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**CITY OF BEAUFORT**  
1911 BOUNDARY STREET  
BEAUFORT MUNICIPAL COMPLEX  
BEAUFORT, SOUTH CAROLINA 29902  
(843) 525-7070  
**CITY COUNCIL WORKSESSION AGENDA**  
**May 16, 2023**

**STATEMENT OF MEDIA NOTIFICATION**

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

**WORKSESSION - City Hall, Planning Conference Room, 1st Floor - 5:00 PM**

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

**I. CALL TO ORDER**

A. Stephen D. Murray III, Mayor

**II. PRESENTATION**

A. FY 2024 Capital Project Fund Recommended Budget

**III. DISCUSSION ITEMS**

A. Development Code Updates

**IV. ADJOURN**



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

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**TO:** CITY COUNCIL **DATE:** 5/12/2023  
**FROM:** Alan Eisenman, Finance Director  
**AGENDA ITEM TITLE:** FY 2024 Capital Project Fund Recommended Budget  
**MEETING DATE:** 5/16/2023  
**DEPARTMENT:** Finance

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*BACKGROUND INFORMATION:*

FY 2024 Capital Projects Fund Recommended Budget Presentation

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*PLACED ON AGENDA FOR:* Discussion

**REMARKS:**

**ATTACHMENTS:**

Description	Type	Upload Date
Budget Presentation	Backup Material	5/13/2023

# City of Beaufort, South Carolina



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**FISCAL YEAR 2024  
CAPITAL PROJECTS FUND  
RECOMMENDED BUDGET PRESENTATION  
MAY 16, 2023**

# FY24 Recommended Capital Projects Funding Sources

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<b>Funding Sources</b>	<b>FY 2024 Recommended Budget</b>
<b>Category</b>	
Grants	\$ 7,578,000
Transfers In	17,156,976
Partnerships	1,216,785
Release of Fund Balance	1,245,866
Total	\$ 27,197,627

# FY24 Recommended Capital Projects Funding Sources Detail - Grants

Grant	Project	FY 2024 Recommended Budget
CDBG Grant	Washington Street Park	\$ 250,000
PARD Grant	Washington Street Park	80,000
CDBG Grant	Calhoun Street Drainage	750,000
SCOR Grant	Charles/Craven and Port Republic/Carteret St. Drainage	1,800,000
SCIIP Grant	King Street Drainage	2,700,000
STAG Grant	Bayard Street Drainage	800,000
CDBG Grant	Depot Road Trail Extension	198,000
SCDOT Grant	Allison Road	1,000,000
	Grant Total	\$ 7,578,000

# FY24 Recommended Capital Projects Funding Sources Detail – Transfers In

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Fund Providing Transfer In	Category	Project	FY 2024 Recommended Budget
Parks and Tourism	Fund Balance	Carnegie Building Roof	\$ 215,585
Parks and Tourism	P&T Revenue Bond	Washington Street Park	945,000
Parks and Tourism	P&T Revenue Bond	Southside Park	6,000,000
Stormwater	Stormwater Bond Funds	Calhoun Street Drainage	856,375
ARPA	Fund Balance	Calhoun Street Drainage	863,260
ARPA	Fund Balance	King Street Drainage	1,669,464
ARPA	Fund Balance	Bayard Street	450,000
Parks and Tourism	Fund Balance	Marina Fuel Tank	75,000

# FY24 Recommended Capital Projects Funding Sources Detail – Transfers In

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Fund Providing Transfer In	Category	Project	FY 2024 Recommended Budget
TIF II	Fund Balance	SC170 Sidewalk	\$ 190,244
TIF II	Fund Balance	Parallel Road	3,434,810
General	Committed Fund Balance	Parallel Road	900,000
General	Committed Fund Balance	Allison Road	178,028
ARPA	Fund Balance	Allison Road	579,670
Stormwater	Stormwater Bond Funds	Allison Road	799,540
		Transfer In Total	\$ 17,156,976

# FY24 Recommended Capital Projects Funding Sources Detail – Partnerships

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Partnerships	Category	Project	FY 2024 Recommended Budget
Beaufort County	County Portion	Parallel Road- Engineering	\$ 434,810
Beaufort County	County Portion	Depot Road Spanish Moss Trail Extension	528,947
Developer	Developer Contribution	Allison Road	75,000
Dominion Energy	Non-Standard Service Fund	Allison Road	178,028
		Partnerships Total	\$ 1,216,785

# FY24 Recommended Capital Projects

## Funding Sources Detail – Release of Fund Balance

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Source of Capital Project Fund Balance	Project	FY 2024 Recommended Budget
General Fund Committed Fund Balance	Carnegie Library Roof	\$ 40,000
Proceeds from Sale of Property	Southside Park	480,866
General Fund Committed Fund Balance	Marina Fuel Tanks	725,000
	Release of Fund Balance Total	\$ 1,245,866

# FY24 Recommended Capital Projects Expenditure Detail

Projects	FY 2024 Recommended Budget
Carnegie Building Roof	\$ 255,585
Washington Street Park	1,275,000
Southside Park	6,480,866
Calhoun Street Drainage	2,469,635
Charles/Craven and Port Republic/Carteret Street Drainage	1,800,000
King Street Drainage	4,369,464
Bayard Street Drainage	1,250,000
Marina Fuel Tank	800,000
SC 170 Sidewalk	190,244

# FY24 Recommended Capital Projects Expenditure Detail

Projects	FY 2024 Recommended Budget
Parallel Road	\$ 4,769,620
Depot Road Spanish Moss Trail Extension	726,947
Allison Road	2,810,266
Total	\$ 27,197,627

# FY24 Recommended Budget - Fund Impact

	<u>General Fund</u>	<u>TIF II Fund</u>	<u>Parks and Tourism Fund</u>	<u>Stormwater Fund</u>	<u>ARPA Fund</u>	<u>Capital Projects Fund</u>
<b>Revenues</b>						
Grants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,578,000
Issuance of revenue bonds	-	-	6,945,000	-	-	-
Transfers In	-	-	-	-	-	17,156,976
Partnerships	-	-	-	-	-	1,216,785
Release of Fund Balance	1,078,028	3,625,054	290,585	1,655,915	3,562,394	1,245,866
<b>Total Revenues</b>	<u>1,078,028</u>	<u>3,625,054</u>	<u>7,235,585</u>	<u>1,655,915</u>	<u>3,562,394</u>	<u>27,197,627</u>
<b>Expenditures</b>						
Capital	-	-	-	-	-	27,197,627
Transfers Out	1,078,028	3,625,054	7,235,585	1,655,915	3,562,394	-
<b>Total Expenditures</b>	<u>1,078,028</u>	<u>3,625,054</u>	<u>7,235,585</u>	<u>1,655,915</u>	<u>3,562,394</u>	<u>27,197,627</u>
Net (Deficit) Surplus	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>

# Capital Project Fund Detail

Description	FY 24 Recommended Funding							Future Funding	Unfunded			
	Parks and Tourism Revenue Bond Funds	Parks and Tourism Fund Balance	Capital Project Fund Balance	Partners	Committed Fund Balance	TIF II	Grant Funding	Stormwater Bond Funds	ARPA	Total FY24 Recommended	Grant Funding	
<b>City Facilities</b>												
Carnegie Building Roof		\$ 215,585	\$ 40,000							\$ 255,585	\$ -	\$ -
<b>Parks</b>												
Washington Street Park	945,000						330,000			1,275,000	-	-
Southside Park Phase I- Design Only			262,866							262,866	-	-
Southside Park	6,000,000		218,000							6,218,000	-	-
<b>Stormwater</b>												
Calhoun Street Drainage							750,000	856,375	863,260	2,469,635	-	-
Battery Creek/Jane Way Drainage										-	-	-
The Point- Feasibility Study										-	-	-
Charles/Craven and Port Republic/Carteret Street Drainage							1,800,000			1,800,000	5,727,351	-
King Street Drainage							2,700,000		1,669,464	4,369,464	6,760,299	-
Bayard Street							800,000		450,000	1,250,000	-	-
The Point- Remaining Project										-	-	8,092,886
Pigeon Point- Drainage Study										-	-	216,000
<b>Marina</b>												
Marina Fuel Tank Replacement		75,000	725,000							800,000	-	-
<b>Streets</b>												
SC 170 Sidewalk Extension						190,244				190,244	-	-
Parallel Road- Engineering Only				434,810		434,810				869,620	-	-
Parallel Road- Property and Easement Acquisition and Construction						900,000	3,000,000			3,900,000	-	11,100,000
Depot Road Spanish Moss Trail Extension				528,947				198,000		726,947	-	-
Allison Road				253,028	178,028			1,000,000	799,540	579,670	2,810,266	-
	\$ 6,945,000	\$ 290,585	\$ 1,245,866	\$ 1,216,785	\$ 1,078,028	\$ 3,625,054	\$ 7,578,000	\$ 1,655,915	\$ 3,562,394	\$ 27,197,627	\$ 12,487,650	\$ 19,408,886

# Funding Sources by Funds

Description	Funding Source by Fund								Total FY24 Recommended
	General Fund	TIF II Fund	Parks and Tourism Fund	Stormwater Fund	ARPA Fund	Capital Project Fund	Partners	Grants	
<b>City Facilities</b>									
Carnegie Building Roof	\$ 40,000		\$ 215,585						\$ 255,585
<b>Parks</b>									
Washington Street Park			945,000					330,000	1,275,000
Southside Park Phase I- Design Only						262,866			262,866
Southside Park			6,000,000			218,000			6,218,000
<b>Stormwater</b>									
Calhoun Street Drainage				856,375	863,260			750,000	2,469,635
Battery Creek/Jane Way Drainage									-
The Point- Feasibility Study									-
Charles/Craven and Port Republic/Carteret Street Drainage								1,800,000	1,800,000
King Street Drainage					1,669,464			2,700,000	4,369,464
Bayard Street					450,000			800,000	1,250,000
The Point- Remaining Project									-
Pigeon Point- Drainage Study									-
<b>Marina</b>									
Marina Fuel Tank Replacement	725,000		75,000						800,000
<b>Streets</b>									
SC 170 Sidewalk Extension		190,244							190,244
Parallel Road- Engineering Only		434,810					434,810		869,620
Parallel Road- Property and Easement Acquisition and Construction	900,000	3,000,000							3,900,000
Depot Road Spanish Moss Trail Extension							528,947	198,000	726,947
Allison Road	178,028			799,540	579,670		253,028	1,000,000	2,810,266
	\$ 1,843,028	\$ 3,625,054	\$ 7,235,585	\$ 1,655,915	\$ 3,562,394	\$ 480,866	\$ 1,216,785	\$ 7,578,000	\$ 27,197,627



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 5/11/2023  
**FROM:** Curt Freese, Community and Economic Development Director  
**AGENDA ITEM TITLE:** Development Code Updates  
**MEETING DATE:** 5/16/2023  
**DEPARTMENT:** Community and Economic Development

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***BACKGROUND INFORMATION:***

Development Code Changes

2.8.5 - Legacy Planned Unit Development  
7.2.1 - Street Infrastructure Plans  
9.1.4 - Permit Process Type - Table  
9.16 - Amendments and Rezoning  
9.8.1 - Development Design Review Minor  
9.8.2 - Development Design Review Major  
10.2 - Metropolitan Planning Commission  
10.8 - Design Review Board

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***PLACED ON AGENDA FOR:*** Discussion

***REMARKS:***

See attached memo and materials.

**ATTACHMENTS:**

Description	Type	Upload Date
Memo	Cover Memo	5/11/2023
PPT Presentation	Cover Memo	5/11/2023
PUD Edits	Cover Memo	5/11/2023
Street Infrastructure Edits	Cover Memo	5/11/2023
Permit Process Edits	Cover Memo	5/11/2023
Amendments Edits	Cover Memo	5/11/2023
Design Review Edits	Cover Memo	5/11/2023
Major Design Edits	Cover Memo	5/11/2023
Planning Commission edits	Cover Memo	5/11/2023





CITY OF BEAUFORT  
**Community Development Department**

SCOTT MARSHALL  
City Manager

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CURT FREESE  
Community Development  
Director

**Date: May 16, 2023**

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

**To: City Council**

**ISSUE: Beaufort Development Code Changes**

**BACKGROUND**

There was discussion at the April 18, 2023, Council Work-session, regarding changes to the Metropolitan Planning Commission (MPC) and the Design Review Board (DRB) and reviews in the Redevelopment District. Discussion involved the following three topics, with one of the topics going back to the Work-session for consideration.

- 1) Standing up a city-only Planning Commission.
- 2) Disbanding the Design Review Board and placing their powers and duties with the new City Planning Commission.
- 3) Discussion of staff versus board level review for projects in redevelopment district, with recommendation to explore a few different options (presented at the May 16, 2023, work-session)

**Additional Proposals (Design Review Board)**

Other items to discuss, involve triggers for Design Review Board projects (which would be assumed by the new PC). Staff is proposing changes based on concerns raised from past projects and challenges to redevelopment.

**PROPOSAL/TEXT AMENDMENTS**

***Planning Commission***

The amendments attached remove the MPC from the Development Code and create a new Planning Commission. The text of all relevant sections being changed are included with changes in red.

- Membership set at six, with at least two members being licensed architects, civil engineers, urban planners, or real estate agents.
- Powers and duties, etc. are all included, this adds the DRB powers to approve Site Plans and buildings over 10,000 sq. ft., as well as now being the Appeals board for Staff design decisions rather than DRB.
- All other rules of order, quorums, powers, etc. revised and in red.

***Design Review Board***

The amendments in red, remove the DRB, and place the DRB's power into the new City Planning Commission.



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CURT FREESE  
Community Development  
Director

Today, the DRB, reviews the following cases:

- For any new building over 10,000 sq. ft.
- Improvements over 75% of the assessed value
- Any developments over 24 units
- Any demolition with a new building proposed.

**Staff would recommend the following changes:**

Changing the 10,000 sq. ft. building, to any commercial or multi-family building without a square footage requirement.

Reasoning: The goal is for more public involvement and public decision-making on new buildings which may have a major impact on the community. To that end, Staff is recommending changing this requirement to all commercial and multi-family buildings. Currently, all commercial structures under 10,000 sq. ft. do not go to a public hearing, while churches and other buildings of minimal public interest would. Staff suggests the change would provide this public input and decision making as intended by the PC Text Amendment from Dec. 2022, while also retaining the staff level approval for the redevelopment district.

Remove the improvements over 75% of the assessed value.

Reasoning: Remove the improvements over 75% of the assessed value, and instead change the code for this to be an administrative review. The code already requires redevelopment of 50% of the Fair Market Value of the building for the redevelopment district, and 50% is the trigger number for a number of other improvements for redevelopment from landscaping to parking). Redevelopment is costly and should be encouraged. Adding a board approval, makes redeveloping the site time consuming and subject to the discretion of a Board.

Change development over 24 units, to 10 units.

Reasoning: There is no reasoning behind the 24 units. We currently have a townhouse development right at the trigger, as there is no desire for the developer to go to the DRB. The code allows administrative subdivisions at 10 units or less. Staff would recommend changing this requirement to be consistent. In addition, if multi-family buildings are a trigger, the amount of units for such buildings (this would not trigger duplexes, tri-plexes, or townhouses), is no longer important.

Remove demolition with a new building proposed.

In effect, no developer or property owner is proposing a demolition with a new building, making this requirement moot. And the one current case in the historic district, wherein this requirement was used by the HRB, it has created a legal issue. Staff would recommend removing it.



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CURT FREESE  
Community Development  
Director

**ANALYSIS**

Staff strongly supports the attached text amendments for the following reasons:

- ✓ Decision-making on major City-wide projects is placed back within the hands of City citizens.
- ✓ A City only Planning Commission will only approve City issues, City code, and projects; The City form-based code and Civic Master Plan, are complex and forward thinking, and require focus.
- ✓ Text Amendments to the Beaufort Code and Annexations which have major impact on the City, will be decided by the City, not a regional commission.
- ✓ The City will stay within NRPC and will remain sensitive to County and Port Royal issues.
- ✓ Combining DRB with PC is commonplace in many areas of the country and will streamline the development process. Past DRB approvals are time-consuming and can take many months, if not years.
- ✓ DRB is facing many land-use, zoning, infrastructure, and future land use decisions when approving projects that are better handled by a Planning Commission.
- ✓ Multiple approval authorities are hard for Citizens to track and be involved as development moves forward.
- ✓ Multiple approval authorities present difficulties to City Staff to administer, train, prepare—especially with 4 current approval boards and City council, with limited City Staff.

**Recommendation:**

Accept the amendments to the MPC, the DRB, and the creation of a new City only Planning Commission, so that City Staff may begin this process.



# Worksession

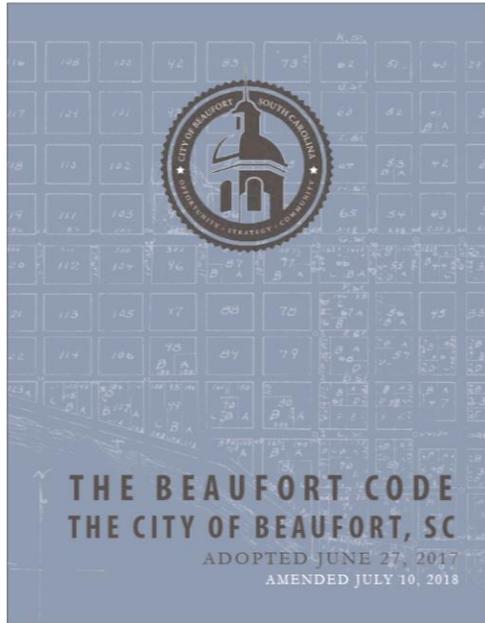
APRIL 18 ,2023

## APPROVAL BOARDS/CHAPTER 9 DISCUSSION



## Committees and Process/Chapter 9

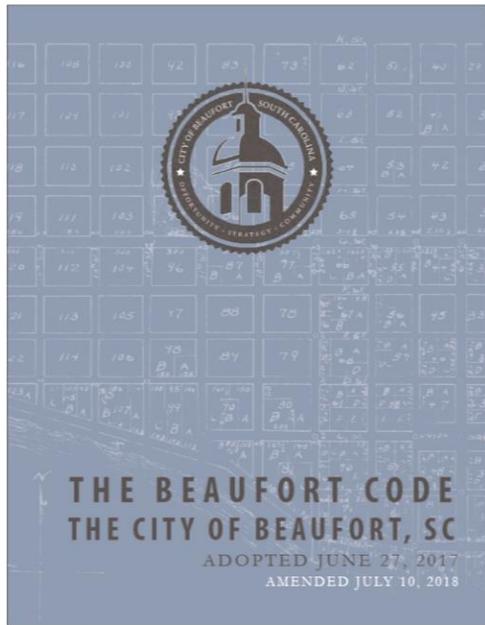
- Review Current Board procedures and review processes to make sure they are aligned with the City's vision.
- Current text amendment to switch review authority from Staff to review board on redevelopment districts.



# Design Review Board

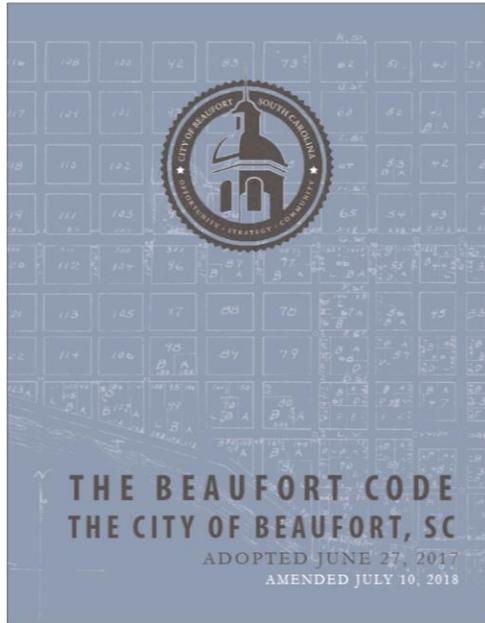
All projects with these requirements go to DRB:

- Buildings over 10,000 sq. ft.
- Improvements over 75% of assessed value.
- Any development over 24 units.
- Any demolition with a new building proposed.



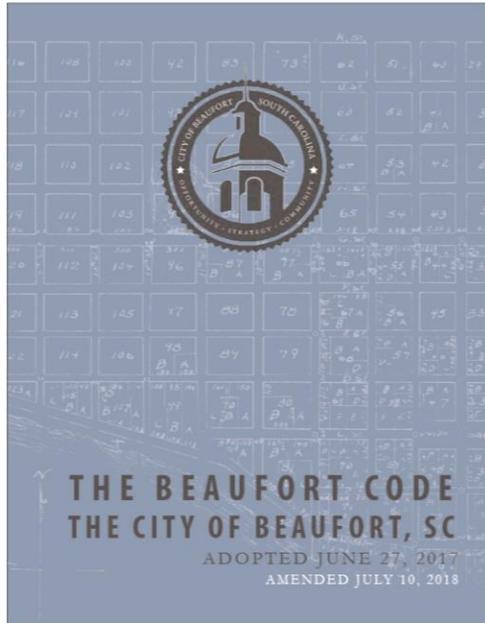
## Design Review Board

- Design Review Board decides on majority of Site Plans outside of redevelopment districts.
- Generally, design review boards are empowered to make decisions based on architecture and aesthetics.



## Design Review Board

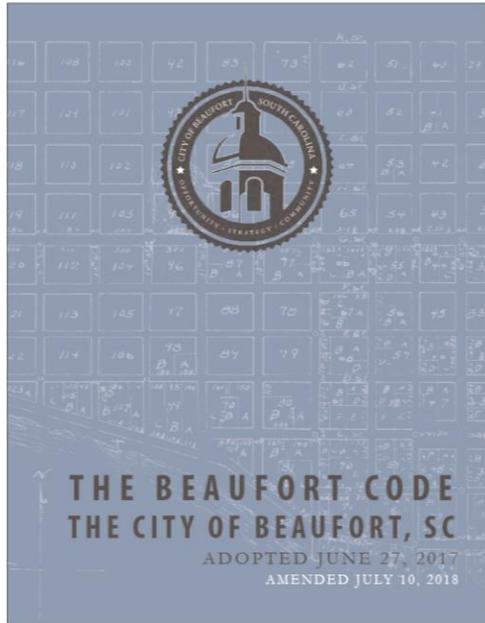
- Infrastructure, zoning, future land use issues are arising out of DRB cases.
- Generally such issues are within the Planning Commission's purview.



## Design Review Board

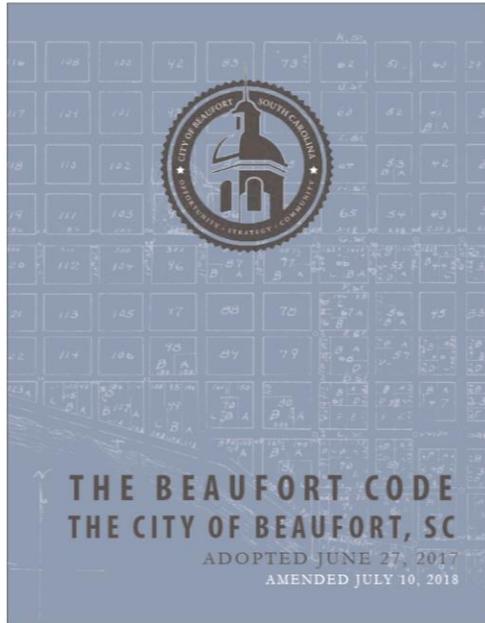
- Consider allowing Site Plan approval as a Staff or PC approval, with Architecture/Aesthetics approved by DRB.





## Design Review Board

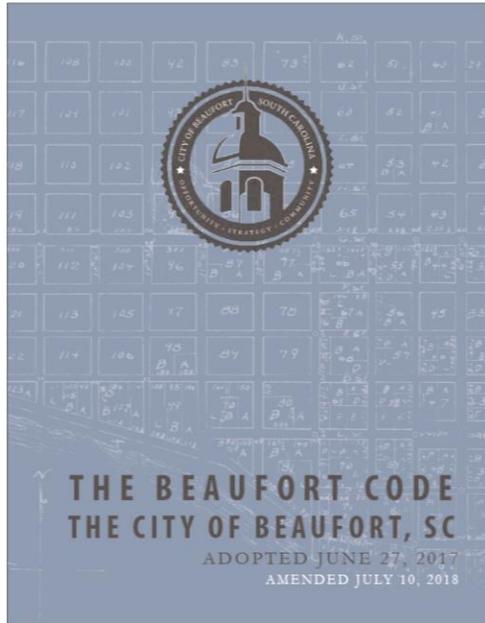
- Should the triggers for Design Review Board be considered?
- Is the 75% Assessed Valuation relevant? Renovation and revitalization become more uncertain and time consuming by going to a Board approval



# Design Review Board



- Consider the 10,000 square foot requirement. Do renovations of such structures, need a time-consuming DRB approval—or just new buildings?



# Design Review Board

- There is no rationale for why projects under 24 units go to DRB or not. In effect, developers are now developing 24 lot and under developments and phasing them.
- Same with demolition and new building. The result is no one is proposing a demo with a new building. They are waiting to build a new building later.

# Questions?



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## 2.8.5 LEGACY PLANNED UNIT DEVELOPMENT DISTRICT (LPUD)

- A. **Purpose:** The legacy planned unit development (LPUD) zoning district is intended to be utilized only for the continuation of previously established PUDs.
- B. **Minor Plan Amendments Permitted by the Administrator:** The amendment of previously approved PUDs shall be approved by the Administrator, if the amendment results in a development intensity that is no greater than the previously approved intensity in terms of total square feet, total number of units, height, and build-upon area. Additionally, a minor plan amendment shall be limited to technical considerations that could not be reasonably anticipated during the approval process, or any other change that has no material effect on the character of the approved PUD development or any of its approved terms or conditions.
- C. **Major Plan Amendments Permitted by City Council Approval Only:** All major changes not subject to B, above, shall be reviewed by the ~~Metropolitan~~-Planning Commission (~~M~~PC) and approved by City Council in accordance with the procedures outlined in Section 2.8.4 B.1.
- D. **Rezoning a PUD:** Any existing LPUD may choose to rezone to a standard City zoning district by going through the rezoning process in accordance with the procedures outlined in Section 9.16.

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## 7.2.1 STREET INFRASTRUCTURE PLANS

- A. **Purpose and Intent:** The Street Infrastructure Plans (in Appendix C) provide diagrams of the city's street network and establishes the ideal alignment, hierarchy and design characteristics - including total right-of-way width, sidewalk and streetscape amenities, parking lanes, travel lanes and other geometric and urban design details - for all existing streets, proposed streets that have been adopted as part of an Official Map, and new potential streets in the City of Beaufort.
- B. **Official Street Network Plan:** Pursuant to the authority of S.C. Code 1976 § 6-7-1210 et seq. (1976), as amended, the City has previously adopted several Official Maps. An Official Street Network Plan is incorporated into this Code in order to represent a composite of these previously-adopted Official Maps.
1. **Purpose:** This plan represents a composite of all Official Maps, to date, in the City. The map designates existing or proposed streets or ways within the City that are targeted for creation, expansion or other improvements. The Official Street Network Plan shall initially consist of a series of four (4) separate maps, included in Appendix C, which shall be deemed a part of the Beaufort Code.
  2. **Modification:** The Official Street Network Plan may be modified or supplemented per the procedure for Amendments and Rezoning (Section 9.16). The ~~Metropolitan~~ Planning Commission (~~MPC~~) will review the Official Street Network Plan on a regular basis at intervals of every 6 months, or thereabouts. In addition, the maps will be automatically updated as additional Official Maps are approved per the appropriate process required by state law.
- C. **Specific Street Sections:** The street sections noted in Appendix C show specific street designs for the purposes of identifying future improvements by both the city and fronting property owners. These sections depict the ideal arrangement and design of street elements.
1. **Applicability:** For any project that is considered Major Subdivision (Section 9.8.3), Major Development Design Review (Section 9.8.2), or requires a Certificate of Appropriateness, Major (Section 9.10.2 A.2.) and affects one whole block face, the fronting property owner shall install all prescribed streetscape improvements as part of the development project.
    - a. **Exception:** If similar elements as prescribed in the street section exist — e.g., on-street parking, sidewalk, tree plantings — the requirement to install the streetscape element(s) shall be waived if those items meet the intent of the prescribed street section, even if the existing items do not meet the exact requirements of that street section.  
*Example Scenarios: If a street section prescribes a 5-foot sidewalk, but a 4-foot sidewalk already exists, the existing sidewalk will satisfy the sidewalk requirement. However, if the street section requires a 5-foot planting strip between the curb and the sidewalk, and the 4-foot sidewalk is directly adjacent to the curb, this would not satisfy the intent of the street section and would need to be reconstructed per the prescribed standards.*
  2. **Insufficient Right-of-Way Width:**
    - a. In the case of a street section adopted as part of an Official Map, where the width of the existing right-of-way is insufficient to install the prescribed street section, the fronting property owner may be required to reserve the appropriate amount of right-of-way (as measured from the centerline of the existing street). If the owner chooses to dedicate and install the complete right-of-way, the cost of the improvements may be compensated - see Section 7.2.1 E.
    - b. In the case of a street section that is not part of an Official Map, where the width of the existing right-of-way is insufficient to install the prescribed street section, the property owner is encouraged to reserve the appropriate amount of right-of-way to complete the

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desired street section. If the owner chooses to dedicate and install the complete right-of-way, the cost of the improvements may be compensated - see Section 7.2.1 E.

c. **Exceptions and Alternatives:**

- i. Where available right-of-way — due to existing structures and topographic conditions — do not permit the full section to be constructed, the Administrator may adjust the required section.
- ii. A different street section may be approved which accomplishes the same intent in a smaller dimension.

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

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

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

### 9.1.4 PERMIT/PROCESS TYPE TABLE

PERMIT/PROCESS TYPE	SECTION	PERMIT/PROCESS TYPE	REVIEWING AGENCY	PUBLIC NOTICE	APPROVAL	APPEAL	PERMIT PERIOD	PERMIT EXTENSION
<b>ADMINISTRATIVE PERMITS</b>								
Zoning Permit	9.5	Administrative	Admin	None	Admin	ZBOA	6 months	6 months, 1 time
Building Permit	9.5	Administrative	Admin	None	Admin	ZBOA	6 months	Resubmit
Certificate of Compliance	9.5	Administrative	Admin	None	Admin	ZBOA	n/a	n/a
Certificate of Occupancy	9.6	Administrative	Admin	None	Admin	ZBOA	n/a	n/a
<b>DEVELOPMENT DESIGN REVIEW</b>								
Development Design Review, Minor	9.7	Administrative	Admin	None	Admin	<del>DRB</del> <u>PC</u>	24 months	12 months, up to 5 times
Development Design Review, Major	9.7	Discretionary	Admin	None	<del>DRB</del> <u>PC</u>	Court 30 days to appeal	24 months	12 months, up to 5 times
<b>SUBDIVISION REVIEW</b>								
Subdivision, Minor, Site Plan	9.8	Administrative	Admin	None	Admin	<del>MPC</del> <u>PC</u>	24 months	12 months, up to 5 times
Subdivision, Major, Sketch Plan	9.8	Discretionary	Admin TRC	None	MPC	Court	24 months	12 months, up to 5 times
Subdivision, Major, Site Plan	9.8	Administrative	Admin, TRC	None	Admin	<del>MPC</del> <u>PC</u>	24 months	12 months, up to 5 times
Subdivision Final Plan	9.8	Administrative	Admin TRC	None	Admin	<del>MPC</del> <u>PC</u>	24 months	12 months, up to 5 times
<b>HISTORIC PRESERVATION</b>								
Certificate of Appropriateness, Minor	9.9	Administrative	Admin	Demolition Only: Yes (1,2, 3)	Admin	HRB	24 months	12 months, up to 5 times

Certificate of Appropriateness, Major	9.9	Discretionary	Admin	Demolition & Design Exception only: Yes (1,2)	HRB	Court 30 days to appeal	24 months; no expiration for demolitions	12 months, up to 5 times
Local Historic District/ Historic Sign Designation	9.10	Legislative	Admin, MPC, HRB	None	CC	Court	n/a	n/a
<b>RELIEF</b>								
Administrative Adjustment	9.11	Administrative	Admin	None	Admin	ZBOA	24 months	12 months, up to 5 times
Special Exception	9.12	Discretionary	Admin	Yes (1, 2)	ZBOA	Court 30 days to appeal	24 months	12 months, up to 5 times
Variance	9.13	Discretionary	Admin	Yes (1, 2)	ZBOA	Court 30 days to appeal	24 months	12 months, up to 5 times
<b>ADMINISTRATION APPEALS</b>								
Administrative Appeal	9.14	Discretionary	Admin	Yes (1)	ZBOA	Court 30 days to appeal	12 months	6 months
<b>AMENDMENTS</b>								
Code Amendments	9.16	Legislative	Admin, MPC	Yes (1, 2 & 3)	CC	Court 30 days to appeal	n/a	n/a
Admin-Administrator / <del>MPC-Metropolitan</del> Planning Commission / CC-City Council / ZBOA-Zoning Board of Appeals / HRB-Historic District Review Board / DRB-Design Review Board / TRC-Technical Review Committee / Court - Circuit Court								
Note: Any appeals that are assigned to Court are eligible for pre-litigation mediation pursuant to § SC ST 6-29-1155								

## 9.16: AMENDMENTS AND REZONINGS

### 9.16.1 APPLICABILITY

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

### 9.16.2 INITIATION OF AMENDMENTS

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

### 9.16.3 APPROVAL PROCESS

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

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



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

**B. Staff Review and Report:**

- 1. The Administrator shall prepare a staff report that reviews the proposed amendment in light of the Comprehensive Plan and the general requirements of this Code. A copy shall be provided to the MPC and the applicant before the scheduled public meeting.

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2. For amendments where the most intense permitted use in the proposed district would generate more than 50 external trips during the peak hour, a TIA (Section 7.3.3) may be required; all road improvements needed to maintain the current level of service shall be identified (based on that analysis), and assurances shall be provided so that all road improvements will be in place so the impacts of the development are accommodated, and the current level of service is maintained.

C. **Metropolitan Planning Commission Recommendation:**

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

D. **City Council Hearing:**

1. **Public Notification:** Levels 1, 2, and 3.
2. **Timing:** City council shall consider the proposed map or text amendment at the earliest reasonable date and shall consider the report of the MPC in making a decision.
3. **Decision:** City council shall act to approve, approve with modifications, or deny the proposed amendment.
4. **Notification of Result:** The applicant shall be notified in writing within 15 days of City Council's action.

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

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

#### **9.16.5 APPEALS**

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

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## 9.8.1 DEVELOPMENT DESIGN REVIEW (MINOR)

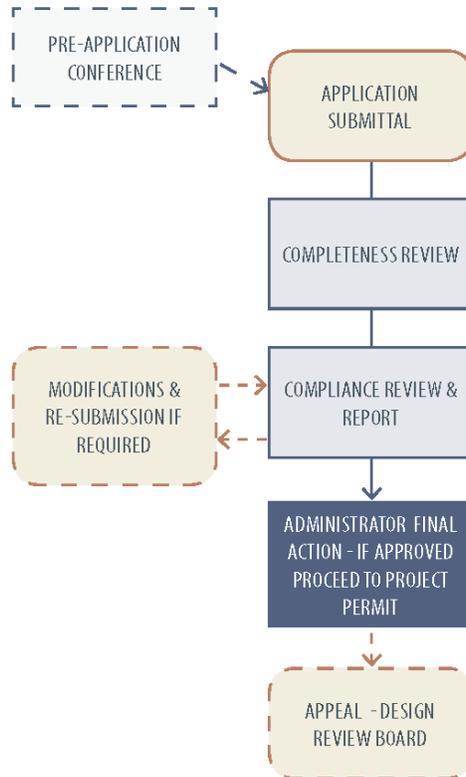
### A. Applicability:

1. ~~All structures having a 10,000-square foot or less building footprint, except Vehicle-Related Uses as defined in Section 9.8.2 A.2.~~
2. All buildings, except single-family residential structures, in developments that contain 10 24 or fewer residential units.
3. Demolition of structures of any size ~~where no new building is proposed.~~
4. Improvements to existing non-residential or multi-family structures ~~that do not exceed 75% of the assessed value of the existing improvements.~~

### B. Exceptions:

1. Detached single-family homes on individual lots outside of the Historic District are not subject to Development Design Review. However they may be subject to the Building Design Standards laid out in Article 4, depending on the zoning district.
2. Projects in the Beaufort Historic District are not subject to Development Design Review, and shall instead be evaluated by the HRB for compliance with the Historic District Guidelines. (See Section 9.10 - Certificate of Appropriateness, Minor and Major.)
3. Projects in the LI Zone are not subject to Development Design Review. However they are subject to the Building Design Standards described in 4.2.2.B.3.

NEW NON-RESIDENTIAL,  
ROWHOME &  
APARTMENT HOUSE  
DEVELOPMENT



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

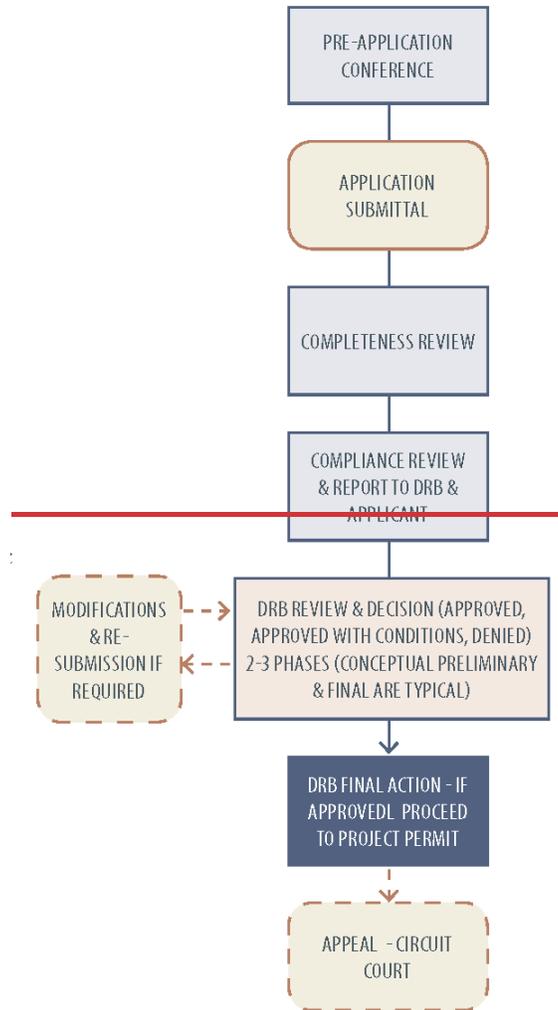
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- J. **Permit Extension:** The Administrator may grant up to 5 one-year extensions of this time period upon submittal by the applicant of sufficient justification for the extension. Extensions shall be submitted at least 1 month prior to the expiration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

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## 9.8.2 DEVELOPMENT DESIGN REVIEW (MAJOR)

### A. Applicability:

1. **Civic and Educational Facilities:** Any new development classified as a Civic Facility or Educational Facility (see Sections 3.4.1 A. and 3.4.1 C.).
2. **Vehicle-Related Uses:** Any new development that includes fuel-dispensing facilities, drive-thru facilities, or structured parking.
3. **Nonresidential Development:** ~~Any commercial or multi-family development~~ **Projects having more than a 10,000-square foot building footprint, not including porches.**
4. **Residential Development:** Single-family attached or multi-family developments containing more than ~~10~~ **24** units.
5. **Exceptions:**
  - a. Lots in the Beaufort Historic District are not subject to Development Design Review, and shall instead be evaluated by the HRB for compliance with the Historic District Guidelines (see Section 9.10 Certificate of Appropriateness, Minor and Major).
  - b. Projects in Redevelopment District Overlay Districts, are not subject to review by the Design Review Board and shall instead be evaluated by the Administrator (see Section 2.7.3).



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

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

## 10.2: ~~METROPOLITAN~~ PLANNING COMMISSION

### 10.2.1 POWERS AND DUTIES

- A. ~~**Authority:** Pursuant to S.C. Code 1976 § 6-29-320 et seq., as amended, and ordinances of the Town of Port Royal South Carolina and Beaufort County, there is established a Beaufort Port Royal Metropolitan Planning Commission (MPC), which shall perform all planning functions in the areas of jurisdiction of the City of Beaufort and the Town of Port Royal, South Carolina, and the unincorporated areas of Port Royal Island and Lady's Island, all of which have been designated as the growth area in the Northern Beaufort County Regional Plan (collectively defined herein as the "Growth Area" on the Growth Area Map in Chapter 2 of the Regional Plan). The MPC is created so that the two municipalities and Beaufort County can act together to enhance present advantages, to overcome collective problems involving these three governmental entities in which joint resolution is advisable, and to engage in orderly planning for the wise conservation of historic and natural resources, and for the growth of business enterprises providing new or expanded job opportunities in the growth area.~~
- B. ~~**Territorial Jurisdiction:**~~
- ~~1. The MPC may exercise the power set forth in S.C. Code tit. 6, ch. 29, as amended, in the following areas: all lands within the City of Beaufort, the Town of Port Royal, and the growth area, as defined in the Northern Beaufort County Regional Plan and shown on the Growth Area Map.~~
  - ~~2. The City Council may expand the jurisdiction of the MPC by ordinance and/or intergovernmental agreement, in accordance with the provisions of S.C. Code § 6-29-330.~~
- C. ~~**Powers and Duties with Regards to the Growth Area:** The MPC will have authority, pursuant to state law, for planning in the growth area. It will handle all matters in the growth area that are delegated to it and that require MPC action. In order to better coordinate growth within the growth area, the MPC shall~~
- ~~1. Promote comprehensive planning in the growth area.~~
  - ~~2. Review all zoning and land development regulation amendments for conformity with the respective Comprehensive Plan. Conflicts with the Comprehensive Plan shall be noted in any report to the respective governmental entity making the regulation amendment.~~
  - ~~3. Review and make recommendations concerning all annexations with specific attention to those of regional impact within the growth area.~~
  - ~~4. Review and make recommendations concerning all requests for zoning within the growth area.~~
  - ~~5. Review and make recommendations concerning major transportation projects affecting the growth area.~~
  - ~~6. Review and make recommendations on other matters delegated by any of the governmental entities or such other matters as may appropriately come before the Commission.~~
    - ~~a. In matters affecting the entire growth area, the MPC shall report its recommendations to the councils for the municipalities, and to the county planning commission.~~
    - ~~b. In matters affecting only one governmental entity, the MPC shall report its recommendations to that governmental entity.~~
    - ~~c. Municipal and county staffs will work together to share responsibility for presenting matters to the MPC as outlined in the commission's adopted "Rules of Procedure."~~

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~~D. — Powers and Duties with Regard to the City of Beaufort: Additionally, as to matters pertaining to lands within the City of Beaufort limits, the Beaufort City Council designates to the MPC the following additional duties:~~

- ~~1. — Review and make recommendations to the City Council in regard to planting, tree preservation, and other aesthetic consideration for land and land structures that are outside of public rights-of-way, designated open space, or public parks.~~
- ~~2. — Review and make recommendations on public projects.~~
- ~~3. — Review and approve, approve with conditions, or deny all Major Subdivision Sketch Plans.~~
- ~~4. — Delegate Site Plan (syn. Preliminary Plat) and Final Subdivision Plat review and approval to city staff.~~
- ~~5. — Review and make recommendations to the City Council about amendments to the text of this Development Code.~~
- ~~6. — Review and make recommendations to the City Council about amendments to the Official Zoning Map.~~

(Ord. No. O-22-19, 12-10-2019)

A. Planning commission established. There is hereby established a planning commission for the City of Beaufort, which shall have the powers and duties as provided in S.C. Code Title 6, Chapter 29, 6-29-310, et seq.

- (2) Composition of the commission. The planning commission shall consist of seven (7) members appointed by Beaufort City Council for terms of three (3) years, staggered so that one-third of the members shall have terms expiring in each year. Adoption of the ordinance codified in this subsection shall appoint two (2) members to the commission for terms of one (1) year, three (3) members to the commission for terms of two (2) years, and three (3) members for terms of three (3) years. Members shall serve until their successors are appointed and qualified. No member of the planning commission shall be the holder of an elected public office in the City of Beaufort. The membership of the planning commission at all times should include not less than two (2) members who are licensed either as architects, civil engineers, urban planners, or real estate professionals.
- (3) Compensation. Members of the planning commission shall serve without compensation. Reimbursement for actual expenses incurred in the performance of official duties may be reimbursed from budgeted funds pursuant to reimbursement policies and procedures for employees of the City of Beaufort.
- (4) Removal of members. Members of the planning commission may be removed at any time by Beaufort City Council for cause. The existence of cause shall be discussed by the council in executive session as permitted by the Freedom of Information Act, S.C. Code 30-4-70(a)(1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of council, is deemed to adversely affect the public interest, including lack of attendance at meetings, may constitute cause.
- (5) Organization and rules of procedure. The planning commission shall organize, elect officers, and adopt rules of procedure as required by S.C. Code 6-29-360. The PC shall elect a chairperson and a vice-chairperson from its members who shall serve for 1 year or until reelected, or until a successor is elected. The PC shall appoint a secretary, who may be an employee of any of the governmental entities. The PC shall adopt and adhere to rules of procedure for the conduct of business. An abstention from voting shall be considered a vote to deny the motion.
- (6) Quorum. A majority of the members appointed shall constitute a quorum.

(7) ~~Public hearings. The Beaufort Planning Commission shall hold all public hearings on amendments to the city zoning ordinance and zoning map pursuant to S.C. Code 6-29-760(A), Major Development as defined in Section 9.8.2 of the Beaufort Development Code, Appeals of Minor Development as defined in Section 9.8.1, Platting as defined in Section 9.9.3 and 9.9.4, recommendations on Annexations, recommendations on Text amendments of the Beaufort Development Code, and Adoption and updates of the Beaufort Comprehensive Plan.~~

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#### **10.2.2 MEMBERSHIP, TERMS, AND COMPENSATION**

- A. ~~**Number, Appointment:** All city appointed MPC members shall be residents of the city, own property in the city, or own or operate a business in the City. The MPC shall consist of 6 members, appointed for staggered terms, 2 members from each municipality, and 2 members from Beaufort County. No member shall hold an elective public office. Appointments to the MPC shall comply with the City Council's resolution establishing the guidelines for appointments to city boards/committees as adopted on November 9, 1993 and revised from time to time.~~
- B. ~~**Terms:** Members may be appointed to succeed themselves up to a maximum of 2 full 3-year terms. Thereafter, members may be appointed only after they have been off the MPC for at least 1 year. All terms shall end on June 30 of the applicable year, and members must continue to serve until their successors are appointed.~~
- C. ~~**Term Limits:** No member may serve for more than 2 successive terms, except for extraordinary circumstances where the City Council believes it to be in the best interest of the community to have a particular member continue for a specific period of time. This limitation shall not prevent any person from being appointed to the MPC after an absence of 1 year. Service for a partial term of less than 1½ years shall not constitute a term of service for purposes of this section.~~
- D. ~~**Vacancies:** A vacancy for any reason shall be filled for the unexpired term.~~
- E. ~~**Removal:** The City Council may remove any city appointed member of the MPC for cause by majority vote of the council.~~
- F. ~~**Compensation:** Members shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance by the Administrator.~~

#### **10.2.3 OFFICERS, MEETINGS, AND QUORUM**

- A. ~~**Officers:** The organization of the MPC shall be as provided for under S.C. Code 1976 § 6-29-360, as amended. The MPC shall elect a chairperson and a vice chairperson from its members who shall serve for 1 year or until reelected, or until a successor is elected. The MPC shall appoint a secretary, who may be an employee of any of the governmental entities.~~
- B. ~~**Meetings:** Meetings of the MPC shall be held at the call of the chairperson and at such other times as the MPC may determine. All meetings of the MPC shall be open to the public.~~
- C. ~~**Quorum:** A majority of the members appointed shall constitute a quorum.~~
- D. ~~**Notice of Meetings:** Reasonable notice of the time, place, and agendas of the meetings shall be given to the public. The news media shall be contacted in accordance with state law.~~
- E. ~~**Rules of Proceeding:**~~
- ~~1. The MPC shall adopt and adhere to rules of procedure for the conduct of business.~~
  - ~~2. An abstention from voting shall be considered a vote to deny the motion.~~

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~~F. **Minutes:** The MPC shall keep minutes of its proceedings, showing the vote of each member upon each question, or indicating absence or failure to vote.~~

~~G. **Staff:** The MPC shall work with the Department of Community and Economic Development for all projects within the city.~~

(Ord. No. O 22 19 , 12 10 2019)

## 10.8: Reserved DESIGN REVIEW BOARD

### 10.8.1 POWERS AND DUTIES

- A. ~~**Territorial Jurisdiction:** The Design Review Board (DRB) shall have jurisdiction over the entire city, except for the Historic District.~~
- B. ~~**Powers and Duties:** Review, and approve, or deny, in accordance with the requirements set forth in The Beaufort Development Code, the aesthetic design of all applications subject to Major Development Design Review as outline in Section 9.8.2.~~

(Ord. No. O 22-19, 12-10-2019)

### 10.8.2 MEMBERSHIP, TERMS, AND COMPENSATION

- A. ~~**Number, Appointment:**
  - 1. ~~The DRB shall be appointed by the City Council.~~
  - 2. ~~The DRB shall be composed of 5 voting members who shall be residents of the city, own property in the city, or own or operate a business in the City. The DRB shall include 3 design professionals, and 2 citizen representatives. With regard to the design professional positions, it is preferable that the positions be as follows: 1 landscape architect, 1 architect, and 1 engineer. With regard to the citizen representatives, it is preferable that 1 representative be a business owner, preferably owning a business on a Primary Street(see Appendix C.3).~~~~
- B. ~~**Terms:** All terms shall be for 3 years. All terms shall expire on June 30 of the applicable year and members must continue to serve until their successors are appointed.~~
- C. ~~**Term Limits:** No member may serve for more than 2 successive terms, except for extraordinary circumstances where the City Council believes it to be in the best interest of the community to have a particular member continue for a specific period of time. This limitation shall not prevent any person from being appointed to the HRB after an absence of 1 year. Service for a partial term of less than 1½ years shall not constitute a term of service for purposes of this section.~~
- D. ~~**Vacancies:** Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.~~
- E. ~~**Removal:** The City Council may remove any member of the DRB for cause.~~
- F. ~~**Compensation:** Members shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance by the Administrator.~~

### 10.8.3 OFFICERS, MEETINGS, AND QUORUM

- A. ~~**Officers:** The DRB shall elect a chairperson and a vice chairperson from its members who shall serve for 1 year or until reelected, or until a successor is elected. The DRB shall appoint a secretary, who may be an employee of the City.~~
- B. ~~**Meetings:** Meetings of the DRB shall be held at the call of the chairperson and at such other times as the DRB may determine. All meetings of the DRB shall be open to the public.~~

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- C. ~~**Quorum:** At least 3 of the members of the DRB must be present to constitute a quorum.~~
- D. ~~**Notice of Meetings:** Reasonable notice of the time, place and agendas of the meetings shall be given to the public. The news media shall be contacted in accordance with state law.~~
- E. ~~**Rules of Proceeding:**~~
1. ~~The DRB shall adopt and adhere to rules of procedure for the conduct of business.~~
  2. ~~An abstention from voting shall be considered a vote to deny the motion.~~
- F. ~~**Minutes:** The DRB shall keep minutes of its proceedings, as required by state law.~~
- G. ~~**Staff:** The staff of the City's Department of Community and Economic Development may provide support to the DRB from time to time.~~

(Ord. No. O-22-19, 12-10-2019)