall provide mailed/emailed notices upon request as per South Carolina Code of Laws Section 30-4-80 (E) and per the Policy and Procedures contained on the website operated by the City of Beaufort. For demolition

of structures listed on the most recent "Above-Ground Historic Sites Survey" that are located outside the Historic District, written notice to members of the Historic District Review Board (HRB), Historic Beaufort Foundation (HBF), and neighbors within 200 feet of the property will be required at least 15 days before any permit is issued.

Commented [CK4]: Rewrite as suggested by Kim McFann.

### 9.1.6 DECISION BASED ON PUBLIC HEARING

A decision shall be made by the appropriate review body within 60 days of the close of the required public hearing.

### 9.1.7 WRITTEN NOTICE OF DECISIONS REQUIRED

Within ~~30~~ calendar days after a final decision is made by any board under the requirements of this Code, a copy of the written decision shall be sent to the applicant or appellant. A copy of the decision shall be filed in the office of the Administrator, where it shall be available for public inspection during regular office hours.

### 9.1.8 TIME LIMITS FOR RESUBMISSION OF APPLICATIONS

In the event that any application required under this Code is denied or disapproved, an application for exactly the same request shall not be refiled for one year from the advertised public hearing date. Where no public hearing is required, time shall run from the date of mailing of the notice of denial. The Administrator, upon petition by the applicant, may permit a refiling of said application after 6 months from the original public hearing date upon a determination that:

- A. Significant physical, economic, or land use changes have taken place on the subject tract or within the immediate vicinity; or
- B. A text amendment has been adopted that would allow for favorable review of a resubmitted application for the subject property.

### 9.1.9 VESTED RIGHTS AND EXPIRATION OF APPROVALS

- A. **General:** Approval of any application pursuant to this Code shall authorize only the particular use, plan, or other specific activity for which the application was issued, and not any other approval requiring separate application.
- B. **Vested Rights for Final Development Plans/Plats:** A vested right is established for 2 years upon the final approval of a development plan, plat, or phased development plan. An applicant shall have 2 years from final approval to receive a building permit or, if no building permit is required, to obtain a certificate of compliance. Such vested right may receive up to five 1-year extensions for good cause upon written request by the landowner to the Administrator, no later than one month prior to expiration, unless an amendment to this Code has been adopted that prohibits approval.
  - 1. A vested right in a development plan, plat, or phased development plan shall not attach to the property until all plans have been received and approved, and all fees have been paid in accordance with this section.
  - 2. A vested right is subject to revocation by the City Council after notice and public hearing that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval.
  - 3. A vested plan is subject to later local governmental overlay zoning that imposes additional site plan-related requirements, but does not affect allowable types, height as it affects density, or intensity of uses.

Commented [CK5]: Comment by Dianne Farrelly: "So, a plan can be granted immunity from type, height and density for many years (15) even if an amendment is codified?"

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4. Phased development plans remain subject to review and approval of all phases prior to any portion of the project being vested.
  5. In the case of projects where more than 1 building is to be built, the applicant may submit a series of Project Permit applications. The first application shall be submitted within 2 years from the date the development plan approval is granted. Each subsequent application shall be submitted within 180 days from the date of issuance of a Certificate of Compliance or Certificate of Occupancy for the previous building, whichever shall occur first. The lapse of more than 180 days shall cause the expiration of the development plan approval

C. **Time Limitations For Other Types Of Approval:**

1. All permits and approvals not referenced in Section 9.1.9 B., shall expire as shown in Section 9.1.2 (Permit/Process Type Table) without further action, unless the holder of the permit or approval either submits a complete application for the appropriate subsequent permit, approval, or extension, or if no subsequent permit, approval, or extension is required, completes the work described in the permit or approval within the timeframes established.
2. Upon written request, an extension of an approval may be granted by the decision-making body for good cause for a period not to exceed that shown in Section 9.1.2 (Permit/Process Type Table). No written request for an extension shall be considered unless submitted to the Administrator no later than one month prior to expiration. Failure to submit an application for an extension within the time limits established by this section shall result in the approval's expiration.

## 9.2: APPLICATION PROCEDURES

### 9.2.1 PRE-APPLICATION CONFERENCE

- A. **Mandatory Pre-application Conference:** A pre-application conference with the Administrator shall be required prior to filing an application for the following approvals:
1. Subdivision review involving the creation of new streets.
  2. New construction, except for detached single-family homes not part of a new subdivision.
  3. Map amendment (Rezoning).
  4. Text amendment.

The Administrator shall have the authority to waive any mandatory pre-application conference where such conference is deemed unnecessary.

- B. **Optional Pre-application Conference:** Prior to the submission of any application required by this Code, a potential applicant may request an optional pre-application conference to discuss procedures, standards, or regulations required by this Code. Upon receipt of such request, the Administrator shall afford an opportunity for such a pre-application conference at the earliest reasonable time.

### 9.2.2 APPLICATION FORMS AND FEES

The following regulations shall apply to all applications.

- A. **Forms:** Applications required under this Code shall be submitted on forms and in such numbers as required by the city.

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**B. Fees:**

1. Filing fees shall be established from time to time by resolution of the City Council to defray the actual cost of processing the application.
2. All required fees shall be made payable to "The City of Beaufort."
3. An applicant who has paid an appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to any review or action taken, may request in writing a refund of 75% of the total amount paid.

**C. Submittal Requirements:**

See Chapter 7 for Minor and Major Subdivision Standards

**9.2.3 APPLICATION DEADLINE**

~~All applications shall be completed and submitted to the Administrator according to schedules as determined by the city.~~

**9.2.4 COMPLETE APPLICATION REQUIRED**

- A. ~~The Administrator shall have 5 working days to review the application materials submitted and confirm that all the required items have been submitted.~~
- B. ~~If the application is not complete, the Administrator shall inform the applicant in writing within the 5-day period, specifying the ways in which the application is incomplete, and the applicant shall have 60 days during which to provide the requested materials and complete the application. Any application for which additional materials have not been forthcoming during this 60-day period shall be considered null and void. This application period may be extended by the Administrator upon mutual agreement to provide the required materials at some date certain in the future.~~

**9.2.5-3 CONCURRENT PROCESSING**

Any applicant may submit an application for any sequential approvals (such as a zoning map amendment and site plan approval) required under this Code and request that such sequential approvals be processed concurrently; however, such concurrent processing shall proceed at the applicant's own ~~risk, and~~ risk and shall have no implication in regard to the approval of any of the various approvals requested.

### 9.3: APPLICATION REQUIREMENTS

The following general standards for various applications are intended to require only that data/information that is necessary to render an informed decision by the reviewing agency. A narrative explaining the scope of the project will be required for all applications. The "Application Submittal Requirements" list, on file with the Administrator, is intended to provide further guidance to applicants as to the necessary level of detail for each application component listed below.

PERMIT TYPE	CODE SECTION	PRE-APPLICATION CONFERENCE (7.5.4.B.4)	SKETCH PLAN (7.5.3)	SITE PLAN – INCL. BUILDING ELEVATIONS (7.5.7)	FINAL PLAT (7.5.5)	TRAFFIC IMPACT ANALYSIS (7.3.2)	ARCHEOLOG. IMPACT ASSESSMENT (8.4)
<b>ADMINISTRATIVE PERMITS</b>							
Zoning Permit	9.4	<b>See Administrator</b>					
Project Permit	9.5						
Certificate of Compliance	9.6						
Certificate of Occupancy	9.7						
<b>DEVELOPMENT DESIGN REVIEWS</b>							
Minor Development	9.8.1	<b>See Code Sec. 7.5: Subdivision and Site Plan Standards</b>					
Major Development	9.8.2						
<b>SUBDIVISION REVIEWS</b>							
Subdivision, Minor (Site Plan)	9.9	<b>See Code Sec. 7.5: Subdivision and Site Plan Standards</b>					
Subdivision, Major (Sketch Plan)							
Subdivision, Major (Site Plan)							
Final Subdivision Plat							
<b>HISTORIC PRESERVATION</b>							
Certificate of Appropriateness (CoA), Minor	9.10.2 (1)		<input type="checkbox"/>	<input type="checkbox"/>			
CoA, Major	9.10.2 (2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input type="checkbox"/>

- 9: DEVELOPMENT REVIEW PROCEDURES  
9.3: APPLICATION REQUIREMENTS

PERMIT TYPE	CODE SECTION	PRE-APPLICATION CONFERENCE (7.5.4.B.4)	SKETCH PLAN (7.5.3)	SITE PLAN – INCL. BUILDING ELEVATIONS (7.5.7)	FINAL PLAT (7.5.5)	TRAFFIC IMPACT ANALYSIS (7.3.2)	ARCHEOLOG. IMPACT ASSESSMENT (8.4)
<b>ADMINISTRATIVE ADJUSTMENTS</b>							
Administrative Adjustment	9.12	<b>See Administrator</b>					
Special Exception	9.13		■	■		□	
Variance	9.14		■	■		□	
<b>APPEALS</b>							
Administrative Appeal	9.15	<b>See Administrator</b>					
<b>AMENDMENTS</b>							
Amendments & Rezoning	9.13		■	■		□	
■ = Required Compliance			□ = On an “as needed” basis as determined by the Administrator				

- 9: DEVELOPMENT REVIEW PROCEDURES  
9.3: APPLICATION REQUIREMENTS

PERMIT/PROCESS TYPE	SECTION	PRE-APPLICATION CONFERENCE (9-2-1)	SITE ANALYSIS (9-3-1-A)	SKETCH PLAN (9-3-1-B)	SITE PLAN (9-3-1-C)	CONSTRUCTION DOCUMENTS (9-3-1-D)	AS-BUILT DRAWINGS (9-3-1-F)	FINAL PLAN (9-3-1-f)	BUILDING ELEVATIONS (9-3-1-G)	TRAFFIC IMPACT ANALYSIS (7-3-2)	ARCHAEOLOGICAL IMPACT ANALYSIS (8-3)
<b>ADMINISTRATIVE PERMITS</b>											
Zoning Permit	9.4	See Administrator									
Project Permit	9.5	See Administrator									
Certificate of Compliance	9.4	See Administrator									
Certificate of Occupancy	9.6	See Administrator									
<b>DEVELOPMENT DESIGN REVIEW</b>											
Development Design Review, Minor	9.7	<ul style="list-style-type: none"> <li>☐</li> <li>☐ <a href="#">See Chapter 7</a></li> <li>☐</li> <li>☐</li> </ul>									
Development Design Review, Major	9.7	<ul style="list-style-type: none"> <li>■</li> <li>☐</li> <li>■ <a href="#">See Chapter 7</a></li> <li>■</li> <li>■</li> <li>☐</li> <li>☐</li> <li>☐</li> </ul>									
<b>SUBDIVISION REVIEW</b>											
Subdivision, Minor, Site Plan	9.8	<ul style="list-style-type: none"> <li>■</li> <li>☐ <a href="#">See Chapter 7</a></li> <li>☐</li> </ul>									
Subdivision, Major, Sketch Plan	9.8	<ul style="list-style-type: none"> <li>■</li> <li>■</li> </ul>									

- 9: DEVELOPMENT REVIEW PROCEDURES  
9.3: APPLICATION REQUIREMENTS

		<ul style="list-style-type: none"> <li>■</li> <li>☐ <a href="#">See Chapter 7</a></li> <li>☐</li> </ul>									
Subdivision, Major, Site Plan Preliminary Plat	9-8	<ul style="list-style-type: none"> <li>■</li> <li>☐ <a href="#">See Chapter 7</a></li> <li>☐</li> </ul>									
Final Subdivision Plat	9-8	<ul style="list-style-type: none"> <li>■</li> <li>■ <a href="#">See Chapter 7</a></li> <li>■</li> <li>☐</li> </ul>									
<b>HISTORIC PRESERVATION</b>											
-Certificate of Appropriateness, Minor	9-9			☐	☐	☐				☐	
-Certificate of Appropriateness, Major	9-9	☐	■	☐	■	■			■		☐
Historic District Designation	9-10	See Administrator									
<b>RELIEF</b>											
-Administrative Adjustment	9-11	See Administrator									
Special Exception Permit	9-12		☐		■				☐	☐	
-Variance Permit	9-13		■		■						
<b>ADMINISTRATION APPEALS</b>											
-Administrative Appeal	9-14	See Administrator									
<b>AMENDMENTS</b>											
-Amendments	9-15	■									
		<ul style="list-style-type: none"> <li>■ – Required Compliance</li> <li>☐ – On an "as-needed" basis as determined by the Administrator</li> </ul>									

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### 9.3.1 APPLICATION ELEMENTS

- A. ~~Site Analysis: A site analysis is intended to identify forest stands or trees of a uniform size and species, specimen trees of varying sizes and species, particularly free standing or open grown or field grown trees, a distinctive tree line or forest edge, existing watercourses and floodplains, previously documented federal or state recognized endangered species habitats, and areas of historic, cultural, or archeological significance. (See Section 8.3 as applicable.) This requirement provides the city and the applicant the ability to evaluate the proposed development in order to preserve existing resources and to improve the appearance of the development proposed. It is the expectation that readily available spatial data, including GIS information, will be sufficient for this survey.~~
- B. ~~Sketch Plan: The sketch plan shall show in simple line drawing form the proposed layout of streets, lots, buildings, civic spaces, tree coverage, and other features in relation to existing conditions, based upon the size of the tract proposed for development. Sketch Plans shall be reviewed as binding documents for Certificates of Compliance, and for any other permits or approvals for which the Administrator requires only a Sketch Plan to be submitted with the application. Sketch Plans shall be used for non-binding review for all other development application processes in which they are required.~~
- C. ~~Site Plan (syn. Preliminary Plat): The site plan is intended to provide a detailed two-dimensional drawing that illustrates all of the required site features, including buildings\*, parking areas\*, street locations, street sections, rights-of-way, property lines and setbacks, required or proposed Critical Area buffers, trees proposed to remain and to be removed and tree protection zones, site landscaping and lighting\* (in conceptual form), and all related development calculations (e.g., density, proposed building areas, number of parking spaces, estimated impervious surface, proposed tree coverage, percentage of open space) in sufficient detail to show compliance with this Code. When Specimen or Landmark Trees are proposed to be preserved or removed, an Arborist Report is required per Section 5.3.2 B. Detailed engineering drawings such as subsurface utilities (e.g., water and sewer) and calculations for on site stormwater facilities are not required for Site Plans. \*When a Site Plan is being used as a Preliminary Plat for a Subdivision, these elements are not required to be shown.~~

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- ~~D. Construction Documents: The construction documents for development design review and subdivision plans shall constitute a full and complete set of engineered drawings necessary for final permitting and horizontal and vertical construction. This includes detailed landscaping plans, lighting plans, grading and drainage plans, and stormwater calculations.~~
- ~~E. As Built Drawings: The as built drawings shall show the final installed conditions and specifications for all public infrastructure. The designer of the infrastructure shall certify, under seal, that the installed infrastructure is in compliance with the approved plans and designs and with the requirements of this Code. A final inspection and approval by the Administrator shall occur before the release of any performance securities.~~
- ~~F. Final Plat: The final plat shall be prepared by a registered land surveyor licensed to practice in the State of South Carolina, and shall meet the requirements of the Beaufort County Register of Deeds Office. The Final Plat shall constitute an accurate survey of the entire phase as shown on the approved site plan and shall include all the relevant notes and certifications.~~
- ~~G. Building Elevations for Design Review: For certain applications, it may be necessary to submit scaled drawings of each elevation visible from a public street or civic space. These drawings shall be in color and shall accurately represent the building heights, floor levels, and building materials, and shall include written identification of building materials. In addition, the Administrator may require a physical model or up to three drawings from different perspectives that show how the building fits into the context of the block.~~

## 9.4: ZONING PERMIT

### 9.4.1 APPLICABILITY

Only Required Permit: A zoning permit certifying compliance with this Code shall be the only type of approval required for the following activities:

- A. Home Occupations as regulated by Section 3.4.3 (Home Occupations — Major and Minor).
- B. Temporary uses that do not materially affect the area's natural environment, parking requirements, transportation patterns, public health, or economic values. (See Section 3.11.3 Temporary Uses)
- C. Conditional uses not requiring a building permit.
- D. Special events.
- E. Changes of use, and any uses permitted with additional standards per Article 3 (Land Use Provisions).

- F. Removal of trees as regulated in Section 5.4 (Tree Removal).

**9.4.2 PROCESS AND APPROVAL**

- A. **Process Type:** Administrative.
- B. **Pre-Application Procedure:** None.
- C. **Required Application Information:** See Administrator.
- D. **Public Notification:** None.



- E. **Determination of Compliance:** Once an application is deemed complete by the Administrator, the Administrator shall review the application and approve or deny it based on compliance with the standards contained in this Code.
- F. **Appeals:** Appeals of zoning permit applications denied by the Administrator shall be taken to the Zoning Board of Appeals within 30 days of the decision, in accordance with the procedures found in Section 9.15 (Administrative Appeals).
- G. **Permit Validity:** Upon the approval of the zoning permit, the applicant shall have 6 months to take action on the approval. If no action is taken, the permit becomes null and void, and the applicant shall resubmit.
  - 1. **Exception:** Tree Removal Permits have no expiration.
- H. **Permit Extension:** The Administrator may grant a single extension of up to 6 months upon submittal by the applicant of sufficient justification for the extension. Permits issued for temporary uses may be renewed only if it is determined that said use is clearly of a temporary nature, will cause no traffic congestion, and would not create a nuisance to surrounding uses.

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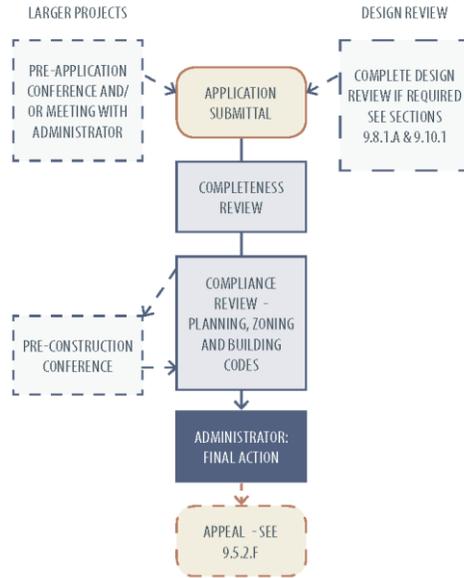
## 9.5: PROJECT PERMIT

### 9.5.1 APPLICABILITY

A Project Permit shall be required for any building, structure, or attachment to a structure to be erected, moved, added to, or structurally altered. This includes, but is not limited to:

- A. **Site Work:** Any modifications to a parcel of land, not to include construction of a structure.
- B. **New Construction and Expansion:**
  - 1. **Primary Building(s):** New construction of all types of structures.
  - 2. **Accessory Structures or Uses:** Accessory uses incidental to single-family residential structures (e.g., detached garage, swimming pool, tool shed) as regulated by Section 3. ~~42-11~~ (Accessory Uses and Structures).
  - 3. **Building Expansions:** Heated and unheated (e.g., porches, decks, sunrooms) building expansions.
  - 4. **Site Elements:** Any site elements not attached to the building (e.g., porches, patios).
- C. **Signs:** Erection of new signs or modification to existing signs, including Master Sign Plans.
- D. **Awnings:** Includes new awnings and awning re-covers.
- E. **Fences and Enclosures:** Erection of, demolition of, or any changes to fences and other types of enclosures.
- F. **Demolition:** Removal of existing buildings, structures, or site work.

## 9.5.2 PROCESS AND APPROVAL



- A. **Process Type:** Administrative.
- B. **Pre-Application Procedure:** For large-scale projects, a pre-construction meeting may be required. For all other projects, no meeting is required, but applicants are encouraged to call or visit the Administrator prior to requesting a Project Permit to determine what information is required for the application.
- C. **Required Application Information:** See Administrator. The application shall include all drawings and specifications required by building codes adopted by S.C. Code § 6-9-50.
- D. **Determination of Conformity:** The review, approval, and distribution of drawings and specifications required shall be coordinated by the Administrator in accordance with the building codes adopted by SCCL Section 6-9-50. Upon issuance of a permit, the Administrator shall endorse, by writing or stamp, all sets of drawings showing approval. Such drawings shall be kept at the work site and made available for inspection by the Administrator upon request. Approved Project Permits shall be conspicuously posted by the applicant on the property for which they were obtained until the applicant has obtained a Certificate of Occupancy, pursuant to Section 9.7.
- E. **Public Notification:** None required.
- F. **Appeals:** Appeals of Project Permit applications denied by the Administrator that are not reviewed by the Building codes department, shall be taken to the Zoning Board of Appeals (Section 10.3). The appeal of any Project Permit application requiring approval by the Building codes department shall be taken to the Building Board of Appeals within 30 days of the decision, in accordance with the

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procedures found in the City Code of Ordinances, Section 5-1005.1 (or appropriate section as amended from time to time).

- G. **Changes to Approved Plans:** If a project has undergone design review and received Design Approval or Certificate of Appropriateness, as applicable, no changes between the design review set and the building permit set shall be permitted unless they are presented in writing and approved by the Administrator at the time a Project Permit is sought. If the Administrator is not made aware of any changes, the plans submitted for design review will take precedence.
- H. **Changes to Approved Permits:**
  - 1. After a Project Permit has been issued, no changes or deviations from the terms of the permit or the application and accompanying plans shall be made without the specific written approval of such changes or deviations by the Administrator. Any exterior changes may require review and approval by the appropriate decision-making body.
  - 2. An amendment to a Project Permit that requires payment of an additional fee, either because of an increase in the size of the buildings, a change in the scope of work, or an increase in the estimated cost of the proposed work, shall not be approved until the applicant has paid the additional fees, and the amendment has been properly reviewed by the appropriate decision-making body.
- I. **Notification and Approval Before Construction Begins:**
  - 1. Before any work begins pursuant to the Project Permit, the applicant shall furnish the Administrator with the name of the general contractors, or the owner acting as the general contractor, who will be performing the work;
  - 2. The applicant or the applicant's authorized agent shall provide adequate advance notice to the Administrator at such time as the work is ready for inspection under the Building code. Upon receiving such notification, the Administrator shall inspect the work.
- J. **Licensed Specialty Contractor(s) May Be Required:** Where any local ordinances or any provision of the SCCL require that work be done by a licensed specialty contractor of any kind, no Project Permit for such work shall be issued unless it is to be performed by such licensed specialty contractor. It shall further be the contractor's responsibility to conform to all local ordinances and state building codes for all installations or repairs of a building or utility system.
- K. **Permit Validity:** Any Project Permit shall become null and void unless the work approved by the permit is commenced within 180 days after the date of issuance. No work shall be considered to have commenced for the purposes of this paragraph until an inspection has been made and recorded. If after commencement the work is discontinued for a period of 180 days, the permit shall immediately expire. Extensions of up to 180 days per request may be granted by the Administrator, but shall be requested in writing prior to expiration of the permit. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured.
- L. **Permit Extension:** None - shall resubmit.

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## 9.6: CERTIFICATE OF COMPLIANCE

### 9.6.1 APPLICABILITY

A Certificate of Compliance shall be required as part of a final site inspection for development work completed subsequent to a previously approved subdivision or site plan. It may also be required for a change in occupancy or use of an existing building to a conforming use.

### 9.6.2 PROCESS AND APPROVAL



- A. **Process Type:** Administrative.
- B. **Pre-Application Procedure:** n/a.
- C. **Required Information:** Upon completion of all development work and simultaneous with the applicant's request to the Administrator for a final site inspection, the applicant shall submit the following documents to the Administrator for review and approval.
  1. A registered engineer's sealed certification of completed roads, parking, drainage systems and utilities.
  2. Certification of Compliance with approved landscaping and tree planting plan by a registered landscape architect or a landscape contractor.
  3. A digital file of the as-built drawings, indicating accurate site conditions of pavements, parking spaces, utilities, structures, and drainage — this may be submitted after the Certificate of Compliance and Certificate of Occupancy (Section 9.7) are issued.

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4. South Carolina Department of Health and Environmental Control permits to operate water and sewer system.
  5. City agreement to accept ownership and maintenance responsibility for dedicated roads and drainage systems where applicable.
  6. Other applicable agencies' final certification.-
  7. An owner's affidavit stating that all work has been completed consistent with the applicant's development permit and any applicable provisions of this chapter, plus a copy of the documents that clearly set forth the ownership and maintenance provisions and responsibilities for infrastructure improvements.
- D. **Public Notification:** None.
- E. **Issuance of a Certificate of Compliance:** Upon determination of compliance, the Administrator shall complete a Certificate of Compliance and forward it to the applicant. A final Certificate of Occupancy (Section 9.7) shall not be issued by the Administrator until a Certificate of Compliance has been issued, in accordance with the provisions of this section, for the site or phase thereof in which the building is located. The Administrator's approval of the Certificate of Occupancy may be accepted as Certificate of Compliance, unless a separate Certificate of Compliance has specifically been requested by the applicant.
- F. **Appeals:** Appeals of Certificate of Compliance applications denied by the Administrator shall be taken to the Zoning Board of Appeals within 30 days of the decision, in accordance with the procedures found in Section 9.15 (Administrative Appeals).
- G. **Permit Validity:** n/a.
- H. **Permit Extension:** n/a.

## 9.7: CERTIFICATE OF OCCUPANCY

### 9.7.1 APPLICABILITY

A Certificate of Occupancy shall be required for occupancy and use of a building that is erected or enlarged.

### 9.7.2 PROCESS AND APPROVAL

- A. **Process Type:** Administrative.
- B. **Pre-Application Procedure:** n/a.
- C. **Required Application Information:** See Administrator.



- D. **Public Notification:** None.
- E. **Issuance of Certificate of Occupancy:** A final Certificate of Occupancy shall not be issued by the Administrator until a Certificate of Compliance (9.6) has been issued for the site or phase thereof in which the building is located and all outstanding building code issues have been satisfied.
- F. **Temporary Certificate of Occupancy:** Pending the issuance of a permanent Certificate of Occupancy, a temporary certificate may be issued. The certificate shall be issued by the Administrator in conformity with the provisions of this Code and the building code. The temporary certificate may include such safeguards and conditions as will protect the safety of the occupants and the public. Where improvements required by this Code or the specific approval of the development are incomplete, a guarantee acceptable to the City — equal to 125% of the costs of such improvements — may be required to ensure the installation of the improvements.
- G. **Appeals:** Appeals of Certificate of Occupancy applications denied by the Administrator shall be taken to the Zoning Board of Appeals within 30 days of the decision, in accordance with the procedures found in Section 9.15 (Administrative Appeals).
- H. **Permit Validity:** n/a.
- I. **Permit Extension:** n/a.

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## 9.8: DEVELOPMENT DESIGN REVIEW

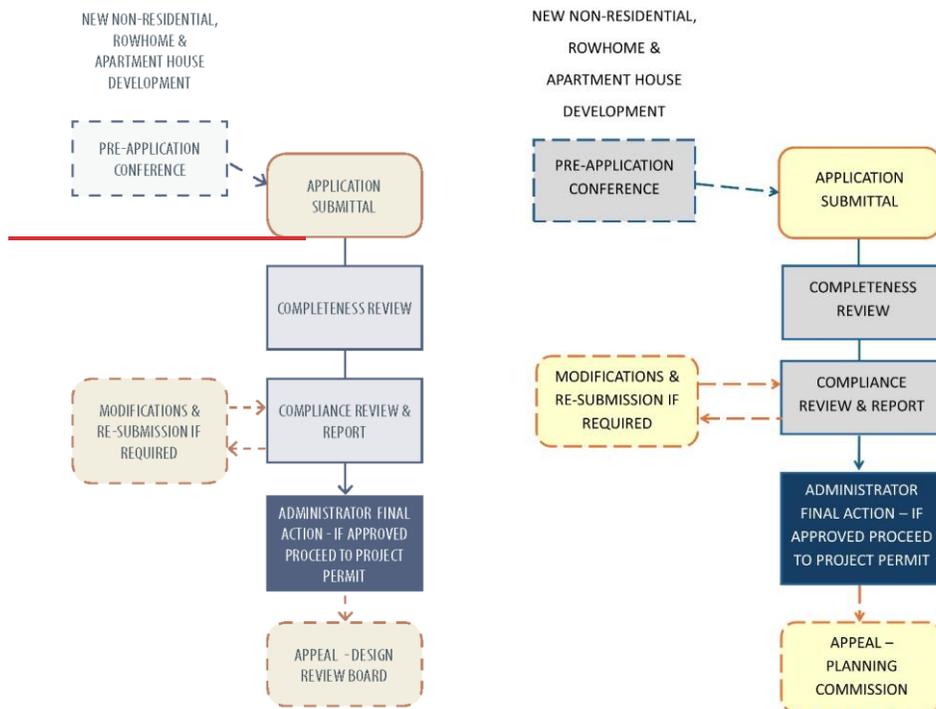
### 9.8.1 DEVELOPMENT DESIGN REVIEW (MINOR)

A. **Applicability:**

- ~~1. All structures having a 10,000 square foot or less building footprint, except Vehicle-Related Uses as defined in Section 9.8.2 A.2.~~
- ~~2.~~ All buildings, except single-family residential structures, in developments that contain ~~245~~ or fewer residential units.
  - ~~3.~~ Demolition of structures of any size where no new building is proposed.
  - ~~4.~~ Improvements to existing non-residential or multi-family structures that do not exceed ~~750~~% of the assessed value of the existing improvements.

B. **Exceptions:**

- Detached single-family homes on individual lots outside of the Historic District are not subject to Development Design Review. However, they may be subject to the Building Design Standards laid out in Article 4, depending on the zoning district.
- Projects in the Beaufort Historic District are not subject to Development Design Review, and shall instead be evaluated by the HRB for compliance with the Historic District Guidelines. (See Section 9.10.2 - Certificate of Appropriateness, Minor and Major.)
- Projects in the LI Zone are not subject to Development Design Review. However, they are subject to the Building Design Standards described in 4.2.2.B.3.



- C. **Process Type:** Administrative — The Administrator may submit any applications subject to staff approval to the ~~Design Review Board~~ Planning Commission for approval.
- D. **Pre-Application Procedure:** No meeting is required, but applicants are encouraged to call or visit the Administrator to determine what information is required for the application.
- E. **Required Application Information:** Site Analysis (Section 9.3.1), Site Plan (Section 9.3.3) and Building Elevations for Design Review (Section 9.3.7) — these may be waived by Administrator as appropriate.
- F. **Public Notification:** None.
- G. **Determination of Compliance:** Once an application is deemed complete by the Administrator, the Administrator shall review the application and approve, deny, or approve the plan with conditions based on compliance with the standards contained in this Code. All decisions shall be in writing. Following an approval or approval with conditions, the applicant shall be directed to prepare detailed Construction Documents (Section 9.3.1 D.) for final approval by the Administrator.
- H. **Appeals:** Appeals of the decisions of the Administrator shall be heard by the ~~Design Review Board~~ Planning Commission. Application for appeal shall be made within 30 days of the decision.
- I. **Permit Validity:** Upon the approval of the Minor Development Design application, the applicant shall have 2 years to obtain a Project Permit. Failure to secure Project Permits for the permitted work within this time shall render the compliance void. Any change to the approved plans that has not been

authorized by the Administrator shall invalidate the Minor Development Design Plan and any subsequent Project Permits.

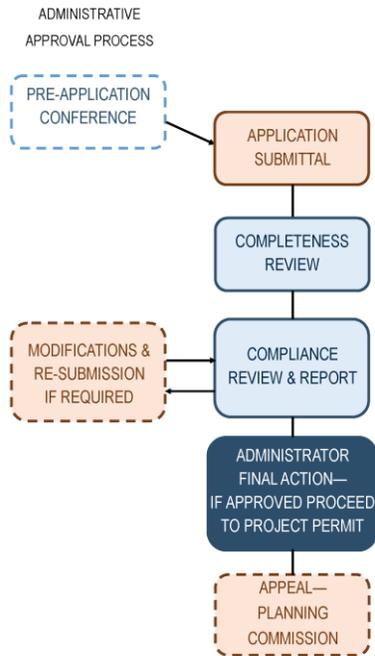
- J. **Permit Extension:** The Administrator may grant up to 5three one-year extensions of this time period upon submittal by the applicant of sufficient justification for the extension. Extensions shall be submitted at least 1 month prior to the expiration date.

### 9.8.2 DEVELOPMENT DESIGN REVIEW (MAJOR SITE PLAN)

#### A. **Applicability:**

1. **Civic and Educational Facilities:** Any new development classified as a Civic Facility or Educational Facility (see Sections 3.4.1 A. and 3.4.1 C.).
2. **Vehicle-Related Uses:** Any new development that includes fuel-dispensing facilities, drive-thru facilities, or structured parking.
3. **Nonresidential Development:** Any commercial development.
4. **Residential Development:** Single-family attached or multi-family developments containing more than 640 units.
5. **Exceptions:**
  - a. Lots in the Beaufort Historic District are not subject to Development Design Review, and shall instead be evaluated by the HRB for compliance with the Historic District Guidelines (see Section 9.10 Certificate of Appropriateness, Minor and Major).
  - b. Projects in Redevelopment District Overlay Districts, are not subject to review by the Planning Commission and shall instead be evaluated by the Administrator (see Section 2.7.3). The Administrator shall post all projects for review in said districts for a 15-day public review and comment period for each major submittal. Minor revisions to the plans (not related to use, density, building frontage, or building height) shall not constitute a major submittal. A copy of all public comments shall be disseminated to the applicant and Administrator for each public comment period. The Administrator shall respond in writing to all public comments after each major submittal, and the project will be required to attend a TRC committee meeting before the project is issued final approval.

**Commented [CK6]:** Comment from Dianne Farrelly: "Suggest referring to chart for relevant extension periods, however, what about if amendments are codified in the meantime?"



- B. **Process Type, Requirements and Approval:** See Section 7.5.8 for standards and requirements. ~~Discretionary.~~
- C. **Pre-Application Procedure:** Every applicant for a Major Development Plan is required to meet with the Administrator prior to the submittal of an application. The purpose of this meeting is to provide clarification and assistance in the preparation and submission of plat for approval. It is recommended that the applicant provide a Sketch Plan (Section 9.3.1 B.) to the Administrator prior to or at the pre-application conference. The provision of a sketch plan will allow the Administrator an opportunity to review the proposal before the applicant expends funds on the preparation of a detailed Site Plan.
- D. **Required Application Information:** Site Analysis (Section 9.3.1 A.), Sketch Plan (Section 9.3.1 B.), Site Plan (Section 9.3.1 C.), Construction Documents (Section 9.3.1 D.), As-Built Drawings (Section 9.3.1 E.), Building Elevations for Design Review (Section 9.3.1 G.) — a Traffic Impact Analysis (Section 7.3.3) and/or Archeological Impact Analysis (Section 8.3) may also be necessary as determined by the Administrator.
- E. **Determination of Completeness:** The Administrator shall review the application to ensure that it is complete, prepare a report and recommendation on the application, and schedule the matter for a public review before the Design Review Board.
- F. **Public Notification:** None.
- G. **Neighborhood Meeting:** Optional.

H. ~~Public Meeting:~~ The Planning Commission shall hold a public meeting on the proposal. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard.

I. ~~Decisions/Findings of Fact:~~ Following the public meeting, the Planning Commission may approve, deny, or approve with conditions the application for a Major Development. No Major Development shall be approved unless the following findings of fact can be made:

1. ~~The plan is consistent with the adopted plans and policies of the City.~~
2. ~~The plan complies with all applicable requirements of this Code.~~
3. ~~There exists adequate infrastructure (transportation and utilities) to support the plan as proposed.~~
4. ~~The proposed plan conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site.~~
5. ~~The proposed plan conforms to the Building Design Standards in Article 4.~~
6. ~~The application will not substantially lessen the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.~~

J. ~~Time Frame for Review:~~ Major Development Design applications shall be acted upon within 90 days after filing; otherwise, the application shall be deemed approved, and a permit shall be issued. An extension of time may be granted by mutual consent of the Planning Commission and the applicant. Following approval, or approval with conditions, the applicant shall be directed to prepare detailed Construction Documents (Section 9.3.1 D.) for final approval by the Administrator and the TRC (as necessary).

K. ~~Appeals:~~ Any party aggrieved by the decisions of the Planning Commission may appeal to the Circuit Court of Beaufort County within 30 days of the decision.

L. ~~Permit Validity:~~ Upon the approval of the Major Development Design application, the applicant shall have 2 years to obtain a Project Permit. Failure to secure a permit for the permitted work within this time shall render the compliance void. Any change to the approved plans that has not been authorized by the Administrator shall invalidate the design approval, and any subsequent building permits.

M. ~~Permit Extension:~~ The Administrator may grant up to 5 one year extensions of this time period upon submittal by the applicant of sufficient justification for the extension. Extensions shall be submitted at least 1 month prior to the expiration date.

(Ord. No. O-14-23, 9-26-2023)

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## 9.9: SUBDIVISION REVIEW

### 9.9.1 PROVISIONS FOR ALL SUBDIVISIONS

- A. **Applicability and Requirements:** ~~See Article 7 of this code~~ All development that involves the subdivision of one or more parcels shall be subject to the subdivision approval requirements of this division, with the following exceptions:
- ~~The division of land into parcels of 5 acres or more where no new street is involved.~~
  - ~~Subdivision of land into parcels of less than 5,000 square feet in area when they are exclusively for the provision of local utilities such as pump stations.~~
  - ~~The combination or recombination of entire lots of record where no new street or change to existing streets is involved.~~
- ~~Land Development Standards: See Article 7 of this code.~~
- EB. Unlawful to Record Plat without City Approval:** It shall be unlawful to offer and cause to be recorded any plan, plat, or replat of land within the city limits of Beaufort with the Beaufort County Register of Deeds office unless the same bears the endorsement and approval of the city.
- ED. Appeals:**
- Subdivision Plat decisions made by the ~~Metropolitan~~ Planning Commission (**MPC**) may be appealed to the circuit court within 30 days of the decision.
  - ~~Subdivision Plat decisions made by the TRC may be appealed to the MPC within 30 days of the decision. The MPC shall review the Subdivision Plat within 60 days and shall have all of the same authority as the TRC in such review. The decision of the MPC shall be final.~~
- ED. Permit Validity:** A subdivision approval shall expire as set out in Section 9.1.9 (Vested Rights and Expiration of Approvals) of this Code unless a Certificate of Compliance is obtained, or it is recorded at the Beaufort County Register of Deeds office.

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### 9.9.2 MINOR SUBDIVISION



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**A. Applicability:** ~~The Minor Subdivision review process is allowed for those divisions of land that:~~

- ~~1. Combine or recombine portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this Code. A nonconforming lot may be included in a lot recombination if the resultant lot becomes closer to conformity.~~
- ~~2. Subdivide parcels less than 10 acres in size.~~
- ~~3. Create no new streets.~~
- ~~4. Do not involve any other conditions that require any additional approval(s) from any city board or commission, as determined by the Administrator.~~

**B. Process Type:** ~~Administrative.~~

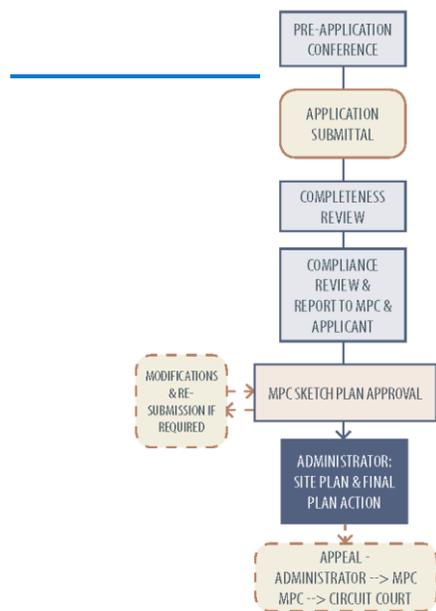
**C. Required Application Information:** ~~A Minor Subdivision plat shall be submitted consistent with the requirements of the city.~~

**D. Exceptions:**

1. Any development that utilizes the Small Scale Planned Infill Standards (Section 2.8.1) or the Cottage Court Standards (Section 2.8.2) may divide land into 10 or fewer lots and be reviewed as a minor subdivision.
2. A rear lane, accessed off of a separate, platted street, which provides access to the rear of a lot, will not be considered a "new street" for the purposes of this section.
3. The subdivision of any property listed on the original 1969 National Historic Landmark District nomination is not permitted. Variance requests for this provision may be made per Section 9.14.

### 9.9.3 MAJOR SUBDIVISION — SKETCH PLAN AND SITE PLAN

- A. **Applicability:** Any division of land that does not meet all of the requirements for Minor Subdivisions (Section 9.9.2 A.).
- B. **Process Type:** Discretionary.
- C. **Required Application Information:** Site Plan (syn. Preliminary Plat — Section 9.3.1 C.).



D. **Public Notification:** Level 2 for Sketch Plan Review.

E. **Sketch Plan Review:**

1. ~~Procedure: The subdivider shall submit to the Administrator, not less than the requisite number of days prior to the regularly scheduled meeting date of the MPC, the required number of copies of the Sketch Plan. Additional copies of the plat or any supplemental information may be requested.~~
2. ~~Review by Technical Review Committee: The Sketch Plan shall then be submitted to and checked by the TRC for conformance with the requirements of this Code. The TRC shall review the plat within 30 days after submissions. The TRC shall either approve and certify the plat, or notify the subdivider in writing of any noncompliance with the regulations of this Code.~~
3. ~~Review and Action by Metropolitan Planning Commission:
  - a. ~~The MPC shall approve, approve with conditions, or disapprove the Sketch Plan within 60 days after submission. Unless this time limit is extended by mutual agreement, failing to act within the time limit constitutes approval of the Sketch Plan. If a proposed Site Plan is determined by the MPC to be in conformance with all applicable provisions of this Code, the MPC shall approve the Site Plan, and shall advise the applicant in writing of:
    - i. ~~The conditions of such approval, if any;~~
    - ii. ~~Certification of the plan by the City; and~~
    - iii. ~~The date on which the MPC granted approval.~~~~
  - b. ~~A determination by the MPC that all applicable provisions have not been satisfied shall result in disapproval of the Site Plan and notice of such disapproval shall be given to the applicant in writing.~~
  - c. ~~Approval of a Sketch Plan shall not constitute approval of the Site Plan or Final Subdivision Plat. Application for approval of the Site Plan (Preliminary Plat) and Final (Record) Plat will be considered only after the requirements for each approval as specified herein have been fulfilled and after all other specified conditions have been met.~~
  - d. ~~Upon approval of the Sketch Plan by the MPC, the subdivider may proceed to comply with the other requirements of these regulations and the preparation of the Site Plan and then Final Subdivision Plat.~~~~
4. ~~Approved Plans Containing School Sites: Where a tract of land that has been approved by the County Board of Education as a proposed school site lies wholly or partially within an area proposed to be subdivided, and provided the Board of Education has notified the city and the property owner of its approval of the proposed school site prior to or within 10 days after the presentation of a Site Plan to the TRC for approval, the subdivider shall reserve the proposed school site for a period of not more than 60 days from the date of approval of the Site Plan. Such reservation would be stated as a condition of preliminary approval by the TRC.~~

**F. Site Plan Review:**

1. ~~Procedure: The subdivider shall submit the Site Plan (syn. Preliminary Plat, Section 9.3.1.C.) to the Administrator. The Site Plan shall be in conformance with the approved Sketch Plan, including any conditions required by the MPC.~~
2. ~~Review by Technical Review Committee: The Site Plan shall then be submitted to and checked by the TRC for conformance with the requirements of this Code. The TRC shall review the Site Plan within 30 days after submissions. The TRC shall either approve and certify the plat, or notify the subdivider in writing of any noncompliance with the regulations of this Code.~~

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### 9.9.4 FINAL SUBDIVISION PLAT

A. ~~The Final Plat shall constitute only that portion of the approved Site Plan which the subdivider proposes to record and develop at the time of submission. Approval of the Final Plat shall be subject to the installation of the improvements designated in Section 7.1.3 (Table of Required Improvements) or certified evidence from the city that said improvements shall be installed in accordance with these regulations.~~

1. ~~Procedure:~~

a. ~~The subdivider shall submit to the Administrator the required number of copies of the Final Plat.~~

b. ~~The plat shall then be submitted to and checked by the TRC for conformance with the approved Site Plan and with the requirements of these regulations. The TRC shall review the plat within 30 days after submission. The TRC shall either approve and certify the plat or notify the subdivider in writing of any noncompliance with these regulations or any deviation from the approved Site Plan that is found on the Final Plat.~~

c. ~~Approval and certification by the TRC shall not be deemed to constitute or affect an acceptance by the city, or the county, or the public of the dedication of any street or other ground shown upon the plat. Upon receipt of the plat, City Council shall determine the acceptance or non-acceptance of all dedicated streets, easements, rights-of-way, public parks, and other public lands as shown on the plat. If accepted by the city, action to that effect shall be noted on the Final Plat; if not accepted, the reasons for non-acceptance shall be so stated.~~

d. ~~It shall be unlawful to sell or transfer property (lots) within the approved subdivision until after the plat has been recorded with the Register of Deeds Office.~~

B. ~~Subdivision in Phases: Whenever part of a tract is proposed for platting, and it is intended to subdivide additional parts in the future, or abutting land is in the same ownership, a sketch plan for the entire tract shall be submitted with the plat.~~

## 9.10: CERTIFICATE OF APPROPRIATENESS

### 9.10.1 APPLICABILITY

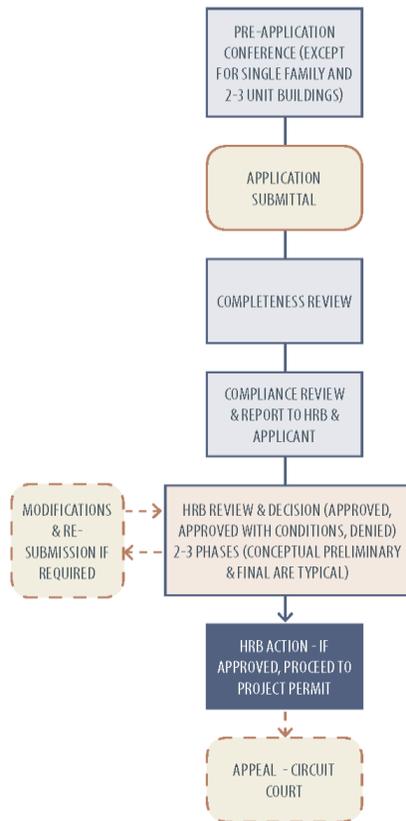
- A. A Certificate of Appropriateness shall be required for any construction activity in any historic district, including:
1. New structures.
  2. Modification to, or expansion of, existing structures, including those that apply for the Bailey Bill Special Tax Assessment for Rehabilitated Historic Properties.
  3. Relocation of any existing structure.
- B. Demolition or partial demolition of any structure.

### 9.10.2 PROCESS AND APPROVAL

- A. **Process Type:** The review process required to approve Certification of Appropriateness is based on the following project types:



1. **Minor:** Administrative review shall apply to applications for Certification of Appropriateness for the following items. The Administrator may submit any applications that are subject to staff approval to the Historic District Review Board (HRB) for approval.
  - a. Changes to a building or property, to include fences, paint color, roof materials, canopies and awnings, site changes, and window replacements on noncontributing structures.
  - b. New construction and building modifications to include construction of non-habitable accessory buildings in the Beaufort Preservation Neighborhood (BPN).
  - c. Modifications to non-contributing structures in the Beaufort Conservation Neighborhood (BCN).
  - d. Demolitions of non-contributing structures in the BCN.
  - e. Demolition or partial demolition of a structure that is listed in the "1997 Beaufort County Historic Sites Survey," or the most recent historic sites survey, and lies outside the Beaufort Historic District.
  - f. Demolition of noncontributing accessory structures (e.g., sheds, carports, etc.).Such approval shall follow the procedures for Development Design Review-Minor (Section 9.8.1).
2. **Major:** Discretionary review by the HRB shall apply to all other applications for Certificates of Appropriateness.



3. **Design Exception:** Design Exceptions shall be used to modify any dimensional standards or design requirements, found in Articles 2 and 4, for development projects that have unique characteristics that justify a deviation from the underlying standards. Such deviations are intended to provide flexibility from the underlying standards to permit compatible development patterns which are indicative of the surrounding area and/or use an innovative approach or technique. The process is intended to provide the minimum relief necessary to create a more innovative and context-sensitive development consistent with the City's adopted plans. This tool is not intended to circumvent the map amendment (rezoning) procedure where that tool would provide a similar modification of standards.
  - a. **Applicability:** The HRB shall have the authority to authorize a variance of up to 35 percent from any numerical standard set forth in Article 2 (Maps and Districts) — except for Section 2.6, Height and Section 2.7.4, Air Installation Compatibility Use Zone (AICUZ) overlay district standards — and Article 4 (Building Design and Infill Standards).
  - b. **Review Criteria:** The HRB may approve an application for a Design Exception where it reasonably determines that there will be no significant negative impact upon residents of

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surrounding property, or upon the general public. The board shall consider the following criteria in its review:

- i. **Compatibility:** The proposed exception is appropriate for its location. It is compatible with the character of surrounding properties and the development permitted by the zoning of the surrounding properties, and will not reduce property values of surrounding properties.
- ii. **No Adverse Impact:** The design of the proposed exception minimizes adverse effects including visual impacts of the proposed use on surrounding properties; furthermore, the proposed exception does not create a nuisance for surrounding properties.
- iii. **Consistency with Adopted Plans:** The proposed development is in general conformity with the City's Comprehensive Plan, Civic Master Plan and other plans officially adopted by the City.

B. **Guidance Standards, Maintenance of Consistent Policies:** In order to provide guidance and insight into desirable goals and objectives for the Beaufort Historic District, the documents described in this section are hereby adopted for use by the HRB in the exercise of its authority granted under Section 10.7 of this Code.

1. The "Beaufort Preservation Manual," August 1979, and the "Beaufort Preservation Manual, Supplement," August 1990, shall be utilized by the HRB for review of projects located within the Beaufort Preservation Neighborhood.
2. The "Northwest Quadrant Design Principles," May 1999 shall be utilized by the HRB for the review of projects located within the Beaufort Conservation Neighborhood.
3. The Secretary of Interior's "Standards for Rehabilitation" shall be utilized for review of all projects that modify a contributing structure.
4. The Building Design Standards, in Article 4 of this Code, shall be utilized for review of all new construction.
5. The Historic District Infill Design Guidelines, in Section 4.7 of this Code, shall be utilized for review of all new construction.
6. Any special area policies adopted by the HRB.

C. **Approval of Certificate of Appropriateness:** In reviewing an application, the HRB shall conduct a public meeting and consider, among other things, the historic, architectural and aesthetic features of such structure, the nature and character of the surrounding area, the use of such structure and its importance to the city, the character and appropriateness of design, scale of buildings, arrangement, texture, materials and color of the structure in question, and the relation of such elements to similar features of structures in the immediate surroundings. The HRB shall not consider the interior arrangement or interior design unless the interior arrangement or design affect the exterior appearance, nor shall it make requirements except for the purpose of preventing developments that are not in harmony with the prevailing character of the Beaufort Historic District, or that are obviously incongruous with this character.

D. **Demolitions:**

1. In all applications involving the demolition of a contributing primary structure or contributing accessory structure, provisions shall be made for a public hearing as set forth in Section 9.1.5. Demolition of non-contributing structures are approved by the Administrator.

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2. In any case involving the demolition or partial demolition of a structure, before granting approval or requiring a postponement, the HRB may call on the Administrator to provide them with a report on the state of repair and structural stability of the structure under consideration.
  3. Upon receiving an application for demolition or partial demolition of a structure that is listed in the "1997 Beaufort County Historic Sites Survey" and lies within the limits of the city but outside the Beaufort Historic District, the Administrator, within 30 days of receiving the application, shall either approve it, or find that the preservation and protection of historic places and the public interest will be best served by postponing the demolition for a designated period — this shall not exceed 60 days from the receipt of the application, and notify the applicant of such postponement. The application will be announced to the public in accordance with the notification standards set forth in Section 9.1.3. Within the period of postponement of demolition or alteration of any building, the Administrator shall take steps to ascertain what may be done to preserve the building, including consultation with private civic groups, interested private citizens and other public boards or agencies, including investigation of the potential use of the power of eminent domain when the preservation of a given building is clearly in the interest of the general welfare of the community and of certain historic and architectural significance.

- E. **Denial of Certificate of Appropriateness:** The HRB may refuse any application that, in the opinion of the HRB, does not comply with the standards and guidelines listed in Section 9.10.2 B. and thus would be detrimental to the interests of the city. In case of disapproval, the HRB shall state the reasons therefore in a written statement to the applicant, and may give verbal advice to the applicant and make recommendations in regard to appropriateness of design, arrangement, texture, material, color, etc. of the property involved.

Among other grounds for considering a design inappropriate and requiring disapproval and resubmission are the following defects:

1. Arresting and spectacular effects.
2. Violent contrasts of materials or colors and intense or lurid colors.
3. A multiplicity or incongruity of details resulting in a restless and disturbing appearance.
4. The absence of unity and coherence in composition, that is not in consonance with the dignity and character of the present structure, in the case of repair.
5. Construction of, remodeling, or enlargement of an existing building in a manner not consistent with the prevailing character of the neighborhood.

- F. **Issuance of Certificate of Appropriateness:** When a Certificate of Appropriateness and Building Permit have been issued, the Administrator shall, from time to time, inspect the alteration or construction approved by such certificate and may report such inspection to the HRB listing all work inspected and reporting any work that is not in accordance with such certificate, or that violates any ordinances of the city.
- G. **Resubmittal:** After disapproval of an application, the applicant may make modifications to the plans and resubmit. The applicant may not resubmit the same proposal, without modifying it based on HRB comments, for 12 months from the date of the original submission. Reconsideration of an application for demolition that has been denied by the HRB may not be heard until 12 months from the date of the original public hearing, unless a major change has occurred in the property condition that is attributable to natural causes.
- H. **Appeal—Minor:** Appeals of the decisions of the Administrator shall be heard by the HRB. The application for appeal shall be made within 30 days of the decision.

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- I. **Appeal—Major:** Any party aggrieved by the decisions of the HRB may appeal to the circuit court within 30 days of the decision.

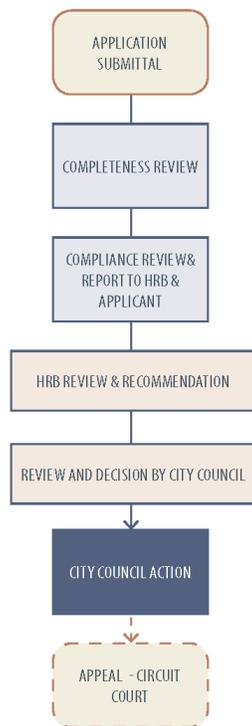
## 9.11: HISTORIC DESIGNATION

### 9.11.1 STANDARDS FOR LOCAL HISTORIC DISTRICT DESIGNATION

- A. A structure, group of structures, site or district may be designated for historic preservation if it demonstrates at least one of the following:
1. Historic, Cultural Importance:
    - a. It has significant character, interest, or value as part of the development, or heritage of the community.
    - b. It is the site of a historic event with a significant effect upon society.
    - c. It exemplifies the cultural, political, economic, social, or historic heritage of the community.
  2. Architectural or Engineering Importance:
    - a. It portrays the environment in an era of history characterized by a distinctive architectural style.
    - b. It embodies those distinguishing characteristics of an architectural type or engineering specimen.
    - c. It is the work of a designer whose individual work has significantly influenced the development of Beaufort.
    - d. It contains elements of design, detail, materials, or craftsmanship that represent significant innovation.
  3. Geographical Importance:
    - a. By being part of or related to a square, park, or other distinctive area, it should be developed or preserved according to a plan based on a historic, cultural, or architectural motif.
    - b. Owing to its unique location or singular physical characteristic, it represents an established and familiar feature of the neighborhood, community or city.
  4. Archeological Importance:
    - a. It has yielded, or may be likely to yield, information important in prehistory or history.
- B. An area may be designated as a Beaufort Conservation Neighborhood (BCN) if it meets one or more of the above criteria, and meets the following two additional criteria:
1. There are a sizable number of properties in the subject area that are not considered to contribute to the architectural or historical significance of the area; and
  2. The cultural values or financial resources of a significant number of property owners in the subject area, as reasonably considered by Beaufort City Council, are such that the flexible standards of the BCN are appropriate.

- C. Individual structures, sites, and properties located within a BCN may be designated as notable properties to be subject to Beaufort Historic District standards, guidelines and procedures rather, than BCN standards, guidelines, and procedures, at such time as standards, guidelines, and procedures may be established for the BCN that are different from those in effect for the remainder of the Historic District. Beaufort City Council, may designate structures, sites, and properties as notable properties where it reasonably determines that those structures, sites, or properties embody a particularly high degree of significance in accordance with the criteria listed in this section.

### 9.11.2 LOCAL HISTORIC DISTRICT DESIGNATION PROCESS



Based upon the criteria set forth in this section, the HRB shall review such proposed designations, and then it shall make a recommendation regarding the designation to City Council for final approval.

### 9.11.3 HISTORIC SIGN DESIGNATION

- A. **Historic Signs:** A historic sign is a sign that, by its construction materials, unusual age, prominent location, unique design, or craftsmanship from another period, makes a contribution to the cultural, historic, or aesthetic quality of the city's streetscape.

- 
1. Signs are designated as historic signs by City Council upon a favorable recommendation of the HRB. The council shall hold a public hearing before designating a sign a historic sign. Before designating a sign as a historic sign, the council shall make a finding that all of the following conditions are met:
    - a. The sign is at least 25 years old and has been at its present location for at least 25 years.
    - b. The sign is an appurtenant graphic to the property, i.e., an on-premises sign that relates to the use of the property, as opposed to an off-premises billboard.
    - c. The sign is structurally safe or is capable of being made so without substantially altering its historical significance.
    - d. The sign is of exemplary technology, craftsmanship, or design of the period in which it was constructed, it uses historic sign materials (wood, metal, or paint directly applied to buildings) and means of illumination (neon or incandescent fixtures), and it is not significantly altered from its historic period. If the sign has been altered, it shall be restorable and shall be restored to its historic function and appearance.
    - e. The sign is of extraordinary significance to the city.
  2. Historic signs are exempt from the requirements of Section 11.6 (Nonconforming Signs).

## 9.12: ADMINISTRATIVE ADJUSTMENT

### 9.12.1 PURPOSE AND APPLICABILITY

- A. **Purpose:** Administrative Adjustments are specified deviations from otherwise applicable development standards where development is proposed that would be:
  1. Compatible with surrounding land uses;
  2. Harmonious with the public interest; and
  3. Consistent with the purposes of this Code.
- B. **Adjustment of Numerical Standard:** The Administrator shall have the authority to authorize modification of up to 10% from any numerical standard set forth in Article 2 (Map & Districts) and Article 4 (Building Design and Infill Standards) of this Code. Any request greater than 10% shall be treated as a variance handled by the Zoning Board of Appeals (ZBOA), and subject to the requirements of Section 9.14.
  1. **Specific to Landscaping and Tree Conservation:** The following applies to landscaping and tree conservation requirements in Article 5 (Landscaping, Parking & Lighting) with regard to the criteria in Section 9.12.2 E.:
    - a. In unusual cases, where there are few existing trees on a site and the planned development is small in size relative to the size of the parcel, then the Administrator may adjust the tree planting requirements (Section 5.3) downward in order not to require excessive planting out of proportion to the scale of the development.
    - b. In the case of multi-phase developments on one parcel, the tree planting requirements (Section 5.3) may be adjusted according to the size of each phase of the development.

c. Any particular planting requirement shall be proportionately reduced where existing plant materials are of sufficient sizes and forms to satisfy the requirement.

C. **Adjustment of Building Design Standards:** Where an existing condition (e.g., utility easement, restrictive covenant, tree or natural feature) prohibits strict compliance with the building design standards in Article 4, the Administrator may waive or adjust the standard as appropriate to assure compliance to the extent practical. This adjustment shall be as small possible in order to accommodate the existing conditions.

D. **Permission of Flag Lot:** Where conditions set forth in Section 2.5.5 C. are met, the Administrator may permit a flag lot. When a flag lot is proposed in conjunction with a Major Subdivision, it shall be incorporated into the process laid out in Section 9.9.3.

### 9.12.2 PROCESS AND APPROVAL



A. **Process Type:** Administrative.

B. **Public Notification:** None.

C. **Required Application Information:** An application for an Administrative Adjustment shall include a brief description of the requirement to be varied and any other material necessary to ensure the criteria in this section are met.

D. **Administrator Review:** The Administrator shall review the application and approve, approve with conditions, or deny the application, based upon the criteria in Section 9.12.2 E. A written decision including affirmative findings on the criteria set forth below shall be transmitted to the applicant.

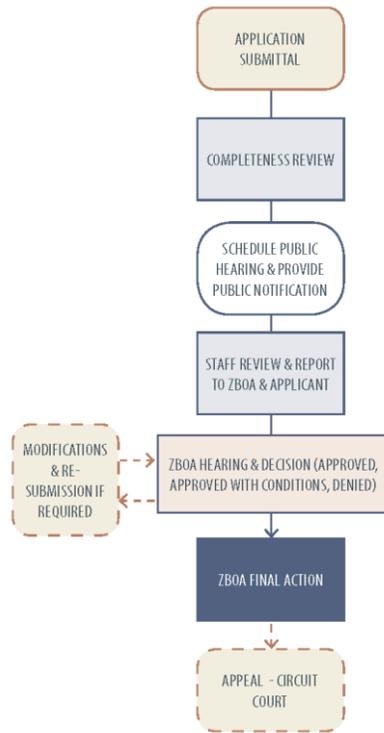
E. **Administrative Adjustment Criteria:** To approve an application for an Administrative Adjustment, the Administrator shall make an affirmative finding that the following criteria are met:

1. Granting the Administrative Adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards.

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2. Granting the Administrative Adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks, and other land use considerations.
  3. Granting the Administrative Adjustment will not adversely affect property values in any material way.
  4. Granting the Administrative Adjustment will be generally consistent with the purposes and intent of this Code.
- F. **Appeals:** A decision denying an Administrative Adjustment may be appealed to the ZBOA within 30 days of the mailing of the Administrator's decision in accordance with Section 9.15 (Administrative Appeals).
- G. **Expiration and Lapse of Approval:** Property owners shall have 6 months from the date of approval of an Administrative Adjustment to secure a Building Permit to carry out the proposed improvements. If a complete Building Permit application has not been filed within 6 months of the date of approval, the approval shall be void.

### 9.13: SPECIAL EXCEPTION

**9.13.1 APPLICABILITY**



Special Exceptions may be made for situations in which proposed land uses are generally compatible with the land uses permitted by-right in a district (per Section 3.2 Table of Permitted Uses) but require individual review of their location, design, and configuration to evaluate the potential for adverse impacts on adjacent property and uses. The Special Exception process ensures the appropriateness of the use at a particular location within a given District.

**9.13.2 PROCESS AND APPROVAL**

- A. **Process Type:** Discretionary.
- B. **Required Application Information:** All applicable forms as determined by the Administrator, along with such accompanying material as is required to ensure compliance with the criteria listed in Section 9.12.2 E.
- C. **Public Notification:** Level 1, 2, and 3 [\(see Section 9.1.5 for specific Public Notification requirements\).](#)
- D. **Staff Review and Report:** The Administrator shall prepare a staff report that reviews the proposed development in light of the Comprehensive Plan, Civic Master Plan, the review criteria listed below,

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and the requirements of this Code. A copy of the report shall be provided to the Zoning Board of Appeals (ZBOA) and the applicant before the scheduled hearing.

E. **ZBOA Hearing:**

1. The ZBOA shall hold a public hearing on the Special Exception application.
2. After review of the application and the public hearing, the ZBOA shall make a written finding and approve, approve with modifications or conditions, or disapprove the request.
3. If approval, or approval with modifications or conditions, is granted, the decision shall be communicated in writing within 15 days to the applicant, and the applicant shall then be authorized to submit a development permit application consistent with this Code.

F. **Special Exception Review Criteria:** The ZBOA may approve an application for a Special Exception where it reasonably determines that there will be no significant negative impact upon residents of surrounding property/~~ies~~ or upon the general public. The ZBOA shall consider the following criteria in its review:

1. The proposed ~~use/-uses is/are compatible compatibility~~ with existing land uses in the surrounding area.
2. The harmony of the proposed site plan, circulation plan, and schematic architectural designs with the character of the surrounding area.
3. The likely impact on public infrastructure — such as roads, parking facilities, and water and sewer systems — and on public services — such as police and fire protection and solid waste collection — and the ability of existing infrastructure and services to adequately service the proposed use without negatively impacting existing uses in the area and in the City (a traffic impact analysis shall be required per Section 7.3.2).
4. The general conformity of the proposed use and designs with the city's Civic Master Plan, Comprehensive Plan, and any other plans officially adopted by the City.
5. The likely impact on public health and safety.
6. The potential creation of noise, lights, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts.

G. **Conditions:** The ZBOA may impose such conditions and restrictions upon the application as may be necessary to minimize or mitigate any potential adverse impacts of the proposed use.

H. **Appeal:** Any party aggrieved by the decisions of the ZBOA may appeal to the circuit court within 30 days of the decision.

## 9.14: VARIANCE

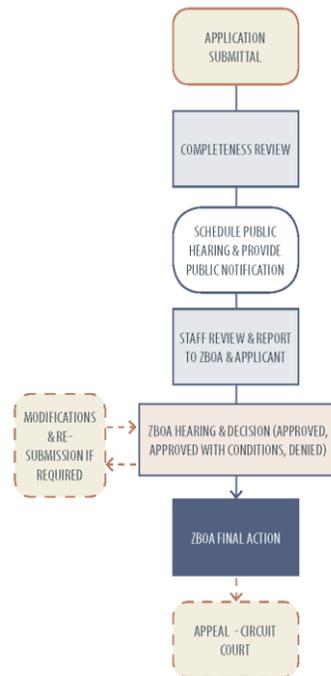
### 9.14.1 APPLICABILITY

Variations to all ordinance standards may be requested with the following exceptions:

- A. No variations to the Table of Permitted Uses (Section 3.2) shall be permitted.
- B. No variations to sign regulations (Article 6) shall be permitted.
- C. No variations to parking provisions for Carriage Houses (4.5.3.B.9) shall be permitted.

D. Design Exceptions (Section 9.10.2 A.3.) shall be approved by the Historic Review Board.

### 9.14.2 PROCESS AND APPROVAL



- A. **Process Type:** Discretionary.
- B. **Application Requirements:** All applicable forms as determined by [the](#) Administrator, along with such accompanying material as is required to ensure compliance with the criteria listed in Section 9.14.2 F.
- C. **Staff Review and Report:** The Administrator shall prepare a staff report that shall be provided to the applicant or appellant and the ZBOA before the scheduled hearing.
- D. **Public Notice:** Levels 1, 2, and 3 ([see Section 9.1.5 for specific Public Notification requirements](#)).
- E. **ZBOA Hearing:**
  - 1. After review of the variance application and the public hearing, the ZBOA shall approve, approve with conditions, or deny the application.
  - 2. If approval or approval with conditions is granted, the decision shall be communicated in writing to the applicant within 15 days, and the applicant shall be authorized to submit a development permit application.

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F. **Criteria for Approval of Variances:**

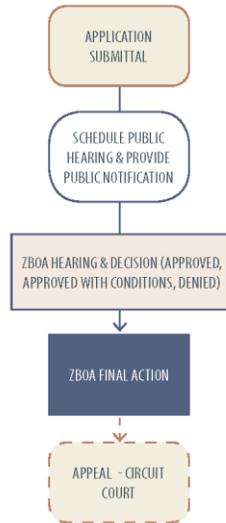
1. **Required Findings:** A variance may be granted by the ZBOA if it concludes that the strict enforcement of any design and performance standard set forth in this Code would result in unnecessary hardship to the applicant, and that by granting the variance, the spirit of this Code will be observed, public welfare and safety will not be diminished, and substantial justice will be done. A variance may be granted in an individual case of unnecessary hardship only when the ZBOA makes, and explains in writing, all of the following findings:
    - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property. For example, the variance is justified because of topographic or other special conditions unique to the property and development involved, in contradistinction to the mere inconvenience or financial disadvantage.
    - b. These conditions do not generally apply to other property in the vicinity.
    - c. The conditions are not the result of the applicant's own actions.
    - d. Granting of the variance would not substantially conflict with the Comprehensive Plan, the Civic Master Plan and the purposes and intent of this Code.
    - e. Because of these conditions, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
    - f. The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the zone will not be harmed by the granting of the variance.
  2. **Limitations:** The ZBOA may not grant a variance if it would do any of the following:
    - a. Allow the establishment of a use not otherwise permitted in the applicable district.
    - b. Increase the density of a use above which is permitted in the applicable district.
    - c. Physically extend a nonconforming use of land.
    - d. Change the zone boundaries shown on the Official Zoning Map.
  3. **Profitability Not to Be Considered:** Profitability shall not be considered grounds for a variance.
  4. **Conditions:** In granting a variance, the ZBOA may attach to it conditions regarding the location, character, or other features of the proposed building, structure, or use as the ZBOA considers advisable to protect established property values in the surrounding area, or to promote public health, safety, or general welfare.
  5. **Design Review Recommendation:** Projects requiring Design Review — see Sections 9.8 and 9.9 — shall obtain a formal recommendation to the ZBOA by the appropriate Design Review Body prior to the ZBOA making a decision on the project.
- G. **Appeal:** Any party aggrieved by the decisions of the ZBOA may appeal to the circuit court within 30 days of the decision.

## 9.15: ADMINISTRATIVE APPEALS

### 9.15.1 APPLICABILITY

Any person aggrieved by a decision, interpretation or determination of the Administrator may appeal to the ZBOA. The Administrator shall immediately transmit to the ZBOA all papers constituting the record of the appealed action.

### 9.15.2 PROCESS AND APPROVAL



- A. **Process Type:** Discretionary.
- B. **Pre-Application Procedure:** n/a.
- C. **Required Application Information:** Within 30 days of a decision or order of the Administrator, an application for appeal shall be filed with the Administrator and the ZBOA specifying the grounds of the appeal.
- D. **Public Notification:** Level 1 ([see Section 9.1.5 for specific Public Notification requirements](#)).
- E. **Effect of Appeal:** An appeal stays all legal proceedings in furtherance of the action in question (except enforcement proceedings), unless the Administrator certifies to the ZBOA that a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed except by a restraining order that the ZBOA or by a court of record may grant.
- F. **ZBOA Hearing:** The ZBOA shall schedule the matter for a hearing at its next regularly-scheduled meeting, and give at least 15 days public notice of such hearing in a newspaper of general circulation in the city, as well as due notice to the parties of interest. At the hearing, any party may appear in person, by agent, or by attorney. Following the hearing, the ZBOA shall take one of the following actions, consistent with the provisions of this Code:

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1. Affirm the action of the Administrator;
  2. Modify the action of the Administrator, and to that end, the ZBOA shall have all the powers of the officer, board, or commission from which the appeal is taken, and may issue a permit or direct that a permit be issued; or
  3. Reverse the action of the Administrator, and to that end, the ZBOA shall have all the powers of the officer, board or commission from which the appeal is taken, and may issue a permit or direct that a permit be issued.
- G. **Findings of Fact:** The ZBOA, in its execution of the duties specified in this section, may subpoena witnesses, and in case of contempt, may certify such fact to the circuit court that has jurisdiction.
- H. **Decision:** All final decisions and orders of the ZBOA shall be in writing and shall be permanently filed in the office of the board as a public record. All findings of fact and conclusions of law shall be separately stated in final decisions or orders of the ZBOA, which shall be delivered to parties of interest within 15 days by certified mail.
- I. **Contempt Penalty:** In case of contempt by a party, witness, or other person before the ZBOA, the ZBOA may certify this fact to the circuit court of the county in which the contempt occurs, and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.
- J. **Appeals:** Any party aggrieved by the decisions of the ZBOA may appeal to the circuit court within 30 days of the decision.

## 9.16: AMENDMENTS AND REZONINGS

### 9.16.1 APPLICABILITY

When the public necessity, convenience, general welfare, or good zoning practice justify such action, and after the required review and report by the Planning Commission, the City Council may undertake the necessary steps to amend this Code, and its accompanying map.

(Ord. No. O-14-23 , 9-26-2023)

### 9.16.2 INITIATION OF AMENDMENTS

A proposed amendment to this Code may be initiated by any member of the City Council, the PC, the Administrator, or by any city resident or business owner filing an application with the Administrator.

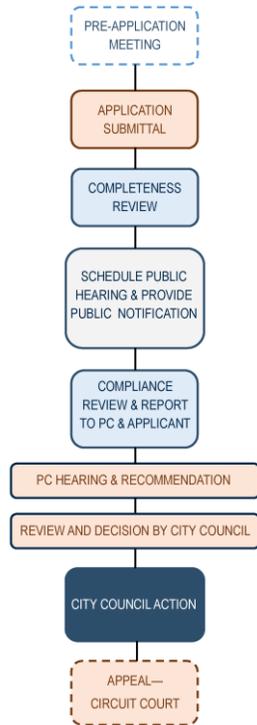
(Ord. No. O-14-23 , 9-26-2023)

### 9.16.3 APPROVAL PROCESS

Requests to amend this Code shall be processed in accordance with the following requirements:

- A. **Application Procedure:** Application forms for code amendment requests shall be obtained from the Administrator. Completed forms, together with an application fee as required by Section 9.2.2, plus any additional information the applicant deems pertinent, shall be filed with the Administrator.
  1. Applications for zoning map amendments (rezoning) shall also include:

- a. Boundary map of the subject property that is prepared and sealed by a registered land surveyor.



- b. Where applicable, a copy of correspondence illustrating that the applicant has solicited written comments from the appropriate property owners' association regarding the requested amendment. Such correspondence shall encourage the association to direct any comments in writing to the Administrator and the applicant within 15 calendar days of receipt of the notification.
- c. Written consent from the owner of the property that is being considered for an amendment. This is required if the applicant is not the city.

**B. Staff Review and Report:**

1. The Administrator shall prepare a staff report that reviews the proposed amendment in light of the Comprehensive Plan and the general requirements of this Code. A copy shall be provided to the PC and the applicant before the scheduled public meeting.
2. For amendments where the most intense permitted use in the proposed district would generate more than 50 external trips during the peak hour, a TIA (Section 7.3.3) may be required; all road improvements needed to maintain the current level of service shall be identified (based on that

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analysis), and assurances shall be provided so that all road improvements will be in place so the impacts of the development are accommodated, and the current level of service is maintained.

C. **Planning Commission Recommendation:**

1. **Public Notification:** [Levels 1,2,3None](#).
2. **Hearing by PC:** All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted to the PC. The PC, at regular meetings, shall review and prepare a recommendation for transmittal to the City Council. At such meeting(s), any party may appear in person, by agent, or by attorney. Following action by the PC, all papers and data pertinent to the application shall be transmitted to the City Council for final action. The PC shall study the proposed amendment, taking into account all factors that it may deem relevant, including, but not limited to:
  - a. Consistency (or lack thereof) with the Comprehensive Plan and Civic Master Plan;
  - b. Compatibility with the present zoning, with conforming uses of nearby property, and with the character of the neighborhood;
  - c. Suitability of the property that would be affected by the amendment;
  - d. Compatibility with the natural features of — and any archaeological or cultural resources on — the property;
  - e. Marketability of the property that would be affected by the amendment; and
  - f. Availability of roads, sewer, water, and stormwater facilities generally suitable and adequate for the affected property.
3. At the close of the public meeting, the PC shall recommend approval, modified approval, or denial of the amendment.
4. Upon receipt of a recommendation from the PC, the staff shall have 30 days within which to submit its report of the PC's deliberations and recommendation City Council. If the PC or its staff fail to submit a report within the 30-day period, it shall be deemed to have recommended approval of the proposed amendment.
5. If, after three PC meetings, no recommendation has been made (e.g., each meeting has resulted in the request being tabled), the item will proceed to City Council. Staff will prepare a report of the PC deliberations within 30 days of the third PC meeting.

D. **City Council Hearing:**

1. **Public Notification:** Levels 1, 2, and 3 ([see Section 9.1.5 for specific Public Notification requirements](#)).
2. **Timing:** City ~~council~~Council shall consider the proposed map or text amendment at the earliest reasonable date and shall consider the report of the PC in making a decision.
3. **Decision:** City ~~council~~Council shall act to approve, approve with modifications, or deny the proposed amendment.
4. **Notification of Result:** The applicant shall be notified in writing within 15 days of City Council's action.

(Ord. No. O-14-23 , 9-26-2023)

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#### **9.16.4 UPDATE OF ZONING MAP**

Following City Council's final action, any necessary changes shall be made to this Code, or to the Official Zoning Map within 7 days. A written record of the type and date of such change shall be maintained by the Administrator. After 7 days of the official action, the action by City Council shall be considered official even if the Administrator fails to make the written change to the appropriate document.

#### **9.16.5 APPEALS**

An applicant aggrieved by the amendment decisions of the City Council may appeal to the circuit court within 30 days of the decision.

**DEVELOPMENT CODE**  
**CHAPTER 9 AMENDMENTS**  
**(clean version)**

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## **9: DEVELOPMENT REVIEW PROCEDURES**

### **9.1: PURPOSE AND GENERAL PROVISIONS**

#### **9.1.1 PURPOSE**

In order to establish an orderly process to develop land within the jurisdiction of the City of Beaufort, the purpose of this article is to provide a clear and comprehensible development process that is fair and equitable to all interests, including the applicants, affected neighbors, city staff and related agencies, and the City Council.

#### **9.1.2 APPLICABILITY**

The provisions of this article shall be applicable to all development activity under the jurisdiction of the City of Beaufort.

#### **9.1.3 CONFORMITY WITH CODE**

The Administrator shall not issue a permit or license for any use, building, or purpose that conflicts with any provision of this Code.

#### **9.1.4 PERMIT/DEVELOPMENT DESIGN REVIEW/HISTORIC REVIEW PROCESS TYPE TABLE**

*See following pages.*

PERMIT TYPE	SECTION	PROCESS TYPE	REVIEWING AGENCY	PUBLIC NOTIFICATION (9.1.3)	APPROVING AGENCY	APPEAL PROCESS	PERMIT PERIOD	PERMIT EXTENSION
<b>ADMINISTRATIVE PERMITS</b>								
Zoning Permit	9.5	Administrative	Admin	None	Admin	ZBOA	6 months	6 months, 1 time
Project Permit	9.5	Administrative	Admin	None	Admin	ZBOA	6 months	Resubmit
Certificate of Compliance	9.5	Administrative	Admin	None	Admin	ZBOA	n/a	n/a
Certificate of Occupancy	9.6	Administrative	Admin	None	Admin	ZBOA	n/a	n/a
<b>DEVELOPMENT DESIGN REVIEW</b>								
Development Design Review, Minor	9.7	Administrative	Admin	None	Admin	PC	24 months	12 months, 1 time
Development Design Review, Major	9.7	Discretionary	Admin, TRC	Yes - Levels 1,2,3	PC	Court 30 days to appeal	24 months	12 months, 1 time
<b>SUBDIVISION REVIEW</b>								
Site Plan	9.8	Administrative	Admin, TRC	Yes - Levels 1, 2, 3	PC	Court	24 months	12 months, 1 time
Subdivision, Major, Sketch Plan	9.8	Discussion	Admin TRC	Yes - Levels 1, 2,3	PC	None	12 months	12 months
Subdivision, Major, Preliminary Plat	9.8	Administrative	Admin, TRC	Yes - Levels 1, 2, 3	PC	Court	24 months	12 months, 1 time
Subdivision Final Plat	9.8	Administrative	Admin TRC	None	Admin	PC	24 months	12 months, 1 time
<b>HISTORIC PRESERVATION</b>								
Certificate of Appropriateness, Minor	9.9	Administrative	Admin	Demolition Only: Yes - Levels 1, 2, 3	Admin	HRB	24 months	12 months, up to 3 times

PERMIT TYPE	SECTION	PROCESS TYPE	REVIEWING AGENCY	PUBLIC NOTIFICATION (9.1.3)	APPROVING AGENCY	APPEAL PROCESS	PERMIT PERIOD	PERMIT EXTENSION
Certificate of Appropriateness, Major	9.9	Discretionary	Admin	Demolition & Design Exception only: Yes – Levels 1, 2	HRB	Court 30 days to appeal	24 months; no expiration for demolitions	12 months, up to 3 times
Local Historic District/Historic Sign Designation	9.10	Legislative	Admin, PC, HRB	None	CC	Court	n/a	n/a
<b>RELIEF</b>								
Administrative Adjustment	9.11	Administrative	Admin	None	Admin	ZBOA	24 months	12 months, up to 3 times
Special Exception	9.12	Discretionary	Admin	Yes - Levels 1, 2, 3	ZBOA	Court 30 days to appeal	24 months	12 months, up to 3 times
Variance	9.13	Discretionary	Admin	Yes - Levels 1, 2, 3	ZBOA	Court 30 days to appeal	24 months	12 months, up to 3 times
<b>ADMINISTRATION APPEALS</b>								
Administrative Appeal	9.14	Discretionary	Admin	Yes – Level 1	ZBOA	Court 30 days to appeal	12 months	6 months
<b>AMENDMENTS</b>								
Code Amendments	9.16	Legislative	Admin, PC	Yes - Levels 1, 2, 3	CC	Court 30 days to appeal	n/a	n/a
Admin-Administrator / PC-Planning Commission / CC-City Council / ZBOA-Zoning Board of Appeals / HRB-Historic District Review Board / TRC-Technical Review Committee / Court - Circuit Court								
Note: Any appeals that are assigned to Court are eligible for pre-litigation mediation pursuant to § SC ST 6-29-1155								

(Ord. No. O-14-23, 9-26-2023)

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### 9.1.5 PUBLIC NOTIFICATION

All public meetings shall be posted and advertised with the media as required by state law. The following procedures have been established for development applications/petitions that require additional notification of the public prior to consideration and/or approval.

A. **Level 1—Published Notice:**

1. **Required Notification Type:** A distinctive advertisement (public hearing notice) shall be placed by the Administrator in a local newspaper of general circulation within the city.
2. **Required Period of Notice:** This notice shall be published not less than 15 calendar days prior to the meeting.
3. **Content of Notice:**
  - a. The general location of land that is the subject of the application;
  - b. The tax map and parcel number, and street address if available;
  - c. The substance of the application, including the magnitude of proposed development and the current zone;
  - d. The time, date, and location of the public hearing;
  - e. A phone number to contact the city;
  - f. A statement that interested parties may appear at the public hearing.

B. **Level 2—Posted Notice:**

1. **Required Notification Type:** A notice of application sign shall be posted by the Administrator. The sign shall be posted on the subject property in a location clearly visible from each street adjacent to the property.
2. **Required Period of Notice:** This notice shall be posted not less than 15 calendar days prior to the meeting at which the application will be reviewed.
3. **Content of Notice:**
  - a. Type of application;
  - b. The date of the public hearing;
  - c. A phone number to contact the city.

C. **Level 3—Mailed/Emailed Notice:**

1. Unless otherwise required by state law, the city may choose to provide, at its discretion, mailed and/or emailed notice in accordance with city policy, which may be amended from time to time.
2. For demolition of structures listed on the most recent "Above-Ground Historic Sites Survey" that are located outside of the Historic District, written advance notice to members of the Historic District Review Board, Historic Beaufort Foundation, and neighbors within 200 feet of the property will be required at least 15 days before any permit is issued.
3. For all process types approved by the Planning Commission, written advance notice to all property owners within 500 feet of the property will be required at least 15 days before the Planning Commission meeting.

For all appeals, variances and special exceptions heard by the Board of Zoning Appeals, written advance notice within 200 feet of the property will be required at least 15 days before the Board of Zoning Appeals.

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### 9.1.6 DECISION BASED ON PUBLIC HEARING

A decision shall be made by the appropriate review body within 60 days of the close of the required public hearing.

### 9.1.7 WRITTEN NOTICE OF DECISIONS REQUIRED

Within 30 calendar days after a final decision is made by any board under the requirements of this Code, a copy of the written decision shall be sent to the applicant or appellant. A copy of the decision shall be filed in the office of the Administrator, where it shall be available for public inspection during regular office hours.

### 9.1.8 TIME LIMITS FOR RESUBMISSION OF APPLICATIONS

In the event that any application required under this Code is denied or disapproved, an application for exactly the same request shall not be refiled for one year from the advertised public hearing date. Where no public hearing is required, time shall run from the date of mailing of the notice of denial. The Administrator, upon petition by the applicant, may permit a refiling of said application after 6 months from the original public hearing date upon a determination that:

- A. Significant physical, economic, or land use changes have taken place on the subject tract or within the immediate vicinity; or
- B. A text amendment has been adopted that would allow for favorable review of a resubmitted application for the subject property.

### 9.1.9 VESTED RIGHTS AND EXPIRATION OF APPROVALS

- A. **General:** Approval of any application pursuant to this Code shall authorize only the particular use, plan, or other specific activity for which the application was issued, and not any other approval requiring separate application.
- B. **Vested Rights for Final Development Plans/Plats:** A vested right is established for 2 years upon the final approval of a development plan, plat, or phased development plan. An applicant shall have 2 years from final approval to receive a building permit or, if no building permit is required, to obtain a certificate of compliance. Such vested right may receive up to five 1-year extensions for good cause upon written request by the landowner to the Administrator, no later than one month prior to expiration, unless an amendment to this Code has been adopted that prohibits approval.
  - 1. A vested right in a development plan, plat, or phased development plan shall not attach to the property until all plans have been received and approved, and all fees have been paid in accordance with this section.
  - 2. A vested right is subject to revocation by the City Council after notice and public hearing that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval.
  - 3. A vested plan is subject to later local governmental overlay zoning that imposes additional site plan-related requirements, but does not affect allowable types, height as it affects density, or intensity of uses.
  - 4. Phased development plans remain subject to review and approval of all phases prior to any portion of the project being vested.
  - 5. In the case of projects where more than 1 building is to be built, the applicant may submit a series of Project Permit applications. The first application shall be submitted within 2 years from the date

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the development plan approval is granted. Each subsequent application shall be submitted within 180 days from the date of issuance of a Certificate of Compliance or Certificate of Occupancy for the previous building, whichever shall occur first. The lapse of more than 180 days shall cause the expiration of the development plan approval

C. **Time Limitations For Other Types Of Approval:**

1. All permits and approvals not referenced in Section 9.1.9 B., shall expire as shown in Section 9.1.2 (Permit/Process Type Table) without further action, unless the holder of the permit or approval either submits a complete application for the appropriate subsequent permit, approval, or extension, or if no subsequent permit, approval, or extension is required, completes the work described in the permit or approval within the timeframes established.
2. Upon written request, an extension of an approval may be granted by the decision-making body for good cause for a period not to exceed that shown in Section 9.1.2 (Permit/Process Type Table). No written request for an extension shall be considered unless submitted to the Administrator no later than one month prior to expiration. Failure to submit an application for an extension within the time limits established by this section shall result in the approval's expiration.

## 9.2: APPLICATION PROCEDURES

### 9.2.1 PRE-APPLICATION CONFERENCE

- A. **Mandatory Pre-application Conference:** A pre-application conference with the Administrator shall be required prior to filing an application for the following approvals:
1. Subdivision review involving the creation of new streets.
  2. New construction, except for detached single-family homes not part of a new subdivision.
  3. Map amendment (Rezoning).
  4. Text amendment.
- The Administrator shall have the authority to waive any mandatory pre-application conference where such conference is deemed unnecessary.
- B. **Optional Pre-application Conference:** Prior to the submission of any application required by this Code, a potential applicant may request an optional pre-application conference to discuss procedures, standards, or regulations required by this Code. Upon receipt of such request, the Administrator shall afford an opportunity for such a pre-application conference at the earliest reasonable time.

### 9.2.2 APPLICATION FORMS AND FEES

The following regulations shall apply to all applications.

- A. **Forms:** Applications required under this Code shall be submitted on forms and in such numbers as required by the city.
- B. **Fees:**
1. Filing fees shall be established from time to time by resolution of the City Council to defray the actual cost of processing the application.
  2. All required fees shall be made payable to "The City of Beaufort."

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3. An applicant who has paid an appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to any review or action taken, may request in writing a refund of 75% of the total amount paid.

C. **Submittal Requirements:**

*See Chapter 7 for Minor and Major Subdivision Standards*

### **9.2.3 CONCURRENT PROCESSING**

Any applicant may submit an application for any sequential approvals (such as a zoning map amendment and site plan approval) required under this Code and request that such sequential approvals be processed concurrently; however, such concurrent processing shall proceed at the applicant's own risk and shall have no implication in regard to the approval of any of the various approvals requested.

### 9.3: APPLICATION REQUIREMENTS

The following general standards for various applications are intended to require only that data/information that is necessary to render an informed decision by the reviewing agency. A narrative explaining the scope of the project will be required for all applications. The "Application Submittal Requirements" list, on file with the Administrator, is intended to provide further guidance to applicants as to the necessary level of detail for each application component listed below.

PERMIT TYPE	CODE SECTION	PRE-APPLICATION CONFERENCE (7.5.4.B.4)	SKETCH PLAN (7.5.3)	SITE PLAN – INCL. BUILDING ELEVATIONS (7.5.7)	FINAL PLAT (7.5.5)	TRAFFIC IMPACT ANALYSIS (7.3.2)	ARCHEOLOG. IMPACT ASSESSMENT (8.4)
<b>ADMINISTRATIVE PERMITS</b>							
Zoning Permit	9.4	<b>See Administrator</b>					
Project Permit	9.5						
Certificate of Compliance	9.6						
Certificate of Occupancy	9.7						
<b>DEVELOPMENT DESIGN REVIEWS</b>							
Minor Development	9.8.1	<b>See Code Sec. 7.5: Subdivision and Site Plan Standards</b>					
Major Development	9.8.2						
<b>SUBDIVISION REVIEWS</b>							
Subdivision, Minor (Site Plan)	9.9	<b>See Code Sec. 7.5: Subdivision and Site Plan Standards</b>					
Subdivision, Major (Sketch Plan)							
Subdivision, Major (Site Plan)							
Final Subdivision Plat							
<b>HISTORIC PRESERVATION</b>							
Certificate of Appropriateness (CoA), Minor	9.10.2 (1)		<input type="checkbox"/>	<input type="checkbox"/>			
CoA, Major	9.10.2 (2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input type="checkbox"/>

PERMIT TYPE	CODE SECTION	PRE-APPLICATION CONFERENCE (7.5.4.B.4)	SKETCH PLAN (7.5.3)	SITE PLAN – INCL. BUILDING ELEVATIONS (7.5.7)	FINAL PLAT (7.5.5)	TRAFFIC IMPACT ANALYSIS (7.3.2)	ARCHEOLOG. IMPACT ASSESSMENT (8.4)
<b>ADMINISTRATIVE ADJUSTMENTS</b>							
Administrative Adjustment	9.12				<b>See Administrator</b>		
Special Exception	9.13		■	■		□	
Variance	9.14		■	■		□	
<b>APPEALS</b>							
Administrative Appeal	9.15				<b>See Administrator</b>		
<b>AMENDMENTS</b>							
Amendments & Rezonings	9.13		■	■		□	
■ = Required Compliance				□ = On an “as needed” basis as determined by the Administrator			

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## 9.4: ZONING PERMIT

### 9.4.1 APPLICABILITY

Only Required Permit: A zoning permit certifying compliance with this Code shall be the only type of approval required for the following activities:

- A. Home Occupations as regulated by Section 3.4.3 (Home Occupations — Major and Minor).
- B. Temporary uses that do not materially affect the area's natural environment, parking requirements, transportation patterns, public health, or economic values. (See Section 3.11.3 Temporary Uses)
- C. Conditional uses not requiring a building permit.
- D. Special events.
- E. Changes of use, and any uses permitted with additional standards per Article 3 (Land Use Provisions).
- F. Removal of trees as regulated in Section 5.4 (Tree Removal).

### 9.4.2 PROCESS AND APPROVAL

- A. **Process Type:** Administrative.
- B. **Pre-Application Procedure:** None.
- C. **Required Application Information:** See Administrator.
- D. **Public Notification:** None.



- E. **Determination of Compliance:** Once an application is deemed complete by the Administrator, the Administrator shall review the application and approve or deny it based on compliance with the standards contained in this Code.

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- F. **Appeals:** Appeals of zoning permit applications denied by the Administrator shall be taken to the Zoning Board of Appeals within 30 days of the decision, in accordance with the procedures found in Section 9.15 (Administrative Appeals).
  - G. **Permit Validity:** Upon the approval of the zoning permit, the applicant shall have 6 months to take action on the approval. If no action is taken, the permit becomes null and void, and the applicant shall resubmit.
    - 1. **Exception:** Tree Removal Permits have no expiration.
  - H. **Permit Extension:** The Administrator may grant a single extension of up to 6 months upon submittal by the applicant of sufficient justification for the extension. Permits issued for temporary uses may be renewed only if it is determined that said use is clearly of a temporary nature, will cause no traffic congestion, and would not create a nuisance to surrounding uses.

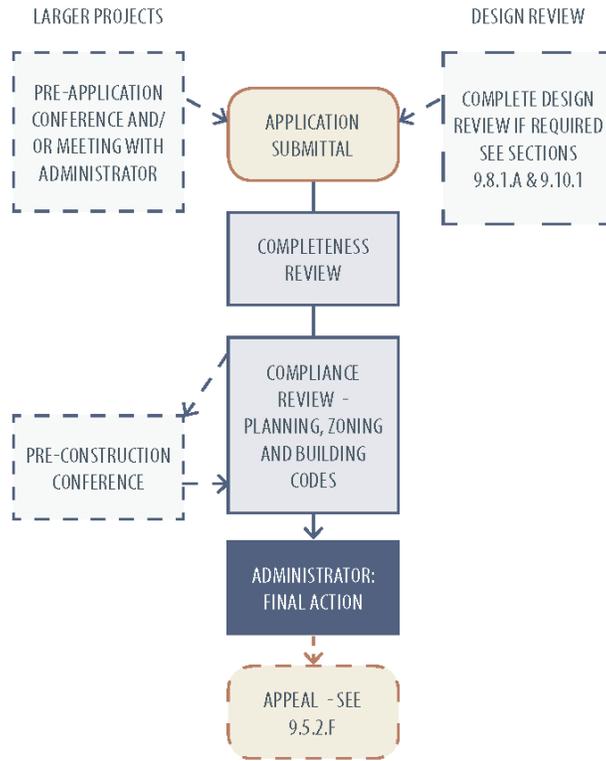
## 9.5: PROJECT PERMIT

### 9.5.1 APPLICABILITY

A Project Permit shall be required for any building, structure, or attachment to a structure to be erected, moved, added to, or structurally altered. This includes, but is not limited to:

- A. **Site Work:** Any modifications to a parcel of land, not to include construction of a structure.
- B. **New Construction and Expansion:**
  - 1. **Primary Building(s):** New construction of all types of structures.
  - 2. **Accessory Structures or Uses:** Accessory uses incidental to single-family residential structures (e.g., detached garage, swimming pool, tool shed) as regulated by Section 3.11 (Accessory Uses and Structures).
  - 3. **Building Expansions:** Heated and unheated (e.g., porches, decks, sunrooms) building expansions.
  - 4. **Site Elements:** Any site elements not attached to the building (e.g., porches, patios).
- C. **Signs:** Erection of new signs or modification to existing signs, including Master Sign Plans.
- D. **Awnings:** Includes new awnings and awning re-covers.
- E. **Fences and Enclosures:** Erection of, demolition of, or any changes to fences and other types of enclosures.
- F. **Demolition:** Removal of existing buildings, structures, or site work.

## 9.5.2 PROCESS AND APPROVAL



- A. **Process Type:** Administrative.
- B. **Pre-Application Procedure:** For large-scale projects, a pre-construction meeting may be required. For all other projects, no meeting is required, but applicants are encouraged to call or visit the Administrator prior to requesting a Project Permit to determine what information is required for the application.
- C. **Required Application Information:** See Administrator. The application shall include all drawings and specifications required by building codes adopted by S.C. Code § 6-9-50.
- D. **Determination of Conformity:** The review, approval, and distribution of drawings and specifications required shall be coordinated by the Administrator in accordance with the building codes adopted by SCCL Section 6-9-50. Upon issuance of a permit, the Administrator shall endorse, by writing or stamp, all sets of drawings showing approval. Such drawings shall be kept at the work site and made available for inspection by the Administrator upon request. Approved Project Permits shall be conspicuously posted by the applicant on the property for which they were obtained until the applicant has obtained a Certificate of Occupancy, pursuant to Section 9.7.
- E. **Public Notification:** None required.
- F. **Appeals:** Appeals of Project Permit applications denied by the Administrator that are not reviewed by the Building codes department, shall be taken to the Zoning Board of Appeals (Section 10.3). The appeal of any Project Permit application requiring approval by the Building codes department shall be taken to the Building Board of Appeals within 30 days of the decision, in accordance with the procedures found in the City Code of Ordinances, Section 5-1005.1 (or appropriate section as amended from time to time).
- G. **Changes to Approved Plans:** If a project has undergone design review and received Design Approval or Certificate of Appropriateness, as applicable, no changes between the design review set and the building

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permit set shall be permitted unless they are presented in writing and approved by the Administrator at the time a Project Permit is sought. If the Administrator is not made aware of any changes, the plans submitted for design review will take precedence.

**H. Changes to Approved Permits:**

1. After a Project Permit has been issued, no changes or deviations from the terms of the permit or the application and accompanying plans shall be made without the specific written approval of such changes or deviations by the Administrator. Any exterior changes may require review and approval by the appropriate decision-making body.
2. An amendment to a Project Permit that requires payment of an additional fee, either because of an increase in the size of the buildings, a change in the scope of work, or an increase in the estimated cost of the proposed work, shall not be approved until the applicant has paid the additional fees, and the amendment has been properly reviewed by the appropriate decision-making body.

**I. Notification and Approval Before Construction Begins:**

1. Before any work begins pursuant to the Project Permit, the applicant shall furnish the Administrator with the name of the general contractors, or the owner acting as the general contractor, who will be performing the work;
2. The applicant or the applicant's authorized agent shall provide adequate advance notice to the Administrator at such time as the work is ready for inspection under the Building code. Upon receiving such notification, the Administrator shall inspect the work.

**J. Licensed Specialty Contractor(s) May Be Required:** Where any local ordinances or any provision of the SCCL require that work be done by a licensed specialty contractor of any kind, no Project Permit for such work shall be issued unless it is to be performed by such licensed specialty contractor. It shall further be the contractor's responsibility to conform to all local ordinances and state building codes for all installations or repairs of a building or utility system.

**K. Permit Validity:** Any Project Permit shall become null and void unless the work approved by the permit is commenced within 180 days after the date of issuance. No work shall be considered to have commenced for the purposes of this paragraph until an inspection has been made and recorded. If after commencement the work is discontinued for a period of 180 days, the permit shall immediately expire. Extensions of up to 180 days per request may be granted by the Administrator, but shall be requested in writing prior to expiration of the permit. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured.

**L. Permit Extension:** None - shall resubmit.

## 9.6: CERTIFICATE OF COMPLIANCE

### 9.6.1 APPLICABILITY

A Certificate of Compliance shall be required as part of a final site inspection for development work completed subsequent to a previously approved subdivision or site plan. It may also be required for a change in occupancy or use of an existing building to a conforming use.

### 9.6.2 PROCESS AND APPROVAL



- A. **Process Type:** Administrative.
- B. **Pre-Application Procedure:** n/a.
- C. **Required Information:** Upon completion of all development work and simultaneous with the applicant's request to the Administrator for a final site inspection, the applicant shall submit the following documents to the Administrator for review and approval.
  1. A registered engineer's sealed certification of completed roads, parking, drainage systems and utilities.
  2. Certification of Compliance with approved landscaping and tree planting plan by a registered landscape architect or a landscape contractor.
  3. A digital file of the as-built drawings, indicating accurate site conditions of pavements, parking spaces, utilities, structures, and drainage — this may be submitted after the Certificate of Compliance and Certificate of Occupancy (Section 9.7) are issued.
  4. South Carolina Department of Health and Environmental Control permits to operate water and sewer system.
  5. City agreement to accept ownership and maintenance responsibility for dedicated roads and drainage systems where applicable.
  6. Other applicable agencies' final certification.
  7. An owner's affidavit stating that all work has been completed consistent with the applicant's development permit and any applicable provisions of this chapter, plus a copy of the documents

that clearly set forth the ownership and maintenance provisions and responsibilities for infrastructure improvements.

- D. **Public Notification:** None.
- E. **Issuance of a Certificate of Compliance:** Upon determination of compliance, the Administrator shall complete a Certificate of Compliance and forward it to the applicant. A final Certificate of Occupancy (Section 9.7) shall not be issued by the Administrator until a Certificate of Compliance has been issued, in accordance with the provisions of this section, for the site or phase thereof in which the building is located. The Administrator's approval of the Certificate of Occupancy may be accepted as Certificate of Compliance, unless a separate Certificate of Compliance has specifically been requested by the applicant.
- F. **Appeals:** Appeals of Certificate of Compliance applications denied by the Administrator shall be taken to the Zoning Board of Appeals within 30 days of the decision, in accordance with the procedures found in Section 9.15 (Administrative Appeals).
- G. **Permit Validity:** n/a.
- H. **Permit Extension:** n/a.

## 9.7: CERTIFICATE OF OCCUPANCY

### 9.7.1 APPLICABILITY

A Certificate of Occupancy shall be required for occupancy and use of a building that is erected or enlarged.

### 9.7.2 PROCESS AND APPROVAL

- A. **Process Type:** Administrative.
- B. **Pre-Application Procedure:** n/a.
- C. **Required Application Information:** See Administrator.
- D. **Public Notification:** None.
- E. **Issuance of Certificate of Occupancy:** A final Certificate of Occupancy shall not be issued by the Administrator until a Certificate of Compliance (9.7) has been issued for the site or phase thereof in which the building is located and all outstanding building code issues have been satisfied.
- F. **Temporary Certificate of Occupancy:** Pending the issuance of a permanent Certificate of Occupancy, a temporary certificate may be issued. The certificate shall be issued by the Administrator in conformity with the provisions of this Code and the building code. The temporary certificate may include such safeguards and conditions as will protect the safety of the occupants and the public. Where improvements required by this Code or the specific approval of the development are incomplete, a guarantee acceptable to the City — equal to 125% of the costs of such improvements — may be required to ensure the installation of the improvements.
- G. **Appeals:** Appeals of Certificate of Occupancy applications denied by the Administrator shall be taken to the Zoning Board of Appeals within 30 days of the decision, in accordance with the procedures found in Section 9.15 (Administrative Appeals).

- H. **Permit Validity:** n/a.
- I. **Permit Extension:** n/a.

## 9.8: DEVELOPMENT DESIGN REVIEW

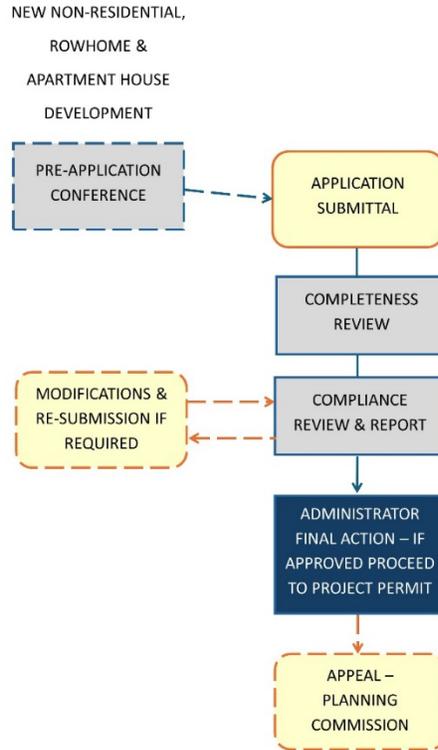
### 9.8.1 DEVELOPMENT DESIGN REVIEW (MINOR)

#### A. **Applicability:**

1. All buildings, except single-family residential structures, in developments that contain 5 or fewer residential units.
2. Demolition of structures of any size where no new building is proposed.
3. Improvements to existing non-residential or multi-family structures that do not exceed 50% of the assessed value of the existing improvements.

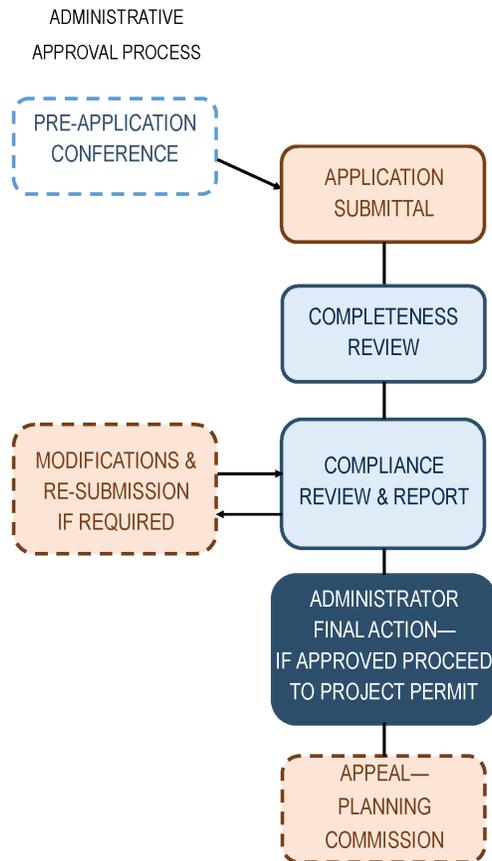
#### B. **Exceptions:**

1. Detached single-family homes on individual lots outside of the Historic District are not subject to Development Design Review. However, they may be subject to the Building Design Standards laid out in Article 4, depending on the zoning district.
2. Projects in the Beaufort Historic District are not subject to Development Design Review and shall instead be evaluated by the HRB for compliance with the Historic District Guidelines. (See Section 9.10.2 - Certificate of Appropriateness, Minor and Major.)
3. Projects in the LI Zone are not subject to Development Design Review. However, they are subject to the Building Design Standards described in 4.2.2.B.3.



- C. **Process Type:** Administrative — The Administrator may submit any applications subject to staff approval to the Planning Commission for approval.
- D. **Pre-Application Procedure:** No meeting is required, but applicants are encouraged to call or visit the Administrator to determine what information is required for the application.
- E. **Required Application Information:** Site Analysis (Section 9.3.1), Site Plan (Section 9.3.3) and Building Elevations for Design Review (Section 9.3.7) — these may be waived by Administrator as appropriate.
- F. **Public Notification:** None.
- G. **Determination of Compliance:** Once an application is deemed complete by the Administrator, the Administrator shall review the application and approve, deny, or approve the plan with conditions based on compliance with the standards contained in this Code. All decisions shall be in writing. Following an approval or approval with conditions, the applicant shall be directed to prepare detailed Construction Documents (Section 9.3.1 D.) for final approval by the Administrator.
- H. **Appeals:** Appeals of the decisions of the Administrator shall be heard by the Planning Commission. Application for appeal shall be made within 30 days of the decision.
- I. **Permit Validity:** Upon the approval of the Minor Development Design application, the applicant shall have 2 years to obtain a Project Permit. Failure to secure Project Permits for the permitted work within this time shall render the compliance void. Any change to the approved plans that has not been authorized by the Administrator shall invalidate the Minor Development Design Plan and any subsequent Project Permits.
- J. **Permit Extension:** The Administrator may grant up to three one-year extensions of this time period upon submittal by the applicant of sufficient justification for the extension. Extensions shall be submitted at least 1 month prior to the expiration date.

## 9.8.2 DEVELOPMENT DESIGN REVIEW (MAJOR SITE PLAN)



### A. Applicability:

1. **Civic and Educational Facilities:** Any new development classified as a Civic Facility or Educational Facility (see Sections 3.4.1 A. and 3.4.1 C.).
2. **Vehicle-Related Uses:** Any new development that includes fuel-dispensing facilities, drive-thru facilities, or structured parking.
3. **Nonresidential Development:** Any commercial development.
4. **Residential Development:** Single-family attached or multi-family developments containing more than 6 units.
5. **Exceptions:**
  - a. Lots in the Beaufort Historic District are not subject to Development Design Review, and shall instead be evaluated by the HRB for compliance with the Historic District Guidelines (see Section 9.10 Certificate of Appropriateness, Minor and Major).
  - b. Projects in Redevelopment District Overlay Districts, are not subject to review by the Planning Commission and shall instead be evaluated by the Administrator (see Section 2.7.3). The Administrator shall post all projects for review in said districts for a 15-day public review and comment period for each major submittal. Minor revisions to the plans (not related to

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use, density, building frontage, or building height) shall not constitute a major submittal. A copy of all public comments shall be disseminated to the applicant and Administrator for each public comment period. The Administrator shall respond in writing to all public comments after each major submittal, and the project will be required to attend a TRC committee meeting before the project is issued final approval.

- B. **Process Type, Requirements and Approval:** See Section 7.5.8 for standards and requirements.

## 9.9: SUBDIVISION REVIEW

### 9.9.1 PROVISIONS FOR ALL SUBDIVISIONS

- A. **Applicability and Requirements: See Article 7 of this code**
- B. **Unlawful to Record Plat without City Approval:** It shall be unlawful to offer and cause to be recorded any plan, plat, or replat of land within the city limits of Beaufort with the Beaufort County Register of Deeds office unless the same bears the endorsement and approval of the city.
- C. **Appeals:**
1. Subdivision Plat decisions made by the Planning Commission (PC) may be appealed to the circuit court within 30 days of the decision.
- D. **Permit Validity:** A subdivision approval shall expire as set out in Section 9.1.9 (Vested Rights and Expiration of Approvals) of this Code unless a Certificate of Compliance is obtained, or it is recorded at the Beaufort County Register of Deeds office.

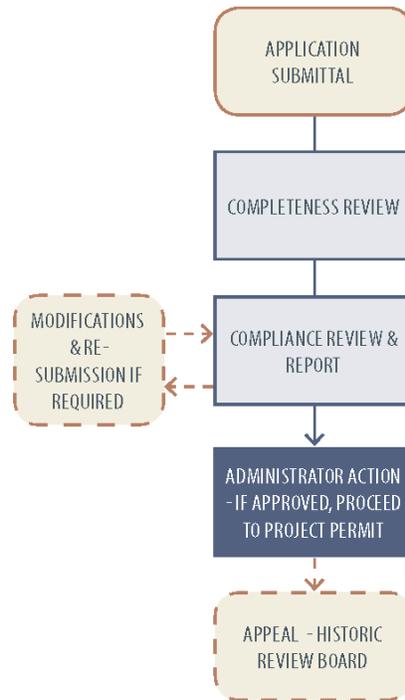
## 9.10: CERTIFICATE OF APPROPRIATENESS

### 9.10.1 APPLICABILITY

- A. A Certificate of Appropriateness shall be required for any construction activity in any historic district, including:
1. New structures.
  2. Modification to, or expansion of, existing structures, including those that apply for the Bailey Bill Special Tax Assessment for Rehabilitated Historic Properties.
  3. Relocation of any existing structure.
- B. Demolition or partial demolition of any structure.

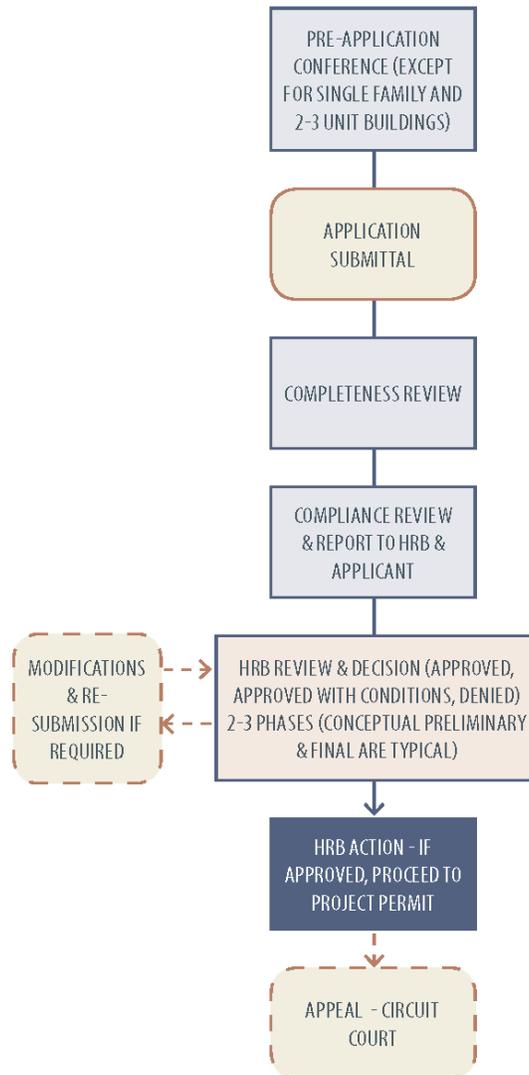
### 9.10.2 PROCESS AND APPROVAL

- A. **Process Type:** The review process required to approve Certification of Appropriateness is based on the following project types:



1. **Minor:** Administrative review shall apply to applications for Certification of Appropriateness for the following items. The Administrator may submit any applications that are subject to staff approval to the Historic District Review Board (HRB) for approval.
  - a. Changes to a building or property, to include fences, paint color, roof materials, canopies and awnings, site changes, and window replacements on noncontributing structures.
  - b. New construction and building modifications to include construction of non-habitable accessory buildings in the Beaufort Preservation Neighborhood (BPN).
  - c. Modifications to non-contributing structures in the Beaufort Conservation Neighborhood (BCN).
  - d. Demolitions of non-contributing structures in the BCN.
  - e. Demolition or partial demolition of a structure that is listed in the "1997 Beaufort County Historic Sites Survey," or the most recent historic sites survey, and lies outside the Beaufort Historic District.
  - f. Demolition of noncontributing accessory structures (e.g., sheds, carports, etc.).

Such approval shall follow the procedures for Development Design Review-Minor (Section 9.8.1).
2. **Major:** Discretionary review by the HRB shall apply to all other applications for Certificates of Appropriateness.



3. **Design Exception:** Design Exceptions shall be used to modify any dimensional standards or design requirements, found in Articles 2 and 4, for development projects that have unique characteristics that justify a deviation from the underlying standards. Such deviations are intended to provide flexibility from the underlying standards to permit compatible development patterns which are indicative of the surrounding area and/or use an innovative approach or technique. The process is intended to provide the minimum relief necessary to create a more innovative and context-sensitive development consistent with the City's adopted plans. This tool is not intended to circumvent the map amendment (rezoning) procedure where that tool would provide a similar modification of standards.
  - a. **Applicability:** The HRB shall have the authority to authorize a variance of up to 35 percent from any numerical standard set forth in Article 2 (Maps and Districts) — except for Section 2.6, Height and Section 2.7.4, Air Installation Compatibility Use Zone (AICUZ) overlay district standards — and Article 4 (Building Design and Infill Standards).
  - b. **Review Criteria:** The HRB may approve an application for a Design Exception where it reasonably determines that there will be no significant negative impact upon residents of

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surrounding property, or upon the general public. The board shall consider the following criteria in its review:

- i. **Compatibility:** The proposed exception is appropriate for its location. It is compatible with the character of surrounding properties and the development permitted by the zoning of the surrounding properties, and will not reduce property values of surrounding properties.
- ii. **No Adverse Impact:** The design of the proposed exception minimizes adverse effects including visual impacts of the proposed use on surrounding properties; furthermore, the proposed exception does not create a nuisance for surrounding properties.
- iii. **Consistency with Adopted Plans:** The proposed development is in general conformity with the City's Comprehensive Plan, Civic Master Plan and other plans officially adopted by the City.

B. **Guidance Standards, Maintenance of Consistent Policies:** In order to provide guidance and insight into desirable goals and objectives for the Beaufort Historic District, the documents described in this section are hereby adopted for use by the HRB in the exercise of its authority granted under Section 10.7 of this Code.

1. The "Beaufort Preservation Manual" (originally from August 1979) and the "Beaufort Preservation Manual, Supplement" (August 1990), shall be utilized by the HRB for review of projects located within the Beaufort Preservation Neighborhood.
2. The "Northwest Quadrant Design Principles" (established in May 1999) shall be utilized by the HRB for the review of projects located within the Beaufort Conservation Neighborhood.
3. The Secretary of Interior's "Standards for Rehabilitation" shall be utilized for review of all projects that modify a contributing structure.
4. The Building Design Standards, in Article 4 of this Code, shall be utilized for review of all new construction.
5. The Historic District Infill Design Guidelines, in Section 4.7 of this Code, shall be utilized for review of all new construction.
6. Any special area policies adopted by the HRB.

C. **Approval of Certificate of Appropriateness:** In reviewing an application, the HRB shall conduct a public meeting and consider, among other things, the historic, architectural and aesthetic features of such structure, the nature and character of the surrounding area, the use of such structure and its importance to the city, the character and appropriateness of design, scale of buildings, arrangement, texture, materials and color of the structure in question, and the relation of such elements to similar features of structures in the immediate surroundings. The HRB shall not consider the interior arrangement or interior design unless the interior arrangement or design affect the exterior appearance, nor shall it make requirements except for the purpose of preventing developments that are not in harmony with the prevailing character of the Beaufort Historic District, or that are obviously incongruous with this character.

D. **Demolitions:**

1. In all applications involving the demolition of a contributing primary structure or contributing accessory structure, provisions shall be made for a public hearing as set forth in Section 9.1.5. Demolition of non-contributing structures are approved by the Administrator.

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2. In any case involving the demolition or partial demolition of a structure, before granting approval or requiring a postponement, the HRB may call on the Administrator to provide them with a report on the state of repair and structural stability of the structure under consideration.
  3. Upon receiving an application for demolition or partial demolition of a structure that is listed in the "1997 Beaufort County Historic Sites Survey" and lies within the limits of the city but outside the Beaufort Historic District, the Administrator, within 30 days of receiving the application, shall either approve it, or find that the preservation and protection of historic places and the public interest will be best served by postponing the demolition for a designated period — this shall not exceed 60 days from the receipt of the application, and notify the applicant of such postponement. The application will be announced to the public in accordance with the notification standards set forth in Section 9.1.3. Within the period of postponement of demolition or alteration of any building, the Administrator shall take steps to ascertain what may be done to preserve the building, including consultation with private civic groups, interested private citizens and other public boards or agencies, including investigation of the potential use of the power of eminent domain when the preservation of a given building is clearly in the interest of the general welfare of the community and of certain historic and architectural significance.
- E. **Denial of Certificate of Appropriateness:** The HRB may refuse any application that, in the opinion of the HRB, does not comply with the standards and guidelines listed in Section 9.10.2 B. and thus would be detrimental to the interests of the city. In case of disapproval, the HRB shall state the reasons therefore in a written statement to the applicant, and may give verbal advice to the applicant and make recommendations in regard to appropriateness of design, arrangement, texture, material, color, etc. of the property involved.
- Among other grounds for considering a design inappropriate and requiring disapproval and resubmission are the following defects:
1. Arresting and spectacular effects.
  2. Violent contrasts of materials or colors and intense or lurid colors.
  3. A multiplicity or incongruity of details resulting in a restless and disturbing appearance.
  4. The absence of unity and coherence in composition, that is not in consonance with the dignity and character of the present structure, in the case of repair.
  5. Construction of, remodeling, or enlargement of an existing building in a manner not consistent with the prevailing character of the neighborhood.
- F. **Issuance of Certificate of Appropriateness:** When a Certificate of Appropriateness and Building Permit have been issued, the Administrator shall, from time to time, inspect the alteration or construction approved by such certificate and may report such inspection to the HRB listing all work inspected and reporting any work that is not in accordance with such certificate, or that violates any ordinances of the city.
- G. **Resubmittal:** After disapproval of an application, the applicant may make modifications to the plans and resubmit. The applicant may not resubmit the same proposal, without modifying it based on HRB comments, for 12 months from the date of the original submission. Reconsideration of an application for demolition that has been denied by the HRB may not be heard until 12 months from the date of the original public hearing, unless a major change has occurred in the property condition that is attributable to natural causes.
- H. **Appeal—Minor:** Appeals of the decisions of the Administrator shall be heard by the HRB. The application for appeal shall be made within 30 days of the decision.

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- I. **Appeal—Major:** Any party aggrieved by the decisions of the HRB may appeal to the circuit court within 30 days of the decision.

## 9.11: HISTORIC DESIGNATION

### 9.11.1 STANDARDS FOR LOCAL HISTORIC DISTRICT DESIGNATION

- A. A structure, group of structures, site or district may be designated for historic preservation if it demonstrates at least one of the following:
  - 1. Historic, Cultural Importance:
    - a. It has significant character, interest, or value as part of the development, or heritage of the community.
    - b. It is the site of a historic event with a significant effect upon society.
    - c. It exemplifies the cultural, political, economic, social, or historic heritage of the community.
  - 2. Architectural or Engineering Importance:
    - a. It portrays the environment in an era of history characterized by a distinctive architectural style.
    - b. It embodies those distinguishing characteristics of an architectural type or engineering specimen.
    - c. It is the work of a designer whose individual work has significantly influenced the development of Beaufort.
    - d. It contains elements of design, detail, materials, or craftsmanship that represent significant innovation.
  - 3. Geographical Importance:
    - a. By being part of or related to a square, park, or other distinctive area, it should be developed or preserved according to a plan based on a historic, cultural, or architectural motif.
    - b. Owing to its unique location or singular physical characteristic, it represents an established and familiar feature of the neighborhood, community or city.
  - 4. Archeological Importance:
    - a. It has yielded, or may be likely to yield, information important in prehistory or history.
- B. An area may be designated as a Beaufort Conservation Neighborhood (BCN) if it meets one or more of the above criteria, and meets the following two additional criteria:
  - 1. There are a sizable number of properties in the subject area that are not considered to contribute to the architectural or historical significance of the area; and
  - 2. The cultural values or financial resources of a significant number of property owners in the subject area, as reasonably considered by Beaufort City Council, are such that the flexible standards of the BCN are appropriate.
- C. Individual structures, sites, and properties located within a BCN may be designated as notable properties to be subject to Beaufort Historic District standards, guidelines and procedures rather, than BCN standards, guidelines, and procedures, at such time as standards, guidelines, and procedures may be

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established for the BCN that are different from those in effect for the remainder of the Historic District. The Beaufort City Council may designate structures, sites and properties as notable properties where it reasonably determines that those structures, sites, or properties embody a particularly high degree of significance in accordance with the criteria listed in this section.

### 9.11.2 LOCAL HISTORIC DISTRICT DESIGNATION PROCESS



Based upon the criteria set forth in this section, the HRB shall review such proposed designations, and then it shall make a recommendation regarding the designation to City Council for final approval.

### 9.11.3 HISTORIC SIGN DESIGNATION

- A. **Historic Signs:** A historic sign is a sign that, by its construction materials, unusual age, prominent location, unique design, or craftsmanship from another period, makes a contribution to the cultural, historic, or aesthetic quality of the city's streetscape.
  - 1. Signs are designated as historic signs by City Council upon a favorable recommendation of the HRB. The council shall hold a public hearing before designating a sign a historic sign. Before designating a sign as a historic sign, the council shall make a finding that all of the following conditions are met:
    - a. The sign is at least 25 years old and has been at its present location for at least 25 years.

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- b. The sign is an appurtenant graphic to the property, i.e., an on-premises sign that relates to the use of the property, as opposed to an off-premises billboard.
  - c. The sign is structurally safe or is capable of being made so without substantially altering its historical significance.
  - d. The sign is of exemplary technology, craftsmanship, or design of the period in which it was constructed, it uses historic sign materials (wood, metal, or paint directly applied to buildings) and means of illumination (neon or incandescent fixtures), and it is not significantly altered from its historic period. If the sign has been altered, it shall be restorable and shall be restored to its historic function and appearance.
  - e. The sign is of extraordinary significance to the city.
2. Historic signs are exempt from the requirements of Section 11.6 (Nonconforming Signs).

## 9.12: ADMINISTRATIVE ADJUSTMENT

### 9.12.1 PURPOSE AND APPLICABILITY

- A. **Purpose:** Administrative Adjustments are specified deviations from otherwise applicable development standards where development is proposed that would be:
- 1. Compatible with surrounding land uses;
  - 2. Harmonious with the public interest; and
  - 3. Consistent with the purposes of this Code.
- B. **Adjustment of Numerical Standard:** The Administrator shall have the authority to authorize modification of up to 10% from any numerical standard set forth in Article 2 (Map & Districts) and Article 4 (Building Design and Infill Standards) of this Code. Any request greater than 10% shall be treated as a variance handled by the Zoning Board of Appeals (ZBOA), and subject to the requirements of Section 9.14.
1. **Specific to Landscaping and Tree Conservation:** The following applies to landscaping and tree conservation requirements in Article 5 (Landscaping, Parking & Lighting) with regard to the criteria in Section 9.12.2 E.:
- a. In unusual cases, where there are few existing trees on a site and the planned development is small in size relative to the size of the parcel, then the Administrator may adjust the tree planting requirements (Section 5.3) downward in order not to require excessive planting out of proportion to the scale of the development.
  - b. In the case of multi-phase developments on one parcel, the tree planting requirements (Section 5.3) may be adjusted according to the size of each phase of the development.
  - c. Any particular planting requirement shall be proportionately reduced where existing plant materials are of sufficient sizes and forms to satisfy the requirement.
- C. **Adjustment of Building Design Standards:** Where an existing condition (e.g. utility easement, restrictive covenant, tree or natural feature) prohibits strict compliance with the building design standards in Article 4, the Administrator may waive or adjust the standard as appropriate to assure compliance to the extent practical. This adjustment shall be as small possible in order to accommodate the existing conditions.

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- D. **Permission of Flag Lot:** Where conditions set forth in Section 2.5.5 C. are met, the Administrator may permit a flag lot. When a flag lot is proposed in conjunction with a Major Subdivision, it shall be incorporated into the process laid out in Section 9.9.3.

### 9.12.2 PROCESS AND APPROVAL

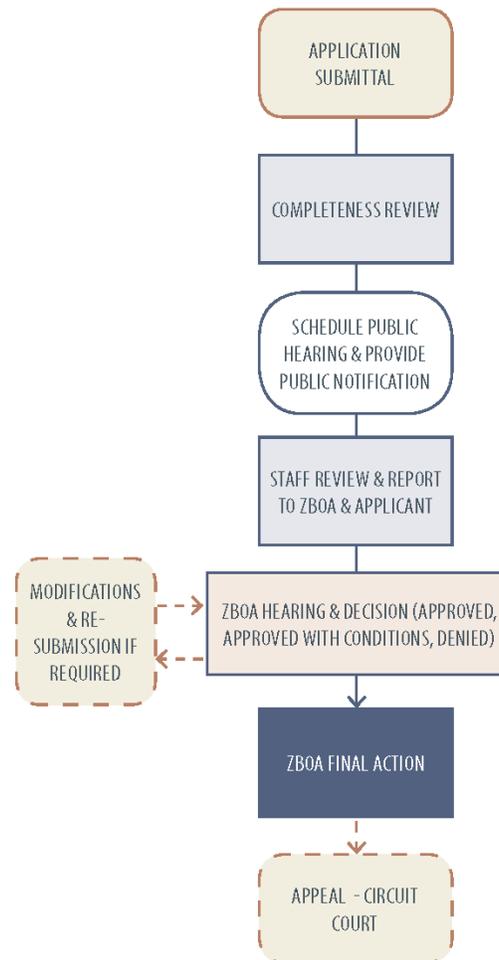


- A. **Process Type:** Administrative.
- B. **Public Notification:** None.
- C. **Required Application Information:** An application for an Administrative Adjustment shall include a brief description of the requirement to be varied and any other material necessary to ensure the criteria in this section are met.
- D. **Administrator Review:** The Administrator shall review the application and approve, approve with conditions, or deny the application, based upon the criteria in Section 9.12.2 E. A written decision including affirmative findings on the criteria set forth below shall be transmitted to the applicant.
- E. **Administrative Adjustment Criteria:** To approve an application for an Administrative Adjustment, the Administrator shall make an affirmative finding that the following criteria are met:
1. Granting the Administrative Adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards.
  2. Granting the Administrative Adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks, and other land use considerations.
  3. Granting the Administrative Adjustment will not adversely affect property values in any material way.
  4. Granting the Administrative Adjustment will be generally consistent with the purposes and intent of this Code.

- F. **Appeals:** A decision denying an Administrative Adjustment may be appealed to the ZBOA within 30 days of the mailing of the Administrator's decision in accordance with Section 9.15 (Administrative Appeals).
- G. **Expiration and Lapse of Approval:** Property owners shall have 6 months from the date of approval of an Administrative Adjustment to secure a Building Permit to carry out the proposed improvements. If a complete Building Permit application has not been filed within 6 months of the date of approval, the approval shall be void.

## 9.13: SPECIAL EXCEPTION

### 9.13.1 APPLICABILITY



Special Exceptions may be made for situations in which proposed land uses are generally compatible with the land uses permitted by-right in a district (per Section 3.2 Table of Permitted Uses) but require individual review of their location, design, and configuration to evaluate the potential for adverse impacts on adjacent property and uses. The Special Exception process ensures the appropriateness of the use at a particular location within a given District.

### 9.13.2 PROCESS AND APPROVAL

- A. **Process Type:** Discretionary.

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- B. **Required Application Information:** All applicable forms as determined by the Administrator, along with such accompanying material as is required to ensure compliance with the criteria listed in Section 9.12.2 E.
  - C. **Public Notification:** Level 1, 2, and 3 (see Section 9.1.5 for specific Public Notification requirements).
  - D. **Staff Review and Report:** The Administrator shall prepare a staff report that reviews the proposed development in light of the Comprehensive Plan, Civic Master Plan, the review criteria listed below, and the requirements of this Code. A copy of the report shall be provided to the Zoning Board of Appeals (ZBOA) and the applicant before the scheduled hearing.
  - E. **ZBOA Hearing:**
    - 1. The ZBOA shall hold a public hearing on the Special Exception application.
    - 2. After reviewing the application and the public hearing, the ZBOA shall make a written finding and approve, approve with modifications or conditions, or disapprove the request.
    - 3. If approval, or approval with modifications or conditions, is granted, the decision shall be communicated in writing within 15 days to the applicant, and the applicant shall then be authorized to submit a development permit application consistent with this Code.
  - F. **Special Exception Review Criteria:** The ZBOA may approve an application for a Special Exception where it reasonably determines that there will be no significant negative impact upon residents of surrounding property/-ies or upon the general public. The ZBOA shall consider the following criteria in its review:
    - 1. The proposed use/-s is/are compatible with existing land uses in the surrounding area.
    - 2. The harmony of the proposed site plan, circulation plan, and schematic architectural designs with the character of the surrounding area.
    - 3. The likely impact on public infrastructure — such as roads, parking facilities, and water and sewer systems — and on public services — such as police and fire protection and solid waste collection — and the ability of existing infrastructure and services to adequately service the proposed use without negatively impacting existing uses in the area and in the City (a traffic impact analysis shall be required per Section 7.3.2).
    - 4. The general conformity of the proposed use and designs with the city's Civic Master Plan, Comprehensive Plan, and any other plans officially adopted by the City.
    - 5. The likely impact on public health and safety.
    - 6. The potential creation of noise, lights, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts.
  - G. **Conditions:** The ZBOA may impose such conditions and restrictions upon the application as may be necessary to minimize or mitigate any potential adverse impacts of the proposed use.
  - H. **Appeal:** Any party aggrieved by the decisions of the ZBOA may appeal to the circuit court within 30 days of the decision.

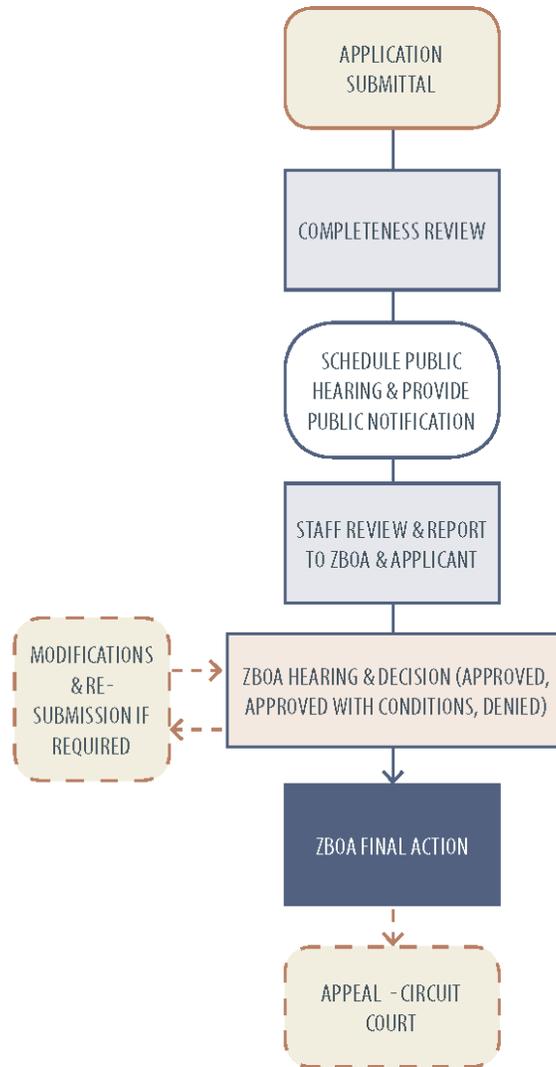
## 9.14: VARIANCE

### 9.14.1 APPLICABILITY

Variations to all ordinance standards may be requested with the following exceptions:

- A. No variances to the Table of Permitted Uses (Section 3.2) shall be permitted.
- B. No variances to sign regulations (Article 6) shall be permitted.
- C. No variances to parking provisions for Carriage Houses (4.5.3.B.9) shall be permitted.
- D. Design Exceptions (Section 9.10.2 A.3.) shall be approved by the Historic Review Board.

**9.14.2 PROCESS AND APPROVAL**



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- A. **Process Type:** Discretionary.
  - B. **Application Requirements:** All applicable forms as determined by the Administrator, along with such accompanying material as is required to ensure compliance with the criteria listed in Section 9.14.2 F.
  - C. **Staff Review and Report:** The Administrator shall prepare a staff report that shall be provided to the applicant or appellant and the ZBOA before the scheduled hearing.
  - D. **Public Notice:** Levels 1, 2, and 3 (see Section 9.1.5 for specific Public Notification requirements).
  - E. **ZBOA Hearing:**
    - 1. After review of the variance application and the public hearing, the ZBOA shall approve, approve with conditions, or deny the application.
    - 2. If approval or approval with conditions is granted, the decision shall be communicated in writing to the applicant within 15 days, and the applicant shall be authorized to submit a development permit application.
  - F. **Criteria for Approval of Variances:**
    - 1. **Required Findings:** A variance may be granted by the ZBOA if it concludes that the strict enforcement of any design and performance standard set forth in this Code would result in unnecessary hardship to the applicant, and that by granting the variance, the spirit of this Code will be observed, public welfare and safety will not be diminished, and substantial justice will be done. A variance may be granted in an individual case of unnecessary hardship only when the ZBOA makes, and explains in writing, all of the following findings:
      - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property. For example, the variance is justified because of topographic or other special conditions unique to the property and development involved, in contradistinction to the mere inconvenience or financial disadvantage.
      - b. These conditions do not generally apply to other property in the vicinity.
      - c. The conditions are not the result of the applicant's own actions.
      - d. Granting of the variance would not substantially conflict with the Comprehensive Plan, the Civic Master Plan and the purposes and intent of this Code.
      - e. Because of these conditions, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
      - f. The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the zone will not be harmed by the granting of the variance.
    - 2. **Limitations:** The ZBOA may not grant a variance if it would do any of the following:
      - a. Allow the establishment of a use not otherwise permitted in the applicable district.
      - b. Increase the density of a use above which is permitted in the applicable district.
      - c. Physically extend a nonconforming use of land.
      - d. Change the zone boundaries shown on the Official Zoning Map.
    - 3. **Profitability Not to Be Considered:** Profitability shall not be considered grounds for a variance.
    - 4. **Conditions:** In granting a variance, the ZBOA may attach to it conditions regarding the location, character, or other features of the proposed building, structure, or use as the ZBOA considers

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advisable to protect established property values in the surrounding area, or to promote public health, safety, or general welfare.

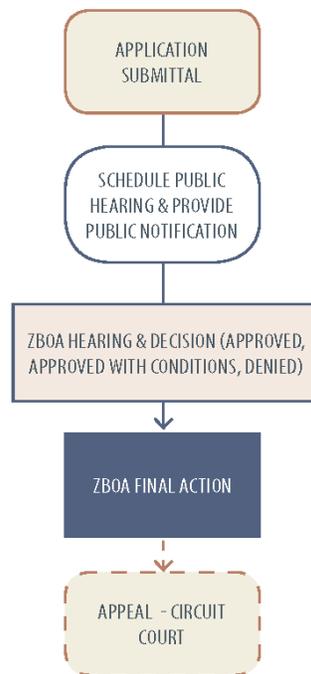
- 5. **Design Review Recommendation:** Projects requiring Design Review — see Sections 9.8 and 9.9 — shall obtain a formal recommendation to the ZBOA by the appropriate Design Review Body prior to the ZBOA making a decision on the project.
- G. **Appeal:** Any party aggrieved by the decisions of the ZBOA may appeal to the circuit court within 30 days of the decision.

## 9.15: ADMINISTRATIVE APPEALS

### 9.15.1 APPLICABILITY

Any person aggrieved by a decision, interpretation or determination of the Administrator may appeal to the ZBOA. The Administrator shall immediately transmit to the ZBOA all papers constituting the record of the appealed action.

### 9.15.2 PROCESS AND APPROVAL



- A. **Process Type:** Discretionary.
- B. **Pre-Application Procedure:** n/a.
- C. **Required Application Information:** Within 30 days of a decision or order of the Administrator, an application for appeal shall be filed with the Administrator and the ZBOA specifying the grounds of the appeal.

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- D. **Public Notification:** Level 1 (see Section 9.1.5 for specific Public Notification requirements).
  - E. **Effect of Appeal:** An appeal stays all legal proceedings in furtherance of the action in question (except enforcement proceedings), unless the Administrator certifies to the ZBOA that a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed except by a restraining order that the ZBOA or by a court of record may grant.
  - F. **ZBOA Hearing:** The ZBOA shall schedule the matter for a hearing at its next regularly-scheduled meeting, and give at least 15 days public notice of such hearing in a newspaper of general circulation in the city, as well as due notice to the parties of interest. At the hearing, any party may appear in person, by agent, or by attorney. Following the hearing, the ZBOA shall take one of the following actions, consistent with the provisions of this Code:
    - 1. Affirm the action of the Administrator;
    - 2. Modify the action of the Administrator, and to that end, the ZBOA shall have all the powers of the officer, board, or commission from which the appeal is taken, and may issue a permit or direct that a permit be issued; or
    - 3. Reverse the action of the Administrator, and to that end, the ZBOA shall have all the powers of the officer, board or commission from which the appeal is taken, and may issue a permit or direct that a permit be issued.
  - G. **Findings of Fact:** The ZBOA, in its execution of the duties specified in this section, may subpoena witnesses, and in case of contempt, may certify such fact to the circuit court that has jurisdiction.
  - H. **Decision:** All final decisions and orders of the ZBOA shall be in writing and shall be permanently filed in the office of the board as a public record. All findings of fact and conclusions of law shall be separately stated in final decisions or orders of the ZBOA, which shall be delivered to parties of interest within 15 days by certified mail.
  - I. **Contempt Penalty:** In case of contempt by a party, witness, or other person before the ZBOA, the ZBOA may certify this fact to the circuit court of the county in which the contempt occurs, and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.
  - J. **Appeals:** Any party aggrieved by the decisions of the ZBOA may appeal to the circuit court within 30 days of the decision.

## 9.16: AMENDMENTS AND REZONINGS

### 9.16.1 APPLICABILITY

When the public necessity, convenience, general welfare, or good zoning practice justify such action, and after the required review and report by the Planning Commission, the City Council may undertake the necessary steps to amend this Code, and its accompanying map.

(Ord. No. O-14-23, 9-26-2023)

### 9.16.2 INITIATION OF AMENDMENTS

A proposed amendment to this Code may be initiated by any member of the City Council, the PC, the Administrator, or by any city resident or business owner filing an application with the Administrator.

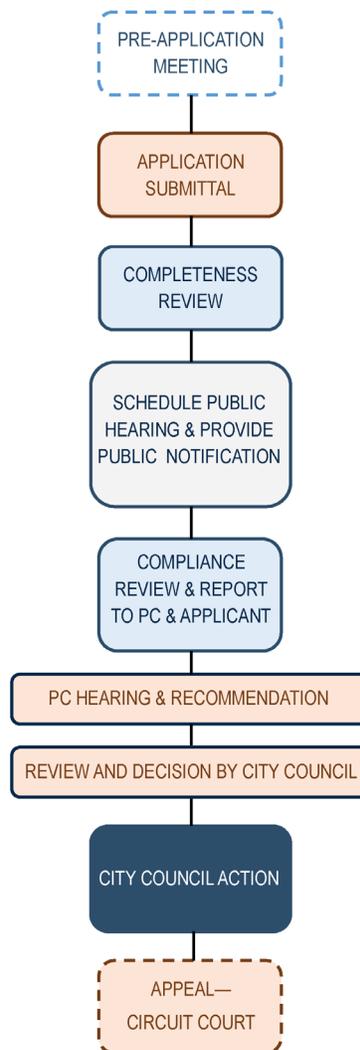
(Ord. No. O-14-23, 9-26-2023)

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### 9.16.3 APPROVAL PROCESS

Requests to amend this Code shall be processed in accordance with the following requirements:

- A. **Application Procedure:** Application forms for code amendment requests shall be obtained from the Administrator. Completed forms, together with an application fee as required by Section 9.2.2, plus any additional information the applicant deems pertinent, shall be filed with the Administrator.
  - 1. Applications for zoning map amendments (rezoning) shall also include:
    - a. Boundary map of the subject property that is prepared and sealed by a registered land surveyor.



- b. Where applicable, a copy of correspondence illustrating that the applicant has solicited written comments from the appropriate property owners' association regarding the requested amendment. Such correspondence shall encourage the association to direct any comments in writing to the Administrator and the applicant within 15 calendar days of receipt of the notification.

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- c. Written consent from the owner of the property that is being considered for an amendment. This is required if the applicant is not the city.

**B. Staff Review and Report:**

1. The Administrator shall prepare a staff report that reviews the proposed amendment in light of the Comprehensive Plan and the general requirements of this Code. A copy shall be provided to the PC and the applicant before the scheduled public meeting.
2. For amendments where the most intense permitted use in the proposed district would generate more than 50 external trips during the peak hour, a TIA (Section 7.3.3) may be required; all road improvements needed to maintain the current level of service shall be identified (based on that analysis), and assurances shall be provided so that all road improvements will be in place so the impacts of the development are accommodated, and the current level of service is maintained.

**C. Planning Commission Recommendation:**

1. **Public Notification:** Levels 1,2,3.
2. **Hearing by PC:** All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted to the PC. The PC, at regular meetings, shall review and prepare a recommendation for transmittal to the City Council. At such meeting(s), any party may appear in person, by agent, or by attorney. Following action by the PC, all papers and data pertinent to the application shall be transmitted to the City Council for final action. The PC shall study the proposed amendment, taking into account all factors that it may deem relevant, including, but not limited to:
  - a. Consistency (or lack thereof) with the Comprehensive Plan and Civic Master Plan;
  - b. Compatibility with the present zoning, with conforming uses of nearby property, and with the character of the neighborhood;
  - c. Suitability of the property that would be affected by the amendment;
  - d. Compatibility with the natural features of — and any archaeological or cultural resources on — the property;
  - e. Marketability of the property that would be affected by the amendment; and
  - f. Availability of roads, sewer, water, and stormwater facilities generally suitable and adequate for the affected property.
3. At the close of the public meeting, the PC shall recommend approval, modified approval, or denial of the amendment.
4. Upon receipt of a recommendation from the PC, the staff shall have 30 days within which to submit its report of the PC's deliberations and recommendation City Council. If the PC or its staff fail to submit a report within the 30-day period, it shall be deemed to have recommended approval of the proposed amendment.
5. If, after three PC meetings, no recommendation has been made (e.g., each meeting has resulted in the request being tabled), the item will proceed to City Council. Staff will prepare a report of the PC deliberations within 30 days of the third PC meeting.

**D. City Council Hearing:**

1. **Public Notification:** Levels 1, 2, and 3 (see Section 9.1.5 for specific Public Notification requirements).

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2. **Timing:** City Council shall consider the proposed map or text amendment at the earliest reasonable date and shall consider the report of the PC in making a decision.
  3. **Decision:** City Council shall act to approve, approve with modifications, or deny the proposed amendment.
  4. **Notification of Result:** The applicant shall be notified in writing within 15 days of City Council's action.

(Ord. No. O-14-23, 9-26-2023)

#### **9.16.4 UPDATE OF ZONING MAP**

Following City Council's final action, any necessary changes shall be made to this Code, or to the Official Zoning Map within 7 days. A written record of the type and date of such change shall be maintained by the Administrator. After 7 days of the official action, the action by City Council shall be considered official even if the Administrator fails to make the written change to the appropriate document.

#### **9.16.5 APPEALS**

An applicant aggrieved by the amendment decisions of the City Council may appeal to the circuit court within 30 days of the decision.