

**BEAUFORT–PORT ROYAL
METROPOLITAN PLANNING COMMISSION
AGENDA**

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

Monday, August 21, 2023, 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/86900078688?pwd=MnpIdndBQTQ2cjJqY0FaWm03S01kQT09>

Password: 316049 Meeting ID: 869 0007 8688 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 Commission Meeting Minutes:**

A. **July 17, 2023 Meeting Minutes**

IV. **Questions Relating to Military Operations**

V. **Old Business for the City of Beaufort – Continued from July 17, 2023 Meeting:**

A. **City of Beaufort – Text Amendments.** Amendments to the City of Beaufort Development Code, Chapters 2-10, to consider processes for approvals, boards and commissions, and historic preservation.

VI. **Review of Projects for the Town of Port Royal:**

A. **Town of Port Royal – Annexation.** Town of Port Royal – Annexation. Annex 37.8 acres at 61 Brookins Path. The properties are further identified as District 100, Map 28, Parcels 121A and 146. The applicant is Bridges Preparatory School.

B. **Town of Port Royal –Zoning Request.** Zone 37.8 acres at 61 Brookins Path. The properties are further identified as District 100, Map 28, Parcels 121A and 146. The applicant is Bridges Preparatory School. The current zoning is C3 Neighborhood Mixed-Use (Beaufort County). The requested zoning designation is T3 Neighborhood.

VII. **Review of Projects for Beaufort County:**

A. **None.**

VIII. **Adjournment**

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



Metropolitan Planning Commission Meeting Minutes – July 17, 2023

CALL TO ORDER

1:45

A meeting of the Metropolitan Planning Commission was called to order by Susan Cosner, Chair, and was held in-person on July 17, 2023 at 5:01 PM.

ATTENDEES

Members in attendance: Sue Cosner (Chair), Wendy Zara (Vice-Chair), Judy Alling, Josh Gibson, Dennis Ross and James White.

Staff in attendance: Curt Freese, Community Development Department Director.

REVIEW OF MINUTES OF 4/17/23 AND 5/15/23

2:34

Ms. Zara made a motion to approve the April 17, 2023 minutes. Mr. White seconded the motion. The motion passed unanimously.

Mr. White noted on the May 15, 2023 minutes on page #6 under the motion that the motion was made by Judy Alling, not Sue Cosner and also the vote was 3:1, not 4:1.

Mr. White made a motion to approve the May 15, 2023 minutes with the changes. Mr. Gibson seconded the motion. The motion passed unanimously.

All [Insert name of Review Board] meeting minutes are recorded and can be found on the City's website at <http://www.cityofbeaufort.org/AgendaCenter>. Audio recordings are available upon request by contacting the City Clerk, Traci Guldner at 843-525-7024 or by email at tgundler@cityofbeaufort.org.

QUESTIONS RELATING TO MILITARY OPERATIONS

4:48

None.

APPLICATIONS

5:00

- A. **City of Beaufort – Text Amendments.** Amendments to the City of Beaufort Development Code, Chapters 2-10, to consider processes for approvals, boards and commissions, and historic preservation.

Curt Freese stated he would go over the major text amendments first and then will go over the remaining amendments afterwards. Ms. Cosner mentioned that in the Metropolitan Planning Commission's (MPC) written material there was not a rationale provided. Ms. Cosner felt it was important for the members of the Commission who didn't attend the City Council study sessions for them to hear that background and for the audience as well. Mr. Freese stated to everyone that the MPC is making a recommendation to the City Council. The next schedule meeting is in late August. If this goes forward that's when the public hearing and ordinance to make these changes will be heard for the first time and then there will be two readings. Mr. Freese said we've spent about 10 hours on all of the this from April through June where we had a third Tuesday work session with the City of Beaufort Council. The packet information has been changed/alterd a bit and what you have before is a distillation of these four months of work sessions. These work sessions were centered around the processes of the Code. Mr. Freese went over this presentation of the Boards and Commissions RECAP, April through June that included topics of (1) City only PC; (2) Disbandment of MPC and DRB; (3) Retain Administrative Approval Redevelopment Overlay (Controversial in the last few years of how things were approved in the Boundary and Bladen Street overlay); and (4) Changes to what goes to new PC for Approval. The major issue that came out of the work sessions was a recommendation to remove the Historic Beaufort Foundation (HBF) seat from the Historic Review Board (HRB). Right now, the way the Code is written the HRB Board is set up of duties, its responsibilities, its powers. Right now, HBF basically can nominate one seat the of five. The recommendation now is taking it to City Council with a recommendation to remove.

First Discussion Item: HRB Board Composition Background:

In Chapter 10.7.3.A, HBF is allowed to nominate one member of the HRB by Code. The city received a letter from Chamber of Commerce that it would like to nominate a member to HRB. The city had received some commentary that some organizations felt this was unfair. The question is whether HBF should retain the ability to nomination one of those five members ability per the Code or not. The recommendation from staff is to remove this section because it seemed unfair to have any organization that they would have preferential treatment over any other organization. Mr. Freese, included the red line version in the packets for the MPC so they can so you can the changes in those sections red. Tonight, we are mostly talking about chapters 9 and 10, although there are other chapters to seven and the reasons those chapters are there because they relate to the powers of one of those boards, so if they're to be changed and if those recommendations are to be accepted, those code amendments have to be altered. This is a major process and there were already some text amendments propose in the past. The city adopted this very progressive Form-Based-Code back three or five years (2017). Regarding HBF, it was already in the code; not really a change from the Form-Based District. The city won some awards for the code, but it was a major change and in those 5 years, there hasn't been any changes to the code brought before the MPC other than just a few minor text amendments that just changed a sentence or two. Mr. Freese said when he started here, he met with people in the community and the MPC and it was very obvious there were some issues with efficiency, meetings, the process, projects taking over a year or two to go to the Boards, transparency, citizens were unsure which Board they would go before; what the Board was approving/not approving and what staff was approving or not. This was looked at first because it seemed to be like the core issues.

Mr. Freese reiterated that the HBF seat would just remove the nominating ability for HBF seat. It would not give any other Board nominating seats. It will be open to all citizens in the city. Anybody that's a resident of the city, if this was removed, could apply.

Second Discussion Item: Metropolitan Planning Commissions: Rationale:

Mr. Freese reiterated that the Form-Based Code is really complicated. Beaufort is one of the few cities in the country that's adopted a fully Form-Based Code and the Metropolitan Planning Commission (MPC) was adopted for regionalism purposes. Back in 2008, there were issues with annexations and the MPC was the answer to that problem by having Port Royal, the City of Beaufort and the Beaufort County come together to have one Board make decisions within the northern regional area. Port Royal adopted a Form-Based Code that is different from the City of Beaufort with a different set of consultants and the County has a quasi-Form-Based Code for some sections of county and some are not.

Another rationale is there's six MPC members, two from each entity. Mr. Freese stated a lot of Regional Planning Commissions have been dissolved in the last twenty to thirty years. The sense from the staff is that the city residents should be making decisions for major developments in City and not residents in other communities. Also, this will improve decision-making and efficiency. We will talk later about merging the Planning Commission and the Design Review Board (DRB), but if this were to happen, the city would be standing their own Planning Commission, Port Royal would be standing their own Planning Commission, and the County already has a Planning Commission. Our records show that the county hasn't taken anything to the Planning Commission in some time.

Regarding making decisions, the DRB is making decisions right now on major site plans which is somewhat unique because in most states DRB can only make comments on architecture in South Carolina. Most of development in Beaufort especially since there are a lot of wetlands here, is mostly a site plan for commercial or multi-family site plan. Those site plans require infrastructure and a look at the zoning of the surrounding area and the build form of the surrounding area. The DRB should be focused more on an aesthetic. For transparency and efficiency, it makes more sense to merge the DRB with the Planning Commission; citizens would have just one Board. This creates efficiency for both the development and the citizens.

Third Discussion Item: Redevelopment District (Chapter 9):

Mr. Freese stated there was a lot of controversy. There was an amendment heard by the MPC in December 2022 to remove staff approval levels in the Boundary Street and Bladen Street Districts. The concerns were that staff was approving things they weren't allowed in the code. After a lot of discussion, this Commission recommended approval of that, and it went before the City Council. The current proposal is to add a public comment period for all the projects in that redevelopment district and a compromise between time-consuming public approval, and non-transparent staff level approval. The proposal would be that all projects in the redevelopment district would have a 15-day public review and comment period for major submittals. Staff would have to respond to comments in writing and have them put on our website before anything was approved.

Fourth Discussion Item: Design Review Board:

Right now, the recommendation is to merge the Design Review Board (DRB) with the City only Planning Commission. All DRB power and approvals would be transferred to the City Planning Commission with some changes which are now all commercial projects would be going to this new Planning Commissions before staff can approve some projects and some multi-family projects. Staff recommendation is to approve elimination of the DRB and combine it with the city only Planning Commission. The rationale is the DRB was struggling; projects were taking a long time, and the Planning Commissions has a better understanding of roads, infrastructure; efficiency of the process.

Going to one Board is easier for staff to manage, citizens have only one board to come to, and easier on the board members.

The other sections for Historic Review Board (HRB) there is other items such as board composition, demolitions for non-contributing structures, changing administrative approvals, putting guidelines for new construction in Historic District Rules, and putting in Secretary Guidelines for COA's. There have been some concerns in the last few years for projects coming before the HRB and the need for better guidelines for approvals.

Chairman Cosner asked the Commissioners if there were any clarifying questions, not comments, for Mr. Freese. Mr. Gibson wanted to clarify that the primary thing the MPC is dealing with is the HRB. He also feels the problem is *efficiency* because the HRB is a cumbersome process. Mr. Gibson has been before the HRB three times and can attest to this. Mr. Gibson asked, if it is a matter of efficiency, how making the change about how the people are nominated for it solves that problem in any way. Mr. Freese responded and stated the rationale is multi-pronged and there's efficiency, transparency, fairness.

Public Comment

30:10

Paul Trask, 610 Bladen Street. Regarding the efficiency of the board, he doesn't believe the appointment from the HBF has anything to do with the efficiency of the way that HRB operates. It's really a matter of whether or not there is strong leadership in the chairman position, whether they are established rules of procedures that are being followed, a checklist for example that for each project that addresses the seven integrities or the Milner Report depending on district and so forth. It's not the function of the individual or the fault of HBF for some dysfunction on the HRB but a matter of council to address to demand and require accountability of the Board itself. He is in opposition for removing of HBF's appointment authority. After all, city council votes unilaterally four members of the five, Mr. Trask said. Only one member of the five, 20% is recommended by HBF and city council still has authority to approve or to deny that appointment.

Lise Sundrla, Historic Beaufort Foundation. Historic Beaufort Foundation (HBF) was incorporated in 1965 with their Mission to serve and protect and present sites and artifacts of cultural, historic, and architectural legacy within our community. In 1968, it was HBF that was instrumental in commissioning. The first historic site survey of what became our National Historic Landmark District and our National Register District. National Register in 1969, National Landmark 1973, and in 1972, it was because of HBF's involvement and relationship and unique background in history. Henry Chambers recognized the critical importance of designating a seat by ordinance in the city's first zoning ordinance in 1972. At the time, it read that it had to be a member of HBF's Board of Directors. The very first representative for HBF that was on that architectural was Mrs. W. Brantley Harvey representing not only HBF but our historic and architectural legacy. Since that time frame we've had multiple mayors, multiple city managers, city planners, and multiple directors of HBF that worked in concert for almost 50 years to ensure that the historic integrity of our National Register and National Landmark District was not only protected but preserved. It wasn't until 2021 that that seat was challenged under then Mayor Billy Keyserling; his moral compass was bothered because he felt we were a "lobbying" organization, and we should not have a seat on that Board. We have never been and never will be a "lobbying" organization. We are instead an advocate for preserving the historic legacy of Beaufort and that's what we're going to continue be in our relationship and perceived

relationship with the city. What we want to do is see that relationship knit back together and for it to be strengthened again for us to be able to move forward for what's best for our community and best for preserving this very precious Historic Landmark Historic District and registered district that we currently have. The South Carolina Attorney General weighed in in 2012 at the request of then Mayor Billy Keyserling. And when he weighed in, he was specifically asking them, "were we able to, as a non-profit, serve in that capacity as the ordinance stated". They came back with a very specific statement that whoever in an agency, a nonprofit, or separate private organization that was to be recommended by ordinance to serve on any of the boards and commissions had to have a rational relationship to the law that was the purpose of that commission or board. They further ruled or gave opinion of that the HBF was uniquely qualified for that seat. The only thing they said to change was the city council could not mandate it be of our Board of Directors. The ordinance language was changed in 2021 to read, one of five seats on the HRB will be recommended by HBF and that is how it today and that's what we're asking you today, to please help us to preserve that seat and to recognize importance of the integrity of our National Historic Landmark District. Ms. Sundra suggested before the MPC rules, to take a look at the Certified Local Government Guidelines because those guidelines were administered through the Department of Archives and History govern our Historic Review Board and govern how they act and how they are appointed. This will explain the language and this language should mirror what is in our code, and it does not.

Deborah Gray, 1300 Barnwell Bluff. Historic Beaufort Foundation (HBF) and their nominees for a Historic Review Board seat possess impressive breadth and depth of knowledge of preservation guidelines, issues, and techniques. They command up-to-date knowledge of preservation tax credits and funding. They have working familiarity with the creation and protection of historic districts and individual designations. They possess dedication to the seven integrities crucial to preservation outcomes. Beaufort has undertaken the process of updating preservation standards and city codes. The National Park Service has recently evaluated the status of a historic and issued its report on the degree to which the fabric is threatened. Now time has to be granted to judge how these measures will move preservation forward more effectively and fictitiously for those coming before the Board, for the city and the board members. Rather than removing the right of HBF to nominate a board member, the individual likely to possess the greatest font of preservation knowledge, let's address how issues of historic district vitality, economic well-being, changing city and constituency priorities and equity can be addressed in a preservation format, a framework. This calls for collaborative board strengths, city resources, both public and private, and better delegation of process responsibilities, the ZV, the board and city department. Preservation requires activism, linkages, relationships, and evolution. A well-balanced Board focused on its mission statement is an unbelievable crucial city asset and can also unite a city divided through its commitment to and delivery of sound preservation guidelines. To say, "I feel your pain", "not over by dead body", simply escalates tensions and animosity. If all talents are engaged in addressing both the build and human factors in the equation, I believe this is possible. I believe this agenda can be best achieved by ensuring that HBF continues to have a protected right to nominate a person to a designated seat on the HRB.

Diane Brownfield said she probably has no right to stand up here tonight because she is a newcomer to Beaufort; living here less than a year and lives at East River Drive. She has lived 27 years in Savannah, Georgia. She's said she has served on the Svannah HBF many years ago and also served as a volunteer on their Architectural Review Board. She said the city has an individual here who knows what preservation is and feels she will know what kind of person who needs that assignment. She stated the city's strategic plan says that they are looking for somebody who's believes in preservation

and concerned about historic preservation, and this is what needs to matter to every citizen in this community. She asked the MPC to consider leaving things as they are and keep things as they are.

Phil Cromer, 162 Spanish Point Drive. Most of what he wanted to say was already covered, but he did want to mention that under the Section 10.7.3.A on the composition of this Board, HRB shall consist of five members with an interest, a competence, and a knowledge in preservation. It also states that two members shall be professionals in the discipline of preservation, architecture, history. In the making an analogy, if you've got a medical problem, you're going to see medical professional, not a bank or a real estate agent, he said. The same applies here; if you're dealing with historic preservation, you're going to go to the professionals in the field and HBF is the professional in the field. Mr. Cromer said he was on council at the time that of the Attorney General's opinion was rendered and as a result we did codify the sentence that you see as being struck as a compromise or a result of Attorney General's opinion. Mr. Cromer asked the MPC to keep things the way they are. We need their expertise and this whole Board is about preservation.

Rob Montgomery a property and business owner on Ribaut Road and also Chairman of the Historic Beaufort Foundation said in April of 2020 an opinion was rendered by the South Carolina Attorney General concerning this exact issue. By ordinance 1972 a seat on the HRB Board has been designated for an applicant nominated by HBF. The seat was challenged in 2020 by Mayor and Council and an opinion for the South Carolina Attorney General's office was requested then by Mayor Keyserling. This opinion stated there must be a rational and substantial relationship between the private organization recommending a candidate and the law to be administered. The opinion continues that since there is rational and substantial relationship between foundation, a non-profit organization, and the law to be administered by the HRB, there is no doubt that the foundation is qualified to recommend or nominate candidates for appointment. However, the ordinance cannot require the candidates to be members of the private organization making the nominations. At the time, city ordinance required that the HBF nominee would be an HBF board member as a result of the 2020 inquiry that clause was struck and so now the city ordinance does not require that HRB nominate HBF board member. A positive result of that 2020 challenge was a task force being created that consisted of then City Manager, Bill Prokop, City Councilman Mike McPhee and Phill Cromer, HBF Executive Director, Cynthia Jenkins, Chuck Symes and myself. This task force explored ways the foundation and city offices could work together on issues affecting the Historic District. I thought this was a good step in recalibrating the traditionally strong relationship that has always been fostered between the city and HBF but was unfortunately abandoned by the current administration. Mr. Montgomery said, please recommend against removal of Section 10.7. which states, one of the five members of the Historic Review Board shall be recommended by the Historic Foundation. Our desire is to foster the collaborative relationship first established back in 1965 when the newly formed Historic Beaufort Foundation teamed with then Mayor Henry Chambers to restore the John Mark Verdier House and to protect what soon became our National Historic Landmark District.

Maxine Lutz lives at 1801 North and is currently HBF's recommended person to the Historic Review Board (HRB). She said she was not here when the National Historic Landmark was established with the strong partnership between the city and HBF. She's seen a lot of members come and go and a lot of projects come and go with good/bad members and good/bad projects. When we've had members who contributed to bad projects, it was typically because they were there because they had an axe to grind and did have any of the skills sets that are recommended in the ordinance. She said, "HBF might have an axe to grind, but it's a positive ax that we want our historic district preserved and want to do it with the best guidelines that are available to us. We want to do it with the Secretary of the

Interior Standards and the seven integrities our Board currently takes into consideration: (1) location of the project (2) design of the project (3) the setting (4) the materials being used (5) the workmanship (6) the feeling and (7) associations of the project. Decisions are not made on a whim. Ms. Lutz heard the Design Review Board say many times that they wished they had the kind of guidelines that the HRB has. In her experience over the years, Ms. Lutz, said when those guidelines have been observed, we've ended with good projects. She doesn't understand why the city is making this recommendation of change. She heard it rumored this might be because the city is unhappy with HBF and doesn't want to think that's true of my elected officials. Ms. Lutz referred to the issues with the parking garage and the hotel which was controversial. We're not naysayers to developers. Ms. Lutz said, "as a long-time observer and now the person on the review board, I ask you to deny this request and lave the decisions to those that are skilled and design architecture, craftsmanship, and preservation".

Grant McClure, South Carolina Coastal Conservation League, located at 1212 King Street said regarding 10.7.3.A., the Historic Beaufort Foundation mission aligns with goals of the city's HRB to aid in the preservation protection, and enhancement of the Beaufort National Historic Landmark District. Given HBF's specialized expertise in the historic preservation, we recommend retaining their seat appointment on the HRB.

Charlene Schufeldt, lives in the unincorporated area of Lady's Island said she has a great reverence for history. She's been twice region of local DAR Chapter. She asked, "How can we have a Design Review Board of a national historic city and not have anyone on the Board with the knowledge of the history of Beaufort. The Governor has recognized our Director of HRB for her outstanding preservation of history knowledge. Ms. Schufeldt urged the MPC to leave HRB as a nominating member of the Historic Review Board.

John Harrison, lives in Coosaw Point, said his family has been in Beaufort for 40 years, and he also represents the Rhett House Inn. The voices in this room are clear. I haven't heard really any contrast to what's obvious that should be done except for one person in the room saying, "we need to be more sufficient". He greets every guest and visitor that comes to this town and stays at his inn as much as possible and all of them say one the thing, "what makes Beaufort special is the preservation, the beauty, the swing bridge. There haven't been any good arguments against not having at least 20% of this Board represent history keeping Beaufort preserved.

Virginia Amar lives at 313 Bayard Street. She asked all of the supporters of the nominee of Historic Beaufort Foundation to please rise so the committee will know how many people support this. She finds it odd that not only does the city want to remove the ability of HBF to nominate one member of the Design Board, and to get of the MPC, too. It looks like they want to take over and do what they want to do without anybody else getting in their way, she said.

Parker Moore, 310 New Street. He feels this commission struggles with a lot of difficult issues and unfortunately, this should not be one of those. The historic fabric of Beaufort is the "golden goose" of this city and the city council and staff and all the appointed members of each of the bodies having been entrusted by the citizens of Beaufort to protect that golden goose which should be simple. But for whatever reason, council and staff seemed hell bent on not only exiling the people that are the greatest guardians of our "golden goose", but also picking out which butcher they're gonna to take it to. If staff and city council are not willing to do their jobs of protecting the most important aspects of Beaufort, its heritage and legacy, we ask that the commission take the steps to help them get there.

Alexander McBride resides on ____ Road, a section of Lady's Island and is the Pastor of the First African Baptist Church in the historic district and although he cannot speak for the 168 constituents of those elected, he will speak for himself as a person who has lived in Beaufort for the past 40 years and a pastor for the last 22 years. He is engaged in actual experience of the results of the Historic Beaufort Foundation's recommendations and what not to help restore the Grand First African Baptist Church which was founded in 1863. Being a former Marine of 31 years, prior planning makes Pittsburgh performance and to have that prior plan, it takes one that is engaged in that planning with knowledge and the skill set that is above and beyond the local person that just walks up to the stand. He recommends that remain the same concerning the HBF.

Graham Trask who owns property in Beaufort and the residence at 1211 Bay Street, said everyone in the room probably knows I don't live full time in the City of Beaufort but nor does our City Manager, Scott Marshall. He recognized Debbie Gray, Lee Sundrla, Maxine Lutz, a very nice articulate woman from Savannah, Virginia Amar, John Harrison, Parker Moore, and the Pastor who spoke. They're making the case that HBF should remain on the HDRB, but that's not what this is about. It's not fairness or process, it's about power and a vendetta of our mayor. He's gotten a FOIA (Freedom of Information Act) from the city and he saw the very brief email from the Chamber of Commerce from Ian Scott suggesting that the chamber have a dedicated seat on the HDRB and apparently that is what the mayor says started all this. It's also ironic that this particular item is the most important one for all of city council. It's also interesting, as Ms. Amar pointed out, that they want to do away with you, the MPC, as well. They want to "regionalize the power" which is another word for "concentrate power" in their hands. Mr. Trask believes that this meeting shows a great deal of disrespect to the MPC Board and to every one of those people who showed up for this meeting and then also for the City Council Workshop. This has been a creation by the mayor and City Council members who will not stand up to the mayor. Mr. Trask reiterated that this is not about fairness or process, but it's about power and a vendetta. Mr. Trask urges the MPC to see if for what it is and deny and make a recommendation to City Council of denial and said, "force them to then face the public in City Council Chambers, as you are now, to pass that against everyone who stood up and hopefully more will show at that meeting".

Public comment closed.

Chairman Cosner asked staff if this topic went to the Historic Review Board for review. She said she received one comment Mr. Morillo. Mr. Freese said we just updated them on the process informally.

Motion: I move that we leave the ordinance the way it was relating to the recommendation of HBF to be able to recommend a person of the five-member Historic Review Board.

All in favor: Josh Gibson, Judy Alling, James White, Dennis Ross, Wendy Zara

Motion made by: Wendy Zara

Seconded by: Judy Alling

Further Discussion:

Commissioner White appreciated the comments made today. He agreed with Phil Cromer in that the ordinance indicates that we're looking for someone with an interest, competence, or knowledge in historic preservation. The goal is to make sure that we find members that serve on the HRB that

have this criterion and it's not unreasonable to expect HBF to be able to nominate someone who has the interest, competence, or knowledge in historic preservation. He did some research and looking at other jurisdictions outside of Beaufort, they look for members that are members of the HBF's or other types of archives because they show an interest in historic preservation. He feels for us to remove that, wouldn't be wise at this juncture. He said he was now part of the conversation back in 2021 when this matter was taken up. He has seen the Attorney General and he can sympathize with the fact that we shouldn't require the public to be part of a private organization to serve on a public Board.

We've spent a great deal of time from, what it appears back in 2021, to address this particular issue. We already came out with a resolution to change the ordinance, to remove the section of the ordinance. It was approved by current council members at that time. Mr. White believes that we should continue to allow at least one seat to be nominated by the HBF. By having the language in the ordinance is sets the expectation of the ties between the HRB and the City.

Chairman Cosner clarified that this is a recommendation for appointment by the HBF. It doesn't mean that they get that appointment.

Commissioner Zara said there are several boards or commissions that are created by the city who require designated level of expertise to serve on those Boards. Ms. Zara referred to the Design Review Board which requires people with expertise in the area of reviewing major plans. In the case of the HRB, technically, HBF does not actually appoint the person, the city makes that appointment. She referred to the comment made by Mr. Moore about the "golden egg" and said we need to recognize the financial impact of the historic district. She said Ian Scott, the CEO of the Chamber asked to have a businessperson appointed. The chamber probably has at least one businessperson that five-member board as well as members of the chamber. She wants to make sure we can continue to not fix something that isn't broken.

Commissioner Gibson said this seems like a solution in search of a problem we really don't have. The question is, how would this improve the efficiency of the HDRB? The answer seems to be it doesn't have an impact one way or the other. Moving forward making things more efficient, are more of policy and management decisions. People on these individual board such as this one, the ZBOA, HDRB, and others are nominated to be independent voices and separate from city council and that's done for reason. How the chamber become involved is confusing. Its concerning to see how these things get discussed in a public forum stating how the HDRB is being an obstacle to businesses in the city. This historic district is our businesses and drives our economy and our culture and there is too much emphasis on the HDRB is "problematic" for businesses in the city. People come to Beaufort because of what the HDRB is organizing and protecting. The Board is undeniably qualified. Mr. Gibson said is opposed to changing the language.

Commissioner Ross agreed with Mr. Gibson about the efficiency of this and the processes that are involved and the transparency. The biggest thing learned from tonight and listening to everyone here in the office is trying to find out where the *rubber meets the toad* on this issue. Like Mr. Trask said earlier, "you don't go to a mechanic if you have tonsilitis, you go to see a doctor and there's a difference between a good doctor and a bad doctor. A good doctor has passion and cares. The HBF has passion for the preservation of the history that is so important to this system, to the city, and to the county. We've seen it degraded and maybe not so much in Hilton Head, but in Myrtle Beach and

Charlston, and people don't want to see further degradation. We need to have someone on the Board with that passion.

Commissioner Alling agreed with everything that has been said by the other Commissioners. She thinks a member of the Historic Beaufort Foundation being on this Board is a primary importance. They will be the best reference that that Board could have. It seems foolish to do away with the knowledge that someone could provide for that Board. She talked about efficiency and knowledge.

Commissioner Cosner talked about if it is a good municipal business to reference a single organization in code, in codification. She referred to Mr. White's research where he found jurisdictions that require their historic review foundation organizations to have somebody on their Board. She argued that HBF is the worst position they could be in with this language. The language says that they recommend somebody. It doesn't say that council has to approve that reversal. She would be lobbying if she were the HBF and argue that you should require representation on the Board but that is not what this is about. However, it is not good municipal policy to reference a single organization out for representation on a Board or a Commission. If we did that, we open the doors to the Realtors Association, car dealers' association, and to just about anybody that wants to be on a Board and thinks they have some kind of linkage to that Board and Commission. The HBF can nominate 5 people to this Board. The HRB is in existence for the sole purpose of maintaining, preserving, restoring the historic fabric of the community. She is going to oppose the motion and suggest someone make an amendment to Ms. Zara's motion to Section 10.7.3A to *strike the two members shall be and add three Members shall be professionals in the discipline of those fields that are listed there.*

Ms. Zara is fine with HBF still being able to nominate specifically. Mr. Gibson said there is a difference between recommending somebody and nominating somebody. Ms. Cosner agreed. Mr. White is concerned with changing that to three because then we would be looking at three professionals and possibly in addition to a HBF recommendation.

Ms. Cosner noted, we received three public comments that she forgot to mention. One asked to be added to meeting record and that was from John McCardle. The other two comments were from Libby Anderson and Benjie Morillo, and both only mentioned that their comments be forwarded to the Commissioners.

Opposed: Susan Cosner

Vote: 5:1

Merging the DRB, abolishing the MPC:

1:34:49

The MPC is basically making decisions for three different entities with perhaps not equal representation for each entity. The complication of each of those entities has very complicated approval and design and development processes that would probably, in staff's opinion, be better served by a "City" only Board that could just focus on the city. From a city standpoint, if we combine the DRB and the Planning Commission, and just had members who were only dealing with the city that would definitely help with the efficiency on all ends.

Mr. Freese noted he received a public comment that was given to the MPC relating to Ms. Cosner's comment that this also had two members of a seven-member commission, and they felt it should go to a three or four.

James White referred to the Power and Duties of the new Planning Commission and was confused since there were no redlined areas similar to the DRB and Metropolitan Planning Commission (MPC) documents. Ms. Cosner felt the same. Mr. Freese explained and further said the goal is to invite the current members to be on the new Planning Commission, provided they live within the city limits. Most cities are now eliminating the MPCs. Ms. Cosner said what needs to be looked at is that the language you are striking in the first section under the MPC, much of that goes to the Planning Commission. We want to make sure the Power and Duties section is transferred over to the new city only Planning. Mr. Freese will double check against the State on this if it's a recommendation. Ms. Cosner said if we're not going to specify it in language, we then we definitely need a reference to the South Carolina Code. Mr. Freese said the refence is there, he was just trying to shorten it up. Ms. Cosner said, Ms. Zara is right, and we need to see the text and it should come back to us.

Ms. Cosner feels the order should be first Composition, then terms and then power and duties. Mr. Freese agreed and said he can un-strike the language from C and D and move it to two. Mr. Freese spoke about the staggered appointments and feels it makes for some fairness. Ms. Cosner clarified that staff is asking two of the MPC members and five of the DRB members to interview for the new Planning Commission. Mr. Freese said that is what he understands it to be.

Ms. Cosner agreed with Mr. White in that the Powers and Duties section should be specified. Ms. Cosner said when we talk about the Planning Commission established, as we do with the current DRB, she thinks we need to specify expertise and qualification. Libby Anderson made several good comments about the proposed new Planning Commission, and she talks about the expertise that serves on the DRB now. Ms. Cosner would like to see that we have specified number of skill sets in the language. Also, she would like to see a registered Architect, registered Landscape Architect, Engineering, Planning, builder, and development experience among these. Mr. Freese agreed with Ms. Cosner to make this recommendation. Ms. Cosner said we want to make sure that all the expertise in the DRB comes over to the new Planning Commission. Mr. Freese confirmed it would be.

Ms. Cosner noted in the new Planning Commission section under Planning Commission Established A in parenthetical four, the last sentence of the last line, says, "the PC shall appoint a secretary who may be an employee of any of the governmental entities and it should say, "of the city". In the same section A, parenthetical six, the first sentence says, "public hearings. The Beaufort Planning Commission shall hold all public hearings on amendments to the city's zoning ordinance and zoning map pursuant to SC Code". And then it says, "major default development is defined". It doesn't flow. Mr. Freese said he will just list those things as well. Ms. Cosner confirmed that Mr. Freese is going to bring back specific text language

Public Comment:

Paul Trask 610 Bladen Street, said in terms of those skill sets, he thinks it's very important to recognize that someone who has experience dealing with tenants, dealing with financing a projects, navigating the rules and regulations that are contained in code. Mr. Trask feels the term developer is appropriate but not the term builder.

Grant McClure, Coastal Conservation League, said we are generally supportive of planning staff's updates to the code which streamline and clarify the development approval process for both applicant's and also for the public's awareness. However, we offer the following suggestions to further enhance the City of Beaufort Development Code:

- (1) Our primary concern is the potential loss of a shared vision for how the region will handle growth. In the current code, the MPC's powers and duties, reference the Northern Regional Plan specifically and the importance of regional cooperation for 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 area. The proposed city-only Planning Commission strikes the reference to the Northern Regional Plan and relies solely on the state statute to define its powers and duties. This is a missed opportunity for the City of Beaufort to further refine and tailor the Planning Commission's charge and responsibilities to meet the City's specific needs. We recommend expounding on the powers and duties section and we also suggest trying to incorporate a reference to the Northern Regional Plan within that definition.
- (2) We support the proposed changes to Section 9.8.2 which is the approval process for items in the redevelopment overlay. These changes ensure more transparency and allow for more participation. Although we question where projects exactly will be posted for public review and the postings, they should be easily accessible for all members of the public. We further recommend adding in a provision stating the following:
 - Section 9.8.2.5.b. The code administrator shall notify all public commenters when a project is issued an approval.
 - Section 10.2.1.a. That establishes the composition of the city's Planning Commission. We feel it's critical for the Planning Commission to be well staffed with expertise to deal with complex design challenges. We recommend increasing the requirement that two out of the seven members are design professionals to four out of the seven members. The amendments defined as designed professionals are architects, civil engineers, planners, urban planners, and real estate agents and due to potential conflicts of interest, we recommend replacing real estate agent with something like land design professional.

Diane Farrelly Oak Haven Street said she is sad this is being recommended. What is important is public comment and transparency. However, it's this works to make things more reasonable for ordinary citizens to navigate the process of what's going on around them without having to go to so many boards, then ok. She concurs with everything **Grant McClure** said. This is very wishy-washy, and it doesn't have any duties, nor says anywhere that the members have to be citizens of the city. She feels there is a lot missing and urges the MPC to put it together in a better format that the public can actually read and comprehend before they vote on it. Ms. Farrelly voiced her concerns about something that happened in her neighborhood a few years back when the MPC approved a sketch plan for the former trailer park at the end of Oak Haven Street. There was a number of decisions leading up to that that were questionable. The final decision that MPC made at that time (Ms. Alling was a member) was that they would recommend approval with the caveat that it is mandated that the developer work with the neighborhood during the design review process. Now that the MPC and the Design Review Board are being disbanded she is concerned about what will happen now.

Cytnhia Jenkins with HBF, resides at 733 North Reeve Road, noted that the Pine Haven and Oak Haven neighborhoods are potentially eligible for the National Register. She said, HBF has spoken in the past to the City Manager about the review board assuming the responsibility that they are required to assume under the Certified Local Government process that they are members of. We are very concerned that that has not been done. She referred to the discussion earlier about how many members carry over, etc. She hopes the MPC takes strong consideration of that. The perception by a lot of people is that this is being a pushed through in the middle of the summer, the first Monday of Water Festival when people are not in town and not engaged in a very important process of reviewing a zoning ordinance that we paid several million dollars to get done in the first place. She referred to the four work sessions the city had. She said there is so much going on with the review boards right now and the sections involving the preservation including the fact that the National Park Service is winding up a very expensive very detailed conditions and integrity study. The sections that deal with Historic Preservation, she feels are a great deal of a piecemeal because the sections you look at tonight do not involve the sections related to the seven integrities. The problem with this code has always been that its hard to follow, and you have to refer to four different chapters just to site information to use to plan what you want to do on an historic building; very complex. We need to be careful when looking the Code and how we revise it. She feels it's disrespectful to not wait for the study to be completed in September or October. She's not a fan of the Form-Based Codes in the Historic District. She asked that this process be slowed down, have more meetings for the public to attend and have things explained to them so they better understand what is happening.

Ms. Zara said, by State law, the Planning Commission is supposed to promulgate the text changes and then they go and make a recommendation and then to the full council. In this case, the Planning Commission sought none of text changes. They all came directly from City Council. Even for the workshops, we couldn't get copies of the proposed text changes, she said. It makes it difficult tonight because nobody has seen this stuff. Ms. Cosner said the language during the time of the council study sessions, it wasn't actual language, it was concepts. Mr. Freese said everyone had packets with the language and it was accessible to the public. They were also all publicly notified with all of the recommendations, and we spent, including tonight, a half a day just in these text amendments. The MPC members were frustrated because they are supposed to be promulgating this and that's not how it happened. Mr. Freese said this set of amendments will go before Council in August.

Ms. Cosner asked the MPC if they want to go forward with the discussion of making a motion based on the discussion we had tonight or do we want Curt to bring back more concrete solid language that speaks to all of the issues we talked about to come back to us in August.

Motion: Mr. Ross made a motion to defer voting on the text amendment 10.2 until the wording has been clarified and the strike throughs have either been added or eliminated correctly.

Public Comment:

Powell Beach, lives at 310 Federal Street, said he has been in the planning and design world for 30 years and feels it is terrible to combine a Planning Commission and a Design Review Board. The Design Review Board is more of aesthetics and Planning Commission is more businessmen. Mr. Freese responded and said South Caroline is different for Design Review Boards than most states. Most Design Review Boards do only architecture, but SC they're empowered to do more. Mr. Freese referred to the project, Beaufort Station. Ms. Cosner stated in many jurisdictions, if there is a DRB, the DRB recommendations go to the Planning Commission.

Graham Trask resides at 1211 Bay Street, said the commission made the right decision tonight. He felt the board did a great job tonight and said they are a very impressive board and very impressive people. He said the city is sorely lacking the discussion, debate, the thoughtfulness, and lacking at our elected official level and that is why you are getting these amendments in this fashion and form. The blame lies squarely with our city council. He referred to the MPC mentioning the comment about the board members having to live in city and said it also needs to say *or have a business in the city*. He referred to the City Manager who does not live in the city. Initially he was in favor of doing away with the MPC but has changed his position because he is more concerned about the centralizing of more power in the hands of the city council. He referred to the comment made by Mr. Gibson about the city council appointing the entire slate in one go. Any text amendments need to be very specific about the makeup of the Board to include current board members on the MPC give the quality of those individuals as well as the DRB. He is puzzled why as part of what seems like the need to create a Planning Commission there is the proposal to do away with the city's participation in the MPC and looking at the powers and duties in regard to the City of Beaufort, and there is only one of any substance and matter to a developer, which is to review and approve with conditions or deny all major subdivision sketch plans. He's concerned that we are actually throwing out what is a very good Board who gives some very valuable and deep insights which our city is sorely lacking and to fix a problem which really, we need to have a creation of a planning committee anyway. He suggested creating the planning committee function within the city rather than doing away with the MPC and folding it into the planning committee because the powers of the MPC right now in respect to development or review are minimal at most.

Lise S Sundrla, said there might be one or more versions of the document going around with one having the changes and one does not. Ms. Cosner said we are working from the same document. She asked Ms. Sundrla where she received her document. Ms. Sundrla said, "Off of the website". Mr. Freese said people may have been looking at the work session comments and things have changed since.

Motion made by: Dennis Ross

Seconded by: Wendy Zara

All in favor: Josh Gibson, Dennis Ross, James White, Wendy Zara, Judy Alling, and Sue Cosner

Opposed: None

Vote: 5:5

Mr. Freese said the changes to the DRB are tied to the Planning Commission and feels it would be better to move that to the next month it can be reviewed at the same time since it is one of the four major topics to include that with the recommendation.

Motion: Made a motion to move forward the 10.8 section on the Design Review Board.

All in favor: Josh Gibson, Dennis Ross, James White, Wendy Zara, Judy Alling, Sue Cosner

Made by: Wendy Zara

Seconded by: Dennis Ross

Opposed: None

Vote: 5:5

HRB – Demolition

Mr. Freese said there are five specific topics of conversation. After further discussion, staff and all commissioners agreed to take no action on this section tonight and table it for next month's meeting.

Public Comment

Walter Nesser with eh Law Firm Burr and Foreman, said back in 2016, we were retained by a group of property owners of property and businesses within the city to assist in the review of the entire code and the reason why those business owners felt that it was appropriate to do so is because they wanted to just look at the code from a business perspective. He appreciates that staff is looking at the code from your perspective, but somebody has to also look at it from the business owners. Mr. Nesser said he sent comments to Mr. Feese today and many of the comments were that you are making in this latest exercise which we very much appreciate, but the thing he asked is that in this process, as it moves forward, that the MPC look at those things. He said by for example, the findings in each instance, are those cumulative or how do those findings work because in some it looks cumulative and some it does not. For example, there are 10 enumerated for review of a Certificate of Appropriateness. He referred to the relocation or demolition of a contributing structure and the 9 months. Mr. Nesser asked that the MPC recommend to staff that they go through that and if they have questions, we are glad to help. It can't just be the viewpoint from the municipality. It also has to be from the viewpoint of the property owner and the person who is trying to achieve what's set forth in that ordinance. We need objective standards. Ms. Zara asked Mr. Nesser to send his comments to the commission.

Graham Trask resides at 1211 Bay Street, said he is a developer and probably the largest in downtown. I was not part of the process that Mr. Nestor was talking about, but I'm quite concerned about item D which is slowing down the process, but my biggest town is item E. He said if you are a developer, apply to demolish a building is not to do it 7 years later. Right now, there is no sunset on the demolition. Certain developers, as Mr. Nestor represents one has taken advantage of that. So, once you get a demo permit, it goes on into perpetuity forever. Certain people, Historic Beaufort Foundation (HBF) included, have been trying to put sunseting onto demo permits. Five-year one-year extensions are extravagant. Mr. Trask referred to some buildings he has downtown and will want to demolish as a developer. He encouraged there to be revisions that tighten up the five one-year extensions and instead perhaps its two one-year extensions for the good reasons that there's been a global pandemic and you can't actually start your project. He hopes the committee will think about that from a developer's point of view. Ms. Cosner reminded the commission that that language permissive; it says, Historic Review Beaufort *may*.

Ms. Cosner said we are tabling this section as well.

Public comment closed.

Section 2.8.5 – Legacy Planned Unit Development District

Mr. Freese also recommended that this be table as well since it relates to the MPC. Commissioners all agreed.

Section 9.8.2 Redevelopment District Section

Mr. Freese recommending getting the MPC's opinion on this section. Commissioners all agreed. Ms. Cosner said we did approve this in December.

Mr. White asked for clarification in the sentence *the administrator shall respond in writing to all public comments*. Mr. Freese said we are intending for the staff to answer comments. He referred to the Libby Anderson's case that she made about the code not being followed on those staff level approvals and she felt a public hearing would give the transparency and decision-making in the public, too.

Public Comment:

Cytnhia Jenkins with HBF, has many concerns especially with this section. Regarding demolitions, HBF asked city council to take action on this in the spring of 2020 to change the ordinance to have a sunset, so a demolition permit did not stand forever and did not transfer to a new owner. We also asked for a moratorium on demolitions at that time, until they could take action on that text amendment. She said council told her "Don't worry we don't need a moratorium because we will address this in the next two or three months". Three years later we're just now getting a demolition clause that stops that kind of rampant demolition in an historic district. Then when we get the clause changed to allow five extensions of a building that might need demolishing because it's falling down and have a property owner who has seven years, and you may have a health hazard. Most cities in the Historic District zoning ordinance allow for a two-year time frame and the extension of one year to demolish. This needs to be changed. Also, we think that new construction and building modifications of non-habitable accessory buildings needs closer attention, allowing decisions on fences and sheds by the administrator rather than being before a full Board needs to change. We have lost two historic fences in Beaufort that she knows of because city staff member didn't think it was historic and didn't bother to check. There are no surveys of those historic fences. Also, modifications to non-configuring and non-contributing structures in the Conservation Neighborhood needs to be defined. What buildings are historic and who's deciding you use the seven integrities. Ms. Jenkins referred to item two on page seven and said in most projects an applicant should provide a scale model on a big project; a material wall that's built of large-scale buildings so that you can see the relationship. She also referred to the ten Secretary Standards that are very important. HBF feels this is being piecemealed together. The ten Secretary Standards and the Seven Integrities are in the Code in the sections of the zoning ordinance that relate to the HRB's decisions but they're not what we're looking at here and this all needs to be together in one section and not spread out through the ordinance. This makes the process very difficult. This needs a lot of work, she said. Ms. Cosner suggested Mr. Freese work with Ms. Jenkins because the MPC has decided to table everything with maybe one exception.

Courtney Worrell, 303 Associates, said in regard to the specific redevelopment question, after having attended the various meetings, she thinks this is a reasonable compromise, but we did have some questions about what the public back and forth will look like. We're not opposed to it at all, just wanted some clarity around what that process was.

Public comment closed.

Ms. Cosner said we are back to the Redevelopment Projects in the Redevelopment Areas (Section 9.8.2). She said what our recommended approval to the council was that all projects in redevelopment areas would not occur at staff level. After further discussion, all of the Commissioners agreed to table this section until the next meeting. Mr. Freese agreed.

Paul Trask referred to the comment that Ms. Cosner made that she felt things are working well in the redevelopment district and spoke to the Boundary Street section. He feels things are not working out. There is this big sprawling complex sucking the life out of Boundary Street for example. Many tenants might consider the Boundary Street area are moving to this new shopping down in the Walmart area. Mr. Trask asked the MPC to please say why they feel like things are working so well rather than just leaving the assumption that are all working well. He said the circumstances are quite challenging. Ms. Cosner responded by staying hoteliers make decisions based on a lot of research. We have an apartment complex going up on Boundary that did not come to us and there are a lot of issues, but the developer found that lot. There are also new fast-food outlets. Mr. Trask said we don't need any staff approval. Ms. Cosner said she didn't feel we didn't need more staff approval, but we need more approval at the commission level. Mr. Trask disagreed and when he attended the work session at city council it was quite clear that city council's position was to retain staff review and the redevelopment district.

City of Beaufort Mayor Stephen Murray thanked the Commission for their time and effort into this. He said the Code was created without the public being engaged in the process. It then came to the MPC and the MPC stamped that Code without a whole lot of objection, as he recalls. Then it came to City Council. We were notified by the Historic Beaufort Foundation, by the Coastal Conservation League and by a number of developers that the code was ripe with issues that needed to be settled before we codified it. He said thanks to some people in the development industry, Historic Beaufort Foundation, Coastal Conservation and a whole host stakeholders we sat in the work session room downstairs until late hours in the evening working through it just like we're doing tonight. In 2023, when we passed the code, we made a commitments to stakeholders that about every six months or so we would keep track of the outstanding issues that the code was not perfect, and it was something that was different than we historically been operating under and that it was going to continue to take refinement and polishing. Mayor Murray said, "Shame on us, we didn't have the staff capacity and we did anything other than a few changes. Now we have the appropriate staff, we have Mr. Freese, a new City Manager and a new Council. On one side, we're hearing from people in the development of community and not just wealthy developers, but people who are bootstrapped starting out trying to improve their properties that the process is often cumbersome, takes too much time, it's too expensive, and its complicated. On the other side, we're hearing from people that the stuff that is coming out of the ground are things we're not very proud of. In the last work session, we had downstairs, we had approximately 60 people and I asked, "how many of you are proud of all the new development or the new development that is occurring in the city" and only a few people, primarily those who are engaged in development, raised their hands. Mayor Murray said, "We are trying to thread a needle here where we are trying to streamline, make the process more predictable, tighten the time frame on some of these projects that it takes to get things out of the ground because unless you're ultra wealthy, I think we are precluding a lot of people from actually engaging and approve their properties and being able to build sort of economic mobility in this city which is a real shame. But on the other side, I think we're trying to be more proud of the product when it comes out of the ground". The city redid the Milner Guidelines recently, we've been trying to vet out Boards and Commission members more appropriately. He has often said, "we should be proud of the stuff that's being built in the Historic District because it *should* look like Historic Beaufort and look like our design architecture". Mayor Murray stated, "But why should we stop there? Why can't new development and architecture outside the Historic District also be something we're proud of and be our Historic structure of tomorrow? This is the goal of council has started with process to make sure that we're not putting unnecessary barriers into development so that all people can take part in improving their properties appropriately, but also in building stuff and shaping our

development pattern based on the Civic Master Plan’s vision is different. We have to think a little differently and he realized to put the MPC yourselves out of business is maybe a bit wrong or disrespectful, but the reality is that this is the legal process for it to occur. City Council started the process downstairs in the work session to do it in a very transparent way and he appreciates those that took time to attend. None of this has been scrubbed by legal counsel. In the meantime, he said the MPC has given some really excellent feedback tonight to staff which is going to be extraordinarily beneficial to our process. Its more important that we get it right than we get it quickly. Council has no issues with it coming back to MPC next month for further review. In the meantime, legal counsel will look it over to make sure that the findings, the issues with state statute are absolutely polished up and if we have to, we’ll defer it again because it’s important we get it right. But right now, I don’t think we’re getting it perfectly right now. I think we can do better not only for applicants, but also that we can all be more proud of the new development that comes out of this sort of complicated process of development. Mayor Murray quoted Churchill by saying, “Democracy is the worst form of government besides all the others”. He thanked everyone for what they said. He also said, it’s not about personalities but about we’re honored to be self-governing and to represent the city and how do we make informed decisions looking more for the future.

Ms. Cosner said she took to heart what Cynthia Jenkins was talking about in terms of cross referencing to those sections. This is so important in Code and asked if we could make a really strong attempt at doing a better job of cross referencing those sections. Mr. Freese agreed even though it will be complicated as we move on. Ms. Cosner thanked the commission for all their hard work and those who will be going off the current MPC for their willingness to be part of this process.

ADJOURNMENT

:

Motion: Ms. Zara made a motion for adjournment at 8:30 pm. seconded by Mr. Gibson. The motion passed unanimously.

CITY OF BEAUFORT
TEXT AMENDMENTS



CITY OF BEAUFORT
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CURT FREESE
Community Development
Director

Date: August 21, 2023

From: Curt Freese, Community and Economic 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. In the five years since it was adopted, numerous issues have percolated to the surface that will require updates and revisions to the code. 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 proposed for formal MPC recommendation, all have been discussed and vetted during these public meetings. The first few months were spent on an overview of the code, and changes to Chapters 9 and 10, which involve process and development review bodies.

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, have been grouped into four categories below, with a brief description of the changes which again, are found in the red. Also, the HBF seat was formally voted on with a 5-1 vote to recommend no change to the current ordinance—HBF would retain the recommendation of one of the five seats.

The proposed amendments to Chapters 9 and 10 focus on the following:

CREATING A CITY-ONLY PLANNING COMMISSION

Analysis: Staff is recommending the creation of a city-only Planning Commission and withdrawal from the MPC, a regional Planning Commission with Port Royal and the County.



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- A majority of members would be voting on projects who are not residents of the city.
- The MPC was established to resolve annexation debates between the respective agencies, but the adoption and adherence to the Northern Regional Beaufort County Plan has resolved many of these issues.
- The City Development Code (and Port Royal and the County's) are long and complicated.
- The city is providing all administrative support to the MPC, as well as hosting the meetings.
- Few cases from the County are being sent to the MPC.
- A City only PC is more responsive and reflective of its citizens views, than a regional council.
- Regional Planning Commissions are now relatively rare around the country for many of the reasons listed.
- A City only PC allows the City to consolidate approval processes and add the powers of the DRB.

Changes from 7/17/23 MPC Meeting

Staff made the following revisions based on Commissioner and Citizen comments:

- 1) Added the powers of the new PC.
- 2) Changed requirements of commissioners to include residency of the city.
- 3) Changed requirements that 4 of the seven members must have specific expertise.

Code references (changes in red)

- Section 2.8.5 MPC reference to PUD's;
- Section 7.2.1 MPC references to Streets;
- Section 9.1.4 Process table;
- Section 9.16 MPC reference to Amendments and Rezoning;
- Section 9.8.2 Development process approvals.
- Section 10.2.1 changes to MPC organization, powers and duties.



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DISBANDMENT OF THE CITY DRB, AND MERGING THEIR POWERS INTO THE NEW PLANNING COMMISSION

ANALYSIS: Staff is recommending the city disband the City's Design Review Board and place the powers of the DRB into the new City-only Planning Commission.

- Multiple approval boards make for confusing and complicated process for Staff, citizens and developers.
- Major Site Plans with the Form Based code have infrastructure needs not suited for review by an architectural board.
- The DRB approval process has been cumbersome since its creation, with some projects taking years to obtain a final approval.

Note: no revisions since MPC meeting.

CODE REFERENCES (CHANGES IN RED)

- Section 10.8.2, DRB, Board rules and powers
- Section 9.8.2 Development Process and approvals
- Section 9.1.4, Table of Approval processes

CHANGES IN APPROVAL PROCESS FOR ITEMS IN REDEVELOPMENT OVERLAY, STAFF/DRB LEVEL APPROVALS

ANALYSIS: Staff is recommending major revisions to staff level approvals and those approvals from the new PC which would be assumed from the DRB.

Adding all commercial approvals to a public hearing (previously only some went to the DRB) before PC

Changing multi-family approvals, to be consistent with subdivision standards (from 24 units which required down to 10 units would require a public hearing).

Dropped the requirement that commercial renovations require a public hearing and made this a Staff approval. Concern over the cost and uncertainty involved with a public meeting to make improvements to an existing property.



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Added a public comment period for the Boundary Street Overlay and Bladen Street Overlay.

Note: no revisions since MPC meeting.

CODE REFERENCES (CHANGES IN RED)

- Section 9.8.2 Development Process/Redevelopment District
- Section 10.8.2 DRB process
- Section 9.1.4, Table of Approval processes

CHANGES TO STANDARDS TO THE HISTORIC REVIEW BOARD PROCESS, INCLUDING REMOVAL OF HBF SEAT

Analysis: Staff is recommending to significantly revise the historic district approval process.

- Current process is not clear and hard to follow for the majority of citizens and applicants.
- No clear approval or findings for HRB to make, which is concerning due to the number of legal challenges recently made of the HRB.
- Addition of the Infill standards into the findings for COA's for new development.
- Formalization of the Concept to Final Process, with required materials and findings.
- Change to require all demolitions go to HRB, not some to Staff.
- Addition of Secretary of Interior Standards for COA's and demolitions.
- Formalization and time limits for demolition approvals.

Changes from 7/17/23 MPC Meeting

Staff made the following revisions based on Commissioner and Citizen comments:

- The MPC made a recommendation regarding the HBF seat.
- Staff rewrote the entire section, and enlisted recommendations of HBF and Meadors Architecture.
- HTRC process is added.
- Clarification of Contributing and Non-contributing structures.
- Addition of infill standards to approval standards.



CITY OF BEAUFORT
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CURT FREESE
Community Development
Director

- Removal of certain approval requirements mentioned in the MPC meeting.
- Edits of typos and errors.

CODE REFERENCES (CHANGES IN RED)

- Section 10.7.2: HRB Powers and Duties and Composition
- Section 9.10.2 HRB process and approvals.

RECOMMENDATION: Approve text amendments.

Section 2.8.5

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.

Section 7.2.1

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 Rezonings (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

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.

Section 9.1.4

9.1.4 PERMIT/PROCESS TYPE TABLE

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

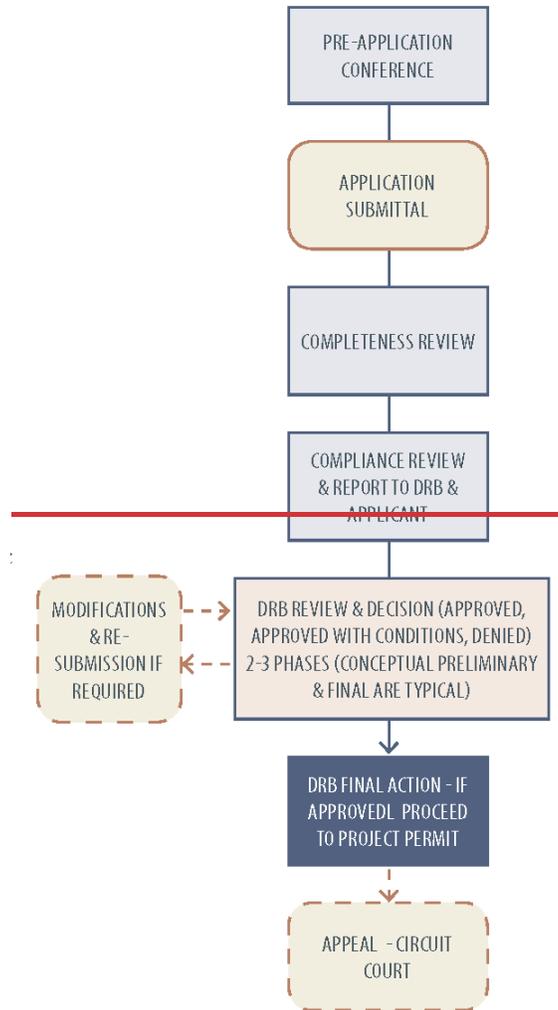
Certificate of Appropriateness, Major	9.9	Discretionary	Admin	Demolition & Design Exception only: Yes (1,2)	HRB	Court 30 days to appeal	24 months; no expiration for demolitions	12 months, up to 5 times
Local Historic District/ Historic Sign Designation	9.10	Legislative	Admin, MPC , HRB	None	CC	Court	n/a	n/a
RELIEF								
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
ADMINISTRATION APPEALS								
Administrative Appeal	9.14	Discretionary	Admin	Yes (1)	ZBOA	Court 30 days to appeal	12 months	6 months
AMENDMENTS								
Code Amendments	9.16	Legislative	Admin, MPC	Yes (1, 2 & 3)	CC	Court 30 days to appeal	n/a	n/a
Admin-Administrator / MPC-Metropolitan 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								

Section 9.8.2

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). The Administrator shall post all projects for review in said districts for a 15 day public review and comment period for each major submittal. Minor revisions to the plans (not related to use, density, building frontage, or building height) shall not constitute a major submittal. A copy of all public comments shall be disseminated to the applicant and Administrator for each public comment period. Both the applicant and Administrator shall respond in writing to all public comments after each major submittal, and the project will be required to attend a TRC committee meeting, before the project is issued approval.



- 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.

Section 9.10.2

9.10.2 PROCESS AND APPROVAL HISTORIC DISTRICT

- A. Guidance Standards, Maintenance of Consistent Policies, HTRC: In order to provide guidance and insight into desirable goals and objectives for the Beaufort Historic District, the documents described in this section are hereby adopted for use by the HRB in the exercise of its authority granted under Section 10.7 of this Code.
 - 1. The "Beaufort Preservation Manual, adopted November 2022.
 - 2. The "Northwest Quadrant Design Principles," May 1999 shall be utilized by the HRB for the review of projects located within the Beaufort Conservation Neighborhood.
 - 3. The Secretary of Interior's "Standards for Rehabilitation" shall be utilized for review of all projects that modify a contributing structure.
 - 4. The Building Design Standards, in Article 4 of this Code, shall be utilized for review of all new construction.
 - 5. The Historic District Infill Design Guidelines, in Section 4.7 of this Code, shall be utilized for review of all new construction.
 - 6. Any special area policies adopted by the HRB.
 - 7. HTRC: The City shall organize an Historic Technical Review Committee to review projects within the Beaufort Preservation Neighborhood and the Northwest Quadrant/Beaufort Conservation Neighborhood. The HTRC shall consist of the Code Administrator, City Building Official, City Code Enforcement Official, City Architect or Preservationist, a representative from any qualified non-profit historic district, and representatives from public utilities. Any meetings of the HTRC shall be noticed as public meetings.

B. HRB Process: the review process to approve a Certificate of Appropriateness in the Beaufort Preservation Neighborhood and the Northwest Quadrant/Beaufort Conservation Neighborhood is based on the following project types and process:

- 1. Application/Eligibility: A property owner within the Beaufort Preservation Neighborhood and/or the Northwest Quadrant/Beaufort Conservation Neighborhood shall make an application with the City of Beaufort. City Staff will review the application for completeness and schedule to HTRC.
- 2. HTRC Meeting: The HTRC shall review the application for compliance with this code and the requirements of Section 9.10.2 A 1-6, and shall make a recommendation to either the HRB or the Code Administrator.
- 3. Contributing Structures Process: all changes to contributing structures shall be approved by the Historic Review Board with the following exceptions:
 - i. Minor Changes Contributing Structures: Minor changes or alterations to contributing structure, limited to include the following: in kind repairs, non-historic fences and walls, changes in paint color, roof replacements and roof materials, and window replacements. All such projects shall attend an HTRC meeting before Staff shall issue approval.
- 4. Non-Contributing Structures Process: all changes to non-contributing structures shall be approved by the Code Administrator with the following exceptions:

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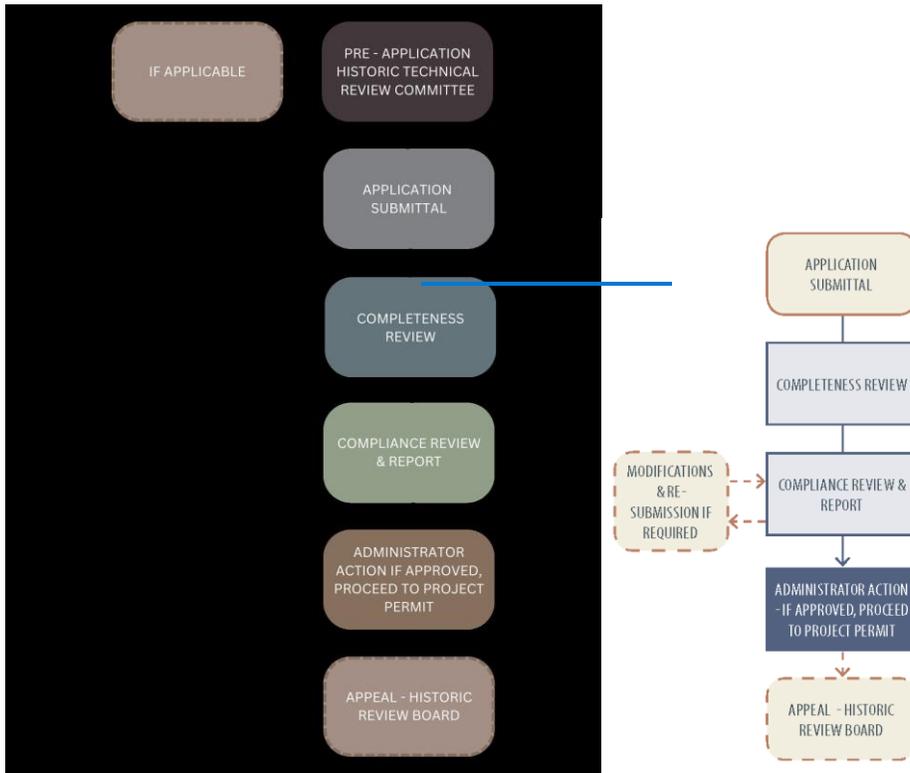
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- i. Demolitions: all demolitions, except for non-inhabitable accessory structures, shall be approved by the HRB as set forth by the standards of this Section.
- ii. The HTRC may recommend after the required HTRC meeting, that applications as defined in this Section, shall be approved by the Historic District Review Board (HRB), instead of the Code Administrator.

Process Type: The review process required to approve Certification of Appropriateness is based on the following project types:



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

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- d. ~~Demolitions of non-contributing structures in the BCN.~~
 - e. ~~Demolition or partial demolition of a structure that is listed in the "1997 Beaufort County Historic Sites Survey," or the most recent historic sites survey, and lies outside the Beaufort Historic District.~~
 - f. ~~Demolition of noncontributing accessory structures (e.g., sheds, carports, etc.).~~
- Such approval shall follow the procedures for Development Design Review - Minor (Section 9.8.1).

5.2. ~~Major New Development Historic District:~~ Discretionary review by the HRB shall apply to all new development projects in the Historic District following the procedures for Development Design Review in Section 9.8.2. ~~other applications for Certificates of Appropriateness.~~ New construction in the Historic District shall follow the HRB approval process below:

a. Conceptual Approval

- i. Applicant shall submit a site plan depicting any new structures in relation to the setbacks, street, and any easements on the site. The site plan shall include existing streets, alleys, driveways, non-primary structures, preliminary landscape plan depicting any existing specimen and landmark trees.
- ii. Applicant shall submit a schematic drawing set depicting the following requirements: mass, height (including elevation above grade of the first floor and floor to floor heights), siting and orientation on the lot, and form/scale of structure.
- iii. Applicant shall submit a streetscape of any existing structures on the block proposed for new development, with proportions and pictures of said structures.

b. Final Approval

- i. Applicant shall verify elevation of the first floor, and floor to floor heights and provide these heights on all elevations, including an overall building height.
- ii. Applicant shall provide bays, windows and doors detail. Including head and sill details for any typical window and door.
- iii. Applicant shall provide final materials and colors for the structure in a list or on a drawing sheet, as well as relevant cutsheets including but not limited to all exterior doors, windows, roofs, brick, light fixtures, shutters and flood vents.
- iv. Applicant shall provide roof details including termination details and ridge details.
- v. A project may elect to go from Concept to Final, wherein the submittal would include the requirements of both Concept and Final and be heard at one HRB hearing.

c. Findings Required: New development within the Beaufort Historic District shall be approved by the Historic Review Board, based on the following findings:

- i. The plan is consistent with the seven integrity principles listed in Section 4.7.2 of this Code.

Location: This is the relationship between the property and its historical context.

Design: This is the combination of elements that create the feeling of a district or structure. These elements include building patterns, streetscapes, site elements, building size, mass and scale, spatial relationships, and specific architectural elements and details.

Setting: This is the physical environment of a property and should be evaluated on its context as well as on the historical role the property has played and continues to play.

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Important features include topography, vegetation, man-made features, and relationships between existing structures and their surroundings.

Materials: These are the physical elements that make up a property or district.

Workmanship: This is the physical evidence of the crafts of a particular culture or time period. This particularly applies to rehabilitation projects, but for new infill projects, workmanship of surrounding structures should be considered and respected. Retaining the details of the original craft and craftsman (i.e., wood, masonry, tabby etc.) of the original building ensures the historic fabric is retained and serves as an important component of the integrity and the patina of age of individual structures and the district as a whole.

Feeling: This is the property's expression of the aesthetic or historic sense of a particular period of time. This particularly applies to rehabilitation projects, but for new infill projects, the feeling of surrounding structures should be considered and respected.

Association: This is the direct link between an important historic event or person and a property. This particularly applies to rehabilitation projects, but for new infill projects, association of particular sites and neighborhoods should be considered.

ii. The plan complies with all applicable requirements of this Code, all applicable requirements of the Beaufort Preservation Manual, and/or the Northwest Quadrant Design Guidelines.

iii. New construction should build upon the history and established pattern of the district through its design, landscape, use, and cultural expression. An understanding of the character and significance of the district should predicate any design or development activities.

iv. Lot size, massing, siting, floor area ratio, and height must correspond to the adjacent buildings that contribute to or complement the rhythm of the district. The use of buildings will be secondary to their design and integration into the district. However, newly introduced uses should not be detrimental to the historic fabric.

v. Infill Shall Be Compatible Yet Distinct: New buildings should be identifiable as being of their period of construction; however, they should not be so differentiated that they detract from - or visually compete with - their historic neighbors. Within historic districts, compatibility is more important than differentiation.

vi. The Exterior Envelope and Patterning of New Buildings Shall Reflect District Characteristics: Infill design elements, patterning, texture, and materials should reflect the aesthetic and historic themes of the district. Patterns of fenestration, building divisions, setbacks, and landscapes that are characteristic of the district should inform the design of new buildings. Mechanical and automobile infrastructure should be appropriately concealed when not consistent with the district's character.

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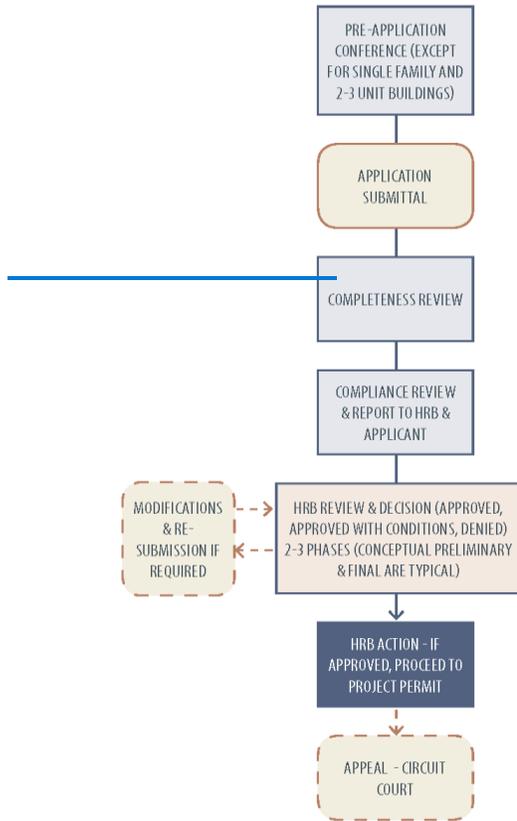
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6. **Approval of Certificate of Appropriateness:** In order to approve an application for the minor alteration of a Contributing Structure in the Historic District, the HRB shall find that the proposal meets the following standards:

a. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

b. The historic character of a property shall be retained and preserved. The relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.

c. A property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall be discouraged.

d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.

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- e. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
 - g. Chemical and physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used unless otherwise approved by the City Staff.
 - h. Archaeological resources should be protected and preserved in place as per Section 4.7.2 of this Code. If such resources must be disturbed, mitigation measures should be encouraged.
 - i. New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportions, and massing to protect the integrity of the property and its environment.
 - j. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- 7.. **Denial of Certificate of Appropriateness:** The HRB may refuse any application that, in the opinion of the HRB, does not comply with the standards and guidelines listed in this Section and thus would be detrimental to the interests of the city. In case of disapproval, the HRB shall state the reasons therefore in a written statement to the applicant and may give verbal advice to the applicant and make recommendations in regard to appropriateness of design, arrangement, texture, material, color, etc. of the property involved. Among other grounds for considering a design inappropriate and requiring disapproval and resubmission are the following defects:
- 1. Arresting and spectacular effects.
 - 2. Violent contrasts of materials or colors and intense or lurid colors.
 - 3. A multiplicity or incongruity of details resulting in a restless and disturbing appearance.
 - 4. The absence of unity and coherence in composition, that is not in consonance with the dignity and character of the present structure, in the case of repair.
 - 5. Construction of, remodeling, or enlargement of an existing building in a manner not consistent with the prevailing character of the neighborhood.
8. **Issuance of Certificate of Appropriateness:** When a Certificate of Appropriateness and Building Permit have been issued, the Administrator shall, from time to time, inspect the alteration or construction approved by such certificate and may report such inspection to the HRB listing all work inspected and reporting any work that is not in accordance with such certificate, or that violates any ordinances of the city.
9. **Demolitions:**
- a. In all applications involving the demolition of a contributing primary structure or contributing accessory structure, provisions shall be made for a public hearing as set forth in Section 9.1.5. Demolition of non-contributing structures shall be approved by the Historic Review Board based on the standards of this Section.

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b. In any case involving the demolition or partial demolition of a structure, before granting approval or requiring a postponement, the HRB may call on the Administrator to provide them with a report on the state of repair and structural stability of the structure under consideration.

c. Upon receiving an application for demolition or partial demolition of a structure that is listed in the "1997 Beaufort County Historic Sites Survey" and lies within the limits of the city but outside the Beaufort Historic District, the Administrator, within 30 days of receiving the application, shall either approve it, or find that the preservation and protection of historic places and the public interest will be best served by postponing the demolition for a designated period — this shall not exceed 60 days from the receipt of the application, and notify the applicant of such postponement. The application will be announced to the public in accordance with the notification standards set forth in Section 9.1.3. Within the period of postponement of demolition or alteration of any building, the Administrator shall take steps to ascertain what may be done to preserve the building, including consultation with private civic groups, interested private citizens and other public boards or agencies, including investigation of the potential use of the power of eminent domain when the preservation of a given building is clearly in the interest of the general welfare of the community and of certain historic and architectural significance.

d. In order to approve an application for the relocation or demolition of a Contributing Structure, in an Historic District, the Historic Review Board must find that:

1. The applicant has proven no prudent and feasible alternative exists, or

2. The applicant has proven the designated property is deteriorated beyond repair, or

3. At the public hearing of an application to relocate or demolish a Contributing Structure in an Historic District the Administrator upon recommendation by the Historic Review Board, may, in the interest of exploring reasonable alternatives, delay issuance of a permit for up to 90 days from the date of the hearing. If, thirty days prior to the expiration of the delay period, the Historic Review Board finds that there are still reasonable alternatives to explore, it may recommend a delay for an additional period of up to 90 days.

4. Permit Validity: Upon the approval of a demolition application by the Historic Review Board, the demolition permit shall be effective for two years from the date of the approval. The Historic Review Board 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.

5. In approving an application for the demolition of a Contributing Structure in the Historic District the Board may impose the following conditions:

i. Photographic, video, or drawn recordation of the property to be demolished, and/or

ii. Salvage and curation of significant elements, and/or

iii. Health and Safety and property maintenance measures

iv. Other reasonable mitigation measures.

e. In order to approve an application for the relocation or demolition of a non-Contributing Structure, in an Historic District, the Historic Review Board must find that:

1. The applicant has proven the designated property is deteriorated beyond repair, or

2. Permit Validity: Upon the approval of a demolition application by the Historic Review Board, the demolition permit shall be effective for two years from the date of the approval. The Historic Review Board 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.

3. In approving an application for the demolition of a non-contributing Structure in the Historic District the Board may impose the following conditions:

- i. Photographic, video, or drawn recordation of the property to be demolished, and/or
- ii. Salvage and curation of significant elements, and/or
- iii. Health and Safety and property maintenance measures
- iv. Other reasonable mitigation measures.

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

- a. **Applicability:** The HRB shall have the authority to authorize a variance of up to 35 percent from any numerical standard set forth in Article 2 (Maps and Districts) — except for Section 2.6, Height and Section 2.7.4, Air Installation Compatibility Use Zone (AICUZ) overlay district standards — and Article 4 (Building Design and Infill Standards).
- b. **Review Criteria:** The HRB may approve an application for a Design Exception where it reasonably determines that there will be no significant negative impact upon residents of surrounding property, or upon the general public. The board shall consider the following criteria in its review:
 - i. **Compatibility:** The proposed exception is appropriate for its location. It is compatible with the character of surrounding properties and the development permitted by the zoning of the surrounding properties.
 - ii. **No Adverse Impact:** The design of the proposed exception minimizes adverse effects including visual impacts of the proposed use on surrounding properties; furthermore, the proposed exception does not create a nuisance for surrounding properties.
 - iii. **Consistency with Adopted Plans:** The proposed development is in general conformity with the City's Comprehensive Plan, Civic Master Plan and other plans officially adopted by the City.

11. Resubmittal: After disapproval of an application, the applicant may make modifications to the plans and resubmit. The applicant may not resubmit the same proposal, without modifying it based on HRB comments, for 12 months from the date of the original submission. Reconsideration of an application for demolition that has been denied by the HRB may not be heard until 12 months from the date of the original public hearing, unless a major change has occurred in the property condition that is attributable natural causes.

12. Appeal—Minor: Appeals of the decisions of the Administrator shall be heard by the HRB. The application for appeal shall be made within 30 days of the decision.

13. Appeal—Major: Any party aggrieved by the decisions of the HRB may appeal to the circuit court within 30 days of the decision.

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

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b.—— **Review Criteria:** The HRB may approve an application for a Design Exception where it reasonably determines that there will be no significant negative impact upon residents of surrounding property, or upon the general public. The board shall consider the following criteria in its review:

i.—— **Compatibility:** The proposed exception is appropriate for its location. It is compatible with the character of surrounding properties and the development permitted by the zoning of the surrounding properties, and will not reduce property values of surrounding properties.

ii.—— **No Adverse Impact:** The design of the proposed exception minimizes adverse effects including visual impacts of the proposed use on surrounding properties; furthermore, the proposed exception does not create a nuisance for surrounding properties.

iii.—— **Consistency with Adopted Plans:** The proposed development is in general conformity with the City's Comprehensive Plan, Civic Master Plan and other plans officially adopted by the City.

B. **Guidance Standards, Maintenance of Consistent Policies:** In order to provide guidance and insight into desirable goals and objectives for the Beaufort Historic District, the documents described in this section are hereby adopted for use by the HRB in the exercise of its authority granted under Section 10.7 of this Code.

- 1.—— The "Beaufort Preservation Manual," August 1979, and the "Beaufort Preservation Manual, Supplement," August 1990, shall be utilized by the HRB for review of projects located within the Beaufort Preservation Neighborhood.
- 2.—— The "Northwest Quadrant Design Principles," May 1999 shall be utilized by the HRB for the review of projects located within the Beaufort Conservation Neighborhood.
- 3.—— The Secretary of Interior's "Standards for Rehabilitation" shall be utilized for review of all projects that modify a contributing structure.
- 4.—— The Building Design Standards, in Article 4 of this Code, shall be utilized for review of all new construction.

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5. ~~The Historic-District Infill Design Guidelines, in Section 4.7 of this Code, shall be utilized for review of all new construction.~~

6. ~~Any special area policies adopted by the HRB.~~

C. ~~**Approval of Certificate of Appropriateness:** In reviewing an application, the HRB shall conduct a public meeting and consider, among other things, the historic, architectural and aesthetic features of such structure, the nature and character of the surrounding area, the use of such structure and its importance to the city, the character and appropriateness of design, scale of buildings, arrangement, texture, materials and color of the structure in question, and the relation of such elements to similar features of structures in the immediate surroundings. The HRB shall not consider the interior arrangement or interior design unless the interior arrangement or design affect the exterior appearance, nor shall it make requirements except for the purpose of preventing developments that are not in harmony with the prevailing character of the Beaufort Historic District, or that are obviously incongruous with this character.~~

D. ~~**Demolitions:**~~

1. ~~In all applications involving the demolition of a contributing primary structure or contributing accessory structure, provisions shall be made for a public hearing as set forth in Section 9.1.5. Demolition of non-contributing structures are approved by the Administrator.~~

2. ~~In any case involving the demolition or partial demolition of a structure, before granting approval or requiring a postponement, the HRB may call on the Administrator to provide them with a report on the state of repair and structural stability of the structure under consideration.~~

3. ~~Upon receiving an application for demolition or partial demolition of a structure that is listed in the "1997 Beaufort County Historic Sites Survey" and lies within the limits of the city but outside the Beaufort Historic District, the Administrator, within 30 days of receiving the application, shall either approve it, or find that the preservation and protection of historic places and the public interest will be best served by postponing the demolition for a designated period — this shall not exceed 60 days from the receipt of the application, and notify the applicant of such postponement. The application will be announced to the public in accordance with the notification standards set forth in Section 9.1.3. Within the period of postponement of demolition or alteration of any building, the Administrator shall take steps to ascertain what may be done to preserve the building, including consultation with private civic groups, interested private citizens and other public boards or agencies, including investigation of the potential use of the power of eminent domain when the preservation of a given building is clearly in the interest of the general welfare of the community and of certain historic and architectural significance.~~

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

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

1. ~~Arresting and spectacular effects.~~

2. ~~Violent contrasts of materials or colors and intense or lurid colors.~~

3. ~~A multiplicity or incongruity of details resulting in a restless and disturbing appearance.~~

4. ~~The absence of unity and coherence in composition, that is not in consonance with the dignity and character of the present structure, in the case of repair.~~

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- 5. ~~Construction of, remodeling, or enlargement of an existing building in a manner not consistent with the prevailing character of the neighborhood.~~
 - F. ~~**Issuance of Certificate of Appropriateness:** When a Certificate of Appropriateness and Building Permit have been issued, the Administrator shall, from time to time, inspect the alteration or construction approved by such certificate and may report such inspection to the HRB listing all work inspected and reporting any work that is not in accordance with such certificate, or that violates any ordinances of the city.~~
 - G. ~~**Resubmittal:** After disapproval of an application, the applicant may make modifications to the plans and resubmit. The applicant may not resubmit the same proposal, without modifying it based on HRB comments, for 12 months from the date of the original submission. Reconsideration of an application for demolition that has been denied by the HRB may not be heard until 12 months from the date of the original public hearing, unless a major change has occurred in the property condition that is attributable natural causes.~~
 - H. ~~**Appeal—Minor:** Appeals of the decisions of the Administrator shall be heard by the HRB. The application for appeal shall be made within 30 days of the decision.~~
 - I. ~~**Appeal—Major:** Any party aggrieved by the decisions of the HRB may appeal to the circuit court within 30 days of the decision.~~

Section 9.16

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.

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.

Section 10.2

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.

- (1) 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 includes not less than four (4) members who are licensed either as architects, civil engineers, urban planners, or licensed contractors. All members of the commission will be residents of the City of Beaufort.
- (2) Terms: Except as otherwise described in 10.2.1 A.1, commissioners will serve three-year terms, with a max of two terms. Members who have served for two full terms shall wait one calendar year before they may serve again. Terms will not end until a replacement has been officially appointed.
- (3) Powers and Duties: The commission shall have the powers and duties as provided in S.C. Code Title 6, Chapter 29, 6-29-310, et seq, and the following additional duties:
 - i. Review and approve, approve with conditions, or deny all Major Subdivision Sketch Plans
 - ii. Review and make recommendations to the City Council regarding amendments to the text of this development code.
 - iii. Review and make recommendations to the City Council regarding amendments to the official zoning map.
 - iv. Review and make recommendations to the City Council regarding amendments to the Comprehensive Plan.
 - v. Review and approve, approve with conditions, or deny major Site Plans as per the requirements of Section 9.8.2, and delegate to City Staff all other Site Plan approvals not stated in Section 9.8.2.
 - vi. Delegate Preliminary Plat, and Final Subdivision Plat review and approval to City Staff.

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vii. Review and make recommendations to City Council regarding proposed annexations into the City.

viii. The Planning Commission shall consider the Northern Beaufort County Regional Plan and Growth Area in any review and approval as defined in this Section.

- (4) 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.
- (5) 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.
- (6) 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.~~

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)

Section 10.7.2

10.7.2 POWERS AND DUTIES

- A. **Territorial Jurisdiction:** The HRB shall have jurisdiction throughout the Beaufort Historic District. The HRB shall also have jurisdiction to review the Special Property Tax Assessment for Rehabilitated Historic Properties (a.k.a. Bailey Bill) applications for any structure listed in the Beaufort County Historic Sites Survey - 1997, or most recent historic sites survey, that are located within the city limits, but outside the Historic District.
- B. **Powers and Duties:**
 - 1. It shall be the function of the HRB to review and take action on any Major Certificates of Appropriateness (Section 9.7.1).
 - 2. It shall be the function of the HRB and for approving alterations to structures listed on the "1997 Beaufort County Above Ground Historic Sites Survey (or most recent historic sites survey) which have applied for the Bailey Bill in accordance with Section 9.10 (Certificate of Appropriateness).
 - 3. In exercising the authority granted the HRB under this section, the HRB may call upon the advice of any professionals it deems appropriate; any costs incurred for such consultation may be paid for with funds approved for such use by the City Council.
 - 4. The HRB shall maintain an inventory of historic properties within the City of Beaufort and make such information available to the public. This inventory shall be updated periodically to record structures and buildings that have gained historic or architectural significance, and buildings that no longer contribute to the character of the National Landmark Historic District due to demolition or loss of character.
 - 5. The HRB shall have the opportunity to comment to the appropriate approving agency on National Register nominations proposed for any building within its jurisdiction at its discretion.
- C. **Staff:** The staff of the City's [Community Development](#) Department ~~of Planning and Development Services~~ [may shall](#) provide support to the HRB ~~from time to time~~.

10.7.3 MEMBERSHIP, TERMS, AND COMPENSATION

- A. **Number, Composition:** The HRB shall consist of 5 members with an interest, competence, or knowledge in historic preservation. All HRB members shall be residents of the city, own property in the city, or own or operate a business in the city. To the extent that such is available in the community, 2 members shall, be professionals in the disciplines of historic preservation, architecture, landscape architecture, history, architectural history, planning, archeology, or related disciplines. Three of the members shall either live or own property in the Historic District. ~~One of the 5 members [of] the Historic Review Board shall be recommended by the Historic Beaufort Foundation.~~
- B. **Terms, Appointment:** All members shall be appointed by the City Council for terms of 3 years. 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 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.

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- E. **Removal:** The City Council may remove any member of the HRB 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.

(Ord. No. O-15-20 , 6-23-2020)

Section 10.8

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)

**CLEAN ORDINANCE
(WITH AMENDMENTS
APPLIED)**

Clean Section 2.8.5

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 Planning Commission (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.

Clean Section 7.2.1

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 Rezonings (Section 9.16). The Planning Commission (PC) will review the Official Street Network Plan on a regular basis at intervals of every 6 months, or thereabouts. In addition, the maps will be automatically updated as additional Official Maps are approved per 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

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.

Clean Section 9.1.4

9.1.4 PERMIT/PROCESS TYPE TABLE

PERMIT/PROCESS TYPE	SECTION	PERMIT/PROCESS TYPE	REVIEWING AGENCY	PUBLIC NOTICE	APPROVAL	APPEAL	PERMIT PERIOD	PERMIT EXTENSION
ADMINISTRATIVE PERMITS								
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
DEVELOPMENT DESIGN REVIEW								
Development Design Review, Minor	9.7	Administrative	Admin	None	Admin	PC	24 months	12 months, up to 5 times
Development Design Review, Major	9.7	Discretionary	Admin	None	PC	Court 30 days to appeal	24 months	12 months, up to 5 times
SUBDIVISION REVIEW								
Subdivision, Minor, Site Plan	9.8	Administrative	Admin	None	Admin	PC	24 months	12 months, up to 5 times
Subdivision, Major, Sketch Plan	9.8	Discretionary	Admin TRC	None	PC	Court	24 months	12 months, up to 5 times
Subdivision, Major, Site Plan	9.8	Administrative	Admin, TRC	None	Admin	PC	24 months	12 months, up to 5 times
Subdivision Final Plan	9.8	Administrative	Admin TRC	None	Admin	PC	24 months	12 months, up to 5 times
HISTORIC PRESERVATION								
Certificate of Appropriateness, Minor	9.9	Administrative	Admin	Demolition Only: Yes (1,2, 3)	Admin	HRB	24 months	12 months, up to 5 times

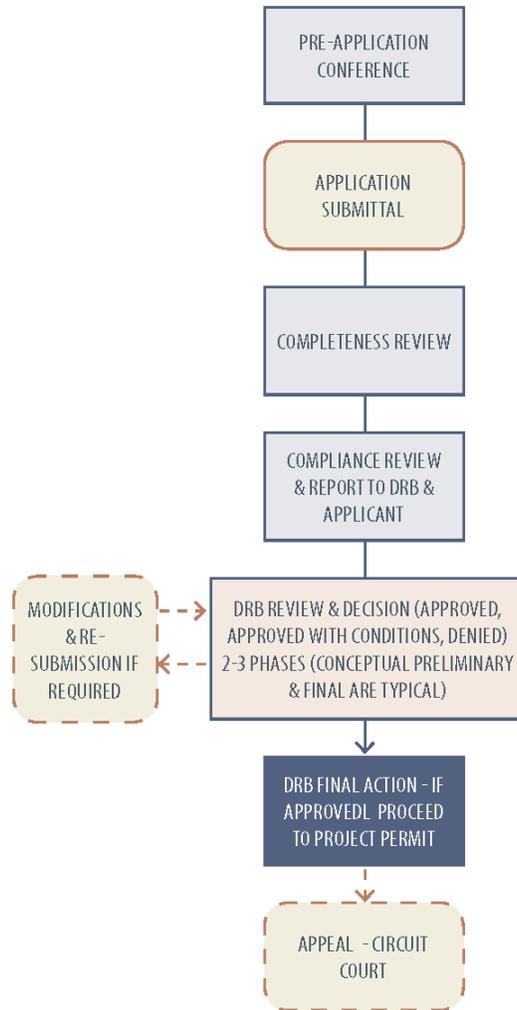
Certificate of Appropriateness, Major	9.9	Discretionary	Admin	Demolition & Design Exception only: Yes (1,2)	HRB	Court 30 days to appeal	24 months; no expiration for demolitions	12 months, up to 5 times
Local Historic District/ Historic Sign Designation	9.10	Legislative	Admin, PC, HRB	None	CC	Court	n/a	n/a
RELIEF								
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
ADMINISTRATION APPEALS								
Administrative Appeal	9.14	Discretionary	Admin	Yes (1)	ZBOA	Court 30 days to appeal	12 months	6 months
AMENDMENTS								
Code Amendments	9.16	Legislative	Admin, MPC	Yes (1,)	CC	Court 30 days to appeal	n/a	n/a
Admin-Administrator / 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								

Clean Section 9.8.2

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.
4. **Residential Development:** Single-family attached or multi-family developments containing more than 10 units.
5. **Exceptions:**
 - a. Lots in the Beaufort Historic District are not subject to Development Design Review, and shall instead be evaluated by the HRB for compliance with the Historic District Guidelines (see Section 9.10 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). The Administrator shall post all projects for review in said districts for a 30-day public review and comment period for each major submittal. Minor revisions to the plans (not related to use, density, building frontage, or building height) shall not constitute a major submittal. A copy of all public comments shall be disseminated to the applicant and Administrator for each public comment period. The Administrator shall respond in writing to all public comments after each major submittal, and the project will be required to attend a TRC committee meeting before the project is issued final approval.



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

Clean Section 9.10.2

9.10.2 PROCESS AND APPROVAL HISTORIC DISTRICT

A. **Guidance Standards, Maintenance of Consistent Policies, HTRC:** In order to provide guidance and insight into desirable goals and objectives for the Beaufort Historic District, the documents described in this section are hereby adopted for use by the HRB in the exercise of its authority granted under Section 10.7 of this Code.

1. The "Beaufort Preservation Manual, adopted November 2022.
2. The "Northwest Quadrant Design Principles," May 1999 shall be utilized by the HRB for the review of projects located within the Beaufort Conservation Neighborhood.
3. The Secretary of Interior's "Standards for Rehabilitation" shall be utilized for review of all projects that modify a contributing structure.
4. The Building Design Standards, in Article 4 of this Code, shall be utilized for review of all new construction.
5. The Historic District Infill Design Guidelines, in Section 4.7 of this Code, shall be utilized for review of all new construction.
6. Any special area policies adopted by the HRB.
7. HTRC: The City shall organize an Historic Technical Review Committee to review projects within the Beaufort Preservation Neighborhood and the Northwest Quadrant/Beaufort Conservation Neighborhood. The HTRC shall consist of the Code Administrator, City Building Official, City Code Enforcement Official, City Architect or Preservationist, a representative from any qualified non-profit historic district, and representatives from public utilities. Any meetings of the HTRC shall be noticed as public meetings.

B. **HRB Process:** the review process to approve a Certificate of Appropriateness in the Beaufort Preservation Neighborhood and the Northwest Quadrant/Beaufort Conservation Neighborhood is based on the following project types and process:

1. **Application/Eligibility:** A property owner within the Beaufort Preservation Neighborhood and/or the Northwest Quadrant/Beaufort Conservation Neighborhood shall make an application with the City of Beaufort. City Staff will review the application for completeness and schedule to HTRC.
2. **HTRC Meeting:** The HTRC shall review the application for compliance with this code and the requirements of Section 9.10.2 A 1-6, and shall make a recommendation to either the HRB or the Code Administrator.
3. **Contributing Structures Process:** all changes to contributing structures shall be approved by the Historic Review Board with the following exceptions:
 - i. **Minor Changes Contributing Structures:** Minor changes or alterations to contributing structure, limited to include the following: in kind repairs, non-historic fences and walls, changes in paint color, roof replacements and roof materials, and window replacements. All such projects shall attend an HTRC meeting before Staff shall issue approval.
4. **Non-Contributing Structures Process:** all changes to non-contributing structures shall be approved by the Code Administrator with the following exceptions:

- i. Demolitions: all demolitions, except for non-inhabitable accessory structures, shall be approved by the HRB as set forth by the standards of this Section.
- ii. The HTRC may recommend after the required HTRC meeting, that applications as defined in this Section, shall be approved by the Historic District Review Board (HRB), instead of the Code Administrator.



5. **New Development Historic District:** Discretionary review by the HRB shall apply to all new development projects in the Historic District following the procedures for Development Design Review in Section 9.8.2. . New construction in the Historic District shall follow the HRB approval process below:

a. Conceptual Approval

- i. Applicant shall submit a site plan depicting any new structures in relation to the setbacks, street, and any easements on the site. The site plan shall include existing streets, alleys, driveways, non-primary structures, preliminary landscape plan depicting any existing specimen and landmark trees.

ii. Applicant shall submit a schematic drawing set depicting the following requirements: mass, height (including elevation above grade of the first floor and floor to floor heights), siting and orientation on the lot, and form/scale of structure.

iii. Applicant shall submit a streetscape of any existing structures on the block proposed for new development, with proportions and pictures of said structures.

b. Final Approval

i. Applicant shall verify elevation of the first floor, and floor to floor heights and provide these heights on all elevations, including an overall building height.

ii. Applicant shall provide bays, windows and doors detail. Including head and sill details for any typical window and door.

iii. Applicant shall provide final materials and colors for the structure in a list or on a drawing sheet, as well as relevant cutsheets including but not limited to all exterior doors, windows, roofs, brick, light fixtures, shutters and flood vents.

iv. Applicant shall provide roof details including termination details and ridge details.

v. A project may elect to go from Concept to Final, wherein the submittal would include the requirements of both Concept and Final and be heard at one HRB hearing.

c. Findings Required: New development within the Beaufort Historic District shall be approved by the Historic Review Board, based on the following findings:

i. The plan is consistent with the seven integrity principles listed in Section 4.7.2 of this Code.

Location: This is the relationship between the property and its historical context.

Design: This is the combination of elements that create the feeling of a district or structure. These elements include building patterns, streetscapes, site elements, building size, mass and scale, spatial relationships, and specific architectural elements and details.

Setting: This is the physical environment of a property and should be evaluated on its context as well as on the historical role the property has played and continues to play. Important features include topography, vegetation, man-made features, and relationships between existing structures and their surroundings.

Materials: These are the physical elements that make up a property or district.

Workmanship: This is the physical evidence of the crafts of a particular culture or time period. This particularly applies to rehabilitation projects, but for new infill projects, workmanship of surrounding structures should be considered and respected. Retaining the details of the original craft and craftsman (i.e., wood, masonry, tabby etc.) of the original building ensures the historic fabric is retained and serves as an important component of the integrity and the patina of age of individual structures and the district as a whole.

Feeling: This is the property's expression of the aesthetic or historic sense of a particular period of time. This particularly applies to rehabilitation projects, but for new infill projects, the feeling of surrounding structures should be considered and respected.

Association: This is the direct link between an important historic event or person and a property. This particularly applies to rehabilitation projects, but for new infill projects, association of particular sites and neighborhoods should be considered.

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- ii. The plan complies with all applicable requirements of this Code, all applicable requirements of the Beaufort Preservation Manual, and/or the Northwest Quadrant Design Guidelines.
 - iii. New construction should build upon the history and established pattern of the district through its design, landscape, use, and cultural expression. An understanding of the character and significance of the district should predicate any design or development activities.
 - iv. Lot size, massing, siting, floor area ratio, and height must correspond to the adjacent buildings that contribute to or complement the rhythm of the district. The use of buildings will be secondary to their design and integration into the district. However, newly introduced uses should not be detrimental to the historic fabric.
 - v. Infill Shall Be Compatible Yet Distinct: New buildings should be identifiable as being of their period of construction; however, they should not be so differentiated that they detract from - or visually compete with - their historic neighbors. Within historic districts, compatibility is more important than differentiation.
 - vi. The Exterior Envelope and Patterning of New Buildings Shall Reflect District Characteristics: Infill design elements, patterning, texture, and materials should reflect the aesthetic and historic themes of the district. Patterns of fenestration, building divisions, setbacks, and landscapes that are characteristic of the district should inform the design of new buildings. Mechanical and automobile infrastructure should be appropriately concealed when not consistent with the district's character.

6. **Approval of Certificate of Appropriateness:** In order to approve an application for the minor alteration of a Contributing Structure in the Historic District, the HRB shall find that the proposal meets the following standards:
- a. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - b. The historic character of a property shall be retained and preserved. The relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
 - c. A property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall be discouraged.
 - d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
 - g. Chemical and physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used unless otherwise approved by the City Staff.
 - h. Archaeological resources should be protected and preserved in place as per Section 4.7.2 of this Code. If such resources must be disturbed, mitigation measures should be encouraged.
 - i. New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated

from the old and shall be compatible with the historic materials, features, size, scale and proportions, and massing to protect the integrity of the property and its environment.

- j. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- 7.. **Denial of Certificate of Appropriateness:** The HRB may refuse any application that, in the opinion of the HRB, does not comply with the standards and guidelines listed in this Section and thus would be detrimental to the interests of the city. In case of disapproval, the HRB shall state the reasons therefore in a written statement to the applicant and may give verbal advice to the applicant and make recommendations in regard to appropriateness of design, arrangement, texture, material, color, etc. of the property involved. Among other grounds for considering a design inappropriate and requiring disapproval and resubmission are the following defects:
- 1. Arresting and spectacular effects.
 - 2. Violent contrasts of materials or colors and intense or lurid colors.
 - 3. A multiplicity or incongruity of details resulting in a restless and disturbing appearance.
 - 4. The absence of unity and coherence in composition, that is not in consonance with the dignity and character of the present structure, in the case of repair.
 - 5. Construction of, remodeling, or enlargement of an existing building in a manner not consistent with the prevailing character of the neighborhood.
8. **Issuance of Certificate of Appropriateness:** When a Certificate of Appropriateness and Building Permit have been issued, the Administrator shall, from time to time, inspect the alteration or construction approved by such certificate and may report such inspection to the HRB listing all work inspected and reporting any work that is not in accordance with such certificate, or that violates any ordinances of the city.
9. **Demolitions:**
- a. In all applications involving the demolition of a contributing primary structure or contributing accessory structure, provisions shall be made for a public hearing as set forth in Section 9.1.5. Demolition of non-contributing structures shall be approved by the Historic Review Board based on the standards of this Section.
 - b. In any case involving the demolition or partial demolition of a structure, before granting approval or requiring a postponement, the HRB may call on the Administrator to provide them with a report on the state of repair and structural stability of the structure under consideration.
 - c. Upon receiving an application for demolition or partial demolition of a structure that is listed in the "1997 Beaufort County Historic Sites Survey" and lies within the limits of the city but outside the Beaufort Historic District, the Administrator, within 30 days of receiving the application, shall either approve it, or find that the preservation and protection of historic places and the public interest will be best served by postponing the demolition for a designated period — this shall not exceed 60 days from the receipt of the application, and notify the applicant of such postponement. The application will be announced to the public in accordance with the notification standards set forth in Section 9.1.3. Within the period of postponement of demolition or alteration of any building, the Administrator shall take steps to ascertain what may be done to preserve the building, including consultation with private civic groups, interested private citizens and other public boards or agencies, including investigation of the potential use of the power of eminent domain when the preservation of a given building is clearly in the interest of the general welfare of the community and of certain historic and architectural significance.

d. In order to approve an application for the relocation or demolition of a Contributing Structure, in an Historic District, the Historic Review Board must find that:

1. The applicant has proven no prudent and feasible alternative exists, or
2. The applicant has proven the designated property is deteriorated beyond repair, or
3. At the public hearing of an application to relocate or demolish a Contributing Structure in an Historic District the Administrator upon recommendation by the Historic Review Board, may, in the interest of exploring reasonable alternatives, delay issuance of a permit for up to 90 days from the date of the hearing. If, thirty days prior to the expiration of the delay period, the Historic Review Board finds that there are still reasonable alternatives to explore, it may recommend a delay for an additional period of up to 90 days.
4. Permit Validity: Upon the approval of a demolition application by the Historic Review Board, the demolition permit shall be effective for two years from the date of the approval. The Historic Review Board 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.
5. In approving an application for the demolition of a Contributing Structure in the Historic District the Board may impose the following conditions:
 - i. Photographic, video, or drawn recordation of the property to be demolished, and/or
 - ii. Salvage and curation of significant elements, and/or
 - iii. Health and Safety and property maintenance measures
 - iv. Other reasonable mitigation measures.

e. In order to approve an application for the relocation or demolition of a non-Contributing Structure, in an Historic District, the Historic Review Board must find that:

1. The applicant has proven the designated property is deteriorated beyond repair, or
2. Permit Validity: Upon the approval of a demolition application by the Historic Review Board, the demolition permit shall be effective for two years from the date of the approval. The Historic Review Board 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.
- 3.. In approving an application for the demolition of a non-contributing Structure in the Historic District the Board may impose the following conditions:
 - i. Photographic, video, or drawn recordation of the property to be demolished, and/or
 - ii. Salvage and curation of significant elements, and/or
 - iii. Health and Safety and property maintenance measures
 - iv. Other reasonable mitigation measures.

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

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- a. **Applicability:** The HRB shall have the authority to authorize a variance of up to 35 percent from any numerical standard set forth in Article 2 (Maps and Districts) — except for Section 2.6, Height and Section 2.7.4, Air Installation Compatibility Use Zone (AICUZ) overlay district standards — and Article 4 (Building Design and Infill Standards).
 - b. **Review Criteria:** The HRB may approve an application for a Design Exception where it reasonably determines that there will be no significant negative impact upon residents of surrounding property, or upon the general public. The board shall consider the following criteria in its review:
 - i. **Compatibility:** The proposed exception is appropriate for its location. It is compatible with the character of surrounding properties and the development permitted by the zoning of the surrounding properties.
 - ii. **No Adverse Impact:** The design of the proposed exception minimizes adverse effects including visual impacts of the proposed use on surrounding properties; furthermore, the proposed exception does not create a nuisance for surrounding properties.
 - iii. **Consistency with Adopted Plans:** The proposed development is in general conformity with the City's Comprehensive Plan, Civic Master Plan and other plans officially adopted by the City.

11. **Resubmittal:** After disapproval of an application, the applicant may make modifications to the plans and resubmit. The applicant may not resubmit the same proposal, without modifying it based on HRB comments, for 12 months from the date of the original submission. Reconsideration of an application for demolition that has been denied by the HRB may not be heard until 12 months from the date of the original public hearing, unless a major change has occurred in the property condition that is attributable natural causes.

12. **Appeal—Minor:** Appeals of the decisions of the Administrator shall be heard by the HRB. The application for appeal shall be made within 30 days of the decision.

13. **Appeal—Major:** Any party aggrieved by the decisions of the HRB may appeal to the circuit court within 30 days of the decision.

Clean Section 9.16

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 Planning Commission, the City Council may undertake the necessary steps to amend this Code, and its accompanying map.

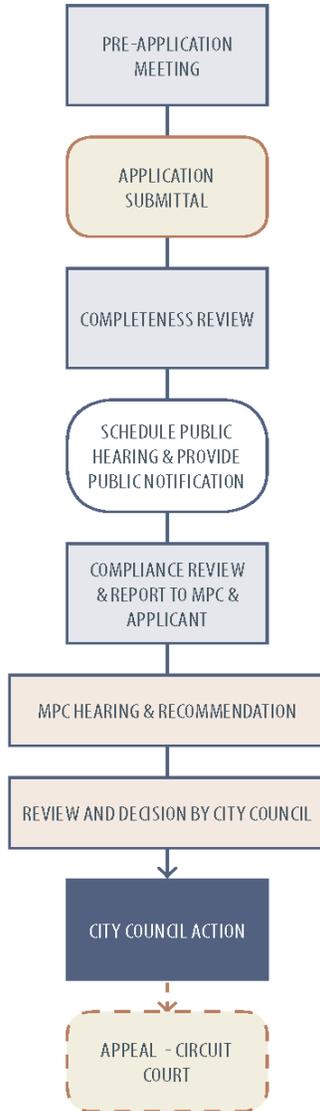
9.16.2 INITIATION OF AMENDMENTS

A proposed amendment to this Code may be initiated by any member of the City Council, the PC, 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 PC and the applicant before the scheduled public meeting.

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

C. Planning Commission Recommendation:

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

D. City Council Hearing:

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 PC 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.

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.

Clean Section 10.2

10.2: PLANNING COMMISSION

10.2.1 POWERS AND DUTIES

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.

- (1) 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 includes not less than four (4) members who are licensed either as architects, civil engineers, urban planners, or licensed contractors. All members of the commission will be residents of the City of Beaufort.
- (2) Terms: Except as otherwise described in 10.2.1 A.1, commissioners will serve three-year terms, with a max of two terms. Members who have served for two full terms shall wait one calendar year before they may serve again. Terms will not end until a replacement has been officially appointed.
- (3) Powers and Duties: The commission shall have the powers and duties as provided in S.C. Code Title 6, Chapter 29, 6-29-310, et seq, and the following additional duties:
 - i. Review and approve, approve with conditions, or deny all Major Subdivision Sketch Plans
 - ii. Review and make recommendations to the City Council regarding amendments to the text of this development code.
 - iii. Review and make recommendations to the City Council regarding amendments to the official zoning map.
 - iv. Review and make recommendations to the City Council regarding amendments to the Comprehensive Plan.
 - v. Review and approve, approve with conditions, or deny major Site Plans as per the requirements of Section 9.8.2, and delegate to City Staff all other Site Plan approvals not stated in Section 9.8.2.
 - vi. Delegate Preliminary Plat, and Final Subdivision Plat review and approval to City Staff.
 - vii. Review and make recommendations to City Council regarding proposed annexations into the city.
 - viii. The Planning Commission shall consider the Northern Beaufort County Regional Plan and Growth Area in any review and approval as defined in this Section.
- (4) 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.

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- (5) 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.
 - (6) 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.
 - (7) Quorum. A majority of the members appointed shall constitute a quorum.
 - (8) 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.

Clean Section 10.8

10.8: Reserved

TOWN OF PORT ROYAL ANNEXATION / ZONING

Metro Planning Commission
Annexation and Rezoning Analysis PR-AX 23-02
Meeting Date: March 21, 2023

Applicant

Bridges Preparatory School

Site

Approximately 37.8 acres owned by Bridges Preparatory School.

The plat map references for these properties are District 100, Map 28, Parcels 121A and 146. The address for the parcels is 61 Brookins Path.

There are no existing uses on either property.

The Annexation

Comprehensive Plan and Northern Regional Plan

These parcels are included on the **Future Land Use Planning for Port Royal** map in the Built Environment and Future Land Use chapter of the Town's Comprehensive Plan. The parcels are within the Future Growth Boundaries of the Northern Regional Plan.

Delivery of Services

The parcels are in an area served by the Beaufort Jasper Water and Sewer Authority. The Beaufort – Port Royal Fire Department and Port Royal Police Department will be the first deliverers of services for these parcels. The Town would provide (by contractor or town employee) curb side household garbage pick-up, curbside yard debris pick-up, curbside bulk item pick-up, and mandatory recycling pick-up.

Zoning

Land Use Compatibility and the Comprehensive Plan

Please see the **City of Beaufort-Town of Port Royal Future Service Delivery Area Agreement** map (**Exhibit A**) and the Town's **Zoning Map (Exhibit B)**.

The parcels are found on the Future Service Map adopted by the Town of Port Royal and City of Beaufort, which fine-tunes the guidelines for annexation in keeping with the Growth Boundaries set forth in the Northern Regional Plan.

Present Zoning

The parcels are currently zoned **C3 Neighborhood Mixed-Use (C3NMU)**. The Beaufort County Community Development Code states that the **C3NMU** zone provides for high-quality, moderate-density residential development, with denser areas of multi-family and mixed-use development to provide walkability and affordable housing options. The design requirements are intended to provide a suburban character and encourage pedestrian, as well as automobile, access.

Proposed Zoning

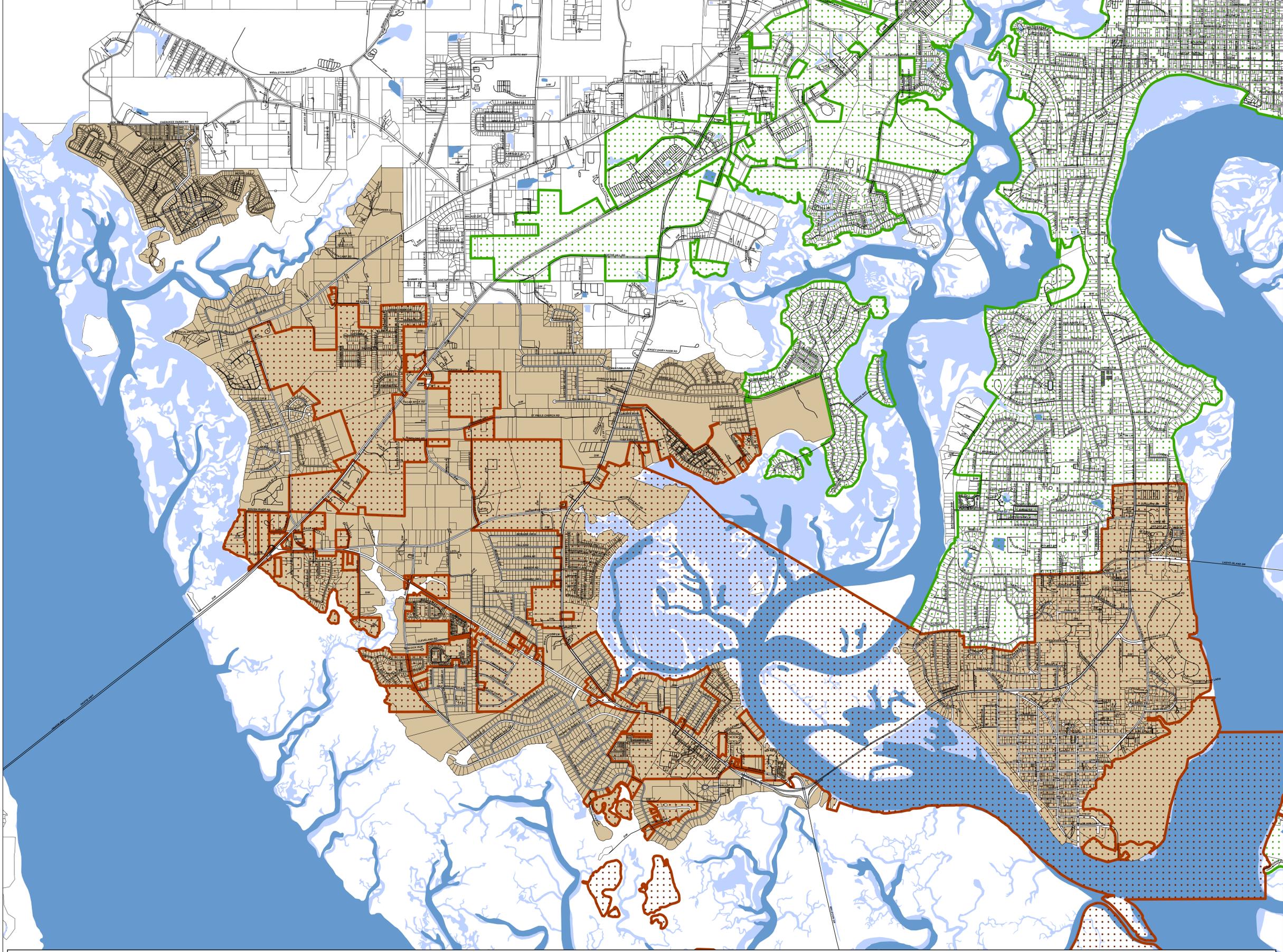
Please reference Article 3, Section 3.2.70 for the Specific to Zone standards and **Article 4, Section 4.1.30**, for the Specific to Use allowances.

The proposed zoning is T3 Neighborhood.

The **Neighborhood (T3N) Zone** is intended to provide a predominantly single-family area in which compatible multifamily housing types, such as duplexes and cottage courts are integrated into the neighborhood framework. Civic and park functions, as well as transit, and commercial functions are located within walking distance.

Environmental Issues

The intended use for a large portion of the properties is fields for the school's athletic programs. This will require significant fill and grading, so stormwater BMPs will be critical to retaining runoff on-site to mitigate impacts to the surrounding area.



The City of Beaufort / The Town of Port Royal

Future Service Delivery Areas Agreement Map

City of Beaufort Council

Town of Port Royal Council

Approved Date _____



Legend

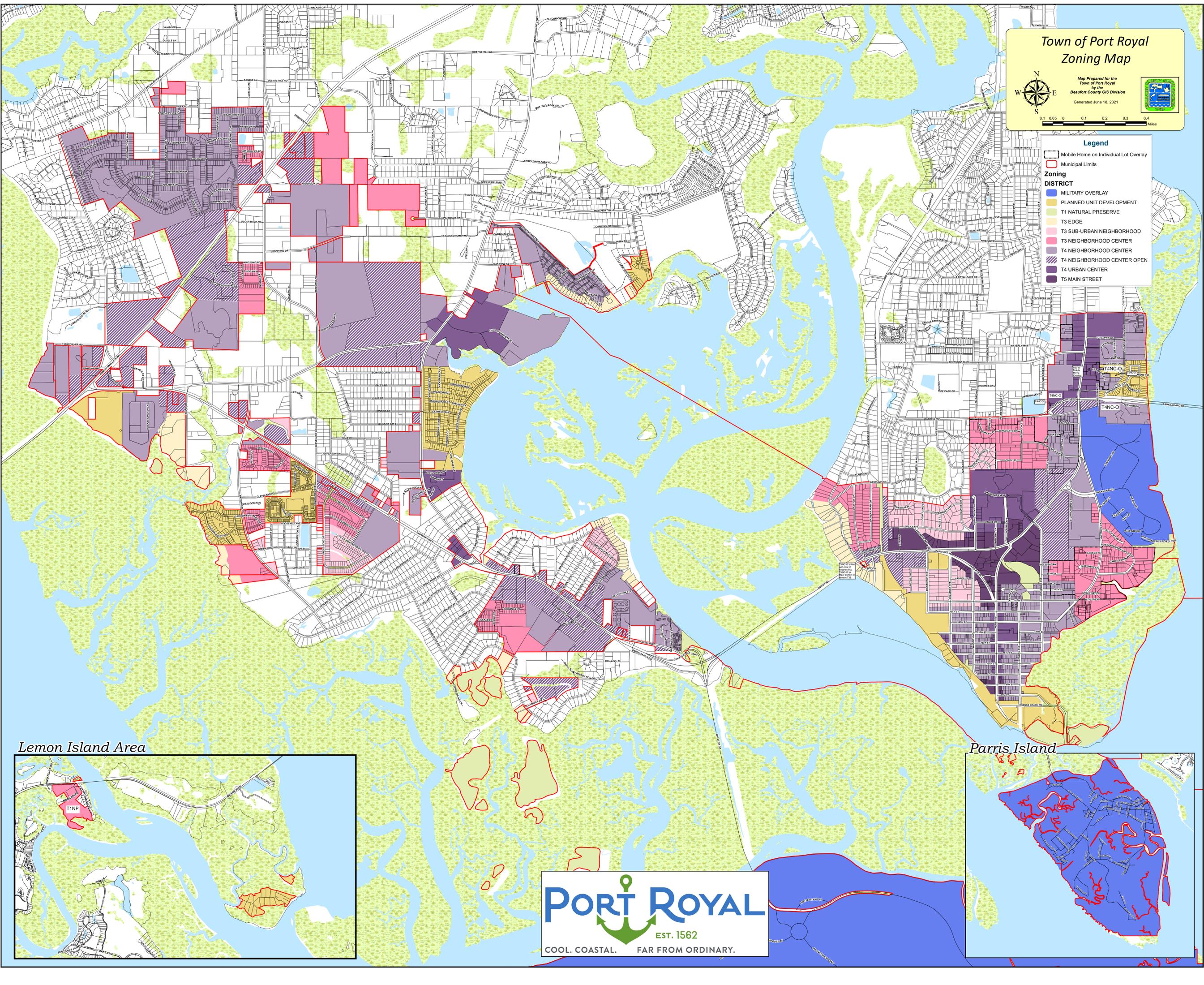
- Future Service Delivery Agreement
- Municipal Limits**
- JURIS**
- City of Beaufort
- Town of Port Royal

Town of Port Royal Zoning Map

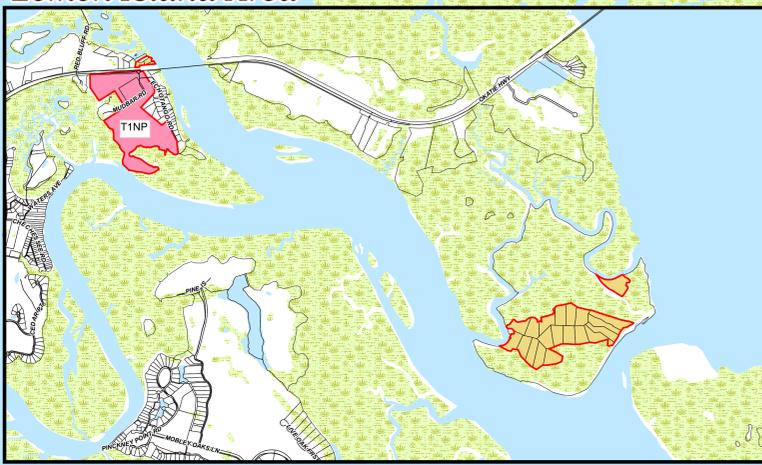
Map Prepared for the
Town of Port Royal
by the
Beaufort County GIS Division
Generated June 18, 2021



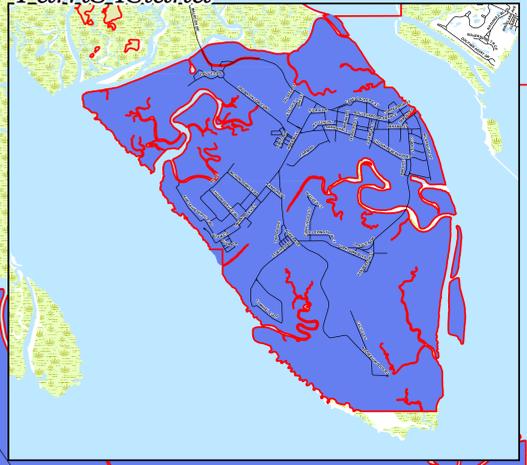
- Legend**
- Mobile Home on Individual Lot Overlay
 - Municipal Limits
 - Zoning DISTRICT**
 - MILITARY OVERLAY
 - PLANNED UNIT DEVELOPMENT
 - T1 NATURAL PRESERVE
 - T3 EDGE
 - T3 SUB-URBAN NEIGHBORHOOD
 - T3 NEIGHBORHOOD CENTER
 - T4 NEIGHBORHOOD CENTER
 - T4 NEIGHBORHOOD CENTER OPEN
 - T4 URBAN CENTER
 - T5 MAIN STREET



Lemon Island Area



Parris Island



PORT ROYAL
EST. 1562
COOL. COASTAL. FAR FROM ORDINARY.