

**BEAUFORT–PORT ROYAL  
METROPOLITAN PLANNING COMMISSION**

**AGENDA**

1911 Boundary Street, Beaufort, SC 29902  
Phone: 843-525-7011 ~ Fax: 843-986-5606

**Monday, July 17, 2023, 5:00 P.M.**

City Hall, Council Chambers, 2<sup>nd</sup> Floor – 1911 Boundary Street, Beaufort, SC

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/82421016438?pwd=Zk5meWFhWEVRRWZlXNlFmSE11b0hCdz09>

Password: 173584

Meeting ID: 824 2101 6438

Call in Phone #: 1+929 205 6099

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

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- I. Call to Order
- II. Pledge of Allegiance
- III. Review Commission Meeting Minutes:
  - A. April 17, 2023 Meeting Minutes
  - B. May 15, 2023 Meeting Minutes
- IV. Questions Relating to Military Operations
- V. Review of Projects for the City of Beaufort:
  - A. City of Beaufort – Text Amendments. Amendments to the City of Beaufort Development Code, Chapters 2-10, to consider processes for approvals, boards and commissions, and historic preservation.
- VI. Review of Projects for the Town of Port Royal:
  - A. None.
- VII. Review of Projects for Beaufort County:
  - A. None.
- VIII. Adjournment

Note: If you have special needs due to a physical challenge, please call Julie Bachety at (843) 525-7011.



# Metropolitan Planning Commission Meeting Minutes – April 17, 2023

## CALL TO ORDER

0:03

A meeting of the Metropolitan Planning Commission was called to order by Susan Cosner, Chair, and was held in-person on April 17, 2023 at 5:00 PM.

## ATTENDEES

Members in attendance: Sue Cosner (Chair), Wendy Zara (Vice-Chair), James White, Dennis Ross, and Josh Gibson.

Staff in attendance: Noah Krepps, Town of Port Royal Planning Director.

Members absent: Judy Alling

## REVIEW OF MINUTES OF FEBRUARY 15, 2023 MEETING 0:35

Ms. Zara referred to the middle of the paragraph on the top of the second page, four lines down, where it says, "Mr. Krepps noted on" to delete the extra letter "n".

Ms. Cosner referred to the same page as Ms. Zara in the second to the last paragraph, third line from the bottom, where it says, "form-based code adoption that met was going on there" there are some words missing there. Ms. Cosner will talk to Ms. Bachety about both of those changes.

**Motion:** Ms. Zara made a motion to approve the February 15, 2023 minutes as corrected. Mr. White seconded the motion. The motion passed unanimously.

All [Insert name of Review Board] meeting minutes are recorded and can be found on the City's website at <http://www.cityofbeaufort.org/AgendaCenter>. Audio recordings are available upon request by contacting the City Clerk, Traci Guldner at 843-525-7024 or by email at [tqundler@cityofbeaufort.org](mailto:tqundler@cityofbeaufort.org).

None.

APPLICATIONS

- A. **Town of Port Royal - Rezoning** – Rezoning Request. Rezone .39 acres at 2001 Berkeley Circle. The property is further identified as District 110, Map 10, Parcel 343. The applicant is Tina Fripp. The current zoning is T3 Edge. The requested zoning designation is T4 Neighborhood Center - Open.

Noah Krepps, Town of Port Royal Director, introduced the rezoning request. The parcel is currently zoned T3 Edge (T3E). The T3E district is a special area that forms at the fringe of Town limits where land meets adjacent waterways. While almost exclusively residential, civic and park functions are also complimentary to the character within the T3 Edge zone.

The proposal is to rezone the front .39 acres of a .55-acre site to T4 Neighborhood Center – Open (T4NC-O). The intent of the T4NC-O Sub-Zone is to provide neighborhoods with a broader amount of retail and service uses in the scale and character of the T4NC zone.

The Future Land Use map designates this property as Urban/Mixed Use. Future development should be compatible with the type and mix of land use currently found in Town with an emphasis on infill and redevelopment and walkable, mixed-use communities. The parcel is proposed to be included in a Redevelopment Overlay District, which was recommended to Town Council by the Redevelopment Commission. Town Council voted in favor of establishing the Overlay, and staff is currently drafting an ordinance.

There are no environmental issues or public service issues. Letters were sent to property owners within 400 feet of the property being rezoned.

Ms. Zara referred to the Map with the green line and asked if the property was not subdivided yet. Mr. Krepps confirmed that is correct. The Town has a preliminary subdivision plat that meets all of the Town’s ordinances for subdivision. We also have a draft plat that the surveyors have not finished their work to complete a final subdivision plan.

Ms. Cosner asked if the lot is going to be divided into two lots. Ms. Krepps confirmed that the intent of the applicant is to subdivide the lot into two lots and that the applicant has no intent to develop the commercial site; it will be marketed.

Mr. Ross said he went out to look at it and around Berkeley Circle it ends on the Southeast corner and asked if it is going to be opened up. Mr. Krepps said this question is for the development review stages. Berkely Circle is a SCDOT-owned road, so they would require a Traffic Impact Analysis and the Town would require a separate Traffic Impact Analysis to meet our standards so both the State and the Town could mandate the connection there. Ms. Cosner stated that access is going to be really important.

The owner/applicant, Tina Fripp, of 2001 Berkeley Circle said she loves Port Royal and her cute little cottage. She was assured by the Town that she was in charge of who she sells the property to. Regarding back access, she already has her own way of “back access” by cutting through and going down what will be the Rail Trail. She’s not in favor of the opening up the portion across from Lenora. She agrees with the Edinburgh red light if you can get that really soon that would be nice. The rail trail is supposed to have a signal, too. Ms. Zara said the permit from DOT was issued today. She said she is for the back access and the road down to the Sands and the boardwalk. And low impact as far as development goes.

**Motion:** I move to approve the rezoning request of 0.39 acres at 2001 Berkeley Circle rezoning from T3 Edge to T4 Neighborhood Center - Open.

Motion by: Wendy Zara

Second by: James White

Opposed: None

All in favor: Susan Cosner, Wendy Zara, James White, Don Ross, Josh Gibson

Vote: 5:5

## DISCUSSION

11:55

Mr. Krepps gave an update from the Town Council items:

- This past Wednesday, Council adopted a total repeal and replace of the Tree Ordinance. We were tasked with creating an ordinance that still allowed responsible development in the Town and guides developers to retain existing significant trees. There was an increase in fees for residential development, but the mitigation fees for commercial development along our corridors (Ribaut Road, Parris Island Gateway, Savannah Highway and Robert Smalls Parkway) remains the same.
- Council also requested a six month and 12 month review of the implementation of the code. Ms. Cosner referred to the press and it was said the Town is stricter than Hilton Head. Our fees are higher than the mitigation fees in Portland, Oregon. We used Hilton Head’s existing Tree Ordinance as a model. Ms. Zara commented she has read several ordinances and the Town’s fees are not the highest in the country. Ms. Zara asked when the Town does its six month and 12 month reviews, if they can consider the economic conditions at the time. Mr. Krepps said he can’t promise that only because he’s not sure of staff time constraints at the time.

Ms. Cosner asked for an update on the Vivo construction renovation and also the project across the street before Richmond and Ribaut that the MPC approved. Ms. Krepps stated Vivo is phased out into four sections of the building and are halfway done with interior renovations and adding some amenities that didn’t exist previously. They are converting from motel rooms to individual studio units. Regarding the multi-family project on Richmond and Ribaut, they are working through some engineering issues with the Town and SCDOT and site design issues.

Mr. Krepps mentioned that the 711 7<sup>th</sup> Street rezoning was withdrawn. Ms. Zara asked about the status of the rezoning behind Alvin Ords. Mr. Krepps said Council voted to approve the rezoning at their 1<sup>st</sup> reading. Ms. Zara asked if the Town is working on the overlay redevelopment. The pre-ordinance passed last week so this week we’ve begun the redevelopment overlay work. The Redevelopment Commission is meeting tomorrow at 4:30 pm at Town Hall.

Ms. Cosner said the Mayor asked her to make sure that MPC are included and should attend the work sessions they are holding on Code changes on every 3<sup>rd</sup> Tuesday of every month at City Hall in the downstairs Planning Conference room at 5:00 pm to 7:00 pm.

## **ADJOURNMENT**

**25:49**

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**Motion:** Ms. Zara made a motion for adjournment at 5:25 pm. seconded by Mr. Ross. The motion passed unanimously.

DRAFT



# Metropolitan Planning Commission Meeting Minutes – May 15, 2023

## CALL TO ORDER

0:15

A meeting of the Metropolitan Planning Commission was called to order by Susan Cosner, Chair, and was held in-person on May 15, 2023 at 5:00 PM.

## ATTENDEES

Members in attendance: Sue Cosner (Chair), Judy Alling, James White and Dennis Ross.

Members absent: Wendy Zara, and Josh Gibson, new MPC member.

Staff in attendance: Curt Freese, City of Beaufort Planning Director.

## REVIEW OF MINUTES

1:14

Ms. Cosner said she has some minor grammatical errors that she will talk to Ms. Bachety about.

**Motion:** Ms. Alling made a motion to approve the March 20, 2023 minutes as corrected. Mr. White seconded the motion. The motion passed unanimously.

All [Insert name of Review Board] meeting minutes are recorded and can be found on the City's website at <http://www.cityofbeaufort.org/AgendaCenter>. Audio recordings are available upon request by contacting the City Clerk, Traci Guldner at 843-525-7024 or by email at [tgundler@cityofbeaufort.org](mailto:tgundler@cityofbeaufort.org).

## QUESTIONS RELATING TO MILITARY OPERATIONS

2:24

None.

## APPLICATIONS

2:30

- A. **City of Beaufort - Rezoning** – Rezoning Request of parcel of property located at 1208 Pigeon Point Road, identified as R120 004 000 1007 0000. The current zoning is T5-Urban Corridor District (T5-UC). The proposed zoning is T4-Neighborhood (T4-N). Applicant: Beaufort Midway Development, LLC.

Curt Freese introduced himself as the new Planning Director for the City of Beaufort. He also mentioned that this feed is not working on Facebook Live but is working on zoom that was in your packet and the information on the screen now is showing the link to this meeting as well as the phone number.

Mr. Freese stated the applicant is requesting a zoning map amendment for the property located at 1208 Pigeon Point Road to zone the property T4-N from its current T5-UC designation for the subdivision of three single-family homes. Currently, the entire block is zoned T-5 UC which does not allow single family homes as permitted uses. Five entire blocks North of Boundary up to Calhoun Street, are currently zoned T-5 UC. Should this amendment be accepted, it would be the first property rezoned out of the T-5 US zoning in these five blocks. The T-5 UC district is intended for dense urban uses from apartments to mixed use and commercial, while the T-4 N District is an urban neighborhood district intended for limited commercial uses. Mr. Freese showed the differences between the two zoning designations by presenting the Zoning District Differences Uses/Development Standards graph, an aerial view map, and surrounding zoning map and the City's Zoning Limit Map. Mr. Freese spoke about the surrounding uses. He referred to the Future Land Use Plan and Civic Master Plan. Notice of the Metropolitan Planning Commission hearing has been mailed to property owners within 200 feet of the subject property, a legal ad published, and the property was posted as required by the Development Code.

Ms. Alling asked Mr. Freese to confirm that the majority of the properties in that block are zoned T4-N. Referring to the zoning map, Mr. Freese said all of the blocks up to Calhoun Street on Boundary Street are zoned T5 and then all the properties that surround that are adjoining or are across the street, are on both Calhoun and Pigeon Point are T4-N.

Ms. Cosner referred to the use T5-UC in the Civic Master Plan, and thought the vision was to provide services for the neighborhood and to create a corridor of services. Also, Ms. Cosner recalled there being a streetscape plan for Calhoun Street that included the university housing and parking lot and wondered about the status is as you come east on Calhoun. Mr. Freese knows of a grant to fix the stormwater, but that's all.

The applicants, Duncan & Jacklyn Elliott were present. Mr. Duncan purchased the property a year and a half ago and it included the cottage, the townhouses, and the lot. We operate the two as Airbnb's. We currently live in Charleston. He said the concept is for us to move to Beaufort and make Beaufort our primary residence which will allow us to be the business operators effectively on site. We'd like to put up 3 one story cottages making one our primary residence. Mr. Duncan feels there is general support of the aesthetic pleasing cottages opposed to the high-rise apartment block. If we are granted permission to do this, Corey Post will be our builder. Mr. Post introduced himself and said there is a lot of vacant properties up and down Boundary Street at this time. The property directly east they just stage for the horse and buggy tours that is a lot that goes all the way through and next to that is two parcels that are vacant. There are very few 2-story buildings. From Bellamy Curve there are two new apartments and then Town Hall there is a storage unit on the other side. It's basically old development. He said he sees much more potential in the next 100-150 years and this area of Boundary Street being revamped.

Mr. Ross asked how long the applicant has had his rentals on Kiawah and Charleston. Mr. Elliott said he started in Massachusetts 7 years ago and 6 years ago we purchased a condominium in Kiawah and a year and half here in Beaufort.

Mr. White asked the applicant if he considered the current zoning upon thinking about developing the property with two story type of buildings or what it currently is zoned for. The applicant said, it has, and we have considered many options. We're looking to compliment the whole block so as people are walking up and down towards Pigeon Point Park, it looks like a completed block of beautiful properties. Mr. White noted there is a two-story townhouse next to it.

Ms. Alling said the MPC's greatest concern is with zoning changes, not specifically with this project, but what generally is allowed because no one never knows what's going to happen between now and later, and then it could be opened up to development that no one would be happy with.

**Public Comment:** **24:28**

**Bill Loflin**, resides at 1200 Barnwell Bluff which is directly across from the property. He is speaking on his behalf and his wife's behalf who could not come tonight. He took an informal poll of the Barnwell Bluff residents and feels confident speaking on their behalf as well. When this goes to Council for a final decision, we will have a sizeable petition in favor of Mr. Elliott's proposal. Barnwell Bluff was begun in about 1998 (25 years old) and well before the city urban plan was developed. Pigeon Point is a residential neighborhood and Pigeon Point Road is the primary ingress and egress for that neighborhood. He said he has the prettiest patio in Beaufort and he's out there about 4 - 5 hours a day watching his bird's nest and feed and enjoys his garden and flowers and so he knows what traffic is like on Pigeon Point Road. He's worried about all the new traffic it will create. He was in the construction and development business for many years before retiring and feels this fits that blueprint perfectly. When the Elliott's bought the property there was a local developer who had an offer to buy it to build college dormitories that would be 3-4 stories with a big parking lot. Pigeon Point has a bird sanctuary and an addition of big commercial building across the street is not in anybody's interest. We need to preserve that residential feeling once you leave Boundary Street and turn onto Pigeon Point Road.

**Andy Kinghorn**, a Beaufort native that grew up in Pigeon Point 67 years ago and overall, very familiar with the neighborhood. He is in favor of the Elliott's request for rezoning. The Pigeon Point neighborhood has always been residential from the boat landing down Wilson Drive to the boat landing down Pigeon Point Road to Boundary Street. On the east side of Pigeon Point Road is Barnwell Bluff which is residential as well; the northside of Calhoun Street is all single-family residential as well. So, this piece of property is surrounded by residential which is the character of Pigeon Point. Since the Elliott's bought the property, there has been a dramatic change in curb appeal for that property; it's gorgeous. They want to make Beaufort their home from Charleston, and he can't argue with that. We will welcome them as neighbors. The plan they have satisfies most of the requirements for the change in zoning that is being asked for. The only thing it doesn't meet is the future vision of the Civic Master Plan. He said he understands the need for the urban infill card, but who knows when that will ever happen or if it will ever take place. It could be way beyond the lifetimes of the people that are in this room today. All the buildings on that block would have been torn down in order to make it look like what the Civic Master Plan actually calls for. In the meantime, the city misses out on additional property taxes, business taxes, and accommodation taxes that could be brought to bear with the execution of what they are intending to do with the additional houses. This will be a credit to Pigeon Point and a credit to Beaufort by being done. He urged the MPC to approve this change and let this project go ahead as the applicant intended.

**Kay Merrill**, lives in Pigeon Point and is Chairman of the Pigeon Point Neighborhood and said she don't think she's speaking on behalf of the entire neighborhood, but like **Bill Loflin** said, we have to take an independent poll too in support of what the Elliott's would like to do. They have become really wonderful neighbors. She would love for the MPC to take a field trip and take a look at the property because these pictures presented by the city don't really do the project justice. It's a beautiful little piece of property. It is directly across the street and surrounded by other residential properties and would fit in so nicely. We are very much in support. It is the gateway to Pigeon Point, and we would like it to be "cute"!

**Frances Ackerman and her husband, James Ackerman**, live at 2215 Wilson Drive. She echoes the sentiments and remarks everybody has made. The difference in this property is just outstanding. When you enter Pigeon Point Road, it is the welcoming gate to what has become, a lovely comfortable place to live, not only for the residents but also for the entire city. She said, she speaks for myself and most of my friends, and people I have spoken to, Pigeon Point is an unusual place. It's been a neighborhood intact in the city for years back to the houses that are 635 square feet that have been there for 50 – 70 years. We all live in this neighborhood in harmony, we take care of each other. When one person is down, we rise up and take care of people. We have a Neighborhood Beautification Committee and it's not one when "you are yard of the month", its one where we know of a neighbor is ill or one without resources and offer to help. We are people who have worked in our own communities in our lifetime. We do have a number of families who are retired. We saw a vision in Pigeon Point that we could help to embellish it but keep the history and the families that were already there that we do not care to displace, including our two sections of public housing that we all have friendships with and them as part of our neighborhood when we have our celebrations in the park and try and reach out. Ms. Ackerman referred to the gentleman working on her house who said, "I work rehab houses all over the county/city and you don't have it; everybody walks out and greets everybody and knows everybody name in Pigeon Point and encourages people to be here". The special nature of Pigeon Point is just not for us and our neighbors, it's the largest living park for the City of Beaufort. People come there to walk their dogs, ride their bikes, push their babies in buggies, take their daily walks and daily runs; they stop and talk to us, and we'll offer them water or lemonade. This property fits in and there is plenty of room on Boundary Street for restaurants and whatever should go there. Right now, we have a Vape shop there and not sure it was the City's vision or the Pigeon Point's vision. And, we have a derelict building across from it that someone was trying to make into a restaurant ever since I've owned my property which is close to 9 years. We cannot get rid of this gem of a neighborhood by doing anything to its interior façade or its entry point, but to encourage the absolute splendor that's there now.

**Bill Loflin** reiterated what other people said and referred to the vacant real state on Boundary Street east of the cemetery and people are in there unloading tractors and breaking ground. There's been a lot of vacant property in that area for a long time, so there's no telling when this might ever be developed. He is glad the dormitories didn't go there because that would have been a mistake. He said when he looks at Pigeon Point and realized what was on where Barnwell Bluff is now, which was single-family residential property at one time all the way out to Boundary Street until the Open Land Trust bought a portion of it and when the developer took it in the 1990's, that was all residential. He referred to the Magnolia Cottage and the building next to it.

Public comment was closed.

**Motion:** I move that we recommend to Council to accept the rezoning of property at 1208 Pigeon Point Road from T5-UC to T4-N.

Second by: James White

#### Further Discussion

Mr. Freese suggested there be some findings added of why you are making the motion for the record. Ms. Alling said the neighborhood support is the main reason she supports this application. She felt it's wonderful how everyone came forward with their spirit; it's great. Ms. Alling said she drove through the park today and it was filled with children. It is a delightful place, and she understands why they want to keep it that way. But she does have a concern that she mentioned before about understanding the allowable uses that could happen such as: vehicle services station is *conditional*, but it could be allowed; drive-thru restaurant is *conditional*; but it could be allowed; gas station is *allowed*; or light industrial services are *allowed* for that property if its changed and if that ever came to be, you wouldn't be happy. These uses probably will never happen, but you need to be knowledgeable, and I have to when casting my vote.

Mr. White said he appreciates all the support and wanted to state for the record, the reason we have the zoning from a T5 to a T4 to a T3 is to have that transition for the neighborhood so you not having a 5-story next to a single-family home next to another 5-story (the Master Plan indicates this) and that's what we have on Boundary Street, T5 to T4 to T3. And what we are doing is taking a piece of that and changing that to T4 to make that transition a little bit different than what it was originally zoned for. I think that's okay in this case because of the fact that it is on Pigeon Point Road, it's on the edge of T5 and this makes sense. The reason why its zoned what it is, is because that is what we all agreed to in terms of the zoning for Boundary Street Corridor. There are going to be college dormitories and other large along Boundary Street.

Mr. Ross reiterated Ms. Alling's concerns about how things change; life happens. He feels there might be a downturn in the real estate, and this could affect ongoing construction for those two other cottages. I also wanted to make sure the individuals in here today were supportive. He applauded the applicant's enthusiasm. He said he and his wife go to Pigeon Point Park and it's an enjoyable area to go and we'd hate to see it ruined. But there is that possibility that life happens, and you can't sell that property, or someone wants to come in there and build that gas station or restaurant with a drive-thru. It is part of the Master Plan, like Mr. White said.

Ms. Cosner is concerned about giving up opportunities for the university. We are trying very hard to entice the university to continue to span here. Ms. Cosner referred to the point in Mr. Freese staff report that said, "we do this, and it's gone permanently". She echoed all the Commissioner's comments about the enthusiasm the neighborhood has for project, but she thinks the Commission needs to support the Civic Master Plan. Ms. Cosner thinks the master plan needs to be changed, because she has found lots of "consultants dreams", but this is not one of them. This makes a lot of sense; urban corridor is an opportunity for missing middle housing, opportunities for the university, opportunities for other friendly uses that wouldn't be five stories or gas stations. Ms. Cosner said she is in Pigeon Point all the time and applauds what the Elliott's have done. She said to the applicants, "please understand my vote is not reflective of what you plan to do, but my vote to not recommend approval is support of the Civic Master Plan". With the upcoming codes changes, we need to take a hard strong look at the Civic Master Plan.

**Motion:** I moved to not recommend approval for the rezoning from T5-Urban Corridor District (T5-UC) to T4-Neighborhood (T4-N).

Motion by: Sue Cosner

Opposed: Sue Cosner

All in favor: Mr. White, Mr. Ross, and Ms. Alling

Vote: 4:1

## **ADJOURNMENT**

**50:20**

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**Motion:** Ms. Cosner made a motion for adjournment at 5:53pm. seconded by Mr. Ross. The motion passed unanimously.

DRAFT



**CITY OF BEAUFORT**  
**Community Development Department**

SCOTT MARSHALL  
City Manager

1911 BOUNDARY STREET  
BEAUFORT, SC 29902  
(843) 525-7011  
FAX (843) 986-5606

CURT FREESE  
Community Development  
Director

**Date: July 17, 2023**

**From: Curt Freese, Community and Economic Development Director**

**To: Metropolitan Planning Commission**

**ISSUE: Beaufort Development Code Changes**

**BACKGROUND:**

The Beaufort Development Code was adopted in 2017 with a forward thinking form-based structure to regulate development. In the five years since it was adopted, numerous issues have percolated to the surface that will require updates and revisions to the code. Stakeholders, from developers, board and council members to staff members and others, all identified numerous changes that must be addressed. A Code Workshop process was initiated with City Council to bring forward amendments. This process started on March 21, 2023, and has continued with public meetings on the third Tuesday of every month. The code amendments herein proposed for formal MPC recommendation, all have been discussed and vetted during these public meetings. The first few months were spent on an overview of the code, and changes to Chapters 9 and 10, which involve process and development review bodies.

**Proposed Amendments**

Please note, a copy of the track changes of the code sections in question are included in your packet with changes in red. The changes which involve several Sections of the code, have been grouped into four categories below, with a brief description of the changes which again, are found in the red.

The proposed amendments to Chapters 9 and 10 focus on the following:

- Elimination of the MPC from the Beaufort Code and creating a City-only Planning Commission.
  - Section 10.2.1 changes to MPC organization, powers and duties.
  - Section 2.8.5 MPC reference to PUD's;
  - Section 7.2.1 MPC references to Streets;
  - Section 9.1.4 Process table;



**CITY OF BEAUFORT**  
**Community Development Department**

SCOTT MARSHALL  
City Manager

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CURT FREESE  
Community Development  
Director

Section 9.16 MPC reference to Amendments and Rezonings;

Section 9.8.2 Development process approvals.

- Elimination of the City DRB, and merging their powers into the new City only Planning Commission

Section 10.8.2, DRB, Board rules and powers

Section 9.8.2 Development Process and approvals

Section 9.1.4, Table of Approval processes

- Changes in approval process for items in Redevelopment Overlay, Staff/DRB level approvals

Section 9.8.2 Development Process/Redevelopment District

Section 10.8.2 DRB process

Section 9.1.4, Table of Approval processes

- Changes with additions of standards to the Historic Review Board process, including removal of HBF seat

Section 10.7.2: HRB Powers and Duties and Composition

Section 9.10.2 HRB process and approvals.

**RECOMMENDATION:** Approve text amendments.

## **Section 2.8.5**

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## 2.8.5 LEGACY PLANNED UNIT DEVELOPMENT DISTRICT (LPUD)

- A. **Purpose:** The legacy planned unit development (LPUD) zoning district is intended to be utilized only for the continuation of previously established PUDs.
- 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 that could not be reasonably anticipated during the approval process, or any other change that 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 ~~Metropolitan~~-Planning Commission (~~M~~PC) and approved by City Council in accordance with the procedures outlined in Section 2.8.4 B.1.
- D. **Rezoning a PUD:** Any existing LPUD may choose to rezone to a standard City zoning district by going through the rezoning process in accordance with the procedures outlined in Section 9.16.

## **Section 7.2.1**

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## 7.2.1 STREET INFRASTRUCTURE PLANS

- A. **Purpose and Intent:** The Street Infrastructure Plans (in Appendix C) provide diagrams of the city's street network and establishes the ideal alignment, hierarchy 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 streets, proposed streets that have been adopted as part of an Official Map, and new potential streets in the City of Beaufort.
- B. **Official Street Network Plan:** Pursuant to the authority of S.C. Code 1976 § 6-7-1210 et seq. (1976), as amended, the City has previously adopted several Official Maps. An Official Street Network Plan is incorporated into this Code in order to represent a composite of these previously-adopted Official Maps.
1. **Purpose:** This plan represents a composite of all Official Maps, to date, in the City. The map designates existing or proposed streets or ways within the City that are targeted for creation, expansion or other improvements. The Official Street Network Plan shall initially consist of a series of four (4) separate maps, included in Appendix C, which shall be deemed a part of the Beaufort Code.
  2. **Modification:** The Official Street Network Plan may be modified or supplemented per the procedure for Amendments and Rezonings (Section 9.16). The ~~Metropolitan~~ Planning Commission (~~MPC~~) will review the Official Street Network Plan on a regular basis at intervals of every 6 months, or thereabouts. In addition, the maps will be automatically updated as additional Official Maps are approved per the appropriate process required by state law.
- C. **Specific 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 depict the ideal arrangement and design of street elements.
1. **Applicability:** For any project that is considered Major Subdivision (Section 9.8.3), Major Development Design Review (Section 9.8.2), or requires a Certificate of Appropriateness, Major (Section 9.10.2 A.2.) and affects one whole block face, the fronting property owner shall install all prescribed streetscape improvements as part of the development project.
    - a. **Exception:** If similar elements as prescribed in the street section exist — e.g., on-street parking, sidewalk, tree plantings — the requirement to install the streetscape element(s) shall be waived if those items meet the intent of the prescribed street section, even if the existing items do not meet the exact requirements of that street section.  
*Example Scenarios: If a street section prescribes a 5-foot sidewalk, but a 4-foot sidewalk already exists, the existing sidewalk will satisfy the sidewalk requirement. However, if the street section requires a 5-foot planting strip between the curb and the sidewalk, and the 4-foot sidewalk is directly adjacent to the curb, this would not satisfy the intent of the street section and would need to be reconstructed per the prescribed standards.*
  2. **Insufficient Right-of-Way Width:**
    - a. In the case of a street section adopted as part of an Official Map, where the width of the existing right-of-way is insufficient to install the prescribed street section, the fronting property owner may be required to reserve the appropriate amount of right-of-way (as measured from the centerline of the existing street). If the owner chooses to dedicate and install the complete right-of-way, the cost of the improvements may be compensated - see Section 7.2.1 E.
    - b. In the case of a street section that is not part of an Official Map, where the width of the existing right-of-way is insufficient to install the prescribed street section, the property owner is encouraged to reserve the appropriate amount of right-of-way to complete the

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desired street section. If the owner chooses to dedicate and install the complete right-of-way, the cost of the improvements may be compensated - see Section 7.2.1 E.

c. **Exceptions and Alternatives:**

- i. Where available right-of-way — due to existing structures and topographic conditions — do not permit the full section to be constructed, the Administrator may adjust the required section.
- ii. A different street section may be approved which accomplishes the same intent in a smaller dimension.

D. **Creation of New Right-of-Way:**

1. Where a future right-of-way is identified on an Official Map, and thus represented on the Official Street Network Plan— these are indicated as "New Adopted Streets" — new development shall reserve this area for the new street in the future. If access is needed to the site in that location, the street shall be constructed in the general location shown.
  - a. **Alternative Paths:** The administrator may approve a different street configuration if it the proposed development plan provides a similar amount and quality of connectivity through the site. This is determined by evaluating one or more of the following: number of connections, connections of specific site elements, and required access to existing and proposed structures. For modification of the Official Street Network Plan, See Section 7.2.1 B.2.
  - b. **Street Standards:** The future right-of-way shall conform to all of the street network requirements of Section 7.2.2 below.
2. Where a new right-of-way that is not shown in the street regulating plan, is required as part of a new development, it shall be designed with appropriate elements based on its proposed location and zoning district. (See Appendix C).

- E. **Compensation:** When a project is required to make off-site improvements within the existing right-of-way, dedicate and/or improve a street with insufficient right-of-way, or install a new street (be it public or private) per the requirements in Section C. above, compensation may be available. To the extent that the City has the authority and the ability, the Traffic Impact fee for the project shall be reduced by the assessed value of the dedicated land and/or construction cost of the right-of-way improvement. This may be done either as a direct reduction, rebate, or reimbursement of fees.

## **Section 9.1.4**

### 9.1.4 PERMIT/PROCESS TYPE TABLE

PERMIT/PROCESS TYPE	SECTION	PERMIT/PROCESS TYPE	REVIEWING AGENCY	PUBLIC NOTICE	APPROVAL	APPEAL PROCESS	PERMIT PERIOD	PERMIT EXTENSION
<b>ADMINISTRATIVE PERMITS</b>								
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
<b>DEVELOPMENT DESIGN REVIEW</b>								
Development Design Review, Minor	9.7	Administrative	Admin	None	Admin	<del>DRB</del> <u>PC</u>	24 months	12 months, up to 5 times
Development Design Review, Major	9.7	Discretionary	Admin	None	<del>DRB</del> <u>PC</u>	Court 30 days to appeal	24 months	12 months, up to 5 times
<b>SUBDIVISION REVIEW</b>								
Subdivision, Minor, Site Plan	9.8	Administrative	Admin	None	Admin	<del>MPC</del> <u>PC</u>	24 months	12 months, up to 5 times
Subdivision, Major, Sketch Plan	9.8	Discretionary	Admin TRC	None	<del>MPC</del>	Court	24 months	12 months, up to 5 times
Subdivision, Major, Site Plan	9.8	Administrative	Admin, TRC	None	Admin	<del>MPC</del> <u>PC</u>	24 months	12 months, up to 5 times
Subdivision Final Plan	9.8	Administrative	Admin TRC	None	Admin	<del>MPC</del> <u>PC</u>	24 months	12 months, up to 5 times
<b>HISTORIC PRESERVATION</b>								
Certificate of Appropriateness, Minor	9.9	Administrative	Admin	Demolition Only: Yes (1,2, 3)	Admin	<u>ADMIN/HRB</u>	24 months	12 months, up to 5 times

Certificate of Appropriateness, Major	9.9	Discretionary	Admin	Demolition & Design Exception 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, <del>MPC</del> , HRB	None	CC	Court	n/a	n/a
<b>RELIEF</b>								
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
<b>ADMINISTRATION APPEALS</b>								
Administrative Appeal	9.14	Discretionary	Admin	Yes (1)	ZBOA	Court 30 days to appeal	12 months	6 months
<b>AMENDMENTS</b>								
Code Amendments	9.16	Legislative	Admin, <del>MPC</del>	Yes (1, 2 & 3)	CC	Court 30 days to appeal	n/a	n/a
Admin-Administrator / <del>MPC-Metropolitan</del> Planning Commission / CC-City Council / ZBOA-Zoning Board of Appeals / HRB-Historic District Review Board / DRB-Design Review Board / TRC-Technical Review Committee / Court - Circuit Court								
Note: Any appeals that are assigned to Court are eligible for pre-litigation mediation pursuant to § SC ST 6-29-1155								

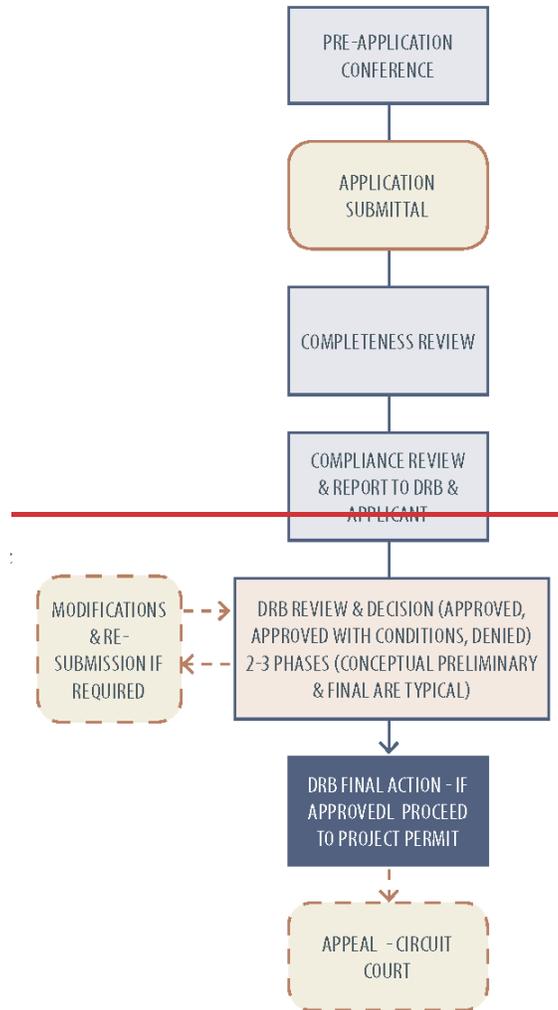
## **Section 9.8.2**

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## 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 Sections 3.4.1 A. and 3.4.1 C.).
2. **Vehicle-Related Uses:** Any new development that includes fuel-dispensing facilities, drive-thru facilities, or structured parking.
3. **Nonresidential Development:** Any commercial or multi-family development Projects having more than a 10,000 square foot building footprint, not including porches.
4. **Residential Development:** Single-family attached or multi-family developments containing more than 10 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, are not subject to review by the Design Review Board and shall instead be evaluated by the Administrator (see Section 2.7.3). The Administrator shall post all projects for review in said districts for a 15 day public review and comment period for each major submittal. Minor revisions to the plans (not related to use, density, building frontage, or building height) shall not constitute a major submittal. A copy of all public comments shall be disseminated to the applicant and Administrator for each public comment period. Both the applicant and Administrator shall respond in writing to all public comments after each major submittal, and the project will be required to attend a TRC committee meeting, before the project is issued approval.



- B. **Process Type:** Discretionary.
- C. **Pre-Application Procedure:** Every applicant for a Major Development Plan is required to 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 (Section 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 (Section 9.3.1 A.), Sketch Plan (Section 9.3.1 B.), Site Plan (Section 9.3.1 C.), Construction Documents (Section 9.3.1 D.), As-Built Drawings (Section 9.3.1 E.), Building Elevations for Design Review (Section 9.3.1 G.) —a Traffic Impact Analysis (Section 7.3.3) and/or Archeological Impact Analysis (Section 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.

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- G. **Neighborhood Meeting:** Optional.
- H. **Public Meeting:** The ~~Design Review Board-Planning Commission~~ 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-Planning Commission~~ may approve, deny, or approve with conditions the application for a Major Development. No Major Development shall be approved 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.
  5. The proposed plan conforms to the Building Design Standards in Article 4.
  6. The application will not substantially lessen 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:** Major Development Design applications 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-Planning Commission~~ and the applicant. Following 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 and the TRC (as necessary).
- K. **Appeals:** Any party aggrieved by the decisions of the ~~Design Review Board-Planning Commission~~ 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 application, the applicant shall have 2 years to obtain a Project Permit. Failure to secure a permit 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 design approval, 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 shall be submitted at least 1 month prior to the expiration date.

## **Section 9.10.2**

## 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. The Administrator may submit any applications that are subject to staff approval to the Historic District Review Board (HRB) for approval.
  - a. Changes to a building or property, to include fences, paint color, roof materials, canopies and awnings, site changes, and window replacements on noncontributing structures.
  - b. New construction and building modifications to include construction of non-habitable accessory buildings in the Beaufort Preservation Neighborhood.
  - c. Modifications to non-contributing structures in the [Beaufort Conservation Neighborhood](#).
  - ~~d. Changes to a building or property, limited to include in kind repairs, non-historic fences and walls, paint color, roof materials, and window replacements on contributing structures which will be reviewed by the HTRC.~~
  - ~~e. Demolitions of non-contributing structures in the BCN.~~
  - ~~e. Demolition or partial demolition of a structure that is listed in the "1997 Beaufort County Historic Sites Survey," or the most recent historic sites survey, and lies outside the Beaufort Historic District.~~
  - e.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 HRB shall apply to all other applications for Certificates of Appropriateness.

**a. New Development:** new development within the Beaufort Historic District shall be approved by the Historic Review Board, based on the following findings:

i. The plan is consistent with the adopted plans and policies of the City, and Section 4.7.2 of this Code.

ii. The plan complies with all applicable requirements of this Code.

iii. The plan complies with all applicable requirements of the Beaufort Preservation Manual, and/or the Northwest Quadrant Design Guidelines.

iv. The proposed plan conforms to the character of the neighborhood, considering the location, mass, height, scale, setback and relation of the development to the street, type and height of the surrounding buildings and structures and the type and extent of landscaping on the site.

v. The proposed development/building utilizes materials in a manner sympathetic to the existing buildings on the surrounding block and consistent with the Historic District, similar in color, size, texture, scale, craftsmanship and function.

**b. Conceptual Hearing:** New construction in the Historic District shall follow the guidelines below:

i. Applicant shall submit a site plan depicting new structure in relation to the setbacks, street, and any easements on the site. Site Plan shall include existing streets, alleys, driveways, non-primary structures, preliminary landscape plan depicting any existing specimen trees.

ii. Applicant shall submit a schematic depicting the following requirements: mass, height (including elevation of the first floor and floor to floor heights), siting and orientation on the lot, and form/scale of structure.

iii. Applicant shall submit a street-scape of any existing structures on the block proposed for new development, with proportions and pictures of said structures.

**c. Final Approval**

i. Applicant shall verify elevation of the first floor, and floor to floor heights.

ii. Applicant shall provide bays, windows and doors detail.

iii. Applicant shall provide final materials for structure.

iv. Applicant shall provide roof details including style, pitch and materials.

v. Applicant shall provide design and materials for shutter, porch, paint, walls, and column details.

vi. A project may elect to go from Concept to Final, wherein the submittal would include the requirements of both Concept and Final and be heard at one HRB hearing.

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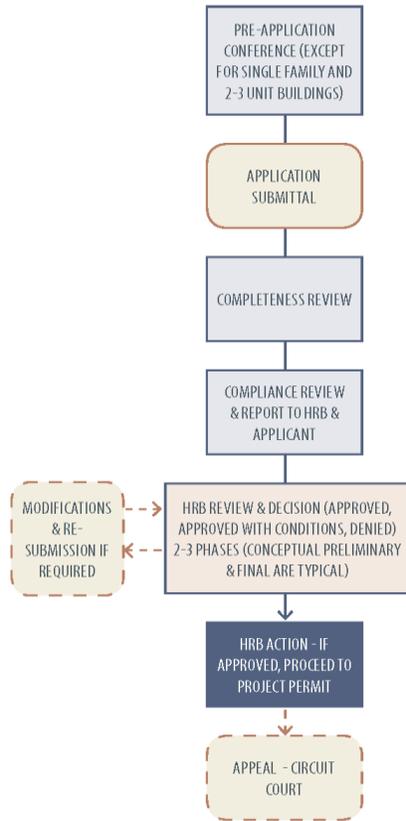
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3. **Design Exception:** Design Exceptions shall be used to modify any dimensional standards or design requirements, found in Articles 2 and 4, for development projects that have unique characteristics that justify a deviation from the underlying standards. Such deviations are intended to provide flexibility from the underlying standards to permit compatible development patterns which are indicative of the surrounding area and/or use an innovative approach or technique. The process is intended to provide the minimum relief necessary to create a more innovative and context-sensitive development consistent with the City's adopted plans. This tool is not intended to circumvent the map amendment (rezoning) procedure where that tool would provide a similar modification of standards.
  - a. **Applicability:** The HRB shall have the authority to authorize a variance of up to 35 percent from any numerical standard set forth in Article 2 (Maps and Districts) — except for Section 2.6, Height and Section 2.7.4, Air Installation Compatibility Use Zone (AICUZ) overlay district standards — and Article 4 (Building Design and Infill Standards).
  - b. **Review Criteria:** The HRB may approve an application for a Design Exception where it reasonably determines that there will be no significant negative impact upon residents of

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surrounding property, or upon the general public. The board shall consider the following criteria in its review:

- i. **Compatibility:** The proposed exception is appropriate for its location. It is compatible with the character of surrounding properties and the development permitted by the zoning of the surrounding properties, ~~and will not reduce property values of surrounding properties.~~
- ii. **No Adverse Impact:** The design of the proposed exception minimizes adverse effects including visual impacts of the proposed use on surrounding properties; furthermore, the proposed exception does not create a nuisance for surrounding properties.
- iii. **Consistency with Adopted Plans:** The proposed development is in general conformity with the City's Comprehensive Plan, Civic Master Plan and other plans officially adopted by the City.

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, in Article 4 of this Code, shall be utilized for review of all new construction.
5. The Historic District Infill Design Guidelines, in Section 4.7 of this Code, shall be utilized for review of all new construction.
6. Any special area policies 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, In order to approve an application for the minor alteration of a Contributing Structure in an approved Historic District, the HRB shall find that the proposal meets the following standards:

- a. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- b. The historic character of a property shall be retained and preserved. The relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
- c. A property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall be discouraged.
- d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.

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- e. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
  - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
  - g. Chemical and physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used unless otherwise approved by the Town Staff.
  - h. Archaeological resources should be protected and preserved in place as per Section 4.7.2 of this Code. If such resources must be disturbed, mitigation measures should be encouraged.
  - i. New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportions, and massing to protect the integrity of the property and its environment.
  - j. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

~~, 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 that are not in harmony with the prevailing character of the Beaufort Historic District, or that are obviously incongruous with this character.

**D. Demolitions:**

1. In all applications involving the demolition of a contributing primary structure or contributing accessory structure, provisions shall be made for a public hearing as set forth in Section 9.1.5. ~~Demolition of non-contributing structures are approved by the Administrator shall be approved by the Historic Review Board based on the standards of this Section.~~
2. In any case involving the demolition or partial demolition of a structure, before granting approval or requiring a postponement, the HRB 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 that is listed in the "1997 Beaufort County Historic Sites Survey" and lies within the limits of the city but outside the Beaufort Historic District, the Administrator, within 30 days of receiving the application, shall either approve it, 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 — this 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 demolition or alteration of any building, the Administrator shall take steps to ascertain what may be done to preserve the building, including consultation with private civic groups, interested private citizens and other public boards or agencies, 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.

4. In order to approve an application for the relocation or demolition of a Contributing Structure, in an Historic District, the Historic Review Board must find that:

- a. The applicant has proven no prudent and feasible alternative exists, or
- b. The applicant has proven the designated property is deteriorated beyond repair, or
- c. The value to the community of the proposed use of the property outweighs the value of retaining the Local Historic Landmark.
- d. At the public hearing of an application to relocate or demolish a Contributing Structure in an Historic District the Administrator upon recommendation by the Historic Review Board, may, in the interest of exploring reasonable alternatives, delay issuance of a permit for up to 180 days from the date of the hearing. If, thirty days prior to the expiration of the delay period, the Historic Review Board finds that there are still reasonable alternatives to explore, it may recommend a delay for an additional period of up to 90 days.
- e. Permit Validity: Upon the approval of a demolition application by the Historic Review Board, the demolition permit shall be effective for two years from the date of the approval. The Historic Review Board may grant up to 5 one-year extensions of this time period upon submittal by the applicant of sufficient justification for the extension. Extensions shall be submitted at least 1 month prior to the expiration date.

f. In approving an application for the demolition of a Contributing Structure in the Historic District the Board may impose the following conditions:

- i. Photographic, video, or drawn recordation of the property to be demolished, and/or
- ii. Salvage and curation of significant elements, and/or
- iii. Health and Safety and property maintenance measures
- iv. Other reasonable mitigation measures.

5. In order to approve an application for the relocation or demolition of a non-Contributing Structure, in an Historic District, the Historic Review Board must find that:

- a. The applicant has proven the designated property is deteriorated beyond repair, or
- b. The value to the community of the proposed use of the property outweighs the value of retaining the Local Historic Landmark.
- c. Permit Validity: Upon the approval of a demolition application by the Historic Review Board, the demolition permit shall be effective for two years from the date of the approval. The Historic Review Board may grant up to 5 one-year extensions of this time period upon submittal by the applicant of sufficient justification for the extension. Extensions shall be submitted at least 1 month prior to the expiration date.
- d. In approving an application for the demolition of a non-contributing Structure in the Historic District the Board may impose the following conditions:
  - i. Photographic, video, or drawn recordation of the property to be demolished, and/or
  - ii. Salvage and curation of significant elements, and/or
  - iii. Health and Safety and property maintenance measures

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iv. Other reasonable mitigation measures.

- E. **Denial of Certificate of Appropriateness:** The HRB may refuse any application that, 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, etc. 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, that is not in consonance with the dignity and character of the present structure, in the case of repair.
5. Construction of, 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 that is not in accordance with such certificate, or that violates any ordinances of the city.
- G. **Resubmittal:** After disapproval of an application, the applicant may make modifications to the plans and resubmit. The applicant may not resubmit the same proposal, without modifying it based on HRB comments, for 12 months from the date of the original submission. Reconsideration of an application for demolition that 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 that is attributable natural causes.
- H. **Appeal—Minor:** Appeals of the decisions of the Administrator shall be heard by the HRB. The application for appeal shall 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 within 30 days of the decision.

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## **Section 9.16**

## 9.16: AMENDMENTS AND REZONINGS

### 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 ~~(MPC)~~, 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 ~~MPC~~, the Administrator, or by any city resident or business owner filing an application with the Administrator.

### 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 deems pertinent, shall be filed with the Administrator.
  1. Applications for zoning map amendments (rezoning) shall also include:



- a. Boundary map of the subject property that is 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. Written consent from the owner of the property that is being considered for an amendment. This is required if the applicant is not the city.

**B. Staff Review and Report:**

- 1. 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 MPC and the applicant before the scheduled public meeting.

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2. For amendments where the most intense permitted use in the proposed district would generate more than 50 external trips during the peak hour, a TIA (Section 7.3.3) may be required; all road improvements needed to maintain the current level of service shall be identified (based on that analysis), and assurances shall be provided so 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 MPC:** All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted to the MPC. The MPC, 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, by agent, or by attorney. Following action by the MPC, all papers and data pertinent to the application shall be transmitted to the City Council for final action. The MPC shall study the proposed amendment, taking into account all factors that 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, with conforming uses of nearby property, and with the character of the neighborhood;
  - c. Suitability of the property that would be affected by the amendment;
  - d. Compatibility with the natural features of — and any archaeological or cultural resources on — the property;
  - e. Marketability of the property that would be affected by the amendment; and
  - f. Availability of roads, sewer, water, and stormwater facilities generally suitable and adequate for the affected property.
3. At the close of the public meeting, the MPC 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 MPC's deliberations and recommendation City Council. If the MPC or its staff fail 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 (e.g., 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. **Timing:** City council shall consider the proposed map or text amendment at the earliest reasonable date and shall consider the report of the MPC in making a decision.
3. **Decision:** City council shall act to approve, approve with modifications, or deny the proposed amendment.
4. **Notification of Result:** The applicant shall be notified in writing within 15 days of City Council's action.

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#### **9.16.4 UPDATE OF ZONING MAP**

Following City Council's final action, any necessary changes shall be made to this Code, or to the Official Zoning Map within 7 days. A written record of the type and date of such change shall be maintained by the Administrator. After 7 days of the official action, the action by City Council shall be considered official even if the Administrator fails to make the written change to the appropriate document.

#### **9.16.5 APPEALS**

An applicant aggrieved by the amendment decisions of the City Council may appeal to the circuit court within 30 days of the decision.

## **Section 10.2**

## 10.2: ~~METROPOLITAN~~ PLANNING COMMISSION

### 10.2.1 POWERS AND DUTIES

- A. ~~Authority: Pursuant to S.C. Code 1976 § 6-29-320 et seq., 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 (MPC), which shall perform all planning functions in the areas of jurisdiction of the City of Beaufort and the Town of Port Royal, South Carolina, 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 MPC 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 MPC may exercise the power set forth in S.C. Code tit. 6, ch. 29, 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 MPC by ordinance and/or intergovernmental agreement, in accordance with the provisions of S.C. Code § 6-29-330.~~
- C. ~~Powers and Duties with Regards to the Growth Area: The MPC will have authority, pursuant to state law, for planning in the growth area. It will handle all matters in the growth area that are delegated to it and that require MPC action. In order to better coordinate growth within the growth area, the MPC 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 MPC 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 MPC shall report its recommendations to that governmental entity.~~
    - ~~c. Municipal and county staffs will work together to share responsibility for presenting matters to the MPC as outlined in the commission's adopted "Rules of Procedure."~~

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D. ~~Powers and Duties with Regard 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 MPC 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 that are outside of public rights-of-way, designated open space, or public parks.~~
- ~~2. Review and make recommendations on public projects.~~
- ~~3. Review and approve, approve with conditions, or deny all Major Subdivision Sketch Plans.~~
- ~~4. Delegate Site Plan (syn. Preliminary Plat) and Final Subdivision Plat review and approval to city staff.~~
- ~~5. Review and make recommendations to the City Council about amendments to the text of this Development Code.~~
- ~~6. Review and make recommendations to the City Council about amendments to the Official Zoning Map.~~

(Ord. No. O-22-19, 12-10-2019)

A. Planning commission established. There is hereby established a planning commission for the City of Beaufort, which shall have the powers and duties as provided in S.C. Code Title 6, Chapter 29, 6-29-310, et seq.

- (1) Composition of the commission. The planning commission shall consist of seven (7) members appointed by Beaufort City Council for terms of three (3) years, staggered so that one-third of the members shall have terms expiring in each year. Adoption of the ordinance codified in this subsection shall appoint two (2) members to the commission for terms of one (1) year, three (3) members to the commission for terms of two (2) years, and three (3) members for terms of three (3) years. Members shall serve until their successors are appointed and qualified. No member of the planning commission shall be the holder of an elected public office in the City of Beaufort. The membership of the planning commission at all times should include not less than two (2) members who are licensed either as architects, civil engineers, urban planners, or real estate professionals.
- (2) Terms: Except as otherwise described in 10.2.1 A.1, commissioners will serve three-year terms, with a max of two terms. Members who have served for two full terms shall wait one calendar year before they may serve again. Terms will not end until a replacement has been officially appointed.
- (2) Compensation. Members of the planning commission shall serve without compensation. Reimbursement for actual expenses incurred in the performance of official duties may be reimbursed from budgeted funds pursuant to reimbursement policies and procedures for employees of the City of Beaufort.
- (3) Removal of members. Members of the planning commission may be removed at any time by Beaufort City Council for cause. The existence of cause shall be discussed by the council in executive session as permitted by the Freedom of Information Act, S.C. Code 30-4-70(a)(1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of council, is deemed to adversely affect the public interest, including lack of attendance at meetings, may constitute cause.
- (4) Organization and rules of procedure. The planning commission shall organize, elect officers, and adopt rules of procedure as required by S.C. Code 6-29-360. The PC shall elect a chairperson and a vice-chairperson from its members who shall serve for 1 year or until reelected, or until a successor is elected. The PC shall appoint a secretary, who may be an employee of any of the governmental

entities. The PC shall adopt and adhere to rules of procedure for the conduct of business. An abstention from voting shall be considered a vote to deny the motion.

- (5) Quorum. A majority of the members appointed shall constitute a quorum.
- (6) Public hearings. The Beaufort Planning Commission shall hold all public hearings on amendments to the city zoning ordinance and zoning map pursuant to S.C. Code 6-29-760(A), Major Development as defined in Section 9.8.2 of the Beaufort Development Code, Appeals of Minor Development as defined in Section 9.8.1, Platting as defined in Section 9.9.3 and 9.9.4, recommendations on Annexations, recommendations on Text amendments of the Beaufort Development Code, and Adoption and updates of the Beaufort Comprehensive Plan.

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### **10.2.2 MEMBERSHIP, TERMS, AND COMPENSATION**

- A. ~~**Number, Appointment:** All city-appointed MPC members shall be residents of the city, own property in the city, or own or operate a business in the City. The MPC shall consist of 6 members, appointed for staggered terms, 2 members from each municipality, and 2 members from Beaufort County. No member shall hold an elective public office. Appointments to the MPC 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 MPC for at least 1 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 particular member continue for a specific period of time. This limitation shall not prevent any person from being appointed to the MPC after an absence of 1 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:** A vacancy for any reason shall be filled for the unexpired term.~~
- E. ~~**Removal:** The City Council may remove any city-appointed member of the MPC 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 MPC shall be as provided for under S.C. Code 1976 § 6-29-360, as amended. The MPC shall elect a chairperson and a vice chairperson from its members who shall serve for 1 year or until reelected, or until a successor is elected. The MPC shall appoint a secretary, who may be an employee of any of the governmental entities.~~
- B. ~~**Meetings:** Meetings of the MPC shall be held at the call of the chairperson and at such other times as the MPC may determine. All meetings of the MPC 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:**~~

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~~1. The MPC 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 MPC shall keep minutes of its proceedings, showing the vote of each member upon each question, or indicating absence or failure to vote.~~

~~G. **Staff:** The MPC shall work with the Department of Community and Economic Development for all projects within the city.~~

~~(Ord. No. O-22-19, 12-10-2019)~~

## **Section 10.7.2**

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## 10.7.2 POWERS AND DUTIES

- A. **Territorial Jurisdiction:** The HRB shall have jurisdiction throughout the Beaufort Historic District. The HRB shall also have jurisdiction to review the Special Property Tax Assessment for Rehabilitated Historic Properties (a.k.a. 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 (or most recent historic sites survey) which have applied for the Bailey Bill in accordance with Section 9.10 (Certificate of Appropriateness).
  3. In exercising the authority granted the HRB under this section, the HRB may call upon the advice of any professionals it deems appropriate; 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 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 the appropriate approving agency on National Register nominations proposed for any building within its jurisdiction at its discretion.
- C. **Staff:** The staff of the City's [Community Development](#) Department ~~of Planning and Development Services~~ [may shall](#) provide support to the HRB ~~from time to time~~.

## 10.7.3 MEMBERSHIP, TERMS, AND COMPENSATION

- A. **Number, Composition:** The HRB shall consist of 5 members with an interest, competence, or knowledge in historic preservation. All HRB members shall be residents of the city, own property in the city, or own or operate a business in the city. To the extent that such is available in the community, 2 members shall, 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 5 members [of] the Historic Review Board shall be recommended by the Historic Beaufort Foundation.~~
- B. **Terms, Appointment:** All members shall be appointed by the City Council for terms of 3 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 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 particular member continue for a specific period of time. This limitation shall not prevent any person from being appointed to the HRB after an absence of 1 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.

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- E. **Removal:** The City Council may remove any member of the HRB 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.

(Ord. No. O-15-20 , 6-23-2020)

## **Section 10.8**

## 10.8: Reserved DESIGN REVIEW BOARD

### 10.8.1 POWERS AND DUTIES

- A. ~~**Territorial Jurisdiction:** The Design Review Board (DRB) shall have jurisdiction over the entire city, except for the Historic District.~~
- B. ~~**Powers and Duties:** Review, and approve, or deny, in accordance with the requirements set forth in The Beaufort Development Code, the aesthetic design of all applications subject to Major Development Design Review as outline in Section 9.8.2.~~

(Ord. No. O 22-19, 12-10-2019)

### 10.8.2 MEMBERSHIP, TERMS, AND COMPENSATION

- A. ~~**Number, Appointment:**~~
- ~~The DRB shall be appointed by the City Council.~~
  - ~~The DRB shall be composed of 5 voting members who shall be residents of the city, own property in the city, or own or operate a business in the City. The DRB shall include 3 design professionals, and 2 citizen representatives. With regard to the design professional positions, it is preferable that the positions be as follows: 1 landscape architect, 1 architect, and 1 engineer. With regard to the citizen representatives, it is preferable that 1 representative be a business owner, preferably owning a business on a Primary Street(see Appendix C.3).~~
- B. ~~**Terms:** All terms shall be for 3 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 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 particular member continue for a specific period of time. This limitation shall not prevent any person from being appointed to the HRB after an absence of 1 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 DRB 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 DRB shall elect a chairperson and a vice chairperson from its members who shall serve for 1 year or until reelected, or until a successor is elected. The DRB shall appoint a secretary, who may be an employee of the City.~~
- B. ~~**Meetings:** Meetings of the DRB shall be held at the call of the chairperson and at such other times as the DRB may determine. All meetings of the DRB shall be open to the public.~~

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- C. ~~**Quorum:** At least 3 of the members of the DRB 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 DRB 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 DRB shall keep minutes of its proceedings, as required by state law.~~
- G. ~~**Staff:** The staff of the City's Department of Community and Economic Development may provide support to the DRB from time to time.~~

(Ord. No. O 22 19, 12 10 2019)