

**CITY OF BEAUFORT
PLANNING COMMISSION
WORKSESSION AGENDA**

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

Tuesday, February 4, 2025, 3:00 P.M.

City Hall, Planning Conference Room, 1st Floor – 1911 Boundary Street, Beaufort, SC

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

- I. Public Comment
- II. Discussion of Final Chapter 7 Standards
- III. Discussion of Final Chapter 9 Development Review Standards
- IV. Discussion of Chapter 5 Landscaping, Parking, and Lighting
- V. Public Comment
- VI. Adjournment

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

PLANNING COMMISSION

February 10th, 2025
Code Amendment Packet



DEVELOPMENT CODE
Chapter 7 – Amendments
as of January 13th, 2025
(Clean Copy)

7: LAND DEVELOPMENT

7.1: IMPROVEMENT REQUIREMENTS

7.1.1 PURPOSE

The purpose of these land development requirements is to:

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

7.1.2 APPLICABILITY

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

7.1.3 TABLE OF REQUIRED IMPROVEMENTS

REQUIRED IMPROVEMENTS ³	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 ¹	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 ²	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 section (Appendix C)											
¹ Rear lanes/alleys may be permitted to be paved with pervious material, such as gravel, depending on the location. ² Complete street requirements shall be coordinated with the specific street section found in the regulating plan in Appendix C. ³ For Infill and Redevelopment, as defined in Section 8.3.2, these items [referring to the table of required provisions] are required to the extent feasible based on existing conditions including roads, utilities and adjacent buildings.													

- A. **Street Improvements:** Land designated for public streets shall be cleared and filled in accordance with the latest edition of the "South Carolina Standard Specifications for Highway Construction", South Carolina State Highway Department, or as determined appropriate by the administrator. No land may be disturbed until a 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.

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

7.1.4 SURVEY AND ENGINEERING

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

7.1.5 IMPROVEMENT GUARANTEES

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

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

7.1.6 EASEMENT AND UTILITY STANDARDS

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

7.2: STREET NETWORK AND DESIGN STANDARDS

7.2.1 STREET INFRASTRUCTURE PLANS

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

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

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

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

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

7.2.2 STREET NETWORK REQUIREMENTS

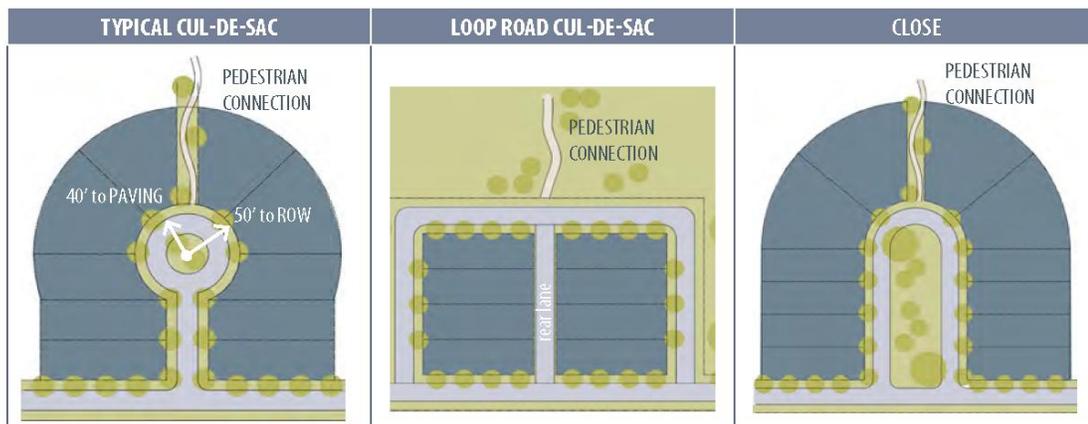
- A. **Continuation of Adjoining Street System:** The proposed street layout shall be coordinated with the street system of the surrounding area to form an interconnected street pattern, formalized by a platted public access easement. Adequate street connectivity shall be assessed by the TRC, based on the ability of the proposed alignments to:
 - 1. Permit multiple routes between origin and destination points;
 - 2. Diffuse traffic; and
 - 3. Shorten walking distances.
- B. **Block Sizes:** Blocks shall be compact so that they are comfortably walkable and appropriate for their context.
 - 1. In T3-S zones, block sizes are flexible, but the perimeter shall not exceed 2,640 linear feet (½ mile). An average block perimeter less than 2,000 feet is preferred.
 - 2. In T3-N zones, block sizes are flexible, but the perimeter shall not exceed 1,700 linear feet (⅓ mile). An average block perimeter less than 1,500 feet is preferred.
 - 3. In T4, T5 and RMX zones, blocks shall be no more than 400 feet on any side. An average block length of 250—300 feet is preferred. The block perimeter shall not exceed 1,320 linear feet (¼-mile).
 - 4. Exceptions may be made for natural elements such as wetlands, trees, topography, and cultural resources, to be incorporated into the site design.
- C. **Street Stubs:** New developments shall connect to any existing street stubs from adjacent properties and stub to all adjacent properties.

1. **Exemptions:** Street stubs shall not be required where the Planning Commission finds the conditions listed below would prevent connections:
 - a. Topographical conditions (pre-development slopes of 18% or greater).
 - b. Environmental conditions (marshes, floodplains, specimen and landmark trees, etc.).
 - c. Property shape.
 - d. Property accessibility (existing platted subdivision with no stubs).
 - e. Incompatible adjacent land uses.

2. **Location:** Where multiple connection opportunities exist, street stub connections shall be prioritized in the site design as follows:
 - a. Adjacent parcels 20 acres or greater in size.
 - b. Adjacent parcels that abut or are traversed by existing or proposed streets.
 - c. Where the Street Network Diagram recommends a street connection (indicated as a proposed street).

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

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



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

7.2.3 LOT ACCESS STANDARDS

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

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

C. **Location and Spacing:**

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

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

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

D. **Size:**

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

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

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

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

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

7.2.4 STREET DESIGN STANDARDS

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

7.2.5 STREET TREE PLANTING REQUIREMENTS

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

7.3: STREET ENGINEERING STANDARDS

7.3.1 STREET DESIGN, CERTIFICATION, AND CONSTRUCTION SPECIFICATIONS

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

7.3.2 TRAFFIC IMPACT ANALYSIS

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

- c. Requirements for adequate driveway design, including, but not limited to, turning radius and stacking distance.
- 2. The access requirements approved by the Planning Commission or the TRC shall be incorporated on development or subdivision plans prior to their approval.
- 3. If an applicant is required to provide site-related traffic improvements, the cost of implementing such improvements shall be borne by the applicant, and no such costs shall be eligible for a credit or offset from any transportation impact fees unless specifically permitted by the Development Fee Procedures - Beaufort County Code of Ordinances, Chapter 82, Article VII or most recent version.

C. Traffic Impact Analysis Plan Preparation:

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

D. Plan Contents:

Background information	Requirement
List of all nonexistent transportation improvements assumed in the analysis	Required
Map of site location, description of the parcel, general terrain features, and location within the jurisdiction and region.	Required

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

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

1. **Phased Developments:** All phases of a development are subject to review, and all traffic plans for the entire development shall be integrated with the overall traffic analysis. A TIA for a specific phase of development shall be applicable to the phase of development under immediate review. However, each phase of development shall expand and provide detailed analysis at the

development plan stage beyond the estimates provided for at the concept plan or master plan stage.

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

manual, and/or the last update that analyses and emulates these procedures by means of computer software, if available. The results of any required analysis/computer analysis shall, at a minimum, indicate compliance or variance from the Traffic Goals (Section 7.3.3 M).

- h. The intersections that must be analyzed in the study are identified as:
 - i. Any intersection that serves as a development's point of access. This will include intersections of public and/or private roads with major arterials, and driveways offering direct access.
 - ii. The first major intersection as identified by the city engineer on both side of the development's point of access.
 - iii. Other intersections on major arterials if development generates more than 50 a.m. or p.m. peak hour trips to that intersection, or if the intersection's level of service or demand is significantly impacted by site related traffic.
 - 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 their plat or plan.
- J. **Action on TIA:** The TRC must first approve the TIA in regard to completeness and accuracy. Following review of the required impact analysis plan, TRC shall recommend to the Planning Commission action as follows:
 - 1. Approval of the TIA as submitted;
 - 2. Approval of the TIA with conditions or modifications as part of the development review and approval process. An acceptable TIA with traffic mitigation measures may include the reduction of the density or intensity of the proposed development, phasing of the proposed development to coincide with state and/or county-programmed transportation improvements, applicant-provided transportation improvements, fees in lieu of construction, or any other reasonable measures to ensure that the adopted traffic service-level goals are met. If mitigation is required, it shall be required as a condition of any approval from the city.
- K. **Timing of Implementation:** If a traffic mitigation program is part of an approved TIA, the developer may be required to place a performance bond on all traffic mitigation improvements required as a result of his project. This requirement may arise if the timing of the improvements needs to be synchronized with other scheduled improvements anticipated for the area.
- L. **Responsibility for Costs of Improvements:** The costs of implementation of an approved mitigation program shall be the responsibility of the applicant. No certificates of zoning compliance or building permits shall be issued unless provisions of the TIA are met.
- M. **Traffic Service Level Goals:** The average stop time delay in seconds per vehicle for each intersection determined to be critical to the TIA for the proposed development shall be compared to the city's traffic service level goal of "D" for the average delay for all vehicles at any signalized intersection during the a.m. and p.m. peak hours.

7.4: COMMUNITY GREEN SPACE AND COMMUNITY OPEN SPACE

7.4.1 PURPOSE AND INTENT

- A. **Intent:** Community Green Space and Community Open Space is intended for the use and enjoyment of a development's residents, employees, or users. These spaces serve to preserve natural areas, ensure access to open areas and recreation, reduce the heat island effect, enhance stormwater quality, and

provide community health benefits. Community Green Space and Community Open Spaces are not, by definition, required to be deeded or to be granted via easement to any public entity or municipality. See Section 7.4.5 for ownership information.

- B. **Purpose:** The purpose of this section is to provide a set of Community Green Space and Community Open Space types and their associated standards to use within all districts. Community Green Space and Community Open Space types in this section are distinct from those areas that are environmentally sensitive and must be otherwise protected as regulated through Article 8 (Environmental Protection).
- C. **Applicability:** See Section 7.1.2.
- 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 ¹
Less than 3 acres	See footnote (3)										
3 acres—10 acres	50%	20%	15%	exempt	10%	exempt	10%	10%	15%	exempt	
10 acres—15 acres	50%	20%	15%	exempt	10%	exempt	10%	15%	20%	exempt	10%
15 acres—40 acres	50%	20%	15%	n/a	15%	exempt	15%	20%	20%	exempt	10%
Greater than 40 acres	50%	25%	20%	n/a	20%	exempt	20%	25%	25%	exempt	10%

¹ 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.

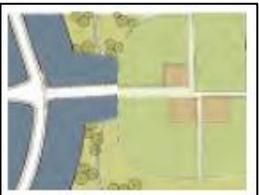
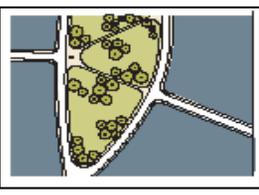
² Specific to TND Overlay Projects: The open space requirement may be calculated comprehensively or by specific Transect zones. The requirements of 2.8.3.G.2.c must be met in addition to the requirements of this table.

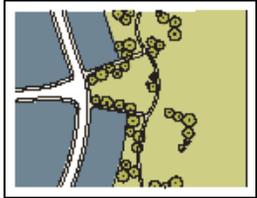
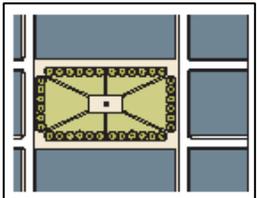
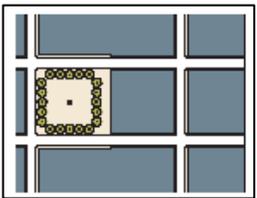
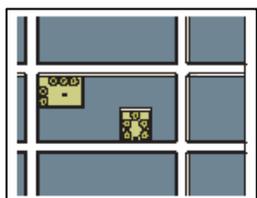
³ For properties less than 3 acres, community green space and community open space shall be at the discretion of the approving authority (i.e.) Codes Administrator or Planning Commission.

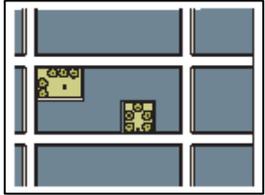
- B. **Areas to be Included in Community Green Space and Community Open Space Calculations:** The features and areas identified in Section 7.4.3 shall be credited towards the open space requirements for the purposes of complying with this article.
- C. **Areas not to be Included in Community Green Space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

7.4.3 COMMUNITY GREEN SPACE AND COMMUNITY OPEN SPACE TYPES

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

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

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

CIVIC/ OPEN SPACE TYPE	DIAGRAM	DESCRIPTION	PERMITTED DISTRICTS	SERVICE AREA/ SIZE	CHARACTER	TYPICAL FACILITIES
Playground		<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, IC, RMX</p>	<p>Neighborhood Min: None Max: None</p>	<p>Frontage: Independent or building Disposition: Formal or informal</p>	<p>Accessory structure, drinking fountains, paths and trails</p>
<p><i>Notes:</i></p> <ol style="list-style-type: none"> <i>1. The illustration and description of each civic space type is illustrative in nature and not regulatory.</i> <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> 						

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

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

7.4.4 DESIGN OF COMMUNITY GREEN SPACE AND COMMUNITY OPEN SPACES

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

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

- A. Open space areas or other community facilities shall be preserved and maintained in accordance with the approved:
1. Development Design, in accordance with Section 9.8;
 2. 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.

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

7.5: SUBDIVISION AND SITE PLAN STANDARDS

7.5.1 GENERAL PROVISIONS

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

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

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

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

7.5.2 SUBDIVISION TYPES AND PROCESS OUTLINES

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

A. Minor Subdivisions.

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

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

B. Major Subdivisions.

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

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

7.5.3 SKETCH PLAN

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

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

The Sketch Plan shall consist of the following elements:

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

4. *Zoning/Design:*

- a. The location of zoning boundaries shall be provided with the application and depicted on the Sketch Plan.
- b. The plan should show how the zoning is harmonious with the surrounding area, and within the property itself.
- c. Conceptual building design and massing.

5. *Overall utility plan:*

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

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

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

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

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

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

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

B. Preliminary Plat application process.

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

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- xiv. Location by field survey or aerial photography of existing and proposed water courses and bodies of water such as irrigation ditches and lakes. Water courses shall include direction of flow.
 - xv. Tree Survey and with Existing Tree Canopy Survey.
 - xvi. Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, state this on the plan).
 - xvii. The boundaries of proposed phases of the subdivision if the final plat is intended to be submitted in multiple phases.
 - xviii. General location of existing surface improvements such as buildings, fences, or other structures which will remain on the property as part of the subdivision.
 - xix. Location and acreage of proposed parks, trails, playgrounds, schools or other public uses.
 - xx. Location, function, ownership and manner of maintenance of any private open space.
 - xxi. Land use table including land uses, approximate acreage of each land use type, percentage of each land use type density (net and gross) and how public dedication requirement will be met.
 - xxii. Total number of lots.
 - xxiii. Number of each type of dwelling unit proposed.
 - xxiv. An AutoCad drawing file of the Preliminary Plat in a format specified by the City Engineer or Codes Administrator.
 - xxv. Surveyor's certificate.
 - xxvi. Traffic impact analysis (if applicable) as per the requirements found in this development code.
3. ***Preliminary Plat drawing standards.*** The preliminary plat drawing shall comply with the following standards:
 - a. The preliminary plat shall be prepared by or under the direct supervision of a registered land surveyor, 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 as per Section 8.4 with a CHS records listing historically or archaeologically significant findings on the property being subdivided at their expense.
 10. **General ecological resource survey.** Prepared by a qualified biologist, geologist, ecologist, or similar qualified professional, a survey identifying the potential/absence/habitat of a threatened or endangered species and wetlands or other ecologically sensitive area. Said survey shall make practical recommendations regarding treatment or mitigation of the findings.
 11. **Conceptual Design.** Applicant should provide conceptual design and massing examples, (i.e. typical building elevations, but not required for each individual lot, consistent with the requirements of the Development Code.
- C. Planning Commission Hearing.** The Planning Commission shall hold a public hearing to approve, approve with conditions or deny the Preliminary Plat.
1. **Notice to neighboring property owners.** The City shall send advance notice of the Planning Commission hearing by regular mail to neighboring property owners within 500 feet of the property per this Code.
 2. **Approval.** The Planning Commission shall review and act on the Preliminary Plat. The Planning Commission shall approve, approve with conditions, or deny the Preliminary Plat based on the review criteria below.
- D. Preliminary Plat review criteria.** In addition to all provisions of this Code, the Planning Commission shall use the following criteria to evaluate the applicant's request:
1. The Preliminary Plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code.
 2. . The land use mix within the project conforms to the City's Development Code and complies with the Comprehensive Plan and Civic Master Plan.
 3. . The utility and transportation design are adequate, given existing and planned capacities of those systems.

4. d. Lot layout, including structure location and design of each lot.

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

F. Early grading. After approval of a Preliminary Plat, Applicant may proceed with preliminary grading of the project area if a construction plan set for grading and drainage is approved and memo authorizing grading work is issued by the City Engineer or Codes Administrator. Early grading and storage of construction related equipment is at the risk of the Applicant and no presumption of any Final Plat approval at the Planning Commission is expressed or implied by any authorization of early grading.

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

7.5.5 FINAL PLAT

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

B. Final Plat application process.

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

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- 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.

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- 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 City Codes Administrator shall review and act on the Final Plat. The Codes Administrator may choose to approve, approve with conditions, or deny the Final Plat based on the criteria below.
1. **Final Plat review criteria.** In addition to all provisions of this Code, the Codes Administrator uses the following criteria to evaluate the applicant's final plat application:

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

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

7.5.6 MINOR SUBDIVISION PLAT

A. Minor Subdivision Plat purpose.

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

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

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

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

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

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

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

7.5.7 SITE PLAN

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

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

1. Land use application form.

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

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- 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 Sections 5 and 7 within this Code.
 - 7. **Traffic Impact Analysis** — Provide TIA as per requirements of Section 7.3.2.
- C. TRC and Staff Review.** Staff and TRC reviews application and prepares comments. Staff and TRC will review the site plan map to ensure it is consistent with the site plan review criteria. Following the review, Staff will prepare a written report outlining any changes that the applicant must make before the site plan can be recommended for public hearing with the Planning Commission. This report will be forwarded to the applicant.
- 1. Applicant addresses staff comments. Applicant shall make all necessary changes to the site plan and resubmit a revised copy to the City.

D. Planning Commission Hearing.

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

E. Post approval actions.

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

F. Appeals. See Chapters 7.6 and 9.17

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

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

I. Amendments to approved Site Plans.

1. Minor variations in the location of structures, improvements, or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved by the City Staff. Such changes shall not exceed ten percent of any measurable standard or modify the use, character, or

density of an approved site plan. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the City.

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

7.6: APPEALS

See Chapter 9.17 for overall specifications regarding appeals.

PLANNING COMMISSION

February 10th, 2025
Code Amendment Packet



DEVELOPMENT CODE
Chapter 7 – Amendments
as of January 13th, 2025
(with track changes only)

7: LAND DEVELOPMENT

7.1: IMPROVEMENT REQUIREMENTS

7.1.1 PURPOSE

The purpose of these land development requirements is to:

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

7.1.2 APPLICABILITY

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

7.1.3 TABLE OF REQUIRED IMPROVEMENTS

REQUIRED IMPROVEMENTS ³	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 ¹	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 ²	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 section (Appendix C)											
¹ Rear lanes/alleys may be permitted to be paved with pervious material, such as gravel, depending on the location. ² Complete street requirements shall be coordinated with the specific street section found in the regulating plan in Appendix C. ³ For Infill and Redevelopment, as defined in Section 8.3.2, these items [referring to the table of required provisions] are required to the extent feasible based on existing conditions including roads, utilities and adjacent buildings.													

- A. **Street Improvements:** Land designated for public streets shall be cleared and filled in accordance with the latest edition of the "South Carolina Standard Specifications for Highway Construction", South Carolina State Highway Department, or as determined appropriate by the administrator. No land may be disturbed until a [Project-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.

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

7.1.4 SURVEY AND ENGINEERING

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

7.1.5 IMPROVEMENT GUARANTEES

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

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

7.1.6 EASEMENT AND UTILITY STANDARDS

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

7.2: STREET NETWORK AND DESIGN STANDARDS

7.2.1 STREET INFRASTRUCTURE PLANS

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

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

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

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

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

7.2.2 STREET NETWORK REQUIREMENTS

- A. **Continuation of Adjoining Street System:** The proposed street layout shall be coordinated with the street system of the surrounding area to form an interconnected street pattern, formalized by a platted public access easement. Adequate street connectivity shall be assessed by the TRC, based on the ability of the proposed alignments to:
 - 1. Permit multiple routes between origin and destination points;
 - 2. Diffuse traffic; and
 - 3. Shorten walking distances.
- B. **Block Sizes:** Blocks shall be compact so that they are comfortably walkable and appropriate for their context.
 - 1. In T3-S zones, block sizes are flexible, but the perimeter shall not exceed 2,640 linear feet (½ mile). An average block perimeter less than 2,000 feet is preferred.
 - 2. In T3-N zones, block sizes are flexible, but the perimeter shall not exceed 1,700 linear feet (⅓ mile). An average block perimeter less than 1,500 feet is preferred.
 - 3. In T4, ~~and~~ T5 -and RMX zones-, blocks shall be no more than 400 feet on any side. An average block length of 250—300 feet is preferred. The block perimeter shall not exceed 1,320 linear feet (¼-mile).
 - 4. Exceptions may be made for natural elements such as wetlands, trees, topography, and cultural resources, to be incorporated into the site design.
- C. **Street Stubs:** New developments shall connect to any existing street stubs from adjacent properties and stub to all adjacent properties.

1. **Exemptions:** Street stubs shall not be required where the Planning Commission finds the conditions listed below would prevent connections:
 - a. Topographical conditions (pre-development slopes of 18% or greater).
 - b. Environmental conditions (marshes, floodplains, specimen and landmark trees, etc.).
 - c. Property shape.
 - d. Property accessibility (existing platted subdivision with no stubs).
 - e. Incompatible adjacent land uses.

2. **Location:** Where multiple connection opportunities exist, street stub connections shall be prioritized in the site design as follows:
 - a. Adjacent parcels 20 acres or greater in size.
 - b. Adjacent parcels that abut or are traversed by existing or proposed streets.
 - c. Where the Street Network Diagram recommends a street connection (indicated as a proposed street).

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

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



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

7.2.3 LOT ACCESS STANDARDS

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

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

C. **Location and Spacing:**

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

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

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

D. **Size:**

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

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

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

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

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

7.2.4 STREET DESIGN STANDARDS

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

7.2.5 STREET TREE PLANTING REQUIREMENTS

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

7.3: STREET ENGINEERING STANDARDS

7.3.1 STREET DESIGN, CERTIFICATION, AND CONSTRUCTION SPECIFICATIONS

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

7.3.2 TRAFFIC IMPACT ANALYSIS

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

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

C. Traffic Impact Analysis Plan Preparation:

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

D. Plan Contents:

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

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

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

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

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

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

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

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

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

7.4: COMMUNITY GREEN SPACE AND COMMUNITY OPEN SPACE

7.4.1 PURPOSE AND INTENT

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

7.4.2 COMMUNITY GREEN SPACE AND COMMUNITY OPEN SPACE REQUIREMENT

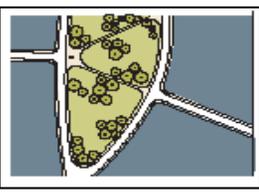
- A. **Minimum Requirements:** Development in all districts shall preserve the minimum amounts of Community Green Space and Open Space as identified below (see following page):

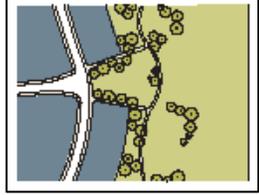
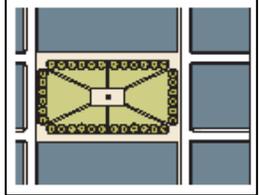
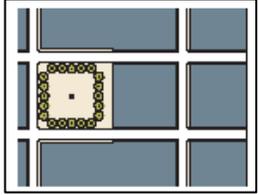
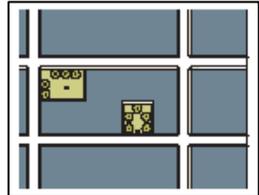
OPEN/CIVIC SPACE REQUIREMENT											
SIZE	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	IC	LI	MHP ¹
Less than 3 acres	See footnote (3)										
3 acres—10 acres	50%	20%	15%	exempt	10%	exempt	10%	10%	15%	exempt	
10 acres—15 acres	50%	20%	15%	exempt	10%	exempt	10%	15%	20%	exempt	10%
15 acres—40 acres	50%	20%	15%	n/a	15%	exempt	15%	20%	20%	exempt	10%
Greater than 40 acres	50%	25%	20%	n/a	20%	exempt	20%	25%	25%	exempt	10%
¹ 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. ² Specific to TND Overlay Projects: The open space requirement may be calculated comprehensively or by specific Transect zones. The requirements of 2.8.3.G.2.c must be met in addition to the requirements of this table. ³ For properties less than 3 acres, community green space and community open space shall be at the discretion of the approving authority (i.e.) Codes Administrator or Planning Commission.											

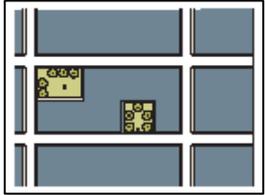
- B. **Areas to be Included in Community Green Space and Community Open Space Calculations:** The features and areas identified in Section 7.4.3 shall be credited towards the open space requirements for the purposes of complying with this article.
- C. **Areas not to be Included in Community Green Space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

7.4.3 COMMUNITY GREEN SPACE AND COMMUNITY OPEN SPACE TYPES

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

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

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

CIVIC/ OPEN SPACE TYPE	DIAGRAM	DESCRIPTION	PERMITTED DISTRICTS	SERVICE AREA/ SIZE	CHARACTER	TYPICAL FACILITIES
Playground		<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, IC, RMX</p>	<p>Neighborhood Min: None Max: None</p>	<p>Frontage: Independent or building Disposition: Formal or informal</p>	<p>Accessory structure, drinking fountains, paths and trails</p>
<p><i>Notes:</i></p> <ol style="list-style-type: none"> <i>1. The illustration and description of each civic space type is illustrative in nature and not regulatory.</i> <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> 						

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

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

7.4.4 DESIGN OF COMMUNITY GREEN SPACE AND COMMUNITY OPEN SPACES

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

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

- A. Open space areas or other community facilities shall be preserved and maintained in accordance with the approved:
1. Development Design, in accordance with Section 9.8;
 2. [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.

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

7.5: SUBDIVISION AND SITE PLAN STANDARDS

7.5.1 GENERAL PROVISIONS

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

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

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

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

7.5.2 SUBDIVISION TYPES AND PROCESS OUTLINES

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

A. Minor Subdivisions.

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

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

B. Major Subdivisions.

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

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

7.5.3 SKETCH PLAN

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

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

The Sketch Plan shall consist of the following elements:

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

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

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

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

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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.
 25. Design: (i) Concept of lot impact study regarding structure location and massing design on typical lots; (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 ~~discuss~~ review and provide comments on the Sketch Plan.
2. Notice to neighboring property owners. The City shall send advance notice of the Planning Commission meeting by regular mail to neighboring property owners within 500 feet of the property per this Code.

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

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

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

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

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

7.5.4 PRELIMINARY PLAT

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

B. Preliminary Plat application process.

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

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

3. **Preliminary Plat drawing standards.** The preliminary plat drawing shall comply with the following standards:

- a. The preliminary plat shall be prepared by or under the direct supervision of a registered land surveyor, [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. ~~**General development information.** A written description of the existing conditions on the site and the proposed development, including the following items:~~

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

- 65. **Preliminary grading and drainage plan and report.** This plan and report must be certified by a South Carolina registered professional engineer or Land Surveyor and include approximate earthwork quantities (how earthwork on the site is "balanced"), storm drainage concepts such as locations of pipe and other conveyance facilities, locations for on-site detention or downstream structural improvements, and soil erosion and sedimentation control plans and specifications. It must also discuss the impacts on and to any existing floodways and/or floodplains both on and adjacent to the site as well as any FEMA applications or approvals that may be required.
- 76. **Preliminary water and sewer plan and study.** This plan shall be prepared by a registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.
- 87. **Preliminary landscape and open space plan.** The landscape plan must address the treatment of all exterior spaces. Landscape plans are to be designed to meet the requirements of this Code and show approximate locations of trees, shrubs, groundcovers, turf, buffering, fences, walls and other site amenities that will be included in the plan.
- 98. **Traffic study.** A TIA with requirements consistent with Section 7.3.2. This study must be prepared by a professional traffic engineer and identify the projected impacts to the local and regional traffic system. The direct roadway impacts and proposed share in the cost of regional improvements and intersections must be identified for the project.
- ~~109.~~ **–Archaeological Impact Assessment.** An applicant may be required to provide the City as per Section 8.4 with a CHS records listing historically or archaeologically significant findings on the property being subdivided at their expense.
- ~~110.~~ **General ecological resource survey.** Prepared by a qualified biologist, geologist, ecologist, or similar qualified professional, a survey identifying the potential/absence/habitat of a threatened or endangered species and wetlands or other ecologically sensitive area. Said survey shall make practical recommendations regarding treatment or mitigation of the findings.
- ~~121.~~ **—Conceptual Design.** Applicant should provide conceptual design and massing examples, (i.e. ~~conceptual~~ typical building elevations, but not required for each individual lot), consistent with the requirements of the Development Code.

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

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

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

- 1. ~~a.~~ The Preliminary Plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code.

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2. **b.** The land use mix within the project conforms to the City’s Development Code and complies with the Comprehensive Plan and Civic Master Plan.
 3. **e.** The utility and transportation design are adequate, given existing and planned capacities of those systems.
 4. **ivd.**— Lot layout, including structure location and design of each lot.

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

F. Early grading. After approval of a Preliminary Plat, Applicant may proceed with preliminary grading of the project area if a construction plan set for grading and drainage is approved and memo authorizing grading work is issued by the City Engineer or Codes Administrator. Early grading and storage of construction related equipment is at the risk of the Applicant and no presumption of any Final Plat approval at the Planning Commission is expressed or implied by any authorization of early grading.

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

7.5.5 FINAL PLAT

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

B. Final Plat application process.

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

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- e. Final Traffic Impact Analysis (if applicable) as per the requirements found in the Development Code.
 - f. If applicable, prior to commencement of construction; a State Highway utility permit from SCDOT.
 - g. If applicable, prior to commencement of construction, a State Highway access permit from SCDOT.
 - h. If applicable, prior to commencement of construction, a construction dewatering permit from DHEC
 - i. If applicable, prior to commencement of construction, a 404 Permit from the Army Corps of Engineers.
 - j. Prior to commencement of construction, acceptable collateral in the amount and form stipulated in Section 7.1.5.
3. **Original plats.** The applicant shall submit to the City, five original, signed copies of the final plat ready to record, and final executed copies of all agreements.
 4. **Complete engineering plans and specifications.** As a condition of Final Plat approval the applicant shall prepare and submit the following:
 - a. Construction plans and profiles. The plans and profiles shall be prepared by a registered professional engineer licensed in the State of South Carolina. Plans shall be 24 inches high by 36 inches wide and provide the following information:
 - b. The horizontal to vertical scales shall be chosen to best depict the aspects of the design.
 - c. Minimum horizontal scale: One inch equals 100 feet.
 - d. Minimum vertical scale: One inch equals ten feet.
 - e. The typical road geometric and structural cross-section is to be shown on each plan sheet.
 - f. The plan must show right-of-way lines and widths, road names, lot lines, tangent lengths and bearings, curve radii, delta angles, curve lengths, chord lengths and bearings, stationing at all beginning of curves and end of curves, intersections, structures, angles, curb lines, cross pans, traffic control devices (islands, striping, signs, etc.), drive cuts, curb returns and radii, and all other features to enable construction in accordance with approved standards and standard engineering practice. Stationing may be centerline if approved by the City Engineer or Codes Administrator. Construction plans shall include water lines and appurtenances, sewer lines and appurtenances, and storm water lines and appurtenances and any other wet utilities.
 - g. The profiles shall include existing and proposed grade at curb and gutter or centerline of street elevation at point of intersection of vertical curves, intersections, grade breaks, point of curb return (PCR), point of reverse curve (PRC), and other critical points, structures, and all other features.
 - h. Signature blocks for all utility providers unless otherwise provided in agreement form.
 - i. Structure details. Sufficient data shall be given to construction of major structures and road appurtenances such as bridges, culverts, gutters, drives, walks, cross pans, etc; detail shall include orientation line and grade, cross-sections, dimensions, reinforcement schedules, materials, quality specification, etc., or as the City Engineer may approve.

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

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

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

7.5.6 MINOR SUBDIVISION PLAT

A. Minor Subdivision Plat purpose.

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

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

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

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

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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 links for the perimeter and all lots, blocks, rights-of-way and easements.
 14. Lot and block numbers, numbered in consecutive order, and square footage or acreage to two decimal places of each lot or tract.
 15. Parcels excepted from inclusion noted as "not included in this subdivision" and the boundary completely indicated by bearings and distances.
 16. Existing rights-of-way in and adjacent to subject property (labeled and dimensioned).
 17. Existing and proposed street names for all streets on and adjacent to the property.
 18. Existing easements and their type in and adjacent to subject property (labeled and dimensioned).
 19. Location and description of monuments:
 - i. Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plat).
 20. Certificates blocks for signatures of owner, surveyor, utility providers, and City approval, as applicable.

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

7.5.7 SITE PLAN

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

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

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

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- 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 Exterior~~ elevations of proposed structures/graphic visual aids. Provide complete building elevations, drawn to scale, with illustrations of all colors and identifying major materials and cut sheets to be used in the structure(s). In addition, Staff may require building floor plans, sectional drawings, perspective drawings, models, and/or computer visualizations when the impacts of a proposal warrant such information.
5. **Certified drainage report** — A certified drainage report, including an erosion control study and plan, as applicable, must be reviewed and approved by the appropriate sanitation district (if applicable) prior to submittal of the report to the City as part of the site plan application.
6. **Final landscape and open space plan** — Provide an existing and proposed landscape [plan](#) with tree protection zones and a tree survey, and open space plan consistent with ~~this Section~~[Sections 5 and 7 within this Code](#).
7. **Traffic Impact Analysis** — Provide TIA as per requirements of Section 7.3.2.

C. TRC and Staff Review. Staff and TRC reviews application and prepares comments. Staff and TRC will review the site plan map to ensure it is consistent with the site plan review criteria. Following the review, Staff will prepare a written report outlining any changes that the applicant must make before the site plan can be recommended for public hearing with the Planning Commission. This report will be forwarded to the applicant.

1. Applicant addresses staff comments. Applicant shall make all necessary changes to the site plan and resubmit a revised copy to the City.

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

1. Notice to neighboring property owners. The City shall send advance notice of the Planning Commission meeting by regular mail to neighboring property owners within 500 feet of the property per this Code.
2. The Planning Commission shall hold a public hearing on the proposal. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard.
3. ~~Decisions/Findings of Fact: Following~~ At the conclusion of the public ~~meeting~~ hearing, the Planning Commission may approve, deny, or approve with conditions the application for a Major Development. No Major Development shall be approved unless the following findings of fact ~~can~~ bare 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. Post approval actions.

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

F. Appeals. ~~Any party aggrieved by the decisions of the Planning Commission may appeal to the Circuit Court within 30 days of the decision. See chapters 7.6 and 9.17~~

G. Permit Validity. Upon the approval of the Major Development Design application, the applicant shall have 2 years to obtain a Project Permit. Failure to secure a permit for the permitted work within this time shall

render the compliance void. Any change to the approved plans that has not been authorized by the Administrator shall invalidate the design approval, and any subsequent building permits.

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

I. Amendments to approved Site Plans.

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

PLANNING COMMISSION

February 10th, 2025
Code Amendment Packet



DEVELOPMENT CODE
Chapter 7 – Amendments
as of January 13th, 2025
(with track changes & comments)

7: LAND DEVELOPMENT

7.1: IMPROVEMENT REQUIREMENTS

7.1.1 PURPOSE

The purpose of these land development requirements is to:

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

7.1.2 APPLICABILITY

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

7.1.3 TABLE OF REQUIRED IMPROVEMENTS

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

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

- A. **Street Improvements:** Land designated for public streets shall be cleared and filled in accordance with the latest edition of the "South Carolina Standard Specifications for Highway Construction", South Carolina State Highway Department, or as determined appropriate by the administrator. No land may be disturbed until a [Project-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.

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

7.1.4 SURVEY AND ENGINEERING

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

7.1.5 IMPROVEMENT GUARANTEES

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

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

7.1.6 EASEMENT AND UTILITY STANDARDS

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

7.2: STREET NETWORK AND DESIGN STANDARDS

7.2.1 STREET INFRASTRUCTURE PLANS

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

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

C. **Street Frontage Requirements:** The street sections noted in Appendix C show specific street designs for the purposes of identifying future improvements by both the city and fronting property owners. These sections depict the ideal arrangement and design of street elements.

1. **Applicability:** For any project that is considered [part of a Major Subdivision Site Plan](#), or requires a Certificate of Appropriateness, [as a Major project type](#) (Section 9.10.2 A.2.), and [for which](#) affects one whole block face, the fronting property owner shall install all prescribed streetscape improvements as part of the development project. ~~The installation of street frontage improvements is required prior to shall be a condition of final plat approval for major subdivisions, and certificates-Certificates of occupancy-Occupancy for Site Plans.~~
 - a. **Exception:** If similar elements as prescribed in the street section exist — e.g., on-street parking, sidewalk, tree plantings — the requirement to install the streetscape element(s) shall be waived if those items meet the intent of the prescribed street section, even if the existing items do not meet the exact requirements of that street section. *Example Scenarios: If a street section prescribes a 5-foot sidewalk, but a 4-foot sidewalk already exists, the existing sidewalk will satisfy the sidewalk requirement. However, if the street section requires a 5-foot planting strip between the curb and the sidewalk, and the 4-foot sidewalk is directly adjacent to the curb, this would not satisfy the intent of the street section and would need to be reconstructed per the prescribed standards.*
2. **Scope of Improvements:** Street frontage improvements shall be installed along the entire frontage of the property, to the centerline of the street, or if a multi-lane street, the affected lane, at the sole cost of the applicant as directed by the Codes Administrator. The Codes Administrator may permit modification of street improvement standards where the required street improvements are not in the opinion of the Codes Administrator, roughly proportionate to the impact, type, scale and cost of the proposed development action.
 - a. Street frontage improvements may include the following: curb, gutter, sidewalk, storm drainage, street lighting, traffic signal equipment, utility installation, extension, or relocation, landscaping strip, street trees and landscaping, irrigation, street widening, pavement overlay or reconstruction, and channelization.
 - b. In addition to required frontage improvements, the applicant shall provide ramps from the new sidewalk or walkway to the existing shoulder, across streets and pavement and channelization tapering back to the existing pavement and channelization as required to address safety concerns.

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

1. **Dedication of Right-of-Way.** In the case of a street section adopted as part of an Official Map, where the width of the existing right-of-way is insufficient to install the prescribed street section, the fronting property owner shall be required to reserve the appropriate amount of right-of-way (as measured from the centerline of the existing street). The future right-of-way shall conform to all of the street network requirements of Section 7.2.2. Where a new right-of-way that is not shown in the street regulating plan, is required as part of a new development, it shall be designed with appropriate elements based on its proposed location and zoning district. (See Appendix C).
 - a. In the case of a street section that is not part of an Official Map, where the width of the existing right-of-way is insufficient to install the prescribed street section, the property

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

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

7.2.2 STREET NETWORK REQUIREMENTS

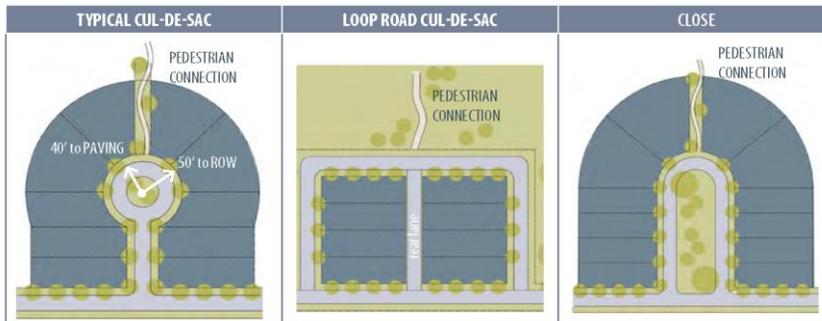
- A. **Continuation of Adjoining Street System:** The proposed street layout shall be coordinated with the street system of the surrounding area to form an interconnected street pattern, formalized by a platted public access easement. Adequate street connectivity shall be assessed by the TRC, based on the ability of the proposed alignments to:
 - 1. Permit multiple routes between origin and destination points;
 - 2. Diffuse traffic; and
 - 3. Shorten walking distances.
- B. **Block Sizes:** Blocks shall be compact so that they are comfortably walkable and appropriate for their context.
 - 1. In T3-S zones, block sizes are flexible, but the perimeter shall not exceed 2,640 linear feet (½ mile). An average block perimeter less than 2,000 feet is preferred.
 - 2. In T3-N zones, block sizes are flexible, but the perimeter shall not exceed 1,700 linear feet (⅓ mile). An average block perimeter less than 1,500 feet is preferred.
 - 3. In T4, ~~and~~ T5 -and RMX zones-, blocks shall be no more than 400 feet on any side. An average block length of 250—300 feet is preferred. The block perimeter shall not exceed 1,320 linear feet (¼-mile).
 - 4. Exceptions may be made for natural elements such as wetlands, trees, topography, and cultural resources, to be incorporated into the site design.
- C. **Street Stubs:** New developments shall connect to any existing street stubs from adjacent properties and stub to all adjacent properties.

1. **Exemptions:** Street stubs shall not be required where the Planning Commission finds the conditions listed below would prevent connections:
 - a. Topographical conditions (pre-development slopes of 18% or greater).
 - b. Environmental conditions (marshes, floodplains, specimen and landmark trees, etc.).
 - c. Property shape.
 - d. Property accessibility (existing platted subdivision with no stubs).
 - e. Incompatible adjacent land uses.

2. **Location:** Where multiple connection opportunities exist, street stub connections shall be prioritized in the site design as follows:
 - a. Adjacent parcels 20 acres or greater in size.
 - b. Adjacent parcels that abut or are traversed by existing or proposed streets.
 - c. Where the Street Network Diagram recommends a street connection (indicated as a proposed street).

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

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



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

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

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

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

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

7.2.3 LOT ACCESS STANDARDS

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

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

C. **Location and Spacing:**

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

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

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

D. **Size:**

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

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

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

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

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

7.2.4 STREET DESIGN STANDARDS

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

7.2.5 STREET TREE PLANTING REQUIREMENTS

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

7.3: STREET ENGINEERING STANDARDS

7.3.1 STREET DESIGN, CERTIFICATION, AND CONSTRUCTION SPECIFICATIONS

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

7.3.2 TRAFFIC IMPACT ANALYSIS

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

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

C. Traffic Impact Analysis Plan Preparation:

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

D. Plan Contents:

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

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

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

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

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

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

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

shown in any locally adopted land use or transportation plan, approved city or county transportation plan, or approved transportation policy.

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.

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- F. **Summary:** A clear and concise summary of recommended improvements that can serve as an executive summary is required.
 - G. **TIA Review:** The TRC shall review all TIAs as part of the applicable Design Review phase —. Final TIAs shall be approved prior to the applicant submitting a Project Permit application (Section 9.5).
 - H. **Application:** A TIA shall be submitted to the TRC. Coordination with other entities in the county government or South Carolina Department of Transportation (SCDOT) shall be the responsibility of the city.
 - I. **Completeness:** The Planning Commission and/or TRC shall determine whether a TIA is complete. Thorough and complete TIAs are the responsibility of the applicant. Failure by the applicant to provide a complete TIA may result in review delays for their plat or plan.
 - J. **Action on TIA:** The TRC must first approve the TIA in regard to completeness and accuracy. Following review of the required impact analysis plan, TRC shall recommend to the Planning Commission action as follows:
 - 1. Approval of the TIA as submitted;
 - 2. Approval of the TIA with conditions or modifications as part of the development review and approval process. An acceptable TIA with traffic mitigation measures may include the reduction of the density or intensity of the proposed development, phasing of the proposed development to coincide with state and/or county-programmed transportation improvements, applicant-provided transportation improvements, fees in lieu of construction, or any other reasonable measures to ensure that the adopted traffic service-level goals are met. If mitigation is required, it shall be required as a condition of any approval from the city.
 - K. **Timing of Implementation:** If a traffic mitigation program is part of an approved TIA, the developer may be required to place a performance bond on all traffic mitigation improvements required as a result of his project. This requirement may arise if the timing of the improvements needs to be synchronized with other scheduled improvements anticipated for the area.
 - L. **Responsibility for Costs of Improvements:** The costs of implementation of an approved mitigation program shall be the responsibility of the applicant. No certificates of zoning compliance or building permits shall be issued unless provisions of the TIA are met.
 - M. **Traffic Service Level Goals:** The average stop time delay in seconds per vehicle for each intersection determined to be critical to the TIA for the proposed development shall be compared to the city's traffic service level goal of "D" for the average delay for all vehicles at any signalized intersection during the a.m. and p.m. peak hours.

7.4: COMMUNITY GREEN SPACE AND COMMUNITY OPEN SPACE

7.4.1 PURPOSE AND INTENT

- A. **Intent:** Community Green Space and Community Open Space is intended for the use and enjoyment of a development's residents, employees, or users. These spaces serve to preserve natural areas, ensure access to open areas and recreation, reduce the heat island effect, enhance stormwater quality, and provide community health benefits. Community Green Space and Community Open Spaces are not, by definition, required to be deeded or to be granted via easement to any public entity or municipality. See Section 7.4.5 for ownership information.

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- B. **Purpose:** The purpose of this section is to provide a set of Community Green Space and Community Open Space types and their associated standards to use within all districts. Community Green Space and Community Open Space types in this section are distinct from those areas that are environmentally sensitive and must be otherwise protected as regulated through Article 8 (Environmental Protection).
 - C. **Applicability:** See Section 7.1.2.
 - D. **Community Green Space Definition:** an area of grass, trees, parks, trails or multi-use pathways, or other vegetation set apart for recreational or aesthetic purposes within a development. It can be privately or publicly owned.
 - E. **Community Open Space Definition:** Open space is land or water that is undeveloped and not used for residential, commercial, industrial, or institutional purposes. It can be privately or publicly owned, and can include areas like forests, farms, parks, and coastal lands.

7.4.2 COMMUNITY GREEN SPACE AND COMMUNITY OPEN SPACE REQUIREMENT

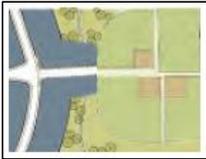
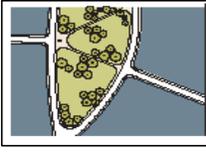
- A. **Minimum Requirements:** Development in all districts shall preserve the minimum amounts of Community Green Space and Open Space as identified below (see following page):

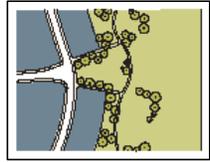
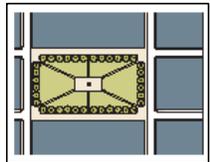
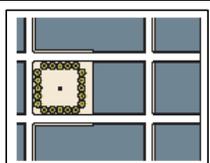
OPEN/CIVIC SPACE REQUIREMENT											
SIZE	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	IC	LI	MHP ¹
Less than 3 acres	See footnote (3)										
3 acres—10 acres	50%	20%	15%	exempt	10%	exempt	10%	10%	15%	exempt	
10 acres—15 acres	50%	20%	15%	exempt	10%	exempt	10%	15%	20%	exempt	10%
15 acres—40 acres	50%	20%	15%	n/a	15%	exempt	15%	20%	20%	exempt	10%
Greater than 40 acres	50%	25%	20%	n/a	20%	exempt	20%	25%	25%	exempt	10%
¹ 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. ² Specific to TND Overlay Projects: The open space requirement may be calculated comprehensively or by specific Transect zones. The requirements of 2.8.3.G.2.c must be met in addition to the requirements of this table. ³ For properties less than 3 acres, community green space and community open space shall be at the discretion of the approving authority (i.e.) Codes Administrator or Planning Commission.											

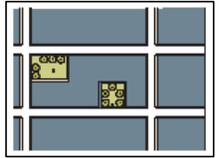
- B. **Areas to be Included in Community Green Space and Community Open Space Calculations:** The features and areas identified in Section 7.4.3 shall be credited towards the open space requirements for the purposes of complying with this article.
- C. **Areas not to be Included in Community Green Space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

7.4.3 COMMUNITY GREEN SPACE AND COMMUNITY OPEN SPACE TYPES

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

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

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

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

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

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

7.4.4 DESIGN OF COMMUNITY GREEN SPACE AND COMMUNITY OPEN SPACES

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

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

- A. Open space areas or other community facilities shall be preserved and maintained in accordance with the approved:
 - 1. Development Design, in accordance with Section 9.8;
 - 2. [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.

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

7.5: SUBDIVISION AND SITE PLAN STANDARDS

7.5.1 GENERAL PROVISIONS

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

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

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

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

7.5.2 SUBDIVISION TYPES AND PROCESS OUTLINES

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

A. Minor Subdivisions.

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

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

B. Major Subdivisions.

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

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

7.5.3 SKETCH PLAN

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

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

The Sketch Plan shall consist of the following elements:

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

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

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

4. **Zoning/Design:**

- a. ~~i~~—The location of zoning boundaries shall be provided with the application and depicted on the Sketch Plan.
- b. ~~ii~~—The plan should show how the zoning is harmonious with the surrounding area, and within the property itself.
- c. ~~iii~~—Conceptual building design and massing.

5. **Overall utility plan:**

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

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

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

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

Commented [CK3]: Added language , as suggested by Mike Tomy.

E. Sketch Plan Process.

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

Commented [CK4]: Comment from Bill Bardenwerper: "Is this the notice standard we want?"

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

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

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

Commented [CK5]: Rewrite as suggested by Bill Bardenwerper.

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

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

7.5.4 PRELIMINARY PLAT

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

B. Preliminary Plat application process.

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

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

3. **Preliminary Plat drawing standards.** The preliminary plat drawing shall comply with the following standards:

- a. The preliminary plat shall be prepared by or under the direct supervision of a registered land surveyor, 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. **General development information.** A written description of the existing conditions on the site and the proposed development, including the following items:

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

Commented [CK6]: Added as by Mike Tomy's suggestions.

- 65. **Preliminary grading and drainage plan and report.** This plan and report must be certified by a South Carolina registered professional engineer or Land Surveyor and include approximate earthwork quantities (how earthwork on the site is "balanced"), storm drainage concepts such as locations of pipe and other conveyance facilities, locations for on-site detention or downstream structural improvements, and soil erosion and sedimentation control plans and specifications. It must also discuss the impacts on and to any existing floodways and/or floodplains both on and adjacent to the site as well as any FEMA applications or approvals that may be required.
- 76. **Preliminary water and sewer plan and study.** This plan shall be prepared by a registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.
- 87. **Preliminary landscape and open space plan.** The landscape plan must address the treatment of all exterior spaces. Landscape plans are to be designed to meet the requirements of this Code and show approximate locations of trees, shrubs, groundcovers, turf, buffering, fences, walls and other site amenities that will be included in the plan.
- 98. **Traffic study.** A TIA with requirements consistent with Section 7.3.2. This study must be prepared by a professional traffic engineer and identify the projected impacts to the local and regional traffic system. The direct roadway impacts and proposed share in the cost of regional improvements and intersections must be identified for the project.
- 109. **Archaeological Impact Assessment.** An applicant may be required to provide the City as per Section 8.4 with a CHS records listing historically or archaeologically significant findings on the property being subdivided at their expense.
- 1110. **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.
- 1211. **Conceptual Design.** Applicant should provide conceptual design and massing examples, (i.e. conceptual typical building elevations, but not required for each individual lot) consistent with the requirements of the Development Code.

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

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

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

- 1. **+** The Preliminary Plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code.

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

7.5.5 FINAL PLAT

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

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- e. Final Traffic Impact Analysis (if applicable) as per the requirements found in the Development Code.
 - f. If applicable, prior to commencement of construction; a State Highway utility permit from SCDOT.
 - g. If applicable, prior to commencement of construction, a State Highway access permit from SCDOT.
 - h. If applicable, prior to commencement of construction, a construction dewatering permit from DHEC
 - i. If applicable, prior to commencement of construction, a 404 Permit from the Army Corps of Engineers.
 - j. Prior to commencement of construction, acceptable collateral in the amount and form stipulated in Section 7.1.5.
3. **Original plats.** The applicant shall submit to the City, five original, signed copies of the final plat ready to record, and final executed copies of all agreements.
 4. **Complete engineering plans and specifications.** As a condition of Final Plat approval the applicant shall prepare and submit the following:
 - a. Construction plans and profiles. The plans and profiles shall be prepared by a registered professional engineer licensed in the State of South Carolina. Plans shall be 24 inches high by 36 inches wide and provide the following information:
 - b. The horizontal to vertical scales shall be chosen to best depict the aspects of the design.
 - c. Minimum horizontal scale: One inch equals 100 feet.
 - d. Minimum vertical scale: One inch equals ten feet.
 - e. The typical road geometric and structural cross-section is to be shown on each plan sheet.
 - f. The plan must show right-of-way lines and widths, road names, lot lines, tangent lengths and bearings, curve radii, delta angles, curve lengths, chord lengths and bearings, stationing at all beginning of curves and end of curves, intersections, structures, angles, curb lines, cross pans, traffic control devices (islands, striping, signs, etc.), drive cuts, curb returns and radii, and all other features to enable construction in accordance with approved standards and standard engineering practice. Stationing may be centerline if approved by the City Engineer or Codes Administrator. Construction plans shall include water lines and appurtenances, sewer lines and appurtenances, and storm water lines and appurtenances and any other wet utilities.
 - g. The profiles shall include existing and proposed grade at curb and gutter or centerline of street elevation at point of intersection of vertical curves, intersections, grade breaks, point of curb return (PCR), point of reverse curve (PRC), and other critical points, structures, and all other features.
 - h. Signature blocks for all utility providers unless otherwise provided in agreement form.
 - i. Structure details. Sufficient data shall be given to construction of major structures and road appurtenances such as bridges, culverts, gutters, drives, walks, cross pans, etc; detail shall include orientation line and grade, cross-sections, dimensions, reinforcement schedules, materials, quality specification, etc., or as the City Engineer may approve.

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- 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.

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

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

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

7.5.6 MINOR SUBDIVISION PLAT

A. Minor Subdivision Plat purpose.

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

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

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

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

Commented [CK7]: Numerical order at this sub-level!

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 links for the perimeter and all lots, blocks, rights-of-way and easements.
14. Lot and block numbers, numbered in consecutive order, and square footage or acreage to two decimal places of each lot or tract.
15. Parcels excepted from inclusion noted as "not included in this subdivision" and the boundary completely indicated by bearings and distances.
16. Existing rights-of-way in and adjacent to subject property (labeled and dimensioned).
17. Existing and proposed street names for all streets on and adjacent to the property.
18. Existing easements and their type in and adjacent to subject property (labeled and dimensioned).
19. Location and description of monuments:
 - i. Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plat).
20. Certificates blocks for signatures of owner, surveyor, utility providers, and City approval, as applicable.

Commented [CK8]: Numerical order at this sub-level!

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

7.5.7 SITE PLAN

- A. Site Plan Purpose.** The site plan is a prerequisite to a building permit for all multi-family (excluding duplexes), commercial, and industrial developments. The site plan shows how the lot will be developed so that the City can ensure that the site design will be in compliance with the Development Code, Comprehensive Plan and Civic Master Plan.
- B. Site Plan Application.** A Site Plan Application shall include the following:
1. Land use application form.
 2. Application fee and fee agreement.
 3. **Site Plan plat** — The site plan shall be a minimum of 18 inches by 24 inches and shall provide the following information:
 - a. Title of project.
 - b. North arrow, scale (no greater than one inch equals 50 feet) and date of preparation.
 - c. Vicinity map.
 - d. Address of project.
 - e. Legal description of property.
 - f. Name, address and phone number of property owner.
 - g. Name, address and phone number of person or firm responsible for plan.
 - h. Lot size (square footage).
 - i. Bearings and distances of all lot lines.
 - j. Existing and proposed easements and rights-of-way.
 - k. Existing and proposed paved areas and sidewalks on the site and in the adjacent rights-of-way, all dimensioned, showing how pedestrians will have access to the site and buildings.
 - l. Gathering areas for people.
 - m. Existing and proposed curb cuts on the site and in the adjacent rights-of-way (on both sides of perimeter streets), all dimensioned.
 - n. Existing and proposed two-foot contours.
 - o. Existing waterways on or adjacent to the site.
 - p. Finished floor elevations for all structures.
 - q. Footprint (including roof overhangs and eaves, decks, balconies, outside stairs and landings) of all proposed structures and their use with their dimensions and locations noted with respect to the property lines.
 - r. Existing structures and their use.
 - s. Square footage of the proposed building(s) and the footprint of the proposed building(s).
 - t. Proposed structure height.
 - u. For multi-family residential, the number of residential units and bedrooms per unit.
 - v. Location of proposed signs and lighting.

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- 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).
- II. Certificate blocks for signatures of owner, surveyor, utility providers, and City approval, as applicable.
- 4. **Design standards** — Demonstrate in written or graphic form how the proposed structure(s) is consistent with the design requirements of this code. [Provide Exterior](#) elevations of proposed structures/graphic visual aids. Provide complete building elevations, drawn to scale, with illustrations of all colors and identifying major materials and cut sheets to be used in the structure(s). In addition, Staff may require building floor plans, sectional drawings, perspective drawings, models, and/or computer visualizations when the impacts of a proposal warrant such information.
 - 5. **Certified drainage report** — A certified drainage report, including an erosion control study and plan, as applicable, must be reviewed and approved by the appropriate sanitation district (if applicable) prior to submittal of the report to the City as part of the site plan application.
 - 6. **Final landscape and open space plan** — Provide an existing and proposed [landscape plan](#) with tree protection zones and a tree survey, and open space plan consistent with [this SectionSections 5 and 7 within this Code](#).
 - 7. **Traffic Impact Analysis** — Provide TIA as per requirements of Section 7.3.2.

C. TRC and Staff Review. Staff and TRC reviews application and prepares comments. Staff and TRC will review the site plan map to ensure it is consistent with the site plan review criteria. Following the review, Staff will prepare a written report outlining any changes that the applicant must make before the site plan can be recommended for public hearing with the Planning Commission. This report will be forwarded to the applicant.

1. Applicant addresses staff comments. Applicant shall make all necessary changes to the site plan and resubmit a revised copy to the City.

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

1. Notice to neighboring property owners. The City shall send advance notice of the Planning Commission meeting by regular mail to neighboring property owners within 500 feet of the property per this Code.
2. The Planning Commission shall hold a public hearing on the proposal. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard.
3. ~~Decisions/Findings of Fact: Following~~At the conclusion of the public ~~meeting~~hearing, the Planning Commission may approve, deny, or approve with conditions the application for a Major Development. No Major Development shall be approved unless the following findings of fact ~~can be~~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 ~~proposed~~ plan conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site.

Commented [CK9]: Comment from Bill Bardenwerper: "This sentence is repeating 2 & 3 below, so delete it."

E. Post approval actions.

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

F. Appeals. ~~Any party aggrieved by the decisions of the Planning Commission may appeal to the Circuit Court within 30 days of the decision. See chapters 7.6 and 9.17~~

G. Permit Validity. Upon the approval of the Major Development Design application, the applicant shall have 2 years to obtain a Project Permit. Failure to secure a permit for the permitted work within this time shall

render the compliance void. Any change to the approved plans that has not been authorized by the Administrator shall invalidate the design approval, and any subsequent building permits.

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

I. Amendments to approved Site Plans.

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

[7.6: APPEALS](#)

[See Chapter 9.17 for overall specifications regarding appeals.](#)

PLANNING COMMISSION

February 10th, 2025
Code Amendment Packet



DEVELOPMENT CODE
Chapter 9 – Amendments
as of January 13th, 2025
(Clean Copy)

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
ADMINISTRATIVE PERMITS							
Zoning Permit	9.4	Ministerial	Admin	No	Admin	6 months	6 months, 1 time
Project Permit	9.5	Ministerial	Admin	No	Admin	6 months	Resubmit
Certificate of Occupancy	9.7	Ministerial	Admin	No	Admin	n/a	n/a
DEVELOPMENT DESIGN REVIEW							
Development Design Review, Minor	9.8.1	Ministerial	Admin	No	Admin	24 months	12 months, 1 time
Development Design Review, Major	9.8.2	Discretionary	Admin, TRC	Yes	PC	24 months	12 months, 1 time
SUBDIVISION REVIEW							
Site Plan	9.9 / 7.5.2	Ministerial	Admin, TRC	Yes	PC	24 months	
Sketch Plan	9.9 / 7.5.3	Discretionary	Admin, TRC	Yes	PC	12 months	12 months,
Subdivision, Major, Preliminary Plat	9.8 / 7.5.4	Ministerial	Admin, TRC	Yes	PC	24 months	12 months, 1 time
Subdivision Final Plat	9.8 / 7.5.5	Ministerial	Admin, TRC	No	Admin	24 months	12 months, 1 time
HISTORIC PRESERVATION							
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 for demolitions	12 months, up to 3 times
ADJUSTMENTS							
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 § SC ST 6-29-1155							

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

9.1.5 PUBLIC NOTIFICATION

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

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

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

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

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

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

B. **NOTICE OF APPLICATION SIGN:**

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

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

D. **MAILED/EMAILED NOTICE:**

Mailed/emailed notice shall be provided as required by State Law, including without limitation mailed notice to adjoining property owners when required by State Law. Additionally, the City shall provide mailed/emailed notices upon request as per South Carolina Code of Laws Section 30-4-80 (E) and per the Policy and Procedures contained on the website operated by the City of Beaufort. For demolition of structures listed on the most recent "Above-Ground Historic Sites Survey" that are located outside

the Historic District, written notice to members of the Historic District Review Board (HRB), Historic Beaufort Foundation (HBF), and neighbors within 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 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 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. 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.

- 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 working 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 5-day period, specifying the ways in which the application is incomplete, and the applicant shall have 60 days during which to provide the requested materials and complete the application. Any application for

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

9.2.5 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)
ADMINISTRATIVE PERMITS							
Zoning Permit	9.4	See Administrator					
Building Permit	9.5						
Certificate of Compliance	9.6						
Certificate of Occupancy	9.7						
DEVELOPMENT DESIGN REVIEWS							
Minor Development	9.8.1	See Code Sec. 7.5: Subdivision and Site Plan Standards					
Major Development	9.8.2						
SUBDIVISION REVIEWS							
Subdivision, Minor (Site Plan)	9.9	See Code Sec. 7.5: Subdivision and Site Plan Standards					
Subdivision, Major (Sketch Plan)							
Subdivision, Major (Site Plan)							
Final Subdivision Plat							
HISTORIC PRESERVATION							
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)
ADJUSTMENTS							
Administrative Adjustment	9.12	See Administrator					
ZBOA Special Exception	9.13	■	■	■	N/A	<input type="checkbox"/>	N/A
ZBOA Variance	9.14	■	■	■	N/A	<input type="checkbox"/>	N/A
AMENDMENTS							
Text & Map Amendments	9.13	■	■	■	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 3.4.3 (Home Occupations — Major and Minor).
- B. Temporary uses that do not materially affect the area's natural environment, parking requirements, transportation patterns, public health, or economic values. (See Section 3.11.3 Temporary Uses)
- C. Conditional uses not requiring a building permit.
- D. Special events.
- E. Changes of use, and any uses permitted with additional standards per Article 3 (Land Use Provisions).
- F. Removal of trees as regulated in Section 5.4 (Tree Removal).

9.4.2 PROCESS AND APPROVAL

- A. **Process Type:** 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.
 - 1. **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.

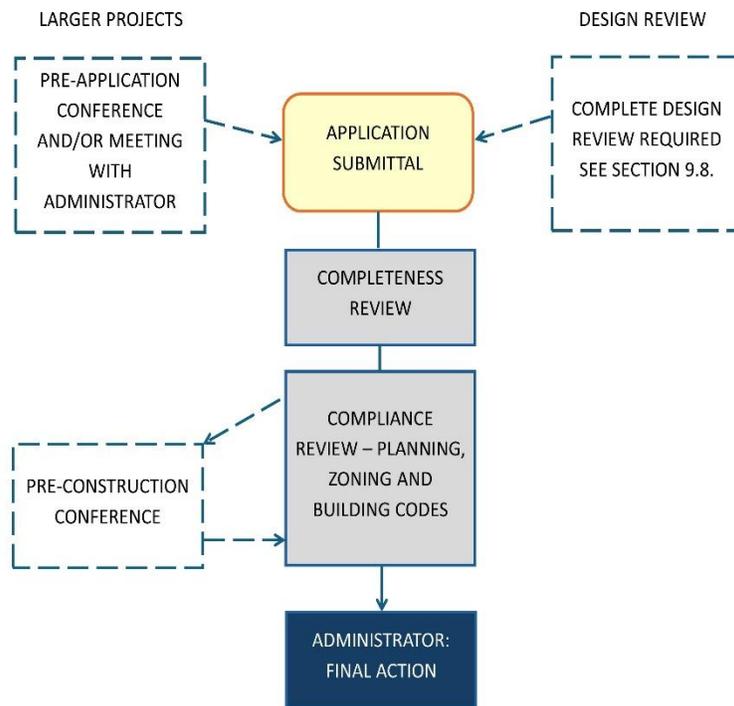
9.5: BUILDING PERMIT

9.5.1 APPLICABILITY

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

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

9.5.2 PROCESS AND APPROVAL



- A. **Process Type:** 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 Project Permit to determine what information is required for the application.
- C. **Required Application Information:** See Administrator. The application shall include all drawings and specifications required by building codes adopted by S.C. Code § 6-9-50.
- D. **Determination of Conformity:** The review, approval, and distribution of drawings and specifications required shall be coordinated by the Administrator in accordance with the building codes adopted by SCCL Section 6-9-50. Upon issuance of a permit, the Administrator shall endorse, by writing or stamp, all sets of drawings showing approval. Such drawings shall be kept at the work site and made available for inspection by the Administrator upon request. Approved Project Permits shall be conspicuously posted by the applicant on the property for which they were obtained until the applicant has obtained a Certificate of Occupancy, pursuant to Section 9.7.
- E. **Public Notification:** None required.
- F. **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 SCCL require that work be done by a licensed specialty contractor of any kind, no Project Permit for such work shall be issued unless it is to be performed by such licensed specialty contractor. It shall further be the contractor's responsibility to conform to all local ordinances and state building codes for all installations or repairs of a building or utility system.

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. 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.

K. Permit Extension: None - shall resubmit.

9.6: [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

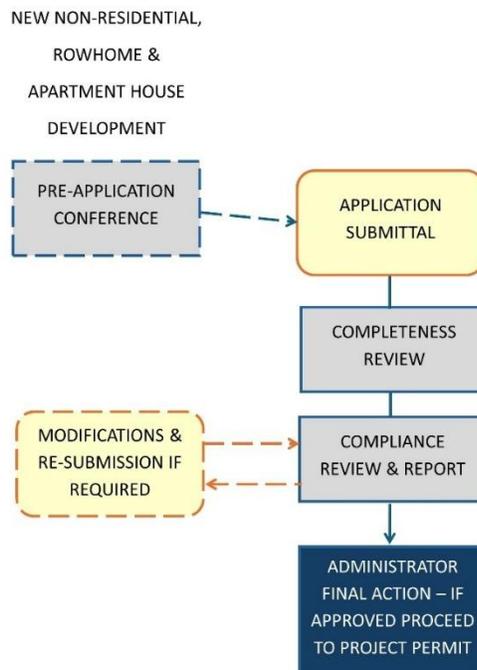
9.8.1 DEVELOPMENT DESIGN REVIEW (MINOR SUBDIVISION)

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 applications subject to staff approval to the Planning Commission for approval.
 - D. **Pre-Application Procedure:** No meeting is required, but applicants are encouraged to call or visit the Administrator to determine what information is required for the application.
 - E. **Required Application Information:** see Section 9.3 (Table) for specific Application Requirements — these may be waived by Administrator as appropriate.
 - F. **Public Notification:** None.
 - G. **Determination of Compliance:** Once an application is deemed complete by the Administrator, the Administrator shall review the application and approve, deny, or approve the plan with conditions based on compliance with the standards contained in this Code. All decisions shall be in writing. Following an approval or approval with conditions, the applicant shall be directed to prepare detailed 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 compliance void. Any change to the approved plans that has not been authorized by the Administrator shall invalidate the Minor Development Design Plan and any subsequent 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.

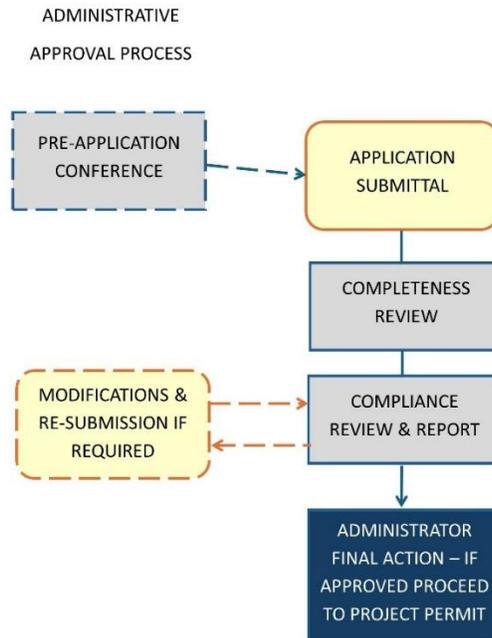
9.8.2 DEVELOPMENT DESIGN REVIEW (MAJOR SITE PLAN)

- 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.).
 - 2. **Vehicle-Related Uses:** Any new development that includes fuel-dispensing facilities, drive-thru facilities, or structured parking.
 - 3. **Nonresidential Development:** Any commercial/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 project will be required to attend a TRC committee meeting before the project is issued final approval.

- c. **Design Exception:** Design Exceptions shall be used to modify any dimensional standards or design requirements, found in Articles 2 and 4, for development projects that have unique characteristics that justify a deviation from the underlying standards. Such deviations are intended to provide flexibility from the underlying standards to permit compatible development patterns which are indicative of the surrounding area and/or use an innovative approach or technique. The process is intended to provide the minimum relief necessary to create a more innovative and context-sensitive development consistent with the City's adopted plans. This tool is not intended to circumvent the map amendment (rezoning) procedure where that tool would provide a similar modification of standards.

- 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.

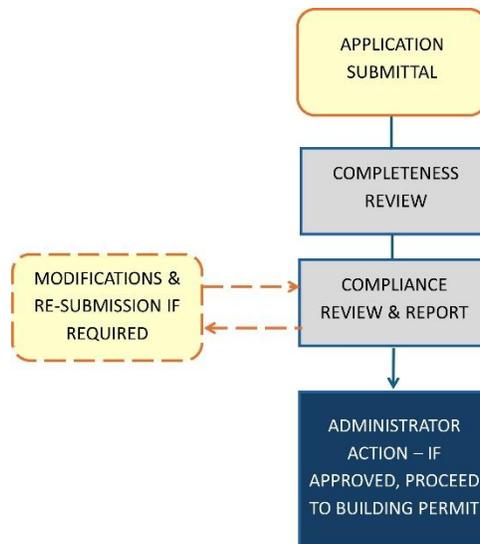
9.10: BEAUFORT HISTORIC DISTRICT - CERTIFICATE OF APPROPRIATENESS

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

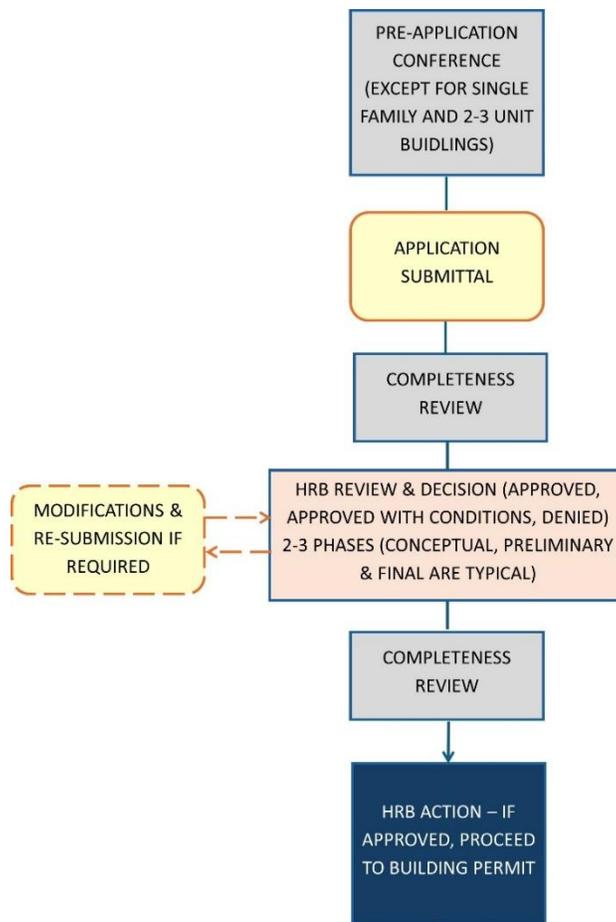
- A. **Process Type:** Ministerial. The review process required to approve a Beaufort Historic District - Certification of Appropriateness is based on the following project types:
 1. **Minor:** Administrative review shall apply to applications for a Beaufort Historic District - Certification of Appropriateness 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 (Section 9.8.1).

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



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3. **Design Exception:** Design Exceptions shall be used to modify any dimensional standards or design requirements, found in Articles 2 and 4, for development projects that have unique characteristics that justify a deviation from the underlying standards. Such deviations are intended to provide flexibility from the underlying standards to permit compatible development patterns which are indicative of the surrounding area and/or use an innovative approach or technique. The process is intended to provide the minimum relief necessary to create a more innovative and context-sensitive development consistent with the City's adopted plans. This tool is not intended to circumvent the map amendment (rezoning) procedure where that tool would provide a similar modification of standards.
- a. **Applicability:** The 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 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 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:
 - 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.

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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.
- 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.

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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.

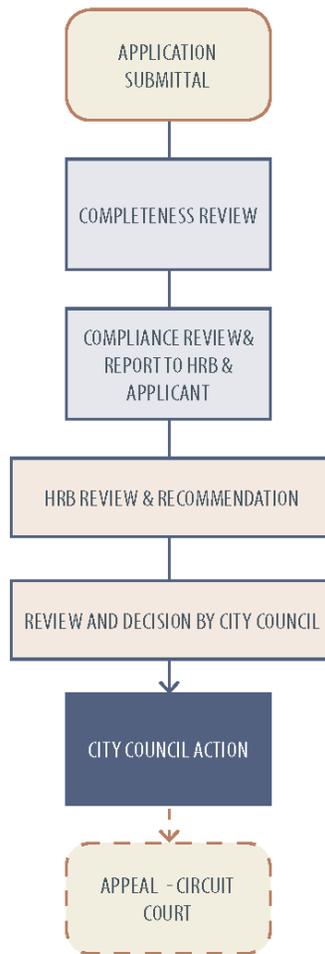
9.11: HISTORIC DESIGNATION

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:

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- 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.

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

9.12: ADMINISTRATIVE ADJUSTMENT

9.12.1 PURPOSE AND APPLICABILITY

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

compliance to the extent practical. This adjustment shall be as small possible in order to accommodate the existing conditions.

- 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

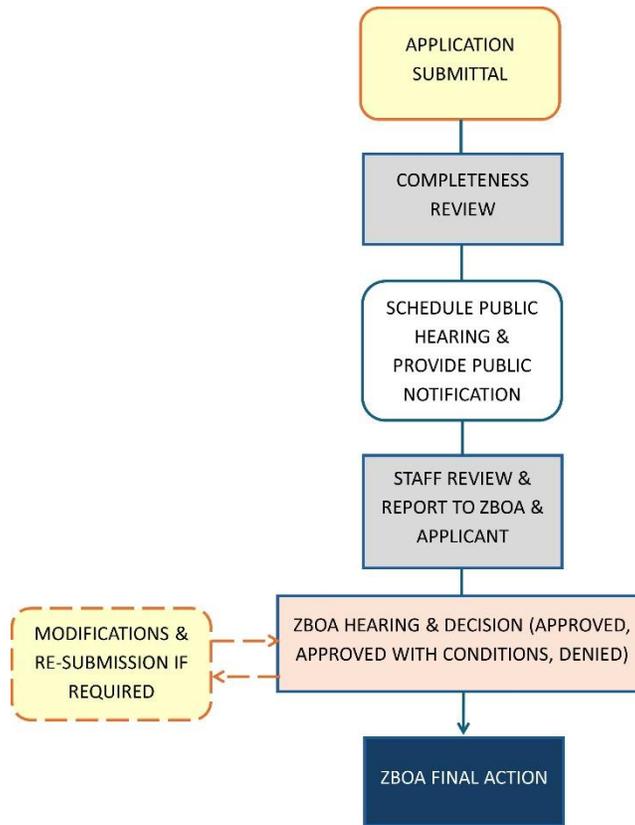


- A. **Process Type:** Ministerial
- B. **Public Notification:** None.
- C. **Required Application Information:** An application for an Administrative Adjustment shall include a brief description of the requirement to be varied and any other material necessary to ensure the criteria in this section are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

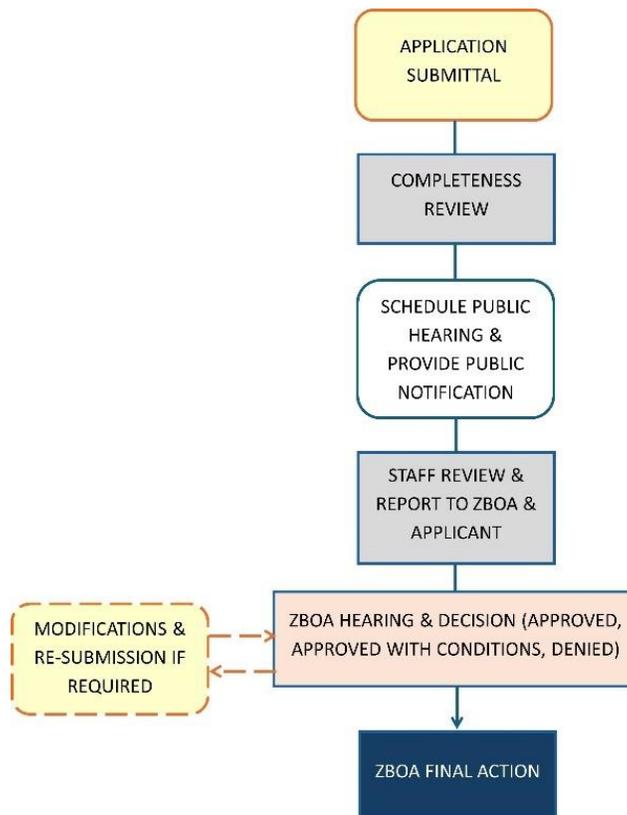
9.14: ZBOA VARIANCE

9.14.1 APPLICABILITY

Variances 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.

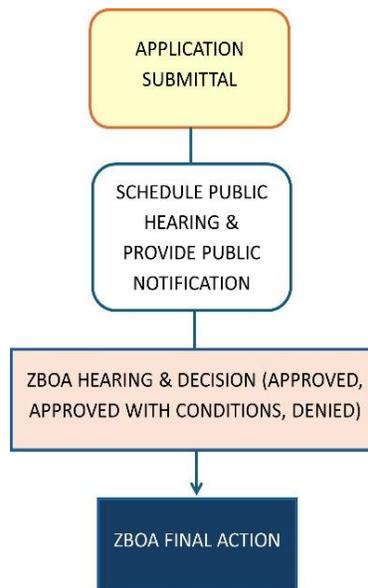
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- C. **Staff Review and Report:** The Administrator shall prepare a staff report that shall be provided to the applicant or appellant and the ZBOA before the scheduled hearing.
- D. **Public Notice:** see Section 9.1.5 for specific Public Notification 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.

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2. For amendments where the most intense permitted use in the proposed district would generate more than 50 external trips during the peak hour, a TIA (Section 7.3.3) may be required; all road improvements needed to maintain the current level of service shall be identified (based on that analysis), and assurances shall be provided so that all road improvements will be in place so the impacts of the development are accommodated, and the current level of service is maintained.
 3. The submittal shall include the requirements of a Sketch Plan submittal as per Section 7.5.3, or a Site Plan as per 7.5.7 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 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 all factors that it may deem relevant, including, but not limited to:
 - a. Consistency (or lack thereof) with the Comprehensive Plan and Civic Master Plan;
 - b. Compatibility with the present zoning, with conforming uses of nearby property, and with the character of the neighborhood;
 - c. Suitability of the property that would be affected by the amendment;
 - d. Compatibility with the natural features of — and any archaeological or cultural resources on — the property;
 - e. Marketability of the property that would be affected by the amendment; and
 - f. Availability of roads, sewer, water, and stormwater facilities generally suitable and adequate for the affected property.
3. At the close of the public meeting, the PC shall recommend approval, modified approval, or denial of the amendment.
4. Upon receipt of a recommendation from the PC, the staff shall have 30 days within which to submit its report of the PC's deliberations and recommendation City Council. If the PC or its staff fail to submit a report within the 30-day period, it shall be deemed to have recommended approval of the proposed amendment.
5. If, after three PC meetings, no recommendation has been made (e.g., each meeting has resulted in the request being tabled), the item will proceed to City Council. Staff will prepare a report of the PC deliberations within 30 days of the third PC meeting.

D. City Council 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 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.
 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.
 2. To Whom: Planning Commission or Historic District Review Board, as applicable.

PLANNING COMMISSION

February 10th, 2025
Code Amendment Packet



DEVELOPMENT CODE
Chapter 9 – Amendments
as of January 13th, 2025
(with track changes only)

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
ADMINISTRATIVE PERMITS					
Zoning Permit	9.5-4	Administrative-Ministerial	Admin	None-No	Admin
Building-Project Permit	9.5	Ministerial-Administrative	Admin	None-No	Admin
Certificate of Compliance	9.5	Administrative	Admin	None	Admin
Certificate of Occupancy	9.6-7	Ministerial-Administrative	Admin	None-No	Admin
DEVELOPMENT DESIGN REVIEW					
Development Design Review, Minor	9.7-8.1	Ministerial-Administrative	Admin	None-No	Admin
Development Design Review, Major	9.7-8.2	Discretionary	Admin, TRC	Yes, 1, 2, 3 None	PC
SUBDIVISION REVIEW					
Subdivision, Minor , Site Plan	9.8-9 / 7.5.2	Ministerial-Administrative	Admin, TRC	Yes, 1, 2, 3 time None	PC Admin
Subdivision, Major , Sketch Plan	9.8-9 / 7.5.3	Discretionary	Admin, TRC	Yes, 1, 2, 3 None	PC
Subdivision, Major, Preliminary Plat Site Plan	9.8 / 7.5.4	Ministerial-Administrative	Admin, TRC	Yes, 1, 2, 3 None	PC Admin
Subdivision Final Plat	9.8 / 7.5.5	Ministerial-Administrative	Admin, TRC	None-No	Admin
HISTORIC PRESERVATION					
Beaufort Historic District - Certificate of Appropriateness, Minor	9.9	Ministerial-Administrative	Admin	Demolition Only: Yes (1, 2, 3)	Admin

<u>APPLICATION TYPE</u>	<u>SECTION</u>	<u>PROCESS TYPE</u>	<u>REVIEWING AGENCY</u>	<u>PUBLIC NOTIFICATION (9.1.5)</u>	<u>APPROVING AGENCY</u>
<u>Beaufort Historic District</u> - Certificate of Appropriateness, Major	9.9	Discretionary	Admin	Demolition & Design Exception only: Yes <u>(1,2)</u>	HRB
<u>Local Historic District/Historic Sign Designation</u>	<u>9.10</u>	<u>Legislative</u>	<u>Admin, PC, HRB</u>	<u>None</u>	<u>CC</u>
<u>RELIEF ADJUSTMENTS</u>					
Administrative Adjustment	<u>9.11</u> <u>9.12</u>	<u>Ministerial</u> <u>Administrative</u>	Admin	<u>None</u> <u>No</u>	Admin
Special Exception	9.12	Discretionary	Admin	Yes <u>(1, 2,3)</u>	ZBOA
Variance	9.13	Discretionary	Admin	Yes <u>(1, 2,3)</u>	ZBOA
<u>ADMINISTRATION APPEALS</u>					
<u>Administrative Appeal</u>	<u>9.14</u>	<u>Discretionary</u>	<u>Admin</u>	<u>Yes (1)</u>	<u>ZBOA</u>
<u>AMENDMENTS</u>					
<u>Code Amendments</u>	<u>9.16</u>	<u>Legislative</u>	<u>Admin, PC</u>	<u>Yes (1, 2 & 3)</u>	<u>CC</u>
Admin-Administrator / PC-Planning Commission / CC-City Council / ZBOA-Zoning Board of Appeals / HRB-Historic District Review Board / TRC-Technical Review					
Note: Any appeals that are assigned to Court are eligible for pre-litigation mediation pursuant to § SC ST 6-29-1155					

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

9.1.5 PUBLIC NOTIFICATION

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

A. **Level 1—Published Notice:**

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

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

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

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

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

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

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.

B. NOTICE OF APPLICATION SIGN:

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

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

D. MAILED/EMAILED NOTICE:

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

the Policy and Procedures contained on the website operated by the City of Beaufort. For demolition of structures listed on the most recent "Above-Ground Historic Sites Survey" that are located outside the Historic District, written notice to members of the Historic District Review Board (HRB), Historic Beaufort Foundation (HBF), and neighbors within 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 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. 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.

- 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.

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

9.2.5-3 CONCURRENT PROCESSING

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

9.3: APPLICATION REQUIREMENTS

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

PERMIT/APPLICATION 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)
ADMINISTRATIVE PERMITS							
Zoning Permit	9.4	See Administrator					
Project Building Permit	9.5						
Certificate of Compliance	9.6						
Certificate of Occupancy	9.7						
DEVELOPMENT DESIGN REVIEWS							
Minor Development	9.8.1	See Code Sec. 7.5: Subdivision and Site Plan Standards					
Major Development	9.8.2						
SUBDIVISION REVIEWS							
Subdivision, Minor (Site Plan)	9.9	See Code Sec. 7.5: Subdivision and Site Plan Standards					
Subdivision, Major (Sketch Plan)							
Subdivision, Major (Site Plan)							
Final Subdivision Plat							
HISTORIC PRESERVATION							
Beaufort Historic District - Certificate of Appropriateness (CoA), Minor	9.10.2(1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A
CoA, Major	9.10.2(2)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<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)
ADMINISTRATIVE ADJUSTMENTS							
Administrative Adjustment	9.12	See Administrator					
ZBOA Special Exception	9.13	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>	N/A
ZBOA Variance	9.14	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>	N/A
APPEALS							
Administrative Appeal	9.15	See Administrator					
AMENDMENTS							
Text & Map Amendments & Rezonings	9.13	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	N/A <input type="checkbox"/>	N/A
<input checked="" type="checkbox"/> = Required Compliance				<input type="checkbox"/> = 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)
ADMINISTRATIVE PERMITS										
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								
DEVELOPMENT DESIGN REVIEW										
Development Design Review, Minor	9.7	<ul style="list-style-type: none"> <input type="checkbox"/> <input type="checkbox"/> See Chapter 7 <input type="checkbox"/> <input type="checkbox"/> 								
Development Design Review, Major	9.7	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> See Chapter 7 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 								
SUBDIVISION REVIEW										
Subdivision, Minor, Site Plan	9.8	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> <input type="checkbox"/> See Chapter 7 <input type="checkbox"/> 								
Subdivision, Major, Sketch Plan	9.8	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> 								

- 9: DEVELOPMENT REVIEW PROCEDURES
9.3: APPLICATION REQUIREMENTS

		<ul style="list-style-type: none"> ■ ☐ See Chapter 7 ☐
Subdivision, Major, Site Plan Preliminary Plat	9.8	<ul style="list-style-type: none"> ■ ☐ See Chapter 7 ☐
Final Subdivision Plat	9.8	<ul style="list-style-type: none"> ■ ■ See Chapter 7 ■ ☐
HISTORIC PRESERVATION		
Certificate of Appropriateness, Minor	9.9	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐
Certificate of Appropriateness, Major	9.9	☐ ■ ☐ ■ ■ ☐ ☐ ☐ ■
Historic District Designation	9.10	See Administrator
RELIEF		
Administrative Adjustment	9.11	See Administrator
Special Exception Permit	9.12	☐ ☐ ■ ☐ ☐ ☐ ☐ ☐ ☐ ☐
Variance Permit	9.13	☐ ■ ☐ ■ ☐ ☐ ☐ ☐ ☐ ☐ ☐
ADMINISTRATION APPEALS		
Administrative Appeal	9.14	See Administrator
AMENDMENTS		
Amendments	9.15	■ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐
■ = Required Compliance		☐ = On an "as needed" basis as determined by the Administrator

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.~~

~~D. Construction Documents: The construction documents for development design review and subdivision plans shall constitute a full and complete set of engineered drawings necessary for final permitting and horizontal and vertical construction. This includes detailed landscaping plans, lighting plans, grading and drainage plans, and stormwater calculations.~~

~~E. As-Built Drawings: The as-built drawings shall show the final installed conditions and specifications for all public infrastructure. The designer of the infrastructure shall certify, under seal, that the installed infrastructure is in compliance with the approved plans and designs and with the requirements of this Code. A final inspection and approval by the Administrator shall occur before the release of any performance securities.~~

~~F. Final Plat: The final plat shall be prepared by a registered land surveyor licensed to practice in the State of South Carolina, and shall meet the requirements of the Beaufort County Register of Deeds Office. The Final Plat shall constitute an accurate survey of the entire phase as shown on the approved site plan and shall include all the relevant notes and certifications.~~

~~G. Building Elevations for Design Review: For certain applications, it may be necessary to submit scaled drawings of each elevation visible from a public street or civic space. These drawings shall be in color and shall accurately represent the building heights, floor levels, and building materials, and shall include written identification of building materials. In addition, the Administrator may require a physical model or up to three drawings from different perspectives that show how the building fits into the context of the block.~~

9.4: ZONING PERMIT

9.4.1 APPLICABILITY

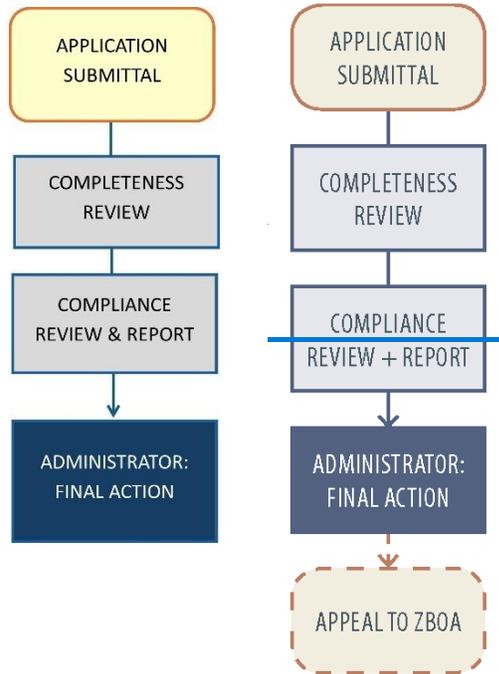
Only Required Permit: A zoning permit certifying compliance with this Code shall be the only type of approval required for the following activities:

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

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

9.4.2 PROCESS AND APPROVAL

- A. **Process Type:** ~~Administrative~~ 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.
1. **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.

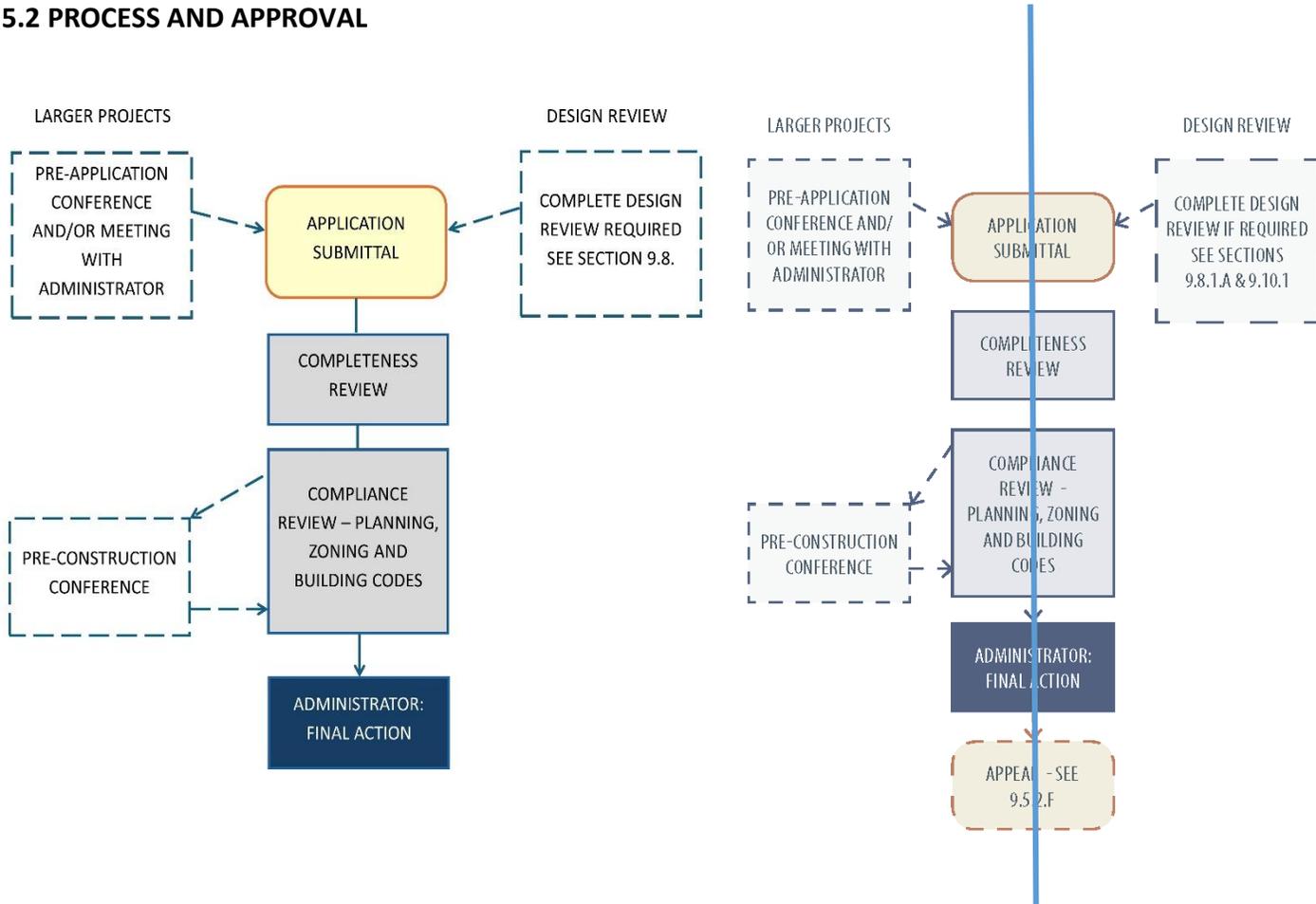
9.5: PROJECT-BUILDING PERMIT

9.5.1 APPLICABILITY

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

- A. **Site Work:** Any modifications to a parcel of land, not to include construction of a structure.
- B. **New Construction and Expansion:**
 - 1. **Primary Building(s):** New construction of all types of structures.
 - 2. **Accessory Structures or Uses:** Accessory uses incidental to single-family residential structures (e.g., detached garage, swimming pool, tool shed) as regulated by Section 3.~~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 Project Permit to determine what information is required for the application.
- C. **Required Application Information:** See Administrator. The application shall include all drawings and specifications required by building codes adopted by S.C. Code § 6-9-50.
- D. **Determination of Conformity:** The review, approval, and distribution of drawings and specifications required shall be coordinated by the Administrator in accordance with the building codes adopted by SCCL Section 6-9-50. Upon issuance of a permit, the Administrator shall endorse, by writing or stamp, all sets of drawings showing approval. Such drawings shall be kept at the work site and made available for inspection by the Administrator upon request. Approved Project Permits shall be conspicuously posted by the applicant on the property for which they were obtained until the applicant has obtained a Certificate of Occupancy, pursuant to Section 9.7.
- E. **Public Notification:** None required.
- F. ~~Appeals: Appeals of Project Permit applications denied by the Administrator that are not reviewed by the Building codes department, shall be taken to the Zoning Board of Appeals (Section 10.3). The appeal of any Project Permit application requiring approval by the Building codes department shall be~~

taken to the Building Board of Appeals within 30 days of the decision, in accordance with the procedures found in the City Code of Ordinances, Section 5-1005.1 (or appropriate section as amended from time to time).

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 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.~~

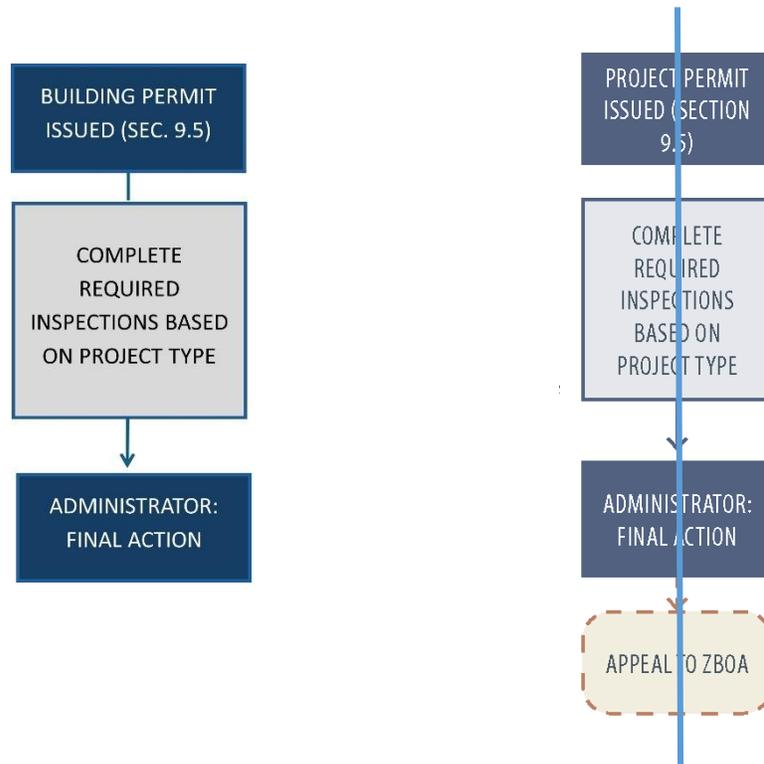
9.7: CERTIFICATE OF OCCUPANCY

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.

9.8: DEVELOPMENT DESIGN REVIEW

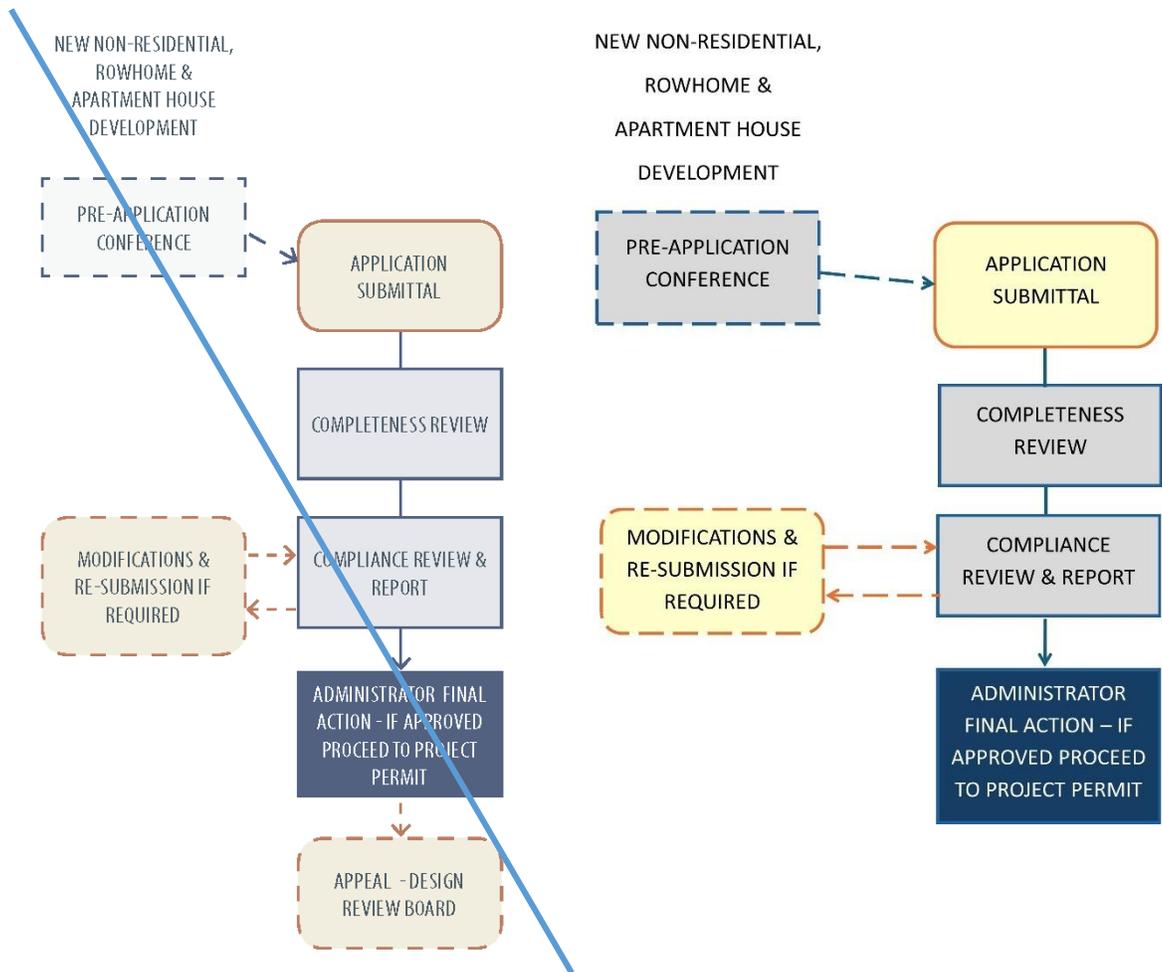
9.8.1 DEVELOPMENT DESIGN REVIEW (MINOR SUBDIVISION)

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.



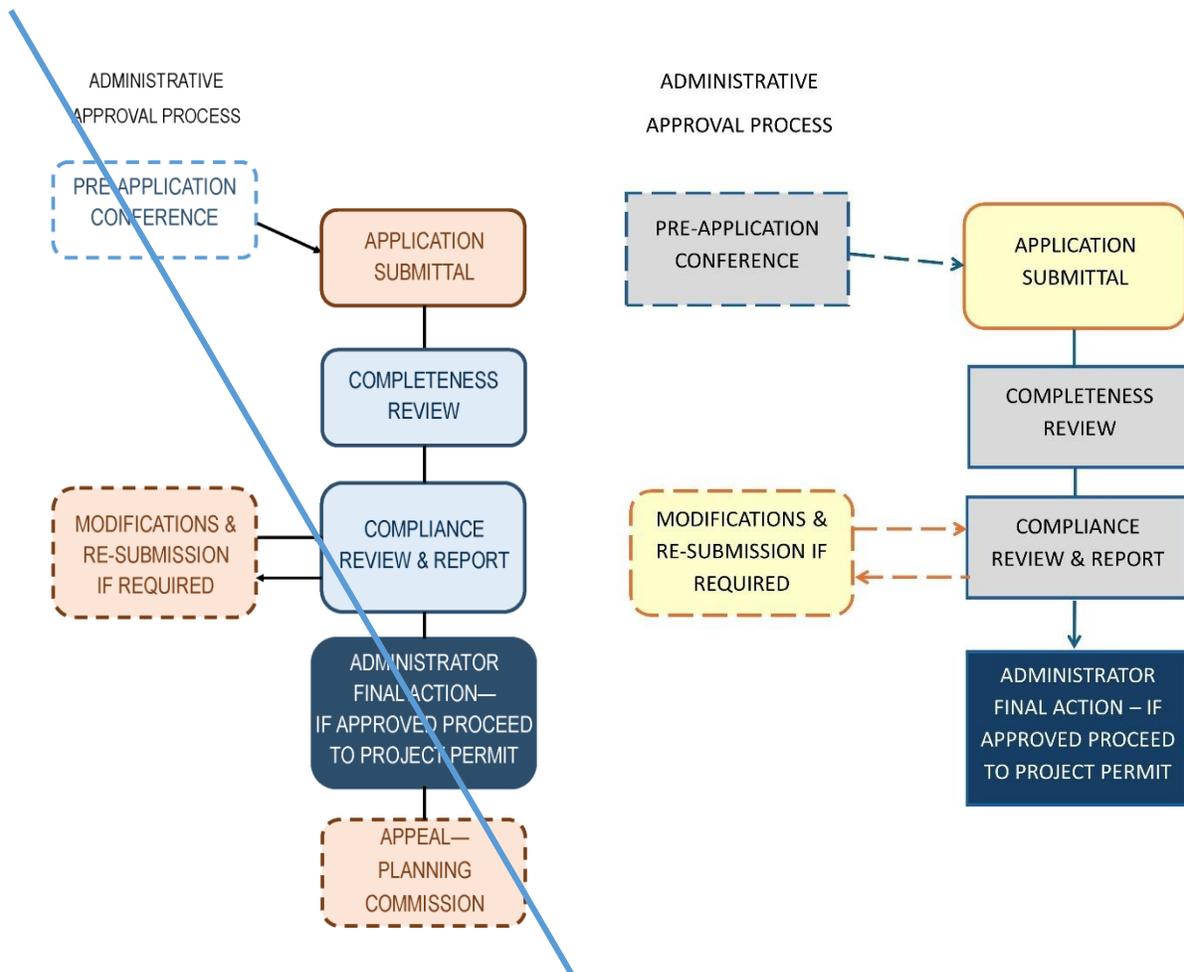
- C. **Process Type:** ~~Administrative Ministerial~~ — The Administrator may submit any applications subject to staff approval to the ~~Design Review Board~~ Planning Commission for approval.
- D. **Pre-Application Procedure:** No meeting is required, but applicants are encouraged to call or visit the 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 Administrator as appropriate.
- F. **Public Notification:** None.
- G. **Determination of Compliance:** Once an application is deemed complete by the Administrator, the Administrator shall review the application and approve, deny, or approve the plan with conditions based on compliance with the standards contained in this Code. All decisions shall be in writing. Following an approval or approval with conditions, the applicant shall be directed to prepare detailed ~~Construction Documents~~ 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 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).
 - I. **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.).
2. **Vehicle-Related Uses:** Any new development that includes fuel-dispensing facilities, drive-thru facilities, or structured parking.
3. **Nonresidential Development:** Any commercial/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 will be required to attend a TRC committee meeting before the project is issued final approval.
 - c. Design Exception: Design Exceptions shall be used to modify any dimensional standards or design requirements, found in Articles 2 and 4, for development projects that have unique characteristics that justify a deviation from the underlying standards. Such deviations are intended to provide flexibility from the underlying standards to permit compatible development patterns which are indicative of the surrounding area and/or use an innovative approach or technique. The process is intended to provide the minimum relief necessary to create a more innovative and context-sensitive development consistent with the City's adopted plans. This tool is not intended to circumvent the map amendment (rezoning) procedure where that tool would provide a similar modification of standards.



- 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)~~

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.~~

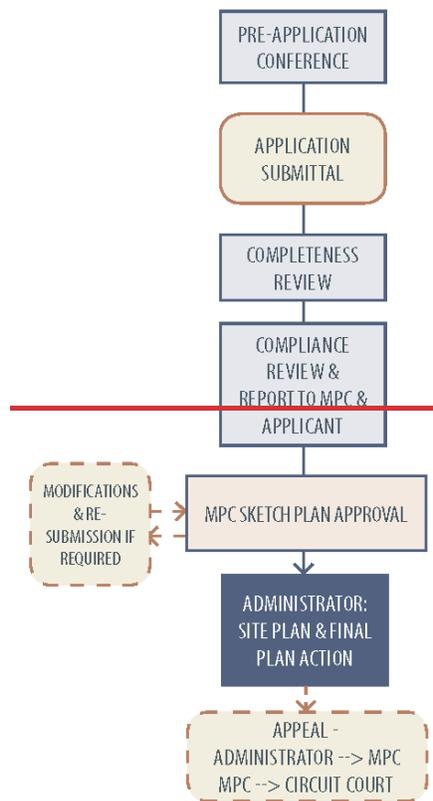
~~C. Required Application Information: A Minor Subdivision plat shall be submitted consistent with the requirements of the city.~~

~~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.~~

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

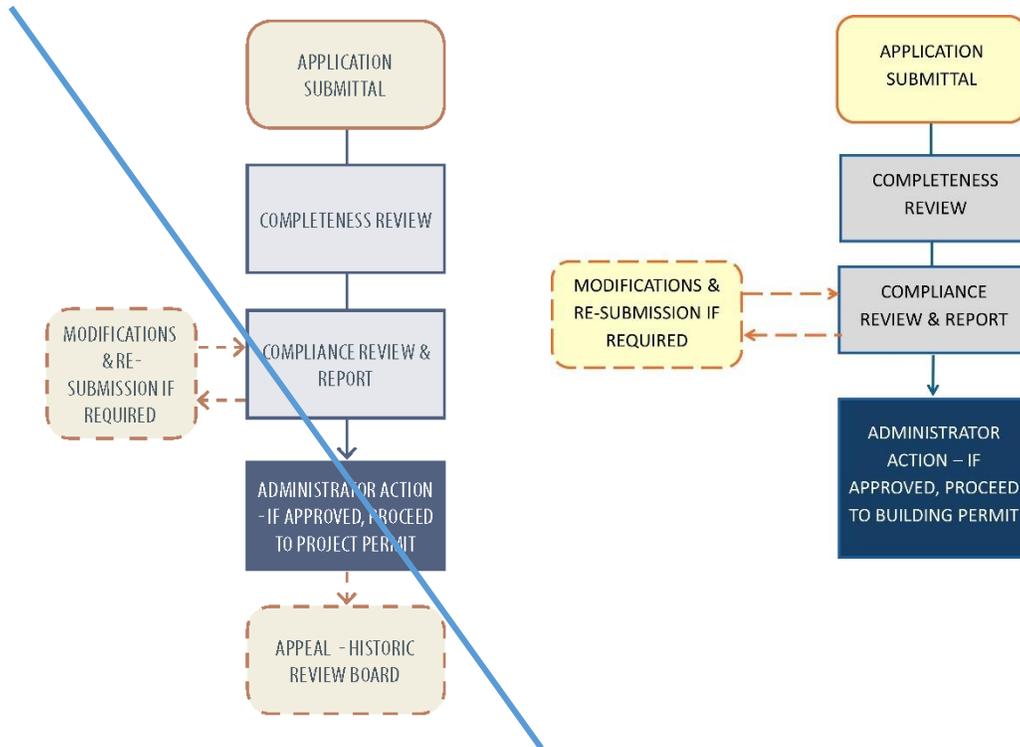
9.10.1 APPLICABILITY

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

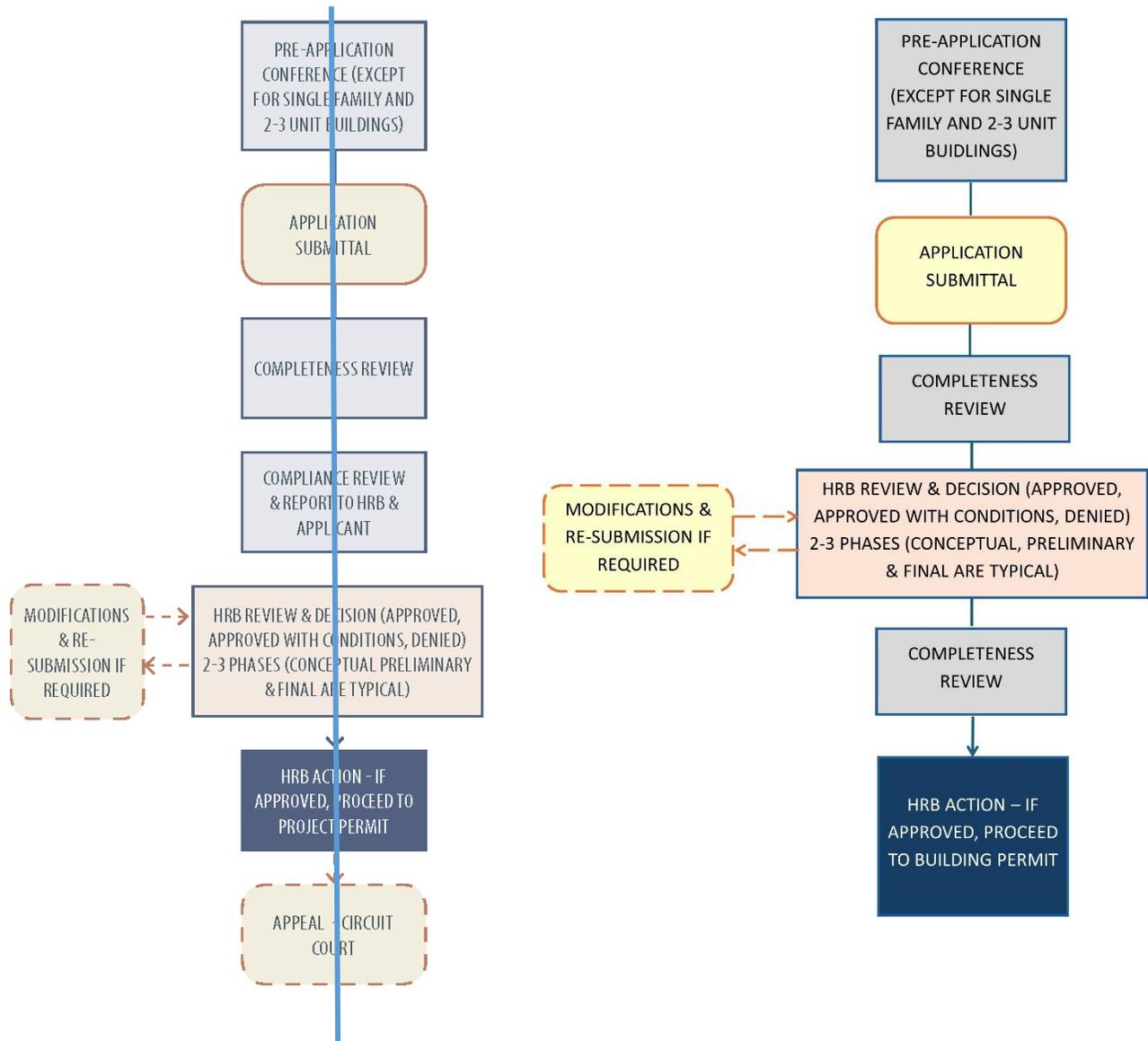
- A. **Process Type:** [Ministerial](#). The review process required to approve [a Beaufort Historic District - Certification of Appropriateness](#) is based on the following project types:



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 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-appropriate design review body / Planning Commission](#) 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 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-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:
- 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.

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

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.

9.11.3 HISTORIC SIGN DESIGNATION

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

9.12: ADMINISTRATIVE ADJUSTMENT

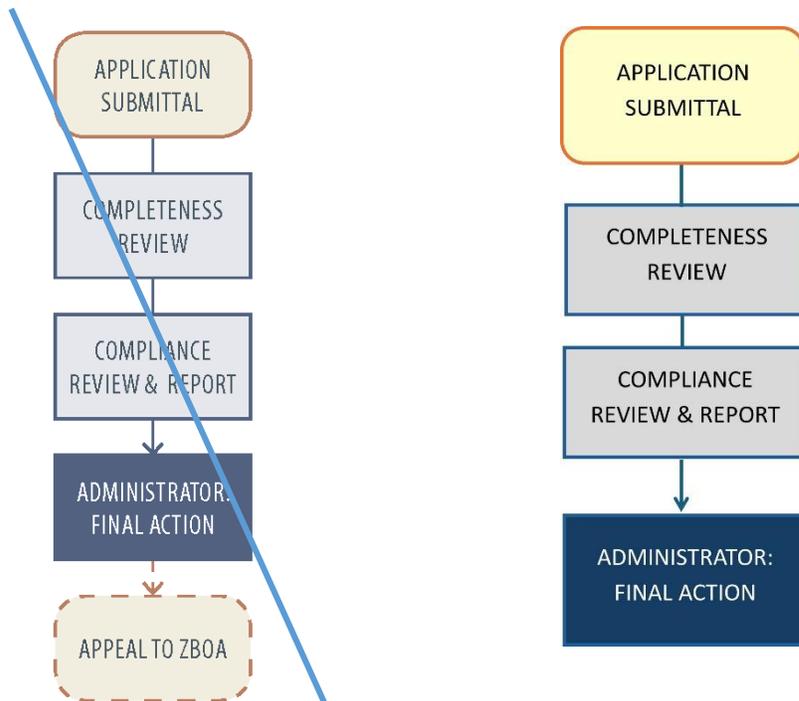
9.12.1 PURPOSE AND APPLICABILITY

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

planting requirements (Section 5.3) downward in order not to require excessive planting out of proportion to the scale of the development.

- b. In the case of multi-phase developments on one parcel, the tree planting requirements (Section 5.3) may be adjusted according to the size of each phase of the development.
 - c. Any particular planting requirement shall be proportionately reduced where existing plant materials are of sufficient sizes and forms to satisfy the requirement.
- C. **Adjustment of Building Design Standards:** Where an existing condition (e.g., utility easement, restrictive covenant, tree or natural feature) prohibits strict compliance with the building design standards in Article 4, the Administrator may waive or adjust the standard as appropriate to assure compliance to the extent practical. This adjustment shall be as small possible in order to accommodate the existing conditions.
- D. **Permission of Flag Lot:** Where conditions set forth in Section 2.5.5 C. are met, the Administrator may permit a flag lot. When a flag lot is proposed in conjunction with a Major Subdivision, it shall be incorporated into the process laid out in Section 9.9.3.

9.12.2 PROCESS AND APPROVAL

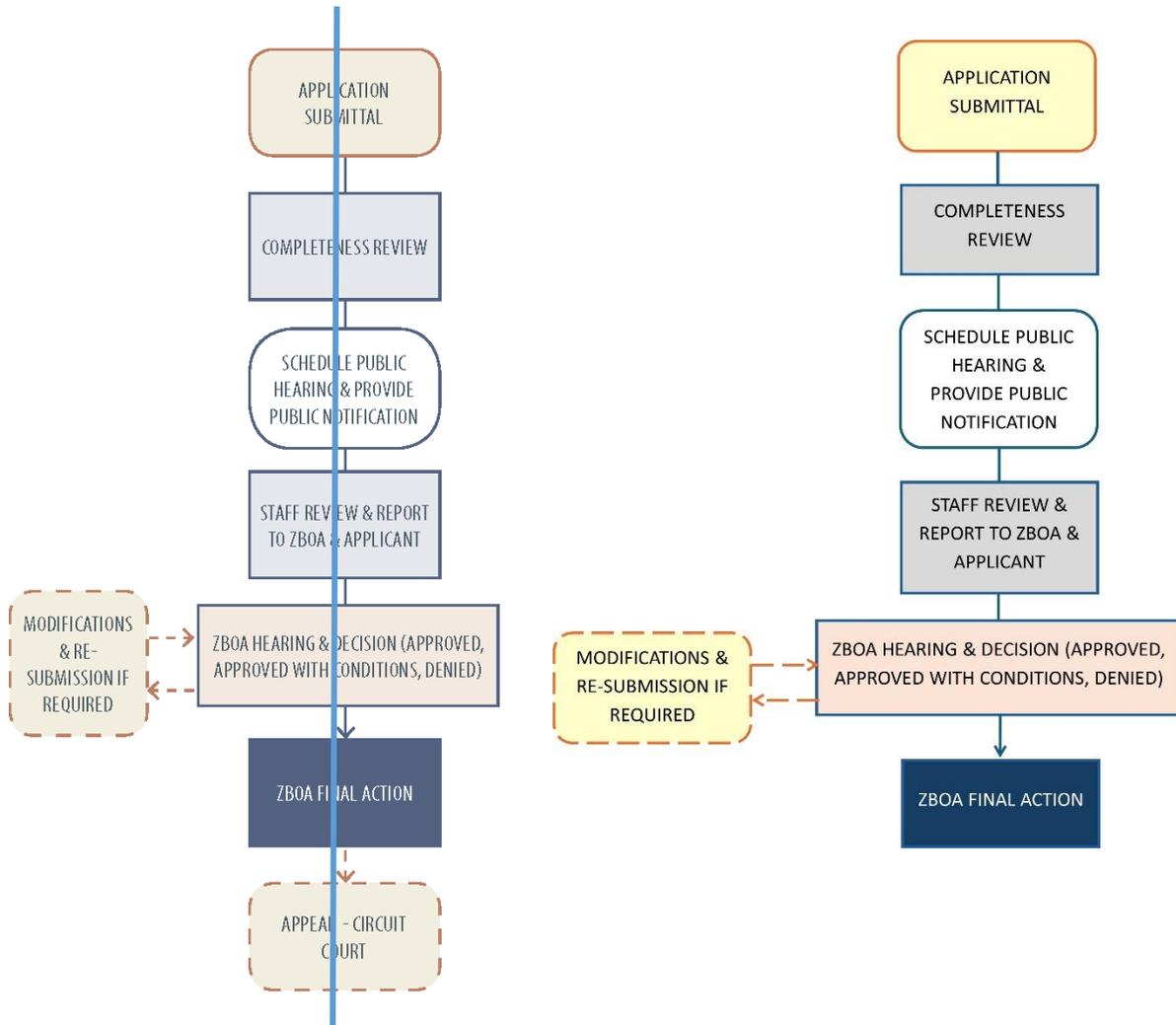


- A. **Process Type:** ~~Administrative~~-Ministerial
- B. **Public Notification:** None.
- C. **Required Application Information:** An application for an Administrative Adjustment shall include a brief description of the requirement to be varied and any other material necessary to ensure the criteria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

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- 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

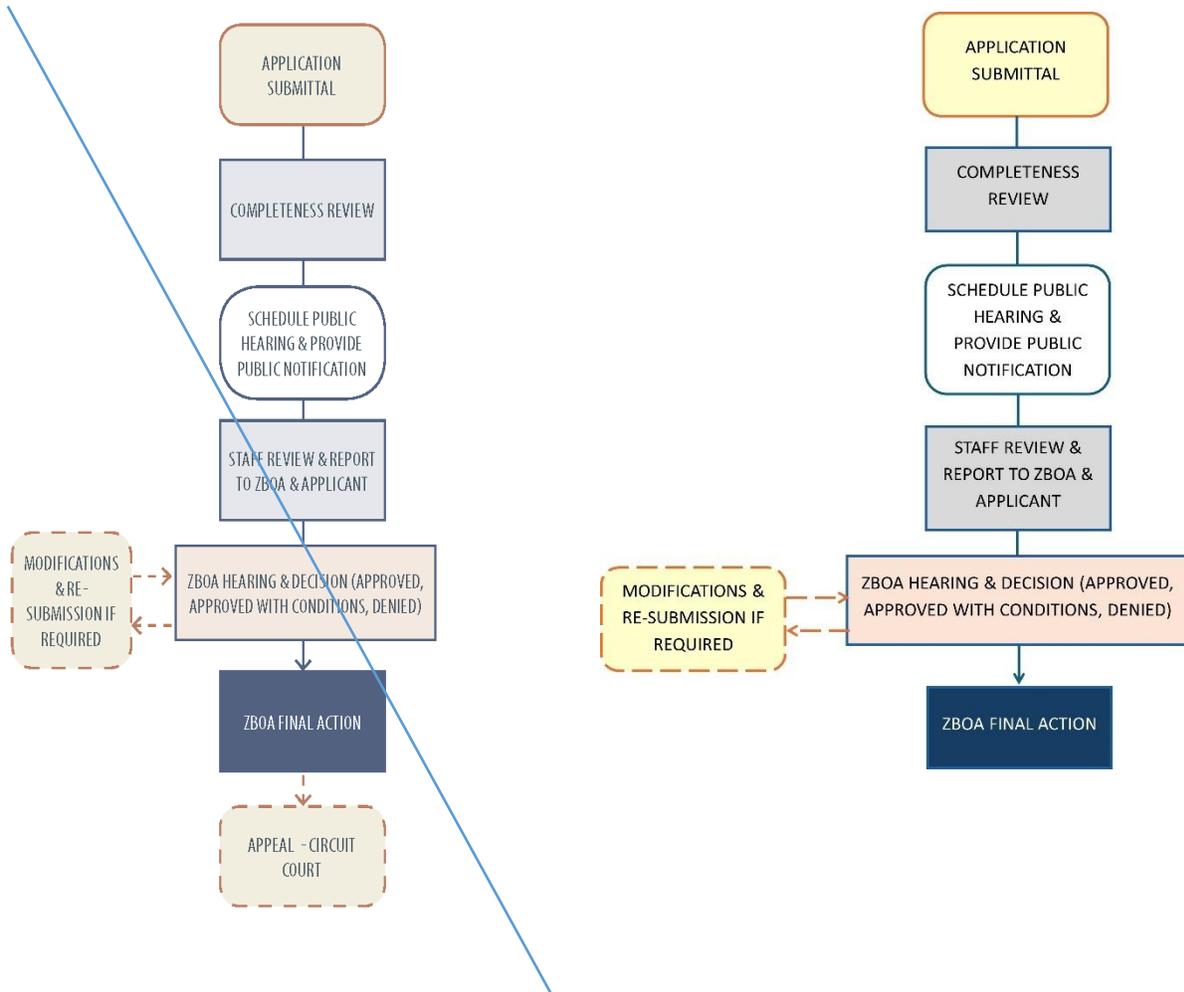
9.14.1 APPLICABILITY

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:

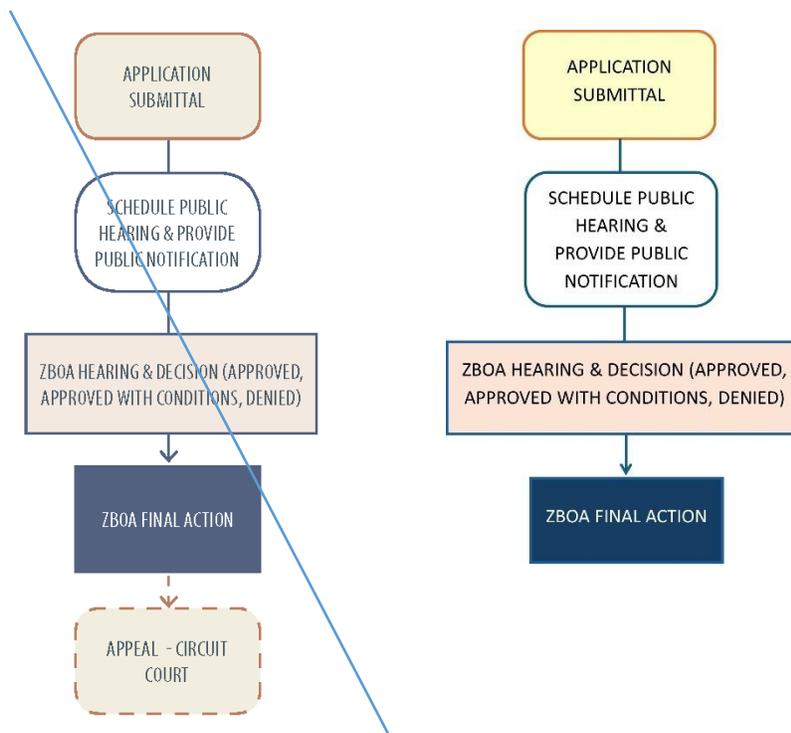
1. **Required Findings:** A variance may be granted by the ZBOA if it concludes that the strict enforcement of any design and performance standard set forth in this Code would result in unnecessary hardship to the applicant, and that by granting the variance, the spirit of this Code will be observed, 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.

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- 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

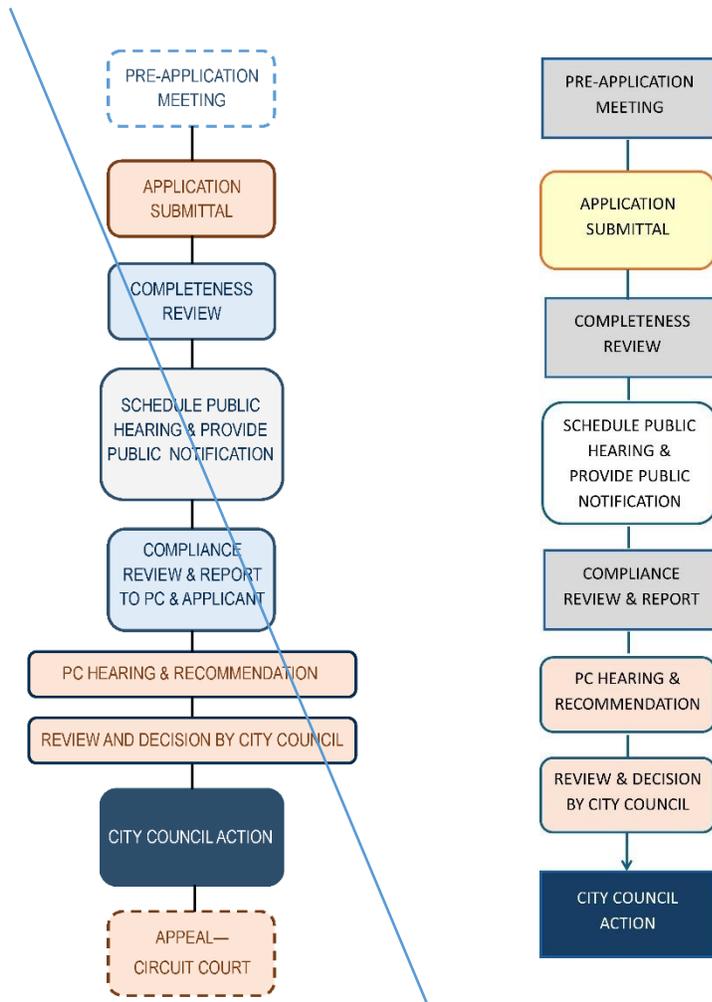
A proposed amendment to this Code may be initiated by any member of the City Council, the PC, the Administrator, or by any city resident or business owner filing an application with the Administrator.

(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. [The submittal shall include the requirements of a Sketch Plan submittal as per Section 7.5.3, or a Site Plan as per 7.5.7 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 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.

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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 HearingAction:**

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.

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- 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.
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.

[2. To Whom: Planning Commission or Historic District Review Board, as applicable.](#)

PLANNING COMMISSION

February 10th, 2025
Code Amendment Packet



DEVELOPMENT CODE
Chapter 9 – Amendments
as of January 13th, 2025
(with track changes & comments)

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
ADMINISTRATIVE PERMITS							
Zoning Permit	9.5-4	Administrative/Ministerial	Admin	None/No	Admin	ZBOA	6 months
Building Project Permit	9.5	Ministerial/Administrative	Admin	None/No	Admin	ZBOA	6 months
Certificate of Compliance	9.5	Administrative	Admin	None	Admin	ZBOA	n/a
Certificate of Occupancy	9.6-7	Ministerial/Administrative	Admin	None/No	Admin	ZBOA	n/a
DEVELOPMENT DESIGN REVIEW							
Development Design Review, Minor	9.7-8.1	Ministerial/Administrative	Admin	None/No	Admin	PC	24 months
Development Design Review, Major	9.7-8.2	Discretionary	Admin, TRC	Yes, 1, 2, 3/None	PC	Court 30 days to appeal	24 months
SUBDIVISION REVIEW							
Subdivision, Minor, Site Plan	9.8-9 / 7.5.2	Ministerial/Administrative	Admin, TRC	Yes, 1, 2, 3/None	PC/Admin	PC/Court	24 months
Subdivision, Major, Sketch Plan	9.8-9 / 7.5.3	Discretionary	Admin, TRC	Yes, 1, 2, 3/None	PC	None/Court	24/12 months
Subdivision, Major, Preliminary Plat/Site Plan	9.8 / 7.5.4	Ministerial/Administrative	Admin, TRC	Yes, 1, 2, 3/None	PC/Admin	PC/Court	24 months
Subdivision Final Plat	9.8 / 7.5.5	Ministerial/Administrative	Admin, TRC	None/No	Admin	PC	24 months
HISTORIC PRESERVATION							
Beaufort Historic District - Certificate of Appropriateness, Minor	9.9	Ministerial/Administrative	Admin	Demolition Only: Yes (1, 2, 3)	Admin	HRB	24 months

<u>APPLICATION TYPE</u>	<u>SECTION</u>	<u>PROCESS TYPE</u>	<u>REVIEWING AGENCY</u>	<u>PUBLIC NOTIFICATION (9.1.5)</u>	<u>APPROVING AGENCY</u>		
Beaufort Historic District - Certificate of Appropriateness, Major	9.9	Discretionary	Admin	Demolition & Design Exception only: Yes (1,2)	HRB	Court 30 days to appeal	24 months; no expiration for demolitions
Local Historic District/Historic Sign Designation	9.10	Legislative	Admin, PC, HRB	None	CC	Court	n/a
<u>RELIEF ADJUSTMENTS</u>							
Administrative Adjustment	9.11 9.12	<u>Ministerial</u> Administrative	Admin	None <u>No</u>	Admin	ZBOA	24 months
Special Exception	9.12	Discretionary	Admin	Yes (1, 2, 3)	ZBOA	Court 30 days to appeal	24 months
Variance	9.13	Discretionary	Admin	Yes (1, 2, 3)	ZBOA	Court 30 days to appeal	24 months
<u>ADMINISTRATION APPEALS</u>							
Administrative Appeal	9.14	Discretionary	Admin	Yes (1)	ZBOA	Court 30 days to appeal	12 months
<u>AMENDMENTS</u>							
Code Amendments	9.16	Legislative	Admin, PC	Yes (1, 2 & 3)	CC	Court 30 days to appeal	n/a
Admin-Administrator / PC-Planning Commission / CC-City Council / ZBOA-Zoning Board of Appeals / HRB-Historic District Review Board / TRC-Technical Review Committee / Court - Circuit Court							
Note: Any appeals that are assigned to Court are eligible for pre-litigation mediation pursuant to § SC ST 6-29-1155							

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

9.1.5 PUBLIC NOTIFICATION

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

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

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

Commented [CK1]: To be replaced with Kim’s rewrite (see below).

Commented [CK2]: “Hearings” to be deleted from title?

Commented [CK3]: Inserted new language “(...) provide at a minimum seven (7) calendar days of notice.” as discussed at Jan. 07 PC-WS.

Commented [CK4]: Kim’s rewrites for Public Notification have been generally accepted to replace Levels 1-3 at Jan. 07 PC-WS. See edits within.

Commented [CK5]: To be replaced with Kim’s rewrite (see below).

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

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

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

Commented [CK6]: Kim's rewrites for Public Notification have been generally accepted to replace Levels 1-3 at Jan. 07 PC-WS. See edits within.

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.

Commented [CK7]: To be replaced with Kim's rewrite (see below).

B. NOTICE OF APPLICATION SIGN:

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

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

Commented [CK8]: Kim's rewrites for Public Notification have been generally accepted to replace Levels 1-3 at Jan. 07 PC-WS. See edits within.

D. MAILED/EMAILED NOTICE:

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

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

Commented [CK9]: Change from 200 ft. to 500 ft. as discussed at Jan. 07 PC-WS

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.~~

Commented [CK10]: Kim's rewrites for Public Notification have been generally accepted to replace Levels 1-3 at Jan. 07 PC-WS. See edits within.

9.1.7 WRITTEN NOTICE OF DECISIONS REQUIRED

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

Commented [CK11]: Changed back to "10 days" as per Jan. 07 PC-WS.

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.~~

Commented [CK12]: Remove as per Jan. 07 PC-WS discussion.

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.

Commented [CK13]: Comment by Dianne Farrelly: "So, a plan can be granted immunity from type, height and density for many years (15) even if an amendment is codified?"

Commented [CK14]: Deleted language except for new sentence "for specific provisions see chart in chapter 9.1.4 and applicable provisions in chapter 7" as discussed at Jan. 07 PC-Worksession.

9.2: APPLICATION PROCEDURES

9.2.1 PRE-APPLICATION CONFERENCE

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

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

~~4. Site plan.~~

~~5. Text amendment.~~

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

B. **Optional Pre-application Conference:** Prior to the submission of any application required by this Code, a potential applicant may request an optional pre-application conference to discuss procedures,

standards, or regulations required by this Code. Upon receipt of such request, the Administrator shall afford an opportunity for such a pre-application conference at the earliest reasonable time.

9.2.2 APPLICATION FORMS AND FEES

The following regulations shall apply to all applications.

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

Commented [CK15]: Strike as per Jan. 07 PC-WS discussion.

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 working 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 5-day period, specifying the ways in which the application is incomplete, and the applicant shall have 60 days during which to provide the requested materials and complete the application. Any application for which additional materials have not been forthcoming during this 60-day period shall be considered null and void. This application period may be extended by the Administrator upon mutual agreement to provide the required materials at some date certain in the future.

Commented [CK16]: Keep Chapter 9.2.4 with amendments to language in A. as discussed at Jan. 07 PC-WS.

9.2.5-3 CONCURRENT PROCESSING

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

9.3: APPLICATION REQUIREMENTS

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

PERMIT/APPLICATION 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)
ADMINISTRATIVE PERMITS							
Zoning Permit	9.4	See Administrator					
Project-Building Permit	9.5						
Certificate of Compliance	9.6						
Certificate of Occupancy	9.7						
DEVELOPMENT DESIGN REVIEWS							
Minor Development	9.8.1	See Code Sec. 7.5: Subdivision and Site Plan Standards					
Major Development	9.8.2						
SUBDIVISION REVIEWS							
Subdivision, Minor (Site Plan)	9.9	See Code Sec. 7.5: Subdivision and Site Plan Standards					
Subdivision, Major (Sketch Plan)							
Subdivision, Major (Site Plan)							
Final Subdivision Plat							
HISTORIC PRESERVATION							
Beaufort Historic District - Certificate of Appropriateness (CoA), Minor	9.10.2 (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A
CoA, Major	9.10.2 (2)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<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)
ADMINISTRATIVE ADJUSTMENTS							
Administrative Adjustment	9.12	See Administrator					
ZBOA Special Exception	9.13	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>	N/A
ZBOA Variance	9.14	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>	N/A
APPEALS							
Administrative Appeal	9.15	See Administrator					
AMENDMENTS							
Text & Map Amendments & Rezonings	9.13	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	N/A	N/A
<input checked="" type="checkbox"/> = Required Compliance			<input type="checkbox"/> = On an "as needed" basis as determined by the Administrator				

Commented [CK17]: Curt to get a legal opinion for "required compliance" [filled box] Sketch Plan prerequisite for Text & Map Amendments as discussed at Jan. 07 PC-Worksession.

- 9: DEVELOPMENT REVIEW PROCEDURES
9.3: APPLICATION REQUIREMENTS

PERMIT/PROCESS TYPE	SECTION	PRE-APPLICATION CONFERENCE (9-3-1)	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)	ARCHAEOLOGICAL IMPACT ANALYSIS (8-3)
ADMINISTRATIVE PERMITS											
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									
DEVELOPMENT DESIGN REVIEW											
Development Design Review, Minor	9.7	<ul style="list-style-type: none"> ☐ ☐ See Chapter 7 ☐ ☐ 									
Development Design Review, Major	9.7	<ul style="list-style-type: none"> ■ ☐ ■ See Chapter 7 ■ ■ ☐ ☐ 									
SUBDIVISION REVIEW											
Subdivision, Minor, Site Plan	9.8	<ul style="list-style-type: none"> ■ ☐ See Chapter 7 ☐ 									
Subdivision, Major, Sketch Plan	9.8	<ul style="list-style-type: none"> ■ ■ 									

- 9: DEVELOPMENT REVIEW PROCEDURES
9.3: APPLICATION REQUIREMENTS

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

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.~~

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

9.4: ZONING PERMIT

9.4.1 APPLICABILITY

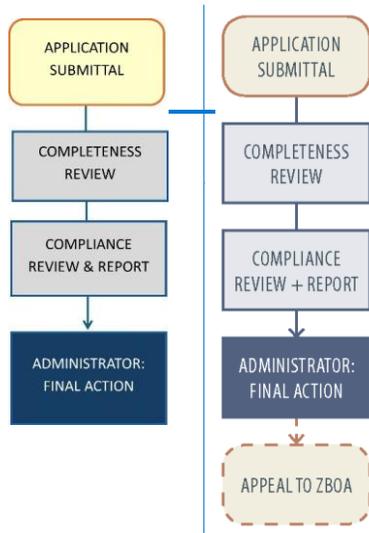
Only Required Permit: A zoning permit certifying compliance with this Code shall be the only type of approval required for the following activities:

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

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

9.4.2 PROCESS AND APPROVAL

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



Commented [CK18]: Insert new process flowchart without "Appeals".

- 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.

1. **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.

Commented [CK19]: Remove all mentioning of "Appeals" as this will be consolidated within its own chapter (as discussed at Jan. 07 PC-Worksession).

9.5: PROJECT BUILDING PERMIT

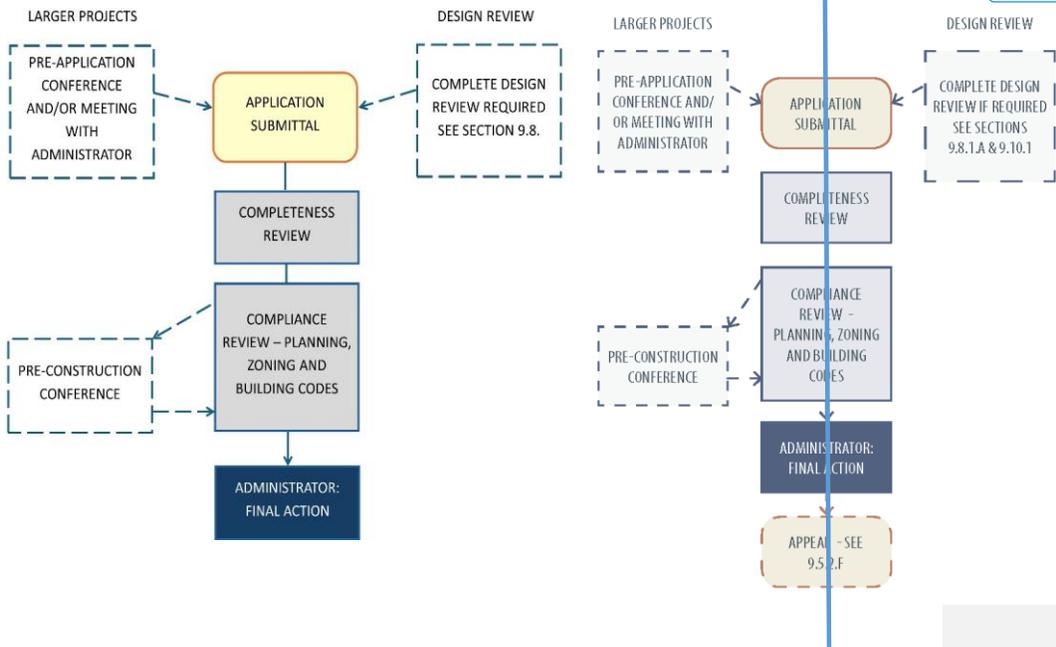
Commented [CK20]: New title name as discussed at Jan. 07 PC-Worksession.

9.5.1 APPLICABILITY

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

- A. **Site Work:** Any modifications to a parcel of land, not to include construction of a structure.
- B. **New Construction and Expansion:**
 - 1. **Primary Building(s):** New construction of all types of structures.
 - 2. **Accessory Structures or Uses:** Accessory uses incidental to single-family residential structures (e.g., detached garage, swimming pool, tool shed) as regulated by Section 3.12-11 (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 Project Permit to determine what information is required for the application.
- C. **Required Application Information:** See Administrator. The application shall include all drawings and specifications required by building codes adopted by S.C. Code § 6-9-50.
- D. **Determination of Conformity:** The review, approval, and distribution of drawings and specifications required shall be coordinated by the Administrator in accordance with the building codes adopted by SCCL Section 6-9-50. Upon issuance of a permit, the Administrator shall endorse, by writing or stamp, all sets of drawings showing approval. Such drawings shall be kept at the work site and made available for inspection by the Administrator upon request. Approved Project Permits shall be conspicuously posted by the applicant on the property for which they were obtained until the applicant has obtained a Certificate of Occupancy, pursuant to Section 9.7.
- E. **Public Notification:** None required.
- F. **Appeals:** Appeals of Project Permit applications denied by the Administrator that are not reviewed by the Building codes department, shall be taken to the Zoning Board of Appeals (Section 10.3). The appeal of any Project Permit application requiring approval by the Building codes department shall be

taken to the Building Board of Appeals within 30 days of the decision, in accordance with the procedures found in the City Code of Ordinances, Section 5-1005.1 (or appropriate section as amended from time to time).

GE. 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.

HJ. 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.

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

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.

Commented [CK22]: Remove all mentioning of "Appeals" as this will be consolidated within its own chapter (as discussed at Jan. 07 PC-Worksession).

9.6: CERTIFICATE OF COMPLIANCE

Commented [CK23]: Completely removed as per Jan. 07 PC-Worksession discussion. This section left intentionally blank.

9.6.1 APPLICABILITY

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

9.6.2 PROCESS AND APPROVAL



A. ~~Process Type: Administrative.~~

B. ~~Pre-Application Procedure: n/a.~~

C. ~~Required Information: Upon completion of all development work and simultaneous with the applicant's request to the Administrator for a final site inspection, the applicant shall submit the following documents to the Administrator for review and approval.~~

- ~~1. A registered engineer's sealed certification of completed roads, parking, drainage systems and utilities.~~
- ~~2. Certification of Compliance with approved landscaping and tree planting plan by a registered landscape architect or a landscape contractor.~~
- ~~3. A digital file of the as-built drawings, indicating accurate site conditions of pavements, parking spaces, utilities, structures, and drainage — this may be submitted after the Certificate of Compliance and Certificate of Occupancy (Section 9.7) are issued.~~

-
4. ~~South Carolina Department of Health and Environmental Control permits to operate water and sewer system.~~
 5. ~~City agreement to accept ownership and maintenance responsibility for dedicated roads and drainage systems where applicable.~~
 6. ~~Other applicable agencies' final certification.~~
 7. ~~An owner's affidavit stating that all work has been completed consistent with the applicant's development permit and any applicable provisions of this chapter, plus a copy of the documents that clearly set forth the ownership and maintenance provisions and responsibilities for infrastructure improvements.~~

D. ~~Public Notification: None.~~

E. ~~Issuance of a Certificate of Compliance: Upon determination of compliance, the Administrator shall complete a Certificate of Compliance and forward it to the applicant. A final Certificate of Occupancy (Section 9.7) shall not be issued by the Administrator until a Certificate of Compliance has been issued, in accordance with the provisions of this section, for the site or phase thereof in which the building is located. The Administrator's approval of the Certificate of Occupancy may be accepted as Certificate of Compliance, unless a separate Certificate of Compliance has specifically been requested by the applicant.~~

F. ~~Appeals: Appeals of Certificate of Compliance applications denied by the Administrator shall be taken to the Zoning Board of Appeals within 30 days of the decision, in accordance with the procedures found in Section 9.15 (Administrative Appeals).~~

G. ~~Permit Validity: n/a.~~

H. ~~Permit Extension: n/a.~~

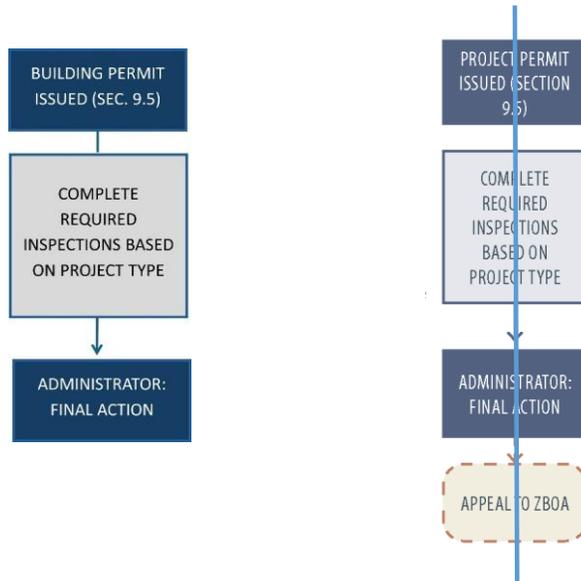
9.7: CERTIFICATE OF OCCUPANCY

9.7.1 APPLICABILITY

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

9.7.2 PROCESS AND APPROVAL

- A. **Process Type:** ~~Administrative~~ 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. **Permit Validity:** n/a.
- I. **Permit Extension:** n/a.

9.8: DEVELOPMENT DESIGN REVIEW

9.8.1 DEVELOPMENT DESIGN REVIEW (MINOR SUBDIVISION)

A. **Applicability:**

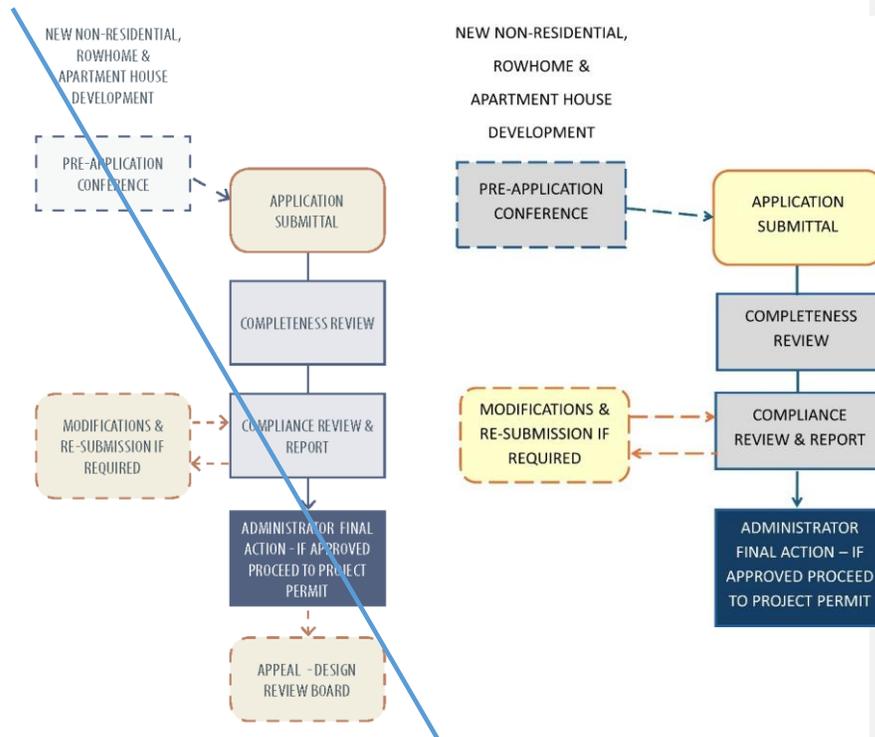
- ~~1. All structures having a 10,000 square foot or less building footprint, except Vehicle-Related Uses as defined in Section 9.8.2 A.2.~~
2. All buildings, except single-family residential structures, in developments that contain ~~245~~ or fewer residential units.
 3. Demolition of structures of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

Commented [CK24]: Amended to "75% of fair market value" as discussed at Jan. 07 PC-Worksession.

Commented [CK25]: Added language as discussed at Jan. 07 PC-WS.



- 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 Administrator as appropriate.
- F. **Public Notification:** None.
- G. **Determination of Compliance:** Once an application is deemed complete by the Administrator, the Administrator shall review the application and approve, deny, or approve the plan with conditions based on compliance with the standards contained in this Code. All decisions shall be in writing. Following an approval or approval with conditions, the applicant shall be directed to prepare detailed ~~Construction Documents~~[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.~~

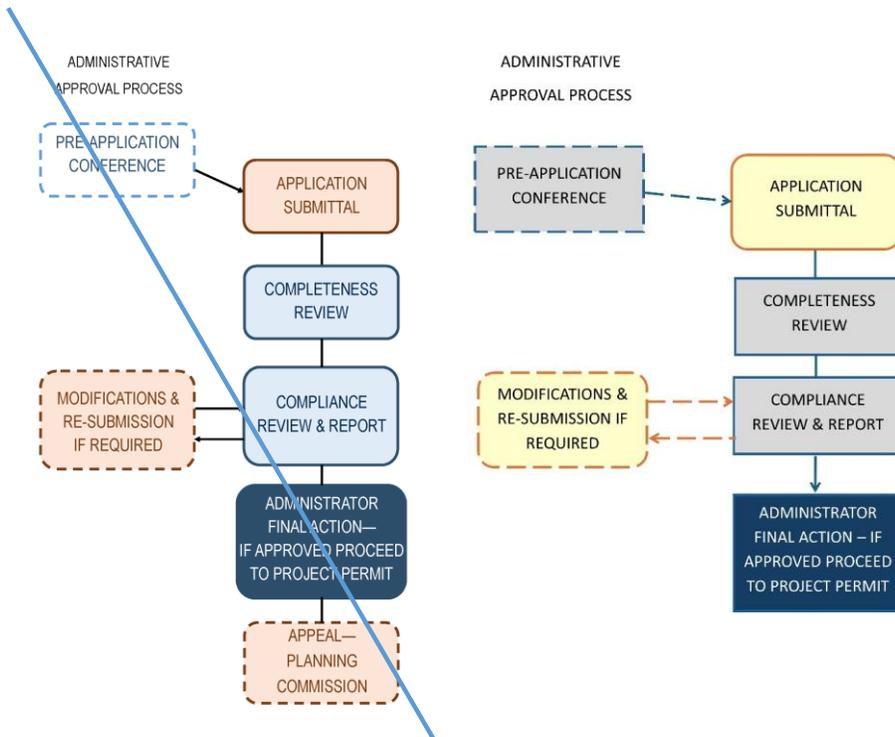
~~H.~~ **Permit Validity:** Upon the approval of the Minor Development Design application, the applicant shall have ~~2 years~~1 year to obtain a ~~Project-Building~~ Permit. Failure to secure ~~Project-Building~~ Permits for the permitted work within this time shall render the compliance void. Any change 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 ~~one~~1-year extensions of this time period upon submittal by the applicant of sufficient justification for the extension. Extensions shall be submitted at least 1 month prior to the expiration date.

9.8.2 DEVELOPMENT DESIGN REVIEW (MAJOR SITE PLAN)

A. **Applicability:**

1. **Civic and Educational Facilities:** Any new development classified as a Civic Facility or Educational Facility (see Sections 3.4.1 A. and 3.4.1 C.).
2. **Vehicle-Related Uses:** Any new development that includes fuel-dispensing facilities, drive-thru facilities, or structured parking.
3. **Nonresidential Development:** Any commercial/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 will be required to attend a TRC committee meeting before the project is issued final approval.
 - c. Design Exception: Design Exceptions shall be used to modify any dimensional standards or design requirements, found in Articles 2 and 4, for development projects that have unique characteristics that justify a deviation from the underlying standards. Such deviations are intended to provide flexibility from the underlying standards to permit compatible development patterns which are indicative of the surrounding area and/or use an innovative approach or technique. The process is intended to provide the minimum relief necessary to create a more innovative and context-sensitive development consistent with the City's adopted plans. This tool is not intended to circumvent the map amendment (rezoning) procedure where that tool would provide a similar modification of standards.



- 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 8.2) may also be necessary as determined by the Administrator.~~
- E. ~~Determination of Completeness: The Administrator shall review the application to ensure that it is complete, prepare a report and recommendation on the application, and schedule the matter for a public review before the Design Review Board.~~
- F. ~~Public Notification: None.~~
- G. ~~Neighborhood Meeting: Optional.~~

-
- H. ~~**Public Meeting:** The Planning Commission shall hold a public meeting on the proposal. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard.~~
- I. ~~**Decisions/Findings of Fact:** Following the public meeting, the Planning Commission may approve, deny, or approve with conditions the application for a Major Development. No Major Development shall be approved unless the following findings of fact can be made:~~
- ~~1. The plan is consistent with the adopted plans and policies of the City.~~
 - ~~2. The plan complies with all applicable requirements of this Code.~~
 - ~~3. There exists adequate infrastructure (transportation and utilities) to support the plan as proposed.~~
 - ~~4. The proposed plan conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site.~~
 - ~~5. The proposed plan conforms to the Building Design Standards in Article 4.~~
 - ~~6. The application will not substantially lessen the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.~~
- J. ~~**Time Frame for Review:** Major Development Design applications shall be acted upon within 90 days after filing; otherwise, the application shall be deemed approved, and a permit shall be issued. An extension of time may be granted by mutual consent of the Planning Commission and the applicant. Following approval, or approval with conditions, the applicant shall be directed to prepare detailed Construction Documents (Section 9.3.1 D.) for final approval by the Administrator and the TRC (as necessary).~~
- K. ~~**Appeals:** Any party aggrieved by the decisions of the Planning Commission may appeal to the Circuit Court of Beaufort County within 30 days of the decision.~~
- L. ~~**Permit Validity:** Upon the approval of the Major Development Design application, the applicant shall have 2 years to obtain a Project Permit. Failure to secure a permit for the permitted work within this time shall render the compliance void. Any change to the approved plans that has not been authorized by the Administrator shall invalidate the design approval, and any subsequent building permits.~~
- M. ~~**Permit Extension:** The Administrator may grant up to 5 one year extensions of this time period upon submittal by the applicant of sufficient justification for the extension. Extensions shall be submitted at least 1 month prior to the expiration date.~~

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

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.~~

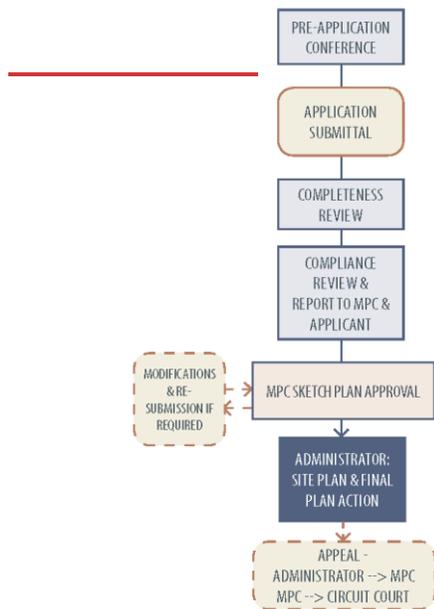
C. ~~Required Application Information: A Minor Subdivision plat shall be submitted consistent with the requirements of the city.~~

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.~~

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

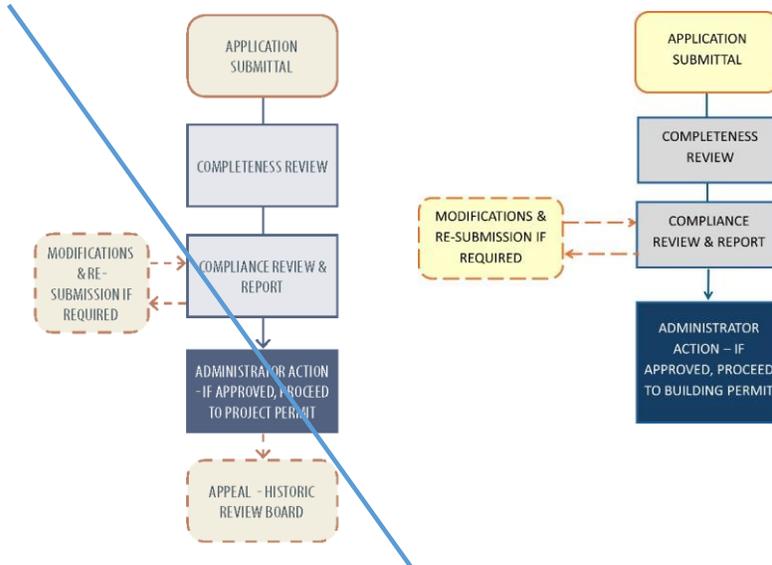
A. A Beaufort Historic District - Certificate of Appropriateness shall be required for any construction activity ~~in~~ on any property within the Beaufort Historic District (including the Beaufort Conservation Neighborhood and the Beaufort Preservation Neighborhood) historic district, including:

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

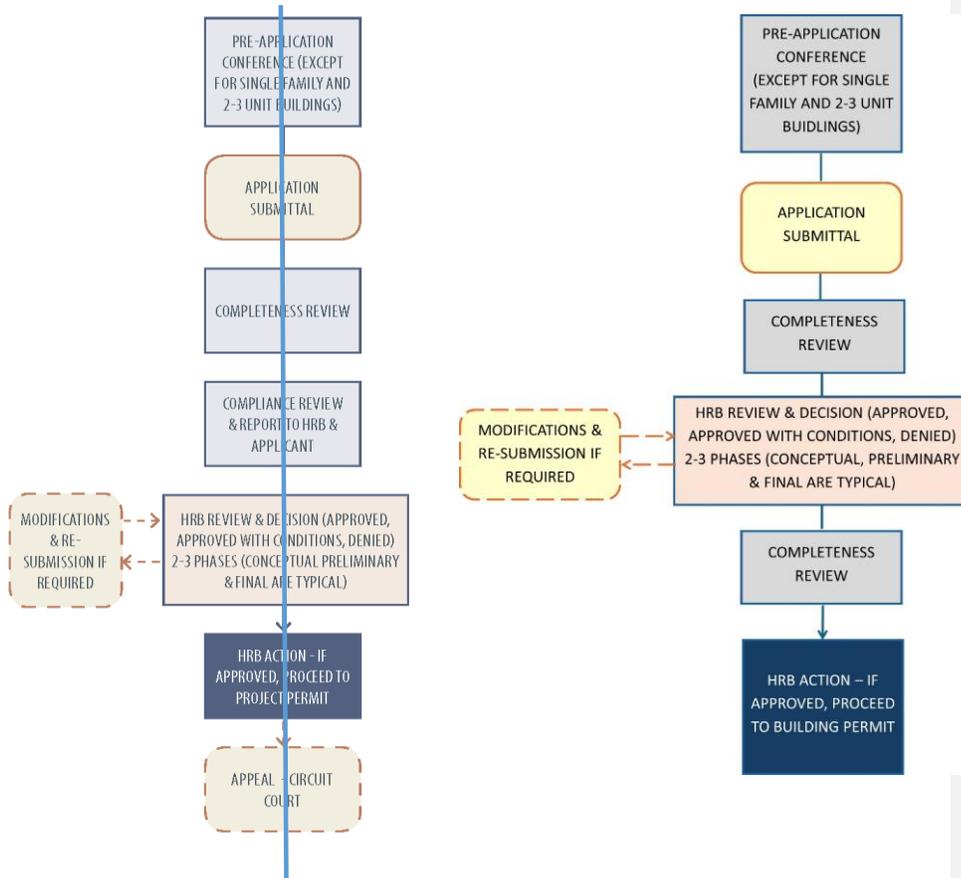
A. **Process Type:** Ministerial. The review process required to approve a Beaufort Historic District - Certification of Appropriateness is based on the following project types:



1. **Minor:** Administrative review shall apply to applications for 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 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-appropriate design review body / Planning Commission](#) 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 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-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:
- 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.

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

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.

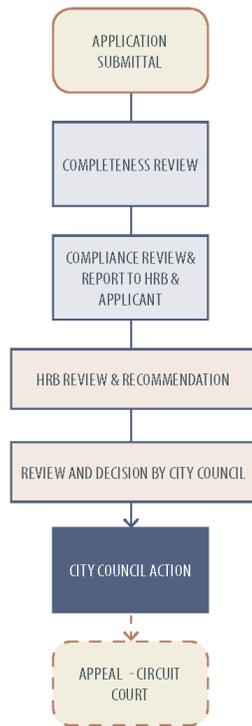
9.11: HISTORIC DESIGNATION

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.

9.11.3 HISTORIC SIGN DESIGNATION

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

9.12: ADMINISTRATIVE ADJUSTMENT

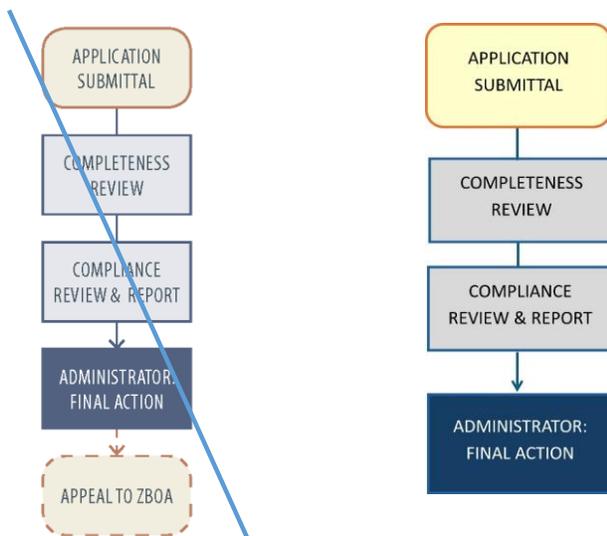
9.12.1 PURPOSE AND APPLICABILITY

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

planting requirements (Section 5.3) downward in order not to require excessive planting out of proportion to the scale of the development.

- b. In the case of multi-phase developments on one parcel, the tree planting requirements (Section 5.3) may be adjusted according to the size of each phase of the development.
 - c. Any particular planting requirement shall be proportionately reduced where existing plant materials are of sufficient sizes and forms to satisfy the requirement.
- C. **Adjustment of Building Design Standards:** Where an existing condition (e.g., utility easement, restrictive covenant, tree or natural feature) prohibits strict compliance with the building design standards in Article 4, the Administrator may waive or adjust the standard as appropriate to assure compliance to the extent practical. This adjustment shall be as small possible in order to accommodate the existing conditions.
- D. **Permission of Flag Lot:** Where conditions set forth in Section 2.5.5 C. are met, the Administrator may permit a flag lot. When a flag lot is proposed in conjunction with a Major Subdivision, it shall be incorporated into the process laid out in Section 9.9-3.

9.12.2 PROCESS AND APPROVAL



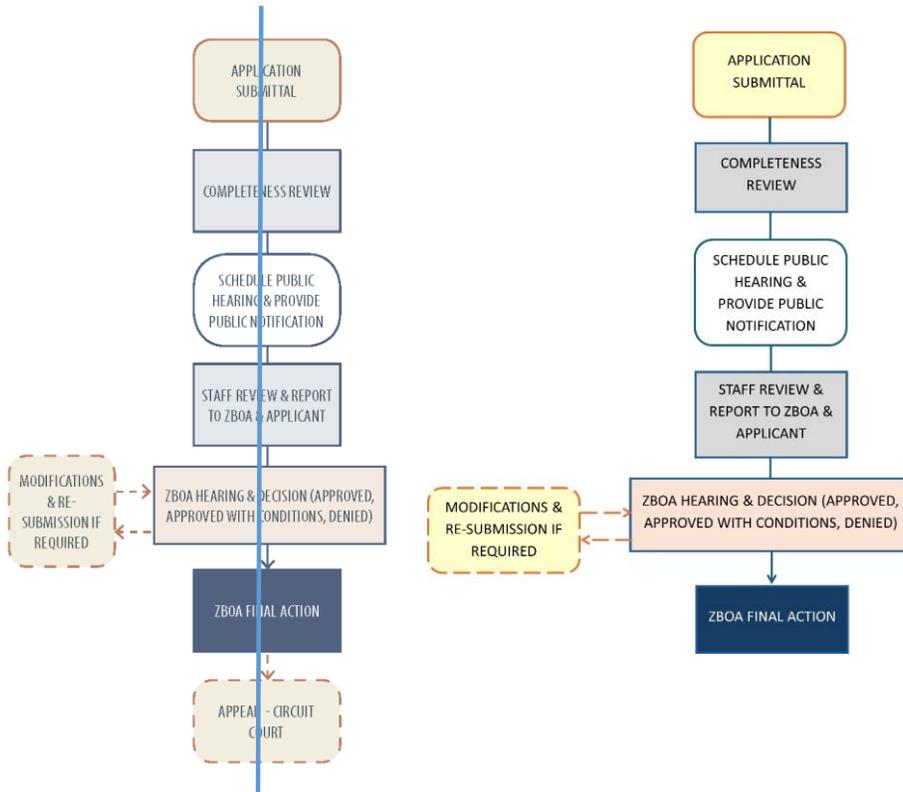
- A. **Process Type:** ~~Administrative-Ministerial~~
- B. **Public Notification:** None.
- C. **Required Application Information:** An application for an Administrative Adjustment shall include a brief description of the requirement to be varied and any other material necessary to ensure the criteria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

Commented [CK26]: New title as discussed at Jan. 07 PC-Worksession.

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

Commented [CK27]: New title as discussed at Jan. 07 PC-Worksession.

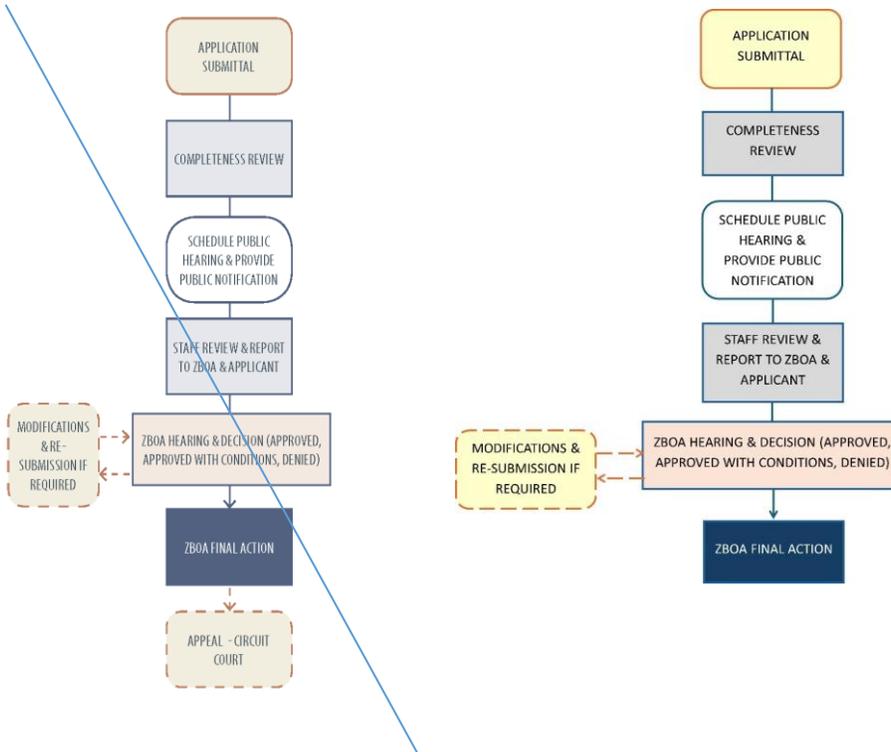
9.14.1 APPLICABILITY

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.

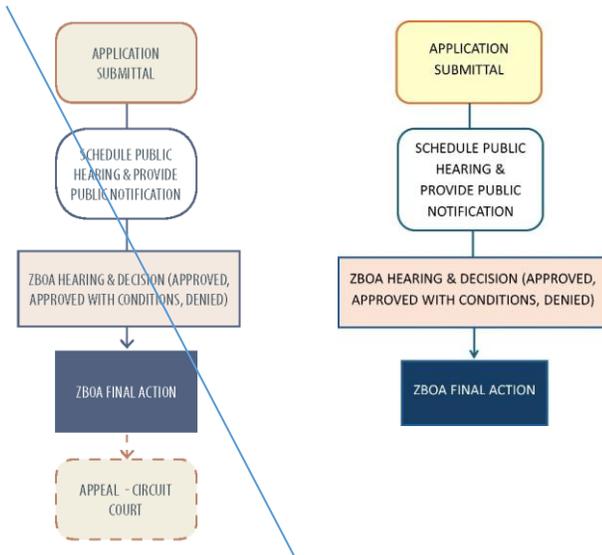
G. ~~Appeal: Any party aggrieved by the decisions of the ZBOA may appeal to the circuit court within 30 days of the decision.~~

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 4~~ [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~~

Commented [CK28]: New title as discussed at Jan. 07 PC-Worksession.

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

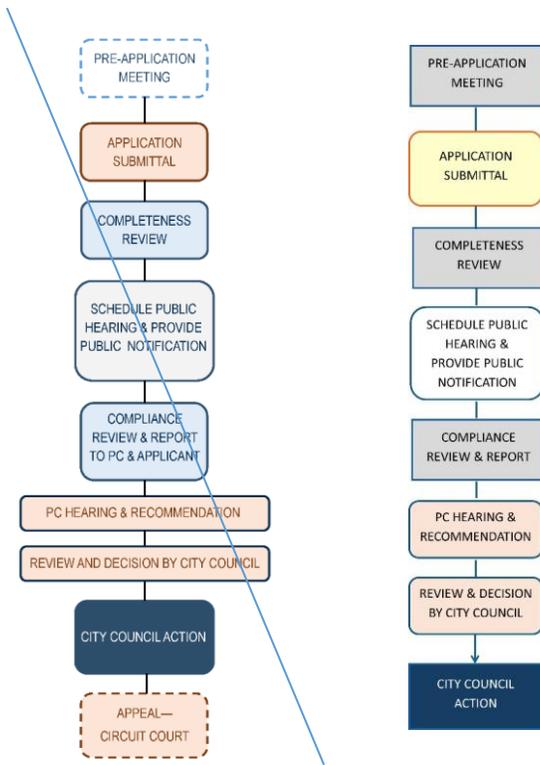
A proposed amendment to this Code may be initiated by any member of the City Council, the PC, the Administrator, or by any city resident or business owner filing an application with the Administrator.

(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. [The submittal shall include the requirements of a Sketch Plan submittal as per Section 7.5.3, or a Site Plan as per 7.5.7 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 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.

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.

2. [To Whom: Planning Commission or Historic District Review Board, as applicable.](#)

**The Beaufort Code -
Table of Contents – Clean Copies
(Based on latest revisions as of January 13, 2025)**

7: LAND DEVELOPMENT

7.1 Improvement Requirements	1 of 43
7.1.1 Purpose	1
7.1.2 Applicability	1
7.1.3 Table of Required Improvements	2
7.1.4 Survey and Engineering	3
7.1.5 Improvement guarantees	3
7.1.6 Easement and Utility standards	4
7.2 Street Network and Design Standards.....	4
7.2.1 Street Infrastructure Plans	4
7.2.2 Street Network Requirements	6
7.2.3 Lot Access Standards	8
7.2.4 Street Design Standards	11
7.2.5 Street Tree Planting Requirements	11
7.3 Street Engineering Standards.....	12
7.3.1 Street Design, Certification, and Construction Specifications	12
7.3.2 Traffic Impact Analysis	12
7.4 Community Green Space and Community Open Space.....	19
7.4.1 Purpose and Intent	19
7.4.2 Community Green Space and Community Open Space Requirement	20
7.4.3 Community Green Space and Community Open Space Types	22
7.4.4 Design of Community Green Space and Community Open Spaces	26
7.4.5 Ownership and Maintenance of Comm. Green Space and Open Space	26
7.5 Subdivision and Site Plan Standards.....	27
7.5.1 General Provisions	27

7.5.2 Subdivision Typers and Process Outlines	27 of 43
7.5.3 Sketch Plan	28
7.5.4 Preliminary Plat	31
7.5.5 Final Plat	34
7.5.6 Minor Subdivision Plat	38
7.5.7 Site Plan	39
7.6 Appeals	43

9: DEVELOPMENT REVIEW PROCEDURES

9.1 Purpose and General Provisions	1 of 37
9.1.1 Purpose	1
9.1.2 Applicability	1
9.1.3 Conformity with Code	1
9.1.4 Permit/Development Design Review/Historic Review Process Type Table	1
9.1.5 Public Notification	4
9.1.6 Decision Based on Public Hearing	5
9.1.7 Written Notice of Decisions Required	5
9.1.8 Time Limits for Resubmission of Applications	5
9.1.9 Vested Rights and Expiration of Approvals	5
9.2 Application Procedures	6
9.2.1 Pre-Application Conference	6
9.2.2 Application Forms and Fees	6
9.2.3 Application Deadline (intentionally left blank)	6
9.2.4 Complete Application Required	6
9.2.5 Concurrent Processing	7
9.3 Application Requirements (Table)	8
9.4 Zoning Permit	10
9.4.1 Applicability	10
9.4.2 Process and Approval	10

9.5 Building Permit	11 of 37
9.5.1 Applicability	11
9.5.2 Process and Approval	12
9.6 [Left intentionally blank]	14
9.7 Certificate of Occupancy	15
9.7.1 Applicability	15
9.7.2 Process and Approval	15
9.8 Development Design Review	16
9.8.1 Development Design Review (Minor Subdivision)	16
9.8.2 Development Design Review (Major Site Plan)	27
9.9 Subdivision Review	18
9.9.1 Provisions for all Subdivisions	18
9.10 Beaufort Historic District - Certificate of Appropriateness	19
9.10.1 Applicability	19
9.10.2 Process and Approval	19
9.11 Historic Designation	23
9.11.1 Standards for Local Historic District Designation	23
9.11.2 Local Historic District Designation Process	25
9.11.3 Historic Sign Designation	25
9.12 Administrative Adjustment	26
9.12.1 Purpose and Applicability	26
9.12.2 Process and Approval	27
9.13 ZBOA Special Exception	28
9.13.1 Applicability	28
9.13.2 Process and Approval	29
9.14 ZBOA Variance	30
9.14.1 Applicability	30
9.14.2 Process and Approval	30

9.15 Administrative Appeals.....	32 of 37
9.15.1 Applicability	32
9.15.2 Process and Approval	32
9.16 Text and Map Amendments.....	33
9.16.1 Applicability	33
9.16.2 Initiation of Amendments	33
9.16.3 Approval Process	33
9.16.4 Update of Zoning Map	36
9.17 Appeals.....	36
9.17.1 Applicability	36
9.17.2 Specific Authorities	36

PLANNING COMMISSION

February 4th, 2025 Worksession Code Amendment Packet



DEVELOPMENT CODE Chapter 5 – Amendments (with track changes only)

5: LANDSCAPING, PARKING AND LIGHTING

5.1: PURPOSE AND INTENT

5.1.1 PURPOSE and Intent

~~The purpose of this article is~~ The purpose of this ordinance article 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. Great care should be taken to integrate new development into the existing landscape, and to preserve natural vegetation where possible.

Trees are multigeneration and, when properly care for, can live for many, many years. We are stewards, not owners, of these long-lived entities even while they are growing on our private property. To live near trees is to accept some degree of risk.

Trees values increase exponentially as the tree ages. Trees, especially mature forests, are the cheapest, fastest, and most reliable form of carbon storage. Trees get increasingly better at doing this as they age. There are no carbon sequestration techniques currently known to work better than allowing trees to absorb carbon from the atmosphere.

Aside from their aesthetic appeal and the beautification of our communities and neighborhoods, trees provide a litany of benefits. Air quality, stormwater management, wind buffers, increased property values, and cooling effects to our homes and communities are just a few of their many benefits. We now also know through research that trees can benefit our physical and mental health. We have not only an environmental responsibility but also a social responsibility to preserve trees 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, mature 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;
- Ensure that noise, glare, and other distractions originating in one area do not adversely affect adjacent areas;
- Reduce noise, heat, dust, and glare;
- 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;

Commented [JW1]: Edits to this section based on the handout from Michael Murphy at last meeting

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- Beautify and enhance land and views from the Town’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.
- A. Recognize the importance of trees and other landscaping and their contribution to health, welfare, beauty, safety, history and general well being in all areas within the jurisdiction of the city.
- B. Establish reasonable minimum standards governing the preservation, planting, protection and maintenance of trees and other landscaping.
- C. Protect and enhance property values.
- D. Maintain the aesthetic quality of the community as a whole.
- E. Moderate climate and reduce energy costs,
- F. Mitigate the negative impact of noise, glare, air and water pollution, and soil erosion on the city and its residents.

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5.1.2 INTENT

~~The intent of this article is to create user friendly standards that encourage the preservation of existing vegetation, and guide appropriate mitigation, if necessary. Trees are an extremely important resource in Beaufort and give the city some of its unique and defining characteristics. Great care should be taken to integrate new development into the existing landscape, and to preserve natural vegetation where possible.~~

5.1.23 Definitions

(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.

(b) Caliper. The diameter of the trunk measured six (6) inches above the ground for trees up to and including four-inch diameter and measured twelve (12) inches above the ground for larger trees. This measurement is used for proposed or nursery-grown trees.

(c) Certified Arborist. A person who has met the criteria for certification from the International Society of Arboriculture (ISA), maintains his or her credentials, and is a full-time 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.

(e) Commercial Use. Any use of property for a principal use of operating a “business,” as defined in Section 3.6 and Section 13.1 XXXX of the Beaufort Code, that may be operated for the object of gain, benefit, or advantage by way of rental income.

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(f) Developed. Land on which manmade structures exist or land modifications (clearing, grading, etc.) have occurred.

(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.

(h) Diseased. A severe disease or pest that is known to cause or is causing the death of a tree.

(i) Drip Line. An imaginary vertical line extending downward from the outermost tips of a tree’s branches to the ground.

(j) *Elevated Risk*. A tree, or any part of a tree, that poses a risk of harm to person or property due to damage, deterioration, or numerous hazards, and where such risk cannot be mitigated by any arboricultural procedures.

(k) *Healthy Tree*. A tree that is not dead, dying, diseased; is not at an elevated risk for failure; or is not an invasive tree.

(l) *Impervious Surface*. Solid surface that prevents aeration, infiltration, and water penetration, resulting in several harmful side effects.

(m) *Invasive Species*. Any non-native organism whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

(n) *Official*. A member of Town staff designated by the Town Manager.

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

(p) *Pervious Surface*. A surface that allows water to percolate through to the area underneath rather than becoming runoff.

(q) *Replacement Planting*. Tree planting that is proposed as a replacement for a tree which has been cut down.

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

(s) *Specimen and Landmark Trees*. Certain trees, because of their species and size, are an asset to both the Town and the individual property owners and are designated as “specimen” and “landmark” trees. Specimen trees are valuable due to their age and potential to reach landmark size. Landmark trees are the most mature and valuable in the urban canopy.

(t) *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.

(u) *Undeveloped*. Raw land on which manmade structures or land modifications (clearing, grading, etc.) do not exist.

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

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

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ADDITIONAL REFERENCES

Appendix A contains supplementary references to this section, including:

- Certified arborist report requirements.
- Recommended tree and shrub lists.
- Sample tree saved/removed chart.
- Applicable details.

Commented [JW2]: Is this section still needed?

Commented [JW3]: Port Royal is creating a standard form for applicants to use to ensure consistency — recommend the City do so too

5.2: APPLICABILITY AND ADMINISTRATION

5.2.1 APPLICABILITY

A. General

(1) Permit required for removal. Except as exempted in 5.2.1.B. below, a Tree Permit shall be required to remove or relocate any tree of 8" DBH or more, or a specimen or landmark tree, in the City.

(2) 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.

(3) Consistent with the purpose of this section, all persons shall make all reasonable efforts to preserve and retain any existing specimen and landmark trees and established stands or groves of trees which may serve as habitat corridors.

(4) 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 Chapter 12 Section XXXXX of the Beaufort Code.

B. Exemptions

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

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

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

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

i. Chinese Tallow (*Triadica sebifera*), Chinaberry Tree (*Melia azedarach*), Callery Pear (*Pyrus calleryana*), Camphor Tree (*Cinnamomum camphora*), Princess tree (*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 herein, are exempt from the mitigation requirements of Section 5.5.2.C. 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.

A. **Applicability:** The standards in Sections 5.3—5.6 of this article shall apply as outlined in the table below.

DEVELOPMENT CONDITION	APPLICABILITY
New Construction	
All new construction (except construction of single-family and 2-and 3-family dwellings on	All standards apply unless noted otherwise.

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existing lots of record prior to the adoption of this Code).	
Single-family and 2- and 3-family dwellings on existing lots of record	Compliance with this article is not required except for 5.3.1 - Minimum tree coverage must be met. 5.4.1 - A permit is required for any Specimen or Landmark tree to be removed.
Parking Area Expansion	
Expansion of less than 50% of total existing parking area.	All standards apply to the parking lot expansion areas only.
Expansion of more than 50% of total existing parking area or 12 spaces or more, or any expansion in conjunction with new construction/addition to a building.	All standards apply to the entire parking lot areas.
Building Expansion/Reconstruction	
Expansion of less than 50% of existing floor area.	All standards apply within the area around the building addition extending to the property line only. (See diagram, below.)
Existing Development	
Building interior and/or exterior renovation only, less than \$2510,000.	Compliance with this article is not required.
Building interior and/or exterior renovation only — \$2510,000 or greater.	All <u>perimeter landscaping</u> standards of <u>Section 5.4</u> apply, <u>required investment is 5% of total project cost. See Section 11.7.2 A. for work that counts towards this requirement.</u>

5.2.2 ADMINISTRATION

A. Application Procedure: No Project Permit shall be issued, nor any development be commenced, for any site subject to the requirements of this article without an approved plan for all site elements including

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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 Development Permit, or Commercial Building Permit shall include at least the following information:

- i. A complete 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 Site Development Permit, a complete site development plan showing utility lines, grading activities, and building footprints 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 Permit shall include at least the following:

- i. A complete Tree Survey;
- ii. A certified arborist report including all specimen and landmark trees; and
- iii. A complete site plan showing utility lines and building footprints 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 report from a certified arborist is only required for removal of a specimen or landmark tree and pruning of a landmark tree. A tree survey shall never be required on developed single-, two-, and three-family lots.

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

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

B. 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.

C. Penalty for Clear Cutting 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.

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1. Two Year Deferral. 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.

DB. Landscaping Installation and Guarantee:

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 12 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 qualified landscape contractor using prevailing labor and costs, shall be held for a period of 1 year 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.

EE. Enforcement: Enforcement of this Section shall follow the requirements of Article 12 of this Development Code.

5.3: TREE PLANTING AND PROTECTION

5.3.12 SPECIMEN AND LANDMARK TREES

A. 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 which meet the criteria in the following table:

<u>SPECIES</u>	<u>COMMON NAME</u>	<u>SPECIMEN TREE (MIN. DBH)*</u>	<u>LANDMARK TREE (MIN. DBH)*</u>
<u>Cornus florida</u>	<u>Flowering Dogwood</u>	<u>4 inches</u>	<u>18 inches</u>
<u>Cercis canadensis</u>	<u>Redbud</u>	<u>4 inches</u>	<u>18 inches</u>

- 5: LANDSCAPING, PARKING AND LIGHTING
5.3: TREE PLANTING AND PROTECTION

<u>Magnolia grandiflora</u>	<u>Southern Magnolia</u>	<u>4 inches</u>	<u>24 inches</u>
<u>Ilex opaca</u>	<u>American Holly</u>	<u>4 inches</u>	<u>14 inches</u>
<u>Juniperus virginiana</u>	<u>Eastern Red Cedar</u>	<u>12 inches</u>	<u>24 inches</u>
<u>Quercus virginiana</u>	<u>Live Oak</u>	<u>12 inches</u>	<u>24 inches</u>
<u>Sabal palmetto</u>	<u>Cabbage Palm</u>	<u>18 feet tall</u>	<u>36 feet tall</u>
<u>Taxodium distichum</u>	<u>Bald Cypress</u>	<u>16 inches</u>	<u>24 inches</u>
<u>Quercus velutina</u>	<u>Eastern Black Oak</u>	<u>16 inches</u>	<u>24 inches</u>
<u>Nyssa sylvatica</u>	<u>Tupelo/Black Gum</u>	<u>16 inches</u>	<u>24 inches</u>
<u>Quercus alba</u>	<u>White Oak</u>	<u>16 inches</u>	36 <u>24 inches</u>
<u>Quercus falcata</u>	<u>Southern Red Oak</u>	<u>16 inches</u>	<u>24 inches</u>
<u>Acer rubrum</u>	<u>Red Maple</u>	<u>16 inches</u>	<u>24 inches</u>
<u>Ulmus americana</u>	<u>American Elm</u>	<u>16 inches</u>	36 <u>24 inches</u>
<u>Pinus palustris</u>	<u>Longleaf Pine</u>	<u>16 inches</u>	36 <u>24 inches</u>
<u>Fagus grandifolia</u>	<u>American Beech</u>	<u>16 inches</u>	36 <u>24 inches</u>
<u>All other species of overstory trees except for Laurel Oaks, Sweet Gum, Pecan and other species of Pines — those species are never considered specimen or landmark trees, regardless of their size</u>		<u>24 inches</u>	<u>36 inches</u>
<u>Post Oak</u>		<u>24 inches</u>	
<u>Pecan</u>		<u>24 inches</u>	
<u>Hickory</u>		<u>24 inches</u>	
<u>Sweet Gum</u>		<u>24 inches</u>	
<u>Laurel Oak</u>		<u>24 inches</u>	
<u>Sycamore</u>		<u>24 inches</u>	
<u>All other pines</u>		<u>24 inches</u>	
<u>* DBH = diameter at breast height (or about 4.5 feet above grade)</u>			

B. Preservation of Specimen and Landmark Trees: Reasonable design alternatives shall be explored to preserve these trees to the extent practicable. A Certified Arborist Report (see Appendix A) shall be required when sites contain specimen trees that will be impacted by or removed due to development, unless the Administrator determines that the report would not change the outcome of the plan. A certified arborist report shall always be required for all Landmark Trees that will be impacted by or removed due to development. The Certified Arborist Report shall be incorporated into the project submission as part of the Site Plan (see 9.3.1.C).

C. Mitigation for Preserving Existing Trees: To incentivize saving a variety of species and sizes of existing trees, credits shall awarded for their preservation at a ratio of 1:1. All trees, except for Laurel Oaks, Sweet Gums, Pecans and non Longleaf Pines, may be used as mitigation credits for that same species.

- 5: LANDSCAPING, PARKING AND LIGHTING
5.3: TREE PLANTING AND PROTECTION

Example: If a 12" magnolia tree is removed, but three 3" magnolias are saved, only 3" of magnolia trees would be included in the mitigation calculation per the schedule in 5.6.2.D.

These credits may be used to satisfy the requirements in the Section 5.3.1, Section 5.5 – provided the preserved tree(s) is located in accordance with the requirements of that section – and Section 5.6.2.D. Landscape credits may not be used to reduce the total number of street trees required, or to alter the street tree spacing requirements established in Section 7.2.5 (Street Tree Planting Requirements), unless these trees are located adjacent to the street in the location where street trees would typically be planted. However, required street trees do count towards the mitigation credits.

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5.3.21-TREE COVERAGE REQUIREMENTS

A. **Applicability and Standards:** In addition to the standards laid out in this section and Section 7.2, land or property shall maintain a minimum baseline canopy coverage area as detailed in this Section. ~~based on the zoning district and lot size. This canopy can be comprised of existing trees, new trees or a combination of both, and shall be per the table below:~~

DISTRICT		MINIMUM NUMBER/TYPE OF TREES REQUIRED BASED-ON-DISTRICT-AND-LOT-SIZE
1 Broad-Leaved Overstory Tree Required		
T3	T3-S	per 3,000 square feet of lot size
	T3-N	per 4,000 square feet of lot size
T4	T4-HN	per 4,000 square feet of lot size
	T4-N	per 6,000 square feet of lot size
T5	T5-DC	NO-MINIMUM
	T5-UC	NO-MINIMUM
CONVENTIONAL	RMX	per 6,000 square feet of lot size
	IC	per 3,000 square feet of lot size
	MHP	NO-MINIMUM
	LI	NO-MINIMUM
	MR	NO-MINIMUM

B. ~~**Approach to Meeting Requirements:** This tree coverage requirement may be met through the retention of existing trees, supplemental plantings, or a combination of both. Removal of trees must be in accordance with Section 5.4 (Tree Removal). New trees planted to satisfy the tree canopy coverage requirement, as set forth above, must meet the standards found in Section 5.6 (Landscape Installation and Maintenance). If lot size is smaller than listed above, tree planting shall be done if possible, but may not be required. If it is not possible to plant overstory trees, two understory trees may count as one overstory tree.~~

C. ~~**Plan Requirements:** Compliance with these tree coverage standards must be clearly shown on all submitted applications.~~

B The Tree Permit Issuance Process: shall conform to the following:

1. **Applicability:** A zoning permit is required for the following tree modifications, as per Section 9.4:

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2. Permit Required for Removal:

3. A Permit shall be required for the removal or relocation, of any tree 8" caliper or larger at DBH, or any tree designated as a specimen or landmark tree, as established in Section 5.3.1.

4. For single family and 2- and 3-family buildings on existing lots of record wherein a permit is only required for the removal of Specimen or Landmark Trees.

5. Permit Required for Pruning: A permit shall be required for the pruning of any overstory tree designated as a landmark tree, as established in Section 5.3.1. Pruning must be done by, or under the direct supervision of, a certified arborist, and shall meet ANSI A300 Standards for tree pruning.

6. Trees Designated for Retention: A permit shall be required for the removal, relocation, or pruning of any tree previously designated to be retained on an approved development plan.

7. Upon application review, the Codes Administrator or designee, shall approve, approve with conditions, or deny the permit. The applicant shall be notified of approval or denial, and, if denied, informed of the reasons for denial.

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

9. A copy of the approved tree permit shall be clearly posted on the job site during all phases of clearing and construction activities.

C. Tree Removal: No person shall cut down, destroy, remove or move, or effectively damage any tree 8" or greater DBH or any specimen or landmark Tree located on any public or private real property within the City, unless otherwise exempted, without prior authorization from the City. For the purposes of these regulations, a specimen or landmark tree shall be any tree utilized in achieving and maintaining conformance with any City tree or landscaping standards. No person shall cause, suffer, permit or allow the following:

1. The removal of a specimen or landmark Tree without first obtaining written authorization, to include all necessary permit(s), from the City to conduct the removal.

2. Any encroachments, excavations, or change of the natural grade within the critical root zone (CRZ) of a Protected Tree unless approved by the City Codes Administrator, prior to the commencement of said activity, that the activity will not negatively impact any specimen or landmark 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,

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.

3. In the event questions or disputes arise concerning the identification, size, drip line or other conditions involving specimen or landmark Trees, the City may call upon and consult with a landscape architect or other qualified professional in order to reach a decision. All appeals of staff decisions, and other forms of administrative relief sought as a result of the application of these standards, shall be the purview of the Board of Zoning Appeals.

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

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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:

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i. **Health.** Whether or not the tree is dead, dying, or diseased according to a certified arborist report and/or staff evaluation.

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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.

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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.

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

i. ~~The intended, approved proposed use of the site cannot reasonably be undertaken unless specific trees are removed or relocated, with any resulting loss in canopy area replaced in an approved location.~~

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ii. ~~The tree is located in such proximity to an existing or proposed structure that the safety, utility or structural integrity of the structure is materially impaired.~~

iii. ~~The tree materially interferes with the location, servicing or functioning of existing utility lines or services.~~

iv. ~~The tree creates a substantial hazard to motor, bicycle or pedestrian traffic by virtue of physical proximity to traffic or impairment of vision.~~

v. ~~The tree is diseased, insect ridden or weakened by age, abuse, storm or fire and is likely to cause injury or damage to any person or other property.~~

vi. ~~Any law or regulation requires the removal.~~

D. **Tree Protection With Development:** Developers shall avoid any activity during all phases of construction that may result in:

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a. Mechanical injuries to roots, trunk, and branches

b. Injuries by chemical poisoning

c. Injuries by grade changes

d. Injuries by excavations

e. Injuries by paving.

f. Any willful action determined to be inconsistent with this standard, and which results in the injury of a specimen or landmark tree, shall constitute a violation of these regulations.

g. Upon completion of construction, or as otherwise approved, the 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.

E. **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

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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. 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. 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.

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

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

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

- 1. Replacement species shall be the same species as each tree removed, provided the removed tree was a native species; all other replacement trees must be listed on the City's approved tree list.
- 2. Replacement formula: one (1) square foot of replacement canopy (measured at maturity) for one (1) square foot of canopy removed.
- 3. Single trees may be replaced with two (2) or more trees provided the caliper inch requirements measured at DBH are met.
- 4. Replacement trees shall be planted within any part of the development site or on City property with staff consultation and approval.

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—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, by the City that the replacement of a removed specimen or landmark tree is not feasible or would negatively impact surrounding properties, the party responsible for conducting the tree replacement activity shall, in lieu of actual tree replacement, be assessed a tree mitigation fee as set in the City’s fee schedule.

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

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1. 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.
2. 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.

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

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

J. 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 administrator may waive the requirements of Section 5.4.1. As soon as it is feasible after the waiver, the administrator shall issue written findings outlining the threat to public safety that prompted the waiver. The administrator may require that the owner of the site replace the tree when the findings conclude that the removal was necessitated by intentional harm or negligence.

K. 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 landmark trees upon which any pruning must be done according to Section 5.4.1 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.

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

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- 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.

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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.

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<u>Minimum Canopy Coverage requirements</u>	<u>Existing Canopy Percentage</u>
<u>*Residential Developments (Excepting Simple Lot and Minor Subdivisions)</u>	<u>25%</u>
<u>Commercial Developments</u>	<u>30%</u>
<u>T-5 UC Transect only</u>	<u>15%</u>
<u>Encroachments</u>	<u>The appropriate approval body may authorize encroachments into any setback for the protection of any landmark or specimen tree, or the tree protection zone of any such tree.</u>

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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 b, including reduction or removal of parking lot islands, should they conflict with the preservation or protection of a specimen or landmark tree.
Fenestration/Transparency	Should the development protect over 30% of the existing tree canopy, the appropriate approval body may authorize up to a 20% reduction of required fenestration on any building except for properties within the T-5 UC district.

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

a. To Establish Existing Tree Canopy Area

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

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

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

c. Alternative Methods

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

5.4.2 EXCEPTIONS

A. Infrastructure: Utility companies, governmental agencies, and city agencies in the course of constructing or maintaining easements or rights of way for water, sewage, electricity, gas, drainage, telephone, or television, if the applicable company or agency, within 12 months after the date of adoption of this Code, has 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.

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2. Establishes, to the extent practicable, design guidelines for construction and maintenance that identify the saving of hardwood overstory trees as a factor to be considered in the design process.
 3. Establishes guidelines to avoid limbing, topping, or severe pruning of trees whenever reasonably practicable, and where it is unavoidable, according to ANSI A300 Standards, which may include tree removal.
 4. Provides for a consultation process with the city prior to the commencement of major construction or maintenance or the removal of any specimen or landmark tree.
- B. 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 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.
- C. 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 landmark trees upon which any pruning must be done according to Section 5.4.1 A.2.

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5.3.2 SPECIMEN AND LANDMARK TREES

A. 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 which meet the criteria in the following table:

SPECIES	COMMON NAME	SPECIMEN TREE (MIN. DBH) ^a	LANDMARK TREE (MIN. DBH) ^a
<i>Cornus florida</i>	Flowering Dogwood	4 inches	18 inches
<i>Cercis canadensis</i>	Redbud	4 inches	18 inches
<i>Magnolia grandiflora</i>	Southern Magnolia	4 inches	24 inches
<i>Ilex opaca</i>	American Holly	4 inches	14 inches
<i>Juniperus virginiana</i>	Eastern Red Cedar	12 inches	24 inches
<i>Quercus virginiana</i>	Live Oak	12 inches	24 inches
<i>Sabal palmetto</i>	Cabbage Palm	18 feet tall	36 feet tall
<i>Taxodium distichum</i>	Bald Cypress	16 inches	24 inches
<i>Quercus velutina</i>	Eastern Black Oak	16 inches	24 inches
<i>Nyssa sylvatica</i>	Tupelo/Black Gum	16 inches	24 inches
<i>Quercus alba</i>	White Oak	16 inches	36 inches
<i>Quercus falcata</i>	Southern Red Oak	16 inches	24 inches
<i>Acer rubrum</i>	Red Maple	16 inches	24 inches
<i>Ulmus americana</i>	American Elm	16 inches	36 inches
<i>Pinus palustris</i>	Longleaf Pine	16 inches	36 inches

<i>Fagus grandifolia</i>	American Beech	16 inches	36 inches
All other species of overstory trees except for Laurel Oaks, Sweet Gum, Pecan and other species of Pines — these species are never considered specimen or landmark trees, regardless of their size		24 inches	36 inches
* DBH = diameter at breast height (or about 4.5 feet above grade)			

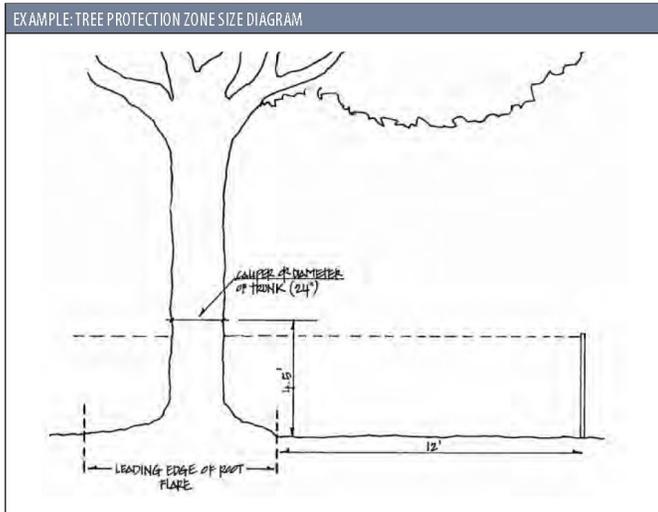
~~**B. Preservation of Specimen and Landmark Trees:** Reasonable design alternatives shall be explored to preserve these trees to the extent practicable. A Certified Arborist Report (see Appendix A) shall be required when sites contain specimen trees that will be impacted by or removed due to development, unless the Administrator determines that the report would not change the outcome of the plan. A certified arborist report shall always be required for all Landmark Trees that will be impacted by or removed due to development. The Certified Arborist Report shall be incorporated into the project submission as part of the Site Plan (see 9.3.1.C).~~

~~**C. Mitigation for Preserving Existing Trees:** To incentivise saving a variety of species and sizes of existing trees, credits shall awarded for their preservation at a ratio of 1:1. All trees, except for Laurel Oaks, Sweet Gums, Pecans and non-Longleaf Pines, may be used as mitigation credits for that same species. Example: if a 12" magnolia tree is removed, but three 3" magnolias are saved, only 3" of magnolia trees would be included in the mitigation calculation per the schedule in 5.6.2.D.~~

~~These credits may be used to satisfy the requirements in the Section 5.3.1, Section 5.5 — provided the preserved tree(s) is located in accordance with the requirements of that section — and Section 5.6.2.D. Landscape credits may not be used to reduce the total number of street trees required, or to alter the street tree spacing requirements established in Section 7.2.5 (Street Tree Planting Requirements), unless these trees are located adjacent to the street in the location where street trees would typically be planted. However, required street trees do count towards the mitigation credits.~~

5.3.3 TREE ROOT PROTECTION ZONE (TPZ) REQUIREMENTS

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



2. The TPZ shall be indicated on both site and landscape plans for all trees shown to remain.

C. Adjustments and Exceptions:

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

- D. Tree Wells:** In general, tree wells are discouraged, but if they are used, a 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. 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 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 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.

~~G. **Construction:** Prior to commencing construction or any site alterations, fencing must be installed to prevent encroachment by people and vehicles. Fencing shall meet the following standards:~~

~~1. **Height and Location:** Fence shall be a conspicuous, visually prominent, 3-foot high barrier erected around the TPZ and approved by the administrator.~~

~~2. **Trees on Adjacent Property:** Where the TPZ of adjacent trees encroaches into the development site, additional fencing shall be required around the TPZ of trees on adjacent properties or right-of-way.~~

~~3. **Material:** All fencing required shall be made of durable materials sufficient to survive the period of construction.~~

~~4. **Groups of Trees:** Barriers may be erected around groupings of trees, where feasible. Signage designating such areas shall be put in place, reading "TREE PROTECTION ZONE: KEEP OUT."~~

~~5. **Timing:** The barrier shall remain in place until all construction, with the exception of landscaping installation, is substantially complete.~~

~~6. **Encroaching with Machinery:** Administrator approval is required for machinery to pass within a TPZ during construction, in which case special cushioning measures, consisting of plywood sheeting covered by a 6-inch layer of wood mulch, or an equivalent material, will be required.~~

H.G. 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 Administrator, may seek mitigation for the value of any damaged trees within a TPZ, per the Mitigation Schedule in Section 5.6.3, and/or may require treatments or additional plantings. Such mitigation shall occur prior to the issuance of a Certificate of Occupancy.

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5.3.4 STREET TREE PLANTING REQUIREMENTS

Street tree planting requirements are established in Section 7.2.5.

5.4: TREE REMOVAL

5.4.1 PERMIT REQUIRED

~~A. **Applicability:** A zoning permit is required for the following tree modifications, as per Section 9.4:~~

~~1. **Permit Required for Removal:**~~

~~a. A Permit shall be required for the removal or relocation, of any tree 8" caliper or larger at DBH, or any tree designated as a specimen or landmark tree, as established in Section 5.3.2.~~

~~b. For single family and 2- and 3-family buildings on existing lots of record wherein a permit is only required for the removal of Specimen or Landmark Trees:~~

~~2. **Permit Required for Pruning:** A permit shall be required for the pruning of any overstory tree designated as a landmark tree, as established in Section 5.3.2. Pruning must be done by, or under the direct supervision of, a certified arborist, and shall meet ANSI A300 Standards for tree pruning.~~

~~3.—Trees Designated for Retention: A permit shall be required for the removal, relocation, or pruning of any tree previously designated to be retained on an approved development plan.~~

~~B.—Criteria for Reviewing Applications for Tree Removal: The following criteria shall be considered by the administrator in determining whether or not to issue a zoning permit:~~

- ~~1.—Health: Whether or not the tree is in good health, according to a certified arborist report or staff evaluation.~~
- ~~2.—Development Potential: 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.—Access: Whether or not the tree is a hazard to pedestrian, bicycle, or vehicular traffic.~~
- ~~4.—Structural Interference: Whether or not the tree presents a hazard to buildings, structures, or utility lines.~~
- ~~5.—Cost: Whether or not there are cost effective alternatives to tree removal.~~

~~C.—Tree Removal in Conjunction with Development: If trees are to be removed in conjunction with the physical development of a site, submission of a tree retention/removal schedule is required to accompany the Site Plan (Section 9.3.1 C.). See Appendix A for an example of this schedule. All trees, both to be saved and removed, shall also be noted on the landscaping plan. This schedule and plan must be reviewed and approved by the appropriate Design Review Body prior to the issuance of a Project Permit. No tree removal may commence without a Project Permit.~~

- ~~1.—Buffer Areas: Preserved trees in the buffer areas shall be counted toward the minimum tree conservation requirements of the buffers stated in Section 5.5.1. Recognizing that the perimeter buffers lie outside of the buildable area, the intent of this provision is to preserve as many of these trees as possible while allowing for access, reasonable visibility, and other uses permitted in the buffer area that practicably are best located within the buffer.~~
- ~~2.—In exceptional cases where the Administrator determines that the species of a tree or grouping of trees is on an official state or federal list of threatened or endangered species, then approval is specifically required for removal.~~

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5.4.2 EXCEPTIONS

~~A.—Infrastructure: Utility companies, governmental agencies, and city agencies in the course of constructing or maintaining easements or rights of way for water, sewage, electricity, gas, drainage, telephone, or television, if the applicable company or agency, within 12 months after the date of adoption of this Code, has 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 or landmark tree.~~

~~B. **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 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.~~

~~C. **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 landmark trees upon which any pruning must be done according to Section 5.4.1 A.2.~~

5.54: PERIMETER 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 8.1 (Resource Protection Standards).

5.54.1 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 5.54.1 B., the greater buffer width and/or plantings shall apply.

REQUIRED BUFFER WIDTH AND PLANTING				
District of Proposed Development	*Abutting Use or District	Minimum Width for Side and Rear Buffers	Front Buffer Planting Requirements	Side and Rear Buffer Planting Requirements
LI (Industrial)	All Districts (except LI)	25 ft min.	None, except along the corridors listed in Section 5.45.1 B.	See Section 5.45.1 A.
RMX (Regional Mixed Use)	All Transect-Based Districts, any county residential district	15 ft min.		
All Other Conventional Districts	All Transect-Based Districts, any county residential district	5 ft min.		
T4-N & T5-UC	T3, T4-HN, any county residential district	5 ft min	None - street trees may be required depending on street section designation in Appendix C.	Same requirements as Section 5.76.8 A.

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T4-NA	T3, any county residential zoning district	Use-dependant - See Section 3.9	None	Same requirements as Section 5.6.7.8 A.
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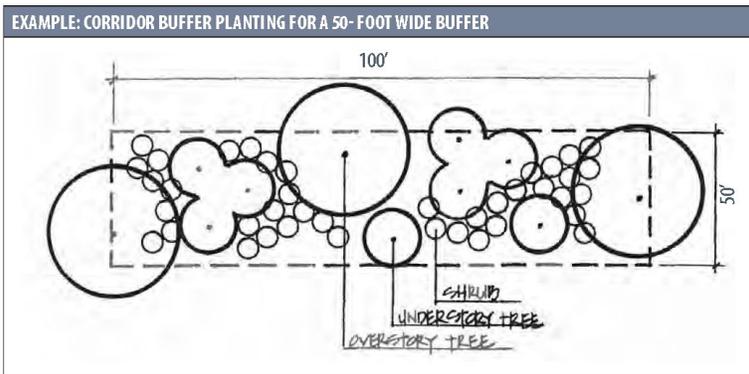
* If the parcel is abutting another district other than the district listed in the chart, no buffers are required.

- A. **Side and Rear Buffer Planting Requirements:** At least 32 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, 23 additional broad-leaved overstory trees, or 46 understory trees, shall be required for every 100 linear feet of frontage or portion thereof. See Section 4.5.12 for additional design standards for these building types.
 - d. If a rear alley or connection to an adjacent parcel is provided, the administrator may reduce or waive buffer requirements to accommodate adequate connections.
- B. **Corridor Buffers:** In addition to the Conventional District buffer requirements above, buffers shall be provided along all parcel boundaries that abut the major thoroughfares established in the following table.

CORRIDOR BUFFER REQUIREMENTS - FRONT BUFFER WIDTH AND PLANTING				
Location	Required Buffer Width	Number of Trees/Shrubs Required per 100 ft of Frontage		% of Buffer Area
		Broad-Leaved Overstory Trees	Understory Trees	Shrubs
Robert Smalls Parkway (SC 170) from Parris Island Gateway to Broad River Bridge	50 ft min.	3	8	25% coverage
Robert Smalls Parkway (SC 170) from Parris Island Gateway to Boundary Street Redevelopment District	20 ft min.	3	6	25% coverage
Parris Island Gateway (US 21)	20 ft min.	3	6	25% coverage

Sams Point Road (SC 802)	20 ft min.	3	6	25% coverage
Trask Parkway (US 21 northwest of Parris Island Gateway)	15 ft min.	3	6	25% coverage

The administrator may waive or alter these requirements based on the design of the building and how it addresses the street.



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

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D. Existing Vegetation

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

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E. 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.

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F. 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:

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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.

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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.

D. Permitted Improvements within Perimeter Buffers: Perimeter buffers shall contain only vegetation, with the following exceptions:

1. Non-Habitable Structures: Non-habitable structures may not encroach into buffers.

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2. Pedestrian Coverings: If awnings, colonnades, arcades, or galleries are incorporated into the building design, landscaping may be reduced or eliminated.

3. Vehicular Access Driveways: These may encroach into buffers only if the driveway is placed approximately perpendicular to the buffer, or if the driveway is shared by adjoining parcels.

4. Sidewalks, Bicycle Paths and Bicycle Parking: These may encroach, provided that they shall not count toward meeting the required landscaped area.

- ~~5. Stormwater Management: Stormwater and drainage facilities that permit vegetation may encroach into the buffers if the planting requirements are fulfilled.~~
- ~~6. Signage, lighting fixtures, and street furniture.~~
- ~~7. Walls, fences, open air structures, and sculpture.~~
- ~~8. Utility and services lines.~~

5.45.2 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 ¹ (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%

¹ Trees, shrubs, flowers, or other plant materials may be used to satisfy vegetation coverage requirements. % of coverage is at maturity — see Section 5.56.1 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.

5.65: LANDSCAPE INSTALLATION AND MAINTENANCE

5.56.1 GENERAL REQUIREMENTS

- A. Trees planted shall be botanically compatible with local conditions, healthy, and disease-and pest-free. Plant materials shall conform to the standards established by the American Association of Nurserymen in the "American Standard for Nursery Stock" (ASNS).
- B. Irrigation shall be required in all new development unless the 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.

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

5.65.2 REPLACEMENT PLANTING AND MITIGATION

- A. **Applicability:**
 - 1. Where the administrator approves removal of ~~specimen and landmark~~ 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 ~~specimen and/or landmark~~ tree [protected under this ordinance](#) is removed from a property without permission from the 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. **Additional Replacement Planting and Mitigation Options:** 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 ~~the a city-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. ~~the following options are available to the applicant to fulfill the mitigation requirements:~~

1. ~~Fee in Lieu of Planting On Site:~~ a fee based on the mitigation schedule in 5.6.2.D shall be paid to the City for the purposes of tree planting and tree maintenance.
2. ~~Planting on an Alternative Site:~~ trees may be planted on city-owned property, including parks or the City's tree farm, or on other property owned by the applicant; all property shall be in city limits. The alternative sites shall be approved by the City Arborist and shall be in accordance with previously approved plans, streetscapes, etc.

C. ~~Exceptions:~~

1. ~~Mitigation for approved tree removal is not required in the T3, T4 HN, or LI districts, or for single-family and 2 – 3 family dwellings in any other districts if the required tree coverage requirements set out in 5.3.1 are still met. Trees removed without appropriate approvals are subject to mitigation in all districts.~~
2. ~~A Specimen and/or Landmark tree that fails due to a natural catastrophe does not require mitigation.~~

CD. Replacement and Mitigation Schedule: With the exception of Residential Lots of Record, Replacement plantings & ~~fee in lieu of mitigation~~ shall be according to the following chart:

REPLACEMENT AND MITIGATION SCHEDULE				
Tree Type	Transect Zones		Conventional Zones	
	Replacement: % Caliper Inches	Mitigation: Cost/Caliper Inch	Replacement: % Caliper Inches	Mitigation: Cost/Caliper Inch
Landmark Tree*	100 50%*	\$250 100-500	100%	\$250 500 00
Specimen Tree*	100 33%*	\$2 150	50 100%*	\$1 2050
All other trees 8-inch caliper or greater	25%	none	33%	none
* Any tree <u>that is removed per Section 5.56.2.A.3. shall require 100% replacement of caliper inches, without approval shall require and the fee in lieu of cost/replacement of caliper inches and the mitigation cost per caliper inch to shall be doubled.</u>				
Examples	Approved Removal	Approved Removal	Damage During Construction	Damage During Construction
	Specimen Tree – A 12-inch Live Oak in a transect	Landmark Tree – A 30-inch Live Oak in a transect	Specimen Tree – A 12-inch Live Oak was	Landmark Tree – A 30-inch Live Oak intended to

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	zone needs to be removed to accommodate a building. The applicant may choose to either plant back (1) 4-inch Live Oak, or pay a fee in lieu of \$600 (12 inches x \$50/inch).	zone needs to be removed to accommodate a building. The applicant may choose to either plant back (5) 3-inch Live Oaks, or pay a fee in lieu of \$3,000 (30 inches x \$100/inch).	damaged during construction in a Transect zone. It may either be replaced with 12 caliper inches of similar species, OR a fee in lieu of \$2,400 (12 inches x \$100/inch x 2) may be paid.	be preserved was damaged during construction in a Transect zone. It may either be replaced with 30 caliper inches of similar species, OR a fee in lieu of \$6,000 (30 inches x \$100/inch x 2) may be paid.
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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 \$3,000 (12 inches x \$250/inch) if the site cannot support the replacement.
Approved Landmark Removal: a 30-inch Live Oak is approved for removal. The applicant must plant back 30 caliper inches of Live Oak or pay a mitigation fee of \$15,000 (30 inches x \$500/inch) if the site cannot support the replacement. See Section 5.3.2-C. for possible mitigation credits for saving eligible Specimen and Landmark Trees.

(1) Timing of Fee Payment. All required tree mitigation fees shall be paid prior to issuance of a Site Development Permit or Building Permit.

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

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

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

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

REPLACEMENT AND MITIGATION SCHEDULE				
Tree Type	Transect Zones		Conventional Zones	
	Replacement: % Caliper Inches	Mitigation: Cost/Caliper Inch	Replacement: % Caliper Inches	Mitigation: Cost/Caliper Inch
Landmark Tree*	100%*	\$100	100%	\$100

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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.				

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5.76: PARKING

5.67.1 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.

5.67.2 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.

5.76.3 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 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.

5.76.4 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 administrator.

USE	MINIMUM NUMBER OF MOTOR VEHICLE PARKING SPACES REQUIRED	
	CONVENTIONAL DISTRICTS	TRANSECT-BASED DISTRICTS
RESIDENTIAL		
Single-Family, and Short-Term Rental	2 per unit	
2- and 3-Family, Multi-Family and Accessory Units		
Studio	1 per unit	
1 Bedroom	1 per unit	
2 Bedrooms	1.75 per unit	
3+ Bedrooms	2 per unit	
Dwelling units located within mixed-use buildings	No spaces required	
Group Homes	1 per 3 bedrooms	
RETAIL		
Gas Stations/Fuel Sales	1 per employee, plus requirements for retail and/or service bays	1 per 400 gross square feet
Restaurant, Cafe, Coffee Shop, Bar, Tavern and Nightclub	1 per 4 seats,* plus 1 per every 2 employees (at max. shift, typical) *Only interior seats are counted unless the business only has exterior seating.	1 per 400 gross square feet
Drive-Through Facilities	1 per 4 seats* plus 1 per every 2 employees *Only interior seats are counted unless the business only has exterior seating.	1 per 400 gross square feet
All Other Retail Uses	1 per 300 gross square feet	1 per 400 gross square feet
RECREATION, EDUCATION, PUBLIC ASSEMBLY		
Colleges and Universities	1 per 4 students at capacity class attendance	
Community/Public Safety Facilities	1 per 300 gross square feet	1 per 400 gross square feet

Schools, Public or Private		
Grades K-8	2 per classroom	1 per 400 gross square feet
Grades 9-12 or Trade	1 per 4 students and employees	1 per 400 gross square feet
Theaters	1 per 4 seats, plus 1 per 2 employees	1 per 400 gross square feet
All Other Assembly Uses		
With Fixed Seats	1 per 5 seats	1 per 400 gross square feet
Without Fixed Seats	1 per 300 gross square feet	1 per 400 gross square feet
SERVICES		
Day Care (Child or Adult) - 5 or greater	1 per 10 persons cared for (child or adult)	1 per 400 gross square feet
Lodging	1 per room, plus spaces required for on-site accessory uses	1 per 2 rooms
Medical		
Doctor's Offices	1 per 300 gross square feet	1 per 400 gross square feet
Other	1 per 2 beds, plus 1 per staff, plus 1 per 4 employees	1 per 400 gross square feet
All Other Service Uses	1 per 300 gross square feet	1 per 400 gross square feet
INDUSTRIAL	No minimum number of spaces	

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.

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.
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.
 - c. 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. Uses within the IC district.
- D. **Off Site Parking:** Required parking may be provided off site if the following standards are met:
 1. Required parking may be provided in off-street parking facilities on another property within 2540 feet of the site proposed for development, as measured along street rights-of-way. Parking further than 400 feet may be approved by the 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. 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.

5.76.5 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.

5.76.6 SHARED PARKING AND PARKING REDUCTIONS

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

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

Office	1.4	1.7	1.0	1.2
Retail/Restaurant	1.2	1.3	1.2	1.0

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

- B. **Shared Parking—Three or More Uses:** When 3 or more use types share common parking facilities, or if a use type is not listed in Table 5.7.4.A, the amount of required parking may be reduced as appropriate in accordance with Section 5.7.6 C. below.
- C. **Parking Reductions:**
 - 1. The 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 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 5.7.4.
 - 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 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.

5.76.7 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 administrator.
 - a. **Parking Stall Dimensions:** 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.

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- 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. This may 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 of more of the following incentives may be utilized, at the discretion of the applicant:
 - a. The side or rear setback adjacent to the connection may be reduced to 5 feet.
 - b. An additional 10% of parking spaces over the 140% maximum may be provided.
 - c. Impervious surface may be increased by 5%.

D. **Materials:**

1. Parking spaces and driveways shall be paved with a material that supports the anticipated load and context. Pervious or semi-pervious paving materials are encouraged. Where possible, such materials shall be used in combination with on-site stormwater control devices.
2. Parking provided above the minimum required parking spaces shall be with a pervious material.

E. **Accessible Parking:** All parking facilities that require accessible parking spaces shall ensure that a portion of the total number of required parking spaces shall be specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with the standards in the federal American with Disabilities Act (ADA).

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

5.67.8 PARKING LOT SCREENING AND LANDSCAPING

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

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

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

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

B. **Landscaping:**

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

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- b. **Planting:** At least 1 broad-leaved overstory tree shall be provided within each landscaped peninsula. All landscaped peninsulas and medians shall be landscaped with mulch, sod, shrubs, or ground cover vegetation. See Appendix A for recommended plantings list.
 - c. **Specific to Transect Zones:** No more than 12 continuous parking spaces shall be permitted in a row without an interrupting landscaped peninsula, except in the following circumstances:
 - i. The parking lot is gravel, or covered with other soft pervious pavement materials, and spaces are not striped, or
 - ii. There is a landscaped median meeting the requirements in 5.7.8.B.3.d.iii and iv.
 - d. **Specific to Conventional Zones:**
 - i. No more than 10 continuous parking spaces shall be permitted in a row without an interrupting landscaped peninsula.
 - ii. On the interior of parking lots, landscaped medians between all head-to-head^{'''} rows of parking are required.
 - iii. Where wheel stops are to be used for the protection of landscaped medians, the minimum median width shall be 6 feet. Plantings in such medians shall be limited to a combination of turfgrass or groundcover, palms, and shrubs that have a mature height and spread of 4 feet or less.
 - iv. Where wheel stops are not used for the protection of landscaped medians the minimum median width shall be 9 feet. Plantings in such medians shall be limited to a combination of turfgrass or groundcover, palms, understory trees and/or shrubs which have a mature height and spread of 5 feet or less.
 - v. Shrub coverage in the medians and peninsulas shall be at least 50%.

5.76.9 STRUCTURED PARKING

See Section 4.5.11.

5.76.10 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.

5.78: LIGHTING

5.78.1 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.

5.78.2 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 5.8.6.
- 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.

5.78.3 GENERAL STANDARDS FOR EXTERIOR LIGHTING

- A. **Hours of Illumination:** Public and institutional uses, commercial uses, and industrial uses (heavy and light) that are adjacent to existing residential development or vacant land in the RMX, T1, T3-E, T3-S, and T3-N Districts shall turn off all exterior lighting by 10:00 p.m. or within 1 hour of closing, whichever occurs first, with the following exception:

1. Lighting that is necessary for security or emergency purposes — meaning the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure, to illuminate exterior walkways, or to illuminate outdoor storage areas—may be turned on at all times. Additional standards for security lighting are in Section 5.8.6 (Security Lighting).
- B. **Illumination Direction:** In all districts, lighting shall be directed downward. In addition, upwardly directed lighting shall not be used to illuminate structures, except for low-wattage architectural lighting.

5.78.4 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 15 feet above grade.
 2. In auto-centric areas, such as parking lots which support shopping centers, large retailers, or manufacturing sites, etc., the height of the light post shall not exceed 30 feet above grade.
 3. Wherever possible, outdoor seating areas, building entrances, and walkways shall be illuminated using ground mounted fixtures not more than 4 feet tall.
 4. In historic districts, light poles exceeding 15 feet above grade must be approved by the Historic Review Board.
- B. **Shielding:** Light fixtures in excess of 1,800 lumens shall use full cut-off lenses or hoods to prevent glare or spillover from the project site onto adjacent lands and streets.
- C. **Maximum Illuminance Levels:** Requirements in the following table shall apply only to light trespass into parcels in T3 and T4 zoning districts at the property line.

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

5.87.5 RESERVED

5.87.6 SECURITY LIGHTING

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

5.78.7 ILLUMINATION OF OUTDOOR SPORTS FIELDS AND PERFORMANCE AREAS

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

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

5.78.8 PROHIBITED LIGHTING TYPES

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

5.8 Fencing

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

A. Applicability

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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:

1. Front or Street Side Setback: Four feet in height, with the following exceptions:

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d. 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.

e. 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.

f. Electric fences are not permitted to encroach into any front or street side setbacks.

2. Interior Side or Rear Setback (if side yard is not facing a street or a double frontage lot)

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a. Transect-Based District: 6 feet in height if not facing a street,

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b. Interior Side or Rear Setback of a Conventional District: 8 feet in height.

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3. Interior Side or Rear Setback of LI District: 10 feet in height.

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3. Historic District: All fences shall be 4' in height or less along all setbacks.

C. Materials:

1. The support structures for fences, such as posts, shall be located on the inside of the fence.

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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**.

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3. All fences in the historic district shall be picket, cast iron, or wire fencing with vegetation.

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4. No electric fences shall be permitted on residential lots.

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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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