I. Call to Order

II. Pledge of Allegiance

III. Questions Relating to Military Operations

IV. Old Business for the City of Beaufort – Continued from July 17, 2023, and August 21, Meeting:

   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.

V. Review of Projects for the City of Beaufort:

   A. City of Beaufort – Rezoning. Application for rezoning of parcels of property located at 955 & 989 Ribaut Road, further identified as R120 005 000 0192 0000. The current zoning is Institutional & Campus (IC) and T4-Neighborhood (T4-N). The proposed zoning is Institutional & Campus (IC). Applicant: Beaufort Memorial Hospital.

   B. Review of Projects for Beaufort County

       None.

   C. Review of Projects for Port Royal

       None.

VI. Adjournment

Note: If you have special needs due to a physical challenge, please call Julie Bachety at (843) 525-7011.
Date: September 18, 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 stared 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. Also, the HBF seat was formally voted on with a 5-1 vote to recommend no change to the current ordinance—HBF would retain the recommendation of one of the five seats.

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

CHANGES TO STANDARDS TO THE HISTORIC REVIEW BOARD PROCESS

Analysis: Staff is recommending to significantly revise the historic district approval process.
Current process is not clear and hard to follow for the majority of citizens and applicants.

No clear approval or findings for HRB to make, which is concerning due to the number of legal challenges recently made of the HRB.

Addition of the Infill standards into the findings for COA’s for new development.

Formalization of the Concept to Final Process, with required materials and findings.

Change to require all demolitions go to HRB, not some to Staff.

Addition of Secretary of Interior Standards for COA’s and demolitions.

Formalization and time limits for demolition approvals.

Changes from 8/21/23 MPC Meeting

Staff made the following revisions based on Commissioner and Citizen comments:

- Received two legal reviews from two different attorneys.
- Clarification of Contributing and Non-contributing structure’s demolition.
- Edits of typos and errors.

CODE REFERENCES (CHANGES IN RED)

- Section 10.7.2: HRB Powers and Duties and Composition
- Section 9.10.2 HRB process and approvals.

RECOMMENDATION: Approve text amendments.
9.10.2 PROCESS AND APPROVAL

A. **Guidance Standards, Maintenance of Consistent Policies, HRTC**: 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.

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.
7. Section 8.4 Archeological Impact shall be utilized when appropriate.

B. **HRB Process**: the review process to approve a Certificate of Appropriateness in the Beaufort Historic District is based on the following project types and process:

1. **Application/Eligibility**: A property owner within the Beaufort Historic District shall make an application with the City of Beaufort. City Staff will review the application for completeness and schedule a HTRC meeting.

2. **HTRC**: The City shall organize an Historic Technical Review Committee to review projects within the Beaufort Historic District. The HTRC shall consist of the Code Administrator, City Building Official, City Code Enforcement Official, City Architect or Preservationist, a representative from any non-profit historic foundation, and representatives from public utilities. Any meetings of the HTRC shall be noticed as public meetings.

3. **HTRC Meeting**: The HTRC shall review the application for compliance with this code and shall make a recommendation to either the HRB or the Code Administrator.

4. **Contributing Structures Process**: all changes to contributing structures shall be approved by the Historic Review Board with the following exceptions:

   i. **Minor Changes Contributing Structures**: Minor changes or alterations to a contributing structure, limited to include the following: In kind repairs, non-historic fences and walls, changes in paint color, roof replacements and roof materials, and window replacements. All such projects shall attend an HTRC meeting before Staff shall issue approval.

   ii. **Non-Contributing Structures Process**: all changes to non-contributing structures shall be approved by the Code Administrator with the following exceptions:
i. **Minor Changes Non-contributing Structures Preservation District:** Changes to a building or property, to include fences, paint color, roof materials, canopies and awnings, site changes, and window replacements on noncontributing structures.

ii. The HTRC may recommend after the required HTRC meeting that applications as defined in this Section, shall be approved by the Historic District Review Board (HRB) instead of the Code Administrator.

**Process Types:** The review process required to approve Certification of Appropriateness is based on the following project types:

- **Pre-Application Historic Technical Review Committee**
- **Application Submittal**
- **Completeness Review**
- **Compliance Review & Report**
- **Administrator Action if Approved, Proceed to Project Permit**
- **Appeal - Historic Review Board**

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 BCN.
d. Demolitions of non-contributing structures in the BHN.

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.

f. Demolition of noncontributing accessory structures (e.g., sheds, carports, etc.).

Such approval shall follow the procedures for Development Design Review-Minor (Section 9.8.3).

5.2. Major New Development Historic District: Discretionary review by the HRB shall apply to all new development projects in the Historic District following the procedures for Development Design Review in Section 9.8.2, other applications for Certificates of Appropriateness. New construction in the Historic District shall follow the HRB approval process below:

a. Conceptual Approval

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 streetscape of any existing structures on the block proposed for new development, with proportions and pictures of said structures.

b. 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. The applicant may elect to combine the Conceptual and Final Approval processes. Upon such election, the application shall include the items required for both Conceptual and Final Approval application and one HRB hearing shall be held on the combined application.

g. Findings Required: 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 seven integrity principles Section 4.7.2 of this Code.

Location: This is the relationship between the property and its historical context.

Design: This is the combination of elements that create the feeling of a district or structure. These elements include building patterns, streetscapes, site elements, building size, mass and scale, spatial relationships, and specific architectural elements and details.

Setting: This is the physical environment of a property and should be evaluated on its context as well as on the historical role the property has played and continues to play. Important features include topography, vegetation, man-made features, and relationships between existing structures and their surroundings.
Materials: These are the physical elements that make up a property or district.

Workmanship: This is the physical evidence of the crafts of a particular culture or time period. This particularly applies to rehabilitation projects, but for new infill projects, workmanship of surrounding structures should be considered and respected. Retaining the details of the original craft and craftsman (i.e., wood, masonry, tabby etc.) of the original building ensures the historic fabric is retained and serves as an important component of the integrity and the patina of age of individual structures and the district as a whole.

Feeling: This is the property's expression of the aesthetic or historic sense of a particular period of time. This particularly applies to rehabilitation projects, but for new infill projects, the feeling of surrounding structures should be considered and respected.

Association: This is the direct link between an important historic event or person and a property. This particularly applies to rehabilitation projects, but for new infill projects, association of particular sites and neighborhoods should be considered.

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

8. New construction should build upon the history and established pattern of the district through its design, landscape, use, and cultural expression. An understanding of the character and significance of the district should predicate any design or development activities.

iv. Lot size, massing, siting, floor area ratio, and height must correspond to the adjacent buildings that contribute to or complement the rhythm of the district. The use of buildings will be secondary to their design and integration into the district. However, newly introduced uses should not be detrimental to the historic fabric.

v. Infill Shall Be Compatible Yet Distinct: New buildings should be identifiable as being of their period of construction; however, they should not be so differentiated that they detract from — or visually compete with — their historic neighbors. Within historic districts, compatibility is more important than differentiation.

vi. The Exterior Envelope and Patterning of New Buildings Shall Reflect District Characteristics: Infill design elements, patterning, texture, and materials should reflect the aesthetic and historic themes of the district. Patterns of fenestration, building divisions, setbacks, and landscapes that are characteristic of the district should inform the design of new buildings. Mechanical and automobile infrastructure should be appropriately concealed when not consistent with the district’s character.
9. **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 a Certificate of Appropriateness 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.

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 City 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.

10. 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 this. 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.

11. 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.

12. Demolitions:
   a. 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 shall be approved by the Historic Review Board based on the standards of this Section.
b. 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.

c. 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.

d. 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:

   1. The applicant has proven the designated property has no historical significance.
   2. 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.
   3. 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 90 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.
   4. 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.

e. 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:

   1. The applicant has proven no prudent or reasonable alternative exists.
   2. 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.

iv. Other reasonable mitigation measures.

3. 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.

13. 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 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.

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.

14. 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 to natural causes.

15. 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.

16. Appeal—Major: Any party aggrieved by the decisions of the HRB may appeal to the circuit court within 30 days of the decision.
Design Exceptions: 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 (re zoning) procedure where that tool would provide a similar modification of standards.

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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 Impacts: 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.


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, 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 any application 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.

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 shall be announced to the public in accordance with the notification standards set forth in Section 9.1.2. 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.

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 9.1.3.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:

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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.

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and details.

    Setting: This is the physical environment of a property and should be evaluated on its
context as well as on the historical role the property has played and continues to play.
Important features include topography, vegetation, man-made features, and
relationships between existing structures and their surroundings.

    Materials: These are the physical elements that make up a property or district.

    Workmanship: This is the physical evidence of the crafts of a particular culture or time
period. This particularly applies to rehabilitation projects, but for new infill projects,
workmanship of surrounding structures should be considered and respected. Retaining
the details of the original craft and craftsman (i.e., wood, masonry, tabby etc.) of the
original building ensures the historic fabric is retained and serves as an important
component of the integrity and the patina of age of individual structures and the district
as a whole.

    Feeling: This is the property’s expression of the aesthetic or historic sense of a particular
period of time. This particularly applies to rehabilitation projects, but for new infill
projects, the feeling of surrounding structures should be considered and respected.

    Association: This is the direct link between an important historic event or person and a
property. This particularly applies to rehabilitation projects, but for new infill projects,
association of particular sites and neighborhoods should be considered.

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

8. New construction should build upon the history and established pattern of the district through its
design, landscape, use, and cultural expression. An understanding of the character and significance
of the district should predicate any design or development activities.
iv. Lot size, massing, siting, floor area ratio, and height must correspond to the adjacent buildings that contribute to or complement the rhythm of the district. The use of buildings will be secondary to their design and integration into the district. However, newly introduced uses should not be detrimental to the historic fabric.

v. Infill Shall Be Compatible Yet Distinct: New buildings should be identifiable as being of their period of construction; however, they should not be so differentiated that they detract from – or visually compete with – their historic neighbors. Within historic districts, compatibility is more important than differentiation.

vi. The Exterior Envelope and Patterning of New Buildings Shall Reflect District Characteristics: Infill design elements, patterning, texture, and materials should reflect the aesthetic and historic themes of the district. Patterns of fenestration, building divisions, setbacks, and landscapes that are characteristic of the district should inform the design of new buildings. Mechanical and automobile infrastructure should be appropriately concealed when not consistent with the district’s character.

9. **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 a Certificate of Appropriateness 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.

   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 City 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.

10. **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 this. 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.

11. **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.

12. **Demolitions:**

a. 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 shall be approved by the Historic Review Board based on the standards of this Section.

b. 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.

c. 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.

d. 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:

1. The applicant has proven the designated property has no historical significance,

2. 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.

3. 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 90 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.

4. 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.

e. 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:

1. The applicant has proven no prudent or reasonable alternative exists.

2. 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

   iv. Other reasonable mitigation measures.

3. 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.

13. 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 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.

   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.

14. **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.

15. **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.

16. **Appeal—Major:** Any party aggrieved by the decisions of the HRB may appeal to the circuit court within 30 days of the decision.

B.
STAFF REPORT: 955 and 985 Ribaut Road Rezoning

DATE: SEPTEMBER 18, 2023

GENERAL INFORMATION

Applicant: Beaufort Memorial Hospital, Agent for Duncan and Jacqueline Elliot
Site Location/Address: 955 and 985 Ribaut Road/ R120 005 000 0192 0000.
Applicant’s Request: The Applicant is requesting a zoning map amendment. The current zoning is Institutional & Campus (IC) and T4-Neighborhood (T4-N). The proposed zoning is to Institutional & Campus (IC).
Current Zoning: T4-Neighborhood T4-N and Institutional & Campus (IC)

ZONING DISTRICT INFORMATION

<table>
<thead>
<tr>
<th></th>
<th>IC</th>
<th>T-4 N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max Density</td>
<td>30 Units per acre</td>
<td>N/A</td>
</tr>
<tr>
<td>Min. Lot Size</td>
<td>5,000 sq. ft.</td>
<td>N/A</td>
</tr>
<tr>
<td>Min. Frontage Build Out</td>
<td>N/A</td>
<td>75%</td>
</tr>
<tr>
<td>Front Setback</td>
<td>10’</td>
<td>0’ min/15’ max</td>
</tr>
<tr>
<td>Side Setback</td>
<td>10’; 15’ abutting transect district</td>
<td>0-15 max</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>25’</td>
<td>10’</td>
</tr>
<tr>
<td>Building Height:</td>
<td>4 stories</td>
<td>4 stories</td>
</tr>
</tbody>
</table>

SURROUNDING ZONING, LAND USE AND REQUIRED BUFFERS

<table>
<thead>
<tr>
<th>Adjacent Zoning</th>
<th>Adjacent Land Uses</th>
<th>Setbacks for Adjacent Zoning /Buffer required if rezoned</th>
</tr>
</thead>
<tbody>
<tr>
<td>North: T-4 N</td>
<td>Hospital</td>
<td>N/A</td>
</tr>
<tr>
<td>South: T-5 UC</td>
<td>Parking/Medical Office</td>
<td>N/A</td>
</tr>
<tr>
<td>East: T-4 N</td>
<td>Water/Homes</td>
<td>N/A</td>
</tr>
<tr>
<td>West: T-5</td>
<td>Medical offices</td>
<td>N/A</td>
</tr>
</tbody>
</table>

PROPOSAL

The Applicant has applied for a zoning map amendment from a split zoning of T4-Neighborhood (T4-N) and Institutional & Campus (IC), to solely IC for a 3.95-acre portion of property on Ribaut Rd. The property is currently the Beaufort Memorial campus, and the 3.95-acre portion zoned T-4 N is part of the same parcel for the entire campus on the Eastern side of Ribaut Road. This portion was zoned T4-N in 2017 and followed a then existing property line. In 2018, the Hospital consolidated all of the property lines on the property into one parcel—which now had two zoning classifications. At this time, City staff should have required a rezoning, as it is not legally advisable for one property to have multiple zoning
district. Staff cannot locate any reasoning for why T-4 N was placed on this southern parcel, rather than zoning the entire Beaufort Memorial Complex IC.

The Hospital has requested the district to resolve this issue, and to also place a childcare center on an interior portion of this center lot. The location would be located in the same general area as an older building which was removed, with a tap that remains. The T-4 N district would require building frontage against Ribaut Road, or dedication of a private street for frontage.

**ZONING DISTRICT DIFFERENCES USES/DEVELOPMENT STANDARDS:**

The Institutional Campus IC district is similar to its name—it is intended for institutional and large campus style uses, like a hospital. Therefore, medical offices, and other support and accessory uses are permitted with limited additional requirements in a campus like setting. Tee T-4 N District is an urban neighborhood district intended for primary residential but limited commercial uses. The primary code (use and setback) differences in zoning from the current T-5 UC and the T-4 N district are as follows:

<table>
<thead>
<tr>
<th></th>
<th>IC</th>
<th>T-4 N</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Height</strong></td>
<td>4 stories</td>
<td>4 stories (no minimum)</td>
</tr>
<tr>
<td><strong>Frontage Requirement</strong></td>
<td>None</td>
<td>60% min; no max</td>
</tr>
<tr>
<td><strong>Uses</strong></td>
<td>All multi-family uses</td>
<td>Single Family a permitted use</td>
</tr>
<tr>
<td></td>
<td>All public and civic uses</td>
<td>Vehicle Service Conditional Use</td>
</tr>
<tr>
<td></td>
<td>All parking uses</td>
<td>Drive Thru Conditional Use</td>
</tr>
<tr>
<td></td>
<td>All general office uses</td>
<td>Gas Station</td>
</tr>
<tr>
<td></td>
<td>No retail/commercial</td>
<td>Light Industrial Services Conditional use</td>
</tr>
<tr>
<td><strong>Design</strong></td>
<td>No transect of other design requirements except those found in Section 4.4.13</td>
<td>Specific Transect design requirements</td>
</tr>
</tbody>
</table>
FUTURE LAND USE PLAN

The Future Land Use Map envisions the area as Urban Center, which would support the IC district, but is not supported by the T-4 N district.

CIVIC MASTER PLAN

The Comprehensive Plan set the future land, based on the recommendations of the Zoning and Civic Master Plan—specifically the Sector Plan for each City area. In this case, the property is part of the Beaufort Memorial area depicted in the Map below. The Sector Plan calls for a park and two liner building along Ribaut Road.
REZONING REVIEW CRITERIA

Required Findings: The MPC is to recommend a rezoning to the City Council utilizing the factors found in Section 9.16.3 C found below. Staff analysis on the project based on these findings is found below.
(a check mark indicates Staff support; an x indicates lack of Staff support on each item).

<table>
<thead>
<tr>
<th>9.16.3 C Finding of Fact</th>
<th>Rationale Present (yes/no)</th>
<th>Staff Analysis of Rationale</th>
</tr>
</thead>
</table>
| a. Consistency (or lack thereof) with the Comprehensive Plan and Civic Master Plan. | Yes | ✓ The IC district is a recommended land use in the future land use plan.  
✓ Rezoning to IC will not prohibit the development of the property consistent with the Civic Master Plan. |
| b. Compatibility with the present zoning, with conforming uses of nearby property, and with the character of the neighborhood; | Yes | ✓ The IC district is consistent and compatible with the remainder of the Beaufort Memorial Hospital property. |
| c. Suitability of the property that would be affected by the amendment; | Yes | ✓ The property has been developed in a campus like fashion for use as a hospital.  
✓ Split zoning is not recommended, and makes the rational development of the hospital inconsistent and difficult. The rezoning corrects this problem. |
| d. Compatibility with the natural features of — and any archaeological or cultural resources on — the property | Yes | ✓ There are no natural or archeological resources to be impacted. |
| e. Marketability of the property that would be affected by the amendment; and | Yes | ✓ The property is part of the hospital, and changes would allow the hospital to better provide services to its staff and the general community. |
f. The availability of roads, sewer, water, and stormwater facilities generally suitable and adequate for the affected property.

|                | Yes | ✔ There is an existing tap for use by the hospital, and otherwise there is adequate existing infrastructure for the hospital. |

PUBLIC NOTICE AND COMMENT

Notice of the Council 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, and a public hearing is scheduled by the Metropolitan Planning Commission on September 18, 2023.

FINDINGS AND RECOMMENDATIONS

Staff recommends approval of the rezoning requested for the property located at 955 and 985 Ribaut Road as it satisfies the recommended findings found in pages 4-6 of this staff report, as per the requirements of Section 9.16.3 C.
REZONING APPLICATION (EXCEPT FOR PUDS)
Community Development Department
1911 Boundary Street, Beaufort, South Carolina, 29902
p. (843) 525-7011 / f. (843) 985-5606
Email: development@cityofbeaufort.org/www.cityofbeaufort.org

Application Fee: $200 + $10 for each additional lot
Receipt

Submittal Requirements: You must attach a boundary map prepared by a registered land surveyor of the tract, plot, or properties, in question, and all other adjoining lots of properties under the same ownership. 1 hardcopy of all application materials are required along with a digital copy.

Pursuant to Section 6-29-1145 of the South Carolina Code of Laws, is this tract or parcel restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity described in this application? ☑ Yes ☐ No

Applicant, Owner and Property Information

Property Address: 955 & 989 Ribaut Road

Property Identification Number (Tax Map & Parcel Number): R120 005 000 0192 0000

Applicant Name: Beaufort County Memorial Hospital

Applicant Address: 955 Ribaut Road, Beaufort, SC 29902

Applicant E-mail: acoppage@bmhs.org

Applicant Phone Number: 843-522-5108

Property Owner (if other than the Applicant):

Property Owner Address:

Have any previous applications been made for a map amendment affecting these same premises? ( ) YES ☑ NO

If yes, give action(s) taken:

Present zone classification: IC & T4N

Requested zone classification: IC

Total area of property: 19.3620

Existing land use: Hospital and Medical Office Building

Desired land use: Hospital, Medical Office Building, and Ancillary Uses

Reasons for requesting rezoning: See attached narrative

Applicant’s Signature: Allison Coppage
Date: Aug 10, 2023

NOTE: If the applicant is not the property owner, the property owner must sign below.

Property Owner's Signature: Russell Baxley
Date: Aug 10, 2023

See Section 9.16 of The Beaufort Code for complete information about Rezoning (except for PUDS) | updated Sept. 26, 2022

This form is also available online at www.cityofbeaufort.org
Reason for Requesting Rezoning

Beaufort Memorial is requesting a rezoning of approximately 3.95 acres located within PIN R120 005 000 0192 000 (the “Parcel”) from T4-Neighborhood district to Institutional Campus (IC). The Beaufort Memorial campus on Ribaut Road previously consisted of 11 parcels. In 2018, Beaufort Memorial abandoned the interior lot lines to consolidate the campus into one parcel under PIN R120 005 000 0192 000. This Plat was recorded with the Beaufort County Register of Deeds on February 9, 2018 at Book 3644, Page 843. The current City of Beaufort zoning map reflects a change in zoning from IC to T4N along one of those abandoned lines that runs from the Beaufort River along S 89°38'55" W 315.06 west to Ribaut Road through the consolidated plat. Beaufort Memorial’s request is that the southern portion of this Parcel be rezoned to from T4N to Institutional Campus (IC) consistent with both current use and zoning of the remainder of the Parcel.