



CITY OF BEAUFORT
1911 BOUNDARY STREET
BEAUFORT MUNICIPAL COMPLEX
BEAUFORT, SOUTH CAROLINA 29902
(843) 525-7070
CITY COUNCIL REGULAR MEETING AGENDA
November 24, 2020

STATEMENT OF MEDIA NOTIFICATION

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

REGULAR MEETING - Electronic Meeting - 7:00 PM

Please note, this meeting will be conducted electronically via Zoom and broadcasted via livestream on Facebook. You can view the meeting live via Facebook at the City's page City Beaufort SC.

I. CALL TO ORDER

A. Billy Keyserling, Mayor

II. INVOCATION AND PLEDGE OF ALLEGIANCE

A. Mayor Pro Tem, Mike McFee

III. PROCLAMATIONS/COMMENDATIONS/RECOGNITIONS

A. Proclamation proclaiming December 4, 2020 as Arbor Day

IV. PUBLIC COMMENT

V. MINUTES

A. Worksession June 16, 2020

VI. OLD BUSINESS

A. Ordinance amending the City of Beaufort's Zoning map by rezoning Parcel R120 029 000 004F (46 Robert Smalls Parkway) from T5-UC to T5-UC/RMX - 2nd Reading

VII. NEW BUSINESS

- A. Authorization to allow release of 1.1% Hospitality Tax to qualified Non Profits
- B. Authorization to allow modification to calculation of Rotation Slot Fees through December 31, 2021
- C. Request for street closure from Beaufort Area Hospitality Association for Oyster Festival 2021 5K run/walk on Saturday, January 9, 2021
- D. Approval to allow City Manager to enter into Purchase and Sale Agreement for 2234 Boundary Street (Wendy's)
- E. Approval of Waterfront Park naming
- F. Emergency Ordinance requiring individuals to wear Face Coverings in certain

circumstances and locations in the Municipal Limits of the City of Beaufort, South Carolina, and providing for severability and an effective date (proposed extension for an additional 60 days)

VIII.REPORTS

- City Manager's Report
- Mayor Report
- Reports by Council Members

IX. ADJOURN



PROCLAMATION

WHEREAS, Arbor Day has been a special day set aside for the planting of trees for the past 146 years and is now observed throughout our nation and the world; and

WHEREAS, the City of Beaufort has been designated as a Tree City by the Arbor Day Foundation for the past 39 years; and

WHEREAS, trees can reduce the erosion of our precious topsoil by the wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, beautify our city, and provide habitat for wildlife; and

WHEREAS, trees wherever they are planted, are a source of beauty, joy and spiritual renewal.

NOW, THEREFORE, the City Council of the City of Beaufort, South Carolina, hereby proclaims December 4, 2020 as

ARBOR DAY

and urges all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and further, urges all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

IN WITNESS THEREOF, I hereunto set my hand and caused the Seal of the City of Beaufort to be affixed this 24th day of November 2020.

BILLY KEYSERLING, MAYOR

ATTEST:

IVETTE BURGESS, CITY CLERK



City Council Worksession

Meeting Minutes – Electronic Meeting Via Zoom

June 16, 2020

I. CALL TO ORDER

5:00PM

Mayor, Billy Keyserling.

All members of Council in attendance (Mike McFee, Phil Cromer, Nan Sutton, and Stephen Murray).

II. DISCUSSION ITEMS

- A. Update on Hurricane Plan for City Council - **Captain George Erdel, Emergency Management Coordinator, Beaufort Police Department**, gave an overview of the City's Hurricane Plan. The City has secured Camp Long in Aiken as the destination for evacuation for City Council and Staff. The facility will accommodate up to 150 people. The facility will allow for business to be conducted remotely. The site is managed by Clemson University and is used for summer camp and STEM (Science, Technology, Engineering and Mathematics) programs. This site would provide three meals a day.

Councilman Cromer asked Mr. Prokop who does he envision going to this site?

Mr. Prokop said if we face a full evacuation Police, Fire and Public Works would go to this site. This is just preparing for the worst. Previously the plan was to go with Beaufort County to a site in Barnwell, but since we are self-sufficient, we believe this site would be best for our organization. The County is on board with this plan.

Review of Draft Fee Schedule for FY 2021 - **David Prichard, Director of Community and Economic Development** gave an overview of the proposed fee schedule. Some of the proposed changes stem from logic and how the fees progressed. The attempt was to try and make the fee schedule simpler. Some of the proposed fees have gone up a little except for signs. That fee went down because the original structure was odd. The tree removal fees were also modified. In the original fee schedule the fee for tree removal was one fee for one or more tree removals. In the proposed fee schedule the fee for tree removal is per tree. This change will make the fee more equitable across the board.

Mayor Pro Tem, Mike McFee asked about the Tree Removal Fees since in the past there have been conversations about the calipers of trees for specimen landmark trees, how does this proposed fee schedule change that.

Mr. Prichard said that nothing changes. The only change is that we simplified the fee based on per tree removal.

Mayor Pro Tem, Mike McFee asked if we still have mitigation.

Mr. Prichard said yes, and we still highly encourage the protection of trees especially landmark specimen trees, but if you cannot then there is a mitigation schedule.

Councilwoman Sutton asked about the increase in per application for the Historic Review Board and Design Review Board. The fees are going from \$100.00-\$250.00 to a flat \$250.00 regardless of the project.

Mr. Prichard said the review boards require a lot of work. The City now has a contracted architect (Meadors, Inc. out of Charleston), which came at the request of the HRB. Reviewing the standards takes a lot of work.

Councilman Murray stated he shares Councilwoman Sutton's concern for a couple of reasons. His understanding of the fee and why it is assessed is to cover the cost of both the overhead and the staff time to carry out any regulatory service the City is providing. Technically it is not supposed to be a revenue or tax generator. He continued by asking the differences between a residential project versus a commercial project.

Mr. Prichard said the difference between residential and commercial projects is that the commercial projects have more inspections. Commercial projects are always more complex, so capturing it this way seems fairer.

Councilman Murray asked would it make more sense to reduce the residential fee as an incentive throughout the Historic District as another step to incentivizing infill development or renovation projects in the district. He has heard from some of the residents that live in the district that there is a perception of the process being burdensome and then the reality of the cumulative cost of going through these processes especially on some of the lower value projects.

Mr. Prichard said that the way it was being done previously, is that one would apply for a concept approval, preliminary approval, and final approval. All of that would cost \$300.00. The proposed fee would be one application for a flat fee of \$250.00 to include concept, preliminary and final approvals.

Councilman Murray said this is a way to start the conversation with Council to see if there is a way to reduce the fee or waive it as an incentive for a single family residential project or infill development in the historic district.

Councilman Cromer said he is sympathetic to what Councilman Murray is saying. He wants to encourage residential, particularly in the Northwest Quadrant area. He continued by asking does the City always have to have the architect on every single application that comes in.

Mr. Prichard stated he calls on the contracted architect every time. The HRB has come to expect this.

Mr. Prokop suggested having a flat \$100.00 fee for single family in the historic district as an incentive pilot program for the historic district for 12 months.

All of City Council agreed that this would be a good idea. This would begin July 1.

Councilman Murray asked about the Building Permit Fee schedule. What types of projects would fall under the \$0-\$500.00 range? The proposed \$35.00 depending on the project could be a little onerous.

Mr. Prichard said a lot of work and processing also goes into this, so it seems logical to apply the fee. He would like to add to this part that utility reconnections are exempt and would not cost anything.

Council agreed, however Councilman Murray reiterated that he would still like to see the \$0-\$500.00 be free, as he thinks that all these projects are small renovation projects.

All of Council agreed to keep the \$0-\$500.00 at a zero-base fee.

Councilman Murray asked to address the Fee Examples page, specifically New Construction.

Mr. Prichard gave an example of what has been occurring. On average for new construction about 46 inspections occur, but we only charge for 4 inspections. On average the inspectors make about 25 trips. They have been under charging for inspections. So instead of charging \$40.00 for each inspection, staff decided to recommend 10 cents per square foot. The attempt here is trying to capture our cost for inspections. The overall cost stays relatively comparable.

Councilman Murray said he never realized how many inspections are done and now this makes sense. Moving on to Staff Design Review fees, how do we capture post facto applications?

Mr. Prichard said that this piece was embedded in the fee schedule and the idea is to bring it to the front, so it is clear. Nothing has changed.

Mayor Keyserling thanked all for the time spent on this discussion. The fee schedule will go to 2nd reading with the recommended changes Council has discussed.

Historic Review Board (HRB) Vacant Position

Mayor Keyserling said he would like to suggest that we go back to the normal process of advertising for the vacancy and discussing the candidates.

Mr. Prokop suggested that the City advertise for 2 weeks and come back the first meeting in July with some candidates.

Mayor Keyserling asked staff to reach out to those that are in the pool to see if they are still interested in serving or if they would like to withdraw from being considered.

All of City Council agreed.

- B. Parking Garage and Parallel Road Plans - **Bill Prokop, City Manager**, began by stating that the parallel road is on the City's Capital Improvement Plan and we really want to get the engineering done, but we are not exactly sure where the parallel road will go except we know it needs to connect to Polk Street behind the old Kmart shopping center. We recently had

discussions with County engineering, and they are starting to look down the road a year or two as to what plans they have for additional transportation tax and other things. The City feels that we should now take the first step in engineering to get a good concept other than just a sketch on a map of the parallel road. This will help with getting estimated cost down and have the data for grants.

Mayor Pro Tem, Mike McFee stated that in the Boundary Street Master plan there is a conceptual of the parallel road. We do have some technical data that we can use understanding that the cost will now be different.

Mr. Prokop said that they will be using that data and the learned data from the Boundary Street project. We want to take the next step. We are not going out to bid or nothing like that at this time.

Facebook Question, Marta O'Conner Suarez asked what will occur with citizens affected by the impact of this change to include traffic.

Councilman Murray replied by saying that there would very minimal impact, as that area is mostly commercial and has a lot of vacant space. The benefit for the public is that it would provide a bypass road from Boundary Street.

Councilman Murray said he agrees with Mr. Prokop. It is a good idea to begin the leg work, so we can see what the funding sources can be.

Mr. Prokop said that the City is considering putting out a general RFP (Request for Proposals) for vacant space downtown to see who is interested in working with us regarding the need for a parking garage. This will also help gauge the current capacity we have in the parking system. And as the Downtown builds out what are the needs for the next 2-3 years. Essentially, we just want to update all the parking information we have to include cost, need and location.

Mayor Keyserling suggested using the data that the Parking Task Force had compiled as a source of information and recommendations.

III. ADJOURN

7:05PM

Disclaimer: This document is a summary. All City Council Worksession and Regular Meeting minutes are recorded. Live stream can be found on the City's website at www.cityofbeaufort.org (Agenda section). Audio recordings are available upon request by contacting the City Clerk, Ivette Burgess at 843-525-7018 or by email at iburgess@cityofbeaufort.org.



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 11/5/2020
FROM: Lisa Wandrick
AGENDA ITEM TITLE: Ordinance amending the City of Beaufort's Zoning map by rezoning Parcel R120 029 000 004F (46 Robert Smalls Parkway) from T5-UC to T5-UC/RMX - 2nd Reading
MEETING DATE: 11/24/2020
DEPARTMENT: Community and Economic Development

BACKGROUND INFORMATION:

Subject Parcel: 46 Robert Smalls Parkway (PIN:R120 029 000 004F 0000).

Current Zoning: The parcel is currently zoned T5-UC (T5-Urban Corridor)

Current Land Use: Indoor recreation, mini-storage rental.

Requested Zoning: The applicant has requested that the parcel be zoned T5-Urban Corridor District/Regional Mixed-Use (T5-UC/RMX).

PLACED ON AGENDA FOR: Action

REMARKS:

The adjacent city zoning is T5-UC/RMX.

The request to rezone the subject parcel from the current T5-Urban Corridor District (T5-UC) District to the T5-Urban Corridor District/Regional Mixed-Use (T5-UC/RMX) is consistent with both the Comprehensive Plan and the Civic Master Plan, as the RMX District's intensity accommodates region- and community-serving commercial and business uses, as well as highway-oriented businesses.

The request is compatible with the present zoning, with conforming uses of nearby property, and with the character of the neighborhood.

The property is well situated for future development as T5-UC/RMX in terms of size, location, regional access, and vicinity to employment centers.

Staff is unaware of any archaeological or cultural resources on the property.

The slightly broader range of uses and increase in maximum area of free-standing sign(s) would result in the property being more marketable.

The MPC recommended approval of the proposed zoning of T5-UC/RMX.

A public hearing was held regarding the zoning on October 13, 2020.

ATTACHMENTS:

Description	Type	Upload Date
Application	Backup Material	11/5/2020
Map	Backup Material	11/5/2020
Plat	Backup Material	11/5/2020
T5-UC/RMX Comparison	Backup Material	11/5/2020
Beaufort Framework Map	Backup Material	11/5/2020
Report to MPC	Backup Material	11/5/2020
Recommendation letter	Backup Material	11/5/2020
Ordinance	Ordinance	11/5/2020



REZONING APPLICATION (EXCEPT FOR PUDS)

Community & Economic Development Department
1911 Boundary Street, Beaufort, South Carolina, 29902
p. (843) 525-7011 / f. (843) 986-5606
www.cityofbeaufort.org

Application Fee: \$250 +
\$10 for each additional lot
Receipt # 137581

OFFICE USE ONLY: Date Filed: 8/20 Application #: 20926 Zoning District: T5-UC

Submittal Requirements: You must attach a boundary map prepared by a registered land surveyor of the tract, plot, or properties, in question, and all other adjoining lots of properties under the same ownership. 12 copies of all application materials are required.

\$ PAID
8/20/20CC

Pursuant to Section 6-29-1145 of the South Carolina Code of Laws, is this tract or parcel restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity described in this application? Yes No

Applicant, Owner and Property Information

Property Address: 46 ROBERT SMALLS PKWY

Property Identification Number (Tax Map & Parcel Number): R120-029-000-004F-0000 Book 39 Pg 6

Applicant Name: LISA WANDRICK

Applicant Address: 46 MERIDIAN RD, BEAUFORT, SC 29907

Applicant E-mail: LISA_WANDRICK@YAHOO.COM Applicant Phone Number: 404-680-3756

Property Owner (if other than the Applicant):

Property Owner Address:

Have any previous applications been made for a map amendment affecting these same premises? YES NO

If yes, give action(s) taken:

Present zone classification: T5-UC

Requested zone classification: T5-UC/RMX

Total area of property: 18907.73 Sq. Ft. (0.43 Acres)

Existing land use: INDOOR RECREATION, MINI STORAGE RENTAL

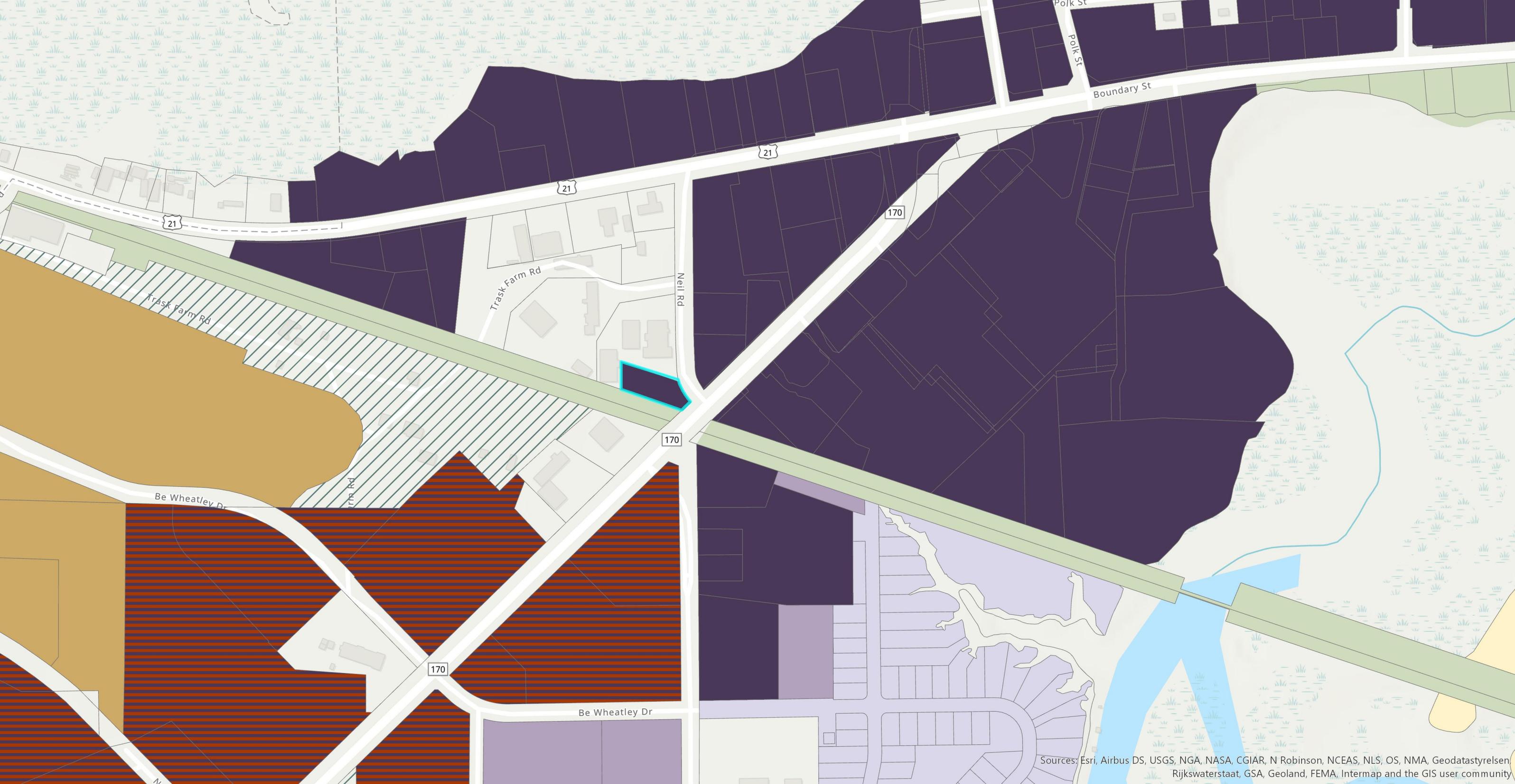
Desired land use: SHORT TERM SAME; LONG TERM FLEXIBILITY

Reasons for requesting rezoning: CONFORM W/PROPERTIES TO THE WEST ON ROBERT SMALLS PKWY AND PROVIDE GREATER FLEXIBILITY FOR FUTURE USE.

Applicant's Signature: Lisa Wandrick Date: 8-20-2020

NOTE: If the applicant is not the property owner, the property owner must sign below.

Property Owner's Signature: Date:

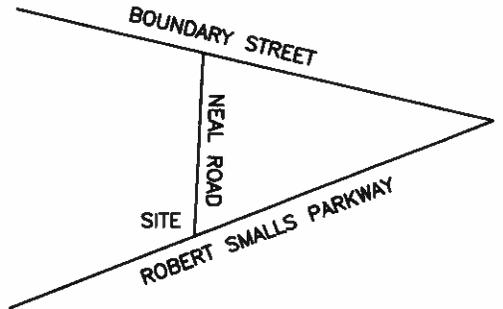




GASQUE & ASSOCIATES INC.

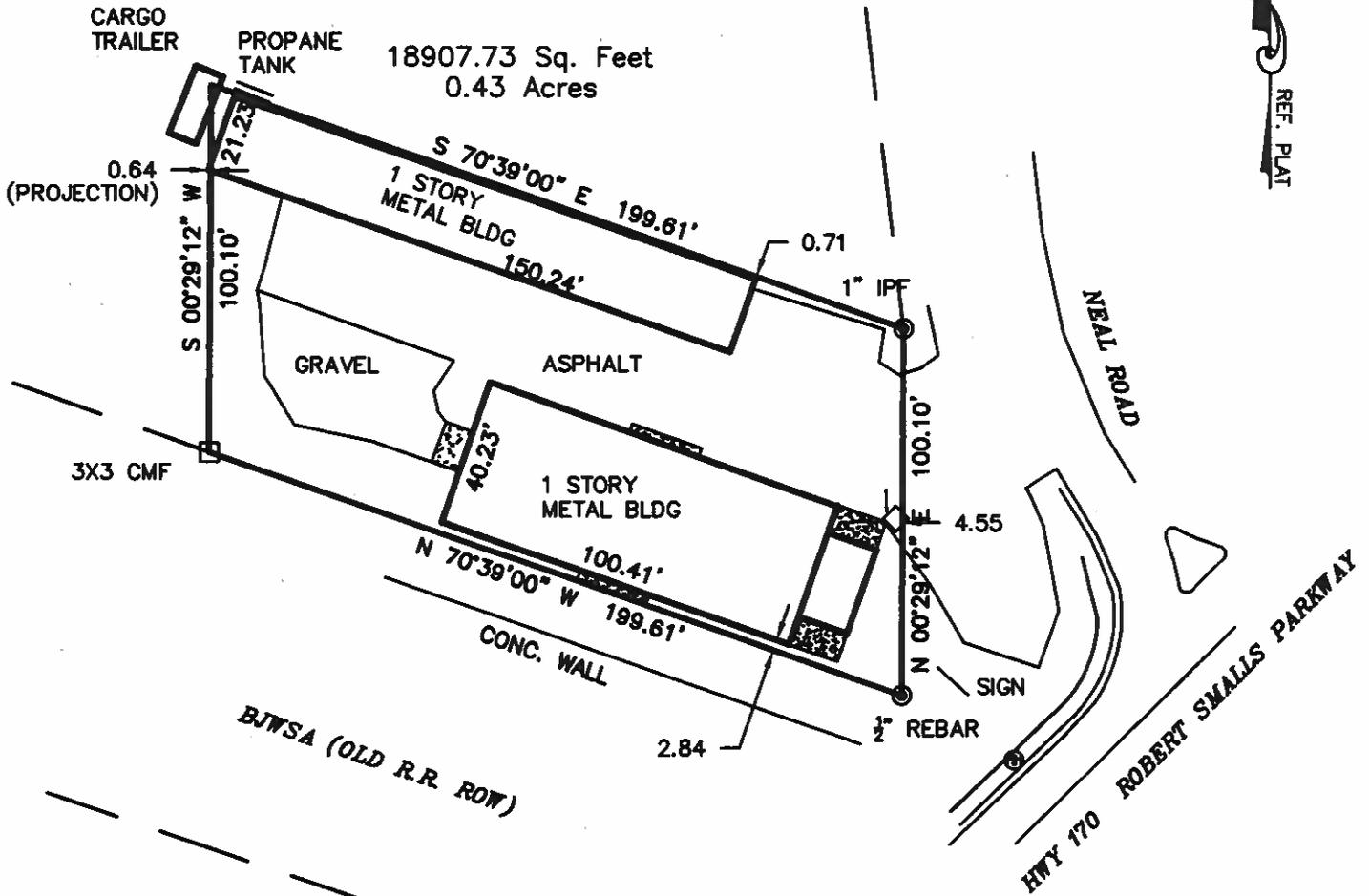
LAND SURVEYORS & PLANNERS

28 PROFESSIONAL VILLAGE CIRCLE, BEAUFORT, S.C.
 P.O. BOX 1363, BEAUFORT, S.C.
 PHONE (843) 522-1798



VICINITY MAP NOT TO SCALE

N/F MARK A. BUSKIRK



ASBUILT SURVEY PREPARED FOR
RICHARD MARTIN

THIS PROPERTY BEING A PORTION OF LAND AS SHOWN ON A PLAT BY DAVID E. GASQUE DATED 6/13/90 AND RECORDED IN PLAT BOOK 39 PAGE 66 BEAUFORT COUNTY RMC. PORT ROYAL ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA TAX MAP: R100-029-000-004F-0000

THE CERTIFIER HAS NOT INVESTIGATED OR BEEN INSTRUCTED TO INVESTIGATE THE EXISTENCE OR NONEXISTENCE OF ANY OVERLAY DISTRICTS, SUCH AS; AIRPORT, MILITARY, NOISE, CRASH POTENTIAL OR ENVIRONMENTAL ISSUES.

CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. THIS PLAT IS COPYRIGHTED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HERE ON. THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH.

BEFORE ANY DESIGN WORK OR CONSTRUCTION ON THIS SITE IS STARTED FLOOD ZONE INFORMATION MUST BE VERIFIED BY PROPER BUILDING CODES OFFICIAL.

THIS PROPERTY IS IN FLOOD ZONE "C" AS PER FEMA FIRM PANEL NUMBER 450025 0065 D. DATED 9/29/86

THE UNDERSIGNED DOES NOT CERTIFY THAT THE PROPERTY SHOWN HEREON COMPLIES WITH ANY RESTRICTIVE CONVEYANCES OR ANY CITY AND/OR COUNTY ORDINANCES.

I, DAVID E. GASQUE, HEREBY CERTIFY TO RICHARD MARTIN THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 1 SURVEY AS SPECIFIED THEREIN. ALSO THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THEN SHOWN. THIS SURVEY IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE AND HAS AN EMBOSSED SEAL. AREA DETERMINED BY COORDINATE METHOD.



SCALE: 1"=50'

DATE: 6/15/15

DAVID E. GASQUE, R.L.S. JOB # 43260
 S.C. REGISTRATION NUMBER 10506 FB#868/TT DSGN#5
 THIS PLAT IS NOT BINDING UNLESS ACCOMPANIED BY AN ORIGINAL SIGNATURE AND AN EMBOSSED SEAL.

6-17-15

T5-DOWNTOWN CORE DISTRICT (T5-DC)

The T5-Downtown Core district consists of higher density, mixed-use buildings that accommodate retail, rowhomes, offices, and apartments. A tight network of streets, including those in Beaufort’s historic commercial downtown, allows this district to be a highly walkable area. Buildings are set very close to the street in order to define the public realm and allow for visible activity along the streetscape.



T5-URBAN CORRIDOR DISTRICT (T5-UC)

The T5-Urban Corridor district consists of higher density, mixed-use buildings that accommodate retail, rowhomes, offices, and apartments located along primary thoroughfares. A tight network of streets allows this district to be a highly walkable area. Buildings are set very close to the street in order to define the public realm and allow for visible activity along the streetscape.



2.3.3 SUMMARY OF CONVENTIONAL DISTRICTS

REGIONAL MIXED-USE (RMX)

The RMX district's intensity accommodates region- and community-serving commercial and business uses, as well as highway-oriented businesses. Development form supports a high-quality commercial character coordinated with a uniform streetscape that enables pedestrian and transit access.



LIGHT INDUSTRIAL DISTRICT (LI)

The LI district permits office, manufacturing, industrial, and warehousing uses, as well as their supporting uses. Moderate to high intensities are permitted to achieve maximum land utilization that will also accommodate small businesses and start-up or incubator businesses. It also allows for larger industrial parks where appropriate.



INSTITUTIONAL & CAMPUS DISTRICT (IC)

The IC district supports generally non-residential institutions and employment areas that are designed in a campus-like setting, such as hospitals, universities, research facilities, and offices. It is intended to ensure that these unique institutions are designed to be compatible with their surroundings and the rest of the city.



MANUFACTURED HOME PARK DISTRICT (MHP)

The MHP district provides a sound and healthy residential environment that is sufficient to meet the needs of inhabitants living in manufactured homes, to protect manufactured home parks from encroachment by incompatible uses, and to encourage the consolidation of manufactured homes into manufactured home parks.



MILITARY RESERVATION DISTRICT (MR)

The MR district is applied to existing military bases and Department of Defense lands, and provides for military facilities and all supporting activities, such as housing, offices, and services that are on base land, even though they would otherwise be considered separate uses. Military property is under jurisdiction of the federal government. Recommendations and standards for this district are not included since these lands are federally owned, and are typically not subject to city regulations.



2.4: DISTRICT DEVELOPMENT STANDARDS

2.4.1 TRANSECT-BASED DISTRICT STANDARDS

DISTRICT	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC
A. LOT CONFIGURATION						
1. Lot Width at Front Setback	75 ft min; for waterfront lots see Section 2.5.4	40 ft min, 60 ft min in the Hundred Pines neighborhood	40 ft min, 60 ft min in The Point	n/a	n/a	n/a
2. Lot Size	9,000 sf min; for waterfront lots see Section 2.5.4	4,000 sf min; 3,000 sf min for alley-served lots	4,000 sf min; 6,000 sf min in The Point	n/a	n/a	n/a
3. Maximum Lot Coverage ¹	30% of lot area	45% of lot area	55% of lot area	70% of lot area	100%	100%
4. Frontage Build-Out ²	n/a	n/a	75% max	60% min; 85% max	75% min	60% min
¹ This percentage indicates maximum lot coverage by roofs; total impervious coverage may be an additional 10%. Parcels may also be subject to Section 8.3 (Stormwater). ² See Section 2.5.1.B for additional frontage build-out standards.						
B. PRIMARY BUILDING PLACEMENT						
1. Front Setback; <i>for infill lots also see Section 2.5.2</i>	20 ft min	15 ft min	average Prevailing Setback on block	0 ft min	0 ft min	0 ft min
	No max	30 ft max ³		15 ft max	max. Prevailing Setback on block	15 ft max
2. Side Setback - Corner /Alley	15 ft min	6 ft min	5 ft min	0 ft min	0 ft min	0 ft min
	No max	No max	No max	10 ft max	15 ft max	15 ft max
3. Side Setback - Interior	10 ft min	6 ft min	6 ft min, 10 ft min in The Point	5 ft min, or 0 ft if attached	0 ft min	0 ft min
4. Rear Setback ⁴	15 ft min	15 ft min	15 ft min	10 ft min	0 ft min	5 ft min
5. Rear Setback from Alley ⁴	n/a	0 ft	0 ft	0 ft	0 ft	0 ft
6. Attached Garage/Carport Setback (from front facade) ^{5,6}	5 ft min	5 ft min	attached garages shall only be accessed via an alley; garage doors shall not face the street			
C. ACCESSORY BUILDING PLACEMENT - see section 3.11 for additional requirements						
1. Front Setback	accessory structures shall be located behind the front facade of the primary structure, except as provided for in Section 2.5.4 (Waterfront Lots) and Section 4.5.3 (Carriage House); see item 6 below for setback for detached garage doors					
2. Side Setback - Corner / Alley ⁵	5 ft min	5 ft min	5 ft min	3 ft min	0 ft min	0 ft min
3. Side Setback - Interior	5 ft min	5 ft min	5 ft min	5 ft min	0 ft min	0 ft min
4. Rear Setback ⁴	5 ft min	5 ft min	5 ft min	5 ft min	0 ft min	0 ft min
5. Rear Setback from Alley ⁴	3 ft min	3 ft min	3 ft min	3 ft min	3 ft min	3 ft min
6. Detached Garage Door/Carport Setback (from front facade) ⁵	5 ft min	20 ft min	20 ft min	20 ft min	shall be located behind primary building and accessed via alley or side street ⁷	
³ When lot width is 75 ft or greater, there is no maximum front setback. ⁴ Garage doors shall be 15 ft min from alley centerline. ⁵ In addition to the setback requirements listed above, garage doors/carports which face a public right-of-way, except for rear alleys, shall be set back a minimum of 20 ft from that right-of-way. ⁶ The Battery Shores and Islands of Beaufort neighborhoods are exempt from this standard when garage doors do not face a public right-of-way. In the Jericho Woods neighborhood, carports are exempt from this standard. ⁷ Also see Section 2.5.7 (Street Access Standards).						
D. BUILDING FORM						
1. Primary Building Height - see Section 2.6	No min	No min	No min	2 stories min ⁸	2 stories min	2 stories min ⁸
	2.5 stories max	2.5 stories max	3 stories max	4 stories max; 3.5 stories max in & fronting Historic District & interior lots along Allison Rd.	3 stories max at property line, see 2.6.1.G	5 stories max; 3.5 stories max in & fronting Historic District
2. Accessory Building Height	2 stories or 30 ft max	2 stories or 30 ft max	2 stories or 30 ft max	2 stories or 30 ft max	2 stories max	2 stories max
3. Building Width at Frontage	n/a	n/a	n/a	100 ft max	100 ft max ⁹	160 ft max ⁹
⁸ 2 stories are only required at significant intersections, in accordance with Section 2.6.3 and the Street Hierarchy Diagram in Appendix C.3 ⁹ Buildings exceeding this maximum shall comply with the Large Footprint Building standards in Section 4.5.10.						
E. PARKING PAD LOCATION- there are no interior side setbacks for parking unless buffers are required per Section 5.5. See Section 2.5.8 for additional provisions						
1. Front Setback	there are no parking setbacks, however, driveways shall be located to the side of the lot/primary structure except on waterfront lots meeting the conditions stated in 2.5.4.		40 ft min	40 ft min	40 ft min	40 ft min
2. Side Setback - Corner			5 ft min	15 ft min	5 ft min	5 ft min
3. Rear Setback			5 ft min	5 ft min	0 ft min	0 ft min

2.4.2 CONVENTIONAL DISTRICT STANDARDS

General standards for development in the Regional Mixed-Use (RMX), Light Industrial (LI), Institutional & Campus (IC), and Manufactured Home Park (MH) districts are outlined in the table below. Land designated as Military Reservation (MR) district is under the jurisdiction of the federal government; the City has no development standards for these lands.

DISTRICT	RMX	IC	LI	MH	MR
A. RESIDENTIAL DENSITY ¹					
1. Residential Units/Acre	30 units/acre max	30 units/acre max	n/a	7 units/acre max	Exempt
B. LOT SIZE & BUILDING FORM					
1. Minimum Lot Width ²	60 ft min	50 ft min	50 ft min	150 ft min	Exempt
2. Lot Size ²	6,000 sf min	5,000 sf min	10,000 sf min	5 acres	
3. Impervious Surface Coverage	65% max	65% max	N/A	N/A	
4. Building Height	4 stories	4 stories	4 stories ³	2 stories	
¹ Measured as gross density—calculation of acreage includes land occupied by rights-of-way, parks, open space, and other non-residential uses. ² Where properties are accessed via a rear alley or lane, this standard may be decreased by 25%. ³ In industrial parks larger than 50 acres, the height limit is permitted to increase to 10 stories unless otherwise restricted by the AICUZ.					
C. PRINCIPAL BUILDING PLACEMENT ⁴					
1. Front Setback - Primary	10 ft min	10 ft min	15 ft min	25 ft min	Exempt
	60 ft max ⁵	Max setback shall not exceed average max setback on same side of block; build-to line of adjacent T-zone shall also be considered	n/a	n/a	
2. Side Setback - Corner	10 ft min	5 ft min; max setback shall not exceed average setback on same side of block; build-to line of adjacent T-zone shall also be considered	15 ft min	15 ft min	
3. Side Setback - Interior	10 ft min; 15 ft min when abutting any Transect-based district	10 ft min.; 25 ft min when abutting T3 districts	0 ft min 25 ft min when abutting other districts	15 ft min	
4. Rear Setback	15 ft min	25 ft min	10 ft min 25 ft min when abutting other districts	15 ft min	
⁴ See Section 5.5.1 for additional buffer requirements ⁵ When corridor buffer requirements - Section 5.5.1.B - are required, the maximum front setback may be increased to no greater than 50 feet behind the buffer					
D. ACCESSORY BUILDING PLACEMENT ⁶					
1. Side Setback - Corner	10 ft min	10 ft min	10 ft min	10 ft min	Exempt
2. Side Setback - Interior	5 ft min	5 ft min	0 ft min 25 ft min when abutting other districts	5 ft min	
3. Rear Setback	5 ft min	5 ft min	10 ft min 25 ft min when abutting other districts	5 ft min	
⁶ Also see Accessory Uses & Structures in Section 3.11					
E. PARKING LOCATION					
1. Parking Location	Parking areas and drive aisles shall be located in the side or rear yard whenever possible. Parking areas and drive aisles shall not be located within the front setback, but may be placed in front of the building. However head-in rows of parking shall not be permitted to front Primary Streets. Diagonal rows of parking shall not front Primary Streets except as part of a slip or frontage-road design, or when there are less than 10 consecutive spaces. Where 10 or more parking spaces are required, the majority of the parking shall be located in the side or rear of the building.		n/a	n/a	Exempt

District. Conditions may be listed in the “Additional Standards” section as appropriate. Other uses permitted in the general T4-N district may have special conditions for T4-NA; those conditions are also listed in the additional standards section as appropriate.

G. **Prohibited Uses (—):** The use is prohibited in the specified district.

3.2 TABLE OF PERMITTED USES

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

DISTRICT	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	LI	IC	MHP	ADD'L STANDARDS WHEN APPLICABLE
RESIDENTIAL												3.3
Household Living												
Single-Family Dwelling	—	P	P	P	P	E	E	E	E	E	—	—
2- or 3-Unit Dwelling	—	—	C	P	P	P	P	—	—	P	—	4.5.5
Rowhome	—	—	—	—	C	P	P	P	—	P	—	4.5.6
Apartment House (a.k.a. Multifamily Dwelling - 4+ units)	—	—	—	—	C	P	P	P	—	P	—	4.5.7
Home Occupation - Minor	—	C	C	C	C	P	P	P	—	—	—	3.3.2.D
Home Occupation - Major	—	SE	SE	SE	C	P	P	—	—	—	—	
Live-Aboard Boat	C	C	C	C	C	C	C	C	C	C	C	3.3.2.D
Live/Work Unit	—	—	—	—	C	P	P	P	C	P	—	4.5.8
Manufactured Home	—	—	—	—	—	—	—	—	—	—	C	3.3.2.G
Group Living												
Group Dwelling (≤ 8 residents)	—	—	—	—	P	P	P	P	—	—	—	—
Group Dwelling (> 8 residents)	—	—	—	—	SE	SE	P	P	—	P	—	—
PUBLIC AND CIVIC												3.4
Civic / Government Facilities	C	—	SE	SE	P	P	P	P	P	P	—	3.4.2.A
Educational Facilities												
College/University/Trade/Vocational	—	—	—	—	C	P	P	P	C	P	—	3.4.2.B.1
School, Public or Private	—	C	C	C	P	P	P	P	—	P	—	3.4.2.B.2
Parks and Open Space												
Cemetery	C	E	E	E	E	E	E	C	E	E	E	3.4.2.C
Park/Open Space	P	P	P	P	P	P	P	P	P	P	P	7.4
INSTITUTIONAL												3.5
Community Service	—	SE	SE	SE	P	P	P	P	SE	P	—	—
Day Care Facility												
Family Day Care Home (≤ 6 clients)	see Home Occupation — Minor											
P=Permitted Use C=Conditional Use SE=Special Exception E=in Existing Building/Facility Only RF=Retail Frontage Only A=T4-Neighborhood Artisan subdistrict Only —=Prohibited use												

DISTRICT	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	LI	IC	MHP	ADD'L STANDARDS WHEN APPLICABLE
Group Day Care Home (7-12 clients) & Commercial Day Care Center (>12 clients)	—	—	SE	C	C	P	P	P	P	P	—	3.5.2.A
Treatment Facility	—	—	—	—	SE	SE	SE	P	—	SE	—	—
Health Care Facilities	—	—	—	—	—	—	P	P	—	P	—	—
Religious Institution	—	C	C	P	P	P	P	P	—	P	—	3.5.2.B
COMMERCIAL												3.6
Entertainment												
Indoor Entertainment	—	C	C	—	C	P	P	P	P	P	—	3.6.2.A
Outdoor Entertainment	—	—	—	—	C	P	P	P	—	P	—	3.6.2.A
Sexually-Oriented Business	—	—	—	—	—	—	—	—	C	—	—	13.2.1
Office	—	—	—	—	P	P	P	P	P	P	—	—
Overnight Guest Accommodation												
Bed and Breakfast	—	—	SE	SE	P	P	P	—	—	—	—	3.6.2.C.1
Short-Term Rental	—	C	C	C	C	C	C	—	—	C	—	3.6.2.C.2
Inn/Motel/Hotel	—	—	—	—	C	P	P	P	—	—	—	3.6.2.C.3
Recreational Vehicle Park	—	—	—	—	—	—	—	SE	—	—	—	—
Retail & Restaurants					C	C	C	P	—	C	—	3.6.2.D
VEHICLE- AND BOAT-RELATED USES												3.7
Vehicle and Boat Sales and Rental	—	—	—	—	A	—	C	P	—	—	—	3.7.2.A
Drive-Thru Facility	—	—	—	—	—	—	C	C	SE	—	—	3.7.2.B
Fuel Sales / Car Wash	—	—	—	—	—	—	C	C	P	—	—	3.7.2.C
Vehicle Service and Repair	—	—	—	—	C	—	C	C	P	—	—	3.7.2.D
Parking, Commercial, Surface	—	—	—	—	C	C	P	P	P	P	—	3.7.2.F
Parking, Structure	—	—	—	—	RF	P	P	P	P	P	—	—
Passenger Terminals	—	—	—	—	—	—	SE	P	P	—	—	3.7.2.G
Water/Marine-Oriented Facilities	P	—	—	—	P	P	P	—	—	P	—	—
INDUSTRIAL												3.8
Aviation Services	—	—	—	—	—	—	—	—	P	—	—	—
Light Industrial Services	—	—	—	—	A	—	C	C	P	—	—	3.8.2.A
Manufacturing and Production Services	—	—	—	—	A	—	—	C	P	—	—	3.8.2.B
Truck Terminal	—	—	—	—	—	—	—	—	P	—	—	—
COMMUNICATION & INFRASTRUCTURE USES												3.9
Major Infrastructure/Utilities	—	—	—	—	A	—	—	SE	P	—	—	3.9.2.A
Minor Infrastructure/Utilities	E	C	C	C	C	C	C	C	P	C	—	3.9.2.B
Waste Related Services	—	—	—	—	—	—	—	—	SE	—	—	3.9.2.C
Wireless Communications Facility	—	—	—	—	—	—	—	C	C	—	—	3.9.2.D
FORESTRY, AGRICULTURE, HORTICULTURE												3.10
<i>P=Permitted Use C=Conditional Use SE=Special Exception E=in Existing Building/Facility Only RF=Retail Frontage Only A=T4-Neighborhood Artisan subdistrict Only —=Prohibited use</i>												

B. Landscaping Installation and Guarantee:

1. No certificate of occupancy for any development on a site subject to the requirements of this article shall be issued until all landscaping materials are in place according to the approved plan, or a cash performance guarantee is posted with the administrator for 125% of the cost of the uncompleted landscaping, including labor, as determined by the administrator. The cost estimate shall be prepared by a qualified landscape contractor using prevailing material and labor costs.
2. The life of the guarantee shall not exceed 12 months. If the approved landscaping, including ground cover if applicable, is not properly installed within 12 months of the certificate of occupancy, the guarantee shall be forfeited to and used by the city to complete the approved landscaping, with any remaining funds returned to the person who posted the guarantee.
3. A maintenance guarantee (for permitted types of guarantees, see Section 7.1.5) equal to 20% of the cost of all required landscaping, including labor, as determined by the administrator based on a cost estimate prepared by a qualified landscape contractor using prevailing labor and costs, shall be held for a period of 1 year following completion of landscape installation.
4. The maintenance guarantee shall be returned only where the landscaping has been surveyed by the city and determined to be in good health. Where any portion of the required landscaping is dead, dying, or significantly declining, the landowner shall be responsible for its replacement prior to release of the guarantee. Where replacement landscaping is required, and such landscaping exceeds 25% of the required project landscaping, the maintenance bond shall be held one additional year to ensure successful installation of the replacement landscaping.

5.3: TREE PLANTING AND PROTECTION

5.3.1 TREE COVERAGE REQUIREMENTS

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

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

adoption of this Code, has executed an agreement with the city that

1. Recognizes the need to minimize trimming of hardwood overstory trees that do not significantly interfere with the intended purpose of construction or maintenance.
 2. Establishes, to the extent practicable, design guidelines for construction and maintenance that identify the saving of hardwood overstory trees as a factor to be considered in the design process.
 3. Establishes guidelines to avoid limbing, topping, or severe pruning of trees whenever reasonably practicable, and where it is unavoidable, according to ANSI A300 Standards, which may include tree removal.
 4. Provides for a consultation process with the city prior to the commencement of major construction or maintenance or the removal of any specimen or landmark tree.
- B. **Waiver for Emergency:** In the event that a tree poses a threat to public safety due to death, disease, or damage resulting from events including, but not limited to fires, floods, hurricanes, other natural disasters, intentional harm, or negligence, the administrator may waive the requirements of Section 5.4.1. As soon as it is feasible after the waiver, the administrator shall issue written findings outlining the threat to public safety that prompted the waiver. The administrator may require that the owner of the site replace the tree when the findings conclude that the removal was necessitated by intentional harm or negligence.
- C. **Normal Tree Maintenance:** Nothing in this Code shall restrict normal tree maintenance by a property owner (including removal of dead wood and branches or limbs that endanger life or property) for any tree except landmark trees upon which any pruning must be done according to Section 5.4.1.A.2.

5.5: PERIMETER LANDSCAPING AND SCREENING

Perimeter buffers are intended to provide spatial separation between uses of differing intensities. Buffers that are required for protection of environmentally-sensitive areas are prescribed by Section 8.1 (Resource Protection Standards).

5.5.1 BUFFER REQUIREMENTS

Landscaped perimeter buffers shall be preserved or established along the front of the sites located within Conventional Districts, and along the side and rear boundary lines along all districts as indicated in the following chart. The buffers are based upon the parcel's zoning district and the District the parcel abuts. Where the buffer requirements in this table are in conflict with the corridor buffer requirements in Section 5.5.1.B, the greater buffer width and/or plantings shall apply.

REQUIRED BUFFER WIDTH AND PLANTING				
District of Proposed Development	*Abutting Use or District	Minimum Width for Side and Rear Buffers	Front Buffer Planting Requirements	Side and Rear Buffer Planting Requirements
LI (Industrial)	All Districts (except LI)	25 ft min.		
RMX (Regional Mixed Use)	All Transect-Based Districts, any county residential district	15 ft min.	None, except along the corridors listed in Section 5.5.1.B	See Section 5.5.1.A
All Other Conventional Districts	All Transect-Based Districts, any county residential district	5 ft min.		
T4-N & T5-UC	T3, T4-HN, any county residential district	5 ft min	None - street trees may be required depending on street section designation in Appendix C.	Same requirements as Section 5.7.8.A
T4-NA	T3, any county residential zoning district	Use-dependant - See Section 3.9	None	Same requirements as Section 5.7.8.A

**if the parcel is abutting another district other than the district listed in the chart, no buffers are required*

5.7.4 PARKING SPACE REQUIREMENTS

A. **Minimum Number of Parking Spaces:** The number of motor vehicle parking spaces required shall be determined by the table below. Uses not listed in the following chart shall use the parking requirement for the most similar use, as determined by the administrator.

USE	MINIMUM NUMBER OF MOTOR VEHICLE PARKING SPACES REQUIRED	
	CONVENTIONAL DISTRICTS	TRANSECT-BASED DISTRICTS
RESIDENTIAL		
Single-Family, and Short-Term Rental	2 per unit	
2- and 3-Family, Multi-Family and Accessory Units		
Studio	1 per unit	
1 Bedroom	1 per unit	
2 Bedrooms	1.75 per unit	
3+ Bedrooms	2 per unit	
Dwelling units located within mixed-use buildings	No spaces required	
Group Homes	1 per 3 bedrooms	
RETAIL		
Gas Stations/Fuel Sales	1 per employee, plus requirements for retail and/or service bays	1 per 400 gross square feet
Restaurant, Café, Coffee Shop, Bar, Tavern and Nightclub	1 per 4 seats,* plus 1 per every 2 employees (at max. shift, typical) *Only interior seats are counted unless the business only has exterior seating.	1 per 400 gross square feet
Drive-Through Facilities	1 per 4 seats* plus 1 per every 2 employees *Only interior seats are counted unless the business only has exterior seating.	1 per 400 gross square feet
All Other Retail Uses	1 per 300 gross square feet	1 per 400 gross square feet
RECREATION, EDUCATION, PUBLIC ASSEMBLY		
Colleges and Universities	1 per 4 students at capacity class attendance	
Community/Public Safety Facilities	1 per 300 gross square feet	1 per 400 gross square feet
Schools, Public or Private		
Grades K-8	2 per classroom	1 per 400 gross square feet
Grades 9-12 or Trade	1 per 4 students and employees	1 per 400 gross square feet
Theaters	1 per 4 seats, plus 1 per 2 employees	1 per 400 gross square feet
All Other Assembly Uses		
With Fixed Seats	1 per 5 seats	1 per 400 gross square feet
Without Fixed Seats	1 per 300 gross square feet	1 per 400 gross square feet
SERVICES		
Day Care (Child or Adult) - 5 or greater	1 per 10 persons cared for (child or adult)	1 per 400 gross square feet
Lodging	1 per room, plus spaces required for on-site accessory uses	1 per 2 rooms
Medical		
Doctor's Offices	1 per 300 gross square feet	1 per 400 gross square feet
Other	1 per 2 beds, plus 1 per staff, plus 1 per 4 employees	1 per 400 gross square feet
All Other Service Uses	1 per 300 gross square feet	1 per 400 gross square feet
INDUSTRIAL		
No minimum number of spaces		

6.5: FREESTANDING SIGNS

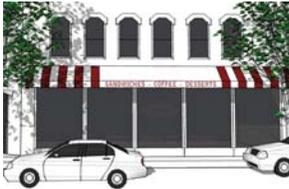
6.5.1 APPLICABILITY: The following chart applies to all types of developments as stated except for individual single-family or 2-3 unit building lots, or subdivisions containing fewer than 30 units.

SIGN TYPE AND PERMITTED LOCATION	MAX. AREA	MAX. HEIGHT	MIN. SETBACK	ADDITIONAL REQUIREMENTS	
 <p>A. Monument Sign: A sign constructed on the ground, typically with a continuous footing or foundation with the base of the sign at grade — the size of the support structure for any monument sign shall be a maximum of 50% of the size of the sign face. When sign is less than 24 square feet, it is not required to be have a continuous footing, but it may be supported by 2 side posts.</p>	T1 T3 MH T4 T5 RMX LI IC	32 ft ² 10 ft ² (5 ft ² in HD) 48 ft ²	10 ft 8 ft 10 ft	3 ft from ROW (18 inches in HD) 3 ft from ROW (18" in HD) 10 ft from ROW	<ol style="list-style-type: none"> Maximum Number: 1 per street frontage; if individual street frontage is greater than 500 feet then 2 are permitted (spaced at least 300 feet apart). If the property is on a corner, the sign on the secondary street shall be no larger than half the size of the sign on the street from which the building derives its address. Encroachment: No encroachment allowed For lots or combinations of lots serving 5 or more tenant spaces, see Section 6.2.2.G. In RMX, LI and IC : Lots with 150-500 feet of road frontage are permitted to have a 60 square foot sign; parcels with greater than 500 feet of frontage are permitted to have an 80 square foot sign. Landscaping, not including grass, shall be required for all monument signs. Such landscaping shall equal the total surface area of the sign face. Monument signs are not permitted for new buildings in the Boundary Street Redevelopment District.
 <p>B. Post and Arm Sign: A sign that is supported by a single post</p>	T3 T4 T5 RMX LI IC	10 ft ² (5 ft ² in HD)	6 ft	3 ft from ROW (18" in HD)	<ol style="list-style-type: none"> Maximum Number: 1 per street frontage Encroachment: No encroachment is allowed Post and Arm signs are not permitted for new buildings in the Boundary Street Redevelopment District.
 <p>C. Sandwich Board Sign: A portable sign shaped like an A-frame with a sign panel on one or both sides, where the sign panel is integral to the structure of the sign</p>	T3 T4 T5 RMX LI IC	8 ft ² (6 ft ² in HD)	4 ft (3.5 ft ² in HD)		<ol style="list-style-type: none"> Maximum Number: 1 per tenant. 1 per street frontage is permitted when a tenant has frontage on multiple streets. Encroachment: May be located on a public sidewalk, but must maintain at least 48 inches of unobstructed pedestrian space Shall not be located in a planting strip between the sidewalk and the travel lane. Shall be located as close to the building as possible Shall be displayed only when the establishment is open for business
 <p>D. Easel Sign: A sign or message board displayed on a portable, open frame, such as a tripod</p>	T3 T4 T5 RMX IC	3.5 ft ²	6 ft		<ol style="list-style-type: none"> Maximum Number: 1 per tenant. 1 per street frontage is permitted when a tenant has frontage on multiple streets. Encroachment: May be located on a public sidewalk, but must maintain at least 48 inches of unobstructed pedestrian space Shall not be located in a planting strip between the sidewalk and the travel lane. Shall be located as close to the building as possible Shall be displayed only when the establishment is open for business

Note: For signs A and B, square footage indicated is the amount permitted per side.

6.6: ATTACHED SIGNS

6.6.1 APPLICABILITY: The following chart applies to all types of developments as stated except for individual single-family or 2-3 unit building lots, or subdivisions containing fewer than 30 units.

SIGN TYPE AND PERMITTED LOCATION		MAX. AREA*	ADDITIONAL REQUIREMENTS
<p>A. Wall Sign A sign mounted parallel to or painted on a building facade or other vertical building surface.</p> 	<p>T1 T3 T4 T5 RMX LI IC</p>	<p>1 ft² per linear ft of primary building frontage — in the Boundary Street Redevelopment District, signage is permitted to be a maximum of 10% of square footage of the facade area</p>	<ol style="list-style-type: none"> Maximum Number: 1 per building frontage or tenant space, per street frontage. The sign on the secondary frontage may be 1/2 the size of the sign on the primary frontage. If the majority of the parking is on the side or rear, an additional sign, 1/2 the size of the primary frontage, is permitted on that facade. No sign shall extend above the roof line. Sign shall not project more than 18 inches from the wall surface. Not permitted for residences with 3 or fewer dwelling units
<p>B. Canopy/Awning Sign A sign that is suspended from, attached to, supported from or forms a part of a canopy</p> 	<p>T4 T5 RMX LI IC</p>	<p>1 ft² per linear ft of building or tenant space</p>	<ol style="list-style-type: none"> Maximum Number: 1 per building frontage or tenant space, per street frontage Must allow 8 feet clearance above sidewalk Shall not be placed above 2nd floor window sill or cornice of building, whichever is higher May encroach over sidewalk area no closer than 18 inches from curb Only the valance area of the awning/canopy may be used as a message area. The valance shall be a maximum of 1 ft tall with lettering a maximum of 9 inches tall. The valance shall be made of the same material and shall be the same color as the awning/canopy.
<p>C. Window/Door Sign Any sign that is painted on, applied to, attached to, or projected upon or within the exterior or interior of a building glass area, including doors or windows — may include a message, symbol, insignia, visual representation, logotype, or any other form that communicates information — can be read from off-premises contiguous property or public right-of-way</p> 	<p>T4 T5 RMX LI IC</p>	<p>25% of glass area per window/door</p>	<ol style="list-style-type: none"> Applied plastic or vinyl cut letters are prohibited. No permit is necessary for temporary promotional signs posted on the interior side of the glass; these signs shall count toward the 25% maximum window coverage.
<p>D. Projecting/Suspended Sign Any sign other than a wall sign that is attached to and projects from the wall or face of a building or is suspended from the underside of a horizontal plane</p> 	<p>T1 T3 T4 T5-UC</p> <p>T5-DC</p> <p>RMX IC LI</p>	<p>8 ft²</p> <p>5.25 ft²</p> <p>10 ft²</p>	<ol style="list-style-type: none"> Maximum Number: 1 per building frontage or tenant space, per street frontage Must allow 8 feet clearance above sidewalk May project no more than 4 feet from building face and no closer than 18 inches from curb Not permitted for residences with 3 or fewer dwelling units Projecting signs shall not be higher than the fascia and/or cornice and shall not extend above the eave line. For multi-story buildings, sign brackets shall be mounted no higher than the sill of the second floor window.
<p>E. Marquee Sign A vertically-oriented sign supported solely by the building to which it is attached and projecting horizontally over part of the public right-of-way — may project perpendicular to the facade or at 45 degree angle from the corner of the building.</p> 	<p>T4 T5 RMX IC</p>	<p>24 ft², with maximum width of 2 ft</p>	<ol style="list-style-type: none"> Maximum Number: 1 per building May project no more than 3 feet from building face Shall not extend more than 10 feet above cornice; shall allow 12 feet clearance above sidewalk Sign thickness shall not exceed 10 inches. Shall not extend above the eave of a pitched roof

*The total area of all attached signs for a business shall be no more than 1.5 times the linear frontage of the building, or in the case of multi-tenant buildings, than the individual tenant space.

11.4.2 REPAIR AND MAINTENANCE OF EXISTING STRUCTURE

Any building existing at the time of the enactment of this Code that does not conform with the provisions of this Code for the district in which it is located shall be deemed to be a nonconforming structure and is subject to the standards of this article.

- A. **Repairs, Alterations, and Maintenance:** Any nonconforming building or structure that is renovated, repaired, altered, or otherwise improved by more than 100% of the Fair Market Value of the structure at the time of renovation, repair, or alteration shall be brought into conformance with landscaping, screening, sign, lighting, access, and parking requirements.
1. In transect zones, the building must also be brought into compliance with setback, frontage, and architectural standards of this Code. If full compliance can not be achieved due to the scope of work (e.g., mostly interior) the building must be brought into compliance as much as possible.
 2. In conventional zones, architectural design changes required to bring the site into conformity with the requirements of this Code shall be in proportion to the alterations proposed by the applicant.

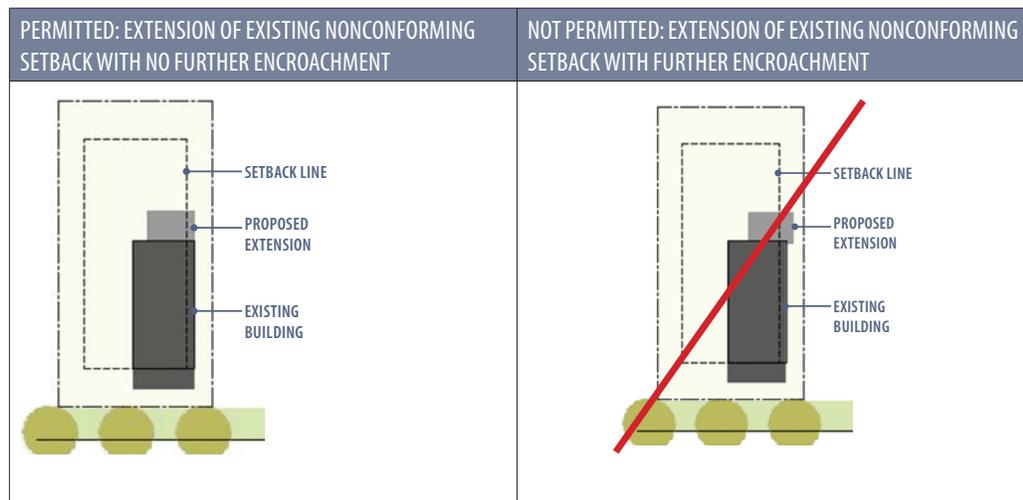
B. **Damage or Destruction**

1. When a nonconforming building or structure damaged by fire, flood, explosions, wind, earthquake, war, riot or other act, to the extent of more than 75% of the Fair Market Value of the structure — as shown on the county tax records — at the time of such damage, such a building, if restored, shall conform to the requirements of this Code.

C. **Applicability:** The provisions of this section shall not apply to any detached single-family dwelling used for residential purposes. In the case of a significant calamity, such properties may be repaired or rebuilt, regardless of the cost in relationship to the Fair Market Value of the structure, within the original (pre-disaster) building footprint.

11.4.3 EXPANSION OF STRUCTURE

A nonconforming structure shall not be expanded in any way, except in conformity with this Code, except in cases where the primary building on a lot is nonconforming solely as a result of a setback encroachment, additions to the structure can be allowed, provided the new addition does not project into the setback. If a proposed addition would encroach into the same setback that already had been encroached upon, the addition can be allowed, provided it projects no further into the setback than the existing structure.





VISION BEAUFORT

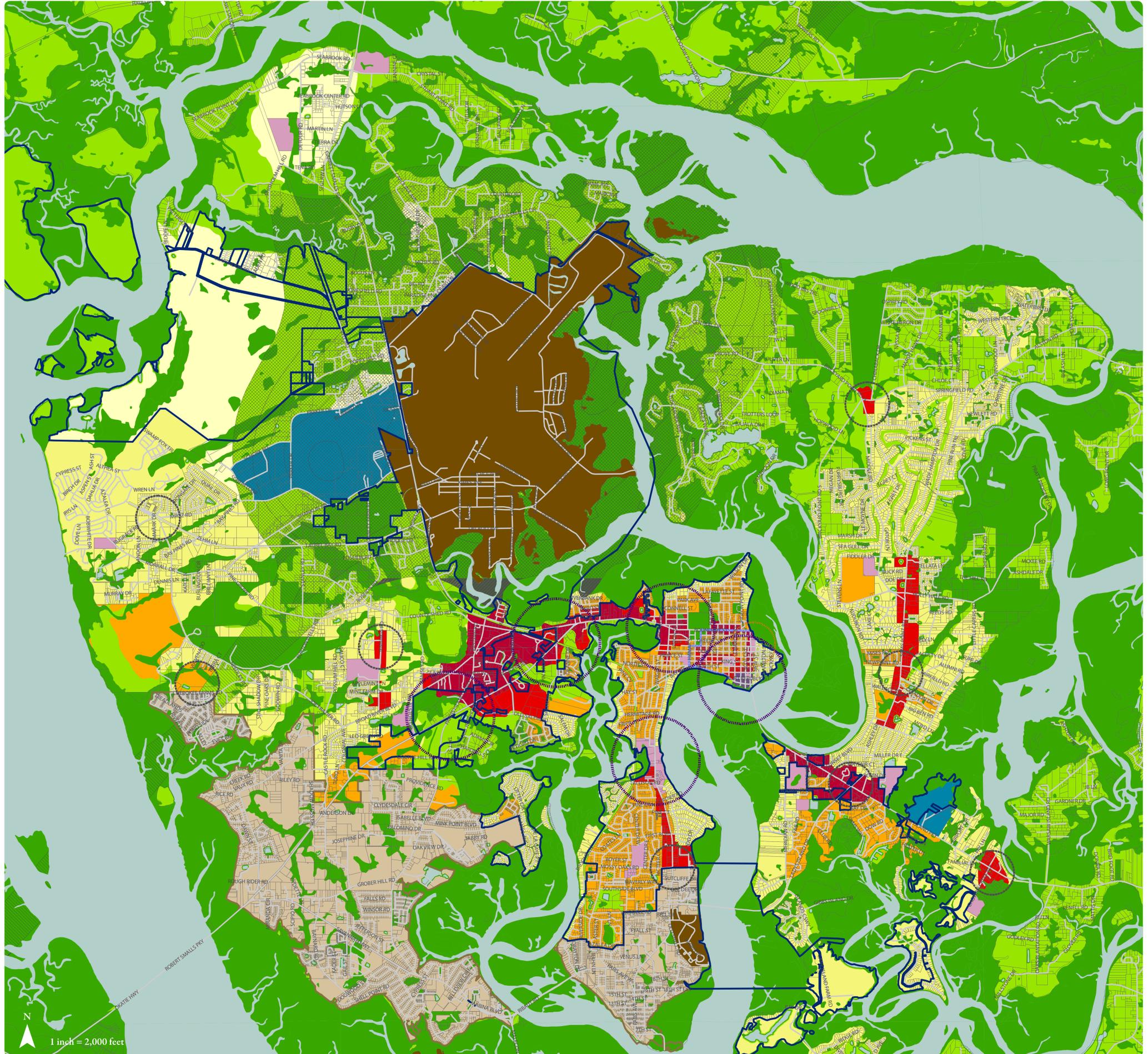
2009 Comprehensive Plan

BEAUFORT LAND USE FRAMEWORK PLAN

The Framework Plan is a macro-level planning tool developed as a part of the 2009 Comprehensive Plan Update process. The Framework Plans provides a more fine-grained approach to land use policy recommendations. It is based on focusing growth in walkable nodes in areas that are served by infrastructure and away from areas that are environmentally sensitive. While it is coded to the parcel level, it is not intended to replace the zoning map. Rather, it is an aggregation of a series of zoning categories that combine to form neighborhoods and sectors.

Once adopted, the Framework Plan can more easily be adapted to the existing zoning categories in the city's zoning or serve as a basis for a full conversion to a form-based code in the future.

Contact Information:
The City of Beaufort
Department of Planning and Development Services
302 Carteret Street
PO Drawer 1167
Beaufort, South Carolina 29902
(843) 525-7011



- PRESERVED OPEN SPACE (O-1)**
The O-1 sector represents the basic "green infrastructure" of the community providing critical habitat for wildlife; protection of water quality and protection from flooding and erosion; and needed recreation and greenspace for the human habitat. This category, indicated in dark green on the Framework Map, comprises lands that are already non-developable, such as wetlands, conservation easements, required stream buffers, and parks.
- RURAL/CONSERVATION LANDS (O-2)**
This sector includes areas that are prime candidates for moving into the O-1 sector through conservation easements or other open space acquisition/protection measures. This sector consists of lands that should be off-limits to development except occasional conservation neighborhoods at very low densities due to environmental conditions, urban service factors, and proximity to the MCAS operations.
- GROWTH RESERVE SECTOR (GR-1)**
The GR-1 sector is intended as a holding zone or reserve area for future urbanization in the northern Beaufort County region. Care should be taken to ensure that this area not be developed as a low-density suburban subdivision as there is sufficient land area to create an urban center supported by walkable neighborhoods.
- MODERATE DENSITY RESIDENTIAL NEIGHBORHOODS (G-1)**
The G-1 sector is intended for relatively moderate density residential development. It includes areas that are not likely locations for redevelopment, as well as lands that are not proximate to thoroughfares and are not projected to be high growth areas due to limited access to transportation networks, existing services, and utilities. In addition, poor/wet soils that not typically appropriate for development are included in this sector, which is intended for relatively low-density development.

- URBAN NEIGHBORHOODS/TNDs (G-2)**
The G-2 sector contains denser, mixed-use development at the scale of neighborhood centers, indicated by the small (1/4 mile) circles, and suburban, residential development at the scale of walkable "traditional neighborhoods" shown in orange. This type of residential development creates an identifiable center organized around a small public square or green, often with some civic facilities or a building such as a church or a small store.
- NEIGHBORHOOD MIXED USE & CORRIDOR MIXED USE (G-3)**
The G-3 sector is intended to apply along high capacity regional thoroughfares at major transportation nodes, or along portions of highly-traveled corridors. G-3 land generally falls within areas for higher-intensity regional-serving development, marked by the dark purple 1/2 mile radius circles. Neighborhood Mixed-Use designations (G-3A) are intended for a mixture of uses intended to serve the surrounding neighborhoods. Corridor Mixed-Use areas (G-3B) are intended for a mixture of regional-serving commercial, residential, and institutional destinations.
- DOWNTOWN BEAUFORT (G-4)**
This sector is comprised of areas with existing development, with a relatively dense street grid, and which are appropriate for redevelopment or additional development. This area is, in large respect, appropriate for redevelopment and new infill development and well served with infrastructure (roads, utilities, etc.), and access to services and amenities.

- CIVIC & INSTITUTIONAL USES**
In addition to the geographic sectors, the Framework Plan indicates two related special land uses: the existing schools and other civic sites such as the hospital, the university and technical college, and the library. These civic and institutional uses properties are related to the community's permanent civic and green infrastructure since large pieces of land on many these properties will continue to be undeveloped open space.
- INDUSTRIAL/EMPLOYMENT CENTERS: SPECIAL DISTRICT (SD)**
As regional employment centers, industrial districts also fall into the G-3 sector. Industrial development is shown around the existing Beaufort Commerce Park and in areas where industrial and distribution facilities are currently located or approved for development by current zoning.
- NEIGHBORHOOD CENTERS**
Neighborhood Centers, shown as the small black circles on the Framework Map, are based on a 1/4 mile radius (a typical 5-minute walk) from a key intersection. They are intended to be mixed-use activity centers serving surrounding neighborhoods with retail, services, civic uses, and higher density housing.
- REGIONAL CENTERS**
Regional Centers are mixed-use activity centers with employment and commercial uses that attract people from beyond the immediate neighborhoods and from surrounding communities. These centers are appropriate for commercial and employment development as well as the area's highest density housing. The area of these centers is based on a 1/2 mile radius (a typical 10-minute walk)—the larger circles on the map.



Staff Report for Metropolitan Planning Commission

From the Department of Community and Economic Development

October 19, 2020

1 SUBJECT

Rezoning of approximately 0.43 acres at 46 Robert Smalls Parkway. The property is further identified as District R120, Map 29, Parcel 4F. The current zoning is T5-Urban Corridor District (T5-UC). The requested zoning is T5-Urban Corridor District/Regional Mixed-Use (T5-UC/RMX). Applicant: Lisa Wandrick for the property owner, LCW Commercial Properties, LLC.

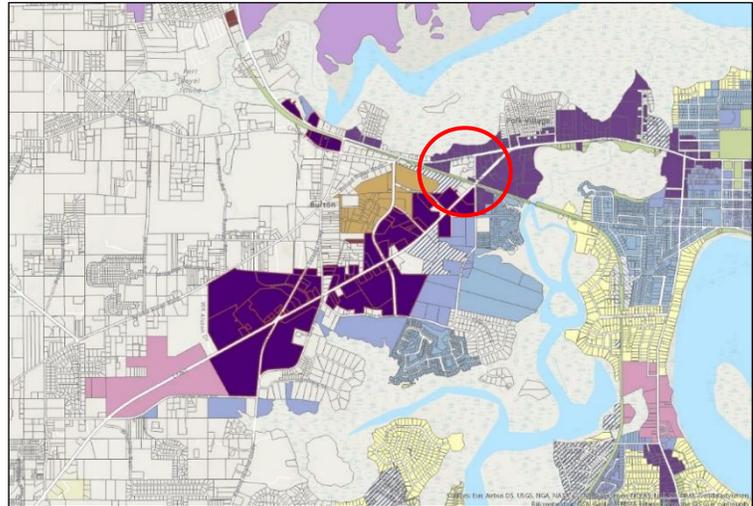
Current Zoning: Subject parcel R120 029 000 004F is currently zoned T5-Urban Corridor District (T5-UC)

Requested Zoning: T5-Urban Corridor District/Regional Mixed-Use (T5-UC/RMX).

Size: 0.43 acres.

Current Land Use: Indoor recreation, mini-storage rental.

Public Hearing: Scheduled for October 13, 2020 at 7 pm in City of Beaufort Council Chambers.



In accordance with The Beaufort Development Code §9.16.3.C., the MPC shall recommend approval, modified approval, or denial of the proposed map amendment taking into account all factors that it may deem relevant, including but not limited to:

- A. Consistency 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.

2 STAFF ASSESSMENT

Staff has assessed the rezoning request in accordance with §9.16.3.C. supra, with the following findings:

A. Consistency with the Comprehensive Plan and Civic Master Plan

Background:

The Vision Beaufort 2009 Comprehensive Plan lays out the future land use of the city through *the framework plan*. This Framework Plan provides guidance on where and how the community should grow by identifying the boundaries of Regional Sectors (Framework Zones) that provide the basis for detailing appropriate land uses and development standards. To help guide individual zoning decisions, the Comprehensive Plan includes a Framework Plan Conversion Matrix table that identifies the appropriate Transect Zone(s) and Zoning Categories for each Framework Zone.

The purpose of the *Civic Master Plan* is to develop a detailed plan for public investment based on the framework adopted in the Comprehensive Plan. *The Civic Master Plan* not only foresees the necessary infrastructure improvements and prioritizes such improvements to leverage private development where possible, it also serves to catalog and illustrate major redevelopment project opportunities by type and location.

Assessment:

The subject parcel lies within the Framework Zone G3-A Neighborhood Mixed Use, which foresees the following zoning districts: T2, T3, T4, T5 and T6. The G-3 sector is intended to apply along high capacity regional thoroughfares at major transportation nodes, or along portions of highly traveled corridors. Neighborhood Mixed-Use designations (G-3A) are intended for a mixture of uses intended to serve the surrounding neighborhoods. The parcel also lies within a designated regional center. Regional Centers are mixed-use activity centers with employment and commercial uses that attract people from beyond the immediate neighborhoods and from surrounding communities. These centers are appropriate for commercial and employment development as well as the area's highest density housing.

The request to rezone the subject parcel from the current T5-Urban Corridor District (T5-UC) District to the T5-Urban Corridor District/Regional Mixed-Use (T5-UC/RMX) is consistent with both the Comprehensive Plan and the Civic Master Plan, as the RMX District's intensity accommodates region- and community-serving commercial and business uses, as well as highway-oriented businesses.

B. Compatibility with the present zoning, with conforming uses of nearby property, and with the character of the neighborhood.

The parcel is currently zoned T5-UC and is immediately adjacent to unincorporated properties that are zoned Regional Center Mixed-Use (C5RCMU), and directly across Neil Road from properties in the City of Beaufort that are zoned T5-Urban Corridor District (T5-UC). Conforming uses of these nearby properties provide regional services such as vehicle service and repair, and a regional shopping center. The neighborhood is primarily commercial and oriented toward highly travelled corridors *Therefore, the request is compatible 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.

The property is well situated for future development as T5-UC/RMX in terms of size, location, regional access, and vicinity to employment centers.

D. Compatibility with the natural features of – and any archaeological or cultural resources on – the property

Staff is unaware of any archaeological or cultural resources on the property.

E. Marketability of the property that would be affected by the amendment.

The property is currently zoned T5-UC and the request is to be rezoned to T5-UC/RMX. The rezoning would allow for only a slightly broader range of uses, including manufacturing and production services. However, it should be noted that the rezoning of this corner lot would also allow an increase in the maximum area of free-standing monument signs from the current 15 square feet (10 square feet on primary frontage and 5 square feet on secondary frontage) to 72 square feet (48 square feet on the primary frontage and 24 square feet on the secondary frontage). The slightly broader range of uses and increase in maximum area of free-standing sign(s) would result in the property being more marketable.

F. Availability of roads, sewer, water, and stormwater facilities generally suitable and adequate for the affected property.

Public infrastructure currently exists. Suitability and adequacy of the infrastructure, with regard to any future-plans for the property, will be assessed during development review by the Technical Review Committee in accordance with the Beaufort Development Code Chapter 7 (Land Development) and Chapter 9 (Development Review Procedures).

3 STAFF OPINION

In accordance with considerations set forth in The Beaufort Development Code §9.16.3.C., it is the Staff's opinion that the request to rezone District R120, Map 29, Parcel 4F to T5-UC/RMX is acceptable.



METROPOLITAN PLANNING COMMISSION
1911 BOUNDARY STREET
BEAUFORT, SOUTH CAROLINA 29902
(843) 525-7011

FINAL APPROVAL

October 27, 2020

Lisa Wandrick
46 Meridian Road
Beaufort, SC 29907

RE: 46 Robert Smalls Parkway – Rezoning

Email: Lisa.Wandrick@yahoo.com

Dear Ms. Wandrick:

On October 19, 2020, the Metropolitan Planning Commission (MPC) reviewed your application for a rezoning at 46 Robert Smalls Parkway, further identified as District R120, Map 29, and Parcel 4F to T5-Urban Corridor/Regional Mixed-Use (T5-UC/RMX). The Commission recommended that City Council approve the rezoning.

Please contact the Planning Department at (843) 525-7011 with any question you may have.

Sincerely,


Mike Tomy, Chair
Metropolitan Planning Commission

ORDINANCE

AMENDING THE CITY OF BEAUFORT'S ZONING MAP BY REZONING PARCEL R120 029 000 004F 0000 (46 ROBERT SMALLS PKWY) FROM T5-UC TO T5-UC/RMX.

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

WHEREAS, the City of Beaufort adopted the *Beaufort Code* by reference on June 27, 2017, as set forth in section 5-6001 of the *Code of Ordinances Beaufort, South Carolina*; and

WHEREAS, the amendment of the zoning map is "for the general purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare" in accordance with *Code of Laws of South Carolina*, Section 6-29-710; and

WHEREAS, the zoning map amendment is compatible and in accordance with the vision and goals of the City of Beaufort; and

WHEREAS, this vision and these goals were established through a democratic process and with public input and public participation; and

WHEREAS, these goals were recorded in the form of a comprehensive plan for all to see and reference; and

WHEREAS, the comprehensive plan was created through the leadership of the planning commission, responsible for determining a specific plan for the future of the city; and

WHEREAS, the city council of the City of Beaufort adopted the comprehensive plan (and Civic Master Plan) by ordinance; and

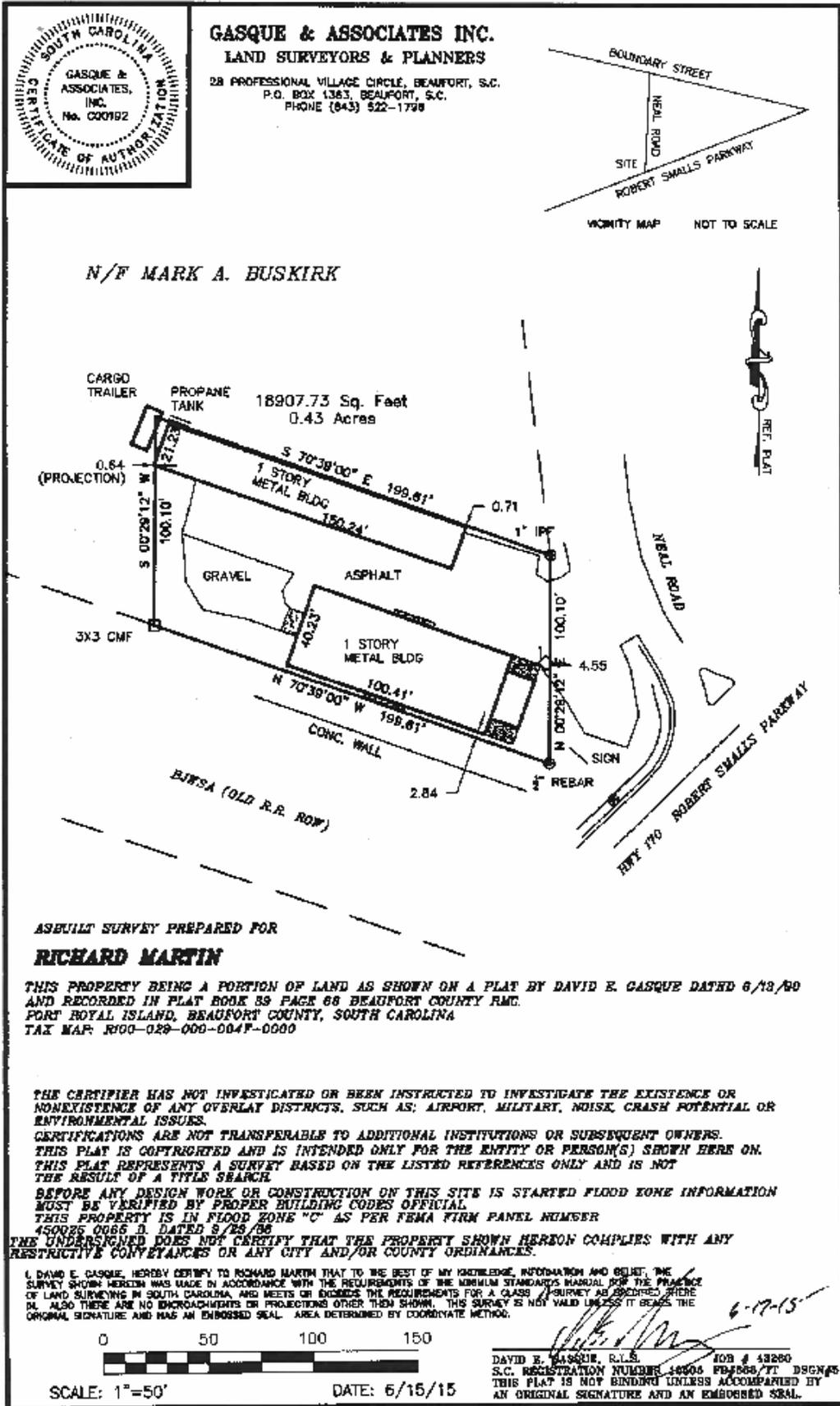
WHEREAS, a zoning of T5-UC/RMX is consistent and compatible with adjacent zoning; and

WHEREAS, any future development of the property will be able to take advantage of existing infrastructure; and

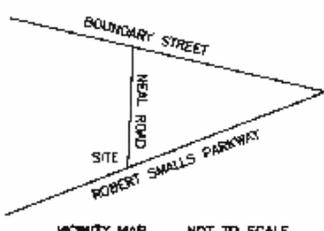
WHEREAS, it is reasonable to expect that the change of zoning to will improve the marketability of the property; and

WHEREAS, the Metropolitan Planning Commission, on October 19, 2020, recommended approval of the zoning designation of T5-UC/RMX; and

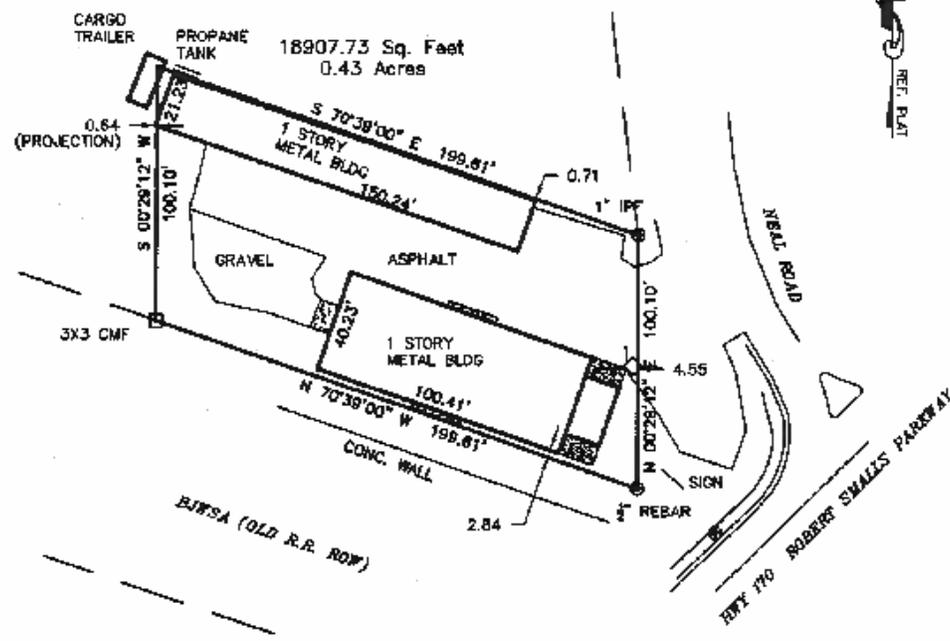
WHEREAS, a public hearing before the Beaufort City Council was held regarding the proposed change to the zoning map on October 13, 2020, with notice of the hearing published in *The Beaufort Gazette* on September 21, 2020 and the *Island Packet* on October 5, 2020;



GASQUE & ASSOCIATES INC.
LAND SURVEYORS & PLANNERS
 28 PROFESSIONAL VILLAGE CIRCLE, BEAUFORT, S.C.
 P.O. BOX 1363, BEAUFORT, S.C.
 PHONE (843) 522-1799



N/F MARK A. BUSKIRK



ASBUILT SURVEY PREPARED FOR
RICHARD MARTIN

THIS PROPERTY BEING A PORTION OF LAND AS SHOWN ON A PLAT BY DAVID E. GASQUE DATED 6/13/89 AND RECORDED IN PLAT BOOK 89 PAGE 66 BEAUFORT COUNTY RMC. PORT ROYAL ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA TAX MAP: R100-029-000-004F-0000

THE CERTIFIER HAS NOT INVESTIGATED OR BEEN INSTRUCTED TO INVESTIGATE THE EXISTENCE OR NONEXISTENCE OF ANY OVERLAY DISTRICTS, SUCH AS: AIRPORT, MILITARY, NOISE, CRASH POTENTIAL OR ENVIRONMENTAL ISSUES.

CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. THIS PLAT IS COPYRIGHTED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HERE ON. THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH.

BEFORE ANY DESIGN WORK OR CONSTRUCTION ON THIS SITE IS STARTED FLOOD ZONE INFORMATION MUST BE VERIFIED BY PROPER BUILDING CODES OFFICIAL. THIS PROPERTY IS IN FLOOD ZONE "C" AS PER FEMA FIRM PANEL NUMBER 45025 0066 D DATED 8/28/86.

THE UNDERSIGNED DOES NOT CERTIFY THAT THE PROPERTY SHOWN HEREON COMPLIES WITH ANY RESTRICTIVE COVENANCES OR ANY CITY AND/OR COUNTY ORDINANCES.

I, DAVID E. GASQUE, HEREBY CERTIFY TO RICHARD MARTIN THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN. ALSO THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN. THIS SURVEY IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE AND HAS AN EMBOSSED SEAL. AREA DETERMINED BY COORDINATE METHOD.



SCALE: 1"=50'

DATE: 6/15/15

6-17-15
 DAVID E. GASQUE, R.L.S. JOB # 43200
 S.C. REGISTRATION NUMBER 46606 REG-086,771 DSGN/AS
 THIS PLAT IS NOT BINDING UNLESS ACCOMPANIED BY AN ORIGINAL SIGNATURE AND AN EMBOSSED SEAL.



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 11/18/2020
FROM: Kathy Todd
AGENDA ITEM TITLE: Authorization to allow release of 1.1% Hospitality Tax to qualified Non Profits
MEETING DATE: 11/24/2020
DEPARTMENT: Finance

BACKGROUND INFORMATION:

See Recommendation Memo

PLACED ON AGENDA FOR: Action

REMARKS:

Request the City Council authorize the release of \$8,600 of the budgeted 1.1% local hospitality tax to the Downtown Merchants Association and the release of \$12,784 to the Beaufort Area Hospitality Association as recommended by staff.

ATTACHMENTS:

Description	Type	Upload Date
1.1% Hospitality Tax Recommendation Memo	Cover Memo	11/18/2020

CITY OF BEAUFORT - INTERNAL MEMORANDUM

TO: WILLIAM PROKOP
FROM: KATHY TODD, REECE BERTHOLF & LINDA ROPER
SUBJECT: 1.1% LOCAL HOSPITALITY FUND RECOMMENDATION
DATE: 11/18/2020
CC: FILE

Background

City of Beaufort Ordinance 7-13003 (2) stipulates that:

One and one-tenth (1.1) percent shall be available through appropriation, for advertising to increase tourism and revitalization of the downtown economy. The allocation will be awarded by the Beaufort City Council through the annual budget process, based on budget presentation of certain non-profit organizations invited by city council to present. The presentation to the city council will be conducted during the normal budget period. An allocation of these funds shall be based on the objectives that best achieve city council goals and purposes.

The FY 2021 budget adopted \$21,384 to be allocated in accordance with the Ordinance above.

Staff, under the direction of the City Manager, developed a standard procedure to solicit interest from local non-profit groups as well as review submitted proposals for concurrence to the ordinance requirements and make recommendations to the City Council.

The FY 2021 solicitation was published in the local newspaper on September 14th as well as posted on the City's website.

The City received two (2) proposals by the submission date of September 28, 2020. Proposals were received from:

Downtown Beaufort Merchants Association	\$ 8,600
The Beaufort Area Hospitality Association	\$17,100 (revised)

Staff committee, consisting of Kathy Todd, Reece Bertholf, & Linda Roper reviewed the proposals and found that both proposals met the criteria stipulated in the Ordinance, however the requests totaled \$4,316 more than what was budgeted.

Staff Recommendations

1. The Downtown Merchants Association has been the recipient of the funds for the past couple of years, seeing growth in downtown merchant participation, branding the First Friday event into a successful community gathering, and focusing on other events throughout the year that involves community and merchant participation. They are requesting \$8,600 (29%) out of their \$29,500 budget to continue to grow the downtown economy through their initiatives.

Staff recommends the City Council allocate the \$8,600 that was requested in their proposal to continue building on these events. In addition, staff recommends that the Downtown Merchants Association coordinate and partner with the Beaufort Area Hospitality Association to leverage the funding and maximize the impact on the downtown economy.

2. The Beaufort Area Hospitality Association submitted their initial proposal requesting \$20,100 and revised it to \$17,100. Staff recommends that City Council allocate the balance of the 1.1% funds, totaling \$12,784 to be used primarily for Marketing & Development focused on marketing & advertising, programing & planning, and support costs. In addition, staff recommends that the BAHA collaborate and partner with the Downtown Merchants Association to leverage the funding and maximize the impact on the downtown economy.



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 11/18/2020
FROM: Kathy Todd
AGENDA ITEM TITLE: Authorization to allow modification to calculation of Rotation Slot Fees through December 31, 2021
MEETING DATE: 11/24/2020
DEPARTMENT: Finance

BACKGROUND INFORMATION:

See the Recommended Plan attached

PLACED ON AGENDA FOR: Action

REMARKS:

Request that City Council approve the plan proposed by staff on the calculation of the rotation slot fees through this bid process term ending December 31, 2021, and modify the requirements for the bid process beginning for period starting January 1, 2022. Staff will bring before City Council any recommended Ordinance changes impacting the January 1, 2022 bid process during the CY 2021 City Council session.

ATTACHMENTS:

Description	Type	Upload Date
Recommended Plan for Horse Carriage Rotation Fee	Cover Memo	11/18/2020

RECOMMENDED PLAN FOR HORSE CARRIAGE ROTATION FEE

CURRENT CARRIAGE ROTATION SLOTS PER BIDS

- I. 5 Year rotation slot beginning January 1, 2017 through December 31, 2021
 - a. Sealed bids received by and open publicly on October 3, 2016
 - i. Southurn Rose – bid \$22,556 annually, to be paid in quarterly installments on January 1, April 1, July 1 and October 1.
 - ii. Sea Island Carriage Company – bid \$21,713 annually, to be paid in quarterly installments on January 1, April 1, July 1 and October 1.
- II. Business Licenses are paid annually by both companies. Average business license is between \$350 and \$500 depending upon gross revenues reported.
- III. Each company pays a permit fee for each carriage used to provide tours. The permit fee is \$25 annually for each carriage.
- IV. Each company pays a Tour Driver Permit fee for each tour driver. The Tour Driver fee is \$30 every 3 years for each driver.

CY 2020 IMPACT from COVID 19

- I. SouthurnRose paid their rotation fee in January 2020 for the January through March time period. They were billed \$11,278 (\$5,639 per quarter) representing 2 quarterly slot rotation fee payments for April through June 2020 and July through September 2020. Neither rotation slot fee has been paid.
 - a. During the May 26, 2020 City Council meeting the April through June 2020 rotation slot fee was waived by City Council. The payment on the July through September 2020 rotation slot fee was deferred without penalty or interest until the end of September 2020.
- II. Sea Island Carriage Company paid their rotation fee in January 2020 for the January through March time period. They were billed \$10,856.50 (\$5,428.25 per quarter) representing 2 quarterly slot rotation fee payments for April through June 2020 and July through September 2020. Neither rotation slot fee has been paid.
 - a. During the May 26, 2020 City Council meeting the April through June 2020 rotation slot fee was waived by City Council. The payment on the July through September 2020 rotation slot fee was deferred without penalty or interest until the end of September 2020.
- III. September 22, 2020 City Council meeting, both Horse Carriage companies requested further financial assistance from City Council.
 - a. Both Horse Carriage companies requested that the July to September slot fee that was previously deferred (May 26th meeting), be waived entirely or reduced significantly. In addition, both requested that the October to December rotation slot fee be waived entirely or reduced significantly.

- b. City Council approved no interest or penalty on the unpaid Rotations fees covering July to September 2020.
- c. City Council approved no interest and penalty on the rotation fees to be billed for the period covering October to December.
- d. City Council requested that prior to making a decision on waiving or reducing the July through September 2020 and the October through December 2020 rotation slot fee that Staff and Horse Carriage company owners meet to develop a plan that will be presented to City Council on November 17, 2020.

PROPOSED PLAN

Period covering July 1, 2020 through December 31, 2020 (remainder of current rotation slot year)

- I. SouthurnRose Horse Carriage Company provides their gross revenues from January 1, 2020 through September 30, 2020 and remits to the City 8.5% of their gross revenues in excess of what has been previously paid for the Calendar Year. This payment will be the rotation fee through September 30, 2020. This payment is due within 10 days.
 - a. 8.5% of gross methodology was determined by dividing the annual rotation slot fee that Southurn Rose bid (\$22,556) by the company's average annual gross revenue over the past five (5) years.
 - b. If the % of gross revenues are less than what was previously paid than no additional rotation slot fees are due through September 30, 2020.
- II. Sea Island Carriage Company provides their gross revenues from January 1, 2020 through September 30, 2020 and remits to the City 8.5% of their gross revenues in excess of what has been previously paid for the Calendar Year. This payment will be the rotation fee through September 30, 2020. This payment is due within 10 days.
 - a. 8.5% of gross methodology was determined by dividing the annual rotation slot fee that Sea Island Carriage bid (\$21,713) by the company's average annual gross revenue over the past five (5) years.
 - b. If the % of gross revenues are less than what was previously paid than no additional rotation slot fees are due through September 30, 2020.
- III. No later than January 31, 2021, both companies provide their gross revenues to the City for the period January 1, 2020 through December 31, 2020. Each company applies the 8.5% of gross against their annual gross revenue and subtracts prior payments made to the City for the calendar year 2020 rotation slot fees. If the result is greater than zero (\$0) payment is required to the City by April 1, 2021.

Period covering January 1, 2021 through December 31, 2021

- I. Rotation slot bids for each Horse Carriage company reduced by 50% and a franchise fee agreement executed.

- a. Southurn Rose rotation slot fee will be reduced from \$22,556 to \$11,278. Quarterly payments of \$2,819.50 are required at the beginning of each quarter: January 1, April 1, July 1 and October 1.
- b. Sea Island Carriage Company rotation slot fee will be reduced from \$21,713 to \$10,856.50. Quarterly payments of \$2,714,13 are required at the beginning of each quarter: January 1, April 1, July 1 and October 1.
- c. Additional slot fees for the period ending June 30 will be calculated as follows:
 - i. The percentage of gross of 8.5% will be applied against the gross revenues from January 1 through June 30, less all previous payments made for the January 2021 slot fee and the April 1 slot fee.
 - ii. If the result is less than or equal to zero (\$0), than no additional slot fee is required. If the result is greater than zero, that balance is the required additional slot fee through June 30, 2021 and due and payable to the City no later than July 30.
- d. Additional slot fees for the period ending December 30 will be calculated as follows:
 - i. The percentage of gross of 8.5% will be applied against the gross revenues from January 1 through December 30, less all previous payments made for the calendar year.
 - ii. If the result is less than or equal to zero (\$0), than no additional slot fee is required. If the result is greater than zero, that balance is the required additional slot fee through December 31 and due and payable to the City no later than April 1, 2022.

Period covering January 1, 2022 through December 31, 2026 (New Rotation Slot Bid term)

- I. In October 2021, the City initiate the Rotation Slot Bid Process.
- II. Minimum bids will be \$15,000 annually and 8.5% of gross revenues.
- III. Companies awarded a rotation slot will be required to remit one half (1/2) of their bid rotation slot fee by January 1 of each year and the balance of the other half by July 1 of each year.
- IV. By July 30, Companies will be required to report gross revenues covering the period January 1 through June 30.
 - a. The percentage of gross that the company bid will be applied to the Gross revenues reported for the first six months of the calendar year, less the previous payments made on the current year's rotation slot fee.
 - b. If the result is less than or equal to zero (\$0), than no additional slot fee is required. If the result is greater than zero, that balance is the required additional slot fee for the same period, and due and payable to the City no later than July 30.
- V. By March 30, Companies will be required to report gross revenues covering the entire calendar year of operations (period January 1 through December 31).
 - a. The percentage of gross that the company bid will be applied to the Gross revenues reported for the full calendar year, less all previous payments made on the current year's rotation slot fee.

- b. If the result is less than or equal to zero (\$0), than no additional slot fee is required. If the result is greater than zero, that balance is the required additional slot fee for the same period, and due and payable to the City no later than April 1.
- VI. Steps III, IV, and V above will continue in the same manner for each subsequent year in the Rotation Slot 5 year term.



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 11/20/2020
FROM: Linda Roper, Downtown Operations Director
AGENDA ITEM Request for street closure from Beaufort Area Hospitality Association for Oyster
TITLE: Festival 2021 5K run/walk on Saturday, January 9, 2021
MEETING
DATE: 11/24/2020
DEPARTMENT: Downtown Operations

BACKGROUND INFORMATION:

Request discussed in Worksession November 10, 2020.

PLACED ON AGENDA FOR: Action

REMARKS:



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 11/20/2020
FROM:
AGENDA ITEM Approval to allow City Manager to enter into Purchase and Sale Agreement for 2234
TITLE: Boundary Street (Wendy's)
MEETING
DATE: 11/24/2020
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:



HENRY C CHAMBERS PARK



CITY OF BEAUFORT
DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 11/20/2020
FROM: Bill Prokop, City Manager
AGENDA ITEM TITLE: Emergency Ordinance requiring individuals to wear Face Coverings in certain circumstances and locations in the Municipal Limits of the City of Beaufort, South Carolina, and providing for severability and an effective date (proposed extension for an additional 60 days)
MEETING DATE: 11/24/2020
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Ordinance	Cover Memo	11/20/2020

EMERGENCY ORDINANCE 2020-_____

AN EMERGENCY ORDINANCE TO REQUIRING INDIVIDUALS TO WEAR FACE COVERINGS IN CERTAIN CIRCUMSTANCES AND LOCATIONS IN THE MUNICIPAL LIMITS OF THE CITY OF BEAUFORT, SOUTH CAROLINA, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, it is well recognized the SARS-CoV-2, the virus that causes the disease COVID-19, presents a public health concern that requires extraordinary protective measures and vigilance; and,

WHEREAS, on March 13, 2020, the Governor of the State of South Carolina Henry McMaster declared a State of Emergency for the State of South Carolina; and,

WHEREAS, on March 13, 2020, Beaufort Mayor Billy Keyserling , under his authority , declared that a State of Emergency exists throughout the City as a result of impacts arising from the COVID-19 pandemic; and,

WHEREAS, reported COVID-19 daily cases are on the rise in both Beaufort County and the State of South Carolina; and

WHEREAS, on June 30, 2020 the State of Emergency still exists in State of South Carolina and the City of Beaufort; the Centers for Disease Control and Prevention (“CDC”) and South Carolina Department of Health and Environmental Control (“SCDHEC”) have advised the use of cloth or other types face coverings to slow the spread of COVID-19; and

WHEREAS, the CDC and SCDHEC recommend taking measures to control the spread of COVID-19 such as wearing cloth or other types of face coverings, both of which limit the spread of COVID-19 in our communities and reduce the demand on the local the health care delivery system; and

WHEREAS, there are currently large numbers of people who patronize grocery stores, pharmacies, restaurants, retail establishments and other businesses open to the public within the municipal limits of the City; and

WHEREAS, public reporting and other sources reveal that the advice from the Centers for Disease Control and SCDHEC encouraging the wearing of cloth or other types of face coverings is not being widely followed within the municipal limits of the City; and

WHEREAS, in order to protect, preserve, and promote the general health, safety, welfare, and the peace and order of the community, the City has and will continue to take steps to try and protect the citizens, employers, and employees within the City from an increased risk of exposure to and transmission of COVID-19 ; and,

WHEREAS, the City has received a strong message from the medical community, that unless citizens curb the rising spread of COVID-19 through wearing facemasks and following social distancing protocol, established by the CDC, community medical facilities could be faced with more patients than any one institution can accommodate, and,

WHEREAS, the City Council finds it is necessary and in the best interest of the City and its citizens that an Emergency Ordinance requiring the wearing of cloth or other types of face

coverings in certain circumstances be adopted by the City Council, and that it be put into immediate effect; and

WHEREAS, City Council may, by majority vote of those members present, adopt emergency ordinances as are authorized and limited by S. C. Code Ann. §5-7-250(d)(Supp. 2019), during this State of Emergency.

NOW, THEREFORE, BE IT ORDERED, AND ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BEAUFORT, SOUTH CAROLINA, DULY ASSEMBLED AND BY THE AUTHORITY OF THE SAME, AS FOLLOWS:

1. For the purpose of this Ordinance, a “Face Covering” is a cloth or other type of masking device that covers the wearer’s nose and mouth.
2. All persons entering any building open to the public in the City must wear a face covering while inside the building.
3. All restaurants, retail establishments of every description, salons, grocery stores, and pharmacies in the municipal limits of the City shall require their employees to wear a Face Covering at all times that the employees are in any area where the general public is allowed or when the employees must be in close proximity to one another. This requirement also applies to all persons providing or utilizing public or commercial transportation, including tours; and all businesses or employees while interacting with people in outdoor spaces, including, but not limited to, curbside pickup, delivery, and service calls.
4. The following individuals are exempt from this Ordinance: any person who is unable to safely wear a Face Covering due to age or an underlying health condition, or who is unable to remove the Face Covering without the assistance of others; and any person traveling in a personal vehicle, or when a person is alone or is in the presence of only household members in an enclosed space, and people who are actively drinking or eating. This Ordinance does not relieve business establishments and restaurants from other social distancing requirements imposed by the Governor’s Executive Orders.
5. Education and voluntary compliance are the desired means of enforcement. However, any person who, after being first duly warned, is found to have violated any mandatory provision of this Ordinance shall be deemed guilty of a civil infraction, and shall be subject to a Civil Summons punishable by a fine of fifty dollars (\$50.00). Police officials, or a City representative appointed by the City Manager, shall be authorized to issue such a Summons for violations personally witnessed.
6. Repeated violations of this Ordinance at any business or establishment that is subject to this Ordinance is hereby declared a nuisance, and the City may seek a restraining order, preliminary injunction, permanent injunction or any other means authorized under the Laws of the State of South Carolina to abate the nuisance. The City may also seek suspension or revocation of the business license issued by the City to any business or establishment where repeated violations of the Ordinance occur, under the authority of the City Code of Ordinances.

- 7, With the exception of their own employees, owners or lease holders of buildings open to the public shall not have responsibility for enforcing the above requirements, but shall post conspicuous signage at all entrances informing its patrons of the requirements of this Ordinance.
8. Should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.
9. This Ordinance becomes effective at 11:59pm December 11, 2020, upon adoption by City of Beaufort Council, and will be extended through February 11, 2021 (61 days) or expire upon the Sixty One day following adoption or the end of the State of Emergency in the City of Beaufort, whichever occurs first.

**MOVED, APPROVED, AND ADOPTED AS AN EMERGENCY ORDINANCE
THIS 24th DAY OF NOVEMBER 2020.**

Billy Keyserling, Mayor

ATTEST:

By: _____
Ivette Burgess, City Clerk

APPROVED AS TO FORM:

William B Harvey, City Attorney