



AMENDED

MEETING AGENDA

The City of Beaufort

PLANNING COMMISSION

1911 Boundary Street, Beaufort, SC 29902

Phone: 843-525-7011 ~ Fax: 843-986-5606

Monday, May 19, 2025, 5:00 P.M.

City Hall, Council Chambers, 2nd Floor – 1911 Boundary Street, Beaufort, SC

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84965490427?pwd=b5zTGbcP7176WSaua5aWKx9vKznmvva.1>

Password: 213743

Meeting ID: 849 6549 0427

Call in Phone #: 1+929 205 6099

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."

I. Call to Order

II. Pledge of Allegiance

III. Review of Commission Meeting Minutes:

A. April 21, 2025 Regular Meeting Minutes

B. May 12, 2025 Worksession Minutes

IV. Questions Relating to Military Operations

V. New Business

A. Road Naming Process.

B. Beaufort Development Code Changes: Amendments to the Landscaping, Parking, and Lighting Requirements of Section 5 of the Beaufort Development Code.

C. Beaufort Development Code Changes: Amendments to the Environmental & Resources Protection Requirements of Section 8 of the Beaufort Development Code

VI. Old Business:

A. Annexation. The Applicant, Willie Mack Stansell, III, is requesting annexation of approximately 1.72 acres located at 3659 Trask Parkway into the jurisdiction of the City of Beaufort. The property is further identified as R100 026 000 0151 0000.

Planning Commission Amended Agenda
May 19, 2025
Page 2 of 2

B. Rezoning. The Applicant, Willie Mack Stansell, III, is requesting rezoning of approximately 1.72 acres located at 3659 Trask Parkway to T5-Urban Corridor District/Regional Mixed-Use District (T5-UC)/(RMX) - City of Beaufort Zoning from Neighborhood Mixed-Use (C3NMU) - Beaufort County Zoning. The property is further identified as R100 026 000 0151 0000.

VII. Discussion:

A. Wetlands Protection.

VIII. Adjournment

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



Planning Commission

Meeting Minutes – April 21, 2025

CALL TO ORDER

3:07

A meeting of the Planning Commission was called to order by Chairman, Mike Tomy, and was held in-person on April 21, 2025, at 5:00 PM.

ATTENDEES

Members in attendance: Mike Tomy, Chairman, Bill Bardenwerper, Vice-Chairman, Benjie Morillo, Clinton Hallman, Kim McFann, Bill Suter, and Paul Trask.

Staff in attendance: Curt Freese, Community Development Director, and Nick Navia, Community Development Planner I.

MINUTES

3:48

A. January 7, 2025 Worksession Minutes

Motion: Mr. Clinton made a motion to approve the minutes as submitted; Ms. McFann seconded the motion. The motion passed unanimously.

B. January 13, 2025 Worksession Minutes

Motion: Mr. Clinton made a motion to approve the minutes as submitted; Mr. Suter seconded the motion. The motion passed unanimously.

C. February 4, 2025 Worksession Minutes

Motion: Mr. Clinton made a motion to approve the minutes as submitted; Mr. Suter seconded the motion. The motion passed unanimously.

D. March 17, 2025 Regular Meeting Minutes

Motion: Mr. Clinton made a motion to approve the minutes as submitted; Ms. McFann seconded the motion. The motion passed unanimously.

E. March 24, 2025 Worksession Minutes

Motion: Mr. Clinton made a motion to approve the minutes as submitted; Mr. Suter seconded the motion. The motion passed unanimously.

F. April 3, 2025 Worksession Minutes

Motion: Mr. Clinton made a motion to approve the minutes as submitted; Mr. Suter seconded the motion. The motion passed unanimously.

All Planning Commission meeting minutes are recorded and can be found on the City's website at <http://www.cityofbeaufort.org/AgendaCenter>.

QUESTIONS RELATING TO MILITARY OPERATIONS **6:20**

None.

OLD BUSINESS **6:36**

- A. 1026 Ribaut Road.** The Applicant, Larry Paragano, Nova Management, LLC, is requesting preliminary approval for a new 72 unit townhome and multi-family development located at 1026 Ribaut Road, identified as R120 005 000 0236 0000, R120 005 000 0266 0000, and R120 005 000 0278 0000. The properties are zoned T5-Urban Corridor District (T5-UC).

Commissioner, Paul Trask, recused himself from this project and stated for the record that the applicant is a second cousin of his and that he has no interest in the property, financial or otherwise.

Curt Freese presented the staff report and presentation.

Public Comment:

Marilyn Harcharik, 2416 Oak Haven Street, feels the developer doesn't seem to need the access and there seems to be the technology to do a gate for police and emergency access. She strongly encourages the developer doesn't have through traffic on Oak Haven Street because it is a very narrow street, there's not a lot of off-street parking, and when maintenance people are doing work, it's just hard to get around.

Joe Ciccone, 2411 Oak Haven Street, said his house is the only house that faces this project. He feels it's about time they are getting something done there, but he's really concerned about the increase in traffic because it is a very small street. It would be nice to have an access gate at the end of Oak Haven Street.

Barb Bausch, 2403 Pine Haven Street, referred to the Traffic Study and wondered how many people don't go through Allison Road because they see the wait at the light, and go through the parking lot of the hospital. She is upset about all of the trees that will be lost.

Jessie White with the Carolina Coastal Conservation League is also is a resident of the City of Beaufort and lives at 308 Battery Creek Road, said to be clear, her comments are provided on behalf of the Coastal Carolina Conservation League. (see attached letter)

Diane Farrelly, 2415 Oak Haven Street, said she sent in the notes from the meeting that the developer had with the neighborhood. (see attached) Most of the concerns were traffic. The points included in the traffic were the density, the development, the elimination of full access onto Ribaut Road, the cut through onto Oak Haven Street, the short right turn only lane at Allison Road, the opposing traffic into the hospital, the timing of the light at Allison Road, the backup of traffic from Cottage Farms and Ribaut Island and the possible extended time frame for Allison Road closure for construction. She requested there be a two-story limit on the two buildings on Oak Haven Street properties that abut the single-family homes.

Samantha Patel, 2407 Pine Haven Street, agreed with Jessie White and Diane Farrelly about the three-stories that has been proposed. But now there is a carriage house, she asked, "will the parking still be under the three-story building". She suggested maybe propose a two-story building for the residents neighboring Pine Haven Street and Oak Haven Street.

Matthew Faust, 2410 Oak Haven Street, said traveling through the area he has noticed a lot of developments, and they appear to maximize profit and sacrifice the environment. This plan does neither of those things. It's a good plan (see attached written comments submitted by Amber Faust).

Mark Ward, 2413 Oak Haven Street, lives in front of Matthew Faust and next to Joe Ciccone. He thinks the plan is good. The storm system is well developed. He believes it will improve the area. When the plan was done by Sam Levine it was way bigger, more commercial and was going to be all rented.

Logan Crowther 2410 Allison Road, who lives adjacent to the development and will be directly affected but feels it's a great plan and good improvement for the area.

Joe Ciccone, 2411 Oak Haven Street, said this development may bring more professionals to the area.

Motion: Ms. McFann made a motion to grant approval of the minor sketch plan and the preliminary plat with the findings set forth in the staff report on pages 8 and 9 and with following additional matters:

1. the requirement that there be a gate. The details of which to be determined that will allow access for emergency vehicles and address access for residents of the proposed development and for the people who already live on Oak Haven Street. That the details of the that to be determined at final approval;
2. the recommendation that the developer consider a two-story restriction in as much as the developer said that he doesn't have any architecture yet and he is open to it; and
3. the recommendation that the developer consider addressing the Allison Road turn length including an extension up to at least to Myrtle Street if possible to address potential issues of access on that road.

Mr. Morillo suggested adding another recommendation to reference the Coastal Conservation League tree list.

Ms. McFann accepted Mr. Morillo's recommendation that the developer take one last look and see if there's any other trees on the most recent list from the Coastal Conservation League that could be saved. (see attached)

Motion failed due to lack of a second.

Motion: Mr. Bardenwerper made a motion to approve the sketch plan including the general layout of mass, density, and building design to the extent that the final design drawings are substantially similar to the style and design presented at the April 21, 2025 Planning Commission public hearing with the following conditions.

1. that the applicant return to the Planning Commission prior to building permit as required by Section 9.8.2 of the Code with the final design drawings showing all building dimensions and materials;
2. that the applicant return to the Planning Commission prior to building permit with the preliminary plat which would either include the right in and right out onto Ribaut Road or written documentation from SC DOT that it won't permit it because of the requirement of a barrier median that they won't permit;
3. that a gate be added on Oak Haven Street recommended with code access; and
4. that the applicant consider the tree preservation comments of Jesse White with the Coastal Conservation League in the landscape plan which would be submitted with the Preliminary Plat to the Planning Commission.

After further discussion, Mr. Bardenwerper made the change to his motion to say this is approval of the sketch plan and the preliminary plat, but the applicant would return for the requirement of Section 9.8.2 with their final design which would include:

1. building materials and the dimensions of the structure so we know that it fits on the lot;
2. a gate with code access to be added at Oak Haven Street; and
3. recommendations that the tree preservation.

Ms. McFann clarified that the motion does not include the part about the Ribaut access. Mr. Bardenwerper confirmed that it is not included in his motion.

Mr. Hallman seconded the motion. The motion passed unanimously.

NEW BUSINESS

2:03:56

- A. Annexation.** The Applicant, Willie Mack Stansell, III, is requesting annexation of approximately 1.72 acres located at 3659 Trask Parkway into the jurisdiction of the City of Beaufort. The property is further identified as R100 026 000 0151 0000.

Mr. Trask returned to the meeting at this point.

Curt Freese presented the staff report and presentation.

Public Comment:

None.

Public comment closed.

Motion: Mr. Bardenwerper made a motion to continue the annexation application to a date uncertain so that the applicant can obtain the appropriate signature.

Ms. McFann seconded the motion. The motion passed unanimously.

- B. Rezoning.** The Applicant, Willie Mack Stansell, III, is requesting rezoning of approximately 1.72 acres located at 3659 Trask Parkway to T5-Urban Corridor District/Regional Mixed-Use District (T5-UC)/(RMX) - City of Beaufort Zoning from Neighborhood Mixed-Use (C3NMU) - Beaufort County Zoning. The property is further identified as R100 026 000 0151 0000.

Motion: Mr. Bardenwerper made a motion to continue the rezoning application to a date uncertain so that the applicant can obtain the appropriate signature.

Ms. McFann seconded the motion. The motion passed unanimously.

Curt Freese presented the staff report and presentation.

Public Comment:

None.

Public comment closed.

- C. Rezoning.** The Applicant, Beaufort County School District, is requesting rezoning of approximately 41.3 acres located at 30 Cougar Drive to Institutional & Campus District (IC) from Suburban District (T3-S). The property is further identified as R123 015 000 0110 0000. **2:19:31**

Nick Navia presented the staff report and presentation.

Public Comment:

None.

Public comment closed.

Motion: Ms. McFann made a motion to approve the rezoning subject to the findings in the staff report. Mr. Hallman seconded the motion. The motion passed unanimously.

- D. Pine Court.** The Applicant, Tarr Group, LLC, is requesting sketch plan approval for a 20 lot residential subdivision for modular homes located off Ribaut Road and Bowling Lane. The property is further identified as R120 007 000 0016 0000. The property is zoned T4-Neighborhood District (T4-N). **2:26:43**

Curt Freese presented the staff report and presentation.

Public Comment:

None.

Public comment closed.

Motion: Mr. Bardenwerper made a motion to approve the sketch plan with staff's conditions as stated in the staff report as follows:

1. that it have a 5 foot screening buffer as stated comprised of fence and or shrubs;
2. that the design be minimally as presented to the Planning Commission on April 21, 2025;
3. that the roads and alleyways be a minimum of 20 feet wide;
4. either being an emergency access or the owner of the lot on which the apartment community has granted an access easement in favor of this property; and
5. that a Home Owners Association (HOA) be established in accordance with the communities.

Mr. Hallman seconded the motion. The motion passed unanimously.

DISCUSSION – WORKSESSION MEETING DATE

3:20:13

Mr. Freese stated he has Tuesday, May 6 at 3 pm on his calendar for the next worksession, but it needs to be changed. Mr. Freese let the members know that the City is now having S & K Associates live stream our worksessions moving forward and so we need to make sure they can attend. They already live stream all our board/commission meetings. The new date for the next worksession is on Monday, May 12 at 1 pm. Mr. Freese said we will be finishing up Chapter 5 and then moving onto Chapter 4 – Design or Chapter 2 – Zoning.

ADJOURNMENT

3:26:52

Motion: Ms. McFann made a motion to adjourn the meeting seconded by M. Hallman. The motion passed unanimously. The meeting adjourned at 8:26 pm.



4/21/2025

Dear Planning Commissioners,

Thank you for the opportunity to comment on behalf of the Coastal Conservation League regarding the 1026 Ribaut Road and Allison Road development project involving 72 new housing units.

We appreciate the applicant listening to comments and concerns raised previously and coming back with more detailed information to determine how the new development can more appropriately fit adjacent to the existing neighborhood.

We continue to believe some form of direct access to Ribaut Road could be provided from the site without compromising the proposed park and tree canopy. We understand there are several existing curb cuts already and believe access could be accomplished without additional tree removal by creatively meandering the access and adjusting some of the proposed lots fronting the park (ie, lots 30-37 and 44-46). For example, some of those lots could be developed as stacked duplexes or a 4-unit apartment house as previously envisioned instead of townhomes or rowhomes to reduce the overall number of buildings and make space for an access. We further believe having direct access onto Ribaut Road will reduce the likelihood of traffic cutting through Oak Haven Street to Battery Creek Road. We were pleased to hear the owner state he would not mind restricting access on/off Oak Haven Street at the last Planning Commission meeting on March 17; however, it is unclear if this is included in the submittal. Accordingly, we reiterate the request to install a speed hump or other traffic-slowing measure on Oak Haven Street at the boundary of the development site to mitigate the impacts of any future traffic flow.

We appreciate the applicant providing building footprint layouts for the lots as well as architectural design types to help visualize the mass and scale of the new development. We agree with staff's recommendation to limit the height of the units immediately adjoining the existing neighborhood on Oak Haven and Pine Haven Streets to a maximum of 2 stories. This will ensure a more meaningful transition and preserve the integrity of the surrounding single-family home neighborhoods, which consists of largely 1- to 2-story homes. Understanding and appreciating that the applicant has significantly reduced overall density from what could be allowed under maximum build out, we encourage the applicant to continue to consider additional density reduction or exchanging a few more 2-unit home types for some of the individual townhomes to create more open space and further help transition more seamlessly within the fabric of the surrounding neighborhood.

While we agree with staff that the applicant has done a commendable job to preserve many trees on sight, we believe many additional trees can be saved as well. Based on the architectural design styles provided, it appears there may still be flexibility to accommodate more tree retention around future buildings. We appreciate that a couple of the trees identified in previous comments from March 17th are now proposed to be retained and encourage the applicant to continue to consider the additional tree preservation below, and the associated public benefits and functions it provides, including natural stormwater management and mature canopy in buffers:

- Preserve the **14" live oak** at front of lot 48 and **20" laurel oak** in buffer area to east of lot 47 as it contributes to the existing street tree lining along Allison Rd;
- Preserve the **24" live oak** within the lane behind lot 51 by curving the whole width to avoid the tree or diverging one lane of traffic in each direction around the tree;

- Preserve the **27" pine** at rear of lot 3, the **32" pecan** at front of lot 5, the **24" live oak** at front of lot 7 and the **34" pine** at front of lot 8, which will help retain visual buffer for those inner lots and street tree lining along Oak Haven Street as well as contribute to natural stormwater management in the low-lying interior of this property;
- Preserve the **28" laurel oak**, the **28" pine**, the **22" laurel oak**, and the **34" and 38" pines** in the undeveloped area along Myrtle Street and to the north of lot 43 as there is no apparent reason for removal;
- Preserve the **34" live oak** at the rear of lot 42 and the **29" live oak** at the border of lots 42 and 41 to accommodate dwelling units and/or carriage houses around them;
- Preserve the **29" pine** in the park/open space or buffer area to the south of lot 37 as there is no apparent reason for removal;
- Preserve the **27" pine** in the buffer area along the lane to the east of lot 29 as there is no apparent reason for removal;
- Preserve the **34" live oak** at rear of lot 27 as it can coexist with the proposed dwelling unit and future carriage house;
- Preserve the **11" magnolia** and **24" cherry** in the buffer area to the west of lot 10 as there is no apparent reason for removal;
- Preserve the **32" and 34" pines** to the south of lot 13 by curving the alley to avoid them;
- Preserve the **37" pine** in the buffer area in front of lot 18 along Oak Haven Street as there is no apparent reason for removal; and
- Preserve the **24" live oak**, the **19" and 24" pines**, and the **28" laurel oak** in the buffer areas along the lane between lots 23 and 24 as there is no apparent reason for removal.

Lastly, it appears from the stormwater exhibit and topographic maps that lots 4-9 are proposed at the lowest elevation of 7 feet on the site. We encourage the applicant to explore the possibility of sitting the development's stormwater feature at this low-lying location instead of homes. We are concerned about the extent of fill dirt that could be required and how that may impact the health of existing vegetation. And to the fullest extent possible, we encourage the applicant to utilize more of the green infrastructure alternatives detailed in the SoLoCo standards, such as rain gardens, bioswales and stormwater credit for tree retention, rather than relying on a large wet detention pond for stormwater management. For all new plantings, we encourage the applicant to utilize native species.

On the whole, this site plan has much improved from the original proposal and we are grateful for the applicant's willingness to take the context of the surrounding neighborhood and both community and environmental concerns into consideration. We urge the planning commission to require consideration of the above additional points to further elevate the development project.

Thank you for your consideration and your service.

Respectfully,

Jessie White

Jessie White
 South Coast Office Director
 843.522.1800 | jessiew@scccl.org

Julie Bachety

From: dmfarrelly@earthlink.net
Sent: Wednesday, April 16, 2025 10:27 PM
To: Julie Bachety
Subject: Comments for Planning Commission Meeting 2025-04-21
Attachments: Meeting with Paragano 2025-04-04.docx

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello, Julie.

Please deliver the attached notes, and the email message below, to the Planning Commission in advance of Monday night's meeting.

Thank you,
Dianne Farrelly
2415 Oak Haven Street
Beaufort SC 29902
404-374-4804

Good evening, Commissioners.

Attached are notes taken during the meeting of the neighbors and Mr. Paragano that was held at Fire Station #2 on April 4, 2025. I had thought this meeting was going to be an opportunity for negotiations, however, it was a hearing during which we were given the opportunity to express our questions, concerns and suggestions, for which we are grateful.

Approximately 30 neighbors attended, Mr. Paragano and his attorney, Mr. Hal Cobb. Please note that the meeting date and time offered was during normal working hours and many of our neighbors were not able to attend.

After reading through the notes, you will see that there are still some concerns, and we respectfully request that you consider them carefully as you deliberate on the applicant's request for preliminary plat approval, and on whether to make recommendations and/or conditions for such an approval.

- We would respectfully request a 2-story limit on the two buildings planned for the high ground on Oak Haven Street, as recommended by the Staff Report 9.8.2.1.e. Finding of Fact (Lots 10-13 and 14-17)(see page 26 of the packet)
- The response to the Planning Commission's request that the applicant consider an adjustment to the overall density simply restates a decrease in density of a plan submitted by the previous owner six years ago. It does not address a consideration to decrease the density of the plan submitted to the PC on March 17, 2025.
- Please take into consideration that the original recommendation to consider not extending Oak Haven Street through to Ribaut Road was to protect the existing neighborhood from undue through traffic. The plan pulled from the scheduled February 2025 PC meeting showed a full access point on Ribaut Road and, though the road connected to Oak Haven, had the potential to mitigate through-traffic on Oak Haven with

HAVEN COLLECTIVE – PARAGANO MEETING 2025-04-04, 11:30-1:00:

A meeting took place on Friday, April 4, 2025 to fulfill the condition from the former Metropolitan Planning Commission that the developer work with the neighborhood during the design phase of the 1026 Ribaut Road project (Parcel R120 005 000 0236 0000). Mr. Sam Levin was the original owner of the property and subsequently sold it to Mr. Larry Paragano. Mr. Paragano was informed of the condition during the pre-design meeting with the Technical Review Committee on August 13, 2024 at which he was an online observer, however, he states that he did not hear that. Following the March 17, 2025 Planning Commission meeting, Mr. Paragano offered to meet with the neighborhood on April 4, 2025 between 11:30-am-1:30pm.

The following are the questions, concerns and possible solutions addressed by the approximately 30 neighborhood participants in attendance. (The sign-in sheet provided by Mr. Paragano did not make it around to my side of the room.) Mr. Paragano was accompanied by his attorney, Mr. Hal Cobb. Mr. Paragano's responses are in red text.

QUESTIONS:

For Sale or Rent / # Bedrooms – **Sale, up to 3 bedrooms, a mix of primary bedrooms on the first floor, a mix of attached/detached garages**

HOA / Rental Management - **HOA**

Pump Station – **No pump station for Detention Pond, Gravity fed**

Dumpsters / Waste Storage – **Aiming for Municipal pickup**

Utility Shed – **No plans for one**

Ground Floor Elevation – **Asking for a variance for 11'**

Planned Setback for First Building on Oak Haven high ground - **First building is set back a little to save two trees**

Design / Frontage – **Will not be cookie cutter, will adhere to Chapter 4 of The Beaufort Code, he doesn't like the Habersham style**

Price Point – **Anticipating \$550k-\$650k targeted to doctors, retirees, snowbirds (second homes)**

Any Workforce Housing – **ADUs will be possible, not sure there is a market for them, they are not included in the 72-unit count**

Construction Duration – **6-8 months for site work, 30-36 months for construction**

Other Questions for the City (not addressed at this meeting):

Impact to the school system, fire, police, water, cell service

CONCERNS:

Height / Privacy – **Planning to limit the height to 3-stories**, (See response to privacy in below screening solutions)

Oak Haven is a Narrow Live Oak Lined Road - (See response to not widening the road in below solutions)

*Traffic – **Traffic will not be a problem, there will be a new Traffic Impact Statement available next Friday (April 11, 2025), there will be a single ingress/egress point** (*See discussion points at end of document)

Density – He has already pared down overall density from when the trailer park was in existence (**he said there were 65 trailers**, neighbors countered that only about 20 were occupied in the last 5-10 years), from the original 5-story apartment building proposed by Mr. Levin, and from the more recent plan of 38 units and commercial space.

Fill Damaging Trees – **Anticipates bringing in 3' of fill** (Did not address how trees targeted to be saved will be protected from fill or from construction equipment/compaction)

Stormwater Backup / Backflow – **Constructing to SOLOCO standards**

Everytown, USA Design – **Designing a variety of fronts with Lowcountry character**

Noise / Light Pollution - (See response to privacy in below sensitive lighting solutions, noise pollution not addressed)

Odor / Vermin – **Seeking Municipal pickup**

Future Development – **He does not own the adjacent property on Ribaut, he had a contract with the hospital but they could not come to terms once the decision was made to build the daycare across Ribaut and, that due to the hospital's current buyout practices, the hospital has no need for medical offices; he has no knowledge of what the hospital might or might not do in the future**

SOLUTIONS

Full access onto Ribaut connected to Myrtle – **The distance from Myrtle Street to Ribaut Road is 300'**

Move detention pond to low ground – **Not possible if it is to remain gravity fed to the current level of the new stormwater drainage pipes on Allison Road**

Oak Haven Terminus – Not a problem for him, he says the City doesn't want it, we could go to the City and suggest capping it

Step down units with parking in rear for two buildings on Oak Haven high ground – Will take under advisement

No windows or balconies on back side of three-story buildings – He should have been told in advance of the Planning Commission meeting that architectural design should have been discussed so that he was not blind-sided by the request

Privacy fencing / More Screening Plantings – Will install more screening plantings, candidly, wants to block view of Pine Haven, the distance to the rear of some of the townhouses to the homes along Pine Haven will be 100' or more How? The plans indicate there are not even any backyards – The plans indicate the lot size, not the building envelope, he will have the plans redrawn to show the house sizes

Protection for Old Brick Wall at alley and parking near Lots 24-25 and 69-70 – There is a tree there

Terminate alley behind Lots 10-13 to avoid so much traffic over tree roots - Done

Variance for setback of two buildings up on Oak Haven high ground – First building is set back a little to save two trees

A few more expensive units rather than so many units to maintain your profit margin – No, there is only so much the market will bear

Sensitive lighting in alleys and parking areas so as not to flood into neighboring homes – Light will be cast downward

No widening of current state road section of Oak Haven – Not likely to be widened, acknowledges that it is a narrow street

Bike Path on Oak Haven (not asked)

All construction vehicles enter / exit Myrtle or Ribaut – Temporary access might be possible from Ribaut

Pump Station / Utility Shed away from adjoining neighbors – There is a pump station currently on the property located across from the detention pond that will be used for a sanitary sewer; it is not for storm sewer (Clarified in an email following the meeting)

Conservation Easement??? – (He mentioned that he would be happy to donate the park to the City during the Planning Commission meeting on March 17, 2025, however, no one followed up with this statement during the neighborhood meeting.)

*Traffic was, by far, the issue of most concern for the neighborhood, the points of which included:

- The density of the development,
- The elimination of full access onto Ribaut,
- The cut through onto Oak Haven,
- The short right-turn-only lane at Allison,
- The opposing traffic into the hospital parking lot,
- The timing of the light at Allison,
- The backup of traffic from Cottage Farms and Ribaut Island, and,
- The possible extended timeframe of an Allison Road closure for construction.

Suggestions to mitigate included:

- Decreasing the density – He said he is comfortable with the current plan,
- Decrease the number of units on Oak Haven and add some units in the park area - He said there is no room and that he is comfortable with the current plan
- Reverting to the full access points on Ribaut Road on the plan following the TRC meetings – He said that full access would require a raised median on Ribaut; Dianne Farrelly relayed that a conversation with Julie Fleming of SCDOT the day before confirmed that a median would not be required for the full access points as previously submitted to SCDOT by Mr. Paragano and approved, however, that a right-in and right-out only access would require the median; further to that Mr. Paragano said he did not want to split the park
- Adding a right-only egress driveway on Ribaut near the mental health center – Dianne Farrelly confirmed with SCDOT that a single-lane driveway is not allowed,
- Extending the right-turn lane at Allison to Myrtle – Dianne Farrelly confirmed with SCDOT that the extension would not be allowed, as it would create a safety hazard for vehicles coming from the direction of Cottage Farms,
- Revert to the full access on Ribaut, connect Myrtle to Oak Haven in a manner that would discourage through-access from Oak Haven to Ribaut and vice-versa – He does not want to revert to the full access on Ribaut, although he is willing to eliminate the through-access to Oak Haven,
- Install traffic calming devices on Oak Haven – He is willing to do that,
- The short right-turn-only lane at Allison – No solutions envisioned,
- The opposing traffic into the hospital parking lot – No solutions envisioned,
- Contact SCDOT to adjust the timing of the traffic light at Allison – That is a City responsibility,
- The backup of traffic from Cottage Farms and Ribaut Island – He said the results of the new TIS would be important for all of us,
- The possible extended timeframe of an Allison Road closure for construction – No solutions envisioned.

*Respectfully submitted,
Dianne Farrelly
For The Haven Collective*



Planning Commission

Work Session Minutes – May 12, 2025

CALL TO ORDER

A work session of the Planning Commission was called to order by Chairperson Mike Tomy and was held in-person in the Planning Conference Room on May 12, 2025, at 1:00 PM. The meeting was recorded and streamed on Facebook in accordance with City Policy.

ATTENDEES

All members were in attendance except for Clinton Hallman.

Staff in attendance: Curt Freese, Community Development Department Director, and Christopher Klement, Planner III, and Nicolas Navia, Planner I.

Jessie White of the Coastal Conservation League and submitted public comments during the session. **Lolita Huckaby Watson** also was present for a portion of the meeting. **City Arborist Michal Murphy** was also present, and he presented and explained proposed additions to the definitions and lists in Chapter 5 of the code in follow up to prior work session discussions.

Mr. Tomy updated the Commission on the status of the joint meetings and work with the Historic Review Board. A subcommittee has now been formed, and the work continues.

Mr. Freese advise that the Commission’s proposed revisions to chapters 7 and 9 of the code, excluding the sections pertinent to the HRB, were to be considered at the City Council’s Mat 13, 2025 meeting. Mr. Tomy stated he planned to attend the May 13, 2025, meeting.

The Commission continued work on Chapter 5 proposed changes. “Parking Lot Issues”, i.e., issues deferred from prior work sessions were discussed. Revisions by staff re: buffers and setbacks tables were discussed. Other changes and corrections through the end of Chapter five were discussed. The staff was able to make changes to the draft in real time during the session. Mitigation fees were discussed at length.

Proposed changes to chapter 5 will be considered at the Commissions next regular meeting, which will occur May 19, 2025, at 5 p.m. The Commission will move on to proposed changes to chapter 8 next. Mr. Freese advised re: issues in chapter 8 and advised that the Bluffton City Attorney has rendered a legal opinion that in certain instances development agreements can be overridden by ordinances, and that the Beaufort City Attorney concurs. The Commission requested a copy of the actual written legal opinion(s) to that effect before the next meeting, needed for consideration of chapter 8 issues and other issues before the commission.

The work session adjourned at 5 pm.

Scott Marshall
CITY MANAGER
843-525-7070

John Sauvé
DEPUTY CITY MANAGER
843-379-7525



CITY OF BEAUFORT
1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

COUNCIL MEMBERS:
Philip E. Cromer, Mayor
Mike McFee, Mayor Pro Tem
Neil Lipsitz
Mitch Mitchell
Josh Scallate

March 7, 2025

MEMORANDUM

To: City Council

From: J.J. Sauvé, Beaufort Deputy City Manager

Re: Road Re-Naming Process

Issue

What are the legal and procedural steps a South Carolina municipality must take to rename a municipally owned road within its jurisdiction?

Rule

The renaming of a municipally owned road is governed by state statutes, local ordinances, and municipal procedures. The relevant legal authorities include:

- **South Carolina Code of Laws § 6-29-1200** (Comprehensive Planning Act, requiring Planning Commission review for changes to road names on official maps)
- **Municipal Association of South Carolina (MASC) Comprehensive Planning Guide**, which outlines best practices for municipal planning procedures
- **County and emergency response (E-911) guidelines** for road name changes

Analysis

1. Determine the Appropriate Legislative Action:

- The municipality has discretion to rename roads it owns through either a resolution or an ordinance.
- **Ordinance vs. Resolution:**
 - A resolution is typically used for symbolic or temporary changes.

- An ordinance is required for a permanent road name change, as it modifies the city's official street system and addressing records.
- Best practice is to use an ordinance to ensure clarity and enforceability.

2. Planning Commission Review Requirement (§ 6-29-1200):

- Under South Carolina's Comprehensive Planning Act (§ 6-29-1200), any proposed change to a street name that appears on the municipality's official map must be reviewed by the Planning Commission before City Council takes final action.
- The Planning Commission must hold a public meeting, consider the implications of the name change on municipal planning and emergency response, and provide a recommendation to City Council.
- If the name change is not reflected on an official map or comprehensive plan, the Planning Commission review may not be required, but consultation is still recommended.

3. Public Notification and Required Public Hearing:

- A public hearing is required before City Council may approve the renaming of a municipally owned road.
- Public notice must be provided in accordance with municipal and state requirements, including publishing notice in a local newspaper and notifying affected property owners.
- The hearing provides an opportunity for residents, businesses, and stakeholders to voice support or concerns regarding the proposed name change.
- Input from emergency services (E-911), postal services, and local businesses should be considered to avoid duplication or confusion.

4. Council Approval and Ordinance Adoption:

- After receiving the Planning Commission's recommendation and conducting the required public hearing, City Council must review the findings and hold a formal vote.
- The Council must adopt an ordinance specifying the new road name and the effective date.

5. Notification and Implementation:

Scott Marshall
CITY MANAGER
843-525-7070

John Sauvé
DEPUTY CITY MANAGER
843-379-7525



CITY OF BEAUFORT
1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

COUNCIL MEMBERS:
Philip E. Cromer, Mayor
Mike McFee, Mayor Pro Tem
Neil Lipsitz
Mitch Mitchell
Josh Scallate

- The municipality must notify the following entities of the change:
 - **County emergency services (E-911)** for mapping and response adjustments
 - **United States Postal Service (USPS)** for address updates
 - **Utility companies** and other service providers
 - **Residents and businesses** along the affected road
- Road signage must be updated to reflect the new name.

Conclusion

Renaming a municipally owned road within a municipality should be conducted through an ordinance rather than a resolution to ensure permanent recordation and enforceability. The Comprehensive Planning Act (§ 6-29-1200) requires Planning Commission review if the road name is part of an official map. Additionally, a public hearing is required before City Council may take action. Public notification and coordination with emergency services, the postal service, and affected stakeholders are essential to a smooth transition. Following these steps ensures legal compliance and minimizes disruption.



CITY OF BEAUFORT
Community Development Department

SCOTT MARSHALL
City Manager

1911 BOUNDARY STREET
BEAUFORT, SC 29902
(843) 525-7011
FAX (843) 986-5606

CURT FREESE
Community Development
Director

Date: May 13, 2025

From: Curt Freese, Community Development Director

To: Planning Commission

ISSUE: Road Re-Naming

Background

Please see the attached memo from the Deputy City Attorney regarding road renaming. The recommendation on the road names will be then sent to the City Council for approval/ Two roads are being considered for a road renaming:

Current Road Name

Airport Circle Extension

Southside Park

Council Suggestion:

Connie Hipp Road

Clayton Cooler Way or Clayton Cooler Loop

Recommendation: Make recommendations on proposed road names.

**BEAUFORT DEVELOPMENT CODE
CHANGES TO CHAPTER 5**

**Landscaping, Parking
and Lighting Requirements**

5: LANDSCAPING, PARKING AND LIGHTING

5.1: LANDSCAPING AND TREE PROTECTION

5.1.1 PURPOSE AND INTENT

The purpose and intent of this code chapter is to regulate and protect a sustainable and healthy tree canopy throughout the City of Beaufort while promoting the benefits and advantages of retaining mature trees in our landscapes, parks, and streets. There are many benefits directly attributable to trees and the regulation of tree preservation is necessary for the preservation of public health, safety, general welfare, environment and aesthetics in the City of Beaufort. Great care should be taken to integrate new development into the existing landscape, and to preserve natural vegetation where possible.

Specifically, the standards in this section are meant to:

- Maintain the current and increase for future, the total tree canopy within the City limits;
- Preserve healthy trees that might otherwise be removed through the required use of arborist reports and tree risk assessments;
- Lessen air pollution and promote clean air quality by increasing dust filtration;
- Prevent soil erosion;
- Improve surface drainage, minimize flooding, and minimize the cost of constructing and maintaining drainage systems necessitated by the increased flow and diversion of surface waters;
- Conserve energy by reducing heating and cooling costs;
- Reduce noise, heat, dust, and glare;
- Preserve biodiversity, wildlife habitat, and habitat corridors;
- Educate the public as to the importance of trees and the inherent risks that they pose and that most tree risks can be mitigated for;
- Beautify and enhance land and views from the City's entryways, public lands, and streets;
- Preserve residents' quality of life and the natural heritage of the City; and
- Maintain the ambience of the City of Beaufort and enhance property values.

5.1.2 Definitions

1. *Arborist Report*. A report compiled by an ISA Certified Arborist containing pertinent information about the physical and structural health of the trees on a site.

-
2. *Caliper*. The diameter of the trunk measured six (6) inches above the ground for trees up to and including four-inch diameter and measured twelve (12) inches above the ground for larger trees. This measurement is used for proposed or nursery-grown trees.
 3. *Certified Arborist*. A person who has met the criteria for certification from the International Society of Arboriculture (ISA), maintains his or her credentials, and is an employee of the company submitting the request for pruning or removal.
 4. *Commercial Use*. Any use of property for a principal use of operating a “business,” as defined in Section 3.6 and 13.1 of the Beaufort Code, that may be operated for the object of gain or benefit.
 5. *Developed Land*. Land on which manmade structures exist or land modifications (clearing, grading, etc.) have occurred.
 6. *Diameter at Breast Height (DBH)*. The diameter in inches of the trunk of a tree, or, for multiple trunk trees, the aggregate diameters of multiple trunks, measured four and one-half (4½) feet from the existing grade at the base of the tree. This measurement is used for existing trees.
 7. *Diseased tree*. A severe disease or pest that is known to cause or is causing the death of a tree.
 8. *Drip Line*. An imaginary vertical line extending downward from the outermost tips of a tree’s branches to the ground.
 9. *Hazard*. A likely source of harm. In relation to trees, a hazard is the tree part or parts identified as a likely source of harm.
 10. *Hazardous tree*. A tree is considered hazardous when it has been assessed and found to be likely to fail and cause an unacceptable degree of injury, damage, or disruption – that is, it poses an elevated risk.
 11. *Elevated Risk*. A tree, or any part of a tree, that poses a risk of harm to person or property due to damage, deterioration, or numerous hazards, and where such risk cannot be mitigated by any arboricultural procedures.
 12. *Healthy Tree*. A tree that is not dead, dying, or diseased; is not at an elevated risk for failure; or is not an invasive tree.
 13. *Impervious Surface*. Solid surface that prevents aeration, infiltration, and water penetration, resulting in several harmful side effects.
 14. *Invasive Species*. Are non-native organisms that are detrimental to our natural areas or native flora and fauna. Managing these pests often costs landowners, land managers, and tax payers millions of dollars each year. Invasive species contribute to the loss of habitat for native species and contribute to their decline.
 15. *Live Crown Ratio (LCR)*. Is the percentage of a tree’s total height that supports live foliage, serving as an indicator of tree vigor and health. LCR is calculated by dividing the length of the live crown (the part of the tree with foliage) by the total height of the tree and then multiplying by 100 to express it as a percentage.
 16. *Mitigation Pruning*: Pruning methods prescribed by a certified arborist that will result in the reduction of the risk of tree or tree limb failure, usually associated with a tree risk assessment report.
 17. *Native species*. Native species of flora and fauna are organisms that developed naturally in a specific area over time. They evolved alongside other local plants (flora) and animals (fauna), creating balanced relationships within their habitat. Native species form communities and biological interactions with other specific flora, fauna, fungi, and other organisms.
 18. *Official*. A member of City staff designated by the City Manager.

-
19. *Overmature Tree. See Senescent Tree.*
 20. *Overstory Tree.* A tree that, when mature, reaches a height of at least thirty-five (35) feet.
 21. *Pervious Surface.* A surface that allows water to percolate through to the area underneath rather than becoming runoff.
 22. *Replacement Planting.* Tree planting that is proposed as a replacement for a tree which has been cut down.
 23. *Residential Lot of Record.* A lot where single, two-, or three-family development is permitted.
 24. *Risk.* Is the combination of the likelihood of an event and severity of the potential consequences. In the context of trees, risk is the likelihood of a conflict or tree failure occurring and affecting a target and the severity of the associated consequences-personal injury, property damage, or disruption of activities.
 25. *Senescent Tree.* A tree that has reached a stage where its growth, vigor, and health are declining, often nearing the end of its natural lifespan. It includes both natural age-related decline and stress-induced deterioration. Different tree species react differently to this senescent life stage; some will respond to mitigation pruning.
 26. *Specimen and Landmark Trees.* see Section 5.3.1.
 27. *Tree Protection Zone.* The area reserved around a tree or group of trees in which no grading, access, stockpiling, or other construction activity shall occur, the extent of which will be determined by the proposed site design and existing site conditions. See Section 5.3.3 for specific requirements.
 28. *Tree Risk Assessment:* The systematic process to identify, analyze, and evaluate tree risk, and to recommend mitigation procedures.
 29. *Undeveloped Land.* Raw land on which manmade structures or land modifications (clearing, grading, etc.) do not exist.
 30. *Understory Tree.* A tree that, when mature, reaches a height of twelve (12) to thirty-five (35) feet and whose natural habitat is growing under larger, higher canopied trees.
 31. *Willful Violation.* A violation in which the landowner, developer, and/or operator knowingly failed to comply with the requirements of this section.

5.1.3 Certified Arborist Report

A. Requirements

The purpose of a Certified Arborist Report is to perform a visual ground assessment of all trees including Specimen and Landmark trees using the most current copy of certified Tree and Topo created by a Registered Surveyor.

Each tree will have a detailed visual ground inspection of its surrounding site, buttress roots, trunk and branches and an assessment of the tree's general health. The information will be used to determine physical and structural health of the trees, as well as the likelihood of potential failures in each tree. This assessment protocol is based on a modified Level 2, Basic Tree Risk Assessment as outlined in ANSI A300 – Part 9: Tree, Shrub and Other Woody Plant Management – Standard Practices.

The Level 2 Basic Tree Risk Assessment is not the highest level of assessment available to arborists. Any trees that are required to be preserved on site which may need a higher level of assessment shall also be identified and any additional necessary recommendations given.

Recommendations will be given for performance and timing of maintenance procedures, such as crown pruning, root pruning and root fertilization, if deemed needed after soil testing; measures that should be performed on trees that are to be preserved on site.

This report also verifies a positive identification of all trees listed on the Tree and Topo.

B. Mitigation Pruning

Mitigation pruning is an important component of this report. All of the trees in each of the groupings, except for Category D, will have the potential to improve their standing on the site with the application of mitigation pruning.

This can generally consist of some combination of limb end weight reduction, deadwood and vine removal, the culling of understory plants, or other creative arboricultural methods to reduce some of the risks that trees present and allow more trees to be preserved on site.

C. Arborist Duty of Care

Arborists have a Duty of Care to the trees that they are assessing, not to the entity who might be financing the report. This Duty of Care takes into consideration hazards that may be found in the trees, potential targets, a tree inherent stability under normal weather conditions, static and dynamic loads and most importantly, what arboricultural procedures can be applied to reduce any of the risks or hazards that may be uncovered. The ultimate site goals and future intentions for these trees by the owner are never a component of the assessment.

D. Assessment Format

Each of the Specimen and Landmark trees on a site plan will be categorized into four different groups, designating each tree's individual condition based on both structural and physical health factors. In order to make the report more diverse and the tree cover more sustainable, any of the more valuable smaller trees are also suggested to be assessed and highlighted so that there will be more information on their status and thus may be able to remain in the landscape. Each condition grouping will be highlighted with a specific color on the site plan. These designating letters and grouping categories are as follows:

Category A) **Highlighted in Green:** A tree with no or slight defects and a low risk of failure. This tree is thriving for its species and location. It has little or no obvious faults or defects that would warrant a more detailed inspection. Some minor pruning may be needed including light reduction of end-weight growth and removal of deadwood. Tree longevity is open-ended and unrestricted. There is an improbable likelihood of limb or lead or total trunk failures occurring under normal weather conditions over the next 5 to 10 years. There may be no specific mitigation pruning recommended at this time.

Category B) **Highlighted in Orange:** A tree with moderate defects having a reasonable risk of failure. This tree is growing well for its species and location. It may have some minor, obvious faults and defects which would need to be aerially inspected. There may be a possible likelihood of limb or lead failures under normal weather conditions over the next 5 to 10 years. There is an improbable likelihood of total trunk failure over the next 5 to 10 years. These possible failures can, in most cases, be mitigated by prescription reduction or heading pruning procedures. These procedures can reduce the risk of failures to a level of risk that can be considered acceptable by most tree managers. There may be some other specific pruning needs such as crown raising, crown reduction, invasive vine severing, deadwood removal and Spanish moss reduction if present in large amounts, over and above the mitigation pruning recommendations.

Category C) **Highlighted in Blue:** A tree with severe defects and a high risk of failure. This tree is failing to thrive and may be in decline. It has obvious faults, defects, and hazards present that have a probable likelihood of causing limb, lead or trunk failures. Timely prescribed and above normal mitigation pruning may in some cases reduce these hazards and risks of failures to a level that could be acceptable by some tree managers. If mitigation pruning is chosen, monthly inspections by the tree manager and annual inspections by a certified arborist are recommended.

Category D) **Highlighted in Red:** A tree with critical defects and an imminent risk of failure. This tree may already be dead or, if still alive, has severe critical defects and hazards with an imminent likelihood of limb, lead and total trunk failure. No amount of mitigation pruning could reduce any of the risks present to an acceptable level. Depending on occupancy rates of the areas adjacent to these trees, immediate or timely attention is called for.

E. Hazard vs Risk

In the wording of this report, please consider the correct use of the terms hazard and risk in accordance with ANSI A300 Part 9: Tree Shrub, and Other Woody Plant Management – Standard Practices (Tree Risk Assessment and Tree Structure Assessment).

A tree is considered hazardous when it has been assessed and found to be likely to fail and cause an unacceptable degree of injury, damage, or disruptions – that is, it poses a high or extreme risk.

Risk is the combination of the likelihood of an event and the severity of the potential consequences.

A hazard is a likely source of harm. In relation to trees, a hazard is the tree part or parts identified as a likely source of harm.

5.1.4 Recommended Trees and Shrubs

The following commonly found species of trees and evergreen shrubs are listed by category. The lists are not exhaustive and applicants are not required to select species found on these lists.

BROAD-LEAVED OVERSTORY TREES	
American Beech	Fagus grandifolia
American Elm	Ulmus americana
American Sycamore	Platanus occidentalis
Ashleaf Maple	Acer negundo
Black Oak	Quercus velutina
Black Gum	Nyssa sylvatica
*Drake Elm (Everclear, Allee or Bosque)	Ulmus Parvifolia
Eastern Cottonwood	Populus deltoides
Honey Locust	Gleditsia triacanthos
*Cathedral Live Oak	Quercus virginiana 'Cathedral'
Laurel Oak	Quercus laurifolia
Live Oak	Quercus virginiana
*Overcup Oak	Quercus lyrata 'Highbeam'
Pecan	Carya illinoensis
Pignut Hickory	Carya glabra
Pumpkin Ash	Fraxinus profunda

*Pyramidal European Hornbeam	Carpinus betulus 'Fastigiata'
Red Maple	Acer rubrum
*Nuttall oak	Quercus nuttalli
Shumard Oak	Quercus shumardii
Southern Magnolia	Magnolia grandiflora
Southern Red Oak	Quercus falcata
Swamp Chestnut Oak	Quercus michauxii
Sweet Gum	Liquidamber styraciflua
*Trident Maple	Acer buergerianum 'Aeryn'
Water Tupelo	Nyssa aquatica
White Oak	Quercus alba
Willow Oak	Quercus phellos
*Starred trees are recommended for street tree plantings	
CONE-BEARING OVERSTORY TREES	
*Bald Cypress	Taxodium distichum
Loblolly Pine	Pinus taeda
Long Leaf Pine	Pinus palustris
Pond Cypress	Taxodium distichum nutans
Pond Pine	Pinus serotina
Slash Pine	Pinus elliotii
Short Leaf Pine	Pinus echinata
Spruce Pine	Pinus glabra
*Starred trees are recommended for street tree plantings	
UNDERSTORY TREES	
Allegheny Chinkapin	Castanea pumila
American Holly	Ilex opaca
American Plum	Prunus americana
Bigleaf Snowbell	Styrax grandifolia
Bitternut Hickory	Carya cordiformis
Black Cherry	Prunus serotina

Black Willow	Salix nigra
Blackjack Oak	Quercus marilandica
Bluejack Oak	Quercus incana
Buckthorn Bumelia	Bumelia lycioides
Cabbage Palmetto	Sabal palmetto
Carolina Ash	Fraxinus caroliniana
*Carolina Basswood	Tilia caroliniana
Carolina Buckthorn	Rhamnus caroliniana
Carolina Laurelcherry	Prunus caroliniana
Carolina Silverbell	Halesia carolina
Chickasaw Plum	Prunus augustifolia
Coastal Plain Willow	Salix caroliniana
Common Hoptree	Ptelea trifoliata
Common Persimmon	Diospyros virginiana
Common Sweetleaf	Symplocos tinctoria
*Crepe Myrtle	Lagerstroemia indica
*Dahoon Holly	Ilex cassine
Eagleston (a.k.a. Foster) Holly	Ilex attenuata 'Eagleston' or 'Fosteri'
Eastern Coralbean	Erythrina herbacea
Eastern Redbud	Cercis canadensis
Eastern Red Cedar	Juniperus virginiana
Flatwoods Plum	Prunus umbellata
Florida Basswood	Tilia floridana
Florida Maple	Acer barbatum
Flowering Dogwood	Cornus florida
Fringetree	Chionanthus virginicus
Green Ash	Fraxinus pennsylvanica
*Hassel Magnolia (a.k.a. Alta)	Magnolia grandiflora 'Hassel' or 'Alta'
Hercules Club	Anthoxylum clava-herculis
Ironwood	Carpinus caroliniana

Littlehip Hawthorn	<i>Crataegus spathulata</i>
Loblolly Bay	<i>Gordonia lasianthus</i>
Mockernut Hickory	<i>Caryatomentosa</i>
Myrtle Oak	<i>Quercus myrtifolia</i>
*Oklahoma Redbud	<i>Cercis reniformis 'Oklahoma'</i>
Parsley Hawthorn	<i>Crataegus marshallii</i>
Pawpaw	<i>Asimina triloba</i>
Planer Tree	<i>Planera aquatica</i>
Poosumhaw Holly	<i>Ilex decidua</i>
Post Oak	<i>Quercus stellata</i>
Red Buckeye	<i>Aesculus pavia</i>
Red Mulberry	<i>Morus rubra</i>
Redbay	<i>Persea borbonia</i>
River Birch	<i>Betula nigra</i>
Hickory	<i>Carya pallida</i>
*Sabal Palm	<i>Sabal palmetto</i>
Sassafras	<i>Sassafrass albidum</i>
Sourwood	<i>Oxydendrum arboreum</i>
Southern Bayberry	<i>Myrica cerifera</i>
Southern Crab Apple	<i>Malus angustifolia</i>
Southern Red Cedar	<i>Juniperis silicicola</i>
Sparkleberry	<i>Vaccinium arboreum</i>
Sugarberry	<i>Celtis laevigata</i>
Swamp Cotton wood	<i>Populus heterophylla</i>
Sweetbay	<i>Magnolia virginiana</i>
Tough Bumelia	<i>Bumelia tenax</i>
Turkey Oak	<i>Quercus laevis</i>
Water Hickory	<i>Carya aquatica</i>
Water Oak	<i>Quercus nigra</i>
Waterlocust	<i>Gleditsia aquatica</i>

Witch Hazel	Hamamelis virginiana
*Yaupon Holly, Weeping	Ilex vomitoria 'Pendula'
*Starred trees are recommended for street tree plantings	
SCREENING SHRUBS	
Sasanqua	Cammellia sasanqua
Yaupon Holly	Ilex vomitoria
Chinese Mahonia	Mahonia fortuneiw
Nandina	Nandina domestica
Pittosporum	Pittosporum tobira
Podocarpus	Podocarpus macrophyllus
Indian Hawthorne	Raphiolepis indica
Cleyera	Ternstroemia gymnanthera
Laurestinus	Viburnum tinus
Japanese Viburnum	Viburnum macrophyllum
Elaeagnus	Elaeagnus pungens
So. Indica Azalea	Azalea indica
Burford Holly	Ilex cornuta "Burfordi"
Wax Myrtle	Myrica cerifera
Fatsia	Fatsia japonica
Florida Anise	Illicium floridanum
Pfizer Juniper	Juniperus chinensis "pfizeriana"
Wax Leaf Ligustrum	Ligustrum japonicum
Oleander	Nerium oleander
Breath-of-Spring	Lonicera fragrantissima
Loropetalum	Loropetalum chinense
Juliana Barberry	Berberis julianae
Hedge Bamboo	Bambusa multiplex
Bay Laurel	Laurus nobilis
Banana Shrub	Michelia figo
Sweet Myrtle	Myrtus communis

*Starred trees are recommended for street tree plantings

5.1.5 Specific Best Practices

When pruning trees less than 6-inches in caliper, the operator shall retain a 60% or greater live crown ratio (LCR). For example, a 10-foot-tall tree shall have a minimum of 6-feet of total crown foliage after pruning and 4-feet of exposed trunk from the ground to the lowest branch. There shall never be more than 7-feet of exposed trunk from the ground to the lowest branch.

For trees 6" caliper and larger, the live crown ratio - ratio of tree canopy height to trunk height - shall be no less than 2:1 (Example: A 30' tall tree should have a canopy no less than 20' tall and an exposed trunk no greater than 10' tall.)

5.1.6 Sample Tree Mitigation Schedule

Tree Mitigation Chart Example		Project Name: Retail Shop		Zoning District: T5-UC																					
SCHEDULE OF TREES TO BE REMOVED																									
TREE TYPE	8"	10"	11"	12"	13"	14"	15"	16"	17"	18"	19"	20"	21"	22"	23"	24"	26"	27"	29"	32"	33"	38"	42"	TOTALS (TYPE)	
LIVE OAK		1		1			1									1								5	
LAUREL OAK	1	1	2		1	2	3	1	4	1	1	1	2				1		3		2	1	1	2	30
WATER OAK		1	1										1												2
CHERRY		1	2			1	1				1	1													8
SWEETGUM	1																								1
PINE (not Longleaf)	1			1			2	2				2	3	2	1	2	1			1					18
TOTALS (SIZE)	4	5	2	2	2	3	6	3	4	2	2	3	6	3	1	4	1	3	1	2	1	1	2	63	
SCHEDULE OF TREES TO BE SAVED																									
TREE TYPE	8"	15"	18"	19"	22"	25"	29"	36"	45"	TOTALS (TYPE)															
LIVE OAK		1			1			1	1	4															
LAUREL OAK	2			1		1	1			5															
PECAN			1							1															
TOTALS (SIZE)	2	1	1	1	1	1	1	1	1	10															
Mitigation Calculation Summary																									
50% or less of 100-caliper inch	33% or less of 350-caliper inch	25% or no additional fee if mitigation is not possible	Landmark #	Specimen #	8" or + # of inches																				
24	49	10	0	0	0																				
0	0	0	0	21	0																				
0	0	0	0	8	31																				
0	0	0	0	0	0																				
0	0	0	0	18	0																				
24	70	41																							
Mitigation required																									
Inches	12	23	10																						
Fee	\$2,400	\$3,500	\$0																						
If mitigation is not possible																									
Color Key																									
Landmark Trees - A or B	highlighted in yellow																								
Specimen Tree - A or B	highlighted in orange																								
Other 8" DBH or + - A or B	highlighted in blue																								
Any tree C or D	unhighlighted																								
<i>A, B, C, D rating refers to the Category in the Certified Arborist Report - See Appendix A</i>																									

This is for illustrative purposes only and may be changed from time to time. An excel template for this planting schedule, along with typical tree planting details, can be found on the Planning Department's website.

5.2: APPLICABILITY AND ADMINISTRATION

5.2.1 APPLICABILITY

A. General

(1) **Tree Preservation.** Consistent with the purpose of this section, priority shall be placed on retention of existing trees. All persons shall make all reasonable efforts to preserve and retain any existing Specimen and Landmark trees and established stands or groves of trees.

(2) **Permit required for removal.** Except as exempted in 5.2.1.B. below, a Tree Permit shall be required to remove or relocate any tree of 8" DBH or more, or a Specimen or Landmark tree, in the City. See Section 5.2.2.A for specific requirements.

(a) For single family and 2- and 3-family buildings on existing lots of record, a permit is only required for the removal of Specimen or Landmark trees.

(3) **Permit required for pruning.** A Tree Permit is required to prune any landmark tree as described in Table 5.3.1.A. Pruning must be done by, or under the guidance of, a certified arborist and shall meet ANSI A300 Standards for pruning.

(4) **Trees Designated for Retention.** A Tree Permit shall be required for the removal or relocation of any tree previously designated to be retained on an approved development plan.

(5) **Enforcement.** Failure to comply with the standards of this section shall be a violation of this ordinance and subject to the remedies and penalties specified in Section 12 of the Beaufort Code.

B. Exemptions

(1) The following activities are exempt from the standards in this ordinance and the requirements for a Tree Permit:

a. Removal of severely damaged trees that have an imminent likelihood of failure or pose an immediate risk to person or property following a natural disaster such as a hurricane, tornado, ice or windstorm, flood, wildfire or any other such act of nature.

b. Tree removal associated with forestry activities shielded from local development regulation in accordance with S.C. Code Ann. 48-23-205, subject to the limitations on subsequent development in Section 5.2.2.C. below. Forestry activities shall be regulated by a Forestry Management Plan approved by a certified South Carolina Forester.

c. Removal of plant species designated as invasive by the South Carolina Forestry Commission, including, but not limited to the following:

i. Chinese Tallow (*Triadica sebifera*), Chinaberry Tree (*Melia azedarach*), Callery Pear (*Pyrus calleryana*), Camphor Tree (*Cinnamomum camphora*), Princesstree (*Paulownia tomentosa*)

(2) No Tree Permit is required where the proposed tree removal or alteration is reviewed and authorized in accordance with an approved Site Development Permit or Building Permit, though compliance with the standards in this section is required.

(3) Residential Lots of Record, as defined in Sec. 5.1.2, are exempt from the replacement planting and mitigation requirements of Section 5.5.2.C. Replacement planting and mitigation for tree removals in conjunction with development of these properties shall be regulated by Section 5.5.2.F. below. All other requirements of this ordinance shall apply to such uses.

5.2.2 ADMINISTRATION

Application Procedure. No Project Permit shall be issued, nor any development be commenced, for any site subject to the requirements of this article without an approved plan for all site elements including landscaping, lighting, and parking, as part of a greater development design review process as outlined in Article 9 (Development Review Procedures).

A. Tree Protection Information in Applications

(1) New Development

(a) Applications for a Major Subdivision, Site Plan, Zoning & Building Permit or Certificate of Occupancy shall include at least the following information:

- (i) A Tree Survey verified by a certified arborist, as described in subsection 5.2.2.A.3. below;
- (ii) A brief written narrative of proposed plans for tree protection and justification for proposed removals and replacements, verified by a certified arborist;
- (iii) A complete tree tally sheet listing exact species and diameter of trees on site;
- (iv) For a Major Subdivision/Site Plan, a site plan showing utility lines, grading activities as well as building and pavement footprints (pervious and impervious surfaces) in relation to existing trees and denoting trees to be removed with an "X"; and
- (v) A replacement tree replanting schedule, if required by Sections 5.3.2.G and 5.5.2 below.

(b) Applications for a Residential Building (Project) Permit shall include at least the following:

- (i) A Tree Survey;
- (ii) A certified arborist report including all Specimen and Landmark trees; and
- (iii) A site plan showing utility lines as well as building and pavement footprints (pervious and impervious surfaces) in relation to existing trees and denoting trees to be removed with an "X."

(2) Existing Development. Applications for pruning or removal of trees on individual developed lots shall include a tree survey and a report from a certified arborist. An exception is granted on developed single-, two-, and three-family lots wherein a scope of work from a certified arborist is only required for removal of a Specimen or Landmark tree and pruning of a landmark tree. A tree survey shall never be required on developed single-, two-, and three-family lots.

(3) Tree Survey. The tree survey shall be in the form of a map or site plan, prepared and sealed by a registered land surveyor within two years of the date of application. The tree survey shall be at the same scale as the required site development plan and shall include the species and DBH of all trees 8" DBH or greater.

- (i) All palmetto trees over eight (8) feet tall shall be measured in height, from the ground to the base of the frond initiation point.

B. Authorization for Tree Removal.

(1) Permit Required. No person shall cause, suffer, permit or allow the following:

- (a) The removal of a tree 8" DBH or greater or Specimen or Landmark Tree without first obtaining written authorization, to include all necessary permit(s), from the City to conduct the removal.
- (b) Any encroachments, excavations, or change of the natural grade within the critical root zone (CRZ) of a protected tree, unless approved by the Codes Administrator, prior to the commencement of said activity, that the activity will not negatively impact the tree. The critical root zone area shall be defined as the greater of either:
 - (i) The area extending from the trunk of the tree to the outer-most point of the canopy or drip line; or,

-
- (ii) All of the area starting at the trunk and extending to a distance of one (1) foot for each inch in diameter the trunk measures at four and one-half (4 1/2) feet above ground level.

(2) Criteria. No authorization for the removal of any tree 8" DBH or greater or any Specimen or Landmark Tree shall be granted unless the applicant for removal of the tree demonstrates one or more of the following conditions in writing:

(a) **Health.** Whether or not the tree is dead, dying, or diseased according to a certified arborist report and verified by the City Official or designee.

(b) **Elevated Risk.** Whether or not the tree presents hazards that cannot be mitigated by any arboricultural procedures due to its deteriorated or damaged state.

(c) **Developability.** Whether or not the tree constrains reasonable development of the specific site, considering lot size, applicable setbacks, context, building type and use, stormwater requirements, and other relevant site development considerations.

(3) Permit Decision. Upon review of a completed application, the Codes Administrator shall approve, approve with conditions, or deny the permit.

(a) The applicant shall be notified of approval or denial, and if denied, informed of the reasons for denial.

(b) Permits may be issued conditionally, provided that the conditions are stated in writing and are appropriately referenced on the permit. Among such conditions may be stipulations that the developer of a site provide legal mechanisms which ensure the protection of Specimen and Landmark Trees after construction has occurred on the development. such mechanisms may include, but not be limited to, conservation easements, common open space requirements, vegetation or tree protection easements or buffers, deed restrictions and restrictions in homeowners' or condominium association documents.

(c) In the event questions or disputes arise concerning tree conditions, the City may call upon and consult with a certified arborist or other qualified professional to reach a decision. All appeals of staff decisions, and other form of administrative relief sought as a result of the application of these standards, shall be the purview of the Zoning Board of Appeals.

(4) Timing. The official shall be notified within five (5) business days prior to tree removal approved as part of a Site Plan.

(5) Permit posting. A copy of the approved tree permit shall be clearly posted on the job site during all phases of clearing and construction activities.

C. Pre-Development Standards. Trees shall be marked with color ribbons, using blue ribbons to mark trees to be preserved, red ribbons for trees to be removed, and orange ribbons for elevated risk trees that are proposed to be removed (elevated risk trees will not count towards the overall required tree replacement). In heavily wooded areas, the official may allow large groups of trees to be preserved or removed to be marked with the appropriately colored ribbon extending around the perimeter of the group of trees.

D. Tree removal without permit prior to Development. Nothing in this section shall be construed as to prevent the practice of forestry, as exempted from local development regulation by S.C. Code Ann. § 48-23-205. Forestry practiced in the City shall be accompanied by a Forestry Management Plan that has been approved by a certified South Carolina Forester.

(a) In addition to other provisions in accordance with Section 12 of this Code, no application for subdivision plan (meaning sketch or preliminary plat), site plan, certificate of appropriateness or conditional use permit shall be accepted if, within twenty-four (24) months prior to said application, any trees on any property the subject of such application have been removed

without legal authorization under this Code, whether by the present owner of the subject property or by a party who previously owned the subject property.

This twenty-four (24) month period shall be extended to sixty (60) months if said property is part of a development site on which more than 10% of the total trees have been cut.

(b) In addition, no such tree removal shall occur in the time between acceptance of such application and final approval without such application being subject to denial or revocation and the same penalties as above.

(c) An affidavit signed by the owner of the property at the time of application submittal shall be submitted with all such applications testifying to the fact that no trees have been removed without legal authorization under this Code during these specified periods of time.

E. Tree Protection and Restoration Plan (TPRP).

(1) A TPRP shall be submitted along with all other materials required at the time of application for Preliminary Plat review of a Major Subdivision, Site Plan or when submitting for a Zoning & Building Permit or Certificate of Occupancy. The TPRP shall comply with the requirements of Section 5.3 and include the following:

(a) A **tree survey**, performed by an engineer, certified arborist, or registered landscape architect, licensed by the State of South Carolina, identifying both the existing areas of canopy coverage, and all mature canopy trees located on the proposed development site prior to any disturbance;

(b) A **graphic representation** of the location of all mature canopy trees (noting the type and size) within fifty (50) feet of any area to be disturbed, indicating whether each is to be preserved or removed, and showing all protective measures such as fencing;

(c) **Notes** specifying that: 1) no disturbance is to occur within fifty (50) feet of mature canopy trees until all required protective measures are installed, inspected and approved; and, 2) all landscaping work occurring in the critical root zone area subsequent to the removal of protective measures is restricted to hand tools and machinery appropriately configured to limit negative impacts on existing root systems; and,

(d) **Mitigation/replanting.** A description of the efforts proposed to be taken to offset or mitigate any impacts to the canopy, such as transplanting or planting replacement trees.

(e) **Maintenance plan.** All Specimen and Landmark Trees shall be maintained in conformance with the following:

- (i) Required maintenance activities shall, for no less than a five (5) year period after completion of development, be set out in a plan approved by the City.
- (ii) During the required maintenance period, the City Codes Administrator, or designee, shall have the right to conduct periodic inspections to ensure continuing compliance with the maintenance plan, and to confirm the health and viability of all required trees and plant material. In the event an inspection reveals a Specimen or Landmark tree to be missing, dead, or otherwise unhealthy and/or a threat to safety, notice of the situation, along with recommended actions for mitigation, shall be provided to the property owner, who shall either comply with the recommended actions, or, if appropriate, plant an approved replacement tree, within thirty (30) days.

(2) All trees and features required by an approved TPRP shall be installed prior to the issuance of a Certificate of Occupancy. The Code Administrator may approve a reasonable delay in installation,

provided the developer provides a bond of an amount sufficient to provide for the installation of all required items.

F. Landscaping Installation and Maintenance:

1. Time for Installation of Required Landscaping

(a) **Time Limit.** All required landscaping shall be installed in accordance with the required planting standards set forth in this Section before issuance of a Certificate of Occupancy unless the Director grants an extension to this time limit in accordance with Subsection 2, below.

2. Extension.

(a) The Director may, for good cause shown, grant an extension to the above time limit, allowing a developer/owner to delay the installation of required landscaping. Circumstances that may warrant an extension include, but are not limited to, the following:

- (i) Unusual environmental conditions, such as drought, cold weather, hurricanes, or over-saturated soil (deep mud);
- (ii) The inappropriateness of the current season for planting the approved plant species;
- (iii) Evidence that the approved plant species or required plant sizes are not commercially available and cannot be substituted within a reasonable time despite an applicant's diligent effort to secure the required materials; or
- (iv) Completion of utility work occurring in a proposed landscaped area that is incomplete or delayed.

3. Maintenance of Landscaping Materials. The owner shall be responsible for the maintenance of all landscape areas not in the public right-of-way. Such areas shall be maintained in accordance with the approved landscape plan or alternative landscape plan and shall present a healthy and orderly appearance free from refuse and debris. All plant life shown on an approved landscape plan or alternative landscape plan shall be replaced if it dies, is seriously damaged, or is removed.

(a) **Damage Due to Natural Occurrence.** If any vegetation or physical element functioning to meet the standards of this Section is severely damaged due to an unusual weather occurrence, natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, the owner or developer may be required to replant or replace the vegetation or element if the landscaping standards are not being met. The owner shall have one growing season to replace or replant. In determining the extent of replanting or replacement required, the Director shall consider the type and location of the landscape buffer or required vegetation area as well as the propensity for natural re-vegetation.

(b) **Protection during Operations.** The owner or developer shall take actions to protect trees and landscaping from unnecessary damage during all facility and site maintenance operations. Plants shall be maintained in a way that does not obstruct sight distances at roadway and driveway intersections, obstruct traffic signs or devices, or interfere with the use of bikeways, sidewalks, or pedestrian trails.

(c) **Natural Death.** The natural death of existing vegetation within any required landscape area does not necessarily constitute a violation and does not require re-vegetation to replace the plant material unless the required landscape area no longer complies with the required standards of this Section. In no instance shall this provision be construed to prevent re-planting if, in the opinion of the Director, the required performance standard of the landscaping is not being met.

(d) **Irrigation.** Temporary spray irrigation systems may be used to establish seeded and/or planted areas.

4. Monitoring of Compliance with Landscaping Standards.

- (a) **Inspections before Certificate of Occupancy.** The Director shall inspect a development site before issuance of a Certificate of Occupancy for the development and such certificate shall not be issued if the landscaping required under this Section is not living or healthy or is not installed in accordance with the approved landscape plan.
- (b) **Additional Inspections.** The Director or designee may inspect a development site during the second growing season following the installation of required landscaping to ensure compliance with the approved landscape plan or alternative landscape plan, and to ensure that the landscaping is properly maintained. Failure to maintain required landscaping (trees and shrubs) in accordance with the standards of this Section shall constitute a violation of this Development Code.

G. Enforcement. Enforcement of this Section shall follow the requirements of Article 12 of this Code.

5.3: TREE PLANTING AND PROTECTION

5.3.1 SPECIMEN AND LANDMARK TREES

- A. Preservation of Specimen and Landmark Trees.** Priority shall be placed on tree preservation and all persons shall make all reasonable efforts to preserve and retain existing Specimen and Landmark trees.
- B. Designation of Specimen and Landmark Trees:** Certain trees, because of their species and size, are an asset to both the City and individual property owners and are hereby designated as "Specimen" and "Landmark" trees. Such trees shall be defined as those trees with a DBH equal to or greater than that indicated in the following table:

SPECIES	COMMON NAME	SPECIMEN TREE (MIN. DBH) * / **	LANDMARK TREE (MIN. DBH) / **
Cornus florida	Flowering Dogwood	8 inches	18 inches
Cercis canadensis	Redbud	8 inches	18 inches
Magnolia grandiflora	Southern Magnolia	8 inches	14 inches
Ilex opaca	American Holly	8 inches	14 inches
Pinus Glabra	Spruce Pine	8 inches	14 inches
Juniperus virginiana	Eastern Red Cedar	12 inches	24 inches
Quercus virginiana	Live Oak	12 inches	24 inches
Sabal palmetto	Cabbage Palm	18 feet tall	36 feet tall
Taxodium distichum	Bald Cypress	16 inches	24 inches
Quercus velutina	Eastern Black Oak	16 inches	24 inches
Nyssa sylvatica	Tupelo/Black Gum	16 inches	24 inches
Quercus alba	White Oak	16 inches	24 inches
Quercus falcata	Southern Red Oak	16 inches	24 inches
Acer rubrum	Red Maple	16 inches	24 inches
Ulmus americana	Elm	16 inches	24 inches
Pinus palustris	Longleaf Pine	16 inches	24 inches

Fagus grandifolia	American Beech	16 inches	24 inches
Quercus stellata	Post Oak	16 inches	24 inches
Carya illinoensis	Pecan	24 inches	-
Carya ovata	Hickory	24 inches	-
Liquidambar styraciflua	Sweet Gum	24 inches	-
Quercus laurifolia	Laurel Oak	24 inches	-
Plantus occidentalis	Sycamore	24 inches	-
Pinus species	All other Pines	24 inches	-
<i>* DBH = diameter at breast height (or about 4.5 feet above grade)</i>			
<i>** not applicable, if specific trees are deemed "senescent" by a certified arborist</i>			

5.3.2 TREE COVERAGE REQUIREMENTS

- A. Applicability and Canopy Standards:** In addition to the standards laid out in Section 7.2.5 (Street Tree Planting Requirements), land or property subject to be developed, shall maintain a minimum baseline canopy coverage area as detailed in this Section.

All development proposed subsequent to the adoption of this section to require canopy coverage, with the exception of those activities specifically listed herein, shall be subject to the following standards.

- 1. Exemptions:** The following development and activities shall be exempt from the requirements of this section:

- (a) Removal and/or pruning of any tree not identified by these standards as a Landmark or Specimen Tree located on any residential lots of record by the owner.
- (b) Mitigation efforts associated with clean-up activities following a natural disaster or other significant Acts of God; typically, the City will issue a period of waiver of the strict application of these standards for a specified period of time.
- (c) Licensed plant and tree nurseries, and other duly permitted commercial tree growers, provided trees are planted or growing on the premises for sale to the general public in the ordinary course of business.
- (d) Tree pruning and removal by duly constituted communication, water, sewer, electrical or other utility companies; or federal, state, or local government agencies; or engineers or surveyors working under a contract with said utility companies or agencies, provided removal is limited to those areas necessary for maintenance of existing lines or facilities, or for construction of new lines or facilities in furtherance of providing utility service to its customers. Additionally, all such activity must be conducted so as to avoid any unnecessary removal and, in the case of aerial electrical utility lines, shall not be greater than that specified by the National Electrical Code, or other appropriate adopted industry standard, for safe electrical clearances.

- 2. Required Canopy Coverage for new development:** All proposed non-residential, multi-family residential, and mixed-use development anticipated to have a land disturbance area greater than five thousand (5,000) square feet. shall be subject to the minimum canopy coverage area requirements listed in the Minimum Canopy Coverage Requirements table below. Any single-family residential development consisting of two or less lots (existing single-family lots of record are exempt), or existing single family or duplex lots of record, are exempt from the required canopy coverage for development requirements.

3. **Encroachments:** The appropriate approval body may authorize encroachments into any setback for the protection of any Specimen or Landmark tree, or the tree protection zone of any such tree.
4. **Parking Reduction:** The appropriate approval body may authorize up to a 10% total parking reduction for development for the protection of any land landmark or specimen tree, or the tree protection zone of any such tree. Should the development protect over 30% of the existing tree canopy, a parking reduction of 20% on all standards may be authorized by the appropriate approval body. The appropriate approval body may reduce the required parking landscaping requirements of 5.7.8., including reduction or removal of parking lot islands, should they conflict with the preservation or protection of a Specimen or Landmark tree.
5. **Fenestration/Transparency:** Should the development protect over 30% of the existing tree canopy, the appropriate approval body may authorize up to a 20% reduction of required fenestration.

	Minimum Canopy Percentage
Residential Developments (except for residential lots of record and Minor Subdivisions)	25%
Commercial Developments	30%
T5-UC (Transect only)	15%

6. **Canopy Coverage for Development Calculation:** For the purposes of this section, the canopy coverage area of a tree shall be defined as the area contained within the boundary established by a vertical projection along the outermost limit of the tree’s crown at maturity. The canopy area cannot include any wetland or required drainage area within its calculation. The canopy coverage area of a parcel or development site shall be defined as the total of all non-conifer tree canopy areas, retained and/or planted, proposed to exist post - development. The following methods may be used to determine the tree canopy area:

- (a) To Establish Existing Tree Canopy Area: For each mature tree proposed to be retained post – development, the radius (r) of the canopy area shall equal the distance from the center of the trunk to the outermost point of the tree’s crown. Calculate the total canopy area (CA) with the following formula: $CA = \pi r^2$. In the event existing site conditions are accurately reflected on aerial photography, the radius (r) may be determined through scaled measurements.
- (b) To Establish Tree Canopy Area for Trees Proposed to be Planted: To determine the canopy area proposed to be planted, the radius (r) of each species of tree to be utilized, at twenty (20) years maturity, shall be determined based on accepted industry standards, and the total canopy area (CA) calculated ($CA = \pi r^2$).
- (c) Alternative Methods: The Codes Administrator may approve other methods of calculation or sources of information, provided such alternatives are based on accepted industry practices, and utilize the best available information.

B. Tree Protection in conjunction with Development: Developers shall avoid any activity during all phases of construction that may result in:

1. Mechanical injuries to roots, trunk, and branches
2. Injuries by chemical poisoning

-
3. Injuries by grade changes
 4. Injuries by excavations
 5. Injuries by paving.
 6. Any willful action determined to be inconsistent with this standard, and which results in the injury of a Specimen or Landmark tree, shall constitute a violation of these regulations.
 7. Upon completion of construction, or as otherwise approved, fencing and other measures may be removed to allow for landscaping and final site work, provided all work is either conducted with hand tools, or with machinery utilized in a manner appropriate to protect against soil compaction and other damage to root systems.

C. Protective Fencing: The owner shall be responsible for the erection of required protection fencing, and any other specified measures, necessary to protect any existing or installed vegetation prior to the commencement of disturbance activity. At a minimum, all trees proposed to be preserved during development shall be protected with a sturdy and visible fence before clearing and grading begins. The following standards shall apply:

1. The location of tree protection fencing and method of construction shall be noted on the landscape plan.
2. Tree protection fencing shall be installed and remain in place and in good condition until all development activities are completed.
3. The tree protection fence shall be located one (1) foot from the tree trunk for each one (1) inch in Tree Diameter Breast Height (DBH) with a minimum distance of ten (10) feet required from the edge of the trunk
4. Tree protection fencing shall be constructed from any material substantial enough to prohibit and keep out vehicles, people, and all other activities associated with the development process.
5. No soil disturbance or compaction, stock piling of soil or other construction materials, vehicular traffic, or storage of heavy equipment is allowed in the tree and root protection area(s) of trees to be retained.

D. Tree Replacement: The following standards shall apply to all required tree replacements:

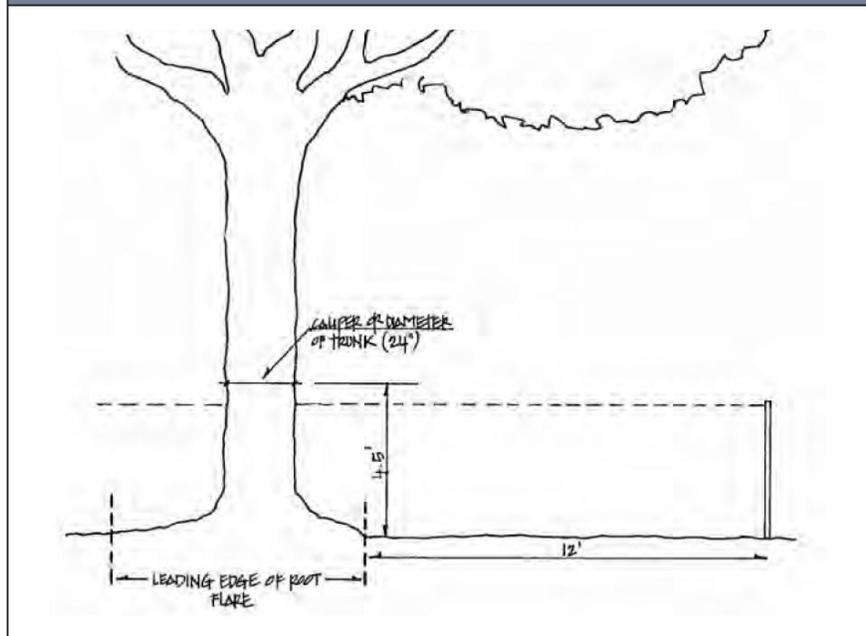
1. Replacement species shall be the same species as each tree removed, provided the removed tree was a native species; all other replacement trees must be listed on the City's approved tree list.
2. Replacement formula: one (1) square foot of replacement canopy (measured at maturity) for one (1) square foot of canopy removed.
3. Single trees may be replaced with two (2) or more trees provided the caliper inch requirements measured at DBH are met.
4. Replacement trees shall be planted within any part of the development site or on City property with staff consultation and approval.
5. If it is determined that a site cannot sustainably support all or a portion of the required tree replacement pursuant to Section 5.5.2.B, then a fee based on the mitigation schedules in Sections 5.5.2.B. or 5.5.2.C shall be paid to the City for the purposes of tree planting and maintenance.

-
- E. Utilities & Agencies:** Utility companies, governmental agencies, and city agencies in the course of constructing or maintaining easements or rights-of-way for water, sewage, electricity, gas, drainage, telephone, or television, shall execute an agreement with the city that:
1. Recognizes the need to minimize trimming of hardwood overstory trees that do not significantly interfere with the intended purpose of construction or maintenance.
 2. Establishes, to the extent practicable, design guidelines for construction and maintenance that identify the saving of hardwood overstory trees as a factor to be considered in the design process.
 3. Establishes guidelines to avoid limbing, topping, or severe pruning of trees whenever reasonably practicable, and where it is unavoidable, according to ANSI A300 Standards, which may include tree removal.
 4. Provides for a consultation process with the city prior to the commencement of major construction or maintenance or the removal of any Specimen or Landmark tree.
- F. Waiver for Emergency:** In the event that a tree poses a threat to public safety due to death, disease, or damage resulting from events including, but not limited to fires, floods, hurricanes, other natural disasters, intentional harm, or negligence, the Codes Administrator may waive the requirements of Section 5.4.1. As soon as it is feasible after the waiver, the administrator shall issue written findings outlining the threat to public safety that prompted the waiver. The administrator may require that the owner of the site replace the tree when the findings conclude that the removal was necessitated by intentional harm or negligence.
- G. Normal Tree Maintenance:** Nothing in this Code shall restrict normal tree maintenance by a property owner (including removal of dead wood and branches or limbs that endanger life or property) for any tree except for Landmark trees upon which any pruning must be done according to Section 5.4.4 A.

5.3.3 TREE ROOT PROTECTION ZONE (TPZ) REQUIREMENTS

- A. Applicability:** A permanent "tree protection zone" (TPZ) surrounding preserved trees shall be established to protect the underground root system. This area shall not be disturbed at any time before, during, or after construction.
- B. Size and Shape:** The minimum TPZ shall be as follows:
1. A circle with a radius of ½ foot per 1 inch of DBH, ideally measured from the leading edge of the root flare.
 2. The TPZ shall be indicated on both site and landscape plans for all trees shown to remain.

EXAMPLE: TREE PROTECTION ZONE SIZE DIAGRAM



C. Adjustments and Exceptions:

1. The size and shape of the TPZ may be adjusted where any of the following occur: root pruning, root invigoration, restoring the natural grade of the soil, W.A.N.E. feeder, porous paving materials, and/or a tree well.
2. The size and shape of the TPZ may be adjusted as needed to accommodate construction practices. The reduction of minimum radius of TPZ may require additional remediation measures as recommended and performed by a certified arborist prior to site disturbance.

D. Tree Wells: In general, tree wells are discouraged, unless approved by the city arborist. If they are used, a tree well shall encompass at least half the area beneath the canopy of the tree and extend in every direction, no less than halfway from the trunk to the tree's dripline. A tree root aeration system shall be installed that shall extend from 2 feet inside the tree well wall to the dripline of the canopy.

E. Pre-Construction Treatment: Based on the certified arborist report, the following may be required to retain trees and facilitate their health during and after the construction process: root pruning, fertilization, and root invigoration. These practices, as applicable, shall be performed for a minimum of 3 months prior to site disturbance.

F. Prohibited Activities: The following are prohibited within all TPZs:

1. Placement of building materials, dirt, debris, oils, paints, or any other materials, equipment, or vehicles.
2. Irrigation pipe installation.
3. Grading, with the exception of a 2-inch cut or 2-inch fill of topsoil, sod, or mulch.
4. Paving for roadways, driveways, or sidewalks.
5. Cutting of roots for installation of utilities or drainpipe of any kind.

-
6. **Exception:** If excavation work for water line installation within a TPZ is deemed necessary during construction operations, such excavation shall be accomplished utilizing hand excavation methods that remove soil around tree roots without severing them.
- H. Damages and Repairs:** When encroachment or construction activity within a TPZ has damaged or destroyed a tree or tree growing site, the city, at the discretion of the Codes Administrator, may seek mitigation for the value of any damaged trees within a TPZ, per the Mitigation Schedule in Section 5.5.2, and/or may require treatments or additional plantings. Such mitigation shall occur prior to the issuance of a Certificate of Occupancy.

5.3.4 STREET TREE PLANTING REQUIREMENTS

Street tree planting requirements are established in Section 7.2.5.

5.4: PERIMETER BUFFERS, LANDSCAPING AND SCREENING

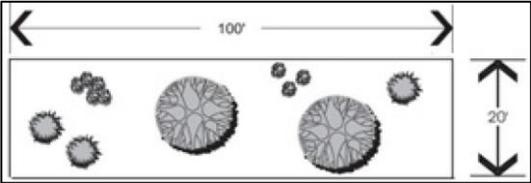
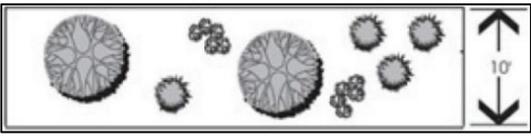
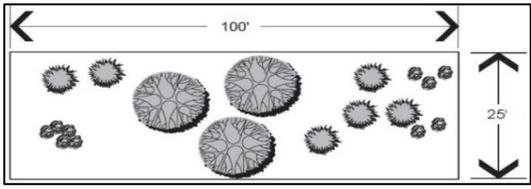
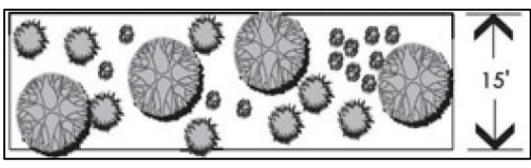
Perimeter buffers are intended to provide spatial separation between uses of differing intensities. Buffers that are required for protection of environmentally sensitive areas are prescribed by Section 8 (Environmental and Resource Protection).

5.4.1 BUFFER TYPES

Below table describes five (5) different Buffer Types in terms of their function, opacity, width, and planting requirements. The planting requirements should be used as a guide to achieve an aesthetically pleasing landscaped buffer. Either of the options under a specific buffer type may be used at the discretion of the developer/applicant. If the square footage of an existing building on a site is being increased by more than 50% then the buffers must be brought into compliance with the standards in this table.

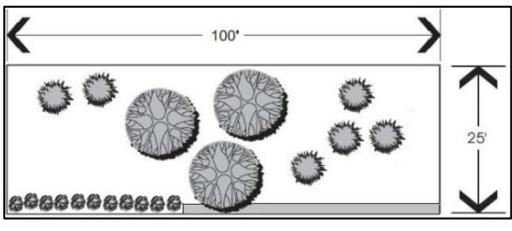
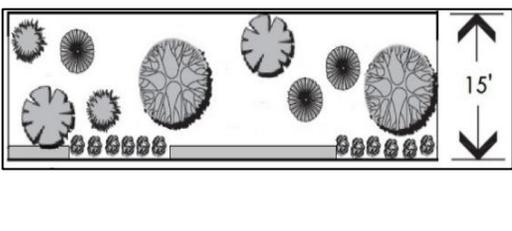
Following provisions shall be applied, if necessary:

1. Required **overstory trees** shall be distributed and spaced to maximize their future health and effectiveness as buffers. Other required vegetation shall be distributed within the buffer as appropriate to the function of the buffer.
2. Where an **adjacent use** is designed for solar access, **understory trees** may be substituted for **overstory trees**.
3. Fences or walls within an adjacent street or use buffer shall comply with the standards of Sec. 5.8.
4. A berm may be provided in conjunction with the provision of a hedge, fence, or wall to achieve **height** requirements, provided its side slopes do not exceed a ratio of three horizontal feet to one vertical foot and the width of its top is at least one-half its **height**.
5. If a buffer length is greater or less than 100 linear feet, the planting requirements shall be applied on a proportional basis, rounding up for a requirement that is 0.5 or greater, and down for a requirement that is less than 0.5. (For example, if the buffer length is 150 linear feet, and there is a requirement that 5 **overstory trees** be planted every 100 linear feet, 8 **overstory trees** are required to be planted in the buffer (1.5 x 5 = 7.5, rounded up to 8)).

TYPE A BUFFER		
This buffer includes low-density screening designed to partially block visual contact and create spatial separation between adjacent uses or between development and adjacent streets with low traffic volumes.		
Option #1		<ul style="list-style-type: none"> • Depth: 20 feet • Overstory trees: 2 every 100 linear feet • Understory trees: 3 every 100 linear feet • Evergreen shrubs: 8 every 100 linear feet
Option #2		<ul style="list-style-type: none"> • Depth: 10 feet • Overstory trees: 2 every 100 linear feet • Understory trees: 4 every 100 linear feet • Evergreen shrubs: 10 every 100 linear feet
TYPE B BUFFER		
This buffer includes low- to medium-density screening designed to create the impression of spatial separation without significantly interfering with visual contact between adjacent uses or between development and adjacent minor roadways.		
Option #1		<ul style="list-style-type: none"> • Depth: 25 feet • Overstory trees: 3 every 100 linear feet • Understory trees: 6 every 100 linear feet • Evergreen shrubs: 10 every 100 linear feet
Option #2		<ul style="list-style-type: none"> • Depth: 15 feet • Overstory trees: 4 every 100 linear feet • Understory trees: 8 every 100 linear feet • Evergreen shrubs: 12 every 100 linear feet

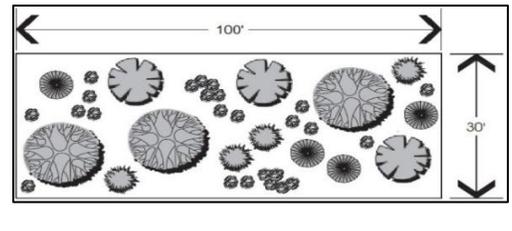
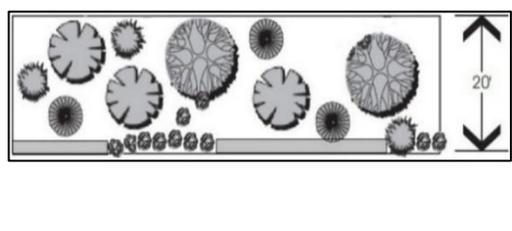
TYPE C BUFFER

This buffer includes **medium-density** screening designed to eliminate visual contact at lower levels and create spatial separation between **adjacent uses**.

<p>Option #1</p>		<ul style="list-style-type: none"> • Depth: 25 feet • Overstory trees: 3 every 100 linear feet • Understory trees: 5 every 100 linear feet • A solid wall or fence at least 3 feet high or a solid evergreen hedge at least 3 feet high and 3 feet wide
<p>Option #2</p>		<ul style="list-style-type: none"> • Depth: 15 feet • Overstory trees: 4 every 100 linear feet • Understory trees: 6 every 100 linear feet • A solid wall or fence at least 3 feet high or a solid evergreen hedge at least 3 feet high and 3 feet wide • At least 50% of all trees must be evergreen

TYPE D BUFFER

The buffer includes **high-density** screening designed to eliminate visual contact up to a height of six (6) feet and create a strong spatial separation between **adjacent uses**.

<p>Option #1</p>		<ul style="list-style-type: none"> • Depth: 30 feet • Overstory trees: 5 every 100 linear feet • Understory trees: 6 every 100 linear feet • Evergreen shrubs: 35 every 100 linear feet and at least 6 feet high at maturity • At least 50% of all trees must be evergreen
<p>Option #2</p>		<ul style="list-style-type: none"> • Depth 20 feet • Overstory trees: 6 every 100 linear feet • Understory trees: 8 every 100 linear ft • A solid wall or fence at least 4 feet high or a solid evergreen hedge at least 4 feet high and 3 feet wide. • At least 50% of all trees must be evergreen

TYPE E BUFFER		
This buffer provides greater spacing and <i>medium-density</i> screening designed to define "green" corridors along major roadways.		
Option #1		<ul style="list-style-type: none"> • Depth: 50 feet • Overstory trees: 4 every 100 linear feet • Understory trees: 5 every 100 linear feet • Evergreen shrubs: 30 every 100 linear feet and at least 6 feet high at maturity
Option #2		<ul style="list-style-type: none"> • Depth: 35 feet • Overstory trees: 5 every 100 linear feet • Understory trees: 7 every 100 linear feet • Evergreen shrubs: 35 every 100 linear feet and at least 6 feet high at maturity • At least 50% of all trees must be evergreen

5.4.2 FRONT BUFFER REQUIREMENTS ALONG MAJOR THOROUGHFARES

In addition to the buffer requirements above, buffers shall be provided along all parcel boundaries that abut these roads established in the following table.

FRONT BUFFER REQUIREMENTS ALONG MAJOR CORRIDORS *	
Location	Buffer Type
Robert Smalls Parkway (SC 170) from Parris Island Gateway to Broad River Bridge	Type E
Robert Smalls Parkway (SC 170) from Parris Island Gateway to Boundary Street Redevelopment District	Type D
Parris Island Gateway (US 21)	Type D
Sams Point Road (SC 802)	Type D
Trask Parkway (US 21 northwest of Parris Island Gateway)	Type C
Ribaut Road (SC 281)	Type A
Sea Island Parkway (US 21) From Woods Swing Bridge to Airport Junction	Type B
Southside Boulevard, Mossy Oaks Road	Type A
Salem Road, Old Salem Road, Broad River Boulevard, County Shed Rd, Old Jericho Road, Castle Rock Road, Goethe Hill Road, Grober Hill Road, Meridian Road	Type D

*Requirements based on the design of the building and how it addresses the street may be waived or altered by the applicable approval body.

-
- A. Maintenance of Required Plantings:** Trees and shrubs shall not be pruned in any manner that would significantly diminish the desired softening character of the front buffer, except in accordance with standard horticultural practice, or as required at driveway sight triangles. See Appendix A for more information on best practices for pruning.
- B. Existing Vegetation**
1. If a buffer area has existing trees, they shall be preserved and be used as part of the buffer to comply with the buffer standards of this Ordinance. Where groupings of native shrubs are present, their preservation with minimum disturbance is required. Any clearing or other work in buffers must have the prior approval of the Codes Administrator.
 2. In order to preserve existing vegetation and to restrict activities within a buffer, protective fencing shall be installed during development activity.
 3. Existing vegetation that is preserved shall not be limbed up from the ground more than five feet to the lowest branches, except
 - a. Vegetation at intersections may be limbed up to a greater height to ensure compliance with Sight Triangles; and
 - b. If understory planting is proposed, the Codes Administrator may allow existing vegetation to be limbed up to a height that will provide adequate sunlight to plants.
 4. The removal of invasive species shall be allowed with an approved replanting plan, if needed.
- C. Buffer Materials:** At the time of planting, overstory and understory trees included as part of required buffers shall be no less than 2.5 caliper inches; evergreen shrubs shall be at least three feet in height above ground level. All buffer plantings must be native species of plants,
- D. Development Within Required Buffers:** Development is prohibited within required buffers except in accordance with this subsection. The following activities may occur in required buffers, unless expressly prohibited elsewhere in this Ordinance, or by the Planning Commission as part of an approved Site Plan:
- a. Street or driveway access, provided it runs approximately perpendicular to/from the adjacent street right-of-way or common property line.
 - b. Walkways, pathways, trails, benches, bike racks, and other elements associated with passive recreation or the provision of continuous pedestrian and bicycle connections between adjoining properties, provided all landscaping as required by this Section is provided and the Codes Administrator determines that installation or maintenance of such elements will minimize impacts on to required vegetation to the maximum extent.
 - c. Lighting fixtures.
 - d. Stormwater Management: Stormwater and drainage facilities that permit vegetation may encroach into the buffers if the planting requirements are fulfilled.
 - e. Signage, lighting fixtures, and street furniture.
 - f. Fountains, plazas, sculptures, and similar features that are part of publicly owned facilities, where approved by the Codes Administrator.
 - g. Service and utility lines and minor facilities (e.g. water, sanitary sewer, electrical, telephone, natural gas, cable, storm drainage lines, utility boxes and pedestals), subject to the following standards:
 - (i.) Such lines generally shall run approximately perpendicular to/from the adjacent street right-of-way or common property line. If they must be installed approximately parallel

to the street right-of-way or property line, the easement for the lines may be included as part of a required buffer if the easement allows the vegetation or structures necessary to meet buffer screening requirements and provides the requisite visual separation in a manner that is aesthetically acceptable; otherwise, additional buffer width shall be required to provide the space needed for the required buffer screening.

- (ii.) Permission for easement and right-of-way disturbance and clearings for such utility and service lines and facilities shall be more favorably considered when such activity is consolidated with vehicular access routes.

5.4.3 SIDE & REAR BUFFER REQUIREMENTS

Landscaped perimeter buffers shall be preserved or established along the front of the sites located within Conventional Districts, and along the side and rear boundary lines along all districts. The buffers are based upon a specific parcel's underlying zoning designation and that of the parcel it abuts. Where the buffer requirements in this table are in conflict with the corridor buffer requirements, the greater buffer width and/or plantings shall apply.

All residential developments shall have a Type D rear and side yard buffer where an adjoining use is other than that same residential type, unless a different buffer requirement is imposed by the Planning Commission.

All non-residential or mixed-use developments adjoining a residential use shall have a Type D rear and side yard buffer, unless a different buffer requirement is imposed by the PC.

5.4.4 PARKING LOT SCREENING AND LANDSCAPING

- A. **Screening:** All parking areas shall be screened from the public right-of-way or primary vehicular access point(s) — if the parking area does not front a public right-of-way — with evergreen shrubs, walls, fences, or some combination thereof. Screening is not required at areas designated for signage, or pedestrian or vehicle access points. Screening devices shall be installed at the height and opacity specified in the table below:

LOCATION	MINIMUM REQUIRED OPACITY AT PLANTING ¹	SHRUBS	WALL/FENCE
		Height within 4 Years	Installation Height ²
Beaufort Historic District Overlay	90%	5 ft	4 ft
All Other Areas	50%	5 ft	4 ft

¹ The area bounded by the shrub at its projected size in 4 years shall be deemed to be practically 100% opaque.
² Height is measured from adjacent sidewalk, street or curb grade, whichever is higher.

- B. **Landscaping:**

1. **Applicability:** This applies in all Districts. The Planning Commission may grant a reduction of 30% of these requirements.
2. **Priority:** In parking lot design, priority should be given to working around existing trees, and then secondarily creating areas where new plantings would be required.

-
3. **Landscaped Peninsulas and Medians Shall be Established as Follows:**
- a. **Size:** Landscaped peninsulas with a plantable area of at least 12 feet wide by 18 feet long area shall be established parallel to parking spaces and at the end of the parking aisle in order to separate the last space from any adjacent driveways.
 - b. **Planting:** At least one (1) broad-leaved overstory tree shall be provided within each landscaped peninsula. All landscaped peninsulas and medians shall be landscaped with mulch, sod, shrubs, or ground cover vegetation. See Chapter 5.1.4 for recommended plantings list.
 - c. **Specific to Transect Zones:** No more than 12 continuous parking spaces shall be permitted in a row without an interrupting landscaped peninsula, except in the following circumstances:
 - i. The parking lot is gravel, or covered with other soft pervious pavement materials, and spaces are not striped, or
 - ii. There is a landscaped median.
 - d. **Specific to Conventional Zones:**
 - i. No more than 10 continuous parking spaces shall be permitted in a row without an interrupting landscaped peninsula.
 - ii. On the interior of parking lots, landscaped medians between all head-to-head” rows of parking are required.
 - iii. Where wheel stops are to be used for the protection of landscaped medians, the minimum median width shall be 6 feet. Plantings in such medians shall be limited to a combination of turfgrass or groundcover, palms, and shrubs that have a mature height and spread of 4 feet or less.
 - iv. Where wheel stops are not used for the protection of landscaped medians the minimum median width shall be 9 feet. Plantings in such medians shall be limited to a combination of turfgrass or groundcover, palms, understory trees and/or shrubs which have a mature height and spread of 5 feet or less.
 - v. Shrub coverage in the medians and peninsulas shall be at least 50%.

5.5: LANDSCAPE INSTALLATION AND MAINTENANCE

5.5.1 GENERAL REQUIREMENTS

- A. Trees planted shall be botanically compatible with local conditions, healthy, and disease-and pest-free. Plant materials shall conform to the standards established by the American Association of Nurserymen in the "American Standard for Nursery Stock" (ASNS).
- B. Irrigation shall be required in all new development unless the Codes Administrator specifically waives this requirement, based on the unique character of the development and/or the nature of the proposed plant material.
 - 1. **Exception:** New construction in T3 zones, and single-family residential construction in T4 zones on new or existing lots, is not required to have irrigation.
- C. Landscaping shall be maintained in good condition and shall be kept free from refuse and debris.

-
- D. Installed trees must adhere to the grades and standards outlined in the ASNS. The minimum size at installation of all trees and shrubs planted pursuant to the requirements of this Code is as follows:
 - 1. **Overstory trees:** 2.5 caliper inches (measured at 6 inches above grade).
 - 2. **Understory trees:** 8 feet high.
 - 3. **Shrubs:** Shrubs must be reasonably projected to grow to maturity (i.e., to meet specific size or coverage requirements) within 3 years, unless otherwise specified herein.
 - E. Existing healthy shrubs and trees may be used to satisfy any requirements of this Code, provided they meet the minimum size requirements outlined in Section 5.5.1 D.
 - F. Use of existing vegetation, native plants, drought-tolerant plants, and water conserving irrigation techniques, such as use of a rain sensor, and re-use of rain water, is encouraged. Preservation of groupings of trees (e.g., tree save areas) is encouraged and generally favored over preservation of scattered individual trees.
 - G. Where understory trees are specified, preserved, or planted, broad-leaved overstory trees may be substituted on a one-to-one basis to satisfy the requirement.
 - H. In conjunction with any development, grass or ground cover shall be planted, or mulch installed to a depth of 3 inches, on all portions of exposed bare ground not otherwise developed or landscaped. This shall include planting strips and other areas within rights-of-way that are contiguous to the development site. Grass and/or ground covers shall provide 75% coverage within 1 calendar year from the time of planting. Gravel or crushed shell may be approved as an acceptable ground cover if it is coordinated with the overall site and landscape design; however, they shall not be used as a substitute for organic mulch in plant beds. The use of dyed hardwood or synthetic material is prohibited.
 - I. All earthen drainage structures with a maximum gradient of 3:1 may be hydroseeded or sodded. Ditch and pond banks with slopes greater than 3:1 shall be treated with erosion control fabric or matting and/or receive erosion resistant landscaping materials such as ground covers or wetland plant species.
 - J. Landscaping shall not obstruct the view of motorists using any road or driveway.
 - K. Where site conditions are inappropriate for an overstory tree, due to existing utilities, building design, or other conflicts either above or below ground, up to 2 understory trees may be substituted for 1 overstory tree.
 - L. Severe trimming, pruning, or other maintenance that results in significant alteration of the natural shape of a tree or modification of the central leader (including "lollipopping," "heading," or similar techniques) is prohibited, except in conjunction with public utility maintenance.

5.5.2 REPLACEMENT PLANTING AND MITIGATION

- A. **Applicability:**
 - 1. Where the Codes Administrator approves removal of trees for new development.
 - 2. Where any vegetation, existing or proposed, used to comply with the requirements of this section, does not survive in a healthy condition.
 - 3. When a tree protected under this ordinance is removed from a property without permission from the Codes Administrator, is significantly damaged during construction, or significantly declines and is recommended for removal by a certified arborist at the end of the two-year maintenance guarantee period.
- B. **Replacement Planting and Mitigation:** The tree mitigation fee is established to allow tree planting elsewhere in the City in cases where the requirements for retention of existing trees cannot be

achieved. Where a certified arborist determines that a site cannot sustainably support all, or a portion of, the required replacement, due to the size and shape and/or structures and/or viable site constraints, a fee based on the mitigation schedules in subsections 5.5.2.C. or 5.5.2.F. below shall be paid to the City for the purposes of tree planting and maintenance.

- C. Replacement and Mitigation Schedule:** With the exception of Residential Lots of Record, replacement plantings & mitigation shall be according to the following chart:

REPLACEMENT AND MITIGATION SCHEDULE				
Tree Type	Transect Zones		Conventional Zones	
	Replacement: % Caliper Inches	Mitigation: Cost/Caliper Inch	Replacement: % Caliper Inches	Mitigation: Cost/Caliper Inch
Landmark Tree*	100%	\$350	100%	\$350
Specimen Tree*	100%	\$250	100%	\$250
All other trees 8- inch caliper or greater	25%	none	33%	none
*Any tree that is removed without approval shall require the replacement of caliper inches or the mitigation cost per caliper inch to be doubled, in addition to any city costs, including but not limited to, tree surveys and arborist fees.				
<u>Examples:</u>				
<ul style="list-style-type: none"> - Approved Specimen Removal: a 12-inch Live Oak is approved for removal. The applicant must plant back 12 caliper inches of Live Oak or pay a mitigation fee of \$3,000 (12 inches x \$250/inch) if the site cannot support the replacement. - Approved Landmark Removal: a 30-inch Live Oak is approved for removal. The applicant must plant back 30 caliper inches of Live Oak or pay a mitigation fee of \$15,000 (30 inches x \$500/inch) if the site cannot support the replacement. 				

1. **Timing of Fee Payment.** All required tree mitigation fees shall be paid prior to issuance of a Site Development Permit or Building Permit.
 2. **Tree Replacement Fund.** The City shall establish and maintain a separate accounting fund for the deposit of tree mitigation fees paid in lieu of providing required replacement trees. Such funds need not be segregated from other City monies for banking purposes. Any yield on such accounting fund shall accrue to that fund and shall only be spent on trees on publicly owned and maintained property. Qualifying debits include the cost of trees, installation of trees, and maintenance of trees.
- D.** The provisions of this section shall apply to all projects, regardless of the date the Site Development Permit or development approval was issued.
- E. Exemption.** Any Specimen or Landmark tree that fails due to a natural catastrophe shall be exempt from the requirements of this section.

5.6: PARKING

5.6.1 PURPOSE

The purpose of this section is to regulate and ensure the provision of adequate parking and access for bicycles and motor vehicles. The section also provides options for adjusting parking requirements and providing parking alternatives. These standards ensure that the parking needs of new land uses and development are met, while being designed and located in a manner consistent with the desired character and development patterns of the community.

5.6.2 APPLICABILITY

The parking standards of this section shall apply to new developments and when a structural alteration in an existing building produces an increase in dwelling units, guest rooms, floor area, seating or bed capacity.

5.6.3 BICYCLE PARKING

- A. **Applicability:** Bicycle parking is required everywhere except in the T3 zoning district, in T4 districts in detached single-family residential developments, and in the LI district. In the T5 district, the Codes Administrator has the authority to waive the bicycle parking requirement if it is not appropriate or feasible.
- B. **Location and Configuration:** Bicycle parking shall be placed in a usable and accessible location. The rack(s) shall be placed so that neither the rack nor the bike within it blocks pedestrian or vehicular access ways and shall be maintained and kept clean and in proper working order at all times.
- C. **Size:** Developments shall provide either racks for 5% of the number of required off-street vehicular parking spaces or 2 bicycle parking spaces, whichever is greater. Spaces shall be a minimum of 2 feet by 6 feet.

5.6.4 PARKING SPACE REQUIREMENTS

- A. **Minimum Number of Parking Spaces:** The number of motor vehicle parking spaces required shall be determined by the table below. Uses not listed in the following chart shall use the parking requirement for the most similar use, as determined by the Codes Administrator.

USE	MINIMUM NUMBER OF MOTOR VEHICLE PARKING SPACES REQUIRED*	
	CONVENTIONAL DISTRICTS	TRANSECT-BASED DISTRICTS
RESIDENTIAL		
Single-Family, and Short-Term Rental	2 per unit	
2- and 3-Family, Multi-Family and Accessory Units		
Studio	1 per unit	
1 Bedroom	1 per unit	
2 Bedrooms	1.75 per unit	

3+ Bedrooms	2 per unit	
Dwelling units located within mixed-use buildings	No spaces required	
Group Homes	1 per 3 bedrooms	
RETAIL		
Gas Stations/Fuel Sales	1 per 300 gross square feet	1 per 300 gross square feet
Grocery Stores	1 per 200 gross square feet	1 per 200 gross square feet
Restaurant, Cafe, Coffee Shop, Bar, Tavern and Nightclub	1 per 300 gross square feet	1 per 300 gross square feet
Drive-Through Facilities	1 per 300 gross square feet	1 per 300 gross square feet
All Other Retail Uses	1 per 300 gross square feet	1 per 300 gross square feet
RECREATION, EDUCATION, PUBLIC ASSEMBLY		
Colleges and Universities	1 per 4 students at capacity class attendance	
Community/Public Safety Facilities	1 per 300 gross square feet	1 per 400 gross square feet
Schools, Public or Private		
Grades K-8	2 per classroom	1 per 400 gross square feet
Grades 9-12 or Trade	1 per 4 students and employees	1 per 400 gross square feet
Theaters	1 per 4 seats, plus 1 per 2 employees	1 per 400 gross square feet
All Other Assembly Uses		
With Fixed Seats	1 per 5 seats	1 per 400 gross square feet
Without Fixed Seats	1 per 300 gross square feet	1 per 400 gross square feet
SERVICES		
Day Care (Child or Adult) - 5 or greater	1 per 10 persons cared for (child or adult)	1 per 400 gross square feet
Lodging	1 per room, plus spaces required for on-site accessory uses	1 per room
Medical		
Doctor's Offices	1 per 300 gross square feet	1 per 400 gross square feet
Other	1 per 2 beds, plus 1 per staff, plus 1 per 4 employees	1 per 400 gross square feet
All Other Service Uses	1 per 300 gross square feet	1 per 400 gross square feet
INDUSTRIAL		
Buildings under 20,000 square feet	1 per 1,000 square feet of gross floor area	

Buildings over 20,000 square feet	0.5 per 1,000 square feet of gross floor area
* Except at the discretion of the Planning Commission, when shown by the applicant that a departure from the standards is necessary, such as through a parking study.	

B. Credits for On-Street Parking:

1. On-street parking spaces along the lot frontage may count toward the minimum number of required parking spaces if needed.
2. For multi-family dwellings over 3 units, and for commercial buildings over 4,000 square feet, adjacent existing on-street parking within 400 feet from the property line may be used to count toward the on-site parking requirement if needed.
3. Where on-street parking does not exist, additional on-street parking spaces meeting City standards (see Appendix C) may be constructed to fulfill all or part of the on-site parking requirement. This must be approved by the Technical Review Committee and any outside agencies, as appropriate.
4. On a block face where formalized on-street parking is available, single-family and 2-family dwellings, and nonresidential uses with less than 4,000 square feet of space, and any structure listed as "Contributing" on the "1997 Beaufort County Above Ground Historic Resources Survey," or most recent historic survey, shall be exempt from these off-street parking requirements.

C. Maximum Number of Parking Spaces: The maximum number of off-street parking spaces shall be as follows:

1. For buildings with a footprint less than or equal to 60,000 gross square feet, no more than 140% of the required minimum number of parking spaces are permitted, except at the discretion of the Planning Commission, shown by the applicant that a departure from the standards is necessary, such as through a parking study
2. For buildings with a footprint greater than 60,000 gross square feet, no more than 125% of the required minimum number of parking spaces are permitted, except at the discretion of the Planning Commission, shown by the applicant that a departure from the standards is necessary, such as through a parking study.

3. Exceptions:

- a. Group Housing or Multi-Family buildings built specifically to accommodate student housing are permitted a maximum of 1 parking space per bedroom, plus an additional 125% for guest parking.
- b. Uses within the IC district.

D. Off Site Parking: Required parking may be provided off site if the following standards are met:

1. Required parking may be provided in off-street parking facilities on another property within 250 feet of the site proposed for development, as measured along street rights-of-way. Parking further than 400 feet may be approved by the Codes Administrator if it is in conjunction with a plan to provide access to the lot (e.g., shuttle service).
2. In any transect-based district, required parking may not be located along a major thoroughfare without being screened from the street by buildings.

3. Unless an exception is granted by the Planning Commission, pedestrian access between the use or the site and the off-premise parking area shall be via a continuous sidewalk or walkway, not separated by a street.
4. The owner shall provide a written parking agreement reflecting the arrangement with the other site.

5.6.5 PARKING EXCEPTIONS

- A. In the T5-DC District, all nonresidential uses, except for motels/hotels/extended stay guest accommodations, shall be exempt from the off-street parking requirements of this section. Where such uses elect to provide off-street parking, it shall meet the design requirements of this section.
- B. Any structure being reoccupied that is listed on the city’s “Vacant and Abandoned Structures” list shall be exempt from these off-street parking requirements if on-site parking cannot be accommodated.
- C. In the Boundary Street Redevelopment District, see Section 2.7.3 E. for parking requirements.

5.6.6 SHARED PARKING AND PARKING REDUCTIONS

- A. **Shared Parking—Two Uses:** When 2 use types share common parking facilities, the minimum amount of required parking may be reduced. The minimum amount of required parking shall be calculated as the sum of the required parking for the 2 uses separately, divided by the factor listed in the table below.

SHARED PARKING FACTOR FOR TWO USES				
	Residential	Lodging	Office	Retail/Restaurant
Residential	1.0	1.1	1.4	1.2
Lodging	1.1	1.0	1.7	1.3
Office	1.4	1.7	1.0	1.2
Retail/Restaurant	1.2	1.3	1.2	1.0

EXAMPLE: A mixed-use building that typically requires 10 residential spots and 20 retail spots may be reduced as follows: $(10+20) / 1.2 = 25$ spots. This is a 5-spot reduction due to the shared parking factor.

- B. **Shared Parking—Three or More Uses:** When 3 or more use types share common parking facilities, or if a use type is not listed in Table 5.6.4, the amount of required parking may be reduced as appropriate in accordance with Section 5.6.6 C. below.
- C. **Parking Reductions:**
 1. The Codes Administrator may grant a reduction in the parking requirements set forth in this section in the following cases:
 - a. Where uses in the same or adjoining development, having different peak hour demand, seek to share parking, the applicant must submit to the Codes Administrator an analysis and substantiated projections of peak parking demand — based on historic data from other locations or a similar use — for the entire development to justify the shared use of parking spaces for separate uses.
 - b. Where the special nature of a certain development (e.g., special types of housing projects inhabited by persons with low or no automobile ownership) does not require the amount of parking listed in Section 5.6.4.

-
- c. Where fewer parking spaces are needed due to location and use — e.g., if there is a high concentration of residential units adjacent to a neighborhood-serving use, a parking reduction may be warranted.
 2. The Codes Administrator shall consider the following in determining whether a reduction is warranted:
 - a. The likelihood that the reduced number of parking spaces can satisfy demand.
 - b. The amount of time during the year when the number of spaces provided may be insufficient and the amount of resulting parking overflow.
 - c. The impact of periodic overflows upon the public streets and other parking facilities.
 - d. The nature of surrounding land uses, character of surrounding road system, and nearby circulation pattern.
 3. In all cases, the burden to demonstrate that a reduction in parking requirements is warranted shall rest with the applicant.

5.6.7 PARKING LOT DESIGN

A. General Design Standards:

1. **Design:** Parking stalls shall be located in areas that will not require backing into access driveways or streets, except where allowed for residences, or when no other practical alternative exists, as determined by the Codes Administrator.
 - a. **Parking Stall Dimensions:** Unless an exception is granted by the Planning Commission, off-street parking spaces shall be at least 9 feet wide by 18 feet long, exclusive of access or maneuvering spaces.
 - b. **Travel Lane Dimensions:** Travel lanes shall not exceed 24 feet wide for 2-way traffic, except in specific areas that may require additional room for truck access. A minimum of 20 feet clear between parking spaces shall be provided for 2-way traffic. One-way traffic may be permitted to have travel lanes width reduced to 16 feet if approved by the fire marshal.
2. **No Storage:** Minimum parking areas shall be kept free of material storage, including portable containers, and outdoor display/sales, except on a temporary basis as part of an approved Temporary Use (see Section 3.13).
3. **Maintenance:** Parking areas shall be maintained to provide for vehicle access and shall be kept free of litter, debris, and potholes.
4. **Identified as to Purpose and Location:** Off-street parking areas with 4 or more spaces, and off-street loading areas, shall include painted lines, wheel stops, or other methods of identifying individual parking spaces and loading areas and distinguishing such spaces from aisle and other circulation features.
5. **Parking Space Marking:** The individual parking spaces in a lot shall be delineated in all parking lots except those utilizing road bond, gravel, grass, or other vegetative surfacing. Such parking lots shall delineate parking spaces with a wheel stop or vegetative buffer.
6. **Front Yard Parking:** Where Section 7.2.3 (Lot Access Standards) permits driveways, they may be used for front yard parking areas, but the width of such front yard parking areas shall be limited to the driveway width specified in that section.

-
- B. Pedestrian Corridors in Parking Lots:** Parking lots with 40 spaces or greater shall be designed to separate pedestrian travel from vehicles. They shall include designated pedestrian walkways to provide safe access to building entries for pedestrians.
1. Perimeter sidewalks — typically located on public rights-of-way— and/or interior parking lot pedestrian corridors may be utilized to provide the required pedestrian access.
 2. Pedestrian pathways (if provided) shall be a minimum 5 feet in width.
 3. Where parking is located between a public entrance and the fronting sidewalk, a pedestrian pathway shall be provided, following the shortest practical route across the parking lot between at least 1 such entrance on each side of the building facing a public street.
 4. Pedestrian pathways shall be clearly delineated with striping. This may also be accomplished with the use of paving materials that differ from that of vehicular areas, striping or other similar methods.
- C. Connectivity:**
1. Wherever feasible, adjoining parking lots (except those serving residential buildings of less than 4 units) shall be interconnected, or designed to interconnect in the future.
 2. Where a parking lot connection is provided, an easement for ingress and egress to adjacent lots shall be recorded by the property owner with the Beaufort County Register of Deeds.
 3. When parking lots are connected, one or more of the following incentives may be utilized, at the discretion of the applicant:
 - a. The side or rear setback adjacent to the connection may be reduced to 5 feet.
 - b. An additional 10% of parking spaces over the 140% maximum may be provided.
 - c. Impervious surface may be increased by 5%.
- D. Materials:**
1. Parking spaces and driveways shall be paved with a material that supports the anticipated load and context. Pervious or semi-pervious paving materials are encouraged. Where possible, such materials shall be used in combination with on-site stormwater control devices.
 2. Parking provided above the minimum required parking spaces shall be with a pervious material.
- E. Accessible Parking:** All parking facilities that require accessible parking spaces shall ensure that a portion of the total number of required parking spaces shall be specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with the standards in the federal American with Disabilities Act (ADA).
- F. Tandem Parking and Residential Driveways:** See Section 7.2.3 D.2.b.

5.6.8 STRUCTURED PARKING

See Section 4.5.11.

5.6.9 PARKING OF SPECIFIC VEHICLES

A. Parking, Storage or Use of Campers or Other Major Recreation Equipment:

1. No major recreational equipment shall be parked or stored in any T3 or T4 district in a manner which poses a nuisance or constitutes a hazard. When parked in a permanent location, such

equipment shall observe all setbacks, yard, and other requirements set forth within the districts in which they are located.

2. Parking or storage of recreational equipment shall not be permitted in any district between the street and the building face. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored in any location not approved for such uses.
- B. Vehicles Without License Plates:** Any vehicle or trailer of any kind requiring licenses, but without current plates, shall not be parked other than in completely enclosed buildings.
- C. Commercial Vehicles:**
1. Trucks, tractors, or tractor-trailers having a capacity of more than a 8,000 pound load, front- and rear-end loaders, or any kind of commercial, industrial, agricultural and transportation vehicles/equipment used primarily for business purposes, shall not be parked or stored on or adjacent to any parcel in a T3 or T4-HN district for purposes other than unloading, loading, or delivery services.
 2. Automobiles, small trucks, vans, vehicle trailers permitted in conjunction with an approved home occupation (1 per home occupation), and recreational vehicles, utilized for personal or business use, are excluded from the provisions of this section.

5.7: LIGHTING

5.7.1 PURPOSE

The standards set forth in this section are designed to:

- A. Ensure that all site lighting is designed and installed to maintain adequate lighting levels on-site;
- B. Prevent excessive light spillage and glare directed at adjacent properties, neighboring areas, and motorists; and
- C. Provide security for people and land.

5.7.2 APPLICABILITY

The provisions of this article shall apply to all development with the following exemptions:

- A. All temporary emergency lighting needed by the police or fire departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this Code.
- B. All hazard warning luminaires required by federal regulatory agencies are exempt from the requirements of this article, except that all luminaires used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.
- C. Individual residential lighting that is not part of a site plan, street section, or outdoor lighting plan for any other common or public area, provided that it does not extend past the boundaries of that property. Security lighting on residential property must comply with Section 5.7.6.
- D. Lighting associated with landscape/holiday/festive/temporary uses.
- E. Lighting of public art that has been permitted or otherwise approved by the city.
- F. Other Municipal or State lighting installed for the benefit of public health, safety, and welfare.

-
- G. All fixtures installed or temporarily used by public agencies, their agents, or contractors for the purpose of illuminating public streets.
 - H. Lighting of U.S. Flags, provided the flag standard does not exceed the maximum permitted building height for that district.

5.7.3 GENERAL STANDARDS FOR EXTERIOR LIGHTING

- A. **Hours of Illumination:** Public and institutional uses, commercial uses, and industrial uses (heavy and light) that are adjacent to existing residential development or vacant land in the RMX, T1, T3-S, and T3-N Districts shall turn off all exterior lighting by 10:00 p.m. or within 1 hour of closing, whichever occurs first, with the following exception:
 - 1. Lighting that is necessary for security or emergency purposes – meaning the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure, to illuminate exterior walkways, or to illuminate outdoor storage areas-may be turned on at all times. Additional standards for security lighting are in Section 5.7.6 (Security Lighting).
- B. **Illumination Direction:** In all districts, lighting shall be directed downward. In addition, upwardly directed lighting shall not be used to illuminate structures, except for low-wattage architectural lighting.

5.7.4 DESIGN STANDARDS FOR EXTERIOR LIGHTING

- A. **Maximum Lighting Height:** For purposes of these regulations, the mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation of the surface being illuminated to the top of the light post, not including the fixture.
 - 1. In pedestrian oriented areas, the height of the light post shall not exceed 20 feet above grade.
 - 2. In auto-centric areas, such as parking lots which support shopping centers, large retailers, or manufacturing sites, etc., the height of the light post shall not exceed 30 feet above grade.
 - 3. Wherever possible, outdoor seating areas, building entrances, and walkways shall be illuminated using ground mounted fixtures not more than 4 feet tall.
 - 4. In historic districts, light poles exceeding 15 feet above grade must be approved by the Historic Review Board.
- B. **Shielding:** Light fixtures in excess of 1,800 lumens shall use full cut-off lenses or hoods to prevent glare or spillover from the project site onto adjacent lands and streets.
- C. **Maximum Illuminance Levels:** Requirements in the following table shall apply only to light trespass into parcels in T3 and T4 zoning districts at the property line.

TYPE OF USE	MAXIMUM ILLUMINANCE AT PROPERTY LINE
Agricultural, Residential, Day Care-Child or Adult, Community Oriented Civic Facilities, School-Public or Private, Colleges and Universities, and Water-Oriented Facilities	0.5 foot-candles
Retail, Recreation, Education, Public Assembly (except Community-Oriented Civic Facilities, School-Public or Private, Colleges and Universities, and Water-Oriented Facilities), and Services (except Day Care-Child or Adult)	2.5 foot-candles
Industrial and Transportation, Communications, Infrastructure	2.5 foot-candles
Vehicular Use Areas (Note: Minimum illuminance level at the edge of the vehicle use area shall be 0.2 foot-candles.)	2.5 foot-candles

5.7.5 RESERVED

5.7.6 SECURITY LIGHTING

- A. Motion-activated security lights, unshielded flood and spotlights with 45 watts or less, installed for security and activated by motion sensor, are permitted. These unshielded lights must be mounted and aimed in a manner that minimizes up-lighting and light trespass.
- B. All floodlights shall be installed such that the fixture shall be aimed down at least 45 degrees from vertical. Flood lights shall be positioned such that any such fixture located within 50 feet of a public street right-of-way is mounted and aimed perpendicular to the right-of-way.
- C. All flood or spot lamps emitting 1,000 or more lumens shall be aimed at least 60 degrees down from horizontal, or shielded such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.
- D. Landscape and decorative lighting using incandescent lighting of 40 watts or less is permitted, provided that the light is installed and aimed to prevent lighting build-up and light trespass and is shielded to prevent view from the public right-of-way.
- E. Area “dusk to dawn” open-bottom lights, with photosensors that automatically turn the light on and off at certain levels of ambient illumination, are permitted. These lights must be full cutoff.

5.7.7 ILLUMINATION OF OUTDOOR SPORTS FIELDS AND PERFORMANCE AREAS

Lighting of outdoor sports fields and performance areas shall comply with the following standards:

- A. **Glare Control Package:** All lighting fixtures shall be equipped with a glare control package (e.g. louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.
- B. **Hours of Illumination:** The hours of operation for the lighting system for any game or event shall not continue more than 1 hour after the end of the game or event.

5.7.8 PROHIBITED LIGHTING TYPES

- A. **Laser Source Light:** The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.
- B. **Searchlights:** The operation of searchlights for advertising purposes is prohibited.
- C. **Flashing Lights:** With the exception of motion-activated security lighting, lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation are prohibited.
- D. **Awning and Canopy Back-Lighting:** Awnings and canopies used for building accents over doors, windows, etc. shall not be uplit. Lighting that illuminates the sidewalk, or downlights onto the architectural features of a building, may be installed under canopies.

5.8 Fencing

The purpose and intent of this section is to establish minimum standards to regulate the location, **height**, and appearance of fences and walls to maintain visual harmony within **neighborhoods** and zoning districts throughout the City, protect **adjacent** properties from the indiscriminate placement and unsightliness of fences and walls, and ensure the safety, security, and privacy of properties.

A. Applicability

This section applies to the **construction**, substantial reconstruction, or replacement of fences or walls not required for support of a principal or **accessory structure**, and to any other linear barrier intended to delineate different portions of a **lot**, within the City. Temporary fences for **construction sites**, sand fencing in beachfront areas, and **tree** protection fencing are exempt from the standards and requirements of this section.

B. Height

Fences and walls shall be subject to the following **height** limits:

1. Front or Street Side Setback: Four feet in height, with the following exceptions:
 - a. On T3 lots that front Ribaut Road, fences may be permitted to be 7 feet in height on the condition that such fences are set back from the front property line 1 foot for every 1 foot increase in height above 4 feet.
 - b. In the LI District, parcels fronting Primary Streets may have fences or walls up to 6 feet in height. Parcels fronting all other streets may be up to 10 feet in height.
 - c. All above ground electric fences are not permitted, except in the LI District.
2. Interior Side or Rear Setback (if side yard is not facing a street or a double frontage lot)
 - a. Transect-Based District: 6 feet in height if not facing a street.
 - b. Interior Side or Rear Setback of a Conventional District: 8 feet in height.
 - c. Interior Side or Rear Setback of LI District: 10 feet in height.
3. Historic District: All fences shall be 4 feet in height or less along all setbacks. Exceptions may be approved by the Historic District Review Board (HDRB).

C. Materials:

1. The support structures for fences, such as posts, shall be located on the inside of the fence.
2. The **gates**, posts, columns, and associated details of entry **gates** are allowed within the required setbacks along **streets** if they do not exceed six feet in **height** and are approved by the Codes Administrator in accordance with the requirements of this **Ordinance**.
3. All fences in the historic district shall be picket, cast iron, or wire fencing with vegetation.
4. Chain-link fencing is not permitted outside the LI district.
5. All above ground electric fences are not permitted, except in the LI District.

D. Appearance:

Fences and walls visible from a **street right-of-way** shall be composed of a design, materials, and colors that are compatible with those of **buildings** and other elements of **development** on the site.

5: LANDSCAPING, PARKING AND LIGHTING

5.1: LANDSCAPING AND TREE PROTECTION

5.1.1 PURPOSE AND INTENT

The purpose and intent of this code chapter is to regulate and protect a sustainable and healthy tree canopy throughout the City of Beaufort while promoting the benefits and advantages of retaining mature trees in our landscapes, parks, and streets. There are many benefits directly attributable to trees and the regulation of tree preservation is necessary for the preservation of public health, safety, general welfare, environment and aesthetics in the City of Beaufort. Great care should be taken to integrate new development into the existing landscape, and to preserve natural vegetation where possible.

Specifically, the standards in this section are meant to:

- Maintain the current and increase for future, the total tree canopy within the City limits;
- Preserve healthy trees that might otherwise be removed through the required use of arborist reports and tree risk assessments;
- Lessen air pollution and promote clean air quality by increasing dust filtration;
- Prevent soil erosion;
- Improve surface drainage, minimize flooding, and minimize the cost of constructing and maintaining drainage systems necessitated by the increased flow and diversion of surface waters;
- Conserve energy by reducing heating and cooling costs;
- Reduce noise, heat, dust, and glare;
- Preserve biodiversity, wildlife habitat, and habitat corridors;
- Educate the public as to the importance of trees and the inherent risks that they pose and that most tree risks can be mitigated for;
- Beautify and enhance land and views from the City's entryways, public lands, and streets;
- Preserve residents' quality of life and the natural heritage of the City; and
- Maintain the ambience of the City of Beaufort and enhance property values.

5.1.2 Definitions

1. ~~(a)~~ *Arborist Report*. A report compiled by an ISA Certified Arborist containing pertinent information about the physical and structural health of the trees on a site.

-
2. ~~(b)~~ *Caliper*. The diameter of the trunk measured six (6) inches above the ground for trees up to and including four-inch diameter and measured twelve (12) inches above the ground for larger trees. This measurement is used for proposed or nursery-grown trees.
 3. ~~(c)~~ *Certified Arborist*. A person who has met the criteria for certification from the International Society of Arboriculture (ISA), maintains his or her credentials, and is a employee of the company submitting the request for pruning or removal.

~~(d) *Clearcutting*. A forestry practice in which most of or all the trees in an area are uniformly cut down.~~

*Move to Ch12

4. ~~(e)~~ *Commercial Use*. Any use of property for a principal use of operating a “business,” as defined in Section 3.6 and 13.1 of the Beaufort Code, that may be operated for the object of gain or benefit.
5. ~~(f)~~ *Developed Land*. Land on which manmade structures exist or land modifications (clearing, grading, etc.) have occurred.
6. ~~(g)~~ *Diameter at Breast Height (DBH)*. The diameter in inches of the trunk of a tree, or, for multiple trunk trees, the aggregate diameters of multiple trunks, measured four and one-half (4½) feet from the existing grade at the base of the tree. This measurement is used for existing trees.
7. ~~(h)~~ *Diseased tree*. A severe disease or pest that is known to cause or is causing the death of a tree.
8. ~~(i)~~ *Drip Line*. An imaginary vertical line extending downward from the outermost tips of a tree’s branches to the ground.
9. ~~(j)~~ *Hazard*. A likely source of harm. In relation to trees, a hazard is the tree part or parts identified as a likely source of harm.
10. ~~(k)~~ *Hazardous tree*. A tree is considered hazardous when it has been assessed and found to be likely to fail and cause an unacceptable degree of injury, damage, or disruption – that is, it poses an elevated risk.
11. ~~(l)~~ *Elevated Risk*. A tree, or any part of a tree, that poses a risk of harm to person or property due to damage, deterioration, or numerous hazards, and where such risk cannot be mitigated by any arboricultural procedures.
12. ~~(m)~~ *Healthy Tree*. A tree that is not dead, dying, or diseased; is not at an elevated risk for failure; or is not an invasive tree.
13. ~~(n)~~ *Impervious Surface*. Solid surface that prevents aeration, infiltration, and water penetration, resulting in several harmful side effects.
14. ~~(o) *Invasive Species*. Any non-native organism whose introduction causes or is likely to cause economic or environmental harm or harm to human health. Are non-native organisms that are detrimental to our natural areas or native flora and fauna. Managing these pests often costs landowners, land managers, and tax payers millions of dollars each year. Invasive species contribute to the loss of habitat for native species and contribute to their declines.~~
15. ~~(p) *Live Crown Ration (LCR)*. Is the percentage of a tree's total height that supports live foliage, serving as an indicator of tree vigor and health. LCR is calculated by dividing the length of the live crown (the part of the tree with foliage) by the total height of the tree and then multiplying by 100 to express it as a percentage.~~
16. Mitigation Pruning: Pruning methods prescribed by a certified arborist that will result in the reduction of the risk of tree or tree limb failure, usually associated with a tree risk assessment report.
- 14-17. ~~(q) *Native species*. Native species of flora and fauna are organisms that developed naturally in a specific area over time. They evolved alongside other local plants (flora) and animals (fauna), creating~~

balanced relationships within their habitat. Native species form communities and biological interactions with other specific flora, fauna, fungi, and other organisms.

~~15-18. (pr)~~ *Official*. A member of City staff designated by the City Manager.

~~16-19. (qs)~~ *Overmature Tree*. See *Senescent Tree*. A tree or stand that has passed the age of maturity where the rate of growth has diminished~~diminished, and the trees are weakened.~~

~~17-20. (rt)~~ *Overstory Tree*. A tree that, when mature, reaches a height of at least thirty-five (35) feet.

~~18-21. (su)~~ *Pervious Surface*. A surface that allows water to percolate through to the area underneath rather than becoming runoff.

~~19-22. (tv)~~ *Replacement Planting*. Tree planting that is proposed as a replacement for a tree which has been cut down.

~~23. (uw)~~ *Residential Lot of Record*. A lot ~~existing prior to the adoption of this ordinance~~ where single, two-, or three-family development is permitted.

24. *Risk*. Is the combination of the likelihood of an event and severity of the potential consequences. In the context of trees, risk is the likelihood of a conflict or tree failure occurring and affecting a target and the severity of the associated consequences-personal injury, property damage, or disruption of activities.

~~20-25. *Senescent Tree*. A tree that has reached a stage where its growth, vigor, and health are declining, often nearing the end of its natural lifespan. It includes both natural age-related decline and stress-induced deterioration. Different tree species react differently to this senescent life stage; some will respond to mitigation pruning.~~

~~21-26. (vx)~~ *Specimen and Landmark Trees*. see Section 5.3.1.A-

~~27. (wy)~~ *Tree Protection Zone*. The area reserved around a tree or group of trees in which no grading, access, stockpiling, or other construction activity shall occur, the extent of which will be determined by the proposed site design and existing site conditions. See Section 5.3.3 for specific requirements.

~~22-28. *Tree Risk Assessment: The systematic process to identify, analyze, and evaluate tree risk, and to recommend mitigation procedures.*~~

~~23-29. (xz)~~ *Undeveloped Land*. Raw land on which manmade structures or land modifications (clearing, grading, etc.) do not exist.

~~24-30. (yaa)~~ *Understory Tree*. A tree that, when mature, reaches a height of twelve (12) to thirty-five (35) feet and whose natural habitat is growing under larger, higher canopied trees.

~~25-31. (zab)~~ *Willful Violation*. A violation in which the landowner, developer, and/or operator knowingly failed to comply with the requirements of this section.

5.1.3 Certified Arborist Report

A. Requirements

The purpose of a Certified Arborist Report is to perform a visual ground assessment of all trees including Specimen and Landmark trees using the most current copy of certified Tree and Topo created by a Registered Surveyor.

Each tree will have a detailed visual ground inspection of its surrounding site, buttress roots, trunk and branches and an assessment of the tree's general health. The information will be used to determine physical and structural health of the trees, as well as the likelihood of potential failures in each tree. This assessment protocol is based on

a modified Level 2, Basic Tree Risk Assessment as outlined in ANSI A300 – Part 9: Tree, Shrub and Other Woody Plant Management – Standard Practices.

The Level 2 Basic Tree Risk Assessment is not the highest level of assessment available to arborists. Any trees that are required to be preserved on site which may need a higher level of assessment shall also be identified and any additional necessary recommendations given.

Recommendations will be given for performance and timing of maintenance procedures, such as crown pruning, root pruning and root fertilization, if deemed needed after soil testing; measures that should be performed on trees that are to be preserved on site.

This report also verifies a positive identification of all trees listed on the Tree and Topo.

B. Mitigation Pruning

Mitigation pruning is an important component of this report. All of the trees in each of the groupings, except for Category D, will have the potential to improve their standing on the site with the application of mitigation pruning.

This can generally consist of some combination of limb end weight reduction, deadwood and vine removal, the culling of understory plants, or other creative arboricultural methods to reduce some of the risks that trees present and allow more trees to be preserved on site.

C. Arborist Duty of Care

Arborists have a Duty of Care to the trees that they are assessing, not to the entity who might be financing the report. This Duty of Care takes into consideration hazards that may be found in the trees, potential targets, a tree's inherent stability under normal weather conditions, static and dynamic loads and most importantly, what arboricultural procedures can be applied to reduce any of the risks or hazards that may be uncovered. The ultimate site goals and future intentions for these trees by the owner are never a component of the assessment.

D. Assessment Format

Each of the Specimen and Landmark trees on a site plan will be categorized into four different groups, designating each tree's individual condition based on both structural and physical health factors. In order to make the report more diverse and the tree cover more sustainable, any of the more valuable smaller trees are also suggested to be assessed and highlighted so that there will be more information on their status and thus may be able to remain in the landscape. Each condition grouping will be highlighted with a specific color on the site plan. These designating letters and grouping categories are as follows:

Category A) **Highlighted in Green:** A tree with no or slight defects and a low risk of failure. This tree is thriving for its species and location. It has little or no obvious faults or defects that would warrant a more detailed inspection. Some minor pruning may be needed including light reduction of end-weight growth and removal of deadwood. Tree longevity is open-ended and unrestricted. There is an improbable likelihood of limb or lead of total trunk failures occurring under normal weather conditions over the next 5 to 10 years. There may be no specific mitigation pruning recommended at this time.

Category B) **Highlighted in Orange:** A tree with moderate defects having a reasonable risk of failure. This tree is growing well for its species and location. It may have some minor, obvious faults and defects which would need to be aerially inspected. There may be a possible likelihood of limb or lead failures under normal weather conditions over the next 5 to 10 years. There is an improbable likelihood of total trunk failure over the next 5 to 10 years. These possible failures can, in most cases, be mitigated by prescription reduction or heading pruning procedures. These procedures can reduce the risk of failures to a level of risk that can be considered acceptable by most tree managers. There may be some other specific pruning needs such as crown raising, crown reduction, invasive vine severing, deadwood removal and Spanish moss reduction if present in large amounts, over and above the mitigation pruning recommendations.

Category C) **Highlighted in Blue:** A tree with severe defects and a high risk of failure. This tree is failing to thrive and may be in decline. It has obvious faults, defects, and hazards present that have a probable likelihood of causing limb, lead or trunk failures. Timely prescribed and above normal mitigation pruning may in some cases reduce these hazards and risks of failures to a level that could be acceptable by some tree managers. If mitigation pruning is chosen, monthly inspections by the tree manager and annual inspections by a certified arborist are recommended.

Category D) **Highlighted in Red:** A tree with critical defects and an imminent risk of failure. This tree may already be dead or, if still alive, has severe critical defects and hazards with an imminent likelihood of limb, lead and total trunk failure. No amount of mitigation pruning could reduce any of the risks present to an acceptable level. Depending on occupancy rates of the areas adjacent to these trees, immediate or timely attention is called for.

E. Hazard vs Risk

In the wording of this report, please consider the correct use of the terms hazard and risk in accordance with ANSI A300 Part 9: Tree Shrub, and Other Woody Plant Management – Standard Practices (Tree Risk Assessment and Tree Structure Assessment).

A tree is considered hazardous when it has been assessed and found to be likely to fail and cause an unacceptable degree of injury, damage, or disruptions – that is, it poses a high or extreme risk.

Risk is the combination of the likelihood of an event and the severity of the potential consequences.

A hazard is a likely source of harm. In relation to trees, a hazard is the tree part or parts identified as a likely source of harm.

5.1.4 Recommended Trees and Shrubs

The following commonly found species of trees and evergreen shrubs are listed by category. The lists are not exhaustive and applicants are not required to select species found on these lists.

BROAD-LEAVED OVERSTORY TREES	
American Beech	Fagus grandifolia
American Elm	Ulmus americana
American Sycamore	Platanus occidentalis
Ashleaf Maple	Acer negundo
Black Oak	Quercus velutina
Black Gum	Nyssa sylvatica
*Drake Elm (Everclear, Allee or Bosque)	Ulmus Parvifolia
Eastern Cottonwood	Populus deltoides
Honey <u>H</u> locust	Gleditsia triacanthos

*Cathedral Live Oak	Quercus virginiana 'Cathedral'
Laurel Oak	Quercus laurifolia
Live Oak	Quercus virginiana
*Overcup Oak	Quercus lyrata 'Highbeam'
Pecan	Carya illinoensis
Pignut Hickory	Carya glabra
Pumpkin Ash	Fraxinus profunda
*Pyramidal European Hornbeam	Carpinus betulus 'Fastigiata'
Red Maple	Acer rubrum
*Nuttall oak	Quercus nuttalli
Shumard Oak	Quercus shumardii
Southern Magnolia	Magnolia grandiflora
Southern Red Oak	Quercus falcata
Swamp Chestnut Oak	Quercus michauxii
Sweet Gum	Liquidamber styraciflua
*Trident Maple	Acer buergerianum 'Aeryn'
Water Tupelo	Nyssa aquatica
White Oak	Quercus alba
Willow Oak	Quercus phellos
*Starred trees are recommended for street tree plantings	
CONE-BEARING OVERSTORY TREES	
*Bald Cypress	Taxodium distichum
Loblolly Pine	Pinus taeda
Long Leaf Pine	Pinus palustris
Pond Cypress	Taxodium distichum nutans
Pond Pine	Pinus serotina
Slash Pine	Pinus elliottii
Short Leaf Pine	Pinus echinata
Spruce Pine	Pinus glabra
*Starred trees are recommended for street tree plantings	

UNDERSTORY TREES	
Allegheny Chinkapin	Castanea pumila
American Holly	Ilex opaca
American Plum	Prunus americana
Bigleaf Snowbell	Styrax grandifolia
Bitternut Hickory	Carya cordiformis
Black Cherry	Prunus serotina
Black Willow	Salix nigra
Blackjack Oak	Quercus marilandica
Bluejack Oak	Quercus incana
Buckthorn Bumelia	Bumelia lycioides
Cabbage Palmetto	Sabal palmetto
Carolina Ash	Fraxinus caroliniana
*Carolina Basswood	Tilia caroliniana
Carolina Buckthorn	Rhamus caroliniana
Carolina Laurelcherry	Prunus caroliniana
Carolina Silverbell	Halesia carolina
Chickasaw Plum	Prunus augustifolia
Coastal Plain Willow	Salix caroliniana
Common Hoptree	Ptelea trifoliata
Common Persimmon	Diospyros virginiana
Common Sweetleaf	Symplocus tinctoria
*Crepe Myrtle	Lagerstroemia indica
*Dahoon Holly	Ilex cassine
Eagleston (a.k.a. Foster) Holly	Ilex attenuata 'Eagleston' or 'Fosteri'
Eastern Coralbean	Erythrina herbacea
Eastern Redbud	Cercis canadensis
Eastern Red Cedar	Juniperus virginiana
Flatwoods Plum	Prunus umbellata
Florida Basswood	Tilia floridana

Florida Maple	Acer barbatum
Flowering Dogwood	Cornus florida
Fringetree	Chionanthus virginicus
Green Ash	Fraxinus pennsylvanica
*Hasse Magnolia (a.k.a. Alta)	Magnolia grandiflora 'Hasse' or 'Alta'
Hercules Club	Anthoxylum clava-herculis
Ironwood	Carpinus caroliniana
Littlehip Hawthorn	Crataegus spathulata
Loblolly Bay	Gordonia lasianthus
Mockernut Hickory	Caryatomentosa
Myrtle Oak	Quercus myrtifolia
*Oklahoma Redbud	Cercis reniformis 'Oklahoma'
Parsley Hawthorn	Crataegus marshallii
Pawpaw	Asimina triloba
Planer Tree	Planera aquatica
Possumhaw Holly	Ilex decidua
Post Oak	Quercus stellata
Red Buckeye	Aesculus pavia
Red Mulberry	Morus rubra
Redbay	Persea borbonia
River Birch	Betula nigra
Hickory	Carya pallida
*Sabal Palm	Sabal palmetto
Sassafras	Sassafras albidum
Sourwood	Oxydendrum arboreum
Southern Bayberry	Myrica cerifera
Southern Crab Apple	Malus angustifolia
Southern Red Cedar	Juniperis silicicola
Sparkleberry	Vaccinium arboreum
Sugarberry	Celtis laevigata

Swamp Cotton wood	Populus heterophylla
Sweetbay	Magnolia virginiana
Tough Bumelia	Bumelia tenax
Turkey Oak	Quercus laevis
Water Hickory	Carya aquatica
Water Oak	Quercus nigra
Waterlocust	Gleditsia aquatica
Witch Hazel	Hamamelis virginiana
*Yaupon Holly, Weeping	Ilex vomitoria 'Pendula'
*Starred trees are recommended for street tree plantings	
SCREENING SHRUBS	
Sasanqua	Cammellia sasanqua
Yaupon Holly	Ilex vomitoria
Chinese Mahonia	Mahonia fortuneiw
Nandina	Nandina domestica
Pittosporum	Pittosporum tobira
Podocarpus	Podocarpus macrophyllus
Indian Hawthorne	Raphiolepis indica
Cleyera	Ternstroemia gymnanthera
Laurestinus	Viburnum tinus
Japanese Viburnum	Viburnum macrophyllum
Elaeagnus	Elaeagnus pungens
So. Indica Azalea	Azalea indica
Burford Holly	Ilex cornuta "Burfordi"
Wax Myrtle	Myrica cerifera
Fatsia	Fatsia japonica
Florida Anise	Illicium floridanum
Pfizer Juniper	Juniperus chinensis "pfizeriana"
Wax Leaf Ligustrum	Ligustrum japonicum
Oleander	Nerium oleander

Breath-of-Spring	Lonicera fragrantissima
Loropetalum	Loropetalum chinense
Juliana Barberry	Berberis julianae
Hedge Bamboo	Bambusa multiplex
Bay Laurel	Laurus nobilis
Banana Shrub	Michelia figo
Sweet Myrtle	Myrtus communis
*Starred trees are recommended for street tree plantings	

5.1.5 Specific Best Practices

When pruning trees less than 6-inches in caliper, the operator shall retain a 60% or greater live crown ratio (LCR). For example, a 10-foot-tall tree shall have a minimum of 6-feet of total crown foliage after pruning and 4-feet of exposed trunk from the ground to the lowest branch. There shall never be more than 7-feet of exposed trunk from the ground to the lowest branch. Pruning Trees less than 6" caliper shall not be limbed up from the ground more than 7 feet to the lowest branches.

For trees 6" caliper and larger, the live crown ratio - ratio of tree canopy height to trunk height - shall be no less than 2:1 (Example: A 30' tall tree should have a canopy no less than 20' tall and an exposed trunk no greater than 10' tall.)

5.1.6 Sample Tree Mitigation Schedule

Tree Mitigation Chart Example		Mitigation Calculation Summary																						
SCHEDULE OF TREES TO BE REMOVED																								
Project Name: Retail Shop Zoning District: T5-UC																								
TREE TYPE	8"	10"	11"	12"	13"	14"	15"	16"	17"	18"	19"	20"	21"	22"	23"	24"	26"	27"	29"	32"	33"	38"	42"	TOTALS (TYPE)
LIVE OAK		1		1			1								1	1								5
LAUREL OAK	1	1	2		1	2	3	1	4	1	1	1	2			1		3	2	1	1	2		30
WATER OAK		1											1											2
CHERRY	1	2			1	1				1	1					1								8
SWEETGUM	1																							1
PINE (not Longleaf)	1			1			2	2				2	3	2	1	2	1							18
TOTALS (SIZE)	4	5	2	2	2	3	6	3	4	2	2	3	6	3	1	4	1	3	1	2	1	1	2	63

Mitigation Calculation Summary			
50% or less \$100/caliper inch	33% or less \$50/caliper inch	25% or no additional fee if mitigation is not possible	8" or + # of inches
Landmark #	Specimen #		
inches	inches		
24	49		10
0	0		30
0	21		0
0	0		8
0	0		0
0	0		0
0	0		0
24	70		41

SCHEDULE OF TREES TO BE SAVED										
TREE TYPE	8"	15"	18"	19"	22"	25"	29"	36"	45"	TOTALS (TYPE)
LIVE OAK		1			1			1	1	4
LAUREL OAK	2			1		1	1			5
PECAN			1							1
TOTALS (SIZE)	2	1	10							

Mitigation required	
Inches	Fee
12	\$2,400
25	\$3,500
10	\$0

If mitigation is not possible

Color Key	
Landmark Trees - A or B	highlighted in yellow
Specimen Tree - A or B	highlighted in orange
Other 8" DBH or + - A or B	highlighted in blue
Any tree C or D	unhighlighted

A, B, C, D rating refers to the Category in the Certified Arborist Report - See Appendix A

This is for illustrative purposes only and may be changed from time to time. An excel template for this planting schedule, along with typical tree planting details, can be found on the Planning Department's website.

5.2: APPLICABILITY AND ADMINISTRATION

5.2.1 APPLICABILITY

A. General

(1) **Tree Preservation.** Consistent with the purpose of this section, priority shall be placed on retention of existing trees. All persons shall make all reasonable efforts to preserve and retain any existing Specimen and Landmark trees and established stands or groves of trees.

(2) **Permit required for removal.** Except as exempted in 5.2.1.B. below, a Tree Permit shall be required to remove or relocate any tree of 8" DBH or more, or a Specimen or Landmark tree, in the City. See Section 5.2.2.A for specific requirements.

(a) For single family and 2- and 3-family buildings on existing lots of record, a permit is only required for the removal of Specimen or Landmark trees.

(3) **Permit required for pruning.** A Tree Permit is required to prune any landmark tree as described in Table 5.3.1.A. Pruning must be done by, or under the guidance of, a certified arborist and shall meet ANSI A300 Standards for pruning.

(4) **Trees Designated for Retention.** A Tree Permit shall be required for the removal or relocation of any tree previously designated to be retained on an approved development plan.

(5) **Enforcement.** Failure to comply with the standards of this section shall be a violation of this ordinance and subject to the remedies and penalties specified in Section 12 of the Beaufort Code.

B. Exemptions

(1) The following activities are exempt from the standards in this ordinance and the requirements for a Tree Permit:

a. Removal of severely damaged trees that have an imminent likelihood of failure or pose an immediate risk to person or property following a natural disaster such as a hurricane, tornado, ice or windstorm, flood, wildfire or any other such act of nature.

b. Tree removal associated with forestry activities shielded from local development regulation in accordance with S.C. Code Ann. 48-23-205, subject to the limitations on subsequent development in Section 5.2.2.C. below. Forestry activities shall be regulated by a Forestry Management Plan approved by a certified South Carolina Forester.

c. Removal of plant species designated as invasive by the South Carolina Forestry Commission, including, but not limited to the following:

i. Chinese Tallow (*Triadica sebifera*), Chinaberry Tree (*Melia azedarach*), Callery Pear (*Pyrus calleryana*), Camphor Tree (*Cinnamomum camphora*), Princesstree (*Paulownia tomentosa*)

(2) No Tree Permit is required where the proposed tree removal or alteration is reviewed and authorized in accordance with an approved Site Development Permit or Building Permit, though compliance with the standards in this section is required.

(3) Residential Lots of Record, as defined in Sec. 5.1.2, are exempt from the replacement planting and mitigation requirements of Section 5.5.2.C. Replacement planting and mitigation for tree removals in

conjunction with development of these properties shall be regulated by Section 5.5.2.F. below. All other requirements of this ordinance shall apply to such uses.

5.2.2 ADMINISTRATION

Application Procedure. No Project Permit shall be issued, nor any development be commenced, for any site subject to the requirements of this article without an approved plan for all site elements including landscaping, lighting, and parking, as part of a greater development design review process as outlined in Article 9 (Development Review Procedures).

A. Tree Protection Information in Applications

(1) New Development

(a) Applications for a Major Subdivision, Site Plan, Zoning & Building Permit or Certificate of Occupancy shall include at least the following information:

- (i) A Tree Survey verified by a certified arborist, as described in subsection 5.2.2.A.3. below;
- (ii) A brief written narrative of proposed plans for tree protection and justification for proposed removals and replacements, verified by a certified arborist;
- (iii) A complete tree tally sheet listing exact species and diameter of trees on site;
- (iv) For a Major Subdivision/Site Plan, a site plan showing utility lines, grading activities as well as building and pavement footprints (pervious and impervious surfaces) in relation to existing trees and denoting trees to be removed with an "X"; and
- (v) A replacement tree replanting schedule, if required by Sections 5.3.2.G and 5.5.2 below.

(b) Applications for a Residential Building (Project) Permit shall include at least the following:

- (i) A Tree Survey;
- (ii) A certified arborist report including all Specimen and Landmark trees; and
- (iii) A site plan showing utility lines as well as building and pavement footprints (pervious and impervious surfaces) in relation to existing trees and denoting trees to be removed with an "X."

(2) Existing Development. Applications for pruning or removal of trees on individual developed lots shall include a tree survey and a report from a certified arborist. An exception is granted on developed single-, two-, and three-family lots wherein a scope of work from a certified arborist is only required for removal of a Specimen or Landmark tree and pruning of a landmark tree. A tree survey shall never be required on developed single-, two-, and three-family lots.

(3) Tree Survey. The tree survey shall be in the form of a map or site plan, prepared and sealed by a registered land surveyor within two years of the date of application. The tree survey shall be at the same scale as the required site development plan and shall include the species and DBH of all trees 8" DBH or greater.

- (i) All palmetto trees over eight (8) feet tall shall be measured in height, from the ground to the base of the frond initiation point.

B. Authorization for Tree Removal.

(1) Permit Required. No person shall cause, suffer, permit or allow the following:

(a) The removal of a tree 8" DBH or greater or Specimen or Landmark Tree without first obtaining written authorization, to include all necessary permit(s), from the City to conduct the removal.

(b) Any encroachments, excavations, or change of the natural grade within the critical root zone (CRZ) of a protected tree, unless approved by the Codes Administrator, prior to the commencement of said activity, that the activity will not negatively impact the tree. The critical root zone area shall be defined as the greater of either:

(i) The area extending from the trunk of the tree to the outer-most point of the canopy or drip line; or,

(ii) All of the area starting at the trunk and extending to a distance of one (1) foot for each inch in diameter the trunk measures at four and one-half (4 1/2) feet above ground level.

(2) Criteria. No authorization for the removal of any tree 8" DBH or greater or any Specimen or Landmark Tree shall be granted unless the applicant for removal of the tree demonstrates one or more of the following conditions in writing:

(a) **Health.** Whether or not the tree is dead, dying, or diseased according to a certified arborist report and verified by the City Official or designee.

(b) **Elevated Risk.** Whether or not the tree presents hazards that cannot be mitigated by any arboricultural procedures due to its deteriorated or damaged state.

(c) **Developability.** Whether or not the tree constrains reasonable development of the specific site, considering lot size, applicable setbacks, context, building type and use, stormwater requirements, and other relevant site development considerations.

(3) Permit Decision. Upon review of a completed application, the Codes Administrator shall approve, approve with conditions, or deny the permit.

(a) The applicant shall be notified of approval or denial, and if denied, informed of the reasons for denial.

(b) Permits may be issued conditionally, provided that the conditions are stated in writing and are appropriately referenced on the permit. Among such conditions may be stipulations that the developer of a site provide legal mechanisms which ensure the protection of Specimen and Landmark Trees after construction has occurred on the development. such mechanisms may include, but not be limited to, conservation easements, common open space requirements, vegetation or tree protection easements or buffers, deed restrictions and restrictions in homeowners' or condominium association documents.

(c) In the event questions or disputes arise concerning tree conditions, the City may call upon and consult with a certified arborist or other qualified professional to reach a decision. All appeals of staff decisions, and other form of administrative relief sought as a result of the application of these standards, shall be the purview of the Zoning Board of Appeals.

(4) Timing. The official shall be notified within five (5) business days prior to tree removal approved as part of a Site Plan.

(5) Permit posting. A copy of the approved tree permit shall be clearly posted on the job site during all phases of clearing and construction activities.

C. Pre-Development Standards. Trees shall be marked with color ribbons, using blue ribbons to mark trees to be preserved, red ribbons for trees to be removed, and orange ribbons for elevated risk trees that are proposed to be removed (elevated risk trees will not count towards the overall required tree replacement). In heavily wooded areas, the official may allow large groups of trees to be preserved or

removed to be marked with the appropriately colored ribbon extending around the perimeter of the group of trees.

D. Tree removal without permit pPrior to Development. Nothing in this section shall be construed as to prevent the practice of forestry, as exempted from local development regulation by S.C. Code Ann. § 48-23-205. Forestry practiced in the City shall be accompanied by a Forestry Management Plan that has been approved by a certified South Carolina Forester.

(a) In addition to other provisions in accordance with Section 12 of this Code, no application for subdivision plan (meaning sketch or preliminary plat), site plan, certificate of appropriateness or conditional use permit shall be accepted if, within twenty-four (24) months prior to said application, any trees on any property the subject of such application have been removed without legal authorization under this Code, whether by the present owner of the subject property or by a party who previously owned the subject property.

This twenty-four (24) month period shall be extended to sixty (60) months if said property is part of a development site on which more than 10% of the total trees have been cut.

(b) In addition, no such tree removal shall occur in the time between acceptance of such application and final approval without such application being subject to denial or revocation and the same penalties as above.

(c) An affidavit signed by the owner of the property at time of application submittal shall be submitted with all such applications testifying to the fact that no trees have been removed without legal authorization under this Code during these specified periods of time.

~~(1) **Two Year Deferral.** Prior to approval, if the developer removes any portion of the trees that would have been protected by this section pursuant to a development application, the application shall be deferred for a period of two (2) years after completion of the removal, and the mitigation and replanting requirements of this ordinance shall apply.~~

~~(2) **Five Year Deferral.** If the landowner, developer, and/or operator does not have a Forestry Management Plan, the work was not completed according to the Plan, or transfer of property occurs following the completion of the work, it shall be considered a willful violation of City ordinances and an application for a development permit on any portion of the property will be deferred for five (5) years, and the mitigation and replanting requirements of this ordinance shall apply.~~

E. Tree Protection and Restoration Plan (TPRP).

(1) A TPRP shall be submitted along with all other materials required at the time of application for Preliminary Plat review of a Major Subdivision, Site Plan or when submitting for a Zoning & Building Permit or Certificate of Occupancy. The TPRP shall comply with the requirements of Section 5.3-3 and include the following:

(a) A **tree survey**, performed by an engineer, certified arborist, or registered landscape architect, licensed by the State of South Carolina, identifying both the existing areas of canopy coverage, and all mature canopy trees located on the proposed development site prior to any disturbance;

(b) A **graphic representation** of the location of all mature canopy trees (noting the type and size) within fifty (50) feet of any area to be disturbed, indicating whether each is to be preserved or removed, and showing all protective measures such as fencing;

(c) **Notes** specifying that: 1) no disturbance is to occur within fifty (50) feet of mature canopy trees until all required protective measures are installed, inspected and approved; and, 2) all landscaping work occurring in the critical root zone area subsequent to the removal of protective

measures is restricted to hand tools and machinery appropriately configured to limit negative impacts on existing root systems; and,

(d) **Mitigation/replanting.** A description of the efforts proposed to be taken to offset or mitigate any impacts to the canopy, such as transplanting or planting replacement trees.

(e) **Maintenance plan.** All Specimen and Landmark Trees shall be maintained in conformance with the following:

- (i) Required maintenance activities shall, for no less than a five (5) year period after completion of development, be set out in a plan approved by the City.
- (ii) During the required maintenance period, the City Codes Administrator, or designee, shall have the right to conduct periodic inspections to ensure continuing compliance with the maintenance plan, and to confirm the health and viability of all required trees and plant material. In the event an inspection reveals a Specimen or Landmark tree to be missing, dead, or otherwise unhealthy and/or a threat to safety, notice of the situation, along with recommended actions for mitigation, shall be provided to the property owner, who shall either comply with the recommended actions, or, if appropriate, plant an approved replacement tree, within thirty (30) days.

(2) All trees and features required by an approved TPRP shall be installed prior to the issuance of a Certificate of Occupancy. The Code Administrator may approve a reasonable delay in installation, provided the developer provides a bond of an amount sufficient to provide for the installation of all required items.

F. Landscaping Installation and ~~Guarantee~~Maintenance:

(1) Time for Installation of Required Landscaping

(a) Time Limit. All required landscaping shall be installed in accordance with the required planting standards set forth in this Section before issuance of a Certificate of Occupancy unless the Director grants an extension to this time limit in accordance with Subsection 2, below.

(2) Extension.

(a) The Director may, for good cause shown, grant an extension to the above time limit, allowing a developer/owner to delay the installation of required landscaping. Circumstances that may warrant an extension include, but are not limited to, the following:

- (i) Unusual environmental conditions, such as drought, cold weather, hurricanes, or over-saturated soil (deep mud);
- (ii) The inappropriateness of the current season for planting the approved plant species;
- (iii) Evidence that the approved plant species or required plant sizes are not commercially available and cannot be substituted within a reasonable time despite an applicant's diligent effort to secure the required materials; or
- (iv) Completion of utility work occurring in a proposed landscaped area that is incomplete or delayed.

(3) Maintenance of Landscaping Materials. The owner shall be responsible for the maintenance of all landscape areas not in the public right-of-way. Such areas shall be maintained in accordance with the approved landscape plan or alternative landscape plan and shall present a healthy and orderly appearance free from refuse and debris. All plant life shown on an approved landscape plan or alternative landscape plan shall be replaced if it dies, is seriously damaged, or is removed.

(a) **Damage Due to Natural Occurrence.** If any vegetation or physical element functioning to meet the standards of this Section is severely damaged due to an unusual weather occurrence, natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, the owner or developer may be required to replant or replace the vegetation or element if the landscaping standards are not being met. The owner shall have one growing season to replace or replant. In determining the extent of replanting or replacement required, the Director shall consider the type and location of the landscape buffer or required vegetation area as well as the propensity for natural re-vegetation.

(b) **Protection during Operations.** The owner or developer shall take actions to protect trees and landscaping from unnecessary damage during all facility and site maintenance operations. Plants shall be maintained in a way that does not obstruct sight distances at roadway and driveway intersections, obstruct traffic signs or devices, or interfere with the use of bikeways, sidewalks, or pedestrian trails.

(c) **Natural Death.** The natural death of existing vegetation within any required landscape area does not necessarily constitute a violation and does not require re-vegetation to replace the plant material unless the required landscape area no longer complies with the required standards of this Section. In no instance shall this provision be construed to prevent re-planting if, in the opinion of the Director, the required performance standard of the landscaping is not being met.

(d) **Irrigation.** Temporary spray irrigation systems may be used to establish seeded and/or planted areas.

(4) Monitoring of Compliance with Landscaping Standards.

(a) **Inspections before Certificate of Occupancy.** The Director shall inspect a development site before issuance of a Certificate of Occupancy for the development and such certificate shall not be issued if the landscaping required under this Section is not living or healthy or is not installed in accordance with the approved landscape plan.

(b) **Additional Inspections.** The Director or designee may inspect a development site during the second growing season following the installation of required landscaping to ensure compliance with the approved landscape plan or alternative landscape plan, and to ensure that the landscaping is properly maintained. Failure to maintain required landscaping (trees and shrubs) in accordance with the standards of this Section shall constitute a violation of this Development Code.

- ~~(1) No certificate of occupancy for any development on a site subject to the requirements of this article shall be issued until all landscaping materials are in place according to the approved plan, or a cash performance guarantee is posted with the administrator for 125% of the cost of the uncompleted landscaping, including labor, as determined by the administrator. The cost estimate shall be prepared by a qualified landscape contractor using prevailing material and labor costs.~~
- ~~(2) The life of the guarantee shall not exceed 24 months. If the approved landscaping, including ground cover if applicable, is not properly installed within 12 months of the certificate of occupancy, the guarantee shall be forfeited to and used by the city to complete the approved landscaping, with any remaining funds returned to the person who posted the guarantee.~~
- ~~(3) A maintenance guarantee (for permitted types of guarantees, see Section 7.1.5) equal to 20% of the cost of all required landscaping, including labor, as determined by the administrator based on a cost estimate prepared by a licensed landscape contractor using prevailing labor and costs, shall be held for a period of two (2) years following completion of landscape installation.~~

~~(4) The maintenance guarantee shall be returned only where the landscaping has been surveyed by the city and determined to be in good health. Where any portion of the required landscaping is dead, dying, or significantly declining, the landowner shall be responsible for its replacement prior to release of the guarantee. Where replacement landscaping is required, and such landscaping exceeds 25% of the required project landscaping, the maintenance bond shall be held one additional year to ensure successful installation of the replacement landscaping.~~

G. Enforcement. Enforcement of this Section shall follow the requirements of Article 12 of this Code.

5.3: TREE PLANTING AND PROTECTION

5.3.1 SPECIMEN AND LANDMARK TREES

- A. **Preservation of Specimen and Landmark Trees.** Priority shall be placed on tree preservation and all persons shall make all reasonable efforts to preserve and retain existing ~~s~~Specimen and ~~l~~Landmark trees.
- B. **Designation of Specimen and Landmark Trees:** Certain trees, because of their species and size, are an asset to both the City and individual property owners and are hereby designated as "~~s~~specimenSpecimen" and "~~l~~landmarkLandmark" trees. Such trees shall be defined as those trees with a DBH equal to or greater than that indicated in the following table:

SPECIES	COMMON NAME	SPECIMEN TREE (MIN. DBH) * LS	LANDMARK TREE (MIN. DBH) * LS
Cornus florida	Flowering Dogwood	4 8 inches	18 inches
Cercis canadensis	Redbud	4 8 inches	18 inches
Magnolia grandiflora	Southern Magnolia	4 8 inches	14 24 inches
Ilex opaca	American Holly	4 8 inches	14 inches
Pinus Glabra	Spruce Pine	8 inches	14 inches
Juniperus virginiana	Eastern Red Cedar	12 inches	24 inches
Quercus virginiana	Live Oak	12 inches	24 inches
Sabal palmetto	Cabbage Palm	18 feet tall	36 feet tall
Taxodium distichum	Bald Cypress	16 inches	24 inches
Quercus velutina	Eastern Black Oak	16 inches	24 inches
Nyssa sylvatica	Tupelo/Black Gum	16 inches	24 inches
Quercus alba	White Oak	16 inches	24 inches
Quercus falcata	Southern Red Oak	16 inches	24 inches
Acer rubrum	Red Maple	16 inches	24 inches
Ulmus americana	American -Elm	16 inches	24 inches
Pinus palustris	Longleaf Pine	16 inches	24 inches
Fagus grandifolia	American Beech	16 inches	24 inches
Quercus stellata	Post Oak	24 16 inches	-24 inches
Carya illinoensis	Pecan	24 inches	-
Carya ovata	Hickory	24 inches	-
Liquidambar styraciflua	Sweet Gum	24 inches	-
Quercus laurifolia	Laurel Oak	24 inches	-

<u>Acer-Plantus pseudoplatanus occidentalis</u>	Sycamore	24 inches	-
<u>Aliud-piniPinus species</u>	All other pines	24 inches	-
* DBH = diameter at breast height (or about 4.5 feet above grade)			
** <i>not applicable, if specific trees are deemed “senescentovermature” by a certified arborist</i>			

5.3.2 TREE COVERAGE REQUIREMENTS

- A. Applicability and Canopy Standards:** In addition to the standards laid out in ~~this section and~~ Section 7.2.5 (Street Tree Planting Requirements), land or property subject to be developed, shall maintain a minimum baseline canopy coverage area as detailed in this Section.

Canopy Standards

All development proposed subsequent to the adoption of this section to require canopy coverage, with the exception of those activities specifically listed herein, shall be subject to the following standards. In the event any proposed development is subject to zoning district requirement(s) that conflicts with one or more standards contained in this section, the zoning requirement shall govern.

Exemptions: The following development and activities shall be exempt from the requirements of this section:

- (a) Removal and/or pruning of any tree not identified by these standards as a Landmark or Specimen Tree located on any residential lots of record by the owner.
- (b) Mitigation efforts associated with clean-up activities following a natural disaster or other significant Acts of God; typically, the City will issue a period of waiver of the strict application of these standards for a specified period of time.
- (c) Licensed plant and tree nurseries, and other duly permitted commercial tree growers, provided trees are planted or growing on the premises for sale to the general public in the ordinary course of business.
- (d) Tree pruning and removal by duly constituted communication, water, sewer, electrical or other utility companies; or federal, state, or local government agencies; or engineers or surveyors working under a contract with said utility companies or agencies, provided removal is limited to those areas necessary for maintenance of existing lines or facilities, or for construction of new lines or facilities in furtherance of providing utility service to its customers. Additionally, all such activity must be conducted so as to avoid any unnecessary removal and, in the case of aerial electrical utility lines, shall not be greater than that specified by the National Electrical Code, or other appropriate adopted industry standard, for safe electrical clearances.

- 2. Required Canopy Coverage for new development:** All proposed non-residential, multi-family residential, and mixed-use development, ~~units~~ anticipated to have a land disturbance area greater than five thousand (5,000) square feet, or to have shared parking and, shall be subject to the minimum canopy coverage area requirements listed in the Minimum Canopy Coverage Requirements table below. Any single-family residential development consisting of two or less lots

(existing single-family lots of record are exempt), or existing single family or duplex lots of record, are exempt from the required canopy coverage for development requirements.

3. **Encroachments:** The appropriate approval body may authorize encroachments into any setback for the protection of any Specimen or Landmark tree, or the tree protection zone of any such tree.
4. **Parking Reduction:** The appropriate approval body may authorize up to a 10% total parking reduction for development for the protection of any land landmark or specimen tree, or the tree protection zone of any such tree. Should the development protect over 30% of the existing tree canopy, a parking reduction of 20% on all standards may be authorized by the appropriate approval body. The appropriate approval body may reduce the required parking landscaping requirements of 5.7.8., including reduction or removal of parking lot islands, should they conflict with the preservation or protection of a Specimen or Landmark tree.
5. **Fenestration/Transparency:** Should the development protect over 30% of the existing tree canopy, the appropriate approval body may authorize up to a 20% reduction of required fenestration. on any building except for properties within the T5-UC district.
***Move to fenestration code section**

	<u>Minimum Canopy Percentage</u>
<u>Residential Developments (except for residential lots of record and Minor Subdivisions)</u>	<u>25%</u>
<u>Commercial Developments</u>	<u>30%</u>
<u>T5-UC (Transect only)</u>	<u>15%</u>
<u>Encroachments</u>	<u>The appropriate approval body may authorize encroachments into any setback for the protection of any Specimen or Landmark tree, or the tree protection zone of any such tree.</u>
<u>Parking Reduction</u>	<u>The appropriate approval body may authorize up to a 10% total parking reduction for development for the protection of any land landmark or specimen tree, or the tree protection zone of any such tree. Should the development protect over 30% of the existing tree canopy, a parking reduction of 20% on all standards may be authorized by the appropriate approval body. The appropriate approval body may reduce the required parking landscaping requirements of 5.7.8 b, including reduction or removal of parking lot islands, should they conflict with the preservation or protection of a Specimen or Landmark tree.</u>

<u>Fenestration/Transparency</u>	<u>Should the development protect over 30% of the existing tree canopy, the appropriate approval body may authorize up to a 20% reduction of required fenestration on any building except for properties within the T-5 UC district.</u>
----------------------------------	--

6. Canopy Coverage for Development Calculation: For the purposes of this section, the canopy coverage area of a tree shall be defined as the area contained within the boundary established by a vertical projection along the outermost limit of the tree’s crown at maturity. The canopy area cannot include any wetland or required drainage area within its calculation. The canopy coverage area of a parcel or development site shall be defined as the total of all non-conifer tree canopy areas, retained and/or planted, proposed to exist post - development. The following methods may be used to determine the tree canopy area:

(a) To Establish Existing Tree Canopy Area

For each mature tree proposed to be retained post – development, the radius (r) of the canopy area shall equal the distance from the center of the trunk to the outermost point of the tree’s crown. Calculate the total canopy area (CA) with the following formula: $CA = \pi r^2$. In the event existing site conditions are accurately reflected on aerial photography, the radius (r) may be determined through scaled measurements.

(b) To Establish Tree Canopy Area for Trees Proposed to be Planted

To determine the canopy area proposed to be planted, the radius (r) of each species of tree to be utilized, at twenty (20) years maturity, shall be determined based on accepted industry standards, and the total canopy area (CA) calculated ($CA = \pi r^2$).

(c) Alternative Methods

The Codes Administrator may approve other methods of calculation or sources of information, provided such alternatives are based on accepted industry practices, and utilize the best available information.

~~4. Priority shall be placed on the retention of existing specimen and landmark trees.~~

~~5. **Authorization for Tree Removal:** No authorization for the removal of a specimen or landmark Tree shall be granted unless the applicant for removal of the tree demonstrates one or more of the following conditions:~~

- ~~i. **Health.** Whether or not the tree is dead, dying, or diseased according to a certified arborist report and/or staff evaluation.~~
- ~~ii. **Elevated Risk.** Whether or not the tree presents hazards that cannot be mitigated by any arboricultural procedures due to its deteriorated or damaged state.~~
- ~~iii. **Developability.** Whether or not the tree constrains reasonable development of the specific site, considering lot size, applicable setbacks, context, building type and use, stormwater requirements, and other relevant site development considerations.~~

~~6. **Timing.** The official shall be notified 48 hours prior to tree removal approved under a Site Development P~~

B. Tree Protection in conjunction with Development: Developers shall avoid any activity during all phases of construction that may result in:

- (1) Mechanical injuries to roots, trunk, and branches

- (2) Injuries by chemical poisoning
- (3) Injuries by grade changes
- (4) Injuries by excavations
- (5) Injuries by paving.
- (6) Any willful action determined to be inconsistent with this standard, and which results in the injury of a ~~specimen~~ Specimen or ~~landmark~~ Landmark tree, shall constitute a violation of these regulations.
- (7) Upon completion of construction, or as otherwise approved, ~~the fencing~~ fencing and other measures may be removed to allow for landscaping and final site work, provided all work is either conducted with hand tools, or with machinery utilized in a manner appropriate to protect against soil compaction and other damage to root systems.

~~C. A Tree Protection and Restoration Plan (TPRP) shall be submitted along with all other materials required at the time of application for preliminary plat review of a Major Subdivision, Planned Development, Tract Home Development, Multi-Family Development, Townhome Development, or Duplex Development. The TPRP shall include the following:~~

~~1. All trees and features required by an approved TPRP shall be installed prior to the issuance of a Certificate of Occupancy. The Code Administrator may approve a reasonable delay in installation, provided the developer provides a bond of an amount sufficient to provide for the installation of all required items.~~

~~A tree survey, performed by an engineer, certified arborist, or registered landscape architect, licensed by the State of South Carolina, identifying both the existing areas of canopy coverage, and all mature canopy trees located on the proposed development site prior to any disturbance; A graphic representation of the location of all mature canopy trees (noting the type and size) within fifty (50) feet of any area to be disturbed, indicating whether each is to be preserved or removed, and showing all protective measures such as fencing;~~

~~Notes specifying that: 1) no disturbance is to occur within fifty (50) feet of mature canopy trees until all required protective measures are installed, inspected and approved; and, 2) all landscaping work occurring in the critical root zone area subsequent to the removal of protective measures is restricted to hand tools and machinery appropriately configured to limit negative impacts on existing root systems; and,~~

~~A description of the efforts proposed to be taken to offset or mitigate any impacts to the canopy, such as transplanting or planting replacement trees.~~

- C. Protective Fencing:** The owner shall be responsible for the erection of required protection fencing, and any other specified measures, necessary to protect any existing or installed vegetation prior to the commencement of disturbance activity. At a minimum, all trees proposed to be preserved during development shall be protected with a sturdy and visible fence before clearing and grading begins. The following standards shall apply:
- 1. The location of tree protection fencing and method of construction shall be noted on the landscape plan.
 - 2. Tree protection fencing shall be installed and remain in place and in good condition until all development activities are completed.
 - 3. The tree protection fence shall be located one (1) foot from the tree trunk for each one (1) inch in Tree Diameter Breast Height (DBH) with a minimum distance of ten (10) feet required from the edge of the trunk

4. Tree protection fencing shall be constructed from any material substantial enough to prohibit and keep out vehicles, people, and all other activities associated with the development process.
5. No soil disturbance or compaction, stock piling of soil or other construction materials, vehicular traffic, or storage of heavy equipment is allowed in the tree and root protection area(s) of trees to be retained.

D. Tree Replacement: The following standards shall apply to all required tree replacements:

- a. Replacement species shall be the same species as each tree removed, provided the removed tree was a native species; all other replacement trees must be listed on the City's approved tree list.
- b. Replacement formula: one (1) square foot of replacement canopy (measured at maturity) for one (1) square foot of canopy removed.
- c. Single trees may be replaced with two (2) or more trees provided the caliper inch requirements measured at DBH are met.
- d. Replacement trees shall be planted within any part of the development site or on City property with staff consultation and approval.
- e. If it is determined that a site cannot sustainably support all or a portion of the required tree replacement pursuant to Section 5.5.2.B, then a fee based on the mitigation schedules in Sections 5.5.2.B. or 5.5.2.C shall be paid to the City for the purposes of tree planting and maintenance.

~~**E. Tree Maintenance Plan:** All Specimen and Landmark Trees shall be maintained in conformance with the following:~~

- ~~a. Required maintenance activities shall, for no less than a five (5) year period after completion of development, be set out in a plan approved by the City.~~
- ~~b. During the required maintenance period, the City Codes Administrator, or designee, shall have the right to conduct periodic inspections to ensure continuing compliance with the maintenance plan, and to confirm the health and viability of all required trees and plant material. In the event an inspection reveals a specimen or landmark tree to be missing, dead, or otherwise unhealthy and/or a threat to safety, notice of the situation, along with recommended actions for mitigation, shall be provided to the property owner, who shall either comply with the recommended actions, or, if appropriate, plant an approved replacement tree, within thirty (30) days.~~

~~**GE. Infrastructure Utilities & Agencies:** Utility companies, governmental agencies, and city agencies in the course of constructing or maintaining easements or rights-of-way for water, sewage, electricity, gas, drainage, telephone, or television, if the applicable company or agency, within twelve (12) months after the date of adoption of this Code, has shall executed an agreement with the city that:~~

1. Recognizes the need to minimize trimming of hardwood overstory trees that do not significantly interfere with the intended purpose of construction or maintenance.
2. Establishes, to the extent practicable, design guidelines for construction and maintenance that identify the saving of hardwood overstory trees as a factor to be considered in the design process.
3. Establishes guidelines to avoid limbing, topping, or severe pruning of trees whenever reasonably practicable, and where it is unavoidable, according to ANSI A300 Standards, which may include tree removal.

-
4. Provides for a consultation process with the city prior to the commencement of major construction or maintenance or the removal of any ~~specimen~~ Specimen or ~~landmark~~ Landmark tree.

H.F. Waiver for Emergency: In the event that a tree poses a threat to public safety due to death, disease, or damage resulting from events including, but not limited to fires, floods, hurricanes, other natural disasters, intentional harm, or negligence, the Codes ~~a~~Administrator may waive the requirements of Section 5.4.1. As soon as it is feasible after the waiver, the administrator shall issue written findings outlining the threat to public safety that prompted the waiver. The administrator may require that the owner of the site replace the tree when the findings conclude that the removal was necessitated by intentional harm or negligence.

K.G. Normal Tree Maintenance: Nothing in this Code shall restrict normal tree maintenance by a property owner (including removal of dead wood and branches or limbs that endanger life or property) for any tree except for ~~the~~ landmark trees upon which any pruning must be done according to Section 5.4. ~~1-4~~ A.2.

L. Canopy Standards

~~All development proposed subsequent to the adoption of section, with the exception of those activities specifically listed herein, shall be subject to the following standards. In the event any proposed development is subject to a zoning district requirement(s) that conflicts with one or more standards contained in this section, the zoning requirement shall govern.~~

- ~~1. **Exemptions:** The following development and activities shall be exempt from the requirements of this section:~~

- ~~a. Removal and/or trimming of any tree not identified by these standards as a Landmark or Specimen Tree located on single family dwelling lots or parcels by the owner.~~
- ~~b. Mitigation efforts associated with clean-up activities following a natural disaster or other significant Acts of God; typically, the City will issue a period of waiver of the strict application of these standards for a specified period of time.~~
- ~~c. Licensed plant and tree nurseries, and other duly permitted commercial tree growers, provided trees are planted or growing on the premises for sale to the general public in the ordinary course of business.~~
- ~~d. Tree pruning and removal by duly constituted communication, water, sewer, electrical or other utility companies; or federal, state, or local government agencies; or engineers or surveyors working under a contract with said utility companies or agencies, provided removal is limited to those areas necessary for maintenance of existing lines or facilities, or for construction of new lines or facilities in furtherance of providing utility service to its customers. Additionally, all such activity must be conducted so as to avoid any unnecessary removal and, in the case of aerial electrical utility lines, shall not be greater than that specified by the National Electrical Code, or other appropriate adopted industry standard, for safe electrical clearances.~~

- ~~2. **Required Canopy Coverage for Development:** All proposed non-residential, multi-family residential, and mixed-use development, units anticipated to have a land disturbance area greater than five thousand (5,000) square feet, or to have shared parking and, shall be subject to the minimum canopy coverage area requirements listed in the Minimum Canopy Coverage Requirements table below. Any single-family residential development consisting of two or less lots (existing single family lots of record are exempt), or existing single family or duplex lots of record, are exempt from the required canopy coverage for development requirements.~~

Minimum Canopy Coverage requirements	Existing Canopy Percentage
*Residential Developments (Excepting Simple Lot and Minor Subdivisions)	25%
Commercial Developments	30%
T-5 UC Transect only	15%
Encroachments	The appropriate approval body may authorize encroachments into any setback for the protection of any landmark or specimen tree, or the tree protection zone of any such tree.
Parking Reduction	The appropriate approval body may authorize up to a 10% total parking reduction for development for the protection of any landmark or specimen tree, or the tree protection zone of any such tree. Should the development protect over 30% of the existing tree canopy, a parking reduction of 20% on all standards may be authorized by the appropriate approval body. The appropriate approval body may reduce the required parking landscaping requirements of 5.7.8 b, including reduction or removal of parking lot islands, should they conflict with the preservation or protection of a specimen or landmark tree.
Fenestration/Transparency	Should the development protect over 30% of the existing tree canopy, the appropriate approval body may authorize up to a 20% reduction of required fenestration on any building except for properties within the T-5 UC district.

3. Canopy Coverage For Development Calculation: For the purposes of this section, the canopy coverage area of a tree shall be defined as the area contained within the boundary established by a vertical projection along the outermost limit of the tree's crown at maturity. The canopy area cannot include any wetland or required drainage area within its calculation. The canopy coverage area of a parcel or development site shall be defined as the total of all non-conifer tree canopy areas, retained and/or planted, proposed to exist post-development. The following methods may be used to determine the tree canopy area:

a. To Establish Existing Tree Canopy Area

For each mature tree proposed to be retained post-development, the radius (r) of the canopy area shall equal the distance from the center of the trunk to the outermost point of the tree's crown. Calculate the total canopy area (CA) with the following formula: $CA = \pi r^2$. In the event existing site conditions are accurately reflected on aerial photography, the radius (r) may be determined through scaled measurements.

b. To Establish Tree Canopy Area for Trees Proposed to be Planted

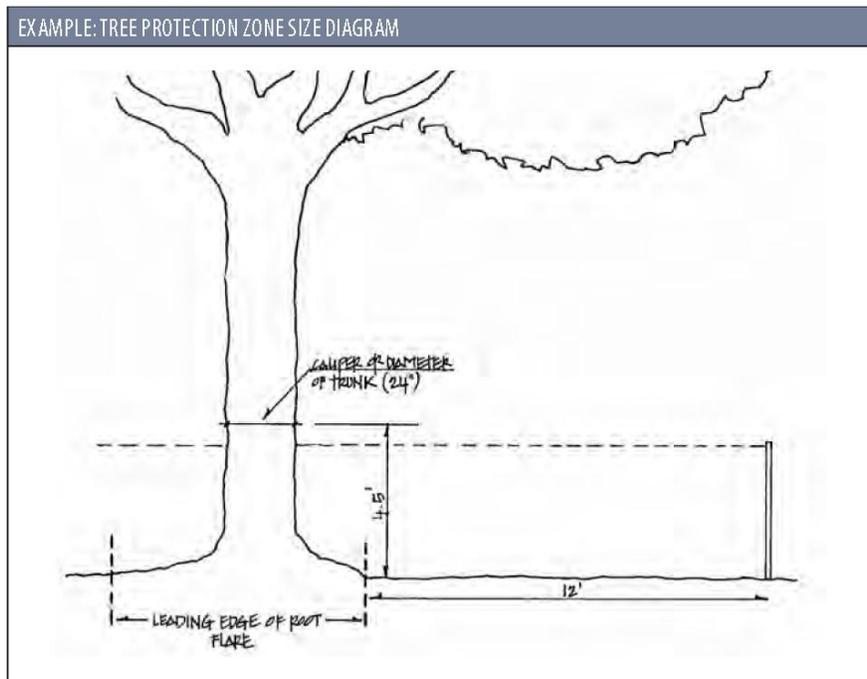
To determine the canopy area proposed to be planted, the radius (r) of each species of tree to be utilized, at twenty (20) years maturity, shall be determined based on accepted industry standards, and the total canopy area (CA) calculated ($CA = \pi r^2$).

c. ~~Alternative Methods~~

~~The Codes Administrator may approve other methods of calculation or sources of information, provided such alternatives are based on accepted industry practices, and utilize the best available information.~~

5.3.3 TREE ROOT PROTECTION ZONE (TPZ) REQUIREMENTS

- A. **Applicability:** A permanent "tree protection zone" (TPZ) surrounding preserved trees shall be established to protect the underground root system. This area shall not be disturbed at any time before, during, or after construction.
- B. **Size and Shape:** The minimum TPZ shall be as follows:
 - 1. A circle with a radius of ½ foot per 1 inch of DBH, ideally measured from the leading edge of the root flare.



- 2. The TPZ shall be indicated on both site and landscape plans for all trees shown to remain.
- C. **Adjustments and Exceptions:**
 - 1. The size and shape of the TPZ may be adjusted where any of the following occur: root pruning, root invigoration, restoring the natural grade of the soil, W.A.N.E. feeder, porous paving materials, and/or a tree well.
 - 2. The size and shape of the TPZ may be adjusted as needed to accommodate construction practices. The reduction of minimum radius of TPZ may require additional remediation measures as recommended and performed by a certified arborist prior to site disturbance.
- D. **Tree Wells:** In general, tree wells are discouraged, unless approved by the city arborist. ~~but if~~ they are used, a tree well shall encompass at least half the area beneath the canopy of the tree and extend

in every direction, no less than halfway from the trunk to the tree's dripline. A tree root aeration system shall be installed that shall extend from 2 feet inside the tree well wall to the dripline of the canopy.

- E. **Pre-Construction Treatment:** Based on the certified arborist report, the following may be required to retain trees and facilitate their health during and after the construction process: root pruning, fertilization, and root invigoration. These practices, as applicable, shall be ~~performed~~performed for a minimum of 3 months prior to site disturbance.
- F. **Prohibited Activities:** The following are prohibited within all TPZs:
 - 1. Placement of building materials, dirt, debris, oils, paints, or any other materials, equipment, or vehicles.
 - 2. Irrigation pipe installation.
 - 3. Grading, with the exception of a 2-inch cut or 2-inch fill of topsoil, sod, or mulch.
 - 4. Paving for roadways, driveways, or sidewalks.
 - 5. Cutting of roots for installation of utilities or ~~drain pipe~~drain pipe of any kind.
 - 6. **Exception:** If excavation work for water line installation within a TPZ is deemed necessary during construction operations, such excavation shall be accomplished utilizing hand excavation methods that remove soil around tree roots without severing them.
- H. **Damages and Repairs:** When encroachment or construction activity within a TPZ has damaged or destroyed a tree or tree growing site, the city, at the discretion of the Codes Administrator, may seek mitigation for the value of any damaged trees within a TPZ, per the Mitigation Schedule in Section ~~5.6.35.5.2~~5.5.2, and/or may require treatments or additional plantings. Such mitigation shall occur prior to the issuance of a Certificate of Occupancy.

5.3.4 STREET TREE PLANTING REQUIREMENTS

Street tree planting requirements are established in Section 7.2.5.

5.4: PERIMETER BUFFERS, LANDSCAPING AND SCREENING

Perimeter buffers are intended to provide spatial separation between uses of differing intensities. Buffers that are required for protection of ~~environmentally sensitive~~environmentally sensitive areas are prescribed by Section ~~8.1 (Environmental and Resource Protection Standards)~~.

5.4.1 BUFFER REQUIREMENTS

~~Landscaped perimeter buffers shall be preserved or established along the front of the sites located within Conventional Districts, and along the side and rear boundary lines along all districts as indicated in the following chart. The buffers are based upon the parcel's zoning district and the District the parcel abuts. Where the buffer requirements in this table are in conflict with the corridor buffer requirements in Section 5.4.1 B., the greater buffer width and/or plantings shall apply.~~

REQUIRED BUFFER WIDTH AND PLANTING

District of Proposed Development	*Abutting Use or District Minimum Width for Side and Rear Buffers	Front Buffer Planting Requirements Side and Rear Buffer Planting Requirements
LI (Industrial)	-All Districts (except LI) 25 ft min.	None, except along the corridors listed in Section 5.4.1 B. See Section 5.4.1 A. <u>Buffer Type: E</u>
RMX (Regional Mixed Use)	-All Transect-Based Districts, any county residential district 125 ft min.	<u>Type E</u>
All Other Conventional Districts <u>IG, MH, MR,</u>	-All Transect-Based Districts, any county residential district 25 ft min.	<u>Type D</u>
<u>T-3</u> <u>T4-N & T5-UC</u>	<u>T4, T5-UC</u> 25 feet. <u>T3, T4-HN</u> , any county residential district 5 ft min	None—street trees may be required depending on street section designation in Appendix C. Same requirements as Section 5.6.8 A. <u>Type C</u>
<u>T4-N, T4 T4-NA</u>	<u>T3, T4-HN</u> , any county residential district <u>25 ft min</u> <u>T3</u> , any county residential zoning district Use dependant—See Section 3.9	None Same requirements as Section 5.6.8 A. <u>Type A if fronting Arterial only</u>
<u>T4-NA</u>	<u>T3</u> , any county residential zoning district Use dependant—See Section 3.9	<u>Type B</u>
<u>T-5 UC</u>	<u>T3</u> , any county residential zoning district, any conventional district <u>25 feet</u>	<u>Type A if fronting Arterial only</u>
<i>* If the parcel is abutting another district other than the district listed in the chart, no buffers are required.</i>		

5.4.21 BUFFER TYPES

Table 16-5-103.F Below table describes five (5) different Buffer Types, describes the five different buffer types in terms of their function, opacity, width, and planting requirements. The planting requirements should be used as a guide to achieve an aesthetically pleasing landscaped buffer, and only apply if the existing buffer does not meet the intent of the prescribed buffer. Either of the options under a specific buffer type may be used at the option/discretion of the developer/applicant. If the square footage of an existing building on a site

is being increased by more than 50% then the buffers must be brought into compliance with the standards in this table.

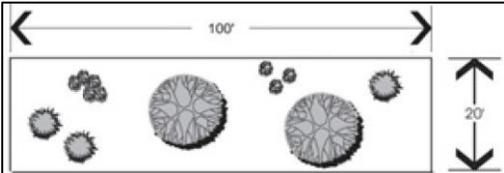
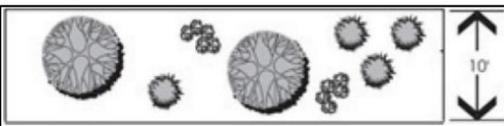
Following provisions shall be applied, if necessary:

1. Required **overstory trees** shall be distributed and spaced to maximize their future health and effectiveness as buffers. Other required vegetation shall be distributed within the buffer as appropriate to the function of the buffer.
2. Where an **adjacent use** is designed for solar access, **understory trees** may be substituted for **overstory trees**.
3. Fences or walls within an adjacent street or use buffer shall comply with the standards of Sec. 5.8.
4. A berm may be provided in conjunction with the provision of a hedge, fence, or wall to achieve **height** requirements, provided its side slopes do not exceed a ratio of three horizontal feet to one vertical foot and the width of its top is at least one-half its **height**.
5. If a buffer length is greater or less than 100 linear feet, the planting requirements shall be applied on a proportional basis, rounding up for a requirement that is 0.5 or greater, and down for a requirement that is less than 0.5. (For example, if the buffer length is 150 linear feet, and there is a requirement that 5 **overstory trees** be planted every 100 linear feet, 8 **overstory trees** are required to be planted in the buffer (1.5 x 5 = 7.5, rounded up to 8)).

MINIMUM BUFFER WIDTH AND SCREENING REQUIREMENTS^{1,2,3,4,5}

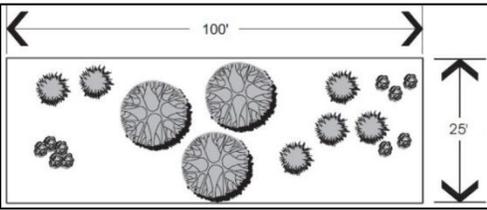
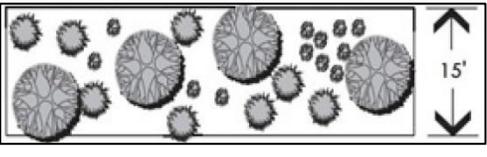
TYPE A BUFFER

This buffer includes low-**density** screening designed to partially block visual contact and create spatial separation between **adjacent uses** or between **development** and **adjacent streets** with low traffic volumes.

<p>Option 1</p>		<ul style="list-style-type: none"> • WidthDepth: 20 feet • Overstory trees: 2 every 100 linear feet • Understory trees: 3 every 100 linear feet • Evergreen shrubs: 8 every 100 linear feet
<p>Option 2</p>		<ul style="list-style-type: none"> • DepthWidth: 10 feet • Overstory trees: 2 every 100 linear feet • Understory trees: 4 every 100 linear feet • Evergreen shrubs: 10 every 100 linear feet

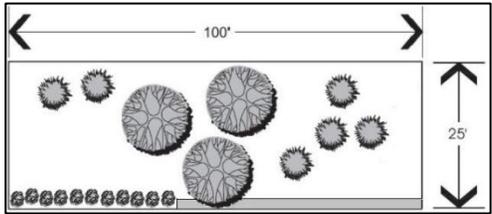
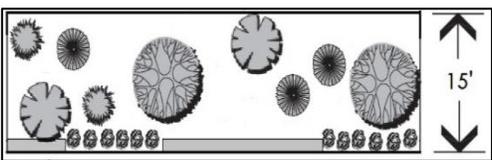
TYPE B BUFFER

This buffer includes low- to medium-**density** screening designed to create the impression of spatial separation without significantly interfering with visual contact between **adjacent uses** or between **development** and **adjacent** minor **roadways** **arterials**.

<p>Option <u>1</u></p>		<ul style="list-style-type: none"> • DepthWidth: 25 feet • Overstory trees: 3 every 100 linear feet • Understory trees: 6 every 100 linear feet • Evergreen shrubs: 10 every 100 linear feet
<p>Option <u>2</u></p>		<ul style="list-style-type: none"> • DepthWidth: 15 feet • Overstory trees: 4 every 100 linear feet • Understory trees: 8 every 100 linear feet • Evergreen shrubs: 12 every 100 linear feet

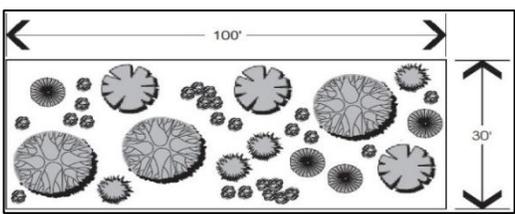
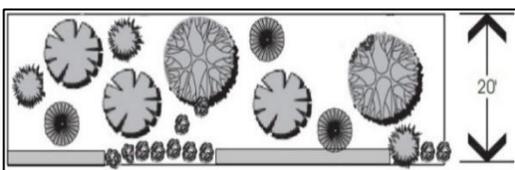
TYPE C BUFFER

This buffer includes medium-*density* screening designed to eliminate visual contact at lower levels and create spatial separation between *adjacent uses*.

<p>Option 1</p>		<ul style="list-style-type: none"> • Depth/Width: 25 feet • Overstory trees: 3 every 100 linear feet • Understory trees: 5 every 100 linear feet • A solid wall or fence at least 3 feet high or a solid evergreen hedge at least 3 feet high and 3 feet wide
<p>Option 2</p>		<ul style="list-style-type: none"> • Depth/Width: 15 feet • Overstory trees: 4 every 100 linear feet • Understory trees: 6 every 100 linear feet • A solid wall or fence at least 3 feet high or a solid evergreen hedge at least 3 feet high and 3 feet wide • At least 50% of all trees must be evergreen

TYPE D BUFFER

The buffer includes high-density screening designed to eliminate visual contact up to a height of six (6) feet and create a strong spatial separation between *adjacent uses*. **A Type D buffer is required adjacent to all loading areas per Section 16-5-107.H.8.d, Buffering of Loading Areas.**

<p>Option 1</p>		<ul style="list-style-type: none"> • Depth/Width: 30 feet • Overstory trees: 5 every 100 linear feet • Understory trees: 6 every 100 linear feet • Evergreen shrubs: 3525 every 100 linear feet and at least 6 feet high at maturity • At least 50% of all trees must be evergreen
<p>Option 2</p>		<ul style="list-style-type: none"> • Depth/Width: 20 feet • Overstory trees: 6 every 100 linear feet • Understory trees: 8 every 100 linear ft • <u>A solid wall or fence at least 6 feet high or a solid evergreen hedge at least 4 feet high and 3 feet wide</u> • <u>A solid wall or fence at least 4 feet high or a solid evergreen hedge at least 4 feet high and 3 feet wide.</u> • At least 50% of all trees must be evergreen

TYPE E BUFFER		
<p>This buffer provides greater spacing and medium-<i>density</i> screening designed to define "green" corridors along major roadways/arterials.</p>		
<p>Option 1</p>		<ul style="list-style-type: none"> • Depth/Width: 50 feet • Overstory trees: 4 every 100 linear feet • Understory trees: 5 every 100 linear feet • Evergreen shrubs: 3020 every 100 linear feet and at least 63 feet high at maturity
<p>Option 2</p>		<ul style="list-style-type: none"> • Depth/Width: 35 feet • Overstory trees: 5 every 100 linear feet • Understory trees: 7 every 100 linear feet • Evergreen shrubs: 3525 every 100 linear feet and at least 63 feet high at maturity • At least 50% of all trees must be evergreen
<p>NOTES:</p> <p>1. Required overstory trees shall be distributed and spaced to maximize their future health and effectiveness as buffers. Other required vegetation shall be distributed within the buffer as appropriate to the function of the buffer.</p> <p>2. Where an adjacent use is designed for solar access, understory trees may be substituted for overstory trees.</p> <p>3. Fences or walls within an adjacent street or use buffer shall comply with the standards of Sec. 16-5-113, Fence and Wall Standards.</p> <p>4. A berm may be provided in conjunction with the provision of a hedge, fence, or wall to achieve height requirements, provided its side slopes do not exceed a ratio of three horizontal feet to one vertical foot and the width of its top is at least one-half its height.</p> <p>5. If a buffer length is greater or less than 100 linear feet, the planting requirements shall be applied on a proportional basis, rounding up for a requirement that is 0.5 or greater, and down for a requirement that is less than 0.5. (For example, if the buffer length is 150 linear feet, and there is a requirement that 5 overstory trees be planted every 100 linear feet, 8 overstory trees are required to be planted in the buffer (1.5 x 5 = 7.5, rounded up to 8)).</p>		

5.4.3

~~A. **Adjacent Use or District Buffer Requirements - Side and Rear Buffer Planting Requirements:** At least 3 broad-leaved overstory tree shall be preserved or planted in, or in close proximity to, each side and rear buffer for every 100 linear feet of buffer or portion thereof.~~

~~1. **Exceptions:**~~

- ~~a. If site conditions are inappropriate for an overstory tree, see Section 5.6.1 K.~~
- ~~b. Three existing Cone Bearing overstory trees (see Appendix A) may be counted to meet the requirements for one broad-leaved overstory tree.~~
- ~~c. **Specific to Fuel Sales/Car Wash Facilities:** On any property line where fuel pumps are not screened by a building, 3 additional broad-leaved overstory trees, or 6 understory trees, shall be required for every 100 linear feet of frontage or portion thereof. See Section 4.5.12 for additional design standards for these building types.~~

d. If a rear alley or connection to an adjacent parcel is provided, the administrator may reduce or waive buffer requirements to accommodate adequate connections.

B.

5.4.42 FRONT BUFFER REQUIREMENTS ALONG MAJOR THOROUGHFARES/ARTERIALS

Corridor Buffers: In addition to the **Conventional District** buffer requirements of 5.4.1 above, buffers shall be provided along all parcel boundaries that abut these **se roads-major thoroughfares** established in the following table.

CORRIDOR FRONT BUFFER REQUIREMENTS ALONG MAJOR CORRIDORS - FRONT BUFFER WIDTH AND PLANTING*					
Location	Required Buffer Width	Buffer Type	Number of Trees/Shrubs Required per 100 ft of Frontage		% of Buffer Area Shrubs
			Broad-Leaved Overstory Trees	Understory Trees	
Robert Smalls Parkway (SC 170) from Parris Island Gateway to Broad River Bridge	50 ft min.	Type E	3	8	25% coverage
Robert Smalls Parkway (SC 170) from Parris Island Gateway to Boundary Street Redevelopment District	50-20 ft min.	Type D	3	6	25% coverage
Parris Island Gateway (US 21)	20-50 ft min.	Type D	3	6	25% coverage
Sams Point Road (SC 802)	20-5 ft min.	Type CD	3	6	25% coverage
Trask Parkway (US 21 northwest of Parris Island Gateway)	15-05 ft min.	Type C	3	6	25% coverage
Ribaut Road (SC 281)	15 ft. min	Type A			
Sea Island Parkway (US 21) From Woods Swing Bridge to Airport Junction	20 ft. min	Type B			
Southside Boulevard, Mossy Oaks Road	20 ft. min	Type A			
Salem Road, Old Salem Road, Broad River Boulevard, County Shed Rd, Old Jericho Road (North of Robert Smalls Pkwy.), Castle Rock Road, Goethe Hill Road, Grober Hill Road, Meridian Road		Type D			

~~The administrator may waive or alter these r~~*Requirements based on the design of the building and how it addresses the street may be waived or altered by the applicable approval body.

CBA. Maintenance of Required Plantings: Trees and shrubs shall not be pruned in any manner that would significantly diminish the desired softening character of the front buffer, except in accordance with standard horticultural practice, or as required at driveway sight triangles. See Appendix A for more information on best practices for pruning. ~~See Section 5.4.1 A.2. for pruning permit requirements.~~

CBD. —Existing Vegetation

1. If a buffer area has existing trees, they shall be preserved and be used as part of the buffer to comply with the buffer standards of this Ordinance. Where groupings of native shrubs are present, their preservation with minimum disturbance is required. Any clearing or other work in buffers must have the prior approval of the Codes Administrator.
2. In order to preserve existing vegetation and to restrict activities within a buffer, protective fencing shall be installed ~~in accordance with Section 5.2 A 7~~ during development activity.
3. Existing vegetation that is preserved shall not be limbed up from the ground more than five feet to the lowest branches, except
 - a. Vegetation at intersections may be limbed up to a greater height to ensure compliance with Sight Triangles; and
 - b. If understory planting is proposed, the ~~Codes Administrator~~Official may allow existing vegetation to be limbed up to a height that will provide adequate sunlight to plants.
4. The removal of invasive species shall be allowed with an approved replanting plan, if needed.

EDC. Buffer Materials: At the time of planting, overstory and understory trees included as part of required buffers shall be no less than 2.5 caliper inches; evergreen shrubs shall be at least three feet in height above ground level. All buffer plantings must be native species of plants,

FED. Development Within Required Buffers: ~~Development~~ is prohibited within required buffers except in accordance with this subsection. The following activities may occur in required buffers, unless expressly prohibited elsewhere in this Ordinance, or by the Planning Commission as part of an approved Site Plan:

- a. Street or driveway access, provided it runs approximately perpendicular to/from the adjacent street right-of-way or common property line.
- b. Walkways, pathways, trails, benches, bike racks, and other elements associated with passive recreation or the provision of continuous pedestrian and bicycle connections between adjoining properties, provided all landscaping as required by this Section is provided and the Codes Administrator determines that installation or maintenance of such elements will minimize impacts on to required vegetation to the maximum extent.
- c. Lighting fixtures.
- d. Stormwater Management: Stormwater and drainage facilities that permit vegetation may encroach into the buffers if the planting requirements are fulfilled.
- e. Signage, lighting fixtures, and street furniture.
- f. Fountains, plazas, sculptures, and similar features that are part of publicly owned facilities, where approved by the Codes Administrator.

- g. Service and utility lines and minor facilities (e.g. water, sanitary sewer, electrical, telephone, natural gas, cable, storm drainage lines, utility boxes and pedestals), subject to the following standards:
 - i. Such lines generally shall run approximately perpendicular to/from the adjacent street right-of-way or common property line. If they must be installed approximately parallel to the street right-of-way or property line, the easement for the lines may be included as part of a required buffer if the easement allows the vegetation or structures necessary to meet buffer screening requirements and provides the requisite visual separation in a manner that is aesthetically acceptable; otherwise, additional buffer width shall be required to provide the space needed for the required buffer screening.
 - ii. Permission for easement and right-of-way disturbance and clearings for such utility and service lines and facilities shall be more favorably considered when such activity is consolidated with vehicular access routes.~~2-~~

5.4.3 SIDE & REAR BUFFER REQUIREMENTS

Landscaped perimeter buffers shall be preserved or established along the front of the sites located within Conventional Districts, and along the side and rear boundary lines along all districts, as indicated in the following chart. The buffers are based upon a specific parcel's underlying zoning designation and that of the parcel it abuts. Where the buffer requirements in this table are in conflict with the corridor buffer requirements, the greater buffer width and/or plantings shall apply.

All residential developments shall have a Type D rear and side yard buffer where an adjoining use is other than that same residential type, unless a different buffer requirement is imposed by the Planning Commission.

All non-residential or mixed-use developments adjoining a residential use shall have a Type D rear and side yard buffer, unless a different buffer requirement is imposed by the PC.

<u>REQUIRED SIDE & REAR BUFFER DEPTH AND APPLICABLE BUFFER TYPES</u>		
<u>District of Proposed Development</u>	<u>Adjacent Use or District</u>	<u>Buffer Type</u>
<u>LI (Industrial)</u>	<u>All Districts (except LI)</u>	<u>Type D</u>
<u>RMX (Regional Mixed Use)</u>	<u>All Transect Based Districts, any county residential district</u>	<u>Type C</u>
<u>Conventional Districts: IC, MH, MR</u>	<u>All Transect Based Districts, any county residential district</u>	<u>Type D</u>
<u>T3</u>	<u>T4-N, T5-UC</u>	<u>Type D</u>
<u>T4-N</u>	<u>T4-HN, any county residential district</u>	<u>Type A</u>
<u>T4-NA</u>	<u>T3, any county residential zoning district:</u>	<u>Type A</u>

	<u>Use-dependant-</u>	
<u>T5-UC</u>	<u>T3, any county residential zoning district, any conventional district</u>	<u>Type-D</u>

5.4.25.4.4 BUILDING PERIMETER LANDSCAPING (FOUNDATION BEDS) PARKING LOT SCREENING AND LANDSCAPING

A. **Screening:** All parking areas shall be screened from the public right-of-way or primary vehicular access point(s) — if the parking area does not front a public right-of-way — with evergreen shrubs, walls, fences, or some combination thereof. Screening is not required at areas designated for signage, or pedestrian or vehicle access points. Screening devices shall be installed at the height and opacity specified in the table below:

LOCATION	MINIMUM REQUIRED OPACITY AT PLANTING ¹	SHRUBS		WALL/FENCE
		Installation Height ³	Projected Height within 4 Years	Installation Height ²
<u>Beaufort Historic District Overlay</u>	<u>90%</u>	<u>3 ft</u>	<u>54 ft</u>	<u>4 ft</u>
<u>All Other Areas</u>	<u>50%</u>	<u>2 ft</u>	<u>54 ft</u>	<u>4 ft</u>

¹ The area bounded by the shrub at its projected size in 34 years shall be deemed to be practically 100% opaque.

² Height is measured from adjacent sidewalk, street or curb grade, whichever is higher.

B. **Landscaping:**

1. **Applicability:** ~~Unless an exception is granted by the Planning Commission, T~~his applies in all ~~Conventional-Districts. The Planning Commission may grant a reduction of 30% of these requirements, except LI, and all T4 and T5 districts where the parcel is greater than two (2) acres. In T4 and T5 districts where the parcel is less than two (2) acres, all parking requirements listed below are applied as “should” rather than “shalls.”~~
2. **Priority:** In parking lot design, priority should be given to working around existing trees, and then secondarily creating areas where new plantings would be required.
3. **Landscaped Peninsulas and Medians Shall be Established as Follows:**
 - a. **Size:** Landscaped peninsulas with a plantable area of at least 12 feet wide by 18 feet long area shall be established parallel to parking spaces and at the end of the parking aisle in order to separate the last space from any adjacent driveways.
 - b. **Planting:** At least one (1) broad-leaved overstory tree shall be provided within each landscaped peninsula. All landscaped peninsulas and medians shall be landscaped with mulch, sod, shrubs, or ground cover vegetation. See Appendix A for recommended plantings list.
 - c. **Specific to Transect Zones:** No more than 12 continuous parking spaces shall be permitted in a row without an interrupting landscaped peninsula, except in the following circumstances:

- i. The parking lot is gravel, or covered with other soft pervious pavement materials, and spaces are not striped, or
- ii. There is a landscaped median meeting the requirements in 5.7.8.B.3.d.iii and iv.

d. Specific to Conventional Zones:

- i. No more than 10 continuous parking spaces shall be permitted in a row without an interrupting landscaped peninsula.
- ii. On the interior of parking lots, landscaped medians between all head-to-head” rows of parking are required.
- iii. Where wheel stops are to be used for the protection of landscaped medians, the minimum median width shall be 6 feet. Plantings in such medians shall be limited to a combination of turfgrass or groundcover, palms, and shrubs that have a mature height and spread of 4 feet or less.
- iv. Where wheel stops are not used for the protection of landscaped medians the minimum median width shall be 9 feet. Plantings in such medians shall be limited to a combination of turfgrass or groundcover, palms, understory trees and/or shrubs which have a mature height and spread of 5 feet or less.
- v. Shrub coverage in the medians and peninsulas shall be at least 50%.

5.4.2 BUILDING PERIMETER LANDSCAPING (FOUNDATION BEDS)

A. **Applicability:** The following provisions for building perimeter landscaping (i.e., foundation beds) shall apply to all buildings in the RMX and IC Districts, except single family and two family dwellings.

B. **Requirements:**

FOUNDATION BED REQUIREMENTS BY BUILDING HEIGHT					
Building Height	Minimum Width	Minimum Length (as percentage of building)		Vegetation Coverage [‡] (as percentage of foundation bed)	
		Front	Side/Rear	Front	Side/Rear
1 Story	5 ft	67%	50%	67%	50%
≥ 2 Stories	8 ft	67%	50%	67%	50%

[‡] *Trees, shrubs, flowers, or other plant materials may be used to satisfy vegetation coverage requirements. % of coverage is at maturity — see Section 5.5.1 D.3.*

- 1. **Edges:** All building perimeter landscape areas shall be protected from overhanging vehicles by curbs or wheel stops.
- 2. **Sidewalks and Handicap Ramps:** Depending on the building design and orientation, sidewalks and handicap ramps may be placed within the designated building perimeter landscape area. In these instances, the administrator may require that some or all of the required foundation planting are mitigated elsewhere on the site.
- 3. **Pedestrian Coverings:** If awnings, colonnades, arcades or galleries are incorporated into the building design, landscaping may be reduced or eliminated.

5.5: LANDSCAPE INSTALLATION AND MAINTENANCE

5.5.1 GENERAL REQUIREMENTS

- A. Trees planted shall be botanically compatible with local conditions, healthy, and disease-and pest-free. Plant materials shall conform to the standards established by the American Association of Nurserymen in the "American Standard for Nursery Stock" (ASNS).
- B. Irrigation shall be required in all new development unless the [Codes](#) Administrator specifically waives this requirement, based on the unique character of the development and/or the nature of the proposed plant material.
 - 1. **Exception:** New construction in T3 zones, and single-family residential construction in T4 zones on new or existing lots, is not required to have irrigation.
- C. Landscaping shall be maintained in good condition and shall be kept free from refuse and debris.
- D. Installed trees must adhere to the grades and standards outlined in the ASNS. The minimum size at installation of all trees and shrubs planted pursuant to the requirements of this Code is as follows:
 - 1. **Overstory trees:** 2.5 caliper inches (measured at 6 inches above grade).
 - 2. **Understory trees:** 8 feet high.
 - 3. **Shrubs:** Shrubs must be reasonably projected to grow to maturity (i.e., to meet specific size or coverage requirements) within 3 years, unless otherwise specified herein.
- E. Existing healthy shrubs and trees may be used to satisfy any requirements of this Code, provided they meet the minimum size requirements outlined in Section 5.5.1 D.
- F. Use of existing vegetation, native plants, drought-tolerant plants, and water conserving irrigation techniques, such as use of a rain sensor, and re-use of rain water, is encouraged. Preservation of groupings of trees (e.g., tree save areas) is encouraged and generally favored over preservation of scattered individual trees.
- G. Where understory trees are specified, preserved, or planted, broad-leaved overstory trees may be substituted on a one-to-one basis to satisfy the requirement.
- H. In conjunction with any development, grass or ground cover shall be planted, or mulch installed to a depth of 3 inches, on all portions of exposed bare ground not otherwise developed or landscaped. This shall include planting strips and other areas within rights-of-way that are contiguous to the development site. Grass and/or ground covers shall provide 75% coverage within 1 calendar year from the time of planting. Gravel or crushed shell may be approved as an acceptable ground cover if it is coordinated with the overall site and landscape design; however they shall not be used as a substitute for organic mulch in plant beds. The use of dyed hardwood or synthetic material is prohibited.
- I. All earthen drainage structures with a maximum gradient of 3:1 may be hydroseeded or sodded. Ditch and pond banks with slopes greater than 3:1 shall be treated with erosion control fabric or matting and/or receive erosion resistant landscaping materials such as ground covers or wetland plant species.
- J. Landscaping shall not obstruct the view of motorists using any road or driveway.
- K. Where site conditions are inappropriate for an overstory tree, due to existing utilities, building design, or other conflicts either above or below ground, up to 2 understory trees may be substituted for 1 overstory tree.

- L. Severe trimming, pruning, or other maintenance that results in significant alteration of the natural shape of a tree or modification of the central leader (including "lollipopping," "heading," or similar techniques) is prohibited, except in conjunction with public utility maintenance.

5.5.2 REPLACEMENT PLANTING AND MITIGATION

A. Applicability:

1. Where the Codes Administrator approves removal of trees for new development.
2. Where any vegetation, existing or proposed, used to comply with the requirements of this section, does not survive in a healthy condition.
3. When a tree protected under this ordinance is removed from a property without permission from the Codes Administrator, is significantly damaged during construction, or significantly declines and is recommended for removal by a certified arborist at the end of the two-year maintenance guarantee period.

B. Replacement Planting and Mitigation: The tree mitigation fee is established to allow tree planting elsewhere in the City in cases where the requirements for retention of existing trees cannot be achieved. Where a certified arborist determines that a site cannot sustainably support all, or a portion of, the required replacement, due to the size and shape and/or structures and/or viable site constraints, a fee based on the mitigation schedules in subsections 5.5.2.C. or 5.5.2.F. below shall be paid to the City for the purposes of tree planting and maintenance.

C. Replacement and Mitigation Schedule: With the exception of Residential Lots of Record, replacement plantings & mitigation shall be according to the following chart:

REPLACEMENT AND MITIGATION SCHEDULE				
Tree Type	Transect Zones		Conventional Zones	
	Replacement: % Caliper Inches	Mitigation: Cost/Caliper Inch	Replacement: % Caliper Inches	Mitigation: Cost/Caliper Inch
Landmark Tree*	100%*	\$500 200350	100%	\$500 250350
Specimen Tree*	100%*	\$250 100250	100%*	\$250 125250
All other trees 8-inch caliper or greater	25%	none	33%	none
<p>* Any tree that is removed without approval shall require the replacement of caliper inches <u>and or</u> the mitigation cost per caliper inch to be doubled, <u>in addition to any city costs, including but not limited to, tree surveys and arborist fees.</u></p> <p><u>Examples:</u> Approved Specimen Removal: a 12-inch Live Oak is approved for removal. The applicant must plant back 12 caliper inches of Live Oak or pay a mitigation fee of \$3,000 (12 inches x \$250/inch) if the site cannot support the replacement. Approved Landmark Removal: a 30-inch Live Oak is approved for removal. The applicant must plant back 30 caliper inches of Live Oak or pay a mitigation fee of \$15,000 (30 inches x \$500/inch) if the site cannot support the replacement.</p>				

~~{1.}~~ **Timing of Fee Payment.** All required tree mitigation fees shall be paid prior to issuance of a Site Development Permit or Building Permit.

~~{2.}~~ **Tree Replacement Fund.** The City shall establish and maintain a separate accounting fund for the deposit of tree mitigation fees paid in lieu of providing required replacement trees. Such funds need not be segregated from other City monies for banking purposes. Any yield on such accounting fund shall accrue to that fund and shall only be spent on trees on publicly owned and maintained property. Qualifying debits include the cost of trees, installation of trees, and maintenance of trees.

D. The provisions of this section shall apply to all projects, regardless of the date the Site Development Permit or development approval was issued.

E. **Exemption.** Any ~~specimen~~Specimen or ~~landmark~~Landmark tree that fails due to a natural catastrophe shall be exempt from the requirements of this section.

F. ~~**Replacement and Mitigation Schedule for Residential Lots of Record.** Replacement plantings and mitigation on Residential Lots of Record shall be according to the following chart:~~

REPLACEMENT AND MITIGATION SCHEDULE				
Tree Type	Transect Zones		Conventional Zones	
	Replacement: % Caliper Inches	Mitigation: Cost/Caliper Inch	Replacement: % Caliper Inches	Mitigation: Cost/Caliper Inch
Landmark Tree*	100%*	\$100	100%	\$100
Specimen Tree*	100%*	\$50	100%*	\$50
All other trees 8-inch caliper or greater	25%	none	33%	none
*—Any tree that is removed without approval shall require the replacement of caliper inches and the mitigation cost per caliper inch to be doubled.				
Examples				
Approved Specimen Removal: a 12-inch Live Oak is approved for removal. The applicant must plant back 12 caliper inches of Live Oak or pay a mitigation fee of \$600 (12 inches x \$50/inch) if the site cannot support the replacement.				
Approved Landmark Removal: a 30-inch Live Oak is approved for removal. The applicant must plant back 30 caliper inches of Live Oak or pay a mitigation fee of \$3,000 (30 inches x \$100/inch) if the site cannot support the replacement.				

5.6: PARKING

5.6.1 PURPOSE

The purpose of this section is to regulate and ensure the provision of adequate parking and access for bicycles and motor vehicles. The section also provides options for adjusting parking requirements and providing parking alternatives. These standards ensure that the parking needs of new land uses and development are met, while being designed and located in a manner consistent with the desired character and development patterns of the community.

5.6.2 APPLICABILITY

The parking standards of this section shall apply to new developments and when a structural alteration in an existing building produces an increase in dwelling units, guest rooms, floor area, seating or bed capacity.

5.6.3 BICYCLE PARKING

- A. **Applicability:** Bicycle parking is required everywhere except in the T3 zoning district, in T4 districts in detached single-family residential developments, and in the LI district. In the T5 district, the [Codes Administrator](#) has the authority to waive the bicycle parking requirement if it is not appropriate or feasible.
- B. **Location and Configuration:** Bicycle parking shall be placed in a usable and accessible location. The rack(s) shall be placed so that neither the rack nor the bike within it blocks pedestrian or vehicular access ways and shall be maintained and kept clean and in proper working order at all times.
- C. **Size:** Developments shall provide either racks for 5% of the number of required off-street vehicular parking spaces or 2 bicycle parking spaces, whichever is greater. Spaces shall be a minimum of 2 feet by 6 feet.

5.6.4 PARKING SPACE REQUIREMENTS

- A. **Minimum Number of Parking Spaces:** The number of motor vehicle parking spaces required shall be determined by the table below. Uses not listed in the following chart shall use the parking requirement for the most similar use, as determined by the [Codes Administrator](#).

USE	MINIMUM NUMBER OF MOTOR VEHICLE PARKING SPACES REQUIRED*	
	CONVENTIONAL DISTRICTS	TRANSECT-BASED DISTRICTS
RESIDENTIAL		
Single-Family, and Short-Term Rental	2 per unit	
2- and 3-Family, Multi-Family and Accessory Units		
Studio	1 per unit	
1 Bedroom	1 per unit	
2 Bedrooms	1.75 per unit	
3+ Bedrooms	2 per unit	
Dwelling units located within mixed-use buildings	No spaces required	

Group Homes	1 per 3 bedrooms	
RETAIL		
Gas Stations/Fuel Sales	1 per 3400 gross square feet per employee, plus requirements for retail and/or service bays	1 per 3400 gross square feet
Grocery Stores	1 per 200 gross square feet	
Restaurant, Cafe, Coffee Shop, Bar, Tavern and Nightclub	1 per 3400 gross square feet per 4 seats,* plus 1 per every 2 employees (at max. shift, typical) *Only interior seats are counted unless the business only has exterior seating.	1 per 3400 gross square feet
Drive-Through Facilities	1 per 3400 gross square feet per 4 seats* plus 1 per every 2 employees *Only interior seats are counted unless the business only has exterior seating.	1 per 3400 gross square feet
All Other Retail Uses	1 per 300 gross square feet	1 per 3400 gross square feet
RECREATION, EDUCATION, PUBLIC ASSEMBLY		
Colleges and Universities	1 per 4 students at capacity class attendance	
Community/Public Safety Facilities	1 per 300 gross square feet	1 per 400 gross square feet
Schools, Public or Private		
Grades K-8	2 per classroom	1 per 400 gross square feet
Grades 9-12 or Trade	1 per 4 students and employees	1 per 400 gross square feet
Theaters	1 per 4 seats, plus 1 per 2 employees	1 per 400 gross square feet
All Other Assembly Uses		
With Fixed Seats	1 per 5 seats	1 per 400 gross square feet
Without Fixed Seats	1 per 300 gross square feet	1 per 400 gross square feet
SERVICES		
Day Care (Child or Adult) - 5 or greater	1 per 10 persons cared for (child or adult)	1 per 400 gross square feet
Lodging	1 per room, plus spaces required for on-site accessory uses	1 per 2 rooms
Medical		

Doctor's Offices	1 per 300 gross square feet	1 per 400 gross square feet
Other	1 per 2 beds, plus 1 per staff, plus 1 per 4 employees	1 per 400 gross square feet
All Other Service Uses	1 per 300 gross square feet	1 per 400 gross square feet
INDUSTRIAL		
No minimum number of spaces		
<u>Buildings under 20,000 square feet</u>	<u>1 per 1,000 square feet of gross floor area</u>	
<u>Buildings over 20,000 square feet</u>	<u>0.5 per 1,000 square feet of gross floor area</u>	
<u>*</u>	<u>Except at the discretion of the Planning Commission, when shown by the applicant that a departure from the standards is necessary, such as through a parking study.</u>	

B. Credits for On-Street Parking:

1. On-street parking spaces along the lot frontage may count toward the minimum number of required parking spaces if needed.
2. For multi-family dwellings over 3 units, and for commercial buildings over 4,000 square feet, adjacent existing on-street parking within 400 feet from the property line may be used to count toward the on-site parking requirement if needed.
3. Where on-street parking does not exist, additional on-street parking spaces meeting City standards (see Appendix C) may be constructed to fulfill all or part of the on-site parking requirement. This must be approved by the Technical Review Committee and any outside agencies, as appropriate.
4. On a block face where formalized on-street parking is available, single-family and 2-family dwellings, and nonresidential uses with less than 4,000 square feet of space, and any structure listed as "Contributing" on the "1997 Beaufort County Above Ground Historic Resources Survey," or most recent historic survey, shall be exempt from these off-street parking requirements.

C. Maximum Number of Parking Spaces: The maximum number of off-street parking spaces shall be as follows:

1. For buildings with a footprint less than or equal to 60,000 gross square feet, no more than 140% of the required minimum number of parking spaces are permitted, ~~except at the discretion of the Planning Commission, shown by the applicant that a departure from the standards is necessary, such as through a parking study.~~
2. For buildings with a footprint greater than 60,000 gross square feet, no more than 125% of the required minimum number of parking spaces are permitted, ~~except at the discretion of the Planning Commission, shown by the applicant that a departure from the standards is necessary, such as through a parking study.~~
3. **Exceptions:**
 - a. ~~Parcels in the LI district are exempt from these requirements.~~
 - b. ~~Parcels in the Boundary Street Redevelopment District are exempt from these requirements. See Section 2-7.3 E. for requirements in this overlay district.~~

~~e.a.~~ Group Housing or Multi-Family buildings built specifically to accommodate student housing are permitted a maximum of 1 parking space per bedroom, plus an additional 125% for guest parking.

~~e.b.~~ —Uses within the IC district.

D. **Off Site Parking:** Required parking may be provided off site if the following standards are met:

1. Required parking may be provided in off-street parking facilities on another property within 250 feet of the site proposed for development, as measured along street rights-of-way. Parking further than 400 feet may be approved by the [Codes](#) Administrator if it is in conjunction with a plan to provide access to the lot (e.g., shuttle service).
2. In any transect-based district, required parking may not be located along a major thoroughfare without being screened from the street by buildings.
3. [Unless an exception is granted by the Planning Commission](#), Pedestrian access between the use or the site and the off-premise parking area shall be via a continuous sidewalk or walkway, not separated by a street.
4. The owner shall provide a written parking agreement reflecting the arrangement with the other site.

5.6.5 PARKING EXCEPTIONS

- A. In the T5-DC District, all nonresidential uses, except for motels/hotels/extended stay guest accommodations, shall be exempt from the off-street parking requirements of this section. Where such uses elect to provide off-street parking, it shall meet the design requirements of this section.
- B. Any structure being reoccupied that is listed on the city’s “Vacant and Abandoned Structures” list shall be exempt from these off-street parking requirements if on-site parking cannot be accommodated.
- C. In the Boundary Street Redevelopment District, see Section 2.7.3 E. for parking requirements.

5.6.6 SHARED PARKING AND PARKING REDUCTIONS

- A. **Shared Parking—Two Uses:** When 2 use types share common parking facilities, the minimum amount of required parking may be reduced. The minimum amount of required parking shall be calculated as the sum of the required parking for the 2 uses separately, divided by the factor listed in the table below.

SHARED PARKING FACTOR FOR TWO USES				
	Residential	Lodging	Office	Retail/Restaurant
Residential	1.0	1.1	1.4	1.2
Lodging	1.1	1.0	1.7	1.3
Office	1.4	1.7	1.0	1.2
Retail/Restaurant	1.2	1.3	1.2	1.0

EXAMPLE: A mixed-use building that typically requires 10 residential spots and 20 retail spots may be reduced as follows: $(10+20) / 1.2 = 25$ spots. This is a 5-spot reduction due to the shared parking factor.

- B. **Shared Parking—Three or More Uses:** When 3 or more use types share common parking facilities, or if a use type is not listed in Table 5.76.4.A, the amount of required parking may be reduced as appropriate in accordance with Section 5.76.6 C. below.

C. **Parking Reductions:**

1. The Codes Administrator may grant a reduction in the parking requirements set forth in this section in the following cases:
 - a. Where uses in the same or adjoining development, having different peak hour demand, seek to share parking, the applicant must submit to the Codes Administrator an analysis and substantiated projections of peak parking demand — based on historic data from other locations or a similar use — for the entire development to justify the shared use of parking spaces for separate uses.
 - b. Where the special nature of a certain development (e.g., special types of housing projects inhabited by persons with low or no automobile ownership) does not require the amount of parking listed in Section 5.6.4.
 - c. Where fewer parking spaces are needed due to location and use — e.g., if there is a high concentration of residential units adjacent to a neighborhood-serving use, a parking reduction may be warranted.
2. The Codes Administrator shall consider the following in determining whether a reduction is warranted:
 - a. The likelihood that the reduced number of parking spaces can satisfy demand.
 - b. The amount of time during the year when the number of spaces provided may be insufficient and the amount of resulting parking overflow.
 - c. The impact of periodic overflows upon the public streets and other parking facilities.
 - d. The nature of surrounding land uses, character of surrounding road system, and nearby circulation pattern.
3. In all cases, the burden to demonstrate that a reduction in parking requirements is warranted shall rest with the applicant.

5.6.7 PARKING LOT DESIGN

A. **General Design Standards:**

1. **Design:** Parking stalls shall be located in areas that will not require backing into access driveways or streets, except where allowed for residences, or when no other practical alternative exists, as determined by the Codes Administrator.
 - a. **Parking Stall Dimensions:** Unless an exception is granted by the Planning Commission, ~~Off-street parking spaces shall be at least 9 feet wide by 18 feet long, exclusive of access or maneuvering spaces. Up to 20% of compact car spaces, a minimum of 8 feet wide by 15 feet deep, are permitted.~~
 - b. **Travel Lane Dimensions:** Travel lanes shall not exceed 24 feet wide for 2-way traffic, except in specific areas that may require additional room for truck access. A minimum of 20 feet clear between parking spaces shall be provided for 2-way traffic. One-way traffic may be permitted to have travel lanes width reduced to 16 feet if approved by the fire marshal.
2. **No Storage:** Minimum parking areas shall be kept free of material storage, including portable containers, and outdoor display/sales, except on a temporary basis as part of an approved Temporary Use (see Section 3.13).
3. **Maintenance:** Parking areas shall be maintained to provide for vehicle access and shall be kept free of litter, debris, and potholes.

-
4. **Identified as to Purpose and Location:** Off-street parking areas with 4 or more spaces, and off-street loading areas, shall include painted lines, wheel stops, or other methods of identifying individual parking spaces and loading areas and distinguishing such spaces from aisle and other circulation features.
 5. **Parking Space Marking:** The individual parking spaces in a lot shall be delineated in all parking lots except those utilizing road bond, gravel, grass, or other vegetative surfacing. Such parking lots shall delineate parking spaces with a wheel stop or vegetative buffer.
 6. **Front Yard Parking:** Where Section 7.2.3 (Lot Access Standards) permits driveways, they may be used for front yard parking areas, but the width of such front yard parking areas shall be limited to the driveway width specified in that section.
 - ~~7. **Shopping Cart Storage:** Up to 4 spaces for shopping cart storage may be provided. Any additional spaces shall count towards the maximum number of parking spaces, if applicable.~~
- B. **Pedestrian Corridors in Parking Lots:** Parking lots with 40 spaces or greater shall be designed to separate pedestrian travel from vehicles. They shall include designated pedestrian walkways to provide safe access to building entries for pedestrians.
1. Perimeter sidewalks — typically located on public rights-of-way— and/or interior parking lot pedestrian corridors may be utilized to provide the required pedestrian access.
 2. Pedestrian pathways (if provided) shall be a minimum 5 feet in width.
 3. Where parking is located between a public entrance and the fronting sidewalk, a pedestrian pathway shall be provided, following the shortest practical route across the parking lot between at least 1 such entrance on each side of the building facing a public street.
 4. Pedestrian pathways shall be clearly delineated [with striping](#). This may [also](#) be accomplished with the use of paving materials that differ from that of vehicular areas, striping or other similar methods.
- C. **Connectivity:**
1. Wherever feasible, adjoining parking lots (except those serving residential buildings of less than 4 units) shall be interconnected, or designed to interconnect in the future.
 2. Where a parking lot connection is provided, an easement for ingress and egress to adjacent lots shall be recorded by the property owner with the Beaufort County Register of Deeds.
 3. When parking lots are connected, one [or f](#) more of the following incentives may be utilized, at the discretion of the applicant:
 - a. The side or rear setback adjacent to the connection may be reduced to 5 feet.
 - b. An additional 10% of parking spaces over the 140% maximum may be provided.
 - c. Impervious surface may be increased by 5%.
- D. **Materials:**
1. Parking spaces and driveways shall be paved with a material that supports the anticipated load and context. Pervious or semi-pervious paving materials are encouraged. Where possible, such materials shall be used in combination with on-site stormwater control devices.
 2. Parking provided above the minimum required parking spaces shall be with a pervious material.
- E. **Accessible Parking:** All parking facilities that require accessible parking spaces shall ensure that a portion of the total number of required parking spaces shall be specifically designated, located, and

reserved for use by persons with physical disabilities, in accordance with the standards in the federal American with Disabilities Act (ADA).

F. **Tandem Parking and Residential Driveways:** See Section 7.2.3 D.2.b.

5.6.8 PARKING LOT SCREENING AND LANDSCAPING

~~A. **Screening:** All parking areas shall be screened from the public right of way or primary vehicular access point(s) if the parking area does not front a public right of way with evergreen shrubs, walls, fences, or some combination thereof. Screening is not required at areas designated for signage, or pedestrian or vehicle access points. Screening devices shall be installed at the height and opacity specified in the table below:~~

LOCATION	MINIMUM REQUIRED OPACITY AT PLANTING ¹	SHRUBS		WALL/FENCE
		Installation Height ²	Projected Height within 4 Years	Installation Height ²
Beaufort Historic District Overlay	90%	3 ft	4 ft	4 ft
All Other Areas	50%	2 ft	4 ft	4 ft

~~¹ The area bounded by the shrub at its projected size in 3 years shall be deemed to be practically 100% opaque.~~

~~² Height is measured from adjacent sidewalk, street or curb grade, whichever is higher.~~

~~B. **Landscaping:**~~

~~1. **Applicability:** This applies in all Conventional Districts except LI, and all T4 and T5 districts where the parcel is greater than 2 acres. In T4 and T5 districts where the parcel is less than 2 acres, all parking requirements listed below are applied as “should” rather than “shall.”~~

~~2. **Priority:** In parking lot design, priority should be given to working around existing trees, and then secondarily creating areas where new plantings would be required.~~

~~3. **Landscaped Peninsulas and Medians Shall be Established as Follows:**~~

~~a. **Size:** Landscaped peninsulas with a plantable area of at least 12 feet wide by 18 feet long area shall be established parallel to parking spaces and at the end of the parking aisle in order to separate the last space from any adjacent driveways.~~

~~b. **Planting:** At least 1 broad leaved overstory tree shall be provided within each landscaped peninsula. All landscaped peninsulas and medians shall be landscaped with mulch, sod, shrubs, or ground cover vegetation. See Appendix A for recommended plantings list.~~

~~c. **Specific to Transect Zones:** No more than 12 continuous parking spaces shall be permitted in a row without an interrupting landscaped peninsula, except in the following circumstances:~~

- ~~i. The parking lot is gravel, or covered with other soft pervious pavement materials, and spaces are not striped, or~~
- ~~ii. There is a landscaped median meeting the requirements in 5.7.8.B.3.d.iii and iv.~~

~~d. **Specific to Conventional Zones:**~~

- ~~i. No more than 10 continuous parking spaces shall be permitted in a row without an interrupting landscaped peninsula.~~
- ~~ii. On the interior of parking lots, landscaped medians between all head-to-head" rows of parking are required.~~
- ~~iii. Where wheel stops are to be used for the protection of landscaped medians, the minimum median width shall be 6 feet. Plantings in such medians shall be limited to a combination of turfgrass or groundcover, palms, and shrubs that have a mature height and spread of 4 feet or less.~~
- ~~iv. Where wheel stops are not used for the protection of landscaped medians the minimum median width shall be 9 feet. Plantings in such medians shall be limited to a combination of turfgrass or groundcover, palms, understory trees and/or shrubs which have a mature height and spread of 5 feet or less.~~
- ~~v. Shrub coverage in the medians and peninsulas shall be at least 50%.~~

5.6.9-8 STRUCTURED PARKING

See Section 4.5.11.

5.6.10-9 PARKING OF SPECIFIC VEHICLES

A. **Parking, Storage or Use of Campers or Other Major Recreation Equipment:**

1. No major recreational equipment shall be parked or stored in any T3 or T4 district in a manner which poses a nuisance, or constitutes a hazard. When parked in a permanent location, such equipment shall observe all setbacks, yard, and other requirements set forth within the districts in which they are located.
2. Parking or storage of recreational equipment shall not be permitted in any district between the street and the building face. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored in any location not approved for such uses.

B. **Vehicles Without License Plates:** Any vehicle or trailer of any kind requiring licenses, but without current plates, shall not be parked other than in completely enclosed buildings.

C. **Commercial Vehicles:**

1. Trucks, tractors, or tractor-trailers having a capacity of more than a 8,000 pound load, front- and rear-end loaders, or any kind of commercial, industrial, agricultural and transportation vehicles/equipment used primarily for business purposes, shall not be parked or stored on or adjacent to any parcel in a T3 or T4-HN district for purposes other than unloading, loading, or delivery services.
2. Automobiles, small trucks, vans, vehicle trailers permitted in conjunction with an approved home occupation (1 per home occupation), and recreational vehicles, utilized for personal or business use, are excluded from the provisions of this section.

5.7: LIGHTING

5.7.1 PURPOSE

The standards set forth in this section are designed to:

- A. Ensure that all site lighting is designed and installed to maintain adequate lighting levels on-site;
- B. Prevent excessive light spillage and glare directed at adjacent properties, neighboring areas, and motorists; and
- C. Provide security for people and land.

5.7.2 APPLICABILITY

The provisions of this article shall apply to all development with the following exemptions:

- A. All temporary emergency lighting needed by the police or fire departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this Code.
- B. All hazard warning luminaires required by federal regulatory agencies are exempt from the requirements of this article, except that all luminaires used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.
- C. Individual residential lighting that is not part of a site plan, street section, or outdoor lighting plan for any other common or public area, provided that it does not extend past the boundaries of that property. Security lighting on residential property must comply with Section 5.78.6.
- D. Lighting associated with landscape/holiday/festive/temporary uses.
- E. Lighting of public art that has been permitted or otherwise approved by the city.
- F. Other Municipal or State lighting installed for the benefit of public health, safety, and welfare.
- G. All fixtures installed or temporarily used by public agencies, their agents, or contractors for the purpose of illuminating public streets.
- H. Lighting of U.S. Flags, provided the flag standard does not exceed the maximum permitted building height for that district.

5.7.3 GENERAL STANDARDS FOR EXTERIOR LIGHTING

- A. **Hours of Illumination:** Public and institutional uses, commercial uses, and industrial uses (heavy and light) that are adjacent to existing residential development or vacant land in the RMX, T1, ~~T3-E~~, T3-S, and T3-N Districts shall turn off all exterior lighting by 10:00 p.m. or within 1 hour of closing, whichever occurs first, with the following exception:
 - 1. Lighting that is necessary for security or emergency purposes – meaning the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure, to illuminate exterior walkways, or to illuminate outdoor storage areas-may be turned on at all times. Additional standards for security lighting are in Section 5.87.6 (Security Lighting).

- B. **Illumination Direction:** In all districts, lighting shall be directed downward. In addition, upwardly directed lighting shall not be used to illuminate structures, except for low-wattage architectural lighting.

5.7.4 DESIGN STANDARDS FOR EXTERIOR LIGHTING

- A. **Maximum Lighting Height:** For purposes of these regulations, the mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation of the surface being illuminated to the top of the light post, not including the fixture.
 1. In pedestrian oriented areas, the height of the light post shall not exceed ~~45~~20 feet above grade.
 2. In auto-centric areas, such as parking lots which support shopping centers, large retailers, or manufacturing sites, etc., the height of the light post shall not exceed 30 feet above grade.
 3. Wherever possible, outdoor seating areas, building entrances, and walkways shall be illuminated using ground mounted fixtures not more than 4 feet tall.
 4. In historic districts, light poles exceeding 15 feet above grade must be approved by the Historic Review Board.
- B. **Shielding:** Light fixtures in excess of 1,800 lumens shall use full cut-off lenses or hoods to prevent glare or spillover from the project site onto adjacent lands and streets.
- C. **Maximum Illuminance Levels:** Requirements in the following table shall apply only to light trespass into parcels in T3 and T4 zoning districts at the property line.

TYPE OF USE	MAXIMUM ILLUMINANCE AT PROPERTY LINE
Agricultural, Residential, Day Care-Child or Adult, Community Oriented Civic Facilities, School-Public or Private, Colleges and Universities, and Water-Oriented Facilities	0.5 foot-candles
Retail, Recreation, Education, Public Assembly (except Community-Oriented Civic Facilities, School-Public or Private, Colleges and Universities, and Water-Oriented Facilities), and Services (except Day Care-Child or Adult)	2.5 foot-candles
Industrial and Transportation, Communications, Infrastructure	2.5 foot-candles
Vehicular Use Areas (Note: Minimum illuminance level at the edge of the vehicle use area shall be 0.2 foot-candles.)	2.5 foot-candles

5.7.5 RESERVED

5.7.6 SECURITY LIGHTING

- A. Motion-activated security lights, unshielded flood and spotlights with 45 watts or less, installed for security and activated by motion sensor, are permitted. These unshielded lights must be mounted and aimed in a manner that minimizes up-lighting and light trespass.

-
- B. All floodlights shall be installed such that the fixture shall be aimed down at least 45 degrees from vertical. Flood lights shall be positioned such that any such fixture located within 50 feet of a public street right-of-way is mounted and aimed perpendicular to the right-of-way.
 - C. All flood or spot lamps emitting 1,000 or more lumens shall be aimed at least 60 degrees down from horizontal, or shielded such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.
 - D. Landscape and decorative lighting using incandescent lighting of 40 watts or less is permitted, provided that the light is installed and aimed to prevent lighting build-up and light trespass and is shielded to prevent view from the public right-of-way.
 - E. Area “dusk to dawn” open-bottom lights, with photosensors that automatically turn the light on and off at certain levels of ambient illumination, are permitted. These lights must be full cutoff.

5.7.7 ILLUMINATION OF OUTDOOR SPORTS FIELDS AND PERFORMANCE AREAS

Lighting of outdoor sports fields and performance areas shall comply with the following standards:

- A. **Glare Control Package:** All lighting fixtures shall be equipped with a glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.
- B. **Hours of Illumination:** The hours of operation for the lighting system for any game or event shall not continue more than 1 hour after the end of the game or event.

5.7.8 PROHIBITED LIGHTING TYPES

- A. **Laser Source Light:** The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.
- B. **Searchlights:** The operation of searchlights for advertising purposes is prohibited.
- C. **Flashing Lights:** With the exception of motion-activated security lighting, lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation are prohibited.
- D. **Awning and Canopy Back-Lighting:** Awnings and canopies used for building accents over doors, windows, etc. shall not be uplit. Lighting that illuminates the sidewalk, or downlights onto the architectural features of a building, may be installed under canopies.

5.8 Fencing

The purpose and intent of this section is to establish minimum standards to regulate the location, **height**, and appearance of fences and walls to maintain visual harmony within **neighborhoods** and zoning districts throughout the City, protect **adjacent** properties from the indiscriminate placement and unsightliness of fences and walls, and ensure the safety, security, and privacy of properties.

A. Applicability

This section applies to the **construction**, substantial reconstruction, or replacement of fences or walls not required for support of a principal or **accessory structure**, and to any other linear barrier intended to delineate

different portions of a *lot*, within the City. Temporary fences for **construction sites**, sand fencing in beachfront areas, and **tree** protection fencing are exempt from the standards and requirements of this section.

B. Height

Fences and walls shall be subject to the following **height** limits:

1. Front or Street Side Setback: Four feet in height, with the following exceptions:
 - a. On T3 lots that front Ribaut Road, fences may be permitted to be 7 feet in height on the condition that such fences are set back from the front property line 1 foot for every 1 foot increase in height above 4 feet.
 - b. In the LI District, parcels fronting Primary Streets may have fences or walls up to 6 feet in height. Parcels fronting all other streets may be up to 10 feet in height.
 - c. ~~All above ground electric fences are not permitted, except in the LI District, to encroach into any front or street side setbacks.~~

2. Interior Side or Rear Setback (if side yard is not facing a street or a double frontage lot)
 - a. ~~Transect-Based District: 6 feet in height if not facing a street.~~
 - b. ~~Interior Side or Rear Setback of a Conventional District: 8 feet in height.~~
 - ~~a-c. Interior Side or Rear Setback of LI District: 10 feet in height.~~
 - ~~a. Transect-Based District: 6 feet in height if not facing a street,~~
 - ~~b. Interior Side or Rear Setback of a Conventional District: 8 feet in height.~~
 - ~~Interior Side or Rear Setback of LI District: 10 feet in height.~~

- ~~2.3. Historic District: All fences shall be 4 feet' in height or less along all setbacks. Exceptions may be approved by the Historic District Review Board (HDRB).~~

C. Materials:

1. The support structures for fences, such as posts, shall be located on the inside of the fence.
2. The **gates**, posts, columns, and associated details of entry **gates** are allowed within the required setbacks along **streets** if they do not exceed six feet in **height** and are approved by the Codes Administrator in accordance with the requirements of this **Ordinance**.
3. All fences in the historic district shall be picket, cast iron, or wire fencing with vegetation.
4. ~~Chain-link fencing is not permitted outside the LI district.~~
5. ~~All above ground electric fences are not permitted, except in the LI District.~~

D. Appearance:

Fences and walls visible from a **street right-of-way** shall be composed of a design, materials, and colors that are compatible with those of **buildings** and other elements of **development** on the site.

**BEAUFORT DEVELOPMENT CODE
CHANGES TO CHAPTER 8**

**Environmental & Resources
Protection Requirements**

8: ENVIRONMENTAL AND RESOURCE PROTECTION

8.1: PURPOSE AND PROCEDURES

8.1.1 PURPOSE AND APPLICABILITY

- A. **Purpose:** To protect and maintain the city's community character and natural resources, this section establishes standards to protect natural systems, wildlife habitat, species diversity, and water quality.
- B. **Applicability:** These resource protection standards apply to all development in the city, unless expressly stated otherwise in this article.

8.1.2 REVIEW FOR COMPLIANCE

Review for compliance with the standards of this article shall occur during:

- A. Special Exception (Section 9.13);
- B. Development Design Review (Section 9.8);
- C. Certificate of Appropriateness (Section 9.10); or
- D. Subdivision Review (Section 9.9), whichever occurs first.

8.2: CRITICAL AREA BUFFER

8.2.1 PURPOSE

The purpose of a Critical Area Buffer is to preserve or restore the native landscape along the marsh edge. This serves to mitigate the impact of tropical storms and hurricanes, provide a natural filtration system for runoff from adjoining development, minimize erosion and help stabilize the stream bank, protect sensitive visual and ecological resources and preserve or restore the native condition of the shoreline, and mitigate the impact of tropical storms and hurricanes.

8.2.2 APPLICABILITY AND SIZE

A Critical Area Buffer shall be established on all property located adjacent to a Critical Line. The buffer shall be measured inward from the critical line, as defined and established by South Carolina Office of Coastal and Resource Management (OCRM), in the following increments:

- A. Transect-based districts: ~~50~~ 30 feet minimum.
- B. Conventional districts: 50 feet minimum.

8.2.3 DEVELOPMENT AND REMOVAL OF VEGETATION PROHIBITED

The entire buffer shall be undisturbed. Indigenous vegetation removal in the tidal area buffer is limited to that necessary to provide for a structure/activity permitted by this subsection and to provide for reasonable sight lines, with the following exceptions:

- A. Paths, steps, decks, open-air structures (up to 80 square feet), yard sculpture and furniture, docks, playground equipment, paths and streets and sidewalks accessible to the public, erosion control devices (not stormwater ponds), and any other elements linked to the critical area that are permitted by OCRM are permitted in the Critical Area Buffer.
- B. Lots in a Transect-based zoning district, with bulkheads existing at the time of adoption of the ordinance from which this chapter is derived, are exempt from the provisions of this section.

8.3: STORMWATER

8.3.1 PURPOSE

The purpose of these standards is to control the adverse effects of post-development stormwater runoff, and non-point and point source pollution associated with new development and redevelopment by fulfilling the following objectives:

- A. Calibrate these controls based on the context of the site to ensure that walkable, urban patterns of development are favored as the primary Best Management Practices (BMPs).
- B. Design BMPs to be shared between multiple parcels and considered at a block or regional level where possible.
- C. Minimize increases in stormwater runoff from new development or redevelopment to the maximum extent practical for the applicable design storms in order to reduce flooding, siltation, and erosion, and to maintain the integrity of stream channels, marshes and aquatic habitats.
- D. Minimize increases in non-point and point source pollution caused by stormwater runoff from development that would otherwise degrade local water quality.
- E. Minimize the total volume of surface water runoff that flows from any specific site during and following development in order to replicate pre development hydrology to the maximum extent practicable through the use of structural and nonstructural stormwater management BMPs.
- F. Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality so as to meet local, state and federal water quality standards in affected watershed areas.

G. Define procedures for protection, conservation, enhancement, and proper maintenance of all existing wetlands and wetland buffer areas for water quality management

H. Further, the protection of wetlands and wetland buffer areas from encroachment, pollution, degradation, alteration or elimination is a crucial element of the City's stormwater and water quality management plans and supports resilience efforts in anticipation of more frequent and severe weather events, as well as documented and projected sea level rise. Procedures to protect,

conserve, enhance and maintain wetlands and wetland buffers are in the public interest and support the general welfare of the City.

I. This Article is not in conflict with any development agreements to which the City is a party and does not prevent the Development set forth in any development agreement.

J. This Article is essential to the public health, safety or welfare and shall apply to any Development that is subject to a development agreement.

Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 10 + Alignment: Left + Aligned at: 0.33" + Indent at: 0.58"

K. Laws of general application throughout the City necessary to protect health, safety and welfare are anticipated and are provided for in development agreements.

Formatted: Indent: Left: 0"

L. Substantial changes in Developmental impacts have occurred since the time the development agreements were signed, which changes, if not addressed in this Article would pose a threat to public health, safety or welfare

8.3.2 APPLICABILITY

A. The Southern Low Country Stormwater Design Manual is applicable for all proposed development, redevelopment, and major substantial improvement shall provide stormwater quality control for the stormwater retention volume (SWRv) for Watershed Protection Areas and/or Special Watershed Protection Areas. The SOLOCO Manual includes Better Site Design (BSD) practices, green infrastructure/low impact development practices (GI/LID) as per the SOLOCO standards.

B. Any disturbance within a wetland or wetland buffer area.

C. Exemptions: The following activities are exempt from this Section:

1. Any maintenance, alteration, renewal, or improvement as approved by the City which does not alter existing drainage patterns, does not result in change or adverse impact on adjacent property, or create adverse environmental or water quality impacts, and does not increase the temperature, rate, quality, or volume or location of stormwater runoff discharge;

2. Projects that are exclusively for agricultural or silvicultural activities, not involving relocation of drainage canals, within areas zoned for these uses;

3. Redevelopment that constitutes the replacement of the original square footage of impervious cover and original acreage of other Development activity when the original Development is wholly or partially lost due to natural disaster or other acts of God occurring; and,

4. Work by governmental agencies or property owners required to mitigate emergency flooding conditions. If possible, emergency work should be approved by the duly appointed officials in

- charge of emergency preparedness or emergency relief. Property owners performing emergency work will be responsible for any damage or injury to persons or property caused by their unauthorized actions. Property owners will stabilize the site of the emergency work within 60 days, or as soon as reasonable, following the end of the emergency period;
5. Installation of nature trails or pervious pedestrian access paths no greater than four (4) feet in width;
6. Pruning or trimming of grasses, shrubs, and other smaller vegetation;
7. Planting native species of plants;
8. Removal of invasive species of plants;
9. Any outdoor recreation activities not otherwise proscribed by the property owner or another applicable law or regulation, to include hiking, swimming, kayaking, canoeing, boating, horseback riding, hunting, fishing, shell fishing, and camping;
10. Research of soil, vegetation, water, fish, or wildlife for educational, scientific, or conservation purposes;
11. Maintenance or repair of existing water-control devices or structures, provided the device or structure is not “degraded” as defined herein, and the maintenance or repair does not involve enlarging, expanding, constructing, or relocating such water-control structures or devices; or
- 12 Maintenance and repair of existing utilities and roadways, provided the activity does not involve enlarging, expanding, constructing, or relocating such utilities and roadways.

Table of Applicability:

TRANSECT DISTRICT OR CONTEXT	RUNOFF VOLUME CONTROL	PHOSPHORUS & NITROGEN LOADS	BACTERIA
T1 (e.g., Pigeon Point Park, Bellamy Curve)	—	⬆	⬆
Infill: A parcel less than 4 acres that is served by existing roads; properties may have been developed at one time			
T3 Infill (e.g., Pigeon Point, NWQ, Mossy Oaks)	■ Compliance for New Impervious Area Only	⬆	⬆
T4/T5 Infill or Redevelopment < 4 acres (e.g., Downtown, Boundary Street)	⊖ Compliance for New Impervious Area Only	⬆	⬆

Greenfield: A parcel over 2 acres that has no current development or less than 5% impervious coverage.			
IC, RMX (e.g., Beaufort Memorial Hospital)	■	■	■
T3-Greenfield (e.g., Burton)	■	■	■
T4/T5-Greenfield (e.g., Whitehall)	■	⊖	⊖
Redevelopment Sites: Areas greater than 4 acres that are currently developed or have over 10% impervious coverage.			
0%—2% increase in impervious coverage	—	—	—
2%—10% increase in impervious coverage	■ Compliance for New Impervious Area-Only	—	—
Greater than 10% but less than 20% increase in impervious coverage	■ Compliance for New Impervious Area-Only	■ Compliance for New Impervious Area-Only	⊖ Compliance for New Impervious Area-Only
With greater than 20% increase in impervious coverage	■ Full Site Compliance	■ Full Site Compliance	■ Full Site Compliance
■ = Required Compliance	⊖ = Compliance to the extent practical based on usability of property, cost and proposed development		
— = Compliance not required			
⊖ = Compliance to the extent practical in impaired watersheds only			

B. **Exemptions:** The standards established in this section shall apply to all new development within the city, except for the following:

1. Any maintenance, alteration, or improvement to an existing drainage structure that does not create adverse environmental or water quality impacts, does not impact adjacent and/or downstream properties, and does not increase the rate, or volume of stormwater runoff discharge.
2. Development of 3 or fewer residential dwelling units, where adequate drainage exists, and that does not involve a main drainage canal. When community-wide solutions are present, on-lot retention is not required.
3. Site work, infill development, or redevelopment on existing sites less than four acres, where impervious area is increased by less than 2% and there is no known history of water quality or quantity issues.

~~4. Any site work that does not increase runoff, eliminate detention/retention facilities and/or stormwater storage, increase or alter stormwater volume, flow rates, direction or discharge location(s), or alter the natural topography.~~

~~5. Agricultural and Silviculture activity.~~

~~6. Work by agencies or property owners required to mitigate emergency flooding conditions — if possible, emergency work should be approved by the duly appointed officials in charge of emergency preparedness or emergency relief. Property owners performing emergency work will be responsible for any damage or injury to persons or property caused by their unauthorized actions. Property owners will restore the site of the emergency work to its approximate pre-emergency condition as soon as practicable following the end of the emergency period.~~

~~C. **Specific to Golf Courses:** New golf courses are required to comply with the latest version of the county's "Manual for Stormwater BMPs," or the current version of the city's "Stormwater Manual", and all site runoff volume and water quality control and drainage planning and design requirements. However, both golf courses and private lagoons shall be exempt from the flood control requirements of BMP manual concerning control design, subject to clear demonstration by the design engineer that no damaging flooding will occur during the 100-year/24-hour storm.~~

D. **Private Drainage Systems Not City Responsibility:** Where private drainage systems and easements have been previously approved as private facilities, prior to the adoption of this Code, as well as all new development and redevelopment, and have not been accepted by the City, such facilities shall not become the city's responsibility. Such systems shall be denoted as "private" on any subdivision plat or land development plan, as well as in the respective covenants and agreements that control or follow the property.

E. **Irrigation:** Irrigation, as required per Section 5.6.1 B., should use rainwater to irrigate when possible.

8.3.3 STANDARDS

A. **Applicable Stormwater Manual:** The Southern Low Country Stormwater Design Manual is applicable for all proposed development, redevelopment, and major substantial improvement shall provide stormwater quality control for the stormwater retention volume (SWRv) for Watershed Protection Areas and/or Special Watershed Protection Areas. In the following chapters, Better Site Design (BSD) practices, green infrastructure/low impact development practices (GI/LID) as per the SOLOCO standards. Where required, all development shall provide adequate drainage, peak rate, volume and stormwater pollution control in accordance with Sections 2 and 5 of the version of the county's BMPs manual in effect at the adoption of this Code, or the current version of the city's "Stormwater Manual" which is incorporated herein by reference. When adopted, the city's "Stormwater Manual" will replace the County's BMPs manual. If an standard is specified in Section 8.3 of this Code, this Code takes precedence over the applicable Stormwater Manual.

8.3.4 Wetland Standards

A. General Requirements

1. This Section shall apply to all building, development, redevelopment, and site alteration within a wetland or wetland buffer area. Any person proposing to carry out a wetland disturbance under this Ordinance must, prior to the commencement of the activity, submit a Stormwater Permit application to the Code Administrator.

2. The Code Administrator shall review all materials submitted by an applicant and shall have the authority to require additional information about the project from the applicant, schedule a site visit, or require a preliminary meeting with the applicant. The Code Administrator may also request a review of the project by the Technical Review Committee (TRC).

3. The Code Administrator has the authority to issue, deny, or conditionally approve Wetland Certifications consistent with the standards, goals, and criteria set forth in this Ordinance, and subject to the procedures established herein.

4. The regulation of land uses both within and adjacent to Wetlands, having been determined to be in the best interest of the City, shall be done in a manner consistent with the review procedures and performance standards identified herein which reflect the relative importance, values, and functions of these areas.

5. No provisions of this Ordinance shall be construed to relieve the Applicant from the requirement to obtain permits issued by local, state, or federal agencies, prior to the commencement of any land disturbance activity within the boundaries of a wetland or wetland buffer.

B. Wetland Delineation

1. Wetland Delineation Required. Except as otherwise set forth in this Section, any person proposing to carry out a land disturbance or perform any applicable activity shall, prior to commencing the activity or the land disturbance, provide the City with a Wetland Delineation.

2. Exceptions. A Wetland Delineation shall not be required under the following circumstances:

a. If the site is less than five (5) acres and has been exclusively utilized as single-family residential property for at least the last ten (10) years from [date of adoption]; and,

(b) The owner of the site certifies to the City that to the best of their knowledge and belief, there are no Wetlands or Wetland Buffers on the site; and,

(c) No Wetlands are identified on the site by any prior Wetland Delineations, or any existing watershed plans or Advanced Identification of Disposal Areas (ADID) studies, interim watershed plans, National Resources Conservation Service (NRCS) wetland inventory maps, or United States Fish and Wildlife Service National Wetlands Inventory Maps; and,

(3) The land disturbance or activity proposed is accessory to or consistent with a single-family residential use and does not increase the density of the site.

b. The applicant or landowner of the site provides:

(1) An affidavit from a certified environmental firm attesting that no Wetlands or Wetland Buffer areas exist on the site; and,

(2) No Wetlands are identified on the site by any prior Wetland Delineations, or any existing watershed plans or ADID studies, interim watershed plans, NRCS wetland inventory maps,

Formatted: Indent: Left: 0", First line: 0"

Formatted: Indent: Left: 0.33", First line: 0"

or United States Fish and Wildlife Service National Wetlands Inventory Maps.

C. Wetland Buffers and Setbacks

1. Wetland Buffer Areas. Wetland buffers are to be calculated by measuring horizontally outward from and perpendicular to the edge of the wetland, as defined herein. They must extend the entire length of the wetland delineation within the property. If a wetland falls into more than one of the categories below, the more restrictive buffer width shall control.

2. Applicability. Wetland Buffers shall be provided along the perimeter of all Wetlands. Wetland Buffers shall comply with the following standards:

a. General Wetland Buffers. A minimum buffer of fifty (50) feet must be observed for all wetlands as defined by this Ordinance.

b. Parks. A minimum buffer of fifty (50) feet must be observed when a wetland is part of, adjacent to, or within fifty (50) feet of a local, state, or national park.

c. Riparian Wetland Buffers. A minimum buffer of fifty (50) feet must be observed when a wetland is adjacent to a waterway or a tributary of a waterway.

3. Prohibited Activities within Wetland Buffers. The following activities are specifically prohibited within a Wetland Buffer unless expressly authorized herein or elsewhere within this Development Code.

a. Removal, excavation, or disturbance of the soil, except for minimal disturbance associated with the installation of trees and plants as approved by the Code Administrator, where a Wetland Buffer is re-established;

b. Dumping or filling with any materials;

c. Placement of any sod or garden of any type;

d. Placement of structures or other pervious or impervious surfaces; and,

e. Removal or destruction of trees, plants, grasses, or vines.

4. Exceptions. The following activities may occur in a required Wetland Buffer, subject to specified limitations and the requirements below.

a. Maintenance of existing buffer landscaping in a manicured fashion, as approved by the Code Administrator;

b. Construction and maintenance of public multi-purpose pathways, including minor associated structures such as footbridges, benches, and signage, provided the pathway is not more than ten feet wide;

c. Construction and maintenance of pedestrian walkways, including minor associated structures such as benches and signage, that provide public access to adjacent wetlands for wildlife management and viewing, fishing, and recreational purposes, or that provide access to

approved water-dependent development activities – provided the walkway is not more than four feet wide and is pervious;

d. Construction and maintenance of pervious bulkheads or revetments, including associated backfill in tidal wetland buffers – provided:

(i) A Wetland Buffer in accordance with the standards in this section is re-established; and

(ii) The Code Administrator approves the replanting plan and any tree removal;

(iii). Construction and maintenance of impervious bulkheads or revetments;

. Essential development activities such as stormwater management facilities and water, sanitary sewer, telephone, natural gas, cable TV, or other utility lines -provided:

(1) Stormwater management facilities and utility lines that must cross the buffer shall do so at approximately a right angle to minimize the area of buffer width disturbed; and,

(2) Stormwater management facilities and utility lines may run approximately parallel to the edge of the wetland if the utility or drainage easement allows the vegetation necessary to provide for significant filtration of stormwater runoff before it reaches the wetland; otherwise additional buffer width shall be required to provide the space for such filtration.

g. Water-dependent development activities such as docks, boat ramps, shoreline stabilization, and stream and wetland restoration;

h. Limited removal of the following:

(i) Trees or other vegetation determined by the Code Administrator to be dead, dying, or diseased, provided the root system is retained intact;

(ii) Non-native trees or other vegetation determined by the Code Administrator to constitute a threat to the growth or reintroduction of native species of vegetation;

(iii) Fallen trees, tree limbs, brush, and similar debris that have accumulated in or along stream beds and are determined by the Code Administrator to substantially impede stream flow;

iv Fallen trees, tree limbs, and brush that are determined by the Code Administrator to impede pedestrian or bicycle traffic along approved multi-purpose pathways and pedestrian walkways.

i. Any impervious surfaces shall either be sloped away from the wetland and stormwater runoff from them shall be routed over a greater distance for filtration purposes, or constructed or installed in accordance with an alternative filtration design approved by the Official as ensuring that the impervious surfaces do not adversely impact the natural functionality of the Wetland Buffer.

i. The allowed development activity incorporates any additional measures the Code Administrator deems necessary to adequately protect the wetland's water quality and mitigate any loss of or damage to wildlife habitat or native plant communities.

D. Other Requirements

1. Notification of Start of Project. The holder of a stormwater permit issued pursuant to this Ordinance must notify the Code Administrator in writing at least five (5) business days prior to the start of a project that the stated project is going to begin.

2. Temporary Survey Stakes. Temporary survey stakes or flags delineating boundaries between wetlands, buffer areas, setbacks, and adjacent property must be placed at all project sites by an engineer or surveyor. The markers shall follow the contour of the wetlands, buffer areas, and setbacks and shall be placed not more than fifty (50) feet apart.

8.3.5 Violations

A. The Code Administrator shall have the power to order restoration of a wetland area in the event of a violation. If the person responsible or agent does not complete such restoration within a reasonable time frame determined by the Code Administrator, City of Beaufort City Council shall have the authority to restore the affected wetlands to their prior condition, and the person or agent responsible for the violation shall be held liable to the City of Beaufort for the costs of such restoration.

B. Whenever a violation of this Ordinance is alleged, any person may file a complaint with the City Administrator. All such complaints must be in writing, accompanied by photos and supporting evidence, if possible. The Code Administrator shall record such complaints, immediately investigate, and determine the appropriate course of action pursuant to the provisions of this Ordinance.

B. — Stormwater Quality and Volume Control: In an effort to achieve compliance with the percentages listed in the table below, all development will control Volume by retention and other methods to the maximum extent technically feasible (METF) so that post-development stormwater runoff levels will not exceed pre-development runoff levels for the 95th percentile storm event, which is currently 1.95 inches. Standards for volume and runoff pollution load control are based on anti-degradation requirements tied to the "effective impervious area" values as noted in the table below:

<u>LOADS</u>	<u>EFFECTIVE IMPERVIOUS-AREA</u>
<u>Runoff Volume Control</u>	<u>10%</u>
<u>Phosphorus and Nitrogen Levels</u>	<u>10%</u>
<u>Bacteria</u>	<u>5%</u>

Formatted: Indent: Left: 0", First line: 0"

C. ~~Stormwater Quantity Control: The design storm criteria to be used in calculations for the sizing of peak attenuation and volume control BMPs is to limit the post-development runoff for multiple storm events including the 2-, 10-, and 25-year/24-hour storms to the pre-development rates.~~

D. ~~All development and redevelopment shall utilize and integrate stormwater BMPs that are appropriate to the site context and contribute to the overall character of a proposal. BMPs implemented at the development scale shall be integrated into civic and open space networks to the maximum extent possible.~~

1. ~~Stormwater BMPs shall be selected in keeping with the applicable district as established in Article 2 of this Code.~~

2. ~~Stormwater BMPs shall be selected to respond to the soil conditions—soil type and infiltration rate—found on site.~~

3. ~~Where possible, stormwater BMPs should be shared between multiple parcels and considered at a block or regional level.~~

8.3.4 BMP PLANNING AND SELECTION

A. ~~Planning: Review of stormwater management for development and redevelopment is a vital portion of the overall site design, therefore planning for stormwater management, in accordance with this section shall commence at the time of initial project inception and presentation to the Technical Review Committee (TRC). Review of stormwater management will continue to be undertaken during all phases of the development review process.~~

B. ~~BMP Selection: Stormwater BMPs shall be selected in keeping with the applicable district, as indicated in the table below. Additionally, stormwater BMPs shall be selected to respond to the site's location within a volume-sensitive watershed, according to the worksheets provided in the applicable stormwater manual.~~

BMP TOOL BY TRANSECT ZONE ²	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	IC	LI
Wet Retention Pond (encouraged to be an amenity)	■	■	■					■	■	■
Extended Dry Detention Basin	■	■						■	■	■
Modified-Extended Dry Detention Basin	■	■	■					■	■	■
Infiltration Trench			■	■	■					
Dry Well				■	■	■	■			
Grass Swale with Check Dams	■	■		■				■	■	■
Biofiltration Swale/Rain Garden	■	■	■	■	■			■	■	■
Bioretention		■	■	■	■		■	■	■	■

Underground Vault/Cistern			■	■	■	■	■	■	■	■
Innovative Technology		■	■	■	■	■	■	■	■	■
Other BMPs Subject to Discretion of the Administrator		■	■	■	■	■	■	■	■	■
As listed in the applicable stormwater manual										
■ = Recommended for this zone; blank box indicates that BMP is not recommended for the zone										

- C. **Rainwater Cisterns Standards:** When utilized, rainwater cisterns shall comply with the following standards:
- Location:** Rainwater cisterns shall be located directly adjacent to the principal structure on a lot. Rainwater cisterns shall not be located within front, side, or rear setbacks, unless the cistern is below 5 feet in height.
 - Capture Water from Principal or Accessory Structure:** Rainwater cisterns shall be affixed to capture rainwater from the principal structure or an accessory structure's gutter system.
 - Not Signage:** Rainwater cisterns shall not serve as signage.
 - Comply with Other City Policies:** Water collected from rainwater cisterns shall be used in a manner that complies with city policies and regulations on rainwater harvesting.

8.4: ARCHEOLOGICAL IMPACT ASSESSMENT

8.4.1 ARCHEOLOGICAL IMPACT ASSESSMENT

- A. **Intent of District:** It is the intent of this section to protect the many significant archeological resources of the City of Beaufort.
- B. **General Requirements:** The following requirements shall be adhered to:
- All proposed developments, other than single-family and 2-3 family units, along with major subdivisions, shall be required to have a determination from the Administrator indicating whether or not the location of the proposed development contains any archeological resources. These resources shall be identified — by the city through existing surveys, historic maps and papers, and other information available from the South Carolina Department of Archives and History and the South Carolina Institute of Archeology and Anthropology — as being listed in, or having been determined eligible, or potentially eligible, for listing in the National Register of Historic Places, as well as those areas identified in the document entitled "Cartographic Survey of Historic Sites in Beaufort County, South Carolina", dated June 30, 1992 (and amended from time to time) as having the potential to yield significant archeological information.
 - If the Administrator determines that the proposed development contains, or is likely to contain archeological resources, then a professional archeological survey shall be completed by qualified

personnel to determine the existence of the resource and to evaluate the significance of the resource. The survey shall then be submitted to the Administrator for review.

3. If the area of the proposed development has been previously surveyed for archeological resources, and the survey report is available and meets the standards set out in this section, the applicant will not be required to perform another survey, but merely submit or reference that report to the Administrator.
 4. If the Administrator determines that the proposed development parcel contains a potential resource, a professional archaeologist approved by the South Carolina State Historic Preservation Office (SC SHPO), shall complete and submit to the Administrator the documentation as outlined in this section. Identified resources shall be preserved and/or the effects of the proposed project mitigated in accordance with the applicable federal and state laws and guidelines. Further, for any contemplated construction that would significantly affect the setting or vista of any archeological resource in a manner that would compromise the resource's eligibility to the National Register of Historic Places, the Historic Review Board shall review the project and may require that the development plans be altered to mitigate or avoid such effects.
 5. All requests to the applicant by the Administrator for surveys, documentation, and mitigation shall include a letter outlining the justification for such requests.
- C. **Prohibited Acts:** No person may excavate, remove, damage, or otherwise alter or deface, or attempt to excavate, remove, damage, or otherwise alter or deface any archeological or historic resource located in the City of Beaufort unless such activity is pursuant to a permit issued by the Administrator. Any person violating the article shall be subject to penalties prescribed in this Code and additional penalties prescribed by the South Carolina Code of Laws.
- D. **Accidental Findings:** If, during the course of a construction project, any historic artifacts or structures are encountered, work must stop immediately and the Administrator must be notified.
- E. **Intensive Level Archeological Survey:**
1. The Administrator will officially notify, in writing, the applicant of the need for an Intensive Level Survey. This survey must meet the criteria set forth by the SC SHPO's "Guidelines and Standards for Archeological Investigation."
 2. The applicant will notify the Administrator who will be authorized to undertake the survey. The survey will be executed by qualified personnel, as required by the SC SHPO's Standards.
 3. The findings of the intensive level survey will be submitted to the Administrator.
 4. Upon receipt of the intensive level survey final report, and any necessary visual records, the Administrator will either issue a permit of approval for the proposed development project or deny approval of the project until the development plans can be altered to mitigate or avoid any negative impact.
- F. **Mitigation:**
1. **Determination of Adverse Effects:** Upon receipt of an Intensive Level Archeological Survey final report, documenting archeological resources, and/or the South Carolina statewide survey forms documenting historic resources, the Administrator will determine whether the proposed project will have an adverse effect on archeological resources listed in, or eligible for listing in, the National Register of Historic Places. The Administrator may choose to bring the project to the Historic Review Board to make the determination as to whether or not adverse effects exists.

-
- a. **There is No Adverse Effect:** If the Administrator determines that the project will not have an adverse effect on archeological resources listed in, or eligible for listing in, the National Register of Historic Places, he/she will issue a permit of approval for the proposed project.
 - b. **There is an Adverse Effect:** If the Administrator determines that the project will have an adverse effect on archeological resources, listed in, or eligible for listing in, the National Register of Historic Places, he/she will deny a permit of approval for the proposed project until the development plans can be altered to mitigate or avoid adverse effects.
2. **Mitigation of Adverse Effects:** The applicant shall enter into a Memorandum of Agreement with the City of Beaufort that describes mitigation measures that will be required prior to the issuance of a permit of approval. The Administrator shall stress to the applicant that preservation-in-place of a significant resource is the preferred mitigation method. Mitigation may include:
 - a. **Preservation-In-Place:** Preservation-in-place of an archeological resource means avoiding the resource, which protects it from drainage, destruction, vandalism, or deterioration and may include measures such as covenants and easements, the rehabilitation/maintenance of historic buildings and structures, and others.
 - b. **Data Recovery:** Data recovery of an archeological site shall be conducted if the site cannot be preserved. Provisions for the ownership and curation of the excavated artifacts, field notes, records, maps, photographs, and materials shall be detailed in the archeological data recovery mitigation plan. A final report on the archeological data recovery shall be produced.
 - c. **Reporting:** All identified archeological sites shall be reported to the South Carolina Institute of Archeology and Anthropology.

8.5: RENEWABLE RESOURCES

8.5.1 ~~SMALL WIND ENERGY SYSTEMS~~

WIND ENERGY TYPES	DIAGRAM	SPECIFICS	ZONING DISTRICT
<p>1. Wind Farm: A series of wind turbines that are ground mounted. This is considered an accessory use. Care should be taken installing wind turbines near inhabited areas, as they tend to generate a steady white noise.</p>		<p>Setbacks: Turbines must be set back a minimum of 50 feet from any T3, T4 or T5 zoning district. They must be located behind the site's primary structure.</p>	<p>T1, LI</p>
<p>2. Horizontal Access Wind Turbine: A wind turbine with its rotor on the horizontal axis, similar to an airplane propeller. These turbines are suited for the more rural T zones because they generally require a large (20-foot) radius for the rotating blades. In addition, the head must rotate in order to receive wind from any direction.</p>		<p>Quantity: 1 per 4,000 square feet of lot area T3-S: Power output limited to 10kw All other zones: Power output limited to 100kw</p>	<p>T1, T3-S, RMX LI</p>

Formatted: Section, Left

Formatted: Section

Formatted: Section

<p>3. Vertical Access Wind Turbine: A wind turbine with its rotor on the vertical axis. Blades are usually helical and the device is usually more compact than the horizontal axis wind turbine. It does not have to rotate to face the prevailing wind. It is suited for the more urban T-zones because it is significantly smaller than the horizontal axis type — sometimes only 4—5 feet in diameter — and less noisy. These are designed to operate with non-directional wind current, which makes them easier to accommodate and more attractive in urban areas when in proximity to buildings. For further information, see www.quietrevolution.com.</p>		<p>Quantity: 1 per 1,000 square feet of roof area</p> <p>T3: Power output limited to 10kw</p> <p>All other zones: Power output limited to 100kw</p>	<p>T3, T4, T5, RM, IC,, LI</p>
<p>4. Public Furniture: Applications where wind turbines may be located within a public right of way.</p>		<p>Location: Must be incorporated into approved street section (see Appendix C).</p>	<p>T4, T5, RMX, LI</p>

Formatted: Section

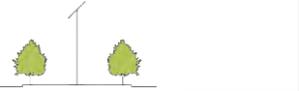
Formatted: Section

- A. ~~Applicability: Wind turbines are considered accessory uses and are permitted in the zoning districts stated in the above chart. Any structure in the historic district that is visible from the street must be approved by the Historic District Review Board (Section 10.7).~~
- B. ~~Location and Setback:~~
 - 1. ~~No small wind energy facilities shall be located between a principal building and any adjacent streets.~~
 - 2. ~~Setbacks shall be the same as the primary structure unless noted otherwise in the chart above. This includes setbacks for guy wires and other support devices if needed.~~
 - 3. ~~Wind Farms shall not be permitted in T1 districts adjacent to the historic district.~~
- C. ~~Height: The system shall comply with the maximum height standards for the zone in which it is located. Units may be angled but shall not be elevated above the roofline of the structure on which it is mounted.~~
- D. ~~Sound: Sound produced by the wind turbine under normal operating conditions, as measured at a lot line, shall not exceed 55 dBA. The 55 dBA sound level, however, may be exceeded during short term events that occur beyond the property owner's control, such as utility outages and/or severe wind storms.~~
- E. ~~Appearance: The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white, or galvanized steel).~~
- F. ~~Blade Clearance: The blade tip or vane of any small wind energy facility shall have a minimum ground clearance of 15 feet above grade, as measured at the lowest point of the arc of the blades.~~
- G. ~~Lighting: No illumination of the turbine or tower shall be allowed, unless required by the FAA.~~
- H. ~~Access to Tower: Any climbing rungs shall be removed to a height of 12 feet above grade.~~

~~I. **Signage Prohibited:** Signage visible from any public street is prohibited, except for manufacturer's or installer's identification, appropriate warning signs, or owner identification not to exceed 40 square feet.~~

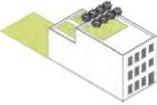
~~J. **Abandonment:** On determining that a small wind energy facility has been inoperable for 180 days or more, the Administrator shall send the property owner notice requiring restoration of the system to operating order within 180 days after receiving the notice. If the owner fails to restore the system to operating condition within the authorized time frame, the owner shall be required, at the owner's expense, to remove the wind turbine from the tower for safety reasons. If the owner fails to remove the wind turbine from the tower, the city may pursue legal action to have the wind turbine removed at the owner's expense.~~

8.5.21 SOLAR ENERGY SYSTEMS

SOLAR ENERGY TYPES	DIAGRAM	ZONING DISTRICT
1. Solar Farm: A series of solar panels that may be either ground-mounted or roof-mounted.		T1, LI, RMX
2. Roof Mounted Solar Panels: Panels that are either mounted on a sloped roof or flat roof.		all zones
3. Public Furniture: Applications where solar panels may be located within a public right-of-way.		all zones

- A. **Applicability:** Solar energy systems are considered accessory uses and are permitted in the Zoning Districts stated in the above chart. Any structure in the Historic District that is visible from the street must be approved by the Historic District Review Board (Section 10.7).
- B. **Height:** The system shall comply with the maximum height standards for the zone in which it is located. Units may be angled but shall not be elevated above the roofline of the structure on which it is mounted.
- C. **Nonconforming Structure-Height:** Where an existing structure exceeds the applicable height limit, a solar energy collection system may be located on its roof, irrespective of applicable height standards, provided the system extends no more than 5 feet above the roof surface.
- D. **Easements:** The property owner shall be responsible for negotiating with other landowners in the vicinity to establish any solar easement designed to protect solar access for the solar energy collection system.

8.5.32 FOOD PRODUCTION

FOOD PRODUCTION TYPES	DIAGRAM	SPECIFICS	ZONING DISTRICT
<p>1. Farm: A primary or secondary use for a property. See Section 3.2 for primary use applications. Typically, a farm is a parcel of land where the majority of the acreage is devoted to crop production.</p>			T1, T3, LI, IC
<p>2. Vegetable Garden: Small portion of a residential parcel devoted to growing food.</p>		<p>Location: These are typically situated behind the primary structure. In T3 zones, they may also be in the front, provided that they are well-maintained.</p>	T3, T4, IC
<p>3. Community Garden (a.k.a. Allotment Garden): A mid-block area, typically divided into plots for the surrounding residents to grow food. These gardens provide a locus of recreation and sociability greater than that of the private yard, being one of the so-called third places.</p>		<p>Management: These are not privately owned, and are typically managed by a municipality, non-profit, or association.</p>	T3, T4, T5, RMX, IC
<p>4. Urban Farm: An area fronted by houses used for growing crops. It may be leased to one farmer, or split into plots for use by the residents. These may be temporarily created on vacant lots, or planned as part of block redevelopments or new neighborhoods.</p>		<p>Management: These are not privately owned, and are typically managed by a municipality, non-profit, or association.</p>	T4, T5, RMX, IC
<p>5. Green Roofs & Container Gardens: Areas within and on a building/parking area, utilized for growing spaces. Green roofs</p>			T4, T5, RMX, IC, LI

<p>consist of areas on tops of flat roofs that are used for gardens. They also mitigate carbon emissions and reduce storm water runoff. Container gardens, such as window boxes or balcony gardens, create small places for food production while enhancing the urban realm.</p>			
--	--	--	--

This table shows ways of incorporating types of local food production in different zoning districts. Cities are increasingly allowing urban agriculture for household use, to encourage lower-cost food supplies and reduction in the energy consumption for food transport.

- A. **Applicability:** Food production is considered an accessory uses, except as noted above in "Farms," and is permitted in the zoning districts stated in the above chart.
- B. **Open Space Requirement:** These food production areas may be counted toward the Civic/Open Space allocation if they are open to the neighborhood at predictable hours or are visible from an adjacent Civic/Open Space in a way that contributes to the enjoyment of that Civic/Open Space (Section 7.4.3).
- C. **Location and Setback:** These may encroach into any side and rear setbacks. They may encroach into front setbacks in T3 districts, and in other districts, at the discretion of the Administrator. Associated structures must meet the setback requirements for accessory structures per the zoning district (Sections 2.4.1 C. and 2.4.2 D.).
- D. **Animals:** Rules on animals related to food production are located in the city's Code of Ordinances, Chapter 4.

3659 TRASK PARKWAY

**Annexation & Rezoning Request
(Former Greyhound Bus Station)**

TABLED FROM PC MEETING ON 4/21



STAFF REPORT – PLANNING COMMISSION

Annexation / Rezoning Request (TABLED from 4/21)

DATE: May 19, 2025

GENERAL INFORMATION		
Applicants:	Willie “Mack” Stansell III (Owner)	
Site Location/Address:	3659 Trask Parkway (US Hwy. 21) / PIN: R100 026 000 0151 0000	
Applicant's Request:	Request is to bring specific property into the City of Beaufort to make it easier as per City Zoning & Development Code to re-use currently vacant building (former Greyhound Bus Station) as a BBQ Restaurant. <u>Square footage of existing structure: 1,985</u>	
Current Zoning:	Beaufort County: Neighborhood Mixed-Use (C3NMU)	
Lot size:	Approx. 1.72 acres (74,923 sq. ft.)	
ZONING DISTRICT INFORMATION		
	C3NMU (County)	T5-UC // RMX (City)
Lot Width at Setback:	70 ft. min.	N/A // 60 ft. min.
Min. Lot Size:	10,890 sq. ft.	N/A // 6,000 sq. ft.
Front Setback:	30 ft. min.	0 ft. min, 15 ft. max. // 10 ft. min., 60 ft. max.
Side Setback:	10 ft. min.	0 ft. min. // 10 ft. min.
Rear Setback:	50 ft. min.	5 ft. min. // 15 ft. min.
Permissible Uses	Restaurant, Café, Coffee Shop only permitted as part of a Traditional Community Plan (TCP) as per BFT County Dev. Code Sec. 2.3, Sec. 7.2.90 (*)	Retail & Restaurants are permitted outright in “RMX” and conditionally permitted in “T5-UC”, see Sec. 3.6.2. D.
SURROUNDING ZONING, LAND USE AND REQUIRED BUFFERS		
<u>Adjacent Zoning</u>	<u>Adjacent Land Uses</u>	<u>Setbacks for Adjacent Zoning /Buffer required if rezoned</u>
North: -	Albergotti / Salt Creek	N/A
South: T5-UC/RMX (City)	Home2 Suites / Tru by Hilton Hotels	N/A
East: C3NMU (County)	Commercial (fmr. Restaurant) / residential	N/A
West: T5-UC/RMX (City)	Howard-Johnson Hotel	N/A

Background: (UPDATE: AS REQUESTED AT THE LAST PC MEETING ON 4/21, APPLICANT IN THE MEANTIME HAS SUBMITTED A FULLY SIGNED AND NOTORIZED PETITION FOR ANNEXATION)

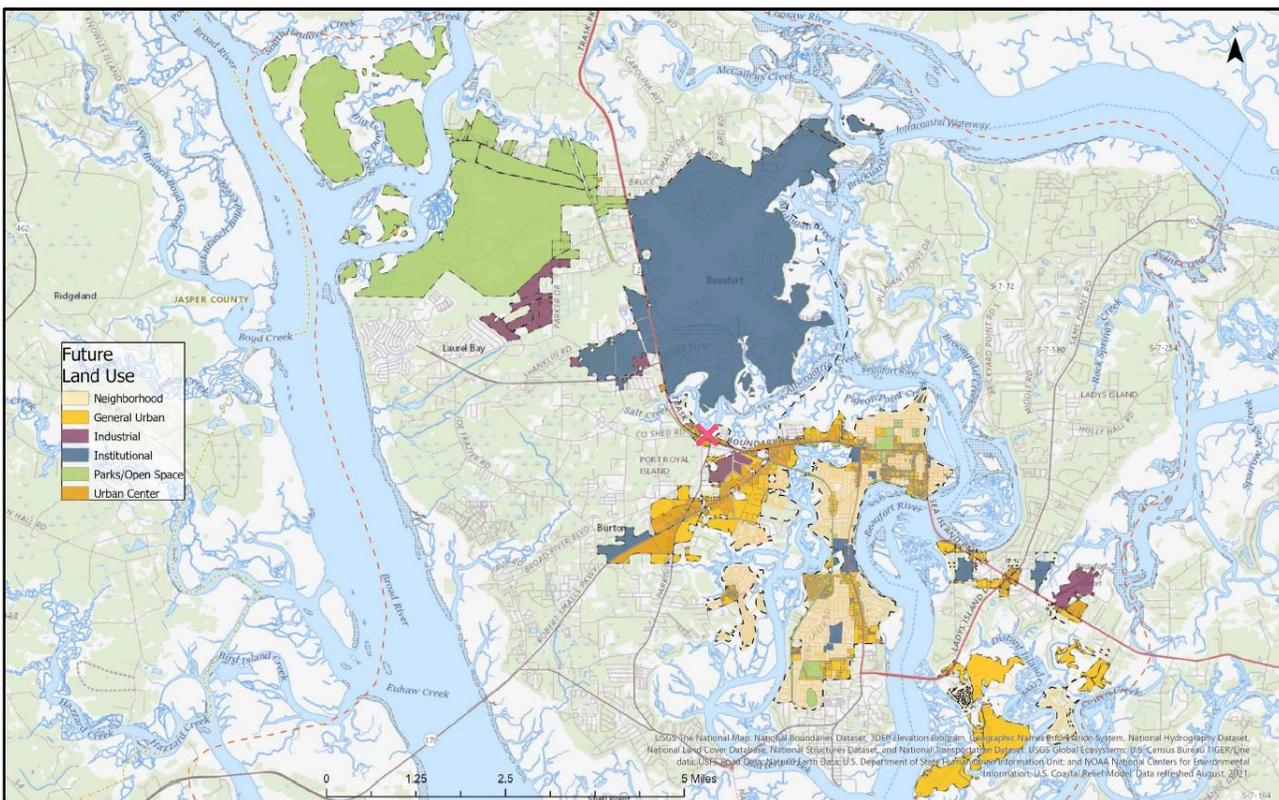
The applicant wants to bring subject property, which is the site of the former Greyhound Bus Station, into the City of Beaufort to make it easier to re-use this property commercially. The property owner together with a prospective tenant have attended the TRC / Pre-Design Meeting on March 18, 2025 to present plans to make this a new BBQ restaurant. The property is currently located within the County, and zoned C3-Neighborhood Mixed-Use. A possible restaurant re-use within the current County zoning district is

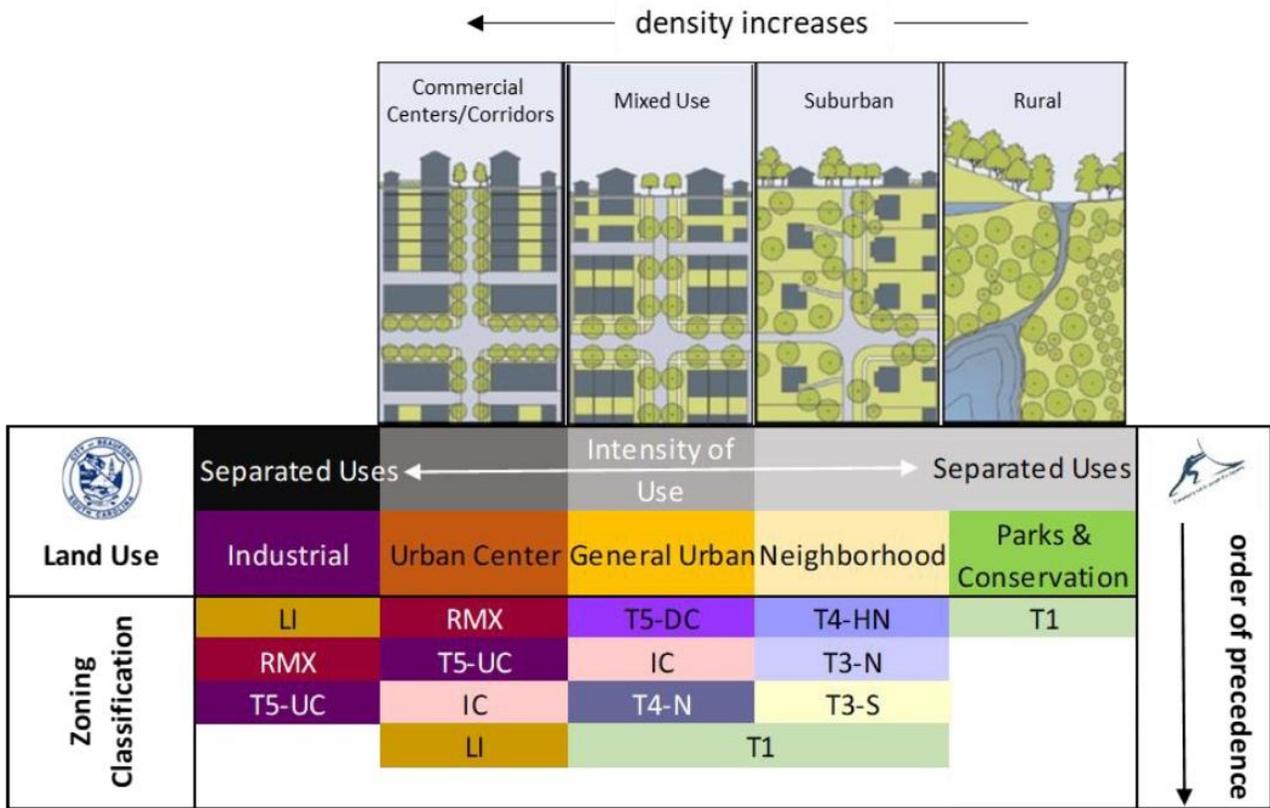
only permissible as part of a Traditional Community Plan (TCP), which strives to create a compact, walkable and place-based neighborhood development pattern.

Compatibility with Adjacent Zoning: The surrounding area is reflected by a checkerboard pattern of parcels that are primarily auto-oriented or lodging-related retail uses, such as gas stations, convenience stores, hotels and restaurants. The parcels of land around the subject property are either located within the City of Beaufort or are located within the unincorporated area of Beaufort County. The site is adjacent to both City and County properties zoned **T5-UC/RMX (City) or Neighborhood Mixed-Use - C3NMU (Beaufort County)**.

- **City of Beaufort – Transect-Based Zoning District: T5-URBAN CORRIDOR DISTRICT (T5-UC)**
The T5-Urban Corridor district consists of higher density, mixed-use buildings that accommodate retail, rowhomes, offices, and apartments located along primary thoroughfares.
- **City of Beaufort – Conventional Zoning District: REGIONAL MIXED-USE (RMX)**
The RMX district's intensity accommodates region- and community-serving commercial and business uses, as well as highway-oriented businesses.
- **Beaufort County – Conventional Zoning District: Neighborhood Mixed Use (C3NMU)**
The Neighborhood Mixed Use (C3) Zone provides for high-quality, moderate-density (averaging under three dwelling units per acre) residential development, with denser areas of multi-family and mixed-use development to provide walkability and affordable housing options. The design requirements are intended to provide a suburban character and encourage pedestrian, as well as automobile, access.

Compliance with City Plans – 2021 Beaufort Comprehensive Plan / Future Land Use Map: The Future Land Use Map (FLUM) of the 2021 Beaufort Comprehensive Plan classifies the area around the subject property as ***“Urban Center”***.





As per graph above, the City’s T5-UC and RMX Zoning Districts support the kind of land uses and use intensities that support the kind of development and land use pattern as per *Urban Center* designation. Moreover, the *Urban Center* is intended to accommodate regional and community businesses and limited, light industry.

2014 Civic Master Plan Compliance:

As per Chapter 8 – Mixed-Use Corridors of Vibrant Activity – the area of concern is not explicitly identified. However, the proximity to the gateway of Parris Island Gateway Road and Trask Parkway (US-21), make the subject area a hub for regional mobility, shopping, dining and services that are mixed use in nature and accommodate pedestrians, bicyclists and motor vehicles in a safe and attractive manner.

Although this specific annexation/rezoning request does not entail redevelopment of the site (yet), the intended commercial re-use would complement the nature of the current uses around as well as the anticipated uses along this corridor and gateway location.

ZONING DISTRICT USES/DEVELOPMENT STANDARDS:

<u>Lot Configuration & Building Standards</u>		
	<u>T5-UC</u>	<u>RMX</u>
Lot Width at Front Setback	N/A	60 ft. min.
Lot Size	N/A	6,000 sq. ft.
Max. Lot Coverage	100%	65% max. (impervious surfaces)
Primary Building Height	5 stories max. (2 stories min.)	4 stories max.
Front Setback	0 ft. min., 15 ft. max.	10 ft. min.; 60 ft. max.
Parking Pad Location	Front setback: 40 ft. min.; Side setback (corner): 5 ft.	Parking areas and drive aisles shall be located in the side or rear yard whenever possible.
Land Uses:	Higher density, mixed-use buildings that accommodate retail, rowhomes, offices, and apartments located along primary thoroughfares.	Accommodates regional- and community-serving commercial and business uses, as well as highway-oriented businesses.

REZONING REVIEW CRITERIA

Required Findings: The PC is to recommend a rezoning to the City Council utilizing the factors found in Section 9.16.3 C as reflected in the table below (a check mark indicates Staff support; an x indicates lack of Staff support on each item).

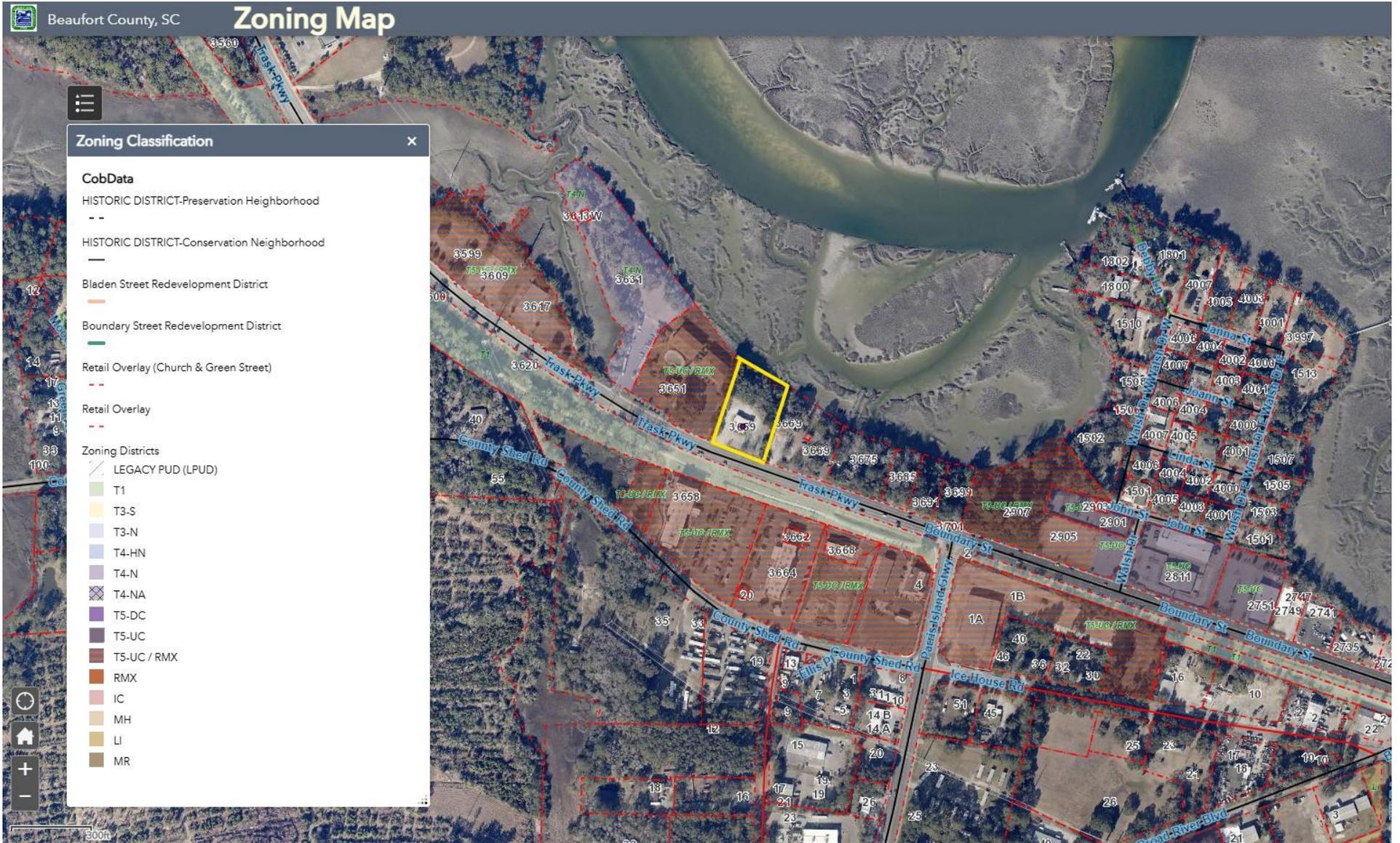
<u>9.16.3 C Finding of Fact</u>	<u>Rationale Present (yes/no)</u>	<u>Staff Analysis of Rationale</u>
a. Consistency (or lack thereof) with the Comprehensive Plan and Civic Master Plan	Yes	✓ The “T5-UC” & “RMX” Districts are recommended districts in the “Urban Center” category as designated in the Comprehensive Plan
b. Compatibility with the present zoning, with conforming uses of nearby property, and with the character of the neighborhood	Yes	✓ Current land-uses along the Trask Parkway corridor as well as across the highway at the Gateway node location of Parris Island Gateway Rd. / Trask Pkwy. are primarily auto- and lodging related in nature, i.e. gas & convenience station, several hotels and restaurants
c. Suitability of the property that would be affected by the amendment	Yes	✓ The property, which served as the former Greyhound Bus Station, already has ample parking in place and would be a perfect location for a commercial business/restaurant.
d. Compatibility with the natural features of — and any archaeological or cultural resources on — the property	Yes	✓ The property abuts Albergotti/Salt Creek in the rear with a Critical Line Buffer of 30 ft. in place, which will remain and serves as a commodity for outside visitors.
e. Marketability of the property that would be affected by the amendment; and	Yes	<ul style="list-style-type: none"> ✓ The property is already suitable for any highway-related commercial business. ✓ It would serve as a great redevelopment opportunity and thus, would improve the overall impression of this highly visible corridor & gateway
f. The availability of roads, sewer, water, and stormwater facilities	Yes / TBD	✓ Access to the main highway as well as adequate parking already exists

generally suitable and adequate for the affected property.		X Water, and especially sewer access need to be determined by property owner before any future Change-of-Use or Redevelopment Request
--	--	---

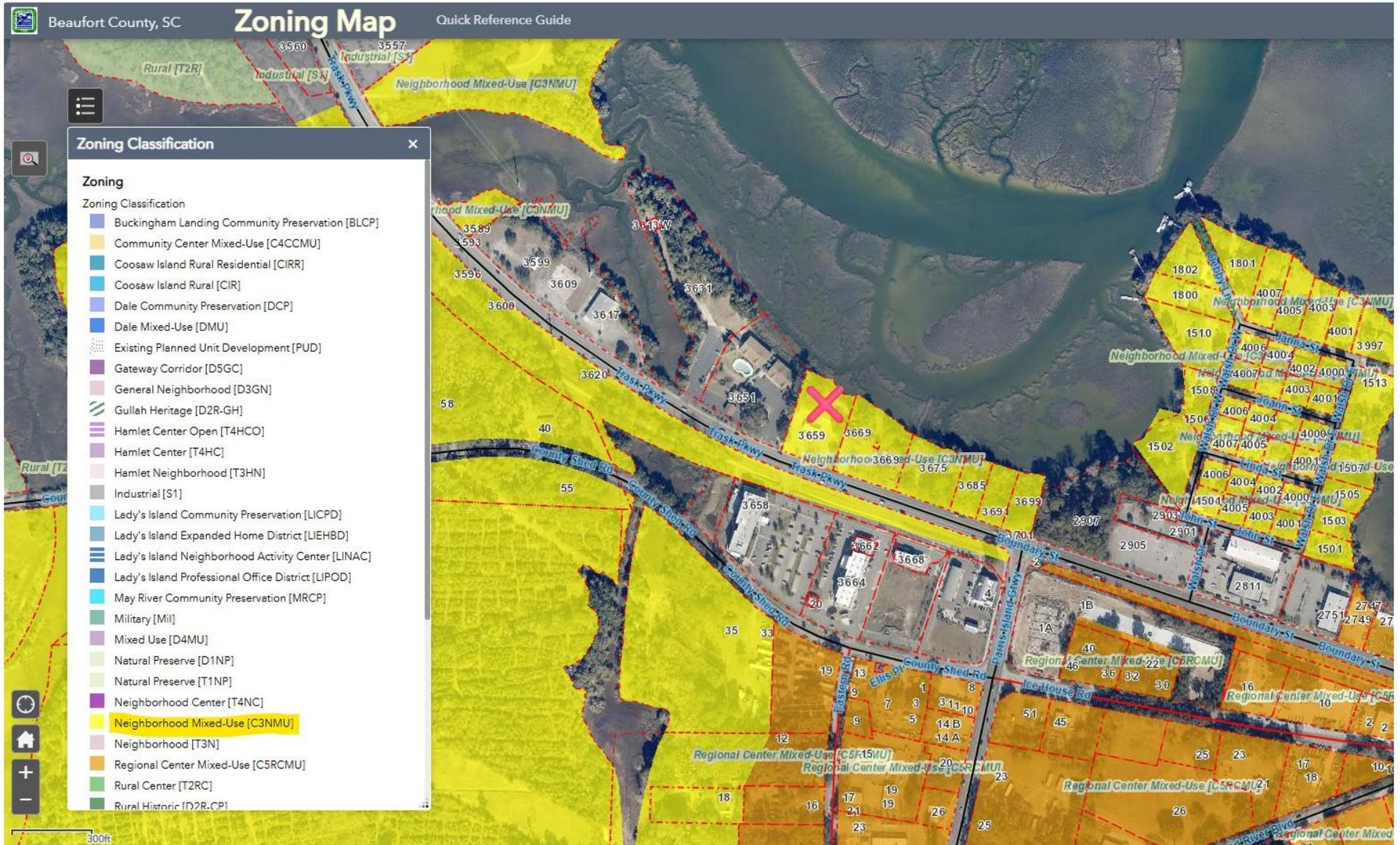
FINDINGS AND RECOMMENDATIONS

Staff Recommendation: Staff recommends approval of the annexation & rezoning request and suggests designation of the subject property to be zoned “T5-UC/RMX” as this would match the City Zoning designation of most properties within the immediate neighborhood/corridor.

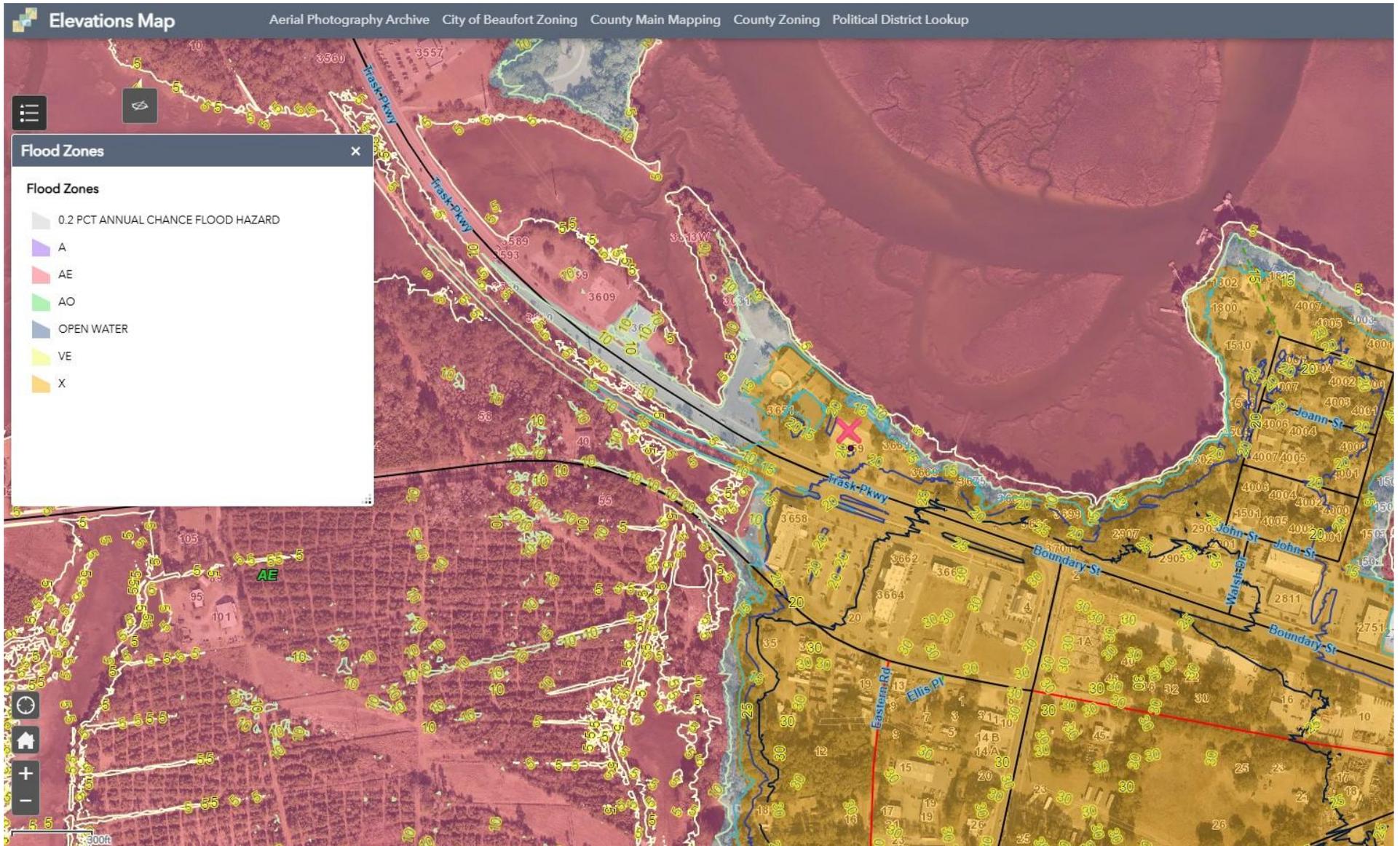
Location of subject property on City of Beaufort, SC – Zoning Map



Location of subject property within Beaufort County, SC – Zoning Map



Location of subject property within Floodplain and Elevations Map



Google Maps General Location Map

3659 Trask Pkwy

Restaurants Hotels Things to do Transit Parking Pharmacies ATMs

Salt Creek Sign in

3659 Trask Pkwy
Building

Directions Save Nearby Send to phone Share

3659 Trask Pkwy, Beaufort, SC 29906

- Suggest an edit on 3659 Trask Pkwy
- Add a missing place
- Add your business

Photos

Layers

Home2 Suites by Hilton Beaufort

Tiru by Hilton Beaufort

Caliber Collision

Extra Space Storage

Tractor Supply Co

The UPS Store

Precision Air HVAC Inc.

Imagery ©2024 Airbus, Maxar Technologies, Map data ©2024 United States Terms Privacy Send Product Feedback 200 ft

Google Maps Streetview - Looking West



Google Maps Streetview - Looking Southwest



Google Maps Streetview - Looking North



TO THE MEMBERS OF)
CITY COUNCIL) PETITION OF ANNEXATION
CITY OF BEAUFORT, SOUTH CAROLINA)

We, the undersigned freeholders, pursuant to Section 5-3-150, South Carolina Code of Laws, 1976, as amended, do pray that your Honorable Body accept the petition and annex the enclosed described area, and enact an Ordinance declaring the area annexed to the City of Beaufort with full City privileges accorded to, and responsibilities required of, the said residents thereof and the lands and properties and businesses erected therein, subject only to the conditions, provisions, and limitations hereinafter set forth. The said annexation shall be upon terms, limitations, provisions, and conditions as follows:

The City of Beaufort shall furnish and render as promptly as practical to said area, its residents and properties, all of privileges, benefits, rights and services now and hereinafter to be accorded the citizens within the corporate limits of the City of Beaufort in every particular under its charter and general special laws of South Carolina applicable to the City of Beaufort, and subject to the existing ordinances of the City.

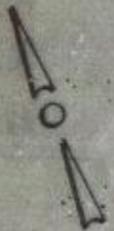
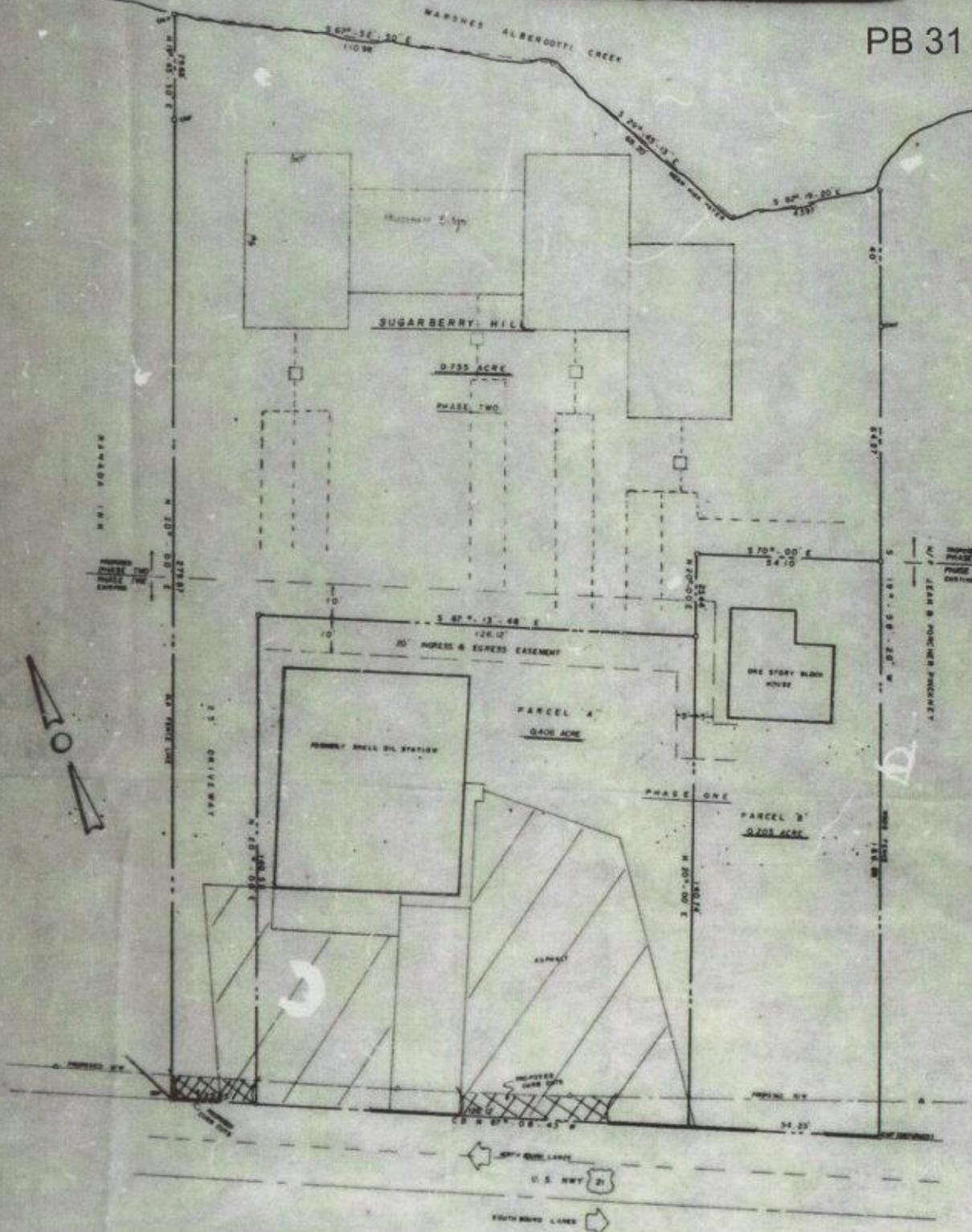
The petitioning area to be annexed is described as follows:

3659 Trask Pkwy, Beaufort, SC. 29906

Plat of area to be annexed and list of freeholders are attached hereto.

Name (print)	Address	Signature	Date of Signature
Golden R. Battey Jr.	107 Alston Rd BFT, SC. 29907	<i>Golden R. Battey</i>	5/5/25
Susan B. Stansell	58 Governors Tr. BFT, SC, 29907	<i>Susan B. Stansell</i>	5/5/25

*Notary Public for
State of South Carolina
Wyneth B. Roemphre*



SURVEY FOR
JACK VANE
 BURTON
 FORT ROYAL ISLAND
 BEAUFORT COUNTY SOUTH CAROLINA

BEAUFORT COUNTY DEVELOPMENT STANDARDS
 - FINAL PLAN APPROVAL -
 This is to certify that the Beaufort County Joint Planning Commission is in full compliance with the plan shown herein and that the same meets the Beaufort County Development Standards and that the Beaufort County Board of Planning Commission approved 6/21/83
 Development Plan # 0686
 Certified by: *Charles Sator*

9-30-83
 Plat Book 31
 page 183
J.C. Sator
 400 C. SPANGLER BLVD
 P.O. BOX 1337
 BEAUFORT, SC 29502

SCALE 1" = 20'
 MAY 27, 1983

PAUL
3/18/25
CL



REZONING APPLICATION (EXCEPT FOR PUDS)

Community Development Department
1911 Boundary Street, Beaufort, South Carolina, 29902
p. (843) 525-7011 / f. (843) 986-5606
Email: development@cityofbeaufort.org/www.cityofbeaufort.org

Application Fee: \$400 +
\$25 for each additional lot
Receipt 186101

OFFICE USE ONLY: Date Filed: 3/18/25 Application #: 28475 Zoning District: _____

Submittal Requirements: You must attach a boundary map prepared by a registered land surveyor of the tract, plot, or properties, in question, and all other adjoining lots of properties under the same ownership. Eight (8) hardcopies of all application materials are required along with a digital copy.

Pursuant to Section 6-29-1145 of the South Carolina Code of Laws, is this tract or parcel restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity described in this application? Yes No

Applicant, Owner and Property Information

Property Address: 3659 TRASK PKWY

Property Identification Number (Tax Map & Parcel Number): R100 026 000 0151 0000

Applicant Name: Willie Mack Stansell III

Applicant Address: 58 Governors Trace Beaufort, Se. 29907

Applicant E-mail: STANSELL64@GMAIL.COM Applicant Phone Number: 843-441-6402

Property Owner (if other than the Applicant): Willie Mack Stansell III, Susan Betty Stansell

Property Owner Address: 58 Governors Trace, Beaufort, Se. 29907

Have any previous applications been made for a map amendment affecting these same premises? () YES (X) NO

If yes, give action(s) taken: _____

Present zone classification: County Comp Imp

Requested zone classification: T5-UC / T5-UC / RMC (Any Comm use)

Total area of property: 1.72 Acre

Existing land use: Vacant, The old Greyhound Bus Station

Desired land use: Multin-use,

Reasons for requesting rezoning: Annexation into the City

Applicant's Signature: [Signature] Date: 3-18/25

NOTE: If the applicant is not the property owner, the property owner must sign below.

Property Owner's Signature: _____ Date: _____

See Section 9.16 of The Beaufort Code for complete information about Rezoning (except for PUDS) | updated May 14, 2024



Beaufort County, South Carolina

generated on 11/18/2024 1:40:57 PM EST

Property ID (PIN)	Alternate ID (AIN)	Parcel Address	Data refreshed as of	Assess Year	Pay Year
R100 026 000 0151 0000	00157341	3659 TRASK PKWY,	11/15/2024	2024	2024

Current Parcel Information

Owner	BATTEY COLDEN R Jr	Property Class Code	ComImp Other
Owner Address	PO BOX 52427 ATLANTA GA 30355	Acreage	1.7200
Legal Description	#BKO1007 CAR RENTAL 0.04 AC TO US 21 R/W		

Historic Information

Tax Year	Land	Building	Market	Taxes	Payment
2024	\$344,000	\$65,800	\$409,800	\$7,600.87	\$0.00
2023	\$344,000	\$65,800	\$409,800	\$7,600.88	\$7,600.88
2022	\$375,700	\$42,300	\$418,000	\$7,051.34	\$7,262.88
2021	\$375,700	\$42,300	\$418,000	\$6,914.82	\$6,914.82
2020	\$375,700	\$42,300	\$418,000	\$6,737.14	\$6,737.14
2019	\$375,700	\$42,300	\$418,000	\$6,661.30	\$6,661.30
2018	\$375,700	\$42,300	\$418,000	\$6,329.22	\$6,349.31
2017	\$244,200	\$69,900	\$314,100	\$5,659.65	\$5,659.65
2016	\$244,200	\$69,900	\$314,100	\$5,542.23	\$5,542.23
2015	\$244,200	\$69,900	\$314,100	\$5,318.28	\$5,318.28
2014	\$244,200	\$69,900	\$314,100	\$5,146.00	\$5,146.00

Sales Disclosure

Grantor	Book & Page	Date	Deed	Vacant	Sale Price
BATTEY COLDEN R JR	4351 3089	7/12/2024	Fu		\$400,000
VANE JUDITH S	612 1959	11/23/1992	Fu		\$300,000
VANE JACK	597 37	12/9/1991	Fu		\$1
KING PETROLEUM CO INC	378 1923	8/1/1983	Fu		\$115,000
KING PETROLEUM CO INC	128 73	1/1/1980	Fu		\$0
		12/31/1776	Or		\$0

Narrative, C/O: Willie Mack Stansell III,

Respectfully request approval of the annexation of 3659 Trask Pkwy into the City of Beaufort as to provide for the continued growth and progress for all parties concerned.

The opportunity to annex into the city for this property will allow for a higher quality of life for its residents, while increasing economic opportunities and ultimately boosting the local economy. We believe by becoming part of the City of Beaufort we are preserving the unique character and identity of the annexed areas around this property, respecting our history and culture.

r/

A handwritten signature in blue ink, appearing to read 'Willie Mack Stansell III', with a long horizontal flourish extending to the right.

Willie Mack Stansell III

EXHIBIT "A"

A 2/3 undivided interest of all that certain piece, parcel or tract of land, together with all buildings and improvements thereon, situate, lying and being in Beaufort Township, in the County of Beaufort, State of South Carolina, and measuring Two Hundred Five and Four-Tenths (205.4') feet, more or less, on U.S. Highway 21, and extending back therefrom to the water and marshes of Albergotti Creek, bounded on the North and East by Albergotti Creek and lands of Sidney Smith; on the South by U.S. Highway 21; on the West by lands of Terhune; as reference to plat thereof prepared by J.N. Frank dated 20 September 1958, will more fully show.

This conveyance is made subject to all easements, restrictions, covenants and conditions of record and otherwise affecting the property.

This being the same property conveyed to the within named Grantor(s) by Deed from Judith S. Vane dated November 23, 1992 and recorded on December 8, 1992 in Book 612 at Page 1959 in the office of the Register of Deeds for Beaufort County, South Carolina.

This deed was prepared by Kevin E. Dukes, Esquire, of Harvey & Battey, PA, 1001 Craven Street, Beaufort, South Carolina 29902.

BEAUFORT COUNTY TAX MAP REFERENCE: R100 026 000 0151 0000