Beaufort, South Carolina
Unified Development Ordinance

ADOPTED
January 28, 2003

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How to Use This Ordinance:

IF YOU OWN OR LEASE PROPERTY AND WANT TO KNOW WHAT RULES APPLY:

STEP 1: Find your zoning district and any overlay districts by looking at the Official Zoning Map (Planning Department).

STEP 2: Go to the Use Table in Article 5, Use Regulations, and follow down the column to determine the uses permitted in your district. Don't forget the overlay districts that apply to your site (if any).

STEP 3: The district development standards (lot size, setbacks, etc.) that apply are found in Article 6.

STEP 4: The standards for general parking, landscaping or sign regulations are found in Article 7.

IF YOU WANT TO BUILD OR ESTABLISH A PARTICULAR USE:

STEP 1: Go to the Use Table in Article 5, Use Regulations, and down the rows to find your use and determine the districts it is permitted in.

STEP 2: The dimensional standards (lot size, setbacks, etc.) that apply are found in Article 6.

STEP 3: The standards for general parking, landscaping or sign regulations are found in Article 7.

STEP 4: Don't forget the overlay districts that apply to your site (if any).

IF YOU WANT TO CHANGE YOUR ZONING DISTRICT:

Only the City Council may rezone property, following public notice and public hearings in front of the Planning Commission and the City Council itself. See Section 3.14, Zoning Map Amendment (Rezoning).

IF YOU WANT TO SUBDIVIDE YOUR PROPERTY:

The Planning Commission and Technical Review Committee are authorized to approve plats for subdivisions. See Section 3.5, Subdivision Review.

Table of Contents

Article 1. General Provisions 1-1
1.1 Short Title 1-1
1.2 Authority 1-1
1.3 Purpose 1-1
1.4 Jurisdiction 1-1
1.5 Minimum Requirements 1-1
1.6 Use of Land or Structures 1-1
1.7 Conflicting Provisions 1-3
1.8 Comprehensive Plan 1-3
1.9 Effective Date 1-3
1.10 Validity 1-4
1.11 Transitional Provisions 1-4

Article 2. Development Review Bodies 2-1
2.1 City Council 2-1
2.2 Planning Commission 2-1
2.3 Zoning Board of Appeals 2-5
2.4 Building Official 2-8
2.5 Administrator 2-8
2.6 Technical Review Committee 2-9
2.7 Historic District Review Board 2-9
2.8 Design Review Board 2-12
2.9 Summary of Review Authority 2-15

Article 3. Development Review Procedures 3-1
3.1 General Approval Procedures 3-1
3.2 Written Interpretation 3-6
3.3 Building Permit 3-7
3.4 Certificate of Occupancy 3-7
3.5 Subdivision Review 3-8
3.6 Street and Development Names 3-11
3.7 Planned Unit Development (PUD) 3-13
3.8 Site Plan Review 3-17
3.9 Certificate of Compliance 3-19
3.10 Sign Permits 3-20
3.11 Administrative Adjustment 3-21
3.12 Archeological Impact Assessment 3-23
3.13 Text Amendment 3-26
3.14 Zoning Map Amendment (Rezoning) 3-28
3.15 Variances 3-31
3.16 Special Exceptions 3-34
3.17 Development Design Exceptions 3-36
3.18 Administrative Appeals 3-36
3.19 Development Design Review 3-40
3.20 Certificates of Appropriateness 3-43
3.21 Historic District Designation 3-47
3.22 Traffic Impact Analysis 3-49

Article 4. Zoning Districts 4-1
4.1 Establishment of Districts 4-1
4.2 Official Zoning Map 4-1
4.3 Rules for Interpretation of District Boundaries 4-2

4.4 Adjustments to City Limits 4-2
4.5 Residential Districts 4-3
4.6 Commercial Districts 4-4
4.7 Industrial Districts 4-5
4.8 Special Purpose Districts 4-6
4.9 Overlay Districts 4-6

Article 5. Use Regulations 5-1
5.1 Use Tables 5-1
5.2 Use Categories 5-1
5.3 Specific Use Standards 5-17
5.4 Accessory Uses 5-39
5.5 Temporary Uses 5-44

Article 6. District Development Standards 6-2
6.1 Residential District Standards 6-2
6.2 Alternative Residential Development Options 6-5
6.3 Nonresidential District Standards 6-11
6.4 Beaufort Historic District Standards 6-12
6.5 Measurement and Exceptions 6-14
6.6 Design Districts 6-21
6.7 Air Installation Compatibility Use Zone 6-33
6.8 Boundary Street Redevelopment District 6-38
6.9 Beaufort County Airport Overlay 6-102
6.10 Bladen Street Redevelopment District 6-107

Article 7. General Development Standards 7-1
7.1 Streets 7-1
7.2 Sign Regulations 7-3
7.3 Landscaping and Tree Conservation 7-20
7.4 Planned Unit Development (PUD) Standards 7-39
7.5 Off-Street Parking and Loading Standards 7-41
7.6 Sight Clearance 7-45
7.7 Stormwater 7-48

Article 8. Subdivision Design / Improvements 8-1
8.1 General 8-1
8.2 Subdivision Design Standards 8-1
8.3 Improvement Requirements 8-6
8.4 Subdivision Improvement Guarantees 8-8

Article 9. Nonconformities 9-1
9.1 Nonconforming Uses 9-1
9.2 Nonconforming Structures 9-1
9.3 Other Nonconformities 9-2
9.4 Nonconforming Lots of Record 9-4
9.5 Nonconforming Signs 9-4

Article 10. Enforcement 10-1
10.1 Enforcement by Building Official 10-1
10.2 Penalties for Violation 10-3

Article 11. Definitions 11-1
11.1 General 11-1

11.2 Defined Terms 11-1

Index

Appendix

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Article 1. General Provisions

1.1 Short Title

This chapter shall be known and may be cited as "The Unified Development Ordinance of the City of Beaufort, South Carolina."

1.2 Authority

In pursuance of authority conferred by Section 6-29-710 of the Code of Laws of South Carolina, 1976, as amended, and pursuant to the authority granted under the terms of Title 6, Chapter 7, Code of Laws of South Carolina, 1976, the City Council of the City of Beaufort does ordain and enact into the law the following articles and sections as set forth in this Unified Development Ordinance (UDO).

1.3 Purpose

This UDO classifies and regulates the use of land, buildings and structures within the city limits of the City of Beaufort. Specific purposes of this UDO include, but are not limited to, the following:

A. Promotion of the health, safety, or general welfare of the community;

B. Securing safety from fire, flood and other dangers;

C. Provision of adequate light, air and open space;

D. Promotion of the educational, cultural, and general welfare of the public through the preservation and protection of historic and architecturally valuable districts and neighborhoods;

E. Protection of scenic areas and protecting areas subject to periodic flooding against development;

F. Ensure that development is compatible with existing and future needs of the community and is in accordance with a comprehensive plan; and

G. Facilitating the adequate provision of transportation, water, sewage, schools, parks and other public improvements.

1.4 Jurisdiction

These regulations shall govern all subdivision and resubdivision of land lying within the corporate limits of the City of Beaufort.

1.5 Minimum Requirements

The regulations expressed in this UDO shall be considered the minimum provisions for the protection of the health, safety, economy, good order, appearance, convenience and welfare of the general public.

1.6 Use of Land or Structures

A. No land or structures shall hereinafter be used or occupied, and no structure or parts shall hereafter be constructed, erected, altered, or moved, unless in conformity with all of the regulations herein specified for the district in which it is located.

B. No structure shall hereafter be erected or altered:

   1. With greater height, size, bulk, or other dimensions;

2. To accommodate or house a greater number of families;
3. To occupy a greater percentage of lot area;
4. To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required; or
5. Any other manner contrary to the provisions of this UDO.

C. Applicability to Specific Development Activities

1. The following development activities, whether publicly or privately conducted, shall be subject to the provisions and standards of this UDO:

   a. Use of Structure or Land
   The establishment, re-establishment or change in use of a structure or land, whether temporary or permanent, which the Administrator determines would affect the area's natural environment, parking requirements, transportation patterns, public health or economic values.

   b. Construction, Reconstruction or Alteration
   A building operation involving construction, reconstruction or alteration of the size of a structure which the Administrator determines would affect the area's natural environment, parking requirements, transportation patterns, public health or economic values.

   c. Increase in Land Use Intensity
   An increase in the intensity of land use, such as an increase in the number or size of nonresidential or residential uses in a structure or on land, or in the number of parking spaces or amount of impervious surface coverage, when the Administrator determines that such increase would affect the area's natural environment, parking requirements, transportation patterns, public health, or economic values.

   d. Filling, Excavating or Dredging
   Commencement of any filling or excavating operation on a parcel of land or filling or dredging of inter-tidal or underwater land.

   e. Change in Effects or Conditions
   In connection with the use of land, the making of any material change in noise levels, vibration levels, lighting intensity, thermal conditions, odors or emissions of waste material.

   f. Utility Construction
   The construction or extension of any utility service line or facility.

   g. Subdivision
   The subdivision of land within the city into two or more lots, parcels or pieces for purposes of sale or transfer of title.

   h. Alteration of a Shore, Bank or Floodplain
   Alteration of a shore, bank, or floodplain of a river, stream or other natural water body.

2. The development as designated in this UDO shall include all other activities customarily associated with it unless otherwise specified herein. The change or repair of a structure or site infrastructure (e.g., parking, access drives) may result in development as defined herein. Development refers to the act of

developing, redeveloping, or the result of development. Reference to any specified activity not involving development is not intended to mean that the activity, when part of other activities, is not development.

D. Activities not Constituting Development

For purposes of this UDO, the following activities shall not be considered to be development unless otherwise specifically noted herein:

1. The division of land into parcels of five acres or more where no new street is involved.
2. A transfer of title to land not involving the division of land into parcels.
3. Leases and easements.
4. The creation or termination of leases and easements concerning development of land, or other rights, except that no easement required by this ordinance may be terminated without the approval of the Administrator.
5. Legal exhibits and documents.
6. The recording of any documents or plats expressly for the purposes of reference or attachment to a publicly recorded document when such recording does not result in subdivision of land into parcels. Such recording may include, but is not limited to, documents such as master deeds or covenants, or plats for mortgage or HUD filing purposes only.
7. Subdivision of land into parcels less than 5,000 square feet exclusively for the provision of local utilities such as pump stations.
8. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots comply with all standards of this UDO.

1.7 Conflicting Provisions

A. Conflict with Other Laws

Whenever the requirements made under authority of these regulations impose higher standards than are required in any other statute or local ordinance or regulation, the provisions of this UDO shall govern. Whenever the provisions of any other statute or local ordinance or regulation impose higher standards than are required by this UDO, the provisions of such statute or local ordinance or regulations shall apply.

B. Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this UDO full force and effect.

1.8 Comprehensive Plan

It is intended that this UDO implement the planning policies adopted as part of the City's Comprehensive Plan, as amended and periodically updated, including all supplements and attachments thereto.

1.9 Effective Date

This UDO shall take effect and be in force from and after the date of its adoption by the City Council.

1.10 Validity

Should any section or provision of this UDO be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

1.11 Transitional Provisions

A. Drop lenses without glare shields must be brought into compliance with section 6.6.E within three years of the effective date of this UDO.

B. Vending machines except newspaper boxes - remove all commercial messages visible from public right-of-way within one year.

C. All areas zoned MUG - OC

D. All areas zoned CSP – NC

E. All areas in the Historic District zoned HR to be zoned TBR

F. All areas currently zoned R-12 to be zoned R-1

G. All areas currently zoned R-9 to be zoned R-2

H. All areas currently zoned R-6 to be zoned R-3

I. All areas currently zoned MUE to be zoned OC

Article 2. Development Review Bodies

2.1 City Council

A. Responsibility

The City Council shall be responsible for final action regarding the text of this Unified Development Ordinance (UDO) and the Official Zoning Map.

B. Powers and Duties

The City Council shall have the powers and duties as set forth in this Ordinance:

1. Text Amendments

The City Council shall hear and approve, approve with conditions or deny proposed Text Amendments to this UDO.

2. Map Amendments

The City Council shall hear and approve, approve with conditions or deny proposed Official Zoning Map (rezoning) amendments to this UDO.

3. Appointments

The City Council shall appoint the Planning Commission, Zoning Board of Appeals, Historic District Review Board and Design Review Board.

4. Development Improvements

Upon approval of a Final Plat, the City Council shall determine the acceptance or non-acceptance of all dedicated streets, easements, right-of-way, public parks and other public lands as shown on the plat.

5. Planned Unit Development (PUD) Master Plan

The City Council shall hear and approve, approve with conditions or deny PUD Master Plan applications.

2.2 Planning Commission

A. Creation

Pursuant to Section 6-29-330, *et seq.,* of the Code of Laws of South Carolina, 1976, as amended, and Ordinances of the Town of Port Royal South Carolina and Beaufort County, there is established a Beaufort- - Port Royal Metropolitan Planning Commission (the Planning Commission), which shall perform all planning functions in the areas of jurisdiction of the City of Beaufort, South Carolina, the Town of Port Royal, South Carolina, and unincorporated areas of Port Royal Island and Lady's Islands, all of which have been designated as the growth area in the Northern Beaufort County Regional Plan (collectively defined herein as the Growth Area on the Growth Area Map in Chapter 2). The Planning Commission is created so that the two municipalities and Beaufort County can act together to enhance present advantages, to overcome collective problems involving these three governmental entities in which joint resolution is advisable, and to engage in orderly planning for the wise conservation of historic and natural resources, and for the growth of business enterprises providing new or expanded job opportunities in the Growth Area.

B. Territorial Jurisdiction

1. The Planning Commission may only exercise the power set forth in Title 6, Chapter 29 of the Code of Laws of South Carolina, as amended, in the following areas: all lands within the City of Beaufort, the Town of Port Royal, and the Growth Area, as defined in the Northern Beaufort County Regional Plan and shown on the Growth Area Map in Chapter 2.
2. The City Council may expand the jurisdiction of the Planning Commission by Ordinance and/or intergovernmental agreement, in accordance with the provisions of Section 6-29-330 of the Code of Laws of South Carolina.

C. Membership, Terms and Compensation

1. Number, Appointment

The membership of the Planning Commission shall be as provided for under Section 6-29-350 of the Code of Laws of South Carolina, 1976, as amended. The Commission shall consist of six (6) members, appointed for staggered terms, two members from each municipality, and two members from Beaufort County. No member shall hold an elective public office. Appointments to the Board shall comply with the City Council's resolution establishing the guidelines for appointments to City Boards/Committees as adopted on November 9, 1993 and revised from time to time.

2. Terms

a. Terms of members of the Planning Commission for the City of Beaufort shall be for three (3) years or until their successors are appointed. Terms of initial appointments by the City of Beaufort shall be one for three years and one for two years. After the initial appointment, the commissioner appointed to an initial two year term may be reappointed twice and the commissioner serving for the three year term may be appointed to one additional term.

b. Members may be appointed to succeed themselves up to a maximum of two full three-year terms. Thereafter, members may be appointed only after they have been off the Planning Commission for at least one year. All terms shall end on December 31 of the applicable year and members must continue to serve until their successors are appointed.

3. Current Members

Members of the City of Beaufort–Town of Port Royal Joint Municipal Planning Commission may be appointed to the Metropolitan Planning Commission. Years already served on the Joint Municipal Planning Commission shall not be counted toward the term limit requirements.

4. Term Limits

No member may serve for more than two successive terms, except for extraordinary circumstances where the City Council believes it to be in the best interest of the community to have a continuation for a specific period of a particular member of the Planning Commission. This limitation shall not prevent any person from being appointed to the Planning Commission after an absence

of one year. Service for a partial term of less than 1½ years shall not constitute a term of service for purposes of this paragraph.

5. Vacancies

A vacancy for any reason shall be filled for the unexpired term.

6. Removal

The City Council may remove any member of the Planning Commission appointed by the City of Beaufort for cause by majority vote of the Council.

7. Compensation

Members shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance by the Administrator.

D. Officers, Meetings, Quorum

1. Officers

The organization of the Planning Commission shall be as provided for under Section 6-29-360 of the Code of Laws of South Carolina, 1976, as amended. The Commission shall organize themselves, elect a Chairperson, who will serve for a term of one year, elect a Vice-Chairperson, who will serve for a term of one year, and appoint a secretary who may be an employee of any of the governmental entities.

2. Meetings

Meetings of the Planning Commission shall be held at the call of the Chairperson and at such other times as the Planning Commission may determine. All meetings of the Planning Commission shall be open to the public.

3. Quorum

A majority of the members appointed shall constitute a quorum.

4. Notice of Meetings

Reasonable notice of the time, place and agendas of the meetings shall be given to the public. The news media shall be contacted in accordance with State law.

5. Rules of Proceeding

a. The Planning Commission shall adopt and adhere to rules of procedure for the conduct of business.

b. An abstention from voting shall be considered a vote to deny the motion.

6. Minutes

The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact.

E. Powers and Duties

The Planning Commission has the following powers and duties:

The Planning Commission will have authority, pursuant to state law, for planning in the Growth Area. It will handle all matters in the Growth Area delegated to it and

requiring commission action. In order to better coordinate growth within the Growth Area, the Planning Commission shall:

1. Promote comprehensive planning the in the Growth Area.
2. Review all zoning and land development regulation amendments for conformity with the respective Comprehensive Plan. Conflicts with the Comprehensive Plan shall be noted in any report to the respective governmental entity making the regulation amendment.
3. Review and make recommendations concerning all annexations with specific attention to those of regional impact within the Growth Area.
4. Review and make recommendations concerning all requests for zoning within the Growth Area.
5. Review and make recommendations concerning major transportation projects affecting the Growth Area.
6. Review and make recommendations on other matters delegated by any of the governmental entities or such other matters as may appropriately come before the Commission

In the matters affecting the entire Growth Area, the Planning Commission shall report its recommendations to the councils for the municipalities, and to the county planning commission.

In the matters affecting only one governmental entity, the Planning Commission shall report its recommendations to that governmental entity.

Municipal and county staffs will work together to share responsibility for presenting matters to the Planning Commission as outlined in the Commission's adopted Rules of Procedure.

Additionally, as to matters pertaining to lands within the Beaufort City limits, Beaufort City Council designates to the Planning Commission the following additional duties:

7. Review and make recommendations to the City Council in regard to planting, tree preservation, and other aesthetic consideration for land and land structures.
8. Review and take action on street names.
9. Review and take action on Cluster Development.
10. Review and make recommendations on Planned United Development (PUD) Master Plans.
11. Review and make recommendations on public projects.
12. Review and make recommendations to the City Council in regard to amendments to the text of the UDO.
13. Review and make recommendations to the City Council in regard to amendments to the Official Zoning Map.
14. Review and approve, approve subject to conditions or deny all Preliminary Major Subdivision Plats.
15. Delegate Final Subdivision Plat review and approval to City Staff.

F. Conflicts of Interest

Any member of the Planning Commission who shall have a direct financial interest in any property which is subject matter of, or affected by, a decision of the Planning Commission shall be disqualified from participating in the discussion, decision, or proceedings of the Planning Commission in connection therewith.

G. Staff

The Planning Commission shall work with the Department of Planning and Development Services.

2.3 Zoning Board of Appeals

A. Creation

The Zoning Board of Appeals is hereby established, pursuant to the authority of Section 6-29-780, *et seq.,* of the Code of Laws of South Carolina, as amended, and shall hereafter be referred to as the Board.

B. Territorial Jurisdiction

1. The Zoning Board of Appeals shall have jurisdiction over all lands within the City.
2. The City Council may expand the jurisdiction of the Zoning Board of Appeals by Ordinance and/or intergovernmental agreement, in accordance with the provisions of Section 6-29-330 of the Code of Laws of South Carolina.

C. Membership, Terms and Compensation

1. Number

The Board shall consist of five members, appointed by the City Council, and shall be citizens of the City of Beaufort. None of the members of the Board shall hold any other public office or position in the City.

2. Terms, Appointment

All members shall be appointed by the City Council for overlapping terms of three years. Appointments to the Board shall comply with the City Council's resolution establishing the guidelines for appointments to City Boards/Committees as adopted on November 9, 1993 and revised from time to time. All terms shall end on June 30 of the applicable year and members must continue to serve until their successors are appointed.

3. Current Members

Members of the Zoning Board of Appeals on the effective date of this UDO shall continue to serve until their respective terms expire.

4. Term Limits

No member may serve for more than two successive terms, except for extraordinary circumstances where the City Council believes it to be in the best interest of the community to have a continuation for a specific period of a particular member of the Board. This limitation shall not prevent any person from being appointed to the Board after an absence of one year. Service for a partial term of less than 1½ years shall not constitute a term of service for purposes of this Section.

5. Vacancies

Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.

6. Removal

The City Council may remove any member of the Board for cause.

7. Compensation

Members shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance by the Administrator.

D. Officers, Meetings, Quorum

1. Officers

The Board shall elect a Chairperson and a Vice-Chairperson from its members who shall serve for one year or until reelected, or until a successor is elected. The Board shall appoint a secretary, who may be an employee of the City.

2. Meetings

Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. All meetings of the Board shall be open to the public.

3. Quorum

At least three of the members of the Zoning Board of Appeals must be present to constitute a quorum.

4. Notice of Meetings

Public Notice of all meetings of the Zoning Board of Appeals shall be provided at least fifteen days in advance by publication in a newspaper of general circulation in the City. In cases involving Variances or Special Exceptions, conspicuous

Notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property. Such Notice shall be posted continuously for at least fifteen days in advance of the meeting at which the Variance or Special Exception request will be heard.

5. Witnesses

The Chairperson or in his or her absence, the Vice-Chairperson, may administer oaths and compel the attendance of witnesses by subpoena.

6. Rules of Proceeding

a. The Board shall adopt and adhere to rules of procedure for the conduct of business.

b. An abstention from voting shall be considered a vote to deny the motion.

7. Decisions

The concurring vote of three members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Administrator or Building Official or to decide in favor of the applicant on any matter upon which it is required to pass under this Article or to affect any variation of this UDO. On all appeals, applications and matters brought before the Board, the Board shall inform in writing all the parties involved of its decisions and the reasons therefore.

8. Contempt, Penalty

In case of contempt by a party, witness, or other person before the Zoning Board of Appeals, the Board may certify this fact to the Beaufort County Circuit Court, and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.

9. Minutes

The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact. The Board shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

E. Powers and Duties

The Zoning Board of Appeals has the following powers and duties:

1. To hear and decide Appeals where it is alleged there is error in an order, requirement, decision, or determination made by an Administrative Official in the enforcement of this UDO;
2. To hear and decide requests for Variance from the requirements of this UDO when strict application of the provisions of the Ordinance would result in unnecessary hardship;
3. To permit uses by Special Exception subject to the terms and conditions for the uses set forth for such uses in this Ordinance; and
4. To hear and decide requests for Variance from the requirements of Chapter 4 of the City of Beaufort Code of Ordinances, Floodplain Regulations.

F. Conflicts of Interest

Any member of the Zoning Board of Appeals who shall have a direct financial interest in any property which is subject matter of, or affected by, a decision of the Zoning Board of Appeals shall be disqualified from participating in the discussion, decision, or proceedings of the Zoning Board of Appeals in connection therewith.

G. Staff

The Zoning Board of Appeals shall use the staff of the Department of Planning and Development Services and the Building Official of the City.

2.4 Building Official

A. Designation

The City Manager shall designate the Building Official for the City of Beaufort.

B. Responsibility

The Building Official shall be responsible for issuance of Building Permits and other matters that reference the building code.

C. Powers and Duties

The Building Official has the following powers and duties:

1. To administer and enforce the provisions of this UDO;
2. To conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of this UDO;
3. To issue Stop Work Permits;
4. To issue Building Permits;
5. To issue Certificates of Occupancy; and
6. To issue Major and Minor Sign Permits.

2.5 Administrator

A. Designation

The person designated by the City Manager as the Planning Director shall be the Administrator to whom reference is made throughout this UDO. Where this Ordinance assigns a responsibility, power, or duty to the Administrator, the Administrator may delegate that responsibility, power or duty to any other agent or employee of the City whom the Administrator may reasonably determine.

B. Powers and Duties

The Administrator has the following powers and duties:

1. To administer and enforce the provisions of this UDO;
2. To make written interpretations of this UDO;
3. To review and make recommendations on Building Permits;
4. To review and make recommendations on Certificates of Occupancy;
5. To review and make recommendations on Major and Minor Sign Permits;
6. To process applications for Variances and Special Exceptions;
7. To issue Certificates of Compliance;
8. To review and take action on Development Names;

9. To review and take action on Administrative Adjustments;
10. To review and make recommendations on site plans;
11. To review and make recommendations on Landscaping and Tree Conservation Plans on plans for lots in the Historic District, and to take action on plan for lots outside the Historic District; and
12. To review and approve subdivision plats for lots zoned Limited Industrial or Industrial Park.

2.6 Technical Review Committee

A. Designation

The City Manager shall designate a Technical Review Committee consisting of the Administrator, the Building Official and any other City staff professional the Manager deems necessary for professional review. The Administrator shall serve as chair of the Committee and be responsible for all final decisions of the Committee.

B. Powers and Duties

The Technical Review Committee (through its chair, the Administrator) has the following powers and duties:

1. Minor Subdivision Plats

The Technical Review Committee shall approve, approve with conditions or deny minor subdivision plats.

2. Final Plats

The Technical Review Committee shall approve, approve with conditions or deny major subdivision final plats.

2.7 Historic District Review Board

A. Creation

A Historic District Review Board is hereby established as a board of architectural review pursuant to Section 6-29-870 of the South Carolina Code of Laws, 1994, as amended.

B. Purpose

The Historic District Review Board shall review and approve new construction and changes to the exterior of any structure located within the Beaufort Historic District. It shall preserve and protect this historic and architecturally significant district.

C. Territorial Jurisdiction

The Historic District Review Board shall have jurisdiction throughout the Beaufort Historic District. The Board shall also have jurisdiction to review the demolition or removal of all structures listed in the Beaufort County Historic Sites Survey – 1997, that are located within the City limits, but outside the Historic District.

D. Membership, Terms and Compensation

1. Number, Composition

(1) The Historic District Review Board shall consist of five members with an interest competence or knowledge in historic preservation. All Board members shall be residents of the City, own property in the

City, or own or operate a business in the City. Two members shall, to the extent that such is available in the community, be professionals in the disciplines of historic preservation, architecture, history, architectural history, planning, archeology, or related disciplines, including urban planning. Three of the members shall either live or own property in the Historic District. One of the five members shall be a person recommended by the Historic Beaufort Foundation who is a member of its board of directors.

2. Terms, Appointment

All members shall be appointed by the City Council for terms of two years. All terms shall end on June 30 of the applicable year and members must continue to serve until their successors are appointed. The City Council, upon recommendation of the City Manager, may also appoint annually an architect or individual with demonstrated architectural or historic preservation expertise to serve as a professional advisor to the Board. The professional advisor shall not be a voting member of the Board. Appointments to the Board shall comply with the City Council's resolution establishing the guidelines for appointments to City Boards/Committees as adopted on November 9, 1993 and revised from time to time.

3. Current Members

Members of the Historic District Review Board on the effective date of this UDO shall continue to serve until their respective terms expire.

4. Term Limits

No member may serve for more than two successive terms, except for extraordinary circumstances where the City Council believes it to be in the best interest of the community to have a continuation for a specific period of a particular member of the Board. This limitation shall not prevent any person from being appointed to the Board after an absence of one year. Service for a partial term of less than 1½years shall not constitute a term of service for purposes of this Section.

5. Vacancies

Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.

6. Removal

The City Council may remove any member appointed by the City of Beaufort for cause by majority vote of the Council.

7. Compensation

Members shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance by the Administrator.

E. Officers, Meetings, Quorum

1. Officers

The Board shall elect a Chairperson and Vice-Chairperson from its voting members, who shall serve for one year and may be reelected to an additional

one year term. The Board shall also appoint a secretary who may be an employee of the City. The maximum terms of office for each officer shall be two consecutive years.

2. Meetings

Meetings of the Historic District Review Board shall be held at the call of the Chairperson and at such other times as the Board may determine. All meetings shall be open to the public.

3. Quorum

At least three of the members of the Historic District Review Board must be present to constitute a quorum.

4. Notice of Meetings

Reasonable notice of the time, place and agendas of the meetings shall be given to the public. The news media shall be contacted in accordance with state law.

5. Rules of Proceeding

a. The Historic District Review Board shall adopt and adhere to rules of procedure for the conduct of business.

b. An abstention from voting shall be considered a vote to deny the motion.

6. Minutes

The Historic District Review Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact.

F. Powers and Duties

1. It shall be the function of the Historic District Review Board to pass upon the appropriateness of altering, constructing or demolishing any building or structure within the Beaufort Historic District in accordance with Section 3.20, Certificate of Appropriateness, except for those applications where that authority has been delegated to the Administrator.
2. In exercising the authority granted the Historic District Review Board under this article, the Board may call upon the advice of any professionals it deems appropriate and any costs incurred for such consultation may be paid for with funds approved for such use by the City Council.
3. The Historic District Review Board shall maintain an inventory of historic properties within the City of Beaufort and make such information available to the public.
4. The Historic District Review Board shall have the opportunity to comment on National Register nominations proposed for any building within its jurisdiction at its discretion.

G. Conflicts of Interest

Any member of the Historic District Review Board who shall have a direct financial interest in any property which is subject matter of, or affected by, a decision of the Historic District Review Board shall be disqualified from participating in the discussion, decision, or proceedings of the Historic District Review Board in connection therewith.

H. Staff

The Historic District Review Board shall use the Department of Planning and Development Services when appropriate.

2.8 Design Review Board

A. Creation

There is hereby created the Design Review Board for the purpose of reviewing and taking action on the development applications subject to the ordinance, guidelines, and standards established in Section 6.6 Design Districts.

B. Territorial Jurisdiction

The Design Review Board shall have jurisdiction over all lands within the Design Districts.

C. Membership, Terms and Compensation

1. Number, Appointment

a. The Design Review Board shall be appointed by the City Council.

b. The Design Review Board shall be composed of five voting members who either are residents of the City of Beaufort, own property within the City or hold a current City of Beaufort business license. The Design Review Board is to include three design professionals, and two citizen representatives. With regard to the design professional positions, it is preferable that the positions be as follows: one landscape architect, one architect, and one engineer. With regard to the citizen representatives, it is preferable that one representative be a business owner, operator, or employee of a business within one of the corridors.

c. Appointments to the Board shall comply with the City Council's resolution establishing the guidelines for appointments to City Boards/Committees as adopted on November 9, 1993 and revised from time to time.

2. Terms

All terms shall be for two years. All terms shall expire on June 30 of the applicable year and members must continue to serve until their successors are appointed.

3. Current Members

Members of the Design Review Board on the effective date of this UDO shall continue to serve until their respective terms expire.

4. Term Limits

No member may serve for more than two successive terms, except for extraordinary circumstances where the City Council believes it to be in the best interest of the community to have a continuation for a specific period of a particular member of the Board. This limitation shall not prevent any person from being appointed to the Board after an absence of one year. Service for a partial term of less than 1½years shall not constitute a term of service for purposes of this Section.

5. Vacancies

Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.

6. Removal

The City Council may remove any member of the Board for cause.

7. Compensation

Members shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance by the Administrator.

D. Officers, Meetings, Quorum

1. Officers

The Board shall elect a Chairperson and a Vice-Chairperson from its members who shall serve for one year or until reelected, or until a successor is elected. The Board shall appoint a secretary, who may be an employee of the City.

2. Meetings

Meetings of the Design Review Board shall be held at the call of the Chairperson and at such other times as the Board may determine. All meetings of the Board shall be open to the public.

3. Quorum

At least three of the members of the Design Review Board must be present to constitute a quorum.

4. Notice of Meetings

Reasonable notice of the time, place and agendas of the meetings shall be given to the public. The news media shall be contacted in accordance with state law.

5. Rules of Proceeding

a. The Design Review Board shall adopt and adhere to rules of procedure for the conduct of business.

b. An abstention from voting shall be considered a vote to deny the motion.

6. Minutes

The Design Review Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact.

E. Powers and Duties

The Design Review Board has the following powers and duties:

1. Review, and approve, or deny, all applications for proposed new developments, major alterations, refurbishment, and/or additions to existing developments located within the Design Review Districts except for those applications where that authority has been delegated to staff.
2. Review and approve Master Sign Plans for new development.

F. Conflicts of Interest

Any member of the Design Review Board who shall have a direct financial interest in any property which is subject matter of, or affected by, a decision of the Board shall be disqualified from participating in the discussion, decision, or proceedings of the Board in connection therewith.

G. Liability of Members

Any member of the Design Review Board acting within the powers granted by this section is relieved from all personal liability for any damage and shall be held harmless by the City. Any suit brought against any member of the Board for decisions rendered by the Design Review Board shall be defended by a legal representative furnished by the City until the termination of the procedure.

H. Staff

The Design Review Board shall use the Department of Planning and Development Services when appropriate.

2.9 Summary of Review Authority

The following table summarizes review authority by review body:

Procedure	Admin-istrator	Building Official	Planning Commission	City Council	Zoning Board of Appeals	Historic District Review Board	Design Review Board	Court
Administrator								
Certificate of Compliance	**D**				**A**			
Conditional Use Review	**D**				**A**			
Development Surety	**D**				**A**			
Site Plan Review	**D**						**A**	
Subdivision (Plat) Review	**D**							
Subdivision, Minor, Preliminary Plat	**D**		**A**					
Subdivision, Major, Preliminary Plat			**D**					**A**
Subdivision Final Plat	**D**		**A**					
Written Interpretation	**D**				**A**			
Archeological Impact Assessment	**D**				**A**			
Tree Removal Permit	**D**						**A**	
Master Sign Plan (existing development)	**D**					**D**	**A**	
Certificate of Appropriateness, Minor	**D**					**A**		
Building Official								
Building Permit		**D**			**A**			
Certificate of Occupancy	**R**	**D**			**A**			
Sign Permit	**R**	**D**			**A**			
Planning Commission								
Street or Development Name	**R**		**D**					**A**
City Council								
Map Amendment (Rezoning)	**R**		**RR**	**D**				**A**
PUD Master Plan	**R**		**RR**	**D**				**A**
Historic District Designation	**R**		**RR**	**D**		**RR**		**A**
Text Amendment	**R**		**RR**	**D**				**A**
Zoning Board of Appeals								
Administrative Appeal	**R**				**D**			**A**
Special Exception Review	**R**				**D**			**A**
Variance	**R**				**D**			**A**
Design Review Board								
Design District Review (new development, additions)	**R**						**D**	**A**
Master Sign Plan (new development)	**R**					**D**	**D**	**A**
Landscape Plans	**D**						**D**	**A**
Historic District Review Board								
Certificate of Appropriateness	**R**					**D**		**A**

KEY: R = Review/Report **RR =** Review/Recommendation **D =** Final Decision/Approval **A =** Appeal

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Article 3. Development Review Procedures

3.1 General Approval Procedures

A. Conformity with Unified Development Ordinance

Every official and employee of the City of Beaufort, South Carolina vested with the duty or authority to issue a building permit, grading permit, or business license shall not issue a permit or license for any use, building, or purpose that conflicts with any provision of this UDO. Any permit or license or certificate issued in conflict with the provisions of this UDO, whether intentionally or unintentionally, shall be null and void.

B. Preapplication Conference

1. Mandatory Preapplication Conference

A preapplication conference with the Administrator shall be required prior to filing an application for the following approvals:

a. Map Amendment (Rezoning);

b. Text Amendment;

c. Planned Unit Development (PUD) review; and

d. Subdivision Review involving the creation of new streets.

The Administrator shall have the authority to waive any mandatory preapplication conference where such conference is deemed unnecessary.

2. Optional Preapplication Conference

Prior to the submission of any application required by this UDO, a potential applicant may request an optional preapplication conference to discuss procedures, standards or regulations required by this UDO. Upon receipt of such request, the Administrator shall afford the potential applicant an opportunity for such a preapplication conference at the earliest reasonable time.

C. Application Forms and Fees

The following regulations shall apply to all applications.

1. Forms

Applications required under this Unified Development Ordinance shall be submitted on forms and in such numbers as required by the City.

2. Fees

a. Filing fees shall be established from time to time by resolution of the City Council to defray the actual cost of processing the application;

b. All required fees shall be made payable to "The City of Beaufort"; and

c. An applicant who has paid an appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to any review or action taken, shall be entitled to a refund of 75 percent of the total amount paid upon written request to the City.

D. Application Deadline

All applications shall be completed and submitted to the Administrator according to schedules as determined by the City.

E. Complete Application Required

1. The Administrator shall have five working days to review the application materials submitted and confirm that all the required items have been submitted.
2. If the application is not complete, the Administrator shall inform the applicant in writing within the five-day period, specifying the ways in which the application is incomplete.
3. Following notification in writing that an application is incomplete, the applicant shall have 60 days during which to provide the requested materials and complete the application. Any application for which additional materials have not been forthcoming during this 60-day period shall be considered null and void. This application period may be extended by the Administrator upon mutual agreement to provide the required materials at some date certain in the future.

F. Concurrent Processing

Any applicant may submit an application for any sequential approvals (such as a rezoning and preliminary plat) required under this UDO and request that such sequential approvals be processed concurrently; however, such concurrent processing shall proceed at the applicant's own risk, and shall have no implication in regard to the approval of any of the various approvals requested.

G. Summary of Notice Required

Notice shall be required for development review as shown in the Table below.

Procedure	Published	Posted
Street Name Change	X	
Text Amendment	X	
Map Amendment (Rezoning)	X	X
PUD Review	X	X
Special Exception Review	X	X
Variance	X	X
Administrative Appeal	X	
Certificate of Appropriateness (for demolition only)	X	X

H. Public Notice Requirements

1. Published Notice

A distinctive advertisement (Public Hearing Notice) shall be placed by the Administrator in a local newspaper of general circulation within the City not less than 15 calendar days prior to the meeting for the purpose of notifying the public of all Public Hearing agenda items which may be considered or reviewed.

2. Posted Notice

When required, a notice of application sign shall be posted by the Administrator not less than 15 calendar days prior to the meeting at which the application will be reviewed. The sign shall be posted on the subject property in a location clearly visible from each street adjacent to the property.

3. Mailed Notice

As a courtesy, the City may choose to provide mailed notice from time to time.

4. Content of Notice

The Notices listed above shall contain the following specific information.

a. Published

A published notice shall provide at least the following information:

(1) The general location of land that is the subject of the application;

(2) The legal description, tax map and parcel number, or street address;

(3) The substance of the application, including the magnitude of proposed development and the current zoning district;

(4) The time, date and location of the public hearing;

(5) A phone number to contact the City; and

(6) A statement that interested parties may appear at the public hearing.

b. Posted Notice

Required posted notices shall indicate the following:

(1) Type of application;

(2) The date of the public hearing; and

(3) A phone number to contact the City.

I. Review Constitutes a Public Hearing

Where a public hearing is required, the Planning Commission, Zoning Board of Appeals or City Council meeting at which the applicant formally presents his request shall constitute the official public hearing on such matter.

J. Decision Based on Public Hearing

A decision shall be made by the appropriate review body within 30 days of the close of the required public hearing.

K. Written Notice of Decisions Required

Within 10 calendar days after a final decision is made by the Planning Commission, Zoning Board of Appeals or other Board under the requirements of this UDO, a copy of the written decision shall be sent to the applicant or appellant. A copy of the decision shall be filed in the Office of the Administrator, where it shall be available for public inspection during regular office hours.

L. Time Limits for Resubmission of Applications

In the event that any application required under this Unified Development Ordinance is denied or disapproved, an application for the same request shall not be re-filed for one year from the advertised public hearing date. Where no public hearing is required, time shall run from the date of mailing of the notice of denial. The Administrator, upon petition by the applicant, may permit a re-filing of said

application after six months from the original public hearing date upon a determination that:

1. Significant physical, economic or land use changes have taken place on the subject tract or within the immediate vicinity; or
2. A UDO text amendment has been adopted that would allow for favorable review of a resubmitted application for the subject property.

M. Expiration of Permits and Approvals

1. Generally

Approval of any application pursuant to this UDO shall authorize only the particular use, plan, or other specific activity for which the application was issued, and not any other approval requiring separate application.

2. Vested Rights for Final Development Plans/Plats

A vested right is established for two years upon the final approval of a development plan, plat, or phased development plan. An applicant shall have two years from final approval to receive a building permit, or, if no building permit is required, to obtain a certificate of compliance. Such vested right shall receive five one-year extensions for good cause upon written request by the landowner to the administrator no later than one month prior to expiration unless an amendment to this UDO has been adopted that prohibits approval.

a. A vested right in a development plan, plat, or phased development plan shall not attach to the property until all plans have been received, approved and all fees paid in accordance with this Article.

b. A vested right is subject to revocation by the city council upon its determination, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval.

c. A vested plan is subject to later local governmental overlay zoning that imposes site plan-related requirements, but does not affect allowable types, height as it affects density or intensity of uses, or density or intensity of uses.

d. Phased development plans remain subject to review and approval of all phases prior to any portion of the project being vested.

e. In case of projects where more than one building is to be built, the applicant may submit a series of building permit applications. The first application must be submitted within two years from the date the development plan approval is granted. Each subsequent application must be submitted within 180 days from the date of issuance of a Certificate of Compliance or Certificate of Occupancy for the previous building, whichever shall occur first. The lapse of more than 180 days shall cause the expiration of the development plan approval.

f. The zoning board of appeals does not have the authority to grant a vested right and no such right shall accrue as a result of their decision.

g. Variances or special uses do not create a vested right.

3. Time Limitations For Other Types Of Approval

a. All permits and approvals not referenced in paragraph 2 above, shall expire as shown in the Table below without further action of the Administrator, Building Official, Zoning Board of Appeals, Historic District Review Board, Design Review Board, Planning Commission or City Council, unless the holder of the permit or approval either submits a complete application for the appropriate subsequent permit or approval; or, if no subsequent permit or approval is required, completes the work described in the permit or approval, within the time frames established.

b. An applicant who submits an appropriate subsequent application for a permit or approval must diligently pursue approval of such application, which means, at a minimum, the applicant must submit any required additional materials or revisions within the time frame specified by the Administrator or if no time frame is specified, within six months. Failure to submit the required information or revision within the specified time frame shall result in the application's expiration.

c. Upon written request, a one-time extension of an approval may be granted by the decision-making body for good cause for a period not to exceed that shown in the Table. No written request for an extension shall be considered unless submitted to the administrator no later than one month prior to expiration. Failure to submit an application for an extension within the time limits established by this section shall result in the approval's expiration.

Use	Time Limit (months)	Extension (months)
Special use	12	6
Variance	12	6
Appeal	12	3
Sign permit	6	3
Zoning permit	12	6
Concept plan or plat	12	6
Preliminary plan or plat	12	6

3.2 Written Interpretation

A. Applicability

The Administrator shall have authority to make all written interpretations concerning the provisions of this Unified Development Ordinance (UDO).

B. Request for Interpretation

A request for interpretation shall be submitted to the Administrator in writing.

C. Interpretation by Administrator

1. The Administrator shall:
   - **a.** Review and evaluate the request in light of the text of this UDO, the Official Zoning Map, the Comprehensive Plan and any other relevant information;
   - **b.** Consult with other staff, as necessary; and
   - **c.** Render an opinion.
2. The interpretation shall be provided to the applicant in writing by mail.

D. Official Record

The Administrator shall maintain an official record of interpretations. The record of interpretations shall be available for public inspection during normal business hours.

E. Appeal

Appeals of written interpretations made by the Administrator shall be made to the Zoning Board of Appeals within 30 days of the decision, in accordance with the procedures found in Section 3.18, Administrative Appeals.

3.3 Building Permit

A. Building Permit Required

No building or other structure shall hereafter be erected, moved, added to, or structurally altered without a permit issued by the Building Official except in conformity with the provisions of this UDO. No Building Permit issued under the provisions of this UDO shall be considered valid unless signed by the Building Official.

3.4 Certificate of Occupancy

A. Certificate of Occupancy Required

No building or other structure shall hereafter be occupied without a permit issued by the Building Official. No Certificate of Occupancy issued under the provisions of this UDO shall be considered valid unless signed by the Building Official.

B. Applicability

A Certificate of Occupancy shall be required for any of the following:

1. Occupancy and use of a building hereafter erected or enlarged;
2. Change in occupancy or use of an existing building; or
3. Any change in a nonconforming use or structure.

C. Unlawful to Occupy Without Valid Certificate of Occupancy

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefore by the Building Official stating that the proposed use of the building or land conforms to the requirements of this UDO. Failure to obtain a Certificate of Occupancy shall be a violation of this UDO, and punishable subject to Article 10, Enforcement.

D. Temporary Certificate of Occupancy

Pending the issuance of a permanent Certificate of Occupancy, a temporary certificate may be issued. The certificate shall be issued in conformity with the provisions of this UDO and the building code by the Building Official. The temporary certificate may include such safeguards and conditions as will protect the safety of the occupants and the public. Where improvements required by this UDO or the specific approval of the development are incomplete, a guarantee acceptable to the City equal to 125 percent of the costs of such improvements may be required to ensure the installation of the improvements.

3.5 Subdivision Review

A. Applicability

Subdivision approval shall be required before any of the following activities occur:

1. The division of land (for any purpose) into two or more parcels;
2. Development on a parcel not previously subdivided; or
3. Development that involves the construction of any public improvements that are to be dedicated to the City.

B. Unlawful to Record Plat without City Approval

It shall be unlawful to offer and cause to be recorded any plan, plat or replat of land within the city limits of Beaufort with the Beaufort County Register of Mesne Conveyances unless the same bears the endorsement and approval of the City.

C. Delegation of Authority

The Planning Commission may delegate to the City staff review and approval authority for all minor and final subdivision plats.

D. Definition of Major and Minor Subdivision

A minor subdivision is a division of land into five or fewer lots where no new streets are created. All other divisions shall be considered major subdivisions.

E. Minor Subdivision Plat Submission Requirements

A minor subdivision plat shall be submitted consistent with the requirements of the City.

F. Major Subdivision Plat Submission Requirements

1. Sketch Plan Review

a. Purpose and Procedure

The purpose of sketch plan review is to afford the subdivider an opportunity to avail himself of the advice and assistance of the City staff by first submitting a simple sketch plan of the proposed plat for review. Although not mandatory, the purpose of the sketch plan is to assist the subdivider prior to extensive site planning and to facilitate the subsequent preparation and approval of subdivision plats.

b. Requirements

This procedure does not require a formal application or fee.

2. Preliminary Plat Review

a. Procedure

The subdivider shall submit to the Administrator, not less than the requisite number of days prior to the regularly scheduled meeting date of the Planning Commission, the required number of copies of the preliminary plat. Additional copies of the plat or any supplemental information may be requested.

b. Review by Technical Review Committee

The plat shall then be submitted to and checked by the Technical Review Committee for conformance with the approved preliminary plat and with

the requirements of these regulations. The Technical Review Committee shall review the plat within 30 days after submissions. The Technical Review Committee shall either approve and certify the plat or notify the subdivider in writing of any noncompliance with these regulations.

c. Review and Action by Planning Commission

(1) The Planning Commission shall approve, approve with conditions or disapprove the preliminary plat within 60 days after submission. Unless this time limit is extended by mutual agreement, failing to act within the time limit constitutes approval of the subdivision plat. If a proposed subdivision is determined by the Planning Commission to be in conformance with all applicable provisions of this UDO, the Planning Commission shall approve the subdivision and shall advise the applicant in writing: (1) the conditions of such approval, if any; (2) certification on the plat by the City; and (3) the date on which the Planning Commission granted approval. A determination by the Planning Commission that all applicable provisions have not been satisfied shall result in disapproval of the subdivision and notice of such disapproval shall be given to the applicant in writing. The action of the Planning Commission shall be recorded in the minutes of the Planning Commission meeting, and the subdivider shall be duly notified.

(2) Approval of a preliminary subdivision plat shall not constitute approval of the final subdivision plat. Application for approval of the final (record) plat will be considered only after the requirements for final plat approval as specified herein have been fulfilled and after all other specified conditions have been met.

(3) Upon approval of the preliminary subdivision plat by the Planning Commission, the subdivider may proceed to comply with the other requirements of these regulations and the preparation of the final subdivision plat.

d. Approved Plans Containing School Sites

Where a tract of land that has been approved by the County Board of Education as a proposed school site lies wholly or partially within an area proposed to be subdivided, and provided the Board of Education has notified the City and the property owner of its approval of the proposed school site prior to or within 10 days after the presentation of a preliminary subdivision plan to the Technical Review Committee for approval, the subdivider shall reserve the proposed school site for a period of not more than 60 days from the date of approval of the preliminary plan. Such reservation would be stated as a condition of preliminary approval by the Technical Review Committee.

3. Final Review

The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time of submission. Approval of the final plat shall be subject to the installation of the improvements designated in Section 8.3 or certified evidence from the City that said improvements shall be installed in accordance with these regulations.

a. Procedure

(1) The subdivider shall submit to the Administrator the required number of copies of the final plat.

(2) The plat shall then be submitted to and checked by the Technical Review Committee for conformance with the approved preliminary plat and with the requirements of these regulations. The Technical Review Committee shall review the plat within 30 days after submission. The Technical Review Committee shall either approve and certify the plat or notify the subdivider in writing of any noncompliance with these regulations or any deviation from the approved preliminary plat which is found on the final plat.

(3) Approval and certification by the Technical Review Committee shall not be deemed to constitute or affect an acceptance by the City or the County or the public of the dedication of any street or other ground shown upon the plat. Upon receipt of the plat, the City Council shall determine the acceptance or non-acceptance of all dedicated streets, easements right-of-way, public parks, and other public lands as shown on the plat. If accepted by the City, action to that effect shall be noted on the final plat; if not accepted, the reasons for non-acceptance shall be so stated.

(4) It shall be unlawful to sell or transfer property (lots) within the approved subdivision until after the plat has been recorded with the Register of Mesne Conveyances.

4. Subdivision in Phases

Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future or abutting land is in the same ownership, a sketch plan for the entire tract shall be submitted with the plat.

G. Appeal

1. Appeals of subdivision plat decisions made by the Planning Commission shall appeal to the Circuit Court in and for the County within 30 days of the decision.
2. Appeals of subdivision plat decisions made by the Technical Review Committee shall appeal to the Planning Commission within 30 days of the decision. The Planning Commission shall review the subdivision within 60 days and shall have all of the same authority as the Technical Review Committee in such review. The decision of the Planning Commission shall be final.

H. Expiration of Approval

A subdivision approval shall expire as set out in Section 3.1.M unless a Certificate of Compliance is obtained within two years of the approval, or unless recorded at the Beaufort County Register of Mesne Conveyances.

3.6 Street and Development Names

A. General

1. The Administrator shall have the authority to approve or deny the name of any development, consistent with the criteria set forth below.
2. The Planning Commission shall have the authority to approve or deny the proposed name of any street consistent with the criteria set forth below.
3. The Administrator shall maintain an index of all existing street names and development project names for public reference.

B. Application

Any person proposing to name a street or development, or change the name of a street or development, shall submit a list of proposed names in priority order to the Administrator for determination of their suitability consistent with the criteria set forth below.

C. New or Modified Development Name

1. If the Administrator determines that the proposed name is suitable following consultation with the Beaufort County Emergency Management E911 Office, the Administrator shall approve the proposed name and shall so notify the Beaufort County Emergency Management E911 Office, the post office and Beaufort County Register of Mesne Conveyances.
2. If the Administrator determines that the proposed name is not suitable, the Administrator shall deny the request and state the reasons for denial in writing to the party proposing the name.

D. New Street Name

1. The Planning Commission shall determine if the name is suitable.
2. If the Planning Commission approves the new name, it shall so certify in writing and forward such certification to Beaufort County Emergency Management E911 Office.
3. If the Planning Commission disapproves the name change, it shall so state in writing, including all reasons therefore, and shall forward such notice to the party proposing the name.

E. Street Name Change

1. After holding the required public hearing (see Section 3.1), the Planning Commission shall determine if the name is suitable.
2. If the Planning Commission approves the name change, it shall so certify in writing and forward such certification to the Beaufort County Register of Mesne Conveyances, Beaufort County Emergency Management E911 Office, the post office and any other agencies in interest including all property owners of record on the affected street by certified mail.
3. If the Planning Commission disapproves the name change, it shall so state in writing, including all reasons therefore, and shall forward such notice to the party proposing the change.

F. Criteria for New Names and Name Changes

1. No new street or development project name, or proposed renaming of an existing street or development, except phases of the same development project, shall duplicate, be phonetically similar to, or in any way be likely to be confused with an existing street or development name, in spite of the use of prefixes or suffixes.
2. It is desirable to use names which are simple, logical, easy to read and pronounce, and which are clear and brief. Use of frivolous or complicated words, or unconventional spellings in names shall not be approved.
3. In all cases, names which might reasonably be perceived as offensive shall not be permitted.
4. The use of numbers (such as First Street), alphabetical letters or proper names is discouraged.
5. It is desirable to use names which have some association with the City of Beaufort and specifically with the immediate location of the road or place, such as reference to local history or physiographic features.
6. Use of a common theme is recommended for names of streets which are associated with one another, such as those within a residential development.
7. Care should be exercised in changing any street name in order to preserve local history and to minimize disruption and cost.
8. Intersecting streets shall not have the same or similar name.
9. Proposed streets obviously in alignment with existing streets shall bear the name of the existing street to the extent practicable.
10. Street sections planned to be or likely to be connected in a straight line shall bear the same name. Street sections not planned to be or unlikely to be connected shall not bear the same name.
11. Streets which continue through an intersection should generally bear the same name.
12. A street making an approximate right-angle turn where there is no possibility of extending the street in either direction shall be considered to be continuous and be so named. Where there is a choice of direction or a possibility of extending either section in the future, such configuration shall be considered to be an intersection and different names assigned.
13. The proposed name of the development should in all respects emphasize the project's distinctive name rather than the name of the company or corporation that owns the development. This will reduce confusion on the location of separate developments owned by the same company or corporation.
14. A street or development name that otherwise meets the above criteria but in the judgment of the Planning Commission may be misleading to residents or visitors or otherwise be inappropriate, shall be disapproved.

3.7 Planned Unit Development (PUD)

A. Applicability

A Planned Unit Development District requires the following minimum land area:

1. For infill or redevelopment sites: no minimum.
2. For all other development sites: 10 acres.

B. Purpose and Intent

Planned Unit Development is a concept that is intended to encourage innovative land planning and site design concepts that achieve a high level of environmental sensitivity, aesthetics, high quality development, and other community goals by:

1. Reducing or eliminating the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots;
2. Allowing greater freedom in selecting the means to provide access, open space and design amenities; and
3. Promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land uses.

C. Two-Stage Approval Process

Approval of a planned unit development requires a two-stage process. The first stage is approval by the City Council of a Planned Unit Development (PUD) District submitted as part of the rezoning process and conceptual master plan for the project. The second stage requires approval of a detailed development plan by the Technical Review Committee in compliance with the previously approved master plan.

D. Conceptual Master Plan

A suitable master plan shall be submitted by the applicant for review by the Administrator and the Planning Commission, and approval by the City Council. Specifically, such plan shall include the following elements, where applicable:

1. Master Plan

The master plan (drawn to scale by a registered civil engineer, registered landscape architect, or registered architect) shall include the following elements: the exact dimensions of the parcel of land under consideration, a schematic representation of general types and locations of land uses, the general density and intensity of the proposed uses, proposed open spaces or parks, any area-wide drainage systems, overall circulation arrangements and all major

roadways, floodplain information, and any other information required by the Administrator.

2. Written Report

A written report shall be submitted by the developer for review by the Administrator and the Planning Commission, and approval by the City Council. Such report shall explain in general the type, nature, intent, and characteristics of the proposed development, and shall specifically include, where applicable:

a. A general description of the proposal;

b. A detailed legal description of the location of the site;

c. A proposed development program, including number of residential units and proposed densities, minimum lot sizes (if any), square feet of other nonresidential uses and generalized intensities;

d. General plan for the provision of utilities, including water, sewer, and drainage facilities;

e. Tables showing the total number of acres in the proposed development and the percentage designated for each proposed type of land use, including public facilities;

f. A statement of how the proposed development is consistent with the Comprehensive Plan;

g. Exceptions or variations from the requirements of this UDO if any are being requested; and

h. Other relevant information as may be requested by the Administrator.

E. Master Plan Approval Process

Any request pertaining to the establishment of a Planned Unit Development District shall be considered an amendment to this UDO and shall be administered and processed in accordance with the regulations set forth in this Section and Section 3.14, Zoning Map Amendment (Rezoning). The Master Plan itself shall be approved as part of the rezoning.

F. Performance Guarantee

Before approval of a Planned Unit Development District, the City Council may require a contract with safeguards satisfactory to the City guaranteeing completion of the development plan in a period to be specified by the City, but which period shall not exceed five years unless extended by the City for due cause shown. Such guarantee may include the submission of a performance bond in an amount as set by the City.

G. Planning Commission Recommendation

Upon completion of a public meeting, the Planning Commission shall review the application and forward a written recommendation to the City Council for its consideration.

H. Action by the City Council

1. After the Planning Commission makes a recommendation on the request, the City Council shall make a written finding and give its approval; approval with modifications or conditions; or disapproval.

2. If the PUD District is approved by the City Council, all information pertaining to the proposal shall be approved as part of the rezoning. Where the district is not approved, no further consideration of the proposal shall occur.

I. Detailed Development Plan Approval Process

Following the establishment of a PUD District and approval of a conceptual master plan, a detailed development plan shall be reviewed and approved by the Administrator in accordance with the procedures and requirements for the site plan process as set forth in Section 3.8, Site Plan Review, and the following additional requirements.

1. Recordation

The detailed development plan may be processed simultaneously for recording.

2. Written Report

A written report shall be submitted by the developer for review by the Administrator. Such report shall explain in detail the type, nature, intent, and characteristics of the proposed development, and shall specifically include, where applicable:

a. A general description of the proposal;

b. A detailed legal description of the location of the site;

c. Floodplain information;

d. Proposed standards for development, including restrictions on the use of property, density standards and yard requirements and restrictive covenants;

e. Proposed dedication or reservation of land for public use, including streets, easements, parks and school sites;

f. Plan for the provision of utilities, including water, sewer, and drainage facilities;

g. Tables showing the total number of acres in the proposed development and the percentage designated for each proposed type of land use, including public facilities;

h. Plans for parking, loading, access ways, signs, and means of protecting adjacent areas from lightning and other potentially adverse effects;

i. A statement defining the manner in which the City is to be assured that all improvements and protective devices, such as buffers, are to be installed and maintained;

j. Tabulations showing the total number of dwelling units by type, if any;

k. A statement of how the proposed development is consistent with the Comprehensive Plan;

l. A phasing plan, where appropriate; and

m. Other relevant information as may be requested by the Administrator.

J. Expiration of Approval

The City shall have the right to review a concept plan approved as part of a PUD District when no building permits have been issued in the past five years, and may choose not to issue further permits within the PUD District until a revised concept plan has been approved.

3.8 Site Plan Review

A. Applicability

No Building Permit shall be issued by the Building Official until a site plan approval has been granted.

B. Development Exempt From Approval

The following activities or uses shall be exempt from a site plan review, although they may be reviewed under a separate administrative procedure where noted in this Section or other Sections of this Article:

1. Routine maintenance of any structure, not including any change in color or materials.
2. The use or intended use of land, with or without accessory structures, for the purposes of agriculture, raising of crops, and forestry.
3. Any single-family residence, including manufactured homes, on an individual parcel, tract, or lot of record, or on a lot within a platted subdivision existing prior to the adoption of this UDO or approved under this ordinance.
4. Cleaning, painting and other routine maintenance and repair.
5. Home occupations as defined in this chapter and as regulated by Section 5.4B Accessory Uses.
6. Accessory uses incidental to single-family residential structures (e.g., detached garage, swimming pool, tool shed).
7. Temporary uses that do not materially affect the area's natural environment, parking requirements, transportation patterns, public health, or economic values.

C. Review and Action by the Administrator

Plans submitted for review under this Section shall be processed and the applicant notified in writing of such approval or disapproval within 15 working days from the date of submittal to the Administrator. If the proposed site plan is determined by the Administrator to be consistent with all applicable provisions of this Section, the Administrator shall approve the site plan and so advise the applicant in writing. A determination by the Administrator that all such requirements and provisions have not been satisfied shall result in disapproval of the site plan and notice of such disapproval shall be provided to the applicant in writing.

D. Expiration of Site Plan Approval

An approved site plan shall expire 12 months from the date of approval unless the proposed development is pursued as set forth below:

1. A complete building permit application has been submitted or, if no building permit is required, a Certificate of Compliance has been issued.
2. In case of projects where more than one building is to be built, the applicant may submit a series of building permit applications. The first application must be submitted within one year from the date site plan approval is granted. Each subsequent application must be submitted within 180 days from the date of issuance of a Certificate of Compliance or Certificate of Occupancy for the

previous building, whichever shall occur first. The lapse of more than 180 days shall cause the expiration of the site plan approval.

E. Appeals

Appeals of site plan applications denied by the Administrator shall be taken to the Zoning Board of Appeals within 30 days of the decision, in accordance with the procedures found in Section 3.18, Administrative Appeals.

3.9 Certificate of Compliance

A. Applicability

The regulations set forth in this Section shall apply to any development which has previously obtained a subdivision or site plan approval pursuant to the provisions of this Article.

B. Certificate of Compliance Required

The development, or approved phase thereof, may not be occupied or used until a Certificate of Compliance has been obtained from the Administrator. Approved phase for purposes of this Section shall be an approved phase through the subdivision or site plan approval process, or a phase thereof approved by the Administrator prior to a request for an inspection for a certificate of compliance. In order for a phase to receive a certificate of compliance, that approved phase must be able to function alone with all required infrastructure including but not limited to access drives, parking, drainage facilities, utilities, and required landscaping/tree planting.

C. Determination of Compliance by Administrator

Upon completion of all development work and simultaneous with the applicant's request to the Administrator for a final site inspection, the applicant shall submit the applicable documents to the Administrator for review and approval. Following the review of the materials submitted above, the Administrator shall schedule and conduct a final inspection for the purpose of verifying compliance with all applicable provisions of this section, requirements of subdivision approval, site plan approval or permit and any other applicable approval. Upon determination of compliance, the Administrator shall complete a Certificate of Compliance and forward it to the applicant.

D. Issuance of Certificate of Occupancy

A final Certificate of Occupancy shall not be issued by the Building Official until a certificate of compliance has been issued for the site or phase thereof in which the building is located.

E. Appeals

Appeals of certificate of compliance applications denied by the Administrator shall be taken to the Zoning Board of Appeals within 30 days of the decision, in accordance with the procedures found in Section 3.18, Administrative Appeals.

3.10 Sign Permits

A. Sign Permits Required

No sign shall hereafter be erected, moved, added to, or structurally altered without a permit therefore, issued by the Building Official in conformity with the provisions of this UDO. No sign permit issued under the provisions of this UDO shall be considered valid unless signed by the Building Official.

B. Master Sign Plans

1. A master sign plan shall be required for all multi-tenant or multi-building projects. For new development, such plans shall be approved by the Design Review Board or the Historic District Review Board, as appropriate. For existing development, the Administrator shall approve the master sign plan.
2. No sign permits shall be issued to any project requiring a master sign plan until such plan has been approved, including sign permits for existing development subject to the master sign plan requirement.
3. Where a master sign plan has been approved, individual sign permits may be issued by the Building Official when the proposed sign conforms to the requirements of this UDO and the approved master sign plan.

C. Review and Action by Administrator

The Administrator shall review each sign permit application in light of this UDO and any adopted master sign plan, and shall act to approve, approve with conditions or deny the permit. The Administrator may grant approval with conditions only to the extent that such conditions specify the actions necessary to bring the application into complete compliance with this UDO or the approved master sign plan. The Building Official shall be responsible for issuing all sign permits.

D. Maintenance and Repair

Cleaning, painting, repainting (the same colors) and other routine maintenance and repair of a sign shall not require a sign permit unless a structural or size change is made.

E. Expiration of Approval

Any permit issued for the erection of a sign shall become invalid unless the work authorized by it shall have been commenced within six months after its issuance.

F. Appeals

Appeals of Sign Permit applications denied by the Administrator or Building Official shall be taken to the Zoning Board of Appeals within 30 days of the decision, in accordance with the procedures found in Section 3.18, Administrative Appeals.

3.11 Administrative Adjustment

A. Purpose

Administrative Adjustments are specified deviations from otherwise applicable development standards where development is proposed that would be:

1. Compatible with surrounding land uses;
2. Harmonious with the public interest; and
3. Consistent with the purposes of this UDO.

B. Applicability

The Administrator shall have the authority to authorize variance of up to 10 percent from any numerical standard set forth in Article 6 of this UDO. Any request greater then 10 percent shall be treated as a variance handled by the Zoning Board of Appeals subject to the requirements of Section 3.15.

C. Application

An application for an Administrative Adjustment shall include a brief description of the requirement to be varied and any other material necessary to ensure the criteria in paragraph E below are met.

D. Review and Action by Administrator

The Administrator shall review the application and approve, approve with conditions or deny the application based upon the criteria below. A written decision including affirmative findings on the criteria set forth below shall be mailed to the applicant.

E. Administrative Adjustment Criteria

To approve an application for an Administrative Adjustment, the Administrator shall make an affirmative finding that the following criteria are met:

1. That granting the Administrative Adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards;
2. That granting the Administrative Adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use considerations;
3. That granting the Administrative Adjustment will not adversely affect property values in any material way; and
4. That granting the Administrative Adjustment will be generally consistent with the purposes and intent of this UDO.

F. Appeals

Appeal of an Administrative Adjustment denied by the Administrator shall be taken to the Zoning Board of Appeals within 30 days of the mailing of the Administrator's decision in accordance with Section 3.18, Administrative Appeals.

G. Expiration and Lapse of Approval

Property owners shall have six months from the date of approval of an administrative adjustment to secure a building permit to carry out the proposed improvements. If a complete building permit application has not been filed within six months of the date of approval, the approval shall lapse and be of no further effect.

3.12 Archeological Impact Assessment

A. Intent of District

It is the intent of this section to protect the many significant archeological resources of the City of Beaufort.

B. General Requirements

The following requirements shall be adhered to:

1. All proposed nonresidential, multifamily developments, and major subdivisions shall be required to have a written statement from the Administrator indicating whether or not the location of the proposed development contains any archeological resources identified by the City of Beaufort through existing surveys, historic maps and papers and other information available, by the South Carolina Department of Archives and History, and the South Carolina Institute of Archeology and Anthropology, as being listed in or having been determined eligible, or potentially eligible, for listing in the National Register of Historic Places as well as those areas identified in the document entitled Cartographic Survey of Historic Sites in Beaufort County, South Carolina, dated June 30, 1992 as amended from time to time, as having the potential to yield significant archeological information.
2. If the Administrator determines that the proposed development contains, or is likely to contain archeological resources, then a professional Archeological Survey shall be completed by qualified personnel to determine the existence of the resource and to evaluate the significance of the resource. The survey shall then be submitted to the Administrator for review.
3. If the area of the proposed project has been previously surveyed for archeological resources and the survey report is available and meets the standards set out in section 3.12D, the applicant will not be required to perform another survey, but merely submit that report to the Administrator.
4. If the Administrator determines that the location contains a potential historic resource, qualified personnel shall complete and submit to the Administrator the documentation as outlined in this Section. Identified resources shall be preserved and/or the effects of the propose project mitigated in accordance with the applicable Federal and State laws and guidelines. Further, for any contemplated construction that would significantly affect the setting or vista of any archeological resource in a manner that would compromise the resource's eligibility to the National Register of Historic Places, the Administrator may require that the development plans be altered to mitigate or avoid such effects.
5. All requests to the applicant by the Administrator for surveys, documentation, and mitigation shall include a letter outlining the justification for such requests.

C. Prohibited Acts

No person may excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any archeological or historic resource located in the City of Beaufort unless such activity is pursuant to a permit issued by the Administrator. Any person violating the Article shall be subject penalties prescribed in this UDO and additional penalties prescribed by the South Carolina Code of Laws.

D. Intensive Level Archeological Survey

1. The Administrator will officially notify, in writing, the applicant of the need for an Intensive Level Survey. This survey must meet the criteria set forth by the South Carolina State Historic Preservation Office's *Guidelines and Standards for Archeological Investigation*.
2. The applicant will notify the Administrator as to who will be authorized to undertake the survey. The survey will be executed by qualified personnel, as required by the South Carolina State Historic Preservation Office's Standards.
3. The findings of the Intensive Level Survey will be submitted to the Administrator.
4. Upon receipt of the Intensive Level Survey final report, and any necessary visual Records, the Administrator will either issue a Permit of Approval for the proposed development project or deny approval of the project until the development plans can be altered to mitigate or avoid any negative impact.

E. Mitigation

1. Determination of Adverse Effects

Upon receipt of an Intensive Level Archeological Survey final report, documenting archeological resources and/or the South Carolina Statewide Survey Forms documenting historic resources, the Administrator will determine whether the proposed project will have an adverse effect on archeological resources listed in, or eligible for listing in, the National Register of Historic Places.

a. There is No Adverse Effect

If the Administrator determines that the project will not have an adverse effect on archeological resources listed in, or eligible for listing in, the

National Register of Historic Places, he/she will issue a Permit of Approval for the proposed project.

b. There is an Adverse Effect

If the Administrator determines that the project will have an adverse effect on archeological resources, listed in, or eligible for listing in, the National Register of Historic Places, he/she will deny a Permit of Approval for the proposed project until the development plans can be altered to mitigate or avoid adverse effects.

2. Mitigation of Adverse Effects

The applicant shall enter into a Memorandum of Agreement (MOA) with the City of Beaufort that describes mitigation measures that will be required prior to the issuance of a Permit of Approval. The Administrator shall stress to the applicant that preservation-in-place of a significant resource is the preferred mitigation method. Mitigation may include:

a. Preservation In Place

Preservation-in-place of an archeological resource is the avoidance of the resource which protects it from drainage, destruction, vandalism or deterioration and may include such measures as: covenants and easements,

the rehabilitation/maintenance of historic buildings and structures, and others.

b. Data Recovery

Data recovery of an archeological site shall be conducted if the site cannot be preserved. Provisions for the ownership and duration of the excavated artifacts, field notes, records, maps, photographs, and materials shall be detailed in the archeological data recovery mitigation plan. A final report on the archeological data recovery shall be produced.

c. Reporting

All identified archeological sites shall be reported to the South Carolina Institute of Archeology and Anthropology.

3.13 Text Amendment

A. Applicability

When the public necessity, convenience, general welfare, or good zoning practice justify such action, and after the required review and report by the Planning Commission, the City Council may undertake the necessary steps to amend the text of this UDO.

B. Initiation of Amendments

1. A proposed amendment to this UDO may be initiated by any member of the City Council, the Planning Commission, the Administrator, or by application filed with the Administrator by any City resident or business owner.
2. Any proposed text amendment to this UDO initiated by a member of City Council may be given first reading prior to being referred to the Planning Commission for its review and recommendation.

C. Approval Process

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

1. Application Procedure

Application forms for text amendment requests shall be obtained from the Administrator. Completed forms, together with an application fee as required by Section 3.1 to cover administrative costs, plus any additional information the applicant feels to be pertinent, shall be filed with the Administrator. Any communication purporting to be an application for an amendment shall be regarded as a mere notice to seek relief until it is made in the form required.

2. Staff Review and Report

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

3. Planning Commission Recommendation

a. Notice

Following published notice in accordance with Section 3.1 of this UDO, the Planning Commission shall hold a public meeting.

b. Hearing by Planning Commission

All papers and other data submitted by the applicant on behalf of the text amendment request shall be transmitted to the Planning Commission. The Planning Commission, at regular meetings, shall review and prepare a recommendation, including its recommendation, for transmittal to the City Council. All meetings of the Planning Commission shall be open to the public. At a meeting, any party may appear in person, or by agent, or by attorney. No member of the Planning Commission shall participate in a matter in which he has any pecuniary or special interest. Following action by the Planning Commission, all papers and data pertinent to the application shall be transmitted to the City Council for final action.

(1) The Planning Commission shall study the proposed text amendment taking into account all factors which it may deem relevant including, but not limited to, the consistency of the proposed amendment with the Comprehensive Plan and whether the proposed amendment serves to carry out the purposes of this UDO.

(2) At the close of the public meeting, the Planning Commission shall recommend approval, modified approval, or denial of the text amendment.

(3) The staff shall prepare a report of the Planning Commission deliberations and recommendation which shall be forwarded to City Council. The Planning Commission shall have 30 days within which to submit its report. If the Planning Commission fails to submit a report within the 30-day period, it shall be deemed to have recommended approval of the proposed amendment.

4. City Council Action

a. Before enacting a text amendment to this UDO, the City Council shall hold a public hearing thereon; notice of the time and place, in accordance with Section 3.1.

b. City Council shall consider the proposed text amendment at the earliest reasonable date and shall consider the report of the Planning Commission in making a decision.

c. City Council shall act to approve, approve with modifications, or deny the proposed text amendment.

d. Following City Council action, the applicant shall be notified within 15 days of the decision in writing.

D. Appeals

Appeals of text amendment decisions made by the City Council shall appeal to the Circuit Court in and for the County within 30 days of the decision.

3.14 Zoning Map Amendment (Rezoning)

A. Applicability

When the public necessity, convenience, general welfare, or good zoning practice justify such action, and after the required review and report by the Planning Commission, the City Council may undertake the necessary steps to amend the Official Zoning Map.

B. Initiation of Amendments

Any proposed amendment to the Official Zoning Map may be initiated by the City Council, the Planning Commission, the City Manager, the Administrator, or by the owner of such property for which the amendment is sought.

C. Application

1. A rezoning application form as published by the Administrator shall be required and appropriate fee as required by Section 3.1 and shall include the following:

   a. A narrative addressing the reasons for the requested zoning map amendment and addressing the applicable review criteria set forth in paragraph 3.c below.

   b. A boundary map of the subject property prepared and sealed by a registered land surveyor.

   c. Where applicable, a copy of correspondence illustrating that the applicant has solicited written comments from the appropriate property owners' association regarding the requested amendment. Such correspondence shall encourage the association to direct any comments in writing to the Administrator and the applicant within 15 calendar days of receipt of the notification.

2. If the applicant is not the City, the applicant shall submit written consent from the owner of the property that is being considered for a rezoning.

D. Approval Process

Requests to amend the Official Zoning Map shall be processed in accordance with the following requirements:

1. Application Procedure.

Application forms for amendment requests shall be obtained from the Administrator. Completed forms, plus any additional information the applicant feels to be pertinent, shall be filed with the Administrator. Any communication purporting to be an application for an

amendment shall be regarded as a mere notice to seek relief until it is made in the form required.

2. Staff Review and Report

The Administrator shall prepare a staff report that reviews the proposed rezoning in light of the Comprehensive Plan and the general requirements of this UDO. A copy shall be provided to the Planning Commission and the applicant before the scheduled public meeting.

3. Planning Commission Recommendation

a. Hearing by Planning Commission

All papers and other data submitted by the applicant on behalf of the rezoning request shall be transmitted to the Planning Commission. The Planning Commission, at regular meetings, shall review and prepare a recommendation for transmittal to the City Council. All meetings of the Planning Commission shall be open to the public. At a meeting, any party may appear in person, or by agent, or by attorney. Following action by the Planning Commission, all papers and data pertinent to the rezoning application shall be transmitted to the City Council for final action.

(1) The Planning Commission shall study the proposed rezoning taking into account all factors which it may deem relevant including, but not limited to, the consistency of the proposed amendment with the Comprehensive Plan and whether the proposed rezoning serves to carry out the purposes of this UDO.

(2) At the close of the public meeting, the Planning Commission shall recommend approval, modified approval, or denial of the rezoning request.

(3) The staff shall prepare a report of the Planning Commission deliberations and recommendation which shall be forwarded to City Council. The Planning Commission shall have 30 days within which to submit its report. If the Planning Commission fails to submit a report within the 30-day period, it shall be deemed to have approved the proposed rezoning request.

b. Review Criteria

In making recommendations regarding amendments to the Official Zoning Map, the Planning Commission shall consider and make findings on the following matters regarding the proposed amendment:

(1) Consistency (or lack thereof) with the Comprehensive Plan;

(2) Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood;

(3) Suitability of the property affected by the amendment for uses permitted by the proposed district;

(4) Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment;

(5) Compatibility of the uses permitted in the proposed district with the natural features of and any archaeological or cultural resources on the property;

(6) Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment; and

(7) Availability of roads, sewer, water and stormwater facilities generally suitable and adequate for the proposed use.

4. City Council Action

a. Before enacting an amendment to the Official Zoning Map, the City Council shall hold a public hearing in accordance with Section 3.1.

b. City Council shall consider the proposed rezoning at the earliest reasonable date and shall consider the report of the Planning Commission in making a decision.

c. City Council shall act to approve, approve with modifications, or deny the rezoning request.

d. Following City Council action, the applicant shall be notified within 15 days of the decision in writing.

E. Changes in Zoning Map

Following final action by the City Council, any necessary changes shall be made in the Official Zoning Map. A written record of the type and date of such change shall be maintained by the Administrator. Until such change is made, no action by the City Council on amendments to this UDO shall be considered official, unless the Administrator fails to make the change with seven days after formal action by the City Council. In the latter event, action by the City Council shall be considered official seven days after the date of the action even if the Administrator has failed to make the appropriate changes.

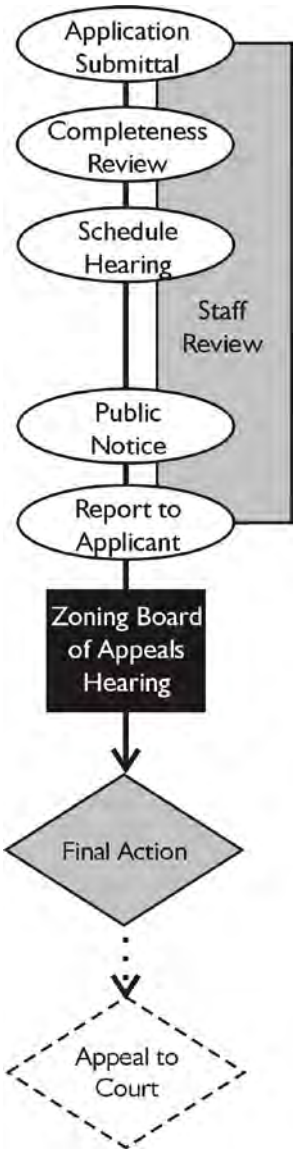
F. Appeals

Appeals of decisions made by the City Council regarding amendments to the Official Zoning Map shall appeal to the Circuit Court in and for the County within 30 days of the decision.

3.15 Variances

A. Purpose

A variance may be approved by the Zoning Board of Appeals if the Board concludes that the strict enforcement of the development standards set forth in this UDO would result in an unnecessary hardship to the applicant and that by granting the variance, the spirit of this UDO will be observed, public welfare and safety will not be diminished, and substantial justice will be done.



B. Application

A variance application form as published by the Administrator and appropriate fee as required by Section 3.1 shall be required, along with such accompanying material as is required to ensure compliance with the criteria listed below. No variances to the sign regulations of this ordinance shall be permitted.

C. Approval Process

1. Staff Review and Report

The Administrator shall prepare a staff report which shall be provided to the applicant or appellant and the Zoning Board of Appeals before the scheduled hearing.

2. Action by the Zoning Board of Appeals

a. Following published and posted notice in accordance with Section 3.1 Approval Procedures, the Zoning Board of Appeals shall hold a public hearing.

b. After review of the variance application and the public hearing, the Zoning Board of Appeals shall make a written finding and give its approval; approval with modifications or conditions; or disapproval.

c. If approval or approval with modifications or conditions is granted, the decision shall be communicated in writing to the applicant within 15 days and the applicant shall be authorized to submit a development permit application.

3. Mailed Notice

A courtesy notice of any variance shall be provided by US Mail to all property owners within 200 feet of the subject property. Failure to provide such notice shall not be considered a jurisdictional defect, provided that published notice in accordance with Section 3.1 has been provided.

4. Marine Corps Air Station Notification

The Board shall not act upon a request for a variance from this section affecting lands within the Air Installation Compatible Use Zone District until they have received an advisory opinion from the Marine Corps Air Station Beaufort. If an advisory opinion is not received within 30 days of notification, the Board may proceed to act on the request without the opinion.

5. Variances

The Board shall not act upon a variance from Section 6.8 affecting land within the Airport Overlay District until they have received an advisory opinion from the Beaufort County Aviation Advisory Board. If an advisory opinion is not received within 30 days of notification, the Board may proceed to act on the request without the opinion.

D. Criteria for Approval of Variances

1. Required Findings

A variance may be granted by the Zoning Board of Appeals if the Board concludes that the strict enforcement of any design and performance standard set forth in this ordinance would result in unnecessary hardship to the applicant and that by granting the variance, the spirit of this UDO will be observed, public welfare and safety will not be diminished and substantial justice done. A variance may be granted in an individual case of unnecessary hardship only when the Board makes and explains in writing all of the following findings:

a. Extraordinary Conditions. There are extraordinary and exceptional conditions pertaining to the particular piece of property. For example, the variance is justified because of topographic or other special conditions unique to the property and development involved, in contradistinction to the mere inconvenience or financial disadvantage;

b. Other Property. These conditions do not generally apply to other property in the vicinity;

c. Conditions. The conditions are not the result of the applicant's own actions;

d. Comprehensive Plan. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of this UDO;

e. Utilization. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

f. Substantial detriment. The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance.

2. Limitations

The Board may not grant a variance the effect of which would be any of the following:

a. The Board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in the applicable zoning district;

b. To increase the density of a use above that permitted by the applicable district;

c. To extend physically a nonconforming use of land; or

d. To change the zoning district boundaries shown on the official zoning map.

3. Profitability Not to Be Considered

The fact that property may be utilized more profitably should a variance be granted may not be considered grounds for a variance.

4. Hardship Due to Eminent Domain

Where the alleged hardship results from the taking of part of the property by eminent domain, thus reducing the land area available for parking, buffers, and other purposes, the applicant shall have the burden of proving that, after good-faith efforts by the applicant or previous owner, the condemning authority failed or refused to provide the applicant compensation adequate to cover the value of both the land actually taken and the economic impacts of the reduction in the size of the remaining property. Only if the applicant meets this burden of proof will a hardship under these conditions be considered adequate to justify the granting of a variance.

5. Conditions

In granting a variance, the Board may attach to it conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare.

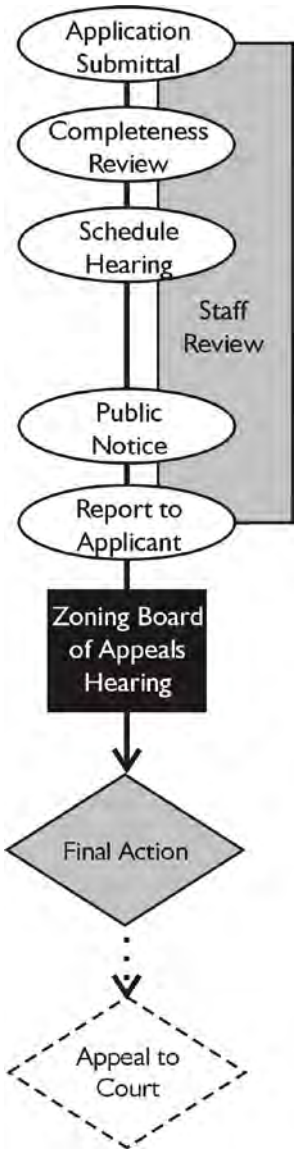
E. Appeal

Any party aggrieved by the Zoning Board of Appeals' decision may appeal such determination to the Circuit Court of Beaufort County within 30 days after the decision of the Board is postmarked.

3.16 Special Exceptions

A. Purpose

Special exceptions shall be used to permit uses subject to the terms and conditions for the uses set forth for such uses in this UDO. Uses permitted by special exception are declared to possess characteristics which require certain controls in order to insure compatibility with other uses in the zoning district within which they are proposed. The Zoning Board of Appeals shall hear and decide requests for special exceptions.



B. Application

A special exception application form as published by the Administrator and appropriate fee as required by Section 3.1 shall be required, along with such accompanying material as is required to ensure compliance with the criteria listed below.

C. Approval Process

1. Staff Review and Report

The Administrator shall prepare a staff report that reviews the proposed development in light of the Comprehensive Plan, the review criteria listed below, and the requirements of this UDO. A copy of the report shall be provided to the Zoning Board of Appeals and the applicant before the scheduled hearing.

2. Mailed Notice

A courtesy notice of any Special Exception Application shall be provided by US Mail to all property owners within 200 feet of the subject property. Failure to provide such notice shall not be considered a jurisdictional defect, provided that published notice in accordance with Section 3.1 has been provided.

3. Action by Board of Zoning Appeals

a. Following posted and mailed notice in accordance with Section 3.1 Approval Procedures, the Zoning Board of Appeals shall hold a public hearing on the Special Exception application.

b. After review of the application and the public hearing, the Zoning Board of Appeals shall make a written finding and approve, approve with modifications or conditions, or disapprove the request.

c. If approval, or approval with modifications or conditions is granted, the decision shall be communicated in writing within 15 days to the applicant, and the applicant shall then be authorized to submit a development permit application consistent with this ordinance.

D. Special Exception Review Criteria

The Zoning Board of Appeals may approve an application for a Special Exception where it reasonably determines that there will be no significant negative impact upon residents of surrounding property or upon the general public. The Board shall consider the following criteria in its review:

1. Whether the proposed use is compatible with existing land uses in the surrounding area;
2. Whether the proposed site plan, circulation plan, and schematic architectural designs are harmonious with the character of the surrounding area;
3. The likely impact on public infrastructure such as roads, parking facilities, and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to adequately service the proposed use without negatively impacting existing uses in the area and in the City;
4. Whether the proposed use and designs are in general conformity with the City's Comprehensive Plan and any other plans officially adopted by the City;
5. Likely impact on public health and safety; and
6. Potential creation of noise, lights, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts.

E. Conditions

The Zoning Board of Appeals may impose such conditions and restrictions upon the application as may be necessary to minimize or mitigate any potential adverse impacts of the proposed use.

F. Appeal

Any party aggrieved by the Zoning Board of Appeals' decision may appeal such determination to the Circuit Court of Beaufort County by filing with the Clerk of the Court a written petition within 30 days after the decision of the Board is postmarked, in accordance with the procedures found in Section 3.18 of this UDO.

3.17 Design Exceptions

A. Purpose

Development Design Review Exceptions shall be used to modify certain dimensional standards or design requirements set forth in this UDO for sites or development proposals that have unique characteristics that justify a deviation from the underlying standards. Such deviations are intended to provide for the relaxation of certain standards so as to permit a compatible development pattern to occur using an innovative approach or technique. This process is intended to provide for the minimum relief necessary to create a more innovative and more context-sensitive development consistent with the City's goals and plans. This tool is not intended to circumvent the map amendment (rezoning) where that tool would provide a similar modification of standards.

B. Applicability

The Historic District Review Board or the Design Review Board, as appropriate, shall have the authority to authorize variance of up to 35 percent from any numerical standard set forth in Article 6 of this UDO, except for any standards in Section 6.7, Air Installation Compatibility Use Zone. This procedure shall apply to development projects that are no greater than two acres in size.

C. Application

A development design exception application form as published by the Administrator and appropriate fee as required by Section 3.1 shall be required, along with such accompanying material as is required to ensure compliance with the criteria listed below.

D. Approval Process

1. Staff Review and Report

The Administrator shall prepare a staff report that reviews the proposed development in light of the Comprehensive Plan, the review criteria listed below, and the requirements of this UDO. A copy of the report shall be provided to the Design Review Board or Historic District Review Board as appropriate, and the applicant before the scheduled hearing.

2. Mailed Notice

A courtesy notice of any Special Exception Application shall be provided by US Mail to all property owners within 200 feet of the subject property. Failure to provide such notice shall not be considered a jurisdictional defect, provided that published notice in accordance with Section 3.1 has been provided.

3. Action by Review Board

a. Following posted and mailed notice in accordance with Section 3.1 Approval Procedures, the appropriate review board shall hold a public hearing on the Development Design Exception application.

b. After review of the application and the public hearing, the review board shall make a written finding and approve, approve with modifications or conditions, or disapprove the request.

c. If approval, or approval with modifications or conditions is granted, the decision shall be communicated in writing within 15 days to the applicant, and the applicant shall then be authorized to submit a development permit application consistent with this ordinance.

E. Development Design Exception Review Criteria

The Design Review Board or Historic District Review Board as appropriate, may approve an application for a Development Design Exception where it reasonably determines that there will be no significant negative impact upon residents of surrounding property or upon the general public. The Board shall consider the following criteria in its review:

(a) *Compatibility.* The proposed exception is appropriate for its location and compatible with the character of surrounding lands and the development permitted in the zoning district(s) of surrounding lands, and will not reduce property values of surrounding lands.

(b) *Design does not have substantial adverse impact.* The design of the proposed exception minimizes adverse effects including visual impacts of the proposed use on adjacent lands; furthermore, the proposed special exception does not impose significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, vibration, and does not create a nuisance.

(c) *Consistency with Adopted Plans.* The proposed development is in general conformity with the City's Comprehensive Plan and other plans officially adopted by the City.

F. Conditions

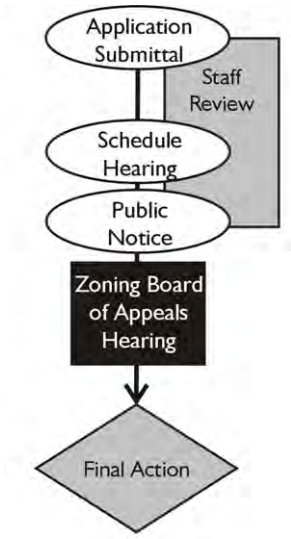
The review board may impose such conditions and restrictions upon the application as may be necessary to minimize or mitigate any potential adverse impacts of the proposed use.

G. Appeal

Any party aggrieved by the review board's decision may appeal such determination to the Circuit Court of Beaufort County by filing with the Clerk of the Court a written petition within 30 days after the decision of the Board is postmarked, in accordance with the procedures found in Section 3.18 of this UDO.

3.18 Administrative Appeals

A. Applicability



Appeals to the Zoning Board of Appeals may be taken by any person aggrieved by a decision, interpretation or determination of the Building Official or Administrator of the City. The officer from whom the appeal is taken shall immediately transmit to the Board all papers constituting the record upon which the action appealed from was taken.

B. Effect of Appeal

An appeal stays all legal proceedings in furtherance of the action appealed from (except enforcement proceedings), unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a Court of record on application, on notices to the officer from whom the appeal is taken, and on due cause shown.

C. Application

An application for appeal shall be filed within 30 days of receipt of the decision or order of the Building Official or Administrator by filing with the officer from whom the appeal is taken and with the Zoning Board of Appeals, notice of the appeal specifying the grounds thereof. All applications are subject to the requirements of Section 3.1.

D. Hearing

The board shall fix a reasonable time for the hearing of an appeal or other matter referred to it, and give at least 15 days' public notice of it in a newspaper of general circulation in the City, as well as due notice to the parties of interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.

E. Action by Zoning Board of Appeals

At the conclusion of the proceeding on the appeal, the Zoning Board of Appeals shall take one of the following actions, consistent with the provisions of this Article:

1. Affirm the action of the Building Official or Administrator;
2. Modify the action of the Building Official or Administrator, and to that end, the Zoning Board of Appeals shall have all the powers of the officer, board or commission from which the appeal is taken, and may issue a permit or direct that a permit be issued; or,
3. Reverse the action of the Building Official or Administrator, and to that end, the Board of Zoning Appeals shall have all the powers of the officer, board or commission from which the appeal is taken, and may issue a permit or direct that a permit be issued.

F. Findings of Fact

1. The Zoning Board of Appeals in the execution of the duties specified in this section may subpoena witnesses and in case of contempt may certify such fact to the Circuit Court having jurisdiction.
2. All final decisions and orders of the Board must be in writing and be permanently filed in the office of the board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board which must be delivered to parties of interest, within 15 days, by certified mail.

G. Contempt; Penalty

In case of contempt by a party, witness, [or] other person before the Zoning Board of Appeals, the Board may certify this fact to the circuit court of the county in which the contempt occurs and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.

H. Appeal to Circuit Court

1. Appeal. Any applicant aggrieved by the Zoning Board of Appeal's determination may appeal such determination to the Circuit Court of Beaufort County within 30 days after the decision of the Board is postmarked.
2. Notice. Upon the filing of the appeal, the Clerk of the Circuit Court shall give immediate notice of it to the secretary of the Board and within 30 days from the time of the notice the Board shall file with the Clerk a certified copy of the proceedings held before the Zoning Board of Appeals, including a transcript of the evidence heard before it, if any, and the decision of the Board including its findings of fact and conclusions.
3. Filing of Appeal. The filing of an appeal in the Circuit Court from a decision of the Board shall not *ipso facto* act as a *supersedeas*.
4. Determination of Appeal. At the next term of the Circuit Court or in chambers, or at a time to be set by Court, upon 10 days notice to the parties, the presiding judge of the Circuit Court of Beaufort County shall proceed to hear and pass upon the appeal on the certified record of the Zoning Board of Appeals proceedings. The findings of fact by the Board shall be treated in the same manner as a finding of fact by a jury, and the Court may not take additional evidence. In the event the judge determines that the certified record is insufficient for review, the matter may be remanded to the Zoning Board of Appeals for rehearing. In determining the questions presented by the appeal, the Court shall determine only whether the decision of the Board is correct as a matter of law.

I. Appeal to Supreme Court

A party in interest who is aggrieved by a judgment rendered by the Circuit Court upon the appeal may appeal in the same manner as provided by law for appeals from other judgments of the Circuit Court in law cases.

3.19 Development Design Review

A. Purpose

Development Design Review is intended to protect the character of the City of Beaufort through additional review of proposed development within any Design District Overlay.

B. Applicability

1. New Development, Additions and Major Alterations

a. All private and public development, including signage, located within a Design District Overlay shall be subject to the provisions of this section with the following exceptions:

(1) Lots in the Beaufort Historic District;

(2) Individual parcels in single-family residential use or in a single-family residential subdivision; and

(3) Lots zoned Limited Industrial which do not have frontage on a major or minor arterial street.

2. Design Review Required

a. No permit shall be issued for new development nor for any exterior improvements or changes to existing development subject to the requirements of this article without the approval of the Design Review Board, as outlined below.

(1) Development subject to Design Review Board approval. The Board shall approve the design of the following types of development:

(a) Any new development which includes fuel-dispensing or drive-through facilities;

(b) New nonresidential development on undeveloped sites that has 3,000 square feet or more of total floor area, not including porches;

(c) New nonresidential development on redevelopment sites (i.e., sites that have been cleared within the last 12 months or will be cleared to accommodate proposed development) that has 5,000 square feet or more of floor area, not including porches;

(d) New multifamily development having eight or more units;

(e) Exterior alterations and/or additions to structures and sites in existing nonresidential development in which the cost of the alterations is greater or equal to 75% of the value of the existing improvements. For purposes of this section, the "value of existing improvements" shall be the fair market value of the improvements as shown on the most recent assessment records or as verified by a real estate appraiser;

(f) Exterior alterations and/or additions to structures and sites in existing duplex or multifamily development in which the cost of the alterations and/or additions is greater or equal to 75% of the value of the existing improvements; and

(g) Master signage plans for new development.

(2) Development subject to staff approval. The Ordinance Administrator may approve the design of the following types of development:

(a) New nonresidential development on undeveloped sites having less than 3,000 square feet of total floor area, not including porches, and which does not include fuel dispensing or drive-through facilities;

(b) New nonresidential development on redevelopment sites (i.e., sites that have been cleared within the last 12 months or will be cleared to accommodate proposed development) having less than 5,000 square feet of total floor area, not including porches, and which does not include fuel dispensing or drive-through facilities;

(c) Demolition of structures of any size where no new building is proposed;

(d) New duplex or multifamily development having seven or fewer units;

(e) Exterior alterations and/or additions to structures and sites in existing nonresidential development in which the cost of the alterations and/or additions is less than 75% of the value of the existing improvements;

(f) Exterior alterations and/or additions to structures and sites in existing duplex or multifamily development in which the cost of the alterations and/or additions is less than 75% of the value of the existing improvements;

(g) Individual sign permit applications which are not part of a master signage plan; and

(h) Master signage plans for existing development.

The Administrator may submit any applications subject to Staff approval to the Design Review Board for approval.

C. Review Procedure

1. All applications shall be submitted and reviewed according to the following procedures:

a. Applications shall be submitted to the Design Review Board according to a schedule prepared by the Administrator and approved by the Design Review Board.

b. Applicants are encouraged but not required to begin the process with a conceptual presentation of the project to the Board.

c. Projects involving new development, major additions, or major alterations will typically undergo a preliminary and a final review.

d. The Design Review Board may continue the initial public hearing only once to provide guidance to the applicant regarding revisions to the proposed project.

e. Applicants shall be informed in writing of the outcome of their review.

f. In addition to those items required elsewhere in this UDO, an application for final development plan approval shall be considered complete by the Administrator only when the Design Review Board's final approval with written recommendations and findings shall be received by the Administrator.

D. Appeal

A person having substantial interest may make an appeal from a Design Review Board decision to the Circuit Court of Beaufort County within 30 days after the decision of the Board is postmarked.

3.20 Certificates of Appropriateness

A. Applicability

1. A Certificate of Appropriateness shall be required for any construction activity in any historic district, including:
   - **a.** New structures;
   - **b.** Modification or expansion of existing structures; and
   - **c.** Demolition or partial demolition of any structure.
2. No structure that is outside the Historic District that is listed on the "Beaufort County Historic Sites Survey -1997" may be demolished or partially demolished until an application for a Certificate of Appropriateness has been submitted and processed in accordance with this UDO.
3. A certificate of appropriateness shall not be required for any of the following activities:
   - **a.** Routine repair and maintenance; and
   - **b.** Replacement in-kind, where there is no change in color or materials.
4. For the purposes of this Section, the term "structure" shall include:
   - **a.** Buildings;
   - **b.** Walls or fences;
   - **c.** Signs;
   - **d.** Light fixtures; or
   - **e.** Anything else constructed or erected, the use of which requires a permanent or semi-permanent location on the ground or which is attached to something having a permanent or semi-permanent location on the ground.

B. Hearings on Certificate of Appropriateness Applications

1. The Administrator may approve applications for a Certificate of Appropriateness for the following types of projects:
   - **a.** Individual signs;
   - **b.** Fences;
   - **c.** Paint color
   - **d.** Roof materials;
   - **e.** Canopies and awnings;
   - **f.** Site changes; and
   - **g.** Demolition of noncontributing accessory structures (ex., sheds, carports, etc.)
2. The Historic District Review Board shall review all other applications for Certificates of Appropriateness.

3. Evidence of approval of a Certificate of Appropriateness shall be in writing by the Administrator.

C. Guidance Standards, Maintenance of Consistent Policies

In order to provide guidance and insight into desirable goals and objectives for the Beaufort Historic District, the documents described in this section are hereby adopted for use by the Historic District Review Board in the exercise of its authority granted under Section 2.7 of this UDO.

1. The "Beaufort Preservation Manual," August 1979, and the "Beaufort Preservation Manual, Supplement," August 1990, prepared for the City by John Milner Associates, shall be utilized by the Board for review of projects located within the Beaufort Preservation Neighborhood.
2. The "Northwest Quadrant Design Principles," May 1999, prepared for the City by Winter & Company, shall be utilized by the Board for the review of projects located within the Beaufort Conservation Neighborhood.
3. The Secretary of Interior's "Standards for Rehabilitation" shall be utilized for projects within both districts.
4. Any special area standards as adopted by the Board.

D. Approval of Certificate of Appropriateness

1. In passing upon an application to demolish or demolish in part, or remove, or alter the exterior architectural appearance of any existing structure, the Board shall consider, among other things, the historic, architectural and aesthetic features of such structure, the nature and character of the surrounding area, the use of such structure and its importance to the City.
2. In passing upon an application for new construction in the Beaufort Historic District, the Board shall consider, among other things, the general design, the character and appropriateness of design, scale of buildings, arrangement, texture, materials and color of the structure in question, and the relation of such elements to similar features of structures in the immediate surroundings. The Board shall not consider the interior arrangement or interior design unless the interior arrangement or design affect the exterior appearance; nor shall it make requirements except for the purpose of preventing developments which are not in harmony with the prevailing character of the Beaufort Historic District, or which are obviously incongruous with this character.
3. The Board may refuse a Certificate of Appropriateness for the erection, reconstruction, alteration, demolition, partial demolition, or removal of any structure within the Historic District, which in the opinion of the Board, would be detrimental to the interests of the City.
4. Upon receiving an application for demolition or partial demolition of a structure which is listed in the "Beaufort County Historic Sites Survey-1997" and lies within the limits of the City but outside the Beaufort Historic District, the Board, within 45 days after receipt of the application, shall either approve such application, or find that the preservation and protection of historic places and the public interest will be best served by postponing the demolition for a designated period, which shall not exceed 180 days from the receipt of the application, and notify the applicant of such postponement.

5. In all applications involving the demolition of the primary structure on a lot or of a contributing accessory structure, provisions shall be made for a public hearing as set forth in Section 3.1.
6. In any case involving the demolition or partial demolition of a structure, before granting approval or requiring a postponement, the Board may call on the Building Official to provide them with a report on the state of repair and structural stability of the structure under consideration.
7. Within the period of postponement of such demolition or alteration of any building, the Board shall take steps to ascertain what the City Council can or may do to preserve such building, including consultation with private civic groups, interested private citizens and other public boards or agencies and including investigation of the potential use of the power of eminent domain when the preservation of a given building is clearly in the interest of the general welfare of the community and of certain historic and architectural significance. The Board shall then make such recommendations thereabout to the City Council as the Board may determine to submit.
8. In case of disapproval, the Historic District Review Board shall state the reasons therefore in a written statement to the applicant and may give verbal advice to the applicant and make recommendations in regard to appropriateness of design, arrangement, texture, material, color and the like of the property involved.

E. Review Criteria

All development within the historic districts shall be reviewed in accordance with the guidance standards listed in paragraph C above. Among other grounds for considering a design inappropriate and requiring disapproval and resubmission are the following defects:

1. Arresting and spectacular effects;
2. Violent contrasts of materials or colors and intense or lurid colors;
3. A multiplicity or incongruity of details resulting in a restless and disturbing appearance;
4. The absence of unity and coherence in composition not in consonance with the dignity and character of the present structure in the case of repair; or
5. Construction of or remodeling or enlargement of an existing building in a manner not consistent with the prevailing character of the neighborhood.

F. Report to Building Official

Upon approval of the plans, the Historic District Review Board shall forthwith transmit a report to the Building Official stating the basis upon which such approval was made and cause a Certificate of Appropriateness to be issued to the applicant. If the Board shall fail to take action upon any case within 45 days after the receipt of application for permit, the application shall be deemed to be approved, except where written agreement has been made for an extension of the time limit.

G. Issuance of Certificate of Appropriateness

When a Certificate of Appropriateness and Building Permit have been issued, the Building Official shall, from time to time, inspect the alteration or construction approved by such certificate and shall report such inspection to the Board listing all

work inspected and reporting any work not in accordance with such certificate or violating any ordinances of the City.

H. Denials of Certificate of Appropriateness

Upon disapproval of the plans, the Board shall state its reasons for doing so and transmit a record of such action and reasons therefore in writing to the applicant. In addition to stating the reasons for denial, the Board may also make general or specific recommendations in order for the application to be approved. The applicant may then make modifications to the plans and resubmit the application. Reconsideration of an application for demolition which has been denied by the Historic District Review Board may not be heard until 12 months from the date of the original public hearing, unless a major change has occurred in the property condition attributable to vandalism or natural causes, such as fire or weather.

I. Appeal

A person having substantial interest may make an appeal from a Historic District Review Board decision to the Circuit Court of Beaufort County within 30 days after the decision of the Board is postmarked.

3.21 Historic District Designation

A. Standards for Local Designation

1. A structure, group of structures, site or district may be designated for the purpose of historic preservation if it demonstrates at least one of the following:

   a. Historic, Cultural Importance

   (1) Has significant character, interest, or value as part of the development, or heritage of the community;

   (2) Is the site of an historic event with a significant effect upon society; or

   (3) Exemplifies the cultural, political, economic, social or historic heritage of the community.

   b. Architectural or Engineering Importance

   (1) Portrays the environment in an era of history characterized by a distinctive architectural style;

   (2) Embodies those distinguishing characteristics of an architectural type or engineering specimen;

   (3) Is the work of a designer whose individual work has significantly influenced the development of Beaufort; or

   (4) Contains elements of design, detail, materials, or craftsmanship which represent significant innovation.

   c. Geographical Importance

   (1) By being part of or related to a square, park or other distinctive area, should be developed or preserved according to a plan based on an historic, cultural or architectural motif; or

   (2) Owing to its unique location or singular physical characteristic, represents an established and familiar feature of the neighborhood, community or City.

   d. Archeological Importance

   (1) Has yielded or may be likely to yield information important in pre-history or history.

2. An area may be designated as a Beaufort Conservation Neighborhood where it meets one or more of the above criteria and where the following two additional criteria are met:

   a. There are a sizable number of properties in the subject area which are not considered to contribute to the architectural or historical significance of the area; and

   b. The cultural values or financial resources of a significant number of property owners in the subject area as reasonably considered by Beaufort City Council are such that the flexible standards of the Beaufort Conservation Neighborhood are appropriate.

3. Individual structures, sites, and properties located within a Beaufort Conservation Neighborhood may be designated as notable properties to be subject to Beaufort Historic District standards, guidelines and procedures

rather than Beaufort Conservation Neighborhood standards, guidelines and procedures at such time as standards, guidelines, and procedures may be established for the Beaufort Conservation Neighborhood which are different from those in effect for the remainder of the historic district. Beaufort City Council may designate structures, sites, and properties as notable properties where it reasonably determines that those structures, sites, or properties embody a particularly high degree of significance in accordance with the criteria listed in this section.

B. Designation Process

Based upon the criteria set forth in this section, the Board shall review such proposed designations and then it shall make a subsequent recommendation regarding the designation to the City Council for final action on a rezoning in accordance with the procedure in Section 3.14.

3.22 Traffic Impact Analysis

A. Traffic Access Management

All development, as defined in Section 1.6, shall have an Access Analysis undertaken by the Administrator. This analysis shall be undertaken to ensure that access to all proposed developments and subdivisions is accomplished in a safe manner. This analysis will identify any access improvements the applicant must install at his expense such as deceleration lanes and shall identify the location of any curb cuts based on, but not limited to sight distances, existing roadway infrastructure, opposing driveways locations and shared access. Additionally this analysis will address requirements for adequate driveway design including but not limited to turning radius and stacking distance. The standards in the South Carolina Department of Transportation's Access and Roadside Management Standards Manual shall serve as a guide for this review. The access requirements approved by the Administrator shall be incorporated on development or subdivision plans prior to their approval. If an applicant is required to provide site-related traffic improvements, the cost of implementing such improvements shall be borne by the applicant and no such costs shall be eligible for a credit or offset from any transportation impact fees.

B. Traffic Impact Analysis Required

1. Except as outlined below, a Traffic Impact Analysis (TIA) shall be required for any development that would generate more than 50 trips during the peak hour of the adjacent street. A second phase, second subdivision, or addition that takes a property over the trip limitation when taken as a whole shall also require a TIA even though that development does not qualify on its own. The Technical Review Committee (TRC) shall determine whether a TIA is complete. Thorough and complete TIA's are the responsibility of the applicant. Failure by the applicant to provide a complete TIA may result in review delays for their plat or plan. A use shall not be changed to use permitted in the district without conducting a new TIA, if required.

2. Development on lots included in the Boundary Street Master Plan, adopted on August 28, 2006 and lots in the downtown redevelopment area defined in this UDO as the area bounded by Calhoun Street, Carteret Street, Bay Street, and Ribaut Road, and lots zoned Industrial Park District, shall not be subject to the requirements of this section.

C. Traffic Impact Analysis Plan Preparation

1. The TIA shall be conducted by an engineer registered in South Carolina that is experienced in the conduct of traffic analysis, and approved by the TRC.

2. Prior to beginning the traffic impact analysis plan, the applicant shall supply the city with the following:

a. A written narrative describing the proposed land use(s), size and projected opening date of the project and all subsequent phases;

b. A site location map showing surrounding development within a one-half mile of the property under development consideration; and

c. A proposed site plan or preliminary subdivision plat illustrating access to public or private roads and connectivity to other contiguous developments.

3. The TRC will rely upon the most current edition ITE trip generation manual or any alternative acceptable to the engineering department, and available information on land use, travel patterns and traffic conditions, and after consulting with the SCDOT will supply in writing to the applicant and/or his engineer the parameters to be followed in the study including the directional split of driveway traffic, trip distribution, background traffic growth rate, previously approved but not completed projects and the intersections to be analyzed along with any associated turning movement counts which are available or discussed and approved by the TRC.

D. Plan Contents

1. All phases of a development are subject to review, and all traffic plans for the entire development shall be integrated with the overall traffic analysis. A traffic impact analysis plan for a specific phase of development shall be applicable to the phase of development under immediate review. However, each phase of development shall expand and provide detailed analysis at the development plan stage beyond the estimates provided for at the concept plan or master plan stage.

2. The adequacy of the roads to which the development takes access shall be assessed in the TIA. Recommendations for improvements shall be made. The relative share of the capacity created shall be broken down as follows: development share, other developments share, any existing over capacity, and capacity available for future growth.

3. Residential development, residential care facilities, hospitals, hotels and resort-oriented developments shall submit an emergency evacuation analysis (EEA), as part of the TIA. The EEA shall indicate how the proposed development utilizes the county's prescribed evacuation routes, as shown in the Beaufort County Comprehensive Plan. The transportation planner or traffic engineer preparing the report shall indicate the effect of the proposed development upon existing evacuation times for that portion of the county. The EEA shall be reviewed by the Beaufort County director of emergency management prior to submittal as part of the TIA.

4. The following elements shall be included in a traffic impact analysis plan:

a. A site plan or subdivision plat identifying accesses to and from existing or proposed streets and intersections.

b. Description of the proposed development, including the type of proposed land use, the number of residential units by type, the number of existing and proposed lots, the type of proposed nonresidential development and the amount of such development measured by gross floor area or other appropriate unit of measurement, the general size and type of accessory development or facilities, and, for nonresidential development, adequate information to identify the appropriate land use category for trip generation.

c. Projected vehicular trips to and from the completed development during a.m. and p.m. peak hour. Trip rates shall be taken from ITE manual, provided, however an applicant may elect to perform, at his own expense, a trip generation study which may be submitted as part of the traffic impact analysis plan. Such trip generation study shall be subject to the review and verification of the TRC and traffic engineer. For proposed uses not specifically listed in the ITE manual, and for which a trip generation study has not been performed, the county engineer, in consultation with the traffic engineer, shall determine the most appropriate trip generation rate. The TRC shall make the determination of the appropriate trip generation rate, from whatever the source. The percentage of pass-by trips, if used in the plan, shall be included, as well as the source of this information.

d. A written narrative setting forth the assumptions upon which any projection, made in developing the traffic impact analysis plan, shall be included in the analysis. If the assumptions are derived from the ITE manual, the materials shall be referenced and properly cited. If the assumptions are not from the ITE manual, appropriate excerpts from other reliable transportation planning resources shall be included in the study and reasons underlying the assumptions shall be stated in the narrative.

e. The TIA shall review access to the site. The adequacy of the entrance design shall be evaluated and recommendations made of acceleration and deceleration lanes, left turn lanes, or signalizations shall be part of the TIA.

f. The TIA shall review the number and types of curb cuts that are permitted. In particular, the TIA shall assess the connection of the property to adjoining properties. Where the use, scale of development, or size of adjoining properties is such that trips would be anticipated between the proposed use and the other properties the TIA shall make recommendation on interconnections. The TIA shall recommend interconnections to provide a smooth flow of traffic between uses along arterials and collector roads to ensure that as much traffic as possible uses secondary roads rather than major roads for short trips.

g. The traffic impact analysis shall be based on intersection analysis

procedures for signalized intersections as identified in the most current edition transportation research board's highway capacity manual and/or the last update that analyses and emulates these procedures by means of computer software if available. The results of any required analysis/computer analysis shall, at a minimum, indicate compliance or variance from the traffic goals in Section 3.21.J

h. The intersections that must be analyzed in the study are identified to be as follows:

(1) Any intersection that serves as a development's point of access. This will include intersections of public and/or private roads with major arterials, and driveways offering direct access.

(2) The first major intersection as identified by the county traffic engineer on both side of the development's point of access.

(3) Other intersections on major arterials if development generates more than 50 a.m. or p.m. peak hour trips to that intersection or when in the opinion of the TRC there is a potential for a significant impact to the intersection's level of service from site related traffic, or intersection demand critical.

(4) Unsignalized intersections and access drives shall be considered if development impacts are anticipated. The plan must include the results of an analysis of the operating conditions of critical intersections and/or all intersections identified in the concept plan. The analysis shall reflect the projected condition of these intersections and movements, based on the scheduled opening date of the development. Other phases of the development if they can be reasonably determined shall be considered as well.

E. Mitigation Plan Required

If the initial analysis indicates that the city's adopted traffic service level goals will be exceeded, a mitigation plan must be prepared based on additional analysis. The mitigation plan must show how the county's service level goals are addressed as mitigated. Applicants will be responsible to mitigate the traffic impacts at any intersection effected by a proposed development.

1. If a traffic signal is recommended, the analysis shall provide information that does the following:

a. Clearly indicates the need for a traffic signal.

b. Assesses the ability of other existing or planned or proposed public roads to accommodate the new traffic at a location other than the main highway in the vicinity of the proposed development.

c. Describes in detail how a specific development will affect the study area transportation system.

d. Provides documentation of appropriate South Carolina Manual of Uniform Traffic Control Devices (SCMUTCD) signal warrant satisfaction.

e. Gives design geometry of the private road that is consistent with that of public road intersections including curbs, appropriate lane widths, pavement markings and vertical alignment. Other roadway factors to be considered include, but are not limited to, speed, type of highway, grades, sight distance, existing level of service, conflicting accesses, and the effect of future traffic signal systems.

f. Provides an approach throat length for the road to guarantee the movement of vehicles entering the site will not be impeded by on site conditions, and insure that all signal spacing requirements are adequately met.

2. A traffic signal progression analysis is required if the proposed location is closer than the SCDOT standards given the presence of existing signals or the possible existence of future signals proposed as part of a highway signal system.

3. The desirable spacing of signalized intersections on principal arterials is the SCDOT, county, or city standards. The TRC may recommend to SCDOT the installation of a traffic signal at locations where using SCDOT standards, spacing is inappropriate due to: topography, existing or proposed road layout; documented accident history; unique physical constraints; existing or proposed land use patterns; or requirements to achieve specific objectives for highway segment designations as shown in any locally adopted land use or transportation plan or approved city or county transportation plan or approved transportation policy.

4. Signal spacing concerns may be ameliorated in the following ways:

a. A proposed private road that may otherwise be considered for the installation of a traffic signal may be replaced by an onsite route or a frontage road that directs traffic to or from a nearby public road;

b. A private road that is being considered for traffic signal installation may be required to connect to the existing or planned local road system to allow uses of surrounding properties;

c. An existing or proposed intersection may be relocated; or

d. A shared private road may be required to serve the needs of the multiple properties.

5. A traffic signal progression analysis for all new, revised or planned traffic signal systems on state highways shall be performed using methods, models, computer software, data sources, roadway segment length, and assumptions approved by the TRC. The roadway segment, analyzed to the extent possible, shall include all

traffic signals in the existing or future traffic signal system. The progression analysis shall:

a. Demonstrate acceptable existing and future traffic signal systems operation that may include the morning peak, evening peak, midday period, and other appropriate time period during any day of the week adjusted for peak season, for cycle lengths and travel speeds approved by the TRC;

b. Provide for a progressed traffic band speed no more than five mph (eight km/h) below the existing posted speed for both directions of travel during the off-peak periods, nor more than ten mph (16km/h) below the existing posted speed during peak periods. Approval by the TRC is required where speeds deviate more than the above;

c. Demonstrate sufficient vehicle storage is available at all locations within the traffic signal system without encroaching on the functional boundaries of adjacent lanes and signalized intersections. The functional boundary of an intersection shall be determined in discussion with the TRC based on existing or projected conditions;

d. Provide a common cycle length with adequate pedestrian crossing times at all signalized intersections; and

e. Provide a progression bandwidth as large as that required, or as presently existing, for through traffic on the federal or state highway at the most critical intersection within the roadway segment. The most critical intersection is the intersection carrying the highest through volume per lane on the federal or state highway.

6. The traffic signal progression analysis shall be supplemented by a traffic engineering report that also considers highway capacity and safety of the roadway segment under consideration. Traffic volumes, intersection geometry and lane balance considered at all locations shall be appropriate for the present and future conditions. Present and future conditions are usually considered to include the year of completion, and five years into the future.

7. A clear and concise summary of recommended improvements that can serve as an executive summary is required.

F. Traffic Impact Analysis Plan Review

The TRC shall review all traffic impact analysis plans as part of the initial approval for the concept plan or master plan. Final traffic impact analysis plans shall be approved at the development plan phase.

G. Application

A traffic impact analysis plan shall be submitted to the TRC. Coordination with other entities in the county government or South Carolina Department of Transportation (SCDOT) shall be the responsibility of the city.

H. Action on Traffic Impact Analysis Plan

The Technical Review Committee (TRC) must first approve the TIA in regard to completeness and accuracy. Following review of the required impact analysis plan, TRC shall recommend action as follows:

1. Approval of the traffic impact analysis as submitted;

2. Approval of the traffic impact analysis plan with conditions or modifications as part of the development review and approval process. An acceptable traffic impact analysis plan with traffic mitigation measures may include the reduction of the density or intensity of the proposed development; phasing of the proposed development to coincide with state and/or county-programmed transportation improvements; applicant provided transportation improvements; fees in lieu of construction, or any other reasonable measures to insure that the adopted traffic service level goals are met. If mitigation is required, it shall be required as a condition of any approval from the City.

I. Timing of implementation

If a traffic mitigation program is part of an approved traffic impact analysis plan, the developer may be required to place a performance bond on all traffic mitigation improvements required as a result of his project. This requirement may arise if the timing of the improvements needs to be synchronized with other scheduled improvements anticipated for the area.

J. Responsibility for costs of improvements

The costs of implementation of an approved mitigation program shall be the responsibility of the applicant. No certificates of zoning compliance or building permits shall be issued unless provisions of the transportation impact analysis are met.

K. Traffic goals

The average stop time delay in seconds per vehicle for each intersection determined to be critical to the traffic impact analysis for the proposed development shall be compared to the City's adopted traffic service level goal of "D" for the average delay for all vehicles at any signalized intersection during the a.m. and p.m. peak hours.

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Article 4. Zoning Districts

4.1 Establishment of Districts

For the purpose of this UDO, portions of the City as specified on the Official Zoning Map of the City are hereby divided into the following zoning districts:

BASE ZONING DISTRICTS	
Residential Zoning Districts	
TR	Transitional Residential
RE	Residential Estate
R-1	Low Density Single-Family Residential
R-2	Medium Density Single-Family Residential
R-3	Medium-High Density Single-Family Residential
R-4	High Density Single-Family Residential
GR	General Residential
TBR	Traditional Beaufort Residential
MHP	Manufactured Home Park
Commercial Zoning Districts	
NC	Neighborhood Commercial
OC	Office Commercial
CC	Core Commercial
GC	General Commercial
HC	Highway Commercial
Industrial Zoning Districts	
LI	Limited Industrial
IP	Industrial Park
Special Purpose Zoning Districts	
CP	Conservation Preservation
MED	Medical
PUD	Planned Unit Development
MR	Military Reservation
OVERLAY ZONING DISTRICTS	
AICUZ	Air Installation Compatibility Use Zone
-D	Development Design
-H	Historic

4.2 Official Zoning Map

A. The boundaries of the above zoning districts are a map or series of maps entitled "Official Zoning Map, City of Beaufort" which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this UDO. Special purpose zoning districts intended to serve as floating districts are not established on the zoning map until a specific district is proposed and approved by the City.

B. Each map bearing the designation "Official Zoning Map, City of Beaufort" shall be identified by the signature of the Administrator, and bearing the seal of the City under the words: "Official Zoning Map, City of Beaufort, South Carolina," together with the date of the adoption of the map.

C. If, in accordance with the provisions of this UDO and Section 6-29-710 of the Code of Laws of South Carolina, 1976, as amended, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly.

D. No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this UDO and punishable as provided by law.

E. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the Department of Planning and Development Services, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

4.3 Rules for Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the centerlines or right-of-way lines of streets, highways, alleys, railways or public utility easements shall be construed to follow such lines;

B. Boundaries indicated as approximately following plotted lot or tract lines shall be construed as following such lines, whether public or private;

C. Boundaries indicated as approximately following the City limit line shall be construed to follow such City limit line;

D. Boundaries indicated as approximately following the center, mean high water mark, or shoreline of streams, rivers, canals, lakes, marsh areas, or other bodies of water, lowland, or tide areas, shall be construed to follow such boundaries;

E. Distances not specifically indicated on the Official Zoning Map, or in other circumstances not covered by Sections A through D above, the Zoning Board of Appeals shall interpret the district boundaries.

4.4 Adjustments to City Limits

Where City limit boundaries change by virtue of annexation or some other means, the following provisions shall apply:

A. Areas to be annexed into the incorporated limits of Beaufort shall be assigned zoning classifications by the City Council.

B. In all cases, where additions in the City's total area require adjustments in the zoning district boundaries, the adjustment shall be made on the Official Zoning Map.

C. When reductions are made in the City's total incorporated area the provisions of this UDO shall no longer apply to that area.

4.5 Residential Districts

A. TR Transitional Residential District

The TR Transitional Residential zoning district is intended to establish and maintain quiet, livable residential areas in conjunction with traditional agricultural, forestry, and open space uses in a low density setting. The district will also be used as an interim zoning classification for lands where development is not appropriate in the near term because of infrastructure or other constraints. The regulations are designed to discourage any encroachment by commercial, industrial or other uses capable of adversely affecting the current open space character of the district.

B. RE Residential Estate District

The RE zoning district is intended to be developed and reserved for rural density single-family purposes. The regulations that apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for single-family dwellings situated on lots of 21,780 square feet or more, and to discourage any encroachment by commercial, industrial or other uses capable of adversely affecting the residential character of the district. This district is expressly intended to serve as a transition from the County's Rural and Rural Residential districts as they are annexed into the City.

C. R-1 Low Density Single-Family Residential District

The R-1 zoning district is intended to be developed and reserved for low-density single-family residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for single-family dwellings situated on lots of 12,500 square feet or more, and to discourage any encroachment by commercial, industrial or other uses capable of adversely affecting the residential character of the district.

D. R-2 Medium Density Single-Family Residential District

The R-2 zoning district is intended to be developed and reserved for medium-density single-family residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable healthy environment for single-family dwellings situated on lots of 9,000 square feet or more; and to discourage any encroachment by commercial, industrial or other use capable of adversely affecting the residential character of the district.

E. R-3 Medium-High Density Single-Family Residential District

The R-3 zoning district is intended to be developed and reserved for medium-density single-family residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for single-family dwellings situated on lots of 6,000 square feet or more; and to discourage any encroachment by commercial, industrial or other use capable of adversely affecting the residential character of the district.

F. R-4 High Density Single-Family Residential District

The R-4 zoning district is intended to be developed and reserved for high-density single-family residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for single-family dwellings situated on lots of 4,000 square feet or more;

and to discourage any encroachment by commercial, industrial or other use capable of adversely affecting the residential character of the district.

G. GR General Residential District

The GR zoning district is intended to be developed and reserved for medium-to-high density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for several different types of dwellings situated on lots of 6,000 or more square feet, and to discourage unwarranted encroachment of commercial, industrial or other uses capable of adversely affecting the residential character of the district.

H. TBR Traditional Beaufort Residential District

The Traditional Beaufort residential district is intended to be reserved for low-density residential purposes, compatible with the recognition of the area as a part of the Historic District included in the National Register of Historic Places. The regulations which apply within this district are designed to encourage the restoration and preservation of historic buildings, to regulate further development to dwellings that may be varied in design, but relate to and are compatible with the specific area, street or block in which situated and to avoid unwarranted encroachment of commercial or other uses affecting the historic character of the district.

I. MHP Manufactured Home District

The MHP Manufactured Home zoning district is intended to provide a sound and healthy residential environment sufficient to meet the unique 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. Any manufactured home park within the City shall henceforth be located in conformance with the regulations set forth herein.

4.6 Commercial Districts

A. NC Neighborhood Commercial District

The NC Neighborhood Commercial zoning district is intended to be developed and reserved for limited scale local or neighborhood-oriented business purposes which is compatible with the neighborhood it serves. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy and compatible environment for uses that are located so as to provide nearby residential areas with convenient shopping and service facilities; reduce traffic and parking congestion; avoid the development of "strip" business districts and to discourage industrial and other encroachment capable of adversely affecting the localized commercial character of the district. No drive-through or other auto-oriented facilities area appropriate in this district.

B. OC Office Commercial District

The OC Office Commercial zoning district is intended to develop and reserve land for business office, institutional, specified public, semi-public and residential purposes. The district is also intended to provide a transition between residential and more intense uses, including commercial uses. The regulations which apply within this district are designed to encourage the formation and continuance of a quiet, compatible and uncongested environment for office type business or professional

firms intermingled with dwellings and certain public or semipublic uses; and to discourage any encroachment by unrestricted retail and/or wholesale business establishments, industrial concerns or other uses capable of adversely affecting the specialized commercial, institutional and housing character of the district.

C. CC Core Commercial District

The CC Core Commercial zoning district is intended to be developed and reserved for general business and specific residential purposes. The regulations which apply within this district are designed to encourage the maintenance of a centrally located trade and commercial area and to foster the development of certain residential uses.

D. GC General Commercial District

The GC General Commercial zoning district is intended to be developed and reserved for general business purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible and economically healthy environment for business, financial, service and professional uses which benefit from being located in close proximity to each other; and to discourage any encroachment by industrial, residential or other uses considered capable of adversely affecting the basic commercial character of the district.

E. HC Highway Commercial District

The HC Highway Commercial zoning district is intended to be developed and reserved for general business purposes and with particular consideration for the automobile-oriented commercial development existing or proposed along the City's roadways. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible and economically healthy environment for business, financial, service and professional uses which benefit from being located in close proximity to each other; and to discourage any encroachment by industrial, residential or other uses considered capable of adversely affecting the basic commercial character of the district.

4.7 Industrial Districts

A. LI Limited Industrial District

The LI Limited Industrial zoning district is intended to provide areas for Light Industrial purposes which are not significantly objectionable in terms of noise, odor, fumes, etc., to surrounding properties. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible environment for uses generally classified to be Light Industrial in nature; protect and reserve undeveloped areas in the City which are suitable for such industries and discourage encroachment by those residential, commercial or other uses capable of adversely affecting the basic industrial character of the district.

B. Industrial Park

The Industrial Park District is a planned district intended to accommodate the location of industrial, manufacturing, or large-scale utility operations that, by their nature are not properly associated with, nor compatible with, residential, commercial, and service establishments.

4.8 Special Purpose Districts

A. CP Conservation Preservation District

The CP Conservation Preservation zoning district is intended to be established and maintained to preserve and/or control development within certain land, marsh and/or water areas of the City which (1) serve as wildlife refuges; (2) possess great natural beauty or are of historical significance; (3) are utilized for outdoor recreational purposes; (4) provide needed open space for the health and general welfare of the City's inhabitants; or (5) are subject to periodic flooding. The regulations which apply within this district are designed to reserve such areas for the purposes outlined herein and to discourage any encroachment by residential, commercial, industrial or other uses capable of adversely affecting the relatively undeveloped character of the district.

B. MED Medical District

The MED Medical District is intended to ensure that, in view of the unique nature of hospitals, their land need, and their effect on surrounding properties:

1. Specific areas be set aside to permit hospital and allied services;
2. Such areas be protected against encroachment from non-related and incompatible uses;
3. Provisions be made for the possible expansion of hospitals and allied services; and
4. To the greatest extent possible, surrounding land uses and properties be stabilized against any possible detrimental effects that might be created by the proximity of the hospital and allied services.

C. PUD Planned Unit Development District

The PUD zoning district is intended to be reserved for the establishment and continuance of shopping centers, group housing projects, planned industrial developments, medical centers, resort areas and similar types of large-scale compatible use developments. The regulations which apply within this district are designed to encourage the formation of such planned developments when and as appropriate and to permit the greatest latitude possible with respect to:

1. Internal site planning considerations.
2. The location of these developments within the incorporated portions of the City in the best interest of the long-range development plans for the City.

D. MR Military Reservation District

The MR Military Reservation zoning district is intended to be developed and reserved for military facilities and their supporting uses including residential areas housing military personnel and their families. This district shall include all land owned by the United States government and used or anticipated to be used for military and military-related purposes. The regulations are designed to support and protect federal military facilities including the Marine Corps Air Station Beaufort.

4.9 Overlay Districts

A. Air Installation Compatibility Use Zone (AICUZ)

The purpose of the Air Installation Compatible Use Zone (AICUZ) is to provide for the compatible development of land surrounding and affected by operations of the Marine

Corps Air Station (MCAS) Beaufort. This section is designed to establish limitations on the height of objects and uses of land to prevent the creation of obstructions hazardous to aeronautical operations or which could increase the risk to the public's health, safety or well-being in the event of an aviation accident of which would otherwise impair the full utility and operating capacity of MCAS Beaufort. This section creates specific zones for three separate purposes: (1) providing height restrictions confirming to varying obstruction standards; (2) providing land use limitations and noise mitigation standards to reduce the impact airport operations have on land uses; and (3) providing land use limitations based on increased risk of injury, hazard to health or property damage in the event of an aircraft accident.

B. Beaufort County Airport Overlay

It is the intent of this section to promote the health, safety and general welfare of the inhabitants of the area by preventing the creation, establishment or maintenance of hazards to aircrafts, preventing the destruction or impairment of the utility of the Beaufort County Airport [the Airport] and the public investment therein, and protecting the lives and properties of owners or occupants of lands in the vicinity of the Airport as well as the users of the Airport. It is further the intent of this section to aid and implement the overriding federal interest in the safe operation of the Airport and the security of land surrounding the Airport. The Airport Overlay District shall overlay other zoning classifications that shall be referred to as base zoning. The District includes all lands within established airport height zones affected by operations at the Beaufort County Airport. In addition to the zoning district regulations set forth in the base zoning district, the provisions of this section as they apply to a parcel of land shall also apply.

C. Development Design Districts

1. The purpose of establishing this Development Design District is to protect and promote the appearance, character and economic value of development in the City of Beaufort, particularly development adjacent to major roads as defined herein. In particular, the purpose of the Development Design District is to encourage and better articulate positive visual experiences along the City's major roads and to assure respect for the character, integrity and quality of the built and natural environments of the City. These regulations are designed to enhance the quality of development and to promote traffic and pedestrian safety. The intent of these regulations is not to stifle innovative or creative development; rather, the intent is to protect and enhance the City's unique aesthetic character and encourage development which is harmonious with the natural and man-made assets of the Lowcountry.
2. These purposes will be achieved through evaluation of proposed developments within this district by the Design Review Board as established in Section 2.8 of this UDO, which shall review the location, character and appearance of new development. It is the purpose of such review to determine, in a cooperative fashion with the applicant, whether the proposed plan meets the guidelines and other standards of this district.

3. Delineation of Districts

Development Design Districts are defined as follows:

a. U.S. Highway 21 District

The area between the right-of-way and a line measured 500 feet perpendicular to the right-of-way running parallel to the right-of-way on both sides of U.S. Highway 21 from the Beaufort city limits east to the west side of Ribaut Road on the south and to the west side of Sycamore Street on the north.

b. S.C. Highway 170 District

The area between the right-of-way and a line measured 500 feet perpendicular to the right-of-way running parallel to the right-of-way on both sides of S.C. Highway 170 from the Beaufort city limits northeast to U.S. Highway 21.

c. Ribaut Road District

The area between the right-of-way and a line measured 300 feet perpendicular to the right-of-way running parallel to the right-of-way on both sides of Ribaut Road from the Beaufort city limits north to U.S. Highway 21 not including any parcels included in the U.S. Highway 21 or Boundary Street District.

d. Boundary Street District

The area between the right-of-way and a line measured 300 feet perpendicular to the right-of-way running parallel to the right-of-way on both sides of Boundary Street from the east side of Ribaut Road on the south and from the east side of Sycamore Street on the north, east to Carteret Street.

e. Lady's Island Village Center District

The area between the right-of-way and a line measured 300 feet perpendicular to the right-of-way running parallel to the right-of-way on both sides of U.S. Highway 21 Business (Sea Island Parkway) from the Woods Memorial Bridge to Cougar Drive at Lady's Island Middle School.

f. Lady's Island Drive District

The area between the right-of-way and a line measured 500 feet perpendicular to the right-of-way running parallel to the right-of-way on both sides of S.C. Highway 802 from the McTeer Bridge to U.S. Highway 21 Business (Sea Island Parkway), except for those parcels which are located in the "Lady's Island Village Center District" as defined in this section.

g. S. C. Highway 280 District

The area between the right-of-way and a line measured 500 feet perpendicular to the right-of-way running parallel to the right-of-way on both sides of S.C. Highway 280.

h. Broad River Boulevard District

The area between the right-of-way and a line measured 300 feet perpendicular to the right-of-way running parallel to the right-of-way on both sides of Broad River Boulevard.

i. Area-wide Commercial District

Any lot zoned for commercial, office or multifamily development which is not located in the Historic District or a Design District as defined in this

section and any lot zoned Limited Industrial which has frontage on a Major or Minor Arterial Street.

j. Sam's Point Road District

The area between the right-of-way and a line measured 300 feet perpendicular to the right-of-way running parallel to the right-of-way on both sides of Sam's Point Road, except for those parcels which are located in the "Lady's Island Village Center District" as defined in this section.

D. Beaufort Historic District

1. Purpose

The purpose of the Beaufort Historic District is to promote the educational, cultural, and general welfare of the public through the preservation, protection and enhancement of the old, historic or architecturally worthy structures and areas of the City; and to maintain such structures and areas as visible reminders of the history and cultural heritage of the City, the state and the nation. The Historic District is a pedestrian-oriented area. In general, no drive-through or other auto-oriented facilities are appropriate in this district.

2. Beaufort Historic District Designated

For the purpose of this section, the Beaufort Historic District is hereby established. The boundaries of this district shall be designated on the Official Zoning Map of the City of Beaufort. The boundaries of the Beaufort Historic District and the Beaufort National Historic Landmark District are the same with the following clarifications/exceptions:

a. Where boundaries are designated at specific roads, the centerlines of the rights-of-way of those roads shall be deemed said boundaries;

b. The east and south boundaries of the district are established at the Beaufort River. These boundaries are established at the parcel lines, seawalls, or at mean high water, whichever extends further from the high ground; and

c. Structures attached to the high ground are deemed to lie within the district and shall be reviewed in entirety in accordance with the provisions of this section.

3. Subdistricts Established

a. The Beaufort Historic District shall be composed of two subdistricts identified as the Beaufort Preservation Neighborhood (BPN) and the Beaufort Conservation Neighborhood (BCN). There may be established one or more of each subdistrict within the Beaufort Historic District, provided that all such districts shall consist of at least five acres of contiguous land. The boundaries of these subdistricts shall be designated on the Official Zoning Map of the City of Beaufort.

b. Where the term "Beaufort Historic District" (or a similar reference such as "historic district") is used in this article or in any supplementary materials it shall apply to both subdistricts. However, where there is a specific reference to a subdistrict, that specific reference shall apply and supersede any reference to the "Beaufort Historic District".

4. Neighborhoods Established

a. The Point Neighborhood

The Point Neighborhood is bordered on the north by the Beaufort River, on the south by the Beaufort River, on the east by the Beaufort River, and on the west by Carteret Street.

b. The Old Commons Neighborhood

The Old Commons Neighborhood is bordered on the north by Boundary Street, on the south by Craven Street, on the east by Carteret Street, and on the west by Charles Street.

Article 5. Use Regulations

5.1 Use Tables

A. Types of Use

All of the Use Categories listed in the Use Table are defined and described in the sections immediately following the Table.

1. Uses Permitted By Right

A "P" indicates that a use is allowed by right in the respective district. Such uses are subject to all other applicable regulations of this UDO.

2. Conditional Use

A "C" indicates a use that is allowed conditionally, provided that it meets the additional listed standards contained in Section 5.3, Specific Use Standards. Conditional uses are subject to all other applicable regulations of this UDO.

3. Special Exception

An "S" indicates that a use is allowed only if reviewed and approved as a Special Exception, provided that it meets the listed standards contained in Section 5.3, Specific Use Standards. Special exceptions are subject to all other applicable regulations of this UDO.

4. Existing Building

An "E" indicates a use category that is allowed only in existing buildings, provided that it meets the additional listed standards contained in Section 5.3.

B. Uses Not Allowed

A blank cell in the Use Table indicates that a Use Category is not allowed in the respective district.

C. Uses Not Listed

The Administrator shall determine whether or not an unlisted use is part of an existing Use Category or is substantially similar to an already defined use, using the criteria in Section 5.2, Use Categories.

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		Residential								Nonresidential						Special Purpose		
Use Category	**Specific Use**	**TR**	**RE**	**R-1**	**R-2**	**R-3, R-4**	**GR**	**TBR**	**MHP**	**NC**	**OC**	**CC**	**GC**	**HC**	**LI**	**MED**	**CP**	**IP**
P = Permitted By Right E= In Existing Building Only C = Conditional Use S= Special Exception Use																		
RESIDENTIAL (See Section 5.2D)																		
Household Living	Single-Family, Detached	P	P	P	P	P	P	P		C	C	E	E	E	E	E		
	Zero Lot Line				C	C	C			C	C							
	Village House				C	C	C			C	C							
	Cluster Development	C	C	C	C	C	C			C	C							
	Two-Family Dwelling						P	P		C	C	E						
	Three-Family Dwelling						P	P		C	C	P	P	P				
	Townhouse Dwelling						P			P	C							
	Residential, Upper Story									P	P	P	P	P				
	Manufactured Housing Park or Subdivision								P									
	Multifamily Dwelling						P			P	P	P	P	P				
	Live-Aboard Boat																C	
	Accessory Dwelling	C	C	C	C	C	C	C		C	C							
	Home Occupation 1	P	P	P	P	P	P	P		P	P	P						
	Home Occupation 2	P	S	S	S	S	S	S		P	P	P						
	Group Dwelling						S			P		P	P	P				
PUBLIC, CIVIC, INSTITUTIONAL (See Section 5.2E)																		
Community Service		S		S	S	S	S	S		P	P	P	P	P	S		P	
Daycare								C		P	P		P	P		P		
Educational Facilities	College/University										P		P	P				
	School, Public/Private		C	C	C	C	C	C		P	C		P	P				
	School, Trade/Vocational										C		P	P	P			
Government Facilities										P	P	P	P	P	P	P		P

		Residential								Nonresidential						Special Purpose		
Use Category	**Specific Use**	**TR**	**RE**	**R-1**	**R-2**	**R-3, R-4**	**GR**	**TBR**	**MHP**	**NC**	**OC**	**CC**	**GC**	**HC**	**LI**	**MED**	**CP**	**IP**
Health Care Facilities											P		P	P		P		
Institutions											S		P	P				
Parks and Open Space	Cemetery													C			C	
	Park, Community/Neighborhood	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Open Space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Passenger Terminals													P	P	P			P
Religious Institution		C	C	C	C	C	C	C		P	P	P	P	P			E	
Utilities	Major Utility													S	P			P
	Minor Utility		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Public Utility Substation		C	C	C	C	C	C		C	C	C	C	C	C	C	C	P
COMMERCIAL (see Section 5.2F)																		
Eating Establishments	Restaurant, w/ Drive-thru													C				
	Restaurant, w/o Drive-thru									C	C	P	P	C		P		
	Restaurant, w/o Seating									C		P	P	P				
	Restaurant, w/outdoor cooking									S		S	S					
	Restaurant, Drive-in													S				
Entertainment	Indoor Entertainment	C	C	C	C	C	C			C		P	P	P	S			
	Outdoor Entertainment	C	C	C	C	C	C							S				
	Sexually-Oriented Business														C			
Office	Medical Office/Clinic									C	P	P	P	P		P		
	Other Offices									C	P	P	P	P	P	P		P

		Residential								Nonresidential						Special Purpose		
Use Category	**Specific Use**	**TR**	**RE**	**R-1**	**R-2**	**R-3, R-4**	**GR**	**TBR**	**MHP**	**NC**	**OC**	**CC**	**GC**	**HC**	**LI**	**MED**	**CP**	**IP**
Overnight Guest Accommodation	Bed and Breakfast						S	S		P	P	P	E					
	Inn (up to 24 units)									P	P	P	P	P				
	Motel/Hotel/Extended Stay											P	P	P				
	Housing, Short Term Rental	S	S	S	S	S	S	S		C	C	C	C	C		C		
	Recreational Vehicle Park													S				
Parking, Commercial										C	P	P	C	P	P	P		P
Retail Sales and Service	Animal Hospital/Kennel												C	C	P			
	Bakery									C		C	C	C	P			
	Banquet Facility									P	C	P	P	P				
	Body Piercing Facility														C			
	Drug Store/Pharmacy									C		C	P	P		P		
	Tattoo Facility														C			
	Other Retail Sales and Services									C		C	P	P				
Self-Service Storage	Single-Story														P			
	Multi-Story													C	P			
Vehicle Sales and Service	Vehicle Service and Repair													C	P			
	Car Wash												C	C	P			
	Fuel Sales												S	C	C			
	Vehicle Service, Limited												C	P	P			
	Boat Sales and Service												C	P				
	Other Vehicle Sales and Service													C	P			
INDUSTRIAL (See Section 5.2G)																		
Aviation Services															P			P
Light Industrial Services														S	P			P
Manufacturing and Production															C			P

		Residential								Nonresidential						Special Purpose		
Use Category	**Specific Use**	**TR**	**RE**	**R-1**	**R-2**	**R-3, R-4**	**GR**	**TBR**	**MHP**	**NC**	**OC**	**CC**	**GC**	**HC**	**LI**	**MED**	**CP**	**IP**
Truck Terminal															C			P
Warehousing														S	C			P
Waste-Related Service															S			S
Wholesale Sales														C	C			P
OTHER (See Section 5.2H)																		
Agriculture	Agriculture/Horticulture	P																
	Silviculture, Tree Farm												C	C	C			P
Water Oriented Facilities										P	P	P	P	P			P	
Telecommunication Towers														C	C			C

5.2 Use Categories

A. Basis for Classification

Use categories classify land uses and activities into categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The use categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.

B. Principal Uses

Principal uses are assigned to the category that most closely describes the nature of the principal use. The "Characteristics" subsection of each use category describes the common characteristics of each principal use.

1. Developments with Multiple Principal Uses

When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore and bakery, for example, would be classified in the Retail Sales and Service category because all of the development's principal uses are in that category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.

2. Accessory Uses

Accessory uses are allowed by-right in conjunction with a principal use unless otherwise stated in this UDO. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the use category descriptions.

3. Use of Examples

The "Examples" subsection of each use category lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself "Wholesale Warehouse" but that sells mostly to consumers, is included in the Retail Sales and Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description of the Retail Sales and Service category.

C. Similar Use Interpretation Criteria

The following considerations shall be used in making similar use interpretations:

1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;
2. The relative amount of site area or floor space and equipment devoted to the activity;
3. Relative amounts of sales from each activity;
4. The customer type for each activity;
5. The relative number of employees in each activity;
6. Hours of operation;

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

D. Residential Use Categories

1. Household Living

a. Characteristics

Household Living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis.

b. Accessory Uses

Accessory uses commonly associated with Household Living are recreational activities, raising of pets, hobbies and parking of the occupants' vehicles. Home occupations are accessory uses that are subject to additional regulations set forth in Section 5.3E.

c. Examples

Uses include living in single-family dwellings; two-family dwellings; triplexes; condominiums; townhouses; and other multi-family dwellings; residential, upper floor; accessory dwelling units; retirement center apartments; some congregate care facilities; and manufactured housing and other structures with self-contained dwelling units.

d. Exceptions

Living in a dwelling unit where units are rented on a less than monthly basis is classified in the overnight guest accommodations category.

2. Group Living

a. Characteristics

Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. The size of the group may be larger than the average size of a household. Tenancy is arranged on a monthly or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see Resort Accommodations and Community Service categories). Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment, as long as the care givers also reside at the site.

b. Accessory Uses

Accessory uses commonly associated with Group Living are recreational facilities, dining facilities and parking of vehicles for occupants and staff.

c. Examples

Examples of Group Living include group dwellings; dormitories; fraternities and sororities; nursing homes; assisted living facilities; and monasteries and convents.

d. Exceptions

(1) Lodging where tenancy may be arranged for periods of less than 30 days is classified in the Overnight Guest Accommodations category.

(2) Lodging where the residents meet the definition of Household and where tenancy is arranged on a month to month basis, or for a longer period is classified as Household Living.

(3) Congregate care facilities where individual units meet the definition of a dwelling unit in Article 11 are classified as Household Living.

E. Public, Civic and Institutional Use Categories

1. Community Service

a. Characteristics

Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide special counseling, education, or training of a public, nonprofit or charitable nature.

b. Accessory Uses

Accessory uses may include offices; meeting areas; food preparation areas; parking, health and therapy areas and athletic facilities.

c. Examples

Examples include libraries; museums; senior centers; community centers; public information facilities; visitors center; civic/business association; salvation army; youth club facilities; and hospices and social service facilities.

d. Exceptions

(1) Private lodges, clubs and private or commercial athletic or health clubs are classified as Retail Sales and Service.

(2) Parks are classified as Parks and Open Areas.

(3) Treatment centers are classified as Institutions.

(4) Uses where tenancy is arranged on a month-to-month basis or for a longer period are residential and are classified as Household or Group Living.

2. Day Care

a. Characteristics

Day Care uses provide care, protection and supervision for seven or more children or adults on a regular basis away from their primary residence for less than 24 hours per day.

b. Accessory Uses

Accessory uses include offices, recreation areas and parking.

c. Examples

Examples include preschools; child care centers; nursery schools; latch key programs; and adult day care programs.

d. Exceptions

Day Care does not include public or private schools or facilities operated in connection with an employment use, shopping center or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity. In-home care for six or fewer individuals is considered a Home Occupation (Accessory Use) and subject to the standards of Section 5.4.F.

3. Educational Facilities

a. Characteristics

This category includes public and private schools at the primary, elementary, middle, junior high or high school level that provide state-mandated basic education. This category also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. Colleges tend to be in campus-like settings or on multiple blocks.

b. Accessory Uses

Accessory uses at schools include play areas, cafeterias, temporary classroom buildings, recreational and sport facilities, auditoriums and before or after school day care. Accessory uses at colleges include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking and maintenance facilities.

c. Examples

Examples include public and private daytime schools; boarding schools; military academies; universities; colleges; community colleges; business school, trade and vocational schools; and nursing and medical schools not accessory to a hospital and seminaries.

d. Exceptions

(1) Preschools are classified as Day Care uses.

(2) Learning centers and other similar facilities that do not provide a state-mandated curriculum are classified as Retail Sales and Service.

4. Government Facilities

a. Characteristics

Government facilities include offices, storage, maintenance and other facilities for the operation of local, state or federal Government.

b. Accessory Uses

Accessory uses include storage, maintenance and fueling facilities, satellite offices and parking areas.

c. Examples

Examples include government office; government/public buildings; government/public land; jails; City Hall; maintenance facilities; fire stations, police stations and emergency medical and ambulance stations;

detention centers; lifeguard services; post offices; and Federal, State or local offices.

d. Exceptions

(1) State, County or City parks are classified as Parks and Open Space.

(2) Water and wastewater facilities, gas, electric and other infrastructure services, whether public or private, are classified as Utilities.

(3) Waste and recycling services are classified as Waste Related Services.

5. Health Care Facilities

a. Characteristics

Health Care Facilities include uses providing medical or surgical care to patients and offering overnight care.

b. Accessory Uses

Accessory Uses include out-patient clinics, offices, meeting areas, cafeterias, laundries, parking, maintenance facilities and housing facilities for staff or trainees.

c. Examples

Examples include medical centers; hospitals; health center; educational facilities; and medical laboratories and clinics.

d. Exceptions

(1) Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the Institutional category.

(2) Medical clinics that provide care where patients are generally not kept overnight are classified as Office.

6. Institutions

a. Characteristics

Institutions provide a variety of facilities, including housing and care for the elderly or disabled; and housing related to treatment programs.

b. Accessory Uses

Accessory Uses may include club houses, maintenance facilities, administrative offices for city park personnel, police substations, concessions, single-family and two-family caretaker's quarters and parking.

c. Examples

Examples include some group homes for the physically disabled, mentally retarded or emotionally disturbed; some residential programs for drug and alcohol treatment; and alternative or post incarceration facilities.

d. Exceptions

Congregate care facilities where individual units meet the definition of a dwelling unit in Article 11 are classified as Household Living.

7. Parks and Open Areas

a. Characteristics

Parks and Open Areas are uses of land focusing on natural areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens or public squares. Lands tend to have few structures.

b. Accessory Uses

Accessory Uses may include club houses, maintenance facilities, administrative offices for city park personnel, police substations, concessions, single-family and two-family caretaker's quarters, and parking.

c. Examples

Examples include parks; Shoreline Protection Areas; beach accesses; publicly-owned golf courses; public swimming pools; public tennis courts; publicly-owned ballfields and basketball courts; cemeteries; open space; public squares; plazas; recreational trails; historically significant sites and structures; botanical gardens; nature preserves; and wildlife refuge.

d. Exceptions

Privately-owned golf courses are classified as Entertainment uses.

8. Passenger Terminals

a. Characteristics

Aviation and Surface Passenger Terminals includes facilities for the landing and takeoff of airplanes and helicopters, including loading and unloading areas. Aviation facilities may be improved or unimproved. Aviation and Surface Passenger Terminals also includes passenger terminals for bus service.

b. Accessory Uses

Accessory uses include freight handling areas, concessions, offices, parking and maintenance and fueling facilities.

c. Examples

Examples include airports; bus passenger terminals; and helicopter landing facilities.

d. Exceptions

(1) Bus passenger stations for local service such as mass transit stops and park-and-ride facilities are classified as Basic Utilities.

(2) Private helicopter landing facilities that are accessory to another use, may be considered Accessory Uses subject to all the regulations and approval criteria for helicopter landing facilities.

9. Religious Institutions

a. Characteristics

Religious Institutions primarily provide meeting areas for religious activities.

b. Accessory Uses

Accessory uses include Sunday school facilities, playgrounds, day care while parents or guardians are on the premises, parking, cemeteries,

caretaker=s housing and group living facilities such as convents, health and therapy areas, and other use directly related to the mission of Religious Institutions whether or not such uses require a business license, on the condition that such uses are located in a building owned by a religious institution.

c. Examples

Examples include churches, temples, synagogues and mosques.

d. Exceptions

(1) Preschools are classified as Day Care uses.

(2) Schools are classified as Schools.

10. Utilities

a. Characteristics

Major utilities are infrastructure services providing City-wide service. Minor utilities are infrastructure services that need to be located in or near the area where the service is provided. Utility uses generally do not regularly have employees at the site. Services may be publicly or privately provided.

b. Accessory Uses

Accessory uses may include public utility parking and control, monitoring, data or transmission equipment.

c. Examples

(1) Examples of Major Utilities include above-ground public utility lines; public utility substation; water towers; waste treatment plants; and electrical substations.

(2) Examples of Minor Utilities include underground public utility lines; water and sewage pump stations; soil and water conservation; stormwater retention and detention facilities; and telephone exchanges.

d. Exceptions

(1) Maintenance yards and buildings are classified as Industrial Services.

(2) Utility offices are classified as Offices.

F. Commercial Use Categories

1. Boat Sales and Service

a. Characteristics

Boat Sales and Service uses provide direct services to boats and pleasure watercraft.

b. Accessory Uses

Accessory uses may include offices, sales of parts and vehicle storage.

c. Examples

Examples include boat dealership.

2. Eating Establishments

a. Characteristics
Establishments that sell food for on or off-premise consumption.

b. Accessory Uses
Accessory uses may include decks and patios for outdoor seating, outdoor entertainment subject to Section 9-1008 of the City of Beaufort Code of Ordinances (Noise), drive-thru facilities, customer and employee parking areas and valet parking facilities.

c. Examples
Includes restaurants with drive-thru; restaurants without drive-thru; drive-ins; fast food establishments; yogurt or ice cream shops; and pizza delivery.

d. Exceptions
Nightclubs and bars are classified as Retail Sales and Service uses.

3. Entertainment

a. Characteristics
Entertainment uses are large, generally commercial uses that provide continuous recreation or entertainment-oriented activities. They primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting.

b. Accessory Uses
Accessory uses may include restaurants, concessions, parking and maintenance facilities.

c. Examples
Examples include indoor continuous entertainment activities such as bowling alleys, game arcades, pool halls, dance halls, indoor firing ranges, or theaters; private membership clubs and lodges; health clubs and gyms; privately-owned golf courses; privately-owned marinas; miniature golf facilities; privately-owned swimming pool; privately-owned tennis facilities (indoor and outdoor); and privately-owned active sports facilities (indoor and outdoor) such as ballfields and basketball courts.

d. Exceptions

(1) Exhibition and meeting areas with less than 20,000 square feet of total event area are classified as Retail Sales and Service.

(2) Banquet halls that are part of hotels or restaurants are accessory to those uses, which are included in the Retail Sales and Service category.

(3) Publicly-owned golf courses are classified as Parks and Open Areas.

4. Office

a. Characteristics
Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services.

b. Accessory Uses

Accessory uses may include cafeterias, health facilities, parking for vehicles less than 1.5 tons, or other amenities primarily for the use of employees in the firm or building.

c. Examples

Examples include professional services such as lawyers, accountants, engineers and architects; medical offices for doctors, psychologists and dentists; financial businesses such as lenders, brokerage houses and financial planners; insurance agency; real estate agency; data processing; sales offices; public utility offices; radio and television studios; medical and dental clinics, medical and dental labs; and blood collection facilities.

d. Exceptions

(1) Offices that are part of and located with a Principal Use in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a Principal Use in another category, are considered part of the other category.

(2) Contractors and others who perform services off-site are included in the Office category if there is no parking of vehicles over 1.5 tons on the site, and if equipment and materials are not stored outside and fabrication, services or similar work is not carried on at the site.

5. Parking, Commercial

a. Characteristics

Commercial parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.

b. Accessory Uses

Small structures intended to shield parking attendants from the weather.

c. Examples

Examples include municipal and other public garage or surface parking, short and long-term fee parking facilities and mixed parking lots (partially accessory to a specific use, partly for rent to others).

d. Exceptions

(1) Parking facilities that are accessory to a Principal Use, but that charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.

(2) Parking facilities that are accessory to a Principal Use are not considered Commercial Parking uses, even if the operator leases the facility to the principal use or charges a fee to the individuals who park in the facility.

(3) Public transit park-and-ride facilities are classified as Major Utilities.

(4) Sales or servicing of vehicles is classified as Vehicle Sales and Service.

6. Overnight Guest Accommodations

a. Characteristics

Dwelling units arranged for short term stays of less than 30 days for rent, lease or interval occupancy.

b. Accessory Uses

Accessory uses may include pools and other recreational facilities, limited storage and offices.

c. Examples

Examples include bed and breakfast establishments; hotels; motels; inns; and interval occupancy facilities. Also includes central reception and check-in facilities for resorts and interval occupancy facilities.

7. Retail Sales and Service

a. Characteristics

Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.

b. Accessory Uses

Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale and parking.

c. Examples

Examples include uses from the four following groups:

(1) Sales-Oriented. Stores selling, leasing, or renting consumer, home and business goods including art; art supplies; bicycles; books; candy; cigars; clothing; dry goods; antiques; hobby supplies; toys; drugs/pharmacy; electronic equipment; fabric; florist; furniture; garden supplies; gifts; groceries; hardware; hats; health food store; home improvements; household products; jewelry and watch; liquor; magazines; music; newspapers; pets; pet food; photographic supply/cameras; plants; produce; stationary; shoes and videos; and food sales.

(2) Personal Service-Oriented. Banks and savings and loan; emergency medical care offices; bakery; barber shop and beauty shop; catering establishments; locksmith/gunsmith; seamstress; tailor; funeral home; mortuary; laundromats; laundry and dry-cleaning drop-off establishments; photographic studios; photocopy, quick-print, and blueprint services; tanning and personal care services; martial arts facilities; acting, art, dance or music classes; secretarial/answering service; shoe repair; taxidermists; animal hospital, kennels and veterinarians.

(3) Repair-Oriented. Repair of TV's; bicycles; clocks; watches; shoes; guns; canvas products; appliances and office equipment; photo or laundry drop-off; tailor; locksmith; and upholsterer.

d. Exceptions

(1) Restaurants are classified as Eating Establishments.

(2) Laundry and dry-cleaning plants are considered Light Industrial Services.

(3) Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.

(4) Repair and service of consumer motor vehicles, motorcycles and light and medium trucks is classified as Vehicle Service.

8. Self-Service Storage

a. Characteristics

Self-service storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.

b. Accessory Uses

(1) Accessory uses may include living quarters for a resident manager or security and leasing offices and outside storage of boats and campers.

(2) Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the Self-Service Storage use.

(3) The rental of trucks or equipment is also not considered accessory to a Self-Service Storage use.

c. Examples

Examples include facilities that provide individual storage areas for rent. These uses are also called mini-warehouses. Such facilities may be single or multi-story.

d. Exceptions

A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the Warehouse and Freight Movement category.

9. Vehicle Sales and Service

a. Characteristics

Vehicle Sales and Service uses provide direct services to motor vehicles. They also may include firms that service passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles.

b. Accessory Uses

Accessory uses may include offices, sales of parts and vehicle storage.

c. Examples

Examples include full-service, mini-service and self-service gas stations; car washes; vehicle repair, transmission or muffler shop; towing service; auto body shop; alignment shop; auto upholstery shop; auto detailing; tire sales and mounting; sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks and other recreational vehicles; taxi dispatching; and limousine services.

d. Exceptions

(1) Boat sales and service are classified as Boat Sales and Service.

(2) Refueling facilities for vehicles that belong to a specific use (fleet vehicles) are considered accessory uses if they are located on the site of the principal use.

10. Vehicle Service, Limited

a. Characteristics
Vehicle Service, Limited uses provide services to motor vehicles where the customer typically waits for the service on-site. Vehicles are generally not stored on the premises overnight and there is no outside storage of materials.

b. Accessory Uses
Accessory uses may include offices.

c. Examples
Examples include quick lubrication services, tire services and similar facilities with "one-hour" service.

G. Industrial Use Categories

1. Aviation Service

a. Characteristics
Aviation service firms are engaged in storage, repair or servicing of airplanes, helicopters and related aviation equipment, charter aviation services, flying-related education and warehousing related to air shipping.

b. Accessory Uses
Accessory activities may include offices, parking, warehousing and storage.

c. Examples
Examples include private airports; fixed base operators; flying schools; and air shipment warehouses.

d. Exceptions

(1) Car rental agencies associated with commercial air travel are classified as Passenger Terminals.

(2) Warehousing not associated with air shipping is classified as Warehousing and Freight Movement.

2. Light Industrial Service

a. Characteristics
Light Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

b. Accessory Uses
Accessory activities may include offices, parking and storage.

c. Examples

Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; building, heating, plumbing or electrical contractors; newspaper publishing plant; printing and lithography; exterminators; janitorial and building maintenance services; fuel oil distributors; research, testing and development laboratories; laundry, dry cleaning and carpet cleaning plants; and photo-finishing laboratories.

d. Exceptions

Contractors and others who perform services off-site are included in the Office category, if major equipment and materials are not stored on-site and fabrication or similar work is not carried on at the site.

3. Manufacturing and Production

a. Characteristics

Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging or assembly of goods. Natural, man made, raw, secondary or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

b. Accessory Uses

Accessory activities may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets and caretaker's quarters.

c. Examples

Examples include manufacturing, processing, assembly and storage operations; processing of food and related products including seafood processing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone or glass materials or products; movie production facilities; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of equipment, instruments, including musical instruments, appliances, precision items and other electrical items; production of artwork and toys; and sign making.

d. Exceptions

(1) Manufacturing of goods to be sold primarily on-site and to the general public are classified as Retail Sales and Service.

(2) Manufacture and production of goods from composting organic material is classified as Waste Related Service.

4. Warehousing

a. Characteristics

Warehouse and Freight Movement firms are involved in the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will call pickups. There is little on-site sales activity with the customer present.

b. Accessory Uses

Accessory uses may include offices, truck fleet parking and maintenance areas.

c. Examples

Examples include separate warehouses used by retail stores such as storage of materials and equipment; truck terminal; furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; parcel services; and the stockpiling of gravel or other aggregate materials.

d. Exceptions

(1) Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste Related Service.

(2) Mini-warehouses are classified as Self-Service Storage uses.

5. Waste-Related Service

a. Characteristics

Waste Related Services are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material.

b. Accessory Uses

Accessory uses may include recycling of materials, offices and repackaging and transshipment of by-products.

c. Examples

Examples include waste transfer or composting and recycling centers.

d. Exceptions

Disposal of dirt, concrete, asphalt and similar non-decomposable materials is considered fill.

6. Wholesale Sales

a. Characteristics

Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.

b. Accessory Uses

Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services and repackaging of goods.

c. Examples

Examples include sale or rental of merchandise; machinery; equipment; heavy trucks; building materials; special trade tools; welding supplies; machine parts; electrical supplies; janitorial supplies; restaurant equipment and store fixtures; mail order houses; and wholesalers of food; clothing; auto parts and building hardware.

d. Exceptions

(1) Firms that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales and Service.

(2) Firms that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement.

H. Other Use Categories

1. Agriculture

a. Characteristics

Agriculture includes activities that primarily involve producing crops.

b. Accessory Uses

Accessory Uses include dwellings for proprietors and employees of the use and animal training.

c. Examples

Examples include agricultural farm and horticulture nursery; forest management and tree farms; stables; riding academies; truck gardening and wholesale plant nurseries.

d. Exceptions

(1) Processing of animal or plant products are classified as Manufacturing and Production.

(2) Plant nurseries that are oriented to retail sales are classified as Retail Sales and Service.

2. Water-Oriented Facilities

a. Characteristics

Facilities for embarking on and disembarking from boats, ferries and water taxis.

b. Accessory Uses

Accessory Uses include boat fueling, pump-out facilities, docks, boat house walkways, marina store, parking areas, boat storage areas, boat servicing areas, offices and ticket sales.

c. Examples

Examples include marinas; docking facilities; dry storage facilities; boat ramps; and facilities for tour boats.

d. Exceptions

Watercraft sales and rentals are classified as Retail Sales and Service.

3. Telecommunications Facilities

a. Characteristics

Telecommunications facilities includes all devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Facilities may be self supporting, guyed, mounted on poles, other structures, light posts, power poles, or buildings. Facilities shall also include intertie and interconnection translators, connections from over-the-air to cable, fiber optic, or other landline transmission system.

b. Accessory Uses

Accessory use may include transmitter facility buildings.

c. Examples

Examples include broadcast towers, communication towers and point-to-point microwave towers.

d. Exceptions

(1) Receive-only antennas are not included in this category;

(2) Radio and television studios are classified in the Office category; and

(3) Radio and television broadcast facilities that are public safety facilities are classified as Basic Utilities.

5.3 Specific Use Standards

A. Application of Standards

The following Specific Use Standards apply to the approval and development of each specified use through either the Conditional Use or Special Exception review process. Where the use is listed in the Use Table in Section 5.1 as permitted by right, the following standards shall not apply.

B. Residential Uses

1. Accessory Dwelling Units

a. Accessory dwelling units are permitted subject to the following standards:

(1) The lot area meets the minimum lot area requirement for the district in which the lot is located;

(2) The lot is currently served with public water and sewer;

(3) Both the primary dwelling and the accessory dwelling will be in the same ownership;

(4) There is one and only one single-family detached dwelling unit located on the lot, i.e., accessory dwelling units are not permitted on lots developed for townhouses or multifamily dwellings;

(5) If the accessory dwelling unit is to be located in an existing accessory structure, the accessory structure meets all setback requirements for the district in which the lot is located;

(6) The accessory dwelling unit is a minimum of 240 square feet in total area (not including any porches);

(7) The accessory dwelling unit will not exceed 50 percent of the gross floor area of the primary structure (not including any porches);

(8) The accessory dwelling unit will have no more than two bedrooms;

(9) The number of adults (i.e., persons over 18 years of age) that will reside in the accessory dwelling unit will be limited to two;

(10) The accessory dwelling unit is designed so that to the degree feasible, the appearance of the building remains that of a single-family residence;

(11) The exterior of the accessory dwelling unit is compatible with the primary dwelling in terms of color, siding, roof pitch, window detailing, roofing materials, and foundation appearance;

(12) For an accessory dwelling unit being added to the exterior of the primary residence, the accessory unit is sited to the rear of the primary residence or to the side as a secondary option. An exception to this standard may be made in situations where the front of the primary residence is not the street and the residence has clearly been designed to take advantage of unique site amenities such as location on the water;

(13) For an attached accessory dwelling unit, any additional entrances will be located in the side or the rear of the primary structure; additional

external stairways or fire ladders are strongly discouraged but when necessary, must be of an appropriate design;

(14) There will be one on-site, off-street parking space for each bedroom in the accessory dwelling unit in addition to the spaces required for existing uses; and

(15) There will be only one accessory dwelling unit on the lot.

2. Care Homes, Public and Private

Public and Private Care Homes are permitted subject to the following standards:

a. Such facilities shall receive the written approval of the County Board of Health; and

b. Such facilities shall conform to the requirements of the State Board of Health.

3. Cluster Development

Cluster development dwellings are permitted in the NC and OC zoning districts provided that structures meet all design guidelines that apply to the district.

4. Group Dwelling

Group dwellings are permitted subject to the following standards:

a. Each group dwelling shall be located no less than 2,500 feet from any other group dwelling.

5. Single-Family, Detached

Single-family detached dwellings are permitted in the NC and OC zoning districts provided that structures meet all design guidelines that apply to the district.

6. Townhouse Dwelling

Townhouse dwellings are permitted in the OC zoning district provided that structures meet all design guidelines that apply to the district.

7. Two-Family Dwelling

Two-family dwellings are permitted in the NC and OC zoning districts provided that structures meet all design guidelines that apply to that district.

8. Three-Family Dwelling

Three-family dwellings are permitted in the NC and OC zoning districts provided that structures meet all design guidelines that apply to that district.

9. Village House

Village house dwellings are permitted in the NC and OC zoning districts provided that structures meet all design guidelines that apply to the district.

10. Zero Lot Line

Zero lot line dwellings are permitted in the NC and OC zoning districts provided that structures meet all design guidelines that apply to the district.

11. Live-Aboard Boat

Live-Aboard boats are permitted in the CP zoning district provided that such boats are located within a marina permitted by the South Carolina Department

of Health and Environmental Control, Office of Ocean and Resource Management, or attached to a mooring ball located within a mooring filed permitted by the South Carolina Department of Health and Environmental Control, Office of Ocean and Resource Management.

C. Public, Civic, Institutional Uses

1. Cemetery

A Cemetery is permitted subject to the following standards:

a. Such use consists of a site of at least one acre;

b. Such use includes no crematorium or dwelling unit other than for a caretaker; and

c. Such use has a front yard setback of at least 70 feet from the street right-of-way line, whichever is further.

2. Community Service

Community Service uses are permitted by Special Exception subject to the following standards:

a. Such use is located on a lot with a minimum lot area of 20,000 square feet;

b. The primary structure is set back a minimum of 25 feet from any abutting residential property line;

c. No structures listed on the Beaufort County Above Ground Historic Resources Survey will be demolished as part of development of the Community Service use;

d. The design of any new construction or proposed improvements including signage is approved by the Design Review Board or Historic Review Board as appropriate; and

e. There will be no outdoor amplification of sound.

3. Daycare

A Daycare is permitted subject to the following standards:

a. Such use is owned and operated by a Religious Institution; and

b. Such use is located in the Historic District.

4. Public Utility Substations

Public Utility Substations are permitted subject to the following standards:

a. Such use shall be enclosed by a wall at least six feet in height above finish grade;

b. No office, commercial operation, storage of vehicles or equipment shall be allowed on the premises; and

c. A landscaped strip not less than five feet in width shall be planted and maintained around the facility.

5. Religious Institutions

Religious institutions are permitted subject to the following standards:

a. Such use is housed in a permanent structure;

b. Such use is located on a lot not less than 20,000 square feet in area; and

c. No structure on the lot is closer than 25 feet to any abutting residential property line.

6. Schools

Schools are permitted subject to the following standards:

a. Structures are placed not less than 20 feet from any property line;

b. Adequate off-street parking is provided consistent with parking requirements for the proposed use as set forth in Section 7.5 ;

c. Adequate ingress/egress is provided for vehicles bringing and picking up children;

d. The siting of all temporary classrooms shall be approved by the Planning Commission;

e. Signs must be non-illuminated, placed flat against the wall of the principal structure and not exceed four square feet in area; and

f. Educational facilities shall comply with all applicable state regulations.

D. Commercial Uses

1. Animal Hospital and Kennel

Animal hospitals and kennels are permitted subject to the following standards:

a. All boarding arrangements shall be maintained within a building;

b. Any animal hospital or kennel shall not conduct any outdoor activity whatsoever; and

c. No noise connected with the operation of the facility shall be perceptible beyond the premises.

2. Bakery

A bakery is permitted subject to the following standards:

a. The goods baked on the premises shall be sold only at retail on the premises;

b. In the NC, CC, and GC districts, such use shall not include a drive-thru facility; and

c. In the NC zoning district, the building footprint of such use shall be no more than 2,500 square feet. Larger facilities shall be permitted as part of a mixed-use development.

3. Banquet Hall

Banquet halls are permitted subject to the following standards:

a. Such use is located in the Historic District;

b. Such use is located in a structure considering contributing to the character of the Historic District as noted in the most recent survey of historic structures on file with the City; and

c. There is no outside amplification of any music or noise.

4. Bed and Breakfast (B&B)

Bed and breakfast facilities are permitted subject to the following standards:

a. The property is located in the Historic District;

b. There is no other B&B within a residential zoning district located within 500 feet of the proposed B&B. Distances shall be measured from the property line;

c. The structure is at least 10 years old;

d. No habitable structural additions to the building are proposed as part of conversion to a B&B use or have been made in the last five years;

e. The use shall not create noise, light, traffic or other conditions detrimental to neighboring residents.

f. Business meetings, receptions, teas and other events from which the property owner may benefit financially involving anyone other than registered overnight guests shall be prohibited when the B&B is zoned residentially.

g. The B&B will be operated by a resident manager;

h. The property meets the parking requirement of one on-site, off-street parking space for every guest unit plus one space for the resident manager. No variances from this condition shall be permitted;

i. The screening requirements of Section 1.1A of the UDO (Landscaping and Tree Conservation) are or will be met if applicable;

j. Use of the property for a B&B meets all applicable building and fire codes;

k. No meals other than breakfast will be served to the registered guests unless such other meals are being catered when the Bed and Breakfast is zoned residentially. No variances from this condition shall be permitted;

l. The facility will comply with all business license, revenue collection, and health laws of the City of Beaufort, Beaufort County, and the State of South Carolina; and

m. The proposed use is otherwise in character with the immediate neighborhood.

5. Boat Sales and Service

Boat Sales and Service are permitted in the GC zoning district subject to the following conditions:

a. Such use is limited to areas in close proximity to the existing Lady's Island Marina, e.g., properties fronting U.S. 21 on both sides of the highway,

between Meridian Road and the Beaufort County Boat Landing on the west, and the entrance to the Beaufort High School on the east.

b. All service and repair activities, including outdoor storage areas (those areas not used for the display of boat and accessories for sale), shall be located behind the front building line, and shall be completely screened (100 percent capacity) from U.S. 21 and adjoining properties using natural buffers, fencing, buildings, or a combination thereof. Service bay doors shall not be oriented toward U.S. 21.

c. All areas for the outdoor display of boats and accessories for sale shall be located behind the front building line.

d. The scale, massing, and building design shall be compatible with the surrounding areas as determined by the Design Review Board. The structure shall be street-oriented with pedestrian entrances from the street. Buildings shall define a minimum of 50 percent of the street frontage.

6. Body Piercing Facility

Body Piercing Facilities are permitted in the LI zoning district subject to the following standards:

a. The use is located a minimum of 300' from any religious institution, school, public park or recreation area, youth activity center, boundary of any residential district, or property line of a lot devoted to residential use. Distances shall be measured from property line to property line in a straight line without regard to intervening structures, topography, or zoning.

7. Car Wash

Car wash facilities are permitted subject to the following standards:

a. In the GC District, a single-bay, automatic car wash is permitted for any facility providing fuel sales.

b. In the HC District, the car wash stalls shall not be oriented toward the public right-of-way.

c. In the HC District, any outdoor detailing work shall only be conducted to the side or the rear of the building and not in front of the building.

8. Drug Store/Pharmacy

Drug stores and pharmacies are permitted subject to the following standards:

a. In the NC and CC zoning districts, such use shall not include a drive-thru facility;

b. In the GC zoning district, such use shall not include a drive-thru facility if located in the Historic District; and

c. In the NC zoning district, the building footprint of such use shall be no more than 2,500 square feet. Larger facilities shall be permitted as part of a mixed-use development.

9. Entertainment

Indoor and Outdoor Entertainment are permitted in residential districts zoning subject to the following standards:

a. The use is owned and managed by the neighborhood association or property owners' association in which the use is located.

10. Fuel Sales

In the GC District, Fuel Sales are permitted as a conditional use in the SC 170 Design District and the US 21 District outside the Boundary Street Redevelopment District. In all other GC Districts, Fuel Sales are permitted by special exception. Fuel Sales in all districts where permitted by this UDO, are permitted subject to the following standards:

a. Parking and/or service areas shall be separated from adjoining residential properties by a suitable planting screen, fence or wall at least six feet in height;

b. No open storage of any type, including the overnight storage of vehicles, shall occur in conjunction with the operation.

c. No more than two Fuel Sales facilities are permitted at an intersection of any Arterial Street (Section 7.2.B). Nor more than one Fuel Sales facility is permitted at the intersection of other streets.

d. In new development, pumps should not be located between the building and the adjacent street, but instead be placed behind the building, although the Design Review Board may permit pumps to be located to one side of the building based on unique site conditions including the presence of wide buffers. In such cases, the pumps, including the canopy, shall not project further toward the street than the front line of the building.

e. No signs shall be located on any canopy over the pumps.

f. Any freestanding light fixtures shall be reduced in height to fifteen feet if the use adjoins a residential district or residential use.

g. Any service bay doors shall not be oriented toward any public right-of-way.

h. Fuel sales are subject to the general Design District standards set out in Section 6.6 and the specific Gas Station Design Guidelines set out in the Appendix.

11. Housing, Short Term Rental

Short term rentals are permitted in all residential zoning districts with the exception of the Traditional Beaufort Residential District, The Point, or where prohibited by covenants. Short term rental of the primary dwelling, or rental of an accessory dwelling unit on property where the property owner does not live on the premises, shall be by special exception subject to the standards shown below. Short term rental of an accessory dwelling unit where the property where the property owner lives on the premises, and short term

rental of any type of residential unit in a commercial district, shall be a conditional use subject to the standards shown below.

a. A minimum 2-night stay is required;

b. Adequate on-site parking is provided. Parking should be located to the side or rear of the dwelling (i.e., the front yard should not be used for parking). Tenants should use the required on-site parking and not park in the street;

c. A property management plan shall be developed and approved by the appropriate review authority. Failure to comply with the approved property management plan shall result in revocation of zoning approval;

d. No on-site signage shall be permitted;

e. No pets shall be left outside unattended;

f. An annual Safety Inspection shall be conducted before the Business License for the facility can be renewed;

g. The facility shall comply with all business license, revenue collection, and health laws of the City of Beaufort, Beaufort County, and the state of South Carolina; and

h. Approval of the use runs with the ownership of the property.

12. Manufacturing and Production

Manufacturing and Production uses are permitted subject to the following standards:

a. Any industrial use, plus operations incidental to such use, which involves manufacturing, processing, assembly, storage operations, provided the manufacturing, processing, assembly or storage in no way involves any junk or salvage operations;

b. No open storage of junk or salvage materials shall occur; and

c. Any noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other injurious or obnoxious conditions related to the operation shall not be sufficient to create a nuisance beyond the premises.

13. Medical Office/Clinic

Medical offices and clinics are permitted in the NC zoning district subject to the following standards:

a. The building footprint of such use shall be no more than 2,500 square feet. Larger facilities shall be permitted as part of a mixed-use development.

14. Motel/Hotel/Extended Stay

Motels, hotels and extended stay facilities are permitted in the CC zoning district subject to the following standards:

a. There shall be one off-street parking space for every guest unit. Off-site parking may be used to satisfy the requirements of this section if the Administrator is provided with appropriate documentation (ex., proof of ownership or a copy of a contract for leased spaces) that such parking has been made available to the facility in question. The arrangements for any parking that is not provided in perpetuity (i.e., by way of fee-simple ownership, use of a property deed, covenant, or easement) shall be reviewed on an annual basis at the time of the business license renewal.

15. Other Offices

Other offices are permitted in the NC zoning district subject to the following standards:

a. The building footprint of such use shall be no more than 2,500 square feet. Larger facilities shall be permitted as part of a mixed-use development.

16. Other Retail Sales

Other retail sales and services are permitted subject to the following conditions:

a. In the CC, GC, and NC zoning districts, except for banks, such use shall not include a drive-thru facility;

b. In the NC zoning district, the building footprint of such use shall be no more than 2,500 square feet. Larger facilities shall be permitted as part of a mixed-use development.

17. Other Vehicle Sales and Service

Other vehicle sales and service are permitted in the HC zoning district subject to the following conditions:

a. No vehicles shall be displayed outdoors with their hoods open.

b. Balloons, spinners, pennants, banners, or other wind-blown devises shall not be attached to vehicles displayed outdoors or be used in any outdoor display.

c. The bay doors to the garage shall not be oriented toward the public right-of-way.

d. The setback of structures and vehicular use/storage areas from the critical line shall be 75'.

e. Any outdoor amplification of sound (i.e., loudspeakers) shall not be audible beyond the property lines.

18. Parking, Commercial

Commercial parking areas are permitted subject to the following standards:

a. In the Lady's Island Village Center and Boundary Street Design Districts, such use shall be in the form of structured parking (i.e.; a "parking garage") rather than surface parking. The entrance to any parking

structure shall be on the side or the rear of the building and the first floor of the front of the structure shall contain office and/or commercial space.

b. In the NC zoning district, the entrance to any parking structure shall be on the side or the rear of the building and the first floor of the front of the structure shall contain office and/or commercial space.

19. Restaurant with Drive-Thru

Restaurants with drive-thru facilities are permitted in the HC zoning district subject to the following standards:

a. The drive-thru window and/or the menu board shall not be located in the façade of the building facing a public street.

b. The street elevation of the principle structure shall have at least one street-oriented entrance.

c. The building façade should be constructed of brick unless the Design Review Board specifically approves another material based on the unique conditions of the development.

20. Recreational Vehicle Parks

Recreational Vehicle Parks are permitted subject to the following standards:

a. Adequate water and sewer facilities shall be available; and

b. These parks are used only for recreational equipment: i.e., campers, and not for permanent Manufactured Homes.

21. Restaurant without Drive-thru

Restaurants without drive-thru facilities are permitted subject to the following standards:

a. In the NC zoning district, the building footprint of such use shall be no more than 2,500 square feet. Larger facilities shall be permitted as part of a mixed-use development.

b. In the OC zoning district, such use shall be in conjunction with an office building.

22. Restaurant without Seating

Restaurants without seating are permitted in the NC zoning district subject to the following standards:

a. The building footprint of such use shall be no more than 2,500 square feet. Larger facilities shall be permitted as part of a mixed-use development.

23. Restaurant with Outdoor Cooking

Restaurants incorporating outdoor cooking are permitted by special exception subject to the following standards:

a. Restaurants existing at the time of adoption of this ordinance that have been approved by the Administrator to utilize outdoor cooking are considered grandfathered and shall not be required to obtain a special exception.

24. Self Storage, Multi-Story

Multi-story self-service storage facilities are permitted in the HC zoning district subject to the following standards:

a. Such use shall be set back 300' from the street or be located behind another building that would provide appropriate screening.

25. Sexually Oriented Businesses

a. Classification

Sexually oriented businesses are classified as follows:

(1) Adult arcades;

(2) Adult bookstores or adult video stores;

(3) Adult cabarets;

(4) Adult motels;

(5) Adult motion picture theaters;

(6) Adult theaters;

(7) Adult car washes;

(8) Adult health clubs or adult bath houses;

(9) Escort agencies;

(10) Massage parlors;

(11) Nude model studios; and

(12) Sexual encounter centers.

b. Location of Sexually Oriented Businesses

(1) A person commits a misdemeanor if he operates or causes to be operated a Sexually Oriented Business outside of a designated Limited Industrial (LI) district. All Sexually Oriented Businesses shall be located within a LI district.

(2) A person commits a misdemeanor if he operates or causes to be operated a sexually oriented business within 500 feet of:

(a) Any religious institution;

(b) Any school;

(c) The boundary of any residential district;

(d) A public park or recreation area;

(e) A youth activity center; or

(f) The property line of a lot devoted to residential use.

(3) A person commits a misdemeanor if he causes or permits the operation, establishment, substantial enlargement or transfer of ownership or control of a sexually oriented business within 500 feet of another Sexually Oriented Business.

(4) For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a Sexually Oriented Business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, residential lot or day care facility.

(5) The person commits a misdemeanor if he operates or causes to be operated a Sexually Oriented Business except as provided for in this section.

(6) A person commits a misdemeanor if he operates or causes to be operated a Sexually Oriented Business within 500 feet of another such business, which will include, any adult arcade, adult book store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, massage parlor or any sexual encounter establishment, except as provided in paragraph 7 below.

(7) A Sexually Oriented Business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a church, public or private elementary or secondary school, day care center, public park, residential district, or residential lot within 500 feet of the sexually oriented business. This provision applies only to the renewal of a valid permit, and does not apply when an application for a permit has expired or has been revoked.

c. Additional Regulations for Adult Motels

(1) Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than 10 hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.

(2) A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented permit, he rents or subrents a sleeping room to a person and, within 10 hours from the time the room is rented, he rents or subrents the same sleeping room again.

(3) For purposes of paragraph (2) above, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

d. Exhibition of Sexually Explicit Films or Videos

(1) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

(a) Upon application for a Sexually Oriented Business permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. A diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The building official may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(b) The application shall be sworn to be true and correct by the applicant.

(c) No alteration in the configuration or location of a manager's station may be made without the prior approval of the building official or his designee.

(d) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(e) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(f) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in subsection (a) remains unobstructed by any doors, walls, merchandise, display racks, or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (1) of this section.

(g) No viewing room may be occupied by more than one person at any time. No holes, commonly known as "glory holes" shall be

allowed in the walls or partitions which separate each viewing room from an adjoining room or restroom.

(h) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one footcandle as measured at the floor level.

(i) It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(2) A person having a duty pursuant to Section (1) above commits a misdemeanor if he knowingly fails to fulfill that duty.

e. Prohibitions Regarding Minors and Sexually Oriented Businesses

A person commits a misdemeanor if he/she operates or causes to be operated a Sexually Oriented Business, regardless of whether or not a permit has been issued for said business under this article, and knowingly or with reasonable cause to know, permit, suffer, or allow:

(1) Admittance of a person under 18 years of age to the business premises unless accompanied by a parent or guardian;

(2) A person under 18 years of age to remain at the business premises unless accompanied by a parent or guardian;

(3) A person under 18 years of age to purchase goods or services at the business premises without the specific consent of a parent or guardian; or

(4) A person who is under 18 years of age to work at the business premises as an employee.

f. Advertising and Lighting Regulations

(1) It shall be unlawful and a person commits a misdemeanor if he/she operates or causes to be operated a Sexually Oriented Business, regardless of whether or not a permit has been issued for said business under this article, and advertises the presentation of any activity prohibited by any applicable state statute or local ordinance.

(2) It shall be unlawful and a person commits a misdemeanor if he/she operates or causes to be operated a Sexually Oriented Business, regardless of whether or not a permit has been issued for said business under this article, and displays or otherwise exhibits the materials and/or performances at such Sexually Oriented Business in any advertising which is visible outside the premises. This prohibition shall not extend to advertising of the existence or location of such Sexually Oriented Business.

(3) The permittee shall not allow any portion of the interior premises to be visible from outside the premises.

(4) All off-street parking areas shall be located in front of the building for safety reasons. All off-street parking and premises entries of the sexually oriented business shall be illuminated from dusk to closing

hours of operation with a lighting system which provides an average maintained horizontal illumination of one footcandle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premises.

g. Hours of Operation

(1) It shall be unlawful and a person commits a misdemeanor if he/she operates or causes to be operated a Sexually Oriented Business, regardless of whether or not a permit has been issued for said business under this article, and allows such business to remain open for business, or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 1:00 a.m. and 9:00 a.m. of any particular day and between 12:01 a.m. Sunday and 9:00 a.m. Monday.

(2) It shall be unlawful and a person commits a misdemeanor if, working as an employee of a Sexually Oriented Business, regardless of whether or not a permit has been issued for said business under this article, said employee engages in a performance, solicits a performance, makes a sale, solicits a sale, provides a service or solicits a service between the hours of 1:00 a.m. and 9:00 a.m. of any particular day and between 12:01 a.m. Sunday and 9:00 a.m. Monday.

h. Nudity at Sexually Oriented Businesses

(1) The United States Supreme Court decision in Barnes v. Glen Theater, Inc., 501 U.S. 560, 111 (1991) which upheld the rights of cities to prohibit live public exposure of a person'(s) private parts, specifically applies to sexually oriented businesses (regardless of whether or not a permit has been issued to said businesses under this article) where no alcoholic beverages are sold, served, or consumed at the premises.

(2) Public nudity is prohibited within the City of Beaufort, including any Sexually Oriented Business. Any Sexually Oriented Business which is found in violation of this section shall have its permit suspended pursuant to the provisions of Section 10.2D .

i. Regulations Pertaining to Live Entertainment

(1) For purposes of this section, "live entertainment" is defined as a person who appears nude, seminude, or a performance which is characterized by the exposure of "specified sexual activities".

(2) No person shall perform live entertainment for patron(s) of a Sexually Oriented Business establishment except upon a stage of at least 18 inches above the level of the floor which is separated by a distance of at least 10 feet from the nearest area occupied by patron(s). No patron shall be permitted within 10 feet of the stage while the stage is occupied by a performer.

(3) The Sexually Oriented Business establishment shall provide access for performers between the stage and the dressing room facilities for female and male performers which shall not be occupied or used in any way by anyone other than performers.

(4) The Sexually Oriented Business establishment shall provide access for performers between the stage and the dressing rooms which is completely separated from the patrons. If such separate access is not physically feasible, the establishment shall provide a minimum four-foot wide walk aisle for performers between the dressing room area and the stage, with a railing, fence or other barrier separating the patrons and the performers which prevents any physical contact between patrons and performers.

(5) No entertainer, either before, during, or after a performance, shall have physical contact with any patron and no patron shall have physical contact with any entertainer either before, during, or after a performance. This subsection shall only apply to physical contact while in or on the premises of the establishment.

(6) Fixed rail(s) at least 30 inches in height shall be maintained establishing the separations between performers and patrons required by this section.

(7) No patron shall directly pay or give any gratuity to any entertainer. A patron who wishes to pay or give a gratuity to a performer shall place the gratuity in a container that is at all times located separately from the performers for the purpose of preventing any physical contact between a patron and a performer. No performer shall solicit any gratuity from any patron.

(8) No operator of a sexually oriented business establishment shall cause or allow a performer to contract or engage in any entertainment such as a "couch" or a "straddle" dance with a patron while in or on the establishment premises. No performer shall contract to or engage in a "couch" or "straddle" dance with a patron while in or on the establishment premises. For purposes of this subsection, "couch" or "straddle" dance is defined as an employee of the establishment intentionally touching or coming within 10 feet of any patron while engaged in the display or exposure of any "specified anatomical area," or any "specified sexual activity." For purposes of this subsection, employee is defined as it is in Article 11 .

(9) This section shall not apply to an employee of an establishment who, while acting as a waiter, waitress, host, hostess, or bartender, comes within 10 feet of a patron. No employee shall engage in any "specified sexual activity" or display or expose any "specified anatomical area" while acting as a waiter, waitress, host, hostess or bar tender.

j. Compliance with this Section

(1) For purposes of this section, establishment is defined as it is in Article 11 . No establishment shall be in compliance with this section until the City's designated agent(s) have inspected and approved of the

establishment's compliance. The City shall have 10 days from the date it receives written notice from the operator that the establishment is ready for inspection to approve to disapprove of compliance required by this section. Failure to approve or disapprove of compliance within 10 days shall constitute a finding of compliance under this section.

(2) The operator of an establishment, that has been providing live entertainment under a valid Sexually Oriented Business permit, shall have the time periods listed below in which to bring the establishment into compliance with this section. Failure to do so while continuing to provide live entertainment shall cause the establishment's permit to be suspended pursuant to the provisions of Section 10.2D. The permit shall remain suspended until the establishment is approved by the City's designated agent(s) as being in full compliance with this section.

(3) The operator of an establishment, that has been operating under a valid permit for another classification of sexually oriented business and who wishes to provide live entertainment at that establishment, shall apply for and receive a Sexually Oriented Business permit for the operation of an establishment providing live entertainment before any live entertainment is provided at that establishment. No live entertainment permit shall be issued until the establishment is approved as being in full compliance with this section and all other applicable requirements of this section.

(4) The applicant for a permit to operate a new establishment, who wishes to provide live entertainment, shall apply for and receive a Sexually Oriented Business permit for the operation of an establishment providing live entertainment before any live entertainment is provided. No live entertainment permit shall be issued until the establishment is approved as being in full compliance with this section and all other applicable requirements of this section.

26. Tattoo Facility

Tattoo Facilities are permitted in the LI zoning district subject to the following standards:

a. The use is located a minimum of 300’ from any religious institution, school, public park or recreation area, youth activity center, boundary of any residential district, or property line of a lot devoted to residential use.

27. Vehicle Service, Limited

Limited vehicle service is permitted subject to the following standards:

a. Parking and/or service areas are separated from adjoining residential properties by a suitable planting screen, fence, or wall at least six feet in height;

b. All parts shall be stored within an enclosed building.

c. No objectionable sound, vibration, heat, glare or electrical disturbance shall be created which is perceptible beyond the premises.

d. The bay doors to the garage shall not be oriented toward the public right-of-way.

e. All operations shall be conducted within a fully enclosed building.

f. In the GC zoning district, any vehicles stored on the site during non-business hours shall be contained in a fully enclosed building.

g. The setback of structures and vehicular use/storage areas from the critical line shall be 75'.

h. In the HC zoning district, any vehicles stored on the site during non-business hours shall be located within a fully enclosed building or shall be stored behind the front building line and shall be completely screened (100 percent opacity) from the street and adjoining properties using natural buffers, fencing, buildings, or a combination thereof. Chain link fencing shall not be permitted as a screening material if the fence will be visible from any street or parking area.

28. Vehicle Service and Repair

Vehicle Service and Repair facilities are permitted in the HC zoning district subject to the following standards:

a. All operations shall be conducted within a fully enclosed building.

b. All parts shall be stored within an enclosed building.

c. The bay doors to the garage shall not be oriented toward the public right-of-way.

d. Any vehicles stored on the site shall be located within a fully enclosed building or shall be stored behind the front building line, and shall be completely screened (100 percent opacity) from the street and adjoining properties using natural buffers, fencing, buildings, or a combination thereof. Chain link fencing shall not be permitted as a screening material if the fence will be visible from any street or parking area.

e. The setback of structures and vehicular use/storage areas from the critical line shall be 75'.

E. Industrial Uses

1. Truck Terminal

A truck terminal is permitted subject to the following standards:

a. The provision of paved acceleration and deceleration lanes at least 12 feet in width and 100 feet in length, respectively, shall be furnished and maintained where trucks enter or leave terminal sites;

b. No safety hazards or impediment to traffic movement is produced as a result of such operation;

c. The sites for such facilities have direct access to major streets; and

d. No open storage of any type is conducted in connection with the operation.

2. Warehousing

Warehouse or other storage facilities are permitted subject to the following standards:

a. No open storage of junk or salvage materials of any type shall occur in conjunction with the operation.

b. Open yard use for the sale, rental and/or storage of materials or equipment, excluding junk or other salvage shall be separated from adjoining properties by an opaque planting screen, fence, or wall at least seven feet in height above finished grade.

3. Wholesale Sales

Wholesale Sales are permitted subject to the following standards:

a. No open storage of junk or salvage materials of any type shall occur in conjunction with the operation.

F. Other Uses

1. Silviculture

Forest management, tree farm and timber areas are permitted subject to the following standards:

a. No clearing of timber, trees or understory vegetation will be permitted in the front, side, and rear buffers as established in Section 7.3, except for any road/driveway necessary to serve the property;

b. No site plan approval shall be approved within two years of the clear cutting of timber; and

c. No clearing of timbers, trees or understory vegetation will occur within 20 feet of the property line of an adjoining property devoted to a residential use.

2. Telecommunication Towers

a. General Requirements

Lighting shall be in accordance with Federal Aviation Administration (FAA) Advisory Circular AC 70/7460-1K (and all future updates) and FAA Advisory Circular AC 150/5345-43E (and all future updates) and shall be red strobe lights (L-864) at night and medium intensity flashing white lights (L-865) during daylight and twilight use unless otherwise required by the FAA. No general illumination shall be permitted. All towers 150 feet or taller shall be lighted. All commercial communication towers approved by the City of Beaufort prior to the adoption of this amendment and operating in conformance with those approvals shall be deemed to be lawful nonconforming use and structures and are not subject to these lighting requirements. Status as a lawful nonconforming use of structure under this section shall terminate upon expiration or revocation of a commercial communication tower's permit or upon any modification to the height of the tower.

b. Freestanding Towers

The following conditions shall be met before a freestanding Telecommunication Tower is approved:

(1) Approval for a proposed Telecommunication Tower within a radius of 10,500 feet from an existing tower or other suitable structure shall not be issued unless the applicant certifies that the existing tower or structure does not meet applicant's structural specifications or technical design requirements, or that a co-location agreement could not be obtained at a reasonable market rate and in a timely manner. Reasonable market rate shall be determined by applicants providing an average of the lease rates it pays for co-location sites in Beaufort County. The rate information shall be deemed a trade secret of the applicant and shall be made available only to the appropriate City Staff who shall not be allowed to disclose it.

(2) The tower must be setback from all lot lines a distance equal to the tower's fall zone, as certified by a registered engineer, plus 20 feet.

(3) The tower must be setback a distance of its height plus 50 feet from any residential structure unless the owner of the structure waives this requirement by a notarized affidavit.

(4) The proposed tower must be designed to accommodate additional antennae equal in number to the applicant's present and future requirements.

(5) The proposed tower shall provide space for at least three-locations.

(6) The height of a tower is limited to 160 feet as measured from existing grade at its base to the highest point of the tower or antenna. An additional 20 feet of height may be approved if the tower is designed to accommodate twice the applicant's antennae. In the LI zone, heights over 180 feet will be permitted by special exception by the Zoning Board of Appeals subject to section (e).

(7) The tower shall be appropriately secured by means of a wall, fence, or other device at least seven feet high; however, razor wire shall not be permitted. Fencing shall either be painted or PVC-coated dark green, brown, black or gray. The immediate perimeter of the fence or wall surrounding the tower and associated structure shall be planted with evergreen shrubs capable of obtaining a height of twelve feet with a maximum spacing of 10 feet. These plants shall be at least three gallon container plants or 24 inches tall at the time of planting.

(8) The site shall or will meet the Landscaping and Tree Conservation requirements of Section 1.1A .

(9) One sign, two square feet per side in size, which includes the name of the company(s) operating the equipment and a phone number for emergencies, shall be displayed in a visible location on or near the tower.

(10) The color of the tower and its antennae shall be one which will blend to the greatest extent possible with the natural surroundings and shall be approved by the Design Review Board.

(11) All tower, antennae, accessory structure, or equipment that is not used for communication purposes for more than 120 days shall be considered as abandoned and shall be removed by the owner within 60 days. Removal costs shall be the responsibility of the communications tower owner. The City of Beaufort reserves the right to dismantle any abandoned communications structure and associated equipment which has not been removed within the allotted time period. In that event, the City of Beaufort may retain any and all materials, and dispose, use, or sell said materials unless reimbursed by the communications tower owner within 30 days of being sent an invoice.

c. Roof-Mounted Telecommunication Towers

The following conditions apply to roof-mounted Telecommunication Towers:

(1) No tower may be located on any residential structure.

(2) A proposed roof-mounted tower shall not extend more than 20 feet above the highest part of the structure.

d. Application Requirements

The following items shall be submitted with the application for approval of a Telecommunication Towers:

(1) Documentation that co-location on existing towers or structures in a radius of 10,500 feet was attempted by the applicant but found unfeasible with reasons noted.

(2) A notarized affidavit that states the applicant's willingness to allow co-location on the proposed tower at a fair market rate and in a timely manner to any other service provider licensed by the FCC for the City of Beaufort market area.

(3) A site plan, sealed by a South Carolina registered engineer, showing the location of all existing improvements and any proposed tower, antennae, accessory structure or equipment. In addition, the site plan must show all existing trees as required by Section 1.1A.

(4) Identification of the owners of all antennae and equipment to be located on the site.

(5) Written authorization from the owner of the site for the application.

(6) Evidence that a valid FCC license for the proposed activity has been issued.

(7) The landscape plan indicating how the applicant proposes to screen any accessory structure or equipment from view and to meet the landscaping requirements of Section 1.1A. The landscape plan shall meet the requirements of Section 1.1A.

(8) Certification from the Federal Aviation Administration (FAA) that all towers, antennae, and equipment meet federal aviation and navigation requirements.

(9) Documentation signed and sealed by a South Carolina registered engineer that indicates the proposed tower meets the structural

requirements of the Standard Building Code and the co-location requirements of this chapter. The engineer shall certify that the tower can withstand ANSI standards for minimum wind load.

(10) A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.

(11) For a new tower, written indemnification of the City of Beaufort and proof of liability insurance or financial ability to respond to claims up to $1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the City of Beaufort in form approved by the city attorney.

(12) To assure removal of any abandoned tower, antennae, accessory structure, or equipment, a performance bond in the amount of the anticipated removal costs as determined by a South Carolina registered engineer.

e. Special Exceptions

The Zoning Board of Appeals may approve towers up to 300 feet in height in Limited Industrial districts after a public hearing and findings of fact based on the following criteria:

(1) All application requirements outlined in subsection (d) and all conditions outlined in subsection (b) are met; and

(2) The applicant has demonstrated that additional height above that permitted by subsection (b) is necessary for service to occupants of an area within the City.

The Board has the authority to establish setback requirements and such additional conditions as it deems necessary to remove danger to health and safety, and to protect adjacent property.

5.4 Accessory Uses

A. Purpose

In addition to the Principal Uses, each of the following uses is considered to be a Customary Accessory Use, and as such, may be situated on the same lot with the Principal Use or uses to which it serves as an accessory. No accessory use or structure, except for docks, shall be constructed or established on any lot prior to the time of construction of the principle structure to which it is accessory.

B. Uses Customarily Accessory to Residential Dwellings

1. Either a private garage or workshop subject to the following standards:
   - **a.** Such structure shall not be located in front of the front line of the dwelling except on lots on the marsh or water or where the garage will be more than 100' from the front property line.
   - **b.** A garage shall not exceed 50% of the footprint of the dwelling; however, in no case shall the footprint of the garage exceed 1,200 square feet.
   - **c.** Detached garages shall not exceed the height of the primary structure except when the garage contains an accessory dwelling unit.
   - **d.** A garage may be provided with electricity, a sink, and a commode.
   - **e.** A workshop shall not exceed 320 square feet.
   - **f.** A workshop may be provided with electricity and a sink, but shall not be used as an accessory dwelling unit.
2. One shed or storage building up to 3% of the size of the lot, not to exceed 320 square feet. Steel cargo storage containers or modified versions thereof are not permitted. Sheds shall not be located in front of the front line of the dwelling. Such shed may be provided with electricity and a sink.
3. One children's playhouse up to 150 square feet in size and play equipment.
4. One private swimming pool, which may have a bath house or cabana up to 200 square feet in size and 15 feet in height. Such pool shall have fencing (barriers) meeting the requirements of Section AG105 of the International Residential Code as amended.
5. One private dock which may have a boat house under 15 feet in height.
6. Noncommercial flower, ornamental shrub or vegetable garden.
7. Gazebos, trellises, picnic tables, and furniture designed specifically for outdoor use.
8. One accessory dwelling unit subject to the standards set out in Section 5.3.B.1.

C. Uses Customarily Accessory to Retail Business, Office Uses and Commercial Recreational Facilities

1. Off-street parking or storage area for customers, clients or employee-owned vehicles.
2. Completely enclosed building for the storage of supplies, stock or merchandise. Steel cargo storage containers or modified versions thereof are not permitted.

3. Light manufacturing and/or repair facility incidental to the principal use provided that dust, odor, smoke, noise, vibration, heat or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the district in which the principal use is located.
4. Sheds or tool rooms for the storage of equipment used in operations or maintenance. Steel cargo storage containers or modified versions thereof are not permitted.
5. Open yard use for the storage of materials or equipment, excluding junk or other salvage is only permitted in the Highway Commercial District and the Limited Industrial District and shall be separated from adjoining properties by an opaque screen, fence or wall at least seven feet in height above finished grade.
6. Marinas may include the following accessory uses: mooring field, boat tours, boat fueling and pump-out facilities, restrooms, and marina office/store.

D. Uses Customarily Accessory to Public Uses, Buildings or Activities

There shall be no limitations regarding accessory uses to any use, building or activity operated within the public domain except that such uses, buildings, or activities must be directly related and subordinate to the principal Public Use.

E. Satellite Dishes

The guidelines for the siting of satellite dishes are as follows:

1. General Requirements

No form of advertising shall be allowed on the dish or framework other than the manufacturer's small identification plate.

2. Residential Zones

Satellite dishes should be placed in the side or rear yard or on the roof. Dishes shall not be allowed in any front yard unless a company licensed to install satellite dishes in the City certifies that the front yard is the only place where the dish will be operational. Satellite dishes should be screened from the street and to the degree feasible, from adjoining properties. Such screening can be accomplished through fencing, landscaping, or placement of the dish between/behind architectural features of the building.

3. Commercial Zones

The preferred location for all dishes is in the rear yard or on the roof. Dishes are encouraged to be screened from the street and to the degree feasible, from adjoining properties. Screening can be accomplished through fencing, landscaping, or placement of the dish between/behind architectural features of the building. Dishes greater than two meters in diameter must be located in the side or rear yard or on the roof and must be screened from the street and to the degree feasible, from adjoining properties.

F. Home Occupations

The following regulations shall apply to the conduct of home occupation in any permitted zoning district.

1. Home Occupation Types

Home occupations shall be separated into two categories and permitted subject to an annual business license issued by the City of Beaufort and the following provisions.

a. Type 1 Home Occupation

A Home Occupation Type 1 shall be deemed an accessory use and no further approval shall be required. Such home occupation must meet the following standards:

(1) Be conducted entirely within a structure and have no outside storage of any kind related to the home occupation;

(2) Be clearly incidental and secondary to the principal use of the dwelling;

(3) Be conducted only by persons residing on the premises (nonresident employees are not permitted);

(4) Entrance to the home occupation portion of the dwelling is from within the dwelling and not through a new outside entrance, except where this provision conflicts with the requirements of the South Carolina Department of Health and Environmental Control (DHEC);

(5) Create no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, traffic, or parking problem; and

(6) Instruction in music, dancing and similar subjects shall be limited to two students at a time.

b. Type 2 Home Occupation

Following approval as a special exception by the Board of Zoning Appeals, a limited business operation may be conducted as a Home Occupation Type 2. Such home occupation must meet the following standards. The Building Official may inspect the premises without prior notice during normal business hours.

(1) Not more than two employees who are not residents of the household are employed; and

(2) The applicable codes of the City of Beaufort, as amended, govern the electrical wiring, plumbing, etc., which shall be installed before such home occupation begins;

2. Home Occupation Standards

a. The Home Occupation shall not affect the residential character of the dwelling nor cause the dwelling to be extended.

b. No outside storage shall be used in connection with the Home Occupation.

c. No more than one sign or name plate not exceeding one and one-half square feet in area indicating the name and/or occupation of the occupant is permitted, and no freestanding, illuminated or animated sign is used. Where a home occupation is located in a Bed and Breakfast establishment, only one sign shall be permitted for both uses.

d. No equipment or process shall be used in connection with the Home Occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises; and

e. No display of products shall be visible from the street and only articles made on the premises with the exception of antiques, may be sold; except that non-durable articles (consumable products) that are incidental to a service, which service shall be the principal use in the Home Occupation, may be sold on the premises.

f. Not more than 25 percent of the floor area of the principal dwelling is used for a home occupation.

g. Vehicles having passenger vehicles characteristics only shall be permitted in connection with the conduct of the Home Occupation.

h. All deliveries and activities involving outside visitors or clients shall be limited to the hours between 8 A.M. and 8 P.M.

i. The Home Occupation shall not result in off-street parking of more than three vehicles at any one time not owned by members of the occupant family.

j. Barber shops and beauty parlors shall be licensed and operated according to the standards set by the South Carolina Department of Labor, Licensing, and Regulation and shall be limited to two chairs. As part of the application for the proposed home occupation, the applicant shall certify that the proposed use is not prohibited by any covenant or deed restriction on the property.

k. No home occupations that involve visitation by customers or salespeople shall be permitted in accessory dwelling units.

l. Off-street parking shall be provided in accordance with the standards of Section 7.5 , for the type of home occupation maintained. The off-street parking spaces required for the home occupation shall be maintained in addition to the space or spaces required for the residence itself. No parking spaces, other than driveways, may be located in the required front yard setback.

m. One vehicle trailer no more than 12 feet in length may be permitted as part of a home occupation. Such trailer shall not be parked in the street right-of-way or in the front yard unless it is parked in a driveway.

3. Exclusions to Home Occupations

No home occupation shall be permitted that does any of the following:

a. Internal or external alterations inconsistent with the residential use of the building;

b. Is visible from the street;

c. Generates traffic, parking, sewerage, or water use in excess of what is normal in the residential neighborhood;

d. Creates a hazard to persons or property;

e. Results in electrical interference;

f. Is a nuisance; or

g. Results in the outside storage or display of anything.

4. Prohibited Home Occupations

The following are prohibited as Home Occupations:

a. Automobile and/or body and fender repairing;

b. Food handling, processing or packing, other than catering services that utilize standard home kitchen equipment;

c. Repair, manufacturing and processing uses; however, this shall not exclude the home occupation of a seamstress where goods are not manufactured for stock, sale or distribution;

d. Restaurants;

e. Uses which entail the harboring, training, raising or treatment of dogs, cats, birds or other animals on-site;

f. Body piercing facilities; and

g. Tattoo facilities.

G. Setback and Other Yard Requirements for Accessory Uses

All accessory uses operated in structures above ground level, including in-ground or above-ground pools, shall observe all setbacks, yard and other requirements set forth for the district within which they are located, with the following exceptions:

1. Water-oriented facilities such as docks, marinas, boat houses, etc., which shall be allowed to infringe into required setback areas along shorelines and into rivers, lakes, streams and other waterways.

2. On single-family and two-family residential lots, the side and rear yard setbacks for nonhabitable accessory structures less than 500 square feet in size and 15' in height may be reduced to 5'.

3. On single-family lots the Historic District, the side and rear yard setbacks for accessory structures may be reduced to 5'.

4. Garages, where garage doors face the street, shall be set back from any street property line a minimum of 20'.

5.5 Temporary Uses

A. Purpose

Temporary uses, as set forth below, are declared to possess characteristics which require certain controls in order to insure compatibility with other uses in the district within which they are proposed for location.

B. Temporary Uses

The Administrator is authorized to issue a Temporary Certificate of Zoning Compliance for Temporary Uses, as follows:

1. Carnival, circus or fair, for a period not to exceed 21 days, in the LI District, subject to the approval of the City Manager.
2. Religious meeting in a tent or other temporary structure in nonresidential districts, for a period not to exceed 7 days.
3. Open lot sale of seasonal produce and plant products including Christmas trees, in the CC, GC, NC, and HC, districts for a period not to exceed 45 days.
4. Real estate sales offices, in conjunction with an approved subdivision or development project, in any district, for a period not to exceed one year, provided no cooking or sleeping accommodations are maintained in the structure. Permits for such facilities may be renewed, provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion, and would not create a nuisance to surrounding uses.
5. Contractor's office and equipment sheds, including steel cargo storage containers, in any district, for a period of 6 months, provided that a building permit has been issued for construction on the site and that such facilities are placed on the property to which it is appurtenant. Permits for such facilities may be renewed, provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion, and would not create a nuisance to surrounding uses.

   Temporary Certificates Of Zoning Compliance, issued for those Temporary Uses provided for in subparagraphs 4 and 5 above, may be renewed provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion and would not create a nuisance to surrounding uses.
6. Temporary classroom facilities shall not be located at any school, religious institution or other similar use unless a plan for improvements designed to eliminate the temporary classrooms at a time certain in the future has been approved by the Administrator. Such plan shall include a review of the placement of the temporary classrooms, and may require screening and buffering in order to comply with this UDO.
7. Concession stands (mobile trailers, trucks and/or vendor carts) on the following conditions:

   a. The use will be located within a shopping center or a multi-tenant development containing four or more businesses;

   b. The property owner/manager has agreed in writing to the location of the use on the premises;

c. The use will comply with all building and fire codes, business license, revenue collection, and health laws of the City of Beaufort, Beaufort County, and the State of South Carolina;

d. The use has been licensed by the local health department if applicable;

e. A site plan showing the location of the proposed use on the lot and in relation to pedestrian and vehicular circulation is submitted to the Administrator or his/her designee for approval.

8. Portable steel storage containers in any district for purposes of loading or unloading, for a period not to exceed 10 days.
9. Cargo or freight storage containers or modified versions thereof are permitted to be used as temporary storage facilities in the General Commercial and Highway Commercial Districts for up to three consecutive months in any 12-month period, on the condition that the containers will not be visible from the street.

Article 6. District Development Standards

6.1 Residential District Standards

A. Residential Development Standards

The following table illustrates the dimensional standards that apply in the City's base Residential districts:

Standard	Zoning District								
	TR	RE	R-1	R-2	R-3	R-4	GR and TBR-Old Commons	TBR-The Point	MHP
Lot Dimensions Lot Area, Min. Lot Width, Min. Lot Frontage, Min.	3 AC 100 feet 20 feet	21,780 SF 100 feet 20 feet	12,500 SF 100 feet 20 feet	9,000 SF 80 feet 20 feet	6,000 SF 60 feet 20 feet	4,000 SF 40 feet 20 feet	See note 5	See note 1	5 acres 150 feet 150 feet
Minimum Yards Front Yard Rear yard* Side Yard*	35 feet 15 feet 15 feet	35 feet 50 feet 15 feet	30 feet 15 feet 15 feet	20 feet 15 feet 12 feet	15 feet 15 feet 10 feet	12 feet 15 feet 6 feet	See note 2 See note 6 See note 6	See note 2 15 feet 10 feet	25 feet 15 feet 15 feet
Impervious Coverage	N/A	N/A	40%	45%	50%	55%	50%	55%	N/A
Maximum Height	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	See note 3	See note 4	35 feet

1. Minimum 6,000 SF lot area and 60 feet in width for single-family; 8,000 SF lot area and 80 feet in width for two-family and 10,000 SF in lot area and 100 feet in width for three-family.
2. In the Historic District, use average prevailing setback for front yard; accessory structure side and rear yard setbacks may be reduced to 5'.
3. Maximum height 35 feet for single-family structures, 50 feet for multifamily.
4. Maximum height 35 feet above base flood elevation.
5. For single-family development see R-4 standards; for two-family, three-family and multifamily development (GR only), minimum 6,000 SF lot area, 60 feet lot width, and 60 feet lot frontage, maximum density 25 units per gross acre.
6. For multifamily development, minimum front yard 25 feet, minimum rear yard 15 feet, and minimum side yard 10 feet; single-family development, see R-4 standards;

* See Section 5.4.G. for setbacks for accessory structures.

B. Average Prevailing Setback (Front Yard)

The average prevailing front yard setback shall be measured by averaging the front yard setbacks on the three lots adjoining either side of the proposed lot. When the three lots extend more than 100 feet from the side lot line of the proposed lot, only those lots lying at least partially within 100 feet of the proposed lot line shall be used in calculating the average prevailing setback. The Administrator may exercise reasonable discretion and flexibility in determining the average prevailing front yard depth so that it is harmonious with the existing streetscape; however, the minimum front yard shall be no less than five feet.

C. MHP Manufactured Home Park District

1. MH Park plan

In order to qualify for a MH Manufactured Home zoning classification, a proposed park must first meet the following specific requirements:

a. The site to be utilized for the park shall contain an area of not less than five acres. The site must have a minimum lot width measured at the building line of 150 feet.

b. The site shall be served by public water and sewer facilities.

c. The Manufactured Home Park shall not contain more than seven mobile home units per acre.

d. Each individual Manufactured Home space shall not be less than 40 feet in width, and 4,000 square feet of area which shall be clearly defined.

e. Manufactured Homes shall be so situated on each space so as to provide:

(1) A minimum of fifteen feet of clearance between mobile homes and any property line bounding the park.

(2) A minimum of 20 feet of clearance between only those Manufactured Home parked end to end and any building located within the park.

f. Each Manufactured Home Park shall have a minimum total area of 2,500 square feet set aside for common recreational open space, or at least 100 square feet of space for each mobile home lot, whichever is greater. Each outdoor recreational area provided shall contain a minimum of 2,500 square feet.

2. Other Requirements for Manufactured Home Parks

a. Minimum front yard depth measured from the nearest street right-of-way line: 25 feet. For exceptions to this requirement, see Section 6.4.

b. Minimum side yard: 15 feet for each side. For side yard requirements pertaining to corner lots, see Section 6.4.A.

c. Minimum rear yard: 15 feet. The provisions of Section 6.4.C., pertaining to double frontage lots, shall apply to Manufactured Home Parks in MHP districts.

d. Maximum building height: 35 feet.

e. The area proposed shall be in one ownership, or if in several ownerships, subject to Section 3.14, the application for amendment to this UDO shall be filed jointly by all the owners of the properties included in the plan.

f. A suitable site plan shall be submitted by the developers for review and approval by the Planning Commission and the City Council. Specifically, such plan shall include the following elements where applicable:

(1) The site plan drawn to scale by a registered civil engineer, registered land surveyor, registered landscape architect, or registered architect

showing the exact dimensions of the parcel or parcels of land under consideration. The plan shall include the following elements:

(a) All property dimensions.

(b) All mobile home space dimensions.

(c) Street systems and dimensions.

(d) Means of ingress and egress.

(e) Off-street parking facilities.

(f) Open spaces including recreational spaces together with dimensions.

(g) Provision of utilities; including water, sewer and drainage facilities approved by the appropriate review authority.

(h) Park front, side, and rear yard setback dimensions as described in Section 6.1.C.2.

g. A written report shall be submitted by the developers for review and approval by the Planning Commission and the City Council which shall define the manner in which the City Council is to be assured that all improvements and protective devices, such as buffers, and waste disposal systems, such as oxidation (stabilization) ponds or mechanical treatment plants, where applicable, are to be maintained.

3. Manufactured Home Subdivision

If spaces for Manufactured Homes are to be offered for sale, lots proposed for sale must be recorded according to the requirements of 1.1A . Application for subdivision may be processed in conjunction with Section 3.5 to obtain authorization of this development, within a Manufactured Home zoning district. Whether spaces are proposed for sale, rental, or lease, the design of the park shall comply with the standards set forth in the section.

4. Revocation of License

The City Council may revoke any permit to maintain and operate a Manufactured Home Park where the operator has been found guilty by a court of competent jurisdiction of violating any provisions of this UDO. After such conviction, the permit may be reissued if the circumstances leading to the conviction have been remedied and the park is being maintained and operated in full compliance with the law.

5. Posting of Certificate of Occupancy

The Certificate of Occupancy shall be conspicuously posted in the office or on the premises of the Manufactured Home district.

6. Administrative Procedures With Regard to MH Zoning Districts

a. Any request pertaining to establishment of a Manufactured Home zoning district shall be considered an amendment to this UDO and shall be administered and processed in accordance with the regulations set forth in Section 3.14 of this UDO. All data set forth in subsection (1) shall be submitted to the Planning Commission and subsequently forwarded to the City Council with recommendation of the Planning Commission. If approved by the City Council, all information pertaining to the proposal

shall be adopted as an amendment to this UDO, to be the standards of development for the particular Manufactured Home Park zoning district.

b. All further development shall conform to the standards adopted for the district, regardless of any changes in ownership. Any proposed changes in the district shall be treated as amendments to this UDO and must be considered in accordance with procedures set forth in Section 3.14 . Appeals based on hardship or an alleged misinterpretation of the ordinance by the Administrator shall be processed in accordance with procedures set forth in Section 3.17.

c. In any event where it is determined by the City Council that development in the Manufactured Home Park district is not in accordance with the standards adopted for that district, the Council shall be empowered to amend this ordinance to place parts or all of the property in the Manufactured Home Park district in another zoning classification deemed by the Council to be more appropriate.

d. The violation of any provision of the plans, as submitted under the provisions provided herein, shall constitute a violation of this UDO.

6.2 Alternative Residential Development Options

A. A. Purpose

The alternative development options of this section allow for variety in development standards while maintaining the overall character of a single-dwelling neighborhood. These options have several public benefits:

1. They allow for development which is more sensitive to the environment, especially in areas with water features and natural drainageways;
2. They allow for the preservation of open and natural areas;
3. They promote better site layout and opportunities for private recreational areas;
4. They promote opportunities for affordable housing; and
5. They promote energy-efficient development.

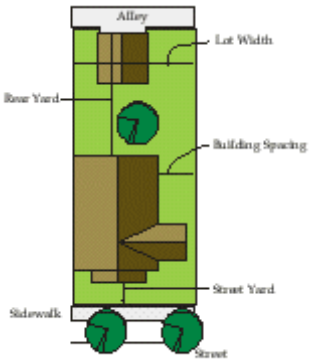
B. General

The alternative development options listed in this section are allowed as set forth in the use table in Section 5.1. The project must comply with all of the applicable development standards of this Section. The project must also comply with all other development standards of the base zoning district unless those standards are superceded by the standards in this Section.

C. Zero Lot Line

1. Description

A zero lot line development is where houses in a development on a common street frontage are shifted to one side of their lot. This provides for greater usable yard space on each lot. These developments require that planning for all of the house locations be done at the same time. Because the exact location of each house is predetermined, greater flexibility in site development standards are possible while assuring that single-dwelling character is maintained.



LOT LINE HOUSE

2. Procedure

Zero lot line developments are allowed by-right. Review for compliance with the standards of this Section shall occur during the subdivision platting process. Restrictions that assure the minimum distance between houses and any required easements must be recorded on the plats of the applicable lots. Proof of such recordation must be submitted as part of the building permit application.

3. Additional Standards

a. Setbacks

The side building setback on one side of the house may be reduced to zero. This reduction does not apply to the street side setback or to the interior side setback adjacent to lots that are not part of the zero lot line project.

b. Distance Between Houses

The minimum distance between all buildings in the development must be equal to twice the required side setback required by the underlying zoning

district. A deed restriction must be recorded on the deed of each applicable lot to ensure continued compliance with this setback.

c. Eaves

The eaves on the side of a house with a reduced setback may project a maximum of 18 inches over the adjacent property line. In this case, an easement for the eave projection must be recorded on the deed for the lot where the projection occurs.

d. Maintenance Easement

An easement between the two property owners to allow for maintenance or repair of the house is required when the eaves or side wall of the house are within four feet of the adjacent property line. The easement on the adjacent property must provide at least five feet of unobstructed space between the furthermost project of the structure and the edge of the easement.

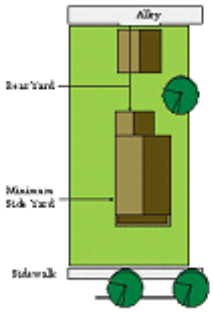
b. Deed Restrictions

All required deed restrictions shall be reviewed by the Administrator and recorded prior to issuance of any building permits.

B. Village House

1. Description

A village house is a single-family detached house with private yards on all four sides; however, the house is pulled up closer to the street in return for providing rear access for parking or garages.



VILLAGE HOUSE

2. Procedure

Village houses are allowed by-right. Review for compliance with the standards of this Section shall occur during the subdivision platting process.

3. Additional Standards

a. Setbacks

The side and rear yard setbacks for the underlying district shall apply. A three-foot rear setback for any garage or carport structure shall be required. The front yard setback may be reduced to 12 feet.

b. Required Alley Access

Alley access for all lots with village houses is mandatory. Any garage or parking area shall access off the alley.

C. Cluster Development

A cluster development is a residential subdivision in which the lots are allowed to be smaller (in area and width) than otherwise required for the underlying, base zoning district, but in which the overall density cannot exceed the maximum density limit for the underlying zoning district. Through the cluster development option, a subdivision can contain no more lots than would otherwise be allowed for a conventional subdivision in the same zoning district, but the individual lots within the development could be smaller than required in a conventional subdivision. Smaller lot sizes within

a cluster development are required to be offset by a corresponding increase in open space.

1. **Conflict with Other Regulations**

   If there is a conflict between the cluster development standards of this section and any other requirement of this UDO, the standards of this section control. Otherwise, a cluster development is subject to all other applicable requirements of this UDO.

2. **Approval Procedure**

   Cluster Developments are subject to the subdivision procedures set forth in Section 3.5.

3. **Density**

   A cluster development is subject to the maximum density requirements of the base zoning district.

4. **Lot Size**

   There is no set minimum lot size (area or width) requirement within a cluster development. Individual lot sizes must be adequate to meet all required density and development standards. Minimum lot sizes may be established by the Planning Commission during the Subdivision process.

5. **Setbacks and Building Separations**

   The minimum setback standards of the base zoning district apply along the perimeter of a cluster development. All detached structures within a cluster development must be separated by a minimum distance of 10 feet.

6. **Open Space**

   a. **On-Site Open Space**

   Cluster developments shall be subject to the minimum on-site open space standards of the base zoning district, if applicable.

   b. **Common Open Space**

   (1) **Minimum Requirement.** Common open space is required within a cluster development to ensure that the overall density within the development does not exceed the maximum density allowed by the underlying zoning district. Common open space must be provided in an amount at least equal to the difference between:

   (a) The actual, average lot area per dwelling unit within the cluster development; and

   (b) The required lot area per dwelling unit for conventional development within the underlying base zoning district.

   (2) **Use of Common Open Space.** Common open space must be set aside and designated as an area where no development will occur, other than project-related recreational amenities or passive open space areas. The Planning Commission may require that up to 50 percent of required common open space be useable open space, if deemed necessary by the Planning Commission to ensure adequate recreational amenities for residents of the development.

D. Townhouses

The regulations, as contained in this section, shall be applied to Townhouses where permitted in any district except the Boundary Street Redevelopment District.

1. Access

All townhouse lots created after November 2009 shall be located on a public or private street.

2. Sidewalks

Sidewalks are required as part of townhouse development on all townhouse lots created after December 2009. If sidewalks do not currently exist along the street frontage, sidewalks, a minimum of 5' in width, shall be provided. Sidewalks shall be located in the street right-of-way; however, if an encroachment permit cannot be secured for construction of a sidewalk on an existing street, the sidewalk shall be constructed as close to the front property as possible and placed in an access easement.

3. Development Standards

a. The minimum lot width for a townhouse lot is 16'.

b. In residential districts, there is a front build-to-line of between 10' and 20' measured to the front building line.

c. In commercial districts, there is front build-to-line of between 0 and 15' measured to the front building line.

d. There is no required side yard or rear yard setback.

e. Maximum building coverage is 85% per lot; there is no limit on impervious surface.

4. Parking

a. Two on-site parking spaces are required per unit.

b. In place of on-site parking, required parking may be provided in a community parking area or garage, the title to which or easement for the use of which runs with an/or is appurtenant to the title of the townhouse.

c. On-site parking is prohibited in front of the townhouse structure; any on-site parking must be in the rear.

5. Design Standards

a. Townhouse dwellings are subject to design review by either the Design Review Board or the Historic District Review Board, as appropriate.

b. The finished first floor height shall be raised a minimum of 3' from the average

c. An 8' front porch or 4' stoop is required in residential districts.

(1) Porches shall have a minimum depth of 8' and shall have a minimum length of 25% of the townhouse unit. Porches may occur forward of the build-to line, but shall not extend into the right-of-way. Front porches may be screened; however, if screened, all architectural expression (columns, railings, pickets, etc.) must occur on the outside of the screen.

(2) Stoops shall have a minimum depth of 4' and shall have a minimum length of 10% and maximum length of 25% of the townhouse unit, not including the stairs. Stoops may occur forward of the build-to line, but shall not extend into the right-of-way. Stoop stairs may run to the front or to the side. Stoops may be shared by two adjacent units. Stoops may be covered or uncovered.

E. Multifamily Residential

1. Separation Requirements

No portion of a multifamily residential or accessory structure in or related to one group of structures shall be closer than 20 feet to any portion of a multifamily residential or accessory structure related to another group, or to any building outside the multifamily area.

2. Grouped Parking Facilities

Insofar as practicable, off-street parking facilities shall be grouped in bays behind the structures so as not to be visible from the street.

3. Open Space

In all multifamily residential projects where more than 10 units are to be constructed, a landscaped common area amounting to at least 10 percent of the overall site area shall be provided in the same project. No building, parking, storage or other use shall be made of this open space. The landscaped common area may be provided in phases, in conjunction with the issuance of building permits for each phase.

4. Design Standards

The following design standards apply to all multi-family residential buildings. These standards supplement any district-specific standards. Alternative design standards may be approved by the Administrator in order to permit a more flexible or creative design.

a. Exterior Wall Color Finishes

Day-glo, luminescent, iridescent, neon or similar types of color finishes are not permitted.

b. Glass

Mirrored glass with a reflectivity of 20 percent or more is not permitted on the exterior walls and roofs of all buildings and structures.

c. Orientation Requirements

Building elevations that face a public street shall have at least 15 percent of the wall facing the street consist of windows and/or entrance areas.

d. Windows

Windows shall be provided with trim. Windows shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, header and sill.

e. Roofing Materials

Roofing materials shall consist of 25-year architectural dimensional shingles, tile (clay, cement, natural or manufactured stone), non-reflective pre-finished metal, or reflective metal such as copper or other similar metals

as approved by the Administrator. Portions of the roof screened by pitched roof sections shall be permitted to be flat to provide for mechanical equipment wells or roof decks, provided that all pitched sections of the roof meet the roofing material requirements.

f. Special Design Features

All buildings other than garages shall be designed to include varied relief to provide interest and variety and to avoid monotony. This shall include details that create shade and cast shadows to provide visual relief to the buildings. The following list contains a partial list of features that may be used as part of an integrated, comprehensive design.

(1) Bow window

(2) Bay window

(3) Arched window

(4) Gable window

(5) Oval or round windows

(6) Shutters

(7) Arched entry, balcony or breezeway entrance

(8) Stone or brick accent wall

(9) Decorative stone or brick band

(10) Decorative tile

(11) Veranda, terrace, porch or balcony

(12) Projected wall or dormer

(13) Variation of roof lines on the building

(14) Decorative caps on chimneys

5. Multifamily Compatibility Standards

Compatibility standards are intended to protect adjacent properties and residential neighborhoods from the adverse impacts sometimes associated with higher intensity development.

a. Roof Mounted Mechanical Equipment

All roof mounted mechanical equipment shall be screened from public view. Screening shall utilize the same or similar materials as the principal structure.

b. Lighting

External lighting shall be arranged and controlled so as to deflect light away from any residential district. Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets.

6.3 Nonresidential District Standards

A. Nonresidential Development Standards

1. Commercial and Industrial Districts

The following table illustrates the dimensional standards that apply in the City's base Commercial and Industrial districts:

	Zoning District					
Standard	**NC**	**OC**	**CC**	**GC**	**HC**	**LI**
Lot Dimensions						
Lot Area, Min.	2,500 SF	4,000 SF	2,500 SF	4,000 SF	6,000 SF	10,000 SF
Lot Width, Min.	25 feet	40 feet	25 feet	40 feet	60 feet	100 feet
Minimum Yards* ** **						
Front Yard	(Build-to) 3-10 feet	10 feet	none	(Build-to) 7-12 feet	25 feet	25 feet
Rear Yard	10 feet	10 feet	none	10 feet	15 feet	35/ 50 feet* *
Side Yard	none	10 feet	none	10 feet	10 feet	10/ 25 feet* *
Impervious Surface Coverage, Max.	75%	60%	N/A	65%*	60%	65%
Maximum Height	42 feet	50 feet	See Section 6.5.K.11	50 feet	50 feet	50 feet

*Maximum impervious coverage may be increased to 75 percent for redevelopment sites.
**35' except when property abuts another zoning district 50' is required and 10' except when property abuts another zoning district, 25' is required.

*** **a.** Single-family standards should be the same as R-4.

b. Multifamily standards should be the same as GR; maximum density 30 dwelling units per gross acre.

c. Maximum density for Residential, Upper Story, 35 dwelling units per gross acre.

The following table illustrates the dimensional standards that apply in the City's Special Purpose districts:

	Zoning District	
Standard	**MED**	**IP**
Lot Dimensions		
Lot Area, Min.	5,000 SF	10,000 SF
Lot Width, Min.	50 feet	50 feet
Floor Area, Min.	—	—
Minimum Yards		
Front Yard	35 feet	20 feet
Rear Yard	25 feet	15/50 feet*
Side Yard	25 feet	10/35 feet* *
Impervious Surface Coverage, Max.	65%	No Limit
Maximum Height	50 feet	120' except where limited by Section 6.7.B, AICUZ obstruction Height Zones

* 15' except where property abuts a non-industrial district when 50' is required.
* * 10" except where property abuts a non-industrial zoning district when 35' is required.

6.4 Beaufort Historic District Standards

A. General Requirements

1. No structure within the Historic District may be erected, demolished or removed, in whole or in part, nor may the exterior architectural character of such structure be altered until after an application for a Certificate of Appropriateness has been submitted to the Historic District Review Board and approved by it. A Certificate of Appropriateness shall be required for all permanent signs including permanent window signs displaying business name, proprietor, or logo and for all window neon signs or neon displays. A Certificate of Appropriateness shall not be required for temporary signs (e.g., going out of business signs) and standard auxiliary signs (e.g., "open," "welcome," hours of operation, credit card decal signs),

2. No structure that is within the limits of the city, but outside the Historic District that is listed in the "Beaufort County Historic Sites Survey- 1997" may be demolished or removed in whole or in part, until an application for a Certificate of Appropriateness has been submitted to the Board and either approved by it or the period of postponement provided for in Section 3.20.D has expired.

3. Evidence of the approval required above shall be a Certificate of Appropriateness issued by the Historic District Review Board as created herein. Such certificate shall be a statement signed by the Administrator stating that the demolition or changes in the exterior, appearance of the proposed construction, reconstruction, alteration, or restoration for which application has been made are approved by the Historic District Review Board.

B. Exclusions

1. Ordinary maintenance and repair of any of the existing features of a structure that does not involve a change in design, type of materials, or outward appearance shall be exempt from the review and approval requirements of this UDO.

2. Nothing in this UDO shall be construed to prevent the construction, reconstruction, alteration or demolition of any elements of a structure which the authorized municipal officers certify as required by public safety.

3. Repairs and renovations to existing structures which do not alter the exterior appearance need not be approved by the Historic District Review Board.

C. Display of Merchandise

Merchandise may be displayed in the front of commercial establishments within the Historic District only in compliance with the following:

1. Merchandise shall be displayed outdoors during business hours only;

2. Merchandise shall not be placed on the public sidewalk or within the right-of-way without approval of the City Manager. If merchandise is displayed on any privately-owned sidewalk, a minimum of 42 inches of the sidewalk as measured from the curb must remain open and unobstructed to facilitate safe pedestrian circulation;

3. Merchandise shall be displayed outdoors only within 5' of the building and only in front of the building or the tenant space;
4. Merchandise shall be arranged and spaced so as not to clutter the front of the property, as determined by the Administrator;
5. Areas designated for vehicular parking may not be used as outdoor display areas;
6. For purposes of this section, merchandise is defined as any item that is for sale on the premises or is representative of an item that is for sale on the premises, regardless of whether or not that particular item is available for purchase; and
7. Vending machines, (except newspaper vending machines), realty advertising racks, phone booths and other street furniture visible from the public right-of-way shall not display any advertising or other commercial message, except where such advertising or commercial message is counted as a sign under Section 7.2, Sign Regulations. Premises not meeting the requirements of this section shall be brought into compliance within one year of the effective date of the UDO.

D. Trash Facilities

All private trash receptacles shall be hidden or screened from view. Unscreened facilities shall come into compliance with the provisions of this section within 18 months of adoption of this UDO.

6.5 Measurement and Exceptions

A. Corner Lots

On lots having frontage on more than one street at an intersection, the minimum front yard requirement may be reduced to one-half the regulated distance on the portion of the lot fronting on the street or streets of less importance with the following exceptions:

1. In the General Commercial (GC) District, the setback on the street of lesser importance shall be reduced to no less than seven feet;
2. In the Highway Commercial (HC) District, the setback on the street of lesser importance shall be reduced to no less than fifteen feet; and
3. In the Limited Industrial (LI) District, the setback on the street of lesser importance shall be reduced to no less than fifteen feet.

B. Location of Buildings on Lots

Every building or use hereafter erected or established shall be located on a lot of record; and every single-family and two-family residential structure, except as herein provided, shall be located on an individual lot of record.

C. Double Frontage Lots

On lots having frontage on two streets, but not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this UDO. On lots having frontage on more than two streets, the minimum front yard shall be provided in accordance with the regulations set forth in this UDO on at least two of the street frontages. The minimum front yard on the other frontage or frontages may be reduced along the other streets in accordance with the provisions of paragraph A above.

D. Flag Lots

Flag lots may be permitted by the Planning Commission in major subdivisions as part of the subdivision review process, if the lot has an access strip with a minimum width of 20' serving the main building site of the property. The front setback on flag lots shall be measured from the front property line within the main building site as opposed to the property line adjoining the public right-of-way.

E. Measurement of Yards; Determination of Building Area

The required front, side and rear yards for individual lots, as set forth for the particular zoning district within which a given lot is located shall be measured inward toward the center of said lot from all points along the respective front, side and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear lot shall be known as the "buildable area."

F. Density

Density refers to the number of dwelling units per unit of land area. Density is calculated by dividing the number of dwelling units on a site by the gross area (in acres) of the site on which the dwelling units are located. The number of dwelling units allowed on a site is based on the presumption that all other applicable standards will be met. The maximum density established for a district, including Planned Unit Development districts, is not a guarantee that such densities may be obtained, nor

shall the inability of a development to achieve the stated maximum density be considered sufficient justification for varying or otherwise adjusting other density, intensity or dimensional standards.

G. Lot Area

1. Measurement

Lot area refers to the horizontal land area within lot lines, excluding any wetlands.

2. Exceptions

No building permit or development approval may be issued for a lot that does not meet the minimum lot area requirements of this UDO except in the following cases:

a. Nonconforming lots may be used in accordance with the provisions set forth in Section 9.4.

b. Utilities using land or an unoccupied building covering less than 1,000 square feet of site area shall be exempt from minimum lot area standards.

3. Lot Reduction Prohibited

No yard or lot existing at the time of passage of this UDO shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this UDO shall meet at least the minimum requirements established by this UDO.

H. Lot Width{XE "Lot Width"}

Lot width is measured between side lot lines along a line that is parallel to the front lot line or its chord and located the minimum front setback distance from the front lot line. On cul-de-sac lots existing on the date of adoption of this UDO, the required lot width will be 80% of that required by this UDO.

I. Yards (Setbacks){XE"Yards"}

Yards (or setbacks) refer to the unobstructed, unoccupied open area between the building face of a structure and the property line of the lot on which the structure is located, except as modified by the standards of this section.

1. No part of a yard, or other space, or off-street parking or loading required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard open space, or off-street parking or loading space similarly required for any other building.
2. Right-of-way easements for streets and roads shall not be considered a part of a lot or open space, or front, rear or side yard for the purpose of meeting yard requirements.
3. Minimum front, side and rear yard setbacks shall apply to all lots as specified in the regulations for the zoning district in which the property is located.
4. In all cases, the principal buildings on a lot shall be located within the area formed by the building lines as outer boundaries, and, in no case, shall such buildings infringe beyond the building lines into the respective front, side, rear yards or other setbacks required for the district in which the lot is located. Setback distances are measured from the wall of the building.

5. Additionally, a 30 foot setback for all impervious surfaces on property located in any single-family residential zoning district, and a 50-foot average setback with a 35 foot minimum 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, 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.

6. Features Allowed Within Setbacks

The following features may be located within a required setback subject to the provisions of Section 7.6.B, "Sight Triangles."

a. Trees, shrubbery or other landscape features.

b. Fences and walls, provided that in residential and commercial districts, the support structures for fences shall be located on the inside of the fence and that no fence, wall or hedge shall exceed:

(1) Four feet in height when located within any front or street side setback, except for residential lots which front Ribaut Road, where fences may be seven feet in height on the condition that such fences are set back from the front property line one foot for every foot increase in height above four feet;

(2) Six feet in height when located in an interior side or rear setback of a residential zoning district; or

(3) Eight feet in height when located in an interior side or rear setback of a nonresidential zoning district.

(4) Ten feet in height when located in a setback of lots zoned Industrial Park District.

c. Driveways may be located in setbacks on single-family and two-family lots. On all other lots, driveways may be located in front and street side setbacks and in rear setbacks if an alley is provided.

d. Sidewalks may be located within any required setback.

e. Utility lines, wires and associated structures, such as power pole.

f. Uncovered porches, uncovered steps to building entrances, uncovered patio decks and uncovered balconies may extend up to five feet into any required front, rear or street side setback.

g. A covered porch may extend up to 8 feet into a front yard setback, but shall not extend into a side yard setback. Any covered porch extending into the setback shall not be enclosed.

h. Openwork fire balconies and fire escapes may extend up to five feet into any required setback.

i. Sills, belt courses, cornices, buttresses, eaves and other architectural features may extend up to two feet into any required setback.

j. Chimneys and flues may extend up to two feet into any required setback.

k. Satellite dish antennas may be placed in required rear setbacks.

l. Roof overhangs such as rafters may extend beyond the buildable area a distance not to exceed two feet.

m. See Section 5.4.G for setbacks for accessory structures.

7. Setback Reductions on Narrow Corner Lots

Where the front, interior side and rear setbacks of the underlying zoning district reduce the buildable width of a corner lot to less than 40 feet, the Administrator shall be authorized to reduce the required front setback on the longer street side as much as necessary to increase the buildable width to 40 feet. In the event the street sides of such lot are of equal length, the reduction shall be made on the side which lies on the shorter side of the block.

8. Special Setbacks

Where setback lines have been established on any street by the Planning Commission by approval of a subdivision plat or otherwise, such setback lines shall prevail over the front setbacks of the underlying zoning district.

9. Reduction for Public Purpose

When an existing setback is reduced because of conveyance to a Federal, State or Local government for a public purpose and the remaining setback is at least 50 percent of the required minimum setback for the district in which it is located, then that remaining setback will be deemed to satisfy the minimum setback standards of this UDO.

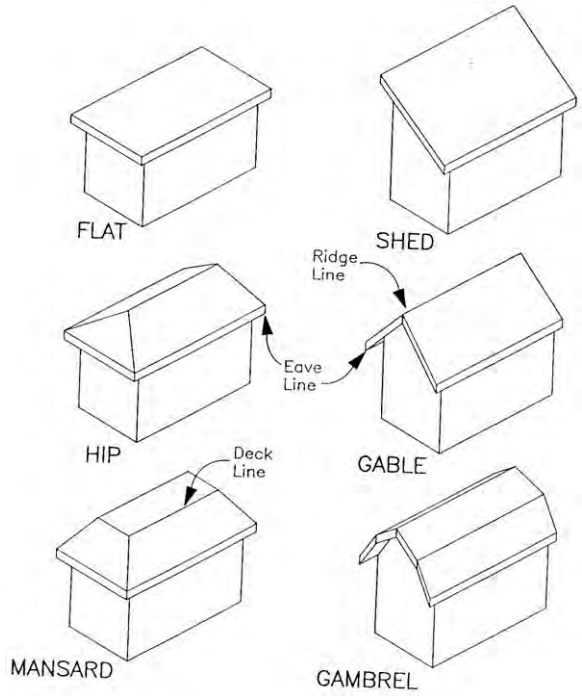
J. Impervious Surface Coverage

Impervious surface coverage shall mean areas of land that meet the definition of impervious surface in Article 11, Definitions.

K. Height

10. Building Height

Building height shall be measured using the average grade of the site, except in the TBR District and on lots below the base flood elevation, in which case such height shall be measured above base flood elevation.



The height of a building shall be measured to:

a. The average height level between the eaves and ridge line of a gable, shed, hip or gambrel roof;

b. The highest point of a mansard roof; or

c. The highest point of the coping of a flat roof.

11. Core Commercial District

Maximum building height in the Core Commercial (CC) District is 50 feet subject to the following provisions:

a. For new/infill construction, the maximum height of front wall in CC districts:

(1) If the front wall or other portion of a building or other structure is located on the front property line, the height of such front wall or other portion of a building or other structure shall not exceed a maximum height of 35 feet above curb level. Above such specified maximum height at the front property line, the building or other structure shall not penetrate the sky exposure plane while attending the maximum building height of 50 feet in the CC District.

(2) For the purpose of applying the regulations of this section to corner lots, any zone lot improved with a building or other structure shall be considered to have one front property line for each street; the zone lot has street frontage.

b. Alternate:

(1) If an open area is provided along the full length of the front lot line, the 35 foot maximum height for the front wall is waived. However, in such instances, no building or other structure shall penetrate the alternate sky exposure plane set forth in this section and the maximum building height of 50 feet in the CC District.

12. Fences or Walls

In the case of fences or walls, height shall be measured from ground level on the higher side of the fence or wall.

13. Exceptions to Height Limits

Unless otherwise expressly stated, the height limitations of this UDO shall not apply to any of the following:

a. Electrical power transmission lines;

b. Structures not intended for human occupancy, including flagpoles, belfries, cupolas, spires, domes, monuments, silos, chimneys, radio/television receiving antennas or chimney flues; or

c. Bulkhead, elevator, water tank, or any other similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than 33 percent of the area of the roof; or

d. Parapets and other devices used to screen rooftop mechanical equipment.

6.6 Design Districts

A. Purpose

The purpose of these standards is to: protect and enhance the City's unique aesthetic character and reduce unnecessary visual distractions; promote the safety of vehicular and pedestrian traffic; minimize traffic congestion; and promote roadside aesthetics and high quality development. These standards are not intended to discourage development flexibility or potential, but are targeted to serve as minimum guidelines for site planning considerations as they apply to commercial and multifamily development.

B. Application of Standards

1. The overlay district standards shall be in addition to, rather than in place of, the requirements for the underlying district.

2. If a parcel extends beyond the boundaries of the Design Districts as described in this UDO, then the entire parcel shall be considered as lying within the district.

C. Site Design

Site design is the process of arranging buildings, parking, open spaces, and other improvements such as landscaping, walkways, and roads on the land. Site design is an art concerned with shaping functional and enjoyable outdoor spaces while working carefully with the existing landscape and community character. Developing safe and efficient site circulation is an important component of site design. The quality of site design is the most important measure of a project's impact on the community.

1. Site Layout

a. Proposed development shall, to the extent feasible, work with the existing topography (i.e., work within the existing contours).

b. Proposed development shall be located and configured in a visually harmonious manner with the terrain and vegetation of the subject parcel and with that of surrounding parcels. Proposed development shall preserve vistas of the water and marsh from public streets.

c. Wooded perimeters shall be protected to retain the visual character of the site.

d. Isolated pockets of existing trees, particularly Grand Trees, shall be protected to the extent feasible and used to enhance the site's visual impact.

e. Retention/detention ponds should be incorporated as an amenity into the site design wherever possible. The fencing of ponds should be avoided. Ponds should not be located in the front of the property unless the pond has been designed in conjunction with the natural features of the site and is developed and will be maintained as a site amenity. Rectangular or linear shaped ponds should be avoided where visible from the street. Ponds should be planted and maintained with native wetland plants. Pond slopes shall be no steeper than 2:1. The proximity of the pond to pedestrian circulation should be considered in the design of the pond slopes.

f. For developments requiring more than 10 parking spaces, the majority of parking on the site should be located to the side or the rear of the building.

g. Pedestrians and vehicles should be afforded safe and readily identifiable access to and circulation within the site. Ease of pedestrian access between the proposed development and adjacent developments and from public streets shall be a required consideration in the development of a proposed project's site and circulation plans.

h. In the Lady's Island Village Center District, on lots with frontage on Factory Creek, a minimum 10 foot pedestrian access easement is required along the waterfront for the purpose of creating a continuous walkway along Factory Creek.

i. Parking lots should connect with adjoining development or provide for future connection if access is not currently available.

2. Access

These standards shall apply to all Design Districts, except for the S.C. Highway 170 Design District.

a. In general, the minimum distance between all access points including private driveways and roads, should be as follows:

Posted Speed Limit (miles per hour)	Spacing Between Curb Cuts (measured from the centerline)
< 35	200'
40	250'
45	300'
50	400'
55+	500'

b. These minimum distances apply with the following exceptions:

(1) If the existence of jurisdictional wetlands precludes compliance with this provision, the access point shall be placed as close as the minimum distance as possible while still avoiding the wetlands. No additional curb cuts on the subject parcel shall be permitted as a result of having the alternative access point.

(2) Access may be granted to a parcel of record existing at the time of adoption of this section provided that the property owner demonstrates that he/she has made significant but unsuccessful efforts to establish alternative access, including, but not limited to shared access with adjoining properties or access from adjacent roads.

(3) Where possible, curb cuts should be shared.

(4) Right-in only and right-out only driveways shall be used for additional access points over two per parcel. Out-parcels for shopping, office, or industrial centers shall be limited to internal access to the center unless otherwise approved as part of a master development plan. All driveways shall be paved from the road to the property line.

(5) Abandoned curbs cuts (i.e., curb cuts that are no longer used for vehicular access) shall be closed and the area shall be restored to the typical cross section of the right-of-way (ROW)

(6) Access points on corner lots should be from the side street unless a shared curb cut on the main thoroughfare is existing or proposed.

c. The Design Review Board may approve additional curb cuts based on the unique conditions of the site or the proposed development after consultation with the State Department of Transportation.

d. The Design Review Board has the authority to require the closure of the access points not meeting the requirements of this section upon development or redevelopment of a lot.

3. Access--S.C. Highway 170 Design District

The following access management standards apply to all properties within the S.C. Highway 170 Design District, between S.C. Highway 280 and the Broad River Bridge.

a. Signal spacing. The minimum spacing between full signalized access is 3,200'. The minimum spacing between directional signalized access is 1,900'.

b. Future signal locations. The specific signalized access locations shall correspond to the Future Signal Locations provided in the Robert Smalls Parkway Roadway Network Plan included in the Appendix. If a modification of the defined signal locations is desired to meet the demands of a specific development, the following conditions shall be satisfied:

(1) The modified location must meet the warrants for signalization with the proposed development as defined in the Manual on Uniform Traffic Control Devices (MUTCD) by the Federal Highway Administration (FHWA) with the analysis and specific application of traffic signal warrants to be approved by the Beaufort County traffic engineer.

(2) The modified location must provide adequate spacing (as defined in the spacing standards indicated above) from existing traffic signals, programmed traffic signals, and future signalization of primary roadway intersections, including:
SC 170 at SC 280
SC 170 at Alston
SC 170 at Castle Rock Road
SC 170 at Broad River Road
SC 170 at SC 802

(3) The modified location shall not have an adverse impact on existing or future Level of Service (LOS) based on comparative analysis of conditions with the recommended signal locations indicated on the

Robert Smalls Parkway Roadway Network Plan. The developer shall be required to conduct LOS and signal system progression analysis to demonstrate compatibility of the proposed signal location with operation of the remainder of the signal system.

c. **Driveway spacing.** A minimum of one point of access to a property will be allowed. Additional access points above the one permitted may be granted provided the continuous roadway frontage of the property exceeds 500'. Single parcel access is strongly discouraged. Joint access driveways are encouraged for small parcels to adhere to the 500' spacing. Driveways should be limited to the number needed to provide adequate access to a property. Factors such as alignment with opposing driveways and minimum spacing requirements will have a bearing on the location and number of driveways approved. Refer to following table.

Length of Frontage	Maximum Number of Driveways*
500' or less	1
500+ to 1,000'	2
1,000+ to 1,500'	3
1,500+ to 2,000'	4
More than 2,000'	4 + 1 per each additional 500' of frontage

* This is the maximum number of driveways that may be allowed subject to the approval of the Design Review Board or staff, as appropriate.

For parcels with frontage both on Robert Smalls Parkway and a secondary road, a minimum spacing of 500' shall be maintained along Robert Smalls Parkway between a driveway and a signalized intersection. Within 500' of signalized intersections, access shall be off a secondary road. Driveway spacing shall be measured from the closest edge of pavement to the next closest edge of pavement.

d. **Driveway design.** Driveway width and turning radii shall conform to the South Carolina Department of Transportation's Access and Roadside Management Standards.

e. **Driveway linkages.** Parking lots shall connect with adjoining development or provide for future connecting if access is not currently available, unless the Design Review Board makes a specific determination that connecting access can never be made achieved in the future based on unique site conditions.

f. **Deceleration lanes.** Deceleration lanes shall be required when the volume of traffic turning at a site is high enough in relation to the through traffic to

constitute the potential for disruption as indicated in the traffic impact analysis.

g. **Retrofitting existing driveways.** As changes are made to previously developed property or to the roadway, driveways will be evaluated for the need to be relocated, consolidated, or eliminated if they do not meet the access management standards.

i. **Proposed street right-of-ways.** Development shall be designed to provide for the proposed street connections shown on the Robert Smalls Parkway Roadway Network Plan.

j. **Traffic impact analysis.** A traffic impact analysis study shall be provided for proposed developments along the Robert Smalls Parkway corridor anticipated to generate at least 50 peak-hour trips. The procedures and guidelines for a traffic impact analysis as set forth in Section 3.21 shall be followed.

4. Setbacks

Building setbacks within the districts shall be as follows:

District	Front Setback	Front Build-To	Side Setback	Rear Setback
SC 170 from SC 280 to Broad River Bridge	50’		15’	15’
SC 170 from SC 280 to US 21	20’		10’	15’
SC 280	20’		10’	15’
Lady’s Island Drive (SC 802)	20’		10’	15’
US 21	15’		10’	15’
Ribaut Road		15’-20’	10’	15’
Boundary Street		6’-12’	0	15’
Lady’s Island Village Center		6’-12’	0	15’
Area wide (all other commercial lots)	. . . Zoning district standards apply . . .			

a. The Design Review Board may waive the build-to requirements if an easement or some legal or physical hardship would prevent a structure being built within the build-to area; the waiver should be the minimum necessary to accommodate the hardship.

b. In the Lady’s Island Village Center District, the setback from the OCRM critical line shall be 30 feet.

5. Maximum Site Coverage

a. Except as provided in paragraph (b) below, no site shall have more than 65 percent coverage for buildings, parking areas, driveways and any other areas of concrete, asphalt or other impervious surface.

b. In Redevelopment Corridors, no site undergoing redevelopment should have more than 75 percent coverage for buildings, parking areas, driveways and any other areas of concrete, asphalt or other impervious surface.

c. Areas at restaurants for outdoor dining need not be included in the maximum site coverage calculations.

6. Parking

a. Except as provided in paragraph d below, all developments shall provide a minimum number of permanent off-street parking spaces in the amount specified in Section 7.5. All parking over the minimum parking required in Section 7.5 shall be of a pervious material. The Design Review Board may waive this requirement for a redevelopment project in a Redevelopment Corridor. The maximum number of surface lot parking spaces shall be no more than 140 percent of the required minimum number of spaces.

b. The location of off-street parking spaces shall not:

1) Create hazards;
2) Interfere with access for pedestrian or vehicular traffic;
3) Create unreasonable traffic congestion;
4) Interfere with access to other parking spaces; or
5) Be a detriment to any nearby use.

c. The parking area landscaping standards of Article 7.3, "Landscaping and Tree Conservation," shall apply to parking areas.

d. Sites within a Redevelopment Area undergoing redevelopment shall only be required to provide 75 percent of the parking required in Section 7.5.

e. In the Boundary Street District, the Design Review Board, Historic District Review Board, or Administrator, as appropriate, may waive the minimum parking requirements of this subsection if the developer agrees to create two on-street parking spaces for every one space required by Section 7.5A. For purposes of this subsection, creating on-street parking means installing curb and gutter in the public right-of-way and striping parking spaces, if appropriate. The on-street parking must be within walking distance, as determined by the Design Review Board or Historic District Review Board, of the proposed development. The parking must meet DOT specifications and if applicable, be approved by DOT. If the developer installs a sidewalk meeting South Carolina DOT specifications as part of creating the on-street parking, one on-street space will be required in lieu of one required off-street space.

7. Sidewalks

Sidewalks, a minimum of 4' in width, shall be installed within the right-of-way of all existing public streets on which the property has frontage which do not have a sidewalk. If an encroachment permit cannot be secured for construction within the right-of-way, the sidewalk shall be constructed within the street setback area as close to the front property line as feasible. The Design Review Board may waive this requirement based on the unique characteristics of the site

and the surrounding area, if it determines that sidewalk construction will not provide public benefit.

D. Architectural Design Guidelines

1. Purpose

It is the intent of this section to encourage architecture that is unobtrusive and of a design, material, and color that blend harmoniously with the natural surroundings and the form and scale of neighboring architecture, provided the latter conforms with the intent of this section. These guidelines are not meant to stifle innovative design or diversity, but to safeguard property values and long-term economic assets through quality design and development. The Design Review Board has the authority to approve designs and materials that vary from the requirements of this section if the Board deems that the proposal has architectural merit, is appropriate to the design theme of the development, and is otherwise in keeping with the purposes of this article.

2. Building Scale

a. The scale of buildings and accessory structures (including canopies) shall be appropriate to the scale of structures located in the surrounding area. Canopies as domineering or overpowering architectural features are strongly discouraged. Maximum building height shall not exceed 50 feet.

b. In the Boundary Street and Lady's Island Village Center Districts, the maximum height of the front wall or other portions of the building (including the roof) at the front set-back should be 35 feet. Maximum building height shall be 50 feet.

3. Harmony of Design

All structures within a proposed development, including canopies, shall utilize a uniform architectural theme and shall be designed to create a harmonious whole. It is not to be inferred that buildings must look alike to achieve a harmony of style. Harmony of style can be created through proper considerations of scale, proportion, detail, materials, color, site planning, and landscaping.

4. Building Orientation

a. Structures shall be oriented so that to the extent feasible, loading areas are not visible from residential districts or from public rights-of-way. Loading areas may be oriented toward adjoining developed properties which are zoned for nonresidential uses if such loading areas are screened from view.

b. In the Boundary Street and Lady's Island Village Center Districts, structures shall be oriented so there is a useable entrance on Boundary Street and Sea Island Parkway, respectively. In the Lady's Island Village Center District, on lots with frontage on Factory Creek, structures should have a functional entrance on the waterfront elevation in addition to the front (street) entrance.

5. Building Facade

Long, unarticulated or blank facades, including but not limited to those characterized by unrelieved repetition of shape or form, shall not be permitted on any facade or portion of a facade visible or expected to be visible from a public or private street or from primary vehicular access points or parking areas.

6. Elevations

All elevations of a structure visible or expected to be visible from a public or private street or from primary vehicular access points or parking areas shall be in harmony with one another in terms of scale, proportion, detail, material, color, and quality design. The side and rear elevations of buildings shall be as visually attractive as the front elevation, where those side or rear elevations are visible from a public or private street. Rooflines and architectural detailing shall present a consistency in quality design.

7. Materials

The requirements of this section shall apply to all building facades which are visible or are expected to be visible from a public or private street or from primary vehicular access points or parking areas.

a. Materials shall express their function clearly and shall not appear as materials which are foreign to the character of the building.

b. Appropriate siding materials include wood clapboard, wood board and batten, wood shingle siding, brick, stucco, tabby, natural stone, faced concrete block and artificial siding including OSB which closely resembles painted wood clapboard. Wood siding may be painted, stained, weathered, or left natural as appropriate. Artificial materials which closely resemble the aforementioned materials shall also be permitted. New building materials will be considered as these are developed and will be evaluated on a case-by-case basis.

c. The following siding materials are prohibited except in areas zoned Limited Industrial: sheet plywood, concrete block CMU, unfinished poured concrete block, and plastic or metal not closely resembling painted wood clapboard. In areas zoned Limited Industrial, the Design Review Board may permit the use of these materials after considering the location and proposed use of the structure. Reflective materials as the main building feature are prohibited.

d. No portion of a building constructed of unadorned (unfaced) concrete masonry units or corrugated and/or sheet metal shall be visible from existing public rights-of-way.

e. Modifications proposed to buildings considered by the 1997 Beaufort County Historic Sites Survey to be contributing to the character of the Beaufort Historic District shall be made in a manner that ensures that the building remains a contributing structure.

8. Roofs

Use of pitched roofs and roof overhangs is encouraged. Recommended roof materials include slate shingles, asphalt and fiberglass shingles, metal standing seam or tiles. Partial (less than three sides) mansard roofs are prohibited.

9. Windows and Doors

a. The patterns of placement, proportions, and materials of windows and doors shall be considered. Plastic glazing and use of highly reflective glass is prohibited.

b. In the Boundary Street and Lady's Island Center Village Districts, building elevations fronting the street or the waterfront should have a minimum fenestration coverage of 50 percent on the first story and 30 percent of the entire street front and waterfront elevation.

10. Drive-thru Windows

Drive-thru windows shall not be located on the front of the building but should be located on the side or preferably the rear of the structure. On corner lots, drive-thru windows should be screened from the street to the extent possible.

11. Colors

The Board has the authority to regulate colors. Color combinations of paints or stains shall be complimentary. It is recommended that no more than three different colors per building be used. Recommended colors are traditional historic colors, earth tones (greens, tans, light browns, terra cotta, grays, pale primary and secondary colors (with less than 50 percent color value), white and cream tones, and oxblood red. Trademark colors are subject to review by the Board.

12. Fences

a. Woven metal fences are prohibited. Chain link fences fronting public or private streets shall be set back from the street the distance of the required buffer, shall be vinyl coated (black or dark green), and shall be screened with landscaping on the street side.

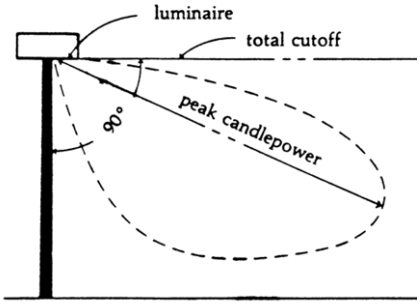
b. In the Boundary Street and Lady's Island Village Center Districts, any existing woven metal or chain-link fences shall be removed on a site undergoing redevelopment.

13. Building Renovations

Architectural elements that do not relate to the character of the building (i.e., false mansards) should be removed as part of building renovation.

E. Lighting

All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:



1. Fixture (Luminaire)

Except as provided herein, or unless otherwise explicitly approved by the Design Review Board, the light source shall be a full cut-off fixture, completely concealed within an opaque housing and shall not be visible from any street. Where the design for an area may suggest the use of lighting fixtures of a particular "period" or architectural style, fixtures other than full cut-off fixtures may be used if the lumens generated by each fixture do not exceed 5,500 and if the mounting heights of such fixtures are less than or equal to fifteen feet. Fixtures used under gasoline canopies and other structural canopies shall be flat lens, recessed lens, or drop lens with glare shields. Use of drop lens without glare shields is prohibited. Drop lenses

without glare shields must be brought into compliance with this section within three years of the effective date of this UDO.

2. Light Source (Lamp)

Only incandescent, fluorescent, metal halide, or color corrected high-pressure sodium may be used. The same type must be used for the same or similar types of lighting on any one site or PUD. No colors other than white or off-white (light yellow tones) may be used for any light source for the lighting of signs, structures or the overall site unless the Design Review Board deems such lighting to be appropriate to the design theme of the proposed development.

3. Mounting

Fixtures must be mounted in such a manner that its cone of light does not cross any property line of the site. Poles shall be black, dark gray, dark brown, or earth tone. The height of the light shall not exceed 25 feet above grade; however, in parking areas greater than one acre in size, lights located more than 100 feet from any property line may be up to 30 feet above grade. Any fixtures located within any required buffer should not exceed twelve feet above grade. For purposes of these regulations, the mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation of the surface being illuminated to the bottom of the lighting fixture (i.e., luminaire).

4. Submittal Requirements

A site lighting plan at a scale of 1" to 20' or other scale acceptable to the Administrator shall be submitted. The site lighting plan shall include:

a. Existing and proposed buildings, trees, landscaping, parking areas, and all proposed exterior lighting;

b. Specifications for all proposed lighting fixtures including fixture design, type of lamp, wattage, designation as "cut-off" fixtures, and other descriptive information on the fixtures; and

c. Proposed mounting height and placement of all exterior lighting fixtures.

5. Timers and Dimmers

It is recommended that lighting installations include timers, dimmers and/or sensors to reduce overall energy consumption and eliminate unneeded lighting.

5. Holiday lighting

Holiday lighting during the months of October, November, December and January shall be exempt from the provisions of this section, provided that such lighting does not create dangerous glare on adjacent streets or properties.

6. Light Trespass

In addition to the general provisions of this section, off-street lighting shall be shielded and/or directed in such a manner that it illuminates only the user's premises and does not spill over into neighboring residential areas so as to interfere with the peaceful enjoyment of residential or public properties. Floodlighting of buildings is prohibited except for church steeples and bridges.

7. Nonconforming Fixtures

Except where otherwise noted, all outdoor lighting fixtures existing and legally installed and operative before the effective date of this UDO are exempt from the requirements of this section. Whenever a nonconforming fixture is replaced or moved, the replacement fixture shall meet the requirements of this UDO.

F. Additional Requirements

1. Outdoor Display of Merchandise

a. Except as provided in paragraph b below, only merchandise typically used and stored outdoors may be displayed outdoors. Such merchandise shall include automobiles, trucks, boats, trailers, outdoor landscape structures (garden sheds, arbors, gazebos, etc.), plant materials, agricultural products, lawn maintenance equipment, and outdoor furniture.

b. "Indoor" merchandise (merchandise other than that typically used and stored outdoors) may be displayed outdoors only within 5' of the building and only in front of the building or the tenant space, and shall only be displayed during business hours. Merchandise shall be arranged and spaced so as not to clutter the front of the property, as determined by the Administrator. For purposes of this section, merchandise is defined as any item that is for sale on the premises or is representative of an item that is for sale on the premises, regardless of whether or not that particular item is available for purchase;

c. Areas designated for vehicular parking may not be used as outdoor display areas.

d. Merchandise shall not be placed on the public sidewalk or within the right-of-way without approval of the City Manager. If merchandise is displayed on any privately-owned sidewalk, a minimum of 42 inches of the sidewalk as measured from the curb must remain open and unobstructed to facilitate safe pedestrian circulation.

e. Plans for new developments shall clearly designate any areas for outdoor display of outdoor merchandise. Outdoor display of merchandise shall only occur in areas designated for such display on the approved plan.

f. Vending machines, except newspaper boxes, shall be screened from view from the street.

g. Any use or premises not conforming with the requirements of this section shall be brought into compliance with these requirements within one year of the effective date of this UDO.

2. Utility Lines

All utility lines such as electric, telephone, CATV or other similar lines serving individual sites as well as all utility lines necessary within the property shall be placed underground. All utility lines shall be placed underground in new subdivisions. All junction and access boxes shall be located to the side or the rear of the building unless public safety concerns dictate otherwise. All utility pad fixtures and meters should be shown on the site plan. The necessity for

utility connections, meter boxes, etc. should be integrated with the architectural elements of the site plan.

3. Mechanical Equipment

Mechanical equipment such as ventilation systems, commercial exhaust fans, rooftop terminations, commercial cooling equipment, heating and air conditioning units, TV antennas and satellite dishes shall be hidden or screened from view. Lattice, open brick enclosures, or vegetation can be used to conceal mechanical equipment. Screening material shall be properly maintained. If vegetation is used for screening, the mature size of the vegetation shall be considered so that equipment air flow will not be compromised.

4. Trash Facilities

All private trash receptacles (for example, dumpsters) shall be hidden or screened from view. Screening shall be compatible with the architectural style of the building. Unscreened facilities shall come into compliance with the provisions of this section within 18 months of adoption of this UDO. Trash cans, street furniture, and other related site furnishings located on private property shall not contain any commercial message such as the name or logo of a business.

5. Bike racks

A minimum of one bicycle rack shall be installed in all non-residential developments with over 2,000 square feet of space and in all multifamily developments with 10 or more units. The Design Review Board may require additional bicycle racks for large buildings, multi-tenant buildings, or sites with more than one building.

6.7 Air Installation Compatibility Use Zone

A. Purpose

The Air Installation Compatible Use Zone (AICUZ) District shall overlay other zoning classifications that shall be referred to as base zoning. The AICUZ District includes all lands within an established footprint affected by airport operations at the Marine Corps Air Station Beaufort (MCAS-Beaufort). The footprint includes all lands underlying the Noise Zones of 65 DNL (day-night average sound level) and above, and Accident Potential Zones as designated in the most recent Air Installations Compatible Use Zones Report for MCAS-Beaufort as authorized for use by the United States Department of the Navy and as adopted by the Beaufort City Council.

In order to increase public awareness and to ensure the general safety and welfare of persons affected by adverse impacts common to military aircraft operations, Section E of this ordinance requires that property owners within the AICUZ District be properly notified of their location. In addition, Section F of this ordinance sets forth limitations and restrictions that shall apply to certain land uses that have been determined to be incompatible according to federal standards.

B. Obstruction Height Zones

1. There are hereby created and established certain zones which include all of the land lying beneath the primary, clear zone, approach clearance, inner horizontal, conical, outer horizontal and transitional surfaces as they apply to the MCAS Beaufort. Such zones are shown on the most recent AICUZ map for MCAS Beaufort approved for implementation by the Department of the Navy on file at the City of Beaufort Department of Planning and Development Services. An area located in more than one of the described zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

a. Primary Zone

(1) Definition. An area located on the ground or water, longitudinally centered on each runway with the same length as the runway. The width of the primary zone is 1,500 feet.

(2) Height. No object or structure will be permitted within a primary zone that is not part of the landing and take-off facilities and is of a greater elevation Above Mean Sea Level (AMSL) height than the nearest point of the runway centerline.

b. Clear Zone

(1) Definition. The fan-shaped area adjacent to the landing threshold, beginning at each end of each primary zone and expanding to 2,284 feet wide, 3,000 feet from the threshold at an angle of 7 degrees, 58 minutes, 11 seconds, commencing 200 feet from the threshold.

(2) Height. No object or structure will be permitted within the first 200 feet of a clear zone that is not part of the landing and take-off

facilities and is of a greater elevation AMSL height than the nearest point of the runway centerline. No object or structure will be permitted within the remaining 800 feet of a clear zone that is not part of the landing and take-off facilities and is of a greater elevation AMSL height than those heights prescribed in the following paragraphs (3) and (7) for the approach clearance zone and transitional zone.

c. Approach Clearance Zone

(1) Definition. An area longitudinally centered about each runway centerline extended, beginning 200 feet beyond each end of the primary zone and extending outward for 50,000 feet. The width of the approach clearance zone is the same as the primary zone, uniformly flaring to 16,000 feet at 50,000 feet distance.

(2) Height. No object or structure will be permitted within the approach clearance zone beginning 200 feet from the runway end, having a height greater than the runway end elevation at its centerline, the height above the runway end increasing with horizontal distance outward one foot vertically for every 50 feet horizontally until reaching a height 500 feet above the established airport elevation, then remaining at this AMSL elevation until a distance 50,000 feet from the beginning point is reached.

d. Inner Horizontal Zone

(1) Definition. An area around each military airfield constructed by scribing an arc of 7,500 feet about the end of each runway at its centerline and interconnecting the arcs by tangents.

(2) Height. No object or structure will be permitted in the inner horizontal zone that has a height greater than 150 feet above the established airport elevation.

e. Conical Zone

(1) Definition. An area extending outward from the periphery of the inner horizontal zone outward and upward at a slope of 20:1 for a distance of 7,000 feet.

(2) Height. No object or structure will be permitted in the conical zone that has a height greater than 150 feet above the established airport elevation at its inner boundary with permitted height increasing one foot vertically for every 20 feet of horizontal distance measured outward from the inner boundary to a height 500 feet above the established airport elevation at the outer boundary.

f. Outer Horizontal Zone

(1) Definition. An area extending outward from the outer periphery of the airfield's conical zone for a distance of 30,000 feet.

(2) Height. No object or structure will be permitted in the outer horizontal zone that has a height greater than 500 feet above the established airport elevation.

g. Transitional Zones

(1) Definition. Areas extending outward from the sides of the primary zone, the first 200 feet of the clear zone, and the approach clearance zone connecting them to the inner horizontal zone, the conical zone, and the outer horizontal zone.

(2) Height. No object or structure will be permitted within the transitional zone greater in height than the primary zone, the clear zone, and the approach clearance zone at their adjoining boundary lines increasing at a rate of one foot vertically for every seven feet horizontally, measured perpendicular to the runway centerline or centerline extended, until the transitional zone height matches the height of the inner horizontal zone, the conical zone, or the outer horizontal zone.

2. Outside of the zone established in paragraph 0 above, no object or structure will be permitted within the city whose height would:

a. Exceed 500 feet above ground level at its site;

b. Cause an existing MDA, MOCA, MVA, or a decision height to be raised. (Note: Minimum Descent Altitude (MDA) is the lowest AMSL altitude to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a Standard Instrument Approach Procedure (SIAP) where electronic glide slope is not provided; Minimum Obstruction Clearance Altitude (MOCA) is the lowest published altitude between radio fixes on Federal VOR airways, off-airway routes, or route segments that meets obstruction clearance requirements for the entire route segment and assures acceptable navigational signal coverage only within 22 miles of a VOR; Minimum Vectoring Altitude (MVA) is the lowest AMSL altitude at which aircraft operating on Instrument Flight Rules (IFR) will be vectored by a radar controller, except when otherwise authorized for radar approaches, departures or missed approaches); or

c. Impose either the establishment of restrictive minimum climb gradients or nonstandard take-off weather minimums for any runway at MCAS Beaufort.

C. Accident Potential Zones (APZ)

Accident Potential Zones (APZ's) are divided into three types along primary flight paths. The Clear Zone (CZ) is an area at either end of a runway which possesses a high potential for accidents. APZ-1 is the area normally beyond the Clear Zone, which possesses a significant potential for accidents. APZ-2 is an area normally beyond APZ-1, which has a measurable potential for accidents. Accident Potential Zones are shown on the AICUZ map on file at the City of Beaufort Department of Planning and Development Services.

D. Noise Zones

The noise exposure from aircraft operations is measured using the day-night average sound level noise metric (DNL). The DNL averages aircraft sound levels over a 24-hour

period with an adjustment for increased sensitivity to nighttime noise. The DNL visually is depicted as a noise contour that connects points of equal value. The area between two noise contours is known as a noise zone. Noise Zones are hereby established as follows:

Airport Noise Zone	DNL Values
1	less than 65
2a	65 to 70
2b	70 to 75
3	Greater than 75

Noise Zones are shown on the AICUZ map on file at the City of Beaufort Department of Planning and Development Services. Noise Zone 1 covers that portion of the City that lies outside of the Air Installation Compatible Use Zone. Properties within Noise Zone 1 are exempt from the requirements of this section.

E. Notification

1. At all real estate closings involving a property in an Accident Potential Zone or Noise Zone, the buyer, seller and witnesses shall sign the following AICUZ disclosure form.

   The property at _____ (address/location) is located in proximity to the Marine Corps Air Station Beaufort. The City of Beaufort has determined that persons on the premises will be exposed to accident potentials and/or significant noise levels as a result of the airport operations. The City has established certain noise zones and accident potential zones (APZs).

   The above property is located in Noise Zone _____ and in Accident Potential Zone _____ .

   The City has placed certain restrictions on the development and use of property within these areas. Before purchasing the above property, you should consult the City of Beaufort Unified Development Ordinance Administrator to determine the restrictions that have been placed on the subject property.

CERTIFICATION

As the owner of the subject property, I hereby certify that I have informed _____, as a prospective purchaser, that the subject property is located in an Air Installation Compatibility Use Zone District.

Dated this _____ day of _____, _____.

Witness_____Owner_____

As a prospective purchaser of the subject property, I hereby certify that I have been informed that the subject property is in an Air Installation Compatible Use Zone District,

and I have consulted the City of Beaufort Unified Development Ordinance Administrator to determine the restrictions which have been placed on the subject property.

Dated this _____ day of _____, _____.

Witness_____Purchaser_____

2. All prospective renters signing a commercial or residential lease shall be notified by the property owner through a written provision contained in the lease agreement if the leased property is located within the AICUZ District.

3. All subdivision plats, planned unit development plats, townhouse plats and /or condominium documents shall contain the following disclosure statement:

Air Installation Compatible Use Zone Disclosure Statement

This property lies in an Air Installation Compatible Use Zone District, which applies to property in proximity to the Marine Corps Air Station Beaufort. The City of Beaufort has determined that persons on the premises will be exposed to accident potentials and/or significant noise levels as a result of the airport operations. Purchasers are required to sign a Disclosure Form per the Appendix of the City of Beaufort Unified Development Ordinance and file the form with the deed and/or plat at the Beaufort County Register of Deeds Office (RMC Office). All or a portion of this property lies within:

Accident Potential Zone: _____

Noise Zone: _____ DNL (Day-Night Average Sound Level): _____

4. In the case of new construction, a signed AICUZ Disclosure Statement shall accompany the building permit application.

F. Use Limitations

1. The following uses are not permitted within a Clear Zone, any Accident Potential Zone and/or within Noise Zone 3 (DNL 75 and above), regardless of size:

    1. Hospitals and Health Clinics
    2. Religious Institutions
    3. Schools
    4. Commercial Daycare Centers
    5. Overnight Guest Accommodations
    6. Restaurants
    7. Multi-family dwellings (including duplexes)
    8. Indoor Entertainment
    9. Outdoor Entertainment
    10. Commercial retail centers (only single, free-standing uses are permitted)
    11. Parks with active recreation
    12. Mobile home parks

13. Storage of explosive, flammable or toxic materials in outdoor, above-ground storage tanks, except for individual residential use, e.g., heating. (Prohibited in Clear Zones and APZs only)
14. Petroleum refining and related industries (NAICS 324) (Prohibited in Clear Zones and APZ's only)
15. Chemical manufacturing (NAICS 325) (Prohibited in Clear Zones and APZ's only)
16. Manufacturing of plastic and/or rubber products (NAICS 326) (Prohibited in Clear Zones and APZ's only)

2. Single-family residential development within any Accident Potential Zone and/or within Noise Zone 3 (DNL 75 and above) shall not be permitted at a gross density that exceeds one (1) dwelling unit per three (3) acres. Gross density means the total number of dwelling units (which include any building or portion thereof used as a place of residence, such as single-family dwellings, multi-family dwellings, commercial apartments, live/work units, garage apartments, accessory dwelling units, etc.) on a site divided by the entire site area. No residential development is permitted within a Clear Zone.

3. Residential development within Noise Zone 2b (DNL 70 to 75) shall not be permitted at a gross density (defined in paragraph 2 above) that exceeds one (1) dwelling unit per acre. If the maximum density requirement of the base zoning district is less than one dwelling unit per acre, the more stringent standard shall apply.

4. Residential development within Noise Zone 2a (DNL 65 to 70) shall not be permitted at a gross density (defined in paragraph 2 above) that exceeds two (2) dwelling units per acre. If the maximum density requirement of the base zoning district is less than two dwelling units per acre, the more stringent standard shall apply.

Residential units may be required by the Planning Commission to be clustered outside of the APZ's and/or Noise Zones if possible. In those instances, the number of allowable units on the remainder of the property shall be determined by the gross density permitted in the base zoning district calculated for the entire site. The Planning Commission may modulate the minimum lot size requirement to achieve this result.

6.8 Boundary Street Redevelopment District

A. Purpose

The City of Beaufort seeks to create a Boundary Street Redevelopment District based upon traditional standards for city building. In September 2005 the City created a Master Plan for the Boundary Street Redevelopment District through a design charrette process involving the community and a team of design professionals. These regulations are form-based and reflect the existing character of Beaufort and the surrounding region. The code enables a mixed-use physical environment to further enhance the economic and cultural success of Boundary Street and contiguous areas.

Traditional urban design conventions have been applied to create a palette of street types that form the framework for the Boundary Street Redevelopment District by setting design parameters for how buildings and other elements relate to those streets. These design conventions are derived from the existing conditions in the City and from a number of sources in planning literature as listed in the Appendix. The above texts will be available at the Department of Planning and Development Services for applicants to review. Applications for development in the Boundary Street Redevelopment District do not have to comply with the design specifics of the recommended texts; the texts are for reference and guidance only and are not to be foreseen as regulatory. Where approvals, interpretations, and judgments are subject to reasonable application by City officials, these officials should use the following texts for guidance as to best practices.

B. Application of Standards

In the case of conflict between the standards set forth in the Boundary Street Redevelopment District and any other local land development regulation, these standards shall apply. For existing City approved Planned Unit Developments (PUD) in the district, the PUD shall apply for a period of up to twenty five years from the date of adoption of the Boundary Street Redevelopment District. Once twenty five years passes, said PUDs are no longer applicable and must then fall under the regulations of the Boundary Street Redevelopment District. To the extent that Section 6.8 is silent where other land development regulations govern, they shall apply. Building construction shall conform to the applicable City and State of South Carolina building codes and regulations.

How To Use This Code:

1.) *Refer to the **Regulating Plan,** to identify your street type.*
2.) ***Section G** will provide provisions governing building placement and character requirements based on **Street Type.***
3.) *Verify your proposed use in the Permitted Use Table.*
4.) *Examine the **General Provisions** which apply throughout the district.*
5.) *Finally, refer to the **Building Elements** and **Architectural Standards** for specific building regulations.*

C. Administration

Interpretation of the standards in this code shall be the responsibility of the City Architect. The role of the City Architect has been established to administer an architectural review procedure for the development of properties within the Boundary Street Redevelopment District. It is the responsibility of the City Architect to review building plans for compliance with the Boundary Street Redevelopment District Code and to provide design guidance when necessary. The City Architect shall be responsible for interpreting the Boundary Street Redevelopment District Code regarding architectural and streetscape standards.

The *Illustrative Master Plan* in Section 6.8.F shall serve as guidance to the City Architect with respect to the City's intent for land development in the Boundary Street Redevelopment District. The images contained in Section 6.8 are meant to demonstrate the character intended for the Redevelopment District, but are for illustrative purposes only. The accompanying text and numbers are rules that govern permitted development.

The code should be used in the following method:

a) Refer to the **Regulating Plan** to determine street type
b) Consult **Section G** for standards based on **Street Type**
c) Verify your use in the Permitted Use Table
d) Review the **General Provisions**
e) Obtain specific building regulations in the **Building Elements** and **Architectural Standards** section

Application Review and Approval Procedures

1. Application materials set forth in Section 3.1 of the Beaufort Unified Development Ordinance for any development proposal in the Boundary Street Redevelopment shall be submitted to the City Architect, designated by the City of Beaufort, for review.

Filing Procedure:

2. A site plan shall be submitted by the applicant for review and approval by the City Architect. Specifically, such plan shall include the following elements, where applicable:

Site Plan
The site plan (drawn to scale by a registered civil engineer, registered landscape architect, or registered architect) shall include the following elements: the exact dimensions of the parcel of land under consideration, a schematic representation of types and locations of land uses, the density and intensity of the proposed uses, proposed open spaces or parks, any area-wide drainage systems, overall circulation arrangements and all major roadways, floodplain information, and any other information required by the City Architect.

Written Report

A written report shall be submitted by the applicant for review and approval by the City Architect. Such report shall explain in general the type, nature, intent, and characteristics of the proposed project, and shall specifically include, where applicable:

a. A general description of the proposal;

b. A detailed legal description of the location of the site;

c. A proposed development program, including number of residential units and proposed densities, minimum lot sizes (if any), square feet of other nonresidential uses and generalized intensities;

d. General plan for the provision of utilities, including water, sewer, and drainage facilities;

e. Tables showing the total number of acres in the proposed development and the percentage designated for each proposed type of land use, including public facilities;

f. A statement of how the proposed development is consistent with the Boundary Street Master Plan and City Comprehensive Plan;

g. Exceptions or variations from the requirements of the Boundary Street Redevelopment District if any are being requested; and

h. Other relevant information as may be requested by the City Architect.

Approval Procedure:

3. Upon concluding that the application materials are complete and in compliance with the Boundary Street Redevelopment District Regulations, the City Architect shall complete a Boundary Street Redevelopment District Application Materials Review/Zoning Regulation Compliance Checklist, in such form as the City requires, and complete the Certification at the end of said form.

4. If the Applicant's application is in accordance with the Boundary Street Redevelopment District, the City Architect has the authority to approve the project.

5. If the project is not approved and if the Applicant disagrees with the determination of the City Architect, the Applicant may bring an appeal to the Planning Commission within 30 days of the decision.

Special Exception Process:

For Special Exceptions, applicants shall follow the process outlined in Section 3.16.

D. Definitions

Appurtenances. Architectural features not used for human occupancy, consisting of awnings, marquees, balconies, turrets, cupolas, colonnades, arcades, spires, belfries, dormers, and chimneys.

Arcade. A row of arches supported by classical columns or piers which is covered.

Arch, Segmental: A segmental arch is an arch in which the curve is a less than semicircular segment of a circle.

Arch Semi-Circular: A Semi-Circular Arch is the most common type of arch where the centre of the arch is in the middle of the diameter.

Balcony. An open habitable portion of an upper floor extending beyond a building's exterior wall that is not supported from below by vertical columns or piers but is instead supported by either a cantilever or brackets.

Baluster. A short vertical member used to support a railing or coping.

Balustrade. A railing together with its supporting balusters or posts, often used at the front of a parapet.

Boundary Street Master Plan. The Boundary Street Master Plan was created during a community design charrette which took place September 23rd – 29th, 2005 and involved input from major stakeholders, consultants, City Staff and the general public. The plan synthesizes community ideas and depicts the idealized build-out for the Boundary Street Redevelopment District. The Boundary Street Master Plan identifies key opportunity parcels for potential development, redevelopment, parking locations, and preservation.

Build-to Line. A line parallel to the property line, along which the front wall of a building shall be built.

Build-to Zone. A build-to zone is a range of allowable distances from a street right-of-way that the building shall be built to in order to create a moderately uniform line of buildings along the street.

Building frontage. The vertical side of a building which faces the primary space or street and is built to the build-to line or build-to zone.

Building Height. A limit to the vertical extent of a building measured in stories from the mean elevation of the finished grade or sidewalk at frontage line, whichever is higher, to the eave of the roof, or cornice for a building with a parapet. The maximum number of stories is inclusive of habitable roofs and exclusive of true basements.

City Architect. The City architect is an locally based Urban Designer, familiar with traditional planning and design principles and with the Boundary Street Master Plan, who will work with prospective developers, builders, and tenants to show how the Boundary Street Redevelopment District can satisfy their site needs in a cost efficient manner. The City architect will work under the direction of the City Planning Department and will assist developers, tenants, citizens, and the City, in achieving the goals of this Code.

Civic Building. Structure used primarily for general public purposes. Uses may include: municipal administration and infrastructure, education, cultural performances,

gatherings and displays administered by non-profit cultural, educational, governmental, community service and religious organizations.

Colonnade. A roofed structure, extending over the sidewalk and open to the street except for supporting columns or piers.

Cornice. A projecting horizontal decorative molding along the top of a wall or building.

Cupola. A domelike structure surmounting a roof or dome, often used as a lookout or to admit light and air.

Curb Radius. The curved edge of street paving at an intersection, measured at the inside travel edge of the travel lane.

Dwelling, live/work. A mixed-use unit with a substantial commercial component on the ground floor that may accommodate employees and walk-in trade. The upper floors are dedicated for living quarters.

Expression Line. A horizontal line, the full length of a façade, expressed by a material change or by a continuous projection, such as a molding or cornice, not less than two (2) inches or greater than one (1) foot deep. Expression lines delineate the transition between the floor levels.

Finger-jointed wood windows: Finger-jointed wood windows involve a technique used to join two pieces of wood at right angles to each other. It is much like a dovetail joint except that the pins are square and not angled and usually equally spaced. The joint relies on glue for holding together as it does not have the mechanical strength of a dovetail.

Frontage Line. The property line or lines of a lot which coincide with a right-of-way or other public open space.

Garden Wall. A freestanding wall along the property line dividing private areas from streets, alleys, and or adjacent lots. Garden walls sometime occur within private yards.

Liner Building. A fully functional building built in front of a parking garage, cinema, supermarket etc., to conceal large expanses of blank wall area and to face the street space with a façade that has doors and windows opening onto the sidewalk.

Lot Coverage. The footprint of all structures on a particular lot. Porches, patios, terraces, stairways, walkways, driveways, parking lots and drive aisles do not count as lot coverage.

Marquee: A fixed hood or canopy supported solely by the building to which it is attached extending over part of the public right-of-way.

Mullions. Strips of wood or metal that separate and hold in place the panes of a window.

Parapet. A low guarding wall at the edge of a roof, terrace, or balcony.

Paseo. A pedestrian alley connecting one right-of-way or paseo to another. Paseos shall be designed for pedestrian comfort, either shaded by trees or by the buildings that line the space.

Plaza. An unroofed public open space with a majority of paved surface. Plazas are fronted with buildings.

Principal Façade. (For purposes of placing buildings along build-to lines or build-to zones) The front plane of a building not including stoops, porches, or other attached architectural features.

Regulating Plan. The Regulating Plan denotes the specific location of street type standards for the Boundary Street Redevelopment District. (See Section G)

Shared Parking. A system of parking, typically applied to buildings of differing uses that each have peak parking demands at different times within a 24 hour period, thereby allowing some parking spaces to be shared.

Square. An open space surrounded by streets or other vehicular passages.

Stoop. A small platform and / or entrance stairway at a house door, commonly covered by a secondary roof or awning.

Storefront. The portion of a building at the first story of a retail frontage that is made available for retail use.

Story. A floor level within a building.

Structured Parking. Layers of parking stacked vertically.

Turret. A small tower or tower- shaped projection on a building. A mechanical room, HVAC system, or mechanical elements are not considered a turret.

Veranda: A porch or balcony, usually covered by a roof and often partly enclosed, extending along the outside of a building.

E. Permitted Uses

All uses shall be allowed in the Boundary Street Redevelopment District, except as outlined below.

1. Uses Permitted by Special Exception

The following uses are permitted by Special Exception as described in Section 3.16:

- Any use except for banks, that includes a drive-thru
- Fuel Sales
- Institutional Uses
- Passenger Terminals

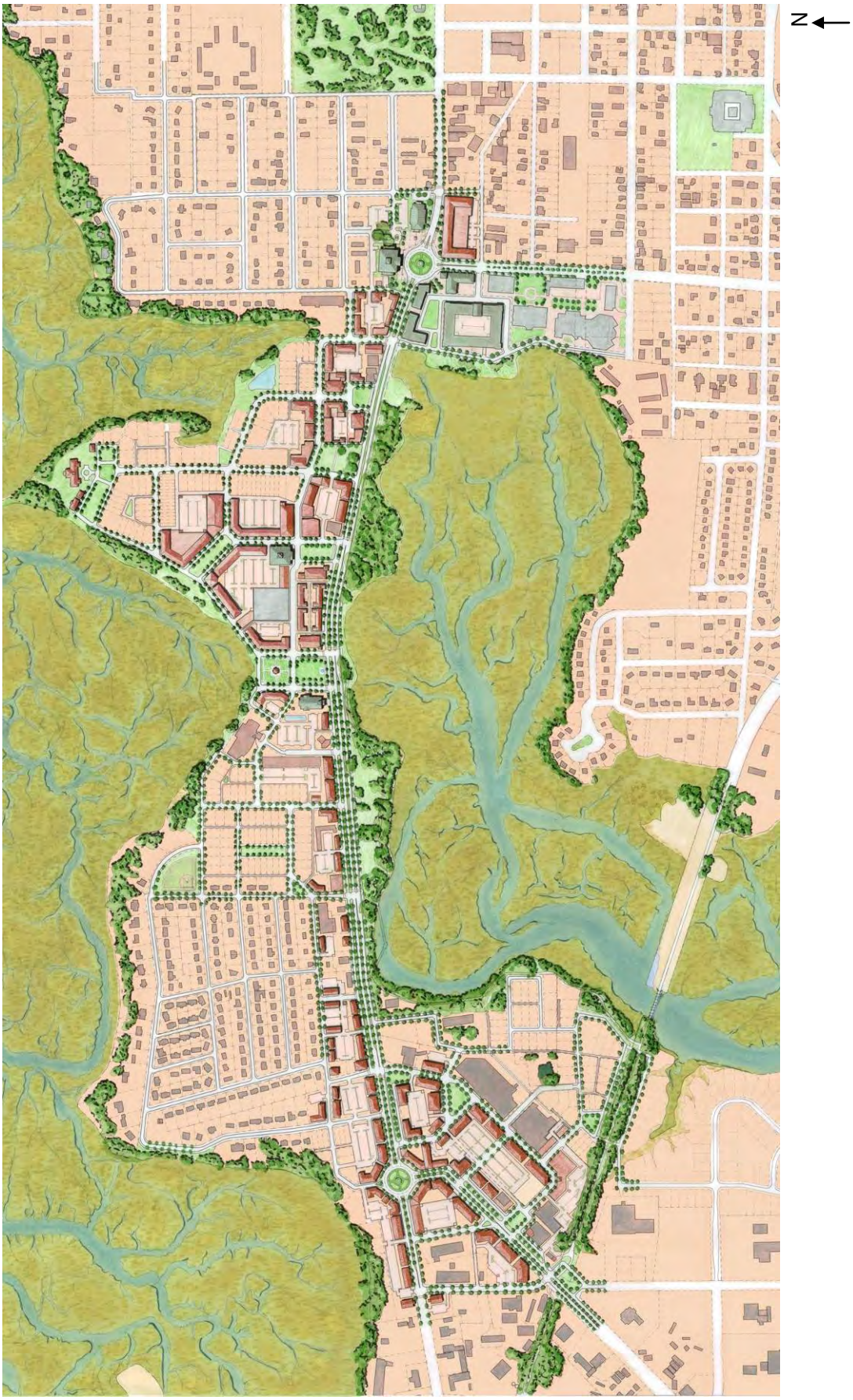
2. Prohibited Uses

The following uses are prohibited:

- Agriculture
- Aviation Services
- Car Wash, unless located entirely within a building
- Major Utility (ex., sewage treatment plant)
- Manufacturing and Production
- Outdoor Commercial Recreation Facilities
- Outdoor storage of materials and equipment (except during construction)
- Passenger Terminals (ex., airport; does not include bus terminals for mass transit)
- Self-storage on the street level
- Recreational Vehicle Park
- Restaurant, drive-in
- Signs prohibited in Section 7.2.C
- Sexually-Oriented Businesses
- Telecommunication Towers
- Truck Terminal
- Vehicle Sales and Service, Other, including boats, unless conducted entirely within a building
- Vehicle Service Limited, unless conducted entirely within a building
- Vehicle Service and Repair, unless conducted entirely within a building
- Warehousing
- Waste-Related Service

F. Master Plan

The Boundary Street Master Plan was created during a community design charrette which took place September 23rd – 29th, 2005 and involved input from major stakeholders, consultants, City Staff and the general public. The plan synthesizes community ideas and depicts the idealized build-out for the Boundary Street Redevelopment District. The Boundary Street Master Plan identifies key opportunity parcels for potential development, redevelopment, parking locations, and preservation. A large version of the Boundary Street Master Plan is available at the Department of Planning and Development Services.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G. Street Types

Development under this code is regulated by street type. The streets are related to each other in a hierarchical manner. When streets intersect, the primary street is determined by its higher order in the hierarchy. The code regulates individual parcels of land based on which type of street they front. The front of a building and its main entrance must face the primary street.

Hierarchy of Streets*:

highest (primary)

- Boundary Street (U.S. 21)
- Ribaut Road
- Robert Smalls Parkway (S.C 170)
- Parallel Street
- Edge Drive
- Main Street
- Park Street
- Neighborhood Street
- House Street

lowest (secondary)

* Alleys are covered under General Design Standards, as they are never fronted by main structures.

The physical location of streets and street types are identified in the Regulating Plan. The Regulating Plan works hand-in-hand with the street type standards for rules regarding the particular details for each of the street types, such as building placement, building volume, uses, and street sections. The Regulating Plan identifies both existing and proposed Boundary Street Redevelopment District streets. Where a street currently does not exist, the developer shall build the street if access is needed to the site for project approval. In less immediate circumstances, property owners will deed to the City the portion of land needed to build a proposed street. In this case, the City, or other public entity, would build the street as time and resources permit. All streets built by either a private developer or the City shall conform to the dimensional requirements set forth in the corresponding street sections and to S.C. Department of Transportation standards for materials and construction methods. In addition the hierarchy of streets will serve to act as an informal phasing plan, wherein primary streets will receive prioritized attention.

Any proposed roadway improvements must maintain the integrity of the Boundary Street Redevelopment District street types and corresponding street sections. In regards to street width, the right-of-way widths and street section specifications found

in the following Boundary Street Redevelopment District street type descriptions shall apply.

With respect to existing buildings within the Redevelopment District, their use may be maintained despite changes made to allowable uses. In the event that the building undergoes either structural or cosmetic modifications, if the cost of improvements exceeds 50% of the present building value, it will be subject to the standards set forth by this code. The City Architect will have final jurisdiction over this matter. Signs not conforming to the requirements of this section shall be altered, removed, or otherwise brought into compliance with the requirements of this section at the time that the required building improvements are made.

On the following pages, diagrammatic examples are used to illustrate example building locations, configurations, and dimensions. Particular details of the Boundary Street Master Plan and other sketches, illustrations, drawings and diagrams contained herein are subject to change, at the request of the affected property owner, with approval by the City Architect. The accompanying numbers and text are rules; the graphics are illustrative only.

REGULATING PLAN

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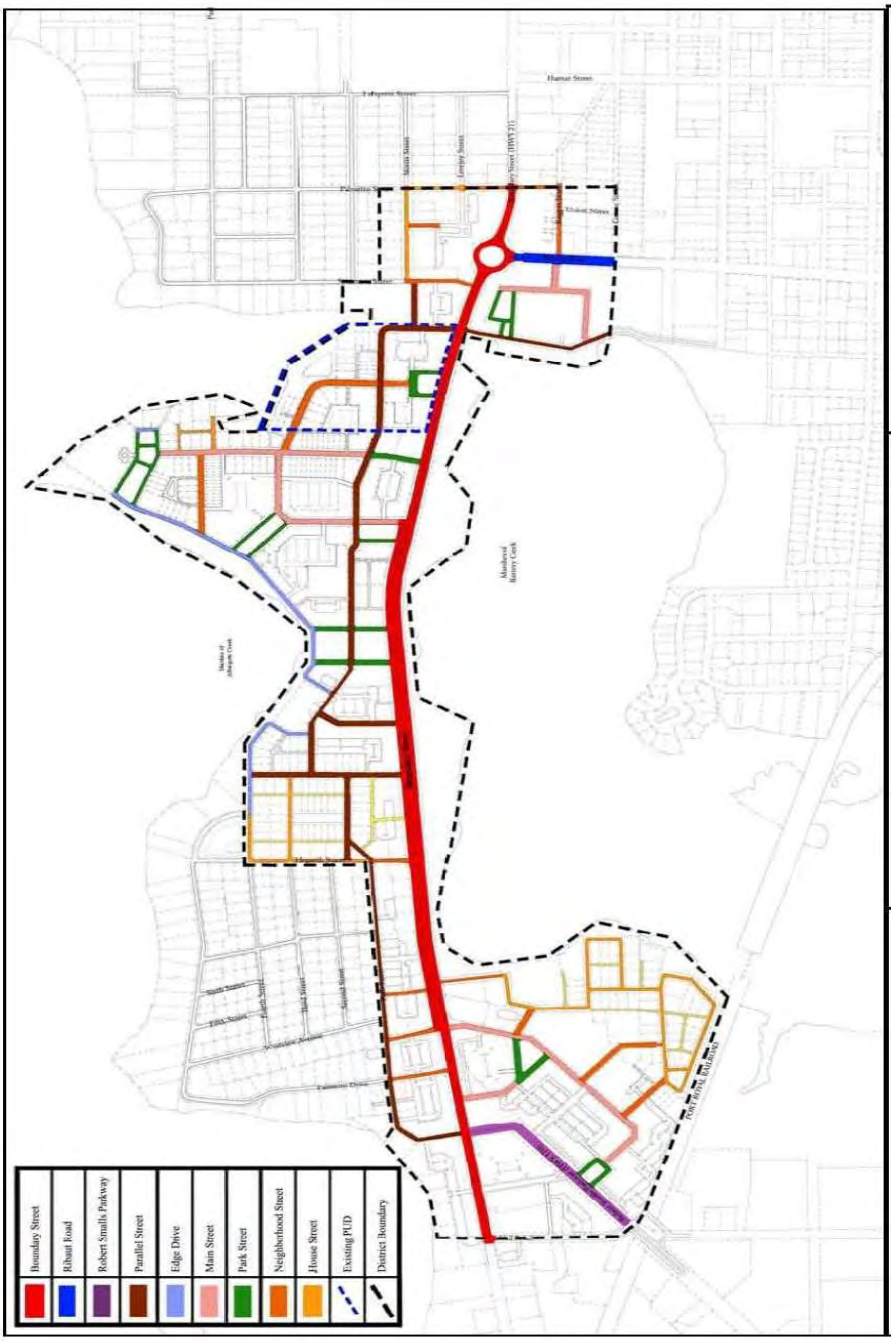
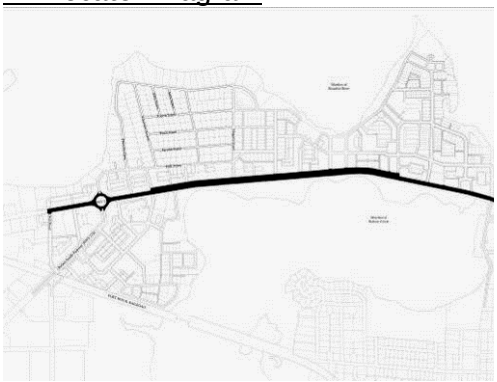


Boundary Street

Boundary Street is the most important street in the redevelopment district. The street serves as a central roadway in the regional transportation network, connecting the region with Downtown Beaufort. While serving the important function of moving cars in and out of town, Boundary Street should also be a pedestrian friendly street. Due to physical and natural constraints the character of the corridor varies. Buildings along the corridor shall be mixed-use and have doors and windows facing the street.

A. Locator Diagram



B. Building Placement

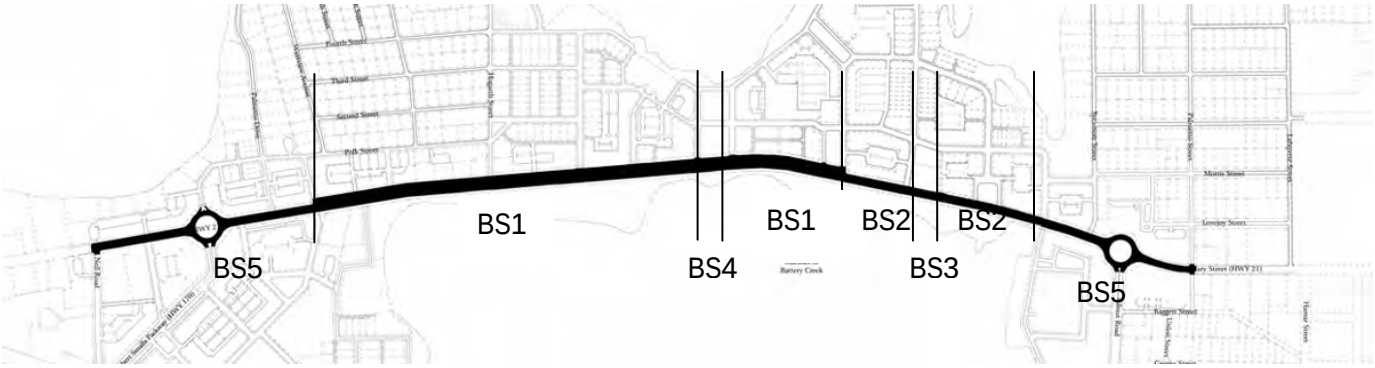
Build-to-line Location: (typical)	Varies depending on cross section (BS1, BS2, BS3, BS4, and BS5) (See section E below)
Side Setback:	0 ft.
Rear Setback:	5 ft.

C. Building Volume

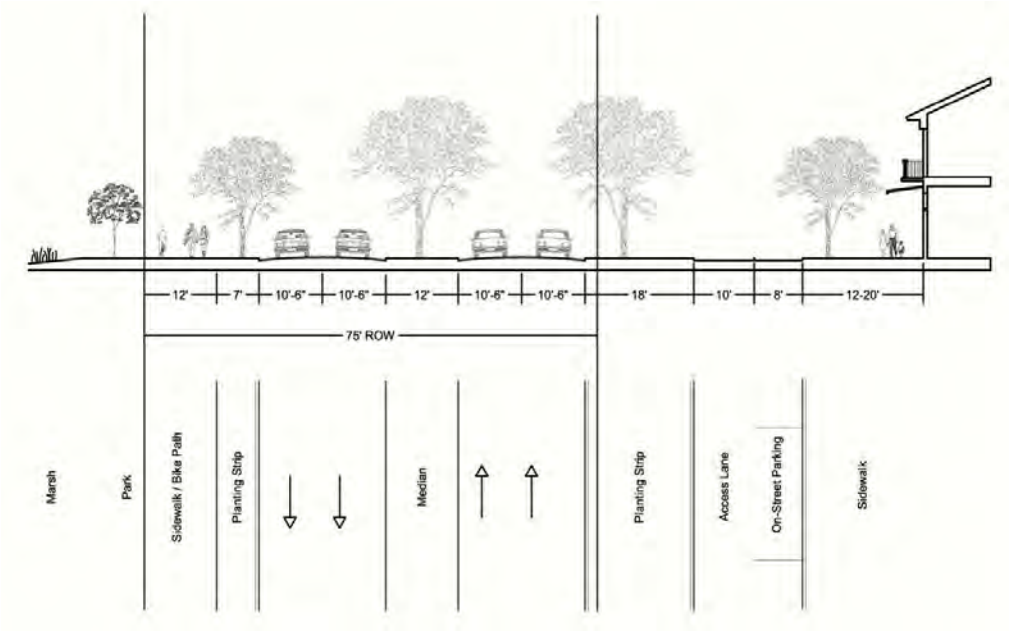
Building Width:	16 ft. minimum 160 ft. maximum
Building Height:	2 story minimum 5 story maximum 60 ft. maximum
Lot Coverage:	80 % maximum

D. Notes

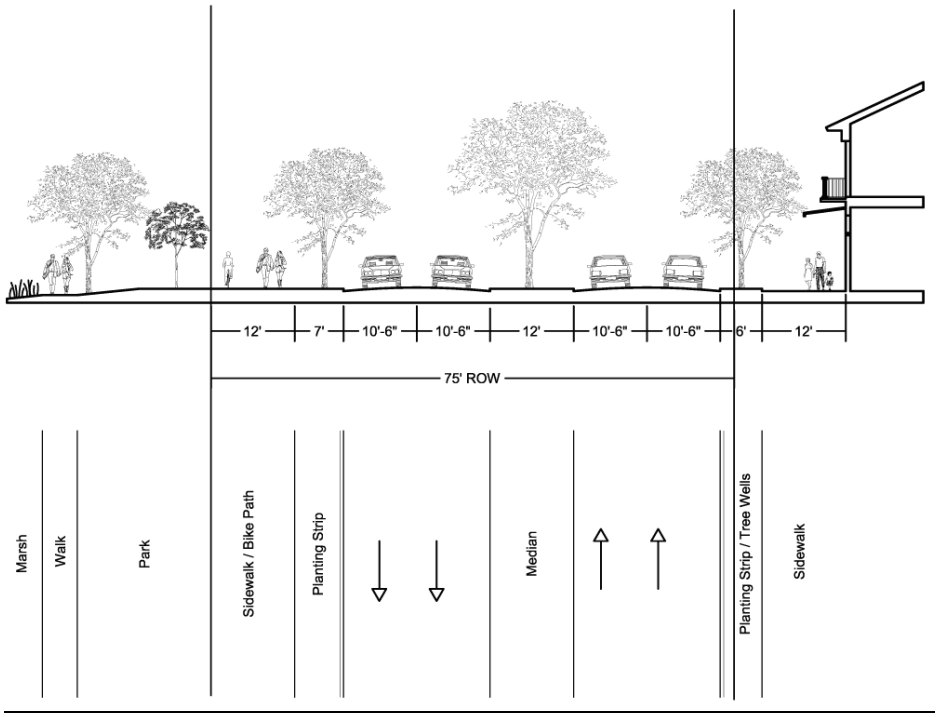
1. Appurtenances may extend beyond the height limit.
2. Building fronts are required to provide shelter to the sidewalk by means of at least one of the following: arcade, colonnade, marquee, awning, or 2nd floor balcony.
3. For permitted uses, see Section 6.8.E.
4. The alignment of floor-to-floor heights of abutting buildings is encouraged to allow for shared use of elevators.



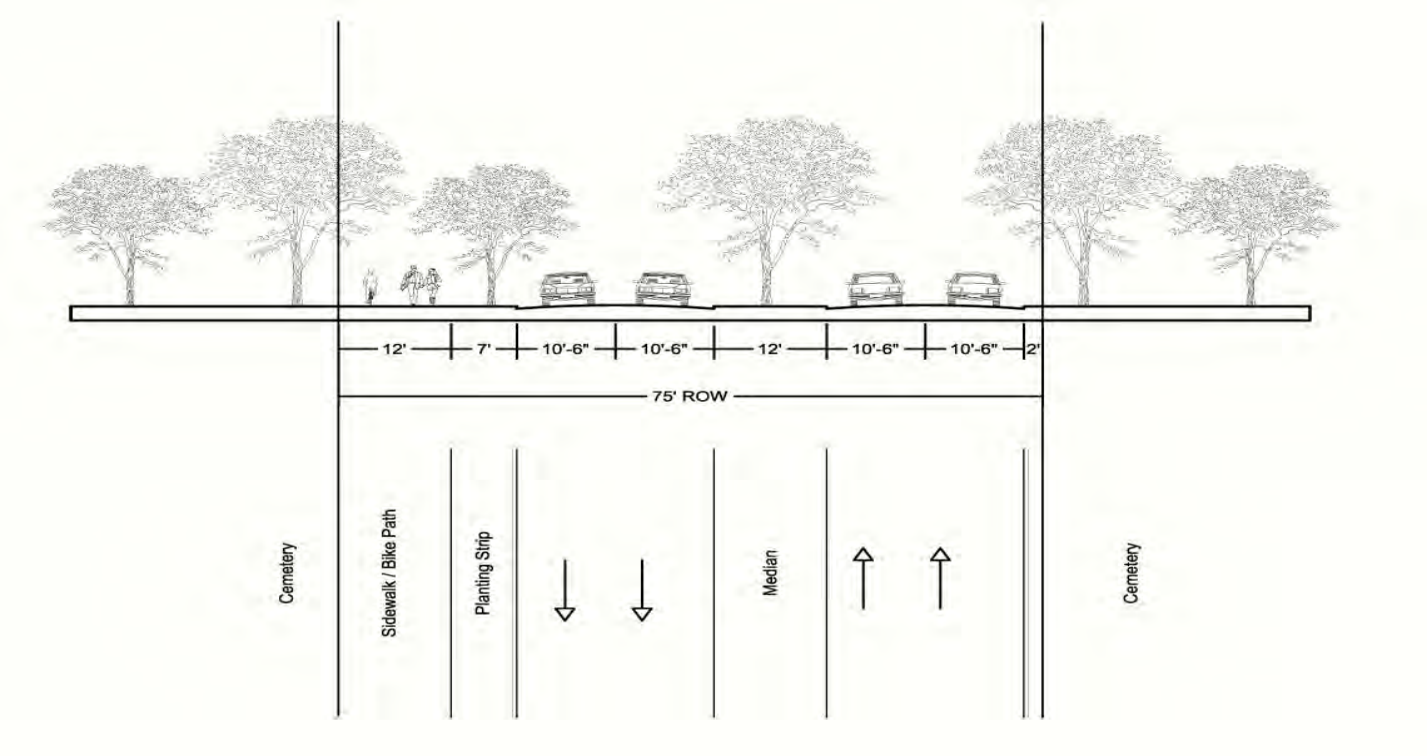
E. Street Section



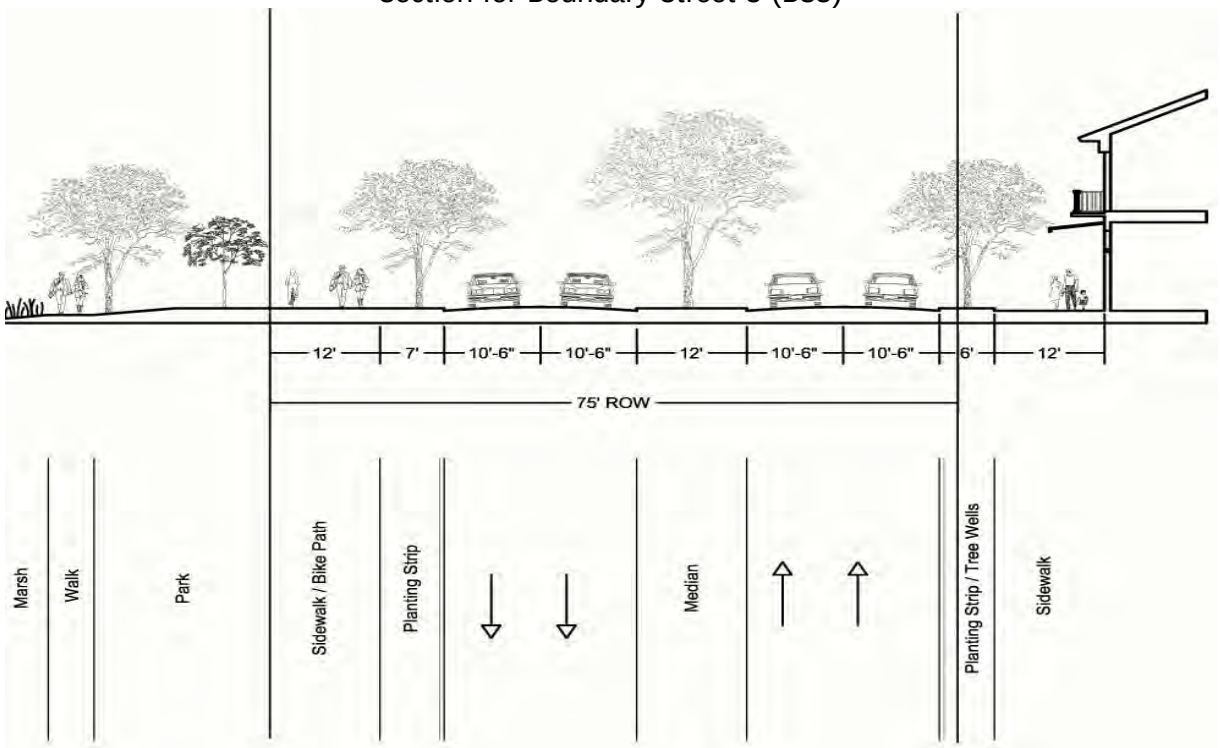
Section for Boundary Street 1 (BS1)



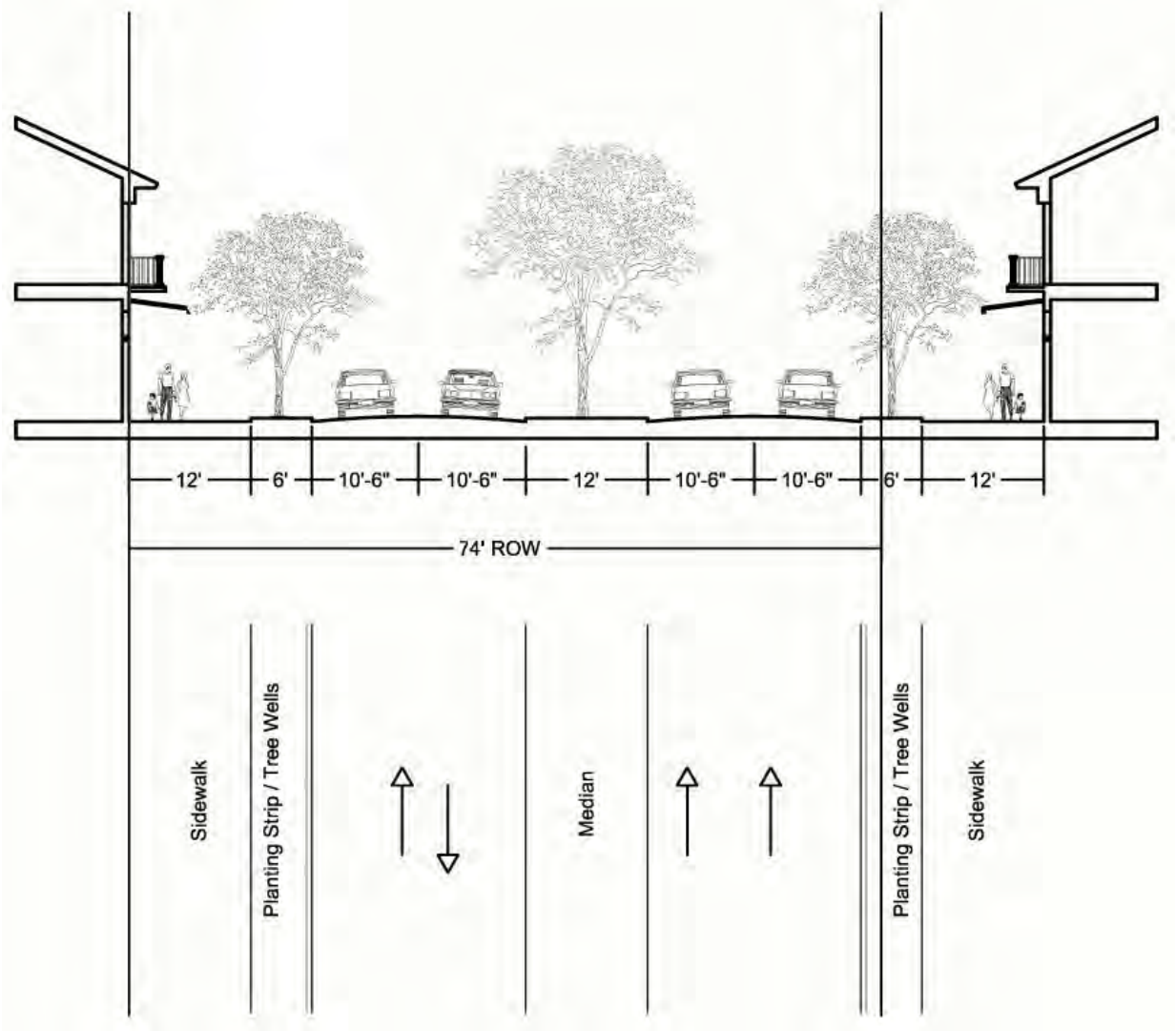
Section for Boundary Street 2 (BS2)



Section for Boundary Street 3 (BS3)



Section for Boundary Street 4 (BS4)

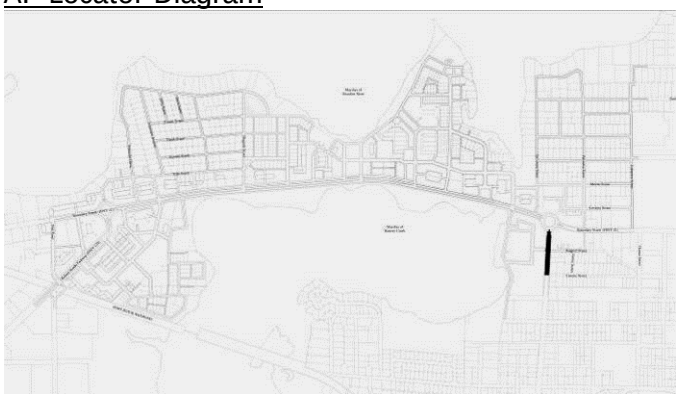


Section for Boundary Street 5 (BS5)

13. Ribaut Road

The intersection of Ribaut Road and Boundary Street marks an important gateway to the historic downtown. Ribaut Road is terminated by the proposed Beaufort City Hall. Ribaut Road is transformed into a mixed-use, walkable street. Multi-story buildings will frame the street. The standards for Ribaut Road apply to the segment from Boundary Street south to Greene Street.

A. Locator Diagram



B. Building Placement

Build-to-line Location: (typical)	0 ft. from ROW
Side Setback:	0 ft.
Rear Setback:	5 ft.

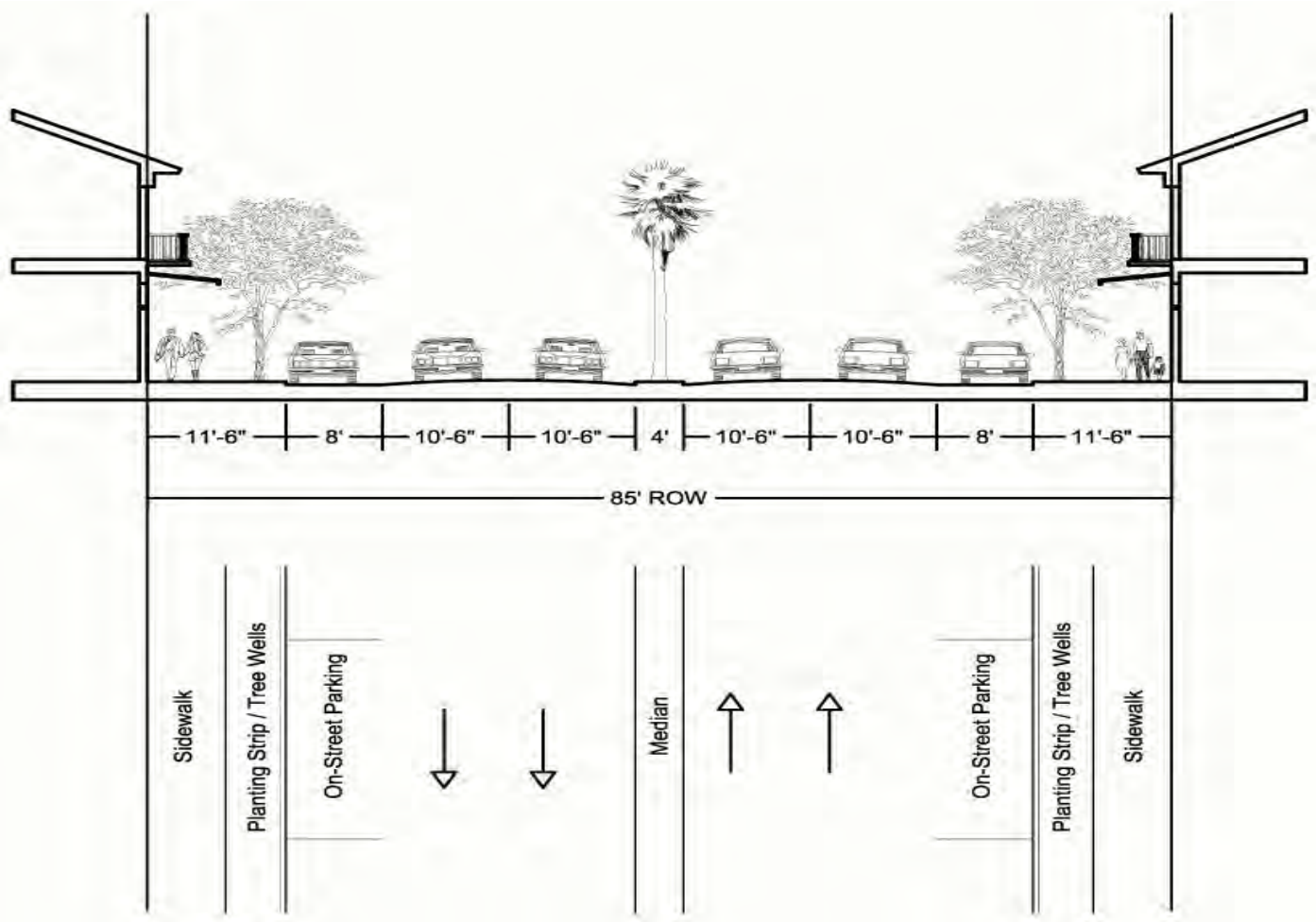
C. Building Volume

Building Width:	16 ft. minimum 160 ft. maximum
Building Height:	2 story minimum 5 story maximum 60 ft. maximum
Lot Coverage:	80 % maximum

D. Notes

1. Appurtenances may extend beyond the height limit.
2. Building fronts are required to provide shelter to the sidewalk by means of at least one of the following: arcade, colonnade, marquee, awning, or 2nd floor balcony.
3. For permitted uses, see Section 6.8.E.
4. The alignment of floor-to-floor heights of abutting buildings is encouraged to allow for shared use of elevators.

E. Street Section

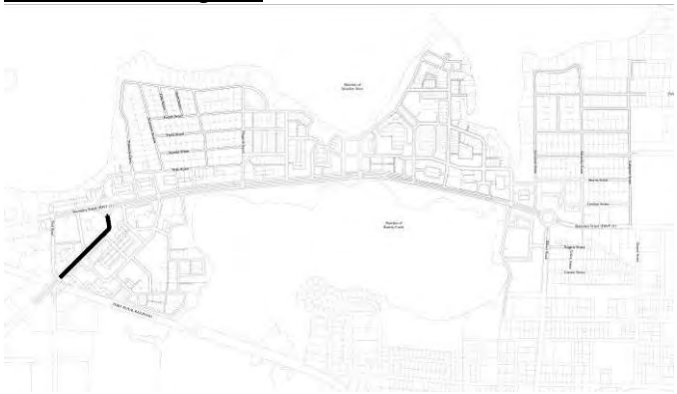


Section for Ribaut Road

Robert Smalls Parkway

The intersection of Robert Smalls Parkway and Boundary Street moves cars along these busy corridors, but also serves as the western gateway to town. In order to enhance the intersection, while continuing to improve the traffic flow, a roundabout may be placed at the realigned intersection. The properties along Robert Smalls Parkway should be redeveloped to form a town center. The area would contain a mix of uses and building types, all with doors and windows facing the street.

A. Locator Diagram



B. Building Placement

Build-to-line Location: (typical)	0 feet from ROW if not providing front access lane, or 40 feet from ROW if providing front access lane. (See section E below)
Side Setback:	0 ft.
Rear Setback:	5 ft.

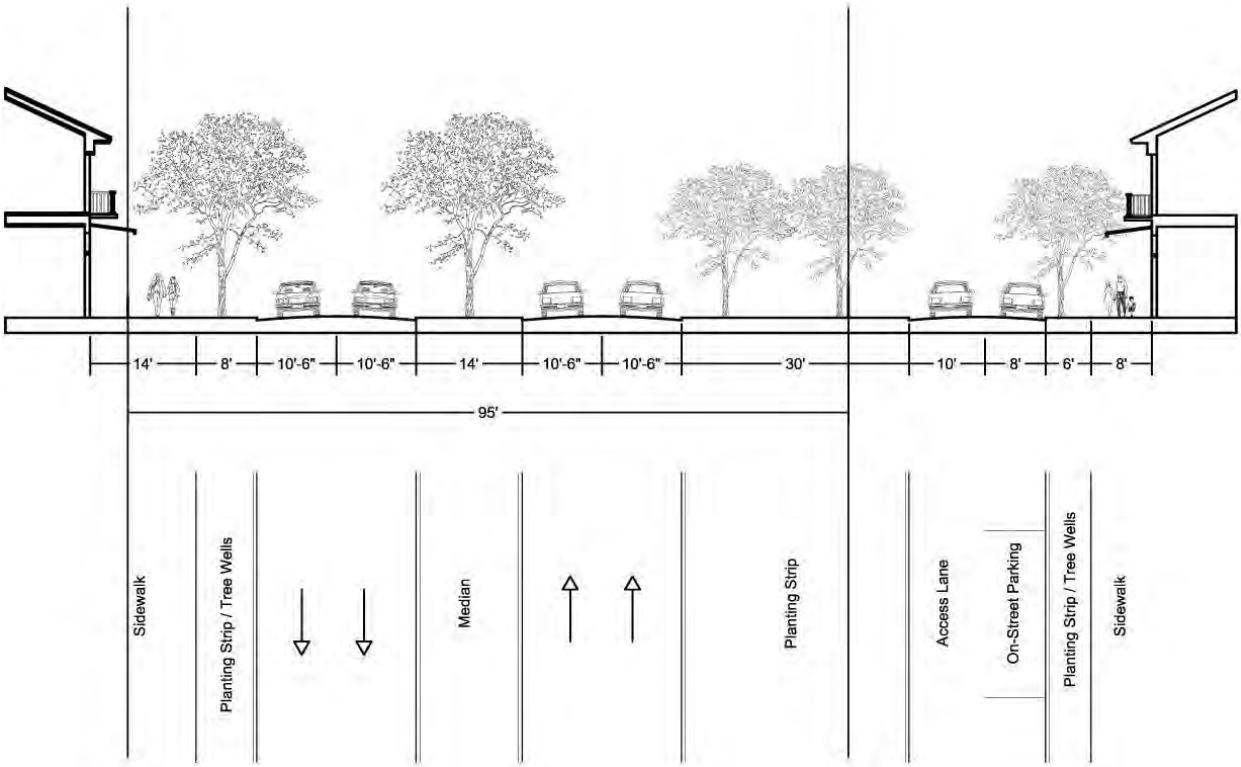
C. Building Volume

Building Width:	16 ft. minimum 160 ft. maximum
Building Height:	2 story minimum 5 story maximum 60 ft. maximum
Lot Coverage:	80 % maximum

D. Notes

1. Appurtenances may extend beyond the height limit.
2. Building fronts are required to provide shelter to the sidewalk by means of at least one of the following: arcade, colonnade, marquee, awning, or 2nd floor balcony.
3. For permitted uses, see Section 6.8.E.
4. The alignment of floor-to-floor heights of abutting buildings is encouraged to allow for shared use of elevators.

E. Street Section

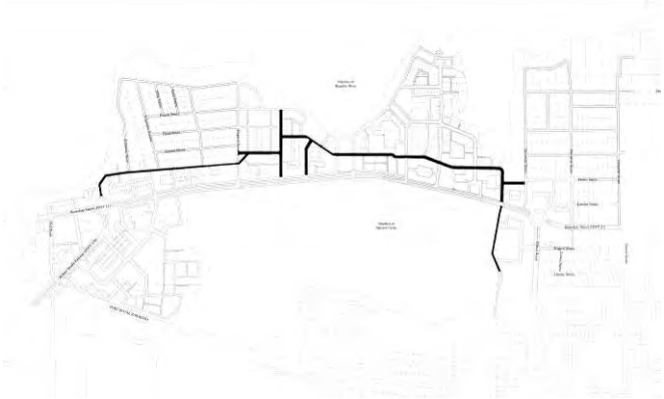


Section for Robert Smalls Parkway

15. Parallel Street

A parallel street is essential in creating an interconnected network of blocks and streets adjacent to Boundary Street. The addition of an east – west parallel street should be created so that all daily trips, especially local ones, do not have to use Boundary Street. The character of the built environment along the parallel street varies from less intense residential development to more intense mixed-use development. All buildings along the parallel street should be street oriented with doors and windows facing the street.

A. Locator Diagram



B. Building Placement

Build-to-zone Location: (typical)	0 ft. – 15 ft. from ROW
Side Setback:	5 ft.
Rear Setback:	5 ft.

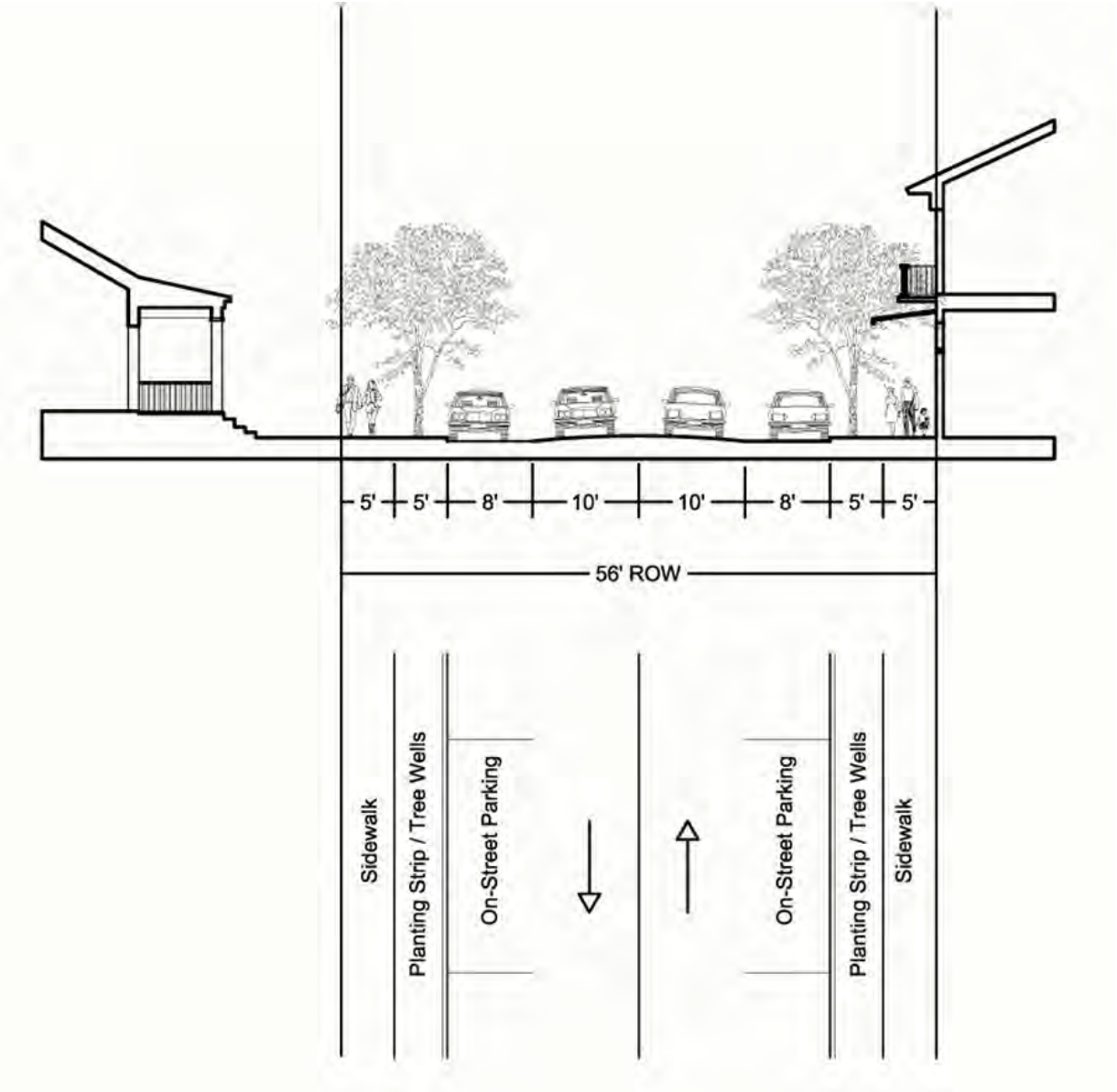
C. Building Volume

Building Width:	16 ft. minimum 160 ft. maximum
Building Height:	2 story minimum 4 story maximum 60 ft. maximum
Lot Coverage:	75 % maximum

D. Notes

1. Appurtenances may extend beyond the height limit.
2. Building fronts are required to provide shelter to the sidewalk by means of at least one of the following: arcade, colonnade, marquee, awning, or 2nd floor balcony.
3. For permitted uses, see Section 6.8.E.
4. The alignment of floor-to-floor heights of abutting buildings is encouraged to allow for shared use of elevators.

E. Street Section

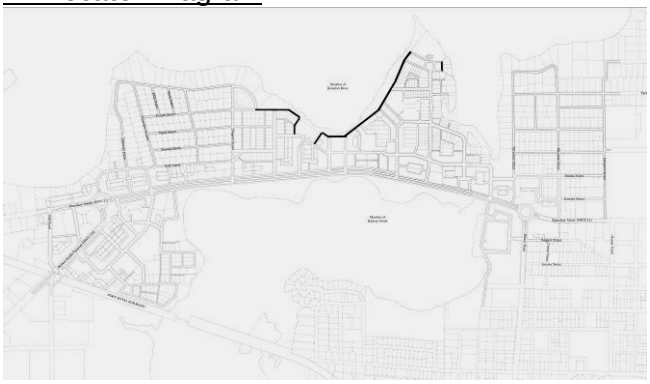


Section for Parallel Street

Edge Drive

The edge drive runs along the marshfront, offering scenic views of Albergotti Creek. Residential or mixed-use buildings line one side of the edge drive while the marshfront remains unobstructed from view and available to the public to experience. The edge drive also serves as an alternative to east – west travel along Boundary Street and serves as an important element in an interconnected street network.

A. Locator Diagram



B. Building Placement

Build-to-zone Location: (typical)	5 ft - 15 ft. from ROW
Side Setback:	0 ft.
Rear Setback:	5 ft.

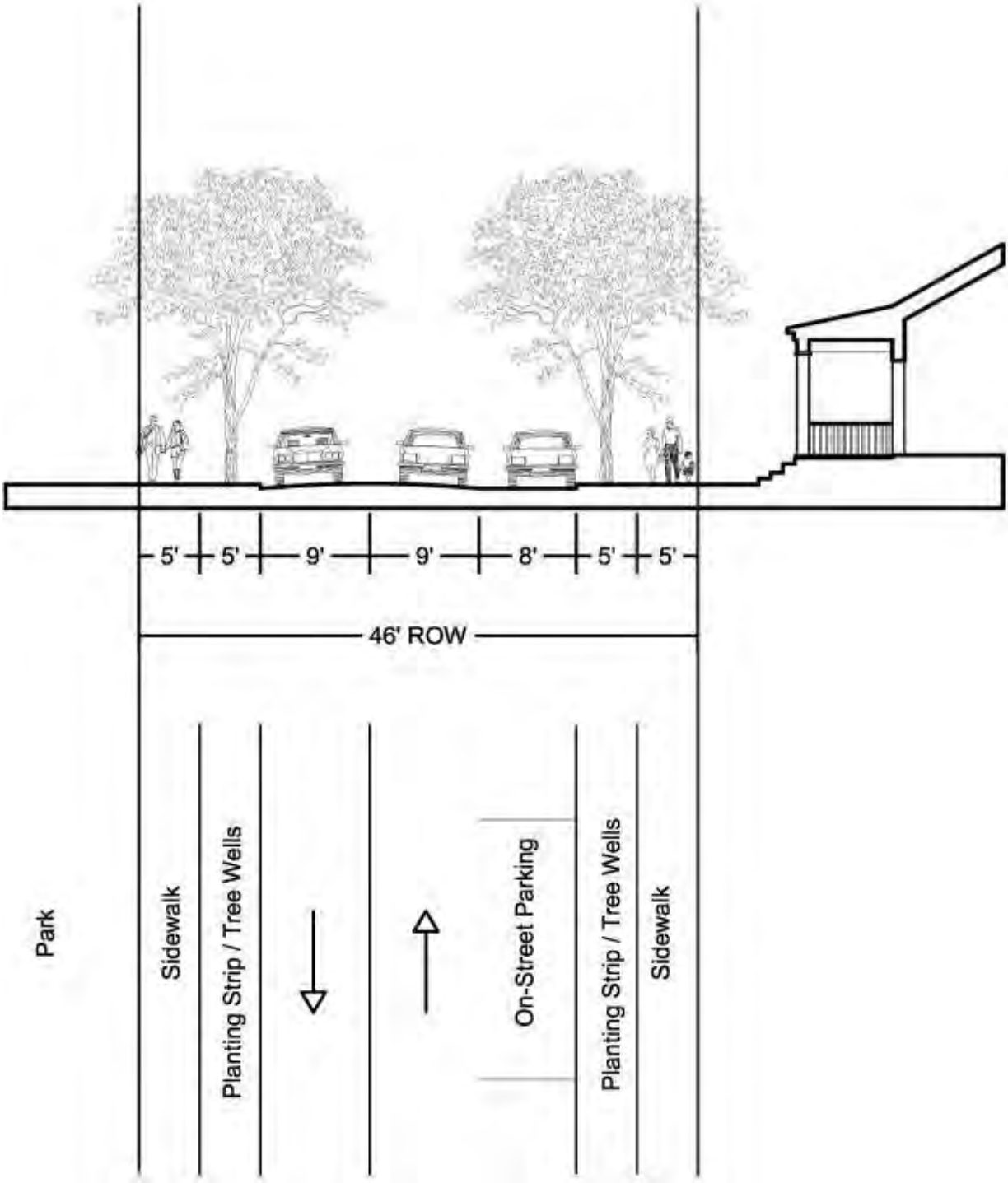
C. Building Volume

Building Width:	16 ft. minimum 160 ft. maximum
Building Height:	2 story minimum 4 story maximum 60 ft. maximum
Lot Coverage:	75 % maximum

D. Notes

1. Appurtenances may extend beyond the height limit.
2. For permitted uses, see Section 6.8.E.
3. The alignment of floor-to-floor heights of abutting buildings is encouraged to allow for shared use of elevators.

E. Street Section

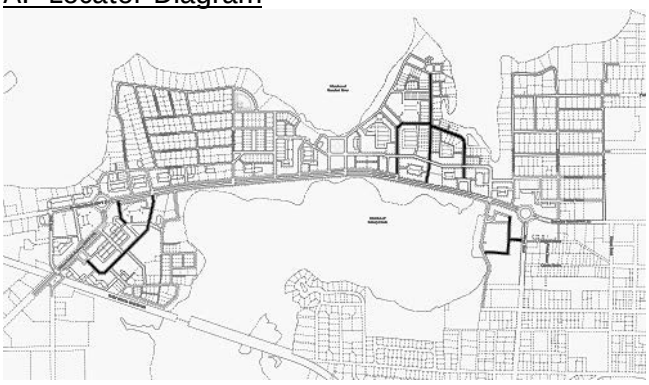


Section for Edge Drive

Main Street

The Main Streets run perpendicular to Boundary Street and are lined with mixed-use shopfront buildings that are positioned at the front of each lot. Parallel parking on both sides of the street combined with wide sidewalks creates a safe and inviting place for both pedestrians and motorists.

A. Locator Diagram



B. Building Placement

Build-to-line Location: (typical)	0 ft. from ROW
Side Setback:	0 ft.
Rear Setback:	5 ft.

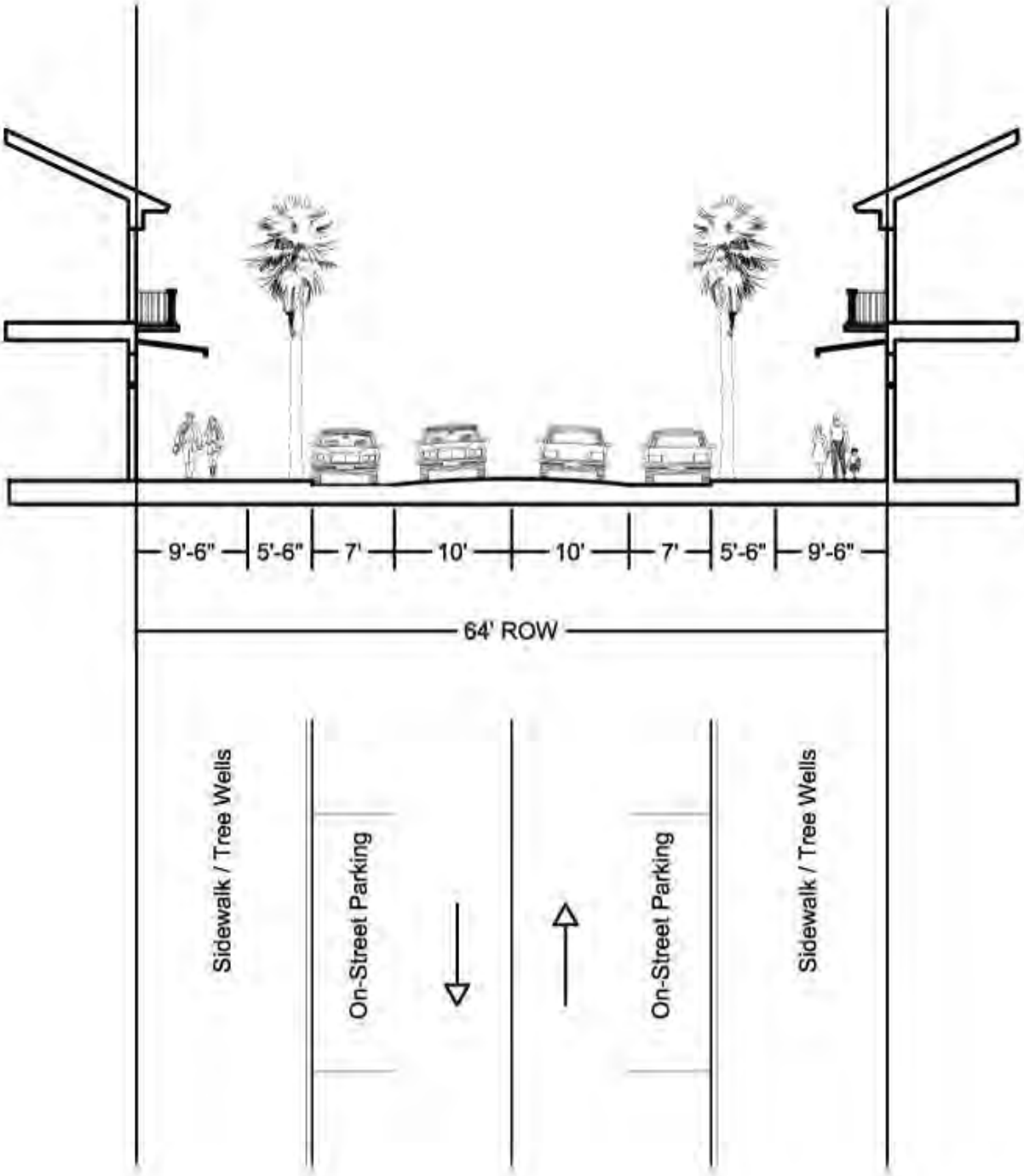
C. Building Volume

Building Width:	16 ft. minimum 160 ft. maximum
Building Height:	2 story minimum 5 story maximum 60 ft. maximum
Lot Coverage:	80 % maximum

D. Notes

1. Appurtenances may extend beyond the height limit.
2. Building fronts are required to provide shelter to the sidewalk by means of at least one of the following: arcade, colonnade, marquee, awning, or 2nd floor balcony.
3. For permitted uses, see Section 6.8.E.
4. The alignment of floor-to-floor heights of abutting buildings is encouraged to allow for shared use of elevators.

E. Street Section



Section for Main Street

Park Street

Park Streets are intended to be either fronted by buildings on one side or have no buildings on either side. In many cases a Civic Building is centered on a park. Parks are important to the character of the Boundary Street Redevelopment District and a series of proposed neighborhood parks are included in the master plan. Parks create value and buildings located adjacent to parks should be of the highest quality. Park Streets serve as drives along parks and open spaces.

A. Locator Diagram

B. Building Placement

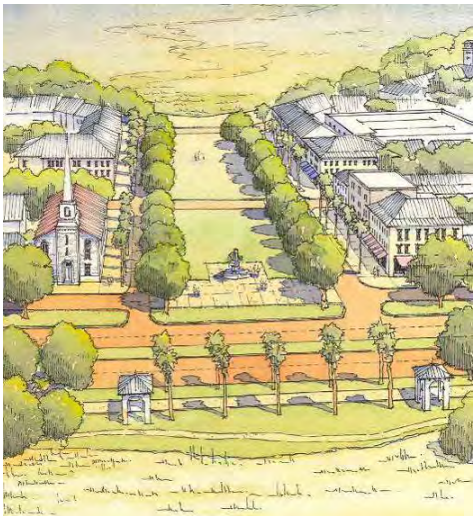
Build-to-line Location: (typical)	0 ft. from ROW
Side Setback:	0 ft.
Rear Setback:	5 ft.

C. Building Volume

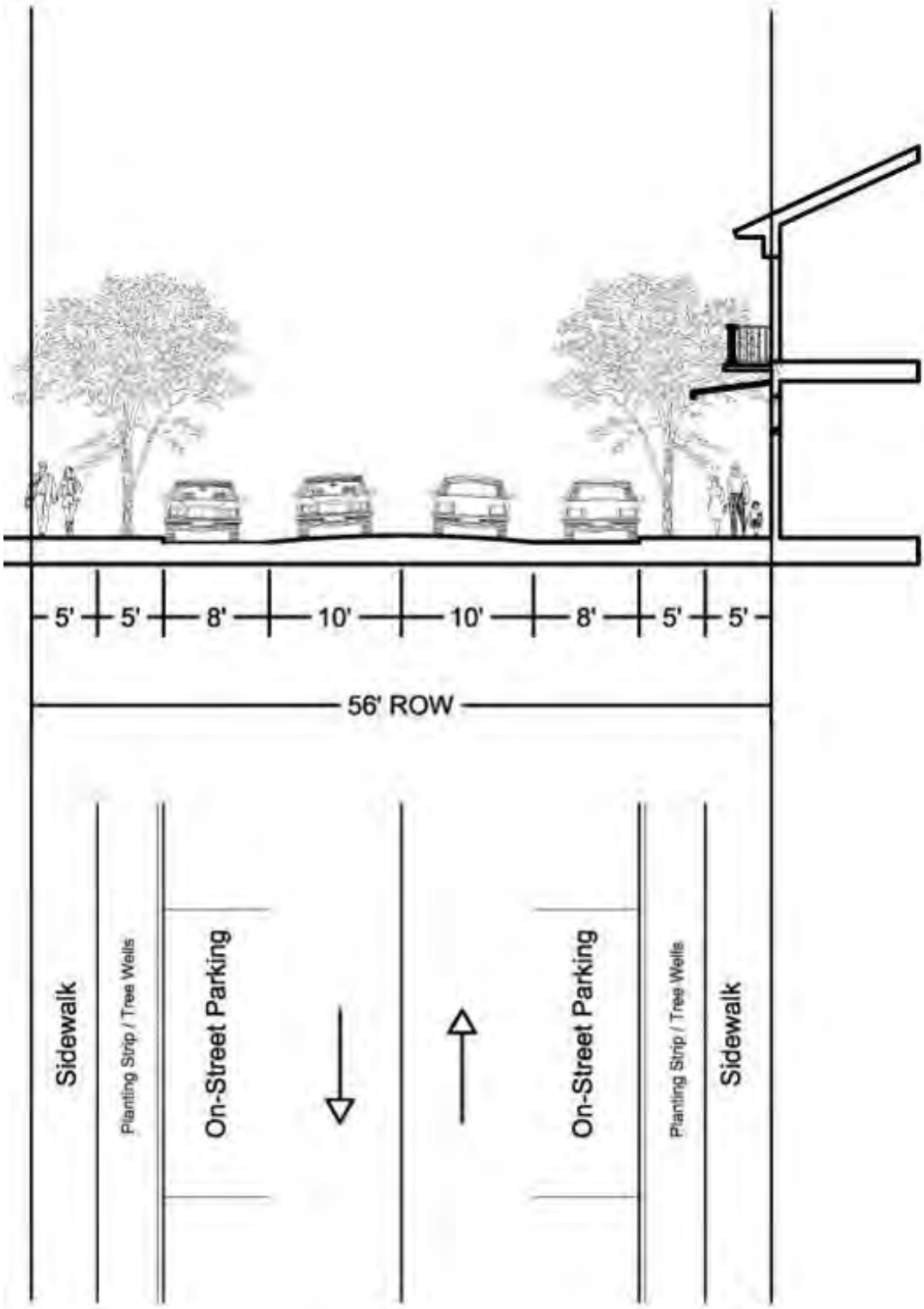
Building Width:	16 ft. minimum 160 ft. maximum
Building Height:	2 story minimum 5 story maximum 60 ft. maximum
Lot Coverage:	80 % maximum

D. Notes

1. Appurtenances may extend beyond the height limit.
2. Building fronts are required to provide shelter to the sidewalk by means of at least one of the following: arcade, colonnade, marquee, awning, or 2nd floor balcony.
3. For permitted uses, see Section 6.8.E.
4. The alignment of floor-to-floor heights of abutting buildings is encouraged to allow for shared use of elevators.



E. Street Section

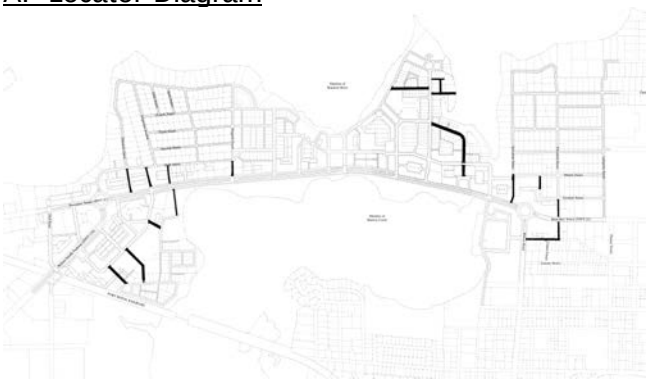


Section for Park Street

Neighborhood Street

The Neighborhood Street presents an interesting mix of urban living and traditional building types. Such building types include apartments, condominiums, live-work units, townhouses, and smaller detached houses. Build-to lines are varied. The Neighborhood Street allows for narrow travel lanes and parking on both sides of the street. A green strip is included as well as a wide sidewalk for pedestrians.

A. Locator Diagram



B. Building Placement

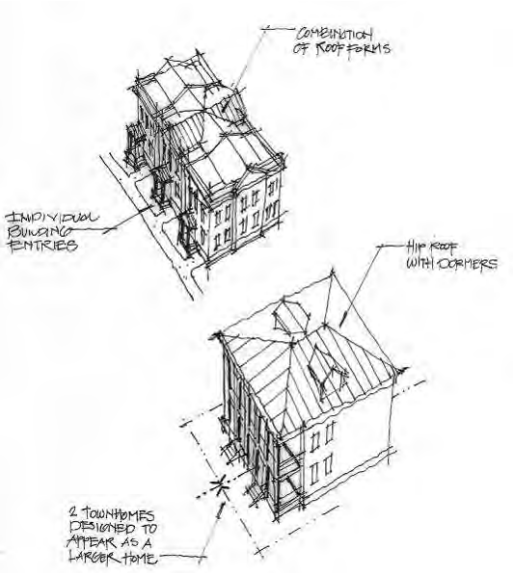
Build-to-zone Location: (typical)	0 ft. – 15 ft. from ROW
Side Setback:	0 ft.
Rear Setback:	5 ft.

C. Building Volume

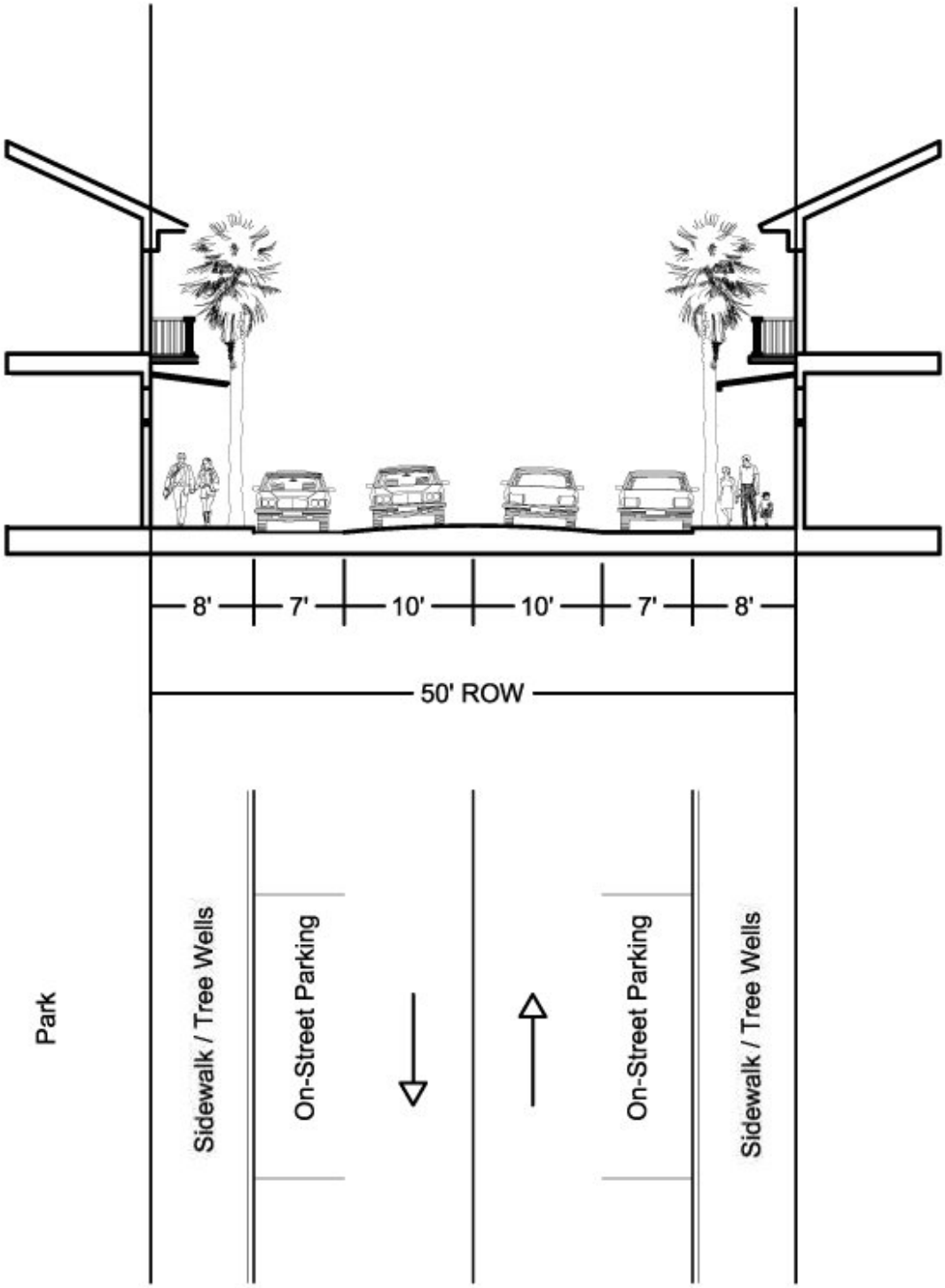
Building Width:	16 ft. minimum 160 ft. maximum
Building Height:	2 story minimum 4 story maximum 60 ft. maximum
Lot Coverage:	75 % maximum

D. Notes

1. Appurtenances may extend beyond the height limit.
2. Building fronts are required to have at least one of the following: porch or stoop.
3. For permitted uses, see Section 6.8.E.
4. The alignment of floor-to-floor heights of abutting buildings is encouraged to allow for shared use of elevators.



E. Street Section



Section for Neighborhood Street

House Street

The House Street is a quieter, more intimate street. The street type evokes the character of historic Beaufort residential streets. Buildings are set further back and buildings reflect the existing character of prominent Beaufort streets such as Craven Street east of Carteret Street.

A. Locator Diagram

B. Building Placement

Build-to-zone Location: (typical)	10 ft. - 25 ft. from ROW
Side Setback:	5 ft.
Rear Setback:	5 ft.

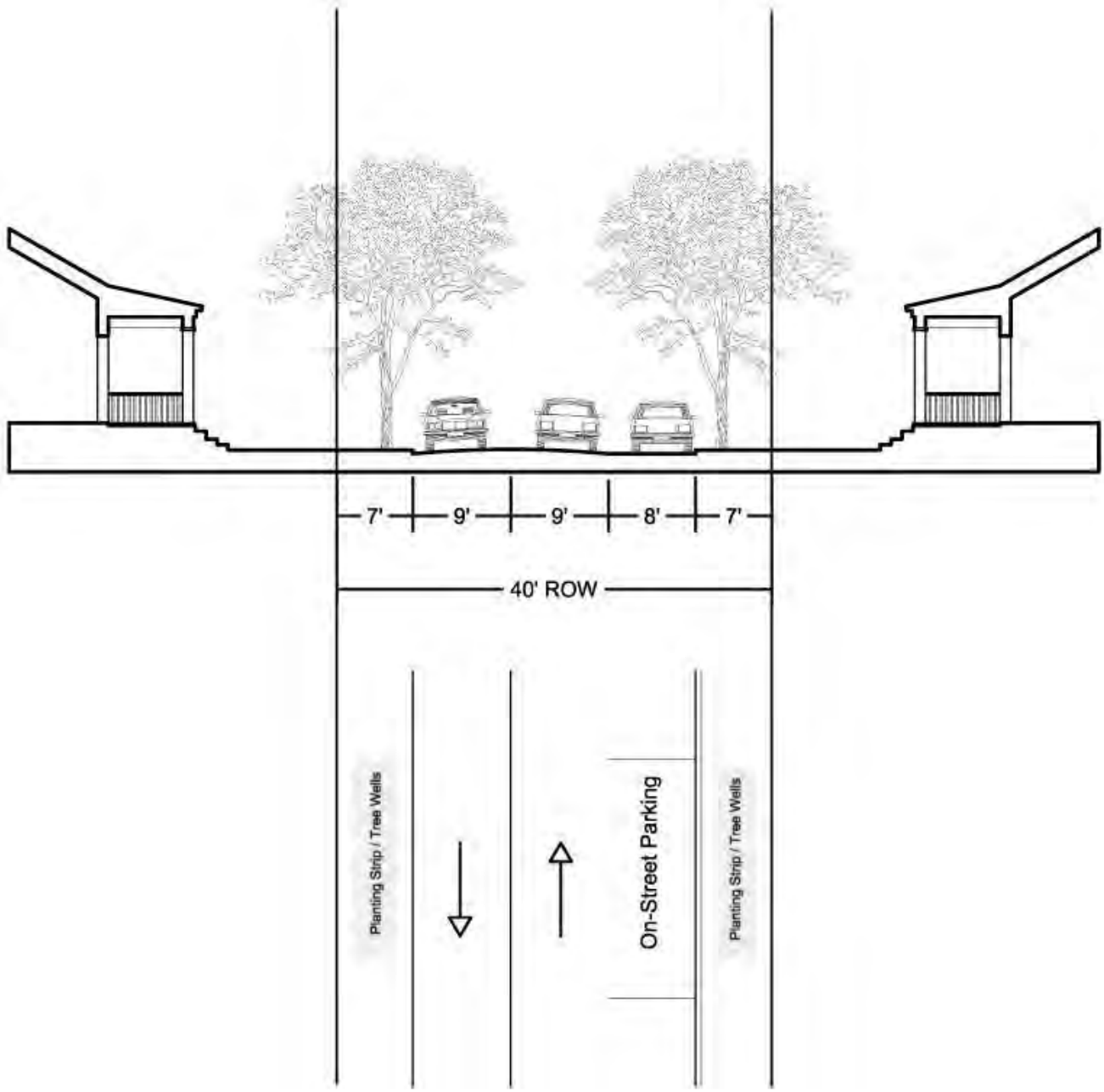
C. Building Volume

Building Width:	16 ft. minimum 40 ft. maximum
Building Height:	1½ story minimum 3 story maximum 60 ft. maximum
Lot Coverage:	65 % maximum

D. Notes

1. Appurtenances may extend beyond the height limit.
2. For permitted uses, see Section 6.8.E.
3. Building fronts are required to have at least one of the following: porch or stoop.

E. Street Section



H. General Design Standards

1. Building Heights

In the Boundary Street Redevelopment District, building heights are regulated by the number of stories, based on the designated Street Types.

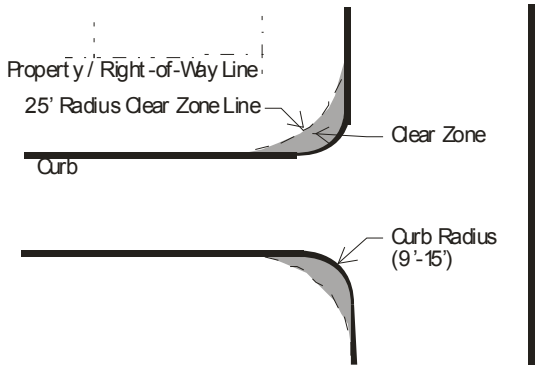
The ground floor of commercial buildings shall be a minimum of twelve (12) feet, and a maximum of sixteen (16) feet high from finished floor to ceiling. The ground floor of residential structures shall be a minimum of ten (10) feet, and a maximum of fourteen (14) feet high from finished floor to ceiling. Residential structures shall have a first finished floor height raised a minimum of three (3) feet above average adjacent sidewalk grade. The first finished floor height can be elevated as much as five (5) feet above average adjacent sidewalk grade without counting the undercroft as a story.

Each story above the first story in commercial and residential buildings shall be a minimum of eight (8) feet and a maximum of twelve (12) feet high from floor to ceiling. Floors more than twelve (12) feet, as measured from floor to ceiling, will count as additional floors.

A half story is a finished living floor which is contained wholly or predominantly within the roof of a structure and is subject to the regulations of the local building code.

2. Corner Radii and Clear Zones

Corner curb radii shall be between 9 feet and 15 feet. Fairly tight turning radii shorten pedestrian crossings and inhibit reckless drivers from turning corners at high speeds. To allow for emergency vehicles (e.g. fire trucks) to turn corners, a 25 foot radius Clear Zone shall be established free of all vertical obstructions such as telephone poles, sign poles, fire hydrants, electrical boxes, or newspaper boxes, etc. Wheelchair accessible ramps will be provided at intersections within the Clear Zone for disabled access.

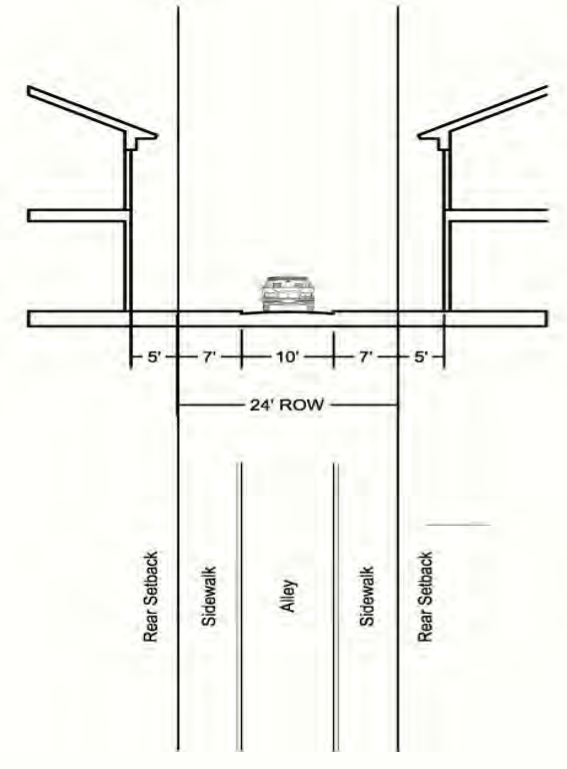


3. Streets

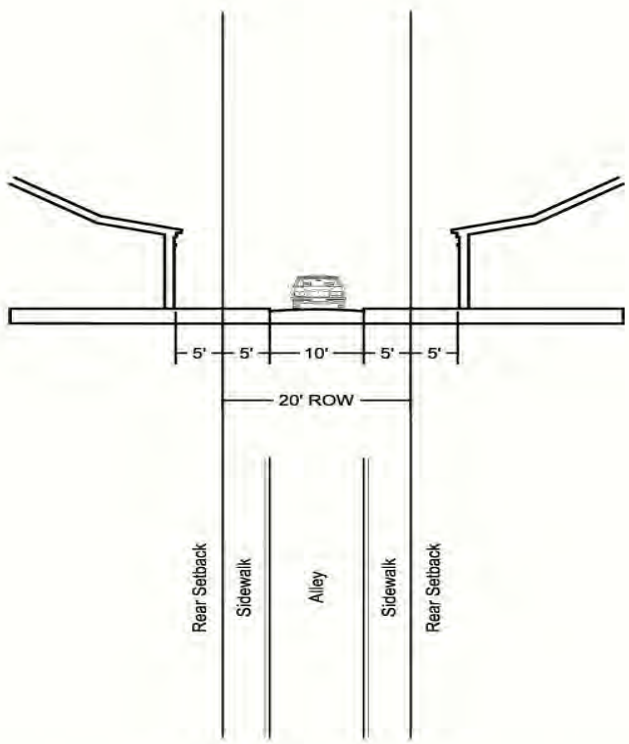
All applications for development in the Boundary Street Redevelopment District must include the design of street elements adjacent to the applicant's property. These designs must be according to the Street Type adjacent to the property, as identified in the Street Types Section (Section F). The Street Type and the appropriate thoroughfare sections inform the applicant regarding how parking, sidewalk, tree plantings and other elements are to be sized and arranged. Contact with City Architect will provide clarification regarding the required design for each street. All streets and alleys shall connect to other streets. Cul-de-sacs and T-turnarounds are not permitted.

4. Alleys

Alleys are required in the Boundary Street Redevelopment District to minimize curb cuts and to provide access to parking and service areas behind buildings. Alley requirements may be waived by the City Architect for access to detached single family residential lots greater than 45 feet in width in situations in which proper streetfront orientation, pedestrian circulation, and parking can still be accomplished. Alley locations and dimensions are not fixed but shall be designed to accommodate the alley's purpose. Alleys may be incorporated into parking lots as drive aisles and fire lanes. Recommended sections for alleys are included below.



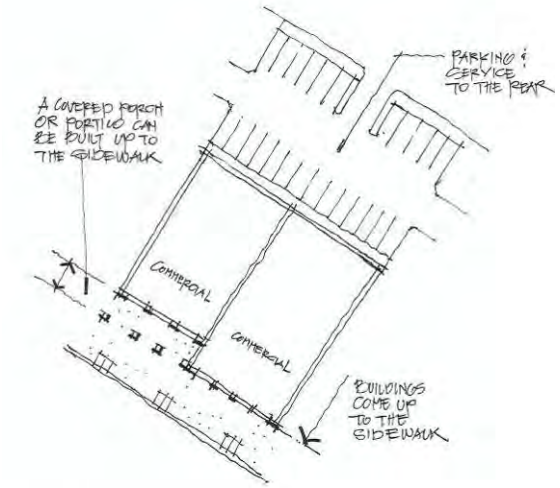
Commercial / Mixed-use Alley Section



Residential Alley Section

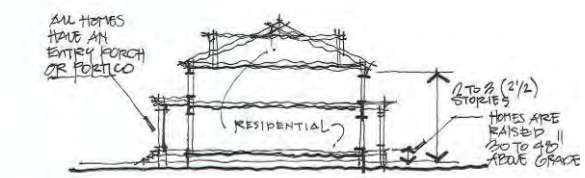
5. Exceptions from Build-to Lines

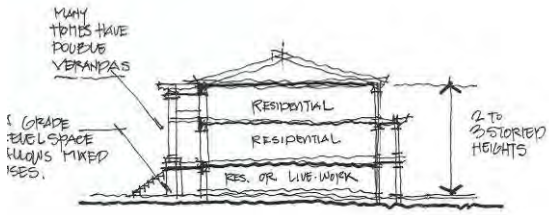
Exceptions from Build-to Lines may be granted by the City Architect for avoiding trees with calipers greater than 8 inches.



6. First Floor Height for Residential

Residential uses on the first story shall have finished floor height raised a minimum of 3 feet above the sidewalk grade.





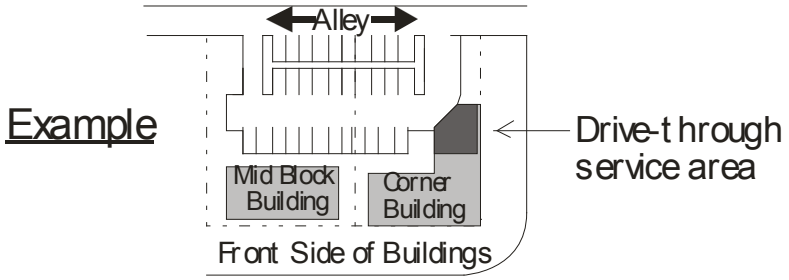
7. Accessory Structures

Accessory Structures for residential uses are permitted and may contain parking, accessory dwelling units, home occupation uses, storage space, and trash receptacles. Accessory structures shall not be greater than 625 square feet in footprint and shall not exceed 2 stories in height.

8. Drive-thrus

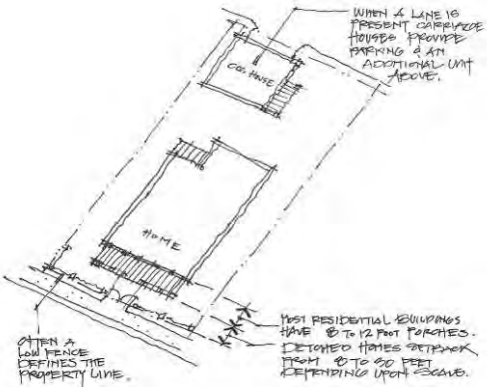
Drive-thrus, drive-thru windows, and drive-ups (collectively called "drive-thrus") are not permitted by-right within the Boundary Street Redevelopment District. Drive-thrus, except those at banks, may only be allowed when granted approval by the Zoning Board of Appeals as a special exception. Banks with drive-thrus may be approved by the City Architect under the conditions outlined below. In order for a drive-thru to be considered for approval by the Zoning Board of Appeals, it must conform with the following conditions:

- Drive-thru service windows must be located in the rear of properties, in mid-block and alley accessed locations;
- There shall be no minimum stacking requirements for vehicles; the maximum stacking allowed for vehicles shall be three vehicle lengths;
- There is only one drive-thru window;
- There is no outside menu board or order board;
- The drive-thru window is not located on the façade of the building facing the primary street.



9. Fences

Fences shall be a minimum of 25% opaque. Fences shall be constructed of materials that continue the architecture of the building that it abuts.



10. Civic Sites

Civic buildings contain uses of special public importance. Civic buildings include, but are not limited to, municipal buildings, churches, libraries, schools, recreation facilities owned by public or nonprofit agencies, and places of assembly. Civic buildings do not include retail buildings, residential buildings, or privately owned office buildings. Civic buildings should be monumental and should help to enhance the public realm, rather than take away from it. The buildings should evoke a civic character and be carefully designed to reflect the architectural character of Beaufort. In order to provide greater flexibility to create a special architectural statement, civic buildings are not subject to Building Volume or Building Placement requirements.

The design of civic buildings shall be subject to review and approval by the City Architect.

Civic buildings are reviewed on a case-by case basis. Although intended uses will be a significant determinant of form, there are several common design principles inherent to civic buildings. These principles affect their relationship to private buildings and to their setting as a whole.

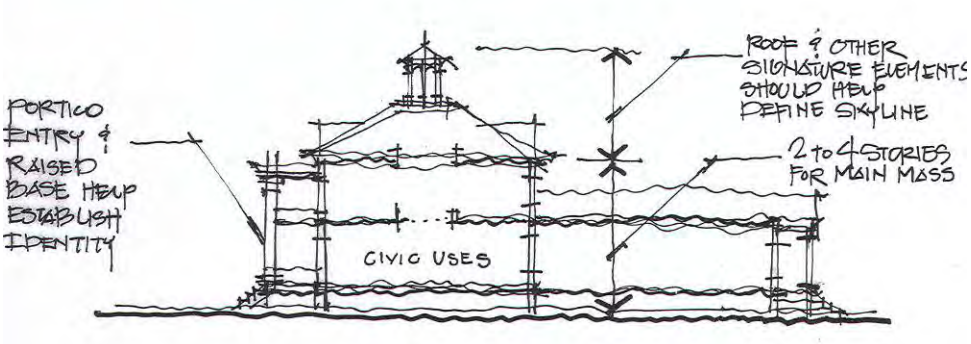
The following design principles are for review of civic buildings:

CITY HALL & POLICE FROM RIBAUT RD

Placement

- Civic buildings should be oriented toward the public realm (streets, squares and plazas) in a very deliberate way.
- Placement of buildings and primary architectural elements at the termination of public vistas can provide an appropriate level of visual importance.
- Building entrances should always take access from the most prominent façade(s). Avoid entrances that take access from the rear or are visually concealed.

- Placement of civic buildings, depending upon program and site, can often benefit from being set back from the adjacent build-to lines of private development. This allows the scale of the building to have more visual emphasis and can create a public space in the foreground. The amount of this setback should be carefully determined based on the urban design objectives of the particular site.

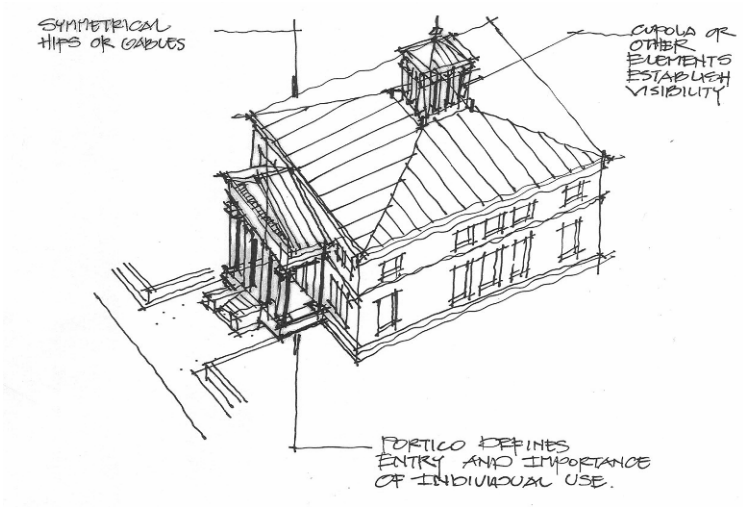


Massing

- The primary massing of civic buildings should be symmetrical in form. The appearance of a balanced design increases the level of formality which is appropriate to the public use.
- Massing of civic buildings, although often larger as a whole, should be divided into visually distinct sections. Massing divisions should provide visual order to the building and create vertical proportions within individual elements.

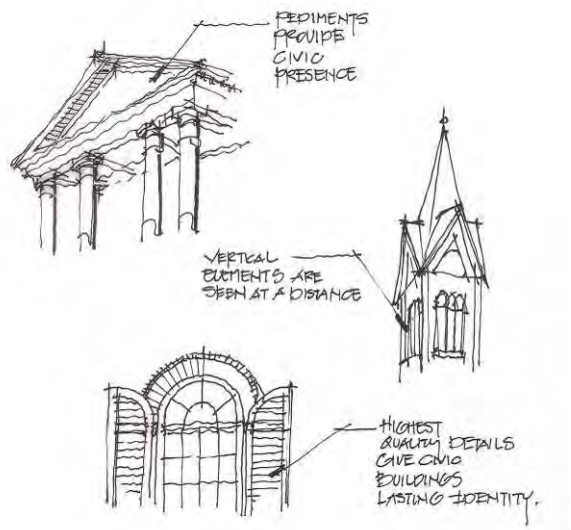
Scale / Height

- The scale of civic buildings should be larger then corresponding buildings in order to be more prominent and visible across greater distances.
- Floor-to-floor heights and architectural details should be proportionately larger then those of private buildings that exist or are anticipated within adjacent blocks.
- Prominent roof forms and additive elements such as cupolas can visually extend the height of the building.



Materials / Details

- It is of great importance that civic buildings be made of durable, high quality materials. The use of long-lasting materials is an expression of confidence in the future of the City.
- Civic buildings should be made of masonry, including brick, stone, and cast concrete. Stucco should be avoided as a material that lacks scale and texture. If used, stucco should be traditional, have integral pigment, and be scored to define human-scaled dimensions on the façade.
- Building details should be designed at two scales. At the larger scale, details should be robust to read from a distance. Closer to the building, the details of the lower levels should have another measure of refinement that can only be seen at the up-close, pedestrian scale.



11. Parking

The intent of these parking regulations is to encourage a balance between compact pedestrian oriented development and necessary car storage. The goal is to construct neither more nor less parking than is needed. The parking requirements and regulations are subject to review and adjustment by the City Architect.

a. Parking Requirements

For properties of one-half acre and less, there are no minimum parking count requirements in the Boundary Street Redevelopment District. For properties over one-half-acre, the minimum parking count requirement shall be 1 parking space for every 1000 square feet of leaseable or saleable building area. These parking spaces may be located either on-site, on-street (directly adjacent to a property), in shared parking scenarios, or in any public parking facility, the closest outside edge of which facility is located no more than 500 feet from the entry to the proposed building. Documentation for any leased or shared spaces must be provided. Credit shall be given for on-street parking spaces located within the public right-of-way that are directly in front of or adjacent to a property.

Minimum parking space dimensions for head-in or diagonal parking shall be 9 feet by 18 feet. Parallel parking spaces shall be 7 feet by 20 feet minimum. Drive aisles in parking lots shall be 22 feet wide for two-way circulation and to provide adequate backup space for 90 degree head-in parking. Diagonal parking and parallel parking spaces can be accessed with one-way 10 foot wide drive aisles.

Parking shall be provided as necessary to meet the requirements of the Americans with Disabilities Act.

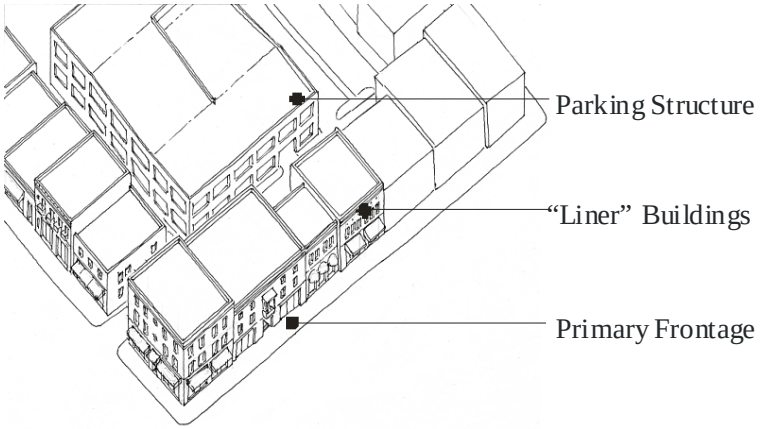
b. Off-Street Surface Parking Lot Placement

Wherever possible, parking lots shall be located behind buildings, such that buildings separate parking areas from the street. In no case shall parking be located in front of a building. Off-street surface parking lots shall be set back a minimum of 10 feet from property lines along public rights-of-way, excluding alleys. Outbuildings serving as garages facing alleys shall be permitted within this setback. Parking beneath a building is permitted if the parking is screened from the street by the building. Off-street surface parking lots shall be screened from the street, from park space, and from cemeteries, with shrubbery, walls, fences, or some combination. These screening devises shall be a minimum of 3.5' in height and should have a minimum 50% opacity. If shrubs are used for screening, a minimum of 2/3 of the shrubs shall be evergreen. Shrubs

shall be projected to reach their required height within 3 years of installation.

c. Structured Parking

Parking structures shall be set back from the property lines of all adjacent streets to reserve room for Liner Buildings between parking structures and the lot frontage. The Liner Building shall be, at a minimum, the same height as the parking structure and no less than 20 feet in depth. Liner Buildings may be detached from or attached to parking structures. Exceptions to these rules may be granted for lots less than 140 feet deep.

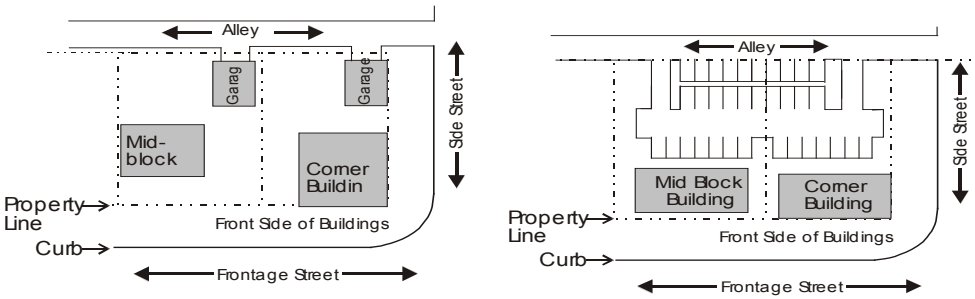


d. Access to Off-Street Parking

Alleys shall be the primary source of access to off-street parking. Parking along alleys may be head-in, diagonal or parallel.

Alleys may be incorporated into parking lots as standard drive aisles. Access to all properties adjacent to the alley shall be maintained. Access between parking lots across property lines is also encouraged.

Corner lots that have both rear and side access shall access parking through the rear (see diagrams below).



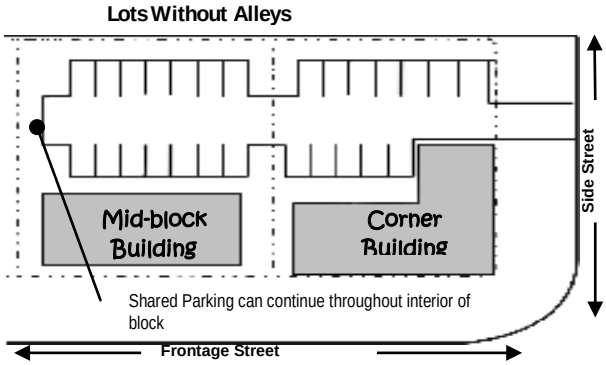
Garages should always be accessed from the alley and located in the rear of the lot.

If no alley exists, then efforts should be demonstrated attempting to get cross access across neighboring properties for rear parking.

Circular drives for civic buildings or hotels shall be permitted upon review and approval by the City Architect. Circular drives are prohibited for all other building types and uses.

e. Garages where alleys are not present

If no alleys exist, then garage door(s) shall be positioned no closer to streets, squares or parks than 20 feet behind the principal plane of the building frontage. Garages facing streets, squares or parks are limited to one car width; and garage doors shall not exceed 10 feet in width.

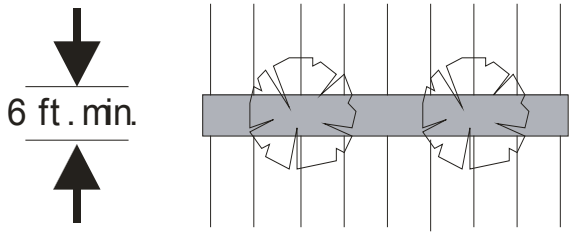


Where space permits, garage doors shall face the side or the rear, not the front.

Two-car garages are allowed where alleys are not present, so long as the garage is located in the rear of the lot. Garage doors shall not exceed 10 feet, and the driveway shall be a maximum of 10 feet wide in front of the principal plane of the building.

f. Parking Lot Landscaping Requirements

Landscape medians of at least six feet in width shall be provided between parking isles of either head-in or diagonal parking. Each landscape median shall have at least one tree for every 20 linear feet, or portion thereof, and be covered with grass, shrubs, or living ground cover. This spacing may be modified by the City Architect based on the proposed tree species. To minimize water consumption, the use of low-water vegetative ground cover other than turf is encouraged.



In lieu of landscape medians, landscape islands can be provided. No more than 8 consecutive parking stalls are permitted without a landscape island of at least 6 feet in width and extending the entire length of the parking stall. A minimum of one tree shall be planted in each landscape island.

Medians and islands shall be protected by curbing or wheel stops.

12. Large Footprint Buildings

Buildings with a footprint greater than 20,000 square feet may be built within the Boundary Street Redevelopment District by special exception only. Such buildings must abide by all rules in this code with the following special limitations:

a. Buildings may be one story in height and can only be on streets designated as “Boundary Street”, “Robert Smalls Parkway”, “Parallel Street” or “Main Street,” but shall be at least 24 feet in height. This may be accomplished with Liner Buildings or higher ceiling heights and/ or parapets.

b. To encourage use by pedestrians and decrease the need for solely auto-oriented patronage, Large-Footprint Buildings must reinforce the urban character of Boundary Street and shall therefore front the buildings to the sidewalks, providing windows and doors at frequent intervals. Operable doorways should occur on an average of every 50 feet for the whole length of the street frontage.

c. Building footprints shall not be larger than a single block. Floor area of buildings shall not cantilever over public rights-of-way.

d. Loading docks, service areas and trash disposal facilities shall not face streets, parks, squares, waterways, or significant pedestrian spaces.

Large Footprint Buildings are wrapped in a liner of smaller buildings with doors and windows facing the street.

Large Footprint Building has blank facades and sits behind a field of parking.

13. Opacity & Facades

Opacity requirements shall meet the parameters described in *Architectural Standards*, Section 6.8.J.2

14. Accessibility

All buildings and streetscapes will be designed in compliance with the Americans with Disabilities Act. Refer to ADA Standards for Accessible Design, issued by the Department of Justice on July 1, 1994.

I. Building Elements

General Requirements:

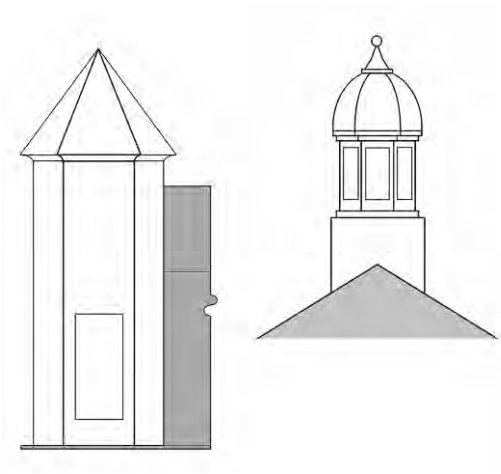
1. Door & Window Openings

The primary entrance to all buildings shall be located on the exterior wall facing the frontage street.

Windows shall be rectangular, square, circular, semi-circular, or octagonal. Rectangular window openings facing streets shall be oriented vertically. Each facade facing streets shall contain 15% to 70% of transparent materials on each story below the roof line.

2. Turrets and Cupolas

If a building has a turret or cupola, the following regulations shall apply.



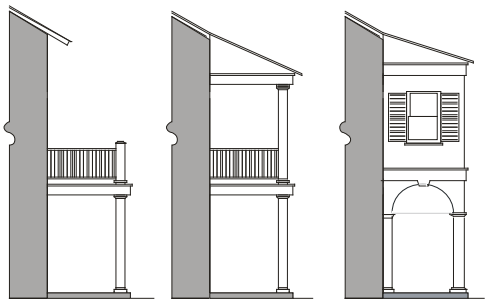
Plan = 20' x 20' Maximum Footprint Area
Height = If footprint is larger than 10' x 10', then the cupola / turret may extend a maximum of 25' above the roofline of the highest story. If footprint is less than 10' x 10', then the turret or

cupola may extend to a maximum of 50' above the roofline of the highest story.

Commercial / Mixed-use Buildings:

The following standards shall apply to commercial / mixed-use structures in the District. Each are permitted in the district but are not required; however, for buildings fronting Boundary Street, Ribaut Road, Robert Smalls Parkway, Parallel Street, Main Street, and Park Street building fronts are required to provide shelter to the sidewalk by means of at least one of the following: arcade, colonnade, marquee, awning, or 2nd floor balcony. Alternate means may be deemed appropriate as approved by the City Architect.

3. Colonnades / Arcades



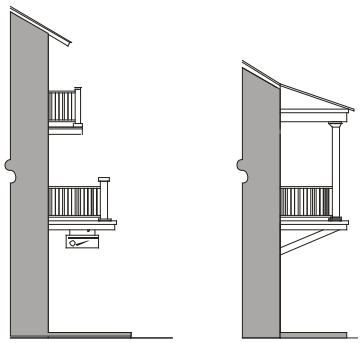
Note: enclosed useable space not permitted in the right-of-way.

Depth = 8 ft minimum from the principal façade to the inside column face. 18" from outside column face to curb.
Height = 10 ft minimum clear.
Length = 75-100% of Building Front (for Storefronts only).

Open multi-story verandas, awnings, and balconies, and enclosed useable space shall be permitted above the colonnade. Enclosed useable space shall be permitted above the colonnade when not located in the right-of-way.

Colonnades shall only be constructed where the minimum depth can be obtained. Colonnades shall occur forward of the principal façade and may encroach within the right-of-way, but shall not extend past the curb line. Colonnades, if located in the right-of-way, may replace street trees along their length. Colonnades that encroach into the right-of-way may not have enclosed useable space above. On corners, colonnades may wrap around the side of the building facing the side street.

3. Balconies

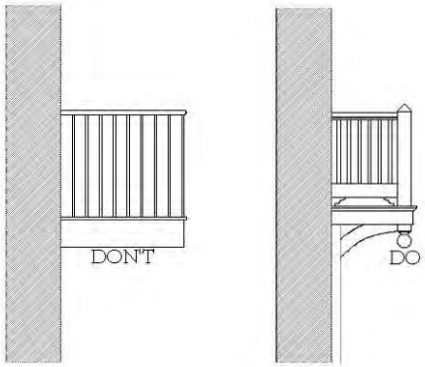


Depth = 8 ft minimum for 2nd floor balconies.
Height = 10 ft minimum clear.
Length = up to 100% of Building Front (for Storefronts only).

Balconies may differ in length and depth.
Balconies shall occur forward of the Build-to Line and may encroach over the right-of-way.

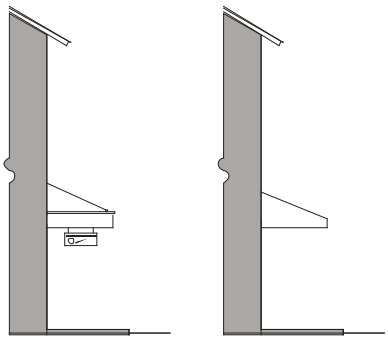
Balconies may have roofs, but are required to be open-air parts of the building; i.e., balconies cannot be screened or glassed in.

On corners, balconies may wrap around the side of the building facing the side street.



Balconies should always be supported in some way and should also appear safe to stand on and under.

4. Marquees & Awnings



Depth = 6 ft minimum.
Height = 8 ft minimum clear.
Length = 50% to 100% of Building Front (for Storefronts only).

The above requirements apply to first-floor awnings. There are no minimum requirements for awnings above the first floor.

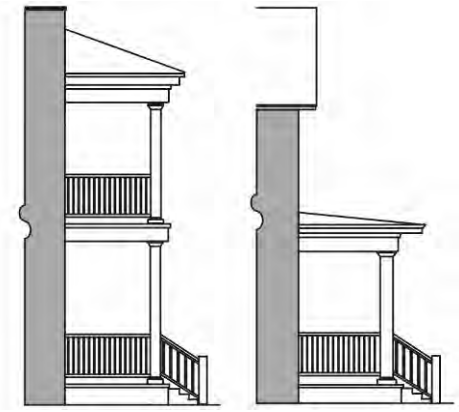
Marquees and Awnings shall occur forward of the Build-to Line and may encroach over the right-of-way.

Awnings shall be made of fabric. High-gloss or plasticized fabrics are prohibited.

Residential Buildings:

The following standards shall apply to residential structures in the District. Each are permitted in the district but are not required; however, for buildings fronting Neighborhood Streets or House Streets, building fronts are required to have at least one of the following: porch or stoop.

5. Porches



Depth = 8 ft minimum from building face to inside column face.
Length = 25% to 100% of Building Front.

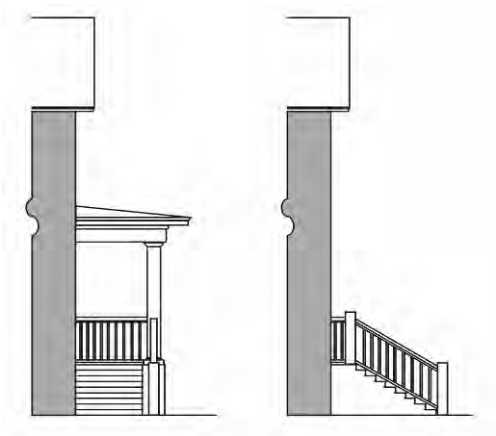
= 25% to 100% of Building Side for wrap-around porches.
Height = 30" min. from grade to top of stairs; 96" maximum.
Overhang = 2 ft minimum.

Front Porches may be multi-story, with verandas and/or balconies above.

Front Porches may occur forward of the Build-to Line or Zone. Porches shall not extend into the right-of-way.

Front Porches may be screened; however, if screened, all architectural expression (columns, railings, pickets, etc.) must occur on the outside of the screen (facing the street or public space).

6. Stoops



Depth = 4 ft minimum
Length = 10% to 25% of Building Front. (length does not include stairs)
Height = 30" minimum from grade to top of first finished floor; 96" maximum.

Stoops may occur forward of the principal façade, but shall not extend into the right-of-way. Stoop stairs may run to the front or to the side. Stoops may be shared by two adjacent units as long as both units meet the above dimensional requirements.

Sidewalks shall have a minimum 5' clear access for pedestrians. Stoops may be covered or uncovered.

J. Architectural Standards

This section specifies building materials, details and configurations. Building designs which strictly comply with these standards are to be considered approved for matters of aesthetics and shall not require further discretionary review for architectural character or appearance. Building designs which do not comply with

these standards may be permitted, but only after review and approval by the City Architect.

The lists of permitted materials and configurations come from study of traditional buildings found in the Lowcountry and have been selected for their appropriateness to the visual environment and climate.

A primary goal of the Architectural Standards is authenticity. The Standards encourage construction which is straightforward and functional, and which draws its ornament and variety from the traditional assembly of genuine materials. The City Architect shall have authority to approve substitute materials for those listed as options under the Architectural Standards. As an additional reference for architectural standards, refer to Traditional Construction Patterns by Stephen Mouzon, McGraw Hill, 2004.

General Requirements:

The following shall be located in rear yards or sideyards not facing side streets:
- Window and Wall Air Conditioners;
- Air Conditioning Compressors;
- Irrigation and pool pumps; and
- Electrical Utility Meters.
- Satellite dish antennas greater than 18" in diameter (satellite dishes must be shielded from view from the street or public space)

The following shall be located in rear yards only:
- Antennas;
- Permanent Barbecues; and
- Refuse enclosures.

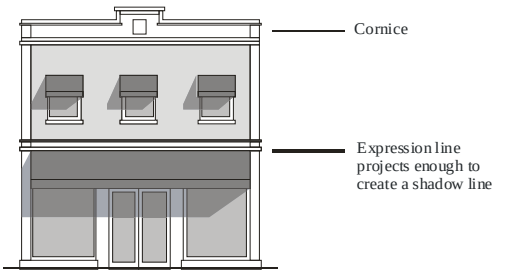
The following are prohibited:
- Undersized shutters (the shutter or shutters must be sized so as to equal the width that would be required to cover the window opening.)
- Plastic shutters;
- Clotheslines;
- Clothes Drying Yards;
- Reflective and/or bronze-tint glass;
- Plastic or PVC roof tiles;
- Backlit awnings;
- Glossy-finish awnings; and
- Fences made of chain link, barbed wire, or plain wire mesh.

1. Building Walls

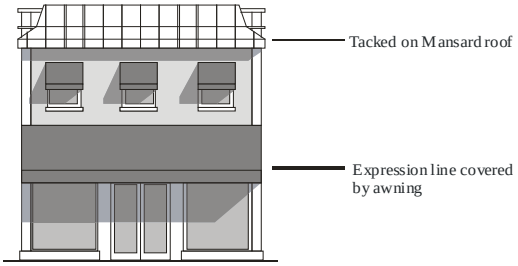
a. General Requirements

Required for all buildings except attached and detached single family houses:

An expression line shall delineate the division between the first story and the second story. A cornice shall delineate the tops of the facades. Expression lines and cornices shall either be a molding extending a minimum of 2 inches, or a jog in the surface plane of the building wall greater than 2 inches.



Desirable



Undesirable

b. Permitted Finish Materials

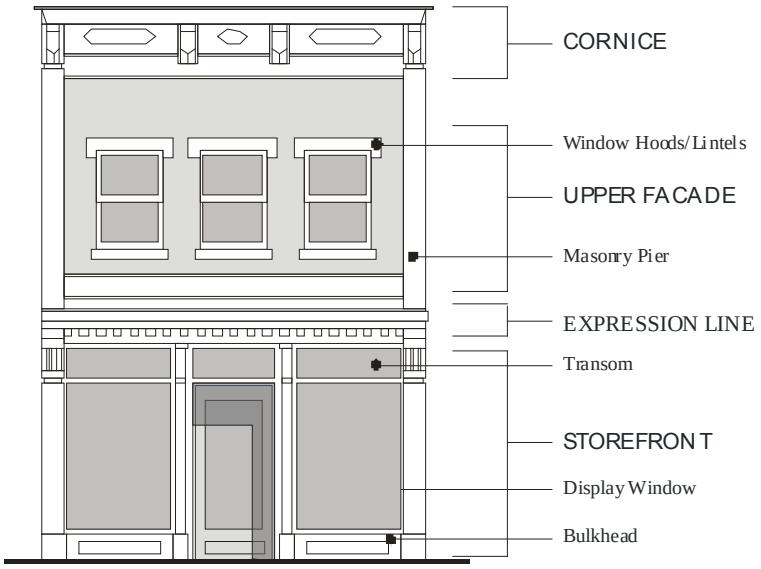
*Concrete masonry units with stucco (C.B.S.)
*Reinforced concrete with stucco
*Fiber cement board such as "Hardie-Plank" siding (50-year siding product)
*Wood (termite resistant, 50-year siding product): painted or natural
*Brick
*Tabby
*Other materials may be approved by the City Architect.
*Wherever possible, Green building materials are encouraged in the construction of building walls, including recycled-content sheathing, siding composed of reclaimed or recycled material, and salvaged masonry brick or block.

2. Storefronts

a. General Requirements

Required for all buildings that have storefronts:

(1) Building Components



(2) Opacity

In order to provide clear views of merchandise in stores and to provide natural surveillance of exterior street spaces, the ground-floor along the building frontage shall have untinted transparent storefront windows and / or doors covering no less than 75% of the wall area. Low emissivity glass with high visual light transmittance is permitted. Bottoms of the storefront windows shall be between 1 and 3 feet above sidewalk grade. Storefronts shall remain unshuttered at night and shall provide clear views of interior spaces lit from within.

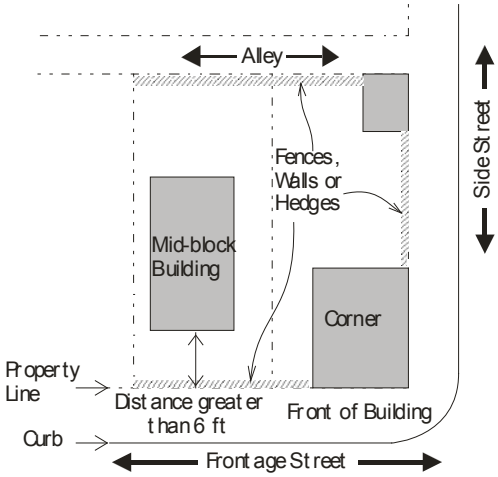
(3) Doors or Entrances

Doors or entrances with public access shall be provided at intervals no greater than 50 feet, unless otherwise approved by the City Architect.

3. Garden Walls & Fences

a. General Requirements

Fences, garden walls, or hedges are strongly encouraged and, if built, should be constructed along all un-built rights-of-way which abut streets and alleys as shown in the diagram below. Fences, garden walls, or hedges are encouraged along side yards and rear yards. Fences, garden walls and hedges shall be minimum 25% opaque.



Height of garden walls:

Front Yard: (in front of the primary structure) maximum height of 48 inches. Pillars and posts may extend up to 6 inches more, to a height of 54 inches.

Side and Rear Yards: (behind the principal façade of the primary structure) maximum height of 72 inches. Pillars and posts may extend up to 6 inches more, to a height of 78 inches.

b. Permitted Finish Materials

*Wood (termite resistant), painted or stained; unpainted wood must be sealed
*Concrete Masonry Units with Stucco (C.B.S.)
*Reinforced Concrete with Stucco
*Wrought Iron
*Brick
*Aluminum

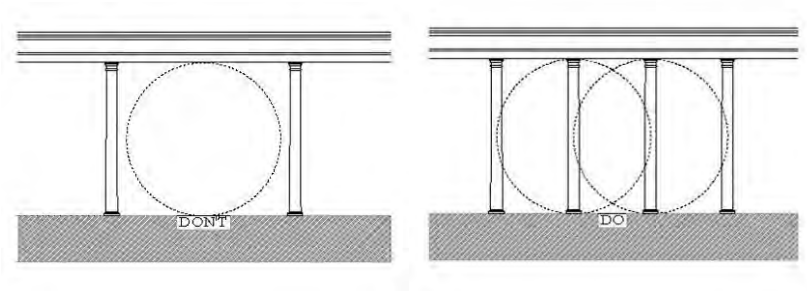
c. Permitted Configurations

*Wood:
Picket Fences: minimum 25% opacity, w/ corner posts
Other: to match building walls
*Wrought Iron: Vertical, 5/8" minimum dimension, 4" to 6" spacing
*Brick
*Stucco: with texture and color to match building walls

4. Columns, Arches, Piers, Railings & Balustrades

a. General Requirements

(1) Column and Pier spacing:
Columns and Piers shall be spaced no farther apart than they are tall.



Generally column bays should be equal and of precise proportions.

b. Permitted Finish Materials

(1) Columns:
Wood structure with finished wood or Hardie-plank cladding
Cast Iron
Concrete with smooth finish
Brick

(2) Arches:
Wood structure with finished wood or Hardie-plank cladding
Concrete Masonry Units with Stucco (C.B.S.)
Reinforced Concrete with Stucco
Brick

(3) Piers:
Wood structure with finished wood or Hardie-plank cladding
Concrete Masonry Units with Stucco (C.B.S.)
Reinforced Concrete with Stucco
Concrete with smooth finish
Cast iron
Brick
Tabby

(4) Railings & Balustrades:
Wood (termite resistant), painted or natural
Wrought Iron

c. Permitted Configurations

(1) Columns:
Square, 6" minimum, with or without capitals and bases
Round, 6" minimum outer diameter, with or without capitals and bases

Classical Orders (For classical column proportions refer to *American Vignola: A Guide to the Making of Classical Architecture by William R. Ware, W.W. Norton & Company, New York, 1977.)*

(2) Arches:
Semi-circular & Segmental

(3) Piers:
8" minimum dimension

(4) Porches:
Railings 2-3/4" minimum diameter
Balustrades 4" minimum spacing, 6" maximum spacing.
(All dimensions shall also conform to local building codes.)

5. Roofs & Gutters

a. General Requirements

(1) Permitted Roof Types:
Gabled, hipped, shed, barrel vaulted, flat, mono-pitch, mansard and domed. Shed, flat, and mono-pitch roofs shall be concealed with parapets along the street frontage. Applied mansard roofs are not permitted.

(2) Exposed rafter ends (or tabs) at overhangs are strongly recommended.

(3) Downspouts are to match gutters in material and finish.

b. Permitted Finish Materials

(1) Metal:
Galvanized
Copper
Aluminum
Zinc-Alum

(2) Shingles:
Fiberglass or Metal, "dimensional" type
Slate
Composite slate
Cedar shake
Asphalt

(3) Tile:
Other options preferred; permitted only if approved by the City Architect.

(4) Membrane or built-up:
For flat and mono-pitched roofs only

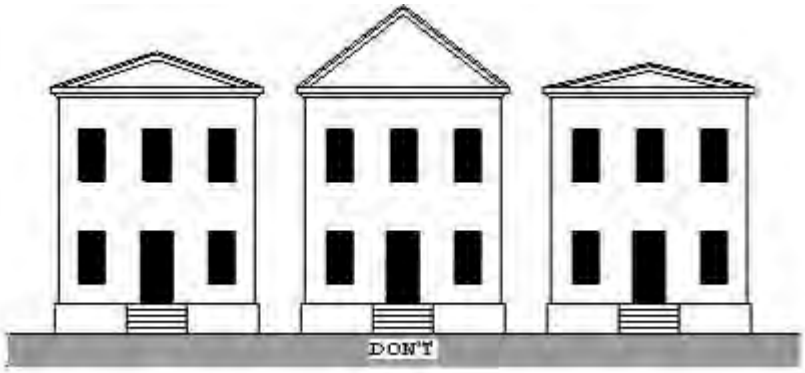
(5) Gutters:
Copper
Aluminum
Galvanized Steel

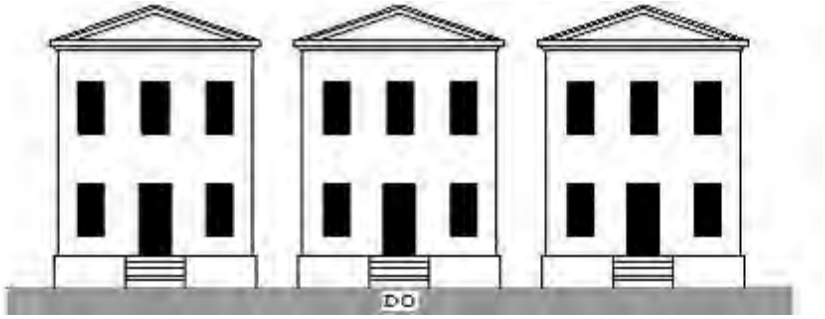
c. Permitted Configurations

(1) Metal:
Standing Seam or "Five-vee," 24" maximum spacing, panel ends exposed at overhang

(2) Shingles:
Square
Rectangular
Fishscale
Diamond
Shield

(3) Gutters:
Rectangular section
Square section
Half-round section





In regards to roof slope, do not vary the slopes drastically within the same style. Instead base slopes on local syntax. As a generalization 12:12 is appropriate for primary roofs, while ancillary roof slopes may be 4:12. For larger buildings that have monopitch or shed roofs, as a generalization 4:12 is appropriate.

6. Windows, Skylights, & Doors*

a. General Requirements

(1) Window and door openings shall be taller than they are wide.

(2) Window openings may be grouped horizontally.

(3) Masonry Construction: A header and sill are required for all windows.

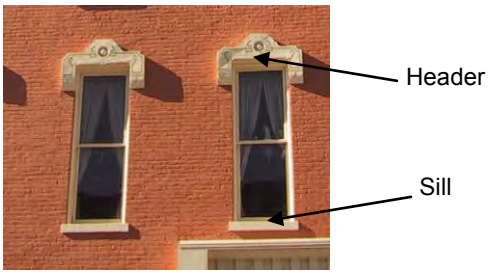
(4) Wood Construction: Windows are required to have trim on all four sides.

(5) The following accessories are permitted: Shutters, Window Boxes, Mullions, Fabric or Metal Awnings (no backlighting; no glossy-finish fabrics)

* The requirements for doors apply to the primary entrance to all buildings which shall be located on the exterior wall facing the frontage street. The requirements do not apply to parking garage doors or loading dock doors because they are required to be located in the rear of the buildings and are to be accessed by alleys.

b. Finish Materials

(1) Windows and Skylights:
Wood
Aluminum
Copper
Steel
Clad Wood



(2) Doors:
Wood or Metal*
*In storefront locations, glass doors are allowed.

(3) Whenever possible, Green building materials shall be used for windows & doors, including wood/composite windows, finger-jointed wood windows, and reconstituted or recycled-content doors.

c. Permitted Configurations

(1) Windows:
Rectangular
Square
Round (18" maximum outer diameter)

Horizontal windows do not reflect human proportions. Use vertical windows that respond to the human body. Use vertical or square window panes and restrict them to a few related proportions, such as 1:1.6 or 1:2.

(2) Window Operations:
Casement
Single and Double-Hung
Industrial
Fixed Frame (36 square feet maximum)

(3) Skylights:
Flat to the pitch of the roof

(4) Door Operations:
Casement
French
Sliding (upper floors and rear only)

7. Opacity & Facades

Each floor of any building facade facing a park, square, or street shall contain transparent windows covering from 15% to 70% of the wall area. Tinted glass and reflective glass may be permitted with the approval of the City Architect.

8. Signs

a. General Requirements

(1) All signs shall be subject to review by the City Architect in order that signs are consistent and in harmony with the Boundary Street Master

Plan. The City Architect shall use graphics in this section as non-binding guidelines, but shall make a determination of appropriateness on a case by case basis.

(2) Signs shall be flat against the facade, mounted projecting from the facade, or mounted above the top of the facade.

(3) Signs can be hung underneath an arcade, perpendicular to the front wall, but only for the purpose of being seen within the arcade.

(4) Signs shall be externally lit. Individual letters and symbols may be internally lit or back-lit.

b. Finish Materials
*Wood: painted or natural
*Metal: copper, brass, galvanized steel
*Painted Canvas
*Paint/engraved directly on facade surface
*Plastic (channel letters only)

c. Configurations

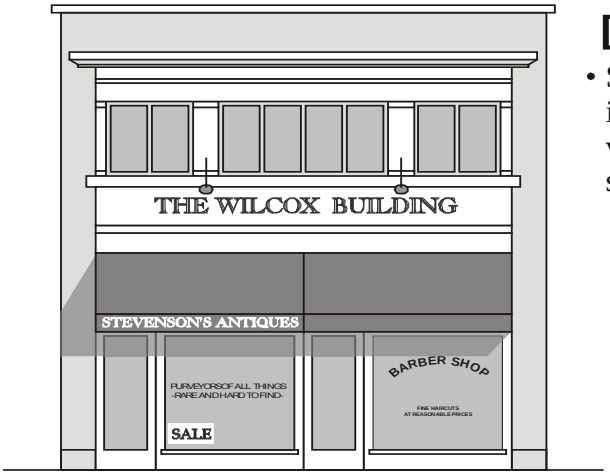
(1) Maximum gross area of signs on a given facade shall not exceed 10% of the applicant's facade area.

(2) Maximum area of any single sign mounted perpendicular to a given facade shall not exceed 10 square feet.

(3) Signs shall maintain a minimum clear height above sidewalks of 8 feet.

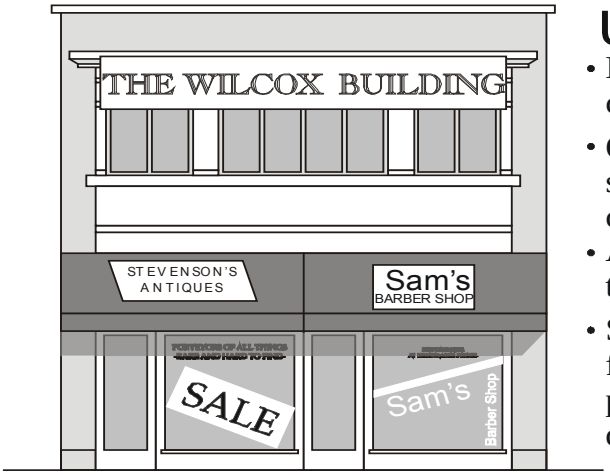
d. Nonconforming Signs

(1) Signs not conforming to the requirements of this section shall be altered, removed, or otherwise brought into compliance with the requirements of this section when improvements to existing buildings exceed 50% of the present building value.



Desirable

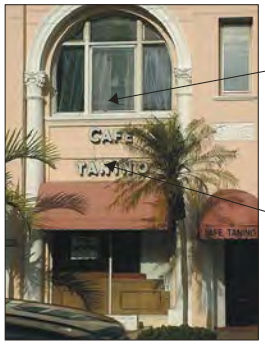
- Signs are coordinated in size and placement with the building and storefront



Undesirable

- Building sign conceals the cornice
- Over-varied sign shapes create visual confusion
- Awning sign covers the masonry piers
- Sale sign too large for storefront and poorly placed in display window

Example of Signs Flat Against a Façade:



The sign is centered within the symmetrical arrangement of the window above and shopfront below

Internally lit letters

Internally lit letters

The sign runs horizontally along the expression line

Lamps for external lighting

The sign is centered above the main entrance at the top of the facade

Lamps for external lighting

The top edge of the facade is sculpted to create a special focal spot for the sign

Elegant and reserved cast bronze address plate located at pedestrian eye level

Sign painted directly on the facade above the main entrance

External lighting discreetly located above the awning

Internally lit plastic signs are designed for the "strip", not a pedestrian oriented town center

Example of Signs Mounted Projecting from the Façade:

Discreetly located external lighting

Sign painted on the face of a canvas awning over entry

Neon signs can provide a warm glow, enhancing night time pedestrian activity

Photograph by Bernard Consdorni

Signs on the sides of awnings are directly in the line of sight of pedestrian customers

Vertical projecting signs are highly visible far down the street

A lower marquee sign caters to people on foot and in cars passing directly in front of the venue

A sign extending from the corner of a building is highly visible along two streets

A second lower sign catches the eye of pedestrians passing in front of the entrance

Signs hanging from the ceilings of arcades command the attention of pedestrian shoppers

Monument signs fit within the deep setbacks of suburban strip development to direct motorists to stores set too far back

Examples of Signs Mounted Above the Top of the Façade:

Signs projecting from the tops of buildings are highly visible from a great distance

This distinctive sign, made of individual letters projecting from the front of the facade and extending above the cornice line, is memorable to shoppers and is highly visible from many directions

A second lower sign marks the entrance to the store

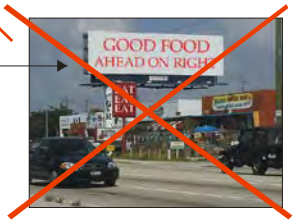
Photography by Brent Bates

Projecting signs which break the skyline are visible from a variety of distances and serve as beacons to customers when lit at night

Signs projecting above the roof stand out against the sky, adding an architectural flair to a shop's identity

Pole mounted signs are designed to fit in deep suburban setbacks and are not appropriate for pedestrian-oriented environments

Billboards cater entirely to motorists traveling at high speeds



APPENDIX

Civic Art, by Hegemann and Peets;

Great Streets, by Allan B. Jacobs;

The Charter of the New Urbanism, by Congress for the New Urbanism;

AIA Graphic Standards, 9th Edition;

Traditional Construction Patterns, by Stephen A. Mouzon;

The Lexicon of the New Urbanism, by Duany et al, Congress for the New Urbanism;

Shared Parking, by Barton-Aschman Associates, The Urban Land Institute;

The American Vignola: A Guide to the Making of Classical Architecture, by William R. Ware.

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6.9 Beaufort County Airport Overlay

A. Airport Height Zones and Limitations

The Airport has one runway designated as Runway 7/25. The runway accommodates aircraft over 12,500 pounds and is therefore classified as "other than utility runway." Since aircraft can land in either direction, non-precision-instrument approaches with visibility minimums greater than three-fourths of a statute mile have been approved and published by the FAA for both ends of Runway 7/25 at the Airport. These classifications are current as of October 2006. The following prescribes the airport height zones and limitations for Beaufort County Airport as dictated by Title 14 Code of Federal Regulations Part 77. A property located in more than one of the described zones is considered to be in only one zone with the more restrictive height limitation.

1. **Primary zone**. This is an area longitudinally centered on a runway, extending 200 feet beyond each end of that runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway. No structure or obstruction will be permitted within the primary zone that is not part of the landing and takeoff area and is of a greater height than the nearest point on the runway centerline. The width of the primary zone is as follows: five hundred (500) feet for nonprecision-instrument runways having visibility minimum greater than three-fourths of a statute mile.

2. **Horizontal zone**. This is the area around a civil airport with an outer boundary perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary zone of each airport's runway and connecting the adjacent arcs by line tangent to the arcs. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest composite value determined for either end of the runway.

   The radius of each arc is:

   - Runway 7 End: Ten thousand (10,000) feet for nonprecision-instrument runways having visibility minimum greater than three-fourths of a statute mile.

   - Runway 25 End: Ten thousand (10,000) feet for nonprecision-instrument runways having visibility minimum greater than three-fourths of a statute mile.

   No structure or obstruction will be permitted in the horizontal zone that has a height greater than 150 feet above the airport height of 10 feet above mean sea level.

3. **Conical zone**. This is the area extending outward from the periphery of the horizontal zone for a distance of 4,000 feet. Height limitations for structures in the conical zone are 150 feet above the airport height at the inner boundary with

permitted height increasing one foot vertically for every 20 feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above the airport height at the outer boundary.

4. **Approach zone.** This is an area longitudinally centered on the extended runway centerline and extending outward from each end of the primary surface. An approach zone is designed for each runway end based upon the type of approach available or planned for that runway end. The inner edge of the approach zone is the same width as the primary zone (i.e., 500 feet) and it expands uniformly to a width of:

   - Runway 7 End: Three thousand five hundred (3,500) feet for non-precision-instrument runways having visibility minimum greater than three-fourths of a statute mile.

   - Runway 25 End: Three thousand five hundred (3,500) feet for non-precision-instrument runways having visibility minimum greater than three-fourths of a statute mile.

   The outer width of an approach zone to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

   The approach surface extends for a horizontal distance of:

   - Runway 7 End: Ten thousand (10,000) feet for all non-precision-instrument runways other than utility.

   - Runway 25 End: Ten thousand (10,000) feet for all non-precision-instrument runways other than utility.

   Permitted height limitation within the approach zone is the same as the runway and height at the inner edge and increases with horizontal distance outward from the inner edge as follows:

   - Runway 7 End: Permitted height increases one foot vertically for every 34 feet of horizontal distance for all non-precision-instrument runways other than utility.

   - Runway 25 End: Permitted height increases one foot vertically for every 34 feet of horizontal distance for all non-precision-instrument runways other than utility.

5. **Transitional zone**. This is the area extending outward from the sides of the primary zones and approach zones connecting them to the horizontal zone. Height limits within the transitional zone are the same as the primary zone or approach zone at the boundary line where it adjoins and increases at a rate of one foot vertically for every seven feet horizontally, with the horizontal distance measured

at right angles to the runway centerline and extended centerline, until the height matches the height of the horizontal zone or conical zone or for a horizontal distance of two thousand (2,000) feet from the side of the part of a precision approach zone that extends beyond the conical zone.

6. **Other areas.** In addition to the height limitations imposed in the aforementioned paragraphs, no structure or obstruction will be permitted within the city that would cause a minimum obstruction clearance altitude, a decision height or a minimum vectoring altitude to be raised.

B. Notification.

1. At all real estate closings involving a property in the Approach Zone or Transitional Zone of the Airport Overlay District for the Beaufort County Airport, the buyer, seller and witnesses shall sign the following form, which shall be filed with the deed and/or plat at the Beaufort County Register of Deeds Office (RMC Office).

Airport Overlay Disclosure Form
(For Properties within the Approach Zone or Transitional Zone of the Beaufort County Airport Overlay District)

The property at _____ (address/location) is located within the _____ Zone of the Airport Overlay District for the Beaufort County Airport (73J). The City of Beaufort has determined that persons on the premises may be exposed to noise and accident potentials from aircraft overflight as a result of airport operations.

The City has placed certain height restrictions on this property for both manmade and natural obstructions based on its location within this airport height zone. Before purchasing the above property, you should consult with the City of Beaufort Unified Development Ordinance Administrator to determine the restrictions that have been placed on the subject property.

CERTIFICATION

As the owner of the subject property, I hereby certify that I have informed _____, as a prospective purchaser, that the subject property is located in the _____ Zone of the Beaufort County Airport Overlay District.

Dated this _____ day of _____, _____.

Witness_____ Owner_____

As a prospective purchaser of the subject property, I hereby certify that I have been informed that the subject property is in the _____ Zone of the

Beaufort County Airport Overlay District, and I have consulted with the City of Beaufort Unified Development Ordinance Administrator to determine the restrictions which have been placed on the subject property.

Dated this _____ day of _____, _____.

Witness_____ Purchaser_____

2. All subdivision plats, planned unit development plats, townhouse plats and /or condominium documents shall contain the following disclosure statement:

Airport Overlay Disclosure Statement
(For Properties within the Beaufort County Airport Overlay District)

This property lies within an Airport Overlay District for the Beaufort County Airport. There are structure height restrictions imposed on this property based on its location within an airport height zone. Purchasers should contact the City of Beaufort Department of Planning and Development Services for information regarding these restrictions.

All or a portion of this property lies within:

Airport Height Zone: _____

C. Uses which interfere with aircraft.

The following special requirements shall apply to uses within the Airport Overlay District:

1. Lights or illumination used in conjunction with streets, parking, signs or use of land and structures shall be arranged and operated in such a manner that is not misleading or dangerous to aircraft operating from the Airport or in the vicinity thereof as determined by the airport operator.

2. No operations of any type shall produce smoke, glare or other visual hazards within three miles of a usable runway.

3. No operations of any type shall produce electronic interference with navigation signals or radio communication between the Airport and the aircraft.

4. No use of land shall be permitted which encourages large concentrations of birds, waterfowl or other wildlife within the vicinity of the Airport.

D. Official Map.

The airport height zones defined in Section A are shown on the map entitled "Beaufort County Airport Overlay District" which is incorporated herein by reference.

G. Noise Attenuation

The following noise level reduction standards shall be required for all new buildings within an Airport Noise Zone.

Additional Construction Standards

DNL 65 – 70:	25 dB reduction required.
NL 70 – 74:	30 dB reduction required.
DNL 75 and above:	35 dB reduction required.

1. Notwithstanding the above, nonconforming churches shall be permitted to be rebuilt if damaged greater than 50% of their market value. Nonconforming churches may be expanded by up to 15% in accordance with Table 106-9 provided that the expansion does not increase the occupant load of the church.

H. Nonconforming Uses and Structures

The standards for nonconforming uses and structures contained in Article 9 are modified or supplemented as follows:

1. Nonresidential uses and structures

a. Nonconforming structures with damage greater than 50% of their market value shall be replaced by conforming structures.

b. Nonconforming uses and structures shall not be expanded.

c. Improvements to a structure that exceed 50% of market value shall be required to meet the noise attenuation requirements in Subsection G. Permits for improvements shall be cumulative for a period of 5 years.

d. Any nonconforming use or structure shall be considered abandoned if vacant or unused for 90 days, and shall only be replaced with conforming uses and structures.

e. Notwithstanding the above, nonconforming churches shall be permitted to be rebuilt if damaged greater than 50% of their market value. Nonconforming churches may be expanded by up to 15% provided that the expansion does not increase the occupant load of the church.

I. Official Map

The Air Installations Compatible Use Zones map published by the Department of the Navy in 2003 and incorporated as part of the Lowcountry Joint Land Use Study Plan dated September 2004, prepared by the Lowcountry Council of Governments, is hereby adopted by reference and declared to be part of this UDO.

6.10 Bladen Street Redevelopment District

A. Purpose

The City of Beaufort seeks to create a Bladen Street Redevelopment District based upon traditional standards for city building. In 2001 the City created a Master Plan for the Bladen Street Redevelopment District through a design charrette process involving the community and a team of design professionals. These regulations are form-based and reflect the existing character of Beaufort and the surrounding region. The code enables a mixed-use physical environment to further enhance the economic and cultural success of Bladen Street and contiguous areas.

Traditional urban design conventions have been applied to set design parameters for how buildings and other elements relate to those streets. These design conventions are derived from the existing conditions in the City and from a number of sources in planning literature as listed in the Appendix. The above texts will be available at the Department of Planning and Development Services for applicants to review. Applications for development in the Bladen Street Redevelopment District do not have to comply with the design specifics of the recommended texts; the texts are for reference and guidance only and are not to be foreseen as regulatory. Where approvals, interpretations, and judgments are subject to reasonable application by City officials, these officials should use the following texts for guidance as to best practices.

B. Application of Standards

In the case of conflict between the standards set forth in the Bladen Street Redevelopment District and any other local land development regulation, these standards shall apply. To the extent that Section 6.10 is silent where other land development regulations govern, they shall apply. Building construction shall conform to the applicable City and State of South Carolina building codes and regulations. Provisions in this code are activated by "shall" when required; "should" when recommended; and "may" when optional.

C. Administration

Interpretation of the standards in this code shall be the responsibility of the City Architect. The role of the City Architect has been established to administer an architectural review procedure for the development of properties within the Bladen Street Redevelopment District. It is the responsibility of the City Architect to review building plans for compliance with the Bladen Street

How To Use This Code:

6.) *Refer to the **Regulating Plan,** to become familiar with the overall concept of Bladen Street and the specific standards sheet for your site.*
7.) ***Section G** will provide provisions governing building placement and character requirements based on **Specific sites**.*
8.) *Verify your proposed use in the Permitted Use Table.*
9.) *Examine the **General Provisions** which apply throughout the district.*
10.) *Finally, refer to the **Building Elements** and **Architectural Standards** for specific building regulations.*

Redevelopment District Code and to provide design guidance when necessary. The City Architect shall be responsible for interpreting the Bladen Street Redevelopment District Code regarding architectural and streetscape standards. The City Architect has the authority to make exceptions within this code on the basis of Architectural merit or any other guiding principle within this document.

The *regulating plan and illustrations provided within* shall serve as guidance to the City Architect with respect to the City's intent for land development in the Bladen Street Redevelopment District. The images contained in this section are meant to demonstrate the character intended for the Redevelopment District, but are for illustrative purposes only. The accompanying text and numbers are rules that govern permitted development.

The code should be used in the following method:

f) Refer to the **Regulating Plan** and your site's specific standards page
g) Consult **Section G** for additional standards
h) Verify your use in the Permitted Use Table
i) Review the **General Provisions and Architectural Guidelines**
j) Obtain specific building regulations in the **Building Elements** and **Architectural Standards** section

Application Review and Approval Procedures

1. Application materials set forth in Section 3.1 of the Beaufort Unified Development Ordinance for any development proposal in the Bladen Street Redevelopment shall be submitted to the City Architect, designated by the City of Beaufort, for review.

Filing Procedure:

2. A site plan shall be submitted by the applicant for review and approval by the City Architect. Specifically, such plan shall include the following elements, where applicable:

Site Plan
The site plan (drawn to scale by a registered civil engineer, registered landscape architect, or registered architect) shall include the following elements: the exact dimensions of the parcel of land under consideration, a schematic representation of types and locations of land uses, the density and intensity of the proposed uses, proposed open spaces or parks, any area-wide drainage systems, overall circulation arrangements and all major roadways, floodplain information, and any other information required by the City Architect.

Written Report
A written report shall be submitted by the applicant for review and approval by the City Architect. Such report shall explain in general the type, nature, intent, and characteristics of the proposed project, and shall specifically include, where applicable:

a. A general description of the proposal;

b. A detailed legal description of the location of the site;

c. A proposed development program, including number of residential units and proposed densities, minimum lot sizes (if any), square feet of other nonresidential uses and generalized intensities;

d. General plan for the provision of utilities, including water, sewer, and drainage facilities;

e. Tables showing the total number of acres in the proposed development and the percentage designated for each proposed type of land use, including public facilities;

f. A statement of how the proposed development is consistent with the Bladen Street Master Plan and City Comprehensive Plan;

g. Exceptions or variations from the requirements of the Bladen Street Redevelopment District if any are being requested; and

h. Other relevant information as may be requested by the City Architect.

Approval Procedure:

3. Upon concluding that the application materials are complete and in compliance with the Bladen Street Redevelopment District Regulations, the City Architect shall complete a Bladen Street Redevelopment District Application Materials Review/Zoning Regulation Compliance Checklist, in such form as the City requires, and complete the Certification at the end of said form.

4. If the Applicant's application is in accordance with the Bladen Street Redevelopment District, the City Architect has the authority to approve the project.

5. If the project is not approved and if the Applicant disagrees with the determination of the City Architect, the Applicant may bring the application before the City's Design Review Board for approval within 30 days of the decision.

6. Appeal from a decision by the Design Review Board shall be in accord with Section 3.19(I) of the UDO.

D. Definitions

Appurtenances. Architectural features not used for human occupancy, consisting of awnings, marquees, balconies, turrets, cupolas, colonnades, arcades, spires, belfries, dormers, and chimneys.

Arcade. A row of arches supported by classical columns or piers which is covered.

Arch, Segmental: A segmental arch is an arch in which the curve is a less than semicircular segment of a circle.

Arch Semi-Circular: A Semi-Circular Arch is the most common type of arch where the centre of the arch is in the middle of the diameter.

Balcony. An open habitable portion of an upper floor extending beyond a building's exterior wall that is not supported from below by vertical columns or piers but is instead supported by either a cantilever or brackets.

Baluster. A short vertical member used to support a railing or coping.

Balustrade. A railing together with its supporting balusters or posts, often used at the front of a parapet.

Build-to Line. A line parallel to the property line, along which the front wall of a building shall be built.

Build-to Zone. A build-to zone is a range of allowable distances from a street right-of-way that the building shall be built to in order to create a moderately uniform line of buildings along the street.

Building frontage. The vertical side of a building which faces the primary space or street and is built to the build-to line or build-to zone.

Building Height. A limit to the vertical extent of a building measured in stories from the mean elevation of the finished grade or sidewalk at frontage line, whichever is higher, to the peak of the roof, or cornice for a building with a parapet. The maximum number of stories is inclusive of habitable roofs and exclusive of true basements.

City Architect. The City architect is a locally based Urban Designer, familiar with traditional planning and design principles who will work with prospective developers, builders, and tenants to show how the Bladen Street Redevelopment District can satisfy their site needs in a cost efficient manner. The City architect will work under the direction of the City Planning Department and will assist developers, tenants, citizens, and the City, in achieving the goals of this Code.

Civic Building. Structure used primarily for general public purposes. Uses may include: municipal administration and infrastructure, education, cultural performances,

gatherings and displays administered by non-profit cultural, educational, governmental, community service and religious organizations.

Colonnade. A roofed structure, extending over the sidewalk and open to the street except for supporting columns or piers.

Cornice. A projecting horizontal decorative molding along the top of a wall or building.

Cupola. A dome like structure surmounting a roof or dome, often used as a lookout or to admit light and air.

Curb Radius. The curved edge of street paving at an intersection, measured at the inside travel edge of the travel lane.

Dwelling, live/work. A mixed-use unit with a substantial commercial component on the ground floor that may accommodate employees and walk-in trade. The upper floors are dedicated for living quarters.

Expression Line. A horizontal line, the full length of a façade, expressed by a material change or by a continuous projection, such as a molding or cornice, not less than two (2) inches or greater than one (1) foot deep. Expression lines delineate the transition between the floor levels.

Finger-jointed wood windows: Finger-jointed wood windows involve a technique used to join two pieces of wood at right angles to each other. It is much like a dovetail joint except that the pins are square and not angled and usually equally spaced. The joint relies on glue for holding together as it does not have the mechanical strength of a dovetail.

Frontage Line. The property line or lines of a lot which coincide with a right-of-way or other public open space.

Garden Wall. A freestanding wall along the property line dividing private areas from streets, alleys, and or adjacent lots. Garden walls sometime occur within private yards.

Liner Building. A fully functional building built in front of a parking garage, cinema, supermarket etc., to conceal large expanses of blank wall area and to face the street space with a façade that has doors and windows opening onto the sidewalk.

Lot Coverage. The footprint of all structures on a particular lot. Porches, patios, terraces, stairways, walkways, driveways, parking lots and drive aisles do not count as lot coverage.

Marquee: A fixed hood or canopy supported solely by the building to which it is attached extending over part of the public right-of-way.

Mullions. Strips of wood or metal that separate and hold in place the panes of a window.

Parapet. A low guarding wall at the edge of a roof, terrace, or balcony.

Paseo. A pedestrian alley connecting one right-of-way or paseo to another. Paseos shall be designed for pedestrian comfort, either shaded by trees or by the buildings that line the space.

Plaza. An unroofed public open space with a majority of paved surface. Plazas are fronted with buildings.

Principal Façade. (For purposes of placing buildings along build-to lines or build-to zones) The front plane of a building not including stoops, porches, or other attached architectural features.

Regulating Plan. The Regulating Plan denotes the specific location of standards for the Bladen Street Redevelopment District.

Shared Parking. A system of parking, typically applied to buildings of differing uses that each have peak parking demands at different times within a 24 hour period, thereby allowing some parking spaces to be shared.

Square. An open space surrounded by streets or other vehicular passages.

Stoop. A small platform and / or entrance stairway at a house door, commonly covered by a secondary roof or awning.

Storefront. The portion of a building at the first story of a retail frontage that is made available for retail use.

Story. A floor level within a building.

Structured Parking. Layers of parking stacked vertically.

Turret. A small tower or tower- shaped projection on a building. A mechanical room, HVAC system, or mechanical elements are not considered a turret.

Veranda: A porch or balcony, usually covered by a roof and often partly enclosed, extending along the outside of a building.

E. Permitted Uses

All uses shall be allowed in the Bladen Street Redevelopment District, except as outlined below.

3. Uses Permitted by Special Exception

The following uses are permitted by Special Exception as described in Section 3.16:

- Any use that includes a drive-thru

4. Prohibited Uses

The following uses are prohibited:

- Aviation Services
- Car Wash
- Major Utility (ex., sewage treatment plant)
- Manufacturing and Production
- Outdoor Commercial Recreation Facilities
- Outdoor storage of materials and equipment (except during construction)
- Passenger Terminals (ex., airport; does not include bus terminals for mass transit)
- Self-storage on the street level
- Recreational Vehicle Park
- Signs prohibited in Section 7.2.C
- Sexually-Oriented Businesses
- Telecommunication Towers
- Truck Terminal
- Vehicle Sales and Service, Other, including boats
- Vehicle Service Limited
- Vehicle Service and Repair
- Warehousing
- Waste-Related Service
- Gas Stations (fuel sales)

B. Master Plan

The Bladen Street Master Plan was created during a community design charrette which took place in 2001 and involved input from major stakeholders, consultants, City Staff and the general public. Phase I of the streetscape plan has been implemented and Phase II of the streetscape plan will commence upon adopting of this code. The plan synthesizes community ideas and depicts the idealized build-out for the Bladen Street Redevelopment District. The Bladen Street Master Plan identifies key opportunity parcels for potential development, redevelopment, parking locations, and preservation.

G. Specific Site Regulations

Development under this code is regulated by the following specific site standards. The code regulates individual parcels of land based on which type of street they front. The front of a building and its main entrance must face the primary street. Unless noted otherwise on the individual specific site criteria sheets.

Hierarchy of Streets*:

highest (primary)

- Bladen Street
- North Street
- Duke Street
- Prince Street
- King Street
- Adventure Street

lowest (secondary)

On the following pages, diagrammatic examples are used to illustrate example building locations, configurations, and dimensions. Particular details of the Bladen Street Master Plan and other sketches, illustrations, drawings and diagrams contained herein are subject to change, at the request of the affected property owner, with approval by the City Architect. The accompanying numbers and text are rules; the graphics are illustrative only.

Bladen Street

Bladen Street is the most important street in the redevelopment district. The street serves as a central roadway in the regional transportation network, extending Downtown Beaufort. While serving the important function of moving cars in and out of town, Bladen Street should also be a pedestrian friendly street. Buildings along the street should be mixed-use and have doors and windows facing the street.

H. General Design Standards

1. Building Heights, Mass

In the Bladen Street Redevelopment District, building heights are regulated by the number of stories and an overall height based on the designated site standards. Unless otherwise specified in this Section, building height shall be maximum of 55' for a pitched roof and 38' for a flat roof. Minimum building width is 60% of frontage. Principal buildings fronting Bladen Street and North Street shall be a minimum of 2 stories and a maximum of 3.5 stories. Accessory buildings shall be a minimum of 1 story and a maximum of 3.5 stories. Principal buildings fronting other streets shall be a minimum of 1 story and a maximum of 2.5 stories. Accessory buildings shall be a minimum of 1 story and a maximum of 2 stories.

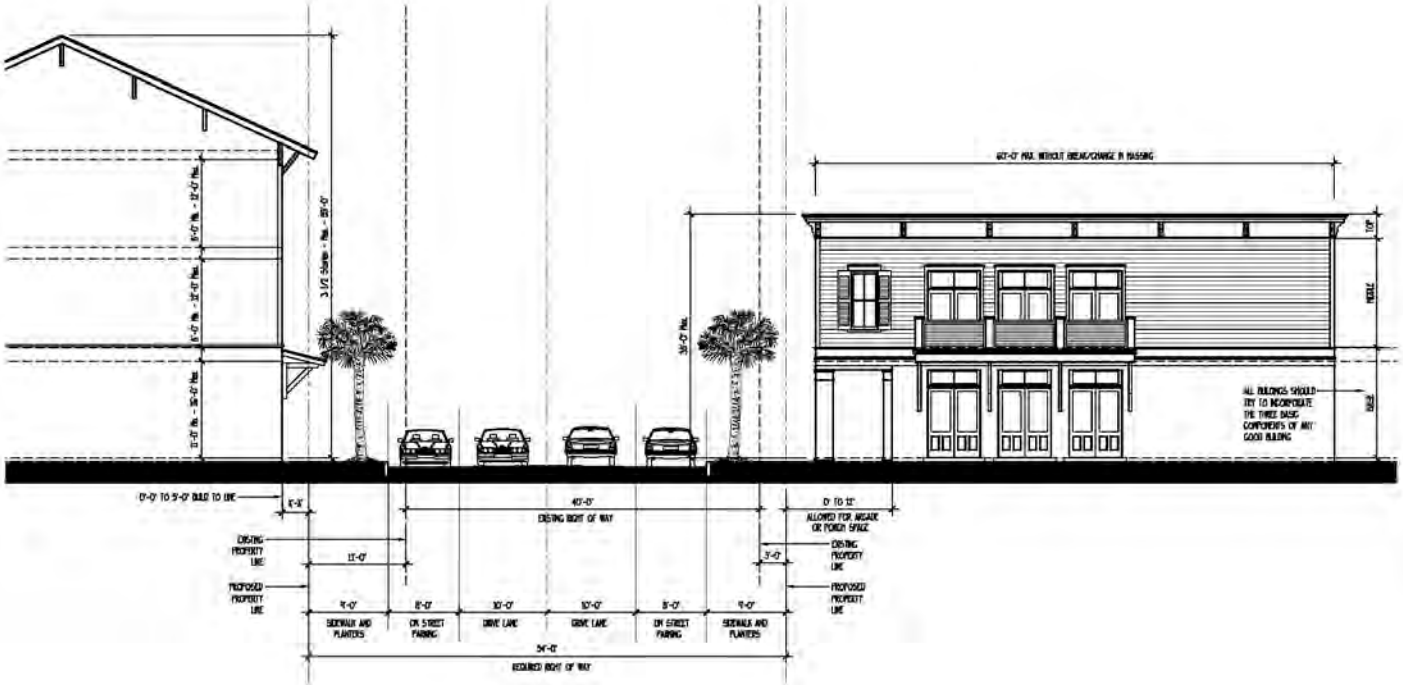
The ground floor of commercial buildings shall be a minimum of eleven (11) feet, and a maximum of sixteen (16) feet high from finished floor to ceiling. The ground floor of residential structures shall be a minimum of ten (10) feet, and a maximum of fourteen (14) feet high from finished floor to ceiling. Residential structures shall have a first finished floor (at the frontage line) raised a minimum of two (2) feet above average adjacent sidewalk grade (or 30 inches above the grade of the frontage street where no sidewalk exists). The first finished floor height can be elevated as much as five (5) feet above average adjacent sidewalk grade without counting the undercroft as a story.

Each story above the first story in commercial and residential buildings shall be a minimum of eight (8) feet and a maximum of twelve (12) feet high from floor to ceiling. Floors more than twelve (12) feet, as measured from floor to ceiling, will count as additional floors.

A half story is a finished living floor which is contained wholly or predominantly within the roof of a structure and is subject to the regulations of the local building code.

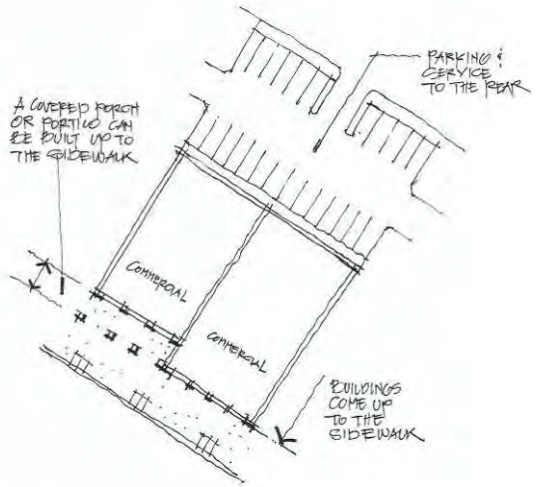
<u>Notes</u>

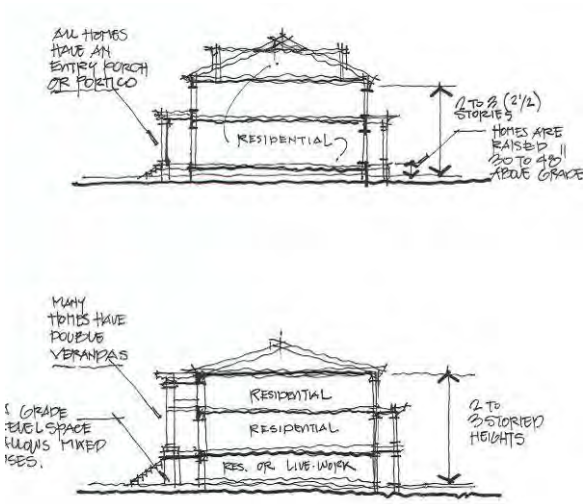
1. Appurtenances may extend beyond the height limit.
2. Commercial Building entrances are required to provide shelter to the sidewalk by means of at least one of the following: arcade, colonnade, marquee, awning, or 2nd floor balcony.
3. For permitted uses, see Section 6.8.E.
4. The alignment of floor-to-floor heights of abutting buildings is encouraged to allow for shared use of elevators.



2. Exceptions from Build-to Lines

Exceptions from Build-to Lines may be granted by the City Architect for avoiding trees with calipers greater than 8 inches or due to a conflict with existing utilities.





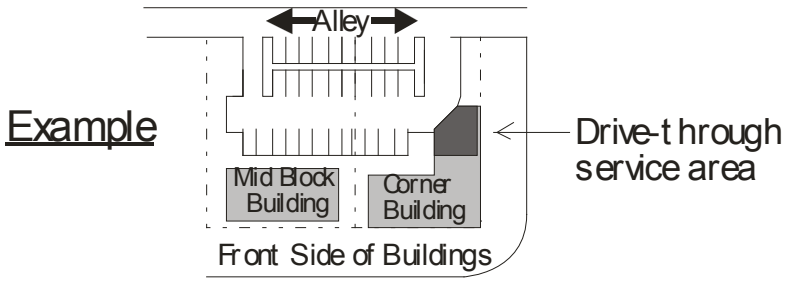
6. Accessory Structures

Accessory Structures for residential uses are permitted and may contain parking, accessory dwelling units, home occupation uses, storage space, and trash receptacles.

7. Drive-thrus

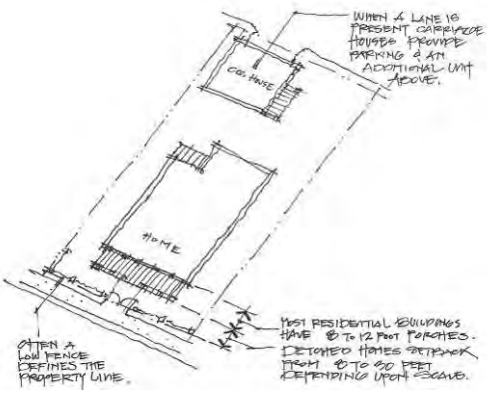
Drive-thrus, drive-thru windows, and drive-ups (collectively called "drive-thrus") are not permitted by-right within the Bladen Street Redevelopment District. Drive-thrus may only be allowed when granted approval by the Zoning Board of Appeals and then the Historic District Review Board as a special exception. In order for a drive-thru to be considered for approval by the Zoning Board of Appeals, it must conform to the following conditions:

- Drive-thru service windows must be located in the rear of properties, in mid-block and alley accessed locations;
- There shall be no minimum stacking requirements for vehicles; the maximum stacking allowed for vehicles shall be three vehicle lengths;
- There is only one drive-thru window;
- There is no outside menu board or order board;
- The drive-thru window is not located on the façade of the building facing the primary street.



8. Fences

Fences shall be a minimum of 25% opaque. Fences shall be constructed of materials that continue the architecture of the building that it abuts.



9. Storm Water and Drainage

In more compact urban places best practices for stormwater management differ from conventional suburban practices. Compact development creates fewer pollutants by reducing expansive lawns and parking lots. Because less land is available, excess stormwater may be treated and infiltrated on site, detained in subsurface basins, or removed from the site and treated elsewhere. Only appropriate stormwater tools shall be used to comply with the site specific stormwater management standards. Each site shall employ BMP's as practical for that site as determined by the City Staff. The Light Imprint Design Manual shall be used as a reference for these tools and standards.

10. Parking

The intent of these parking regulations is to encourage a balance between compact pedestrian oriented development and necessary car storage. The goal is to construct neither more nor less parking than is needed. The parking requirements and regulations are subject to review and adjustment by the City Architect.

g. Parking Requirements

In general, the following parking standards will apply: See specific parking standards provided on each site in the individual site specific standards that follow the regulating plan. If a conflict exist, the lesser parking requirement will prevail. For properties of one-half acre and less, there are no minimum parking count requirements in the Bladen Street Redevelopment District. For properties over one-half-acre, the minimum parking count requirement shall be 1 parking space for every 1000 square feet of leasable or saleable building area. These parking spaces may be

located either on-site, on-street (directly adjacent to a property), in shared parking scenarios, or in any public parking facility, the closest outside edge of which facility is located no more than 500 feet from the entry to the proposed building. Documentation for any leased or shared spaces must be provided. Credit shall be given for on-street parking spaces located within the public right-of-way that are directly in front of or adjacent to a property.

Minimum parking space dimensions for head-in or diagonal parking shall be 9 feet by 18 feet. Parallel parking spaces shall be 7 feet by 20 feet minimum. Drive aisles in parking lots shall be 22 feet wide for two-way circulation and to provide adequate backup space for 90 degree head-in parking. Diagonal parking and parallel parking spaces can be accessed with one-way 10 foot wide drive aisles.

Parking shall be provided as necessary to meet the requirements of the Americans with Disabilities Act.

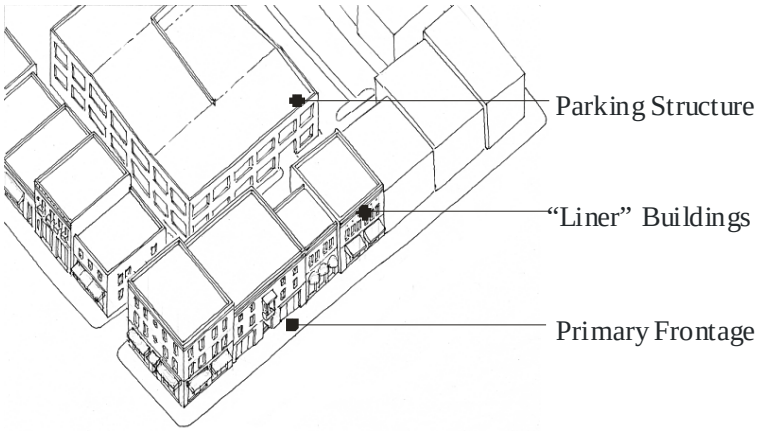
On site parking for residential units shall not be counted against the maximum parking standards. A maximum of 2 spaces per residential unit will be allowed in addition of the maximum parking.

h. Off-Street Surface Parking Lot Placement

Wherever possible, parking lots shall be located behind buildings, such that buildings separate parking areas from the street. In no case shall parking be located in front of a building. Off-street surface parking lots shall be set back a minimum of 10 feet from property lines along public rights-of-way, excluding alleys. Outbuildings serving as garages facing alleys shall be permitted within this setback. Parking beneath a building is permitted if the parking is screened from the street by the building. Off-street surface parking lots shall be screened from the street, from park space, and from cemeteries, with shrubbery, walls, fences, or some combination. These screening devises shall be a minimum of 3.5' (this exception over rides the max. height for fences) in height and should have a minimum 50% opacity. If shrubs are used for screening, a minimum of 2/3 of the shrubs shall be evergreen. Shrubs shall be projected to reach their required height within 3 years of installation.

i. Structured Parking

Parking structures shall be set back from the property lines of all adjacent streets to reserve room for Liner Buildings between parking structures and the lot frontage. The Liner Building shall be, at a minimum, the same height as the parking structure and no less than 20 feet in depth. Liner Buildings may be detached from or attached to parking structures. Exceptions to these rules may be granted for lots less than 140 feet deep.

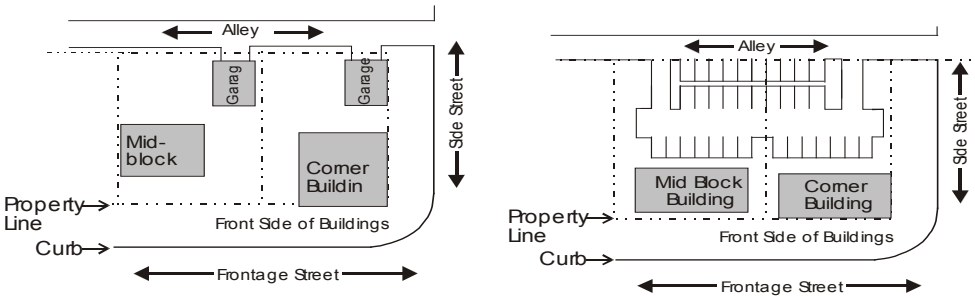


j. Access to Off-Street Parking

Alleys shall be the primary source of access to off-street parking. Parking along alleys may be head-in, diagonal or parallel.

Alleys may be incorporated into parking lots as standard drive aisles. Access to all properties adjacent to the alley shall be maintained. Access between parking lots across property lines is also encouraged.

Corner lots that have both rear and side access shall access parking through the rear (see diagrams below).



Where possible, garages should always be accessed from the alley and located in the rear of the lot.

If no alley exists, then efforts should be demonstrated attempting to get cross access across neighboring properties for rear parking.

Circular drives for civic buildings or hotels shall be permitted upon review and approval by the City Architect. Circular drives are prohibited for all other building types and uses.

k. Garages where alleys are not present

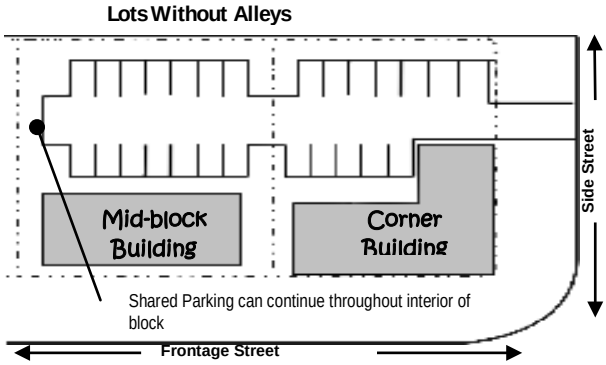
If no alleys exist, then garage door(s) shall be positioned no closer to streets, squares or parks than 20 feet behind the principal plane of the

building frontage. Garages facing streets, squares or parks are limited to one car width; and garage doors shall not exceed 10 feet in width. Where space permits, garage doors shall face the side or the rear, not the front.

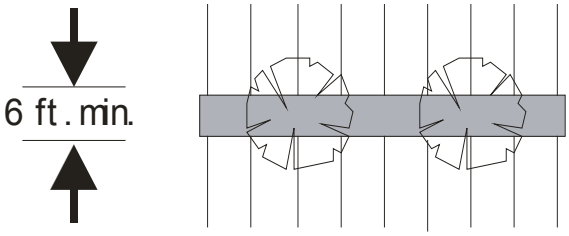
Two-car garages are allowed where alleys are not present, so long as the garage is located in the rear of the lot. Garage doors shall not exceed 10 feet, and the driveway shall be a maximum of 10 feet wide in front of the principal plane of the building.

I. Landscaping Requirements (if lot is not screened from the public right of way by buildings)

Landscape medians of at least six feet in width shall be provided between



parking isles of either head-in or diagonal parking. Each landscape median shall have at least one tree for every 20 linear feet, or portion thereof, and be covered with grass, shrubs, or living ground cover. This spacing may be modified by the City Architect based on the proposed tree species. To minimize water consumption, the use of low-water vegetative ground cover other than turf is encouraged.



In lieu of landscape medians, landscape islands can be provided. No more than 8 consecutive parking stalls are permitted without a landscape island of at least 6 feet in width and extending the entire length of the parking stall. A minimum of one tree shall be planted in each landscape island.

Medians and islands shall be protected by curbing or wheel stops.

11. Large Footprint Buildings

Buildings with a footprint greater than 20,000 square feet may be built within the Bladen Street Redevelopment District. Such buildings must abide by all rules in this code with the following special limitations:

a. To encourage use by pedestrians and decrease the need for solely auto-oriented patronage, Large-Footprint Buildings must reinforce the urban character of Bladen Street and shall therefore front the buildings to the sidewalks, providing windows and doors at frequent intervals. Operable doorways should occur on an average of every 50 feet for the whole length of the street frontage.

b. Loading docks, service areas and trash disposal facilities shall not face streets, parks, squares, waterways, or significant pedestrian spaces.

Large Footprint Buildings are wrapped in a liner of smaller buildings with doors and windows facing the street.

Large Footprint Building has blank facades and sits behind a field of parking.

12. Opacity & Facades

Opacity requirements shall meet the parameters described in *Architectural Standards*.

13. Accessibility

All buildings and streetscapes will be designed in compliance with the Americans with Disabilities Act. Refer to ADA Standards for Accessible Design.

14. Building Placement

Unless otherwise specified in this Section, residential structures shall have a 0 to 15' build-to-line; commercial and mixed use structures shall have 0 to 12' build-to-line.

15. Measurement of Dimensional Standards on Irregular Right-of-Way

Where the existing right-of-way does not include the entire street cross section noted in this code (e.g., on-street parking, planting strip, sidewalk zone all of which may be located in a public access easement) all setbacks, build-to-lines, and encroachments shall be measured from the back of the required public sidewalk area noted in the approved plan.

I. Building Elements

General Requirements:

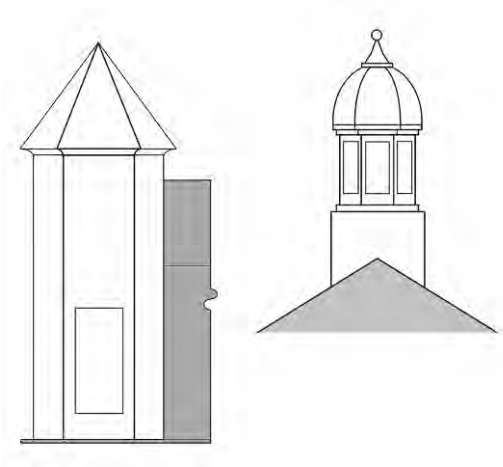
1. Door & Window Openings

The primary entrance to all buildings shall be located on the exterior wall facing the frontage street.

Windows shall be rectangular, square, circular, semi-circular, or octagonal. Rectangular window openings facing streets shall be oriented vertically. Each facade facing streets shall contain 10% to 90% of transparent materials on each story below the roof line.

2. Turrets and Cupolas

If a building has a turret or cupola, the following regulations shall apply.

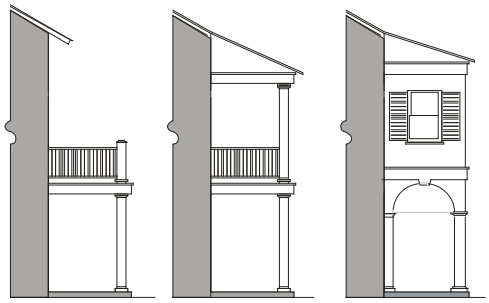


Plan = 20' x 20' Maximum Footprint Area
Height = If footprint is larger than 10' x 10', then the cupola / turret may extend a maximum of 25' above the roofline of the highest story. If footprint is less than 10' x 10', then the turret or cupola may extend to a maximum of 50' above the roofline of the highest story.

Commercial / Mixed-use Buildings:

The following standards shall apply to commercial / mixed-use structures in the District. Each are permitted in the district but are not required; however, for buildings fronting Bladen Street and North Street building fronts are required to provide shelter (at all entry points min.) by means of at least one of the following: porch, arcade, colonnade, marquee, awning, or 2nd floor balcony. Alternate means may be deemed appropriate as approved by the City Architect.

3. Colonnades / Arcades

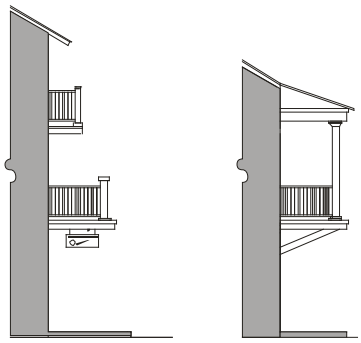


Depth = 8 ft minimum from the principal façade to the outside column face. 18" from outside column face to curb.
Height = 10 ft minimum clear.
Length = up to 100% of Building Front (for Storefronts only) (reduction allowed if deemed appropriate by the City Architect)

Open multi-story verandas, awnings, balconies, and enclosed useable space shall be permitted above the colonnade.

Colonnades shall only be constructed where the minimum depth can be obtained. Colonnades shall occur forward of the principal façade, and may not encroach within the right-of-way, and shall not extend past the curb line. Colonnades may replace street trees along their length. On corners, colonnades may wrap around the side of the building facing the side street.

4. Balconies



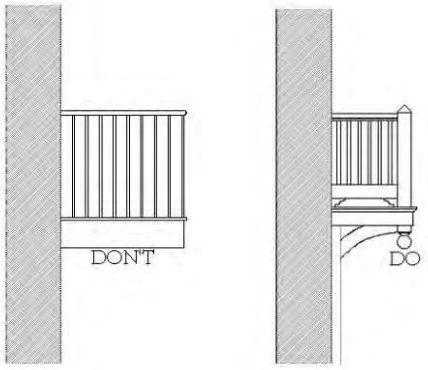
Depth = 3' ft minimum for 2nd floor balconies.
Height = 10 ft minimum clear.
Length = up to 100% of Building Front (for Storefronts only).

Balconies may differ in length and depth.

Balconies shall occur forward of the Build-to Line and may encroach over the right-of-way only upon approval by the City Architect.

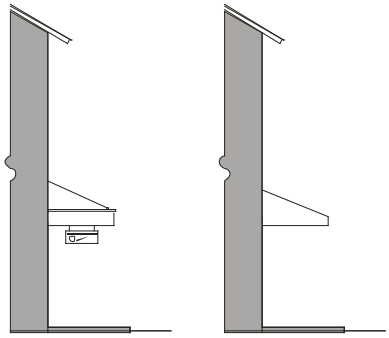
Balconies may have roofs, but are required to be open-air parts of the building; i.e., balconies cannot be screened or glassed in.

On corners, balconies may wrap around the side of the building facing the side street.



Balconies should always be supported in some way and should also be safe to stand on and under.

5. Marquees & Awnings



Depth = 3 ft minimum.
Height = 8 ft minimum clear.
Length = up to 100% of Building Front (for Storefronts only).

The above requirements apply to first-floor awnings. There are no minimum requirements for awnings above the first floor.

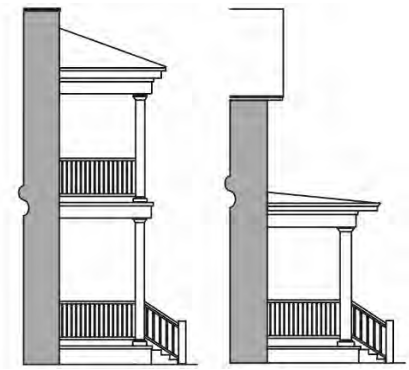
Marquees and Awnings shall occur forward of the Build-to Line and may encroach over the right-of-way.

Awnings shall be made of fabric. High-gloss or plasticized fabrics are prohibited.

Residential Buildings:

The following standards shall apply to residential structures in the District. Each are permitted in the district but are not required; however, building fronts are required to have at least one of the following: porch or stoop.

6. Porches



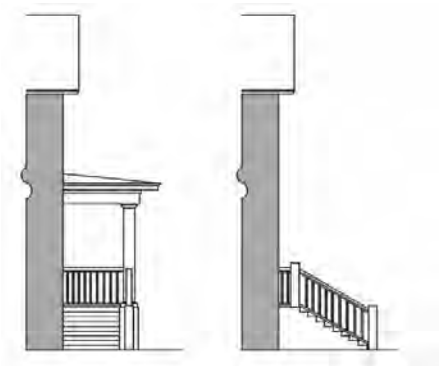
Depth = 7 ft minimum from building face to outside column face.
Length = up to 100% of Building Front.
Height = minimum of 2 ft above average grade or 30" above the grade of the fronting street where no sidewalk exists; 96" maximum.

Front Porches may be multi-story, with verandas and/or balconies above.

Front Porches may occur forward of the Build-to Line or Zone. Porches shall not extend into the right-of-way.

Front Porches may be screened (except on main level); however, if screened, all architectural expression (columns, railings, pickets, etc.) must occur on the outside of the screen (facing the street or public space).

7. Stoops



Depth = 4 ft minimum
Length = up to 25% of Building Front. (length does not include stairs)
Height = minimum of 2 ft above average grade or 30" above the grade of the fronting street where no sidewalk exists; 96" maximum.

Stoops may occur forward of the principal façade, but shall not extend into the right-of-way. Stoop stairs may run to the front or to the side. Stoops may be shared by two adjacent units as long as both units meet the above dimensional requirements.

Sidewalks shall have a minimum 5' clear access for pedestrians. Stoops may be covered or uncovered.

J. Architectural Standards

This section specifies building materials, details and configurations. Building designs which strictly comply with these standards are to be considered approved for matters of aesthetics and shall not require further discretionary review for architectural character or appearance. Building designs which do not comply with these standards may be permitted, but only after review and approval by the City Architect.

The lists of permitted materials and configurations come from study of traditional buildings found in the Lowcountry and have been selected for their appropriateness to the visual environment and climate.

A primary goal of the Architectural Standards is authenticity. The Standards encourage construction which is straightforward and functional, and which draws its ornament and variety from the traditional assembly of genuine materials. The City Architect shall have authority to approve substitute materials for those listed as options under the Architectural Standards. As an additional reference for architectural standards, refer to Traditional Construction Patterns by Stephen Mouzon, McGraw Hill, 2004.

General Requirements:

The following shall be located in rear yards or sideyards not facing side streets:
- Window and Wall Air Conditioners;
- Air Conditioning Compressors;
- Irrigation and pool pumps; and
- Electrical Utility Meters.
- Satellite dish antennas greater than 18" in diameter (satellite dishes must be shielded from view from the street or public space)

The following shall be located in rear yards only:
- Antennas;
- Permanent Barbecues; and

- Refuse enclosures.
- Clotheslines

The following are prohibited:
- Undersized shutters (the shutter or shutters must be sized so as to equal the width that would be required to cover the window opening.)
- Plastic shutters;
- Clothes Drying Yards;
- Reflective and/or bronze-tint glass;
- Glossy-finish awnings; and
- Fences made of chain link, barbed wire, or oversized wire mesh.

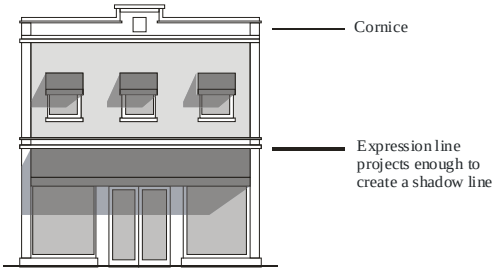
1. Building Walls

a. General Requirements

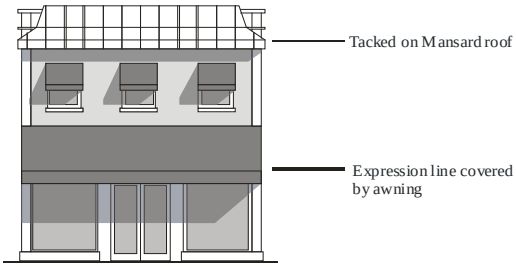
Required for all buildings except attached and detached single family houses:

All buildings should express the three main parts: Base, Body and Top
An expression line shall delineate the division between the first story and the second story as a minimum to define the base. Other alternatives can be considered for approval by the City Architect.

A cornice shall delineate the tops of the facades. Cornices shall either be a molding extending a minimum of 2 inches, or a jog in the surface plane of the building wall greater than 2 inches.



Desirable



Undesirable

b. Permitted Finish Materials

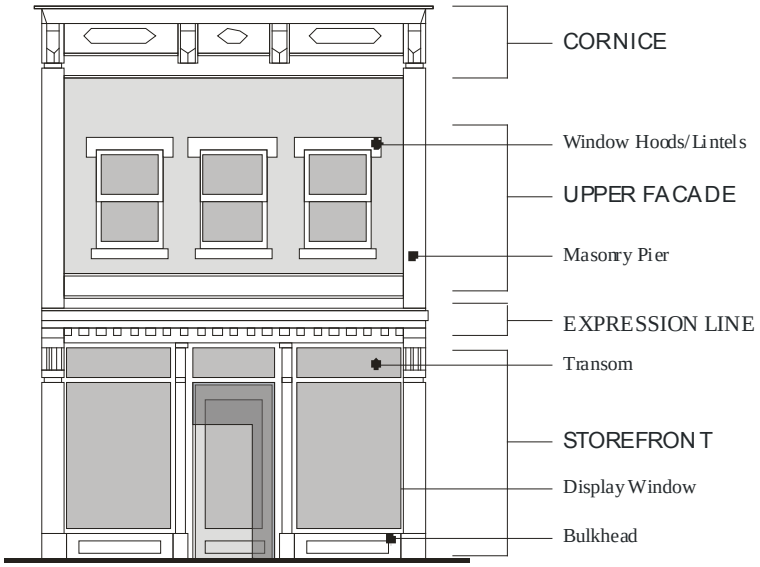
*Concrete masonry units with stucco (C.B.S.)
*Reinforced concrete with stucco
*Fiber cement board such as "Hardie-Plank" siding (50-year siding product)
*Wood (termite resistant, 50-year siding product): painted, stained, or natural
*Brick
*Tabby
*Other materials may be approved by the City Architect.
*Wherever possible, Green building materials are encouraged in the construction of building walls, including recycled-content sheathing, siding composed of reclaimed or recycled material, and salvaged masonry brick or block.

2. Storefronts

a. General Requirements

Required for all buildings that have storefronts:

(1) Building Components



(2) Opacity

In order to provide clear views of merchandise in stores and to provide natural surveillance of exterior street spaces, the ground-floor along the building frontage shall have untinted transparent storefront windows and / or doors covering no less than 33% of the wall area. Low emissivity glass with high visual light transmittance is permitted. Bottoms of the

storefront windows shall be between 1 and 3 feet above sidewalk grade. Storefronts shall remain unshuttered at night and shall provide clear views of interior spaces within.

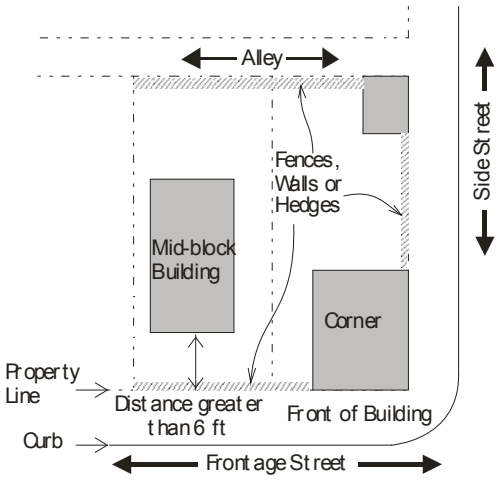
(3) Doors or Entrances

Doors or entrances with public access shall be provided at intervals no greater than 50 feet, unless otherwise approved by the City Architect.

3. Garden Walls & Fences

a. General Requirements

Fences, garden walls, or hedges are strongly encouraged and, if built, should be constructed along all un-built rights-of-way which abut streets and alleys as shown in the diagram below. Fences, garden walls, or hedges are encouraged along side yards and rear yards. Fences, garden walls and hedges shall be a minimum of 10% opaque.



Height of garden walls:

Front Yard: (in front of the primary structure) maximum height of 36 inches. Pillars and posts may extend up to 6 inches more, to a height of 42 inches.

Side and Rear Yards: (behind the principal façade of the primary structure) maximum height of 72 inches. Pillars and posts may extend up to 6 inches more, to a height of 78 inches.

b. Permitted Finish Materials

*Wood (termite resistant) painted or stained; unpainted wood is only allowed in rear yards.
*Concrete Masonry Units with Stucco (C.B.S.)
*Reinforced Concrete with Stucco
*Wrought Iron
*Brick
*Aluminum

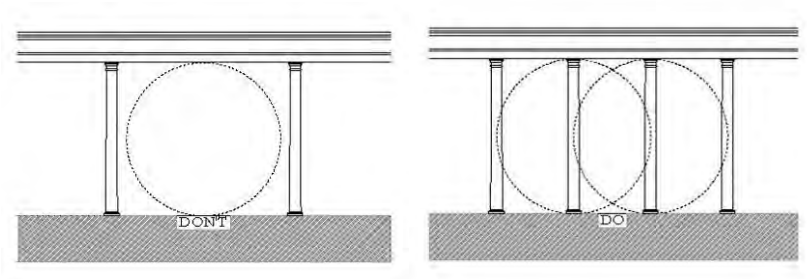
c. Permitted Configurations

*Wood:
Picket Fences: minimum 25% opacity, w/ corner posts
Other: to match building walls
*Wrought Iron: Vertical, 5/8" minimum dimension, 4" to 6" spacing
*Brick
*Stucco: with texture and color to match building walls

4. Columns, Arches, Piers, Railings & Balustrades

a. General Requirements

(1) Column and Pier spacing:
Columns and Piers shall be spaced no farther apart than they are tall unless approved by the City Architect.



Generally column bays should be equal and of precise proportions.

b. Permitted Finish Materials

(1) Columns:
Wood structure with finished wood
Cast Iron
Concrete with smooth finish stucco
Brick
Perma-cast or similar synthetic upon approval by the City Architect.

(2) Arches:
Concrete Masonry Units with Stucco (C.B.S.)
Reinforced Concrete with Stucco Brick

(4) Piers:
Concrete Masonry Units with Stucco (C.B.S.)
Reinforced Concrete with Stucco
Concrete with smooth finish
Brick
Tabby

(4) Railings & Balustrades:
Painted Wood
Wrought Iron
Pvc or other synthetic upon approval by the City Architect

c. Permitted Configurations

(1) Columns:
Square, 6" minimum, with or without capitals and bases
Round, 6" minimum outer diameter,
Classical Orders (For classical column proportions refer to *American Vignola: A Guide to the Making of Classical Architecture by William R. Ware, W.W. Norton & Company, New York, 1977.)*

(2) Arches:
Semi-circular, Segmental, Pointed, and Elliptical

(3) Piers:
16" minimum dimension

(4) Porches:
Railings 2-3/4" minimum diameter (for wood)
Balustrades 4" minimum spacing, 6" maximum spacing.
(All dimensions shall also conform to local building codes.)

5. Roofs & Gutters

a. General Requirements

(1) Permitted Roof Types:
Gabled, hipped, shed, barrel vaulted, flat, mono-pitch, mansard and domed. Applied mansard roofs are not permitted.

(2) Exposed rafter ends (or tabs) at overhangs are strongly recommended.

(3) Downspouts are to match gutters in material and finish. ½ round gutters with round downspouts are preferred on all roof types. Only ½ round gutters can be applied on exposed rafter tails.

b. Permitted Finish Materials

(1) Metal:
Galvanized
Copper
Aluminum
Zinc-Alum

(2) Shingles:
Fiberglass or Metal, "dimensional" type
Slate
Composite slate
Cedar shake
Asphalt

(4) Membrane or built-up:
For flat and mono-pitched roofs only

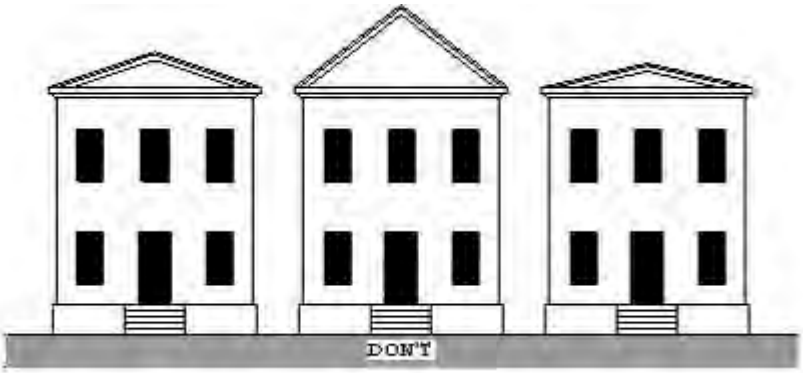
(5) Gutters:
Copper
Aluminum
Galvanized Steel

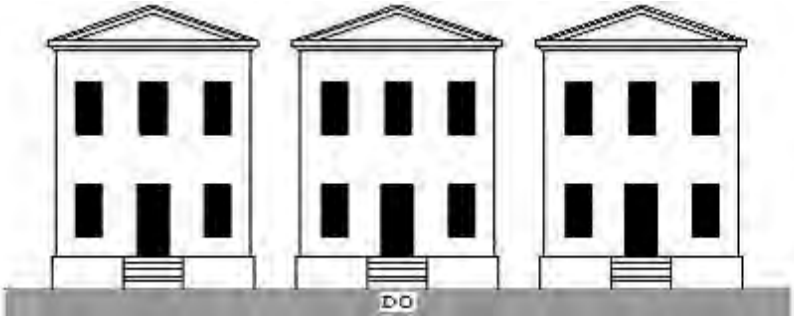
c. Permitted Configurations

(1) Metal:
Standing Seam or 5V - 24" maximum spacing, panel ends exposed at overhang. Standing Seam should have a flat pan between seams with a max. seam width of ¾" and a max. seam height of 1".

(2) Shingles:
Square
Rectangular
Fishscale
Diamond
Shield

(3) Gutters:
Rectangular section
Square section
Half-round section





In regards to roof slope, do not vary the slopes drastically within the same style. Instead base slopes on local syntax.

6. Windows, Skylights, & Doors*

a. General Requirements

(1) Window and door openings shall be taller than they are wide.

(2) Window openings may be grouped horizontally but mullions between windows should be a min. of 4".

(3) Masonry Construction: A header and sill are required for all windows.

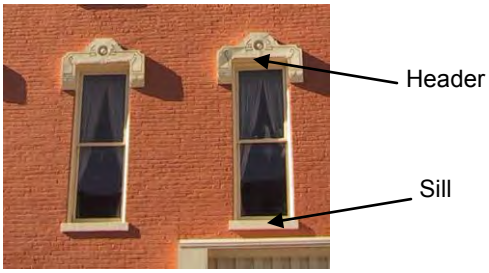
(4) Wood Construction: Windows are required to have trim on all four sides.

(5) The following accessories are permitted: Shutters, Window Boxes, Mullions, Fabric or Metal Awnings (no glossy-finish fabrics)

* The requirements for doors apply to the primary entrance to all buildings which shall be located on the exterior wall facing the frontage street. The requirements do not apply to parking garage doors or loading dock doors because they are required to be located in the rear of the buildings and are to be accessed by alleys.

b. Finish Materials

(1) Windows:
Wood
Aluminum
Copper
Steel
Clad Wood
PVC



(2) Doors:
Wood or Metal*
*In storefront
locations, glass doors are allowed.
Aluminum Clad
Others by sample approval to City Architect

(3) Whenever possible, Green building materials shall be used for windows & doors, including wood/composite windows, finger-jointed wood windows, and reconstituted or recycled-content doors.

c. Permitted Configurations

(1) Windows:
Rectangular
Square
Round (18" maximum outer diameter)

Horizontal windows do not reflect human proportions. Use vertical windows that respond to the human body. Use vertical or square window panes and restrict them to a few related proportions, such as 1:1.6 or 1:2.

(2) Window Operations:
Casement
Single and Double-Hung
Industrial
Fixed Frame for storefront

(3) Skylights:
Rear and side roofs only...Flat to the pitch of the roof (highly discouraged)

(4) Door Operations:
Casement
French
Sliding (upper floors and rear only)

7. Opacity & Facades

Each floor of any building facade facing a park, square, or street shall contain transparent windows covering from 10% to 90% of the wall area. Tinted glass and reflective glass are not allowed.

8. Signs

a. General Requirements

(1) All signs shall be subject to review by the City Architect in order that signs are consistent and in harmony with the Bladen Street Master Plan. The City Architect shall use graphics in this section as non-binding guidelines, but shall make a determination of appropriateness on a case by case basis.

(3) Signs shall be flat against the facade, mounted projecting from the facade, or mounted above the top of the facade.

(3) Signs can be hung underneath an arcade, perpendicular to the front wall, but only for the purpose of being seen within the arcade.

(4) Signs shall be externally lit. Individual letters and symbols may be internally lit or back-lit.

b. Finish Materials
*Wood: painted or natural
*Metal: copper, brass, galvanized steel
*Painted Canvas
*Paint/engraved directly on facade surface
*Plastic (channel letters only)

c. Configurations

(1) Maximum gross area of signs

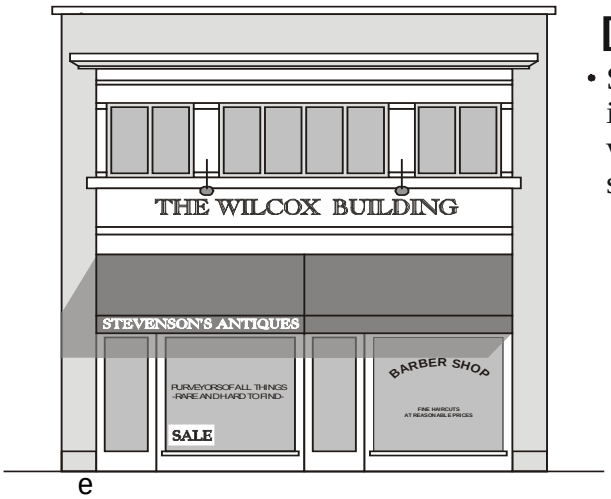
on a given facade shall not exceed 10% of the applicant's facade area. If a sign is integrated into the building's architecture, these rules do not apply and the city architect may approve.

(4) Maximum area of any single sign mounted perpendicular to a given facade shall not exceed 10 square feet.

(5) Signs shall maintain a minimum clear height above sidewalks of 8 feet.

d. Nonconforming Signs

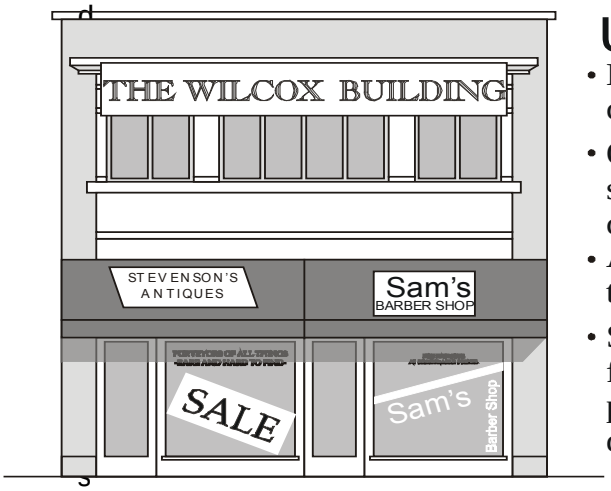
(1) Signs not conforming to the requirements of this section shall be a



Desirable

- Signs are coordinated in size and placement with the building and storefront

e d

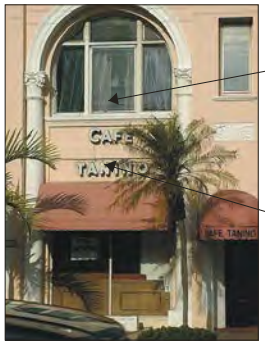


Undesirable

- Building sign conceals the cornice
- Over-varied sign shapes create visual confusion
- Awning sign covers the masonry piers
- Sale sign too large for storefront and poorly placed in display window

s e brought into compliance with the requirements of this section when improvements to existing buildings exceed 50% of the present building value.

Example of Signs Flat Against a Façade:

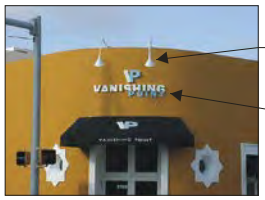


The sign is centered within the symmetrical arrangement of the window above and shopfront below

Internally lit letters

Internally lit letters

The sign runs horizontally along the expression line



Lamps for external lighting

The sign is centered above the main entrance at the top of the facade

Lamps for external lighting

The top edge of the facade is sculpted to create a special focal spot for the sign

Elegant and reserved cast bronze address plate located at pedestrian eye level

Sign painted directly on the facade above the main entrance

External lighting discreetly located above the awning

Internally lit plastic signs are designed for the "strip", not a pedestrian oriented town center

Example of Signs Mounted Projecting from the Façade:

Discreetly located external lighting

Sign painted on the face of a canvas awning over entry

Neon signs can provide a warm glow, enhancing night time pedestrian activity

Photograph by Bernard Consdorni

Signs on the sides of awnings are directly in the line of sight of pedestrian customers

Vertical projecting signs are highly visible far down the street

A lower marquee sign caters to people on foot and in cars passing directly in front of the venue

A sign extending from the corner of a building is highly visible along two streets

A second lower sign catches the eye of pedestrians passing in front of the entrance

Signs hanging from the ceilings of arcades command the attention of pedestrian shoppers

Monument signs fit within the deep setbacks of suburban strip development to direct motorists to stores set too far back

Examples of Signs Mounted Above the Top of the Façade:

Signs projecting from the tops of buildings are highly visible from a great distance

This distinctive sign, made of individual letters projecting from the front of the facade and extending above the cornice line, is memorable to shoppers and is highly visible from many directions

A second lower sign marks the entrance to the store

Photograph by Brent Bates

Projecting signs which break the skyline are visible from a variety of distances and serve as beacons to customers when lit at night

Signs projecting above the roof stand out against the sky, adding an architectural flair to a shop's identity

Pole mounted signs are designed to fit in deep suburban setbacks and are not appropriate for pedestrian-oriented environments

Billboards cater entirely to motorists traveling at high speeds

APPENDIX

Civic Art, by Hegemann and Peets;

Great Streets, by Allan B. Jacobs;

The Charter of the New Urbanism, by Congress for the New Urbanism;

AIA Graphic Standards, 9th Edition;

Traditional Construction Patterns, by Stephen A. Mouzon;

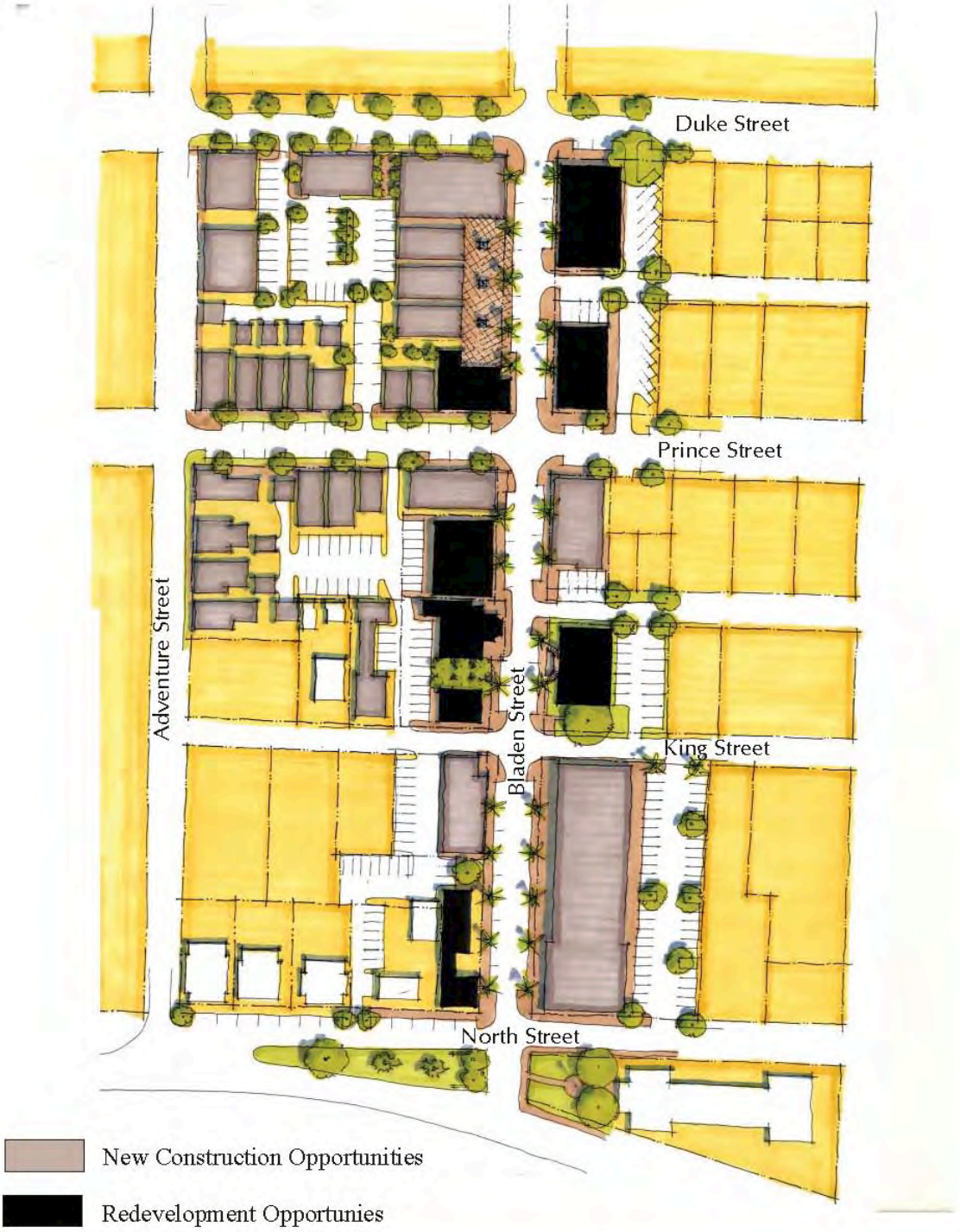
The Lexicon of the New Urbanism, by Duany et al, Congress for the New Urbanism;

Shared Parking, by Barton-Aschman Associates, The Urban Land Institute;

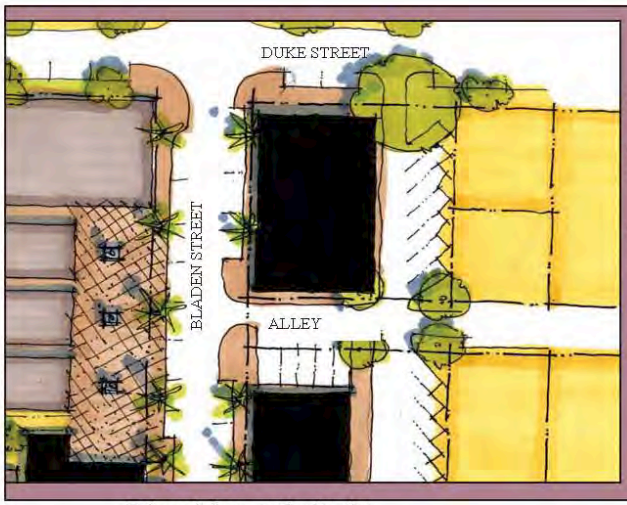
The American Vignola: A Guide to the Making of Classical Architecture, by William R. Ware.

Light Imprint Manuel, by Tom Lowe

The Original Green, by Stephen A. Mouzon;



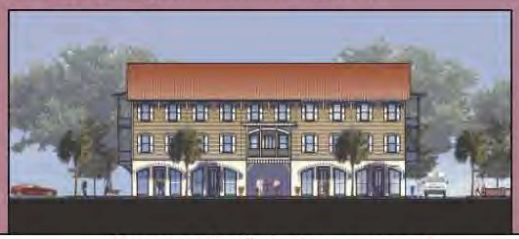
REGULATING PLAN 1



Enlarged diagramatic site plan

GENERAL SITE CHARACTERISTICS

- Ground floor must present itself with a commercial facade reguardless of the specific use within.
- Significant Live Oak tree on Duke Street should be preserved.
- Parking must be located in the rear and should be accessed from the alley. Parking off alley is allowed.
- Building design should address the fact that this is a corner lot with appropriate public facades on each street.



Streetscape for illustrative purposes only

BUILDING PLACEMENT	
Bladen - Build to Line	0'-0" to 12'-0"
Duke - Build to Line	0'-0" to 12'-0"
Side setback	0'-0"
Rear setback	0'-0"
BUILDING MASS	
Principle Building	2 stories min.- 3.5 stories max.
Accessory Buildings	2 stories max.
Building Depth	60' maximum (primary mass)
Building Width	60% of frontage - minimum.
Building Height	55' for pitched - 38' for flat
SITE STANDARDS	
Minimum parking on site	
Maximum parking on site	1 per 2000 s.f. gross
Parking and Drive material	pervious
Maximum Lot Coverage	none
On site water retention	BMP's as practical
NOTED EXCEPTIONS FOR LOT	

Existing site has severe limitations for redevelopment and should be discouraged. Recommend demolition and redevelopment. Max. parking may be revised if residential units are included. Max. of 2 spaces per unit will be allowed.

Site Location Plan

711 BLADEN STREET 2

Enlarged diagramatic site plan

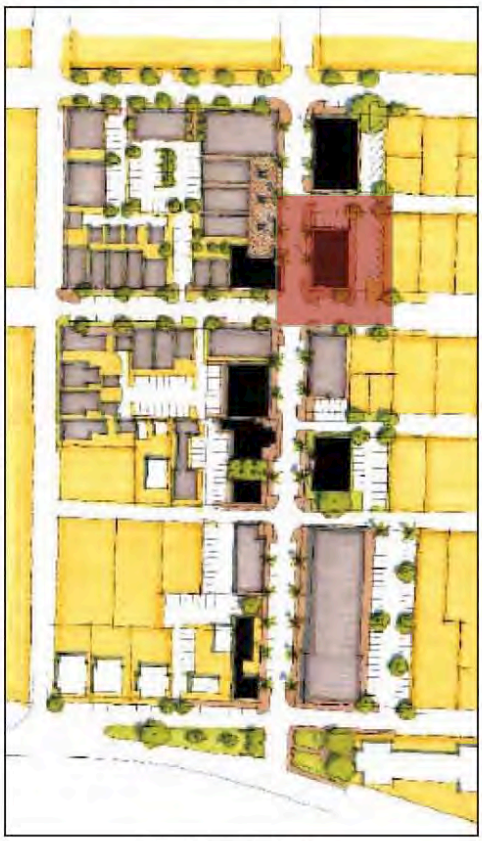
GENERAL SITE CHARACTERISTICS

- Due to the configuration of the existing conditions of this site, Dealing with redevelopment options for this site must remain flexible. Existing parking lot should be screened with a wall or fence. New construction would be allowed in limited form to preserve some parking and the existing building if necessary. Bladen street is the primary street. Prince street facade is secondary. Demolition and redevelopment is encouraged but not necessitated for this site.

Streetscape for illustrative purposes only

BUILDING PLACEMENT	
Bladen - Build to Line	0'-0" to 12'-0"
Prince - Build to Line	0'-0" to 12'-0" **not req'd**
Side setback	0'-0"
Rear setback	0'-0"
BUILDING MASS	
Principle Building	2 stories min.- 3.5 stories max.
Accessory Buildings	2 stories min. - 3.5 stories max
Building Depth	60' maximum (primary mass)
Building Width	60% of frontage - minimum.
Building Height	55' for pitched - 38' for flat
** Arcade encouraged*	
SITE STANDARDS	
Minimum parking on site	none
Maximum parking on site	existing
Parking and Drive material	pervious for redevelopment
Maximum Lot Coverage	none
On site water retention	BMP's as practical
NOTED EXCEPTIONS FOR LOT	

A unique design solution for this lot is likely and should be considered for architectural merit if exceptions should be required.



Site Location Plan

701 BLADEN STREET 3

Enlarged diagramatic site plan

GENERAL SITE CHARACTERISTICS

- The primary limitation to this lot will be it's building depth.
- Parking must be located in the rear and should be accessed from the alley. Parking off alley is allowed.
- Ground level should present a commercial use and facade re-guardless of specific use.
- A min. depth of 20' should be reserved on the ground level for commercial uses.

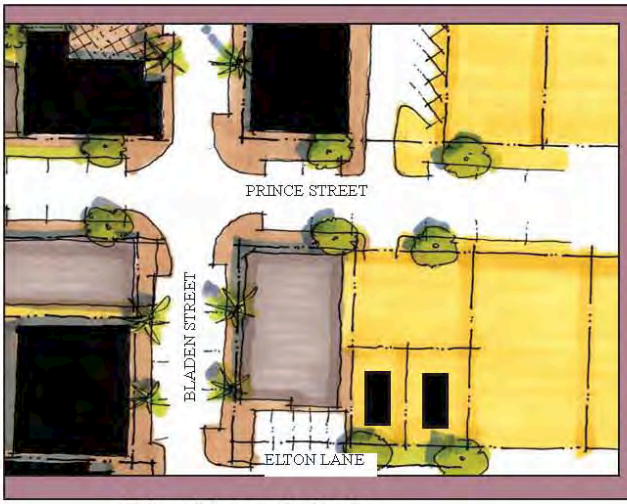
Streetscape for illustrative purposes only

BUILDING PLACEMENT	
Bladen - Build to Line	0'-0" to 12'-0"
Prince - Build to Line	0'-0" to 12'-0" **not req'd**
Side setback	0'-0"
Rear setback	0'-0"
BUILDING MASS	
Principle Building	2 stories min.- 3.5 stories max.
Accessory Buildings	1 story min. - 3.5 stories max
Building Depth	60' maximum (primary mass)
Building Width	60% of frontage - minimum.
Building Height	55' for pitched - 38' for flat
** Arcade encouraged*	
SITE STANDARDS	
Minimum parking on site	none
Maximum parking on site	1 per 300
Parking and Drive material	pervious
Maximum Lot Coverage	none
On site water retention	BMP's as practical
NOTED EXCEPTIONS FOR LOT	

A unique design solution for this lot is likely and should be considered for architectural merit if exceptions should be required.

Site Location Plan

S.E. CORNER OF BLADEN & PRINCE 4



Enlarged diagramatic site plan

GENERAL SITE CHARACTERISTICS

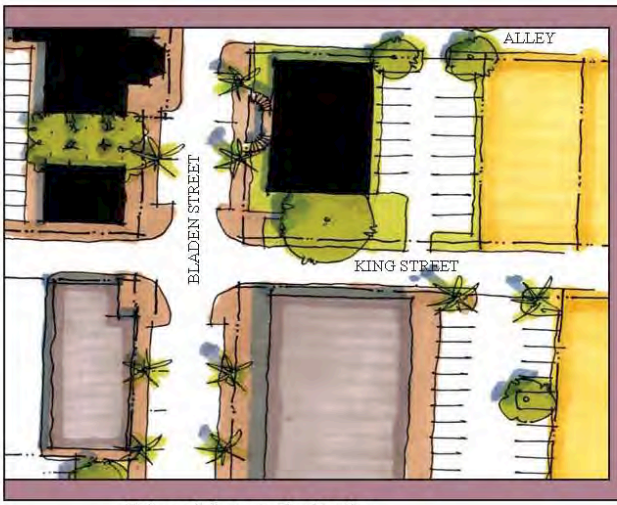
- The existing sites have two small adorable cottages on them. Any new additions and or alterations to these structures should be carefully considered. Major alterations to these structures should be approved by the Historic District Review Board due to the significant contributions these structures make to the district.

Streetscape for illustrative purposes only

BUILDING PLACEMENT	
Elton Lane - Build to Line	0'-0" to 12'-0"
Side setback	0'-0"
Rear setback	0'-0"
BUILDING MASS	
Principle Building	2 stories max.
Accessory Buildings	1 story min./max.
Building Depth	none
Building Width	none
Building Height	35' max.
SITE STANDARDS	
Minimum parking on site	none
Maximum parking on site	1 per 300
Parking and Drive material	pervious
Maximum Lot Coverage	none
On site water retention	BMP's as practical
NOTED EXCEPTIONS FOR LOT	

Site Location Plan

COTTAGES ON ELTON LANE 5



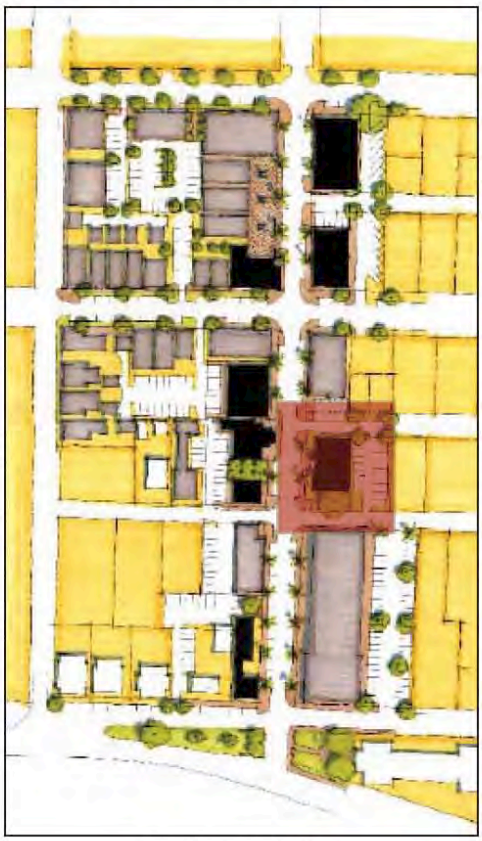
Enlarged diagramatic site plan

GENERAL SITE CHARACTERISTICS

- The existing structure on this site is relatively new and not likely to redevelop for many years. The parking lot location and general building location is appropriate for this site.
- Existing Live Oak tree on corner should be preserved.
- If redevelopment for this site is proposed, focus on better addressing the existing mass (adding a second story) and better addressing Bladen Street would be a priority.

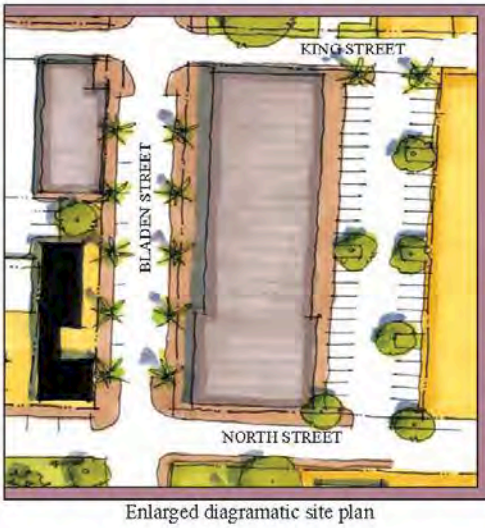
Streetscape for illustrative purposes only

BUILDING PLACEMENT	
Bladen - Build to Line	0'-0" to 12'-0"
King - Build to Line	0'-0" to 12'-0" **not req'd**
Side setback	0'-0"
Rear setback	0'-0"
BUILDING MASS	
Principle Building	2 stories min.- 3.5 stories max.
Accessory Buildings	1 story min. - 3.5 stories max
Building Depth	60' maximum (primary mass)
Building Width	60% of frontage - minimum.
Building Height	55' for pitched - 38' for flat
SITE STANDARDS	
Minimum parking on site	existing
Maximum parking on site	existing
Parking and Drive material	pervious (existing)
Maximum Lot Coverage	none
On site water retention	BMP's as practical
NOTED EXCEPTIONS FOR LOT	



Site Location Plan

601 BLADEN STREET 6



Enlarged diagramatic site plan

GENERAL SITE CHARACTERISTICS

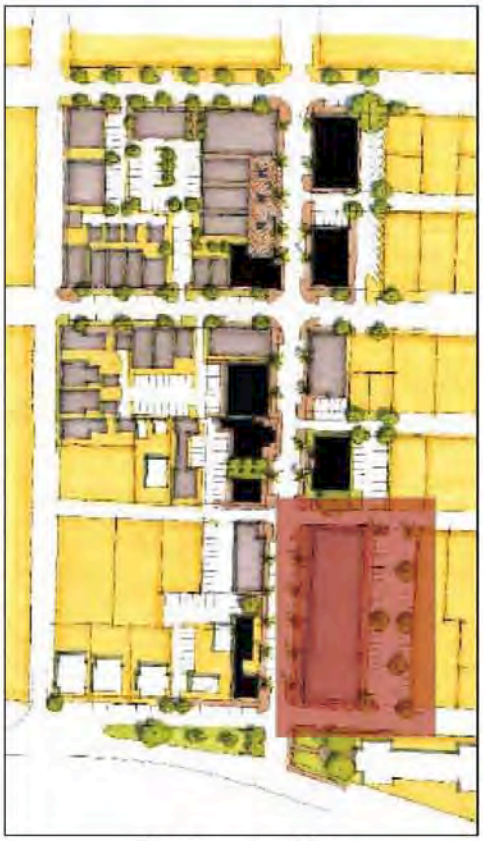
- The existing site is vacant and primarily used as overflow parking by the neighborhood.
- This site is an excellent opportunity to provide a gateway and anchor project for the Bladen Street redevelopment.
- The existing site has several significant Live Oak trees. Preservation of these trees is encouraged however, the building form and successful use of this site for a redevelopment anchor justifies the removal of these trees if necessary.

Streetscape for illustrative purposes only

BUILDING PLACEMENT	
Bladen - Build to Line	0'-0" to 12'-0"
King - Build to Line	0'-0" to 12'-0" **not req'd**
North - Build to Line	0'-0" to 12'-0"
Rear setback	0'-0"
BUILDING MASS	
Principle Building	2 stories min.- 3.5 stories max.
Accessory Buildings	1 story min. - 3.5 stories max
Building Depth	80' maximum (primary mass)
Building Width	60% of frontage - minimum.
Building Height	55' for pitched - 38' for flat
SITE STANDARDS	
Minimum parking on site	1 per 2000 sq. ft.*see except.* (min. of 1 space per unit for residential)
Maximum parking on site	1 per 400 sq. ft.
Parking and Drive material	pervious where feasable
Maximum Lot Coverage	none
On site water retention	BMP's as practical

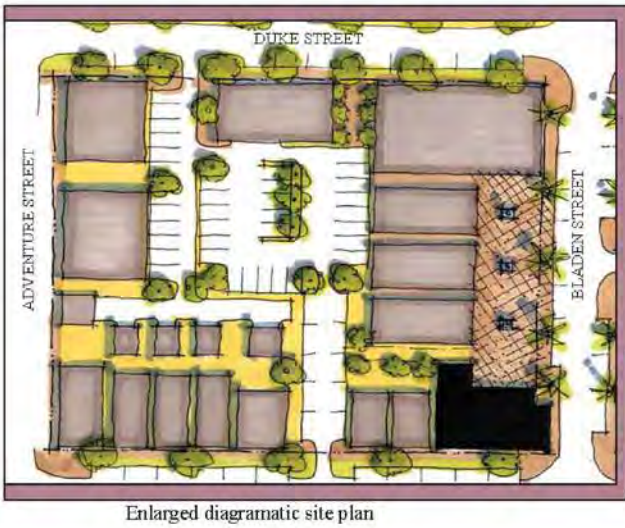
NOTED EXCEPTIONS FOR LOT

If a neighborhood anchor store such as a small grocery store or market, or other destination use is provided, a form exception should be allowed to reduce the min. number of stories from two stories to one provided that the North Street mass is a full two story mass. No min. parking requirement will also be provided for this use.



Site Location Plan

S.E. CORNER OF BLADEN & KING 7



Enlarged diagramatic site plan

GENERAL SITE CHARACTERISTICS

- This property is bordered by 4 city streets. All streets should be properly addressed and fronted by any project that is proposed with Bladen Street remaining the major focus.
- A public plaza or gathering space is strongly encouraged on Bladen Street to create a mid-town destination. A visual anchor (tower or other focal point) is encouraged on this plaza as a visual cue for the gathering space.
- Parking should be mid-block where possible in order to address the perimeter streets with proper architecture.
- A historic commercial structure is on the corner of prince and bladen street that should be restored and re-purposed.

Streetscape for illustrative purposes only

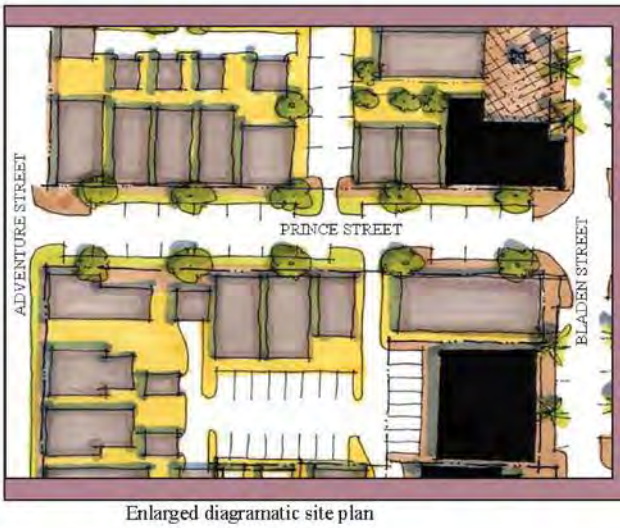
BUILDING PLACEMENT	
Bladen - Build to Line	0'-0" to 12'-0"
Duke - Build to Line	0'-0" to 12'-0"
Adventure - Build to Line	0'-0" to 12'-0"
Prince - Build to Line	0'-0" to 12'-0"
BUILDING MASS	
Principle Building	2 stories min.- 3.5 stories max.
Accessory Buildings	2 stories max.
Building Depth	60' maximum (primary mass)
Building Width	60% of frontage - minimum.
Building Height	55' for pitched - 38' for flat
SITE STANDARDS	
Minimum parking on site	1 per 1000 s.f. gross (1 space min. for each residential unit)
Maximum parking on site	1 per 300 s.f. gross
Parking and Drive material	pervious
Maximum Lot Coverage	none
On site water retention	BMP's as practical
NOTED EXCEPTIONS FOR LOT	

The minimum story requirement for buildings may be reduced to 1 story for buildings fronting on Adventure Street, Duke Street, and Prince Street.

The maximum building depth may be increased to 80' for buildings fronting on Bladen street due to the large lot depth.

Site Location Plan

702 BLADEN STREET 8



Enlarged diagramatic site plan

GENERAL SITE CHARACTERISTICS

- The primary limitation to this lot will be it's building depth.
- Parking shall be located in the rear or side and should be accessed from the alley. Parking off alley is allowed.
- A shared access plan for all adjoining properties is suggested.

Streetscape for illustrative purposes only

BUILDING PLACEMENT	
Bladen - Build to Line	0'-0" to 12'-0"
Prince - Build to Line	0'-0" to 12'-0"
Adventure - Build to Line	0'-0" to 12'-0"
Rear setback	0'-0"
BUILDING MASS	
Principle Building	2 stories min.- 3.5 stories max.
Accessory Buildings	1 story min. - 2.5 stories max
Building Depth	60' maximum (primary mass)
Building Width	60% of frontage - minimum.
Building Height	55' for pitched - 38' for flat
** Arcade encouraged*	
SITE STANDARDS	
Minimum parking on site	1 per 1000 s.f. gross (1 space min. for each residential unit)
Maximum parking on site	1 per 300 s.f. gross
Parking and Drive material	pervious
Maximum Lot Coverage	none
On site water retention	BMP's as practical
NOTED EXCEPTIONS FOR LOT	

The minimum story requirement for buildings may be reduced to 1 story for buildings fronting on Adventure Street, and Prince Street. The Maximum building depth may be increased to 80' for buildings fronting on Bladen Street due to the large lot depth.

Site Location Plan

608 BLADEN STREET 9

Enlarged diagramatic site plan

GENERAL SITE CHARACTERISTICS

- The exising site has two small one story structures that fit nicely around a small Live Oak tree. This site is a good candidate for total demolition and redevelopment. A new structure should conform to the standards below.
- If modifications to the existing structures are proposed, a focus on defining the front gardens with a fence or wall will be req'd.

Streetscape for illustrative purposes only

BUILDING PLACEMENT	
Bladen - Build to Line	0'-0" to 12'-0"
Side Setback	0'-0"
Rear Setback	0'-0"
BUILDING MASS	
Principle Building	2 stories min.- 3.5 stories max.
Accessory Buildings	1 story min. - 2.5 stories max
Building Depth	60' maximum (primary mass)
Building Width	60% of frontage - minimum.
Building Height	55' for pitched - 38' for flat
** Arcade encouraged*	
SITE STANDARDS	
Minimum parking on site	1 per 1000 s.f. gross (1 space min. per residential unit)
Maximum parking on site	1 per 300 s.f. gross
Parking and Drive material	pervious
Maximum Lot Coverage	none
On site water retention	BMP's as practical
NOTED EXCEPTIONS FOR LOT	

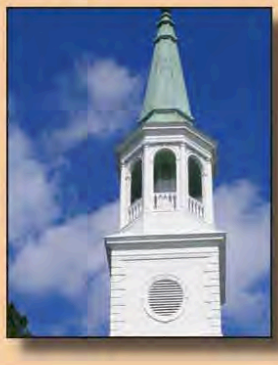
A shared parking and access plan is suggested with adjoining properties.

Site Location Plan

606 BLADEN STREET 10

ARCHITECTURAL GUIDELINES

The following architectural guidelines have been developed to aid lot owners, architects, builders, and other design professionals in the understanding of what are the appropriate details to develop, enhance and preserve our timeless Architecture. The City of Beaufort can rely on these guidelines to encourage quality, attention to detail, and create a sustainable theme and consistency in improvements. By doing so, the serenity and beauty can be preserved and property values can be protected and enhanced. The style of architecture will reflect the simple style of the downtown as well as the surrounding Low Country. The design elements that will help achieve this overall harmony are discussed in great detail throughout these guidelines while ensuring that the building practices conform to what is timeless and sustainable. They do so by addressing the major components of a structure's exterior. Calling out the proper materials and execution of building walls, foundation, roof, porches, windows, doors, and fences the architectural guidelines are intended to become a resource for the designer or owner, not a legalistic tool used to stunt positive growth or development.

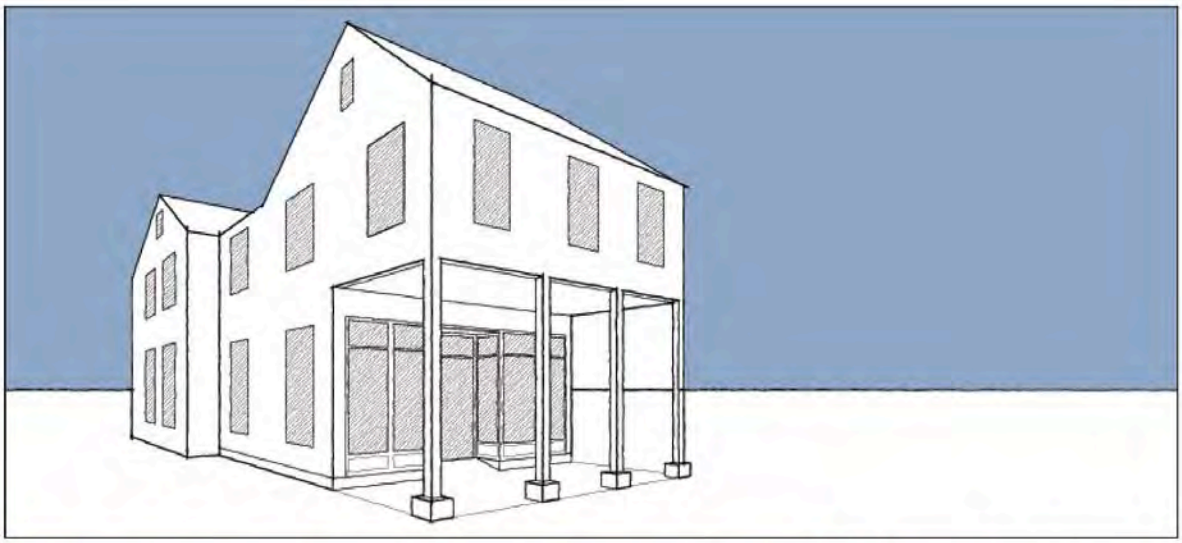


CONTENTS:

- INSPIRATIONAL ARCHETYPES
- BUILDING WALLS
- ROOFS AND CHIMNEYS
- FOUNDATIONS
- PORCHES AND DECKS
- WINDOWS AND DOORS
- BRACKETS, OVERHANGS, AND DORMERS DORMERS
- FENCES AND GARDEN WALLS

The provisions of these Guidelines shall not be construed as absolute rules binding on the review authority, as they may not contain all building uses, materials, easements, setbacks, deed restrictions, etc. which may apply to each individual lot. Therefore, each individual should familiarize themselves with the various applicable codes and building regulations.

CONTENTS 11

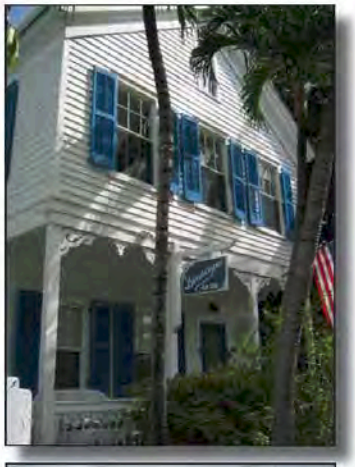


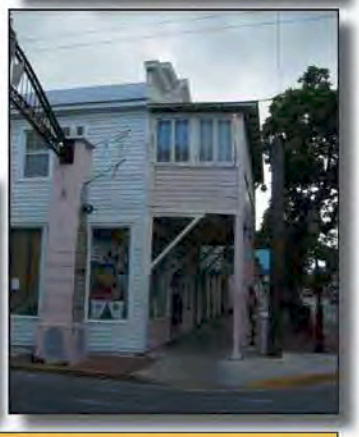
The Mass over Arcade/Colonnade Commercial archetype is typically a two or two and a half story structure typically containing a ground floor of retail or office space. These spaces are treated with a storefront that provides a place for retailers to show there goods to passerby on the street. The upper floors may be office space or residential lofts. The second floor structure typically cantilevers out over the first floor. This overhanging mass is supported by columns seven feet or more from the lower floor façade. This public area that is created is called an Arcade or Colonade. These structures are built in groups to establish a sheltered, pedestrian oriented walkway parallel to the street. Arcade frontages are usually addressed with a curb and on street parking.

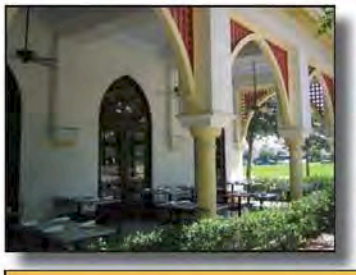
The following are a few of elements that are indicative of this type:

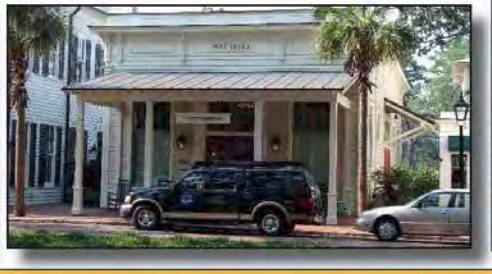
1. Two story structure typically containing a ground floor of retail or office space.
2. Storefront treatment at street level.
3. The second floor structure typically cantilevers out over the first floor.
4. These structures are built in groups to establish a sheltered, pedestrian oriented walkway parallel to the street.
5. These Arcades/Colonades are typically hardscaped, decorated with potted plants and window boxed plants, and well lit for safety and safe foot travel.

Arcade/Colonade types of structures are meant for intense development without utilizing attached type construction. These structures are usually built at grade and provide easy access from street level. Materials vary from Stucco to wood siding. As with any mixed use type building, this is a powerful building type when fully developed, in that it can infuse an area with social activity 24 hours a day. This is due to the fact that residences, offices and commercial often house activities that are active at altering times.

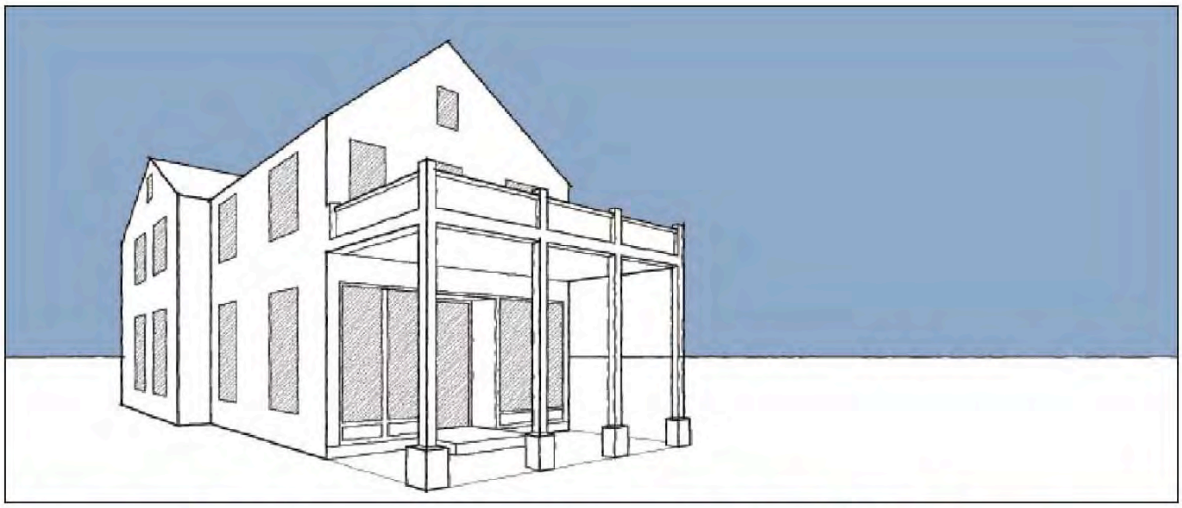








MASS OVER ARCADE/COLONNADE 12



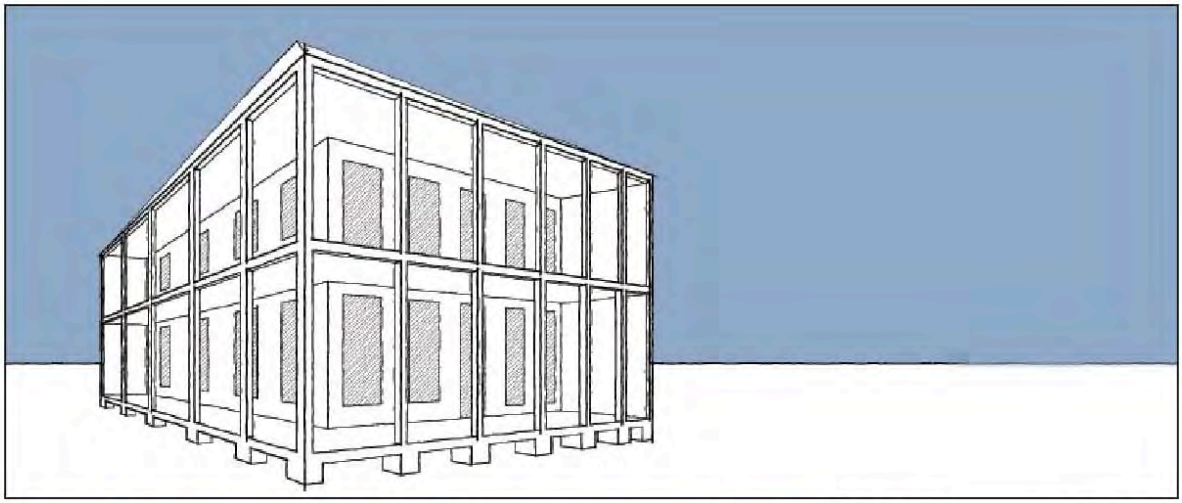
The Porch over Arcade/Colonnade Commercial archetype is typically a two or two and a half story structure typically containing a ground floor of retail or office space. These spaces are treated with a storefront that provides a place for retailers to show there goods to passerby on the street. The upper floors may be office space or residential lofts. The second floor contains a porch or deck that extends out over the public way. This overhanging porch is supported by columns seven feet or more away from the lower floor façade. This public area that is created is called an Arcade or Colonnade. These structures are built in groups to establish a sheltered, pedestrian oriented walkway parallel to the street. Arcade frontages are usually addressed with a curb and on street parking.

The following are a few of elements that are indicative of this type:

1. Two or two and one half structure typically containing a ground floor of retail or office space.
2. Storefront treatment at street level.
3. The second floor structure typically cantilevers out over the first floor.
4. These structures are built in groups to establish a sheltered, pedestrian oriented walkway parallel to the street.

Arcade types of structures are meant for intense development without utilizing attached type construction. These structures are usually built at grade and provide easy access from street level. Materials vary from Stucco to wood siding. As with any mixed use type building, this is a powerful building type when fully developed, in that it can infuse an area with social activity 24 hours a day. This is due to the fact that residences, offices and commercial often house activities that are active at altering times.

PORCH OVER ARCADE/COLONNADE 13



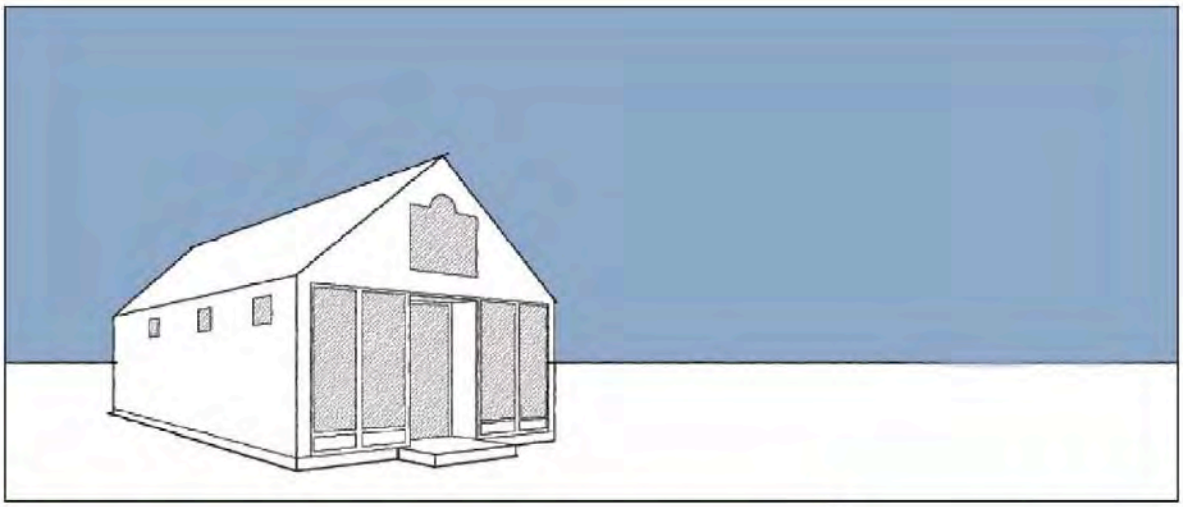
The Double Gallery "Commercial" archetype is typically a two story main mass with a long two story covered porch running the majority of the house width, and possibly even wrapping around the sides. The main roof form is a hip. Variations can have a steeper pitch over the heated space paired with a lower pitch porch roof. Windows are formally arranged within the porch bays. Chimney and fire boxes are external to the house footprint and are exposed on the exterior as brick or stucco finish.

The following are a few of elements that are indicative of this type:

1. Two story porches are located at the front and/ or rear of the structure.
2. Porch is raised with masonry piers below.
3. Masonry finished chimney.
4. Fire box and chimney are external to house mass. One or two chimney stacks are typical.
5. Square or round columns with cap and base.
6. Formal window arrangement at porch bays.
7. Body of house is typically lap siding, or stucco.

These buildings are simple yet show a quiet formality. The detailing on these buildings may vary in style but the overall structures are firmly based in tradition. The foundation type is a continuous wall system under the heated spaces and piers with screening at the porches to hide the under workings of the structure and to deter animals. A pier and girder foundation is also appropriate. The overall goal with these structures is to keep the massing simple and rely on the details and the clean lines of the mass to make the biggest impression. Good for transitional buildings (live/work).

DOUBLE GALLERY 14



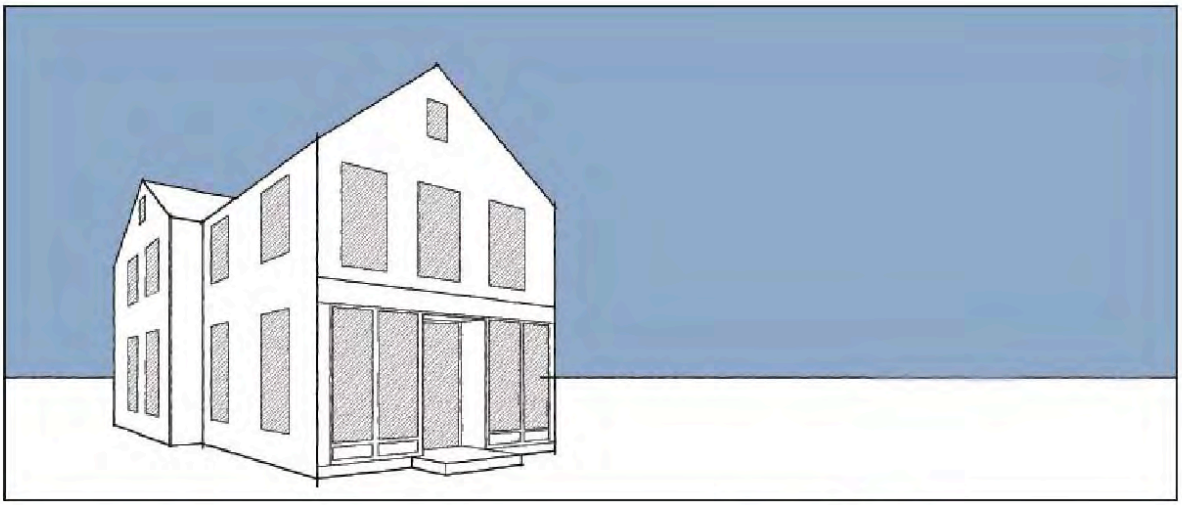
One Story Fabric - Edge Commercial is typically a one or one and a half story structure typically containing retail or office space. These structures are treated with a wooden storefront that provides a place for retailers to show there goods to passerby on the street. The front façade of the structure is typically flat except for canopies on the facade. These structures are built separate from each other. Frontage is usually addressed in a more commercial manner, including small group parking behind or to the side of the structure.

The following are a few of elements that are indicative of this type:

1. One to two story structure typically containing a ground floor of retail or office space.
2. Storefront treatment at street level.
3. Built in groups to line street.
4. Frontage is usually addressed in a more commercial manner.
5. Small group parking behind or to the side of the structure.

These structures are usually built at grade and provide easy access from street level. Materials are used simply. The overall feel is lighter than the town center commercial.

ONE STORY FABRIC 15



Two Story Fabric - Edge Commercial is typically a two story structure containing retail or office space at the first floor. These structures are treated with a storefront that provides a place for retailers to show there goods to passerby on the street. The second floor is a "flex space", meaning that this space can be lofts, apartments, more commercial, or simply a two story volume with a mezzanine. The front façade of the structure is typically flat except for canopies or balconies on the facade. These structures are built separate from each other. Frontage is usually addressed in a commercial manner, including small group parking behind or to the side of the structure.

The following are a few of elements that are indicative of this type:

1. Two or two and one half story structures typically containing a ground floor of retail or office space.
2. Storefront treatment at street level.
3. Built in groups to line street.

These structures are usually built at grade and provide easy access from street level. Materials are used simply. The overall feel is that of a very traditional small town shop front.

TWO STORY FABRIC 16

BUILDING WALLS

MATERIALS
-Walls shall be finished in one or more of the following materials (but not more than three):

- Cementitious siding with 6" max. exposure
- Wood clapboard with 6" max. exposure
- Wood shingles
- Traditional board and batten siding.
- Fiber cement board and batten
- Fiber cement panels
- Masonry stucco (fine or sand finish)
- Brick

-Walls may change materials.
e.g.- Wood clapboard and decorative wood shingles with material change at a significant horizontal expression (pending approval by STAFF).

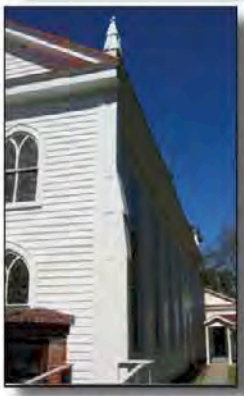
EXECUTION
-Cementitious siding to have minimum 3 ½" x 1 ½" wood or synthetic trim at corners. (Full mitered corners are allowed)
-Cementitious siding to be face nailed top and bottom, and all nail holes and vertical seams to be caulked and sanded per mfg. recommendations. Horizontal siding (wood and cementitious) as approved by the Staff must be fully back supported to maintain a straight and even outer surface, and must be fully and properly finished.

-Stucco applied to wood frame construction to be continuous product over vapor barrier and metal lath with 3 coat application (scratch coat, brown coat and masonry finish coat).

-Final coat can be "painted" or "color in concrete".

No

No faux wood grain is allowed on synthetic materials (except decking) Synthetic siding and trim should be smooth.



ARCHITECTURAL GUIDELINES 17

ROOFS AND CHIMNEY

MATERIALS
-Roofs shall be finished in one of the following materials:
- Metal standing seam
- 5v crimp
- Corrugated metal
- Architectural grade shingles
- Wood Shakes

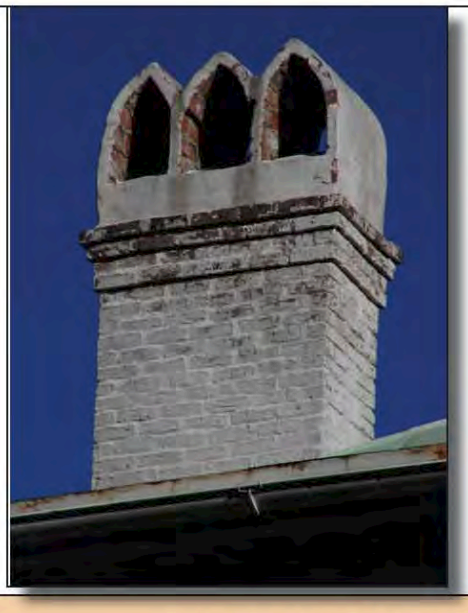
- Gutters and downspouts, where allowed, shall be galvanized steel, aluminum or copper.

-Exposed flashing shall be copper, lead, or anodized aluminum.

-Chimneys shall have a masonry exterior surface.

-Lap siding, panelized products, shakes, or shingles are not permitted on chimneys.

EXECUTION
-Principal roof(s) shall be a symmetrical gable, hip, gambrel, or Jerkin-Head with a slope of 3:12 to 12:12. Roofs shall be proportional and appropriate to the architectural style.



ARCHITECTURAL GUIDELINES 18

ROOFS AND CHIMNEY

EXECUTION - (cont.)
- No pork chops or box-end soffits.

- Gable end returns shall have a maximum slope of 2:12, unless architectural merit dictates otherwise.

-Secondary roof(s) shall be a shed, hip, or gable with a minimum slope of 2:12.

-Flat roofs (slopes of less than 2:12) shall be permitted, based on architectural merit or when enclosed by a balustrade or parapet and shall be occupiable and accessible from an interior space.

-Gutters shall be half-round. Downspouts shall be round with splashbacks or as approved by the staff.

-Roof penetrations shall be placed on the rear slope of the roof and shall not be visible from the street.

-Roof penetrations shall be painted to match the color of the roof, except those of copper which may be left unpainted and flashing applied to vertical surfaces may be painted to blend with the vertical materials where more appropriate. Any other roof treatments or features (i.e., ridge vents) shall be so noted on the architectural plans and approved by the staff.

GENERAL NOTES
-Skylights are not recommended, but may be permissible on rear slope of roof with staff approval.

- Chimneys are to extend to the ground and shall be the same material throughout. Chimneys are not be broken by wooden band boards.

- Chimneys should break and return to a smaller width or should diminish in size proportionate to its height.

- Metal flues shall be located on the rear or side of building mass and shall be painted to match building colors.

- No metal spark arrestors or shrouds are allowed on chimneys.

ARCHITECTURAL GUIDELINES 19

FOUNDATIONS

MATERIALS
-Foundation walls, piers and chimneys shall be finished with stucco, or brick.
-Approved Foundation Screenings are:
Horizontal or Vertical louvered wood vent.
Note- Size appropriate to frame between piers with blades to shed rain (screened on the back side).
Lattice (square orientation).
Brick infill

EXECUTION
- All slab and crawl space foundations shall place the main mass of the structure a minimum of 24" above grade as seen from the front elevation (except for commercial structures)
- The Staff reserves the right to set specific foundation height requirements for specific areas or neighborhoods.

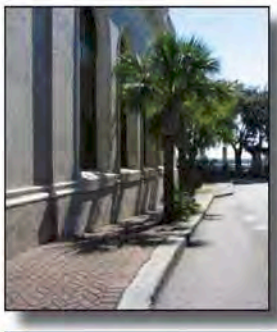
- Visible piers shall be no less than 16" on exposed face.

-All screening must be set back (not flush) from the face of piers/wall.

-Basements are to be considered part of the foundation, and material choices should be consistent with approved materials.

-Basement wall penetrations shall follow guidelines for window materials and execution.

GENERAL NOTES
- Masonry arches shall be a minimum of 8" in depth.



ARCHITECTURAL GUIDELINES 20

PORCHES AND DECKS

MATERIALS
-Columns shall be made of wood or an approved synthetic material of the appropriate proportion for the style of the structure.

-Posts shall be of wood, or an approved synthetic material.

-Balusters, spindles, and rails shall be made of wood, wrought or cast iron, or an approved synthetic material.

-Porch and deck flooring shall be made of wood, stone/slate, or brick or an approved synthetic material.

-Porch ceilings shall be made of painted exposed wood framing or paneled wood (e.g. beadboard) of the appropriate style.

EXECUTION
-Porch column bays can should be vertically proportioned, but must be consistent with the architectural style of the structure.

-Wood posts shall be 6x6 minimum, unless approved by the Staff.

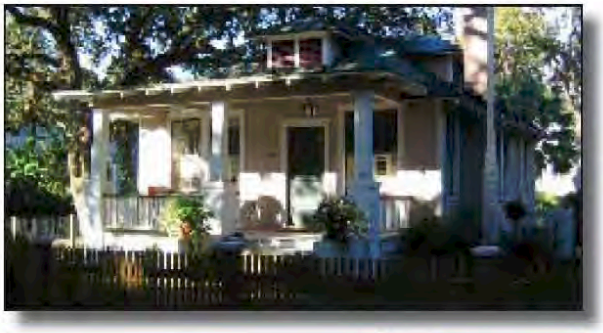
-Railing shall have horizontal top and bottom rails.

-Hand rails may be round or oval, chamfered or eased cap with an apron. Railings and balusters or spindles should be centered on the porch columns or posts. Balusters and spindles are not required. Cables, wire mesh or panels are acceptable (subject to ARB approval).

-Square baluster size is not to exceed a 2 x 2 square edge picket.

-The spacings between balusters or spindles can vary but must conform to local building codes.

-Screened porches may **not** occur on the front of the major mass of the structure. However, second floor screened porches are permitted. Infilled porches are allowed.



ARCHITECTURAL GUIDELINES 21

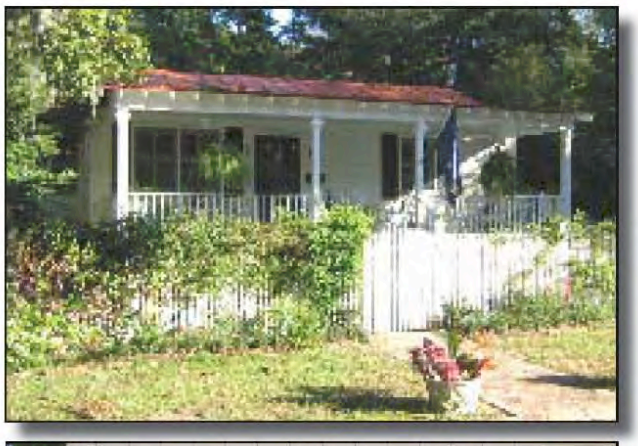
PORCHES AND DECKS

GENERAL NOTES
-Wood elements must be painted or stained.

-Outdoor spaces (terraces/decks/patios/etc.) must be at grade.

-Screened porches shall be framed in wood installed behind framed railings.

-Porch must be 25% minimum of total facade exposure, unless otherwise approved by the staff.



ARCHITECTURAL GUIDELINES 22

WINDOWS AND DOORS

MATERIALS
-Windows should generally be a complimentary type and style all around the house.

-Upon staff approval, windows are to be painted wood, aluminum clad, vinyl clad, or solid PVC.

-Doors are to be painted or stained wood. Doors made of wood and glass are acceptable.

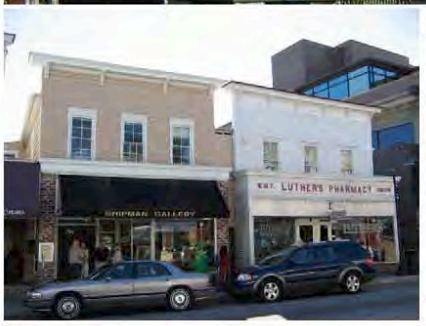
EXECUTION
-Provide wood or masonry sill that projects enough for a drip kerf.

-Window sashes can either be horizontal or vertical, depending on the style and character of the house.

-Multiple windows in the same opening are to be separated by a 4" mullion (minimum). This is not applicable for storefronts.

-Windows are to be true divided or simulated divided lite windows with 7/8" muntins- creating panes of vertical orientation. Muntins of a larger size are acceptable upon ARB approval.

-A variety of window lite patterns are allowed in. However, choices in the number and pattern of lites should be consistent with the architectural style and with the development zone.



ARCHITECTURAL GUIDELINES 23

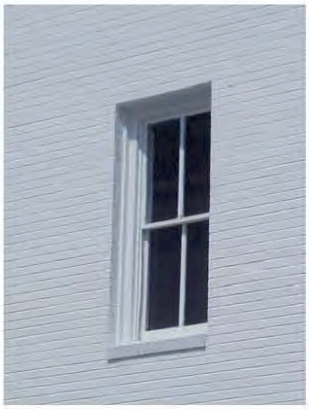
WINDOWS AND DOORS

EXECUTION (continued)
-Bay windows should be of the appropriate size and proportion. Materials and execution should be consistent with the overall style and character of the house. Brackets should provide/suggest structural support to bay windows.

-All trim at windows and doors should be a minimum of 3 ½" wide (stucco trim articulations will be subject to approval by the staff).

GENERAL NOTES
-Security doors and window grills must be approved by the ARB.

-Storm windows and screens should be integral with the window. Screens, if not part of the manufactured unit, are subject to approval by the staff.



ARCHITECTURAL GUIDELINES 24

BRACKETS, OVERHANGS, & DORMERS

EXECUTION

-A variety of soffit styles will be allowed, but must be consistent with the architectural style of the house.

-Vinyl soffits are not allowed.

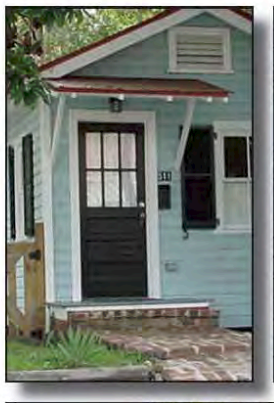
-Materials used for dormers should be consistent with the materials that are appropriate for building walls.

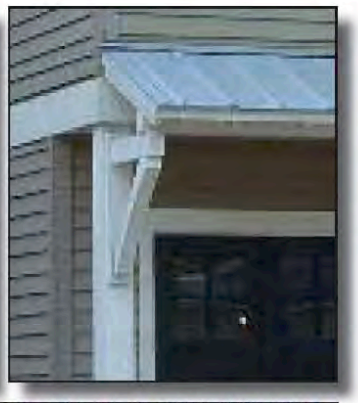
-Special attention should be paid to the architectural design and detail of dormers. There are numerous examples of the variety of dormer style and character in the following pages.

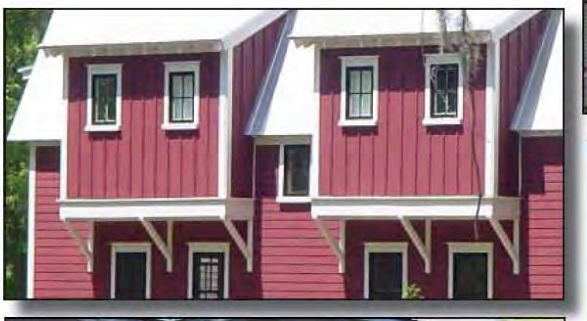
-Dormers should have gable, hip or shed roofs with a minimum slope of 2:12.

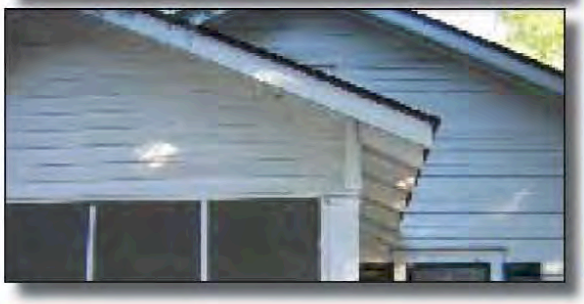
-Bracket style and character can vary, but should be appropriate to the style of the house. Brackets should be constructed of wood. Brackets should provide/suggest structural support.

-Rakes and overhangs can be of varying depths and configurations but should conform to the style, proportion,









ARCHITECTURAL GUIDELINES 25

FENCES AND GARDEN WALLS

MATERIALS

-All fences and garden wall designs must be submitted to the staff for consideration.

-All materials for fences and garden walls must be submitted to the staff for consideration.

-Board-on-board, chainlink or welded wire fencing is not permitted (some exceptions may be made for private rear yard)

-Fences and garden walls shall be made of wood with wood pickets, brick, or stucco. Fences and garden walls can also be made of wood pickets in combination with stucco or brick (pending approval of type by staff).

-Garden walls and retaining walls shall be of stone, stucco, or brick (pending approval of type by staff).

-Gates shall be wood or iron.

-Fences/garden walls at frontages and front yards shall be a maximum 36" above finished grade.

-Fences shall be composed of wood boards with a rectangular or round section. Spacing between boards is not to exceed 1 1/2".

-Garden walls shall be a minimum of 8" thick.

-Fences and garden walls located on the side or rear of the property shall not exceed 6'-0" in height above finished grade.

-Garden walls and privacy fences are not allowed in the front 1/3 of the property or facing the street on corner lots.

ARCHITECTURAL GUIDELINES 26

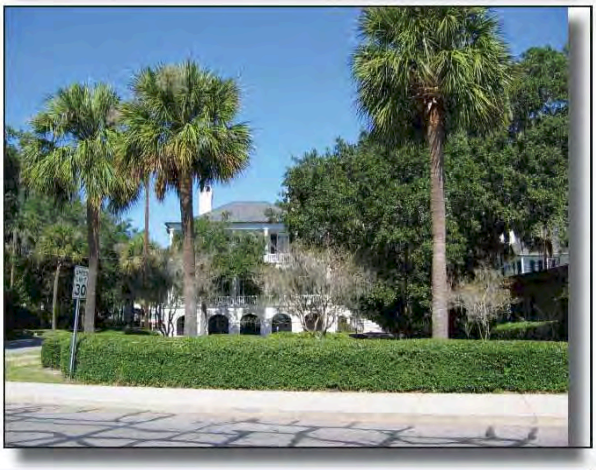
FENCES AND GARDEN WALLS

GENERAL NOTES

- Walls and fences should be considered an extension of the architecture and a transition of the architectural mass to the natural forms of the site. All wall and fence designs should be compatible with the total surrounding environment.

-Special consideration should be given to design, placement, impact and view of the wall or fence from neighboring sites. Fences and walls should be considered as design elements to enclose and define courtyards, and other more intimate spaces. The design and construction of fences and walls should be sensitive to existing trees to avoid unnecessary cutting. The staff, prior to any installation, must approve the location, materials, size and design of all fences and walls in advance and in writing.

- Once one approved fence or wall has been erected on a side or rear lot line, that approved fence or wall generally will be the only approved fence or wall to be erected on that lot line. In other words, double fencing by adjoining lot owners will generally not be allowed on side or rear lot lines.



27

APPENDIX

Civic Art, by Hegemann and Peets;

Great Streets, by Allan B. Jacobs;

The Charter of the New Urbanism, by Congress for the New Urbanism;

AIA Graphic Standards, 9th Edition;

Traditional Construction Patterns, by Stephen A. Mouzon;

The Lexicon of the New Urbanism, by Duany et al, Congress for the New Urbanism;

Shared Parking, by Barton-Aschman Associates, The Urban Land Institute;

The American Vignola: A Guide to the Making of Classical Architecture, by William R. Ware.

Light Imprint Manuel, by Tom Lowe;

The Original Green, by Stephen A. Mouzon

Article 7. General Development Standards

7.1 Streets

A. Street Access

Except as outlined below, no buildings shall hereafter be erected, constructed, moved or relocated on a lot unless such lot is located on a publicly dedicated, publicly accepted or publicly maintained street, or on an approved private street, with a right-of-way 34 feet or greater. All structures shall be so located on lots or building plots as to provide safe and convenient access for servicing, fire protection, and the required on-site parking.

1. Existing Multi-tenant Centers

Access to lots in multi-tenant centers existing on March 2004 can be provided by access easements a minimum of 25' in width.

2. Townhouses Developments

Access to townhouse lots platted before December 2009 can be provided by driveways and/or access easements approved by the Technical Review Committee.

A. Classification of Streets

For the purpose of this Unified Development Ordinance (UDO), all public streets in the City are hereby classified as being either major or minor arterials. Each major arterial in the City is on the table below. All other streets shall be considered as minor arterials if the streets are designated as being of equal importance, then the property owner can choose the street along which he wishes to reduce his front yard requirement. The minimum front yard for the portion of the lot fronting on the street of greater importance shall be provided in accordance with the provisions established by this ordinance for the district in which the lot is located.

Designated Arterials	
Major Arterial Street	Any U.S. or state-numbered highway
	Boundary Street
	Ribaut Road
Minor Arterial Street	Broad River Boulevard Burton Hill Road Salem Road

B. Street Design Standards

1. Review

While it is the intent of this division to provide ample flexibility in the layout of subdivision streets, proposed street systems will be reviewed as to their design, safety, and convenience of users, as well as adjacent property owners, provided such review shall be conducted in accordance with reasonable street design standards and with generally accepted engineering and development practices. Emphasis should be placed on safety at curves and intersections.

2. General Requirements

General requirements for street design are as follow:

a. Continuation of Existing Street Pattern

The location, layout, arrangement, width, and grade of the proposed streets should be coordinated with the adjoining street systems, adjoining properties, topography, natural features, and drainage system. Minor residential streets shall be laid out so that their use by through traffic will be discouraged.

b. Design Drawings and Certification

Professional engineers, registered in the state, shall prepare plans, profiles, cross sections, and specifications for all subdivision roads and streets. The engineers shall certify roads/streets are built to their approved plans and specifications. Cross-sections shall be developed every 100 feet at intersections and break points in grade. Cross-sections shall show travelways; shoulders; ditches or curb and gutter, if applicable; and utility location.

3. General Design Requirements

General design requirements are as follows:

a. Collector Streets

Where a subdivision abuts or contains an existing or proposed collector or through street, the City may require marginal access streets, reverse frontage with screen planting, deep lots, or other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

b. Street Jogs

Street jogs or centerline offsets in the horizontal alignment of streets across intersections of less than 150 feet shall be prohibited.

c. Intersections

The centerline of no more than two streets shall intersect at any one point. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no streets shall intersect any other street at less than 60 degrees.

d. Additional Right-of-Way

A proposed subdivision that includes a platted street which does not conform to the minimum right-of-way requirements of this article shall provide for the dedication of additional right-of-way along either one or both sides of the street, so that the minimum rights-of-way required can be established. If the proposed subdivision abuts only one side of the street, a minimum of one-half of the required extra right-of-way shall be dedicated by such subdivision.

7.2 Sign Regulations

A. Purpose

The regulations herein shall apply and govern in all zoning districts. The purpose of this section is to regulate the time, place and manner in which signs shall be permitted. In furtherance of these purposes, standards are hereinafter provided which are designed to protect and promote the public health, safety and welfare, and to enhance the physical appearance, natural beauty and historical significance of the City. It is also in the manifest best interest of the City to reduce the proliferation of signs, reduce distractions and obstructions to motor vehicle operators and pedestrians that might lead to accidents or traffic congestion, beautify the community by removing obstructions to light, air and open space, and to reduce the accumulation of clutter.

B. General Provisions

The following regulations shall apply to all permitted signs in the City:

1. A permit shall be required for the erection, placement, alteration or reconstruction of any sign unless otherwise noted, and shall be issued by the Building Official in accordance with this Article.
2. Signs must be constructed of durable materials, maintained in good condition and not permitted to become dilapidated.
3. Signs erected in the Beaufort Historic District are subject to the conditions and procedures for erection and change of structures required in the Sign Guidelines Beaufort Historic District.
4. No illuminated sign, other than signs permitted on church property, shall be permitted within 100 feet of any residential district. No sign located within 300 feet of a residential district shall be illuminated between the hours of 10:00 p.m. and 6:00 a.m.
5. Signs with internal electrical wiring or lighting equipment, and all external lighting equipment should be inspected and approved by the City in accordance with existing and prevailing electrical codes. All wiring to electrical signs or to lighting equipment directed to ground signs shall be underground and GFCI protected.
6. Whenever the use of a building or premises by a business or occupation is discontinued for at least 30 days, then the signs pertaining to that business or occupations shall be removed.
7. Temporary signs, including, but not limited to political campaign signs shall not be posted in the public right-of-way. This restriction includes the posting of temporary signs on trees, utility poles, and other structures with the public rights-of-way.
8. Unless otherwise expressly prohibited, signs may be illuminated providing that lighting directed toward a sign shall be shielded so as to illuminate only the surface area of a sign.

C. Prohibited Signs

The following signs are prohibited:

1. Signs not located on the site for which they are referencing:
2. Signs located in public rights-of-way, except government signs;
3. Signs located in any manner or place so as to constitute a hazard to pedestrian or vehicular traffic;
4. Permanent moving signs, windblown signs or devices to attract attention, all or part of which move by any means, including fluttering, rotating or otherwise moving devices, set in motion by movement of the atmosphere or by mechanical, electrical or other means, including but not limited to, flags (other than those of government origin and not used for commercial purposes), pennants, posters, propellers, discs, ribbons, streamers, strings of light bulbs, spinners, moving, fluttering or revolving devices, regardless of whether they contain written messages;
5. Flashing signs or devices displaying flashing or intermittent lights or lights of changing degrees of intensity, except for time and temperature signs;
6. Portable signs, except those permitted by Section E including any signs painted on or displayed on vehicles or trailers, or so constructed as to permit its being used as a conveyance upon public streets, and usually parked in public places or private property primarily for the purpose of public display;
7. Signs copying or imitating official government signs or which purport to have official government status;
8. Signs referencing businesses which have been out of business for more than 30 days.
9. Signs erected on the roof of any building;
10. Sign structures no longer containing signs;
11. Signs which emit audible sound, odor or visible matter;
12. Signs containing statements, words or pictures of obscene, pornographic or immoral character;
13. Signs violating any provision of any law of the state relative to outdoor advertising;
14. Signs made structurally sound by unsightly bracing;
15. Signs painted or drawn upon rocks or other natural features;
16. Signs extending above the height of the building roofline features;
17. Snipe signs;
18. Vehicle signs;
19. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exitway;
20. Any sign and/or sign structure which obstructs the view of, may be confused with or purports to be a governmental or traffic direction/safety sign;

21. Any sign or sign structure, other than freestanding and vertical wall extension, any portion of which extends above the parapet, building roofline or canopy against which the sign is located;

22. Signs using the words "stop," "danger" or any word, phrase, symbol or character in a manner that misleads, confuses or distracts a vehicle driver;

23. Except as otherwise provided, no sign whether temporary or permanent, except by a public agency within any street right-of-way;

24. Signs painted on or attached to trees, fenceposts, rocks or other natural features, telephone or utility poles or painted on the roofs of buildings visible from any public thoroughfare;

25. No sign of any kind shall be erected or displayed in any salt marsh areas or on any land subject to periodic inundation by tidal saltwater;

26. Abandoned or dilapidated sign;

27. Any sign on or towed behind a boat, raft, aircraft helicopter.

28. Signs affixed to a private residence or dwelling or displayed upon the grounds thereof, except one personal identification sign not exceeding two square feet and one non-illuminated "for sale" or "for rent" sign not exceeding six square feet; and

29. Inflatable signs.

30. The parking in public view of any vehicle bearing a commercial message which is not in operating condition or lacking current registration.

D. Exempted Signs (No Sign Permit Required)

No Sign Permit is required for the following signs:

1. Government signs required by any law, order or governmental regulation.

2. Signs or plates on residential structures or premises bearing the name and/or address of the occupant, and similar uses customarily associated with residential structures.

a. Single-family, Two-family and Multifamily dwellings shall have address numbers a minimum of four inches in height and conspicuously located so as to provide visibility from the street on which the structure fronts.

b. Nonresidential structures shall have address numbers a minimum of six inches in height and conspicuously located so as to provide visibility from the street on which the structure fronts.

3. Historical markers, monuments or signs as recognized by local, state or federal authorities.

4. Signs denoting the location of underground utilities.

5. One on-site sign per street frontage relating to public or private school or recreational, church or civic club-sponsored entities indicating schedules of events. The sign shall have a maximum of fifteen square feet in surface area per side, a total aggregate of 30 square feet and be a maximum of three

and one-half (3.5) feet high. The signs shall be permitted fourteen days prior to a function and shall be removed within three days after the function.

6. One on-site sign per street frontage pertaining to the sale or lease of the premises. The sign shall have a maximum of six square feet in surface area per side, a total aggregate of twelve square feet and be a maximum of three and one-half (3.5) feet high. The signs shall be removed once the property is occupied by the new tenant or when the property is sold by transfer of title to the same, whichever time period is less. Real estate "For Sale" signs shall be limited to one sign per street frontage for lots less than 5 acres. The maximum size of the sign shall be 6 square feet per side and the maximum height shall be 3.5 feet. For lots 5 acres or larger, one sign per 1,000 feet of street frontage is permitted. Maximum size of these signs shall be 24 square feet and the maximum height shall be 10 feet.

7. Flags bearing the official design of a government, educational institution, church, fraternal organization or ornamental/decorative in design shall be allowed. A commercial establishment or residence may have two flags depicting these official designs, plus one additional ornamental or decorative flag. Ornamental or decorative flags shall not contain any commercial message such as the name or logo of a business, however generic words or terms such as "Open' or "Gallery" are permitted. A maximum of three flags shall be allowed per residence or commercial establishment. Any ornamental/decorative flag shall not exceed a maximum of fifteen square feet of design area per side and a total aggregate of 30 square feet of design area for both sides. In displaying national, state, and organizational flags, no individual flag may exceed 60 square feet in area per side. Spotlighting of flags at nonresidential uses may be permitted by the Administrator.

8. Holiday decorations.

9. Signs on interior window glass shall not exceed a maximum of 25 percent of the gross glass area on any one side of the building.

E. Temporary Signs

1. Grand Opening Signs

Grand opening signs, or displays calling attention to a new business shall be a maximum of six feet high and shall be located a minimum of 10 feet from the street right-of-way. The signs may be displayed for grand openings for a maximum of 30 days. Additional signage for grand openings may be permitted by the Technical Review Committee.

2. Banners

Promotional banners shall have a maximum of 30 square feet in surface area, a maximum height of three feet, and be secured to the business along all four side at all times. Promotional banners shall be displayed for a maximum of 30 consecutive days. Application for a permit for promotional banners may be made only four times during any calendar year with no permits being approved consecutively. A minimum of 30 days shall expire before an application for a permit for a promotional banner can be accepted.

3. Special Event Signs

The Technical Review Committee may approve on-site or off-site temporary signs for special events held by nonprofit, governmental, and church organizations. The Technical Review Committee shall review and approve the number, size, location, and design of the signs. All signs permitted by the Technical Review Committee shall be removed within three days of the event.

4. Sandwich Signs for New Businesses

Signs shall have a maximum surface area of eight square feet (per side), be a maximum of 3.5 feet in height, be made of wood or material closely resembling wood, and shall be placed on private property. Only one sandwich board sign is permitted per new business. The sign permit shall be valid for six months from the date of issuance of the business license for the new business. No renewal of temporary business signs is permitted.

5. Signs for Professionals

One sign per street frontage denoting or advertising architects, engineers, landscape architects, contractors, developers, owners or real estate agents connected with the construction, lease or sale of lots or structures within a new development. The sign shall have a maximum of 32 square feet in surface area per side, a total aggregate of 64 square feet, be a maximum of six feet high and shall be located a minimum of 10 feet from the street right-of-way. The sign permit shall be valid for six months with a renewable option for an additional six months.

F. Residential District Signs

1. A uniform sign plan shall be required for all residential developments as a condition of preliminary plat approval and shall be submitted in accordance with the standards and regulations established in Section 3.5.
2. One subdivision and one multifamily development monument sign shall be permitted per development per major entrance. Each sign shall have a maximum of 32 square feet in surface area per side, a total aggregate of 64 square feet, be a maximum of 10 feet high and shall be located a minimum of 10 feet from the street right-of-way. Each ground sign shall have a minimum of 50 square feet of landscape area at the base of the sign.
3. The following types of signs are permitted in the MHP zoning district:
   a. One Manufactured Home Park monument sign shall be permitted per development per major entrance, per street. Each sign shall have a maximum of 32 square feet in surface area per side, a total aggregate of 64 square feet, be a maximum of 10 feet high and shall be located a minimum of 10 feet from the street right-of-way. Each ground sign shall have a minimum of 50 square feet of landscaped area at the base of the sign.
4. One freestanding church monument sign per street frontage. The sign shall have a maximum of 32 square feet in surface area per side, be a maximum of six feet high and shall be located a minimum of 10 feet from the street right-of-way.
5. One freestanding school monument sign per street frontage. The sign shall have a maximum of 32 square feet in surface area per side, be a maximum of six feet high and shall be located a minimum of 10 feet from the street right-of-way.

G. Nonresidential District Signs

The requirements of this section apply to all nonresidential districts except lots zoned Industrial Park and those located in the Historic District.

1. Freestanding Signs

a. One freestanding sign is permitted per lot unless otherwise noted in this section. This sign may be comprised of several sign faces attached to one sign structure.

b. The size of the freestanding sign permitted shall be directly related to the frontage of the lot on which the sign is located.

c. The maximum size and heights of freestanding signs shall be as follows:

Design District		Frontage		
		Less than 150 ft.	150 – 500 ft.	Over 500 ft.
➔SC 170 ➔US 21 ➔SC 280	Max. Area	48 square feet per side	60 square feet per side	80 square feet per side
	Max. Height	10 feet	10 feet	10 feet
	Number of Signs	1	1	2
	Distance from R.O.W	10 feet	10 feet	10 feet
➔Ribaut Road, ➔Area wide	Max. Area	24 square feet per side	32 square feet per side	60 square feet per side
	Max. Height	10 feet	10 feet	10 feet
	Number of Signs	1	1	2
	Distance from R.O.W	10 feet	10 feet	10 feet
➔Boundary St. ➔Lady's Island Village Center ➔Ribaut Road (between Bay St. and Boundary St.)	Max. Area	5 square feet per side	10 square feet per side	18 square feet per side
	Max. Height	8 feet	8 feet	10 feet
	Number of Signs	1	1	1
	Distance from R.O.W.	3 feet	3 feet	5 feet

d. Lots serving five or more tenant spaces may be permitted up to 25% increase in the area of freestanding sign as permitted in paragraph (c), above subject to the approval of the appropriate design review authority.

e. Height shall be measured either from the edge of the adjoining street or from the base of the sign if the sign is located on the natural grade, to the highest point on the sign. Architectural elements related to the support structure may extend up to one foot over the permitted height.

f. Signs greater than 24 square feet are required to be monument signs or ground signs.

g. Reader boards shall be permitted in areas zoned Highway Commercial (HC) subject to the requirements of Section 7.2.G.12. Reader boards shall count toward the maximum permitted freestanding signage set out in paragraph (3) and shall be no larger than 25 percent of the maximum freestanding signage allowed in paragraph (c). Reader boards for theaters where the overall freestanding sign meets the size requirements of subsection (f)(3), but where the reader board does not meet the size, line limit and letter size requirements of subsection (f)(6).

h. The size of the support structure for any monument sign should be a maximum of 50% of the size of the sign face. For example, the monument of a 32 square feet sign should be no more than 16 square feet.

i. For lots with frontage on two arterial streets (ex. U.S. 21, S.C. 170, or Ribaut Road) one freestanding sign shall be permitted per street frontage

if these signs can be located at least 200 feet apart as measured to the leading edge of the sign. For lots with frontage on two streets but where both streets are not arterial streets, or for lots with frontage on two streets but where the freestanding signs cannot be spaced at least 200 feet apart measured to the edge, a primary entrance and a secondary entrance should be established. At the secondary entrance, a freestanding sign up to one-half (0.5) the area of that permitted at the primary entrance will be permitted provided that the two signs are at least 75 feet apart.

j. The street address number of the property shall be displayed on the sign in letters at least three inches high; or if the address numbers are placed on the support structure, the letters shall be a minimum of three inches high and a maximum of six inches high. Street numbers placed on the support structure shall not be included toward the maximum allotted signage. Street numbers shall be made from reflective letters.

k. Landscaping, not including grass, shall be required for all freestanding signs. Such landscaping shall equal the total surface area of the sign face.

2. Attached Signs

a. All of the following are considered attached signs:

(1) Suspended signs;

(2) Projecting signs;

(3) Wall signs; and

(4) Window signs.

b. The total square footage of all wall signs shall be no more than one square foot per linear frontage of the building, or in the case of multi-tenant buildings, linear frontage of individual tenant space. Wall signs shall only be permitted on facades of a building that face a public or private street unless the Historic District Review Board , the Design Review Board, or Administrator, as appropriate, specifically approves signage on other facades as part of approval of a master signage plan. The size of any wall sign should be based on the proposed use of the building and be in proportion to the proposed use, placement, and visibility of the sign. For lots with frontage on two streets, see paragraph (4)

c. For lots with frontage on two arterial streets (U.S. 21, S.C. 170, or Ribaut Road) attached signs meeting the requirements of this section shall be permitted on each street frontage. For lots with frontage on two streets but where both streets are not arterial streets, a primary entrance and a secondary entrance shall be established. At the secondary entrance, attached signs up to one-half the size of that permitted at the primary entrance will be permitted.

d. Suspended signs shall not count toward the total signage permitted in paragraph b. above if screened from the street by architectural features.

Suspended signs shall be placed so that the bottom edge of the sign is at least eight feet above grade.

e. Projecting signs shall be placed so that the bottom edge of the sign is at least eight feet above grade. Projecting signs shall not be higher than the fascia and/or cornice and shall not extend above the eave line. Size restrictions for projecting signs are as follows:

(1) U.S. 21, S.C. 170, and S.C. 280 Districts: 10 square feet per side.

(2) All other districts: seven and one-half (7.5) square feet per side.

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

3. Canopy Signs

a. The valance area of the awning or canopy may be used as a message area and shall not count towards the allowed sign allotment. The remaining area of the awning or canopy sign shall not be used as a sign message area. For those awnings or canopies (except canopies at gasoline stations) that do not have a specific valance area, only the bottom one foot of the awning or canopy shall be used for the message area. The valance shall be made of the same material and shall be the same color as the awning. Only the business name, address, logo and/or motto may be placed on the valance area.

b. Awning signs may be placed no lower than eight feet above ground. Canopy signs may be placed no lower than nine feet above grade but may have one foot valance of flexible material hanging below the structure. Awning and canopy signs may extend no closer than 18 inches back from the curb. Awning and canopy signs may be placed no higher than the bottom of the second flood sill or no higher than the cornice whichever is lower.

c. Only height-warning signs shall be permitted on gasoline canopies.

4. Service Station Signs

Gasoline service stations and other establishments selling gasoline shall be permitted additional signs as follows:

a. One gasoline and/or self-service/full-service sign per pump island. The sign shall have a maximum of 10 square feet in surface area per side, a total aggregate of 20 square feet and shall be secured to each pump island.

b. Each gasoline pump shall be permitted to display only the brand name or logo of the gasoline and shall not exceed the face of the pump.

5. Tenant Directory Signs

a. Tenant directory signs shall be permitted in multi-building, multi-tenant professional, office, and/or business centers.

b. One tenant directory sign up to 32 square feet in surface area per side shall be permitted per street frontage. Lots with greater than 1,000 feet frontage and with more than one Department of Transportation-approved driveway or street entrance shall be permitted an additional directory sign on the condition that such driveways are spaced at least 1,000 feet apart.

c. Tenant directory signs shall not count toward the total maximum signage permitted in this section.

d. Tenant directory signs shall be located within the buildable area and outside of any required buffer.

e. The base of the tenant directory sign shall be landscaped.

f. Only the name of the business and the address shall be permitted on tenant directory signs. Logos are not permitted.

g. The tenant directory sign must be located at least 25 feet from any adjacent right-of-way.

6. Outdoor Drive-Through Menu Boards

a. Outdoor drive-through menu boards are signs associated with drive-through restaurants which list the type and price of food items offered for sale at the establishment.

b. Outdoor drive-through menu boards shall not count toward the total maximum signage permitted in this section, if they are not visible from any street right-of-way. If a menu board is visible from a street right-of-way, it shall count toward the maximum attached signage.

c. New outdoor drive-through menu boards shall be no more than 32 square feet per side in size and shall be designed, located, and landscaped so that to the degree feasible, they are not to be visible from any street right-of-way. The base of the menu board shall be landscaped and/or incorporated into the landscaping plan.

7. Sandwich Boards & Easel Signs

a. Restaurants may have one easel sign displaying the menu. The easel sign structure shall not exceed 6 feet in height. The sign or message board on an easel sign shall not exceed 3.5 square feet.

b. Sandwich boards are permitted in the Boundary Street and the Lady's Island Village Center Design Districts. Sandwich boards shall have a maximum surface area of eight (8) square feet per side and be a maximum of 3.5 feet in height. Only one sandwich board per side tenant space.

c. Sandwich board and easel signs shall not be located in a public or private street right-of-way.

d. Establishments shall only display sandwich board and easel signs when the establishment is open for business.

8. Directional Signs

a. One sign per direction per entrance pertaining to private, unofficial traffic signs, private parking or warning the public against trespassing shall be permitted.

b. The sign shall have a maximum of two square feet in surface area per side, with a total aggregate of four square feet. The directional sign shall be a maximum of two and one-half feet high and limited to directional and warning messages only.

c. Directional signs shall not count toward the total signage permitted in this section. In addition to the directional message (symbols or words), only the name of the business or address shall appear on the directional sign.

9. Industrial Park Signage

Additional on-premises directional and safety signage for lots zoned Limited Industrial or Industrial Park District may be permitted by the Administrator.

10. Off-Premises Signs

Off-premises signs are not permitted except signs, flags, and banners erected by the City, County, or State government.

11. Stationary or Abandoned Vehicle Signs

Commercial vehicles, other than standard passenger vehicles, shall be parked as far from the street as reasonably possible during non-business hours if such vehicles bear a commercial message. This is to avoid the vehicle serving as a freestanding sign.

12. Sign Material and Design

a. Sign structures shall be constructed of wood, concrete, metal, brick, or other similar materials.

b. The design, color, location, and illumination of signage shall be compatible with the overall design of the development.

13. Lighting

a. The background of internally-illuminated cabinet signs shall be completely opaque. This provision does not apply to internally-illuminated channel letters.

b. Any light from any illuminated sign, or flood light or spot light used to illuminate a sign, shall be shaded, shielded, or directed so that the light intensity or brightness shall not interfere with the safe vision of motorists or bicyclists as determined by the building official. For spot-lit signs, the sign base and/or proposed landscaping shall be designed to conceal the base of the light fixture to the extent feasible.

c. The following provisions shall apply to the use of neon:

(1) Neon signs are permitted except in the Boundary Street District;

(2) Outlining of buildings, canopies, windows, and doors is prohibited.

14. Historic Signs

a. A historic sign is a sign that, by its construction materials, unusual age, prominent location, unique design, or craftsmanship from another period, makes a contribution to the cultural, historic, or aesthetic quality of the city's streetscape.

b. Signs are designated as historic signs by the City Council upon a favorable recommendation of the Historic District Review Board. The Council shall hold a public hearing before designating a sign a historic sign. Before designating a sign as a historic sign, the Council shall make a finding that all of the following conditions are met:

(3) The sign is at least 25 years old and has been at its present location for at least 25 years.

(4) The sign is an appurtenant graphic to the property, i.e., an on-premises sign that relates to the use of the property, as opposed to an off-premises billboard.

(5) The sign is structurally safe or is capable of being made so without substantially altering its historical significance.

(6) The sign is of exemplary technology, craftsmanship, or design of the period in which it was constructed; uses historic sign materials (wood, metal, or paint directly applied to buildings) and means of illumination (neon or incandescent fixtures); and is not significantly altered from its historic period. If the sign has been altered, it must be restorable and must be restored to its historic function and appearance.

(7) The sign is of extraordinary significance to the City.

c. Historic signs are exempt from the requirements of Section 9.5.

15. Master Sign Plan

a. Master sign plans are required for new development and existing multi-tenant development when the primary tenant proposes signage changes. The owner/manager of the multi-tenant center shall be responsible for preparing the master sign plan. For existing multi-tenant centers where there is no clear primary tenant, for example, when there are several tenant spaces of equal size, a master sign plan shall not be required but is highly encouraged. No permit shall be issued for development which requires a master sign plan until such plan has been reviewed and approved by the appropriate review authority.

b. No permit shall be issued for an individual sign requiring a permit unless and until a master sign plan for the lot has been reviewed and approved by the Historic District Review Board, the Design Review Board, or the Administrator, as appropriate. The submittal requirements for a master sign plan are as follows:

(8) A plan of the parcel indicating the size of the parcel and showing the proposed location of each present and future sign whether requiring a permit or not.

(9) A description of the existing and proposed signs including area, height, materials, coloring, and lighting.

c. If the owners of two or more contiguous parcels (disregarding intervening streets and alleys) file for a master sign plan and the master sign plan shows the parcels sharing one freestanding sign, a 25 percent increase in the area of the freestanding sign as permitted in subsection G.1.

d. The Master Sign Plan may contain such other restrictions as the owners of the parcels may reasonably determine. A master sign plan may be amended by filing a new master sign plan that conforms with all requirements of the ordinance then in effect.

e. After approval of a master sign plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this UDO.

f. The design, material, color, location, and illumination of signage shall be compatible with the overall design of the development.

g. Master sign plans for new development located in the Historic District shall be reviewed and approved by the Historic District Review Board. Master Sign plans for new development located outside the Historic District shall be reviewed and approved by the Design Review Board. Master sign plans for existing development shall be reviewed and approved by the Administrator. Individual sign permits that meet the requirements of this paragraph and the approved master sign plan shall be approved by the Building Official.

H. Beaufort Historic District Sign Guidelines

The requirements for this section apply to all non-residential districts located in the Historic District except for lots located in the Boundary Street Design District which are regulated by Section 7.2.G of this UDO.

1. Design Recommendations

a. Style of sign will not be restricted as long as in conformance with guidelines appropriate for each separate zone;

b. Signs which are designed to be historically appropriate shall not predate the facade to which they are applied. (For example, an early 1900's sign should not have a reproduction of a colonial or 1700's sign);

c. Numbers of colors shall not be restricted; however, color selection should compliment, but not necessarily match, the building in question as well as other buildings within the block;

d. Lettering styles and combinations shall not be restricted; and

e. Illuminated signs are permitted. Backlit signs are not allowed. Only shielded, incandescent external lights or concealed incandescent lighting will be allowed.

2. Placement of Signs

a. General Guidelines

(1) Signs should not obscure architectural details;

(2) Space on the building facade specifically designed to contain signage shall be the most appropriate location for signs; and

(3) Signs should be placed so as to be sensitive to signage of adjacent businesses; and

(4) The scale and proportions of the sign should take into account the scale and proportions of the building on which it is mounted; and

(5) Size of individual signs should be limited to the extent necessary to prevent them from obscuring or competing with other elements of the building.

b. Wall Signs

(1) Wall signs shall be confined to the flat, unadorned surface of facades that face a street, alley (i.e., a platted right-of-way), and/or the Henry C. Chambers Waterfront park. Wall signs shall only be permitted on facades of a building that face a public or private street unless the Historic District Review Board specifically approves signage on other facades. The size of any wall sign should be based on the proposed use of the building and be in proportion to the proposed use of the building; and be in proportion to the proposed use, placement, and visibility of the sign.

(2) Signs painted or applied directly to building surfaces shall be acceptable;

(3) Wall signs should be placed where they best complement the building. (For example, on blank expanses of wall or building areas clearly designed as potential sign locations, covered transoms, or broad plain fascias in the cornices). Such areas vary depending on the building's architectural style and/or date of construction;

(4) Wall signs mounted above or incorporated in the storefront cornice shall be acceptable;

(5) Wall signs mounted on building piers shall be acceptable but are required to be above flood zone; and

(6) Wall signs may extend not more than six inches from the building surface.

c. Window Signs

(1) Window signs should be located within 18 inches from the top or bottom frame of the display window; or

(2) Another acceptable location shall be where the centerline of the sign is five feet, six inches above the sidewalk.

d. Projecting Signs

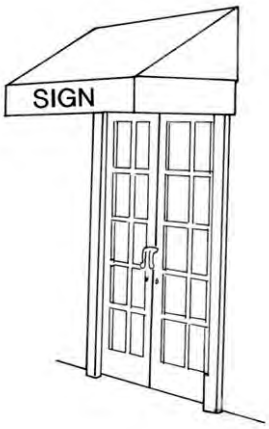
(1) Projecting signs shall be located no closer than 18 inches to a vertical plane at the street curb line;

(2) Projecting signs may extend not more than four feet from the surface of the building;

(3) Projecting signs shall maintain a minimum clearance of eight feet from the pavement of the sidewalk to the lowest point on the bottom of the sign;

(4) For multistory commercial architecture, sign brackets shall be mounted no higher than the sill of the second floor window; and

(5) For single-story buildings, signs shall be mounted so that the bottom of the sign is level with the top of the storefront opening; and



e. Awning and Canopy Signs

Awning and canopy signs shall be allowed on the valance area only. Signs which are painted or applied to the valance of awnings of canopies as shown in the illustration to the left.

f. Neon Signs

Neon signs displaying business name or logo only shall be allowed only within the interior of the building and shall not exceed 10 percent of window area or three square feet whichever is less per business. A sign may also display the word "open" provided it does not exceed two square feet in size. Product advertising signs located on the interior of the structure shall not be prominently visible from the street.

g. Easel Signs

a. Restaurants may have one easel sign displaying the menu. The easel sign structure shall not exceed 6 feet in height. The sign or message board on an easel sign shall not exceed 3.5 feet.

b. Easel signs shall not be located in a public or private street right-of-way.

c. Establishments shall only display easel signs when the establishment is open for business.

h. Special Considerations

In the Residential/Commercial zone the following sign locations shall be acceptable:

(1) Suspended between the porch posts;

(2) Mounted on or within the fascia board;

(3) Projecting from the porch post. Signs hanging from a residence shall be mounted no higher than twelve feet above ground; and

3. Size of Signs

a. Freestanding Signs

Freestanding Signs shall be subject to the following dimensional requirements:

Height, Max.	8 Feet
Sign Area per Side, Max.	5 Sq. Ft.
Distance from R.O.W.	18 Inches

For lots with more than one business, a directory sign that references all the businesses on the lot may be permitted. In general, the directory sign should not be higher than eight feet and should not exceed eight square feet per side. The Historic District Review Board may approve directory signs slightly higher and larger than those described herein based on unique site or building conditions.

b. Wall Signs

Area of Wall Sign per Building, Max.	1-1/2 Times Linear Frontage of Building
Height, Max.	24 Inches
Lettering Height, Max.	18 Inches
Sign Area, Max.	80 Sq. Ft.

c. Window Signs

(1) The ratio of sign to glass shall not exceed 25 percent of the total display window per fascia;

(2) Average lettering height shall not exceed six inches;

(3) Temporary promotional window signs are acceptable within the interior. These signs will not require review by the Historic District Review Board but the total ratio of all window signs to glass shall not exceed 25 percent of the display window; and

(4) Fluttering ribbons and banners and similar devices are prohibited.

d. Projecting Signs

(1) In the area bounded by Bay, Charles, Port Republic, and Carteret Streets, projecting signs shall not exceed five and one-quarter (5.25) square feet per side.

(2) On all other lots, the maximum area of projecting signs shall not exceed seven and one-half (7.5) square feet per side.

e. Awning and Canopy Signs

Lettering for awning and canopy signs shall not exceed nine inches in height and shall allow one and one-half (1.5) inches minimum space between edge of letter and top and bottom of valance.

f. Neon Signs
Neon signs shall not exceed 20 percent of the area of the display window.

4. Sign Materials

a. Inappropriate materials and finishes generally include: interior-grade wood, unfaced plywood, plastic substrates and unfinished wood;

b. Sign materials shall complement but not necessarily match the building's materials. (For example, hi-gloss plastic lettering would be acceptable for an enameled metal gas station, but not appropriate for a clapboard frame structure);

c. Sign brackets shall be constructed of painted wood or prefinished, prepainted metal. Guywires, if needed, shall be as inconspicuous as possible; and

d. Signs shall be mounted in such a way so as to minimize damage to historic materials. On masonry buildings bolts should extend through mortar joints and not through masonry units. On frame buildings mounting brackets and bolts should be the minimal amount necessary to assure adherence to the surface and prevent excessive wood penetration.

5. Number of Signs

a. Each lot shall be allowed one freestanding sign per street frontage if such sign can be set back from the edge of the street right-of-way (ROW) a minimum of eighteen inches, provided further that the sight clearance requirements of Section 7.5 are met.

b. Each tenant space shall be allowed two different fixed signs (i.e., freestanding, wall, projecting) per street frontage subject to the provisions in Section H.5.a above. If a freestanding sign is present on a street frontage, only one additional fixed sign per business shall be permitted on that street frontage. A third sign will be allowed if it is a window sign and in keeping Section 7.2H.3.c.

c. A building with more than one storefront shall have similar sign and mounting treatments so as to provide balance and unity to the building.

7.3 Landscaping and Tree Conservation

A. Findings and Purpose

1. Findings

a. The public and private benefits of trees and landscaping within the jurisdiction of the City include improving the appearance of and protecting the value of property; buffering incompatible land uses; mitigating the adverse impact of vehicular use areas; reducing the glare of headlights and reflected sunlight from parked vehicles; reducing noise; promoting air quality by increasing filtration of dust and fumes; mitigating harsh climatic conditions by absorbing heat and cooling the air; enhancing wildlife diversity by providing food, nesting sites, and shelter; reducing soil erosion; improving surface drainage and reducing flooding; and establishing and preserving scale and spatial identity.

b. The requirement of a high level of quality in the development of land is consistent with community standards and the economic necessity of maintaining the attractiveness of Beaufort as a desirable place to live and conduct business and as a retirement and tourist destination.

2. The purpose of this section is to:

a. Recognize the importance of trees and other landscaping and their contribution to health, welfare, beauty, safety, history and general well-being in all areas within the jurisdiction of the City;

b. Encourage the proliferation of trees and other landscaping as well as their replacement; and

c. Establish reasonable minimum standards governing the preservation, planting, protection and maintenance of trees and other landscaping.

B. Deviation from Standards

1. It is expressly the intent of this UDO that it be administered to meet the objectives of the minimum standards established by this section while promoting a positive relationship between the City and property owners based on mutual economic, ecological and aesthetic interests related to landscaping and tree conservation; employing open-minded judgment and common sense and encouraging and rewarding proper planning and effectiveness of design. It is expressly not the intent of this section that it be construed to limit severely the design process, stifle creativity or curtail imaginative solutions to design problems.

2. While compliance with the standards established by this section is required in connection with an application and while the standards are considered the minimum standards for obtaining any required approval, the standards shall be applied in a flexible manner and the Administrator may approve deviations from strict compliance with the standards wherever the Administrator reasonably determines that:

a. The particular nature of the property--its location, setting, size, shape, or physical characteristics, or other aspects of the property or its proposed use--substantially justifies some adjustment in the standards;

b. The intent of specific standards can be achieved on the site through alternative means or special design approaches; or

c. Methods volunteered by the applicant will effectively remediate or mitigate any potential adverse impacts.

C. Tree Removal Provisions

1. Exceptions

All sites and uses, public and private, in all zoning districts are subject to the tree removal provisions of this section, except:

a. Tree nurseries and tree harvesting in conjunction with bona fide commercial silviculture operations, provided, however, that all hardwood trees with a diameter at breast height (DBH) of 24 inches or greater, and all trees with a DBH of eight inches or greater within the required buffer outlined in this section, are subject to the tree removal provisions. Notice of tree harvesting shall in all events be given to the Administrator in advance of harvesting. Application for development on lots where tree harvesting has occurred will not be accepted for two years after the date of the permit for the tree harvesting or from the date of the tree harvesting if no permit was issued.

b. Bona fide agricultural operation including the tillage of land and cultivation of livestock, provided that all hardwood trees with a DBH of 36 inches or greater are subject to the tree removal provisions.

c. Subdivision of property.

d. Utility companies, governmental agencies, and city agencies in the course of constructing or maintaining easements or rights-of-way for water, sewerage, electricity, gas, drainage, telephone, or television if the applicable company or agency, within twelve months after the date of adoption of this UDO, 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 which 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, to do so in the manner which is most aesthetically and ecologically acceptable to the City;

(4) Provides for a consultation process with the City prior to the commencement of major construction or maintenance or the removal of any hardwood tree over 16 inches DBH; and

(5) Provides that a breach of such agreement constitutes a violation of this article and thus a loss of exemption from the tree removal provisions of this article.

e. Lots zoned Industrial Park, except that a permit is required to remove any trees over eight inches DBH within a required perimeter buffer.

2. Tree Removal; Waiver for Emergencies

a. No tree having a DBH of eight inches or greater, as measured at a height of four and one-half (4.5) feet above the ground, may be removed, limbed so

as to deprive the tree of continued viability, topped, or severely pruned unless a tree removal application shall have first been submitted to and approved in writing by the Administrator.

b. No tree, shrub, plants or landscaping structures or devices which were required as part of a previously approved landscaping and tree conservation plan may be removed or severely pruned without approval in writing from the Administrator.

c. 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 a above. 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.

d. Nothing in this UDO shall restrict normal tree maintenance by a property owner (including removal of dead wood and branches or limbs which endanger life or property). Utility companies shall comply with paragraph C.1.d. above.

3. Tree Removal in Conjunction with Development

If trees are to be removed in conjunction with the physical development of a site, the property owner may identify independently which trees will be removed (concurrence of the Administrator is not required, although the overall landscaping plan must still be approved and a building permit issued prior to any actual tree removal) with the following exceptions:

a. Approval is specifically required to remove any tree in the perimeter buffer areas, including in the buffer adjacent to any tidal areas, with a DBH of eight inches or greater. Preserved trees shall be counted toward the minimum tree conservation requirements of the buffers stated in paragraph E.3. However, approval is required to remove any of these trees independent of the requirements of paragraph E.3. Recognizing that the perimeter buffers lie outside of the buildable area the intent of this provision is to preserve as many of these trees as possible while allowing for access, reasonable visibility, and other uses permitted in the buffer area which practicably are best located within the buffer.

b. Approval is specifically required to remove any grand tree anywhere on the property. Reasonable design alternatives shall be explored to preserve these trees to the extent practicable, but where their preservation would prevent reasonable development of the site their removal shall be approved.

c. In exceptional cases where the Administrator determines that the species of a tree or grouping of trees is on an official state or federal list of threatened or endangered species then approval is specifically required for removal. Where the applicant can demonstrate that preservation of the tree or trees would prevent his intended use of the property then approval for removal shall be granted.

4. Criteria for Reviewing Applications for Tree Removal

Criteria to be considered in determining whether removal of a tree or trees is warranted are listed below. A favorable condition regarding one or more criteria may or may not justify removal; the administrator shall consider and weigh all pertinent criteria.

a. Species (giving greater weight to significant species), size, and health of the tree;

b. Overall tree coverage and landscaping of the site;

c. Constraints for reasonable development of the site including location of structures and vehicular use areas, proposed grade changes, surface water drainage, and utility installations;

d. Whether a hazard is presented to pedestrian or vehicular traffic;

e. Whether a hazard is presented to buildings, structures, or utility lines;

f. Cost and effectiveness of potential alternatives to tree removal;

g. Whether the tree contributes to meeting any of the landscaping and tree coverage requirements of this manual;

h. Whether the tree is damaged, diseased, dying, or dead; and

i. Good forestry practice.

D. Tree Planting Provisions

1. Tree Coverage Requirements for Overall Site

2. Significant Species

Significant species are deemed to be of especially high value. Preserving and planting significant species is encouraged. Trees included in this category are:

Significant Species	
Live Oak	*Quercus virginiana*
Southern Magnolia	*Magnolia grandiflora*
Sweet Bay	*Magnolia virginiana*
Tulip Poplar	*Liriodendron tulipi fera*
American Elm	*Ulmus Americana*
American Holly	*Ilex opaca*
Bald Cypress	*Taxodium distichum*
Pond Cypress	*Taxodium* Dist. *carnutans*
Spruce Pine	*Pinus glabra*
Loblolly Bay	*Gordonia lasianthus*
Palmetto Tree	Sabal palmetto

3. Tree Protection Zone Requirements

a. Maintaining open space around the base of a tree is one of the most important factors in promoting the health and longevity of the tree. The root system within the drip line is generally considered to be the critical root zone.

b. A permanent tree protection zone surrounding both preserved and planted trees shall be established to protect the critical root zone. This tree protection zone shall apply during the construction phase, as well.

c. Tree protection zones should vary according to the species, size, location, and health of a tree and be designed for maximum flexibility of shape and minimum effectiveness of size. However, where compelling information to the contrary regarding a particular tree in its particular setting is not available the minimum tree protection zones shall be established as follows:

(1) **For Existing Trees.** A circle with a radius of one-half foot for every inch of DBH or five feet, whichever is greater (the circle of protection may be offset as much as two-thirds of its total diameter).

(2) **For Newly Planted Trees**

(a) Understory tree: A circle with a radius of two feet.

(b) Overstory tree: a circle with a radius of three feet.

(3) **For Palmetto Trees.** A circle with a radius of two feet.

d. The size of the protection zone may be reduced, the shape adjusted, or other encroachments may occur within the zone where any of the following measures or techniques are deemed to sufficiently mitigate such a change and certified as acceptable by a certified arborist:

(1) Limb and root pruning;

(2) Fertilization;

(3) Aeration;

(4) Irrigation;

(5) Restoring the natural grade of the soil;

(6) Tree feeders;

(7) Porous paving materials;

(8) Tree well.

e. In general, tree wells are discouraged, but if they are used, a well should encompass at least half the area beneath the canopy of the tree and extend in every direction no less than half way from the trunk to the tree's dripline.

f. Prior to commencing construction or any site alterations a conspicuous four foot high barrier sufficiently prominent visually to prevent encroachment by people and vehicles shall be erected around the protection zone and approved by the Administrator. Barriers may be erected around groupings of trees, where feasible. Use of orange polyethylene safety fencing or a similar material is recommended. The barrier shall remain in place until the certificate of occupancy is issued.

g. Passive forms of tree protection - such as continuous rope or flagging - may be utilized to mark tree save areas which are remote from areas of land disturbance, if approved by the Administrator. Signage designating such areas shall be put in place.

h. No building materials, dirt, debris, oils, paints, or any other materials, equipment, or vehicles shall be placed or deposited within the protection area nor shall any trenching or paving be done within the protection area.

i. No change in grade shall be permitted within the tree protection zone except for a two-inch cut or two-inch fill of topsoil, sod or mulch.

j. Underground utility lines shall be routed around and away from tree protection zones. Necessary installation through protection zones shall be accomplished through tunneling rather than cutting open trenches (which sever tree roots).

k. Where machinery must pass within a tree protection zone during construction, approval shall be required from the Administrator. To protect tree roots from excessive compaction during construction, special cushioning measures may be required by the Administrator such as a heavy layer of chip mulch or pine straw or a "bridge" of boards.

l. Remedial site reclamation and tree care procedures (such as those mentioned in (d), above may be required at the reasonable discretion of the Administrator when encroachment or construction activity within protective zones has caused damage to either a tree or tree growing site. Any such treatment shall be in accordance with accepted International Society of Arboriculture practices. Such treatment shall occur prior to the issuance of a certificate of occupancy. At the discretion of the Administrator, the planting of additional trees may be required if trees are damaged or destroyed.

E. Landscaping Provisions

1. Landscaping Required

a. No development on a site subject to the landscaping requirements of this Section shall be commenced, erected, placed or otherwise occur on the site unless a landscaping plan shall have first been submitted to and approved in writing by the Administrator.

b. No building permit for development on a site subject to the landscaping requirements of this Section shall be issued without an approved landscaping plan.

2. Exceptions to Landscaping Requirements

All sites and uses, public and private, in all zoning districts are subject to the landscaping requirements of this section except those listed below:

a. Single-family and two-family residential sites.

b. Development or site alterations on an undeveloped or relatively undeveloped site and temporary uses when the development, alterations, or temporary use will not involve significant ground disturbance.

c. Subdivision of property.

d. Any site being operated as a licensed plant or tree nursery, for bona fide agricultural uses, or for bona fide commercial silviculture operations, provided, however, that development in connection with any building or parking lot on any portion of such site shall cause that portion of the site to be subject to the landscaping requirements. Applications for development on lots where tree harvesting has occurred will not be accepted for two years after the date of the permit for the tree harvesting or from the date of the tree harvesting if no permit was issued.

e. Lots zoned Industrial Park District. Lots zoned Industrial Park District are required to maintain or create a 25' side and 35' rear buffer when the lot adjoins a non-industrial district.

3. Perimeter Buffer Requirements

a. In General

Landscaped perimeter buffers shall be established along the front, side, and rear boundary lines of the parcel. The buffers shall be reserved for landscaping materials only, with exceptions noted herein. The purpose of the buffers is to soften the visual impact of development from the public view and from adjacent property. Additional purposes of the front buffer are to foster continuity among disparate developments, to create a sense of enclosure along the road, and to create a safe and pleasant corridor for pedestrians.

b. Front Buffer

(1) Front buffers shall be provided as listed below.

Design District	Required Buffer Width
S.C. 170 from S.C. 280 to Broad River Bridge	50 feet
S.C. 170 from S.C. 280 to U.S. 21; S.C. 280, S.C. 802	20 feet
U.S. 21 and Area-wide	15 feet
Ribaut Rd.	12 feet
Historic District, Lady's Island Village Center; Boundary Street	0 feet

(2) **Adjacent Use Buffers.** Where adjacent uses may be incompatible, additional buffers may be required, as set forth below. Where the buffer width in this table is in conflict with the table above, the greater buffer width shall be established.

District	Abutting Use or District	Buffer strip (min. width)
GR, MHP	R-1, R-2, R-3, GR, TBR, MHP	10 feet
OC	All Residential Districts	20 feet
CC	OC	6 feet
GC	All Residential Districts and NC and OC	20 feet
HC	All Residential Districts and NC and OC	50 feet
LI	All Districts	60 feet
NC	All Residential	12 feet
OC	TBR	6 feet

(3) At least one broad-leaved overstory tree shall be preserved or planted in, or in close proximity to, each side and rear buffer for every 80 linear feet of buffer or portion thereof. Irregular spacing is encouraged. In the event there are at least three existing cone bearing overstory trees, they may be counted to meet the requirements for one broad-leaved overstory tree. In cases where sufficient overstory tree coverage exists in the side or rear buffer on adjoining property, the requirements of the previous two sentences shall be appropriately reduced at the reasonable discretion of the Administrator.

(4) For gasoline service stations, one broad-leaved overstory tree or understory tree, at the option of the property owner, shall be required in addition to the requirements in (3) above for every 80 linear feet of side buffer or portion thereof.

(5) The Design Review Board or the Administrator, as appropriate, may vary or waive the front buffer requirements for outparcels in shopping centers when such buffers will work against the goal of creating a planned center with safe and efficient pedestrian and vehicular circulation and when the landscaping in such buffers will not substantially contribute to the aesthetic character of the area.

c. Front Buffer

Planting and tree conservation in the front buffer per 100 feet of frontage, or pro rata portion thereof, shall be as follows:

Design District	Planting Requirement
S.C. 170 from S.C. 280 to Broad River Bridge	4 broad-leaved overstory trees 10 understory trees 30 shrubs
S.C. 170 from S.C. 280 to U.S. 21; S.C. 280; S.C. 802	2 broad-leaved overstory trees 4 understory trees 25% shrub coverage
U.S. 21;Ribaut Rd.; Area wide	2 broad-leaved overstory trees 4 understory trees 25% shrub coverage

d. Use of Buffers

The buffers shall contain only vegetation except for the uses listed below:

(1) Habitable buildings located in zoning districts with building setbacks less than buffer widths, i.e. in the Core Commercial (CC) District buildings may be erected up to the property line, wherein little or no buffer would thus be established. Non-habitable structures and vehicular use areas (except for access as specified in (2) below), however, may not encroach into buffers;

(2) Vehicular access driveways which are placed approximately perpendicular to the buffer or driveways which are shared by adjoining parcels. Without being a requirement, use of vehicular access drives linking adjacent properties as alternative circulation to the roadway is strongly encouraged;

(3) Sidewalks and bicycle paths, provided, however, that they shall not be counted toward meeting the required landscaped area;

(4) Signage, lighting fixtures, and street furniture;

(5) Walls, fences, arbors, trellises, and sculpture;

(6) Utility and services lines.

e. On corner lots, or on lots with frontage on two or more streets, a primary frontage and a secondary frontage(s) may be established based on the importance of the frontage streets. On the street of primary importance, the minimum buffer width specified in Section E.3 shall be required. On the street(s) of secondary importance, the buffer width may be reduced up to one-half the width required by Section E.3 at the discretion of the Administrator. The primary/secondary street designation shall be the same for purposes of building setback, landscaping and signage.

f. Where site conditions are inappropriate for an overstory tree as reasonably determined by the Administrator, two understory trees may be substituted for one overstory tree.

g. Trees and shrubs shall not be pruned in any manner that would significantly diminish the desired softening character of the front buffer except in accordance with standard horticultural practice or except as required at driveway sight triangles. Trees shall not be limbed-up from the ground more than seven feet to the lowest branches except in accordance with standard horticultural practice or as required at driveway sight triangles.

h. Where buildings are placed within buffer areas (within certain zoning districts which allow for reduced or zero setbacks), the planting requirements may be reduced proportionately or eliminated depending upon the width of any remaining buffer.

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.

a. For lots of record less than one acre in size existing at the time of adoption of this section, a tidal area buffer averaging 40 feet in width shall be maintained. The minimum width of the buffer shall be 25 feet.

b. For lots of record greater than one acre in size existing at the time of adoption of this section and for lots created after the adoption of this section, a tidal area buffer averaging 50 feet in width shall be maintained. The minimum width of the buffer shall be 35 feet.

c. Paths, steps, decks, gazebos, yard sculpture and furniture, docks, erosion control devices (not stormwater ponds), and any other elements linked to the critical area which are permitted by OCRM are permitted in the tidal area buffer.

5. Screening Requirements Between Adjoining Uses

a. A screening structure shall be installed by the developer along or in close proximity to the property line when the proposed development is:

(1) A nonresidential use, including any loading area and any parking area, adjacent to either a residential use or vacant land in a residential zoning district;

(2) A multifamily development composed of three or more dwelling units per parcel or three or more attached dwelling units adjacent to either a single-family or two-family use or vacant land in a single-family zoning district; and

(3) A Manufactured Home Park composed of or planned for three or more mobile home units adjacent to any residential use except if located adjacent to other Manufactured Home residential use.

b. Screening structures shall be made of wood, finished masonry, or vegetation, shall stand at least seven feet in height; and shall have at least 90 percent opacity.

c. Although solid screening structures are generally preferred, the Administrator may approve a screen composed only of landscaping materials. Landscaping screens shall be evergreen. Plant materials selected shall be such that they are reasonably projected to reach at least seven feet in height and 90 percent opacity within four years. For the purpose of determining opacity the area bounded by the shrub at its projected size shall be deemed to be virtually 100 percent opaque, provided that appropriate dense plants are used.

d. If the proposed use is a mixed use, then determination of screening shall be based upon the more intensive use.

e. These provisions shall not apply where there is a public road located between the proposed and adjacent uses except where the road is located alongside the rear property line in the case of lots the opposite sides of which both front on roads.

6. Parking Area Screening Requirements

a. All parking areas shall be screened from the road with shrubbery, walls, fences, berms, drop in grade or some combination. These devices shall be installed so as to screen the parking from the road along the front buffer and along the side buffer adjoining the parking lot. The required screening may be satisfied either with a shrub coverage of 50 percent in these buffers using shrubs projected to reach three and one-half (3.5) feet in height or with some combination of shrubs, walls, etc. which achieves a minimum 50 percent opacity up to a height of three and one-half (3.5) feet;

b. Within the Beaufort Historic District the screen shall be four and one-half (4.5) feet in height and achieve a minimum opacity of 90 percent;

c. It is preferable to screen with groupings of shrubs rather than a regular hedge except within the Beaufort Historic District and in other pedestrian oriented areas;

d. Shrubbery used for screening of parking lots shall comply with the following:

(1) Shrubs shall be at least two and one-half (2.5) feet in height and three and one-half (3.5) feet in height in the Beaufort Historic District at installation and projected to reach the required height within four years.

(2) Shrubs shall be dense in form unless used in sufficient groupings as reasonably determined by the Administrator.

(3) At least two-thirds of the shrubs shall be evergreen.

e. For the purpose of determining opacity, the area bounded by the shrub at its projected size in three years shall be deemed to be practically 100 percent opaque provided that appropriate dense plants are used; and

7. Parking Area Interior Landscaping Requirements

a. No parking space shall be further than 55 feet from the trunk of a broad-leaved overstory tree. Coniferous trees shall not be substituted.

b. Landscaped peninsulas and medians shall be established as follows:

(1) Landscaped Peninsulas. Landscaped peninsulas measuring at least six feet by 18 feet shall be established parallel to parking spaces and at the end of the parking aisle in order to separate the last space from any adjacent driveways. At least 1 tree shall be provided within each terminal island. All tree planting areas shall have a minimum width of 7 feet. The number of continuous parking spaces in a row not interrupted by a landscaped peninsula shall not average more than 10 over the entire parking lot and shall not be greater than 12 in any one place.

(2) Landscaped Medians. With respect to parking spaces on the interior of parking lots, a landscaped median at least four feet wide shall be installed between all "head-to-head" parking.

(3) Shrub coverage in the medians and peninsulas shall be at least 50 percent.

(4) Any on-site driveway leading to a parking area but not providing direct access to parking spaces within that parking area shall be separated from the parking area by a landscaped median with a protected width at least six feet wide and have at least 50 percent shrub coverage.

c. Wheel stops shall be provided in all parking facilities to protect landscaped areas.

d. At least one delineated pedestrian crossover should be placed in each median or as needed according to expected pedestrian circulation from parking areas to buildings.

8. Foundation Bed Requirements

a. One Story Buildings

For buildings that are one story in height, foundation beds with at least three feet of width and that are protected from overhanging vehicles shall be established along sixty-six and two-thirds (66.67) percent of the length of the front and 50 percent of the length of each side of all primary buildings in order to separate those buildings from any vehicular use areas or other paved areas. The front foundation buffer shall have a shrub coverage of at least sixty-six and two-thirds (66.67) percent and the side foundation buffers shall have a shrub coverage of at least 50 percent. Trees, flowers, or other plant materials shall be permitted as an alternative.

b. Buildings Greater than One Story

For buildings greater than one story in height, foundation beds that are protected from overhanging vehicles shall be established along sixty-six and two-thirds (66.67) percent of the length of the front and 50 percent of the length of each side of all primary buildings in order to separate those buildings from any vehicular use areas or other paved areas. Foundation beds shall have a width of at least 10 percent of the height of the building with a minimum width of 3 feet and a maximum width of 12 feet. The front foundation buffer shall have a shrub coverage of at least sixty-six and two-thirds (66 .67) percent and the side foundation buffers shall have a shrub coverage of at least 50 percent. Trees, flowers, or other plant materials shall be permitted as an alternative.

c. Sidewalks and handicap ramps may be placed between the foundation bed and the building.

9. Mechanical and Trash Facility Screening Requirements

Mechanical equipment and trash facilities shall be screened in accordance with Section 6.6.F.

F. Procedures for Application and Approval of Plans

All landscaping plans shall be submitted to the Administrator.

1. The Administrator shall submit all landscaping and tree conservation plans for new development located inside the Beaufort Historic District as defined in Section 4.9.C. to the Historic District Review Board for review and approval.

2. The Administrator shall review and approve, if appropriate, all other landscaping and tree conservation plans not covered in section above.

G. Installation and Maintenance

1. General Requirements

a. Trees planted shall be botanically compatible with local conditions, healthy, and disease and pest free. Plant materials shall conform to the standards established by the American Association of Nurserymen in the "American Standard for Nursery Stock".

b. Irrigation shall be required in all new development unless the Administrator specifically waives this requirement based on the unique character of the development and/or the nature of the proposed plant material. Irrigation is encouraged in existing development.

c. Landscaping shall be maintained in good condition and shall be kept free from refuse and debris.

d. Minimum sizes of trees and shrubs installed pursuant to the requirements of this manual are as follows:

(1) Overstory trees: Two caliper inches and 10 feet high.

(2) Understory trees: One caliper inch and six feet high.

(3) Shrubs: Reasonably projected to grow to maturity (i.e., to meet specific size or coverage requirements) within three years unless otherwise specified herein.

e. Existing healthy shrubs and trees may be used to satisfy any requirements herein. However, overstory trees shall measure at least two DBH and understory trees at least one DBH to be counted.

f. Any particular planting requirement shall be proportionately reduced where existing plant materials are of sufficient sizes and forms to satisfy the requirement.

g. The Administrator shall review particular plant selections and landscape designs to assure satisfaction of specific standards or objectives of the article or this manual.

h. Use of existing vegetation, native plants, drought tolerant plants, and water conserving irrigation techniques is encouraged. Preservation of tree save areas is encouraged and generally favored over preservation of scattered individual trees.

i. Prior to the issuance of a certificate of occupancy, the applicant shall provide for the establishment of permanent grass. If the time of year is inhospitable to the establishment of permanent grass, then sod shall be installed and the project shall be bonded in the manner described in Section 7.3G.6.a

j. The applicant shall conduct an environmental analysis of the property briefly describing the species that are present and any unique characteristics of the site

k. Where understory trees are specified, preserved or planted, broad-leaved overstory trees may be substituted on a one-to-one basis to satisfy the requirement.

l. In conjunction with any development, ground cover shall be planted or mulch installed to a depth of three inches on all portions of exposed bare ground not otherwise developed or landscaped. Ground covers shall provide 75 percent coverage within one calendar year from the time of planting for grass and 50 percent coverage within one calendar year for other materials.

m. All earthen drainage structures including ditches and ponds shall be sodden or covered with erosion resistant landscaping materials.

n. Landscaping shall not obstruct the view of motorists using any road or driveway as specified elsewhere in this ordinance.

o. Locations for trees and tree species and numbers of trees shall be selected in order that the trees shall not interfere with utility lines or services or with existing or planted trees once the trees mature.

p. Irrigation will be required for all new planting unless specifically exempted by the Administrator based on the type, amount, location, and/or timing of the proposed plantings.

2. Preservation of Topsoil

The following provisions shall apply unless otherwise approved by the Administrator:

a. Original topsoil must be utilized as topsoil in any areas that remain pervious.

b. When a site is graded, the topsoil being removed from the ground shall be stored on site and repositioned as topsoil in the pervious areas of the site as needed in those areas.

3. Replacement Planting and Mitigation

a. Replacement planting of trees or other landscaping features or other appropriate mitigation measures shall occur in the following situations:

(1) Where any vegetation used to comply with the requirements of this section, does not survive in a healthy condition. For trees this requirement is for two years; for other vegetation this requirement is for twelve months.

(2) Where the Administrator approves removal of trees or other landscaping features which were counted toward meeting a specific requirement of this section or this manual including, for example, required ACI and plantings in buffer areas.

(3) Where the Administrator approves removal of trees or other landscaping features on nonconforming property where any nonconformity will increase as a result of the removal, e.g. where the property does not meet the ACI requirement and the removal of a diseased tree is approved.

(4) Where any trees or other landscaping features are removed or impacted in violation of this UDO.

b. The Administrator may require replacement planting for approved removal of grand trees or endangered species in conjunction with development.

c. Where replacement planting is required the total caliper inches of replacement trees shall equal at least one-third of the total DBH of the trees to be removed. However, where replacement planting is required as a result of a violation of this UDO, the total caliper inches of replacement trees shall equal at least 100 percent of the total DBH of the trees that were removed.

4. Tree Lists

The following commonly found species of tree are listed by category: broad-leaved overstory, cone-bearing overstory, or understory. The lists are not exhaustive and applicants are not required to select species found on these lists.

a. Broad-Leaved Overstory Trees

Broad-Leaved Overstory Trees	
American Beech	*Fagus grandifolia*
American Elm	*Ulmus americana*
American Sycamore	*Platanus occidentalis*
Ashleaf Maple	*Acer negundo*
Black Oak	*Quercus velutina*
Black Gum	*Nyssa sylvatica*
Eastern Cottonwood	*Populus deltoides*
Honeylocust	*Gleditsia triancanthos*
Laurel Oak	*Quercus laurifolia*
Live Oak	*Quercus virginiana*
Pecan	*Carya illinoensis*
Pignut Hickory	*Carya glabra*
Pumpkin Ash	*Fraxinus profunda*

Broad-Leaved Overstory Trees	
Red Maple	*Acer rubrum*
Shumard Oak	*Quercus shumardii*
Southern Magnolia	*Magnolia grandiflora*
Southern Red Oak	*Quercus falcata*
Swamp Chestnut Oak	*Quercus michauxii*
Sweet Gum	*Liquidamber styraciflua*
Water Tupelo	*Nyssa aquatica*
White Oak	*Quercus alba*
Willow Oak	*Quercus phellos*

b. Cone-Bearing Overstory Trees

Cone-Bearing Overstory Trees	
Bald Cypress	*Taxodium distichim*
Loblolly Pine	*Pinus taeda*
Long Leaf Pine	*Pinus palustris*
Pond Cypress	*Taxodium distichum nutans*
Pond Pine	*Pinus serotina*
Slash Pine	*Pinus elliottii*
Short Leaf Pine	*Pinus echinata*
Spruce Pine	*Pinus glabra*

c. Understory Trees

Understory Trees	
Allegheny Chinkapin	*Castanea pumila*
American Holly	*Ilex opaca*
American Plum	*Prunus americana*
Bigleaf Snowbell	*Styrax grandifolia*
Bitternut Hickory	*Carya cordiformis*
Black Cherry	*Prunus serotina*
Black Willow	*Salix nigra*
Blackjack Oak	*Quercus marilandica*
Bluejack Oak	*Quercus incana*
Buckthorn Bumelia	*Bumelia lycioides*
Cabbage Palmetto	Sabal palmetto
Carolina Ash	*Fraxinus caroliniana*
Carolina Basswood	*Tilia caroliniana*
Carolina Buckthorn	*Rhamus caroliniana*
Carolina Laurelcherry	*Prunus caroliniana*
Carolina Silverbell	*Halesia carolina*
Chickasaw Plum	*Prunus augustifolia*
Coastal Plain Willow	*Salix caroliniana*
Common Hoptree	*Ptelea trifoliata*
Common Persimmon	*Diospyros virginiana*
Common Sweetleaf	*Symplocus tinctoria*
Crepe Myrtle	*Lagerstroemia indica*
Dahoon Holly	*Ilex cassine*
Eastern Coralbean	*Erythrina herbacea*
Eastern Hophornbeam	*Ostrya virginiana*
Eastern Redbud	*Cercis canadensis*
Eastern Red Cedar	*Juniperus virginiana*
Flatwoods Plum	*Prunus umbellata*

Understory Trees	
Florida Basswood	*Tilia floridana*
Florida Maple	*Acer barbatum*
Flowering Dogwood	*Cornus florida*
Fringetree	*Chionanthus virginicus*
Green Ash	*Fraxinus pennsylvanica*
Hercules Club	*Anthoxylum clava-herculis*
Ironwood	*Carpinus caroliniana*
Littlehip Hawthorn	*Crataegus spathulata*
Loblolly Bay	*Gordonia lasianthus*
Mockernut Hickory	*Caryatomentosa*
Myrtle Oak	*Quercus myrtifolia*
Overcup Oak	*Quercus lyrata*
Parsley Hawthorn	*Crataegus marshallii*
Pawpaw	*Asimina triloba*
Planer Tree	*Planera aquatica*
Possumhaw Holly	*Ilex decidua*
Post Oak	*Quercus stellata*
Red Buckeye	*Aesculus pavia*
Red Mulberry	*Morus rubra*
Redbay	*Persea borbonia*
River Birch	*Betula nigra*
Hickory	*Carya pallida*
Sassafras	*Sassafrass albidum*
Sourwood	*Oxydendrum arboreum*
Southern Bayberry	*Myrica cerifera*
Southern Crab Apple	*Malus angustifolia*
Southern Red Cedar	*Juniperis silicicola*
Sparkleberry	*Vaccinium arboreum*
Sugarberry	*Celtis laevigata*
Swamp Cotton wood	*Populus heterophylla*
Sweetbay	*Magnolia virginiana*
Tough Bumelia	*Bumelia tenax*
Turkey Oak	*Quercus laevis*
Water Hickory	*Carya aquatica*
Water Oak	*Quercus nigra*
Waterlocust	*Gleditsia aquatica*
Witch Hazel	*Hamamelis virginiana*
Yaupon Holly	*Ilex vomitoria*

5. Shrubbery Customarily Used For Screening

The following evergreen shrubs are considered appropriate for screening but the developer is not required to select species from this list.

Screening Shrubs	
Sasanqua	*Cammellia sasanqua*
Yaupon Holly	*Ilex vomitoria*
Chinese Mahonia	*Mahonia fortunei*
Nandina	*Nandina domestica*

Screening Shrubs	
Pittosporum	*Pittosporum tobira*
Podocarpus	*Podocarpus macrophyllus*
Indian Hawthorne	*Raphiolepis indica*
Cleyera	*Ternstroemia gymnanthera*
Laurestinus	*Viburnum tinus*
Japanese Viburnum	*Viburnum macrophyllum*
Elaeagnus	*Elaeagnus pungens*
So. Indica Azalea	*Azalea indica*
Burford Holly	*Ilex cornuta* "Burfordi"
Wax Myrtle	*Myrica cerifera*
Fatsia	*Fatsia japonica*
Florida Anise	*Illicium floridanum*
Pfitzer Juniper	*Juniperus chinensis* "pfitzeriana"
Wax Leaf Ligustrum	*Ligustrum japonicum*
Oleander	*Nerium oleander*
Breath-of-Spring	*Lonicera fragrantissima*
Loropetalum	*Loropetalum chinense*
Juliana Barberry	*Berberis julianae*
Hedge Bamboo	*Bambusa multiplex*
Bay Laurel	*Laurus nobilis*
Banana Shrub	*Michelia figo*
Sweet Myrtle	*Myrtus communis*

6. Landscaping Installation and Guarantee

a. No certificate of occupancy for any development on a site subject to the landscaping and tree conservation requirements of this UDO 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 percent 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 or nurseryman using prevailing material and labor costs.

b. The life of the guarantee shall not exceed twelve months. If the approved landscaping is not properly installed within twelve 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.

c. A maintenance bond (in the form of a cash performance guarantee) equal to 20 percent 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 or nurseryman using prevailing labor and costs, shall be held for a period of one year following completion of landscape installation.

d. The maintenance bond 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 diseased, the landowner shall be responsible for its replacement prior to release of the bond. Where replacement landscaping is required, and such landscaping exceeds 25 percent of the required project landscaping, the maintenance

bond shall be held one additional year to ensure successful installation of the replacement landscaping.

7. Trimming or Pruning of Trees

Severe trimming, pruning or other maintenance that results in significant alteration of the natural shape of a tree or modification of the central leader (including "lollipopping," "hat-racking" or similar techniques) is prohibited, except in conjunction with public utility maintenance.

7.4 Planned Unit Development (PUD) Standards

A. Purpose Statement

The purpose and intent of the PUD Districts is to encourage the design of a more complete and sustainable environment consistent with the City's Comprehensive Plan through the application of imaginative approaches to community design that allows and encourages mixed uses, design flexibility, pedestrian-oriented development and interconnectivity among uses, sensitivity to the natural environment and natural features, and the coordination of development with the adequacy of public facilities.

B. Permitted Developments

Any planned large-scale development which meets the provisions of this chapter and which is considered by the Planning Commission and the City Council for a PUD classification may be so classified. Examples might include areas proposed principally for large-scale development in industry, commerce, housing areas proposed for preservation for recreational, historical, conservation, agricultural, or flood control purposes; areas to be utilized for specialized purposes such as recreational resorts, as well as educational, civic, governmental, transportation or military complexes.

Approved PUD Districts may be areas of mixed land use so long as the land use patterns conform to the plans adopted as the zoning regulations for that particular district and to the provisions of subsection (e) below.

C. Permitted Uses

Any use proposed by the developer and considered by the City Council as being compatible to other nearby uses within and without the district in keeping with the intent of the particular PUD district may be permitted in such district upon approval by the City Council. A listing of permitted uses within a particular PUD district shall be adopted as part of the regulations applying to that district. The developer shall prepare a list of proposed uses for submission with this application. After approval by the City Council, the list, or portions thereof, approved by the aforementioned bodies shall be adopted as part of regulations applying to that particular PUD district. Thereafter, the uses permitted in the district shall be restricted to those listed, approved and adopted according to procedures set forth therein.

D. General Design Criteria and Development Standards

1. Overall site design should be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes and street patterns, and use relationships. Variety in building types, heights, facades, setbacks, and size of open spaces shall be encouraged.

2. Densities per acre for residential dwelling units and yard and other dimensional requirements for each PUD district may be set by the City Council upon recommendation of the Planning Commission.

3. Parking, loading and other requirements for each PUD district may be set by the City Council upon recommendation of the Planning Commission. The standards of Section 7.5 shall serve as a general guide to such requirements for uses proposed for location in a PUD district.

4. Where development abuts at separate single-family residential districts, buildings and activities, other than single-family dwellings and two-family dwellings, must be

set back a sufficient distance from the separating property line or district boundary line, not less than 30 feet for multifamily residential, public or institutional uses or 50 feet for commercial or industrial uses. The distances separating all buildings and activities surrounding residential districts should, in fact, be great enough to constitute a reasonable buffer. Loading docks and truck maneuvering areas and terminals, where possible, should be further removed from residential lot lines than buildings. Property lines abutting residential districts must be screened by a permanent attractive planting screen, wall or fence in a buffer strip not less than seven feet in height and sufficient to screen out excessive sound and view from the residential areas, except where one- and two-family dwellings within the PUD district are on property immediately adjoining multifamily dwellings or townhouses in a residential district. In addition, all storage yards or outdoor display spaces must be enclosed with a planting screen, wall, or fence to a height of at least seven feet, including gates or exit points.

5. Within a PUD district, the design should include buffers suitable for screening residential areas from institutional, commercial or industrial uses when a danger of incompatibility appears to exist.

6. Lighting facilities shall be arranged in a manner which will protect the highway and neighboring properties from direct glare or hazardous interference of any kind.

7. The maximum illumination at a property line with an abutting residential use shall not exceed 0.2 footcandles. On abutting non-residential properties or public streets the maximum illumination at the property line shall be 5 footcandles. Where residential is across a street, the maximum illumination at the use's boundary shall be 2 footcandles.

8. Sign requirements may be set by the City Council, following recommendation by the Planning Commission.

9. In PUD districts, areas used for parking and loading or for traffic ways shall be physically separated from public streets by suitable barriers against unchanneled motor vehicle ingress or egress. Accessways shall generally conform to standards set forth in Section 8.2E, with the following exceptions: Shopping centers, other individual commercial, industrial, institutional and multifamily uses shall have not more than two access points to any public street, unless unusual circumstances demonstrate the need for additional access points. Where possible, all access points to a public street from shopping centers, other individual commercial, industrial, institutional and multifamily uses shall be located at least 100 feet from the intersection of any street lines and shall be designated in a manner conducive to safe ingress and egress.

10. A minimum of 20 percent of the gross area of the proposed development shall be open space. All open space areas shall be held in common for the enjoyment of the residents of the development or dedicated to the City for the use and enjoyment of the general public.

a. A minimum of one-half of the required open space area shall be improved for passive and/or active recreational use.

b. Required open space shall be in addition to any required landscape, buffer, or setback areas required for individual uses within the development, with the exception of the 25-foot buffer surrounding the Planned Unit Development, which may be counted as open space.

7.5 Off-Street Parking and Loading Standards

A. Off-Street Parking

Areas suitable for parking or storing automobiles in off-street locations shall hereafter be required in all districts at the time of the initial construction of any principal building; or when a structural alteration or other changes in a principal building produces an increase in dwelling units, guest rooms, floor area, seating or bed capacity, or when a conversion in use occurs. Off-street parking spaces shall have access to a street or alley, and shall be provided and maintained in accordance with the following minimum requirements, except as provided in Section B.

USE TYPE	PARKING REQUIREMENT
RESIDENTIAL USES	
Single-Family	2 per dwelling unit
Two-Family	2 per dwelling unit
Townhouse	2 per dwelling unit
Manufactured Home	1 per home
Multi-Family	1 per efficiency 1 per one bedroom unit 1.75 per two bedroom unit 2 per 3+ bedroom units
Upper Story	None
Group dwellings	1 per three bedroom
NONRESIDENTIAL USES	
Assembly	1 per 5 seats (fixed seats) 1 per 300 square feet (without fixed seats)
Child Care Centers	1 per 10 children
College/ University	1 per 4 students
Elementary School	1 per 10 children
Professional/General Offices	1 per 300 square feet
General Commercial/ Retail	1 per 300 square feet
General Industrial	1 per 750 square feet
Government Buildings	1 per 300 square feet
High School	1 per classroom and administrative office, plus 1 per 10 seats
Hospital/ Clinics/ Nursing Homes	1 per 2 beds, plus 1 per staff, plus 1 per 4 employees
Overnight Guest Accommodations	1 per room
Medical Offices	1 per 300 square feet
Night Clubs/ Lounges/ Bars	1 per 4 seats, plus 1 per 2 employees
Restaurants/ Cafes	1 per 4 seats, plus 1 per 2 employees
Theaters	1 per 4 seats, plus 1 per 2 employees
Warehousing/ Storage	1 per 2,000 square feet
Wholesale Business	1 per 2,000 square feet

B. District-Specific Parking Modifications

In the Core Commercial (CC) District, all nonresidential uses except for Motels/Hotels/Extended Stay Guest Accommodations shall be exempt from these off-street parking requirements. Where such uses elect to provide off-street parking, it shall meet the design requirements of this Section.

C. Parking Design Standards

1. Off-street parking spaces shall be at least nine feet wide, and at least 18 feet long, exclusive of access or maneuvering space.

2. Except for single-family and duplex dwellings, parking lots shall be marked as appropriate to provide for safe and efficient parking and for traffic and pedestrian circulation. Parking spaces up to the minimum number of spaces required by this section may be paved with asphalt or concrete. Parking spaces over the minimum of that required by this section shall be of pervious material.

3. The maximum number of surface lot parking spaces shall be no more than 140 percent of the required minimum number of spaces. For buildings with a footprint greater than 60,000 square feet, the maximum number of surface lot spaces shall be no more than 125 percent of the minimum number of spaces. This section shall not apply to lots zoned Industrial Park District.

D. Location on Other Property

If the required automobile parking space cannot reasonably be provided on the same lot on which the principal use is conducted, such spaces may be provided on other off-street property provided such property lies within 400 feet of the main entrance to such principal use. Such parking space shall be measured along the street right-of-way line. Such automobile parking space shall be permanently associated with the principal use and shall not thereafter be reduced or encroached upon in any manner. The applicant shall demonstrate through the use of a property deed, contract, covenant, easement or some other means acceptable to the Administrator that the offsite parking spaces will be provided in perpetuity.

E. Adjustments to Required Parking

1. The Administrator, with a recommendation from the Historic District Review Board or the Design Review Board as appropriate, may grant a reduction in the parking requirements set forth in this section in the following cases:

a. Where uses in the same or adjoining development, having different peak hour demand, seek to share parking. The applicant must submit to the Administrator an analysis and substantiated projections of peak parking demand for the entire development to justify the shared use of parking spaces for separate uses.

b. Where the special nature of a certain development (e.g., industrial uses, special types of housing projects inhabited by persons with low or no automobile ownership) does not require the amount of parking listed in Section 7.5.A.

c. Where fewer parking spaces are needed due to special designs and traffic mitigation measures incorporated in the parking lot design and circulation plan.

2. The Administrator and the review board as appropriate, shall consider the following in determining whether a reduction is warranted:

a. The likelihood that the reduced number of parking spaces can satisfy demand. For buildings with a footprint greater than 60,000 square feet, the maximum number of surface lot spaces shall be no more than 125% of the minimum number of spaces.

b. The amount of time during the year when the number of spaces provided may be insufficient and the amount of resulting parking overflow.

c. The impact of periodic overflows upon the public streets and other parking facilities.

d. The nature of surrounding land uses, character of surrounding road system, and nearby circulation pattern.

3. In all cases, the burden to demonstrate that a reduction in parking requirements is warranted shall rest with the applicant.

F. Use of Public Rights-Of-Way for Maneuvering

When determining parking area requirements for individual uses, unpaved portions of the public rights-of-way on minor streets may be considered as permissible for maneuvering incidental to parking. On major streets, parking facilities shall provide space outside the public rights-of-way for maneuvering incidental to parking.

G. Off-street Loading and Unloading Spaces

Except in the CC commercial core area, every lot on which a business, trade, industry, residential use or mobile home park containing 10 or more units is hereafter established shall provide space as indicated herein for the loading and unloading of vehicles off public rights-of-way. Such space shall be designated on the site plan and shall have access to an alley or if there is no alley, to a street. For the purpose of this section, an off-street loading space shall have minimum dimensions of twelve feet by 40 feet and be clear and free of obstructions at all times. Required space shall be provided as follows:

Square Feet of Gross Floor Area in Structures	Number of Spaces
0– 25,000	1
25,001– 40,000	2
40,001–100,000	3
100,001–160,000	4
160,001–240,000	5
Each additional 100,000	1 additional

1. Any residential use or mobile home park consisting of 10 or more dwelling units: One space.

2. All uses, whether specified in this chapter or not, shall provide off-street loading areas sufficient for their requirements. Such space shall be adequate so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street, walk, alley or way.

3. Required off-street loading and unloading areas shall in all cases be located on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be considered as part of the area provided to satisfy off-street parking requirements as listed herein.

4. The provisions of this Section can be waived by the Administrator for lots proposed for office or commercial uses (except grocery or beverage stores), where the size of each existing or proposed building on the lot is less than 25,000 square feet. The Administrator shall consider the following when evaluating a waiver of the off-street loading requirement: the total square footage of all existing and proposed uses on the lot; the type of uses existing and proposed on the lot; and the proposed method of deliveries for existing and proposed uses on the lot.

H. Parking, Storage or Use of Campers or Other Major Recreation Equipment

No major recreational equipment shall be parked or stored in any residential zoning district in a manner which poses a nuisance or constitutes a hazard, provided however that such equipment may be parked anywhere on residential premises for a period not to exceed 12 hours during loading or unloading. Such equipment shall observe all setbacks, yard, and other requirements set forth within the residential districts in which they are located. Parking or storage of recreational equipment shall not be permitted in any residential district between the street and the building face. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such uses.

I. Parking and Storage of Certain Vehicles

1. Automotive vehicles, trailers, or vehicles of any kind or type, requiring licenses, but without current plates, shall not be parked other than in completely enclosed buildings.

2. In residential districts, unlicensed vehicle restoration is permitted, provided the vehicles undergoing restoration or used for parts shall either be covered by a commercially manufactured opaque automobile cover in serviceable condition or stored in an enclosed building. Not more than one vehicle per premises for either renovation or parts may be screened by use of a cover. The other vehicle must be in an enclosed building. The cover shall be securely fastened to the vehicle. The vehicle screened by use of a cover must be registered with and a permit obtained for a three-year period from the Codes Enforcement Office. There shall be no limit on renewal of the permit. Commercial repairs and/or restoration of vehicles shall only be conducted in the appropriate zoning districts.

3. Trucks, tractors or tractor-trailers having a capacity of more than a one-and-one-half-ton load, front- and rear-end loaders, or any kind of commercial, industrial, agricultural and transportation vehicles/equipment used primarily for business purposes, shall not be parked or stored on or about any residential district within the City for purposes other than unloading, loading or delivery services. Automobiles, small trucks, vans, vehicle trailers permitted in conjunction with an

approved home occupation (one per home occupation), and recreational vehicles, utilized for personal or business use, are excluded from the provisions of this section.

4. Portable cargo or freight storage containers in any district for purposes of loading or unloading, for a period not to exceed 10 days.

7.6 Sight Clearance

A. Objects in the Right-of-Way

No fence, wall, planting or other objects other than ground cover shall be permitted in front yards within the street right-of-way without first obtaining the necessary encroachment permits.

B. Sight Triangles

1. Sight triangle easements shall be required and shall include the area on each street corner that is bounded by the line which connects the sight or "connecting" points located on each of the right-of-way lines of the intersecting street.

2. No structure or plantings (at mature growth) which exceed 3 feet in height above the street grade shall be permitted within the sight triangle. Exceptions are permitted for trees if the lower canopy of the trees allows a clear line of sight between 3 feet and 7 feet above the street grade and the trunks of such trees are sufficiently spaced or are so located as to be unlikely to substantially interrupt the line of sight.

3. A public right-of-entry shall be reserved for the purpose of removing any object, material or otherwise, that obstructs the clear sight. The distances shown below between the connecting points and the intersection of the right-of-way lines shall be required.

4. Sight triangles shall be measured at the edge of the right-of-way and shall have the dimensions shown in the following table.

Required Sight Distance (in feet)	Lane/Cul-de-sac/ Local Access	Subcollector	Collector	Minor Arterial	Major Arterial
Major Arterial	50/35	50/45	50/50	50/50	50/50
Minor Arterial	45/30	45/40	45/45	45/45	
Collector	40/30	40/40	40/40		
Subcollector	35/25	35/35			
Lane/ Cul-de-sac/ Local Access	25/25				

NOTE: first number is requirement along street in left rows; second number is along street in top columns.

7.7 Stormwater

A. Purpose

The purpose of these standards is to control the adverse effects of post development stormwater runoff and nonpoint and point source pollution associated with new development and redevelopment. This division seeks to meet this purpose by fulfilling the following objectives:

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

B. Applicability

1. Exemptions

The standards established in this Section shall apply to all proposed development within the City, except for the following exemptions:

a. Any maintenance, alteration, renewal use or improvement to an existing drainage structure as approved by the Administrator which does not create adverse environmental or water quality impacts and does not increase the temperature, rate, quality, or volume or location of stormwater runoff discharge;

b. Development where adequate drainage exists of fewer than four residential dwelling units that are not part of a phase of a larger development, not involving a main drainage canal;

c. Site work on existing one-acre sites or less where impervious area is increased by less than two percent;

d. Site work on existing one-acre sites or less where impervious area is increased by less than two percent, and any earthwork that does not increase runoff and/or eliminate detention/retention facilities and/or stormwater storage or alter stormwater flow rates or discharge location(s);

e. Agricultural activity not involving relocation of drainage canals; or Work by agencies or property owners required to mitigate emergency flooding conditions. If possible, emergency work should be approved by the duly appointed officials in charge of emergency preparedness or emergency relief. Property owners performing emergency work will be responsible for any damage or injury to persons or property caused by their un-authorized actions. Property owners will restore the site of the emergency work to its approximate pre-emergency condition within a period of 60 days following the end of the emergency period.

2. Golf courses

Golf courses are required to comply with the latest version of Beaufort County's Manual for Stormwater BMPs and all site runoff volume and water quality control and drainage planning and design requirements. However, both golf courses and private lagoons shall be exempt from the flood control requirements of BMP manual Control Design, subject to clear demonstration by the design engineer that no damaging flooding will occur during the 100 year/24-hour storm and that all other safety concerns are addressed.

3. Private Drainage Systems Not City Responsibility

Where private drainage systems and easements have been previously approved as private facilities, prior to September 11, 2012, as well as all new development and redevelopment, and have not been accepted by the City, such facilities shall not become City responsibility, and are to be so noted on any subdivision plat or land development plan, as well as in the respective covenants and agreements which control or follow the property.

4. Table of Applicability

Zoning District or Context	Exempt	Runoff Volume Control	Phosphorus & Nitrogen Loads	Bacteria
CP (e.g., Southside Park, National Cemetery)	X			
MED (e.g., Beaufort Memorial Hospital)		■	■	■
NC, OC, GC, HC (e.g., Burton)		■	■	■
R1, R2, R3, R4 (e.g., Pigeon Point, NWQ, Mossy Oaks)		■		
GR (e.g., TCL, NWQ, Pigeon Point, Southside)		■	□	□
Urban Infill/Redevelopment Districts & Historic Districts – Bladen & Boundary FBC Area, LI, CC, TBR, and Historic District Boundary (e.g., Downtown, Boundary Street-West, Boundary Street-East)		□		
Redevelopment-In watersheds with water quality impairments		□	□	□
Redevelopment In Water Quality Compliant Watersheds (No increase in impervious coverage)	X			
Redevelopment (With up to 10% increase in impervious coverage)		■ Compliance for New Impervious Area Only		
Redevelopment (Greater than 10% but less than 20% increase in impervious coverage)		■ Compliance for New Impervious Area Only	■ Compliance for New Impervious Area Only	□ Compliance for New Impervious Area Only
Redevelopment (With greater than 20% increase in impervious coverage)		■ Full Site Compliance	■ Full Site Compliance	■ Full Site Compliance

■Required Compliance
□Compliance to the extent practical determined by the Administrator

Redevelopment Site: an area over 2 acres that is currently developed or has over 10% impervious coverage.
Greenfield: A parcel over 1 acre that has no current development or less than 5% impervious coverage.

C. Standards

1. Beaufort County BMP Manual

Where required, all development and redevelopment shall provide adequate drainage, peak rate, volume and stormwater pollution control in accordance with Section 3 of the Beaufort County Manual for Stormwater Best Management and Design Practices (BMP), which is incorporated herein by reference.

2. Effective Impervious Area

All development shall be required to provide stormwater runoff volume control, runoff pollution load control and peak runoff rate controls as applicable. Standards for volume and runoff pollution load control are based on anti-degradation goals tied to "effective impervious area" values as noted in the table below:

Loads	Effective Impervious Area
Runoff Volume Control	10%
Phosphorus and Nitrogen Levels	10%
Bacteria	5%

3. Peak Runoff Rate

The peak post-development flow for the 25 year storm shall be less than or equal to the peak pre-development flow as applicable.

Appropriate Stormwater BMPs

All development and redevelopment shall utilize and integrate Stormwater BMPs which are appropriate to their location and environment, and contribute to the overall character of a proposal. BMPs implemented at the development scale shall be integrated into civic and open space networks to the maximum extent possible.

a. Stormwater BMPs shall be selected in keeping with the applicable District.
b. Stormwater BMPs shall be selected to respond to soil infiltration rate on site. Soil types C, D, A/D, B/D, and C/D have low permeability and a subsequent low infiltration rate; soil types A and B have high permeability and a high infiltration rate.

D. BMP Planning and Selection

1. Planning for Stormwater Should Commence at Project Inception

Planning for stormwater should commence at project inception. As the requirements set forth above and elsewhere in BMP manual will require stormwater management to become a vital aspect of all development and redevelopment projects within the City, planning for stormwater management, in accordance with this section shall commence at the time of initial project inception and presentation to the TRC. Review of stormwater management for development and redevelopment will be undertaken during all phases of the development review process.

2. Stormwater BMPs Appropriate to District

Stormwater BMPs shall be selected in keeping with the applicable District as indicated in the tables below. Additionally stormwater BMPs shall be selected to respond to the site's location within a volume sensitive watershed, according to the worksheets provided in Beaufort County BMP Manual.

BMP Tool by District * As listed in the Beaufort County BMP Manual	CP	MED	NC, OC, GC, HC	R1, R2, R3, R4	GR, LI	Bladen/ Boundary	CC, TBR
Wet Detention Basin	X	X	X	X			
Extended Dry Detention Basin	X	X	X	X			
Modified Extended Dry Detention Basin	X	X	X	X	X		
Infiltration Trench					X	X	
Dry Well						X	X
Grass Swale with Check Dams	X	X	X	X			
Biofiltration Swale	X	X	X	X	X	X	
Bioretention		X	X	X	X	X	X
Innovative Technology		X	X	X	X	X	X
Other BMPs subject to discretion of the [Administrator]		X	X	X	X	X	X

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Article 8. Subdivision Design / Improvements

8.1 General

A. Purpose

The purpose of these subdivision requirements are to:

1. Encourage economically sound and environmentally sensitive development;
2. Assure the timely provision of required streets, utilities, and other facilities and services to new land developments;
3. Assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
4. Assure the provision of needed open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, and other public purposes; and
5. Assure, in general, the wise and timely development of new areas, in harmony with the Comprehensive Plan of the City.

B. Exemptions

The following types of activities shall be exempt from the subdivision approval requirements of this UDO:

1. **The combination or recombination of portions of previously platted lots where the total number of lots is not increased and where no nonconforming lots are created. A nonconforming lot may not be included in a lot recombination if the resultant lot becomes closer to conformity;**
2. **The division of land into parcels of five acres or more where no new street is involved;**
3. **A transfer of title to land not involving the division of land into parcels;**
4. **Subdivision of land into parcels less than 5,000 square feet exclusively for the provision of local utilities such as pump stations; and**
5. **The combination or recombination of entire lots of record where no new street or change is existing streets is involved.**

See also Section 1.6D, Actions Not Constituting Development.

8.2 Subdivision Design Standards

The following design standards shall be considered minimum requirements:

A. Streets

1. Conformity to Existing Maps or Plans

The location and width of all proposed streets shall be in conformity with official plans and maps of the City of Beaufort and with existing or amended plans of the Planning Commission.

2. Continuation of Adjoining Street System

The proposed street layout shall be coordinated with the street system of the surrounding area. Where possible, existing streets shall be extended.

3. Access to Adjacent Properties

Where it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turn around shall be provided.

4. Private Streets

Private streets will be allowed to be platted in subdivisions of 40, or less, lots.

5. Street Names

Proposed streets, which are obviously in alignment with other existing and named streets, shall bear the assigned name of the existing streets. In no case shall the name of proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of suffix, street, avenue, boulevard, drive, place, court, etc. It shall be unlawful for any person in laying out any new street or road to name such street or road on any plat, by marking or in any deed or instrument, without first getting approval of the Planning Commission.

6. Reserved Strips Prohibited

Reserved strips at the terminus of a new street shall be prohibited.

7. Street Jogs

Street jogs with centerline off sets of less than 200 feet shall be avoided, except where unique conditions, as determined by the Planning Commission, warrant a relaxation of these requirements. However, in no case, shall the centerline offsets of a street jog be less than 125 feet.

8. Street Trees

a. For the area streets, a planting zone should be established for street trees measuring a minimum of 4 feet from the face of the curb in areas with on-street parking and 10 feet from the curb in areas without on-street parking. The purpose of the planting zone is the separation of pedestrian and vehicular corridors. The planting zone should be grass in residential areas and hard paving material in commercial areas. The width of the planting strip should be variable to accommodate the needs of parking conditions, i.e., the planting zone may narrow for parallel parking, but should conform to the minimum width. All planting zones should include trees unless otherwise specified.

b. At the time of planting, young trees should be 3-1/2" caliper, with the lower side of the crown a minimum of 6' above grade to avoid hazards to pedestrians. Trees should be placed every 30' in the planting strip. In commercial areas where the planting strip is hard pavement, trees should be provided with grates or hard surface planting pits.

9. Right Angle Intersections

Street intersections shall be as nearly as right angles as practicable.

10. Turning Radii

Turning radii shall be 50 feet at the curb and 100 feet centerline.

11. Sidewalks

a. Sidewalks shall be required on both sides of all streets, except for streets that serve five (5) or fewer single-family residential lots. Sidewalks shall be

placed within the right-of-way. Sidewalks shall be installed within the right-of-way of all existing public streets on which the property has frontage which do not have a sidewalk. If an encroachment permit cannot be secured for construction within the right-of-way of an existing street, the sidewalk shall be constructed within the street setback area as close to the front property line as feasible.

b. Sidewalks shall have a minimum of four feet and shall be placed such that a minimum four foot planting strip is maintained between the back of curb and the inside edge of the sidewalk.

c. In order to provide safe and adequate access on City sidewalks, all sidewalks shall meet minimum clear width requirements around all obstructions, natural or manmade, as described herein. Clear width shall mean the distance as measured from the outside edge of the obstruction to the outside edge of the sidewalk or from the inside edge of the obstruction to the inside edge of the sidewalk. If the clear width is to be obtained between the inside edge of the sidewalk and the obstruction, given that the sidewalk is placed against the back of curb, the clear width shall be a minimum of five feet. The minimum clear width shall be four feet.

d. All sidewalks must be constructed concurrently with the thoroughfare or, if the thoroughfare is already constructed, prior to acceptance of any improvements.

e. Exceptions to or partial waiver of the requirements of this Section may be granted by Planning Commission when alternative pedestrian ways or pedestrian/bikeways have been or will be provided outside the normal right-of-way; or that unique circumstances or unusual topographic, vegetative, or other natural conditions prevail to the extent that strict adherence to said requirements would be unreasonable and not consistent with the purposes and goals of this UDO or the Comprehensive Plan.

12. Cul-de-sacs

Cul-de-sacs shall not exceed 200 feet in length except when specifically approved by the Planning Commission because of the unique conditions of the site development.

A minimum terminus right-of-way diameter of 80 feet shall be required for public streets. Temporary dead end streets shall be provided with a turnaround having a 50 foot pavement outside radius or alternative.

13. Alleys

a. Service alleys or drives may be required in multifamily, commercial and industrial developments and shall have a minimum surface treatment width of 20 feet.

b. Alleys in single-family residential developments shall have a minimum width of 12 feet.

14. Street Right-of-Way Widths

Minimum street right-of-way widths shall be as follows:

Street Type	Pavement Width	Right-of-way
Public	22 feet minimum	50 feet minimum

Private	20 feet minimum	40 feet minimum

15. Sight Distance for Horizontal Curves

Where horizontal curves are used, the minimum lineal site distance shall be 200 feet for two lanes, plus 100 feet for each additional lane not to exceed 500 feet.

16. Tangents

Between reverse curves there shall be a tangent of not less than 200 feet.

17. Curb and Gutter

Curbs and gutters shall be required and installed along both sides of all public streets within the boundaries of a proposed subdivision.

Curbs and Gutters shall be of the types listed below:

a. Barrier (vertical) curb and gutter;

b. Mountable (rollover) curb and gutter; or

c. Valley gutter.

Valley gutter, while a less preferable option, may be permitted by approval of the Technical Review Committee in certain situations depending on the topography of the land, current zoning, proposed character of the subdivision, and the proposed street right-of-way width.

18. Traffic Control and Street Name Signs

Traffic control and street name signs shall be installed at all street intersections. The type and location of these and other traffic control signs shall be approved by the Technical Review Committee. No certificate of occupancy shall be issued for any structure on the street until permanent traffic control and street name signs are installed as approved. No building permit shall be issued for any structure on a street until either permanent or temporary traffic control and street name signs as approved by the Technical Review Committee have been installed.

B. Easements

Easements having a minimum width of eight feet and located along the side or rear lot lines shall be provided as required for utility lines and underground mains and cables.

C. Blocks

Block lengths and widths shall be as follows:

1. Lengths:

Block lengths shall not exceed 1,800 feet nor be less than 300 feet. The maximum length of 1,800 feet may be exceeded where unique conditions, as determined by the Planning Commission, warrant a relaxation of this requirement.

2. Widths:

Blocks shall have sufficient width to allow two tiers of lots of minimum depth. Blocks may be one lot in depth where single tier lots are required to separate residential development from through vehicular traffic or nonresidential uses,

and where other unique conditions as determined by the Planning Commission, warrant a relaxation of the requirement.

D. Lots

Residential lots shall meet the lot width, depth and area requirements of the Zoning ordinance.

1. Orientation of Lot Lines

Side lot lines shall be substantially at right angles or radial to street lines.

2. Lots Abutting Streets

Each lot shall abut a public or private street.

E. Curb Cuts and Access Points

Ingress-egress openings in concrete, asphalt, rock or other street curbing provisions, commonly referred to as "curb cuts", as well as other means of vehicular access to and from private property, shall be regulated in the zoning districts established by this UDO in accordance with the following requirements:

1. Size and Spacing of Curb Cuts and Other Access Points

In no case shall a curb cut or other access point be less than nine feet or more than 25 feet in width. No two curb cuts or other access points shall be closer than 100 feet from each other except in single-family residential zoning districts R-1, R-2, R-3, and R-4.

2. Location of Curb Cuts and Other Access Points

At street intersections, no curb or other access point shall be located closer than: (1) 20 feet from the intersecting point of the two street right-of-way property lines involved (or such lines extended in case of a rounded corner); (2) 25 feet from the intersection of the two curb lines involved (or such lines extended in case of a rounded corner), whichever is the least restrictive.

8.3 Improvement Requirements

A. Installation of Permanent Reference Points and Required Improvements

1. Permanent Reference Points

Permanent reference points shall be placed in accordance with the following requirements:

a. Control Monuments

Control monuments shall be placed in the pavement of subdivision streets so that no subdivision lot is more than 800 feet from a control monument. The Control Monuments should be placed in the streets, offset from the center line to avoid sanitary sewer lines, to be approximately half way between the center line and edge of the pavement. Where practical, control monuments shall be placed at points of curvature and points of tangency of curves. The control monument may be poured on the job or be a concrete marker of the type commonly used in the area at least three feet long, and tapered with a twelve inch long 1/4 inch diameter brass or bronze rod embedded in the top. Control monuments shall be placed in a cast iron water main valve type box with a cover flush with the pavement.

b. Property Marker

A steel or wrought iron pipe, rebar, or the equivalent, not less than one-half (0.5) inches in diameter and at least 30 inches in length shall be set at all property corners and points oil curves, except those located by Monuments.

c. Accuracy

Land surveys within the City Limits shall be set at an accuracy of at least 1:7500; beyond the City Limits an accuracy of not less than 1:5000 is required.

B. Required Improvements

Approval of the final plat shall be subject to the subdivider having installed the improvements hereinafter designated, or having guaranteed, to the satisfaction of the City, the installation of said improvements.

1. Street Improvements

Land designated for public streets shall be cleared and filled in accordance with the latest edition of the Standard Specifications for Highway Construction, South Carolina State Highway Department as determined appropriate by the Administrator.

2. Drainage

Adequate storm drainage facilities shall be provided in accordance with the requirements of the City of Beaufort Storm Drainage Regulations (Part 5, Chapter 5, Code of Ordinances, Beaufort, South Carolina) as determined by the Administrator.

3. Detention and Retention Ponds

Detention and retention ponds shall be designed to provide at least one-half foot of vertical detention storage volume for runoff above the proposed dry weather water level design elevation; major drainage canals shall not be used for storage

where this may adversely impact the storm hydrology upstream or downstream. Use of rectangular weir outlets will be allowed only where this weir will provide better outlet control needed for a given situation than that provided by a V-notched weir. V-shaped or V-notched weir outlets are recommended to achieve detention storage. Use of innovative outlet structures such as pipe/culvert combinations, perforated riser pipe, or special graduated opening outlet control boxes are encouraged as ways of reproducing pre-development runoff conditions. Design data for storage volume and detention outlet requirements shall be submitted to and approved by the Administrator prior to final plan approval.

4. Water and Sewer Facilities

Water and sewer facilities shall be provided in accordance with the standard procedures and policies of the water and sewer provider and the South Carolina Board of Health and shall be approved by the water and sewer provider.

C. Utility lines

All utility lines within a development site shall be installed underground. This provision shall not apply to those lines installed upon an individual single-family or two-family property except where those properties will be served by underground distribution lines located in newly established subdivisions.

8.4 Subdivision Improvement Guarantees

A. Types Allowed

The subdivider shall provide a performance guarantee to ensure the completion of required improvements within a period of time specified by the Administrator and expressed in the guarantee. Such guarantee may be in the form of either a performance bond, a surety bond, cash deposit or a letter of credit. A performance guarantee shall be posted in the amount of 125 percent of the total cost of improvements.

1. Performance and Surety Bonds

The performance or surety bond shall be in a form acceptable to the City.

2. Cash Deposits

If surety is in the form of a cash deposit with the City of Beaufort, proportional parts thereof shall be refundable in relation to progress payments less retainage, subject to approval of the City and subject to a minimum deposit balance of $15,000.

3. Letter of Credit

An irrevocable letter of credit by the subdivider with a financial institution acceptable to the City Council may be used. If an irrevocable letter of credit is issued it shall be in a sum equal to the amount that would otherwise have been required for a performance or surety bond. It shall include a pledge by the lending institution that the funds necessary to carry out the terms of the agreement are guaranteed for payment, and will be released only upon receipt of written instruction from the City. A letter of credit is subject to the written approval of the City.

B. Maintenance Guarantees

If the subdivider completes all required improvements and complies with all conditions of the subdivision agreement, as determined by the City, the remainder of monies retained by a financial institution or by the City may be released to the subdivider or his successor in title. Prior to release, the subdivider shall provide the City, prior to the issuance of any building permit, a performance bond, surety bond, or cash deposit equal to the amount determined by the City that would ensure the repair of any damage to the existing improvements during the course of any construction, but in no case will the amount of the security be less than $1,000 for each individual building lot. Prior to the issuance of any certificate of occupancy, the City shall determine whether or not any breakage or damage has occurred. If no damage to any off-site improvements has occurred, then the City may release the security to the subdivider or his successor in title. If damages have occurred, they shall be repaired or the City may draw on the security before it is released. This section does not apply to developments where the streets and drainage systems are to be privately owned.

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Article 9. Nonconformities

9.1 Nonconforming Uses

A. Intent

Where uses legally existing on the effective date of this UDO, or any subsequent amendment thereto, are not in conformity with the provisions of this chapter, it is the intent and purpose of this section to declare such uses within the City to be nonconforming and detrimental to the orderly development of the City, and to eliminate such nonconforming uses as quickly as possible consistent with the rights of the owners and users thereof, for the purpose of protecting the public health, safety and general welfare.

B. Continuing Existing Uses

Any use existing at the time of the enactment of this chapter which does not conform with the provisions of this UDO for the district in which it is located shall be deemed to be a nonconforming use and may be continued only as hereinafter specified.

C. Change of Use

A nonconforming use shall not be changed to another nonconforming use.

D. Abandonment of Use

1. As defined herein, a use shall be deemed to have been abandoned when it has been discontinued, whether temporarily or permanently, with or without the intent to abandon, for a period of 90 days or more.
2. A nonconforming use of a structure, building or land which has been declared abandoned shall not thereafter be reestablished except in conformity with the provisions of this UDO.

E. Extensions

A nonconforming use of land or building shall not be enlarged, intensified, or extended in such a way except in conformity with this UDO except as follows.

1. A nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this UDO, but no such use shall be extended to occupy any land outside such building.

F. Illegal Use

The temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use, and the existence of a nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

9.2 Nonconforming Structures

A. Intent

Where structures or buildings legally existing on the effective date of this UDO or any subsequent amendment thereto, are not in conformity with the provisions of this UDO, it is the intent and purpose of this section to declare such buildings and uses within the City to be nonconforming.

B. Repairs, Alterations and Maintenance

Any nonconforming building or structure that is renovated, repaired, altered, or otherwise improved by more than 75 percent of its reasonable replacement value at the time of renovation, repair, or alteration shall be brought into conformance with landscaping, buffering, sign, lighting, access, and parking requirements. Architectural design changes required to bring the site into conformity with the requirements of this UDO shall be in proportion to the alterations proposed by the applicant. The provisions of this section shall not apply to any single-family dwelling used for residential purposes.

C. Restoration of Damaged Structures

1. Any nonconforming building or structure, including signs, damaged more than 50 percent of their reasonable replacement value at the time of damage by fire, flood, explosions, wind, earthquake, war, riot or other act, shall not be restored or reconstructed and used except in conformity with the requirements of this UDO and all rights as a nonconforming use are terminated. The provisions of this subsection shall not apply to any single-family dwelling residence used for residential purposes.
2. For purposes of this section, the percentage of damage for buildings shall be calculated by dividing the estimated cost of restoring the building as nearly as possible to its condition prior to the occurrence, by the appraised value of the building (excluding the value of the land) immediately prior to the occurrence.
3. The percentage of damage for other structures shall be calculated by dividing the estimated cost of restoring the structure (or sign) by its reasonable replacement cost.

D. Reconstruction

A nonconforming structure shall not be demolished and rebuilt as a nonconforming structure except as follows:

1. A nonconforming structure listed in the "Beaufort County Above Ground Historic Resources Survey Beaufort County, South Carolina" may be allowed to be rebuilt within the original (pre-demolition) footprint.

E. Extensions

A nonconforming building shall not be enlarged, intensified, or extended in such a way except in conformity with this UDO except as follows:

1. 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 that it projects no further into the setback than the existing structure. This section does not apply to a nonresidential use which adjoins a residential use on the side of the lot having the setback nonconformity.

9.3 Other Nonconformities

A. Parking Nonconformities

In cases of nonconformance due to insufficient automobile parking, buildings may not be enlarged or expanded until parking accommodations satisfy the requirements of Section 7.5.

B. Landscaping Nonconformaties

1. When modifications are made to developed nonconforming property, a certain percentage of the value of those modifications shall be expended toward landscaping on the overall site in order to incrementally bring the site closer to compliance as follows:

a. When construction of new freestanding buildings, additions to existing buildings, new buildings which replace existing buildings, or addition of communications towers and antennae exceeds $5,000.00 in value, five percent of the value of these improvements shall be expended towards landscaping.

b. When interior or exterior building, renovations, or improvements (except for routine maintenance and repairs) exceeds $10,000.00 in value, five percent of the value of these improvements shall be expended towards landscaping.

c. When modifications made to the ground other than to structures, such as grading, paving, repaving, or re-striping of parking lots but excluding signs or other landscaping expenses $5,000.00 in value, 10 percent of the value such modifications shall be expended towards landscaping.

d. The percentages specified in (a) shall be above and beyond any expenditures required for landscaping specifically required by new construction or site alterations itself. For example, with a $10,000 addition to a building the developer shall be required to spend $500 on landscaping and tree conservation on the overall site. The expense of installing a foundation bed around the addition shall not count toward the $500 requirement.

e. The Administrator shall review and approve the proposed landscaping plan to assure optimal effectiveness in bringing the site closer to compliance. The priority for installation of landscaping is as follows: 1. planting of overstory trees in the front buffer (creating a front buffer if necessary); 2. perimeter screening of parking areas; and 3. planting of overstory trees in the interior of parking areas. The work may include removing portions of pavement in order to install landscaping peninsulas, perimeter buffers, and other landscaping areas. Where the overall circulation and parking pattern will be disrupted, the developer shall not be required to remove paving.

f. When the value of any building construction, including repairs, renovation, and/or expansions over a three-year period exceeds 75 percent of the fair market value of the property as shown in the Beaufort County tax record, the property must be brought into compliance with the full requirements of this Section 7.3.

g. Once the property is brought into compliance to the extent practicable, no further landscaping expenditures shall be required.

h. Where parking spaces are removed in order to provide landscaping as required in this section, the required number of parking spaces specified in Section 7.5 shall be automatically reduced accordingly but may not go below 67 percent of the requirements in that section without a variance.

9.4 Nonconforming Lots of Record

A. This section applies only to undeveloped nonconforming lots of record. A lot is undeveloped if it has no substantial structures upon it.

B. When a nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller in area and/or width than the required minimum set forth in Article 1, then the lot may be used just as if it were conforming.

C. When the use proposed for a nonconforming lot is one that is conforming in all other respects but the applicable setback requirements set forth in Article 6 cannot reasonably be complied with, then the entity authorized to issue a permit for the proposed use may allow deviations from the setback requirements if it finds that:

1. The property cannot reasonably be developed for the use proposed without such deviations;

2. These deviations are necessitated by the size or shape of the nonconforming lot; and

3. The property can be developed as proposed without any significant adverse impact on surrounding properties or the public health or safety.

D. For purposes of paragraph C above, compliance with applicable building setback requirements is not reasonably possible if a building serving the minimal needs of the proposed use cannot practicably be constructed and located on the lot in conformity with such setback requirements; however, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.

E. Unity of title shall be required for any construction or expansion where multiple nonconforming lots are used as a single parcel for development purposes. In consideration of the City's issuance of a permit for such construction, the landowner shall agree to restrict such lots in the following manner:

1. The property shall be considered as one parcel of land, and no portion of that parcel of land shall be sold, transferred, devised or assigned separately, except in its entirety as one parcel of land. Any further subdivision of the parcel of land shall comply with this code. This condition, restriction and limitation shall be deemed a covenant running with the land, and shall remain in full force and effect and be binding upon any landowner, and heirs and assigns.

2. A unity of agreement shall be recorded in the public records of Beaufort County acknowledging the above requirements and placing the required covenant upon the land. Release of any recorded unity of title agreement must be approved by Beaufort County.

9.5 Nonconforming Signs

A. Nonconforming Signs

1. Any sign constructed after the adoption date of this article and which is found to exist in violation of this article shall be declared to be illegally nonconforming and shall be removed after 30 days' notice. If the owner or lessee fails to remove the sign during the permitted time, then the City or independent contractor secured by the City shall remove the sign and the ensuing charges shall be assessed to the owner or lessee.

2. A nonconforming sign shall not be changed or replaced with another nonconforming sign, including changing the sign face, except for changeable copy signs.

3. An existing nonconforming sign cannot be modified in any way aside from routine maintenance without bringing the sign into conformity with this section subject to the exemptions outlined in paragraphs (4) and (5).

4. Signs not in conformance with the requirements of this UDO section shall be altered, removed, or otherwise made to conform with this section by May 22, 2007. Signs permitted between February 19, 1998 and the date of adoption of this UDO, which meet the requirements of Ordinance O-18-98, shall be exempt from the provisions of this paragraph.

5. Any existing sign not meeting the requirements of this UDO shall be brought into compliance with this UDO before a business license will be issued for a new resident business. Any existing sign not meeting the requirements of this UDO shall be brought into compliance with this section before a business name can be changed.

6. Temporary nonconforming signs having obtained a sign permit before the adoption date of this UDO, shall be permitted to remain for the life of the permit.

7. Signs on awnings or canopies shall be removed when the tenant vacates the building.

8. Nonconforming supports and brackets and unused signs must be completely removed before a new sign is installed. Any holes in the building must be appropriately patched.

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Article 10. Enforcement

10.1 Enforcement by Building Official

A. Enforcement

1. The City Manager shall appoint the Building Official and, as such, will be assigned the duty and authority to administer and enforce the provisions of this UDO.
2. If the Building Official shall find that any of the provisions of this UDO are being violated, he shall notify, in writing, the owner, occupant, contractor, and/or person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

B. Complaints Regarding Violations; Remedies

Whenever a violation of this UDO occurs, or is alleged to have occurred, any person may file written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Building Official. He shall record properly such complaint, immediately investigate, and take whatever action is necessary to assure compliance with this ordinance.

C. Remedies

In case any building or structure is proposed to be or is erected, constructed, reconstructed, altered, maintained, or used; or any land is proposed to be or is used in violation of this UDO, the Building Official, the City Council, the City attorney, or any other person aggrieved may, in addition to other remedies provided by law, institute an injunction, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

D. Sign Maintenance and Enforcement Generally

In order to ensure that signs are erected and maintained in a safe and aesthetic manner, the following maintenance requirements shall be observed for all signs visible from any public street, and any deficiency shall be corrected within 30 working days of being detected:

1. No sign shall have more than 10 percent of its surface area covered with disfigured, cracked, ripped or peeling paint or poster paper;
2. No sign shall stand with bent or broken sign facings, broken supports, loose appendages or struts or be allowed to stand more than fifteen degrees away from the perpendicular;
3. No sign shall have weeds, trees, vines or other vegetation growing upon it or obscuring its view from the street from which it is to be viewed; and
4. No internally illuminated sign shall stand with only partial illumination.

E. Violation Notice

The Building Official and duly authorized staff shall have the authority to issue a violation notice and shall be empowered to enter upon the premises of any person subject to this article for the purpose of enforcing the provisions herein.

F. Impoundment of Signs

1. The Building Official shall have the authority to remove all signs, without notice to the owners thereof, placed within any street or highway right-of-way, signs attached to trees, fenceposts, telephone and utility poles, other natural features or signs otherwise prohibited by this article, and to impound them for a period of 10 days.
2. The owner of a sign impounded may recover same upon the payment of $150.00 for each sign, prior to the expiration of the 10-day impoundment period. In the event it is not claimed within 10 days, the Building Official shall have authority to dispose of such sign.
3. If the owner or lessee fails to remove the sign during the permitted time, then the City or an independent contractor secured by the City shall remove the sign and ensuring charges shall be assessed to the owner or lessee.

G. Beaufort Historic District and Design District Enforcement

When a Certificate of Appropriateness or Design District approval and a Building Permit have been issued, the Building Official or other designated staff member shall conduct timely inspections of the alteration or construction approved by such certificate. The property owner shall be required to have copies of the approved plans and the building permit on the premises for inspection. If alterations and/or construction are noted which are not in accordance with such approved plans, this information shall be immediately transmitted to the Codes Enforcement Office. If the Building Official finds that the alteration or construction is not in accordance with or is in violation of the approved plans, he shall issue a "stop work order" and notify in writing the recipient of the building permit and the Department of Planning and Development Services indicating the nature of the violation and ordering the action necessary to correct it.

10.2 Penalties for Violation

A. Penalties for Violation

1. Any person violating any provision of this UDO shall be guilty of a misdemeanor, shall be prosecuted according to procedures established under Section 1-3048(a), (b) and (c) for misdemeanors, and, upon conviction, shall be fined as determined by the court for each offense. Each day such violation continues shall constitute a separate offense.

2. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

B. Any person who violates the provisions of this article, upon conviction, shall be guilty of a misdemeanor and shall forfeit and pay the maximum penalty allowed by state law and/or 30 days imprisonment, or both, at the discretion of the court for each violation. Each day shall constitute a separate offense.

C. Subdivision Penalties

1. The owner or agent of the owner of any land located within the platting jurisdiction of the Planning Commission as described herein who transfers or sells or agrees to sell such land before such plat has been approved by the Planning Commission and recorded in the office of the Clerk of Court in and for the County of Beaufort shall be guilty of a misdemeanor for each lot so transferred or sold or agreed or negotiated to be sold, and upon conviction thereof, shall be punished in the discretion of the Court. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The City may enjoin such transfer or sale or agreement by appropriate action.

2. The County official whose duty it is to accept and record real estate deeds and plats may not accept, file, or record a land development plan or subdivision plat involving a land area subject to land development regulations adopted pursuant to this UDO unless the development plan or subdivision plat has been properly approved. If a public official violates the provisions of this section, he is, in each instance, subject to the penalty provided in this article and the affected governing body, private individual, or corporation has rights and remedies as to enforcement or collection as are provided, and may enjoin any violations of them.

D. Violation of Sexually Oriented Businesses Provisions

1. **Suspension**

   a. **The City Manager or his/her designee shall suspend a sexually oriented business permit if he/she determines that a permittee or an employee of a permittee has:**

      (1) Violated or is not in compliance with any section of this article;

      (2) Been under the influence of alcoholic beverages while working in the sexually oriented business premises;

      (3) Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter;

      (4) Knowingly permitted gambling by any person on the sexually oriented business premises;

(5) Operated the sexually oriented business in violation of a building, fire, health, or zoning statute, code, ordinance, or regulation, whether federal, state, or local, said determination being based on investigation by the division, department, or agency charged with enforcing said rules or laws. In the event of such statute, code, ordinance, or regulation violation, the city manager or his/her designee, shall promptly notify the permittee of the violation and shall allow the permittee a seven-day period in which to correct the violation. If the permittee fails to correct the violation before the expiration of the seven-day period, the city manager or his/her designee, shall forthwith suspend the permit and shall notify the permittee of the suspension;

(6) In the event that the City Manager or his/her designee, suspends a permit on the grounds that a permittee engaged in a permit transfer contrary any section of the Code of Ordinances of the City of Beaufort, the City Manager or his/her designee shall forthwith notify the permittee of the suspension. The suspension shall remain in effect until the applicable section of this article has been satisfied.

(7) Operated the sexually-oriented business in violation of the hours of operation Section 5.3D.16.h.

(8) Knowingly employs a person who does not have a valid permit as required any section of the Code of Ordinances of the City of Beaufort.

b. The suspension shall remain in effect until the violation of the statute, code, ordinance, or regulation in question has been corrected.

2. Revocation

a. The City Manager or his/her designee shall revoke a permit if a cause of suspension in section 5-6216 occurs and the permit has been suspended within the preceding 12 months.

b. The City Manager or his/her designee shall revoke a permit if he/she determines that:

(1) A permittee gave false or misleading information in the material submitted to the codes enforcement division during the application process;

(2) A permittee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;

(3) A permittee or an employee has knowingly allowed prostitution on the premises;

(4) A permittee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended;

(5) A permittee has been convicted of a "specified criminal act" for which the time period required in the Code of Ordinances of the City of Beaufort has not elapsed;

(6) On two or more occasions within a twelve-month period, a person or persons committed an offense, occurring in or on the permitted

premises, constituting a specified criminal act for which a conviction has been obtained, and the person or persons were employees of the sexually oriented business at the time the offenses were committed. The fact that a conviction is being appealed shall have no effect on the revocation of the permit;

(7) A permittee has been operating more than one sexually oriented business under a single roof;

(8) A permittee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted premises;

(9) A permittee is delinquent in payment to the county or state for any taxes for fees past due.

c. When the City Manager or his/her designee revokes a permit, the revocation shall continue for one year, and the permittee and/or licensee shall not be issued a sexually oriented permit for one year from the date revocation became effective. If, subsequent to revocation the City Manager or his/her designee finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least 90 days have elapsed since the date the revocation became effective.

3. Additional Criminal Prohibitions for the Operation of a Sexually Oriented Business Without a Valid Permit

a. In addition to the criminal provisions found at other sections of this article, the following additional criminal provisions shall also apply to sexually oriented business.

b. It shall be unlawful and a person commits a misdemeanor if he/she operates or causes to be operated a sexually oriented business, regardless of whether or not a permit has been issued for said business under this article, and said person knows or should know that:

(1) The business does not have a sexually oriented business permit under this article for any applicable classification; or

(2) The business has a permit which is under suspension; or

(3) The business has a permit which has been revoked; or

(4) The business has a permit which has expired.

4. Exemptions

a. It is a defense to prosecution under Section 5.3D.11.c. that a person appearing in a state of nudity did so in a modeling or dance class or dance troupe operated or wholly sponsored:

(1) By a proprietary school, licensed by the state of South Carolina, a college, junior college, or university supported entirely or partly by taxation;

(2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

(3) In a structure:

(a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;

(b) Where, in order to participate in a class a student must enroll at least three days in advance of the class; and

(c) Where no more than one nude model is on the premises at any one time.

b. It is a defense to prosecution for a violation of this article that an employee of a sexually oriented business, regardless of whether or not [sic] is permitted under this article, exposed any specified anatomical area during the employee's bona fide use of a restroom, or during the employee's bona fide use of a dressing room which is accessible only to employees.

5. Criminal penalties and additional legal, equitable and injunctive relief

a. A person who operates or causes to be operated a sexually oriented business without a valid permit and/or license or in violation of Section 5.3D.25.b of this UDO is subject to a suit for injunction as well as prosecution for criminal penalties. Such violations shall be punishable by a fine not to exceed the maximum penalty allowed by state law and/or 30 days imprisonment, or both, at the discretion of the court for each violation.

b. In addition to whatever penalties are applicable under the South Carolina Penal Code, if any person fails or refuses to obey or comply with or violates any of the criminal provisions of this article, such person upon conviction of such offense, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed the maximum penalty allowed by state law and/or by imprisonment not to exceed 30 days in jail, or both, at the discretion of the court. Each violation or noncompliance shall be considered a separate and distinct offense. Further, each day of continued violation or noncompliance shall be considered as a separate offense.

c. Nothing herein contained shall prevent or restrict the City from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or noncompliance. Such other lawful actions shall include, but not be limited to, an equitable action for injunctive relief or an action at law for damages.

d. Further, nothing in this section shall be construed to prohibit the City from prosecuting any violation of this article by means of the City's Code Enforcement Office.

e. All remedies and penalties provided for in this section shall be cumulative and independently available to the City and the City shall be authorized to pursue any and all remedies set forth in this section to the full extent allowed by law.

Article 11. Definitions

11.1 General

Except as specifically defined herein, all words used in this UDO have their customary dictionary definitions. For the purpose of this UDO, certain words or terms used herein are defined as follows:

A. Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

B. The word "shall" is always mandatory.

C. The word "may" is permissive.

D. The word "lot" includes the word "plot" or "parcel."

E. The word "structure" includes the word "building."

F. The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

G. The words "used" or "occupied" as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

H. The terms "map," "Zoning Map" or "Official Zoning Map," shall mean the Official Zoning Map of the City and refer to all maps so titled and bearing the seal of the City, together with the signature of the Administrator, as well as the date of adoption of this UDO.

I. The terms "Council" or "City Council" refer to the City Council of the City of Beaufort.

J. The term "Planning Commission" refers to the City of Beaufort-Town of Port Royal Joint Municipal Planning Commission.

K. The term “Zoning Board of Appeals” refers to the duly appointed Board authorized by City Council to hear and act upon appeal of a decision of the Building Official or any request for a Variance from any provision of this UDO.

L. The term "Building Official" refers to the person subsequently and specifically designated by the City Manager and so employed and empowered as the Building Official for the City.

M. The term "Administrator" refers to the person designated by the City Manager to administer and enforce the provisions of this UDO.

11.2 Defined Terms

Abandoned Vehicle. Any vehicle found or left on a public street, parking lot, or wrecker lot, for which the owner cannot be identified and/or located within a period of seven days.

Accessory. A use or building subordinate to the principal building on a lot and used for purposes customarily incidental to the main or principal use or building and located on the same lot herewith.

Accessory Dwelling Unit. A second dwelling unit either in or added to an existing single-family detached dwelling or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provision within the accessory dwelling unit for cooking, eating, sanitation, and sleeping. Such a dwelling is accessory and subordinate to the primary dwelling

Adjusted Caliper Inches (ACI). The number of inches of diameter of a tree trunk resulting from the multiplication of the diameter at breast height (DBH) of the tree trunk times the tree species factor (TSF) times the new tree factor (NTF).

Adult Arcade. Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

Adult Bookstore, or Adult Video Store. A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

(1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas";

(2) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others; or

(3) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities". A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas".

An establishment will not be considered an adult bookstore or adult video store if the establishment demonstrates that the items of adult material offered for sale or rental comprise less than 10 percent of the inventory of stock used in trade and/or publicly displayed in the establishment and which are not accessible to minors.

Adult Cabaret. A nightclub, bar, restaurant, "bottle club", or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:

(1) Persons who appear in a state of nudity or seminudity;

(2) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

(3) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Car Wash. A car wash where some or all of the employees are seminude or nude and/or where "specified anatomical areas" are exhibited.

Adult Health Club or Adult Bath House. A health club or bath house where some or all of the employees are nude or seminude, or in which "specified anatomical areas" are exhibited.

Adult Motel. A hotel, motel or similar commercial establishment which:

(1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;

(2) Offers a sleeping room for rent for a period of time that is less than 10 hours; or

(3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

Adult Motion Picture Theater. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Theater. A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

Adverse Effect. An undertaking is considered to have an adverse effect when the effect on an historic resource may diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

Alley. A secondary way which affords access to the side or rear or abutting property.

Antenna. A device, dish, or array used to transmit or receive telecommunications signals.

Archeological Resources. As defined in the Archeological Resources Protection Act of 1979 (16 U.S.C. 470aa-470mm) Section (1): The term "archeological resource" means any material remains of past human life which are of archeological interest. Such determination shall include, but not be limited to: pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of the foregoing items. Non-fossilized and fossilized paleontological specimens, or any portion or piece thereof, shall be considered archeological resources, under the regulations under this paragraph, unless

found in the archeological context. No item shall be treated as an archeological resource under regulations under this paragraph unless such item is at least 50 years of age.

Archeological Site. For the purposes of this Ordinance, an archeological site is the area of the development identified as being listed in, or having the potential for listing in the National Register of Historic Places.

Awning. A structure made of wood, cloth, vinyl or other flexible material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building.

Banners, Pennants and Balloons. Any animated rotating, fluttering or non-stationary device made of flexible materials designed to attract attention.

Banquet hall. An establishment which is rented by individuals or groups to accommodate private (invitation only) functions including, but not limited to banquets, weddings, anniversaries and other similar events. Such a use may include kitchen facilities for preparation of food to be consumed on the premises, and outdoor gardens or reception facilities.

Bed and Breakfast. A lodging establishment having one to five guest rooms providing overnight accommodations to transient guests.

Berm. A linear earthen mound designed as a landscape element or to screen undesirable views.

Body Piercing. The creation of an opening in the body of a human being so as to create a permanent hole for the purpose of inserting jewelry or other decoration. This includes, but is not limited to, piercing of a lip, tongue, nose or eyebrow. "Body piercing" for the purpose of this UDO does not include piercing an ear lobe.

Body Piercing Facilities. Any room, space, location, area, structure, or business, or any part of these places, where body piercing is practiced or where the business of body piercing is conducted.

Bona fide Silviculture or Agricultural Operation. An operation where the product is harvested or cultivated periodically for sale or consumption followed by timely reforestation, replanting, self-seeding or recultivation providing for the ongoing production of the resource.

Buffer. Portion of land usually in the form of linear strips maintained with natural or installed landscaping used to soften the impact of development. Depending upon the purpose of the buffer, there may be no screening where only grass is planted, partial screening where some shrubbery or trees are planted, or total screening where a hedge or fence is installed. Buffers generally, but not necessarily, are located along property boundaries.

Build-to-line. An alignment established a certain distance from the property line to a line along which the building shall be built. Front porches and handicap ramps shall be exempt from build-to-line requirements, but must occur behind the property line.

Buildable Area. That portion of any lot which may be used or built upon in accordance with the regulations governing the given zoning district within which the particular lot is located once the various front, side, and rear yard requirements required for the district have been subtracted from the total lot area. For instructions related to the determination of buildable area, see Section 6.4.

Building. A structure which is completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced an unbroken line for the complete circumference of the

structure, which is permanently affixed to a lot or lots, and used or intended for the shelter, support, or enclosure of persons, animals or property of any kind.

Building, Principal. A building in which is conducted the principal use of the lot on which the building is situated.

Building Line. The line which represents the distance a building or structure must be set back from a lot boundary. The building lines of a lot shall be determined to run parallel to and set back the appropriate distance required within the district in which the lot is located from lot boundary lines.

Caliper. Standard measure of tree size for trees to be newly planted. The measurement is taken six inches above the ground for trees four inches in diameter or less and twelve inches above the ground for trees over four inches in diameter. (See Diameter at Breast Height.)

Camper. A Manufactured Home, tent, trailer, or other self-contained vehicle, designed for recreational purposes, made of metal or other materials, mounted on two or more wheels and either self-propelled or rigged for towing, provided such vehicle is less than 30 feet in length and is not used for residential purposes within the City.

Canopy. A structure constructed of rigid materials, including, but not limited to, metal, wood, concrete, plastic, canvas or glass, which is attached to and supported by a building or by columns, poles or braces extended to the ground.

Carnival. A temporary outdoor amusement center, bazaar, or fair, either involving use of special purpose equipment or conducted by professional operators or both, and where activities include such things as rides, exhibitions, food service, sales, small-scale games, or animal displays.

Clinic. n establishment where medical or dental patients, who are not lodged overnight, are admitted for examination or treatment.

Commercial or Industrial Center. Two or more separate occupancies located within the same or adjacent building or buildings on the same commercial or industrial plat of record.

Condominium. See "Dwelling, Condominium."

Conifer or Cone Bearing Tree. Tree with needle leaves and woody cone fruit, usually evergreen though a few species are deciduous.

Critical Area. All saline waters and related lands which are subject to the ebb and flood of the tide including coastal waters, tidelands, coastal wetlands, mudflats, marshes and shallows. The critical area is seaward of the critical line, as delineated by the Department of Ocean and Coastal Resources Management of the South Carolina Division of Health and Environmental Control, which represents the landward-most point at which vegetation is influenced by saline water.

Cul-de-sac. A minor street with only one outlet and culminated by a turnaround.

Day Care, Family. An occupied residence providing or designed to provide day care for not more than six children.

Density. The number of dwelling units per gross acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this UDO are expressed in dwelling units per gross acre.

Development. Any change or improvement to land or structures requiring a building permit. Development includes, but is not limited to, paving, establishment of vehicular use areas, or redevelopment of any site.

Diameter at Breast Height (DBH). Standard measure of tree size for existing trees. The tree trunk diameter is measured in inches at a height of four and one-half (4.5) feet above the ground. If a tree splits into multiple trunks below four and one-half (4.5) feet, then each trunk is considered as a separate tree. (See Caliper.)

District. The term applied to various geographical areas of the City for purposes of interpreting the provisions of this UDO. The districts are designated with the use of symbols on the Official Zoning Map. Regulations controlling land use in the various districts within the City are set forth in Section 5.5B.7.e. The terms "district" and "zoning district" are synonymous and are used interchangeably throughout this ordinance.

Double Frontage Lot. A lot having frontage and access on two or more streets. A corner lot shall not be considered having double frontage unless it has frontage and access on three or more streets.

Drive-in. A retail or service enterprise oriented to automobile driving patrons wherein service is provided to the consumer on the outside of the principal building. The term "drive-in" includes drive-in restaurants, and dairy bars, theaters, banks, laundries, food stores or car washes.

Dwelling. A building or portion of a building arranged or designed to provide living quarters for one or more families. The terms "dwelling" and "residence" shall be interchangeable.

Dwelling, Condominium. A building or series of buildings on the same lot or portions thereof containing more than one dwelling unit under separate ownership, with joint ownership of common open spaces.

Dwelling, Group. A building or portion of a building occupied or intended for occupancy by several unrelated persons or families, but in which separate cooking facilities are not provided for such resident persons or families. The term "group dwelling" includes but is not limited to the terms rooming house, apartment hotel, fraternity house, or sorority house, Y.M.C.A. or Y.W.C.A. A hotel, motel, or Bed and Breakfast shall not be deemed to be a group dwelling as herein defined.

Dwelling, Multifamily (or Multiple-Family). A building or series of buildings on the same lot or portions thereof used or designed and rented as dwellings for three or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single-family. A detached dwelling other than a Manufactured Home designed for or occupied exclusively by one family on a single lot.

Dwelling, Two-family. A dwelling arranged or designed to be occupied by two families in separate dwelling units living independently of each other on a single lot.

Dwelling, Townhouse. One of a series of three or more attached one-family dwelling units on separate lots.

Dwelling Unit. One or more rooms connected together and constituting a separate, independent housekeeping establishment with provision for cooking, eating, and sleeping and physically set apart from any other rooms or dwelling units in the same structure or another structure.

Easement. A grant to the general public, a corporation, or a certain person of a strip off a parcel of land for use for a specific purpose.

Effect. An undertaking has an effect on a historic resource when the undertaking may alter the characteristic of the resource that may qualify the resource for inclusion in the National Register of Historic Places.

Escort. A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort agency. A person or business association who furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Establishment. For the purposes of any requirements regarding sexually-oriented businesses, an establishment means and includes any of the following:

(1) The opening or commencement of any sexually oriented business as a new business;

(2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

(3) The additions of any sexually oriented business to any other existing sexually oriented business; or

(4) The relocation of any sexually oriented business.

Existing Sign. Any sign that was erected, mounted or displayed prior to the adoption of this Unified Development Ordinance (UDO).

Exterior Architectural Appearance. Exterior architectural appearance shall include architectural character, general composition and general arrangement of the exterior of the structure, including the kind, color and texture of the building material and type and character of all windows, doors, light fixtures, signs and appurtenant elements, visible from the street or public thoroughfare.

Façade. The entire building wall, including main street wall face, and parapet, fascia, windows, doors, canopy and roof on any complete elevation.

Flag Lot. A lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building with the frontage street.

Full Cut-Off Fixture or Luminaire. A luminaire that allows no direct light from the luminaire above a horizontal plane through the luminaire's lowest light-emitting part, in its mounted form.

Fall Zone. The determined area within which the structure can be predicted to collapse in the event of failure.

Family. One or more persons occupying a single dwelling unit provided that unless all members are related by blood or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises.

Frontage. The length of the property line of any one premises parcel serving as a public right-of-way line.

Garage, Private. An accessory building or portion of a principal building used only for the private storage of motor vehicles as an accessory use. A garage may contain non-habitable space used exclusively for storage. Garages or other storage buildings that contain habitable space shall be considered accessory dwelling units for purposes of review and permitting.

Grand Tree. Any existing broad-leaved overstory tree with a DBH of 24 inches or greater; any existing understory tree with a DBH of twelve inches or greater; and any Palmetto tree having a clear trunk height of at least two feet.

Ground Cover. Vegetation growing close to the ground including grass, ivy and some species of juniper.

Ground disturbance. Any activity which would result in any tangible modification to the surface of the ground including, but not limited to, building new structures or additions, paving, grading, excavating or tree removal.

Hardscape. Any nonliving material such as berms, mulch, walls and fences commonly used in landscaping designs.

Height of Freestanding Sign. The vertical distance measured from the average elevation of the nearest road centerline to the top of the sign face or sign structure, whichever is greater.

Historic Resources. According to the National Historic Preservation Act of 1966, as amended through 1992, (16 U.S.C. 470 et seq.) Section 101(a)(1)(A):

> The secretary of the Interior is authorized to expend and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture.

Criteria set forth by the Secretary of the Interior states that any district, site, building, structure, or object that is at least 50 years of age, is significant in American history, architecture, archeology, engineering, and culture may be considered for inclusion on the National Register of Historic Places.

Home Occupation. An occupation conducted from a residence in accordance with the provisions of this ordinance.

Hotel/Motel. A lodging establishment of 26 or more guest rooms providing overnight accommodations to transient guests.

Housing, Short Term Rental. A single-family or individual two-family or multifamily dwelling that is available for use or is used for accommodations or lodging of guests paying a fee or other compensation for a period of less than 30 days.

Impervious Surface. Any area of land that cannot be landscaped or planted and which does not allow for the natural passage of water through it, including paved areas, all buildings, and asphalt or concrete parking areas, driveways, roads, sidewalks and any areas of concrete or asphalt and/or any water bodies, and roof surfaces.

Infill. Development or redevelopment of land that has been bypassed, remained vacant, and/or is underused as a result of the continuing urban development process.

Inn. A building used as a lodging establishment having six to 25 guest rooms providing overnight accommodations and breakfast to transient guests.

Intensive Level Survey. An Intensive Level Survey will be based on a systematic approach to the entire tract, to differentiate between having high or low potential for containing archeological resources. Topography and soil types are also taken into consideration to help determine the areas of high and low potential. In addition, sub-surface activity, such as shovel tests are done (unless surface exposure is evident) and the materials are sifted. All of the findings, as well as a determination of eligible sites will be compiled into a final report.

Landscaping. Any vegetation or organic material including grass, ground covers, vines, shrubs, trees, mulch, and earth; landscaping may include hardscape, as well.

Limbing. The severe cutting back of limbs to stubs larger than three inches in diameter to such a degree that the natural configuration is removed and the tree is disfigured.

Live-aboard Boat. A boat or vessel designed primarily for, and capable of, navigation on navigable waters and occupied in the City limits for more than 90 out of 365 days.

Loading Space, Off-street. Space logically and conveniently located for pickups and deliveries off public rights-of-way, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required Off-street parking spaces are filled.

Lot. A single parcel or tract of land (in individual ownership.) An area designated as a separate and distinct parcel of land on a legally recorded subdivision plot or in a legally recorded deed as filed in the official records of the county. The terms "lot," "plot," "lot of record," "parcel," "property," "site" or "tract" whenever used in this ordinance, are interchangeable.

Lot, Corner. A lot located at the intersection of two or more streets.

Lot, Double Frontage. A lot which has frontage on more than one street, provided, however, that no corner lot shall qualify as a double frontage lot unless the corner lot has frontage on three or more streets.

Lot Depth. The mean horizontal distance between front and rear lot lines.

Lot of Record. See "lot."

Lot Width. The distance between side lot lines measured at the front building line.

Manufactured Home. Any vehicular or similar portable structure in excess of 30 feet in length having wheels, jacks, or skirtings and so designed or constructed as to permit single-family occupancy for dwelling or sleeping purposes. The term "Manufactured Home" includes the term "house trailer."

Manufactured Home Park. Premises where two or more Manufactured Homes are parked for living or sleeping purposes, or where spaces are set aside or offered for sale or rent for use for Manufactured Homes for living or sleeping purposes, including any land, building, structure, or facility used by occupants of Manufactured Homes on such premises.

Manufactured Home Space. A plot of ground within a Manufactured Home Park designed for the accommodation of one Manufactured Home.

Massage Parlor. Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of or in connection with "specified sexual activities", or where any person providing such treatment, manipulation, or service

related thereto, exposes his or her "specified anatomical areas." The definition of sexually oriented business shall not include the practice of massage in any licensed hospital, nor by a licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional, or professional athlete or athletic team or school athletic program.

Memorandum of Agreement. An agreement between the City of Beaufort and the applicant to avoid, reduce, or mitigate adverse effects on archeological and historic properties, or to accept each effect in the public interest.

Mobile Home. A transportable, factory-built structure that was manufactured prior to enactment of the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC Section 5401) and that is designed to be used as a single dwelling unit.

Motel. See "Hotel"

Moving message board. Any electrical sign having a continuous message flow across its face by utilization of lights or other electrical impulses forming various words or designs, such as a time and temperature sign.

New Tree Factor. The value attributed respectively to preserved and planted trees in determining adjusted caliper inches, as follows: (1) Preserved (existing) trees have a value of 1. (2) Planted (new) trees have a value of 3.

Nonconforming Property. Lawful development which was permitted prior to the adoption of this UDO and which does not meet the requirements of this UDO.

Nonconforming Sign. Any sign which has a valid permit, was erected or displayed prior to the effective date of this article or any subsequent amendment hereto and does not conform with any provision of this article.

Nonconforming Use. A structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is situated, either at the effective date of this chapter or as the result of subsequent amendments to this ordinance.

Notable Properties. These shall include those individual structures, sites, and properties located within the BCN deemed to embody a particularly high degree of significance which are subject to Beaufort Historic District standards, guidelines, and procedures rather than BCN standards, guidelines, and procedures.

Nude Model Studio. Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Nudity or State of Nudity. A state of dress which fails to opaquely and fully cover a human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.

Occupancy. Any use of or activity upon the premises.

Open Space. Outdoor or unenclosed area on the ground accessible for outdoor living, recreation, pedestrian access, or landscaping. Open space shall not include parking areas, driveways, deck or terrace areas, utility or service areas, or any space with a dimension of less than 6 feet in any direction.

Operator. The owner, permit holder, custodian, manager, operator or person in charge of any permitted premises.

Overstory Tree (or Canopy Tree). A tree with an expected mature height of at least 40 feet. Overstory trees compose the top layer or canopy of vegetation. Broad-leaved overstory trees develop a large, spreading crown.

Panel. The primary surface of a sign upon which the message of the sign is carried.

Parapet. A vertical false front or wall extension above the roof line.

Parcel. See "lot."

Parking Lot. Any public or private open area used for the express purpose of parking automobiles and other vehicles with the exception of areas on the premises of single-family dwellings used for parking purposes incidental to the principal use. Parking lots may be the principal use on a given lot or an Accessory Use to the principal use on a given lot.

Parking Space. A space within a parking lot or on a single-family dwelling lot expressly provided for purposes of parking an automobile or other vehicle.

Permitted Premises. Any premises that requires a permit and that is classified as a sexually oriented business.

Permittee. A person in whose name a permit to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit.

Person. An individual, proprietorship, partnership, corporation, association, or other legal entity.

Plot. See "lot."

Pennant. See definition of banners, pennants and balloons.

Permitted sign. A sign for which a valid permit has been issued.

Premises. A lot or other tract of land including the buildings or structures thereon.

Private Street. Any newly treated street is a private street unless (1) its right-of-way has been dedicated to the State of South Carolina, Beaufort County, or to the City of Beaufort; and (2) the appropriate public body has accepted the street for the purpose of maintaining it.

Property. See "lot."

Protected Width of Buffer, Median or Bed. That portion of a landscaped buffer, median or bed located adjacent to parking spaces in which shrubbery would be protected from overhanging car bumpers. The protected width is that portion beyond the line located two feet inward from the face of the wheelstop or curb facing the tire of a parked vehicle.

Public Building. Any building owned, leased, or held by the United States, the state, the county, the City, any special district, the school district, or any other agency or political subdivision of the state or the United States, which building is used for governmental purposes.

Public Park or Recreation Area. Public land which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the city which is under the control, operation or management of the City or County park and recreation authorities.

Public Right-of-Way. The entire area between property boundaries which is owned by a government, dedicated to public use, or impressed with an easement for public use; which is primarily used for pedestrian or vehicular travel; and which is publicly maintained, in whole or in part, for such use, and includes without limitations the street, curb, shoulder, sidewalk, sidewalk area, parking or parking strip, planting strip, and any public way.

Public Right-of-Way Line. The line where the property meets the public right-of-way at a public street or public waterway, provided that this definition shall not include unimproved alleys, easements or other similar dedicated uses.

Public Way. Any street, highway, road, path or right-of-way, whether privately or publicly owned, which is designed, or used for vehicular or pedestrian traffic either by public right or custom, or by invitation of two or more common owners.

Qualified Personnel. Professional consultants meeting the criteria set forth by the Secretary of the Interior as well as the South Carolina Historical Preservation Office and published in their *Guidelines and Standards for Archeological Excavation.*

Reader Board. A sign or portion thereof with character, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered a moving message board and not a reader board for purposes of this UDO.

Redevelopment. For purposes of this UDO, Redevelopment is defined as:

(1) The substantial modification of the developed portions of site, including footprints, arrangement, or exterior design of buildings, paved areas or vehicular use areas; and

(2) Development on land which is currently vacant, but which contained a primary structure or structures which were demolished within the last five years.

Redevelopment Area. For purposes of this UDO, the following areas are defined as Redevelopment Areas:

(1) The area defined by the lots on the north side of Calhoun Street, the lots on the east side of Carteret Street, the centerline of Bay Street, and the lots on the west side of Ribaut Road; and

(2) U.S. 21 Design District; and

(3) Any lot within one-quarter mile of the intersection of Ribaut Road and Mossy Oaks Road.

Religious Institution. Any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

Removal of Trees. The cutting of a tree or any intentional or negligent act which causes or will likely cause a tree to die including damaging the root system, changing the natural grade by excavation or filling over the root system or severe pruning.

Residence. A building or portion of a building arranged or designed to provide living quarters for one or more families. The terms "Dwelling" and "Residence" shall be interchangeable. See "Dwelling."

Residential District or Use. A single-family, duplex, townhouse, multifamily, Manufactured Home Park, or subdivision located in within the incorporated limits of the City of Beaufort, South Carolina.

Restaurant, drive-in. A building and adjoining parking area used for the purpose of furnishing food, soft drinks, ice cream, and similar confections to the public normally for consumption outside the confines of the principal building, typically in vehicles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided inside for patrons. Services are effected principally while patrons remain in their vehicles.

Roof. The exterior upper covering of the top of a building.

School. Any public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. School includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.

Screening. Use of wood, masonry, or plants to block or partially block the view of an adjacent use. Screening is measured by degree of opacity (e.g. 50 percent opacity) in the vertical plane.

Seminude. A state of dress in which in which clothing covers no more than the genitals, pubic regions, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

Service Station. See "Automobile Service Station."

Setback Line. That line which represents the distance a building or structure must be back from a lot boundary according to the terms of this UDO. In all cases, the setback lines of a lot shall be determined to run parallel to and set back the appropriate distance required within the zoning district in which the lot is located from lot boundary lines.

Sexual Encounter Establishment. A business or commercial establishment, that as one of its primary business purposes, offers for any form of consideration, a place where two or more persons may congregate associate, or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity or seminude. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

Sexually Oriented Business. An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, massage parlor, nude model studio or sexual encounter center.

Shrub. Woody plant, usually multi-stemmed or well branched from the base.

Shrub Coverage. A rough calculation within a buffer, median, or bed, in the horizontal plane, of the percent of ground covered by the crowns of shrubs. This is based upon reasonable projections of shrub size and shape at maturity when those shrubs are maintained and pruned in an appropriate manner. Ground cover plants such as creeping juniper are not included in the calculation.

Sign. The term "Sign" shall mean and include every sign, billboard, poster panel, freestanding ground sign, roof sign, projecting sign, pylon sign, illuminating sign, sign painted on a wall,

window, marquee, awning or canopy, and shall include any announcement, declaration, demonstration, display, ribbon, banner, illustration or insignia used to advertise or promote the interests of any person when the same is placed in view of the general public, traveling along a public street right-of-way.

(1) **Abandoned Sign.** A permitted sign which was erected on property in conjunction with a particular use which use has been discontinued for a period of 30 days or more, or a permitted temporary sign for which the permit has expired.

(2) **Canopy Sign.** A sign which is suspended from, attached to, supported from or forms a part of a canopy.

(3) **Changeable Copy Sign.** A sign on which message copy is changed manually in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels.

(4) **Dilapidated Sign.** Any sign which is structurally unsound, has defective parts or it in need of painting or maintenance.

(5) **Directional Sign.** A sign used to guide vehicular and/or pedestrian traffic by using symbols and/or such words as ‘entrance”, “exit”, “parking”, “one-way”, or similar directional instructions.

(6) **Easel Sign.** A sign or message board displayed on a portable open frame, the outline of which (the frame) is roughly pyramidal in shape.

(7) **Flashing Sign.** Any lighted or electrical sign which emits light in sudden transitory bursts.

(8) **Freestanding Sign.** Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

(9) **Ground Sign.** A sign suspended or supported by two uprights or braces anchored in the ground with no more than 18 inches of clearance from the bottom of the sign to the ground below.

(10) **Illuminated Sign, External.** Any sign which is directly lighted by an external source.

(11) **Illuminated Sign, Internal.** Any sign which transmits light through its face or any part thereof.

(12) **Incidental Sign.** A sign, generally informational, that has a purpose secondary to the use of the parcel on which it is located, such as "no parking", "loading zone", "telephone", and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

(13) **Inflatable Sign.** A sign that is either expanded to its full dimensions or supported by gasses contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

(14) **Monument Sign.** A sign constructed on the ground with a continuous footing or foundation with the base of the sign at grade.

(15) **Off-premise Sign.** Any sign located or proposed to be located at any place other than within the same platted parcel of land on which the specific business or

activity being promoted on such sign is itself located or conducted. For purposes of this UDO, easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premises sign.

(16) **On-premises Sign.** Any sign located or proposed to be located at any place, if otherwise permitted by this article, within the plat of record for the business or other activity identified on such sign.

(17) **Painted Wall Sign.** A sign painted directly on any exterior building wall or door surface, exclusive of window and door glass areas on any outside wall or roof or on glass of any building.

(18) **Political Sign.** A sign erected by a political candidate, group or agent thereof, for the purpose of advertising a candidate or stating a position regarding an issue upon which the voters of the city shall vote.

(19) **Project Sign.** Any sign erected and maintained on the premises temporarily while undergoing construction by an architect, contractor, developer, finance organization, subcontractor or materials vendor upon which property such individual is furnishing labor, services or material.

(20) **Projecting Sign.** Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure more than 18 feet.

(21) **Real Estate Sign.** A temporary sign erected by the owner, or his agent, advertising the real property upon which the sign is located for rent, for lease or for sale.

(22) **Roof Sign.** A sign erected over or on, and wholly or partially dependent upon, the roof of any building for support, or attached to the roof in any way.

(23) **Rotating Sign.** Any sign which revolves around one or more fixed areas.

(24) **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.

(25) **Snipe Sign.** A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes or fences, or to other objects.

(26) **Special Event Sign.** A sign which carries message regarding a special event or function which is of general interest to the community.

(27) **Suspended Sign.** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

(28) **Temporary Sign.** Any sign or information transmitting structure intended to be erected or displayed for a limited period.

(29) **Tenant Directory Sign.** A sign listing only the names and/or use, or location of more than one business, activity or professional office conducted within a building, group of buildings or commercial center. This sign is located on the interior of the lot.

(30) **Time and Temperature Sign.** An electrical sign utilizing lights going on and off periodically to display the current time and temperature in the community.

(31) **Vehicle Sign.** A permanent or temporary sign affixed, painted on or placed in or upon any parked vehicle, parked trailer or other parked device capable of being towed, which is displayed in public view under such circumstances as to location on the premise, time of day, duration, availability of other parking space on the premises where it is loaded, unloaded or otherwise carries out its principal function, which circumstances indicate that the primary purpose of the display is to attract the attention of the public rather than to serve the business of the owner thereof in the manner which is customary for the vehicle.

(32) **Wall Sign.** A sign mounted parallel to or painted on a building facade or other vertical building surface. Wall signs shall not project more than 18 inches from the wall surface.

(33) **Window Sign.** Any sign which is painted on, applied to, attached to or projected upon or within the exterior or interior of a building glass area, including doors, or located within 15 feet of the identification, message, symbol, insignia, visual representation, logotype, or any other form which communicates information, can be read from off-premises contiguous property or public right-of-way.

(34) **Window Sign, Temporary.** A window sign of a temporary nature used to direct attention to the sale of merchandise, or a change in the status of the business, including, but not limited to, sign for sales, specials, going out of business, and grand openings.

Sign Area. The area of a sign is the area of the fact of the sign formed by a perimeter consisting of a series of straight lines enclosing all parts of the sign. The area square foot area enclosed by the perimeter of the sign face. With respect to signs which are composed of individual symbols, letters, figures, illustrations, message, forms or panels, sign area shall be considered to include all lettering, wording, and accompanying designs and symbols together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions; but shall not include any supporting structure or bracing.

Sign Face. The part of the sign that is or can be used to identify, advertise, communicate information or for visual representation which attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim, color and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no message, symbol or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure.

Sign Structure. A supporting structure erected, used or intended for the purpose of identification or attracting attention, with or without a sign thereon, situated upon or attached to the premises, upon which any sign may be fastened, affixed, displayed or applied, provided however, this definition shall not include a building, fence, wall or earthen berm. A freestanding sign structure may contain a sign or signs on one side only or it may be a V-shaped structure or one containing signs back to back. A freestanding sign structure is one sign.

Significant Resources. Historic resources eligible for listing in the National Register of Historic Places.

Sight Triangle. Area at the intersection of the road right-of-way and an access point to property where driver visibility must be maintained as required in this ordinance.

Significant Species. A species of tree deemed to be of particularly high value and worthy of preservation.

Site. See "lot."

Special Exception. A use so specifically designated in this chapter that would not be appropriate for location generally or without restriction throughout a given zoning division or district, but which, if controlled as to number, area, location, or relation to the neighborhood, would in the opinion of the Zoning Board of Appeals, promote the public health, safety, welfare, morals, order, comfort, convenience, appearance or general welfare.

Specified Anatomical Areas. Specified anatomical areas as used in this ordinance means and includes any of the following:

(1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or

(2) Human male genitals in a discernable turgid state, even if completely and opaquely covered.

Specified Sexual Activities. Specified sexual activities means and includes any of the following:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

(2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

(3) Masturbation, actual or simulated;

(4) Human genitals in a state of sexual stimulation, arousal, or tumescence; or

(5) Excretory functions as part of or in connection with any of the activities set forth above.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and ceiling next above it.

Street. A dedicated and accepted public right-of-way or approved private right-of-way for vehicular traffic which affords the principal means of access to abutting properties. A dedicated public way or private way for vehicular traffic, whether designated as an avenue, boulevard, thoroughfare, road, highway, expressway, lane, drive, or any other public or private way.

Street Centerline. That line surveyed and monumented by the governing body shall be the centerline of a street; or in the event that no centerline has been so determined, it shall be that line running midway between the parallel to the general direction of the outside right-of-way lines of such streets.

Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground. A "building," as defined in this section, is a "structure." The structure shall include walls, fences, signs, light fixtures, steps or appurtenant elements thereof. Structures may not encroach into the sidewalk or right-of-way without the approval of the City Manager.

Subdivider. Any person, firm, or corporation who divides or develops any land deemed to be a subdivision as herein defined.

Subdivision. The division of land into two or more parcels.

(1) **Minor Subdivision.** The division of land into five (5) or fewer parcels where no new streets are created.

(2) **Major Subdivision.** Any subdivision that is not a Minor Subdivision.

Substantial Enlargement of a Sexually Oriented Business. The increase in floor areas occupied by the business by more than 25 percent, as the floor areas exist on the date of adoption of this UDO.

Tattoo or Tattooing. To indelibly mark or color the skin by subcutaneous introduction or nontoxic dies or pigments.

Tattoo Facility. Any room, space, location, area, structure, or business, or any part of these places, where tattooing is practiced or where the business of tattooing is conducted.

Telecommunications. Defined in the Federal Telecommunications Act of 1996 as the transmission between or among points specified by the users of information of the user's choosing, without change in the form of content or other information as sent and received.

Telecommunications Tower. A tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding, guyed, or on a building. This does not include private home use television reception antennae and satellite dishes, or communications towers for amateur radio operation licensed by the Federal Communications Commission (FCC).

Tidal Area Buffer. A buffer established adjacent to the critical area on all property located alongside the critical area.

Topping. The severe cutting back of limbs within the tree's crown to stubs larger than three inches in diameter to such a degree that the normal canopy is removed and the tree is disfigured. Other common terms for this injurious practice include stubbing, heading, lopping, and hatracking.

Town House. See "dwelling, townhouse."

Tract. See "lot."

Trailer or Mobile Commercial Structure. Any vehicle or structure capable of moving, or being moved, over streets and highways on its own wheels or on flat beds or other carriers, which is designed or utilized to:

(1) Provide temporary or permanent quarters for the conduct of business, profession, trade or occupation; or

(2) Serve as a carrier of people, new or used goods, products or equipment.

Transfer of Ownership or Control. Transfer of ownership or control of a sexually oriented business means and includes any of the following:

(1) The sale, lease, or sublease of the business;

(2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Tree. Any self supporting woody plant usually having a single trunk and a likely DBH of two inches or greater.

Tree Protection Zone. An area surrounding the base of a tree, generally circular in shape, within which neither construction activity nor physical development is permitted.

Tree Save Area. An area composed of closely grouped trees designated for preservation.

Tree Species Factor--TSF. The numerical value assigned by this ordinance to each tree category for the purpose of determining required tree coverage.

Understory Tree. Tree under 40 feet at maturity capable of thriving in the lower light intensities found under the canopy of overstory trees.

Use, Accessory. See "accessory."

Use, Principal. The primary purpose for which a lot is occupied and/or used.

Valance. The permanent decorative area suspended from the lower horizontal supports of an awning.

Variance. A modification of the strict terms of this UDO granted by the Zoning Board of Appeals where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property and not as the result of any action on the part of the property owner, a literal enforcement of this chapter would result in unnecessary and undue hardship, and where such modification will not authorize a Principal or Accessory Use of the property which is not permitted within the zoning district in which the property is located.

Vehicular Service Station. Buildings and premises on any parcel or lot where gasoline, oils, and greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation) where no part of the premises is used for the storage of dismantled or wrecked vehicle parts, and also where the following services may be rendered and none other:

(1) Sale and servicing of spark plugs, batteries and distributors;

(2) Tire repair and servicing, but no recapping;

(3) Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, floor mats, seat covers, wiper blades, windshield wipers, grease retainers, and wheel bearings;

(4) Washing and polishing;

(5) Greasing and lubrication;

(6) Exchanging fuel oil pumps and installing fuel lines;

(7) Minor servicing and replacing of carburetors;

(8) Emergency wiring repairs;

(9) Adjusting and repair of brakes;

(10) Minor adjustment of engines not involving removal of the head and/or crank case, or racing the motor; and

(11) Sale of cold drinks and packaged foods, as accessory only to principal operation.

Vehicular Use Area. Any area, whether paved or unpaved, designed for use by motor vehicles including driveways, parking areas, parking aisles, and loading areas.

Wrecked or Disabled Vehicle. Any vehicle in a state of disrepair or which is incapable of moving under its own power.

Yard. A space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings and structures are expressly permitted.

(1) **Yard, Front.** A yard situated between the front building line and the front lot line extending the full width of the lot.

(2) **Yard, Rear.** A yard situated between the rear building line and the rear lot line and extending the full width of the lot.

(3) **Yard, Side.** A yard situated between a side building line and a side lot line and extending from the front yard to the rear yard.

Zoning District. See "district."

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INDEX

A

Accessory Dwelling Units.....5-22
Accessory Uses 5-6, 5-41
Administrative Adjustment.....3-20
Administrative Appeals.....3-35
Administrator 2-8
Air Installation Compatibility Use Zone 6-28
Air Installation Compatibility Use Zone (AICUZ).....4-6
Alternative Residential Development Options.....6-5
Animal Hospital and Kennel 5-25
Application Forms.....3-1

B

Bakery.....5-25
Beaufort Historic District 3-44
Beaufort Historic District Standards.....6-10
Bed and Breakfast (B&B).....5-26
Blocks.....8-5
Building Coverage.....6-16
Building Official 2-7
Building Permit 3-6

C

Car Wash 5-26
Care Homes, Public and Private 5-23
CC Core Commercial District 4-5
Cemetery 5-24
Certificate of Compliance 3-18
Certificate of Occupancy 3-6
City Council 2-1
Cluster Development.....6-6
Commercial Districts.....4-4
Commercial Use Categories 5-12
Community Service 5-24
Comprehensive Plan 1-3
Concurrent Processing.....3-2
Conditional Use 5-1
Conflicting Provisions.....1-3
Corner Lots 6-14
Design Review Board 2-12
CP Conservation Preservation District.....4-5
Curb Cuts and Access Points.....8-5

D

Defined Terms 11-1
Definitions.....11-1
Development Review Bodies.....2-1
Development Review Procedures.....3-1
District Development Standards.....6-1
Double Frontage Lots 6-14

E

Effective Date.....1-3
Enforcement.....10-1

G

Gas Stations 5-26
GC General Commercial District 4-5
General Development Standards 7-1
GR General Residential District 4-3
Group Dwelling 5-23

H

HC Highway Commercial District 4-5
Height.....6-17
Highway Corridor Overlay Zoning 4-7, 6-18
Historic District.....4-8
Home Occupations.....5-42

I

Improvement Requirements.....8-6
Industrial Districts 4-5
Industrial Use Categories.....5-17

J

Jurisdiction.....1-1

L

Landscaping and Tree Conservation.....7-19
LI Limited Industrial District.....4-5
Lot Area 6-15

M

Manufacturing and Production 5-27
Measurement and Exceptions 6-15
MED Medical District.....4-6
MH Manufactured Home District 6-1
MHP Manufactured Home District.....4-4
MR Military Reservation District 4-6

N

NC Neighborhood Commercial District.....4-4
Nonconforming Lots of Record 9-4
Nonconforming Signs.....9-5
Nonconforming Uses 9-1
Nonconformities 9-1
Nonresidential District Standards.....6-11
Notice.....3-2

O

OC Office Commercial District.....4-4
Official Zoning Map 4-1
Off-Street Parking and Loading Standards.....7-42
Other Use Categories 5-20
Overlay Districts 4-6

P

Parking Design Standards 7-43
Penalties For Violation.....10-2
Permanent Reference Points 8-6
Planned Unit Development (PUD).....3-12
Planned Unit Development (PUD) Standards.....7-39
Planning Commission.....2-1
Preapplication Conference.....3-1
Principal Uses 5-6
Public Notice 3-2
Public Utility Substations.....5-24
Public, Civic and Institutional Use Categories.....5-8
PUD Planned Unit Development District.....4-6
Purpose.....1-1

R

R Rural Single-Family Residential District.....4-3
R-1 Low Density Single-Family Residential District....4-3
R-4 High-Density Single-Family Residential District...4-3
Recreational Vehicle Parks 5-28
Religious Institutions 5-25
Residential Development Standards.....6-1
Residential District Standards.....6-1
Residential Districts.....4-2
Residential Use Categories 5-8
Restaurant 5-29

S

Schools 5-25
Short Title 1-1
Sidewalks.....8-3
Sight Clearance 7-46
Sign Permits 3-19
Sign Regulations.....7-3
Similar Use Interpretation Criteria.....5-6
Site Plan Review 3-16
Special Exception 5-1
Special Exceptions.....3-33
Special Purpose Districts 4-5
Specific Use Standards 5-22
Storage.....5-36
Street and Development Names 3-10
Street Right-of-Way Widths.....8-4
Subdivision Design Standards.....8-1
Subdivision Design/ Improvements.....8-1
Subdivision Improvement Guarantees.....8-8
Subdivision Review 3-7

T

TBR Traditional Beaufort Residential District.....4-4
Telecommunication Towers 5-37
Temporary Uses.....5-46
Text Amendment.....3-25
Truck Terminal 5-35

U

Use Categories 5-6
Use Regulations 5-1
Use Tables 5-1

V

Validity 1-4
Variances.....3-30
Vehicle Service, Limited 5-35

W

Wholesale Sales.....5-36
Written Interpretation.....3-4

Z

Zero Lot Line.....6-5
Zoning Board of Appeals.....2-4
Zoning Districts.....4-1
Zoning Map Amendment (Rezoning).....3-27

APPENDIX

A. Applications Requirements

1. Subdivision
2. Site Plan
3. Certificate of Compliance
4. Sign Permits
5. Special Exception
6. Development Design Review
7. Certificate of Appropriateness

B. Gas Station Design Guidelines

C. Applications Requirements

1. Subdivision Application requirements

a. Subdivision Sketch Plan Requirements

The sketch plan, if submitted, should be drawn at an approximate scale of 200 feet to one inch and should show the tentative street layout, approximate street right-of-way widths, lot arrangement, the location of the nearest water and sewer lines, water courses, drainage and utility easements, existing structures, total acres, approximate number of lots, adjoining streets, north arrow, tract boundary, proposed use of land, existing zoning, source and type of water supply and waste system proposed.

b. Preliminary Subdivision Plat Requirements

The preliminary subdivision shall be submitted at a scale of not less than one inch to 200 feet and shall include and show the following information:

(1) Name and address of owner of record;

(2) Proposed name of the subdivision, date, north point, and graphic scale;

(3) Name and seal of registered surveyor or civil engineer;

(4) Name of municipality or county in which subdivision is located;

(5) Vicinity map showing location of the subdivision;

(6) Exact boundaries of the tract of land being subdivided shown with bearings and distances;

(7) All wooded areas, marshes, flood plains, and any other conditions affecting the site;

(8) The location of existing streets, buildings, water courses, railroads, transmission lines, sewers, culverts and drainage pipes, water mains, City limit lines, and any public utility easements on and adjacent to the tract being subdivided;

(9) Should the Planning Commission determine that the land to be subdivided warrants special consideration because of conditions peculiar to the site, the subdivider shall then submit, upon request, a topographic map at an interval deemed necessary by the Commission;

(10) Proposed streets and alleys, rights-of-way, and street names, together with an indication of whether the streets are proposed to be publicly or privately maintained. For private streets, the method by which said streets will be maintained shall be noted;

(11) Proposed utility easements, widths, and layouts;

(12) Proposed lot lines with bearings and distances, and lot and block numbers;

(13) Proposed minimum building setback lines;

(14) Site data:

(15) Acreage in total tract.

(16) Smallest lot size.

(17) Total number of lots.

(18) Lineal feet in streets.

(19) Proposed parks, school sites, or other public open spaces, if any; and

(20) Preliminary plan for surface drainage, storm drainage and/or other drainage structures.

c. Final Subdivision Plat Requirements

The final plat shall be drawn on permanent unshrinkable reproducible film, measuring not more than 24 by 36 inches, and shall conform substantially to the preliminary plat as approved. If the final plat is drawn in two or more sections, each section shall be accompanied by a key map showing the locations of the several sections. The final plat shall be prepared by a Registered Surveyor or Civil Engineer and shall show the following information:

(1) Name and address of owner of record.

(2) Name of subdivision, date, north point, and graphic scale.

(3) Name and seal of registered surveyor or civil engineer.

(4) Name of municipality or county in which subdivision is located and location map.

(5) Exact boundaries of the tract of land being subdivided shown with bearings and distances. Distances are to be shown to the nearest one/tenth (1/10) of a foot and angles to the nearest minute.

(6) Streets and alleys, right-of-way, and street names. For subdivisions containing private streets, the method by which said streets shall be maintained shall be noted and the following notation shall be lettered or stamped on the final plat in such a matter as to ensure that said no notification will be legible on any prints made therefrom:

Notice Of Private Streets

The streets, or certain of the streets within this subdivision, have been platted as private streets which do not conform to minimum public right-of-way standards. As such, these private streets may not be turned over for public acceptance and maintenance.

(7) Lot lines and lot and block numbers.

(8) Parks, school sites, or other public open spaces, if any.

(9) Accurate description of the location of all monuments and markers.

(10) Existing railroads, water courses, and City limit lines.

(11) Utility easements and widths for:

(12) Water mains

(13) Gas and electrical lines

(14) Sanitary and storm lines

(15) Forms for Final Certification. The following certificates shall be lettered or rubber stamped on the final plat in such a manner as to insure that said certificates will be legible on any prints made therefrom.

(a) Certification of Owner's Consent. All Major Subdivision applications shall contain certification that the owner of the land has given consent to the proposed subdivision.

(b) Certification of Title Source. Subdivision applications shall contain certification signed by the surveyor setting forth the source of title of the owners of the land subdivided or a copy of the deed by which the property was conveyed to the owner.

(c) Open Space and Public Dedication Narrative. A detailed narrative explaining how the subdivision will meet the open space and public dedication requirements, as applicable, of Section 8.2 of this UDO. The narrative shall include:

(d) Description of the form of organization proposed to own and maintain the open space in conformance with the requirements for Property Owners Associations or the equivalent, as specified in Section 8.2 of this UDO;

(e) Identification of how the open space and facilities relate to existing and proposed open space areas, bikeways and recreational facilities of the City of Beaufort, as shown in the Comprehensive Plan, or more detailed plans adopted by the Planning Commission such as neighborhood plans; and

(f) If dedication is proposed to exceed the minimum City standards, the applicant should state what bonus incentive, if any, is being requested as a result of such additional dedication.

D. Site Plan Requirements

A development plan application shall be considered complete when the following items have been submitted:

1. Application Form

An application form as published by the Administrator.

2. Property Deed

Copy of property deed to the lot of record or portions thereof which constitute the proposed development site.

3. Boundary Survey Plat

Two copies of the boundary survey plat of the lot of record or portions thereof which constitute the proposed development site at a minimum scale of 1" = 50' or other appropriate scale acceptable to the ordinance administrator. Upon such plat shall appear:

a. Location of primary control points used in the survey, with ties to such control points to which all dimensions, angles, bearings, distances, block numbers, and similar data shall be referred;

b. Computed acreage of the surveyed tract. Where only a portion of any tract is proposed for development, there shall appear on the plat the acreage to be developed (except in the case of subdivisions, where precise acreages shall be shown) in addition to the overall tract acreage;

c. Seal and signature of a South Carolina registered land surveyor;

d. Date of survey and date of any revisions;

e. Notation of specific reference plats, if applicable; and

f. Graphic scale and reference meridian.

4. Written Narrative

A written narrative outlining:

a. The nature and details of the proposed development;

b. If the proposed development plan is a phase of a previously approved multiphase plan or PUD master plan, a description of how such phase relates to such plan, in whole or in part;

c. The specifically contemplated form of ownership of the development (e.g., fee simple, horizontal property regime, property owner association, interval ownership, etc.) and detailed provisions for maintenance responsibility for all improvements, including, but not limited to, streets, parking areas, bikeways, pedestrian ways, storm drainage facilities, water and sewer systems, open space areas, and the like;

d. Any proposed dedication of improvements to any public agency, specifying such improvements and the affected agencies; and

e. Any other information deemed necessary by the applicant to further clarify the proposed development.

5. Site Development Plan

Four prints of a final site plan or set of plans, at a minimum scale of 1" = 30' or other appropriate scale acceptable to the Administrator, showing the following:

a. Name of development and developer;

b. Graphic scale and reference meridian;

c. Date of drawing and date of any revisions;

d. Vicinity sketch showing the general site location and depicting vehicular access routes accurately referenced to the nearest public road;

e. Topographic survey or other topographic information when required by the ordinance administrator;

f. All permanent structures and facilities within approximately 150 feet of the proposed development tract;

g. Proposed site development, including land uses, any building or other structure locations, street, driveway, bike and pedestrian way, and parking area layouts, turning radii, and interconnections with off-site facilities, if applicable. The plan view of buildings shall show limits of roofed areas, and indicate the exterior wall line dimensioned to property lines;

h. Location of proposed drainage system, including off-site areas of interconnection;

i. Location of proposed water and sewer system, including off-site areas of interconnection;

j. Location of other proposed waste disposal systems, including solid waste collection areas;

k. Location and dimensions for parking and off-street loading areas, where applicable;

l. Location of other utilities such as electrical, telephone, gas line service and cable TV to the development;

m. Location of proposed buffer areas as required by Section 7.2 Landscaping and tree Conservation;

n. Table indicating calculations for required parking;

o. Delineation of any zoning district boundary which traverses or is contiguous to the development site, including overlay zones;

p. Where applicable, surveyed delineation of any wetland area;

q. Where applicable, topographic contour line corresponding to the 100-year base flood elevation affecting, the proposed development;

r. Where applicable, surveyed delineation of any known archeological or historical resource feature located on or contiguous with the proposed development tract; and

s. Fire hydrants and fire lanes.

6. Approvals, Certifications and Recommendations

Copy of approvals, certifications, and recommendations required by all appropriate city, county, state, and federal regulations for the proposed development, and documentation of compliance with such, as applicable. Failure of the ordinance administrator to request an approval or certification required does not relieve the applicant of responsibility for compliance. This includes but is not limited to:

a. South Carolina Department of Health and Environmental Control approval to construct water and sewer [lines], where applicable;

b. Beaufort County Health Department approval of septic system or temporary sanitary waste disposal system;

c. South Carolina Department of Health and Environmental Control and/or South Carolina Office of Ocean and Coastal and Resource Management permits, approvals, or certification related to fresh water or salt water wetlands and the like;

d. U.S. Army Corps of Engineers permits related to dredging, filling, wetlands, or other elements of the development; and

e. South Carolina Department of Transportation encroachment permit, if necessary for proposed or required work.

7. Legal Guarantees

Legal guarantees for the installation and maintenance of required and other improvements; applicable only to those developments involving the sale or other transfer of lots, building sites, individual dwelling units, commercial units, or structures either attached or detached, where the alternate procedure of posting such guarantees is chosen in lieu of actual construction of such improvement prior to final approval.

8. Offers of Dedication to Public Ownership

Any offers of dedication to public ownership and permanent public maintenance of improvements, such as streets and drainage systems, parks, pathways, etc.

9. Legal Documents

Draft deed restrictions, articles of incorporation, bylaws of a homeowners association, easements, and other legal documents pertaining to the operation and management of the proposed development, or, if required, by any other section of this UDO.

10. Additional Information

The Administrator may require submission of additional maps, data, or proposed methods of addressing other pertinent matters relative to the proposed development where, owing to the nature, size, and location of the proposed development, particular elements critical to the health, safety, and welfare of the community and its citizens should be addressed. Such elements may be, but are not limited to, traffic study, hurricane evacuation, other emergency preparedness and response, environmental preservation, historical preservation, shoreline erosion, public access, community linkages, public education, and the like.

E. Certificate of Compliance Requirements

The applicant shall submit the following applicable documents to the Administrator for review and approval:

1. A registered engineer's or registered landscape architect's sealed certification of completed roads, parking, drainage systems and utilities.
2. Certification of Compliance with approved landscaping and tree planting plan by a registered landscape architect or a landscape contractor.
3. Two complete sets of as-built drawings, indicating accurate site conditions of pavements, parking spaces, utilities, structures, and drainage.
4. South Carolina Department of Health and Environmental Control permits to operate water and sewer systems.
5. City agreement to accept ownership and maintenance responsibility for dedicated roads and drainage systems where applicable.
6. Other applicable agencies' final certification.
7. An owner's affidavit stating that all work has been completed consistent with the applicant's development permit and any applicable provisions of this chapter, plus a copy of the documents that clearly set forth the ownership and maintenance provisions and responsibilities for infrastructure improvements, amenities reflected under the approved plan, and any open space areas required.

F. Sign Permit Requirements

Applications for sign permits shall be made to the Building Official and shall include:

1. A complete application form as approved by the Building Official and appropriate fee;
2. A site plan showing data relating to the number of signs to be placed on the lot, locations, design, materials, colors, height, width, depth, square footages;
3. For facade signs, a scaled drawing showing the entire facade or tenant space facade, the proposed sign location, and any existing facade signs;
4. The name, address and telephone number of the sign owner and of the sign erector; and
5. Any other pertinent data as may be required to ensure compliance with this section.

G. Special Exception Requirements

Applications for special exception shall be submitted to the Administrator and shall consist of information necessary for the Zoning Board of Appeals to make a determination regarding the special exception request. Applications shall include the following materials:

1. A completed application form as provided by the department and appropriate fee as established, from time to time, by the City Council;
2. A legal plat of the property drawn to scale showing property lines, the location of existing buildings, and all easements and rights-of-way;
3. An accurate scaled site plan (site plan) of the property showing property lines; location of existing and proposed buildings and structures, location of buildings and structures on adjacent properties; existing and proposed parking and traffic circulation; location of existing and proposed screening including fences, walls and plantings; and location, type and size of existing and proposed signs;
4. Building elevation drawings for proposed buildings and additions that include information on building heights, cladding material, and basic building and roofing material;
5. A description of the color of proposed buildings and additions; materials and color of proposed walls, fences, and screens; and species of any plantings that will be used; and
6. Any other information or materials which may be reasonably required by the Administrator or the Zoning Board of Appeals to facilitate the review process.

H. Development Design Review

1. Applicants shall submit the following items for review by the Design Review Board before an application shall be considered complete:

a. Photographs, including a general view of the street showing the building site and adjacent properties (i.e. the streetscape); individual photographs of the buildings immediately adjacent to and across from the site; and a frontal view of the building site from the street;

b. Site plan meeting the requirements of Section 3.8;

c. Floor plans and elevation drawings showing the design of all elevations, proposed grade, finish floor elevations, roof slopes, mechanical vents and equipment, location and type of outdoor lighting fixtures, location of signage, proposed materials including walls, roofs, gutters and down spouts, and porches and railings; and

d. Material specifications which can include samples, brochures, and or photographs of all exterior materials, finishes, colors, and fixtures.

2. Preliminary project review requires items (1) and (2) above. Final project review requires items (1) through (4) above.

3. A conceptual presentation requires item (1) above; a site plan to scale showing the existing site and location of proposed changes; and conceptual elevation drawings showing the proposed design of the building.

I. Certificate of Appropriateness Requirements

All of the following data shall be filed with the Administrator which shall allow the data to be made available to the Board.

1. Drawings required for alterations and/or additions to existing structures or for new construction. Every application for review involving (a) alterations and/or additions to existing structures in the Beaufort Historic District or (b) existing structure erected prior to 1900 or (c) the erection of any new structure within the Beaufort Historic District shall be accompanied by drawings signed by the architect or draftsman and submitted in duplicate, for the proposed alterations, additions or changes, and for new construction of buildings or property use. In cases where the planning staff determines that a third set of plans will be needed due to the complexity of a project, the applicant shall submit a third set upon request. As used herein, drawings shall mean plans and exterior elevations drawn to scale with sufficient detail to show, as far as they relate to exterior appearances, the architectural design of buildings, including proposed materials, textures and colors, including samples of materials or color samples and the site plan or site layout, including all improvements affecting appearances such as walls, walks, terraces, planting, accessory buildings, signs, lights and other elements. Such documents shall be filed with the office of planning and community development, which shall allow such documents to be made available to the board.

2. Photographs required with application for demolition of existing structures. In the case of application for the demolition of structures within the city constructed prior to 1900 or the demolition of an existing structure situated within the Beaufort Historic District, regardless of age, the applicant shall submit legible photographs of all sides of the building under consideration and photographs showing contiguous properties.

3. Photographs required with applications for repair, alteration, and/or additions to existing structures. In the case of application to repair, alter or make additions to a structure within the city constructed prior to 1900 or to structure situated within the Beaufort Historic District regardless of age, the application shall be accompanied by legible photographs of all sides of the structure.

4. Photographs required with applications for new construction. In the case of application to construct a new building situated within the Beaufort Historic District the application shall be accompanied by legible photographs of the adjoining properties.

J. Contents of Landscaping Plan

1. The Landscaping Plan shall be in the form and shall contain such information as may reasonably be required by the Administrator to evaluate compliance with the requirements of this section, including but not limited to:

a. Site plan at a maximum scale of 1" = 20' showing:

(1) Location and calculation in square feet of total site area;

(2) Location and calculation in square feet of all existing and proposed structures and appurtenances;

(3) Location of all existing and proposed vehicular use areas, walkways, and bicycle paths;

(4) Amount and percent of impervious area including building footprints and vehicular use areas;

(5) Location of all utilities;

(6) Location of all existing and proposed ponds, ditches, and other drainage structures;

(7) Location of all existing and proposed decks, terraces, trellises, walls, fences, and other screening devices with calculation of percentage of opacity; and

(8) Limits of construction.

b. Tree survey at the same scale as the site plan meeting the requirements of Section a. above.

c. Tree installation plan at the same scale as the site plan showing location, species, quantities, and caliper inches of all trees proposed to be installed;

d. Shrub installation plan at the same scale as the site plan showing location, species, quantities, and size (in gallons) of all shrubs proposed to be installed;

e. Grading and drainage plan at the same scale as the site plan, including a plan for preserving on site any disturbed topsoil within pervious areas;

f. Methods and details for protecting existing vegetation during construction;

g. An irrigation plan at the same scale as the site plan for new plantings showing location, size and type of sprinkler heads and type of system, and typical planning details; and

h. The name, signature, and address of the landscape designer; where the designer is a landscape architect, the seal of that landscape architect.

K. Contents of Tree Survey

1. The tree survey shall show the locations, species, and sizes of all trees on the parcel as follows:

a. Trees having a DBH of eight inches or greater located within the area to be disturbed and 25 feet beyond in each direction;

b. Other trees having a DBH of eight inches or greater that the applicant proposes to remove; and

c. All trees that will be counted toward meeting minimum tree coverage requirements of the manual.

2. All tree surveys shall be conducted and certified by a landscape architect, land surveyor, or arborist certified by the International Society of Arboriculture. On smaller projects this requirement may be waived at the discretion of the Administrator.

3. All tree surveys shall be no more than two years old.

4. Prior to issuance of the building permit, the applicant shall stake out the site indicating all ground areas which will be disturbed. The Administrator shall visit the site to confirm the accuracy of the survey and site plan. If there is any significant inaccuracy then the Administrator may require resubmittal of a corrected survey.

5. Prior to commencement of construction activity the applicant shall erect protection barriers around trees to be preserved in accordance with provisions of this Section.

L. Contents of Tree Removal Application

1. The Tree Removal Application shall be in the form and shall contain such information as may reasonably be required by the administrator to evaluate compliance with the requirements of this article, including, but not limited to the name of the property owner; address of the property; name of the proposed contractor, if any; a brief written narrative stating the reason for the requested removal; a sketch of the site showing the location of the trees and identifying them by species and diameter, but where numerous trees with a DBH of eight inches or greater are to be removed as a result of construction or ground disturbance, a tree survey, as specified below, may be required by the administrator at his discretion.

2. The trees shall be marked by the applicant on the site for inspection.

M. Gas Design Guidelines

GAS STATION DESIGN GUIDELINES
October 20, 2010

These standards are in addition to standards set out in the main body of the Unified Development Ordinance. If there is a conflict between these standards, and the Design District standards set out in Section 6.8 of the Unified Development Ordinance, these Gas Station Design Guidelines shall apply.

Key Objectives

- Protect and enhance the character and quality of commercial districts and adjacent neighborhoods where gas station and convenience stores are located.
- Create a high level of expectation in the quality of gas station and convenience store architecture.
- Provide needed flexibility to respond to unique conditions and constraints inherent to specific areas within the community.
- Minimize negative impacts to adjacent uses resulting from on-site activities.
- Maintain and strengthen the city's identity and character.

Character/Context

A variety of character/contextual settings exists in Beaufort ranging from historic urban settings in downtown, to suburban settings in outlying areas. Each setting warrants differing responses in terms of site development and design. Gas station and convenience store design should contribute to the established or desired character and identity of the community and neighborhood.

Site Design

1. All development proposals should show evidence of coordination with the site plan, arrangement of buildings and planning elements of neighboring properties:

    - Seek shared-access with adjoining commercial uses where feasible to minimize curb cuts and enhance pedestrian and vehicular areas.
    - Minimize cross traffic conflicts within parking areas.

2. Mitigate the negative impacts from site activities on adjoining uses:

    - Service areas, storage areas, and refuse enclosures should be oriented away from public view and screened from adjacent sites.

3. ATMs and other vending machines should be located within the primary retail building.

4. Sidewalks shall be provided from the primary entrance to the public sidewalk.

5. Vacuum stations and similar equipment are prohibited on the sides of the principle structure abutting a residential use.

6. When pumps are proposed at existing facilities which do not meet the design standards for gas stations in this UDO, a decorative wall not less than three feet in height shall be required along any side of the property adjoining a street.

7. Provide significant architectural or landscape features at the corner on corner sites in order to address the public realm and enhance the streetscape.

Architecture

The intent of the following architectural guidelines is to encourage creative architecture that is responsive to local and regional context and contributes to the aesthetic identity of the community.

1. The building should be appropriately sized and scaled for the site and the overall context. “Kiosk”-type fuel sales are not permitted. A kiosk in this context is defined as an ancillary building from which an attendant sells sundries and monitors the pump; customers are generally not allowed into the building.

2. Buildings should not derive their image from applied treatments that express corporate identity.

3. The primary building should be at least 50% as long (measured parallel to the street) as the distance along the longest line of pumps parallel to the street.

4. The design of stand-alone gas stations and convenience stores should conform to the dominant existing or planned character of the surrounding neighborhood. This can be accomplished through the use of similar forms, materials and colors.

5. All sides of a building should express consistent architecture detail and character. All site walls, screen walls and pump island canopies and other outdoor covered areas should be architecturally integrated with the building by using similar material, color and detailing.

6. Building colors should emphasize earth tones. The use of highly reflective or glossy materials should be limited and will not be appropriate in all contexts.

7. Canopy:

   - Canopy should relate to the building in architectural design and materials.
   - Canopies with a pitched roof are encouraged. Multiple canopies or canopies that express differing architectural masses are encouraged.
   - Canopy support columns should be entirely encased with materials that complement the primary building.
   - Canopy fascia should be compatible in scale with building fascia.

- Canopy band face should be of a color consistent with the main structure or an accent color.
- Canopy ceiling should be recessed.
- Outlining of canopies with light bands or tubes is prohibited.

Pump Island

The intent of this section is to encourage pump island designs that are well organized and consolidated to minimize visual clutter. Pump island components consist of: fuel dispensers, refuse containers, automated payment points, safety bollards, and other appurtenances.

1. The design of pump islands should be architecturally integrated with other structures on-site using similar colors, materials and architectural detailing.

2. The color of the various components of the pump island, including dispensers, bollards and all appurtenances, are encouraged to be muted.

3. All elements of the pump island or canopy that are not operational should be architecturally integrated by use of color, material, and architectural detailing.

4. The use of translucent materials and internally lighted cabinets are discouraged as finishes or as applied treatments at the pump island or on the canopy.

5. Either a pump island curb or bollard is recommended for the protection of dispensing units.

Lighting

1. Light fixtures mounted under canopies should be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface (ceiling) of the canopy.

2. The sides (fascias) of the canopy should extend below the lens of the fixture 12 inches to block the direct view of the light sources and lenses from property line.

3. Lights should not be mounted on the top or sides (fascias) of the canopy and the sides (fascias) should not be illuminated.

Landscaping

1. A solid screening structure made of wood or finished masonry shall be installed along the property line when the facility adjoins land in residential use or zoned for single-family development. When the facility adjoins undeveloped property zoned for mixed use, the approval body has the authority to waive or revise this requirement.

2. Provide ample landscaping and or a decorative wall to enhance the streetscape and define the street edge when setting building structures back from the street is unavoidable.

See Section 7.3. for specific landscaping requirements.

Signs

See Section 7.2 for specific signage requirements. The following provision supersedes the reader board requirements in Section 7.2.G.1.g:

> Gas stations in any district where permitted by this UDO may be approved to have a reader board included in a freestanding sign. The reader board shall be no more that 40% of the size of the sign face.