

ORDINANCE

AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, SECTION 6.5.I, “MEASUREMENT AND EXCEPTIONS; YARDS,” AND SECTION 7.3.E, “LANDSCAPING PROVISIONS; CRITICAL AREA BUFFER,” TO ADD PROVISIONS FOR STREETS, SIDEWALKS, AND PROPERTY WITH EXISTING BULKHEADS

WHEREAS, the Boundary Street Master Plan sets out the location of several new streets; and

WHEREAS, at least one of these new streets is in the critical area setback area; and

WHEREAS, the Boundary Street Master Plan shows a multipurpose path along Boundary Street adjacent to the marsh; and

WHEREAS, the Unified Development Ordinance permits certain improvements in the critical area setback, but does not explicitly permit streets, sidewalks, and paths in the setback area; and

WHEREAS, the Unified Development Ordinance requires a setback from the critical line regardless of whether the critical area has already been altered by construction of a bulkhead; and

WHEREAS, staff has prepared an amendment to the Unified Development Ordinance that permits public streets, sidewalks, and paths in the critical area setback, and eliminates the special critical area setback on commercial lots that already been bulk-headed; and

WHEREAS, this amendment has been presented to the Beaufort--Port Royal Metropolitan Planning Commission and the Commission recommended approval; and

WHEREAS, a public hearing before the Beaufort City Council was held regarding this ordinance amendment on February 11, 2014, with notice of the hearing published in *The Beaufort Gazette* on January 13, 2014;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority of same, pursuant to the power vested in the Council by Section 6-29-760, *Code of Laws of South Carolina, 1976*, that *The Unified Development Ordinance of the City of Beaufort, South Carolina*,” be amended as follows:

1. Revise Section 6.5.I, “Measurement and Exceptions; Yards,” by deleting the current paragraph 5, and replacing in with a new paragraph 5 to read as follows:
 5. Additionally, a 30 foot setback for all impervious surfaces on property located in any single-family residential zoning district, and a 50-foot setback for all impervious surfaces on property located in any multifamily or nonresidential zoning district, shall apply to the critical line as defined by the South Carolina Office of Ocean and Coastal Resource Management (OCRM) as delineated on a certified plat of the property, whether or not the critical line lies inside or outside the boundary lines of the particular lot on which the improvements are to be located. Nonpermanent structures such as gazebos under 80 square feet, trellises, picnic tables, benches, and playground

equipment, paths, and streets and sidewalks accessible to the public, may be located within this setback area. Indigenous vegetation removal in the tidal area buffer is limited to that necessary to provide for a structure/activity permitted by this paragraph and to provide for reasonable sight lines. For situations where a single-family lot existing as of January 28, 2003, does not provide the appropriate depth for the construction of a single-family dwelling given the critical line setback, the setback can be adjusted by the Administrator to the minimum distance necessary for construction of the dwelling, but no less than the setback set out in the zoning district regulations. Lots zoned commercial or mixed-use, with bulkheads existing at the time of adoption of this ordinance, are exempt from the provisions of this section.

2. Revise Section 7.3.E, "Landscaping Provisions; Critical Area Buffer," by deleting the current paragraph 4, "Critical Area Buffer," and replacing in with a new paragraph 4 to read as follows:

4. Critical Area Buffer

A critical area buffer shall be established on all property located adjacent to a critical area. The purpose of the buffer is to preserve or restore the native and mitigate the impact of tropical storms and hurricanes. The purpose of this buffer is to provide a natural filtration system for runoff from adjoining development; minimize erosion and help stabilize the streambank; protect sensitive visual and ecological resources and preserve or restore the native condition of the shoreline; and mitigate the impact of tropical storms and hurricanes. The entire buffer shall be maintained as an undeveloped landscaped area. Indigenous vegetation removal in the tidal area buffer is limited to that necessary to provide for a structure/activity permitted by this paragraph and to provide for reasonable sight lines. The buffer shall be measured inward from the critical line as defined and established by S.C. Office of Coastal and Resource Management (OCRM). Except as provided in paragraph (c) below, development, as defined in Section 1.6.C., is prohibited in the tidal area buffer. Lots zoned commercial or mixed-use, with bulkheads existing at the time of adoption of this ordinance, are exempt from the provisions of this section.

This ordinance shall become effective immediately upon adoption.

(SEAL)

Attest:

BILLY KEYSERLING, MAYOR

IVETTE BURGESS, CITY CLERK

1st Reading _____

2nd Reading & Adoption _____

Reviewed by:

WILLIAM B. HARVEY, III, CITY ATTORNEY