

Local Government Comprehensive Planning Enabling Act of 1994." The joint municipal planning commission is created so that the two (2) municipalities can act together to enhance present advantages, to overcome collective problems involving the municipalities in which joint resolution is advisable, and to engage in orderly planning for the wise conservation of historical and natural resources of the area, and the growth of business enterprises providing new or expanded job opportunities to the area.
(Ord. No. O-02-00, 1-11-2000)

Sec. 5-2002. Membership; organization; general powers and duties.

The membership, organization and general powers and duties of the joint municipal planning commission shall be as provided for under section 6-29-340 through section 6-29-380 of the Code of Laws of South Carolina, 1976, as amended. The commission shall consist of five (5) members with initial appointments of three (3) members by the City of Beaufort and two (2) members by the Town of Port Royal. After two (2) years, the membership switches to two (2) members by the City of Beaufort and three (3) members by the Town of Port Royal and every two (2) years thereafter will alternate. The minority municipality shall have of one (1) of its two (2) members serve as chairperson of the commission, such selection of same, to be determined by the joint municipal planning commission.
(Ord. No. O-02-00, 1-11-2000)

Sec. 5-2003. Terms of members; vacancies; expenses.

(a) Terms of members of the commission shall be for two (2) years or until their successors are appointed. Terms of initial appointments by the City of Beaufort shall be staggered so that one-third of the members appointed shall have terms expiring in each year. Terms of initial appointments by the Town of Port Royal shall be staggered so that one-half of the members shall have terms expiring in each year.

(b) Members may be appointed to succeed themselves up to a maximum of two (2) full two-year terms. Thereafter, members may be appointed only after they have been off the commission for at least one (1) year.

(c) The city council may remove any member appointed by the City of Beaufort for cause by majority vote of the council. A vacancy for any reason shall be filled for the unexpired term.

(d) A member shall not hold an elective public office and shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance.

(Ord. No. O-02-00, 1-11-2000)

Sec. 5-2004. Organization.

The joint municipal planning commission shall organize themselves, adopt rules of organizational procedure, elect a chairman and vice chairman for terms of one (1) year, and appoint a secretary who may be an employee of the City of Beaufort or the Town of Port Royal. The planning commission shall keep public records of their resolutions, findings, determinations, and orders.
(Ord. No. O-02-00, 1-11-2000)

Sec. 5-2005. Repeal.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.
(Ord. No. O-02-00, 1-11-2000)

Secs. 5-2006—5-2010. Reserved.

ARTICLE B. RESERVED*

Secs. 5-2011—5-2020. Reserved.

ARTICLE C. BEAUFORT REDEVELOPMENT INCENTIVE PROGRAM†

Sec. 5-2021. Definitions.

(a) *Appraised value.* For the purposes of this article, the appraised value of any property will be the value attributed to that property by the Beaufort County Tax Assessor's Office.

***Editor's note**—Former Art. B, containing §§ 5-2011, 5-2012, was deleted as being superseded by the zoning ordinance of the city, included in this part as Ch. 6. The deleted provisions pertained to the adoption of the zoning ordinance by reference and amendments thereto, and derived from ordinances of Oct. 14 and Aug. 15, 1975; Aug. 23, 1977; and Ord. No. O-10-88, adopted May 24, 1988.

†**Editor's note**—Ord. No. O-28-02, adopted July 9, 2002, deleted Art. C in its entirety and enacted similar provisions to read as herein set out. Former Art. C derived from Ord. No. O-26-98, adopted May 26, 1998; and Ord. No. O-54-99, adopted Sept. 28, 1999.

(b) *Beaufort Redevelopment Incentive Program.* A program established for the following public purposes: Increase the occupancy of empty/vacant commercial buildings, encouragement of greater development and density in Beaufort's downtown, encouragement of student housing and affordable housing, and encouragement of annexation of property into Beaufort's city limits. The program will reimburse property owners for city taxes that are associated with an owner's occupancy of a certain previously empty/vacant buildings, an owner's development of a downtown property, an owner's development of student housing, an owner's development of an accessory dwelling unit, and an owner's annexation of property into the city limits. Reimbursement of these taxes will be promised and paid in order to encourage property owners to accomplish the program purposes. The realization of these goals will promote the public health, safety, morals, general welfare and security, prosperity, and contentment of the citizens of Beaufort. Hereinafter, the Beaufort Redevelopment Incentive Program will be referred to as "the program."

(c) *Building.* Any structure located within Beaufort city limits built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind which has enclosing walls for at least fifty (50) percent of its perimeter. For the purposes of this article, each portion of a building separated from other portions by a fire wall shall be considered a separate building.

(d) *Commercial building.* Any building located within Beaufort city limits that is adapted to occupancy for the transaction of business; for the rendering of professional services; for the display, sale or storage of goods, wares or merchandise; or for the performance of work or labor and was utilized for commercial activity during its most recent occupancy.

(e) *Development of student housing.* Development of housing, whether construction of new buildings on vacant sites or renovation of existing structures that have remained vacant continuously for at least one (1) full calendar year, for occupancy by students enrolled on a full or part-

time basis at the Technical College of the Lowcountry or the University of South Carolina Beaufort.

(f) *Empty/vacant commercial building.* Any existing commercial building that has not housed any commercial activity for at least one (1) year prior to any occupancy asserted by a property owner(s) as qualifying under the program.

(g) *Empty/vacant commercial building qualifications.* Any commercial building which is conveyed to a new property owner after that building has remained empty and/or vacant continuously for at least twelve (12) months during which time it has been continuously and actively offered for sale or lease. Any substantial use of an otherwise qualified commercial building within twelve (12) months prior to a new owner's attempt to qualify under the program, including any commercial, charitable, or residential use, will compromise the previous period that the building was empty/vacant and disqualify that building from the program.

(h) *New occupancy of previously empty/vacant qualified commercial building.* Any new owner(s) attempting to benefit from section 5-2023 of this article must actively use the qualified commercial building for its generally recognized or obvious purpose, including, but not limited to: operation of a retail business, operation of a restaurant, storing of wares/chattels, or any other business activity allowed in the City of Beaufort. Any owner who maintains the property in the same fashion as during the minimum one (1) year that the building was empty/vacant will not qualify for the program, as one of the public purposes of this article is to increase occupancy of previously empty/vacant commercial buildings. To maintain its qualification under section 5-2023 of this article, a previously empty/vacant commercial building that has been acquired by a new owner(s) must be continuously utilized in a viable, bona fide commercial capacity. A mere change in ownership of the property without accompanying viable commercial activity will not qualify a property hereunder.

(i) *New construction.* For the purposes of section 5-2024 of this article, new construction will mean:

- (1) Construction of new buildings on previously vacant sites;

- (2) City-approved legal demolitions of blighted and/or dilapidated buildings and construction of new buildings on those sites;
- (3) Renovations, improvements, and/or additions to second and higher stories in existing commercial buildings for the purpose of creating new housing; and
- (4) Any renovations, improvements and/or additions or existing buildings where the renovations, improvements, and/or additions or existing buildings where the renovations, improvements, and/or additions increased the appraised value of the building by at least fifty (50) percent.

(j) *Property owner.* For the purposes of this article, any person, persons, or entity with legal title to the property in question will be deemed property owner.

(k) *Rehabilitation of vacant or abandoned structures.* For purposes of section 5-2027, rehabilitation means renovations that bring the structure into a habitable condition. A rehabilitated structure shall have sound structural framing for roof, walls, floor, and foundation systems; completely weather-proofed wall, roof, and window systems; correctly sized heating systems; safe egress; and clean water supply with sanitary bathroom connected to sewer per code. A rehabilitated structure shall have passed a final inspection. (Ord. No. O-28-02, 7-9-02; Ord. No. O-13-03, §§ 1, 2, 4-22-03)

Sec. 5-2022. General provisions.

(a) *Prospective application.* This article is prospective only and is not retroactive. Therefore, any action taken in regards to a property that would have qualified that property hereunder but which predates this article shall fail to qualify that property for the program.

(b) *Qualification for the program.* Qualification for the program is contingent upon a change in the use, condition, and/or status of an owner's property and, to qualify under section 5-2023 of this article, a bona fide change in ownership of the commercial property in question. Furthermore, to qualify hereunder the property in question must be fully in compliance with all federal,

state and local codes, statutes, regulations and ordinances. The property in question must qualify for the program before any development incentives may be earned. No person or entity other than the qualifying property's bona fide owner may receive any reimbursement for taxes paid. No property may qualify for the program more than one (1) time or under more than one (1) section.

(c) *City of Beaufort's approval.* Any property owner seeking to participate in the program must receive the city's approval that the owner's property qualifies for the program before any reimbursements will be paid by the city to the owner. The determination as to property's qualification hereunder will be made by the city manager or his/her designee upon the application of the owner of the property in question.

(d) *Appeals.* Any property owner aggrieved by the city manager's determination of whether that property owner's property qualifies hereunder may appeal to the city council by filing a letter with the city clerk setting forth the ground(s) for the appeal within ten (10) days of the city manager's determination. Council shall thereafter consider that appeal at its next regularly scheduled meeting. Council may consider any information presented by the aggrieved property owner and the city manager in making its determination as to whether the property in question qualifies for the program.

(e) *Source of reimbursements paid by city.* For qualifying properties within the existing TIF District (pursuant to Ordinance No. O-34-96), any reimbursements hereunder which qualify as redevelopment project costs shall be paid from the TIF Fund. All other development incentives reimbursements paid by the city to any owners pursuant hereto shall be paid from the city general fund.

(f) *Reimbursements by city.* The city will only reimburse a property owner for projected taxes or taxes actually paid to the city for the property qualified under the program. In no event will the city's development incentives to any property owner exceed the city's projections or actual payments made to the city by that property owner.

(g) *Schedule of reimbursements.* Each time a property owner pays a city property tax, the city will reimburse that property owner the appropriate amount paid to the city provided that property maintains its qualification hereunder for at least ninety (90) days after the city receives the tax. Therefore, it is possible that a property could be approved for the program but subsequently disqualified for no longer maintaining that qualification pursuant hereto.

(h) *Disqualification.* Any property that is approved hereunder may be disqualified from the program and any reimbursements to that property's owner may be suspended should that property fail to maintain its qualification hereunder. Such disqualification could be caused by any of the following or any other legitimate contravention of the program: ceasing commercial activities in a previously qualified commercial building; discovery that alleged commercial activity qualifying the property hereunder was merely a facade as no bona fide commercial activity takes place at or on the property in question; discovery that a structure intended for occupancy by students as defined in this article, is not longer occupied by students; violation of any federal, state, or local code, statute, regulation, or ordinance at, on, or by the property in question; no development or renovation is actually accomplished; and the taxes asserted by an owner do not actually relate to a qualifying property.
(Ord. No. O-28-02, 7-9-02)

Sec. 5-2023. Occupancy of empty/vacant commercial buildings.

Any property owner who acquires ownership of any qualified empty/vacant commercial building and pays city real property taxes in regards to a qualifying property will receive credits for all such taxes paid. The amount of these credits will be calculated as follows: the new property owner will receive cash reimbursements for all city real property taxes paid over the same number of years the qualified property had been continuously empty and/or vacant and which was continuously available for sale and/or lease during that time, up to a maximum period of five (5) years.
(Ord. No. O-28-02, 7-9-02)

Sec. 5-2024. New construction in downtown and redevelopment corridors.

The property owner responsible for qualifying new construction (as defined in section 5-2021(i) of this article) will be reimbursed for all city real property taxes paid by the owner on the relevant property attributable to the new development on that property for a maximum period of three (3) years. For the purposes of section 5-2021(i)(3) of this article, a property owner who creates new rental housing in an upper story (or in upper stories) of an existing commercial building in the tax increment financing district will receive double the reimbursement authorized hereunder. To qualify under this section 5-2024, the new construction must either be in the city downtown tax increment financing district or in a redevelopment corridor defined in section 11.2 of the Unified Development Ordinance of the City of Beaufort, South Carolina. Should a property owner elect to receive a lump sum payment for all such taxes which will be credited, the city will pay the property owner for all such real property taxes which the property owner will pay which are attributable to the qualifying new construction for a maximum period of three (3) years, upon that owner's receipt of a certificate of occupancy for that newly constructed building or that area of the previously existing commercial building which was renovated, improved, and/or added.
(Ord. No. O-28-02, 7-9-02; Ord. No. O-13-03, § 3, 4-22-03)

Sec. 5-2025. Development of student housing.

A property owner responsible for development of student housing (as defined in section 5-2021(e) of this article) will be reimbursed for all city real property taxes paid by the owner on the relevant property for a maximum period of three (3) years. Reimbursements will be made on an annual basis after the city property taxes are paid and the owner has provided an affidavit that the units are being utilized for student housing.
(Ord. No. O-28-02, 7-9-02)

Sec. 5-2026. Development of accessory dwelling units.

A property owner responsible for development of an accessory dwelling unit as defined in section

11.2 of the Unified Development Ordinance of the City of Beaufort, South Carolina will be reimbursed for all city real property taxes attributable to the accessory dwelling unit for a maximum period of three (3) years. Reimbursements will be made on an annual basis after the city property taxes are paid and the owner has provided an affidavit that the accessory unit is occupied. (Ord. No. O-28-02, 7-9-02; Ord. No. O-13-03, § 4, 4-22-03)

Sec. 5-2027. Rehabilitation of vacant or abandoned structures.

A property owner responsible for rehabilitating a structure located in the Beaufort Historic District as defined in section 4.9.C. of the Unified Development Ordinance of the City of Beaufort, South Carolina, and listed on the vacant and abandoned structures list maintained by the department of planning and development services, will be reimbursed for all city real property taxes attributable to the building rehabilitation for a maximum period of three (3) years. Reimbursements will be made on an annual basis after the city property taxes are paid on the rehabilitated structure. (Ord. No. O-13-03, § 5, 4-22-03)

Sec. 5-2028. Annexation incentives.

(a) *Annexation agreements.* Any property owner who owns real property located in Beaufort County that is not within the corporate limits of the City of Beaufort who, upon the request of the city, executes an annexation agreement with the city will receive from the city a payment equal to one and one-half (1½) times that property's projected city real property taxes based upon the real property's then current appraised value, use, and city millage rate at the date of execution of the annexation agreement. Once such a property actually annexes into Beaufort's city limits pursuant to this subsection, that property's owner will receive another payment equal to one and one-half (1½) times that property's projected city real property taxes based upon that real property's appraised value, use, and city millage rate as of the time the property owner executed the annexation agreement.

(b) *Annexation of properties.* Any real property owner who owns real property located in Beaufort County that is not within the corporate limits of the City of Beaufort who, upon the request of the city, annexes that real property into Beaufort's city limits, will receive credits and reimbursements for all city real property taxes paid by the property owner on that property and all city personal property taxes paid by the property owner for all personal property owned by the property owner and located at the annexed real property from the date of annexation for a maximum period of three (3) years. Should the property owner elect to receive a lump sum payment for all such taxes which will be credited, the city will pay the property owner for all such projected city taxes based upon that real property's then current appraised value, use, and city millage rate and the relevant personal property then located at the property from the date of annexation for a maximum period of three (3) years. (Ord. No. O-28-02, 7-9-02; Ord. No. O-13-03, § 5, 4-22-03)

Secs. 5-2029—5-2030. Reserved.

**ARTICLE D. COMPREHENSIVE
LAND USE PLAN**

Sec. 5-2031. Comprehensive Land Use Plan adopted.

The "City of Beaufort Comprehensive Land Use Plan" dated 2004, is adopted as the comprehensive plan of the City of Beaufort, South Carolina, in accordance with the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code Sections 6-29-510 through 6-29-540. The comprehensive plan is not set out herein but is available for inspection in the office of the clerk. (Ord. No. O-06-99, 2-9-99; Ord. No. O-18-04, 7-27-04)