THE BEAUFORT CODE

THE CITY OF BEAUFORT, SC

DRAFT APRIL 7, 2016

This code was prepared for

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1: GENERAL PROVISIONS

1.1: TITLE AND AUTHORITY

1.1.1 SHORT TITLE *(1.1)*

This chapter shall be known and may be cited as "The Beaufort Development Code" and shall hereafter be referred to as the "Code."

1.1.2 AUTHORITY *(adapts 1.2)*

The development regulations contained in this chapter have been adopted pursuant to the authority conferred by Section 6-29-710 of the South Carolina Code of Laws (SCCL), 1976, as amended. Under the authority granted by SCCL Title 6, Chapter 7, 1976, the City Council of the City of Beaufort ordains and enacts into the law this Code.

1.1.3 REFERENCE TO SOUTH CAROLINA STATUTES *(adapts 1.2)*

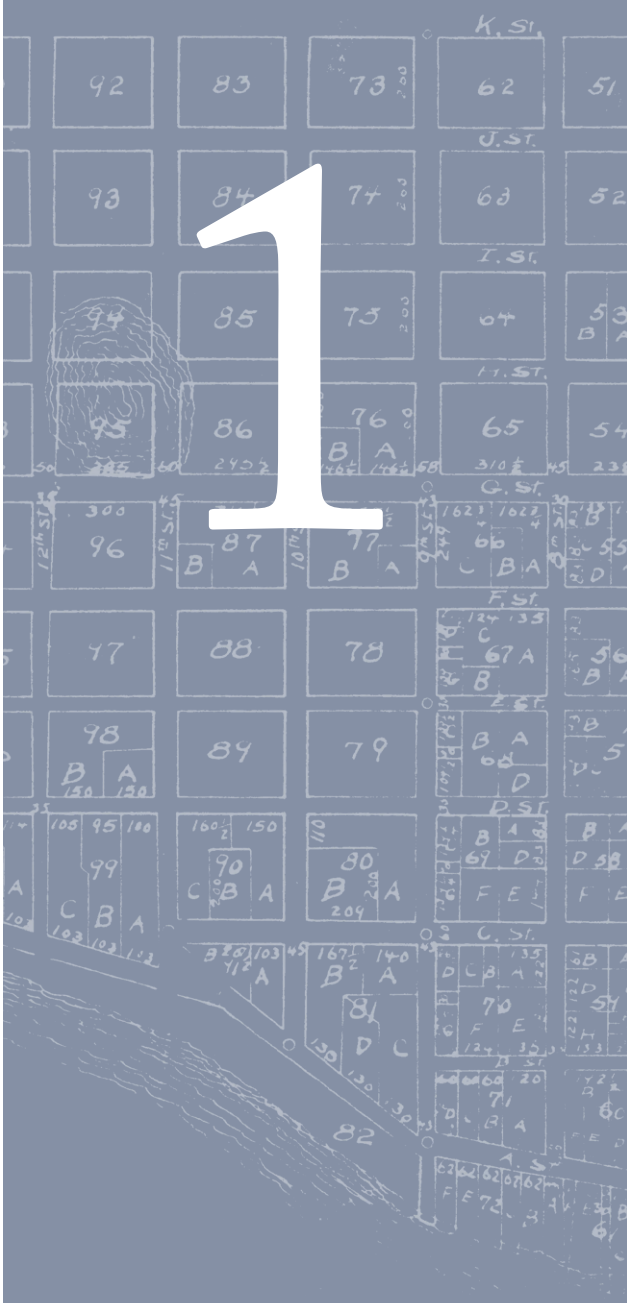
Whenever any provision of this Code refers to or cites a section of the South Carolina Code of Laws, and that section is later amended or superseded, this Code shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

1.2: PURPOSE AND INTENT

1.2.1 GENERAL *(revises 1.3)*

In accordance with SCCL Section 6-29-710, this Code is adopted for the general purposes of guiding development in accordance with existing and future needs and promoting the public health, safety, convenience, order, appearance, prosperity, and general welfare. To these ends, this Code is adopted with reasonable consideration of the following purposes, where applicable:

A. To provide for adequate light, air, and open space;



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B. To facilitate the creation of a convenient, attractive, and harmonious community;

C. To protect and preserve scenic, historic, or ecologically sensitive areas;

D. To facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks, and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements;

E. To secure safety from fire, flood, and other dangers; and

F. To further the public welfare in any other regard specified by a local governing body.

1.2.2 CONSISTENCY WITH THE COMPREHENSIVE PLAN *(revises 1.8)*

The regulations in this Code, including all supplements and attachments thereto, have been adopted in accordance with the principles and policies of the Vision Beaufort 2020 Comprehensive Plan and the Beaufort Civic Master Plan. In accordance with those plans the City of Beaufort and its citizens envision a City with:

- A welcoming atmosphere to all people
- A common community vision
- Beautiful, stable, diverse neighborhoods
- A sustainable economic base with a streamlined process for economic development
- Preservation of unique architectural and historic resources balanced with sensitive infill and investment in our historic core.
- A predictable development process for citizens and developers alike
- Natural resources that balance protection with public access and enjoyment
- Attractive and vital community gateways and corridors
- Transportation options and convenient access to services & destinations

To help achieve this vision, we will build upon and protect our assets and strengths:

- Natural beauty and open spaces
- Unique community design and historic character
- Access to local goods, services, and cultural amenities
- The presence of military, hospital, and higher education institutions
- Community interaction and small community feel

1.3: JURISDICTION AND APPLICABILITY

1.3.1 JURISDICTION *(adapts 1.4)*

These regulations shall govern all parcels of land lying within the corporate limits of the City of Beaufort not otherwise exempt under state or federal statute.

1.3.2 USE OF LAND OR STRUCTURES *[adapts 1.6.]*

A. **General:** No land or structure 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. See Article 11 (Nonconformities) for more information about non-conforming uses or structures.

B. **Applicability to Specific Development Activities:** The following development activities, whether publicly or privately conducted, shall be subject to the provisions and standards of this Code:

1. **Use of Structure or Land:** The establishment, re-establishment or change in use of a structure or land, whether temporary or permanent.
2. **Construction, Reconstruction or Alteration:** A building operation involving construction, reconstruction or alteration of the size of a structure.
3. **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.
4. **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.
5. **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, emissions of waste material, or change in stormwater run-off.
6. **Utility Construction:** The construction or extension of any utility service line or facility.
7. **Subdivision:** The subdivision of land within the City into two or more lots, parcels or pieces.
8. **Alteration of a Shore, Bank or Floodplain:** Alteration of a shore, bank, or floodplain of a river, stream or other natural water body.

C. **Activities not Constituting Development:** For purposes of this Code, 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.
4. The creation or termination of easements concerning use of land, or other rights, except that no easement required by this Code 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 Code.
9. Underbrushing, or bushhogging, not involving removal of trees requiring a permit for removal.

1.3.3 CONFLICTING PROVISIONS

A. **Conflict with Other Laws**

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

B. **Conflict with Covenants**

1. The City does not enforce private covenants, however the City may require approval from formalized neighborhood associations before projects area approved. Whenever the requirements of formally adopted covenants impose stricter standards than the provisions of this code, the covenants shall govern. However in case of a conflict where this Code is stricter than the covenants, this code shall govern.
2. Per Section 6-29-1145. (B) of South Carolina law, the city shall not issue a permit if the request or activity is expressly prohibited in recorded covenants.

C. **Repeal of Conflicting Ordinances**

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

1.4: TRANSITIONAL PROVISIONS

1.4.1 EFFECTIVE DATE

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

1.4.2 COMPLETE APPLICATIONS

A. If an application for a development permit or approval is accepted as complete before the effective date of this chapter or any amendment thereto, but is still pending final action as of that date, the application shall be reviewed and decided, at the applicant's option, wholly in accordance with the development standards in effect when the application was accepted, or wholly in accordance with the standards put into effect by this Code (but not in accordance with a mix of provisions from both sets of standards), at the applicant's option.

B. If the applicant elects to have the pending application reviewed in accordance with the prior standards, the City shall review and decide the application in good faith and in accordance with any time frames established by the prior standards. If the application is approved and

the approval or subsequent authorization of the approved development expires or becomes invalid (e.g., for failure to comply with time limits or the terms and conditions of approval), any subsequent development of the site shall be subject to the procedures and standards of this Code.

C. To the extent a pending application is approved in accordance with the prior standards and proposes development that does not comply with this Code, the subsequent development, although allowed, shall be nonconforming and subject to the provisions of Article 11 (Nonconformities).

1.4.3 DEVELOPMENT SUBJECT TO A PUD AND/OR AND DEVELOPMENT AGREEMENT

A. Any application that has received approval for a PUD district and/or development agreement, after 1990 and before the effective date of this Code, or any amendment thereto may be carried out in accordance with the master plan for PUD and its terms and conditions of approval, and the terms and conditions of the development agreement, provided the PUD and development agreement does not expire and otherwise remains valid. If the PUD approval and/or development agreement expires, is revoked (e.g., for failure to comply with time limits or the terms and conditions of approval), or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of this Code.

B. Upon written request by the property owner, the PUD provisions may be waived and the provisions of the underlying district as indicated on the zoning map shall be applied in full as an action of the Administrator. Partial waiver of a PUD is not permitted except upon approval by the City Council.

1.4.4 OTHER APPROVED DEVELOPMENT PERMITS AND APPROVALS

A. Any other development that has received approval of a development permit or approval before the effective date of this chapter or any amendment thereto may be carried out in accordance with the terms and conditions of the development permit or approval and the procedures and standards in effect at the time of approval, provided the permit or approval does not expire and otherwise remains valid. If the development permit or approval expires, is revoked (e.g., for failure to comply with time limits or the terms and conditions), or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of this Code.

B. To the extent a prior approval authorizes development that does not comply with this Code, the subsequent development, although allowed, shall be nonconforming and subject to the provisions of Article 11 (Nonconformities).

1.5: SEVERABILITY

1.5.1 SEVERABILITY

It is the legislative intent of the City Council in adopting this Code that all provisions shall be liberally construed to implement the City of Beaufort Comprehensive Plan and guide zoning and development in accordance with the existing and future needs of the City as established in the Comprehensive Plan. If any section, subsection, sentence, clause, or phrase of this Code is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity and continued enforcement of any other provision of this Code. The City Council hereby declares that it would have adopted this Code and any section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases of the Code is declared invalid by a court of competent jurisdiction.

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2: MAP & DISTRICTS

2.1: PURPOSE AND INTENT

For the purposes of this Code, the various districts have been categorized as Transect-Based Districts (as explained in Section 2.3.1) and Conventional Districts. In general, standards and provisions for Transect-Based Districts are designed to create walkable, mixed-use environments whereas the Conventional Districts are more reflective of the existing, primarily automobile-dependent configuration.

2.2: OFFICIAL ZONING MAP *[revises 4.2, 4.3]*

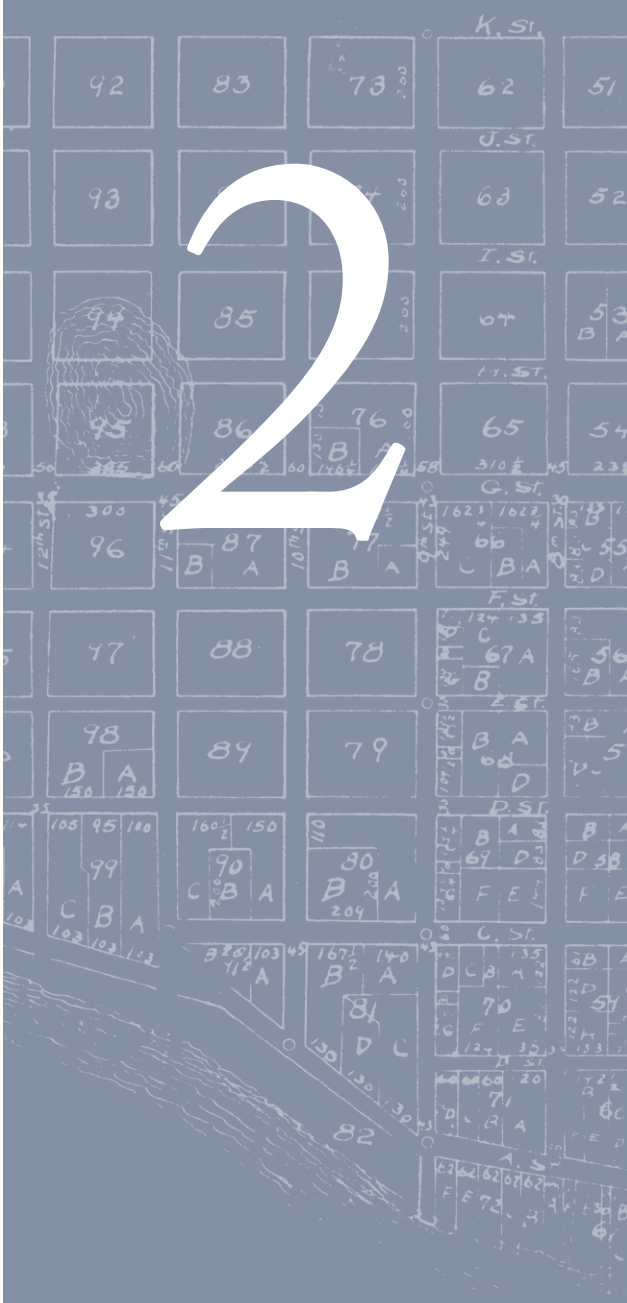
2.2.1 ESTABLISHMENT AND MAINTENANCE

A. **Zoning Map:** The City Council hereby adopts the City of Beaufort Zoning District Map (hereafter referred to as the "Zoning Map"), which is on file with the Administrator. The Zoning Map is hereby incorporated into this Code by reference as though it were fully included here. The Official Zoning Map shall be the final authority as to the status of the current zone classification of land in the City.

B. **Districts Established:** The City of Beaufort shall be divided into Transect-Based, Conventional, and Overlay Districts that implement the Comprehensive Plan. The location and boundaries of the districts in this Article are hereby established, and shall be shown on the Official Zoning Map.

C. **Interpretation of District Boundaries:** The Administrator shall be responsible for interpretations of the Official Zoning Map. Where uncertainty exists as to the boundaries of any of the districts shown on the Zoning Map or maps, the Zoning Board of Appeals, upon written application or upon its own motion, shall determine the location of such boundaries on said Zoning Map or maps. The following rules shall govern the interpretation of District Boundaries:

1. Boundaries indicated as approximately following the



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centerlines or right-of-way lines of streets, highways, alleys, railways or public utility easements shall be construed to follow such lines.

2. Boundaries indicated as approximately following plotted lot or tract lines shall be construed as following such lines, whether public or private.
3. Boundaries indicated as approximately following the City limit line shall be construed to follow such City limit line.
4. 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.
5. Distances not specifically indicated on the Official Zoning Map, or in other circumstances not covered by Sections 1 through 4 above, the Zoning Board of Appeals shall interpret the district boundaries.

D. **Record Keeping:** The original and all revised versions of the Official Zoning Map shall be certified as such by the signature of the Administrator, and shall be kept on file, in either hardcopy or digital form, in the office of the Department of Planning and Development Services.

E. **Public Access:** Copies of the Official Zoning Map shall be made available for public inspection in the office of the Department of Planning and Development Services during normal business hours.

2.1.2 CHANGES

A. Changes made in zone boundaries or other matters portrayed on the Official Zoning Map shall be made in accordance with Section 9.16 (Amendments and Rezonings).

B. The Administrator shall enter changes onto the Official Zoning Map within a reasonable period of time after a map amendment is approved by the City Council. Where the ordinance enacting a zone boundary change contains wording explaining or clarifying the location of the new boundary, the Administrator may enter on the Official Zoning Map notations reflecting the ordinance wording.

C. 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 Code and punishable as provided by law.

D. 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.

E. The Administrator shall maintain copies of superseded versions of the Official Zoning Map for historical reference.

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

1. Areas to be annexed into the incorporated limits of Beaufort shall be assigned zoning classifications by the City Council.
2. 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.

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

2.3: TRANSECT-BASED AND CONVENTIONAL DISTRICTS

2.3.1 OVERVIEW OF THE TRANSECT APPROACH

Most of the zoning districts for the City of Beaufort are ordered and classified according to the Rural-to-Urban Transect (See diagram below). The transect is a method of classifying the natural and built environments as a continuum of conditions, ranging from natural and rural lands to urban centers. The value of the transect is that it groups compatible buildings, public spaces, and infrastructure by scale and intensity of use, while still allowing the development of neighborhoods where residents and workers can walk to work, school, and daily errands.

For example, a public space at the edge of the city may be a large regional park with hiking trails, while a public space in the city center may be a more intimate square where markets and events take place. Similarly, a residence near the edge may be on a large lot set back from the street, while a residence in the downtown may be a condominium in a four-story building.

The transect approach is implemented in Beaufort through different levels of development intensity that range from the T1 - Natural Preserve at the low end to the T5 - Downtown Core and Urban Corridor Districts at the high end. These transect zones are also referred to as "form-based districts" because each has detailed provisions for the mix of uses, building design, density, height, street design, the design of parks and open space, parking, and other aspects that make up the city. The transect zones that guide Beaufort's form-based districts are as follows:

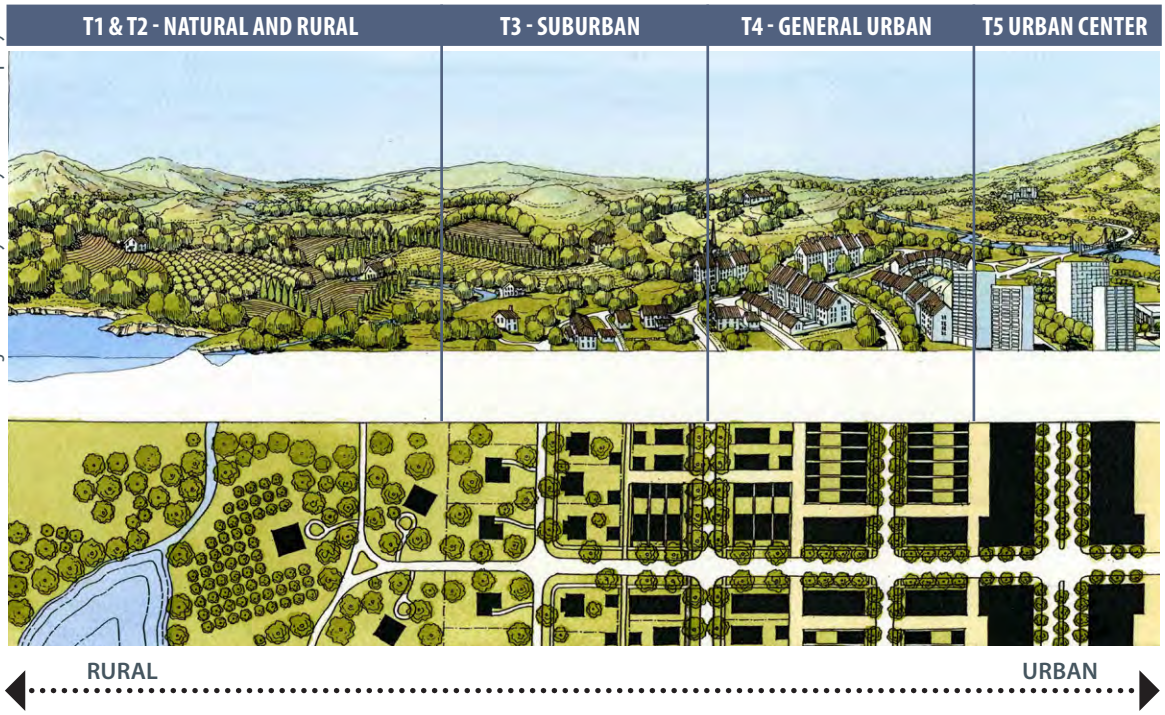


Image Credit: Duany Plater-Zyberk and Company

2.3.2 SUMMARY OF TRANSECT-BASED DISTRICTS

T1–NATURAL PRESERVE DISTRICT (T1)

The Natural Preserve District is intended to preserve areas that contain sensitive habitats, active or passive open spaces and urban parks, cemeteries, and limited agricultural uses. This District typically does not contain buildings, with the exception of small civic buildings, interpretive centers, or supportive recreation facilities.

UDO Conversion: Replaces the Conservation Preservation (CP)

T2–RURAL DISTRICT

The Rural District is made up of lands in an open, cultivated, or sparsely settled state. Planning for future development within the City of Beaufort does not include rural areas, and inclusion of the T2-Rural District here is for illustrative purposes only.

T3–SUBURBAN DISTRICT (T3-S)

T3-Suburban District is single-family residential in character with less development than other Transect-based Districts within the City. While almost exclusively residential, civic and park functions are also complementary to the character within the T3 Suburban District.

UDO Conversion: Replaces portions of the RE, R-1, and Medium Density Single-Family Residential (R-2) Districts

T3–NEIGHBORHOOD DISTRICT (T3-N)

The T3-Neighborhood District is residential in character, and includes a mixture of residential and civic uses. Residential units are an assortment of sizes and types including cottages, small houses, two-family dwellings, village houses, and cottage courts. Carriage houses, located behind single family homes and on the interior of lots, may contain studios or other small businesses.

UDO Conversion: replaces portions of the RE, R-1, R-2, R-3, R-4, and General

T4–HISTORIC NEIGHBORHOOD DISTRICT (T4-HN)

The T4-Historic Neighborhood District is a primarily residential district that encompasses the entire historic district with the exception of a few North-South commercial corridors. It contains houses and residential buildings that are characterized by generous front porches, southern orientation and historic architectural detailing. A limited number of corner retail buildings historically existed and continue to exist in this district.

UDO Conversion: Renames the Traditional Beaufort Residential (TBR) District & incorporates General Residential (GR) in the NWQ

T4–NEIGHBORHOOD (T4-N)

The T4-Neighborhood District is a mixed use zone of urban residential units and limited commercial development. A wide range of building types exist in the T4-Neighborhood District including, but not limited to apartment buildings, mixed-use buildings, rowhouses, duplexes, corner stores, and both attached and detached single-family housing.

A sub-district of this is the T4-Neighborhood Artisan District. It incorporates more industrial uses as well and is applicable in the Depot Road area, as well as Baggett Street where industrial uses abut residential areas.

UDO Conversion: replaces portions of the GR, Neighborhood Commercial (NC), General Commercial (GC) and Office Commercial (OC) Districts

T4-NEIGHBORHOOD ARTISAN DISTRICT

T5–DOWNTOWN CORE DISTRICT (T5-DC)

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

UDO Conversion: Replaces of the Core Commercial (CC) District

T5–URBAN CORRIDOR DISTRICT (T5-UC)

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

UDO Conversion: Replaces portions of the OC, GC and HC Districts and the Boundary Street REdevelopment District

2.3.3 SUMMARY OF CONVENTIONAL DISTRICTS

REGIONAL MIXED USE (RMX)

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

UDO Conversion: Updates the Highway Commercial (HC) District

LIGHT INDUSTRIAL DISTRICT (LI)

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

INSTITUTIONAL & CAMPUS DISTRICT (IC)

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

MANUFACTURED HOME PARK DISTRICT (MHP)

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

UDO Conversion: None

MILITARY RESERVATION DISTRICT (MR)

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

2.4: DISTRICT DEVELOPMENT STANDARDS

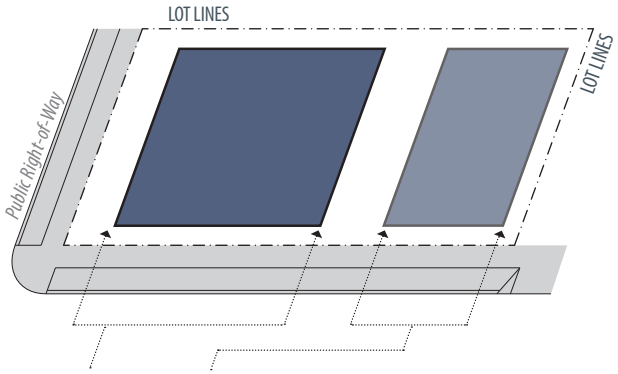
2.4.1 TRANSECT-BASED DISTRICT STANDARDS *[revises 6.1, 6.3, 6.6, 6.c]*

The development standards for the Transect-based districts are outlined in the table below. There are no standards for the T1 and T2 districts, as the T1 district is primarily intended to preserve open space and sensitive ecosystems, and the T2 district is not assigned to any land within Beaufort. Environmental protection requirements related to wetlands, riparian and endangered species habitats, and flood hazard areas are in Article 8 Environmental Protection.

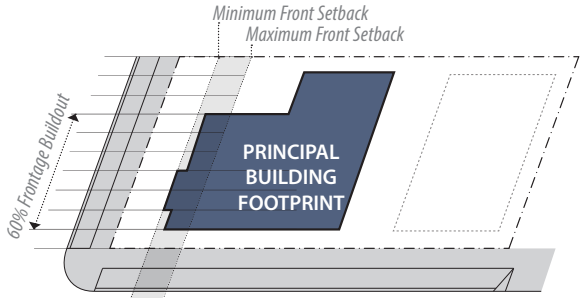
Replaces Previous Zones:	RE / R-1 / R-2	R-2 / R-3 / R-4 / GR	TBR / GR	R-3 / R-4 / GR / NC / OC	CC / GC	CC / GC
DISTRICT	**T3-S**	**T3-N**	**T4-HN**	**T4-N**	**T5-DC**	**T5-UC**
A. LOT CONFIGURATION						
1. Lot Width at Front Setback	75 ft min [9]	40 ft min	40 ft min, 60 ft min in The Point	n/a	n/a	n/a
2. Lot Size	9,000 sf min [9]	4,000 sf min; 3,000 sf min for alley-served lots	4,000 sf min; 6,000 sf min in The Point	n/a	n/a	n/a
3. Maximum Lot Coverage [1]	30% of lot area	45% of lot area	55% of lot area	70% of lot area	100%	100%
4. Frontage Build-Out [15]	n/a	n/a	75% max	60% min; 85% max	75% min	60% min
B. PRIMARY BUILDING PLACEMENT						
1. Front Setback [3]	20 ft min	15 ft min	average prevailing setback on same side of block	0 ft min	0 ft min	0 ft min
	No max	30 ft max [2]		15 ft max	5 ft max	15 ft max
2. Side Setback - Corner	15 ft min	6 ft min	5 ft min	0 ft min	0 ft min	0 ft min
	No max	No max	No max	10 ft max	15 ft max	15 ft max
3. Side Setback - Interior	10 ft min	6 ft min, or 0 ft if attached	6 ft min, 10 ft min in The Point	5 ft min, or 0 ft if attached	0 ft min	0 ft min
4. Rear Setback [4]	15 ft min	15 ft min	15 ft min	10 ft min	0 ft min	5 ft min
5. Rear Setback from Alley [4]	n/a	0 ft	0 ft	0 ft	0 ft	0 ft
6. Attached Garage Setback (from front facade) [5, 6]	5 ft min	5 ft min	attached garages are prohibited	attached garages are prohibited	attached garages are prohibited	attached garages are prohibited
C. ACCESSORY BUILDING PLACEMENT [8,9]						
1. Side Setback - Corner	5 ft min	5 ft min	5 ft min	3 ft min	0 ft min	0 ft min
2. Side Setback - Interior	5 ft min	5 ft min	5 ft min	5 ft min	0 ft min	0 ft min
3. Rear Setback [4]	5 ft min	5 ft min	5 ft min	5 ft min	0 ft min	0 ft min
4. Rear Setback from Alley [4]	3 ft min	3 ft min	3 ft min	3 ft min	3 ft min	3 ft min
5. Detached Garage Door Setback (from front facade) [5]	5 ft min	20 ft min	20 ft min	20 ft min	must be located behind primary building and accessed via alley or side street [10]	
D. BUILDING FORM						
1. Primary Building Height	No min	No min	No min	2 stories min [12]	2 stories min	2 stories min [12]
	2.5 stories max	2.5 stories max	3 stories max	4 stories max; 3 stories max in & fronting Historic District	3 stories max[11]	5 stories max; 3 stories max in & fronting Historic District
2. Accessory Building Height	2 stories or 30 ft max	2 stories or 30 ft max	2 stories or 30 ft max	2 stories or 30 ft max	2 stories max	2 stories max
3. Building Width at Frontage	n/a	n/a	n/a	100 ft max	100 ft max [13]	160 ft max [13]
E. PARKING PAD LOCATION [14]						
1. Front Setback	n/a	n/a	40 ft min	40 ft min	40 ft min	40 ft min
2. Side Setback - Corner	n/a	n/a	5 ft min	15 ft min	5 ft min	5 ft min
3. Side Setback - Interior	n/a	n/a	0 ft min	0 ft min	0 ft min	0 ft min
4. Rear Setback	n/a	n/a	5 ft min	5 ft min	0 ft min	0 ft min

[1] Lot coverage may also be subject to Stormwater Regulations (Section 8.2).
[2] When lot width is 75' or greater, there is no maximum front setback.
[3] Setbacks for infill lots are also subject to Section 2.5.2.
[4] Garage doors shall be 15 feet min from alley centerline.
[5] In addition to the setback requirements listed above, garage doors which face a public right-of-way, except for rear alleys, must be set back a minimum of 20 ft from that right-of-way.
[6] The Battery Shores neighborhood is exempt from this standard.
[7] In the Jericho Woods neighborhood, carports are exempt from this standard.
[8] Also see Accessory Uses & Structures in Section 3.12
[9] Additional standards for waterfront lots apply in accordance with Section 2.5.4.
[10] Also see Street Access Standards in Section 2.5.8.
[11] The maximum height at the property line shall be 3 stories, and the maximum height 15 feet behind the property line shall be 4 stories.
[12] 2 stories are required at significant intersections in accordance with Section 2.6.2.
[13] Maximum width may be increased as part of a full block-face redevelopment
[14] Does not apply to cars parked on front-loaded driveways.; where lot depth is very shallow, Administrator may evaluate this requirement on a case-by-case basis.
[15] See Section 2.5.1.B for phasing when minimum frontage build-out is required

LOT CONFIGURATION *(2.4.1.A)*



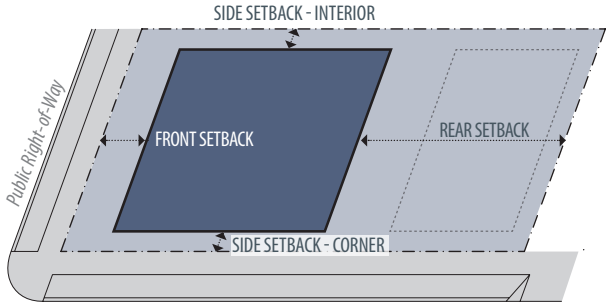
(PRINCIPAL BUILDING ROOF AREA + ACCESSORY BUILDING ROOF AREA) ÷ TOTAL LOT AREA = **LOT COVERAGE**



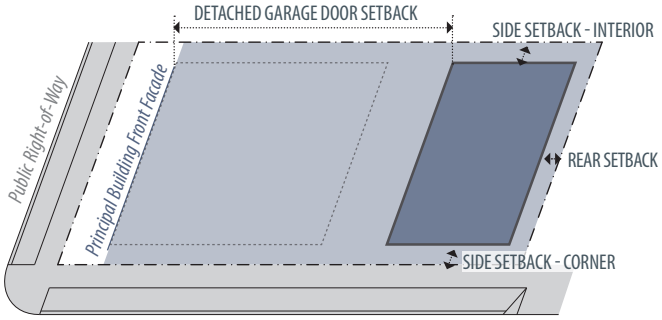
FRONTAGE BUILDOUT *(2.3.1.A.5)*

- *Frontage Buildout is the percentage of the lot width where the front elevation of the building is located between the minimum and maximum front setbacks established for the district.*
- *Pedestrian use areas (such as plazas, courtyards, and sidewalk cafes) within the minimum and maximum front setbacks may be exempt from Frontage Buildout requirement at the discretion of the Admimistrator. Where rear access is not possible, driveways may also be exempt from this requirement, and their width may be subtracted from the total lot width to determine the buildout percentage.*

BUILDING PLACEMENT *(2.4.1.B - C)*



PRINCIPAL BUILDING SETBACKS *(2.3.1.B)*

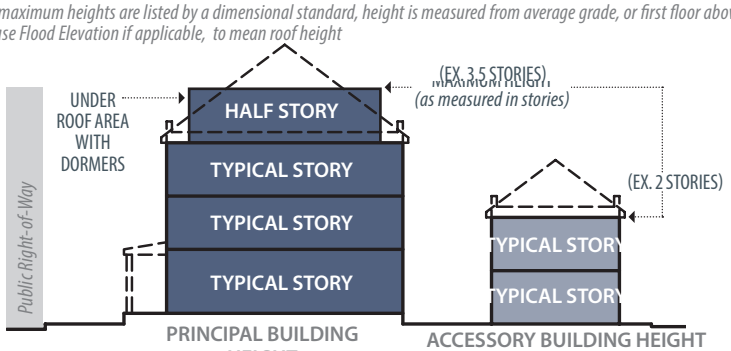


ACCESSORY BUILDING SETBACKS *(2.3.1.C)*

BUILDING FORM *(2.4.1.D)*

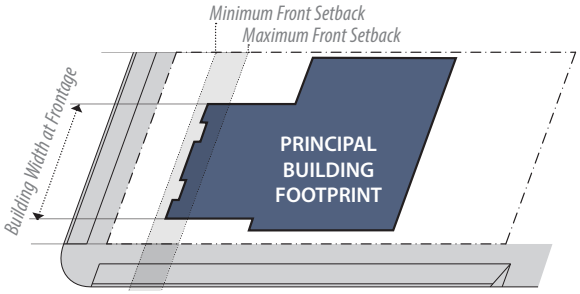
Maximum Height in stories is measured calculated by counting the number of floors, or portion thereof

If maximum heights are listed by a dimensional standard, height is measured from average grade, or first floor above Base Flood Elevation if applicable, to mean roof height



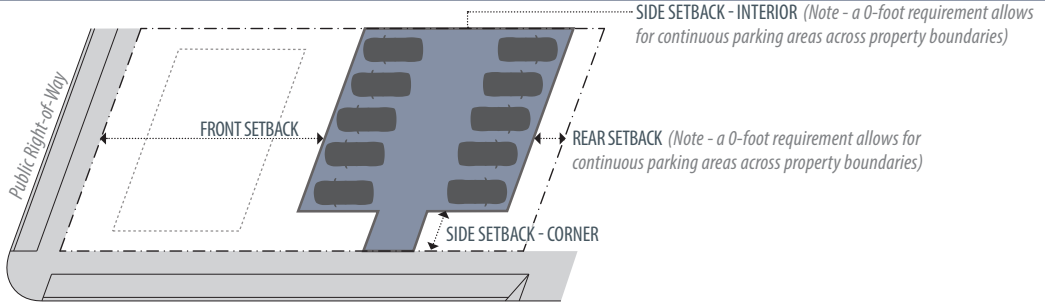
PRINCIPAL BUILDING HEIGHT

ACCESSORY BUILDING HEIGHT
(2.3.1.D.2; also see Section 2.5)



BUILDING WIDTH AT FRONTAGE *(2.3.1.D.3)*
The building width at frontage is measured as the width of any portion of the front elevation located between the minimum and maximum front setbacks established for the district.

PARKING LOCATION *(2.4.1.E)*



2.4.2 CONVENTIONAL DISTRICT STANDARDS *[revises 6.1, 6.3, 6.6, 6.c]*

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

Replaces Previous Zones:	HC	MED	LI	MH	MR
DISTRICT	**RMX**	**IC**	**LI**	**MH**	**MR**
A. RESIDENTIAL DENSITY [1]					
1. Residential Units/Acre	30 units/acre max	30 units/acre max	n/a	7 units/acre max	Exempt
B. LOT SIZE & BUILDING FORM					
1. Minimum Lot Width [3]	60 ft min	50 ft min	50 ft min	150 ft min	Exempt
2. Lot Size [3]	6,000 sf min	5,000 sf min	10,000 sf min	5 acres	
3. Impervious Surface Coverage	60% max	65% max	N/A	N/A	
4. Building Height	4 stories	4 stories	4 stories [4]	2 stories	
C. PRINCIPAL BUILDING PLACEMENT					
1. Front Setback - Primary	10 ft min	10 ft min	15 ft min.	25 ft min	Exempt
	60 ft max	Max setback shall not exceed average max setback on same side of block; build-to line of adjacent T-Zone shoudl also be considered	n/a	n/a	
2. Side Setback - Corner	10 ft min	5 ft min, max setback shall not exceed average setback on same side of block; build-to line of adjacent T-Zone shoudl also be considered	15 ft min.	15 ft min	
3. Side Setback - Interior	10 ft min	10 ft min.; 25 ft min when abutting T3 districts	0 ft min.; 25 ft min when abutting other districts	15 ft min	
4. Rear Setback	15 ft min	25 ft min	10 ft min.; 25 ft min when abutting other districts	15 ft min	
D. ACCESSORY BUILDING PLACEMENT [2]					
1. Side Setback - Corner	10 ft min	10 ft min	10 ft min	10 ft min	Exempt
2. Side Setback - Interior	5 ft min	5 ft min	0 ft min.; 25 ft min when abutting other districts	5 ft min	
3. Rear Setback	5 ft min	5 ft min	10 ft min.; 25 ft min when abutting other districts	5 ft min	
E. PARKING LOCATION					
1. Parking Location	Parking areas and drive aisles should be located in the side or rear yard whenever possible. Parking areas and drive aisles may not be located within the front setback, but may be placed in front of the building. However head-in and diagonal rows of parking shall not be permitted to front public rights-of-way. Where 10 or more parking spaces are required, the majority of the parking must be located in the side or rear of the building.		n/a	n/a	Exempt

[1] Measured as gross density - calculation of acreage includes land occupied by rights-of-way, parks, open space, and other non-residential uses.
[2] Also see Accessory Uses & Structures in Section 3.12
[3] Where properties are accessed via a rear alley or lane, this standard may be decreased by 25%.
[34] In industrial parks larger than 50 acres, the height limit may increast to 10 stories unless otherwise restricted by the AICUZ.

2.5: GENERAL LOT STANDARDS

2.5.1 BUILDING PLACEMENT AND ORIENTATION

A. **Frontage & Orientation on Street:** All buildings must front a street right-of-way, and have a usable entrance on the primary frontage with the following conditions and exceptions:

1. **Multi-Building Sites:**

a. Buildings shall be located to break up the site into a series of smaller blocks defined by streets and pedestrian walkways, and to frame and enclose parking areas, outdoor dining areas, and/or gathering spaces for pedestrians between buildings.

EXAMPLE: USING BUILDINGS AND STREETS TO BREAK UP LARGER BLOCKS

b. Perimeter buildings and out parcels shall be configured and located to define street edges, development entry points, and spaces for gathering between buildings.

EXAMPLE: PERIMETER BUILDINGS PROVIDING STREET FRONTAGE

c. Perimeter buildings shall be oriented so that the primary facade(s) faces a public street and has a usable entry on that street. Buildings which are interior to a

lot that has buildings that otherwise meet the frontage requirement may have entrances that do not face the primary frontage.

EXAMPLE: PERIMETER BUILDINGS DEFINING STREET EDGES

2. **Live/Work Buildings:** the entrance to the commercial space must face the primary frontage. However the entrance to the residential space above may be located on the side or rear.
3. **Utility and Conservation Lots:** Lots platted for the sole purposes of being sites for public utilities (e.g. water, sewer, electric, stormwater) or as conservation areas shall not be required to abut a dedicated public street. Adequate access by easement shall be provided. Buildings associated with utilities should meet the building standards and guidelines of the zoning district.
4. **Lots May Front on Civic Space:** Lots may be permitted to front on a Civic Space as defined in Section 7.4.2.

B. **Frontage Build-Out:**

1. Facades should be built parallel to the Principal Frontage Line or to the tangent of a curved Principal Frontage Line, and along a minimum percentage of the frontage width at the setback, as specified by Private Frontage Type (Section 4.4).
2. Front facades shall front public streets or rights-of-way. In the case where buildings front multiple streets, or desire to have entrances facing the parking lot, multiple front facades may be designed.
3. For parcels that may contain multiple structures in different phases, an overall Conceptual/Illustrative Site Plan should be prepared to ensure that the frontage build-out is being met as closely as possible. These parcels will not be required to be built out all at once, and may be phased over time. The Design Review Authority will evaluate individual project phases as they are designed to make sure they are meeting the intent of this standard.

C. **Corner Lots:**

1. Buildings located at street intersections must place the primary building, or part of the building, at the corner.
2. Parking shall not be located between the building and the street;

EXAMPLE: CORNER SURFACE PARKING TYPE TO BE ELIMINATED

3. Public gathering spaces may be appropriate at corners of larger developments.

D. **Pedestrian Entries from Frontage Line**

EXAMPLE: BUILDING ENTRANCES FACING PRIMARY FRONTAGE

Buildings must have a useable entrance on the primary frontage. In most cases the primary frontage will be a public street (left), but in some cases the primary frontage may be a civic space, alley or a pedestrian pathway (right). Additionally the usable entry may be a door into the structure, or access onto a porch or stoop, with the building entry to the side. The Administrator shall determine the primary frontage for each lot.

1. Buildings must have their principal pedestrian entrances on a frontage line.
2. All buildings with shared entrances shall be oriented so that the primary entrance(s) faces the street.
3. In the case of corner lots, the primary entrance(s) shall face the street from which the building derives its street address.
4. In the T4 & T5 zones, doors or entrances with public access shall be provided at least every 50 feet.

E. **Frontage Types:** The private frontage of the building must comply with the standards laid out in Section 4.4 (Private Frontage Type).

F. **Building Types:** More specific standards may apply based on a specific Building Type (Section 4.5).

2.5.2 INFILL LOT SETBACKS

A. The minimum setbacks required may be reduced for infill lots where existing development on the block does not match the current standards in Section 2.4. Setbacks for such lots shall either match an existing adjacent setback or use the calculated average setback of the adjacent lots, as determined by the Administrator.

B. **Special Conditions:**

1. Islands of Beaufort Neighborhood: Side Setback for T3-S is reduced to 10'.
2. Battery Point Neighborhood: Rear Setback for T3-N is reduced to 10'.

2.5.3 WATER ORIENTED FACILITIES

Water-oriented facilities such as docks, marinas, boat houses, etc., shall be allowed to infringe into required setback areas along shorelines and into rivers, lakes, streams and other waterways. See Sections 3.8.7 & 3.12.2.H for more details on these structures and facilities.

2.5.4 WATERFRONT LOTS

A. **Detached Garage:** Notwithstanding the requirements for detached garages in Section 2.4.1, detached garages for residential dwellings may be placed in front of the principal building elevation, with the following conditions:

1. Garage shall meet the typical front and/or side setback requirements; and
2. Garage doors shall be oriented perpendicular to the public right-of-way to minimize visibility.

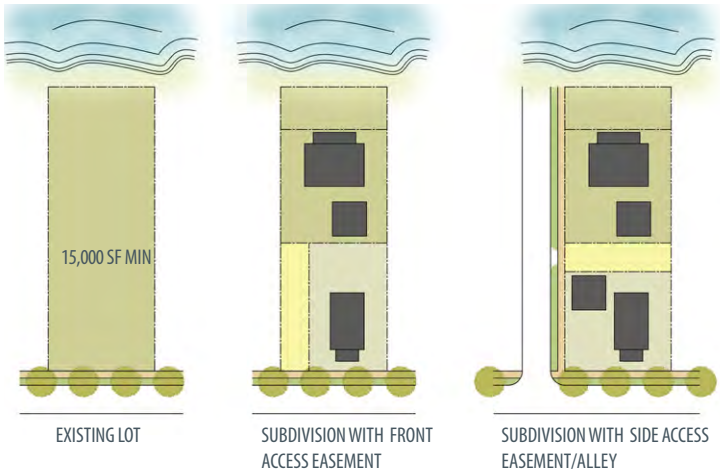
B. **Building Entry:** A functional entrance may be located on the waterfront elevation in addition to the street entrance.

C. **Critical Area Buffer:** See Section 8.1.2.

D. **Special Lot Requirements:**

1. **Specific to T3-S - Lot Width, Depth, and Area:**
   a. The minimum lot width at the setback line for waterfront lots shall be 100 feet.
   b. The minimum lot depth for waterfront lots shall be 125 feet.
2. **Specific to T3-N:** The front setback requirement for waterfront lots may be met with an accessory structure.
3. **Subdivision of Waterfront Lots:** Waterfront lots which exceed the minimum lot depth requirements, and are larger than 18,000 square feet, may be subdivided into two lots, one fronting the water and one fronting the right-of-way, provided both lots are in conformance with the applicable requirements of this Code. In such instances, the following standards apply:
   a. Lot Access: Access to the water fronting lot must be maintained through a minimum 20-foot access easement or right-of-way across the street fronting lot. Alternatively, access may be provided via a side street, or alley through the entire block.
   b. Lot Dimensions: The new lots must meet the standards for T3-N.

EXAMPLE: SUBDIVISION OF WATERFRONT LOTS



Waterfront lots exceeding 18,000 SF may be subdivided to create two lots - one fronting the water and one fronting the street. Each lot must abide by the required setbacks including the Critical Line setback for the waterfront lot. Both of the newly-created lots must meet the minimum lot size and setback standards for the T3-N district.

2.5.5 IRREGULAR LOT LINES AND SETBACKS

A. **Irregular Lot Lines:** Generally, side lot lines shall be perpendicular or radial to the street right-of-way, and rear lines should be approximately parallel to fronting right-of-way lines. Irregularly shaped lots shall be permitted at the discretion of the Administrator.

B. **Irregular Lot Setbacks:** The location of required front, side and rear yards (or setbacks) on irregularly shaped lots shall be determined by the Administrator. The determination will be based on the intent and purpose of this ordinance to achieve an appropriate spacing and location of buildings on individual lots. Where questions arise as to appropriateness, the subdivider may be requested to provide additional design information.

C. **Flag Lots**: Flag Lots are prohibited and may only be permitted using the process for Administrative Adjustment, see Section 9.12 (Administrative Adjustment) if the following conditions apply:

1. Connectivity and circulation via a network of streets, alleys, pathways, etc, will be maintained;
2. There is no reasonable alternative due to extreme topographic conditions or other physical conditions; and
3. 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.
4. For waterfront lots, standards from Section 2.4.3.2 must also be met.

2.5.6 SETBACKS ON IRREGULAR OR INCOMPLETE RIGHT-OF-WAY

Where the existing right-of-way does not include the entire street cross section noted in the Street Regulating Plan in Appendix C (e.g., on-street parking, planting strip, sidewalk) or space for that specific section is not available, all setbacks and encroachments shall be measured from the back of the required right-of-way area. These elements, or space for the elements, may be located in a public access easement, or incorporated into the public right-of-way.

2.5.7 ENCROACHMENTS

The features listed below may encroach into a required yard.

A. **Encroachments Over Sidewalks:** With approval of the City , County or SCDOT (whichever has authority over a street), Awnings, Arcades, Canopies, and Galleries (See Section 4.4) may encroach over the sidewalk to within 2 feet of the curb but must provide a vertical clearance of at least 8 feet from any sidewalk.

B. **Upper Story Encroachments:** Bay windows, balconies and similar features projecting from the principal building may encroach up to 50% of the depth of the front setback. With approval of the City, County or SCDOT (whichever has authority over a street), upper story balconies or bay windows may encroach over the right of way a maximum of 3 feet but must provide a vertical clearance of at least 8 feet from any sidewalk.

C. **Cornices and Gutters:** Cornices, eave overhangs, chimneys, flues, and similar projections (including gutters) may encroach up to 2 feet into any required yard.

D. **Covered Porches:** Covered porches may encroach a maximum of 8 feet into any required front yard or street side yard setback and 6 feet into any interior side or rear yard setback.

E. **Uncovered Porches, Decks, and Patios:** Uncovered and unenclosed porches, decks, patios, and other similar features may encroach into the side and rear setback to within 5 feet of the property line.

F. **Steps, Stairs, Walkways, and Driveways:** Uncovered and unenclosed steps, stairs, walkways, and driveways may encroach up to 100% of the depth of any required street yard but may not encroach upon any public sidewalk.

G. **Handicapped Ramps:** Ramps for handicap accessibility and fire escapes that are required by the Accessibility Code may encroach into any required yard but may not be closer than 5 feet to any property line. Such features shall not be located in a front yard if it is possible to accommodate them in a side or rear yard.

H. **Fences & Garden Walls:** Fences and garden/yard walls may encroach into required yards but, if higher than 4 feet, may not be placed within the site visibility triangle of a public street, private street or driveway contained either on the property or on an adjoining property. The support structures for fences shall be located on the inside of the fence and no fence, wall or hedge shall exceed:

1. **Front or street side setback:** 4 feet in height,
   a. **Exception:** On T3 lots which front Ribaut Road but are not fronted with a sidewalk, fences may be 7 feet in height on the condition that such fences are set back from the front property line 1 foot for every 1 foot increase in height above 4 feet.
2. **Interior side or rear setback of a Transect-Based District:** 6 feet in height
3. **Interior side or rear setback of a Conventional District:** 8 feet in height
4. **Industrial Park District:** 10 feet in height.

2.5.8 STREET ACCESS STANDARDS *[6.5.K]*

A. **Access to Lots from Alleys/Rear Lanes:**

1. Lots served by alleys shall access garages and/or off-street parking areas from the alley, and shall not have driveways in front or corner side yard areas.

2. Requirements for alley locations can be found in Section 7.2.3.

B. **Avoid Double Frontage & Reverse Frontage Lots:**

1. Double-frontage and/or Reverse Frontage lots (lots with street frontage on opposite sides of the lot) shall be avoided.
2. To encourage the subdivision of existing double-frontage residential lots into two single-frontage residential lots, the minimum lot size for such lots may be reduced to 75% of the minimum lot size for the district, as established in Section 2.4.

2.6: HEIGHT *[Revises 6.5.K]*

Building heights by district as specified in Section 2.4 shall be determined according to the provisions below.

2.6.1 MEASUREMENT OF BUILDING HEIGHT

A. Building height is measured as the number of stories (syn. floors) in a building. A story is a habitable level in a building of no more than 15 feet in height from finished floor to finished ceiling.

B. Where a maximum height is also provided in feet, that height shall be taken from the average sidewalk or site grade at the front facade of the building to the mean roof height. Where the building is located in a flood zone, the height shall be taken from the first finished floor above the Base Flood Elevation.

C. Under roof areas with dormers shall be counted as half stories.

D. Unoccupied attics less than 7 feet in height to the ridge beam or collar tie (whichever is lower), and raised basements less than 6 feet above the adjacent grade shall not be calculated as stories.

E. Certain buildings (such as gymnasiums, religious institutions, theatres, etc.) may require finished floor-to-ceiling heights larger than 15 feet. In such instances, the number of stories shall be calculated as the finished floor-to-ceiling height (in feet) divided by 15. Any fractions of a story shall be rounded up to the next whole number.

2.6.2 BUILDING HEIGHT ABOVE GRADE

A. **General to all zones**

1. **Freeboard:** In addition to the standards listed below, when a property is located in a flood zone, the minimum elevation above grade is 1 foot above base flood elevation.
2. **Exception:** Commercial buildings that have been flood proofed do not have to adhere to the 1 foot freeboard standard.

B. **Specific to zone T3:**

1. The finished ground floor elevation for detached units shall be a minimum of 18 inches above average adjacent sidewalk grade, or 2 feet above the adjacent street grade where no sidewalk is present.
2. The finished ground floor elevation for rowhouses and other attached units shall be a minimum of 3 feet above average adjacent sidewalk or adjacent street grade where no sidewalk is present.

C. **Specific to zone T4 :**

1. The finished ground floor height for residential structures shall be elevated a

minimum of 2 feet above the average adjacent sidewalk grade, or adjacent street grade where no sidewalk is present.

2. The ground floor height of single-family residential structures shall be a minimum of 9 feet from finished floor to ceiling.
3. The ground floor height of multi-family residential structures shall be a minimum of 10 feet from finished floor to ceiling.
4. The ground floor height of commercial buildings shall be a minimum of 11 feet from finished floor to ceiling.
5. Each full story above the ground floor shall be a minimum of 8 feet from floor to ceiling.

D. **Specific to zone T5:**

1. The finished ground floor height for residential structures shall be elevated a minimum of 3 feet above the average adjacent sidewalk grade.
2. The ground floor height of residential structures shall be a minimum of 10 feet from finished floor to ceiling.
3. The ground floor height of single-story commercial buildings shall be a minimum of 14 feet from finished floor to ceiling.
4. The ground floor height of multi-story commercial buildings shall be a minimum of 12 feet from finished floor to ceiling.
5. Each full story above the ground floor shall be a minimum of 8 feet from floor to ceiling.

2.6.3 TWO-STORY HEIGHT REQUIREMENTS

Specific to Zones T4-N & T5-UC: Two-Story buildings are required within 250 feet of any significant intersection (see Section13.1 - Definitions), as measured from the centerline of the intersection. Any parcel that is partially within the 250 foot radius will be required to comply with the two-story height requirements.

Where a two-story minimum building height is required, the following configurations are permitted in addition to a typical two-story building with habitable space on each level:

A. **Two-Story Mass:** This can be an open, double-height structure with a minimum building height of 24'. There are no programmatic requirements for the 2nd floor, nor does it necessarily need to be built out or habitable.

B. **Mezzanine:** The intent of mezzanines is to provide upper level activity along street facades. Thus a building with a Mezzanine that pulls away from the primary facades does not satisfy the intent of this code requirement. Mezzanines must meet following conditions:

1. All buildings must include a minimum massing of two stories extending fully along all street fronting facades and any side fronting facade or facade visible from a corner. If a building cannot meet this standard through the use of a mezzanine, then the mezzanine will not be permitted to fulfill the two-story requirement.
2. A mezzanine must be designed as usable primary interior floor space, not storage, or other secondary, mechanical or service functions.
3. All mezzanine floor space must be located in direct contact with street fronting second

floor windows.

4. A mezzanine level must meet all ceiling height standards of a second floor.
5. Mezzanine levels are required to meet all of the minimum-maximum window transparency requirements of a second floor.

2.6.4 DIMENSIONAL HEIGHT STANDARDS

Height requirements for signs, lighting, landscape screens, and all other structures or objects for which a dimensional height requirement is established by this Code shall be measured as the vertical distance from the average sidewalk or site grade at the structure or object's foundation to its highest point.

2.6.5 ITEMS NOT INCLUDED IN HEIGHT CALCULATIONS

The height limitations of this Code shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, mechanical penthouses (provided they are set back 20 feet from the front elevation), observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, masts and antennas (provided evidence from appropriate authorities is submitted to the effect that such building or buildings will not interfere with any airport zones or flight patterns). The Design Review Authority may adjust the 20 foot setback on a case-by-case basis.

2.7: OVERLAY DISTRICT STANDARDS

Certain areas of the city may fall into one or more of the following Overlay Districts:

2.7.1 BEAUFORT HISTORIC DISTRICT (HD) OVERLAY *[adapts 6.4; 4.9.D]*

A. **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 significant 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.

B. **Applicability:** Properties within the Beaufort Historic District are subject to specific standards found in this Section, and to the review procedures of the Historic District Review Board as described in Section 10.7 (Historic District Review Board).

C. **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:

1. Where boundaries are designated at specific roads, the centerlines of the rights-of-way of those roads shall be deemed said boundaries;
2. 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
3. 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.

D. **Subdistricts Established:** The Beaufort Historic District shall be composed of 2 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. Where the term "Beaufort Historic District" (or a similar reference such as "historic district") is used in this Section 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."

E. **Exemptions:**

1. Redevelopment District Overlay Zone Exempted from Historic Overlay standards. See Section 2.7.3.C.1.
2. Routine Maintenance: 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 section.

2.7.2 RETAIL FRONTAGE OVERLAY

A. **Purpose and Intent:** In certain districts it is desirable to maintain a residential character while permitting mixed-uses to occur in buildings that front designated streets:

B. **Certain Commercial Permitted:** Where a block face is designated on the zoning map as a Retail Frontage Overlay, the building with direct access to the designated fronting street is be permitted to be occupied by certain additional commercial uses as indicated in the use table in Section 3.2

C. **Designation:** Retail Frontage Overlays are designated on the Zoning Map by a dashed line as indicated in the map key.

2.7.3 REDEVELOPMENT DISTRICT OVERLAYS

A. **Purpose and Intent:** The City hereby finds that it is necessary to create certain districts to encourage redevelopment in specific areas.

B. **Applicability:** All parcels with a designated Redevelopment District as indicated on the zoning map shall be subject to these provisions.

C. **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 through February 6, 2032, 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. The majority of standards for the Boundary Street Redevelopment District have been incorporated into the body of the Code. However, where special standards apply for the District, they are listed in this section. Building construction shall conform to the applicable City and State of South Carolina building codes and regulations.

D. **Administration:** Interpretation of the standards in this Redevelopment Districts shall be the responsibility of the Administrator (syn. City Architect) per Section 9.8.2.5.b. The role of the City Architect has been established to administer an architectural review procedure for the development of properties within the Redevelopment Districts. It is the responsibility of the City Architect to review building plans for compliance with this

code and the additional Redevelopment District standards as noted in this Section, and to provide design guidance when necessary. The City Architect shall be responsible for interpreting all architectural and streetscape standards.

a. The code should be used in the following method:

- Determine the Zoning from the Regulating Plan (Zoning Map)
- Consult Article 4 for specific design guidelines and building regulations.
- Review the use table in Section 3.2 to confirm permitted uses.
- Consult Section X below for any specific provisions for this District
- Submit an application per the standards in Section 9.8.

b. **Appeal Process:** 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 Design Review Board within 30 days of the decision.

E. **Parking Requirements:**

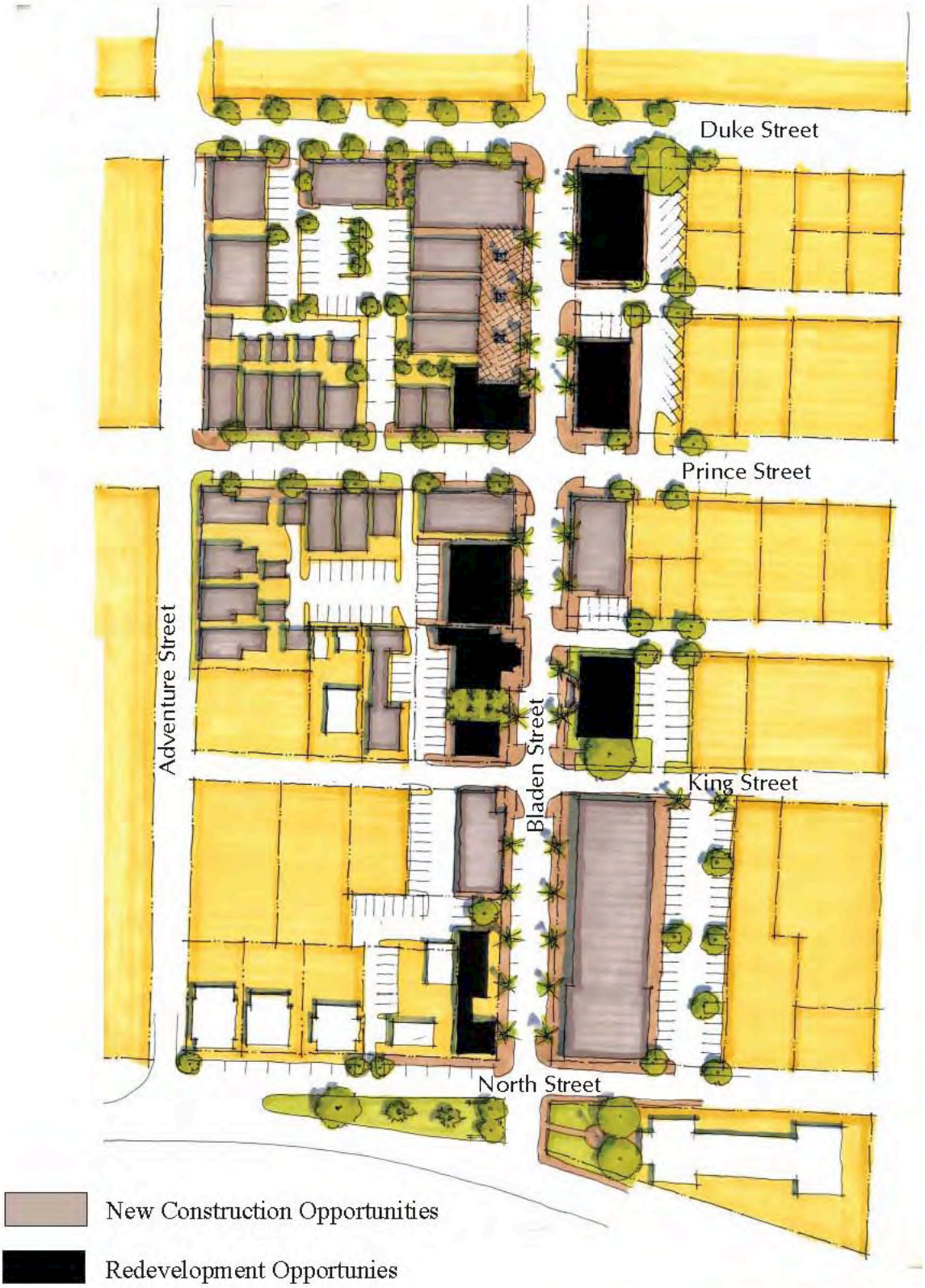
1. **Parcels 1/2 acre and smaller:** there are no parking requirements.
2. **Parcels greater than 1/2 acre:** 1 parking space for every 1000 square feet of leaseable or saleable building area is required.
3. **Location:** These parking spaces may be located either on-site, on-street (directly adjacent 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.
4. **Parking Stall Sizes:** Head in or diagonal spaces shall be a minimum of 9'x18'. Parallel parking spaces shall be a minimum of 7'x20'.
5. **Drive Aisle Widths:** 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 may be accessed with one-way 10 foot wide drive aisles. All parking lot dimensions are at the discretion of the Fire Marshal.

F. **Specific to the Bladen Street Redevelopment District:**

1. **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.

2. **Application of Standards:**
   a. Redevelopment District Zone Exempted from Historic Overlay Standards: Construction of new structures and renovation or expansion of existing non-contributing structures not listed on the most recent Above-Ground Survey of Historic Resources within a designated Redevelopment District shall be exempt from the standards of the Historic Overlay.
   b. Historic Structures: Demolition, renovation or expansion of structures that are listed as Contributing on the most recent Above-Ground Survey of Historic Resources shall be subject to approval by the HRB in accordance with Section 9.9.
3. **Street Hierarchy:** The hierarchy of streets in this District is as follows, fron highest to lowest: Bladen Street, North Street, Duke Street, Prince Street, Adventure 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.
4. **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. A $1.2 million public investment into streetscape improvements was completed in 2013. 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.


Duke Street
Prince Street
Adventure Street
Bladen Street
King Street
North Street
New Construction Opportunities
Redevelopment Opportunies

G. **Specific to the Boundary Street Redevelopment District:**

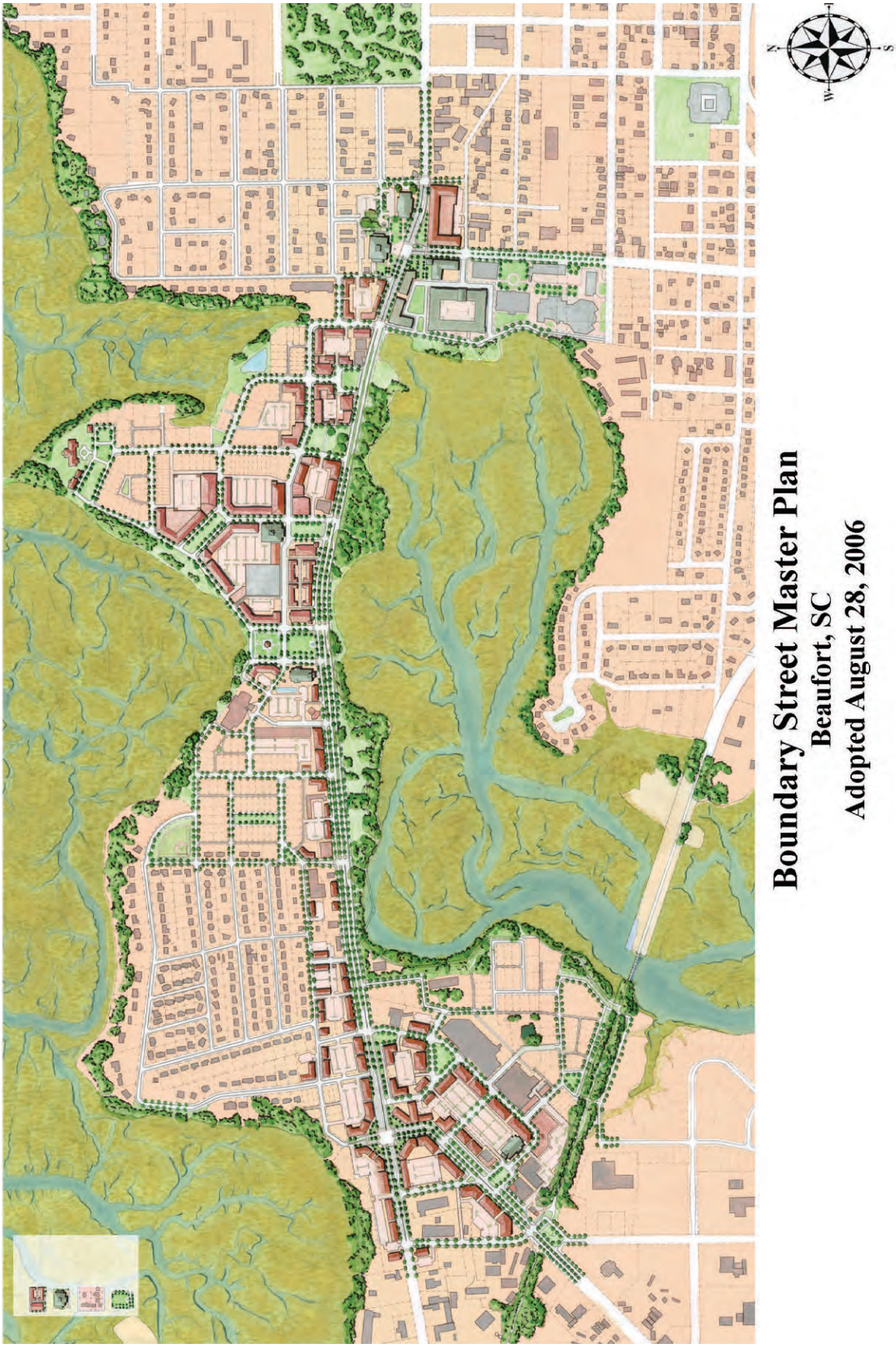
1. **Purpose:** The City of Beaufort seeks to create a Boundary Street Redevelopment District based upon traditional standards for city building. In September 2005 the City created a Master Plan for the Boundary Street Redevelopment District through a design charrette process involving the community 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 street standards are found in Appendix C. These design conventions are derived from the existing conditions in the City and from a number of sources in planning literature as listed in Section 5. These 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.
2. **Existing Buildings:** 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. This does not include repairs to a building, provided that the configuration is not modified or altered during the repairs. 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.
3. **Specific Standards:**
   a. Single-family detached uses are permitted regardless of the zoning district except along Boundary Street and Robert Smalls Parkway. They are subject to all development standards laid out in this Code.
   b. **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.
      i. Street Hierarchy: The hierarchy of streets in this District is as follows, fron highest to lowest: Boundary Street (U.S.21), Ribaut Road, Robert Smalls Parkway (SC 170), Parallel Street, Edge Drive, Main Street, Park Street, Neighborhood Street, House Street
      ii. Construction of New Streets: 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 street section details. Particular details for

each parcel along a street, such as building placement, building volume, uses, are found in Sections 2 and 3 of this Code. 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. Street design must meet the standards in 7.2.4. 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.

c. **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 in Appendix C.

i.

4. **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. The Illustrative Master Plan in this Section, and the Street Sections in Appendix C, 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 Illustrative Master Plan is meant to demonstrate the character intended for the Redevelopment District, but is for illustrative purposes only. The accompanying text and numbers are rules that govern permitted development.


Boundary Street Master Plan
Beaufort, SC
Adopted August 28, 2006

2.7.4 AIR INSTALLATION COMPATIBILITY USE ZONE (AICUZ) OVERLAY DISTRICT STANDARDS

[adapts 6.b]

A. **Purpose:** The Air Installation Compatible Use Zone (AICUZ) District shall overlay other zoning districts. 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 greater, 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:** 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:

ZONE	DEFINITION	MAXIMUM HEIGHT
1. Primary Zone	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.	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.
2. Clear Zone	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.	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 as the maximum heights for the Approach Clearance Zone and Transitional Zone.
3. Approach Clearance Zone	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.	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.
4. Inner Horizontal Zone	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.	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.
5. Conical Zone	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.	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

ZONE	DEFINITION	MAXIMUM HEIGHT
6. Outer Horizontal Zone	An area extending outward from the outer periphery of the airfield's conical zone for a distance of 30,000 feet.	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.
7. Transitional Zones	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.	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.

1. Outside of the AICUZ Overlay District, 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, offairway 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.

H. **Accident Potential Zones (APZ):** Accident Potential Zones (APZ's) are divided into 3 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.

I. **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 DNL
2a	65 to 70 DNL
2b	70 to 75 DNL
3	Greater than 75 DNL

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.

J. **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:

   Air Installation Compatible Use Zone 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 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 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, rowhouse 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 City of Beaufort Planning Department 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.

AICUZ OVERLAY PERMITTED USES [1,2]	AIRPORT HAZARD ZONE			AIRPORT NOISE
	CLEAR	APZ-1	APZ-2	ZONE 3
Recreation, Education, Public Assembly				
Colleges and Universities	N	N	N	N
Health/Fitness Facility	N	N	N	N
Recreation Facility	N	N	N	N
Meeting Facility/Place of Worship	N	N	N	N
Park, Open Space, Active Recreation	N	N	N	N
Playground	N	N	N	N
School, Public or Private	N	N	N	N
Residential				
Single-Family/Unit: 1 unit or less per 3 acres	Y	Y	Y	Y
Single-Family/Unit: 1 unit or less per 1 acres	N	N	Y(2b)	N
Single-Family/Unit: 2 unit or less per 1 acres	N	N	Y(2a)	N
Multi-Family/Unit	N	N	N	N
Two-Family/Unit	N	N	N	N
Retail				
Single Use Freestanding	Y	Y	Y	Y
Restaurant, Café, Coffee Shop	N	N	N	N
Other General Retail	N	N	N	N
Services				
Day Care	N	N	N	N
Lodging	N	N	N	N
Hospital	N	N	N	N
Miscellaneous				
Storage of Explosive, Flammable or Toxic Materials in Outdoor, Above- Ground Storage Tanks (except for individual residential use, e.g. heating)	N	N	N	Y
Petroleum Refining and Related Industries	N	N	N	Y
Chemical Manufacturing	N	N	N	Y
Manufacturing of Plastic and/or Rubber Products	N	N	N	Y

N = Not Permitted Use Y = Permitted if Underlying District Allows Use (see Section 3.2 Permitted Land Uses)

[1] A definition of each listed use type is in Article 13 Definitions.

[2] Similar uses and any other retail business or service establishment permitted or conditionally permitted as determined by the Administrator to be of the same general character as the listed uses.

2.8: ALTERNATIVE DEVELOPMENT PATTERNS

2.8.1 SMALL-SCALE PLANNED INFILL DEVELOPMENT *[adapts 6.2]*

A. **Purpose:** The alternative development options of this section allow for variety in development standards while maintaining the overall character of a neighborhood. These options have several public benefits:

- They allow for development which is more sensitive to the environment, especially in areas with water features, natural drainage ways, and significant trees;
- They allow for the preservation of open and natural areas;
- They promote better site layout and opportunities for private recreational areas;
- They promote opportunities for affordable housing by allowing for a mixture of lot and building sizes; and
- They promote energy-efficient development.

B. **Definition:** A Small-Scale Planned Infill development is a residential subdivision in which the lots are allowed to be smaller (in area and width), have reduced setbacks, and/or be oriented in a different manner 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.

C. **Applicability:** Subdivisions that comprise a minimum size of 1/2 acre (in a T3 or T4 districts only) or an entire block face may utilize these standards.

D. **Conflict with Other Regulations:** If there is a conflict between the Small-Scale Planned Infill standards of this section and any other requirement of this Code, the standards of this section control. Otherwise, a Small-Scale Planned Infill is subject to all other applicable requirements of this Code.

E. **Approval Procedure:** Small-Scale Planned Infill are subject to the Subdivision Review procedures set forth in Section 9.9. In the Historic District, these developments are also subject to review by the Historic Review Board (Section 9.10).

F. **Lot Size:** There is no set minimum lot size (area or width) requirement within a Small-Scale Planned Infill 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.

G. **Setbacks and Building Separation:** The minimum setback and frontage standards of the base zoning district apply along the perimeter of a Small-Scale Planned Infill development. All detached structures within a Small-Scale Planned Infill development must be separated by a minimum distance of 10 feet. This distance may be reduced subject to the Building Code.

H. **Open Space Requirement:** A portion of the gross area of the property must be dedicated to some type of usable open space. See Section 7.4.2 & 3 for required amounts and appropriate types of civic space.

2.8.2 COTTAGE COURTS (A.K.A. BUNGALOW COURTS, POCKET NEIGHBORHOODS, COURTYARD HOMES)

A. **Purpose:** The alternative development options of this section allow for development of smaller dwelling units, organized around a shared semi-public outdoor space, that are appropriate to the character of the surrounding neighborhood. They serve to provide a

space efficient and economical alternative to traditional single dwelling unit development. The ownership model may be either fee-simple, or condominium-style, and can achieve the same benefits as those listed in Section 2.8.1.A.

B. **Definition:** A Cottage Court development is a residential development in which small buildings are oriented around a central green or open space that is accessible by all residents. The overall density is permitted to be up to 2 times the maximum density limit for the underlying zoning district, in exchange for the buildings having a limited footprint size and height.

C. **Applicability:** Cottage Courts are permitted in T3 & T4 districts only. In the Historic District, these are only permitted in the Conservation Sub-District.

D. **Lot Size:** Prior to development, lots, or combinations of lots must meet the following dimensional standards:

1. 160' wide x 100' deep where formalized parking on-street exists on adjacent streets and no on-site parking is required.
2. 200' wide x 100' deep if on-site parking is required.

E. **Conflict with Other Regulations:** If there is a conflict between the Cottage Courts standards of this section and any other requirement of this Code, the standards of this section control. Otherwise, Cottage Courts are subject to all other applicable requirements of this Code.

F. **Approval Procedure:** Cottage Courts are subject to the Subdivision Review procedures set forth in Section 9.9. In the Historic District these developments are also subject to review by the Historic Review Board (Section 9.10).

G. **Number of Buildings:** Cottage courts must contain a minimum of 4 residential buildings. For courts that have 8 or more buildings, a community structure must be provided. Examples of these include: garden shed, pavilion, community house, etc.

H. **Building Size & Details:**

1. Buildings may have a maximum 800 square foot footprint (exclusive of porches), and may be no more than 1.5 stories tall.
2. Front porches must be provided facing the common space, and they must be a minimum of 8 feet deep.
3. Where a building is located on both a public street and a public space, it must address the street with either a porch or stoop, and must provide entries onto both spaces.
4. The "public spaces" of the home should be located facing the common space. These include living, dining and kitchen areas. First floor bedrooms should not be located fronting the civic space.

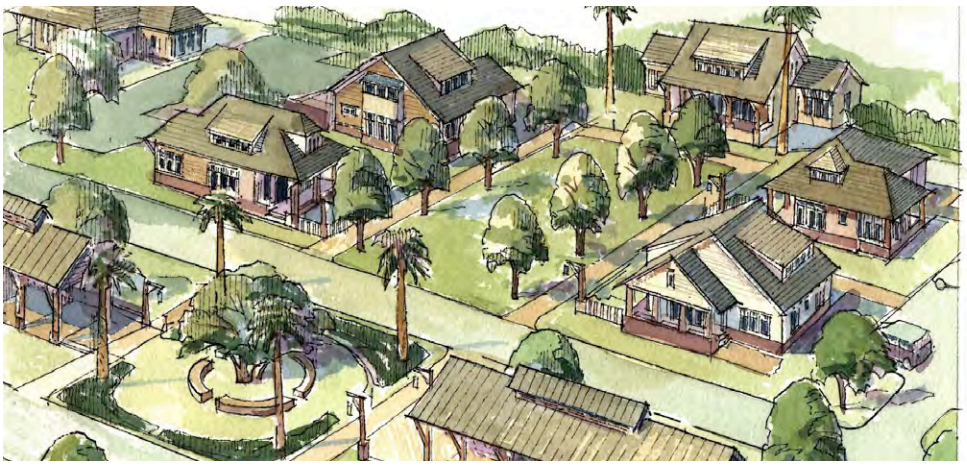
I. **Setbacks and Building Separation:** The minimum setback and frontage standards of the base zoning district apply along the perimeter of a Cottage Court development. Buildings may be attached or detached. All detached structures within a Cottage Court development must be separated by a minimum distance of 10 feet. This distance may be reduced subject to the Building Code.

J. **Parking Configuration:** Parking must be screened from the public right-of-way by buildings. Consolidated parking, accessed via an alley, is recommended. If this is not possible, access easement(s) must be provided as part of the final plat. Parking adjacent to another property must be screened per the requirements of Section 5.7.8.A.

K. **Parking Requirements:** 1 space per unit is required. Adjacent on-street parking spaces may count towards this requirement.

L. **Open Space Requirement:** A minimum of 400 square feet of common open space is required per unit. The open space must be connected to the public right of way either by opening up to the street, or via a paved path no less than 8' wide. The open space must be recorded as an easement.

EXAMPLE: COTTAGE COURT FACING A PUBLIC GREEN SPACE



Units located around a public space with parking in the rear and access to the green space along a public right-of-way.

2.8.3 TRADITIONAL NEIGHBORHOOD DEVELOPMENT FLOATING OVERLAY DISTRICT

A. **Purpose and Intent:** The Traditional Neighborhood Development (TND) Overlay District is established to:

1. Support the development of fully integrated, mixed-use, pedestrian-oriented neighborhoods with a variety of housing choices,
2. Prevent the development of large, single-use, homogenous subdivisions, and to
3. Minimize traffic congestion, suburban sprawl, infrastructure costs and environmental degradation.

4. Create a streamlined way to transition the city's zoning to the Transect-Zones.

B. **Process and Applicability:** The application of the TND Overlay District shall depend upon the size of the site in accordance with the provisions below. The TND Overlay District shall not be applied to any site with a T1 (Natural Preserve District) base district designation.

TND APPLICABILITY SUMMARY TABLE	
SITE AREA	**PROCESS TYPE**
15 acres to 40 acres	Optional with Conditional TND designation *(See 1, below)*
40 acres to 100 acres	Optional with By-Right TND designation *(See 2, below)*
100 acres or larger	Mandatory with By-Right TND designation *(See 3, below)*

1. Development sites of at least 15 acres but less than 40 acres may be developed under a TND Overlay District. Development sites with a base zoning of T3 shall be subject to the Rezoning process consistent with Sections 9.16. Development Sites with a base zoning of T4 or T5 shall follow the procedures for Major Subdivisions found in Sections 9.9.3 and 9.9.4. Applicants shall provide land allocations by transect zone, proposed subdivisions of property, and other information required to indicate compliance with this section. If granted TND Overlay zoning, applicants shall have the option of developing such sites in accordance with the approved TND Master Plan or the standards of the underlying base zoning district.

2. The TND Overlay District designation shall automatically apply by-right to all development sites of at least 40 acres but less than 100 acres. Applicants shall have the option of developing such sites using the standards of the TND Overlay District or the standards of the underlying base zoning district. The approval of TND Master Plans on such properties shall follow the procedures for Major Subdivisions found in Sections 9.9.3 and 9.9.4.

3. The TND Overlay District designation shall automatically apply by-right to all development sites of at least 100 acres. Development sites of this size are required to follow the standards of the TND Overlay District. The approval of TND Master Plans on such properties shall follow the procedures for Major Subdivisions found in Sections 9.9.3 and 9.9.4.

4. **Exceptions:** Land designated as LI and IC Districts are not subject to these provisions and may be developed as more conventional, single-purpose developments.

C. **Land Allocation by Transect Zones:** When composing the TND Master Plan, the form-based districts in Section 2.3.2 shall be used as sub-districts within the ranges noted below. The allocation of land by transect zone shall be made a part of all applications and approvals for TND Master Plans. All development shall conform to the standards of the designated form-based sub-district in which it is located, unless otherwise noted in this section.

		15-40 ACRES		GREATER THAN 40 ACRES	
BASE ZONE	**TRANSECT ZONE**	**MINIMUM AREA***	**MAXIMUM AREA***	**MINIMUM AREA***	**MAXIMUM AREA***
T3	T3 Districts	30%	85%	30%	75%
	T4 Districts	10%	50%	10%	50%
	T5 Districts	None	10%	None	30%

		15-40 ACRES		GREATER THAN 40 ACRES	
BASE ZONE	TRANSECT ZONE	MINIMUM AREA*	MAXIMUM AREA*	MINIMUM AREA*	MAXIMUM AREA*
T4	T3 Districts	None	50%	None	60%
	T4 Districts	10%	50%	20%	90%
	T5 Districts	None	30%	None	40%
T5	T3 Districts	None	30%	None	40%
	T4 Districts	10%	50%	10%	50%
	T5 Districts	20%	80%	30%	80%

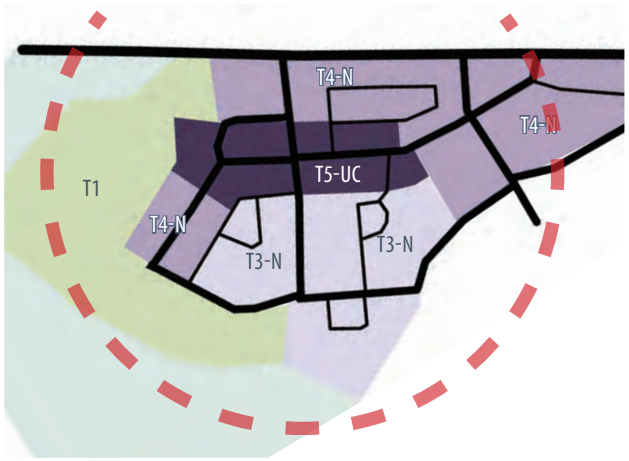
**listed as % of gross land area*
Note: T4-NA sub-district may be incorporated as no more than 1/3 of the permitted T4 allocation

D. **Maximum Residential Density:** The gross residential density within and TND Overlay District shall not exceed 125% of the maximum gross residential density of the underlying base district(s).

E. **Land Uses**

1. The TND Master Plan shall include a regulating plan designating each Transect Zone (T-Zone) by parcel.
2. Land uses shall be limited to those permitted in the designated T-Zone.
3. Similar T-Zones shall generally front across streets. Dissimilar categories shall abut at rear lot lines or transition mid-block.

EXAMPLE: REGULATING PLAN FOR A TND FLOATING OVERLAY DISTRICT



This diagram shows a sample regulating plan, where the streets network is overlaid with different transect zones.

F. **Civic/Open Space**

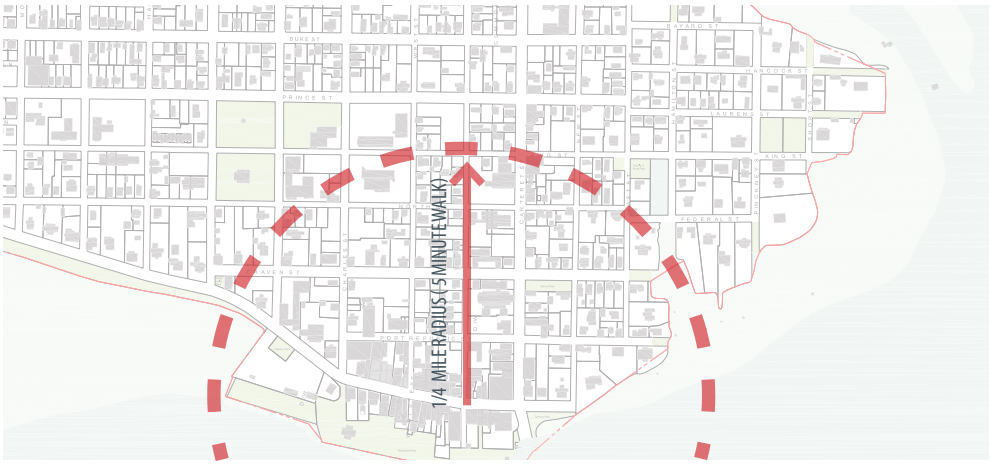
1. Development shall be required to set aside civic/open space in accordance with the standards for the underlying base district(s), as specified in Section 7.4.2 & 3.
2. No portion of the TND should be further than ¼ mile from a publicly accessible civic/open space as defined in Section 7.4.3. Existing civic/open spaces outside of the TND boundaries may be used to satisfy this requirement.
3. On parcels 40 acres and larger, a minimum of 2% of the gross land area should be reserved for the construction of civic structures (schools, community buildings, religious institutions, etc.) and their support facilities (parking areas, etc.). Such sites

shall be in prominent locations that are centralized to the neighborhood, accessible to the greater community, and help to visually anchor important vistas. See Section 4.5.13 for Building Design Standards for Civic Buildings.

G. **Neighborhood Structure**

1. TND's shall be organized by individual pedestrian sheds (or walking areas) with a ¼ mile radius (1,320 linear feet).

EXAMPLE: PEDESTRIAN SHED IN THE HISTORIC DISTRICT



A typical city block averages 300' long. About four city blocks comprise a "pedestrian shed" - 1/4 mile radius, or 5 minute walk.

2. Neighborhood centers/main streets shall be located at or near the center of all pedestrian sheds, and shall include:
   a. the area of the TND with the greatest intensity of development,
   b. one or more civic buildings and/or uses, and
   c. one or more civic/open spaces.
3. Each pedestrian shed should include a variety of uses, building types, and housing types, so that all lots within the TND are within walking distance (no more than 1/2 mile) to a neighborhood center, and at least 2 types of housing are provided (e.g., single-family detached, rowhomes, duplex, apartments) per pedestrian shed.
4. Street networks shall be interconnected using a grid or modified grid. Exceptions and special designs can be considered due to geography and special site conditions.
5. **Block Size:** Blocks shall be small compact so that they are comfortably walkable and appropriate for their context.
   a. In T3-S zones, block sizes are flexible but the perimeter should not exceed 2,640 linear feet. An average block perimeter less than 2,000 feet is preferred.
   b. In T3-N, T4 & T5 zones, blocks should be no more than 400 feet on any side. An average block length of 250-300 feet is preferred. The block perimeter shall not exceed 1,320 linear feet.
6. Within 200 feet of all properties outside the TND, lot widths, depths, and building types shall provide an appropriate transition to adjacent development, particularly any such areas of a lower development intensity/density.

2.8.2 LEGACY PLANNED UNIT DEVELOPMENT DISTRICT (LPUD) *[adapts 3.7; 4.8.C]*

A. **Purpose:** The Legacy Planned Unit Development (LPUD) zoning district is intended to be utilized only for the continuation of previously established Planned Unit Developments that do not adopt the underlying zoning.

B. **Minor Plan Amendments Permitted by the Administrator:** The amendment of previously approved PUDs shall be approved by the Administrator, if the amendment results in a development intensity that is no greater than the previously approved intensity in terms of total square feet, total number of units, height, and build-upon area. Additionally, a minor plan amendment shall be limited to technical considerations which could not reasonably be anticipated during the approval process or any other change which has no material effect on the character of the approved PUD development or any of its approved terms or conditions.

C. **Major Plan Amendments Permitted by City Council Approval Only:** All major changes not subject to B above shall be reviewed by the Planning Commission and approved by the City Council in accordance with the procedures outlined in Section 9.16 Amendments. Planning Commission and Council shall consider the current underlying zoning when determining whether or not to approve any amendments.

D. **Adopting the Underlying Zoning:** Any existing LPUD may choose to adopt the underlying zoning as shown on the current city-wide zoning map. This can be done by-right and does not require a zoning amendment.

3: LAND USE PROVISIONS

3.1 APPLICABILITY

3.1.1 USE PERMISSIONS DEFINED

The Use Table in Section 3.2 assigns 1 of 6 permissions to each use in each District as follows:

A. **Permitted Use (P):** The use is permitted by right with no additional requirements.

B. **Conditional Use (C):** The use is permitted by right, provided that the additional use standards set forth in this Article are met.

1. The specified standards are intended to insure that these uses are compatible with other development permitted within the Districts.
2. Approval procedures for Conditional Uses are in 9.4.2 (Zoning Permit.)

C. **Special Exception (SE):** The use is permitted only when a Special Exception has been approved.

1. Special Exceptions are required for uses which may be compatible with other uses permitted in a District but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and/or the city as a whole, require individual consideration in their location, design, configuration, and/or operation at the particular location proposed.
2. All applications for Special Exceptions shall, at a minimum, meet the standards for the District in which they are located and the additional standards set forth in this Article for that use. There may also be specific Building Design Standards that must be met (Section 4.5).
3. Approval procedures for Special Exceptions are found in 9.13 (Special Exception.)

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3.11: ADDITIONAL STANDARDS - AGRICULTURE 73

3.12: ACCESSORY USES AND STRUCTURES 73

3.13: TEMPORARY USES 75

D. **In Existing Buildings Only (E):** The use is permitted only in existing buildings and any expansions which do not increase the size of the existing structure by more than 50%..

E. **Retail Frontage Overlay Required (RF):** Where a block face is designated on the zoning map as a Retail Frontage Overlay, the building with direct access to the designated fronting street is be permitted to be occupied by certain commercial uses as indicated in the use table.

F. **T4-Neighborhood Artisan (A):** This use is permitted with conditions only in the T4-Neighborhood Artisan (T4-NA)District. Conditions may be listed in the Additional Standards section as appropriate. Other uses permitted in the general T4-N district may have special conditions for T4-NA; those conditions are listed in the Additional Standards section as appropriate.

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

3.2 TABLE OF PERMITTED USES *(revises 5.1)*

Land uses in Transect-Based and Conventional Districts shall be permitted in accordance with the table below. Special provisions related to uses in the AICUZ Overlay District are in Section 2.7.4.

DISTRICT	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	LI	IC	MHP	SECTION REFERENCE FOR ADD'L STANDARDS
USE CATEGORY (3.3) SPECIFIC USE / *UDO ZONE:*	*CP*	*RE; R-1; R-2*	*R-E; R-1; R-2; R-3; R-4; GR*	*TBR*	*GR; NC; OC*	*CC; GC*	*CC; GC*	*HC*	*LI*	*MED*	*MHP*	
RESIDENTIAL												**3.3**
Household Living												
Single-Family Dwelling	—	P	P	P	P	E	E	E	E	E	—	n/a
2 or 3 Unit Dwelling	—	—	C	P	P	P	P	—	—	—	—	3.3.2
Rowhome	—	—	—	—	C	P	P	P	—	—	—	3.3.3
Multifamily Dwelling (4+ units)	—	—	C	—	C	P	P	P	—	P	—	3.3.4
Home Occupation - Minor	—	C	C	C	C	P	P	P	—	—	—	3.3.5
Home Occupation - Major	—	SE	SE	SE	C	P	P	—	—	—	—	
Live-Aboard Boat	C	—	—	—	—	—	—	—	—	—	—	3.3.6
Live/Work Unit	—	—	—	—	C	P	P	P	C	P	—	3.3.7
Manufactured Home	—	—	—	—	—	—	—	—	—	—	C	3.3.8
Group Living												
Group Dwelling (≤ 8 residents)	—	—	—	—	P	P	P	P	—	—	—	3.3.9
Group Dwelling (> 8 residents)	—	—	—	—	SE	SE	P	P	—	P	—	3.3.9
PUBLIC AND CIVIC												**3.4**
Civic Facility	—	—	SE	SE	P	P	P	P	—	P	—	3.4.1
Educational Facilities												
College/University	—	—	—	—	P	P	P	P	—	P	—	3.4.2
School, Public or Private	—	C	C	C	P	P	P	P	—	P	—	3.4.2
School, Trade/Vocational	—	—	—	—	C	P	P	P	P	P	—	3.4.2
Government Facilities	**C**	**—**	**—**	**—**	**P**	**P**	**P**	**P**	**P**	**P**	**—**	**3.4.X**

P=Permitted Use C=Conditional Use SE=Special Exception E=in Existing Building Only RF = Retail Frontage Only A=T4-Neighborhood Artisan subdistrict Only — = Prohibited use

DISTRICT	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	LI	IC	MHP	SECTION REFERENCE FOR ADD'L STANDARDS
USE CATEGORY (3.3) SPECIFIC USE / *UDO ZONE:*	*CP*	*RE; R-1; R-2*	*R-E; R-1; R-2; R-3; R-4; GR*	*TBR*	*GR; NC; OC*	*CC; GC*	*CC; GC*	*HC*	*LI*	*MED*	*MHP*	
Parks and Open Space												
Cemetery	C	E	E	E	E	E	E	C	E	E	E	3.4.3
Park	P	P	P	P	P	P	P	P	P	P	P	7.X
Open Space	P	P	P	P	P	P	P	P	P	P	P	
INSTITUTIONAL												**3.5**
Community Service	—	SE	SE	SE	P	P	P	P	SE	P	—	3.5.1
Day Care Facility												
Family Day Care Home (≤ 6 clients)	see Home Occupation											3.3.5
Group Day Care Home (7-12 clients)	—	—	SE	C	C	P	P	P	P	P	—	3.5.2
Commercial Day Care Center (>12 clients)	—	—	—	C	P	P	P	P	P	P	—	3.5.2
Treatment Facility	**—**	**—**	**—**	**—**	**SE**	**SE**	**SE**	**P**	**—**	**C**	**—**	
Health Care Facilities	**—**	**—**	**—**	**—**	**—**	**—**	**P**	**P**	**—**	**P**	**—**	**n/a**
Religious Institution	**—**	**C**	**C**	**P**	**P**	**P**	**P**	**P**	**—**	**P**	**—**	**3.5.3**
COMMERCIAL												**3.6**
Entertainment												
Indoor Entertainment	—	C	C	—	C	P	P	P	P	P	—	3.6.1
Outdoor Entertainment	—	—	—	—	C	P	P	P	—	P	—	3.6.1
Sexually-Oriented Business	—	—	—	—	—	—	—	—	C	—	—	3.6.2
Office	**—**	**—**	**—**	**—**	**P**	**P**	**P**	**P**	**P**	**P**	**—**	**n/a**
Overnight Guest Accommodation												
Bed and Breakfast	—	—	SE	SE	P	P	P	—	—	—	—	3.6.4
Inn (up to 24 units)	—	—	—	—	RF & SE	P	P	P	—	—	—	n/a
Motel/Hotel/Extended Stay	—	—	—	—	—	P	P	P	—	—	—	n/a
Short Term Rental	—	SE	SE	SE	C	C	C	—	—	C	—	3.6.4
Recreational Vehicle Park	—	—	—	—	—	—	—	SE	—	—	—	3.6.4
Restaurants												
Restaurant	—	—	—	—	RF	P	P	P	SE	P	—	3.6.5
with Outdoor Cooking	—	—	—	—	RF & SE	SE	SE	—	—	—	—	3.6.5
Retail Sales and Service												
Animal Hospital/Kennel	—	—	—	—	C	—	C	P	P	—	—	3.6.6
General Retail/Service	—	—	—	—	RF/A	P	P	P	SE	C	—	3.6.6
Self-Service Storage	—	—	—	—	—	—	—	C	P	—	—	3.6.6
Vehicle- and Boat-related uses												
Vehicle and Boat Sales and Rental	—	—	—	—	A	—	C	P	—	—	—	3.7.1

P=Permitted Use C=Conditional Use SE=Special Exception E=in Existing Building Only RF = Retail Frontage Only A=T4-Neighborhood Artisan subdistrict Only — = Prohibited use

DISTRICT	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	LI	IC	MHP	SECTION REFERENCE FOR ADD'L STANDARDS
USE CATEGORY (3.3) SPECIFIC USE / *UDO ZONE:*	*CP*	*RE; R-1; R-2*	*R-E; R-1; R-2; R-3; R-4; GR*	*TBR*	*GR; NC; OC*	*CC; GC*	*CC; GC*	*HC*	*LI*	*MED*	*MHP*	
Drive-Thru Facility	—	—	—	—	—	—	C	C	SE	—	—	3.7.2
Fuel Sales / Car Wash	—	—	—	—	—	—	C	C	P	—	—	3.7.3
Minor Vehicle Service and Repair	—	—	—	—	C	—	C	C	C	—	—	3.7.4
Major Vehicle Service and Repair	—	—	—	—	A	—	C	C	C	—	—	3.7.5
Parking, Commercial, Surface	—	—	—	—	C	C	P	P	P	P	—	3.7.6
Parking, Structure	—	—	—	—	RF	P	P	P	P	C	—	3.7.6
Passenger Terminals	—	—	—	—	—	—	SE	P	P	—	—	n/a
Water/Marine Oriented Facilities	P	P	—	—	P	P	P	—	—	P	—	3.7.7
INDUSTRIAL												**3.8**
Aviation Services	—	—	—	—	—	—	—	—	P	—	—	n/a
Light Industrial Services	—	—	—	—	A	—	SE	P	P	—	—	n/a
Manufacturing and Production	—	—	—	—	A	—	—	—	P	—	—	3.8.1
Truck Terminal	—	—	—	—	—	—	—	—	P	—	—	3.8.2
Warehousing	—	—	—	—	A	—	—	SE	P	—	—	3.8.3
Wholesaling and Distribution	—	—	—	—	A	—	—	C	P	—	—	3.8.4
TRANSPORTATION, COMMUNICATION, INFRASTRUCTURE												**3.9**
Major Infrastructure/Utilities	—	—	—	—	A	—	—	SE	P	—	—	3.9.1
Minor Infrastructure/Utilities	—	C	C	C	C	C	C	C	P	C	—	3.9.2
Public Utility Substation	C	C	C	—	C	C	C	C	C	C	—	3.9.3
Waste Related Services	—	—	—	—	—	—	—	—	SE	—	—	3.9.4
Wireless Communications Facility	—	—	—	—	—	—	—	C	C	—	—	3.9.5
AGRICULTURE												**3.11**
Forestry	C	C	C	C	C	C	C	C	C	C	—	3.11.1
Agriculture/Horticulture	C	C	C	C	C	C	C	C	P	C	—	3.11 & 8.4.3

P=Permitted Use C=Conditional Use SE=Special Exception E=in Existing Building Only RF = Retail Frontage Only A=T4-Neighborhood Artisan subdistrict Only — = Prohibited use

3.2.1 OVERVIEW OF USE CATEGORIES *(adapts 5.2.A / B / C)*

A. **Definition of Use Category:** See 13.2 (Definitions of Land Uses)

B. **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 Districts.

C. **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. 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.

D. **Accessory Uses:** Accessory uses are allowed by-right in conjunction with a principal use unless otherwise stated in this Code. 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. See 3.12 for additional standards for accessory uses and structures.

E. **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.

F. **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.

3.2.2 RESIDENTIAL USE CATEGORIES *[adapts 5.2.D]*

A. **Household Living**

1. **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.
2. **Accessory Uses:** Recreational activities, hobbies, accessory dwelling units, enclosed storage, and parking of the occupants' vehicles. Home occupations are accessory uses that are subject to additional regulations set forth in Section 3.3.3.
3. **Examples Uses:** Single-family dwellings; two-family dwellings; triplexes; condominiums; townhouses; and other multi-family dwellings; residential, upper floor; retirement center apartments; some congregate care facilities; and manufactured housing and other structures with self-contained dwelling units.
4. **Exceptions:** Living in a dwelling unit where units are rented on a less than monthly basis is classified in the overnight guest accommodations category.

B. **Group Living**

1. **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 Overnight Accommodations and Community Service categories). Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment,.
2. **Accessory Uses:** Recreational facilities, dining facilities and parking of vehicles for occupants and staff.
3. **Examples:** Group dwellings; dormitories; fraternities and sororities; nursing homes; assisted living facilities; and monasteries and convents.
4. **Exceptions :**
   a. Lodging where tenancy may be arranged for periods of less than 30 days is classified in the Overnight Guest Accommodations category.
   b. 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.
   c. Congregate Care Facilities where individual units meet the definition of a dwelling unit in Article 13 (Definitions) are classified as Household Living.

3.2.3 PUBLIC AND CIVIC USE CATEGORIES

A. **Civic Facility**

1. **Characteristics:** Public or quasi-public facilities open to the general public that serve a cultural, educational, and/or social function in the community.
2. **Accessory Uses:** Retail uses such as a gift/book shop, restaurant, etc.
3. **Examples:** Aquariums, arboretums, art galleries and exhibitions, civic theaters, facilities for live theater and concerts, historic sites and exhibits, libraries, museums, planetariums, and zoos.

B. **Educational Facilities**

1. **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.
2. **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.
3. **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.

4. **Exceptions**
    a. Preschools not affiliated with and attached to primary schools are classified as Day Care uses.
    b. Learning centers and other similar facilities that do not provide a state-mandated curriculum are classified as Retail Sales and Service.

C. **Government Facilities**

1. **Characteristics:** Government facilities include offices, storage, maintenance and other facilities for the operation of local, state or federal Government.
2. **Accessory Uses:** Accessory uses include storage, maintenance and fueling facilities, satellite offices and parking areas.
3. **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; and post offices.
4. **Exceptions**
    a. State, County or City parks are classified as Parks and Open Space.
    b. Water and wastewater facilities, gas, electric and other infrastructure services, whether public or private, are classified as Utilities.
    c. Waste and recycling services are classified as Waste Related Services.

D. **Parks and Open Areas**

1. **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.
2. **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.
3. **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.
4. **Exceptions:** Privately-owned facilities, such as golf courses, tennic courts, pools, etc... are classified as Entertainment uses.

3.2.4 INSTITUTIONAL USE CATEGORIES

A. **Community Service**

1. **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 must be 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.

Overnight stays are not permitted in these facilities.

2. **Accessory Uses:** Offices; meeting areas; food preparation areas; parking, health and therapy areas and athletic facilities.
3. **Examples:** Senior centers; community centers; public information facilities; visitors center; civic/business association; salvation army; youth club facilities; and hospices and social service facilities.
4. **Exceptions**
   a. Private lodges, clubs and private or commercial athletic or health clubs are classified as Retail Sales and Service.
   b. Parks are classified as Parks and Open Areas.
   c. 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.

B. **Day Care**

1. **Characteristics:** Day Care uses provide care, protection and supervision for children or adults on a regular basis, away from their primary residence, for less than 24 hours per day.
2. **Accessory Uses:** Offices, recreation areas and parking.
3. **Examples:** Preschools; nursery schools; child care centers; latch key programs; and adult day care programs.
4. **Additional Standards:** Family Day Care Home, where in-home care for six or fewer individuals is provided, is considered a Minor Home Occupation (Accessory Use) and subject to the standards of Section 3.3.5.
5. **Exceptions:** Day Care does not include preschools operated within 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.

C. **Health Care Facilities**

1. **Characteristics:** Health Care Facilities include uses providing medical or surgical care to patients and offering overnight care.
2. **Accessory Uses:** Accessory Uses include out-patient clinics, offices, meeting areas, cafeterias, laundries, parking, maintenance facilities and housing facilities for staff or trainees.
3. **Examples:** Examples include medical centers; hospitals; health center; educational facilities; and medical laboratories and clinics.
4. **Exceptions**
   a. 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 as Treatment Centers.
   b. Medical clinics that provide care where patients are generally not kept overnight are classified as Office.

D. **Treatment Centers**

1. **Characteristics:** Residential Care Facilities provide a variety of services, including

housing and care related to treatment programs.

2. **Accessory Uses:** Club houses, maintenance facilities, administrative offices, police substations, concessions, single-family and two-family caretaker's quarters and parking.
3. **Examples:** Some group homes for the physically disabled, mentally disabled or emotionally disturbed; homeless shelters; some residential programs for drug and alcohol treatment; and alternative or post incarceration facilities.
4. **Exceptions:** Congregate care facilities where individual units meet the definition of a dwelling unit are classified as Household Living.

E. **Religious Institutions**

1. **Characteristics:** Religious Institutions primarily provide meeting areas for religious activities.
2. **Accessory Uses:** Accessory uses include Sunday school facilities, playgrounds, child 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.
3. **Examples:** Examples include churches, temples, synagogues and mosques.
4. **Exceptions**
   a. Preschools are classified as Day Care uses.
   b. Schools are classified as Schools.

3.2.5 COMMERCIAL USE CATEGORIES *[adapts 5.2.F]*

A. **Entertainment**

1. **Characteristics:** Entertainment uses are large, generally commercial uses that provide continuous recreation or entertainment-oriented activities. Accessory Uses: Accessory uses may include restaurants, concessions, parking and maintenance facilities.
2. **Examples:** Examples include indoor continuous entertainment activities such as bowling alleys, game arcades, pool halls, dance halls, banquet facilities, 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.
3. **Exceptions**
   a. Exhibition and meeting areas with less than 20,000 square feet of total event area are classified as Retail Sales and Service.
   b. Publicly-owned recreational facilities, such as golf courses and tennis courts, are classified as Parks and Open Areas.

B. **Office**

1. **Characteristics:** Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical or

financial services.

2. **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.
3. **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.
4. **Exceptions**
   a. 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.
   b. 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.

C. **Overnight Guest Accommodations**

1. **Characteristics:** Dwelling units arranged for short term stays of less than 30 days for rent, lease or interval occupancy.
2. **Accessory Uses:** Accessory uses may include pools and other recreational facilities, parking, limited storage and offices.
3. **Examples:** Examples include bed and breakfast establishments; hotels; motels; inns; short-term rentals; and interval occupancy facilities. Also includes central reception and check-in facilities for resorts and interval occupancy facilities.

D. **Restaurants**

1. **Characteristics:** Establishments that sell food and beverages for on or off-premise consumption.
2. **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), customer and employee parking areas and valet parking facilities.
3. **Examples:** Includes sit-down restaurants; cafes; coffee shops; drive-ins; fast food establishments; microbreweries; pubs; yogurt or ice cream shops; and pizza delivery.
4. **Exception:** Restaurants with Drive-thrus are classified as Drive-Thru Facility uses. Restaurants located in T4-NA are considered Trail-Related Uses. Food trucks are classified as Temporary Uses

E. **Retail Sales and Service**

1. **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.

2. **Accessory Uses:** Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale and parking.
3. **Examples:** Examples include uses from the five following groups:
   a. **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.
   b. **Personal Service-Oriented:** Banks and savings and loan; emergency medical care offices; bakery; barber shop and beauty shop; body piercing; 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; tattoos; martial arts facilities; acting, art, dance or music classes; secretarial/answering service; shoe repair; taxidermists; animal hospital, kennels and veterinarians.
   c. **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. **Artisan Oriented:** Preparation, display, classes/education, performance and sale of individually crafted artwork and visual and performing arts such as; jewelry; furniture; sculpture; pottery; leathercraft; textiles; drawing; photography; music; theater; painting; sculpture and writing.
   e. **Trail-Related:** a limited subset of the Retail Sales and Service that specifically caters to the Spanish Moss Trail. Retail uses include the sale, rental and/or repair of outdoor recreational equipment, goods or clothing.
4. **Exceptions**
   a. Laundry and dry-cleaning plants are considered Light Industrial Services.
   b. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
   c. Repair and service of consumer motor vehicles, motorcycles and light and medium trucks is classified as Vehicle Service.

F. **Self-Service Storage**

1. **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.
2. **Accessory Uses:**
   a. Accessory uses may include living quarters for a resident manager or security and leasing offices and outside storage of boats and campers.
   b. Use of the storage areas for sales, service and repair operations, or manufacturing

is not considered accessory to the Self-Service Storage use.

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

3. **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.

4. **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.

3.2.6 VEHICLE- AND BOAT-RELATED USES

A. **Parking, Commercial**

1. **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.

2. **Accessory Uses:** Small structures intended to shield parking attendants from the weather.

3. **Examples:** Examples include municipal and other public garage or surface parking, short and long-term fee parking facilities, private property where the sole use is parking, and mixed parking lots (partially accessory to a specific use, partly for rent to others).

4. **Exceptions**

a. 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.

b. 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.

c. Public transit park-and-ride facilities are classified as Major Utilities.

B. **Boat/Vehicle Sales and Service**

1. **Characteristics:** Boat/Vehicle Sales and Service uses provide direct services to motor vehicles and boats. They also may include firms that service passenger vehicles, light and medium trucks and other consumer vehicles/boats such as motorcycles and pleasure watercraft.

2. **Accessory Uses:** Accessory uses may include offices, sales of parts and vehicle/boat storage.

3. **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, scooters, golf carts, light and medium trucks and other recreational vehicles; taxi dispatching; limousine services; and boat dealerships.

4. **Exceptions**

a. 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.

C. **Minor Vehicle Service and Repair**

1. **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.
2. **Accessory Uses:** Accessory uses may include offices.
3. **Examples:** Examples include quick lubrication services, tire services and similar facilities with "one-hour" service.

D. **Drive-Thru Facility**

1. **Characteristics:** A primary or accessory facility where goods or services may be obtained by motorists without leaving their vehicles.
2. **Accessory Uses:** n/a
3. **Examples:** Examples include drive-through bank teller windows, dry cleaners, fast-food restaurants, drive-through coffee, photo stores, pharmacies, etc. Does not include: freestanding Automated Teller Machines (ATMs), gas station fuel pumps, or other vehicle services, which are separately defined.

E. **Passenger Terminals**

1. **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.
2. **Accessory Uses:** Accessory uses include freight handling areas, concessions, offices, parking and maintenance and fueling facilities.
3. **Examples:** Examples include airports; bus passenger terminals; and helicopter landing facilities.
4. **Exceptions**

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

   b. 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.

F. **Water/Marine-Oriented Facilities**

1. **Characteristics:** Facilities for embarking on and disembarking from boats, ferries and water taxis.
2. **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.
3. **Examples:** Examples include marinas; docking facilities; dry storage facilities; boat ramps; and facilities for tour boats.
4. **Exceptions:** Watercraft sales and rentals are classified as Retail Sales and Service.

3.2.7 INDUSTRIAL USE CATEGORIES *[adapts 5.2.F]*

A. **Aviation Service**

1. **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.
2. **Accessory Uses:** Accessory activities may include offices, parking, warehousing and storage.
3. **Examples:** Examples include private airports; fixed base operators; flying schools; and air shipment warehouses.
4. **Exceptions**
   a. Car rental agencies associated with commercial air travel are classified as Passenger Terminals.
   b. Warehousing not associated with air shipping is classified as Warehousing and Freight Movement.

B. **Light Industrial Service**

1. **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.
2. **Accessory Uses:** Accessory activities may include offices, parking and storage.
3. **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.
4. **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.

C. **Manufacturing and Production**

1. **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.
2. **Accessory Uses:** Accessory activities may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets and caretaker's quarters.
3. **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.

4. **Exceptions**

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

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

D. **Warehousing**

1. **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.

2. **Accessory Uses:** Accessory uses may include offices, truck fleet parking and maintenance areas.

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

4. **Exceptions**

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

   b. Mini-warehouses are classified as Self-Service Storage uses.

E. **Waste-Related Service**

1. **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.

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

3. **Examples:** Examples include waste transfer or composting and recycling centers.

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

F. **Wholesale Sales**

1. **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.

2. **Accessory Uses:** Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services and repackaging of goods.
3. **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.
4. **Exceptions**
   a. Firms that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales and Service.
   b. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement.

3.2.8 TRANSPORTATION, COMMUNICATION, AND INFRASTRUCTURE USES

A. **Telecommunications Facilities**

1. **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.
2. **Accessory Uses:** Accessory use may include transmitter facility buildings.
3. **Examples:** Examples include broadcast towers, communication towers and point-to-point microwave towers.
4. **Exceptions**
   a. Receive-only antennas are not included in this category;
   b. Radio and television studios are classified in the Office category; and
   c. Radio and television broadcast facilities that are public safety facilities are classified as Basic Utilities.

B. **Infrastructure/Utilities (Major and Minor)**

1. **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.
2. **Accessory Uses:** Accessory uses may include public utility parking and control, monitoring, data or transmission equipment. Services may be publicly or privately provided.
3. **Examples :**
   a. Examples of Major Utilities include above-ground public utility lines; public utility substation; water towers; waste treatment plants; electrical substations; and

telephone exchanges.

b. Examples of Minor Utilities include underground public utility lines; water and sewage pump stations; electrical junction boxes; and block or neighborhood-scale stormwater management facilities. Minor Utility uses generally do not regularly have employees at the site.

4. Exceptions

a. Maintenance yards and buildings are classified as Industrial Services.

b. Utility offices are classified as Offices.

3.2.9 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 (silviculture); stables; riding academies; truck gardening and wholesale plant nurseries.

D. **Exceptions**

1. Processing of animal or plant products that requires commercial trucking for distribution is classified as Manufacturing and Production.

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

3.3: ADDITIONAL STANDARDS - GENERAL PROVISIONS

3.3.1 APPLICATION OF STANDARDS *[Adapts 5.3.A]*

A. The following Additional 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 Table of Permitted Uses in Section 3.2 as C - Conditional Use, SE - Special Exception, or A - T4-Neighborhood Artisan, the following standards shall apply.

B. Building Design Standards, found in Article 4, also apply to all construction.

3.4: ADDITIONAL STANDARDS - RESIDENTIAL

3.4.1 2-3 UNITS DWELLING

See Section 4.5.5

3.4.2 ROWHOME (SYN. TOWNHOME, TOWNHOUSE, ROWHOUSE)

See Section 4.5.6

3.4.3 HOME OCCUPATIONS (MINOR AND MAJOR) *[adapts 5.4.F]*

A. **Types of Home Occupations:** Home occupations shall be separated into 3 categories and permitted subject to an annual business license issued by the City of Beaufort and the following provisions.

1. **Home Occupation - Minor:** A Minor Home Occupation shall be deemed an accessory use. Such home occupation must meet the following standards:

a. **Incidental:** Such use shall be clearly incidental and secondary to the principal use of the dwelling;

b. **Access:** Entrance to the home office portion of the dwelling shall be 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).

c. **Clients:**

i. Instruction in music, dancing and similar services shall be limited to 2 clients at a time.

ii. Family Child Care Home is limited to 6 or fewer clients.

d. **Employees:** Limited to persons who reside on the premises, except in Family Child Care Home where state law may require more employees.

2. **Home Occupation - Major:**

a. **Employees:** A maximum of 2 employees who are not residents of the household may work on-site.

b. **Process:** These are permitted by Special Exception (Section 9.13).

3. **Home Occupation - Artisan:** A home occupation which may exist in a primary or accessory structure, specifically intended for artists who live, make and sell products within one building.

a. **Signage:** A attached or freestanding sign, not to exceed 5 square feet, is permitted. Freestanding signage must be placed a minimum of 18" from the right of way.

b. **Display/Sales:** Artwork may be placed on the exterior of the building and in the yard provided that it is organized and does not prevent travel between the main entry and the street.

c. **Location:** This Home Occupation is permitted in the Conservation sub-District of the Historic District only.

B. **Home Occupation Standards**

1. **Specific to All Home Occupations:**

a. **Affect on Neighborhood:** The Home Occupation shall not affect the residential character of the dwelling nor cause the dwelling to be extended.

b. **Disturbance:** Such use shall create no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, visual or audible interference in any ratio or television receivers off the premisses, traffic, or parking problem.

c. **Hours:** Deliveries and activities involving visitors/clients shall occur only between 8 A.M. and 8 P.M.

d. **Parking:** Such use shall not result in off-street parking of more than 3 vehicles at any one time not owned by members of the occupant household.

i. Off-street parking shall be provided in accordance with the standards of Section 5.7 (Off-Street Parking), for the type of Home Occupation maintained. The off-street parking spaces required for the home business 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.

e. **Vehicles:** Only passenger vehicles shall be permitted in connection with the conduct of such use.

f. **Trailers:** One vehicle trailer no more than 12 feet in length may be permitted as part of such use. Such trailer shall not be parked in the street right-of-way or in the front yard unless it is parked in a driveway.

g. **Barber Shop/Beauty Parlor:** Such use 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 2 chairs. The applicant shall certify that the proposed use is not prohibited by any covenant or deed restriction on the property.

h. **Event Venue:** A private home may be used as event venue and considered a Home Occupation-Major if an average of two or fewer events occur per month.

2. **Specific To Minor and Major Home Occupations only:**

a. **Outdoor Activities:** Outdoor operations and storage related to the Home Occupation are prohibited.

b. **Signs:** No more than one sign or name plate not exceeding 1.5 square feet in area is permitted. No freestanding, illuminated or animated sign shall be posted. If a Home Occupation is located in a Bed and Breakfast establishment, then only 1 sign shall be permitted for both uses.

c. **Display/Sales:** No display of products shall be visible from the street. Only articles made on the premises, with the exception of antiques, may be sold. 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.

d. **Maximum Size:** Such use shall occupy a maximum of 25% of the floor area of the principal dwelling.

C. **Exclusions to Home Occupations:** No Home Occupation shall be permitted that does any of the following:

1. Internal or external alterations inconsistent with the residential use of the building;
2. Is visible from the street;
3. Generates traffic, parking, sewerage, or water use in excess of what is normal in the residential neighborhood;
4. Creates a hazard to persons or property;
5. Results in electrical interference; or
6. Results in the outside storage or display of anything, except as provided for in Home Occupation - Artisan.

D. **Prohibited Home Occupations:** The following are prohibited as Home Occupations (Minor or Major):

1. Automobile and/or body and fender repairing;
2. Restaurants;

3. Uses which entail the harboring, training, raising or treatment of dogs, cats, birds or other animals on-site; and
4. Body piercing facilities and Tattoo facilities.

3.4.4 LIVE-ABOARD BOAT *[adapts 5.3.B.11]*

A. **Location:** Such boats shall be located within a marina permitted by the South Carolina Department of Health and Environmental Control Office of Ocean and Coastal Resource Management (SCDHEC-OCRM), or attached to a mooring ball located within a mooring filed permitted by SCDHEC-OCRM.

3.4.5 LIVE-WORK UNIT

See Section 4.5.8

3.4.6 MANUFACTURED HOME *[adapts 6.1.C]*

Manufactured homes are permitted as part of a Manufactured Home Park only. Manufactured Home Parks standards are listed in Section 4.6.5.

3.5: ADDITIONAL STANDARDS - PUBLIC AND CIVIC

3.5.1 CIVIC FACILITIES

A. **Size:** Structures shall be limited to a 2,500 square foot footprint.

3.5.2 EDUCATIONAL FACILITIES *[revises 5.3.C.6]*

A. **Schools (Public or private)**

1. **Neighborhood Connectivity:** Vehicular and pedestrian connectivity to surrounding residential areas is required. Where a full vehicular connection is impractical, a multi-use trail connection shall be provided.
2. **On-Site Circulation:** Pedestrians and bicyclists must have a designated safe path between the adjacent roads, school drives, parking areas and the school building.
3. The siting of all temporary classrooms shall be approved by the Metropolitan Planning Commission.
4. **Lot Size Minimum:** 20,000 square feet.
5. **Location:** T3 & T4-HN Only - no structure on the property may be closer than 25' to any internal side or rear property line if adjacent to T3 or T4-HN zoning district.

B. **School, Trade/Vocational:**

1. **Site Design:** Campuses must be designed to address the public realm with either buildings or public spaces. Service areas and parking must be screened from the street.

3.5.3 PARKS AND OPEN SPACE *[adapts 5.3.C.1]*

A. **Cemetery**

1. **Size:** Minimum of 1 acre
2. **Accessory Uses:** One dwelling unit for a caretaker may be permitted on-site as an accessory use. No crematorium shall be permitted.

3.6: ADDITIONAL STANDARDS - INSTITUTIONAL

3.6.1 DAY CARE FACILITY *[revises 5.3.C.3]*

A. **T4-HN Only:** Day Care Facilities shall be owned and operated by a Religious Institution.

B. **Group Care Home (7-12 clients):**

1. **Number:** Limited to one per block (300' radius).
2. **Buffering:** A landscaped hedge or fence of at least 4 feet in height shall be provided along any rear or side property line adjoining existing residential development.

C. **Exception:** Family Care Home (less than 7 clients) is considered Home Occupation-Minor. See Section 3.4.3.A.1.

3.6.2 RELIGIOUS INSTITUTION *[adapts 5.3.C.5]*

A. **Lot Size Minimum:** 20,000 square feet.

B. **Location:** T3 & T4-HN Only - no structure on the property may be closer than 25' to any internal side or rear property line if adjacent to T3 or T4-HN zoning district.

3.7: ADDITIONAL STANDARDS - COMMERCIAL

3.7.1 ENTERTAINMENT USES (INDOOR AND OUTDOOR) *[adapts 5.3.D.9]*

Indoor and Outdoor Entertainment are permitted subject to the following standards:

A. **Ownership:** If located within the bounds of a neighborhood association or property owner's association, then the use shall be owned and managed by that association.

3.7.2 SEXUALLY-ORIENTED BUSINESSES *[5.3.D.25]*

See Appendix B.

3.7.3 OVERNIGHT GUEST ACCOMMODATION *[adapts 5.3.D.4, 5.3.d.14, 5.3.D.11, 5.3.D.20]*

A. **Bed and Breakfasts (B&B) –5 or fewer rooms:**

1. **Number of Rental Rooms:** 5 maximum
2. **Disturbances:** Such use shall not create noise, light, traffic or other conditions detrimental to neighboring residents.
3. **Signs:** Total sign area for all signs advertising the bed and breakfast shall not exceed 5 square feet. All signs shall be constructed of wood or other durable non-plastic materials.
4. **Parking:** Unless ample formalized parking is provided on the street(s) the B&B fronts, the property shall meet the parking requirement of one on-site, off-street parking space for every guest unit plus one space for the resident manager.
5. **Spacing:** There shall be no other B&B located within 500 feet of the proposed B&B. Distances shall be measured from the property line.
6. **Meals:** No meals other than breakfast will be served to the registered guests unless such other meals are being catered. No variances from this condition shall be permitted.
7. **Events:** This shall apply to all B&Bs established under the Beaufort Code. Business meetings, receptions, teas and other events may be permitted.

8. **Operation:** Bed & Breakfasts shall be operated by a resident manager.

B. **Short Term Rental**

1. **T4-HN Only:**
   a. Short Term Rentals are prohibited in The Point neighborhood, bounded by Carteret Street to the west, and the water to the north, south and east.
2. **Minimum Stay:** 2 nights
3. **Parking:** Parking shall be provided on-site and located to the side or rear of the dwelling. If formalized parking is provided on the street(s) adjacent to the primary or accessory unit, this may be utilized in lieu of on-site parking.
4. **Property Management Plan:** 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 Permit (9.4) or Special Exception Permit (9.13), as applicable.
5. **Signs:** No on-site signs shall be permitted.
6. **Pets:** No pets shall be left outside unattended.
7. **Monitored Fire Alarm:** A monitored fire alarm is required.

3.7.5 RETAIL SALES AND SERVICE *[adapts [5.3.D.1 / 2 /3 / 6 / 24 / 26]*

A. **Animal Hospital/Kennel**

1. **Outdoor Activity:** Permitted during daylight hours; animals must be boarded indoors at night.
2. **Sound:** No noise connected with the operation of the facility shall be perceptible beyond the premises.
3. **Permitted Accessory Uses:** boarding, retail sales, grooming services

B. **General Retail/Service**

1. **Specific to T4-NA:** the only types of general Retail/Service uses permitted are Artisan Oriented and Trail-Related Uses. The following Conditions apply:
   a. Freestanding signs are limited to one per lot, with a maximum size of 5 square feet .
   b. No outside amplified music is permitted.
   c. No alcohol sales are permitted.
   d. New construction and exterior changes to existing structures to accommodate such uses shall be subject to Article 4 of this code.
   e. Specific to Trail Related Uses:
      i. The floor area is limited to 2,500 square feet.
      ii. On-site parking shall be provided at the rate of 1 space per 300 square feet.
      iii. The hours of operation shall be limited to between 7:00 AM and 6:00 PM EST, 7:00 PM EDT.
      iv. Any use that includes outdoor seating shall have a trash container available for disposal of goods consumed on the premisses.
2. **Specific to IC:** General Retail/Service is not permitted along Highway 170 west of

W.K. Alston Drive.

C. **Self-Service Storage**

1. **Setback and Screening:** Must be screened with ample fencing or vegetation, or be located behind another building that would provide appropriate screening. An office component of the building may be used to screen the storage bays from the right-of-way.
2. **Specific to T4-NA:** this use is permitted in existing buildings only.
3. **Operation**
   a. The only uses allowed on-site shall be the rental of storage bays and the pickup and deposit of goods or property in dead storage, and limited incidental sales of storage materials (e.g., boxes, tape). Storage bays shall not be used to manufacture, fabricate, or process goods, to service or repair vehicles, small engines or electrical equipment, or conduct similar repair activities, to conduct garage sales or retail sales of any kind, or to conduct any other commercial or industrial activity on the site.
   b. Individual storage bays or private postal boxes within a self-service storage facility shall not be considered premises for the purpose of assigning a legal address.
   c. No more than one security or caretaker quarters may be developed on the site.
   d. Except for RVs including boats, all property stored on the site shall be contained entirely within enclosed buildings.
4. **Building Appearance**
   a. Garage doors serving individual storage units shall be perpendicular to a public or private street so as to not be visible from adjacent streets.
   b. Perimeter or exterior walls visible from a public street or detached residential dwelling shall not include metal as a primary material.
5. **Fencing**
   a. Fences shall be between 6-8' tall.
   b. Chain link fencing along public rights of way is prohibited.
   c. Wooden or chain link entry gates into the use are prohibited.

3.8: ADDITIONAL STANDARDS - VEHICLE-RELATED USES

3.8.1 VEHICLE AND BOAT SALES AND RENTAL *[5.3.D.17, 5.3.D.5]*

A. **General Provisions:**

1. **Parking:** No vehicles or boats shall be parked in right-of-way.
2. **Outdoor Display:** No vehicles shall be displayed with their hoods open, except in the display building, which shall be an enclosed structure. Balloons, spinners, pennants, banners, and other wind-blown devices are prohibited.
3. **Orientation and Screening:** Service bay doors shall be located perpendicular to the road fronting the site and shall be screened from all other streets and adjacent residential development.
4. **Spacing:** Structures and vehicular use/storage areas shall be located a minimum of 75

feet from the Critical Line.

5. **Outdoor Intercoms:** Outdoor amplification of sound (e.g. loudspeakers) shall not be audible beyond the property lines.
6. **Orientation:** The structure shall be street-oriented with pedestrian entrances from the street.

3.8.2 DRIVE-THROUGH FACILITIES *[adapts Boundary Street Code - 6.c.F.iii.8]*

A. **Design Review:** Drive-through facilities include any building with an external window or station for the purpose of providing services to a person in an automobile. All new Drive-Through Facilities shall be subject to the following standards.

1. Drive-thru service windows must be located in the rear of properties, in mid-block and alley accessed locations.
2. The drive-thru window shall not be located on the façade of the building facing any primary street frontage.
3. There shall be no minimum or maximum stacking requirements for vehicles; however drive-thru lane shall not circulate around, or be visible from, any street frontage.
4. Only one drive-thru window is permitted.
5. One outside menu or order board is permitted, with a maximum of 24 SF in size and a maximum height of 8' above grade.

3.8.3 FUEL SALES/CAR WASH *[revises 5.3.D.10]*

A. **Location:** No more than 2 Fuel Sales facilities are permitted at an intersection of any street with Arterial Street. No more than 1 Fuel Sales facility is permitted at the intersection of other streets where neither is an arterial street.

B. **Accessory Uses:**

1. **Site Storage & Service Areas:** No open storage of any type, including the overnight storage of vehicles, shall occur in conjunction with the operation. Service areas, storage areas, and refuse enclosures should be oriented away from public view and screened from adjacent sites.
2. **Vacuums:** Vacuum stations and similar equipment are prohibited on the sides of the principle structure abutting a primary street frontage or a residential use.
3. **Vending:** ATMs and other vending machines should be located within the primary retail building.

C. **Design Standards:** see Section 4.5.12.

3.8.4 MINOR VEHICLE SERVICES AND REPAIR *[adapts 5.3.D.6]*

A. **Buffer:** Parking and/or service areas shall be separated from adjoining residential properties by a planting screen, fence, or wall between 6 feet and 8 feet in height;

B. **Noise:** No objectionable sound, vibration, heat, glare or electrical disturbance shall be created which is perceptible beyond the premises.

C. **Orientation:** The bay doors to the garage shall not be oriented toward the public right-of-way.

D. **Placement along Water Frontage:** Structures and vehicular use/storage areas shall be set back a minimum of 75 feet from the OCRM Critical Line.

E. **Outdoor Activities Prohibited:** All operations and storage of parts shall be within a fully enclosed building.

F. **Screening:** any vehicles stored on the site during nonbusiness hours shall be located within a fully enclosed building or shall be stored behind the front building line and shall be completely screened (100% 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.

   1. **T4-N & T5-UC District:** Any vehicles stored on-site during nonbusiness hours shall be contained in a fully enclosed building.

G. **T4-NA District Only:**

   1. Permitted within existing buildings only.
   2. Rear setback is increased to 25 feet.

H. **T5-UC:** This use is not permitted in the Historic District.

3.8.5 MAJOR VEHICLE SERVICES AND REPAIR *[adapts 5.3.D.7]*

A. **Orientation:** The bay doors to the garage shall not be oriented toward the public right-of-way.

B. **Placement along Water Frontage:** Structures and vehicular use/storage areas shall be set back a minimum of 75 feet from the OCRM Critical Line.

C. **Outdoor Activities Prohibited:** All operations and storage of parts shall be within a fully enclosed building.

D. **Screening:** 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% 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 right-of-way or parking area.

   1. **T5-UC District:** Any vehicles stored on-site during nonbusiness hours shall be contained in a fully enclosed building.

E. **T4-NA District Only:**

   1. Permitted within existing buildings only.
   2. Rear setback is increased to 25 feet.

F. **T5-UC:** This use is not permitted in the Historic District.

3.8.6 PARKING, COMMERCIAL SURFACE

A. **Location:** Commercial Surface Parking lots may not be located along Retail Frontage Overlay zones unless they are screened from the street by a liner building.

3.8.7 PASSENGER TERMINAL

A. **T5-UC District Only:** Limited to bus terminals.

3.9: ADDITIONAL STANDARDS - INDUSTRIAL

3.9.1 LIGHT INDUSTRIAL SERVICES

A. **T4-NA District Only:** Rear setback is increased to 25' minimum.

3.9.2 MANUFACTURING AND PRODUCTION

A. **T4-NA District Only:**

1. Rear setback is increased to 25' minimum.
2. No noise or fumes connected with the operation of the facility shall be perceptible beyond the premises.

3.9.3 WAREHOUSING

A. **T4-NA District Only:** Rear setback is increased to 25' minimum.

3.9.4 WHOLESALING AND DISTRIBUTION *[5.3.E.3]*

A. **RMX District Only - Separation:** The use shall be located at least 500 feet from any T3 or T4 Zoning District.

B. **Access and Circulation:**

1. The use shall have direct access onto an arterial or major collector road.
2. The use shall be designed to prevent vehicle stacking.

3.10: ADDITIONAL STANDARDS - COMMUNICATION AND INFRASTRUCTURE

3.10.1 MAJOR INFRASTRUCTURE/UTILITY

A. **Buffer:** The site shall have an additional buffer of at least 100 feet.

B. **Environmental Impact:** The use shall not cause an adverse impact on the state's waters.

C. **Structure Over 150 feet in Height:**

1. Within a regional utility corridor, all structures 150 feet or taller located in a regional utility corridor shall be fitted with orange aviation marker balls installed along the static wire located between the structures, in accordance with applicable industry standards.
2. Outside a regional utility corridor, all structures 150 feet or taller shall have lighting in accordance with Federal Aviation Administration (FAA) Advisory Circular AC 70/7460-1K, as amended, and FAA Advisory Circular AC 150/5345-43E, as amended, and shall be red flashing 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.

D. **T4-NA District Only:** These may be located in existing facilities only.

3.10.2 MINOR INFRASTRUCTURE/UTILITY

A. **Location:** Above-ground structures should, whenever possible, be located on interior properties rather than on properties aligned with other lots that have continuous street frontage.

B. **Screening and Buffer:** Structures greater than 3 feet in height which cannot adhere to the scale, volume, spacing, setback and typology of existing buildings along fronting streets shall be treated as to not have an adverse effect on the streetscape. Treatments may include a wall, landscaping or other solutions as approved by the Administrator.

C. **Accessory Uses:** No office, commercial operation, storage of vehicles or equipment shall be allowed on the premises.

D. **Signage:** No commercial or branding signage is permitted.

3.10.3 PUBLIC UTILITY SUBSTATION *[adapts 5.3.C.4]*

A. **Screening:** Public Utility Substations shall be enclosed by a wall at least 6 feet in height above finish grade.

B. **Location:** Public Utility Substations should not be located where visible from a public right-of-way. Wherever possible, they should be located internal to a property and screened from the right-of-way with buildings.

C. **Design:** Building design should comply with the standards of the specific district as outlined in Article 4.

D. **Buffer:** A landscaped strip not less than 5 feet in width shall be planted and maintained around the facility.

E. **Accessory Uses:** No office, commercial operation, storage of vehicles or equipment shall be allowed on the premises.

3.10.4 WASTE RELATED SERVICES

A. **Buffer:** An additional 10 feet of forested buffer or an 8 feet wall, landscaped with 1 overstory tree per 50 ft, around the entire property is required. If there is an existing residential development on adjacent property, both the wall and an additional 25 feet of forested buffer shall be included.

3.10.5 WIRELESS COMMUNICATIONS FACILITY *[5.3.F.2]*

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 ft.
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 7 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 12 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 meet the Landscaping and Tree Conservation requirements of Article 5.
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. **Special Exceptions:** The Zoning Board of Appeals may approve towers up to 300 feet in height in the 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. 3.10: Additional Standards - Agriculture

3.11: ADDITIONAL STANDARDS - AGRICULTURE

3.11.1 FORESTRY *[adapts 5.3.F.1]*

A. **Acreage:**

1. Specific to T1, T3-S, IC - Parcels must be a minimum of 5 acres.
2. All other zones - Parcels must be a minimum of 10 acres.

B. **Buffer:** No clearing of timber, trees or understory vegetation will be permitted in the front, side, and rear buffers as established in Section 5.4 Tree Removal, or within 20 feet of the property line of an adjoining property in a T3 District, except for any road/driveway necessary to serve the property.

C. **Development:** No site plan approval shall be approved within 2 years of the clear cutting of timber. This applies to properties that were cleared in another jurisdiction and then annexed into the City as well.

3.11.2 AGRICULTURE/HORTICULTURE

A. This shall be permitted according to the zoning district as specified in Section 8.4.3.

3.12: ACCESSORY USES AND STRUCTURES

3.12.1 PURPOSE [REVISES 5.4.A]

This Division authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. The City's intent in adopting this Division is to allow a broad range of accessory uses. Such uses shall be located on the same site as the principal use, and shall comply with the standards set forth in this Division in order to reduce potentially adverse impacts on surrounding lands.

3.12.2 USES CUSTOMARILY ACCESSORY TO RESIDENTIAL DWELLINGS *[adapts 5.4.B]*

A. **Accessory dwelling unit (ADU)** *[Adapts 5.3.B.1]*

1. See Section 4.5.3 (Carriage House)
2. For attached ADUs, all standards from 4.5.3 apply with the following addition: 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 may be permitted when no practical alternative exists.

B. **Private Garage or Workshop:** A private garage or workshop shall comply with the following standards:

1. **Footprint:**

a. 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.

b. A workshop shall not exceed 320 square feet.

2. **Services:**

a. A garage may be provided with electricity, a sink, and a commode.

b. A workshop may be provided with electricity and a sink, but shall not be used as an accessory dwelling unit.

C. **Shed or Storage Building:**

1. One shed or storage building, up to 320 square feet, is permitted. 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.

2. Should be located a minimum of 15' from th eprimary structure, unless approved to be closer by the Fire Marshal.

D. **Swimming Pool:** One private swimming pool, which may have a bath house or cabana up to 200 square feet in size and 15 feet in height, measured from average adjacent grade, is permitted.

E. **Gardens:** Noncommercial flower, ornamental shrub or vegetable gardens are permitted.

F. **Covered, Open-air Structures:** Gazebos and trellises up to 200 square feet are permitted.

G. **Outdoor Living & Recreation:** Playhouses, picnic tables, and furniture designed specifically for outdoor use are permitted so long as they are not permanently affixed to the ground. If a playhouse is permanently affixed to a slab, it is considered a shed and shall comply with the standards in paragraph C of this section.

3.12.3 USES CUSTOMARILY ACCESSORY TO RETAIL BUSINESS, OFFICE USES AND RECREATIONAL FACILITIES *[adapts 5.4.C]*

A. **Parking:** Off-street parking or storage area for customers, clients or employee-owned vehicles.

B. **Sidewalk dining for restaurants:** Where sidewalk dining is provided, a minimum of 4' clear walking space shall be provided on the sidewalk. Alcohol may be served if the dining space is clearly defined with a fence, or plantings, and alcohol is not taken outside the boundary lines (eg. to another establishment, on the street).

C. **Storage for merchandise:** Completely enclosed building for the storage of supplies, stock or merchandise. Steel cargo storage containers or modified versions thereof are not permitted.

D. **Storage for equipment:** 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.

E. **Specific to the T4-NA, RMX and LI Districts:** Open yard use for the storage of materials or equipment, excluding junk or other salvage. Such uses shall be separated from adjoining properties by an opaque screen, fence or wall at least 7 feet in height above finished grade. Nonconforming areas must come into compliance with this Code within 2 years from the date of adoption.

F. 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.

G. **Marinas may include the following accessory uses:** mooring filed, boat tours, boat fueling and pump-out facilities, rest rooms, and marina office/store.

3.12.4 USES CUSTOMARILY ACCESSORY TO PUBLIC USES, BUILDINGS OR ACTIVITIES *[5.4.D]*

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.

3.12.5 SATELLITE DISHES *[adapts 5.4.E]*

A. **General Requirements:** No form of advertising shall be allowed on the dish or framework other than the manufacturer's small identification plate.

B. **Within Transect-Based Districts:** Satellite dishes should be placed in the side or rear yard or on the roof. Dishes shall not be allowed in any front yard, or in a location that is visible from the public right of way, 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.

C. **Within Conventional Districts:** 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 2 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.

3.13: TEMPORARY USES

3.13.1 PERMITS REQUIRED *[revises 5.5.A]*

Unless otherwise provided, all permitted temporary uses as listed below shall require a temporary use permit that shall be reviewed and issued by the Administrator subject to the procedures outlined in Section 9.4 (Zoning Permit).

3.13.2 PERMITTED TEMPORARY USES *[adapts 5.5.B]*

A. Carnival, circus or fair, for a period not to exceed 21 days, in the LI District.

B. Open lot sale of seasonal produce and plant products including Christmas trees, in the T4-N, T5-UC, and RMX Districts for a period not to exceed 45 days.

C. Real estate sales offices, in conjunction with an approved subdivision or development project, in any District, for a period not to exceed 1 year, provided no cooking or sleeping accommodations are maintained in the structure.

D. For new construction, contractor's office and equipment sheds, including steel cargo storage containers, in any district Districts, 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.

E. 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, within 24 months, 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 Code. One 1-year extension may be permitted.

F. **Food Trucks / Concession:** stands may be permitted in all zones except T3 and T4-HN with the following requirements:

1. Written agreement from the property owner/manager with regard to the time(s) and location of the use on the premises. For public parks, streets and civic spaces, the Administrator may provide this authority.
2. A site plan showing the location of the proposed use on the lot and in relation to pedestrian and vehicular circulation must be submitted to the Administrator or his/her designee for approval.
3. Signage may occur on the truck or stand. One sandwich board sign meeting the requirements of Section 6.5.1.C may be permitted, per grouping of food trucks.
4. Tables and chairs may be permitted if it is shown on the site plan that they don't have a negative impact of vehicular or pedestrian circulation.

G. Portable steel storage containers in any District for purposes of loading or unloading, for a period not to exceed 10 days.

H. Cargo or freight storage containers or modified versions thereof are permitted to be used as temporary storage facilities in the LI and RMX Districts for up to 3 consecutive months in any 12-month period, on the condition that the containers will not be visible from the street.

4: BUILDING DESIGN & INFILL STANDARDS

4.1: PURPOSE AND INTENT *[adapts 6.6.A and 6.6.D.1]*

4.1.1 PURPOSE

The purpose of this Division is to:

A. Provide standards and guidelines that achieve and promote a consistently high level of building design;

B. Protect and enhance Beaufort's unique aesthetic character;

C. Support high quality streets and public spaces;

D. Encourage architecture that blends harmoniously with the natural surroundings and neighboring development; and

E. Safeguard property values and long-term economic assets.

F. Carefully preserve the character of Beaufort's National Historic Landmark District while permitting appropriate growth.

4.1.2 INTENT

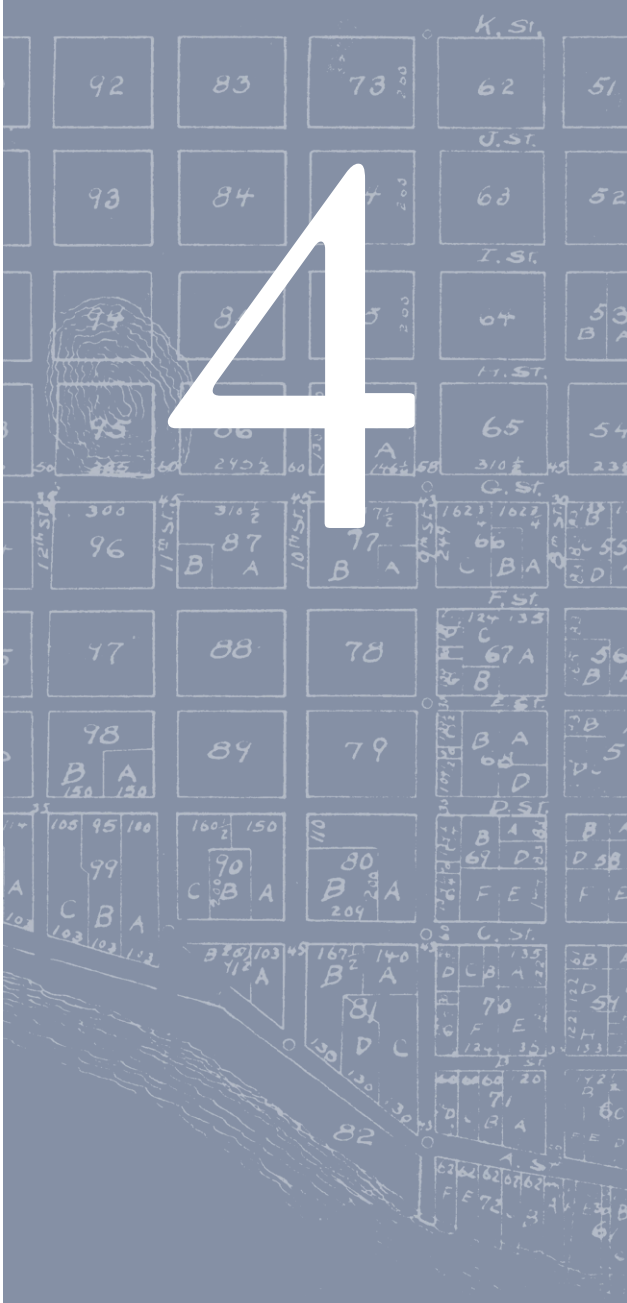
The standards and guidelines in this Division are not meant to stifle innovative design or creativity. Instead, they are intended to serve as the minimum standards and guidelines necessary to ensure that new development and redevelopment meets the purposes described above.

4.2: APPLICABILITY

4.2.1 TERMINOLOGY

A. **Shall and Must:** This Division establishes both administrative standards and discretionary guidelines. Administrative standards are typically signified by statements with variants of the words "shall" and "must". They are specific requirements reviewed by the Administrator and need to be met in the submitted design.

B. **Should, Encouraged and Discouraged:** Discretionary



SECTIONS

4.1: PURPOSE AND INTENT *[adapts 6.6.A and 6.6.D.1]* 77

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guidelines are typically signified by statements with variants of the words "should", "encouraged", and "discouraged" They are general design objectives that are applied and interpreted by the appropriate Design Review Board in the review of development applications. "Shoulds" are the goal but the administrator has flexibility as to how they are administered.

4.2.2 APPLICABILITY

These standards apply to all projects that require Major or Minor Development Design Review, as established in Section 9.8, and Certificates of Appropriateness, as established in Section 9.9. Detached single-family homes on individual lots that do not require Development Design Review or Certificates of Appropriateness are also subject to these standards, however no additional application process is needed aside from the Project Permit process as established in Section 9.5.

4.2.3 RELATIONSHIP TO HISTORIC DISTRICT STANDARDS

A. **Applicability:** In addition to the standards and guidelines in this article, any development located within the Beaufort Historic District is subject to the standards, guidelines , and procedures established in Section 9.10.

B. **Conflicts:** In the event of a conflict between the requirements of this Article and the requirements of the Historic Preservation Manual and Supplement, the Historic Preservation Manual and Supplement , and the Northwest Quadrant Design Principles shall take precedence.

4.2.4 RELATIONSHIP TO LAND USE PROVISIONS

A. **Applicability:** Article 3 - Land Use Provisions identifies use allowances by district and establishes additional standards applicable to specific uses. These provisions shall apply in addition the standards outlined in this Article.

B. **Conflicts:** In the event of a conflict between the requirements of this Article and the requirements of Article 3, the most stringent requirement, as determined by the Administrator, shall apply.

4.3 CONTEXTUAL DESIGN GUIDELINES

4.3.1 PURPOSE:

All buildings possess a number of common elements which combine to express a structure both as an entity and as a part of the larger community. No building is so insulated from its surroundings as to avoid an impact on the street-, block- and town-scape.

4.3.1 APPLICABILITY:

Applications which are expected to have a significant impact on the community as a whole, as enumerated in Section 9.8, are subject to the additional contextual design guidelines of this section. These guidelines shall be used by the Administrator or Design Review Board as applicable in evaluating the appropriateness of the proposed construction to its immediate context and the character of the broader community.

4.3.1 SPECIFIC GUIDELINES:

A. **Conformity to Civic Master Plan:** The Civic Master Plan provides site-specific guidance for the development of many parcels within the city. The intent of this Code is to facilitate the vision and ensure the visions are permitted. In instances where the Civic Master Plan, or any

other adopted plan, provides guidance for building and site design on a particular parcel, development applications on that parcel should meet the general intent of such guidance to the extent practicable, as determined by the Design Review Board.

B. **Rhythm of Development on the Street**

1. New construction should respect the dominant setback line of existing construction.

EXAMPLE: NEW CONSTRUCTION SETBACKS

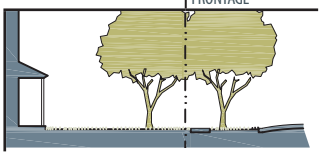
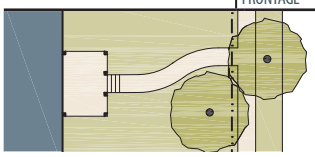
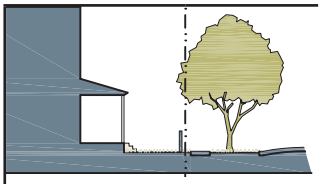
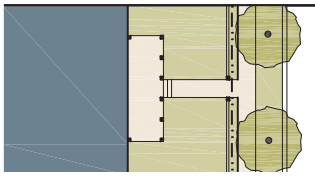
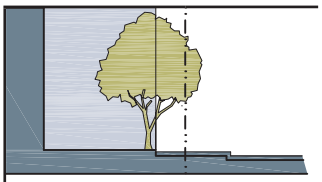
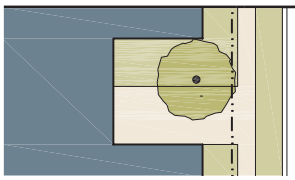
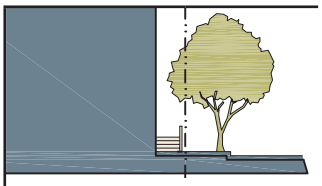
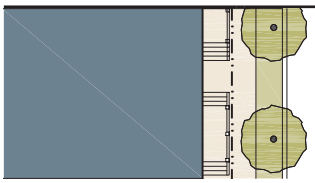
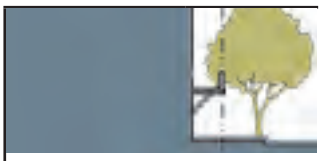
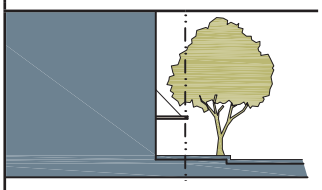
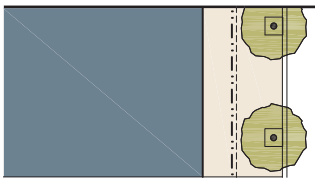
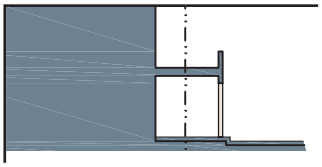
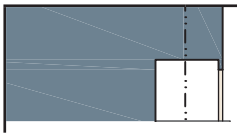
2. Monolithic massing that disrupts fine-grained neighborhood and corridor patterns is strongly discouraged.

EXAMPLE: RHYTHM OF DEVELOPMENT SHOWING APPROPRIATE (LEFT) AND INAPPROPRIATE (RIGHT) PATTERNS

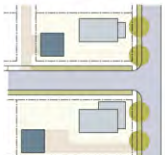
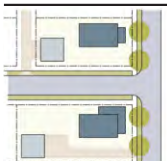
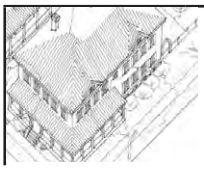
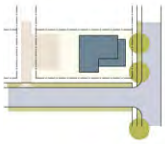
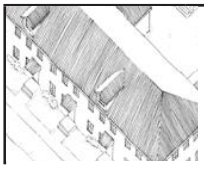
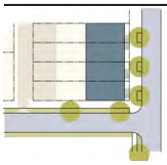
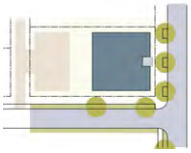
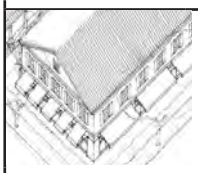
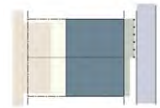
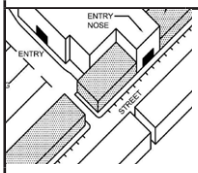
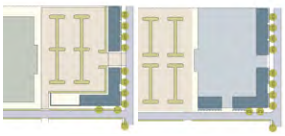
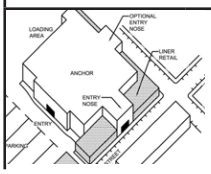
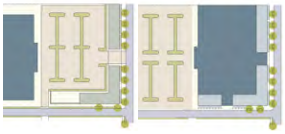
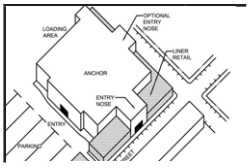
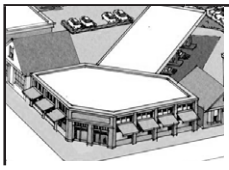
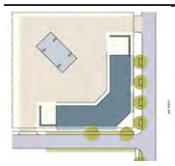
C. **Massing and Articulation**

1. When large scale construction is proposed which is not consistent with the predominant building height and lot width of the surrounding area, special attention should be paid to the siting, setbacks, and facade treatments utilized in such construction in order to articulate a building form that is appropriate to the neighborhood context.
2. New construction should complement the massing of neighboring buildings by utilizing, roof forms, architectural trim, differentiation of facade planes, and a relationship of solids (siding and walls) to voids (window and door openings) that are consistent with the patterns established in neighboring buildings.

4.4 PRIVATE FRONTAGE TYPE

	SECTION	PLAN	PERMITTED ZONING DISTRICT (S)
	LOT - PRIVATE FRONTAGE ► ►R.O.W. PUBLIC FRONTAGE	LOT - PRIVATE FRONTAGE ► ►R.O.W./ PUBLIC FRONTAGE	
1. Common Yard: a planted Frontage wherein the Facade is set back substantially from the Frontage Line. The front yard created may be fenced or unfenced. The deep Setback provides a buffer from the higher speed Thoroughfares.			T3
2. Porch: a Frontage wherein the Facade is set back from the Frontage Line with an attached porch permitted to encroach. Porches may be constructed in front of the minimum required setback, but shall not extend into the right-of-way. Porches shall have a minimum depth of 8 feet and a minimum width of 25% of the primary facade. Porches may be screened; however, if screened, all architectural expression (columns, railings, pickets, etc.) must occur on the outside of the screen. A fence also often occurs in conjunction with the porch at the street or building line as well.			T3, T4
3. Forecourt: a Frontage wherein a portion of the Facade is close to the Frontage Line and the central portion is set back. Forecourts may be used in residential buildings to provide entry yards and/or shared garden space. Forecourts may be used in commercial and mixed-use buildings to provide areas for outdoor dining, display of merchandise, entries to individual tenants, or vehicular drop-off areas. Where provided, forecourts shall be a minimum of 12 feet in depth and 12 feet in width. This type should be allocated in conjunction with other Frontage types. Large trees within the Forecourts may overhang the Sidewalks.			T4, T5, RMX, IC
4. Stoop: a Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing with a covered or recessed entry door. This type is recommended for ground-floor Residential use. Stoops may be constructed in front of the minimum required setback, but shall not extend into the right-of-way. Stoops shall have a minimum depth and width of 4 feet. Stoops may be shared by two attached units. Stoop stairs may run to the front or to the side.			T4, T5, RMX, IC
5. Balcony: a Frontage wherein the Facade is aligned close to the Frontage line with an attached cantilevered or bracketed balcony(ies)above at least 50% of the facade, including major entries. This type is conventional for Apartment Houses and Livework/Mixed-use buildings. The Balcony shall be no less than 3 feet deep and must be visually supported. French balconies (ones that are flush with the building) may be used, but are not considered balcony frontage, and would need to be combined with another frontage type.			T4, T5, RMX, IC, LI
6. Shopfront/Awning : a Frontage wherein the Facade is aligned close to the Frontage Line with the building entrance at Sidewalk grade. This type is conventional for Retail use. It has a substantial glazing on the Sidewalk level .This frontage may also be used in conjunction with an Awning/Marquee, Forecourt, Gallery/Colonnade, or Balconies. Where an awning exists, it shall be a minimum of 5' deep and be 8' above the sidewalk. Awnings shall be made of fabric or metal but high-gloss and plasticized fabrics are prohibited.			T4, T5, RMX, IC, LI
7. Gallery/Colonnade: a Frontage wherein the Facade is aligned close to the Frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the Sidewalk. This type is conventional for Retail use. The Gallery shall be no less than 10 feet wide and should overlap the Sidewalk to within 2 feet of the Curb.			T4, T5, RMX, IC, LI
8. Arcade: a colonnade supporting habitable space that overlaps the Sidewalk, while the Facade at Sidewalk level remains at or behind the Frontage Line. This type is conventional for Retail use. The Arcade shall be no less than 12 feet wide and should overlap the Sidewalk to within 2 feet of the Curb.			T4, T5, RMX, IC, LI

4.5 BUILDING TYPES

	SKETCH	PLAN	PERMITTED ZONING DISTRICT(S)
1. Carriage House: an accessory structure that provides small, flexible living spaces adjacent to a main house. These are often used for rental housing, and may be located above a garage or parking area.			T3, T4, T5
2. Single Family Detached House: the predominant residential building type in Beaufort. This house sits on a private lot and can vary in size from a small cottage to a large mansion. Setbacks and frontage types vary by Transect Zone.			T3, T4
3. 2-3 Unit House: a house-form that seamlessly fits in to a predominantly single-family neighborhood, but contains multiple dwelling units. The units may be side by side, or stacked. They typically have separate entrances off of the street, but may share a common entrance. They are located under one roof and do not have parapets dividing the units.			T3,T4, T5,
4. Rowhome: these attached residential buildings contain more than three units in a row. Three or fewer is considered a 2-3 unit building . They may have parapet walls dividing the units, or be combined under one roof form. They are elevated above the street a minimum of 3' for privacy, and are typically accessed by stoops . They may also utilize the forecourt and porch frontage types.			T3, T4-N, T5
5. Apartment House: these larger-scale buildings feature 4 or more dwelling units. They often occupy corner lots, or are located in combination to create their own blocks. The ground floor is raised a minimum of 18" for privacy.. When located within a primarily single family neighborhood, these buildings should assume similar characteristics and setback as the surrounding buildings.			T4, T5, RMX, IC
6. Livework/Mixed-Use: these buildings feature a first floor commercial space at grade, with office or residential living above. They are typically attached but may be freestanding structures. The ground floor has a substantial amount of glazing and often utilizes the shopfront frontage type. They may be fee-simple structures, or condominium-style.			T4, T5, RMX, LI, IC
7. Liner Buildings: these narrow structures are 25-30 feet deep and are placed close to the street frontage. They are typically used to conceal surface or structure parking, or large-scale commercial buildings. They may contain a variety of uses including ground floor commercial, and upper level offices or residential.			T4, T5, RMX
8. Large Footprint Building : these are buildings which have a footprint greater than 20,000 square feet. They are often big-box, national retailers. In the T4 & T5 transect zones they should be integrated into the streetscape or screened with liner buildings.			T4, T5, RMX, IC, LI
9. Structured Parking: a multi-level parking deck that may take up all or a significant portion of a block.			T4, T5, RMX, IC, LI
10. Gas/Fuel Station: a series of fuel pumps in conjunction with a convenience or retail store.			T5, RMX

4.5.1 GENERAL

A. The transect provides a framework for determining where specific types of buildings can be located. This section gives an overview of the most common building types in Beaufort, and where and how they are permitted based on their Transect Zone. Some building types are permitted in multiple zones, but have different requirements based on their district. In case of a conflict between this Section and Article 2, which ever requirement is stricter shall take precedence.

B. This section is not intended to limit the palette of buildings or stifle creativity. Other building types may be permitted by the Administrator or designated Development Review Body as specified in Article 10, if appropriate.

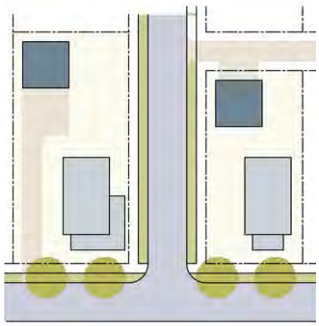
4.5.2 APPLICABILITY

A. The requirements of the districts, as stated in Article 2, shall apply to all building types, unless a more stringent requirement is listed as part of this Section.

B. Some of the building types listed have specific uses implied (eg. Gas/Fuel Station) while others may be used flexibly for multiple uses.

C. Building types not listed in this section may be permitted at the discretion of the Administrator and must comply with the general Building Design Standards in Section 4.6

4.5.3 CARRIAGE HOUSE

CARRIAGE HOUSE EXAMPLES		
		
sketch view	plan view	example

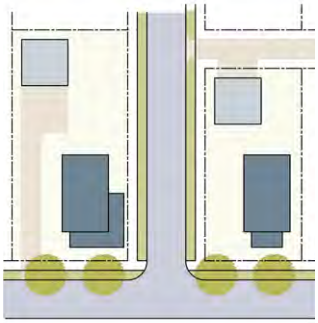
A. **Description:** an accessory structure that provides small, flexible living spaces adjacent to a main house (aka Accessory Dwelling Unit (ADU). These are often used for rental housing, and may be located above a garage or parking area.

B. **Special Requirements:**

1. **Infrastructure:** The lot shall be served with public water and sewer.
2. **Number allowed:** 2 per lot
3. **Placement on the Lot:** The carriage house is typically 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.

4. **Frontage Type:** No frontage type is prescribed.
5. **Maximum Number of Bedrooms:** 2
6. **Minimum Size:** 240 square feet in total area
7. **Maximum Size:** The footprint shall not exceed 50% of the footprint of the primary building, not to exceed 1,500 square feet, whichever is smaller.
8. **Coordination with Primary Structure:** Architectural details including color, siding, roof pitch, window detailing, roofing materials, height and foundation shall be coordinated with the primary dwelling unit.
9. **Parking:** Parking standards for an ADU shall be the same as the residential unit in that district. See Section 7.3.

4.5.4 SINGLE FAMILY DETACHED HOUSE

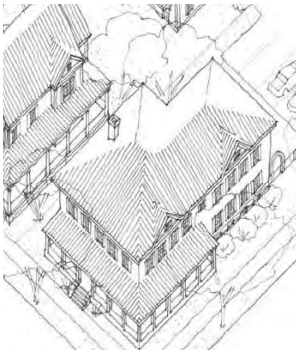
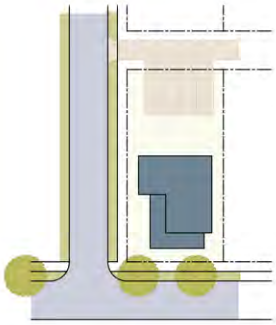
SINGLE FAMILY DETACHED HOUSE EXAMPLES		
		
sketch view	plan view	example

A. **Description:** the predominant residential building type in Beaufort. This house sits on a private lot and can vary in size from a small cottage to a large mansion. Setbacks and frontage types vary by Transect Zone.

B. **Special Requirements:**

1. **Frontage Types:** Common Yard, Porch, Stoop

4.5.5 2-3 UNIT HOUSE

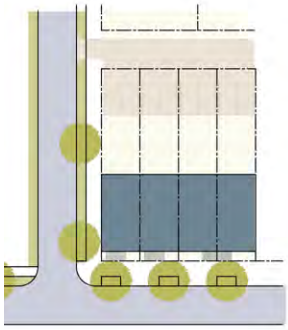
2-3 UNIT HOUSE EXAMPLES		
		
sketch view	plan view	example

A. **Description:** a house-form that seamlessly fits into a predominantly single-family neighborhood, but contains multiple dwelling units. The units may be side by side, or stacked. They typically have separate entrances off of the street, but may share a common entrance. They are located under one roof and do not have parapets dividing the units.

B. **Special Requirements:**

1. **Frontage Types:** Common Yard, Porch, Stoop
2. **Parking:** Must be well defined, located behind the building, and accessed off a side street or rear alley. On-site parking for all vehicles, including boats, must not be in front of a building
3. **Location, Specific to T3-N:** A 2-3 Unit building is permitted in the following areas:
   a. On a corner lot; or
   b. Where alley access is provided, however no more than 2 per block are permitted.

4.5.6 ROWHOME

ROWHOME HOUSE EXAMPLES		
		
sketch view	plan view	example

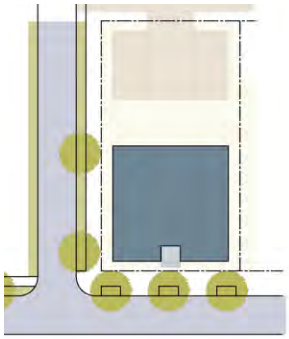
A. **Description:** these attached residential buildings are grouped into a minimum of 4 units. They may have parapet walls dividing the units, or be combined under one roof form. They

are elevated above the street a minimum of 3' for privacy, and are typically accessed by stoops. They may also utilize the forecourt and porch frontage types.

B. **Special Requirements:**

1. **Frontage Types:** Porch, Stoop, Forecourt
2. **Parking:** Must be well defined, located behind the building, and accessed off a side street or rear alley. On-site parking for all vehicles, including boats, must not be in front of a building
3. **Lot size:** The lot width for townhouses may be a reduced to a minimum of 16' regardless of the zoning district.
4. **Specific to T4-N:**
   a. Rowhomes are not permitted in the Historic District except in the Bladen Street Redevelopment District.
   b. Rowhomes are permitted in T4-NA by Special Exception only.

4.5.7 APARTMENT HOUSE

APARTMENT HOUSE EXAMPLES		
		
sketch view	plan view	example

A. **Description:** these larger-scale buildings feature 4 or more dwelling units. They often occupy corner lots, or are located in combination to create their own blocks. The ground floor is raised a minimum of 18" for privacy. When located within a primarily single family neighborhood, these buildings should assume similar characteristics and setback as the surrounding buildings.

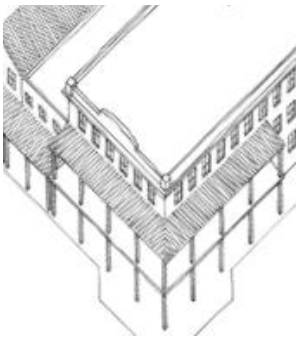
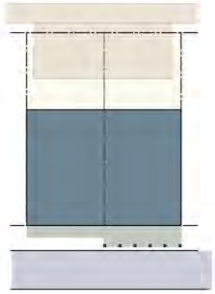
B. **Special Requirements:**

1. **Frontage Types:** Stoop, Forecourt, Balcony; Porches may be used at the discretion of the administrator but are not preferred.
2. **Building Entries:** In buildings with more than 6 residential units, all ground floor units facing a frontage line shall have individual entrances from that frontage line. Buildings with formal entry courtyards or lobbies are exempt from this requirement.
3. **Parking:** parking must be located behind the building, and accessed off a rear alley.
4. **Specific to T3-N:** These are permitted in the Battery Point neighborhood only and are limited to 4 dwelling units per building.
5. **Specific to T4-N:** In the Historic District, these are limited to 6 dwelling units per

building.

6. **Specific to T4-NA:** these are limited to 6 dwelling units per building.

4.5.8 LIVEWORK / MIXED-USE

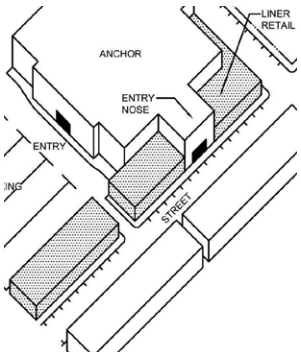
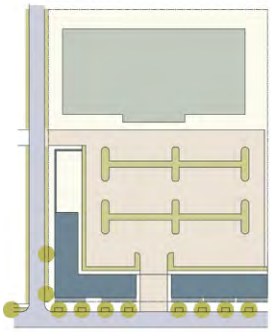
LIVEWORK/MIXED USE EXAMPLES		
		
sketch view	plan view	example

A. **Description:** these flexible buildings feature a first floor commercial space at grade, with office or residential living above. They are typically attached but may be freestanding structures. The ground floor has a substantial amount of glazing and often utilizes the shopfront frontage type. They may be fee-simple structures, or condominium-style and the size varies.

B. **Special Requirements:**

1. **Frontage Types:** Forecourt, Balcony, Shopfront, Colonnade/Gallery, Arcade, Awning/Marquee
2. **Parking:** parking must be located behind the building, and accessed off a rear alley.
3. **Specific to T4-N & T4-NA:** When no Retail Frontage Overlay exists, the ground floor is limited to Office, Artisan and Trail-Related uses only.
4. **Specific to LI**
   a. **Drive-Through Facilities:** Prohibited

4.5.9 LINER BUILDING

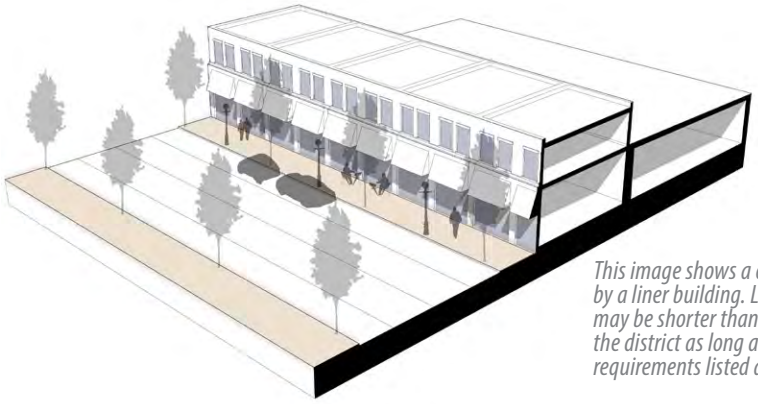
LINER BUILDING EXAMPLES		
		
sketch view	plan view	example

A. **Description:** these narrow structures are 25-30 feet deep and are placed close to the street frontage. They are typically used to conceal surface or structure parking, or large-scale commercial buildings and provide an active use along the primary facade, such as retail, office or residential space. They are mixed-use buildings that may contain a variety of uses including ground floor commercial, and upper level offices or residential.

B. **Special Requirements:**

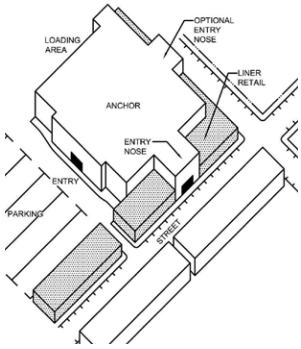
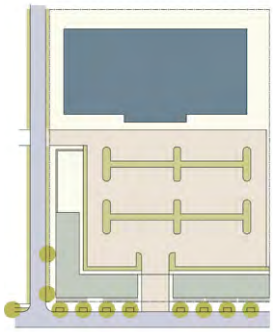
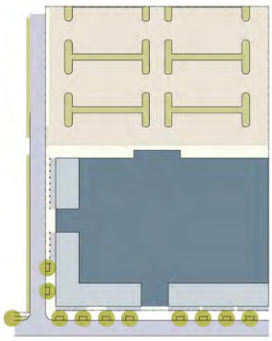
1. **Frontage Types:** Balcony, Shopfront, Colonnade/Gallery, Arcade, Awning/Marquee
2. **Parking:** parking must be located behind the building.
3. **Frontage Build-Out:** 75% min.
4. **Parking Location:** Side Setback at corner: 40 feet. min.
5. **Height:** The minimum height for liner buildings is 1 story, however when attached to another structure, it must be tall enough to conceal the building it is screening. Where liner buildings front a parking structure, the liner building shall be at least the same height as the parking structure, or such height that the structure cannot be seen from the right of way. A liner building screening a parking structure should not be less than 2 stories.
6. **Connection:** Liner buildings may be detached from or attached to the building they are lining.

EXAMPLE: LINER BUILDINGS



This image shows a one-story structure concealed by a liner building. Large footprint buildings may be shorter than the minimum height for the district as long as the liner meets the height requirements listed above.

4.5.10 LARGE FOOTPRINT BUILDING

LARGE FOOTPRINT BUILDING DIAGRAMS		
		
sketch view	plan view - detached liners	plan view - attached liners

A. **Description:** these are often big-box, national retailers, who have a building footprint greater than 20,000 square feet. In the T4 & T5 transect zones they should be integrated into the streetscape or screened with liner buildings.

B. **Special Requirements:**

1. **Frontage Types:** Shopfront, Colonnade/Gallery, Arcade, Awning/Marquee; Balconies may be used if there is true habitable space on the upper floor(s)
2. **Liner Buildings:** Liners (Section 4.5.9) are required in the T4 & T5 districts between the large footprint building and the primary street frontage. They may be used in other districts to fulfil the requirements of this code such as height, entrances on the street and parking location.
   a. Exceptions: Where a building provides an entry on the primary street frontage, and a minimum of 40% clear glazing along that street, liners are not required.
3. **Height:** Buildings may be one story in height on the interior of the block but should be at least two-stories height along all street frontages. This may be accomplished with multi-story buildings, higher ceiling heights, parapets, and/or separate liner buildings. See Section 2.6.2 for more detail on two-story building requirements.
4. **Entrances:** To encourage use by pedestrians and decrease the need for solely auto-oriented patronage, large-footprint buildings must reinforce the urban character of the 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.
5. **Location:** In the Historic District, except along Boundary Street, these are permitted by Special Exception only.

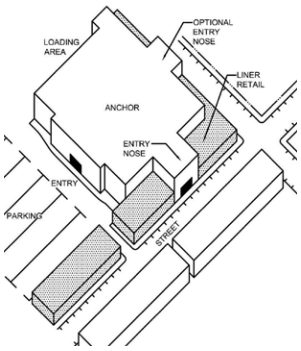
LARGE FOOTPRINT BUILDING EXAMPLE

The large footprint building in the photo above is sited close to the sidewalks and incorporates frequent windows and doors. These techniques help to reinforces the urban character of the street and encourage use by pedestrians.

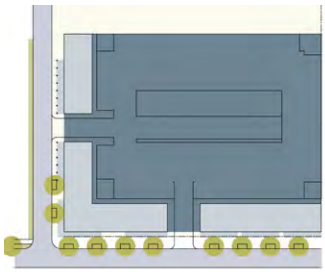
6. **Size:** Building footprints shall not be larger than a single block. Floor area of buildings shall not cantilever over public rights-of-way.
7. **Parking Location:**
   a. **Specific to T4 & T5:** 75% of all parking must be located behind the primary building or a liner building.
   b. **All other districts:** The majority of the parking spaces must be located to the side or rear of the building, or behind a liner building.

4.5.11 STRUCTURED PARKING

STRUCTURED PARKING DIAGRAMS



sketch view



plan view - detached liners

plan view - attached liners

A. **Description:** a multi-level parking deck that may take up all or a significant portion of a block.
B. **Applicability:** these standards apply to all above-ground parking structures that front a public street or right-of-way.
C. **General Requirements:**
   1. **Materials:** Parking structure façades along pedestrian oriented streets, or primary pedestrian paths of travel shall be treated with high-quality materials to visually screen cars and treated with louvers, landscaped trellises and/or crafted ornamental metal screens. The proportion should be broken down into bays that reflect the surrounding context
   2. **Entries:** Pedestrian entries shall be clearly visible.

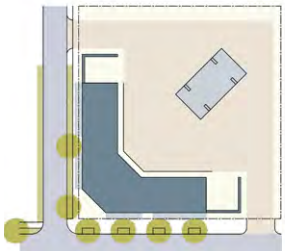
3. **Bicycle Parking:** Parking structures shall provide bicycle parking within the structure. It shall be located on the level closest to the street and/or a primary building entrance.
4. **Liner Buildings:** If liners exist, they should be designed according to the standards set out in Subsection E below.

D. **Height:** Each above-ground level counts as 80% of a Story regardless of its relationship to habitable Stories.

E. **Special Requirements specific to Transect Zoning Districts:**

1. **Disposition:** Parking structures should be set back from the property lines of the adjacent primary street(s) a minimum of 25 feet to reserve room for liner buildings between parking structures and the lot frontage.
2. **Frontage Types:** Shopfront, Colonnade/Gallery, Arcade, Awning/Marquee; Balconies may be used if there is true habitable space on the upper floor(s)
3. **Liner Buildings:**
   a. Liners (Section 4.5.9) are required in the T4 & T5 districts along adjacent primary street frontage(s). Where parking structures face more than one street, requirements for liner buildings at secondary frontages are at the discretion of the Design Review Authority. They may be used in other districts to fulfil the requirements of this code such as height and parking location.
   b. Exceptions to this requirement may be granted when lot width or depth of is less than 140 feet. Where no liner buildings exist, along pedestrian-oriented streets, standards in Section 4.5.11.C.1 apply.
   c. **Timing:** Liner buildings shall be constructed concurrently with the parking garage.

4.5.12 GAS/FUEL STATIONS & CAR WASH

GAS/FUEL STATION DIAGRAMS		
		
sketch view	plan view - detached liners	plan view - attached liners

A. **Description:** a series of fuel pumps in conjunction with a convenience or retail store.

B. **Special Requirements:**

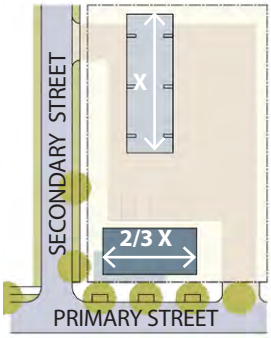
1. **Building and Pump Requirements:**
   a. **Specific to T5-UC:**
      i. The number of fueling stations is limited to 6 (a maximum of three pumps) in the Historic District and 12 pumps elsewhere.

ii. The pumps must be located behind the convenience store or a liner building meeting the standards set out in Section 4.5.9. Pumps shall not be located between the building and the adjacent street.

iii. One or more pedestrian entries must be located along the street frontage.

b. Specific to RMX & LI:

GAS STATION VS. PUMPS DIAGRAM



example: if the longest line of pumps is 90', the building must be a minimum of 60' wide along the primary street frontage.

i. The primary building should be at least 2/3 as long (measured parallel to the street) as the distance along the longest line of pumps - see diagram.

ii. The pumps should be located to the side or rear of the building where possible. They shall not be located between the building and the adjacent primary street. In cases where the pumps are located to the side of the building, the pumps, including the canopy, shall not project further toward the street than the front line of the building.

c. Corners: On corner sites, significant architectural features should be provided to hold the corner and enhance the public realm.

d. Kiosks: Kiosk-type fuel stations, where a structure sits within the pump canopy, are not permitted unless they are located behind a liner building.

e. Existing Facilities: When pumps are proposed at existing facilities which do not meet these design standards for gas stations, a decorative wall not less than three feet in height shall be required along any side of the property adjoining a street.

C. **Signage:** No signs shall be located on any canopy over the pumps.

D. **Car Wash:** The bay doors to the garage shall not be oriented toward the public right-of-way.

1. For a stand-alone car wash not associated with a fuel station the opening of the bay door shall be screened from the street with a liner building. See 4.5.9.

E. **Colors:** Buildings and canopies shall not derive their image from applied treatments that express corporate identity. The use of highly reflective or glossy materials is prohibited.

F. **Consistency:** 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.

G. **Pump Design Guidelines:**

1. **Pump Canopy**
   a. Canopy and support structure should relate to the building in architectural design, color, details, and materials.
   b. Canopies with a pitched roof are encouraged. Multiple canopies or canopies that express differing architectural masses are encouraged.
   c. Canopy ceiling should be recessed.
   d. Lighting:
      i. Canopy lighting shall be recessed.
      ii. 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.
      iii. Any lighting mounted to the top or sides of the canopy, including outlining of canopies with light bands or tubes, is prohibited.
      iv. Any freestanding light fixtures shall be a maximum fifteen feet in height if the property adjoins a T3 or T4 district.
2. **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.
   a. The design of pump islands should be architecturally integrated with other structures on-site using similar colors, materials and architectural detailing.
   b. The color of the various components of the pump island, including dispensers, bollards and all appurtenances, are encouraged to be muted.
   c. All elements of the pump island or canopy that are not operational should be architecturally integrated by use of color, material, and architectural detailing.
   d. 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.
   e. Either a pump island curb or bollard is recommended for the protection of dispensing units.

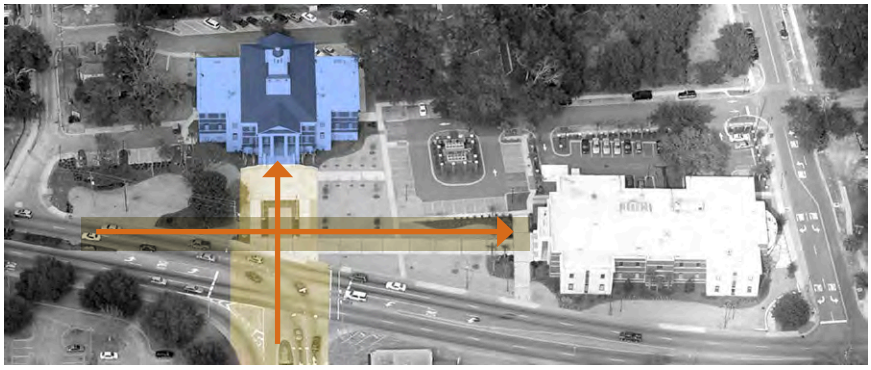
4.5.13 CIVIC BUILDINGS *[adapts UDO 6.c.F.iii.10]*

Civic buildings contain uses of special public importance and may be located in any zoning district. They require special design standards as described below, but should also be compatible with the surrounding context. Civic buildings may include, but are not limited to, municipal buildings, churches, libraries, schools, hospitals, and public recreation facilities. Museums may sometimes be considered civic buildings. Civic buildings do not include day care facilities, retail buildings, residential buildings, and privately-owned office buildings.

A. **Placement:** In order to provide greater flexibility to create a special architectural statement, civic buildings are not subject to minimum or maximum setback requirements. Instead building placement should conform to the following guidelines.
   1. 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.

2. Buildings should be oriented toward the public realm (streets, squares and plazas) in a very deliberate way.
3. Civic buildings and their primary architectural elements should be placed at the termination of public vistas to provide an appropriate level of visual importance.

EXAMPLE: CIVIC BUILDING TERMINATING VISTA

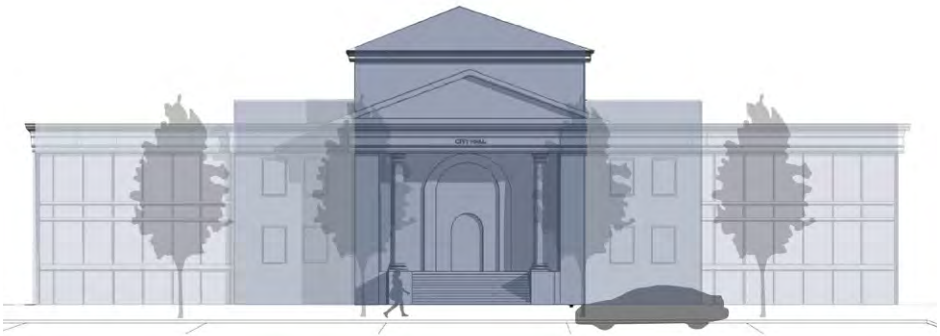


4. Entrances should always be located on the most prominent façade(s). Avoid entrances that are at the rear or are visually concealed.
5. Parking shall be located at the rear and/or side of the building. In general, parking location standards shall match the zoning district.

B. **Massing**

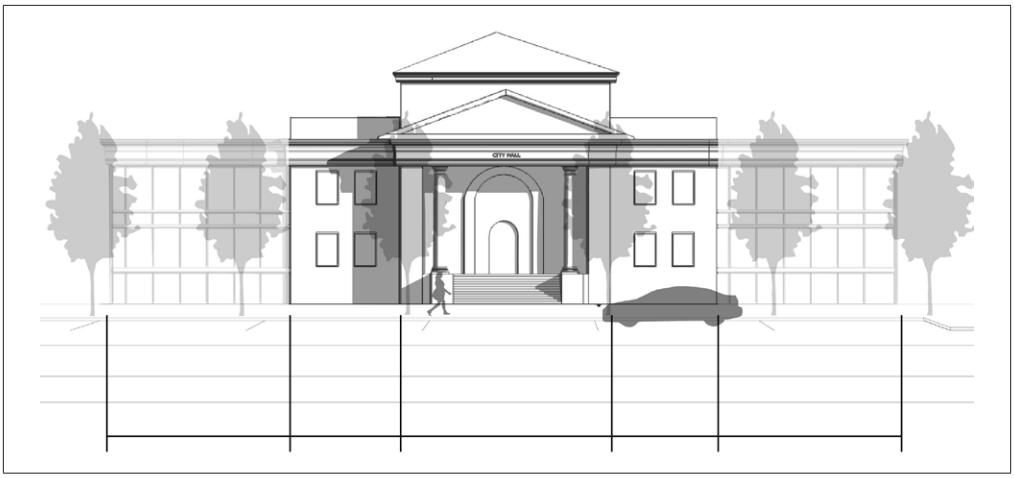
1. The primary massing of civic buildings should be symmetrical in form. The appearance of a balanced design increases the level of formality which is appropriate to the public use.

EXAMPLE: CIVIC BUILDING SYMMETRY



2. 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.

EXAMPLE: CIVIC BUILDING MASSING VISUAL ORDER



C. **Scale/Height**

1. The scale of civic buildings should be larger and more monumental than corresponding buildings in order to be more prominent and visible across greater distances.
2. Floor-to-floor heights and architectural details should be proportionately larger than those of private buildings that exist or are anticipated within adjacent blocks.

EXAMPLE: CIVIC SCALE AND FLOOR-TO-FLOOR HEIGHTS

3. Prominent roof forms and additive elements such as cupolas should be used to visually extend the height of the building.

EXAMPLE: ROOF FORMS AND ELEMENTS THAT DISTINGUISH CIVIC BUILDINGS

D. **Materials/Details**

1. Civic buildings should evoke a civic character and be carefully designed to reflect the architectural character of Beaufort.
2. Civic buildings should be made of durable, high-quality materials that create a sense of permanence and lend civic identity to the City. Preferred materials include brick, stone, and cast concrete. Stucco should only be utilized when applied over structural CMU.
3. Building details should be designed at two scales. At the larger scale, details should be robust so as to be read from a distance. Nearer to the building, the details of the lower levels should include another measure of refinement that can only be seen up-close at a pedestrian scale.
4. Building design elements should be used which allow civic buildings to act as focal points of the community. Depending on the architectural style of the building, the following elements should be considered in the building design:
   a. Pronounced window lintels/sills/mullions/etc.;
   b. Columns with a capital and base;
   c. A water table constructed of high-quality masonry units (such as cast-in-place stone) that extends beyond the face of the facade;
   d. Vertically oriented windows of at least a 2:1 ratio;
   e. Cornice lines with significant depth and multiple levels of relief;
   f. A monumental raised entryway;
   g. A formal landscaped area or plaza; and
   h. A tower element with a turret, cupola, or similar treatment.

4.6: BUILDING DESIGN STANDARDS

4.6.1 GENERAL TO ALL DISTRICTS

A. **Size, Mass & Scale:** The scale of buildings and accessory structures (including canopies) shall be appropriate to the scale of structures located in the neighborhing context.

B. **Proportions of Bays and Openings:** All building bays, including porches, colonnades and porticos as appropriate, should be square or vertical in proportion. Wall openings, with the exception of transoms and storefronts, shall be square or vertical in proportion. The facade of a proposed building should draw upon the proportion and number of bays, in surrounding buildings as defined by windows, doors and column spacing, to establish a compatible scale.

C. **Building Materials:** Building wall materials should be combined on each facade only horizontally. Heavier materials, such as masonry and stucco, shall be located below lighter materials, such as cement fiber or wood siding.

D. **Roof Forms:** Where pitched roofs exist, Primary roofs should have a minimum slope of 4:12 while ancillary roof slopes may be no less than 2:12.

E. **Garages and Accessory Structures:** Attached garages, detached garages and other accessory structures, shall be subordinate in height, footprint, and proportion to the primary structure on the site, and shall be compatible with the principal structure in terms of roof form, materials, and color. Where a Garage contains an accessory dwelling unit above, it may exceed the height of the primary structure.

F. **Mechanical, Utility and Service Equipment and Areas:**

1. Loading docks, service areas and trash disposal facilities shall be hidden or screened from view of streets, parks, squares, waterways, or significant pedestrian spaces. Loading areas may be oriented toward adjoining developed properties which are zoned for nonresidential uses if such loading areas are screened from view.
2. 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.

4.6.2 T1 DISTRICT STANDARDS

There are no specific standards for this district. The administrator will determine whether the proposed development is compatible with the surrounding context and may choose to permit the appropriate Review Board to review the project.

4.6.3 SPECIFIC TO ZONES T3, T4 & T5 *[adapts UDO 6.2.D-E and Opticos Code 4.3.30]*

A. **Building Materials & Details:**

1. Building walls shall be finished in one or more (but not more than three) of the following materials:
   a. Wood,
   b. Fiber cement board siding,
   c. Concrete masonry units with stucco (C.B.S.),
   d. Reinforced concrete with stucco,
   e. Brick,
   f. Tabby (or stucco with oyster shell aggregate, typ.),
   g. Corrugated metal which may be approved by the Administrator, and
   h. Other materials as approved by the Administrator.
2. Visible foundation walls and chimneys shall be finished in one of the following materials:
   a. Brick,
   b. Stucco, or
   c. Tabby.
3. Columns may be constructed of the following materials:
   a. Wood,
   b. Wood or fiber cement clad,
   c. Cast iron,
   d. Concrete with smooth stucco finish,
   e. Cast stone with smooth finish,
   f. Brick, or
   g. *Perma-cast, or
   h. *other synthetic materials upon approval by Administrator.

4. Railings and balustrades may be constructed of the following materials:
    a. Painted wood,
    b. Wrought iron,
    c. *Aluminum,
    d. *PVC, or
    e. other synthetic material upon approval by the Administrator.
5. Doors shall be made of wood, metal, or fiberglass* with the exception of storefront doors which may be glass.
6. Roofs with visible pitches may be constructed of the following materials:
    a. 25-year architectural dimension shingles,
    b. Tile (clay, cement, natural or manufactured stone),
    c. Nonreflective pre-finished metal,
    d. Slate,
    e. Reflective metal such as copper, or
    f. Other similar metals as approved by the Administrator.
7. The following materials are prohibited:
    a. Exposed concrete masonry units,
    b. Vinyl Siding,
    c. Plastic shutters,
    d. Stone,
    e. Metal panels,
    f. Day-glo, luminescent, iridescent, neon or similar types of color finishes,
    g. Mirrored glass with a reflectivity of 20% or more, and
    h. Plastic or PVC roof tile.
8. **Exception:** materials indicated with an * are at the discretion of the Design Review Body when being used in the Historic District.

B. **Roof Forms**

1. **Specific to zones T4, T5:**
    a. Permitted roof types may include gabled, hipped, shed, barrel vaulted, flat, mono-pitch, and domed. Applied and partial (less than three sides) mansard roofs are not typically permitted but may be at the discretion of the Design Review Body.
    b. Shed, flat, and mono-pitch roofs shall be concealed with parapets along the street frontage, except on porches, balconies or building extensions.
    c. Downspouts and gutters are to be galvanized steel, aluminum or copper and shall match in materials and finish.
    d. Chimneys should have a masonry exterior finish.
    e. Roof penetrations shall be hidden or painted to match the color of the roof.
    f. Skylights must be flat to the pitch of the roof and should not be located on any sloped roof facing the primary frontage.

C. **Windows & Doors:**

1. **Transparency:**

EXAMPLE: MINIMUM TRANSPARENCY -T4 - ROWHOME BUILDING	EXAMPLE: MINIMUM TRANSPARENCY - T4 & T5 - COMMERCIAL & MIXED-USE BUILDINGS
= transparent fenestration area *this is a diagram and is not meant to indicante style or b uilding type	= 20% or more = 40% or more

a. **Specific to zones T4, T5:** Any commercial or mixed-use building elevation facing a street, waterway or public space shall include a minimum of 40% of transparent fenestration (windows and doors) on the ground floor and 20% on upper floors.

2. **Proportion & Details:**

a. Windows shall not be flush with exterior wall treatments. Windows should be provided with an architectural surround at the jambs and header, and a projecting sill.

b. Except on shopfronts, mullions/muntins may be provided on windows larger than two feet in any direction, visible from the public way. When provided, these divisions should be square or vertical in proportion.

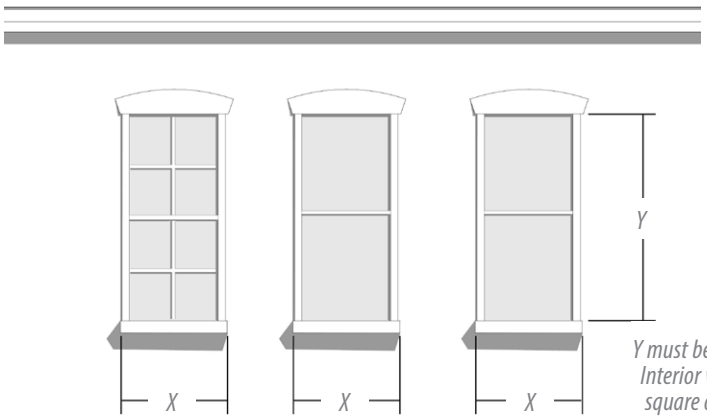
c. Window openings may be grouped horizontally, but trim between windows shall be at least 3.5 inches wide. This does not apply to storefront windows.

d. Specific to zones T4, T5:

i. Facades should endeavor to have several window sizes with smaller ones above. This is particularly important when buildings rise more than 2 stories.

ii. Thin mullions or muntins shall be required on windows larger than two feet in any direction, except for shopfronts. The depth of the mullion shall not be less than the width.

EXAMPLE: WINDOW PROPORTIONS



Simple window designs with consistent proportions must be used to create harmony in the building facade.

Y must be greater than or equal to X
Interior window divisions must be square or vertically proportioned

D. **Architectural Details:**

1. **Shutters:** Shutters must be sized and placed so as to equal the width that would be required to cover the window opening. Operable shutters are preferred.
   a. **Specific to zones T4, T5:** shutters must be operable and have all appropriate hardware.
2. **Column Bays:** Columns and piers shall be spaced no farther apart than they are tall. Column bays shall be of equal and precise proportions.
3. **Specific to zones T4, T5:**
   a. Cornices are required to delineate the tops of facades. Expression lines are required to delineate the divisions between the first floor and upper floors. Cornices and expression lines should 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. Cornice or eave height shall be consistent with the dominant cornice or eave height of buildings on the same block.
   b. The elevation of the first floor and floor-to-floor heights shall be compatible with the expression of floors in the facades buildings on the same block.

EXAMPLE: CORNICES

Cornices and expression lines articulate the building facade and break up the massing of larger buildings.

c. Buildings should have a base, wherein the bottom is articulated differently from the rest of the building, either by change of material or a setback. Material and craftsmanship on the base shall be more durable and of higher quality than the rest above. For dwellings the base consists of the porch and/or primary entry.

E. **Specific to Zone T5-DC:**

Exterior Shopfront Displays: Merchandise, and other items as listed below, 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 Administrator. 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 feet 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. Merchandise shall not be displayed on public street furniture or landscaping;
6. Areas designated for vehicular parking may not be used as outdoor display areas;
7. 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
8. Vending machines, (except newspaper vending machines), realty advertising racks, 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 Article 6 (Signs). Vending machines and racks must be constructed of wood or metal. Premises not meeting the requirements of this section shall be brought into compliance within six months of the effective date of the Code.
9. Gifts to the Street: Items such as benches, planters, or other decorative elements that enhance a shopfront may be displayed so as not to clutter the street, and as long as they meet the clearance requirements of merchandise listed above. These elements must be properly maintained, and may not contain advertising of any kind.

4.6.4 SPECIFIC TO REGIONAL MIXED USE (RMX), LIGHT INDUSTRIAL (LI) & INSTITUTIONAL CAMPUS (IC) DISTRICTS *[from 6.6.D and Opticos Code 4.4.40]*

A. **Building Materials & Details:**

1. Building walls shall be finished in one or more (but not more than three) of the following materials:
   a. Wood (termite resistant, 50-year siding product): painted or natural;
   b. Fiber cement board such as "Hardie-Plank" siding (50-year siding product);
   c. Concrete masonry units with stucco (C.B.S.);
   d. Reinforced concrete with stucco;
   e. Brick;

f. Tabby;

g. Corrugated metal which may be approved by the Administrator; and

h. Other compatible and authentic materials as approved by the Administrator.

2. **Specific to LI District:** Building walls not visible from a public right-of-way may be finished in metal or exposed CMU block, in addition to the materials listed above.

3. Visible foundation walls and chimneys shall be finished in one of the following materials:

   a. Brick;

   b. Stucco; or

   c. Tabby.

B. **Roof Forms**

1. In general a slope of 4:12-12:12 is appropriate for primary roofs, while ancillary roof slopes may be 3:12-5:12.

2. Permitted roof types include gabled, hipped, shed, barrel vaulted, flat, mono-pitch, mansard and domed. Applied and partial (less than three sides) mansard roofs are not typically permitted, but may be at the discretion of the Design Review Body.

3. Shed, flat, and mono-pitch roofs shall be concealed with parapets along the street frontage.

4. **Specific to zone IC:**

   a. Downspouts and gutters are to be galvanized steel, aluminum or copper. Downspouts and gutters are to match in materials and finish.

   b. Chimneys shall have a masonry exterior finish.

   c. Roof penetrations shall be hidden or painted to match the color of the roof.

   d. Skylights must be flat to the pitch of the roof and shall not be located on any sloped roof facing the primary frontage.

C. **Windows & Doors:**

1. **Transparency: Specific to Zones RMX & IC** Building elevations that face the street shall have at least 40% of the first floor wall area consist of windows and/or doors, and 15% of upper floors.

EXAMPLE: FACADE TRANSPARENCY

Blank, unarticulated facades are prohibited when visible from a public right-of-way or primary access point. A distinct rhythm of solid and void shall be established.

D. **Massing & Articulation**

1. Building footprints shall not be larger than a single block. Where there is not a defined block structure in the area, see Section 7.2.2.B for additional standards.
2. Facades which are visible from streets, parks, squares, waterways, significant pedestrian spaces, or primary vehicular access points or parking areas:
   a. Shall not include expanses of blank walls (without any transparent windows or doors) of 20 linear feet or greater.
   b. Should be divided into architecturally distinct sections (or bays) with similar proportions. The bays should average no greater than 35 linear feet wide through the use of different architectural divisions or elements such as pilasters, columns, and/or changes in wall depths or floor and roof levels.
   c. Shall be in harmony with each other in terms of scale, proportion, detailing, material, color and design.
3. On corner lots, distinct roof or building elements should be utilized such as porches, canopies, arcades or towers. Buildings may be aligned to create public gathering spaces, while conforming to the Building Placement and Orientation requirements set out in Section 2.5.1.C.

EXAMPLE: CORNER BUILDINGS ELEMENTS & GATHERING SPACES

E. **Architectural Proportions & Details:**

1. All buildings should have a clearly discernible base, body, and cap, with masonry soldier courses or other horizontal expression lines separating each element.

EXAMPLE: BASE, BODY, CAP (GOOD & BAD)

2. Cornices are recommended to delineate the tops of facades. Expression lines are recommended to delineate the divisions between the first floor and upper floors.
3. Colors: Recommended colors are traditional historic colors, earth tones (greens, tans, light browns, terra cotta, grays, pale primary and secondary colors, and white and cream tones. Trademark colors are considered signage and will be counted as such unless they are consistent with the color palette as previously described.

F. **Additional Guidelines Specific to Zone IC:** All buildings constructed as part of a campus may be subject to the guidelines for civic building outlined in Section 4.5.10, or shall be held to standards similar to the requirements in the surrounding context.

4.6.5 MANUFACTURED HOME PARK DISTRICT STANDARDS

The following standards shall apply to all development within the Manufactured Home Park District.

A. **Site Size:** Parcels shall be a minimum of 5 acres with a minimum width of 150 feet.

B. **Infrastructure:** The site shall be served by public water and sewer facilities.

C. **Maximum Density:** 7 manufactured home units per acre.

D. **Minimum Space per Unit:** 40 feet in width, and 4,000 square feet of area which shall be clearly defined.

E. **Minimum Unit Spacing:** 20 feet of clearance between only those Manufactured Homes parked end to end and any building located within the park.

F. **Open Space:** Required dedication of open space shall be in accordance with the provisions of 7.4 (Civic and Open Space).

G. **Subdivision:** All lots–regardless of whether they are proposed for sale or lease–shall be recorded through Subdivision Review (Division 9.6).

H. **Posting:** The Certificate of Occupancy shall be conspicuously posted in the office or on the premises of the Manufactured Home District.

I. **Administrative Procedures**

1. A proposed Manufactured Home Park must be rezoned to the Manufactured Home (MH) District through the amendment process in Division 9.16 (Amendments.)

2. **Effect of Approval:** If approved by City Council, all information pertaining to the proposal shall be adopted as an amendment to this Code as the standards of development for the particular Manufactured Home Park District.

J. **Permanent Installation**

1. Manufactured homes shall be attached to a permanent foundation of brick, concrete, framing, or block that is un-pierced except for required ventilation and access or for flood hazard construction.
2. Any tongue, axles, running lights, and removable towing apparatus must be removed prior to the issuance of a Certificate of Occupancy.

K. **Entrances**

1. At the main entrance there shall be an entryway transition, such as a porch or stoop, that is a minimum of 6 feet by 6 feet.
2. Stairs, porches, entrance platforms, ramps or other means of access shall be attached to the structure and anchored securely to the ground.

L. **Roof Form and Materials:**

1. Roofs shall have a minimum eave projection and roof overhang of 6 inches, not including the gutter.
2. Roofs must be covered with a material that is customarily used on site-built dwellings. Aluminum or metal roofing is not permitted unless standing seam metal roofing or metal shingles are used.

M. **Wall Materials:** Exterior siding shall be of a material customarily used on site-built dwellings such as wood, vinyl, metal siding, brick, fiber cement board (e.g., "Hardie-Plank"), stucco, or similar materials. Smooth, ribbed, or corrugated metal or plastic panels , exposed plywood, and materials with a high-gloss finish are not permitted.

4.7: HISTORIC DISTRICT INFILL DESIGN GUIDELINES

[Adapted from "Principles for New Construction in Oregon's Historic Districts" by the Historic Preservation League of Oregon and the Seven Integrities from the National Register of Historic Places.]

4.7.1 APPLICABILITY & INTENT

The following standards shall be considered by the HRB for new construction within the Historic District Overlay. The intent of these principles is to:

- Protect the integrity and coherence of the Historic District; and
- Provide clarity and consistency for developers, designers and regulators.

4.7.2 PRINCIPLES FOR COMPATIBLE INFILL

A. **The District is the Resource, Not Only its Individual Parts:** Beaufort is comprised of a number of individually significant buildings. Additionally, Beaufort's historic areas are significant as a collective whole and must be considered as such, and protected in their entirety. This is the primary, over-arching principle.

1. New construction must respond to and protect the integrity of the overall historic district in much the same way as an addition does to a historic building.

2. The integrity of the district - why, where and when a property is important - should be upheld in all new construction and rehabilitation projects. Guidelines for determining integrity are as follows:
   a. **Location**: the relationship between the property and its historical context.
   b. **Design**: the combination of elements that create the feeling of a district or structure. These elements include, building patterns, streetscapes, site elements, building size, mass and scale, spatial relationships, and specific architectural elements and details.
   c. **Setting**: this is the physical environment of a property, and should be evaluated both on the contextual basis but also the historical role the property has and continues to play. Important features include topography, vegetation, man made features and relationships between existing structures and their surroundings.
   d. **Materials**: the physical elements the make up an historic property, or district.
   e. **Workmanship**: this is the physical evidence of the crafts of a particular culture or time period. This particularly applies to rehabilitation projects, but for new infill projects, workmanship of surrounding structures should be considered and respected. Retaining the details of the original craft and craftsman, i.e. wood, masonry, tabby etc., of the original building ensures the historic fabric is retained and serves as an important component of integrity and the patina of age of individual structures and the district as a whole.
   f. **Feeling**: this is the property's expression of the aesthetic or historic sense of a particular period of time. This particularly applies to rehabilitation projects, but for new infill projects, the feeling of surrounding structures should be considered and respected.
   g. **Association**: this is the direct link between an important historic event of person and an historic property. This particularly applies to rehabilitation projects, but for new infill projects, association of particular sites and neighborhoods should be considered.

B. **New Construction Will Reinforce the Historic Significance of the District:** Infill buildings should relate to and strengthen the core characteristics of the district, as identified in the National Register nomination Statement of Significance. New construction should build upon the history and established pattern of the district through its design, landscape, use, and cultural expression. An understanding of the character and significance of the district should predicate any design or development activities.
   1. If applicable, cultural expressions and/or historic uses within the district should be considered in design or development activities.

C. **New Construction Will Complement and Support the District:** The historic district has a discernible aesthetic rhythm of massing, scale, and siting. Infill buildings should not deviate in a detracting manner from these elements, but appear as complementary members of the district.
   1. Lot size, massing, siting, floor area ratio, and height must correspond to the adjacent buildings which contribute to or complement the rhythm of the district.
   2. The use of buildings will be secondary to their design and integration into the district. However, newly introduced uses should not be detrimental to the historic fabric.

D. **Infill Will Be Compatible Yet Distinct:** New buildings should be identifiable as being of their period of construction; however, they should not be so differentiated that they

detract from – or visually compete with – their historic neighbors. Within historic districts, compatibility is more important than differentiation.

1. Because the district is the resource, the reconstruction of buildings that existed within the district during the period of significance is allowed. Reconstructions should be done in accordance with the Secretary of the Interior Standards for Reconstruction.
2. Style is discouraged from being the primary indicator of differentiation.
3. Means of differentiation may include materials, mechanical systems, and construction methods.

E. **The Exterior Envelope and Patterning of New Buildings Will Reflect District Characteristics:** Infill design elements, patterning, texture, and materials should reflect the aesthetic and historic themes of the district.

1. Patterns of fenestration, building divisions, setbacks, and landscapes that are characteristic of the district should inform the design of new buildings.
2. Mechanical and automobile infrastructure should be appropriately concealed when not consistent with the district's character.

F. **Contributing Buildings Should Not Be Demolished to Create Infill Opportunities:** Properties deemed contributing in the 1997 Beaufort County Above Ground Historic Sites Survey, or most recent historic resources survey, should not be removed or rendered non-contributing to make way for new construction.

G. **Archeological Resources Will Be Preserved in Place or Mitigated:** When new construction disturbs or affects archaeological resources, mitigation measures should be done such that the history of a the site can be traced. See Section 8.3 for Archeological Assessment requirements.

1. Archaeological mitigation must conform to local, state, and federal laws and accepted professional standards.
2. When appropriate, archaeological mitigation should be accessible to the general public in an educational capacity.
3. Information yielded from archaeological mitigation should be interpreted in the new building and throughout the district.

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5: LANDSCAPING, PARKING & LIGHTING

5.1: PURPOSE AND INTENT

5.1.1 PURPOSE *[revises 7.c.A.2]*

The purpose of this Article 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. Establish reasonable minimum standards governing the preservation, planting, protection and maintenance of trees and other landscaping.

C. Protect and enhance property values;

D. Maintain the aesthetic quality of the community as a whole;

E. Moderate climate and reduce energy costs; and

F. Mitigate the negative impacts of noise, glare, air and water pollution, and soil erosion on the city and its residents.

5.1.2 INTENT

The intent of this article is to create user-friendly standards that encourage the preservation of existing vegetation, and guide appropriate mitigation if necessary. Trees are an extremely important resource in Beaufort and give the City some of its unique and defining characteristics. Great care should be taken to integrate new development into the existing landscape, and preserve natural vegetation where possible.

5.1.2 ADDITIONAL REFERENCES

Appendix A contains supplementary references to this section including:

- Certified Arborist Report Requirements
- Recommended Tree & Shrub Lists
- Sample Tree Saved/Removed Chart
- Applicable Diagrams

SECTIONS

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5.2: APPLICABILITY AND ADMINISTRATION 110
5.3: TREE PLANTING AND PROTECTION 112
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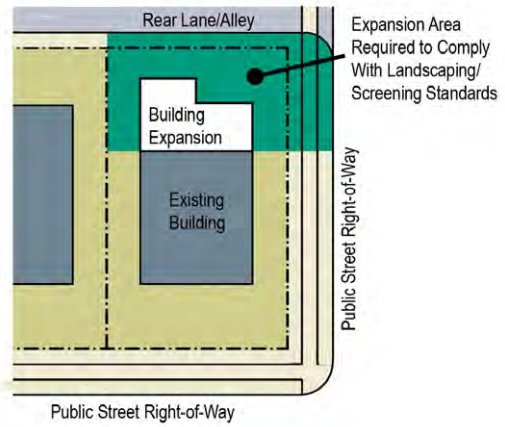
5.7: PARKING 121
5.8: LIGHTING 127

5.2: APPLICABILITY AND ADMINISTRATION

5.2.1 APPLICABILITY *[adapts 7.c.v]*

A. **Applicability:** The standards in this Article shall apply as outlined in the table below.

DEVELOPMENT CONDITION	APPLICABILITY
New Construction	
All new construction (except construction of single-family and two- and three-family dwellings on existing lots of record prior to the adoption of this code)	All standards apply unless noted otherwise
Single family and two-family dwellings on existing lots of record	Compliance with this Article is not required except for: 5.3.1 - minimum tree coverage must be met 5.4.1 - however a permit is required for any tree to be removed
Parking Area Expansion	
Expansion of less than 50% of total existing parking area or less than 12 spaces	All standards apply to the parking lot expansion areas only
Expansion of more than 50% of total existing parking area or 12 spaces or more, or any expansion in conjunction with new construction/addition to a building	All standards apply to the entire parking lot areas
Building Expansion/Reconstruction	
Expansion of less than 50% of existing floor area	All standards apply within the area around the building addition extending to the property line only (See diagram, below) 
Existing Development	
Building interior and/or exterior renovation only, less than $10,000	Compliance with this Article is not required
Building interior and/or exterior renovation only, $10,000 or greater	All standards apply; required investment 5% of total project cost. See Section 11.7.2.A

5.2.2 ADMINISTRATION *[adapts 7.c.v, 7.c.vii.6]*

A. **Application Procedure:** No Building Permit shall be issued nor development be commenced for any site subject to the requirements of this Article without an approved plan for all site elements including landscaping, lighting and parking, as part of a greater Development Design Review or Section review process as outlined in Article 9 (Development Review Procedures). All plans shall be submitted to the Administrator.

B. **Landscaping Installation and Guarantee:**

1. No Certificate of Occupancy for any development on a site subject to the requirements of this Article shall be issued until all landscaping materials are in place according to the approved plan, or a cash performance guarantee is posted with the Administrator for 125% of the cost of the uncompleted landscaping, including labor, as determined by the Administrator. The cost estimate shall be prepared by a qualified landscape contractor using prevailing material and labor costs.
2. The life of the guarantee shall not exceed 12 months. If the approved landscaping is not properly installed within 12 months of the Certificate of Occupancy, the guarantee shall be forfeited to and used by the City to complete the approved landscaping, with any remaining funds returned to the person who posted the guarantee.
3. A maintenance bond (in the form of a cash performance guarantee) equal to 20% of the cost of all required landscaping, including labor, as determined by the Administrator based on a cost estimate prepared by a qualified landscape contractor using prevailing labor and costs, shall be held for a period of one year following completion of landscape installation.
4. 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 declining, the landowner shall be responsible for its replacement prior to release of the bond. Where replacement landscaping is required, and such landscaping exceeds 25% of the required project landscaping, the maintenance bond shall be held one additional year to ensure successful installation of the replacement landscaping.
5. Following return of maintenance bond, property owner remains responsible for replacement of any tree or plant displaying 50 percent or greater decline of canopy or foliage which occurs due to poor maintenance or damage within 2 years of construction.

C. **Continued Maintenance:** Landscape requirements must continue to be met throughout the life of a building or site. If any tree or shrub which fulfills a requirement set out in Section 5.5 or Section 5.7.8, or any other screening or opacity requirement in this code, dies, the property owner is responsible for replacement planting to ensure the property is maintained in compliance with this code.

5.3: TREE PLANTING AND PROTECTION

5.3.1 TREE COVERAGE REQUIREMENTS *[revises 7.C.iv.1]*

A. **Applicability and Standards:** In addition to the standards laid out in this Section and Section 7.2, land or property shall maintain a minimum baseline canopy coverage area based on the District and lot size as shown below:

DISTRICT		MINIMUM NUMBER/TYPE OF TREES REQUIRED BASED ON DISTRICT AND LOT SIZE	
		1 Broad-Leaved Overstory Tree Required	1 Coniferous Overstory or Understory Tree Required
T3	T3-S	per 3,000 square feet of lot size	per 1,500 square feet of lot size
	T3-N	per 4,000 square feet of lot size	per 2,000 square feet of lot size
T4	T4-HN	per 4,000 square feet of lot size	per 2,000 square feet of lot size
	T4-N	per 6,000 square feet of lot size	per 3,000 square feet of lot size
T5	T5-DC	NO MINIMUM	NO MINIMUM
	T5-UC	NO MINIMUM	NO MINIMUM
CONVENTIONAL	RMX	per 6,000 square feet of lot size	per 3,000 square feet of lot size
	IC	per 3,000 square feet of lot size	per 1,000 square feet of lot size
	MHP	NO MINIMUM	NO MINIMUM
	LI	NO MINIMUM	NO MINIMUM
	MR	NO MINIMUM	NO MINIMUM

B. **Approach to Meeting Requirements:** This Tree Coverage Requirement may be met through the retention of existing vegetation, supplemental plantings, or a combination of both. Removal of trees must be in accordance with Section 5.4 (Tree Removal). New trees planted to satisfy the baseline tree canopy coverage requirement must meet the standards found in Section 5.6 (Landscape Installation and Maintenance). If lot size is smaller than listed above, tree planting shall be done if possible, but may not be required.

C. **Plan Requirements:** Compliance with these tree coverage standards must be clearly shown on all submitted applications.

5.3.2 SPECIMEN AND LANDMARK TREES

A. **Designation of Specimen and Landmark Trees:** Certain trees, because of their species and size, are an asset to the community and are hereby designated as Specimen and Landmark Trees. Such trees shall be defined as those trees which meet the criteria in the following table:

SPECIES	COMMON NAME	SPECIMEN TREE (MIN. DBH)*	LANDMARK TREE (MIN. DBH)*
Cornus florida	Flowering Dogwood	4 inches	18 inches
Cercis canadensis	Redbud	4 inches	18 inches
Magnolia grandiflora	Southern Magnolia	4 inches	24 inches
Ilex opaca	American Holly	4 inches	14 inches
Juniperus virginiana	Eastern Red Cedar	12 inches	24 inches
Quercus virginiana	Live Oak	12 inches	24 inches
Sabal palmetto	Cabbage Palm	24 feet tall	36 feet tall
Taxodium distichum	Bald Cypress	16 inches	24 inches
Quercus velutina	Eastern Black Oak	16 inches	24 inches
Nyssa sylvatica	Tupelo/Black Gum	16 inches	24 inches
Quercus alba	White Oak	16 inches	36 inches
Quercus falcata	Southern Red Oak	16 inches	24 inches
Acer rubrum	Red Maple	16 inches	24 inches
Ulmus americana	American Elm	16 inches	36 inches
Pinus palustris	Longleaf Pine	16 inches	36 inches
Fagus grandifolia	American Beech	16 inches	36 inches
All other species except for Laurel Oaks, Sweet Gum & other species of Pines		24 inches	36 inches
**DBH = diameter at breast height (or about 4.5 feet above grade)*			

B. **Preservation of Specimen and Landmark Trees:** Reasonable design alternatives shall be explored to preserve these trees to the extent practicable. At the discretion of the Administrator, a Certified Arborist Report, as outlined in Appendix A, may be required as part of the tree retention/removal and landscaping plan for all Specimen Trees. A Certified Arborist Report shall be required as part of the tree retention/removal and landscaping plan for all Landmark Trees.

C. **Mitigation for preserving Specimen and Landmark Trees:** To incentivise saving Specimen and Landmark trees, credits shall be awarded for their preservation according to the following table:

DBH OF PRESERVED SPECIMEN OR LANDMARK TREE	NUMBER OF TREE CREDITS
Less than 12"	2 trees of same species as preserved tree
12" to less than 24"	3 trees of same species as preserved tree
24" to less than 36"	4 trees of same species as preserved tree
36" or greater	5 trees of same species as preserved tree

These credits may be used to satisfy the total number of trees required by the chart in Section 5.3.1. These credits may also be used to satisfy the total number of trees required by Section 5.5 (Perimeter Buffers & Screening) provided the Specimen and/or Landmark tree(s) is located in accordance with the requirements of that Section. Landscape credits may not be used to reduce the total number of street trees required or the alter the street tree spacing requirements established in Section 7.2.4 (Street Tree Planting Requirements) unless these trees are located adjacent to the street in the location where street trees would typically be planted.

5.3.3 TREE ROOT PROTECTION ZONE (TPZ) REQUIREMENTS *[adapts 7.C.iv.3]*

A. **Applicability:** A permanent Tree Protection Zone (TPZ) surrounding preserved trees shall be established to protect the underground root system. This area shall not be disturbed at any time, before, during or after construction.

B. **Size and Shape:** The TPZ generally coincides with the tree's drip line, but varies according to the species, size, location, and health of a tree. Where information regarding a particular tree is not available, the minimum Tree Protection Zones shall be as follows:

1. A circle with a radius of 1/2 foot per 1 inch of DBH, ideally measured from the leading edge of the root flare.
2. The minimum tree protection zones shall be indicated on both site and landscape plans for all trees shown to remain.

C. **Adjustments and Exceptions:**

1. The size and shape of the TPZ may be adjusted where any of the following occur: root pruning; root invigoration; restoring the natural grade of the soil; tree feeders; porous paving materials; and/or tree well.
2. The size and shape of the TPZ may be adjusted as needed to accommodate construction practices. The reduction of minimum radius of TPZ may require additional remediation measures as recommended and performed by a Certified Arborist prior to site disturbance.

D. **Tree Wells:** 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. Tree root aeration system shall be installed which shall extend from 2' inside tree well wall to dripline of canopy.

E. **Pre-Construction Treatment:** Based on the Certified Arborist report, the following may be required to retain trees and facilitate their health during and after the construction process: root pruning; fertilization; root invigoration. These practices, as applicable, should be performed a minimum of three months prior to site disturbance

F. **Prohibited Activities:** The following are prohibited within all TPZs:

1. Placement of building materials, dirt, debris, oils, paints, or any other materials, equipment, or vehicles;
2. Irrigation pipe installation;
3. Grading, with the exception of a two-inch cut or two-inch fill of topsoil, sod or mulch;
4. Paving for either roadways, driveways or sidewalks; and
5. Cutting of roots for installation of utilities or drain pipe of any kind.
6. **Exception:** If excavation work for water line installation within a TPZ is deemed necessary by the Administrator during construction operations, such excavation shall be accomplished utilizing hand excavation methods which remove soil around tree roots without severing them.

G. **Construction:** Prior to commencing construction or any site alterations, fencing must be installed to prevent encroachment by people and vehicles . Fencing must meet the following standards:

1. **Height & Location:** Fence shall be a conspicuous, visually prominent, 4-foot high barrier erected around the TPZ and approved by the Administrator.

2. **Trees on Adjacent Property:** Where TPZ of adjacent trees encroach into the development site, additional fencing shall be required around the TPZ of trees on adjacent properties or right-of-way.
3. **Material:** All fencing required shall be made of durable materials such as wood or metal.
4. **Groups of Trees:** Barriers may be erected around groupings of trees, where feasible. Signage designating such areas shall be put in place, reading: TREE PROTECTION ZONE: KEEP OUT
5. **Timing:** The barrier shall remain in place until all construction, with the exception of landscaping installation, is complete.
6. Administrator approval is required for machinery to pass within a TPZ during construction, in which case special cushioning measures consisting of plywood sheeting covered by a 6-inch layer of wood mulch, or equal, will be required.

H. **Damages and Reparations:** When encroachment or construction activity within a TPZ has damaged or destroyed a tree or tree growing site, the City, at the discretion of the Administrator, may seek mitigation for the appraised value of any damaged trees within a TPZ and/or may require treatments or additional plantings in accordance with accepted International Society of Arboriculture practices. Such mitigation shall occur prior to the issuance of a Certificate of Occupancy. See Section 5.6.3 for specific requirements.

5.3.4 STREET TREE PLANTING REQUIREMENTS

The Street Tree Planting Requirements are established in Section 7.2.5.

5.4: TREE REMOVAL

5.4.1 PERMIT REQUIRED *[adapts 7.c.iii]*

A. **Applicability:** A Tree Removal/Pruning Permit is required for the following tree modifications, as per Section 9.4 Zoning Permit :

1. **Permit Required for Removal:** A Permit shall be required for the removal or relocation, of any tree 8" caliper or larger at DBH, or any tree designated as a Specimen or Landmark Tree as established in Section 5.3.2.
2. **Permit Required for Pruning:** A Permit shall be required for the pruning of any tree designated as a Landmark Tree as established in Section 5.3.2. Pruning must be done by a Certified Arborist.
3. **Trees Designated for Retention:** A Permit shall be required for the removal, relocation, or pruning of any tree previously designated to be retained on a plan approved by the City.

B. **Criteria for Reviewing Applications for Tree Removal:** The following criteria shall be considered by the Administrator in determining whether or not to issue a Tree Removal/ Pruning Permit:

1. **Health:** Whether or not the tree is in good health according to a certified arborist report or staff evaluation.
2. **Development Potential:** Whether or not the tree constrains reasonable development of the site.
3. **Access:** Whether or not the tree is a hazard to pedestrian or vehicular traffic.
4. **Structural Interference:** Whether or not the tree presents a hazard to buildings,

structures, or utility lines.

5. **Cost:** Whether or not there are cost-effective alternatives to tree removal.

C. **Tree Removal in Conjunction with Development:** If trees are to be removed in conjunction with the physical development of a site, submission of a tree retention/removal schedule is required (see Appendix A for an example). All trees, both to be saved and removed, shall also be noted on the landscaping plan. This schedule and plan must be reviewed and approved by the Administrator or Design Review Board, as appropriate, prior to the issuance of a Building Permit. No tree removal may commence without a Building Permit.

1. **Buffer Areas:** Preserved trees in the buffer areas shall be counted toward the minimum tree conservation requirements of the buffers stated in Section 5.5.1. 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.

2. 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.

5.4.2 EXCEPTIONS *[adapts 7.c.iii]*

A. **Infrastructure:** Utility companies, governmental agencies, and city agencies in the course of constructing or maintaining easements or rights-of-way for water, sewage, electricity, gas, drainage, telephone, or television if the applicable company or agency, within 12 months after the date of adoption of this Code, has executed an agreement with the City that:

1. Recognizes the need to minimize trimming of hardwood overstory trees that do not significantly interfere with the intended purpose of construction or maintenance;

2. Establishes, to the extent practicable, design guidelines for construction and maintenance 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, according to ANSI A300 Standards, which may include tree removal.

4. Provides for a consultation process with the City prior to the commencement of major construction or maintenance or the removal of any hardwood tree over 12 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.

B. **Waiver for Emergency:** In the event that a tree poses a threat to public safety due to death, disease or damage resulting from events including, but not limited to: fires, floods, hurricanes, other natural disasters, intentional harm, or negligence, the Administrator may waive the requirements of Section 5.4.1. As soon as it is feasible after the waiver, the Administrator shall issue written findings outlining the threat to public safety that prompted the waiver. The Administrator may require that the owner of the site replace the tree when the findings conclude that the removal was necessitated by intentional harm or negligence.

C. **Normal Tree Maintenance:** Nothing in this Code shall restrict normal tree maintenance by a property owner (including removal of dead wood and branches or limbs which endanger life or property) for any tree except Landmark Trees. Any pruning must be done according to Section 5.4.1.A.2.

5.5: PERIMETER LANDSCAPING AND SCREENING

Perimeter Buffers as required by the provisions of this Section are intended to provide spatial separation between uses of differing intensities. Provisions for buffers that are required for protection of environmentally-sensitive areas are in Section 8.1 Resource Protection Standards.

5.5.1 BUFFER REQUIREMENTS *[adapts 7.3.v.3]*

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

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

A. **Side and Rear Buffer Planting Requirements:** At least two broad-leaved overstory tree shall be preserved or planted in, or in close proximity to, each side and rear buffer for every 100 linear feet of buffer or portion thereof.

1. Exceptions:

   a. If site conditions are inappropriate for an overstory tree, then two understory trees may be substituted for one overstory tree, as determined by the Administrator.

   b. If there are at least 3 existing cone bearing overstory trees, then they may be counted to meet the requirements for one broad-leaved overstory tree.

   c. **Specific to Fuel Sales/Car Wash Facilities:** On any property line where fuel pumps are not screened by a building, two additional broad-leaved overstory trees, or 4 understory trees,shall be required for every 100 linear feet of buffer or portion thereof.

   d. If a rear alley or connection to an adjacent parcel is provided, the Administrator may reduce or waive buffer requirements.

B. **Corridor Buffers:** In addition to the Conventional District buffer requirements above, buffers shall be provided along all parcel boundaries which abut the major thoroughfares established in the following table:

CORRIDOR BUFFER REQUIREMENTS - FRONT BUFFER WIDTH AND PLANTING				
Location	Required Buffer Width	Number of Trees/Shrubs Required per 100 ft of Frontage		% of Buffer Area
		Broad-Leaved Overstory Trees	Understory Trees	Shrubs
Robert Smalls Parkway (SC 170) from Parris Island Gateway to Broad River Bridge	25 ft min.	3	8	25% coverage
Robert Smalls Parkway (SC 170) from Parris Island Gateway to Boundary Street	20 ft min.	3	6	25% coverage
Parris Island Gateway (US 21)	20 ft min.	3	6	25% coverage
Sam's Point Road (SC 802)	20 ft min.	3	6	25% coverage
Trask Parkway (US 21 northwest of Parris Island Gateway)	15 ft min.	3	6	25% coverage

The Administrator may waive or alter these requirements based on the design of the building and how it addresses the street.

C. **Maintenance of Required Plantings:** 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 7 feet to the lowest branches and a live crown ratio (ratio of tree canopy to trunk) should be no less than 50 percent or as required at driveway sight triangles.

D. **Permitted Improvements within Perimeter Buffers:** Perimeter Buffers shall contain only vegetation with the following exceptions:

1. **Habitable Structures:** If required buffer areas are wider than the required building setback for a habitable structure, then the building may encroach into the buffer and planting requirements may be reduced proportionately or eliminated, depending upon the width of any remaining buffer. Non-habitable structures may not encroach into buffers.
2. **Pedestrian Coverings:** If awnings, colonnades, arcades or galleries are incorporated into the building design, landscaping may be reduced or eliminated.
3. **Vehicular access driveways:** May encroach into buffers only if the driveway is placed approximately perpendicular to the buffer, or if the driveway is shared by adjoining parcels.
4. **Sidewalks and bicycle paths:** May encroach provided that they shall not count toward meeting the required landscaped area.
5. Signage, lighting fixtures, and street furniture.
6. Walls, fences, arbors, trellises, and sculpture.
7. Utility and services lines.

5.5.2 BUILDING PERIMETER LANDSCAPING (FOUNDATION BEDS)

A. **Applicability:** The following provisions for building perimeter landscaping (i.e., foundation beds) shall apply to all buildings in Conventional Districts except single-family and two-family dwellings.

B. **Requirements**

FOUNDATION BED REQUIREMENTS BY BUILDING HEIGHT					
Building Height	Minimum Width	Minimum Length (as percentage of building)		Vegetation Coverage [1] (as percentage of foundation bed)	
		Front	Side/Rear	Front	Side/Rear
1 Story	5 ft	67%	50%	67%	50%
≥ 2 Stories	8 ft	67%	50%	67%	50%

[1] *Trees, shrubs, flowers, or other plant materials may be used to satisfy vegetation coverage requirements. % coverage is at maturity.*

1. **Edges:** All building perimeter landscape areas shall be protected from overhanging vehicles by curbs or wheel stops.
2. **Sidewalks and Handicap Ramps:** Depending on the building design and orientation, sidewalks and handicap ramps may be placed within the designated building perimeter landscape area. In these instances, the Administrator may require that some or all of the required foundation planting be mitigated elsewhere on the site.
3. **Pedestrian Coverings:** If awnings, colonnades, arcades or galleries are incorporated into the building design, landscaping may be reduced or eliminated.

5.6: LANDSCAPE INSTALLATION AND MAINTENANCE

5.6.1 GENERAL REQUIREMENTS *[adapts 6.c.vii.1]*

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" (ASNS).

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.

1. **Exception:** New construction in T3 zones, and single family residential construction in T4 zones on new or existing lots, is not required to have irrigation.

C. Landscaping shall be maintained in good condition and shall be kept free from refuse and debris.

D. Installed trees must adhere to the grades and standards outlined in the ASNS. The minimum size at installation of all trees and shrubs planted pursuant to the requirements of this Code is as follows:

1. **Overstory trees:** 3 caliper inches (measured at six inches above grade).
2. **Understory trees:** 8 feet high.
3. **Shrubs:** Must be reasonably projected to grow to maturity (i.e., to meet specific size or coverage requirements) within 3 years unless otherwise specified herein.

E. Existing healthy shrubs and trees may be used to satisfy any requirements of this Code provided they meet the minimum size requirements outlined in Section 5.6.1.D.

F. Use of existing vegetation, native plants, drought tolerant plants, and water conserving irrigation techniques, such as use of a rain sensor, is encouraged. Preservation of tree save areas is encouraged and generally favored over preservation of scattered individual trees.

G. Prior to the issuance of a Certificate of Occupancy, the applicant shall provide for the establishment of permanent grass.

H. 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.

I. In conjunction with any development, grass or ground cover shall be planted or mulch installed to a depth of 3 inches on all portions of exposed bare ground not otherwise developed or landscaped. This shall include planting strips and other areas within rights of way that are contiguous to the development site. Grass and/or Ground covers shall provide 75% coverage within 1 calendar year from the time of planting.

J. All earthen drainage structures with a maximum gradient of 3:1 may be hydroseeded or sodded. Ditch and pond banks with slopes greater than 3:1 shall be treated with erosion control fabric or matting and/or receive erosion resistant landscaping materials such as ground covers or wetland plant species.

K. Landscaping shall not obstruct the view of motorists using any road or driveway as specified elsewhere in this ordinance (Section 7.2.3.F.3).

L. 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.

M. Where site conditions are inappropriate for an overstory tree, as determined by the Administrator, up to two understory trees may be substituted for one overstory tree.

N. 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," "heading" or similar techniques) is prohibited, except in conjunction with public utility maintenance.

5.6.2 PRESERVATION OF TOPSOIL *[7.c.vii.2]*

Original topsoil must remain on site and be utilized as topsoil in any areas that remain pervious such as plant beds and vegetated areas.

5.6.3 REPLACEMENT PLANTING AND MITIGATION

A. Replacement Planting and Mitigation of trees shall occur in the following situations:

1. Where the administrator approves removal of Specimen and Landmark trees for new development;
2. Where any vegetation, existing or proposed, used to comply with the requirements of this Section, does not survive in a healthy condition; and
3. When a Specimen and/or Landmark Tree is removed from a site without permission from the Administrator, is significantly damaged during construction, or significantly declines and is recommended for removal by a Certified Arborist at the end of the two year maintenance guarantee period.

B. **Fee in lieu of replacement planting on-site:** Where the city arborist determines that a site cannot sustainably support the required replacement, due to the size and shape and/or structures and/or viable site constraints, a fee based on the mitigation schedule below shall be paid to the City of Beaufort Tree City USA account.

Replacement and Mitigation Schedule: Replacement plantings & fee in-lieu-of shall be according to the following chart:

REPLACEMENT AND MITIGATION SCHEDULE				
Tree Type	Transect Zones		Conventional Zones	
	Replacement: % Caliper Inches	Mitigation: Cost / caliper inch	Replacement: % Caliper Inches	Mitigation: Cost / caliper inch
Landmark Tree*	50%*	$100	100%	$200
Specimen Tree*	33%*	$50	50%*	$100
All other trees 8" caliper or greater	25%	none	33%	none
*Any tree removed per Section 5.6.3.3 shall require 100% replacement of caliper inches, and the fee in-lieu-of cost/caliper inches shall be doubled.				
Examples	Approved Removal	Approved Removal	Damage During Construction	Damage During Construction
	Specimen Tree - A 12" Live Oak in a Transect Zone needs to be removed to accommodate a building. The applicant may choose to either plant back (1) 4" Live Oak, or pay a fee in lieu of $600 (12" x $50/inch).	Landmark Tree - A 30" Live Oak in a Transect Zone needs to be removed to accommodate a building. The applicant may choose to either plant back (5) 3" Live Oaks, or pay a fee in lieu of $3,000 (30" x $100/inch).	Specimen Tree - A 12" Live Oak was damaged during construction in a Transect Zone. It may either be replaced with 12 caliper inches of similar species, OR a fee-in-lieu of $2,400 (12" x $100/inch x 2) may be paid.	Landmark Tree - A 30" Live Oak intended to be preserved was damaged during construction in a Transect Zone. It may either be replaced with 30 caliper inches of similar species, OR a fee-in-lieu of $6,000 (30" x $100/inch x 2) may be paid.

5.7: PARKING

5.7.1 PURPOSE

The purpose of this Section is to regulate and ensure the provision of adequate parking and access for bicycles and motor vehicles. The Section also provides options for adjusting parking requirements and providing parking alternatives. These standards ensure that the parking needs of new land uses and development are met, while being designed and located in a manner consistent with the desired character and development patterns of the community.

5.7.2 APPLICABILITY *[revises 7.e.i.]*

The parking standards of this Section shall apply to new developments only.

5.7.3 BICYCLE PARKING *[revises 6.6.F.5]*

A. **Applicability:** Bicycle parking required everywhere except in the T3 zoning district and in T4 on detached single family residential development. In the T5 district, the administrator has the authority to waive the bicycle parking requirement if it is not appropriate or feasible.

B. **Required Spaces:** Developments shall provide either 5% of the number of required off-street vehicular parking spaces or 2 bicycle parking spaces, whichever is greater.

C. **Location:**

1. Bicycle parking shall be placed in a usable and accessible location.

D. **Maintenance:** The bicycle racks and spaces required by this ordinance shall be maintained and kept clean and in proper working order at all times.

5.7.4 PARKING SPACE REQUIREMENTS *[revises 7.e.i.]*

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

	MINIMUM NUMBER OF MOTOR VEHICLE PARKING SPACES REQUIRED	
USE	**CONVENTIONAL DISTRICTS**	**TRANSECT-BASED DISTRICTS**
RESIDENTIAL		
Single-Family, Two-Family and Short Term Rental	2 per unit	
Multi-Family and Accessory Units		
Studio	1 per unit	
1 Bedroom	1 per unit	
2 Bedroom	1.75 per unit	
3+ Bedroom	2 per unit	
Dwelling units located above other use(s)	No spaces required	
Group Home	1 per 3 bedrooms	
RETAIL		
Gas Station/Fuel Sales	1 per employee + requirements for retail and/or service bays	1 per 400 gross square feet
Restaurant, Café, Coffee Shop, Bar, Tavern and Nightclub	1 per 4 seats* plus 1 per every 2 employees; *only interior seats are counted unless the business only has exterior seating.	1 per 400 gross square feet
Drive-Through Facilities	1 per 4 seats* plus 1 per every 2 employees; *only interior seats are counted unless the business only has exterior seating.	1 per 400 gross square feet
All Other Retail Uses	1 per 300 gross square feet	1 per 400 gross square feet
RECREATION, EDUCATION, PUBLIC ASSEMBLY		
Colleges and Universities	1 per 4 students at capacity class attendance period	
Community/Public Safety Facility	1 per 300 gross square feet	1 per 400 gross square feet
School, Public or Private		
Grades K-8	2 per classroom	1 per 400 gross square feet
Grades 9-12 or Trade	1 per 4 students and employees	1 per 400 gross square feet
Theaters	1 per 4 seats, plus 1 per 2 employees	1 per 400 gross square feet
All Other Assembly Uses		
With Fixed Seats	1 per 5 seats	1 per 400 gross square feet
Without Fixed Seats	1 per 300 gross square feet	1 per 400 gross square feet
SERVICES		
Day Care (Child or Adult) - 5 or greater	1 per 10 persons cared for (child or adult)	1 per 400 gross square feet
Lodging	1 per room plus spaces required for on-site accessory uses	1 per 2 rooms
Medical Service		
Doctor Office	1 per 300 gross square feet	1 per 400 gross square feet
Other	1 per 2 beds, plus 1 per staff, plus 1 per 4 employees	1 per 400 gross square feet
All Other Service Uses	1 per 300 gross square feet	1 per 400 gross square feet
INDUSTRIAL		
Warehousing/Wholesaling and Distribution	1 per 2,000 gross square feet	
All Other Industrial	1 per 750 gross square feet	

B. Credits for On-Street Parking:

1. On-street parking spaces along the lot frontage may count towards the minimum number

of required parking spaces.

2. For multifamily dwellings over three units, and for commercial buildings over 4,000 square feet, adjacent existing on-street parking within 400' for the property line may be used to count towards the on-site parking requirement.
3. Where on-street parking does not exist, additional on-street parking spaces meeting City standards may be constructed to fulfill all or part of the on-site parking requirement. This must be approved by the Technical Review Committee and any outside agencies, as appropriate.
4. On a block face where formalized on-street parking is available, single-family and two-family dwellings, and nonresidential uses with less than 4,000 square feet of space, and any structure listed as "Contributing" on the 1997 Beaufort County Above Ground Historic Resources Survey, shall be exempt from these off-street parking requirements.

C. **Maximum Number of Parking Spaces:** The maximum number of off street parking spaces shall be as follows:

1. For buildings with a footprint less than or equal to 60,000 gross square feet, no more than 140% of the required minimum number of parking spaces; or
2. For buildings with a footprint greater than 60,000 gross square feet, no more than 125% of the required minimum number of parking spaces.
3. **Exception:** Parcels in LI Zoning district are exempt from these requirements.

D. **Off Site Parking:** Required parking may be provided off site if the following standards are met:

1. Required parking may be provided in off-street parking facilities on another property within 400 feet of the site proposed for development, as measured along street right-of-ways.
2. In any transect-based district, required parking may not be located along a major thoroughfare without being screened from the street by buildings.
3. Pedestrian access between the use or the site and the off-premise parking area shall be via a sidewalk or walkway.
4. The owner shall provide a recorded parking agreement reflecting the arrangement with the other site.

5.7.5 PARKING EXCEPTIONS

A. In the T5-DC 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.

B. Any structure listed on the City's Vacant and Abandoned Structures list, being re-occupied for residential uses, shall be exempt from these off-street parking requirements if on-site parking cannot be accommodated.

C. In the Boundary Street Redevelopment District, see 2.7.3.5 for parking requirements.

5.7.6 SHARED PARKING

A. **Shared Parking - Two Uses:** When two use types share common parking facilities, the minimum amount of required parking may be reduced. The minimum amount of required parking shall be calculated as the sum of the required parking for the two uses separately,

divided by the factor listed in the table below.

SHARED PARKING FACTOR FOR TWO USES				
	Residential	Lodging	Office	Retail
Residential	1.0	1.1	1.4	1.2
Lodging	1.1	1.0	1.7	1.3
Office	1.4	1.7	1.0	1.2
Retail	1.2	1.3	1.2	1.0

EXAMPLE: A mixed use building that typically requires 10 residential spots and 20 retail spots may be reduced as follows: (10+20) / 1.2 = 25 spots. This is a 5 spot reduction due to the shared parking factor.

B. **Shared Parking - Three or More Uses:** When three or more use types share common parking facilities, or if a use type is not listed in Table 5.7.5.A above, the amount of required parking may be reduced as follows:

1. The Administrator 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., special types of housing projects inhabited by persons with low or no automobile ownership) does not require the amount of parking listed in Section 5.7.4.
   c. Where fewer parking spaces are needed due to location and use.
2. The Administrator shall consider the following in determining whether a reduction is warranted:
   a. The likelihood that the reduced number of parking spaces can satisfy demand.
   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.

5.7.7 PARKING LOT DESIGN *[revises 7.c.v. 6, 7.c.v.7, 7.c.v.8]*

A. **General Design Standards**

1. **Design:** Parking areas shall be located and designed to avoid undue interference with the use of public rights-of-way, driveways or pedestrian ways. Parking stalls shall not be located in areas that would require backing into access driveways or streets except where allowed for residences or when no other practical alternative exists as determined by the Administrator.
   a. Parking Stall Dimensions: Off-street parking spaces shall be at least 9'wide x 18' long, exclusive of access or maneuvering spaces. A limited number of compact car

spaces, a minimum of 8' wide x 16' deep, may be permitted at the discretion of hte Administrator.

b. **Travel Lane Dimensions:** Travel lanes shall not exceed 24' wide for two-way traffic except in specific areas that may require additional room for truck access. A minimum of 20' clear between parking spaces shall be provided for two-way traffic. Smaller dimensions for one-way traffic may be approved by the Fire Marshal.

2. **Location:** Parking stalls shall be located a minimum of 10 feet from public rights-of-way and buildings to allow sufficient separation for sidewalks, landscaping and other site features except along the backs of buildings in areas designed for loading and unloading. In addition, head-in or diagonal parking stalls should not front public rights-of-way.
3. **No Storage:** Minimum parking areas shall be kept free of material storage, including portable containers, and outdoor display/sales except on a temporary basis as part of an approved temporary use.
4. **Maintenance:** Parking areas shall be maintained to provide for vehicle access and shall be kept free of litter, debris and potholes.
5. **Identified as to Purpose and Location:** Off-street parking areas of 4 or more spaces and off-street loading areas shall include painted lines, wheel stops, or other methods of identifying individual parking spaces and loading areas and distinguishing such spaces from aisle and other circulation features.
6. **Parking Space Marking:** The individual parking spaces in a lot shall be delineated in all parking lots except those utilizing road bond, gravel, grass or other vegetative surfacing. Parking lots utilizing road bond, gravel, grass or other vegetative surface shall delineate parking spaces with a wheel stop or vegetative buffer.
7. **Front Yard Parking:** Where Section 7.2.3 Lot Access Standards permits driveways, they may be used for front yard parking areas but the width of such front yard parking areas shall be limited to the driveway width specified in that section.

B. **Pedestrian Corridors in Parking Lots:** Large parking lots shall be designed to separate pedestrian travel from vehicles and include protecting pedestrian walkways within parking areas that lead to business/office/store entrances. For lots of 40 spaces or greater, sidewalk corridors shall be provided within the parking area and/or along the perimeter to provide safe building access for pedestrians.

1. Perimeter sidewalks and interior parking lot pedestrian corridors may be utilized to provide the required pedestrian access.
2. Pedestrian pathways (if provided) must be a minimum 5 feet in width.
3. Where parking is located between a public entrance and the fronting sidewalk, a pedestrian pathway must be provided following the shortest practical route across the parking lot between at least one such entrance on each side of the building facing a public street.
4. Pedestrian pathways must be clearly delineated. This may be accomplished with the use of paving materials that differ from that of vehicular areas, striping or other similar methods.

C. **Connectivity**

1. Adjoining parking lots (except those serving residential buildings of less than 4 units) shall be interconnected.
2. Where a parking lot connection is required, an easement for ingress and egress to adjacent

lots shall be recorded by the property owner with the Beaufort County Register of Deeds.

D. **Materials:**

1. Parking spaces and driveways shall be paved with a material that supports the anticipated load and context, as determined by the Administrator. Pervious or semi-pervious paving materials are encouraged. Where possible, such materials should be used in combination with on-site stormwater control devices.
2. Parking provided above the minimum required parking spaces shall be with a pervious material.

E. **Accessible Parking:** All parking facilities that require accessible parking spaces shall ensure that a portion of the total number of required parking spaces shall be specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with the standards in the federal American with Disabilities Act (ADA).

F. **Tandem Parking and Residential Driveways - see Section 7.2.3**

5.7.8 PARKING LOT SCREENING AND LANDSCAPING *[adapts 7.C.6, 7.C.7]*

A. **Screening:** All parking areas shall be screened from the road with evergreen shrubs, walls, fences, or some combination thereof. Screening devices shall be installed at the height and opacity specified in the table below:

LOCATION	MINIMUM REQUIRED OPACITY AT PLANTING [1]	SHRUBS		WALL/FENCE
		Installation Height [3]	Projected Height within 4 Years	Installation Height [2]
Beaufort Historic District Overlay	90%	3 ft	4 ft	4 ft
All Other Areas	50%	2 ft	4 ft	4 ft

[1] The area bounded by the shrub at its projected size in 3 years shall be deemed to be practically 100% opaque.

[2] Height measured from adjacent sidewalk or street grade.

B. **Landscaping:**

1. **Applicability:** All Conventional Districts & all Transect-Based districts where site is greater than 2 acres. In Transect-Based districts where site is less than 2 acres, all parking requirements listed below are applied as "shoulds" rather than "shalls".
2. No parking space shall be further than 55 feet from the trunk of a broad-leaved overstory tree. Coniferous trees shall not be substituted.
3. In parking lot design, priority should be given to working around existing trees, and then secondarily creating areas where new plantings would be required.
4. **Landscaped Peninsulas and Medians shall be established as follows:**
   a. **Size:** Landscaped peninsulas measuring at least 12 feet wide by 18 feet long of plantable area 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.
   b. **Planting:** At least 1 broad-leaved overstory tree shall be provided within each landscaped peninsula. All landscaped peninsulas and medians shall be landscaped with mulch, sod, shrubs, or ground cover vegetation. See Appendix A for recommended plantings list.
   c. **Specific to Transect Zones:** No more than 12 continuous parking spaces should be permitted in a row without an interrupting landscaped peninsula.

d. **Specific to Conventional Zones:**

i. No more than 10 continuous parking spaces shall be permitted in a row without an interrupting landscaped peninsula.

ii. On the interior of parking lots, landscaped medians between all "head-to-head" rows of parking are required.

iii. Where wheel stops are to be used for the protection of landscaped medians the minimum median width shall be 6 feet. Plantings in such medians shall be limited to a combination of turfgrass or groundcover, palms and/or shrubs which have a mature height and spread of 4 feet or less.

iv. Where wheel stops are not used for the protection of landscaped medians the minimum median width shall be 9 feet. Plantings in such medians shall be limited to a combination of turfgrass or groundcover, palms, understory trees and/or shrubs which have a mature height and spread of 5 feet or less.

v. Shrub coverage in the medians and peninsulas shall be at least 50%.

5.7.9 STRUCTURED PARKING

A. **Screening Required:** Where an above-ground parking structure fronts a public street, the ground level shall be screened in such a way that cars are not visible from the street. See Section 4.5.11 for more details.

B. **Materials:** Along pedestrian-oriented streets, parking structure façades shall be treated with high-quality materials and given vertical articulation and emphasis compatible with the principle structure. The façade shall be designed to visually screen cars.

C. **Entries:** Pedestrian entries shall be clearly visible.

D. **Bicycle Parking:** Parking structures shall provide bicycle parking within the structure. It shall be located on the level closest to the street and/or a primary building entrance.

5.8: LIGHTING

5.8.1 PURPOSE

The standards set forth in this Section are designed to:

A. Ensure that all site lighting is designed and installed to maintain adequate lighting levels on-site;

B. Prevent excessive light spillage and glare directed at adjacent properties, neighboring areas, and motorists;

C. Provide security for persons and land.

5.8.2 APPLICABILITY: The provisions of this Article shall apply to all development with the following exemptions:

A. All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this ordinance.

B. All hazard warning luminaires required by Federal regulatory agencies are exempt from the requirements of this article, except that all luminaires used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.

C. Individual residential lighting that is not part of a site plan or Section plan for street or other common or public area outdoor lighting, provided that it does not extend past the boundaries of that property.

D. Lighting associated with landscape/holiday/festive/temporary uses.

E. Lighting of public art that has been permitted or otherwise approved by the city.

F. Other Municipal or State lighting installed for the benefit of public health, safety, and welfare.

G. All fixtures installed or temporarily used by public agencies, their agents, or contractors for the purpose of illuminating public streets.

H. Lighting of US Flags provided the flag standard does not exceed the maximum permitted building height for that district.

5.8.3 GENERAL STANDARDS FOR EXTERIOR LIGHTING

A. **Hours of Illumination:** Public and institutional uses, commercial uses, and industrial uses (heavy and light) that are adjacent to existing residential development or vacant land in the RMX, T1, T3-E, T3-S, and T3-N Districts shall turn off all exterior lighting by 10:00 pm or within 1 hour of closing, whichever occurs first, with the following exception:

1. Lighting that is necessary for security or emergency purposes–meaning the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure,to illuminate exterior walkways, or to illuminate outdoor storage areas–may be turned on at all times. Additional standards for security lighting are in 5.8.6 Security Lighting.

B. **Illumination Direction:** In all districts, lighting shall be directed downward. In addition, upwardly-directed lighting shall not be used to illuminate structures, except for low- wattage architectural lighting.

5.8.4 DESIGN STANDARDS FOR EXTERIOR LIGHTING

A. **Maximum Lighting Height:** 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.

1. In Transect-Based Districts, the height of the light shall not exceed 15 ft above grade

2. In Conventional Districts, the height of the light shall not exceed 25 ft above grade, with the following exceptions:

a. Any fixtures located within 100 feet of any Transect-Based District, and/or along a street or travel way containing on-street parking and sidewalk, should not exceed 15 ft above grade.

b. Wherever possible, illumination of outdoor seating areas, building entrances, and walkways shall be accomplished by use of ground mounted fixtures not more than 4 ft in height.

B. **Shielding:** Light fixtures in excess of 100 lumens shall use full cut-off lenses or hoods to prevent glare or spillover from the project site onto adjacent lands and streets.

C. **Maximum Illuminance Levels:** Requirements in the following table shall apply only to light trespass into parcels in T3 and T4 zoning districts at the property line.

TYPE OF USE	MAXIMUM ILLUMINANCE AT PROPERTY LINE
Agricultural; Residential; Day Care, Child or Adult; Community Oriented Civic Facilities; School, Public or Private; Colleges and Universities; and Water-Oriented Facilities	0.5 foot-candles
Retail; Recreation, Education, Public Assembly (except Community-Oriented Civic Facilities, School, Public or Private, Colleges and Universities, and Water-Oriented Facilities); and Services (except Day Care, Child or Adult)	2.5 foot-candles
Industrial and Transportation, Communications, Infrastructure	2.5 foot-candles
Vehicular Use Areas (Note: Minimum illuminance level at the edge of the vehicle use area shall be 0.2 foot-candles.)	2.5 foot-candles

5.8.6 SECURITY LIGHTING

A. Motion activated security lights; unshielded flood and spotlights, with 45 watts or less, installed for security and activated by motion sensor, are permitted. These unshielded lights must be mounted and aimed in a manner that minimizes up-lighting and light trespass.

B. In the T3 and T4-HN districts, all security lighting must be motion activated. The light may not trespass into neighborhood property.

C. All floodlights shall be installed such that the fixture shall be aimed down at least 45 degrees from vertical. Flood lights shall be positioned such that any such fixture located within 50 feet of a public street right-of-way is mounted and aimed perpendicular to the right-of-way.

D. All flood or spot lamps emitting 1,000 or more lumens shall be aimed at least 60 degrees down from horizontal or shielded such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.

E. Landscape and decorative lighting using incandescent lighting of 40 watts or less is permitted, provided that the light is installed and aimed to prevent lighting build up and light trespass and shielded to prevent view from the public right-of-way.

F. Area "dusk to dawn" open-bottom lights, with photosensors that automatically turn the light on and off at certain levels of ambient illumination, are permitted. These lights must be full cutoff.

5.8.7 ILLUMINATION OF OUTDOOR SPORTS FIELDS AND PERFORMANCE AREAS

Lighting of outdoor sports fields and performance areas shall comply with the following standards:

A. **Glare Control Package:** All lighting fixtures shall be equipped with a glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.

B. **Hours of Illumination:** The hours of operation for the lighting system for any game or event shall not continue more than 1 hour after the end of the game or event.

5.8.8 PROHIBITED LIGHTING TYPES

A. **Laser Source Light:** The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.

B. **Searchlights:** The operation of searchlights for advertising purposes is prohibited.

C. **Flashing Lights:** Lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation are prohibited.

D. **Awning and Canopy Back-Lighting:** Awnings and canopies used for building accents over

doors, windows, and etc. shall not be uplit. Lighting may be installed under canopies that light the sidewalk, or downlights onto the architectural features of a building.

6: SIGNS

6.1: PURPOSE

6.1.1 PURPOSE *[adapts 7.b.i]*

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 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 the desire of the City to allow business owners the opportunity to post adequate signage that contributes to the public realm while preventing distractions and obstructions to motor vehicle operators and pedestrians that might lead to accidents or traffic congestion; removing obstructions to light, air and open space; and reducing the accumulation of clutter.

6.2: ADMINISTRATION AND MASTER SIGN PLANS

6.2.1 APPLICABILITY *[adapts 7.b.ii]*

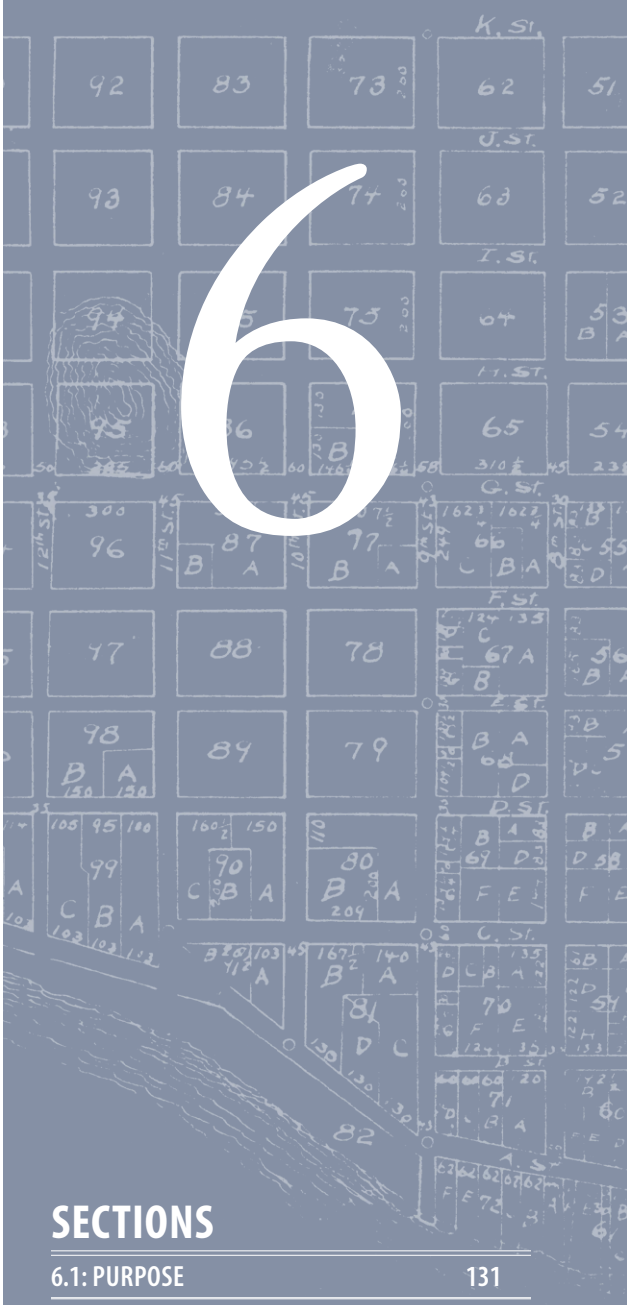
A. **Applicability:** The regulations of this Article shall apply to all Districts.

B. **Permit Required:** A Project Permit(Section 9.5) shall be required for the erection, placement, alteration or reconstruction of any sign unless otherwise noted.

C. **Historic District:** In addition, signs erected in the Beaufort Historic District are also subject to the conditions and procedures for erection and change of structures required in the Beaufort Historic District Sign Guidelines (Section 6.4).

6.2.2 MASTER SIGN PLANS *(adapts 7.b.15; 3.10.B)*

A. **Applicability:** Master Sign Plans are required for the following development types:



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1. New multi-tenant or multi-building development with 5 or more occupiable spaces.
2. Existing multi-tenant or multi-building development when the primary tenant proposes signage changes. The owner/manager of the multi-tenant/multi-building center shall be responsible for preparing the Master Sign Plan. For existing multi-tenant/multi-building 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.

B. **Approval Required:** 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 appropriate body.

C. **Conformance with Plan:** After approval of a Master Sign Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan.

D. **Amending a Master Sign Plan:** A Master Sign Plan may be amended by filing a new Master Sign Plan that conforms with all requirements of the Code then in effect.

E. **Voluntary Restrictions:** The Master Sign Plan may contain such other restrictions as the owners of the parcels may reasonably determine.

F. **Design:** The design, material, color, location, and illumination of signage shall be compatible with the overall design of the development.

G. **Size:** The size of all signs must be equal to or less than the amount indicated in 6.5 and 6.6 with the exception of Monument Signs. Sizes for monument signs are as follows:

1. Where 5-10 occupiable spaces are located on one parcel, a 125% increase in monument sign area is permitted.
2. Where 11-20 occupiable spaces are located on one parcel, a 150% increase in monument sign area is permitted.
3. Where 21 or more occupiable spaces are located on one parcel, a 200% increase in monument sign area is permitted.
4. **Contiguous Parcels:** When the owners of 2 or more contiguous parcels (disregarding intervening streets and alleys) file for a Master Sign Plan, one freestanding sign shared between all parcels may be permitted an increased area based on the number of occupiable spaces listed above.

H. **Sign Types:** All sign types listed in 6.5 and 6.6 may be included in a Master Sign Plan. In addition, other types of signage may be permitted at the discretion of the administrator provided that it is compatible with the overall design of the development.

6.3: GENERAL PROVISIONS

6.3.1 PLACEMENT AND DESIGN *[adapts 7.b.ii, 10.a.iv, 10.a.vi]*

A. **Placement:** Except as permitted specifically in this article, signs shall not be posted in the public right-of-way, on trees or utility poles, and shall be outside of required site triangles (except where encroachments are specifically permitted by this article.)

B. **Materials:** Sign structures shall be constructed of durable materials such as wood, concrete, metal, brick, or other similar materials. Unfinished wood, cardboard, Styrofoam and similar materials are not permitted. Plastic and plastic substrates are permitted outside of the Historic District.

C. **Design:** The design, color, location, and illumination of signage shall be compatible with the

overall design of the development.

6.3.2 SIGN ILLUMINATION

A. **Location:** No illuminated sign, other than signs permitted on church property, shall be permitted within 100 feet of any T3 district. No sign located within 300 feet of a T3 district shall be illuminated between the hours of 10:00 p.m. and 6:00 a.m.

B. **Internal Illumination:** The background of internally-illuminated cabinet signs shall be completely opaque. This provision does not apply to internally illuminated channel letters.

C. **Shielding:** Unless otherwise expressly prohibited, signs may be illuminated provided that any lighting illuminates only the surface area of a sign and is shaded, shielded, or directed so that the light intensity or brightness does not interfere with the safe vision of motorists or bicyclists as determined by the Administrator. On external lighting, landscaping shall be designed to conceal the base of the light fixture to the extent feasible.

6.3.3 COMPUTATION OF SIGN AREA

A. The area of a sign shall be deemed to be the area of the sign face formed by a perimeter consisting of a series of straight lines enclosing all parts of the sign. 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. Sign area shall also include 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.

B. Corporate or brand colors shall also be considered signage and shall count towards the permitted area calculation.

6.3.3 COMPUTATION OF SIGN HEIGHT

A. Height shall be measured either from the edge of the adjoining sidewalk or 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 1 foot over the permitted height.

6.3.6 CONSTRUCTION

A. **Installation:** With the exception of portable and temporary signs as permitted in this article, signs shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

B. **Electrical Components:** 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 (Ground Fault Circuit Interrupter) protected.

6.3.7 MAINTENANCE

A. **Requirements:** 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% 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 15 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.
4. No internally illuminated sign shall stand with only partial illumination.
5. 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.

6.4: BEAUFORT HISTORIC DISTRICT SIGN GUIDELINES *[7.b.viii]*

6.4.1 APPLICABILITY

The requirements for this section apply to all signs within the Historic District Overlay as established in Section 2.7.1.

6.4.2 DESIGN RECOMMENDATIONS

A. Style of sign will not be restricted as long as in conformance with guidelines appropriate for each separate district;

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 building should not have a reproduction of a colonial or 1700's sign);

C. Numbers of colors shall not be restricted; however, color selection should be compatible with 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.

6.4.3 LOCATION

The placement of signs shall follow these general guidelines:

A. Signs should not obscure architectural details;

B. Space on the building facade specifically designed to contain signage shall be the most appropriate location for signs;

C. Signs should be placed so as to be sensitive to signage of adjacent businesses;

D. The scale and proportions of the sign should take into account the scale and proportions of the building on which it is mounted; and

E. Size of individual signs should be limited to the extent necessary to prevent them from obscuring or competing with other elements of the building.

6.4.4 SIGN MATERIALS

A. Inappropriate materials and finishes generally include: interior-grade wood, unfaced plywood, plastic and 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.

6.4.5 NEON SIGNS

A. 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 3 square feet – whichever is less – per business.

B. The total area of neon signs shall not exceed 20% of the area of the display window.

C. A sign may also display the word "open" provided it does not exceed 2 square feet in size.

D. Product advertising signs located on the interior of the structure shall not be prominently visible from the street.

6.4.6 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 a minimum of 18 inches, provided further that clear sight distance requirements can be met.

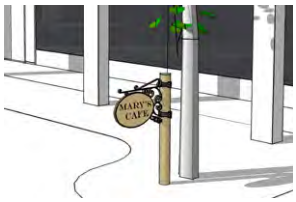
B. Each tenant space shall be allowed 2 different attached signs per street frontage subject to the provisions in Section 6.5. If a freestanding sign is present on a street frontage, only one additional fixed sign per business shall be permitted on that street frontage. A third sign will be allowed if it is a window sign and in keeping with Section 6.5.

C. If it is more compatible with the architecture, a tenant space may be permitted multiple wall signs, at the discretion of the administrator, provided that the total square footage does not exceed the maximum square footage permitted.

D. A building with more than one storefront shall have similar sign and mounting treatments so as to provide balance and unity to the building.

6.5: FREESTANDING SIGNS

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

SIGN TYPE & PERMITTED LOCATION		MAX. AREA	MAX. HEIGHT	MIN. SETBACK	ADDITIONAL REQUIREMENTS
 A. Monument Sign: A sign constructed on the ground, typically with a continuous footing or foundation with the base of the sign at grade. The size of the support structure for any monument sign should be a maximum of 50% of the size of the sign face. When sign is less than 24 square feet, it is not required to be have a continuous footing, but may be supported by two side posts.	T1 T3 MH	32 ft^2	10 ft	3 feet from ROW (18 inches in HD)	1. Maximum Number: 1 per parcel; if frontage is greater than 500 feet then 2 are permitted (spaced at least 300 feet apart). 2. Encroachment: No encroachment allowed. 3. When sign is less than 24 square feet, it is not required to be have a continuous footing, but may be supported by two side posts. 4. Lots serving 5 or more tenant spaces may be permitted up to 25% increase in sign area. 5. In RMX, LI and IC: lots with 150-500 feet of road frontage are permitted to have a 60 square foot sign.; parcels with greater than 500 feet of frontage are permitted to have an 80 square foot sign. 6. Landscaping, not including grass, shall be required for all monument signs. Such landscaping shall equal the total surface area of the sign face. 7. Contiguous Parcels: When the owners of 2 or more contiguous parcels (disregarding intervening streets and alleys) file for a Master Sign Plan, one freestanding sign shared between all parcels may be permitted a 25% increase in area 8. Monument signs are not permitted for new buildings on Boundary Street from Neil Road to Ribaut Road, or on Robert Smalls Parkway from Neil Road to Boundary Street.
	T4 T5	10 ft^2 (5 ft^2 in HD)	8 ft	3 feet from ROW (18" in HD)	
	RMX LI IC	48 ft^2	10 ft	10 feet from ROW	
 **B. Post and Arm Sign:** A sign which is supported by a single post.	T35 T4 T5	10 ft^2 (5 ft^2 in HD)	6 ft	3 feet from ROW (18" in HD)	1. Maximum Number: 1 per lot. 2. Encroachment: No encroachment allowed. 3. Post and Arm signs are not permitted on Boundary Street for new buildings from Neil Road to Ribaut Road, or on Robert Smalls Parkway from Neil Road to Boundary Street.
 C. Sandwich Board Sign: A portable sign shaped like an A-frame with a sign panel on one or both sides where the sign panel is integral to the structure of the sign.	T3 T4 T5	8 ft^2 (6 ft^2 in HD)	4 ft (3.5 ft^2 in HD)	N/A	1. Maximum Number: 1 per tenant. 2. Encroachment: May be located on a public sidewalk, but must maintain at least 48 inches of unobstructed pedestrian space. 3. Shall not be located in a planting strip between the sidewalk and the travel lane. 4. Shall be located as close to the building as possible. 5. Shall be displayed only when the establishment is open for business. 6. Shall not display any logo or advertisement of third party vendors.
 D. Easel Sign: A sign or message board displayed on a portable, open frame such as a tripod.	T3 T4 T5	3.5 ft^2	6 ft	N/A	1. Maximum Number: 1 per tenant. 2. Encroachment: May be located on a public sidewalk, but must maintain at least 48 inches of unobstructed pedestrian space. 3. Shall not be located in a planting strip between the sidewalk and the travel lane. 4. Shall be located as close to the building as possible. 5. Shall be displayed only when the establishment is open for business. 6. Shall not display any logo or advertisement of third party vendors.
note: for signs A & B, square footage indicated is the amount permitted per side.					

6.6: ATTACHED SIGNS

SIGN TYPE & PERMITTED LOCATION		MAX. AREA*	ADDITIONAL REQUIREMENTS
A. Wall Sign A sign mounted parallel to or painted on a building facade or other vertical building surface.	T1 T3 T4 T5	1 ft^2 per linear ft of building frontage; in the Boundary Street Redevelopment District, signage is permitted to be a maximum of 10% of square footage of the facade area	1. Maximum Number: 1 per building Frontage or tenant space 2. No sign shall extend above the roof line. 3. Shall not project more than 18 inches from the wall surface. 4. Not permitted for residences with 3 or fewer dwelling units.
B. Canopy/Awning Sign A sign which is suspended from, attached to, supported from or forms a part of a canopy.	T4 T5	1 ft^2 per linear ft of building or tenant space	1. Maximum Number: 1 per building Frontage per tenant 2. Must allow 8 feet clearance above sidewalk 3. Shall not be placed above 2nd floor window sill or cornice of building, whichever is higher 4. May encroach over sidewalk area no closer than 18 inches from curb 5. Only the valance area of the awning/canopy may be used as a message area. The valance shall be a maximum of 1 ft tall with lettering a maximum of 9 inches tall. The valance shall be made of the same material and shall be the same color as the awning/canopy.
C. Window/Door 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 windows. May include 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.	T4 T5	25% of glass area per window/door	1. Applied plastic or vinyl cut letters are prohibited 2. No permit is necessary for temporary promotional signs posted on the interior side of the glass; these signs shall count toward the 25% maximum window coverage.
D. Projecting/Suspended Sign Any sign other than a wall sign that is attached to and projects from the wall or face of a building or is suspended from the underside of a horizontal plane .	T1 T3 T4 T5-UC	8 ft^2	1. Maximum Number: 1 per tenant 2. Must allow 8 feet clearance above sidewalk 3. May project no more than 4 feet from building face and no closer than 18 inches from curb 4. Not permitted for residences with 3 or fewer dwelling units. 5. Projecting signs shall not be higher than the fascia and/or cornice and shall not extend above the eave line. 6. For multistory buildings, sign brackets shall be mounted no higher than the sill of the second floor window.
	T5-DC	5.25 ft^2	
	RMX IC ID	10 ft^2	
E. Marquee Sign A vertically-oriented sign supported solely by the building to which it is attached and projecting horizontally over part of the public right-of-way. May project perpendicular to the facade or at 45 degree angle from the corner of the building.	T4 T5 RMX IC	24 ft^2 , with maximum width of 2 ft	1. Maximum Number: 1 per building 2. May project no more than 3 feet from building face 3. Shall not extend more than 10 feet above cornice; shall allow 12 feet clearance above sidewalk 4. Sign thickness shall not exceed 10 inches 5. Shall not extend above the eave of a pitched roof

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

6.7: OTHER SIGNS THAT REQUIRE A PERMIT

6.7.1 CHANGEABLE COPY SIGNS

A. **Permitted Location:** Changeable copy signs are permitted for businesses or institutions that require sign messages to change on a regular basis. These include, but are not limited to, restaurants, theaters, churches, schools, gasoline service stations, and directory signs listing more than one tenant.

B. **Maximum Area**

1. **Fuel Sales:** For fuel sales establishments, the changeable copy area shall not be more than 40% of the sign face of any freestanding sign.
2. **Churches, Schools and Theaters:** the changeable copy area may be up to 12 square feet in addition to the signage permitted by district.
3. **Other Establishments:** For other establishments, the changeable copy area shall not be more than 25% of the maximum freestanding signage allowed.
4. **Digital Signs:** Changeable copy is not permitted to be digital, except for time and temperature signs in the LI and RMX districts. For such signs, the changeable copy area shall not be more than 25% of the maximum freestanding signage allowed.

6.7.2 TENANT DIRECTORY SIGNS

A. **Applicability:** Tenant directory signs listing only the name and address of the business shall be permitted in multi-building, multi-tenant professional, office, and/or business centers.

B. **Maximum Area:** 32 square feet in surface area shall be permitted per street frontage.

C. **Maximum Height:** 10 feet

D. **Maximum Number:** 1 per lot; 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.

E. **Location:** Tenant directory signs shall be located within the buildable area and outside of any required buffer. The tenant directory sign must be located at least 25 feet from any adjacent right-of-way.

6.7.3 DIRECTIONAL SIGNS

A. **Applicability:** A sign with a directional message (symbols or words) pertaining to: private, unofficial traffic signs; private parking; or warning the public against trespassing placed at the entry. May also contain name of the business and/or address.

B. **Permitted Location:** All districts

C. **Maximum Number:** 1 per direction per entrance

D. **Maximum Area:** 2 square feet

E. **Maximum Height:** 2.5 feet

F. **Off-Premises Signs:** Off-premises signs are not permitted.

6.7.4 SERVICE STATION SIGNS

A. **Applicability:** Fuel Sales establishments shall be permitted additional signs as follows:

1. **Pump Island Signs:** 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 and shall be attached to the pump island.
2. **Pumps:** 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.
3. **Canopies:** Only height-warning signs shall be permitted on gasoline canopies.
4. **In T4 & T5:** Gas stations may increase the size of their Monument Signage by 10 square feet provided that the area containing the logo is limited to 10 square feet. The additional 10 square feet may contain the gasoline prices and/or a reader board.

6.7.5 OUTDOOR DRIVE-THROUGH MENU BOARDS

A. **Applicability:** Outdoor drive-through menu boards are signs associated with drive-through establishments.

B. **Maximum Area:**

1. Transect-Based Districts: 24 square feet
2. Conventional Districts: 32 square feet

C. **Number:** 2 - one menu board and one pre-order board is permitted.

D. **Canopies:** Drive-thru canopies may be permitted, provided that they do not contain any signage or corporate/trademark colors. They shall be painted to be coordinated with the building, and shall be a maximum of 10.5 feet tall.

E. **Location and Screening:** May be located to the rear of the establishment with no screening required. If located on a public right-of-way or side yard, screening is required in the form of a wall or fence and/or an appropriate amount of landscape planting to effectively screen the menu board from view.

6.7.6 LIMITED INDUSTRIAL SIGNAGE

A. **Additional Signs:** Additional on-premises directional and safety signage for lots zoned Limited Industrial may be permitted at the Administrator's discretion.

6.8: TEMPORARY SIGNS

6.8.1 TYPES OF TEMPORARY SIGNS *[7.b.v]*

A. **Promotional Banners:**

1. **Maximum Number:** 1 per tenant
2. **Maximum Area:** 30 square feet, with a vertical dimension no greater than 3 feet
3. **Minimum Height:** Must be placed a minimum of 7 feet above sidewalk grade
4. **Location:** Attached to building (must be secured along all 4 sides of banner)
5. **Time Period:** Maximum of 30 days.
6. **Additional Requirements:** Application for a permit for promotional banners may be made only 4 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.

B. **Construction Signs:**

1. **Maximum Number:** 1 per street frontage.
2. **Maximum Area:** 32 square feet.
3. **Maximum Height:** 6 feet.
4. **Location:** Minimum of 10 feet from the street right of way.
5. **Time Period:** The sign permit shall be valid for the duration of the construction period.

C. **Grand Opening Signs:** signs, or displays calling attention to a new business shall be permitted as follows:

1. **Location:** a minimum of 3' from the right-of-way; 18" from the right-of-way in the Historic District.
2. **Maximum Number:** up to three types of signs are permitted for Grand Openings.
3. **Type:** Free standing and attached signs are permitted at the discretion of the administrator.
4. **Time Period:** A maximum of 30 days.

D. **Special Event Signs:** Governmental, nonprofit, school, church or civic club-sponsored signs related to special events shall meet the following standards:

1. Sign shall be permitted 14 days prior to a function and shall be removed within 3 days after the function.
2. Signs shall be located on private property.

6.9: SIGNS EXEMPT FROM A SIGN PERMIT *[7.b.iv]*

No Sign Permit is required for the following signs:

A. **Government Signs:** Includes signs required by any law, order or governmental regulation.

B. **Address Signs:** Signs or plates on structures or premises bearing the address.

1. Single-family, Two-family and Multifamily dwellings shall have address numbers a minimum of 4 inches in height and conspicuously located and visible from the street.
2. Nonresidential structures shall have address numbers a minimum of 6 inches in height and conspicuously located so as to provide visibility from the street on which the structure fronts.

C. **Private Residence Signs:** Affixed to a private residence or dwelling as follows:

1. One personal identification sign not exceeding 2 square feet in area; and/or
2. One non-illuminated "for sale" or "for rent" sign not exceeding 6 square feet in area.

D. **Historic Designations:** Historical markers, historical monuments or signs as recognized by local, state or federal authorities.

E. **Utilities:** Signs denoting the location of underground utilities.

F. **Decorations:** Holiday decorations.

G. **Interior Signs:** Signs on interior window, that are not permanently affixed to the glass, not exceeding 25% of the gross glass area on any one side of the building.

H. **Political Signs:** Within 60 days of an election, political signs are permitted on private property.

I. **Real Estate Signs:** For sale or lease of the premises signs shall meet the following standards:

1. **Lots Less than 5 Acres:** One on-site sign per street frontage is permitted. Maximum size of these signs shall be 6 square feet and the maximum height shall be 3.5 feet.
2. **Lots 5 or more Acres:** 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.
3. **Time Period:** 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.

J. **Flags:** Flags bearing the official design of a government, educational institution, church, fraternal organization or ornamental/decorative in design shall be allowed as follows:

1. Flags bearing the official design of a government, educational institution, church, fraternal organization shall not exceed 60 square feet in area.
2. A commercial establishment or residence may have 2 flags depicting these official designs, plus one additional ornamental or decorative flag.
3. Ornamental or decorative flags shall be no greater than 15 square feet in area and shall not contain any commercial message such as the name or logo of a business.
4. Generic flags containing terms such as "Open" or "Gallery" are permitted. They shall be no greater than 15 square feet.
5. Spotlighting of flags at nonresidential uses may be permitted at the discretion of the Administrator.

6.10: PROHIBITED SIGNS *[7.b.iii]*

6.10.1 THE FOLLOWING SIGNS ARE PROHIBITED

A. **General:** Signs violating any provision of any law of the state relative to outdoor advertising.

B. **Location:** Signs located as follows:

1. Off-premises except signs, flags, and banners erected by the City, County, or State government.
2. In the public rights-of-way, except those posted by a public agency.
3. In any manner or place so as to constitute a hazard to pedestrian or vehicular traffic.
4. In a manner that obstructs free ingress to or egress from a required door, window, fire escape or other required exit.
5. In any salt marsh areas or on any land subject to periodic inundation by tidal saltwater.
6. Affixed to a private residence or dwelling or displayed upon the grounds thereof, except as permitted in Section 6.9.
7. Attached or painted on to the following:
   a. Trees, rocks or other natural features;
   b. Fence posts, telephone or utility poles; or
   c. Roofs of buildings visible from any public thoroughfare.

C. **Moving, Flashing or Audible Signs:** Signs that can potentially distract drivers with the following features:

1. Signs where all or part move by any means regardless of whether they contain written messages.

2. Signs et in motion by movement of the atmosphere or by mechanical, electrical or other means, including but not limited to: flags (other than those listed in Section 6.9.J), adversails, feathers, pennants, posters, propellers, discs, ribbons, balloons, streamers, strings of light bulbs and spinners
3. Flashing signs or devices displaying flashing or intermittent lights or lights of changing degrees of intensity, except for signs displaying time and temperature in accordance with Section 6.7.1.B.4.
4. Signs which emit audible sound, odor or visible matter.

D. **Movable or Towed Signs:**

1. Any sign constructed so 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.
   a. **Exception:** Commercial vehicles, including standard passenger vehicles, that are fully operable may bear a commercial message. They must be parked in a typical parking space and may not be located on landscaped areas or at angles to the street so as to increase visibility.
2. The parking in public view of any vehicle bearing a commercial message which is not in operating condition or lacking current registration.
3. Any sign on or towed behind a boat, raft, or aircraft.

E. **Sign Copy Limitations:**

1. Signs copying or imitating official government signs or which purport to have official government status;
2. 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;
3. Signs using the words "stop," "danger" or any word, phrase, symbol or character in a manner that misleads, confuses or distracts a vehicle driver;
4. Signs containing statements, words or pictures of obscene, pornographic or immoral character that is not considered protected speech.

F. **Impermanent and Unsubstantial Sign Types:** Signs which are are constructed of impermanent and unsubstantial materials, including, but are not limited to, inflatable signs, snipe signs, and feather signs/banners. This prohibition shall not apply to signs approved as temporary signs in accordance with Section 6.8.

G. **Abandoned or Deteriorated Signs or Businesses:**

1. Sign structures no longer containing signs;
2. Signs made structurally sound by unsightly bracing;
3. Abandoned or dilapidated sign;
4. Signs referencing businesses which have been out of business for more than 30 days.

H. **Neon:** Outlining of buildings, canopies, windows, and doors with neon lighting is prohibited.

I. **Digital Signs:** All types of digital signage including LED, scrolling, changeable copy, and static signs, except for signs displaying time and temperature in accordance with Section 6.7.1.B.4.

6.11: VIOLATIONS

6.11.1 IMPOUNDMENT OF SIGNS

A. The Administrator shall have the authority to remove all signs that are posted in violation of this Code, and to impound them for a period of 10 days.

B. The owner of an impounded sign may pay a fee to recover the sign prior to the expiration of the 10-day impoundment period. If the impounded sign is not claimed within 10 days, then the Administrator shall have authority to dispose of such sign.

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7: LAND DEVELOPMENT

7.1 IMPROVEMENT REQUIREMENTS

7.1.1 PURPOSE *[8.a.i]*

The purpose of these land development requirements are to:

A. Encourage economically sound and environmentally sensitive development;

B. Assure the timely provision of required streets, utilities, and other facilities and services to new land developments;

C. Assure the adequate provision of safe and convenient vehicular and pedestrian traffic access and circulation in and through new land developments;

D. 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

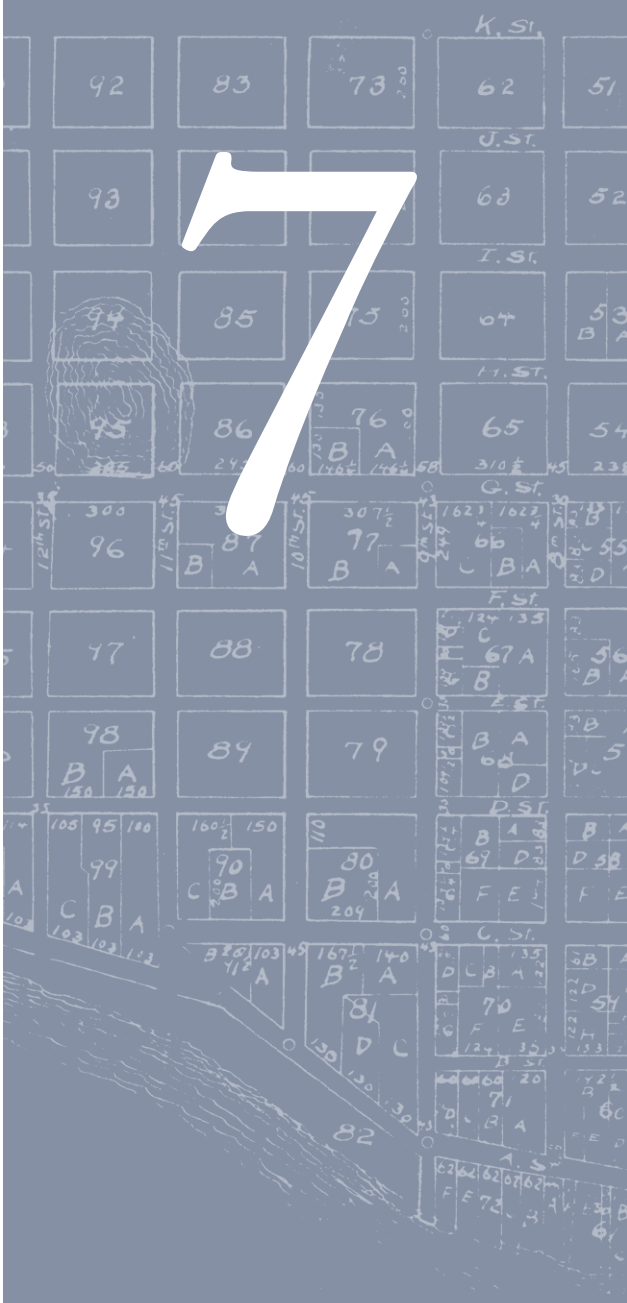
E. Assure, in general, the wise and timely development of new areas, in harmony with the Comprehensive Plan of the City.

7.1.2 APPLICABILITY *[adapts 8.a.ii]*

A. All new development and redevelopment projects shall be required to install or construct the improvements specified in the Table of Required Improvements (7.1.3) below, with the exception of projects located in the T1, T3 or T4 zoning districts that qualify as Minor Development Design Review (9.7.1) or Minor Subdivision (9.8.2) and consist of less than 4 parcels or dwelling units. The following exceptions apply:

a. All new development is required to have public sewer and underground wiring.

b. Section 7.2.3 (Lot Access Standards) applies to all new development.



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B. The developer shall be responsible for the installation and construction of required improvements according to the provisions of this code, except as may otherwise be specifically provided herein or by city policy or agreement.

C. Approval of a final plat shall be subject to the subdivider having installed the improvements designated in this article, or having guaranteed, to the satisfaction of the City, the installation of said improvements per Section 9.9.4.

7.1.3 TABLE OF REQUIRED IMPROVEMENTS *[adapts 8.c.ii]*

		ZONING DISTRICT										
REQUIRED IMPROVEMENTS	SECTION REFERENCE	T1	T3-S	T3-N	T4-HN	T4-NC	T5-DC	T5-UC	RMX	IC	LI	MHP
Public Water and Hydrants	7.1.3.C		■	■	■	■	■	■	■	■	■	■
Public Sewer	7.1.3.C		■	■	■	■	■	■	■	■	■	■
Paved Streets[1]	7.4.2		■	■	■	■	■	■	■	■		
Streetscape[2]	5.11		■	■	□	■	■	■	■	■	■	■
Underground Drainage	7.1.3.A		■	■	■	■	■	■	■	■	■	
Curb and Gutter	n/a		□	□	□	■	■	■	■	■	■	
Sidewalks	7.3.3.C		■	■	□	■	■	■	■	■	■	
Street Trees	7.3.1			■	■	■	■	■	■	■		
Street Lights	5.11		□	□	□	■	■	■	■	■	■	■
Street Signs (public streets)	n/a	■	■	■	■	■	■	■	■	■	■	■
Underground Wiring	7.1.3.E	■	■	■	■	■	■	■	■	■	■	■
Civic/Open Space	7.4	□	■	■	□	□				■		□
■ required improvements by district		□ may be required at the discretion of the administrator										

[1]rear lanes/lleys may be permitted to be paved with pervious material such as gravel depending on the location
[2]complete street requirements should be coordinate with the specific street section found in the regulating plan in Appendix C

A. **Street Improvements:** Land designated for public streets should be cleared and filled in accordance with the latest edition of the South Carolina Standard Specifications for Highway Construction, South Carolina State Highway Department, or as determined appropriate by the Administrator. No land may be disturbed until a Project Permit has been issued (SEction 9.5). See Section 5.4 for Tree Removal Sstandards. See Section 7.2 for more standards on Street Location. See Appendix C for Street Regulating Plan and Design Standards.

B. **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 Department of Health and Environmental Control (DHEC) and shall be approved by the water and sewer provider.

C. **Utility lines:** All utility lines within a development site shall be installed underground unless there are existing above-ground lines that serve the property.

7.1.4 SURVEY AND ENGINEERING *[8.c.i]*

A. **Installation of Permanent Reference Points:** Permanent reference points shall be placed in accordance with the following requirements:

1. **General Standards:** Boundary surveys shall be performed, in accordance with the state minimum standards published by the State Board of Registration for Professional Engineers and Land Surveyors unless more stringent requirements are specified. A minimum of two points in any survey must be tied to the state plane coordinate system. The survey may be done on the horizontal ground distance and tied back to the state plan coordinates.

2. **Control Monuments:** Vertical control monuments shall be placed in or near the centerline of pavement of subdivision streets at a minimum of 1 per 4 acres. 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.
3. **Property Marker:** A steel or wrought iron pipe, rebar, or the equivalent, not less than 0.5 inches in diameter and at least 24 inches in length shall be set at all property corners and points of curves, except those located by Monuments. They shall be flush wtih the ground.
4. **Accuracy:** Land surveys within the City Limits shall be Class A surveys, set at an accuracy of at least 1:10000.

7.1.5 IMPROVEMENT GUARANTEES *[8.d.]*

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 a performance bond, a surety bond, cash deposit or a letter of credit. A performance guarantee shall be posted in the amount of 125% of the total cost of improvements.

1. **Performance / Surety Bonds and Letters of Credit:** The performance or surety bond, or letter of credit, shall be in a form acceptable to the City. It shall include a pledge by the bank, insurance company or other bonding/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.
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. **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.

7.2 STREET NETWORK AND DESIGN STANDARDS

7.2.1 STREET REGULATING PLAN

A. **Applicability:** The Street Regulating Plan (in Appendix C) is a map of the City's street network that establishes the alignment and design characteristics – including total right-of-way width, sidewalk and streetscape amenities, parking lanes, travel lanes and other geometric and urban design details – for all existing and anticipated streets in the City of Beaufort.

B. **Designation of Street Sections:** The street sections noted in Appendix C show specific street designs for the purposes of identifying future improvements by both the City and fronting property owners. These sections are the preferred arrangement where available right-of-way and topographic conditions permit.

C. **Substandard Right-of-Way:**

1. Where the existing right-of-way is substandard, the fronting property owner shall be required to dedicate the appropriate amount of right-of-way (as measured from the centerline of the existing street).
2. For any project that is considered Major Subdivision (Section 9.8.3), Major Development Design Review (Section 9.8.2), or is located in the Historic District and affects more than one whole block face, the fronting property owner shall also install all noted streetscape improvements as part of the development project.
    a. Exception: if similar elements as defined in the street section exist - ex. on-street parking, sidewalk, tree plantings - the requirement to install the streetscape may be waived.

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

1. Where a future right-of-way is identified on the Street Regulating Plan, new development shall construct the street in the general location shown. The Administrator may approve a different configuration if it is determined that the proposed development plan provides equal or better street connectivity. The future right-of-way shall conform to all of the Street Network Requirements of Section 7.2.2 below. All right-of-way designations shall be approved by the Technical Review Committee (TRC).
2. Where a new right-of-way is proposed that is not shown in the street regulating plan, it shall be designed with appropriate elements based on its proposed location and zoning district. (See Appendix C)

7.2.2 STREET NETWORK REQUIREMENTS *[adapts 8.b.i; 3.6.D]*

A. **Continuation of Adjoining Street System:** The proposed street layout shall be coordinated with the street system of the surrounding area to form an interconnected street pattern. Existing streets shall be extended in accordance with the Street Regulating Plan. Adequate street connectivity shall be assessed by the Technical Review Committee based on the ability of the proposed alignments to:

1. Permit multiple routes between origin and destination points;
2. Diffuse traffic; and
3. Shorten walking distances.

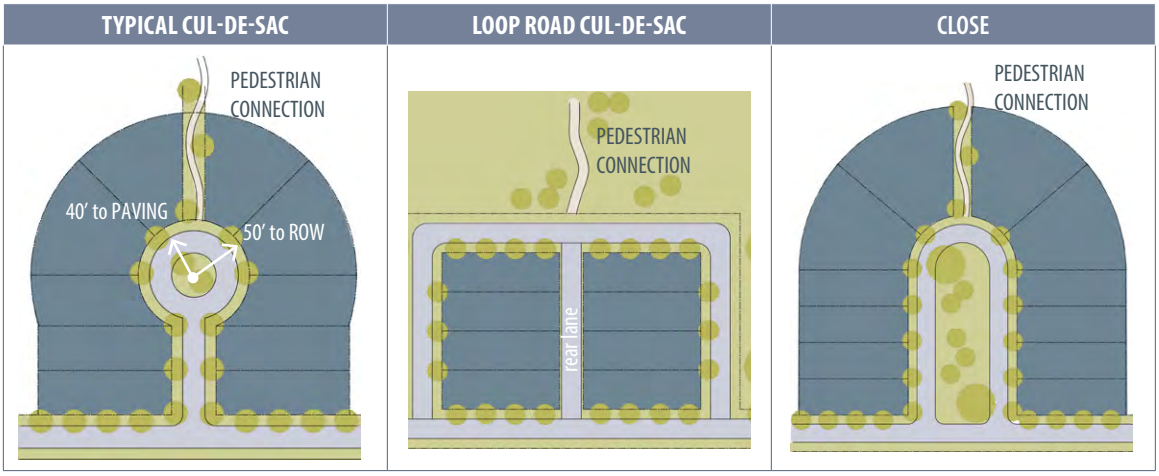
B. **Block Length:** Low speed, low volume streets shall be designed with short block lengths of between 250 and 500 feet. The TRC may approve alternative block length designs based on

topography, the existence of environmentally-sensitive lands, the need to preserve cultural resources and similar considerations.

C. **Street Stubs:** New developments shall connect to any existing street stubs from adjacent properties and shall stub to all adjacent properties.

1. **Exemptions:** Street stubs shall not be required where the conditions listed below would prevent connections:
   a. Topographical conditions (pre-development slopes of 18% or greater)
   b. Environmental conditions (marshes, floodplains, etc.)
   c. Property shape
   d. Property accessibility (existing platted subdivision with no stubs)
   e. Incompatible adjacent land uses
2. **Location:** Street stub connections shall be prioritized as follows:
   a. Adjacent parcels 20 acres or greater in size
   b. Adjacent parcels that abut or are traversed by existing or proposed streets
   c. Where the Street Regulating Plan recommends a street connection.
3. **Design:**
   a. Stub streets and streets intended for extension during future phases shall be constructed to extend to the property line or as close to the line as practical.
   b. It shall be the responsibility of the second development to construct the connection to an existing stub street.
   c. Stub streets shall not exceed 150 feet in length without a paved turnaround (permanent or temporary).
   d. A clearly visible street sign shall be erected at the end of the stub street stating that the street is planned to connect to a future street.

D. **Cul-de-sacs and Dead-end streets:** Dead-end streets and cul-de-sacs shall not be included in plans. In T3 zones only, cul-de-sacs or other turn-arounds may be approved by the TRC to accommodate a site specific environmental feature requiring protection and/or preservation only. Cul-de-sacs approved by the TRC shall meet the following standards:



1. Permanent dead-end streets shall be no longer than 300 feet and shall be provided with a

turn-around such as a cul-de-sac or close;

2. Temporary dead-end streets shall be provided with a temporary turnaround area which shall be designed considering traffic usage, maintenance, and removal;
3. Alternative design solutions, such as a close, or a loop road cul-de-sac (in that order) are preferable to a typical cul-de-sac;
4. Cul-de-sacs shall have a minimum right-of-way radius of 50 feet and minimum paved radius of 40 feet;
5. Cul-de-sacs shall contain a central planted median; and
6. Whenever cul-de-sac roads are created, at least one pedestrian access easement shall be provided, to the extent practicable, between each cul-de-sac head or road turnaround and the sidewalk system of the closest adjacent road or pedestrian pathway. The access easement shall be direct with a minimum width of 12 feet.

E. **Private Streets:** Gated streets are not permitted.

F. **Street Naming and Renaming:** Proposed street names and number systems will be reviewed by the Administrator and Beaufort County Emergency Management Department. No duplicate/similar names are allowed as determined by these agencies.

G. **Reserved Strips Prohibited:** Reserved strips at the terminus of a new street shall be prohibited.

7.2.3 LOT ACCESS STANDARDS

A. **Applicability:** Any development which requires an access point (rear alley/lane or driveway) for purposes of ingress and/or egress shall be subject to the provisions of this Section. All new accesses must be approved by the permitting authority as appropriate. Access points may not be installed on undeveloped property.

B. **Maximum Number:** For single-family and two-family dwellings, only one driveway shall be permitted per lot. Driveways may only be installed when rear access is not possible or required. For all other buildings the maximum number of driveways allowed for any property is outlined in the table below.

FRONTAGE WIDTH	MAXIMUM PERMITTED DRIVEWAYS (CURB CUTS)
up to 150 feet	1
150 feet or more	2 - Additional driveways shall be permitted only after the applicant successfully demonstrates the necessity for such additional driveways as determined by the Design Review Board. Along arterial roads and thoroughfares such additional driveways shall be "right-in, right-out" driveways only.

C. **Location & Spacing:**

1. **Street Intersection:** No curb or other access point shall be located closer than:
   a. 20 feet from the intersecting point of the 2 street right-of-way property lines involved (or such lines extended in case of a rounded corner);
   b. 25 feet from the intersection of the 2 curb lines involved (or such lines extended in case of a rounded corner), whichever is the least restrictive.
2. **Spacing:**

All access points shall have a minimum separation from certain features as follows:

FEATURE	MINIMUM SEPARATION
Adjacent Property Line (does not apply to shared or joint-use driveways)	0 ft
Another Curb Cut (driveway or street intersection) on a Local Road	25 ft*
Another Curb Cut (driveway or street intersection) on Arterial Roads and Thoroughfares* - *Depends on Posted Speed Limit*	
<35 mph	100 ft
35 mph	200 ft*
40 mph	250 ft*
45 mph	300 ft*
50 mph	400 ft*
55+ mph	500 ft*
**As measured from centerline*	

3. **Corner Lots:** Access points on corner lots should be from the side (or secondary) street, as determined by the Administrator, unless a shared curb cut on the main thoroughfare is existing or proposed.
4. **Access to Lots from Arterial Roads:** Driveways serving individual residential lots shall not have direct access onto arterial roads, unless no alternative means of access, such as alleys or parallel access roads, exists, and it is unreasonable or impractical to require an alternative means of access.
5. **Shared Access:** Wherever feasible, the Administrator shall require the establishment of shared-use access points to serve abutting properties. When a property is developed before an abutting property is developed, the site shall be designed to ensure that its driveway and circulation may be modified to create a joint-use driveway and interconnected parking with the abutting property at a later date.

D. **Size:**

1. **Alleys:** Alley pavement width may be a maximum of 24' wide for two-way traffic and 16' wide for one-way traffic. For more design standards see Appendix C.
2. **Driveways:**
   a. Driveways for single-family and two- and three-family uses may not exceed 12' wide, except in T3-S district where they may be a maximum of 20' wide.
   b. Tandem Parking: Tandem parking is allowed in all zones for all residential uses as follows:
      i. Both tandem parking spaces satisfy the parking requirement of one residential unit; and,
      ii. Neither of the tandem parking spaces shall be for required accessible parking spaces.
   c. Driveways to other uses and parking areas shall not exceed 24 feet in width for two-way drives or 12 feet in width for one-way drives, except those with turn lanes required by the City or SCDOT.

E. **Access to Lots from Alleys/Rear Lanes:**

1. In the T3-N, T4 , and T5 districts, alleys/rear lanes shall be provided along the rear property lines of lots as follows:
   a. In new subdivisions greater than 1 acre, alleys shall be provided for newly created lots

that meet any of the following criteria:

i. The lots are part of a block face with an average lot width of 50 feet or less at the building setback line (excluding lots on cul-de-sacs);

ii. Lots are articulated around a Civic Space;

iii. The lots front a collector or arterial road (regardless of the average lot width); and/or

iv. The lots are intended for multi-family dwellings and/or mixed-use buildings.

b. In infill situations, the same standards should apply as specified above, but only for developments outside the Beaufort Preservation District that include 4 or more contiguous lots, where one lot is a corner lot. This is up to the discretion of the Design Review Body.

F. **Additional Requirements:**

1. **Out-parcels:** 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.

2. **Utility Driveways:** A 10 foot wide curb depression shall be provided at all locations where utilities cross curb and gutter to run into off-site easements. The purpose for the depression is to provide equipment access to easements without "hopping" over the curb.

3. **Driveway Sight Triangles:** At all driveway approaches, a sight area shall be maintained. Within the sight area no fence, wall, sign, graded slope or embankment, parked vehicle, hedge, foliage, tree or other planting, and no other object or structure shall be placed, erected or maintained which will obstruct visibility at a height greater than 2.5 feet.

4. **Nonconforming Driveways:** The Administrator 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. Abandoned Driveways: Abandoned driveways (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.

7.2.4 STREET DESIGN STANDARDS *[adapts 8.b.i; 3.6.D]*

A. **Street Section Design:** The elements and widths of all proposed streets shall be in conformity with the appropriate Street Section designated in the Street Regulating Plan (Section 7.2.1 and Appendix C).

B. **Traffic Control and Signs:** Traffic control and street name signs shall be installed at all street intersections.

C. **Sidewalks:** All sidewalks must be constructed concurrently with the street or, if the street is already constructed, prior to acceptance of any improvements. Exceptions to or partial waiver of this requirement may be granted by the Planning Commission if:

1. Alternative pedestrian paths/bikeways have been or will be provided outside of the normal right- of-way; or

2. There are unusual topographic, vegetative, or other natural conditions to the extent that strict adherence to said requirements would be unreasonable and not consistent with the purposes and goals of this code.

D. **Utility Easements:** Easements having a minimum width of 8 feet and located in rear alleys or along the side or rear lot lines shall be provided as required for utility lines and underground

mains and cables.

E. **Special Consideration to Protect Protected Resources and other Natural Features:** Street layout and design shall give special consideration to preserving protected resources and enabling natural areas to be protected or minimally disturbed.

F. **Streets Built in Areas with Protected Resources or Natural Features:** Where streets are built in areas that have protected resources or natural features, all utilities shall be placed within the street right-of-way and under the street in order to avoid additional destruction of the natural features.

7.2.5 STREET TREE PLANTING REQUIREMENTS *(revises 8.b.1.8)*

A. **Planting Areas:** Planting strips and tree wells shall be established in accordance with the width and plantings designated in the appropriate Street Section of the Street Regulating Plan (7.2.1 and Appendix C).

B. **Location:** Street trees should be planted in the location specified for the corresponding street classification in Appendix C. However, where not practical due to the location of utilities or other site constraints, street trees may be planted on private property upon dedication of a tree easement. Tree easements should be of a sufficient size to allow access by maintenance equipment to the entirety of the expected mature tree canopy. The location, species, and approximate planting date of any tree in the public right-of-way or tree easement must be approved by the Administrator prior to planting.

C. **Tree Species:** Overstory and understory trees as prescribed in this section reference Appendix A.2 (Recommended Trees & Shrubs).

D. **Minimum Tree Size:** At the time of planting, young trees should be 3.5 inch caliper, with the lower side of the crown a minimum of 6 feet above grade to avoid hazards to pedestrians.

E. **Minimum Number of Trees:** Street trees shall be installed according to the following minimum standards (linear feet of planting area shall exclude driveways):

1. At least 1 overstory tree for every 50 linear feet of planting area, or fraction thereof equal to or greater than 25 feet; or
2. Only when planting of overstory trees is not practical due to the location of utilities, 1 understory tree for every 35 linear feet of planting area, or fraction thereof equal to or greater than 18 ft.

F. **Minimum Spacing:** Arrangement of and distance between hardwood trees should correspond to the expected mature spread of the trees and shall in no instance be less than:

1. 30 feet between overstory trees;
2. 20 feet between overstory trees and understory trees; and
3. 15 feet between understory trees and palms.

G. **Conflict with Street Lighting:** Street trees shall be located and planted so as not to diminish the effectiveness of required street lighting, and in no instance shall street lights be located closer than:

1. 15 feet to overstory trees; and
2. 8 feet to understory trees.

H. **Tree Wells:**

1. In commercial areas where there is no planting strip, trees should be provided with grates,

hard surface tree wells, or other approved methods of root protection.

2. Tree wells for overstory trees shall be a minimum of 5'x10'. Tree wells may be reduced to 5'x5' if structural soils or silva cells are provided. Root barrier fabric is required.
3. Tree wells for understory or palm trees shall be a minimum of 5'x5'.

7.3: STREET ENGINEERING STANDARDS

7.3.1 STREET DESIGN, CERTIFICATION, AND CONSTRUCTION SPECIFICATIONS *[7.3.b]*

A. **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 comply with the approved plans and specifications. Cross sections shall be developed every 100 feet at intersections and break points in grade. Cross sections shall show travel ways, shoulders, ditches, or curb and gutter, if applicable, and utility location.

B. **Construction Specifications for Paved Streets:** Street construction specifications for paved streets shall be in compliance with the South Carloina Department of Transportation Standards..

7.3.3 TRAFFIC IMPACT ANALYSIS *[3.22]*

A. **Applicability:** a Traffic Impact Analysis (TIA) shall be required for any development that would generate more than 50 trips during the peak hour on the adjacent street.

   a. A second phase, second subdivision, or addition that generates traffic beyond this threshold when taken as a whole shall also require a TIA, even though that development does not qualify on its own.

   b. A use shall not be changed without conducting a new TIA if the new use would generate traffic beyond the 50 trips during peak hour threshold above. Administrator or TRC may waive this requirement in unusual circumstances.

   c. Exception: Development on lots included in the Boundary Street Master Plan, adopted on August 28, 2006 and lots in 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.

B. **Traffic Access Management Analysis:** As part of the TIA process, development 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.

   1. The standards in the South Carolina Department of Transportation's Access and Roadside Management Standards Manual shall serve as a guide for this Analysis, which shall include identification of the following:

      a. Access improvements that the applicant must install at his or her expense, such as deceleration lanes.

      b. The location of any curb cuts based on, but not limited to sight distances, existing roadway infrastructure, opposing driveways locations and shared access.

      c. Requirements for adequate driveway design, including but not limited to, turning radius and stacking distance.

   2. The access requirements approved by the Administrator shall be incorporated on development or subdivision plans prior to their approval.

3. 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.

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. 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 (Section 7.3.3.L.)

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

    i. 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.

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

    iii. 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.

    iv. 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 city'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. **Completeness:** The Technical Review Committee (TRC; see Division 10.6) 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.

I. **Action on Traffic Impact Analysis Plan:** The 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.

J. **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.

K. **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.

L. **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.

7.4: CIVIC AND OPEN SPACE

7.4.1 PURPOSE AND INTENT

A. **Intent:** Open space and civic spaces are intended for the use and enjoyment of a development's residents, employees, or users. These spaces serve to preserve natural areas, ensure access to open areas and recreation, reduce the heat island effect, enhance stormwater quality, and provide public health benefits.

B. **Purpose:** The purpose of this Division is to provide a set of Civic and Open Space types and their associated standards to use within all districts. Civic and Open Space types in this section are distinct from those areas that are environmentally sensitive and must be otherwise protected as regulated through Article 8 (Environmental Protection.)

C. **Applicability:** See Section 7.1.2

7.4.2 CIVIC/OPEN SPACE DEDICATION REQUIREMENT

A. **Minimum Set-Aside Requirement:** Development in all districts shall set aside the minimum amounts of open space and/or civic space set-aside identified below:

REQUIRED IMPROVEMENTS	T1	T3-S	T3-N	T4-HN	T4-NC	T5-DC	T5-UC	RMX	IC	LI	MHP
Open/Civic Space Dedication Requirement	50%	20%	10%	exempt	exempt	exempt	exempt	exempt	exempt	exempt	10%
[1] 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.											

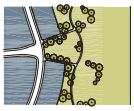
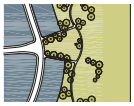
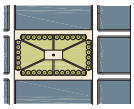
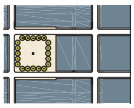
B. **Areas to be Included in Civic/Open Space Set-Aside Calculations:** The features and areas identified in Section 7.4.3, shall be credited towards the set-aside requirements for the purposes of complying with this Article.

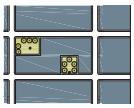
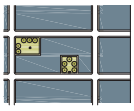
C. **Areas not to be Included in Set-Aside Calculations:** The following areas shall not be counted toward set-aside requirements:

1. Private yards not subject to an open space or conservation easement.
2. Public road rights-of-way or private street easements, including sidewalks located within those rights-of-way or easements.
3. Open parking areas and driveways for dwellings.
4. Land covered by structures not designated for active recreational uses.
5. Designated outdoor storage areas.

7.4.3 CIVIC AND OPEN SPACE TYPES

Civic/Open Spaces shall conform to one of the 9 types in the table below.

CIVIC/ OPEN SPACE TYPE	DIAGRAM	DESCRIPTION	PERMITTED DISTRICTS	SERVICE AREA/ SIZE	CHARACTER	TYPICAL FACILITIES
Regional Park/Natural Preserve		A natural preserve available for unstructured recreation. May contain small civic buildings and areas of structured activity, but is primarily left natural.	T1	Regional Min: 200 acres* Max: None *natural preserves with no structured activity have no minimum size	Frontage: Independent Disposition: Natural, Formal or Informal	Passive and Active Recreation; Drinking Fountains; Community Facility < 7,500 gross square feet; Paths and Trails
Sport Complex		An open space that consolidates heavily programmed athletic fields and associated facilities. An open space available for unstructured recreation and a limited amount of structured	T1	Regional Min : 25 acres Max: None	Frontage: Independent Disposition: Formal or Informal	Passive and Active Recreation; Drinking Fountains; Community Facility < 7,500 gross square feet; Paths and Trails
Community Park		An open space available for unstructured recreation and a limited amount of structured recreation. May contain a limited amount of athletic fields.	T3 T4	Multiple Neighborhoods Min: 8 acres Max: None	Frontage: Independent Disposition: Informal	Passive and Active Recreation; Drinking Fountains; Community Facility < 5,000 gross square feet; Paths and Trails
Greenway		A linear open space that may follow natural corridors providing unstructured and limited amounts of structured recreation.	T1 T3 T4 T5	Multiple Neighborhoods Min: 8 acres Max: None	Frontage: Independent or Building Disposition: Natural or Informal	Passive and Active Recreation; Drinking Fountains; Community Facility < 5,000 gross square feet; Paths and Trails
Square/ Green		An open space available for civic purposes, unstructured and limited amounts of structured recreation. Can be located along waterfronts.	T4 T5	Neighborhood Min: 0.5 acres Max: 5 acres	Frontage: Building Disposition: Formal	Passive and Active (unstructured or structured) Recreation; Accessory Structure; Drinking Fountains; Community Facility <5,000 gross square feet; Paths and Trails
Plaza		A formal open space available for civic purposes and commercial activities. Plazas are typically hardscaped. Can be located along waterfronts.	T4 T5	Neighborhood Min: 0.5 acres Max: 2.5 acres	Frontage: Building Disposition: Formal	Passive Recreation; Accessory Structure; Drinking Fountains; Paths and Trails

CIVIC/ OPEN SPACE TYPE	DIAGRAM	DESCRIPTION	PERMITTED DISTRICTS	SERVICE AREA/ SIZE	CHARACTER	TYPICAL FACILITIES
Pocket Park/ Pocket Plaza		An open space available for informal activities in close proximity to neighborhood residences. Pocket Plazas are usually paved.	T4 T5	Neighborhood Min: 4,000 square feet Max: 0.5 acre	Frontage: Building Disposition: Formal or Informal	Passive Recreation; Accessory Structure; Drinking Fountains; Paths and Trails
Playground		An open space designed and equipped for the recreation of children. A Playground should be fenced and may include an open shelter. Playgrounds may be included within other civic spaces.	T3 T4 T5	Neighborhood Min: None Max: None	Frontage: Independent or Building Disposition: Formal or Informal	Accessory Structure; Drinking Fountains; Paths and Trails

Notes:
1. The illustration and description of each civic space type is illustrative in nature and not regulatory.

The following provisions apply to the 8 Civic/Open Space Types listed in the table:

A. **Playgrounds and Community Gardens:** These Civic/Open Space may be incorporated into any of the other Civic/Open Space types – except Natural Preserve – or may stand alone.

B. **Waterfront:**

1. Developments that contain waterfront access must include some type of public access to at least 50% of the waterfront. A public easement shall be designated across all public access areas.
2. Any Civic/Open Space set-aside that includes portions of the waterfront shall be designed with at least 50% of the waterfront area as Natural Preserve. There shall be a public access easement designated across all waterfront parcels in set-asides.

C. **Illustrative Standards:** The columns titled "Diagram," "Description," and "Typical Facilities" of the table of Civic/Open Space Types are illustrative only.

D. **Regulatory Standards:** The following elements shall be regulatory:

1. **Service Area:** Describes how the space relates to the City as a whole and the area that will be served by the Civic/Open Space.
2. **Size:** The permitted size for each Civic/Open Space.
3. **Frontage:** The relationship along property lines of a Civic/Open Space to adjacent buildings or lots.
   a. Building: Civic/Open Spaces that are listed as having a "building" frontage shall have the fronts of buildings, either attached to the park or across a street, facing onto the space for a minimum of 75% of the perimeter.
   b. Independent: Civic/Open Spaces that are listed as having an "independent" frontage shall have the fronts of buildings, either attached to the park or across a street, facing onto the space to the maximum extent possible, but may have the side or rear of a building or lot front onto the space. The side or rear of a building or lot fronting onto the Civic/Open Space shall be designed with a secondary frontage and entrance along the space.
4. **Disposition:** The character of the design of the Civic/Open Space.
   a. Natural: Civic spaces with natural character are designed in a natural manner with no formal arrangement of elements.

b. Formal: Civic spaces with a formal character have a more rigid layout that follows geometric forms and has trees and other elements arranged in formal patterns.

c. Informal: Civic spaces with an informal character have a mix of formal and natural characteristics.

5. **Food Production:** Community Gardens and other Civic/Open Spaces may be used to grow food. See Section 8.4.3 for specifications and requirements.

7.4.4 DESIGN OF CIVIC AND OPEN SPACES

A. **Design Standards for Civic/Open Space:** Land used as Civic/Open Space shall meet the following design standards:

1. **Location**

a. Where relevant and appropriate, the land shall be located so as to be readily accessible and usable by residents and users of the development. To the maximum extent practicable, a portion of the set-aside space should provide focal points for the development.

b. Common space set aside for children's play areas and other recreational activities should be clearly visible from the dwelling units on the site.

2. **Configuration:**

a. The land configuration should be compact and contiguous unless it is used for continuation of an existing trail, or if specific natural or topographic features require a different configuration.

b. The land shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge any open areas, trails, parks, or other open space resources that exist or are planned adjacent to the development.

3. **Provision in Multi-Phase Developments:** In multi-phase developments, open space set-asides may be calculated either by phases, or by collectively looking at the development as a whole.

B. **Accessory Structure Standards:** All accessory structures within parks and open spaces, including, but not limited to, rest rooms, open-air pavilions, gazebos, picnic shelters and outdoor theaters, shall not be subject to the physical requirements of the building form or siting standards in Article 2 (Map & Districts). They shall be designed to be consistent with the character of the district in which they are located. Such consistency may require accessory structures to maintain building setbacks, frontage, massing, disposition and character similar to adjacent development as determined by the Administrator.

7.4.5 OWNERSHIP OF DEDICATED CIVIC/OPEN SPACE

A. Dedicated Civic/Open Spaces areas shall be maintained as permanent open space and/or civic space through one or more of the following options:

1. Establishment of an entity to manage and maintain the Civic/Open Space by the property owner, in a form that ensures long-term maintenance and management;

2. Conveyance of the land to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintaining it for its intended purposes;

3. Conveyance of the land to a third party beneficiary, such as a nonprofit environmental or

civic organization, that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes; or

4. Dedication of the land to the City or other appropriate public agency that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes.

B. If a Civic/Open Space is to be conveyed to a property owners' or homeowners' association, the association shall be established in accordance with the following:

1. The landowner shall submit documents for the creation of the property owners' or homeowners' association to the City for review and approval. The documents shall include the association's bylaws, a legal description of open space set-aside areas, and all documents governing ownership, maintenance, and use restrictions for the set-aside.
2. Documents for the creation of the association shall provide that membership in the association is automatic (mandatory) for all purchasers of land, dwelling units, or structures in the development, and their successors in title, and that the association shall have clear legal authority to compel contributions from members to cover their proportionate share of the costs associated with the maintenance of common areas and facilities.
3. The landowner shall agree that the association shall be established (with all required documents for its creation properly recorded), and operating (with financial subsidization by the landowner or applicant, if necessary) before approval of the first Building Permit for the development.

C. If a Civic/Open Space is to be conveyed to a third party beneficiary, such as a non-profit civic organization, then the conveyance shall include deed restrictions that:

1. Govern the use, management, and maintenance of the Civic/Open Space, consistent with the standards in this Division;
2. Run with the land in perpetuity; and
3. Include any other provisions the City Attorney deems necessary and appropriate to fulfill the requirements of this Section.

D. All methods utilizing private ownership shall include deed restrictions, covenants, or other legal instruments that ensure continued use of the land and facilities for their intended uses and provide for the continued and effective management, operation, and maintenance of the land and facilities.

7.4.6 MAINTENANCE OF CIVIC/OPEN SPACES

A. Maintenance of Civic/Open Space areas shall be the responsibility of the owner(s) of the land making up the areas. Open space areas or other community facilities shall be maintained in accordance with the approved:

1. Development Design in accordance with Section 9.8 (Development Design Review);
2. Special Exception in accordance with Section 9.13 (Special Exception); or
3. Subdivision in accordance with Section 9.9 (Subdivision Review), whichever is appropriate.

B. Failure to maintain Civic/Open Space areas or other community facilities shall be a violation of this Code subject to the remedies and penalties in Article 12 (Vilolations & Enforcement).

C. If the owner of an Civic/Open Space fails to maintain it in reasonable condition, and in

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8: ENVIRONMENTAL & RESOURCE PROTECTION

8.1: PURPOSE AND APPLICABILITY

8.1.1 PURPOSE AND APPLICABILITY

A. **Purpose:** To protect and maintain the City's community character and natural resources, this Division establishes basic standards to protect natural systems, wildlife habitat, species diversity, and water quality.

B. **Applicability:** These resource protection standards apply to all development in the City of Beaufort, unless expressly stated otherwise in this Article.

C. **Review for Compliance:** Review for compliance with the standards of this Article shall occur during review of the following:

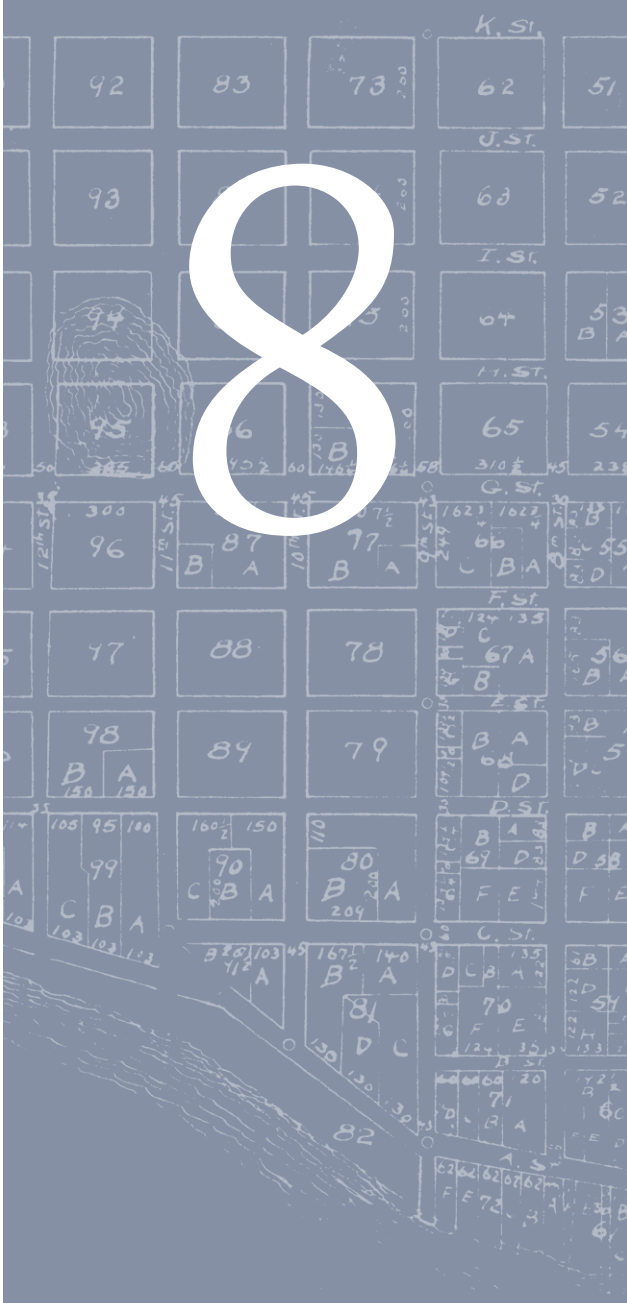
1. Special Exception (Section 9.13);
2. Development Design Review (Section 9.8); or
3. Subdivision Review (Section 9.9), whichever occurs first.

8.1.2 CRITICAL AREA BUFFER *[adapts 7.c.v.4; 6.5.I.5]*

A. **Critical Area Buffer Required:** A Critical Area Buffer shall be established on all property located adjacent to a Critical Line.

B. **Purpose:** The purpose of the buffer is to preserve or restore the native landscap along the marsh edge. This serves to mitigate the impact of tropical storms and hurricanes; 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.

C. **Delineation of Buffer:** The buffer shall be measured inward from the critical line as defined and established by South Carolina Office of Coastal and Resource



SECTIONS

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Management (OCRM).

1. Transect-based Zones: 30 feet minimum
2. Conventional Zones: 50 feet minimum

D. **Development and Removal of Vegetation Prohibited:** 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 subsection and to provide for reasonable sight lines, with the following exceptions:

1. Paths, steps, decks, gazebos up to 80 square feet, yard sculpture and furniture, docks, playground equipment, paths, and streets and sidewalks accessible to the public, erosion control devices (not stormwater ponds), and any other elements linked to the critical area which are permitted by OCRM are permitted in the Critical Area Buffer.
2. Lots in a Transect-based zoning district, with bulkheads existing at the time of adoption of this ordinance, are exempt from the provisions of this section.

8.2: STORMWATER *[7.7]*

8.2.1 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:

A. 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

B. Minimize increases in stormwater runoff from new development or redevelopment to the maximum extent practical for the applicable design storms in order to reduce flooding, siltation, erosion, increases in temperature, and to maintain the integrity of stream channels, marshes and aquatic habitats; and

C. Minimize increases in non-point and point source pollution caused by stormwater runoff from development that would otherwise degrade local water quality; and

D. 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 BMPs; and

E. 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.

8.2.2 APPLICABILITY

A. **Exemptions:** The standards established in this Section shall apply to all proposed development within the City, except for the following exemptions:

1. Any maintenance, alteration, 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, or volume of stormwater runoff discharge;
2. Development where adequate drainage exists of fewer than 4 residential dwelling units that are not part of a phase of a larger development, not involving a main drainage canal;

3. Site work or redevelopment on existing sites less than two acres where impervious area is increased by less than 2%;
4. 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);
5. Agricultural activity not involving relocation of drainage canals; or
6. 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.

B. Golf courses are required to comply with the latest version of the 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.

C. **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.

D. **Table of Applicability**

TRANSECT DISTRICT OR CONTEXT	EXEMPT	RUNOFF VOLUME CONTROL	PHOSPHORUS & NITROGEN LOADS	BACTERIA
T1 (e.g., Southside Park)	■	---	---	---
Infill: A parcel less than 4 acres that is served by existing roads; properties may have been developed at one time				
T3 Infill (e.g., Pigeon Point, NWQ, Mossy Oaks)	---	■	---	□ Compliance for Battery Creek Watershed Only
T4/T5 Infill or Redevelopment <4 acres (e.g., Downtown, Boundary Street-East)	---	□	---	□ Compliance for Battery Creek Watershed Only
Greenfield: A parcel over 2 acres that has no current development or less than 5% impervious coverage.				
IC, RMX (e.g., Beaufort Memorial Hospital)	---	■	■	■
T3 Greenfield (e.g., Burton)	---	■	■	■
T4/T5 Greenfield (e.g., Whitehall)	---	■	□	---
Redevelopment Sites: areas greater than 4 acres that are currently developed or have over 10% impervious coverage.				
No increase in impervious coverage	■	---	---	---

■ = Required Compliance □ = Compliance to the extent practical determined by the Administrator --- = Compliance not required

TRANSECT DISTRICT OR CONTEXT	EXEMPT	RUNOFF VOLUME CONTROL	PHOSPHORUS & NITROGEN LOADS	BACTERIA
With up to 10% increase in impervious coverage	---	■ Compliance for New Impervious Area Only	---	---
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
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 --- = Compliance not required

8.2.3 STANDARDS

A. **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), or the appropriate section of the latest version of that document, which is incorporated herein by reference.

B. **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 requirements 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%

C. **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.

D. 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.

1. Stormwater BMPs shall be selected in keeping with the applicable district as established in Article 2 of this code.
2. 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.
3. Where possible, stormwater BMPs should be shared between multiple parcels, and considered at a block or regional level.

8.2.4 BMP PLANNING AND SELECTION

A. **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 Technical Review Committee (TRC). Review of stormwater management for development and redevelopment will be undertaken during all phases of the development review process.

B. Stormwater BMPs shall be selected in keeping with the applicable district as indicated in the table 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 TRANSECT ZONE*	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	IC	LI
Wet Detention Basin	■	■	■					■	■	■
Extended Dry Detention Basin	■	■						■	■	■
Modified Extended Dry Detention Basin	■	■	■					■	■	■
Infiltration Trench			■	■	■					
Dry Well				■	■	■	■			
Grass Swale with Check Dams	■	■		■				■	■	■
Biofiltration Swale / Rain Garden	■	■	■	■	■			■	■	■
Bioretention		■	■	■	■		■	■	■	■
Underground Vault/Cistern			■	■	■	■				
Innovative Technology		■	■	■	■	■	■	■	■	■
Other BMPs subject to discretion of the Administrator		■	■	■	■	■	■	■	■	■

*As listed in the Beaufort County BMP Manual

■ = Recommended for this zone; blank box indicates that tool is not recommended for the zone

C. **Rainwater Cisterns - Additional Standards:**

1. **Location:** When utilized, rainwater cisterns shall be located directly adjacent to the principal structure on a lot. Rainwater cisterns shall not be located within front, side, or rear setbacks, unless the cistern is below 5 feet in height.
2. **Capture Water from Principal or Accessory Structure:** Rainwater cisterns shall be affixed to capture rainwater from the principal structure or accessory structure's gutter system.
3. **Not Signage:** Rainwater cisterns shall not serve as signage.
4. **Comply with Other City Policies:** Water collected from rainwater cisterns shall be used in a manner that complies with City policies and regulations on rainwater harvesting.

8.3: ARCHEOLOGICAL IMPACT ASSESSMENT

8.3.1 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 determination 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 this Section, 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 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 proposed 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 Historic Review Board should review the project and 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 to penalties prescribed in this Code and additional penalties prescribed by the South Carolina Code of Laws.

D. **Accidental Findings:** If, during the course of a construction project, any historic artifacts or structures are encountered, work must stop immediately and the Administrator must be notified.

E. **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.

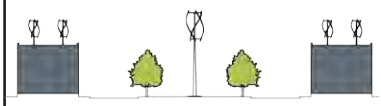
F. **Mitigation**

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. The Administrator may choose to bring the project to the Historic Review board to make the determination as to whether or not Adverse Effects exists.
   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 curation 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.

8.4: RENEWABLE RESOURCES

8.4.1 SMALL WIND ENERGY SYSTEMS

A SMALL WIND ENERGY TYPES	DIAGRAM	SPECIFICS	T-ZONE
1. Wind Farm: a series of wind turbines that may be either ground mounted or roof mounted on a flat roof.		**Setbacks:** turbines must be setback a minimum of 50' from any T3, T4 or T5 zoning district. **Height:** 100 feet max.	T1, LI, RMX
2. Horizontal Access Wind Turbine: a Wind Turbine with its rotor on the horizontal axis, similar to an airplane propeller. these turbines are suited for the more rural T-zones because it generally requires a large (20 foot) radius for the rotating blades. In addition, the head must rotate in order to receive wind from any direction.		**Quantity:** 1 per 4,000 square feet of lot area **T3-S:** power output limited to 10kw **All other zones:** power output limited to 100kw **Height:** 100 feet max.	T1, T3-S,RMX, IC, LI
3. Vertical Access Wind Turbine: a Wind Turbine with its rotor on the vertical axis. Blades are usually helical and the device is usually more compact than the Horizontal Axis Wind Turbine. It does not have to rotate to face the prevailing wind. is suited for the more urban T-zones because it is significantly smaller than the horizontal axis type, sometimes only 4-5 feet in diameter, and less noisy. These are designed to operate with non-directional wind current, which makes them easier to accommodate, and more attractive in urban areas when in proximity to buildings. For further information see www.quietrevolution.com.		**Quantity:** 1 per 1,000 square feet of roof area **T3:** power output limited to 10kw **All other zones:** power output limited to 100kw **Height:** 80 feet max.	T3,T4, T5, RMX, IC, LI
4. Public Furniture: these are applications where wind turbines may be located within a public right-of-way.		**Location:** Must be incorporated into approved street section. See Appendix C. **Height:** 80 feet max.	T4, T5, RMX, IC

A. **Applicability:** Wind turbines are considered accessory uses and are permitted in the Zoning Districts stated in the above chart. Any structure in the historic district that is visible from the street must be approved by the Historic District Review Board (Section 10.7).

B. **Location and Setback:**

1. All small wind energy facilities shall not be located between a principal building and any adjacent streets.
2. Setbacks shall be the same as the Primary Structure unless noted otherwise in the chart above. This includes setbacks for guy wires and other support devices if needed.

C. **Sound:** Sound produced by the wind turbine under normal operating conditions, as measured at a lot line, shall not exceed 55 dBA. The 55 dBA sound level, however, may be exceeded during short-term events that occur beyond the property owner's control, such as utility outages and/or severe wind storms.

D. **Appearance:** The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white, or galvanized steel).

E. **Blade Clearance:** The blade tip or vane of any small wind energy facility shall have a minimum ground clearance of 15 feet above grade, as measured at the lowest point of the arc of the blades.

F. **Lighting:** No illumination of the turbine or tower shall be allowed, unless required by the FAA.

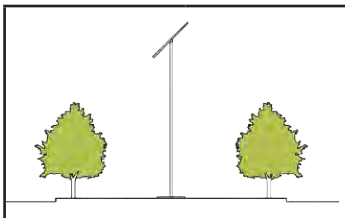
G. **Access to Tower:** Any climbing rungs shall be removed to a height of 12 feet above grade.

H. **Signage Prohibited:** Signage visible from any public street shall be limited to the manufacturer's or installer's

identification, appropriate warning signs, or owner identification.

I. **Abandonment:** On determining that a small wind energy facility has been inoperable for 180 days or more, the Administrator shall send the property owner notice requiring restoration of the system to operating order within 180 days after receiving the notice. If the owner fails to restore the system to operating condition within the authorized time frame, the owner shall be required, at the owner's expense, to remove the wind turbine from the tower for safety reasons. If the owner fails to remove the wind turbine from the tower, the City may pursue legal action to have the wind turbine removed at the owner's expense.

8.4.2 SOLAR ENERGY SYSTEMS

SOLAR ENERGY TYPES	DIAGRAM	SPECIFICS	T-ZONE
1. Solar Farm: a series of solar panels that may be either ground mounted or roof mounted.			T1, LI, RMX
2. Roof Mounted Solar Panels: panels that are either mounted on a sloped roof or flat roof.			all zones
3. Public Furniture: these are applications where solar panels may be located within a public right-of-way.			T3,T4, T5, RMX, IC, LI

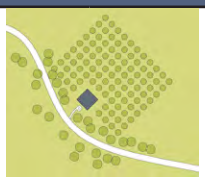
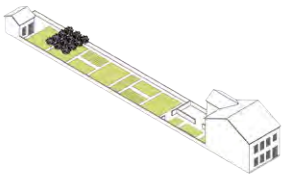
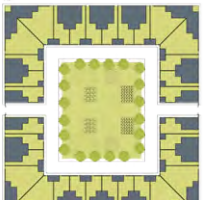
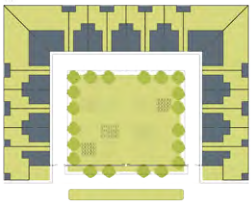
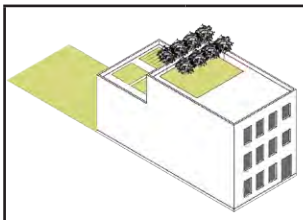
A. **Applicability:** Solar energy systems are considered accessory uses and are permitted in the Zoning Districts stated in the above chart. Any structure in the historic district that is visible from the street must be approved by the Historic District Review Board (Section 10.7).

B. **Height:** The system shall comply with the maximum height standards for the zone in which it is located. Units may be angled but shall not be elevated above the roofline of the structure on which it is mounted.

C. **Nonconforming Structure-Height:** Where an existing structure exceeds the applicable height limit, a solar energy collection system may be located on its roof irrespective of applicable height standards, provided the system extends no more than 5 feet above the roof surface.

D. **Easements:** The property owner shall be responsible for negotiating with other landowners in the vicinity to establish any solar easement designed to protect solar access for the solar energy collection system.

8.4.3 FOOD PRODUCTION

FOOD PRODUCTION TYPES	DIAGRAM	SPECIFICS	ZONING DISTRICT
1. Farm: a primary or secondary use for a property. See Section 3.2 for primary use applications. Typically, a farm is a parcel of land where the majority of the acreage is devoted to crop production.			T1, T3, LI, IC
2. Vegetable Garden: a small portion of a residential parcel that is devoted to growing food.		**Location:** These are typically situated behind the primary structure. In T3 zones, they may also be in the front provided that they are well maintained.	T3,T4, IC
3. Community Garden (a.k.a. Allotment Garden): a mid-block area, typically divided into plots for the surrounding residents to grow food. These gardens provide a locus of recreation and sociability greater than that of the private yard, being one of the so-called third places.		**Management:** These are not privately owned, and are typically managed by a municipality , non-profit or association.	T3, T4, T5, RMX, IC
4. Urban Farm: an area fronted by houses that is used for growing crops. It may be leased to one farmer, or split into plots for use by the residents. These may be temporarily created on vacant lots, or planned as part of block redevelopments or new neighborhoods.		**Management:** These are not privately owned, and are typically managed by a municipality , non-profit or association	T4, T5, RMX, IC
5. Green Roofs & Container Gardens: utilizing areas within and on a building/parking area for growing spaces. Green roofs consist of areas on tops of flat roofs that are used for gardens. They also mitigate carbon emissions and reduce storm water runoff. Container gardens, such as window boxes or balcony gardens, create small places for food production while enhancing the urban realm.			T4, T5, RMX, IC, LI

This table shows ways of incorporating types of local food production along the Transect. Cities are increasingly allowing urban agriculture for household use, to encourage lower-cost food supplies and reduction in the energy consumption for food transport.

A. **Applicability:** Food production is considered accessory uses, except as noted above in "Farms," and are permitted in the Zoning Districts stated in the above chart.

B. **Open Space Requirement:** These food production areas may be counted toward the Civic/Open Space allocation if they are open to the neighborhood at predictable hours or are visible from an adjacent Civic/Open Space in a way that contributes to the enjoyment of that Civic/Open Space (Section 7.4.3)

C. **Location and Setback:** These may encroach into any side and rear setbacks. They may encroach into front setbacks in T3 DIstricts, and in other Districts at the discretion of the Administrator. Associated structures must meet the setback requirements for accessory structures per the zoning district (Section 2.4.1 and 2.4.2).

D. **Animals:** Rules on animals related to food production are located in City Code of Ordinances, Chapter 4.

9: DEVELOPMENT REVIEW PROCEDURES

9.1: PURPOSE AND GENERAL PROVISIONS

9.1.1 PURPOSE

In order to establish an orderly process to develop land within the jurisdiction of the City of Beaufort, the purpose of this Article is to provide a clear and comprehensible development process that is fair and equitable to all interests, including the applicants, affected neighbors, city staff and related agencies, and the City Council.

9.1.2 APPLICABILITY

The provisions of this Article shall be applicable to all development activity under the jurisdiction of the City of Beaufort.

9.1.3 CONFORMITY WITH CODE

The Administrator shall not issue a permit or license for any use, building, or purpose that conflicts with any provision of this Code. Any permit, license or certificate issued in conflict with the provisions of this Code, whether intentionally or unintentionally, shall be null and void.

9

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9.1.2 PERMIT/PROCESS TYPE TABLE

PERMIT/PROCESS TYPE	SECTION	PERMIT/PROCESS TYPE	REVIEWING AGENCY	PUBLIC NOTIFICATION (9.1.3)	APPROVING AGENCY	APPEAL PROCESS	PERMIT PERIOD	PERMIT EXTENSION
ADMINISTRATIVE PERMITS								
Zoning Permit	9.5	Administrative	Admin	None	Admin	ZBOA	6 months	6 months, 1 time
Building Permit	9.5	Administrative	Admin	None	Admin	ZBOA	6 months	resubmit
Certificate of Compliance	9.5	Administrative	Admin	None	Admin	ZBOA	n/a	n/a
Certificate of Occupancy	9.6	Administrative	Admin	None	Admin	ZBOA	n/a	n/a
DEVELOPMENT DESIGN REVIEW								
Development Design Review, Minor	9.7	Administrative	Admin	None	Admin	DRB	24 months	12 months, up to 5 times
Development Design Review, Major	9.7	Discretionary	Admin	None	DRB	Court 30 days to appeal	24 months	12 months, up to 5 times
SUBDIVISION REVIEW								
Subdivision, Minor, Site Plan	9.8	Administrative	Admin	None	Admin	MPC	24 months	12 months, up to 5 times
Subdivision, Major, Site Plan	9.8	Discretionary	Admin TRC	None	MPC	Court	24 months	12 months, up to 5 times
Subdivision Final Plan	9.8	Administrative	Admin TRC	None	Admin	MPC	24 months	12 months, up to 5 times
HISTORIC PRESERVATION								
Certificate of Appropriateness, Minor	9.9	Administrative	Admin	Demolition Only: Yes (1,2, 3)	Admin	HRB	24 months	12 months, up to 5 times
Certificate of Appropriateness, Major	9.9	Discretionary	Admin	Demolition only: Yes (1,2)	HRB	Court 30 days to appeal	24 months; no expiration for Demolitions	12 months, up to 5 times
Local Historic District/ Historic Sign Designation	9.10	Legislative	Admin, MPC, HRB	None	CC	Court	n/a	n/a
RELIEF								
Administrative Adjustment	9.11	Administrative	Admin	None	Admin	ZBOA	24 months	12 months, up to 5 times
Special Exception	9.12	Discretionary	Admin	Yes (1, 2)	ZBOA	Court 30 days to appeal	24 months	12 months, up to 5 times
Variance	9.13	Discretionary	Admin	Yes (1, 2)	ZBOA	Court 30 days to appeal	24 months	12 months, up to 5 times
ADMINISTRATION APPEALS								
Administrative Appeal	9.14	Discretionary	Admin	Yes (1)	ZBOA	Court 30 days to appeal	12 months	6 months
AMENDMENTS								
Code Amendments	9.16	Legislative	Admin, MPC	Yes (1, 2 & 3)	CC	Court 30 days to appeal	n/a	n/a

Admin–Administrator / MPC–Metropolitan Planning Commission / CC–City Council / ZBOA–Zoning Board of Appeals / HRB–Historic District Review Board / DRB–Design Review Board / TRC–Technical Review Committee / Court

9.1.3 PUBLIC NOTIFICATION *[adapts 3.1.H]*

All public meetings must be posted and advertised with the media at least 24 hours prior to the meeting. The following procedures have been established for development applications/ petitions that require additional notification of the public prior to consideration and/ or approval.

A. **Level 1 - Published Notice**

1. **Required Notification Type:** A distinctive advertisement (Public Hearing Notice) shall be placed by the Administrator in a local newspaper of general circulation within the City.
2. **Required Period of Notice:** This notice shall be published not less than 15 calendar days prior to the meeting.
3. **Content of Notice:**
   a. The general location of land that is the subject of the application;
   b. The tax map and parcel number, and street address if available;
   c. The substance of the application, including the magnitude of proposed development and the current zone;
   d. The time, date and location of the public hearing;
   e. A phone number to contact the City; and
   f. A statement that interested parties may appear at the public hearing.

B. **Level 2 - Posted Notice**

1. **Required Notification Type:** A notice of application sign shall be posted by the Administrator. The sign shall be posted on the subject property in a location clearly visible from each street adjacent to the property.
2. **Required Period of Notice:** This notice shall be posted not less than 15 calendar days prior to the meeting at which the application will be reviewed.
3. **Content of Notice:**
   a. Type of application;
   b. The date of the public hearing; and
   c. A phone number to contact the City.

C. **Level 3 - Mailed/Emailed Notice:**

1. As a courtesy, the City may choose to provide mailed and/or emailed notice in accordance with City policy which may be amended from time to time.
2. For Demolition of structures listed on the most recent Above-Ground Historic Sites Survey which are located outside of the Historic District, written notice to members of the Historic Review Board, Historic Beaufort Foundation, and neighbors within 200 feet of the property will be required at least 15 days before any permit is issued.

9.1.4 DECISION BASED ON PUBLIC HEARING *[adapts 3.1.J]*

A decision shall be made by the appropriate review body within 60 days of the close of the required public hearing.

9.1.5 WRITTEN NOTICE OF DECISIONS REQUIRED *[adapts 3.1.K]*

Within 10 calendar days after a final decision is made by any Board under the requirements of this Code, 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.

9.1.6 TIME LIMITS FOR RE-SUBMISSION OF APPLICATIONS *[adapts 3.1.L]*

In the event that any application required under this Code is denied or disapproved, an application for exactly 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 6 months from the original public hearing date upon a determination that:

A. Significant physical, economic or land use changes have taken place on the subject tract or within the immediate vicinity; or

B. A text amendment has been adopted that would allow for favorable review of a resubmitted application for the subject property.

9.1.7 VESTED RIGHTS AND EXPIRATION OF APPROVALS *[adapts 3.1.M]*

A. **General:** Approval of any application pursuant to this Code 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.

B. **Vested Rights for Final Development Plans/Plats:** A vested right is established for 2 years upon the final approval of a development plan, plat, or phased development plan. An applicant shall have 2 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 may receive up to 5 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 Code has been adopted that prohibits approval.

1. 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 Division.

2. A vested right is subject to revocation by the City Council, 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.

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

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

5. 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

C. **Time Limitations For Other Types Of Approval**

1. All permits and approvals not referenced in Subsection 9.1.7.B, shall expire as shown in Section 9.1.2 Permit/Process Type Table without further action, unless the holder of the permit or approval either submits a complete application for the appropriate subsequent permit, approval or extension; or, if no subsequent permit, approval or extension is required, completes the work described in the permit or approval, within the time frames established.
2. Upon written request, an extension of an approval may be granted by the decision-making body for good cause for a period not to exceed that shown in Section 9.1.2 Permit/Process Type 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.

9.2: APPLICATION PROCEDURES

9.2.1 PRE-APPLICATION CONFERENCE *[adapts 3.1.A, 3.1.B]*

A. **Mandatory Pre-application Conference:** A pre-application conference with the Administrator shall be required prior to filing an application for the following approvals:

1. Subdivision Review involving the creation of new streets;
2. New Construction, except for detached single-family homes not part of a new subdivision;
3. Map Amendment (Rezoning); and
4. Text Amendment.

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

B. **Optional Pre-application Conference:** Prior to the submission of any application required by this Code, a potential applicant may request an optional pre-application conference to discuss procedures, standards or regulations required by this Code. Upon receipt of such request, the Administrator shall afford an opportunity for such a pre-application conference at the earliest reasonable time.

9.2.2 APPLICATION FORMS AND FEES *[3.1.C]*

The following regulations shall apply to all applications.

A. **Forms:** Applications required under this Code shall be submitted on forms and in such numbers as required by the City.

B. **Fees**

1. Filing fees shall be established from time to time by resolution of the City Council to defray the actual cost of processing the application;
2. All required fees shall be made payable to "The City of Beaufort"; and
3. 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, may request in writing a refund of 75% of the total amount paid.

9.2.3 APPLICATION DEADLINE *[3.1.D]*

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

9.2.4 COMPLETE APPLICATION REQUIRED *[adapts 3.1.E]*

A. The Administrator shall have 5 working days to review the application materials submitted and confirm that all the required items have been submitted.

B. If the application is not complete, the Administrator shall inform the applicant in writing within the 5-day period, specifying the ways in which the application is incomplete, and 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.

9.2.5 CONCURRENT PROCESSING *[3.1.F]*

Any applicant may submit an application for any sequential approvals (such as a Zoning Map Amendment and Site Plan) required under this Code 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.

9.3: APPLICATION REQUIREMENTS

The following general standards for various applications are intended to require only that data/information necessary to render an informed decision by the reviewing agency. A narrative explaining the scope of the project will be required for all applications. The "Application Submittal Requirements" list on file with the Administrator is intended to provide further guidance to applicants as to the necessary level of detail for each application component listed below.

PERMIT/PROCESS TYPE	SECTION	PRE-APPLICATION CONFERENCE (9.2.1)	SITE ANALYSIS (9.3.1.A)	SKETCH PLAN (9.3.1.B)	SITE PLAN (9.3.1.C)	CONSTRUCTION DOCUMENTS (9.3.1.D)	AS-BUILT DRAWINGS (9.3.1.E)	FINAL PLAT (9.3.1.F)	BUILDING ELEVATIONS (9.3.1.G)	TRAFFIC IMPACT ANALYSIS (7.X.X)	ARCHAEOLOGICAL IMPACT ANALYSIS (8.3)
ADMINISTRATIVE PERMITS											
Zoning Permit	9.4	See Administrator									
Building Permit	9.5	See Administrator									
Certificate of Compliance	9.4	See Administrator									
Certificate of Occupancy	9.6	See Administrator									
DEVELOPMENT DESIGN REVIEW											
Development Design Review, Minor	9.7		X (a)			X (a)			X (a)	X (a)	X (a)
Development Design Review, Major	9.7		X	X (a)	X	X	X		X (a)	X (a)	X (a)
SUBDIVISION REVIEW											
Subdivision, Minor, Site Plan	9.8			X							X (a)
Subdivision, Major, Site Plan	9.8	X	X		X					X (a)	X (a)
Final Subdivision Plat	9.8				X	X		X			X (a)
HISTORIC PRESERVATION											
Certificate of Appropriateness, Minor	9.9			X (a)	X(a)	X (a)			X (a)		
Certificate of Appropriateness, Major	9.9	X (a)	X	X (a)	X	X			X		X (a)
Historic District Designation	9.10	See Administrator									
RELIEF											
Administrative Adjustment	9.11	See Administrator									
Special Exception Permit	9.12		X (a)		X				X (a)	X (a)	
Variance Permit	9.13		X		X						
ADMINISTRATION APPEALS											
Administrative Appeal	9.14	See Administrator									
AMENDMENTS											
Amendments	9.15	X									

X = Required / X (a) = on an "as needed" basis as determined by the Administrator

9.3.1 APPLICATION ELEMENTS

A. **Site Analysis:** A Site Analysis is intended to identify forest stands or trees of a uniform size and species; specimen trees of varying sizes and species, particularly free standing or open-grown or field grown trees; a distinctive tree line or forest edge; existing watercourses and floodplains; previously documented Federal- or State-recognized endangered species habitats; and areas of historic, cultural, or archeological significance (see Section 8.3 as applicable). This requirement provides the City and the applicant the ability to evaluate the proposed development in order to preserve existing resources and to improve the appearance of the development proposed. It is the expectation that readily available spatial data, including GIS information, will be sufficient for this survey.

B. **Sketch Plan:** The Sketch Plan shall show in simple line drawing form the proposed layout of streets, lots, buildings, civic spaces, tree coverage and other features in relation to existing conditions based upon the size of the tract proposed for development. Sketch Plans shall be reviewed as binding documents for Certificates of Compliance, and for any other permits or approvals for which the Administrator requires only a Sketch Plan to be submitted with the application. Sketch Plans shall be used for non-binding review for all other development application processes in which they are required.

C. **Site Plan:** The Site Plan is intended to provide a detailed two-dimensional drawing that illustrates all of the required site features including buildings, parking areas, streets locations, street sections, rights-of-way, property lines and setbacks, required or proposed watercourse buffers, preserved trees and tree protection zones, site landscaping and lighting (in conceptual form), and all related development calculations (e.g., density, proposed building areas, number of parking spaces, estimated impervious surface, and proposed tree coverage) in sufficient detail to show compliance with this Code. Detailed engineering drawings such as subsurface utilities (e.g., water and sewer) and calculations for on-site stormwater facilities are not required for Site Plans.

D. **Construction Documents:** The Construction Documents for Development Design Review and Subdivision Plans shall constitute a full and complete set of engineered drawings necessary for final permitting and horizontal and vertical construction. This includes detailed landscaping plans, lighting plans, grading and drainage plans and stormwater calculations.

E. **As-Built Drawings:** The "as-built" plans shall show the final installed conditions and specifications for all public infrastructure. The designer of the infrastructure shall certify, under seal, that the installed infrastructure is in compliance with the approved plans and designs and with the requirements of this Code. A final inspection and approval by the Administrator shall occur before the release of any performance securities.

F. **Final Plat:** The Final Plat shall be prepared by a registered land surveyor, licensed to practice in the State of South Carolina and shall meet the requirements of the Beaufort County Register of Deeds Office. The Final Plat shall constitute an accurate survey of the entire phase as shown on the approved Site Plan and shall include all the relevant notes and certifications.

G. **Building Elevations for Design Review:** For certain applications, it may be necessary to submit scaled drawings of each elevation visible from a public street or civic space. These drawings should be in color and should accurately represent the building heights, floor levels, and building materials, and should include written identification of building materials. In addition, the Administrator may require a physical model or up to three drawings from different perspectives that will show how the building fits into the context of the block.

9.4: ZONING PERMIT *[revises 3.8 - 3.10]*

9.4.1 APPLICABILITY

A. **Only Required Permit:** A General Permit certifying compliance with this Code shall be the only type of approval required for the following activities:

1. Home Occupations as regulated by Section 3.4.3 (Home Occupations (Major and Minor)).
2. Temporary uses that do not materially affect the area's natural environment, parking requirements, transportation patterns, public health, or economic values (see Section 3.113Temporary Uses).
3. Conditional Uses not requiring a building permit.
4. Special Events.
5. Changes of use, and any uses permitted with additional standards per Article 3 (Land Use Provisions).
6. Removal of trees as regulated in Section 5.4 Tree Removal.

9.4.2 PROCESS AND APPROVAL

A. **Process Type:** Administrative.

B. **Pre-Application Procedure:** None.

C. **Required Application Information:** See Administrator.

D. **Public Notification:** None.

E. **Determination of Compliance:** Once an application is deemed complete by the Administrator, the Administrator shall review the application and approve or deny it based on compliance with the standards contained in this Code.

F. **Appeals:** Appeals of Zoning Permit 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 9.15 Administrative Appeals.

G. **Permit Validity:** Upon the approval of the Zoning Permit, the applicant shall have 6 months take action on the approval. If no action is taken, the permit becomes null and void, and the applicant must resubmit.

1. **Exception:** Tree Removal Permits have no expiration.

H. **Permit Extension:** The Administrator may grant a single extension of up to 6 months upon submittal by the applicant of sufficient justification for the extension. Permits issued for Temporary Uses may be renewed only if 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.

9.5: PROJECT PERMIT *[adapts 3.3]*

9.5.1 APPLICABILITY

A Project Permit shall be required for any building, structure or attachment to a structure to be erected, moved, added to, or structurally altered. This includes but is not limited to:

A. **Sitework:** Any modifications to a parcel of land, not to include construction of a

structure.

B. **New Construction & Expansion:**

1. Primary Building(s): New construction of all types of structures.
2. Accessory Structures or Uses: Accessory uses incidental to single-family residential structures (e.g., detached garage, swimming pool, tool shed) as regulated by Section 3.12 (Accessory Uses and Structures).
3. Building Expansions

C. **Signs:** Erection of new signs or modification to existing signs, including Master Sign Plans.

D. **Awnings:** Includes new awnings and awning re-covers

E. **Fences and Enclosures**

F. **Demolition:** Removal of existing buildings, structures or site work

9.5.2 PROCESS AND APPROVAL

A. **Process Type:** Administrative.

B. **Pre-Application Procedure:** For large-scale projects, a pre-construction meeting may be required. For all other projects, no meeting is required but applicants are encouraged to call or visit the Administrator prior to requesting a Project Permit to determine what information is required for the application.

C. **Required Application Information:** See Administrator. The application shall include all drawings and specifications required by building codes adopted by South Carolina Codes of Law (SCCL) Section 6-9-50.

D. **Determination of Conformity:** The review, approval and distribution of drawings and specifications required shall be coordinated by the Administrator in accordance with the building codes adopted by SCCL Section 6-9-50. Upon issuance of a permit, the Administrator shall endorse by writing or stamp, all sets of drawings showing approval. Such drawings shall be kept at the work site and made available for inspection by the Administrator upon request. Approved Project Permits shall be conspicuously posted by the applicant on the property for which it was obtained until the applicant has obtained Certificate of Occupancy pursuant to Section 9.7.

E. **Public Notification:** None required

F. **Appeals:** Appeals of Project Permit applications denied by the Administrator, not reviewed by the Building Codes Department, shall be taken to the Zoning Bord of Appeals (Section 10.3). The appeal of any Project Permit application requiring approval by the Building Codes department shall be taken to the Building Board of Appeals within 30 days of the decision, in accordance with the procedures found in City Code of Ordinances, Section 5-1005.1.

G. **Changes to Approved Plans:** If a project has undergone Design Review and received Design Approval or Certificate of Appropriateness as applicable, no changes between the design review set and the building permit set shall be permitted unless they are presented in writing and approved by the administrator at the time a Project Permit is sought. If the Administrator is not made aware of any changes, the plans submitted for Design Review will take precedence.

H. **Changes to Approved Permits:**

1. After a Project Permit has been issued, no changes or deviations from the terms of the permit or the application and accompanying plans shall be made without the specific written approval of such changes or deviations by the Administrator. Any exterior changes may require review and approval by the appropriate decision-making body.
2. An amendment to a Project Permit that requires payment of an additional fee, either because of an increase in the size of the buildings, a change in the scope of work, or an increase in the estimated cost of the proposed work, shall not be approved until the applicant has paid the additional fees and the amendment has been properly reviewed by the appropriate decision-making body.

I. **Notification and Approval Before Construction Begins**

1. Before any work begins pursuant to the Project Permit, the applicant shall furnish the Administrator with the name of the general contractors or the owner acting as the general contractor who will be performing the work;
2. The applicant or the applicant's authorized agent shall provide adequate advance notice to the Administrator at such time as the work is ready for inspection under the Building Code. Upon receiving such notification, the Administrator shall inspect the work.

J. **Licensed Specialty Contractor(s) May Be Required:** Where any local ordinances or any provision of the SCCL require that work be done by a licensed specialty contractor of any kind, no Building Permit for such work shall be issued unless it is to be performed by such licensed specialty contractor. It shall further be the contractor's responsibility to conform to all local ordinances and state building codes for all installations, or repairs of a building or utility system.

K. **Permit Validity:** Any Project Permit shall become null and void unless the work approved by the permit is commenced within 180 days after the date of issuance. No work shall be considered to have commenced for the purposes of this paragraph until an inspection has been made and recorded. If after commencement the work is discontinued for a period of 180 days, the permit shall immediately expire. Extensions of up to 180 days per request may be granted by the Administrator, but must be requested in writing prior to expiration of the permit. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured.

L. **Permit Extension:** None – must resubmit.

9.6: CERTIFICATE OF COMPLIANCE *[adapts 3.4]*

9.6.1 APPLICABILITY:

A Certificate of Compliance shall be required as part of a final site inspection for development work completed subsequent to a previously approved subdivision or site plan. It may also be required for a change in occupancy or use of an existing building to a conforming use.

9.6.2 PROCESS AND APPROVAL

A. **Process Type:** Administrative.

B. **Pre-Application Procedure:** n/a

C. **Required Information:** Upon completion of all development work and simultaneous with the applicant's request to the Administrator for a final site inspection, the applicant should submit the following documents to the Administrator for review and approval:

1. A registered engineer'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. A digital file of the as-built drawings, indicating accurate site conditions of pavements, parking spaces, utilities, structures, and drainage. This may be submitted after the Certificant of Compliance and Certificate of Occupancy (9.7) is issued.
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,

D. **Public Notification:** None

E. **Issuance of a Certificate of Compliance:** Upon determination of compliance, the Administrator shall complete a Certificate of Compliance and forward it to the applicant. A final Certificate of Occupancy (Section 9.7) shall not be issued by the Administrator until a Certificate of Compliance has been issued, in accordance with the provisions of this Division, for the site or phase thereof in which the building is located. The Administrator's approval of the Certificate of Occupancy may be accepted as Certificate of Compliance, unless a separate Certificate of Compliance has specifically been requested by the applicant.

F. **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 9.15 (Administrative Appeals).

G. **Permit Validity:** n/a

H. **Permit Extension:** n/a

9.7: CERTIFICATE OF OCCUPANCY *[adapts 3.4]*

9.7.1 APPLICABILITY:

A Certificate of Occupancy shall be required for occupancy and use of a building erected or enlarged.

9.7.2 PROCESS AND APPROVAL

A. **Process Type:** Administrative.

B. **Pre-Application Procedure:** n/a

C. **Required Application Information:** See Administrator

D. **Public Notification:** None

E. **Issuance of Certificate of Occupancy:** A final Certificate of Occupancy shall not be issued by the Administrator until a Certificate of Compliance (9.6) has been issued for the site or phase thereof in which the building is located and all outstanding Building Code issues have been satisfied.

F. **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 Code and the building code by the Administrator. 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 Code or the specific approval of the development are incomplete, a guarantee acceptable to the City equal to 125% of the costs of such improvements may be required to ensure the installation of the improvements.

G. **Appeals:** Appeals of Certificate of Occupancy 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 9.15 Administrative Appeals.

H. **Permit Validity:** n/a

I. **Permit Extension:** n/a

9.8: DEVELOPMENT DESIGN REVIEW *[revises 3.8]*

9.8.1 DEVELOPMENT DESIGN REVIEW (MINOR)

A. **Applicability:**

1. All structures in Transect Zones having 10,000 square feet or less, except Vehicle-Related Uses as defined in Section 9.7.2.A.2.
2. All structures in the RMX & IC Zones having 5,000 square feet or less.
3. All buildings, except single family residential structures, in developments, containing 24 or fewer residential units.
4. Demolition of structures of any size where no new building is proposed.
5. Improvements to existing non-residential or multi-family structures that do not exceed 75% of the market value of the existing improvements.

B. **Exceptions:**

1. Detached single-family homes on individual lots outside of the Historic District are not subject to Development Design Review. However they are subject to the Building Design Standards laid out in Article 4.
2. Projects in the Beaufort Historic District are not subject to Development Design Review, and shall instead be evaluated by the HRB for compliance with the Historic District Guidelines (see Division 9.10 Certificate of Appropriateness, Minor and Major.)

C. **Process Type:** Administrative. The Administrator may submit any applications subject to Staff approval to the Design Review Board for approval.

D. **Pre-Application Procedure:** No meeting is required, but applicants are encouraged to call or visit the Administrator to determine what information is required for the

application.

E. **Required Application Information:** Site Analysis (9.3.1), Site Plan (9.3.3) and Building Elevations for Design Review (9.3.7) (may be waived by Administrator as appropriate).

F. **Public Notification:** None

G. **Determination of Compliance:** Once an application is deemed complete by the Administrator, the Administrator shall review the application and approve, deny, or approve with conditions the plan based on compliance with the standards contained in this Code. All decisions shall be in writing. Following an approval or approval with conditions, the applicant shall be directed to prepare detailed Construction Documents (Section 9.3.1.D) for final approval by the Administrator.

H. **Appeals:** Appeals of the decisions of the Administrator shall be heard by the Design Review Board. Application for appeal must be made within 30 days of the decision.

I. **Permit Validity:** Upon the approval of the Minor Development Design Plan, the applicant shall have 2 years to obtain a Building Permit. Failure to secure Building Permits for the permitted work within this time shall render the compliance void. Any change to the approved plans that has not been authorized by the Administrator shall invalidate the Minor Development Design Plan and any subsequent Building Permits.

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

9.8.2 DEVELOPMENT DESIGN REVIEW (MAJOR)

A. **Applicability:**

1. **Civic and Educational Facilities:** Any new development classified as a Civic Facility or Educational Facility (see 3.2.3.A and 3.2.3.D)
2. **Vehicle-Related Uses:** Any new development which includes fuel-dispensing facilities, drive-thru facilities, or structured parking.
3. **Nonresidential Development:** More than 10,000 square feet of total floor area, not including porches.
4. **Residential Development:** Single-family attached or Multifamily developments with more than 24 units.
5. **Exceptions:**
   a. Lots in the Beaufort Historic District are not subject to Development Design Review, and shall instead be evaluated by the HRB for compliance with the Historic District Guidelines (see Section 9.10 Certificate of Appropriateness, Minor and Major.)
   b. Projects in Redevelopment District Overlay Districts (Section 2.7.3), are not subject to review by the Design Review Board and shall instead be evaluated by the Administrator. See Section 2.7.3.E.3.

B. **Process Type:** Discretionary.

C. **Pre-Application Procedure:** It is required that every applicant for a Major Development Plan meet with the Administrator prior to the submittal of an application. The purpose of this meeting is to provide clarification and assistance in the preparation and submission of plat for approval. It is recommended that the applicant provide a Sketch Plan (9.3.1.B)

to the Administrator prior to or at the pre-application conference. The provision of a sketch plan will allow the Administrator an opportunity to review the proposal before the applicant expends funds on the preparation of a detailed Site Plan.

D. **Required Application Information:** Site Analysis (9.3.1.A), Sketch Plan (9.3.1.B), Site Plan (9.3.1.C), Construction Documents (9.3.1.D), As-Built Drawings (9.3.1.E), Building Elevations for Design Review (9.3.1.G). A Traffic Impact Analysis (7.3.3) and/or Archeological Impact Analysis (8.3) may also be necessary as determined by the Administrator.

E. **Determination of Completeness:** The Administrator shall review the application to ensure that it is complete, prepare a report and recommendation on the application, and schedule the matter for a public review before the Design Review Board.

F. **Public Notification:** none.

G. **Neighborhood Meeting:** Optional.

H. **Public Meeting:** The Design Review Board shall hold a public meeting on the proposal. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard.

I. **Decisions/Findings of Fact:** Following the public meeting the Design Review Board may approve, deny, or approve with conditions the application for a Major Development Plan. No Major Development Plan shall be granted unless the following "findings of fact" can be made:

1. The plan is consistent with the adopted plans and policies of the City;
2. The plan complies with all applicable requirements of this Code;
3. There exists adequate infrastructure (transportation and utilities) to support the plan as proposed;
4. The proposed plan conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site; and
5. The proposed plan conforms to the Development Design Review Guidelines in Article 4 (Building Design).
6. The application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

J. **Time Frame for Review:** Applications for Major Development Design Plans shall be acted upon within 90 days after filing, otherwise the application shall be deemed approved and a permit shall be issued. An extension of time may be granted by mutual consent of the Design Review Board and the applicant. Following an approval or approval with conditions, the applicant shall be directed to prepare detailed Construction Documents (9.3.1.D) for final approval by the Administrator and TRC (as necessary).

K. **Appeals:** Any party aggrieved by the decisions of the Design Review Board may appeal to the Circuit Court of Beaufort County within 30 days of the decision.

L. **Permit Validity:** Upon the approval of the Major Development Design Plan, the applicant shall have 2 years to obtain a building permit. Failure to secure building permits for the permitted work within this time shall render the compliance void. Any change to the approved plans that has not been authorized by the Administrator shall invalidate the

Certificate of Compliance and any subsequent building permits.

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

9.9: SUBDIVISION REVIEW *[revises 3.5; 8.a.ii]*

9.9.1 PROVISIONS FOR ALL SUBDIVISIONS

A. **Applicability:** All development that involves the subdivision of one or more parcels shall be subject to the subdivision approval requirements of this division, with the following exceptions:

1. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this code. A nonconforming lot may be included in a lot recombination if the resultant lot becomes closer to conformity.
2. The division of land into parcels of 5 acres or more where no new street is involved.
3. Subdivision of land into parcels less than 5,000 square feet in area that are exclusively for the provision of local utilities such as pump stations.
4. The combination or recombination of entire lots of record where no new street or change to existing streets is involved.

B. **Land Development Standards:** See Article 7 of this code.

C. **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 Deeds Office unless the same bears the endorsement and approval of the City.

D. **Appeals:**

1. Appeals of Subdivision Plat decisions made by the Metropolitan Planning Commission may be appealed 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 may be appealed to the Metropolitan Planning Commission within 30 days of the decision. The Metropolitan Planning Commission shall review the Subdivision Plat within 60 days and shall have all of the same authority as the Technical Review Committee in such review. The decision of the Metropolitan Planning Commission shall be final.

E. **Permit Validity:** A subdivision approval shall expire as set out in Section 9.1.7 (Vested Rights and Expiration of Approvals) of this Code unless a Certificate of Compliance is obtained, or unless recorded at the Beaufort County Register of Deeds Office.

9.9.2 MINOR SUBDIVISION

A. **Applicability:** The Minor Subdivision review process is allowed for those divisions of land which:

1. Divide land into 5 or fewer lots, and
2. No new streets are created, and

3. Do not involve any other conditions that require any additional approval(s) from any city board or commission, as determined by the Administrator.

B. **Process Type:** Administrative.

C. **Required Application Information:** A Minor Subdivision Plat shall be submitted consistent with the requirements of the City.

D. **Exceptions:**

1. Any development that utilizes the Small-Scale Planned Infill Standards (Section 2.8.1) or the Cottage Court Standards (Section 2.8.2) may divide land into 10 or fewer lots and be reviewed as a minor subdivision.
2. A rear lane, accessed off of a primary street, which provides access to the rear of a lot, will not be considered a "new street" for the purposes of this section.
3. The subdivision of any property listed on the original 1969 National Historic Landmark District nomination shall require a Certificat of Appropriateness (Section 9.10).

9.9.3 MAJOR SUBDIVISION - SITE PLAN

A. **Applicability:** Any division of land which does not meet all of the requirements for Minor Subdivisions (Section 9.9.2.A).

A. **Process Type:** Discretionary.

B. **Required Application Information:** Site Plan (Section 9.3.1.C)

C. **Site Plan Review**

1. **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 Metropolitan Planning Commission, the required number of copies of the Site Plan. Additional copies of the plat or any supplemental information may be requested.
2. **Review by Technical Review Committee:** The Site Plan shall then be submitted to and checked by the TRC for conformance with the requirements of this Code. The TRC shall review the plat within 30 days after submissions. The TRC shall either approve and certify the plat or notify the subdivider in writing of any noncompliance with the regulations of this Code.
3. **Review and Action by Metropolitan Planning Commission**
   a. The Metropolitan Planning Commission shall approve, approve with conditions or disapprove the Site Plan 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 Site Plan. If a proposed Site Plan is determined by the Metropolitan Planning Commission to be in conformance with all applicable provisions of this Code, the Metropolitan Planning Commission shall approve the Site Plan and shall advise the applicant, in writing:
      i. The conditions of such approval, if any;
      ii. Certification on the plan by the City; and
      iii. The date on which the Metropolitan Planning Commission granted approval. A determination by the Metropolitan Planning Commission that all applicable provisions have not been satisfied shall result in disapproval of the Site Plan and notice of such disapproval shall be given to the applicant in writing.

b. Approval of a Site Plan 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.

c. Upon approval of the Site Plan by the Metropolitan Planning Commission, the subdivider may proceed to comply with the other requirements of these regulations and the preparation of the Final Subdivision Plat.

4. **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 Site Plan to the TRC 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 Site Plan. Such reservation would be stated as a condition of preliminary approval by the TRC.

9.9.4 FINAL SUBDIVISION PLAT

A. The Final Plat shall constitute only that portion of the approved Site Plan 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 7.1.3 (Improvement Requirements) or certified evidence from the City that said improvements shall be installed in accordance with these regulations.

a. Procedure

i. The subdivider shall submit to the Administrator the required number of copies of the Final Plat.

ii. The plat shall then be submitted to and checked by the Technical Review Committee for conformance with the approved Site Plan 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 Site Plan which is found on the Final Plat.

iii. 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, rights-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.

iv. 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 Deeds Office.

B. **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.

9.10: CERTIFICATE OF APPROPRIATENESS *[adapts 3.20]*

9.10.1 APPLICABILITY

A Certificate of Appropriateness shall be required for any construction activity in any historic district, including:

C. New structures;

D. Modification to or expansion of existing structures, including those that apply for the Bailey Bill Special Tax Assessment for Rehabilitated Historic Properties;

E. Relocation of any existing structure; and

F. Demolition or partial demolition of any structure.

9.10.2 PROCESS AND APPROVAL

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

1. **Minor:** Administrative Review shall apply to applications for Certification of Appropriateness for the following items. Administrator may submit any applications subject to Staff approval to the Historic Review Board for approval.

a. Changes to a building or property to include: Fences; paint color; roof materials; canopies and awnings; site changes; window replacements on noncontributing structures,

b. New Construction and Building Modifications to include:

i. Construction of not-habitable accessory buildings in the Beaufort Preservation Neighborhood.

ii. Construction of new detatched single-family homes and accessory structures in the Beaufort Conservation Neighborhood (BCN). In instances where the context is especially sensitive, or the project would also consitute a Major Subdivision, the Administrator is encouraged to submit the project to the Historic Review Board for approval.

c. Modifications to non-contributing structures in the BCN.

d. Demolitions to include: Demolitions of non-contributing structures in the BCN.

e. Demolition or partial demolition of a structure which is listed in the "Beaufort County Historic Sites Survey-1997" or most recent Historic Sites Survey and lies outside the Beaufort Historic Distric.

f. Demolition of noncontributing accessory structures (e.g., sheds, carports, etc.).

Such approval shall follow the procedures for Development Design Review-Minor (Section 9.8.1).

2. **Major:** Discretionary Review by the Historic District Review Board (HRB) shall apply to all other applications for Certificates of Appropriateness.

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

1. The "Beaufort Preservation Manual," August 1979, and the "Beaufort Preservation

Manual, Supplement," August 1990 shall be utilized by the HRB for review of projects located within the Beaufort Preservation Neighborhood.

2. The "Northwest Quadrant Design Principles," May 1999 shall be utilized by the HRB for the review of projects located within the Beaufort Conservation Neighborhood.
3. The Secretary of Interior's "Standards for Rehabilitation" shall be utilized for review of all projects that modify a contributing structure.
4. The Building Design Standards as laid out in Article 4 of this code.
5. The Infill Standards laid out in Section 4.7 of this Code shall be utilized for review of all new construction.
6. Any special area policies as adopted by the HRB.

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

D. **Demolitions**

1. 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 9.1.3.
2. 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 Administrator to provide them with a report on the state of repair and structural stability of the structure under consideration.
3. Upon receiving an application for demolition or partial demolition of a structure 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 Administrator within 30 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 60 days. from the receipt of the application, and notify the applicant of such postponement. The application will be announced to the public in accordance with the notification standards set forth in Section 9.1.3. Within the period of postponement of such demolition or alteration of any building, the Administrator shall take steps to ascertain what may be done 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.

E. **Denial of Certificate of Appropriateness:** The HRB may refuse any application which,

in the opinion of the HRB, does not comply with the standards and guidelines listed in Section 9.10.2.B and thus would be detrimental to the interests of the City. In case of disapproval, the HRB shall state the reasons therefore in a written statement to the applicant and may give verbal advice to the applicant and make recommendations in regard to appropriateness of design, arrangement, texture, material, color and the like of the property involved. Among other grounds for considering a design inappropriate and requiring disapproval and resubmission are the following defects:

1. Arresting and spectacular effects;
2. Violent contrasts of materials or colors and intense or lurid colors;
3. A multiplicity or incongruity of details resulting in a restless and disturbing appearance;
4. The absence of unity and coherence in composition 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. **Issuance of Certificate of Appropriateness:** When a Certificate of Appropriateness and Building Permit have been issued, the Administrator shall, from time to time, inspect the alteration or construction approved by such certificate and may report such inspection to the HRB listing all work inspected and reporting any work not in accordance with such certificate or violating any ordinances of the City.

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

H. **Appeal - Minor:** Appeals of the decisions of the Administrator shall be heard by the Historic Review Board. Application for appeal must be made within 30 days of the decision.

I. **Appeal - Major:** Any party aggrieved by the decisions of the HRB may appeal to the Circuit Court of Beaufort County within 30 days of the decision.

9.11: HISTORIC DESIGNATION *[adapts 3.21]*

9.11.1 STANDARDS FOR LOCAL HISTORIC DISTRICT DESIGNATION

A. 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:

1. Historic, Cultural Importance
   a. Has significant character, interest, or value as part of the development, or heritage of the community;
   b. Is the site of an historic event with a significant effect upon society; or
   c. Exemplifies the cultural, political, economic, social or historic heritage of the community.
2. Architectural or Engineering Importance
   a. Portrays the environment in an era of history characterized by a distinctive architectural style;

b. Embodies those distinguishing characteristics of an architectural type or engineering specimen;

c. Is the work of a designer whose individual work has significantly influenced the development of Beaufort; or

d. Contains elements of design, detail, materials, or craftsmanship which represent significant innovation.

3. Geographical Importance

a. 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

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

4. Archeological Importance

a. Has yielded or may be likely to yield information important in prehistory or history.

B. 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:

1. 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

2. 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.

C. 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.

9.11.2 LOCAL HISTORIC DISTRICT 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 approval.

9.11.3 HISTORIC SIGN DESIGNATION *[7.b.14]*

A. **Historic Signs:** 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.

1. 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:

a. The sign is at least 25 years old and has been at its present location for at least 25 years.

b. 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.

c. The sign is structurally safe or is capable of being made so without substantially altering its historical significance.

d. 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.

e. The sign is of extraordinary significance to the City.

2. Historic signs are exempt from the requirements of Section 11.6 (Nonconforming Signs).

9.12: ADMINISTRATIVE ADJUSTMENT *[adapts 3.11, 7.c.ii]*

9.12.1 PURPOSE AND APPLICABILITY

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 Code.

B. **Adjustment of Numerical Standard:** The Administrator shall have the authority to authorize modification of up to 10% from any numerical standard set forth in Article 2 (Map & Districts) of this Code. Any request greater than 10% shall be treated as a variance handled by the Zoning Board of Appeals (ZBOA) subject to the requirements of Section 9.14 (Variance).

1. **Specific to Landscaping and Tree Conservation:** the following applies to landscaping and tree conservation requirements in Article 5 (Landscaping, Parking & Lighting) with regard to the criteria in Subsection 9.12.2.E.5 below:

a. In unusual cases where there are few existing trees on a site and the planned development is small in size relative to the size of the parcel, then the Administrator may adjust the tree planting requirements (Section 5.3) downward in order not to require excessive planting out of proportion to the scale of the development.

b. In the case of multi-phase developments on one parcel, the tree planting requirements (Section 5.3) may be adjusted according to the size of each phase of the development at the reasonable discretion of the Administrator.

c. Any particular planting requirement shall be proportionately reduced where existing plant materials are of sufficient sizes and forms to satisfy the requirement.

C. **Adjustment of Building Design Standards:** Where an existing condition (e.g., utility easement, restrictive covenant) prohibits strict compliance with the Building Design

standards in Article 4, the Administrator way waive or adjust the standard as appropriate to assure compliance to the extent practical.

D. **Permission of Flag Lot:** Where conditions set forth in Section 2.5.5.C are met, the Administrator may permit a flag lot. When a flag lot is proposed in conjunction with a Major Subdivision, it shall be incorporated to the process laid out in Section 9.9.3.

9.12.2 PROCESS AND APPROVAL

A. **Process Type:** Administrative

B. **Public Notification:** None.

C. **Required Application Information:** 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 this section are met.

D. **Administrator Review:** The Administrator shall review the application and approve, approve with conditions, or deny the application based upon the criteria in Section 9.12.2.E below. A written decision including affirmative findings on the criteria set forth below shall be transmitted 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 Code.

F. **Appeals:** A decision on an Administrative Adjustment denied by the Administrator may be appealed to the ZBOA within 30 days of the mailing of the Administrator's decision in accordance with Section 9.15 (Administrative Appeals).

G. **Expiration and Lapse of Approval:** Property owners shall have 6 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 6 months of the date of approval, the approval shall be void.

9.13: SPECIAL EXCEPTION *[adapts 3.16]*

9.13.1 APPLICABILITY

Special exceptions may be made for situations in which proposed land uses that are generally compatible with the land uses permitted by right in a District (per Section 3.2 Table of Permitted Uses,) but which require individual review of their location, design, and configuration so as to evaluate the potential for adverse impacts on adjacent property and uses. The Special Exception process ensures the appropriateness of the use at a particular location

within a given District.

9.13.2 PROCESS AND APPROVAL

A. **Process Type:** Discretionary

B. **Required Application Information:** All applicable forms as determined by Administrator, along with such accompanying material as is required to ensure compliance with the criteria listed in Subsection 9.12.2.E.

C. **Public Notification:** Level 1, 2, and 3

D. **Staff Review and Report:** The Administrator shall prepare a staff report that reviews the proposed development in light of the Comprehensive Plan, Civic Master Plan, the review criteria listed below, and the requirements of this Code. A copy of the report shall be provided to the Zoning Board of Appeals (ZBOA) and the applicant before the scheduled hearing.

E. **ZBOA Hearing**

1. The ZBOA shall hold a public hearing on the Special Exception application.
2. After review of the application and the public hearing, the ZBOA shall make a written finding and approve, approve with modifications or conditions, or disapprove the request.
3. 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 Code.

F. **Special Exception Review Criteria:** The ZBOA 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 ZBOA 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 (A traffic impact analysis (TIA) may be required as determined by the Administrator);
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.

G. **Conditions:** The ZBOA 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.

H. **Appeal:** Any party aggrieved by the ZBOA 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 of the decision.

9.14: VARIANCE *[adapts 3.15]*

9.14.1 APPLICABILITY:

No variances to sign regulations (Article 6) shall be permitted.

9.14.2 PROCESS AND APPROVAL

A. **Process Type:** Discretionary

B. **Application Requirements:** All applicable forms as determined by Administrator, along with such accompanying material as is required to ensure compliance with the criteria listed in Subsection 9.14.2.F.

C. **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 (ZBOA) before the scheduled hearing.

D. **Public Notice:** Levels 1, 2, and 3

E. **ZBOA Hearing**

1. After review of the Variance application and the public hearing, the ZBOA shall make a written finding and give its approval; approval with modifications or conditions; or disapproval.
2. 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.

F. **Criteria for Approval of Variance Permits**

1. **Required Findings:** A Variance Permit may be granted by the ZBOAs if it concludes that the strict enforcement of any design and performance standard set forth in this Code would result in unnecessary hardship to the applicant and that by granting the Variance, the spirit of this Code 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 ZBOA makes and explains in writing all of the following findings:
   a. 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. These conditions do not generally apply to other property in the vicinity;
   c. The conditions are not the result of the applicant's own actions;
   d. Granting of the variance would not substantially conflict with the Comprehensive Plan, the Civic Master Plan and the purposes and intent of this Code;
   e. Because of these conditions, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

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

2. **Limitations:** The ZBOA may not grant a Variance the effect of which would be any of the following:

   a. To allow the establishment of a use not otherwise permitted in the applicable 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 zone 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. **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 ZBOA may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare.

G. **Appeal:** Any party aggrieved by the ZBOA decision may appeal such determination to the Circuit Court of Beaufort County within 30 days of the decision.

9.15: ADMINISTRATIVE APPEALS *[adapts 3.18]*

9.15.1 APPLICABILITY

Appeals to the Zoning Board of Appeals (ZBOA) may be taken by any person aggrieved by a decision, interpretation or determination of the Administrator. The Administrator shall immediately transmit to the ZBOA all papers constituting the record of the appealed action.

9.15.2 PROCESS AND APPROVAL

A. **Process Type:** Discretionary

B. **Pre-Application Procedure:** n/a

C. **Required Application Information:** An application for appeal shall be filed within 30 days of receipt of the decision or order of the Administrator by filing with the Administrator and the ZBOA notice of the appeal specifying the grounds thereof.

D. **Public Notification:** Level 1

E. **Effect of Appeal:** An appeal stays all legal proceedings in furtherance of the action in question (except enforcement proceedings), unless the Administrator certifies to the ZBOA that a stay would, in his/her 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 ZBOA or by a Court of record.

F. **ZBOA Hearing:** The ZBOA shall schedule the matter for a hearing at its next regularly-scheduled meeting, and give at least 15 days public notice of such hearing in a newspaper of general circulation in the City, as well as due notice to the parties of interest. At the hearing any party may appear in person or by agent or by attorney. Following the hearing, the ZBOA shall take one of the following actions, consistent with the provisions of this Code:

1. Affirm the action of the Administrator;
2. Modify the action of the Administrator, and to that end, the ZBOA 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 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.

G. **Findings of Fact:** The ZBOA 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.

H. **Decision:** 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.

I. **Contempt; Penalty:** In case of contempt by a party, witness, or other person before the ZBOA, the ZBOA 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.

J. **Appeals:** Any party aggrieved by the ZBOA 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 of the decision.

9.16: AMENDMENTS AND REZONINGS *[adapts 3.13, 3.14]*

9.16.1 APPLICABILITY

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

9.16.2 INITIATION OF AMENDMENTS

A proposed amendment to this Code may be initiated by any member of the City Council, the Metropolitan Planning Commission, the Administrator, or by application filed with the Administrator by any City resident or business owner.

9.16.3 APPROVAL PROCESS

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

A. **Application Procedure:** Application forms for Code amendment requests shall be obtained from the Administrator. Completed forms, together with an application fee as required by Section 9.2.2, plus any additional information the applicant feels to be pertinent, shall be filed with the Administrator.

1. Applications for zoning map amendments (rezoning) shall also include the following:
   a. A boundary map of the subject property prepared and sealed by a registered land surveyor.
   b. Where applicable, a copy of correspondence illustrating that the applicant has

solicited written comments from the appropriate property owners' association regarding the requested amendment. Such correspondence shall encourage the association to direct any comments in writing to the Administrator and the applicant within 15 calendar days of receipt of the notification.

c. If the applicant is not the City, the applicant shall submit written consent from the owner of the property that is being considered for an amendment.

B. **Staff Review and Report:** The Administrator shall prepare a staff report that reviews the proposed amendment in light of the Comprehensive Plan and the general requirements of this Code. A copy shall be provided to the Metropolitan Planning Commission and the applicant before the scheduled public meeting.

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

C. **Metropolitan Planning Commission Recommendation**

1. **Public Notification:** none

2. **Hearing by Metropolitan Planning Commission (MPC):** All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted to the Metropolitan Planning Commission. The Metropolitan Planning Commission, at regular meetings, shall review and prepare a recommendation, for transmittal to the City Council. At such meeting(s), any party may appear in person, or by agent, or by attorney. Following action by the Metropolitan Planning Commission, all papers and data pertinent to the application shall be transmitted to the City Council for final action. The Metropolitan Planning Commission shall study the proposed amendment taking into account all factors which it may deem relevant including, but not limited to:

a. Consistency (or lack thereof) with the Comprehensive Plan and Civic Master Plan;

b. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood;

c. Suitability of the property affected by the amendment;

d. Compatibility with the natural features of and any archaeological or cultural resources on the property;

e. Marketability of the property affected by the amendment; and

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

3. At the close of the public meeting, the Metropolitan Planning Commission shall recommend approval, modified approval, or denial of the amendment.

4. Upon receipt of a recommendation from the MPC, the staff shall have 30 days within which to submit its report of the Metropolitan Planning Commission deliberations and recommendation City Council. If the Metropolitan Planning Commission or their staff fails to submit a report within the 30-day period, it shall be deemed to have recommended approval of the proposed amendment.

5. If after three MPC meetings, no recommendation has been made (eg. each meeting has resulted in the request being tabled) the item will proceed to City Council. Staff will prepare a report of the MPC deliberations within 30 days of the third MPC meeting.

D. **City Council Hearing**

1. **Public Notification:** Levels 1, 2, and 3
2. City Council shall consider the proposed map or text amendment at the earliest reasonable date and shall consider the report of the Metropolitan Planning Commission in making a decision.
3. City Council shall act to approve, approve with modifications, or deny the proposed amendment.
4. Following City Council action, the applicant shall be notified within 15 days of the decision in writing.

9.16.4 UPDATE OF 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 Code 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 7 days after the date of the action even if the Administrator has failed to make the appropriate changes.

9.16.5 APPEALS

Appeals of amendment decisions made by the City Council may be appealed to the Circuit Court in and for the County within 30 days of the decision.

10: DEVELOPMENT REVIEW BODIES

10.1: CITY COUNCIL *[adapts 2.1]*

10.1.1 POWERS AND DUTIES

A. **Text Amendments:** The City Council shall hear and approve, approve with conditions or deny proposed Text Amendments to this Code.

B. **Map Amendments:** The City Council shall hear and approve, approve with conditions or deny proposed Official Zoning Map (rezoning) amendments to this Code.

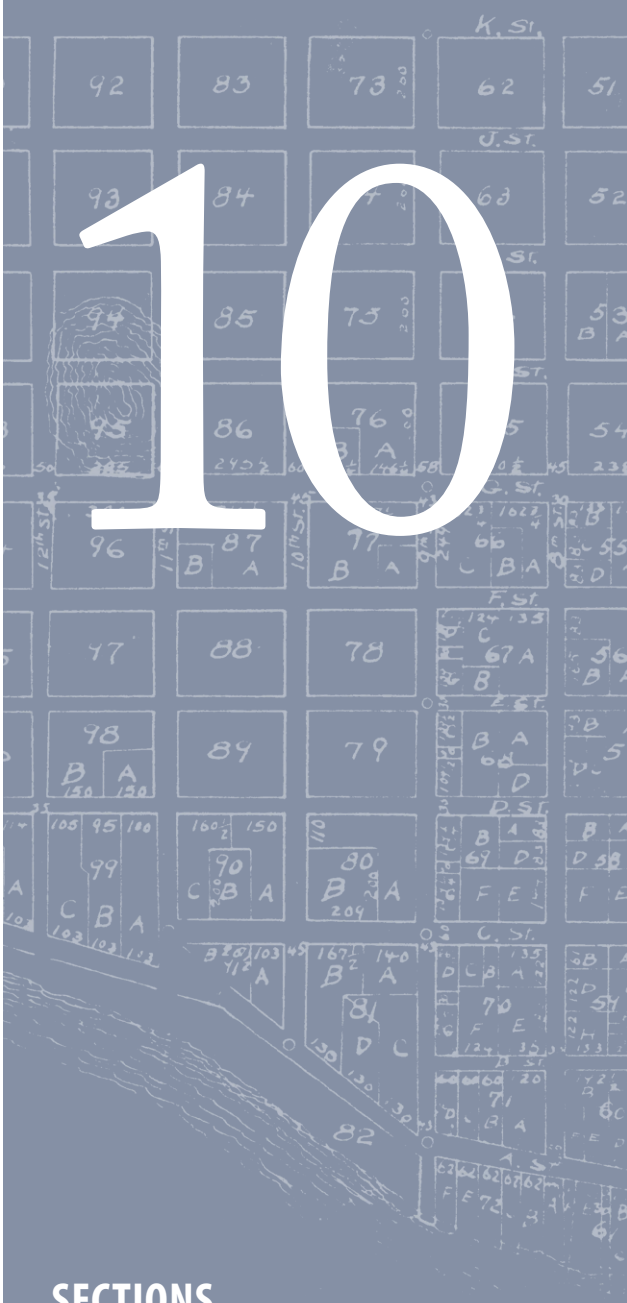
C. **Appointments:** The City Council shall appoint the Metropolitan Planning Commission, Zoning Board of Appeals, Historic District Review Board and Design Review Board.

D. **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.

10.2: METROPOLITAN PLANNING COMMISSION *[adapts 2.2]*

10.2.1 POWERS AND DUTIES

A. **Authority:** Pursuant to § 6-29-320, et seq., of the South Carolina Code of Laws, 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 (Metropolitan Planning Commission) which shall perform all planning functions in the areas of jurisdiction of the City of Beaufort and the Town of Port Royal, South Carolina,



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SECTIONS

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and the unincorporated areas of Port Royal Island and Lady's Island, all of which have been designated as the growth area in the Northern Beaufort County Regional Plan (collectively defined herein as the Growth Area on the Growth Area Map in Chapter 2 of the Regional Plan). The Metropolitan 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 Metropolitan Planning Commission may exercise the power set forth in Title 6, Chapter 29 of the South Carolina Code of Laws, as amended, in the following areas: all lands within the City of Beaufort, the Town of Port Royal, and the Growth Area, as defined in the Northern Beaufort County Regional Plan and shown on the Growth Area Map.
2. The City Council may expand the jurisdiction of the Metropolitan Planning Commission by Ordinance and/or intergovernmental agreement, in accordance with the provisions of Section 6-29-330 of the South Carolina Code of Laws.

C. **Powers and Duties with Regards to the Growth Area:** The Metropolitan 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 Metropolitan Planning Commission action. In order to better coordinate growth within the Growth Area, the Metropolitan Planning Commission shall:

1. Promote comprehensive planning in the Growth Area;
2. Review all zoning and land development regulation amendments for conformity with the respective Comprehensive Plan. Conflicts with the Comprehensive Plan shall be noted in any report to the respective governmental entity making the regulation amendment;
3. Review and make recommendations concerning all annexations with specific attention to those of regional impact within the Growth Area;
4. Review and make recommendations concerning all requests for zoning within the Growth Area;
5. Review and make recommendations concerning major transportation projects affecting the Growth Area;
6. Review and make recommendations on other matters delegated by any of the governmental entities or such other matters as may appropriately come before the Commission;
    a. In matters affecting the entire Growth Area, the Metropolitan Planning Commission shall report its recommendations to the councils for the municipalities, and to the county planning commission.
    b. In matters affecting only one governmental entity, the Metropolitan Planning Commission shall report its recommendations to that governmental entity.
    c. Municipal and County staffs will work together to share responsibility for presenting matters to the Metropolitan Planning Commission as outlined in the Commission's adopted Rules of Procedure.

D. **Powers and Duties with regards to the City of Beaufort:** Additionally, as to matters pertaining to lands within the City of Beaufort limits, the Beaufort City Council designates to the Metropolitan Planning Commission the following additional duties:

1. Review and make recommendations to the City Council in regard to planting, tree preservation, and other aesthetic consideration for land and land structures;
2. Review and make recommendations on public projects;
3. Review and approve, approve subject to conditions or deny all Preliminary Major Subdivision Plats;
4. Delegate Final Subdivision Plat review and approval to City Staff;
5. Review and make recommendations to the City Council in regard to amendments to the text of this Development Code; and
6. Review and make recommendations to the City Council in regard to amendments to the Official Zoning Map.

10.2.2 MEMBERSHIP, TERMS, AND COMPENSATION

A. **Number, Appointment:** All City-appointed Commission members shall be residents of the City, own property in the City, or own or operate a business in the City. The Commission shall consist of six 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 Commission shall comply with the City Council's resolution establishing the guidelines for appointments to City Boards/Committees as adopted on November 9, 1993 and revised from time to time.

B. **Terms:** Members may be appointed to succeed themselves up to a maximum of 2 full 3-year terms. Thereafter, members may be appointed only after they have been off the Metropolitan Planning Commission for at least one year. All terms shall end on June 30 of the applicable year and members must continue to serve until their successors are appointed.

C. **Term Limits:** No member may serve for more than 2 successive terms, except for extraordinary circumstances where the City Council believes it to be in the best interest of the community to have a continuation for a specific period of a particular member of the Metropolitan Planning Commission. This limitation shall not prevent any person from being appointed to the Metropolitan Planning Commission after an absence of one year. Service for a partial term of less than one and one half years shall not constitute a term of service for purposes of this paragraph.

D. **Vacancies:** A vacancy for any reason shall be filled for the unexpired term.

E. **Removal:** The City Council may remove any member of the Metropolitan Planning Commission appointed by the City of Beaufort for cause by majority vote of the Council.

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

10.2.3 OFFICERS, MEETINGS, AND QUORUM

A. **Officers:** The organization of the Metropolitan Planning Commission shall be as provided for under § 6-29-360 of the South Carolina Code of Laws, 1976, as amended. The Commission shall organize themselves, elect a Chairperson, who shall serve for a term of one year, elect a Vice-Chairperson for a term of one year, and appoint a secretary who may be an employee of

any of the governmental entities.

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

C. **Quorum:** A majority of the members appointed shall constitute a quorum.

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

E. **Rules of Proceeding**

1. The Metropolitan Planning Commission shall adopt and adhere to rules of procedure for the conduct of business.
2. An abstention from voting shall be considered a vote to deny the motion.

F. **Minutes:** The Metropolitan 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.

G. **Staff:** The Metropolitan Planning Commission shall work with the Department of Planning and Development Services for all projects within the City.

10.3: ZONING BOARD OF APPEALS *[adapts 2.3]*

10.3.1 POWERS AND DUTIES

A. **Authority:** The Zoning Board of Appeals is hereby established, pursuant to the authority of § 6-29-780, et seq., of the South Carolina Code of Laws, 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 § 6-29-330 of the South Carolina Code of Laws.

C. **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 Code;
2. To hear and decide requests for Variance from the requirements of this Code 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, Flood Damage Prevention Ordinance.

10.3.2 MEMBERSHIP, TERMS, AND COMPENSATION

A. **Number:** The Board shall consist of five members, appointed by the City Council. None of the members of the Board shall hold any other public office or position in the City.

B. **Terms, Appointment:** All members shall be appointed by the City Council for overlapping terms of three years. All Board members shall be residents of the City, own property in the City, or own or operate a business in the City. All terms shall end on June 30 of the applicable year and members must continue to serve until their successors are appointed.

C. **Term Limits:** No member may serve for more than 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.

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

E. **Removal:** The City Council may remove any member of the Board for cause.

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

10.3.3 OFFICERS, MEETINGS, AND QUORUM

A. **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.

B. **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.

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

D. **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.

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

F. **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.

G. **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 Code. 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.

H. **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.

I. **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.

J. **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.

10.4: BUILDING OFFICIAL *[adapts 2.4]*

10.4.1 DESIGNATION

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

10.4.2 POWERS AND DUTIES

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

B. **Powers and Duties:** The Building Official has the following powers and duties:

1. To conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of this Code;
2. To issue Stop Work Permits;
3. To issue Building Permits; and
4. To issue Certificates of Occupancy.

10.4.3 APPEALS: Appeals to decisions made by the Building Official shall be reviewed by the Building Board of Appeals (City Code of Ordinances, Section 5-1005.1)

10.5: ADMINISTRATOR *[adapts 2.5]*

10.5.1 DESIGNATION

Administrator shall be defined as any person or persons designated by the City to fulfill the duties herein. 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.

10.5.2 POWERS AND DUTIES

A. To administer and enforce the provisions of this Code;

B. To make written interpretations of this Code;

C. To review and make recommendations on Building Permits where the Building Official has authority;

D. To review and make recommendations on Certificates of Occupancy;

E. To process applications for Variances and Special Exceptions;

F. To issue all Permits, except for Building Permits where the Building Official has authority;

G. To review and take action on New Street and Development Names;

H. To review and take action on Administrative Adjustments;

I. To review and take action on Minor Development Design Review applications;

J. To review and make recommendations on Major Development Design Review applications;

K. To review and take action on Minor Certificate of Appropriateness applications;

L. To review and make recommendations on Major Certificate of Appropriateness applications; and

M. To review and make recommendations on Landscaping and Tree Conservation Plans.

10.6: TECHNICAL REVIEW COMMITTEE *[adapts 2.6]*

10.6.1 DESIGNATION

The City Manager shall designate a Technical Review Committee consisting of the Administrator, the Building Official and any other City staff professional the City 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.

10.6.2 POWERS AND DUTIES

A. **Staff the Pre-Application Conference:** The Technical Review Committee shall review any projects that appear at the Pre-application Conference.

B. **Final Plats:** The Technical Review Committee shall approve, approve with conditions or deny Major Subdivision Site Plan.

C. **Traffic Impact Analyses:** The Technical Review Committee shall review and make recommendations on Traffic Impact Analyses.

10.7: HISTORIC DISTRICT REVIEW BOARD *[adapts 2.7]*

10.7.1 DESIGNATION

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 take action on projects located within the Beaufort Historic District including changes to the exterior of any structure, and new construction. The Board will seek to preserve and protect the historic character and architectural integrity of Beaufort's National Landmark Historic District.

10.7.2 POWERS AND DUTIES

A. **Territorial Jurisdiction:** The Historic District Review Board (HRB) shall have jurisdiction throughout the Beaufort Historic District. The Board shall also have jurisdiction to review the Bailey Bill applications for any structure listed in the Beaufort County Historic Sites Survey – 1997, or most recent historic sites survey, that are located within the City limits, but outside the Historic District.

B. **Powers and Duties**

1. It shall be the function of the HRB to review and take action on any Major Certificates of Appropriateness (Section 9.7.1).
2. It shall be the function of the HRB and for approving alterations to structures listed on the "1997 Beaufort County Above Ground Historic Sites Survey," which have applied for a Special Property Tax Assessment for Rehabilitated Historic Properties in accordance with Section 9.10 (Certificate of Appropriateness).
3. In exercising the authority granted the HRB 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.
4. The HRB shall maintain an inventory of historic properties within the City of Beaufort and make such information available to the public. This inventory shall be updated periodically to record structures and buildings that have gained historic or architectural significance, and to record buildings that no longer contribute to the character of the National Landmark Historic District due to demolition or loss of character .
5. The HRB shall have the opportunity to comment to appropriate approving agency on National Register nominations proposed for any building within its jurisdiction at its discretion.

C. **Staff:** The HRB shall use the Department of Planning and Development Services when appropriate.

10.7.3 MEMBERSHIP, TERMS, AND COMPENSATION

A. **Number, Composition:** The HRB 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, landscape architecture, history, architectural history, planning, archeology, or related disciplines. Three of the members shall either live or own property in the Historic District. One of the five members shall be a person recommended by the Historic Beaufort Foundation who is a member of its board of directors.

B. **Terms, Appointment:** All members shall be appointed by the City Council for terms of three years. All terms shall end on June 30 of the applicable year and members must continue to serve until their successors are appointed.

C. **Term Limits:** No member may serve for more than 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 one and one half years shall not constitute a term of service for purposes of this Section.

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

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

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

10.7.4 OFFICERS, MEETINGS, AND QUORUM

A. **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.

B. **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.

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

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

E. **Rules of Proceeding:**

1. The Historic District Review Board shall adopt and adhere to rules of procedure for the conduct of business.
2. An abstention from voting shall be considered a vote to deny the motion.

F. **Minutes:** The 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.

10.8: DESIGN REVIEW BOARD *[adapts 2.8]*

10.8.1 POWERS AND DUTIES

A. **Territorial Jurisdiction:** The Design Review Board shall have jurisdiction over the entire city, except for the Historic District.

B. **Powers and Duties:** Review, and approve, or deny, all applications subject to Major Development Design Review as outlined in Section 9.8.2, except for those applications where authority has been delegated to staff.

10.8.2 MEMBERSHIP, TERMS, AND COMPENSATION

A. **Number, Appointment**

1. The Design Review Board shall be appointed by the City Council.
2. The Design Review Board shall be composed of five voting members who shall be residents of the City, own property in the City, or own or operate a business in the City. 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, preferably owning a business on a Significant Corridor (see definition in Article 13).

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

C. **Term Limits:** No member may serve for more than 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 one and one half years shall not constitute a term of service for purposes of this Section.

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

E. **Removal:** The City Council may remove any member of the Board for cause.

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

10.8.3 OFFICERS, MEETINGS, AND QUORUM

A. **Officers:** The 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.

B. **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.

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

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

E. **Rules of Proceeding:**

1. The Design Review Board shall adopt and adhere to rules of procedure for the conduct of business.
2. An abstention from voting shall be considered a vote to deny the motion.

F. **Minutes:** The 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.

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.

11: NONCONFORMITIES

11.1: PURPOSE AND APPLICABILITY *[adapts 9.a.i, 9.b.i,]*

11.1.1 PURPOSE

The purpose of this section is to regulate and limit the continued existence of uses and structures established prior to the effective date of this Code (or any subsequent amendment) that do not conform to this Code. Any nonconformity created by a change in the classification of property or the text of these regulations shall also be regulated by the provisions of this section.

11.1.2 INTENT

The provisions of this article are intended to limit substantial investment in nonconformities and to bring about their eventual elimination and/or lessen their impact upon surrounding conforming uses in order to preserve the integrity of the areas in which they are located.

11.1.3 APPLICABILITY

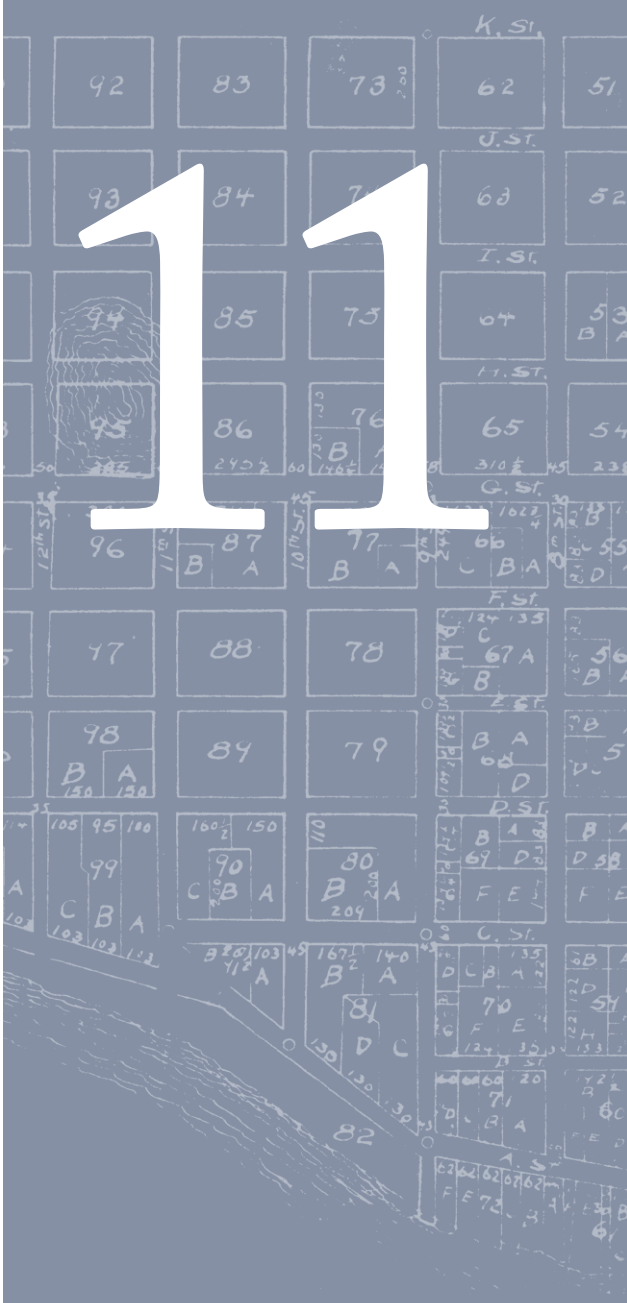
The provisions of this article apply to all structures and parcels of land in the City with the following exceptions:

A. Contributing historic structures in the Historic District, and structures outside the Historic District that are individually listed on the National Register of Historic Places.

B. Existing Structures in the Boundary Street Redevelopment District shall comply with Section 2.7.3.E.5.

C. Single family detached homes regardless of zoning district.

D. Section 11.7.3 does apply to the two conditions listed in A & B.



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11.1.4 NONCONFORMITY APPLICABILITY MATRIX

The following table summarizes the trigger events under which a nonconforming use or structure must comply to the standards of this Code.

TYPE OF NON-CONFORMITY	EVENT THAT TRIGGERS COMPLIANCE	SECTION	THRESHOLD FOR COMPLIANCE	APPLICABLE STANDARDS *[ARTICLE REFERENCE]*								
				[2.3]	*[4]*	*[5.3]*	*[5.5]*	*[5.5]*	*[5.11]*	*[6]*	*[7.3]*	*[7.4]*
				DIMENSIONAL STANDARDS	BUILDING DESIGN STANDARDS	TREE PROTECTION & LANDSCAPING	BUFFERS & SCREENING	PARKING LOT LANDSCAPING	OUTDOOR LIGHTING	SIGNS	SIDEWALKS	STREET TREE PLANTING
Nonconforming Uses	Restoration of Damaged Structures	11.3.4	Improvement by 50% of fair market value of the structure	☐	☐	■	■	■	☐	☐	■	■
Nonconforming Uses in Transect Zones	Structural or Cosmetic Modification	6.8	Improvement by 50% of fair market value of the structure	■	☐	■	■	■	■	☐	■	■
Nonconforming Structures	Repairs, Alterations, or Maintenance	11.4.2	Improvement by 75% of fair market value of the structure	■	■	■	■	■	■	☐	■	■
	Restoration of Damaged Structures	11.4.4	Improvement by 50% of fair market value of the structure	■	■	■	☐	■	☐	☐	■	■
■ Compliance is required			☐ Compliance required to the extent practical as determined by the Administrator									

11.2: GENERAL PROVISIONS AND PROCEDURES

11.2.1 MODIFICATIONS TO NONCONFORMITIES

E. **Applicability:** The Administrator (Section 10.5) shall hear and decide changes of use from any land owner to:

1. Make a change in use of a nonconforming use to a different, less-intense nonconforming use;
2. Make a change in location of a nonconforming use of land to another location on the same property; or
3. Allow the replacement of a structure with a nonconforming use.

F. **Criteria for Approval:** The Administrator may only grant a change for a nonconforming use or replacement of a nonconforming structure which has been destroyed after determining that:

1. Said change will be more suitable and appropriate for the lot(s) on which it is located than the existing situation; and,
2. The proposed change will have a less harmful effect than the existing situation on the properties surrounding the lot(s) in question; and,
3. The decision to grant the change will be in harmony with the general purpose and intent of this Code and will not be injurious to the neighborhood or otherwise be detrimental to the public welfare.

G. **Conditions of Approval:** The Administrator, in granting such changes, may prescribe appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms upon which the change was granted, shall be deemed a violation of this Code and shall be subject to enforcement provisions a prescribed per Article 12 (Violations and Enforcement).

11.2.2 UNSAFE STRUCTURES

A. **Deficiencies Due to Lack of Maintenance:** Any structure or other development of land, or portion thereof, devoted to a nonconforming use or having a nonconforming feature that is declared unsafe by the building inspector because of lack of repairs and maintenance shall not be restored, repaired, reconstructed, or used except in conformity with the provisions of this Code.

B. **Other Deficiencies:** Any structure or other development of land, or portion thereof, devoted to a nonconforming use or having a nonconforming structure that is declared unsafe by the building inspector, but not because of lack of repairs and maintenance, may be repaired and restored subject to the requirements of Sections 11.3.2 and 11.3.4 below. A "Schedule of Repairs" shall be submitted to the Administrator within 30 days of notice.

C. **Exceptions:** in the Historic District, nonconforming building or uses in structures identified as "Contributing" on the 1997 "Beaufort County Above Ground Historic Sites Survey" shall be exempt from these requirements.

11.3: NONCONFORMING USES *[adapts 9.a]*

11.3.1 DEFINITION AND APPLICABILITY

A nonconforming use is a use of land, buildings, or structures that was lawfully established prior to the effective date of this Code, or a subsequent amendment thereto, but does not conform to the use regulations of Article 3 (Land Use Provisions) for the District in which it is located. This definition includes open uses of land (e.g., storage yards and golf driving ranges) as well as the structures that contain nonconforming uses. The nonconformity may result from the adoption of this Code or any subsequent amendment.

11.3.2 CONTINUATION OF EXISTING USE

A. Any use existing at the time of the enactment of this chapter which does not conform with the provisions of this Code for the District in which it is located shall be deemed to be a nonconforming use and is subject to the standards of this Article. Once a nonconforming use is discontinued as per Section 11.3.4, it may not later be reestablished or converted to any other nonconforming use.

B. In the case of Mobile Home Parks, when these parks are located in Zoning Districts other than the Mobile Home Park (MHP) District, the park may remain active, with units being brought in and replacing older units. However the density shall not exceed the originally approved density without the property being rezoned to MHP.

11.3.3 EXPANSION OF USE

A nonconforming use of land or building shall not be enlarged, intensified, or expanded except as follows: 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 Code, but no such use shall be extended to occupy any land outside such building.

11.3.4 ABANDONMENT / DISCONTINUANCE

A nonconforming use of a building or premises which has been discontinued shall not thereafter be returned to the same or any other nonconforming use.

A. **Determination of Discontinuance:** A nonconforming use shall be presumed discontinued when any of the following has occurred:

1. The owner has, in writing or by public statement, indicated intent to abandon the use.
2. A conforming use has replaced the preceding nonconforming use.
3. All of the buildings or structures on the subject property housing the nonconforming use have been removed.
4. The owner has physically changed the building or structure, or its permanent equipment, in such a way as to clearly indicate a change in use or activity to something other than the nonconforming use.
5. Any basic utilities including water, electric and sewer service are disconnected by the utility provider.
6. Business license has not been renewed.
7. The property, structure or use has been vacant or inactive for a continuous period of more than 180 days.
    a. This may be implied from acts or the failure to act, including, but not limited to: the removal of and failure to replace the characteristic equipment and furnishings; lack of utility consumption necessary to maintain the use at an operable level; documented vacancy; or other circumstances.
    b. If operations have ceased for more than 180 consecutive days, the presence of characteristic equipment and furnishings is not, in and of itself, sufficient to establish the continuity/operation of the use.
    c. The mere vacancy of a structure for a period exceeding 180 consecutive days that was initially constructed as a single-family dwelling and whose most recent use was as a single-family dwelling shall not constitute a discontinuance of the use.
    d. Extension: Property owners may apply for up to two 180 extensions. Extensions requests be recieved a minimum of one week prior to the time expiration.

11.3.5 DAMAGE OR DESTRUCTION

A. When a building or structure devoted to a nonconforming use is damaged by fire, flood, explosions, wind, earthquake, war, riot or other act, to the extent of more than 100% of the property's "total improvements full market value" as shown on the county tax records at the time of such damage, such a building, if restored, shall thereafter be devoted to conforming uses.

B. If a building or structure devoted to a nonconforming use is damaged by fire, flood, explosions, wind, earthquake, war, riot or other act, to a lesser extent than designated above, it may be repaired and continued in accordance with this Code provided that any such repair does not increase the degree of any nonconformance and a building permit for the reconstruction or repair work is obtained within 180 days of the date of such damage.

11.4: NONCONFORMING STRUCTURES *[adapts 9.b]*

11.4.1 DEFINITION AND APPLICABILITY

A nonconforming structure is a physical feature or characteristic of a use, building, structure, or other development of land that was lawfully established prior to the effective date of this Code, but does not conform to dimensional, design, locational, or other requirements of this Code. This also includes nonconforming features such as screening, landscaping, mechanical equipment, utility structures, and parking. The nonconformity may result from adoption of this Code or any

subsequent amendment.

11.4.2 REPAIR AND MAINTENANCE OF EXISTING STRUCTURE

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

A. **Repairs, Alterations, and Maintenance:** Any nonconforming building or structure that is renovated, repaired, altered, or otherwise improved by more than 75% of the fair market value of the structure at the time of renovation, repair, or alteration shall be brought into conformance with landscaping, screening, sign, lighting, access, and parking requirements.

   1. In Transect Zones, the building must also be brought into compliance with setback, frontage and architectural standards of this Code.
   2. In Conventional Zones, architectural design changes required to bring the site into conformity with the requirements of this Code shall be in proportion to the alterations proposed by the applicant.
   3. The provisions of this section shall not apply to any single-family dwelling used for residential purposes.

11.4.3 EXPANSION OF STRUCTURE

A. A nonconforming structure shall not be expanded in any way except in conformity with this Code 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.

11.4.4 DAMAGE OR DESTRUCTION

A. When a nonconforming building or structure damaged by fire, flood, explosions, wind, earthquake, war, riot or other act, to the extent of more than 50% of the property's "total improvements full market value" as shown on the county tax records at the time of such damage, such a building, if restored, shall conform to the requirements of this Code.

B. When a nonconforming building or structure damaged by fire, flood, explosions, wind, earthquake, war, riot or other act, to a lesser extent than designated above, it may be repaired and continued in accordance with this Code provided that any such repair does not increase the degree of any nonconformance and a building permit for the reconstruction or repair work is obtained within 120 days of the date of such damage.

11.4.5 RECONSTRUCTION

A nonconforming structure shall not be demolished and rebuilt as a nonconforming structure,

A. **Exception:** A nonconforming structure listed as contributing 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.

11.5: NONCONFORMING LOTS OF RECORD *[adapts 9.d]*

11.5.1 DEFINITION AND APPLICABILITY

A nonconforming lot is a lot that was lawfully created prior to the effective date of this Code, but that does not meet the dimensional requirements of Article 2 (Districts) for the District in which it is located. A nonconforming vacant lot of record is one that was recorded by plat or description in the Office of the Register of Deeds of Beaufort County prior to the adoption of this Code or prior to the time that the lot was brought into the city's jurisdiction. This definition shall not be interpreted to include recorded lots that were in violation of any prior subdivision regulations of the City of Beaufort and which will remain in violation.

11.5.2 STANDARDS FOR DEVELOPMENT

A. 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 2 (Districts), then the lot may be used just as if it were conforming.

B. 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 2 (Districts) cannot reasonably be complied with, then the Administrator 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.

C. For purposes of paragraph B 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.

D. Lot Consolidation and unity of title shall be required for any construction or expansion where multiple nonconforming lots are used as a single parcel for development purposes.

11.6: NONCONFORMING SIGNS *[adapts 9.e]*

11.6.1 NONCONFORMING SIGNS

A. **Determination of Nonconformity:** Any sign that does not meet the standards of this Code will be considered a legal nonconforming sign, provided that it received a permit prior to the adoption of this Code.

B. **Loss of Legal Nonconforming Status:** A legal nonconforming sign may lose this designation if:

   1. The sign is relocated or replaced; or
   2. The structure, design or size of the sign is altered in any way. This does not refer to normal maintenance or lettering changes on changeable copy signs; or
   3. A tenant vacates a building, in which case all existing signs shall be removed.

C. **Maintenance and Repair of Nonconforming Signs:** 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 requirements of Section 11.6.1.D.1 and 11.6.1.D.2 below. Routine maintenance will include replacement of individual's names listed on signs. It will not include rebranding or changing business name or logo.

D. **Mandatory Compliance:** All signs must comply with the standards of this Code with the following provisions:

1. Any existing sign not meeting the requirements of this Code shall be brought into compliance with this Code before a business license will be issued for a new resident business, or before a business name can be changed.
2. Temporary nonconforming signs having obtained a sign permit before the adoption date of this Code, shall be permitted to remain for the life of the permit.
3. Nonconforming monuments, 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.
4. Nonconforming multi-tenant signs may continue to update individual business plaques, however the size and design of the monument structure may not change without bringing the sign into compliance with the code.

11.7: OTHER NONCONFORMITIES *[9.c]*

11.7.1 PARKING NONCONFORMITIES

Specific to Conventional Zones: In cases of nonconformance due to insufficient automobile parking, buildings may not be enlarged or expanded until/unless parking accommodations satisfy the requirements for the new construction as described in Section 5.7 (Parking). The Administrator may waive or provide relief to this requirement if it is determined that doing so will have no negative impact on the property or surrounding community.

11.7.2 LANDSCAPING NONCONFORMITIES

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 improvements to existing buildings or sites exceed $10,000 in value, 5% of the value of these improvements shall be expended towards bringing the site and landscaping into compliance with this Code.

1. These improvements include: additions to existing buildings, interior or exterior building renovations or improvement, addition of communications towers and antennae , and/or modifications made to the ground other than to structures, such as grading, paving, repaving, or re-striping of parking lots.
2. These improvements do not include signage, or landscaping.

B. Upon construction of new freestanding buildings, whether in greenfield or infill/redevelopment situations, all landscaping requirements for that Zoning District (See Section 5.3) shall apply.

C. 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. Creating or completing the streetscape based on the street regulating Plan in Appendix C.
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.

D. Once the property is brought into compliance to the extent practicable, no further landscaping expenditures shall be required.

E. Where parking spaces are removed in order to provide landscaping as required in this section, the required number of parking spaces specified in Section 5.7 (Parking), shall be automatically reduced accordingly but may not go below 67% of the requirements in that section without a variance.

11.7.3 LIGHTING NONCONFORMITIES

Any lighting that does not meet the standards set out in Section 5.8 and trespasses onto a neighboring property must be brought into compliance within 3 months of the date of adoption of this code.

11.8: RELIEF

11.8.1 APPEALS

Appeals of the decision of the Administrator may be made to the Zoning Board of Appeals as laid out in Section 9.15.

12: VIOLATIONS AND ENFORCEMENT

12.1: COMPLIANCE REQUIRED

12.1.1 COMPLIANCE REQUIRED

Compliance with all the procedures and standards of this Code, and all terms and conditions of permits and development approvals is required by all persons owning, developing, managing, using, or occupying land, structures, or signs in the city.

12.1.2 VIOLATIONS GENERALLY

A. Any failure to comply with a standard, requirement, prohibition, or limitation imposed by this Code, or the terms or conditions of any permit or development approval granted in accordance with this Code shall constitute a violation of this Code punishable as provided in this Article.

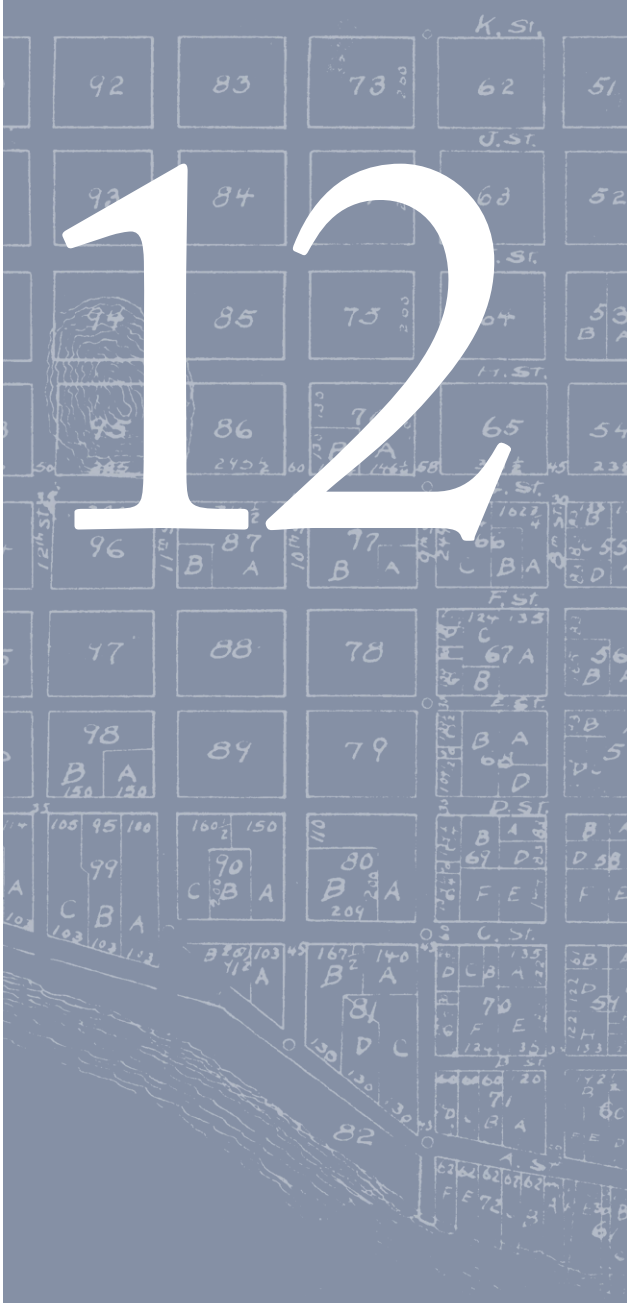
B. Permits or development approvals issued on the basis of applications approved by the City Council, Metropolitan Planning Commission, Zoning Board of Appeals, Historic District Review Board, Design Review Board, or the Administrator authorize only the use, arrangement, location, design, density/intensity, and development set forth in such permits or development approvals, and no other development.

C. Violations of this Code shall run with the land where the violation occurred, and shall not be voided by sale or transfer.

12.1.3 SPECIFIC VIOLATIONS

It shall be a violation of this Code to do any of the following:

A. Develop, modify, occupy, or subdivide a property without first obtaining the appropriate permits or development approvals as set forth in Article 9 (Development Review Procedures).



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B. Excavate, grade, cut, clear, or undertake any land disturbing activity without first obtaining the appropriate permits or development approvals, and complying with their terms and conditions.

C. Remove existing trees from a site or parcel of land without first obtaining the appropriate permits and development approvals, and complying with their terms and conditions.

1. Clear-cutting in anticipation of development. If an owner cuts all or any portion of his or her property under the claim of good faith forestry practice, and then seeks a development permit for any portion of the property within 2 years of the cut, a rebuttable presumption shall arise that the cut was done in anticipation of future development and the permit denied. Any person seeking to rebut the presumptions shall have the burden of proving their claim by clear and convincing evidence.

D. Reduce or diminish the requirements for development, design, or dimensional standards below the minimum required by this Code.

E. Increase the intensity or density of development, except in accordance with the standards of this Code.

F. Through any act or omission, fail to comply with any other provisions, procedures, or standards as required by this Code.

12.2: ENFORCEMENT

12.2.1 RESPONSIBILITY FOR ENFORCEMENT *[adapts 10.a.i]*

The Administrator shall be responsible for enforcing the provisions of this Code.

12.2.2 COMPLAINTS REGARDING VIOLATIONS *[adapts 10.a.ii]*

Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a complaint. Such complaint shall state fully the alleged violation and the basis for the alleged violation, and shall be filed with the Administrator, who shall maintain a record of the complaint. The complaint shall be investigated promptly by the Administrator as provided in Section 12.2.3 (Inspections to Ensure Compliance), and action taken to abate or correct the violation.

12.2.3 INSPECTIONS TO ENSURE COMPLIANCE

Upon presentation of proper credentials, the Administrator may enter upon land or inspect any structure to ensure compliance with the provisions of this Code. These inspections shall be carried out during normal business hours unless the Administrator determines there is an emergency necessitating inspections at another time.

12.2.4 NOTICE OF VIOLATION *[adapts 10.a.v]*

A. When the Administrator finds and determines a violation of this Code exists, the Administrator shall notify, in writing, the person violating the Code. It shall be served by personal delivery or certified or registered mail, return receipt requested. The notice shall be mailed to the property address indicated on the city's official tax notice address of record. Such notification shall serve as a warning notice of a violation. The notice shall state the following:

1. The address and legal description of the land, structure, or sign that is in violation of this Code.

2. The nature of the violation, the provisions of this Code being violated, and the necessary action to remove or abate the violation;

3. The date by which the violation should be removed or abated; and
4. The penalty for failing to remove or abate the violation, stating that if the nuisance recurs, a notice to appear in the appropriate court will be issued without further notice.

B. If no one is present or refuses to accept the notice of violation, the Administrator shall post the warning notice on the residence or building entrance. If the land is unimproved, the notice may be placed on a tree or other similar object on the land subject to the violation.

C. A written notice containing the same information as the notice delivered or posted on the land shall be mailed to the owner or the owner's authorized agent, and any other person's responsible for the violation, by certified mail or registered mail, return receipt requested.

12.2.5 FAILURE TO CORRECT VIOLATION

A. If the person(s) to whom a warning notice has been given in accordance with Section 12.2.4 (Notice of Violation), fails to remove or abate the violation in the time specified in the notice and severe conditions exist that affect health, welfare, or safety, or cause severe environmental degradation, the city through the Administrator may lawfully enter upon the land where the violation remains unabated to remove or abate the violation, at the expense of the person(s) responsible for creating or maintaining the violation(s).

B. Under all other circumstances, if the person(s) to whom a warning notice has been given in accordance with Section 12.2.4 (Notice of Violation), fails to remove or abate the violation in the time specified in the notice, the Administrator shall fill out and sign, as the complainant, a complaint and information form and a Notice to Appear in the appropriate court. The Notice to Appear shall include the following:

1. Name of the owner of the land subject to the violation, any occupants, and any other person(s) responsible for the violation(s);
2. The address or legal description of the land on which the violation is occurring;
3. The nature of the violation;
4. The provision(s) of this Code being violated;
5. The date on which the case will be on the court docket for hearing; and
6. Any other information deemed pertinent by the Administrator.

C. The original copy of the Notice to Appear shall be forwarded to the Clerk of the Court for inclusion on the court's docket for the date indicated on the notice.

D. The Notice to Appear shall be provided to all persons in violation of this Code by personal delivery or certified or registered mail, return receipt requested to any occupants of the land where the violation is occurring.

12.2.6 COSTS

All costs and expenses incurred by the City in removing or abating any violation under this Code may be assessed against the land on which the violation occurs as a lien on the property. Alternatively, the cost of removing or abating the violation may be made part of the judgment, in addition to any other penalties and costs imposed if the person(s) charged either pleads or is found guilty of causing, creating, or maintaining a violation.

12.2.7 REPEAT VIOLATIONS

A. In instances of repeat violations, the warning notice provisions of this Section need not be observed.

B. Each day a violation continues after the expiration of the warning period to abate such violation shall constitute a separate offense.

12.3: REMEDIES AND PENALTIES

12.3.1 GENERAL *[adapts 10.b.i]*

Any person violating this Code shall be guilty of a misdemeanor and, upon conviction, shall pay such penalties as the court may decide, as prescribed by State law. Each day during which such conduct shall continue shall subject the offender to the liability prescribed in this Article.

12.3.2 OTHER REMEDIES AND PENALTIES *[adapts 10.a.iii; 10.a.vii; 10.b.2]*

In addition, the City may use any combination of the following enforcement actions, remedies, and penalties in any particular order to correct, stop, abate or enjoin a violation of this Code:

A. **Stop Order:** The Administrator may issue and serve upon a person violating this Code a stop order requiring that the person stop all actions in violation of this Code, including illegal occupation of a building or structure, illegal work being done, or any other action in violation of this Code.

B. **Permit Revocation:** Any permit, development approval, or other form of authorization required under this Code may be revoked if the Administrator determines that:

1. There is a failure to comply with the approved permit, development approval, plans, specifications, or terms or conditions required under the permit or development approval;
2. The permit or development approval was procured by false representation; or
3. The permit or development approval was issued in error.

Written notice of revocation shall be served upon the landowner, the landowner's agent, or other person to whom the permit or development approval was issued, and such notice may be posted in a prominent location at the place of violation. No work or construction shall proceed after service of the revocation notice.

C. **Civil Remedies:** In addition to all other remedies and penalties outlined in this Article, the Administrator may institute an action or proceeding for injunction or mandamus or other appropriate action or proceeding to prevent, abate, or correct a violation of this Code or to prevent the occupancy of a structure or land that is in violation of this Code. Each day a person violates this Code shall be considered a separate offense.

12.3.3 PRIVATE CIVIL RELIEF

In case a structure or land is or is proposed to be developed or used in violation of this Code, an adjacent or neighboring landowner or tenant who would be specially damaged by the violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful development or use, to correct or abate the violation, or to prevent the occupancy of the structure or use of the land.

12.3.4 REMEDIES CUMULATIVE

The remedies provided for violations of this Code, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

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13: DEFINITIONS

13.1: DEFINITIONS OF SPECIALIZED TERMS

Accessory Structure. A structure physically detached from, secondary and incidental to, and commonly associated with a primary structure and/or use on the same site. The use of the accessory structure must not change the character of the use for the site. Accessory Structures normally associated with a residential use property include, but are not limited to: garages (unenclosed or enclosed) for the storage of automobiles (including incidental restoration and repair), personal recreational vehicles and other personal property; studios; workshops; greenhouses (noncommercial); enclosed cabanas and pool houses; storage sheds; and outdoor saunas. Accessory structures normally associated with a non-residential use property include, but are not limited to: garages (unenclosed or enclosed) for the storage of automobiles and work related vehicles and equipment (including incidental restoration and repair); storage structures; workshops; and studios.

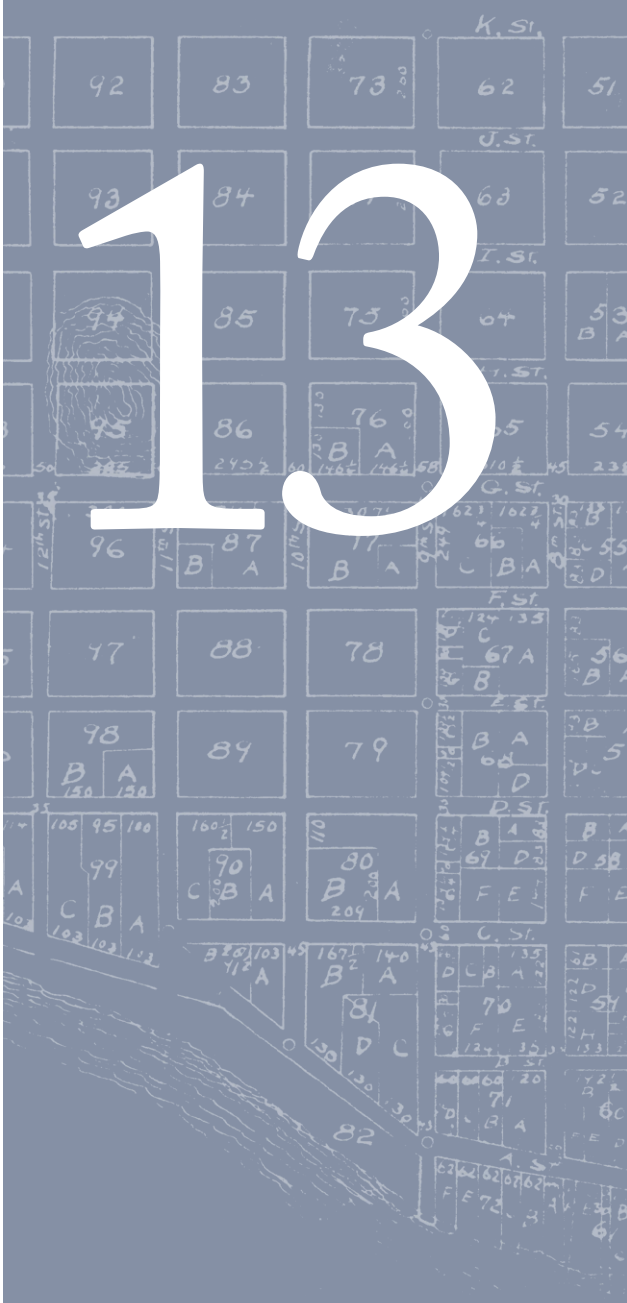
ACI (Aggregate Caliper Inch). A measure of the total combined number of inches of existing and proposed trees used to meet landscaping requirements. Caliper inch sizes for individual proposed trees are measured as indicated in the American Standard for Nursery Stock (ANSI 260.1-2004). Caliper inch sizes for existing trees are measured in diameter at breast height (DBH).

Administrator. Any person or persons designated by the City Manager to fulfill the duties outlined in Section 10.5 of this Development Code.

AICUZ (Air Installations Compatible Use Zone). The area surrounding MCAS—Beaufort as identified on the Zoning Map (Airport Overlay District/MCAS—Beaufort).

AICUZ Buffer. The quarter-mile area surrounding the AICUZ for MCAS—Beaufort.

Approved Phase. An phase of development that has been approved 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.



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Arborist Report. See Appendix A.

Archaeological Resources. As defined in the Archaeological Resources Protection Act of 1979 (16 USC 470aa--470mm) Section (1): The term "archaeological resource" means any material remains of past human life which are of archaeological 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. Nonfossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources, under this definition, unless found in an archaeological context. No item shall be treated as an archaeological resource under this definition unless such item is at least 100 years of age.

Archaeological Site. The area of the development identified as being listed in or having the potential for listing in the National Register of Historic Places.

Architectural Features. Exterior building elements intended to provide ornamentation to the building massing, including, but not limited to: eaves, cornices, bay windows, window and door surrounds, light fixtures, canopies, and balconies.

Basement. Any area of the building having its floor subgrade (below ground level) on all sides. A raised basement is a basement story with a floor level that is subgrade and ceiling level that is above grade.

Block Face. The span from one street to another street. When reference "block face development/redevelopment" blocks must be a minimum of 150' wide to meet this standard. If blocks are longer than 600', or located along a waterfront, the dimension which constitutes development/redevelopment is defined as a minimum of 300'

Buildable Area. The area of a lot that remains after removing the required front, side and rear yards for individual lots, as set forth for the particular zone.

Building Type. A structure defined by its combination of configuration, disposition and function.

Build-to Line (BTL). A line parallel to a property line or right-of-way where a building facade must be placed. The BTL may appear graphically on the regulating plan or be stated as a dimension from the property line or right-of-way. Minor deviations from the BTL are allowed for architectural features, recessed entries, and recessed balconies and do not count against the calculations of % of BTL Defined by a building or Building at the BTL.

Bungalow Court. See Division 5.1 (Building Type Standards).

Caliper. A horticultural method of measuring the diameter of a tree trunk for the purposes of determining the tree's size. The caliper of the trunk is measured six inches above the ground for trees with a diameter of four inches or less, twelve inches above the ground for trees with diameters more than four and less than ten inches, and at breast height (4½ feet) for trees with diameters of ten inches or greater.

Canopy Tree. A tree that has an expected height at maturity greater than 30 feet and produces significant shade because it has a crown that is oval, round, vase-shaped, or umbrella-shaped.

Ceiling Height, Ground Floor. Height from finished floor to finished ceiling of primary rooms on the ground floor, not including secondary rooms such as bathrooms, closets, utility rooms and storage spaces.

Ceiling Height, Upper Floor(s). Height from finished floor to finished ceiling of primary rooms on the floor(s) above the ground floor, not including secondary rooms such as bathrooms, closets, utility rooms and storage spaces.

Charrette. A multiple-day collaborative design and planning workshop held on-site and inclusive of all affected stakeholders.

Civic. A term defining not-for-profit organizations that are dedicated to arts, culture, education, religious activities, recreation, government, transit, and public parking facilities.

Civic Building. A structure operated by governmental or not-for-profit organizations and limited to civic and related uses.

Civic Space. An outdoor area dedicated for civic activities.

Commercial. A term defining workplace, office and retail uses collectively.

Common Courtyard. An entry court, forecourt or courtyard shared by multiple residential units or commercial spaces.

Conditional Use. These uses that require Administrator approval for conditional uses allowed within a zone.

Contributing Structure. Any structure within the Historic District that was indicated on the 1997 Beaufort County Above Ground Historic Sites Survey, or subsequent historic sites survey, that is deemed to have qualities that exemplify the character of the Historic District.

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.

Critical Line. The line defining the edge of a Critical Area. This border is delineated by the Department of Ocean and Coastal Resources Management of the South Carolina Division of Health and Environmental Control, and represents the landward-most point at which vegetation is influenced by saline water.

DBH (Diameter at Breast Height). A 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, but adjacencies of trunks clearly show sharing of a singular rootball, then diameters of trunks below four and one-half feet to be totaled as a single number indicating DBH.

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 zone, 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.

Depth, Ground-Floor Commercial Space. The distance from the street-facing facade to the rear interior wall of the ground-floor space available to a commercial tenant.

Development. Any man-made change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, diking, berming, excavation, drilling operations, or storage of equipment or materials.

Diseased Trees. Those trees that may constitute a hazard to life and property or harbor insects or disease which represent a potential threat to other trees within the city.

Dooryard. See Section 4.4 (Private Frontage Types).

Effect and Adverse Effect.

1. Effect means an undertaking has an impact on a historic resource when the undertaking may alter the characteristics of the resource that may qualify the resource for inclusion in the National Register of Historic Places.
2. Adverse effect means an undertaking in which the effect on a historic resource may diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

Engaged. See Section 4.4 (Private Frontage Types).

Encroachment. Any architectural feature, structure or structural element, such as a gallery, fence, garden wall, porch, stoop, balcony, bay window, terrace or deck, that breaks the plane of a vertical or horizontal regulatory limit extending into a setback, beyond the build-to-line, into the public frontage, or above a height limit.

Facade. The vertical surface of a building.

Facade Zone. The area between the minimum and maximum setback lines.

Finish Level, Ground Floor. Height difference between the ground floor finished floor of residential or commercial space, excluding lobbies and common-use areas, and the adjacent public walk. In the case of a loading dock frontage that serves as the public right-of-way, the floor finish level is the height of the walk above the adjacent street.

Flex Space. A room or group of internally connected rooms designed to accommodate an evolution of use over time in response to an evolving market demand. Typically designed to accommodate future commercial uses, while accommodating less intense short-term uses, such as residential or live/work, until the full commercial demand has been established.

Formalized On-Street Parking: see Parking, On-Street

Formally Disposed. Composed in a formal arrangement, in a regular, classical, and typically symmetrical manner.

Front. The primary frontage(s) of a lot, determined as follows:

- For lots with frontages along multiple thoroughfares, the frontage along the thoroughfare with the most pedestrian activity, as determined by the Administrator, will always be the Front.
- All other frontages may be considered to be side street frontages.
- For lots with frontages along a thoroughfare and a civic space, the Front may be the frontage along either the thoroughfare or the civic space, or both frontages may be treated as Fronts, with the following exception: the frontage along certain Civic Spaces may be required to be a Front, as per the standards in Section 7.4 (Civic and Open Space).
- For lots with a single frontage along a thoroughfare or a Civic Space, but not both, that frontage is the Front.
- Frontages along alleys, service drives, and parking drives may never be a front.

Frontage. A strip or extent of land abutting a thoroughfare, civic space or other public right-of-way.

Frontage, Private. The area between the curb of the public right-of-way and the front or side facade.

Frontage, Public. The area between the curb of the vehicular lanes and the frontage line.

Frontage Line. The property line(s) of a lot fronting a thoroughfare or other public way, or a civic space.

Garage. A structure, or part thereof, used or intended to be used for the parking and storage of motor vehicles.

Ground Cover. Low-growing plants that grow in a spreading fashion to form a more or less solid mat of vegetation, generally planted to provide decorative landscaping or permeable cover for bare earth that prevents soil erosion.

Hedge. A group of shrubs planted in line or in groups that forms a compact, dense, living barrier that demarcates an area from on-site or off-site views.

Height.

Overall. Overall building height shall be measured vertically from the natural grade or finished grade adjacent to the building exterior to the highest point of coping of a flat roof, the top of a mansard roof, or the highest point of the highest pitched roof.

Eave/Parapet. Building height to eave/parapet shall be measured from the eave or top of parapet to natural grade or finished grade at the lowest point adjacent to the building exterior, whichever yields the greatest height.

Historic Resources. According to the National Historic Preservation Act of 1966, as amended through 1992 (16 USC 470 et seq.) Section 101(a)(1)(A) Any district, site, building, structure, or object that is at least 50 years of age and is significant in American history, architecture, archaeology, engineering, and culture may be considered for inclusion on the National Register of Historic Places.

Impervious Surface Coverage. The percent of a property that is covered with non-infiltrating material. This includes all structures, slabs and paving material.

Infill. The development of vacant land that is now largely surrounded by developed land. It is typically served by existing infrastructure, particularly roads, and may include properties which were previously developed but have been vacant for a number of years.

Intensive Level Survey. A survey that will be based on a systematic approach to the entire tract, usually at 100-foot intervals, that are differentiated between having high or low potential for containing archaeological and historic resources. Topography and soil types are also taken into consideration to help determine the areas of high and low potential. In addition, subsurface 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.

Landmark Tree. Any existing broad-leaved overstory tree with a DBH of 36 inches or greater. Additional standards for specific trees, including cone-bearing trees, are as listed in the chart in Section 5.3.2.

Landscape Strip, Perimeter. Vegetative material associated with the perimeter landscaping required for a parking lot area.

Liner Building. An occupiable structure specifically designed to mask a separate interior use from a frontage.

Lot Area. Lot area refers to the horizontal land area within lot lines, excluding any wetlands.

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 Development Code, the required lot width will be 80% of that required by this Development Code.

Maximum Lot Coverage. The percentage of a lot that is covered by roofs of the primary structure, and any accessory structures.

Memorandum of Agreement. An agreement between the City and the applicant to avoid, reduce, or

mitigate adverse effects on archaeological and historic properties, or to accept each effect in the public interest.

Mixed-Use. Multiple functions within the same building or the same general area through superimposition or within the same area through adjacency.

Mixed-Use Project. A development that combines both commercial and residential uses on the same site, typically with the commercial uses occupying the ground floor street frontage and the residential uses above.

Naturally Disposed. A preservation of the existing natural condition or a composition of elements arranged as they would appear in a nature, with irregular shapes and asymmetry.

National Historic Landmark District. A historic district that is officially recognized by the United States government for its outstanding historic significance.

National Register of Historic Places. The official list of the Nation's historic places worthy of preservation, as maintained by the National Parks Service.

Non-contributing Structure. Any structure within the Historic District that was indicated on the 1997 Beaufort County Above Ground Historic Sites Survey, or subsequent historic sites survey, that is not deemed to have qualities that exemplify the character of the Historic District. This also includes any structure that was not listed on the survey.

Outparcel. A small lot at the outer edge of a shopping center. Also called a pad site.

Parking, On-Street. On-street parking is parking constructed parallel or diagonal to the street right-of-way, defined by a ribbon or vertical curb, utilizing a durable surface material such as asphalt, concrete, pavers, or gravel, with appropriate stormwater controls.

Passive Recreation. Recreation requiring little or no physical exertion focusing on the enjoyment of one's natural surroundings.

Pedestrian Shed. An area centered on a major destination. Its size is limited by an average distance that may be traversed at an easy walking pace in a given amount of time from its center to its edge. Pedestrian sheds are useful for planning walkable areas. See Section 2.8.1.G.

Perimeter Buffer. The required installation of landscaping and screening materials between specified Districts. See Section 5.3.1 Perimeter Buffer Requirements.

Planting Strip. Areas intended for the placement of vegetation within the interior of parking lot areas or along street right-of-way edges, typically between the back of the curb and the inside edge of the sidewalk.

The Point Neighborhood. The neighborhood of the Historic District bounded by Carteret Street on the West and the marshes of the Beaufort River on the North, East and South.

Qualified Personnel. Professional consultants meeting the criteria set forth by the Secretary of the Interior, as well as the state historic preservation office and published in their Guidelines and Standards for Archaeological Investigation.

Reserved Strip. A piece of land in a subdivision that is reserved, held or controlled for the purpose of prohibiting access to streets and roads.

Residential. Premises used primarily for human habitation.

Root Flare. (syn. Trunk Flare). The outwardly curving base of a tree where it joins the roots.

SCDHEC (South Carolina Department of Health and Environmental Control). South Carolina's public health and environmental protection agency.

Setback. The mandatory clear distance between a property line and a structure.

Shared Parking. Any parking spaces assigned to more than one user, where different persons utilizing the spaces are unlikely to need the spaces at the same time of day.

Sharrow. A marking on the road delineating travel lanes to be shared by bikes and cars.

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.

3. **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.
4. **Canopy Sign.** A sign which is suspended from, attached to, supported from or forms a part of a canopy.
5. **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.
6. **Construction 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.
7. **Dilapidated Sign.** Any sign which is structurally unsound, has defective parts or it in need of painting or maintenance.
8. **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.
9. **Easel Sign.** A sign or message board displayed on a portable open frame, the outline of which (the frame) is roughly pyramidal in shape.
10. **Flashing Sign.** Any lighted or electrical sign which emits light in sudden transitory bursts.
11. **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.
12. **Illuminated Sign, External.** Any sign which is directly lighted by an external source.
13. **Illuminated Sign, Internal.** Any sign which transmits light through its face or any part thereof.
14. **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", 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.
15. **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.
16. **Monument Sign.** A sign constructed on the ground with a continuous footing or foundation with the base of the sign at grade.
17. **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.

18. **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.
19. **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.
20. **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.
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.

Shrub. A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

Significant Resources. Historic resources eligible for listing in the National Register of Historic Places.

Significant Corridors. Highway 170/Robert Smalls Parkway, Highway 21/Boundary Street, Ribaut Road, Sea Island Parkway, Lady's Island Drive/Sam's Point Road

Significant Intersection. The intersection of any Significant Corridor with another Significant Corridor or or one of the following streets: Allison Road, Bladen Street, Carteret Street, Charles Street, Craven Street, First Boulevard, or Pine Court

Single-Family/Unit House. See Division 5.1 (Building Type Standards).

Special Exception Permit. See Section 7.2.60 (Special Exception Permit). These permits are issued by the Zoning Board of Appeals (ZBOA) for special uses allowed within a zone.

Specimen Tree. Any existing broad-leaved overstory tree with a DBH of 24 inches or greater; any existing understory tree with a DBH of 12 inches or greater; and any Palmetto tree having a clear trunk height of at least 2 feet. Additional standards for specific trees, including cone-bearing trees, are as listed in the chart in Section 5.3.2.

Sports Complex. See Division 2.5 (Civic and Open Space Types).

Square. See Division 2.5 (Civic and Open Space Types).

Storefront. The portion of a frontage composed of the display window and/or entrance and its components, including windows, doors, transoms and sill pane, that is inserted into various frontage types, such as a shopfront or gallery, to accommodate retail uses.

Story. An above-grade habitable floor level within a building.

Structure. Anything constructed or erected, the use of which requires attachment to the ground, attachment to something located on the ground, or placement on the ground. The term "structure" shall include: Buildings; Walls or fences; Signs; Light fixtures; or 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.

Tandem Parking. A parking space deep enough to allow two cars to park, one behind the other.

Temporary Parking Lots. Parking lots that are not permanent, are only intended to fulfill a short-term need, and ultimately will be replaced by a permanent building or structure. Temporary Parking lots are not subject to the parking location regulations and liner requirements for above grade parking in the building form standards, but must comply with all landscaping standards.

Traffic Impact Analysis (TIA). A study performed by professional engineers with expertise in traffic engineering principles and practice, which reviews development of a specific property and analyzes how it integrates into the existing and proposed city street network and ongoing traffic study. The analysis utilizes data and conclusions developed in previous studies, and identifies improvements needed to mitigate the impact of traffic generated by a development on the street network system.

Transect. A cross-section of the environment showing a range of different habitats. The rural-to-urban transect of the human environment is divided into multiple transect zones that describe the physical form and character of a place according to the intensity of its land use and urbanism.

Transit Station. A lot or structure used for the purpose of parking, loading and unloading freight and passengers from train or bus transportation. May include parking facilities and other commercial amenities to service transit passengers.

Transit Stop. A location where buses stop to load and unload passengers. A transit stop may or may not include a shelter or a pullout.

Tree, Deciduous. A tree that drops its foliage annually before becoming dormant.

Tree, Evergreen. A tree with foliage that is not dropped, or that remains green throughout the year.

Tree, Shade. See "Canopy Tree."

Tree, Street. See "Street Tree."

Tree Protection Zone. Area of no disturbance of organic layer or subsurface tree roots as measured from the furthest point of root emergence from ground to a minimum radius equal to one half of trunk diameter at breast height (DBH). See Section 5.2.2.D

Understory Tree. A tree that has an expected height at maturity of no greater than 30 feet.

Utilities. Installations or facilities or means for furnishing to the public, electricity, gas, steam, communications, water, drainage, sewage disposal, or flood control, irrespective of whether such facilities or means are underground or above ground; utilities may be owned and operated by any person, firm, corporation, municipal department or board, duly appointed by state or municipal regulations. Utility or utilities as used herein may also refer to such persons, firms, corporations, departments, or boards.

Vegetation, Native. Any indigenous tree, shrub, ground cover or other plant adapted to the soil, climatic, and hydrographic conditions occurring on the site.

Waterfront Lot. Any lot that is bound on one or more sides by a significant and naturally occurring body of water. This includes rivers, marsh, creeks, and tidal basins. This does not include retention or detention ponds, ditches, or pools.

13.2: DEFINITIONS OF LAND USES

Airport/Aviation Services. An airport, runway, landing strip, seaport, or heliport providing accommodations by public, private, or not-for-profit entities for the conveyance of persons from one location to another by airplane, seaplane, helicopter, or other means of aviation. Includes facilities for loading and unloading areas.

Agriculture and Crop Harvesting. A nursery, orchard, or farm primarily engaged in the growth, processing, and packaging of fruits, vegetables, plants, trees, or fish (aquaculture) for the distribution of vegetation, seafood, wine, or dry goods. The premises may include agricultural accessory structures, plant nurseries, and secondary retail or wholesale sales. See also "Community Garden."

1. **Agricultural Accessory Structure.** A building for sheltering animals or agricultural equipment, hay, feed, etc. These structures include, but are not limited to: barns, non-commercial greenhouses, coops, corrals, and pens. Does not include pasture fencing.
2. **Plant Nursery.** A commercial agricultural establishment engaged in the production and sale of ornamental plans and other nursery products, grown under cover (e.g. greenhouses) either in containers or in the soil on the site, or outdoors in containers.
3. **Produce Stand.** A temporary business established and operated for a specific time, selling raw, unprocessed fruits, vegetables, nuts, and other produce in its raw or natural state, and that is accessory to an on-site or adjacent agricultural operation.

Agricultural Support Services. Nursery, orchard, or farm supply and support services including, but not limited to: equipment dealers, support uses for agricultural, harvesting, and/or animal rearing, seasonal packing sheds, etc.

Alcoholic Beverage Sales. The retail sale of beer, wine, and/or spirits for on-site or off- site consumption, either as part of another retail use or as a primary business activity.

Animal Keeping, Small. The raising or keeping of small animals kept wholly or partially outside of a residential structure, including, but not limited to: rabbits, fowl, and poultry. Does not include animals normally considered as household pets (as determined by the Administrator).

Animal Keeping. The raising, breeding, feeding, and/or keeping of a limited number of animals kept wholly or partially outside of a residential structure, including, but not limited to: horses, bees, rabbits, fowl, and poultry. Does not include animals normally considered as household pets (as determined by the Administrator).

1. **Livestock and Sales Yards.** The raising, breeding, feeding, or keeping of animals for purposes of dairy manufacturing, processing, slaughter, or sales, kept wholly or partially outside of a residential structure, including, but not limited to: horses, mules, llamas, bison, elk deer, cattle, swine, sheep, ostrich and goats. Does not include animals normally considered as household pets (as determined by the Administrator).
2. **Large Lot Feed Operations.** The raising, breeding, feeding, and/or keeping of confined animals in production operations that are separate from standard agricultural activities (i.e. crops, vegetation, or pasture foraging are not sustained over any portion of the facility), and that sustain activities for a minimum of 45 days during any 12-month period.

Animal Services: Animal Clinic, Boarding, and Animal Hospital.

1. **Animal Clinic.** An establishment used by a veterinarian where animals are treated.
2. **Animal Boarding.** A commercial facility for the grooming, keeping, boarding or maintaining of five or more animals (four months of age or older) in an enclosed facility, except for dogs or cats for sale in pet shops or in animal hospitals. Includes pet day care.

3. **Animal Hospital.** An establishment where a veterinarian treats animals of any size and where there may be functions and facilities that are not completely enclosed within a structure.
4. **Animal Kennel.** A commercial facility for the grooming, keeping, boarding or maintaining of ten or more animals (four months of age or older), except for dogs or cats for sale in pet shops or in animal hospitals. Includes outdoor runs and open-air facilities.

ATM. An automated teller machine (computerized, self-service machine used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel), located outdoors at a bank or in another location. Does not include drive-up ATM's.

Bank/Financial Services. See "General Services."

Bar/ Tavern/Night Club.

1. **Bar, Tavern.** A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a micro brewery ("brew-pub"), and other beverage tasting facilities.
2. **Night Club.** A facility serving alcoholic beverages for on-site consumption, and providing entertainment, examples of which include live music and/or dancing, comedy, etc. Does not include adult-oriented businesses.

Bed and Breakfast. See "Lodging."

Boat Sales and Service. See "Vehicle and Boat Sales and Rental."

Brew Pub. A pub or restaurant that also contains a microbrewery (see definition).

Building Supplies/Lumber Yard. An establishment in which building or construction and home improvement materials are offered or kept for retail sale, which may also include the fabrication of certain materials related to home improvement and/or the outdoor storage of such materials designated for retail sale.

Campground. An area of land utilized for temporary occupation by travelers in recreational vehicles, campers, tents, and camping cabins not exceeding three hundred seventy-five (375) square feet. Does not include mobile home parks.

Civic Facility. Community Oriented Facilities that include the following:

1. **Library, Museum.** Public or quasi-public facilities, examples of which include: aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, planetariums, and zoos. May also include accessory retail uses such as a gift/book shop, restaurant, etc.
2. **Theater (Cinema or Performing Arts).** An indoor facility for group entertainment, other than sporting events. Examples of these facilities include: Civic theaters, facilities for "live" theater and concerts, and movie theaters.
3. **Public Service Buildings.** These are municipal buildings which include City Hall, Courthouse, Police Stations, and Fire Stations. May also be considered "Community/Public Safety Facilities."

Colleges and Universities. A facility for post-secondary education that grants associates, bachelors, masters, or doctoral degrees, and may include research functions. Includes professional schools (e.g. law, medicine, etc.) and technical colleges.

Community Garden. A site used for growing plants for food, fiber, herbs, and flowers and shared and

maintained by community residents.

Community Based Farmer's Market. The temporary use of a site for the outdoor sales of food and farm produce items.

Community Care Facilities. Facilities that provide living, sleeping, and sanitation accommodations for institutional purposes in coordination with the provision of social services. The facilities may include facilities for eating and cooking. This category does not include Group Homes, or Community Residences; see "Group Home."

1. **Custodial Care Facility.** A facility providing care and treatment in a protective living environment for persons residing voluntarily, by court placement, or under protective control of federal, State, county, or City governance including, without limitation, post-correctional facilities, temporary detention facilities, chronically ill tenants, domestic violence victims, outpatient clients, and developmentally disabled.
2. **Homeless Shelter.** A supervised publicly or privately operated shelter and services designed to provide temporary living accommodations to individuals or families who lack a fixed, regular and adequate nighttime residence.
    a. **Emergency Shelter.** A facility that provides temporary housing on a first- come, first-served basis where clients must leave in the morning and have no guaranteed bed for the next night OR provide beds for a specific period of time, regardless of whether or not clients leave the building. Facilities that provide temporary shelter during extremely cold weather (such as churches) are also included.
    b. **Short Term Housing.** A facility that provides housing for individuals or families (not to exceed 6 months) with a continued identified bed space. The facility would also provide personal assistance to indigent, needy, homeless or transient persons who lack a fixed, regular, and adequate nighttime residence. Such personal assistance must include food and/or shelter, and in addition may include needed and necessary supportive services.
    c. **Transitional Housing.** A structure or a group of structures providing housing for clients with a maximum stay of two years and offer supportive services to promote self-sufficiency and to help obtain permanent housing.

Community/Public Safety Facility. A facility operated by a public agency including fire stations, other fire preventive and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities. May include ambulance dispatch on the same site. May also be considered "Civic Facilities".

Day Care, Child or Adult. A state-licensed facility that provides non-medical care and supervision for adult clients or minor children for periods of less than 24 hours per day for any client. These facilities include the following, all of which are classified and required to be licensed by the South Carolina Department of Health and Environmental Control and the South Carolina Department of Social Services.

1. **Family Day Care Home.** A licensed facility in a private home where an occupant of the residence provides family day care for up to 6 adult clients or minor children for periods of less than 24 hours per day for any client. Facilities include but are not limited to: infant centers, nursery schools, preschool, after-school or extended day care, and school age child care centers. See "Home Occupation - Minor."
2. **Group Care Home.** A licensed day care facility that provides non-medical care and supervision to 7-12 adult clients or minor children for periods of less than 24 hours per day for any client. Facilities include, but are not limited to: infant centers, nursery schools, preschools,

after-school or extended day care, and school age child care centers.

3. **Commercial Care Center.** A licensed day care facility licensed that provides non- medical care and supervision to more than 12 adult clients or minor children for periods of less than 24 hours per day for any client. Facilities include, but are not limited to: infant centers, nursery schools, preschools, after-school or extended day care, and school age child care centers.

Detention Facility. A facility operated by a public agency that provides protective care for the region in which it is located. Such facilities include: prisons, detention facilities, temporary detention facilities, work camps, etc.

Drive-Through Facility. Facilities where food or other products may be purchased or services may be obtained by motorists without leaving their vehicles. Examples of drive-through sales facilities include fast-food restaurants, drive-through coffee,, photo stores, pharmacies, bank teller windows and ATMs, dry cleaners, etc., but do not include gas station or other vehicle services which are separately defined under "Vehicle Sales and Services."

Dwelling /Dwelling Unit/Housing Unit. A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis. A single household may include up to 5 unrelated people.

1. **Accessory Dwelling Unit.** An auxiliary dwelling unit located within an accessory structure of a primary dwelling unit on the lot. Includes, but is not limited to dwelling units in guest houses, carriage houses, pool houses, and above or beside a garage.
2. **Single Family/Unit.** A structure containing one primary dwelling unit on a single lot.
3. **Two Family/Unit.** A structure containing two dwelling units on a single lot.
4. **Three Family/Unit.** A structure containing three dwelling units on a single lot.
5. **Multi-Family/Unit.** A structure containing four or more dwelling units on a single lot.
6. **Multi-Family Development.** One parcel that contains multiple buildings containing housing units, either as apartments, or condominium. Each building may have one or more units.

Forestry. Perpetual management, harvesting and enhancement of forest resources for ultimate sale or use of wood products, requiring replanting, and subject so South Carolina Forestry Commission Best Management Practices (BMPs).

General Retail. Stores and shops intended to serve as destination retail, convenience shopping, and provision of general services. Examples of these stores, lines of merchandise, and services include: Art galleries; retail; art supplies, including framing services; books, magazines, and newspapers; cameras and photographic supplies; clothing, shoes, and accessories; collectibles (cards, coins, comics, stamps, etc.); drug stores and pharmacies; dry goods; fabrics and sewing supplies; furniture and appliance stores; hobby materials; home and office electronics; jewelry; luggage and leather goods; musical instruments; neighborhood markets; parts; accessories; small wares; specialty grocery store; specialty shops; sporting goods and equipment; stationery; toys and games; variety stores; videos, DVD's, records, and CD's, including rental stores. May include sales of materials produced on the premises.

General Services. Professional, commercial and public activities conducted in offices and storefronts, without outdoor storage needs, including but not limited to business and financial services, advanced technology uses that are compatible in terms of noise/ vibration impacts and hazards with adjoining buildings, minor repair services, health services, social services, legal services, educational services and cultural services. Does not include industrial or medical services.

1. **Bank/Financial Services.** Financial institutions, including, but not limited to: banks and trust

companies, credit agencies, holding (but not primarily operating) companies, lending and thrift institutions, other investment companies, securities/ commodity contract brokers and dealers, security and commodity exchanges, and vehicle finance (equity) leasing agencies. Includes ATM facilities (see "ATM").

2. **Business Services.** Establishments providing direct services to consumers. Examples of these uses include employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, elected official satellite offices, etc. This use does not include "Bank, Financial Services," which is separately defined.
3. **Business Support Service.** An establishment within a building that provides services to other businesses. Examples of these services include, but are not limited to: Computer-related services (rental, repair) (see also "Maintenance Service - Client Site Services"), copying, quick printing, and blueprinting services, film processing and photofinishing (retail), mailing and mailbox services.
4. **Personal Services.** Establishments that provide non-medical services to individuals as a primary use. Examples of these uses include: barber and beauty shops, body piercing facilities, clothing rental, dry cleaning pick-up stores with limited equipment, home electronics and small appliance repair, laundromats (self-service laundries), locksmiths, massage (licensed, therapeutic, non-sexual), nail salons, pet grooming with no boarding, shoe repair shops, tailors, tanning salons, tattoo parlors. These uses may also include accessory retail sales of products related to the services provided.
5. **Professional, Administrative Services.** Office-type facilities occupied by businesses that provide professional services, or are engaged in the production of intellectual property. Examples of these uses include: Accounting, auditing and bookkeeping services, advertising agencies, attorneys, business associations, chambers of commerce, commercial art and design services, construction contractors (office facilities only), counseling services, court reporting services, design services including architecture, engineering, landscape architecture, urban planning, detective agencies and similar services, educational, scientific and research organizations, financial management and investment counseling, literary and talent agencies, management and public relations services, media postproduction services, news services, photographers and photography studios, political campaign headquarters, psychologists, secretarial, stenographic, word processing, and temporary clerical employee services, security and commodity brokers, writers' and artists' offices.

Group Dwelling. A residential facility for unrelated persons providing living facilities, sleeping rooms, and meals. This category does not include homes for the developmentally disabled or other institutional uses such as protective living or sheltered care facilities; see "Community Care Facilities."

1. **8 or Fewer Residents, in a Home.** Residential facility for eight or fewer unrelated persons providing living facilities, sleeping rooms, and meals. This use shall be considered as a single-family dwelling, in terms of applicable building form standards. The number listed does not include the operator, members of the operator's family, or persons employed by the operator as staff, except that the total number of persons living in a group home shall not exceed 10. This category does not include a home for the developmentally disabled or other institutional uses such as protective living or sheltered care facilities, see "Community Care Facilities."
2. **More than 8 Residents, in a Community Residence.**
   a. **Dormitories.** A building or portion thereof which contains living quarters for nine or more students, staff, or members of a college, university, primary or secondary boarding school, theological school, or other comparable organization, provided that such building

is either owned or managed by such organization. Single family and two-family dwellings are defined separately. See "Rooming and Boarding Facilities."

b. **Convent or Monastery.** The living quarters or dwelling units for a religious order or for the congregation of persons under religious vows.

c. **Congregate Care Facility.** A facility for long-term residence exclusively by persons 62 years of age or older, and which may include, without limitation, common dining and social and recreational features, special safety and convenience features designed for the needs of the elderly, such as emergency call systems, grab bars and handrails, special door hardware, cabinets, appliances, passageways, and doorways designed to accommodate wheelchairs, and the provision of social services for residents which must include at least two of the following: meal services, transportation, housekeeping, linen, and organized social activities.

d. **Nursing Home.** A health care institution other than a hospital or sheltered care home which provides inpatient or resident beds and is licensed by the South Carolina Department of Health and Environmental Control as a skilled nursing facility for two or more unrelated persons. A nursing home provides services to those who need continuous care but do not require hospital care or direct daily care from a physician.

Home Occupation - Major. Residential premises used for the transaction of business, the supply of professional services, and the limited supply of retail by the resident thereof. Major Home Occupations may include agent, architect, artist, broker, consultant, draftsman, dressmaker, engineer, family daycare home, interior decorator, lawyer, notary public, teacher, and other similar occupations, as determined by the Administrator. Such use shall not simultaneously employ more than 2 persons in addition to the residents of the dwelling. The Home Occupation use shall not disrupt the general character of the neighborhood.

Home Occupation - Minor. Residential premises used for the transaction of business or the supply of professional services. Home Offices shall be limited to the following: agent, architect, artist, broker, consultant, draftsman, dressmaker, engineer, interior decorator, lawyer, notary public, teacher, and other similar occupations, as determined by the Administrator. Such use shall not simultaneously employ more than 1 person in addition to the residents of the dwelling. The Home Office use shall not disrupt the generally residential character of the neighborhood.

Infrastructure and Utilities. Installations or facilities or means for furnishing to the public, electricity, gas, steam, communications, water, drainage, sewage disposal, or flood control, irrespective of whether such facilities or means are underground or above ground; utilities may be owned and operated by any person, firm, corporation, municipal department or board, duly appointed by state or municipal regulations. Does not include Maintenance Yards (see "Maintenance Yard") or utility offices (see "General Service and Office").

Laundry, Dry Cleaning Plant. A service establishment engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry cleaning and garment pressing; commercial laundries; and linen supply. These facilities may include accessory customer pick-up facilities. These facilities do not include coin-operated laundries or dry cleaning pick up stores without dry cleaning equipment, see "Personal Services".

Live/ Work Unit. An integrated housing unit and working space, that accommodates both residential occupancy and work or commercial activity. Typically the commercial space is below or in front of the residential space.

Lodging. (syn. Overnight Guest Accommodation).Bed & Breakfast Inn (B&B), Hostel, Hotel/Motel, Inn/Lodge, Resort, Rooming and Boarding Facility, and Short-Term Rental.

1. **Bed & Breakfast Inn (B&B).** (5 or Fewer Rooms) The use of a single residential structure for commercial lodging purposes, with up to five bedrooms used for the purpose of the lodging transient guests and in which meals may be prepared for them, provided that no meals may be sold to persons other than such guests.
2. **Hostel.** A facility for residence of under twenty-nine (29) days that provides simple dormitory or sleeping rooms and common rooms for cooking, meeting, recreational, and educational use; that is chartered or approved by the International Hostel Federation or its national or regional affiliates, or similar organizations; and that is supervised by resident house-parents or managers.
3. **Hotel/Motel (25 or more rooms).** A lodging establishment of 25 or more rooms in a building or group of buildings offering transient lodging accommodations on a daily rate to the general public. Additional services may include a restaurant, meeting rooms, and recreational facilities.
4. **Inn (6 to 24 rooms).** A building or group of buildings used as a lodging establishment having six to 24 guest rooms providing overnight accommodations and breakfast to transient guests.
5. **Resort.** Lodging that serves as a destination point for visitors, located and designed with some combination of recreational uses or natural areas, such as marinas, beaches or pools, tennis, golf, equestrian, other special recreation opportunities, and/or a variety of restaurants and shops to serve the guests. Buildings and structures in the resort shall complement the scenic and natural qualities of the location and area where it is situated.
6. **Rooming and Boarding Facility.** A residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent, or rental agent is in residence. Includes dormitories, single room occupancy, fraternities, and sororities.
7. **Short-Term Rental.** A single-family dwelling, individual two-family or three-family dwelling, multifamily dwelling, or boat docked in approved marina, or any portion thereof, 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. When a portion of a dwelling unit is being rented, only one rental party may rent space at one time. If separate parties are renting rooms simultaneously, the use is considered a Bed and Breakfast.

Maintenance Yard. An outdoor storage area for large equipment, vehicles, and/or other common materials used by the City and/or master developer for maintenance of public/private infrastructure; storage of scrap materials used for repair and maintenance; and buildings or structure for uses such as repair facilities. May include an accessory office.

Manufacturing, Processing, Packaging: Light. A facility accommodating manufacturing processes involving less intense levels of fabrication and/or production such as the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. The premises may include secondary retail or wholesale sales. Examples of light manufacturing/assembly uses include:

1. **Artisan/Craft Product Manufacturing.** An establishment that manufactures and/or assembles small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products, where any retail sales are incidental to the manufacturing activity.
2. **Clothing and Fabric Product Manufacturing.** An establishment that assembles clothing, draperies, and/or other products by cutting and sewing purchased textile fabrics, and related

materials including leather, rubberized fabrics, plastics and furs. Does not include custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store (see "Personal Services"). Does not include the production of textile fabrics and related materials.

3. **Furniture and Fixtures Manufacturing, Cabinet Shop.** A business that manufactures wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes furniture re-upholstering businesses, and wood and cabinet shops, but not sawmills or planing mills.
4. **Handicraft Industries, Small-Scale Manufacturing.** Establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products, and taxidermists. Also includes manufacturing establishments producing small products not classified in another major manufacturing group, including: brooms and brushes; buttons, costume novelties; jewelry; musical instruments; pens, pencils, and other office and artists' materials; sporting and athletic goods; toys; etc.
5. **Media Production.** Facilities for motion picture, television, video, sound, computer, and other communications media production.
6. **Photo/Film Processing Lab.** A facility that provides high volume and/or custom processing services for photographic negative film, transparencies, and/or prints, where the processed products are delivered to off-site retail outlets for customer pick-up. Does not include small-scale photo processing machines accessory to other retail businesses.
7. **Printing & Publishing.** An establishment engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. "Quick printing" services are included in the definition of "Business Support Services."

Manufacturing and Processing, Heavy. A facility accommodating manufacturing processes that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community. Examples of heavy manufacturing uses include the following:

1. **Chemical Product Manufacturing.** An establishment that produces or uses basic chemicals, and other establishments creating products predominantly by chemical processes. Examples of these products include: basic chemicals, including acids, alkalis, salts, and organic chemicals; chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and finished chemical products to be used for ultimate consumption, including drugs/pharmaceuticals, cosmetics, and soaps; or to be used as materials or supplies in other industries including paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above, except as part of retail trade.
2. **Concrete, Gypsum, and Plaster Product Manufacturing.** An establishment that produces bulk concrete, concrete building block, brick, and/or other types of precast and prefabricated concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, including plasterboard.

3. **Glass Product Manufacturing.** An establishment that manufactures glass and/or glass products by melting silica sand or cullet, including the production of flat glass and other glass products that are pressed, blown, or shaped from glass produced in the same establishment. Artisan and craftsman type operations of a larger scale than home occupations are instead included under ("Manufacturing – Light - Handcraft Industries and Small-Scale Manufacturing").
4. **Paving and Roofing Materials Manufacturing.** The manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood, and various compositions of asphalt and tar.
5. **Petroleum Refining and Related Industries.** Industrial plants for purifying petroleum, and the compounding of lubricating oils and greases from purchased materials. Also includes oil or gas processing facilities, liquefied natural gas (LNG) facilities, the manufacture of petroleum coke and fuel briquettes, tank farms, and terminal facilities for pipelines. Does not include petroleum pipeline surge tanks and pump stations ("Public Services"), or petroleum product distributors ("Flammable Liquid, Gas, and Bulk Fuel - Storage and Sale").
6. **Plastics, other Synthetics, and Rubber Product Manufacturing.** The manufacture of rubber products including: tires, rubber footwear, mechanical rubber goods, heels and soles, flooring, and other rubber products from natural, synthetic, or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires; products from recycled or reclaimed plastics or styrofoam; molding primary plastics for other manufacturers, manufacturing miscellaneous finished plastics products, fiberglass manufacturing, and fiberglass application services. Does not include establishments engaged primarily in recapping and retreading automobile tires (See "Vehicle Sales and Services").
7. **Primary Metal Industries.** An establishment engaged in: the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; the rolling, drawing, and alloying of metals; the manufacture of castings, forgings, stampings, extrusions, and other basic metal products; and the manufacturing of nails, spikes, and insulated wire and cable. Also includes merchant blast furnaces and by-product or beehive coke ovens.
8. **Pulp and Pulp Product Manufacturing.** An establishment that manufactures pulp, paper, or paperboard. Includes pulp, paper, and paperboard mills. Does not include establishments primarily engaged in converting paper or paperboard without manufacturing the paper or paperboard, including envelope manufacturing, converted paper products, paper coating and glazing, paper bags, assembly of paperboard boxes, wallpaper (See "Manufacturing - Light – Paper Product Manufacturing").
9. **Textile and Leather Product Manufacturing.** An establishment that converts basic fibers (natural or synthetic) into a product, including yarn or fabric, that can be further manufactured into usable items (See "Manufacturing - Light - Clothing and Fabric Product Manufacturing"), and industries that transform hides into leather by tanning or curing. Includes: Coating, waterproofing, or otherwise treating fabric; Manufacturing woven fabric, carpets, rugs from yarn; Dressed and dyed furs Preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage; Dying and finishing fiber, yarn, fabric, and knit apparel Scouring and combing plants; Leather-tanned, curried, and finished upholstery manufacturing; Manufacture of knit apparel and other finished products from yarn and thread mills; and Manufacture of felt goods, lace goods, non-woven fabrics and miscellaneous textiles.

Marine Industrial. A place of business serving marine-related needs including but not limited to: the loading and unloading of boats, boat storage (dry stack or boatyard), major boat repairs and servicing (engine, painting, body work, overhaul), commercial boat manufacturing, commercial fishing,

the shipping of goods and containers, and other activities whose primary purpose is to facilitate the commercial maritme industry.

Medical Services: Clinic, Urgent Care; Doctor Office; and Extended Care.

1. **Clinic, Urgent Care.** A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include: Medical offices with five or more licensed practitioners and/or medical specialties, outpatient care facilities, urgent care facilities, other allied health services. These facilities may also include incidental medical laboratories. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional/Administrative."
2. **Doctor Office.** A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than four licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite. A facility with five or more licensed practitioners is instead classified under "Medical Services – Clinic, Urgent Care." Counseling services by other than medical doctors or psychiatrists are included under "Office – Professional, Administrative."
3. **Extended Care.** Residential facilities providing nursing and health-related care as a primary use with in-patient beds. Examples of these uses include: board and care homes; convalescent and rest homes; extended care facilities; and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care."

Medical Services: Hospital. A major institution where people receive medical, surgical, or psychiatric treatment and nursing care.

Meeting Facility, Public or Private. A facility for public or private meetings, including: Community centers, religious assembly facilities (e.g., churches, mosques, synagogues, etc.), civic and private auditoriums, Grange halls, union halls, meeting halls for clubs and other membership organizations, etc. Also includes functionally related internal facilities such as kitchens, multi-purpose rooms, and storage. Does not include conference and meeting rooms accessory and incidental to another primary use, and which are typically used only by on-site employees and clients, and occupy less floor area on the site than the offices they support. Does not include: Cinemas, performing arts theaters, indoor commercial sports assembly or other commercial entertainment facilities. Related on-site facilities such as day care centers and schools are separately defined and regulated.

Mining /Resource Extraction. Extractive uses such as surface mining for sand, gravel, clay and topsoil and any other such use. Quarrying is not permitted.

Museum. See "Community Oriented Civic Facility."

Microbrewery. (syn. Craft Brewery) A brewery that produces a small amount of beer (up to 10,000 barrels per year) for sale and consumption on or off premises. These establishments may be part of a brew pub (see definition).

Neighborhood Market. A neighborhood serving retail store, primarily offering food products, which may also carry a range of merchandise oriented to daily convenience shopping needs, and may be combined with food service (e.g., delicatessen).

Office. See "General Services, Business Services, and Professional, Administrative Services."

Open Air Retail. A retail sales establishment operated substantially in the open air including, but not limited to: flea markets, trading posts, roadside stands, beach recreation and rental, and the like. Does not include community farmer's markets (see "Community Farmer's Market"), Vehicle Sales and Rental (see "Vehicle Sales and Rental"), industrial or agricultural equipment sales and rental (see "Agricultural

Support Services"), home or garden supplies and equipment, or plant nurseries.

Outdoor Storage. Open yard area used for storage of materials or equipment associated with a primary use, excluding junk or other salvage. This is an accessory or primary use.

Park, Open Space, Playground. An outdoor recreation facility that may provide a variety of recreational opportunities including playground equipment, ponds, lakes, and open space areas for both passive and active assembly, recreation, sport, and ecotourism.

Parking Facility, Public or Commercial, Surface or Structure. Parking lots or structures operated by the jurisdiction or a private entity, providing parking either for free or for a fee. Does not include towing impound and storage facilities.

Personal Storage Facility, Indoor. Structures containing generally small, individual, compartmentalized stalls or lockers offered for rent or lease to the general public as individual storage spaces and characterized by low parking demand. Premises may include retail or wholesale sales related to storage (e.g. boxes, locks, tape, protective material, etc.)

Recreation Facility, Commercial or Institutional.

1. **Indoor.** An establishment providing indoor amusement and entertainment services for a fee or admission charge, including: Bowling alleys, coin-operated amusement arcades, electronic game arcades (video games, pinball, etc.), ice skating and roller skating, pool and billiard rooms as primary uses. Any establishment with four or more electronic games or amusement devices (e.g., pool or billiard tables, pinball machines, etc.) or a premises where 50 percent or more of the floor area is occupied by electronic games or amusement devices is considered a commercial recreation facility; three or fewer machines or devices are not considered a use separate from the primary use of the site. Does not include adult-oriented businesses.
2. **Golf Course and Country Club.** This land use consists of golf courses and accessory facilities and uses including: clubhouses with bar and restaurant; locker and shower facilities; "pro shops" for on-site sales of golfing equipment and clothing; and golf cart storage and sales facilities.
3. **Health/Fitness Facility.** A fitness center, gymnasium, or health and athletic club, which may include any of the following: Exercise machines, weight facilities, group exercise rooms, sauna, spa, hot tub, or swimming facilities, indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities. Does not include adult-oriented businesses.
4. **Outdoor.** A facility for outdoor recreational activities where a fee may be charged for use. Examples include amusement and theme parks; campgrounds, recreational vehicle (RV) parks, and picnicking areas; go-cart tracks; golf driving ranges; miniature golf courses; outdoor pools, and water slides. May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc. Does not include golf courses.

Recreational Vehicle Park. See "Recreation Facility, Commercial or Institutional - Outdoor."

Restaurant, Cafe, Coffee Shop. A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off- premise consumption ("counter service"); and establishments where customers are served food at their tables for on-premise consumption ("table service"), that may also provide food for take-out, but does not include drive-through services, which are separately defined and regulated.

School, Private or Public. Includes the following facilities:

1. **Elementary, Middle, Secondary.** A public or private academic educational institution,

including elementary (kindergarten through 6th grade), middle and junior high schools (7th and 8th grades), secondary and high schools (9th through 11th grades), and facilities that provide any combination of those levels. May also include any of these schools that also provide room and board.

2. **Does not include pre-schools and child day care facilities (see "Day Care, Child or Adult").** See also the definition of "Studio - Specialized Education/Training" for smaller-scale facilities offering specialized instruction.

Sexually Oriented Business. See Appendix B.

Storage, Outdoor. See "Outdoor Storage."

Studio - Specialized Education/ Training, etc. Small-scale facilities that provide individual and group instruction, education and/or training, including tutoring and vocational training in limited subjects, such as:

1. **The arts.** Production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.
2. **Vocational and Professional Schools.** Business, secretarial, and vocational school, computers and electronics school, driver education school, establishments providing courses by mail, language school, professional school (e.g. law, medicine, etc.), religious ministry training facilities.

Transit Station. See "Transportation Terminal."

Transit Stop. A location where buses or other transit providers stop to load and unload passengers. A transit stop may or may not include a shelter or a pullout.

Transitional/Supportive Housing. A state licensed residential dwelling occupied with a 24-hour per day resident attendant directly employed for the temporary care, assistance and supervision of not more than eight (8) adults, with or without children, who require transitional housing accommodations made necessary due to conflict or threat of personal harm arising from the person's former living arrangement.

Transportation Terminal. Facilities for the embarkation and departure of surface transit facilities, including but not limited to: bus transit stations, rail transit stations, and ferry terminals. Does not include airports or related services (see "Airport, Aviation Services").

Utility. See "Infrastructure and Utilities."

Vehicle and Boat Sales and Rental. A retail or wholesale establishment selling and/or renting automobiles, trucks, vans, trailers, motorcycles, boats, and/or scooters with internal combustion engines. May also include repair shops and the sales of parts and accessories incidental to vehicle dealerships. Does not include businesses dealing exclusively in used parts, auto wrecking and/or salvage; the sale of auto parts/accessories separate from a vehicle dealership (see "General Retail"); or service stations (see "Vehicle Services").

Vehicle Services.

1. **Gas Station/Fuel Sales.** Where petroleum products are dispensed for retail sales to automobiles, and may include a canopy, car wash, and/or accessory retail. Does not include the repair or servicing of vehicles (see "Minor Maintenance and Repair").
2. **Minor Maintenance and Repair.** Incidental minor repairs to include replacement of parts

and service to passenger cars, but not including any operation defined as "automobile repair, major," or any other operation similar thereto.

3. **Major Maintenance and Repair.** General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body or frame, straightening or repair, overall painting, or paint shop.

Water/Marine Oriented Facilities. A non-for-profit or for-profit marina for on-water storage, servicing, fueling, berthing, securing, loading and unloading of boats, and other marine related activities including: recreational and charter fishing, boat and watercraft rentals, and marine-related retail (bait and tackle, marine supplies, etc.)

Warehousing. Facilities for the storage of furniture, household goods, or other commercial goods of any nature. May include an outdoor storage component, provided that the outdoor storage is not the primary use. Does not include warehouse, storage, or mini-storage facilities offered for rent or lease to the general public (see "Storage Facility: Personal Storage Facility, Indoor); warehouse facilities primarily used for wholesaling and distribution (see "Wholesaling and Distribution"); or terminal facilities for handling freight.

Waste Transfer and Recycling Facility. A site, location, tract of land, installation, or building that is used for the purpose of transferring solid wastes and recyclables that are generated "off site" in the local community from vehicles or containers into other vehicles or containers for transport to a regional waste collection and recycling facility.

Wholesaling and Distribution. An establishment engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include: agents, merchandise or commodity brokers, and commission merchants, assemblers, buyers and associations engaged in the cooperative marketing of farm products, merchant wholesalers, stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

Wireless Communications Facility. Public, commercial and private electromagnetic and photoelectric transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications, including commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections.

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APPENDIX A: LANDSCAPING

A.1: CERTIFIED ARBORIST REPORT

A.1.1 REQUIREMENTS

A Certified Arborist report is a document which provides visual assessment information based on a Level 2, Basic Tree Risk Assessment following the standards outlined in ANSI A300 – Part 9: Tree, Shrub and Other Woody Plant Management – Standard Practices. The report shall include:

A. An outline of the individual health and condition of required tree(s) to be removed or saved;

B. Root flare measurement for all specimen and landmark trees.

C. Recommendations regarding performance and timing of pre-disturbance maintenance procedures using arboricultural practices for the promotion of individual tree health as required (eg. crown pruning, root pruning and root fertilization) for all trees to be preserved; and

D. Recommendations for follow-up procedures such as root invigoration and/or fertilization at conclusion of construction phase to be listed.

E. Any special conditions required where development is required to encroach into a tree protection zone (eg. special curbing, pervious paving, tree wells).

A.1.2 FORMAT

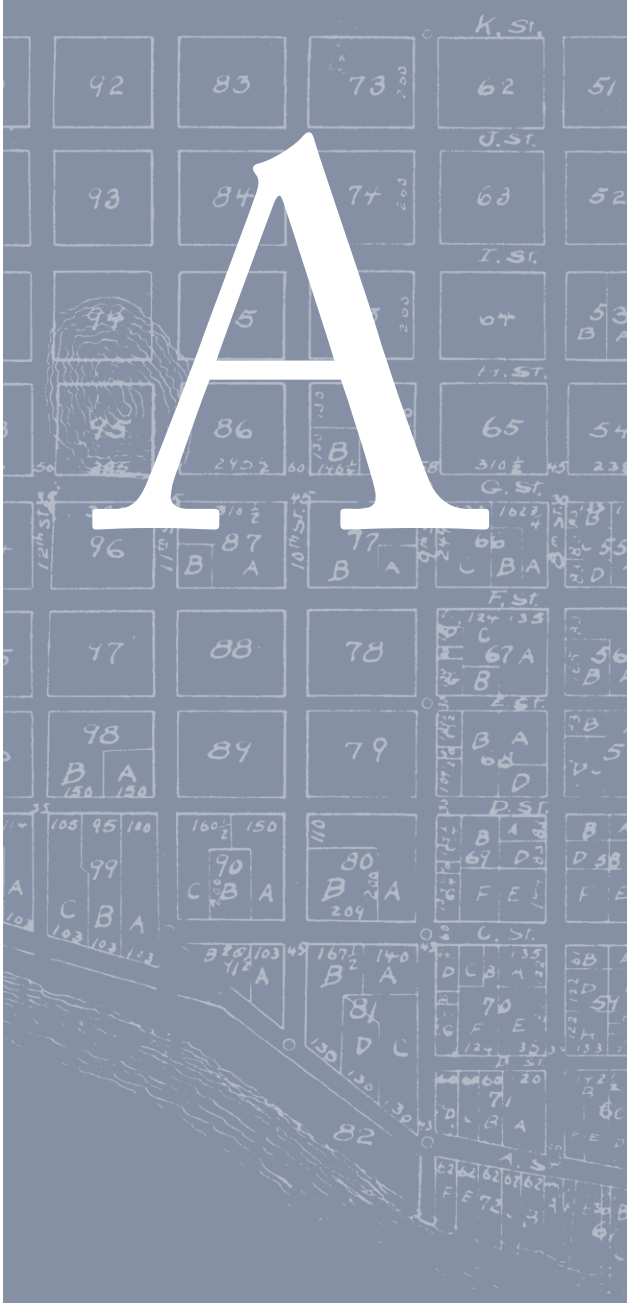
The report format for specimen and landmark trees that are requested for removal should be placed into four categories based on structural and physical health factors, with each category highlighted with a specific color on the site plan:

Category A: Slight defects with a low risk of failure – Green

Category B: Moderate defects with a reasonable risk of failure – Yellow

Category C: Severe defects with a high risk of failure – Orange

Category D: Critical defects with an imminent risk of failure – Red



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A.2: RECOMMENDED TREES AND SHRUBS

The following commonly found species of trees and evergreen shrubs are listed by category. The lists are not exhaustive and applicants are not required to select species found on these lists.

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
*Drake Elm (Everclear, Allee or Bosque)	Ulmus Parvifolia
Eastern Cottonwood	Populus deltoides
Honeylocust	Gleditsia triancanthos
*Cathedral Live Oak	Quercus virginiana 'Cathedral'
Laurel Oak	Quercus laurifolia
Live Oak	Quercus virginiana
*Overcup Oak	Quercus lyrata 'Highbeam'
Pecan	Carya illinoensis
Pignut Hickory	Carya glabra
Pumpkin Ash	Fraxinus profunda
*Pyramidal European Hornbeam	Carpinus betulus 'Fastigiata'
Red Maple	Acer rubrum
*Nuttall oak	Quercus nuttalli
Shumard Oak	Quercus shumardii
Southern Magnolia	Magnolia grandifl ora
Southern Red Oak	Quercus falcata
Swamp Chestnut Oak	Quercus michauxii
Sweet Gum	Liquidamber styraciflua
*Trident Maple	Acer buergeranium 'Aeryn'
Water Tupelo	Nyssa aquatica
White Oak	Quercus alba
Willow Oak	Quercus phellos
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

*starred trees are recommended for street tree plantings	
Short Leaf Pine	Pinus echinata
Spruce Pine	Pinus glabra

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
C*arolina 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
Eagleston (a.k.a. Foster) Holly	Ilex attenuata 'Eagleston' or 'Fosteri'
Eastern Coralbean	Erythrina herbacea
Eastern Redbud	Cercis canadensis
Eastern Red Cedar	Juniperus virginiana
Flatwoods Plum	Prunus umbellata
Florida Basswood	Tilia floridana
Florida Maple	Acer barbatum
Flowering Dogwood	Cornus florida
Fringetree	Chionanthus virginicus
Green Ash	Fraxinus pennsylvanica
*Hasse Magnolia (a.k.a. Alta)	Magnolia grandiflora 'Hasse' or 'Alta'
Hercules Club	Anthoxylum clava-herculis
Ironwood	Carpinus caroliniana
Littlehip Hawthorn	Crataegus spathulata
Loblolly Bay	Gordonia lasianthus

Mockernut Hickory	Caryatomentosa
Myrtle Oak	Quercus myrtifolia
*Oklahoma Redbud	Cercis reniformis 'Oklahoma'
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
Sabal Palm	Sabal palmetto
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, Weeping	Ilex vomitoria 'Pendula"

So. Indica Azalea	Azalea indica
Burford Holly	Ilex cornuta "Burfordi"
Wax Myrtle	Myrica cerifera
Fatsia	Fatsia japonica
Florida Anise	Illicium floridanum
Pfi tzer Juniper	Juniperus chinensis "pfi tzeriana"
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 fi go
Sweet Myrtle	Myrtus communis
*starred trees are recommended for street tree plantings	

SCREENING SHRUBS	
Sasanqua	Cammellia sasanqua
Yaupon Holly	Ilex vomitoria
Chinese Mahonia	Mahonia fortuneiw
Nandina	Nandina domestica
Pittosporum	Pittosporum tobira
Podocarpus	Podocarpus macrophyllus
Indian Hawthorne	Raphiolepis indica
Cleyera	Ternstroemia gymnanthera
Laurestinus	Viburnum tinus
Japanese Viburnum	Viburnum macrophyllum
Elaeagnus	Elaeagnus pungens

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APPENDIX B: ADDITIONAL USE DEFINITIONS

B.1: GENERAL

This section lists additional standards for very specific uses that require detailed descriptions and conditions.

B.2: SEXUALLY ORIENTED BUSINESSES

B.2.1: CLASSIFICATION:

Sexually oriented businesses are classified as follows: Adult arcades; Adult bookstores or adult video stores; Adult cabarets; Adult motels; Adult motion picture theaters; Adult theaters; Adult car washes; Adult health clubs or adult bath houses; Escort agencies; Massage parlors; Nude model studios; and Sexual encounter centers.

B.2.2: LOCATION:

A. A person commits a misdemeanor if he operates or causes to be operated a Sexually Oriented Business outside of a designated Industrial (LI) District. All Sexually Oriented Businesses shall be located within a LI District.

B. A person commits a misdemeanor if he operates or causes to be operated a sexually oriented business within 500 feet of:

1. Any religious institution;
2. Any school;
3. The boundary of any residential District;
4. A public park or recreation area;
5. A youth activity center; or
6. The property line of a lot devoted to residential use.
7. A person commits a misdemeanor if he causes or permits the operation, establishment, substantial enlargement or transfer of ownership or control of

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a sexually oriented business within 500 feet of another Sexually Oriented Business.

8. 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.
9. The person commits a misdemeanor if he operates or causes to be operated a Sexually Oriented Business except as provided for in this section.
10. 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.
11. 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.

B.2.3 ADDITIONAL REGULATIONS FOR ADULT MOTELS:

C. 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.

D. 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.

E. For purposes of paragraph B above, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

B.2.4 EXHIBITION OF SEXUALLY EXPLICIT FILMS OR VIDEOS:

F. 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:

1. 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.

2. The application shall be sworn to be true and correct by the applicant.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

G. A person having a duty pursuant to Section (1) above commits a misdemeanor if he knowingly fails to fulfill that duty.

B.2.5: 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:

A. Admittance of a person under 18 years of age to the business premises unless accompanied by a parent or guardian;

B. A person under 18 years of age to remain at the business premises unless accompanied by a parent or guardian;

C. 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

D. A person who is under 18 years of age to work at the business premises as an employee.

B.2.6 ADVERTISING AND LIGHTING REGULATIONS

A. 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.

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 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.

C. The permittee shall not allow any portion of the interior premises to be visible from outside the premises.

D. 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.

B.2.7 HOURS OF OPERATION

A. 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.

B. 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.

B.2.8 NUDITY AT SEXUALLY ORIENTED BUSINESSES

A. 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.

B. 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 12.X.X (Violation of Sexually Oriented Business Provisions) .

B.2.9 REGULATIONS PERTAINING TO LIVE ENTERTAINMENT

A. 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".

B. 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.

C. 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.

D. 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.

E. 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.

F. Fixed rail(s) at least 30 inches in height shall be maintained establishing the separations between performers and patrons required by this section.

G. 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.

H. 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 13 (Definitions).

I. 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.

B.2.10 COMPLIANCE WITH THIS SECTION

A. For purposes of this section, establishment is defined as it is in Article 13 (Definitions). 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.

A. 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 12.X.X (Violation of Sexually Oriented Business Provisions). 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.

B. 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.

C. 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.

B.2.11 SPECIFIC DEFINITIONS

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".

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.

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.

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.

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.

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.

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.

Note: This Appendix is not complete; it is still being updated. The content will be the same as the Civic Master Plan, Chapter 10.

APPENDIX C: STREET REGULATING PLAN

C.1: GENERAL

The primary goal of the Street Infrastructure Plan is to create a street network which offers safe and convenient access for all users (pedestrians, bicyclists, drivers and transit riders) of all ages and abilities.

The following pages outline street standards that promote a complete street system by tailoring street design to its intended users and development context.

C.1.1 TYPICAL STREET SECTIONS

Beaufort has several typical street designs that capture the unique vernacular of of the area. The Street Infrastructure Plan applies specific expectations for streetscape characteristics to every street segment in the city. Each street type identified on the Street Infrastructure Plan maps corresponds to a street section diagram on the following pages that establishes the specific standards for that street.

C.1.2 SPECIFIC STREET SECTIONS

In certain instances, portions of streets have been marked as "Other" on the Street Infrastructure Plan maps. These street segments have been specifically designed with details that deviate from the typical street sections to respond to the context: specific environmental, neighborhood, or development opportunities. Each of these specific street sections are included in this chapter following the typical street sections that apply to most streets throughout Beaufort.

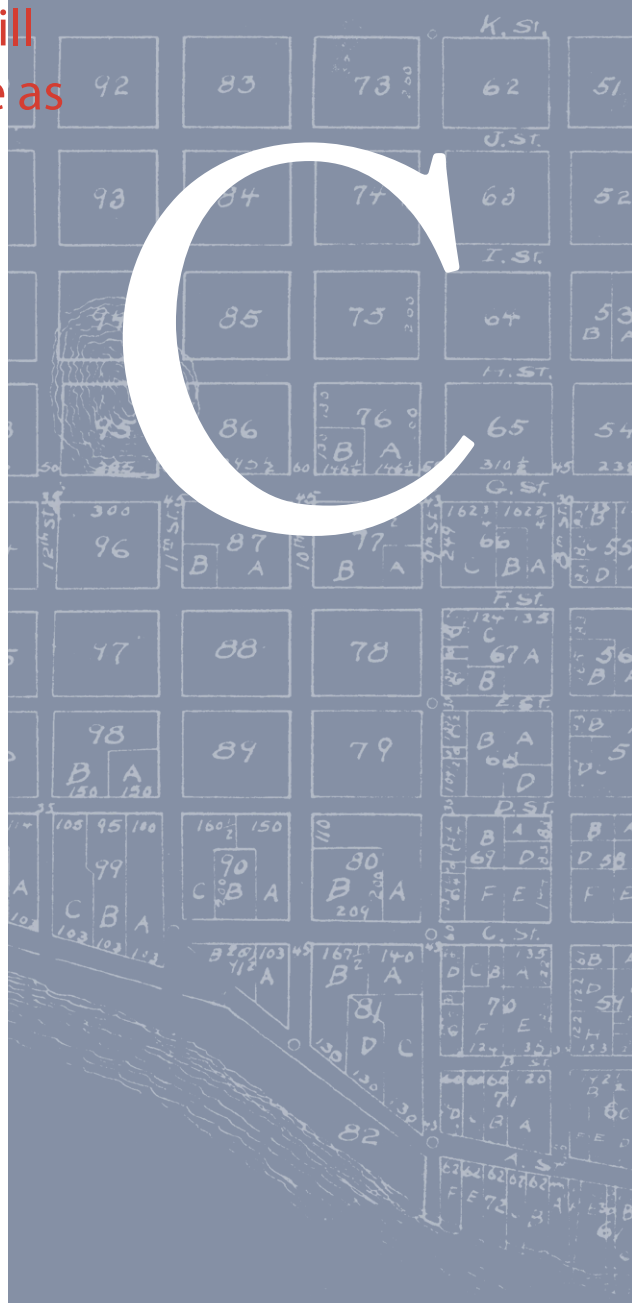
In some cases, a specific street section may apply only to a portion of a single street. In other cases, a specific street section may apply to multiple streets. The applicability of each specific street section is detailed in a corresponding table.

C.1.3 MILITARY ROADS

Some streets have been identified as "Military Roads" in the Street Infrastructure Plan. These streets have been left to the discretion of their associated military authority.

C.1.4 OVERHEAD UTILITIES

It is the intention of this plan to continue the city's pursuit of the burying of overhead utilities as a part of each street improvement project where funding permits. Where lines cannot be buried, the city will continue to work with the utility providers to replace or eliminate dead lines, unused equipment, and aging poles to improve the overall aesthetics of



SECTIONS

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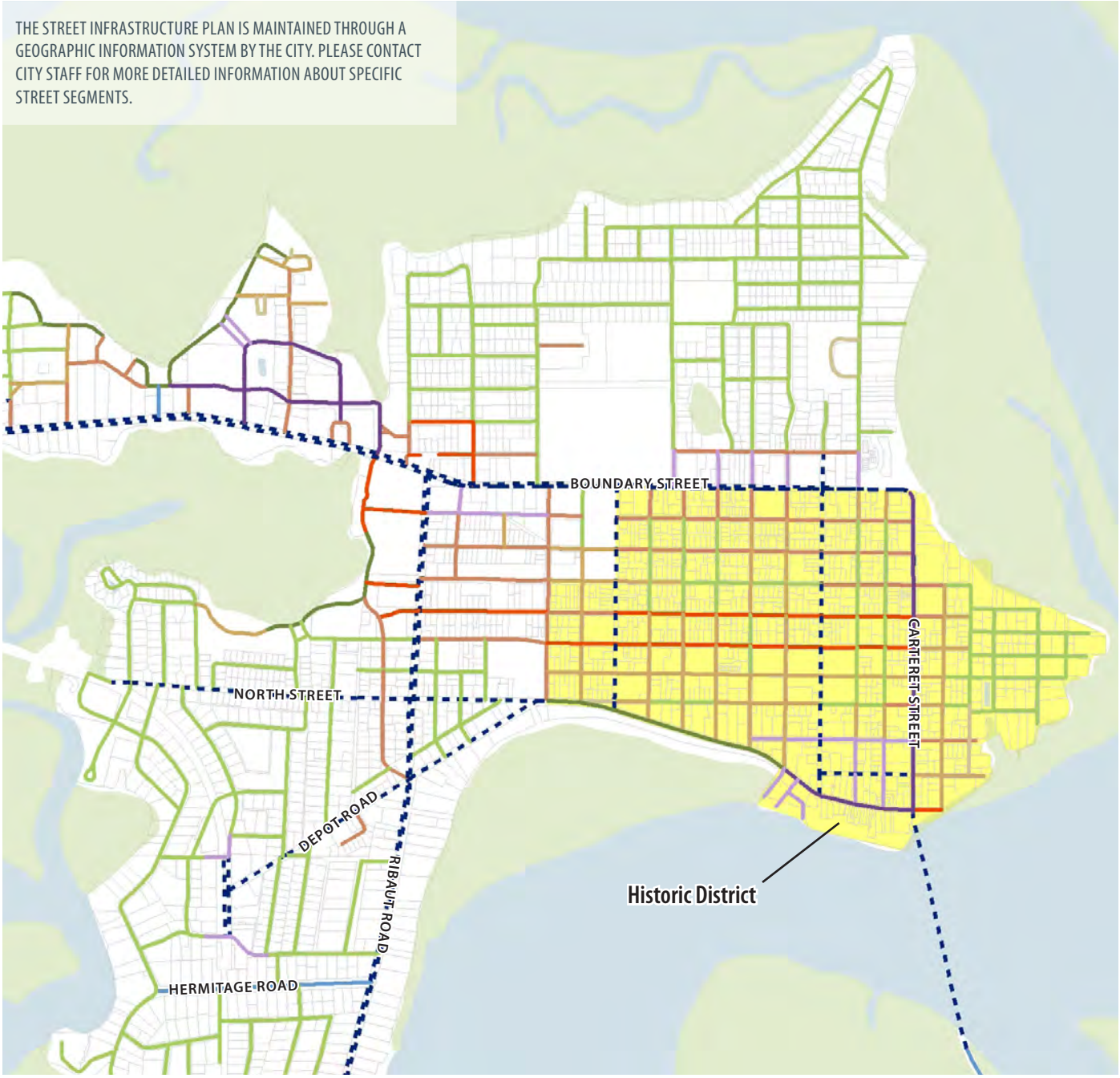
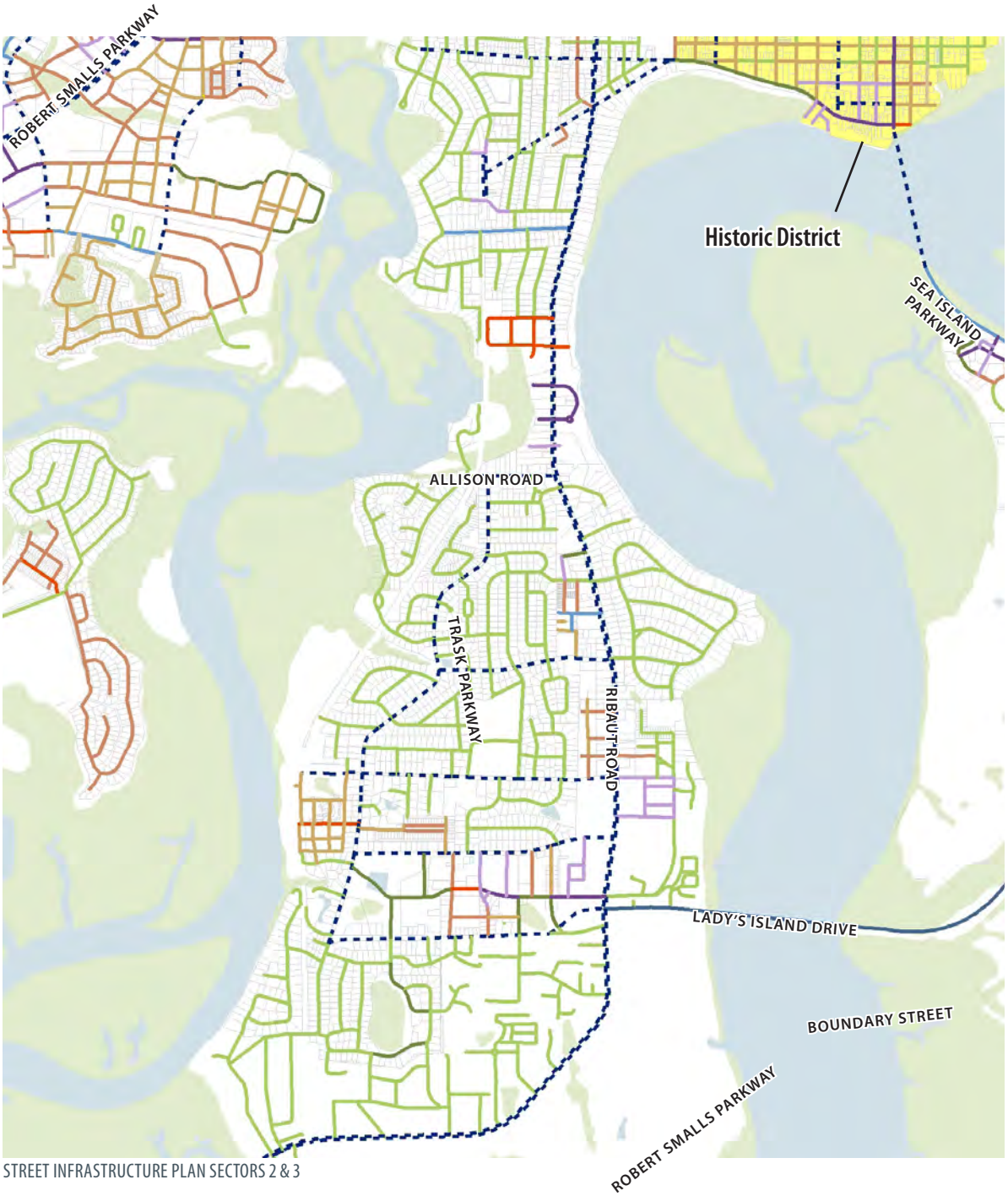
C.2: TYPICAL STREET SECTIONS



STREET INFRASTRUCTURE PLAN SECTOR 1

LEGEND

- Major Thoroughfare
- Boulevard
- Main Street 1 - Primary
- Main Street 2 - Limited
- Commercial Alley
- Avenue
- Neighborhood Street 1 - General
- Neighborhood Street 2 - Yield
- Neighborhood Street 3 - Lane
- Rear Lane
- Parkway
- Low Impact Development Road
- Rural Road
- Military Roads
- Other (specific street section)

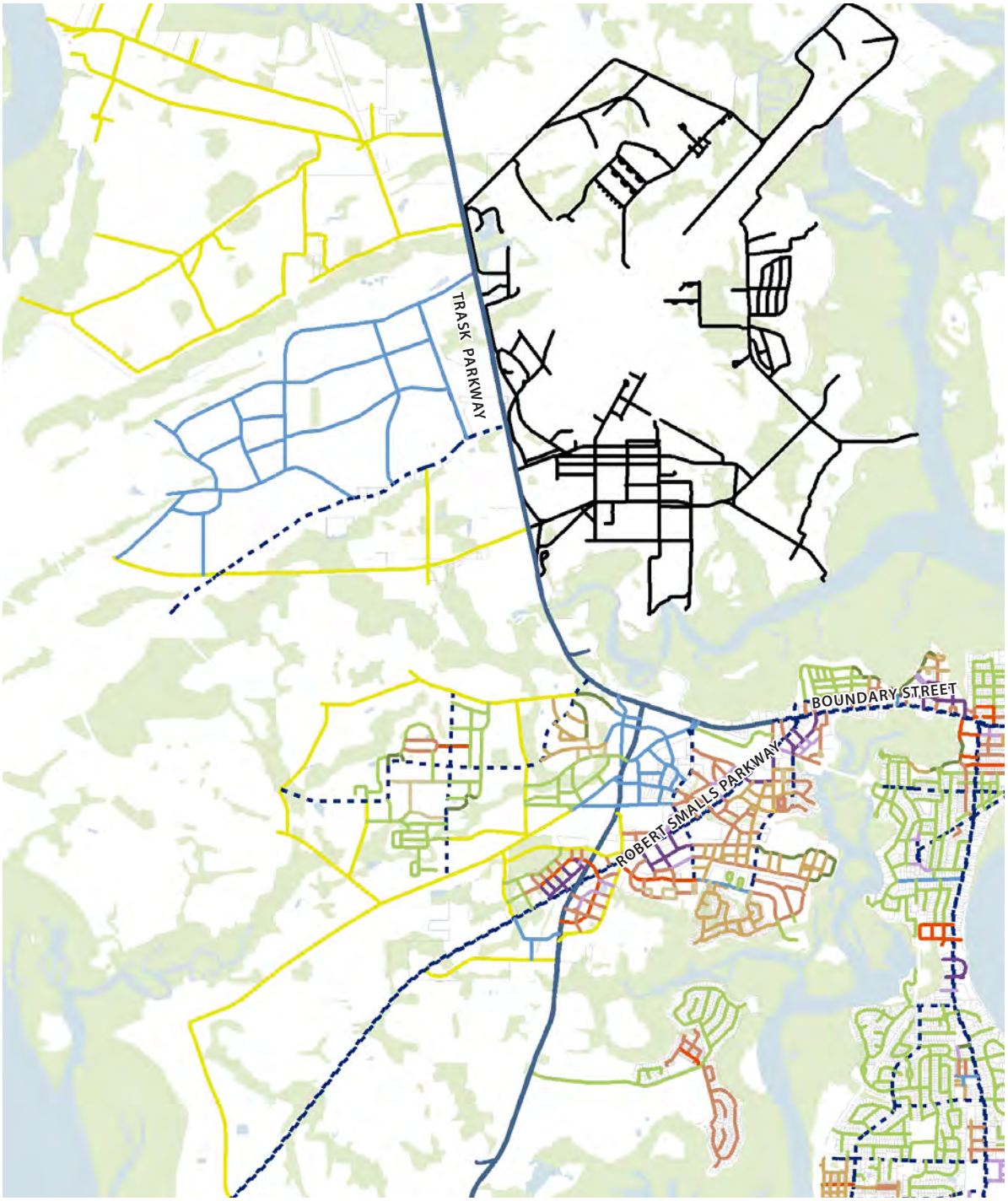


STREET INFRASTRUCTURE PLAN SECTORS 2 & 3

LEGEND

- Major Thoroughfare
- Boulevard
- Main Street 1 - Primary
- Main Street 2 - Limited
- Commercial Alley
- Avenue
- Neighborhood Street 1 - General
- Neighborhood Street 2 - Yield
- Neighborhood Street 3 - Lane
- Rear Lane
- Parkway
- Low Impact Development Road
- Rural Road
- Military Roads
- Other (specific street section)

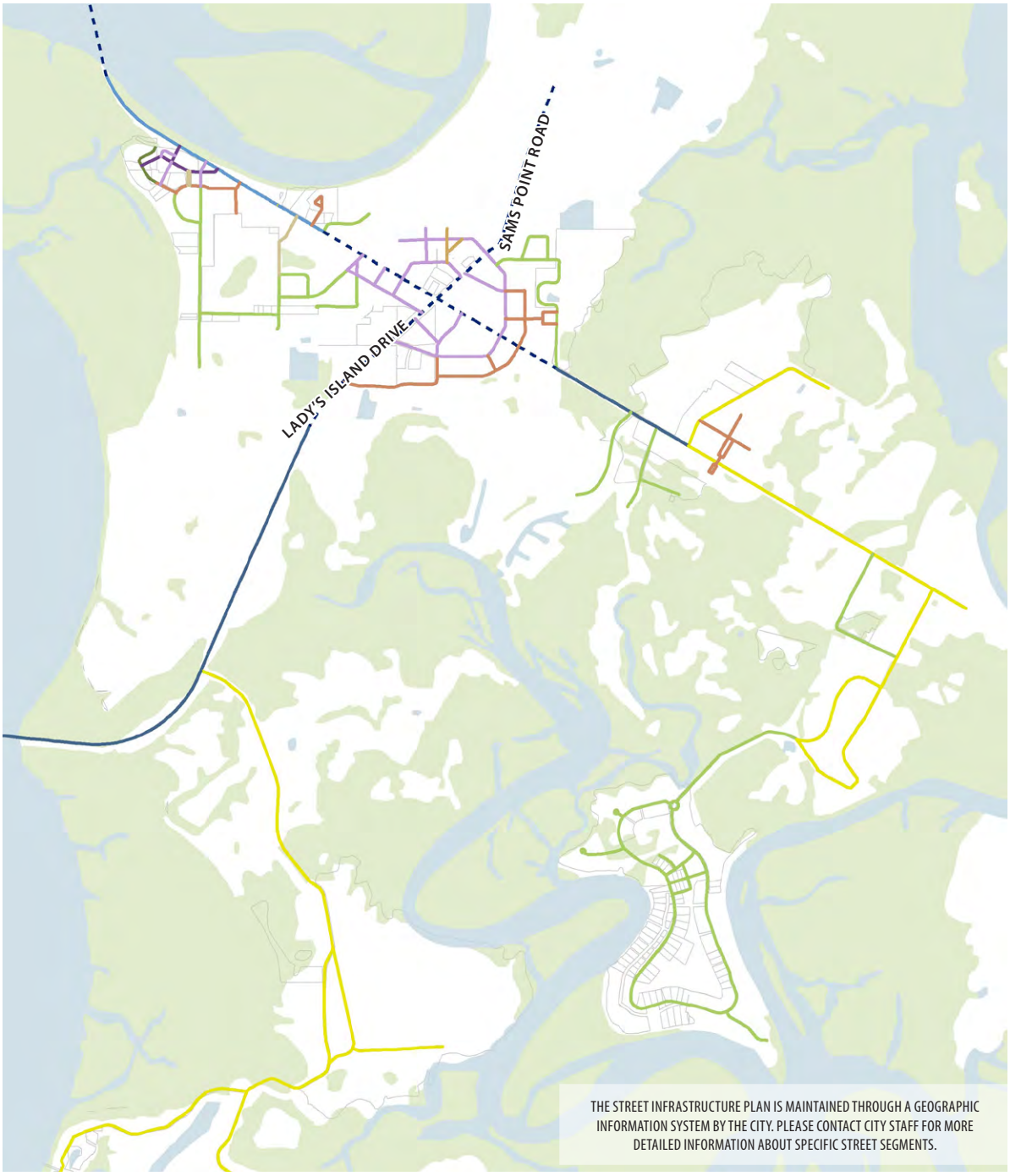
STREET INFRASTRUCTURE PLAN SECTOR 4



STREET INFRASTRUCTURE PLAN SECTOR 4

LEGEND

- Major Thoroughfare
- Boulevard
- Main Street 1 - Primary
- Main Street 2 - Limited
- Commercial Alley
- Avenue
- Neighborhood Street 1 - General
- Neighborhood Street 2 - Yield
- Neighborhood Street 3 - Lane
- Rear Lane
- Parkway
- Low Impact Development Road
- Rural Road
- Military Roads
- Other (specific street section)



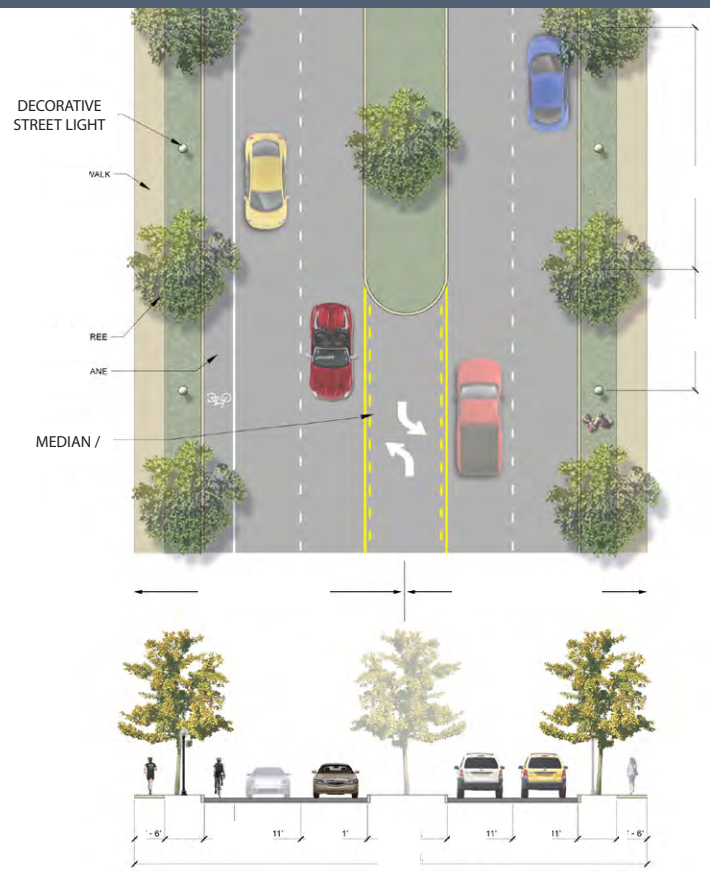
STREET INFRASTRUCTURE PLAN SECTOR 5

LEGEND

- Major Thoroughfare
- Boulevard
- Main Street 1 - Primary
- Main Street 2 - Limited
- Commercial Alley
- Avenue
- Neighborhood Street 1 - General
- Neighborhood Street 2 - Yield
- Neighborhood Street 3 - Lane
- Rear Lane
- Parkway
- Low Impact Development Road
- Rural Road
- Military Roads
- Other (specific street section)

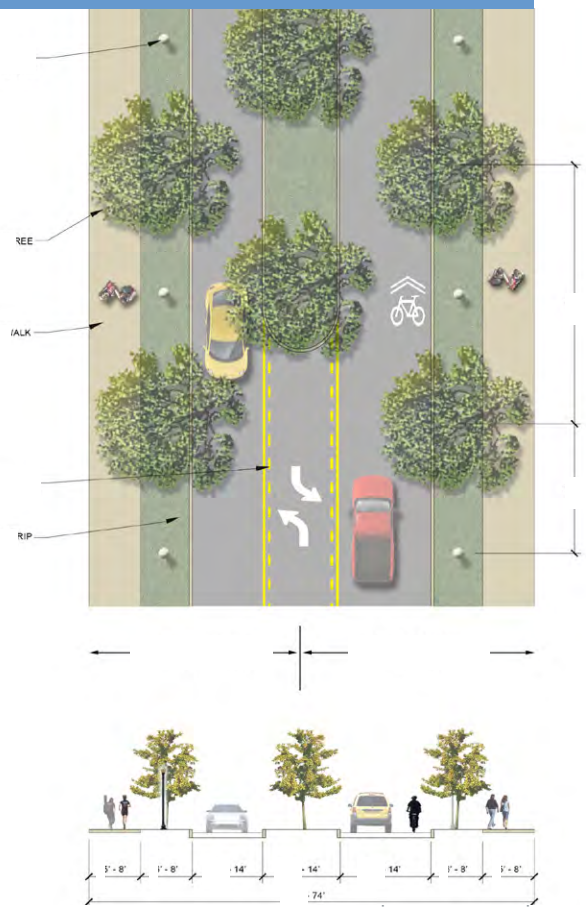
Major Thoroughfare (MT: 78 ft +)

Description	The primary purpose of this street type is to facilitate the movement of cars between regional destinations. As such, the application of this street type is limited to a few major corridors in the rural areas of Beaufort.
Curb Type	Curb or open swale
Right-of-Way Width	78 feet minimum
Traffic Lanes (Pavement Width)	4 lanes (10 to 11 feet each) & Center turn lane/median (12 feet min.)
Movement (Design Speed)	Limited Access (45 MPH)
Parking Lanes (Width)	N/A
Bike Facilities	Bike lanes (6 feet each) as needed
Sidewalk (Width)	2 sides (5 to 6 feet each)
Planter Type (Width)	Planting strip (8 feet minimum) & Planted median (12 feet minimum)
Street Trees	40 feet on-center average
Specific Applicability	See Street Regulating Plan



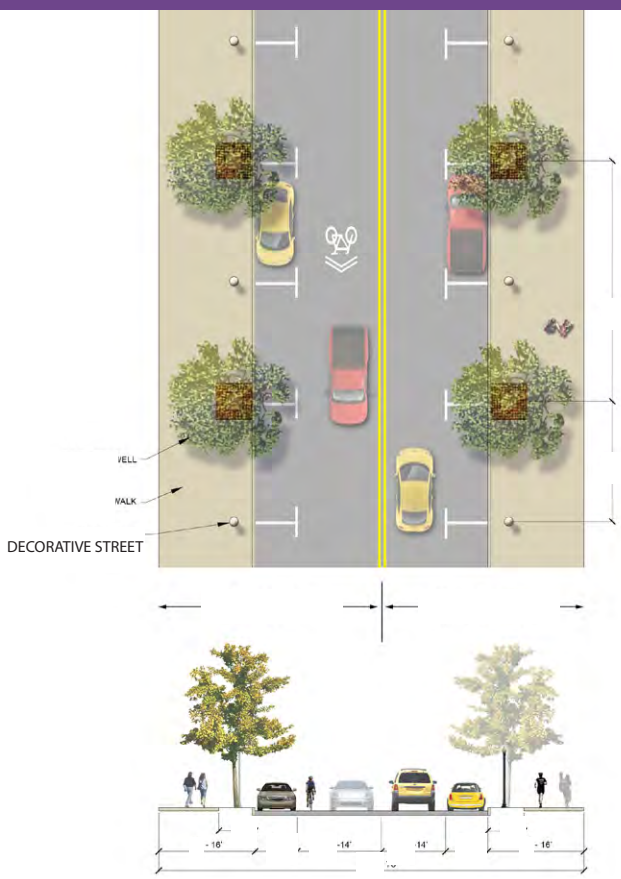
Boulevard (BV: 54 ft - 74 ft)

Description	This street type is most commonly applied to neighborhood connectors where on-street parking is not necessary and at entrances to residential neighborhoods. It can be adapted to both urban and suburban conditions depending on the access needs of fronting properties. This street type is also appropriate for use in industrial areas and is applied throughout the Commerce Park area of Beaufort.
Curb Type	Curb
Right-of-Way Width	54 to 74 feet
Traffic Lanes (Pavement Width)	2 lanes (10 feet each OR 14 feet each w/ sharrows)
Movement (Design Speed)	Moderate (30 MPH)
Parking Lanes (Width)	N/A
Bike Facilities	Sharrows as needed (14 feet shared lanes)
Sidewalk (Width)	2 sides (5 to 8 feet each)
Planter Type (Width)	Planting strip (6 to 8 feet) & Planted median (12 to 14 feet)
Street Trees	40 feet on-center average in planting strips and median
Specific Applicability	For Hermitage Road, the only proposed improvements are the installation of sharrow markings. For other usage of this section, please refer to the Street Regulating Plan.



Main Street 1 - Primary (MS1: 60 ft - 76 ft)

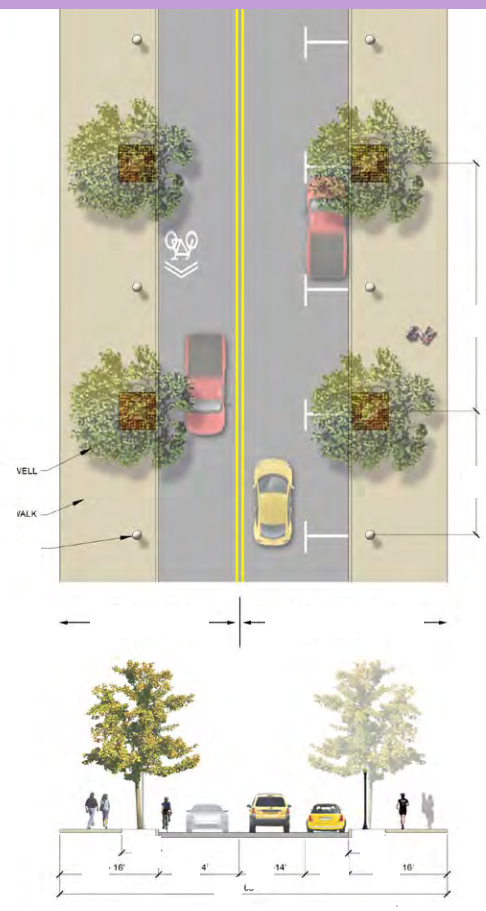
Description	This street type is intended to serve Beaufort's Main Street corridors. These streets are designed to accommodate the highest density of residential and commercial use and the greatest concentration of pedestrian activity.
Curb Type	Curb
Right-of-Way Width	60 to 76 feet
Traffic Lanes (Pavement Width)	2 lanes (10 feet each OR 14 feet each w/ sharrows)
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	2 sides parallel parking (8 feet each)
Bike Facilities	Sharrows as needed (14 feet shared lanes)
Sidewalk (Width)	2 sides (12 to 16 feet each)*
Planter Type (Width)	Tree wells (6 feet by 6 feet)*
Street Trees	40 feet on-center average
Specific Applicability	See Street Regulating Plan



* In the Historic District the sidewalks should be as wide as possible within the existing right-of-way. In some instances, 5 - to 10-foot sidewalks may be the maximum possible within the existing right-of-way. Where the maximum possible sidewalk width is 10 feet or less, street trees in tree wells should not be required.

Main Street 2 - Limited (MS2: 50 ft - 68 ft)

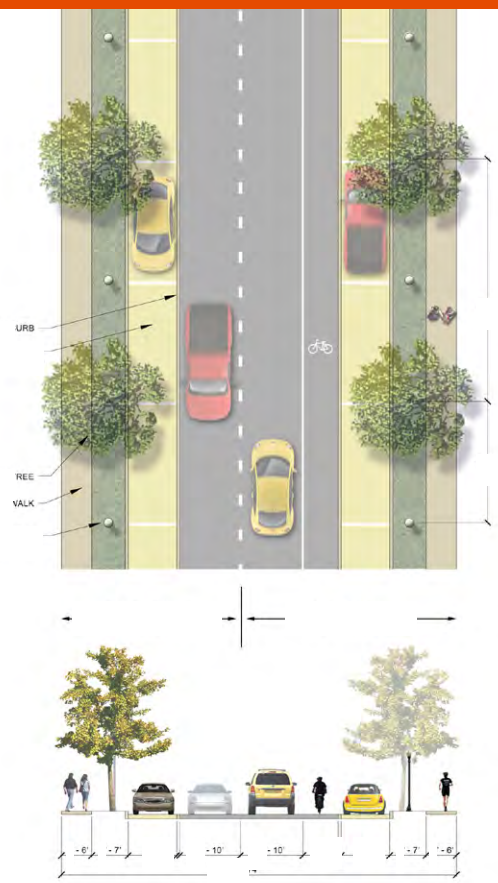
Description	This street type is designed for situations where adjacent development calls for a commercial street typology, but the right-of-way is not wide enough to accommodate a Type I Main Street. This street type is also appropriate for the blocks between residential neighborhoods and mixed-use corridors /districts, as they can quickly transition to another street type within the span of a block or less.
Curb Type	Curb
Right-of-Way Width	50 to 68 feet
Traffic Lanes (Pavement Width)	2 lanes (10 feet each OR 14 feet each w/ sharrows)
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	1 side parallel parking (8 feet)
Bike Facilities	Sharrows as needed (14 feet shared lanes)
Sidewalk (Width)	2 sides (12 to 16 feet each)*
Planter Type (Width)	Tree wells (6 feet by 6 feet)*
Street Trees	40 feet on-center average
Specific Applicability	See Street Regulating Plan



* In the Historic District the sidewalks should be as wide as possible within the existing right-of-way. In some instances, 5 - to 10-foot sidewalks may be the maximum possible within the existing right-of-way. Where the maximum possible sidewalk width is 10 feet or less, street trees in tree wells should not be required.

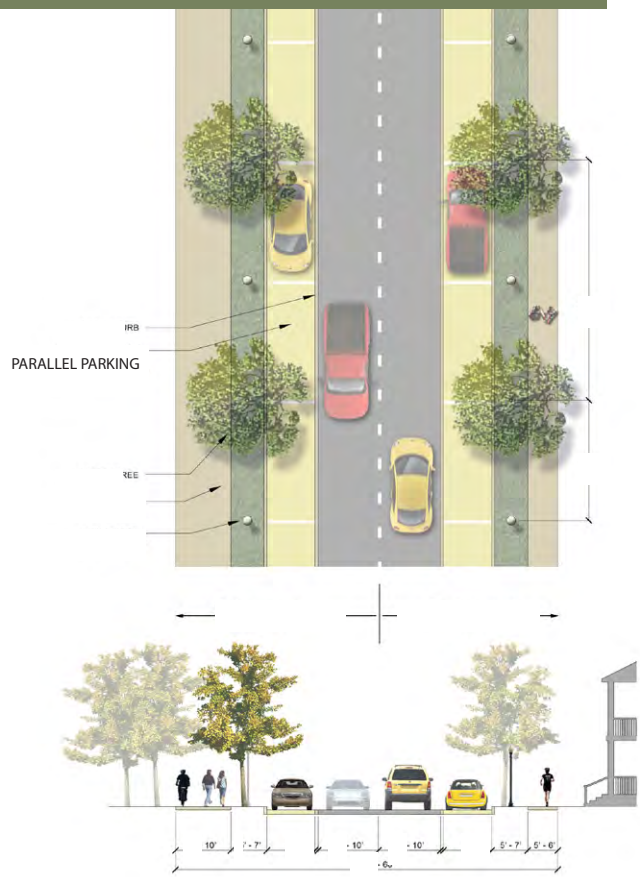
Avenue
(AV: 54 ft - 74 ft)

Description	Appropriate in both residential and commercial contexts, avenues serve as a primary neighborhood connector, often terminating at prominent buildings or plazas. The on-street parking they provide helps to support activity in neighborhood and employment centers.
Curb Type	Curb
Right-of-Way Width	54 to 74 feet
Traffic Lanes (Pavement Width)	2 lanes (9 to 10 feet each)
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	2 sides parallel parking (8 feet each) - Pervious pavement preferred
Bike Facilities	Bike lanes (6 feet each) as needed
Sidewalk (Width)	2 sides (5 to 6 feet each)
Planter Type (Width)	Planting strip (5 to 7 feet)
Street Trees	40 feet on-center average
Specific Applicability	See Street Regulating Plan



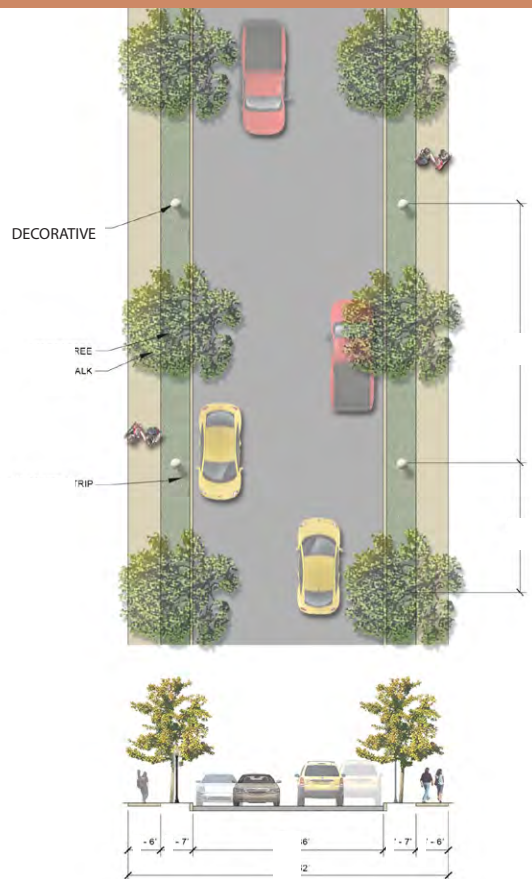
Parkway
(PW: 52 ft - 68ft)

Description	Parkways are intended to be fronted on at least one side by a park, square, plaza, river or marsh. If such park/natural spaces front only one side of the street, Parkways are suitable to support a broad range of development types on the opposite side, including residential, commercial, mixed-use and civic buildings. Parkways accommodate pedestrians and bicyclists through a multi-use path located on any one side of the street which is fronted by a park/natural space. Where right-of-way is sufficient, Parkways provide parallel parking on both sides of the street. If the right-of-way is constrained, parallel parking is required on one side of the street only, preferably on the side of the street with fronting development.
Curb Type	Curb
Right-of-Way Width	52 to 68 feet
Traffic Lanes (Pavement Width)	2 lanes (9 to 10 feet each)
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	2 sides parallel parking (8 feet each) where R.O.W is sufficient, OR 1 side parallel parking (8 feet, preferably on development side). Pervious pavement preferred for all parallel parking
Bike Facilities	Multi-use path, must be on park side
Sidewalk (Width)	2 sides (5 to 8 feet, and 8 to 10 feet multi-use path)
Planter Type (Width)	Planting strip (5 to 7 feet each)
Street Trees	40 feet on-center average
Specific Applicability	See Street Regulating Plan



Neighborhood St. 1 - General (NS1: 50 ft - 62 ft)

Description	Type 1 Neighborhood Streets are the most common urban street type in Beaufort. These versatile streets are typically unmarked in residential neighborhoods to allow for informal parking, but can be striped with bike lanes and/or a lane of on-street parking as necessary in more urban situations. As Beaufort's neighborhoods begin to fill in and intensify over time, this street type with its formal curbs and sidewalks may be applied as the logical next step in urbanization from Low Impact Development roads with their open swale drainage.
Curb Type	Curb
Right-of-Way Width	50 to 62 feet
Traffic Lanes (Pavement Width)	2 lanes (30 to 36 feet total) - Marked or Unmarked
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	Informal - 1 side only if bike lane is included
Bike Facilities	Signed route or bike lane (5 feet) as needed
Sidewalk (Width)	2 sides (5 to 6 feet each)
Planter Type (Width)	Planting strip (5 to 7 feet)
Street Trees	40 feet on-center average
Specific Applicability	See Street Regulating Plan



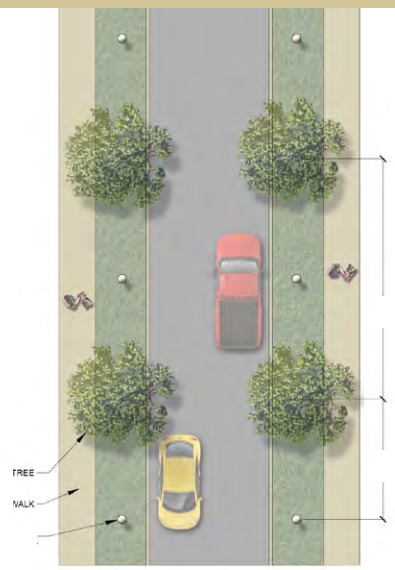
Neighborhood St. 2 - Yield (NS2: 40 ft - 50 ft)

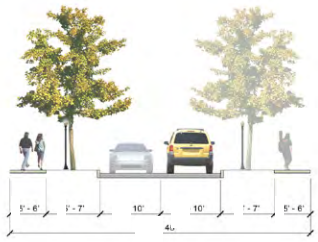
Description	Type 2 Neighborhood Streets are primarily intended to serve single-family structures in residential neighborhoods. The traveled way for cars is slightly narrower than a Type 1 Neighborhood Street, calming traffic and allowing for a yield flow of cars between vehicles parked on the street.
Curb Type	None
Right-of-Way Width	40 to 50 feet
Traffic Lanes (Pavement Width)	2 lanes (24 feet total) - Unmarked
Movement (Design Speed)	Yield Flow (25 MPH)
Parking Lanes (Width)	Informal - parking allowed on one side
Bike Facilities	Signed route as needed
Sidewalk (Width)	1 or 2 sides (5 to 6 feet each)*
Planter Type (Width)	Planting strip (5 to 7 feet)
Street Trees	40 feet on-center typical but can vary to accommodate existing trees where possible
Specific Applicability	See Street Regulating Plan

* In the Historic District sidewalks should only be constructed as needed.

Neighborhood St. 3 - Lane (NS3: 38 ft - 46 ft)

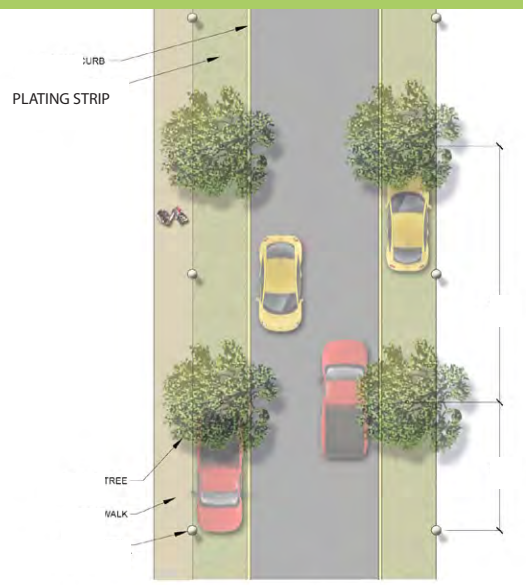
Description	Type 3 Neighborhood Streets are small residential lanes intended to provide direct access to the front of a limited number of single-family structures. This street type should be used in situations where the right-of-way is too constrained for other typical street types, and is ideally paired with a Rear Lane that provides off-street parking access to the rear of lots.
Curb Type	Curb
Right-of-Way Width	38 to 46 feet
Traffic Lanes (Pavement Width)	2 lanes (9 to 10 feet each) - Unmarked
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	N/A
Bike Facilities	Signed route as needed
Sidewalk (Width)	1 or 2 sides (5 to 6 feet each)
Planter Type (Width)	Planting strip (5 to 7 feet) - May be waived if R.O.W. is not sufficient
Street Trees	40 feet on-center average
Specific Applicability	See Street Regulating Plan

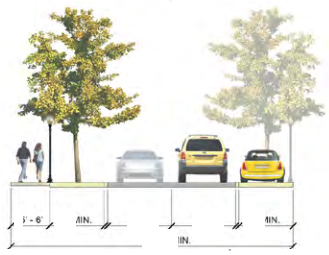




Low Impact Development Rd. (LID: 38 ft +)

Description	In areas where a formal curb and sidewalk treatment is not needed to support adjacent development, this street type provides adequate infrastructure while allowing for the passive infiltration of stormwater at the street edge. In addition to providing drainage, the planting strip area may be reinforced to allow for on-street "parkway parking" between required street trees. Sidewalks should be provided as necessary where the right-of-way is wide enough to accommodate them.
Curb Type	None
Right-of-Way Width	38 feet minimum*
Traffic Lanes (Pavement Width)	2 lanes (10 feet each)
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	Optional "parkway parking" w/in planting strip area (8 feet each side)
Bike Facilities	Signed route as needed
Sidewalk (Width)	Optional (5 to 6 feet each)
Planter Type (Width)	Planting strip (8 feet minimum - may be used for "parkway parking")*
Street Trees	40 feet on-center average
Specific Applicability	See Street Regulating Plan

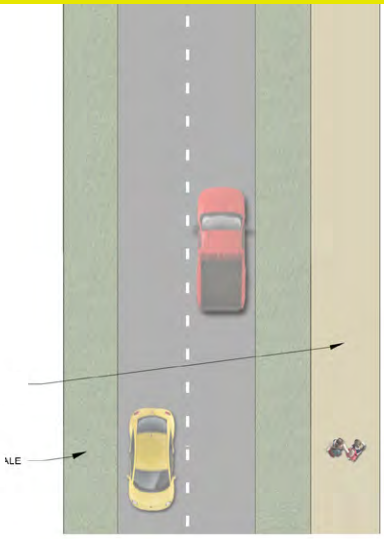


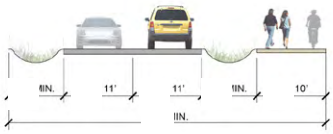


* In the Historic District the minimum permitted right-of-way width should be decreased as necessary, by eliminating a planting strip from one side of the street, to accommodate existing corridors that are particularly narrow. (Example: King Street)

Rural Road (RR: 45 ft +)

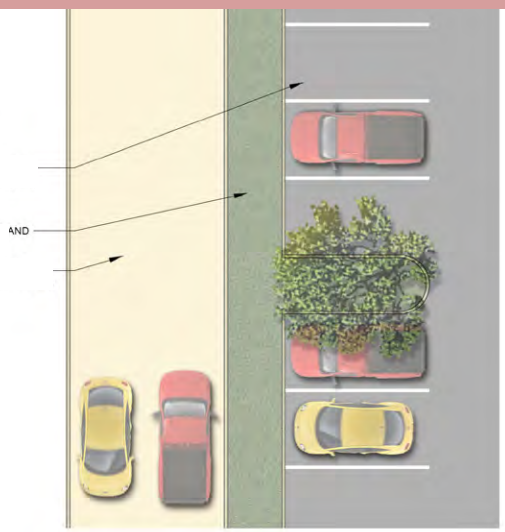
Description	This street type is widely applied throughout Beaufort's rural areas in instances where adjacent development does not require the support of substantial infrastructure. As such, the Rural Road street type includes only limited pedestrian accommodation and open swale drainage.
Curb Type	Open swale
Right-of-Way Width	45 feet minimum
Traffic Lanes (Pavement Width)	2 lanes (10 to 11 feet each) - May include center turn lane
Movement (Design Speed)	Moderate (35 MPH)
Parking Lanes (Width)	N/A
Bike Facilities	Multi-use path - Optional
Sidewalk (Width)	1 side (5 feet or 10 feet with multi-use path)
Planter Type (Width)	Planting strip (10 feet minimum)
Street Trees	N/A
Specific Applicability	See Street Regulating Plan

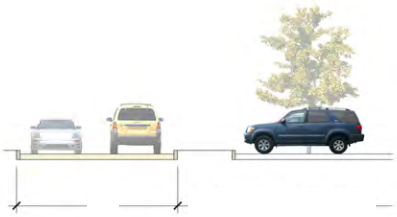




Commercial Alley (CA: 24 ft)

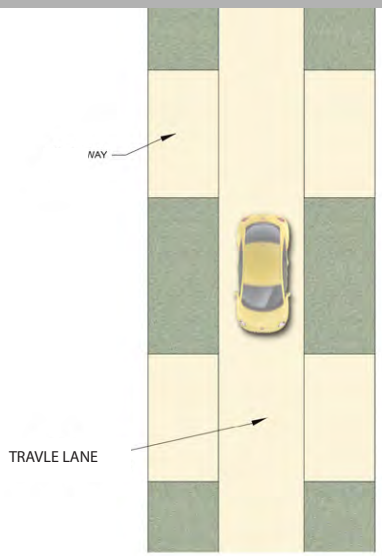
Description	This street type is intended to be privately maintained and is used most frequently as an access lane for off-street parking and loading areas. Although primary building entrances should always be located along the major fronting street and any large off-street parking areas, in certain situations adjacent structures may include secondary/service entrances that allow direct access from rear commercial alleys.
Curb Type	None
Right-of-Way Width	24 feet
Traffic Lanes (Pavement Width)	2 lanes (24 feet) - Pervious pavement preferred
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	N/A
Bike Facilities	N/A
Sidewalk (Width)	N/A
Planter Type (Width)	Parking area landscape islands (varied width)
Street Trees	Located within parking area landscape islands
Specific Applicability	See Street Regulating Plan

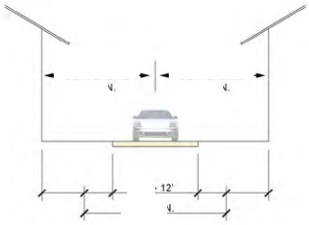




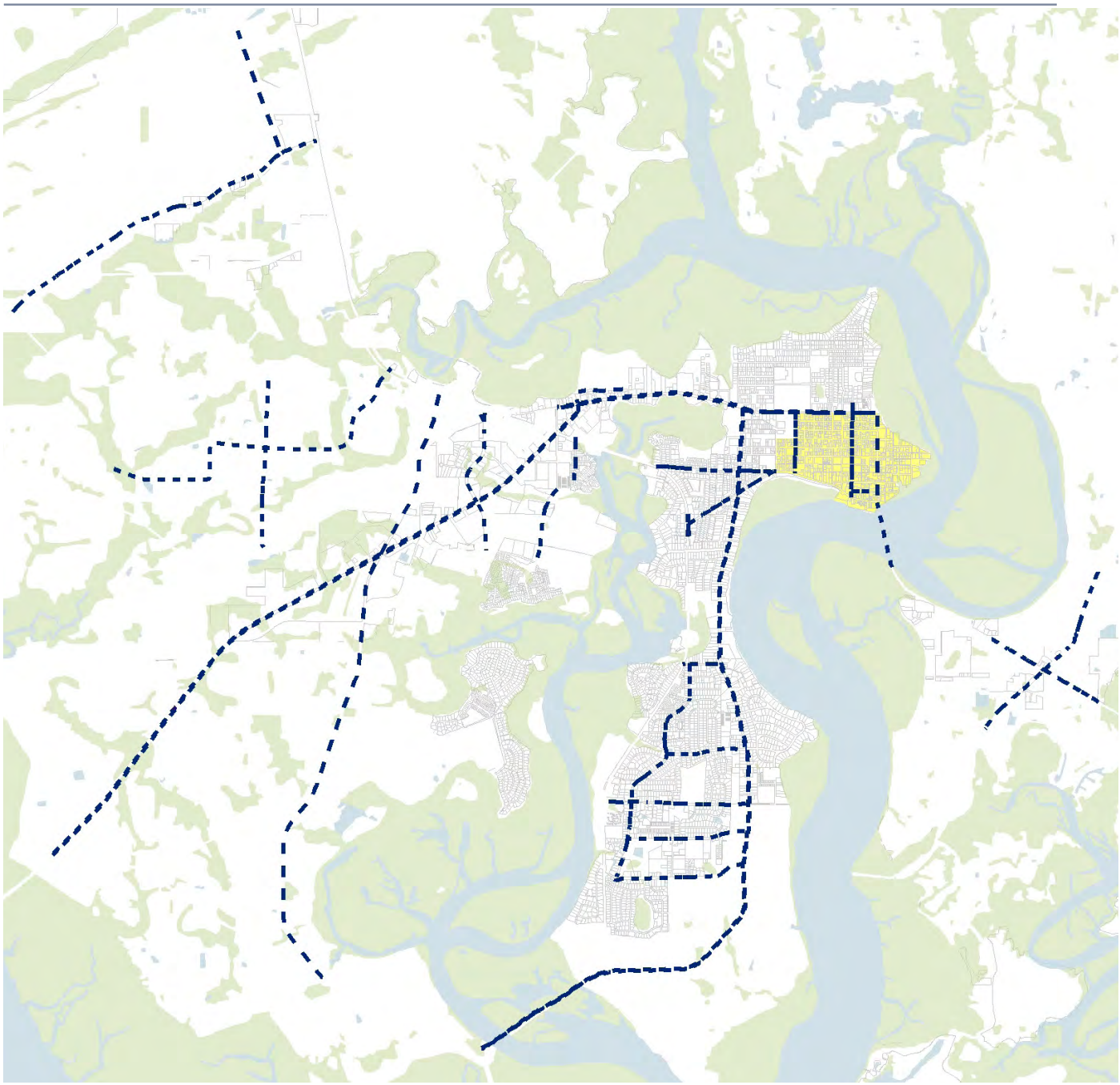
Rear Lane
(RL: 16 ft)

Description	This street type is intended to be privately maintained and provide indirect, limited access to the rear of residential properties. It is not intended to accommodate through traffic but may accommodate city services such as garbage and recycling collection. Utilities, either above ground or underground, may be located in Rear Lanes to provide service connections to adjacent properties.
Curb Type	None
Right-of-Way Width	20 feet minimum
Traffic Lanes (Pavement Width)	1 lane (10 to 12 feet) - Pervious Pavement
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	N/A
Bike Facilities	N/A
Sidewalk (Width)	N/A
Planter Type (Width)	N/A
Street Trees	N/A
Specific Applicability	See Street Regulating Plan





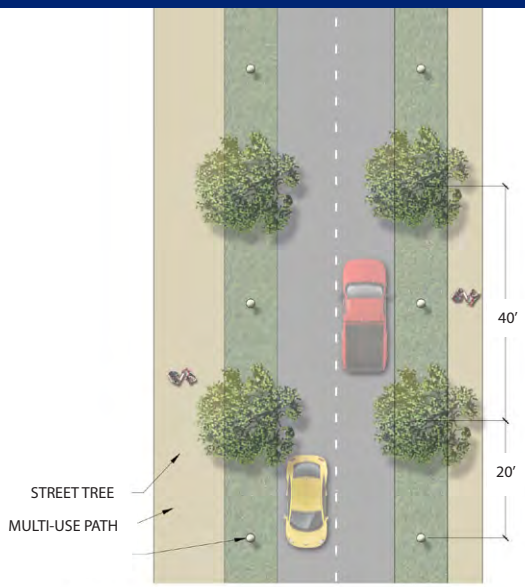
C.3: SPECIFIC STREET SECTIONS

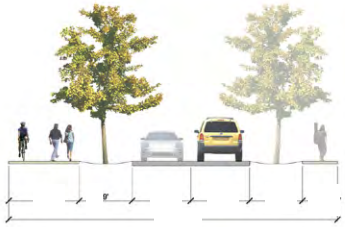


Street Infrastructure Plan - Other Streets with Specific Street Sections

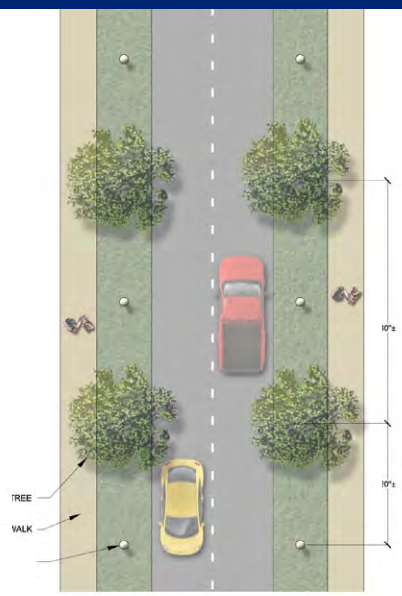
All of the street segments marked as "Other" in the Street Regulating Plan (illustrated in the map above) have been assigned one of the specific street sections on the following pages. These street sections were carefully designed during the Civic Master Plan process to address unique site-specific considerations. As such, these street sections are specifically tailored to a unique development context and deviate from the standards enumerated in the typical street sections. In some cases, a specific street section may apply only to a portion of a single street. In other cases, a specific street section may apply to multiple streets. The applicability of each specific street section is enumerated in its corresponding table.

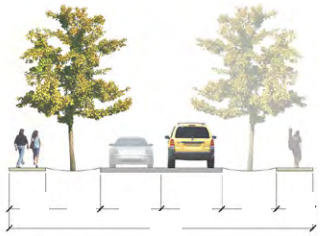
	Allison Rd. (ST: 47-49 ft)
Specific Applicability	• Allison Road - entire length
Curb Type	Curb
Right-of-Way Width	47-49 feet
Traffic Lanes (Pavement Width)	2 lanes (10 feet each)
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	N/A
Bike Facilities	Multi-use path primarily on south side
Sidewalk (Width)	2 sides (5 feet on north side, 10 feet multi-use path primarily on south side)
Planter Type (Width)	Planting strip (5-7 feet)
Street Trees	40 feet on-center average
Phasing	Phase 1: South side of travel-way Phase 2: North side of travel-way





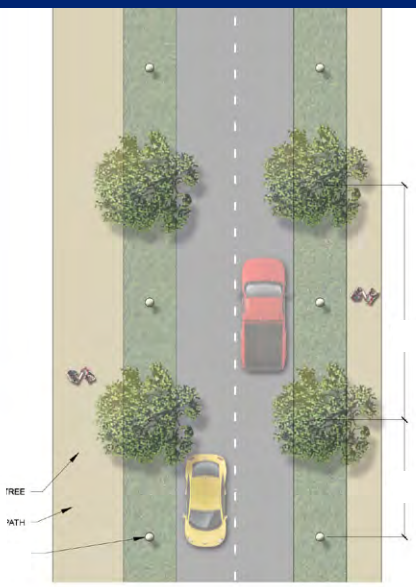
	Battery Creek Rd. A (RD: 50 ft)
Specific Applicability	• Battery Creek Road from Allison Road to First Boulevard
Curb Type	Open swale
Right-of-Way Width	50 feet
Traffic Lanes (Pavement Width)	2 lanes (10 feet each)
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	N/A
Bike Facilities	N/A
Sidewalk (Width)	2 sides (6 feet each)
Planter Type (Width)	Planting strip (9 feet)
Street Trees	40 feet on-center average

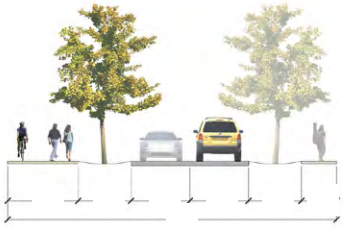




Battery Creek Rd. B (RD: 56 ft)

Specific Applicability	• Battery Creek Road from First Boulevard to Waddell Road
Curb Type	Curb
Right-of-Way Width	56 feet
Traffic Lanes (Pavement Width)	2 lanes (10 feet each)
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	N/A
Bike Facilities	Multi-use path, West side only
Sidewalk (Width)	2 sides (6 feet on East side, 12 feet multi-use path on West side)
Planter Type (Width)	Planting strip (9 feet)
Street Trees	40 feet on-center average





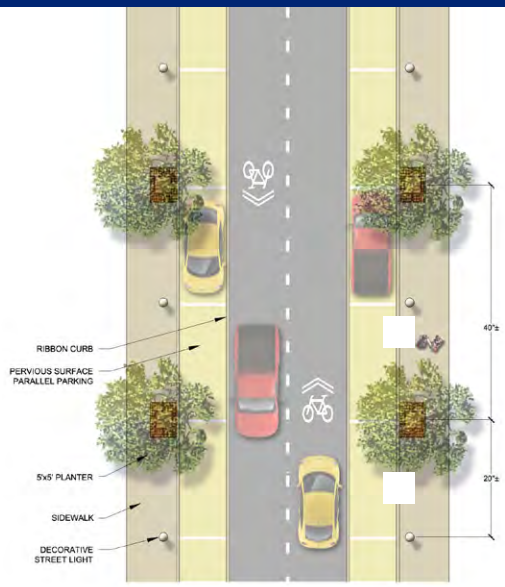
Bladen St. & Charles St. B (ST: 55 ft)

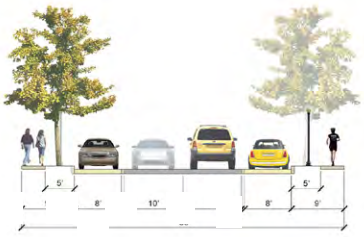
Specific Applicability	• Bladen Street - entire length • Charles Street from Duke Street to Calhoun Street
Curb Type	Curb
Right-of-Way Width	55 feet
Traffic Lanes (Pavement Width)	2 lanes (10 feet each)
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	2 sides parallel parking (8 feet each) - Pervious pavement
Bike Facilities	Sharrows
Sidewalk (Width)	2 sides (9 feet each)
Planter Type (Width)	Planters (5 feet by 5 feet)
Street Trees	40 feet on-center average

RIBBON CURB

PERVIOUS

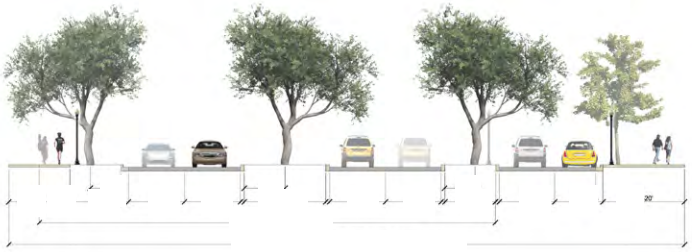
5'X5'





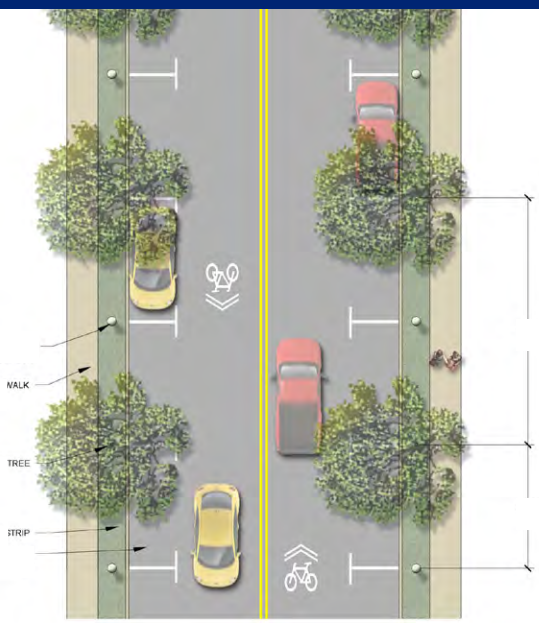
Boundary St. 1 - West of Ribaut Rd. (BLVD: 90 ft - 130 ft)

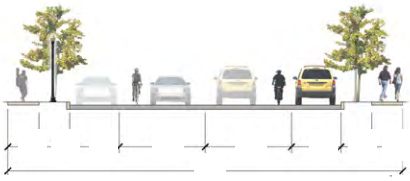
Specific Applicability	• Boundary Street Context Zone 1 (West of Ribaut Road)
Curb Type	Curb
Right-of-Way Width	90 feet for current improvements, 130 feet for future improvements
Traffic Lanes (Pavement Width)	4 lanes (11 feet each) and 1 future access lane (11 feet)
Movement (Design Speed)	Moderate (35 MPH)
Parking Lanes (Width)	1 side future parallel parking (8 feet)
Bike Facilities	N/A
Sidewalk (Width)	1 side (6 feet) for current improvements 2 sides (12 to 20 feet) for future improvements
Planter Type (Width)	Planting strip (10 feet) & Planted median (16 feet)
Street Trees	40 feet on-center average



Boundary St. 2A - East of Ribaut Road (ST: 60 ft)

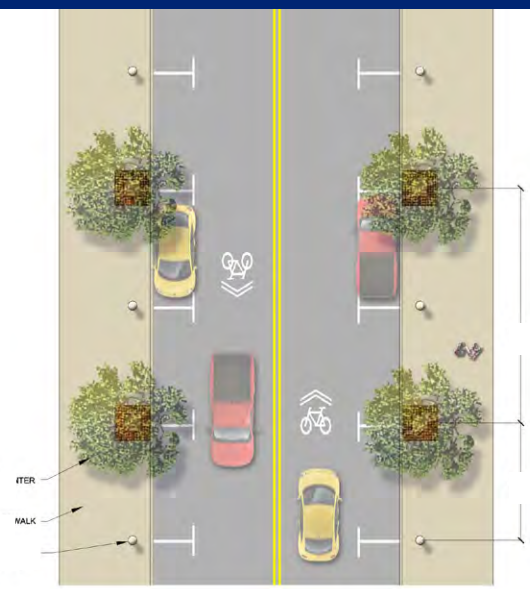
Specific Applicability	• Boundary Street (from Ribaut Road east to Carteret Street) - intended to be applied as a preliminary Phase 1 condition in the redevelopment of the Boundary Street corridor. The final phase condition is illustrated in "Boundary St. A2" below.
Curb Type	Curb
Right-of-Way Width	60 feet
Traffic Lanes (Pavement Width)	2 lanes (14 feet each)
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	2 sides parallel parking (7 feet each)
Bike Facilities	Sharrows (14 feet shared lanes)
Sidewalk (Width)	2 sides (5 feet each)
Planter Type (Width)	Planting strip (4 feet)
Street Trees	40 feet on-center average

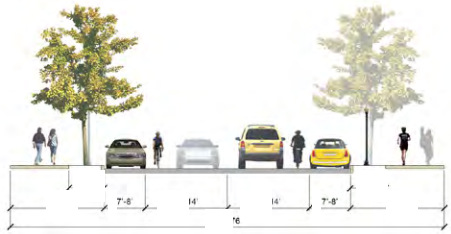




Boundary St. 2B - East of Ribaut Road (ST: 66 ft - 76 ft)

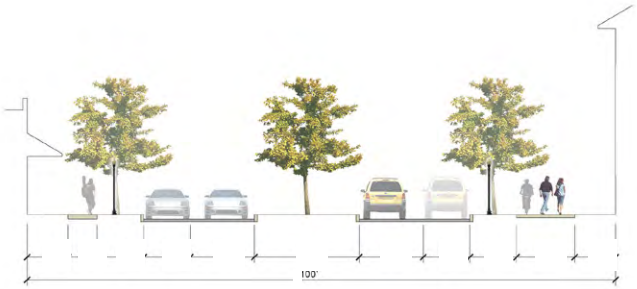
Specific Applicability	• Boundary Street (from Ribaut Road to Carteret Street) - intended to be applied as a final Phase 2 condition in the redevelopment of the Boundary Street corridor. The preliminary phase condition is illustrated in "Boundary St. 2A" above.
Curb Type	Curb
Right-of-Way Width	66 to 76 feet
Traffic Lanes (Pavement Width)	2 lanes (10 to 14 feet each)
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	2 sides parallel parking (7 to 8 feet each)
Bike Facilities	Sharrows (10 to 14 feet shared lanes)
Sidewalk (Width)	2 sides (16 feet each)
Planter Type (Width)	Tree wells (6 feet by 6 feet)
Street Trees	40 feet on-center average





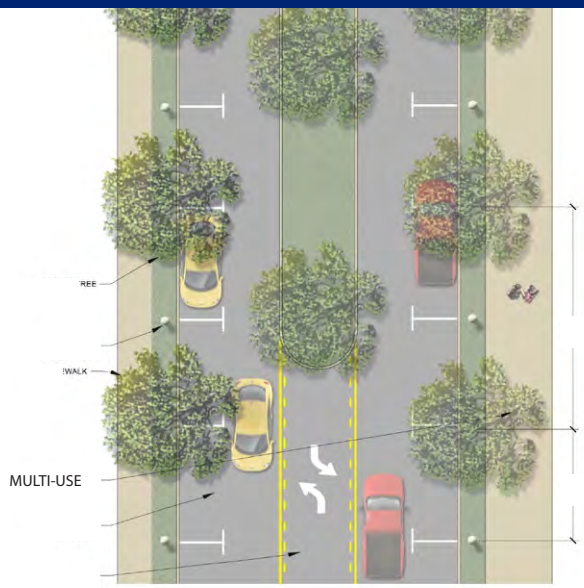
Burton Hill Rd. (BLVD: 100 ft)

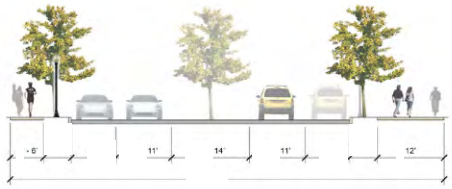
Specific Applicability	• Burton Hill Road - entire length
Curb Type	Curb
Right-of-Way Width	100 feet
Traffic Lanes (Pavement Width)	2 lanes (11 feet each)
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	2 sides parallel parking (8 feet)
Bike Facilities	Multi-use path
Sidewalk (Width)	Sidewalk on west side (5 feet), Multi-use path on east side (10 feet)
Planter Type (Width)	Planting strip (8 feet) & Planted median (16 feet)
Street Trees	40 feet on-center average



Burton Wells Connector (BLVD: 75 ft +)

Specific Applicability	• Future Burton Wells connector from Burton Wells Park (extending from Burton Wells Drive) to Boundary Street
Curb Type	Curb
Right-of-Way Width	75 feet minimum
Traffic Lanes (Pavement Width)	2 lanes (10 to 11 feet each)
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	2 sides parallel parking (8 feet)
Bike Facilities	Multi-use path
Sidewalk (Width)	Sidewalk on south side (5 to 6 feet), Multi-use path on north side (12 feet)
Planter Type (Width)	Planting strip (5 feet minimum) & Planted median (12 to 14 feet)
Street Trees	40 feet on-center average



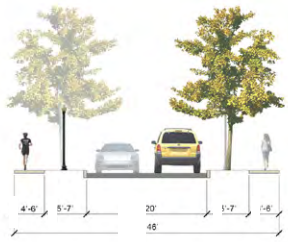


Charles St. A (ST: 45 ft)

Specific Applicability	• Charles Street from Bay Street to Duke Street (See also: Bladen St. / Charles St. B)
Curb Type	None
Right-of-Way Width	45 feet
Traffic Lanes (Pavement Width)	2 lanes (10 feet each)
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	1 side parallel parking (8 feet)
Bike Facilities	N/A
Sidewalk (Width)	2 sides (9 feet each)
Planter Type (Width)	Planters (4 feet by 5 feet)
Street Trees	40 feet on-center average

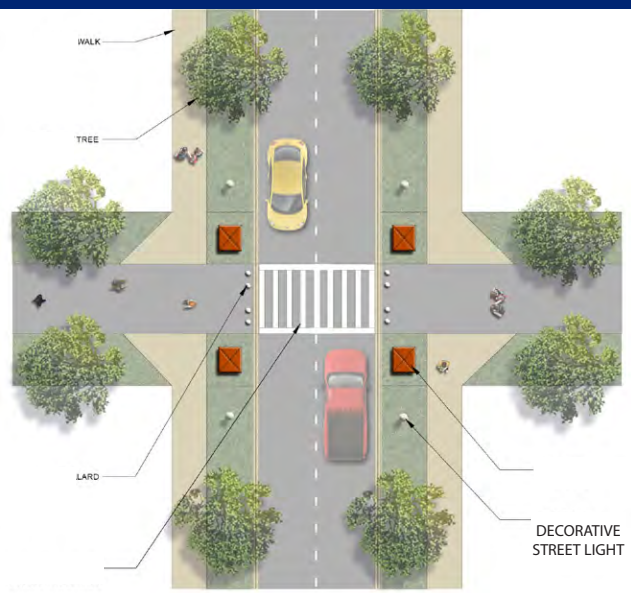
Deanne Dr. A (ST: 36 ft - 46 ft)

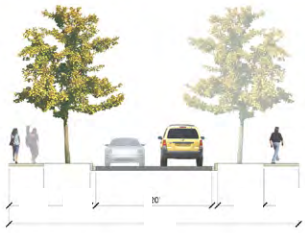
Specific Applicability	• Deanne Drive - existing street & future connection to Beaufort Plaza across the Spanish Moss Trail
Curb Type	Curb
Right-of-Way Width	36 to 46 feet
Traffic Lanes (Pavement Width)	2 lanes (9 to 10 feet each)
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	N/A
Bike Facilities	N/A
Sidewalk (Width)	2 sides (4 to 6 feet each)
Planter Type (Width)	Planting strip (5 to 7 feet)
Street Trees	40 feet on-center average



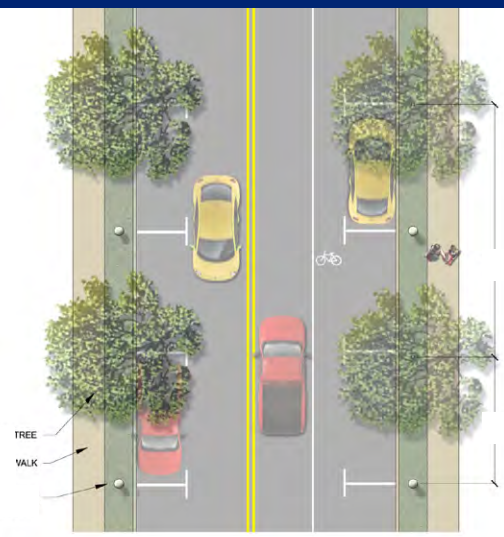
Deanne Dr. B (ST: 50 ft)

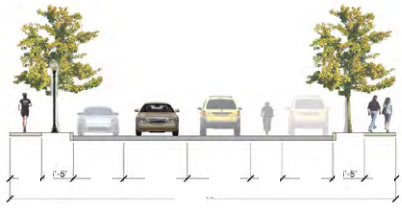
Specific Applicability	• Deanne Drive - at future intersection with Spanish Moss Trail
Curb Type	Curb
Right-of-Way Width	50 feet
Traffic Lanes (Pavement Width)	2 lanes (10 feet each)
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	N/A
Bike Facilities	N/A
Sidewalk (Width)	2 sides (6 feet each)
Planter Type (Width)	Planting strip (8 feet)
Street Trees	40 feet on-center average



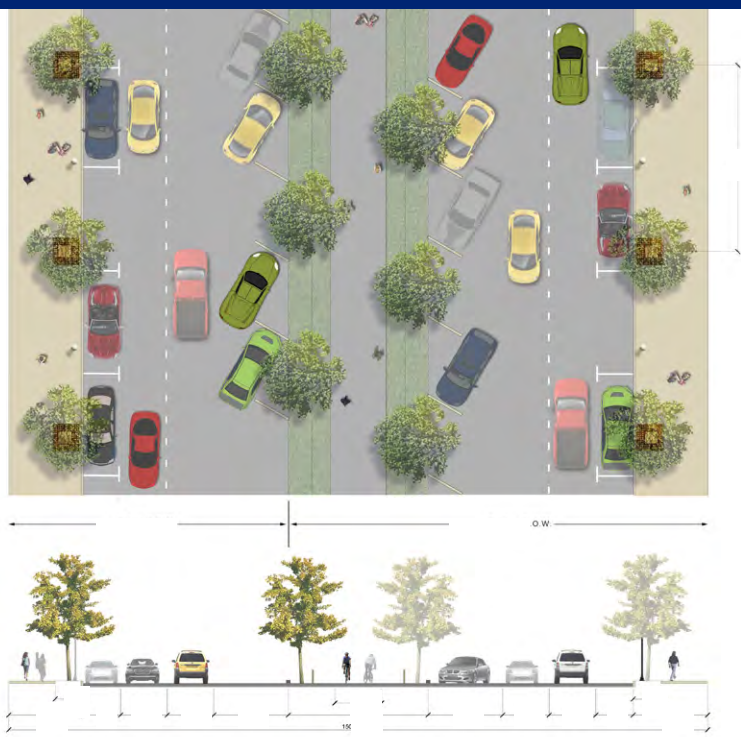


	Depot Rd. B (ST: 60 ft)
Specific Applicability	• Depot Road from Burroughs Avenue to Depot Road redevelopment area (See also: North St. / Depot Rd. A)
Curb Type	Curb
Right-of-Way Width	60 feet
Traffic Lanes (Pavement Width)	2 lanes (10 feet each)
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	2 sides parallel parking (8 feet each)
Bike Facilities	1 side (5 feet) - South side
Sidewalk (Width)	2 sides (5 feet each)
Planter Type (Width)	Planting strip (4 to 5 feet)
Street Trees	40 feet on-center average

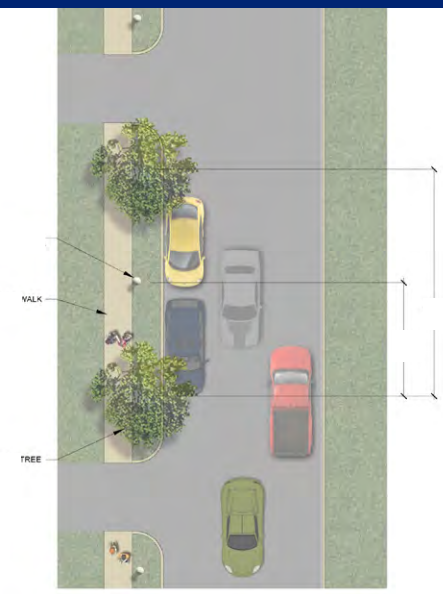


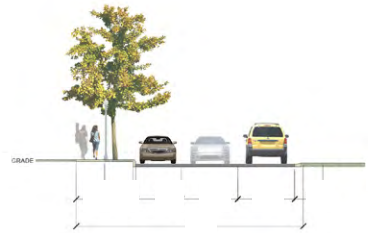


	Depot Rd. C (ST: 90 ft - 150 ft)
Specific Applicability	• Depot Road redevelopment area (Hay Street to Middleton Street) - intended to be built in phases begininning with the existing 90-foot right-of-way and eventually replicating on the west side of the Spanish Moss Trail within an expanded 150-foot right-of-way (See also: North St. / Depot Rd. A).
Curb Type	Normal curb on development side, flush curb on trail side*
Right-of-Way Width	90 feet, expanding to 150 feet
Traffic Lanes (Pavement Width)	2 lanes, expanding to 4 lanes (10 feet each)
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	Parallel parking (7 feet) on development side, 30 degree diagonal parking (16 feet) on trail side
Bike Facilities	Spanish Moss Trail
Sidewalk (Width)	Development side (16 feet each), Spanish Moss Trail (12 feet)
Planter Type (Width)	Tree wells (6 feet by 6 feet)
Street Trees	40 feet on-center average

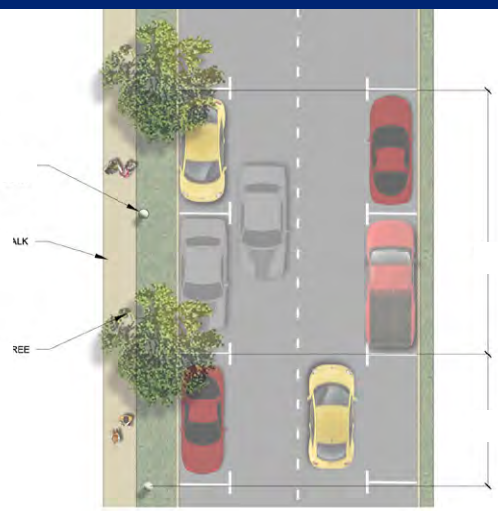


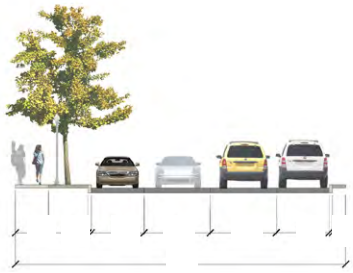
	First St. A (ST: 40 ft)
Specific Applicability	• First Street from Westview Avenue to Hogarth Street
Curb Type	Normal curb on North side, Roll curb on South side
Right-of-Way Width	40 feet
Traffic Lanes (Pavement Width)	2 lanes (10 feet each)
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	North side only parallel parking (8 feet)
Bike Facilities	N/A
Sidewalk (Width)	North side only (5 feet)
Planter Type (Width)	Planting strip (5 feet)
Street Trees	North side only, 40 feet on-center average





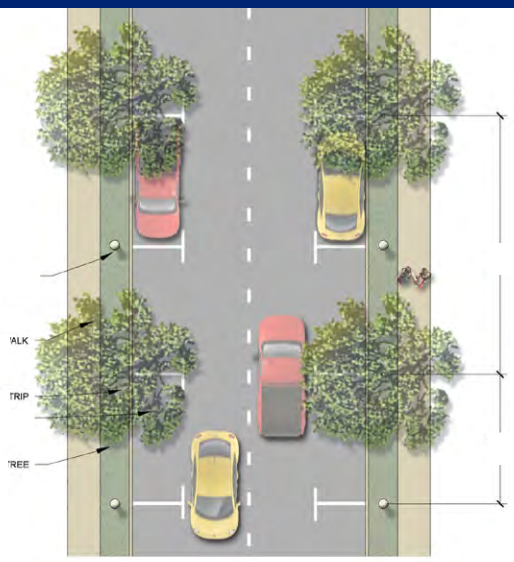
	First St. B (ST: 50 ft)
Specific Applicability	• First Street future extension from Boundary Street to Westview Avenue
Curb Type	Curb
Right-of-Way Width	50 feet
Traffic Lanes (Pavement Width)	2 lanes (10 feet each)
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	2 sides parallel parking (8 feet each)
Bike Facilities	N/A
Sidewalk (Width)	North side only (5 feet)
Planter Type (Width)	Planting strip (6 feet on North side, 2 feet on South side)
Street Trees	North side only, 40 feet on-center average

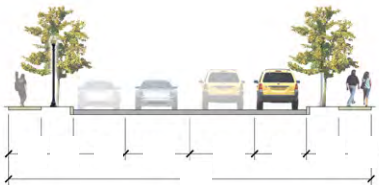




Jennings Rd. B (ST: 56 ft)

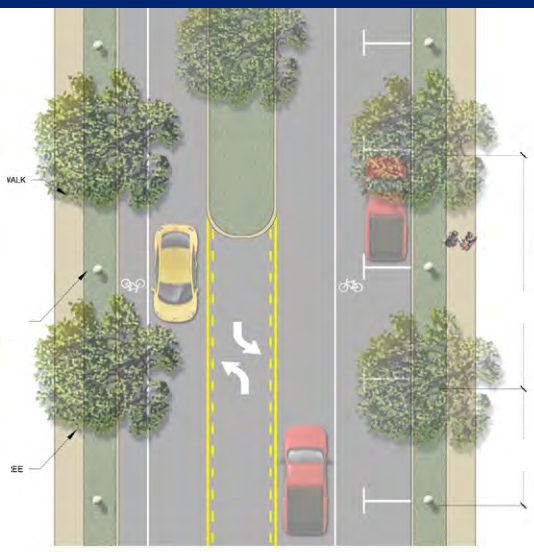
Specific Applicability	• Jennings Road - intended to be used in the proposed Jennings Road neighborhood center near Battery Creek High School
Curb Type	Curb
Right-of-Way Width	56 feet
Traffic Lanes (Pavement Width)	2 lanes (10 feet each)
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	2 sides parallel parking (8 feet each)
Bike Facilities	N/A
Sidewalk (Width)	2 sides (5 feet each)
Planter Type (Width)	Planting strip (5 feet)
Street Trees	40 feet on-center average

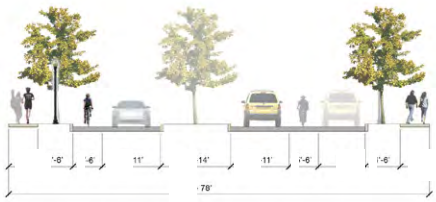




Mossy Oaks Rd. (BLVD: 66 ft - 78 ft)

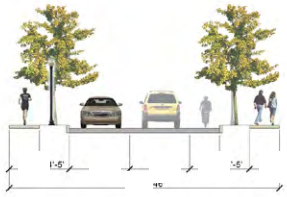
Specific Applicability	• Mossy Oaks Road from Ribaut Road to Battery Creek Road
Curb Type	Curb
Right-of-Way Width	66 to 78 feet
Traffic Lanes (Pavement Width)	2 lanes (10 to 11 feet each)
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	1 sides parallel parking (8 feet)
Bike Facilities	Bike lanes
Sidewalk (Width)	2 sides (5 feet each)
Planter Type (Width)	Planting strip (4 to 6 feet)
Street Trees	40 feet on-center average





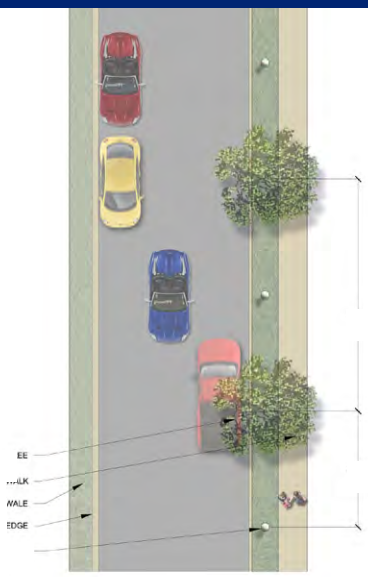
North St. & Depot Rd. A (ST: 44 ft - 46 ft)

Specific Applicability	• North Street - entire length • Depot Street from Ribaut Road to Burroughs Avenue
Curb Type	Curb
Right-of-Way Width	44 to 46 feet
Traffic Lanes (Pavement Width)	2 lanes (10 feet each)
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	N/A
Bike Facilities	1 side (5 feet) - South side of Depot Rd. and North side of North St.
Sidewalk (Width)	2 sides (5 feet each)
Planter Type (Width)	Planting strip (4 to 5 feet)
Street Trees	40 feet on-center average

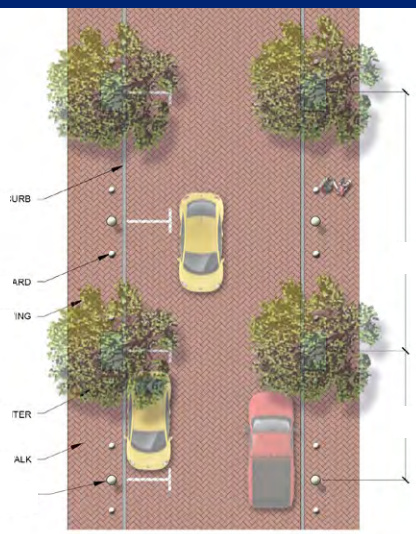


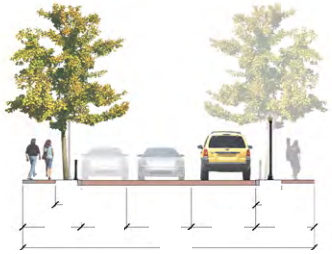
Polk St. Extension (ST: 40 ft)

Specific Applicability	• Polk Street Extension connecting to Robert Smalls Parkway across Boundary Street
Curb Type	Curb/1' Concrete edge with small swale
Right-of-Way Width	40 feet
Traffic Lanes (Pavement Width)	2 lanes (9 feet each)
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	1 side parallel parking (8 feet)
Bike Facilities	N/A
Sidewalk (Width)	1 sides (5 feet)
Planter Type (Width)	Planting Strip (5 feet)
Street Trees	40 feet on-center average

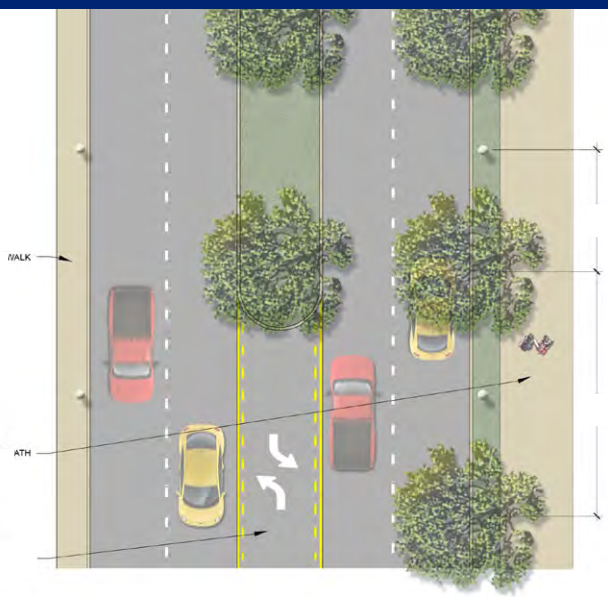


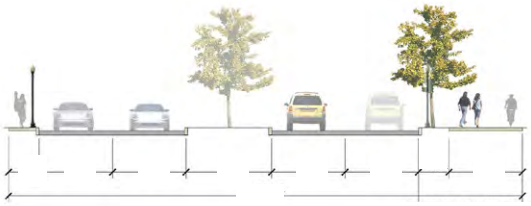
	Port Republic St. (ST: 45 ft)
Specific Applicability	• Port Republic Street from Charles Street to Carteret Street
Curb Type	Flush curb
Right-of-Way Width	45 feet
Traffic Lanes (Pavement Width)	2 lanes (10 feet each) - brick pavers
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	1 side parallel parking (7 feet)
Bike Facilities	N/A
Sidewalk (Width)	2 sides (9 feet each) - brick pavers
Planter Type (Width)	Tree wells (4 feet by 5 feet)
Street Trees	40 feet on-center average





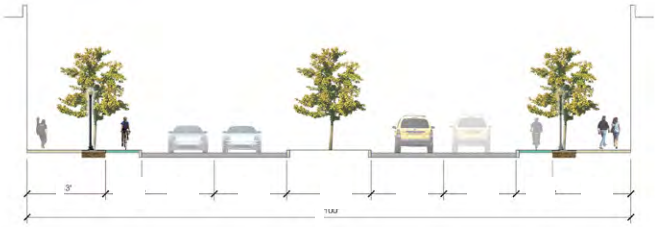
	Robert Smalls Pkwy. (BLVD: 84 ft +)
Specific Applicability	• Robert Smalls Parkway - entire length
Curb Type	Curb
Right-of-Way Width	84 feet minimum
Traffic Lanes (Pavement Width)	4 lanes (12 feet each)
Movement (Design Speed)	Limited Access (45 MPH)
Parking Lanes (Width)	N/A
Bike Facilities	Multi-use path
Sidewalk (Width)	2 sides (5 feet and 12 feet multi-use path)
Planter Type (Width)	Planting strip (5 feet minimum) & Planted median (14 feet)
Street Trees	40 feet on-center average





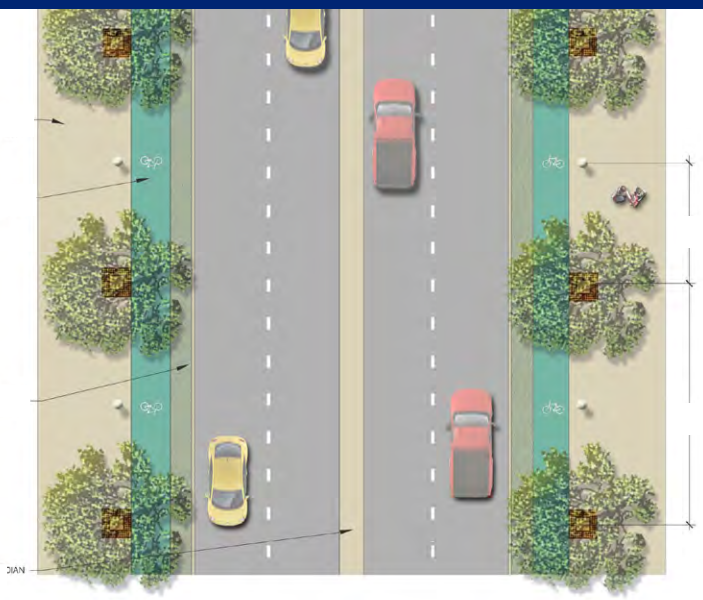
Sams Point Rd. (BLVD: 100 ft)

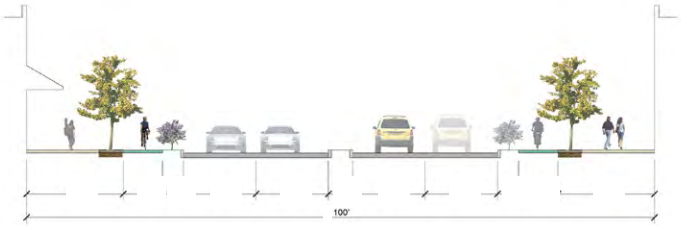
Specific Applicability	• Sams Point Road from Sea Island Parkway to Miller Drive
Curb Type	Curb
Right-of-Way Width	100 feet
Traffic Lanes (Pavement Width)	4 lanes (12 feet each)
Movement (Design Speed)	Moderate (35 MPH)
Parking Lanes (Width)	N/A
Bike Facilities	Raised cycle track (6 feet each)
Sidewalk (Width)	2 sides (13 feet each)
Planter Type (Width)	Tree wells (6 feet by 6 feet) & Planted median (14 feet)
Street Trees	40 feet on-center average



Sea Island Pkwy. & Lady's Island Dr. (BLVD: 100 ft)

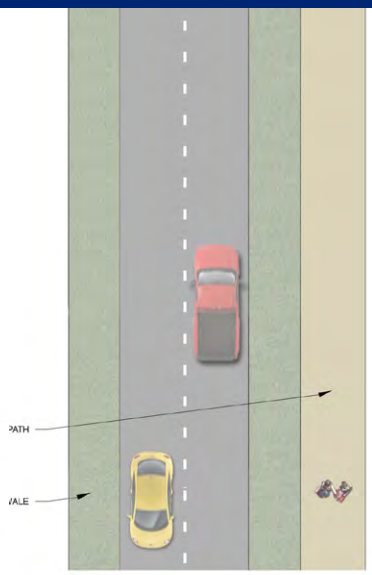
Specific Applicability	• Sea Island Parkway from Youmans Drive to Cougar Drive • Lady's Island Drive from Sea Island Parkway to Rue Du Bois
Curb Type	Curb
Right-of-Way Width	100 feet
Traffic Lanes (Pavement Width)	4 lanes (12 feet each)
Movement (Design Speed)	Moderate (35 MPH)
Parking Lanes (Width)	N/A
Bike Facilities	Raised cycle track (6.5 feet width each)
Sidewalk (Width)	2 sides (16 feet each)
Planter Type (Width)	Tree wells (6 feet by 6 feet)
Street Trees	40 feet on-center average

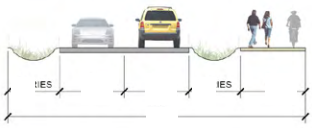




Shanklin Rd. & Salem Rd. (RD: 60 ft)

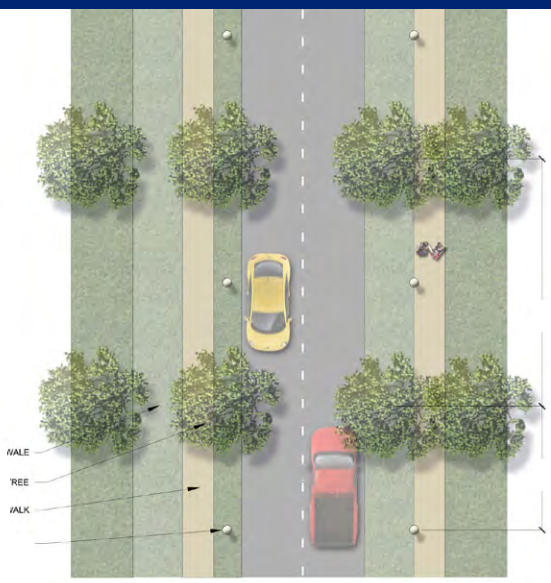
Specific Applicability	• Shanklin Road - entire length • Salem Road - intended to be used along undevelopable land South of Moss Street
Curb Type	Open swale
Right-of-Way Width	60 feet
Traffic Lanes (Pavement Width)	2 lanes (10 feet each)
Movement (Design Speed)	Moderate (35 MPH)
Parking Lanes (Width)	N/A
Bike Facilities	Multi-use path, East side only
Sidewalk (Width)	1 sides (10 feet multi-use path on East side)
Planter Type (Width)	Planting strip (varied width)
Street Trees	N/A

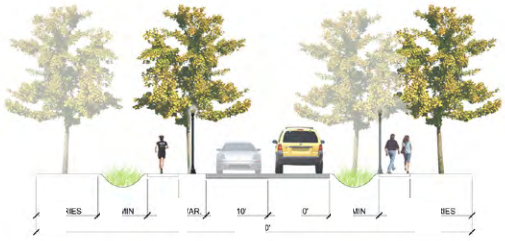




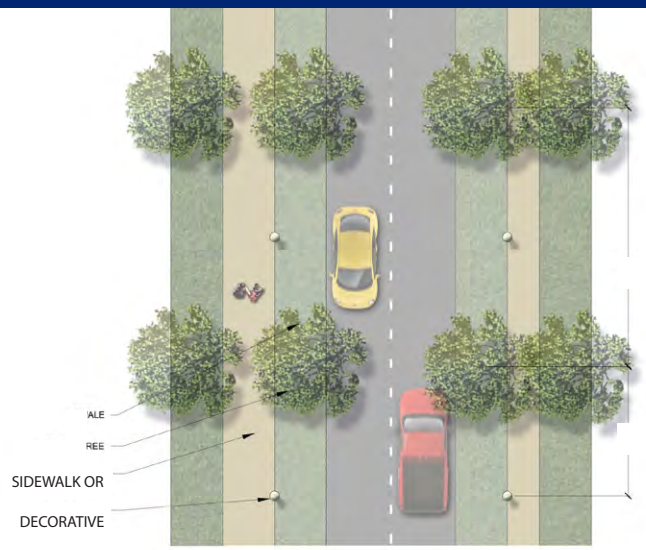
Southside Blvd. & First Blvd. (ST: 66 ft - 70 ft)

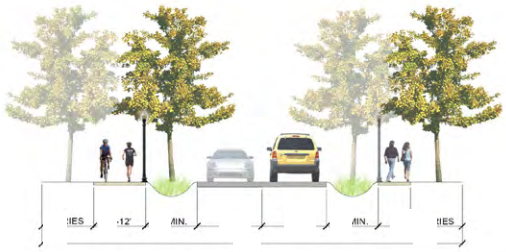
Specific Applicability	• Southside Boulevard - entire length • First Boulevard - entire length
Curb Type	Open swale
Right-of-Way Width	66 to 70 feet
Traffic Lanes (Pavement Width)	2 lanes (9 to 10 feet each)
Movement (Design Speed)	Moderate (35 MPH)
Parking Lanes (Width)	N/A
Bike Facilities	N/A
Sidewalk (Width)	2 sides (5 feet each)
Planter Type (Width)	Planting strip (varied width)
Street Trees	40 feet on-center average

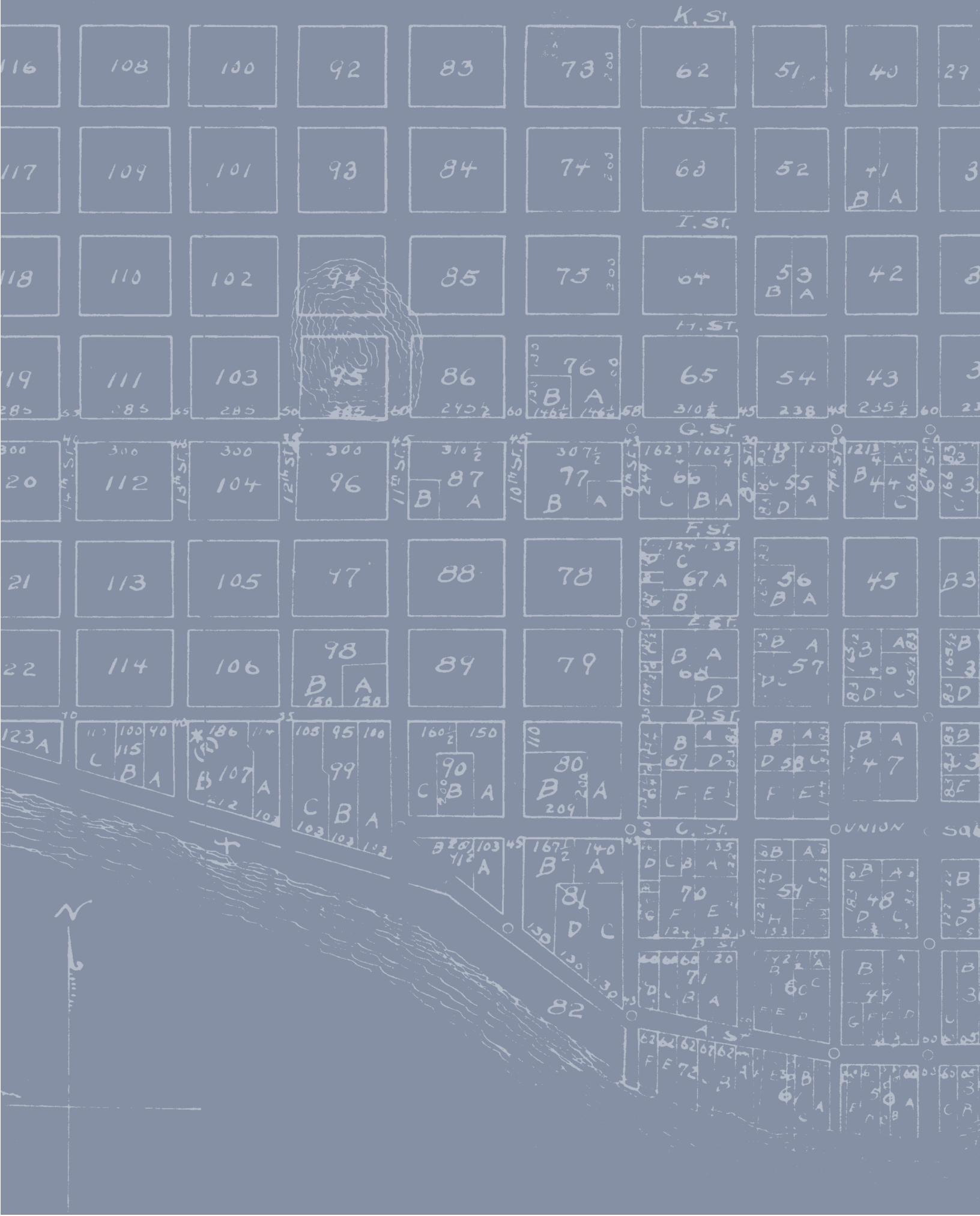




	Waddell Rd. & Jennings Rd. A (RD: 60 ft - 68 ft)
Specific Applicability	• Waddell Road - entire length • Jennings Road - intended to be used along the portions of Jennings Road NOT located in the Jennings Road neighborhood center near Battery Creek High School
Curb Type	Open swale
Right-of-Way Width	60 to 68 feet
Traffic Lanes (Pavement Width)	2 lanes (10 feet each)
Movement (Design Speed)	Moderate (35 MPH)
Parking Lanes (Width)	N/A
Bike Facilities	Multi-use path, North side of Waddell Road only
Sidewalk (Width)	2 sides (5 feet and 12 feet multi-use path on Waddell Road, 5 feet each on Jennings Road)
Planter Type (Width)	Planting strip (8 feet minimum)
Street Trees	N/A



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