



**CITY OF BEAUFORT**  
1911 BOUNDARY STREET  
BEAUFORT MUNICIPAL COMPLEX  
BEAUFORT, SOUTH CAROLINA 29902  
(843) 525-7070  
**CITY COUNCIL REGULAR MEETING AGENDA**  
**July 8, 2025**

**STATEMENT OF MEDIA NOTIFICATION**

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

**REGULAR MEETING - Council Chambers, 2nd Floor - 7:00 PM**

**Please note, this meeting will be broadcasted via zoom and live streamed on Facebook. You can view the meeting at the City's page: City Beaufort SC**

**I. CALL TO ORDER**

- A. Philip Cromer, Mayor

**II. INVOCATION AND PLEDGE OF ALLEGIANCE**

- A. Mayor Pro Tem, Michael McFee

**III. PUBLIC COMMENT - AGENDA ITEMS**

- A. PLEASE LIMIT YOUR REMARKS TO FIVE MINUTES - The Mayor may interrupt public comments that continue past five minutes, are not related to an agenda item, or are disruptive - Persons violating these rules may be required to leave the meeting - [Public Comment Form](#)

**IV. MEETING AGENDA APPROVAL**

**V. PRESENTATIONS**

- A. City Manager Employee Recognition of Police Officer Chris Cushman

**VI. PROCLAMATIONS/COMMENDATIONS/RECOGNITIONS**

- A. A Resolution honoring the 10th anniversary of the Pan-African Family Empowerment and Land Preservation Network's Help Save Gullah Geechee Land Campaign
- B. Recognition of Paul Trask for his service on the Planning Commission
- C. A Resolution honoring the career and legacy of Mark Robertson and proclaiming July 11, 2025, as "Mark Robertson Day" in the City of Beaufort, South Carolina

**VII. CONSENT AGENDA**

- A. CIP Monthly Report
- B. Community Development Monthly Report
- C. Downtown Operations Monthly Report
- D. Finance Department Monthly Report
- E. Fire Department Monthly Report
- F. Human Resources Monthly Report
- G. Municipal Court Monthly Report
- H. Police Department Monthly Report
- I. Public Works Monthly Report
- J. Request from the Open Land Trust for street closure, waiver of drinking in public, waiver of noise ordinance to host Brunch on the Bluff on Saturday, April 25, 2026,

from 11:00 am to 2:00 pm

- K. Request from Technical College of the Lowcountry PTA Club to host the Jingle All the Way 5K from TCL on the Spanish Moss Trail on Saturday, December 13, 2025, from 9:00 am – 12:00 pm
- L. Request from the Junior Service League of Beaufort for use of the Henry C. Chambers Waterfront Park and co-sponsorship for the 2nd annual Scales and Tails Kids Fishing Tournament on April 4, 2026, from 8:30 am – 3:00 pm

#### **VIII. MINUTES**

- A. Worksession and Regular Meeting – June 10, 2025

#### **IX. OLD BUSINESS**

- A. PUBLIC HEARING AND SECOND READING - Ordinance amending Chapter 7 (Land Development) and Chapter 9 (Development Review Procedures) of the Beaufort Development Code
- B. PUBLIC HEARING AND SECOND READING - An ordinance to annex 1.72 acres of real property identified as Beaufort County Tax Map Number R100 026 000 0151 0000, 3659 Trask Parkway, to the City of Beaufort Pursuant to S.C. Code Ann 5-3-150(3)
- C. PUBLIC HEARING AND SECOND READING - An ordinance to amend the City of Beaufort Zoning District Map to include real property identified as Beaufort County Tax Map Number R100 026 000 0151 0000, 3659 Trask Parkway, to be zoned Regional Mixed Use (RMX)
- D. An Ordinance to amend, Part 8 – Motor Vehicles and Traffic, and Chapter 2 – Parking, of the City of Beaufort Code of Ordinances– Second Reading

#### **X. NEW BUSINESS**

- A. PUBLIC HEARING AND FIRST READING – Ordinance to rename Southside Loop in Southside Park as Clayton Cooler Loop
- B. PUBLIC HEARING AND FIRST READING – Ordinance to name the newly constructed Airport Road Project as Donne Beer Drive
- C. PUBLIC HEARING AND FIRST READING – Ordinance amending Chapter 5, (Landscaping, Parking and Lighting) of the Beaufort Development Code
- D. Request from Morgan Powell to host a wedding and reception on Saturday, May 16, 2026, in White Hall Park, waiver of drinking in public, waiver of drinking in a public park, and loud and unseemly noise ordinances from 4:00 pm – 8:30 pm
- E. Request from The Exchange Club of Beaufort for co-sponsorship to host the 2025 Patriot Day and Awards Ceremony at the Henry C. Chambers Waterfront Park on Thursday, September 11, 2025, from 7:00 am – 9:00 am to include a multi-agency vehicle procession from White Hall Park over the Woods Bridge to the Waterfront Park
- F. An ordinance to adopt a Nuisance Abatement Ordinance for the City of Beaufort – First Reading
- G. A Resolution of the City Council of the City of Beaufort, South Carolina, adopting the City of Beaufort Strategic Plan for Fiscal years 2026-2027
- H. Resolution authorizing the City Manager to enter into a contract for construction of the King Street and Port Republic Stormwater Projects, pending final approval by the South Carolina Rural Infrastructure Authority (RIA) and appropriate Grant Budget approval
- I. Authorization to allow the City Manager to enter into a Memorandum of Understanding with the Blue Ridge Parkway Foundation’s Kids in Parks Program and the Friends of the Spanish Moss Trail
- J. City Attorney Contract Renewal

#### **XI. PUBLIC COMMENT - NON-AGENDA ITEMS**

- A. PLEASE LIMIT YOUR REMARKS TO FIVE MINUTES - The Mayor may interrupt public comments that continue past five minutes, or are disruptive - Persons violating these rules may be required to leave the meeting - [Public Comment Form](#)

**XII. REPORTS**

City Managers Report  
Mayor Report  
Councilmember Reports

**XIII. EXECUTIVE SESSION**

- A. Pursuant to Title 30, Chapter 4, Section (70) (a) (2) of the South Carolina Code of Law:  
Discussions regarding - Conveyance of property.

**XIV. ADJOURN**

**A Resolution Honoring the 10th Anniversary of the Pan-African Family Empowerment & Land Preservation Network’s Help Save Gullah Geechee Land Campaign**

**WHEREAS**, the Pan-African Family Empowerment & Land Preservation Network, Inc. (PAFEN), founded by Theresa White of St. Helena Island on August 28, 2013, is an internationally recognized nonprofit dedicated to empowering people of African descent to preserve ancestral land and promote family and cultural unity; and

**WHEREAS**, in 2015, PAFEN launched the *Help Save Gullah Geechee Land Campaign* to protect Black-owned property within the federally designated Gullah Geechee Cultural Heritage Corridor; and

**WHEREAS**, in its first 10 years, the Campaign has saved homes, land, and businesses valued at nearly \$25 million across South Carolina and Georgia, including in Beaufort County; and

**WHEREAS**, PAFEN’s efforts have been recognized in the Beaufort County 2040 Comprehensive Plan for their role in preserving rural landscapes and protecting heirs’ property, particularly on St. Helena Island; and

**WHEREAS**, PAFEN has drawn national and international attention to the struggles of land-rich but cash-poor Gullah families, and has partnered with numerous organizations and government agencies to provide legal, educational, and financial support; and

**WHEREAS**, through its STAND4LAND workshops and policy advocacy, PAFEN has helped reform property tax laws and land use regulations that benefit Gullah communities.

**NOW, THEREFORE**, the City of Beaufort hereby proclaims July 2025 as Pan-African Family Empowerment & Land Preservation Network / Help Save Gullah Geechee Land Campaign Month in the City of Beaufort, South Carolina, in recognition of a decade of impactful service and advocacy.

**RESOLVED THIS 8th DAY OF JULY, 2025, by the City Council of the City of Beaufort, South Carolina, in regular session duly assembled.**

SIGNED:

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Philip E. Cromer, Mayor

ATTEST:

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Traci Guldner, City Clerk



**RESOLUTION  
2025-17**

**COMMENDING PAUL TRASK FOR SERVING ON  
THE PLANNING COMMISSION**

**WHEREAS**, Paul Trask served on the Planning Commission from January 2024 until July 2025; and

**WHEREAS**, Mr. Trask devoted his efforts and energy in service on this important Board; and

**WHEREAS**, the significant contributions Paul Trask made as a member of the Planning Commission has helped to support sustainable development practices, and protected and enhanced the design, character, and economic value of the City as a whole, thereby promoting the quality of life in our community.

**NOW, THEREFORE BE IT RESOLVED**, the City Council of the City of Beaufort, South Carolina, duly expresses their gratitude and commends Paul Trask for his outstanding service to the City during his tenure.

**IN WITNESS THEREOF**, I hereunto set my hand and caused the Seal of the City of Beaufort to be affixed this 8th day of July 2025.

\_\_\_\_\_  
Philip E. Cromer, Mayor

Attest:

\_\_\_\_\_  
Traci Guldner, City Clerk

**RESOLUTION HONORING THE CAREER AND LEGACY OF MARK ROBERTSON AND  
PROCLAIMING JULY 11, 2025, AS “MARK ROBERTSON DAY” IN THE CITY OF BEAUFORT,  
SOUTH CAROLINA**

**WHEREAS**, Mark Robertson has been a trusted voice on the airwaves in the Greater Beaufort area for an extraordinary 48 years, dedicating his talent, charisma, and passion to keeping our community informed, entertained, and connected; and

**WHEREAS**, throughout his remarkable broadcasting career, Mark has become more than a local radio personality—he has become a beloved household name, known for his warmth, wit, and authenticity behind the microphone; and

**WHEREAS**, in addition to his professional achievements, Mark Robertson has consistently gone above and beyond to give back to his community, volunteering countless hours in support of charitable causes, community events, and public service initiatives; and

**WHEREAS**, his generous spirit, servant leadership, and unwavering support of local organizations and individuals have made a lasting impact on the lives of many in Beaufort and the surrounding region; and

**WHEREAS**, Mark’s legacy is one of dedication, integrity, and heartfelt service—qualities that exemplify the best of what it means to be a member of this community; and

**WHEREAS**, on the occasion of his well-earned retirement on July 11, 2025, it is fitting that the City of Beaufort express its deep appreciation and formally recognize his many contributions.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Beaufort, South Carolina, hereby honors and commends Mark Robertson for his outstanding career and legacy of service to our community; and

**BE IT FURTHER RESOLVED** that the City Council does hereby proclaim **Friday, July 11, 2025, as “MARK ROBERTSON DAY”** in the City of Beaufort, and encourages all citizens to join in celebrating his achievements, legacy, and enduring impact on our community.

**ADOPTED this 8th day of July, 2025, by the City Council of the City of Beaufort, South Carolina.**

SIGNED:

\_\_\_\_\_  
Philip E. Cromer, Mayor

ATTEST:

\_\_\_\_\_  
Traci Guldner, City Clerk



**CITY OF BEAUFORT**

**DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM**

To: City Council

From: Raul Dominguez

Agenda Item Title: CIP Monthly Report

Meeting Date: 7-8-25

Department: City Manager's Office

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Monthly report for May 2025.

Scott Marshall  
CITY MANAGER  
843-525-7070

John Sauvé  
ASSISTANT 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

June 30, 2025

## MEMORANDUM

To: City Council

From: Raul Dominguez CIP Director

Re: Capital Improvement Program Monthly Report

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### I. Summary Report

The CIP Team continues to conduct weekly and bi-weekly meetings with our engineering and contracting partners on our ongoing projects. The team has also been engaged in monthly meetings with our area partners. Listed below are our currently active under construction projects. The remaining projects in our Capital Projects queue are awaiting final permits and RFP process.

**Pigeon Point Park:** Park is 85% finished, and the staff is hopeful of completion by the second week in July. A small ribbon cutting ceremony will be scheduled once the park passes final inspection.

**Pigeon Point Landing:** Staff continues to work with O'Quinn Marine, Davis and Floyd along with stakeholder group in refining some of the points for the proposed upgrades.

**Washington Street Park:** The park is coming along beautifully although the weather has deviated the schedule by a few days. The pavilion roof is up, and it is starting to bring the park to life.

**Southside Phase 2:** Meeting is scheduled for July 9<sup>th</sup> with the taskforce; this will be followed up with stakeholder meetings prior to final recommendation for approval of amenities.



Scott Marshall  
CITY MANAGER  
843-525-7070

John Sauvé  
ASSISTANT CITY MANAGER  
843-379-7525

COUNCIL MEMBERS:  
Philip E. Cromer, Mayor  
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Bayard St: A meeting was held with stakeholders on 6/18 to review the engineers plans for the stormwater work. A request was made for some adjustment to the plan which was investigated by staff and the engineering group. A follow-up request to review the changes has been made.

Waterfront Park Relieving Platform: Staff received engineers reports and as the council is aware we have closed 40-foot portions of the park for public safety reasons.

Staff coordinated with the water festival staff to answer any questions or concerns. Staff will address questions with the engineering team and respond to water festival after the scheduled meeting of July 1<sup>st</sup>.

Staff will continue working with engineering groups on the timelines and future phases of this project.



**CITY OF BEAUFORT**

**DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM**

To: City Council

From: Curt Freese

Agenda Item Title: Community Development Monthly Report

Meeting Date: 7-8-25

Department: Community Development

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Monthly report for May 2025.



## CURRENT PROJECTS MAY 2025

### Issued Project Permits:

#### **COMMERCIAL (Issued)**

- Pine Court Apartments – 2305 - 2317 Pine Court S. – new 60-unit apartment complex (5 buildings) **issued** – **Resubmitted 8/2022** – **Reissued 10/25/22**- **Reissued 7/25/24**
- New Commercial Shell Building – 3668 Trask Pkwy. (Unknown tenant) **Issued 1/10/22**
- Tabby Place Expansion – 913 Port Republic St. – **Issued 12/20/22 (extended)**
- Site Work Only – 918 Craven St. – **Issued 12/20/22 (extended)**
- New Hotel – 800 Port Republic St. – **Issued 12/21/22 (extended)**
- Parking Garage – 918 Craven St. – **Issued 12/21/22 (extended)**
- BMH – 955 Ribaut Rd. – Large Interior Renovations – **Issued 12/19/23**
- BMH – 955 Ribaut Rd. – ER Renovations – **Issued 12/09/24**
- Storage Facility – 1 Parris Island Gtwy. – **Issued 1/18/24 (extended)**
- Carrington Manor – 2247 Boundary St. – Senior Living Bldg. – **Issued 1/25/24**
- Pointe Grand Apts. – 135 Burton Hill Rd. - Site Work Only – **Issued 4/10/24**
- Pointe Grand Apt Bldgs. – 135 Hillpointe Circle – **Issued 12/23/24**
- Hanover Park Apt Bldgs. – 139 Robert Smalls Pkwy. – **Issued 8/27/24**
- Storage/Residential Living – 1140 Ribaut Road phase 1 – **Issued 12/04/24**
- Storage/Residential Living – 1140 Ribaut Road phase 2 and 3 – **Issued 03/29/25**
- ALDI – 361 Robert Smalls Pkwy. – Site Work – **Issued 1/28/25**
- ALDI – 361 Robert Smalls Pkwy. – Bldg. – **Issued 02/06/25**
- Laundry Facility – 73 Schein Loop – **Issued 1/30/25**
- Academy Sports upfit – 320 Robert Smalls Pkwy. (old TJ Maz) – **Issued 1/30/25**
- Washington Street Park – 1011 Washington St. – Addition/Renovations – **Issued 2/13/25**
- 2003 Pearl Street – 150 Unit Apartments (Quality Inn) – **Issued 3/20/2025**
- Boat Landing Renovation – 2440 Pigeon Point Rd. – **Issued 3/25/2025**
- Pigeon Point Park Renovation – 1512 Pigeon Point Rd. – **Issued 4/22/2025**

#### **COMMERCIAL (Pending)**

- 3-Story Apt Bldg. w/1<sup>st</sup> Floor as Comm'l – 211 Charles St. – **(Outstanding Items - extended)**
- Renovations to Angiographic Room – 955 Ribaut Rd. – **(Outstanding Items)**
- 15,056 Metal Warehouse – 25 John Galt Rd. – **(Outstanding Items)**
- Renovation of Warehouse – 3484 Trask Pkwy. – **(Outstanding Items)**

#### **SF RESIDENTIAL (New Construction) ISSUED within the last month**

- 1110 Greene Street
- 1136 Salty Hammock Court (Salem Bay Subd)
- 114 Secession Drive (Distant Island Subd)

- 1142 Salty Hammock Court (Salem Bay Subd)
- 1144 Salty Hammock Court (Salem Bay Subd)
- 1146 Salty Hammock Court (Salem Bay Subd)
- 1174 Salty Hammock Court (Salem Bay Subd)
- 1178 Salty Hammock Court (Salem Bay Subd)
- 139 Chowan Creek Bluff
- 2951 Marshfront Drive (Camelia Banks Subd)

**SF RESIDENTIAL (New Construction) SUBMITTED within the last month**

- 2 Tillandsia Point (Distant Island Subd)
- 1180 Salty Hammock Court (Salem Bay Subd)

**Historic Review Board:**

**HRB (Historic Review Board) Scheduled:**

- 1203 Bay Street (The Cuthbert House), PIN R120 004 000 771A 0000, awning replacement Applicant: applicant is requesting approval for replacement of a green canvas awning at the rear of The Cuthbert House with a standing seam metal shed roof.
- 1107 Prince Street, PIN R120 004 000 0503 0000, alterations, additions. The applicant is requesting approval to partially demolish the existing structure, enclose the existing porch and add a new screened porch and terrace.

**Historic Technical Review Committee (HTRC):**

- 1010 West Street (Contributing, c. 1900) – Discussion on proposed renovations to exterior (and interior);
- 1102 West Street (Contributing, c. 1930) – Discussion on proposed renovations to exterior (and interior);
- 1411 North Street (Contributing, c. 1907) – Discussion on proposed exterior paint color change;
- 914 Boundary Street (Non-contributing, c. 1970) – Discussion on proposed exterior paint color change, new shed placement;
- 314 Charles Street (Contributing, c. 1855) – Discussion on proposed installation of storm doors (front & rear doors);
- 809 Port Republic Street (Non-Contributing, c. 1895 - altered) – Discussion on various site improvements at the Beaufort Inn;
- 811 Congress Street (vacant lot in the Old Commons neighborhood) – Followup meeting on new house construction and revised plan set;

## Technical Review Committee (TRC):

- Proposed construction of single-family dwelling with detached 2-car garage within Cottage Farm S/D (Lot 30; 343 Cottage Farm Dr.; PIN: R120 006 000 0398 0000) – Preliminary review of architectural design and other development standards;
- Preliminary development plat for Lower Cane Island (PIN: R123 020 000 0036 0000, et al.) – Review of draft of preliminary plat including Planning & Zoning, Engineering, Stormwater Management, Fire Safety, Building Codes, etc.;
- Proposed placement of additional modular classrooms for upcoming schoolyear at St. Peter’s Catholic School (70 Lady’s Island Dr.; PIN: R123 015 000 178A 0000) – Follow-up discussion on new specs for revised project;
- Follow-up discussion on design revisions for new hotel (3670 Trask Pkwy; PIN: R120 026 000 0160 0000) – Discussion on latest revisions to architectural design and other development standards;
- Proposal for new drive-thru restaurant (250 Robert Smalls Parkway – Lot# 5A; PIN: R122 029 000 110A 0000) – Discussion on conceptual site and traffic circulation plan for new drive-thru restaurant at Crossings of Beaufort;
- Discussion on proposed parking lot project for Pearl Studios Apartment Complex (fmr. Quality Inn; 1500 Sycamore St.; PIN: R120 001 000 0269 0000) – Discussion on site plan, SoLoCo stormwater management provisions, etc.
- Discussion on Site Development Plan revisions for Kane Island – Phase I (5 Cane Island Farm Rd.; PIN: R123 018 000 0076 0000) – Follow-up discussion with developer on previous TRC comments and latest revisions to the Site Development Plan, etc.;
- Change of Use request including structural changes for proposed Daycare Facility (1816 Boundary Street; PIN: R120 003 000 0023 0000) – Discussion on general pre-requisites and structural changes to existing building to be converted into Daycare facility;

## City Council:

- Code Amendments – Chapters 7 & 9  
*May, 2025 1<sup>st</sup> reading.*
- Annexation and rezoning of approximately 2.8 acres located at 3492 Trask Parkway, Beaufort, South Carolina, from Industrial S-1 (Beaufort County) to T-1 Natural Preserve District (City Zoning). The property is further identified as R100 025 000 012A 0000.3659 Trask Parkway – Annexation/Rezone – *2<sup>nd</sup> reading*
- 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.

## PC (Planning Commission):

### PC (Planning Commission)

- Re-Naming Roads Process
- Code Amendments – Chapters 5, & 8
- Annexation and Zoning: 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.
- Worksession: May 12, Chapters 5, & 8

## ZBOA (Zoning Board of Appeals):

### ZBOA (Zoning Board of Appeals) Scheduled:

- None

## Tenant Change (Safety Inspections)

- 2015 Boundary Street \_ Proposed Bus: Law Office
- 2127 Boundary Street Suite 208C \_ Proposed Bus: Ocha Indeed \_ Previous Occupant: Yes Thai Indeed
- 204 Carteret Street \_ Proposed Bus: Spa and massage services \_ Previous Occupant: Social Betty
- 2015 Boundary Street \_ Proposed Bus: Home Health Care Services
- 2127 Boundary Street Suite 10 \_ Proposed Bus: Hitters University \_ Previous Occupant: Shoe Show

## Permits

### New Construction - Residential Dwellings & Commercial Structures 2025

| Month | Single Family | Multifamily | Commercial | Permit Fees |
|-------|---------------|-------------|------------|-------------|
| Jan   | 14            | 0           | 2          | \$76,939.00 |
| Feb   | 15            | 0           | 1          | 64,212.50   |
| Mar   | 13            | 0           | 0          | 34,333.10   |
| Apr   | 16            | 0           | 0          | 43,795.20   |
| May   | 10            | 0           | 0          | 31,323.80   |
| Jun   |               |             |            |             |
| Jul   |               |             |            |             |
| Aug   |               |             |            |             |
| Sep   |               |             |            |             |
| Oct   |               |             |            |             |
| Nov   |               |             |            |             |
| Dec   |               |             |            |             |

|               |           |          |          |                     |
|---------------|-----------|----------|----------|---------------------|
| <b>Totals</b> | <b>68</b> | <b>0</b> | <b>3</b> | <b>\$250,603.60</b> |
|---------------|-----------|----------|----------|---------------------|

**Total Residential Units: 71**

Note: The total permit fees collected does not include impact fees.

|               | <b>2025</b>          |                              |
|---------------|----------------------|------------------------------|
| <b>Month</b>  | <b>Total Permits</b> | <b>Permit Fees Collected</b> |
| Jan           | 83                   | \$102,854.09                 |
| Feb           | 89                   | \$77,962.09                  |
| Mar           | 116                  | \$70,670.29                  |
| Apr           | 106                  | \$56,917.73                  |
| May           | 96                   | \$48,165.86                  |
| Jun           |                      |                              |
| Jul           |                      |                              |
| Aug           |                      |                              |
| Sep           |                      |                              |
| Oct           |                      |                              |
| Nov           |                      |                              |
| Dec           |                      |                              |
| <b>Totals</b> | <b>490</b>           | <b>\$356,570.06</b>          |



**CITY OF BEAUFORT**

**DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM**

To: City Council

From: Linda Roper

Agenda Item Title: Downtown Operations Monthly Report

Meeting Date: 7-8-25

Department: Downtown Operations

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Monthly report for May 2025.

# MAIN STREET BEAUFORT

## May Monthly Report



### Meetings & Events Attended:

**Main Street Strategic Planning Workshop:** Attended an intensive workshop with three other SC Main Street communities. (\$750 Technical Assistance Dollars awarded.)

**Coffee Break:** Participated in the statewide Main Street check-in to exchange tools and ideas for supporting local businesses.

**Touch-A-Truck Meeting:** Met with Public Works to discuss how Downtown Operations can assist with event logistics.

**Gullah Festival:** Participated in a pre-event planning session and daily check-ins throughout the festival.

**Cultural District Advisory Board Meeting:** Prepared necessary materials and provided ongoing board support.

**Ribbon Cutting – Cluver’s:** Attended the ceremony and officially welcomed the business to Beaufort.

**Main Street “Tough Spot” Webinar:** Joined a session focused on navigating construction challenges and communication best practices in Main Street communities.

**Music Festival of the Lowcountry Planning:** Participated in an all-department meeting to discuss festival needs and coordination.

### Execution & Planning:

**First Friday (May 2, 2025)** – Successfully organized and hosted a monthly community event in Downtown Beaufort.

**Taste of Beaufort:** Continued to assist with all aspects of the event from setup to takedown.

**Marina Mural Completion:** Hosted Julia Hunkler and provided support for the completion of the Marina mural, serving as a welcome sign to Downtown Beaufort.

**Cultural District Reporting:** Partnered with the Cultural District Advisory Board to gather data and submit the FY2023 South Carolina Cultural Districts Annual Report to maintain Beaufort’s designation.

**Main Street Meet Up:** Coordinated with SK Signs and Designs to feature Bodhi by the Bay as part of the ongoing series highlighting local merchants.

**Business Break:** Collaborated with WTOC to produce a spotlight segment promoting Downtown Beaufort.

**Downtown Directory:** Updated the Downtown Directory to reflect current business information and ensure accuracy for visitors and locals.

### WEBSITE TOTAL VIEWS

 **3,372**

### Main Street Beaufort eNewsletter

| Month | Recipients | Open Rate | Opened |
|-------|------------|-----------|--------|
| May   | 147        | 66.2%     | 90     |



### INSTAGRAM INSIGHTS

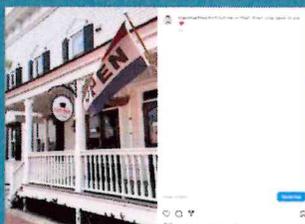
#### TOP-PERFORMING CONTENT

**1,229**  
REACH  
↑ 300%

**985**  
Views

**1.3K**  
VIEWS  
↑ 90.4%

**860**  
Reach



### FACEBOOK INSIGHTS

#### TOP-PERFORMING CONTENT

**126,716**  
REACH  
↑ 329.7%

**105,492**  
Views

**88,499**  
Reach

**212.3K**  
IMPRESIONS  
↑ 1,191%



**City of Beaufort Downtown Operations & Community Services  
Events & Tour Coordinator Activity Report  
May 2025**

**Events & Tour Coordinator – May 2025**

May started with DTO's first festival – A Taste of Beaufort on May 2<sup>nd</sup> & 3<sup>rd</sup>. With amazing weather, food, bands, and guests, it was a weekend to remember. DTO attended ribbon cuttings for new businesses and organizations. Daily operations of park rentals and inquiries also kept us busy. Overall, it was a productive month with great progress on upcoming events and community participation.

**Highlights May 2025:**

- A Taste of Beaufort – May 2<sup>nd</sup> & 3<sup>rd</sup>, 2025
- Issued Tour Badges.
- Hosted department head meeting for future festivals
  - Gullah Festival
  - Beaufort River Swim
  - Lowcountry Music Festival
- Took part in ribbon cuttings for:
  - Garden Oaks
  - Culver's
- Managed 28 park rentals – mostly weekends.
  - Festivals
    - A Taste of Beaufort
    - Gullah Festival
  - Graduations
    - TCL
    - Lowcountry Montessori
    - Cub Scouts
  - Other
    - Beaufort River Swim
- Planning started for Shrimp Festival

**City of Beaufort Downtown Operations & Community Services  
 Events & Tour Coordinator Activity Report  
 May 2025**

- Washington Street Park remains closed for construction, however Friday community dinners and the United Way’s shower trailer are still conducting their services.
- Pigeon Point closed for playground construction, events conducted during May did not use the playground

**Park Reservations May 2025**

| Location            | Wedding  | Special Event | Birthday | Other     | Festival | Attendance |          |
|---------------------|----------|---------------|----------|-----------|----------|------------|----------|
|                     |          |               |          |           |          | -50        | 50+      |
| Waterfront Park     |          |               |          | 7         | 2        | 2          | 6        |
| Pigeon Point Park   |          |               | 2        |           |          | 2          |          |
| Washington St. Park |          |               |          | 5         |          | 5          |          |
| Southside Park      |          |               | 4        | 2         |          | 6          |          |
| Whitehall Park      | 1        |               | 1        | 4         |          | 6          | 1        |
| The Bluff           |          |               |          |           |          |            |          |
| Other               |          |               |          |           |          |            |          |
| <b>Totals</b>       | <b>1</b> | <b>0</b>      | <b>7</b> | <b>18</b> | <b>2</b> | <b>21</b>  | <b>7</b> |



**CITY OF BEAUFORT**

**DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM**

To: City Council

From: Alan Eisenman

Agenda Item Title: Finance Department Monthly Report

Meeting Date: 7-8-25

Department: Finance Department

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Monthly report for May 2025.

Scott Marshall  
CITY MANAGER  
843-525-7070  
FAX 843-525-7013



**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

Dear Mayor, Members of City Council and City of Beaufort Stakeholders:

The City of Beaufort May 2025 financial statement is included in your agenda packet. This financial statement includes the City's Balance Sheet and Statement of Revenues, Expenditures, and Changes in Fund Balance (aka Income Statement). It also includes Budgetary Comparison Schedules for the City's fiscal year 2025 budgeted funds which include General Fund, TIF II Fund, Capital Projects Fund, Parks and Tourism Fund, American Rescue Plan Act (ARPA) Fund, Stormwater Fund, State Accommodations Tax Fund, and Fire Impact Fees Fund.

With May being the 11<sup>th</sup> month of the fiscal year 2025, recurring revenues and expenditures should be 91.7% of the budget. General Fund revenues are 85.5% of the budget while expenditures are 85.2% of the budget.

I'll be happy to answer any questions that you may have as you review the City's May 2025 financial statements.

Thanks,

Alan Eisenman CPA CGFO  
Finance Director

**CITY OF BEAUFORT, SOUTH CAROLINA  
BALANCE SHEET  
GOVERNMENTAL FUNDS  
MAY 31, 2025**

|   | General Fund         | TIF II Fund         | Capital Projects Fund | Parks and Tourism Fund | American Rescue Plan Act Fund | Stormwater Fund     | Other Governmental Funds | Total Governmental Funds |
|---|----------------------|---------------------|-----------------------|------------------------|-------------------------------|---------------------|--------------------------|--------------------------|
| <b>ASSETS</b>   |                      |                     |                       |                        |                               |                     |                          |                          |
| Cash and cash equivalents   | \$ 16,421,047        | \$ 162,663          | \$ 2,660,045          | \$ 4,735,999           | \$ 3,542,228                  | \$ 450,288          | \$ 2,297,875             | \$ 30,270,145            |
| Taxes receivable, net   | 199,779              | -                   | -                     | -                      | -                             | 41,439              | -                        | 241,218                  |
| Other receivables   | 407,813              | -                   | -                     | 58,445                 | -                             | -                   | -                        | 466,258                  |
| Inventories and other assets  | 21,040               | -                   | -                     | -                      | -                             | -                   | -                        | 21,040                   |
| Restricted cash and cash equivalents                                | -                    | 3,806,777           | -                     | 2,777,002              | -                             | 763,633             | 26,005                   | 7,373,417                |
| Total assets  | <u>17,049,679</u>    | <u>3,969,440</u>    | <u>2,660,045</u>      | <u>7,571,446</u>       | <u>3,542,228</u>              | <u>1,255,360</u>    | <u>2,323,880</u>         | <u>38,372,078</u>        |
| <b>LIABILITIES, DEFERRED INFLOWS OF RESOURCES AND FUND BALANCES</b> |                      |                     |                       |                        |                               |                     |                          |                          |
| Liabilities:  |                      |                     |                       |                        |                               |                     |                          |                          |
| Accounts payable  | 236,251              | -                   | 232,072               | 19,685                 | 1,423                         | 6,231               | -                        | 495,662                  |
| Due to other governments  | 57,339               | -                   | -                     | -                      | -                             | -                   | -                        | 57,339                   |
| Unearned revenue  | -                    | -                   | -                     | -                      | 2,882,805                     | -                   | -                        | 2,882,805                |
| Accrued liabilities   | 124,306              | -                   | -                     | 47,873                 | -                             | 5,783               | 3,142                    | 181,104                  |
| Deposits and escrow   | 477,704              | -                   | -                     | 19,700                 | -                             | -                   | 23,617                   | 521,021                  |
| Total liabilities   | <u>895,600</u>       | <u>-</u>            | <u>232,072</u>        | <u>87,258</u>          | <u>2,884,228</u>              | <u>12,014</u>       | <u>26,759</u>            | <u>4,137,931</u>         |
| Deferred Inflows of Resources:                                      |                      |                     |                       |                        |                               |                     |                          |                          |
| Unavailable revenue - property taxes                                | 545,869              | -                   | -                     | -                      | -                             | 25,910              | -                        | 571,779                  |
| Total deferred inflows of resources                                 | <u>545,869</u>       | <u>-</u>            | <u>-</u>              | <u>-</u>               | <u>-</u>                      | <u>25,910</u>       | <u>-</u>                 | <u>571,779</u>           |
| Fund balances:  |                      |                     |                       |                        |                               |                     |                          |                          |
| Nonspendable:   |                      |                     |                       |                        |                               |                     |                          |                          |
| Inventories   | 26,355               | -                   | -                     | -                      | -                             | -                   | -                        | 26,355                   |
| Cemetery  | -                    | -                   | -                     | -                      | -                             | -                   | 7,246                    | 7,246                    |
| Restricted  | 1,577,099            | 3,969,440           | 2,427,973             | 4,707,186              | 658,000                       | 453,803             | 2,253,827                | 16,047,328               |
| Committed for:  |                      |                     |                       |                        |                               |                     |                          |                          |
| Land Acquisition  | 1,057,028            | -                   | -                     | -                      | -                             | -                   | -                        | 1,057,028                |
| Vehicle and equipment replacement                                   | 1,865,039            | -                   | -                     | -                      | -                             | -                   | -                        | 1,865,039                |
| Redevelopment   | 1,573,499            | -                   | -                     | -                      | -                             | -                   | -                        | 1,573,499                |
| Capital Projects  | 1,247,829            | -                   | -                     | 2,777,002              | -                             | 763,633             | -                        | 4,788,464                |
| Law enforcement   | -                    | -                   | -                     | -                      | -                             | -                   | 36,048                   | 36,048                   |
| Assigned for:   |                      |                     |                       |                        |                               |                     |                          |                          |
| Subsequent year's budget  | 73,615               | -                   | -                     | -                      | -                             | -                   | -                        | 73,615                   |
| Unassigned  | 8,187,746            | -                   | -                     | -                      | -                             | -                   | -                        | 8,187,746                |
| Total fund balances   | <u>15,608,210</u>    | <u>3,969,440</u>    | <u>2,427,973</u>      | <u>7,484,188</u>       | <u>658,000</u>                | <u>1,217,436</u>    | <u>2,297,121</u>         | <u>33,662,368</u>        |
| Total liabilities, deferred inflows of resources and fund balances  | <u>\$ 17,049,679</u> | <u>\$ 3,969,440</u> | <u>\$ 2,660,045</u>   | <u>\$ 7,571,446</u>    | <u>\$ 3,542,228</u>           | <u>\$ 1,255,360</u> | <u>\$ 2,323,880</u>      | <u>\$ 38,372,078</u>     |

**CITY OF BEAUFORT, SOUTH CAROLINA**  
**STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES**  
**GOVERNMENTAL FUNDS**  
**FOR THE MONTH ENDED MAY 31, 2025**

|   | General Fund         | TIF II Fund         | Capital Projects<br>Fund | Parks and<br>Tourism Fund | American<br>Rescue Plan<br>Act Fund | Stormwater<br>Fund  | Other<br>Governmental<br>Funds | Total<br>Governmental<br>Funds |
|---|----------------------|---------------------|--------------------------|---------------------------|-------------------------------------|---------------------|--------------------------------|--------------------------------|
| <b>REVENUES</b>   |                      |                     |                          |                           |                                     |                     |                                |                                |
| Property taxes  | \$ 9,899,778         | \$ -                | \$ -                     | \$ -                      | \$ -                                | \$ -                | \$ -                           | \$ 9,899,778                   |
| Other taxes   | -                    | -                   | -                        | 4,066,086                 | -                                   | -                   | 668,733                        | 4,734,819                      |
| Franchise fees  | 895,908              | -                   | -                        | -                         | -                                   | -                   | -                              | 895,908                        |
| Fines and forfeitures                                     | 85,639               | -                   | -                        | -                         | -                                   | -                   | -                              | 85,639                         |
| Licenses and permits                                      | 4,714,039            | -                   | -                        | -                         | -                                   | -                   | 292,828                        | 5,006,867                      |
| Intergovernmental   | 4,967,957            | -                   | 1,621,851                | -                         | 1,560,490                           | -                   | -                              | 8,150,298                      |
| Charges for services                                      | 1,666,111            | -                   | -                        | 576,368                   | -                                   | 1,336,886           | -                              | 3,579,365                      |
| Investment earnings                                       | 717,878              | 157,811             | 81,204                   | 351,670                   | 174,029                             | 32,190              | 40,253                         | 1,555,035                      |
| Miscellaneous   | 68,371               | -                   | -                        | 194,052                   | -                                   | -                   | 5,425                          | 267,848                        |
| Total revenues  | <u>23,015,681</u>    | <u>157,811</u>      | <u>1,703,055</u>         | <u>5,188,176</u>          | <u>1,734,519</u>                    | <u>1,369,076</u>    | <u>1,007,239</u>               | <u>34,175,557</u>              |
| <b>EXPENDITURES</b>                                       |                      |                     |                          |                           |                                     |                     |                                |                                |
| Current:  |                      |                     |                          |                           |                                     |                     |                                |                                |
| General government  | 4,287,643            | -                   | -                        | -                         | 274,153                             | -                   | 341,704                        | 4,903,500                      |
| Law enforcement   | 5,603,362            | -                   | -                        | 1,251,625                 | -                                   | -                   | -                              | 6,854,987                      |
| Fire and emergency  | 6,286,509            | -                   | -                        | -                         | -                                   | -                   | -                              | 6,286,509                      |
| Public works  | 2,150,221            | -                   | -                        | -                         | -                                   | 609,759             | -                              | 2,759,980                      |
| Culture and recreation                                    | -                    | -                   | -                        | 1,529,859                 | -                                   | -                   | -                              | 1,529,859                      |
| Streets   | 720,433              | -                   | -                        | -                         | -                                   | -                   | -                              | 720,433                        |
| Community development                                     | 1,115,065            | -                   | -                        | 875,193                   | -                                   | -                   | -                              | 1,990,258                      |
| Debt Service:   |                      |                     |                          |                           |                                     |                     |                                |                                |
| Principal   | 1,541,915            | -                   | -                        | 603,858                   | -                                   | 316,250             | 52,358                         | 2,514,381                      |
| Interest and other charges                                | 303,438              | -                   | -                        | 370,743                   | -                                   | 156,705             | 11,296                         | 842,182                        |
| Capital Outlay  | -                    | 21,215              | 5,864,496                | 119,885                   | 162,929                             | -                   | -                              | 6,168,525                      |
| Total expenditures  | <u>22,008,586</u>    | <u>21,215</u>       | <u>5,864,496</u>         | <u>4,751,163</u>          | <u>437,082</u>                      | <u>1,082,714</u>    | <u>405,358</u>                 | <u>34,570,614</u>              |
| Excess (deficiency) of revenues over (under) expenditures | <u>1,007,095</u>     | <u>136,596</u>      | <u>(4,161,441)</u>       | <u>437,013</u>            | <u>1,297,437</u>                    | <u>286,362</u>      | <u>601,881</u>                 | <u>(395,057)</u>               |
| <b>OTHER FINANCING SOURCES (USES)</b>                     |                      |                     |                          |                           |                                     |                     |                                |                                |
| Issuance of revenue bonds                                 | -                    | -                   | -                        | -                         | -                                   | -                   | -                              | -                              |
| Transfers in  | -                    | -                   | 5,184,020                | -                         | -                                   | -                   | -                              | 5,184,020                      |
| Transfers out   | -                    | -                   | -                        | (3,240,695)               | (1,123,408)                         | (800,042)           | (19,875)                       | (5,184,020)                    |
| Total other financing sources (uses)                      | <u>-</u>             | <u>-</u>            | <u>5,184,020</u>         | <u>(3,240,695)</u>        | <u>(1,123,408)</u>                  | <u>(800,042)</u>    | <u>(19,875)</u>                | <u>-</u>                       |
| Net change in fund balances                               | 1,007,095            | 136,596             | 1,022,579                | (2,803,682)               | 174,029                             | (513,680)           | 582,006                        | (395,057)                      |
| Fund balances - beginning                                 | 14,601,115           | 3,832,844           | 1,405,394                | 10,287,870                | 483,971                             | 1,731,116           | 1,715,115                      | 34,057,425                     |
| Fund balances - ending                                    | <u>\$ 15,608,210</u> | <u>\$ 3,969,440</u> | <u>\$ 2,427,973</u>      | <u>\$ 7,484,188</u>       | <u>\$ 658,000</u>                   | <u>\$ 1,217,436</u> | <u>\$ 2,297,121</u>            | <u>\$ 33,662,368</u>           |

**CITY OF BEAUFORT, SOUTH CAROLINA  
 COMBINING BALANCE SHEET  
 OTHER GOVERNMENTAL FUNDS  
 MAY 31, 2025**

|                                      | <u>Special Revenue Funds</u>       |                                  |   | <u>Permanent Fund</u> | <u>Total-Other<br/>Governmental<br/>Funds</u> |
|--------------------------------------|------------------------------------|----------------------------------|---|-----------------------|---|
|                                      | <u>State</u>                       | <u>Fire Impact<br/>Fees Fund</u> | <u>Drug Control and<br/>Prevention Fund</u> | <u>Cemetery Fund</u>  |   |
|                                      | <u>Accommodations<br/>Tax Fund</u> |                                  |   |                       |   |
| <b>ASSETS</b>                        |                                    |                                  |   |                       |   |
| Cash and cash equivalents            | \$ 1,674,265                       | \$ 580,316                       | \$ 36,048                                   | 7,246                 | \$ 2,297,875                                  |
| Other receivables                    | -                                  | -                                | -   | -                     | -   |
| Restricted cash and cash equivalents | -                                  | -                                | 26,005                                      | -                     | 26,005  |
| Total assets                         | <u>1,674,265</u>                   | <u>580,316</u>                   | <u>62,053</u>                               | <u>7,246</u>          | <u>2,323,880</u>                              |
| <b>LIABILITIES AND FUND BALANCES</b> |                                    |                                  |   |                       |   |
| Liabilities:                         |                                    |                                  |   |                       |   |
| Accounts payable                     | -                                  | -                                | -   | -                     | -   |
| Other accrued expenses               | 3,142                              | -                                | -   | -                     | 3,142   |
| Deposits and escrow                  | -                                  | -                                | 23,617                                      | -                     | 23,617  |
| Total liabilities                    | <u>3,142</u>                       | <u>-</u>                         | <u>23,617</u>                               | <u>-</u>              | <u>26,759</u>                                 |
| Fund balances:                       |                                    |                                  |   |                       |   |
| Nonspendable:                        |                                    |                                  |   |                       |   |
| Cemetery                             | -                                  | -                                | -   | 7,246                 | 7,246   |
| Restricted                           | 1,671,123                          | 580,316                          | 2,388                                       | -                     | 2,253,827                                     |
| Committed for:                       |                                    |                                  |   |                       |   |
| Law enforcement                      | -                                  | -                                | 36,048                                      | -                     | 36,048  |
| Total fund balances                  | <u>1,671,123</u>                   | <u>580,316</u>                   | <u>38,436</u>                               | <u>7,246</u>          | <u>2,297,121</u>                              |
| Total liabilities and fund balances  | <u>\$ 1,674,265</u>                | <u>\$ 580,316</u>                | <u>\$ 62,053</u>                            | <u>\$ 7,246</u>       | <u>\$ 2,323,880</u>                           |

**CITY OF BEAUFORT, SOUTH CAROLINA  
COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES  
OTHER GOVERNMENTAL FUNDS  
FOR THE MONTH ENDED MAY 31, 2025**

|                                       | <u>Special Revenue Funds</u>       |                                  |   | <u>Permanent Fund</u> | <u>Total-Other<br/>Governmental<br/>Funds</u> |
|---------------------------------------|------------------------------------|----------------------------------|---|-----------------------|---|
|                                       | State                              |                                  |   |                       |   |
|                                       | <u>Accommodations<br/>Tax Fund</u> | <u>Fire Impact<br/>Fees Fund</u> | <u>Drug Control and<br/>Prevention Fund</u> | <u>Cemetery Fund</u>  |   |
| <b>REVENUES</b>                       |                                    |                                  |   |                       |   |
| Other taxes                           | \$ 668,733                         | \$ -                             | \$ -  | \$ -                  | \$ 668,733                                    |
| Licenses and permits                  | -                                  | 292,828                          | -   | -                     | 292,828                                       |
| Investment earnings                   | 39,320                             | -                                | 933   | -                     | 40,253  |
| Miscellaneous                         | -                                  | -                                | 5,425                                       | -                     | 5,425   |
| Total revenues                        | <u>708,053</u>                     | <u>292,828</u>                   | <u>6,358</u>                                | <u>-</u>              | <u>1,007,239</u>                              |
| <b>EXPENDITURES</b>                   |                                    |                                  |   |                       |   |
| Current:                              |                                    |                                  |   |                       |   |
| General government                    | 341,704                            | -                                | -   | -                     | 341,704                                       |
| Debt Service                          |                                    |                                  |   |                       | -   |
| Principal                             | -                                  | 52,358                           | -   | -                     | 52,358  |
| Interest and other charges            | -                                  | 11,296                           | -   | -                     | 11,296  |
| Total expenditures                    | <u>341,704</u>                     | <u>63,654</u>                    | <u>-</u>                                    | <u>-</u>              | <u>405,358</u>                                |
| Excess of revenues over expenditures  | <u>366,349</u>                     | <u>229,174</u>                   | <u>6,358</u>                                | <u>-</u>              | <u>601,881</u>                                |
| <b>OTHER FINANCING SOURCES (USES)</b> |                                    |                                  |   |                       |   |
| Transfers out                         | (19,875)                           | -                                | -   | -                     | (19,875)                                      |
| Total other financing sources (uses)  | <u>(19,875)</u>                    | <u>-</u>                         | <u>-</u>                                    | <u>-</u>              | <u>(19,875)</u>                               |
| Net change in fund balances           | 346,474                            | 229,174                          | 6,358                                       | -                     | 582,006                                       |
| Fund balances - beginning             | 1,324,649                          | 351,142                          | 32,078                                      | 7,246                 | 1,715,115                                     |
| Fund balances - ending                | <u>\$ 1,671,123</u>                | <u>\$ 580,316</u>                | <u>\$ 38,436</u>                            | <u>\$ 7,246</u>       | <u>\$ 2,297,121</u>                           |

**CITY OF BEAUFORT, SOUTH CAROLINA  
BUDGETARY COMPARISON SCHEDULE  
GENERAL FUND  
FOR THE MONTH ENDED MAY 31, 2025**

|                          | Budgeted Amounts  |                   | Actual            | Variance with<br>Final Budget<br>Positive<br>(Negative) | Variance with<br>Final Budget<br>Percentage |
|--------------------------|-------------------|-------------------|-------------------|---|---|
|                          | Original          | Final             |                   |   |   |
| <b>Revenues:</b>         |                   |                   |                   |   |   |
| Property taxes           | \$ 9,598,632      | \$ 9,598,632      | \$ 9,899,778      | \$ 301,146  | 103.1%                                      |
| Franchise fees           | 2,258,000         | 2,258,000         | 895,908           | (1,362,092)   | 39.7%                                       |
| Fines and forfeitures    | 56,000            | 56,000            | 85,639            | 29,639  | 152.9%                                      |
| Licenses and permits     | 6,870,000         | 6,870,000         | 4,714,039         | (2,155,961)   | 68.6%                                       |
| Intergovernmental        | 3,854,181         | 5,400,389         | 4,967,957         | (432,432)   | 92.0%                                       |
| Charges for services     | 2,064,665         | 2,064,665         | 1,666,111         | (398,554)   | 80.7%                                       |
| Investment earnings      | 550,000           | 550,000           | 717,878           | 167,878   | 130.5%                                      |
| Miscellaneous            | 110,000           | 110,000           | 68,371            | (41,629)  | 62.2%                                       |
| Total revenues           | <u>25,361,478</u> | <u>26,907,686</u> | <u>23,015,681</u> | <u>(3,892,005)</u>                                      | <u>85.5%</u>                                |
| <b>Expenditures:</b>     |                   |                   |                   |   |   |
| Current:                 |                   |                   |                   |   |   |
| General government       |                   |                   |                   |   |   |
| City council             | 345,321           | 345,321           | 307,515           | 37,806  | 89.1%                                       |
| City manager             | 952,161           | 952,161           | 778,351           | 173,810   | 81.7%                                       |
| Finance                  | 1,000,850         | 1,000,850         | 859,579           | 141,271   | 85.9%                                       |
| Human resources          | 554,368           | 554,368           | 473,336           | 81,032  | 85.4%                                       |
| Information technology   | 1,025,621         | 1,071,829         | 726,853           | 344,976   | 67.8%                                       |
| Court and legal          | 637,050           | 637,050           | 506,681           | 130,369   | 79.5%                                       |
| Non-departmental         | 822,823           | 822,823           | 635,329           | 187,494   | 77.2%                                       |
|                          | <u>5,338,194</u>  | <u>5,384,402</u>  | <u>4,287,644</u>  | <u>1,096,758</u>  | <u>79.6%</u>                                |
| Law enforcement          |                   |                   |                   |   |   |
| Police                   | 5,703,134         | 5,703,134         | 4,890,958         | 812,176   | 85.8%                                       |
| School resource officers | 624,561           | 624,561           | 597,134           | 27,427  | 95.6%                                       |
| Crossing guards          | 23,470            | 23,470            | 22,127            | 1,343   | 94.3%                                       |
| Victims rights           | 113,246           | 113,246           | 93,142            | 20,104  | 82.2%                                       |
|                          | <u>6,464,411</u>  | <u>6,464,411</u>  | <u>5,603,361</u>  | <u>861,050</u>  | <u>86.7%</u>                                |
| Fire and emergency       |                   |                   |                   |   |   |
| City of Beaufort fire    | 6,773,028         | 6,773,028         | 6,286,509         | 486,519   | 92.8%                                       |
|                          | <u>6,773,028</u>  | <u>6,773,028</u>  | <u>6,286,509</u>  | <u>486,519</u>  | <u>92.8%</u>                                |
| Public works             |                   |                   |                   |   |   |
| Administration           | 503,580           | 503,580           | 440,312           | 63,268  | 87.4%                                       |
| Maintenance              | 828,479           | 828,479           | 533,106           | 295,373   | 64.3%                                       |
| Solid waste              | 1,401,015         | 1,401,015         | 1,176,803         | 224,212   | 84.0%                                       |
|                          | <u>2,733,074</u>  | <u>2,733,074</u>  | <u>2,150,221</u>  | <u>582,853</u>  | <u>78.7%</u>                                |

**CITY OF BEAUFORT, SOUTH CAROLINA  
BUDGETARY COMPARISON SCHEDULE  
GENERAL FUND  
FOR THE MONTH ENDED MAY 31, 2025**

|   | Budgeted Amounts |               | Actual        | Variance with<br>Final Budget<br>Positive | Variance with<br>Final Budget<br>Percentage |
|---|------------------|---------------|---------------|---|---|
|   | Original         | Final         |               | (Negative)                                |   |
|   |                  |               |               |   |   |
| Streets   | 1,035,281        | 1,185,281     | 720,433       | 464,848                                   | 60.8%                                       |
|   | 1,035,281        | 1,185,281     | 720,433       | 464,848                                   | 60.8%                                       |
| Community development                                     | 1,455,846        | 1,455,846     | 1,115,065     | 340,781                                   | 76.6%                                       |
|   | 1,455,846        | 1,455,846     | 1,115,065     | 340,781                                   | 76.6%                                       |
| Total current   | 23,799,834       | 23,996,042    | 20,163,233    | 3,832,809                                 | 84.0%                                       |
| Debt service:   |                  |               |               |   |   |
| Principal   | 1,541,915        | 1,541,915     | 1,541,915     | -   | 100.0%                                      |
| Interest  | 303,438          | 303,438       | 303,438       | -   | 100.0%                                      |
| Total debt service  | 1,845,353        | 1,845,353     | 1,845,353     | -   | 100.0%                                      |
| Total expenditures  | 25,645,187       | 25,841,395    | 22,008,586    | 3,832,809                                 | 85.2%                                       |
| Excess (deficiency) of revenues over (under) expenditures | (283,709)        | 1,066,291     | 1,007,095     | (59,196)                                  |   |
| <b>Other financing sources (uses):</b>                    |                  |               |               |   |   |
| Transfers in  | 70,416           | 70,416        | -             | (70,416)                                  | 0.0%  |
| Transfers out   | -                | (255,645)     | -             | (255,645)                                 | 0.0%  |
| Total financing sources (uses)                            | 70,416           | (185,229)     | -             | (326,061)                                 | 0.0%  |
| Net change in fund balance                                | (213,293)        | 881,062       | 1,007,095     | 126,033                                   |   |
| Fund balance, beginning of year                           | 14,601,115       | 14,601,115    | 14,601,115    | -   |   |
| Fund balance, end of year                                 | \$ 14,387,822    | \$ 15,482,177 | \$ 15,608,210 | \$ 126,033                                |   |

**CITY OF BEAUFORT, SOUTH CAROLINA  
BUDGETARY COMPARISON SCHEDULE  
TAX INCREMENT FINANCING DISTRICT II – SPECIAL REVENUE FUND  
FOR THE MONTH ENDED MAY 31, 2025**

|                                      | Budgeted Amounts    |                     | Actual              | Variance with          | Variance with |
|--------------------------------------|---------------------|---------------------|---------------------|------------------------|---------------|
|                                      | Original            | Final               |                     | Final Budget           |               |
|                                      |                     |                     |                     | Positive<br>(Negative) | Percentage    |
| <b>Revenues:</b>                     |                     |                     |                     |                        |               |
| Investment earnings                  | \$ 180,000          | \$ 180,000          | \$ 157,811          | \$ (22,189)            | 87.7%         |
| Total revenues                       | <u>180,000</u>      | <u>180,000</u>      | <u>157,811</u>      | <u>(22,189)</u>        | <u>87.7%</u>  |
| <b>Expenditures:</b>                 |                     |                     |                     |                        |               |
| Current:                             |                     |                     |                     |                        |               |
| Capital Outlay                       | 109,000             | 209,000             | 21,215              | 187,785                | 10.2%         |
| Total expenditures                   | <u>109,000</u>      | <u>209,000</u>      | <u>21,215</u>       | <u>187,785</u>         | <u>10.2%</u>  |
| Excess of revenues over expenditures | <u>71,000</u>       | <u>(29,000)</u>     | <u>136,596</u>      | <u>(209,974)</u>       |               |
| <b>Other financing (uses):</b>       |                     |                     |                     |                        |               |
| Transfers out                        | (100,000)           | (100,000)           | -                   | (100,000)              | 0.0%          |
| Total other financing uses           | <u>(100,000)</u>    | <u>(100,000)</u>    | <u>-</u>            | <u>(100,000)</u>       | <u>0.0%</u>   |
| Net change in fund balance           | (29,000)            | (129,000)           | 136,596             | (265,596)              |               |
| Fund balance, beginning of year      | 3,832,844           | 3,832,844           | 3,832,844           | -                      |               |
| Fund balance, end of year            | <u>\$ 3,803,844</u> | <u>\$ 3,703,844</u> | <u>\$ 3,969,440</u> | <u>\$ (265,596)</u>    |               |

**CITY OF BEAUFORT, SOUTH CAROLINA  
BUDGETARY COMPARISON SCHEDULE  
CAPITAL PROJECTS FUND – SPECIAL REVENUE FUND  
FOR THE MONTH ENDED MAY 31, 2025**

|                                      | Budgeted Amounts    |                     | Actual              | Variance with<br>Final Budget<br>Positive<br>(Negative) | Variance with<br>Final Budget<br>Percentage |
|--------------------------------------|---------------------|---------------------|---------------------|---|---|
|                                      | Original            | Final               |                     |   |   |
| <b>Revenues:</b>                     |                     |                     |                     |   |   |
| Intergovernmental                    | \$ 11,162,332       | \$ 10,043,427       | \$ 1,621,851        | \$ (8,421,576)  | 16.1%                                       |
| Investment earnings                  | -                   | -                   | 81,204              | 81,204  | 100.0%                                      |
| Total revenues                       | <u>11,162,332</u>   | <u>10,043,427</u>   | <u>1,703,055</u>    | <u>(8,340,372)</u>                                      | <u>17.0%</u>                                |
| <b>Expenditures:</b>                 |                     |                     |                     |   |   |
| Current:                             |                     |                     |                     |   |   |
| Capital Outlay                       | 21,649,789          | 23,677,663          | 5,864,496           | 17,813,167  | 24.8%                                       |
| Total expenditures                   | <u>21,649,789</u>   | <u>23,677,663</u>   | <u>5,864,496</u>    | <u>17,813,167</u>                                       | <u>24.8%</u>                                |
| Excess of revenues over expenditures | <u>(10,487,457)</u> | <u>(13,634,236)</u> | <u>(4,161,441)</u>  | <u>(26,153,539)</u>                                     |   |
| <b>Other financing sources:</b>      |                     |                     |                     |   |   |
| Transfers in                         | 9,787,457           | 12,821,036          | 5,184,020           | (7,637,016)   | 40.4%                                       |
| Total other financing sources        | <u>9,787,457</u>    | <u>12,821,036</u>   | <u>5,184,020</u>    | <u>(7,637,016)</u>                                      | <u>40.4%</u>                                |
| Net change in fund balance           | (700,000)           | (813,200)           | 1,022,579           | (1,835,779)   |   |
| Fund balance, beginning of year      | 1,405,394           | 1,405,394           | 1,405,394           | -   |   |
| Fund balance, end of year            | <u>\$ 705,394</u>   | <u>\$ 592,194</u>   | <u>\$ 2,427,973</u> | <u>\$ (1,835,779)</u>                                   |   |

**CITY OF BEAUFORT, SOUTH CAROLINA  
BUDGETARY COMPARISON SCHEDULE  
PARKS AND TOURISM – SPECIAL REVENUE FUND  
FOR THE MONTH ENDED MAY 31, 2025**

|  | Budgeted Amounts |              | Actual       | Variance with<br>Final Budget<br>Positive<br>(Negative) | Variance with<br>Final Budget<br>Percentage |
|--|------------------|--------------|--------------|---|---|
|  | Original         | Final        |              | (Negative)  | Percentage                                  |
| <b>Revenues:</b>   |                  |              |              |   |   |
| Other taxes  | \$ 4,375,000     | \$ 4,375,000 | \$ 4,066,086 | \$ (308,914)  | 92.9%                                       |
| Charges for services   | 855,500          | 855,500      | 576,368      | (279,132)   | 67.4%                                       |
| Investment earnings  | 250,000          | 250,000      | 351,670      | 101,670   | 140.7%                                      |
| Miscellaneous  | -                | -            | 194,052      | 194,052   | 0.0%  |
| Total revenues   | 5,480,500        | 5,480,500    | 5,188,176    | (292,324)   | 94.7%                                       |
| <b>Expenditures:</b>   |                  |              |              |   |   |
| Current:   |                  |              |              |   |   |
| Law enforcement  | 1,611,454        | 1,611,454    | 1,251,625    | 359,829   | 77.7%                                       |
| Culture and recreation                                       | 1,865,718        | 1,865,718    | 1,529,859    | 335,859   | 82.0%                                       |
| Community development  | 1,032,461        | 1,032,461    | 875,193      | 157,268   | 84.8%                                       |
| Debt Service:  |                  |              |              |   |   |
| Principal  | 603,858          | 603,858      | 603,858      | -   | 100.0%                                      |
| Interest and other charges                                   | 365,743          | 365,743      | 370,743      | (5,000)   | 101.4%                                      |
| Capital Outlay   | 195,600          | 195,600      | 119,885      | 75,715  | 61.3%                                       |
| Total expenditures   | 5,674,834        | 5,674,834    | 4,751,163    | 923,671   | 83.7%                                       |
| Excess (deficiency) of revenues over (under)<br>expenditures | (194,334)        | (194,334)    | 437,013      | 631,347   |   |
| <b>Other financing sources (uses):</b>                       |                  |              |              |   |   |
| Issuance of revenue bonds                                    | -                | -            | -            | -   |   |
| Transfers out  | (5,733,016)      | (5,933,016)  | (3,240,695)  | (2,692,321)   |   |
| Total financing sources                                      | (5,733,016)      | (5,933,016)  | (3,240,695)  | (2,692,321)   |   |
| Net change in fund balance                                   | (5,927,350)      | (6,127,350)  | (2,803,682)  | 3,323,668   |   |
| Fund balance, beginning of year                              | 10,287,870       | 10,287,870   | 10,287,870   | -   |   |
| Fund balance, end of year                                    | \$ 4,360,520     | \$ 4,160,520 | \$ 7,484,188 | \$ 3,323,668  |   |

**CITY OF BEAUFORT, SOUTH CAROLINA  
BUDGETARY COMPARISON SCHEDULE  
AMERICAN RESCUE PLAN ACT (ARPA) – SPECIAL REVENUE FUND  
FOR THE MONTH ENDED MAY 31, 2025**

|                                      | Budgeted Amounts      |                       | Actual             | Variance with<br>Final Budget<br>Positive<br>(Negative) | Variance with<br>Final Budget<br>Percentage |
|--------------------------------------|-----------------------|-----------------------|--------------------|---|---|
|                                      | Original              | Final                 |                    |   |   |
| <b>Revenues:</b>                     |                       |                       |                    |   |   |
| Intergovernmental                    | \$ -                  | \$ -                  | \$ 1,560,490       | \$ 1,560,490  | 0.0%  |
| Investment earnings                  | 302,306               | 302,306               | 174,029            | (128,277)   | 57.6%                                       |
| Total revenues                       | <u>302,306</u>        | <u>302,306</u>        | <u>1,734,519</u>   | <u>1,432,213</u>  | <u>573.8%</u>                               |
| <b>Expenditures:</b>                 |                       |                       |                    |   |   |
| Current:                             |                       |                       |                    |   |   |
| General government                   | 208,973               | 308,973               | 274,153            | 34,820  | 88.7%                                       |
| Capital Outlay                       | 143,333               | 206,593               | 162,929            | 43,664  | 78.9%                                       |
| Total expenditures                   | <u>352,306</u>        | <u>515,566</u>        | <u>437,082</u>     | <u>78,484</u>   | <u>84.8%</u>                                |
| Excess of revenues over expenditures | <u>(50,000)</u>       | <u>(213,260)</u>      | <u>1,297,437</u>   | <u>1,353,729</u>  |   |
| <b>Other financing (uses):</b>       |                       |                       |                    |   |   |
| Transfers out                        | (2,643,960)           | (5,142,954)           | (1,123,408)        | (4,019,546)   | 21.8%                                       |
| Total other financing uses           | <u>(2,643,960)</u>    | <u>(5,142,954)</u>    | <u>(1,123,408)</u> | <u>(4,019,546)</u>                                      | <u>21.8%</u>                                |
| Net change in fund balance           | (2,693,960)           | (5,356,214)           | 174,029            | (5,530,243)   |   |
| Fund balance, beginning of year      | 483,971               | 483,971               | 483,971            | -   |   |
| Fund balance, end of year            | <u>\$ (2,209,989)</u> | <u>\$ (4,872,243)</u> | <u>\$ 658,000</u>  | <u>\$ (5,530,243)</u>                                   |   |

**CITY OF BEAUFORT, SOUTH CAROLINA  
BUDGETARY COMPARISON SCHEDULE  
STORMWATER – SPECIAL REVENUE FUND  
FOR THE MONTH ENDED MAY 31, 2025**

|  | <u>Budgeted Amounts</u> |                    | <u>Actual</u>       | <u>Variance with<br/>Final Budget<br/>Positive<br/>(Negative)</u> | <u>Variance with<br/>Final Budget<br/>Percentage</u> |
|--|-------------------------|--------------------|---------------------|---|--|
|  | <u>Original</u>         | <u>Final</u>       |                     |   |  |
| <b>Revenues:</b>   |                         |                    |                     |   |  |
| Charges for services   | \$ 1,288,717            | \$ 1,288,717       | \$ 1,336,886        | \$ 48,169   | 103.7%   |
| Investment earnings  | 80,000                  | 80,000             | 32,190              | (47,810)  | 40.2%  |
| Total revenues   | <u>1,368,717</u>        | <u>1,368,717</u>   | <u>1,369,076</u>    | <u>359</u>  | <u>100.0%</u>  |
| <b>Expenditures:</b>   |                         |                    |                     |   |  |
| Current:   |                         |                    |                     |   |  |
| Public works   | 855,117                 | 855,117            | 609,759             | 245,358   | 71.3%  |
| Debt Service:  |                         |                    |                     |   |  |
| Principal  | 345,000                 | 345,000            | 316,250             | 28,750  | 91.7%  |
| Interest and other charges                                   | 168,600                 | 168,600            | 156,705             | 11,895  | 92.9%  |
| Total expenditures   | <u>1,368,717</u>        | <u>1,368,717</u>   | <u>1,082,714</u>    | <u>286,003</u>  | <u>79.1%</u>   |
| Excess (deficiency) of revenues over<br>(under) expenditures | <u>-</u>                | <u>-</u>           | <u>286,362</u>      | <u>(285,644)</u>  |  |
| <b>Other financing (uses):</b>                               |                         |                    |                     |   |  |
| Transfers out  | <u>(1,310,480)</u>      | <u>(1,418,480)</u> | <u>(800,042)</u>    | <u>618,438</u>  | <u>56.4%</u>   |
| Total other financing (uses)                                 | <u>(1,310,480)</u>      | <u>(1,418,480)</u> | <u>(800,042)</u>    | <u>618,438</u>  | <u>56.4%</u>   |
| Net change in fund balance                                   | (1,310,480)             | (1,418,480)        | (513,680)           | (904,800)   |  |
| Fund balance, beginning of year                              | 1,731,116               | 1,731,116          | 1,731,116           | -   |  |
| Fund balance, end of year                                    | <u>\$ 420,636</u>       | <u>\$ 312,636</u>  | <u>\$ 1,217,436</u> | <u>\$ (904,800)</u>   |  |

**CITY OF BEAUFORT, SOUTH CAROLINA  
STATE ACCOMMODATIONS TAX SPECIAL REVENUE FUND  
BUDGET TO ACTUAL  
FOR THE MONTH ENDED MAY 31, 2025**

|                                      | <u>Budgeted Amounts</u> |                     | <u>Actual</u>       | <u>Variance with<br/>Final Budget<br/>Positive<br/>(Negative)</u> | <u>Variance with<br/>Final Budget<br/>Percentage</u> |
|--------------------------------------|-------------------------|---------------------|---------------------|---|--|
|                                      | <u>Original</u>         | <u>Final</u>        |                     |   |  |
| <b>Revenues:</b>                     |                         |                     |                     |   |  |
| Other taxes                          | \$ 933,333              | \$ 933,333          | \$ 668,733          | \$ (264,600)  | 71.6%  |
| Investment earnings                  | 36,000                  | 36,000              | 39,320              | 3,320   | 109.2%   |
| Total revenues                       | <u>969,333</u>          | <u>969,333</u>      | <u>708,053</u>      | <u>(261,280)</u>  | <u>73.0%</u>   |
| <b>Expenditures:</b>                 |                         |                     |                     |   |  |
| General government                   | 875,437                 | 875,437             | 341,704             | 533,733   | 39.0%  |
| Law enforcement                      | 23,480                  | 23,480              | -                   | 23,480  | 0.0%   |
| Total expenditures                   | <u>898,917</u>          | <u>898,917</u>      | <u>341,704</u>      | <u>557,213</u>  | <u>38.0%</u>   |
| Excess of revenues over expenditures | <u>70,416</u>           | <u>70,416</u>       | <u>366,349</u>      | <u>295,933</u>  |  |
| <b>Other financing uses:</b>         |                         |                     |                     |   |  |
| Transfers out                        | <u>(70,416)</u>         | <u>(100,416)</u>    | <u>(19,875)</u>     | <u>(80,541)</u>   | <u>19.8%</u>   |
| Total other financing uses           | <u>(70,416)</u>         | <u>(100,416)</u>    | <u>(19,875)</u>     | <u>(80,541)</u>   | <u>19.8%</u>   |
| Net change in fund balance           | -                       | (30,000)            | 346,474             | 376,474   |  |
| Fund balance, beginning of year      | <u>1,324,649</u>        | <u>1,324,649</u>    | <u>1,324,649</u>    | -   |  |
| Fund balance, end of year            | <u>\$ 1,324,649</u>     | <u>\$ 1,294,649</u> | <u>\$ 1,671,123</u> | <u>\$ 376,474</u>   |  |

**CITY OF BEAUFORT, SOUTH CAROLINA  
 FIRE IMPACT FEES SPECIAL REVENUE FUND  
 BUDGET TO ACTUAL  
 FOR THE MONTH ENDED MAY 31, 2025**

|                                 | <u>Budgeted Amounts</u> |                   | <u>Actual</u>     | <u>Variance with<br/>Final Budget<br/>Positive<br/>(Negative)</u> | <u>Variance with<br/>Final Budget<br/>Percentage</u> |
|---------------------------------|-------------------------|-------------------|-------------------|---|--|
|                                 | <u>Original</u>         | <u>Final</u>      |                   |   |  |
| <b>Revenues:</b>                |                         |                   |                   |   |  |
| Licenses and permits            | \$ 100,000              | \$ 100,000        | \$ 292,828        | \$ 192,828  | 292.8%   |
| Investment earnings             | 5,000                   | 5,000             | -                 | (5,000)   | 0.0%   |
| Total revenues                  | <u>105,000</u>          | <u>105,000</u>    | <u>292,828</u>    | <u>187,828</u>  | <u>278.9%</u>  |
| <b>Expenditures:</b>            |                         |                   |                   |   |  |
| Debt Service:                   |                         |                   |                   |   |  |
| Principal                       | 52,358                  | 52,358            | 52,358            | -   | 100.0%   |
| Interest and other charges      | 11,296                  | 11,296            | 11,296            | -   | 100.0%   |
| Total expenditures              | <u>63,654</u>           | <u>63,654</u>     | <u>63,654</u>     | <u>-</u>  | <u>100.0%</u>  |
| Net change in fund balance      | 41,346                  | 41,346            | 229,174           | 187,828   |  |
| Fund balance, beginning of year | 351,142                 | 351,142           | 351,142           | -   |  |
| Fund balance, end of year       | <u>\$ 392,488</u>       | <u>\$ 392,488</u> | <u>\$ 580,316</u> | <u>\$ 187,828</u>   |  |



**CITY OF BEAUFORT**

**DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM**

To: City Council

From: Tim Ogden

Agenda Item Title: Fire Department Monthly Report

Meeting Date: 7-8-25

Department: Fire Department

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Monthly report for May 2025.



## City of Beaufort/Town of Port Royal Fire Department

# May 2025 Report

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### Public Events

The Fire Department held several public education events throughout May.

- Assisted with the Taste of Beaufort
- Attended Low Country Montessori Schools Car Show
- Assisted with TCL graduation
- Day Care Fire Station Visit
- Hosted a Car Seat Technician Class
- First Aid event at Community Bible Church
- Egg Drop at Mossy Oaks Elementary
- Wet down at Holy Trinity and Mossy Oaks Elementary
- Assisted with the Gullah Festival
- Memorial Day Parade
- Wet Down – Bridge Preparatory School
- Standby for the Beaufort River Swim

### Fire Training

The Training Division conducted 1293 hours and installed 13 car seats.

**Special Training:** All shifts completed mask up drills with the training division to improve mask up times at the front door on structure fire calls. All members completed the drill in 30 seconds or less. All companies also completed heavy water drills with the training division in which driver operators tested their apparatus to see what they were capable of doing. Driver operators also had to work through some trouble shooting to include losing their water supply and must evacuated interior crews. Trouble shooting is a key aspect to pumping a fire engine and is an important skill to work on.

We also hosted a Certified Car Seat Technician course in which 2 of our members became nationally certified car seat technicians. The department now has 6 certified car seat techs.

## **Medical**

CPR classes: 1

Lieutenant Brett Johnson became a certified Paramedic.

Medical Standby events: Taste of Beaufort (2 days), TCL Graduation (1 Day), Gullah Festival (3 days).

In Service: All shifts; OSHA/Ryan White Infectious Disease Training

## **Fire Marshal**

126 Certified Inspections

76 Engine Company Pre Plans

### **Training:**

The Fire Marshal division and Chief Dontje attended quarterly fire investigator training at the South Carolina Fire Academy (SCFA) for 8 hours.

Chief Badgett did two CFI training courses for a total of 6 credit hours.

## **Personnel**

Firefighter David Ferreira graduated from the SCFA Recruit school. This is an 8-week program held at the fire academy and David received the Top Recruit Award and the Order of the Maltese Award.

Firefighter Jason Kliner Graduated from the Leadership Beaufort Program.

Part Time Firefighter Barry Weilacher retired from the Marine Corps. He will be transiting to us full-time through the Skill Bridge Program.

## **Apparatus**

Completed end of fiscal year Preventive Maintenance.

Placed order for 2028 PUC Pumper.

## **Major Incidents**

- 4 cooking related fires and 1 lightning strike in a home.
- Responded to 533 total calls for service. This is up from 488 in May of 2024.

|                        |  |           |
|------------------------|--|-----------|
|                        |  |           |
| <b>PERSONNEL</b>       |  |           |
| Part-Time              |  | 9         |
| Personnel Assigned     |  | 55        |
| Volunteer Personnel    |  | 18        |
| <b>TOTAL PERSONNEL</b> |  | <b>82</b> |

|                         |            |             |
|-------------------------|------------|-------------|
| <b>INCIDENT SUMMARY</b> | <b>BFT</b> | <b>P.R.</b> |
| Structural Fires        | 3          | 2           |
| Vehicle Fires           | 1          | 2           |
| Brush, Trash Fire       | 6          | 1           |
| Medical Calls           | 192        | 118         |
| Vehicle Accident        | 23         | 11          |
| Extrication (350-357)   | 0          | 0           |
| Hazardous Condition     | 7          | 4           |
| Service Calls (500)     | 30         | 31          |
| Good Intent Calls (600) | 27         | 18          |
| False Calls (700)       | 38         | 19          |
| Water Rescue            | 0          | 0           |
| EMS Standby             | 0          | 0           |
| <b>Month</b>            | 327        | 206         |
| <b>Total Month</b>      | <b>533</b> |             |

|                           |  |             |
|---------------------------|--|-------------|
| <b>TRAINING/EDUCATION</b> |  |             |
| Local Instruction         |  | 1293        |
| <b>TOTAL</b>              |  | <b>1293</b> |

|                         |  |           |
|-------------------------|--|-----------|
| <b>VOLUNTEER</b>        |  |           |
| Local Instruction       |  | 0         |
| Monthly Station Standby |  | 61        |
| <b>TOTAL</b>            |  | <b>61</b> |

|                          |           |            |           |              |
|--------------------------|-----------|------------|-----------|--------------|
|                          |           |            |           |              |
| <b>AID SUMMARY - ALL</b> | <b>LI</b> | <b>BUR</b> | <b>PI</b> | <b>other</b> |
| <b>BEAUFORT</b>          |           |            |           |              |
| Aid Given                | 1         | 1          |           |              |
| Aid Received             |           |            |           |              |
| Mutual Aid Given         |           |            |           |              |
| Mutual Aid Received      |           |            |           |              |
| <b>PORT ROYAL</b>        |           |            |           |              |
| Aid Given                |           |            | 2         |              |
| Aid Received             |           |            |           |              |
| Mutual Aid Given         |           |            |           |              |
| Mutual Aid Received      |           |            |           |              |

|                          |            |             |
|--------------------------|------------|-------------|
| <b>FIRE PREVENTION</b>   | <b>BFT</b> | <b>P.R.</b> |
| Inspections Conducted    | 94         | 32          |
| Violations Noted         | 21         | 0           |
| Violations Corrected     | 19         | 1           |
| Knox Box Installations   | 1          | 0           |
| Fire Plans Reviewed      | 8          | 1           |
| Burning Permits Issued   | 0          | 0           |
| Permission to Burn Given | 0          | 0           |
| Public Education Events  | 17         | 5           |
| Public Edu. Man Hours    | 112        | 16          |
| # of Adults              | 175        | 34          |
| # of Children            | 418        | 6           |
| Car Seats Installation   |            | 13          |
| Smoke Detectors          | 1          | 4           |
| CPR Certifications       |            | 21          |



**CITY OF BEAUFORT**

**DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM**

To: City Council

From: Ivette Burgess

Agenda Item Title: Human Resources Monthly Report

Meeting Date: 7-8-25

Department: Human Resources

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Monthly report for May 2025.

# Memorandum

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**To:** Scott Marshall, City Manager  
**From:** Ivette Burgess, Human Resources Director  
**Date:** 5/5/2025  
**Re:** Department Update – May 2025

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## *Onboarding/New Hires*

3 New Hires:

- Casey Underwood – Associate I – Parks, Public Works Department
- Shenai Johnson – HR/CM Administrative Assistant, Human Resources Department
- Spencer Wessel – Court Clerk II, Municipal Court

## *HR Highlights*

- Opened Annual Open Enrollment period, May 5 – May 19, 2025. Hosted in person benefits education sessions for staff, May 7 and May 8, 2025.
- HR staff met with SCMIT to review WC claims for 2024.
- Interviewed potential high school students for Youth@Work summer program. No candidates were selected from this interview process.

## *Interviews*

- HR staff participated in interview panels for Municipal Court and Fire.



**CITY OF BEAUFORT**

**DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM**

To: City Council

From: Dana Wessels

Agenda Item Title: Municipal Court Monthly Report

Meeting Date: 7-8-25

Department: Municipal Court

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Monthly report for May 2025.

## **City of Beaufort Municipal Court**

### **Monthly Department Report**

**May 2025**

#### **DEPARTMENT OVERVIEW:**

Bench trials are held every Monday and Thursday at 3:00pm. Eight sessions of bench trials were held in May 2025 and 205 cases were tentatively scheduled.

#### **CASE OVERVIEW:**

- New cases filed: 103 (72 traffic/31 criminal)
- Cases disposed: 117 (72 traffic/28 criminal)

#### **DISPOSED CASES BREAKDOWN:**

- 72 traffic cases
  - 33 guilty indicators (forfeiture, plea, or trial)
  - 39 not guilty indicators (dismissal by officer, Judge, or trial)
- 28 criminal cases
  - 9 guilty indicators (by plea or trial)
  - 19 not guilty indicators (through plea agreement or trial)

#### **ARREST WARRANT OVERVIEW:**

- 96 issued for criminal offenses
- 1 issued for traffic offenses

#### **EXPUNGEMENTS:**

- 25 cases initiated from court date.
- 12 cases processed and purged.

#### **JURY TRIAL OVERVIEW:**

- 22 jury cases pending: 15 criminal/7 traffic

Next session of jury trials to be held in September 2025.



**CITY OF BEAUFORT**

**DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM**

To: City Council

From: Stephenie Price

Agenda Item Title: Police Department Monthly Report

Meeting Date: 7-8-25

Department: Police Department

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Monthly report for May 2025.

# BEAUFORT POLICE DEPARTMENT

1901 Boundary St. Beaufort, SC 29902

843-322-7900



Stephenie Price  
Chief of Police

## May 2025 Monthly Report

### Part-1 Crimes Statistics

|          | Arson | Aggravated Assault | Burglary<br>B/E | CSC | Homicide | Larceny | Mv<br>Theft | Robbery |
|----------|-------|--------------------|-----------------|-----|----------|---------|-------------|---------|
| January  | 0     | 0                  | 0               | 2   | 0        | 34      | 2           | 0       |
| February | 0     | 3                  | 3               | 1   | 1        | 20      | 1           | 0       |
| March    | 0     | 3                  | 3               | 0   | 0        | 30      | 1           | 1       |
| April    | 0     | 4                  | 1               | 0   | 0        | 30      | 2           | 1       |
| May      | 0     | 5                  | 0               | 0   | 0        | 26      | 0           | 3       |

### Total Calls for Service: **3,749**

- Officer Initiated: 2,506
- 911 Line: 493
- Non-Emergency: 750
- SMS T-911: 0

### Community Events Attended: **8**

- May 2: Rotary Club Meeting
- May 2-3: Taste Of Beaufort
- May 15: Neighborhood Watch Meeting NWQ
- May 20: National Cemetery Tour with Command Staff
- May 23-25: Gullah Festival
- May 25: Memorial Procession to the Waterfront
- May 26: Memorial Day Parade
- May 27: Citizenship Awards MOES and BES

### Chief's Updates:

- May 2: Rotary Meeting Speaker
- May 4-8: Chief IACP Tech Conference Training
- May 13: Council, Budget Hearing
- May 14: All Hands Meeting
- May 14: Chief's Supervisor's Meeting
- May 14: Garden Oaks Grand Opening
- May 19: Swear In Officer Spencer
- May 20: Special Work Session-Budget
- May 21: Meeting with Dr. Sharma NOC
- May 27: Ribbon Cutting for Culvers
- May 28: Meet with Ben Coppage in re Court Services
- May 29: Hurricane Prep Meeting
- May 30: Coffee with City Manager

### Upcoming Events:

- June 6: Blood Drive
- June 15: Juneteenth Parade
- June 23-26: Future Guardian's Summer Camp
- June 25: Movie Event at Green Street Gym
- June 28: 3<sup>rd</sup> Annual Open House



**CITY OF BEAUFORT**

**DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM**

To: City Council

From: Nate Farrow

Agenda Item Title: Public Works Monthly Report

Meeting Date: 7-8-25

Department: Public Works

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Monthly report for May 2025.



CITY OF BEAUFORT PUBLIC WORKS DEPARTMENTS  
MONTHLY ACCOMPLISHMENTS

**MONTH OF: JULY COUNCIL MEETING WITH MAY ACCOMPLISHMENTS**

FY26 Budget Year Council Meeting – FY25 Budget Year - May Activity Reporting

EVENTS: **TASTE OF BEAUFORT** – WFP (May 2 and May 3, 2025)  
**GULLAH FESTIVAL** – WFP (May 23 – 25, 2025)  
**PUBLIC WORK RECOGNITION** – (Daily recognitions)  
**PIGION POINT PLAYGROUND RENOVATION – START UP**  
**START OF 811 COATES LANE DRAINAGE PROJECT**  
**OUT FOR BID: SWEEPING/BUILDING LANDSCAPE/ROW LANDSCAPE**  
**NEW HIRE – Parks Division (Assoc 1 replacement – C Underwood)**

Weekly Safety Briefs: Miguel Canela-Pena: **Chain Saw Class / Chain Saw reminders & Demonstration / “Heat & You” / “3’s” & storm preparedness / Staff Personal items for Hurricane “Stay”**  
See/Click/Fix: Reported: 77  
Resolved to date: 1,104  
811 Locates Reported & Reviewed: #97  
PO’s (PR’s) Created and Processed: #74  
Banners Reserved and Hung: #02  
On-Call: Traffic Control: Bft Cty / N Farrow / B Durrance / Bft Cty / Bft Cty  
Weekend Parks: C Greens / B Glover / M Canela-Pena / T Gadson / C Pinckney

Standards:

*Meetings:* Daily Staff / Weekly Supervisor / Weekly Review of FY25 Budget  
*Update to reports:* Drainage / Tree / Street / Banner / Credit Card / Budget Spread Sheet / Payroll / Daily Weight Tickets  
*Stormwater/Street:* Routine Easement maintenance / Flap Gate inspection & Maintenance / inspection and maintenance all Equipment / routine drainage maintenance Maintenance of open land trust areas and large park/city owned Area (Commerce Park)  
*Parks:* Inspection and maintenance to all Parks & playgrounds, restrooms, buildings, benches, etc; along with all ground maintenance (cutting, weed eating, weed maintenance, plantings, tree trimming, etc)  
Routine restroom cleaning in multiple parks  
Routine full upkeep of Spanish Moss Trail litter control/water fountains / cross walks weekly  
City wide trash run all parks weekly  
Watering for beds and areas without irrigation

## Administration:

- Attended a two-day on-line Traffic Signal Technician Class for renewal of Traffic Signal Technician II.
- Responded to a report from dispatch about a homeless camp under The Woods Memorial Bridge. Notified SCDOT and jointly responded.
- Delivered pipe plugs to Stormwater/Street Supervisor at Mystic Circle for vac truck work.
- Met with Downtown Operations staff and the artist at the Marina Building.
- Delivered work lights, ladder, barricades, caution tape, and fan to the Marina Building for the Artist.
- Assisted Traffic Control with replacing a green light bulb at Sea Island Parkway and Beaufort High.
- Met with a citizen at North and Ribaut concerning lighting and a broken lid on a irrigation valve box. This was on private property of Beaufort County; referred her to Beaufort County Housing Authority.
- Attended a Signal Maintenance Agreement meeting with PW Director and Traffic Control staff member.
- Responded to and corrected a report of a traffic signal malfunction at 170 and Parris Island Gateway.
- Installed a new gate at the end of North Street at the SMT with General Support
- Removed work zone signs from Cottage Farms in reference to a citizen complaint
- Assisted SCDOT with Woods Memorial Bridge
- Removed broken glass from a storm door at 1502 Duke Street.
- Responded to a report of a traffic signal malfunction at Sea Island Parkway and Sams Point Road. No malfunction found.
- Attended an open enrollment meeting, Touch-a-Truck meeting @ PWC, Landscape Meeting on Allison Rd, a design meeting concerning Fire Station Hdqtrs referencing traffic signal, Gullah Festival meeting @ 500 Carteret St and Planning Wall meeting @ City Hall
- Responded to a Traffic Light malfunction Saturday Night at Bluffton Road and 278.
- Assisted with Gullah Festival set up.
- General Support assisted with the response to 3 traffic light malfunctions after hours in Bluffton.
- Responded to a crosswalk pedestrian pole that was knocked down by a tractor trailer and obtained an accident report from Port Royal Police.
- Organized several employee appreciation meals for Public Works appreciation week. Provided by Senior staff.
- Obtained a quote for shirts for employees, secured a PO, and ordered the shirts.
- Met Traffic Control and General Support at Lowe's to sign for purchases multiple times.
- Corrected the yield to pedestrians' signs in multiple locations that were run over by vehicles multiple days.
- Assisted with Public Works Compound clean-up.
- Public Works received a call from dispatch on Sunday concerning a tree that fell on O'Connell Street. Notified Stormwater Supervisor, and he and a crew remove the tree.
- Respond to Marina Parking Lot for a report of spigot not working for the water.
- Respond to 1200 block of Pigeon Point Road for flooding complaint.
- Met with a citizen on Von Harten Street in reference to flooding.
- Attended an RFP meeting with PW Director, Parks Supervisor and Operations.
- Removed a "yield to pedestrian" sign at Bay and West Street and replaced it with a new one.
- Met with Parks Supervisor referencing Barnwell Bluff concerning outfall pipes.
- Site visit to Whitehall Park for a sinkhole complaint
- Staff removed a Palm Tree from the Lady's Island Median after it was hit by a vehicle.
- Attended an RFP meeting with Jay Phillip - Finance Department, at City Hall.

### **Office Administration:**

- Chain Saw Safety/Handle class presented at the Public Works Complex for all staff.
- Met w/ Uniform Route Mgr Robert Greenfield referencing “non-service” of rug @ City Hall and the PD/Court buildings. Discussion on invoice payments, non-service, future w/ company.
- Updated to Touch a Truck 2025
- Sponsored HR with Open Enrollment @ PWC
- YTD budget review for prep to “CLOSE OUT FY25”
- Munis Reconciliation w/ spread sheets for FY25
- Review Traffic Signal Maintenance Agreement and forwarded to SCDOT.
- Prepare print out of FY26 budget
- Field Day for PWC (outside cutting, tree trimming, fence cleaning, building moping and restroom cleaning)
- Recognition of Public Works Employee Week
- Heavy rain during t-storms over last weekend of the month. Staff reviewing town for any issues caused by volume of rain during high tides. Continued vigilant as rain expected for this week. (Parks, easements, roadway, sidewalk and call in’s inspected)

### **Facility Maintenance Division:**

- Carnegie HVAC repaired
- Fire station 2 walk through inspection
- Repaired cash safe for City Hall, Finance
- Chainsaw training
- Parks of Beaufort removed sink, refrigerator, and water heater from kitchen area.
- Service water system at Fire Station 2.
- Inspected water leaks at 500 Carteret Street roof top.
- Fire Department Walk through in 1901 and 1911 Boundary Street.
- Installed new locks for city hall
- 703 Craven Street water leak repaired for women’s restroom
- Removed and reinstalled new exterior shutter for Marina store WFP
- People’s clock adjustment
- Working on the thermostat at Carnegie building
- Meet with BJWSA for FD2 issues with water issues
- PD roof top AHU not functioning and cooling the 2<sup>nd</sup> floor
- Escort Shindler elevator at PD door repair / Escort Fire extinguisher inspection PD & CH/ Escort Terminix at PD
- Repair sink at CH 1<sup>st</sup> floor clogged
- Repair door closer First floor CH
- Roof top inspection at 500 Carteret
- Remove and install a broken shutter at marina store on bay street.
- Install HDMI module on 90” wall Monitor at 500 Carteret
- Check on Ice Machine issue at PD building
- Repair Bridge camera system on Woods memorial Hwy 21.
- Repaired VAV box in drop ceiling @ PD, HVAC not functioning correctly
- Meet Gerald Neal for walk through on drywall quote at PD building
- Repair Desk for Ivette at HR department
- Water leak repair at PD 2<sup>nd</sup> floor men’s restroom
- Replace 2 toilet seats at PD 2<sup>nd</sup> floor Ladies restroom

### **Stormwater / Street Division:**

- Performed easements Jericho Woods, Center Dr E, and Mc Teer Cir., Southside Blvd outfall ditch and Dog Park area. Also Southside Blvd, Broad St and Allison Rd.
- Bush hogging Depot Rd & N Hermitage (SMT).
- Fallen tree removal Broome Ln (SMT).
- Assisted Fortis Vac Truck with cleaning out drainage system 609 Mystic Dr. W
- Assisted with Parks maintenance and removing fence panel Pigeon Point Park.
- Picked up debris piles with knuckle boom throughout the City's jurisdiction.
- Weekend Duty Pigeon Point Park and Whitehall Park.
- Assisted SCDOT with cleaning up under the Woods Memorial Bridge. (Homeless)
- Removed debris piles that were thrown out into Jane Way ditch lines near Duck Pond.
- Bush hogging at Stump man Property and Commerce Park.
- Clearing brush and overgrown vegetation from ditch on Broad St & Hookstra Ln.
- Cut and cleared overgrown vegetation from pond work shelf @ Airport Circle.
- Performed easement maintenance on Allison Rd, Ivy and Azalea Dr, and Airport Cir.
- Public Works compound cleanup day.
- Bush hogging ponds, roadside and outfall ditches @ Commerce Park.
- Cut up and removed fallen tree on Allison Rd (SMT)
- Used sweeper truck to sweep Harrington St, Polk St, and City Hall/PD/Courts.
- Cut and removed fallen tree @ 1805 O'Connell St during Memorial Holiday weekend

### **Parks Division**

- Inspected Pigeon Point Park during construction phase
- Completed Watering Schedule Monday, Wednesday, and Fridays
- Planted Flowers at Calhoun Thomas Park, Wilson Park, Cuthbert Park, King and East Park, Pinckney Park, and Public Works front sign
- Attended Chainsaw Safety Class
- Repaired broken sprinkler head at Pigeon Point Park (See Click Fix)
- Each Friday: Prepped Pigeon Point, Southside, and Whitehall for Weekend Duty
- Bathrooms at Pigeon Point Park: began pressure washing which is necessary for the repainting of the bathrooms
- Replaced missing traffic cone on SMT at Allison Rd Crossing
- Sprayed Pigeon Point Park, Southside Park, and City Hall for Weeds
- Installed Flowers at Southside Park and Commerce Park
- Assisted SCDOT with cleaning under the Wood's Memorial bridge
- Assisted Streets Department with cutbacks on Hookstra Ln in Broad St Neighborhood
- Assisted General Support and Traffic with Dorm Lights and Gullah Festival set up
- Responded to broken irrigation pipe at Pigeon Point Park
- Removed broken edging from around bench at Duck Pond on Battery Creek Rd side
- Completed Playground Inspections at Tic Toc, Annette Bryant, and Southside Park
- Cut up and haul away debris from every park from heavy rain during the last week of May
- The company finished the painting of PPP Restrooms: reviewed and approved.
- Assisted General Support with tree trimming in Pinckney and Southside Park

## **Traffic Control / General Support:**

- Cleaned up and stored Taste of Beaufort Festival materials
- Attended chainsaw safety class
- Compile materials list and request quotes from Winelectric
- Assisted Fleet Management with installing Tire Changing Machine
- Fixed the Work Lights for artist painting Mural
- Fixed two streetlights that were operating during the daytime
- Responded to two traffic callouts, one to Fording Island and Moss Creek and the other to Fording Island and Sawmill Creek Rd
- Assist Parks with leveling 1 bench and replacing trim at Calhoun Thomas
- Assist HR with stabilizing standing desk
- Assist Opr Officer with installing gate at end of North Street
- Cleaned up the fence pile at Public Works
- Picked up materials from Winelectric
- Assisted DOT with cleaning out underneath the Woods Bridge in the downtown area
- Assist Opr Officer with cleaning up broken glass on Duke Street
- Assist Parks with raising tree canopy at Tik Tock Park
- Trim and Raise canopy in Marina Parking Lot
- Hung sign for DTO
- Attended meeting for touch a truck
- Completed see-click-fix for clogged sink at PD
- Traffic call out to Bluffton Rd and Fording Island Rd
- Program traffic cabinet SC 128 & SC 170
- Clipped new cards for the traffic cabinets
- Compound field day clean-up
- Set up electrical panels for the Gullah Festival and covered all drains in parking lot (including PD panel)
- Set up fencing panels for boat owners in the marina
- Cookout for public work personnel (recognition of Public Works Appreciation week)
- Take Traffic Control staff to P.D. for ADT Card
- SC811 on Marsh Rd & Boundary St / Ribaut Rd & Simms St / Craven ST & Scott St
- Meeting for Gullah Festival
- Help fix the water meter at the Marina
- Prep Durango 550 for parade / picked up trailer and material / washed and drove for parade
- Begin trenching for dorm lights phase 2 and installed one pull box
- Picked up and assembled grill for Public Works
- Removed scrap metal from Fleet shop
- Fixed leaking toilet in PW Directors office @ PWC
- Removed obstruction from camera lens at Whitehall Park.
- Removed wasp nest from window in Accounts Payable office at City Hall
- Built new countertop/table for Park of Beaufort
- Assisted with setting up for Gullah Festival
- Called out to repair intersection in flash during Memorial Weekend after hours
- Transports the City Council in the Memorial Day parade (pulled float)
- Gullah Festival breakdown
- Return the Flag and Box to City Hall
- Program cabinet for Duke St. & Ribaut Rd.

- SC811 Locates @ Ribaut Rd. & Paris Ave.
- Test CMU's
- Repaired Day burner @ Polk
- Turn off the flasher at Beaufort Academy School (Sam's Pt Rd)
- Prep 24-002 bucket truck for on-call
- Manned telephone for office staff

### **Fleet / Equipment:**

- Beginning of each week – equipment/truck check/review.
- End of each week – clean shop area.
- Replaced 3 cutting blades on Street Department riding mower
- Replaced 3 hydraulic hoses on Mower Max
- Had PM'S completed on vehicles 701, 702, and 703 at Butler Dodge
- Continued work on Parks Dept. utility trailer
- Dropped off old tires at Beaufort County Recycle center
- Made appointment for PM on Front – End Loader
- Had Chainsaw Safety Training on 05/06 by Stihl Representative
- Installed tire changer in repair shop
- Dropped off scrap steel at recycle center
- Installed new Tarp on U-Dump
- Vehicle – 501 to Butler Dodge for PM
- Ordered tires from Barnard Tire for Manlift and Mower Max
- Inventory of shop supplies for replacement order
- Order mixed- fuel from Randel's, and DEF Fluid & Hydraulic Oil
- Order 3 sets of tires for Utility and U-Dump Tires
- Changed O-Rings on Mower Max cutting deck
- Check Bobcat – Bush Hog for fuel leak. Fuel Tank needs to be removed
- Order riding mower cutting blades
- P/U vehicle 530, small dump truck from Carolina truck repairs
- P/U 72inch riding mower cutting deck From Randel's and installed.
- P/U supplies from Randel's and Carquest
- Had Manlift trailer p/u from Blanchard equipment
- Replaced 2 sets of riding mower blades
- Replaced plug on utility trailer
- P/U three sets of tires from Barnard Tire
- Replaced second set of O-Rings on mower max
- Serviced Ditch Witch
- Drop off Vehicle-542 at Butler Dodge for PM
- Replaced 2 sets of cutting blades on Parks Dept. riding mowers
- Had PM completed on Front-End loader
- Order batteries for Tow-Behind light tower from Interstate Batteries
- P/U vehicle 542 from Butler Dodge
- Used the Knuckleboom to P/U Palmetto tree from Ladies Island center median
- Made appointment for safety recall on Vehicle 702 at OC Welch
- Repaired riding mower. Replaced fuel pump



**CITY OF BEAUFORT**

**DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM**

To: City Council

From: Jennifer Pointer

Agenda Item Title: Request from Open Land Trust for street closure, waiver of drinking in public and waiver of noise ordinance to host Brunch on the Bluff on Saturday, April 25, 2026, from 11:00 am to 2:00 pm

Meeting Date: 7-8-25

CONSENT CALENDAR

Department: Downtown Operations



- I. INTRODUCTION – Request from Open Land Trust for street closure, waiver of drinking in public and waiver of noise ordinance to host Brunch on the Bluff on Saturday, April 25, 2026, from 11:00 am to 2:00 pm
  
- II. BACKGROUND - Key requests include:
  - a. Street closure and/or detour on Bay St from Glebe to Hamar from 10:30am to 2:30pm
  - b. Waiver of drinking in public from 11am to 2pm
  - c. Waiver of drinking in a public park from 11am to 2pm
  - d. Waiver of noise ordinance from 10:30am to 2:30pm
  
- III. LEGAL AUTHORITY -
  
- IV. STAFF RECOMMENDATION - Staff recommends approval



JUNE 25, 2025

Dear City of Beaufort Officials,

On April 27th, 1971, the Open Land Trust was formed and in 1973 the Bay Street Bluff was officially purchased. The purchase of this property was the first for the Open Land Trust and led to other purchases under the herald "protecting the Bay Street Bluff", which to date is one of the most iconic views in Beaufort. The Open Land Trust is excited to celebrate our birthday once again in this very spot at "Brunch on the Bluff".

The event is planned for **Saturday, April 25, 2026 from 11:00 am - 2:00 pm at 1806 Bay Street**. Tickets will go on sale February 1, 2026 with a limit of 350 tickets for the 3-hour event. Catering and professional bartending services will be provided by Susan Mason Catering of Savannah. An ABL 900 application will be filed, as we plan to serve alcohol. I, Ashley Rhodes, will serve as the main point of contact for all vendor and city correspondence.

**We would like to request the following:**

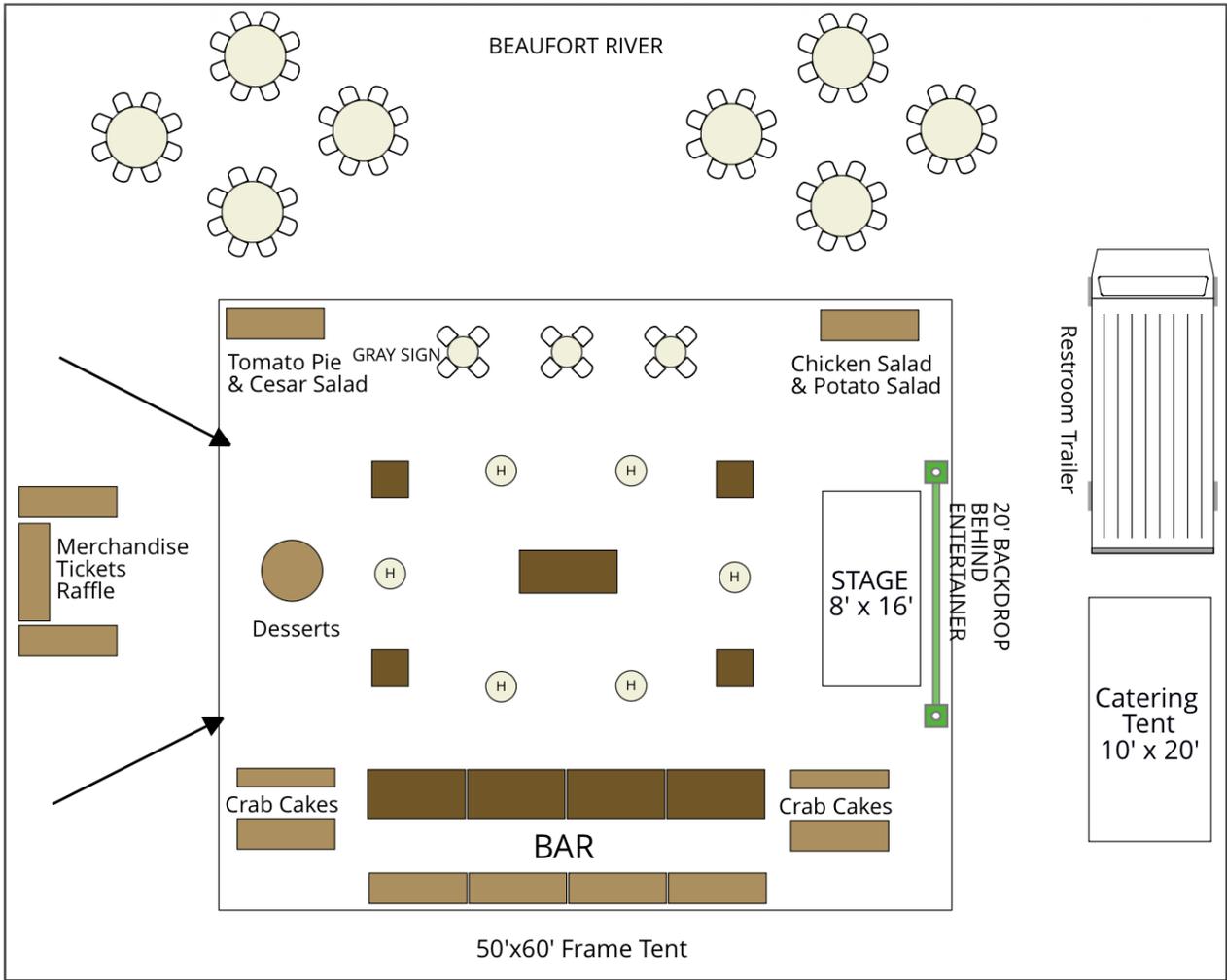
- Street closure and/or detour on Bay Street from Glebe to Hamar streets between the hours of 10:30 am - 2:30 pm. We will personally visit each home on Bay to let them know, noting that their home access is from the rear and not Bay St. We will also offer a complimentary ticket for their troubles.
- Police presence from 10:30 am - 2:30 pm to serve as pedestrian safety direction and security.
- Waiver of noise ordinance between the hours of 11:00 am - 2:00 pm.

A detailed event schematic is attached to this letter submission. Please feel free to contact me directly with any questions and/or concerns. Thank you for your time and attention to such a special event in the history of Beaufort and the Open Land Trust.

Sincerely,

**Ashley Rhodes**

Director of Events for the Open Land Trust





**CITY OF BEAUFORT**

**DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM**

To: City Council

From: Jennifer Pointer

Agenda Item Title: Request from TCL PTA Club to host Jingle All the Way 5K from TCL on the Spanish Moss Trail on December 13, 2025, from 9:00 am - 12:00 pm

Meeting Date: 7-8-25

CONSENT CALENDAR

Department: Downtown Operations



- I. INTRODUCTION – Request from TCL PTA Club to host Jingle All the Way 5K from TCL on the Spanish Moss Trail on December 13, 2025, from 9:00 am - 12:00 pm
  
- II. BACKGROUND - Key requests include:
  - a. This is an annual event with no changes from previous years. All runners start at TCL and turn around at Rodgers Drive.
  - b. Estimating 200 signups.
  
- III. LEGAL AUTHORITY -
  
- IV. STAFF RECOMMENDATION - Staff recommends approval



# 5K RUN/WALK APPLICATION

City of Beaufort-Downtown Operations & Community Services  
Attn: Jennifer Pointer - Events & Tour Coordinator  
500 Carteret Street, Suite B2 Beaufort, SC 29902  
Phone: (843) 379-7519 / Email: [events@cityofbeaufort.org](mailto:events@cityofbeaufort.org) | [www.cityofbeaufort.org](http://www.cityofbeaufort.org)

**To be filed NOT LESS than 150 days before event**

- **Fee:** \$25.00 non-refundable application fee is payable when the application is submitted
- **Run/Walk Route:** City of Beaufort has a standard route in place that everyone must follow

Name of Applicant: Kari Canfield

Address: 921 Ribaut Rd Phone # 843 525 8213

Email: kcanfield@tcl.edu

Name of Sponsoring Organization: Technical College of the Lowcountry - PTA Club

Address: 921 Ribaut Rd.

Date of 5K Run/Walk: 12/13/25

Time of 5K Run/Walk will Begin: 9:00 5K Run/Walk will Terminate: 11:30

Time 5K Run/Walk Line-Up Begins: \_\_\_\_\_ Location(s) of Line-Up Area(s): TCL - Spanish Moss Trail

Approximate Number of Persons, Animals in the 5K Run/Walk: ~ 200

5K Run/Walk will occupy all the width of the streets to be traversed: \_\_\_\_\_

5K Run/Walk will occupy only a portion of the width of the streets to be traversed: \_\_\_\_\_

OFFICE USE ONLY: Application received by: \_\_\_\_\_ Date Received: \_\_\_\_\_

Receipt #: \_\_\_\_\_ Approved By: \_\_\_\_\_

**NOTE:** IF THE 5K RUN/WALK IS DESIGNED TO BE HELD BY AND ON BEHALF OF OR FOR ANY PERSON OTHER THAN THE APPLICANT, THE APPLICANT FOR SUCH PERMIT SHALL FILE A LETTER FROM THAT PERSON WITH THE CITY MANAGER AUTHORIZING THE APPLICANT TO APPLY FOR THE PERMIT ON HIS BEHALF.

Signature of Applicant: [Signature] Date: 6/4/25



**CITY OF BEAUFORT**

**DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM**

To: City Council

From: Jennifer Pointer

Agenda Item Title: Request from the Junior Service League of Beaufort for use of Henry C. Chambers Waterfront Park and co-sponsorship for the 2<sup>nd</sup> Annual Scales and Tails Kids Fishing Tournament Fundraising Event on April 4, 2026, from 8:30 am to 3 pm.

Meeting Date: 7-8-25

CONSENT CALENDAR

Department: Downtown Operations

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- I. INTRODUCTION – Request from the Junior Service League of Beaufort for use of Henry C. Chambers Waterfront Park and co-sponsorship for the 2<sup>nd</sup> Annual Scales and Tails Kids Fishing Tournament Fundraising Event on April 4, 2026, from 8:30 am to 3 pm.
- II. BACKGROUND - Key requests include:
  - a. The event will be the same as the previous year (2025)
  - b. Co-Sponsorship – Waterfront Park Green 2
  - c. Expecting 100 sign ups with room for 300
- III. LEGAL AUTHORITY –
- IV. STAFF RECOMMENDATION - Staff recommends approval



**CITY OF BEAUFORT**  
**Waterfront Park Rental Reservation Application**  
**Downtown Operations & Community Services Department 500**  
**Carteret St Ste. B2 Beaufort, SC 29902**

**Phone:** 843-379-7519

**Fax:** 843-986-5606

|   |   |
|---|---|
| Name of Event:<br><u>Scales &amp; Tails Kids Fishing Tournament</u>       | Date(s) of Event: <del>4/4/2025</del> <u>4/4/2026</u><br>Setup start/end time: <u>9:00 am</u><br>Actual event start/end time: <u>10am-12pm</u><br>Take down start/end time: <u>12:30 pm</u> |
| Organization/Individual Name:<br><u>Junior Service League of Beaufort</u> | Address: <u>PO Box 1964, Beaufort SC 29901</u><br>Telephone: <u>843-812-0547</u><br>Email: <u>akindwall@insurancebeaufort.com</u>   |

- Completed application must be received and approved by the Events Coordinator.
- All reservations require the applicable refundable security deposit be remitted upon approval of application in order to secure the requested date(s).
- Deposits are refundable provided the venue is returned in the same condition it was received.

Please mail completed application to:

City of Beaufort, Attn: Downtown Operations 500 Carteret St. Suite B2 Beaufort, SC

29902, or scan and email to [events@cityofbeaufort.org](mailto:events@cityofbeaufort.org).

All events must abide and are governed by the City's Special Events Policy. To discuss specifics of the policy, contact the Events Coordinator at 843-379-7519 or visit our website at [www.cityofbeaufort.org](http://www.cityofbeaufort.org)

Is event open to the public? YES

Will admission be charged, or donation required? Yes - \$10 a child no charge for Adults

Will alcoholic beverages be sold? NO Served? \_\_\_\_\_

Will food be sold? YES Served? Snacks/Water/Soda/Juice

Will there be any retail sales? Maybe T-Shirts

Number of people expected to attend: expecting 100 hoping for 300

Areas of the Waterfront Park can be reserved/rented for 4, 6, or 12 hour blocks of time. Please factor time for set up and take down of the event into your chosen block of time. Blocks of time **cannot** be reserved or rented in pro rated increments. **NO exceptions will be made to this policy.**

**Security Deposit is due upon approval of application**

**Fee payment due no less than 30 days prior to event.**

Fill out by circling venue area(s) and pricing in blocks of time required for your event. Please indicate need for electrical hookup.

| <b>WATERFRONT PARK RENTAL RATES FOR PRIVATE EVENTS</b> |                          |                          |                           |
|--|--------------------------|--------------------------|---------------------------|
| <b>Park Area</b>                                       | <b><u>4 HR Block</u></b> | <b><u>6 HR Block</u></b> | <b><u>12 HR Block</u></b> |
| Circle of Palms/ Dining                                | \$ 200.00                | \$ 400.00                |                           |
| Craft Market Lawn                                      | \$ 200.00                | \$ 400.00                |                           |
| Contemplative Garden                                   | \$ 200.00                | \$ 400.00                |                           |
| Pavilion   | \$ 350.00                | \$ 600.00                |                           |
| Green 1  | \$ 300.00                | \$ 500.00                |                           |
| <b>Green 2</b>   | \$ 500.00                | \$ 800.00                |                           |
| Electric Fee   | \$ 75.00                 | \$ 100.00                |                           |
| Entire Park  |                          |                          | \$2,200.00                |
| Refundable Security Deposit                            | \$ 500.00                | \$ 800.00                | \$1,100.00                |

See this link <http://www.cityofbeaufort.org/group-events-business-license.aspx> to obtain a group business license application for vendors.

**Did you know?**

**BEAUFORT PRIDE OF PLACE** is a community involvement initiative that helps improve and develop quality of life throughout the city. Individuals, organizations, and visitors can get involved by donating money, equipment or time to assist the City with neighborhood improvement projects, youth programs, upgrading infrastructure and beautifying parks.

If you or your organization are interested in learning more about the program, volunteering or making a monetary or in-kind donation, please contact the City Manager's office @ 843-525-7070

**Liability Insurance**

• The City of Beaufort requires that any organization/group sponsoring any event at a City owned facility/property or right of way provide the City of Beaufort with evidence of insurance as outlined below.

General Liability as follows:

- \$500,000.00 minimum requirement per occurrence for General Liability and Auto Liability (depending on the size or type of event, this amount may increase)
- Must provide proof one week before event

**Alcohol**

- To serve alcohol or liquor at your event, you must obtain City Council approval.
- If alcohol is served at your event, specific approval must be obtained by the City Manager and liquor liability insurance coverage is required with a minimum of \$1,000,000 per occurrence in coverage. The City of Beaufort must be listed as insured on the policy. If you have questions about the required liquor liability insurance coverage and listing the City as an additional insured, please contact the City Manager's office at (843)-525-7070.

City of Beaufort does not provide nor obtain insurance coverage for any special events. It is the responsibility of the event organizer to obtain and pay for proper insurance coverage.

**\*(Note that alcohol consumption in city parks is prohibited with limited exception depending on location and subject to City Council approval and waiver of ordinances, obtaining applicable permits, enforcement services, etc.). In addition, the use of grills, fryers, and other combustible equipment is subject to approval and in some cases/locations strictly prohibited.**

**\*The use of slip and slides, balloons, and confetti are prohibited. In addition, staking of items into the ground are prohibited.**

*Allison Kindwall*

6/17/2025

\_\_\_\_\_  
Lessee/Applicant Signature

\_\_\_\_\_  
Date

-----This section for City use-----

\_\_\_\_\_  
Downtown Operations

\_\_\_\_\_  
Date Application Received

Deposit Paid: \_\_\_\_\_ Fees Paid: \_\_\_\_\_ Deposit to be Refunded: \_\_\_\_\_





City Council Worksession  
Meeting Minutes – Planning Conference Room – 1<sup>st</sup> Floor

June 10, 2025

**I. CALL TO ORDER**

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**5:00 PM**

Philip Cromer, Mayor

Members of Council in attendance - Philip Cromer, Neil Lipsitz, Michael McFee, Mitch Mitchell, Josh Scallate.

**II. EMPLOYEE NEW HIRE RECOGNITION**

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A. Human Resources.

**Ivette Burgess, Human Resources Director**, introduced Shenai Johnson.

B. Police Department.

**Stephenie Price, Police Chief**, introduced Eric Spenser.

C. Public Works Department.

**Nate Farrow, Public Works Director**, introduced Casey Underwood.

**III. PRESENTATIONS**

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A. Short-Term Rental Program Regulations.

**Justin Rose, Business License Administrator**, started off by going over what defines a short-term rental. Some of the key ordinance provisions are that the cap is 6 percent of lots and not homes on a lot. If a property is owner occupied, then it does not count towards the cap. Other requirements are parking and noise compliance, monitored fire alarm systems and a safety inspection must be done. He then went over the application process which is done in 3 tiers.

**Bruce Skipper, Chief Building Official**, spoke about the components of the Safety Inspection. The codes office performs the initial Safety Inspection, then all other inspections are done by the Fire Department. The emergency contact, if notified, must be able to respond within 3 hours. No general liability policy is required.

**Mr. Rose** went over the number of short-term rentals in each neighborhood and the number of pending units. The current number and how many actually went towards the cap. **Councilman Mitchell** inquired if all the units could be on the same street, and **Mr. Rose** responded yes. The cap is by neighborhood and there is no cap by street. **Councilman Lipsitz** feels this needs to be addressed.

There was a discussion about Accessory Dwelling Units and a primary residence being on 1 lot. If a lot had 2 ADU's that were short-term rentals and a primary residence on it, then the 2 would only be counted as 1 towards the cap since it is calculated by lot and not by unit. If an owner is physically living on the property, then nothing gets counted towards the cap.

**Mr. Rose** stated Host Compliance is used to help with monitoring and enforcement. It tracks listings across Airbnb, VRBO and other platforms. It identifies unregistered short-term rentals. It uses geo-location and address matching and provides a real-time data and market analysis.

**Ken Meola, Codes Enforcement Officer**, went over enforcement actions and penalties, that included permits possibly being revoked.

It was stated that when a property changes hands, the new owners must resubmit to have a short-term rental. It does not automatically get carried over. The new owners must go back through the entire process.

**Councilman Scallate** inquired about the \$1,000.00 post-facto fee charged to those who were operating without prior approval. Instead of allowing them to just pay the fee and proceed, maybe they should pay the fee and not be able to reapply for two years. Is there a better way to structure the ordinance to deter this from happening. **Mr. Rose** stated this does not happen very often.

**Mayor Cromer** does not want to see clustering of units. It changes the integrity of the neighborhood. It is like having a commercial hotel in the middle of a neighborhood. He also inquired if corporations are buying up property for this purpose.

**Alan Eisenman, Finance Director**, mentioned the new short-term rental map, which is located on our website, where you can see the locations of all rental units.

There was a discussion about closing an exemption allowed in the T-4N Zone.

Staff will proceed with drafting a revised ordinance.

#### B. Housing Repair Program Update.

**JJ Sauv , Deputy City Manager**, stated staff has been working with the Housing Trust to finalize the application process for the program. The projected date for the application process to begin is on July 1, 2025. This will be open for 30 to 45 days. After that, the review process will begin. **Ashley Brandon, Public Information Officer**, is working on a communications plan with the Housing Trust. There will be public events to help applicants with their applications. The city has been broken down into five zones.

1. Pigeon Point and Northern Downtown area
2. 100 Pines area
3. Ribaut Road/Mossy Oaks area
4. Robert Smalls Parkway area
5. Lady's Island that are in the city limits

Funds would be split between these zones until it can be determined where the applications came from. Then funds can be moved as necessary. The purpose of this program is to focus first on owner occupied residences.

**Claude Hicks, Executive Director of the Beaufort Jasper Housing Trust**, stated a local home inspector with 35 years of experience in the field has been obtained to do the inspections. He will be following the state guidelines regarding the scope of work that can be done.

## IV. DISCUSSIONS

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### A. Nuisance Abatement Ordinance.

**JJ Sauv , Deputy City Manager** stated this issue came about because of some issues which occurred at a multi-family housing complex. The city currently lacks a unified ordinance defining and addressing public nuisances in a comprehensive manner. Staff reviewed ordinances from Columbia, Rock Hill, North Charleston, Richland County, and Horry County. He spoke about the legal authorities the city has to regulate nuisances. If Council is supportive, the ordinance would be brought back for first reading at the July 8, 2025 Regular Meeting.

**Mr. Sauv ** we need to define what a public nuisance is. What would the enforcement look like, and what type of penalties might be assessed. Our ordinance would be a supplement to the state statues and not a replacement.

**Councilman Lipsitz** wants to make sure this ordinance can address issues that may arise at short-term rental houses so the owner can be held accountable.

**Scott Marshall, City Manager**, would like to explore what are the limits the city could require of an owner/manager of a multi-family housing unit to provide as it relates to security. He feels we should be able to impose some type of requirements if they have demonstrated that the area has become a chronic nuisance.

**Councilman Scallate** wants to ensure there are no conflicts with what we already have established in our ordinances like overgrown vegetation. He likes what the City of Columbia has in their ordinance regarding refuse/garbage and would like to see it in ours.

Staff will bring this back for first reading at the July 8, 2025 Regular Meeting and will model it after the City of Columbia's ordinance.

### B. Operation of Golf Carts in City Limits.

**Councilman Scallate** stated the State of South Carolina enacted a law that gives municipalities the opportunity to govern golf carts and the hours they can be operated. One of the changes enacted was to require seatbelts for kids 12 and under. He wanted to have the conversation to see if there was an appetite in the city to identify our hours of operation, possible on include usage at night. He took a poll online and received over 300 responses and 78 percent were in favor of golf carts being allowed on the roads at night. He stated Section 56-2-90 speaks to golf cart registration.

We would need to identify primary and secondary roads, as golf carts are not allowed on primary roads. They can only cross over them.

**Councilman Lipsitz** is in favor of allowing golf carts at night, with seatbelts being worn by all occupants no matter their age.

**Councilman Mitchell** inquired why would golf carts in gated communities be exempt. The reason is because those roads are private and not owned by the city or state. He would like to see these rules apply even in gated communities if they are in the city limits.

**Mr. Marshall** feels turn signals and lights should also be required for nighttime driving.

Staff will draft a golf cart ordinance and bring it back at a future Worksession.

### C. Friends of the Spanish Moss Trail Memorandum of Understanding for Kids in Parks Program.

**Nate Farrow, Public Works Director**, spoke about what role the City of Beaufort would play in the MOU. The city would only be responsible for maintaining the appearance of the Trailhead. The Friends of the Spanish Moss Trail and Kids in the Parks program are taking on the responsibility for the kiosks and fliers.

Council is supportive of this moving forward.

The following addressed Council with their comments and concerns on topics discussed:

Jared Madison, 2618 Holmes Drive  
Eric Hartman, Cottage Farms  
Felice LaMarca, Godfrey Street  
Joe Macdermant, Boundary Street  
Donald Goodwine, 911 Greene Street  
Patrick Canning, 212 Burroughs Ave  
Warren Cooler, 2805 West Royal Oaks  
Danny Williams, 613 Mystic Drive West  
Scott Robinson, 811 Elizabeth Lane

## V. ADJOURN

6:59 PM

Disclaimer: This document is a summary. All City Council Worksessions and Regular Meetings are recorded. Live stream can be found on the City's website at [www.cityofbeaufort.org](http://www.cityofbeaufort.org) (Agenda section). Any questions, please contact the City Clerk, Traci Guldner at 843-525-7024 or by email at [tguldner@cityofbeaufort.org](mailto:tguldner@cityofbeaufort.org).

In accordance with South Carolina Code of Laws, 1976, Section 30-4-80 (a)(d)(e), as amended, notification of regular meetings was given at the beginning of the calendar year. A copy of the agenda was posted on the City's bulletin board and website [www.cityofbeaufort.org](http://www.cityofbeaufort.org) twenty-four hours prior to the meeting. A copy of the agenda was given to the local news media and requested public on file.



City Council Regular Meeting  
Meeting Minutes – City Hall Council Chambers, 2<sup>nd</sup> Floor

June 10, 2025

**I. CALL TO ORDER**

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**7:07 PM**

Philip Cromer, Mayor

Members of Council in attendance - Philip Cromer, Neil Lipsitz, Michael McFee, Mitch Mitchell, Josh Scallate.

**II. INVOCATION AND PLEDGE OF ALLEGIANCE**

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Mayor Pro Tem, Michael McFee.

**III. PUBLIC COMMENT – AGENDA ITEMS**

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Megan Morris, Beaufort Chamber of Commerce, requested Council table the discussion on Old Business, Item A. regarding updates to the Development Code, Chapters 7 and 9 until the next meeting.

Roger Bright, Forino Company, concurred with Megan Morris and would like to see this matter tabled.

**IV. MEETING AGENDA APPROVAL**

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**Motion to approve the Meeting Agenda was made by Councilman Lipsitz and seconded by Councilman Mitchell.**

**All were in favor, motion carried.**

**V. PRESENTATIONS**

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A. Presentation of the Order of the Palmetto to former City of Beaufort Mayor Billy Keyserling.

Representative Shannon Erickson presented Billy Keyserling with the Order of the Palmetto. This is the State of South Carolina's highest civilian honor.

**VI. PROCLAMATIONS/COMMENDATIONS/RECOGNITIONS**

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A. Character Education Proclamation - Mateo Celada, Joseph S. Shanklin Elementary School.

**Motion to approve was made by Mayor Pro Tem, McFee and seconded by Councilman Lipsitz.**

**All were in favor, motion carried.**

- B. Proclamation proclaiming July 27 - August 2, 2025, as Gullah/Geechee Nation Appreciation Week.

Motion to approve was made by Mayor Pro Tem, McFee and seconded by Councilman Mitchell.

All were in favor, motion carried.

## **VII. CONSENT AGENDA**

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Motion to approve the Consent Agenda was made by Councilman Lipsitz and seconded by Mayor Pro Tem, McFee.

All were in favor, motion carried.

Items approved are listed below:

- A. Capital Projects Monthly Report.
- B. Community Development Monthly Report.
- C. Downtown Operations Monthly Report.
- D. Finance Department Monthly Report.
- E. Fire Department Monthly Report.
- F. Human Resources Monthly Report.
- G. Municipal Court Monthly Report.
- H. Police Department Monthly Report.
- I. Public Works Monthly Report.
- J. Request from Beaufort Area Hospitality Association for bridge/street closures to host the Oyster Boogie 5K Run/Walk on Saturday, January 17, 2026, from 6:30 am - 11:00 am.
- K. Request for co-sponsorship of the Henry C. Chambers Waterfront Park for the Beaufort Area Hospitality Association's New Year's Eve Fireworks Display, December 31, 2025, at 9:00 pm.

## **VIII. MINUTES**

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- A. Special Worksession - April 22, 2025.

Motion to approve was made by Councilman Lipsitz and seconded by Councilman Scallate.

Minutes approved as presented.

- B. Special Worksession - April 29, 2025.

Motion to approve was made by Councilman Mitchell and seconded by Councilman Lipsitz.

Minutes approved as presented.

- C. Worksession and Regular Meeting - May 13, 2025.

Motion to approve was made by Mayor Pro Tem, McFee and seconded by Councilman Scallate.

Minutes approved as presented.

D. Special Worksession - May 20, 2025.

Motion to approve was made by Councilman Mitchell and seconded by Councilman Lipsitz.

Minutes approved as presented.

E. Quarterly Capital Improvements Workshop - May 27, 2025.

Motion to approve was made by Mayor Pro Tem, McFee and seconded by Councilman Lipsitz.

Minutes approved as presented.

## IX. OLD BUSINESS

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A. PUBLIC HEARING AND SECOND READING - Ordinance amending Chapter 7 (Land Development) and Chapter 9 (Development Review Procedures) of the Beaufort Development Code.

Councilman Lipsitz made a motion to postpone the discussion until next month. Mayor Pro Tem, McFee seconded the motion.

Councilman Lipsitz withdrew his motion. Mayor Pro Tem, McFee withdrew his second.

Councilman Lipsitz made a motion to postpone the Public Hearing until next month. Mayor Pro Tem, McFee seconded the motion.

All were in favor, motion carried.

Councilman Lipsitz made a motion to postpone the second reading of Chapter 7 and Chapter 9 until next month. Councilman Mitchell seconded the motion.

All were in favor, motion carried.

B. An ordinance to amend the City of Beaufort Zoning District Map by changing the zoning designation of real property located at 30 Cougar Drive, identified as Beaufort County Tax Map Number R123 015 000 0110 0000, from T3-Suburban District (T3-S) to Institutional and Campus District (IC) - Second Reading.

Motion to approve was made by Mayor Pro Tem, McFee and seconded by Councilman Lipsitz.

Curt Freese, Community Development Director, provided a brief overview. There have been no changes made since first reading.

All were in favor, motion carried.

C. Ordinance to approve for the levy of taxes for the City of Beaufort for Fiscal Year beginning July 1, 2025, and ending June 30, 2026; to provide for execution of and to put into effect the consolidated budget; to provide budgetary control of the City's fiscal affairs - Second Reading.

Motion to approve was made by Councilman Lipsitz and seconded by Mayor Pro Tem, McFee.

Scott Marshall, City Manager, provided an overview. He stated that no changes have been made since first reading.

Councilman Scallate inquired about the American Rescue Plan Act (ARPA). At last reading the amount was \$1,486,698.00 and now it is \$1,586,698.00. Alan Eisenman, Finance Director, stated this amount was from the Housing Repair program that was moved over from the General Fund.

Councilman Scallate made a motion to amend by reallocating \$77,000.00. \$42,000.00 from the Beaufort County Economic Development Corporation, \$30,000.00 from the Downtown Operations budget designated specifically for the Downtown Master Plan, and \$5,000.00 from the South Carolina Nursing Retention Initiative. These funds would be redirected to provide for a millage rollback reducing the current millage rate of 73.9 mills where the value of a mill is \$131,885.00., or they could be added to the 2 mill reserve that has been set aside for aging infrastructure, therefore prioritizing fiscal relief in critical public assets. Mayor Cromer seconded the motion.

Councilman Scallate provided his justifications for these proposed changes. He feels the payment to the Beaufort County Economic Development Corporation is double taxation on municipal residents, since they are also county residents. For the Downtown Master Plan, he feels enough studies have been done already. He mentioned the funding for the Tiger Team and stated no recommendations have been seen as of yet. He would like to see the additional funds spent on an appreciation dinner for those who have volunteered their time to the city.

Mayor Cromer supports the reallocation regarding the Beaufort County Economic Development Corporation. Also feels this is double taxation. Would like to speak with the county regarding this and the possibility of consolidating other services as well.

**Mayor Cromer and Councilman Scallate voted in favor of the amended motion.**

**Mayor Pro Tem, McFee, Councilman Lipsitz, and Councilman Mitchell voted against.**

**The amended motion failed by a vote of 3 - 2.**

**Mayor Pro Tem, McFee, Councilman Lipsitz, and Councilman Mitchell voted in favor of the main motion.**

**Mayor Cromer and Councilman Scallate voted against.**

**The main motion carried by a vote of 3-2.**

## **X. NEW BUSINESS**

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- A. Request from Beaufort Area Hospitality Association to host the Watermelon Sip and Stroll on Saturday, August 23, 2025, from 10:00 am to 4:00 pm, waiver of police fees, permission to serve alcohol, waivers of open container, public drinking, loud and unseemly noise.

**Motion to approve was made by Councilman Lipsitz and seconded by Councilman Scallate.**

Sarah Sutton, Downtown Operations Manager, provided an overview of the event. There was a discussion about the waiving of the police fees.

**Mayor Pro Tem, McFee made a motion to amend by not waving the Police Fees. Mayor Cromer seconded the motion.**

**Mayor Cromer, Mayor Pro Tem, McFee, and Councilman Lipsitz voted in favor of the amended motion.**

**Councilman Mitchell, and Councilman Scallate voted against.**

**The amended motion passed by a vote of 3 - 2.**

**Mayor Cromer, Mayor Pro Tem, McFee, and Councilman Lipsitz voted in favor of the main motion.**

**Councilman Mitchell, and Councilman Scallate voted against.**

**The main motion passed by a vote of 3 - 2.**

- B. Request from Main Street Beaufort for street closures for Bay Street from Charles to Carteret, West and Scott Streets from Bay to Port Republic, and drinking in public for First Friday on September 5, 2025, from 4:00 pm - 8:30 pm.

**Motion to approve was made by Mayor Pro Tem, McFee and seconded by Councilman Scallate.**

Ms. Sutton provided an overview of the event.

**All were in favor, motion carried.**

- C. Request for co-sponsorship of the Henry C. Chambers Waterfront Park by the Beaufort Area Hospitality Association to host the 2026 Oyster Festival, January 17 and 18, 2026, also requested is access to Public Works resources, including fencing, water, and electrical support, request to sell beer and wine during the festival, and waiver of fees for Police and Fire.

**Motion to approve was made by Councilman Lipsitz and seconded by Councilman Mitchell.**

Ms. Sutton provided an overview of the event.

**Mayor Pro Tem, McFee made a motion to amend by not waving the Police and Fire Fees. Councilman Lipsitz seconded the motion.**

**Mayor Cromer, Mayor Pro Tem, McFee, and Councilman Lipsitz voted in favor of the amended motion.**

**Councilman Mitchell, and Councilman Scallate voted against.**

**The amended motion passed by a vote of 3 - 2.**

**Mayor Cromer, Mayor Pro Tem, McFee, and Councilman Lipsitz voted in favor of the main motion.**

**Councilman Mitchell, and Councilman Scallate voted against.**

**The main motion passed by a vote of 3 - 2.**

- D. Ordinance to annex 1.72 acres of real property identified as Beaufort County Tax Map Number R100 026 000 0151 0000, 3659 Trask Parkway, to the City of Beaufort Pursuant to S.C. Code Ann 5-3-150(3) - First Reading.

**Motion to approve was made by Mayor Pro Tem, McFee and seconded by Councilman Mitchell.**

Curt Freese, Community Development Director, stated this is the old location of the Greyhound Bus Station. Currently it is zoned C3-Neighborhood Mixed-Use. He mentioned that in the beginning the applicant was requesting a split zoning of T-5UC/RMX. At the May 19, 2025 Planning Commission meeting, the commission felt an RMX only zoning classification would be more appropriate. This was accepted by the applicant. Mr. Freese stated the Public Hearing and Second Reading will be held next month.

**All were in favor, motion carried.**

- E. Ordinance to amend the City of Beaufort Zoning District Map to include real property identified as Beaufort County Tax Map Number R100 026 000 0151 0000, 3659 Trask Parkway, to be zoned Regional Mixed Use (RMX) - First Reading.

**Motion to approve was made by Councilman Lipsitz and seconded by Councilman Scallate.**

All were in favor, motion carried.

- F. Resolution regarding the composition and terms of the Beaufort Housing Authority Board of Commissioners.

**Motion to approve was made by Mayor Pro Tem, McFee and seconded by Councilman Lipsitz.**

Scott Marshall, City Manager, provided an overview why this reset of the terms of the Beaufort Housing Authority Board of Commissioners is necessary.

Councilman Scallate inquired why the Town of Bluffton has never been on this board.

All were in favor, motion carried.

- G. Resolution allowing the City Manager to enter into an Intergovernmental Agreement for Indigent Services with the Town of Bluffton.

**Motion to approve was made by Councilman Lipsitz and seconded by Mayor Pro Tem, McFee.**

JJ Sauvé, Deputy City Manager, provided an overview. This item was discussed in Worksession on May 13, 2025. The city and town will both pay \$70,000.00 for this service to the Law Office of Carol Miller. She was selected as the most qualified provider. The agreement is for an initial one-year term that will start on July 1, 2025. There is an option to renew annually for up to four additional years.

The City of Beaufort will be added as well under Attachment 1, Scope of Work and Fee Schedule, Number 4. Attorney shall not have any conflicts of interest with any criminal case where the Town of Bluffton or the City of Beaufort is the prosecutorial or arresting agency.

All were in favor, motion carried.

- H. Resolution allowing the City Manager to enter into an amended Intergovernmental Agreement with the Beaufort-Jasper Housing Trust.

**Motion to approve was made by Councilman Lipsitz and seconded by Councilman Mitchell.**

JJ Sauvé, Deputy City Manager, provided an overview. This item was discussed in Worksession on May 13, 2025. There are 5 main points of the amended Intergovernmental Agreement (IGA). Included is the removal of Mescher Act Language, Establishment of an Oversight Board, Jurisdictional Withdrawal Clause, Dissolution Procedures, and Fiscal Agent redefinition.

All were in favor, motion carried.

- I. Ordinance to amend, Part 8 - Motor Vehicles and Traffic, and Chapter 2 - Parking, of the City of Beaufort Code of Ordinances - First Reading.

**Motion to approve was made by Councilman Lipsitz and seconded by Councilman Mitchell.**

JJ Sauvé, Deputy City Manager, provided an overview how we ended back up at First Reading. This item was rediscussed in Worksession on May 13, 2025.

All were in favor, motion carried.

- J. Consideration of a Resolution opposing the inclusion of new offshore oil and gas leasing off the coast of South Carolina in the 11th National Continental Shelf Oil and Gas Leasing Program.

**Motion to approve was made by Mayor Pro Tem, McFee and seconded by Councilman Scallate.**

Scott Marshall, City Manager, stated the program is being advocated for by the Carolinas Field Representative for Oceana, Michelle Bivins. Oceana is the largest international advocacy

organization focused exclusively on ocean conservation. The US Department of the Interior's Bureau of Ocean Energy Management (BOEM) announced it will initiate the development of a new National Outer Continental Shelf Oil and Gas Leasing Program. This is a 5-year plan. He stated Representative Nancy Mace is opposed to this as well.

All were in favor, motion carried.

K. Appointment to the Cultural District Advisory Board.

Mayor Pro Tem, McFee made a motion to appoint Cherimie Weatherford as the representative for the Freedman Arts District to the Cultural District Advisory Board for a 3-year term expiring on June 30, 2028. Councilman Lipsitz seconded the motion.

All were in favor, motion carried.

## XI. PUBLIC COMMENT – NON-AGENDA ITEMS

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Martin Galvan, 1217 Windswept Oak Lane, thanked the Police Department for the proactive policing they have been doing at Garden Oaks Apartments.

Erin Heath, 1184 Salty Hammock Court, spoke about the increasing crime in the Salem Bay area. Wants to be sure their concerns are being heard.

Ashlee Houck, Beaufort Area Hospitality Association, spoke about a program they are working on called "From our Waters". She stated that SEAD (Seafood Development) Consulting will be going around to local restaurants to ensure if they label their seafood as local, that it is indeed local. Restaurants in Charleston were found to be stating that their seafood was local, but were actually imported, farm-raised shrimp.

## XII. REPORTS

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### City Manager's Report

Congratulated former Mayor Keyserling on being awarded the Order of the Palmetto by the Governor.

Wished RJ Heape the best as he will be leaving Congresswoman Nancy Mace's Office.

Congratulated Peter Dontje on being promoted to Deputy Fire Chief of Operations.

Stated there will be 15 participants in the "Sparking Embers" program with the Fire Department and 22 participants in the "Future Guardians" program with the Police Department.

There will be a Police Department Open House on Saturday, June 28, 2025 from 10:00 am - 1:00 pm.

Touch A Truck will be held this Saturday, June 14, 2025, from 9:00 am - 1:00 pm at Southside Park.

Unity in the Community will take place on June 21, 2025, from 5:30 pm - 8:00 pm at the Charles Lind Brown Activity Center. This event is hosted by the Beaufort County Department of Parks and Recreation.

On June 25, 2025, at 1:30 pm, the Police Department will host a movie at the Charles Lind Brown Activity Center. Kids can enjoy a movie with free popcorn and treats.

### Mayor's Report

Reported on meetings/events he had attended which included handing out awards at the annual Beaufort River Swim and Run.

Stated he would like to see a Tourism Management Advisory Committee stood up to study the number of events/tours that are happening in town which impact the community both positively and negatively. We need a set of rules regarding co-sponsorships for our parks. Need to charge for basic wear and tear caused by having these events.

#### **Councilman Mitchell**

He introduced General Lloyd “Fig” Newton at the Memorial Day Remembrance held at the National Cemetery.

Reminded all about the Unity in the Community Event at the Charles Lind Brown Community Center.

#### **Mayor Pro Tem, McFee**

Reported on meetings/events he had attended. He stated he will be giving the welcome address at the Dragon Boat Races on June 28, 2025.

#### **Councilman Scallate**

Thanked staff for all they did during the preparation of the budget. There are items that he does and does not support. He stated that fiscal responsibility is extremely important to him.

Thanked Chief Price and the Police Department for the extra patrols, handling of recent events at Garden Oaks Apartments.

#### **Councilman Lipsitz**

Reported on meetings/events he had attended which included the Beaufort Chamber of Commerce Legislative Reception.

Council congratulated former Mayor Billy Keyserling on receiving the Order of the Palmetto.

Council wished RJ Heape with Congresswoman Nancy Mace’s office well.

### **XIII. EXECUTIVE SESSION**

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- A. Pursuant to Title 30, Chapter 4, Section (70) (a) (2) of the South Carolina Code of Law: Discussion regarding the purchase or sale of property - A. Commerce Park, B. Property adjacent to the Public Works Complex, C. Old Caffino location, 2153 Boundary Street.
- B. Pursuant to Title 30, Chapter 4, Section (70) (a) (1) of the South Carolina Code of Law: Discussion regarding personnel appointed by Council - City Attorney.

**Councilman Lipsitz made a motion to go into Executive Session and seconded by Councilman Mitchell.**

**All were in favor, motion carried.**

**Councilman Lipsitz made a motion to come out of Executive Session and seconded by Mayor Pro Tem, McFee.**

**All were in favor, motion carried.**

No actions from Executive Session.

Motion to adjourn was made by Councilman Lipsitz and seconded by Mayor Pro Tem, McFee.

All were in favor, motion carried.

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Disclaimer: This document captures all actions taken by Council and summarizes discussions. All City Council Worksessions and Regular Meetings are recorded. Live stream can be found on the City's website at [www.cityofbeaufort.org](http://www.cityofbeaufort.org) (Agenda section). Any questions, please contact the City Clerk, Traci Guldner at 843-525-7024 or by email at [tguldner@cityofbeaufort.org](mailto:tguldner@cityofbeaufort.org).

In accordance with South Carolina Code of Laws, 1976, Section 30-4-80 (a)(d)(e), as amended, notification of regular meetings was given at the beginning of the calendar year. A copy of the agenda was posted on the City's bulletin board and website [www.cityofbeaufort.org](http://www.cityofbeaufort.org) twenty-four hours prior to the meeting. A copy of the agenda was given to the local news media and requested public on file.

DRAFT



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**CITY OF BEAUFORT**  
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 5/15/2025  
**FROM:** Curt Freese, Community Development Director  
**AGENDA ITEM TITLE:** PUBLIC HEARING AND SECOND READING - Ordinance amending Chapter 7 (Land Development) and Chapter 9 (Development Review Procedures) of the Beaufort Development Code  
**MEETING DATE:** 7/8/2025  
**DEPARTMENT:** Community and Economic Development

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**BACKGROUND INFORMATION:**

The land development/subdivision requirements are core functions of the development code. Chapter Seven includes streets, open space, public utilities, major and minor subdivisions, and site plans. Chapter Nine includes public notice and approval requirements. Draft changes of each chapter were presented at the May 21, 2024, City Council work session. The drafts of each chapter were first taken to the Planning Commission Work session in August 2024, and after eight work-sessions and a public hearing, the Planning Commission unanimously recommended approval to the City Council. The recommended drafts were then sent to the City Attorney for legal review and revision. A list of the meetings is found below, with each public meeting generally 2-4 hours long, allowing public comment. After Council request, the work-sessions began to be streamed via zoom, and will now be streamed over Facebook. Minutes for each meeting are attached.

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**PLACED ON AGENDA FOR:** *Action*

**REMARKS:**

First Reading was held on May 13, 2025.

**ATTACHMENTS:**

| Description               | Type            | Upload Date |
|---------------------------|-----------------|-------------|
| Memorandum                | Backup Material | 5/16/2025   |
| Ordinance                 | Ordinance       | 5/16/2025   |
| Major Changes Chapter 7   | Backup Material | 5/28/2025   |
| Tracked Changes Chapter 7 | Backup Material | 5/16/2025   |
| Major Changes Chapter 9   | Backup Material | 5/28/2025   |
| Tracked Changes Chapter 9 | Backup Material | 5/16/2025   |

**Date: May 13, 2025**

**From: Curt Freese, Community Development Director**

**To: City Council**

**ISSUE: Beaufort Development Code Changes Chapters 7-9**

**Background**

The land development/subdivision requirements are core functions of the development code. Chapter Seven includes streets, open space, public utilities, major and minor subdivisions, and site plans. Chapter Nine includes public notice and approval requirements. Draft changes of each chapter were presented at the May 21, 2024, City Council work session. The drafts of each chapter were first taken to the Planning Commission Work session in August 2024, and after eight work-sessions and a public hearing, the Planning Commission unanimously recommended approval to the City Council. The recommended drafts were then sent to the City Attorney for legal review and revision. A list of the meetings is found below, with each public meeting generally 2-4 hours long, allowing public comment. After Council request, the work-sessions began to be streamed via zoom, and will now be streamed over Facebook. Minutes for each meeting are attached.

**List of Chapter 7-9 Planning Commission Public Meetings:**

|                  |                  |
|------------------|------------------|
| August 12, 2024  | December 3, 2024 |
| Sept 3, 2024     | January 7, 2025  |
| October 1, 2024  | January 13, 2025 |
| November 5, 2024 | February 4, 2025 |

**Public Hearing:**

February 10 (approved)

**Analysis:**

The code revision process identified Chapters 7 and 9 as a focal point of the code revision process to address key citizen, staff, and Council/Commission concerns related to infrastructure/roads, the approval process, and public notice. As the PC went through the proposed draft, it had a threefold process in making revisions: 1) Correcting errors, inconsistencies, and unclear language; 2) Addressing issues raised by Staff, Citizens, Staff and Council (including 120 point list); 3) Adding additional standards and context to the code as the PC went through each chapter. The PC, made up of a diverse group of members, including three attorneys, two architects, one civil engineer, and one developer, went through each line of Chapters 7 and 9, and proposed the current revisions with Staff after nine meetings over a six month period. A quick synopsis of the primary changes is found below. As the changes are comprehensive in nature, the minutes provide the context behind each code change; however, Staff is able to answer any questions the City Council might have on any change. The major changes include:

**Chapter 7**

**TIA's**

**Revision:** Major revisions to Street Standards including TIA's.

**Objective of Revision:** Comprehensive look at all existing and proposed development impacts on traffic over a larger area

**Open Space:**

**Revision:** Changes to Open Space Standards

**Objective:** Correct inconsistencies and lack of open space requirements in transect zones

**Sketch Plans:**

**Revision:** Standards for Sketch Plans

**Objective:** Add standards for PC to make major decisions on conceptual type plans

**Preliminary Plats:**

**Revision:** Add comprehensive standards for Preliminary Plats

**Objective:** Add standards for PC to make major decisions on major platting action/often not approved by PC but Staff

**Final Plats:**

**Revision:** Comprehensive standards on final plats.

**Objective:** Comprehensive standards for Staff to make decision on final phase of platting

**Minor Subdivisions:**

**Revisions:** Strengthen Minor Subdivisions, restrict them to 6 or less lots.

**Objective:** Address concerns of minor subdivisions and bring to a national standard

**Site Plans**

**Revision:** Add comprehensive standards for PC to approve Site Plans

**Objective:** Set standards for developers, Staff and PC to expect with major commercial, multi-family and industrial plans.

**Rezoning:**

**Revision:** Add sketch or site plan to rezoning requests

**Objective:** Provide additional information for PC and Council to make decision on land use

## **Chapter 9 Revisions**

### **Public Hearings:**

**Revision:** Add public hearing and notice requirements for most major land use actions

**Objective:** Require transparent approval process which includes the public.

### **Approval process**

**Revision:** Clean up Chapter 9 approval and process

**Objective:** Provide for a consistent approval process for Staff, the public. and developers.

Again, the changes are comprehensive in nature and the above list only highlights some of the major changes.

**Recommendation:** Adopt changes as recommended by the Planning Commission.

## ORDINANCE 2025/14

### AMENDING CHAPTER 7 (LAND DEVELOPMENT) AND CHAPTER 9 (DEVELOPMENT REVIEW PROCEDURES) OF THE BEAUFORT DEVELOPMENT CODE

WHEREAS, the State of South Carolina has conferred to the City of Beaufort (hereinafter “City”) the power to enact ordinances “in relation to roads, streets, markets, law enforcement, health, and order in the municipality or respecting any subject which appears to it necessary and proper for the security, general welfare, and convenience of the municipality or for preserving health, peace, order, and good government in it . . .” as set forth in S.C. Code Ann. § 5-7-20; and

WHEREAS, the City of Beaufort adopted the Beaufort Development Code (hereinafter “Code”) on June 27, 2017, as set forth in section 5-6001 of the Code of Ordinances of the City of Beaufort, South Carolina; and

WHEREAS, the adoption of certain amendments of the Code will better enable the City, its citizens, and other interested parties to use the Code “for the general purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare” in accordance with S.C. Code Ann. § 6-29-710; and

WHEREAS, the Planning Commission has the duty to review and make recommendations to the City Council regarding amendments to the text of the Code pursuant to Section 10.2.A.3.b. of the Code; and

WHEREAS, the Planning Commission has reviewed and made recommendations for the amendment of Chapter 7 (Land Development) and Chapter 9 (Development Review Procedures) of the Code, as shown on Exhibit A and B, hereto, respectively; and

WHEREAS, the amendments to Chapter 7 (Land Development) are for the general purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare;

WHEREAS, the amendments to Chapter 9 (Development Review Procedures), allow for greater transparency, public involvement, and clearer and more predictable development outcomes;

WHEREAS a public hearing before the Beaufort City Council was held regarding changes to the recommended amendments on May 13, 2025 and June 10th, with notice of the hearing published in *The Beaufort Gazette* on April 14, 2025, and May 9<sup>th</sup>, 2025;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority of same, pursuant to the power vested in the Council by S.C. Code Ann. § 6-29-760 and the Code of Ordinances of the City of Beaufort, South Carolina, that the Code by striking Chapter 7 of the Code in its entirety and replacing it with the amended Chapter as shown on Exhibit A and by striking Chapter 9 of the Code in its entirety and replacing it with the amended Chapter as shown on Exhibit B.

This ordinance shall become effective July 8, 2025.

\_\_\_\_\_  
PHILIP E. CROMER, MAYOR

ATTEST:

\_\_\_\_\_  
TRACI GULDNER, CITY CLERK

1<sup>st</sup> Reading \_\_\_\_\_

2<sup>nd</sup> Reading & Adoption \_\_\_\_\_

Reviewed as to form by Ben Coppage, City Attorney

# **EXHIBIT A**

## **(Chapter 7)**

## **7: LAND DEVELOPMENT**

### **7.1: IMPROVEMENT REQUIREMENTS**

#### **7.1.1 PURPOSE**

The purpose of these land development requirements is to:

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

#### **7.1.2 APPLICABILITY**

- A. Unless noted otherwise in this section, all new development projects shall be required to have public sewer and underground wiring, and shall comply with Section 7.2.3 (Lot Access Standards).
- B. Installation or construction of the improvements specified in the Table of Required Improvements (Section 7.1.3) is required for all development projects, except those which (1) are subject to the Minor Development Design Review or Minor Subdivision provisions of this Code or are located in the Historic District and (2) affect less than one whole Block Face.
- C. The applicant, developer, and real property owner shall be responsible for the installation and construction of required improvements according to the provisions of this Code, except as may otherwise be specifically provided herein or by agreement.
- D. A Final Subdivision Plat shall not be approved unless the improvements required by this Chapter have been installed or constructed or the applicant has made improvement guarantees, pursuant to Section 7.1.5, to the satisfaction of the City, for the installation of said improvements.

### 7.1.3 TABLE OF REQUIRED IMPROVEMENTS

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

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

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

#### 7.1.4 SURVEY AND ENGINEERING

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

#### 7.1.5 IMPROVEMENT GUARANTEES

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

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

### 7.1.6 EASEMENT AND UTILITY STANDARDS

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

## 7.2: STREET NETWORK AND DESIGN STANDARDS

### 7.2.1 STREET INFRASTRUCTURE PLANS

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

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

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

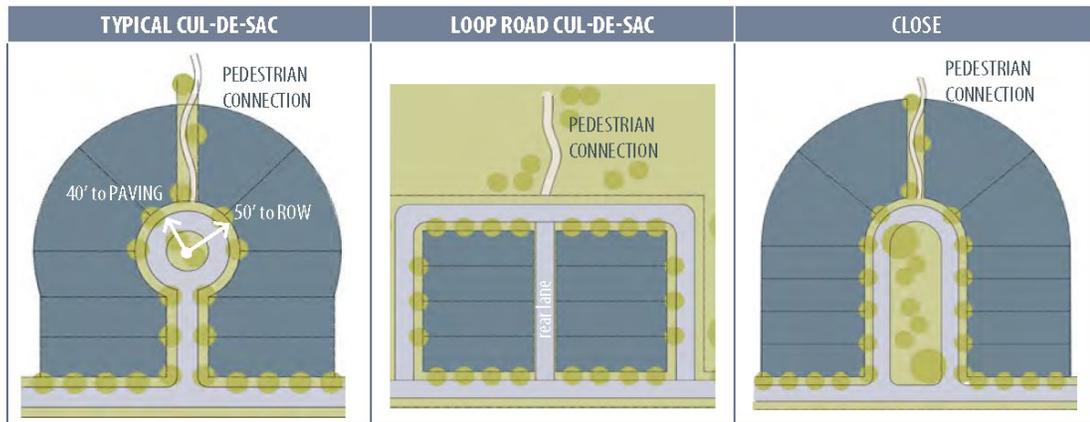
owner shall reserve the appropriate amount of right-of-way to complete the desired street section. If the owner dedicates and installs the complete right-of-way, the cost of the improvements may be borne by the City (see Section 7.2.1 E).

- b. Where an area is designated as a future right-of-way and identified on an Official Map, new development shall reserve this area for the new street in the future. If access is needed to the site in that location, the street shall be constructed in the general location shown.
  - c. Exceptions and Alternatives: Where the available rights-of-way — do not functionally permit the full section to be constructed due to existing structures or topographic conditions limited to wetlands, specimen and landmark trees, the Administrator may adjust the requirements for the street section.
- E. **Compensation:** When a project is required to make off-site improvements within the existing right-of-way, dedicate and/or improve a street with insufficient right-of-way, or install a new street (be it public or private) per the requirements in Section 7.2.1.C., above, compensation of the developer for the costs associated with such improvements may be available at the City’s discretion. To the extent that the City has the authority and the ability to do so, the Traffic Impact fee for the project shall be reduced by the assessed value of the dedicated land and/or construction cost of the right-of-way improvement. This may be done either as a direct reduction, rebate, or reimbursement of fees.

## 7.2.2 STREET NETWORK REQUIREMENTS

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

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



1. Permanent dead-end streets shall be no longer than 300 feet and shall be provided with a turnaround such as a cul-de-sac or close.
2. Temporary dead-end streets shall be provided with a temporary turnaround area which shall be designed considering traffic usage, maintenance, and removal.

3. Alternative design solutions, such as a close (first preference), or a loop road cul-de-sac (second preference) are preferable to a typical cul-de-sac.
  4. Cul-de-sacs shall have a minimum right-of-way radius of 50 feet and minimum paved radius of 40 feet. When ample radii space exists, cul-de-sacs shall contain a central planted median.
  5. Whenever cul-de-sac roads are created, at least one pedestrian access easement shall be provided, to the extent practicable, between each cul-de-sac head or road turnaround and the sidewalk system of the closest adjacent road or pedestrian pathway. The access easement shall be direct with a minimum width of 12 feet.
- E. **Gated Streets:** New gated streets are prohibited with the following exceptions:
1. At the discretion of the Planning Commission, in T3-S zoning districts where connection to the existing street grid is not practicable due to topography or existing surrounding conditions.
  2. At the discretion of the Planning Commission when the access proposed to be gated is an alley or rear lane and is not the primary building frontage.
- F. **Street Naming and Renaming:** New street names and street renaming are subject to the requirements of S.C. Code § 6-29-1200. Proposed Street names and number systems shall be reviewed by and subject to the approval of the Administrator and the Beaufort County Emergency Management Department. No duplicate/similar names are allowed, as determined by these agencies.
- G. **Reserved Strips Prohibited:** Reserved strips at the terminus of a new street shall be prohibited.

### 7.2.3 LOT ACCESS STANDARDS

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

| FRONTAGE WIDTH     | MAXIMUM PERMITTED ACCESS POINTS (CURB CUTS) PER STREET FRONTAGE  |
|--------------------|--|
| Less than 150 feet | 1  |
| 150 feet or more   | 2 - Additional access points (in excess of 2) shall be permitted only after the applicant successfully demonstrates the necessity for such additional access points, as determined by the appropriate design review body. Along arterial roads and thoroughfares, such additional access points shall be "right-in, right-out" driveways only. |

C. **Location and Spacing:**

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

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

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

**D. Size:**

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

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

1. **Specific to T3-N, T4, and T5 districts:** Alleys/rear lanes shall be provided along the rear property lines of lots as follows:
  - a. In new subdivisions greater than 1 acre, alleys shall be provided for newly created lots that meet any of the following criteria:

- i. The lots are part of a Block Face with an average lot width of 60 feet or less at the building setback line (excluding lots on cul-de-sacs).
  - ii. The lots are arranged around a Common Open Space.
  - iii. The lots front a collector or arterial road, regardless of the average lot width.
  - iv. The lots are intended for multi-family dwellings and/or mixed-use buildings.
- b. For Infill developments, the same standards apply as specified in the immediately preceding subsection, but only for developments that include 4 or more contiguous lots, where one lot is a corner lot. In the Historic District, the standards apply only to the Beaufort Conservation District; the requirement may be waived at the discretion of the Historic Review Board.

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

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

**7.2.4 STREET DESIGN STANDARDS**

- A. **Street Section Design:** The elements and widths of all proposed streets shall be in conformity with the appropriate street section designated in the Street Infrastructure Plans (Section 7.2.1 and Appendix C).
- B. **Traffic Control and Signs:** The type and location of traffic control devices used on City streets must be approved by the Administrator or the Administrator’s designee, and traffic control on private streets shall be included and approved as part of the major subdivision or site plan. Traffic signals should be used where warranted, but alternative means of traffic control such as roundabouts should be considered first. When it can be shown that a particular zoning action, master plan, or development plan impacts the street system to a point that a traffic signal is warranted according to the latest version of the United States Department of Transportation’s Manual on Uniform Traffic Control Devices (“MUTCD”) and approved by the Administrator or the Administrator’s designee,, the developer shall be responsible for all or a portion of the signal installation.
- C. **Sidewalks/Multi-use Paths:** Where required by the provisions of Appendix C, all sidewalks or multi-use paths must be constructed concurrently with the street or, if the street is already constructed, prior to acceptance of any improvements. Exceptions to the requirement to install a sidewalk may be granted by the Planning Commission if:
  - 1. Alternative pedestrian paths/bikeways have been or will be provided outside of the normal right-of-way.
  - 2. There are unusual topographic, vegetative, or other natural conditions that would render strict adherence to the requirements of this section unreasonable and not consistent with the purposes and goals of this Code.
- D. **Utility Easements:** Utility easements which require a width of 8 feet or more shall be located in rear alleys or adjacent to rear lot lines. Special permission to install utility easements in other locations may be requested by the utility companies and is subject to approval by the appropriate design review body.

- E. **Special Consideration for Protected Resources and other Natural Features:** Street layout and design shall give additional consideration to preserving protected resources and enabling natural areas to be protected or minimally disturbed. Where streets are built in areas that have protected resources or natural features, all utilities shall be placed within the street right-of-way and under the street to avoid additional destruction of the natural features.

### 7.2.5 STREET TREE PLANTING REQUIREMENTS

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

## 7.3: STREET ENGINEERING STANDARDS

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

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

### 7.3.2 TRAFFIC IMPACT ANALYSIS

- A. **Applicability:** A Traffic Impact Analysis (“TIA”) shall be required for any development that is shown to generate more than 50 trips during the peak hour on the adjacent street(s) in the most recent Institute of Transportation Engineers (“ITE”) Trip Generation Manual or any alternative, approved at the discretion of the Planning Commission or the TRC, or by the engineering department.
  - 1. A second phase, second subdivision, or addition that generates traffic beyond this threshold, when taken as a whole, shall also require a TIA, even though that development may not qualify on its own.
  - 2. A use shall not be changed without conducting a new TIA if the new use would generate traffic beyond the 50 trips during peak hour threshold referenced above. The Planning Commission may waive this requirement.

3. **Exception:** Development on lots included in the Boundary Street Master Plan, adopted on August 28, 2006, and lots in the area bounded by Calhoun Street, Carteret Street, Bay Street, and Ribaut Road, and lots zoned Limited Industrial (LI), shall not be subject to the requirements of this section. This exception does not apply to Educational Facilities with greater than 100 students.
- B. **Traffic Access Management Analysis:** As part of the TIA process, the proposed development shall have an "access analysis" undertaken by the administrator to ensure that sufficient access to all proposed developments and subdivisions is achieved.
1. The standards in the South Carolina Department of Transportation's "Access and Roadside Management Standards Manual" ("ARMS Manual") shall serve as a guide for this analysis, which shall include identification of the following:
    - a. Access improvements, such as deceleration lanes, that the applicant must install at the applicant's own;
    - b. The location of any curb cuts based on, but not limited to, sight distances, existing roadway infrastructure, opposing driveways locations, and shared access;
    - c. Requirements for adequate driveway design, including, but not limited to, turning radius and stacking distance.
  2. The access requirements approved by the Planning Commission or the TRC shall be incorporated on development or subdivision plans prior to their approval.
  3. If an applicant is required to provide site-related traffic improvements, the cost of implementing such improvements shall be borne by the applicant, and no such costs shall be eligible for a credit or offset from any transportation impact fees unless specifically permitted by the Development Fee Procedures as stated in the Beaufort County Code of Ordinances, Chapter 82, Article II or most recent version.
- C. **Traffic Impact Analysis Plan Preparation:**
1. The TIA shall be conducted by an engineer registered in South Carolina who is experienced in the conduct of traffic analysis.
  2. Prior to beginning the TIA, the applicant shall supply the City with the following:
    - a. A written narrative describing the proposed land use(s), size, and projected opening date of the project and all subsequent phases.
    - b. A site location map showing surrounding development within a one-half mile radius of the property under development consideration.
    - c. A proposed site plan or preliminary subdivision plat illustrating access to public or private roads and connectivity to other contiguous developments.
  3. Prior to beginning the TIA, the applicant shall receive, in writing, the parameters to be followed in the study, including the directional split of driveway traffic, trip distribution, background traffic growth rate, previously approved but not completed projects, and the intersections to be analyzed, along with any associated turning movement counts that are available or discussed and approved by the TRC.
  4. To review the TIA, the Planning Commission and TRC will require current trip generation information, available information on land use, travel patterns, and traffic conditions, and shall consult with the SCDOT.

D. **Plan Contents:**

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

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

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| trip reductions, if appropriate, including table of calculations used. |  |
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1. **Phased Developments:** All phases of a development are subject to review, and all traffic plans for the entire development shall be integrated with the overall traffic analysis. A TIA for a specific phase of development shall be applicable to the phase of development under immediate review. However, each phase of development shall expand and provide detailed analysis at the development plan stage beyond the estimates provided for at the concept plan or master plan stage.
2. **Infrastructure Analysis:** The adequacy of the roads that the development will be accessed from shall be assessed in the TIA. Recommendations for improvements to these roads shall be made. The relative share of the capacity created shall be broken down as follows: development share, other developments' share, any existing overcapacity, and capacity available for future growth.
3. **Required Elements of the TIA:**
  - a. A site plan or subdivision plat identifying access points to and from existing or proposed streets and intersections, along with all opposing intersections across adjacent streets.
  - b. Description of the proposed development, including the type and intensity of proposed land use(s) including, but not limited to: the number of residential units by type, the number of existing and proposed lots, the type of proposed nonresidential development and the amount of such development measured by gross floor area or other appropriate unit of measurement, the general size and type of accessory development or facilities, and, for nonresidential development, adequate information to identify the appropriate land use category for trip generation.
  - c. Projected vehicular trips to and from the completed development during a.m. and p.m. peak hour — trip rates shall be taken from ITE Manual or alternatively, an applicant may elect to perform, at his own expense, a trip generation study which may be submitted as part of the TIA plan. The trip generation study shall be subject to the review and verification of the TRC and engineer. For proposed uses not specifically listed in the ITE Manual, and for which a trip generation study has not been performed, the designated engineer(s) shall determine the most appropriate trip generation rate. The TRC shall make the determination of the appropriate trip generation rate, from whatever the source. The percentage of pass-by trips, if used in the plan, shall be included, as well as the source of this information.
  - d. A written narrative setting forth the assumptions upon which any projection was made in developing the TIA plan shall be included in the analysis. If the assumptions are derived from the ITE Manual, the materials shall be referenced and properly cited. If the assumptions are not from the ITE Manual, appropriate excerpts from other reliable transportation planning resources shall be included in the study, and reasons underlying the assumptions shall be stated in the narrative.
  - e. The TIA shall review access to the site. The adequacy of the entrance design shall be evaluated, and recommendations made on acceleration and deceleration lanes, left-turn lanes, or signalizations shall be part of the TIA. Educational facilities shall include pick-up and drop-off plans and analysis of the impact on the surrounding streets and intersections.

- f. The TIA shall review the number and types of curb cuts that are permitted. In particular, the TIA shall assess the connection of the property to adjoining properties. Where the use, scale of development, or size of adjoining properties is such that trips would be anticipated between the proposed use and the other properties, the TIA shall make recommendation on interconnections. The TIA shall recommend interconnections to provide a smooth flow of traffic between uses along arterials and collector roads to ensure that as much traffic as possible uses secondary roads, rather than major roads, for short trips.
  - g. The TIA shall be based on intersection analysis procedures for signalized intersections as identified in the most current edition of the Transportation Research Board's Highway Capacity Manual, and/or the last update that analyzes and emulates these procedures by means of computer software, if available. The results of any required analysis/computer analysis shall, at a minimum, indicate compliance or variance from the Traffic Service Level Goals (Section 7.3.2.M.).
  - h. The intersections that must be analyzed in the study are identified as:
    - i. Any intersection that serves as a development's point of access. This will include intersections of public and/or private roads with major arterials, and driveways offering direct access.
    - ii. The first major intersection as identified by the city engineer on both side of the development's point of access.
    - iii. Other intersections on major arterials if development generates more than 50 a.m. or p.m. peak hour trips to that intersection, or if the intersection's level of service or demand is significantly impacted by site related traffic.
    - iv. Unsignalized intersections and access drives — these shall be considered if development impacts are anticipated. The plan must include the results of an analysis of the operating conditions of critical intersections and/or all intersections identified in the concept plan. The analysis shall reflect the projected condition of these intersections and movements, based on the scheduled opening date of the development. Other phases of the development, if they can be reasonably determined, shall be considered as well.
- E. **Mitigation Plan Required:** If the initial analysis indicates that the city's adopted Traffic Service Level Goals (Section 7.3.2.M.) will not be met, a mitigation plan must be prepared, based on additional analysis. The mitigation plan must show how the city's Traffic Service Level Goals are addressed as mitigated. Applicants will be responsible for mitigating the traffic impacts at any intersection affected by a proposed development.
1. If a traffic signal is recommended, the TIA shall provide information that:
    - a. Clearly indicates the need for a traffic signal.
    - b. Assesses the ability of other existing, planned, or proposed public roads to accommodate the new traffic at a location other than the main highway in the vicinity of the proposed development.
    - c. Describes in detail how a specific development will affect the study area transportation system.
    - d. Provides documentation of appropriate South Carolina Manual of Uniform Traffic Control Devices signal warrant satisfaction.

- e. Gives design geometry of the private road that is consistent with that of public road intersections, including curbs, appropriate lane widths, pavement markings, and vertical alignment. Other roadway factors to be considered include, but are not limited to, speed, type of highway, grades, sight distance, existing level of service, conflicting accesses, and the effect of future traffic signal systems.
  - f. Provides an approach-throat length for the road to ensure the movement of vehicles entering the site will not be impeded by conditions within the development and ensure that all signal-spacing requirements are adequately met.
2. The desirable spacing of signalized intersections on principal arterials is the SCDOT, county, or City standards. The TRC may recommend to SCDOT the installation of a traffic signal at locations where, using SCDOT standards, spacing is inappropriate due to topography, existing or proposed road layout, documented accident history, unique physical constraints, existing or proposed land use patterns, or requirements to achieve specific objectives for highway segment designations, as shown in any locally adopted land use or transportation plan, approved City or county transportation plan, or approved transportation policy.
  3. Signal spacing concerns may be ameliorated in the following ways:
    - a. A proposed private road that may otherwise be considered for the installation of a traffic signal may be replaced by an on-site route or a frontage road that directs traffic to or from a nearby public road.
    - b. A private road that is being considered for traffic signal installation may be required to connect to the existing or planned local road system to allow uses of surrounding properties.
    - c. An existing or proposed intersection may be relocated.
    - d. A shared private road may be required to serve the needs of the multiple properties.
  4. A traffic signal progression analysis is required if the proposed location is closer than the SCDOT standards, given the presence of existing signals or the possible existence of identified future signals proposed as part of a highway signal system. A traffic signal progression analysis for all new, revised, or planned traffic signal systems on state highways shall be performed using methods, models, computer software, data sources, roadway segment length, and assumptions approved by the TRC. The roadway segment, analyzed to the extent possible, shall include all traffic signals in the existing or future traffic signal system. The progression analysis shall:
    - a. Demonstrate acceptable existing and future traffic signal systems operation that may include the morning peak, evening peak, midday period, and other appropriate time period during any day of the week, adjusted for peak season, for cycle lengths and travel speeds approved by the TRC.
    - b. Provide for a progressed traffic band speed no more than 5 mph (8 km/h) below the existing posted speed for both directions of travel during the off-peak periods, nor more than 10 mph (16 km/h) below the existing posted speed during peak periods. Approval by the TRC is required where speeds deviate more than the above.
    - c. Demonstrate that sufficient vehicle storage is available at all locations within the traffic signal system without encroaching on the functional boundaries of adjacent lanes and signalized intersections. The functional boundary of an intersection shall be determined in discussion with the TRC, based on existing or projected conditions.

- d. Provide a common cycle length with adequate pedestrian crossing times at all signalized intersections.
  - e. Provide a progression bandwidth as large as that required, or as presently exists, for through traffic on the federal or state highway at the most critical intersection within the roadway segment. The most critical intersection is the intersection carrying the highest through volume per lane.
- 5. The traffic signal progression analysis shall be supplemented by a traffic engineering report that also considers highway capacity and safety of the roadway segment under consideration. Traffic volumes, intersection geometry, and lane balance, considered at all locations, shall be appropriate for the present and identified future conditions, which are usually considered to include the year of completion, and 5 years into the future.
- F. **Summary:** A clear and concise summary of recommended improvements that can serve as an executive summary is required.
- G. **TIA Review:** The TRC shall review all TIAs as part of the applicable Design Review phase. Final TIAs shall be approved prior to the applicant submitting a Project Permit application (Section 9.5).
- H. **Application:** A TIA shall be submitted to the TRC. Coordination with other entities in the county government or South Carolina Department of Transportation (SCDOT) shall be the responsibility of the City.
- I. **Completeness:** The Planning Commission and/or TRC shall determine whether a TIA is complete. Thorough and complete TIAs are the responsibility of the applicant. Failure by the applicant to provide a complete TIA may result in review delays for its plat or plan.
- J. **Action on TIA:** The TRC must first approve the TIA in regard to completeness and accuracy. Following review of the required impact analysis plan, TRC shall recommend to the Planning Commission action as follows:
  - 1. Approval of the TIA as submitted;
  - 2. Approval of the TIA with conditions or modifications as part of the development review and approval process. An acceptable TIA with traffic mitigation measures may include the reduction of the density or intensity of the proposed development, phasing of the proposed development to coincide with state and/or county-programmed transportation improvements, applicant-provided transportation improvements, fees in lieu of construction, or any other reasonable measures to ensure that the adopted traffic service-level goals are met. If mitigation is required, it shall be required as a condition of any approval from the city.
- K. **Timing of Implementation:** If a traffic mitigation program is part of an approved TIA, the developer may be required to place a performance bond on all traffic mitigation improvements required as a result of the project. This requirement may arise if the timing of the improvements needs to be synchronized with other scheduled improvements anticipated for the area.
- L. **Responsibility for Costs of Improvements:** The costs of implementation of an approved mitigation program shall be the responsibility of the applicant. No certificates of zoning compliance or building permits shall be issued unless provisions of the TIA are met.
- M. **Traffic Service Level Goals:** The average stop time delay in seconds per vehicle for each intersection determined to be critical to the TIA for the proposed development shall be compared to the City's traffic service level goal of "D" for the average delay for all vehicles at any signalized intersection during the a.m. and p.m. peak hours.

## 7.4: COMMUNITY GREEN SPACE AND COMMUNITY OPEN SPACE

### 7.4.1 PURPOSE AND INTENT

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

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

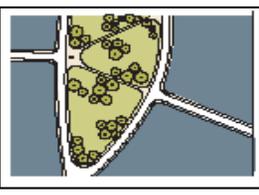
- A. **Minimum Requirements:** Development in all districts shall preserve the minimum amounts of Community Green Space and Open Space as identified below (see following page):

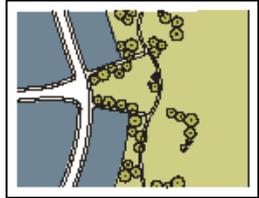
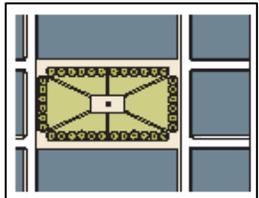
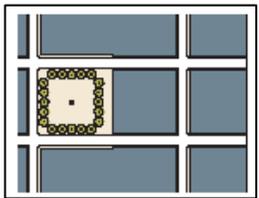
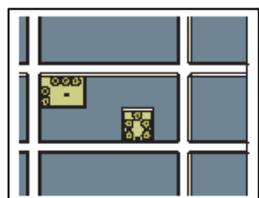
| OPEN/CIVIC SPACE REQUIREMENT  |                  |      |      |        |      |        |       |     |     |        |                  |
|---|------------------|------|------|--------|------|--------|-------|-----|-----|--------|------------------|
| SIZE  | T1               | T3-S | T3-N | T4-HN  | T4-N | T5-DC  | T5-UC | RMX | IC  | LI     | MHP <sup>1</sup> |
| <b>Less than 3 acres</b>  | See footnote (3) |      |      |        |      |        |       |     |     |        |                  |
| <b>3 acres—10 acres</b>   | 50%              | 20%  | 15%  | exempt | 10%  | exempt | 10%   | 10% | 15% | exempt |                  |
| <b>10 acres—15 acres</b>  | 50%              | 20%  | 15%  | exempt | 10%  | exempt | 10%   | 15% | 20% | exempt | 10%              |
| <b>15 acres—40 acres</b>  | 50%              | 20%  | 15%  | n/a    | 15%  | exempt | 15%   | 20% | 20% | exempt | 10%              |
| <b>Greater than 40 acres</b>  | 50%              | 25%  | 20%  | n/a    | 20%  | exempt | 20%   | 25% | 25% | exempt | 10%              |
| <sup>1</sup> Each Manufactured Home Park shall have a minimum total area of 2,500 square feet set aside for common recreational open space, or at least 100 square feet of space for each mobile home lot, whichever is greater.<br><sup>2</sup> Specific to TND Overlay Projects: The open space requirement may be calculated comprehensively or by specific Transect zones. The requirements of 2.8.3.E must be met in addition to the requirements of this table.<br><sup>3</sup> For properties less than 3 acres, community green space and community open space shall be at the discretion of the approving authority, i.e., Codes Administrator or Planning Commission. |                  |      |      |        |      |        |       |     |     |        |                  |

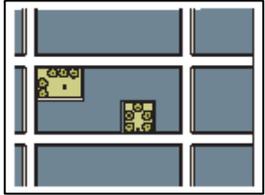
- B. **Areas to be Included in Community Green Space and Community Open Space Calculations:** The features and areas identified in Section 7.4.3 shall be credited towards the open space requirements for the purposes of complying with this Chapter.
- C. **Areas not to be Included in Community Green Space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

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

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

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

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

| CIVIC/<br>OPEN<br>SPACE TYPE   | DIAGRAM   | DESCRIPTION   | PERMITTED<br>DISTRICTS         | SERVICE AREA/<br>SIZE                           | CHARACTER  | TYPICAL FACILITIES   |
|--|---|---|--------------------------------|---|--|--|
| <b>Playground</b>  |  | <p>An open space designed and equipped for the recreation of children. A playground may be fenced and may include an open shelter. Playgrounds may be included within other civic spaces.</p> | <p>T3, T4, T5,<br/>IC, RMX</p> | <p>Neighborhood<br/>Min: None<br/>Max: None</p> | <p>Frontage:<br/>Independent or<br/>building<br/>Disposition:<br/>Formal or<br/>informal</p> | <p>Accessory structure,<br/>drinking fountains,<br/>paths and trails</p> |
| <p><i>Notes:</i></p> <ol style="list-style-type: none"> <li><i>1. The illustration and description of each civic space type is illustrative in nature and not regulatory.</i></li> <li><i>2. The Permitted Districts may be modified per a plan if the project is utilizing the Traditional Neighborhood Development Floating Overlay District (Section 2.8.3).</i></li> </ol> |   |   |                                |   |  |  |

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

- A. **Playgrounds and Community Gardens:** These may be incorporated into any of the other Community Green Space and Community Open Space types - except Natural Preserve - or may stand alone.
- B. **Waterfront:** When Community Green Space and Community Open Space is required, per Section 7.4.2, developments that contain waterfront access should include some type of common access to at least 25% of the waterfront. This counts towards the Community Green Space and Community Open Space requirement. When open space is required, for every 10% of the waterfront that is allocated for public access, a 5% increase in number of dwelling units shall be permitted, up to a maximum of a 20% increase.
- C. **Illustrative Standards:** The columns titled "Diagram," "Description," and "Typical Facilities" of the table of Community Green Space and Community Open Space Types are illustrative only.
- D. **Regulatory Standards:** The following elements shall be regulatory:
  - 1. **Service Area:** Describes how the space relates to the city as a whole and the area that will be served by the Community Green Space and Community Open Space.
  - 2. **Size:** The permitted size for each Community Green Space and Community Open Space.
  - 3. **Frontage:** The relationship along property lines of a Community Green Space and Community Open Space to adjacent buildings or lots.
    - a. **Building:** Community Green Space and Community Open Spaces that are listed as having a "building" frontage shall have the fronts of buildings, either attached to the park or across a street, facing onto the space for a minimum of 75% of the perimeter.
    - b. **Independent:** Community Green Space and Community Open Spaces that are listed as having an "independent" frontage shall have the fronts of buildings, either attached to the park or across a street, facing onto the space to the maximum extent possible, but may have the side or rear of a building or lot front onto the space. The side or rear of a building or lot fronting onto the Community Green Space and Community Open Space shall be designed with a secondary frontage and entrance along the space.
  - 4. **Disposition:** The character of the design of the Community Green Space and Community Open Space.
    - a. **Natural:** Civic spaces with natural character are designed in a natural manner with no formal arrangement of elements.
    - b. **Formal:** Civic spaces with a formal character have a more rigid layout that follows geometric forms and have trees and other elements arranged in formal patterns.
    - c. **Informal:** Civic spaces with an informal character have a mix of formal and natural characteristics.
  - 5. **Food Production:** Community Gardens and other Community Green Space and Community Open Spaces may be used to grow food. See Section 8.5.3 for specifications and requirements.

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

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

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

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

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

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

### **7.5.1 GENERAL PROVISIONS**

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

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

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

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

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

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

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

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

1. The boundaries of five or fewer lots are created from one parent tract or lot, cumulatively and not more than 3 acres;
2. Any lot line adjustment; and
3. A consolidation of multiple lots into one when a new street or street change is not involved.

**B. Major Subdivisions.**

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

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

### 7.5.3 SKETCH PLAN

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

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

The Sketch Plan shall consist of the following elements:

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

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

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

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

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

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

**E. Sketch Plan Process.**

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

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

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

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

**H. Minor amendments.** A minor amendment to the Sketch Plan may be approved administratively if it:

1. Does not change any land use, or location of any land use.
2. Does not change the number of lots or density by more than ten percent.

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

#### 7.5.4 PRELIMINARY PLAT

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

**B. Application process.**

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

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

6. **Preliminary water and sewer plan and study.** This plan shall be prepared by a registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.
  7. **Preliminary landscape and open space plan.** The landscape plan must address the treatment of all exterior spaces. Landscape plans are to be designed to meet the requirements of this Code and show approximate locations of trees, shrubs, groundcovers, turf, buffering, fences, walls and other site amenities that will be included in the plan.
  8. **Traffic study.** A TIA with requirements consistent with Section 7.3.2. This study must be prepared by a professional traffic engineer and identify the projected impacts to the local and regional traffic system. The direct roadway impacts and proposed share in the cost of regional improvements and intersections must be identified for the project.
  9. **Archaeological Impact Assessment.** An applicant may be required to provide the City, pursuant to Section 8.4, with CHS records listing historically or archaeologically significant findings on the property being subdivided at the applicant's expense.
  10. **General ecological resource survey.** Prepared by a qualified biologist, geologist, ecologist, or similar qualified professional, a survey identifying the potential/absence/habitat of a threatened or endangered species and wetlands or other ecologically sensitive area. Said survey shall make practical recommendations regarding treatment or mitigation of the findings.
  11. **Conceptual Design.** Applicant should provide conceptual design and massing examples (i.e. typical building elevations, but not required for each individual lot), consistent with the requirements of this Code.
- C. Planning Commission Hearing.** The Planning Commission shall hold a public hearing to approve, approve with conditions, or deny the Preliminary Plat.
1. **Notice to neighboring property owners.** The City shall send advance notice of the Planning Commission hearing by regular mail to neighboring property owners within 500 feet of the property per this Code.
  2. **Approval.** The Planning Commission shall review and act on the Preliminary Plat. The Planning Commission shall approve, approve with conditions, or deny the Preliminary Plat based on the review criteria below.
- D. Review criteria.** In addition to all provisions of this Code, the Planning Commission shall use the following criteria to evaluate the Preliminary Plat:
1. The Preliminary Plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code.
  2. The land use mix within the project conforms to the City's Development Code and complies with the Comprehensive Plan and Civic Master Plan.
  3. The utility and transportation design are adequate, given existing and planned capacities of those systems.
  4. Lot layout, including structure, location, and design of each lot.

- E. **Phasing.** The Preliminary Plat shall designate the boundaries of phases for which separate Final Plats will be presented for approval. Each phase, either alone or in conjunction with previously approved and recorded phases, must meet all of the requirements of this Code.
- F. **Early grading.** After approval of a Preliminary Plat, Applicant may proceed with preliminary grading of the project area if a construction plan set for grading and drainage is approved and a memorandum authorizing grading work is issued by the City Engineer or Codes Administrator. Early grading and storage of construction related equipment is at the risk of the Applicant and no Final Plat approval by the Planning Commission is expressed or implied by any authorization of early grading.
- G. **Timeframe related to approval of Preliminary Plat.** A Preliminary Plat approval is in full force and effect for a period of two years from the date of approval. Approval will automatically expire at the end of two years unless an applicant formally requests an 18 month extension from the Planning Commission prior to termination or submits a completed Final Plat application for all or a portion of the property.

### 7.5.5 FINAL PLAT

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

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

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

- xiii. Proposed treatment of all ground surfaces must be clearly indicated, including turf, paving, mulch, native grass, seeded grass, etc. Grass areas are to be specified as seed or sod, and a seed mix/rate specified.
- xiv. Sight distance triangles must be shown at street intersections pursuant to this Code.
- xv. Project specific landscape notes and details to ensure the proper planting, establishment and survival of plant materials. Additional notes detailing the warranty for plant materials and continued maintenance shall be included.
- xvi. Open space and pedestrian circulation system.
- xvii. Proposed grading of the project site, including drainage swales, detention basins, retaining walls and any off-site infrastructure improvements.
- xviii. Notes for conservation and retention of topsoil and landscape soil preparation.
- xix. Restoration, revegetation or enhancement of disturbed natural areas or open space feature.
- xx. Park structures, signage, play equipment, and other landscape or park amenities and appurtenances.
- xxi. A PDF file and an AutoCad drawing file of the Final Plat in an electronic format specified by the City Engineer.
- xxii. Design standards as required in Site Plan section 7.5.7.B.4.

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

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

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

1. **Final Plat review criteria.** In addition to all provisions of this Code, the Administrator evaluates the applicant's Final Plat application based on whether the Final Plat is in substantial conformance with the approved Preliminary Plat. For the purposes of this Code, "substantial conformance" includes design adjustments made to meet any conditions of Preliminary Plat approval, and is determined as follows:

:

- a. Does not change any land use;
- b. Does not contain changes which would render the final plat in nonconformance with requirements of this Code;
- c. Does not contain significant changes in street alignment and/or access points, or other public elements such as drainage improvements, utility lines or facilities; and
- d. Does not increase density.

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

## 7.5.6 MINOR SUBDIVISION PLAT

### A. Purpose.

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

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

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

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

1. The plat shall be prepared by or under the direct supervision of a registered land surveyor and meet applicable State of South Carolina requirements.
2. Except for parcels separated by public rights-of-way, public tracts, or railroads, parcels not contiguous shall not be included in one plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one plat, provided that all owners join in the dedication and acknowledgment.

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

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

### 7.5.7 SITE PLAN

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

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

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

**D. Planning Commission Hearing.**

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

**E. Post approval actions.**

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

**F. Appeals.** See Sections 7.6 and 9.17

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

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

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

1. Minor variations in the location of structures, improvements, or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved by the City Staff. Such changes shall not exceed ten percent of any measurable standard or modify the use, character, or density of an approved site plan. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the City.

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

## **7.6: APPEALS**

See Chapter 9.17 for overall specifications regarding appeals.

# **Exhibit B (Chapter 9)**

## **9: DEVELOPMENT REVIEW PROCEDURES**

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

#### **9.1.1 PURPOSE**

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

#### **9.1.2 APPLICABILITY**

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

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

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

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

See following pages.

| APPLICATION TYPE   | SECTION | PROCESS TYPE  | REVIEWING AGENCY | PUBLIC NOTIFICATION (9.1.5)             | APPROVING AGENCY |  | APPROVAL PERIOD          | APPROVAL EXTENSION       |
|--|---------|---------------|------------------|---|------------------|--|--------------------------|--------------------------|
| <b>ADMINISTRATIVE PERMITS</b>                                      |         |               |                  |   |                  |  |                          |                          |
| Zoning Permit  | 9.4     | Ministerial   | Admin            | No                                      | Admin            |  | 6 months                 | 6 months, 1 time         |
| Building Permit  | 9.5     | Ministerial   | Admin            | No                                      | Admin            |  | 6 months                 | Resubmit                 |
| Certificate of Occupancy   | 9.7     | Ministerial   | Admin            | No                                      | Admin            |  | n/a                      | n/a                      |
| <b>DEVELOPMENT DESIGN REVIEW</b>                                   |         |               |                  |   |                  |  |                          |                          |
| Development Design Review, Minor Site Plan                         | 9.8.1   | Ministerial   | Admin            | No                                      | Admin            |  | 24 months                | 12 months, 1 time        |
| Development Design Review, Major Site Plan                         | 9.8.2   | Discretionary | Admin, TRC       | Yes                                     | PC               |  | 24 months                | 12 months, 1 time        |
| <b>SUBDIVISION REVIEW</b>  |         |               |                  |   |                  |  |                          |                          |
| Sketch Plan  | 7.5.3   | Discretionary | Admin, TRC       | Yes                                     | PC               |  | 12 months                | 12 months,               |
| Preliminary Plat   | 7.5.4   | Discretionary | Admin, TRC       | Yes                                     | PC               |  | 24 months                | 12 months, 1 time        |
| Final Plat   | 7.5.5   | Ministerial   | Admin, TRC       | No                                      | Admin            |  | 24 months                | 12 months, 1 time        |
| <b>HISTORIC PRESERVATION</b>                                       |         |               |                  |   |                  |  |                          |                          |
| Beaufort Historic District - Certificate of Appropriateness, Minor | 9.9     | Ministerial   | Admin            | Demolition Only: Yes                    | Admin            |  | 24 months                | 12 months, up to 3 times |
| Beaufort Historic District - Certificate of Appropriateness, Major | 9.9     | Discretionary | Admin            | Demolition & Design Exception only: Yes | HRB              |  | 24 months; no expiration | 12 months, up to 3 times |

|   |      |               |       |     |       |  |                    |                          |
|---|------|---------------|-------|-----|-------|--|--------------------|--------------------------|
|   |      |               |       |     |       |  | for<br>demolitions |                          |
| <b>ADJUSTMENTS</b>  |      |               |       |     |       |  |                    |                          |
| Administrative Adjustment   | 9.12 | Ministerial   | Admin | No  | Admin |  | 24 months          | 12 months, up to 3 times |
| Special Exception   | 9.12 | Discretionary | Admin | Yes | ZBOA  |  | 24 months          | 12 months, up to 3 times |
| Variance  | 9.13 | Discretionary | Admin | Yes | ZBOA  |  | 24 months          | 12 months, up to 3 times |
| Admin-Administrator / PC-Planning Commission / CC-City Council / ZBOA-Zoning Board of Appeals / HRB-Historic District Review Board / TRC-Technical Review Committee / Court - Circuit Court |      |               |       |     |       |  |                    |                          |
| Note: Any appeals that are assigned to Court are eligible for pre-litigation mediation pursuant to S.C. Code § 6-29-1155  |      |               |       |     |       |  |                    |                          |

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

### **9.1.5 PUBLIC NOTIFICATION**

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

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

Written public notice of dates, times and places of all City of Beaufort development review public meetings and hearings shall be provided in accordance with S.C. Code § 30-4-80, any other applicable provision of State Law, and this Code. This includes, at minimum, posting of a copy of the notice, including the agenda, in the building where the meeting shall be held, posting of the notice, the agenda, and the meeting materials packet on the website maintained by the City of Beaufort, and notifications to persons, organizations and news media requesting such notice as contemplated by S.C. Code § 30-4-80 (E). While State Law requires a minimum of 24 hours written notice in the absence of a special notice requirement, City Staff shall provide, at a minimum, seven (7) calendar days of notice.

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

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

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

**C. NOTICE OF APPLICATION SIGN:**

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

1. Type of application;
2. The date, time, and place of the public hearing; and
3. A phone number to contact the city.

**D. MAILED/EMAILED NOTICE:**

Mailed/emailed notice shall be provided as required by State Law, including without limitation mailed notice to adjoining property owners when required by State Law. Additionally, the City shall provide mailed/emailed notices upon request as per S.C. Code § 30-4-80 (E) and the Policy and Procedures

contained on the website operated by the City. For demolition of structures listed on the most recent "Above-Ground Historic Sites Survey" that are located outside the Historic District, written notice to members of the Historic District Review Board (HRB), Historic Beaufort Foundation (HBF), and neighbors within 500 feet of the property will be required at least 15 days before any permit is issued.

#### **9.1.6 DECISION BASED ON PUBLIC HEARING**

This section intentionally left blank.

#### **9.1.7 WRITTEN NOTICE OF DECISIONS REQUIRED**

Within 10 calendar days after a final decision is made by any reviewing body under the requirements of this Code, a copy of the written decision shall be sent to the applicant or appellant. A copy of the decision shall be filed in the office of the Administrator, where it shall be available for public inspection during regular office hours.

#### **9.1.8 TIME LIMITS FOR RESUBMISSION OF APPLICATIONS**

In the event that any application required under this Code is denied or disapproved, an application for substantially the same request shall not be refiled for one year from the advertised public hearing date. Where no public hearing is required, time shall run from the date of mailing of the notice of denial.

#### **9.1.9 VESTED RIGHTS AND EXPIRATION OF APPROVALS**

- A. **General:** Approval of any application pursuant to this Code shall authorize only the particular use, plan, or other specific activity for which the application was issued, and not any other approval requiring separate application.
- B. **Vested Rights for Final Development Plans/Plats:** For specific provisions see chart in chapter 9.1.4 and applicable provisions in chapter 7.
- C. **Time Limitations For Other Types Of Approval:**
  - 1. All permits and approvals not referenced in this section shall expire as shown in Section 9.1.4 (Permit/Development Design Review/Historic Review Application Type Table) without further action, unless the holder of the permit or approval either submits a complete application for the appropriate subsequent permit, approval, or extension, or if no subsequent permit, approval, or extension is required, completes the work described in the permit or approval within the timeframes established.
  - 2. Upon written request, an extension of an approval may be granted by the decision-making body for good cause for a period not to exceed that shown in Section 9.1.4 (Permit/Development Design Review/Historic Review Process Type Table). No written request for an extension shall be considered unless submitted to the Administrator no later than one month prior to expiration. Failure to submit an application for an extension within the time limits established by this section shall result in the approval's expiration.

## 9.2: APPLICATION PROCEDURES

### 9.2.1 PRE-APPLICATION CONFERENCE

A. **Mandatory Pre-application Conference:** A pre-application conference with the Administrator shall be required prior to filing an application for the following approvals:

1. Subdivision review involving the creation of new streets.
2. New construction, except for detached single-family homes not part of a new subdivision.
3. Text and Map amendment (Rezoning).
4. Site plan.
5. Text amendment.

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

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

### 9.2.2 APPLICATION FORMS AND FEES

The following regulations shall apply to all applications.

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

B. **Fees:**

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

### 9.2.3 APPLICATION DEADLINE

This section intentionally left blank.

### 9.2.4 COMPLETE APPLICATION REQUIRED

A. The Administrator shall have 14 business days to review the application and shall determine whether the application is complete and ready to proceed.

B. If the application is not complete, the Administrator shall inform the applicant in writing within the 14-day period, specifying the ways in which the application is incomplete, and the applicant shall have 60

days during which to provide the requested materials and complete the application. Any application for which additional materials have not been provided during this 60-day period shall be considered null and void. This application period may be extended by the Administrator upon mutual agreement to provide the required materials at some date certain in the future.

### **9.2.5 CONCURRENT PROCESSING**

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

### 9.3: APPLICATION REQUIREMENTS

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

| APPLICATION TYPE   | CODE SECTION | PRE-APPLICATION CONFERENCE (7.5.4.B)                          | SKETCH PLAN (7.5.3)                 | SITE PLAN – INCL. BUILDING ELEVATIONS (7.5.7) | FINAL PLAT (7.5.5) | TRAFFIC IMPACT ANALYSIS (7.3.2) | ARCHEOLOG. IMPACT ASSESSMENT (8.4) |
|--|--------------|---|-------------------------------------|---|--------------------|---------------------------------|------------------------------------|
| <b>ADMINISTRATIVE PERMITS</b>  |              |   |                                     |   |                    |                                 |                                    |
| Zoning Permit  | 9.4          | <b>See Administrator</b>                                      |                                     |   |                    |                                 |                                    |
| Building Permit  | 9.5          |   |                                     |   |                    |                                 |                                    |
| Certificate of Compliance  | 9.6          |   |                                     |   |                    |                                 |                                    |
| Certificate of Occupancy   | 9.7          |   |                                     |   |                    |                                 |                                    |
| <b>DEVELOPMENT DESIGN REVIEWS</b>  |              |   |                                     |   |                    |                                 |                                    |
| Minor Site Plan  | 9.8.1        | <b>See Code Sec. 7.5: Subdivision and Site Plan Standards</b> |                                     |   |                    |                                 |                                    |
| Major Site Plan  | 9.8.2        |   |                                     |   |                    |                                 |                                    |
| <b>SUBDIVISION REVIEWS</b>   |              |   |                                     |   |                    |                                 |                                    |
| Subdivision, Major (Sketch Plan)   | 9.9          | <b>See Code Sec. 7.5: Subdivision and Site Plan Standards</b> |                                     |   |                    |                                 |                                    |
| Subdivision, Major (Preliminary Plat)                                    |              |   |                                     |   |                    |                                 |                                    |
| Final Subdivision Plat   |              |   |                                     |   |                    |                                 |                                    |
| <b>HISTORIC PRESERVATION</b>   |              |   |                                     |   |                    |                                 |                                    |
| Beaufort Historic District - Certificate of Appropriateness (CoA), Minor | 9.10         | <input type="checkbox"/>                                      | <input type="checkbox"/>            | <input type="checkbox"/>                      | N/A                | N/A                             | N/A                                |
| CoA, Major   | 9.10         | <input checked="" type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>           | N/A                | <input type="checkbox"/>        | <input type="checkbox"/>           |

| PERMIT TYPE               | CODE SECTION | PRE-APPLICATION CONFERENCE (7.5.4.B.4) | SKETCH PLAN (7.5.3) | SITE PLAN – INCL. BUILDING ELEVATIONS (7.5.7)                  | FINAL PLAT (7.5.5) | TRAFFIC IMPACT ANALYSIS (7.3.2) | ARCHEOLOG. IMPACT ASSESSMENT (8.4) |
|---------------------------|--------------|--|---------------------|--|--------------------|---------------------------------|------------------------------------|
| <b>ADJUSTMENTS</b>        |              |  |                     |  |                    |                                 |                                    |
| Administrative Adjustment | 9.12         | <b>See Administrator</b>               |                     |  |                    |                                 |                                    |
| ZBOA Special Exception    | 9.13         | ■                                      | ■                   | ■  | N/A                | □                               | N/A                                |
| ZBOA Variance             | 9.14         | ■                                      | ■                   | ■  | N/A                | □                               | N/A                                |
| <b>AMENDMENTS</b>         |              |  |                     |  |                    |                                 |                                    |
| Text & Map Amendments     | 9.16         | ■                                      | ■                   | ■  | N/A                | N/A                             | N/A                                |
| ■ = Required Compliance   |              |  |                     | □ = On an “as needed” basis as determined by the Administrator |                    |                                 |                                    |

## 9.4: ZONING PERMIT

### 9.4.1 APPLICABILITY

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

- A. Home Occupations as regulated by Section 3.3.2 (Home Occupations — Major and Minor).
- B. Temporary uses that do not materially affect the area's natural environment, parking requirements, transportation patterns, public health, or economic values. (See Section 3.12 Temporary Uses)
- C. Conditional uses not requiring a building permit.
- D. Special events.
- E. Changes of use, and any uses permitted with additional standards per Article 3 (Land Use Provisions).
- F. Removal of trees as regulated in Section 5.4 (Tree Removal).

## 9.4.2 PROCESS AND APPROVAL

- A. **Process Type:** Ministerial.
- B. **Pre-Application Procedure:** None.
- C. **Required Application Information:** See Administrator.
- D. **Public Notification:** None.
- E. **Determination of Compliance:** Once an application is deemed complete by the Administrator, the Administrator shall review the application and approve or deny it based on compliance with the standards contained in this Code.



- F. **Permit Validity:** Upon the approval of the zoning permit, the applicant shall have 6 months to take action on the approval. If no action is taken, the permit becomes null and void, and the applicant shall resubmit. **Exception:** Tree Removal Permits have no expiration.
- G. **Permit Extension:** The Administrator may grant a single extension of up to 6 months upon submittal by the applicant of sufficient justification for the extension. Permits issued for temporary uses may be renewed only if it is determined that said use is clearly of a temporary nature, will cause no traffic congestion, and would not create a nuisance to surrounding uses.

## 9.5: BUILDING PERMIT

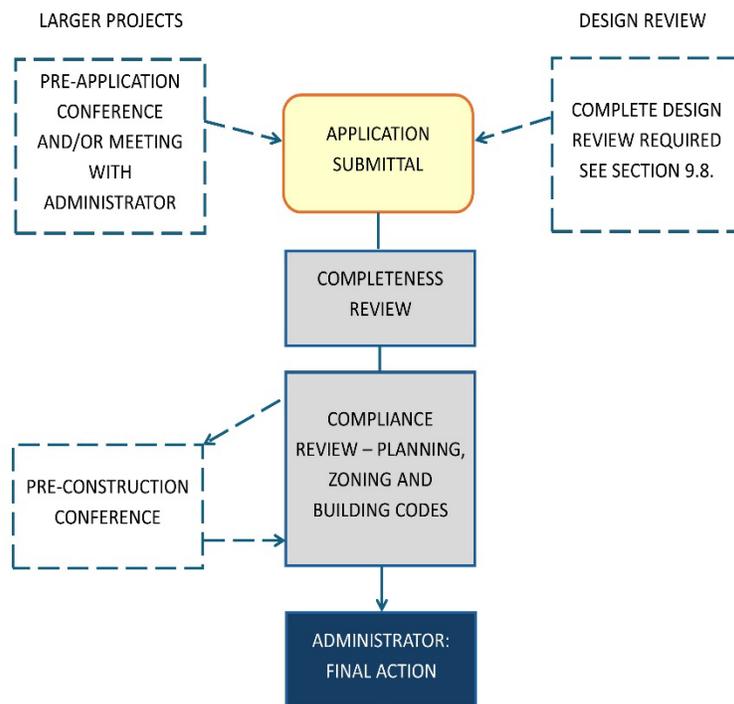
### 9.5.1 APPLICABILITY

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

- A. **Site Work:** Any modifications to a parcel of land, not to include construction of a structure.
- B. **New Construction and Expansion:**

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

### 9.5.2 PROCESS AND APPROVAL



- A. **Process Type:** Ministerial.
- B. **Pre-Application Procedure:** For large-scale projects, a pre-construction meeting may be required. For all other projects, no meeting is required, but applicants are encouraged to call or visit the Administrator prior to requesting a Building Permit to determine what information is required for the application.
- C. **Required Application Information:** See Administrator. The application shall include all drawings and specifications required by building codes adopted by S.C. Code § 6-9-50.

- D. **Determination of Conformity:** The review, approval, and distribution of drawings and specifications required shall be coordinated by the Administrator in accordance with the building codes adopted by S.C. Code § 6-9-50. Upon issuance of a permit, the Administrator shall endorse, by writing or stamp, all sets of drawings showing approval. Such drawings shall be kept at the work site and made available for inspection by the Administrator upon request. Approved Project Permits shall be conspicuously posted by the applicant on the property for which they were obtained until the applicant has obtained a Certificate of Occupancy, pursuant to Section 9.7.
- E. **Public Notification:** None required.
- F. **Changes to Approved Plans:** If a project has undergone design review and received Design Approval or Beaufort Historic District - Certificate of Appropriateness, as applicable, no changes between the design review set and the building permit set shall be permitted unless they are presented in writing and approved by the Administrator at the time a Project Permit is sought. If the Administrator is not made aware of any changes, the plans submitted for design review will take precedence.
- G. **Changes to Approved Permits:**
1. After a Project Permit has been issued, no changes or deviations from the terms of the permit or the application and accompanying plans shall be made without the specific written approval of such changes or deviations by the Administrator. Any exterior changes may require review and approval by the appropriate decision-making body.
  2. An amendment to a Project Permit that requires payment of an additional fee, either because of an increase in the size of the buildings, a change in the scope of work, or an increase in the estimated cost of the proposed work, shall not be approved until the applicant has paid the additional fees, and the amendment has been properly reviewed by the appropriate decision-making body.
- H. **Notification and Approval Before Construction Begins:**
1. Before any work begins pursuant to the Project Permit, the applicant shall furnish the Administrator with the name of the general contractors, or the owner acting as the general contractor, who will be performing the work;
  2. The applicant or the applicant's authorized agent shall provide adequate advance notice to the Administrator at such time as the work is ready for inspection under the Building Code. Upon receiving such notification, the Administrator shall inspect the work.
- I. **Licensed Specialty Contractor(s) May Be Required:** Where any local ordinances or any provision of the South Carolina Law require that work be done by a licensed specialty contractor of any kind, no Project Permit for such work shall be issued unless it is to be performed by such licensed specialty contractor. It shall further be the contractor's responsibility to conform to all local ordinances and state building codes for all installations or repairs of a building or utility system.
- J. **Permit Validity:** Any Project Permit shall become null and void unless the work approved by the permit is commenced within 180 days after the date of issuance. No work shall be considered to have commenced for the purposes of this paragraph until an inspection has been made and recorded. If after commencement the work is discontinued for a period of 180 days, the permit shall immediately expire. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured.
- K. **Permit Extension:** None - shall resubmit.

## 9.6: [SECTION LEFT INTENTIONALLY BLANK]

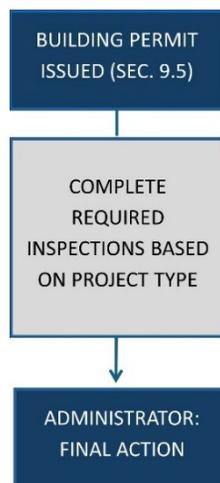
## 9.7: CERTIFICATE OF OCCUPANCY

### 9.7.1 APPLICABILITY

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

### 9.7.2 PROCESS AND APPROVAL

- A. **Process Type:** Ministerial.
- B. **Pre-Application Procedure:** n/a.
- C. **Required Application Information:** See Administrator.
- D. **Public Notification:** None.
- E. **Issuance of Certificate of Occupancy:** A final Certificate of Occupancy shall not be issued by the Administrator until a design and landscape compliance review has been completed.
- F. **Temporary Certificate of Occupancy:** Pending the issuance of a permanent Certificate of Occupancy, a temporary certificate may be issued. The certificate shall be issued by the Administrator in conformity with the provisions of this Code and the building code. The temporary certificate may include such safeguards and conditions as will protect the safety of the occupants and the public. Where improvements required by this Code or the specific approval of the development are incomplete, a guarantee acceptable to the City — equal to 125% of the costs of such improvements — may be required to ensure the installation of the improvements.
- G. **Permit Validity:** n/a.
- H. **Permit Extension:** n/a.



## 9.8: DEVELOPMENT DESIGN REVIEW

### 9.8.1 DEVELOPMENT DESIGN REVIEW (MINOR SITE PLAN)

A. **Applicability:**

1. All buildings, except single-family residential structures, in developments that contain 5 or fewer residential units.
2. Demolition of structures of any size where no new building is proposed.
3. Improvements to existing non-residential or multi-family structures that do not exceed 75% of the fair market value of the existing improvements.

B. **Exceptions:**

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

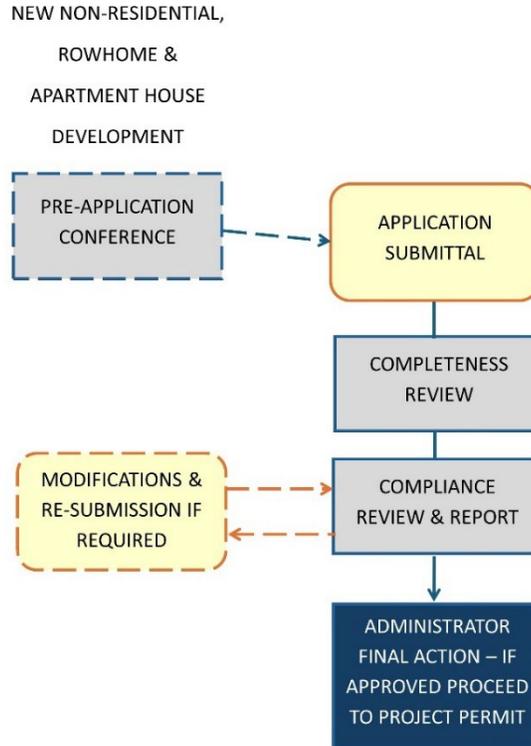
C. **Process Type:** Ministerial — The Administrator may submit any application subject to staff approval to the Planning Commission for approval.

D. **Pre-Application Procedure:** No meeting is required, but applicants are encouraged to call or visit the Administrator to determine what information is required for the application.

E. **Required Application Information:** see Section 9.3 (Table) for specific Application Requirements — these may be waived by the Administrator as the Administrator deems appropriate.

F. **Public Notification:** None.

G. **Determination of Compliance:** Once an application is deemed complete by the Administrator, the Administrator shall review the application and approve, deny, or approve the plan with conditions based on compliance with the standards contained in this Code. All decisions shall be in writing. Following an approval or approval with conditions, the applicant shall be directed to prepare detailed Subdivision/Development Plats and/or Plans (see Section 7.5 for specific Subdivision and Site Plan Standards) for final approval by the Administrator.



- H. **Permit Validity:** Upon the approval of the Minor Development Design application, the applicant shall have 1 year to obtain a Building Permit. Failure to secure Building Permits for the permitted work within this time shall render the approval void. Any change to the approved plans that has not been authorized by the Administrator shall invalidate the Minor Development Design Plan and any subsequent Building Permits (see Section 9.5).
- I. **Permit Extension:** The Administrator may grant up to one 1-year extension of this time period upon submittal by the applicant of sufficient justification for the extension. Extensions shall be submitted at least 1 month prior to the expiration date.

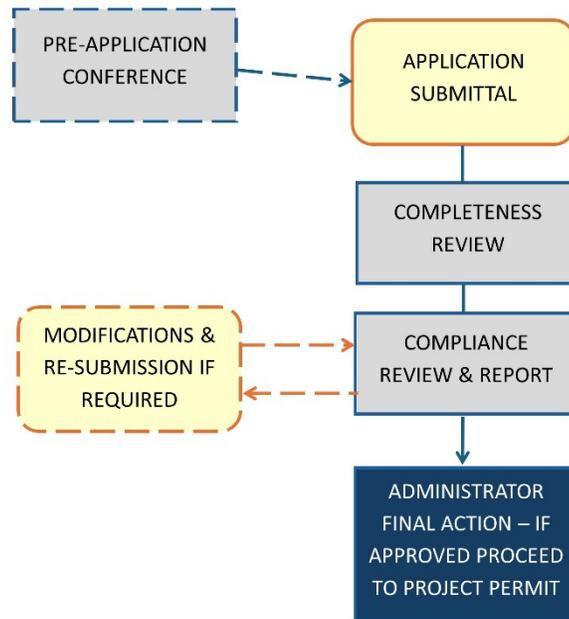
## 9.8.2 DEVELOPMENT DESIGN REVIEW (MAJOR SITE PLAN)

- A. **Applicability:**
  1. **Civic and Educational Facilities:** Any new development classified as a Civic Facility or Educational Facility (see Sections 3.4.1 A. and 3.4.1 C., respectively).
  2. **Vehicle-Related Uses:** Any new development that includes fuel-dispensing facilities, drive-thru facilities, or structured parking.
  3. **Nonresidential Development:** Any commercial or industrial development.
  4. **Residential Development:** Single-family, attached, over 5 units or multi-family developments containing more than 5 units.
  5. **Exceptions:**
    - a. Lots in the Beaufort Historic District are not subject to Development Design Review, and shall instead be evaluated by the HRB for compliance with the Historic District Guidelines

(see Section 9.10 Beaufort Historic District - Certificate of Appropriateness, Minor and Major).

- b. Projects in Redevelopment District Overlay Districts, are not subject to review by the Planning Commission and shall instead be evaluated by the Administrator (see Section 2.7.3). The Administrator shall post all projects for review in said districts for a 15-day public review and comment period for each major submittal. Minor revisions to the plans (not related to use, density, building frontage, or building height) shall not constitute a major submittal. A copy of all public comments shall be disseminated to the applicant and Administrator for each public comment period. The Administrator shall respond in writing to all public comments after each major submittal, and the applicant will be required to attend a TRC committee meeting before the project is issued final approval.
- c. Design Exception: Design Exceptions may be used to modify any dimensional standards or design requirements, found in Articles 2 and 4, for development projects that have unique characteristics that justify a deviation from the underlying standards. Such deviations are intended to provide flexibility from the underlying standards to permit compatible development patterns which are indicative of the surrounding area and/or use an innovative approach or technique. The process is intended to provide the minimum relief necessary to create a more innovative and context-sensitive development consistent with the City's adopted plans. This tool is not intended to circumvent the map amendment (rezoning) procedure where that tool would provide a similar modification of standards.
  - i. **Applicability:** Planning Commission shall have the authority to authorize a design exception from any applicable standard(s) set forth in Article 2 (Maps and Districts) — except for Section 2.6, Height and Section 2.7.4, Air Installation Compatibility Use Zone (AICUZ) overlay district standards — and Article 4 (Building Design and Infill Standards).
  - ii. **Review Criteria:** Planning Commission may approve an application for a Design Exception where it reasonably determines that there will be no significant negative impact upon residents of surrounding property, or upon the general public. The board shall consider the following criteria in its review:
    - **Compatibility:** The proposed exception is appropriate for its location. It is compatible with the character of surrounding properties and the development permitted by the zoning of the surrounding properties, and will not reduce property values of surrounding properties.
    - **No Adverse Impact:** The design of the proposed exception minimizes adverse effects including visual impacts of the proposed use on surrounding properties; furthermore, the proposed exception does not create a nuisance for surrounding properties.
    - **Consistency with Adopted Plans:** The proposed development is in general conformity with the City's Comprehensive Plan, Civic Master Plan and other plans officially adopted by the City.

ADMINISTRATIVE  
APPROVAL PROCESS



- B. **Application Type, Requirements and Approval:** See Table under Section 9.1.4 for standards and requirements.

## 9.9: SUBDIVISION REVIEW

### 9.9.1 PROVISIONS FOR ALL SUBDIVISIONS

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

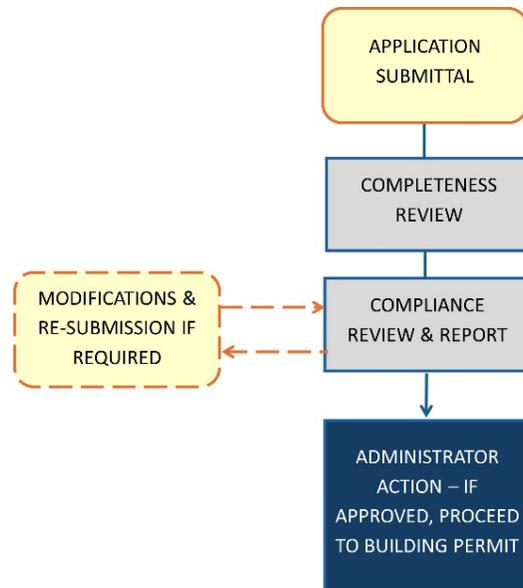
## 9.10: BEAUFORT HISTORIC DISTRICT - CERTIFICATE OF APPROPRIATENESS

### 9.10.1 APPLICABILITY

- A. A Beaufort Historic District - Certificate of Appropriateness shall be required for any construction activity on any property within the Beaufort Historic District (including the Beaufort Conservation Neighborhood and the Beaufort Preservation Neighborhood), including:
  - 1. New structures.
  - 2. Modification to, or expansion of, existing structures, including those that apply for the Bailey Bill Special Tax Assessment for Rehabilitated Historic Properties.
  - 3. Relocation of any existing structure.
- B. Demolition or partial demolition of any structure.

### 9.10.2 PROCESS AND APPROVAL

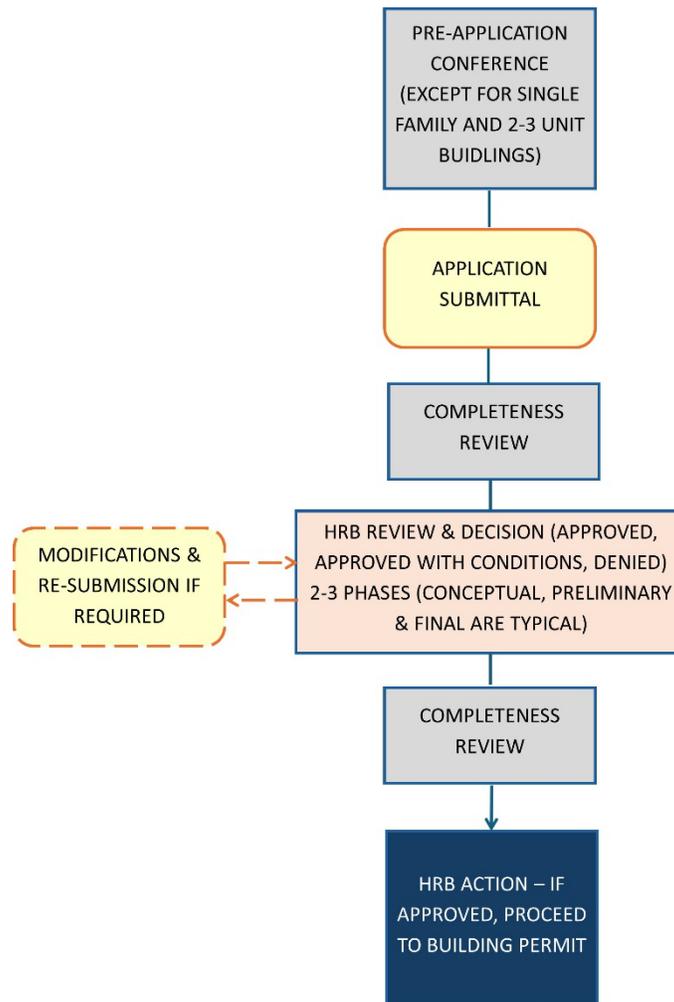
- A. **Process Type:** Ministerial. The review process required to approve a Beaufort Historic District - Certification of Appropriateness is based on the following project types:
  - 1. **Minor:** Administrative review shall apply to applications for a Beaufort Historic District - Certification of Appropriateness for the following items. The Administrator may submit any applications that are subject to staff approval to the Historic District Review Board (HRB) for approval.
    - a. Changes to a building or property, to include fences, paint color, roof materials, canopies and awnings, site changes, and window replacements on noncontributing structures.
    - b. New construction and building modifications to include construction of non-habitable accessory buildings in the Beaufort Preservation Neighborhood (BPN).



- c. Modifications to non-contributing structures in the Beaufort Conservation Neighborhood (BCN).
- d. Demolitions of non-contributing structures in the BCN.
- e. Demolition or partial demolition of a structure that is listed in the "1997 Beaufort County Historic Sites Survey," or the most recent historic sites survey, and lies outside the Beaufort Historic District.
- f. Demolition of noncontributing accessory structures (e.g., sheds, carports, etc.).

Such approval shall follow the procedures for Development Design Review-Minor Site Plan (Section 9.8.1).

2. **Major:** Discretionary review by the HRB shall apply to all other applications for Beaufort Historic District - Certificates of Appropriateness.



3. **Design Exception:** Design Exceptions may be used to modify any dimensional standards or design requirements, found in Articles 2 and 4, for development projects that have unique characteristics that justify a deviation from the underlying standards. Such deviations are intended to provide flexibility from the underlying standards to permit compatible development patterns which are indicative of the surrounding area and/or use an innovative approach or technique. The process is intended to provide the minimum relief necessary to create a more innovative and context-sensitive development consistent with the City's adopted plans. This tool is not intended to circumvent the map amendment (rezoning) procedure where that tool would provide a similar modification of standards.
- a. **Applicability:** The HRB shall have the authority to authorize a design exception from any applicable standard(s) set forth in Article 2 (Maps and Districts) — except for Section 2.6, Height and Section 2.7.4, Air Installation Compatibility Use Zone (AICUZ) overlay district standards — and Article 4 (Building Design and Infill Standards).



**D. Demolitions:**

1. In all applications involving the demolition of a contributing primary structure or contributing accessory structure, provisions shall be made for a public hearing as set forth in Section 9.1.5. Demolition of non-contributing structures are approved by the Administrator.
2. In any case involving the demolition or partial demolition of a structure, before granting approval or requiring a postponement, the HRB may call on the Administrator to provide them with a report on the state of repair and structural stability of the structure under consideration.
3. Upon receiving an application for demolition or partial demolition of a structure that is listed in the "1997 Beaufort County Historic Sites Survey" and lies within the limits of the city but outside the Beaufort Historic District, the Administrator, within 30 days of receiving the application, shall either approve it, or find that the preservation and protection of historic places and the public interest will be best served by postponing the demolition for a designated period — this shall not exceed 60 days from the receipt of the application, and notify the applicant of such postponement. The application will be announced to the public in accordance with the notification standards set forth in Section 9.1.3. Within the period of postponement of demolition or alteration of any building, the Administrator shall take steps to ascertain what may be done to preserve the building, including consultation with private civic groups, interested private citizens and other public boards or agencies, including investigation of the potential use of the power of eminent domain when the preservation of a given building is clearly in the interest of the general welfare of the community and of certain historic and architectural significance.

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

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

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

- F. Issuance of Beaufort Historic District - Certificate of Appropriateness (CoA):** When a CoA and Building Permit have been issued, the Administrator shall, from time to time, inspect the alteration or construction approved by such certificate and may report such inspection to the HRB listing all work inspected and reporting any work that is not in accordance with such certificate, or that violates any ordinances of the city.

- G. Resubmittal:** After disapproval of an application, the applicant may make modifications to the plans and resubmit. The applicant may not resubmit the same proposal, without modifying it based on HRB comments, for 12 months from the date of the original submission. Reconsideration of an application

for demolition that has been denied by the HRB may not be heard until 12 months from the date of the original public hearing, unless a major change has occurred in the property condition that is attributable to natural causes.

- H. **Appeal—Minor:** Appeals of the decisions of the Administrator shall be heard by the HRB. The application for appeal shall be made within 30 days of the decision.
- I. **Appeal—Major:** Any party aggrieved by the decisions of the HRB may appeal to the circuit court within 30 days of the decision.

## **9.11: HISTORIC DESIGNATION**

### **9.11.1 STANDARDS FOR LOCAL HISTORIC DISTRICT DESIGNATION**

- A. A structure, group of structures, site or district may be designated for historic preservation if it demonstrates at least one of the following:
  - 1. Historic, Cultural Importance:
    - a. It has significant character, interest, or value as part of the development, or heritage of the community.
    - b. It is the site of a historic event with a significant effect upon society.
    - c. It exemplifies the cultural, political, economic, social, or historic heritage of the community.
  - 2. Architectural or Engineering Importance:
    - a. It portrays the environment in an era of history characterized by a distinctive architectural style.
    - b. It embodies those distinguishing characteristics of an architectural type or engineering specimen.
    - c. It is the work of a designer whose individual work has significantly influenced the development of Beaufort.
    - d. It contains elements of design, detail, materials, or craftsmanship that represent significant innovation.
  - 3. Geographical Importance:
    - a. By being part of or related to a square, park, or other distinctive area, it should be developed or preserved according to a plan based on a historic, cultural, or architectural motif.
    - b. Owing to its unique location or singular physical characteristic, it represents an established and familiar feature of the neighborhood, community or city.
  - 4. Archeological Importance:
    - a. It has yielded, or may be likely to yield, information important in prehistory or history.
- B. An area may be designated as a Beaufort Conservation Neighborhood (BCN) if it meets one or more of the above criteria, and meets the following two additional criteria:

1. There are a sizable number of properties in the subject area that are not considered to contribute to the architectural or historical significance of the area; and
  2. The cultural values or financial resources of a significant number of property owners in the subject area, as reasonably considered by Beaufort City Council, are such that the flexible standards of the BCN are appropriate.
- C. Individual structures, sites, and properties located within a BCN may be designated as notable properties to be subject to Beaufort Historic District standards, guidelines and procedures rather than BCN standards, guidelines, and procedures, at such time as standards, guidelines, and procedures may be established for the BCN that are different from those in effect for the remainder of the Historic District. Beaufort City Council may designate structures, sites, and properties as notable properties where it reasonably determines that those structures, sites, or properties embody a particularly high degree of significance in accordance with the criteria listed in this section.

**9.11.2 LOCAL HISTORIC DISTRICT DESIGNATION PROCESS**



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

### 9.11.3 HISTORIC SIGN DESIGNATION

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

## 9.12: ADMINISTRATIVE ADJUSTMENT

### 9.12.1 PURPOSE AND APPLICABILITY

- A. **Purpose:** Administrative Adjustments are specified deviations from otherwise applicable development standards where development is proposed that would be:
1. Compatible with surrounding land uses;
  2. Harmonious with the public interest; and
  3. Consistent with the purposes of this Code.
- B. **Adjustment of Numerical Standard:** The Administrator shall have the authority to authorize modification of up to 10% from any numerical standard set forth in Article 2 (Map & Districts) and Article 4 (Building Design and Infill Standards) of this Code. Any request greater than 10% shall be treated as a variance handled by the Zoning Board of Appeals (ZBOA), and subject to the requirements of Section 9.14.
1. **Specific to Landscaping and Tree Conservation:** The following applies to landscaping and tree conservation requirements in Article 5 (Landscaping, Parking & Lighting) with regard to the criteria in Section 9.12.2 E.:

- a. In unusual cases, where there are few existing trees on a site and the planned development is small in size relative to the size of the parcel, then the Administrator may adjust the tree planting requirements (Section 5.3) downward in order not to require excessive planting out of proportion to the scale of the development.
  - b. In the case of multi-phase developments on one parcel, the tree planting requirements (Section 5.3) may be adjusted according to the size of each phase of the development.
  - c. Any particular planting requirement shall be proportionately reduced where existing plant materials are of sufficient sizes and forms to satisfy the requirement.
- C. **Adjustment of Building Design Standards:** Where an existing condition (e.g. utility easement, restrictive covenant, tree or natural feature) prohibits strict compliance with the building design standards in Article 4, the Administrator may waive or adjust the standard as appropriate to assure compliance to the extent practical. This adjustment shall be as small as possible in order to accommodate the existing conditions.
- D. **Permission of Flag Lot:** Where conditions set forth in Section 2.5.5 C. are met, the Administrator may permit a flag lot. When a flag lot is proposed in conjunction with a Major Subdivision, it shall be incorporated into the process laid out in Section 9.9.

### 9.12.2 PROCESS AND APPROVAL

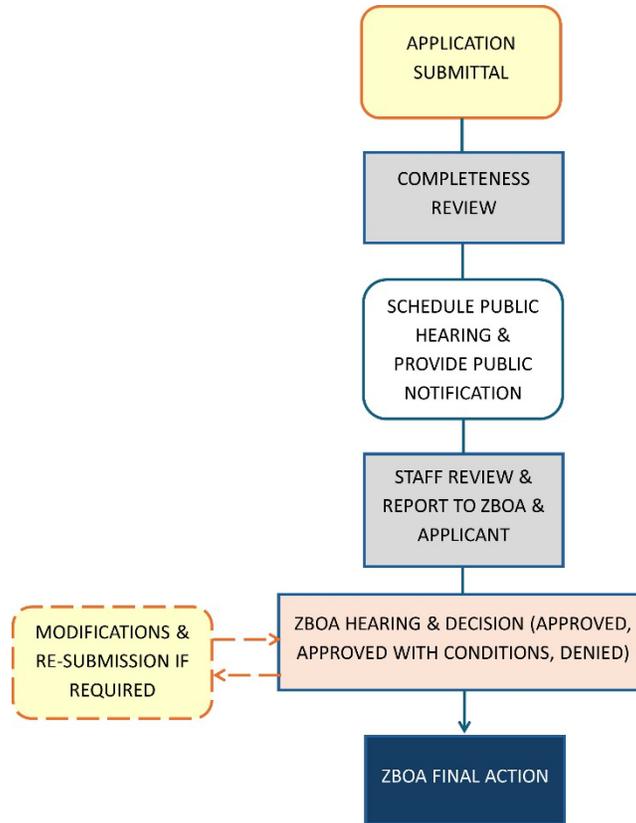


- A. **Process Type:** Ministerial
- B. **Public Notification:** None.
- C. **Required Application Information:** An application for an Administrative Adjustment shall include a brief description of the requirement to be varied and any other material necessary to ensure the criteria in this section are met.

- D. **Administrator Review:** The Administrator shall review the application and approve, approve with conditions, or deny the application, based upon the criteria in Section 9.12.2 E. A written decision including affirmative findings on the criteria set forth below shall be transmitted to the applicant.
- E. **Administrative Adjustment Criteria:** To approve an application for an Administrative Adjustment, the Administrator shall make an affirmative finding that the following criteria are met:
1. Granting the Administrative Adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards.
  2. Granting the Administrative Adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks, and other land use considerations.
  3. Granting the Administrative Adjustment will not adversely affect property values in any material way.
  4. Granting the Administrative Adjustment will be generally consistent with the purposes and intent of this Code.
- F. **Expiration and Lapse of Approval:** Property owners shall have 6 months from the date of approval of an Administrative Adjustment to secure a Building Permit to carry out the proposed improvements. If a complete Building Permit application has not been filed within 6 months of the date of approval, the approval shall be void.

## 9.13: ZBOA SPECIAL EXCEPTION

### 9.13.1 APPLICABILITY



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

### 9.13.2 PROCESS AND APPROVAL

- A. **Process Type:** Discretionary.
- B. **Required Application Information:** All applicable forms as determined by the Administrator, along with such accompanying material as is required to ensure compliance with the criteria listed in Section 9.12.2 E.
- C. **Public Notification:** see Section 9.1.5 for specific Public Notification requirements
- D. **Staff Review and Report:** The Administrator shall prepare a staff report that reviews the proposed development in light of the Comprehensive Plan, Civic Master Plan, the review criteria listed below, and the requirements of this Code. A copy of the report shall be provided to the Zoning Board of Appeals (ZBOA) and the applicant before the scheduled hearing.

- E. **ZBOA Hearing:**
1. The ZBOA shall hold a public hearing on the Special Exception application.
  2. After review of the application and the public hearing, the ZBOA shall make a written finding and approve, approve with modifications or conditions, or disapprove the request.
  3. If approval, or approval with modifications or conditions, is granted, the decision shall be communicated in writing within 15 days to the applicant, and the applicant shall then be authorized to submit a development permit application consistent with this Code.
- F. **ZBOA Special Exception Review Criteria:** The ZBOA may approve an application for a Special Exception where it reasonably determines that there will be no significant negative impact upon residents of surrounding property/-ies or upon the general public. The ZBOA shall consider the following criteria in its review:
1. The proposed use/-s is/are compatible with existing land uses in the surrounding area.
  2. The harmony of the proposed site plan, circulation plan, and schematic architectural designs with the character of the surrounding area.
  3. The likely impact on public infrastructure — such as roads, parking facilities, and water and sewer systems — and on public services — such as police and fire protection and solid waste collection — and the ability of existing infrastructure and services to adequately service the proposed use without negatively impacting existing uses in the area and in the City (a traffic impact analysis shall be required per Section 7.3.2).
  4. The general conformity of the proposed use and designs with the city's Civic Master Plan, Comprehensive Plan, and any other plans officially adopted by the City.
  5. The likely impact on public health and safety.
  6. The potential creation of noise, lights, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts.
- G. **Conditions:** The ZBOA may impose such conditions and restrictions upon the application as may be necessary to minimize or mitigate any potential adverse impacts of the proposed use.

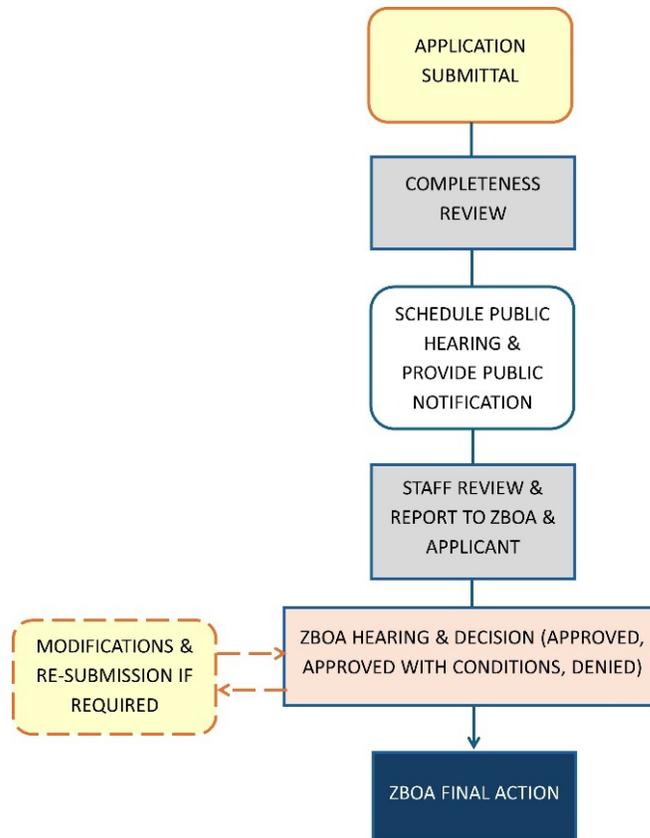
## 9.14: ZBOA VARIANCE

### 9.14.1 APPLICABILITY

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

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

### 9.14.2 PROCESS AND APPROVAL



- A. **Process Type:** Discretionary.
- B. **Application Requirements:** All applicable forms as determined by the Administrator, along with such accompanying material as is required to ensure compliance with the criteria listed in Section 9.14.2 F.
- C. **Staff Review and Report:** The Administrator shall prepare a staff report that shall be provided to the applicant or appellant and the ZBOA before the scheduled hearing.

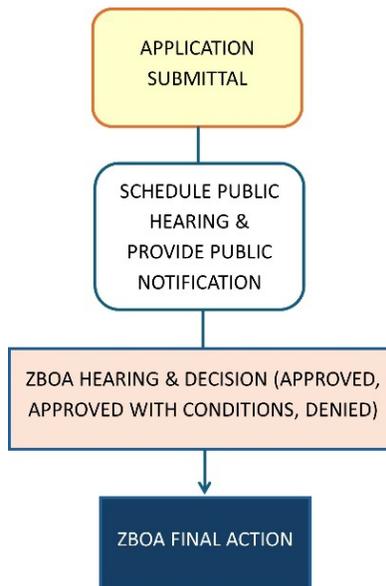
- D. **Public Notice:** see Section 9.1.5 for specific Public Notification requirements.
- E. **ZBOA Hearing:**
1. After review of the variance application and the public hearing, the ZBOA shall approve, approve with conditions, or deny the application.
  2. If approval or approval with conditions is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

## 9.15: ADMINISTRATIVE APPEALS

### 9.15.1 APPLICABILITY

Any person aggrieved by a decision, interpretation or determination of the Administrator may appeal to the ZBOA. As per South Carolina Code of Laws Section 6-29-800, the Zoning Board of Appeals (ZBOA) has the power to hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance, i.e. The Beaufort Development Code.

### 9.15.2 PROCESS AND APPROVAL



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

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

## 9.16: TEXT & MAP AMENDMENTS

### 9.16.1 APPLICABILITY

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

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

### 9.16.2 INITIATION OF AMENDMENTS

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

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

### 9.16.3 APPROVAL PROCESS

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

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



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

**B. Staff Review and Report:**

1. The Administrator shall prepare a staff report that reviews the proposed amendment in light of the Comprehensive Plan and the general requirements of this Code. A copy shall be provided to the PC and the applicant before the scheduled public meeting.
2. For amendments where the most intense permitted use in the proposed district would generate more than 50 external trips during the peak hour, a TIA (Section 7.3.2) may be required; all road improvements needed to maintain the current level of service shall be identified (based on that analysis), and assurances shall be provided so that all road improvements will be in place so the impacts of the development are accommodated, and the current level of service is maintained.
3. At the discretion of the Planning Commission, the submittal may include the requirements of a Sketch Plan submittal as per Section 7.5.3, or a conceptual Site Plan (to include building elevations and any applicable Sketch Plan requirements as per Section 7.5.3) to be submitted with the map amendment request so that the impacts of development on the community are properly considered.

**C. Planning Commission Hearing:**

1. **Public Notification:** see Section 9.1.5 for specific Public Notification requirements.
2. **Hearing by PC:** All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted to the PC. The PC, at regular meetings, shall review and prepare a recommendation for transmittal to the City Council. At such meeting(s), any party may appear in person, by agent, or by attorney. Following action by the PC, all papers and data pertinent to the application shall be transmitted to the City Council for final action. The PC shall study the proposed amendment, taking into account the following factors:
  - a. Consistency (or lack thereof) with the Comprehensive Plan and Civic Master Plan;
  - b. Compatibility with the present zoning, with conforming uses of nearby property, and with the character of the neighborhood;
  - c. Suitability of the property that would be affected by the amendment;
  - d. Compatibility with the natural features of — and any archaeological or cultural resources on — the property;
  - e. Marketability of the property that would be affected by the amendment; and
  - f. Availability of roads, sewer, water, and stormwater facilities generally suitable and adequate for the affected property.
3. At the close of the public meeting, the PC shall recommend approval, modified approval, or denial of the amendment.
4. Upon receipt of a recommendation from the PC, the staff shall have 30 days within which to submit its report of the PC's deliberations and recommendation City Council. If the PC or its staff fail to submit a report within the 30-day period, it shall be deemed to have recommended approval of the proposed amendment.
5. If, after three PC meetings, no recommendation has been made (e.g., each meeting has resulted in the request being tabled), the item will proceed to City Council. Staff will prepare a report of the PC deliberations within 30 days of the third PC meeting.

D. **City Council Action:**

1. **Public Notification:** see Section 9.1.5 for specific Public Notification requirements.
2. **Timing:** City Council shall consider the proposed map or text amendment at the earliest reasonable date and shall consider the report of the PC in making a decision.
3. **Decision:** City Council may schedule an additional public hearing to approve, approve with modifications, or deny the proposed amendment.
4. **Notification of Result:** The applicant shall be notified in writing within 15 days of City Council's action.

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

### 9.16.4 UPDATE OF ZONING MAP

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

## 9.17: APPEALS

### 9.17.1 APPLICABILITY

Any person or entity desiring to appeal any decision, order, requirement or determination of any official, board or other authority set forth in this Code, thereby taking advantage of certain enumerated appeal rights granted by the South Carolina legislature, are encouraged to carefully review the appeal provisions of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended, codified at South Carolina Code of Laws, Title 6, Chapter 29, and to seek appropriate legal advice.

### 9.17.2 SPECIFIC AUTHORITIES

The following statutes apply to the different types of appeals. They should be consulted if filing an appeal.

- A. **Appeal from decision of the City Council on a Zoning Map amendment or other regulatory enactment under this Code.** See S.C. Code § 6-29-760.
  1. Time Period: within 60 days of the final decision.
  2. To Whom: Circuit Court.
- B. **Appeal from decision of the Planning Commission on a Subdivision Preliminary Plat and a Major Development Site Plan.** See S.C. Code §§ 6-29-1150 and 6-29-900, respectively.
  1. Time Period: within 30 days after the affected party receives actual notice of the final decision.
  2. To Whom: Circuit Court.

- C. **Appeal from decision of the Historic District Review Board.** See S.C. Code § 6-29-900.
  - 1. Time Period: within 30 days after the affected party receives actual notice of the final decision.
  - 2. To Whom: Circuit Court.
  
- D. **Appeal from decision of the Zoning Board of Appeals.** See S.C. Code § 6-29-820, et seq.
  - 1. Time Period: within 30 days after the affected party receives actual notice of the final decision.
  - 2. To Whom: Circuit Court.
  
- E. **Appeal of an alleged error in any order, requirement, determination or decision of administrative official on a Subdivision Sketch Plan, Preliminary or Final Plat, Minor Plat, or Site Plan and involving non-historic structures and neighborhoods under their legal purview.** See S.C. Code §§ 6-29-880, 6-29-890, and 6-29-1150, respectively.
  - 1. Time Period: 30 days from date of the specific action appealed.
  - 2. To Whom: Planning Commission.
  
- F. **Appeal of an alleged error in any order, requirement, determination or decision of administrative official involving historic structures and neighborhoods under their legal purview.** See S.C. §§ 6-29-880 and 6-29-890, respectively.
  - 1. Time Period: 30 days from date of the specific action appealed.
  - 2. To Whom: Historic District Review Board.
  
- G. **Appeal of an alleged error in any order, requirement, determination or decision of administrative official in the enforcement of the zoning ordinance, not subject to statutory authority of the Planning Commission or Historic District Review Board, as above.** See S.C. Code § 6-29-800.
  - 1. Time Period: 30 days from date of the specific action appealed.
  - 2. To Whom: Zoning Board of Appeals.
  
- H. **Appeal of the issuance or failure to issue a Zoning Permit.** See S.C. Code § 6-29-800 (A) and (C).
  - 1. Time Period: 30 days from date of the specific action appealed.
  - 2. To Whom: Zoning Board of Appeals.
  
- I. **Appeal of the issuance or failure to issue a Building Permit and/or a Certificate of Occupancy.** See S.C. Code § 6-29-880, 6-29-890, and 6-29-1150.
  - 1. Time Period: 30 days from date of the specific action appealed.
  - 2. To Whom: Planning Commission or Historic District Review Board, as applicable.



**CITY OF BEAUFORT**  
**Community Development Department**

SCOTT MARSHALL  
City Manager

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BEAUFORT, SC 29902  
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FAX (843) 986-5606

CURT FREESE  
Community Development  
Director

**Date: May 22, 2025**

**From: Curt Freese, Community Development Director**

**To: City Council**

**Subject: Summary of Major Changes to Chapter 7**

Below is a summary of the major changes to Chapter 7: Land Development/Streets. The summary focuses on significant updates, additions, or modifications organized by subsection. Chapter 7 is a major chapter, ensuring development, open space, and infrastructure meets high quality predictable and comprehensive standards the City envisions for its future.

**7.1: Improvement Requirements**

- **7.1.1 Purpose:**
  - Added Goals: New purposes (F, G, H, I) emphasize complementing the city's historic development pattern, promoting compact, sustainable neighborhoods, fostering livable communities with reduced vehicle dependency, and ensuring streets facilitate safe, efficient walking, biking, and driving. These align with Beaufort's Comprehensive Plan and historic character.
- **7.1.2 Applicability:**
  - Clarified Exceptions: Exemptions for Minor Development Design Review, Minor Subdivisions, or Historic District projects. Previously, the language was less specific.
  - Final Plat Approval: Strengthened requirement that Final Subdivision Plat approval is contingent on installing required improvements or providing guarantees (per 7.1.5), with clearer language on city satisfaction.
- **7.1.3 Table of Required Improvements:**



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- Expanded Scope: Added requirements for Community Green Space and Open Space across zoning districts, with varying mandates (required, discretionary, or exempt) based on district type (e.g., T1, T3-S, T5-UC). Previously, this was not explicitly included in the table.
- Flexibility for Infill/Redevelopment: For Infill and Redevelopment Areas (per 8.3.2), improvements are required only to the extent feasible, considering existing conditions like roads and utilities. This adds flexibility for constrained sites.
- **7.1.6 Easement and Utility Standards:**
  - Easement Design: New requirement for easements to permit multiple utility installations, with a minimum 10-foot width for public utility easements in subdivisions, improving efficiency.
  - Underground Utilities: Strengthened mandate for underground utility lines (telephone, electric, cable) with exceptions only for existing above-ground lines or high-voltage (115 kV+) transmission lines, subject to city approval. Screening/fencing for surface equipment is now required.

## **7.2: Street Network and Design Standards**

- **7.2.1 Street Infrastructure Plans:**
  - Street Frontage Requirements: For Major Subdivisions, Major Development Design Reviews, or Certificates of Appropriateness affecting a whole block face, property owners must install prescribed streetscape improvements (e.g., sidewalks, trees) before Final Plat approval or Certificates of Occupancy. Exceptions allowed if existing elements meet the intent of the street section.
  - Right-of-Way Dedication: Cleaned up this section. Property owners may be required to reserve or dedicate right-of-way for streets on Official Maps, with compensation available for



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installation costs (e.g., via Traffic Impact Fee reductions). Non-Official Map streets encourage voluntary dedication with city-borne costs.

- Exceptions for Constraints: Administrator can adjust street section requirements for sites constrained by wetlands, specimen trees, or existing structures, allowing alternative designs that meet the same intent in smaller dimensions.
- **7.2.2 Street Network Requirements:**
  - Block Sizes: Specified maximum block perimeters by zoning district (e.g., 2,640 feet in T3-S, 1,320 feet in T4/T5/RMX), with preferred averages to promote walkability. Exceptions allowed for natural features like wetlands or cultural resources.
  - Street Stubs: Mandated connections to existing stubs and new stubs to adjacent properties, with exemptions for steep slopes (18%+), marshes, or incompatible uses. Stub streets must extend to property lines, with signage and plat disclosures indicating future connections.
  - Cul-de-Sacs: Prohibited except in T3 and LI zones, with stricter standards (e.g., 300-foot maximum length, pedestrian access easements, preference for closes or loop roads over traditional cul-de-sacs).
  - Gated Streets: prohibited, subject to Planning Commission discretion.
- **7.2.3 Lot Access Standards:**
  - Rear Access Emphasis: In T3-N, T4, and T5 zones, new access points must use rear alleys/roads, except in the Historic District or where topography prevents connections (subject to Planning Commission or Codes Administrator approval).
  - Driveway Limits: Clarified maximum driveways per frontage (1 for <150 feet, 2 for ≥150 feet), with additional driveways requiring demonstrated necessity and restricted to “right-in, right-out” on arterial roads.



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- Spacing Requirements: Updated minimum separation distances for curb cuts on Major Thoroughfares, tied to posted speed limits (e.g., 100 feet for <35 mph, 500 feet for 55+ mph), with specific 500-foot minimum on Robert Smalls Parkway west of Parris Island Gateway.
- Out-Parcels: Limited to internal access within shopping/office/industrial centers unless approved in a master plan, with abandoned driveways required to be closed and restored.
- **7.2.4 Street Design Standards:**
  - Traffic Control: Developers may be responsible for partial or full traffic signal installation if warranted by MUTCD standards, with roundabouts prioritized as alternatives.
  - Sidewalk Waivers: Planning Commission can waive sidewalk requirements for alternative pedestrian paths or severe topographic/vegetative constraints, ensuring flexibility without compromising connectivity.
  - Utility Placement: Utilities in areas with protected resources must be placed under streets to minimize environmental impact, enhancing preservation efforts.

### **7.3: Street Engineering Standards**

- **7.3.2 Traffic Impact Analysis (TIA):**
  - Expanded Applicability: TIA required for developments generating >50 peak-hour trips, including phased projects or use changes exceeding this threshold. Exceptions for certain areas (e.g., Boundary Street Master Plan) exclude Educational Facilities with >100 students.
  - Expanded Study area: Added half mile requirement and must utilize all TIA's for current and proposed developments in conducting TIA.



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- Access Analysis: New requirement for an access analysis per SCDOT's ARMS Manual, identifying necessary improvements (e.g., deceleration lanes, curb cut locations) to be incorporated into plans.
- Mitigation Plan: Mandatory if Traffic Service Level Goals (Level of Service D) are not met, with developers responsible for mitigating impacts at affected intersections, including signal design and progression analysis.
- Signal Spacing: Detailed standards for signalized intersections, including progression analysis to maintain traffic flow (e.g., progressed band speed within 5-10 mph of posted speed), with options like frontage roads or shared private roads to reduce signals.
- Review Process: TIA completeness and accuracy reviewed by TRC, with approval required before Project Permit application, streamlining coordination with SCDOT and county entities.

**7.4: Community Green Space and Community Open Space**

- **7.4.1 Purpose and Intent:**
  - Definitions Added: Defined Community Green Space (e.g., parks, trails for recreation/aesthetics) and Community Open Space (undeveloped land like forests, farms), clarifying their distinct roles.
- **7.4.2 Requirements:**
  - Flexible Standards: For properties <3 acres, green/open space requirements are at the discretion of the Codes Administrator or Planning Commission, providing flexibility for small sites.
  - Added standards to transect districts wherein the more acreage, more open space is required even in T-5 UC. Requirement based on size/acreage of site.



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- Incentive for Types: Using  $\geq 75\%$  of the eight specified space types (e.g., Regional Park, Plaza) allows a 20% increase in dwelling units, encouraging diverse, high-quality spaces.

**7.4.5 Ownership and Maintenance:**

- Enforcement: Failure to maintain spaces is a Code violation, with city authority to correct deficiencies at the owner's expense per the Code of Ordinances (Section 6-2003 or equivalent), strengthening accountability.

**7.5: Subdivision and Site Plan Standards**

**Added all new requirements for Subdivision and Site Plan standards, that did not exist. Standards add process, approval, technical requirements, etc. to create predictable standards for Developers, Staff and Approval Bodies.**

- **7.5.1 General Provisions:**
  - Review Discretion: City discretion over scheduling reviews, with authority to vacate decisions or void applications if changes are made post-submittal, enhancing procedural control.
  - Submittal Checklists: Planning Department provides individualized checklists for subdivision applications, clarifying requirements and referral agencies.
- **7.5.2 Subdivision Types:**
  - Minor Subdivision: Clarified as involving  $\leq 6$  lots from one parent tract ( $\leq 3$  acres), lot line adjustments, or consolidations without new streets. Cumulative lot counting prevents repeated subdivisions.
  - Major Subdivision: Updated to include subdivisions with  $\geq 6$  lots (previously  $\geq 5$ ), public/private road dedications, or unplatted properties, aligning with increased complexity.
- **7.5.3 Sketch Plan:**



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- Comprehensive Requirements: Added detailed elements (e.g., road plan, open space plan, pedestrian network, zoning/design, utility plan) with specific submittal items (e.g., title commitment, traffic study, utility capacity letter), ensuring thorough conceptual planning.
- Review Criteria: Planning Commission evaluates consistency with Zoning Map, Comprehensive Plan, Civic Master Plan, and functional system adequacy, formalizing alignment with city goals.
- Timeframe: Approval valid for 24 months, with minor amendments ( $\leq 10\%$  changes) approved administratively, balancing flexibility and oversight.
- **7.5.4 Preliminary Plat:**
  - Pre-Application Conference: Mandatory to discuss Code requirements, process, and Sketch Plan conditions, improving applicant preparedness.
  - Detailed Submittals: Added requirements for tree survey, archaeological impact assessment, ecological resource survey, and conceptual design/massing, addressing environmental and cultural impacts.
  - Early Grading: Allowed post-approval with approved construction plans, but at applicant's risk, clarifying liability.
  - Review Criteria: Expanded to include lot layout and structure design, ensuring comprehensive evaluation.
- **7.5.5 Final Plat:**
  - Substantial Conformance: Defined as no changes to land use, density, or major public elements, with design adjustments allowed to meet conditions, providing clear standards.
  - Permits Required: Added requirements for SCDOT utility/access permits, DHEC dewatering permits, and Army Corps 404 permits before construction, ensuring regulatory compliance.



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- Timeframe: Approval valid for 2 years, with one 18-month extension and potential additional extensions for substantial progress, offering flexibility for complex projects.
- **7.5.6 Minor Subdivision Plat:**
  - Streamlined Process: Clarified submittal requirements (e.g., 30-day title commitment) and plat standards (e.g., bearings, distances, monument descriptions), with applicant responsible for recording with Beaufort County.
- **7.5.7 Site Plan:**
  - Comprehensive Submittals: Added detailed requirements for site plan plat (e.g., photometric plan for commercial/industrial, certified drainage report, final landscape plan), enhancing design review.
  - Review Process: Staff/TRC review ensures consistency with Code, with a public hearing and findings of fact required for Planning Commission approval, aligning with Comprehensive and Civic Master Plans.
  - Phasing and Expiration: Site plan approval valid for 3 years, with multi-phased plans tied to Phase I approval, ensuring timely implementation.
  - Amendments: Minor variations ( $\leq 10\%$  changes) approved by staff; major changes require new application and Planning Commission review, clarifying modification procedures.

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### Key Themes of Changes

- **Historic and Sustainable Development:** New purposes (7.1.1) and street design standards (7.2) emphasize Beaufort's historic patterns, compact neighborhoods, and multi-modal connectivity.



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- **Environmental and Cultural Protection:** Requirements for tree surveys, ecological assessments, and archaeological studies (7.5), plus utility placement under streets in sensitive areas (7.2.4), prioritize natural and cultural resource preservation.
- **Community Green/Open Space:** Enhanced standards (7.4) promote accessible, diverse spaces supporting community health and cohesion. Increased and added open space and park requirements for the denser transect district such as T5-UC to ensure green areas are part of new development.
- **Added Procedures:** Detailed submittal requirements, review criteria, and timeframes (7.5), plus exemptions for constrained sites (7.2.1), balance rigor with practicality.
- **Added Standards for Development:** Added all new requirements for Subdivision and Site Plan standards, that did not exist. Standards add process, approval, technical requirements, etc. to create predictable standards for Developers, Staff and Approval Bodies.
- **Traffic and Infrastructure Management:** Strengthened TIA requirements (7.3.2) and street network standards (7.2.2) ensure safe, efficient circulation, with compensation for right-of-way dedications (7.2.1).

## 7: LAND DEVELOPMENT

### 7.1: IMPROVEMENT REQUIREMENTS

#### 7.1.1 PURPOSE

The purpose of these land development requirements is to:

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

#### 7.1.2 APPLICABILITY

- A. Unless noted otherwise in this section, all new development projects shall be required to have public sewer and underground ~~wiring, and~~ wiring and shall comply with Section 7.2.3 (Lot Access Standards).
- B. Installation or construction of the improvements specified in the Table of Required Improvements (Section 7.1.3) is required for Aall development projects — with the exception of projects that qualify as except those which (1) are subject to the Minor Development Design Review ~~(Section 9.8.1)~~ or Minor Subdivision ~~(Section 9.9.2),~~ or are located in the Historic District, and (2) affect less than one whole block face — are required to install or construct the improvements specified in the Table of Required Improvements (Section 7.1.3).
- C. The applicant, developer, and real property owner shall be responsible for the installation and construction of required improvements according to the provisions of this Code, except as may otherwise be specifically provided herein or by city policy or agreement.
- D. Approval of aA Final Subdivision Plat ~~(Section 9.9.4)~~ shall not be approved unless -be subject to the applicant having installed the improvements ~~designated in required by~~ this ~~article~~ Chapter have been

installed or constructed, or ~~having guaranteed~~ (the applicant has made improvement guarantees pursuant to (Section 7.1.5), to the satisfaction of the ~~e~~City, ~~for~~ the installation of said improvements.

### 7.1.3 TABLE OF REQUIRED IMPROVEMENTS

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

- A. **Street Improvements:** Land designated for public streets shall be cleared and filled in accordance with the latest edition of the "~~South Carolina~~ Standard Specifications for Highway Construction", issued by the South Carolina State Highway Department of Transportation, or as determined appropriate by the ~~a~~Administrator. No land may be disturbed until a Project Permit has been issued (Section 9.5). See Section 5.4 for Tree Removal Standards. See Section 7.2 for more standards on street location. See Appendix C for Street Regulating Plan and Design Standards.

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- B. **Water and Sewer Facilities:** Water and sewer facilities shall be provided in accordance with the standard procedures and policies of the water and sewer provider and the Department of ~~Health and Environmental Control Services~~ (SCDES~~DHEC~~) and shall be approved by the water and sewer provider.
  - C. **Utility lines:** All utility lines within a development site shall be installed underground. The Planning Commission may approve an exception only in cases, unless where there are existing above-ground lines that serve the property.

#### 7.1.4 SURVEY AND ENGINEERING

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

#### 7.1.5 IMPROVEMENT GUARANTEES

- A. **Types Allowed:** Prior to approval of a Final Subdivision Plat (~~Section 9.9.4~~), the applicant shall provide a performance guarantee to ensure the completion of required improvements within a period of time as agreed upon by the Administrator and the applicant, and expressed in the guarantee. Such guarantee may be in the form of a performance bond, a surety bond, a cash deposit, or a letter of credit. A performance guarantee shall be posted in the amount of 125% of the total cost of improvements.
  1. **Performance/Surety Bonds and Letters of Credit:** The performance or surety bond, or letter of credit, shall be in a form acceptable to the Ccity. It shall include a pledge by the bank, insurance company or other bonding/lending institution that the funds necessary to carry out the terms of the agreement are guaranteed for payment, and will be released only upon receipt of written instruction from the city.
  2. **Cash Deposits:** If the surety is in the form of a cash deposit with the City ~~of Beaufort~~, proportional parts thereof shall be refundable in relation to progress payments less retainage, subject to approval of the eCity and subject to a minimum deposit balance of 25% of the project cost.

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3. **Maintenance Guarantees:** If the applicant completes all required improvements and complies with all conditions of the subdivision agreement as determined by the eCity, the remainder of monies retained by a financial institution or by the eCity may be released to the applicant or his successor in title. Prior to release, the applicant shall provide the City, prior to the issuance of any building permit, a performance bond, a surety bond, or a cash deposit equal to the amount determined by the eCity ~~that would~~ necessary to ensure the repair of any damage to the existing improvements during the course of any construction, but in no case will the amount of the security be less than \$1,000.00 for each individual building lot. Prior to the issuance of any certificate of occupancy, the city shall determine whether or not any breakage or damage has occurred. If no damage to any off-site improvements has occurred, then the city may release the security to the applicant or his successor in title. If damages have occurred, they shall be repaired, or the city may draw on the security before it is released.

#### 7.1.6 Easement and utility standards

A. Multiple installations within easements. Easements shall be designed so as to provide efficient installation of utilities. Public utility installations shall be located as to permit multiple installations within the easements. The developer will establish final utility grades prior to utility installations. Public utility easement dedication shall be required with any minor or major subdivision action. Public Utility Easements shall be a minimum of ten (10) wide.

B. Underground utilities. Telephone lines, electric lines, cable television lines and other like utility services shall be placed underground. The applicant and/or developer shall be responsible for complying with the requirements of this Section and shall make the necessary arrangements including any construction or installation charges with each utility provider for the installation of such underground facilities. Transformers, switching boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground utilities shall be placed underground or on the surface but not on utility poles. Screening or fencing is required and subject to approval of the City. Electric transmission and distribution feeder lines and necessary appurtenances thereto may not be placed above ground unless they are carrying greater than 115 kV. Upon approval of the City, such facilities shall be placed within easements or rights-of-way provided for particular facilities.

## **7.2: STREET NETWORK AND DESIGN STANDARDS**

### **7.2.1 STREET INFRASTRUCTURE PLANS**

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

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series of four (4) separate maps, included in Appendix C, which shall be deemed a part of ~~the~~ Beaufort this Code.

2. **Modification:** The Official Street Network Plan may be modified or supplemented per pursuant to the procedure for Amendments and Rezoning (Section 9.16). ~~The Planning Commission (PC) will review the Official Street Network Plan on a regular basis at intervals of every 6 months, or thereabouts.~~ In addition, the maps will be automatically updated as additional Official Maps are approved per pursuant to the appropriate process required by state law.
- C. **Street Frontage Requirements**~~**Specific Street Sections:**~~ The provisions regarding street sections noted in Appendix C show specific street designs for the purposes of identifying future improvements by both the eCity and fronting property owners. These sections depict the ideal arrangement and design of street elements.

1. **Applicability:** For any project that is considered Major Subdivision (~~Section 9.8.3~~), ~~Major Development Design Review (Section 9.8.2)~~ Site Plan, or requires a Certificate of Appropriateness, Major (Section 9.10.2 A.2.) and affects one whole ~~b~~Block ~~f~~Face, the fronting property owner shall install all prescribed streetscape improvements as part of the development project. ~~The installation of street frontage improvements is required prior to Final Plat approval for Major Subdivisions, and Certificates of Occupancy for Site Plans.~~

- a. **Exception:** If similar elements as prescribed in the street section exist — e.g., on-street parking, sidewalk, tree plantings — the requirement to install the streetscape element(s) shall be waived if those items meet the intent of the prescribed street section, even if the existing items do not meet the exact requirements of that street section.  
*Example Scenarios: If a street section prescribes a 5-foot sidewalk, but a 4-foot sidewalk already exists, the existing sidewalk will satisfy the sidewalk requirement. However, if the street section requires a 5-foot planting strip between the curb and the sidewalk, and the 4-foot sidewalk is directly adjacent to the curb, this would not satisfy the intent of the street section and would need to be reconstructed per the prescribed standards.*

2. Scope of Improvements: Street frontage improvements shall be installed along the entire frontage of the property, to the centerline of the street, or if a multi-lane street, the affected lane, at the sole cost of the applicant as directed by the Codes Administrator. The Codes Administrator may permit modification of street improvement standards where the required street improvements are not in the opinion of the Codes Administrator, roughly proportionate to the impact, type, scale and cost of the proposed development action.

A. Street frontage improvements may include the following: curb, gutter, sidewalk, storm drainage, street lighting, traffic signal equipment, utility installation, extension, or relocation, landscaping strip, street trees and landscaping, irrigation, street widening, pavement overlay or reconstruction, and channelization.

B. In addition to required frontage improvements, the applicant shall provide ramps from the new sidewalk or walkway to the existing shoulder, across streets and pavement and channelization tapering back to the existing pavement and channelization as required to address safety concerns.

2D. Dedication of ~~Insufficient~~ Right-of-Way ~~Width:~~

1. Dedication of Right-of-Way. In the case of a street section adopted as part of an Official Map, where the width of the existing right-of-way is insufficient to install the prescribed

street section, the fronting property owner ~~may shall~~ be required to reserve the appropriate amount of right-of-way (as measured from the centerline of the existing street). ~~If the owner chooses to dedicate and install the complete right-of-way, the cost of the improvements may be compensated—see Section 7.2.1 E. The future right-of-way shall conform to all of the street network requirements of Section 7.2.2. below. Where a new right-of-way that is not shown in the Street Regulating Plan, is required as part of a new development, it shall be designed with appropriate elements based on its proposed location and zoning district. (See Appendix C).~~

- ~~2. Where a new right-of-way that is not shown in the street regulating plan, is required as part of a new development, it shall be designed with appropriate elements based on its proposed location and zoning district. (See Appendix C).~~
- ~~a. In the case of a street section adopted as part of an Official Map, where the width of the existing right-of-way is insufficient to install the prescribed street section, the fronting property owner may be required to reserve the appropriate amount of right-of-way (as measured from the centerline of the existing street). If the owner chooses to dedicate and install the complete right-of-way, the cost of the improvements may be compensated—see Section 7.2.1 E.~~
- ~~a. b. In the case of a street section that is not part of an Official Map, where the width of the existing right-of-way is insufficient to install the prescribed street section, the property owner ~~is encouraged to shall~~ reserve the appropriate amount of right-of-way to complete the desired street section. If the owner ~~chooses to~~ dedicates and install the complete right-of-way, the cost of the improvements may be ~~compensated borne by the City~~ - see Section 7.2.1 [E].~~
- ~~b. Where an area is designated as future ~~future~~ right-of-way is and ~~identified~~ on an Official Map, and thus represented on the Official Street Network Plan— these are indicated as "New Adopted Streets"— new development shall reserve this area for the new street in the future. If access is needed to the site in that location, the street shall be constructed in the general location shown.~~
- ~~a. **Alternative Paths:** The administrator may approve a different street configuration if the proposed development plan provides a similar amount and quality of connectivity through the site. This is determined by evaluating one or more of the following: number of connections, connections of specific site elements, and required access to existing and proposed structures. For modification of the Official Street Network Plan, See Section 7.2.1 B.2.~~
- ~~ec. **Exceptions and Alternatives:**~~
- ~~i. Where the available rights-of-way — ~~due to existing structures and topographic conditions,~~ — do not functionally permit the full section to be constructed due to existing structures or topographical conditions limited to wetlands, specimen and landmark trees, the Administrator may adjust the requirements for the street section.~~
  - ~~ii. A different street section may be approved which accomplishes the same intent in a smaller dimension.~~

~~D. **Creation of New Right-of-Way:**~~

1. ~~Where a future right of way is identified on an Official Map, and thus represented on the Official Street Network Plan—these are indicated as "New Adopted Streets"—new development shall reserve this area for the new street in the future. If access is needed to the site in that location, the street shall be constructed in the general location shown.~~
  - a. ~~**Alternative Paths:** The administrator may approve a different street configuration if it the proposed development plan provides a similar amount and quality of connectivity through the site. This is determined by evaluating one or more of the following: number of connections, connections of specific site elements, and required access to existing and proposed structures. For modification of the Official Street Network Plan, See Section 7.2.1 B.2.~~
  - b. ~~**Street Standards:** The future right of way shall conform to all of the street network requirements of Section 7.2.2 below.~~
2. ~~Where a new right of way that is not shown in the street regulating plan, is required as part of a new development, it shall be designed with appropriate elements based on its proposed location and zoning district. (See Appendix C).~~

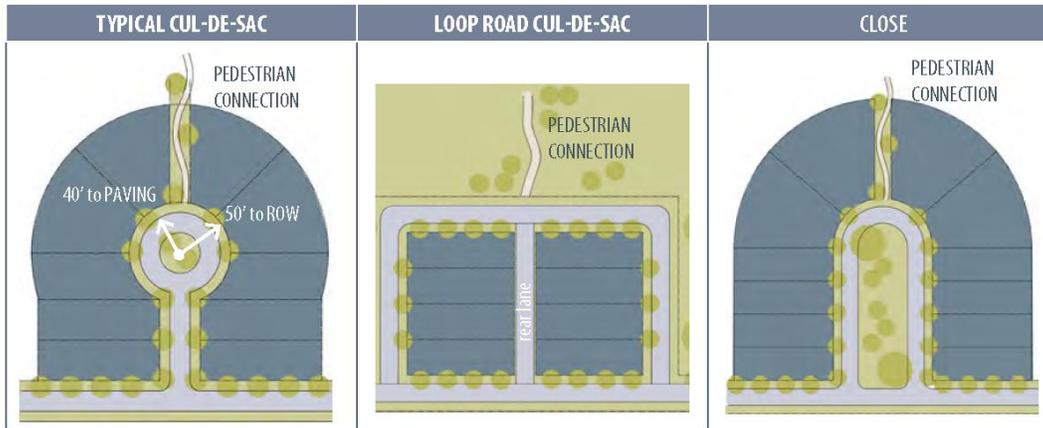
**ED. Compensation:** When a project is required to make off-site improvements within the existing right-of-way, dedicate and/or improve a street with insufficient right-of-way, or install a new street (be it public or private) per the requirements in Section 7.2.1 C., above, compensation of the developer for the costs associated with such improvements may be ~~available~~ available at the City's discretion. To the extent that the City has the authority and the ability to do so, the Traffic Impact fee for the project shall be reduced by the assessed value of the dedicated land and/or construction cost of the right-of-way improvement. This may be done either as a direct reduction, rebate, or reimbursement of fees.

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

## 7.2.2 STREET NETWORK REQUIREMENTS

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

- 
- C. **Street Stubs:** New developments shall ~~if practicable,~~ connect to any existing street stubs from adjacent properties and stub to all adjacent properties.
1. **Exemptions:** Street stubs shall not be required where the Planning Commission finds the conditions listed below would prevent connections :
    - a. Topographical conditions (pre-development slopes of 18% or greater).
    - b. Environmental conditions (marshes, floodplains, specimen and landmark trees, etc.).
    - c. Property shape that would now allow for street stubs .
    - d. Property accessibility (existing platted subdivision with no stubs).
    - e. Incompatible adjacent land uses.
  2. **Location:** Where multiple connection opportunities exist, street stub connections shall be prioritized in the site design as follows:
    - a. Adjacent parcels 20 acres or greater in size.
    - b. Adjacent parcels that abut or are traversed by existing or proposed streets.
    - c. ~~Where the~~ The Street Network Diagram recommends a street connection (indicated as a proposed street).
  3. **Design:**
    - a. Stub streets and streets intended for extension during future phases shall be constructed to extend to the property line for constructability to adjoining property. ~~or as close to the line as practical.~~
    - b. ~~It shall be the responsibility of the second development to construct the connection to an existing stub street.~~
    - e**b.** Stub streets shall not exceed 150 feet in length without a paved turnaround (permanent or temporary).
    - e**c.** **Disclosure:** The Final Subdivision Plat shall be recorded stating depicting that future connection is possible-required at any stub streets and streets intended for extension during future phases. A clearly visible street sign may shall be erected at the end of the stub street stating that the street is planned to connect to a future street.
- D. **Cul-de-sacs and Dead-end Streets:** Dead-end streets and cul-de-sacs are prohibited, except for in the T-3 and LI zoning districts, where, ~~unless specifically approved by the TRC. In T3 and LI zones only,~~ cul-de-sacs or other turn-arounds may be approved by the TRC Planning Commission. Compliance with the following standards must be met in all circumstances:



1. Permanent dead-end streets shall be no longer than 300 feet and shall be provided with a turn-around such as a cul-de-sac or close.
  2. Temporary dead-end streets shall be provided with a temporary turnaround area which shall be designed considering traffic usage, maintenance, and removal.
  3. Alternative design solutions, such as a close (first preference), or a loop road cul-de-sac (second preference) are preferable to a typical cul-de-sac.
  4. Cul-de-sacs shall have a minimum right-of-way radius of 50 feet and minimum paved radius of 40 feet. When ample radii space exists, cul-de-sacs shall contain a central planted median.
  5. Whenever cul-de-sac roads are created, at least one pedestrian access easement shall be provided, to the extent practicable, between each cul-de-sac head or road turnaround and the sidewalk system of the closest adjacent road or pedestrian pathway. The access easement shall be direct with a minimum width of 12 feet.
- E. **Gated Streets:** New gated streets are ~~not encouraged~~ prohibited with the following exceptions.  
However
1. Exceptions: they may be permitted, aAt the discretion of the ~~Metropolitan~~ Planning Commission, in T3-S zoning districts where connection to the existing street grid is not practicable due to topography or existing surrounding conditions.
  2. They may be permitted by the applicable Design Review Authority At the discretion of the Planning Commission when the access proposed to be gated is an alley or rear lane and is not the primary building frontage.
- F. **Street Naming and Renaming:** New street names and street renaming are subject to the requirements of S.C. Code 6-29-1200. Proposed street names and number systems ~~will~~ shall be reviewed by and subject to the approval of the ~~a~~Administrator and the Beaufort County Emergency Management Department. No duplicate/similar names are allowed, as determined by these agencies.
- G. **Reserved Strips Prohibited:** Reserved strips at the terminus of a new street shall be prohibited.

### 7.2.3 LOT ACCESS STANDARDS

- A. **Applicability:** Any development that requires ~~an one or more~~ access points (rear alley/lane or driveway) for purposes of ingress and/or egress shall be subject to the provisions of this section. All new ~~accesses~~ access points must be approved by the appropriate permitting authority. Access points may not be installed on undeveloped property less than 2 acres.

- B. **Maximum Number:** For single-family and two- and three-family dwellings, only one driveway shall be permitted per lot. In T3-S, circular driveways may be permitted on lots greater than 100 feet in width, where no sidewalk exists. Driveways may only be installed when rear access is not possible or required. For double frontage lots, one curb cut per street may be permitted. For all other building types, the maximum number of driveways allowed for any property is outlined in the table below.

| FRONTAGE WIDTH                         | MAXIMUM PERMITTED <del>DRIVEWAYS</del> <u>ACCESS POINTS</u> (CURB CUTS) PER STREET FRONTAGE  |
|--|--|
| <del>Less than up to</del><br>150 feet | 1  |
| 150 feet or more                       | 2 - Additional <del>driveways</del> <u>access points</u> (in excess of 2) shall be permitted only after the applicant successfully demonstrates the necessity for such additional <del>access points</del> <u>driveways</u> , as determined by the appropriate <del>D</del> esign <del>r</del> Review <del>B</del> ody. Along arterial roads and thoroughfares, such additional <del>driveways</del> <u>access points</u> shall be "right-in, right-out" driveways only. |

C. **Location and Spacing:**

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

| FEATURE  | MINIMUM SEPARATION <sup>1</sup>  |                        |               |                   |               |                   |               |                               |               |                               |               |                                |               |
|--|--|------------------------|---------------|-------------------|---------------|-------------------|---------------|-------------------------------|---------------|-------------------------------|---------------|--------------------------------|---------------|
| Adjacent Property Line (does not apply to shared or joint-use driveways)   | 0 ft   |                        |               |                   |               |                   |               |                               |               |                               |               |                                |               |
| Another Curb Cut (driveway or street intersection) on all roads except Major Thoroughfares   | 25 ft  |                        |               |                   |               |                   |               |                               |               |                               |               |                                |               |
| <u>Another Curb Cut (driveway or street intersection) on Major Thoroughfares</u> — defined as streets with the Street Section designation of Major Thoroughfare, or the Robert Smalls Parkway, Sea Island Parkway/Lady's Island Drive, or Boundary Street Specific Street Section — Another Curb Cut (driveway or street intersection) | Depends on <del>P</del> osted <del>s</del> peed <del>L</del> imit <u>as follows:</u>   |                        |               |                   |               |                   |               |                               |               |                               |               |                                |               |
|  | <table border="1"> <tbody> <tr> <td><del>&lt; 35 mph</del></td> <td><u>100 ft</u></td> </tr> <tr> <td><del>35 mph</del></td> <td><u>200 ft</u></td> </tr> <tr> <td><del>40 mph</del></td> <td><u>250 ft</u></td> </tr> <tr> <td><del>45 mph<sup>2</sup></del></td> <td><u>300 ft</u></td> </tr> <tr> <td><del>50 mph<sup>2</sup></del></td> <td><u>400 ft</u></td> </tr> <tr> <td><del>55+ mph<sup>2</sup></del></td> <td><u>500 ft</u></td> </tr> </tbody> </table> | <del>&lt; 35 mph</del> | <u>100 ft</u> | <del>35 mph</del> | <u>200 ft</u> | <del>40 mph</del> | <u>250 ft</u> | <del>45 mph<sup>2</sup></del> | <u>300 ft</u> | <del>50 mph<sup>2</sup></del> | <u>400 ft</u> | <del>55+ mph<sup>2</sup></del> | <u>500 ft</u> |
| <del>&lt; 35 mph</del>   | <u>100 ft</u>  |                        |               |                   |               |                   |               |                               |               |                               |               |                                |               |
| <del>35 mph</del>  | <u>200 ft</u>  |                        |               |                   |               |                   |               |                               |               |                               |               |                                |               |
| <del>40 mph</del>  | <u>250 ft</u>  |                        |               |                   |               |                   |               |                               |               |                               |               |                                |               |
| <del>45 mph<sup>2</sup></del>  | <u>300 ft</u>  |                        |               |                   |               |                   |               |                               |               |                               |               |                                |               |
| <del>50 mph<sup>2</sup></del>  | <u>400 ft</u>  |                        |               |                   |               |                   |               |                               |               |                               |               |                                |               |
| <del>55+ mph<sup>2</sup></del>   | <u>500 ft</u>  |                        |               |                   |               |                   |               |                               |               |                               |               |                                |               |
| <del>&lt; 35 mph</del>   | <u>100 ft</u>  |                        |               |                   |               |                   |               |                               |               |                               |               |                                |               |
| <del>35 mph</del>  | <u>200 ft</u>  |                        |               |                   |               |                   |               |                               |               |                               |               |                                |               |
| <del>40 mph</del>  | <u>250 ft</u>  |                        |               |                   |               |                   |               |                               |               |                               |               |                                |               |

|   |        |
|---|--------|
| 45 mph <sup>2</sup>   | 300 ft |
| 50 mph <sup>2</sup>   | 400 ft |
| 55+ mph <sup>2</sup>  | 500 ft |
| <sup>1</sup> Minimum separation is measured from centerline   |        |
| <sup>2</sup> On Robert Smalls Parkway (Hwy 170) west of Parris Island Gateway, a minimum of 500 ft. separation distance is required |        |

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

**D. Size:**

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

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

1. **Specific to T3-N, T4, and T5 districts:** Alleys/rear lanes shall be provided along the rear property lines of lots as follows:
  - a. In new subdivisions greater than 1 acre, alleys shall be provided for newly created lots that meet any of the following criteria:

- i. The lots are part of a ~~block~~ ~~face~~ with an average lot width of 60 feet or less at the building setback line (excluding lots on cul-de-sacs).
  - ii. The lots are arranged around a Common Open Space.
  - iii. The lots front a collector or arterial road, regardless of the average lot width.
  - iv. The lots are intended for multi-family dwellings and/or mixed-use buildings.
- b. ~~For in~~ infill ~~situations~~ ~~developments~~, the same standards apply as specified ~~above in the~~ immediately preceding subsection, but only for developments that include 4 or more contiguous lots, where one lot is a corner lot. In the Historic District, the standards apply only to the Beaufort Conservation District; the requirement may be waived at the discretion of the Historic Review Board.

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

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

## 7.2.4 STREET DESIGN STANDARDS

- A. **Street Section Design:** The elements and widths of all proposed streets shall be in conformity with the appropriate street section designated in the Street ~~Regulating~~ Infrastructure Plans (Section 7.2.1 and Appendix C).
- B. **Traffic Control and Signs:** ~~The type and location of traffic control devices used on City streets must be approved by the Administrator or the Administrator’s designee and traffic control on private Streets shall be included and approved as part of the major subdivision or site plan. Traffic signals should be used where warranted, but alternate means of traffic control such as roundabouts should be considered first. When it can be shown that a particular zoning action, master plan, or development plan impacts the street system to a point that a traffic signal is warranted according to the latest version of the United States Department of Transportation’s Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Administrator the Administrator’s designee, , the developer shall be responsible for all or a portion of the signal installation. Traffic control and street name signs shall be installed at all street intersections and other appropriate areas as determined by the applicant and street owner.~~
- C. **Sidewalks/Multi-use Paths:** Where required ~~per the Street Section by the provisions of in~~ Appendix C, all sidewalks or multi-use paths must be constructed concurrently with the street, or, if the street is already constructed, prior to acceptance of any improvements. Exceptions to, ~~or partial waiver of~~, the requirement to install a sidewalk may be granted by the Planning Commission if:
  - 1. Alternative pedestrian paths/bikeways have been or will be provided outside of the normal right-of-way.
  - 2. There are unusual topographic, vegetative, or other natural conditions ~~to the extent would~~ render that strict adherence to ~~said the~~ requirements ~~would be~~ unreasonable and not consistent with the purposes and goals of this Code.

- D. **Utility Easements:** Utility easements which require a width of 8 feet or ~~larger~~ more shall be located in rear alleys or ~~along the side adjacent to or~~ rear lot lines. Special permission to install utility easements in other locations may be requested by the utility companies and is subject to approval by the appropriate ~~d~~Design ~~R~~review ~~B~~body.
- E. **Special Consideration to Protect Protected Resources and other Natural Features:** Street layout and design shall give additional consideration to preserving protected resources and enabling natural areas to be protected or minimally disturbed. Where streets are built in areas that have protected resources or natural features, all utilities shall be placed within the street right-of-way and under the street ~~in~~ order to avoid additional destruction of the natural features.

### 7.2.5 STREET TREE PLANTING REQUIREMENTS

- A. **Planting Areas:** Planting strips and tree wells shall be established in accordance with the width and plantings designated in the appropriate Street Section of the Street Regulating Infrastructure Plans (7.2.1 and Appendix C).
- B. **Location and Number:** Street trees ~~should~~ shall be planted in the location and per the spacing specified for the corresponding street classification in Appendix C. However, ~~in specific cases where it is not practical due to~~ due the location of utilities or other site constraints, the Planning Commission may allow street trees ~~to may~~ be planted on private property adjacent to the right-of-way.
- C. **Tree Species:** ~~Overstory~~ The species of overstory and understory trees as prescribed in this section reference Appendix A.2 ~~(Recommended Trees and Shrubs)~~ may be used for street tree planting.
- D. **Minimum Tree Size:** At the time of planting, young trees should be 2.5 inch caliper, with the lower side of the crown a minimum of 6 feet above grade ~~to avoid hazards to pedestrians~~.

## 7.3: STREET ENGINEERING STANDARDS

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

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

### 7.3.2 TRAFFIC IMPACT ANALYSIS

- A. **Applicability:** A "~~tra~~ffic ~~i~~mpact ~~a~~nalysis" (TIA) shall be required for any development that is shown to generate more than 50 trips during the peak hour on the adjacent street (s) — in the most recent Institute of Transportation Engineers (ITE) Trip Generation Manual or any alternative approved at the discretion of the Planning Commission or the TRC, or by the engineering department. ~~to generate more than 50 trips during the peak hour on the adjacent street(s).~~
  1. A second phase, second subdivision, or addition that generates traffic beyond this threshold when taken as a whole shall also require a TIA, even though that development may does not qualify on its own.

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

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

D. **Plan Contents:**

| <u>Background information</u>   | <u>Requirement</u>  |
|---|---|
|   |   |
| <u>List of all nonexistent transportation improvements assumed in the analysis</u>  | <u>Required</u>   |
| <u>Map of site location, description of the parcel, general terrain features, and location within the jurisdiction and region.</u>                      | <u>Required</u>   |
| <u>Description of geographic scope/ limits of study area.</u>   | <u>Within half mile/2640 feet of site and any roadway on which 50 or more of the new peak hour vehicle trips generated by the proposal are distributed.</u><br><u>At the discretion of the TRC or Planning Commission, a larger study area may be required.</u> |
| <u>Plan at an engineering scale of the existing and proposed site uses.</u>   | <u>Required</u>   |
| <u>Description and map or diagram of nearby uses, including parcel zoning.</u>  | <u>Required</u>   |
| <u>Description and map or diagram of existing roadways.</u>   | <u>Required</u>   |
| <u>Description and map or diagram of programmed improvements to roadways, intersections, and other transportation facilities within the study area.</u> | <u>Required</u>   |
| <u>Analysis of Existing Conditions</u>  |   |

|  |                 |
|--|-----------------|
| <u>Collected daily and peak hour of the generator traffic volumes, tabulated and presented on diagrams with counts provided in an appendix.</u>                          | <u>Required</u> |
| <u>Analyses for intersections and roadways identified by SCDOT. Delay and Level of Service (LOS) are tabulated and LOS is presented on diagrams for each lane group.</u> | <u>Required</u> |

|   |  |
|---|--|
| <u>When the type of development proposed would indicate significant potential for walking, bike or transit trips either on - or off - site, analyses of pedestrian and bicycle facilities, and bus route or routes and segment or segments, tabulated and presented on diagrams, if facilities or routes exist.</u> | <u>Within half mile/2640 feet of site and any roadway on which 50 or more of the new peak hour vehicle trips generated by the proposal are distributed –<br/>At the discretion of the TRC or Planning Commission, a larger study area may be required.</u> |
| <u>Incorporation of all Traffic Impact Analysis studies and Trip Generation from approved developments or vested unbuilt developments within mile radius at time of proposal.</u>   | <u>Required (submitted for any jurisdiction, including the Town of Port Royal, and County of Beaufort)</u>   |
| <u>Speed Study</u>  | <u>If requested by City</u>  |
| <u>Crash history near site</u>  | <u>If requested by City</u>  |
| <u>Sight distance</u>   | <u>If requested by City</u>  |
| <b><u>Analysis of Future Conditions without Development</u></b>   |  |
| <u>Description of and justification for the method and assumptions used to forecast future traffic volumes.</u>   | <u>Required</u>  |

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|--|--|
| <p><u>Analyses for intersections and roadways as identified by SCDOT. Delay and Level of Service (LOS) are tabulated and LOS is presented on diagrams for each lane group.</u></p>   | <p><u>Required</u></p>   |
| <p><u>When the type of development proposed would indicate significant potential for walking, bike or transit trips either on - or off - site, analyses of pedestrian and bicycle facilities, and bus route or routes and segment or segments tabulated and presented on diagrams, if facilities or routes exist or are planned.</u></p> | <p><u>Within half mile/2640 feet of site and any roadway on which 50 or more of the new peak hour vehicle trips generated by the proposal are distributed.</u></p> <p><u>At the discretion of the TRC or Planning Commission, a larger study area may be required.</u></p> |
| <p><b><u>Trip Generation</u></b></p>   |  |
| <p><u>Site trip generation, with tabulated data, broken out by analysis year for multi- phase developments, and including justification for deviations from ITE rates, if appropriate.</u></p>   | <p><u>Required</u></p>   |
| <p><u>Description and justification of internal capture reductions for mixed use developments and pass-by trip reductions, if appropriate, including table of calculations used.</u></p>   | <p><u>Required</u></p>   |

1. **Phased Developments:** All phases of a development are subject to review, and all traffic plans for the entire development shall be integrated with the overall traffic analysis. A TIA for a specific phase of development shall be applicable to the phase of development under immediate review. However, each phase of development shall expand and provide detailed analysis at the development plan stage beyond the estimates provided for at the concept plan or master plan stage.
2. **Infrastructure Analysis:** The adequacy of the roads that the development will be accessed from shall be assessed in the TIA. Recommendations for improvements to these roads shall be made. The relative share of the capacity created shall be broken down as follows: development share, other developments' share, any existing overcapacity, and capacity available for future growth.
3. **Required Elements of the TIA:**

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

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analysis shall, at a minimum, indicate compliance or variance from the Traffic Service Level Goals (Section 7.3.32 M).

- h. The intersections that must be analyzed in the study are identified as:
  - i. Any intersection that serves as a development's point of access. This will include intersections of public and/or private roads with major arterials, and driveways offering direct access.
  - ii. The first major intersection as identified by the city engineer on both side of the development's point of access.
  - iii. Other intersections on major arterials if development generates more than 50 a.m. or p.m. peak hour trips to that intersection, or if the intersection's level of service or demand is significantly impacted by site related traffic.
  - iv. Unsignalized intersections and access drives — these shall be considered if development impacts are anticipated. The plan must include the results of an analysis of the operating conditions of critical intersections and/or all intersections identified in the concept plan. The analysis shall reflect the projected condition of these intersections and movements, based on the scheduled opening date of the development. Other phases of the development, if they can be reasonably determined, shall be considered as well.

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

- 1. If a traffic signal is recommended, the TIA shall provide information that:
  - a. Clearly indicates the need for a traffic signal.
  - b. Assesses the ability of other existing, planned, or proposed public roads to accommodate the new traffic at a location other than the main highway in the vicinity of the proposed development.
  - c. Describes in detail how a specific development will affect the study area transportation system.
  - d. Provides documentation of appropriate South Carolina Manual of Uniform Traffic Control Devices signal warrant satisfaction.
  - e. Gives design geometry of the private road that is consistent with that of public road intersections, including curbs, appropriate lane widths, pavement markings, and vertical alignment. Other roadway factors to be considered include, but are not limited to, speed, type of highway, grades, sight distance, existing level of service, conflicting accesses, and the effect of future traffic signal systems.

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- f. Provides an approach-throat length for the road to ensure the movement of vehicles entering the site will not be impeded by conditions within the development, and ensure that all signal-spacing requirements are adequately met.
  2. The desirable spacing of signalized intersections on principal arterials is the SCDOT, county, or Ccity standards. The TRC may recommend to SCDOT the installation of a traffic signal at locations where, using SCDOT standards, spacing is inappropriate due to topography, existing or proposed road layout, documented accident history, unique physical constraints, existing or proposed land use patterns, or requirements to achieve specific objectives for highway segment designations, as shown in any locally adopted land use or transportation plan, approved Ccity or county transportation plan, or approved transportation policy.
  3. Signal spacing concerns may be ameliorated in the following ways:
    - a. A proposed private road that may otherwise be considered for the installation of a traffic signal may be replaced by an on-site route or a frontage road that directs traffic to or from a nearby public road.
    - b. A private road that is being considered for traffic signal installation may be required to connect to the existing or planned local road system to allow uses of surrounding properties.
    - c. An existing or proposed intersection may be relocated.
    - d. A shared private road may be required to serve the needs of the multiple properties.
  4. A traffic signal progression analysis is required if the proposed location is closer than the SCDOT standards, given the presence of existing signals or the possible existence of identified future signals proposed as part of a highway signal system. A traffic signal progression analysis for all new, revised, or planned traffic signal systems on state highways shall be performed using methods, models, computer software, data sources, roadway segment length, and assumptions approved by the TRC. The roadway segment, analyzed to the extent possible, shall include all traffic signals in the existing or future traffic signal system. The progression analysis shall:
    - a. Demonstrate acceptable existing and future traffic signal systems operation that may include the morning peak, evening peak, midday period, and other appropriate time period during any day of the week, adjusted for peak season, for cycle lengths and travel speeds approved by the TRC.
    - b. Provide for a progressed traffic band speed no more than 5 mph (8 km/h) below the existing posted speed for both directions of travel during the off-peak periods, nor more than 10 mph (16 km/h) below the existing posted speed during peak periods. Approval by the TRC is required where speeds deviate more than the above.
    - c. Demonstrate that sufficient vehicle storage is available at all locations within the traffic signal system without encroaching on the functional boundaries of adjacent lanes and signalized intersections. The functional boundary of an intersection shall be determined in discussion with the TRC, based on existing or projected conditions.
    - d. Provide a common cycle length with adequate pedestrian crossing times at all signalized intersections.

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- e. Provide a progression bandwidth as large as that required, or as presently exists, for through traffic on the federal or state highway at the most critical intersection within the roadway segment. The most critical intersection is the intersection carrying the highest through volume per lane.
  - 5. The traffic signal progression analysis shall be supplemented by a traffic engineering report that also considers highway capacity and safety of the roadway segment under consideration. Traffic volumes, intersection geometry, and lane balance, considered at all locations, shall be appropriate for the present and identified future conditions, which are usually considered to include the year of completion, and 5 years into the future.
  - F. **Summary:** A clear and concise summary of recommended improvements that can serve as an executive summary is required.
  - G. **TIA Review:** The TRC shall review all TIAs as part of the applicable Design Review phase ~~—see Section 9.8 and 9.9 for appropriate process.~~ Final TIAs shall be approved prior to the applicant submitting a Project Permit application (Section 9.5).
  - H. **Application:** A TIA shall be submitted to the TRC. Coordination with other entities in the county government or South Carolina Department of Transportation (SCDOT) shall be the responsibility of the ~~C~~city.
  - I. **Completeness:** The ~~Planning Commission and/or TRC~~TRC shall determine whether a TIA is complete. Thorough and complete TIAs are the responsibility of the applicant. Failure by the applicant to provide a complete TIA may result in review delays for ~~their~~ its plat or plan.
  - J. **Action on TIA:** The TRC must first approve the TIA in regard to completeness and accuracy. Following review of the required impact analysis plan, TRC shall recommend to the Planning Commission action as follows:
    - 1. Approval of the TIA as submitted;
    - 2. Approval of the TIA with conditions or modifications as part of the development review and approval process. An acceptable TIA with traffic mitigation measures may include the reduction of the density or intensity of the proposed development, phasing of the proposed development to coincide with state and/or county-programmed transportation improvements, applicant-provided transportation improvements, fees in lieu of construction, or any other reasonable measures to ensure that the adopted traffic service-level goals are met. If mitigation is required, it shall be required as a condition of any approval from the city.
  - K. **Timing of Implementation:** If a traffic mitigation program is part of an approved TIA, the developer may be required to place a performance bond on all traffic mitigation improvements required as a result of ~~his~~ the project. This requirement may arise if the timing of the improvements needs to be synchronized with other scheduled improvements anticipated for the area.
  - L. **Responsibility for Costs of Improvements:** The costs of implementation of an approved mitigation program shall be the responsibility of the applicant. No certificates of zoning compliance or building permits shall be issued unless provisions of the TIA are met.
  - M. **Traffic Service Level Goals:** The average stop time delay in seconds per vehicle for each intersection determined to be critical to the TIA for the proposed development shall be compared to the ~~e~~City's

~~adopted~~ traffic service level goal of "D" for the average delay for all vehicles at any signalized intersection during the a.m. and p.m. peak hours.

## 7.4: COMMUNITY GREEN SPACE AND COMMUNITY OPEN SPACE

### 7.4.1 PURPOSE AND INTENT

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

D. Community Green Space Definition: an area of grass, trees, parks, trails or multi-use pathways, or other vegetation set apart for recreational or aesthetic purposes in a development. It can be privately or publicly owned.

E. Community Open Space Definition: Open space is land or water that is undeveloped and not used for residential, commercial, industrial, or institutional purposes. It can be privately or publicly owned, and can include areas like forests, farms, parks, and coastal lands.

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

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

| OPEN/CIVIC SPACE REQUIREMENT   |                                   |            |            |               |            |               |            |            |            |    |
|--------------------------------|-----------------------------------|------------|------------|---------------|------------|---------------|------------|------------|------------|----|
| SIZE                           | T1                                | T3-S       | T3-N       | T4-HN         | T4-N       | T5-DC         | T5-UC      | RMX        | IC         | LI |
| <del>Less 3-<br/>than 10</del> | <del>no<br/>50%mi<br/>nimum</del> | <u>20%</u> | <u>15%</u> | <u>Exempt</u> | <u>10%</u> | <u>exempt</u> | <u>10%</u> | <u>10%</u> | <u>15%</u> |    |

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| acres <sup>③</sup>       |     |     |     |        |      |        |            |            |            |        |
|--------------------------|-----|-----|-----|--------|------|--------|------------|------------|------------|--------|
| 10 acres—<br>15 acres    | 50% | 20% | 15% | exempt | 10%  | exempt | exempt 10% | exempt 5%  | exempt 20% | exempt |
| 15 acres—<br>40 acres    | 50% | 20% | 15% | n/a    | 105% | exempt | exempt 15% | exempt 20% | exempt 20% | exempt |
| Greater than<br>40 acres | 50% | 25% | 20% | n/a    | 520% | exempt | exempt 20% | exempt 25% | exempt 25% | exempt |

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

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

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

B. **Areas to be Included in Community Green Space and Community Open Space Calculations:** The features and areas identified in Section 7.4.3 shall be credited towards the open space requirements for the purposes of complying with this [Chapter article](#).

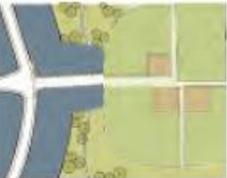
C. **Areas not to be Included in Community Green Space and Community Open Space Calculations:** The following areas shall not be counted toward open space requirements:

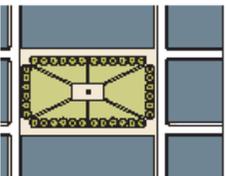
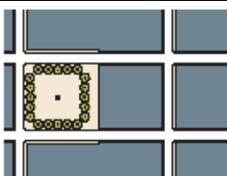
1. Private yards which are not subject to an open space or conservation easement.
2. Public road rights-of-way or private street easements, including sidewalks located within those rights-of-way or easements.
3. Open parking areas and driveways for dwellings.
4. Land covered by structures not designated for active recreational uses.
5. Designated outdoor storage areas.

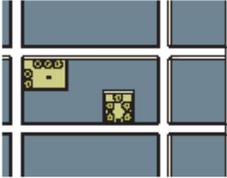
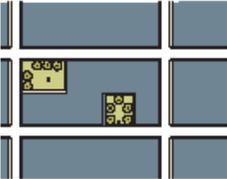
### 7.4.3 COMMUNITY GREEN SPACE AND COMMUNITY OPEN SPACE TYPES

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

| CIVIC/<br>OPEN<br>SPACE TYPE | DIAGRAM | DESCRIPTION | PERMITTED<br>DISTRICTS | SERVICE AREA/<br>SIZE | CHARACTER | TYPICAL<br>FACILITIES |
|------------------------------|---------|-------------|------------------------|-----------------------|-----------|-----------------------|
|------------------------------|---------|-------------|------------------------|-----------------------|-----------|-----------------------|

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

|                     |   |  |                         |   |   |   |
|---------------------|---|--|-------------------------|---|---|---|
|                     |   | structured recreation. It may contain a limited amount of athletic fields.   |                         |   |   | 5,000 gross square feet, paths and trails   |
| <b>Greenway</b>     |    | A linear open space that may follow natural corridors, a greenway provides unstructured and limited amounts of structured recreation.                | T1, T3, T4, T5, RMX, IC | Multiple Neighborhoods<br>Min: 8 acres or 1 mile<br>Max: None | Frontage: Independent or building<br>Disposition: Natural or informal | Passive and active recreation, drinking fountains, community facility < 5,000 gross square feet, paths and trails   |
| <b>Square/Green</b> |   | An open space that is available for civic purposes, unstructured, and limited amounts of structured recreation. It can be located along waterfronts. | T3, T4, T5, RMX, IC     | Neighborhood<br>Min: 0.5 acres<br>Max: 5 acres                | Frontage: Building<br>Disposition: Formal                             | Passive and active (unstructured or structured) recreation, accessory structure, drinking fountains, community facility < 5,000 gross square feet, paths and trails |
| <b>Plaza</b>        |  | A formal open space available for civic purposes and commercial activities, a plaza is typically hardscaped and can be                               | T4, T5, RMX, IC         | Neighborhood<br>Min: 0.5 acres<br>Max: 2.5 acres              | Frontage: Building<br>Disposition: Formal                             | Passive recreation, accessory structure, drinking fountains, paths and trails   |

|                                 |   |  |                     |   |   |   |
|---------------------------------|---|--|---------------------|---|---|---|
|                                 |   | located along waterfronts.   |                     |   |   |   |
| <b>Pocket Park/Pocket Plaza</b> |  | An open space that is available for informal activities in close proximity to neighborhood residences. Pocket plazas are usually paved.  | T3, T4, T5, IC, RMX | Neighborhood<br>Min: 4,000 square feet<br>Max: 0.5 acre | Frontage:<br>Building Disposition:<br>Formal or informal                | Passive recreation, accessory structure, drinking fountains, paths and trails |
| <b>Playground</b>               |  | An open space designed and equipped for the recreation of children. A playground may be fenced and may include an open shelter. Playgrounds may be included within other civic spaces. | T3, T4, T5, IC, RMX | Neighborhood<br>Min: None<br>Max: None                  | Frontage:<br>Independent or building Disposition:<br>Formal or informal | Accessory structure, drinking fountains, paths and trails                     |

**Notes:**

1. The illustration and description of each civic space type is illustrative in nature and not regulatory.
2. The Permitted Districts may be modified per a plan if the project is utilizing the Traditional Neighborhood Development Floating Overlay District (Section 2.8.3).

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

- A. **Playgrounds and Community Gardens:** These may be incorporated into any of the other Community Green Space and Community Open Space types - except Natural Preserve - or may stand alone.
- B. **Waterfront:** When Community Green Space and Community Open Space is required, per Section 7.4.2, developments that contain waterfront access should include some type of common access to at least 25% of the waterfront. This counts towards the Community Green Space and Community Open Space requirement. When open space is required, for every 10% of the waterfront that is allocated for public

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access, a 5% increase in number of dwelling units shall be permitted, up to a maximum of a 20% increase.

- C. **Illustrative Standards:** The columns titled "Diagram," "Description," and "Typical Facilities" of the table of Community Green Space and Community Open Space Types are illustrative only.
- D. **Regulatory Standards:** The following elements shall be regulatory:
  - 1. **Service Area:** Describes how the space relates to the city as a whole and the area that will be served by the Community Green Space and Community Open Space.
  - 2. **Size:** The permitted size for each Community Green Space and Community Open Space.
  - 3. **Frontage:** The relationship along property lines of a Community Green Space and Community Open Space to adjacent buildings or lots.
    - a. **Building:** Community Green Space and Community Open Spaces that are listed as having a "building" frontage shall have the fronts of buildings, either attached to the park or across a street, facing onto the space for a minimum of 75% of the perimeter.
    - b. **Independent:** Community Green Space and Community Open Spaces that are listed as having an "independent" frontage shall have the fronts of buildings, either attached to the park or across a street, facing onto the space to the maximum extent possible, but may have the side or rear of a building or lot front onto the space. The side or rear of a building or lot fronting onto the Community Green Space and Community Open Space shall be designed with a secondary frontage and entrance along the space.
  - 4. **Disposition:** The character of the design of the Community Green Space and Community Open Space.
    - a. **Natural:** Civic spaces with natural character are designed in a natural manner with no formal arrangement of elements.
    - b. **Formal:** Civic spaces with a formal character have a more rigid layout that follows geometric forms and have trees and other elements arranged in formal patterns.
    - c. **Informal:** Civic spaces with an informal character have a mix of formal and natural characteristics.
  - 5. **Food Production:** Community Gardens and other Community Green Space and Community Open Spaces may be used to grow food. See Section 8.54.3 for specifications and requirements.

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

- A. **Design Standards for Community Green Space and Community Open Space:** Land used as Community Green Space and Open Space shall meet the following design standards:
  - 1. **Location:**
    - a. Where relevant and appropriate, the land shall be located so as to be readily accessible and usable by residents and users of the development. To the maximum extent practicable, a portion of the open space shall provide focal points for the development.
    - b. Common space set aside for children's play areas and other recreational activities shall be clearly visible from the dwelling units on the site.
    - c. The land shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge any open areas, trails, parks, or other open space resources that exist or are planned within or adjacent to the development.

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2. **Provision in Multi-Phase Developments:** In multi-phase developments, open space Manuals may be calculated either by phases, or by collectively looking at the developments as a whole.
- B. **Accessory Structure Standards:** All accessory structures within parks and open spaces — including, but not limited to, restrooms, open-air pavilions, gazebos, picnic shelters, and outdoor theaters — shall not be subject to the physical requirements of the building form or siting standards in [Article 2-Chapter 2](#) (Map and Districts). They shall be designed to be consistent with the character of the district in which they are located. Such consistency may require accessory structures to maintain building setbacks, frontage, massing, disposition, and character similar to adjacent development as determined by the administrator.

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

- A. Open space areas or other community facilities shall be preserved and maintained in accordance with the approved:
1. Development Design, in accordance with Section 9.8;
  2. Special Exception, in accordance with Section 9.13; or
  3. Subdivision, in accordance with Section 9.9, whichever is appropriate.
- B. Provision must be made by the property owner to ensure preservation and long term maintenance and management of Community Green Space and Community Open Spaces through one of the following mechanisms:
1. Conveyance of the land to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintaining it for its intended purposes.
  2. Conveyance of the land to a third-party beneficiary, such as a nonprofit environmental or civic organization, that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended purpose.
  3. Dedication of the land to the city or other appropriate public agency that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes.
- C. All methods utilizing private ownership shall require deed restrictions, covenants, or other legal instruments that ensure continued use of the land and facilities for their intended uses, and provide for the continued and effective management, operation, and maintenance of the land and facilities.
- D. Failure to maintain Community Green Space and Community Open Space areas or other community facilities shall be a violation of this Code subject to the remedies and penalties in Article 12 (Violations and Enforcement).
- E. If the owner of an Community Green Space and or Community Open Space fails to maintain it in reasonable condition, and in accordance with approved plans, and fails to correct deficiencies cited by the city, the city shall have the authority to correct the deficiencies per the City's Code of Ordinances at the owners expense, Section 6-2003 (or equivalent Health and Sanitation section of any updated Code of Ordinances).

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

### **7.5.1 General provisions**

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

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

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

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

### **7.5.2 Subdivision types and process outlines**

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

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

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

1. The boundaries of six or fewer lots are created from one parent tract or lot, cumulatively and more 3 acres;
2. Any lot line adjustment; and
3. A consolidation of multiple lots into one when a new street or street change is not ~~invole~~involved.

**B. Major Subdivisions.**

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

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

~~Sketch~~ ~~Sketch~~ ~~PCityCity's CityCity PlanningComission~~  
~~infrastructure~~ i. with full dicresion of the Planning Director, Civic Master ~~CityCity~~

**7.5.3 Sketch Plan**

**A. Purpose.** The Sketch Plan is a conceptual design of the development submitted with a major subdivision application, that depicts what the applicant envisions for the overall development, including zoning, transportation, pedestrian network, parks, tree canopy, open space, and other amenities.

**B. Requirements.** A Sketch Plan is required for all major subdivisions. Major proposed changes to any approved preliminary plat, will require a new Sketch Plan approval. The Sketch Plan will consist of the following required elements:

1. Road plan: The applicant shall provide a preliminary traffic plan that addresses the following elements:
  - i. The proposed street network and connectivity to the existing road network, including all proposed access points.

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- ii. The location and layout of all arterial and collector roads within the development.
  - iii. A current preliminary traffic impact study prepared by a licensed traffic engineer which evaluates proposed access points, the existing street system, and any need for any road improvements (including off-site improvements) created by the proposed development.

2. Open space plan: The applicant shall provide a preliminary open space plan that depicts compliance with Section 7.4 of this code, with the following elements:

- i. Proposed open space distribution and location, including percentage of open space.
- ii. Compliance with Section 7.4.2 Open space/park requirements.
- iii. Required buffer areas as per Section 5.5.1.
- iv. Wetland areas and OCRM setbacks if applicable.
- v. Proposed park locations, acreage, and types of parks as per Section 7.4.

3. Pedestrian network:

- i. Location of all trails within development, and connection to existing trail network.
- ii. Connectivity of sidewalks to the existing pedestrian system, including any off-site sidewalk improvements. This includes planning for a one-quarter mile pedestrian shed.
- iii. Depiction of any bike lanes or any other multi-modal features.

4. Zoning/Design:

- i. The location of zoning boundaries shall be provided with the application and depicted on the Sketch Plan.
- ii. The plan should show how the zoning is harmonious with the surrounding area, and within the property itself.
- iii. Conceptual building design and massing.

5. Overall utility plan:

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

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

- 1. Development application form, fee.

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2. Title commitment. The title commitment must be dated no more than 90 days from the date of Sketch Plan application submittal.
  3. Title of project.
  4. North arrow, scale (not greater than one inch equals 200 feet) and date of preparation.
  5. Vicinity map.
  6. Legal description.
  7. Acreage of property; acreage in each zoning district; acreage in parks; acreage in open space.
  8. USGS topographic contours.
  9. Location and approximate acreage of proposed land uses.
  10. Existing easements and rights-of-way on or adjacent to the property
  11. Existing streets on or adjacent to the property (show and label street name).
  12. Note or table indicating how public dedication requirements will be met.
  13. Table providing the following information for each proposed land use area: total acreage; proposed density proposed number of dwelling units and or commercial buildings.
  14. Location and acreage of proposed open space and parks as per Section 7.4., trails, regional trail connections, playgrounds, schools or other public uses.
  15. Proposed street system depicting the location and layout of all arterial and collector roads within the development.
  16. A preliminary traffic study prepared by a licensed traffic engineer which evaluates proposed access points, the existing street system, and any need for any road improvements (including off-site improvements) created by the proposed development.
  17. Floodplain boundary with a note regarding the source of information (if a floodplain does not exist on the property, this must be stated).
  18. Zoning on adjoining properties.
  19. A letter from the appropriate utility, confirming the existing capacity of the surrounding utility system, and the future capacity of the utility system for the proposal. Utility plans for the interior of the development (such as water and sewer service lines) are not required as part of this process Utility Plans for the interior of the development (such as water and sewer service lines) are not required as part of this process.
  20. Proposed connections to the existing utility system.
  21. The location of any proposed or required lift stations.
  22. Design rationale — description of how the development is integrated with surrounding area, how it responds to site features/constraints and how it is consistent with this Code.
  23. General description of plan for drainage and storm water management, including any regional drainage solutions.
  24. Description of how the proposed development complies with the City Comprehensive Plan.

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25. Design: (i) Concept of lot impact study regarding structure location and massing design on typical lots; and Concept design representations on structures.

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

**E. Sketch Plan Process.**

1. Planning Commission Hearing. The Planning Commission shall hold a public hearing to approve, approve with conditions or deny the Sketch Plan.

2. Notice to neighboring property owners. The City shall send notice of the Planning Commission meeting by regular mail to neighboring property owners within 500 feet of the property per this Code.

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

1. The land use mix within the project conforms to Beaufort's Zoning District Map and Comprehensive Plan Preferred Land Use Map and furthers the goals and policies of the Comprehensive Plan.

2. The Sketch Plan represents a functional system of land use and is consistent with the rationale and criteria set forth in this Chapter, the City's Comprehensive Plan, and the Civic Master Plan as amended.

3. The preliminary traffic, open space, park, utility, and pedestrian design is adequate and functional given the existing and planned capacities of each system, and meets the standards found in this Code.

4. The conceptual design and massing proposed is consistent with the requirements of the Development Code.

**G. Timeframe related to approval of Sketch Sketch Plan.** A Sketch Plan is in full force and effect for a period of 24 months from date of Planning Commission action, the Administrator may require an applicant submit a new Sketch Plan application for Planning Commission review.

**H. Minor amendments.** A Minor amendments to the Sketch Plan may be approved administratively if it:

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

2. Does not change the number of lots or density by more than ten percent.

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

#### **7.5.4 Preliminary Plat**

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

**B. Application process.**

**1. Pre-application conference.** A pre-application conference with the City/TRC is required before the applicant may submit a preliminary plat application. Topics to be discussed will include:

- a. The provisions of this Code and the applicable requirements;
- b. The application and review process;
- c. Submittal requirements; and
- d. Changes or modifications based on direction from the Planning Commission at Sketch Plan approval.

**2. Application submittal.** Following approval or conditional approval of the sketch plan the applicant may submit the complete preliminary plat application to the City. The preliminary plat application package shall be formatted and packaged per the application submittal checklist provided by the City and include the following items in both printed and electronic formats:

- a. Development application form.
- b. Application fee.
- c. Title commitment. The title commitment must be current and dated no more than 120 days from the date of preliminary plat application submittal.
- d. The preliminary plat shall provide the following information:
  - i. Title of project.
  - ii. North arrow, scale (not greater than one inch equals 100 feet) and date of preparation.
  - iii. Vicinity map.
  - iv. Names and addresses of owners, applicant, engineers and surveyors.
  - v. Legal description.
  - vi. Total acreage of property.
  - vii. Existing contours at two-foot intervals (based on USGS datum).

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- viii. Name and location of abutting subdivisions or owners of abutting property (if land is not platted)
  - ix. Lots, blocks, and street layout (with cross-sections), dimensions and square footage for each lot. Dimensions and square footages may be rounded to the nearest whole number.
  - x. Consecutive numbering of all lots and blocks.
  - xi. Existing and proposed easements (including rights-of-way) on and adjacent to the property.
  - xii. Existing and proposed zoning on and adjacent to property.
  - xiii. Approximate location and size of existing sewer lines, water lines and fire hydrants. Approximate location of proposed sewer lines, water lines, and fire hydrants with a letter from BJWSA and the Fire Marshall.
  - xiv. Location by field survey or aerial photography of existing and proposed water courses and bodies of water such as irrigation ditches and lakes. Water courses shall include direction of flow.
  - xv. Tree Survey with Existing Tree Canopy Survey.
  - xvi. Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, state this on the plan).
  - xvii. The boundaries of proposed phases of the subdivision if the final plat is intended to be submitted in multiple phases.
  - xviii. General location of existing surface improvements such as buildings, fences, or other structures which will remain on the property as part of the subdivision.
  - xix. Location and acreage of proposed parks, trails, playgrounds, schools or other public uses.
  - xx. Location, function, ownership and manner of maintenance of any private open space.
  - xxi. Land use table including land uses, approximate acreage of each land use type, percentage of each land use type density (net and gross) and how public dedication requirement will be met.
  - xxii. Total number of lots.
  - xxiii. Number of each type of dwelling unit proposed.
  - xxiv. An AutoCad drawing file of the Preliminary Plat in a format specified by the [City Engineer or Codes Administrator](#).
  - xxv. Surveyor's certificate.
  - xxvi. Traffic impact analysis (if applicable) as per the requirements found in this Code.

3. Drawing standards. The preliminary plat drawing shall comply with the following standards:

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

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

5. Preliminary grading and drainage plan and report. This plan and report must be certified by a South Carolina registered professional engineer or Land Surveyor and include approximate earthwork quantities (how earthwork on the site is "balanced"), storm drainage concepts such as locations of pipe and other conveyance facilities, locations for on-site detention or downstream structural improvements, and soil erosion and sedimentation control plans and specifications. It must also discuss the impacts on and to any existing floodways and/or floodplains both on and adjacent to the site as well as any FEMA applications or approvals that may be required.

6. Preliminary water and sewer plan and study. This plan shall be prepared by a registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.

7. Preliminary landscape and open space plan. The landscape plan must address the treatment of all exterior spaces. Landscape plans are to be designed to meet the requirements of this Code and show approximate locations of trees, shrubs, groundcovers, turf, buffering, fences, walls and other site amenities that will be included in the plan.

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8. Traffic study. A TIA with requirements consistent with Section 7.3.2. This study must be prepared by a professional traffic engineer and identify the projected impacts to the local and regional traffic system. The direct roadway impacts and proposed share in the cost of regional improvements and intersections must be identified for the project.

9. Archaeological Impact Assessment. An applicant may be required to provide the City pursuant to Section 8.4 with a CHS records listing historically or archaeologically significant findings on the property being subdivided at the Applicant's expense.

10. General ecological resource survey. Prepared by a qualified biologist, geologist, ecologist, or similar qualified professional, a survey identifying the potential/absence/habitat of a threatened or endangered species and wetlands or other ecologically sensitive area. Said survey shall make practical recommendations regarding treatment or mitigation of the findings.

11. Conceptual Design. Applicant shall provide conceptual design and massing examples (i.e. typical building elevations. But not required for each individual lot, consistent with the requirements of this Code.

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

1. Notice to neighboring property owners. The City shall send notice of the Planning Commission meeting by regular mail to neighboring property owners within 500 feet of the property per this Code.

2. **Approval.** The Planning Commission shall review and act on the Preliminary Plat. The Planning Commission shall approve, approve with conditions, or deny the Preliminary Plat based on the review criteria below.

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

i. The Preliminary Plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code.

ii. The land use mix within the project conforms to the City's Development Code and complies with the Comprehensive Plan and Civic Master Plan.

iii. The utility and transportation design are adequate, given existing and planned capacities of those systems.

v. Lot layout, including structure location and design of each lot.

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

**F. Early grading.** After approval of a Preliminary Plat, Applicant may proceed with preliminary grading of the project area if a construction plan set for grading and drainage is approved and memorandum authorizing grading work is issued by the City Engineer or Administrator. Early grading and storage of construction related equipment is at the risk of the Applicant and Final Plat approval at the Planning Commission is expressed or implied by any authorization of early grading.

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

#### **7.5.5 Final Plat**

**A. Purpose.** The purpose of the Final Plat is to complete the subdivision of land consistent with the technical standards of the City.

**B. Application process.**

**1. Final Plat application submittal.** The Final Plat application shall substantially conform to the Preliminary Plat as approved at the public hearing and shall meet all conditions of approval. The applicant shall submit the completed final plat application package to the City. The Final Plat application shall be formatted and packaged per the application submittal checklist provided by the City and include:

- i. Development application form.**
- ii. Application fee.**
- iii. Title commitment. An updated title commitment, dated no more than 120 days from the date of final plat application submittal.**

**2. Standards:** The Final Plat drawing shall comply with the following standards:

- i. All requirements of Section 7.5.4.**
- ii. The plat shall be prepared by or under the direct supervision of a registered land surveyor, shall be signed and stamped by said surveyor, and shall meet applicable State of South Carolina requirements.**

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- iii. Existing and proposed easements (including rights-of-way) in and adjacent to property (labeled and dimensioned).
  - iv. Existing and proposed street names for all streets on and adjacent to the property.
  - v. Final Traffic Impact Analysis (if applicable) as per the requirements found in this Code.
  - vi. If applicable, prior to commencement of construction; a State Highway utility permit from SCDOT.
  - vii. If applicable, prior to commencement of construction, a State Highway access permit from SCDOT.
  - viii. If applicable, prior to commencement of construction, a construction dewatering permit from DHEC
  - ix. If applicable, prior to commencement of construction, a 404 Permit from the Army Corps of Engineers.
  - x. Prior to commencement of construction, acceptable collateral in the amount and form stipulated in Section 7.1.5.

3. Original plats. The applicant shall submit to the [City](#), five original, signed copies of the Final Plat ready to record, and final executed copies of all agreements.

4. Complete engineering plans and specifications. After Final Plat approval the applicant shall prepare and submit the following for administrative approval by the [City](#) prior to commencement of construction:

- i. Construction plans and profiles. The plans and profiles shall be prepared by a registered professional engineer licensed in the State of [South Carolina](#). Plans shall be 24 inches high by 36 inches wide and provide the following information:
- ii. The horizontal to vertical scales shall be chosen to best depict the aspects of the design.
- iii. Minimum horizontal scale: One inch equals 100 feet.
- iv. Minimum vertical scale: One inch equals ten feet.
- v. The typical road geometric and structural cross-section is to be shown on each plan sheet.
- vi. The plan must show right-of-way lines and widths, road names, lot lines, tangent lengths and bearings, curve radii, delta angles, curve lengths, chord lengths and bearings, stationing at all beginning of curves and end of curves, intersections, structures, angles, curb lines, cross pans, traffic control devices (islands, striping, signs, etc.), drive cuts, curb returns and radii, and all other features to enable construction in accordance with approved standards and standard engineering practice. Stationing may be centerline if approved by the [City Engineer](#) or [Codes Administrator](#). Construction plans shall include water

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lines and appurtenances, sewer lines and appurtenances, and storm water lines and appurtenances and any other wet utilities.

vii. The profiles shall include existing and proposed grade at curb and gutter or centerline of street elevation at point of intersection of vertical curves, intersections, grade breaks, point of curb return (PCR), point of reverse curve (PRC), and other critical points, structures, and all other features.

viii. Signature blocks for all utility providers unless otherwise provided in agreement form.

ix. Structure details. Sufficient data shall be given to construction of major structures and road appurtenances such as bridges, culverts, gutters, drives, walks, cross pans, etc; detail shall include orientation line and grade, cross-sections, dimensions, reinforcement schedules, materials, quality specification, etc., or as the City Engineer may approve.

x. Final Water Report. A final water report including hydraulic analysis and pipe sizing calculations. Note, this report can be verified by BJWSA and does not need to be submitted to the City.

xi. Final Sanitary Sewer Report. A sanitary sewer report including hydraulic analysis and pipe sizing calculations. Note, this report can be verified by BJWSA and does not need to be submitted to the City.

xii. Sewage collection and water supply distribution plans, profiles and specifications. The plans, profiles and specifications shall be prepared by a registered professional engineer and shall be accompanied by written approvals from BJWSA.

xiii. Final drainage plans and reports. Based upon the approved preliminary drainage plan, a final report is to be submitted in accordance with SOLOCO Drainage and Design Criteria, as amended or as the City Engineer may approve. The plan and report must provide:

xiv. Erosion control plans, when required.

xv. Sizing of all pipes, inlets, conveyance ways, and other appurtenances.

xvi. Final grading plan. The final grading plan shall be 24 inches high by 36 inches wide and illustrate existing and proposed contours and lot and block grading details.

xvii. Soils report. The soils report shall detail pavement design and construction requirements and shall be submitted after overlot grading is complete.

xviii. Final landscape and open space plan. The landscape plan must address the treatment of all exterior spaces. Landscape plans are to be designed to meet the requirements of this Code and show trees, shrubs, groundcovers, turf, buffering, fences, walls and other site amenities that will be included in the plan. All plant materials must be adapted to the physical limitations of the local climate and specific conditions of the landscape plan. All plant materials must meet specifications of the American Association of Nurseryman for number one

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- grade. All street trees must be selected from the City of Beaufort recommended tree list.
- xix. Landscape Plan drawn to scale (not greater than one inch equals 50 feet) on 24 by 36-inch sheets which includes:
- a. Project name.
  - b. Scale, north arrow and date of preparation.
  - c. Existing and proposed streets and street names.
  - d. Lot lines, easements and public rights-of-way as shown on the subdivision plat, including gross and net area of all parcels.
  - e. Location of proposed building footprints and parking areas.
  - f. Location of storage, loading and service areas.
  - g. Existing and proposed two-foot contours (based on USGS datum).
  - h. Natural features, wetlands, wildlife corridors, floodplains, streams, ditches and other waterways.
  - i. The location of existing and proposed utilities. Utility lines can be 'ghosted' in on the landscape plan to vary the line types for cleaner drawings.
  - j. All existing trees within the proposed site and adjacent to the site must be accurately identified on the plan. Existing trees must be labeled as to their size, species and if they are intended to remain, be removed or transplanted. All replacement mitigation trees will need to be shown separately on the plan. Tree protection standards for existing trees to remain shall be included on the plan.
  - k. The extent and location of proposed trees, shrubs and perennials and quantities of each species. Plant materials are to be drawn at two-thirds of their mature size.
  - l. Landscape schedule including the represented plant symbol, Latin name, common name, planting size and number of individual plants. All plant materials are to meet the minimum size requirements as provided in this Code.
  - m. Proposed treatment of all ground surfaces must be clearly indicated, including turf, paving, mulch, native grass, seeded grass, etc. Grass areas are to be specified as seed or sod, and a seed mix/rate specified.
  - n. Sight distance triangles must be shown at street intersections pursuant to this Code.
  - o. Project specific landscape notes and details to ensure the proper planting, establishment and survival of plant materials. Additional notes detailing the warranty for plant materials and continued maintenance shall be included.
  - p. Open space and pedestrian circulation system.
  - q. Proposed grading of the project site, including drainage swales, detention basins, retaining walls and any off-site infrastructure improvements.

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- r. Notes for conservation and retention of topsoil and landscape soil preparation.
  - s. Restoration, revegetation or enhancement of disturbed natural areas or open space feature.
  - t. Park structures, signage, play equipment, and other landscape or park amenities and appurtenances.
  - u. A "pdf" file and an AutoCad drawing file of the final plat in an electronic format specified by the City Engineer.

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

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

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

1. Final Plat review criteria. In addition to all provisions of this Code, the Planning Commission evaluate the applicant's Final Plat application based on whether the Final Plat is in substantial conformance with the approved Preliminary Plat. For the purposes of this Code, "substantial conformance", includes design adjustments made to meet any conditions of preliminary plat approval, and is determined as follows:

- a. Does not change any land use.
- b. Does not contain changes which would render the final plat in nonconformance with requirements of this Code.
- c. Does not contain significant changes in street alignment and/or access points, or other public elements such as drainage improvements, utility lines or facilities, and;
- d. Does not increase density.

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

### **7.5.6 Minor subdivision plat**

**A. Purpose.**

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

- a. The boundaries of six or fewer lots are created from one parent tract or lot, cumulatively and not more than 3 acres; (e.g. any portion of a tract that is subdivided counts toward the six total, and does not itself become a new parent tract to subdivide an additional six lots from)
- b. Any lot line adjustment, consolidation of multiple lots into one, and
- c. A consolidation of multiple lots into one when a new street or street change is not involved.

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

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

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

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

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included on one plat, provided that all owners join in the dedication and acknowledgment.

iii. Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.

v. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.

vi. All signatures shall be made in black drawing ink.

viii Title of project.

viii. North arrow, scale (not greater than one inch equals 100 feet) and date of preparation.

ix. Vicinity map.

x. Legal description.

xi. Basis for establishing bearing.

xii. Names and addresses of owners, applicant, designers, engineers and surveyors.

xiii. Total acreage of subdivision.

xiv. Bearings, distances, chords, radii, central angles and tangent links for the perimeter and all lots, blocks, rights-of-way and easements.

xv.) Lot and block numbers, numbered in consecutive order, and square footage or acreage to two decimal places of each lot or tract.

xvi. Parcels excepted from inclusion noted as "not included in this subdivision" and the boundary completely indicated by bearings and distances.

xvii. Existing rights-of-way in and adjacent to subject property (labeled and dimensioned).

xviii. Existing and proposed street names for all streets on and adjacent to the property.

xix Existing easements and their type in and adjacent to subject property (labeled and dimensioned).

xx. Location and description of monuments.

xxi. Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plat).

xxii Blocks for signatures of owner, surveyor, utility providers, and City approval, as applicable.

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

### **7.5.7 Site Plan**

**A. Purpose.** The Site Plan is a prerequisite to a building permit for all multi-family (excluding duplexes), commercial, and industrial developments. The site plan shows how the lot

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will be developed so that the City can ensure that the site design will be in compliance with the Development Code, Comprehensive Plan and Civic Master Plan.

**B. Site Plan Application.**

1. Land use application form.
2. Application fee and fee agreement.
3. Site Plan plat — The Site Plan shall be a minimum of 18 inches by 24 inches and shall provide the following information:
  - i. Title of project.
  - ii. North arrow, scale (no greater than one inch equals 50 feet) and date of preparation.
  - iii. Vicinity map.
  - iv. Address of project.
  - v. Legal description of property.
  - vi. Name, address and phone number of property owner.
  - vii. Name, address and phone number of person or firm responsible for plan.
  - viii. Lot size (square footage).
  - ix. Bearings and distances of all lot lines.
  - x. Existing and proposed easements and rights-of-way.
  - xi. Existing and proposed paved areas and sidewalks on the site and in the adjacent rights-of-way, all dimensioned, showing how pedestrians will have access to the site and buildings.
  - xii. Gathering areas for people.
  - xiii. Existing and proposed curb cuts on the site and in the adjacent rights-of-way (on both sides of perimeter streets), all dimensioned.
  - xiv. Existing and proposed two-foot contours.
  - xv. Existing waterways on or adjacent to the site.
  - xvi. Finished floor elevations for all structures.
  - xvii. Footprint (including roof overhangs and eaves, decks, balconies, and outside stairs and landings) of all proposed structures and their use with their dimensions and locations noted with respect to the property lines.
  - xviii. Existing structures and their use.
  - xix. Square footage of the proposed building(s) and the footprint of the proposed building(s).
  - xx. Proposed structure height.
  - xxi. For multi-family residential, the number of residential units and bedrooms per unit.
  - xxii. Location of proposed signs and lighting.
  - xxiii. Specifications for the signs and lights, including type, height and general conformance to the Code. For commercial and industrial uses, a photometric plan prepared by a qualified electrical or lighting engineer shall be submitted

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that depicts all lighting fixtures and the light spread (in footcandles) of these fixtures across the site to all property boundaries.

xxiv. Proposed traffic controls and striping for parking areas (all lanes, driveways, and parking spaces must be dimensioned).

xxv. Trash disposal areas and enclosures including specifications for enclosures.

xxvi. Location and size of existing and proposed water and sewer service connections and tap sizes.

xxvii. Location and size of water and sewer lines to which the service connections will be or are made.

xxviii. Location and size of water meter(s).

xxix. Location and size of backflow-prevention devices.

xxx. Indication of how and where perimeter drain will drain (if one exists).

xxxi. Location of existing electrical lines and poles on or adjacent to the site.

xxxii. Location of proposed electrical service connection and meter location.

xxxiii. Location of electric transformer.

xxxiv. Location of all fire hydrants. If none exist on site, note distance and direction of the closest hydrant adjacent to the site within 500 feet.

xxxv. Location of detention/retention areas and storm sewer infrastructure with the required drainage easements.

xxxvi. The distance from the proposed building(s) or structure(s) to adjacent lot lines, easements, and adjacent structures.

xxxvii. A land use chart (table).

xxxviii. Certificate blocks for signatures of owner, surveyor, utility providers, and City approval, as applicable.

**4. Design standards** — Demonstrate in written or graphic form how the proposed structure(s) is consistent with the design requirements of this Code. Exterior elevations of proposed structures/graphic visual aids. Provide complete building elevations, drawn to scale, with illustrations of all colors and identifying major materials and cut sheets to be used in the structure(s). In addition, Staff may require building floor plans, sectional drawings, perspective drawings, models, and/or computer visualizations when the impacts of a proposal warrant such information.

**5. Certified drainage report** — A certified drainage report, including an erosion control study and plan, as applicable, must be reviewed and approved by the appropriate sanitation district (if applicable) prior to submittal of the report to the City as part of the site plan application.

**6. Final landscape and open space plan.** Provide an existing and proposed landscape with tree protection zones and a tree survey, and open space plan consistent with Chapters 5 and 7 of this Code.

**7. Traffic Impact Analysis:** provide TIA as per requirements of Section 7.3.2.

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**C. TRC and Staff Review.** Staff and TRC shall review the application and prepares comments. Staff and TRC will review the site plan map to ensure it is consistent with the site plan review criteria. Following the review, Staff will prepare a written report outlining any changes that the applicant must make before the site plan can be recommended for public hearing with the Planning Commission. This report will be forwarded to the applicant and the applicant shall make all necessary changes to the Site Plan and resubmit a revised copy to the City.

1. Applicant addresses staff comments. Applicant shall make all necessary changes to the site plan and resubmit a revised copy to the City.

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

1. Notice to neighboring property owners. The City shall send notice of the Planning Commission meeting by regular mail to neighboring property owners within 500 feet of the property per this Code.:

2. The Planning Commission shall hold a public meeting on the proposal. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard. Decisions/Findings of Fact: Following the public meeting, the Planning Commission may approve, deny, or approve with conditions the application for a Major Development. No Major Development shall be approved unless the following findings of fact can be made:

a. The plan is consistent with the City of Beaufort Comprehensive Plan and Civic Master Plan.

b. The plan complies with all applicable requirements of this Code.

c. There exists adequate infrastructure (transportation and utilities) to support the plan as proposed.

d. The proposed plan conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site.

e. The proposed plan conforms to the Building Design Standards in Article 4.

**E. Post approval actions.**

1. Building Permit. A building permit shall be issued only if a Site Plan has been approved. However, with the approval of the City, an applicant may submit a building permit application concurrent with the site plan application. Building permits shall not be issued for any development that is not in conformance with the approved Site Plan.

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2. Phasing and expiration of approval. The site plan shall be effective for a period of three years from the date of approval, unless stated otherwise in the written site plan approval. Building permits shall not be issued based on site plans that have an approval date more than three years old. For multi-phased plans, building permits shall not be issued based on an approval date more than three years from the date of Phase I approval.

**F. Appeals. See Sections 7.6 and 9.17.**

**G. Permit Validity.**

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

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

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

1. Minor variations in the location of structures, improvements, or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved by the City Staff. Such changes shall not exceed ten percent of any measurable standard or modify the use, character, or density of an approved Site Plan. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the City.

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



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CURT FREESE  
Community Development  
Director

**Date: May 21, 2025**

**From: Curt Freese, Community Development Director**

**To: City Council**

**Subject: Summary of Major Changes to Chapter 9**

**Summary of Major Changes to Chapter 9: Development Review Procedures**

Below is a summary of the major changes to Chapter 9: Development Review Procedures of the City of Beaufort's Development Code. The summary focuses on significant updates, additions, or modifications to sections 9.1 through 9.17, organized by subsection. The changes reflect an emphasis on transparency, procedural clarity, and alignment with state law. Please note, that Section 9.10 and Section 9.11 remain unchanged and the PC and HRB created a subcommittee to revise COA and Demolition requirements and expect to send a new recommendation to the City Council by the end of Summer.

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**Summary of Major Changes to Chapter 9: Development Review Procedures**

**9.1: Purpose and General Provisions**

- **9.1.4 Permit/Development Design Review/Historic Review Process Application Type Table:**
  - Process Type Clarifications: Updated terminology for several permits/processes (e.g., Zoning Permit, Building Project Permit, Certificate of Occupancy) from "Ministerial" to "Administrative" or vice versa, reflecting a shift in administrative discretion
  - Reviewing and Approving Agencies: Adjusted roles for certain processes:
    - Minor Development Design Review appeals now go to the Planning Commission (PC) instead of Administrator.



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- **Public Notification:** Added public hearing and notification requirements for all major subdivision actions. This aligns with streamlining and transparency.
- **Permit Approval Periods and Extensions:**
  - Reduced approval period for Major Subdivisions from in most cases 5 years and multiple renewals to 24 months and one 12 month renewal. This was done to address issues related to old projects being built years later, without any concurrency with new development approvals or new development requirements.
  - Limited extensions for most permits (e.g., Minor/Major Development Design Review, Subdivisions, Certificates of Appropriateness) from up to 5 times to 1-3 times, tightening timelines.
  - Building Project Permit extensions now require resubmission instead of a fixed extension period.
- **Appeals:** Specified 30-day appeal periods to Circuit Court for discretionary decisions (e.g., Major Development Design Review, Major Certificate of Appropriateness), aligning with state law (S.C. Code § 6-29-820).
- **9.1.5 Public Notification:**
  - **Basic Notice Standards:** Added detailed minimum standards for all public meetings/hearings, per S.C. Code § 30-4-80, requiring at least 7 days' notice (aspirational, exceeding the state's 24-hour minimum), with agendas and materials posted online and in the meeting building.
  - **Published Notice (Level 1):** Consolidated and clarified requirements for newspaper advertisements, ensuring compliance with state law timelines (minimum 15 days) and content (e.g., location, tax map number, hearing details).



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- Posted Notice (Level 2): Specified that notice signs are required for zoning/rezoning, variances, special exceptions, site plans, preliminary plats, and demolition/design exceptions, with content including hearing time and place.
- Mailed/Emailed Notice (Level 3): Expanded notification mailed notice per city policy and S.C. Code § 30-4-80(E).
- **9.1.6 Decision Based on Public Hearing:** Removed the 60-day decision timeline, leaving the section blank, potentially allowing flexibility or deferring to other procedural timelines.
- **9.1.8 Time Limits for Resubmission:**
  - Changed “exactly the same request” to “substantially the same request” for resubmission restrictions, broadening the scope of what cannot be refiled within one year.
  - Added Administrator authority to allow refile after 6 months (instead of 1 year) if significant changes (physical, economic, land use) or a text amendment supports favorable review.
- **9.1.9 Vested Rights and Expiration of Approvals:**
  - Clarified that vested rights for development plans/plats require all plans approved and fees paid, with revocation possible for material misrepresentation or noncompliance after City Council hearing.
  - Specified that vested plans are subject to later overlay zoning for site plan requirements but not use, height, or intensity, ensuring flexibility for evolving regulations.
  - For multi-building projects, tightened timelines: subsequent Project Permit applications must be submitted within 180 days of the previous building’s Certificate of Compliance/Occupancy, with expiration if this lapses.



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- Referenced the updated 9.1.4 table for expiration and extension periods, aligning with tightened timelines.

## **9.2: Application Procedures**

- **9.2.1 Pre-Application Conference:**

- Expanded mandatory pre-application conferences to include site plans and separated text amendments from map amendments (rezoning), clarifying distinct processes. Added Administrator authority to waive mandatory conferences if deemed unnecessary, providing flexibility.

- **9.2.4 Complete Application Required:**

- Extended the Administrator's review period for application completeness from 5 to 14 business days, allowing more thorough initial review.
- Clarified that incomplete applications are null and void after 60 days unless extended by mutual agreement with a specific future date, formalizing the process.

## **9.3: Application Requirements**

- **9.3 Table of Application Requirements:**

- Updated table to align with Chapter 7 references (e.g., 7.5.3 for Sketch Plan, 7.5.7 for Site Plan), ensuring consistency with Land Development standards.
- Added requirements for Building Elevations and Construction Documents for Major Development Design Review and Major Subdivision processes, increasing design scrutiny.
- Specified that Traffic Impact Analysis (TIA) and Archaeological Impact Assessment are required "as needed" for certain processes (e.g., Major Development, Historic Certificates of Appropriateness), per Administrator discretion.



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- **9.3.1 Application Elements:**

- Site Analysis: Emphasized use of readily available GIS/spatial data for identifying natural and cultural resources, streamlining data collection.
- Sketch Plan: Clarified that Sketch Plans are binding for Certificates of Compliance but non-binding for other processes requiring them, distinguishing their role.
- Site Plan: Noted that certain elements (e.g., buildings, parking) are not required when used as a Preliminary Plat for subdivisions, reducing redundancy.
- Building Elevations: Added option for the Administrator to require a physical model or up to three contextual perspective drawings, enhancing visual review for public-facing structures.

#### **9.4: Zoning Permit**

- **9.4.2 Process and Approval:**

- Reordered subsections for clarity (e.g., Determination of Compliance before Appeals).
- Added exception that Tree Removal Permits have no expiration, distinguishing them from other zoning permits.

#### **9.5: Project Building Permit**

- **9.5.1 Applicability:**

- Renamed "Building Permit" to "Project Building Permit" for clarity.
- Expanded scope to explicitly include site work (land modifications without structures) and site elements (e.g., porches, patios) not attached to buildings.

- **9.5.2 Process and Approval:**



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- Added requirement for approved drawings to be kept at the work site for inspection, enhancing compliance monitoring.
- Specified appeals for permits reviewed by the Building Codes Department go to the Building Board of Appeals (per City Code 5-1005.1), separating them from Zoning Board of Appeals (ZBOA).
- Added detailed process for changes to approved plans/permits, requiring written approval and additional fees for scope increases, with exterior changes potentially needing review by the appropriate body.

#### **9.6: Certificate of Compliance**

- **9.6.2 Process and Approval:**

- Added requirement for an owner's affidavit confirming work completion per the development permit, plus documentation of ownership/maintenance responsibilities for infrastructure, strengthening accountability.
- Clarified that the Administrator's approval of a Certificate of Occupancy can serve as a Certificate of Compliance unless a separate certificate is requested, reducing redundancy.

#### **9.8: Development Design Review**

- **9.8.1 Minor Site Plan:**

- Applicability: Expanded to include:
  - Structures with  $\leq 10,000$  sq ft footprint, except vehicle-related uses.
  - Developments with  $\leq 5$  residential units (previously  $\leq 24$ ), tightening the threshold.
  - Demolition without new construction, clarifying scope.



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- Appeals: Appeals now go to PC instead of Design Review Board, reflecting board consolidation.
- Permit Validity: Reduced from 2 years to 1 year to obtain a Project Building Permit, with extensions limited to one 1-year extension (previously up to 5).
- **9.8.2 Major Site Plan:**
  - Applicability: Clarified residential development threshold as >5 units (previously >10 for multi-family, >5 for attached), and added commercial/industrial development explicitly.
  - Exceptions: Added Redevelopment District Overlay projects, which are reviewed by the Administrator with a 15-day public comment period for major submittals, TRC meeting requirement, and written responses to comments, enhancing public engagement.
  - Design Exception: Added detailed process for Design Exceptions to modify dimensional/design standards (Articles 2 and 4, except height and AICUZ overlay), with criteria for compatibility, no adverse impact, and consistency with adopted plans, providing flexibility for innovative designs.
  - Public Notification: Removed notification requirement, streamlining the process.
  - Review Timeframe: Specified 90-day action period, with automatic approval if not acted upon, unless extended by mutual consent, aligning with state law.

## **9.9: Subdivision Review**

- **9.9.1 Provisions for All Subdivisions:**
  - Consolidated applicability and land development standards to reference Article 7, streamlining cross-references.
  - Added exceptions for:
    - Divisions  $\geq 5$  acres without new streets.



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- Subdivisions <5,000 sq ft for utility purposes.
- Lot combinations/recombinations without street changes.
- Specified appeals for TRC decisions go to PC (previously MPC), with PC decisions final, clarifying the appeal chain.
- **9.9.2 Minor Subdivision:**
  - Expanded applicability to include subdivisions <10 acres (previously no size limit specified).
  - Added exceptions allowing Small-Scale Planned Infill or Cottage Court subdivisions ( $\leq 10$  lots) and rear lanes (not considered new streets) to qualify as minor, increasing flexibility.
  - Prohibited subdivision of properties listed on the 1969 National Historic Landmark District nomination, with variance option per 9.14, protecting historic sites.
- **9.9.3 Major Subdivision—Sketch Plan and Site Plan:**
  - Reduced Sketch Plan approval period to 12 months (from 24) and limited extensions, aligning with 9.1.4.
  - Clarified that Sketch Plan approval does not constitute Site Plan or Final Plat approval, emphasizing phased review.
- **9.9.4 Final Subdivision Plat:**
  - Clarified that City Council determines acceptance of dedicated streets/easements, with reasons for non-acceptance noted, enhancing transparency.
  - Required a sketch plan for future phases or abutting land under same ownership, ensuring long-term planning.

**9.13: ZBOA Special Exception**



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- Clarified appeal process.

**9.14: ZBOA Variance**

- **9.14.2 Process and Approval:**

- Removed requirement for Design Review Body recommendation (HRB, PC) for projects requiring design review.

**9.15: Administrative Appeals**

- **9.15.2 Process and Approval:**

- Removed "Discretionary" process type, labeling it "n/a," reflecting its procedural nature.
- Updated public notification to reference 9.1.5, ensuring consistency.

**9.16: Text & Map Amendments and Rezoning**

- **9.16.3 Approval Process:**

- Application Procedure: Added requirements for rezoning applications:
- Staff Review: Added option for TIA (per 7.3.2) for amendments generating >50 peak-hour trips, with road improvements required to maintain service levels. Allowed PC discretion to require Sketch Plan or conceptual Site Plan for impact assessment, with waivers for infill projects <1 acre.
- Planning Commission:
  - Allowed PC to hold Public Hearing, instead of City Council streamlining the process.
- City Council Action:



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- Clarified that Council may schedule an additional public hearing, providing flexibility on sensitive cases the Council wishes to hold its own hearing.

### **9.17: Appeals (New Section)**

- **9.17.1 Applicability:**
  - Added new section to consolidate appeal provisions per the South Carolina Local Government Comprehensive Planning Enabling Act (S.C. Code Title 6, Chapter 29), advising legal consultation for clarity.
- **9.17.2 Specific Authorities:**
  - Detailed appeal processes for various decisions (e.g., City Council, PC, HRB, ZBOA, administrative actions), specifying time periods (30 or 60 days) and destinations (Circuit Court, PC, HRB, ZBOA), aligning with state law (e.g., S.C. Code § 6-29-760, 6-29-800).
  - Clarified appeals for Building Permits/Certificates of Occupancy go to PC or HRB as applicable, distinguishing from zoning-related appeals.

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### **Key Themes of Changes**

- **Transparency and Public Engagement:** This has been the foundation of Chapter 9 changes. Enhanced public notification standards (9.1.5) with 7-day minimum notice, online postings, and expanded demolition notifications (500 feet radius) ensure a commitment to openness and public engagement.
- **Procedural Streamlining:** The purpose of these amendments was to address the extensive period of time projects are allowed a vested approval before going back to the PC, and using updated TIA, etc standards. Reduced approval periods (e.g., Major Subdivision Sketch Plan to 12 months), limited



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extensions (1-3 times), and clarified appeal chains (e.g., Minor Subdivision to PC) to expedite processes while maintaining oversight.

- **Flexibility for Innovation:** Added Design Exceptions (9.8.2, 9.10.2) to allow deviations from dimensional/design standards for compatible, innovative projects, and expanded Administrative Adjustments (9.12) for small-scale tweaks. With a form based code, allowing such flexibility is important to allow developers some creativity and relief from prescriptive design standards.
- **Public Hearings:** Allow the Planning Commission to hold the Public Hearings for Rezoning, with the option City Council may hold hearings.
- **Requiring Sketch/Site Plan with Rezoning:** Gives the PC, Staff, and Citizens the information needed to make responsible major decisions on future land use and development
- **Alignment with State Law:** Incorporated references to S.C. Code (e.g., § 6-29-800, § 30-4-80) for appeals, notifications, and vested rights, ensuring legal compliance.

## 9: DEVELOPMENT REVIEW PROCEDURES

### 9.1: PURPOSE AND GENERAL PROVISIONS

#### 9.1.1 PURPOSE

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

#### 9.1.2 APPLICABILITY

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

#### 9.1.3 CONFORMITY WITH CODE

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

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

[See following pages.](#)

| PERMIT/PROCESS/APPLICATION TYPE            | SECTION | PERMIT/PROCESS TYPE        | REVIEWING AGENCY | PUBLIC NOTIFICATION (9-1-39, 1.5) | APPROVING AGENCY | APPEAL PROCESS          | PERMIT/APPROVAL PERIOD | PERMIT/APPROVAL EXTENSION       |
|--|---------|----------------------------|------------------|-----------------------------------|------------------|-------------------------|------------------------|---------------------------------|
| <b>ADMINISTRATIVE PERMITS</b>              |         |                            |                  |                                   |                  |                         |                        |                                 |
| Zoning Permit                              | 9.5-4   | Administrative Ministerial | Admin            | None-No                           | Admin            | ZBOA                    | 6 months               | 6 months, 1 time                |
| Building-Project Permit                    | 9.5     | Ministerial/Administrative | Admin            | None-No                           | Admin            | ZBOA                    | 6 months               | Resubmit                        |
| Certificate of Compliance                  | 9.5     | Administrative             | Admin            | None                              | Admin            | ZBOA                    | n/a                    | n/a                             |
| Certificate of Occupancy                   | 9.6-7   | Ministerial/Administrative | Admin            | None-No                           | Admin            | ZBOA                    | n/a                    | n/a                             |
| <b>DEVELOPMENT DESIGN REVIEW</b>           |         |                            |                  |                                   |                  |                         |                        |                                 |
| Development Design Review, Minor Site Plan | 9.7-8.1 | Ministerial/Administrative | Admin            | None-No                           | Admin            | PC                      | 24 months              | 12 months, 1 time up to 5 times |
| Development Design Review, Major Site Plan | 9.7-8.2 | Discretionary              | Admin, TRC       | Yes, 1,2,3 None                   | PC               | Court 30 days to appeal | 24 months              | 12 months, up to 5 times 1 time |
| <b>SUBDIVISION REVIEW</b>                  |         |                            |                  |                                   |                  |                         |                        |                                 |
| Subdivision, Minor, Site Plan              | 9.8     | Administrative             | Admin, TRC       | Yes, 1,2,3 time None              | PC Admin         | PCourt                  | 24 months              | 12 months, up to 5 times 1 time |

|   |                          |   |                               |  |                    |  |  |  |
|---|--------------------------|---|-------------------------------|--|--------------------|--|--|--|
| <del>Subdivision, Major, Sketch Plan</del>  | <del>9.8<br/>7.5.3</del> | <del>Discretionary</del>                    | <del>Admin,<br/>TRC</del>     | <del>Yes, 1,<br/>2,3None</del>   | <del>PC</del>      | <del>NoneCou<br/>rt</del>                  | <del>2412<br/>months</del>   | <del>122<br/>months,<br/>up to 5<br/>times</del>           |
| <del>Subdivision, Major,<br/>Preliminary PlatSite Plan</del>                          | <del>9.8<br/>7.5.4</del> | <del>Discretionary<br/>Administrative</del> | <del>Admin,<br/>TRC</del>     | <del>Yes,<br/>1,2,3None</del>  | <del>PCAdmin</del> | <del>PC<br/>Court</del>                    | <del>24<br/>months</del>   | <del>12<br/>months,<br/>up to 51<br/>times</del>           |
| <del>Subdivision Final Plan</del>   | <del>9.8<br/>7.5.5</del> | <del>MinisterialAdministrat<br/>ive</del>   | <del>Admin,<br/>TRC</del>     | <del>None-No</del>   | <del>Admin</del>   | <del>PC</del>                              | <del>24<br/>months</del>   | <del>12<br/>months,<br/>up to 5 1<br/>time<br/>times</del> |
| <b>HISTORIC PRESERVATION</b>  |                          |   |                               |  |                    |  |  |  |
| <del>Beaufort Historic District -<br/>Certificate of<br/>Appropriateness, Minor</del> | <del>9.9</del>           | <del>MinisterialAdministrat<br/>ive</del>   | <del>Admin</del>              | <del>Demolition<br/>Only: Yes<br/>(1,2,3)</del>                              | <del>Admin</del>   | <del>HRB</del>                             | <del>24<br/>months</del>   | <del>12<br/>months,<br/>up to 35<br/>times</del>           |
| <del>Beaufort Historic District -<br/>Certificate of<br/>Appropriateness, Major</del> | <del>9.9</del>           | <del>Discretionary</del>                    | <del>Admin</del>              | <del>Demolition<br/>&amp; Design<br/>Exception<br/>only: Yes<br/>(1,2)</del> | <del>HRB</del>     | <del>Court 30<br/>days to<br/>appeal</del> | <del>24<br/>months;<br/>no<br/>expiration<br/>for<br/>demolitio<br/>ns</del> | <del>12<br/>months,<br/>up to 53<br/>times</del>           |
| <del>Local Historic<br/>District/Historic Sign<br/>Designation</del>                  | <del>9.10</del>          | <del>Legislative</del>                      | <del>Admin,<br/>PC, HRB</del> | <del>None</del>  | <del>CC</del>      | <del>Court</del>                           | <del>n/a</del>   | <del>n/a</del>   |
| <b>RELIEF ADJUSTMENTS</b>   |                          |   |                               |  |                    |  |  |  |
| <del>Administrative Adjustment</del>  | <del>9.119.1<br/>2</del> | <del>MinisterialAdministrat<br/>ive</del>   | <del>Admin</del>              | <del>None-No</del>   | <del>Admin</del>   | <del>ZBOA</del>                            | <del>24<br/>months</del>   | <del>12<br/>months,</del>                                  |

|   |      |               |           |                                 |      |                                    |                      |                                       |
|---|------|---------------|-----------|---------------------------------|------|------------------------------------|----------------------|---------------------------------------|
|   |      |               |           |                                 |      |                                    |                      | up to <del>5</del> 3 times            |
| Special Exception   | 9.12 | Discretionary | Admin     | Yes ( <del>1, 2, 3</del> )      | ZBOA | <del>Court 30 days to appeal</del> | 24 months            | 12 months, up to <del>3</del> 5 times |
| Variance  | 9.13 | Discretionary | Admin     | Yes ( <del>1, 2, 3</del> )      | ZBOA | <del>Court 30 days to appeal</del> | 24 months            | 12 months, up to <del>5</del> 3 times |
| <b>ADMINISTRATION APPEALS</b>   |      |               |           |                                 |      |                                    |                      |                                       |
| Administrative Appeal   | 9.14 | Discretionary | Admin     | Yes ( <del>1</del> )            | ZBOA | <del>Court 30 days to appeal</del> | <del>12 months</del> | <del>6 months</del>                   |
| <b>AMENDMENTS</b>   |      |               |           |                                 |      |                                    |                      |                                       |
| Code Amendments   | 9.16 | Legislative   | Admin, PC | Yes ( <del>1, 2 &amp; 3</del> ) | CC   | <del>Court 30 days to appeal</del> | n/a                  | n/a                                   |
| Admin-Administrator / PC-Planning Commission / CC-City Council / ZBOA-Zoning Board of Appeals / HRB-Historic District Review Board / TRC-Technical Review Committee / Court - Circuit Court |      |               |           |                                 |      |                                    |                      |                                       |
| Note: Any appeals that are assigned to Court are eligible for pre-litigation mediation pursuant to § SC <del>Code ST</del> §6-29-1155   |      |               |           |                                 |      |                                    |                      |                                       |

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

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## 9.1.5 PUBLIC NOTIFICATION

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

A. **Level 1—Published Notice:**

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

**BASIC NOTICE, MINIMUM STANDARDS FOR NOTICE OF ALL MEETINGS AND HEARINGS:**

Written public notice of dates, times and places of all City of Beaufort development review public meetings and hearings shall be provided in accordance with ~~South Carolina Code of Laws Section S.C. Code § 30-4-80~~, any other applicable provision of State Law and this Code. This includes at minimum posting of a copy of the notice including the agenda in the building where the meeting shall be held, posting of the notice, the agenda and the meeting materials packet on the website maintained by the City of Beaufort, and notifications to persons, organizations and news media requesting such notice as contemplated by S.C. Code § Section 30-4-80 (E). While State Law requires a minimum of 24 hours written notice in the absence of a special notice requirement, City Staff shall provide at a minimum seven (7) calendar days of notice. ~~aspire to exceed this minimum standard in the interest of transparency and so as to encourage public participation, and shall strive to post notices, agendas and meeting packets one week prior to any scheduled meeting; Public Bodies shall entertain and consider any objections from the public based on notice that fails to meet this aspirational standard.~~

B. **Level 2—Posted Notice:**

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

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

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

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

**C. ~~Level 3~~ Mailed/Emailed Notice:**

Unless otherwise required by state law, the city may choose to provide, at its discretion, mailed and/or emailed notice in accordance with city policy, which may be amended from time to time.

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

For all process types approved by the Planning Commission, written notice to all \_\_\_\_\_ property owners within 500 feet of the property will be required at least 15 days before the \_\_\_\_\_ Planning Commission meeting.

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

**C. NOTICE OF APPLICATION SIGN:**

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

1. Type of application;
2. The date, time and place of the public hearing;and
3. A phone number to contact the city.

**D. MAILED/EMAILED NOTICE:**

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

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demolition of structures listed on the most recent “Above-Ground Historic Sites Survey” that are located outside the Historic District, written notice to members of the Historic District Review Board (HRB), Historic Beaufort Foundation (HBF), and neighbors within 500 feet of the property will be required at least 15 days before any permit is issued.

### 9.1.6 DECISION BASED ON PUBLIC HEARING

A decision shall be made by the appropriate review body within 60 days of the close of the required public hearing. This section intentionally left blank.

### 9.1.7 WRITTEN NOTICE OF DECISIONS REQUIRED

Within 10 calendar days after a final decision is made by any ~~reviewing body~~**board** under the requirements of this Code, a copy of the written decision shall be sent to the applicant or appellant. A copy of the decision shall be filed in the office of the Administrator, where it shall be available for public inspection during regular office hours.

### 9.1.8 TIME LIMITS FOR RESUBMISSION OF APPLICATIONS

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

A. Significant physical, economic, or land use changes have taken place on the subject tract or within the immediate vicinity; or

B. A text amendment has been adopted that would allow for favorable review of a resubmitted application for the subject property.

### 9.1.9 VESTED RIGHTS AND EXPIRATION OF APPROVALS

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

3. ~~A vested plan is subject to later local governmental overlay zoning that imposes additional site plan related requirements, but does not affect allowable types, height as it affects density, or intensity of uses.~~
4. ~~Phased development plans remain subject to review and approval of all phases prior to any portion of the project being vested.~~
5. ~~In the case of projects where more than 1 building is to be built, the applicant may submit a series of Project Permit applications. The first application shall be submitted within 2 years from the date the development plan approval is granted. Each subsequent application shall be submitted within 180 days from the date of issuance of a Certificate of Compliance or Certificate of Occupancy for the previous building, whichever shall occur first. The lapse of more than 180 days shall cause the expiration of the development plan approval. For specific provisions see chart in chapter 9.1.4 and applicable provisions in chapter 7.~~

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

1. All permits and approvals not referenced in ~~this Section 9.1.9 B,~~ shall expire as shown in Section 9.1.2-4 (~~Permit/Development Design Review/Historic Review Application Type Table~~~~Permit/Process Type Table~~) without further action, unless the holder of the permit or approval either submits a complete application for the appropriate subsequent permit, approval, or extension, or if no subsequent permit, approval, or extension is required, completes the work described in the permit or approval within the timeframes established.
2. Upon written request, an extension of an approval may be granted by the decision-making body for good cause for a period not to exceed that shown in Section 9.1.2-4 (~~Permit/Development Design Review/Historic Review Process Type Table~~~~Permit/Process Type Table~~). No written request for an extension shall be considered unless submitted to the Administrator no later than one month prior to expiration. Failure to submit an application for an extension within the time limits established by this section shall result in the approval's expiration.

## 9.2: APPLICATION PROCEDURES

### 9.2.1 PRE-APPLICATION CONFERENCE

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

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standards, or regulations required by this Code. Upon receipt of such request, the Administrator shall afford an opportunity for such a pre-application conference at the earliest reasonable time.

### 9.2.2 APPLICATION FORMS AND FEES

The following regulations shall apply to all applications.

- A. **Forms:** Applications required under this Code shall be submitted on forms and in such numbers as required by the Ccity.
- B. **Fees:**
  - 1. Filing fees shall be established from time to time by resolution of the City Council to defray the actual cost of processing the application.
  - 2. All required fees shall be made payable to "The City of Beaufort."
  - 3. An applicant who has paid an appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to any review or action taken, may request in writing a refund of 75% of the total amount paid.

~~C. Submittal Requirements:~~

### 9.2.3 APPLICATION DEADLINE

~~All applications shall be completed and submitted to the Administrator according to schedules as determined by the city. This section intentionally left blank.~~

### 9.2.4 COMPLETE APPLICATION REQUIRED

- A. The Administrator shall have 5-14 workingbusiness days to review the application and shall determine whether the application is complete and ready to proceed. materials submitted and confirm that all the required items have been submitted.
- B. If the application is not complete, the Administrator shall inform the applicant in writing within the 514-day period, specifying the ways in which the application is incomplete, and the applicant shall have 60 days during which to provide the requested materials and complete the application. Any application for which additional materials have not been forthcoming-provided during this 60-day period shall be considered null and void. This application period may be extended by the Administrator upon mutual agreement to provide the required materials at some date certain in the future.

### 9.2.5 CONCURRENT PROCESSING

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

### 9.3: APPLICATION REQUIREMENTS

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

| <u>PERMIT/APPLICATION</u> TYPE  | CODE SECTION | PRE-APPLICATION CONFERENCE (7.5.4.B.4)                        | SKETCH PLAN (7.5.3)                 | SITE PLAN – INCL. BUILDING ELEVATIONS (7.5.7) | FINAL PLAT (7.5.5) | TRAFFIC IMPACT ANALYSIS (7.3.2) | ARCHEOLOG. IMPACT ASSESSMENT (8.4) |
|---|--------------|---|-------------------------------------|---|--------------------|---------------------------------|------------------------------------|
| <b>ADMINISTRATIVE PERMITS</b>   |              |   |                                     |   |                    |                                 |                                    |
| Zoning Permit   | 9.4          | <b>See Administrator</b>                                      |                                     |   |                    |                                 |                                    |
| <u>Project Building</u> Permit  | 9.5          |   |                                     |   |                    |                                 |                                    |
| Certificate of Compliance   | 9.6          |   |                                     |   |                    |                                 |                                    |
| Certificate of Occupancy  | 9.7          |   |                                     |   |                    |                                 |                                    |
| <b>DEVELOPMENT DESIGN REVIEWS</b>   |              |   |                                     |   |                    |                                 |                                    |
| Minor <u>Development Site Plan</u>  | 9.8.1        | <b>See Code Sec. 7.5: Subdivision and Site Plan Standards</b> |                                     |   |                    |                                 |                                    |
| Major <u>Development Site Plan</u>  | 9.8.2        |   |                                     |   |                    |                                 |                                    |
| <b>SUBDIVISION REVIEWS</b>  |              |   |                                     |   |                    |                                 |                                    |
| <del>Subdivision, Minor (Site Plan)</del>                                       | 9.9          | <b>See Code Sec. 7.5: Subdivision and Site Plan Standards</b> |                                     |   |                    |                                 |                                    |
| Subdivision, Major (Sketch Plan)  |              |   |                                     |   |                    |                                 |                                    |
| Subdivision, Major ( <u>Site Plan Preliminary Plat</u> )                        |              |   |                                     |   |                    |                                 |                                    |
| Final Subdivision Plat  |              |   |                                     |   |                    |                                 |                                    |
| <b>HISTORIC PRESERVATION</b>  |              |   |                                     |   |                    |                                 |                                    |
| <u>Beaufort Historic District - Certificate of Appropriateness (CoA), Minor</u> | 9.10-2 (1)   | <input type="checkbox"/>                                      | <input type="checkbox"/>            | <input type="checkbox"/>                      | <u>N/A</u>         | <u>N/A</u>                      | <u>N/A</u>                         |
| CoA, Major  | 9.10-2 (2)   | <input checked="" type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>           | <u>N/A</u>         | <input type="checkbox"/>        | <input type="checkbox"/>           |



-9: DEVELOPMENT REVIEW PROCEDURES  
9.3: APPLICATION REQUIREMENTS

| PERMIT TYPE   | CODE SECTION           | PRE-APPLICATION CONFERENCE (7.5.4.B.4) | SKETCH PLAN (7.5.3) | SITE PLAN – INCL. BUILDING ELEVATIONS (7.5.7)                  | FINAL PLAT (7.5.5)  | TRAFFIC IMPACT ANALYSIS (7.3.2)              | ARCHEOLOG. IMPACT ASSESSMENT (8.4) |
|---|------------------------|--|---------------------|--|---------------------|--|------------------------------------|
| <b>ADMINISTRATIVE ADJUSTMENTS</b>                         |                        |  |                     |  |                     |  |                                    |
| Administrative Adjustment                                 | 9.12                   | <b>See Administrator</b>               |                     |  |                     |  |                                    |
| <a href="#">ZBOA</a> Special Exception                    | 9.13                   | <input checked="" type="checkbox"/>    | ■                   | ■  | <a href="#">N/A</a> | <input type="checkbox"/>                     | <a href="#">N/A</a>                |
| <a href="#">ZBOA</a> Variance                             | 9.14                   | <input checked="" type="checkbox"/>    | ■                   | ■  | <a href="#">N/A</a> | <input type="checkbox"/>                     | <a href="#">N/A</a>                |
| <b>APPEALS</b>  |                        |  |                     |  |                     |  |                                    |
| <a href="#">Administrative Appeal</a>                     | <a href="#">9.15</a>   | <b>See Administrator</b>               |                     |  |                     |  |                                    |
| <b>AMENDMENTS</b>   |                        |  |                     |  |                     |  |                                    |
| <a href="#">Text &amp; Map Amendments &amp; Rezonings</a> | <a href="#">9.1316</a> | <input checked="" type="checkbox"/>    | ■                   | ■  | <a href="#">N/A</a> | <a href="#">N/A</a> <input type="checkbox"/> | <a href="#">N/A</a>                |
| ■ = Required Compliance                                   |                        |  |                     | □ = On an “as needed” basis as determined by the Administrator |                     |  |                                    |

-9: DEVELOPMENT REVIEW PROCEDURES  
9.3: APPLICATION REQUIREMENTS

| PERMIT/PROCESS TYPE              | SECTION | PRE-APPLICATION CONFERENCE (9.2.1)  | SITE ANALYSIS (9.3.1.A) | SKETCH PLAN (9.3.1.B) | SITE PLAN (9.3.1.C) | CONSTRUCTION DOCUMENTS (9.3.1.D) | AS-BUILT DRAWINGS (9.3.1.F) | FINAL PLAT (9.3.1.f) | BUILDING ELEVATIONS (9.3.1.G) | TRAFFIC IMPACT ANALYSIS (7.3.2) |
|----------------------------------|---------|---|-------------------------|-----------------------|---------------------|----------------------------------|-----------------------------|----------------------|-------------------------------|---------------------------------|
| <b>ADMINISTRATIVE PERMITS</b>    |         |   |                         |                       |                     |                                  |                             |                      |                               |                                 |
| Zoning Permit                    | 9.4     | See Administrator   |                         |                       |                     |                                  |                             |                      |                               |                                 |
| Project Permit                   | 9.5     | See Administrator   |                         |                       |                     |                                  |                             |                      |                               |                                 |
| Certificate of Compliance        | 9.4     | See Administrator   |                         |                       |                     |                                  |                             |                      |                               |                                 |
| Certificate of Occupancy         | 9.6     | See Administrator   |                         |                       |                     |                                  |                             |                      |                               |                                 |
| <b>DEVELOPMENT DESIGN REVIEW</b> |         |   |                         |                       |                     |                                  |                             |                      |                               |                                 |
| Development Design Review, Minor | 9.7     | <ul style="list-style-type: none"> <li><input type="checkbox"/> See Chapter 7</li> <li><input type="checkbox"/></li> <li><input type="checkbox"/></li> <li><input type="checkbox"/></li> </ul>  |                         |                       |                     |                                  |                             |                      |                               |                                 |
| Development Design Review, Major | 9.7     | <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> See Chapter 7</li> <li><input checked="" type="checkbox"/></li> <li><input checked="" type="checkbox"/></li> <li><input type="checkbox"/></li> <li><input type="checkbox"/></li> <li><input type="checkbox"/></li> </ul> |                         |                       |                     |                                  |                             |                      |                               |                                 |
| <b>SUBDIVISION REVIEW</b>        |         |   |                         |                       |                     |                                  |                             |                      |                               |                                 |
| Subdivision, Minor, Site Plan    | 9.8     | <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> See Chapter 7</li> <li><input type="checkbox"/></li> </ul>   |                         |                       |                     |                                  |                             |                      |                               |                                 |
| Subdivision, Major, Sketch Plan  | 9.8     | <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/></li> <li><input checked="" type="checkbox"/></li> </ul>  |                         |                       |                     |                                  |                             |                      |                               |                                 |

-9: DEVELOPMENT REVIEW PROCEDURES  
9.3: APPLICATION REQUIREMENTS

|  |      |  |
|--|------|--|
|  |      | <ul style="list-style-type: none"> <li>■</li> <li>☐ <a href="#">See Chapter 7</a></li> <li>☐</li> </ul>            |
| Subdivision, Major, Site Plan Preliminary Plat | 9.8  | <ul style="list-style-type: none"> <li>■</li> <li>☐ <a href="#">See Chapter 7</a></li> <li>☐</li> </ul>            |
| Final Subdivision Plat                         | 9.8  | <ul style="list-style-type: none"> <li>■</li> <li>■ <a href="#">See Chapter 7</a></li> <li>■</li> <li>☐</li> </ul> |
| <b>HISTORIC PRESERVATION</b>                   |      |  |
| Certificate of Appropriateness, Minor          | 9.9  | ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐  |
| Certificate of Appropriateness, Major          | 9.9  | ☐ ■ ☐ ■ ■ ☐ ☐ ☐ ■  |
| Historic District Designation                  | 9.10 | See Administrator  |
| <b>RELIEF</b>                                  |      |  |
| Administrative Adjustment                      | 9.11 | See Administrator  |
| Special Exception Permit                       | 9.12 | ☐ ☐ ■ ☐ ☐ ☐ ☐ ☐ ☐ ☐  |
| Variance Permit                                | 9.13 | ☐ ■ ☐ ■ ☐ ☐ ☐ ☐ ☐ ☐ ☐  |
| <b>ADMINISTRATION APPEALS</b>                  |      |  |
| Administrative Appeal                          | 9.14 | See Administrator  |
| <b>AMENDMENTS</b>                              |      |  |
| Amendments                                     | 9.15 | ■ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐  |
| ■ = Required Compliance                        |      | ☐ = On an "as needed" basis as determined by the Administrator   |

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### 9.3.1 APPLICATION ELEMENTS

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

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~~D. Construction Documents: The construction documents for development design review and subdivision plans shall constitute a full and complete set of engineered drawings necessary for final permitting and horizontal and vertical construction. This includes detailed landscaping plans, lighting plans, grading and drainage plans, and stormwater calculations.~~

~~E. As-Built Drawings: The as-built drawings shall show the final installed conditions and specifications for all public infrastructure. The designer of the infrastructure shall certify, under seal, that the installed infrastructure is in compliance with the approved plans and designs and with the requirements of this Code. A final inspection and approval by the Administrator shall occur before the release of any performance securities.~~

~~F. Final Plat: The final plat shall be prepared by a registered land surveyor licensed to practice in the State of South Carolina, and shall meet the requirements of the Beaufort County Register of Deeds Office. The Final Plat shall constitute an accurate survey of the entire phase as shown on the approved site plan and shall include all the relevant notes and certifications.~~

~~G. Building Elevations for Design Review: For certain applications, it may be necessary to submit scaled drawings of each elevation visible from a public street or civic space. These drawings shall be in color and shall accurately represent the building heights, floor levels, and building materials, and shall include written identification of building materials. In addition, the Administrator may require a physical model or up to three drawings from different perspectives that show how the building fits into the context of the block.~~

## 9.4: ZONING PERMIT

### 9.4.1 APPLICABILITY

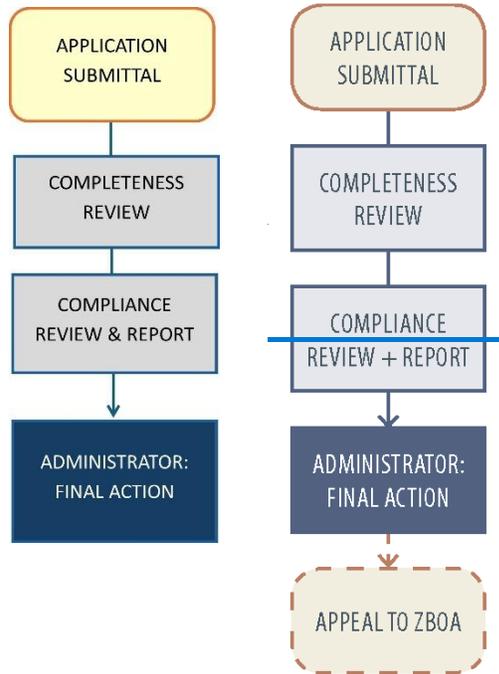
Only Required Permit: A zoning permit certifying compliance with this Code shall be the only type of approval required for the following activities:

- A. Home Occupations as regulated by Section 3.4.23 (Home Occupations — Major and Minor).
- B. Temporary uses that do not materially affect the area's natural environment, parking requirements, transportation patterns, public health, or economic values. (See Section 3.11-312 Temporary Uses)
- C. Conditional uses not requiring a building permit.
- D. Special events.
- E. Changes of use, and any uses permitted with additional standards per Article 3 (Land Use Provisions).

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

### 9.4.2 PROCESS AND APPROVAL

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



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

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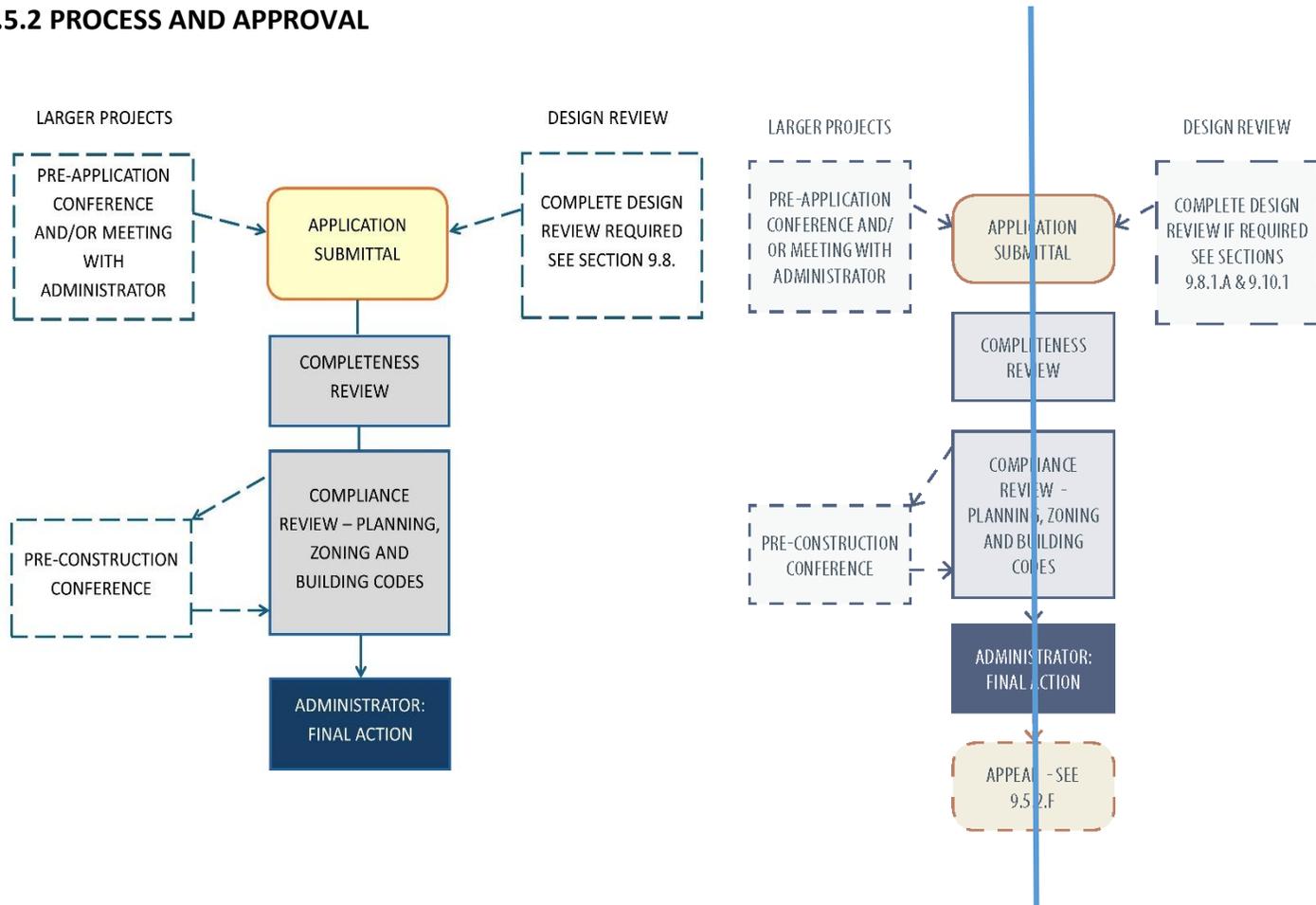
## 9.5: PROJECT-BUILDING PERMIT

### 9.5.1 APPLICABILITY

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

- A. **Site Work:** Any modifications to a parcel of land, not to include construction of a structure.
- B. **New Construction and Expansion:**
  - 1. **Primary Building(s):** New construction of all types of structures.
  - 2. **Accessory Structures or Uses:** Accessory uses incidental to single-family residential structures (e.g., detached garage, swimming pool, tool shed) as regulated by Section 3.~~12-11~~ (Accessory Uses and Structures).
  - 3. **Building Expansions:** Heated and unheated (e.g., porches, decks, sunrooms) building expansions.
  - 4. **Site Elements:** Any site elements not attached to the building (e.g., porches, patios).
- C. **Signs:** Erection of new signs or modification to existing signs, including Master Sign Plans.
- D. **Awnings:** Includes new awnings and awning re-covers.
- E. **Fences and Enclosures:** [Erection of, demolition of, or any changes to fences and other types of enclosures.](#)
- F. **Demolition:** Removal of existing buildings, structures, or site work.

## 9.5.2 PROCESS AND APPROVAL



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

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taken to the Building Board of Appeals within 30 days of the decision, in accordance with the procedures found in the City Code of Ordinances, Section 5-1005.1 (or appropriate section as amended from time to time).

**GF. Changes to Approved Plans:** If a project has undergone design review and received Design Approval or [Beaufort Historic District - Certificate of Appropriateness](#), as applicable, no changes between the design review set and the building permit set shall be permitted unless they are presented in writing and approved by the Administrator at the time a Project Permit is sought. If the Administrator is not made aware of any changes, the plans submitted for design review will take precedence.

**HG. Changes to Approved Permits:**

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

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

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

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

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

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

## 9.6: CERTIFICATE OF COMPLIANCE

### 9.6.1 APPLICABILITY

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

### 9.6.2 PROCESS AND APPROVAL



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

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

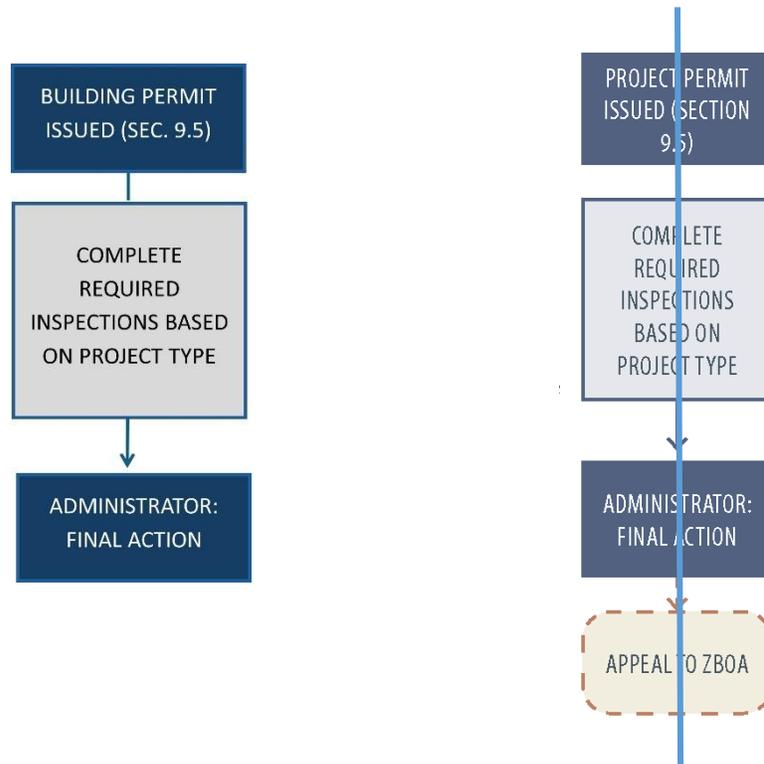
## 9.7: CERTIFICATE OF OCCUPANCY

### 9.7.1 APPLICABILITY

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

### 9.7.2 PROCESS AND APPROVAL

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



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

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## 9.8: DEVELOPMENT DESIGN REVIEW

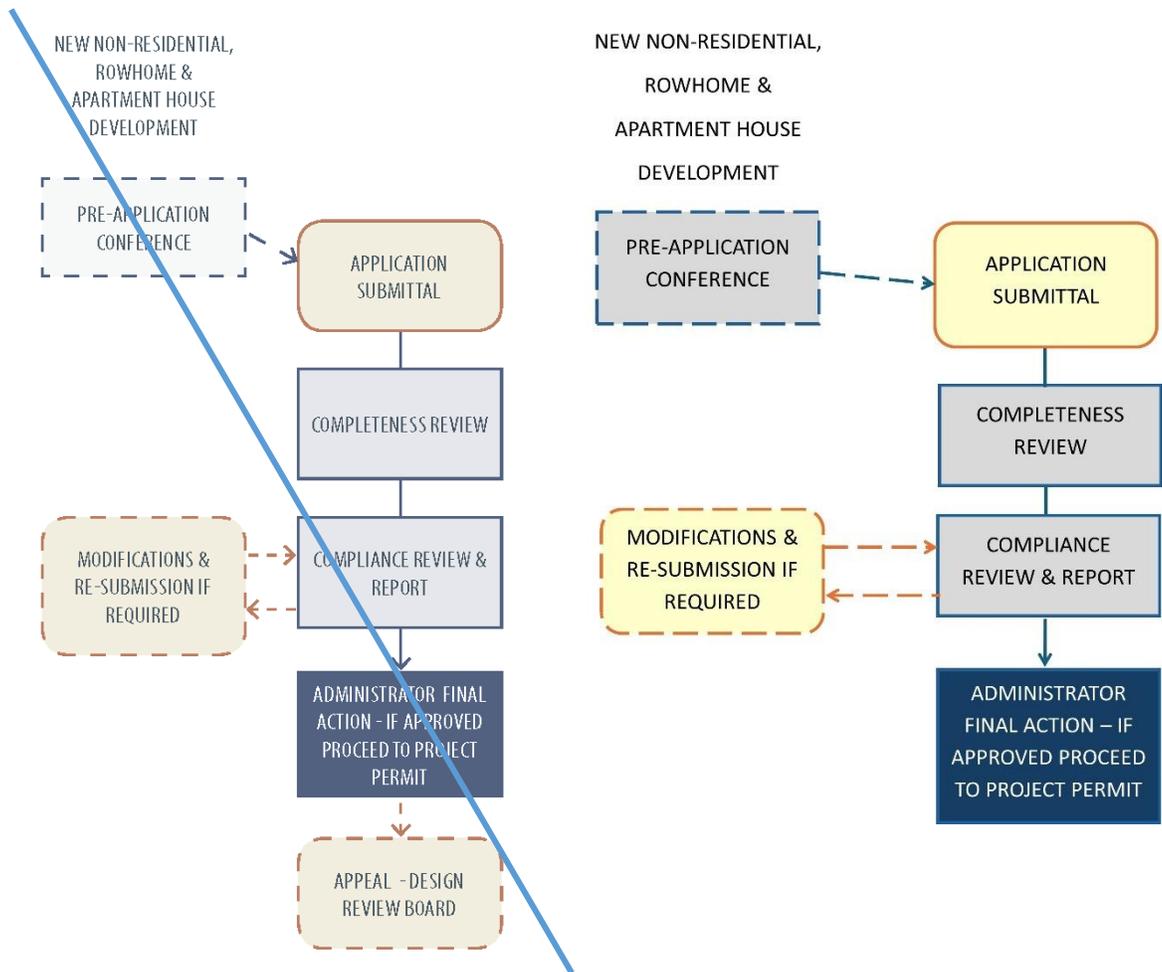
### 9.8.1 DEVELOPMENT DESIGN REVIEW (MINOR SITE PLAN)

#### A. Applicability:

- ~~1. All structures having a 10,000 square foot or less building footprint, except Vehicle Related Uses as defined in Section 9.8.2 A.2.~~
2. All buildings, except single-family residential structures, in developments that contain ~~245~~ or fewer residential units.
3. ~~3.~~ Demolition of structures of any size where no new building is proposed.
4. Improvements to existing non-residential or multi-family structures that do not exceed 75% of the ~~assessed fair market~~ value of the existing improvements.

#### B. Exceptions:

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



- C. **Process Type:** ~~Administrative Ministerial~~ — The Administrator may submit any applications subject to staff approval to the ~~Design Review Board~~ Planning Commission for approval.
- D. **Pre-Application Procedure:** No meeting is required, but applicants are encouraged to call or visit the Administrator to determine what information is required for the application.
- E. **Required Application Information:** ~~Site Analysis (Section 9.3.1), Site Plan (Section 9.3.3) and Building Elevations for Design Review (Section 9.3.7)~~ see Section 9.3 (Table) for specific Application Requirements — these may be waived by the Administrator as the Administrator deems appropriate.
- F. **Public Notification:** None.
- G. **Determination of Compliance:** Once an application is deemed complete by the Administrator, the Administrator shall review the application and approve, deny, or approve the plan with conditions based on compliance with the standards contained in this Code. All decisions shall be in writing. Following an approval or approval with conditions, the applicant shall be directed to prepare detailed ~~Construction Documents~~ Subdivision/Development Plats and/or Plans (Section 9.3.1 D-see Section 7.5 for specific Subdivision and Site Plan Standards) for final approval by the Administrator.
- H. ~~Appeals: Appeals of the decisions of the Administrator shall be heard by the Design Review Board Planning Commission. Application for appeal shall be made within 30 days of the decision.~~

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- H. **Permit Validity:** Upon the approval of the Minor Development Design application, the applicant shall have ~~2 years~~1 year to obtain a ~~Project Building~~ Permit. Failure to secure ~~Project Building~~ Permits for the permitted work within this time shall render the ~~compliance approval~~ void. Any change to the approved plans that has not been authorized by the Administrator shall invalidate the Minor Development Design Plan and any subsequent ~~Project Building~~ Permits (see Section 9.5).
  - H. **Permit Extension:** The Administrator may grant up to ~~three one~~one-year extensions of this time period upon submittal by the applicant of sufficient justification for the extension. Extensions shall be submitted at least 1 month prior to the expiration date.

## 9.8.2 DEVELOPMENT DESIGN REVIEW (MAJOR SITE PLAN)

### A. **Applicability:**

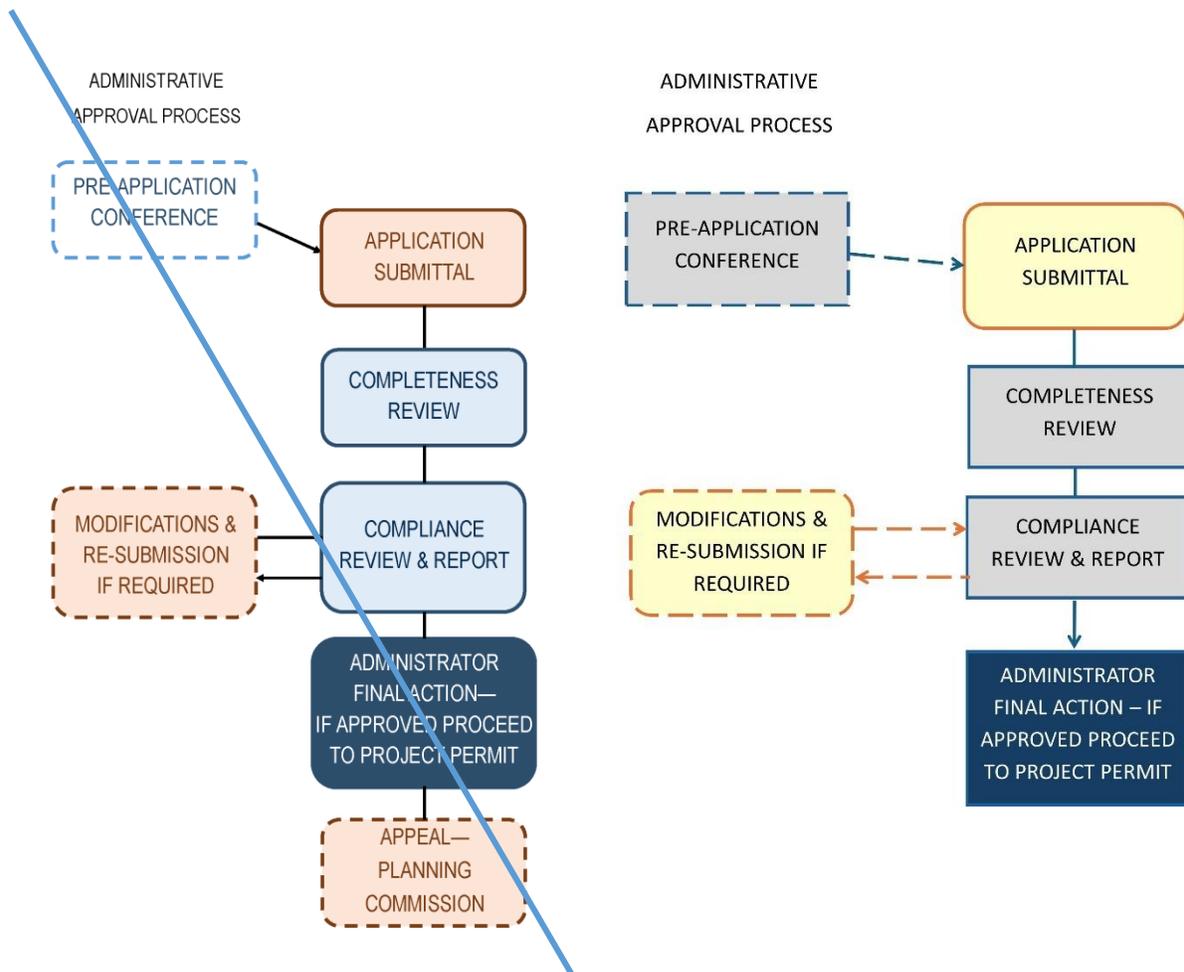
1. **Civic and Educational Facilities:** Any new development classified as a Civic Facility or Educational Facility (see Sections 3.4.1 A. and 3.4.1 C. respectively).
2. **Vehicle-Related Uses:** Any new development that includes fuel-dispensing facilities, drive-thru facilities, or structured parking.
3. **Nonresidential Development:** Any commercial ~~/industrial or industrial~~ development.
4. **Residential Development:** Single-family, attached over 5 units or multi-family developments containing more than ~~5~~10 units.
5. **Exceptions:**
  - a. Lots in the Beaufort Historic District are not subject to Development Design Review, and shall instead be evaluated by the HRB for compliance with the Historic District Guidelines (see Section 9.10 Beaufort Historic District - Certificate of Appropriateness, Minor and Major).
  - b. Projects in Redevelopment District Overlay Districts, are not subject to review by the Planning Commission and shall instead be evaluated by the Administrator (see Section 2.7.3). The Administrator shall post all projects for review in said districts for a 15-day public review and comment period for each major submittal. Minor revisions to the plans (not related to use, density, building frontage, or building height) shall not constitute a major submittal. A copy of all public comments shall be disseminated to the applicant and Administrator for each public comment period. The Administrator shall respond in writing to all public comments after each major submittal, and the ~~project applicant~~ will be required to attend a TRC committee meeting before the project is issued final approval.
  - c. Design Exception: Design Exceptions may be used to modify any dimensional standards or design requirements, found in Articles 2 and 4, for development projects that have unique characteristics that justify a deviation from the underlying standards. Such deviations are intended to provide flexibility from the underlying standards to permit compatible development patterns which are indicative of the surrounding area and/or use an innovative approach or technique. The process is intended to provide the minimum relief necessary to create a more innovative and context-sensitive development consistent with the City's adopted plans. This tool is not intended to circumvent the map amendment (rezoning) procedure where that tool would provide a similar modification of standards.
    - i. Applicability: The appropriate design review body / Planning Commission shall have the authority to authorize a design exception from any applicable standard(s) set forth in Article 2 (Maps and Districts) — except for Section 2.6, Height and

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Section 2.7.4, Air Installation Compatibility Use Zone (AICUZ) overlay district standards — and Article 4 (Building Design and Infill Standards).

ii. **Review Criteria:** ~~The appropriate design review body /~~ Planning Commission may approve an application for a Design Exception where it reasonably determines that there will be no significant negative impact upon residents of surrounding property, or upon the general public. The board shall consider the following criteria in its review:

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



- B. ~~Process-Application Type, Requirements and Approval: See Table under Section 7.5-89.1.4 for standards and requirements. Discretionary.~~
- C. ~~Pre-Application Procedure: Every applicant for a Major Development Plan is required to meet with the Administrator prior to the submittal of an application. The purpose of this meeting is to provide clarification and assistance in the preparation and submission of plat for approval. It is recommended that the applicant provide a Sketch Plan (Section 9.3.1 B.) to the Administrator prior to or at the pre-application conference. The provision of a sketch plan will allow the Administrator an opportunity to review the proposal before the applicant expends funds on the preparation of a detailed Site Plan.~~
- D. ~~Required Application Information: Site Analysis (Section 9.3.1 A.), Sketch Plan (Section 9.3.1 B.), Site Plan (Section 9.3.1 C.), Construction Documents (Section 9.3.1 D.), As-Built Drawings (Section 9.3.1 E.), Building Elevations for Design Review (Section 9.3.1 G.)— a Traffic Impact Analysis (Section 7.3.3) and/or Archeological Impact Analysis (Section 8.3) may also be necessary as determined by the Administrator.~~
- E. ~~Determination of Completeness: The Administrator shall review the application to ensure that it is complete, prepare a report and recommendation on the application, and schedule the matter for a public review before the Design Review Board.~~
- F. ~~Public Notification: None.~~
- G. ~~Neighborhood Meeting: Optional.~~

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- H. ~~**Public Meeting:** The Planning Commission shall hold a public meeting on the proposal. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard.~~
- I. ~~**Decisions/Findings of Fact:** Following the public meeting, the Planning Commission may approve, deny, or approve with conditions the application for a Major Development. No Major Development shall be approved unless the following findings of fact can be made:~~
- ~~1. The plan is consistent with the adopted plans and policies of the City.~~
  - ~~2. The plan complies with all applicable requirements of this Code.~~
  - ~~3. There exists adequate infrastructure (transportation and utilities) to support the plan as proposed.~~
  - ~~4. The proposed plan conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site.~~
  - ~~5. The proposed plan conforms to the Building Design Standards in Article 4.~~
  - ~~6. The application will not substantially lessen the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.~~
- J. ~~**Time Frame for Review:** Major Development Design applications shall be acted upon within 90 days after filing; otherwise, the application shall be deemed approved, and a permit shall be issued. An extension of time may be granted by mutual consent of the Planning Commission and the applicant. Following approval, or approval with conditions, the applicant shall be directed to prepare detailed Construction Documents (Section 9.3.1 D.) for final approval by the Administrator and the TRC (as necessary).~~
- K. ~~**Appeals:** Any party aggrieved by the decisions of the Planning Commission may appeal to the Circuit Court of Beaufort County within 30 days of the decision.~~
- L. ~~**Permit Validity:** Upon the approval of the Major Development Design application, the applicant shall have 2 years to obtain a Project Permit. Failure to secure a permit for the permitted work within this time shall render the compliance void. Any change to the approved plans that has not been authorized by the Administrator shall invalidate the design approval, and any subsequent building permits.~~
- M. ~~**Permit Extension:** The Administrator may grant up to 5 one-year extensions of this time period upon submittal by the applicant of sufficient justification for the extension. Extensions shall be submitted at least 1 month prior to the expiration date.~~

~~{Ord. No. O-14-23, 9-26-2023}~~

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## 9.9: SUBDIVISION REVIEW

### 9.9.1 PROVISIONS FOR ALL SUBDIVISIONS

A. **Applicability and Requirements:** ~~See Article 7 of this code~~ All development that involves the subdivision of one or more parcels shall be subject to the subdivision approval requirements of this division, with the following exceptions:

- ~~1. The division of land into parcels of 5 acres or more where no new street is involved.~~
- ~~2. Subdivision of land into parcels of less than 5,000 square feet in area when they are exclusively for the provision of local utilities such as pump stations.~~
- ~~3. The combination or recombination of entire lots of record where no new street or change to existing streets is involved.~~

~~Land Development Standards:~~ See Article 7 of this code.

~~CB.~~ **Unlawful to Record Plat without City Approval:** It shall be unlawful to offer and cause to be recorded any plan, plat, or replat of land within the city limits of Beaufort with the Beaufort County Register of Deeds office unless the same bears the endorsement and approval of the city.

~~CD.~~ **Appeals:**

- ~~1. Subdivision Plat decisions made by the Metropolitan Planning Commission (MPC) may be appealed to the circuit court within 30 days of the decision.~~
- ~~2. Subdivision Plat decisions made by the TRC may be appealed to the MPC within 30 days of the decision. The MPC shall review the Subdivision Plat within 60 days and shall have all of the same authority as the TRC in such review. The decision of the MPC shall be final.~~

~~EDC.~~ **Permit Validity:** A subdivision approval shall expire as set out in Section 9.1.9 (Vested Rights and Expiration of Approvals) of this Code unless a Certificate of Compliance is obtained, or it is recorded at the Beaufort County Register of Deeds office.

## 9.9.2 MINOR SUBDIVISION



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

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

~~B. Process Type: Administrative.~~

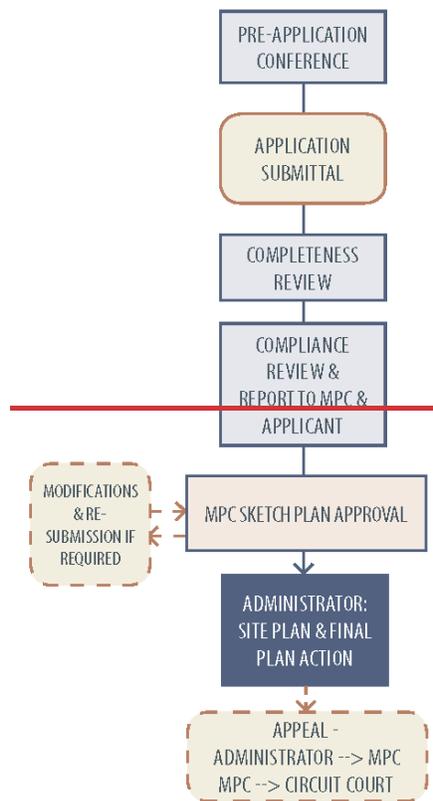
~~C. Required Application Information: A Minor Subdivision plat shall be submitted consistent with the requirements of the city.~~

~~D. Exceptions:~~

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

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

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



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

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

**F. ~~Site Plan Review:~~**

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

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## 9.9.4 FINAL SUBDIVISION PLAT

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

1. ~~Procedure:~~

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

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

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

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

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

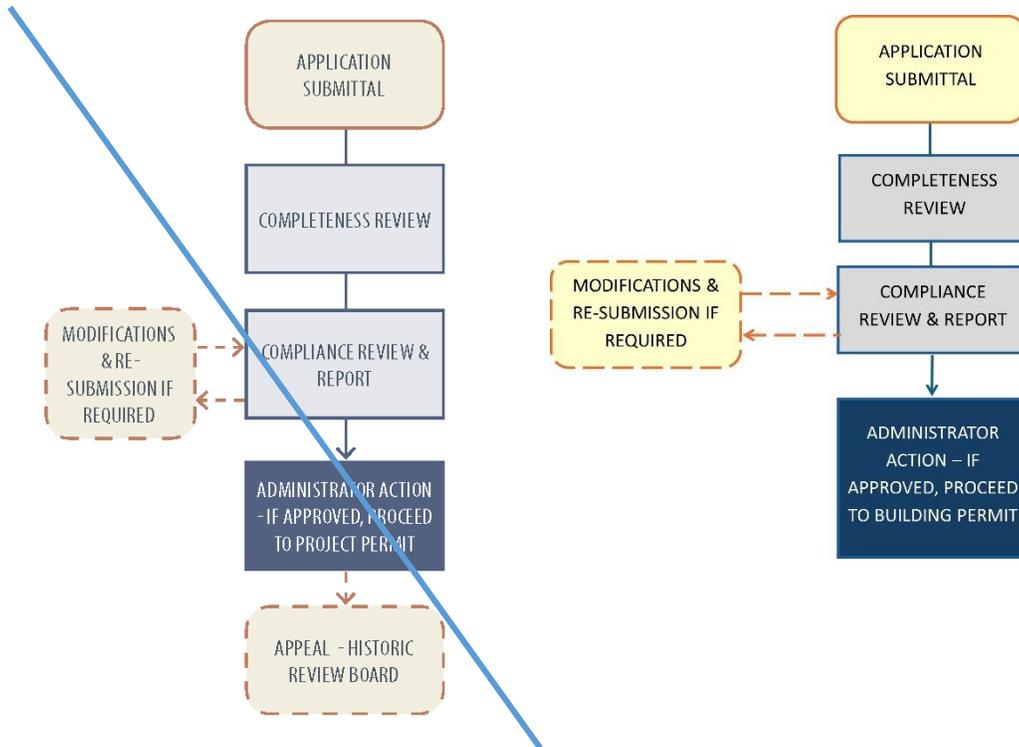
## 9.10: BEAUFORT HISTORIC DISTRICT - CERTIFICATE OF APPROPRIATENESS

### 9.10.1 APPLICABILITY

- A. A Beaufort Historic District - Certificate of Appropriateness shall be required for any construction activity ~~in~~ on any property within the Beaufort Historic District (including the Beaufort Conservation Neighborhood and the Beaufort Preservation Neighborhood) ~~historic district~~, including:
1. New structures.
  2. Modification to, or expansion of, existing structures, including those that apply for the Bailey Bill Special Tax Assessment for Rehabilitated Historic Properties.
  3. Relocation of any existing structure.
- B. Demolition or partial demolition of any structure.

## 9.10.2 PROCESS AND APPROVAL

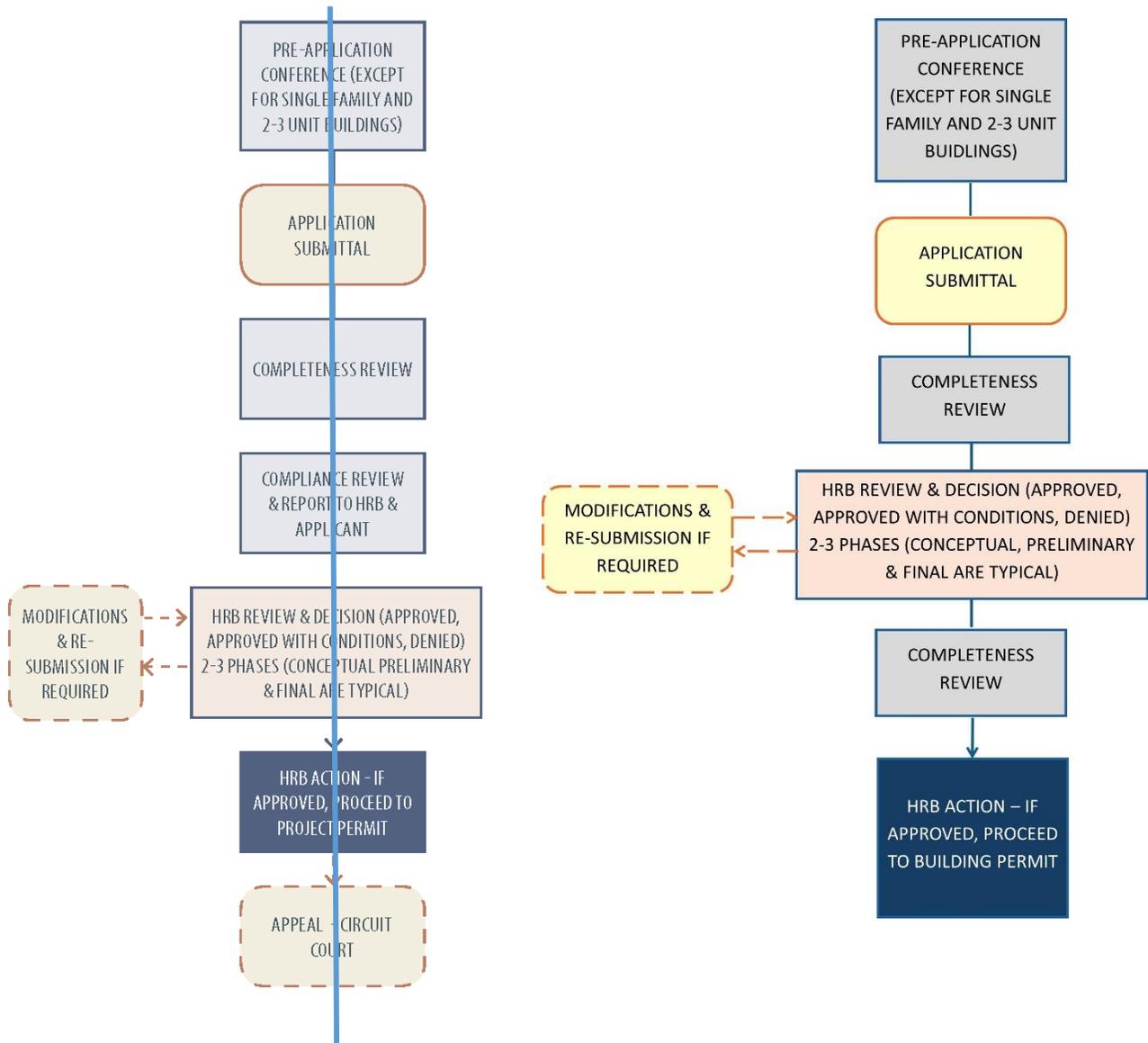
- A. **Process Type:** [Ministerial](#). The review process required to approve [a Beaufort Historic District - Certification of Appropriateness](#) is based on the following project types:



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

Such approval shall follow the procedures for Development Design Review-Minor (Section 9.8.1).

2. **Major:** Discretionary review by the HRB shall apply to all other applications for [Beaufort Historic District - Certificates of Appropriateness](#).



3. **Design Exception:** Design Exceptions shall-may be used to modify any dimensional standards or design requirements, found in Articles 2 and 4, for development projects that have unique characteristics that justify a deviation from the underlying standards. Such deviations are intended to provide flexibility from the underlying standards to permit compatible development patterns which are indicative of the surrounding area and/or use an innovative approach or technique. The process is intended to provide the minimum relief necessary to create a more innovative and context-sensitive development consistent with the City's adopted plans. This tool is not intended to circumvent the map amendment (rezoning) procedure where that tool would provide a similar modification of standards.

- a. **Applicability:** The HRB shall have the authority to authorize a [variance-design exception from any applicable of up to 35-percent from any numerical standard\(s\)](#) set forth in Article

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2 (Maps and Districts) — except for Section 2.6, Height and Section 2.7.4, Air Installation Compatibility Use Zone (AICUZ) overlay district standards — and Article 4 (Building Design and Infill Standards).

- b. **Review Criteria:** The HRB may approve an application for a Design Exception where it reasonably determines that there will be no significant negative impact upon residents of surrounding property, or upon the general public. The board shall consider the following criteria in its review:
- i. **Compatibility:** The proposed exception is appropriate for its location. It is compatible with the character of surrounding properties and the development permitted by the zoning of the surrounding properties, and will not reduce property values of surrounding properties.
  - ii. **No Adverse Impact:** The design of the proposed exception minimizes adverse effects including visual impacts of the proposed use on surrounding properties; furthermore, the proposed exception does not create a nuisance for surrounding properties.
  - iii. **Consistency with Adopted Plans:** The proposed development is in general conformity with the City's Comprehensive Plan, Civic Master Plan and other plans officially adopted by the City.

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

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

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

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**D. Demolitions:**

1. In all applications involving the demolition of a contributing primary structure or contributing accessory structure, provisions shall be made for a public hearing as set forth in Section 9.1.5. Demolition of non-contributing structures are approved by the Administrator.
2. In any case involving the demolition or partial demolition of a structure, before granting approval or requiring a postponement, the HRB may call on the Administrator to provide them with a report on the state of repair and structural stability of the structure under consideration.
3. Upon receiving an application for demolition or partial demolition of a structure that is listed in the "1997 Beaufort County Historic Sites Survey" and lies within the limits of the city but outside the Beaufort Historic District, the Administrator, within 30 days of receiving the application, shall either approve it, or find that the preservation and protection of historic places and the public interest will be best served by postponing the demolition for a designated period — this shall not exceed 60 days from the receipt of the application, and notify the applicant of such postponement. The application will be announced to the public in accordance with the notification standards set forth in Section 9.1.3. Within the period of postponement of demolition or alteration of any building, the Administrator shall take steps to ascertain what may be done to preserve the building, including consultation with private civic groups, interested private citizens and other public boards or agencies, including investigation of the potential use of the power of eminent domain when the preservation of a given building is clearly in the interest of the general welfare of the community and of certain historic and architectural significance.

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

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

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

- F. Issuance of [Beaufort Historic District - Certificate of Appropriateness \(CoA\)](#):** When a [Certificate of Appropriateness CoA](#) and Building Permit have been issued, the Administrator shall, from time to time, inspect the alteration or construction approved by such certificate and may report such inspection to the HRB listing all work inspected and reporting any work that is not in accordance with such certificate, or that violates any ordinances of the city.

- G. Resubmittal:** After disapproval of an application, the applicant may make modifications to the plans and resubmit. The applicant may not resubmit the same proposal, without modifying it based on HRB comments, for 12 months from the date of the original submission. Reconsideration of an application

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for demolition that has been denied by the HRB may not be heard until 12 months from the date of the original public hearing, unless a major change has occurred in the property condition that is attributable [to](#) natural causes.

- H. **Appeal—Minor:** Appeals of the decisions of the Administrator shall be heard by the HRB. The application for appeal shall be made within 30 days of the decision.
- I. **Appeal—Major:** Any party aggrieved by the decisions of the HRB may appeal to the circuit court within 30 days of the decision.

## 9.11: HISTORIC DESIGNATION

### 9.11.1 STANDARDS FOR LOCAL HISTORIC DISTRICT DESIGNATION

- A. A structure, group of structures, site or district may be designated for historic preservation if it demonstrates at least one of the following:
  - 1. Historic, Cultural Importance:
    - a. It has significant character, interest, or value as part of the development, or heritage of the community.
    - b. It is the site of a historic event with a significant effect upon society.
    - c. It exemplifies the cultural, political, economic, social, or historic heritage of the community.
  - 2. Architectural or Engineering Importance:
    - a. It portrays the environment in an era of history characterized by a distinctive architectural style.
    - b. It embodies those distinguishing characteristics of an architectural type or engineering specimen.
    - c. It is the work of a designer whose individual work has significantly influenced the development of Beaufort.
    - d. It contains elements of design, detail, materials, or craftsmanship that represent significant innovation.
  - 3. Geographical Importance:
    - a. By being part of or related to a square, park, or other distinctive area, it should be developed or preserved according to a plan based on a historic, cultural, or architectural motif.
    - b. Owing to its unique location or singular physical characteristic, it represents an established and familiar feature of the neighborhood, community or city.
  - 4. Archeological Importance:
    - a. It has yielded, or may be likely to yield, information important in prehistory or history.
- B. An area may be designated as a Beaufort Conservation Neighborhood (BCN) if it meets one or more of the above criteria, and meets the following two additional criteria:

1. There are a sizable number of properties in the subject area that are not considered to contribute to the architectural or historical significance of the area; and
  2. The cultural values or financial resources of a significant number of property owners in the subject area, as reasonably considered by Beaufort City Council, are such that the flexible standards of the BCN are appropriate.
- C. Individual structures, sites, and properties located within a BCN may be designated as notable properties to be subject to Beaufort Historic District standards, guidelines and procedures ~~rather, rather~~ than BCN standards, guidelines, and procedures, at such time as standards, guidelines, and procedures may be established for the BCN that are different from those in effect for the remainder of the Historic District. Beaufort City Council, may designate structures, sites, and properties as notable properties where it reasonably determines that those structures, sites, or properties embody a particularly high degree of significance in accordance with the criteria listed in this section.

### 9.11.2 LOCAL HISTORIC DISTRICT DESIGNATION PROCESS



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

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### 9.11.3 HISTORIC SIGN DESIGNATION

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

## 9.12: ADMINISTRATIVE ADJUSTMENT

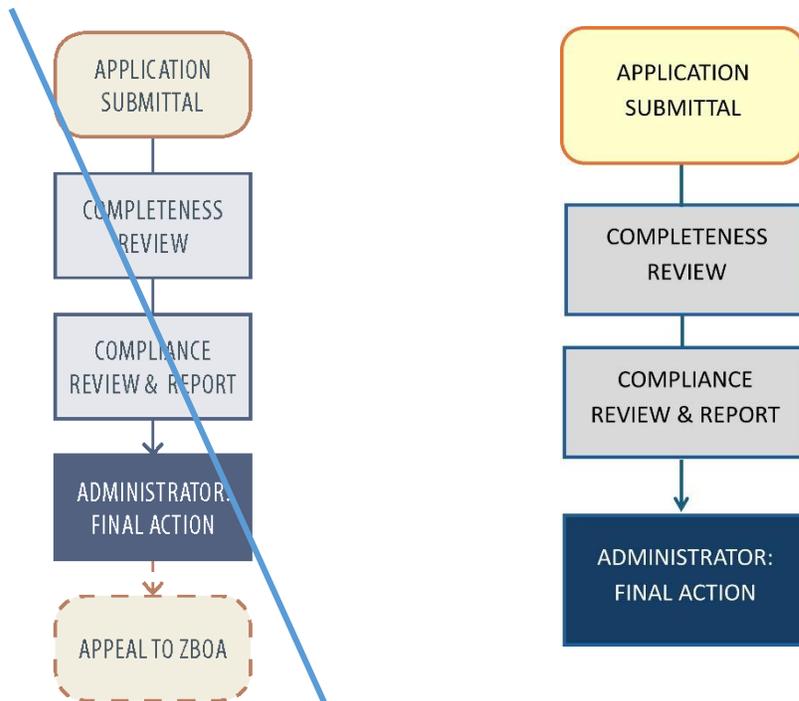
### 9.12.1 PURPOSE AND APPLICABILITY

- A. **Purpose:** Administrative Adjustments are specified deviations from otherwise applicable development standards where development is proposed that would be:
1. Compatible with surrounding land uses;
  2. Harmonious with the public interest; and
  3. Consistent with the purposes of this Code.
- B. **Adjustment of Numerical Standard:** The Administrator shall have the authority to authorize modification of up to 10% from any numerical standard set forth in Article 2 (Map & Districts) and Article 4 (Building Design and Infill Standards) of this Code. Any request greater than 10% shall be treated as a variance handled by the Zoning Board of Appeals (ZBOA), and subject to the requirements of Section 9.14.
1. **Specific to Landscaping and Tree Conservation:** The following applies to landscaping and tree conservation requirements in Article 5 (Landscaping, Parking & Lighting) with regard to the criteria in Section 9.12.2 E.:
    - a. In unusual cases, where there are few existing trees on a site and the planned development is small in size relative to the size of the parcel, then the Administrator may adjust the tree

planting requirements (Section 5.3) downward in order not to require excessive planting out of proportion to the scale of the development.

- b. In the case of multi-phase developments on one parcel, the tree planting requirements (Section 5.3) may be adjusted according to the size of each phase of the development.
  - c. Any particular planting requirement shall be proportionately reduced where existing plant materials are of sufficient sizes and forms to satisfy the requirement.
- C. **Adjustment of Building Design Standards:** Where an existing condition (e.g., utility easement, restrictive covenant, tree or natural feature) prohibits strict compliance with the building design standards in Article 4, the Administrator may waive or adjust the standard as appropriate to assure compliance to the extent practical. This adjustment shall be as small as possible in order to accommodate the existing conditions.
- D. **Permission of Flag Lot:** Where conditions set forth in Section 2.5.5 C. are met, the Administrator may permit a flag lot. When a flag lot is proposed in conjunction with a Major Subdivision, it shall be incorporated into the process laid out in Section 9.9.3.

### 9.12.2 PROCESS AND APPROVAL

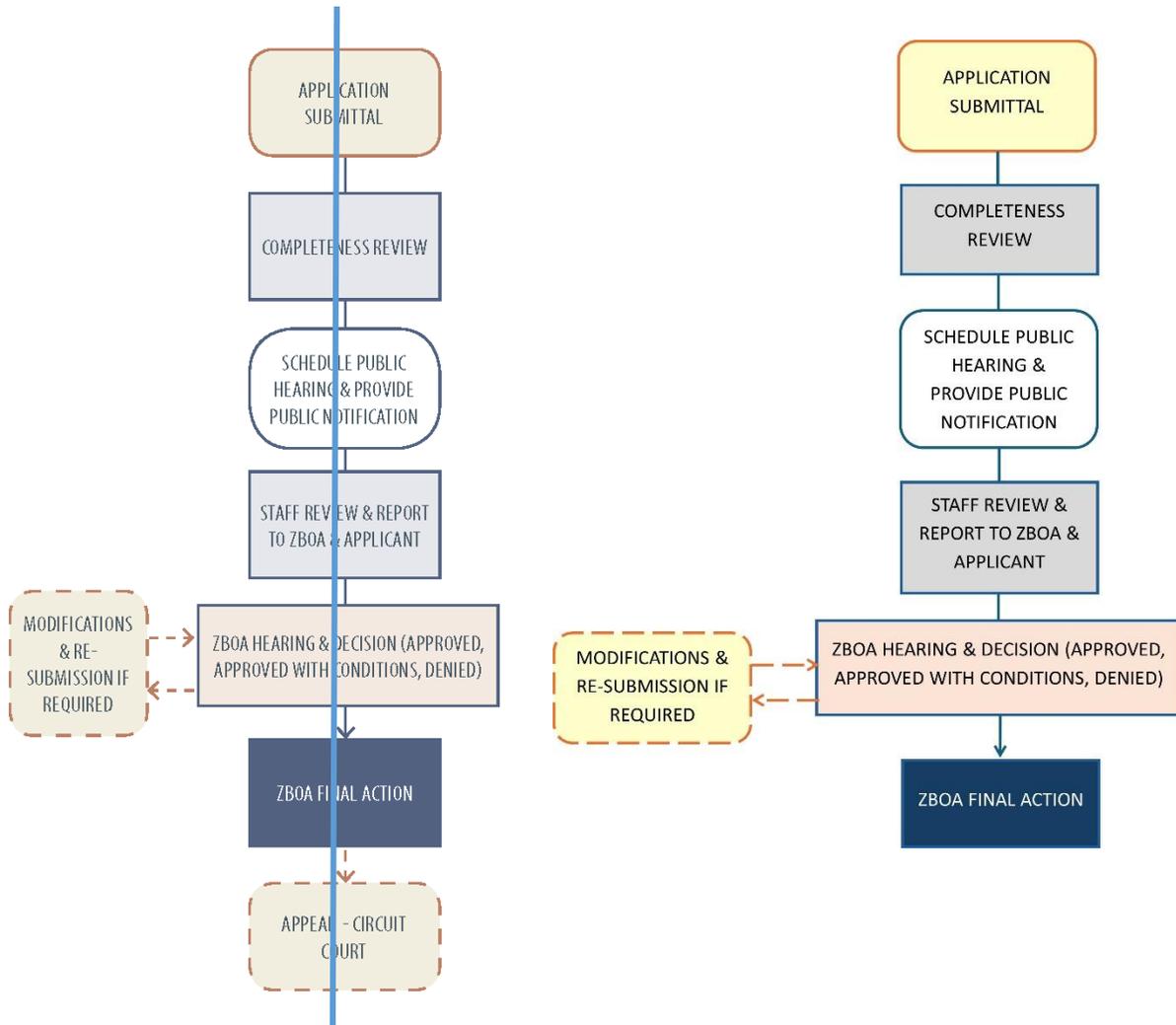


- A. **Process Type:** ~~Administrative~~-Ministerial
- B. **Public Notification:** None.
- C. **Required Application Information:** An application for an Administrative Adjustment shall include a brief description of the requirement to be varied and any other material necessary to ensure the criteria in this section are met.

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- D. **Administrator Review:** The Administrator shall review the application and approve, approve with conditions, or deny the application, based upon the criteria in Section 9.12.2 E. A written decision including affirmative findings on the criteria set forth below shall be transmitted to the applicant.
- E. **Administrative Adjustment Criteria:** To approve an application for an Administrative Adjustment, the Administrator shall make an affirmative finding that the following criteria are met:
1. Granting the Administrative Adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards.
  2. Granting the Administrative Adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks, and other land use considerations.
  3. Granting the Administrative Adjustment will not adversely affect property values in any material way.
  4. Granting the Administrative Adjustment will be generally consistent with the purposes and intent of this Code.
- F. ~~Appeals: A decision denying an Administrative Adjustment may be appealed to the ZBOA within 30 days of the mailing of the Administrator's decision in accordance with Section 9.15 (Administrative Appeals).~~
- GF. **Expiration and Lapse of Approval:** Property owners shall have 6 months from the date of approval of an Administrative Adjustment to secure a Building Permit to carry out the proposed improvements. If a complete Building Permit application has not been filed within 6 months of the date of approval, the approval shall be void.

### 9.13: ZBOA SPECIAL EXCEPTION

### 9.13.1 APPLICABILITY



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

### 9.13.2 PROCESS AND APPROVAL

- A. **Process Type:** Discretionary.
- B. **Required Application Information:** All applicable forms as determined by the Administrator, along with such accompanying material as is required to ensure compliance with the criteria listed in Section 9.12.2 E.
- C. **Public Notification:** [see Section 9.1.5 for specific Public Notification requirements](#)

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

## 9.14: ZBOA VARIANCE

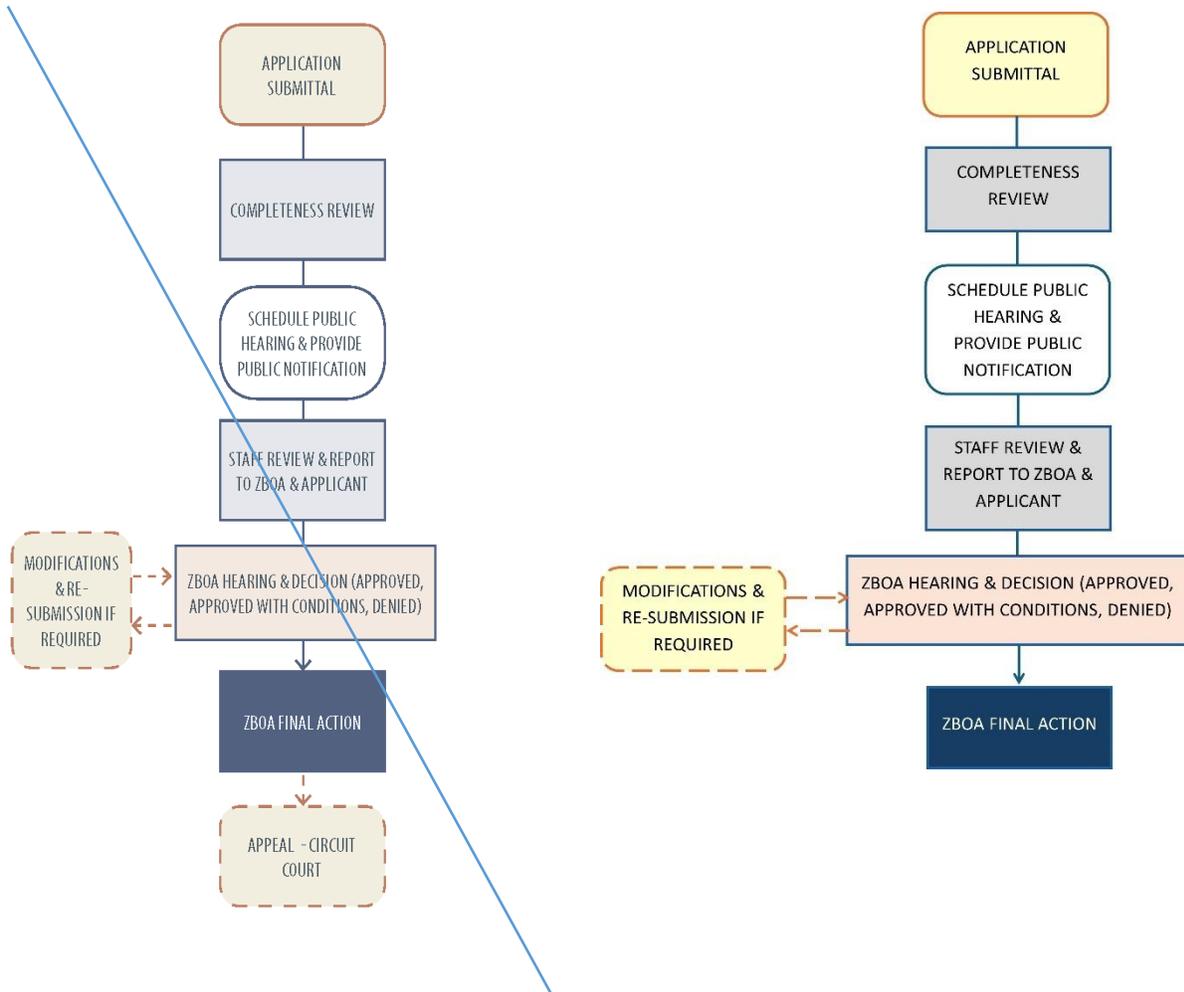
### 9.14.1 APPLICABILITY

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

- A. No variations to the Table of Permitted Uses (Section 3.2) shall be permitted.
- B. No variations to sign regulations (Article 6) shall be permitted.

- C. No variances to parking provisions for Carriage Houses (4.5.3.B.9) shall be permitted.
- D. Design Exceptions (~~Section 9.10.2 A.3.~~) shall be approved by the Historic Review Board appropriate design review body.

**9.14.2 PROCESS AND APPROVAL**



- A. **Process Type:** Discretionary.
- B. **Application Requirements:** All applicable forms as determined by the Administrator, along with such accompanying material as is required to ensure compliance with the criteria listed in Section 9.14.2 F.
- C. **Staff Review and Report:** The Administrator shall prepare a staff report that shall be provided to the applicant or appellant and the ZBOA before the scheduled hearing.
- D. **Public Notice:** Levels 1, 2, and 3 see Section 9.1.5 for specific Public Notification requirements.
- E. **ZBOA Hearing:**

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1. After review of the variance application and the public hearing, the ZBOA shall approve, approve with conditions, or deny the application.
  2. If approval or approval with conditions is granted, the decision shall be communicated in writing to the applicant within 15 days, and the applicant shall be authorized to submit a development permit application.

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

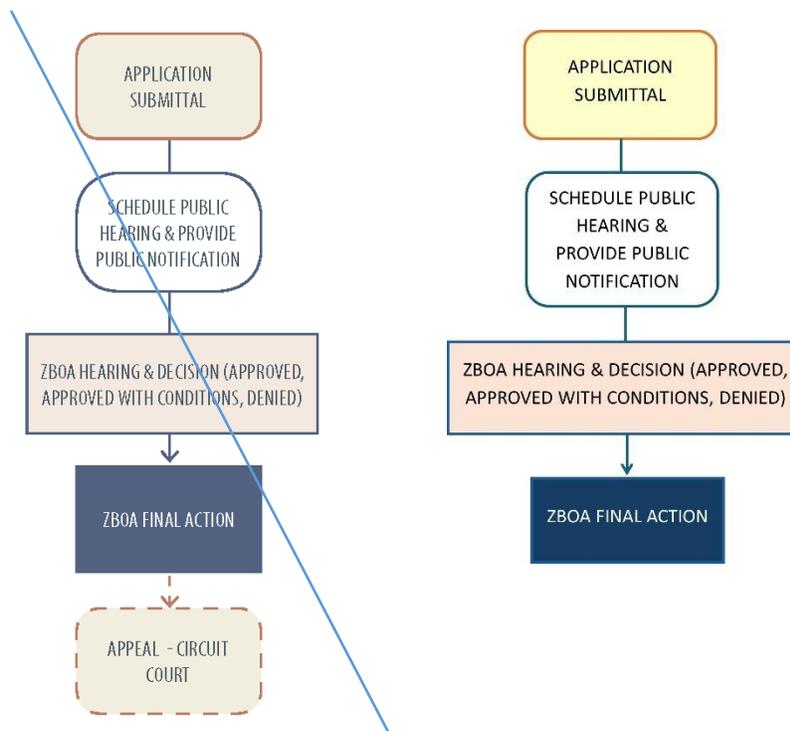
1. **Required Findings:** A variance may be granted by the ZBOA if it concludes that the strict enforcement of any design and performance standard set forth in this Code would result in unnecessary hardship to the applicant, and that by granting the variance, the spirit of this Code will be observed,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

## 9.15: ADMINISTRATIVE APPEALS

### 9.15.1 APPLICABILITY

Any person aggrieved by a decision, interpretation or determination of the Administrator may appeal to the ZBOA. ~~The Administrator shall immediately transmit to the ZBOA all papers constituting the record of the appealed action.~~ As per South Carolina Code of Laws Section 6-29-800, the Zoning Board of Appeals (ZBOA) has the power to hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance, i.e. The Beaufort Development Code.

### 9.15.2 PROCESS AND APPROVAL



- A. **Process Type:** Discretionary/n/a.
- B. **Pre-Application Procedure:** n/a.
- C. **Required Application Information:** Within 30 days of a decision or order of the Administrator, an application for appeal shall be filed with the Administrator and the ZBOA specifying the grounds of the appeal.
- D. **Public Notification:** Level 1 see Section 9.1.5 for specific Public Notification requirements.

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

## **9.16: TEXT & MAP AMENDMENTS AND REZONINGS**

### **9.16.1 APPLICABILITY**

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

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

### **9.16.2 INITIATION OF AMENDMENTS**

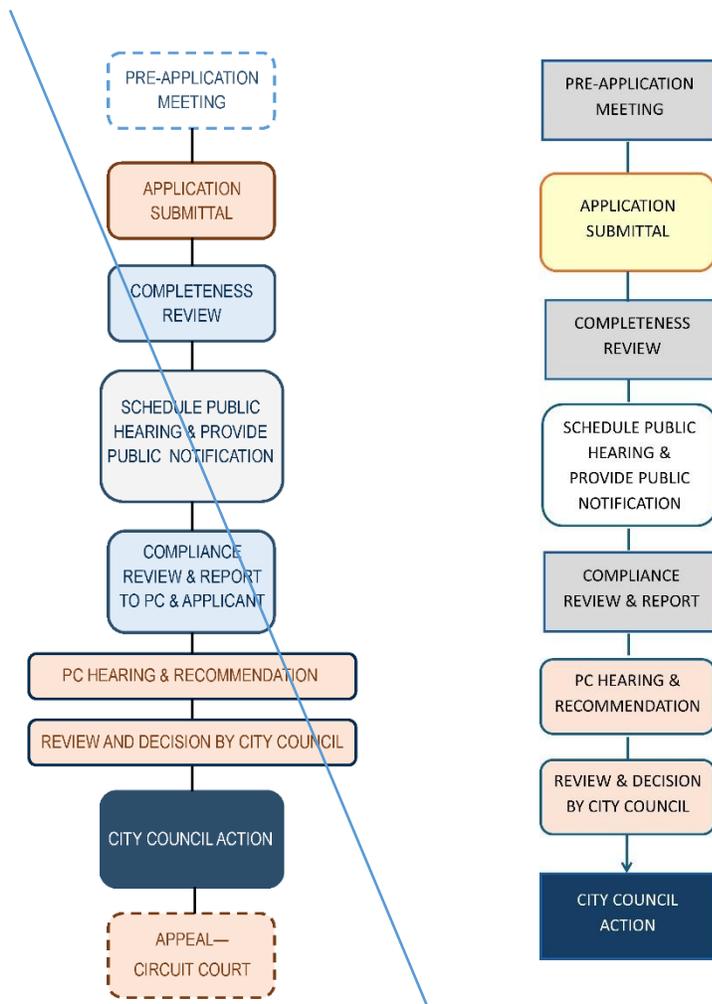
A proposed amendment to this Code may be initiated by any member of the City Council, the PC, the Administrator, or by any city resident or business owner filing an application with the Administrator.

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

### 9.16.3 APPROVAL PROCESS

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

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



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

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

**B. Staff Review and Report:**

1. The Administrator shall prepare a staff report that reviews the proposed amendment in light of the Comprehensive Plan and the general requirements of this Code. A copy shall be provided to the PC and the applicant before the scheduled public meeting.
2. For amendments where the most intense permitted use in the proposed district would generate more than 50 external trips during the peak hour, a TIA (Section 7.3.32) may be required; all road improvements needed to maintain the current level of service shall be identified (based on that analysis), and assurances shall be provided so that all road improvements will be in place so the impacts of the development are accommodated, and the current level of service is maintained.
3. At the discretion of the Planning Commission, the submittal may include the requirements of a Sketch Plan submittal as per Section 7.5.3, or a conceptual Site Plan (to include building elevations and any applicable Sketch Plan requirements as per Section 7.5.3) to be submitted with the map amendment request so that the impacts of development on the community are properly considered. The Code Administrator may waive the Sketch plan or Site Plan requirement for infill projects under one acre in size.

**C. Planning Commission ~~Recommendation~~Hearing:**

1. **Public Notification:** ~~Levels 1,2,3~~None see Section 9.1.5 for specific Public Notification requirements.
2. **Hearing by PC:** All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted to the PC. The PC, at regular meetings, shall review and prepare a recommendation for transmittal to the City Council. At such meeting(s), any party may appear in person, by agent, or by attorney. Following action by the PC, all papers and data pertinent to the application shall be transmitted to the City Council for final action. The PC shall study the proposed amendment, taking into account all the following factors ~~that it may deem relevant, including, but not limited to:~~
  - a. Consistency (or lack thereof) with the Comprehensive Plan and Civic Master Plan;
  - b. Compatibility with the present zoning, with conforming uses of nearby property, and with the character of the neighborhood;
  - c. Suitability of the property that would be affected by the amendment;
  - d. Compatibility with the natural features of — and any archaeological or cultural resources on — the property;
  - e. Marketability of the property that would be affected by the amendment; and
  - f. Availability of roads, sewer, water, and stormwater facilities generally suitable and adequate for the affected property.
3. At the close of the public meeting, the PC shall recommend approval, modified approval, or denial of the amendment.
4. Upon receipt of a recommendation from the PC, the staff shall have 30 days within which to submit its report of the PC's deliberations and recommendation City Council. If the PC or its staff fail to submit a report within the 30-day period, it shall be deemed to have recommended approval of the proposed amendment.

- 
5. If, after three PC meetings, no recommendation has been made (e.g., each meeting has resulted in the request being tabled), the item will proceed to City Council. Staff will prepare a report of the PC deliberations within 30 days of the third PC meeting.

D. **City Council ~~Hearing~~Action:**

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

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

### 9.16.4 UPDATE OF ZONING MAP

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

### 9.16.5 APPEALS

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

## 9.17: APPEALS

### 9.17.1 APPLICABILITY

~~Any person or entity desiring to appeal any decision, order, requirement or determination of any official, board or other authority set forth in this Code, thereby taking advantage of certain enumerated appeal rights granted by the South Carolina legislature, are encourage to carefully review the appeal provisions of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended, codified at South Carolina Code of Laws, Title 6, Chapter 29, and to seek appropriate legal advice.~~

### 9.17.2 SPECIFIC AUTHORITIES

~~The following statutes apply to the different types of appeals. They should be consulted if filing an appeal.~~

- A. ~~Appeal from decision of the City Council on a Zoning Map amendment or other regulatory enactment under this Code. See S.C. Code of Laws § Section 6-29-760.~~
  1. ~~Time Period: within 60 days of the final decision.~~
  2. ~~To Whom: Circuit Court.~~

- 
- B. Appeal from decision of the Planning Commission on a Subdivision Preliminary Plat and a Major Development Site Plan.** See S.C. Code of Laws Section § 6-29-1150 and 6-29-900, respectively.
1. Time Period: within 30 days after the affected party receives actual notice of the final decision.
  2. To Whom: Circuit Court.
- C. Appeal from decision of the Historic District Review Board.** See S.C. Code of Laws § Section 6-29-900.
1. Time Period: within 30 days after the affected party receives actual notice of the final decision.
  2. To Whom: Circuit Court.
- D. Appeal from decision of the Zoning Board of Appeals.** See S.C. Code of Laws Section § 6-29-820, et seq.
1. Time Period: within 30 days after the affected party receives actual notice of the final decision.
  2. To Whom: Circuit Court.
- E. Appeal of an alleged error in any order, requirement, determination or decision of administrative official on a Subdivision Sketch Plan, Preliminary or Final Plat, Minor Plat, or Site Plan and involving non-historic structures and neighborhoods under their legal purview.** See S.C. Code of Laws § Section 6-29-880, -890 and -1150.
1. Time Period: 30 days from date of the specific action appealed.
  2. To Whom: Planning Commission.
- F. Appeal of an alleged error in any order, requirement, determination or decision of administrative official involving historic structures and neighborhoods under their legal purview.** See S.C. Code of Laws § Section 6-29-880, and -890.
1. Time Period: 30 days from date of the specific action appealed.
  2. To Whom: Historic District Review Board.
- G. Appeal of an alleged error in any order, requirement, determination or decision of administrative official in the enforcement of the zoning ordinance, not subject to statutory authority of the Planning Commission or Historic District Review Board, as above.** See S.C. Code of Laws § Section 6-29-800.
1. Time Period: 30 days from date of the specific action appealed.
  2. To Whom: Zoning Board of Appeals.
- H. Appeal of the issuance or failure to issue a Zoning Permit.** See S.C. Code of Laws § Section 6-29-800 (A), (C).
1. Time Period: 30 days from date of the specific action appealed.
  2. To Whom: Zoning Board of Appeals.
- I. Appeal of the issuance or failure to issue a Building Permit and/or a Certificate of Occupancy.** See S.C. Code of Laws Section § 6-29-880, -890 and -1150.
1. Time Period: 30 days from date of the specific action appealed.

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[2. To Whom: Planning Commission or Historic District Review Board, as applicable.](#)



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

To: City Council

From: Curt Freese

Agenda Item Title: Annexation and Zoning 3659 Trask Parkway

Meeting Date: 7-8-25

Department: Community Development

- 
- I. INTRODUCTION – 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.
  
  - II. BACKGROUND -. 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 Applicant came before the PC on 4/21, with a split zoning request of T-5 UC/RMX but the case was tabled as one of the owners of the property had not provided a notarized signature. This was resolved by the May 19th PC meeting. The PC also asked the applicant if an RMX only zoning classification would be more appropriate, dropping the T-5 UC split zoning. This was accepted by the applicants.

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.

III. LEGAL AUTHORITY - PURSUANT TO S.C. CODE ANN. § 5-3-150(3)

IV. STAFF RECOMMENDATION – Staff supports the PC recommendation of approval of the Annexation and Zoning to Regional Mixed Use District (RMX). Requires two separate motions.

First reading was held on June 10, 2025.

# **3659 TRASK PARKWAY**

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

**City of Beaufort Department of Planning and Development Services**

**M E M O R A N D U M**

**TO:** The Beaufort Gazette  
**FROM:** Julie A. Bachety 525-7011  
**DATE:** June 2, 2025  
**SUBJECT:** Public Hearing Notice

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**City of Beaufort  
NOTICE OF PUBLIC HEARING  
Proposed Annexation and Rezoning**

The City Council of the City of Beaufort will hold a public hearing on Tuesday July 8, 2025 at 7:00 P.M. in the Council Chambers on the second floor at Beaufort City Hall, 1911 Boundary Street, Beaufort, S.C., for annexation and zoning of the following property:

The Applicant, Willie Mack Stansell, III is requesting annexation and rezoning of approximately 1.72 acres located at 3659 Trask Parkway, Beaufort, South Carolina, further identified as R100 026 000 0151 0000 from Neighborhood Mixed-Use (C3NMU) – Beaufort County Zoning to RMX District (RMX) – City of Beaufort Zoning.

Documents relating to this request are available for public inspection between the hours of 9:00 A.M. and 4:00 P.M. Monday through Friday at the Beaufort City Hall, 1911 Boundary Street, Beaufort. Interested persons are invited to attend the public hearing and to comment on the application. Written comments can also be submitted prior to the hearing to the City of Beaufort Community Development Department, 1911 Boundary, Beaufort, S.C. 29902.

Note: If you have special needs due to a physical challenge, please call (843) 525-7011 for additional information.

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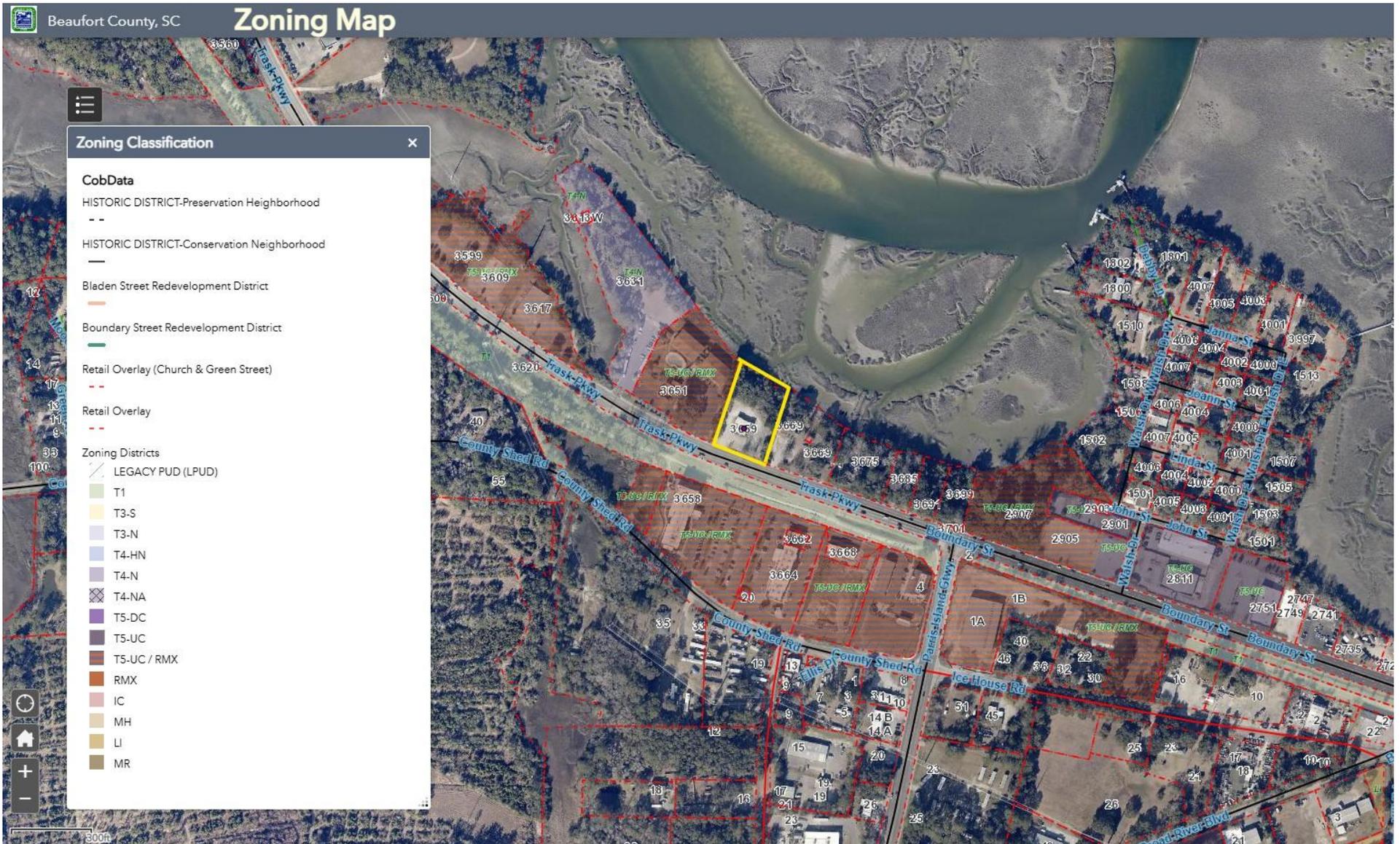
**GAZETTE:** Please run in our usual block advertisement form on Wednesday, June 4, 2025.

**RECEIPT:** Please confirm that you have received this notice, and that the ad can run that day.

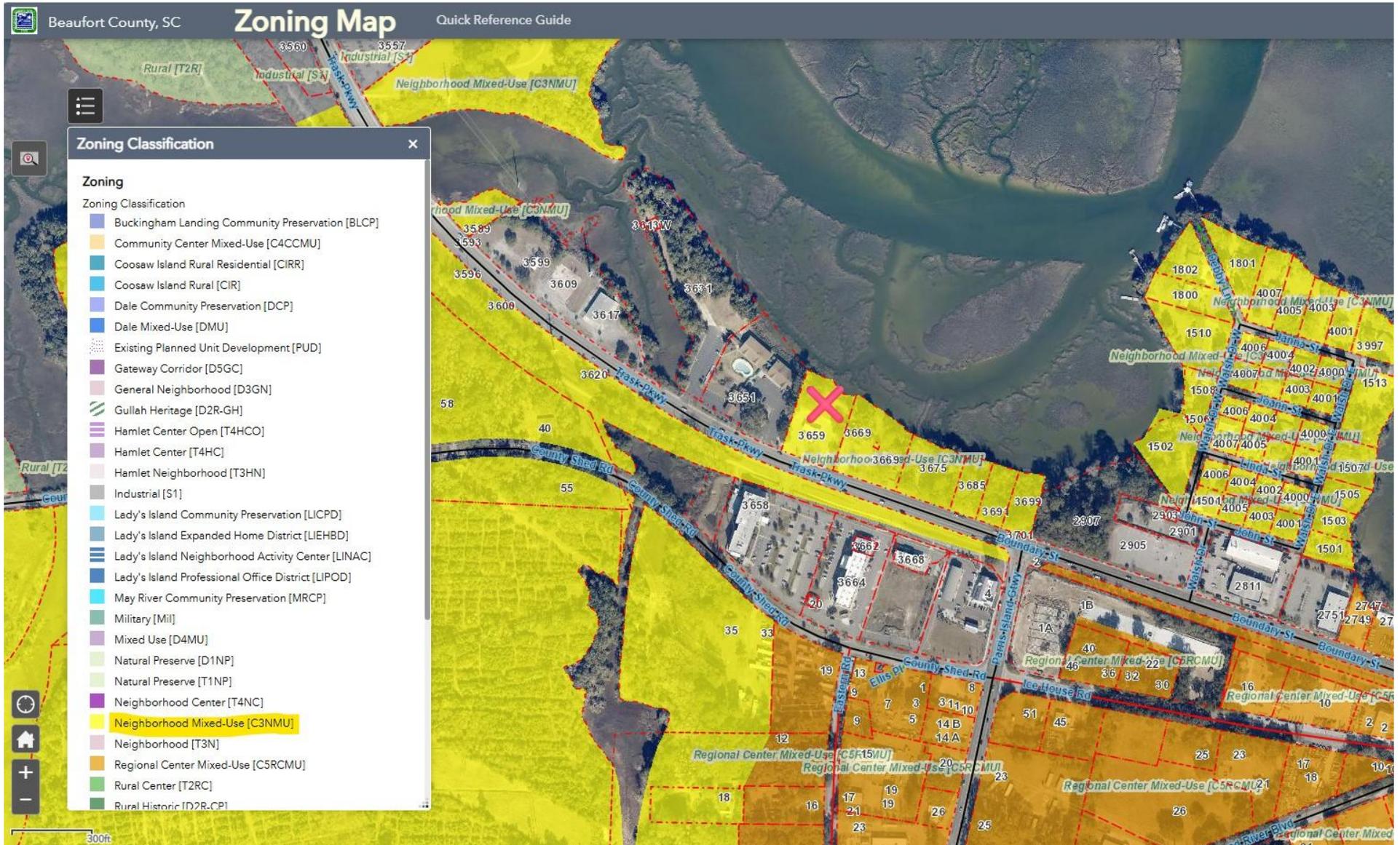
**BILL:** City of Beaufort  
1911 Boundary Street  
Beaufort, SC 29902

AFFIDAVIT: Julie A. Bachety, Admin. Assist. II  
City of Beaufort  
1911 Boundary Street  
Beaufort, SC 29902

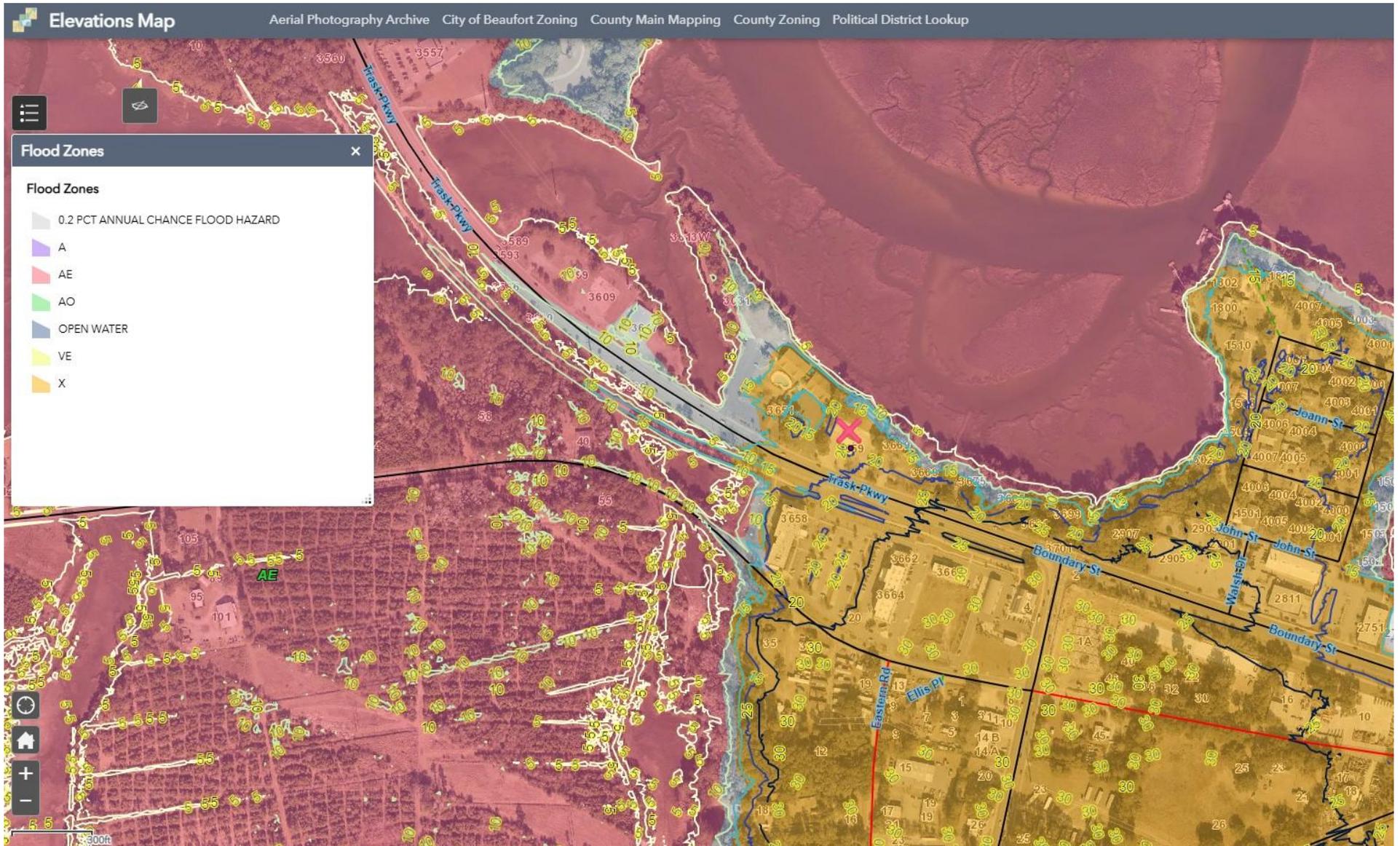
# Location of subject property on City of Beaufort, SC – Zoning Map



# 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.

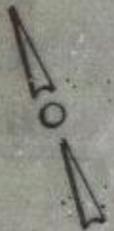
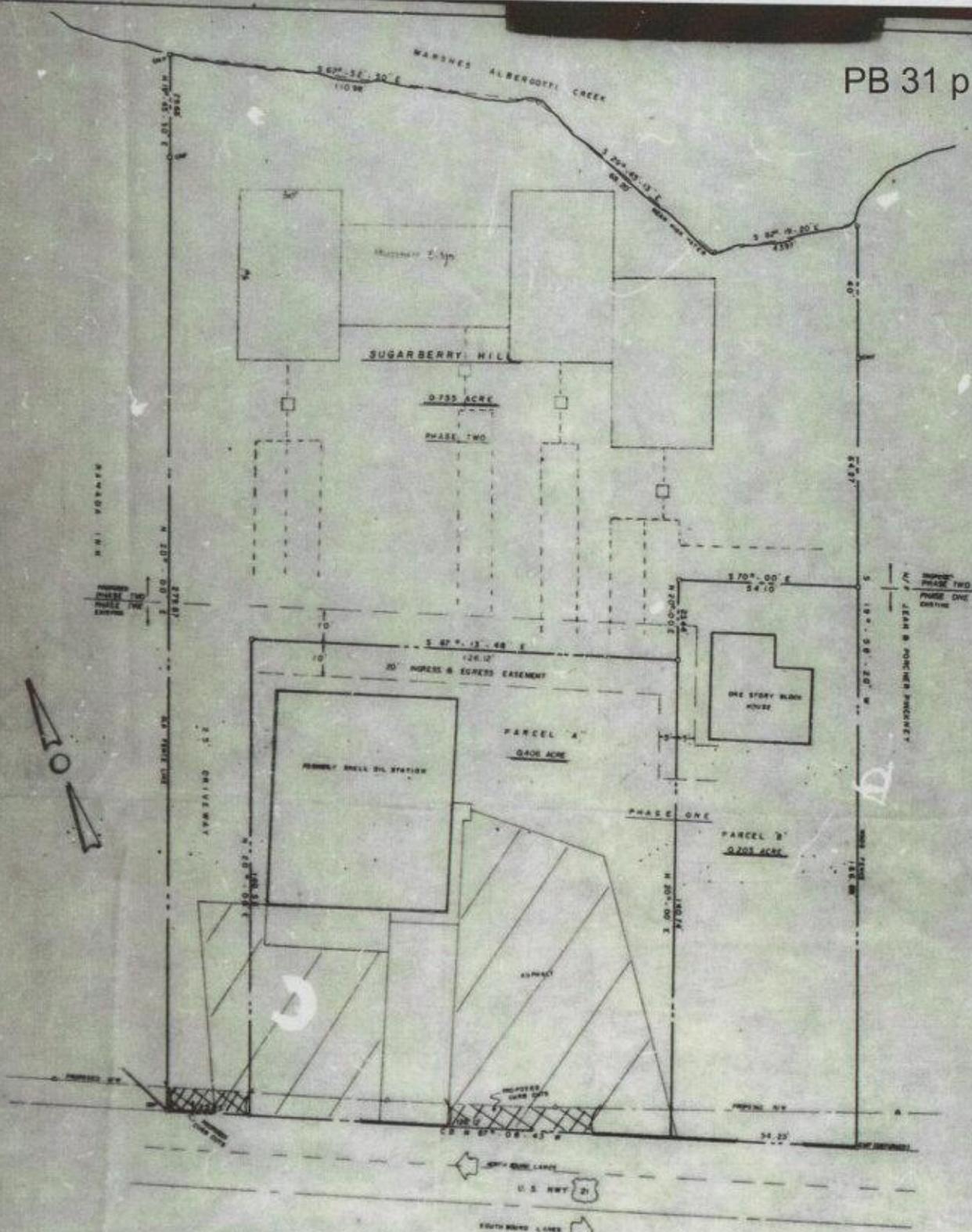
The petitioning area to be annexed is described as follows:

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  
 W. Randolph B. Rasmussen*



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 same is in full compliance with the provisions of a development permit.  
 Date of Planning Commission approval 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: Multifuse,

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<br>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/



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

**ORDINANCE 2025/15**

**AN ORDINANCE TO ANNEX 1.72 ACRES OF REAL PROPERTY IDENTIFIED AS BEAUFORT COUNTY TAX MAP NUMBER R100 026 000 0151 0000, 3659 TRASK PARKWAY TO THE CITY OF BEAUFORT PURSUANT TO S.C. CODE ANN. § 5-3-150(3)**

**WHEREAS**, Petition for Annexation (hereinafter “Petition”) dated May 19, 2025 and signed by all of the owners of a parcel of real estate identified as Beaufort County Tax Map Number R100 026 000 015 0000 and located at 3659 Trask Parkway (hereinafter “Property”), has been presented to the City Council;

**WHEREAS**, the Petition contains a description of the Property to be annexed;

**WHEREAS**, the Property to be annexed is highlighted on the attached map,

**WHEREAS**, the Property is contiguous to the boundaries of the present city limits of the City of Beaufort, South Carolina;

**WHEREAS**, the City has complied with the notice and public hearing requirements of S.C. Code Section 5-3-150(1); and

**WHEREAS**, Council finds that annexation of the Property would be in the best interest of the City of Beaufort.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority of same, that the Property hereinafter described is hereby annexed to and becomes a part of the City of Beaufort, South Carolina: A 1.72 acre lot identified by Beaufort County Tax Map Number R100 026 000 0151 0000, located at 3659 Trask Parkway, bounded on the south by Trask Parkway, on the west by lands Shrida, LLC, on the north by Albertgotti Creek, and on the east by Frozen Properties, LLC.

This Ordinance shall become effective immediately upon adoption.

\_\_\_\_\_  
PHILIP E. CROMER, MAYOR

Attest:

\_\_\_\_\_  
TRACI GULDNER, CITY CLERK

1st Reading \_\_\_\_\_

2nd Reading & Adoption \_\_\_\_\_

Reviewed by: Reviewed as to form by Ben Coppage, City Attorney

**ORDINANCE 2025/16**

**AN ORDINANCE TO AMEND THE CITY OF BEAUFORT ZONING DISTRICT MAP TO INCLUDE REAL PROPERTY IDENTIFIED AS BEAUFORT COUNTY TAX MAP NUMBER R100 026 000 0151 0000, 3659 TRASK PARKWAY TO BE ZONED REGIONAL MIXED USE (RMX)**

**WHEREAS**, the Beaufort Development Code, establishes zoning classifications and districts for the City of Beaufort (hereinafter “City”) and the City of Beaufort Zoning District Map (hereinafter “Zoning Map”);

**WHEREAS**, a parcel of real property identified as Beaufort County Tax Map Number R100 026 000 0151 0000 (hereinafter “Property”) and located at 3659 Trask Parkway is being annexed to the City of Beaufort;

**WHEREAS**, it is necessary that the Zoning Map be amended to reflect the annexation of the Property and that the Property be appropriately zoned;

**WHEREAS**, an application for zoning map amendment was submitted to the City pursuant to Section 9.16 of the Beaufort Development Code, which sought to amend the Zoning Map to zone the Property, following annexation, as Regional Mixed-Use (RMX);

**WHEREAS**, the proposed Zoning Map amendment is compatible and in accordance with the vision and goals of the City and the City’s Comprehensive Plan;

**WHEREAS**, the zoning of the Property as Regional Mixed-Use (RMX) is consistent and compatible with adjacent zoning;

**WHEREAS**, any future development of the Property will be able to take advantage of existing infrastructure;

**WHEREAS**, it is reasonable to expect that zoning the Property as Regional Mixed-Use will better allow the property to be utilized for mixed use and commercial uses;

**WHEREAS**, a staff report that reviewed the proposed amendment in light of the Comprehensive Plan and the general requirements of the Beaufort Development Code was prepared by staff and a copy was provided to the Planning Commission and the applicant before the scheduled public meeting of the Planning Commission at which the proposed amendment was considered by the Planning Commission;

**WHEREAS**, a public meeting before the Planning Commission was held regarding the proposed change to the zoning map on May 19, 2025 and, at the close of that meeting, the Planning Commission recommended approval of the zoning designation of Regional Mixed-Use (RMX); and

**WHEREAS**, a public hearing before the City Council was held regarding the proposed change to the Zoning Map on July 8, 2025, with notice of the hearing published in The Beaufort Gazette on

June 4, 2025, at which staff recommended approval of the zoning designation of Regional Mixed-Use (RMX).

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority of same, that the Zoning Map be amended such that the Property shall be zoned as Regional Mixed-Use (RMX).

This Ordinance shall become effective immediately upon adoption.

\_\_\_\_\_  
PHILIP E. CROMER, MAYOR

Attest:

\_\_\_\_\_  
TRACI GULDNER, CITY CLERK

1st Reading \_\_\_\_\_

2nd Reading & Adoption \_\_\_\_\_

Reviewed by: Reviewed as to form by Ben Coppage, City Attorney



**CITY OF BEAUFORT  
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM**

To: City Council

From: JJ Sauve, Deputy City Manager

Agenda Item Title: Parking Ordinance Updates

Meeting Date: 7-8-25

Department: City Manager's Office

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**I. Introduction**

Staff recommends that City Council review and consider the revised timeline and process for adoption of the amended Parking Ordinance (Sec. 8-2002 and related provisions). After First Reading on April 8, 2025, staff became aware of important historical context and previously uncodified ordinance amendments that warranted additional review. The proposed ordinance was therefore withdrawn prior to Second Reading and returned to Council for further discussion in the May 13, 2025, Work Session. Staff now recommends First Reading of the revised ordinance on June 10, 2025, followed by Second Reading on July 8, 2025.

**II. Background**

On April 8, 2025, Council held First Reading of the proposed amendments to the Parking Ordinance, drafted jointly by the City Attorney and Deputy City Manager. Following this action, Downtown Operations and Clerk staff identified a set of amendments originally adopted in 2015 (Ordinance O-11-15) but never codified. These amendments were tied to Parking Task Force recommendations and previous Council discussions, and included changes to parking enforcement times, meter rates, and fine escalation procedures.

In light of this discovery, staff determined that proceeding with Second Reading without reconciling these historical actions with the current draft would create inconsistencies in the City's code. The ordinance was subsequently pulled from the May 13, 2025, Regular Meeting agenda and reintroduced to Council at the May 13 Work Session for discussion. This revised timeline allows for proper reconciliation of previously adopted but uncodified provisions with new policy and operational recommendations.

### **III. Legal Authority**

South Carolina municipalities are granted broad police powers under **S.C. Code Ann. § 5-7-30**, which authorizes municipal councils to enact ordinances “not inconsistent with the Constitution and general law of this State, for the good order, peace and health of the municipality, and for the safety and welfare of its citizens.” This authority serves as the legal foundation for adopting and amending ordinances regulating parking, traffic, and the use of public spaces within the City’s jurisdiction.

In addition, **Sec. 8-2001** of the Beaufort Code of Ordinances expressly authorizes City Council to establish and regulate no-parking zones, restricted parking zones, metered zones, and other parking-related regulations. Proper codification of such ordinances is required to ensure consistency, enforceability, and alignment with state law.

Further, **S.C. Code Ann. § 5-7-32** authorizes municipalities to contract with private entities for assistance with administration and enforcement of municipal ordinances, including parking enforcement. The statute permits the appointment of employees of those entities as municipal code enforcement officers, provided they undergo appropriate background checks and training as required by the municipality.

### **IV. Staff Recommendation**

Staff recommends the following actions:

1. **Approve First Reading** of the revised ordinance on June 10, 2025;
2. **Schedule Second Reading** for July 8, 2025.

**ORDINANCE NO. 2025 - \_\_\_\_\_**

**An Ordinance to Amend the Code of the City of Beaufort, Part 8- Motor Vehicles and Traffic, Chapter 2.-Parking**

**WHEREAS**, the City of Beaufort, South Carolina (hereinafter “City”) is currently assessing and updating its ordinances; and

**WHEREAS**, the City wishes to amend its City Code Section. 8- Parking;

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE CITY COUNCIL**, in accordance with the foregoing, that the City Code of the City of Beaufort, South Carolina, is hereby amended in Part 8- Motor Vehicles and Traffic, Chapter 2.-Parking, which sections shall read as follows:

**Sec. 8-2001. - Authority to establish zones.**

The city council shall have the authority to establish no-parking zones, restricted parking zones, parallel parking zones, loading zones, handicapped parking zones and metered parking zones.

**Sec. 8-2001.4. - Definitions.**

- (a) “Impoundment” means removal of a vehicle to a storage facility either by an officer or other persons authorized by the chief of police or by a contractor for towing and storage in response to a request from an officer or other persons authorized by the chief of police.
- (b) “Metered parking” means certain parking spaces which may only be occupied by a vehicle if the payment required by this chapter is made in the manner specified in Sec. 8-2015.1 of this chapter.
- (c) “Truck” means every vehicle designed, used or maintained primarily for the transportation of property.
- (d) “Vehicle” means an automobile, truck, motorcycle, or other motor-driven form of transportation.
- (e) “Vehicle immobilization equipment” means a nondestructive parking enforcement device that prohibits the movement of the vehicle through the use of a locking mechanism attached to the wheel of the vehicle.

**Sec. 8-2002. - Metered Parking.**

- (a) Any person parking any vehicle in a parking space for which a parking meter or pay station has been installed on the city streets or municipal parking lots shall, upon entering the parking space, immediately deposit or cause to be deposited in the meter or pay station the proper coinage, or other legal tender, to satisfy the meter’s or pay station’s requirements for the time period for which the vehicle will remain in the parking space. Failure to so deposit coins or legal tender sufficient to put the meter or pay station in timed operation for the time period for which the vehicle will remain in

the parking space shall constitute a violation of this section and shall subject the person to the penalties hereinafter set forth.

- (b) Parking rates shall be one dollar (\$1.00) for each hour on Bay Street, Bay Street Extension, Port Republic Street, and the side streets from Bay Street to Port Republic Street.

Parking rates shall be one dollar (\$1.00) for each hour in the Marina Lot, Library Lot, Playground Lot, Saltus Lot and Scott Street Lot.

Parking rates shall be fifty cents (\$0.50) for each hour on side streets north of Port Republic Street, Craven Street excluding the ninety-minute parking in front of the chamber of commerce which will have a rate of one dollar (\$1.00) for each hour.

Parking rates for the Carteret Street Lot shall be fifty cents (\$0.50) for each hour.

Parking on Bay Street and side streets to Port Republic Street shall have a time limitation of two (2) hours.

Parking on Port Republic Street and side streets north of Port Republic Street shall have a time limitation of four (4) hours.

Parking in the Library Lot and Playground Lot shall have a time limitation of two (2) hours.

Parking in the Marina Lot, Scott Street Lot, Saltus lot, the Carteret Street Lot, and on Craven Street, Bay Street Extension and Newcastle Street shall not have a time limitation.

All other metered parking shall have a time limitation of four (4) hours.

- (c) It shall be unlawful and a violation of the provisions of this section for any person to deface, injure, tamper with, open or willfully break, destroy, steal, take, or impair the usefulness of any parking meter or pay station installed on the streets of the city. Each such meter or pay station violation shall constitute a separate offense.
- (d) It shall be unlawful and a violation of this section to deposit or cause to be deposited in any parking meter or pay station, any slugs, device, metallic substance, or paper, that does not constitute legal tender of the United States of America.
- (e) The city shall have lines or markings painted or placed upon the curb or on the street adjacent to each parking meter for the purpose of designating the parking space for which each meter is to be used and the operator of a vehicle, when parking the vehicle in a parking space shall keep the vehicle within the lines or markings so established.

- (f) Parking regulations as herein set forth shall be in effect from the hours of 11:00 a.m. until 7:00 p.m. each Monday through Saturday, except as otherwise noted herein. Sundays and federally recognized holidays are excluded from the provisions hereof.
- (g) The specified coin or coins required to be deposited in parking meters as provided herein are hereby levied and assessed to provide for the proper regulation and control of traffic upon the public streets, and also the cost of supervision and regulating the parking of vehicles in the parking spaces of the streets and to cover the cost of purchasing, acquiring, installation, operation, maintenance, supervision, regulation and control of the parking meters mentioned herein. Parking revenues may also be used to encourage and promote tourism and business in the city.

**Sec. 8-2003. - Vehicles and property may be removed.**

- (a) Any motor vehicle or trailer improperly parked or left standing upon the streets or public ways or any other public property of the city in a manner as to constitute a hazard to pedestrian or motor vehicle traffic, may be removed or caused to be removed by any police officer.
- (b) Any motor vehicle, or other personal property parked or left standing upon the street or public ways of the city in excess of forty-eight (48) hours may be removed or caused to be removed by any police officer.
- (c) When an emergency arises necessitating the removal of any vehicle upon a public street or parking lot including without limitation fire, water main leak, parade with prior notice, paving, blocking private driveways, etc., the police officer is authorized to have the vehicle removed after a reasonable attempt to locate the owner or driver.
- (d) When the driver of a vehicle is placed under arrest for the commission of an offense and the driver does not wish his vehicle to be driven by his/her passenger, then the vehicle will be towed by a wrecker service of the driver's choice, or if the driver expresses no preference as to a wrecker service, the wrecker rotation call list will be used.
- (e) When a vehicle or trailer is to be removed from the streets or public ways of the city, the police officer will solicit the aid of authorized commercial towing companies from the wrecker rotation call list maintained by the chief of police. Vehicles or trailers towed will be stored in commercial storage facilities within the city or as directed by the chief of police. All costs for commercial towing or for removal shall be paid by the owner or driver of the motor vehicle before return of the property.
- (f) Commercial wrecker or towing companies to be eligible to be placed on the wrecker rotation call list, maintained by the chief of police, must show proof of and maintain in effect garage keepers legal liability insurance with a minimum total coverage amount of twenty thousand dollars (\$20,000.00) aggregate with maximum deductibles to the garage keeper of one hundred dollars (\$100.00) on comprehensive coverage and two hundred fifty dollars (\$250.00) collision coverage; and garage liability insurance with minimum limits of fifty thousand dollars (\$50,000.00) per person; one hundred thousand dollars (\$100,000.00) per accident bodily injury coverage and fifty thousand dollars (\$50,000.00) per accident property damage coverage. All applicants will be required to furnish certificates of insurance from their insurance carrier before being placed on the qualified towing list. Such certificate shall contain a provision stating

that the police department will be given at least fifteen (15) days' notice in the event of cancellation of the policies certified in the certificate.

- (g) Any motor vehicle or other personal property parked or left standing in the public parking spaces in any city parking lot in excess of twenty-four (24) hours may be cited for unauthorized parking and after forty-eight (48) hours, may be or caused to be removed by any police officer.
- (h) All vehicles parked on city streets or any public property must be licensed and insured under the laws of this state and have a current license tag attached thereto, and any vehicle in violation of this requirement may be removed or caused to be removed by any police officer.
- (i) Trucks, tractors or tractor-trailers having a capacity of two and one-half (2½) tons or more, front- or rear-end loaders, or any other kind or type of strictly commercial, industrial or farming equipment parked or left standing in residentially zoned areas for other than loading or unloading or delivery of services, may be removed or caused to be removed by any police officer. Automobiles, small trucks and vans utilized for personal or business purposes of less than two and one-half (2½) tons' carrying capacity, are excluded from the provisions of this subsection.

**Sec. 8-2005. - Parking of vehicles containing dangerous substances.**

- (a) It shall be unlawful to park and leave standing upon the public streets and public ways of the City any vehicle, tank, or trailer used for the transportation of gasoline, fuel oil, liquefied petroleum gas, or other flammable or explosive liquids at any time between 6:00 p.m. and 8:00 a.m. of the following day or between 6:00 p.m. of the day preceding any Sunday or legal holiday and 8:00 a.m. of the day following a Sunday or legal holiday.
- (b) Reserved.
- (c) Vehicles parked or left standing upon the public streets or public ways of the town in violation of the provisions of this section may be moved under the order and direction of the police department to a safe parking or storage location.

**Sec. 8-2006. - Parked vehicles to be licensed; parking with flow of traffic.**

- (a) It shall be unlawful to park or store for more than forty-eight (48) hours on any lot within the city, except in completely enclosed buildings, any vehicle of any kind or type, with or without operative motive power, required or permitted to be registered and/or licensed under the laws of the state, or any frame, chassis or body thereof, unless there be affixed to the vehicle current license plates, except for lots licensed for automobile dealerships for new and/or used motor vehicles.
- (b) Parking of vehicles at service stations or garages for service or repair is subject to the provisions of Sec. 3.7.2.D. of the Beaufort Development Code.
- (c) Vehicles will park where authorized on the shoulder of the road or next to the curb in the same direction as the nearest flow of traffic. Violations of this provision are classified as "parking on the wrong side of the road."

**Sec. 8-2009. - Parking on private property.**

- (a) It shall be unlawful for any person to park or cause to be parked any vehicle upon a private parking lot where appropriate signs have been posted by the owner "Reserved

for customers (and/or) employees only," unless the person at the time of parking is a customer or employee of the business located thereon. There is no prohibition of public parking on public streets adjacent to a business or private property, so long as such parking is within the street right-of-way.

- (b) It shall be unlawful for any person to park or cause to be parked any vehicle upon private property where signs have been posted by the owner which state "No parking, private property." There is no prohibition of public parking on public streets adjacent to a business or private property, so long as such parking is within the street right-of-way.
- (c) Any vehicle found in violation of this section will be ticketed for "Parked in a reserved space" or "Parked on private property" and shall be subject to a fine as shown in section 8-2015.1(c). In the event the vehicle is not moved within four (4) hours of the issuance of the notice of violation, it is subject to be towed away at the expense of the vehicle owner.

**Sec. 8-2010. - Marina customer parking in Henry Chambers Waterfront Park.**

- (a) Persons who rent docking spaces in the downtown marina and are present while servicing or repairing their watercraft, or while the boat is away from the assigned space are eligible for free parking in designated spaces adjacent to the downtown marina. Authorized extended parking will be verified by a numbered city permit, issued by the dock master, and hanging from the inside rear-view mirror of the vehicle. Only one extended parking permit is authorized for each boat space. Permits are not transferable.
- (b) Section 8-2015.1(c) applies for violations of this section.

**Sec. 8-2012. - Meter feeding.**

No person shall continuously park a vehicle in any onstreet parking meter zone longer than the maximum limit of parking time obtainable by the single operation of such meter, nor shall such person deposit or cause to be deposited in an onstreet parking meter a coin for the purpose of extending parking time beyond such maximum limit. The penalty for violating this provision shall be the same as that for other parking violations as outlined in this chapter, section 8-2015.1(c).

**Sec. 8-2015.1. Notices of Violations and Penalties**

- (a) A notice of violation of this chapter may be issued by any police officer or other person appointed as a code enforcement officer. A copy of the notice of violation shall be issued by placing it on the windshield of an illegally parked vehicle in a prominent place thereon. No notices of violations shall be issued for violations of S.C. Code § 16-11-760, which requires the issuance of a uniform traffic ticket.
- (b) The notice of violation must cite only one violation and must contain at least the following information:
  - (1) The state, license plate number, and make of the vehicle in violation of this chapter;
  - (2) The name and title of the person issuing the notice of violation;
  - (3) The date and time when the notice of violation was issued;
  - (4) The nature and description of the parking violation observed;
  - (5) The date, time and location of the hearing; and

(6) Information advising the owner/operator of the vehicle that they pay the penalty set forth in section 8-2015.1.(c) or appear at the hearing in Municipal Court on the date and time provided on the notice of violation, and advising that failure to do so may result in impoundment or immobilization of the vehicle.

(c) Fines for violations and penalties for failure to pay fines are as follows:

| <b>Violation</b>                       | <b>Within 30 days</b> | <b>31-45 Days</b> | <b>After 45 Days</b> |
|--|-----------------------|-------------------|----------------------|
| Expired meter                          | \$10.00               | \$25.00           | \$45.00              |
| Parking in fire lane                   | 50.00                 | 125.00            | 150.00               |
| Parked on wrong side of street         | 25.00                 | 75.00             | 100.00               |
| Parked in no parking zone              | 50.00                 | 125.00            | 150.00               |
| Double parked                          | 25.00                 | 50.00             | 75.00                |
| Blocking driveway                      | 50.00                 | 125.00            | 150.00               |
| Parking in loading zone                | 50.00                 | 125.00            | 150.00               |
| Blocking a fire hydrant                | 75.00                 | 175.00            | 200.00               |
| Parking on private property            | 25.00                 | 50.00             | 75.00                |
| Parking illegally in handicapped space | 500.00                | State Mandate     |                      |
| Boot fee                               | 100.00                | 100.00            | 100.00               |
| Other parking violations               | 25.00                 | 50.00             | 75.00                |

(d) The notice of violation must be filed with the Municipal Court and may be disposed of only by payment of the fine or official action of the Municipal Court. It shall be unlawful for any person to alter or destroy any notice of violation issued under this chapter except in a manner consistent with this chapter and State law.

- (e) Any person who shall violate any of the provisions of this Chapter for which a penalty is not listed in Sec. 8-2015.1(c) shall be charged with a misdemeanor and upon conviction be punished as provided in [Sec. 1-3048](#).
- (f) If the City contracts with a private entity to assist the City in administering the City's parking ordinances and programs, the Chief of Police is authorized to appoint employees of that private entity as code enforcement officers to administer and enforce the City's parking ordinances and programs, pursuant to S.C. Code § 5-7-32. Any individuals appointed as code enforcement officers whose duties include parking enforcement activities, including the issuance of notices of violations or collection or handling of money shall:
  - (1) undergo criminal background checks and drug testing to be conducted by the private entity. The results of the background checks and drug tests shall be provided to the Chief of Police; and
  - (2) undergo a training program approved by the Chief of Police before they undertake any enforcement activities.

**Sec. 8-2016. - Immobilization of vehicles.**

- (a) A police officer or any other person designated by the chief of police may immobilize by the use of vehicle immobilization equipment any vehicle which is parked in a public right-of-way, and for which there are three (3) or more outstanding, unpaid, overdue notices of violations, the latest of which has been unpaid for a period of at least fifteen (15) days.
- (b) When attaching vehicle immobilization equipment to a vehicle, the officer shall affix notice to the windshield or other part of the vehicle so as to be readily visible. The notice shall:
  - (1) Warn that the vehicle has been immobilized and that any attempt to move the vehicle may result in damage to the vehicle;
  - (2) State the total amount of civil penalties due for notice of violations which are overdue and unpaid that are attributable to such vehicle, in addition to an immobilization fee for the removal of the vehicle immobilization equipment; and
  - (3) List the address and telephone number to be contacted to pay the charges to have the vehicle immobilization equipment removed.
- (c) If the civil penalties and the immobilization fee are not paid, or satisfactory arrangements in lieu of payment are not made, by 6:00 p.m. on the date of the attachment of the vehicle immobilization equipment the vehicle may be towed and impounded as provided in section 8-2003.
- (d) Upon payment of all civil penalties, overdue and unpaid notices of violations, and the immobilization fee, the vehicle immobilization equipment shall be removed and the vehicle released to the registered owner or any other person legally entitled to claim possession of the vehicle. The fee may be paid in the form of a refundable bond pending the outcome of a hearing requested pursuant to section 8-2018.
- (e) It shall be unlawful for anyone to remove vehicle immobilization equipment placed on a vehicle pursuant to this section without all civil penalties and application charges having first been paid, or a bond posted. The City shall not be responsible for any damage to an immobilized illegally parked vehicle resulting from unauthorized attempts to free or move the vehicle.

(f) Charges. An immobilization fee of fifty dollars (\$100.00) shall be charged for the removal of the vehicle immobilization equipment.

DONE, RATIFIED AND ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

This Ordinance was read and passed at first reading on \_\_\_\_\_, 2025.

\_\_\_\_\_  
Philip Cromer, Mayor  
City of Beaufort, South Carolina

\_\_\_\_\_  
Traci Guldner  
City Clerk, City of Beaufort, South Carolina

This Ordinance was passed at second reading held on \_\_\_\_\_, 2025.

\_\_\_\_\_  
Philip Cromer, Mayor  
City of Beaufort, South Carolina

\_\_\_\_\_  
Traci Guldner  
City Clerk, City of Beaufort, South Carolina

Reviewed as to form by Benjamin T. Coppage, City Attorney on May 7, 2025

**Sec. 8-2001. - Authority to establish zones.**

The city council shall have the authority to establish no-parking zones, restricted parking zones, parallel parking zones, loading zones, handicapped parking zones and ~~parking meter~~metered parking zones.

**Sec. 8-2001.4. - Definitions.**

- (a) "Impoundment" means removal of a vehicle to a storage facility either by an officer or other persons authorized by the chief of police or by a contractor for towing and storage in response to a request from an officer or other persons authorized by the chief of police.
- ~~(b) "Vehicle" means an automobile, truck, motorcycle, or other motor-driven form of transportation.~~
- ~~(b)~~ "Metered parking" means certain parking spaces which may only be occupied by a vehicle if the payment required by this chapter is made in the manner specified in Sec. 8-2015.1 of this chapter.
- ~~(c)~~ "Truck" means every vehicle designed, used or maintained primarily for the transportation of property.
- ~~(e)~~(d) "Vehicle" means an automobile, truck, motorcycle, or other motor-driven form of transportation.
- ~~(d)~~(e) "Vehicle immobilization equipment" means a nondestructive parking enforcement device that prohibits the movement of the vehicle through the use of a locking mechanism attached to the wheel of the vehicle.

**Sec. 8-2002. - ~~Parking meters~~Metered Parking.**

- (a) Any person parking any vehicle in a parking space for which a parking meter or pay station has been installed on the city streets or municipal parking lots shall, upon entering the parking space, immediately deposit or cause to be deposited in the meter or pay station the proper coinage, or other legal tender, to satisfy the ~~machine's meter's or pay station's~~ requirements for the time period ~~to be used~~for which the vehicle will remain in the parking space. Failure to so deposit coins or ~~sufficient~~ legal tender ~~sufficient~~ to put the meter or pay station in timed operation ~~for the time period for which the vehicle will remain in the parking space~~ shall constitute a violation of this section and shall subject the person to the ~~punishments~~penalties hereinafter set forth.
- (b) Parking rates shall be one dollar (\$1.00) for each hour on Bay Street, Bay Street Extension, Port Republic Street, and the side streets from Bay Street to Port Republic Street.

Parking rates shall be one dollar (\$1.00) for each hour in the Marina Lot, Library Lot, Playground Lot, Saltus Lot and Scott Street Lot.

Parking rates shall be fifty cents (\$0.50) for each hour on side streets north of Port Republic Street, Craven Street excluding the ninety-minute parking in front of the chamber of commerce which will have a rate of one dollar (\$1.00) for each hour.

Parking rates for the Carteret Street Lot shall be fifty cents (\$0.50) for each hour.

Parking on Bay Street and side streets to Port Republic Street shall have a time limitation of two (2) hours.

Parking on Port Republic Street and side streets north of Port Republic Street shall have a time limitation of four (4) hours.

Parking in the Library Lot and Playground Lot shall have a time limitation of two (2) hours.

Parking in the Marina Llot, Scott Street Llot, Saltus lot, the Carteret Street Lot, and on Craven Street, Bay Street Extension and Newcastle Street shall not have a time limitation.

All other ~~streets with meters~~metered parking shall have a time limitation of four (4) hours.

~~The deposition of the coins or other legal tender in the meter or pay station, and the placing of the meter or pay station in operation as set forth above permits the parking space to be lawfully occupied for the period of time purchased, but if the parked vehicle shall remain parked beyond the time indicated by the meter or pay station, then, and in that event, the vehicle shall be considered to be parked overtime and the overtime parking of a vehicle shall constitute a violation of this section and the person parking it or leaving it so parked shall, upon conviction, be subject to the punishment hereafter set forth~~

Commented [LR1]: This was part was not codified 12/2015

Commented [BC2R1]: This is addressed in 8-2002(a)

- (c) It shall be unlawful and a violation of the provisions of this section for any person to deface, injure, tamper with, open or willfully break, destroy, steal, take, or impair the usefulness of any parking meter or pay station installed on the streets of the city. Each such meter or pay station violation ~~is shall constitute~~ a separate offense.
- (d) It shall be unlawful and a violation of this section to deposit or cause to be deposited in any parking meter or pay station, any slugs, device, metallic substance, or paper, that does not constitute legal tender of the United States of America.
- (e) The city shall have lines or ~~parkings-markings~~ painted or placed upon the curb ~~and or~~ on the street adjacent to each parking meter for the purpose of designating the parking space for which each meter is to be used and the operator of a vehicle, when parking the vehicle in a parking space shall keep the vehicle within the lines or markings so established.

~~(f) It shall be the duty of the police officers, or other authorized enforcement agent, acting in accordance with instruction issued by the chief of police or city manager, to report:~~

- ~~(1) The number of each parking meter which indicates that the vehicle occupying the parking space adjacent to the meter is or has been parked in violation of any of the provisions of this section.~~
- ~~(2) The state license number of the vehicle.~~
- ~~(3) The time during which the vehicle is parked in violation of any of the provisions of this section.~~
- ~~(4) Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending the violation.~~
- ~~(5) Each police officer or meter attendant shall attach to any vehicle found violating the provisions of this section a "Police Notice for Parking Violation." The registered owner of the vehicle shall be responsible for the payment of the fine indicated or must appear in municipal court for trial. Payment of the fine may be made by enclosing the fine in the parking violation envelope and depositing the envelope in any yellow courtesy box installed on the parking meter standards or mailing the envelope to city hall by the U.S. Postal Service. If a receipt is required, the fine must be paid at city hall. Should the owner or operator desire a trial in municipal court for the parking violation, they must contact the clerk of municipal court within seven (7) days to schedule a hearing.~~
- ~~(6) The "Notice of Parking Violation" envelope will be issued for the following parking violations with the accompanying fine, and penalty increase, shown beside each violation, as follows:~~

| <b>Violation</b>               | <b>Within<br/>7 days</b> | <b>2nd Week<br/>(day 8—14)</b> | <b>3rd Week<br/>(thereafter)</b> |
|--------------------------------|--------------------------|--------------------------------|----------------------------------|
| Expired meter                  | \$10.00                  | \$25.00                        | \$45.00                          |
| Parking in fire lane           | 50.00                    | 125.00                         | 150.00                           |
| Parked on wrong side of street | 25.00                    | 75.00                          | 100.00                           |
| Parked in no parking zone      | 50.00                    | 125.00                         | 150.00                           |
| Double parked                  | 25.00                    | 50.00                          | 75.00                            |
| Blocking driveway              | 50.00                    | 125.00                         | 150.00                           |
| Parking in loading zone        | 50.00                    | 125.00                         | 150.00                           |

| Violation                              | Within 7 days | 2nd Week (day 8-14) | 3rd Week (thereafter) |
|--|---------------|---------------------|-----------------------|
| Blocking a fire hydrant                | 75.00         | 175.00              | 200.00                |
| Parking on private property            | 25.00         | 50.00               | 75.00                 |
| Parking illegally in handicapped space | 400.00        | State Mandate       |                       |
| Boot fee                               | 60.00         | 80.00               | 100.00                |
| Other parking violations               | 25.00         | 50.00               | 75.00                 |

~~(g) Any person who shall violate any of the provisions of this section or any person who shall assist in the violation, shall be deemed guilty of a misdemeanor and upon conviction be punished as provided in section 1-3048.~~

~~(h)(f)~~ Parking regulations as herein set forth shall be in effect from the hours of ~~10:00~~11:00 a.m. until ~~6:00~~7:00 p.m. each Monday through Saturday, except as otherwise noted herein. Sundays and federally recognized holidays are excluded from the provisions hereof.

~~(i)(g)~~ The specified coin or coins required to be deposited in parking meters as provided herein are hereby levied and assessed to provide for the proper regulation and control of traffic upon the public streets, and also the cost of supervision and regulating the parking of vehicles in the parking spaces of the streets and to cover the cost of purchasing, acquiring, installation, operation, maintenance, supervision, regulation and control of the parking meters mentioned herein. Parking revenues may also be used to encourage and promote tourism and business in the city.

**Sec. 8-2003. - Vehicles and property may be removed.**

- (a) Any motor vehicle or trailer improperly parked or left standing upon the streets or public ways or any other public property of the city in a manner as to constitute a hazard to pedestrian or motor vehicle traffic, may be removed or caused to be removed by any police officer.
- (b) Any motor vehicle, or other personal property parked or left standing upon the street or public ways of the city in excess of forty-eight (48) hours may be removed or caused to be removed by any police officer.
- (c) When an emergency arises necessitating the removal of any vehicle upon a public street ~~or parking lot~~ ~~i.e., including without limitation~~ fire, water main leak, parade

Commented [LR3]: Part of non-codified sections from Dec. 2015

Commented [LR4]: Added to include parking lots in the parking system

with prior notice, paving, blocking private driveways, etc., the police officer is authorized to have the vehicle removed after a reasonable attempt to locate the owner or driver.

- (d) When the driver of a vehicle is placed under arrest for the commission of an offense and the driver does not wish his vehicle to be driven by his/her passenger, then the vehicle will be towed by a wrecker service of the driver's choice, or if [the driver expresses no preference as to a wrecker service](#), the wrecker rotation call list will be used.
- (e) When a vehicle or trailer is to be removed from the streets or public ways of the city, the police officer will solicit the aid of authorized commercial towing companies from the wrecker rotation call list maintained by the chief of police. Vehicles or trailers towed will be stored in commercial storage facilities within the city or as directed by the chief of police. All costs for commercial towing or for removal shall be paid by the owner or driver of the motor vehicle before return of the property.
- (f) Commercial wrecker or towing companies to be eligible to be placed on the wrecker rotation call list, maintained by the chief of police, must show proof of and maintain in effect garage keepers legal liability insurance with a minimum total coverage amount of twenty thousand dollars (\$20,000.00) aggregate with maximum deductibles to the garage keeper of one hundred dollars (\$100.00) on comprehensive coverage and two hundred fifty dollars (\$250.00) collision coverage; and garage liability insurance with minimum limits of fifty thousand dollars (\$50,000.00) per person; one hundred thousand dollars (\$100,000.00) per accident bodily injury coverage and fifty thousand dollars (\$50,000.00) per accident property damage coverage. All applicants will be required to furnish certificates of insurance from their insurance carrier before being placed on the qualified towing list. Such certificate shall contain a provision stating that the police department will be given at least fifteen (15) days' notice in the event of cancellation of the policies certified in the certificate.
- (g) Any motor vehicle or other personal property parked or left standing in the public parking spaces in any city parking lot in excess of twenty-four (24) hours may be cited for unauthorized parking and after forty-eight (48) hours, may be or caused to be removed by any police officer.
- (h) All vehicles parked on city streets or any public property must be licensed and insured under the laws of this state and have a current license tag attached thereto, and any vehicle in violation of this requirement may be removed or caused to be removed by any police officer.
- (i) Trucks, tractors or tractor-trailers having a capacity of two and one-half (2½) tons or more, front- or rear-end loaders, or any other kind or type of strictly commercial, industrial or farming equipment parked or left standing in residentially zoned areas for other than loading or unloading or delivery of services, may be removed or caused to be removed by any police officer. Automobiles, small trucks and vans utilized for personal or business purposes of less than two and one-half (2½) tons' carrying capacity, are excluded from the provisions of this subsection.

**Sec. 8-2005. - Parking of vehicles containing dangerous substances.**

- (a) It shall be unlawful ~~for any person, firm or corporation~~ to park and leave standing upon the public streets and public ways of the ~~town~~ City any ~~truck or motor~~ vehicle, ~~tank~~, or ~~any motor vehicle tank~~ trailer, used for the transportation of gasoline, fuel oil, liquefied petroleum gas, or other flammable or explosive liquids at any time

between 6:00 p.m. and 8:00 a.m. of the following day ~~and or~~ between 6:00 p.m. of the day preceding any Sunday or legal holiday and 8:00 a.m. of the day following a Sunday or legal holiday, ~~present at all times while the motor vehicle is left standing or parked upon the streets of the city.~~

- (b) Reserved.
- (c) ~~Trucks or motor v~~ehicles parked or left standing upon the public streets or public ways of the town in violation of the provisions of this section may be moved under the order and direction of the police department to a safe parking or storage location.

**Sec. 8-2006. - Parked vehicles to be licensed; parking with flow ~~or of~~ traffic.**

- (a) It shall be unlawful to park or store for more than forty-eight (48) hours on any lot within the city, except in completely enclosed buildings, any ~~automobile, truck, trailer, bus or other motor~~ vehicle of any kind or type, with or without operative motive power, required or permitted to be registered and/or licensed under the laws of the state, or any frame, chassis or body thereof, unless there be affixed to the vehicle current license plates, except for lots licensed for automobile dealerships for new and/or used motor vehicles.
- (b) Parking of vehicles at service stations or garages for service or repair is subject to the provisions of ~~city zoning ordinance section 5-6047(e)(1)~~~~Sec. 3.7.2.D. of the Beaufort Development Code.~~
- (c) Vehicles will park where authorized on the shoulder of the road or next to the curb in the same direction as the nearest flow of traffic. Violations of this provision are classified as "parking on the wrong side of the road."

**Sec. 8-2009. - Parking on private property.**

- (a) ~~Parking reserved for customers.~~It shall be unlawful for any person to park or cause to be parked any vehicle upon a private parking lot where appropriate signs have been posted by the owner "Reserved for customers (and/or) employees only," unless the person at the time of parking is a customer or employee of the business located thereon. There is no prohibition of public parking on public streets adjacent to a business or private property, so long as such parking is within the street right-of-way.
- (b) ~~Posting of private property.~~It shall be unlawful for any person to park or ~~causes~~ to be parked any vehicle upon private property where ~~appropriate~~ signs have been posted by the owner which state "No parking, private property." There is no prohibition of public parking on public streets adjacent to a business or private property, so long as such parking is within the street right-of-way.
- (c) ~~Fines.~~Any vehicle found in violation of this section will be ticketed for "Parked in a reserved space" or "Parked on private property" and shall be subject to a fine as shown in section ~~8-2015.1.(c)8-2002(f)(6)~~. In the event the vehicle is not moved within four (4) hours of the ~~parking citation~~issuance of the notice of violation, it is subject to be towed away at the expense of the vehicle owner.

**Sec. 8-2010. - Marina customer parking in Henry Chambers Waterfront Park.**

- (a) Persons who rent docking spaces in the downtown marina and are present while servicing or repairing their water-craft, or while the boat is away from the assigned space are eligible for free parking in designated spaces adjacent to the downtown marina. Authorized extended parking will be verified by a numbered city permit,

issued by the dock master, and hanging from the inside rear-view mirror of the vehicle. Only one extended parking permit is authorized for each boat space. Permits are not transferable.

(b) Section ~~8-2015.1(c)8-2002(f)(6)~~ applies for violations of this section.

**Sec. 8-2012. - Meter feeding.**

No person shall continuously park a vehicle in any onstreet parking meter zone longer than the maximum limit of parking time obtainable by the single operation of such meter, nor shall such person deposit or cause to be deposited in an onstreet parking meter a coin for the purpose of extending parking time beyond such maximum limit. The penalty for violating this provision shall be the same as that for other parking violations as outlined in this chapter, section ~~8-2015.1(c)8-2002(f)~~.

**Sec. 8-2015.1. Notices of Violations and Penalties**

(a) ~~A notice of violation of this chapter may be issued by any police officer or other person appointed as a code enforcement officer. A copy of the notice of violation shall be issued by placing it on the windshield of an illegally parked vehicle in a prominent place thereon. No notices of violations shall be issued for violations of S.C. Code § 16-11-760, which requires the issuance of a uniform traffic ticket.~~

(b) ~~The notice of violation must cite only one violation and must contain at least the following information:~~

- ~~(1) The state, license plate number, and make of the vehicle in violation of this chapter;~~
- ~~(2) The name and title of the person issuing the notice of violation;~~
- ~~(3) The date and time when the notice of violation was issued;~~
- ~~(4) The nature and description of the parking violation observed;~~
- ~~(5) The date, time and location of the hearing; and~~
- ~~(6) Information advising the owner/operator of the vehicle that they pay the penalty set forth in section 8-2015.1(c) or appear at the hearing in Municipal Court on the date and time provided on the notice of violation, and advising that failure to do so may result in impoundment or immobilization of the vehicle.~~

(c) ~~Fines for violations and penalties for failure to pay fines are as follows:~~

| <del>Violation</del>            | <del>Within 730 days</del> | <del>2nd Week (day 8-14) 31-45 Days</del> | <del>3rd Week (thereafter) After 45 Days</del> |
|---------------------------------|----------------------------|---|--|
| <del>Expired meter</del>        | <del>\$10.00</del>         | <del>\$25.00</del>                        | <del>\$45.00</del>                             |
| <del>Parking in fire lane</del> | <del>50.00</del>           | <del>125.00</del>                         | <del>150.00</del>                              |

Commented [LR5]: Not codified from 2<sup>nd</sup> reading in December 2015

| <u>Violation</u>                              | <u>Within 730 days</u>          | <u>2nd Week (day 8-14) 31-45 Days</u> | <u>3rd Week (thereafter) After 45 Days</u> |
|---|---------------------------------|---------------------------------------|--|
| <u>Parked on wrong side of street</u>         | <u>25.00</u>                    | <u>75.00</u>                          | <u>100.00</u>                              |
| <u>Parked in no parking zone</u>              | <u>50.00</u>                    | <u>125.00</u>                         | <u>150.00</u>                              |
| <u>Double parked</u>                          | <u>25.00</u>                    | <u>50.00</u>                          | <u>75.00</u>                               |
| <u>Blocking driveway</u>                      | <u>50.00</u>                    | <u>125.00</u>                         | <u>150.00</u>                              |
| <u>Parking in loading zone</u>                | <u>50.00</u>                    | <u>125.00</u>                         | <u>150.00</u>                              |
| <u>Blocking a fire hydrant</u>                | <u>75.00</u>                    | <u>175.00</u>                         | <u>200.00</u>                              |
| <u>Parking on private property</u>            | <u>25.00</u>                    | <u>50.00</u>                          | <u>75.00</u>                               |
| <u>Parking illegally in handicapped space</u> | <u>400.00</u> <del>500.00</del> | <u>State Mandate</u>                  |  |
| <u>Boot fee</u>                               | <del>60.00</del> <u>100.00</u>  | <del>80.00</del> <u>100.00</u>        | <u>100.00</u>                              |
| <u>Other parking violations</u>               | <u>25.00</u>                    | <u>50.00</u>                          | <u>75.00</u>                               |

Commented [LR5]: Not codified from 2<sup>nd</sup> reading in December 2015

Commented [LR6]: Not Codified 12/2015

Commented [LR7R6]: Not codified

(d) The notice of violation must be filed with the Municipal Court and may be disposed of only by payment of the fine or official action of the Municipal Court. It shall be unlawful for any person to alter or destroy any notice of violation issued under this chapter except in a manner consistent with this chapter and State law.

- (e) Any person who shall violate any of the provisions of this Chapter for which a penalty is not listed in Sec. 8-2015.1(c) shall be charged with a misdemeanor and upon conviction be punished as provided in Sec. 1-3048.
- (f) If the City contracts with a private entity to assist the City in administering the City's parking ordinances and programs, the Chief of Police is authorized to appoint employees of that private entity as code enforcement officers to administer and enforce the City's parking ordinances and programs, pursuant to S.C. Code § 5-7-32. Any individuals appointed as code enforcement officers whose duties include parking enforcement activities, including the issuance of notices of violations or collection or handling of money shall:
  - (1) undergo criminal background checks and drug testing to be conducted by the private entity. The results of the background checks and drug tests shall be provided to the Chief of Police; and
  - (2) undergo a training program approved by the Chief of Police before they undertake any enforcement activities.

**Sec. 8-2016. - Immobilization of vehicles.**

- (a) A police officer or any other person designated by the chief of police may immobilize by the use of vehicle immobilization equipment any vehicle which is parked in a public right-of-way, and for which there are three (3) or more outstanding, unpaid, overdue ~~parking tickets~~notices of violations, the latest of which has been unpaid for a period of at least fifteen (15) days.
- (b) When attaching vehicle immobilization equipment to a vehicle, the officer shall affix notice to the windshield or other part of the vehicle so as to be readily visible. The notice shall:
  - (1) Warn that the vehicle has been immobilized and that any attempt to move the vehicle may result in damage to the vehicle;
  - (2) State the total amount of civil penalties due for ~~parking tickets~~notice of violations which are overdue and unpaid that are attributable to such vehicle, in addition to an immobilization fee for the removal of the vehicle immobilization equipment; and
  - (3) List the address and telephone number to be contacted to pay the charges to have the vehicle immobilization equipment removed.
- (c) If the civil penalties and the immobilization fee are not paid, or satisfactory arrangements in lieu of payment are not made, by 6:00 p.m. on the date of the attachment of the vehicle immobilization equipment the vehicle may be towed and impounded as provided in section 8-2003.
- (d) Upon payment of all civil penalties, overdue and unpaid ~~parking tickets~~notices of violations, and the immobilization fee, the vehicle immobilization equipment shall be removed and the vehicle released to the registered owner or any other person legally entitled to claim possession of the vehicle. The fee may be paid in the form of a refundable bond pending the outcome of a hearing requested pursuant to section 8-2018.

**Commented [LR8]:** This new section does not provide for an appeal of the violation or a hearing before a municipal judge before being convicted of a misdemeanor.

**Commented [BC9R8]:** Violations are treated the same as any other violation of the Code. If the fine is unpaid and the City wants to prosecute, it can issue a summons and the case can be tried.

**Commented [LR10]:** These amendments does not include Section 8-2016 to 2020 which covers Immobilization of vehicles for non-payment of 3 or more tickets. Not sure if you want to wait on these sections as they should be discussed with Council prior to presenting to them. 8-2016 currently references the immobilization (booting) fee as \$50. This was increased in 2015 to \$100

**Commented [BC11R10]:** I didn't have any amendments to those sections, so they weren't included. We can include that amendment if we want.

- (e) It shall be unlawful for anyone to remove vehicle immobilization equipment placed on a vehicle pursuant to this section without all civil penalties and application charges having first been paid, or a bond posted. The ~~city~~ City shall not be responsible for any damage to an immobilized illegally parked vehicle resulting from unauthorized attempts to free or move the vehicle.
- (f) Charges. An immobilization fee of fifty dollars (\$~~50~~100.00) shall be charged for the removal of the vehicle immobilization equipment.
- (g) ~~Enforcement of this ordinance shall commence on November 1, 2002. Council hereby designates the month of October, 2002, as a one-time only amnesty period during which violators with three (3) or more outstanding, unpaid or overdue parking tickets shall be eligible to settle their account with the City Finance Department for half of the fee required in section 8-2002.~~



**CITY OF BEAUFORT  
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM**

To: City Council

From: JJ Sauve, Deputy City Manager

Agenda Item Title: Road Naming Ordinances

Meeting Date: 07-08-25

Department: City Manager's Office

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## I. Introduction

This memorandum provides background and staff recommendations regarding two proposed ordinances for road naming and renaming within the City of Beaufort:

1. Naming the newly constructed Airport Road Project as **Donnie Beer Drive**.
2. Renaming **Southside Loop** within Southside Park as **Clayton Cooler Loop**.

## II. Background

### 1. Airport Road Project Naming

The newly constructed connector road near the Beaufort Executive Airport, referred to during development as "Airport Frontage Road" and "Airport Junction Road," was completed as Phase 1 of the Lady's Island Corridor infrastructure improvements funded through the 2018 Beaufort County Transportation Sales Tax Referendum. This project connects Lost Island Road to U.S. Highway 21.

- **January 14, 2025 Council Worksession:** Councilman Neil Lipsitz recommended naming the corridor "Robert Smalls Parkway Extension."
- **March 8, 2025 Council Worksession:** Council discussed alternative naming options, including recommendations from Councilman Josh Scallate to name the road for Connie Hipp and from Councilman Lipsitz to name it for either former Councilmember Donnie Beer or former Police Chief Matt Clancy.
- **May 27, 2025 City Council CIP Worksession:** Council expressed general preference for a name honoring Donnie Beer or Matt Clancy, noting informal traditions of naming roads after individuals who have passed.

At the **June 16, 2025 Planning Commission meeting**, the Commission considered the matter. Their recommendation indicated **concern that the small roadway may not sufficiently honor**

**the memory of either Donnie Beer or Matt Clancy**, but they stated that if Council wished to move forward with naming the roadway, they supported naming it for either individual as proposed.

Following further internal review, staff noted that the City Police Department building is already named in honor of former Chief Matt Clancy, whereas there is no public facility currently named for former Councilmember Donnie Beer. Therefore, the **draft ordinance presented for first reading proposes naming the roadway “Donnie Beer Drive”**. Should Council wish to amend the ordinance to reflect a different designation, such amendment would be appropriate after the public hearing and at first reading.

## 2. Southside Loop Renaming

Southside Loop is an existing roadway within Southside Park. The proposed renaming seeks to honor longtime City of Beaufort Public Works Director **Clayton Cooler**, who served the City faithfully for 45 years, including stewardship of parks and infrastructure.

- **January 14, 2025 Regular Meeting:** Councilman Lipsitz proposed renaming Southside Loop to “Clayton Cooler Loop.” The motion received community support, and Council directed staff to initiate the formal process.
- **June 16, 2025 Planning Commission meeting:** The Commission unanimously recommended renaming Southside Loop as **Clayton Cooler Loop** without reservation.

## III. Legal Authority

- **SC Code § 5-7-30** grants municipalities the authority to regulate public roads and naming.
- **SC Code § 6-29-1200** requires Planning Commission review for changes to officially mapped streets.
- Both proposed actions have completed Planning Commission review in accordance with statutory requirements.

## IV. Recommendation

Staff recommends that City Council:

1. **Proceed with First Reading** of the attached ordinance naming the newly constructed connector road as **Donnie Beer Drive**, recognizing former Councilmember Beer’s distinguished service to the City of Beaufort.
2. **Proceed with First Reading** of the attached ordinance renaming Southside Loop as **Clayton Cooler Loop**, recognizing Mr. Cooler’s dedication and service to the community.

Staff further notes that if Council desires to amend the proposed Donnie Beer Drive ordinance to reflect an alternative designation, such amendment would be appropriate after the public hearing and at first reading.

## Attachments:

- Draft Ordinance Naming Donnie Beer Drive 31

- Draft Ordinance Renaming Clayton Cooler Loop
- Staff Memorandum to Planning Commission

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

June 9, 2025

## MEMORANDUM

**TO:** Planning Commission

**FROM:** John Sauve, Deputy City Manager

**RE:** Road Naming/Re-Naming Updated Memorandum for June 16, 2025

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### I. Introduction and Recommendation

The City of Beaufort requests the Planning Commission's review and recommendation regarding two naming matters requiring formal action:

1. Naming of the newly completed road and junction near the Beaufort Executive Airport; and
2. Renaming of "Southside Loop" within Southside Park.

These matters have been reviewed in multiple public Council meetings and work sessions, and staff now seeks Planning Commission input prior to Council adoption of an ordinance pursuant to South Carolina Code § 6-29-1200.

### II. Background

#### 1. Airport Road Junction (AKA Airport Frontage Road):

This newly constructed connector, completed as Phase 1 of a long-planned infrastructure initiative from the 2017 Lady's Island Corridor Study, links Little Creek Road and Lost Island Road to Sea Island Parkway (US 21). The project was funded through the 2018 Beaufort County Transportation Sales Tax Referendum and included both local impact fees and state support. The corridor has been referred to during development as "Airport Frontage Road" and "Airport Junction Road."

During the January 14, 2025 City Council Worksession, Councilman Neil Lipsitz recommended renaming the corridor "Robert Smalls Parkway Extension" to honor Beaufort native and American hero Robert Smalls, while maintaining continuity with

existing regional roadways. The recommendation aligns with Council’s strategic goal of promoting historically significant place naming, and with the City’s broader commitment to equity and local heritage. There were no public comments on this item.

The March 8, 2025 Council Worksession included further discussion of the road naming process and potential designations, and the County Engineering Program Manager confirmed that Beaufort County does not object to any name selected by the City. The County encouraged consistency with prior project documentation and maintenance records, recommending that the chosen name be traceable to “Airport Frontage Road” or “Airport Junction Road” for continuity in long-term regional planning references, but was open to any naming convention chosen by the City.

After the March 8, 2025 Council Worksession, Councilman Scallate emailed staff recommending that the Airport Frontage/Junction Road be named in honor of Connie Hipp, for her services with the Leadership Beaufort Program. There were no public comments on this item at the March 8, 2025 Council Worksession

At the May 19, 2025 Planning Commission meeting this matter was discussed and scheduled for the June 16, 2025 Planning Commission meeting with anticipation that a Public Hearing and First Reading for a road naming ordinance will be scheduled for the July 8, 2025 City Council Meeting.

At the May 27, 2025 City Council CIP Worksession, this matter was discussed again, and Council expressed its preference that this road does not include “airport” in the name, and made the following recommendations:

Councilman Josh Scallate recommended the road be named for Connie Hipp

Councilman Neal Lipsitz recommended the road be named for former Councilmember Donnie Beer or former Police Chief Matt Clancy.

After some discussion, the general consensus of Council appeared to be a preference for one of Councilman Neal Lipsitz’ recommendations, due to informal traditions of roads being named for persons who have passed. There was no public comments on this item during the May 27, 2025 Council Worksession. Minutes from this meeting have not been formally adopted as of the writing of this memorandum, but the video recording of the meeting is available online.

Both the name “Donnie Beer Drive” and “Matt Clancy Drive” do not appear that have any conflicts from Beaufort County Emergency Management/911, USPS, and SCDOT initial assessments. Should the Planning Commission make a formal recommendation for naming using one or both of these recommended names, staff will finalize all confirmations with Beaufort County Emergency Management and 911, USPS, and SCDOT prior to proceeding with public hearing before City Council. The Planning Commission may make a recommendation for either naming option or for both, leaving the final decision to City

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John Sauvé  
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**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

Council. If the option recommendation the outcome, staff would prepare ordinances and background material for each alternative to be presented to City Council.

## **2. Southside Loop Renaming:**

At the January 14, 2025, Regular Meeting, Councilman Lipsitz proposed renaming Southside Loop in Southside Park to “Clayton Cooler Loop” in honor of longtime City of Beaufort Public Works Director Clayton Cooler. Mr. Cooler served the City faithfully for 45 years, and the proposed renaming seeks to recognize his legacy, particularly his role in the maintenance and stewardship of City parks and infrastructure. The motion received community support, and Council directed staff to draft a resolution and initiate the formal renaming process. The name “Clayton cooler Loop” does not appear to have any conflicts from Beaufort County Emergency Management/911, USPS, and SCDOT initial assessments.

At the May 19, 2025 Planning Commission meeting this matter was also discussed and scheduled for the June 16, 2025 Planning Commission meeting with anticipation that a Public Hearing and First Reading for a road naming ordinance will be scheduled for the July 8, 2025 City Council Meeting. Should the Planning Commission make a formal recommendation for renaming Southside Loop to “Clayton Cooler Loop” staff will finalize all confirmations with Beaufort County Emergency Management and 911, USPS, and SCDOT prior to proceeding with public hearing before City Council.

## **III. Legal Authority**

The City's authority to name or rename public roads is based on the following:

- **SC Code § 5-7-30:** Grants municipalities the authority to regulate public roads, infrastructure, and naming.
- **SC Code § 6-29-1200:** Requires Planning Commission review for proposed changes to officially mapped streets prior to Council action.
- **Municipal Association of SC Planning Guidance:** Encourages coordination with emergency services and consideration of public engagement in naming decisions.

Both road segments appear on official City maps and therefore fall within the statutory review responsibilities of the Planning Commission. Upon your recommendation, the City will proceed with the required public hearing and ordinance adoption process.

#### **IV. Recommendation**

Staff recommends the Planning Commission take the following actions:

1. Endorse the proposed name “Donnie Beer Drive and/or Matt Clancy Drive” for the new road segment from Lost Island Road to US 21 near the Beaufort Executive Airport in recognition of Councilmember Beer and Chief Clancy’s distinguished services to the City of Beaufort;
2. Support the renaming of “Southside Loop” to “Clayton Cooler Loop” in recognition of Mr. Cooler’s distinguished service to the community;
3. Issue formal recommendations to City Council to proceed with a public hearing and the adoption of a ordinances implementing these changes.

#### **V. Attachments**

1. Original May 19, 2025, Memorandum to the Planning Commission

**ORDINANCE 2025/20**

**An Ordinance to Rename Southside Loop in Southside Park as Clayton Cooler Loop**

**WHEREAS**, Section 5-7-30 of the South Carolina Code of Laws grants municipal councils the authority to enact ordinances, including those necessary to regulate public roads and naming within the municipality; and

**WHEREAS**, Section 6-29-1200 of the South Carolina Code of Laws requires Planning Commission review for proposed changes to officially mapped streets prior to Council action; and

**WHEREAS**, Southside Loop is an existing road segment within Southside Park in the City of Beaufort; and

**WHEREAS**, City Council desires to honor longtime City of Beaufort Public Works Director Clayton Cooler for his distinguished service of forty-five years to the City and community by renaming Southside Loop as **Clayton Cooler Loop**; and

**WHEREAS**, this renaming has been reviewed and recommended by City staff, the Planning Commission, and relevant external agencies, with no conflicts identified by Beaufort County Emergency Management/911, USPS, or SCDOT.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority thereof, that:

**Renaming.** Southside Loop, located within Southside Park, is hereby renamed **Clayton Cooler Loop** in honor of Mr. Clayton Cooler’s dedicated service to the City of Beaufort.

**Implementation.** The City Manager, City Attorney, and City Clerk are authorized and directed to coordinate with Beaufort County Emergency Management/911, USPS, SCDOT, and other relevant agencies to update all records, signage, maps, and databases to reflect this designation.

**Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**Effective Date.** This ordinance shall become effective immediately upon adoption by City Council.

DONE, RATIFIED AND ENACTED this \_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Philip E. Cromer, Mayor  
City of Beaufort, South Carolina

Attest:

\_\_\_\_\_  
Traci Guldner, City Clerk  
City of Beaufort, South Carolina

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Reviewed as to form by Benjamin T. Coppage, City Attorney, on July 01, 2025.

**ORDINANCE 2025/21**

**An Ordinance to Name the Newly Constructed Airport Road Project as Donnie Beer Drive**

**WHEREAS**, Section 5-7-30 of the South Carolina Code of Laws grants municipal councils the authority to enact ordinances, including those necessary to regulate public roads and naming within the municipality; and

**WHEREAS**, Section 6-29-1200 of the South Carolina Code of Laws requires Planning Commission review for proposed changes to officially mapped streets prior to Council action; and

**WHEREAS**, the newly constructed connector road near the Beaufort Executive Airport, connecting Lost Island Road to U.S. Highway 21, was completed as part of the City’s infrastructure improvements funded through the 2018 Beaufort County Transportation Sales Tax Referendum; and

**WHEREAS**, City Council desires to honor former Councilmember Donnie Beer for her distinguished service to the City of Beaufort by naming the new road “Donnie Beer Drive”; and

**WHEREAS**, this naming has been reviewed and recommended by City staff, the Planning Commission, and relevant external agencies, with no conflicts identified by Beaufort County Emergency Management/911, USPS, or SCDOT.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority thereof, that:

**Naming.** The newly constructed connector road connecting Lost Island Road to U.S. Highway 21 near the Beaufort Executive Airport is hereby named **Donnie Beer Drive**.

**Implementation.** The City Manager, City Attorney, and City Clerk are authorized and directed to coordinate with Beaufort County Emergency Management/911, USPS, SCDOT, and other relevant agencies to update all records, signage, maps, and databases to reflect this designation.

**Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**Effective Date.** This ordinance shall become effective immediately upon adoption by City Council.

DONE, RATIFIED AND ENACTED this \_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Philip E. Cromer, Mayor  
City of Beaufort, South Carolina

Attest:

\_\_\_\_\_  
Traci Guldner, City Clerk  
City of Beaufort, South Carolina

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Reviewed as to form by Benjamin T. Coppage, City Attorney, on July 01, 2025.



## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

To: City Council

From: Christopher Klement (for Curt Freese)

Agenda Item Title: Chapter 5 – Beaufort Development Code - Revisions

Meeting Date: 7-8-25

Department: Community Development

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- I. INTRODUCTION – In response to both the City Council’s and citizens’ request for improvements to the current Beaufort Development Code, Planning Commission together with staff have been busy in making changes to several chapters of this Code. The overarching goal is to correct errors, address current issues the city faces and to incorporate more modernized development practices and standards.
  - II. BACKGROUND – The revisions of Chapter 5 specifically include new tree canopy provisions as well as more effective tree protection measures. Moreover, it includes enhanced buffering requirements along major roads and thoroughfares, parking space and screening requirements as well as improved fencing standards, including a prohibition on all electric fences within the city.
  - III. LEGAL AUTHORITY – Code of Laws of South Carolina, Section 6-29-710 as the amendment of the Beaufort Code is “for the general purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare”.
  - IV. STAFF RECOMMENDATION – Approve Chapter 5 recommended code revisions.

**Date: June 23, 2025**

**From: Curt Freese, Community Development Director**

**To: City Council**

**ISSUE: Beaufort Development Code Changes Chapters 5**

## **Background**

### **Chapter 5**

The revisions of Chapter 5 are the result of productive work sessions from March to May, as well as additions from Commission members, concerned citizens and other groups within the city. This included subcommittee meetings with representatives of PTAC, the Coastal Conservation League and Michael Murphy, the City's contractual arborist (his advice was offered gratis) which began in 2024. The changes include innovative new canopy standards developed by Clemson University but revised to the Low Country, rules on unpermitted cutting, changes to buffer areas along major roadways, parking lot screening, parking requirements and fencing. This also includes a prohibition on all electric fences within the city. All standards were significantly revised or rewritten in the work session to address errors in the code, issues the city faces, and more modernized development practices.

### **Key Changes 5.1**

- Purpose and Intent (5.1.1): Emphasizes preserving a sustainable tree canopy to enhance public health, safety, aesthetics, and environmental benefits. Specific goals include increasing canopy coverage, reducing pollution, preventing erosion, and preserving biodiversity.
- Definitions (5.1.2): Introduces precise terms such as Arborist Report, Certified Arborist, Diameter at Breast Height (DBH), Hazardous Tree, and Tree Protection Zone (TPZ) to standardize tree management practices.

- Certified Arborist Report (5.1.3): Mandates detailed tree assessments using a modified Level 2 Basic Tree Risk Assessment (ANSI A300). Trees are categorized into four risk groups (A–D, color-coded green to red) based on health and stability, with mitigation pruning recommended for Categories A–C to reduce risks and preserve trees.

#### **Key Changes, Section 5.2 Applicability and Administration**

- Requires Tree Permits for removing or pruning trees  $\geq 8$ " DBH or Specimen/Landmark trees, except for exempted activities (e.g., post-disaster removals, invasive species).
- Exempts single-, two-, and three-family lots from replacement planting requirements, except for Specimen/Landmark trees.
- Introduces strict pre-development standards, including a deferral for unauthorized tree removal (5 years for  $>10\%$  canopy loss without a Forestry Management Plan).

#### **Key Changes 5.4 Tree Removal**

- Designates Specimen and Landmark trees by species and DBH thresholds (e.g., Live Oak: 12" for Specimen, 24" for Landmark) with priority on preservation.
- Establishes minimum canopy coverage (25% residential, 30% commercial, 15% T5-UC) for developments  $>5,000$  sq ft, with exemptions for single-family lots.
- Allows parking reductions (10–20%) and fenestration reductions (20%) for preserving  $>30\%$  existing canopy.
- Defines Tree Protection Zones (TPZ) with a minimum radius of 0.5 ft per 1" DBH, prohibiting disturbances like grading or paving.

#### **Key Changes 5.4-5.5 Perimeter Buffers**

- Perimeter Buffers and Landscaping (5.4):
  - Specifies buffer widths and planting types (A–E) on major streets with Type E (50 ft) for major arterials like Robert Smalls Parkway.
  - Simplified adjoining or adjacent use buffer areas
  - Requires parking lot screening with evergreen shrubs or walls (90% opacity in Historic District, 50% elsewhere) and landscaped peninsulas/medians (e.g., 12'x18' with one overstory tree).
  - Foundation beds required for RMX and IC districts (5–8 ft wide, 67% front coverage for multi-story buildings).
- Installation and Maintenance (5.5):
  - Replacement planting requires 100% caliper replacement for Specimen/Landmark trees; mitigation fees doubled \$300 per caliper inch, doubled for unapproved removals.

**Summary of Major Tree Changes:**

- Stringent Permitting and Penalties: The requirement for Tree Permits and Certified Arborist Reports for trees  $\geq 8$ " DBH or Specimen/Landmark trees now has doubled mitigation fees for unapproved removals.
- Pre-Development Deferrals: The 2–5-year deferral for unauthorized tree removal could delay development projects for violations.
- Canopy Coverage Requirements: The 25–30% canopy minimum for larger developments, prevent cutting of existing trees, clearcutting, etc.

- Buffer and Screening Costs: Extensive buffer requirements along major corridors and parking lot screening mandates (e.g., Type E buffers, 50 ft wide) discourage buildings on ROW lines, an increase natural screening for community.

#### **Parking Standards Section 5.6**

- Cleanup of Parking Standards 5.6
- Revision of code language, moving parking lot landscaping from parking to landscape standards.
- Added new standards for parking minimums for retail, industrial, hotels, etc.
- Parking Maximums: Allow Planning Commission discretion with parking study.

#### **Fencing Section 5.8**

- Revision of Fencing Standards previously a small section in encroachments in Chapter 2
- Set basic standards for fencing in transect and conventional districts
- Set standards for historic districts consistent with preservation manual (no opaque fences, limited front fences, etc)
- Prohibiting Electric Fences entirely in the city.

**Recommendation:** Approve Chapter 5 recommended code revisions.

## ORDINANCE 2025/18

### AMENDING CHAPTER 5 LANDSCAPING, PARKING AND LIGHTING, OF THE BEAUFORT DEVELOPMENT CODE

WHEREAS, the State of South Carolina has conferred to the City of Beaufort the power to enact ordinances “in relation to roads, streets, markets, law enforcement, health, and order in the municipality or respecting any subject which appears to it necessary and proper for the security, general welfare, and convenience of the municipality or for preserving health, peace, order, and good government in it . . .” as set forth in *Code of Laws of South Carolina*, Section 5-7-20; and

WHEREAS, the City of Beaufort adopted the *Beaufort Code* by reference on June 27, 2017, as set forth in section 5-6001 of the *Code of Ordinances Beaufort, South Carolina*; and

WHEREAS, the amendment of the *Beaufort Code* is “for the general purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare” in accordance with *Code of Laws of South Carolina*, Section 6-29-710; and

WHEREAS, the amendments to Chapter 5, Landscaping, Parking, and Lighting are for the general purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare;

WHEREAS, the amendments to Chapter 5, allow for clearer and more predictable development outcomes, enhanced tree protection, improved buffer areas on major corridors, and more practical parking requirements;

WHEREAS a public hearing before the Beaufort City Council was held regarding changes to the ordinance on July 8, 2025, with notice of the hearing published in *The Beaufort Gazette* on June 20, 2025;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority of same, pursuant to the power vested in the Council by Section 6-29-760, *Code of Laws of South Carolina, 1976*, that *The Beaufort Code* by replacing the code as found in the attached Exhibit A.

This ordinance shall become effective August 19, 2025.

\_\_\_\_\_  
PHILIP E. CROMER, MAYOR

ATTEST:

\_\_\_\_\_  
TRACI GULDNER, CITY CLERK

1<sup>st</sup> Reading \_\_\_\_\_

2<sup>nd</sup> Reading & Adoption \_\_\_\_\_

Reviewed as to form by Ben Copping, City Attorney

# EXHIBIT A

## 5: LANDSCAPING, PARKING AND LIGHTING

### 5.1: LANDSCAPING AND TREE PROTECTION

#### 5.1.1 PURPOSE AND INTENT

The purpose and intent of this 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.

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2. *Caliper*. The diameter of the trunk of a tree 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 the principal purpose of engaging in any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, to include without limitation those commercial uses stated in Sections 3.6 and 13.1 of the Beaufort Code.
  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 tree that has been infected or infested by a severe disease or a 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 that 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 persons 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*. Non-native organisms that are detrimental to natural areas or native flora and fauna.
  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*. Flora and fauna that developed naturally in a specific area over time and evolved alongside other local flora and 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.

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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.* The combination of the likelihood of an event that may cause damage and the severity of the potential damage. In the context of trees, risk is the likelihood that a tree will cause personal injury, property damage, or disruption of activities and the likely severity of those damages.
  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.
  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.* 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, in its natural habitat, grows under larger, higher canopied trees.
  31. *Willful Violation.* A violation in which the landowner, developer, and/or operator of real property knowingly fails to comply with the requirements of this section.

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### 5.1.3 Certified Arborist Report

#### A. Requirements

The purpose of a Certified Arborist Report is to provide a visual ground assessment of all trees on a parcel of real property, including Specimen and Landmark trees, using the most current copy of certified tree and topographical survey created by a Professional Land 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 The American National Standards Institute ("ANSI") A300 Tree Care Standards – 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 necessary after soil testing, and measures that should be performed on trees that are to be preserved on site.

This report also positively verify the identification of all trees listed on the tree and topographical survey.

#### B. Mitigation Pruning

All of the trees in each of the groupings, except for Category D, as identified Sec. 5.1.3.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. Risks and Hazards

The report shall take 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.

#### 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, 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, have severe critical defects and hazards with an imminent likelihood of limb, lead, and total trunk failure. No amount of mitigation pruning can 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

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) shall be included in the report.

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               | <i>Fagus grandifolia</i>     |
| American Elm                 | <i>Ulmus americana</i>       |
| American Sycamore            | <i>Platanus occidentalis</i> |
| Ashleaf Maple                | <i>Acer negundo</i>          |
| Black Oak                    | <i>Quercus velutina</i>      |
| Black Gum                    | <i>Nyssa sylvatica</i>       |

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|--|--------------------------------|
| *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 |                                |
| <b>CONE-BEARING OVERSTORY TREES</b>                      |                                |
| *Bald Cypress  | Taxodium distichim             |
| Loblolly Pine  | Pinus taeda                    |
| Long Leaf Pine   | Pinus palustris                |
| Pond Cypress   | Taxodium distichum nutans      |
| Pond Pine  | Pinus serotina                 |
| Slash Pine   | Pinus elliotii                 |

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| Short Leaf Pine  | <i>Pinus echinata</i>                          |
| Spruce Pine  | <i>Pinus glabra</i>                            |
| *Starred trees are recommended for street tree plantings |  |
| <b>UNDERSTORY TREES</b>                                  |  |
| Allegheny Chinkapin                                      | <i>Castanea pumila</i>                         |
| American Holly   | <i>Ilex opaca</i>                              |
| American Plum  | <i>Prunus americana</i>                        |
| Bigleaf Snowbell   | <i>Styrax grandifolia</i>                      |
| Bitternut Hickory  | <i>Carya cordiformis</i>                       |
| Black Cherry   | <i>Prunus serotina</i>                         |
| Black Willow   | <i>Salix nigra</i>                             |
| Blackjack Oak  | <i>Quercus marilandica</i>                     |
| Bluejack Oak   | <i>Quercus incana</i>                          |
| Buckthorn Bumelia  | <i>Bumelia lycioides</i>                       |
| Cabbage Palmetto   | <i>Sabal palmetto</i>                          |
| Carolina Ash   | <i>Fraxinus caroliniana</i>                    |
| *Carolina Basswood                                       | <i>Tilia caroliniana</i>                       |
| Carolina Buckthorn                                       | <i>Rhamnus caroliniana</i>                     |
| Carolina Laurelcherry                                    | <i>Prunus caroliniana</i>                      |
| Carolina Silverbell                                      | <i>Halesia carolina</i>                        |
| Chickasaw Plum   | <i>Prunus augustifolia</i>                     |
| Coastal Plain Willow                                     | <i>Salix caroliniana</i>                       |
| Common Hoptree   | <i>Ptelea trifoliata</i>                       |
| Common Persimmon   | <i>Diospyros virginiana</i>                    |
| Common Sweetleaf   | <i>Symplocos tinctoria</i>                     |
| *Crepe Myrtle  | <i>Lagerstroemia indica</i>                    |
| *Dahoon Holly  | <i>Ilex cassine</i>                            |
| Eagleston (a.k.a. Foster) Holly                          | <i>Ilex attenuata</i> 'Eagleston' or 'Fosteri' |
| Eastern Coralbean  | <i>Erythrina herbacea</i>                      |
| Eastern Redbud   | <i>Cercis canadensis</i>                       |

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|-------------------------------|--|
| 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                                       | <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  | <i>Hamamelis virginiana</i>     |
| *Yaupon Holly, Weeping                                   | <i>Ilex vomitoria 'Pendula'</i> |
| *Starred trees are recommended for street tree plantings |                                 |
| <b>SCREENING SHRUBS</b>                                  |                                 |
| Sasanqua   | <i>Cammellia sasanqua</i>       |
| Yaupon Holly   | <i>Ilex vomitoria</i>           |
| Chinese Mahonia  | <i>Mahonia fortuneiw</i>        |
| Nandina  | <i>Nandina domestica</i>        |
| Pittosporum  | <i>Pittosporum tobira</i>       |
| Podocarpus   | <i>Podocarpus macrophyllus</i>  |
| Indian Hawthorne   | <i>Raphiolepis indica</i>       |
| Cleyera  | <i>Ternstroemia gymnanthera</i> |
| Laurestinus  | <i>Viburnum tinus</i>           |
| Japanese Viburnum  | <i>Viburnum macrophyllum</i>    |
| Elaeagnus  | <i>Elaeagnus pungens</i>        |
| So. Indica Azalea  | <i>Azalea indica</i>            |
| Burford Holly  | <i>Ilex cornuta "Burfordi"</i>  |
| Wax Myrtle   | <i>Myrica cerifera</i>          |
| Fatsia   | <i>Fatsia japonica</i>          |
| Florida Anise  | <i>Illicium floridanum</i>      |

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|--|-----------------------------------|
| Pfitzer Juniper  | Juniperus chinensis "pfitzeriana" |
| 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 six 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 six feet of total crown foliage after pruning and four feet of exposed trunk from the ground to the lowest branch. There shall never be more than seven feet of exposed trunk from the ground to the lowest branch.

For trees six inches in caliper and larger, the live crown ratio – the 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   |    |     |     |     |     |     |     |     |     |     |                        |     |     |     |     |     |     |     |     |     |     |     |     |               |
|---------------------------------|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|---------------|
| 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   |     |     |     |     |     |     | 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                      |     |     |     |     |     |     |     |     |     |     |     |     | 8             |
| SWEETGUM                        |    |     |     |     |     |     |     |     |     |     |                        |     |     |     |     |     |     |     |     |     |     |     |     | 1             |
| PINE (not Longleaf)             | 1  |     |     | 1   |     |     | 2   | 2   |     |     |                        | 2   | 3   | 2   | 1   | 2   | 1   |     | 1   | 2   | 1   | 1   | 2   | 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                     | TOTALS (TYPE) |
| LIVE OAK                      | 4             |
| LAUREL OAK                    | 5             |
| PECAN                         | 1             |
| TOTALS (SIZE)                 | 10            |

| 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*

| 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                               | 21                              | 0  |
| 0                               | 0                               | 31   |
| 0                               | 0                               | 0  |
| 0                               | 0                               | 0  |
| 24                              | 70                              | 41   |
| Mitigation required             |                                 |  |
| Inches                          | 12                              | 23   |
| Fee                             | \$2,400                         | \$5,500  |
| If mitigation is not possible   |                                 |  |
|                                 |                                 | 50   |

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 reasonable efforts shall be made 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 eight inches DBH or more, or a Specimen or Landmark tree, in the City. See Section 5.2.2.A for specific requirements. 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 Code.

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## B. Exemptions

- (1) The following activities are exempt from the standards in this chapter 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: Chinese Tallow (*Triadica sebifera*), Chinaberry Tree (*Melia azedarach*), Callery Pear (*Pyrus calleryana*), Camphor Tree (*Cinnamomum camphora*), and 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 shall 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;

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- (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. 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.** The tree is dead, dying, or diseased according to a certified arborist report and verified by the City Official or designee.
- (b) **Elevated Risk.** The tree presents hazards that cannot be mitigated by any arboricultural procedures due to its deteriorated or damaged state.
- (c) **Developability.** 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

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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:

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(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 Code Administrator grants an extension to this time limit in accordance with subsection 2, below.

##### **(2) Extension.**

(a) The Code Administrator 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;

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- (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 Code Administrator 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 Code Administrator, 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 Code Administrator 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 Code Administrator or the Code Administrator's 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 be pursuant to the provisions of Chapter 12 of this Code.

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## 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) <sup>*/**</sup> | LANDMARK TREE (MIN. DBH) <sup>/§</sup> |
|--|-------------------|--|--|
| 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.

#### **Canopy Standards**

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

2. **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.
3. **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.

|  | Minimum Canopy Percentage   |
|--|---|
| <b>Residential Developments (except for residential lots of record and Minor Subdivisions)</b> | 25%   |
| <b>Commercial Developments</b>   | 30%   |
| <b>T5-UC (Transect only)</b>   | 15%   |
| <b>Encroachments</b>   | 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.   |
| <b>Parking Reduction</b>   | 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. |
| <b>Fenestration/Transparency</b>   | 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.   |

4. **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

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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.

**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.

**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.

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(5) Injuries by paving.

Any willful action inconsistent with this standard, which results in the injury of a Specimen or Landmark tree, shall constitute a violation of these regulations.

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 at 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.

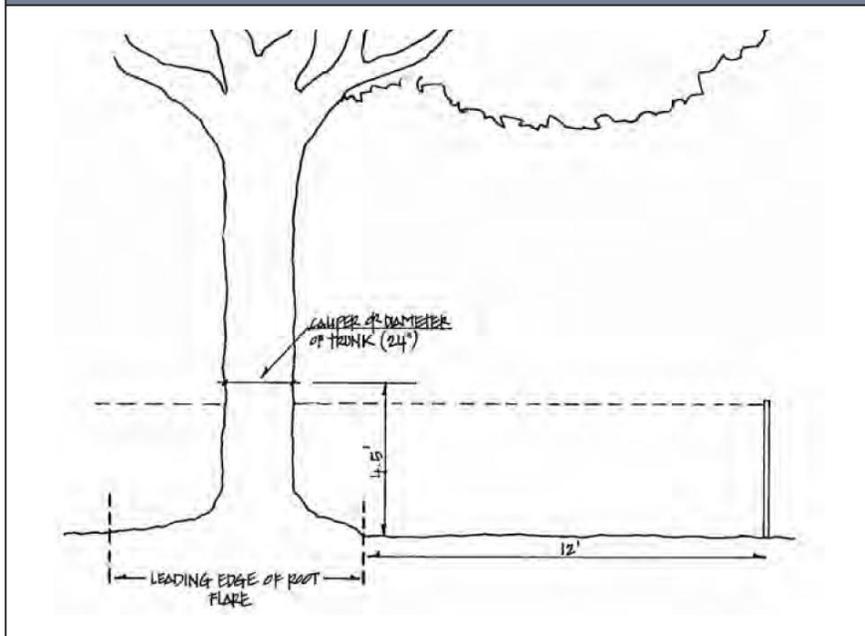
**E. Utilities and Agencies:** Utility companies and governmental agencies, and city departments, in the course of constructing or maintaining easements or rights-of-way for water, sewage, electricity, gas, drainage, telephone, internet, or television, shall:

- 
1. Minimize trimming of hardwood overstory trees that do not significantly interfere with the intended purpose of construction or maintenance.
  2. Establish 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. Establish 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. Provide 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.

EXAMPLE: TREE PROTECTION ZONE SIZE DIAGRAM



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, water air nutrient exchange (“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 Codes Administrator following consultation with a certified 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.

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**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

The table below 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 fifty percent (50%) then the buffers must be brought into compliance with the standards in this table.

The 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)).

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

| <b>TYPE C BUFFER</b>   |  |   |
|--|--|---|
| This buffer includes medium- <i>density</i> screening designed to eliminate visual contact at lower levels and create spatial separation between <i>adjacent uses</i> .              |  |   |
| <b>Option 1</b>  |  | <ul style="list-style-type: none"> <li>• Depth: 25 feet</li> <li>• <b>Overstory trees:</b> 3 every 100 linear feet</li> <li>• <b>Understory trees:</b> 5 every 100 linear feet</li> <li>• A solid wall or fence at least 3 feet high or a solid evergreen hedge at least 3 feet high and 3 feet wide</li> </ul>   |
| <b>Option 2</b>  |  | <ul style="list-style-type: none"> <li>• Depth: 15 feet</li> <li>• <b>Overstory trees:</b> 4 every 100 linear feet</li> <li>• <b>Understory trees:</b> 6 every 100 linear feet</li> <li>• A solid wall or fence at least 3 feet high or a solid evergreen hedge at least 3 feet high and 3 feet wide</li> <li>• At least 50% of all <b>trees</b> must be evergreen</li> </ul>           |
| <b>TYPE D BUFFER</b>   |  |   |
| 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 <i>adjacent uses</i> . |  |   |
| <b>Option 1</b>  |  | <ul style="list-style-type: none"> <li>• Depth: 30 feet</li> <li>• <b>Overstory trees:</b> 5 every 100 linear feet</li> <li>• <b>Understory trees:</b> 6 every 100 linear feet</li> <li>• Evergreen shrubs: 35 every 100 linear feet and at least 6 feet high at maturity</li> <li>• At least 50% of all <b>trees</b> must be evergreen</li> </ul>                                      |
| <b>Option 2</b>  |  | <ul style="list-style-type: none"> <li>• Depth 20 feet</li> <li>• <b>Overstory trees:</b> 6 every 100 linear feet</li> <li>• <b>Understory trees:</b> 8 every 100 linear ft</li> <li>•</li> <li>• 4A solid wall or fence at least 4 feet high or a solid evergreen hedge at least 4 feet high and 3 feet wide.</li> <li>• At least 50% of all <b>trees</b> must be evergreen</li> </ul> |

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

#### 5.4.2 FRONT BUFFER REQUIREMENTS ALONG MAJOR CORRIDORS

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

| Location   | FRONT BUFFER REQUIREMENTS ALONG MAJOR CORRIDORS * |  |  |  |
|--|---|--|--|--|
|  | Buffer Type                                       |  |  |  |
| <b>Robert Smalls Parkway (SC 170)</b> from Parris Island Gateway to Broad River Bridge   | Type E  |  |  |  |
| <b>Sea Island Parkway (US 21 S)</b> from Airport Junction Intersection going South   | Type E  |  |  |  |
| <b>Trask Parkway (US 21 N)</b> from the intersection of Laurel Bay Rd./Geiger Blvd. to the intersection of Clarendon Rd. /Bruce K Smalls Dr. | Type E  |  |  |  |
| <b>Lady's Island Drive (US 21)</b>   | Type D  |  |  |  |
| <b>Parris Island Gateway (US 21)</b>   | Type D  |  |  |  |

|   |  |        |  |  |  |
|---|--|--------|--|--|--|
| <b>Robert Smalls Parkway (SC 170)</b> from Parris Island Gateway to Boundary Street Redevelopment District  |  | Type D |  |  |  |
| <b>Sams Point Road (SC 802)</b>   |  | Type D |  |  |  |
| <b>Salem Road, Old Salem Road, Broad River Boulevard, County Shed Road, Old Jericho Road, Castle Rock Road, Goethe Hill Road, Grober Hill Road, Meridian Road</b> |  | Type D |  |  |  |
| <b>Trask Parkway (US 21 N)</b> from the intersection of Parris Island Gateway to Laurel Bay Rd./Geiger Blvd.)   |  | Type C |  |  |  |
| <b>Sea Island Parkway (U.S. 21 S)</b> From Woods Swing Bridge to Airport Junction   |  | Type B |  |  |  |
| <b>Ribaut Road (SC 281)</b>   |  | Type A |  |  |  |
| <b>Southside Boulevard, Mossy Oaks Road</b>   |  | Type A |  |  |  |

\*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 Section 5.1.5 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 Code 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 as follows:
  - 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 Code 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.

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- 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 chapter, 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 AND REAR BUFFER REQUIREMENTS

Landscaped perimeter buffers shall be preserved or established along the front of 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 of this section 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 Planning Commission.

#### 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 <sup>1</sup> | SHRUBS |                       | WALL/FENCE                       |
|--|---|--------|-----------------------|----------------------------------|
|  |   |        | Height within 4 Years | Installation Height <sup>2</sup> |
| Beaufort Historic District Overlay   | 90%   |        | 5 ft                  | 4 ft                             |
| All Other Areas  | 50%   |        | 5 ft                  | 4 ft                             |
| <sup>1</sup> The area bounded by the shrub at its projected size in 4 years shall be deemed to be practically 100% opaque.<br><sup>2</sup> 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 up to 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 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 Section 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 developments unless the Code Administrator specifically waives this requirement, based on the unique character of the development and/or the nature of the proposed plant material.  
**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-saving 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.

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- 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 and mitigation shall be according to the following chart:

| REPLACEMENT AND MITIGATION SCHEDULE  |                                  |                                  |                                  |                                  |
|--|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| Tree Type  | Transect Zones                   |                                  | Conventional Zones               |                                  |
|  | Replacement:<br>% Caliper Inches | Mitigation:<br>Cost/Caliper Inch | Replacement:<br>% Caliper Inches | Mitigation:<br>Cost/Caliper Inch |
| Landmark Tree*   | 100%*                            | \$350                            | 100%                             | \$350                            |
| Specimen Tree*   | 100%*                            | \$250                            | 100%*                            | \$250                            |
| All other trees 8-<br>inch caliper or<br>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.  |                                  |                                  |                                  |                                  |
| Examples:<br>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.<br><br>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 the 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.

**F.**

## 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. The Planning Commission may, in its discretion, grant exemptions from the requirements of this subsection when the applicant shows, by a parking study or otherwise, that a departure from the standards is necessary.

| USE  | MINIMUM NUMBER OF MOTOR VEHICLE PARKING SPACES REQUIRED* |                             |
|--|--|-----------------------------|
|  | CONVENTIONAL DISTRICTS                                   | TRANSECT-BASED DISTRICTS    |
| <b>RESIDENTIAL</b>                                       |  |                             |
| <b>Single-Family, and Short-Term Rental</b>              | 2 per unit   |                             |
| <b>2- and 3-Family, Multi-Family and Accessory Units</b> |  |                             |
| Studio   | 1 per unit   |                             |
| 1 Bedroom  | 1 per unit   |                             |
| 2 Bedrooms   | 1.75 per unit  |                             |
| 3+ Bedrooms  | 2 per unit   |                             |
| <b>Dwelling units located within mixed-use buildings</b> | No spaces required                                       |                             |
| <b>Group Homes</b>                                       | 1 per 3 bedrooms   |                             |
| <b>RETAIL</b>  |  |                             |
| <b>Gas Stations/Fuel Sales</b>                           | 1 per 300 gross square feet                              | 1 per 300 gross square feet |
| <b>Grocery Stores</b>                                    | 1 per 200 gross square feet                              | 1 per 200 gross square feet |

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|   |   |                             |
|---|---|-----------------------------|
| <b>Restaurant, Cafe, Coffee Shop, Bar, Tavern and Nightclub</b> | 1 per 300 gross square feet   | 1 per 300 gross square feet |
| <b>Drive-Through Facilities</b>                                 | 1 per 300 gross square feet   | 1 per 300 gross square feet |
| <b>All Other Retail Uses</b>                                    | 1 per 300 gross square feet   | 1 per 300 gross square feet |
| <b>RECREATION, EDUCATION, PUBLIC ASSEMBLY</b>                   |   |                             |
| <b>Colleges and Universities</b>                                | 1 per 4 students at capacity class attendance   |                             |
| <b>Community/Public Safety Facilities</b>                       | 1 per 300 gross square feet   | 1 per 400 gross square feet |
| <b>Schools, Public or Private</b>                               |   |                             |
| 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 |
| <b>Theaters</b>   | 1 per 4 seats, plus 1 per 2 employees   | 1 per 400 gross square feet |
| <b>All Other Assembly Uses</b>                                  |   |                             |
| 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 |
| <b>SERVICES</b>   |   |                             |
| <b>Day Care (Child or Adult) - 5 or greater</b>                 | 1 per 10 persons cared for (child or adult)   | 1 per 400 gross square feet |
| <b>Lodging</b>  | 1 per room, plus spaces required for on-site accessory uses   | 1 per room                  |
| <b>Medical</b>  |   |                             |
| 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 |
| <b>All Other Service Uses</b>                                   | 1 per 300 gross square feet   | 1 per 400 gross square feet |
| <b>INDUSTRIAL</b>   |   |                             |
| 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.
    - b.
    - 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.
    - c. When an exception is granted by the Planning Commission following the Planning Commission's finding, in its discretion, that an applicant has shown, by a parking study or otherwise, that a departure from these requirements is necessary.
- 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 two 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 two 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 three 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.

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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 exceeding 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.

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### 5.6.8 STRUCTURED PARKING

See Section 4.5.11.

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## 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.

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- 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 one hour of closing, whichever occurs first, with the following exception:

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 5.7.5 (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 four 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 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.

### 5.7.6 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.

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### 5.7.7 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.,.
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).

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**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 Code 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.,

**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 of a tree 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 an 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~~the principal purpose of engaging in any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, use of operating a "business," as defined to include without limitation those commercial uses stated in Sections 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 tree that has been infected or infested by a severe disease or a 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 that 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 persons s 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 nNon-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 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.
- ~~14-17. (g) Native species. Native species of flora and fauna are organisms that developed naturally in a specific area over time. They and 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, 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. (ty) 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 that may cause damage and the 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 that a tree will cause personal injury, property damage, or disruption of activities and the likely severity of those damages.~~
- ~~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 JL and 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, in its whose natural habitat, is growing-grows under larger, higher canopied trees.~~
- ~~25-31. (zab) Willful Violation. A violation in which the landowner, developer, and/or operator of real property knowingly failed-fails to comply with the requirements of this section.~~

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### 5.1.3 Certified Arborist Report

#### A. Requirements

The purpose of a Certified Arborist Report is to ~~perform~~ provide a visual ground assessment of all trees on a parcel of real property, including Specimen and Landmark trees, using the most current copy of certified ~~Tree-tree~~ and ~~Topotopographical survey~~ created by a Registered Professional Land 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 The American National Standards Institute ("ANSI") A300 Tree Care Standards – 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~~ necessary after soil testing, ~~and~~ and measures that should be performed on trees that are to be preserved on site.

This report also ~~verifies a positive~~ positively verify the identification of all trees listed on the tree and topographical survey ~~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, as identified Sec. 5.1.3.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~~ Risks and Hazards

~~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~~ The report shall take 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, [oref](#) 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 have](#) severe critical defects and hazards with an imminent likelihood of limb, lead, and total trunk failure. No amount of mitigation pruning [could can](#) 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 t](#)he 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) [shall be included in the report.](#)

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 |                                |
| <b>CONE-BEARING OVERSTORY TREES</b>                      |                                |
| *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 |                           |
| <b>UNDERSTORY TREES</b>                                  |                           |
| 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 'Foster' |
| 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 |                          |
| <b>SCREENING SHRUBS</b>                                  |                          |
| 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               |
| Pfitzer Juniper  | Juniperus chinensis "pfitzeriana" |
| 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 six 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-six feet of total crown foliage after pruning and 4-four feet of exposed trunk from the ground to the lowest branch. There shall never be more than 7-seven 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~~<sup>six</sup> inches in caliper and larger, the live crown ratio — ~~the~~ 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                         |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |           |        |  |
|---|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|-----------|--------|--|
| SCHEDULE OF TREES TO BE REMOVED                       |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |           |        |  |
| Project Name: Retail Shop      Zoning District: TS-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        | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1         | 5      |  |
| LAUREL OAK  | 1        | 1        | 2        | 1        | 2        | 3        | 1        | 4        | 1        | 1        | 1        | 2        | 1        | 1        | 1        | 1        | 1        | 3        | 2        | 1        | 1        | 2        | 1        | 2         | 30     |  |
| WATER OAK   | 1        | 2        |          |          |          |          |          |          |          |          |          | 1        |          |          |          |          |          |          |          |          |          |          |          |           | 2      |  |
| CHERRY  | 1        | 2        |          |          | 1        | 1        |          |          |          | 1        | 1        |          |          |          |          | 1        |          |          |          |          |          |          |          |           | 8      |  |
| SWEETGUM  | 1        | 2        |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |           | 1      |  |
| PINE (not Longleaf)                                   | 1        |          | 1        |          |          | 2        | 2        |          |          |          |          | 2        | 3        | 2        | 1        | 2        | 1        |          | 1        |          |          |          |          |           | 18     |  |
| <b>TOTALS (SIZE)</b>                                  | <b>4</b> | <b>5</b> | <b>2</b> | <b>2</b> | <b>2</b> | <b>3</b> | <b>6</b> | <b>3</b> | <b>4</b> | <b>2</b> | <b>2</b> | <b>3</b> | <b>6</b> | <b>3</b> | <b>1</b> | <b>4</b> | <b>1</b> | <b>3</b> | <b>1</b> | <b>2</b> | <b>1</b> | <b>1</b> | <b>2</b> | <b>63</b> |        |  |

| SCHEDULE OF TREES TO BE SAVED |  |
|-------------------------------|--|
| TREE TYPE                     | 8" 15" 18" 19" 22" 25" 29" 36" 45" TOTALS (TYPE) |
| LIVE OAK                      | 2 3 1 1 1 1 1 1 1 1                              |
| LAUREL OAK                    | 2 3 1 1 1 1 1 1 1 1                              |
| PECAN                         | 1 1 1 1 1 1 1 1 1 1                              |
| <b>TOTALS (SIZE)</b>          | <b>2 1 1 1 1 1 1 1 1 1 10</b>                    |

| Mitigation Calculation Summary |                      |
|--------------------------------|----------------------|
| 50% or more                    | 25% or no additional |
| \$100/acre                     | \$100/acre           |
| \$200/acre                     | \$200/acre           |
| \$300/acre                     | \$300/acre           |
| \$400/acre                     | \$400/acre           |
| \$500/acre                     | \$500/acre           |
| \$600/acre                     | \$600/acre           |
| \$700/acre                     | \$700/acre           |
| \$800/acre                     | \$800/acre           |
| \$900/acre                     | \$900/acre           |
| \$1000/acre                    | \$1000/acre          |
| \$1100/acre                    | \$1100/acre          |
| \$1200/acre                    | \$1200/acre          |
| \$1300/acre                    | \$1300/acre          |
| \$1400/acre                    | \$1400/acre          |
| \$1500/acre                    | \$1500/acre          |
| \$1600/acre                    | \$1600/acre          |
| \$1700/acre                    | \$1700/acre          |
| \$1800/acre                    | \$1800/acre          |
| \$1900/acre                    | \$1900/acre          |
| \$2000/acre                    | \$2000/acre          |
| \$2100/acre                    | \$2100/acre          |
| \$2200/acre                    | \$2200/acre          |
| \$2300/acre                    | \$2300/acre          |
| \$2400/acre                    | \$2400/acre          |
| \$2500/acre                    | \$2500/acre          |
| \$2600/acre                    | \$2600/acre          |
| \$2700/acre                    | \$2700/acre          |
| \$2800/acre                    | \$2800/acre          |
| \$2900/acre                    | \$2900/acre          |
| \$3000/acre                    | \$3000/acre          |
| \$3100/acre                    | \$3100/acre          |
| \$3200/acre                    | \$3200/acre          |
| \$3300/acre                    | \$3300/acre          |
| \$3400/acre                    | \$3400/acre          |
| \$3500/acre                    | \$3500/acre          |
| \$3600/acre                    | \$3600/acre          |
| \$3700/acre                    | \$3700/acre          |
| \$3800/acre                    | \$3800/acre          |
| \$3900/acre                    | \$3900/acre          |
| \$4000/acre                    | \$4000/acre          |
| \$4100/acre                    | \$4100/acre          |
| \$4200/acre                    | \$4200/acre          |
| \$4300/acre                    | \$4300/acre          |
| \$4400/acre                    | \$4400/acre          |
| \$4500/acre                    | \$4500/acre          |
| \$4600/acre                    | \$4600/acre          |
| \$4700/acre                    | \$4700/acre          |
| \$4800/acre                    | \$4800/acre          |
| \$4900/acre                    | \$4900/acre          |
| \$5000/acre                    | \$5000/acre          |
| \$5100/acre                    | \$5100/acre          |
| \$5200/acre                    | \$5200/acre          |
| \$5300/acre                    | \$5300/acre          |
| \$5400/acre                    | \$5400/acre          |
| \$5500/acre                    | \$5500/acre          |
| \$5600/acre                    | \$5600/acre          |
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| \$5800/acre                    | \$5800/acre          |
| \$5900/acre                    | \$5900/acre          |
| \$6000/acre                    | \$6000/acre          |
| \$6100/acre                    | \$6100/acre          |
| \$6200/acre                    | \$6200/acre          |
| \$6300/acre                    | \$6300/acre          |
| \$6400/acre                    | \$6400/acre          |
| \$6500/acre                    | \$6500/acre          |
| \$6600/acre                    | \$6600/acre          |
| \$6700/acre                    | \$6700/acre          |
| \$6800/acre                    | \$6800/acre          |
| \$6900/acre                    | \$6900/acre          |
| \$7000/acre                    | \$7000/acre          |
| \$7100/acre                    | \$7100/acre          |
| \$7200/acre                    | \$7200/acre          |
| \$7300/acre                    | \$7300/acre          |
| \$7400/acre                    | \$7400/acre          |
| \$7500/acre                    | \$7500/acre          |
| \$7600/acre                    | \$7600/acre          |
| \$7700/acre                    | \$7700/acre          |
| \$7800/acre                    | \$7800/acre          |
| \$7900/acre                    | \$7900/acre          |
| \$8000/acre                    | \$8000/acre          |
| \$8100/acre                    | \$8100/acre          |
| \$8200/acre                    | \$8200/acre          |
| \$8300/acre                    | \$8300/acre          |
| \$8400/acre                    | \$8400/acre          |
| \$8500/acre                    | \$8500/acre          |
| \$8600/acre                    | \$8600/acre          |
| \$8700/acre                    | \$8700/acre          |
| \$8800/acre                    | \$8800/acre          |
| \$8900/acre                    | \$8900/acre          |
| \$9000/acre                    | \$9000/acre          |
| \$9100/acre                    | \$9100/acre          |
| \$9200/acre                    | \$9200/acre          |
| \$9300/acre                    | \$9300/acre          |
| \$9400/acre                    | \$9400/acre          |
| \$9500/acre                    | \$9500/acre          |
| \$9600/acre                    | \$9600/acre          |
| \$9700/acre                    | \$9700/acre          |
| \$9800/acre                    | \$9800/acre          |
| \$9900/acre                    | \$9900/acre          |
| \$10000/acre                   | \$10000/acre         |

| Mitigation required |        |
|---------------------|--------|
| inches              | inches |
| 18                  | 23     |
| 24                  | 30     |
| 30                  | 36     |
| 36                  | 42     |
| 42                  | 48     |
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| 72                  | 78     |
| 78                  | 84     |
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| 102                 | 108    |
| 108                 | 114    |
| 114                 | 120    |
| 120                 | 126    |
| 126                 | 132    |
| 132                 | 138    |
| 138                 | 144    |
| 144                 | 150    |
| 150                 | 156    |
| 156                 | 162    |
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| 168                 | 174    |
| 174                 | 180    |
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| 228                 | 234    |
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| 672                 | 678    |
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| 684                 | 690    |
| 690                 | 696    |
| 696                 | 702    |
| 702                 | 708    |
| 708                 | 714    |
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| 732                 | 738    |
| 738                 | 744    |
| 744                 | 750    |
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| 756                 | 762    |
| 762                 | 768    |
| 768                 | 774    |
| 774                 | 780    |
| 780                 | 786    |
| 786                 | 792    |
| 792                 | 798    |
| 798                 | 804    |
| 804                 | 810    |
| 810                 | 816    |
| 816                 | 822    |
| 822                 | 828    |
| 828                 | 834    |
| 834                 | 840    |
| 840                 | 846    |
| 846                 | 852    |
| 852                 | 858    |
| 858                 | 864    |
| 864                 | 870    |
| 870                 | 876    |
| 876                 | 882    |
| 882                 | 888    |
| 888                 | 894    |
| 894                 | 900    |
| 900                 | 906    |
| 906                 | 912    |
| 912                 | 918    |
| 918                 | 924    |
| 924                 | 930    |
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| 942                 | 948    |
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| 966                 | 972    |
| 972                 | 978    |
| 978                 | 984    |
| 984                 | 990    |
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| 996                 | 1002   |
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| 1008                | 1014   |
| 1014                | 1020   |
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| 1026                | 1032   |
| 1032                | 1038   |
| 1038                | 1044   |
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| 1068                | 1074   |
| 1074                | 1080   |
| 1080                | 1086   |
| 1086                | 1092   |
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| 1098                | 1104   |
| 1104                | 1110   |
| 1110                | 1116   |
| 1116                | 1122   |
| 1122                | 1128   |
| 1128                | 1134   |
| 1134                | 1140   |
| 1140                | 1146   |
| 1146                | 1152   |
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| 1158                | 1164   |
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| 1308                | 1314   |
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| 1320                | 1326   |
| 1326                | 1332   |
| 1332                | 1338   |
| 1338                | 1344   |
| 1344                | 1350   |
| 1350                | 1356   |
| 1356                | 1362   |
| 1362                | 1368   |
| 1368                | 1374   |
| 1374                | 1380   |
| 1380                | 1386   |
| 1386                | 1392   |
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| 1398                | 1404   |
| 1404                | 1410   |
| 1410                | 1416   |
| 1416                | 1422   |
| 1422                | 1428   |
| 1428                | 1434   |
| 1434                | 1440   |
| 1440                | 1446   |
| 1446                | 1452   |
| 1452                | 1458   |
| 1458                | 1464   |
| 1464                | 1470   |
| 1470                | 1476   |
| 1476                | 1482   |
| 1482                | 1488   |
| 1488                | 1494   |
| 1494                | 1500   |

| Color Key                  |                       |
|----------------------------|-----------------------|
| Landmark Trees - A or B    | highlighted in yellow |
| Specimen Trees - 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 a reasonable effort 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 eight inches or more DBH, 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.

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## B. Exemptions

- (1) The following activities are exempt from the standards in this [ordinance chapter](#) 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:  
[Chinese Tallow \(\*Triadica sebifera\*\)](#), [Chinaberry Tree \(\*Melia azedarach\*\)](#), [Callery Pear \(\*Pyrus calleryana\*\)](#), [Camphor Tree \(\*Cinnamomum camphora\*\)](#), [and 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 [shall](#) 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.

~~(4)~~ All palmetto trees over eight (8) feet tall shall be measured in height, from the ground to the base of the frond initiation point.

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**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~~ 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 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.

~~(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 5.3.2 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 GuaranteeMaintenance:**

**(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 Code Administrator ~~Director~~ grants an extension to this time limit in accordance with Subsection 2, below.

**(2) Extension.**

(a) The Code Administrator ~~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 Code Administrator ~~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 Code Administrator ~~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 Code Administrator ~~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 Code Administrator ~~Director~~ or the Code Administrator's 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~~ be pursuant to the provisions of [Article Chapter 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~~[Specimen](#)" and "~~landmark~~[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)* <sup>L12</sup> | LANDMARK TREE (MIN. DBH) <sup>L13</sup> |
|--|-------------------------|--|---|
| 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                               |
| <u>Pinus Glabra</u>  | <u>Spruce Pine</u>      | <u>8 inches</u>                          | <u>14 inches</u>                        |
| 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  | <del>American</del> 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                                | -                                       |
| <del>Acer-Plantus pseudoplatanus occidentalis</del>  | Sycamore                | 24 inches                                | -                                       |
| <del>Allud pini</del> <u>Pinus species</u>   | All other pines         | 24 inches                                | -                                       |
| * DBH = diameter at breast height (or about 4.5 feet above grade)                              |                         |  |   |
| ** not applicable, if specific trees are deemed "senescent/overmature" by a certified arborist |                         |  |   |

### 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:~~

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~~(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.~~

Field Code Changed

~~(a) 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.~~

Field Code Changed

Field Code Changed

~~(a) 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.~~

Field Code Changed

~~(a) 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.~~

1. **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.
  2. **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.
  3. **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.
- **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**

|  | <b>Minimum Canopy Percentage</b> |
|--|----------------------------------|
| <b>Residential Developments (except for residential lots of record and Minor Subdivisions)</b> | <u>25%</u>                       |
| <b>Commercial Developments</b>   | <u>30%</u>                       |

|                                  |  |
|----------------------------------|--|
| <b>T5-UC (Transect only)</b>     | <b>15%</b>   |
| <b>Encroachments</b>             | <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>   |
| <b>Parking Reduction</b>         | <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> |
| <b>Fenestration/Transparency</b> | <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>   |

**4. 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.

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

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Field Code Changed

- (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.

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~~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 ~~W~~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

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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 at 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.~~

~~I.GE. **Infrastructure Utilities & Agencies:** Utility companies and governmental agencies, and city agencies departments, in the course of constructing or maintaining easements or rights-of-way for water, sewage, electricity, gas, drainage, telephone, internet, 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.~~

~~I.HF. **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.~~

~~I.IG. **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 5.4.1-4 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. |

|   |  |
|---|--|
| <p><b>Parking Reduction</b></p>         | <p>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.</p> |
| <p><b>Fenestration/Transparency</b></p> | <p>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.</p>   |

~~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**~~

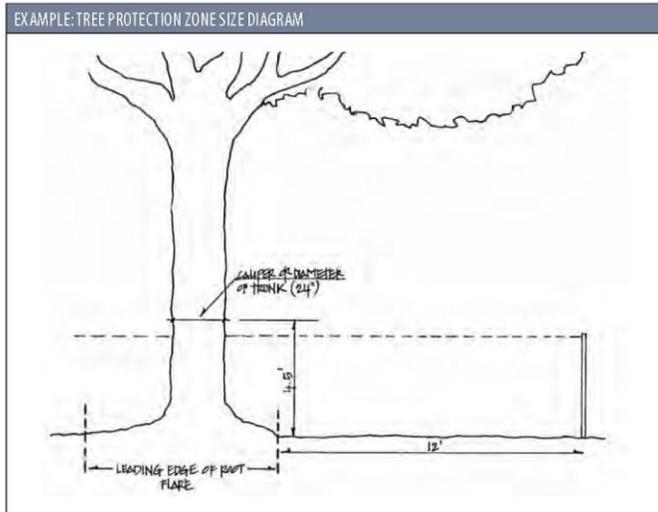
~~To determine the canopy area proposed to be planted, the radius (r) of each species of tree to be utilized, at twenty (20) years maturity, shall be determined based on accepted industry standards, and the total canopy area (CA) calculated ( $CA = \pi r^2$ ).~~

~~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, [water air nutrient exchange \("W.A.N.E."\)](#) 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 Codes Administrator following consultation with a certified city arborist.](#) ~~but if~~ 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~~ [rain 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.

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- 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~~, 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.~~

| <u>REQUIRED BUFFER WIDTH AND PLANTING</u>           |  |  |
|---|--|--|
| <u>District of Proposed Development</u>             | <u>Abutting Use or District Minimum Width for Side and Rear Buffers</u>          | <u>Front Buffer Planting Requirements Side and Rear Buffer Planting Requirements</u>                   |
| <u>LI (Industrial)</u>                              | <u>All Districts (except LI) 25 ft min.</u>                                      | <u>None, except along the corridors listed in Section 5.4.1 B. See Section 5.4.1 A. Buffer Type: E</u> |
| <u>RMX (Regional Mixed Use)</u>                     | <u>All Transect Based Districts, any county residential district 125 ft min.</u> | <u>Type E</u>  |
| <u>All Other Conventional Districts IC, MH, MR.</u> | <u>All Transect Based Districts, any county residential district 25 ft min.</u>  | <u>Type D</u>  |

|  |   |   |
|--|---|---|
| <u>T-3</u><br><u>T4-N &amp; T5-UC</u>  | <u>T4, T5-UC</u><br><u>25 feet, T3, T4 HN, any county residential district</u><br><u>5-ft min</u>   | None—street trees may be required depending on street section designation in Appendix C.<br>Same requirements as Section 5.6.8 A. <u>Type C</u> |
| <u>T4-N, T4 T4-NA</u>  | <u>T3, T4 HN, any county residential district</u><br><u>25 ft min</u><br><br><u>T3, any county residential zoning district</u><br>Use dependant—See Section 3.9 | None<br>Same requirements as Section 5.6.8 A. <u>Type A If fronting Arterial only</u>   |
| <u>T4-NA</u>   | <u>T3, any county residential zoning district</u><br>Use dependant—See Section 3.9  | <u>Type B</u>   |
| <u>T-5 UC</u>  | <u>T3, any county residential zoning district, any conventional district</u><br><u>25 feet</u>  | <u>Type A if fronting Arterial only</u>   |
| * If the parcel is abutting another district other than the district listed in the chart, no buffers are required. |   |   |

#### 5.4.21 BUFFER TYPES

Table 16-5-103. Below table The table below 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 fifty percent (50%) then the buffers must be brought into compliance with the standards in this table.

The following provisions shall be applied, if necessary:

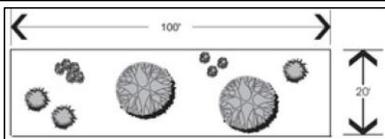
1. Required **overstory trees** shall be distributed and spaced to maximize their future health and effectiveness as buffers. Other required vegetation shall be distributed within the buffer as appropriate to the function of the buffer.
2. Where an **adjacent use** is designed for solar access, **understory 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**

**TYPE A BUFFER**

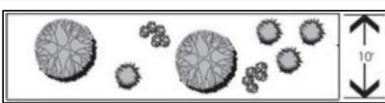
This buffer includes low-*density* screening designed to partially block visual contact and create spatial separation between *adjacent uses* or between *development* and *adjacent streets* with low traffic volumes.

**Option 1**



- **WidthDepth:** 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**

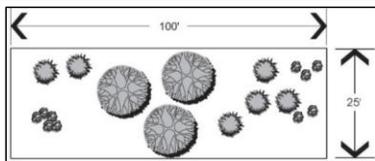


- **DepthWidth:** 10 feet
- **Overstory trees:** 2 every 100 linear feet
- **Understory trees:** 4 every 100 linear feet
- **Evergreen shrubs:** 10 every 100 linear feet

**TYPE B BUFFER**

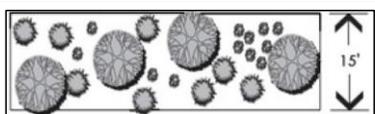
This buffer includes low- to medium-*density* screening designed to create the impression of spatial separation without significantly interfering with visual contact between *adjacent uses* or between *development* and *adjacent* minor *roadways* *arterials*.

**Option 1**



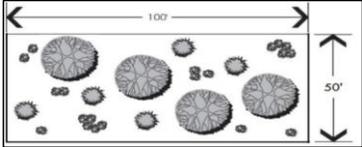
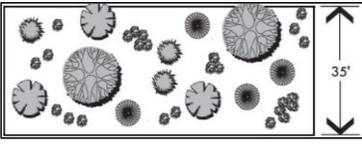
- **DepthWidth:** 25 feet
- **Overstory trees:** 3 every 100 linear feet
- **Understory trees:** 6 every 100 linear feet
- **Evergreen shrubs:** 10 every 100 linear feet

**Option 2**



- **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   |  |   |
|---|--|---|
| <p>This buffer includes medium-<i>density</i> screening designed to eliminate visual contact at lower levels and create spatial separation between <i>adjacent uses</i>.</p>  |  |   |
| Option 1  |  | <ul style="list-style-type: none"> <li>• <b>Depth/Width:</b> 25 feet</li> <li>• <b>Overstory trees:</b> 3 every 100 linear feet</li> <li>• <b>Understory trees:</b> 5 every 100 linear feet</li> <li>• A solid wall or fence at least 3 feet high or a solid evergreen hedge at least 3 feet high and 3 feet wide</li> </ul>  |
| Option 2  |  | <ul style="list-style-type: none"> <li>• <b>Depth/Width:</b> 15 feet</li> <li>• <b>Overstory trees:</b> 4 every 100 linear feet</li> <li>• <b>Understory trees:</b> 6 every 100 linear feet</li> <li>• A solid wall or fence at least 3 feet high or a solid evergreen hedge at least 3 feet high and 3 feet wide</li> <li>• At least 50% of all <i>trees</i> must be evergreen</li> </ul>  |
| TYPE D BUFFER   |  |   |
| <p>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 <i>adjacent uses</i>. <del>A Type-D buffer is required adjacent to all loading areas per Section 16-5-107.H.8.d, Buffering of Loading Areas.</del></p> |  |   |
| Option 1  |  | <ul style="list-style-type: none"> <li>• <b>Depth/Width:</b> 30 feet</li> <li>• <b>Overstory trees:</b> 5 every 100 linear feet</li> <li>• <b>Understory trees:</b> 6 every 100 linear feet</li> <li>• Evergreen shrubs: <del>3525</del> every 100 linear feet and at least 6 feet high at maturity</li> <li>• At least 50% of all <i>trees</i> must be evergreen</li> </ul>  |
| Option 2  |  | <ul style="list-style-type: none"> <li>• <b>Depth/Width:</b> 20 feet</li> <li>• <b>Overstory trees:</b> 6 every 100 linear feet</li> <li>• <b>Understory trees:</b> 8 every 100 linear ft</li> <li>• <del>A solid wall or fence at least 6 feet high or a solid evergreen hedge at least 4 feet high and 3 feet wide</del></li> <li>• <del>A solid wall or fence at least 4 feet high or a solid evergreen hedge at least 4 feet high and 3 feet wide.</del></li> <li>• At least 50% of all <i>trees</i> must be evergreen</li> </ul> |

| TYPE E BUFFER  |   |   |
|--|---|---|
| This buffer provides greater spacing and <b>high/medium-density</b> screening designed to define "green" corridors along major <b>roadways/arterials</b> .   |   |   |
| Option 1   |  | <ul style="list-style-type: none"> <li>• <b>Depth/Width:</b> 50 feet</li> <li>• <b>Overstory trees:</b> 4 every 100 linear feet</li> <li>• <b>Understory trees:</b> 5 every 100 linear feet</li> <li>• Evergreen shrubs: <del>30</del> every 100 linear feet and at least <del>6</del> feet high at maturity</li> </ul>   |
| Option 2   |  | <ul style="list-style-type: none"> <li>• <b>Depth/Width:</b> 35 feet</li> <li>• <b>Overstory trees:</b> 5 every 100 linear feet</li> <li>• <b>Understory trees:</b> 7 every 100 linear feet</li> <li>• Evergreen shrubs: <del>35</del> every 100 linear feet and at least <del>6</del> feet high at maturity</li> <li>• At least 50% of all <b>trees</b> must be evergreen</li> </ul> |
| <p><b>NOTES:</b></p> <ol style="list-style-type: none"> <li>1. Required <b>overstory trees</b> 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.</li> <li>2. Where an <b>adjacent use</b> is designed for solar access, <b>understory trees</b> may be substituted for <b>overstory trees</b>.</li> <li>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.</li> <li>4. A berm may be provided in conjunction with the provision of a hedge, fence, or wall to achieve <b>height</b> 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 <b>height</b>.</li> <li>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 <b>overstory trees</b> be planted every 100 linear feet, 8 <b>overstory trees</b> are required to be planted in the buffer (1.5 x 5 = 7.5, rounded up to 8)).</li> </ol> |   |   |

**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.~~

e.

#### 5.4.2 FRONT BUFFER REQUIREMENTS ALONG MAJOR CORRIDORS

##### 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 roads-major thoroughfares, as established in the following table.

| Location   | CORRIDOR FRONT BUFFER REQUIREMENTS ALONG MAJOR CORRIDORS – FRONT BUFFER WIDTH AND PLANTING* |             |  |                  |                         |
|--|---|-------------|--|------------------|-------------------------|
|  | 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            |
| Sea Island Parkway (US 21 S) from Airport Junction Intersection going South  |   | Type E      |  |                  |                         |
| Trask Parkway (US 21 N) from the intersection of Laurel Bay Rd./Geiger Intersection Blvd. to the intersection of Clarendon Rd./Bruce K Smalls Dr. Intersection |   | Type E      |  |                  |                         |
| Lady's Island Drive (US 21)  |   | Type D      |  |                  |                         |
| Parris Island Gateway (US 21)  | 2050 ft min.  | Type D      | 3  | 6                | 25% coverage            |
| Robert Smalls Parkway (SC 170) from Parris Island Gateway to Boundary Street Redevelopment District  | 5020 ft min.  | Type D      | 3  | 6                | 25% coverage            |
| Sams Point Road (SC 802)   | 205 ft min.   | Type CD     | 3  | 6                | 25% coverage            |
| Salem Road, Old Salem Road, Broad River Boulevard, County Shed Road, Old Jericho Road (North of Robert Smalls  |   | Type D      |  |                  |                         |

|   |               |        |   |   |              |
|---|---------------|--------|---|---|--------------|
| <a href="#">Pkwy.}, Castle Rock Road, Goethe Hill Road, Grober Hill Road, Meridian Road</a>   |               |        |   |   |              |
| <b>Trask Parkway (US 21 N)</b><br>northwest from the intersection of Parris Island Gateway to Laurel Bay Rd./Geiger Blvd. Intersection} | 1505 ft. min. | Type C | 3 | 6 | 25% coverage |
| <b>Sea Island Parkway (U.S. 21 S)</b> From Woods Swing Bridge to Airport Junction   | 20 ft. min    | Type B |   |   |              |
| <b>Ribaut Road (SC 281)</b>   | 15 ft. min    | Type A |   |   |              |
| <b>Southside Boulevard, Mossy Oaks Road</b>   | 20 ft. min    | Type A |   |   |              |

The administrator may waive or alter these 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 Section 5.1.5~~ 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 Code 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 as follows:
  - a. Vegetation at intersections may be limbed up to a greater height to ensure compliance with ~~Sight-sight Triangles~~ triangles; and
  - b. If understory planting is proposed, the ~~Code 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.

**ED. 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~~ chapter, 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 of the parcel it abuts. Where the buffer requirements in this table of this section 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 Planning Commission.

| <u>REQUIRED SIDE &amp; 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; Use dependant</u>             | <u>Type A</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 <sup>1</sup> | SHRUBS                           |                                 | WALL/FENCE                       |
|------------------------------------|---|----------------------------------|---------------------------------|----------------------------------|
|                                    |   | Installation Height <sup>2</sup> | Projected Height within 4 Years | Installation Height <sup>2</sup> |
| Beaufort Historic District Overlay | 90%   | 3 ft                             | 54 ft                           | 4 ft                             |
| All Other Areas                    | 50%   | 2 ft                             | 54 ft                           | 4 ft                             |

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

B. Landscaping:

- Applicability: ~~Unless an exception is granted by the Planning Commission, this applies in all Conventional Districts. The Planning Commission may grant a reduction of up to 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 Section 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 meeting the requirements in 5.7.9.B.2.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 <sup>1</sup> (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 developments unless the Code 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~~tree-saving 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

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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~~ 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 "lollipoping," "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 ~~&-and~~ mitigation shall be according to the following chart:

| REPLACEMENT AND MITIGATION SCHEDULE   |                                  |                                  |                                  |                                  |
|---|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| Tree Type   | Transect Zones                   |                                  | Conventional Zones               |                                  |
|   | Replacement:<br>% Caliper Inches | Mitigation:<br>Cost/Caliper Inch | Replacement:<br>% Caliper Inches | Mitigation:<br>Cost/Caliper Inch |
| Landmark Tree*  | 100%*                            | <del>\$500</del> 200350          | 100%                             | <del>\$500</del> 250350          |
| Specimen Tree*  | 100%*                            | <del>\$250</del> 100250          | 100%*                            | <del>\$250</del> 125250          |
| All other trees 8-<br>inch caliper or<br>greater  | 25%                              | none                             | 33%                              | none                             |
| * Any tree that is removed without approval shall require the replacement of caliper inches <del>and</del> <u>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>  |                                  |                                  |                                  |                                  |
| <u>Examples:</u><br>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.<br><br>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 the 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:<br>% Caliper Inches | Mitigation:<br>Cost/Caliper Inch | Replacement:<br>% Caliper Inches | Mitigation:<br>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](#). [The Planning Commission may, in its discretion, grant exemptions from the requirements of this subsection when the applicant shows, by a parking study or otherwise, that a departure from the standards is necessary.](#)

~~1. 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.~~

| USE   | MINIMUM NUMBER OF MOTOR VEHICLE PARKING SPACES REQUIRED <sup>*</sup>  |  |
|---|---|--|
|   | CONVENTIONAL DISTRICTS  | TRANSECT-BASED DISTRICTS               |
| <b>RESIDENTIAL</b>  |   |  |
| <b>Single-Family, and Short-Term Rental</b>                     | 2 per unit  |  |
| <b>2- and 3-Family, Multi-Family and Accessory Units</b>        |   |  |
| Studio  | 1 per unit  |  |
| 1 Bedroom   | 1 per unit  |  |
| 2 Bedrooms  | 1.75 per unit   |  |
| 3+ Bedrooms   | 2 per unit  |  |
| <b>Dwelling units located within mixed-use buildings</b>        | No spaces required  |  |
| <b>Group Homes</b>  | 1 per 3 bedrooms  |  |
| <b>RETAIL</b>   |   |  |
| <b>Gas Stations/Fuel Sales</b>                                  | <del>1 per 3400 gross square feet</del><br><del>per employee, plus requirements for retail and/or service bays</del>  | 1 per 3400 gross square feet           |
| <b>Grocery Stores</b>   | <del>1 per 200 gross square feet</del>  | <del>1 per 200 gross square feet</del> |
| <b>Restaurant, Cafe, Coffee Shop, Bar, Tavern and Nightclub</b> | <del>1 per 3400 gross square feet</del><br><del>per 4 seats,* plus 1 per every 2 employees (at max. shift, typical)</del><br><del>*Only interior seats are counted unless the business only has exterior seating.</del> | 1 per 3400 gross square feet           |
| <b>Drive-Through Facilities</b>                                 | <del>1 per 3400 gross square feet</del><br><del>per 4 seats* plus 1 per every 2 employees</del><br><del>*Only interior seats are</del>  | 1 per 3400 gross square feet           |

|   |  |  |
|---|--|--|
|   | <del>counted unless the business only has exterior seating.</del>  |  |
| <b>All Other Retail Uses</b>                    | 1 per 300 gross square feet  | 1 per <del>3</del> 400 gross square feet |
| <b>RECREATION, EDUCATION, PUBLIC ASSEMBLY</b>   |  |  |
| <b>Colleges and Universities</b>                | 1 per 4 students at capacity class attendance  |  |
| <b>Community/Public Safety Facilities</b>       | 1 per 300 gross square feet  | 1 per 400 gross square feet              |
| <b>Schools, Public or Private</b>               |  |  |
| 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              |
| <b>Theaters</b>                                 | 1 per 4 seats, plus 1 per 2 employees  | 1 per 400 gross square feet              |
| <b>All Other Assembly Uses</b>                  |  |  |
| 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              |
| <b>SERVICES</b>                                 |  |  |
| <b>Day Care (Child or Adult) - 5 or greater</b> | 1 per 10 persons cared for (child or adult)  | 1 per 400 gross square feet              |
| <b>Lodging</b>                                  | 1 per room, plus spaces required for on-site accessory uses  | 1 per <del>2</del> rooms                 |
| <b>Medical</b>                                  |  |  |
| 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              |
| <b>All Other Service Uses</b>                   | 1 per 300 gross square feet  | 1 per 400 gross square feet              |
| <b>INDUSTRIAL</b>                               |  |  |
| <del>No minimum number of spaces</del>          |  |  |
| <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>*<br/>—</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.
    - d.b. —Uses within the IC district.
    - c. When an exception is granted by the Planning Commission following the Planning Commission's finding, in its discretion, that an applicant has shown, by a parking study or otherwise, that a departure from these requirements is necessary.
- 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, Ppedestrian 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.

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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-two 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-two 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-three 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 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-exceeding 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 <sup>1</sup> | SHRUBS                           |                                 | WALL/FENCE                       |
|------------------------------------|---|----------------------------------|---------------------------------|----------------------------------|
|                                    |   | Installation Height <sup>2</sup> | Projected Height within 4 Years | Installation Height <sup>2</sup> |
| Beaufort Historic District Overlay | 90%   | 3 ft                             | 4 ft                            | 4 ft                             |
| All Other Areas                    | 50%   | 2 ft                             | 4 ft                            | 4 ft                             |

<sup>1</sup>—The area bounded by the shrub at its projected size in 3 years shall be deemed to be practically 100% opaque.

<sup>2</sup>—Height is measured from adjacent sidewalk, street or curb grade, whichever is higher.

**~~2. 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 “17hould” 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 5.7.9.D.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.

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### 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 5.7.9.6.
- 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 ~~4-one~~ 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 5.8.7.6-5 (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-four~~ 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**

**5.7.6-5 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.

### 5.7.7-6 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.

### 5.7.8-7 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

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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**

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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.

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### B. **Height**

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

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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.

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~~c. All above ground electric fences are not permitted, except in the LI District, to encroach into any front or street side setbacks.~~

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~~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.~~

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~~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.~~

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**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.

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**CITY OF BEAUFORT**

**DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM**

To: City Council

From: Jennifer Pointer

Agenda Item Title: Request from Morgan Powell for Whitehall Powell-Reed Wedding & Reception 5/16/2026 during park regular hours

Meeting Date: 7-8-25

NEW BUSINESS

Department: Downtown Operations



- I. INTRODUCTION – Request from Morgan Powell for Whitehall Powell-Reed Wedding & Reception 5/16/2026 during park regular hours
- II. BACKGROUND - Key requests include:
  - a. Wedding & Reception 5/16/2026 from 4pm to 8:30pm (dawn to dusk)
  - b. Wedding planner (Jody Miller) spoke with Sam Levin regarding wedding times and per the planner the time of 4-8:30pm was agreed upon
  - c. Set up 5/15/2026, breakdown 5/17/2026 (only during daylight hours)
  - d. Approx 150 in attendance
  - e. Waiver of the noise ordinance 5/16/26 till 8:30pm
    - i. Live band will be performing and will be facing the marsh to keep noise away from the neighborhood
  - f. Request waiver drinking in public 5/16/26 till 8:30pm
  - g. Request waiver drinking in a public park 5/16/26 till 8:30pm
  - h. No parking will be allowed outside the park for any of the 3 days
- III. LEGAL AUTHORITY -
- IV. STAFF RECOMMENDATION - Staff recommends approval



**CITY OF BEAUFORT**  
**Whitehall Park Application**  
**Downtown Operations & Community Services Department 500**  
**Carteret St Ste. B2 Beaufort, SC 29902**  
**Phone: 843-525-7084**

|  |   |
|--|---|
| Name of Event:<br><u>Powell-Reed Wedding</u><br><u>(ceremony + reception)</u>                    | Date(s) of Event: <u>May 16, 2024</u><br>Setup start/end time: <u>11am 5/15/2024</u><br>Actual event start/end time: <u>4pm - Dusk (8:30)*</u><br>Take down start/end time: <u>11am 5/17/2024</u> |
| Organization/Individual Name:<br><u>Morgan Powell</u><br><u>w/ Plum Productions/Jodie Miller</u> | Address: <u>38 Harford, Beaufort, SC 29906</u><br>Telephone: <u>404-502-2536 (Morgan)</u><br><u>843-812-1844 (Jodie)</u><br>Email: <u>mpowell450@gmail.com</u>                                    |

- Completed application must be received and approved by the Events Coordinator.
- All reservations require the applicable refundable security deposit be remitted upon approval of application in order to secure the requested date(s).
- *Deposits are refundable provided the venue is returned in the same condition it was received.*

Please mail completed application to:

City of Beaufort, Attn: Linda Roper, 500 Carteret St. Suite B2 Beaufort, SC 29902,

or scan and email: [events@cityofbeaufort.org](mailto:events@cityofbeaufort.org)

All events must abide and are governed by the City's Special Events Policy. To discuss specifics of the policy, contact the Events Coordinator at 843-525-7084 or visit our website at [www.cityofbeaufort.org](http://www.cityofbeaufort.org)

Is event open to the public? NO

Will admission be charged, or donation required? NO

Will alcoholic beverages be sold? NO Served? yes

Will food be sold? NO Served? yes

\*Dusk: Discussed at length with Sam Levin. Sunset is @ 8:15pm; please know respecting the Whitehall Community/Neighbors is of utmost concern in regards to timing.

Will there be any retail sales? NO

Number of people expected to attend: 140

Will you be using a tent? yes

Will you have music? yes

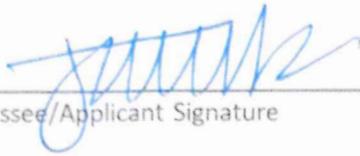
Areas of the Whitehall Park can be reserved/rented for 4, 6, or 12 hour blocks of time. Please factor time for set up and take down of the event into your chosen block of time. Blocks of time **cannot** be reserved or rented in pro rated increments. **NO exceptions will be made to this policy.**

**Security Deposit is due upon approval of application**

**Fee payment due no less than 30 days prior to event.**

Fill out by circling venue area(s) and pricing in blocks of time required for your event. Please indicate need for electrical hookup.

| WHITEHALL PARK RENTAL RATES FOR PRIVATE EVENTS |                   |                   |                    |
|--|-------------------|-------------------|--------------------|
| Park Area                                      | <u>4 HR Block</u> | <u>6 HR Block</u> | <u>12 HR Block</u> |
| Pavilion                                       | \$ 350.00         | \$ 600.00         |                    |
| Event Lawn                                     | \$ 500.00         | \$ 800.00         |                    |
| Pavilion & Event Lawn                          |                   |                   | \$2,500.00         |
| Electric Fee                                   | \$ 75.00          | \$100.00          |                    |
| Refundable Security Deposit                    | \$ 500.00         | \$ 800.00         | \$2,250.00         |

  
\_\_\_\_\_  
Lessee/Applicant Signature

05/29/2025  
\_\_\_\_\_  
Date

-----This section for City use-----

Jennifer Pointer  
\_\_\_\_\_  
Events Coordinator - City of Beaufort

6/5/25  
\_\_\_\_\_  
Date Application Received

Deposit Paid: \_\_\_\_\_ Fees Paid: \_\_\_\_\_ Deposit to be Refunded: \_\_\_\_\_

5/15/26 Setup 11am

5/16/26 event 4pm - dusk

5/17/26 breakdown 11am

which event company? \_\_\_\_\_ 200' + permit

Beer/wine/liquor yes

Police contract

food? no cooking

band - noise

parking (bollards etc)

power (par/generators)

COI for all 3 days



**CITY OF BEAUFORT**

**DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM**

To: City Council

From: Jennifer Pointer

Agenda Item Title: Request from The Exchange Club of Beaufort for co-sponsorship to host the 2025 Patriot Day and Awards Ceremony at Waterfront Park on 9/11/25 from 7am to 9am to include a multi-agency vehicle procession from White Hall Park over the Woods Bridge to the Waterfront Park

Meeting Date: 7-8-25

NEW BUSINESS

Department: Downtown Operations

- 
- I. INTRODUCTION – Request from The Exchange Club of Beaufort for co-sponsorship to host the 2025 Patriot Day and Award Ceremony at Waterfront Park on 9/11/25 from 7am to 9am.
  
  - II. BACKGROUND - Key requests include:
    - a. Co-Sponsorship – Waterfront Park Pavilion and Green 1 & 2 (if needed for attendance – expecting 60-200)
    - b. Multi Agency participation (Police & Fire/EMS) for procession
  
  - III. LEGAL AUTHORITY -
  
  - IV. STAFF RECOMMENDATION - Staff recommends approval



**CITY OF BEAUFORT**  
**Waterfront Park Rental Reservation Application**  
**Downtown Operations & Community Services Department**  
**500 Carteret St, Ste B2 Beaufort, SC 29902**

Phone: 843-379-7519

Fax: 843-986-5606

|   |   |
|---|---|
| Name of Event:<br><u>Patriot Day</u>                      | Date(s) of Event: <u>9-11</u><br>Setup start/end time: <u>7pm / 7:30pm</u><br>Actual event start/end time: <u>8:00pm / 8:30pm</u><br>Take down start/end time: <u>8:40pm / 8:50pm</u> |
| Organization/Individual Name:<br><u>The Exchange Club</u> | Address: <u>90 Angel Flewelling</u><br><u>25 Petigru Drive, Beaufort, SC 29902</u><br>Telephone: <u>843.271.3368</u><br>Email: <u>angel@loganlawfirm.com</u>                          |

- Completed application must be received and approved by the Events Coordinator.
- All reservations require the applicable refundable security deposit be remitted upon approval of application in order to secure the requested date(s).
- Deposits are refundable provided the venue is returned in the same condition it was received.

Please mail completed application to:

City of Beaufort, Attn: Downtown Operations 500 Carteret St, Ste B2 Beaufort, SC 29902

or scan and email to [events@cityofbeaufort.org](mailto:events@cityofbeaufort.org).

All events must abide and are governed by the City's Special Events Policy. To discuss specifics of the policy, contact the Events Coordinator at 843-379-7519 or visit our website at [www.cityofbeaufort.org](http://www.cityofbeaufort.org).

Is event open to the public? Yes

Will admission be charged, or donation required? No

Will alcoholic beverages be sold? No Served? No

Will food be sold? No Served? No

Will there be any retail sales? No

Number of people expected to attend: 60-200

## REQUEST FOR CO-SPONSORSHIP Henry C. Chambers Waterfront Park

Name of Event Patriot Day

Date of Event: 9-11

Contact person: Angel Flewelling  
Telephone: 843-271-3368 M  
843-524-0042 W

Please check all that apply.

|  | Yes | No  |
|--|-----|-----|
| <i>Are you a "For Profit" entity?</i>  |     | *** |
| <i>Is this a fund-raising event?</i>   |     | ✓   |
| <i>Is this event open to the public?</i>   | ✓   |     |
| <i>Is there a required fee / donation to attend this event?</i>  |     | ✓   |
| <i>Are you requesting more than two (2) park areas for this event?</i>   |     | ✓   |
| <i>Will there be any type of "sales" for this event?</i>   |     | ✓   |
| <i>Will this event require more than four (4) hours (includes setup &amp; take down)? This is a multiple day display</i> |     | ✓   |
| <i>Will alcohol be sold / served?</i>  |     | ✓   |

\*\*If you answered "no" to the first question, what is your non-profit status? (501 (C) (3), (4) or (6))? SOLIC 4

**Request for waivers/co-sponsorship of events must be approved by City Council prior to the event.**

-----

Events Coordinator Recommendation:    Approved: \_\_\_\_\_    Denied: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

Forward for Council Deliberation: \_\_\_\_\_  
Date of Council Meeting

Council:    Approved: \_\_\_\_\_    Denied: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_



**CITY OF BEAUFORT  
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM**

To: City Council

From: JJ Sauve, Deputy City Manager

Agenda Item Title: Nuisance Abatement Ordinance

Meeting Date: 07-08-25

Department: City Manager's Office

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**I. Introduction**

This memorandum presents a proposed a Public Nuisance Ordinance for City Council consideration. The ordinance is intended to provide a clear and enforceable framework for identifying, abating, and preventing public nuisances within the City of Beaufort. Adoption of the ordinance will enhance the City's ability to proactively address health, safety, and quality-of-life issues where chronic crime and property conditions have impacted livability.

**II. Background**

The City of Beaufort currently lacks a unified ordinance defining and addressing public nuisances in a comprehensive manner. Over the past year, City staff have received repeated concerns from residents in several neighborhoods regarding persistent criminal issues, property maintenance issues, abandoned structures and vehicles, and activities detrimental to community health and safety.

After reviewing ordinances from peer jurisdictions including Columbia, Rock Hill, North Charleston, Richland County, and Horry County, staff have drafted a first draft ordinance tailored to Beaufort's needs. The proposed ordinance establishes a formal definition of public nuisance, identifies specific examples of prohibited conditions and behaviors, outlines due process for enforcement, and includes penalties and appeal provisions.

The goal is to support property upkeep, protect neighborhood integrity, and provide the City with an enforceable legal framework to intervene when necessary—while also affording due process protections and appeal opportunities for property owners.

This ordinance was discussed in the June 10, 2025 City Council Worksession and has been reviewed by the City Attorney.

### **III. Legal Authority**

The City's authority to regulate nuisances derives from multiple sources:

- **South Carolina Constitution, Article VIII, §14** authorizes municipalities to enact ordinances for the purpose of preserving public health and safety.
- **South Carolina Code of Laws § 5-7-30** grants municipalities broad police powers to enact ordinances necessary for the welfare of the community.
- Beaufort's **Code of Ordinances, Chapter 1, Article III**, authorizes Council to adopt, by ordinance, provisions with general application to protect public interests.

Further, municipal case law in South Carolina affirms a city's authority to abate nuisances and to impose reasonable penalties for violations, provided notice and opportunity to cure are afforded.

### **IV. Recommendation**

Staff recommends that City Council approve the proposed Public Nuisance Ordinance. The ordinance aligns with best practices statewide, is legally sound, and will provide a much-needed enforcement tool to address ongoing concerns in Garden Oaks and other residential areas.

Proposed Timeline for Consideration and Adoption:

- June 10, 2025 – Council Worksession: Presentation and discussion of the draft ordinance-  
COMPLETE
- July 8, 2025 – City Council Meeting: First Reading of the Public Nuisance Ordinance
- August 19, 2025 – City Council Meeting: Second Reading and final adoption

**ORDINANCE 2025/19**

**An Ordinance to Adopt a Nuisance Abatement Ordinance for the City of Beaufort**

WHEREAS, Section 5-7-30 of the South Carolina Code of Laws grants municipal councils the authority to enact ordinances, including those necessary to protect the health, safety, and welfare of the municipality; and

WHEREAS, City Council recognizes that the existence of public nuisances pose a threat to the health, safety, welfare, and comfort of the residents, visitors, and businesses within the City of Beaufort (hereinafter “City”); and

WHEREAS, City Council desires to adopt a comprehensive Nuisance Abatement Ordinance to define, prohibit, and provide for the abatement of public nuisances within the City; and

WHEREAS, the proposed Nuisance Abatement Ordinance has been reviewed and recommended by City staff and the City Attorney;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority thereof, that:

1. **Adoption.** The Nuisance Abatement Ordinance attached hereto as Exhibit A is hereby adopted and incorporated into the Code of Ordinances for the City of Beaufort.
2. **Codification.** The City Manager, City Attorney, and City Clerk are authorized and directed to codify the Nuisance Abatement Ordinance as appropriate within the City Code.
3. **Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.
4. **Effective Date.** This ordinance shall become effective immediately upon adoption by City Council.

**Exhibit A:**

- Nuisance Abatement Ordinance

DONE, RATIFIED AND ENACTED this \_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Philip E. Cromer, Mayor  
City of Beaufort, South Carolina

Attest:

\_\_\_\_\_  
Traci Guldner, City Clerk  
City of Beaufort, South Carolina

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Reviewed as to form by Benjamin T. Coppage, City Attorney, on July 01, 2025.

## CHAPTER 8. NUISANCES

### Sec. 6-8001. Definitions.

As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (a) *Abate* means repair, replace, remove, destroy or otherwise remedy the condition in question by such means, in such time, in such a manner and to such an extent as the enforcement officer or hearing committee shall determine to be in the best interest of the public, taking into account all facts and circumstances.
- (b) *Business days* means Monday through Friday.
- (c) *Enforcement officer* means a law enforcement officer, code enforcement official, or other city employee or official as may be designated in writing by the city manager or chief of police to enforce the provisions of this division.
- (d) *Graffiti* means any unauthorized inscription, word, figure, painting or other defacement that is written, marked etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization.
- (e) *Hearing board: Three persons* means the city manager or deputy city manager and two designees of the city manager.
- (f) *Industrial waste* means all liquid and water-borne solid, liquid or gaseous waste resulting from industrial manufacturing, food processing operation, processing any natural resource or mixture of such wastes with water or domestic sewage.
- (g) *Person* means any landlord, property owner, manager, lessee, tenant, or individual, group, association, corporation, partnership, trust, estate or receiver having the capacity to sue or be sued.
- (h) *Premises* means any building, lot, parcel, real estate, or land or portion of land whether improved or unimproved, occupied or unoccupied, including adjacent parking.
- (i) *Public nuisance* means an unreasonable interference with rights of the public in general, which act or omission does any one or more of the following:
  - (1) Annoys, injures, subverts or endangers the public's order, economy, resources, safety, health, welfare, comfort, repose or offends public decency;
  - (2) Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any waters, public places, or ways.
- (j) *Structure* means anything constructed, built or planted upon, any edifice or building of any kind, whether commercial, residential, or otherwise, or any piece of work artificially built up or composed of parts joined together in some definite manner, which structure requires location on the ground or is attached to something having a location on the ground.

### Sec. 6-8002. Public Nuisances.

This section provides a non-exhaustive list of acts or omissions that constitute public nuisances. In addition to the acts or omissions listed, any act or omission which meets the definition of Public Nuisance as stated in Sec. 6-8001(i) shall be considered a public nuisance for purposes of this Chapter.

EXHIBIT A

(a) *Nuisances affecting public health.* The following are declared to be nuisances affecting public health:

- (1) All decayed or unwholesome food products or food waste not properly contained either inside or outside for more than 24 hours before pick up;
- (2) Litter, debris, trash or refuse which is not placed within the appropriate container; or containers for waste which are not properly placed upon their pads;
- (3) All pools of stagnant water or vessels holding stagnant water in which mosquitoes can breed, excluding required retention ponds;
- (4) Swimming pools which either (A) are empty, excluding such pools that are completely and effectively covered, or (B) contain liquids and/or debris which are not bacteriologically, chemically, or physically safe for swimming or other intended uses;
- (5) One or more animal carcasses not buried or disposed of in a lawful and sanitary manner within 24 hours after their death;
- (6) Leaking septic tanks or sewer lines or other sewage existing in an unsanitary manner;
- (7) Damaged or diseased limbs of trees or any tree or trees which pose potential injury to the public at large due to there being a high likelihood that such tree or trees, or any part thereof, may fall and cause personal injury or property damage;
- (8) Deliberate placement or discharge into any part of a storm water drainage system of: untreated sewage, sewage solids, process wastewater, refuse, explosive or combustible liquid, solid or gas, oils, greases, industrial water or other polluted water except where a federal, state or local permit for connections, discharge or disposal has been obtained prior to the event; or waters or wastes containing toxic or poisonous wastes to constitute a hazard to humans, plants or animals or to cause corrosion, discoloration or deposition on real or personal property; or any solid or viscous substances in such quantities or of such size capable of causing obstruction to the flow in the storm water drainage system or other interference with the proper operation of the drainage system of the city.
- (9) Continual, reoccurring, or constant violations of Chapters 1 through 6 of Part 6 of this Code.

(b) *Nuisances offending public decency, peace, and order.* The following are declared to be public nuisances affecting public decency, peace, and order, when such violations are of a continual, reoccurring, or constant nature:

- (1) Any structure where gambling devices, slot machines, punch boards, and other such contrivances of similar character involving any elements of chance as a consideration, or any type of gambling, bookmaking, wagering or betting is carried on, and all gambling equipment, except where such specific form of gambling is permitted by applicable law;
- (2) Any structure used and maintained for the commercial or criminal purposes of unlawful sexual activity in violation of federal, state, or local law;
- (3) Any structure where intoxicating liquors are manufactured, sold, bartered, or given away in violation of federal, state, or local law, or where intoxicating liquors kept for sale, barter, or distribution in violation of federal, state or local law, and all liquors, bottles, kegs, pumps, bars, and other property kept at and used for maintaining such a place;
- (4) Any structure where acts of sale, possession, or distribution of controlled substances occur in violation of federal, state, or local law;

EXHIBIT A

- (5) Any structure, private property, or commercial operation where breaches of the peace, disorderly conduct, or offenses against the person occur with such disproportionate frequency when compared to the frequency of law enforcement action required at other similarly situated structures, or where the intensity of law enforcement response, when required, is disproportionate to the intensity of response required at other similarly situated structures. It is the intent of this subsection that the owners, operators, or managers of commercial operations or multi-family residential developments shall be held responsible for the acts or commission which generate, enable or contribute to the requirement of frequent or intensive law enforcement action due to a management policy or practice, personal conduct, lack of control or supervision, absence or ineffectiveness of security, or other factors.
  - (6) Any overgrown, uninhabited, undeveloped or vacant land, lot, or property not licensed or zoned for camping that has been identified by law enforcement as an area used by persons other than the owner as an area used to inhabit or camp, or any overgrown, uninhabited, undeveloped, or vacant land, lot or property used by persons as an area to flee or evade police upon approach, or used to avoid detection or investigation by law enforcement without regard to the time of day or night regarding such conduct, as identified by a citizen or police reported incident level of more than two times in a 60-day period.
- (c) *Nuisances affecting public welfare and safety.* The following are declared to be public nuisances affecting public welfare and safety:
- (1) All trees, hedges, signs or other obstructions, or any portion of the same, located on private property which prevent persons driving vehicles approaching an intersection of streets from having a clear and safe view of traffic approaching such intersection;
  - (2) All trees, hedges, signs or other obstructions, or any portion of the same located on private property which prevents the clear and unobstructed view of a fire hydrant, fire department connection, or other fire protection device, or directional or identification signage pertaining to the above, from a public way;
  - (3) Any obstruction, erosion, or depression which poses a potential hazard to vehicles or pedestrians using a right-of-way on private property where the public is invited or permitted to traverse for commercial purposes;
  - (4) All wires, strings, ropes, or lighting contrivances over streets, alley, or public grounds which are not authorized or permitted by the city or which are strung so that the lowest portion is less than 13 1/2 feet above the surface of the ground;
  - (5) All explosives, flammable liquids, and other dangerous substances stored in any manner, in any amount other than that manner or amount permitted by law;
  - (6) All hanging signs, awnings, canopies, and other similar structures over the streets or sidewalks so situated or constructed as to endanger public safety or to be in violation of this Code;
  - (7) Any motor vehicle that is unregistered, inoperable, derelict, or abandoned on any highway or right-of-way, or other public or private property, unless such vehicle is stored inside of a building or protected from the elements by way of a complete covering;
  - (8) Any abandoned or discarded icebox, refrigerator, ice chest, or other type of air-tight container whose door, lid or other closing device has not been removed.
- (d) *Nuisances affecting public economy.* The following are hereby declared to be public nuisances affecting the public economy:

## EXHIBIT A

- (1) All structures bearing graffiti;
- (2) All structures in violation of the International Property Maintenance Code, as adopted, and all structures which, for a period of one month or longer, remain unoccupied and boarded up, have an exterior finish of which is destroyed, decayed, dilapidated, or deteriorated in violation of the International Property Maintenance Code, provided however, unoccupied structures shall not be considered a public nuisance if the building exterior is weather tight and maintained for purposes of appearance and security according to the International Property Maintenance Code, and the material which secures the building is compatible with the exterior in appearance, color, texture, and design, and the premises are kept in compliance with all applicable building, property maintenance, zoning, and land use laws;
- (3) All premises continually not in compliance with applicable licensing, zoning, and land use laws;
- (4) All business with an outstanding arrearage of applicable city liens, taxes, fees, charges, or assessments;
- (5) All premises which originate false fire or burglar alarms, as defined by applicable law.

### **Sec. 6-8003. Other nuisances.**

The enumeration of specific nuisances in this chapter shall not be deemed to make lawful any other act or condition declared to be a nuisance by any other city ordinance, state law, federal law, or court decision.

### **Sec. 6-8004. Reporting emergencies and emergency action.**

Any person who directly observes a nuisance posing an emergency threat to the public health or safety or to the environment shall immediately report the incident to the Beaufort Police Department and shall provide any information requested by the law enforcement officer needed to investigate or abate the potential emergency. If any nuisance exists in such a condition that is so menacing to the public health, peace, or safety that it is necessary that it be summarily abated, the city enforcement officer, after consultation with and concurrence from the city manager may proceed to abate the nuisance without a hearing.

### **Sec. 6-8005. Nuisances prohibited and unlawful.**

No person shall create any public nuisance in the city, and no person shall by inaction permit a public nuisance to occur or continue on any real property under such person's control, whether by recorded or unrecorded instrument or permission. Nor shall any person permit a public nuisance to occur involving any personal property under such person's control.

### **Sec. 6-8006. Institution of criminal process and penalty.**

The determination of the existence of a public nuisance must be made by an enforcement officer or other appropriate governmental official. Enforcement of this chapter's provisions may be accomplished upon the institution of criminal process by way of uniform traffic ticket, municipal ordinance summons, or warrant made only by a law enforcement officer or appropriate government official. Each day a violation continues constitutes a separate offense under this Chapter, subject to a fine in an amount not

## EXHIBIT A

to exceed \$500.00 and/or up to 30 days imprisonment for each offense. In its discretion, the city may elect to use other applicable Code sections or state or federal laws pertaining to remediation, abatement, or offenses.

### **Sec. 6-8007. Public abatement; notice, service.**

- (a) If a person violates Sec. 6-8005, the city may, in addition to the initiation of criminal process and imposition of a penalty, serve an administrative notice to abate a public nuisance upon the owner or occupant and demand that compliance be achieved within the time specified in the notice.
- (b) The city shall determine the individual, firm, corporation, or lien holder who, from the records in the county tax assessor's office, appears to be the titled owner or lien holder of the property and cause a written notice of public nuisance to be served on such individual, firm, corporation, or lien holder by:
  - (1) Personal service as attested to by affidavit of service; or
  - (2) Copy mailed to such owner or lien holder at such place or address by United States certified mail return receipt requested; or
  - (3) Causing a copy of the aforesaid notice to be posted at such structure, location, or premises, which shall serve as notice to the public.
- (c) The notice to abate the nuisance shall inform the person of the specific nuisance with citation to this section; provide names, numbers, and addresses for contact with the city; inform the violating party of rights to appeal; and that, upon the day after the time specified in the notice, the city may abate the condition and assess an administrative fee and all public costs, including attorneys fees and costs, as a lien against the property.
- (d) Nothing in this chapter precludes the city from availing itself of any other claim or remedy available to it at law or equity for the abatement of the nuisance, to include without limitation the claims and remedies which may be asserted and sought pursuant to S.C. Code § 15-43-10, *et seq.*

### **Sec. 6-8008. Hearing on nuisance determination.**

- (a) *Hearing on finding of nuisance:* The responsible person, owner or occupant, or the lien holder of the property, may make a written demand to the city manager for a hearing on the question of whether a public nuisance exists. This demand for hearing shall stay the public abatement until such time as the matter is heard and decided by the hearing board. The demand must be received by the manager before the time specified in the notice. The appeal may be mailed or emailed to the city manager. The written demand shall include a contact number, either phone or email address, in order for the person to be informed of the hearing location, date, and time. It shall not be a defense to the determination that a public nuisance exists that the property is boarded up or otherwise enclosed. The hearing board may amend or modify the notice to abate the public nuisance, or when appropriate under the facts presented, extend the time for compliance by the owner to such date as the majority of the hearing board may determine. The decisions of the hearing board are final and shall be delivered orally to the appellant on the date of the hearing, and then, if requested, written and mailed to the address provided.
- (b) *Failure to demand hearing on finding of nuisance:* Failure to timely demand a hearing constitutes a waiver of the right to be heard with regard to the existence of a public nuisance.

## EXHIBIT A

- (c) *Hearing on assessment:* Further, in those instances where the nuisance has been abated by the city after the required notice of Sec. 6-8007(b), the owner or occupant of the property who has been served with a notice of assessment pursuant to section 6-8009 of this Chapter may make a written demand to the city manager for a hearing to review the cost of the abatement. This demand for hearing stays the attachment of the lien until such time as the matter is heard and decided by the hearing board. The demand for hearing on the assessment must be received by the manager within five business days of the violating party's receipt of the notice of assessment. The written demand shall include a contact number, either phone or email, in order for the person to be informed of the hearing location, date, and time. In a hearing on the assessment of costs, no testimony shall be permitted on the issue of the existence of the public nuisance. The decisions of the hearing board are final, and shall be delivered orally to the appellant on the date of the hearing, and then, if requested, written and mailed to the address provided.
- (d) *Failure to demand hearing on assessment:* Failure to timely demand a hearing constitutes a waiver of the right to be heard with regard to the assessment of costs.
- (e) *Notice of the hearing:* By way of the contact numbers provided in the written demand, the city manager shall orally advise the owner of the location, date, and time of the hearing. Notice of the hearing must be provided at least two business days prior to the hearing, excluding city recognized holidays and weekends.
- (f) *Time and manner of hearings:* The hearings as allowed under this section shall be held as soon as practical but in any event no later than ten business days after receipt of the demand for hearing, excluding city recognized holidays and weekends. The hearing shall not be conducted under the strict rules of evidence. The hearing shall be informally conducted by the city manager or deputy city manager, and two designees of the city manager. The enforcement officer shall present the facts and circumstances that resulted in the existence of the public nuisance. The owner, occupant or lien holder, or their agents, representatives, or attorneys shall be given the opportunity to present evidence to the hearing board in the course of the hearing, and shall have the right to cross examine the enforcement officer. When the nuisance has been abated by the city and the person has demanded a hearing to challenge the assessment of the administrative fee and costs, the hearing board shall have discretion to waive the administrative fee or the public cost of abating a nuisance, in whole or in part, if, in the course of the hearing reviewing the decision, the hearing board finds that justice and equity require such waiver or that any of the following did not conform to the provisions of this chapter:
  - (1) The notice to remove the nuisance;
  - (2) The work performed in abating the nuisance; or
  - (3) The computation of charges.

### **Sec. 6-8009. Liability for costs.**

In the event of a person's refusal or neglect to cause a nuisance to be abated in the manner and within the time provided herein, the same shall be reported to the city manager. The city manager may, in a reasonable and prudent manner, direct the expenditure of public resources to abate the nuisance condition. The cost of abatement shall include an administrative assessment of \$500.00 and the actual cost of expended in public abatement, to include without limitation, labor, materials, and attorney's fees and costs. The person shall be served with a notice of assessment within seven days of the completion of the abatement. The notice of assessment shall include the administrative fee and a statement of

## EXHIBIT A

public cost, attested to by affidavit, and shall be issued and served, as provided for in Sec. 6-8007(b), upon the person responsible for payment who shall make payment within 30 days of the date of service. Upon the expiration of the 30-day period, if the amount has not been paid in full or contested before the city manager, the city manager may cause a lien in that amount to be filed with the county clerk of court and with the finance director of the city. The lien shall be of record in the county courthouse and the office of the finance director in the book of liens, until paid or recovered, or otherwise released. Collection of the lien by way of recovery or foreclosure may be instituted by the city attorney on behalf of the city.



**CITY OF BEAUFORT  
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM**

To: City Council

From: JJ Sauve, Deputy City Manager

Agenda Item Title: Strategic Plan Resolution

Meeting Date: 07-08-25

Department: City Manager's Office

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## I. Introduction

The purpose of this memorandum is to recommend City Council adoption of the **City of Beaufort Strategic Plan for Fiscal Years 2026-2027** by resolution. The Strategic Plan serves as the City's operational and policy guide for the upcoming biennium, aligning initiatives with Council's vision and ensuring a transparent, accountable framework for implementation.

## II. Background

City Council, City leadership, and strategic partners convened a three-day Strategic Planning Retreat from February 24-26, 2025, at the Beaufort County Black Chamber of Commerce. The retreat was facilitated by Bill Stipp of Bridge Group LLC and included:

- Review of progress on the FY24-FY25 strategic plan
- Departmental presentations highlighting accomplishments, challenges, and unmet needs
- Public comment sessions
- Discussion of key topics including development code updates, capital improvement priorities, personnel and operational challenges, and emerging community needs
- Finalization of strategic priorities for FY26 and FY27

This inclusive and collaborative process resulted in a comprehensive plan structured around five Key Focus Areas:

1. A Safe & Vibrant City
2. Manage Infrastructure, Growth & Protect Natural Resources
3. Economic Development & Innovation
4. Fiscal Sustainability
5. Organizational Excellence

The plan outlines guiding principles and detailed initiatives under each focus area to drive the City's policy, budget, and operational decisions over the next two fiscal years.

### III. Legal Authority

The City of Beaufort operates under a Council-Manager form of government pursuant to the South Carolina Home Rule Act (SC Code Title 5, Chapter 11). Adoption of a strategic plan by resolution is consistent with Council's authority to establish policies guiding the City's operations, budgeting, and service delivery.

### IV. Recommendation

Staff recommends that City Council adopt the attached Resolution adopting the City of Beaufort Strategic Plan for Fiscal Years 2026-2027.

Adoption will:

- Formally establish the Strategic Plan as the City's operational roadmap
- Provide clear direction to staff on Council priorities
- Ensure alignment of departmental initiatives with community needs and Council vision
- Enable effective resource allocation and accountability reporting

Should Council approve, staff will implement the initiatives set forth in the plan and provide regular progress updates to ensure transparency and results-driven execution.

**RESOLUTION 2025/20**  
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEAUFORT, SOUTH CAROLINA, ADOPTING THE CITY OF BEAUFORT STRATEGIC PLAN FOR FISCAL YEARS 2026-2027**

WHEREAS, the City Council of the City of Beaufort, South Carolina, remains committed to advancing the City’s vision of a thriving, diverse, and resilient community that honors its history while enhancing quality of life for all residents; and

WHEREAS, the City Council, City Manager, Deputy City Manager, senior staff, and strategic partners convened for a Strategic Planning Retreat on February 24-26, 2025, at the Beaufort County Black Chamber of Commerce to review current strategic initiatives, identify emerging priorities, and refine the City’s long-term goals and operational priorities; and

WHEREAS, the Strategic Planning Retreat was facilitated by Bill Stipp of Bridge Group LLC and included public comment sessions, departmental presentations, and extensive Council and staff discussion to ensure a transparent, inclusive, and accountable planning process; and

WHEREAS, the resulting City of Beaufort Strategic Plan for Fiscal Years 2026-2027 sets forth key focus areas, guiding principles, and initiatives to advance community safety, economic development, infrastructure resilience, fiscal sustainability, and organizational excellence;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Beaufort, South Carolina, in regular session duly assembled:

**Section 1.** The City of Beaufort Strategic Plan for Fiscal Years 2026-2027, as presented to City Council and incorporated by reference herein, is hereby adopted as the City’s official strategic plan and operational guide for the upcoming biennium.

**Section 2.** The City Manager is hereby directed to implement the initiatives set forth in the Strategic Plan and to provide periodic progress updates to City Council to ensure accountability and transparency in execution.

RESOLVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025, by the City Council of the City of Beaufort, South Carolina, in regular session duly assembled.

SIGNED:

\_\_\_\_\_  
Philip E. Cromer, Mayor  
ATTEST:

\_\_\_\_\_  
Traci Guldner, City Clerk

APPROVED AS TO FORM:

Ben Coppinge, City Attorney July 01, 2025

A scenic view of a bridge over water at sunset, with a cannon in the foreground. The bridge is a long, multi-arched structure with a central tower, spanning across a body of water. The sky is a mix of blue, orange, and pink, with clouds catching the low sun. In the foreground, a large, dark cannon is mounted on a wooden carriage, pointing towards the bridge. The water reflects the colors of the sky and the bridge. The overall mood is peaceful and historical.

# City of Beaufort Strategic Plan

Guiding Our Future

Fiscal Years 2026-2027

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# Leadership Messages

## Letter from the Mayor



Welcome to the City of Beaufort Strategic Plan. As your Mayor, I am committed to advancing our vision of a thriving and diverse city that honors its history while enhancing quality of life for all citizens. This strategic plan represents our roadmap to sustainable growth and community prosperity.

Together with the City Council and our dedicated staff, we have developed a comprehensive approach to address our key focus areas while maintaining fiscal responsibility and environmental stewardship. I invite you to review this plan and join us in building Beaufort's future.

- Mayor Phil Cromer

## Letter from the City Manager



This Strategic Plan represents countless hours of thoughtful planning and community input. As City Manager, I am proud to present this document that will guide our operational decisions and resource allocations in the coming years.

Our team is focused on implementing the initiatives outlined in this plan with transparency and accountability. We are committed to providing exceptional service to our residents while ensuring the long-term sustainability of our beautiful city. We welcome your continued engagement as we work together to achieve these strategic goals.

- City Manager Scott Marshall

# Vision and Mission

## Vision

A city encouraging public confidence in an environment of economic opportunities and affordable livability, transparent and responsive government, and resiliency in the face of weather and climate related impacts. A thriving and diverse city that honors its history while enhancing the quality of life for its citizens, sustaining responsible growth, and maintaining harmony between the built and natural environment.

## Mission

The mission of the City of Beaufort is to provide responsive governance and efficient and courteous service with professionalism and integrity.

## Key Focus Areas

- **A Safe & Vibrant City** - Ensuring public safety, promoting cultural vitality, and creating engaging community spaces that enhance quality of life for residents and visitors.
- **Manage Infrastructure, Growth & Protect Natural Resources** - Developing and maintaining critical infrastructure while implementing sustainable growth policies that preserve our unique coastal environment and natural assets.
- **Economic Development & Innovation** - Fostering a diverse, resilient economy through business development, tourism enhancement, and innovation that respects our historic character while embracing future opportunities.
- **Fiscal Sustainability** - Maintaining responsible financial management, diverse revenue streams, and strategic investments that ensure long-term city viability while delivering value to taxpayers.
- **Organizational Excellence** - Building a high-performing, responsive city government through effective leadership, professional development, technological advancement, and exceptional customer service.



# Executive Summary

The City of Beaufort's 2025 Strategic Planning Retreat held February 24–26 at the Beaufort County Black Chamber of Commerce, marked a pivotal step in refining the City's long-term goals and operational priorities. Guided by facilitator Bill Stipp of Bridge Group LLC, the retreat brought together City Council, senior staff, and regional partners to review progress on the current strategic plan, identify emerging priorities, and lay the foundation for updated initiatives for FY26 and FY27. The retreat also introduced a new capital planning framework that will guide infrastructure and financial investments over the next decade. This inclusive and transparent planning process is designed to ensure community needs and input are central to future policy and budget decisions.

## Participants:

### City Leadership

Phil Cromer, Mayor  
Mike McFee, Mayor Pro-Tempore  
Neil Lipsitz, Councilman  
Mitch Mitchell, Councilman  
Josh Scallate, Councilman  
Traci Guldner, City Clerk  
Scott Marshall, City Manager  
JJ Sauve, Deputy City Manager  
Ashley Brandon, PIO

### Department Heads

Alan Eisenman, Finance Director  
Ivette Burgess, HR Director  
Nate Farrow, Public Works Director  
Tim Ogden, Fire Chief  
Stephenie Price, Police Chief  
Curt Freese, Community Development Director  
Linda Roper, Downtown Operations Director  
Raul Dominguez, CIP Director

## Day One:

The first day focused on establishing a foundation for the retreat and reviewing departmental progress and challenges. Following opening remarks from City leadership and a presentation on the strategic planning process, staff provided an update on strategic plan implementation. Department heads then delivered updates highlighting major accomplishments, ongoing challenges, and key unmet needs in areas such as public safety, public works, finance, courts, human resources, and capital improvements.

## Key Topics Covered:

- Strategic planning overview and goals for the retreat
- Progress update on current strategic initiatives
- Department-level presentations on 2024 activities and priorities
- Discussion of personnel, technology, infrastructure, and service delivery challenges
- Public comment session

**Day Two:** Focused on strategic framework refinement, development code review, and capital project prioritization. Council and staff reviewed survey feedback, discussed the development code, and received updates on capital projects and the new 10-year CIP process.

**Key Topics:**

- Review of Council and staff survey results
- Development Code discussion
- Updates on capital projects and new CIP process
- Emerging projects and funding challenges
- Confirmation of FY26–28 strategic priorities
- Public comment

**Day Three:** Focused on partnerships. Strategic partners shared updates on collaboration opportunities related to infrastructure, housing, economic development, and public services. The day concluded with final public comment and closing reflections.

**Key Topics:**

- Strategic partner presentations
- Updates on joint initiatives and regional priorities
- Discussion of coordination opportunities
- Final public comment and closing remarks

Following the retreat, the strategic plan was presented to City Council for review and feedback in worksession and formal adoption via resolution.



# Key Focus Area 1: A Safe & Vibrant City

The City of Beaufort will maintain our authenticity while building a safe and equitable City. Beaufort will pursue affordable livability for all segments of the population, through the provision of responsive public safety, and improved public spaces.

## Guiding Principle 1.1

Preserve and enhance the historic and cultural identity/resources that reflect the values and traditions of our community. We support and promote cultural activities that reflect our historic legacy.

## Guiding Principle 1.2

Support and create partnerships with public/private educational institutions and local school leadership. Encourage multi-generational development programs and recreational opportunities.

## Guiding Principle 1.3

Enhance our connections with neighborhoods throughout the city through focused outreach and strategic utilization of various communication methods. We should celebrate our accomplishments through focused outreach to the residents.

## Guiding Principle 1.4

Promote public safety process improvements and innovative programs that ensure a safe community.

## Guiding Principle 1.5

Foster and support initiatives and evaluate community policies, programs, gathering places, and events that promote healthy and quality lifestyles for our demographically diverse community.

## Guiding Principle 1.6

Foster citywide initiatives, policies and city codes that support a clean, well-maintained, and sustainable community.

## Guiding Principle 1.7

Explore innovative transportation policies, projects, and plans to better accommodate patterns of movement for a growing population

# Key Focus Area 1: A Safe & Vibrant City - Initiatives

## Key Initiatives

| Initiative   | New/Legacy | Guiding Principle | Primary Department    | FY Start |
|--|------------|-------------------|-----------------------|----------|
| Develop an effective MOU with the NPS to ensure preservation and continued enjoyment for all of Reconstruction Era National Historic Park                              | Legacy     | GP 1.1            | Downtown Operations   | FY26     |
| Engage Beaufort County and BCSD administration to assess interest and feasibility of joint use, maintenance, and improvements agreements at identified municipal parks | Legacy     | GP 1.5            | Public Works          | FY26     |
| Evaluate and report recommendations on increasing family and consumer access to the downtown area  | Legacy     | GP 1.5            | Downtown Operations   | FY26     |
| Assess and provide recommendations on feasibility and funding options for Municipal Historic Preservation Incentive and Grant Programs                                 | Legacy     | GP 1.1            | Community Development | FY26     |

# Key Focus Area 1: A Safe & Vibrant City - Initiatives Continued

|   |        |        |                              |      |
|---|--------|--------|------------------------------|------|
| Expand the existing summer police explorer and internship programs to include year-round programming                                      | Legacy | GP 1.4 | Police Department            | FY26 |
| Develop a report with recommendations on increasing downtown pedestrian traffic during identified critical time periods by local families | Legacy | GP 1.5 | Downtown Operations          | FY26 |
| Develop a long-term plan for rehabilitating and maintaining the Waterfront Park and Marina infrastructure                                 | Legacy | GP 1.1 | Capital Improvements Program | FY26 |
| Engage with LCOG and Palmetto Breeze to complete the Northern Beaufort Transit Master Plan  | Legacy | GP 1.7 | Community Development        | FY26 |
| Update Codes and Regulations for Parks and Playgrounds  | New    | GP 1.6 | Public Works                 | FY26 |

# Key Focus Area 1: A Safe & Vibrant City - Initiatives Continued

|   |     |        |                       |      |
|---|-----|--------|-----------------------|------|
| Implement full-time Emergency and Risk Management Program                           | New | GP 1.4 | City Manager's Office | FY26 |
| Explore Short Term Rental Ordinance update and CAP zoning                           | New | GP 1.1 | Community Development | FY26 |
| Partner with regional organizations to develop a plan addressing Housing Insecurity | New | GP 1.5 | Community Development | FY27 |
| Explore development incentives for increasing family and youth entertainment        | New | GP 1.5 | Community Development | FY27 |
| Engage the County to invest in active parks within and adjoining the city           | New | GP 1.6 | Public Works          | FY27 |

# Key Focus Area 2: Manage Infrastructure, Growth & Protect Natural Resources

The City of Beaufort will preserve its unique character and charm while planning for future growth and addressing climate-related challenges. The City will assess environmental, municipal, regional, and private sector constraints that influence growth, identify key commercial and residential areas that need attention, and encourage balanced development through annexation, infill, and the upkeep of City-owned infrastructure.



## Guiding Principle 2.1

Establish routine and industry best practice maintenance guidelines to monitor the efficiency and operability of current below and above grade infrastructure and facilities.



## Guiding Principle 2.2

Identify programs, technologies, or resources to complement current operational practices that ensure the sustainability of existing infrastructure and facilities.



## Guiding Principle 2.3

Establish long-term planning, prioritization and investment strategies for future infrastructure and facilities that improve the quality of life for residents while being financially sustainable.



## Guiding Principle 2.4

Manage and encourage infill development to provide for use of current built infrastructure and promote housing and economic development diversity.



## Guiding Principle 2.5

Manage annexation through strategic partnerships and acquisitions within growth boundaries, consistent with the comprehensive plan, that grow the city's tax base and/or enhance the quality of life and opportunities for residents.



## Guiding Principle 2.6

Plan for climate change and sea level rise by designing, engineering, and implementing infrastructure improvements.



## Guiding Principle 2.7

Maintain a development code that balances quality of life for residents, authenticity of the City, and that fosters smart growth

# Key Focus Area 2: Manage Infrastructure, Growth & Protect Natural Resources- Initiatives

## Key Initiatives

| Initiative  | New/Legacy | Guiding Principle | Primary Department    | FY Start |
|---|------------|-------------------|-----------------------|----------|
| Take a pro-active approach to coordination with Beaufort County in finalizing a Lady's Island Master Plan             | Legacy     | GP 2.3            | Community Development | FY26     |
| Develop a project plan and complete a full update of the Comprehensive Plan   | Legacy     | GP 2.3            | Community Development | FY27     |
| Develop a cost/benefit assessment procedure for annexation requests   | Legacy     | GP 2.5            | Community Development | FY26     |
| Complete ongoing development code edits to more accurately reflect best practices and current priorities during FY 26 | Legacy     | GP 2.7            | Community Development | FY26     |
| Evaluate and Implement Smart Growth Strategies  | New        | GP 2.3            | Community Development | FY27     |



## Key Focus Area 3: Economic Development & Innovation

The City of Beaufort will strengthen and diversify its economy, and build employment opportunities, through partnerships and innovation. We will support existing businesses and recruit new businesses as we promote balanced land use, support diverse tourism, and remain an authentic hometown.



### Guiding Principle 3.1

Ensure development services are continually streamlined, efficient, customer focused and responsive to support new growth, local economic development, and the long-term success of existing local businesses.



### Guiding Principle 3.2

Continually update and refine a long-range planning that incorporates resident and stakeholder input to provide a road map for community design, strategic economic development, infrastructure, and budget planning.



### Guiding Principle 3.3

Focus on strategic and targeted economic development pursuits that strive to increase local jobs, generate additional revenues, and support the needs of a growing community.



### Guiding Principle 3.4

In collaboration with civic partners, nurture and support existing businesses, educational partners, and entrepreneurial efforts in the city.



### Guiding Principle 3.5

Employ economic development strategies that invest in public amenities and infrastructure to enhance our quality of life and thereby drive economic growth.



### Guiding Principle 3.6

Encourage diverse housing concepts that target a wide variety of options (e.g. types, price ranges, sizes, ownership/rental, and styles) through strategic partnerships and enhanced ordinances/policies.

# Key Focus Area 3: Economic Development & Innovation- Initiatives

## Key Initiatives

| Initiative   | New/Legacy | Guiding Principle | Primary Department    | FY Start |
|--|------------|-------------------|-----------------------|----------|
| Implement Open for Business Tiger Team Phased Recommendations  | New        | GP 3.3            | Downtown Operations   | FY26     |
| Evaluate and make recommendations on feasible development code exceptions for the facilitation of affordable workforce housing | New        | GP 3.6            | Community Development | FY 26    |

# Key Focus Area 4: Fiscal Sustainability

City of Beaufort will maintain a stable financial environment that is transparent and that ensures outstanding public services. The city will implement innovative and responsible policies to effectively manage its fiscal and human resources. Business practices will be efficient, business friendly and ensure exceptional customer service to all stakeholders and citizens.

## Guiding Principle 4.1

Implement business processes and operational efficiencies to streamline the cost of government including the examination and identification of cost of services and cost recovery policies.

## Guiding Principle 4.5

Implement, leverage and seek diverse revenue sources that withstand and adapt to changing economic conditions.



## Guiding Principle 4.2

Implement financial initiatives that allow the city to proactively recruit, plan for, maximize, and retain top human resources.

## Guiding Principle 4.3

Implement innovative technology initiatives to support city business processes, customer service and encourage private development investment.

## Guiding Principle 4.4

Create and pursue opportunities for collaboration and regional partnerships to maximize resources and address regional issues.

# Key Focus Area 4: Fiscal Sustainability- Initiatives

## Key Initiatives

| Initiative  | New/Legacy | Guiding Principle | Primary Department    | FY Start |
|---|------------|-------------------|-----------------------|----------|
| Develop and implement a Comprehensive Fiscal Policies and Controls Manual   | Legacy     | GP 4.1            | Finance               | FY26     |
| Complete and adopt a strategic plan for Information Technology and Geographic Information Services management   | Legacy     | GP 4.3            | City Manager's Office | FY26     |
| Formalize operating agreements with strategic partners, to include the Beaufort County Economic Development Corporation and the Beaufort Digital Corridor and others as needed. | Legacy     | GP 4.4            | City Manager's Office | FY26     |
| Develop Asset Management Plan   | New        | GP 4.1            | Finance               | FY26     |
| Develop Recession Contingency Plan  | New        | GP 4.5            | Finance               | FY26     |
| Evaluate Cost of Service Delivery   | New        | GP 4.1            | Finance               | FY27     |
| Evaluate Divestiture of Real Properties   | New        | GP 4.1            | City Manager's Office | FY26     |

# Key Focus Area 5: Organizational Excellence

City of Beaufort is a responsive, transparent, and efficient organization that engages its citizens, visitors and business stakeholders. We shall integrate technologies which enhances the execution of City functions, staff the organization with highly qualified diverse personnel, and provide municipal education opportunities for boards, commissions and citizens.



## Guiding Principle 5.1

Establish clear management expectations for all employees and volunteers of the city.



## Guiding Principle 5.2

Develop initiatives to improve communication and transparency for city employees.



## Guiding Principle 5.3

Create and maintain a culture of ownership by empowering employees to make decisions. Ensure employees have the necessary intellectual and physical resources to perform their jobs and provide excellent customer service efficiently and effectively.



## Guiding Principle 5.4

Implement programs and develop projects that create a professional, safe, value-oriented, accountable, and responsive work environment with opportunities for education, advancement, and job fulfillment for all employees and volunteers.



## Guiding Principle 5.5

Implement and evaluate opportunities to foster employee engagement in meaningful ways that strengthen internal relationships while celebrating accomplishments.



## Guiding Principle 5.6

Engage in legislative advocacy with County, State and Federal entities to proactively advance and protect the interests and quality of life for our residents, businesses and visitors.

# Key Focus Area 5: Organizational Excellence- Initiatives

## Key Initiatives

| Initiative  | New/Legacy | Guiding Principle | Primary Department    | FY Start |
|---|------------|-------------------|-----------------------|----------|
| Update the Council SOP Manual to reflect specific duties and procedures of all applicable appointed Boards and Commissions                                  | New        | GP 5.4            | City Manager's Office | FY26     |
| Establish a professional development program for Council appointed Boards and Commissions based on the new Council SOP Manual and other available resources | Legacy     | GP 5.1            | City Manager's Office | FY26     |
| Implement First Line Supervisor and Executive/Leadership Development Program  | New        | GP 5.3            | Human Resources       | FY26     |
| Develop City-Wide Key Performance Metrics   | New        | GP 5.1            | City Manager's Office | FY26     |
| Develop and implement a process for determining annual political advocacy resolutions   | Legacy     | GP 5.6            | City Manager's Office | FY26     |

# City of Beaufort

## City Council

Beaufort City Council members are available to address your questions and concerns. Please feel free to reach out via email.



Mayor Phil Cromer

Mayor

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Councilman Mike McFee

Mayor Pro Tem

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Councilman Neil Lipsitz

Council Member

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[www.cityofbeaufort.org](http://www.cityofbeaufort.org)



**CITY OF BEAUFORT  
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM**

To: City Council

From: JJ Sauve, Deputy City Manager

Agenda Item Title: King St Project Construction Resolution

Meeting Date: 07-08-25

Department: City Manager's Office

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### I. Introduction

Staff recommends that City Council authorize the City Manager to enter into a construction contract with J.H. Hiers Construction for the King Street Drainage Improvements Project, with the potential inclusion of the Port Republic Street Stormwater Project, pending final approval by the South Carolina Rural Infrastructure Authority (RIA) and appropriate grant budget approvals.

### II. Background

The King Street Drainage Improvements Project has been a multi-year effort to address chronic flooding issues affecting King Street and surrounding neighborhoods. The project was developed to replace aging infrastructure, improve stormwater capacity, and enhance public safety and resiliency. It has been funded primarily through a grant award from the South Carolina Rural Infrastructure Authority.

There is currently approximately **\$9 million budgeted for construction on this project**, which includes grant funding allocated for the King Street Drainage Improvements.

Bids for the project were received on June 26, 2025, from J.H. Hiers Construction and Gulfstream Construction Company, Inc. After correcting minor bid calculation errors, Davis & Floyd, the City's engineering consultant, recommends awarding the contract to J.H. Hiers Construction as the lowest responsive bidder with a total bid of **\$6,484,956.00** for the base bid plus additive alternate. Although this bid exceeds the original engineer's estimate, Davis & Floyd has advised that it is reflective of current market saturation and volatility in material and labor pricing.

Notably, the originally proposed pump station was removed from the King Street project scope due to budget constraints. As a result, staff intends to pursue using the remaining grant funds to complete the Port Republic Street Stormwater Improvements Project, pending approval by RIA. This approach would maximize the use of the awarded funds to achieve both priority drainage projects for the City. Additional RIA funding is anticipated to be necessary to fully fund the Port Republic component.

### III. Legal Authority

South Carolina Code of Laws § 5-7-40 authorizes the City Council to adopt resolutions and ordinances necessary for the operation of municipal functions, including approval of contracts exceeding administrative spending authority. Additionally, City of Beaufort Procurement Code requires Council authorization for the award of construction contracts funded by grants exceeding departmental thresholds. Approval by RIA is also required under the grant terms and conditions for this project prior to contract execution.

### IV. Recommendation

Staff recommends that City Council adopt the accompanying resolution:

1. **Authorizing the City Manager to enter into a construction contract with J.H. Hiers Construction** for the King Street Drainage Improvements Project, including the base bid and any additive alternates, contingent upon final approval of the award by RIA and all necessary grant budget approvals; and
2. **Authorizing the City Manager to include the Port Republic Street Stormwater Improvements Project** within the contract scope should RIA approve such funding allocation and provide the necessary additional grant funding.

### V. Next Steps

If Council approves this recommendation:

- Staff will coordinate with Davis & Floyd to finalize contract documentation.
- Staff will await the required contract approval documents to RIA for final authorization.
- Any future budget amendments, funding modifications, or substantive changes to the contract scope will be brought back before City Council for approval.

# DAVIS & FLOYD

PLAN | DESIGN | ENGINEER

July 2, 2025

Raul Dominguez  
CIP Director  
City of Beaufort, SC  
1911 Boundary Street  
Beaufort, SC 29902

Re: Recommendation of Award  
King Street Drainage Improvements  
D&F Job Number: 031959.05

Dear Mr. Dominguez:

On June 26, 2025, two (2) bids for the referenced project were received from J.H. Hiers Construction of Beaufort, SC and Gulfstream Construction Company, Inc. of Charleston, SC. The submitted bids were opened and read aloud at the time designated in the Advertisement, and subsequent to receipt, were reviewed, and a tabulation was prepared with a copy enclosed. Adjustments to both bids were made to correct the total cost (total cost = quantity \* unit price) for the items identified in **Table 1** and **Table 2** below, and subsequently for the Total Bid Price for each alternative.

**Table 1: Summary of Bid Corrections JH Hiers Construction Bid**

| Bid Item | Qty | Unit Price | Original Total Cost | Corrected Total Cost | Increase (+)/Decrease (-) |
|----------|-----|------------|---------------------|----------------------|---------------------------|
| 6.C      | 615 | \$1,073.15 | \$584,866.75        | \$659,987.25         | +\$75,120.50              |
| 8.I      | 65  | \$408.20   | \$26,505.50         | \$26,533.00          | +\$26.50                  |
| 15.B     | 125 | \$1,054.30 | \$115,973.00        | \$115,973.00         | +\$15,814.50              |

**Table 2: Summary of Bid Corrections Gulfstream Construction Company, Inc. Bid**

| Bid Item | Qty | Unit Price | Original Total Cost | Corrected Total Cost | Increase (+)/Decrease (-) |
|----------|-----|------------|---------------------|----------------------|---------------------------|
| 3.J      | 10  | \$21.22    | \$212,200           | \$212.20             | -\$211,987.80             |

A summary of the corrected bids received is as shown in **Table 3** below and shows that the low bid, for all possible bid combinations, was as submitted by J.H. Hiers Construction.

**Table 3: Summary of Bids Received**

| Bid Item Combination                     | J.H. Hiers Construction | Gulfstream Construction Company, Inc. |
|--|-------------------------|---------------------------------------|
| Total Base Bid ①                         | \$5,279,106.95          | \$5,526,902.83                        |
| Total Base Bid ① + Additive Bid Item 1 ② | \$6,484,956.00          | \$7,033,394.86                        |

Notwithstanding that the low bid price of \$6.4M is in excess of the Engineer's opinion of cost of \$4.2M, we find that the corrected pricing of two bids received are within 8% of each other, and that this pricing is likely representative of a saturated construction market and volatile material and labor pricing. Further, and indicative of a saturated construction market, ten General Contractors were registered for access to the documents with only two submitting bids. Based on these factors, we find the submitted pricing to be reasonable based on current market conditions.

1319 Highway 72/221 East, Greenwood, SC 29649

☎: (864) 229-5211

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The bids received were noted to be responsive, and complied with the requirements identified in the Instructions to Bidders, and included the required bid security and attachments, except as noted below in **Table 4** and **Table 5**.

**Table 4: Bid Attachment Summary for J.H. Hiers**

| Attachments  | J.H. Hiers<br>Construction | City Position     | Correction                                 |
|--|----------------------------|-------------------|--|
| Bid Security   | Included                   |                   |  |
| Evidence of Authority to do Business in the State of the Project | Included                   |                   |  |
| Contractors License No.  | Included                   |                   |  |
| List of Proposed Subcontractors                                  | Included                   |                   |  |
| Non-Collusion Affidavit of Prime Bidder                          | Included                   |                   |  |
| Non-Collusion Affidavit of Subcontractor                         | Included                   |                   |  |
| Nonresident Taxpayer Registration Affidavit                      | Included, N/A              |                   |  |
| South Carolina Immigration Reform Act Certification              | Included                   |                   |  |
| Certification Regarding Debarment                                | Included, but not signed   | Minor Informality | Re-submitted subsequent to receipt of Bids |
| Ethics in Public Contracting Affidavit                           | Omitted                    | Minor Informality | Submitted subsequent to receipt of Bids.   |
| City Small and Minority Business Program Affidavits              | Included                   |                   |  |
| Certification Regarding Lobbying                                 | Included                   |                   |  |

\*N/A: Contractor headquartered in South Carolina.

**Table 5: Bid Attachment Summary for Gulf Stream Construction Company Inc.**

| Attachments  | Gulfstream<br>Construction<br>Company, Inc. | City Position | Correction |
|--|---|---------------|------------|
| Bid Security   | Included                                    |               |            |
| Evidence of Authority to do Business in the State of the Project | Included                                    |               |            |
| Contractors License No.  | Included                                    |               |            |
| List of Proposed Subcontractors                                  | Included                                    |               |            |
| Non-Collusion Affidavit of Prime Bidder                          | Included                                    |               |            |
| Non-Collusion Affidavit of Subcontractor                         | Included                                    |               |            |
| Nonresident Taxpayer Registration Affidavit                      | Omitted, N/A                                | N/A           | None.      |
| South Carolina Immigration Reform Act Certification              | Included                                    |               |            |
| Certification Regarding Debarment                                | Included                                    |               |            |
| Ethics in Public Contracting Affidavit                           | Included                                    |               |            |
| City Small and Minority Business Program Affidavits              | Included                                    |               |            |
| Certification Regarding Lobbying                                 | Included                                    |               |            |

\*N/A: Contractor headquartered in South Carolina.

Based upon a review of current licensing status with the State of South Carolina, we believe that the low bidder is both qualified and competent in performing the work associated with the project.

Based on these findings, we recommend that the bid combination which best suits the City’s needs and funding capacity be awarded to the low bidder J.H. Hiers Construction.

Please advise if you have any questions regarding this matter.

Yours truly,

**DAVIS & FLOYD**

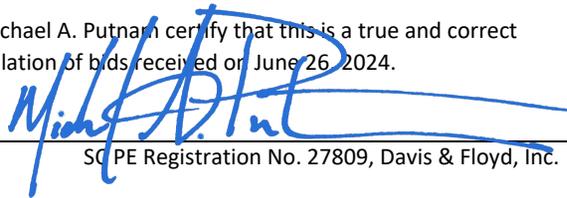


Michael A. Putnam, PE, CFM  
 Associate | Project Manager

Enclosures

Scan of Original Bid Submissions  
 Bid Tabulation

I, Michael A. Putnam certify that this is a true and correct tabulation of bids received on June 26, 2024.



SCOPE Registration No. 27809, Davis & Floyd, Inc.

**Legend**

- Mobilization check
  - Total cost corrected to reflect the product of the unit price and quantity.
  - Total Bid Price updated to reflect the correct summation of the total prices.
- Item 10.A.** Bid form incorrectly showed "Items 11-17" and has been corrected to read "Items 11-18."

**Bid Tabulation with Corrections**

| Item Description                                      |   | Qty. Unit |      | Bidder #1: JH Hiers |              | Bidder #2: Gulfstream |              |
|---|---|-----------|------|---------------------|--------------|-----------------------|--------------|
|   |   |           |      | Unit Price          | Total Cost   | Unit Price            | Total Cost   |
| <b>① King Street Drainage Improvements - BASE BID</b> |   |           |      |                     |              |                       |              |
| <b>I. GENERAL ITEMS</b>                               |   |           |      |                     |              |                       |              |
| 1   | <u>Mobilization</u>   |           |      | Mob. %              | 3.8%         | Mob. %                | 4.7%         |
|   | A. Base Bid Mobilization (5% Max. of Total Base Bid Items 2-9)      | 1         | LS   | \$191,981.70        | \$191,981.70 | \$247,412.13          | \$247,412.13 |
| 2   | <u>General Items</u>  |           |      |                     |              |                       |              |
|   | A. Surveying/Stakeout   | 1         | LS   | \$ 90,707.50        | \$ 90,707.50 | \$52,311.69           | \$ 52,311.69 |
|   | B. As-Built Construction Plans                                      | 1         | LS   | \$ 51,922.50        | \$ 51,922.50 | \$46,545.87           | \$ 46,545.87 |
| <b>II. INCIDENTAL</b>                                 |   |           |      |                     |              |                       |              |
| 3   | <u>Demolition and Removal</u>                                       |           |      |                     |              |                       |              |
|   | A. Plug and Abandon Existing Stormwater System                      | 125       | CY   | \$ 475.15           | \$ 59,393.75 | \$607.68              | \$ 75,960.00 |
|   | B. Removal and Disposal of Existing Stormwater Structures           | 30        | EA   | \$ 1,164.05         | \$ 34,921.50 | \$1,199.89            | \$ 35,996.70 |
|   | C. Removal and Disposal of Existing Stormwater Piping               | 1,200     | LF   | \$ 43.45            | \$ 52,140.00 | \$214.86              | \$257,832.00 |
|   | D. Groundwater Testing within Areas of Concern                      | 2         | EA   | \$ 6,500.00         | \$ 13,000.00 | \$15,197.78           | \$ 30,395.56 |
|   | E. Contaminated Material Classification Testing                     | 2         | EA   | \$ 6,500.00         | \$ 13,000.00 | \$15,197.78           | \$ 30,395.56 |
|   | F. Excavation, Removal and Disposal of Type 1 Contaminated Material | 630       | TON  | \$ 214.50           | \$135,135.00 | \$186.87              | \$117,728.10 |
|   | G. Excavation, Removal and Disposal of Type 2 Contaminated Material | 420       | TON  | \$ 214.50           | \$ 90,090.00 | \$194.36              | \$ 81,631.20 |
|   | H. Excavation, Removal and Disposal of Type 3 Contaminated Material | 210       | TON  | \$ 977.60           | \$205,296.00 | \$316.89              | \$ 66,546.90 |
|   | I. Type 1 Contaminated Groundwater Handling and Disposal            | 30        | DAY  | \$ 3,250.00         | \$ 97,500.00 | \$3,147.98            | \$ 94,439.40 |
|   | J. Type 2 Contaminated Groundwater Handling and Disposal            | 10        | TGAL | \$ 7,085.00         | \$ 70,850.00 | \$21.22               | \$ 212.20    |

| <b>SCHEDULE OF PRICES</b>                     |   |             |             | <b>Bidder #1: JH Hiers</b> |                   | <b>Bidder #2: Gulfstream</b> |                   |
|---|---|-------------|-------------|----------------------------|-------------------|------------------------------|-------------------|
| <b>Item</b>                                   | <b>Description</b>  | <b>Qty.</b> | <b>Unit</b> | <b>Unit Price</b>          | <b>Total Cost</b> | <b>Unit Price</b>            | <b>Total Cost</b> |
| 4   | <u>Sediment and Erosion Control</u>                               |             |             |                            |                   |                              |                   |
|   | A. Class-B Riprap   | 90          | TON         | \$ 210.10                  | \$ 18,909.00      | \$264.64                     | \$ 23,817.60      |
|   | B. Sodding  | 165         | SY          | \$ 33.60                   | \$ 5,544.00       | \$117.54                     | \$ 19,394.10      |
|   | C. Silt Fencing   | 200         | LF          | \$ 13.45                   | \$ 2,690.00       | \$2.59                       | \$ 518.00         |
|   | D. Type 1, Light Duty, Floating Turbidity Curtain (6' Deep)       | 95          | LF          | \$ 39.65                   | \$ 3,766.75       | \$50.25                      | \$ 4,773.75       |
|   | E. Type D Drop-In Inlet Protection                                | 57          | EA          | \$ 705.85                  | \$ 40,233.45      | \$314.80                     | \$ 17,943.60      |
|   | F. Type E Inlet Protection  | 11          | EA          | \$ 369.70                  | \$ 4,066.70       | \$806.07                     | \$ 8,866.77       |
|   | G. Arborist   | 1           | LS          | \$ 18,975.00               | \$ 18,975.00      | \$48,126.13                  | \$ 48,126.13      |
|   | H. Concrete Washout Containment                                   | 1           | LS          | \$ 1,310.90                | \$ 1,310.90       | \$2,179.13                   | \$ 2,179.13       |
| 5   | <u>Site and Roadway</u>   |             |             |                            |                   |                              |                   |
|   | A. 2" Mill of Existing Pavement                                   | 3,285       | SY          | \$ 8.40                    | \$ 27,594.00      | \$5.38                       | \$ 17,673.30      |
|   | B. Liquid Asphalt Binder PG64-22                                  | 20          | TON         | \$ 884.25                  | \$ 17,685.00      | \$941.77                     | \$ 18,835.40      |
|   | C. Hot Mix Asphalt Surface Course Type B                          | 325         | TON         | \$ 218.55                  | \$ 71,028.75      | \$247.21                     | \$ 80,343.25      |
|   | D. Traffic Control and Maintenance of Traffic                     | 1           | LS          | \$287,500.00               | \$287,500.00      | \$181,586.76                 | \$181,586.76      |
|   | E. 4" (Permanent, Thermoplastic) Solid Yellow Line                | 2,000       | LF          | \$ 3.45                    | \$ 6,900.00       | \$2.87                       | \$ 5,740.00       |
|   | F. 8" (Permanent, Thermoplastic) Solid White Line (Crosswalks)    | 225         | LF          | \$ 17.25                   | \$ 3,881.25       | \$28.73                      | \$ 6,464.25       |
|   | G. 24" (Permanent, Thermoplastic) Solid White Line (Stop Bars)    | 80          | LF          | \$ 14.35                   | \$ 1,148.00       | \$35.92                      | \$ 2,873.60       |
| <b>III. DOMESTIC WATER AND SANITARY SEWER</b> |   |             |             |                            |                   |                              |                   |
| 6   | <u>Domestic Water</u>   |             |             |                            |                   |                              |                   |
|   | A. 6" Water Main Horizontal/Vertical Relocation                   | 90          | LF          | \$ 945.10                  | \$ 85,059.00      | \$649.33                     | \$ 58,439.70      |
|   | B. 8" Water Main Horizontal/Vertical Relocation                   | 65          | LF          | \$ 1,035.60                | \$ 67,314.00      | \$1,567.65                   | \$101,897.25      |
|   | C. 10" Water Main Horizontal/Vertical Relocation                  | 615         | LF          | \$ 1,073.15                | \$659,987.25      | \$1,153.73                   | \$709,543.95      |
|   | D. 16" Water Main Horizontal/Vertical Relocation                  | 65          | LF          | \$ 1,285.35                | \$ 83,547.75      | \$2,393.07                   | \$155,549.55      |
|   | E. Reconnection of Existing Domestic Water Service Lines (D ≤ 1") | 10          | EA          | \$ 3,906.90                | \$ 39,069.00      | \$4,122.74                   | \$ 41,227.40      |
|   | Reconnection of Existing Domestic                                 |             |             |                            |                   |                              |                   |
|   | F. Water Service Lines (1" < D ≤ 2")                              | 3           | EA          | \$ 6,183.45                | \$ 18,550.35      | \$4,410.06                   | \$ 13,230.18      |

| <b>SCHEDULE OF PRICES</b> |   |             |             | <b>Bidder #1: JH Hiers</b> |                   | <b>Bidder #2: Gulfstream</b> |                   |
|---------------------------|---|-------------|-------------|----------------------------|-------------------|------------------------------|-------------------|
| <b>Item</b>               | <b>Description</b>  | <b>Qty.</b> | <b>Unit</b> | <b>Unit Price</b>          | <b>Total Cost</b> | <b>Unit Price</b>            | <b>Total Cost</b> |
| 7                         | <u>Sanitary Sewer</u>   |             |             |                            |                   |                              |                   |
| A.                        | 12" PVC Gravity Sewer   | 355         | LF          | \$ 1,269.10                | \$450,530.50      | \$527.92                     | \$187,411.60      |
| B.                        | 6" Sewer Force Main Offset                                    | 30          | LF          | \$ 1,967.10                | \$ 59,013.00      | \$704.31                     | \$ 21,129.30      |
| C.                        | Temporary Bypass Pumping                                      | 1           | LS          | \$100,877.55               | \$100,877.55      | \$18,187.05                  | \$ 18,187.05      |
| D.                        | Sanitary Sewer Service Lateral Reconnections                  | 3,500       | LF          | \$ 45.90                   | \$160,650.00      | \$21.00                      | \$ 73,500.00      |
| E.                        | Grinder Pump Station  | 3           | EA          | \$ 27,385.80               | \$ 82,157.40      | \$59,864.23                  | \$179,592.69      |
| F.                        | 1-1/4" HDPE Force Main Piping                                 | 275         | LF          | \$ 156.30                  | \$ 42,982.50      | \$45.91                      | \$ 12,625.25      |
| G.                        | Case Existing 10" Gravity Sewer Main                          | 1           | EA          | \$ 66,016.35               | \$ 66,016.35      | \$30,079.27                  | \$ 30,079.27      |
| <b>IV. STORMWATER</b>     |   |             |             |                            |                   |                              |                   |
| 8                         | <u>Piping</u>   |             |             |                            |                   |                              |                   |
| A.                        | 3" Polyvinyl Chloride (PVC) Pipe                              | 10          | LF          | \$ 251.00                  | \$ 2,510.00       | \$651.44                     | \$ 6,514.40       |
| B.                        | 18" Reinforced Concrete Pipe (RCP)                            | 420         | LF          | \$ 342.90                  | \$144,018.00      | \$469.03                     | \$196,992.60      |
| C.                        | 24" Reinforced Concrete Pipe (RCP)                            | 25          | LF          | \$ 426.90                  | \$ 10,672.50      | \$648.36                     | \$ 16,209.00      |
| D.                        | 30" Reinforced Concrete Pipe (RCP)                            | 25          | LF          | \$ 471.05                  | \$ 11,776.25      | \$742.99                     | \$ 18,574.75      |
| E.                        | 30" Reinforced Concrete Pipe (RCP), Alternate Bedding         | 40          | LF          | \$ 513.40                  | \$ 20,536.00      | \$632.11                     | \$ 25,284.40      |
| F.                        | 42" Reinforced Concrete Pipe (RCP)                            | 110         | LF          | \$ 523.50                  | \$ 57,585.00      | \$1,189.96                   | \$130,895.60      |
| G.                        | 48" Reinforced Concrete Pipe (RCP)                            | 200         | LF          | \$ 573.40                  | \$114,680.00      | \$974.82                     | \$194,964.00      |
| H.                        | 48" Reinforced Concrete Pipe (RCP), Alternate Bedding         | 410         | LF          | \$ 604.45                  | \$247,824.50      | \$891.35                     | \$365,453.50      |
| I.                        | 14"x23" Horizontal Elliptical Reinforced Concrete Pipe (RCEP) | 65          | LF          | \$ 408.20                  | \$ 26,533.00      | \$638.49                     | \$ 41,501.85      |
| J.                        | 19"x30" Horizontal Elliptical Reinforced Concrete Pipe (RCEP) | 45          | LF          | \$ 455.70                  | \$ 20,506.50      | \$670.16                     | \$ 30,157.20      |
| K.                        | 24"x38" Horizontal Elliptical Reinforced Concrete Pipe (RCEP) | 55          | LF          | \$ 502.20                  | \$ 27,621.00      | \$740.15                     | \$ 40,708.25      |
| L.                        | 43"x68" Horizontal Elliptical Reinforced Concrete Pipe (RCEP) | 230         | LF          | \$ 933.30                  | \$214,659.00      | \$1,054.82                   | \$242,608.60      |
| M.                        | Additional Stone under 18" RCP                                | 315         | Units       | \$ 36.25                   | \$ 11,418.75      | \$45.50                      | \$ 14,332.50      |
| N.                        | Additional Stone under 24" RCP                                | 19          | Units       | \$ 36.25                   | \$ 688.75         | \$50.88                      | \$ 966.72         |
| O.                        | Additional Stone under 30" RCP                                | 49          | Units       | \$ 36.25                   | \$ 1,776.25       | \$50.88                      | \$ 2,493.12       |
| P.                        | Additional Stone under 42" RCP                                | 83          | Units       | \$ 36.25                   | \$ 3,008.75       | \$76.32                      | \$ 6,334.56       |
| Q.                        | Additional Stone under 48" RCP                                | 446         | Units       | \$ 36.25                   | \$ 16,167.50      | \$76.32                      | \$ 34,038.72      |
| R.                        | Additional Stone under 14"x23" RCEP                           | 49          | Units       | \$ 36.25                   | \$ 1,776.25       | \$76.32                      | \$ 3,739.68       |
| S.                        | Additional Stone under 19"x30" RCEP                           | 34          | Units       | \$ 36.25                   | \$ 1,232.50       | \$76.32                      | \$ 2,594.88       |
| T.                        | Additional Stone under 24"x38" RCEP                           | 41          | Units       | \$ 36.25                   | \$ 1,486.25       | \$76.32                      | \$ 3,129.12       |
| U.                        | Additional Stone under 43"x68" RCEP                           | 173         | Units       | \$ 36.25                   | \$ 6,271.25       | \$76.32                      | \$ 13,203.36      |
| V.                        | Flowable Fill   | 200         | CY          | \$ 418.25                  | \$ 83,650.00      | \$481.41                     | \$ 96,282.00      |

| <b>SCHEDULE OF PRICES</b>  |   |       |      |               | <b>Bidder #1: JH Hiers</b> |               | <b>Bidder #2: Gulfstream</b> |  |
|--|---|-------|------|---------------|----------------------------|---------------|------------------------------|--|
| Item   | Description   | Qty.  | Unit | Unit Price    | Total Cost                 | Unit Price    | Total Cost                   |  |
| 9  | <u>Structures</u>   |       |      |               |                            |               |                              |  |
|  | A. Headwall   | 1     | EA   | \$ 43,882.65  | \$ 43,882.65               | \$18,693.84   | \$ 18,693.84                 |  |
|  | B. Catch Basin (CB) Type 17   | 2     | EA   | \$ 11,103.80  | \$ 22,207.60               | \$15,871.11   | \$ 31,742.22                 |  |
|  | C. Large Drainage Structure (Internal Dimension > 72")                      | 4     | EA   | \$ 18,758.60  | \$ 75,034.40               | \$24,737.56   | \$ 98,950.24                 |  |
|  | D. Medium Drainage Structure (48" < Internal Dimension ≤ 72")               | 14    | EA   | \$ 13,183.50  | \$184,569.00               | \$17,303.15   | \$242,244.10                 |  |
|  | E. Small Drainage Structure (Internal Dimension ≤ 48")                      | 18    | EA   | \$ 10,481.20  | \$188,661.60               | \$14,453.57   | \$260,164.26                 |  |
|  | F. Large drainage structure w/ Conflict (Internal dimension > 72")          | 3     | EA   | \$ 26,938.20  | \$ 80,814.60               | \$35,440.68   | \$106,322.04                 |  |
|  | Medium Drainage Structure w/ Conflict                                       |       |      |               |                            |               |                              |  |
|  | G. (48" < Internal Dimension ≤ 72")   | 2     | EA   | \$ 19,007.95  | \$ 38,015.90               | \$15,834.09   | \$ 31,668.18                 |  |
|  | H. Small Drainage Structure w/ Conflict (Internal Dimension ≤ 48")          | 4     | EA   | \$ 18,264.45  | \$ 73,057.80               | \$14,181.99   | \$ 56,727.96                 |  |
|  | I. Modification of Existing Federal Street Outfall Structure                | 1     | LS   | \$ 13,540.00  | \$ 13,540.00               | \$14,455.04   | \$ 14,455.04                 |  |
| <b>① Total King Street Drainage Improvements Base Bid Price - Items 1-9:</b> |   |       |      | <b>\$</b>     | <b>5,279,106.95</b>        | <b>\$</b>     | <b>5,526,902.83</b>          |  |
| <b>② King Street Drainage Improvements - ADDITIVE BID ITEM A</b>             |   |       |      |               |                            |               |                              |  |
| <b>V. GENERAL ITEMS</b>  |   |       |      |               |                            |               |                              |  |
| 10   | <u>Mobilization</u>   |       |      | <b>Mob. %</b> | <b>4.1%</b>                | <b>Mob. %</b> | <b>1.0%</b>                  |  |
|  | A. Additive Bid Item A Mobilization (5% Max. of Items 11- <del>17</del> 18) | 1     | LS   | \$ 47,261.80  | \$ 47,261.80               | \$ 15,303.77  | \$ 15,303.77                 |  |
| 11   | <u>General Items</u>  |       |      |               |                            |               |                              |  |
|  | A. Surveying (Additional)   | 1     | LS   | \$ 33,895.15  | \$ 33,895.15               | \$ 14,101.01  | \$ 14,101.01                 |  |
|  | B. As-Built Construction Plans (Additional)                                 | 1     | LS   | \$ 18,805.95  | \$ 18,805.95               | \$ 11,772.13  | \$ 11,772.13                 |  |
| <b>VI. INCIDENTAL</b>  |   |       |      |               |                            |               |                              |  |
| 12   | <u>Demolition and Removal</u>   |       |      |               |                            |               |                              |  |
|  | A. Removal and Disposal of Existing Stormwater Structures                   | 7     | EA   | \$ 1,147.05   | \$ 8,029.35                | \$ 2,094.03   | \$ 14,658.21                 |  |
|  | B. Removal and Disposal of Existing Stormwater Piping                       | 665   | LF   | \$ 43.80      | \$ 29,127.00               | \$ 189.38     | \$125,937.70                 |  |
| 13   | <u>Sediment and Erosion Control</u>   |       |      |               |                            |               |                              |  |
|  | A. Type D Drop-In Inlet Protection  | 19    | EA   | \$ 705.85     | \$ 13,411.15               | \$ 257.96     | \$ 4,901.24                  |  |
|  | B. Type E Inlet Protection  | 5     | EA   | \$ 369.70     | \$ 1,848.50                | \$ 1,453.16   | \$ 7,265.80                  |  |
| 14   | <u>Site and Roadway</u>   |       |      |               |                            |               |                              |  |
|  | A. 2" Mill of Existing Pavement   | 1,635 | SY   | \$ 9.45       | \$ 15,450.75               | \$ 8.64       | \$ 14,126.40                 |  |
|  | B. Liquid Asphalt Binder PG64-22  | 10    | TON  | \$ 884.25     | \$ 8,842.50                | \$ 941.77     | \$ 9,417.70                  |  |
|  | C. Hot Mix Asphalt Surface Course Type B                                    | 175   | TON  | \$ 212.25     | \$ 37,143.75               | \$ 247.21     | \$ 43,261.75                 |  |
|  | D. Traffic Control and Maintenance of Traffic (Additional)                  | 1     | LS   | \$ 57,500.00  | \$ 57,500.00               | \$ 43,209.43  | \$ 43,209.43                 |  |
|  | E. 4" (Permanent, Thermoplastic) Solid Yellow Line                          | 1,200 | LF   | \$ 3.45       | \$ 4,140.00                | \$ 2.35       | \$ 2,820.00                  |  |
|  | F. 24" (Permanent, Thermoplastic) Solid White Line                          | 40    | LF   | \$ 14.35      | \$ 574.00                  | \$ 43.10      | \$ 1,724.00                  |  |

| <b>SCHEDULE OF PRICES</b>  |   |             |             | <b>Bidder #1: JH Hiers</b> |                     | <b>Bidder #2: Gulfstream</b> |                     |
|--|---|-------------|-------------|----------------------------|---------------------|------------------------------|---------------------|
| <b>Item</b>  | <b>Description</b>  | <b>Qty.</b> | <b>Unit</b> | <b>Unit Price</b>          | <b>Total Cost</b>   | <b>Unit Price</b>            | <b>Total Cost</b>   |
| <b>VII. DOMESTIC WATER AND SANITARY SEWER</b>  |   |             |             |                            |                     |                              |                     |
| 15   | <u>Domestic Water</u>   |             |             |                            |                     |                              |                     |
|  | A. 8" Water Main Horizontal/Vertical Relocation                           | 20          | LF          | \$ 987.85                  | \$ 19,757.00        | \$ 1,567.65                  | \$ 31,353.00        |
|  | B. 10" Water Main Horizontal/Vertical Relocation                          | 125         | LF          | \$ 1,054.30                | \$131,787.50        | \$ 1,393.02                  | \$174,127.50        |
|  | C. Reconnection of Existing Domestic Water Service Lines (D ≤ 1")         | 10          | EA          | \$ 3,906.90                | \$ 39,069.00        | \$ 4,309.80                  | \$ 43,098.00        |
|  | D. Reconnection of Existing Domestic Water Service Lines (1" < D ≤ 2")    | 3           | EA          | \$ 6,183.45                | \$ 18,550.35        | \$ 4,597.12                  | \$ 13,791.36        |
| 16   | <u>Sanitary Sewer</u>   |             |             |                            |                     |                              |                     |
|  | A. Grinder Pump Station   | 3           | EA          | \$ 27,385.80               | \$ 82,157.40        | \$ 59,864.23                 | \$179,592.69        |
|  | B. 1-1/4" HDPE Force Main Piping  | 165         | LF          | \$ 152.30                  | \$ 25,129.50        | \$ 45.91                     | \$ 7,575.15         |
| <b>VIII. STORMWATER</b>  |   |             |             |                            |                     |                              |                     |
| 17   | <u>Piping</u>   |             |             |                            |                     |                              |                     |
|  | A. 18" Reinforced Concrete Pipe (RCP)                                     | 65          | LF          | \$ 348.50                  | \$ 22,652.50        | \$ 474.12                    | \$ 30,817.80        |
|  | B. 24" Reinforced Concrete Pipe (RCP)                                     | 180         | LF          | \$ 432.90                  | \$ 77,922.00        | \$ 527.71                    | \$ 94,987.80        |
|  | C. 30" Reinforced Concrete Pipe (RCP)                                     | 195         | LF          | \$ 473.40                  | \$ 92,313.00        | \$ 614.95                    | \$119,915.25        |
|  | D. 42" Reinforced Concrete Pipe (RCP)                                     | 260         | LF          | \$ 525.15                  | \$136,539.00        | \$ 669.16                    | \$173,981.60        |
|  | E. 14"x23" Horizontal Elliptical Reinforced Concrete Pipe (RCEP)          | 20          | LF          | \$ 421.05                  | \$ 8,421.00         | \$ 638.49                    | \$ 12,769.80        |
|  | F. Additional Stone under 18" RCP   | 49          | Units       | \$ 36.25                   | \$ 1,776.25         | \$ 45.50                     | \$ 2,229.50         |
|  | G. Additional Stone under 24" RCP   | 135         | Units       | \$ 36.25                   | \$ 4,893.75         | \$ 50.88                     | \$ 6,868.80         |
|  | H. Additional Stone under 30" RCP   | 147         | Units       | \$ 36.25                   | \$ 5,328.75         | \$ 50.88                     | \$ 7,479.36         |
|  | I. Additional Stone under 42" RCP   | 195         | Units       | \$ 36.25                   | \$ 7,068.75         | \$ 76.32                     | \$ 14,882.40        |
|  | J. Additional Stone under 14"x23" RCEP                                    | 15          | Units       | \$ 36.25                   | \$ 543.75           | \$ 76.32                     | \$ 1,144.80         |
| 18   | <u>Structures</u>   |             |             |                            |                     |                              |                     |
|  | A. Medium Drainage Structure (48" ≤ Internal Dimension < 72")             | 3           | EA          | \$ 13,109.80               | \$ 39,329.40        | \$ 17,303.15                 | \$ 51,909.45        |
|  | B. Small Drainage Structure (Internal Dimension < 48")                    | 12          | EA          | \$ 10,319.95               | \$123,839.40        | \$ 13,104.54                 | \$157,254.48        |
|  | C. Medium Drainage Structure w/ Conflict (48" ≤ Internal Dimension < 72") | 2           | EA          | \$ 19,007.95               | \$ 38,015.90        | \$ 15,834.09                 | \$ 31,668.18        |
|  | D. Small Drainage Structure w/ Conflict (Internal Dimension < 48")        | 3           | EA          | \$ 18,241.65               | \$ 54,724.95        | \$ 14,181.99                 | \$ 42,545.97        |
| <b>② Total King Street Drainage Improvements Additive Bid Item #1 Bid Price - Items 10-18:</b> |   |             |             | <b>\$</b>                  | <b>1,205,849.05</b> | <b>\$</b>                    | <b>1,506,492.03</b> |

| Item                                     | Description   | <u>SCHEDULE OF PRICES</u> |        | <u>Bidder #1: JH Hiers</u> |              | <u>Bidder #2: Gulfstream</u> |              |
|--|---|---------------------------|--------|----------------------------|--------------|------------------------------|--------------|
|  |   |                           |        | Unit Price                 | Total Cost   | Unit Price                   | Total Cost   |
| <u>BID SUMMARY</u>                       |   |                           |        |                            |              |                              |              |
| <u>King Street Drainage Improvements</u> |   |                           |        |                            |              |                              |              |
|  | ① Total King Street Drainage Improvements Base Bid Price - Items 1-9:                   |                           |        | \$                         | 5,279,106.95 | \$                           | 5,526,902.83 |
|  | ② Total King Street Drainage Improvements Additive Bid Item A. Bid Price - Items 10-18: |                           |        | \$                         | 1,205,849.05 | \$                           | 1,506,492.03 |
| <u>Bid Combinations</u>                  |   |                           |        |                            |              |                              |              |
|  |   |                           | ①:     | \$                         | 5,279,106.95 | \$                           | 5,526,902.83 |
|  |   |                           | ① + ②: | \$                         | 6,484,956.00 | \$                           | 7,033,394.86 |

**King Street Budget Summary**

**Funding**

|       |                   |
|-------|-------------------|
| SCIIP | 9,460,299         |
| Local | 1,669,464         |
|       | <u>11,129,763</u> |

**Budget**

|                  |                   |
|------------------|-------------------|
| Construction     | 9,129,763         |
| Non-Construction | 2,000,000         |
|                  | <u>11,129,763</u> |

**Expenditures as of 7.2.25**

|                      | <b>Actual</b>     | <b>PO Balance</b> | <b>Pending Contract Award<br/>(JH Hiers)</b> | <b>Total King Street Project<br/>Expenditures</b> |
|----------------------|-------------------|-------------------|--|---|
| Contractual Services | 1,687.50          | -                 | -  | 1,687.50  |
| Engineering          | 877,500.00        | 862,000.00        | -  | 1,739,500.00                                      |
| Legal Fees           | 450.00            | -                 | -  | 450.00  |
| Construction         | -                 | -                 | 6,484,956.00                                 | 6,484,956.00                                      |
|                      | <u>879,637.50</u> | <u>862,000.00</u> | <u>6,484,956.00</u>                          | <u>8,226,593.50</u>                               |

**Remaining Budget for Port Republic/Carteret Street Project**

2,903,169.50

**RESOLUTION 2025/21**

**Resolution Authorizing the City Manager to Enter into a Contract for Construction of the King Street and Port Republic Stormwater Projects, Pending Final Approval by the South Carolina Rural Infrastructure Authority (RIA) and Appropriate Grant Budget Approval**

**WHEREAS**, the City of Beaufort has secured grant funding from the South Carolina Rural Infrastructure Authority (RIA) for the King Street Drainage Improvements Project and potentially for the Port Republic Street Stormwater Project; and

**WHEREAS**, on June 26, 2025, the City received and publicly opened two bids for the King Street Drainage Improvements Project, from J.H. Hiers Construction of Beaufort, South Carolina, and Gulfstream Construction Company, Inc. of Charleston, South Carolina; and

**WHEREAS**, Davis & Floyd, Inc., serving as the City’s engineering consultant, reviewed and tabulated the bids, corrected identified bid calculation errors, and determined that the low responsive bidder for all combinations is J.H. Hiers Construction with a total bid of Six Million Four Hundred Eighty-Four Thousand Nine Hundred Fifty-Six Dollars (\$6,484,956.00) for the base bid plus additive alternate; and

**WHEREAS**, Davis & Floyd recommends award of the construction contract to J.H. Hiers Construction based on their qualifications, licensure, and the reasonableness of the bid pricing within the current saturated construction market; and

**WHEREAS**, the South Carolina Rural Infrastructure Authority retains final approval authority for the contract award, and the City must ensure appropriate grant budget approvals prior to contract execution; and

**WHEREAS**, any budget amendment necessary to accommodate this project must be brought before City Council for approval.

**THEREFORE, BE IT RESOLVED**, by the City Council of the City of Beaufort, South Carolina, in council duly assembled and by authority of the same, that:

1. The City Manager is authorized to enter into a contract with J.H. Hiers Construction for the King Street Drainage Improvements Project, including the base bid and any additive alternates as determined to be in the best interest of the City and as allowed by the grant budget, pending final approval of the award by the South Carolina Rural Infrastructure Authority and completion of all appropriate grant budget approvals.
2. Should the Port Republic Street Stormwater Project award proceed under similar grant funding approval, the City Manager is authorized to include such project within the scope of the contract, subject to all applicable grant requirements and Council appropriations.

**This Resolution shall become effective immediately upon adoption.**

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2025.

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Philip E. Cromer, Mayor

Attest:

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Traci Guldner, City Clerk



## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

To: City Council

From: **Scott Marshall, City Manager**

Agenda Item Title: **MOU between Blue Ridge Parkway Foundation's Kids in Parks Program, the City of Beaufort and Friends of the Spanish Moss Trail**

Meeting Date: July 8, 2025

Department: **City Manager and Public Works**

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#### **INTRODUCTION**

Director of Public Works, Nate Farrow was approached by Friends of Spanish Moss Trail about an opportunity to partner with them and the Blue Ridge Parkway Foundation's Kids in Parks Program. The partnership would be formalized via a Memorandum of Understanding (MOU), a copy of which is included as Attachment 1. Under the MOU, Kids in Parks will be the lead agency, the City of Beaufort will be the trail host partner; and Friends of the Spanish Moss Trail will be the coordinating partner. This item was previously discussed in the June 10, 2025 Work Session.

#### **BACKGROUND**

The mission of the Kids in Parks program is to work together with partners throughout the country to promote children's health and the health of our parks by increasing physical activity and engaging families in outdoor adventures that foster a meaningful connection to the natural and cultural world. Kids in Parks accomplishes its mission through the installation of TRACK Trails – a series of networked hiking trails that provide self-guided adventures designed to turn an ordinary outing into a fun-filled adventure.

City of Beaufort Responsibilities under the MOU include:

- Maintaining communication with Kids in Parks staff for the duration of the agreement
- Constructing and installing the TRACK Trail trailhead kiosk
- Maintaining the appearance of the Trailhead (landscaping, fixing vandalized materials, maintenance costs of trailhead infrastructure etc.)
- Maintaining the Spanish Moss Trail TRACK Trail, ensuring its safe passage (clearing debris, fixing dangerous situations, etc.)
- Advising Kids in Parks as to any managerial issues regarding the Trail (criminal activity, vandalism, etc.)
- Participating and supporting a grand opening celebration
- Collaborating with the FSMT on funding opportunities to support the ongoing needs of the TRACK Trail materials (i.e. brochures, kiosk repairs etc.)

The itemized responsibilities above are already largely a part of the Department of Public Works current work plan of maintaining the SMT in the City of Beaufort, with the exception of constructing and installing program trailhead kiosks. Responsibilities of partnering agencies are itemized in the attached TRACK Trail Partnership Agreement

### **LEGAL AUTHORITY**

S.C. Code Ann. § 5-7-30 grants municipalities broad police powers to enact ordinances, contracts, and initiatives that promote the public health, safety, morals, and general welfare of the community.

### **STAFF RECOMMENDATION**

Staff recommends City Council approval of the attached MOU, authorizing the City Manager to sign the agreement on behalf of the City.

Suggested Motion Language:

*“I move to approve the MOU between Blue Ridge Parkway Foundation’s Kids in Parks Program, the City of Beaufort and Friends of the Spanish Moss Trail, authorizing the City Manager to enter into the agreement on behalf of the City of Beaufort.”*

### **ATTACHMENT**

1. TRACK Trail Partnership Memorandum of Understanding



# TRACK Trail Partnership

## Memorandum of Understanding

Between the Blue Ridge Parkway Foundation’s Kids in Parks program, City of Beaufort and Friends of the Spanish Moss Trail

The Blue Ridge Parkway Foundation’s Kids in Parks program, City of Beaufort, and Friends of the Spanish Moss Trail (FSMT) have come together to install a TRACK Trail on the Spanish Moss Trail within the City of Beaufort; and

The partners have agreed to enter into this Memorandum of Understanding (MOU) in which Kids in Parks will be the lead agency, the City of Beaufort will be the trail host partner; and Friends of the Spanish Moss Trail will be the coordinating partner; and

All partners herein desire to enter into a MOU setting forth the services to be provided by this partnership.

### Purpose

The mission of the Kids in Parks program is to work together with partners throughout the country to promote children’s health and the health of our parks by increasing physical activity and engaging families in outdoor adventures that foster a meaningful connection to the natural and cultural world. Kids in Parks accomplishes its mission through the installation of TRACK Trails – a series of networked hiking trails that provide self-guided adventures designed to turn an ordinary outing into a fun-filled adventure.

The purpose of this MOU is to outline the responsibilities each agency will undertake through this partnership. The partnering agencies listed above agree that the TRACK Trails are a great partnership opportunity, connecting the Spanish Moss Trail with the other TRACK Trail sites in South Carolina and around the country for years to come.

### Roles and Responsibilities

All partners, by way of this Memorandum of Understanding, agree to the following:

Kids in Parks will be responsible for:

- Scheduling planning meetings with partner and management during development of the TRACK Trail
- Maintaining communication with partner and staff for the duration of the MOU
- Designing and procuring the trailhead sign
- Providing a trailhead kiosk frame and trailhead construction manual
- Providing a series of self-guided brochures (4 topics, with 2,000 copies of each)
- Developing and maintaining your site’s TRACK Trail webpage on the Kids in Parks website
- Tracking and reviewing registration data collected about use of your TRACK Trail(s)
- Providing annual data reports about use and users of your TRACK Trail(s)
- Distributing incentives to qualifying Trail TRACKers (kids who register TRACK Trail adventures)
- Promoting and marketing the TRACK Trail through various media outlets (website, enews, facebook, etc.)
- Providing assistance to write and apply for grants that further support trail efforts
- Providing assistance and consultation regarding the grand opening event
- Creating a Partner Dashboard on the program’s website that allows partner to monitor the use of its TRACK Trail(s).
- Providing funds for the project as outlined in the attached budget (Exhibit 1)

City of Beaufort will be responsible for:

- Maintaining communication with Kids in Parks staff for the duration of the agreement
- Constructing and installing the TRACK Trail trailhead kiosk
- Maintaining the appearance of the Trailhead (landscaping, fixing vandalized materials, maintenance costs of trailhead infrastructure etc.)

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- Maintaining the Spanish Moss Trail TRACK Trail, ensuring its safe passage (clearing debris, fixing dangerous situations, etc.)
- Advising Kids in Parks as to any managerial issues regarding the Trail (criminal activity, vandalism, etc.)
- Participating and supporting a grand opening celebration
- Collaborating with the FSMT on funding opportunities to support the ongoing needs of the TRACK Trail materials (i.e. brochures, kiosk repairs etc.)

Friends of the Spanish Moss Trail will provide the initial and ongoing funding for the TRACK Trail project accordingly:

- Maintaining communication with Kids in Parks staff for the duration of the agreement
- Supporting design process, reviewing and approving of trailhead sign and brochure content before fabrication and printing
- Friends of the Spanish Moss Trail will provide the additional funding for any costs above and beyond the \$6,500 covered by the grant as outlined in Exhibit 1.
- Promoting the TRACK Trail(s) through various media outlets (media, social media, website, e-newsletter, etc.)
- Coordinating a grand opening celebration
- Providing photos, testimonials and other important information regarding the TRACK Trail to Kids in Parks
- Restocking the trailhead kiosk(s) with brochures as needed
- FSMT will take primary responsibility for the ongoing purchasing of brochures to keep the kiosk stocked in the future (as outlined in Exhibit 2)

#### **Kids in Parks and Partner Agency Responsibilities Clause**

The responsibilities listed in the sections above may change based on discussion with Kids in Parks staff and partner agency staff. Often times the MOU is entered into prior to certain decisions being finalized and, thereafter, the responsibilities may change slightly. For example, the trailhead sign kiosk/frame may be constructed by the partner agency on site, therefore negating the Kids in Parks program's responsibility to provide the sign frame.

#### **Design and Edits**

KIP agrees to provide design services as outlined in Exhibit 1 (Startup Costs). The estimated timeline for the completion of the design work is 12 weeks, beginning from the effective date of this Agreement, dependent on timely review of design drafts. Upon completion of the design work, KIP will submit the final design to the Partner for approval. The Partner shall approve or provide feedback. Unless otherwise stated, KIP will provide up to three rounds of minor revisions to the final design. Additional rounds of revisions or requests for significant design changes will be subject to additional fees, billed at \$150 per hour. The design will not proceed to production until final approval is given by the Partner.

#### **Timeline**

The roles and responsibilities described above are agreed to through this MOU from signed date and continuing for a period of five (5) years, at which time the MOU can be resigned, revised, or terminated. The MOU may also be revised at any time during the five-year period provided the parties agree to the revision(s) in writing. If the MOU expires without being resigned, the trail(s) will remain in network until a new MOU can be signed or is officially terminated.

#### **Termination of Agreement**

This Agreement may be terminated by a party for any reason. Such termination shall be effective thirty (30) days after written notice to the other parties. Failure of one party to fulfill its responsibilities as outlined above may result in immediate termination of this MOU. In the event of termination, all products and materials with the Kids in Parks logo must be returned to the Kids in Parks program and/or destroyed within thirty (30) days.

#### **Warranties**

The Kids in Parks program's TRACK Trail materials come with varying levels of warranty from their manufacturer. For example, the HPL (high pressure laminate) trailhead signs typically come with a 10-year manufacturer's warranty and the brochure holders provided by Kids in Parks come with a 1-year warranty serviced by Kids in Parks. Please see Exhibit 3 for more information regarding warranty timelines. Note: Constructing a kiosk NOT provided as part of the Kids in Parks package may void your site's sign warranty.

#### **Shipment Destination Clause**

Kids in Parks program will assume the risk of loss for all programmatic materials prior to delivery. When shipments reach their final destination, the risk of loss is transferred to the partnering agency, City of Beaufort and Friends of the Spanish Moss Trail. The tracking of shipments will be confirmed via the carrier(s) (UPS, FedEx, USPS, etc.) tracking information system. Shipments that are

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delivered with or without a signature will be considered delivered. If the partner requires signature, please denote so in the shipment form in Exhibit 4.

**Rights and Ownership**

The Blue Ridge Parkway Foundation and Kids in Parks retain all rights to works created as part of TRACK Trail development. All signs and brochure content are the intellectual property of the Kids in Parks program. If partner agency’s site(s) implement(s) a self-guided brochure or e-Adventure, and provides content (text, pictures, illustrations, diagrams, etc.) for the development of those materials, those elements remain in the control of partner agency. However, the packaged sign design, brochure design, and e-Adventure design as completed by the Kids in Parks staff cannot be repurposed, altered, edited, branded, or trademarked by the partner agency for its use.

**Liability**

Subject to and to the fullest extent permitted under South Carolina state law, each party will defend, indemnify, and hold each other party and its Representatives (as defined below) harmless for, from, and against all claims, losses, damages, and/or liabilities, including, without limitation, attorney fees and related costs and expenses (collectively, “Damages”), arising out of or related to the party’s performance of its obligations under this MOU. Each party’s indemnification obligation under this MOU will survive the expiration or earlier termination of this MOU. For purposes of this MOU, the term “Representative(s)” means the directors, officers, members, employees, representatives, and agents of the identified party.

Without otherwise limiting the immediately preceding paragraph, subject to and to the fullest extent permitted under Oregon state law, Partner Agency will defend, indemnify, and hold the Blue Ridge Parkway Foundation and its Representatives harmless for, from, and against all Damages arising out of the use or access to Partner Agency’s TRACK Trail(s) site(s) in connection with this MOU, excepting any Damages arising from Foundation’s acts or omissions.

**Force Majeure**

Neither party shall be in breach of its obligations under this agreement nor incur any liability to the other Party for any losses or damages of any nature whatsoever incurred or suffered by that Party if and to the extent that it is prevented from carrying out those obligations by, or such losses or damages are caused by, a Force Majeure Event except to the extent that the relevant breach of its obligations would have occurred, or the relevant losses or damages would have arisen, even if the Force Majeure Event had not occurred.

As soon as reasonably practicable following the date of commencement of a Force Majeure Event, and within a reasonable time following the date of termination of a Force Majeure Event, any party invoking it shall submit to the other Party reasonable proof of the nature of the Force Majeure Event and of its effect upon the performance of the Party’s obligation under this Agreement.

**Involved Parties**

The Kids in Parks program is represented by: Carolyn Ward, CEO of the Blue Ridge Parkway Foundation; and Jason Urroz, Director of Kids in Parks.

City of Beaufort is represented by: Scott M. Marshall, City Manager

Friends of the Spanish Moss Trail is represented by: Sissy Perryman, Director of Advancement.

\_\_\_\_\_  
Jason Urroz  
Director  
Date \_\_\_\_\_

\_\_\_\_\_  
Scott M. Marshall  
City Manager  
Date \_\_\_\_\_

\_\_\_\_\_  
Sissy Perryman  
Director of Advancement  
Date \_\_\_\_\_

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**CITY OF BEAUFORT**  
**DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM**

To: **City Council**  
From: **Scott M. Marshall, City Manager**  
Agenda Item Title: **City Attorney Contract Renewal**  
Meeting Date: **July 8, 2025**  
Department: **City Manager's Office**

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**INTRODUCTION**

On August 22, 2023, City Council appointed Ben Coppage to serve as the City Attorney for a two-year term. The appointment was effected by a representation agreement, ratified by Attorney Coppage and the City on August 22, 2023. The agreement allows for the renewal of an additional two years upon written agreement by both parties. The Renewal of Representation Agreement at Attachment 1 is meant to serve this purpose.

**BACKGROUND**

Mr. Coppage has served the City well in his tenure as our Municipal Attorney. In separate discussions with Mr. Coppage, and with members of City Council, a mutual desire to renew his contract for an additional two years was shared by all parties.

**LEGAL AUTHORITY**

S.C. Code Ann. § 5-7-30 grants municipalities broad police powers to enact ordinances, contracts, and initiatives that promote the public health, safety, morals, and general welfare of the community.

The City of Beaufort Code of Ordinances Section 1-1401 requires City Council to appoint a City Attorney for a term of office of two years.

**STAFF RECOMMENDATION**

Recommend City Council approve the two-year renewal agreement presented at Attachment 1.

Recommended language for motion:

***“I move to approve the Renewal of Representation Agreement, as presented.”***

**ATTACHMENTS**

1. Renewal of Representation Agreement
2. Representation Agreement

RENEWAL OF REPRESENTATION AGREEMENT

This Renewal of Representation Agreement is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2025, by and between the City of Beaufort, South Carolina, a political subdivision of the State of South Carolina (hereinafter “City”) and Benjamin T. Coppage (hereinafter “Coppage”).

WHEREAS, on August 22, 2023, City Council appointed Coppage to serve as the City Attorney for the City for a two-year term; and

WHEREAS, concurrent with that appointment, the parties entered into a Representation Agreement, dated August 22, 2023, which specified the terms and provisions associated with Coppage’s service as City Attorney; and

WHEREAS, the terms of Coppage’s appointment and of the Representation Agreement both expire on August 22, 2025; and

WHEREAS, the City intends to appoint Coppage as City Attorney for a new two-year term and Coppage intends to accept such appointment; and

WHEREAS, the parties intend to be bound by the same terms and provisions as were stated in the Representation Agreement for the Coppage’s second two-year term; and

WHEREAS, the City Council of the City of Beaufort approved an additional two-year term for Coppage by a successful vote at its July 8, 2025 meeting.

NOW THEREFORE, the parties hereto agree to renew the Representation Agreement dated August 22, 2023 for an additional two-year term, which shall commence on August 23, 2025 and expire on August 22, 2027.

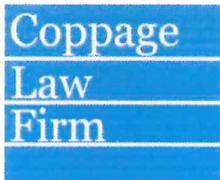
IN WITNESS WHEREOF, the parties hereto have executed this Renewal of Representation Agreement on the dates set forth below.

CITY OF BEAUFORT, SOUTH CAROLINA

By: \_\_\_\_\_  
Name: Scott Marshall  
Title: City Manager  
Dated: \_\_\_\_\_

\_\_\_\_\_  
Benjamin T. Coppage

Dated: \_\_\_\_\_



REPRESENTATION AGREEMENT

The City of Beaufort, South Carolina (hereinafter “Client”), hereby retains Coppage Law Firm, LLC (hereinafter “Attorney”) upon the terms and conditions set forth below:

**1. Scope of Representation:** Attorney will provide to client those legal services generally understood within the field of municipal law to fall within the category of “general council” work, and shall include, but is not necessarily limited to, the following:

- a. Routine legal advice, telephone and personal consultations with the City Council, City Manager or other authorized representatives.
- b. Assistance in the preparation and review of ordinances, resolutions, agreements, contracts, forms, notices, certificates, deeds and other documents required by the City.
- c. Legal advice and opinions concerning legal matters that affect the City.
- d. Legal work pertaining to property acquisitions, property disposals, public improvements, etc.
- e. Legal work pertaining to Developer Contracts, Planned Unit Developments, Plats, etc. as required by the City Zoning Ordinance.
- f. Representation of the City in litigious matters, to include mediations, tort liability complaints and court trials with subsequent appeal actions.

**2. Term.** The term of this Agreement shall commence on Aug 23, 2023 and shall continue in full force and effect for two (2) years. The Agreement may be renewed for an additional two (2) year term upon written agreement signed by both parties. The Agreement may be terminated by either party at any time during the term by providing the other party a written termination notice at least thirty (30) days prior to the effective termination date.

**3. Fees:** All legal services shall be provided at the following hourly rates:

|                      |                   |
|----------------------|-------------------|
| Benjamin T. Coppage: | \$250.00 per hour |
| Associate Attorneys: | \$175.00 per hour |
| Paralegals:          | \$ 75.00 per hour |

The minimum increment of time billed for all services is one-tenth (.1) of an hour.

**4. Expenses:** All out of pocket Expenses of the Attorney are to be reimbursed. Specifically, Client shall reimburse Attorney as follows:

- a. Mileage. Number of miles driven outside of the City of Beaufort multiplied by the yearly IRS mileage rate (\$.655 for 2023).
- b. Copying/Printing. There would be no charge for routine copying and printing of less than 100 pages. For projects requiring more than 100 pages to be copied or printed on any given day, the costs would be \$.10 per page.

- c. Fax. There would be no charge for faxed documents.
  - d. Word Processing. There would be no charge for word processing.
5. **Payment:** Invoices for Fees billed at the Hourly Rate and Out of Pocket Expenses will be billed monthly. Client agrees to pay invoices within fifteen (15) days of invoice date. Any invoice not paid within fifteen (15) days of the due date will accrue interest at 1% per month thereafter.
6. **Non-Payment:** Should any invoice remain unpaid more than thirty (30) days, Attorney has the cumulative remedies of (1) terminating all work billed at the Hourly Rate until the invoices are paid to date and/or (2) filing suit against the Client for recovery of the unpaid Attorney Fees and Expenses. Client agrees to pay reasonable Attorney Fees and all out of pocket Expenses to collect such unpaid invoice amounts if any of these events occur.
7. **Ownership:** Client agrees that all work and the documents involved in the Project shall be the sole and exclusive property of the Attorney. A copy of the file shall be made available to Client upon request at 10 cents per page provided that the Client has paid all Attorney Fees and Expenses owed to Attorney.
8. **Cooperation:** Client acknowledges the necessity of assisting and cooperating with the Attorney and Client agrees to assist and cooperate in all such matters.
9. **Court Fees:** Client understands that some types of files may result in Attorney fees being awarded by a Court. Should the Project result in an award of attorney fees by a Court, Client agrees to be liable to Attorney for any difference between the Attorney Fees and Expenses established by this Agreement and such attorney fee as may be awarded by a Court.
10. **Warranty:** Attorney does not warrant or guaranty any specific result to Client. Attorney agrees to provide reasonable legal services. Attorney has not made any representation to Client concerning total Attorney Fees or Expenses which the Client may incur in the Project.
11. **Joint and Several:** In the event there is more than one Client whose signature appears below, the obligation for Attorney Fees and Expenses shall be the joint and several obligations of all such Clients.

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The above Representation Agreement is accepted on AUGUST 22, 2023.

Coppage Law Firm, LLC

City of Beaufort

  
Benjamin T. Coppage

By:   
Its: MAYOR  
Print Name: STEPHEN D. MURRAY III