



MEETING AGENDA

The City of Beaufort

PLANNING COMMISSION

1911 Boundary Street, Beaufort, SC 29902

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

Monday, June 16, 2025, 5:00 P.M.

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

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86869119200?pwd=vMa61AO3tZCTnKd9ri4FKnneBmXqOq.1>

Password: 736955

Meeting ID: 868 6911 9200

Call in Phone #: 1+929 205 6099

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

I. Call to Order

II. Pledge of Allegiance

III. Review of Commission Meeting Minutes:

A. May 19, 2025 Regular Meeting Minutes

IV. Questions Relating to Military Operations

V. Old Business:

A. Road Naming Process – J.J. Sauve, Deputy City Manager.

VI. Public Hearing

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

VII. New Business

VIII. Discussion:

- A. **Beaufort Development Code Changes:** Amendments to the Maps and Districts of Section 2 of the Beaufort Development Code.
- B. **Beaufort Development Code Changes:** Amendments to the Land Use Provisions of Section 3 of the Beaufort Development Code.
- C. **Beaufort Development Code Changes:** Amendments to the Building Design and Infill Standards of Section 4 of the Beaufort Development Code.

IX. Adjournment

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



Planning Commission

Meeting Minutes – May 19, 2025

CALL TO ORDER

0:50

A meeting of the Planning Commission was called to order by Chairman, Mike Tomy, and was held in-person on May 19, 2025, at 5:00 PM.

ATTENDEES

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

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

MINUTES

2:20

A. April 21, 2025, Regular Meeting Minutes

Mr. Trask noted on page 2 of the draft minutes under Old Business, item A, it should reflect that Mr. Trask recused himself because his son owns property on Oakhaven Street. Mr. Hallman also noted on page 1 and page 2 his last name is incorrect, it should be Hallman not Clinton. Mr. Bardenwerper noted on page 4 where he changed his motion change the word *it to they* and remove the words "*that the*" and replace with the word *regarding*.

Motion: Ms. McFann made a motion to approve the minutes with the corrections noted. Mr. Hallman seconded the motion. The motion passed unanimously.

B. May 12, 2025, Work session Minutes

Motion: Ms. McFann made a motion to approve the minutes as submitted. Mr. Suter seconded the motion. Mr. Hallman abstained from voting since he was not present. The motion passed unanimously among those voting.

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

QUESTIONS RELATING TO MILITARY OPERATIONS

7:14

None.

NEW BUSINESS

7:33

A. Road Naming Process – J.J. Sauve, Deputy City Manager.

At Mr. Freese's request the agenda item for Road Re-Naming was taken up first and out of order.

Mr. Sauve passed out to the Planning Commission (PC) an addendum to go with the memorandum that was included in the meeting packets. Mr. Suave stated that Councilman Lipsitz had made a request at the June 14th worksession/regular meeting of council to rename Southside Loop (a city street within the Southside Park that goes over to the new playground and pavilion area) in honor of retired Beaufort Public Works Director Clayton Cooler. Mr. Cooler served the city faithfully for 45 years and the proposed renaming will recognize his legacy particularly his role in the obtaining and maintenance and stewardship of city parks and infrastructure. The renaming has received great support from the community and his son-in-law was present at the council meeting. This is the reason the staff began looking into the Road Naming Process. Councilman Scallate also suggested the road be renamed to Connie Hipp Road in honor of her services to the Leadership Beaufort Program.

Mr. Sauve gave some information regarding the roads in the area, the current names of the roads, the need for consistency, the collaborative efforts with the County, and the Council's suggestions regarding road naming. He explained the road naming process and plans and a proposed time table for public meetings and hearings regarding renaming of the roads.

Mr. Hallman expressed concerns regarding notice to the public in as much as the memo presented on May 19, 2025 was not in the packet or the materials available to the public online. Ms. McFann expressed concerns about the title of the agenda item which did not clearly say it was about actually renaming roads vs. procedure and about the need for EMS to sign off on proposed changes. Mr. Tomy said it would be cleaner to re-notice the renaming issue specifically for the next PC meeting for a recommendation, and to notice a public hearing for the Council on the renaming issue.

Mr. Sauve agreed to that procedure.

Mr. Freese suggested an additional re-ordering of the agenda to allow the Annexation application to be considered before the proposed code amendments. The PC agreed.

OLD BUSINESS

26:44

- A. Annexation.** The Applicant, Willie Mack Stansell, III, is requesting an annexation of approximately 1.72 acres located at 3659 Trask Parkway into the jurisdiction of the City of Beaufort. The property is further identified as R100 026 000 0151 0000. This application had previously been tabled so that the petition could be updated. Mr. Hallman moved to take the matter from the table; the motion was seconded by Mr. Bardenwerper and the motion passed unanimously.

Christopher Klement presented the staff report and his presentation.

Public Comment:

None.

Public comment closed.

Motion: Mr. Bardenwerper made a motion to recommend to the City Council based on testimony the PC heard today and the staff report that we recommend the annexation of this property into the City of Beaufort. Mr. Trask seconded the motion. The motion passed unanimously.

- B. Rezoning.** The Applicant, Willie Mack Stansell, III, is requesting rezoning of approximately 1.72 acres located at 3659 Trask Parkway to T5-Urban Corridor District/Regional Mixed-Use District (T5-UC)/(RMX) – City of Beaufort Zoning from Neighborhood Mixed-Use (C3NMU) – Beaufort County Zoning. The property is further identified as R100 026 000 0151 0000. This matter had been tabled at a prior meeting. Mr. Hallman moved to take the matter from the table; the motion was seconded by Mr. Bardenwerper and the motion passed unanimously.

Christopher Klement presented the staff report and his presentation.

Public Comment:

None.

Public comment closed.

Discussion ensued regarding the applicant’s actual plans for development, and it was clarified that the applicant has no fixed plans right now, for a Barbeque Restaurant or any other use, and wants to keep options open. Concerns were discussed about traffic in the area and pedestrians. Mr. Freese indicated that the City could discuss safety concerns with the relevant authorities going forward. Some PC members expressed concerns about granting new applications for dual zoning classifications.

Motion: Mr. Bardenwerper made a motion to recommend that we apply the RMX zoning to this property based on testimony the PC heard today and the staff report.

Ms. McFann requested that Mr. Bardenwerper amend his motion to state that the applicant has on the record here today, agreed to amend his petition for zoning to only ask for RMX because the Petition itself asked for dual zoning.

Mr. Bardenwerper amended his motion. Mr. Suter seconded the motion. The motion passed unanimously.

NEW BUSINESS

1:10:48

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

Mr. Freese presented an overview of the proposed changes including additions to the Section, refining standards, clarifying standards, reorganization of the section and increasing fees and penalties.

Mr. Hallman questioned the electric fences prohibition. Ms. McFann stated that her recollection was that the prohibition on above ground electric fences was absolute. Mr. Freese agreed to remove the exception for Light Industrial.

Mr. Trask questioned provisions re maintenance of landscape, p. 15 and 16 of 51 of the red line version and Mr. Freese confirmed that the provisions of the proposed code allowed staff to enforce landscape requirements. It was agreed to move the asterisk from the parking chart to M5.6.4 A p. 31 of 41 of red line.

Mr. Bardenwerper asked that the term *corridors be used instead of thoroughfares*, that fenestration exceptions for trees #5 on page 18 of the clean copy should be stricken and taken up later in review of other sections and pointed out a punctuation issue.

Mr. Morillo requested a change to buffer descriptions, and there was discussion regarding possible further changes to types of buffer requirements and waivers, and it was agreed that type E buffer requirements should be extended. It was also agreed to add Ladies Island Drive to the list of Corridors.

Public Comment:

Grant McClure works for the Coastal Conservation League and is a resident of Beaufort and resides at 1511 Sycamore Street. Mr. McClure commented that it's good that the City is working on the Tree Ordinance. He referred to the Town of Port Royal's Tree Ordinance that he had the opportunity to work on. He is also excited to hear about the Wetlands Ordinance. Mr. McClure referred to the Northern Regional Plan's Goal #5 which is an alignment of regional standards and environmental standards.

Libby Anderson resides at 107 Grayson Street, asked if the palmettos will be measured by height or by DBH (Diameter at Breast Height). Surveyors typically do a DBH versus height. Regarding fees, she questioned whether the PC wanted to put the fees in the ordinance. If the fees are in the ordinance, then when the fees need to be changed, a public hearing is required and then there are two readings at Council and the PC, etc. Or you can put them in the Fee Schedule and the PC would make a recommendation to Council to approve by resolution.

Public comment closed.

The PC agreed to keep the fees in the proposed code changes rather than on a schedule in the interest of transparency, and that Council should be made aware of the option to move the fees to a schedule so that fees could be adjusted annually as a part of the budgeting process.

Motion: Ms. McFann made a motion recommending staff send the proposed changes "as is" in the packets and online, with the incorporation of the itemized additions and subtractions the PC went through at the meeting and including the option for council to consider putting the mitigation fees in a Fee Schedule as opposed to into the Code, to the City Attorney and subsequently to City Council. The motion was seconded by Mr. Morillo. The motion passed unanimously.

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

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Mr. Freese presented an overview of the draft, which had not yet been discussed at a work session.

Mr. Hallman asked about the need to be clear that the code would incorporate the SOLOCO manual as it may be amended from time to time and the standards themselves were discussed.

Buffers and the concept of “reasonable site line” were discussed.

Ms. McFann reminded Mr. Freese that the PC would like to see the legal opinions from Bluffton and Beaufort City Attorneys regarding application of standards to permitted development and development agreements, and asked that he please bring the slides to the next work session, and requested that a map be provided with an overlay showing proposed standards.

Mr. Trask suggested that the Commission look at the new Culvers as an example in advance of the next work session.

Enforcement issues were discussed.

Public Comment:

Libby Anderson resides at 107 Grayson Street, said regarding the critical area buffer, the 50-foot one size fits all is a little different than the County’s requirements. In some areas of the County the buffer is more and in some cases it is less. It is possible to consider applying different standards to existing lots and new lots. She also stated we may want to consider adding dock restrictions.

Mr. Freese clarified that there are no code restrictions on docks.

Public comment closed.

Mr. Trask recognized Libby Anderson as she’s now been appointed to a new term as a Planning Commission member. Mr. Trask’s term expires at the end of June. Mr. Tomy welcomed Mr. Anderson to the board.

The PC agreed to have their next worksession for the code changes on Thursday, June 12 starting at 1:00 pm. Tony Junker also confirmed his firm is available on June 12.

Mr. Freese also asked the PC to think of dates for a tour and what they want to see.

ADJOURNMENT

2:30:40

Motion: Ms. McFann made a motion to adjourn the meeting seconded by Mr. Suter. The motion passed unanimously. The meeting adjourned at 7:30 pm.

Road Naming/Re-Naming Updated Memorandum

Presented By:

J.J. Sauve, Deputy City Manager



Planning Commission

Meeting Minutes – May 19, 2025

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Mr. Freese also asked the PC to think of dates for a tour and what they want to see.

ADJOURNMENT

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Scott Marshall
CITY MANAGER
843-525-7070

John Sauvé
DEPUTY CITY MANAGER
843-379-7525



CITY OF BEAUFORT
1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

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

June 9, 2025

MEMORANDUM

TO: Planning Commission

FROM: John Sauve, Deputy City Manager

RE: Road Naming/Re-Naming Updated Memorandum for June 16, 2025

I. Introduction and Recommendation

The City of Beaufort requests the Planning Commission's review and recommendation regarding two naming matters requiring formal action:

1. Naming of the newly completed road and junction near the Beaufort Executive Airport; and
2. Renaming of "Southside Loop" within Southside Park.

These matters have been reviewed in multiple public Council meetings and work sessions, and staff now seeks Planning Commission input prior to Council adoption of an ordinance pursuant to South Carolina Code § 6-29-1200.

II. Background

1. Airport Road Junction (AKA Airport Frontage Road):

This newly constructed connector, completed as Phase 1 of a long-planned infrastructure initiative from the 2017 Lady's Island Corridor Study, links Little Creek Road and Lost Island Road to Sea Island Parkway (US 21). The project was funded through the 2018 Beaufort County Transportation Sales Tax Referendum and included both local impact fees and state support. The corridor has been referred to during development as "Airport Frontage Road" and "Airport Junction Road."

During the January 14, 2025 City Council Worksession, Councilman Neil Lipsitz recommended renaming the corridor "Robert Smalls Parkway Extension" to honor Beaufort native and American hero Robert Smalls, while maintaining continuity with

existing regional roadways. The recommendation aligns with Council’s strategic goal of promoting historically significant place naming, and with the City’s broader commitment to equity and local heritage. There were no public comments on this item.

The March 8, 2025 Council Worksession included further discussion of the road naming process and potential designations, and the County Engineering Program Manager confirmed that Beaufort County does not object to any name selected by the City. The County encouraged consistency with prior project documentation and maintenance records, recommending that the chosen name be traceable to “Airport Frontage Road” or “Airport Junction Road” for continuity in long-term regional planning references, but was open to any naming convention chosen by the City.

After the March 8, 2025 Council Worksession, Councilman Scallate emailed staff recommending that the Airport Frontage/Junction Road be named in honor of Connie Hipp, for her services with the Leadership Beaufort Program. There were no public comments on this item at the March 8, 2025 Council Worksession

At the May 19, 2025 Planning Commission meeting this matter was discussed and scheduled for the June 16, 2025 Planning Commission meeting with anticipation that a Public Hearing and First Reading for a road naming ordinance will be scheduled for the July 8, 2025 City Council Meeting.

At the May 27, 2025 City Council CIP Worksession, this matter was discussed again, and Council expressed its preference that this road does not include “airport” in the name, and made the following recommendations:

Councilman Josh Scallate recommended the road be named for Connie Hipp

Councilman Neal Lipsitz recommended the road be named for former Councilmember Donnie Beer or former Police Chief Matt Clancy.

After some discussion, the general consensus of Council appeared to be a preference for one of Councilman Neal Lipsitz’ recommendations, due to informal traditions of roads being named for persons who have passed. There was no public comments on this item during the May 27, 2025 Council Worksession. Minutes from this meeting have not been formally adopted as of the writing of this memorandum, but the video recording of the meeting is available online.

Both the name “Donnie Beer Drive” and “Matt Clancy Drive” do not appear that have any conflicts from Beaufort County Emergency Management/911, USPS, and SCDOT initial assessments. Should the Planning Commission make a formal recommendation for naming using one or both of these recommended names, staff will finalize all confirmations with Beaufort County Emergency Management and 911, USPS, and SCDOT prior to proceeding with public hearing before City Council. The Planning Commission may make a recommendation for either naming option or for both, leaving the final decision to City

Scott Marshall
CITY MANAGER
843-525-7070

John Sauvé
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CITY OF BEAUFORT
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COUNCIL MEMBERS:
Philip E. Cromer, Mayor
Mike McFee, Mayor Pro Tem
Neil Lipsitz
Mitch Mitchell
Josh Scallate

Council. If the option recommendation the outcome, staff would prepare ordinances and background material for each alternative to be presented to City Council.

2. Southside Loop Renaming:

At the January 14, 2025, Regular Meeting, Councilman Lipsitz proposed renaming Southside Loop in Southside Park to “Clayton Cooler Loop” in honor of longtime City of Beaufort Public Works Director Clayton Cooler. Mr. Cooler served the City faithfully for 45 years, and the proposed renaming seeks to recognize his legacy, particularly his role in the maintenance and stewardship of City parks and infrastructure. The motion received community support, and Council directed staff to draft a resolution and initiate the formal renaming process. The name “Clayton cooler Loop” does not appear to have any conflicts from Beaufort County Emergency Management/911, USPS, and SCDOT initial assessments.

At the May 19, 2025 Planning Commission meeting this matter was also discussed and scheduled for the June 16, 2025 Planning Commission meeting with anticipation that a Public Hearing and First Reading for a road naming ordinance will be scheduled for the July 8, 2025 City Council Meeting. Should the Planning Commission make a formal recommendation for renaming Southside Loop to “Clayton Cooler Loop” staff will finalize all confirmations with Beaufort County Emergency Management and 911, USPS, and SCDOT prior to proceeding with public hearing before City Council.

III. Legal Authority

The City's authority to name or rename public roads is based on the following:

- **SC Code § 5-7-30:** Grants municipalities the authority to regulate public roads, infrastructure, and naming.
- **SC Code § 6-29-1200:** Requires Planning Commission review for proposed changes to officially mapped streets prior to Council action.
- **Municipal Association of SC Planning Guidance:** Encourages coordination with emergency services and consideration of public engagement in naming decisions.

Both road segments appear on official City maps and therefore fall within the statutory review responsibilities of the Planning Commission. Upon your recommendation, the City will proceed with the required public hearing and ordinance adoption process.

IV. Recommendation

Staff recommends the Planning Commission take the following actions:

1. Endorse the proposed name “Donnie Beer Drive and/or Matt Clancy Drive” for the new road segment from Lost Island Road to US 21 near the Beaufort Executive Airport in recognition of Councilmember Beer and Chief Clancy’s distinguished services to the City of Beaufort;
2. Support the renaming of “Southside Loop” to “Clayton Cooler Loop” in recognition of Mr. Cooler’s distinguished service to the community;
3. Issue formal recommendations to City Council to proceed with a public hearing and the adoption of a ordinances implementing these changes.

V. Attachments

1. Original May 19, 2025, Memorandum to the Planning Commission

Scott Marshall
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May 19, 2025

MEMORANDUM

TO: Planning Commission

FROM: John Sauve, Deputy City Manager

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1. Airport Road Junction (AKA Airport Frontage Road):

This newly constructed connector, completed as Phase 1 of a long-planned infrastructure initiative from the 2017 Lady's Island Corridor Study, links Little Creek Road and Lost Island Road to Sea Island Parkway (US 21). The project was funded through the 2018 Beaufort County Transportation Sales Tax Referendum and included both local impact fees and state support. The corridor has been referred to during development as "Airport Frontage Road" and "Airport Junction Road."

During the January 14, 2025 City Council Worksession, Councilman Neil Lipsitz recommended renaming the corridor "Robert Smalls Parkway Extension" to honor Beaufort native and American hero Robert Smalls, while maintaining continuity with

existing regional roadways. The recommendation aligns with Council’s strategic goal of promoting historically significant place naming, and with the City’s broader commitment to equity and local heritage.

The March 8, 2025 Council Worksession included further discussion of the road naming process and potential designations, and the County Engineering Program Manager confirmed that Beaufort County does not object to any name selected by the City. The County encourages consistency with prior project documentation and maintenance records, recommending that the chosen name be traceable to “Airport Frontage Road” or “Airport Junction Road” for continuity in long-term regional planning references.

After the March 8, 2025 Council Worksession, Councilman Scallate emailed staff recommending that the Airport Frontage/Junction Road be named in honor of Connie Hipp, for her services with the Leadership Beaufort Program.

2. Southside Loop Renaming:

At the January 14, 2025 Regular Meeting, Councilman Lipsitz proposed renaming Southside Loop in Southside Park to “Clayton Cooler Loop” in honor of longtime City of Beaufort Public Works Director Clayton Cooler. Mr. Cooler served the City faithfully for 45 years, and the proposed renaming seeks to recognize his legacy, particularly his role in the maintenance and stewardship of City parks and infrastructure. The motion received community support, and Council directed staff to draft a resolution and initiate the formal renaming process.

III. Legal Authority

The City's authority to name or rename public roads is based on the following:

- **SC Code § 5-7-30:** Grants municipalities the authority to regulate public roads, infrastructure, and naming.
- **SC Code § 6-29-1200:** Requires Planning Commission review for proposed changes to officially mapped streets prior to Council action.
- **Municipal Association of SC Planning Guidance:** Encourages coordination with emergency services and consideration of public engagement in naming decisions.

Both road segments appear on official City maps and therefore fall within the statutory review responsibilities of the Planning Commission. Upon your recommendation, the City will proceed with the required public hearing and ordinance adoption process.

IV. Recommendation

Staff recommends the Planning Commission take the following actions:

Scott Marshall
CITY MANAGER
843-525-7070

John Sauvé
DEPUTY CITY MANAGER
843-379-7525



CITY OF BEAUFORT
1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

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

1. Endorse the proposed name “Airport Frontage Road or Airport Junction Road” for the new road segment from Lost Island Road to US 21 near the Beaufort Executive Airport to ensure consistency with existing legal and regulatory documents;
2. Support the renaming of “Southside Loop” to “Clayton Cooler Loop” in recognition of Mr. Cooler’s distinguished service to the community;
3. Issue formal recommendations to City Council to proceed with a public hearing and the adoption of an ordinance implementing these changes.

V. Attachments

1. Minutes from the City Council January 14, 2025 Worksession
2. Minutes from the City Council March 8, 2025 Worksession
3. Email from Brittane Bishop with Beaufort County Engineering
4. Email from Councilman Scallate
5. Staff Memorandum to Council Re: Road Naming Process



City Council Worksession
Meeting Minutes – Planning Conference Room – 1st Floor

January 14, 2025

I. CALL TO ORDER

5:00 PM

Philip Cromer, Mayor

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

II. EMPLOYEE NEW HIRE RECOGNITION

A. Capital Improvements Program Coordinator.

Raul Dominguez, Capital Improvements Program Director, introduced Zarah Sodergren.

B. Community Development Department.

Curt Freese, Community Development Director, introduced Christopher Klement.

C. Geographic Information System (GIS) Technician.

JJ Sauv , Deputy City Manager, introduced Kat Kirkland.

D. Police Department.

Stephanie Price, Police Chief, introduced Dwight Bryant, Allison Peachey, and Trevor Poulin.

III. PRESENTATIONS

A. Update on Mural for Marina Restroom Building.

Linda Roper, Downtown Operations and Community Services Director, stated that an initiative of the Cultural District Advisory Board was to incorporate art throughout downtown. They started with Art Benches and wanted to have a mural. **Ashley Brandon, Public Information Officer**, gave background information on how the mural idea came to be. 35 artists participated in a contest. The field was narrowed down to 3 individuals. Julia Alexis was chosen as the winner. Her design encompassed the history, beauty and a welcome to Beaufort. The mural will be placed on the restroom building in the marina parking lot. Council is supportive of moving forward.

B. Fiscal Year 2024 Annual Comprehensive Financial Report.

David Irwin, an Audit Partner with Mauldin and Jenkins, gave a summary of the Financial and Compliance Audit as this is required communication by the external auditors. He stated they are independent from the City as required by Government Auditing Standards. The City received a clean opinion and no audit findings. A clean opinion has been received consistently for the past 17 years.

Alan Eisenman, Finance Director, went over the City's financial position for Fiscal Year 2024 as compared to Fiscal Year 2023. This report will be available for public viewing on the City's website, www.cityofbeaufort.org using Opengov.com, our financial transparency portal.

IV. DISCUSSION ITEMS

A. Memorandum of Understanding (MOU) with Beaufort Jasper Housing Trust (BJHT) for administration of a Housing Repair Program.

JJ Sauv , Deputy City Manager, gave some background information. Entering into this agreement the Beaufort Jasper Housing Trust will be able to provide us with technical guidance on this type of program. He emphasized that most of these conversations were focused on the Old Commons and Northwest Quadrant neighborhoods. The program being primarily focused on this evening is providing housing repair assistance for critical needs in homes currently resided in by the homeowner.

Claude Hicks, Executive Director of the Beaufort Jasper Housing Trust, started off by saying that his board has approved a commitment of an additional \$100,000.00 in funds to assist the City for a total of \$250,000.00. The City has already set aside \$150,000.00 for this program. He mentioned that this program is open to all citizens that reside within the City Limits, the home must be owner occupied. This would not be available to a homeowner that is renting out their property. They are keeping it this way to follow state guidelines. He mentioned that the Housing Trust has received sponsor status for the State Housing Repair Fund. They are working on their environmental accreditation to be able to look at houses that were built prior to 1978. He proceeded to go over the areas of the memorandum that included purpose and scope, responsibilities and obligations, along with the qualifications, terms and conditions of funding.

There was a discussion about heirs' property and how the critical needs of those properties might be addressed as well.

Mayor Cromer inquired if they were going to have an interest-bearing account.

Councilman Scallate inquired about the use of funds for demolition. This was clarified that the funds would not be used to demolish a house completely, but for portions of the home if needed.

Mr. Hicks stated that there will be a rolling application process. It will not close after a certain period of time.

Dan Blackmon, 1010 Duke Street, addressed Council.

B. Request for Memorialization and Renaming Southside Loop.

Councilman Lipsitz stated he would like to have the name changed of Southside Loop in Southside Park to Clayton Cooler Loop. Mr. Cooler was the former Public Works Director and served the City of Beaufort for 45 years. A resolution to adopt the name change will be drafted and voted on at an upcoming regular meeting.

Warren Parker, 21 Division Street and Edie Rogers, 7A Rising Tide Drive addressed Council.

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

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

DRAFT



City Council Worksession

Meeting Minutes – Planning Conference Room – 1st Floor

March 11, 2025

I. CALL TO ORDER

5:00 PM

Philip Cromer, Mayor

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

II. EMPLOYEE NEW HIRE RECOGNITION

A. Downtown Operations.

Linda Roper, Downtown Operations Director, introduced Jennifer Pointer.

B. Fire Department.

Tim Ogden, Fire Chief, introduced Danta D’Antonio, David Ferreira, and Kaiwan Purveyor.

III. PRESENTATIONS

A. Interviews of Applicants for Boards, Commissions and Committees.

Council held a question-and-answer session with Shay Mikell, Parks and Tree Advisory Commission applicant and Pazanta Byars, Tourism Development Advisory Committee applicant.

B. Advancing Officer Well-Being through the Cummings Foundation.

Stephanie Price, Fire Chief, introduced Dr. Baker who provided background information on the Cummings Foundation. He stated they are bringing their expertise in order to create an evidenced-based behavioral wellness program. We would be the second department to be awarded this grant. The first was in Arlington, Virginia. He gave an overview of the grant that has three components and went over the program’s four phased implementation timeline. He mentioned that Beaufort was selected for the positive level of community engagement they provide. The launch date is scheduled for April 1, 2025, and will have a 2-year commitment. The program could possibly be extended.

IV. DISCUSSION ITEMS

A. Request to add two board seats to the Cultural District Advisory Board.

Bonnie Hargrove and Mitzi McClure, members of the board, addressed Council as to why the board would like to expand the seats by 2. One for the Friedmans Art District and another at-large seat. This would bring the total to 9. This would further enhance collaboration, strengthen partnerships, and support the district’s ongoing and future initiatives.

Council is supportive. Staff will bring back an ordinance addressing these changes.

B. Discussion regarding the Downtown Beaufort Merchants Association.

Linda Roper, Downtown Operations, stated that several years ago, Eric and Mary Thibault reached out to other merchants and proposed that they stay open later in the evening on the First Friday of each month. They then approached Council about their idea and the city helped with establishing a non-profit called the Downtown Beaufort Merchant's Association (DBMA) in 2017.

Mr. Joe O'Brien stated that since its inception, there are now only two sitting board members. Mr. O'Brien stated that while support for First Fridays has remained high, the organization has struggled to recruit members who can serve in a leadership capacity on the board. At a recent meeting between the City and DBMA members, they all endorsed a plan to ensure the future success of the event by the organization disbanding and the event coming under the umbrella of Downtown Operations. A committee could be formed to help plan the event with other interested organizations. Not only would this give merchants the opportunity to be involved without taking on the burden of running a separate corporate entity, but it would also open the event up to other individuals and organizations who are interested.

Ms. Roper reported that she spoke with Main Street South Carolina, about this issue and what was being proposed. They suggested that the DBMA be "mothballed". Tax returns would be filed at zero and this could happen for a long period of time. This way the organization could be reenacted if desired. She stated that staff is supportive of moving this under the Main Street umbrella.

Councilman Scallate inquired about the resident agent for the organization. He asked if the DBMA would still have to legally have a Board of Directors since they are a non-profit even if the organization was "mothballed."

There was a discussion as to whether street closures downtown were helpful or hurtful to businesses. There have been discussions about putting out a survey on the matter to the merchants.

Councilman Lipsitz asked if this would affect the Tiger Team Initiative in any way.

Scott Marshall, City Manager, inquired about transfer of assets.

Council is supportive of moving forward.

C. Road Re-Naming Process Discussion.

JJ Sauv , Deputy City Manager, began by stating that after the Worksession where the renaming of Southside Loop was discussed, the city learned that there needs to be a name for the new Airport Frontage Road now that it has been completed, and the roadway has been turned over to the city. He went over the legal and best practices that municipalities must take to rename roads in South Carolina within their jurisdictions. Names can be made by either a Resolution or an Ordinance in the state. Staff recommends these name changes be done by Ordinance, as Resolutions are more for a temporary situation. All name changes are required to go through the Planning Commission and a Public Hearing must be held during their meeting. Once approved by the Commission, an Ordinance would then come before Council for First Reading and another Public Hearing would take place.

Councilman Scallate questioned why two Public Hearings would be needed.

Council is supportive of moving forward with these processes.

Council will provide their recommendations of names for the Airport Frontage Road to staff.

V. ADJOURN

6:20 PM

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DRAFT

Subject: Airport Frontage Road
Date: Tuesday, March 11, 2025 at 12:09:50 PM Eastern Daylight Time
From: Bishop, Brittanee
To: John Sauve
CC: Raul Dominguez
Priority: High
Attachments: Airport_Public-Meeting-Exhibit-Overview.pdf

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

JJ,

Please see the notes below to assist you with your meeting this evening to officially name Airport Frontage Road:

- Airport Frontage Road was a project developed by the City of Beaufort's 2017 Study of the Lady's Island Corridor and was included in the 2018 Transportation Sales Tax Referendum that was approved by the votes of Beaufort County citizens. The project scope includes connecting Little Creek Road and Lost Island Road to a traffic signal along US 21 (Sea Island Parkway). [rpt](#)
- Due to local funds (County-wide collected Transportation Impact Fees) the project was phased out into two (2) (Lost Island Road to US 21 at Airport Circle and Phase 2 Little Creek Road to Lost Island Road) which allowed Phase 1 to be funded. Sam's Point Road Right Turn Lane was another example of leveraging local dollars vs. sales tax collection.
- Ward Edwards – Design Engineers / Kimley Horn – Traffic Signal Design / Others
- Through project development, the project has had two names: AIRPORT FRONTAGE ROAD and AIRPORT JUNCTION ROAD.
- The recommendation from the 2018 Sales Tax Program is either keep one of the original names for future project research purposes OR as phase 1 will connect to phase 2, Little Creek Road Extension. Whatever is chosen (outside of recommendation) is fine as the County has no ownership/maintenance responsibility of the infrastructure.
 -
 -
 - **ATTACHED IS AN EXHIBIT TO SHARE WITH COUNCIL**
- Phase 2 is in right of way acquisition and anticipated to bid for construction in the 4th quarter

of 2025.

- For more information:
 - Visit/Sign up for newsletters at WWW.BEAUFORTCOUNTYPENNY.COM
 - Email INFO@BEAUFORTCOUNTYPENNY.COM

Let me know if you need anything else.

Thank you,

Brittane Bishop

Program and Finance Manager

Beaufort County Engineering

(843) 255-2692 Office

(843) 986-4078 Mobile

brittane.bishop@bcgov.net

Monday, May 19, 2025 at 2:28:53 PM Eastern Daylight Time

Subject: Airport Rd

Date: Saturday, March 15, 2025 at 10:19:35 AM Eastern Daylight Time

From: Phillip Scallate

To: Scott Marshall, John Sauve

My recommendation for the renaming of the new Rd across from the airport on Ladys Island is to name it in recognition and appreciation for Connie Hipp's dedication to 40 yrs of leadership development through her role with Leadership Beaufort.

Best Regards,

Josh Scallate
City Councilman

City of Beaufort
1911 Boundary Street
Beaufort SC 29902
pscallate@cityofbeaufort.org

Scott Marshall
CITY MANAGER
843-525-7070

John Sauvé
DEPUTY CITY MANAGER
843-379-7525



CITY OF BEAUFORT
1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

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

March 7, 2025

MEMORANDUM

To: City Council

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

Re: Road Re-Naming Process

Issue

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

Rule

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

- **South Carolina Code of Laws § 5-7-30** (Each municipality . . . may enact regulations, resolutions, and ordinances . . . including the exercise of powers in relation to roads, streets . . .)
- **South Carolina Code of Laws § 6-29-1200** (Comprehensive Planning Act, requiring Planning Commission review for changes to road names on official maps)
- **Municipal Association of South Carolina (MASC) Comprehensive Planning Guide**, which outlines best practices for municipal planning procedures
- **County and emergency response (E-911) guidelines** for road name changes

Analysis

1. **Determine the Appropriate Legislative Action:**
 - The municipality has discretion to rename roads it owns through either a resolution or an ordinance.
 - **Ordinance vs. Resolution:**

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

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

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

3. Public Notification and Required Public Hearing:

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

4. Council Approval and Ordinance Adoption:

- After receiving the Planning Commission's recommendation and conducting the required public hearing, City Council must review the findings and hold a formal vote.

Scott Marshall
CITY MANAGER
843-525-7070

John Sauvé
DEPUTY CITY MANAGER
843-379-7525



CITY OF BEAUFORT
1911 Boundary Street
BEAUFORT, SOUTH CAROLINA 29902

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

- The Council must adopt an ordinance specifying the new road name and the effective date.

5. Notification and Implementation:

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

Conclusion

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

CODE AMENDMENT

CHAPTER 8: ENVIRONMENTAL AND RESOURCE PROTECTION

8: ENVIRONMENTAL AND RESOURCE PROTECTION

8.1: PURPOSE AND PROCEDURES

8.1.1 PURPOSE AND APPLICABILITY

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

8.1.2 REVIEW FOR COMPLIANCE

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

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

8.2: CRITICAL AREA BUFFER

8.2.1 PURPOSE

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

8.2.2 APPLICABILITY AND SIZE

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

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

8.2.3 DEVELOPMENT AND REMOVAL OF VEGETATION PROHIBITED

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

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

8.3: STORMWATER

8.3.1 PURPOSE

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

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

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

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

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

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

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

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

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

8.3.2 APPLICABILITY

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

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

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

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

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

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

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

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

Table of Applicability:

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

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

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

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

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

~~5. Agricultural and Silviculture activity.~~

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

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

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

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

8.3.3 STANDARDS

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

8.3.4 Wetland Standards

A. General Requirements

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

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

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

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

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

B. Wetland Delineation

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

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

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

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

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

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

b. The applicant or landowner of the site provides:

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

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

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

C. Wetland Buffers and Setbacks

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

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

a. General Wetland Buffers. A minimum buffer of one hundred (100) feet must be observed for all wetlands as defined by this Ordinance.

b. Wetland Buffer Zone with Major Subdivisions: For any Major Subdivision zone, the one hundred foot wetland buffer area shall not be required to be platted in a common buffer zone or lot, and not individual lots within the major subdivision.

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

d. Riparian Wetland Buffers. A minimum buffer of one hundred (100) feet must be observed when a wetland is adjacent to a waterway or a tributary of a waterway.

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

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

b. Dumping or filling with any materials;

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

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

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

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

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

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

c. Construction and maintenance of pedestrian walkways, including minor associated structures

such as benches and signage, that provide public access to adjacent wetlands for wildlife management and viewing, fishing, and recreational purposes, or that provide access to approved water-dependent development activities – provided the walkway is not more than four feet wide and is pervious;

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

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

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

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

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

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

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

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

h. Limited removal of the following:

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

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

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

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

i. Any impervious surfaces shall either be sloped away from the wetland and stormwater runoff from them shall be routed over a greater distance for filtration purposes, or constructed or installed in accordance with an alternative filtration design approved by the Official as

ensuring that the impervious surfaces do not adversely impact the natural functionality of the Wetland Buffer.

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

D. Other Requirements

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

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

8.3.5 Violations

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

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

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

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

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Bacteria	5%
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~~C.—**Stormwater Quantity Control:** The design storm criteria to be used in calculations for the sizing of peak attenuation and volume control BMPs is to limit the post-development runoff for multiple storm events including the 2-, 10-, and 25-year/24-hour storms to the pre-development rates.~~

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

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

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

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

8.3.4 BMP PLANNING AND SELECTION

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

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

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

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

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

8.4: ARCHEOLOGICAL IMPACT ASSESSMENT

8.4.1 ARCHEOLOGICAL IMPACT ASSESSMENT

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

Historic Sites in Beaufort County, South Carolina", dated June 30, 1992 (and amended from time to time) as having the potential to yield significant archeological information.

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

National Register of Historic Places. The Administrator may choose to bring the project to the Historic Review Board to make the determination as to whether or not adverse effects exists.

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

8.5: RENEWABLE RESOURCES

8.5.1 ~~SMALL WIND ENERGY SYSTEMS~~

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

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

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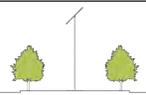
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- A. ~~Applicability: Wind turbines are considered accessory uses and are permitted in the zoning districts stated in the above chart. Any structure in the historic district that is visible from the street must be approved by the Historic District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

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

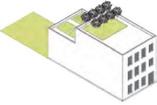
~~J. **Abandonment:** On determining that a small wind energy facility has been inoperable for 180 days or more, the Administrator shall send the property owner notice requiring restoration of the system to operating order within 180 days after receiving the notice. If the owner fails to restore the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

8.5.21 SOLAR ENERGY SYSTEMS

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

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

8.5.32 FOOD PRODUCTION

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

<p>consist of areas on tops of flat roofs that are used for gardens. They also mitigate carbon emissions and reduce storm water runoff. Container gardens, such as window boxes or balcony gardens, create small places for food production while enhancing the urban realm.</p>			
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This table shows ways of incorporating types of local food production in different zoning districts. Cities are increasingly allowing urban agriculture for household use, to encourage lower-cost food supplies and reduction in the energy consumption for food transport.

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

CODE AMENDMENT

CLEAN VERSION

CHAPTER 8: ENVIRONMENTAL AND RESOURCE PROTECTION

8: ENVIRONMENTAL AND RESOURCE PROTECTION

8.1: PURPOSE AND PROCEDURES

8.1.1 PURPOSE AND APPLICABILITY

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

8.1.2 REVIEW FOR COMPLIANCE

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

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

8.2: CRITICAL AREA BUFFER

8.2.1 PURPOSE

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

8.2.2 APPLICABILITY AND SIZE

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

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

8.2.3 DEVELOPMENT AND REMOVAL OF VEGETATION PROHIBITED

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

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

8.3: STORMWATER

8.3.1 PURPOSE

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

- A. Calibrate these controls based on the context of the site to ensure that walkable, urban patterns of development are favored as the primary Best Management Practices (BMPs).
- B. Design BMPs to be shared between multiple parcels and considered at a block or regional level where possible.
- C. Minimize increases in stormwater runoff from new development or redevelopment to the maximum extent practical for the applicable design storms in order to reduce flooding, siltation, and erosion, and maintain the integrity of stream channels, marshes and aquatic habitats.
- D. Minimize increases in non-point and point source pollution caused by stormwater runoff from development that would otherwise degrade local water quality.
- E. Minimize the total volume of surface water runoff that flows from any specific site during and following development in order to replicate predevelopment hydrology to the maximum extent practicable through the use of structural and nonstructural stormwater management BMPs.
- F. Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality so as to meet local, state and federal water quality standards in affected watershed areas.
- G. Define procedures for protection, conservation, enhancement, and proper maintenance of all existing wetlands and wetland buffer areas for water quality management
- H. Further, the protection of wetlands and wetland buffer areas from encroachment, pollution, degradation, alteration or elimination is a crucial element of the City's stormwater and water quality management plans and supports resilience efforts in anticipation of more frequent and severe weather events, as well as documented and projected sea level rise. Procedures to protect, conserve, enhance and maintain wetlands and wetland buffers are in the public interest and support the general welfare of the City.

-
- I. This Article is not in conflict with any development agreements to which the City is a party and does not prevent the Development set forth in any development agreement.
 - J. This Article is essential to the public health, safety or welfare and shall apply to any Development that is subject to a development agreement.
 - K. Laws of general application throughout the City necessary to protect health, safety and welfare are anticipated and are provided for in development agreements.
 - L. Substantial changes in Developmental impacts have occurred since the time the development agreements were signed, which changes, if not addressed in this Article would pose a threat to public health, safety or welfare

8.3.2 APPLICABILITY

- A. The Southern Low Country Stormwater Design Manual is applicable for all proposed development, redevelopment, and major substantial improvement shall provide stormwater quality control for the stormwater retention volume (SWRv) for Watershed Protection Areas and/or Special Watershed Protection Areas. The SOLOCO Manual includes Better Site Design (BSD) practices, green infrastructure/low impact development practices (GI/LID) as per the SOLOCO standards.
- B. Any disturbance within a wetland or wetland buffer area.
- C. Exemptions: The following activities are exempt from this Section:
 - 1. Any maintenance, alteration, renewal, or improvement as approved by the City which does not alter existing drainage patterns, does not result in change or adverse impact on adjacent property, or create adverse environmental or water quality impacts, and does not increase the temperature, rate, quality, or volume or location of stormwater runoff discharge;
 - 2. Projects that are exclusively for agricultural or silvicultural activities, not involving relocation of drainage canals, within areas zoned for these uses;
 - 3. Redevelopment that constitutes the replacement of the original square footage of impervious cover and original acreage of other Development activity when the original Development is wholly or partially lost due to natural disaster or other acts of God occurring; and,
 - 4. Work by governmental agencies or property owners required to mitigate emergency flooding conditions. If possible, emergency work should be approved by the duly appointed officials in charge of emergency preparedness or emergency relief. Property owners performing emergency work will be responsible for any damage or injury to persons or property caused by their unauthorized actions. Property owners will stabilize the site of the emergency work within 60 days, or as soon as reasonable, following the end of the emergency period;
 - 5. Installation of nature trails or pervious pedestrian access paths no greater than four (4) feet in width;
 - 6. Pruning or trimming of grasses, shrubs, and other smaller vegetation;
 - 7. Planting native species of plants;
 - 8. Removal of invasive species of plants;
 - 9. Any outdoor recreation activities not otherwise proscribed by the property owner or another applicable law or regulation, to include hiking, swimming, kayaking, canoeing, boating, horseback riding, hunting, fishing, shell fishing, and camping;
 - 10. Research of soil, vegetation, water, fish, or wildlife for educational, scientific, or conservation purposes;

11. Maintenance or repair of existing water-control devices or structures, provided the device or structure is not “degraded” as defined herein, and the maintenance or repair does not involve enlarging, expanding, constructing, or relocating such water-control structures or devices; or

12 Maintenance and repair of existing utilities and roadways, provided the activity does not involve enlarging, expanding, constructing, or relocating such utilities and roadways.

- D. **Private Drainage Systems Not City Responsibility:** Where private drainage systems and easements have been previously approved as private facilities, prior to the adoption of this Code, as well as all new development and redevelopment, and have not been accepted by the City, such facilities shall not become the city's responsibility. Such systems shall be denoted as "private" on any subdivision plat or land development plan, as well as in the respective covenants and agreements that control or follow the property.
- E. **Irrigation:** Irrigation, as required per Section 5.6.1 B., should use rainwater to irrigate when possible.

8.3.3 STANDARDS

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

8.3.4 Wetland Standards

A. General Requirements

1. This Section shall apply to all building, development, redevelopment, and site alteration within a wetland or wetland buffer area. Any person proposing to carry out a wetland disturbance under this Ordinance must, prior to the commencement of the activity, submit a Stormwater Permit application to the Code Administrator.
2. The Code Administrator shall review all materials submitted by an applicant and shall have the authority to require additional information about the project from the applicant, schedule a site visit, or require a preliminary meeting with the applicant. The Code Administrator may also request a review of the project by the Technical Review Committee (TRC).
3. The Code Administrator has the authority to issue, deny, or conditionally approve Wetland Certifications consistent with the standards, goals, and criteria set forth in this Ordinance, and subject to the procedures established herein.
4. The regulation of land uses both within and adjacent to Wetlands, having been determined to be in the best interest of the City, shall be done in a manner consistent with the review procedures and performance standards identified herein which reflect the relative importance, values, and functions of these areas.
5. No provisions of this Ordinance shall be construed to relieve the Applicant from the requirement to obtain permits issued by local, state, or federal agencies, prior to the commencement of any land disturbance activity within the boundaries of a wetland or wetland buffer.

B. Wetland Delineation

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

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

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

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

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

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

(a). The applicant or landowner of the site provides:

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

(2) No Wetlands are identified on the site by any prior Wetland Delineations, or any existing watershed plans or ADID studies, interim watershed plans, NRCS wetland inventory maps, or United States Fish and Wildlife Service National Wetlands Inventory Maps.

C. Wetland Buffers and Setbacks

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

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

a. **General Wetland Buffers.** A minimum buffer of one hundred (100) feet must be observed for all wetlands as defined by this Ordinance.

b. **Parks.** A minimum buffer of one hundred (100) feet must be observed when a wetland is part of, adjacent to, or within one hundred (100) feet of a local, state, or national park.

c. **Riparian Wetland Buffers.** A minimum buffer of one hundred (100) feet must be observed when a wetland is adjacent to a waterway or a tributary of a waterway.

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

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

b. Dumping or filling with any materials;

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

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

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

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

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

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

c. Construction and maintenance of pedestrian walkways, including minor associated structures such as benches and signage, that provide public access to adjacent wetlands for wildlife management and viewing, fishing, and recreational purposes, or that provide access to approved water-dependent development activities – provided the walkway is not more than four feet wide and is pervious;

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

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

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

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

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

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

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

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

i. Limited removal of the following:

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

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

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

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

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

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

D. Other Requirements

- 1. Notification of Start of Project. The holder of a stormwater permit issued pursuant to this Ordinance must notify the Code Administrator in writing at least five (5) business days prior to the start of a project that the stated project is going to begin.
- 2. Temporary Survey Stakes. Temporary survey stakes or flags delineating boundaries between wetlands, buffer areas, setbacks, and adjacent property must be placed at all project sites by an engineer or surveyor. The markers shall follow the contour of the wetlands, buffer areas, and setbacks and shall be placed not more than fifty (50) feet apart.

8.3.5 Violations

- A. The Code Administrator shall have the power to order restoration of a wetland area in the event of a violation. If the person responsible or agent does not complete such restoration within a reasonable time frame determined by the Code Administrator, City of Beaufort City Council shall have the authority to restore the affected wetlands to their prior condition, and the person or agent responsible for the violation shall be held liable to the City of Beaufort for the costs of such restoration.
- B. Whenever a violation of this Ordinance is alleged, any person may file a complaint with the Administrator. All such complaints must be in writing, accompanied by photos and supporting evidence, if possible. The Code Administrator shall record such complaints, immediately investigate, and determine the appropriate course of action pursuant to the provisions of this Ordinance.
- C. **Rainwater Cisterns Standards:** When utilized, rainwater cisterns shall comply with the following standards:
 - 1. **Location:** Rainwater cisterns shall be located directly adjacent to the principal structure on a lot. Rainwater cisterns shall not be located within front, side, or rear setbacks, unless the cistern is below 5 feet in height.
 - 2. **Capture Water from Principal or Accessory Structure:** Rainwater cisterns shall be affixed to capture rainwater from the principal structure or an accessory structure's gutter system.
 - 3. **Not Signage:** Rainwater cisterns shall not serve as signage.
 - 4. **Comply with Other City Policies:** Water collected from rainwater cisterns shall be used in a manner that complies with city policies and regulations on rainwater harvesting.

8.4: ARCHEOLOGICAL IMPACT ASSESSMENT

8.4.1 ARCHEOLOGICAL IMPACT ASSESSMENT

- A. **Intent of District:** It is the intent of this section to protect the many significant archeological resources of the City of Beaufort.
- B. **General Requirements:** The following requirements shall be adhered to:
 - 1. All proposed developments, other than single-family and 2-3 family units, along with major subdivisions, shall be required to have a determination from the Administrator indicating

whether or not the location of the proposed development contains any archeological resources. These resources shall be identified — by the city through existing surveys, historic maps and papers, and other information available from the South Carolina Department of Archives and History and the South Carolina Institute of Archeology and Anthropology — as being listed in, or having been determined eligible, or potentially eligible, for listing in the National Register of Historic Places, as well as those areas identified in the document entitled "Cartographic Survey of Historic Sites in Beaufort County, South Carolina", dated June 30, 1992 (and amended from time to time) as having the potential to yield significant archeological information.

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

F. Mitigation:

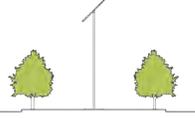
1. **Determination of Adverse Effects:** Upon receipt of an Intensive Level Archeological Survey final report, documenting archeological resources, and/or the South Carolina statewide survey forms documenting historic resources, the Administrator will determine whether the proposed project will have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

8.5: RENEWABLE RESOURCES

8.5.1

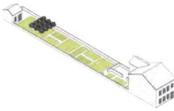
8.5.1 SOLAR ENERGY SYSTEMS

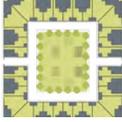
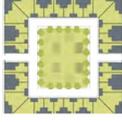
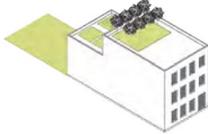
SOLAR ENERGY TYPES	DIAGRAM	ZONING DISTRICT
1. Solar Farm: A series of solar panels that may be either ground-mounted or roof-mounted.		T1, LI, RMX

<p>2. Roof Mounted Solar Panels: Panels that are either mounted on a sloped roof or flat roof.</p>		<p>all zones</p>
<p>3. Public Furniture: Applications where solar panels may be located within a public right-of-way.</p>		<p>all zones</p>

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

8.5.2 FOOD PRODUCTION

FOOD PRODUCTION TYPES	DIAGRAM	SPECIFICS	ZONING DISTRICT
<p>1. Farm: A primary or secondary use for a property. See Section 3.2 for primary use applications. Typically, a farm is a parcel of land where the majority of the acreage is devoted to crop production.</p>			<p>T1, T3, LI, IC</p>
<p>2. Vegetable Garden: Small portion of a residential parcel devoted to growing food.</p>		<p>Location: These are typically situated behind the primary structure. In T3 zones, they may also be in the front, provided that they are well-maintained.</p>	<p>T3, T4, IC</p>

<p>3. Community Garden (a.k.a. Allotment Garden): A mid-block area, typically divided into plots for the surrounding residents to grow food. These gardens provide a locus of recreation and sociability greater than that of the private yard, being one of the so-called third places.</p>		<p>Management: These are not privately owned, and are typically managed by a municipality, non-profit, or association.</p>	<p>T3, T4, T5, RMX, IC</p>
<p>4. Urban Farm: An area fronted by houses used for growing crops. It may be leased to one farmer, or split into plots for use by the residents. These may be temporarily created on vacant lots, or planned as part of block redevelopments or new neighborhoods.</p>		<p>Management: These are not privately owned, and are typically managed by a municipality, non-profit, or association.</p>	<p>T4, T5, RMX, IC</p>
<p>5. Green Roofs & Container Gardens: Areas within and on a building/parking area, utilized for growing spaces. Green roofs consist of areas on tops of flat roofs that are used for gardens. They also mitigate carbon emissions and reduce storm water runoff. Container gardens, such as window boxes or balcony gardens, create small places for food production while enhancing the urban realm.</p>			<p>T4, T5, RMX, IC, LI</p>

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

- A. **Applicability:** Food production is considered an accessory uses, except as noted above in "Farms," and is permitted in the zoning districts stated in the above chart.
- B. **Open Space Requirement:** These food production areas may be counted toward the Civic/Open Space allocation if they are open to the neighborhood at predictable hours or are visible from an adjacent Civic/Open Space in a way that contributes to the enjoyment of that Civic/Open Space (Section 7.4.3).
- C. **Location and Setback:** These may encroach into any side and rear setbacks. They may encroach into front setbacks in T3 districts, and in other districts, at the discretion of the Administrator. Associated

structures must meet the setback requirements for accessory structures per the zoning district (Sections 2.4.1 C. and 2.4.2 D.).

- D. **Animals:** Rules on animals related to food production are located in the city's Code of Ordinances, Chapter 4.

CODE AMENDMENTS

Chapter 2: Maps & Districts

Chapter 3: Land Use Provisions

Chapter 4: Building Design & Infill Standards



CITY OF BEAUFORT
Community Development Department

SCOTT MARSHALL
City Manager

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CURT FREESE
Community Development
Director

Date: January 16, 2024

From: Curt Freese, Community Development Director

To: Metropolitan Planning Commission

ISSUE: Beaufort Development Code Changes

BACKGROUND:

The Beaufort Development Code was adopted in 2017 with a forward-thinking form-based structure to regulate development. Stakeholders, from developers, board and council members to staff members and others, all identified numerous changes that must be addressed. A Code Workshop process was initiated with City Council to bring forward amendments. This process started on March 21, 2023, and has continued with public meetings on the third Tuesday of every month. The code amendments herein were limited to specific zoning and height requirements proposed for formal consideration before the new City Planning Commission, and then City Council. All requirements proposed have been discussed and vetted during these public meetings, with discussions at the September and October Code Edit meetings, apart from items that were scrivener's type errors/corrections.

PROPOSED AMENDMENTS

Please note, a copy of the track changes of the code sections in question are included in your packet with changes in red. The changes which involve several Sections of the code are found below:

2.4.1 TRANSECT STANDARDS

2.6.2 BUILDING HEIGHT

2.6.5 HEIGHT TRANSITION

2.7.1 HISTORIC DISTRICT

3.2 TABLE OF USES

3.6.2 COMMERCIAL USE REQUIREMENTS/STANDARDS

3.11.2 ACCESSORY USES



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CURT FREESE
Community Development
Director

3.12.2 TEMPORARY USES

4.5.3 CARRIAGE HOUSE

4.5.5 2-3 UNIT HOMES

4.5.6 ROWHOUSE

4.5.8 LIVE WORK BUILDINGS

DESCRIPTION AND SYNOPSIS OF CHANGES

2.4.1 Transect Standards

Analysis/Recommendation: Adding a note that all subdivision of lots in historic districts will be subject to the HRB process for clarity.

2.6.2 Building Height

Analysis/Recommendation: 1) Revising building height to be consistent with the adopted Flood Ordinance; 2) Adding the two story requirement measured 250' from any major intersection, as it is currently referenced within the specific building type categories, and lacks clarity.

2.6.5 Height Transition (New Code Section)

Analysis/Recommendation: Adding a 75' height transition area, with diagrams, to provide a reasonable transition for residents who live in homes next to higher order transect zones, like T-4 and T-5.

2.7.1 Historic District (Scriveners/Clarification)

Analysis/Recommendation: There has been some confusion as to what high ground references in the code. The proposed language is to provide clarification.

3.2 Table of Uses



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CURT FREESE
Community Development
Director

Analysis/Recommendation: This includes a number of major changes to accommodate missing middle housing and higher densities, which include the following:

- Addition of T-4NA specific standards in the zoning use table. Such standards did not exist.
- Adding 2-3 unit dwelling units in the T-3 districts.
- Adding Rowhomes as a conditional use in the T-3 districts
- Adding Apartment homes as a special exception in the T-3 districts.
- Adding Live Work Unit in T4 HN (with new conditions as per the proposed Section 3.6.2.

3.6.2 Commercial Use Requirements/Standards

Analysis/Recommendation: Five proposed major changes to this section:

- Revising the T-4 NA district for clarity, and also to allow indoor entertainment, as Staff has been approached by owners of industrial buildings in this district, who would like to convert to gyms, gymnastics and other uses which would serve the community and intention of the district.
- Clarifying that manufactured and mobile homes cannot be used for short term rentals.
- Adding a requirement that kennels in T-5 UC must not be visible from the public view.
- Adding specific standards for special exceptions in T4-HN, limiting the use, size of use, and signage.
- Adding clarity for split zoned T-5 UC and RMX properties, and standards for development.

3.11.2 Accessory Uses

Analysis/Recommendation: Elimination of the minimum size requirement for an attached ADU to allow for more flexibility.

3.12.2 Temporary Uses (clarification)

Analysis: Remove the term “steel” and replacing it with “metal” for temporary allowance of pod type moving storage.

4.5.3 CARRIAGE HOUSE



CITY OF BEAUFORT
Community Development Department

SCOTT MARSHALL
City Manager

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

CURT FREESE
Community Development
Director

Analysis/Recommendation: Two changes: 1) Allowing up to two ADUS in all districts, eliminating the 11 ADU requirement in the T-3 districts. 2) Eliminating the minimum size requirement.

4.5.5 2-3 UNIT HOMES

Analysis/Recommendation: Eliminate the two per block only restriction to allow for greater usage of this housing type.

4.5.6 ROWHOUSE

Analysis: Remove the T4-NA restriction and allow as per the Code table as a proposed Special Exception.

4.5.8 LIVE WORK BUILDINGS

Analysis: Removing the T-4 restriction for T-4 which makes such a live-work building impractical to build.

RECOMMENDATION: APPROVE AMENDMENTS TO BE SENT TO CITY ATTORNEY FOR REVIEW, AND THEN FORMAL RECOMMENDATION TO CITY PLANNING COMMISSION FOR CONSIDERATION.

2.4.1 TRANSECT-BASED DISTRICT STANDARDS

DISTRICT	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC
A. LOT CONFIGURATION						
1. Lot Width at Front Setback	75 ft min; for waterfront lots see Section 2.5.4	40 ft min, 60 ft min in the Hundred Pines neighborhood	40 ft min, 60 ft min in The Point	n/a	n/a	n/a
2. Lot Size	9,000 sf min; for waterfront lots see Section 2.5.4	4,000 sf min; 3,000 sf min for alley-served lots	4,000 sf min; 6,000 sf min in The Point	n/a	n/a	n/a
3. Maximum Lot Coverage ¹	30% of lot area	45% of lot area	55% of lot area	70% of lot area	100%	100%
4. Frontage Build-Out ²	n/a	n/a	75% max	60% min; 85% max	75% min	60% min
<p>¹ This percentage indicates maximum lot coverage by roofs; total impervious coverage may be an additional 10%. Parcels may also be subject to Section 8.3 (Stormwater).</p> <p>² See Section 2.5.1 B. for additional frontage build-out standards.</p> <p>3. Lots located in the historic district, will be subject to the Historic Review Board approval process of 9.9.2 D.</p>						
B. PRIMARY BUILDING PLACEMENT						
1. Front Setback; <i>for infill lots also see Section 2.5.2</i>	20 ft min	15 ft min	Average Prevailing Setback on Block	0 ft min	0 ft min	0 ft min
	No max	30 ft max ³		15 ft max	Max. Prevailing Setback on Block	15 ft max
2. Side Setback—Corner/Alley	15 ft min	6 ft min	5 ft min	0 ft min	0 ft min	0 ft min
	No max	No max	No max	10 ft max	15 ft max	15 ft max
3. Side Setback—Interior	10 ft min	6 ft min	6 ft min, 10 ft min in The Point	5 ft min, or 0 ft if attached	0 ft min	0 ft min
4. Rear Setback ⁴	15 ft min	15 ft min	15 ft min	10 ft min	0 ft min	5 ft min
5. Rear Setback from Alley ⁴	n/a	0 ft	0 ft	0 ft	0 ft	0 ft
6. Attached Garage/Carport	5 ft min	5 ft min	Attached garages shall only be accessed via an alley; garage doors shall not face the street			

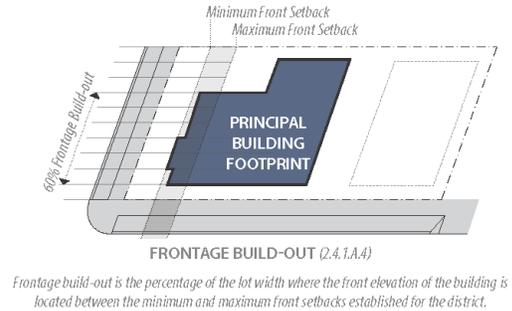
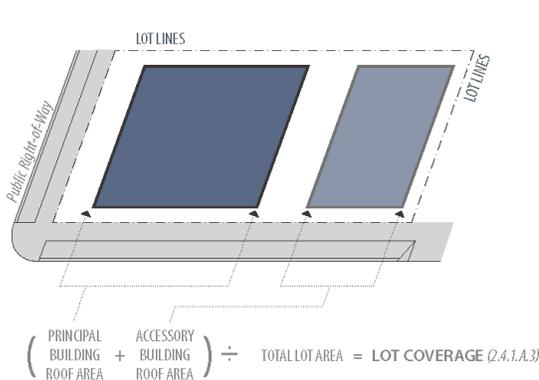
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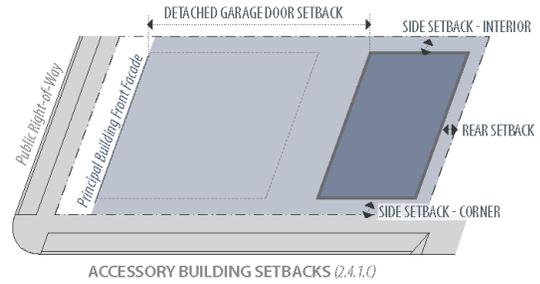
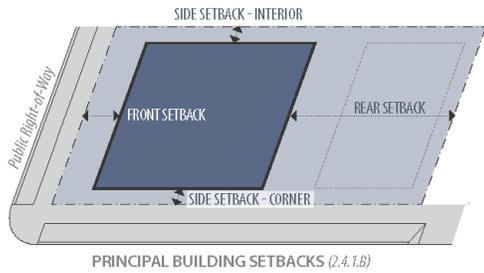
Setback (from front facade) ^{5, 6}						
C. ACCESSORY BUILDING PLACEMENT—See Section 3.11 for additional requirements						
1. Front Setback	Accessory structures shall be located behind the front facade of the primary structure, except as provided for in Section 2.5.4 (Waterfront Lots) and Section 4.5.3 (Carriage House); see item 6 below for setback for detached garage doors					
2. Side Setback—Corner/Alley ⁵	5 ft min	5 ft min	5 ft min	3 ft min	0 ft min	0 ft min
3. Side Setback—Interior	5 ft min	5 ft min	5 ft min	5 ft min	0 ft min	0 ft min
4. Rear Setback ⁴	5 ft min	5 ft min	5 ft min	5 ft min	0 ft min	0 ft min
5. Rear Setback from Alley ⁴	3 ft min	3 ft min	3 ft min	3 ft min	3 ft min	3 ft min
6. Detached Garage Door/Carport Setback (from front facade) ⁵	5 ft min	20 ft min	20 ft min	20 ft min	Shall be located behind primary building and accessed via alley or side street ⁷	
<p>³ When lot width is 75 ft or greater, there is no maximum front setback.</p> <p>⁴ Garage doors shall be 15 ft min from alley centerline.</p> <p>⁵ In addition to the setback requirements listed above, garage doors/carports which face a public right-of-way, except for rear alleys, shall be set back a minimum of 20 ft from that right-of-way.</p> <p>⁶ The Battery Shores and Islands of Beaufort neighborhoods are exempt from this standard when garage doors do not face a public right-of-way. In the Jericho Woods neighborhood, carports are exempt from this standard.</p> <p>⁷ Also see Section 2.5.7(Street Access Standards).</p>						
D. BUILDING FORM						
1. Primary Building Height—See Section 2.6	No min	No min	No min	2 stories min ⁸	2 stories min	2 stories min ⁸
	2.5 stories max	2.5 stories max	3 stories max	4 stories max; 3.5 stories max in & fronting Historic District & interior lots along Allison Rd.	3 stories max at property line, see 2.6.1.G	5 stories max; 3.5 stories max in & fronting Historic District
2. Accessory Building Height	2 stories or 30 ft max	2 stories or 30 ft max	2 stories or 30 ft max	2 stories or 30 ft max	2 stories max	2 stories max

3. Building Width at Frontage	n/a	n/a	n/a	100 ft max	100 ft max ⁹	160 ft max ⁹
⁸ Two stories are only required at significant intersections, in accordance with Section 2.6.3 and the Street Hierarchy Diagram in Appendix C.3. ⁹ Buildings exceeding this maximum shall comply with the Large Footprint Building standards in Section 4.5.10.						
E. PARKING PAD LOCATION —There are no interior side setbacks for parking unless buffers are required per Section 5.5. See Section 2.5.8 for additional provisions						
1. Front Setback	There are no parking setbacks, however, driveways shall be located to the side of the lot/primary structure except on waterfront lots meeting the conditions stated in 2.5.4.	40 ft min	40 ft min	40 ft min	40 ft min	
2. Side Setback—Corner		5 ft min	15 ft min	5 ft min	5 ft min	
3. Rear Setback		5 ft min	5 ft min	0 ft min	0 ft min	

LOT CONFIGURATION (2.4.1.A)

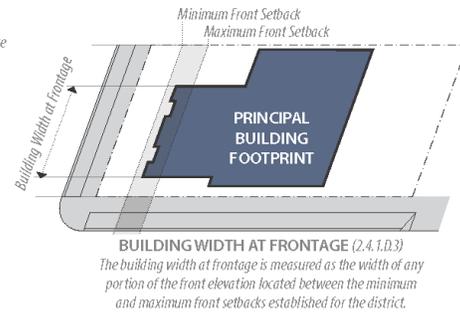
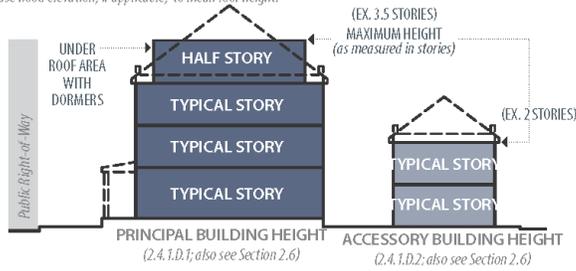


BUILDING PLACEMENT (2.4.1.B—C)

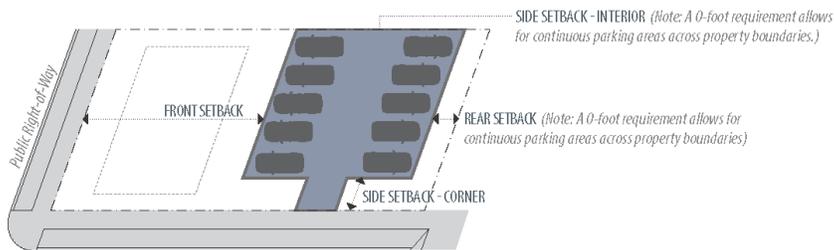


BUILDING FORM (2.4.1.D)

Maximum height in stories is measured by counting the number of floors, or a portion thereof. If maximum heights are listed by a dimensional standard, height is measured from average grade, or first floor above base flood elevation, if applicable, to mean roof height.



PARKING LOCATION (2.4.1.E)



2.6.2 BUILDING HEIGHT ABOVE GRADE

A. General to All Zones:

1. Freeboard: ~~In addition to the standards listed below, where a parcel is located in a flood hazard zone, the minimum elevation above grade is 1 foot above base flood elevation. In special flood hazard areas (zones A, AE, AH, AO, A1-30, V and VE) and other areas with the potential of flooding (such as x and shaded x zones) where base flood elevation data has been provided by FEMA Flood Insurance Maps, the following provisions are required: New Construction, substantial improvement, or an addition, including an addition to a historic structure, the footprint of which is over thirty-three (33) percent of the footprint of existing structure, shall have the lowest floor elevated to the most restrictive of the design elevation of 13 feet or the base flood elevation plus one foot of freeboard. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with national flood insurance program technical bulletin #1~~
2. Exception: Commercial buildings that have been floodproofed, per ASCE Section 24 or most recent version, do not have to be elevated above grade.

B. Specific to T3 Zones:

1. If the finished floor of new single-family residential construction will be lower than the average grade along any property line, the finished floor must be elevated a minimum of 18" above finished grade adjacent to the building exterior.
2. The finished ground floor elevation for 2- and 3-unit buildings shall be elevated a minimum of 2 feet above the average adjacent sidewalk, or adjacent street grade where no sidewalk is present.
3. If a single-family residence in a T3 zone is developed as part of an Alternative Development Pattern (Section 2.8), it shall be elevated a minimum of 18" above the average adjacent sidewalk grade or adjacent street grade where no sidewalk is present.

C. Specific to T4 Zones:

1. The finished ground floor height for residential structures shall be elevated a minimum of 2 feet above the average adjacent sidewalk grade or adjacent street grade where no sidewalk is present. Apartment Houses are permitted to be a minimum of 18" above grade, per Section 4.5.7.
2. The ground floor height of single-family residential structures shall be a minimum of 9 feet from finished floor to ceiling.
3. The ground floor height of multi-family residential structures shall be a minimum of 10 feet from finished floor to ceiling.
4. The ground floor height of commercial buildings shall be a minimum of 11 feet from finished floor to ceiling.
5. Each full story above the ground floor shall be a minimum of 8 feet from floor to ceiling.

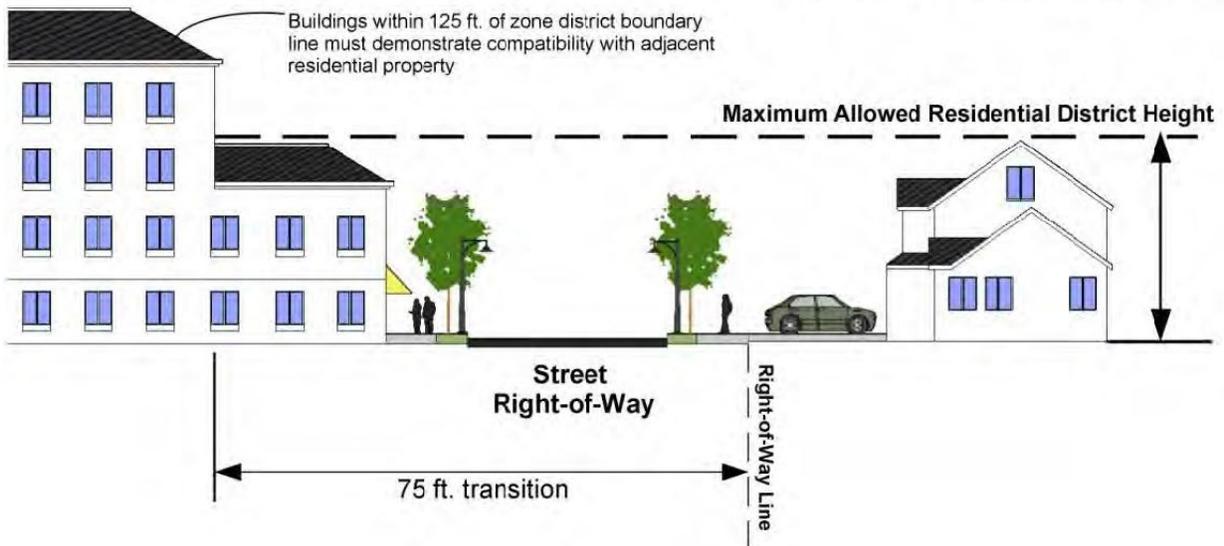
D. Specific to T5 Zones:

1. The finished ground floor height for residential structures shall be elevated a minimum of 3 feet above the average adjacent sidewalk grade. Apartment Houses are permitted to be a minimum of 18" above grade, per Section 4.5.7.

-
2. The ground floor height of residential structures shall be a minimum of 10 feet from finished floor to ceiling.
 3. The ground floor height of single-story commercial buildings shall be a minimum of 14 feet from finished floor to ceiling.
 4. The ground floor height of multi-story commercial buildings shall be a minimum of 12 feet from finished floor to ceiling.
 5. In T5-DC, the Historic Review Board may permit deviations from the minimum height requirements listed above if doing so would allow a structure to be more compatible with the surrounding context.
 6. Each full story above the ground floor shall be a minimum of 8 feet from floor to ceiling.

E. Specific to Zones T4-N and T5-UC: Two-story minimum buildings are required within 250 feet of any Significant Intersection (see Street Hierarchy Diagram in Appendix C.3) as measured from the centerline of the intersection. Any parcel that is partially within the 250-foot radius will be required to comply with the minimum two-story height requirements.

2.6.5 Height Transition: Any portion of a building located within the T-4, T-4N, T5-UC, or RMX District, shall have a maximum height no greater than the maximum height allowed in the adjacent zoning district. Where a street separates the zoning districts, the measurement shall be from the street right-of-way line opposite the T-4, T-4N, T5-UC, or RMX District.



2.7.1 BEAUFORT HISTORIC DISTRICT (HD) OVERLAY

- A. **Purpose:** The purpose of the Beaufort Historic District is to promote the educational, cultural, and general welfare of the public through the preservation, protection, and enhancement of the old, historic or architecturally significant structures and areas of the City and to maintain such structures and areas as visible reminders of the history and cultural heritage of the City, the state, and the nation. The Historic District is a pedestrian-oriented area.
- B. **Applicability:** Properties within the Beaufort Historic District are subject to specific standards found in this section, and to the review procedures of the Historic District Review Board as described in Section 10.7.
- C. **Beaufort Historic District Designated:** For the purpose of this section, the Beaufort Historic District is hereby established. The boundaries of this district shall be designated on the official Zoning Map of the City of Beaufort. The boundaries of the Beaufort Historic District and the Beaufort National Historic Landmark District are the same with the following clarifications/exceptions:
1. Where boundaries are designated at specific roads, the centerlines of the rights-of-way of those roads shall be deemed said boundaries.
 2. The east and south boundaries of the district are established at the Beaufort River. These boundaries are established at the parcel lines, seawalls, or at mean high water mark, whichever extends further from the high ground.
 3. Structures attached to the high ground are deemed to lie within the district and shall be reviewed in entirety in accordance with the provisions of this section. High Ground (Historic District) - any parcel that is at or above the mean high-water mark within or directly adjacent or attached to the boundaries of the Historic District. An example of a structure attached to the High Ground but not within the boundaries of the district would be the Beaufort marina adjacent to Historic Downtown Beaufort.
- D. **Subdistricts Established:** The Beaufort Historic District shall be composed of 2 subdistricts identified as the Beaufort Preservation Neighborhood (BPN) and the Beaufort Conservation Neighborhood (BCN). There may be established one or more of each subdistrict within the Beaufort Historic District, provided that all such districts shall consist of at least five acres of contiguous land. The boundaries of these subdistricts shall be designated on the official Zoning Map of the City of Beaufort. Where the term Beaufort Historic District (or a similar reference, such as "historic district") is used in this section or in any supplementary materials, it shall apply to both subdistricts. However, where there is a specific reference to a subdistrict, that specific reference shall apply and supersede any reference to the Beaufort Historic District.
- E. **Trash and Recycling Screening:** All private trash and recycling receptacles shall be hidden or screened from view. Unscreened facilities shall come into compliance with the provisions of this section within 18 months of adoption of this Code.
- F. **Exemptions:**
1. The Bladen Street Redevelopment District overlay zone is exempted from Historic District Overlay standards (See Section 2.7.3 F.).
 2. Routine maintenance and repair of any of the existing features of a structure that does not involve a change in design, type of materials, or outward appearance shall be exempt from the review and approval requirements of this section.

- 3: LAND USE PROVISIONS
3.2: TABLE OF PERMITTED USES

3.2: TABLE OF PERMITTED USES

Land uses in transect-based and conventional districts shall be permitted in accordance with the table below. Special provisions related to uses in the AICUZ Overlay District are in Section 2.7.4. The zoning designation of water is the same as the land it is adjacent to.

P=Permitted Use
C=Conditional Use
SE=Special Exception
E=in Existing Building/Facility Only

RF = Retail Frontage Only
A=T4-Neighborhood Artisan subdistrict Only
— = Prohibited use

DISTRICT	T1	T3-S	T3-N	T4-HN	T4-N	T4-NA	T5-DC	T5-UC	RMX	LI	IC	MHP	LANDS WHEN APPLICABLE
RESIDENTIAL													3.3
Household Living													
Single-Family Dwelling	—	P	P	P	P	P	E	E	E	E	E	—	—
2- or 3-Unit Dwelling	—	P	GP	P	P	P	P	P	—	—	P	—	4.5.5
Rowhome	—	C	C	—	C	SE	P	P	P	—	P	—	4.5.6
Apartment House (a.k.a. Multifamily Dwelling - 4+ units)	—	SE	SE	—	C	SE	P	P	P	—	P	—	4.5.7
Home Occupation - Minor	—	C	C	C	C	C	P	P	P	—	—	—	3.3.2.D
Home Occupation - Major	—	SE	SE	SE	C	C	P	P	—	—	—	—	3.3.2.D
Live-Aboard Boat	C	C	C	C	C	C	C	C	C	C	C	C	3.3.2.D
Live/Work Unit	—	—	—	SE	C	P	P	P	P	C	P	—	4.5.8
Manufactured Home	—	—	—	—	—	—	—	—	—	—	—	C	3.3.2.G
Group Living													
Group Dwelling (≤ 8 residents)	—	—	—	—	P	—	P	P	P	—	—	—	—
Group Dwelling (> 8 residents)	—	—	—	—	SE	—	SE	P	P	—	P	—	—
PUBLIC AND CIVIC													3.4
Civic/Government Facilities													
Educational Facilities	C	—	SE	SE	P	P	P	P	P	P	P	—	3.4.2.A
Educational Facilities													
College/University/Trade/Vocational	—	—	—	—	C	—	P	P	P	C	P	—	3.4.2.B.1
School, Public or Private	—	C	C	C	P	—	P	P	P	—	P	—	3.4.2.B.2
Parks and Open Space													
Cemetery	C	E	E	E	E	E	E	E	C	E	E	E	3.4.2.C

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- 3: LAND USE PROVISIONS
3.2: TABLE OF PERMITTED USES

Park/Open Space	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	7.4	
INSTITUTIONAL													3.5	
Community Service	—	SE	SE	SE	P	<u>P</u>	P	P	P	SE	P	—	—	
Day Care Facility														
Family Day Care Home (≤ 6 clients)	See Home Occupation — Minor													
Group Day Care Home (7-12 clients) & Commercial Day Care Center (>12 clients)	—	—	SE	C	C	<u>C</u>	P	P	P	P	P	—	3.5.2.A	
Treatment Facility	—	—	—	—	SE	<u>SE</u>	SE	SE	P	—	SE	—	—	
Health Care Facilities	—	—	—	—	—	<u>—</u>	—	P	P	—	P	—	—	
Religious Institution	—	C	C	P	P	<u>P</u>	P	P	P	<u>SE</u>	P	—	3.5.2.B	
COMMERCIAL													3.6	
Entertainment														
Indoor Entertainment	—	C	C	—	C	<u>P</u>	P	P	P	P	P	—	3.6.2.A	
Outdoor Entertainment	—	—	—	—	C	<u>P</u>	P	P	P	—	P	—	3.6.2.A	
Sexually-Oriented Business	—	—	—	—	—	<u>—</u>	—	—	—	C	—	—	13.2.1	
Office	—	—	—	—	P	<u>P</u>	P	P	P	P	P	—	—	
Overnight Guest Accommodation														
Bed and Breakfast	—	—	SE	SE	P	<u>P</u>	P	P	—	—	—	—	3.6.2.C.1	
Short-Term Rental	—	C	C	C	C	<u>C</u>	C	C	—	—	C	—	3.6.2.C.2	
Inn/Motel/Hotel	—	—	—	—	C	<u>C</u>	P	P	P	—	—	—	3.6.2.C.3	
Recreational Vehicle Park	—	—	—	—	—	<u>—</u>	—	—	SE	—	—	—	—	
Retail & Restaurants	—	—	—	—	C	<u>C</u>	C	C	P	—	C	—	3.6.2.D	
VEHICLE- AND BOAT-RELATED USES													3.7	
Vehicle and Boat Sales and Rental	—	—	—	—	<u>A</u>	<u>C</u>	—	C	P	—	—	—	3.7.2.A	
Drive-Thru Facility	—	—	—	—	—	<u>—</u>	—	C	C	SE	—	—	3.7.2.B	
Fuel Sales/Car Wash	—	—	—	—	—	<u>—</u>	—	C	C	P	—	—	3.7.2.C	
Vehicle Service and Repair	—	—	—	—	C	<u>—</u>	—	C	C	P	—	—	3.7.2.D	
Parking, Commercial, Surface	—	—	—	—	C	<u>—</u>	C	P	P	P	P	—	3.7.2.F	
Parking, Structure	—	—	—	—	RF	<u>—</u>	P	P	P	P	P	—	—	
Passenger Terminals	—	—	—	—	—	<u>—</u>	—	SE	P	P	—	—	3.7.2.G	
Water/Marine-Oriented Facilities	P	—	—	—	P	<u>—</u>	P	P	—	—	P	—	—	
INDUSTRIAL													3.8	
Aviation Services	—	—	—	—	—	<u>—</u>	—	—	—	P	—	—	—	
Light Industrial Services	—	—	—	—	<u>A</u>	<u>C</u>	—	C	C	P	—	—	3.8.2.A	
Manufacturing and Production Services	—	—	—	—	<u>A</u>	<u>C</u>	—	—	C	P	—	—	3.8.2.B	
Truck Terminal	—	—	—	—	—	<u>—</u>	—	—	—	P	—	—	—	
COMMUNICATION & INFRASTRUCTURE USES													3.9	
Major Infrastructure/Utilities	—	—	—	—	<u>A</u>	<u>C</u>	—	—	SE	P	—	—	3.9.2.A	

- 3: LAND USE PROVISIONS
3.2: TABLE OF PERMITTED USES

Minor Infrastructure/Utilities	E	C	C	C	C	C	C	C	C	P	C	—	3.9.2.B
Waste Related Services	—	—	—	—	—	—	—	—	—	SE	—	—	3.9.2.C
Wireless Communications Facility	—	—	—	—	—	—	—	—	C	C	—	—	3.9.2.D
FORESTRY, AGRICULTURE, HORTICULTURE	C	C	C	C	C	C	C	C	C	C	C	—	3.10

3.2.1 OVERVIEW OF USE CATEGORIES

- A. **Definition of Use Category:** See Section 13.1 (Definitions of Specialized Terms).
- B. **Basis for Classification:** Use categories classify land uses and activities into categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The use categories provide a systematic basis for assigning present and future land uses into appropriate Districts.
- C. **Principal Uses:** Principal uses are assigned to the category that most closely describes the nature of the principal use. The "Characteristics" subsection of each use category describes the common characteristics of each principal use.
 - 1. **Developments with Multiple Principal Uses:** When all principal uses of a development fall within one use category, the entire development is assigned to that use category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.
- D. **Accessory Uses:** Accessory uses are allowed by-right in conjunction with a principal use, unless otherwise stated in this Code. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the use category descriptions. See Section 3.12 for additional standards for accessory uses and structures.
- E. **Use of Examples:** The "Examples" subsection of each use category lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself a "wholesale warehouse," but sells mostly to consumers, is included in the "Retail Sales and Service" category rather than the "Wholesale Sales" category. This is because the actual activity on the site matches the description of the "Retail Sales and Service" category.
- F. **Similar Use Interpretation Criteria:** The following considerations shall be used in making similar use interpretations:
 - 1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category.
 - 2. The relative amount of site area or floor space and equipment devoted to the activity.
 - 3. Relative amounts of sales from each activity.
 - 4. The customer type for each activity.
 - 5. The relative number of employees in each activity.
 - 6. Hours of operation.

-
7. Building and site arrangement.
 8. Vehicles used with the activity.
 9. The relative number of vehicle trips generated by the use.
 10. How the use advertises itself.

3.6.2 ADDITIONAL STANDARDS FOR COMMERCIAL USES

The following additional standards apply to the approval and development of projects where the use is listed in the "Table of Permitted Uses" in Section 3.2 as Conditional (C), Special Exception (SE), or T4-Neighborhood Artisan (A). In addition, any Building Design standards, as set forth in Article 4, apply as applicable.

A. **Entertainment Uses (Indoor and Outdoor):**

1. **Specific to T3:** Indoor and outdoor entertainment are permitted if the property is owned by a neighborhood association or property owners' association, and if the use is owned and managed by that association.
2. **Specific to T4-N:** Indoor Entertainment shall be limited to 2,500 SF in a standalone building.
~~unless Indoor Entertainment is a permitted use - it is part of~~ when located in a mixed-use building or mixed use development.
3. **Specific to T4-NA: Indoor Entertainment, Community Service and Office uses are permitted uses.**
4. **Specific to T4-N and T5-UC:** Outdoor Entertainment is permitted on parcels 7 acres or larger.

B. **Sexually-Oriented Businesses:** See Section 13.2.1.

C. **Overnight Guest Accommodation:**

1. **Bed and Breakfasts (B&B):**

- a. **Number of Rental Rooms:** 10 maximum, not including the caretaker's quarters.
- b. **Signs:** Total sign area for all signs advertising the B&B shall not exceed 5 square feet. All signs shall be constructed of wood or other durable non-plastic materials.
- c. **Parking:** One space per room, plus 1 space for the resident manager shall be provided on-site. Formalized on-street parking spaces meeting the requirements of Section 5.7.4 B. may count towards this requirement.
- d. **Spacing:** There shall be no other B&B in a T3 or T4-HN zoning district located within 500 feet of a proposed B&B in either of these districts. Distances shall be measured from the property line.
- e. **Meals:** No meals will be served to anyone other than registered guests, except as provided for in Section 3.6.2 C.1.f. below. No variances from this condition shall be permitted.
- f. **Events:** Business meetings, receptions, teas, and other events are permitted, provided that the events are hosted for registered guests. This shall apply to all B&Bs established under the Beaufort Code.
- g. **Operation:** B&Bs shall be operated by a resident manager living on the premises.

2. **Short Term Rental:**

- a. **Specific to T3-S, T3-N, and T4-HN:** Short term rentals, where the owner does not live on the premises, are limited to 6% of the lots in the neighborhood as shown on the City of Beaufort Neighborhoods Map zoned T3-S, T3-N, and/or T4-HN with the following exceptions:
 - i. Structures on the City's List of Vacant and Abandoned Structures being rehabilitated for use as a short term rental; and
 - ii. Short term rentals are prohibited in The Point neighborhood, as shown on the City of Beaufort Neighborhoods Map.

-
- b. **Minimum Stay:** 2 nights.
 - c. **Permitted Rental Types:**
 - i. Rental of the primary dwelling.
 - ii. Rental of an accessory dwelling.
 - iii. Rental of a portion of a primary dwelling.
 - iv. Rental of a boat in an approved marina.
 - d. **Parking:** Parking shall be provided on-site and located to the side or rear of the dwelling. On-site parking shall be clearly delineated with an improved surface such as pavement, gravel, or another method approved by the administrator. If formalized parking is provided on the street(s) adjacent to the primary or accessory unit, this may be utilized in lieu of on-site parking.
 - e. **Rental Agreement:** The applicant shall provide a copy of the rental agreement that will be used. The rental agreement shall specify the following:
 - i. The minimum stay.
 - ii. The maximum number of guests—which shall be based on the number of beds in the unit. For Primary house rentals, the number of adult guests is limited to 2 per bedroom. For Carriage House rentals, the total number of adult guests is limited to 4.
 - iii. The maximum number of vehicles permitted at the unit—which shall be based on the number of bedrooms and the design of the driveway. For Primary house rentals, the number of vehicles is limited to 1 per bedroom. For Carriage House rentals, the total number of adult guests is limited to 2.
 - iv. Where guests are to park. Where no formalized on-street parking is available, the agreement shall specify that guests are to park on-site and not in the street.
 - v. That the City's noise ordinance applies between 9:00 p.m. and 8:00 a.m.
 - vi. Prohibit large gatherings such as weddings and reunions unless specifically approved by the City.
 - vii. Pets, if permitted, are not to be left outside unattended.
 - f. **Property Management Plan:** A property management plan shall be developed and approved by the administrator. The property management plan shall identify a property manager. Where the property owner does not live on the premises, the property manager must be available to appear on the premises to respond a complaint within three hours of being notified by the administrator. Where the property owner lives on the premises, a back-up property manager must be identified unless the owner certifies the unit will not be rented when the owner is out of town. The administrator shall be notified when management of the unit changes. Failure to comply with the approved property management plan shall result in the revocation of the zoning permit (Section 9.4).
 - g. **Signs:** No on-site signs shall be permitted.
 - h. **Rental Rules:** Rental rules, including use of the sanitation and recycling roll-carts, and emergency contact information including the police non-emergency number, shall be posted in a conspicuous location in the unit.

- i. **Monitored Fire Alarm:** A monitored fire alarm is required for all units except boats. Boats are required to provide documentation that a Coast Guard Auxiliary Safety Vessel Check has been performed is required. The Vessel Safety Check can be arranged through this link: <http://www.cgaux.org/vsc>. Existing facilities not meeting this requirement shall be brought into conformance within 6 months of the date of adoption of this Code.
- j. **Outside Approvals Required:** For properties located in a neighborhood with a property owners' association, written confirmation from the association president that short-term rentals are permitted in the neighborhood is required. In multifamily structures, written approval from the property management association is required. For boats in an approved marina, written permission from the marina manager is required.
- k. **Safety Inspection and Licensing:** A Safety Inspection shall be conducted before the Business License for the facility is issued. The facility shall comply with all business license, revenue collection, and health laws of the City of Beaufort, Beaufort County and the State of South Carolina.
- l. **Unlicensed Units:** For units that are found to be operating without approval of the City, the short term rental application fee shall be \$1,000. If the property owner chooses not to submit a short term rental application within 60 days of being notified by the City of being in violation of the ordinance, a short term rental application shall not be approved for a period of 2 years.

~~M. Manufactured Homes/Mobile Homes: No manufactured home, or mobile home, shall be eligible to conduct short term rentals.~~

3. **Inn/Hotel/Motel:**

- a. **Specific to T4-N:**
 - i. Inns up to 10 rooms are permitted.
 - ii. Inns with 11—24 rooms are permitted in retail frontage overlay areas.
- b. **Specific to T4-NA:** This use is prohibited.

D. **Retail and Restaurants:**

- 1. **Specific to T4-N only:** Except for Animal Hospitals/Kennels, Restaurants and Retail are permitted only in Retail Frontage Overlay Districts, and in the T4-NA district per the conditions below. Animal Hospitals/Kennels shall follow the Conditions for T5-UC.
- 2. **Specific to T4-NA:** ~~The only types of gG~~General retail/service uses are permitted ~~are in the~~ Artisan-Oriented and Trail-Related uses district. The following conditions apply:
 - a. Freestanding signs are limited to one per lot, with a maximum size of 5 square feet.
 - b. No outside amplified music is permitted.
 - c. No alcohol sales are permitted.
 - d. New construction and exterior changes to existing structures to accommodate such uses shall be subject to Article 4 (Building Design and Infill Standards) of this Code.
 - e. Specific to trail-related uses:
 - ~~i. The floor area of each tenant space is limited to 2,500 square feet.~~
 - ii. On-site parking shall be provided at the rate of 1 space per 300 square feet.

iii. The hours of operation shall be limited to between 7:00 a.m. and 6:00 p.m. EST, 7:00 p.m. EDT.

iv. Any use that includes outdoor seating shall have a trash container available for disposal of goods consumed on the premises.

3. **Specific to T5-UC:** Animal Hospitals/Kennels are permitted with the following Conditions:-

a. **Outdoor Activity:** Outdoor activity is permitted during daylight hours; animals must be boarded indoors at night.

b. **Permitted Accessory Uses:** Boarding, retail sales, and grooming services are permitted.

c. All kennels, and/or outdoor areas for animals, must be located to the rear of the building, and must be screened from the view of all public rights away.

4. **Specific to T5-DC:** Animal Hospitals/Kennels are not permitted.

5. **Specific to IC:** General retail/service uses are not permitted along Highway 170 west of W.K. Alston Drive.

6. Specific to T4-HN: General Retail and service uses, shall be approved as a special exception with the following conditions:

a. Cafes/restaurants: shall be under 2,500 sq. ft. with no drive-thru or order window.

b. Art Galleries, offices, and general retail shall be under 2,500 sq. ft.

c. No on-site sign shall be larger than 5 sq. ft.

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E. RMX/T5-UC SPLIT ZONES:

1. In properties split zoned RMX/T5-UC, one district and corresponding lot and design standards shall be utilized at beginning of the development process. This process shall be followed with commercial and mixed uses developments, with outlots. If urban blocks and lots/street sections, as found in Appendix C, exist adjacent to the RMX/T-5UC district being developed, T-5 UC development standards shall be followed.

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3.11.2 USES CUSTOMARILY ACCESSORY TO RESIDENTIAL DWELLINGS

TYPE ²	#/LOT ¹	SIZE ¹	ADDITIONAL STANDARDS ⁴
C. Accessory Dwelling Unit (syn. Carriage House) - detached	See Section 4.5.3 for complete standards ³		
D. Accessory Dwelling Unit - attached	1	Min.: 240-sf Max.: 50% of the footprint of the primary unit, or 1,500 SF max., whichever is smaller	1. All standards from 4.5.3 apply, with the following addition: Any additional entrances will be located in the side or the rear of the primary structure. Additional external stairways or fire ladders are strongly discouraged but may be permitted at the discretion of the Fire Marshal when no practical alternative exists.
E. Garage/Carport/Workshop	2 ³	Maximum: 50% of the footprint of the primary unit, or 1,500 SF max., whichever is smaller	1. Specific to T3-N, T4, T5, RMX and IC Districts: prefabricated/per-manufactured metal structures are not permitted when visible from a public right-of-way. 2. May be provided with electricity, sink and a commode but shall not be used as an ADU. 3. If a carport is used for storage, any side visible from an adjacent property or street right-of-way must be enclosed to screen the building contents.
F. Shed	2	Max.: 320 SF	1. Specific to T3-N, T4, T5, RMX and IC Districts: prefabricated/pre-manufactured metal structures are not permitted when visible from a public right-of-way. 2. Shed may be provided with electricity, sink and a commode but shall not be used as an ADU. 3. Any shed that is 3' or closer to a house shall meet the fire protection prescribed for Garages in the IRC. 3. Specific to T3-N, T4-N and T4-HN: Side and rear setbacks may be reduced to 2' if the following conditions are met: a. Residential Sheds are <200 SF and Commercial sheds are <120SF. b. Shed doesn't contain plumbing or HVAC and is not used as a habitable space. c. Lot size is 6,000 SF or less.
G. Pool	1	n/a	1. Barriers shall be required per Section 305 of the 2015 International Swimming Pool and Spa Code, or equivalent as updated. All pool permits shall include such barrier. Before the pool can be filled with water, barriers shall be installed, inspected and approved.
H. Pool House	1	Max.: 50% of the footprint of the primary unit, or 640 SF	1. Standards from 4.5.3.B.8 apply.

		max., whichever is smaller	
I. Covered/Open-Air Structure (ex. Gazebos and Trellises)	2	Max.: 320 SF	1. May not be used for parking. If used for storage, any side visible from an adjacent property or street right-of-way must be enclosed to screen the building contents.
J. Greenhouse	1	Max.: 320 SF	1. See 8.5.4 for additional standards on food production.
K. Outdoor Living and Recreation	Playhouses, picnic tables, dog houses, chicken coops, flagpoles and furniture designed specifically for outdoor use are permitted, and do not require a Project Permit, if they are not permanently affixed to the ground (e.g., on a slab or pier foundations). If a structure under roof (e.g., playhouse, doghouse, chicken coop) is permanently affixed to a the ground, it is considered a shed and shall comply with the standards in paragraph C of this section.		

¹ The number and size of the units shall not cause the property to exceed the maximum lot coverage by roofs in 2.4.1.A.3 or total impervious coverage found in 2.4.2.B.3. The total number of Accessory Structures per lot is limited to 4.

² Location for all Accessory Types shall meet the Accessory Building Placement standards in 2.4.1.C, unless specifically noted in this section.

³ A maximum of 2 garage/carport/workshops are permitted, regardless of whether they are attached or detached, or contain an Accessory Dwelling Unit; however only one of each type is permitted per lot. *Example: A lot may have one attached garage and one detached garage but cannot have two detached garages.*

⁴ Items B-I may not be built before the Primary Structure on a lot.

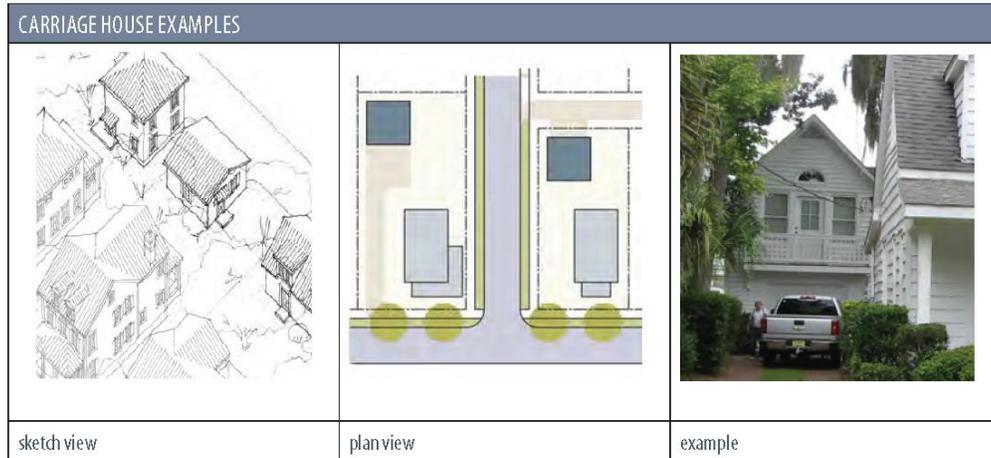
3.12.2 PERMITTED TEMPORARY USE

- A. Carnival, circus or fair, for a period not to exceed 21 days, in the LI District.
- B. Open lot sale of seasonal produce and plant products including Christmas trees, in the T4-N, T5-UC, and RMX Districts for a period not to exceed 45 days.
- C. Temporary real estate sales offices (e.g., mobile trailer), in conjunction with an approved subdivision or development project, in any district, for a period not to exceed 1 year, provided no cooking or sleeping accommodations are maintained in the structure. These may be renewed, upon written request, for periods of 6 months at a time if the subdivision has an active Project Permit.
- D. For new construction, a contractor's office and equipment sheds, including steel cargo storage containers, in any district districts, for a period of 6 months, provided a Project Permit has been issued for construction on the site, and such facilities are placed on the property to which it is appurtenant..
- E. Temporary classroom facilities shall not be located at any school, religious institution, or other similar use, unless a plan for improvements designed to eliminate the temporary classrooms at a time certain in the future — within 24 months — has been approved by the administrator. Such plan shall include a review of the placement of the temporary classrooms, and may require screening and buffering in order to comply with this Code. Extensions of up to 1-year may be permitted by the administrator, upon written request, if the units have not proven to be a nuisance and the plan for elimination is still active.
- F. **Food Trucks/Concession Stands:** See Part 7 Chapter 16 of the City of Beaufort Code of Ordinances, or updated section as applicable, for regulations.
- G. **Farmers Markets:** Farmers markets shall comply with the following standards:
 - 1. Farmers Markets are permitted in T4-N, T5-UC, RMX, IC, and LI Districts.
 - 2. An on-site manager is required.
 - 3. A management plan is required, including the following:
 - a. The regular days and hours of operation on a weekly or monthly basis.
 - b. Parking locations for vendors and customers.
 - c. Setup areas for vendors.
 - d. Signage - On-site temporary signage is permitted on the day of the market. This includes, but is not limited to, sandwich board signs, easels, and banners meeting the requirements in Article 6.
 - e. Location of temporary restrooms, trash/recycling containers, electricity sources.
 - f. Strategy for removal or storage of trash/recycling, tents, kiosks, vans, trailers or other market equipment when the market is not open.
 - g. Rules and regulations for the market.
 - 4. **Types of Products:**
 - a. At least 60% of the vendors shall sell "Farm Products," the majority of which shall be sold direct to consumer. Farm Products are defined as fruits, vegetables, mushrooms, herbs, nuts, eggs, honey or other bee products, flowers, plants, meat, milk, cheese and other dairy products, fish, and value-added products containing the above-mentioned items.

Brokers - participants who have bought any farm products from a grower and do not grow anything themselves - are not permitted.

- b. Up to 40% of vendors may sell prepared foods. The majority of their sales shall be direct to consumer.
- H. Portable ~~steel-metal~~ storage containers are permitted in any district for purposes of loading or unloading, for a period not to exceed 14 days.
- I. Cargo or freight storage containers, or modified versions thereof, are permitted to be used as temporary storage facilities in the LI and RMX Districts for up to 3 consecutive months in any 12-month period, on the condition that the containers are not visible from the street.

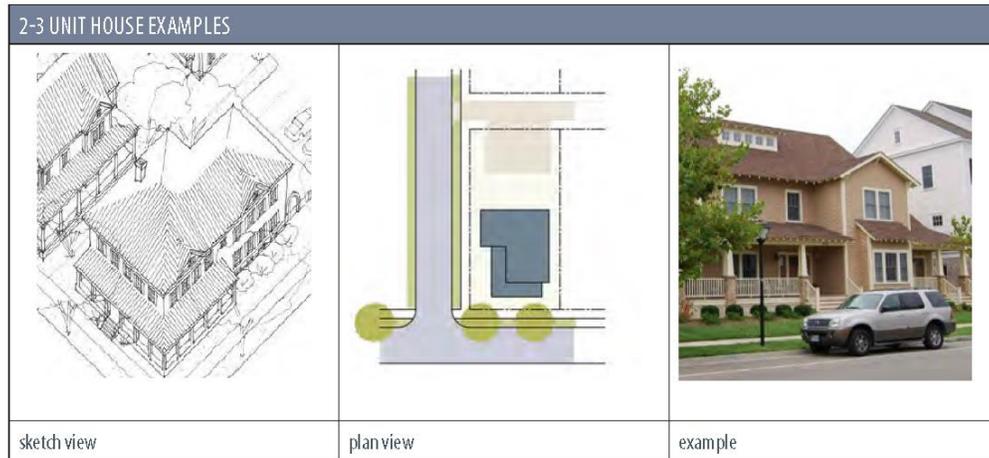
4.5.3 CARRIAGE HOUSE



- A. **Description:** This is an Accessory Structure that provides small, flexible living spaces adjacent to a main house (a.k.a. Accessory Dwelling Unit [ADU], Granny Flat). It is often used for rental housing, and may be free standing, or located above a garage or parking area.
- B. **Special Requirements:**
1. **Infrastructure:** The lot shall be served with public water and sewer.
 2. **Number allowed:** 2 per lot, ~~except in T3-S where 1 per lot is permitted.~~
 3. **Placement on the Lot:** The carriage house shall be located to the rear of the primary structure, or to the side as a secondary option, with the following exceptions:
 - a. Units may be placed at the front of a lot where the front of the primary structure is not the street, and the structure has clearly been designed to take advantage of unique site amenities, such as location on the water.
 - b. Units may be placed in the front of the lot where the prevailing character of the neighborhood has other similarly-placed units.
 4. **Frontage Type:** No frontage type is prescribed unless the building is close to the street; in which case, appropriate frontage types are: porch, stoop.
 5. **Maximum Number of Bedrooms:** 2.
 6. ~~Minimum Size: 240 square feet in total area.~~
 - 6/7. **Maximum Size:** The footprint shall not exceed 50% of the footprint of the primary building, or 1,500 square feet, whichever is smaller. Conversions of existing accessory structures that exceed this maximum may be permitted if the administrator determines that there is no adverse impact on surrounding property.
 - 8/7. **Compatibility with Primary Structure:** Architectural details, including color, siding, roof pitch, window detailing, roofing materials, height, and foundation, shall be compatible with the primary dwelling unit.
 9. **Parking:** 1 parking space per Carriage House is required, and shall be clearly defined. See Section 7.3 for additional parking standards.

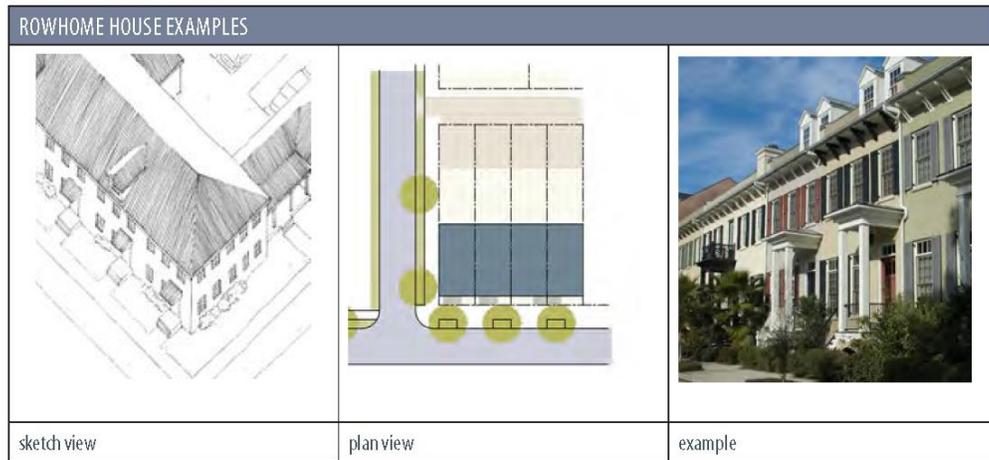
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10. **Timing:** The carriage house(s) shall be permitted to be built prior to the primary structure on the lot if the following requirements are met:
- a. A sketch plan showing the potential build-out, including parking, of the site is required;
 - b. The size(s) must be appropriate to permit a primary structure without exceeding the maximum lot coverage; and
 - c. Materials of the future primary structure must coordinate with the carriage house.

4.5.5 2-3 UNIT HOUSE



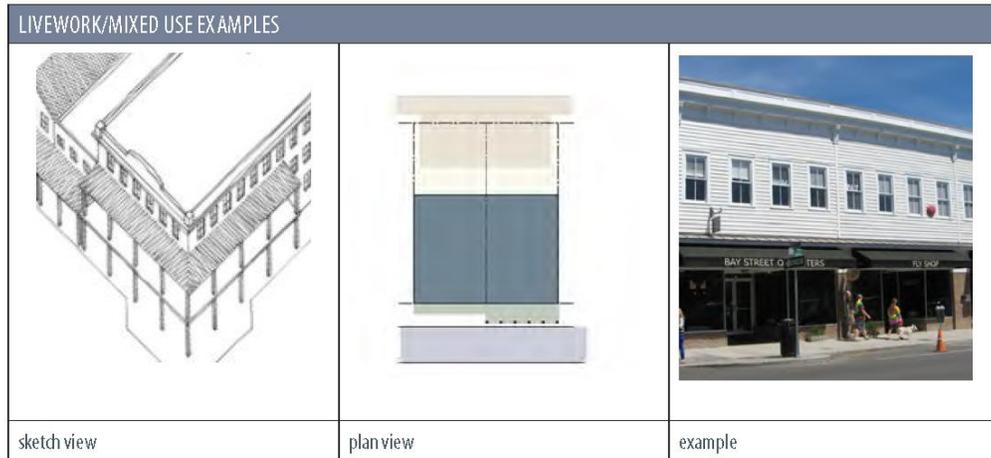
- A. **Description:** This house-form seamlessly fits into a predominantly single-family neighborhood, but contains multiple dwelling units. The units may be side-by-side, or stacked. They typically have separate entrances off of the street, but may share a common entrance. They are located under one roof and do not have parapets dividing the units.
- B. **Special Requirements:**
1. **Frontage Types:** Common Yard, Porch, Stoop.
 2. **Parking:** Parking must be well defined, located behind the building, and accessed off a side street or rear alley. On-site parking for all vehicles, including boats, must not be in front of the building. No variances to this provision are permitted.
 3. **Location, Specific to T3-N:** A 2-3 unit building is permitted in the following areas:
 - a. On a corner lot; or
 - b. Where rear alley access is provided; ~~however, no more than 2 per block are permitted.~~

4.5.6 ROWHOME



- A. **Description:** This is an attached residential building type that is part of a series of other rowhomes with more than three units in a row. Three or fewer is considered a 2—3 unit building. Rowhomes may have parapet walls dividing the units, or be combined under one roof form. They are elevated above the street a minimum of 3 feet for privacy, and are typically accessed by stoops. They may also utilize the forecourt and porch frontage types.
- B. **Special Requirements:**
1. **Frontage Types:** Porch, stoop, forecourt.
 2. **Parking:** Parking must be well defined, located behind the building, and accessed off a side street or rear alley. On-site parking for all vehicles, including boats, must not be in front of the building.
 3. **Specific to T4:**
 - a. Rowhomes are not permitted in the Historic District, except in the Bladen Street Redevelopment District.
 - b. ~~Rowhomes are not permitted in T4-NA.~~

4.5.8 LIVEWORK/MIXED-USE



- A. **Description:** This is a building that buildings contains commercial space, typically at grade, with office or residential living, typically located on the upper level(s). They are typically attached, but may be freestanding structures. The ground floor has a substantial amount of glazing, and often utilizes the shopfront frontage type.
- B. **Special Requirements:**
1. **Frontage Types:** Forecourt, balcony, Shopfront/Awning, Gallery/Colonnade, Arcade.
 2. **Parking:** Parking must be located behind the building, and accessed off a rear alley.
 3. **Specific to T4-N and T4-NA:** When no retail frontage overlay exists, the ground floor is limited to office, artisan and trail-related uses only.
 4. **Specific to LI:** Drive-thru facilities are prohibited.