



**CITY OF BEAUFORT**  
1911 BOUNDARY STREET  
BEAUFORT MUNICIPAL COMPLEX  
BEAUFORT, SOUTH CAROLINA 29902  
(843) 525-7070  
**CITY COUNCIL REGULAR MEETING AGENDA**  
**June 12, 2018**

**NOTE: IF YOU HAVE SPECIAL NEEDS DUE TO A PHYSICAL CHALLENGE,  
PLEASE CALL IVETTE BURGESS 525-7070 FOR ADDITIONAL  
INFORMATION**

**STATEMENT OF MEDIA NOTIFICATION**

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

**REGULAR MEETING - Council Chambers, 2nd Floor - 7:00 PM**

**I. CALL TO ORDER**

- A. Billy Keyserling, Mayor

**II. INVOCATION AND PLEDGE OF ALLEGIANCE**

- A. Mike McFee, Mayor Pro Tem

**III. PROCLAMATIONS/COMMENDATIONS/RECOGNITIONS**

**IV. PUBLIC COMMENT**

**V. PUBLIC HEARING**

- A. Ordinance Rezoning Three Parcels of Property on Palmetto Street T4-Neighborhood District
- B. Ordinance Rezoning Four Parcels of Property on Salem Road from T4-Neighborhood District to T5-Urban Corridor District
- C. Ordinance Rezoning Three Parcels of Property on Southside Boulevard from T4-Neighborhood District to T3-Neighborhood District
- D. 6-Month Amendments to the Beaufort Code

**VI. MINUTES**

- A. Worksession and Regular Meeting May 8, 2018
- B. Worksession May 15, 2018
- C. Worksession and Regular Meeting May 22, 2018

**VII. OLD BUSINESS**

- A. Ordinance Annexing a Parcel of Property Located at 242 Robert Smalls Parkway - 2nd Reading
- B. Ordinance Zoning a Parcel of Property Located at 242 Robert Smalls Parkway T5-

UC/RMX - 2nd Reading

- C. Ordinance Annexing Four Parcels of Property on Port Royal Island - 2nd Reading
- D. Ordinance Zoning Four Parcels of Property Located on Port Royal Island - 2nd Reading
- E. Ordinance approving the sale of surplus City property and authorizing the City Manager to execute documents to transfer - 2nd Reading

#### **VIII. NEW BUSINESS**

- A. FY 2019 Budget Ordinance - 1st Reading
- B. Amendment Sec 7-13003 - Hospitality Fee Ordinance - 1st Reading
- C. Ordinance setting election, related dates, and filing fees for two (2) members of City Council - 1st Reading
- D. Appeal from Decision of Park & Tree Advisory Commission

#### **IX. REPORTS**

- City Manager's Report
- Mayor Report
- Reports by Council Members

#### **X. ADJOURN**



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 6/6/2018  
**FROM:** Libby Anderson  
**AGENDA ITEM TITLE:** Ordinance Rezoning Three Parcels of Property on Palmetto Street T4-Neighborhood District  
**MEETING DATE:** 6/12/2018  
**DEPARTMENT:** Planning

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#### *BACKGROUND INFORMATION:*

The City of Beaufort is proposing to rezone three parcels of property located at 1402, 1408, and 1410 Palmetto Street, identified as District 120, Tax Map 1, Parcels 153, 153A, and 133 respectfully. The current zoning is T5-Urban Corridor District with the Boundary Street Redevelopment District Overlay and T3-Neighborhood District. The proposed zoning is T4-Neighborhood District without the Boundary Street Overlay. A staff report on the proposed rezoning is attached. This rezoning request was presented to the Beaufort--Port Royal Metropolitan Planning Commission at their June 7 meeting. A public hearing on the proposed rezoning is scheduled for the June 12 City Council meeting. This hearing was advertised in the May 28 edition of *The Beaufort Gazette*.

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***PLACED ON AGENDA FOR:*** Action

#### ***REMARKS:***

#### **ATTACHMENTS:**

Description	Type	Upload Date
Palmetto St staff report	Cover Memo	6/6/2018

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**CITY OF BEAUFORT**  
**REZONING ANALYSIS RZ18-03**  
**PUBLIC HEARING DATE: JUNE 12, 2018**

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**Applicant**

The applicant is the City of Beaufort.

**Site**

Three parcels of property on Palmetto Street in the Higginsonville neighborhood are proposed to be rezoned. The properties are located at 1402, 1408, and 1410 Palmetto Street (see attached map). The parcels are identified as District 120, Tax Map 1, Parcels 153, 153A, and 133 respectively. The lots are currently vacant. A vacant, dilapidated dwelling was recently demolished at 1410 Palmetto Street.

**Present Zoning**

The existing zoning of 1410 and a portion of 1402 Palmetto Street (Parcels 133 and 153) is T3-Neighborhood (T3-N). The existing zoning of 1408 Palmetto Street (Parcel 153A) is T5-Urban Corridor (T5-UC). 1408 Palmetto Street and a portion of 1402 Palmetto Street (Parcels 154A and 153) are in the Boundary Street Redevelopment District Overlay District. An excerpt from the current zoning map is attached.

The T3-N district is residential in character and includes a mixture of residential and civic uses. Single-family dwellings are permitted by right. Two- and three-family dwellings are permitted on corner lots and where there is alley access. Rowhouses and multifamily dwellings are not allowed. Commercial uses, with the exception of B&Bs and short-term rentals, are not permitted. Churches and schools are permitted as conditional uses. Civic/Government facilities are allowed by special exception. The front setback in the T3-N district is a minimum of 15' and a maximum of 30'. The side setback is 6' and the rear setback is 15'. Buildings are not subject to design review.

The T5-UC District is a high intensity mixed-use zone. The T5-UC district has design standards intended to foster a walkable urban environment. The T5-UC District permit rowhouses, multifamily dwellings, all types of commercial and office uses, restaurants with drive-thru facilities, and vehicle sales and service. New construction is subject to design review. New single-family construction is not permitted in the T5-UC District.

The Boundary Street Redevelopment District Overlay changes some of the standard parking requirements and assigns design review to staff rather than to the Design Review Board.

**Proposed Zoning**

The proposed zoning of all the parcels is T4-Neighborhood without the Boundary Street Redevelopment Overlay. The T4-N district is a mixed-use zone of urban residential units and limited commercial development. The T4-N District permits all types of residential uses (single-family, 2- and 3-family dwellings, rowhomes, and multifamily dwellings) as well as all types of offices. Government facilities, schools, and churches are permitted. Inns up to 10 rooms are allowed. The T4-N district has a 0 to 15' build-to line. The side setback is 5' and the rear setback is 10'. Buildings, including single-family dwellings, are subject to design review by staff. Single-family dwellings are required to be elevated 2' above grade. Vinyl siding is not permitted.

The development standards for the various zoning district and the Use Table from the code are attached.



**Consistency with Comprehensive Plan and Civic Master Plan**

The Framework Plan in the City's Comprehensive Land Use Plan designates the area as "Growth Sector 3 (G-3): Neighborhood Mixed-Use." According to the comprehensive plan, "Neighborhood Mixed-Use designations (G-3A) are intended for a mixture of uses intended to serve the surrounding neighborhoods." Appropriate land uses in the G-3 sector include: single-family and multifamily residential, neighborhood-serving commercial uses (retail and office), civic uses, traditional neighborhood developments, and neighborhood centers. The T4-N zoning is consistent with the recommendations in the comprehensive plan.

The Civic Master Plan does not contain any specific redevelopment scenarios for this section of the Higginsonville neighborhood.

**Compatibility with Present Zoning, With Nearby Land Uses and Character of Neighborhood**

1402 Palmetto Street is "split-zoned" (T5-UC on the south and T3-N on the north), which is not the preferred zoning pattern. The proposed rezoning brings all three lots under one zoning designation, "upzoning" 2 lots and "downzoning" one lot. The new T4-N designation will provide a transition between the higher intensity T5-UC to the south and the lower intensity T3-N to the north. In addition, the T5-UC District does not permit new single-family development which is the predominate land use in the area. The lots are proposed to be developed together, so one zoning classification is desirable.

**Suitability of Property for Uses Permitted in Proposed Zoning District**

The three lots total approximately 0.9 acres. The lots are currently vacant. An attractive, value-adding development could be built under the proposed T4-N zoning.

**Compatibility with Natural Features and Archeological and Cultural Resources**

Trees may be impacted by development of the property, but this would be the case under any zoning designation.

**Marketability of Property**

The marketability of the property should not be substantially affected by the proposed rezoning.

**Availability of Infrastructure**

Water and sewer is available.

**Public Notification**

Letters were sent to the owners of property being rezoned on May 26. Letters were sent to owners of all property within 400' of the property being rezoned on May 26. The public hearing notice referencing this application appeared in the May 28 edition of *The Beaufort Gazette*. The property was posted on May 29. Staff has received no public comments on this rezoning as of the date of this report.

**Staff Recommendation**

Staff recommends approval.

**Planning Commission Recommendation**

The Beaufort--Port Royal Metropolitan Planning Commission will consider this rezoning request at their June 7 meeting.

**PROPERTY PROPOSED FOR REZONING**

The map displays a grid of residential lots with the following street layout:

- Vertical Streets (from left to right):** Sycamore St, Alexander Dr, Palmetto St.
- Horizontal Streets (from top to bottom):** O'Connell St, National St, Morris St, Lovejoy St, Boundary St.
- Other Roads:** Marsh Rd (on the left), Boundary St (at the bottom left).

Property lots are identified by red numbers. A specific lot, 1410, is highlighted with a green border. The map also shows a marsh area on the left and a road labeled '21' at the bottom.







# 1402, 1408, and 1410 Palmetto St. Rezoning

rezone from T5-UC and T3-N to T4-N



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## Key

- T1 Zoning District
- T3-S Zoning District
- T3-N Zoning District
- T4-N Zoning District
- T5-UC Zoning District
- Boundary Street Redevelopment District boundary

## 2.4: DISTRICT DEVELOPMENT STANDARDS

### 2.4.1 TRANSECT-BASED DISTRICT STANDARDS

DISTRICT	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC
<b>A. LOT CONFIGURATION</b>						
1. Lot Width at Front Setback	75 ft min; for waterfront lots see Section 2.5.4	40 ft min, 60 ft min in the Hundred Pines neighborhood	40 ft min, 60 ft min in The Point	n/a	n/a	n/a
2. Lot Size	9,000 sf min; for waterfront lots see Section 2.5.4	4,000 sf min; 3,000 sf min for alley-served lots	4,000 sf min; 6,000 sf min in The Point	n/a	n/a	n/a
3. Maximum Lot Coverage <sup>1</sup>	30% of lot area	45% of lot area	55% of lot area	70% of lot area	100%	100%
4. Frontage Build-Out <sup>2</sup>	n/a	n/a	75% max	60% min; 85% max	75% min	60% min

<sup>1</sup>This percentage indicates maximum lot coverage by roofs; total impervious coverage may be an additional 10%. Parcels may also be subject to Section 8.3 (Stormwater).

<sup>2</sup>See Section 2.5.1.8 for additional frontage build-out standards.

<b>B. PRIMARY BUILDING PLACEMENT</b>						
1. Front Setback; <i>for infill lots also see Section 2.5.2</i>	20 ft min	15 ft min	average Prevailing Setback on block	0 ft min	0 ft min	0 ft min
	No max	30 ft max <sup>3</sup>		15 ft max	max. Prevailing Setback on block	15 ft max
2. Side Setback - Corner /Alley	15 ft min	6 ft min	5 ft min	0 ft min	0 ft min	0 ft min
	No max	No max	No max	10 ft max	15 ft max	15 ft max
3. Side Setback - Interior	10 ft min	6 ft min	6 ft min, 10 ft min in The Point	5 ft min, or 0 ft if attached	0 ft min	0 ft min
4. Rear Setback <sup>4</sup>	15 ft min	15 ft min	15 ft min	10 ft min	0 ft min	5 ft min
5. Rear Setback from Alley <sup>4</sup>	n/a	0 ft	0 ft	0 ft	0 ft	0 ft
6. Attached Garage/Carport Setback (from front facade) <sup>5,6</sup>	5 ft min	5 ft min	attached garages shall only be accessed via an alley; garage doors shall not face the street			

#### C. ACCESSORY BUILDING PLACEMENT - see section 3.11 for additional requirements

1. Front Setback	accessory structures shall be located behind the front facade of the primary structure, except as provided for in Section 2.5.4 (Waterfront Lots) and Section 4.5.3 (Carriage House); see item 6 below for setback for detached garage doors					
2. Side Setback - Corner / Alley <sup>5</sup>	5 ft min	5 ft min	5 ft min	3 ft min	0 ft min	0 ft min
3. Side Setback - Interior	5 ft min	5 ft min	5 ft min	5 ft min	0 ft min	0 ft min
4. Rear Setback <sup>4</sup>	5 ft min	5 ft min	5 ft min	5 ft min	0 ft min	0 ft min
5. Rear Setback from Alley <sup>4</sup>	3 ft min	3 ft min	3 ft min	3 ft min	3 ft min	3 ft min
6. Detached Garage Door/Carport Setback (from front facade) <sup>5</sup>	5 ft min	20 ft min	20 ft min	20 ft min	shall be located behind primary building and accessed via alley or side street <sup>7</sup>	

<sup>3</sup>When lot width is 75 ft or greater, there is no maximum front setback.

<sup>4</sup>Garage doors shall be 15 ft min from alley centerline.

<sup>5</sup>In addition to the setback requirements listed above, garage doors/carports which face a public right-of-way, except for rear alleys, shall be set back a minimum of 20 ft from that right-of-way.

<sup>6</sup>The Battery Shores neighborhood is exempt from this standard when garage doors do not face a public right-of-way. In the Jericho Woods neighborhood, carports are exempt from this standard.

<sup>7</sup>Also see Section 2.5.7 (Street Access Standards).

<b>D. BUILDING FORM</b>						
1. Primary Building Height - see Section 2.6	No min	No min	No min	2 stories min <sup>11</sup>	2 stories min	2 stories min <sup>11</sup>
	2.5 stories max	2.5 stories max	3 stories max	4 stories max; 3.5 stories max in & fronting Historic District & interior lots along Allison Rd.	3 stories max at property line, see 2.6.1.G	5 stories max; 3.5 stories max in & fronting Historic District
2. Accessory Building Height	2 stories or 30 ft max	2 stories or 30 ft max	2 stories or 30 ft max	2 stories or 30 ft max	2 stories max	2 stories max
3. Building Width at Frontage	n/a	n/a	n/a	100 ft max	100 ft max <sup>12</sup>	160 ft max <sup>12</sup>

<sup>11</sup>2 stories are only required at significant intersections, in accordance with Section 2.6.3 and the Street Hierarchy Diagram in Appendix C.3

<sup>12</sup>Buildings exceeding this maximum shall comply with the Large Footprint Building standards in Section 4.5.10.

<b>E. PARKING PAD LOCATION- there are no interior side setbacks for parking unless buffers are required per Section 5.5. See Section 2.5.8 for additional provisions</b>						
1. Front Setback	n/a	n/a	40 ft min	40 ft min	40 ft min	40 ft min
2. Side Setback - Corner	n/a	n/a	5 ft min	15 ft min	5 ft min	5 ft min
3. Rear Setback	n/a	n/a	5 ft min	5 ft min	0 ft min	0 ft min

# 3: LAND USE PROVISIONS

## 3.1 APPLICABILITY

### 3.1.1 USE PERMISSIONS DEFINED

The use table in Section 3.2 assigns 1 of 6 permissions to each use in each district as follows:

- A. **Permitted Use (P):** The use is permitted by-right, with no additional conditions or requirements.
- B. **Conditional Use (C):** The use is permitted by-right, provided that the additional use conditions set forth in this article are met.
  - 1. The specified standards are intended to ensure that these uses are compatible with other development permitted within the districts.
  - 2. Approval procedures for conditional uses are in Section 9.4.2 (Zoning Permit.)
- C. **Special Exception (SE):** The use is permitted only when a Special Exception has been approved.
  - 1. Special Exceptions are required for uses that may be compatible with other uses permitted in a district, but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and/or the city as a whole, require individual consideration in their location, design, configuration, and/or operation at the particular location proposed.
  - 2. All applications for Special Exceptions shall, at a minimum, meet the standards for the district in which they are located and the additional standards set forth in this article for that use. There may also be specific building design standards that must be met (Section 4.5).
  - 3. Approval procedures for Special Exceptions are found in 9.13.
- D. **In Existing Facilities Only (E):** The use is permitted only in existing buildings or facilities and in any expansions that do not increase the size of the facility structure by more than 50%.

## SECTIONS

3.1 APPLICABILITY	47
3.2 TABLE OF PERMITTED USES	48
3.3: RESIDENTIAL USES	51
3.4: PUBLIC AND CIVIC USE CATEGORIES	54
3.5: INSTITUTIONAL USE CATEGORIES	56
3.6: COMMERCIAL USE CATEGORIES	58
3.7: VEHICLE- AND BOAT-RELATED USES	65
3.8: INDUSTRIAL USE CATEGORIES	69
3.9: TRANSPORTATION, COMMUNICATION, & INFRASTRUCTURE USES	72
3.10: FORESTRY, AGRICULTURE AND HORTICULTURE	76
3.11: ACCESSORY USES AND STRUCTURES	77
3.12: TEMPORARY USES	79

- E. **Retail Frontage Overlay Required (RF):** Where a block face is designated on the zoning map as a Retail Frontage overlay, the building(s) with direct access to the designated fronting street is permitted to be occupied by certain commercial uses as indicated in the use table.
- F. **T4-Neighborhood Artisan (A):** This use is permitted with conditions only in the T4-Neighborhood Artisan (T4-NA) District. Conditions may be listed in the “Additional Standards” section as appropriate. Other uses permitted in the general T4-N district may have special conditions for T4-NA; those conditions are also listed in the additional standards section as appropriate.
- G. **Prohibited Uses (—):** The use is prohibited in the specified district.

## 3.2 TABLE OF PERMITTED USES

Land uses in transect-based and conventional districts shall be permitted in accordance with the table below. Special provisions related to uses in the AICUZ Overlay District are in Section 2.7.4.

DISTRICT	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	LI	IC	MHP	ADD'L STANDARDS WHEN APPLICABLE
<b>RESIDENTIAL</b>												<b>3.3</b>
<b>Household Living</b>												
Single-Family Dwelling	—	P	P	P	P	E	E	E	E	E	—	—
2- or 3-Unit Dwelling	—	—	C	P	P	P	P	—	—	P	—	4.5.5
Rowhome	—	—	—	—	C	P	P	P	—	P	—	4.5.6
Apartment House (a.k.a. Multifamily Dwelling - 4+ units)	—	—	—	—	C	P	P	P	—	P	—	4.5.7
Home Occupation - Minor	—	C	C	C	C	P	P	P	—	—	—	3.3.2.D
Home Occupation - Major	—	SE	SE	SE	C	P	P	—	—	—	—	
Live-Aboard Boat	C	—	—	—	—	—	—	—	—	—	—	3.3.2.D
Live/Work Unit	—	—	—	—	C	P	P	P	C	P	—	4.5.8
Manufactured Home	—	—	—	—	—	—	—	—	—	—	C	3.3.2.G
<b>Group Living</b>												
Group Dwelling (≤ 8 residents)	—	—	—	—	P	P	P	P	—	—	—	—
Group Dwelling (> 8 residents)	—	—	—	—	SE	SE	P	P	—	P	—	—
<b>PUBLIC AND CIVIC</b>												<b>3.4</b>
<b>Civic / Government Facilities</b>	<b>C</b>	<b>—</b>	<b>SE</b>	<b>SE</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>—</b>	<b>3.4.2.A</b>
<b>Educational Facilities</b>												
College/University/Trade/Vocational	—	—	—	—	C	P	P	P	C	P	—	3.4.2.B.1
School, Public or Private	—	C	C	C	P	P	P	P	—	P	—	3.4.2.B.2
<b>Parks and Open Space</b>												
Cemetery	C	E	E	E	E	E	E	C	E	E	E	3.4.2.C
Park/Open Space	P	P	P	P	P	P	P	P	P	P	P	7.4
<b>INSTITUTIONAL</b>												<b>3.5</b>
Community Service	—	SE	SE	SE	P	P	P	P	SE	P	—	—

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

DISTRICT	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	LI	IC	MHP	ADD'L STANDARDS WHEN APPLICABLE
<b>Day Care Facility</b>												
Family Day Care Home (≤ 6 clients)	see Home Occupation — Minor											
Group Day Care Home (7-12 clients)	—	—	SE	C	C	P	P	P	P	P	—	3.5.2.A
Commercial Day Care Center (>12 clients)	—	—	—	C	P	P	P	P	P	P	—	3.5.2.A
<b>Treatment Facility</b>	—	—	—	—	SE	SE	SE	P	—	SE	—	—
<b>Health Care Facilities</b>	—	—	—	—	—	—	P	P	—	P	—	—
<b>Religious Institution</b>	—	C	C	P	P	P	P	P	—	P	—	3.5.2.B
<b>COMMERCIAL</b>												<b>3.6</b>
<b>Entertainment</b>												
Indoor Entertainment	—	C	C	—	C	P	P	P	P	P	—	3.6.2.A
Outdoor Entertainment	—	—	—	—	C	P	P	P	—	P	—	3.6.2.A
Sexually-Oriented Business	—	—	—	—	—	—	—	—	C	—	—	13.2.1
<b>Office</b>	—	—	—	—	P	P	P	P	P	P	—	—
<b>Overnight Guest Accommodation</b>												
Bed and Breakfast	—	—	SE	SE	P	P	P	—	—	—	—	3.6.2.C.1
Short-Term Rental	—	C	C	C	C	C	C	—	—	C	—	3.6.2.C.2
Inn/Motel/Hotel	—	—	—	—	C	P	P	P	—	—	—	3.6.2.C.3
Recreational Vehicle Park	—	—	—	—	—	—	—	SE	—	—	—	—
<b>Restaurants</b>	—	—	—	—	RF	P	P	P	SE	P	—	—
<b>Retail Sales and Service</b>												
Animal Hospital/Kennel	—	—	—	—	C	—	C	P	P	—	—	3.6.2.D.1
General Retail/Service	—	—	—	—	RF or A	P	P	P	SE	C	—	3.6.2.D.2
Self-Service Storage	—	—	—	—	A	—	C	C	P	—	—	3.6.2.D.3
<b>VEHICLE- AND BOAT-RELATED USES</b>												<b>3.7</b>
Vehicle and Boat Sales and Rental	—	—	—	—	A	—	C	P	—	—	—	3.7.2.A
Drive-Thru Facility	—	—	—	—	—	—	C	C	SE	—	—	3.7.2.B
Fuel Sales / Car Wash	—	—	—	—	—	—	C	C	P	—	—	3.7.2.C
Minor Vehicle Service and Repair	—	—	—	—	C	—	C	C	P	—	—	3.7.2.D
Major Vehicle Service and Repair	—	—	—	—	A	—	C	C	P	—	—	3.7.2.E
Parking, Commercial, Surface	—	—	—	—	C	C	P	P	P	P	—	3.7.2.F
Parking, Structure	—	—	—	—	RF	P	P	P	P	P	—	—
Passenger Terminals	—	—	—	—	—	—	SE	P	P	—	—	3.7.2.G
Water/Marine-Oriented Facilities	P	—	—	—	P	P	P	—	—	P	—	—
<b>INDUSTRIAL</b>												<b>3.8</b>
Aviation Services	—	—	—	—	—	—	—	—	P	—	—	—
<i>P=Permitted Use C=Conditional Use SE=Special Exception E=In Existing Building/Facility Only RF = Retail Frontage Only A=T4-Neighborhood Artisan subdistrict Only — = Prohibited use</i>												



DISTRICT	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	LI	IC	MHP	ADD'L STANDARDS WHEN APPLICABLE
Light Industrial Services	—	—	—	—	A	—	SE	P	P	—	—	3.8.2.A
Manufacturing and Production	—	—	—	—	A	—	—	—	P	—	—	3.8.2.B
Truck Terminal	—	—	—	—	—	—	—	—	P	—	—	—
Warehousing	—	—	—	—	A	—	—	SE	P	—	—	3.8.2.C
Wholesaling and Distribution	—	—	—	—	A	—	—	C	P	—	—	3.8.2.D
<b>TRANSPORTATION, COMMUNICATION, INFRASTRUCTURE</b>												<b>3.9</b>
Major Infrastructure/Utilities	—	—	—	—	A	—	—	SE	P	—	—	3.9.2.A
Minor Infrastructure/Utilities	E	C	C	C	C	C	C	C	P	C	—	3.9.2.B
Waste Related Services	—	—	—	—	—	—	—	—	SE	—	—	3.9.2.C
Wireless Communications Facility	—	—	—	—	—	—	—	C	C	—	—	3.9.2.D
<b>FORESTRY, AGRICULTURE, HORTICULTURE</b>	C	C	C	C	C	C	C	C	C	C	—	<b>3.10</b>
P=Permitted Use C=Conditional Use SE=Special Exception E=in Existing Building/Facility Only RF = Retail Frontage Only A=T4-Neighborhood Artisan subdistrict Only — = Prohibited use												

### 3.2.1 OVERVIEW OF USE CATEGORIES

- A. **Definition of Use Category:** See Section 13.1 (Definitions of Specialized Terms)
- B. **Basis for Classification:** Use categories classify land uses and activities into categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The use categories provide a systematic basis for assigning present and future land uses into appropriate Districts.
- C. **Principal Uses:** Principal uses are assigned to the category that most closely describes the nature of the principal use. The “Characteristics” subsection of each use category describes the common characteristics of each principal use.
  1. **Developments with Multiple Principal Uses:** When all principal uses of a development fall within one use category, the entire development is assigned to that use category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.
- D. **Accessory Uses:** Accessory uses are allowed by-right in conjunction with a principal use, unless otherwise stated in this Code. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the use category descriptions. See Section 3.12 for additional standards for accessory uses and structures.
- E. **Use of Examples:** The “Examples” subsection of each use category lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself a “wholesale warehouse,” but sells mostly to consumers, is included in the “Retail Sales and Service” category rather than the “Wholesale Sales” category. This is because the actual activity on the site matches the description of the “Retail Sales and Service” category.
- F. **Similar Use Interpretation Criteria:** The following considerations shall be used in making similar use interpretations:
  1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 6/6/2018  
**FROM:** Libby Anderson  
**AGENDA ITEM TITLE:** Ordinance Rezoning Four Parcels of Property on Salem Road from T4-Neighborhood District to T5-Urban Corridor District  
**MEETING DATE:** 6/12/2018  
**DEPARTMENT:** Planning

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#### *BACKGROUND INFORMATION:*

The City of Beaufort is proposing to rezone four parcels of property located at 1499, 1505, 1521, and 1523 Salem Road, identified as District 122, Tax Map 29, Parcels 172, 171, 227, and 228 respectfully. The current zoning of the lots is T4-Neighborhood District (T4-N). The proposed zoning is T5-Urban Corridor District (T5-UC). A staff report on the proposed rezoning is attached. This rezoning request was presented to the Beaufort--Port Royal Metropolitan Planning Commission at their June 7 meeting. A public hearing on the proposed rezoning is scheduled for the June 12 City Council meeting. This hearing was advertised in the May 28 edition of *The Beaufort Gazette*.

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***PLACED ON AGENDA FOR:*** Action

#### ***REMARKS:***

#### **ATTACHMENTS:**

Description	Type	Upload Date
Salem Rd staff report	Cover Memo	6/6/2018

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**CITY OF BEAUFORT**  
**REZONING ANALYSIS RZ18-04**  
**PUBLIC HEARING DATE: JUNE 12, 2018**

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**Applicant**

The applicant is the City of Beaufort.

**Site**

Four parcels of property on Salem Road are proposed to be rezoned. The properties are located at 1499, 1505, 1521, and 1523 Salem Road, and are identified as District 122, Tax Map 29, Parcels 172, 171, 227, and 228 respectfully (see attached map). Randel's Lawn Equipment Sales & Service is located at 1499 Salem Road (Parcel 172). A strip shopping center is located at 1505 Salem Road (Parcel 171). Dukes Barbecue is located in one of the tenant spaces. 1521 and 1523 Salem Road (Parcels 227 and 228) are "outparcels" in the shopping center, and are currently vacant.

**Present Zoning**

The lots were zoned T4-Neighborhood (T4-N) as part of the Beaufort Code development and associated rezoning. The lots had previously been zoned Highway Commercial District under the Unified Development Ordinance. The T4-N district is a mixed-use zone of urban residential units and limited commercial development. The T4-N District permits all types of residential uses (single-family, 2- and 3-family dwellings, rowhomes, and multifamily dwellings) as well as all types of offices. Government facilities, schools, and churches are permitted. Retail uses and restaurants are not permitted in the T4-N zone.

**Proposed Zoning**

The T5-UC District is a high intensity mixed-use zone. The T5-UC district has design standards intended to foster a walkable urban environment. The T5-UC District permit rowhouses, multifamily dwellings, all types of commercial and office uses, restaurants with drive-thru facilities, and vehicle sales and service. New construction is subject to design review. T5-UC zoning is more consistent with the previous zoning of the properties and eliminates any issues with nonconforming uses.

The development standards for the various zoning district and the Use Table from the code are attached.

**Consistency with Comprehensive Plan and Civic Master Plan**

The Framework Plan in the City's Comprehensive Land Use Plan designates the area as "Growth Sector 3 (G-3): Neighborhood Mixed-Use (G-3A) & Corridor Mixed-Use (G-3B)." According to the comprehensive plan, "The G-3 sector . . . is intended to apply along high capacity regional thoroughfares at major transportation nodes, or along portions of highly-traveled corridors. G-3 land generally falls within areas for higher-intensity regional-serving development . . .

Neighborhood Mixed-Use designations (G-3A) are intended for a mixture of uses intended to serve the surrounding neighborhoods. Corridor Mixed-Use areas (G-3B) are intended for a mixture of regional-serving commercial, residential, and institutional destinations." Appropriate land uses in

the G-3 sector include: single-family and multifamily residential, neighborhood-serving commercial uses (retail and office), civic uses, traditional neighborhood developments, neighborhood centers, regional centers, and industrial districts. The T5-UC zoning is consistent with the recommendations in the comprehensive plan.

The Civic Master Plan does not contain any specific redevelopment scenarios for this section of the City.

**Compatibility with Present Zoning, With Nearby Land Uses and Character of Neighborhood**

The T5-UC zoning is consistent with the existing uses on the lots and with the previous zoning of the property.

**Suitability of Property for Uses Permitted in Proposed Zoning District**

The proposed T5-UC zoning appears appropriate for the property.

**Compatibility with Natural Features and Archeological and Cultural Resources**

The lots are already substantially developed, so there should be no additional impact on natural or cultural resources.

**Marketability of Property**

The property is likely more marketable under the proposed T5-UC zoning.

**Availability of Infrastructure**

Water and sewer is available to the lots.

**Public Notification**

The public hearing notice referencing this application appeared in the May 28 edition of *The Beaufort Gazette*. Letters were sent to the owners of property being rezoned on May 29. The property was posted on May 29. Letters were sent to owners of all property within 400' of the property being rezoned on May 30. Staff has received no public comments on this rezoning as of the date of this report.

**Staff Recommendation**

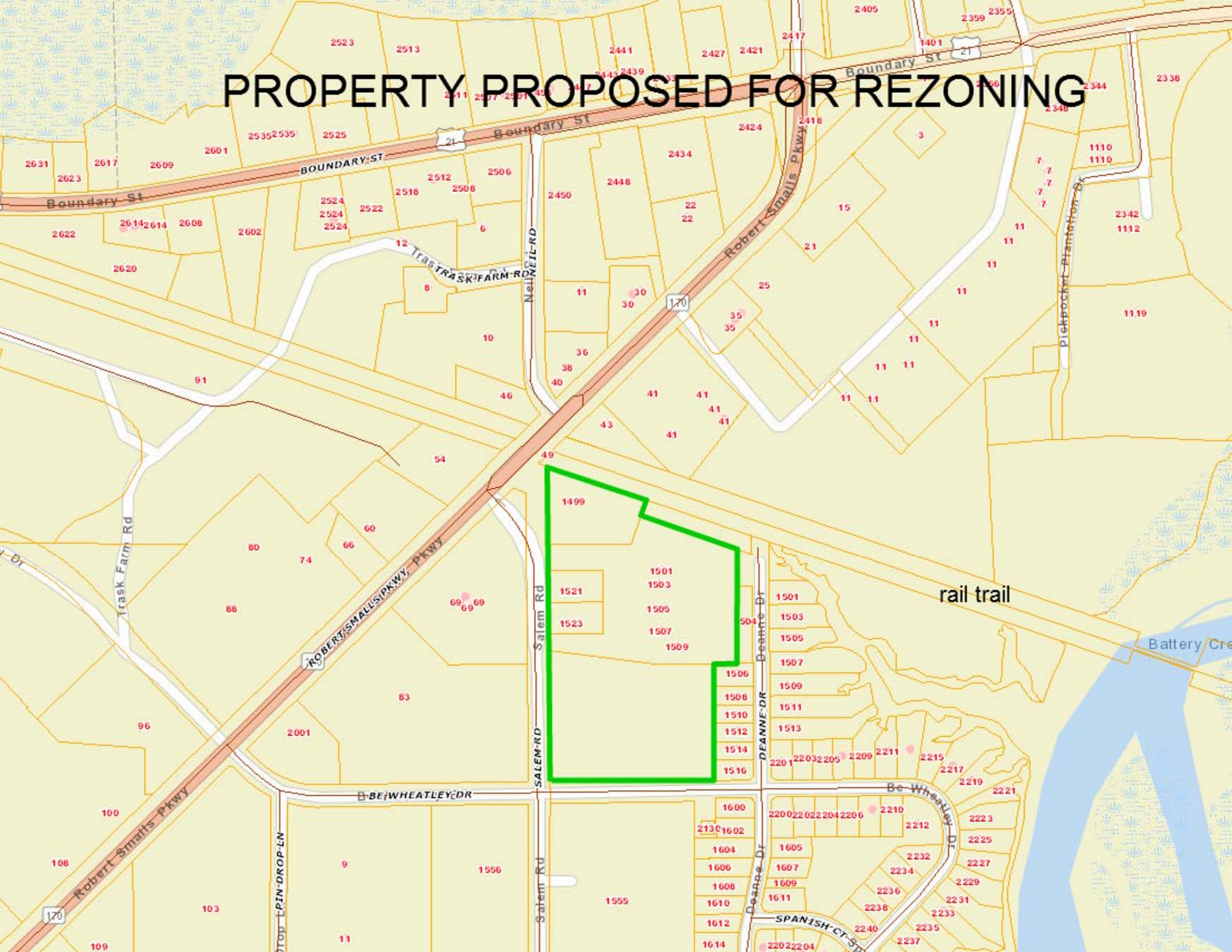
Staff recommends approval.

**Planning Commission Recommendation**

The Beaufort--Port Royal Metropolitan Planning Commission will consider this rezoning request at their June 7 meeting.



# PROPERTY PROPOSED FOR REZONING









# 1499, 1501, 1503, 1505, 1507. 1509, 1523 and 1523 Salem Rd. Rezoning

rezone from T4-N to T5-UC



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## CITY OF BEAUFORT

- HISTORIC DISTRICT - Conservation Neighborhood
- HISTORIC DISTRICT-Preservation Neighborhood
- Boundary Street Redevelopment
- Bladen Street Redevelopment
- Retail Overlay

### ZONING

- LEGACY PUD (LPUD)
- T1
- T3-S
- T3-N
- T4-HN
- T4-N
- T4-NA
- T5-DC
- T5-UC
- T5-UC / RMX
- RMX
- IC
- MH

## 2.4: DISTRICT DEVELOPMENT STANDARDS

### 2.4.1 TRANSECT-BASED DISTRICT STANDARDS

DISTRICT	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC
<b>A. LOT CONFIGURATION</b>						
1. Lot Width at Front Setback	75 ft min; for waterfront lots see Section 2.5.4	40 ft min, 60 ft min in the Hundred Pines neighborhood	40 ft min, 60 ft min in The Point	n/a	n/a	n/a
2. Lot Size	9,000 sf min; for waterfront lots see Section 2.5.4	4,000 sf min; 3,000 sf min for alley-served lots	4,000 sf min; 6,000 sf min in The Point	n/a	n/a	n/a
3. Maximum Lot Coverage <sup>1</sup>	30% of lot area	45% of lot area	55% of lot area	70% of lot area	100%	100%
4. Frontage Build-Out <sup>2</sup>	n/a	n/a	75% max	60% min; 85% max	75% min	60% min

<sup>1</sup>This percentage indicates maximum lot coverage by roofs; total impervious coverage may be an additional 10%. Parcels may also be subject to Section 8.3 (Stormwater).

<sup>2</sup>See Section 2.5.1.8 for additional frontage build-out standards.

<b>B. PRIMARY BUILDING PLACEMENT</b>						
1. Front Setback; <i>for infill lots also see Section 2.5.2</i>	20 ft min	15 ft min	average Prevailing Setback on block	0 ft min	0 ft min	0 ft min
	No max	30 ft max <sup>3</sup>		15 ft max	max. Prevailing Setback on block	15 ft max
2. Side Setback - Corner /Alley	15 ft min	6 ft min	5 ft min	0 ft min	0 ft min	0 ft min
	No max	No max	No max	10 ft max	15 ft max	15 ft max
3. Side Setback - Interior	10 ft min	6 ft min	6 ft min, 10 ft min in The Point	5 ft min, or 0 ft if attached	0 ft min	0 ft min
4. Rear Setback <sup>4</sup>	15 ft min	15 ft min	15 ft min	10 ft min	0 ft min	5 ft min
5. Rear Setback from Alley <sup>4</sup>	n/a	0 ft	0 ft	0 ft	0 ft	0 ft
6. Attached Garage/Carport Setback (from front facade) <sup>5,6</sup>	5 ft min	5 ft min	attached garages shall only be accessed via an alley; garage doors shall not face the street			

#### C. ACCESSORY BUILDING PLACEMENT - see section 3.11 for additional requirements

1. Front Setback	accessory structures shall be located behind the front facade of the primary structure, except as provided for in Section 2.5.4 (Waterfront Lots) and Section 4.5.3 (Carriage House); see item 6 below for setback for detached garage doors					
2. Side Setback - Corner / Alley <sup>5</sup>	5 ft min	5 ft min	5 ft min	3 ft min	0 ft min	0 ft min
3. Side Setback - Interior	5 ft min	5 ft min	5 ft min	5 ft min	0 ft min	0 ft min
4. Rear Setback <sup>4</sup>	5 ft min	5 ft min	5 ft min	5 ft min	0 ft min	0 ft min
5. Rear Setback from Alley <sup>4</sup>	3 ft min	3 ft min	3 ft min	3 ft min	3 ft min	3 ft min
6. Detached Garage Door/Carport Setback (from front facade) <sup>5</sup>	5 ft min	20 ft min	20 ft min	20 ft min	shall be located behind primary building and accessed via alley or side street <sup>7</sup>	

<sup>3</sup>When lot width is 75 ft or greater, there is no maximum front setback.

<sup>4</sup>Garage doors shall be 15 ft min from alley centerline.

<sup>5</sup>In addition to the setback requirements listed above, garage doors/carports which face a public right-of-way, except for rear alleys, shall be set back a minimum of 20 ft from that right-of-way.

<sup>6</sup>The Battery Shores neighborhood is exempt from this standard when garage doors do not face a public right-of-way. In the Jericho Woods neighborhood, carports are exempt from this standard.

<sup>7</sup>Also see Section 2.5.7 (Street Access Standards).

<b>D. BUILDING FORM</b>						
1. Primary Building Height - see Section 2.6	No min	No min	No min	2 stories min <sup>11</sup>	2 stories min	2 stories min <sup>11</sup>
	2.5 stories max	2.5 stories max	3 stories max	4 stories max; 3.5 stories max in & fronting Historic District & interior lots along Allison Rd.	3 stories max at property line, see 2.6.1.G	5 stories max; 3.5 stories max in & fronting Historic District
2. Accessory Building Height	2 stories or 30 ft max	2 stories or 30 ft max	2 stories or 30 ft max	2 stories or 30 ft max	2 stories max	2 stories max
3. Building Width at Frontage	n/a	n/a	n/a	100 ft max	100 ft max <sup>12</sup>	160 ft max <sup>12</sup>

<sup>11</sup>2 stories are only required at significant intersections, in accordance with Section 2.6.3 and the Street Hierarchy Diagram in Appendix C.3

<sup>12</sup>Buildings exceeding this maximum shall comply with the Large Footprint Building standards in Section 4.5.10.

<b>E. PARKING PAD LOCATION- there are no interior side setbacks for parking unless buffers are required per Section 5.5. See Section 2.5.8 for additional provisions</b>						
1. Front Setback	n/a	n/a	40 ft min	40 ft min	40 ft min	40 ft min
2. Side Setback - Corner	n/a	n/a	5 ft min	15 ft min	5 ft min	5 ft min
3. Rear Setback	n/a	n/a	5 ft min	5 ft min	0 ft min	0 ft min



# 3: LAND USE PROVISIONS

## 3.1 APPLICABILITY

### 3.1.1 USE PERMISSIONS DEFINED

The use table in Section 3.2 assigns 1 of 6 permissions to each use in each district as follows:

- A. **Permitted Use (P):** The use is permitted by-right, with no additional conditions or requirements.
- B. **Conditional Use (C):** The use is permitted by-right, provided that the additional use conditions set forth in this article are met.
  - 1. The specified standards are intended to ensure that these uses are compatible with other development permitted within the districts.
  - 2. Approval procedures for conditional uses are in Section 9.4.2 (Zoning Permit.)
- C. **Special Exception (SE):** The use is permitted only when a Special Exception has been approved.
  - 1. Special Exceptions are required for uses that may be compatible with other uses permitted in a district, but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and/or the city as a whole, require individual consideration in their location, design, configuration, and/or operation at the particular location proposed.
  - 2. All applications for Special Exceptions shall, at a minimum, meet the standards for the district in which they are located and the additional standards set forth in this article for that use. There may also be specific building design standards that must be met (Section 4.5).
  - 3. Approval procedures for Special Exceptions are found in 9.13.
- D. **In Existing Facilities Only (E):** The use is permitted only in existing buildings or facilities and in any expansions that do not increase the size of the facility structure by more than 50%.

## SECTIONS

3.1 APPLICABILITY	47
3.2 TABLE OF PERMITTED USES	48
3.3: RESIDENTIAL USES	51
3.4: PUBLIC AND CIVIC USE CATEGORIES	54
3.5: INSTITUTIONAL USE CATEGORIES	56
3.6: COMMERCIAL USE CATEGORIES	58
3.7: VEHICLE- AND BOAT-RELATED USES	65
3.8: INDUSTRIAL USE CATEGORIES	69
3.9: TRANSPORTATION, COMMUNICATION, & INFRASTRUCTURE USES	72
3.10: FORESTRY, AGRICULTURE AND HORTICULTURE	76
3.11: ACCESSORY USES AND STRUCTURES	77
3.12: TEMPORARY USES	79

- E. **Retail Frontage Overlay Required (RF):** Where a block face is designated on the zoning map as a Retail Frontage overlay, the building(s) with direct access to the designated fronting street is permitted to be occupied by certain commercial uses as indicated in the use table.
- F. **T4-Neighborhood Artisan (A):** This use is permitted with conditions only in the T4-Neighborhood Artisan (T4-NA) District. Conditions may be listed in the “Additional Standards” section as appropriate. Other uses permitted in the general T4-N district may have special conditions for T4-NA; those conditions are also listed in the additional standards section as appropriate.
- G. **Prohibited Uses (—):** The use is prohibited in the specified district.

## 3.2 TABLE OF PERMITTED USES

Land uses in transect-based and conventional districts shall be permitted in accordance with the table below. Special provisions related to uses in the AICUZ Overlay District are in Section 2.7.4.

DISTRICT	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	LI	IC	MHP	ADD'L STANDARDS WHEN APPLICABLE
<b>RESIDENTIAL</b>												<b>3.3</b>
<b>Household Living</b>												
Single-Family Dwelling	—	P	P	P	P	E	E	E	E	E	—	—
2- or 3-Unit Dwelling	—	—	C	P	P	P	P	—	—	P	—	4.5.5
Rowhome	—	—	—	—	C	P	P	P	—	P	—	4.5.6
Apartment House (a.k.a. Multifamily Dwelling - 4+ units)	—	—	—	—	C	P	P	P	—	P	—	4.5.7
Home Occupation - Minor	—	C	C	C	C	P	P	P	—	—	—	3.3.2.D
Home Occupation - Major	—	SE	SE	SE	C	P	P	—	—	—	—	
Live-Aboard Boat	C	—	—	—	—	—	—	—	—	—	—	3.3.2.D
Live/Work Unit	—	—	—	—	C	P	P	P	C	P	—	4.5.8
Manufactured Home	—	—	—	—	—	—	—	—	—	—	C	3.3.2.G
<b>Group Living</b>												
Group Dwelling (≤ 8 residents)	—	—	—	—	P	P	P	P	—	—	—	—
Group Dwelling (> 8 residents)	—	—	—	—	SE	SE	P	P	—	P	—	—
<b>PUBLIC AND CIVIC</b>												<b>3.4</b>
<b>Civic / Government Facilities</b>	<b>C</b>	<b>—</b>	<b>SE</b>	<b>SE</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>—</b>	<b>3.4.2.A</b>
<b>Educational Facilities</b>												
College/University/Trade/Vocational	—	—	—	—	C	P	P	P	C	P	—	3.4.2.B.1
School, Public or Private	—	C	C	C	P	P	P	P	—	P	—	3.4.2.B.2
<b>Parks and Open Space</b>												
Cemetery	C	E	E	E	E	E	E	C	E	E	E	3.4.2.C
Park/Open Space	P	P	P	P	P	P	P	P	P	P	P	7.4
<b>INSTITUTIONAL</b>												<b>3.5</b>
Community Service	—	SE	SE	SE	P	P	P	P	SE	P	—	—

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

DISTRICT	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	LI	IC	MHP	ADD'L STANDARDS WHEN APPLICABLE
<b>Day Care Facility</b>												
Family Day Care Home (≤ 6 clients)	see Home Occupation — Minor											
Group Day Care Home (7-12 clients)	—	—	SE	C	C	P	P	P	P	P	—	3.5.2.A
Commercial Day Care Center (>12 clients)	—	—	—	C	P	P	P	P	P	P	—	3.5.2.A
<b>Treatment Facility</b>	—	—	—	—	SE	SE	SE	P	—	SE	—	—
<b>Health Care Facilities</b>	—	—	—	—	—	—	P	P	—	P	—	—
<b>Religious Institution</b>	—	C	C	P	P	P	P	P	—	P	—	3.5.2.B
<b>COMMERCIAL</b>												<b>3.6</b>
<b>Entertainment</b>												
Indoor Entertainment	—	C	C	—	C	P	P	P	P	P	—	3.6.2.A
Outdoor Entertainment	—	—	—	—	C	P	P	P	—	P	—	3.6.2.A
Sexually-Oriented Business	—	—	—	—	—	—	—	—	C	—	—	13.2.1
<b>Office</b>	—	—	—	—	P	P	P	P	P	P	—	—
<b>Overnight Guest Accommodation</b>												
Bed and Breakfast	—	—	SE	SE	P	P	P	—	—	—	—	3.6.2.C.1
Short-Term Rental	—	C	C	C	C	C	C	—	—	C	—	3.6.2.C.2
Inn/Motel/Hotel	—	—	—	—	C	P	P	P	—	—	—	3.6.2.C.3
Recreational Vehicle Park	—	—	—	—	—	—	—	SE	—	—	—	—
<b>Restaurants</b>	—	—	—	—	RF	P	P	P	SE	P	—	—
<b>Retail Sales and Service</b>												
Animal Hospital/Kennel	—	—	—	—	C	—	C	P	P	—	—	3.6.2.D.1
General Retail/Service	—	—	—	—	RF or A	P	P	P	SE	C	—	3.6.2.D.2
Self-Service Storage	—	—	—	—	A	—	C	C	P	—	—	3.6.2.D.3
<b>VEHICLE- AND BOAT-RELATED USES</b>												<b>3.7</b>
Vehicle and Boat Sales and Rental	—	—	—	—	A	—	C	P	—	—	—	3.7.2.A
Drive-Thru Facility	—	—	—	—	—	—	C	C	SE	—	—	3.7.2.B
Fuel Sales / Car Wash	—	—	—	—	—	—	C	C	P	—	—	3.7.2.C
Minor Vehicle Service and Repair	—	—	—	—	C	—	C	C	P	—	—	3.7.2.D
Major Vehicle Service and Repair	—	—	—	—	A	—	C	C	P	—	—	3.7.2.E
Parking, Commercial, Surface	—	—	—	—	C	C	P	P	P	P	—	3.7.2.F
Parking, Structure	—	—	—	—	RF	P	P	P	P	P	—	—
Passenger Terminals	—	—	—	—	—	—	SE	P	P	—	—	3.7.2.G
Water/Marine-Oriented Facilities	P	—	—	—	P	P	P	—	—	P	—	—
<b>INDUSTRIAL</b>												<b>3.8</b>
Aviation Services	—	—	—	—	—	—	—	—	P	—	—	—
P=Permitted Use C=Conditional Use SE=Special Exception E=In Existing Building/Facility Only RF = Retail Frontage Only A=T4-Neighborhood Artisan subdistrict Only — = Prohibited use												

DISTRICT	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	LI	IC	MHP	ADD'L STANDARDS WHEN APPLICABLE
Light Industrial Services	—	—	—	—	A	—	SE	P	P	—	—	3.8.2.A
Manufacturing and Production	—	—	—	—	A	—	—	—	P	—	—	3.8.2.B
Truck Terminal	—	—	—	—	—	—	—	—	P	—	—	—
Warehousing	—	—	—	—	A	—	—	SE	P	—	—	3.8.2.C
Wholesaling and Distribution	—	—	—	—	A	—	—	C	P	—	—	3.8.2.D
<b>TRANSPORTATION, COMMUNICATION, INFRASTRUCTURE</b>												<b>3.9</b>
Major Infrastructure/Utilities	—	—	—	—	A	—	—	SE	P	—	—	3.9.2.A
Minor Infrastructure/Utilities	E	C	C	C	C	C	C	C	P	C	—	3.9.2.B
Waste Related Services	—	—	—	—	—	—	—	—	SE	—	—	3.9.2.C
Wireless Communications Facility	—	—	—	—	—	—	—	C	C	—	—	3.9.2.D
<b>FORESTRY, AGRICULTURE, HORTICULTURE</b>	C	C	C	C	C	C	C	C	C	C	—	<b>3.10</b>
P=Permitted Use C=Conditional Use SE=Special Exception E=in Existing Building/Facility Only RF = Retail Frontage Only A=T4-Neighborhood Artisan subdistrict Only — = Prohibited use												

### 3.2.1 OVERVIEW OF USE CATEGORIES

- A. **Definition of Use Category:** See Section 13.1 (Definitions of Specialized Terms)
- B. **Basis for Classification:** Use categories classify land uses and activities into categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The use categories provide a systematic basis for assigning present and future land uses into appropriate Districts.
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- E. **Use of Examples:** The “Examples” subsection of each use category lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself a “wholesale warehouse,” but sells mostly to consumers, is included in the “Retail Sales and Service” category rather than the “Wholesale Sales” category. This is because the actual activity on the site matches the description of the “Retail Sales and Service” category.
- F. **Similar Use Interpretation Criteria:** The following considerations shall be used in making similar use interpretations:
  1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

---

**TO:** CITY COUNCIL **DATE:** 6/6/2018  
**FROM:** Libby Anderson  
**AGENDA ITEM TITLE:** Ordinance Rezoning Three Parcels of Property on Southside Boulevard from T4-Neighborhood District to T3-Neighborhood District  
**MEETING DATE:** 6/12/2018  
**DEPARTMENT:** Planning

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#### *BACKGROUND INFORMATION:*

The City of Beaufort is proposing to rezone three parcels of property located at 2601, 2605, and 2607 Southside Boulevard, identified as District 120, Tax Map 26, Parcels 173A and 173, and Tax Map 8, Parcel 367 respectfully. The current zoning of the lots is T4-Neighborhood District (T4-N). The proposed zoning is T3-Neighborhood District (T3-N). A staff report on the proposed rezoning is attached. This rezoning request was presented to the Beaufort--Port Royal Metropolitan Planning Commission at their June 7 meeting. A public hearing on the proposed rezoning is scheduled for the June 12 City Council meeting. This hearing was advertised in the May 28 edition of *The Beaufort Gazette*.

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***PLACED ON AGENDA FOR:*** Action

#### ***REMARKS:***

#### **ATTACHMENTS:**

Description	Type	Upload Date
staff report Southside	Cover Memo	6/6/2018

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**CITY OF BEAUFORT**  
**REZONING ANALYSIS RZ18-02**  
**PUBLIC HEARING DATE: JUNE 12, 2018**

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**Applicant**

The applicant is the City of Beaufort.

**Site**

Three parcels of property on Southside Boulevard in the Mossy Oaks neighborhood are proposed to be rezoned. The properties are located at 2601, 2605, and 2607 Southside Boulevard (see attached map). The properties are identified as District 120, Tax Map 6, Parcels 173A and 173, and Tax Map 8, Parcel 367 respectfully. Single-family dwellings are located at 2601 and 2607 Southside Boulevard; photos of the dwellings are attached. 2605 Southside Boulevard is vacant.

**Present Zoning**

The lots are currently zoned T4-Neighborhood (T4-N). The T4-N district is a mixed-use zone of urban residential units and limited commercial development. The T4-N District permits all types of residential uses (single-family, 2- and 3-family dwellings, rowhomes, and multifamily dwellings) as well as all types of offices. Government facilities, schools, and churches are permitted. Inns up to 10 rooms are allowed. The T4-N district has a 0 to 15' build-to line. The side setback is 5' and the rear setback is 10'. Buildings, including single-family dwellings, are subject to design review by staff. Single-family dwellings are required to be elevated 2' above grade. Vinyl siding is not permitted.

**Proposed Zoning**

The proposed zoning of the property is "T3-Neighborhood District" (T3-N). The T3-N district is residential in character and includes a mixture of residential and civic uses. Single-family dwellings are permitted by right. Two- and three-family dwellings are permitted on corner lots and where there is alley access. Rowhouses and multifamily dwellings are not allowed. Commercial uses, with the exception of B&Bs and short-term rentals, are not permitted. Churches and schools are permitted as conditional uses. Civic/Government facilities are allowed by special exception. The front setback in the T3-N district is a minimum of 15' and a maximum of 30'. The side setback is 6' and the rear setback is 15'. Buildings are not subject to design review.

The proposed zoning is consistent with the adjacent zoning on Southside Boulevard to the west and to the north (see attached except from the current zoning map). When the Beaufort Development Code was adopted in 2017, as part of the city-wide rezoning, the lots could have been zoned either T3-N or T4-N. The decision was made to zone the three lots T4-N. It now appears that T3-N zoning is more consistent with the existing character of the developed lots and preferred by the owner of the undeveloped lot.

The development standards for the various zoning district and the Use Table from the code are attached.

**Consistency with Comprehensive Plan and Civic Master Plan**

The Framework Plan in the City's Comprehensive Land Use Plan designates the area as "Growth Sector 2 (G-2): Urban Neighborhood/TNDs." According to the comprehensive plan, "The G-2 sector contains denser, mixed-use development at the scale of the neighborhood center . . . and suburban, residential development at the scale of walkable traditional neighborhoods . . ."

Appropriate land uses in the G-2 sector include: traditional neighborhood developments, single-family and multifamily residential, neighborhood mixed-use centers, neighborhood-scale commercial uses (retail and office), civic uses, and light industrial uses.

It appears that either the T3-N or T4-N zoning would be consistent with the recommendations comprehensive plan.

The Civic Master Plan does not contain any specific redevelopment scenarios for this section of Southside Boulevard.

**Compatibility with Present Zoning, With Nearby Land Uses and Character of Neighborhood**

The lots proposed for rezoning adjoin properties developed for single-family uses. Dwellings are set back from the street. In these respects, the T3-N zoning seems a good fit for these lots.

**Suitability of Property for Uses Permitted in Proposed Zoning District**

The T3-N district is primarily a single-family zone. Two of the three lots are already developed for single-family uses.

**Compatibility with Natural Features and Archeological and Cultural Resources**

Two of the three lots are already developed. Trees will be impacted by development of third lot, but this would be the case under any zoning designation.

**Marketability of Property**

The marketability of the property should not be affected by the proposed rezoning.

**Availability of Infrastructure**

Water and sewer is available on Southside Boulevard.

**Public Notification**

Letters were sent to the owners of property being rezoned on May 26. Letters were sent to owners of all property within 400' of the property being rezoned on May 26. The public hearing notice referencing this application appeared in the May 28 edition of *The Beaufort Gazette*. The property was posted on May 29. Staff has received no public comments on this rezoning as of the date of this report.

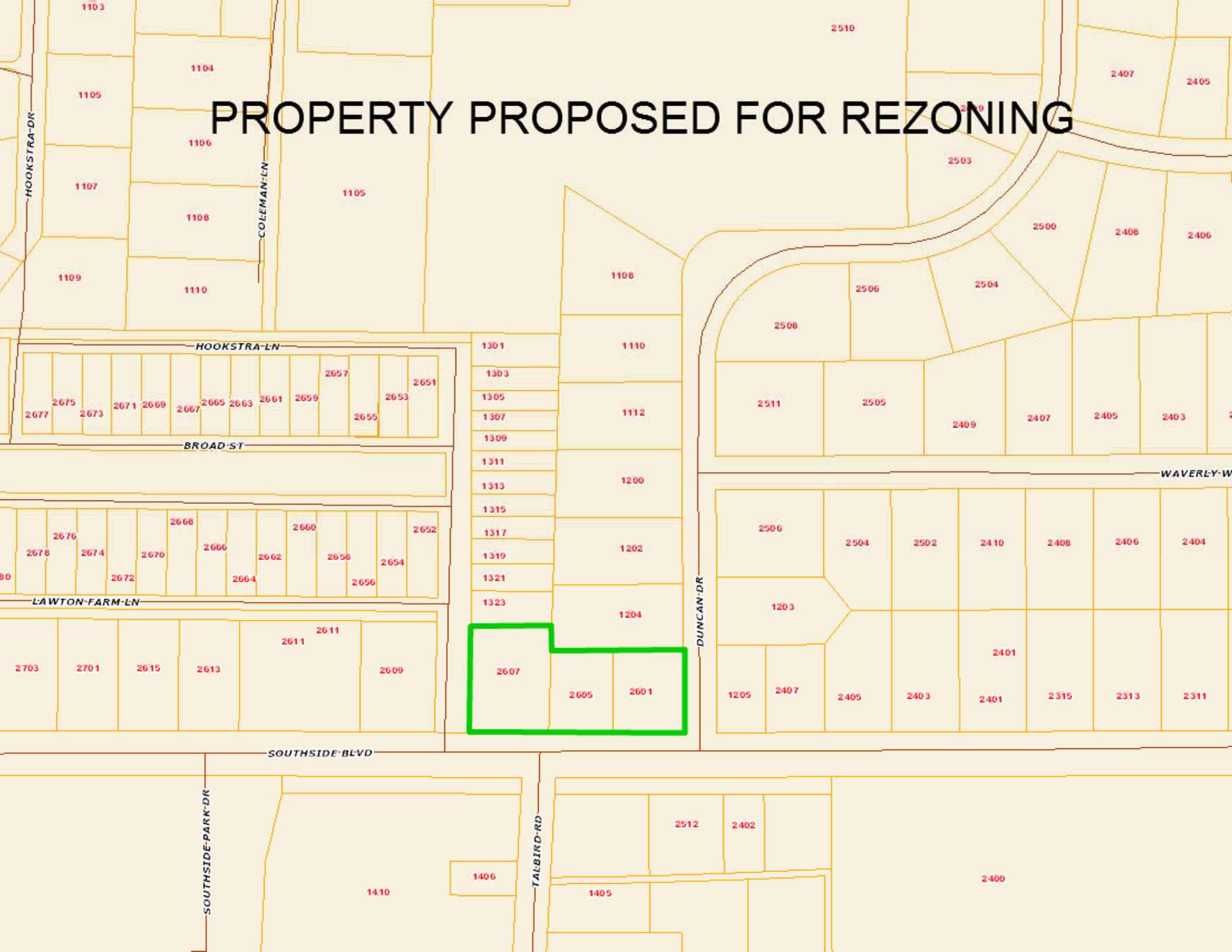
**Staff Recommendation**

Staff recommends approval.

**Planning Commission Recommendation**

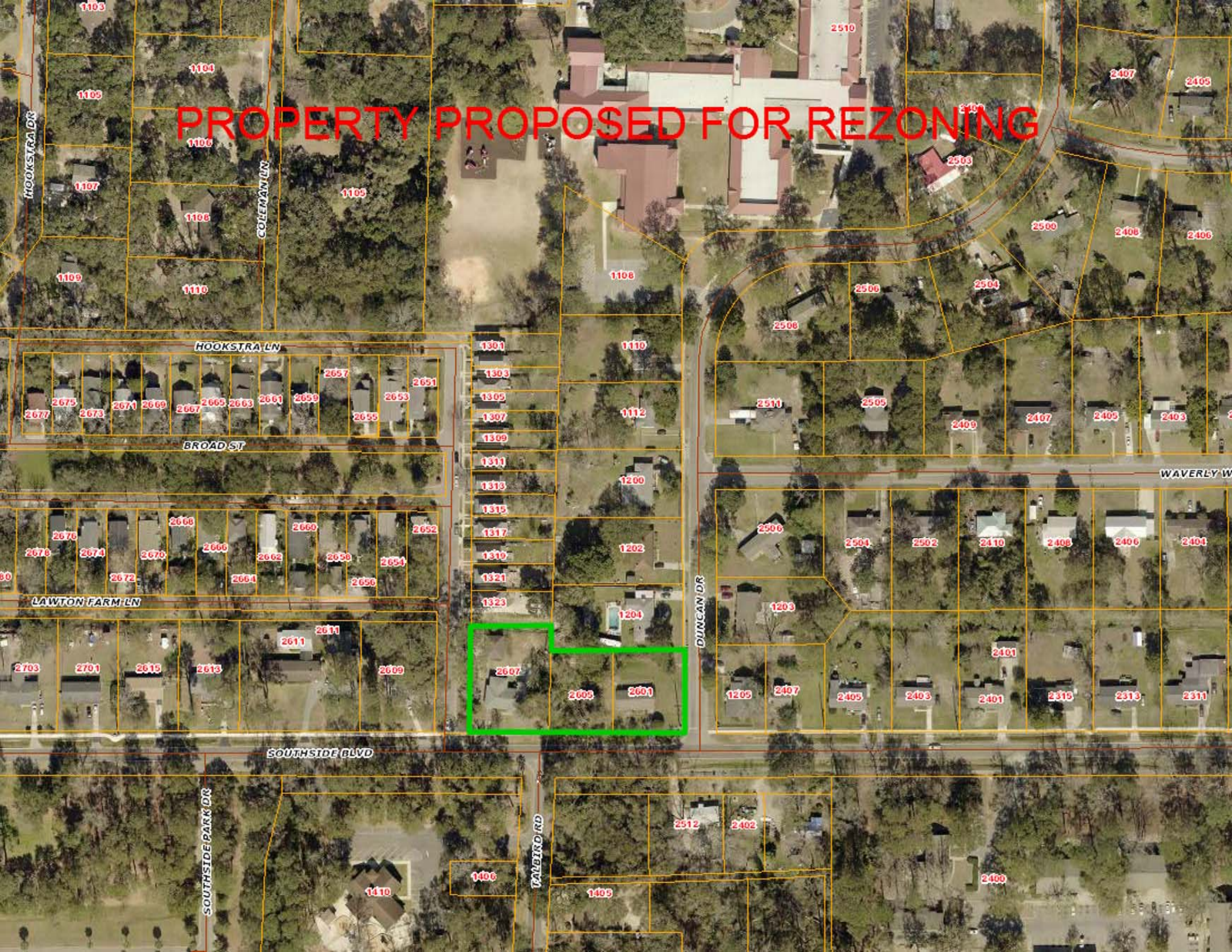
The Beaufort--Port Royal Metropolitan Planning Commission will consider this rezoning request at their June 7 meeting.

# PROPERTY PROPOSED FOR REZONING





PROPERTY PROPOSED FOR REZONING





2601 Southside Boulevard





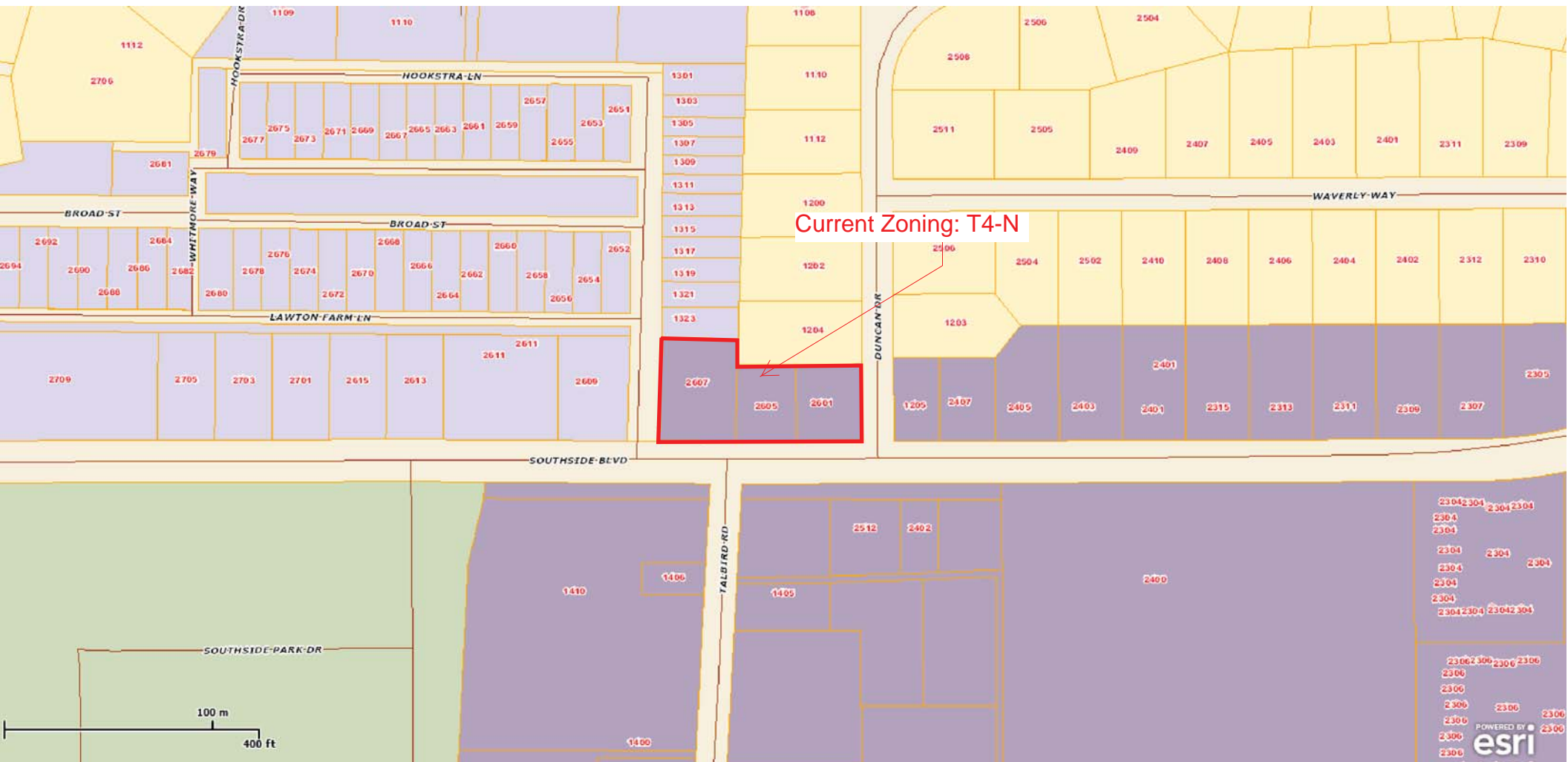
2607 Southside Boulevard





# 2601, 2605 and 2607 Southside Blvd Rezoning

rezone from T4-N to T3-N



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## Key

- T1 Zoning District
- T3-S Zoning District
- T3-N Zoning District
- T4-N Zoning District

## 2.4: DISTRICT DEVELOPMENT STANDARDS

### 2.4.1 TRANSECT-BASED DISTRICT STANDARDS

DISTRICT	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC
<b>A. LOT CONFIGURATION</b>						
1. Lot Width at Front Setback	75 ft min; for waterfront lots see Section 2.5.4	40 ft min, 60 ft min in the Hundred Pines neighborhood	40 ft min, 60 ft min in The Point	n/a	n/a	n/a
2. Lot Size	9,000 sf min; for waterfront lots see Section 2.5.4	4,000 sf min; 3,000 sf min for alley-served lots	4,000 sf min; 6,000 sf min in The Point	n/a	n/a	n/a
3. Maximum Lot Coverage <sup>1</sup>	30% of lot area	45% of lot area	55% of lot area	70% of lot area	100%	100%
4. Frontage Build-Out <sup>2</sup>	n/a	n/a	75% max	60% min; 85% max	75% min	60% min

<sup>1</sup>This percentage indicates maximum lot coverage by roofs; total impervious coverage may be an additional 10%. Parcels may also be subject to Section 8.3 (Stormwater).

<sup>2</sup>See Section 2.5.1.8 for additional frontage build-out standards.

<b>B. PRIMARY BUILDING PLACEMENT</b>						
1. Front Setback; <i>for infill lots also see Section 2.5.2</i>	20 ft min	15 ft min	average Prevailing Setback on block	0 ft min	0 ft min	0 ft min
	No max	30 ft max <sup>3</sup>		15 ft max	max. Prevailing Setback on block	15 ft max
2. Side Setback - Corner /Alley	15 ft min	6 ft min	5 ft min	0 ft min	0 ft min	0 ft min
	No max	No max	No max	10 ft max	15 ft max	15 ft max
3. Side Setback - Interior	10 ft min	6 ft min	6 ft min, 10 ft min in The Point	5 ft min, or 0 ft if attached	0 ft min	0 ft min
4. Rear Setback <sup>4</sup>	15 ft min	15 ft min	15 ft min	10 ft min	0 ft min	5 ft min
5. Rear Setback from Alley <sup>4</sup>	n/a	0 ft	0 ft	0 ft	0 ft	0 ft
6. Attached Garage/Carport Setback (from front facade) <sup>5,6</sup>	5 ft min	5 ft min	attached garages shall only be accessed via an alley; garage doors shall not face the street			

#### C. ACCESSORY BUILDING PLACEMENT - see section 3.11 for additional requirements

1. Front Setback	accessory structures shall be located behind the front facade of the primary structure, except as provided for in Section 2.5.4 (Waterfront Lots) and Section 4.5.3 (Carriage House); see item 6 below for setback for detached garage doors					
2. Side Setback - Corner / Alley <sup>5</sup>	5 ft min	5 ft min	5 ft min	3 ft min	0 ft min	0 ft min
3. Side Setback - Interior	5 ft min	5 ft min	5 ft min	5 ft min	0 ft min	0 ft min
4. Rear Setback <sup>4</sup>	5 ft min	5 ft min	5 ft min	5 ft min	0 ft min	0 ft min
5. Rear Setback from Alley <sup>4</sup>	3 ft min	3 ft min	3 ft min	3 ft min	3 ft min	3 ft min
6. Detached Garage Door/Carport Setback (from front facade) <sup>5</sup>	5 ft min	20 ft min	20 ft min	20 ft min	shall be located behind primary building and accessed via alley or side street <sup>7</sup>	

<sup>3</sup>When lot width is 75 ft or greater, there is no maximum front setback.

<sup>4</sup>Garage doors shall be 15 ft min from alley centerline.

<sup>5</sup>In addition to the setback requirements listed above, garage doors/carports which face a public right-of-way, except for rear alleys, shall be set back a minimum of 20 ft from that right-of-way.

<sup>6</sup>The Battery Shores neighborhood is exempt from this standard when garage doors do not face a public right-of-way. In the Jericho Woods neighborhood, carports are exempt from this standard.

<sup>7</sup>Also see Section 2.5.7 (Street Access Standards).

<b>D. BUILDING FORM</b>						
1. Primary Building Height - see Section 2.6	No min	No min	No min	2 stories min <sup>11</sup>	2 stories min	2 stories min <sup>11</sup>
	2.5 stories max	2.5 stories max	3 stories max	4 stories max; 3.5 stories max in & fronting Historic District & interior lots along Allison Rd.	3 stories max at property line, see 2.6.1.G	5 stories max; 3.5 stories max in & fronting Historic District
2. Accessory Building Height	2 stories or 30 ft max	2 stories or 30 ft max	2 stories or 30 ft max	2 stories or 30 ft max	2 stories max	2 stories max
3. Building Width at Frontage	n/a	n/a	n/a	100 ft max	100 ft max <sup>12</sup>	160 ft max <sup>12</sup>

<sup>11</sup>2 stories are only required at significant intersections, in accordance with Section 2.6.3 and the Street Hierarchy Diagram in Appendix C.3

<sup>12</sup>Buildings exceeding this maximum shall comply with the Large Footprint Building standards in Section 4.5.10.

#### E. PARKING PAD LOCATION- there are no interior side setbacks for parking unless buffers are required per Section 5.5. See Section 2.5.8 for additional provisions

1. Front Setback	n/a	n/a	40 ft min	40 ft min	40 ft min	40 ft min
2. Side Setback - Corner	n/a	n/a	5 ft min	15 ft min	5 ft min	5 ft min
3. Rear Setback	n/a	n/a	5 ft min	5 ft min	0 ft min	0 ft min

# 3: LAND USE PROVISIONS

## 3.1 APPLICABILITY

### 3.1.1 USE PERMISSIONS DEFINED

The use table in Section 3.2 assigns 1 of 6 permissions to each use in each district as follows:

- A. **Permitted Use (P):** The use is permitted by-right, with no additional conditions or requirements.
- B. **Conditional Use (C):** The use is permitted by-right, provided that the additional use conditions set forth in this article are met.
  - 1. The specified standards are intended to ensure that these uses are compatible with other development permitted within the districts.
  - 2. Approval procedures for conditional uses are in Section 9.4.2 (Zoning Permit.)
- C. **Special Exception (SE):** The use is permitted only when a Special Exception has been approved.
  - 1. Special Exceptions are required for uses that may be compatible with other uses permitted in a district, but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and/or the city as a whole, require individual consideration in their location, design, configuration, and/or operation at the particular location proposed.
  - 2. All applications for Special Exceptions shall, at a minimum, meet the standards for the district in which they are located and the additional standards set forth in this article for that use. There may also be specific building design standards that must be met (Section 4.5).
  - 3. Approval procedures for Special Exceptions are found in 9.13.
- D. **In Existing Facilities Only (E):** The use is permitted only in existing buildings or facilities and in any expansions that do not increase the size of the facility structure by more than 50%.

## SECTIONS

3.1 APPLICABILITY	47
3.2 TABLE OF PERMITTED USES	48
3.3: RESIDENTIAL USES	51
3.4: PUBLIC AND CIVIC USE CATEGORIES	54
3.5: INSTITUTIONAL USE CATEGORIES	56
3.6: COMMERCIAL USE CATEGORIES	58
3.7: VEHICLE- AND BOAT-RELATED USES	65
3.8: INDUSTRIAL USE CATEGORIES	69
3.9: TRANSPORTATION, COMMUNICATION, & INFRASTRUCTURE USES	72
3.10: FORESTRY, AGRICULTURE AND HORTICULTURE	76
3.11: ACCESSORY USES AND STRUCTURES	77
3.12: TEMPORARY USES	79

- E. **Retail Frontage Overlay Required (RF):** Where a block face is designated on the zoning map as a Retail Frontage overlay, the building(s) with direct access to the designated fronting street is permitted to be occupied by certain commercial uses as indicated in the use table.
- F. **T4-Neighborhood Artisan (A):** This use is permitted with conditions only in the T4-Neighborhood Artisan (T4-NA) District. Conditions may be listed in the “Additional Standards” section as appropriate. Other uses permitted in the general T4-N district may have special conditions for T4-NA; those conditions are also listed in the additional standards section as appropriate.
- G. **Prohibited Uses (—):** The use is prohibited in the specified district.

## 3.2 TABLE OF PERMITTED USES

Land uses in transect-based and conventional districts shall be permitted in accordance with the table below. Special provisions related to uses in the AICUZ Overlay District are in Section 2.7.4.

DISTRICT	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	LI	IC	MHP	ADD'L STANDARDS WHEN APPLICABLE
<b>RESIDENTIAL</b>												<b>3.3</b>
<b>Household Living</b>												
Single-Family Dwelling	—	P	P	P	P	E	E	E	E	E	—	—
2- or 3-Unit Dwelling	—	—	C	P	P	P	P	—	—	P	—	4.5.5
Rowhome	—	—	—	—	C	P	P	P	—	P	—	4.5.6
Apartment House (a.k.a. Multifamily Dwelling - 4+ units)	—	—	—	—	C	P	P	P	—	P	—	4.5.7
Home Occupation - Minor	—	C	C	C	C	P	P	P	—	—	—	3.3.2.D
Home Occupation - Major	—	SE	SE	SE	C	P	P	—	—	—	—	
Live-Aboard Boat	C	—	—	—	—	—	—	—	—	—	—	3.3.2.D
Live/Work Unit	—	—	—	—	C	P	P	P	C	P	—	4.5.8
Manufactured Home	—	—	—	—	—	—	—	—	—	—	C	3.3.2.G
<b>Group Living</b>												
Group Dwelling (≤ 8 residents)	—	—	—	—	P	P	P	P	—	—	—	—
Group Dwelling (> 8 residents)	—	—	—	—	SE	SE	P	P	—	P	—	—
<b>PUBLIC AND CIVIC</b>												<b>3.4</b>
<b>Civic / Government Facilities</b>	<b>C</b>	<b>—</b>	<b>SE</b>	<b>SE</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>—</b>	<b>3.4.2.A</b>
<b>Educational Facilities</b>												
College/University/Trade/Vocational	—	—	—	—	C	P	P	P	C	P	—	3.4.2.B.1
School, Public or Private	—	C	C	C	P	P	P	P	—	P	—	3.4.2.B.2
<b>Parks and Open Space</b>												
Cemetery	C	E	E	E	E	E	E	C	E	E	E	3.4.2.C
Park/Open Space	P	P	P	P	P	P	P	P	P	P	P	7.4
<b>INSTITUTIONAL</b>												<b>3.5</b>
Community Service	—	SE	SE	SE	P	P	P	P	SE	P	—	—

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

DISTRICT	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	LI	IC	MHP	ADD'L STANDARDS WHEN APPLICABLE
<b>Day Care Facility</b>												
Family Day Care Home (≤ 6 clients)	see Home Occupation — Minor											
Group Day Care Home (7-12 clients)	—	—	SE	C	C	P	P	P	P	P	—	3.5.2.A
Commercial Day Care Center (>12 clients)	—	—	—	C	P	P	P	P	P	P	—	3.5.2.A
<b>Treatment Facility</b>	—	—	—	—	SE	SE	SE	P	—	SE	—	—
<b>Health Care Facilities</b>	—	—	—	—	—	—	P	P	—	P	—	—
<b>Religious Institution</b>	—	C	C	P	P	P	P	P	—	P	—	3.5.2.B
<b>COMMERCIAL</b>												<b>3.6</b>
<b>Entertainment</b>												
Indoor Entertainment	—	C	C	—	C	P	P	P	P	P	—	3.6.2.A
Outdoor Entertainment	—	—	—	—	C	P	P	P	—	P	—	3.6.2.A
Sexually-Oriented Business	—	—	—	—	—	—	—	—	C	—	—	13.2.1
<b>Office</b>	—	—	—	—	P	P	P	P	P	P	—	—
<b>Overnight Guest Accommodation</b>												
Bed and Breakfast	—	—	SE	SE	P	P	P	—	—	—	—	3.6.2.C.1
Short-Term Rental	—	C	C	C	C	C	C	—	—	C	—	3.6.2.C.2
Inn/Motel/Hotel	—	—	—	—	C	P	P	P	—	—	—	3.6.2.C.3
Recreational Vehicle Park	—	—	—	—	—	—	—	SE	—	—	—	—
<b>Restaurants</b>	—	—	—	—	RF	P	P	P	SE	P	—	—
<b>Retail Sales and Service</b>												
Animal Hospital/Kennel	—	—	—	—	C	—	C	P	P	—	—	3.6.2.D.1
General Retail/Service	—	—	—	—	RF or A	P	P	P	SE	C	—	3.6.2.D.2
Self-Service Storage	—	—	—	—	A	—	C	C	P	—	—	3.6.2.D.3
<b>VEHICLE- AND BOAT-RELATED USES</b>												<b>3.7</b>
Vehicle and Boat Sales and Rental	—	—	—	—	A	—	C	P	—	—	—	3.7.2.A
Drive-Thru Facility	—	—	—	—	—	—	C	C	SE	—	—	3.7.2.B
Fuel Sales / Car Wash	—	—	—	—	—	—	C	C	P	—	—	3.7.2.C
Minor Vehicle Service and Repair	—	—	—	—	C	—	C	C	P	—	—	3.7.2.D
Major Vehicle Service and Repair	—	—	—	—	A	—	C	C	P	—	—	3.7.2.E
Parking, Commercial, Surface	—	—	—	—	C	C	P	P	P	P	—	3.7.2.F
Parking, Structure	—	—	—	—	RF	P	P	P	P	P	—	—
Passenger Terminals	—	—	—	—	—	—	SE	P	P	—	—	3.7.2.G
Water/Marine-Oriented Facilities	P	—	—	—	P	P	P	—	—	P	—	—
<b>INDUSTRIAL</b>												<b>3.8</b>
Aviation Services	—	—	—	—	—	—	—	—	P	—	—	—
<i>P=Permitted Use C=Conditional Use SE=Special Exception E=In Existing Building/Facility Only RF = Retail Frontage Only A=T4-Neighborhood Artisan subdistrict Only — = Prohibited use</i>												



DISTRICT	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	LI	IC	MHP	ADD'L STANDARDS WHEN APPLICABLE
Light Industrial Services	—	—	—	—	A	—	SE	P	P	—	—	3.8.2.A
Manufacturing and Production	—	—	—	—	A	—	—	—	P	—	—	3.8.2.B
Truck Terminal	—	—	—	—	—	—	—	—	P	—	—	—
Warehousing	—	—	—	—	A	—	—	SE	P	—	—	3.8.2.C
Wholesaling and Distribution	—	—	—	—	A	—	—	C	P	—	—	3.8.2.D
<b>TRANSPORTATION, COMMUNICATION, INFRASTRUCTURE</b>												<b>3.9</b>
Major Infrastructure/Utilities	—	—	—	—	A	—	—	SE	P	—	—	3.9.2.A
Minor Infrastructure/Utilities	E	C	C	C	C	C	C	C	P	C	—	3.9.2.B
Waste Related Services	—	—	—	—	—	—	—	—	SE	—	—	3.9.2.C
Wireless Communications Facility	—	—	—	—	—	—	—	C	C	—	—	3.9.2.D
<b>FORESTRY, AGRICULTURE, HORTICULTURE</b>	C	C	C	C	C	C	C	C	C	C	—	<b>3.10</b>
P=Permitted Use C=Conditional Use SE=Special Exception E=in Existing Building/Facility Only RF = Retail Frontage Only A=T4-Neighborhood Artisan subdistrict Only — = Prohibited use												

### 3.2.1 OVERVIEW OF USE CATEGORIES

- A. **Definition of Use Category:** See Section 13.1 (Definitions of Specialized Terms)
- B. **Basis for Classification:** Use categories classify land uses and activities into categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The use categories provide a systematic basis for assigning present and future land uses into appropriate Districts.
- C. **Principal Uses:** Principal uses are assigned to the category that most closely describes the nature of the principal use. The “Characteristics” subsection of each use category describes the common characteristics of each principal use.
  1. **Developments with Multiple Principal Uses:** When all principal uses of a development fall within one use category, the entire development is assigned to that use category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.
- D. **Accessory Uses:** Accessory uses are allowed by-right in conjunction with a principal use, unless otherwise stated in this Code. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the use category descriptions. See Section 3.12 for additional standards for accessory uses and structures.
- E. **Use of Examples:** The “Examples” subsection of each use category lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself a “wholesale warehouse,” but sells mostly to consumers, is included in the “Retail Sales and Service” category rather than the “Wholesale Sales” category. This is because the actual activity on the site matches the description of the “Retail Sales and Service” category.
- F. **Similar Use Interpretation Criteria:** The following considerations shall be used in making similar use interpretations:
  1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 6/7/2018  
**FROM:** Lauren Kelly  
**AGENDA ITEM**  
**TITLE:** 6-Month Amendments to the Beaufort Code  
**MEETING**  
**DATE:** 6/12/2018  
**DEPARTMENT:** Planning

---

#### *BACKGROUND INFORMATION:*

As part of the Beaufort Code adoption process in July 2017, a 6-month code update was required to make any necessary adjustments as the code was utilized. This Public Hearing is to review sixty-four 6-month adjustments which have all been recommended for approval by the Metropolitan Planning Commission.

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***PLACED ON AGENDA FOR:*** Action

#### ***REMARKS:***

#### **ATTACHMENTS:**

Description	Type	Upload Date
List of Amendments as Recommended by the MPC	Cover Memo	6/7/2018
Code Excerpts Corresponding to Amendments	Backup Material	6/7/2018

Beaufort Code - 6-month review Proposed Code Updates - MPC Recommendations				updated 6/7/18 by LK
Section #	Topic	Proposed Change	Initiator	
2.4.1.E	Driveway locations - clarify that driveways shall be to the side of the house, not the front; this is alluded to in several areas, but not clearly stated	replace the n/a fields under T3-S and T3-N with: <i>there are no parking setbacks, however, driveways shall be located to the side of the lot/primary structure except on waterfront lots meeting the conditions stated in 2.5.4.</i>	city based on question	
2.5.4.A	Special provision for garage locations on Waterfront Lots; sheds should be included	Add 2.5.4.A provision for all detached accessory structures <i>Accessory Structures: notwithstanding the requirements for Accessory Structures in section 2.4.1.C, accessory structures for residential dwellings may be placed in front of the principle building elevation with the following conditions:</i>	city based on question	
2.5.4	Waterfront Lots - attached garages	Add 2.5.4.B for attached garages; clarify that attached garages may not project in front of the front line of the dwelling, even on waterfront lots, unless the following conditions are met, in addition to the conditions specified for detached garages: 1. The upper level(s) contain habitable space 2. The frontage requirement in Section 4.4 is met	city	
2.5.6.D	Covered porches encroaching into interior side setback may be too much; front, street and rear are ok	Modify to read: <i>Covered porches may encroach a maximum of 8' into any required front yard or street yard setback, and to within 5' of any side yard or rear yard setback.</i>	MPC	
2.5.6.F	steps should be able to encroach into rear or side yard setbacks	add that they may encroach to within 5' of any side yard or rear yard setback as well	city	
2.5.6.H / 4.6.1	Fences - materials should be clarified to prohibit barbed wire, chain link in most areas, and electric fences from encroaching into setbacks	Add 2.5.6.H.5. <i>Materials</i> 2.5.6.H.5.i <i>Barbed wire fencing is prohibited, except in LI zone</i> 2.5.6.H.5.ii <i>Electric fences are not permitted to encroach into any front or corner side yard setbacks.</i>  Add 4.6.1.I. <i>Fence Materials - Chain link fencing is not permitted to extend past the front of the primary structure, except in the LI district.</i>	city	
2.6.1.F	Allow the story height to be up to 24' for certain building types in T5-UC	Modify to read <i>Certain buildings (such as gymnasiums, religious institutions, theatres, convention centers, ballrooms, concert halls, and other assembly facilities) may require finished floor-to-ceiling heights greater than 15' in such instances, the number of stories shall be calculated as the finished floor-to-ceiling height (in feet) divided by 15. Any fractions of a story shall be rounded up to the next whole number, with the following exception: In tthe Boundary Street Redevelopment District, the maximum first floor height for such buildings shall be 24'</i>	applicant	
2.7	Add Overlay acknowledgement to require that the approval of assignment/reassignment or annexation of property requires the execution of an overlay acknowledgement for any of the overlay districts in section 2.7 (historic, retail frontage, etc.).	Add 2.7.1 - Purpose and Applicability - in this section add the administration of this acknowledgement	MCAS attorney	
2.7.3.F	Bladen Street use standards - got more restrictive; modify hotel unit # to remove those restrictions	Add 2.7.3.F.2 - <i>Exceptions to Section 3.2 Table of Permitted Uses: Inns and Hotels are permitted by-right in this redevelopment district, and are not subject to the conditions in 3.6.2.C.3</i>	city	
2.7.4.D.1	AICUZ - Noise Zones - add the Noise Reduction Requirements for construction to match the county's standards	Add a column to the chart for Noise Reduction Requirements as follows (from top to bottom) 0, 25 dB, 30 dB, 35 dB	city	
3.1	Zoning of water is unclear	Add provision describing zoning of water to be the same as the land it's attached to	city	

Beaufort Code - 6-month review Proposed Code Updates - MPC Recommendations				updated 6/7/18 by LK
Section #	Topic	Proposed Change	Initiator	
3.2	Liveaboard Boat permissability	Make Conditional in all districts	applicant	
3.2/3.5.2.A	Group Day Care Home (7-12 clients) and Commercial Day Care Center (>12 Clients) - combine these into 1 use as the permissions are very similar	Combine into Group & Commercial Day Care; reorganize the definitions and conditions to retain the same permissions and standards as currently exist	city based on development committee comment	
3.2/3.6.1.D, E and F/3.6.2.D.2/3.6.2.D.3	Restaurant & Retail Sales and Service -combining both groups, and 2 sub-groups under Retail Sales and Service (Animal Hospital/Kennel, and General Retail/Service) into 1 use type & changing permissions in LI; move Self-Service Storage into the Light Industrial Service use category	Combine uses; keep conditions for Animal Hospital/Kennel as-is; Remove retail and restaurants as permitted by Special Exception in LI; add retail and restaurants as accessory uses to certain Industrial Use Categories; move self-service storage to Light Industrial Service category and retain permissions	city based on development committee comment	
3.2/3.7.1.C/3.7.2.B, D and E	Minor and Major Vehicle Service and Repair - permissions are nearly the same; combine into 1 use	Combine into Vehicle Service and Repair; retain permissions as they exist, except as modified below, with conditions.	city based on development committee comment	
3.2/3.8.1.C, D and F/3.8.2.B, C and D	Manufacturing and Production, Warehousing, and Wholesaling and Distribution into one use	Combine into Manufacturing, Warehousing and Distribution use type; keep conditions in specific zones and modify definitions to accommodate.	city based on development committee comment	
3.3.2.D.3.b.iii	Display / Sales for Home Occupations - be more flexible for artists	Chage to: iii. Display: Products that have been produced on-premesis may be displayed on front porches and cover up to 25% of the floor/wall area of the porch. Items that are offensive and violate provisions of Section 1.2 of this Code, are not permitted. Display of merchandise in the yard is not permitted. iv. Sales: Only articles made on premesis, with the exception of antiques may be sold. Non-durable articles (consumable products) that are incidental to the service, that is the principal use in the home occupation, may be sold on premesis.	city based on accommodation of arts overlay district	
3.6.1.F.2.c	This is in conflict with 3.6.2.D.3.d.i	This conflict should be resolved to permit vehicle rentals as an accessory use to self-service storage facilities	city	
3.6.1.F.3	Dry Boat Storage as a stand-alone self-storage use	Dry Boat Storage should be added to the examples	city based on question	
3.6.2.C.1.d	B&Bs - clarify that the 500' spacing is from other B&Bs in T3 or T4-HN zoning districts	Add <i>"in a T3 or T4-HN zoning district"</i> after the first B&B	city	
3.6.2.C.1.g	B&Bs - clarify that there is a resident manager required; this is the intent and was what we had in the previous UDO	Add language that the operation is done by a resident manager, living on the premises.	city based on question	
3.6.2.C.2	Short Term Rentals - outside approvals	Add: j. <i>Outside Approvals Required. For properties that are located in a neighborhood with a property owners' association, written confirmation from the association president that short-term rentals are permitted in the neighborhood is required. In multifamily structures, written approval from the property management association is required. For boats in an approved marina, written permission from the marina manager is required.</i>	city based on question	
3.6.2.C.2	Short Term Rentals - Trash Facilities	Add a section for this and state the Sanitation roll-carts shall be screened from the street in a trash enclosure.	city	
3.6.2.C.2.c	Boats as Short Term Rentals	Add: iv. <i>Rental of a boat in an approved marina</i>	applicant	
3.6.2.C.2.c	Boats as Short Term Rentals	add a 6% cap for boats per marina, regardless of zoning district	city	
3.6.2.C.2.e.ii and iii	Short Term Rentals - Occupancy Standards per room	For primary house rentals, add language that limits the number of vehicles to 1 per bedroom, and the number of adult guests to 2 per bedroom.	city based on question	



Beaufort Code - 6-month review Proposed Code Updates - MPC Recommendations			updated 6/7/18 by LK
Section #	Topic	Proposed Change	Initiator
3.6.2.C.2e.ii and iii	Short Term Rentals - Occupancy Standards per carriage house	For carriage house rentals, add language that limits the number of vehicles to 2, and the number of adult guests to 4.	city based on question
3.6.2.C.2.i	Monitored Fire Alarms - not required for boat STRs; Coast Guard Auxiliary Safety Vessel Checks are required	Clarify that boats are not required to have a monitored fire alarm. In lieu of this, documentation that a Coast Guard Auxiliary Safety Vessel Check has been performed is required. The Vessel Safety Check can be arranged through this link: <a href="http://www.cgaux.org/vsc/">http://www.cgaux.org/vsc/</a> .	city
3.7.1.A.4	Parking, Commercial - add clarification that boat parking/storage is not in this category	add exception d. stating: <i>Dry boat storage is considered self-service storage when it is a primary use.</i>	city
3.7.1.F.3	Dry Storage as an example of Water- and Marine- Oriented Facilities	This should be an accessory use and only permitted in association with a marina. Dry Storage Facilities as stand-alone uses should be considered Self Service Storage (associated change to 3.6.1.F.3).	city
3.7.2.A.1	Address limo and taxi services in T5-UC; they should be associated with a building	<i>Add 3.7.2.A.1.g: Limousine and Taxi Services: In T5-UC, limousine and taxi services are only permitted as accessory uses to offices housing the business operation. All vehicles associated with the business shall be meet the setback and screening standards for a parking lot.</i>	city based on issue
3.7.2.D.6.a	Minor Vehicle Services and repair - storage of vehicles - wrecked vs. non-wrecked	clarify that any wrecked vehicles need to be stored in a fully enclosed building. Any non-wrecked vehicles can be stored on-site in a screened enclosure, behind a building.	city
3.7.2.E.4.a	Major Vehicle Services and repair - storage of vehicles - wrecked vs. non-wrecked	clarify that any wrecked vehicles need to be stored in a fully enclosed building. Any non-wrecked vehicles can be stored on-site in a screened enclosure, behind a building.	city
3.8.1.B.2	Retail- add as an accessory use	Add "retail" to the list	
3.8.1.C.2	Retail and Restaurants - add as accessory uses	Add "retail and restaurants" to the list	
3.8.1.F.2	Retail and Restaurants - add as accessory uses	Add "retail and restaurants" to the list	
3.8.2	T4-NA - rear setback increase to 25' - clarify that this is when those properties abut residential properties	Modify 3.8.2.A, B, and C to add this language	city based on question
3.11.2	This section is being reorganized for clarity. Additional sheds and garages are proposed; a side/rear setback reduction is proposed for sheds on small lots; the 15' setback from the primary structure is being modified per the Fire Marshal and Building Codes; decks are added to this section for clarity; greenhouses are being added	see mock-up	city and applicants

Beaufort Code - 6-month review Proposed Code Updates - MPC Recommendations				updated 6/7/18 by LK
Section #	Topic	Proposed Change	Initiator	
3.12.2	Farmers Markets - add specific standards for farmers markets	<p>Add 3.12.2.I Farmers Markets: Farmers markets shall comply with the following standards:</p> <p>i. Farmers Markets are permitted in T4-N, T5-UC, RMX, IC, and LI Districts</p> <p>ii. An on-site manager is required</p> <p>iii. On-site temporary signage is permitted on the day of the market. This includes, but is not limited to, sandwich board signs, easels, and banners meeting the requirements in Article 6.</p> <p>iii. A management plan is required, stating the following:</p> <p>a. The regular days and hours of operation on a weekly or monthly basis</p> <p>b. A site plan including the following items:</p> <p>i. Parking for vendors and customers shall be clearly delineated</p> <p>ii. Location, size and quantity of vendor areas</p> <p>iii. Location for sanitation facilities, if desired. These shall be in place during the day of the market only.</p> <p>iv. Signage</p> <p>v. Location of trash/recycling containers</p> <p>vi. Temporary or permanent electricity sources</p> <p>vii. Rules and Regulations for vendors and the market in general</p> <p>c. Storage of tents, kiosks, vans, trailers or other market equipment is not permitted on-site when the market is not open.</p> <p>d. At least 60% of the vendors shall sell "Farm Products", the majority of which shall be sold direct to consumer. Farm Products are defined as fruits, vegetables, mushrooms, herbs, nuts, eggs, honey or other bee products, flowers, plants, meat, milk, cheese and other dairy products, fish, and value-added products containing the above-mentioned items. Brokers, participants who have bought any farm products from a grower and do not grow anything themselves, are not permitted.</p> <p>e. Up to 40% of vendors may sell prepared foods. The majority of their sales shall be sold direct to consumer.</p> <p>g. A plan for trash/recycling disposal.</p>	city	
4.2.2	Building Design Standards applicability	add provision that these standards apply as conditions to any subdivision variance in T3 zoning districts	city	
4.2.2	Building Design Standards applicability	add provision that these standards apply to any subdivision greater than 15 acres	city	
4.5.3.B.7	Carriage Houses - maximum size	clarify that "footprint" is all area under roof, including porches	city	
4.5.3.B.7	Carriage Houses - maximum size	allow conversions of existing accessory structures that exceed this maximum if the administrator determines that there is no adverse impact on surrounding property	city based on question	
4.5.7.B.4	clarify this to account for the width vs. depth argument; remove minimum width	This should read: <i>The building width not exceed 160 feet along any street frontage. No portion of the building shall exceed 160 feet in any direction.</i>	city based on question	
4.6.1.H	Outdoor Display of Merchandise - merge 4.6.3.E and 4.6.4.G into this section to avoid confusion	relocation of information	city	
4.6.1.H	Add screening requirements from adjacent properties to match what was in the old UDO	Add 4.6.1.H.7 Screening: <i>Outdoor merchandise may be displayed on the site behind buffers meeting the requirements the Required Buffer Width and Planting Chart in Section 5.5.1.</i>		
4.6.3.A.7	prohibited materials	Change to materials/colors; add a prohibition against unnatural roof colors - e.g., blue, orange, purple	city based on question	

Beaufort Code - 6-month review Proposed Code Updates - MPC Recommendations				updated 6/7/18 by LK
Section #	Topic	Proposed Change	Initiator	
5.4.1.A.2	Pruning Permit - clarify that this is just for overstory trees, that pruning needs to be done under the guidance <u>and direct supervision of</u> a certified arborist, and that it shall meet ANSI A300 Standards	Add the word "overstory" to describe tree; add <i>and direct supervision of</i> before "Certified Arborist; add <i>and meet ANSI A300 Standards for tree pruning</i> at the end of the last sentence.	city	
5.6.2.C.1	Mitigation for tree removal that was not approved	Clarify that no mitigation is required in T3, T4-HN or LI districts, etc.... for trees that were removed with approval. For those that were removed but didn't get the appropriate permit, mitigation is required.	city based on question	
5.8.4.A.1 and 2	Light Fixture heights	clarify that the maximum height is for the light post, not including the fixture	city based on question	
5.8.4.B	update lighting standards to match Kennebunkport, ME	change full cutoff requirement from 5,500 to 1,800	city	
5.8.6.B	Motion-activated light requirements in T3 and T4-HN	Remove this provision	council	
6.2.2.G.3	Master Sign Plan sizes	Make a note that no sign may exceed 125 Square Feet	city	
6.5.1.A, B, C, and D	All Freestanding Signs - multiple street frontages to match previous ordinance	Add that for multiple street frontages, signage is permitted on each street	city	
6.6.1A, B and D	All Attached Signs - multiple facades to match previous ordinance	add provision that buildings may have signage on parking-lot facing facades and on multiple facades if they are on a corner lot	city	
6.7.3.E	Directional Signs, Maximum Height	add a provision that parking stall signs may be up to 5'	city based on question	
6.10.1.J	making billboard regulation clearer and more sound; there are only 2 existing billboards in the city	Change to: <i>New billboards are prohibited.</i>	city attorney	
7.2.3.B	Lot access standards for double frontage lots	Add a provision that for double frontage lots, one curb cut on each street may be permitted.	city based on question	
7.4.2.A	Community Green Space and Open Space Requirements - increase in certain situations	increase T3-S to 20% in 10-15 acres increase T3-N to 15% in 10-40 acres and 20% in >40 acres increase T4-N to 10% in 10-40 acres and 15% in >40 acres	city based on comments	
9.9.3 /10.2.D.3 and 4/10.6.2	Process for review of Major Subdivisions	Modify the review of Major Subdivisions as follows: -increase the threshold for major subdivision review to 10 acres or greater -modify the process to require a sketch plan, then Preliminary Plat, then Final Plat. Sketch Plan would continue to go to the Planning Commission. Preliminary and Final Plat would be reviewed by the staff via the TRC. -add posting requirements to match the county. Properties requesting a Major Subdivision would be posted 15 days prior to the MPC meeting	city	
11.7.2.A	Landscaping Nonconformities	change the threshold amount from \$10,000 to \$25,000	city	
13	add definition of billboard	<i>A large board for displaying advertising of either on- or off-premises businesses or organizations. For the purposes of this Code, any sign over 125 SF is considered a billboard.</i>	city	
13	add definition of Garage, Detached.	<i>A garage or carport that is separated from the main body of the house. It may be physically connected to the house with a covered walk if that walk is unconditioned and does not exceed 2/3 the width of the garage.</i>	city	
Appendix C.2.4	Street Network Diagram - Sector 5 - this should be updated to include the adopted Lady's Island Plan streets	update the diagram	city	

Beaufort Code - 6-month review Proposed Code Updates - MPC Recommendations				updated 6/7/18 by LK
Section #	Topic	Proposed Change	Initiator	
Appendix C.6.5	Boundary Street Section	this needs to be updated to match construction and also broken into two phases and with/without slip lane, per previous Boundary Street Redevelopment District plans	city	
Map Amendments				
R122 029 000 0172 0000	Salem Road Shopping Center - Old Duke's BBQ - zoning	change from T4-N to T5-UC - more consistent with previous zoning	city	
R122 029 000 0171 0000				
R122 029 000 0227 0000				
R122 029 000 0228 0000				
R120 008 000 0367 0000	2601, 2605 and 2607 Southside Blvd -zoning	change from T4-N to T3-N to make more consistent with existing, adjacent houses in this mostly built-out neighborhood	property owner	
R120 006 000 0173 0000				
R120 006 000 173A 0000				
R120 001 000 153A 0000	1402 and 1408 Palmetto Streets - zoning. 1402 = T3-N and partially in the Boundary Street Redevelopment District. 1408 - T5-UC and completely in the Boundary Street Redevelopment District	rezone both to T4-N; remove from Boundary Street Redevelopment district	property owner	
R120 001 000 0153 0000				



## Beaufort Code Excerpts Proposed for Modification

## 2.4: DISTRICT DEVELOPMENT STANDARDS

### 2.4.1 TRANSECT-BASED DISTRICT STANDARDS

DISTRICT	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC
<b>A. LOT CONFIGURATION</b>						
1. Lot Width at Front Setback	75 ft min; for waterfront lots see Section 2.5.4	40 ft min, 60 ft min in the Hundred Pines neighborhood	40 ft min, 60 ft min in The Point	n/a	n/a	n/a
2. Lot Size	9,000 sf min; for waterfront lots see Section 2.5.4	4,000 sf min; 3,000 sf min for alley-served lots	4,000 sf min; 6,000 sf min in The Point	n/a	n/a	n/a
3. Maximum Lot Coverage <sup>1</sup>	30% of lot area	45% of lot area	55% of lot area	70% of lot area	100%	100%
4. Frontage Build-Out <sup>2</sup>	n/a	n/a	75% max	60% min; 85% max	75% min	60% min

<sup>1</sup>This percentage indicates maximum lot coverage by roofs; total impervious coverage may be an additional 10%. Parcels may also be subject to Section 8.3 (Stormwater).

<sup>2</sup>See Section 2.5.1.8 for additional frontage build-out standards.

<b>B. PRIMARY BUILDING PLACEMENT</b>						
1. Front Setback; <i>for infill lots also see Section 2.5.2</i>	20 ft min	15 ft min	average Prevailing Setback on block	0 ft min	0 ft min	0 ft min
	No max	30 ft max <sup>3</sup>		15 ft max	max. Prevailing Setback on block	15 ft max
2. Side Setback - Corner /Alley	15 ft min	6 ft min	5 ft min	0 ft min	0 ft min	0 ft min
	No max	No max	No max	10 ft max	15 ft max	15 ft max
3. Side Setback - Interior	10 ft min	6 ft min	6 ft min, 10 ft min in The Point	5 ft min, or 0 ft if attached	0 ft min	0 ft min
4. Rear Setback <sup>4</sup>	15 ft min	15 ft min	15 ft min	10 ft min	0 ft min	5 ft min
5. Rear Setback from Alley <sup>4</sup>	n/a	0 ft	0 ft	0 ft	0 ft	0 ft
6. Attached Garage/Carport Setback (from front facade) <sup>5,6</sup>	5 ft min	5 ft min	attached garages shall only be accessed via an alley; garage doors shall not face the street			

#### C. ACCESSORY BUILDING PLACEMENT - see section 3.11 for additional requirements

1. Front Setback	accessory structures shall be located behind the front facade of the primary structure, except as provided for in Section 2.5.4 (Waterfront Lots) and Section 4.5.3 (Carriage House); see item 6 below for setback for detached garage doors					
2. Side Setback - Corner / Alley <sup>5</sup>	5 ft min	5 ft min	5 ft min	3 ft min	0 ft min	0 ft min
3. Side Setback - Interior	5 ft min	5 ft min	5 ft min	5 ft min	0 ft min	0 ft min
4. Rear Setback <sup>4</sup>	5 ft min	5 ft min	5 ft min	5 ft min	0 ft min	0 ft min
5. Rear Setback from Alley <sup>4</sup>	3 ft min	3 ft min	3 ft min	3 ft min	3 ft min	3 ft min
6. Detached Garage Door/Carport Setback (from front facade) <sup>5</sup>	5 ft min	20 ft min	20 ft min	20 ft min	shall be located behind primary building and accessed via alley or side street <sup>7</sup>	

<sup>3</sup>When lot width is 75 ft or greater, there is no maximum front setback.

<sup>4</sup>Garage doors shall be 15 ft min from alley centerline.

<sup>5</sup>In addition to the setback requirements listed above, garage doors/carports which face a public right-of-way, except for rear alleys, shall be set back a minimum of 20 ft from that right-of-way.

<sup>6</sup>The Battery Shores and Islands of Beaufort neighborhoods are exempt from this standard when garage doors do not face a public right-of-way. In the Jericho Woods neighborhood, carports are exempt from this standard.

<sup>7</sup>Also see Section 2.5.7 (Street Access Standards).

#### D. BUILDING FORM

1. Primary Building Height - see Section 2.6	No min	No min	No min	2 stories min <sup>8</sup>	2 stories min	2 stories min <sup>8</sup>
	2.5 stories max	2.5 stories max	3 stories max	4 stories max; 3.5 stories max in & fronting Historic District & interior lots along Allison Rd.	3 stories max at property line, see 2.6.1.G	5 stories max; 3.5 stories max in & fronting Historic District
2. Accessory Building Height	2 stories or 30 ft max	2 stories or 30 ft max	2 stories or 30 ft max	2 stories or 30 ft max	2 stories max	2 stories max
3. Building Width at Frontage	n/a	n/a	n/a	100 ft max	100 ft max <sup>9</sup>	160 ft max <sup>9</sup>

<sup>8</sup>2 stories are only required at significant intersections, in accordance with Section 2.6.3 and the Street Hierarchy Diagram in Appendix C.3

<sup>9</sup>Buildings exceeding this maximum shall comply with the Large Footprint Building standards in Section 4.5.10.

#### E. PARKING PAD LOCATION- there are no interior side setbacks for parking unless buffers are required per Section 5.5. See Section 2.5.8 for additional provisions

1. Front Setback	n/a	n/a	40 ft min	40 ft min	40 ft min	40 ft min
2. Side Setback - Corner	n/a	n/a	5 ft min	15 ft min	5 ft min	5 ft min
3. Rear Setback	n/a	n/a	5 ft min	5 ft min	0 ft min	0 ft min

### 2.5.3 WATER-ORIENTED FACILITIES

Water-oriented facilities such as docks, marinas, boat houses, etc., shall be allowed to encroach into required setback areas along shorelines and into rivers, lakes, streams and other waterways. See Section 3.7.1.F and 8.2 for more details on these structures and facilities.

### 2.5.4 WATERFRONT LOTS

A. **Detached Garage:** Notwithstanding the requirements for detached garages in Section 2.4.1.C.6, detached garages for residential dwellings may be placed in front of the principal building elevation, with the following conditions:

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

B. **Critical Area Buffer:** As required by Section 8.2.

C. **Special Lot Requirements:**

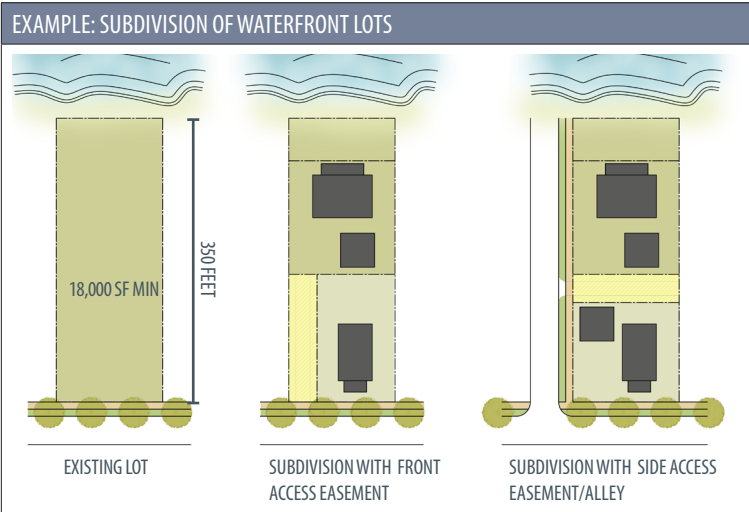
1. **Specific to T3-S - Lot Width, Depth, and Area:**

- a. The minimum lot width at the setback line for waterfront lots shall be 100 feet.
- b. The minimum lot depth for waterfront lots shall be 125 feet.

2. **Specific to T3-N:** The front setback requirement for waterfront lots may be met with an accessory structure.

3. **Subdivision of Waterfront Lots:** Waterfront lots that exceed the minimum lot depth requirements, and are larger than 350 feet deep and 18,000 square feet, may be subdivided into two lots - one fronting the water and one fronting the right-of-way provided both lots conform with the applicable requirements of this Code. In such instances, the following standards apply:

- a. **Lot Access:** Access to the water-fronting lot shall be maintained through a minimum 20-foot access easement or right-of-way across the street-fronting lot. Alternatively, access may be provided via a side street, or an alley through the entire block. Access shall meet the minimum fire apparatus access road requirements as outlined in the International Fire Code
- b. **Lot Dimensions:** The new lots shall meet the standards for T3-N.



street), upper-story balconies or bay windows may encroach over the right-of-way a maximum of 3 feet, but they shall provide a vertical clearance of at least 8 feet from any sidewalk.

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

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

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

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

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

H. **Fences and Garden Walls:** Fences and garden/yard walls may encroach into required setbacks. The support structures for fences shall be located on the inside of the fence, and no fence, wall or hedge shall exceed the following dimensions:

1. **Front or Street Side Setback:** 4 feet in height, with the following exceptions:

- a. On T3 lots that front Ribaut Road, fences may be permitted to be 7 feet in height on the condition that such fences are set back from the front property line 1 foot for every 1 foot increase in height above 4 feet.
- b. In the LI District, parcels fronting a Primary Street may have fences or walls up to 6 feet in height. Parcels fronting all other streets may be up to 10 feet in height.

2. **Interior Side or Rear Setback of a Transect-Based District:** 6 feet in height

3. **Interior Side or Rear Setback of a Conventional District:** 8 feet in height

4. **Interior Side or Rear Setback of LI District:** 10 feet in height

I. **Mailboxes:** Mailboxes may encroach into a front setback area. The following standards apply:

1. In the Historic District, freestanding mailboxes are not permitted. Mailboxes shall be attached to a fence or the structure itself.
2. When grouped or ganged mailboxes are required as part of a new development, a structure shall be provided to house the individual units. The structure may encroach into a typical front or side setback. The structure shall be included in the site plan and the design shall be approved by the appropriate Design Review Body.

## 2.5.7 STREET ACCESS STANDARDS

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

1. Lots served by alleys shall access garages and/or off-street parking areas from the alley, and shall not have driveways in front or corner side yard areas.
2. Requirements for alley locations can be found in Section 7.2.3.

B. **Avoid Double-Frontage and Reverse-Frontage Lots:**



1. New double-frontage and/or reverse-frontage lots (lots with street frontage on opposite sides of the lot) are prohibited. The Design Review Authority may permit them on a case-by-cases basis if they are unavoidable due to existing topographical or environmental conditions.
2. To encourage the subdivision of existing double-frontage residential lots into two single-frontage residential lots, the minimum lot size for such lots may be reduced to 75% of the minimum lot size for the district, as established in Section 2.4.

### 2.5.8 EXCEPTIONS TO SECTION 2.4.1.E - PARKING LOCATION

- A. The provisions shall not apply to cars parked on front-loaded driveways.
- B. Where lot depth is less than 60' deep, the Administrator shall evaluate this requirement on a case-by-case basis. In no case shall parking be located in front of a building in T4 and T5 zoning districts.
- C. Where lots have frontage on more than one Primary Street and build-out on one of the streets is planned to be phased, per Section 2.5.1.B.3, parking may be permitted within the parking setback, provided it doesn't prevent or preclude future build-out of the overall master plan for the parcel. Screening is still required per Section 5.7.8.

## 2.6: HEIGHT

Building heights by district, as specified in Section 2.4.1, shall be determined according to the provisions below.

### 2.6.1 MEASUREMENT OF BUILDING HEIGHT

- A. Building height is measured as the number of stories (syn. floors) in a building. A story is a habitable level in a building of no more than 15 feet in height from finished floor to finished ceiling.
- B. Where a maximum height is also provided in feet, that height shall be taken from the average sidewalk or site grade at the front facade of the building to the mean roof height or top of the parapet. Where the building is located in a flood zone, the height shall be taken from the first finished floor above the base flood elevation.
- C. Under-roof areas with dormers shall be counted as half-stories.
- D. Mezzanines shall be counted as stories, unless they are within a floor-to-ceiling volume that is no more than 15 feet in height.
- E. Unoccupied attics less than 7 feet in height to the ridge beam or collar tie (whichever is lower) and raised basements less than 6 feet above the adjacent grade shall not be calculated as stories.
- F. Certain buildings (such as gymnasiums, religious institutions, theatres, etc.) may require finished floor-to-ceiling heights greater than 15 feet. In such instances, the number of stories shall be calculated as the finished floor-to-ceiling height (in feet) divided by 15. Any fractions of a story shall be rounded up to the next whole number.
- G. **Specific to T5-DC:** The maximum height at the property line shall be 3 stories, and the maximum height 15 feet behind the property line, or front line of the building, shall be 4 stories.

### 2.6.2 BUILDING HEIGHT ABOVE GRADE

- A. **General to All Zones:**
  1. **Freeboard:** In addition to the standards listed below, where a parcel is located in a flood-

addition to a typical two-story building with habitable space on each level:

- A. **Two-Story Mass:** This can be an open, double-height structure with a minimum building height of 24 feet. The second floor does not need to be built out or habitable.
- B. **Mezzanine:** The intent of mezzanines is to provide upper-level activity along street facades. Mezzanines shall meet the following conditions:
  - 1. All buildings shall include a minimum massing of two stories extending fully along all street-fronting facades and any facade that is visible from a corner. If a building cannot meet this standard through the use of a mezzanine, then the mezzanine will not be permitted to fulfill the two-story requirement.
  - 2. Mezzanines shall be located on the Primary Facade(s) of a building.
  - 3. A mezzanine shall be designed as usable primary interior floor space, not storage or other secondary, mechanical, or service functions.
  - 4. All mezzanine floor space shall be located in direct contact with street-fronting second-floor windows and is required to meet all of the window transparency requirements of a second floor.
  - 5. When being used to satisfy a two-story building height requirement, a mezzanine level shall meet all ceiling height standards of a second floor.

#### 2.6.4 DIMENSIONAL HEIGHT STANDARDS

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

#### 2.6.5 ITEMS NOT INCLUDED IN HEIGHT CALCULATIONS

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

## 2.7: OVERLAY DISTRICT STANDARDS

Certain areas of the City may fall into one or more of the following overlay districts:

#### 2.7.1 BEAUFORT HISTORIC DISTRICT (HD) OVERLAY

- A. **Purpose:** The purpose of the Beaufort Historic District is to promote the educational, cultural, and general welfare of the public through the preservation, protection, and enhancement of the old, historic or architecturally significant structures and areas of the City and to maintain such structures and areas as visible reminders of the history and cultural heritage of the City, the state, and the nation. The Historic District is a pedestrian-oriented area.
- B. **Applicability:** Properties within the Beaufort Historic District are subject to specific standards found in this section, and to the review procedures of the Historic District Review Board as described in Section 10.7.
- C. **Beaufort Historic District Designated:** For the purpose of this section, the Beaufort

- C. **Application of Standards:** The majority of standards for the existing Redevelopment Districts — Boundary Street and Bladen Street — have been incorporated into the body of the Code. However, where special standards apply for the district, they are listed in this section. In the case of conflict between the standards set forth in the redevelopment districts and any other local land development regulation, these standards shall apply.
- D. **Administration:** Interpretation of all standards in the redevelopment districts —both architectural and streetscape standards — shall be the responsibility of the Administrator (syn. City Architect). See Section 9.8.2.5.b for the approval and appeal processes.
- E. **Parking Requirements:**
1. **Parcels ½-acre and smaller:** There are no parking requirements.
  2. **Parcels greater than ½-acre:** one parking space for every 1,000 square feet of leasable or saleable building area is required.
  3. **Location:** These parking spaces may be located either on-site, on-street (along property frontage and/or directly across the street), in shared parking situations, or in any public parking facility, the closest outside edge of which facility is located no more than 500 feet from the entry to the proposed building. Documentation establishing the legal right for the applicant to use or share parking spaces shall be provided.
  4. **Parking Stall Sizes:** Head-in or diagonal spaces shall be a minimum of 9 feet x 18 feet. Parallel parking spaces shall be a minimum of 7 feet x 20 feet.
  5. **Drive Aisle Widths:** Drive aisles in parking lots shall be 22 feet wide for two-way circulation and to provide adequate backup space for 90-degree head-in parking. Diagonal parking and parallel parking spaces may be accessed with one-way, 10 foot wide drive aisles. All parking lot dimensions are at the discretion of the Fire Marshal, based on evaluation of adequate fire apparatus access and industry-approved standard.
- F. **Specific to the Bladen Street Redevelopment District:**
1. **Application of Standards:**
    - a. **Redevelopment District is Exempted from Historic Overlay Standards:** Construction of new structures and renovation or expansion of existing non-contributing structures not listed on the most recent “Above-Ground Survey of Historic Resources” within a designated redevelopment district shall be exempt from the standards of the historic overlay.
    - b. **Historic Structures:** Demolition, renovation, or expansion of structures that are listed as “contributing” on the most recent “Above-Ground Survey of Historic Resources” shall be subject to approval by the HRB in accordance with Section 9.10.
  2. **Street Hierarchy:** The hierarchy of streets in this district is as follows, from highest to lowest: Bladen Street, North Street, Duke Street, Prince Street, Adventure Street. Bladen Street is the most important street in the redevelopment district.
  3. **Master Plan:** See Appendix B.2.3 for the original Bladen Street Master Plan.
- G. **Specific to the Boundary Street Redevelopment District:**
1. **Existing Planned Unit Developments:** For existing City-approved planned unit developments (PUD) in the district, the PUD shall apply through February 6, 2032, a period of up to 25 years from the date of adoption of the Boundary Street Redevelopment District. Once 25 years pass, said PUDs are no longer applicable and shall then fall under the regulations of the Boundary Street Redevelopment District and underlying zoning.



minimum descent altitude (MDA) is the lowest AMSL altitude to which descent is authorized on final approach or during circling-to land maneuvering in execution of a standard instrument approach procedure (SIAP) where electronic glide slope is not provided. Minimum obstruction clearance altitude (MOCA) is the lowest published altitude between radio fixes on federal VOR airways, off-airway routes, or route segments that meets obstruction clearance requirements for the entire route segment and assures acceptable navigational signal coverage only within 22 miles of a VOR. Minimum vectoring altitude (MVA) is the lowest AMSL altitude at which aircraft operating on Instrument Flight Rules (IFR) will be vectored by a radar controller, except when otherwise authorized for radar approaches, departures, or missed approaches).

- c. impose either the establishment of restrictive minimum climb gradients or nonstandard take-off weather minimums for any runway at MCAS Beaufort

**C. Accident Potential Zones (APZ):** APZ's are divided into three types along primary flight paths

- The "clear zone" (CZ) is an area at either end of a runway that possesses a high potential for accidents.
- APZ-1 is the area normally beyond the CZ, which possesses a significant potential for accidents.
- APZ-2 is an area normally beyond APZ-1, which has a measurable potential for accidents. APZs are shown on the 2013 AICUZ Accident Potential Zones and/or Noise Zones Map associated with the F-35B, on file at the City of Beaufort Department of Planning and Development Services.

**D. Noise Zones**

1. **Definition:** The noise exposure from aircraft operations is measured using the day-night average sound level noise metric (DNL). The DNL averages aircraft sound levels over a 24-hour period with an adjustment for increased sensitivity to nighttime noise. The DNL visually is depicted as a noise contour that connects points of equal value. The area between two noise contours is known as a "noise zone". Noise zones are hereby established as follows:

AIRPORT NOISE ZONE	DNL VALUES
1	Less than 65 DNL
2a	65 to 70 DNL
2b	70 to 75 DNL
3	Greater than 75 DNL

Noise zones are shown on the 2013 AICUZ Accident Potential Zones and/or Noise Zones Map associated with the F-35B, on file at the City of Beaufort Department of Planning and Development Services. Noise Zone 1 covers that portion of the City that lies outside of the Air Installation Compatible Use Zone. As indicated in Section 2.7.4.A, properties within Noise Zone 1 are exempt from the requirements of this section.

2. **Residential Construction Restrictions:** Aside from the residential construction restrictions imposed by this overlay, more stringent requirements of the base zoning district may also apply. For the purposes of this section, "gross density" means the total number of dwelling units (which include any building or portion thereof used as a place of residence, such as single-family dwellings, multi-family dwellings, commercial

# 3: LAND USE PROVISIONS

## 3.1 APPLICABILITY

### 3.1.1 USE PERMISSIONS DEFINED

The use table in Section 3.2 assigns 1 of 6 permissions to each use in each district as follows:

- A. **Permitted Use (P):** The use is permitted by-right, with no additional conditions or requirements.
- B. **Conditional Use (C):** The use is permitted by-right, provided that the additional use conditions set forth in this article are met.
  - 1. The specified standards are intended to ensure that these uses are compatible with other development permitted within the districts.
  - 2. Approval procedures for conditional uses are in Section 9.4.2 (Zoning Permit.)
- C. **Special Exception (SE):** The use is permitted only when a Special Exception has been approved.
  - 1. Special Exceptions are required for uses that may be compatible with other uses permitted in a district, but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and/or the city as a whole, require individual consideration in their location, design, configuration, and/or operation at the particular location proposed.
  - 2. All applications for Special Exceptions shall, at a minimum, meet the standards for the district in which they are located and the additional standards set forth in this article for that use. There may also be specific building design standards that must be met (Section 4.5).
  - 3. Approval procedures for Special Exceptions are found in 9.13.
- D. **In Existing Facilities Only (E):** The use is permitted only in existing buildings or facilities and in any expansions that do not increase the size of the facility structure by more than 50%.

## SECTIONS

3.1 APPLICABILITY	49
3.2 TABLE OF PERMITTED USES	50
3.3: RESIDENTIAL USES	53
3.4: PUBLIC AND CIVIC USE CATEGORIES	56
3.5: INSTITUTIONAL USE CATEGORIES	58
3.6: COMMERCIAL USE CATEGORIES	60
3.7: VEHICLE- AND BOAT-RELATED USES	67
3.8: INDUSTRIAL USE CATEGORIES	71
3.9: TRANSPORTATION, COMMUNICATION, & INFRASTRUCTURE USES	74
3.10: FORESTRY, AGRICULTURE AND HORTICULTURE	78
3.11: ACCESSORY USES AND STRUCTURES	78
3.12: TEMPORARY USES	81

- E. **Retail Frontage Overlay Required (RF):** Where a block face is designated on the zoning map as a Retail Frontage overlay, the building(s) with direct access to the designated fronting street is permitted to be occupied by certain commercial uses as indicated in the use table.
- F. **T4-Neighborhood Artisan (A):** This use is permitted with conditions only in the T4-Neighborhood Artisan (T4-NA) District. Conditions may be listed in the “Additional Standards” section as appropriate. Other uses permitted in the general T4-N district may have special conditions for T4-NA; those conditions are also listed in the additional standards section as appropriate.
- G. **Prohibited Uses (—):** The use is prohibited in the specified district.

## 3.2 TABLE OF PERMITTED USES

Land uses in transect-based and conventional districts shall be permitted in accordance with the table below. Special provisions related to uses in the AICUZ Overlay District are in Section 2.7.4.

DISTRICT	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	LI	IC	MHP	ADD'L STANDARDS WHEN APPLICABLE
<b>RESIDENTIAL</b>												<b>3.3</b>
<b>Household Living</b>												
Single-Family Dwelling	—	P	P	P	P	E	E	E	E	E	—	—
2- or 3-Unit Dwelling	—	—	C	P	P	P	P	—	—	P	—	4.5.5
Rowhome	—	—	—	—	C	P	P	P	—	P	—	4.5.6
Apartment House (a.k.a. Multifamily Dwelling - 4+ units)	—	—	—	—	C	P	P	P	—	P	—	4.5.7
Home Occupation - Minor	—	C	C	C	C	P	P	P	—	—	—	3.3.2.D
Home Occupation - Major	—	SE	SE	SE	C	P	P	—	—	—	—	
Live-Aboard Boat	C	—	—	—	—	—	—	—	—	—	—	3.3.2.D
Live/Work Unit	—	—	—	—	C	P	P	P	C	P	—	4.5.8
Manufactured Home	—	—	—	—	—	—	—	—	—	—	C	3.3.2.G
<b>Group Living</b>												
Group Dwelling (≤ 8 residents)	—	—	—	—	P	P	P	P	—	—	—	—
Group Dwelling (> 8 residents)	—	—	—	—	SE	SE	P	P	—	P	—	—
<b>PUBLIC AND CIVIC</b>												<b>3.4</b>
<b>Civic / Government Facilities</b>	C	—	SE	SE	P	P	P	P	P	P	—	3.4.2.A
<b>Educational Facilities</b>												
College/University/Trade/Vocational	—	—	—	—	C	P	P	P	C	P	—	3.4.2.B.1
School, Public or Private	—	C	C	C	P	P	P	P	—	P	—	3.4.2.B.2
<b>Parks and Open Space</b>												
Cemetery	C	E	E	E	E	E	E	C	E	E	E	3.4.2.C
Park/Open Space	P	P	P	P	P	P	P	P	P	P	P	7.4
<b>INSTITUTIONAL</b>												<b>3.5</b>
Community Service	—	SE	SE	SE	P	P	P	P	SE	P	—	—

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



DISTRICT	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	LI	IC	MHP	ADD'L STANDARDS WHEN APPLICABLE
<b>Day Care Facility</b>												
Family Day Care Home (≤ 6 clients)	see Home Occupation — Minor											
Group Day Care Home (7-12 clients)	—	—	SE	C	C	P	P	P	P	P	—	3.5.2.A
Commercial Day Care Center (>12 clients)	—	—	—	C	P	P	P	P	P	P	—	3.5.2.A
<b>Treatment Facility</b>	—	—	—	—	SE	SE	SE	P	—	SE	—	—
<b>Health Care Facilities</b>	—	—	—	—	—	—	P	P	—	P	—	—
<b>Religious Institution</b>	—	C	C	P	P	P	P	P	—	P	—	3.5.2.B
<b>COMMERCIAL</b>												<b>3.6</b>
<b>Entertainment</b>												
Indoor Entertainment	—	C	C	—	C	P	P	P	P	P	—	3.6.2.A
Outdoor Entertainment	—	—	—	—	C	P	P	P	—	P	—	3.6.2.A
Sexually-Oriented Business	—	—	—	—	—	—	—	—	C	—	—	13.2.1
<b>Office</b>	—	—	—	—	P	P	P	P	P	P	—	—
<b>Overnight Guest Accommodation</b>												
Bed and Breakfast	—	—	SE	SE	P	P	P	—	—	—	—	3.6.2.C.1
Short-Term Rental	—	C	C	C	C	C	C	—	—	C	—	3.6.2.C.2
Inn/Motel/Hotel	—	—	—	—	C	P	P	P	—	—	—	3.6.2.C.3
Recreational Vehicle Park	—	—	—	—	—	—	—	SE	—	—	—	—
<b>Restaurants</b>	—	—	—	—	RF	P	P	P	SE	P	—	—
<b>Retail Sales and Service</b>												
Animal Hospital/Kennel	—	—	—	—	C	—	C	P	P	—	—	3.6.2.D.1
General Retail/Service	—	—	—	—	RF or A	P	P	P	SE	C	—	3.6.2.D.2
Self-Service Storage	—	—	—	—	A	—	C	C	P	—	—	3.6.2.D.3
<b>VEHICLE- AND BOAT-RELATED USES</b>												<b>3.7</b>
Vehicle and Boat Sales and Rental	—	—	—	—	A	—	C	P	—	—	—	3.7.2.A
Drive-Thru Facility	—	—	—	—	—	—	C	C	SE	—	—	3.7.2.B
Fuel Sales / Car Wash	—	—	—	—	—	—	C	C	P	—	—	3.7.2.C
Minor Vehicle Service and Repair	—	—	—	—	C	—	C	C	P	—	—	3.7.2.D
Major Vehicle Service and Repair	—	—	—	—	A	—	C	C	P	—	—	3.7.2.E
Parking, Commercial, Surface	—	—	—	—	C	C	P	P	P	P	—	3.7.2.F
Parking, Structure	—	—	—	—	RF	P	P	P	P	P	—	—
Passenger Terminals	—	—	—	—	—	—	SE	P	P	—	—	3.7.2.G
Water/Marine-Oriented Facilities	P	—	—	—	P	P	P	—	—	P	—	—
<b>INDUSTRIAL</b>												<b>3.8</b>
Aviation Services	—	—	—	—	—	—	—	—	P	—	—	—

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

DISTRICT	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	LI	IC	MHP	ADD'L STANDARDS WHEN APPLICABLE
Light Industrial Services	—	—	—	—	A	—	SE	P	P	—	—	3.8.2.A
Manufacturing and Production	—	—	—	—	A	—	—	—	P	—	—	3.8.2.B
Truck Terminal	—	—	—	—	—	—	—	—	P	—	—	—
Warehousing	—	—	—	—	A	—	—	SE	P	—	—	3.8.2.C
Wholesaling and Distribution	—	—	—	—	A	—	—	C	P	—	—	3.8.2.D
<b>TRANSPORTATION, COMMUNICATION, INFRASTRUCTURE</b>												<b>3.9</b>
Major Infrastructure/Utilities	—	—	—	—	A	—	—	SE	P	—	—	3.9.2.A
Minor Infrastructure/Utilities	E	C	C	C	C	C	C	C	P	C	—	3.9.2.B
Waste Related Services	—	—	—	—	—	—	—	—	SE	—	—	3.9.2.C
Wireless Communications Facility	—	—	—	—	—	—	—	C	C	—	—	3.9.2.D
<b>FORESTRY, AGRICULTURE, HORTICULTURE</b>	C	C	C	C	C	C	C	C	C	C	—	<b>3.10</b>
P=Permitted Use C=Conditional Use SE=Special Exception E=in Existing Building/Facility Only RF = Retail Frontage Only A=T4-Neighborhood Artisan subdistrict Only — = Prohibited use												

### 3.2.1 OVERVIEW OF USE CATEGORIES

- A. **Definition of Use Category:** See Section 13.1 (Definitions of Specialized Terms)
- B. **Basis for Classification:** Use categories classify land uses and activities into categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The use categories provide a systematic basis for assigning present and future land uses into appropriate Districts.
- C. **Principal Uses:** Principal uses are assigned to the category that most closely describes the nature of the principal use. The “Characteristics” subsection of each use category describes the common characteristics of each principal use.
  1. **Developments with Multiple Principal Uses:** When all principal uses of a development fall within one use category, the entire development is assigned to that use category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.
- D. **Accessory Uses:** Accessory uses are allowed by-right in conjunction with a principal use, unless otherwise stated in this Code. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the use category descriptions. See Section 3.12 for additional standards for accessory uses and structures.
- E. **Use of Examples:** The “Examples” subsection of each use category lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself a “wholesale warehouse,” but sells mostly to consumers, is included in the “Retail Sales and Service” category rather than the “Wholesale Sales” category. This is because the actual activity on the site matches the description of the “Retail Sales and Service” category.
- F. **Similar Use Interpretation Criteria:** The following considerations shall be used in making similar use interpretations:
  1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category

- ii. **Hours:** Activities involving visitors/clients shall occur only between 8 a.m. and 8 p.m. When Family Day Care Home is a Home Occupation-Minor, it is exempt from this standard.
- iii. **Parking:** Off-street parking shall be provided in accordance with the standards of Section 5.7 for the type of home occupation maintained. The off-street parking spaces required for the home business shall be maintained in addition to the space or spaces required for the residence itself. No parking spaces, other than driveways, may be located in the required front yard setback. Such use shall not result in off-street parking of more than 3 vehicles at any one time not that are owned by members of the occupant household.
- iv. **Vehicles:** Only passenger vehicles with a size not exceeding classification as light duty vehicles (8,500 pounds or less), shall be permitted in connection with the home occupation.
- v. **Trailers:** One vehicle trailer, no more than 12 feet in length, is permitted as part of such use. The trailer shall not be parked in the street right-of-way or in the front yard, unless it is parked in a driveway.
- vi. **Specialized Use Standards**
  - a. **Barber Shop/Beauty Parlor:** This use shall be licensed and operated according to the standards set by the South Carolina Department of Labor, Licensing, and Regulation, and shall be limited to 2 chairs. The applicant shall certify that the proposed use is not prohibited by any covenant or deed restriction on the property.
  - b. **Event Venue:** A private home may be used as an event venue and considered a home occupation-major if not more than 1 event occurs per month, on average, with each event lasting no longer than 2 days. Events shall be limited to 501(c)3 non-profit functions.
- b. **Specific to all Home Occupations**
  - i. **Outdoor Activities:** Outdoor operations and storage related to the home occupation are prohibited.
  - ii. **Signs:** No more than one sign or name plate not exceeding 1.5 square feet in area is permitted. No freestanding, illuminated, or animated sign shall be posted. If a home occupation is located in a bed and breakfast establishment, then only one sign shall be permitted for both uses.
  - iii. **Display/Sales:** No display of products shall be visible from the street. Only articles made on the premises, with the exception of antiques, may be sold. Non-durable articles (consumable products) that are incidental to the service, that is the principal use in the home occupation may be sold on the premises.
  - iv. **Maximum Size:** The home occupation shall occupy a maximum of 25% of the floor area of the principal dwelling. There is no maximum percentage of floor area for accessory structures.
- 4. **Exclusions to Home Occupations:** No home occupation shall be permitted that results in any of the following:
  - a. Makes internal or external alterations inconsistent with the residential use of the building



## 2. Accessory Uses

- a. Accessory uses include living quarters for a resident manager or security and leasing offices and outside storage of boats and campers.
- b. Use of the storage areas for sales, service, and repair operations or manufacturing is not considered accessory to the Self-Service Storage use.
- c. The rental of trucks or equipment is also not considered accessory to a Self-Service Storage use.

- 3. **Examples:** Examples include facilities that provide individual storage areas for rent. These uses are also called mini-warehouses. Such facilities may be single- or multi-story.
- 4. **Exceptions:** A transfer and storage business where there are no individual storage areas, or where employees are the primary movers of the goods to be stored or transferred, is in the “Warehouse and Freight Movement” category.

### 3.6.2 ADDITIONAL STANDARDS FOR COMMERCIAL USES

The following additional standards apply to the approval and development of projects where the use is listed in the “Table of Permitted Uses” in Section 3.2 as Conditional (C), Special Exception (SE), or T4-Neighborhood Artisan (A). In addition, any Building Design standards, as set forth in Article 4, apply as applicable.

#### A. Entertainment Uses (Indoor and Outdoor)

- 1. **Specific to T3:** Indoor and outdoor entertainment are permitted if the property is owned by a neighborhood association or property owners’ association, and if the use is owned and managed by that association.
- 2. **Specific to T4-N:** Indoor Entertainment shall be limited to 2,500 SF unless it is part of a mixed-use development.
- 3. **Specific to T4-N and T5-UC:** Outdoor Entertainment is permitted on parcels 7 acres or larger.

#### B. Sexually-Oriented Businesses: See Section 13.2.1.

#### C. Overnight Guest Accommodation

##### 1. Bed and Breakfasts (B&B)

- a. Number of Rental Rooms: 10 maximum, not including the caretaker’s quarters
- b. **Signs:** Total sign area for all signs advertising the B&B shall not exceed 5 square feet. All signs shall be constructed of wood or other durable non-plastic materials.
- c. **Parking:** 1 space per room, plus 1 space for the resident manager shall be provided on-site. Formalized on-street parking spaces meeting the requirements of Section 5.7.4.B may count towards this requirement.
- d. **Spacing:** There shall be no other B&B located within 500 feet of a proposed B&B. Distances shall be measured from the property line.
- e. **Meals:** No meals will be served to anyone other than registered guests, except as provided for in Section 3.7.3A.6 below. No variances from this condition shall be permitted.
- f. **Events:** Business meetings, receptions, teas, and other events are permitted, provided that the events are hosted for registered guests. This shall apply to all B&Bs established under the Beaufort Code.
- g. **Operation:** B&Bs shall be operated by an on-site caretaker or manager.

## 2. Short Term Rental

- a. **Specific to T3-S, T3-N, and T4-HN:** Short term rentals, where the owner does not live on the premises, are limited to 6% of the lots in the neighborhood as shown on the City of Beaufort Neighborhoods Map zoned T3-S, T3-N, and/or T4-HN with the following exceptions:
  - i. Structures on the City's List of Vacant and Abandoned Structures being rehabilitated for use as a short term rental; and
  - ii. Short term rentals are prohibited in The Point neighborhood, as shown on the City of Beaufort Neighborhoods Map.
- b. **Minimum Stay:** 2 nights
- c. **Permitted Rental Types**
  - i. Rental of the primary dwelling
  - ii. Rental of an accessory dwelling
  - iii. Rental of a portion of a primary dwelling.
- d. **Parking:** Parking shall be provided on-site and located to the side or rear of the dwelling. On-site parking shall be clearly delineated with an improved surface such as pavement, gravel, or another method approved by the administrator. If formalized parking is provided on the street(s) adjacent to the primary or accessory unit, this may be utilized in lieu of on-site parking.
- e. **Rental Agreement:** The applicant shall provide a copy of the rental agreement that will be used. The rental agreement shall specify the following:
  - i. The minimum stay
  - ii. The maximum number of guests--which shall be based on the number of beds in the unit
  - iii. The maximum number of vehicles permitted at the unit--which shall be based on the number of bedrooms and the design of the driveway
  - iv. Where guests are to park. Where no formalized on-street parking is available, the agreement shall specify that guests are to park on-site and not in the street.
  - v. That the City's noise ordinance applies between 9:00 PM and 8:00 AM
  - vi. Prohibit large gatherings such as weddings and reunions unless specifically approved by the City
  - vii. Pets, if permitted, are not to be left outside unattended
- f. **Property Management Plan:** A property management plan shall be developed and approved by the administrator. The property management plan shall identify a property manager. Where the property owner does not live on the premises, the property manager must be available to appear on the premises to respond a complaint within three hours of being notified by the administrator. Where the property owner lives on the premises, a back-up property manager must be identified unless the owner certifies the unit will not be rented when the owner is out of town. The administrator shall be notified when management of the unit changes. Failure to comply with the approved property management plan shall result in the revocation of the zoning permit (Section 9.4).
- g. **Signs:** No on-site signs shall be permitted.

- h. **Rental Rules:** Rental rules, including use of the sanitation and recycling roll-carts, and emergency contact information including the police non-emergency number, shall be posted in a conspicuous location in the unit.
- i. **Monitored Fire Alarm:** A monitored fire alarm is required. Existing facilities not meeting this requirement shall be brought into conformance within 6 months of the date of adoption of this code.
- j. **Safety Inspection and Licensing:** A Safety Inspection shall be conducted before the Business License for the facility is issued. The facility shall comply with all business license, revenue collection, and health laws of the City of Beaufort, Beaufort County and the state of South Carolina.
- k. **Unlicensed Units:** For units that are found to be operating without approval of the City, the short term rental application fee shall be \$1,000. If the property owner chooses not to submit a short term rental application within 60 days of being notified by the City of being in violation of the ordinance, a short term rental application shall not be approved for a period of 2 years.

### 3. Inn/Hotel/Motel

- a. **Specific to T4-N**
  - i. Inns up to 10 rooms are permitted.
  - ii. Inns with 11-24 rooms are permitted in retail frontage overlay areas.
- b. **Specific to T4-NA:** This use is prohibited.

## D. Retail Sales and Service

### 1. Animal Hospital/Kennel

- a. **Outdoor Activity:** Outdoor activity is permitted during daylight hours; animals must be boarded indoors at night.
- b. **Permitted Accessory Uses:** Boarding, retail sales, and grooming services are permitted.

### 2. General Retail/Service

- a. **Specific to T4-NA:** The only types of general retail/service uses permitted are artisan-oriented and trail-related uses. The following conditions apply:
  - i. Freestanding signs are limited to one per lot, with a maximum size of 5 square feet .
  - ii. No outside amplified music is permitted.
  - iii. No alcohol sales are permitted.
  - iv. New construction and exterior changes to existing structures to accommodate such uses shall be subject to Article 4 (Building Design and Infill Standards) of this code.
  - v. Specific to trail-related uses:
    - a. The floor area of each tenant space is limited to 2,500 square feet.
    - b. On-site parking shall be provided at the rate of 1 space per 300 square feet.
    - c. The hours of operation shall be limited to between 7:00 a.m. and 6:00 p.m. EST, 7:00 p.m. EDT.
    - d. Any use that includes outdoor seating shall have a trash container available for disposal of goods consumed on the premises.



## 3.7: VEHICLE- AND BOAT-RELATED USES

### 3.7.1 OVERVIEW OF VEHICLE- AND BOAT-RELATED USE CATEGORIES

#### A. Parking, Commercial

1. **Characteristics:** Commercial parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a commercial parking facility.
2. **Accessory Uses:** Small structures intended to shield parking attendants from the weather are considered an accessory use.
3. **Examples:** Examples include municipal and other public garage or surface parking, short- and long-term fee parking facilities, private property where the sole use is parking, and mixed parking lots (partially accessory to a specific use and partly for rent to others).
4. **Exceptions**
  - a. Parking facilities that are accessory to a principal use, but that charge the public to park for occasional events nearby, are not considered commercial parking facilities.
  - b. Parking facilities that are accessory to a principal use are not considered commercial parking uses, even if the operator leases the facility to the principal use or charges a fee to the individuals who park in the facility.
  - c. Public transit park-and-ride facilities are classified as Major Utilities.

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

1. **Characteristics:** Boat/Vehicle Sales and Service uses provide direct services to motor vehicles and boats. They also may include businesses that service passenger vehicles, light and medium trucks, and other consumer vehicles/boats such as motorcycles and pleasure watercraft.
2. **Accessory Uses:** Accessory uses may include offices, sales of parts and vehicle/boat storage.
3. **Examples:** Examples include full-service, mini-service and self-service gas stations, car washes, vehicle repair shops, transmission or muffler shops, towing services, auto body shops, alignment shops auto upholstery shops, auto detailing, tire sales and mounting, sales or leasing of consumer vehicles including passenger vehicles, motorcycles, scooters, golf carts, light and medium trucks and other recreational vehicles, taxi dispatchers, limousine services, and boat dealerships.
4. **Exceptions:** Refueling facilities for vehicles that belong to a specific use (fleet vehicles) are considered accessory uses if they are located on the site of the principal use.

#### C. Minor Vehicle Service and Repair

1. **Characteristics:** Vehicle Service, Limited uses provide services to motor vehicles where the customer typically waits for the service on-site. Vehicles are generally not stored on the premises overnight, and there is no outside storage of materials.
2. **Accessory Uses:** Accessory uses include offices.
3. **Examples:** Examples include quick lubrication services, tire services, and similar facilities with one-hour service.

#### D. Drive-Thru Facilities

1. **Characteristics:** A primary or accessory facility where goods or services may be obtained by motorists without leaving their vehicles.
2. **Accessory Uses:** Drive-thrus may be accessory uses attached to the examples listed below.
3. **Examples:** Examples include drive-thru bank teller windows, dry cleaners, fast-food restaurants, coffee shops, photo stores, pharmacies, etc. The category does not include freestanding ATMs, gas station fuel pumps, or other vehicle services, which are separately defined.

#### E. Passenger Terminals

1. **Characteristics:** Aviation and surface passenger terminals include facilities for the landing and takeoff of airplanes and helicopters, including loading and unloading areas. Aviation facilities may be improved or unimproved. Aviation and surface passenger terminals also include passenger terminals for bus service.
2. **Accessory Uses:** Accessory uses include freight handling areas, concessions, offices, parking, and maintenance and fueling facilities.
3. **Examples:** Examples include airports, bus passenger terminals, and helicopter landing facilities.
4. **Exceptions**
  - a. Bus passenger stations for local service such as mass transit stops and park-and-ride facilities are classified as Basic Utilities.
  - b. Private helicopter landing facilities that are accessory to another use may be considered accessory uses, subject to all the regulations and approval criteria for helicopter landing facilities.

#### F. Water- and Marine-Oriented Facilities

1. **Characteristics:** These are facilities for embarking on and disembarking from boats, ferries and water taxis.
2. **Accessory Uses:** Accessory uses include boat fueling, pump-out facilities, docks, boat house walkways, water- or marine- oriented retail, parking areas, boat storage areas, boat servicing areas, offices, watercraft rentals, and ticket sales.
3. **Examples:** Examples include marinas, docking facilities, dry storage facilities, boat ramps, and facilities for tour boats.
4. **Exceptions:** When watercraft sales and rentals are the primary use of a parcel, the use is classified as Retail Sales and Service. Residential and community docks are classified as Accessory Uses to residential.

### 3.7.2 ADDITIONAL STANDARDS FOR VEHICLE- AND BOAT-RELATED USES

The following additional standards apply to the approval and development of projects where the use is listed in the “Table of Permitted Uses” in Section 3.2 as Conditional (C), Special Exception (SE), or T4-Neighborhood Artisan (A). In addition, any Building Design standards, as set forth in Article 4, apply as applicable.

#### A. Vehicle and Boat Sales and Rental

1. **General Provisions**
  - a. **Parking:** No vehicles or boats shall be parked in public rights-of-way.

- b. **Vacuums:** Vacuum stations and similar equipment are prohibited on the sides of the principle structure abutting a Primary Street frontage or a residential use.
- c. **Vending:** ATMs and other vending machines shall be located within the primary retail building. Where this is not possible — e.g. propane tanks— the sales display shall be screened from any right-of-way or public access drive.

3. **Design Standards:** See Section 4.5.12.

D. **Minor Vehicle Services and Repair**

- 1. **Buffer:** Parking and/or service areas shall be separated from adjoining residential properties by a planting screen, fence, or wall between 6 and 8 feet in height;
- 2. **Noise:** No objectionable sound, vibration, heat, glare, or electrical disturbance shall be created that is perceptible beyond the premises.
- 3. **Orientation:** The bay doors to the garage shall not be oriented toward the public right-of-way.
- 4. **Placement along Water Frontage:** Structures and vehicular use/storage areas shall be set back a minimum of 75 feet from the OCRM critical line.
- 5. **Outdoor Activities Prohibited:** All operations and storage of parts shall be within a fully enclosed building.
- 6. **Screening:** Any vehicles stored on the site during nonbusiness hours shall be located within a fully enclosed building or shall be stored behind the front building line and shall be completely screened (100% opacity) from the street and adjoining properties using natural buffers, fencing, buildings, or a combination thereof. Chain link fencing shall not be permitted as a screening material if the fence will be visible from any street or parking area.
- a. **Specific to T4-N & T5-UC:** Any vehicles stored on-site during nonbusiness hours shall be contained in a fully enclosed building.

7. **Specific to T4-NA**

- a. This use is permitted within existing buildings only.
- b. Rear setback is increased to 25 feet.

8. **Specific to T5-UC:** This use is not permitted in the Historic District.

E. **Major Vehicle Services and Repair**

- 1. **Orientation:** The bay doors to the garage shall not be oriented toward the public right-of-way.
- 2. **Placement along Water Frontage:** Structures and vehicular use/storage areas shall be set back a minimum of 75 feet from the OCRM Critical Line.
- 3. **Outdoor Activities Prohibited:** All operations and storage of parts shall be within a fully enclosed building.
- 4. **Screening:** Any vehicles stored on the site shall be located within a fully enclosed building or shall be stored behind the front building line, and shall be completely screened (100% opacity) from the street and adjoining properties using natural buffers, fencing, buildings, or a combination thereof. Chain link fencing shall not be permitted as a screening material if the fence will be visible from any right-of-way or parking area.
- a. **Specific to T5-UC:** Any vehicles stored on-site during nonbusiness hours shall be contained in a fully enclosed building.



5. **Specific to T4-NA**
  - a. This use is permitted within existing buildings only.
  - b. Rear setback is increased to 25 feet.
6. **Specific to T5-UC:** This use is not permitted in the Historic District.
- F. **Parking, Commercial Surface:** When commercial surface parking lots are located along a Retail Frontage Overlay zone in T4-N district, or along a Primary Street — as designated in the Street Hierarchy Diagram in Appendix C.2 — in any T5 districts, they shall be screened from the street by a liner building.
- G. **Passenger Terminal:** Passenger terminals are limited to bus terminals.

## 3.8: INDUSTRIAL USE CATEGORIES

### 3.8.1 OVERVIEW OF INDUSTRIAL USE CATEGORIES

#### A. Aviation Service

1. **Characteristics:** Aviation service businesses engage in storage, repair, or servicing of airplanes, helicopters, and related aviation equipment, charter aviation services, flying-related education, and warehousing related to air shipping.
2. **Accessory Uses:** Accessory uses include offices, parking, warehousing and storage.
3. **Examples:** Examples include private airports, fixed base operators, flying schools, and air shipment warehouses.
4. **Exceptions**
  - a. Car rental agencies associated with commercial air travel are classified as Passenger Terminals.
  - b. Warehousing not associated with air shipping is classified as Warehousing and Freight Movement.

#### B. Light Industrial Service

1. **Characteristics:** Light Industrial Service businesses are engaged in the repair or servicing of industrial, business, or consumer machinery, equipment, and products or by-products. Businesses that service consumer goods do so mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
2. **Accessory Uses:** Accessory activities may include offices, parking, and storage.
3. **Examples:** Examples include welding shops, machine shops, tool repair shops, electric motor repair shops, shops providing repair of scientific or professional instruments, building, heating, plumbing or electrical contractors, newspaper publishing plant, printing and lithography services, exterminators, janitorial and building maintenance services, fuel oil distributors, research, testing and development laboratories, laundry, dry cleaning and carpet cleaning plants, and photo-finishing laboratories.
4. **Exceptions:** Contractors and others who perform services off-site are included in the Office category, if major equipment and materials are not stored on-site and fabrication or similar work is not carried on at the site.

### C. Manufacturing and Production

1. **Characteristics:** Manufacturing and production Businesses are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for Businesses or consumers. Goods are generally not displayed or sold on-site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.
2. **Accessory Uses:** Accessory activities may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets and caretaker's quarters.
3. **Examples:** Examples include manufacturing, processing, assembly and storage operations, processing of food and related products including seafood, woodworking, including cabinet makers, production of chemical, rubber, leather, clay, bone, plastic, stone or glass materials or products, movie production facilities, concrete batching and asphalt mixing, production or fabrication of metals or metal products including enameling and galvanizing, manufacture or assembly of equipment and instruments, including musical instruments, appliances, precision items, and other electrical items, production of artwork and toys, and sign-making.
4. **Exceptions**
  - a. Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Service.
  - b. Manufacturing and production of goods from composting organic material is classified as Waste Related Service.

### D. Warehousing

1. **Characteristics:** Warehouse and freight movement businesses are involved in the storage or movement of goods for themselves or other businesses. Goods are generally delivered to other businesses or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.
2. **Accessory Uses:** Accessory uses include offices, truck fleet parking, and maintenance areas.
3. **Examples:** Examples include separate warehouses used by retail stores, such as for storage of materials and equipment, truck terminals, furniture and appliance storage, household moving and general freight storage, cold storage plants, including frozen food lockers, parcel services, and stockpiling gravel or other aggregate materials.
4. **Exceptions**
  - a. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related Service.
  - b. Mini-warehouses are classified as Self-Service Storage uses.

### E. Waste-Related Service

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

2. **Accessory Uses:** Accessory uses may include recycling of materials, offices, and repackaging and transshipment of by-products.
3. **Examples:** Examples include waste transfer or composting and recycling centers.
4. **Exceptions:** Disposal of dirt, concrete, asphalt, and similar non-decomposable materials is considered “fill”.

#### F. Wholesale Sales

1. **Characteristics:** Wholesale sales businesses are involved in the sale, lease, or rental of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.
2. **Accessory Uses:** Accessory uses include offices, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.
3. **Examples:** Examples include sale or rental of merchandise, machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures, mail order houses, and wholesalers of food, clothing, auto parts and building hardware.
4. **Exceptions**
  - a. Businesses that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales and Service.
  - b. Businesses that primarily store goods, with little on-site business activity, are classified as Warehouse and Freight Movement.

### 3.8.2 ADDITIONAL STANDARDS FOR INDUSTRIAL USES

The following additional standards apply to the approval and development of projects where the use is listed in the “Table of Permitted Uses” in Section 3.2 as Conditional (C), Special Exception (SE), or T4-Neighborhood Artisan (A). In addition, any Building Design standards, as set forth in Article 4, apply as applicable.

- A. **Light Industrial Services, Specific to T4-NA:** Rear setback is increased to 25 feet minimum.
- B. **Manufacturing and Production, Specific to T4-NA District:**
  1. The rear setback is increased to 25 feet minimum. Buffer planting, per Section 5.5.1, is required. If a rear lane is present within the 25 foot setback, buffer plantings shall be installed to the maximum extent possible, while still permitting the rear access to function.
  2. The operation of the facility shall not become a nuisance to surrounding property owners.
- C. **Warehousing, Specific to T4-NA:** Rear setback is increased to 25 feet minimum.
- D. **Wholesaling and Distribution**
  1. **Access and Circulation:** The use shall have direct access onto an arterial or major collector road.
  2. **Specific to RMX, Separation:** The use shall be located at least 500 feet from any T3 or T4 zoning district.

### 3.11.2 USES CUSTOMARILY ACCESSORY TO RESIDENTIAL DWELLINGS

#### A. Accessory Dwelling Unit (ADU)

1. For free standing ADUs, see Section 4.5.3 (Carriage House)
2. For attached ADUs, all standards from 4.5.3 apply, with the following addition: Any additional entrances will be located in the side or the rear of the primary structure. Additional external stairways or fire ladders are strongly discouraged but may be permitted at the discretion of the Fire Marshal when no practical alternative exists.

#### B. Private Garage, Carport or Workshop Standards

1. **Quantity:** One garage, carport or workshop is permitted per parcel.
2. **Footprint**
  - a. A garage or carport shall not exceed 50% of the footprint of the dwelling; however, in no case shall the footprint of the structure exceed 1,200 square feet.
  - b. A workshop shall not exceed 320 square feet.
3. **Services**
  - a. A garage or carport may be provided with electricity, a sink, and a commode.
  - b. A workshop may be provided with electricity and a sink, but shall not be used as an accessory dwelling unit.

#### C. Shed or Storage Building

1. One shed or storage building, up to 320 square feet, is permitted. Steel cargo storage containers or modified versions thereof are not permitted. Sheds shall not be located in front of the front line of the dwelling. Sheds may be provided with electricity and a sink.
2. Sheds shall be located a minimum of 15 feet from the primary structure, unless approved to be closer by the Fire Marshal if materials are sufficiently fire resistant.

#### D. Swimming Pool

1. One private swimming pool, which may have a bath house or cabana up to 200 square feet in size and 15 feet in height, measured from average adjacent grade, is permitted. Swimming Pools shall abide by the requirements for Accessory Building Placement in 2.4.1.C.
2. Barriers shall be required per Section 305 of the 2015 International Swimming Pool and Spa Code, or equivalent as updated.

#### E. Covered, Open-Air Structures: Gazebos and trellises up to 200 square feet are permitted.

#### F. Outdoor Living and Recreation: Playhouses, picnic tables, dog houses, chicken coops, flagpoles and furniture designed specifically for outdoor use are permitted, and do not require a Project Permit, if they are not permanently affixed to the ground (e.g., on a slab or pier foundations). If a any structure under roof (e.g., playhouse, doghouse, chicken coop) is permanently affixed to a the ground, it is considered a shed and shall comply with the standards in paragraph C of this section.

### 3.11.3 USES CUSTOMARILY ACCESSORY TO RETAIL BUSINESS, OFFICE USES AND RECREATIONAL FACILITIES

- A. **Parking:** Off-street parking or a storage area for customers, clients, or employee-owned vehicles is considered an accessory use.
- B. **Storage for Merchandise:** A completely enclosed building for the storage of supplies, stock, or merchandise is permitted. Steel cargo storage containers, or modified versions thereof, are



## 3.11.2 USES CUSTOMARILY ACCESSORY TO RESIDENTIAL DWELLINGS

TYPE <sup>2</sup>	#/LOT <sup>1</sup>	SIZE <sup>1</sup>	ADDITIONAL STANDARDS <sup>4</sup>
A. Accessory Dwelling Unit (syn. Carriage House) - detached	See Section 4.5.3 for complete standards <sup>3</sup>		
B. Accessory Dwelling Unit - attached	1	Min.: 240 sf Max.: 50% of the footprint of the primary unit, or 1,500 SF max., whichever is smaller	1. All standards from 4.5.3 apply, with the following addition: Any additional entrances will be located in the side or the rear of the primary structure. Additional external stairways or fire ladders are strongly discouraged but may be permitted at the discretion of the Fire Marshal when no practical alternative exists.
C. Garage/Carport/Workshop	2 <sup>3</sup>	Maximum: 50% of the footprint of the primary unit, or 1,500 SF max., whichever is smaller	1. Specific to T3-N, T4, T5, RMX and IC Districts: prefabricated/per-manufactured metal structures are not permitted when visible from a public right-of-way 2. May be provided with electricity, sink and a commode but shall not be used as an ADU
D. Shed	2	Max.: 320 SF	1. Specific to T3-N, T4, T5, RMX and IC Districts: prefabricated/per-manufactured metal structures are not permitted when visible from a public right-of-way 2. Shed may be provided with electricity, sink and a commode but shall not be used as an ADU 3. Any shed that is 3' or closer to a house shall meet the fire protection prescribed for Garages in the IRC 3. Specific to T3-N, T4-N and T4-HN Side and rear setbacks may be reduced to 2' if the following conditions are met: a. Residential Sheds are <200 SF and Commercial sheds are <120SF b. Shed doesn't contain plumbing or HVAC and is not used as a habitable space c. Lot size is 6,000 SF or less
E. Pool	1	n/a	1. Barriers shall be required per Section 305 of the 2015 International Swimming Pool and Spa Code, or equivalent as updated. All pool permits shall include such barrier. Before the pool can be filled with water, barriers shall be installed, inspected and approved.
F. Pool House	1	Max.: 50% of the footprint of the primary unit, or 640 SF max., whichever is smaller	1. Standards from 4.5.3.B.8 apply
G. Covered/Open-Air Structure (ex. Gazebos and Trellises)	2	Max.: 320 SF	1. May not be used for parking. If used for storage, any side visible from an adjacent property or street right-of-way must be enclosed to screen the building contents.
H. Greenhouse	1	Max.: 320 SF	1. See 8.5.4 for additional standards on food production
I. Outdoor Living and Recreation	Playhouses, picnic tables, dog houses, chicken coops, flagpoles and furniture designed specifically for outdoor use are permitted, and do not require a Project Permit, if they are not permanently affixed to the ground (e.g., on a slab or pier foundations). If a any structure under roof (e.g., playhouse, doghouse, chicken coop) is permanently affixed to a the ground, it is considered a shed and shall comply with the standards in paragraph C of this section.		

<sup>1</sup> The number and size of the units shall not cause the property to exceed the maximum lot coverage by roofs in 2.4.1.A.3 or total impervious coverage found in 2.4.2.B.3. The total number of Accessory Structures per lot is limited to 4.

<sup>2</sup> Location for all Accessory Types shall meet the Accessory Building Placement standards in 2.4.1.C, unless specifically noted in this section

<sup>3</sup> A maximum of 2 garage/carport/workshops are permitted, regardless of whether they are attached or detached, or contain an Accessory Dwelling Unit; however only one of each type is permitted per lot. *Example: a lot may have one attached garage and one detached garage but cannot have two detached garages.*

<sup>4</sup> Items B-I may not be built before the Primary Structure on a lot

## 3.12: TEMPORARY USES

### 3.12.1 PERMITS REQUIRED

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

### 3.12.2 PERMITTED TEMPORARY USE

- A. Carnival, circus or fair, for a period not to exceed 21 days, in the LI District
- B. Open lot sale of seasonal produce and plant products including Christmas trees, in the T4-N, T5-UC, and RMX Districts for a period not to exceed 45 days
- C. Temporary real estate sales offices (e.g., mobile trailer), in conjunction with an approved subdivision or development project, in any district, for a period not to exceed 1 year, provided no cooking or sleeping accommodations are maintained in the structure. These may be renewed, upon written request, for periods of 6 months at a time if the subdivision has an active Project Permit.
- D. For new construction, a contractor's office and equipment sheds, including steel cargo storage containers, in any district districts, for a period of 6 months, provided a Project Permit has been issued for construction on the site, and such facilities are placed on the property to which it is appurtenant
- E. Temporary classroom facilities shall not be located at any school, religious institution, or other similar use, unless a plan for improvements designed to eliminate the temporary classrooms at a time certain in the future — within 24 months — has been approved by the administrator. Such plan shall include a review of the placement of the temporary classrooms, and may require screening and buffering in order to comply with this Code. Extensions of up to 1-year may be permitted by the administrator, upon written request, if the units have not proven to be a nuisance and the plan for elimination is still active.
- F. **Food Trucks/Concession:** See Part 7 Chapter 16 of the City of Beaufort Code of Ordinances, or updated section as applicable, for regulations.
- G. Portable steel storage containers are permitted in any district for purposes of loading or unloading, for a period not to exceed 14 days.
- H. Cargo or freight storage containers, or modified versions thereof, are permitted to be used as temporary storage facilities in the LI and RMX Districts for up to 3 consecutive months in any 12-month period, on the condition that the containers are not visible from the street.

development applications. “Shoulds” are the goal, but the Design Review Body has flexibility as to how they are administered.

- C. **May:** Discretionary guidelines with a greater degree of flexibility are signified by the word “may.” They are ideal guidelines and a project following these guidelines would result in an outcome that is very compliant with the City’s goals and objectives; however, they are not specifically required to be met.

#### 4.2.2 APPLICABILITY

- A. **Applicability:** The standards apply to all construction in
  - 1. Transect-based Districts: T4, T5
  - 2. Conventional Districts: RMX, IC
- B. **Exemptions:** Where these standards are exempt, as listed below, this section may still be used as design guidelines for new construction as they outline building practices that are traditional to the Beaufort area.
  - 1. Modification to existing structures, unless they require design review as specified in Sections 9.8 and 9.9, are exempt from the requirements of this section.
  - 2. All construction in T3 districts is exempt from this section, except for Carriage Houses (Section 4.5.3), 2-3 Unit Houses (Section 4.5.5), and developments utilizing any of the Alternative Development Patterns (Section 2.8).
  - 3. All construction in LI districts are exempt from all standards except for the provisions in 4.6.4.A, where the structure is visible from a Primary Street - See Street Hierarchy Diagram in Appendix C.

#### 4.2.3 RELATIONSHIP TO HISTORIC DISTRICT STANDARDS

- A. **Applicability:** In addition to the standards and guidelines in this article, any development located within the Beaufort Historic District is subject to the standards, guidelines, and procedures established in Section 9.10.
- B. **Conflicts:** In the event of a conflict between the requirements of this article and the requirements and guidance provided by the documents listed in 9.10.2.B, the later shall take precedence.

#### 4.2.4 RELATIONSHIP TO LAND USE PROVISIONS

- A. **Applicability:** Article 3 (Land Use Provisions) identifies use allowances by district and establishes additional standards applicable to specific uses. These provisions shall also apply in conjunction with the standards outlined in this article.
- B. **Conflicts:** In the event of a conflict between the requirements of this article and the requirements of Article 3, the most stringent requirement, as determined by the Administrator, shall apply.


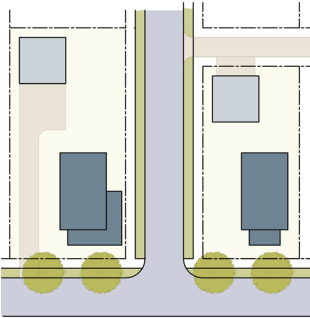

### 4.3: CONTEXTUAL DESIGN GUIDELINES

#### 4.3.1 PURPOSE AND APPLICABILITY

All buildings possess a number of common elements that combine to express a structure both as an entity and as a part of the larger community. No building is so insulated from its surroundings as to avoid an impact on the surrounding context. Applications that require Major Design Review

4. **Frontage Type:** No frontage type is prescribed unless the building is close to the street; in which case, appropriate frontage types are: porch, stoop
5. **Maximum Number of Bedrooms:** 2
6. **Minimum Size:** 240 square feet in total area
7. **Maximum Size:** The footprint shall not exceed 50% of the footprint of the primary building, or 1,500 square feet, whichever is smaller.
8. **Compatibility with Primary Structure:** Architectural details, including color, siding, roof pitch, window detailing, roofing materials, height, and foundation, shall be compatible with the primary dwelling unit.
9. **Parking:** 1 parking space per Carriage House is required, and shall be clearly defined. See Section 7.3 for additional parking standards.
10. **Timing:** The carriage house(s) shall be permitted to be built prior to the primary structure on the lot if the following requirements are met:
  - a. A sketch plan showing the potential build-out, including parking, of the site is required;
  - b. The size(s) must be appropriate to permit a primary structure without exceeding the maximum lot coverage; and
  - c. Materials of the future primary structure must coordinate with the carriage house.

#### 4.5.4 SINGLE FAMILY DETACHED HOUSE

SINGLE FAMILY DETACHED HOUSE EXAMPLES		
		
sketch view	plan view	example

- A. **Description:** This is the predominant residential building type in Beaufort. This house sits on a private lot and can vary in size from a small cottage to a large mansion. Setbacks and frontage types vary by Transect Zone.
- B. **Special Requirements**
  1. **Frontage Types:** Common Yard, Porch, Stoop

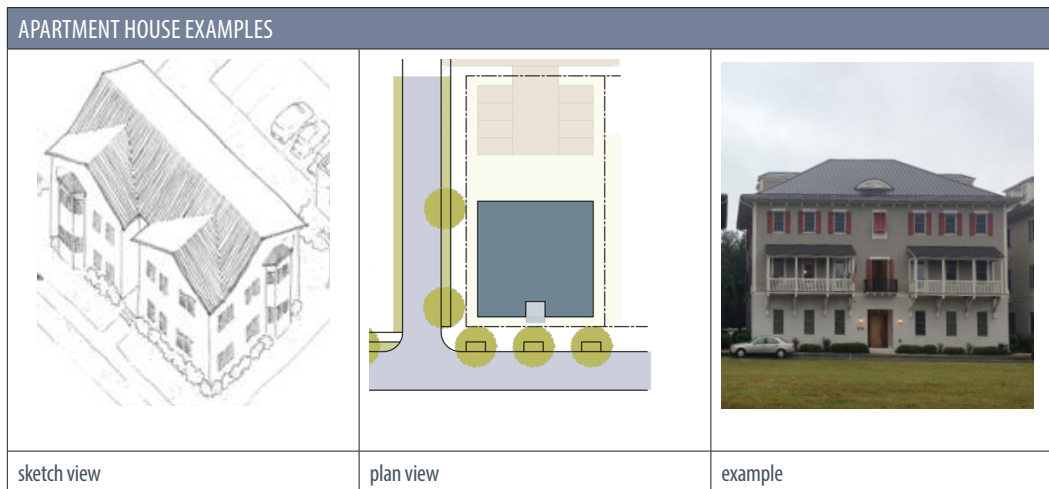


roof form. They are elevated above the street a minimum of 3 feet for privacy, and are typically accessed by stoops. They may also utilize the forecourt and porch frontage types.

#### B. Special Requirements

1. **Frontage Types:** Porch, stoop, forecourt
2. **Parking:** Parking must be well defined, located behind the building, and accessed off a side street or rear alley. On-site parking for all vehicles, including boats, must not be in front of the building.
3. **Specific to T4**
  - a. Rowhomes are not permitted in the Historic District, except in the Bladen Street Redevelopment District
  - b. Rowhomes are not permitted in T4-NA

### 4.5.7 APARTMENT HOUSE



A. **Description:** This is a larger-scale building (a.k.a. Multi-Family Building) that contains 4 or more dwelling units. They often occupy corner lots, or are located in combination to create their own blocks. The ground floor is raised a minimum of 18" for privacy.

#### B. Special Requirements:

1. **Frontage Types:** Stoop, Forecourt, Balcony. Porches are not preferred, but may be used in buildings containing 12 units or less if they provide direct access to the unit from the street or sidewalk
2. **Building Entries:** In buildings with more than 6 residential units, all ground floor units facing a frontage line shall have individual entrances from that frontage line. Buildings with formal entry courtyards or lobbies are exempt from this requirement
3. **Parking:** On-site parking must be located behind the building and accessed off a rear alley
4. **Size:** The building width shall be between 16 feet and 160 feet
5. **Specific to T4**
  - a. In the Historic District, these are limited to 6 dwelling units per building
  - b. Multi-family dwellings are not permitted in T4-NA

- G. **Colors:** Buildings and additional site elements — e.g., bollards, arbors, drive-thru canopies, sign posts — shall not be painted in a color or pattern that expresses corporate identify, to the extent that the paint color or pattern is not consistent with the design standards of the district. Fluorescent colors, such as ASHTO safety yellow, are also prohibited except where required by a public agency.

#### H. Outdoor Display of Merchandise

1. **Definition of “Merchandise”:** For purposes of this section, merchandise is defined as any item that is for sale on the premises or is representative of an item that is for sale on the premises, regardless of whether or not that particular item is available for purchase.
2. **Arrangement:** Merchandise shall be arranged and spaced so as not to clutter the front of the property, as determined by the Administrator.
3. **Location**
  - a. Merchandise shall not be placed on the public sidewalk or within the right-of-way without approval of the Administrator. If merchandise is displayed on any privately owned sidewalk, a minimum of 4 feet of the sidewalk as measured from the curb must remain open and unobstructed to facilitate safe pedestrian circulation.
  - b. Areas designated for vehicular parking may not be used as outdoor display areas.
  - c. Merchandise shall not be displayed on public street furniture or landscaping.
4. **Designation in Plans:** plans for new developments or reuse of an existing space shall clearly designate any areas for outdoor display of outdoor merchandise. Outdoor display of merchandise shall only occur in areas designated for such display on the approved plan.
5. **Vending Machines and Realty Advertising Racks:** Vending machines, except newspaper boxes, shall be screened from view from the street. Realty advertising racks, and other street furniture visible from the public right-of-way shall not display any advertising or other commercial message, except where such advertising or commercial message is counted as a sign under Article 6 (Signs). These racks shall be constructed of wood or metal.
6. **Gifts to the Street:** Items such as benches, planters, or other decorative elements that enhance a shopfront, may be displayed so as not to clutter the street, and as long as they meet the clearance requirements of merchandise listed above. These elements must be properly maintained and may not contain advertising of any kind.

### 4.6.2 T1 DISTRICT STANDARDS

There are no specific standards for this district. The Administrator will determine whether the proposed development is compatible with the surrounding context and may choose to permit the appropriate Design Review Body to review the project. In the Historic District, any development in T1 districts shall be reviewed by the Historic Review Board.

### 4.6.3 SPECIFIC TO TRANSECT-BASED DISTRICTS (SEE 4.2.2)

#### A. Building Materials and Details

1. Building walls shall be finished in 1 or more (but not more than 3) of the following materials:
  - a. Wood
  - b. Fiber cement board siding, smooth finish
  - c. Concrete masonry units with stucco (CBS)

## EXAMPLE: CORNICES



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

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

#### E. Outdoor Display of Merchandise, additional requirements

##### 1. Specific to T4-N and T5-UC

- a. **Outdoor Merchandise:** Automobiles, trucks, boats, trailers, outdoor landscape structures (garden sheds, arbors, gazebos, etc.), plant materials, agricultural products, lawn maintenance equipment, and outdoor furniture may be displayed outdoors per the provisions of this section. Outdoor merchandise may remain outdoors when the business is closed.
- b. **Indoor Merchandise:** Merchandise other than that typically used and stored outdoors may be displayed outdoors within a maximum of 5 feet from, and directly in front of building or the tenant space. Indoor merchandise shall only be displayed during business hours.

##### 2. Specific to T5-DC

- a. **Display Hours:** Merchandise shall be displayed outdoors during business hours only.
- b. **Location:** Merchandise shall be displayed outdoors only within 5 feet of the building and only in front of the building or the tenant space.

#### 4.6.4 SPECIFIC TO CONVENTIONAL DISTRICTS (SEE SECTION 4.2.2)

##### A. Building Materials and Details:

1. Building walls shall be finished in 1 or more (but not more than 3) of the following materials
  - a. Wood, painted or natural
  - b. Fiber cement board siding, smooth finish
  - c. Concrete masonry units with stucco (CBS)
  - d. Reinforced concrete with stucco
  - e. Brick
  - f. Tabby (or stucco with oyster shell aggregate, typ.)
  - g. Corrugated metal

3. **Colors:** Recommended colors are traditional historic colors, earth tones (greens, tans, light browns, terra cotta, grays, pale primary and secondary colors, and white and cream tones. Trademark colors are considered signage and will be counted as such unless they are consistent with the color palette as previously described.
- F. **Additional Guidelines Specific to IC District:** All buildings constructed as part of a campus may be subject to the guidelines for civic building outlined in Section 4.5.10, or shall be held to standards similar to the requirements in the surrounding context.
- G. **Outdoor Display of Merchandise, additional requirements**
  1. **Specific to RMX and IC**
    - a. **Outdoor Merchandise:** Automobiles, trucks, boats, trailers, outdoor landscape structures (garden sheds, arbors, gazebos, etc.), plant materials, agricultural products, lawn maintenance equipment, and outdoor furniture may be displayed outdoors per the provisions of this section. Outdoor merchandise may remain outdoors when the business is closed.
    - b. **Indoor Merchandise:** Merchandise other than that typically used and stored outdoors may be displayed outdoors within a maximum of 5 feet from, and directly in front of building or the tenant space. Indoor merchandise shall only be displayed during business hours.

#### 4.6.5 MANUFACTURED HOME PARK DISTRICT STANDARDS

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

- A. **Site Size:** Parcels shall be a minimum of 5 acres with a minimum width of 150 feet
- B. **Infrastructure:** The site shall be served by public water and sewer facilities
- C. **Maximum Density:** 7 manufactured home units per acre
- D. **Minimum Space Per Unit:** 40 feet in width, and 4,000 square feet of area which shall be clearly defined
- E. **Minimum Unit Spacing:** 20 feet of clearance between only those MHs parked end to end and any building located within the park
- F. **Open Space:** Required dedication of open space shall be in accordance with the provisions of 7.4 (Civic and Open Space).
- G. **Subdivision:** All lots—regardless of whether they are proposed for sale or lease—shall undergo Subdivision Review (Section 9.9).
- H. **Posting:** The “certificate of occupancy” shall be conspicuously posted in the office or on the premises of the MH District.
- I. **Administrative Procedures**
  1. A proposed Manufactured Home Park must be rezoned to the MH Park District through the amendment process in Section 9.16 (Amendments).
  2. **Effect of Approval:** If approved by city council, all information pertaining to the proposal shall be adopted as an amendment to this Code as the standards of development for the particular MH Park District.
- J. **Permanent Installation**
  1. MHs shall be attached to a permanent foundation of brick, concrete, framing, or block that is unpierced, except for required ventilation and access or for flood hazard construction.
  2. Any tongue, axles, running lights, and removable towing apparatus must be removed prior to the issuance of a certificate of occupancy.
- K. **Entrances**
  1. At the main entrance, there shall be an entryway transition, such as a porch or stoop, that is a minimum of 6 feet by 6 feet.



- d. Reinforced concrete with stucco
  - e. Brick
  - f. Tabby (or stucco with oyster shell aggregate, typ.)
  - g. Corrugated metal, which may be approved by the Administrator based on the surrounding context and location on the site
  - h. Other materials as approved by the Administrator, based on visual compatibility with listed approved materials
2. Visible foundation walls and chimneys shall be finished in one of the following materials:
- a. Brick
  - b. Stucco
  - c. Tabby
3. Columns may be constructed of the following materials:
- a. Wood
  - b. Wood or fiber cement clad,
  - c. Cast iron
  - d. Concrete with smooth stucco finish
  - e. Cast stone with smooth finish
  - f. Brick
  - g. \*Perma-cast
  - h. \*Other synthetic materials as approved by the Administrator, based on visual compatibility with listed approved materials
4. Railings and balustrades may be constructed of the following materials:
- a. Painted wood
  - b. Wrought iron
  - c. \*Aluminum
  - d. \*PVC
  - e. \*Other synthetic material as approved by the Administrator, based on visual compatibility with listed approved materials
5. Doors shall be made of wood, metal, glass, or fiberglass\*
6. Roofs with visible pitches shall be constructed of the following materials:
- a. 25-year architectural dimension shingles
  - b. Tile (clay, cement, natural or manufactured stone)
  - c. Nonreflective pre-finished metal
  - d. Slate
  - e. Reflective metal such as copper
  - f. Other similar metals as approved by the Administrator
7. The following materials are prohibited:
- a. Exposed concrete masonry units

## 5.4: TREE REMOVAL

### 5.4.1 PERMIT REQUIRED

- A. **Applicability:** A zoning permit is required for the following tree modifications, as per Section 9.4:
1. **Permit Required for Removal:** A Permit shall be required for the removal or relocation, of any tree 8" caliper or larger at DBH, or any tree designated as a specimen or landmark tree, as established in Section 5.3.2. An exception is granted in single family and 2- and 3- family buildings on existing lots of record wherein a permit is only required for the removal of Specimen or Landmark Trees.
  2. **Permit Required for Pruning:** A permit shall be required for the pruning of any tree designated as a landmark tree, as established in Section 5.3.2. Pruning must be done by, or under the guidance of, a certified arborist.
  3. **Trees Designated for Retention:** A permit shall be required for the removal, relocation, or pruning of any tree previously designated to be retained on an approved development plan.
- B. **Criteria for Reviewing Applications for Tree Removal:** The following criteria shall be considered by the administrator in determining whether or not to issue a zoning permit:
1. **Health:** Whether or not the tree is in good health, according to a certified arborist report or staff evaluation
  2. **Development Potential:** Whether or not the tree constrains reasonable development of the specific site, considering lot size, applicable setbacks, context, building type and use, stormwater requirements and other relevant site development considerations
  3. **Access:** Whether or not the tree is a hazard to pedestrian, bicycle, or vehicular traffic
  4. **Structural Interference:** Whether or not the tree presents a hazard to buildings, structures, or utility lines
  5. **Cost:** Whether or not there are cost-effective alternatives to tree removal
- C. **Tree Removal in Conjunction with Development:** If trees are to be removed in conjunction with the physical development of a site, submission of a tree retention/removal schedule is required to accompany the Site Plan (Section 9.3.1.C). See Appendix A for an example of this schedule. All trees, both to be saved and removed, shall also be noted on the landscaping plan. This schedule and plan must be reviewed and approved by the appropriate Design Review Body prior to the issuance of a Project Permit. No tree removal may commence without a Project Permit.
1. **Buffer Areas:** Preserved trees in the buffer areas shall be counted toward the minimum tree conservation requirements of the buffers stated in Section 5.5.1. Recognizing that the perimeter buffers lie outside of the buildable area, the intent of this provision is to preserve as many of these trees as possible while allowing for access, reasonable visibility, and other uses permitted in the buffer area that practicably are best located within the buffer.
  2. In exceptional cases where the Administrator determines that the species of a tree or grouping of trees is on an official state or federal list of threatened or endangered species, then approval is specifically required for removal.

### 5.4.2 EXCEPTIONS

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

section, does not survive in a healthy condition

3. When a specimen and/or landmark tree is removed from a property without permission from the administrator, is significantly damaged during construction, or significantly declines and is recommended for removal by a certified arborist at the end of the two year maintenance guarantee period
- B. **Additional Mitigation Options:** Where the city arborist determines that a site cannot sustainably support all, or a portion of, the required replacement, due to the size and shape and/or structures and/or viable site constraints, the following options are available to the applicant to fulfill the mitigation requirements:
1. **Fee in Lieu of Planting On-Site:** a fee based on the mitigation schedule in 5.6.2.D shall be paid to the City for the purposes of tree planting and tree maintenance.
  2. **Planting on an Alternative Site:** trees may be planted on city-owned property, including parks or the City's tree farm, or on other property owned by the applicant; all property shall be in city limits. The alternative sites shall be approved by the City Arborist and shall be in accordance with previously approved plans, streetscapes, etc.
- C. **Exceptions:**
1. Mitigation for tree removal is not required in the T3, T4-HN, or LI districts, or for single-family and 2-3 family dwellings in any other districts if the required tree coverage requirements set out in 5.3.1 are still met.
  2. A Specimen and/or Landmark tree that fails due to a natural catastrophe does not require mitigation.
- D. **Replacement and Mitigation Schedule:** Replacement plantings & fee in-lieu-of shall be according to the following chart:

REPLACEMENT AND MITIGATION SCHEDULE				
Tree Type	Transect Zones		Conventional Zones	
	Replacement: % Caliper Inches	Mitigation: Cost / Caliper Inch	Replacement: % Caliper Inches	Mitigation: Cost / Caliper Inch
Landmark Tree*	50%*	\$100	100%	\$200
Specimen Tree*	33%*	\$50	50%*	\$100
All other trees 8-inch caliper or greater	25%	none	33%	none
*Any tree removed per Section 5.6.2.A.3 shall require 100% replacement of caliper inches, and the fee in-lieu-of cost/caliper inches shall be doubled.				
Examples	Approved Removal	Approved Removal	Damage During Construction	Damage During Construction
	Specimen Tree - A 12-inch Live Oak in a transect zone needs to be removed to accommodate a building. The applicant may choose to either plant back (1) 4-inch Live Oak, or pay a fee in lieu of \$600 (12 inches x \$50/inch).	Landmark Tree - A 30-inch Live Oak in a transect zone needs to be removed to accommodate a building. The applicant may choose to either plant back (5) 3-inch Live Oaks, or pay a fee in lieu of \$3,000 (30 inches x \$100/inch).	Specimen Tree - A 12-inch Live Oak was damaged during construction in a Transect zone. It may either be replaced with 12 caliper inches of similar species, OR a fee-in-lieu of \$2,400 (12 inches x \$100/inch x 2) may be paid.	Landmark Tree - A 30-inch Live Oak intended to be preserved was damaged during construction in a Transect zone. It may either be replaced with 30 caliper inches of similar species, OR a fee-in-lieu of \$6,000 (30 inches x \$100/inch x 2) may be paid.
See Section 5.3.2.C for possible mitigation credits for saving eligible Specimen and Landmark Trees				

1. Lighting that is necessary for security or emergency purposes—meaning the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure, to illuminate exterior walkways, or to illuminate outdoor storage areas—may be turned on at all times. Additional standards for security lighting are in Section 5.8.6 (Security Lighting).
- B. **Illumination Direction:** In all districts, lighting shall be directed downward. In addition, upwardly directed lighting shall not be used to illuminate structures, except for low-wattage architectural lighting.

#### 5.8.4 DESIGN STANDARDS FOR EXTERIOR LIGHTING

- A. **Maximum Lighting Height:** For purposes of these regulations, the mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation of the surface being illuminated to the bottom of the lighting fixture.

1. In transect-based districts, the height of the light shall not exceed 15 feet above grade
2. In conventional districts, the height of the light shall not exceed 25 feet above grade, with the following exceptions:
  - a. Any fixtures located within 100 feet of any transect-based district, and/or along a street or travelway containing on-street parking and a sidewalk, shall not exceed 15 feet above grade.
  - b. Wherever possible, outdoor seating areas, building entrances, and walkways shall be illuminated using ground mounted fixtures not more than 4 feet tall.

- B. **Shielding:** Light fixtures in excess of 5,500 lumens shall use full cut-off lenses or hoods to prevent glare or spillover from the project site onto adjacent lands and streets.

- C. **Maximum Illuminance Levels:** Requirements in the following table shall apply only to light trespass into parcels in T3 and T4 zoning districts at the property line.

TYPE OF USE	MAXIMUM ILLUMINANCE AT PROPERTY LINE
Agricultural, Residential, Day Care-Child or Adult, Community Oriented Civic Facilities, School-Public or Private, Colleges and Universities, and Water-Oriented Facilities	0.5 foot-candles
Retail, Recreation, Education, Public Assembly (except Community-Oriented Civic Facilities, School-Public or Private, Colleges and Universities, and Water-Oriented Facilities), and Services (except Day Care-Child or Adult)	2.5 foot-candles
Industrial and Transportation, Communications, Infrastructure	2.5 foot-candles
Vehicular Use Areas (Note: Minimum illuminance level at the edge of the vehicle use area shall be 0.2 foot-candles.)	2.5 foot-candles

#### 5.8.6 SECURITY LIGHTING

- A. Motion-activated security lights, unshielded flood and spotlights with 45 watts or less, installed for security and activated by motion sensor, are permitted. These unshielded lights must be mounted and aimed in a manner that minimizes up-lighting and light trespass.
- B. In the T3 and T4-HN districts, all security lighting must be motion activated. The light may not trespass into neighboring property.
- C. All floodlights shall be installed such that the fixture shall be aimed down at least 45 degrees from vertical. Flood lights shall be positioned such that any such fixture located within 50 feet of a public street right-of-way is mounted and aimed perpendicular to the right-of-way.



### 6.2.2 MASTER SIGN PLANS

- A. **Applicability:** Master Sign Plans are required for the following development types:
  - 1. New multi-tenant or multi-building development with 5 or more occupiable spaces.
  - 2. Existing multi-tenant or multi-building development when the primary tenant proposes signage changes — the owner/manager of the multi-tenant/multi-building center shall be responsible for preparing the Master Sign Plan. For existing multi-tenant/multi-building centers where there is no clear primary tenant (for example, when there are several tenant spaces of equal size,) a Master Sign Plan shall not be required, but is highly encouraged.
- B. **Approval Required:** No permit shall be issued for an individual sign requiring a permit unless and until a Master Sign Plan for the lot has been reviewed and approved by the appropriate body.
- C. **Conformance with Plan:** After approval of a Master Sign Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan.
- D. **Amending a Master Sign Plan:** A Master Sign Plan may be amended by filing a new plan that conforms with all requirements of the Code then in effect.
- E. **Voluntary Restrictions:** The Master Sign Plan may contain such other restrictions as the owners of the parcels may reasonably determine.
- F. **Design:** The design, material, color, location, and illumination of signage shall be compatible with the overall design of the development.
- G. **Size:** The size of all signs must be equal to or less than the amount indicated in Sections 6.5 and 6.6 with the exception of monument signs. Sizes for monument signs are as follows:
  - 1. Where 5-10 occupiable spaces are located on one parcel, a 125% increase in monument sign area is permitted.
  - 2. Where 11-20 occupiable spaces are located on one parcel, a 150% increase in monument sign area is permitted.
  - 3. Where 21 or more occupiable spaces are located on one parcel, a 200% increase in monument sign area is permitted.
  - 4. **Contiguous Parcels:** When the owners of 2 or more contiguous parcels (disregarding intervening streets and alleys) file for a Master Sign Plan, 1 freestanding sign shared between all parcels shall be permitted an increased area based on the number of occupiable spaces listed above.
- H. **Sign Types:** All sign types listed in Sections 6.5 and 6.6 may be included in a Master Sign Plan. In addition, other types of signage may be permitted at the discretion of the administrator, provided that it is compatible with the overall design of the development and does not result in signage in excess of the overall allowances listed in this Article.


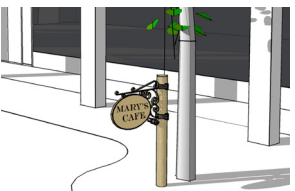

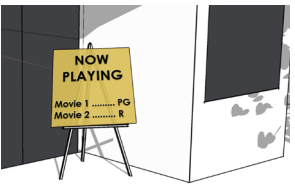
## 6.3: GENERAL PROVISIONS

### 6.3.1 PLACEMENT AND DESIGN

- A. **Placement:** Except as permitted specifically in this article, signs shall not be posted in the public right-of-way, on trees, or utility poles, except where encroachments are specifically permitted by this article.
- B. **Materials:** Sign structures shall be constructed of durable materials such as wood, concrete, metal, brick, or other similar materials. Unfinished wood, cardboard, styrofoam, and similar materials are not permitted. Plastic and plastic substrates are permitted outside of the Historic District.

## 6.5: FREESTANDING SIGNS

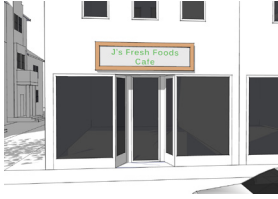




**6.5.1 APPLICABILITY:** The following chart applies to all types of developments as stated except for individual single-family or 2-3 unit building lots, or subdivisions containing fewer than 30 units.

SIGN TYPE AND PERMITTED LOCATION		MAX. AREA	MAX. HEIGHT	MIN. SETBACK	ADDITIONAL REQUIREMENTS
 <p><b>A. Monument Sign:</b> A sign constructed on the ground, typically with a continuous footing or foundation with the base of the sign at grade — the size of the support structure for any monument sign shall be a maximum of 50% of the size of the sign face. When sign is less than 24 square feet, it is not required to have a continuous footing, but it may be supported by 2 side posts.</p>	T1 T3 MH	32 ft <sup>2</sup>	10 ft	3 ft from ROW (18 inches in HD)	<ol style="list-style-type: none"> <li>Maximum Number: 1 per parcel; if frontage is greater than 500 feet then 2 are permitted (spaced at least 300 feet apart).</li> <li>Encroachment: No encroachment allowed.</li> <li>For lots or combinations of lots serving 5 or more tenant spaces, see Section 6.2.2.G.</li> <li>In RMX, LI and IC: Lots with 150-500 feet of road frontage are permitted to have a 60 square foot sign; parcels with greater than 500 feet of frontage are permitted to have an 80 square foot sign.</li> <li>Landscaping, not including grass, shall be required for all monument signs. Such landscaping shall equal the total surface area of the sign face.</li> <li>Monument signs are not permitted for new buildings in the Boundary Street Redevelopment District.</li> </ol>
	T4 T5	10 ft <sup>2</sup> (5 ft <sup>2</sup> in HD)	8 ft	3 ft from ROW (18" in HD)	
	RMX LI IC	48 ft <sup>2</sup>	10 ft	10 ft from ROW	
 <p><b>B. Post and Arm Sign:</b> A sign that is supported by a single post</p>	T3S T4 T5	10 ft <sup>2</sup> (5 ft <sup>2</sup> in HD)	6 ft	3 ft from ROW (18" in HD)	<ol style="list-style-type: none"> <li>Maximum Number: 1 per lot</li> <li>Encroachment: No encroachment is allowed.</li> <li>Post and Arm signs are not permitted on Boundary Street for new buildings from Neil Road to Ribaut Road, or on Robert Smalls Parkway from Neil Road to Boundary Street.</li> </ol>
 <p><b>C. Sandwich Board Sign:</b> A portable sign shaped like an A-frame with a sign panel on one or both sides, where the sign panel is integral to the structure of the sign</p>	T3 T4 T5	8 ft <sup>2</sup> (6 ft <sup>2</sup> in HD)	4 ft (3.5 ft <sup>2</sup> in HD)		<ol style="list-style-type: none"> <li>Maximum Number: 1 per tenant</li> <li>Encroachment: May be located on a public sidewalk, but must maintain at least 48 inches of unobstructed pedestrian space</li> <li>Shall not be located in a planting strip between the sidewalk and the travel lane.</li> <li>Shall be located as close to the building as possible</li> <li>Shall be displayed only when the establishment is open for business</li> </ol>
 <p><b>D. Easel Sign:</b> A sign or message board displayed on a portable, open frame, such as a tripod</p>	T3 T4 T5	3.5 ft <sup>2</sup>	6 ft		<ol style="list-style-type: none"> <li>Maximum Number: 1 per tenant</li> <li>Encroachment: May be located on a public sidewalk, but must maintain at least 48 inches of unobstructed pedestrian space</li> <li>Shall not be located in a planting strip between the sidewalk and the travel lane.</li> <li>Shall be located as close to the building as possible</li> <li>Shall be displayed only when the establishment is open for business</li> </ol>

Note: For signs A and B, square footage indicated is the amount permitted per side.

## 6.6: ATTACHED SIGNS

**6.6.1 APPLICABILITY:** The following chart applies to all types of developments as stated except for individual single-family or 2-3 unit building lots, or subdivisions containing fewer than 30 units.

SIGN TYPE AND PERMITTED LOCATION	MAX. AREA*	ADDITIONAL REQUIREMENTS
<p><b>A. Wall Sign</b> A sign mounted parallel to or painted on a building facade or other vertical building surface.</p> 	<p>1 ft<sup>2</sup> per linear ft of building frontage — in the Boundary Street Redevelopment District, signage is permitted to be a maximum of 10% of square footage of the facade area</p> <p>T1 T3 T4 T5</p>	<ol style="list-style-type: none"> <li>1. Maximum Number: 1 per building frontage or tenant space</li> <li>2. No sign shall extend above the roof line.</li> <li>3. Sign shall not project more than 18 inches from the wall surface.</li> <li>4. Not permitted for residences with 3 or fewer dwelling units</li> </ol>
<p><b>B. Canopy/Awning Sign</b> A sign that is suspended from, attached to, supported from or forms a part of a canopy</p> 	<p>1 ft<sup>2</sup> per linear ft of building or tenant space</p> <p>T4 T5</p>	<ol style="list-style-type: none"> <li>1. Maximum Number: 1 per building Frontage per tenant</li> <li>2. Must allow 8 feet clearance above sidewalk</li> <li>3. Shall not be placed above 2nd floor window sill or cornice of building, whichever is higher</li> <li>4. May encroach over sidewalk area no closer than 18 inches from curb</li> <li>5. Only the valance area of the awning/canopy may be used as a message area. The valance shall be a maximum of 1 ft tall with lettering a maximum of 9 inches tall. The valance shall be made of the same material and shall be the same color as the awning/canopy.</li> </ol>
<p><b>C. Window/Door Sign</b> Any sign that is painted on, applied to, attached to, or projected upon or within the exterior or interior of a building glass area, including doors or windows — may include a message, symbol, insignia, visual representation, logotype, or any other form that communicates information — can be read from off-premises contiguous property or public right-of-way</p> 	<p>25% of glass area per window/door</p> <p>T4 T5</p>	<ol style="list-style-type: none"> <li>1. Applied plastic or vinyl cut letters are prohibited.</li> <li>2. No permit is necessary for temporary promotional signs posted on the interior side of the glass; these signs shall count toward the 25% maximum window coverage.</li> </ol>
<p><b>D. Projecting/Suspended Sign</b> Any sign other than a wall sign that is attached to and projects from the wall or face of a building or is suspended from the underside of a horizontal plane</p> 	<p>8 ft<sup>2</sup></p> <p>T1 T3 T4 T5-UC</p> <p>5.25 ft<sup>2</sup></p> <p>T5-DC</p> <p>10 ft<sup>2</sup></p> <p>RMX IC ID</p>	<ol style="list-style-type: none"> <li>1. Maximum Number: 1 per tenant</li> <li>2. Must allow 8 feet clearance above sidewalk</li> <li>3. May project no more than 4 feet from building face and no closer than 18 inches from curb</li> <li>4. Not permitted for residences with 3 or fewer dwelling units</li> <li>5. Projecting signs shall not be higher than the fascia and/or cornice and shall not extend above the eave line.</li> <li>6. For multi-story buildings, sign brackets shall be mounted no higher than the sill of the second floor window.</li> </ol>
<p><b>E. Marquee Sign</b> A vertically-oriented sign supported solely by the building to which it is attached and projecting horizontally over part of the public right-of-way — may project perpendicular to the facade or at 45 degree angle from the corner of the building.</p> 	<p>24 ft<sup>2</sup>, with maximum width of 2 ft</p> <p>T4 T5 RMX IC</p>	<ol style="list-style-type: none"> <li>1. Maximum Number: 1 per building</li> <li>2. May project no more than 3 feet from building face</li> <li>3. Shall not extend more than 10 feet above cornice; shall allow 12 feet clearance above sidewalk</li> <li>4. Sign thickness shall not exceed 10 inches.</li> <li>5. Shall not extend above the eave of a pitched roof</li> </ol>
<p><i>*The total area of all attached signs for a business shall be no more than 1.5 times the linear frontage of the building, or in the case of multi-tenant buildings, than the individual tenant space.</i></p>		

- C. **Maximum Number:** 1 per direction per entrance
- D. **Maximum Area:** 2 square feet
- E. **Maximum Height:** 2.5 feet
- F. **Off-Premises Signs:** Off-premises signs are not permitted.

#### 6.7.4 SERVICE STATION SIGNS

- A. **Applicability:** Fuel Sales establishments shall be permitted the following additional signs:
  1. **Pump Island Signs:** One gasoline and/or self-service/full-service sign per pump island is permitted. The sign shall have a maximum of 10 square feet in surface area and shall be attached to the pump island.
  2. **Pumps:** Each gasoline pump shall be permitted to display only the brand name or logo of the gasoline, which shall not exceed the face of the pump.
  3. **Canopies:** Only height-warning signs shall be permitted on gasoline canopies.
  4. **In T4 and T5:** Where Monument Signs are limited to 10 square feet or fewer, gas stations may increase the size of their Monument Signage by 10 square feet provided that the area containing the logo is limited to the allowed signage per Section 6.5.1.A. The additional 10 square feet may contain the gasoline prices and/or a reader board.

#### 6.7.5 OUTDOOR DRIVE-THROUGH MENU BOARDS

- A. **Applicability:** Outdoor drive-through menu boards are signs associated with drive-through establishments.
- B. **Maximum Area:**
  1. Transect-based districts: 24 square feet
  2. Conventional districts: 32 square feet
- C. **Number:** 2 — 1 menu board and 1 pre-order board are permitted.
- D. **Canopies:** Drive-thru canopies shall be permitted, provided they do not contain any signage or corporate/trademark colors, to the extent that the paint color or pattern is not consistent with the design standards of the district. They shall be painted to be coordinated with the building, and shall be a maximum of 10.5 feet tall.
- E. **Location and Screening:** Menu boards may be located to the rear of the establishment with no screening required. If located on a public right-of-way or side yard, screening is required in the form of a wall or fence and/or an appropriate amount of landscape planting to effectively screen the menu board from view.

#### 6.7.6 LIMITED INDUSTRIAL - ADDITIONAL SIGNAGE:

Additional on-premises directional and safety signage for lots zoned Limited Industrial shall be permitted where there are multiple changes of direction and/or multiple buildings.



**E. Sign Copy Limitations:**

1. Signs copying or imitating official government signs, or that purport to have official government status
2. Any sign and/or sign structure that obstructs the view of, may be confused with, or purports to be a governmental or traffic direction/safety sign
3. Signs using the words “Stop,” “Danger,” or any word, phrase, symbol, or character in a manner that misleads, confuses, or distracts a vehicle driver
4. Signs containing statements, words, or pictures of, obscene, pornographic, or immoral character that is not considered protected speech

**F. Impermanent and Unsubstantial Sign Types:** Signs that are constructed of impermanent and unsubstantial materials, including, but are not limited to, inflatable signs, snipe signs, and feather signs/banners — this prohibition shall not apply to signs approved as temporary signs in accordance with Section 6.8.**G. Abandoned or Deteriorated Signs or Businesses:**

1. Sign structures no longer containing signs
2. Signs made structurally sound by unsightly bracing
3. Abandoned or dilapidated sign
4. Signs referencing businesses which have been out of business for more than 30 days

**H. Neon:** Outlining of buildings, canopies, windows, and doors with neon lighting is prohibited.**I. Digital Signs:** All types of digital signage— including LED, scrolling, changeable copy, and static signs — except for signs in accordance with Section 6.7.1.B.3.**J. Billboards:** Existing billboards shall be removed within 5 years of the adoption of this code, or during the development of the parcel on which it is located, whichever comes first.

## 6.11: VIOLATIONS

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### 6.11.1 IMPOUNDMENT OF SIGNS

- A. The administrator shall have the authority to remove all signs that are posted in violation of this Code, and to impound them for a period of 10 days.
- B. The owner of an impounded sign may pay a fee to recover the sign prior to the expiration of the 10-day impoundment period. If the impounded sign is not claimed within 10 days, then the administrator shall have authority to dispose of such sign.

- B. **Maximum Number:** For single-family and two- and three-family dwellings, only one driveway shall be permitted per lot. In T3-S, circular driveways may be permitted on lots greater than 100 feet in width, where no sidewalk exists. Driveways may only be installed when rear access is not possible or required. For all other building types, the maximum number of driveways allowed for any property is outlined in the table below.

FRONTAGE WIDTH	MAXIMUM PERMITTED DRIVEWAYS (CURB CUTS) PER STREET FRONTAGE
up to 150 feet	1
150 feet or more	2 - Additional driveways (in excess of 2) shall be permitted only after the applicant successfully demonstrates the necessity for such additional driveways, as determined by the appropriate Design Review Body. Along arterial roads and thoroughfares, such additional driveways shall be "right-in, right-out" driveways only.

C. **Location and Spacing**

1. **Street Intersection:** No curb or other access point shall be located closer than
  - a. 20 feet from the intersecting point of the 2 street right-of-way property lines involved (or such lines extended in case of a rounded corner),
  - b. 25 feet from the intersection of the 2 curb lines involved (or such lines extended in case of a rounded corner), whichever is the least restrictive.

2. **Spacing:**

All access points shall have a minimum separation from certain features as follows:

FEATURE	MINIMUM SEPARATION <sup>1</sup>
Adjacent Property Line (does not apply to shared or joint-use driveways)	0 ft
Another Curb Cut (driveway or street intersection) on all roads except Major Thoroughfares	25 ft
Major Thoroughfares — defined as streets with the Street Section designation of Major Thoroughfare, or the Robert Smalls Parkway and Sea Island Parkway/Lady's Island Drive Specific Street Section — Another Curb Cut (driveway or street intersection)	Depends on Posted Speed Limit
<35 mph	100 ft
35 mph	200 ft
40 mph	250 ft
45 mph <sup>2</sup>	300 ft
50 mph <sup>2</sup>	400 ft
55+ mph <sup>2</sup>	500 ft

<sup>1</sup> Minimum separation is measured from centerline

<sup>2</sup> On Robert Smalls Parkway (Hwy 170) west of Parris Island Gateway, a minimum of 500 ft. separation distance is required

3. **Corner Lots:** Access points on corner lots shall be from the side (or secondary) street, unless a shared curb cut on the main thoroughfare is existing or proposed.
  4. **Access to Lots from Major Thoroughfares:** Driveways serving individual residential lots shall not have direct access onto streets identified as Major Thoroughfares — as identified on the second row of the chart in Section 7.2.3.C.2 — unless no alternative means of access, such as alleys or parallel access roads, exists, and it is unreasonable or impractical to require an alternative means of access.
  5. **Shared Access:** See Section 5.7.7.C.
- D. **Size**
1. **Alleys:** Alley pavement width may be a maximum of 24 feet wide for two-way traffic and 16 feet wide for one-way traffic. For more design standards, see Appendix C.

### 7.4.2 COMMUNITY GREEN SPACE AND OPEN SPACE REQUIREMENT

- A. **Minimum Requirements:** Development in all districts shall preserve the minimum amounts of Community Green Space and Open Space as identified below:

OPEN/CIVIC SPACE REQUIREMENT											
SIZE	T1	T3-S	T3-N	T4-HN	T4-N	T5-DC	T5-UC	RMX	IC	LI	MHP
less than 10 acres	no minimum										
10 acres - 15 acres	50%	10%	10%	exempt	exempt	exempt	exempt	exempt	exempt	exempt	10%
15 acres - 40 acres	50%	20%	10%	n/a	exempt	exempt	exempt	exempt	exempt	exempt	10%
greater than 40 acres	50%	25%	15%	n/a	5%	exempt	exempt	exempt	exempt	exempt	10%

<sup>1</sup> Each Manufactured Home Park shall have a minimum total area of 2,500 square feet set aside for common recreational open space, or at least 100 square feet of space for each mobile home lot, whichever is greater.

<sup>2</sup> Specific to TND Overlay Projects: the open space requirement may be calculated comprehensively or by specific Transect zones. The requirements of 2.8.3.G.2.c must be met in addition to the requirements of this table.

- B. **Areas to be Included in Community Green Space and Open Space Calculations:** The features and areas identified in Section 7.4.3 shall be credited towards the open space requirements for the purposes of complying with this article.
- C. **Areas not to be Included in Community Green Space and Open Space Calculations:** The following areas shall not be counted toward open space requirements:
1. Private yards which are not subject to an open space or conservation easement
  2. Public road rights-of-way or private street easements, including sidewalks located within those rights-of-way or easements
  3. Open parking areas and driveways for dwellings
  4. Land covered by structures not designated for active recreational uses
  5. Designated outdoor storage areas

### 9.9.2 MINOR SUBDIVISION

A. **Applicability:** The Minor Subdivision review process is allowed for those divisions of land that

1. combine or recombine portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this code. A nonconforming lot may be included in a lot recombination if the resultant lot becomes closer to conformity.
2. divide land into 5 or fewer lots
3. create no new streets
4. do not involve any other conditions that require any additional approval(s) from any city board or commission, as determined by the Administrator.

B. **Process Type:** Administrative

C. **Required Application Information:** A Minor Subdivision plat shall be submitted consistent with the requirements of the city.

D. **Exceptions**

1. Any development that utilizes the Small-Scale Planned Infill Standards (Section 2.8.1) or the Cottage Court Standards (Section 2.8.2) may divide land into 10 or fewer lots and be reviewed as a minor subdivision.
2. A rear lane, accessed off of a separate, platted street, which provides access to the rear of a lot, will not be considered a “new street” for the purposes of this section.
3. The subdivision of any property listed on the original 1969 National Historic Landmark District nomination is not permitted. Variance requests for this provision may be made per Section 9.14.



### 9.9.3 MAJOR SUBDIVISION - SITE PLAN

A. **Applicability:** Any division of land that does not meet all of the requirements for Minor Subdivisions (Section 9.9.2.A).

A. **Process Type:** Discretionary

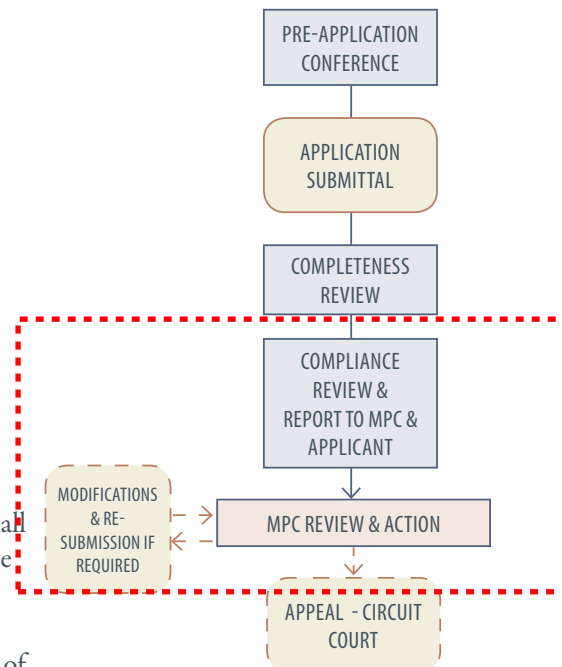
B. **Required Application Information:** Site Plan (syn. Preliminary Plat - Section 9.3.1.C)

C. **Site Plan Review**

1. **Procedure:** The subdivider shall submit to the Administrator, not less than the requisite number of days prior to the regularly scheduled meeting date of the MPC, the required number of copies of the Site Plan. Additional copies of the plat or any supplemental information may be requested.
2. **Review by Technical Review Committee:** The Site Plan shall then be submitted to and checked by the TRC for conformance with the requirements of this Code. The TRC shall review the plat within 30 days after submissions. The TRC shall either approve and certify the plat, or notify the subdivider in writing of any noncompliance with the regulations of this Code.

3. **Review and Action by Metropolitan Planning Commission**

- a. The MPC shall approve, approve with conditions, or disapprove the Site Plan within 60 days after submission. Unless this time limit is extended by mutual agreement, failing to act within the time





the requirements of Section 11.6.1.D.1 and 11.6.1.D.2. Routine maintenance will include replacement of individual's names listed on signs. It will not include rebranding or changing business name or logo.

- D. **Mandatory Compliance:** All signs must comply with the standards of this Code with the following provisions:
1. Any existing sign not meeting the requirements of this Code shall be brought into compliance with this Code before a business license will be issued for a new resident business, or before a business name can be changed.
  2. Temporary nonconforming signs that obtained a sign permit before the adoption date of this Code shall be permitted to remain for the life of the permit.
  3. Nonconforming monuments, supports and brackets, and unused signs must be completely removed before a new sign is installed. Any holes in the building must be appropriately patched.
  4. Nonconforming multi-tenant signs may continue to update individual business plaques; however, the size and design of the monument structure may not change without bringing the sign into compliance with this Code.

## 11.7: OTHER NONCONFORMITIES

### 11.7.1 PARKING NONCONFORMITIES

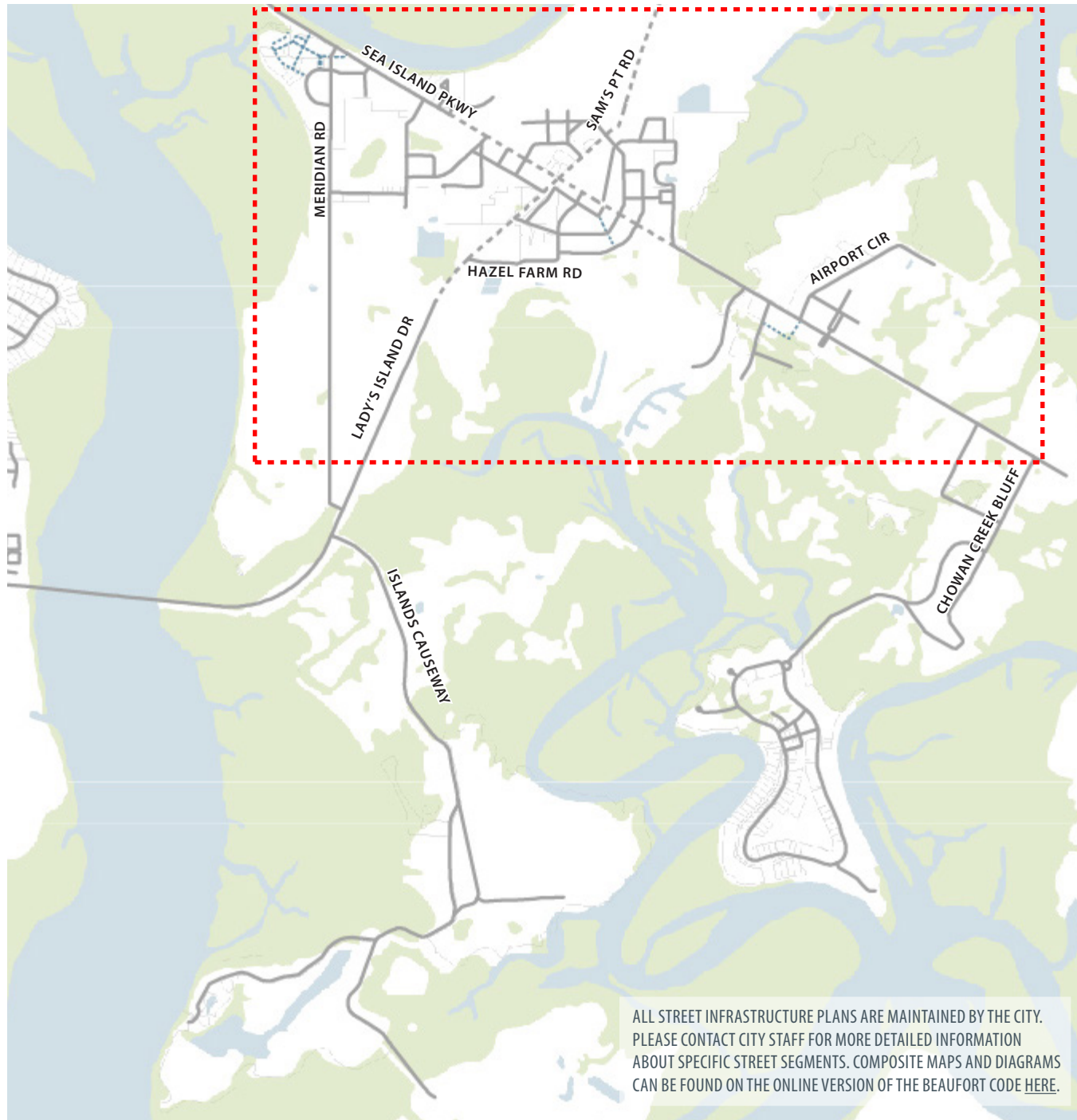
**Specific to Conventional Zones Only:** In cases of nonconformance due to insufficient automobile parking, buildings may not be enlarged or expanded until/unless parking accommodations satisfy the requirements for the new construction as described in Section 5.7 (Parking). The Administrator may waive or provide relief from this requirement if it is determined that doing so will have no material adverse impact on the property or surrounding community. Parcels located in Transect Zones are not subject to this requirement.

### 11.7.2 LANDSCAPING NONCONFORMITIES

When modifications are made to developed nonconforming property, a certain percentage of the value of those modifications shall be expended toward landscaping on the overall site in order to incrementally bring the site closer to compliance as follows:

- A. When improvements to existing buildings or sites exceed \$10,000 in value, 5% of the value of these improvements shall be expended towards bringing the site and landscaping into compliance with this Code.
  1. These improvements include additions to existing buildings, interior or exterior building renovations or improvement, addition of communications towers and antennae, and/or modifications made to the ground other than to structures, such as grading, paving, repaving, or re-striping of parking lots.
  2. These improvements do not include signage or landscaping, or routine maintenance items such as mechanical system updates, rot repair, painting, etc.
- B. Upon construction of new freestanding buildings, whether in greenfield or infill/redevelopment situations, all landscaping requirements for that zoning district shall apply (see Sections 5.5 and 5.6).
- C. The Administrator shall review and approve the proposed landscaping plan to assure optimal effectiveness in bringing the site closer to compliance. The priority for installation of landscaping is as follows:

## C.2.4 STREET NETWORK DIAGRAM - SECTOR 5



STREET NETWORK DIAGRAM - SECTOR 5

### LEGEND

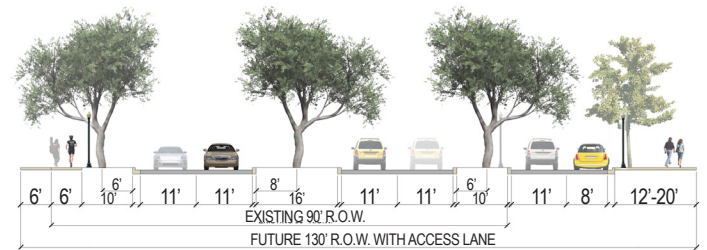
- Existing Street
- New Street - Adopted as part of an Official Map
- ..... New Street - Conceptual - for Recommendation Only

C.6.5

### Boundary St. 1 - West of Ribaut Rd. (BLVD: 90 ft - 130 ft)

Specific Applicability	Boundary Street Context Zone 1 (West of Ribaut Road)
Curb Type	Curb
Right-of-Way Width	90 feet for current improvements, 130 feet for future improvements
Traffic Lanes (Pavement Width)	4 lanes (11 feet each) and 1 future access lane (11 feet)
Movement (Design Speed)	Moderate (35 MPH)
Parking Lanes (Width)	1 side future parallel parking (8 feet)
Bike Facilities	N/A
Sidewalk (Width)	1 side (6 feet) for current improvements 2 sides (12 to 20 feet) for future improvements
Planter Type (Width)	Planting strip (10 feet) & Planted median (16 feet)
Street Trees	40 feet on-center average

STREET TREE  
SIDEWALK  
FUTURE  
SIDEWALK  
DECORATIVE  
STREET LIGHT



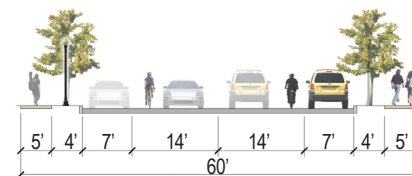
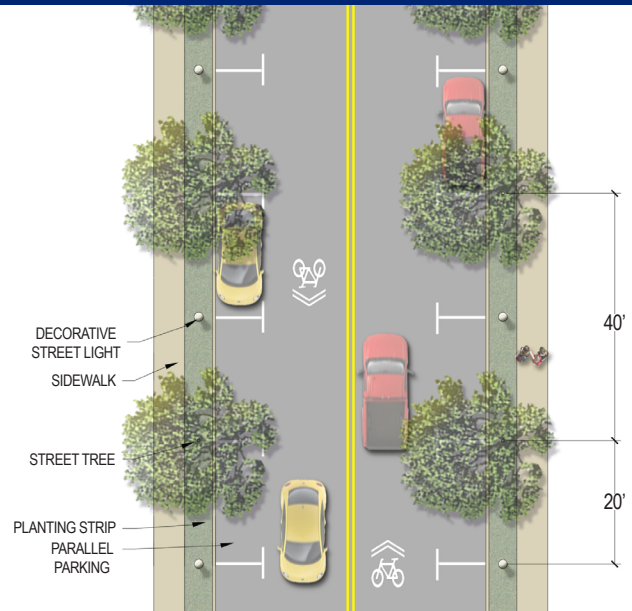
C.6.6

### Boundary St. 2A - East of Ribaut Road (ST: 60 ft)

Specific Applicability

- Boundary Street (from Ribaut Road east to Carteret Street) - intended to be applied as a preliminary Phase 1 condition in the redevelopment of the Boundary Street corridor. The final phase condition is illustrated in "Boundary St. A2" below.

Curb Type	Curb
Right-of-Way Width	60 feet
Traffic Lanes (Pavement Width)	2 lanes (14 feet each)
Movement (Design Speed)	Slow (25 MPH)
Parking Lanes (Width)	2 sides parallel parking (7 feet each)
Bike Facilities	Sharrows (14 feet shared lanes)
Sidewalk (Width)	2 sides (5 feet each)
Planter Type (Width)	Planting strip (4 feet)
Street Trees	40 feet on-center max., overstory; 24 feet on-center max., understory or palms



# Proposed Zoning Map Amendments



# 1499, 1501, 1503, 1505, 1507. 1509, 1523 and 1523 Salem Rd. Rezoning rezone from T4-N to T5-UC



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## CITY OF BEAUFORT

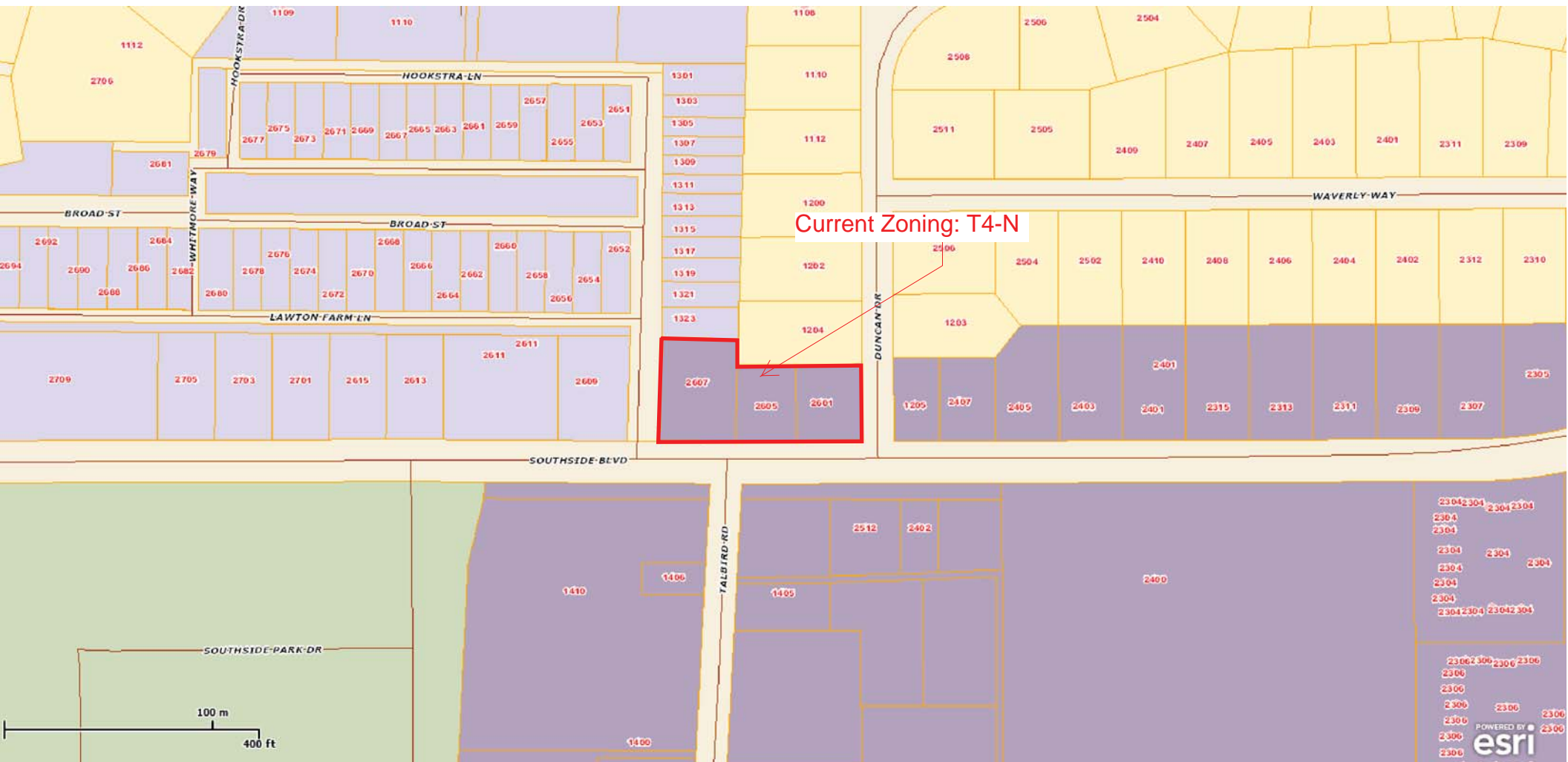
- - - HISTORIC DISTRICT - Conservation Neighborhood
- HISTORIC DISTRICT-Preservation Neighborhood
- Boundary Street Redevelopment
- Bladen Street Redevelopment
- Retail Overlay

### ZONING

- LEGACY PUD (LPUD)
- T1
- T3-S
- T3-N
- T4-HN
- T4-N
- T4-NA
- T5-DC
- T5-UC
- T5-UC / RMX
- RMX
- IC
- MH

# 2601, 2605 and 2607 Southside Blvd Rezoning

rezone from T4-N to T3-N



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## Key

- T1 Zoning District
- T3-S Zoning District
- T3-N Zoning District
- T4-N Zoning District

# 1402, 1408, and 1410 Palmetto St. Rezoning

rezone from T5-UC and T3-N to T4-N



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## Key

- T1 Zoning District
- T3-S Zoning District
- T3-N Zoning District
- T4-N Zoning District
- T5-UC Zoning District
- Boundary Street Redevelopment District boundary



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 6/6/2018  
**FROM:**  
**AGENDA ITEM**  
**TITLE:** Worksession and Regular Meeting May 8, 2018  
**MEETING**  
**DATE:** 6/12/2018  
**DEPARTMENT:** City Clerk

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*BACKGROUND INFORMATION:*

---

*PLACED ON AGENDA FOR:*

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*REMARKS:*

**ATTACHMENTS:**

Description	Type	Upload Date
Minutes	Backup Material	6/6/2018



A work session of Beaufort City Council was held on May 8, 2018 at 5:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Councilwoman Nan Sutton, Councilmen Stephen Murray, Mike McFee, and Phil Cromer, and Bill Prokop, city manager. Councilman Mike McFee had an excused absence.

In accordance with the 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.

### **CALL TO ORDER**

Mayor Keyserling called the work session to order at 5:00 p.m.

### **OLD JAIL – RETAIL FRONTAGE OVERLAY**

**Libby Anderson** said staff is requesting that council reconsider the retail frontage overlay for the old jail property. Staff initially thought it was a good idea to expand the retail frontage overlay to three blocks, she said, but there was community concern about that, and the plan was put on hold. The Historic District Review Board (HDRB) has permitted the structure to be torn down, she said, but the property owner, **Esther Harnett**, would like to save the building and believes a restaurant use would be the best for the space. This proposal is for only the old jail property to be subject to the retail frontage overlay, Ms. Anderson said.

Ms. Harnett showed a floor plan for the property from **Dick Stewart**, who had planned an arts center there. She asked if the ordinance language could be changed to eliminate concerns about a parking garage being put there. Ms. Anderson said yes, as a separate action, a parking garage could be removed as one of the possible uses, or it could be allowed only by special exception.

Councilman Cromer asked what kind of restaurant Ms. Harnett envisions there. Ms. Harnett said she doesn't know, because she would determine that with a partner. She thinks this is important to revitalize the area, and she is in this "for the pleasure of doing something in my later years" and to do something to make Beaufort better. If it were a restaurant, Ms. Harnett said, it wouldn't affect any residential property owners.

Ms. Harnett said she has been approached by several people about putting in a brew pub in the old jail property. She thinks a seafood restaurant could work, too. She doesn't think it would work as residential property because any type of residence "would have to face what's around there," which is not desirable.

Mayor Keyserling thanked Ms. Harnett "for trying to preserve the building. He believes putting a restaurant "that close to residential . . . in an area where we anticipate more residential is not appropriate." He's had three restaurants in properties he owns, and he knows "what happens with noise and trash," for example. He said, "Everyone is waiting

to see what the county is going to do” with its two properties in that area, but there’s talk of making it “a fully residential neighborhood.”

Mayor Keyserling said Midtown gave the area a “burst of energy that lead over into the Northwest Quadrant” and brought an increase in construction. There is room on Boundary and Carteret Streets for restaurants, he said. He is “stuck” because he likes the idea of saving the building, but zoning it for one restaurant could mean there would be another restaurant in that area, and then another, with fewer houses. Mayor Keyserling feels people won’t build houses there if there is a restaurant on the old jail property.

Ms. Harnett said there are offices and Century Link’s “big tower” and building on two sides of her property, and the county’s one-story building is on the other side. The property is about an acre, and a restaurant could be surrounded with plants for a buffer. There’s plenty of room for parking and other buildings, Ms. Harnett said. If it’s limited to offices and single-family dwellings, she’s concerned nothing will happen.

Councilwoman Sutton said the restaurant idea concerns her. If it’s successful, like Dockside, there would be many cars there, and “would the neighborhood want that kind of volume?” She has seen a lot of restaurants fail, and she’s also concerned about the noise and other problems. There are other businesses listed in the code that could be there, Councilwoman Sutton said.

As a business owner in the downtown core, Councilwoman Sutton has seen businesses fail, and she thinks this is not the best location for a restaurant. Ms. Harnett said that’s not a problem because no one will join her in this effort if they agree with Councilwoman Sutton.

It would cost a lot of money to rehab the building, Ms. Harnett said, but there are tax advantages to doing that. Nothing terrible will happen if she doesn’t do this, she said, but the property will only generate taxes for the city if it is on the tax rolls. The old jail would have to be torn down to put up residential, Ms. Harnett said, and she has gotten cost estimates of over \$100,000 for tearing it down. No one could build around the building if it’s not being used because the property itself is “nasty,” she said, because it’s been vacant for so long.

Ms. Anderson said the current zoning is T4-N (Neighborhood), and all types of offices and residential are allowed, but a restaurant and retail would not be allowed without the overlay. Ms. Harnett said they could put offices there, but the building would have to be remodeled or torn down before building them. Furthermore, she owns some office property, and she knows that it is “not that profitable,” so it wouldn’t make sense for the old jail space.

Councilman Murray thanked Ms. Harnett for making the investment in the property. He

said he suspects something will be done with the DHEC buildings in the future. Ms. Harnett said if the county gives up its one-story building, someone could turn it into inexpensive apartments.

Councilman Murray agreed that the majority of the parcels around the old jail are vacant or dilapidated. Residential is at least a block away. He thinks a restaurant would be “okay, but the devil’s in the details.” For example, he lives very close to a restaurant, and he likes “that they’re my neighbors,” because it’s small and not “raucous,” so he doesn’t have any issues with it. He also feels that this is part of what it means to live downtown.

Councilman Murray thinks this part of downtown that the old jail is in needs reinvestment, and Ms. Harnett’s project could be that. He could be in support of the retail frontage overlay if it is “in the spirit [of] what the neighbors would like to see there.”

Ms. Harnett told Councilman Cromer there are no neighbors within two or three blocks of the old jail, so she has not consulted with them about the idea of a brew pub. Some members of the public in attendance called out that there is residential within a block of the old jail site.

Mayor Keyserling told Ms. Harnett that restaurant tenants “can move pretty quickly.” To say the property would have any particular kind of restaurant in it would be “a misnomer,” he said. Ms. Harnett said she’s not touting it being a brew pub, but it’s been suggested to her. The point of getting the overlay is that there is a problem with the lot for residential, she said: “Nobody wants to face the streets” or to “live under that tower.”

Mr. Stewart said no one has asked for permission to put in a restaurant; Ms. Harnett is asking for a retail overlay. Whatever goes in there will need to sell something, he said, and that requires the overlay. He was going to have artists’ spaces there, and would still like that if the building is developed, and those artists would like to have a restaurant to go to. He has found that the uses for old jails include spaces for artists and creative people who need food nearby, a dog kennel, and self-storage, such as for the county’s records.

The HDRB approved tearing the old jail down, Mr. Stewart said, because a developer had expressed interest in tearing it down and building residential there; when Ms. Harnett bought it, she wanted to try to preserve it. “The chances for the other block-and-a-half [of King Street] to become something nice” go up if the old jail property is redeveloped, he said. If it’s not going to be rehabbed and used for retail, he thinks the building should be torn down.

**Westley Byrne, 1300 block of North Street, wants to preserve the residential character**

of “our special” neighborhood. She said the neighbors could see this area being “an extension of Midtown,” or “like a Broad Street,” with “affordable cottages” for teachers, police officers, and other “young professionals,” so they could live downtown, which they can’t afford to do now. Ms. Byrne said the residents of her neighborhood really want this area to be residential, and there are empty spaces on Port Republic and Craven Streets, in the former Koth’s building, etc., which are “far more conducive to restaurants.” She added that arguments were made that Midtown “wouldn’t fly” before it was built, but now it’s a very successful development.

Ms. Byrne said if there is one successful restaurant or retail business in the old jail property, “it opens up a wide range of possibilities” that could happen in the neighborhood, and she and her neighbors “really want to see residential” development.

Ms. Harnett said even if she could build a \$150,000 house on her property, its residents would have to look at Century Link, the cell tower, and the county building. Without the retail frontage overlay, she believes the property will remain as-is for another 20 or 30 years, if it can’t be developed as something other than residential.

Ms. Byrne said people are building houses now in “a sketchy neighborhood” with “shack[s]” around them. Ms. Harnett said Century Link wouldn’t be going away, and neither will the county’s building. Mayor Keyserling said the county’s buildings *would* be going away.

Councilman Murray told Ms. Byrne that the old jail property will be developed, and the question is about what’s appropriate there. He also would like to see more affordable housing in the city, but houses in Midtown start at \$400,000, and they’re even higher in City Walk. Affordable workforce housing would be a different type of product than the houses in those developments, Councilman Murray said. He asked Ms. Byrne if she would be in favor of that type of housing in her neighborhood. Ms. Byrne said if the design was appropriate for the area, and Ms. Anderson and **Maxine Lutz**/HBF (Historic Beaufort Foundation) could live with it, she could be in favor of it. She said she’s not opposed to “appealingly done” multi-family housing or the types of modest cottages that are going in the Northwest Quadrant. Councilman Murray said \$300,000 to \$500,000 is the price point for what appear to be “modest cottages.” Ms. Byrne said she’s thinking about cottages costing around \$200,000 to \$300,000.

Ms. Lutz asked why Ms. Harnett thinks the old jail couldn’t be converted to residential. Ms. Harnett said it would cost more to convert it than to tear it down and start over. Ms. Lutz said she disagrees that what is around the old jail property would inhibit people from moving into that area. If you live downtown, you have some things to “put up with,” she said, and “you have to let it go.” Ms. Lutz said there were houses in disrepair around hers for many years.

Ms. Harnett said a restaurant doesn’t need the same amount of amenities that



residential does. She said again that she believes it would be “impossible” to convert the old jail property to a residential use. \$200–\$250 a square foot is too much to ask for a resident to look out at a cell tower that “might never go away.”

Ms. Lutz said at one time, HBF supported the retail frontage overlay for Ms. Harnett’s “property and yours alone.”

Ms. Harnett said her only expenses with the property are modest if it’s kept the way it is. She would like to get this project “rolling,” though.

Councilman Murray asked Ms. Anderson if there is “a different zoning class” that would “allow a retail-type use,” such as a coffee shop or a small restaurant, but that is “not as wide open as” to allow a brew pub. Ms. Harnett said she thinks that’s a great idea, and if there were a way to do that “on a temporary basis,” so she could see if there’s interest, she would do that. Ms. Anderson said the Neighborhood Artisan designation allows “restaurant uses that are trail-related,” but it might allow some uses that are currently in the Depot area that might not be acceptable to this neighborhood. Another alternative that staff had thought of would be to allow restaurants in T4-N by special exception, so conditions could be put on their size, hours, etc.

**Mike Sutton** said there could be “unintended consequences” if the zoning is changed “for one person.” He thinks putting a coffee shop in the old jail space is “illogical.” Someone might want to use the old jail property for residential development, he said, so he thinks the best thing to do is to “tear it down.” The cost to do that is the same as the value of the land it’s on, Mr. Sutton said. He thinks staff should never have asked for the 3-block overlay, and he thinks Ms. Harnett could “move on with your investment” if she were to tear the old jail down. There are residents “all around” the old jail, Mr. Sutton said, and he thinks everyone should walk around the neighborhood before “attempting the change the fabric of” it.

Mr. Stewart said at Habersham, the restaurants are mainly for the people who live there, and that would be the intention here. He thinks this property needs to be used for something that justifies the expense of rehabbing the building or of tearing it down.

Ms. Harnett said the old jail property was for sale for many years before she bought it, and people who wanted to develop it for residential could have bought it then. Mayor Keyserling said the two developers “that I talked to said it was so overpriced they couldn’t justify” purchasing it. Ms. Harnett said she doesn’t believe that because she paid \$400,000 for it. Mr. Stewart said **Steve Tully** had said he couldn’t make the numbers work for residential. Mayor Keyserling said that was three years ago. Ms. Harnett said someone could buy the property back from her. Mayor Keyserling said he looked at the property ten years ago, and “even then it was a huge undertaking” to do something with the building. Ms. Harnett said again that someone could buy it from her, adding that they could tear it down and build apartments.

Councilman Murray said the HDRB has given permission to raze the building, and that makes the most sense for residential development, but he thinks it's "a cool building," and if a business could be there, and the original façade could be preserved, he thinks they should try to find a way to do that. Ms. Harnett said she agrees.

Councilman Murray said he'd like a "more fully cooked plan" for the kind of use Ms. Harnett would like in the old jail, and then council might be able to approve the overlay. Ms. Harnett said she couldn't do that because "you can't sell something unless you have something to sell." She said a restaurant could be done there, but only with the retail frontage overlay, and she can't get someone to sell it for developing a restaurant "without some knowledge that [the overlay] might happen." She knows that the tax incentives that would come with redevelopment would sell the building, but that won't be the case if development has to be residential.

**Chuck Dalvini** said in the community where he has his summer home, "the government did something like this" in a building, with a restaurant that sold corndogs from 11 a.m. to 3 p.m., but "it didn't work." The city council then approved selling ice cream, too, he said, and then extended the hours the business could be open to try to make the corndog restaurant succeed. "Once you do that," Mr. Dalvini said, "then you're hostage to them." He feels "a specific type of business" wouldn't be able to make money in the old jail property, and then the business' owners would "ask for more."

Councilwoman Sutton said she feels that this should be an ongoing conversation, and should not go on to a council agenda yet. She also feels the old jail should be razed and the property used for residential infill.

Councilman Cromer said he's not in favor of a brew pub "at all" on the old jail property. If another kind of restaurant were put in, he would only favor it if there were housing – such as student housing – that went with it.

Mayor Keyserling said he'd like the city to stay on the track of residential infill for the property. If it's a restaurant, tenants are "likely to turn over very fast," he said. He doesn't like rezoning one piece of property, and he thinks they should work with Ms. Harnett to find uses for the property that fit in the context of the neighborhood. If the building can be saved, "that's fine," Mayor Keyserling said.

Mr. Stewart said the Arts Council didn't pursue developing the building for an arts center because the "arts district" overlay wasn't put in place.

Councilman Murray said he'd favor this proposal going on council's agenda when there is clearer knowledge about what would be in the building. He thinks the building is worth saving, but he told Ms. Harnett it doesn't appear that there are enough council votes for that at this time.

Ms. Harnett said she would put the old jail property back on the market and see if someone wants to buy it for apartments or other residential.

## **FY 2019 BUDGET DEPARTMENT PRESENTATIONS – FIRE DEPARTMENT AND PUBLIC WORKS**

### **Fire Department**

Fire Chief **Reese Bertholf** shared the department's mission statement and recent performance accomplishments, including three fire victims rescued alive in the Town of Port Royal, Fire Station #4 being under construction, and 2,695 calls for service in calendar year 2017 with a projection of 3,540 by the end of this calendar year. The department is also on the second year of its smoke detector partnership with the Red Cross, with more than 1,500 installations to date.

In the fire marshal/codes enforcement division, there were 4,155 fire inspection/codes enforcement activities in calendar year 2017, Chief Bertholf said, and he reviewed the functions of the fire marshal and codes enforcement.

Performance measures to track recent accomplishments, Chief Bertholf said, include 0 civilian fire fatalities; 9.8 individual contacts per man hour of public education, and 772 fire marshal/codes enforcement corrections completed with 0 citations issued.

Chief Bertholf said recent goals that the fire department was unable to achieve due to budget or staffing constraints include the need for fleet replacement via leasing with the Town of Port Royal, and the squad response staffing concept.

Current performance initiatives include Fire Station #4 construction, staffing, and training, and the certification of the new hires; reserve firefighter sustainability with recruiting drives and by sustaining a high level of diversity, and career overtime staffing supplanting, Chief Bertholf said; unscheduled overtime staffing is done with part-time firefighters, not full-time employees.

Chief Bertholf reviewed key performance indicators: call volume and public education contacts, which are expected to go up, but enforcement activities are likely to remain the same or trail off.

Chief Bertholf reviewed the key goals and new initiatives for FY 2019, which include fire station construction project management, a fire service impact fee to address long-range capital needs, and finalizing the FY 2018–2019 capital plan.

The biggest budget request is for personnel/benefits for the full fiscal year for the new fire station, Chief Bertholf said; this is offset by \$660,108 from the SAFER (Staffing for Adequate Fire & Emergency Response) grant. Other requests are for the department's operational budget to support standardized emergency service delivery on Port Royal

Island, and a capital request for supporting service delivery for \$82,000.

Chief Bertholf reviewed fire department expenditures since FY 2016 through the FY 2019 requested budget, which totals \$5,213,159. Major increases are for personnel – 15 firefighters for Station #4 and a general increase – and for benefits for those Station #4 firefighters, plus a 1% across-the-board increase in the employer contribution rate for state retirement; the increase totals \$606,773, which will be offset by projected reimbursement from the SAFER grant, he said.

Chief Bertholf said customer service initiatives in FY 2019 will be the “After the Fire” program, which continues to be strong; community risk reduction – the success of which is shown with the department’s ISO Class 1 rating – through codes enforcement/inspection/plan review and through partnerships with other agencies, and continuing to “provide empathy, understanding and kindness to everyone we meet.”

Chief Bertholf said if the requested budget is approved, the fire department would continue to run efficiently and sustainably.

Councilman Cromer asked if the fleet replacement leasing program was for both admin and service vehicles, and Chief Bertholf said “the municipality” is “starting to dabble in” admin vehicles, but he would be making a proposal “for the fire apparatus.”

Councilman Cromer asked when the SAFER grant ends. Chief Bertholf said, “We are in the first six months of a 3-year period” for that grant, which lasts through the last 6 months of 2021. The department is only able to offset new hires with SAFER grants, he said.

Mr. Prokop said the fire department’s expenses are also offset by the Town of Port Royal’s payment to the City of Beaufort. Chief Bertholf said that’s right: based on a rooftop count, expenses are 70% for the city and 30% for Port Royal.

Councilman Murray said he would like to be able to see the revenues for the fire department, and he noted that no Port Royal numbers are shown. Chief Bertholf said the adjusted cost to the city this year is less than it was last year. Councilman Murray said it would be good to have the revenues included in the presentations, both for transparency and so the public knows that the City of Beaufort is not responsible for the entire \$5.2 million in expenses for the fire department.

Councilman Murray asked what Chief Bertholf attributed the fire department’s \$50,000 decrease in its requested budget over FY 2018 to. Chief Bertholf said there were a lot of factors, and while personnel costs were going up, there was no longer a need to pay the Burton Fire Department contract because of the new fire station, which was “a significant amount” that had been included in the operating budget.



Councilman Murray asked about the Johnson Controls program and the energy efficiency savings for the fire department's buildings. Mr. Prokop said there has been an estimate of utility savings, but they can't guarantee that for the summer. There have been savings, "but the debt has to be paid off," he said. For all departments, the estimated number reflects at least meeting the percentage of cost savings that was guaranteed by Johnson Controls, but the actual savings could be much greater. Mr. Prokop said, "If Dominion buys SCANA, individuals in the city" could get a rebate based on kilowatt usage in 2016, but that's not being counted in this.

Mr. Sutton said he's not clear on the budget increase the fire department is asking for. He asked for "a number." Chief Bertholf said, "Because of the offsets, there is no increase." He clarified that the fire department is "not asking for a millage increase." Councilman Murray said that's why council wants the revenue sources to be included in these budget presentations. Mr. Sutton said it would be nice if that were clear.

### **Public Works**

**Neal Pugliese** showed a slide of how Public Works has been realigned. Public Works used to have 8 divisions, he said; now there is "an operations component" and a "support component."

**Lamar Taylor** shared the Public Works department's mission statement. He said in the last year, they have coordinated all the department's projects through staff synchronization.

Mr. Taylor reviewed the accomplishments in the Administration/Fleet Division, including leadership training and seminars, a new Public Works Facebook page, implementation of a standard operating procedure for the Public Works department's purchasing policy, and assisting with emergency preparedness and FEMA documentation by removing 800 tons of debris and providing documentation to support reimbursement.

In the Streets/Traffic Control Division, Mr. Taylor said accomplishments included coordinating with Beaufort County and SCDOT for CTC (County Transportation Committee) funding, maintaining 46 traffic signals, and validating all the city's street signs; coordinating with SCDOT to install mast arms at Craven and Carteret Streets and at Boundary and Bladen Streets, and "leveraging house talent" for repairs, which, Mr. Pugliese added, is "a good deal for the city."

In the Parks Division, Mr. Taylor said, accomplishments include major work in Waterfront and Southside Parks; work at Pigeon Point, Mossy Oaks, and Christiansen Parks plus 25 other city parks, and using Marines as volunteers to assist with special Parks projects.

In the Facilities Maintenance Division, Mr. Taylor said, recent accomplishments include supervising repairs to the Carnegie Building due to hurricane damage; upgrades to 500

Carteret Street; repairs to the waterfront and the marina store, and 200 various repairs to the city's inventory of nine buildings.

The Stormwater Division used house talent to complete three drainage improvement projects; performed pond maintenance at Water's Edge, Battery Shores, Twin Lakes, and The Point Pond and pipe cleaning to decrease potential flooding, and conducted 29 maintenance and drainage easement clearing projects, Mr. Taylor said.

Mr. Pugliese said the city is coordinating the multi-jurisdictional efforts in Mossy Oaks Basins 1 and 2. Everyone on the team is good, from the state level to the local levels, he said, and they anticipate delivering another update in June. Councilman Murray said at the last update, council was told the engineering study would be back by mid-May. Mr. Pugliese said, "Basin 1 is going to be complete"; they told the engineers that "by the end of June, beginning of July" they would need to have "a construction analysis of the nine major areas," so the engineers' priorities have been reordered "to meet the all-in construction costs for the nine challenged areas around the city." There are surveyors around the area, he said, and the deadline is the first week of July. Councilman Murray said the engineering contract timeframe was originally 8 weeks. Mr. Pugliese said yes, but they added on Allison Road and The Point to the Mossy Oaks area. The scope of engineering expanded "quite significantly," so they will know what's required by July.

Mr. Pugliese told Mayor Keyserling that council would have the data it needs for approving the budget. There will be other opportunities for using these figures for a bond, he said. Mr. Prokop said they would know numbers based on a \$5 million bond; if it comes in as more or less, that will be adjusted. Mossy Oaks will be known in the next couple of weeks, he said.

Councilman Murray said there will need to be a stormwater fee increase to get the bond. Council is okay asking citizens for that if there is a "pretty comprehensive plan," he said. Mr. Prokop said staff wants to start some work right away, before the bond in September. Councilman Murray suggested "lean[ing] on the engineering company" to "get them to accelerate their work," so their plan is "more comprehensive" before council has to approve the city's budget. Mr. Pugliese said there are people who are dedicated to that work, but they want the work to be done well with no mistakes, as well as getting it done quickly.

Mr. Taylor showed a slide in which the contract price for the project at South Hermitage Pointe was \$56,000, but Public Works' "in-house talent" was able to do it for \$22,000.

Mr. Taylor reviewed performance measures to track recent accomplishments, including certifications that staff received. **Neil Desai** said, "The new requirements that Beaufort-Jasper is . . . mandating to all customers is to have back-flow testing," which typically run \$75 to \$100 per test, so the city had three Public Works employees go through the process to obtain certification, so now the testing can be done in-house, which has

saved the city approximately \$8,000. Additional accomplishments included reducing drainage complaints from 70 in 2017 to 25 in the fiscal year-to-date and reducing the number of tree issues and complaints from 49 in 2017 to 30 in the fiscal year-to-date, Mr. Taylor said.

Mr. Taylor said recent goals that couldn't be achieved were often due to weather events that reset Public Works priorities; many routine tasks weren't conducted as frequently as would be optimal, full replacement of furniture at Waterfront Park was deferred, a work order system wasn't implemented, and the renovation of the Public Works department complex was deferred.

Mr. Taylor reviewed current performance initiatives, including supporting the nine challenged drainage areas (not including Azalea, Twin Lakes, and Somerall) and Phase 2 of the Johnson Controls energy initiative.

Mr. Taylor reviewed key performance indicators and key goals and initiatives for FY 2019, which include liquidation of excess assets; contributing to the CRS (flood rating) data collection, which will help with citizens' flood insurance rates; building out record storage space in City Hall; reviewing Public Works' maintenance contracts, and renovating the Public Works department complex.

Analysis showed that the Public Works department is at a deficit of 12,888 man-hours, which equates to 6 full-time employees, so the request is for three additional full-time personnel for the Street, Facilities, and Parks Divisions, Mr. Taylor said. He explained why the FY 2019 budget shows a higher number for salaries and benefits, and said that while salaries/benefits are increasing by about 13%, operating expenses have been reduced by about 20%.

Councilman Cromer asked if Public Works' equipment is leased or purchased; Mr. Taylor said the department only leases heavy equipment when that is what is needed. Mr. Pugliese said if some savings can be leveraged by using in-house talent for some work, "we might be able to . . . shift some things around" and get projects done sooner, rather than doing that work in phases.

Councilman Murray asked for an explanation of the deficit of 12,000 man-hours and how the task-to-resource analysis was done. Mr. Pugliese said they looked at the past year and how much time it takes to do maintenance on all of the projects that need it, at the frequency it needs to be done. For some things, that amount changes in the summer and the winter, which they factored in, and they can come up with a number based on all of the data for all of the projects that they do.

Councilman Murray asked how much of the 12,888 man-hours deficit is for existing infrastructure that needs more maintenance, and how much of it is for new infrastructure. Mr. Taylor said they could get that information to council.

Mayor Keyserling asked if staff could return to council's next work session to finish up and answer questions because time had run out for the work session, and council needed to get to its regular session. There was a discussion about this, and Mr. Pugliese, Mr. Taylor, and Mr. Desai agreed to return the following week.

There being no further business to come before council, the work session was adjourned at 7:00 p.m.

A regular session of Beaufort City Council was held on May 8, 2018 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Councilwoman Nan Sutton, Councilmen Stephen Murray, and Phil Cromer, and Bill Prokop, city manager. Councilman Mike McFee had an excused absence.

In accordance with the 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.

#### **CALL TO ORDER**

Mayor Keyserling called the regular council meeting to order at 7:07 p.m.

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Councilman Cromer led the invocation and the Pledge of Allegiance.

#### **RESOLUTION COMMENDING JOE DEVITO FOR SERVICE ON THE METROPOLITAN PLANNING COMMISSION (MPC)**

**Councilman Murray made a motion, second by Councilman Cromer, to approve the resolution. The motion passed unanimously.** Councilman Murray read the resolution, and Mayor Keyserling presented it to **Joe DeVito**. Mr. DeVito thanked council for the opportunity to serve and his wife for her understanding about his years of attendance at the MPC's monthly meetings.

#### **PROCLAMATION OF MAY AS PREECLAMPSIA AWARENESS MONTH**

**Councilman Murray made a motion, second by Councilman Cromer, to approve the proclamation. The motion passed unanimously.** Councilman Murray read the proclamation, and Mayor Keyserling presented it to **Tamara Butler**, who thanked city council for its support.

#### **PROCLAMATION OF MAY 6-12, 2018 AS NATIONAL TRAVEL AND TOURISM WEEK**

**Councilman Murray made a motion, second by Councilman Cromer, to approve the proclamation. The motion passed unanimously.** Councilman Murray read the proclamation, and Mayor Keyserling presented it to **Robb Wells**, VP of the Tourism Division of the Beaufort Regional Chamber of Commerce and soon-to-be head of the newly formed Convention and Visitors Bureau. Mr. Wells discussed accomplishments in the City of Beaufort that "will help spur growth in the travel and tourism industry," for which he thanked council.

#### **RESOLUTION DECLARING MAY 19-25, 2018 AS NATIONAL SAFE BOATING WEEK**

**Councilman Cromer made a motion, second by Councilman Murray, to approve the resolution. The motion passed unanimously.** Councilman Murray read the proclamation, and Mayor Keyserling presented it to **Bill Ballard**.



## **MINUTES**

**Councilman Murray made a motion, second by Councilman Cromer, to approve the minutes of council's work session and regular meeting on March 27, 2018.** Councilman Cromer said that on page 2, in the 4<sup>th</sup> paragraph, the word "monuments" should be singular. Councilman Cromer also said all references on pages 3 and 4 of the minutes to **Jason Ruhf/Mr. Ruhf** should be to **Jason Mann/Mr. Mann**. **The motion to approve the minutes as amended passed unanimously.**

**Councilman Cromer made a motion, second by Councilwoman Sutton, to approve the minutes of council's work session and regular meeting on April 10, 2018.** Councilman Murray recused himself from voting because he was absent from this meeting. **The motion to approve the minutes as submitted passed 3-0.**

**Councilman Murray made a motion, second by Councilman Cromer, to approve the minutes of council's work session on April 17, 2018.** The motion to approve the minutes as submitted passed unanimously.

**Councilman Cromer made a motion, second by Councilman Murray, to approve the minutes of council's work session and regular meeting on April 24, 2018.** The motion to approve the minutes as submitted passed unanimously.

## **FY 2018 BUDGET AMENDMENT #2**

**Councilman Murray made a motion, second by Councilman Cromer, to approve the budget amendment on second reading.** Kathy Todd explained the grants and FEMA reimbursements for which the revenue and expenditures are being recorded in the amendment. **The motion passed unanimously.**

## **ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE SALE OF PROPERTY IN COMMERCE PARK TO OLIVER'S CLEAN BURN, LLC**

**Councilman Murray made a motion, second by Councilman Cromer, to approve the ordinance on second reading.** Mr. Prokop said since council's first reading of the ordinance in December, the contract has been changed to a lease-purchase agreement.

Councilman Cromer said on the third paragraph of the ordinance, the amount should be \$300,000, not \$3 million. **Councilman Murray made a motion to amend to reflect this correction. Councilwoman Sutton seconded. The motion passed unanimously. The amended motion passed unanimously.**

## **STREET CLOSURE REQUEST FROM THE BOARD OF THE BEAUFORT COUNTY COMMUNITY CENTER FOR WASHINGTON STREET PARK PLAYGROUND EVENT**

**Councilman Cromer made a motion, second by Councilman Murray, to approve the request for the June 23, 2018 event.** The motion passed unanimously.

**STREET CLOSURES, WAIVER OF OPEN CONTAINER OR ALLOWING THE SALE OF ALCOHOL, AND CO-SPONSORSHIP REQUEST FROM THE DOWNTOWN BEAUFORT MERCHANTS ASSOCIATION (DBMA) FOR FIRST FRIDAY EVENT**

**Councilman Murray made a motion, second by Councilman Cromer, to approve the request for the June 1, 2018 event.** Linda Roper said the request is to close Bay Street from Carteret to Charles Streets, West Street from Bay to Port Republic Streets, and Scott Street from the entrance to the Scott Street lot to Bay Street for First Friday, which has the theme “Dads and Dudes” for Father’s Day. She said the street closures would be from 4:00 p.m. to 8:30 p.m. for a bull-riding activity, music on the street, etc. The April First Friday was very successful with these streets closed, Ms. Roper said.

The DBMA is exploring getting a permit for alcohol sales and consumption on the streets, which would help them to raise money by selling beer and wine, if the permit is obtained, Ms. Roper said. This would be limited to whatever the police department approves. It might not happen for the June First Friday, she said, but if they don’t get it, they would like a waiver of the open container law for the beer and wine merchants give out during this First Friday.

Councilman Murray said he doesn’t have any issue with the DBMA selling food and alcohol if the streets are closed and there’s an appropriate police presence. Councilman Cromer suggested that Mayor Keyserling open the event by riding the mechanical bull. **The motion passed unanimously.**

Mr. Prokop thanked the DBMA for adjusting the plans for the June First Friday. There was a meeting that was “educational,” he said, and there has been “good cooperation” between the association and the city.

**ORDINANCE ANNEXING A PARCEL OF PROPERTY LOCATED AT 2 HARBORVIEW CIRCLE ON LADY’S ISLAND**

**Councilman Cromer made a motion, second by Councilman Murray, to approve the ordinance on first reading.** Ms. Anderson said this property is about a ½-acre. The MPC recommended approval of the annexation and the rezoning. There is a single-family dwelling on the property at this time, Ms. Anderson told Councilman Cromer. She does not know if it is to remain. **The motion passed unanimously.**

**ORDINANCE ZONING A PARCEL OF PROPERTY LOCATED AT 2 HARBORVIEW CIRCLE T4-NEIGHBORHOOD**

**Councilman Murray made a motion, second by Councilman Cromer, to approve the ordinance on first reading. The motion passed unanimously.**

**ORDINANCE APPROVING THE SALE OF SURPLUS CITY PROPERTY AND AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS TO TRANSFER**

**Councilman Murray made a motion, second by Councilman Cromer, to approve the**

**ordinance on first reading.** Mr. Prokop said 6 or 7 parcels of city property had been put up for sale. This parcel is near 107 Verdier Road, he said, and after following the process, one bid was received for it from Mr. DeVito for \$50. The property is not buildable, Mr. Prokop said, and staff recommends accepting the bid.

Councilman Cromer noted that Mr. DeVito's name was misspelled throughout the ordinance. **Councilman Cromer made a motion to amend the ordinance to correct the spelling of Mr. DeVito's name, which is misspelled as "DeVitto". Councilman Murray seconded. The motion passed unanimously, and the amended motion passed unanimously.**

#### **REAPPOINTMENT TO ZONING BOARD OF APPEALS (ZBOA)**

**Councilman Cromer made a motion, second by Councilman Murray, to reappoint Joe Noll to the ZBOA. The motion passed unanimously.**

#### **CITY MANAGER'S REPORT**

Mr. Prokop congratulated the Chamber of Commerce for a successful Taste of Beaufort event.

Boundary Street is nearly done, and the date of the day dock ribbon-cutting will be announced soon, Mr. Prokop said. The work on the pilings under Waterfront Park is continuing on-schedule. The trail at Southside Park will be completed by the end of the month, he said.

Plans and cost estimates for stormwater issues in the 800-acre Mossy Oaks watershed is the city's #1 priority, Mr. Prokop said. Long-overlooked infrastructure issues are being addressed now in Mossy Oaks – which is the top priority – and will be in other parts of the city, he said.

Councilman Cromer said the day dock lights are very small, and he's concerned about people who aren't familiar with it running into the dock or gangway at night. Mr. Prokop said he believes those are the same lights as are on the other dock, which have been there a year and a half. Councilman Murray agreed with Councilman Cromer that they are hard to see. Mr. Prokop said they will look into what has to be done.

Councilman Murray said it was great to see the day dock being used last weekend. It blends as well as it can with the seawall, he feels, and he heard an anecdote that shows it is being used, as was hoped, for economic development. There are also people coming in on boats now, so their boats equate to parking spaces that aren't being taken up downtown.

Mayor Keyserling said the finger has been pointed at the city for putting in new security lights, but they are not new, just more recognizable now. They are on private property, he said. Mr. Prokop said there will be two security cameras for the day dock and one for

the Waterfront Park pavilion. A trash compactor will be installed at Waterfront Park, and a camera will be focused on it to catch people who litter there, he said.

Councilman Murray asked if there would be additional cameras installed to cover the Scott Street lot. Mr. Prokop said there are cameras, but they are “not verifying initial reports.” Ms. Roper said phase 2 of the plan for cameras will extend down Scott and West Streets to Port Republic Street to “create a net.” A phase 3 for cameras is also being looked at, she said.

### **MAYOR’S REPORT**

There are now 100 kids taking part in the United Community Task Force program after school, Mayor Keyserling said, and there are discussions about integrating them into the PALS program with scholarships.

### **COUNCIL REPORTS**

Councilman Cromer said he attended the Lowcountry Area Transportation Study committee meeting for Councilman McFee. The current administration has a program that consists of “\$150 million in grants available for each state,” and “each local entity can get up to \$25 million in grant money, mainly for federal and state roads and bridges.” Senator **Lindsey Graham**’s office is “looking into the use of the grant for local road and bridge repair,” as well as “stormwater and some other areas that might benefit” the City of Beaufort, Councilman Cromer said.

Councilman Murray said Beaufort Digital Corridor (BDC) is working in partnership with a College of Charleston program, and one person from the latest round of winners has been invited to Beaufort to develop his/her app idea at BDC. There will be more on this in the coming months, he said, calling this a project that is “all about engaging citizens with local government.”

Because there were no other asks for the proviso money from the Department of Commerce, the county – which previously approved \$70,000 of it for Commerce Park – has “requested the full \$140,000 in proviso money for us,” Councilman Murray said, so \$70,000 will go toward the installation of fiber in Commerce Park, and \$70,000 will be used for repaving there.

Councilman Murray thanked “Ms. Roper and city staff for arranging the cord-cutting ceremony” during Taste of Beaufort last Friday for the Wi-Fi in Waterfront Park. He thanked “our partners at Hargray for putting in the Wi-Fi,” which he said is “lightning fast.”

Mayor Keyserling said he'd had a conversation with a representative from the Trust for Public Land who is doing research on the Beaufort County’s question about the potential impact of a Rural and Critical Lands referendum on the county’s transportation referendum.

**There being no further business to come before council, Councilman Cromer made a motion, second by Councilman Murray, to adjourn the regular council meeting. The motion passed unanimously, and the meeting was adjourned at 8:00 p.m.**





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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 6/8/2018  
**FROM:**  
**AGENDA ITEM**  
**TITLE:** Worksession May 15, 2018  
**MEETING**  
**DATE:** 6/12/2018  
**DEPARTMENT:** City Clerk

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*BACKGROUND INFORMATION:*

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*PLACED ON AGENDA FOR:*

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*REMARKS:*

**ATTACHMENTS:**

Description	Type	Upload Date
Minutes	Backup Material	6/8/2018

A work session of the Beaufort City Council was held on May 15, 2018 at 5:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Councilwoman Nan Sutton, Councilmen Stephen Murray, and Phil Cromer, and Bill Prokop, city manager. Mike McFee was an excused absence.

In accordance with the 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.

### **CALL TO ORDER**

Mayor Keyserling called the work session to order at 5:01 p.m.

### **DISCUSSION: FY (FISCAL YEAR) 2019 BUDGET DEPARTMENT PRESENTATIONS - PUBLIC WORKS (CONTINUED), DOWNTOWN OPERATIONS, POLICE, AND ADMINISTRATION**

**Kathy Todd** explained a handout about the functions of Public Works, which have been divided for the FY 2019 budget. The Stormwater Fund and Parks & Tourism Fund have been created; she described which dollars were allocated in those funds and which are in the General Fund.

**Lamar Taylor** resumed the presentation, saying that 3 additional full-time employees were being requested this year. Mr. Prokop said the custodian job wasn't filled this year and is still open. Mr. Taylor said 7 streets were added that need to be maintained: Boundary Street, Greenlawn Drive, Pickpocket Plantation Drive, Port Republic, Scott, and West Streets, and Polk Street Extension. Fire Station #4 will be the purview of Public Works' facilities department when it is built, he said.

Mr. Taylor said Public Works' FY 2019 customer service initiatives include answering all emails, phone calls, and texts that are received within a business day or less; updating the department's Facebook page; continued leadership and supervisory training in the department, and implementing an effective work order system to articulate due dates to stakeholders.

### **Downtown Operations & Community Services**

**Linda Roper** said this is this department's first budget. She reviewed the department's mission statement and reviewed recent performance accomplishments, which included Waterfront Park improvements (e.g., after Hurricane Irma and installation of high-speed Wi-Fi); a revamped free holiday parking program; re-striped parking lots; moving Park Beaufort, TWEAC (Transitional Workforce Educational Assistance Collaborative), and downtown operations offices to 500 Carteret Street; purchase of a pump-out boat and a new stationary pump with grant funds; assistance with development and formation of the Downtown Beaufort Merchants Association (DBMA) and First Friday events; contracting with Preservation Architects for work at The Arsenal; assistance with installation of a compactor and trash enclosure in the marina parking lot, and

development of a plan for a trash compactor on the east side of the public library parking lot.

Ms. Roper said performance measures to track recent accomplishments include merchants, residents, and stakeholders responding positively to the presence of the director and improvements in the downtown core, and the first successful street closure for a First Friday event.

A recent goal the department was unable to achieve was the installation of a seat wall, Ms. Roper said, because it was delayed by the need to repair damages from Hurricane Irma.

Ms. Roper said current performance initiatives include improving the infrastructure and aesthetics of Waterfront Park and the expanded core commercial areas; developing improvements to The Arsenal and the Carnegie Building, and developing a transition plan for marina operations after the current contract ends.

Ms. Roper reviewed key goals and initiatives for FY 2019, which include implementing a plan to transfer management of the marina operations at the beginning of FY 2020; development of an aesthetic and safety improvement plan for Waterfront Park; increasing parking by identifying remote lots to acquire or lease, and completing roof repairs, window restoration, and construction of additional restrooms at The Arsenal.

Budget requests needed to achieve FY 2019 goals and initiatives include hiring a downtown development coordinator beginning January 2019 to support former Main Street Beaufort activities; installing a trash compactor at the library; funding a portion of downtown shuttle operations, and safety and aesthetic improvements in Waterfront Park, Ms. Roper said.

Ms. Roper reviewed expenditure offsets for her department: revenue sources are tour business fees, Waterfront Park fees, parking, and the marina lease. She then reviewed the expenditures for her department.

Ms. Roper said the major increases in the department's budget are because of hiring a downtown development coordinator for 6 months, and increases in Waterfront Park operating costs, including additional security cameras as part of phase 2 of that project; improvements to brickwork and the palm tree bed at the amphitheater; replacement of the fence on the west side of the marina parking lot, and replacement of plants damaged by Hurricane Irma; replacement of aging swings at Waterfront Park; site assessment for the Carnegie Library by Preservation Architects; library compactor installation; refurbishing and purchasing new trash receptacles in the downtown core; additional Christmas lights; Cultural District initiatives, and the upfit of 500 Carteret Street offices to prepare them for leasing.

Ms. Roper reviewed the customer service initiatives for her department in FY 2019, including the coordination of the DBMA, the Cultural District, and Hospitality Association activities; overseeing the expansion of the downtown core commercial district, and coordinating the activities and community events previously under Main Street Beaufort's purview.

Ms. Roper said she thinks that since the parking meters were changed to accept credit cards, it has helped with compliance, as has "Park Mobile," which has been "very successful." There was an "amazing . . . revenue uptick" when the new meters were put in, she said.

Councilman Murray said he supports funding the downtown development coordinator, but he would like to see a job description and responsibilities, as well as performance indicators. He asked if there is a budget for expanded production and marketing for the events the department will produce. Ms. Roper said, "There is some marketing money included" for that, but some of the money for community events would also come from the \$25,000 that city council designated to distribute at its discretion to the entity that produces those events.

Councilman Murray asked why refurbishing and purchasing new trash receptacles would be \$7,000. Councilwoman Sutton said that 18 years ago, those types of trash cans cost \$800 each; Ms. Roper said the ones she is looking at cost about \$900 each, and there will be an effort made to refurbish those cans that are already there. She and Mr. Taylor both said that refurbishing existing receptacles would not cost much less than purchasing new ones.

Mayor Keyserling said he'd like to have "a work session on metrics" because of the "mushiness" in the "refocus" on downtown, and he'd like to see how this would be measured, based on what the city will get versus what it got before. He feels it will take "more than a budget and money" for the city to determine "how appropriate service will grow [the] downtown core." He wants to ensure that value is added in the way that council has said it wants it to be. Consolidating responsibilities is "a new course," Mayor Keyserling said, and council should see where the money is going, if it will help the downtown area grow, whether that growth includes Boundary Street, etc.

Mayor Keyserling said he likes the consolidation of responsibilities, but he would like to see measures of some kind to ensure that the downtown core is really growing, apart from 3 blocks of it. Councilwoman Sutton said Main Street Beaufort's work was more than "just events" over all its years of operation. Mayor Keyserling said he feels this effort should be more focused than it has been, and there should be "metrics and . . . accountability." A lot more money is spent on downtown than comes in from downtown to the city, he said. The downtown area is critical to the city, and Mayor Keyserling doesn't "believe it will ever pay for itself," but he still wants accountability.

Mr. Prokop said the “core district” is “more than just downtown.” He asked council to think about whether the city needs 15,000 plants in its medians and 23 parks. A lot of the public doesn’t realize that \$100,000 a month is spent on park maintenance, he said, and he suggested that fees for the use of Waterfront Park might need to be raised.

Mayor Keyserling said the process to “thin out” the number of parks in the city was begun but “didn’t get very far.”

Councilman Murray said it would be unfair to stop funding Main Street Beaufort but then not have a plan for what the city would fund as an alternative to that organization for downtown. Accommodations and hospitality taxes are increasing, he said, and “positive things are happening,” but there needs to be a job description for the new position, and an explanation of what the events are downtown and what they should accomplish, for example.

Councilwoman Sutton said it wasn’t like the city was “just throwing money at Main Street” Beaufort, which supported itself through its events. Mayor Keyserling said his point is that as the budget for downtown grows, there needs to be more of a vision and a plan for what is to be done with those funds.

Councilman Murray said he agrees that the Waterfront Park booking process should be simplified, and there should be a clearer process for booking other parks, plus a fee schedule for that, which could help to offset maintenance costs, he said.

Mayor Keyserling said for next year, he wants the downtown operations and community services department’s presentation to allow council “to really see how it’s working.”

Councilman Murray asked Ms. Todd about the downtown operations and community services expenditures. He reviewed the offsets and said, “You’re still running a deficit of \$588,696, but some of that is being offset by accommodations [and] hospitality taxes,” so “the deficit of what’s being put into downtown that’s not generated outside of downtown is smaller than that number,” but other taxes and fees generated outside of the core commercial district “are being used to subsidize downtown operations in some capacity.” Ms. Todd said, “Absolutely. That’s the purpose of the Parks and Tourism Fund, and that’s why those functions now reside in that fund.”

Mayor Keyserling said county council allocated \$30,000 a year to the Santa Elena Foundation for a “grossly underused” parking lot, which he thinks is “ridiculous,” but there may be options still for a parking partnership between the organization and the city.

Mayor Keyserling asked about the improvements to the 500 Carteret Street building and whether the city is looking for tenants. He feels that offices there should not directly compete with offices across the street, and their purpose should be “to help something



grow.” Mr. Prokop described a potential tenant. Ms. Roper said tenants usually come to the city, which doesn’t actively seek tenants at 500 Carteret Street.

Councilman Murray asked about the library trash compactor; Ms. Roper said the installation cost is \$15,000, and \$10,000 is “built in” because so many businesses will be using it. Each of the businesses that use the compactor will be billed, she said, so costs will be recouped. Councilman Murray asked about the costs for using the compactor at the marina; Ms. Roper said those rates haven’t been figured out yet, but she wants it to at least recoup the city’s costs.

Mayor Keyserling said he’s always wondered why the glass in the trash from downtown bars and restaurants is not recycled. He asked if it could be separated for recycling. Ms. Roper said she can barely get businesses to bring their trash to the compactor, and while the city could have a recycling program downtown, some recycling sites are not taking glass.

Mayor Keyserling asked how the city is “doing on the Waste Pro contract.” Mr. Prokop said there’s not been more than one complaint in the last month. Mr. Taylor agreed, saying that there have only been small issues. Ms. Roper said they are going through a reevaluation of routes and other aspects of the service. Some places weren’t getting yard debris picked up, for example, and as the city talked to Waste Pro, they realized one route was “so large” that it needed to be reevaluated, she said. The yard waste problems were “constant,” but now Waste Pro is putting 2 trucks “on that very large day,” Ms. Roper said, so they’re able to finish the route, and Waste Pro is not behind the next day.

There was a discussion about whether materials in recycling bins is getting recycled or is going to a dump with other waste. Councilman Murray said loads of recycling can be “contaminated” with trash that shouldn’t be in recycling; when that happens, the whole load is taken to the landfill, not sorted. Mayor Keyserling said a lot of people go out of their way to recycle, and they shouldn’t be made to think they’re recycling if they’re not. Mr. Prokop said Waste Pro delivers to Waste Management, and that’s whom the county has its contract with. Ms. Roper said they have to rely on Waste Management to actually recycle recyclables, and that could be a problem.

Councilman Murray said the city might have to provide more education to its citizens about recycling. Mr. Prokop said he could get numbers to council about what is being recycled and what’s not. Councilwoman Sutton and Ms. Roper agreed that education about recycling is important.

Mr. Prokop said the Waste Pro contract comes up for renewal in 2 years.

### **Police Department**

Police Chief **Matt Clancy** reviewed the department’s mission statement and recent

performance accomplishments, which included receiving South Carolina state accreditation; officers being assigned downtown and to Lady's Island, and lowering the Part 1 crime rate with DDACTS (data-driven approaches to crime and traffic safety) and predictive modeling by 52% in "hot spots."

Chief Clancy reviewed performance measures used to track recent accomplishments. Burglaries in hot spots were reduced of 70%, for example, and there was an overall reduction in traffic collisions of 9.3%, he said. Because of a public awareness campaign to deter vehicle break-ins that began at the end of October, the number of break-ins was reduced by more than half by January 2018, in part because of the program. Chief Clancy said most vehicle break-ins occur because they are left unlocked, and most of the weapons that are stolen are taken from vehicles.

Chief Clancy said there were no goals the police department was unable to meet because council had given the department the budget it asked for. Vehicle upgrades led to fewer vehicle issues; a civilian who was hired for evidence processing has significantly improved it, he said.

Chief Clancy said there is a high demand for police officers, and fewer people are going into police work, so those who are in it can choose where they want to go. Mr. Prokop shared the large numbers of police and firefighters being sought in Myrtle Beach and in Horry County. Chief Clancy said the City of Beaufort will not let this demand for police officers affect its hiring negatively.

Chief Clancy said current performance initiatives include neighborhood outreach coordination, the United Community Task Force (UCTF), property manager coordination and information sharing, numerous neighborhood association meetings, and active shooter awareness training for a variety of groups.

Chief Clancy reviewed key performance indicators: calls for service and Part 1 crimes, using actual numbers in 2016 and 2017 to the estimates for 2018 and 2019. For example, the number of Part 1 crimes has gone down from 183 to 147 between the first quarter of 2017 and the first quarter of 2018, he said.

Chief Clancy said key goals and initiatives for FY 2019 include applying for a community policing grant for up to 3 officers to address quality of life issues; establishing a larger presence in the downtown area with foot patrols and with Sergeant **Hope Able** and police bicycles moving into 500 Carteret Street downtown; license plate readers at stationary points in the city, to be used to detect stolen vehicles and those for which AMBER Alerts have been issued, and enhancing the police department's social media outreach/cyber-crime prevention with advanced training for some officers.

Budget requests to attain goals and initiatives include 3 license plate readers, which are \$20,000 each (one would be paid for with TIF2 funds); anti-theft devices for all patrol

vehicles, and ballistic shields (for serving warrants, for example), for a total capital request of \$76,575.

Chief Clancy reviewed police department expenditure offsets, including a Highway Safety grant, state victims' advocate funds, contract service reimbursement, and a bulletproof vest grant. A Justice Assistance Grant (JAG) is based on crime numbers, and he said those numbers are too low in Beaufort this year for the department to apply for a JAG, which is "kind of a good thing."

The offset projections are \$428,110 for 2018 and \$527,967 for 2019, Chief Clancy said.

Chief Clancy reviewed police department expenditures and compared them to numbers since FY 2016; the increases in the budget were from personnel benefits increasing due to retirement costs, a tort liability increase of more than \$12,000, and increased vehicle insurance rates.

Chief Clancy reviewed customer service initiatives for FY 2019, including continuing citizen surveys, expanded social media and neighborhood outreach, UCTF, online training, and coordinating with USCB's expansion downtown.

Chief Clancy said the \$200,000 increase in personnel is for existing personnel because the department is not requesting any additional personnel this year.

Councilman Murray asked if there were significant increases in cost of living for officers. Mr. Prokop said the city increases are merit-based, so they're all based on individual performance.

### **Finance Department**

Ms. Todd reviewed the department's mission statement and recent performance accomplishments, including the following: the GFOA (Government Finance Officers Association) certificate for excellence in financial reporting, which has positively affected the city's bond rating; the GFOA Distinguished Budget Award, for which the city applied for the first time this year; use of the business license online portal continues to increase; online permit payment is scheduled to be completed by June 30, 2018, and several upgrades have been made by the information technology (IT) department.

Goals the department was unable to achieve, Ms. Todd said, were due to staff shortages, including being unable to review the city's procurement ordinance.

Current performance initiatives include internal training on various Munis reports, functionality, and capabilities, and enhancing transparency portal reporting, Ms. Todd said.

Ms. Todd reviewed key performance indicators: the number of online business

customers, the number of users on the OpenGov transparency model (which she said is not receiving a lot of attention from the public), and the number of online payments processed. Mayor Keyserling suggested OpenGov could be marketed to the public more. Councilman Cromer said it could be mentioned at council meetings.

Ms. Todd reviewed goals and new initiatives for FY 2019 in the finance department, including continuing “Lunch ‘n’ Learns” to enhance training and operating procedures for Munis, new software applications, and standard operating procedures, and in IT, completing installation of technology infrastructure in Fire Station #4, and training users on Office 365.

Ms. Todd reviewed the finance department’s expenditures historically. They are flat moving into FY 2019, she said.

The finance department’s overall budget increased 1.07%, Ms. Todd said, because personnel costs increased 2.2% with merit increases received in FY 2018, and benefit costs increased 9.2% because of personnel who didn’t elect to receive health benefits “that were replaced with personnel” who elected to receive health benefits in FY 2019. In addition, IT costs decreased 4.09%, and the overall department budget decreased .94% from FY 2018, she said.

Ms. Todd reviewed customer service initiatives for FY 2019.

Councilman Murray asked why IT is under the finance department’s budget. Ms. Todd said that’s where it’s always been, and it’s primarily because of Munis. It’s common in many municipalities to put IT under “Finance,” she said.

### **Other Administrative Departments**

Mr. Prokop said recent performance accomplishments for city council include the live streaming of council meetings on Facebook; this has received good feedback. Mayor Keyserling asked how the city determines if there will be a livestream of a council meeting; he thinks consistency is important. Mr. Prokop said the city tells **Shawn Hill** to come to a meeting or not, based on whether the topics to be covered are considered important and of interest to the public. Councilman Cromer said cost could be a factor; he suggested the public could be told why all of council’s meetings aren’t covered. Councilman Murray said if its feasible, he’d like to see all of the meetings being covered and stored on Facebook for later viewing. Mayor Keyserling said even if they only livestreamed work sessions, they should do that consistently.

Councilman Murray said, in the same way the public may not seem to be taking advantage of OpenGov, people may not appear to be watching the livestream of council meetings that much in real-time, but they might watch it after the meeting to see what happened. **Ivette Burgess** said analysis shows that’s the case.

Mr. Prokop said other council performance accomplishments are active sub-committees within the Redevelopment Commission and several key annexations.

The city manager continued to build relationships, Mr. Prokop said, and to lead customer service improvements and major projects, among other accomplishments.

Ms. Burgess said the human resources department implemented an employee recognition program, and a performance management evaluation system and merit-based employee evaluations. The department also partnered with Beaufort Memorial Hospital “to facilitate the city’s occupational health,” she said.

Mr. Prokop reviewed recent performance measures for council and the city manager; Ms. Burgess said worker’s compensation rates have been reduced by 5%, and employees are actively using employee self-service.

Mr. Prokop said recent goals that couldn't be achieved were economic development opportunities in Commerce Park; systems enhancements in several departments; long-term strategic planning, and complete analysis of city-owned infrastructure, sidewalks, and roads.

Mr. Prokop reviewed current performance initiatives for city council, which include annexations; economic development; marina and park improvements, and pursuing the ability to have a local option sales tax (LOST), and for the city manager, which include budget oversight; professional development of staff, and development of a communications plan.

Key goals and initiatives for council, Mr. Prokop said, include encouraging sustainable economic growth and affordable housing, and for the city manager, oversight of the budget for the city and the goals in the strategic plan for 2018. Ms. Burgess said new initiatives for Human Resources are to evaluate and support the employee recognition program, develop an ambassador program with new hires, and develop a “summer youth work program.”

Ms. Burgess reviewed the budget needs for Human Resources to achieve its goals.

Mr. Prokop said reallocations made the administrative department budget expenditures appear to have dropped significantly, but the money has been moved to other departments. He said there are no major increases in the administrative expenditures budget.

Mr. Prokop reviewed the customer service initiatives for FY 2019 in the administrative departments.

Mr. Prokop told Councilman Cromer that there might be two slots for interns: one in the



planning department, and one that is “open.”

Mr. Prokop said the overall budget summary would be given to council at next week’s council meeting. All departments have held their increases to “an absolute minimum,” he said. The overall expenses in the budget will increase about 3.9% over this year, Mr. Prokop said.

There being no further business to come before council, the work session adjourned at 7:13 p.m.

#### **EXECUTIVE SESSION**

Pursuant to Title 30, Chapter 4, and Section 70 (a) (2) of the South Carolina Code of Law, **Councilman Murray made a motion, seconded by Councilman Cromer, to enter into Executive Session for receipt of legal advice. The motion passed unanimously.**

**Councilman Murray made a motion, second by Councilman Cromer, to adjourn the Executive Session. The motion passed unanimously.**



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 6/8/2018  
**FROM:**  
**AGENDA ITEM**  
**TITLE:** Worksession and Regular Meeting May 22, 2018  
**MEETING**  
**DATE:** 6/12/2018  
**DEPARTMENT:** City Clerk

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*BACKGROUND INFORMATION:*

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*PLACED ON AGENDA FOR:*

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*REMARKS:*

**ATTACHMENTS:**

Description	Type	Upload Date
Minutes	Backup Material	6/8/2018

A work session of Beaufort City Council was held on May 22, 2018 at 5:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Councilwoman Nan Sutton, Councilmen Mike McFee, Stephen Murray, Mike McFee, and Phil Cromer, and Bill Prokop, city manager.

In accordance with the 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.

### **CALL TO ORDER**

Mayor Keyserling called the work session to order at 5:01 p.m.

### **FY 2019 CITY MANAGER'S BUDGET PRESENTATION**

Mr. Prokop said he would present an overview of what has been accomplished since 2016 and the city's goals and strategic plan, which would be followed by the budget plan.

Mr. Prokop said personnel accomplishments since 2016 include:

- Cost of living increases were eliminated two years ago and were replaced with a performance review system for all city employees. Each department has a review system for the employees' individual performances.
- Longevity bonuses are now paid once.
- Workers' comp insurance costs have been reduced, and a strong risk-management plan has been implemented in all departments.
- Customer service goals were established for all levels of the organization.
- The employee handbook was revised.
- There are fewer complaints from residents about city services.
- The city obtained numerous certifications, awards, and recognitions.
- Personnel cost increases are the result of two hurricanes and several microbursts, additional public safety personnel, and the increase of "the mandated cost in the state pension system," Mr. Prokop said.

Mr. Prokop said city accomplishments over the last two years include the following:

- A strategic plan was developed and city goals were clarified.
- More than \$3,600,000 in grant funds have been award to the city.
- 102 residential building permits and 20 commercial building permits were issued, for more than \$450,00 in revenue.
- An average of 3,500 business licenses has been issued each year.
- DDACTS (Data-driven approaches to crime and traffic safety) analysis has reduced crime by more than 50% in the city's "hot spots."
- More than 250,000 calls to police and more than 7,000 fire/first responder calls were processed.

- The city's municipal court processed more than 20,000 cases, of which over 200 were by jury.
- Public Works infrastructure projects worth over \$3.5 million were completed.
- Property with an assessed value of more than \$1 million was annexed into the city.
- A new form-based development code was adopted.
- The city began addressing its infrastructure needs, including in Commerce Park.
- The city assisted in the start-up of Beaufort Digital Corridor (BDC), with the goal of bringing more high-tech jobs to Beaufort.
- Major downtown marina improvements were completed.
- Johnson Controls energy savings program was completed, and savings are double what the company guaranteed.
- Almost two miles of roads, medians with 15,000 plants and trees that were added on Boundary Street, and trails are additional city maintenance, plus the city continues to maintain state-owned assets.
- Phase 2 of the Duke Street improvement program was completed, and a pocket park was added.
- The Boundary Street project will be completed in a few days, ahead of schedule and under budget, in partnership with the county, and without having to touch the contingency fees. The project was paid for without using taxpayer dollars, Mr. Prokop said, adding that the Boundary Street ribbon cutting will be June 1.
- The new fire station is under construction.
- The fire department installed 1,500 smoke detectors in the City of Beaufort and the Town of Port Royal.
- City property was donated to the Beaufort Housing Authority and Lowcountry Habitat for Humanity for affordable housing.
- Work on a plan to address stormwater and rising sea levels is taking place in all areas of the city, Mr. Prokop said, "not just Mossy Oaks."

Mr. Prokop said the city's population is about 13,500 people, according to the census. Beaufort has – on average – 900,000 visitors a year, which equals over 17,000 visitors a week, which is more than Beaufort's population. So 6,000 or 7,000 property owners pay all of the taxes that support all that the city does for all of these people, he said.

Mr. Prokop said the city's theme is "Where history, charm, and business thrive," and that's what the budget presentation will be about. The formula, he said, for the plan is SP (strategic plan) + B (business) = R (results)

Public safety is the city's "first and foremost job," Mr. Prokop said. Much comes down to charm; the city's parks are part of that, and it costs \$1.2 million to maintain them.

This fiscal year's total balanced budget is \$22,279,923; the overall budget increase is 3.9%, Mr. Prokop said.

Under state law, Mr. Prokop said, the millage could have been increased by 9%; the total rate is proposed to be 74.59 mils, including a 2-mil reserve, for a 1-mil increase over the current rate. He said one mil means Beaufort residents with “an average house” that’s valued at \$280,000 would see “roughly a \$50 increase” in their property taxes; Lady’s Island residents would see a property tax decrease of \$46.

There will be a \$30 per year increase in the stormwater fee to fund stormwater issues, Mr. Prokop said. This will correct the stormwater problems that the city has now. The bonding is estimated to be \$5 million at this time, which the \$30 per year increase would cover, he said.

Mr. Prokop reviewed his city manager’s message at the beginning of the formal presentation on the recommended budget.

The city will try to address 4 major challenges, Mr. Prokop said:

1. Improve stormwater infrastructure throughout the city with a \$5 million investment by way of stormwater revenue bonds
2. Provide for real job growth and economic development for our citizens, with a \$150,000 investment via operating and capital funds
3. Invest in the management of growth of the downtown core district and those businesses that invest outside the district in the City of Beaufort – The investment is budgeted at \$500,000, offset by \$300,000 in parking fees, for a net of \$200,000. This does not include \$800,000 a year for Waterfront Park or the Beaufort marina, he said.
4. A strong communications plan – It will be shown to council June 12, and \$36,000 is budgeted for operating costs for it.

Mr. Prokop said the city understands residents’ concerns about a tax increase and tried to keep it down with a 1-mil increase because what the school district and county will do with their rates is unknown.

Mr. Prokop reviewed projected General Fund revenues of 6.4% in the real property assessment valuation, the fire department’s SAFER (Staffing for Adequate Fire & Emergency Response) grant reimbursement of \$660,000 and steady business license fees as well as increases in accommodations and hospitality fees, but this was insufficient, so there will be increases in the city’s operating mil and debt mil, plus a 2 mil increase to establish a reserve fund for future infrastructure needs.

Mr. Prokop summarized the FY 2019 budget. The total proposed operations and debt mil would be 72.59 mils with the proposed 2 mils for the reserve for a total of 74.59 mils.



Staff estimates that it will be two years before overall revenues improve as new commercial development “starts to come online,” Mr. Prokop said, so few new city projects that were not already being planned will be started in the next 24 to 36 months.

Mr. Prokop said major budget and project requests have been cut, including

- Additional improvements in Waterfront Park;
- New investment in Southside Park and other city parks;
- A master plan for the waterfront and marina area;
- Additional public safety personnel, and
- Heavy-duty equipment for Public Works, and more.

The \$22,975,923 FY 2019 budget is \$3,055,521 less than staff requested and \$863,358 more than the city’s current amended budget.

**Kathy Todd** said there is no new revenue coming from TIF2, but there is money in fund balance for costs associated with the TIF2 district. She reviewed the percentage of expenditures covered by revenues. She then compared budgets from FY 2017 through this recommended budget and said the percent change in the General Fund is 6.57%.

Ms. Todd showed the increased percentages in the special revenue funds, the negative-92.82% decrease in the redevelopment fund, and then “where the money comes from” with amounts of revenues from various sources.

The FY 2019 “consolidated revenue budget highlights,” Ms. Todd said, show that the real property taxable assessed value in Tax Year (TY) 2017 was about \$72 million; following reassessment, taxable assessed value is about \$80 million, which includes a taxable assessed growth of about \$5.2 million or 6.47%.

Ms. Todd said growth adds \$131,347 to city property tax revenues, and the debt mil increase adds \$144,897.

Ms. Todd reviewed an expenditure budget summary. The Parks and Tourism and Stormwater Funds in prior years were components of the General Fund, so this summary redistributes costs among these three funds, she said.

Highlights of the expenditures budget are salaries and benefits, which Ms. Todd enumerated; operations decreased by 4.7%, capital decreased 64%, and the recommended budget includes lease payments under the enterprise fleet management program, replacing 30 old, worn vehicles at a cost of \$240,000, which she said is significantly less than vehicle replacement costs.

Ms. Todd said debt increased \$1 million: \$74,000 is increased payments on existing GO (general obligation) bonds; \$546,000 goes toward the anticipated stormwater revenue

bond; \$139,000 for FY 2018 vehicles; \$241,000 under the Johnson Controls/ESCO project.

Ms. Todd reviewed the budget process, beginning with strategic planning sessions that precede the official budget process, the budget calendar, and City of Beaufort financial policies relevant to this budget (e.g., the purposes of the Parks and Tourism and Stormwater Utility Funds).

Ms. Todd reviewed the budget format and the breakdown of the budget summary.

Mr. Prokop reviewed the four goals in the city's strategic plan and said again that the budget is related to the city's "theme": "Where history, charm, and business thrive."

Ms. Todd described the departments' activities that are accounted for in the General Fund. She then summarized the budget revenues; \$17.7 million is the estimate for total General Fund revenues in the FY 2019 recommended budget, she said.

Mr. Prokop noted that the value of the mil went from \$72,762 to \$92,527 from the FY 2016 actual budget to the FY 2019 recommended budget.

Ms. Todd showed the various percentages of department expenditures that are covered by property tax revenues. It is the largest revenue source in the city, she said, at approximately 40% of total revenues. She then described the reassessment and rollback of the millage rate. The taxable assessed value of personal property is estimated to be a 10% decrease from TY 2017 to TY 2018. The total taxable assessed value is estimated to be \$92.5 million. The millage could be increased by 9.19% or 6.4 mils. The FY 2019 recommended budget includes a recommended increase to the operating mil of 2.72% (1.42 mils), a recommended increase in the debt mil of 1.57 mils to 18.97 mils, and a recommended reserve of 2 mils for a total recommended mil value of 74.59 mils and an estimated increase in property tax totaling \$529,244 or 8.1%.

Ms. Todd reviewed what this millage increase could mean to taxpayers. The average increase in real property tax is about \$50.78 in District 120 (the City of Beaufort at large), with a decrease of \$46.38 in District 123, which is properties on Lady's Island that are in the city. Ms. Todd said this is "all real property," including residential and commercial properties.

Mr. Prokop said he'd learned at a recent county meeting that Daufuskie, Lady's Island, and Fripp property all had a significant decrease in value, largely because of Hurricanes Matthew and Irma.

Ms. Todd said other significant revenues are capital lease payments anticipated from Commerce Park and intergovernmental agreement revenues as a result of fire services charged to the Town of Port Royal. All other General Fund revenues are expected to

remain flat, she said, except for “miscellaneous revenue, which is unexpected throughout the year, and no new debt issued that is supported by General Fund revenues.”

Ms. Todd reviewed the General Fund budget by city department. She reviewed the reasons for the establishment of the Parks and Tourism Fund and the expenditures supported by local hospitality and accommodations taxes. There continues to be steady growth in both of these taxes, she said.

Ms. Todd said “tourism marketing” includes the allocation of local accommodations tax to the new Convention and Visitors Bureau (5%) and other nonprofit organizations (1.1%).

Ms. Todd reviewed the purpose of the stormwater fund and its budget summary. The recommended stormwater utility fee increase anticipates the issuance of a bond of approximately \$5 million in the first quarter of FY 2019. It should address 90-95% of the major stormwater issues in the city, Mr. Prokop said.

Mayor Keyserling said if the stormwater infrastructure is improved, rising seas will exacerbate the problem if gates are not integrated in the pipes. Councilman Murray said the engineers are taking that into account, at least in “the specific hotspots.”

Ms. Todd reviewed the State Accommodations Tax Fund. Councilman Murray asked about the 30% for “tourism grants to qualified non-profit organizations,” and Mayor Keyserling said, “That’s after the public safety part” is taken out of it.

Ms. Todd then reviewed salaries by department. Mr. Prokop said of the \$9,357,753 total, there are about \$2 million in offsets from grants for the police and fire departments for their personnel’s salaries, so the actual total is \$7.3 million.

The benefits recommended total for FY 2019 is about \$3.4 million, Ms. Todd said; Mr. Prokop said the fire and police grants he’d referred to also cover their personnel’s benefit costs. Ms. Todd said Beaufort budgets 56% for salaries and benefits, while Hilton Head Island’s is 61%, and Greer is 64%; according to federal numbers, the average amount is 62%.

Mayor Keyserling asked about a period when the city had about 100 employees; Ms. Todd said that was probably around 2007 – 2008. Mayor Keyserling said, “We’ve certainly recovered” if there are 164 employees now.

Of those 164 employees, Mr. Prokop said, 15 firefighters and two police officers “are funded outside of the General Fund”; also, the building inspector is no longer “an outside service,” so that total is 18 employees.

The Capital Projects Fund and recommended capital improvement plan, Ms. Todd said, are waiting on two grants: a CDBG (Community Development Block Grant) for stormwater infrastructure needs in Mossy Oaks Basin 2, for which the stormwater revenue bond would be the source of the city's match, and a Land & Water Conservation Fund grant for infrastructure renovations in Waterfront Park, for which matching funds would come from fund balance committed for that purpose.

Mr. Prokop said \$468,000 is the amount outstanding from FEMA for Hurricane Matthew. Ms. Todd said that money would go into fund balance when it's received.

Ms. Todd detailed active capital projects for FY 2019, which includes The Arsenal's windows, restrooms, and roof replacement; stormwater projects (Azalea Drive and, Cottage Farm basins and Mossy Oaks Basin 2 [CDBG]); the Schein Loop project in Commerce Park, which is partially funded, as is Greenlawn Drive (a CDBG for \$500,000 and \$1.2 million from TIF 2); the Washington Street park restrooms; the Waterfront Park foundation, and playground equipment.

Councilman Murray said he thinks the "rollback is awesome," and he explained why. The recommended mil for this budget "equates to a 1 mil increase," he said, and with the \$30 stormwater fee increase, this equals "about an \$80 increase" for an average single-family home valued at \$280,000. "The 2 mil reserve" would generate \$185,054 to "be set aside in fund balance for future projects," he said. It would be possible for the city not "to put on the 2 mil reserve," Councilman Murray said, which would cause "a 1 mil decrease"; with the \$30 stormwater fee increase, for residents with homes valued at \$280,000, that would equate to a "\$20 overall decrease for city taxes and fees next year."

In an earlier budget presentation, Councilman Murray said, he'd "had some heartburn" about the reserve fund when it was 3 mils; he said it would be "possible to achieve all of the goals that you've set out in the budget, increase the stormwater [fee] to take care of major stormwater issues throughout the city, and decrease residents' taxes by – on average . . . about \$20." New businesses and new development are "coming online," Councilman Murray said, and it will take "a couple years for the incentives and some of the things to roll off," but if the economy stays the same, the city should "see some larger increases in property tax and some of the other revenue sources over the next couple of years."

Mayor Keyserling said 1 mil – in terms of repairs and maintenance – "takes awhile to build," so if they did as Councilman Murray suggests, the city wouldn't have \$92,000 a year. Considering what is spent on the marina, that the city is "not getting money back from FEMA," and the cost of major equipment repair, he said the money wouldn't go far.

There has long been talk of building a reserve, Mayor Keyserling said. What Councilman Murray proposes “sounds good,” he said, but that proposal “makes assumptions about growth,” and there is “uncertainty.” He thinks it’s “a modest investment” to set aside \$100,000 a year, and it will “ultimately save the city and the taxpayers in the long run.”

Councilwoman Sutton agreed with Mayor Keyserling that the city should save for infrastructure needs through the use of this reserve fund.

Mayor Keyserling asked Councilman Murray, if the stormwater fee weren’t raised, and the mil wasn’t added now, and “we just went up to where we can go – where Act 388 allows us to go – what would that mean?” Councilman Murray said his “only problem with that is the equity in the stormwater fee.” It is applied to all the city’s property owners, including nonprofit parcel owners, which is more equitable than “to just put on property tax.” Ms. Todd said she doesn’t “think the bonding attorney and bond holders would” go for that. The city separated stormwater “into its own fund to give a little bit more credibility and comfort to bond holders.”

Mayor Keyserling asked if the bonds could be repaid when the taxes come in at the level they’re anticipated to in the future. Ms. Todd said they could look into that, and there is usually a way to do that. Mr. Prokop said this would not affect operations, but would “basically” be establishing “a savings account.” Construction costs have increased 34% in Charleston, for example, he said, and infrastructure spending tanked when the housing market did. The City of Beaufort has “a huge problem” now, in that it puts out an RFP, and no local contractors bid on it because “they’re all so busy,” Mr. Prokop said, plus the costs are “unbelievable.”

Councilman Cromer said the city is taking on additional roads and has to maintain those. Mayor Keyserling added that the city also does minor repairs on SCDOT (South Carolina Department of Transportation) roads when SCDOT doesn’t do them.

Councilman Murray said per capita income continues to fall in the City of Beaufort, and the county and the school district are increasing their millage rates, which the taxpayers will have to pay, and as utility rates rise, this is all “a burden” on “working class families throughout the city, so if it’s not critical to do 2 mils for the reserve fund now, the city would be “further out of the hole next year.” Councilman Murray suggested deferring the 2-mil increase this year, which would give property owners “a slight decrease” to help offset “some of the increases for the majority of our residents.”

Mayor Keyserling said most low- and moderate-income families are not living in \$280,000 homes, so he suggested dropping the property value to \$150,000 – \$175,000, so “instead of \$50, it’s going to mean \$30.” Councilman Murray said the \$30 stormwater fee added to that would still mean a \$60 increase for those property owners, but if the 2 mils were eliminated, “it would be balanced.”



Mayor Keyserling raised the matter of the city spending \$130,000 to put restrooms in Washington Park, which is a neighborhood “where house prices are actually going up,” but they’re still “among our lowest-valued properties,” and “they’re getting something for that \$60.” Councilman Murray said that the reserve fund would be a “rainy day fund,” not a capital projects fund. Mayor Keyserling said new capital projects have been “put on hold,” and the reserve would be a place to go for that money “if something comes up,” rather than going to the General Fund.

Ms. Todd said the city has received \$3.5 million in grants, and for capital projects, the city’s matching funds have come out of fund balance, which is now “down to nothing,” and it can only be replenished with “the 2% reserve,” in order to cover the city’s grant matches, because if money for that purpose is taken out of operating funds, it means “something in operating suffers.”

Mayor Keyserling compared the increase in city taxes to the county’s and the school district’s, saying those are “exponentially higher” than the city’s. Thanks to the city’s public safety departments, the city has “skinnied down” and is “holding the line,” he said. Councilman Murray said there have been greater costs and more city employees in the last two years. Mayor Keyserling said the grants that are funding salaries and benefits are “a risk” because they’re not permanent, and “as a practical matter, we’ve found other revenues.”

Mayor Keyserling said an additional \$60 in taxes “doesn’t matter” to many property owners; Councilman Murray said, to a lot of City of Beaufort residents, it matters a lot. The reserve could be split to just 1 mil, which would start the reserve fund, he said.

Councilman McFee said the city offered tax reductions over the years that were “completely false,” and he thinks 1 or 2 mils should be put aside for a reserve.

Mayor Keyserling said when he and Councilman McFee came on council, there was a strict policy to keep an amount in fund balance, and that amount was twice what was required. He’s concerned about the city “spending [its] savings account.” The city has been “bold” and “disciplined,” Mayor Keyserling said, but it has been “borrowing money from ourselves . . . to get some of these things done.” He feels “sound management of the people’s assets” should be weighed against raising taxes, and he thinks they need to have “a measurable amount of money,” so they don’t need to borrow against fund balance. Mayor Keyserling feels it’s “more honest to sort of pay as you go with that extra bit” that would be raised by an additional 2 mils for this fund.

Councilman Murray said the city has to “borrow a bunch of money” for the stormwater project in Mossy Oaks, for problems that have “been going on for a decade and a half.” He doesn’t know if it’s fair for the city, which “neglected those projects for so long, to put that on the back of citizens.” Councilman Murray feels the city is saying it will both borrow the money for stormwater and “double-tax you to put a big reserve in because

we haven't maintained for so many years." Mayor Keyserling said it's "not a big reserve." When "the stormwater bond pays out, and we spend the \$5 million, we're still going to have to have maintenance," he said.

There has been \$100 million in private investment in the city in the last 2 years, and more will occur in the next few years, and there's been an average 7% increase in local accommodations and hospitality taxes, Councilman Murray said, so the General Fund will be improving in the coming years without having to tax local residents today.

Councilman Murray compared the 300-year-old city's situation with his as an individual: he would like to buy a new truck, but he has to pay for renovations to his historic home, among other expenses, and live within "the revenues that we bring in." He's not able to just say, "Hey, I'd like to have \$10,000 more this year."

There being no further business to come before council, the work session was adjourned at 7:08 p.m.

A regular session of Beaufort City Council was held on May 22, 2018 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Councilwoman Nan Sutton, Councilmen Mike McFee, Stephen Murray, Mike McFee, and Phil Cromer, and Bill Prokop, city manager.

In accordance with the 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.

#### **CALL TO ORDER**

Mayor Keyserling called the regular council meeting to order at 7:15 p.m.

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Councilman McFee led the invocation and the Pledge of Allegiance.

#### **CHARACTER EDUCATION PROCLAMATION**

**Councilman Murray made a motion, second by Councilman McFee, to approve the proclamation of Savanna McLeod as the Beaufort Middle School Student of the Month. The motion passed unanimously.** Councilman McFee read the proclamation, and Mayor Keyserling presented it to Ms. McLeod, who thanked council.

#### **PUBLIC COMMENT**

**Lise Sundrla** said the Beaufort Area Hospitality Association (BAHA) is now “a full-fledged organization.” She named its board’s officers and members. Mr. Prokop will be an ex officio member, as will **Robb Wells**. Ms. Sundrla is BAHA’s executive director, and she would like to make a presentation about the association at a June council work session.

Ms. Sundrla told Councilman Murray that BAHA would be a member of the state’s Hospitality Association. The board members are the association’s only members; the membership drive kicked off today. BAHA’s goal is to be “a voice and an advocate for the industry,” she said.

Ms. Todd said Moody’s has given its annual report on the City of Beaufort’s credit-worthiness, which is a “very strong” credit position. She summarized the overall credit report, and showed the fund balance in relation to revenues since 2013. She said an “Aa2” rating is high “for a city our size.”

#### **PUBLIC HEARING: ORDINANCE REZONING A PARCEL OF PROPERTY LOCATED AT 242 ROBERT SMALLS PARKWAY ON PORT ROYAL ISLAND, FROM C5 TO T5-UC/RMX**

**Mayor Keyserling opened this public hearing. Libby Anderson** said the applicant is Double J Enterprises. A car dealership is currently on the lot. The property is contiguous to existing city limits, and all city services would be available to it upon annexation.

Under the county code the current zoning is C5, which is its most intense commercial

zoning district, Ms. Anderson said. It's proposed to be zoned T5-UC (Urban Corridor) *and* RMX (Regional Mixed Use) under city zoning, with the property owner deciding which works best for the property. Both allow multi-family dwellings and all types of office and commercial uses, she said.

The Robert Smalls Parkway corridor contains a mix of uses, Ms. Anderson said, and the property is suited to continue commercial development. Redevelopment may impact some trees on the site, she said, but the city would do its best to preserve what's there.

Standard public notice was made, and no comments were received, Ms. Anderson said. The MPC had recommended approval of the annexation and rezoning the previous night. There was no public comment, and **Mayor Keyserling closed this public hearing.**

**PUBLIC HEARING: ORDINANCE ZONING THREE PARCELS OF PROPERTY ON PORT ROYAL ISLAND LIGHT INDUSTRIAL DISTRICT AND ONE PARCEL OF PROPERTY T5-UC/RMX**

**Mayor Keyserling opened this public hearing.** Ms. Anderson said these are 4 parcels of property owned by three separate entities. Three parcels are proposed to be zoned Light Industrial District, and one is proposed to be zoned T5-UC/RMX.

- The parcel at 20 Eleanore Fine Road is just west of the intersection of Highway 21 and Laurel Bay Road, Ms. Anderson said. A warehouse building is on the site. The other Eleanore Fine Road parcel is to the west of it, and it is vacant. Both parcels have the same owner.
- 101 Schein Loop is on the perimeter of the city's Commerce Park; it's the site of Oliver's Bushhogging.
- 95 Burton Hill Road has Gray's Collision Center on it.

Ms. Anderson showed where the properties are located. All municipal services would be available upon annexation, she said.

The two Eleanore Fine lots are zoned Industrial Zone under the county's development code, and they are in the AICUZ (Air Installation Compatible Use Zone), Accident Potential Zone 1, and Noise Zone 3. 101 Schein Loop is also currently zoned Industrial Zone, but it is not in the AICUZ. 95 Burton Hill Road is zoned Regional Mixed-Use Center.

The two Eleanore Fine lots and 101 Schein Loop are proposed to be zoned Light Industrial District under the Beaufort Code. 95 Burton Hill Road is proposed to be zoned T5-UC/RMX.

The three lots to the north are in primarily industrial areas, Ms. Anderson said. Burton Hill Road has a mix of uses.

No change in land use is anticipated as a result of these annexations and rezonings, Ms. Anderson said. The MPC had recommended approval of the annexations and rezonings

the previous night.

**Cindy Boone** asked about where “the bushhog place is.” Ms. Anderson replied, and told Ms. Boone that this would not be “going into Clarendon,” and no change is anticipated in the use of the property. Councilman Murray said Mr. Oliver is willing to be in the city and pay city taxes, but he doesn’t anticipate changing his operations.

There was no further public comment, and **Mayor Keyserling closed this public hearing.**

**ORDINANCE ANNEXING A PARCEL OF PROPERTY LOCATED AT 2 HARBORVIEW CIRCLE ON LADY’S ISLAND**

**Councilman McFee made a motion, second by Councilman Cromer, to approve the ordinance on second reading.** Ms. Anderson said there has been a slight change to the annexation and rezoning ordinances because the ownership would be transferred soon, so the request is that the annexation and rezoning not be done until that transfer occurs. **The motion passed unanimously.**

**ORDINANCE ZONING A PARCEL OF PROPERTY LOCATED AT 2 HARBORVIEW CIRCLE T4-NEIGHBORHOOD**

**Councilman McFee made a motion, second by Councilman Murray, to approve the ordinance on second reading.** The motion passed unanimously.

**ORDINANCE APPROVING THE SALE OF SURPLUS CITY PROPERTY AND AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS TO TRANSFER**

**Councilman McFee made a motion, second by Councilman Murray, to approve the ordinance on second reading.** Mr. Prokop indicated where the parcel is on a map. Councilman Cromer said the ordinance still shows the price as \$3 million, and it should be \$300,000. Council determined that the vote at the last council meeting was on the amended ordinance. **The motion passed unanimously.**

**STREET CLOSURE REQUEST FROM THE BEAUFORT COUNTY BLACK CHAMBER OF COMMERCE FOR GRAND OPENING EVENT**

**Councilman McFee made a motion, second by Councilman Murray, to approve the request for the August 24, 2018 event.** Larry Holman described where the organization is asking for the street closure.

**Ivette Burgess** said two off-duty police officers would be needed for the street closure, and she said staff would work that out with Mr. Holman. **The motion passed unanimously.**

**APPEAL FROM DECISION OF PARK & TREE ADVISORY COMMISSION (PTAC)**

**Councilman Murray made a motion, second by Councilman McFee, to approve the appeal.** **Brian Franklin** summarized the case: The applicant applied for removal of a 20” live oak, and the application was denied, but after the denial, the city found out that the

tree service had removed part of the tree, so then it was brought to PTAC. **Amanda Flake**, the certified arborist on PTAC, went to the site to assess the tree, Mr. Franklin said, and drafted a letter; this letter and applicable PTAC meeting minutes are in council's packets. Ms. Flake's recommendation – and PTAC's – was to allow the homeowner to have the tree removed "with an angled cut," and for Action Tree to pay for mitigation because they'd done work without a city permit. Mr. Franklin said the arborist for Action Tree is present tonight.

Councilman Murray said he'd driven by the site, and he asked if it was one tree. Mr. Franklin said, "Opinion varies"; he views it as "a multi-stem live oak" and estimates that it's around 50 to 100 years old.

Councilman Murray asked when Action Tree was notified of the denial. Mr. Franklin said it was on the same day as the tree-trimming was done. He made two calls and sent an email to notify the company of the denial, and he was notified later that day that work had been done on the tree. Mr. Franklin said Ms. Flake's recommendation was to remove the tree because of the damage done to it by the trimming.

The rate for the mitigation fee was determined at \$50 per caliper inch, Mr. Franklin told Councilwoman Sutton.

Councilman Cromer said Mr. Franklin stated that the overall size and health of the tree was the reason for his denial of the permit, but "access and structural interference" from the tree should have been considered because that was why the homeowner wanted the tree removed. Those are valid reasons for removal, he said. The sidewalk is right next to the live oak, Councilman Cromer said, and the tree has interfered with the structure of the sidewalk. He noted that the homeowner is elderly. Mr. Franklin said the tree was not in poor health, and the applicant wanted the limb removed because it made her access to the house more difficult. It would have been "simpler and cheaper" to move the sidewalk, he said, than it would have been to remove the tree. Councilman Cromer said the house was built in 1998, and he didn't know when the homeowner purchased it, but he believes it would be "a burden on her to move the sidewalk."

Councilman Murray said the issue is that a city business license holder knew he was required to have a permit, and before he was granted permission, he took the tree out. This is not a question of whether Mr. Franklin's denial of the application was appropriate. Now PTAC has levied this fine, Councilman Murray said.

Councilman Cromer said the mitigation fee is \$50 per caliper inch, and he feels "another way to mitigate," other than paying the fine, would be "nice." Mayor Keyserling said they might be able to do that when the Beaufort Code is reviewed, but this is how it stands now.

**David Tedford** said he is a state-certified arborist for Action Tree. According to a letter



he'd received from Mr. Franklin about PTAC's decision, there were "two conditions for the removal of this limb." Because he couldn't remove the tree, he "opted to trim it," Mr. Tedford said. When he found out they couldn't do more until the removal permit was granted, "we stopped trimming," he said.

PTAC's second condition, as noted in the letter, is the requirement to mitigate the loss of the 20" limb, which Mr. Tedford said is "a tree in its own entity." The work that lead to the limb loss required a permit, according to the letter, he said, but "no permit is required to trim a tree."

Mr. Tedford said access for the "elderly lady" who owns the home is difficult because of the tree. With this removal, they were going to grind the stump and "make the sidewalk all even for her." He said the sidewalk is uneven "because of the root system."

Mayor Keyserling said this information Mr. Tedford provided has nothing to do with the appeal: If Mr. Tedford was trimming a limb, he doesn't need a permit, but if he was cutting a tree, he does. Mayor Keyserling asked how to determine if the limb or the tree was being cut. Mr. Tedford said he knows he needed a permit to take the tree down, but not to trim it.

Councilman Murray asked if Mr. Tedford was hired to remove a tree. Mr. Tedford said, "Yes." Councilman Murray said "the intent" could be seen in Mr. Tedford's filing for a permit for removal, which he started doing before a permit for removal was approved. He said the work was begun before Mr. Tedford was notified that the permit had been denied. Mr. Tedford said that is right; "we opted to go ahead and trim it."

Councilman McFee said the original application was submitted on January 16, and the denial and tree trimming were on January 19. He said the letter from Mr. Tedford indicates that the work was done "on the tree," not on a limb. Councilman Murray said Mr. Tedford's intent was to remove the tree, not to cut a limb. He said Mr. Tedford could have appealed Mr. Franklin's denial before he trimmed the tree, but he didn't.

Councilwoman Sutton said the "bottom line" is that "the homeowner can walk in her door now" because the tree was trimmed. Mr. Tedford said she cannot. He believes "one tree is 200 years old," and the other is "50 to 70 years old."

Councilman Murray said as a small business owner, he'd like to give Mr. Tedford "relief" from the fine, but Mr. Tedford has "a long history in the county," so he knew he needed a permit; therefore, Councilman Murray feels he can't grant the appeal.

Mayor Keyserling said the two cuts have damaged the tree to the point were Mr. Tedford will have to go back at some point to take the tree out. He agrees that Mr. Tedford's intent was to take the tree down, and when he didn't get permission for that, he took as much of the tree down as he could "and called it trimming."

Councilwoman Sutton asked if the fine could be reduced. Councilman Cromer said that's what he was suggesting, but the mitigation amount is "part of the code." Mayor Keyserling said he doesn't think the code could be changed around this specific appeal.

Mr. Tedford asked why Mr. Franklin denied removal of the tree. Mr. Franklin said when he did the site visit on January 19, there was "a ground inspection," and he saw "no inset damage," and no water or root rot that could create a situation where the tree would fall on the house; the removal application was for Ms. Thompson's access. The location of the sidewalk is "a manmade issue," Mr. Franklin said, not one relating to the health of the tree itself.

Mayor Keyserling said this conversation between Mr. Franklin and Mr. Tedford should have been had when the application was denied, rather than Mr. Tedford "going ahead and cutting the tree."

Mr. Tedford said when he filled out the permit application, the reason given for removal was that the applicant was having a hard time getting in and out of the house. Councilman Murray said he might agree with the removal and the reason for it, but the matter before council is that work was done without a permit.

Councilman Murray clarified the motion and called the question, then withdrew it. Mr. Prokop suggested tabling this appeal because "the tree is still there," so there shouldn't be a fine for removing it. Councilman Murray said two certified arborists have said the tree now needs to be removed because of the amount of trimming that was done to it. Councilwoman Sutton said she finds that "hard to believe."

Mayor Keyserling said he would be happy to table this so the city manager "can give us a clearer picture." Mr. Prokop said he could clarify with the city attorney if the amount of the fine could be adjusted.

Mr. Tedford said he understands the rules, but "Brian's comments don't reflect on this woman getting in and out of her door."

Mayor Keyserling and Councilman Murray agreed that they feel postponing the vote "isn't going to change anything."

Mr. Tedford told Councilman Murray that he has had a city business license since the early 1980s.

**Robert Kessling**, Lady's Island, said technically Mr. Tedford didn't cut down the tree; he trimmed it, but he's being penalized for cutting it down. The ordinance says he "can't cut down the tree." Councilman Murray said Mr. Tedford's "intent was to take down the tree," and that's why he filed the application for a permit to remove it; Mr. Tedford is

saying that he trimmed the tree because he was not permitted to cut it down.

Councilman McFee said the fine is based on the caliper inches, and those 20" haven't been cut. He thinks that Mr. Tedford's point is "valid," and no ordinance violation has occurred.

**Councilman Murray made a motion to table the appeal, pending legal review. Councilman McFee seconded the motion. The motion passed unanimously.**

#### **APPEAL OF SHORT-TERM RENTAL APPLICATION FEE**

**Councilman McFee made a motion, second by Councilman Murray, to approve the appeal for discussion.** Ms. Anderson said a short-term rental owner is appealing the \$1,000 application fee that is applied to "after the fact" short-term rental applications; this is set out in the city's short-term rental ordinance. Host Compliance found this unit among the nine illegal units that it identified, she said.

**Lori Malijenovsky** said she received a flier from the city. She has always done long-term rentals in the past, and she is a realtor. She renovated the property for 6 months and then decided to lease it through Airbnb, which takes a fee from what she charges. Ms. Malijenovsky said she pays income tax and has followed other rules "until I got this notice," from which she read.

Ms. Malijenovsky said she came to a meeting with staff immediately after she received the notice, and since then, she has spent \$1,000 "getting everything up to date." She pays 6% property tax and is now following all the rules "that are asked of me." She would like the \$1,000 application fee waived because this is her first notice, and she "immediately acted upon" receiving the notification.

Mayor Keyserling said the problem is that the city has had illegal short-term rentals in the past. When "the conversation" about short-term rentals started, they could only be done in commercial districts. Over about two years, there were council discussions and public meetings with people expressing concerns about illegal short-term rentals, which were eventually identified, and Ms. Malijenovsky's was one, he said.

Ms. Malijenovsky said she has been a real estate agent for years. She doesn't get the local newspaper, and she didn't know she "needed to apply to be able to pay a local accommodations tax." She said she is following-through now, since she got the warning. Ms. Malijenovsky has a business license now, she said; her previous rental properties were in North Carolina, where she had an LLC.

Ms. Malijenovsky said her husband set up the Airbnb account, which mentions "a state tax." She told Councilman Murray that in retrospect, her husband, who's from France, didn't "read into the details" as he should have. She would like "the benefit of the doubt." Mayor Keyserling said he doesn't think Ms. Malijenovsky wants the benefit of

the doubt; she wants “to be excused from a fine that others are not excused from.”

Councilwoman Sutton said \$1,000 is a lot of money. Mayor Keyserling said yes, but “people have complained” to council about illegal short-term rentals, so he doesn’t think council should change the ordinance or make an exception based on Ms. Malijenovsky’s request. “The warning is there” on the Airbnb page, whether Ms. Malijenovsky heeded it or not, he said.

Ms. Malijenovsky said she is a realtor, and she didn't know about this, so other short-term rental owners operating illegally may not know things like this if they’re not “business-savvy.” She feels people like her should get a chance to pay as they should and to follow the city’s rules to make the short-term rental safe. Ms. Malijenovsky feels she should be given another chance, and she’s spent the money already to get the short-term rental “to where the inspector wants it.” Councilman McFee said, “That’s just the cost of doing business.” There is a degree of due diligence that Ms. Malijenovsky was responsible for doing, he said, and she didn’t do it.

Mr. Prokop said this \$1,000 is not a fine; it’s the application fee – per the short-term rental ordinance – for unregistered short-term rentals that have been operating and then seek to do so legally. Ms. Malijenovsky said she interpreted the letter from the city as saying, “It’s \$1,000 if you don’t come” to meet with city staff about coming into compliance. Councilman McFee reiterated that the application fee is \$1,000 for short-term rentals that have been operated illegally.

Ms. Malijenovsky asked what the city does to inform “laypeople” of what they need to do to operate a short-term rental. Mayor Keyserling said every business has to have a business license. Councilman Murray said if Ms. Malijenovsky had come to the city for a business license, she would have learned about the additional requirements to operate a short-term rental.

Councilman Murray said the Airbnb terms of service are clear about checking in with local jurisdictions about their requirements, and as a real estate agent, Ms. Malijenovsky should have known better. He called the question. **The motion to approve the appeal failed unanimously.**

**ORDINANCE ANNEXING A PARCEL OF PROPERTY LOCATED AT 242 ROBERT SMALLS PARKWAY**

**Councilman McFee made a motion, second by Councilman Murray, to approve the ordinance on first reading. The motion passed unanimously.**

**ORDINANCE ZONING A PARCEL OF PROPERTY LOCATED AT 242 ROBERT SMALLS PARKWAY T5- UC/RMX**

**Councilman McFee made a motion, second by Councilman Cromer, to approve the ordinance on first reading. The motion passed unanimously.**

#### **ORDINANCE ANNEXING FOUR PARCELS OF PROPERTY**

Councilman McFee made a motion, second by Councilman Murray, to approve the ordinance on first reading. The motion passed unanimously.

#### **ORDINANCE ZONING FOUR PARCELS OF PROPERTY LOCATED ON PORT ROYAL ISLAND**

Councilman Murray made a motion, second by Councilman McFee, to approve the ordinance on first reading. The motion passed unanimously.

#### **NOTICE OF SETTLEMENT - GRAINGER VS. ADAMS OUTDOOR**

Mr. Prokop said the city was listed in this suit because it denied the rebuilding of this billboard, which was taken down “prior to the hurricane by Adams.” There was mediation two weeks ago, and the two parties settled, Mr. Prokop said. The billboard will be moved to the south part of Grainger’s property, and Adams will construct a new one, which will be up for 6½ years, rather than 10 years, he said.

Mayor Keyserling said the city has been released from all liability.

Councilman McFee said the term is 78 months, and he asked what other terms the city agreed to. Mr. Prokop said there’s a sheet in council’s packets showing the terms between Grainger and Adams. There is an agreement to permit the replacement billboard until 2023, with no extensions, “and that was it,” he said.

Mayor Keyserling explained to the public that the property Grainger bought had a billboard on it from the previous owner. The billboard came down during construction, and Adams “sought relief,” which came through mediation, and the City of Beaufort agreed to it.

#### **CITY MANAGER’S REPORT**

Mr. Prokop thanked the fire department for saving a house in Port Royal three nights ago.

He also thanked the planning department, Ms. Anderson, and **Lauren Kelly** for the award given to Beaufort from Smart Growth America at the Congress for the New Urbanism meeting in Savannah.

Beaufort was also selected by Sharify as “the most patriotic city in South Carolina,” Mr. Prokop said.

Mr. Prokop thanked the United Community Task Force (UCTF), which began with 30 kids participating, and now has 122 kids “enjoying sports.”

The Gullah Festival is this weekend, Mr. Prokop said. He named some of the festival’s events, all of which are free, except for a dance party on Saturday night.

The ribbon cutting for the day dock will be May 31 at 10 a.m., Mr. Prokop said, and the ribbon cutting for the Boundary Street project will be on June 1 at 10 a.m., at the intersection of Boundary Street and Highway 170.

### **MAYOR'S REPORT**

Mayor Keyserling said UCTF is now working with PALS (Beaufort County Parks and Leisure Services) or "the summer youth program" for the kids to have a program during the summer. The YMCA is going to offer them swimming lessons, he said.

Mayor Keyserling said there was a conversation last night with some Mossy Oaks residents that was lead by Mr. Franklin; Mayor Keyserling suggested that in the future, the neighborhoods within Mossy Oaks should be broken up to get "better civic engagement."

Mayor Keyserling said he doesn't recall Southside Park being designated as a passive park, but people in the neighborhood say it should be that. He also doesn't recall a master plan for Southside Park. Holy Trinity School wants to use part of the park for soccer fields, and he thinks council will face the issue of "what does passive mean." Mayor Keyserling said, "There are a lot of kids in that neighborhood" who could use the park, which has only had "a patchwork plan" since 2004. "There are 37 acres of city-maintained space to look at," Mayor Keyserling said, and he thinks there will need to be a decision about whether it should stay as-is.

The budget estimate when the community first planned Southside Park was for "a couple million" dollars to make it like Pigeon Point Park, Mayor Keyserling said. Mr. Franklin will need a clearer definition of what active and passive parks are, and Mayor Keyserling feels this should be done "sooner rather than later, so we can get on with it."

### **COUNCIL REPORTS**

Councilman Murray said Beaufort Digital Corridor took part in the "ImpactX" program, in which three College of Charleston students from different disciplines create projects, and the top three teams win money and prizes. The #2 team has accepted an invitation to come to Beaufort for two months to work on its app; housing will be provided, so he asked residents of The Point or the Old Commons to consider housing a student. Other organizations are offering support, too. The app will help residents communicate with council, staff, and local governments and "will prioritize what's important to . . . citizens," Councilman Murray said. BDC will host an open house in June so people can meet these students.

Councilman Murray said he'd met with **Kim Sullivan**, "who is representing a TV station that is opening on Lady's Island," and she asked if council could do "a very short 'welcome to the City of Beaufort'" prior to its work session on June 12 at 4:30 p.m. Councilman Murray said he'd send out an email to coordinate this.



A Google livestream event was done at BDC, and it was “really cool,” Councilman Murray said.

Councilman McFee said staff has requested a summer schedule of council; the proposal is to have one council work and regular session in July and one in August. He asked if other councilmembers are in favor of that. Mayor Keyserling and Councilwoman Sutton said, “That’s fine” with them.

**There being no further business to come before council, Councilman Cromer made a motion, second by Councilman Murray, to adjourn the regular council meeting. The motion passed unanimously, and the meeting was adjourned at 8:56 p.m.**



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 6/6/2018  
**FROM:** Libby Anderson  
**AGENDA ITEM TITLE:** Ordinance Annexing a Parcel of Property Located at 242 Robert Smalls Parkway - 2nd Reading  
**MEETING DATE:** 6/12/2018  
**DEPARTMENT:** Planning

---

#### *BACKGROUND INFORMATION:*

The City has received an annexation petition for a parcel of property located at 242 Robert Smalls Parkway on Port Royal Island. The property is identified as R100 029 000 108H 0000. An ordinance annexing the property was given first reading at the May 22 City Council meeting. The ordinance annexing the property (attached) is ready for second and final reading by City Council.

---

***PLACED ON AGENDA FOR:*** Action

#### ***REMARKS:***

#### **ATTACHMENTS:**

Description	Type	Upload Date
Robert Smalls Parkway annexation ordinance	Cover Memo	6/6/2018

## ORDINANCE

### ANNEXING AN AREA INTO THE CORPORATE LIMITS OF THE CITY OF BEAUFORT, SOUTH CAROLINA

WHEREAS, an annexation petition dated May 2, 2018 for a parcel of property located at 242 Robert Smalls Parkway on Port Royal Island has been presented to the City Council; and

WHEREAS, the property to be annexed is identified as R100 029 000 108H 0000; and

WHEREAS, the property to be annexed is highlighted on the attached map; and

WHEREAS, the property (owners) requesting annexation is contiguous to the boundaries of the present city limits of the City of Beaufort, South Carolina; and

WHEREAS, the petition sets forth that this proposed annexation is requested pursuant to Section 5-03-150 of the *Code of Laws of South Carolina, 1976*, as amended and contains the signatures of all freeholders of the property to be annexed; and

WHEREAS, the petition contains a description of the parcels of land to be annexed.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, in Council duly assembled and by authority of same, that the described area is annexed into the City of Beaufort, South Carolina:

The petitioning area to be annexed includes all that certain piece, parcel, or tract of land, together with improvements thereon, situate, lying, and being on Port Royal Island, in Beaufort County, South Carolina, located at 242 Robert Smalls Parkway, having and containing 1.6 acres, identified as R100 029 000 108H 0000.

This ordinance shall become effective immediately upon adoption.

(SEAL)

Attest:

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BILLY KEYSERLING, MAYOR

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IVETTE BURGESS, CITY CLERK

1st Reading \_\_\_\_\_

2nd Reading & Adoption \_\_\_\_\_

Reviewed by: \_\_\_\_\_  
WILLIAM B. HARVEY, III, CITY ATTORNEY

PROPERTY PROPOSED FOR ANNEXATION



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 6/6/2018  
**FROM:** Libby Anderson  
**AGENDA ITEM** Ordinance Zoning a Parcel of Property Located at 242 Robert Smalls Parkway T5-  
**TITLE:** UC/RMX - 2nd Reading  
**MEETING** 6/12/2018  
**DATE:**  
**DEPARTMENT:** Planning

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#### *BACKGROUND INFORMATION:*

The City has received an annexation petition for a parcel of property located at 242 Robert Smalls Parkway on Port Royal Island, identified as R100 029 000 108H 0000. The property is zoned Regional Mixed-Use Center (C5) under the County's Community Development Code. The property is proposed to be zoned T5-Urban Corridor/Regional Mixed-Use (T5-UC/RMX) under The Beaufort Development Code. The Beaufort--Port Royal Metropolitan Planning Commission considered this zoning request at their meeting on May 21. A public hearing on the proposed rezoning was held at the May 22 City Council meeting. First reading of an ordinance zoning the property was held at the May 22 meeting. The ordinance zoning this property (attached) is ready for second and final reading by City Council.

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***PLACED ON AGENDA FOR:*** Action

#### ***REMARKS:***

#### **ATTACHMENTS:**

Description	Type	Upload Date
Robert Smalls Parkway zoning ordinance	Cover Memo	6/6/2018

## ORDINANCE

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BEAUFORT BY ZONING A PARCEL OF PROPERTY LOCATED AT 242 ROBERT SMALLS PARKWAY T5-UC/RMX

WHEREAS, a petition was submitted to the City Council dated May 2, 2018 for annexation of a parcel of property located at 242 Robert Smalls Parkway on Port Royal Island, identified as R100 029 000 108H 0000; and

WHEREAS, pursuant to Section 2.2.2.F of *The Beaufort Development Code*, an amendment to the “City of Beaufort Zoning District Map” is required to effect zoning classifications for the property; and

WHEREAS, the Beaufort–Port Royal Metropolitan Planning Commission reviewed the proposed zoning of the property and the Commission recommended approval of the proposed zoning; and

WHEREAS, a public hearing before the Beaufort City Council was held regarding zoning of this property on Tuesday, May 22, 2018 with notice of the hearing published in *The Beaufort Gazette* on Monday, May 7, 2018;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority of same, pursuant to the power vested in the Council by Section 6-29-760, *Code of Laws of South Carolina, 1976* as amended, that a 1.6 acre parcel of property, together with improvements thereon, and being on Port Royal Island, in Beaufort County, South Carolina, located at 242 Robert Smalls Parkway on Port Royal Island, having and identified as District 120 (formerly 100), Tax Map 29, Parcel 108H, shall be zoned “T5-Urban Corridor/Regional Mixed-Use” at the time of second and final reading of the annexation ordinance, and that the “City of Beaufort Zoning District Map” shall be amended to reflect the same.

This ordinance shall become effective immediately upon adoption.

(SEAL)

Attest:

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BILLY KEYSERLING, MAYOR

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IVETTE BURGESS, CITY CLERK

1st Reading

\_\_\_\_\_

2nd Reading & Adoption

\_\_\_\_\_

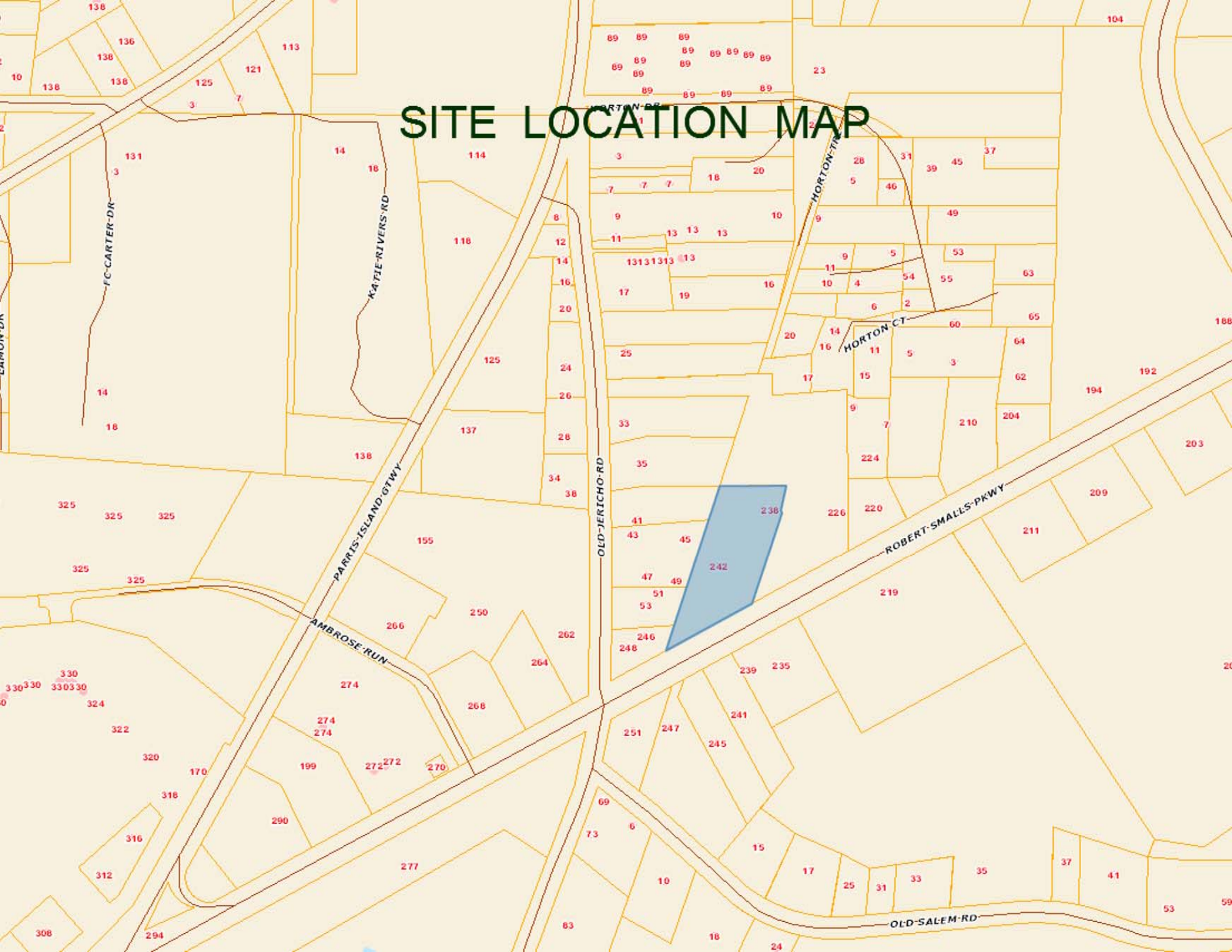
Reviewed by:

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WILLIAM B. HARVEY, III, CITY ATTORNEY



# SITE LOCATION MAP





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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 6/6/2018  
**FROM:** Libby Anderson  
**AGENDA ITEM**  
**TITLE:** Ordinance Annexing Four Parcels of Property on Port Royal Island - 2nd Reading  
**MEETING**  
**DATE:** 6/12/2018  
**DEPARTMENT:** Planning

---

#### *BACKGROUND INFORMATION:*

The City has received an annexation petition for four parcels of property on Port Royal Island. The parcels are located at 20 Eleanore Fine Road (2), 101 Schein Loop, and 95 Burton Hill Road. The parcels are identified as R100 025 000 0215 0000, R100 025 000 0216 0000, R100 024 000 0405 0000, and R100 029 000 092C 0000 respectively.

An ordinance annexing the properties was given first reading at the May 22 City Council meeting. The ordinance annexing the properties (attached) is ready for second and final reading by City Council.

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***PLACED ON AGENDA FOR:*** Action

#### ***REMARKS:***

#### **ATTACHMENTS:**

Description	Type	Upload Date
Four parcels annexation ordinance	Cover Memo	6/6/2018

## **ORDINANCE**

### **ANNEXING FOUR PARCELS OF PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF BEAUFORT, SOUTH CAROLINA**

WHEREAS, an annexation petition dated April 17, 2018 for four parcels of property located on Port Royal Island has been presented to the City Council; and

WHEREAS, the parcels to be annexed are located at 20 Eleanore Fine Road (2), 101 Schein Loop, and 95 Burton Hill Road; and

WHEREAS, the properties to be annexed are identified as R100 025 000 0215 0000, R100 025 000 0216 0000, R100 024 000 0405 0000, and R100 029 000 092C 0000 respectively; and

WHEREAS, the properties to be annexed are highlighted on the attached maps; and

WHEREAS, the property (owners) requesting annexation is contiguous to the boundaries of the present city limits of the City of Beaufort, South Carolina; and

WHEREAS, the petition sets forth that this proposed annexation is requested pursuant to Section 5-03-150 of the *Code of Laws of South Carolina, 1976*, as amended and contains the signatures of all freeholders of the property to be annexed; and

WHEREAS, the petition contains a description of the parcels of land to be annexed.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, in Council duly assembled and by authority of same, that the described area is annexed into the City of Beaufort, South Carolina:

The petitioning area to be annexed includes all that certain piece, parcels, or tracts of land, together with improvements thereon, situate, lying, and being on Port Royal Island, in Beaufort County, South Carolina, as follows:

- R100 025 000 0215 0000, 20 Eleanore Fine Road;
- R100 025 000 0216 0000, 20 Eleanore Fine Road;
- R100 024 000 0405 0000, 101 Schein Loop; and
- R100 029 000 092C 0000, 95 Burton Hill Road.

This ordinance shall become effective immediately upon adoption.

(SEAL)

Attest:

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BILLY KEYSERLING, MAYOR

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IVETTE BURGESS, CITY CLERK

1st Reading

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2nd Reading & Adoption

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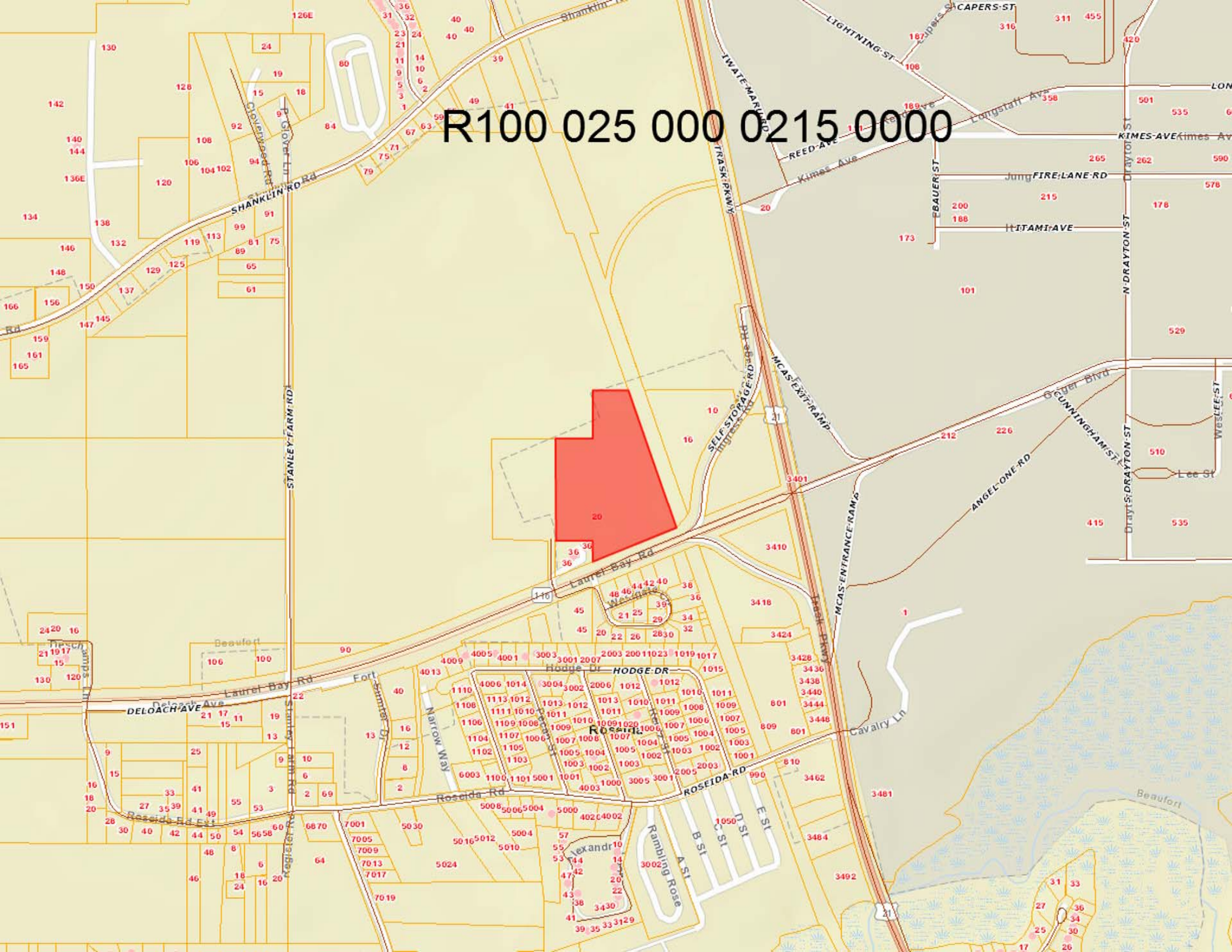
Reviewed by:

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WILLIAM B. HARVEY, III, CITY ATTORNEY

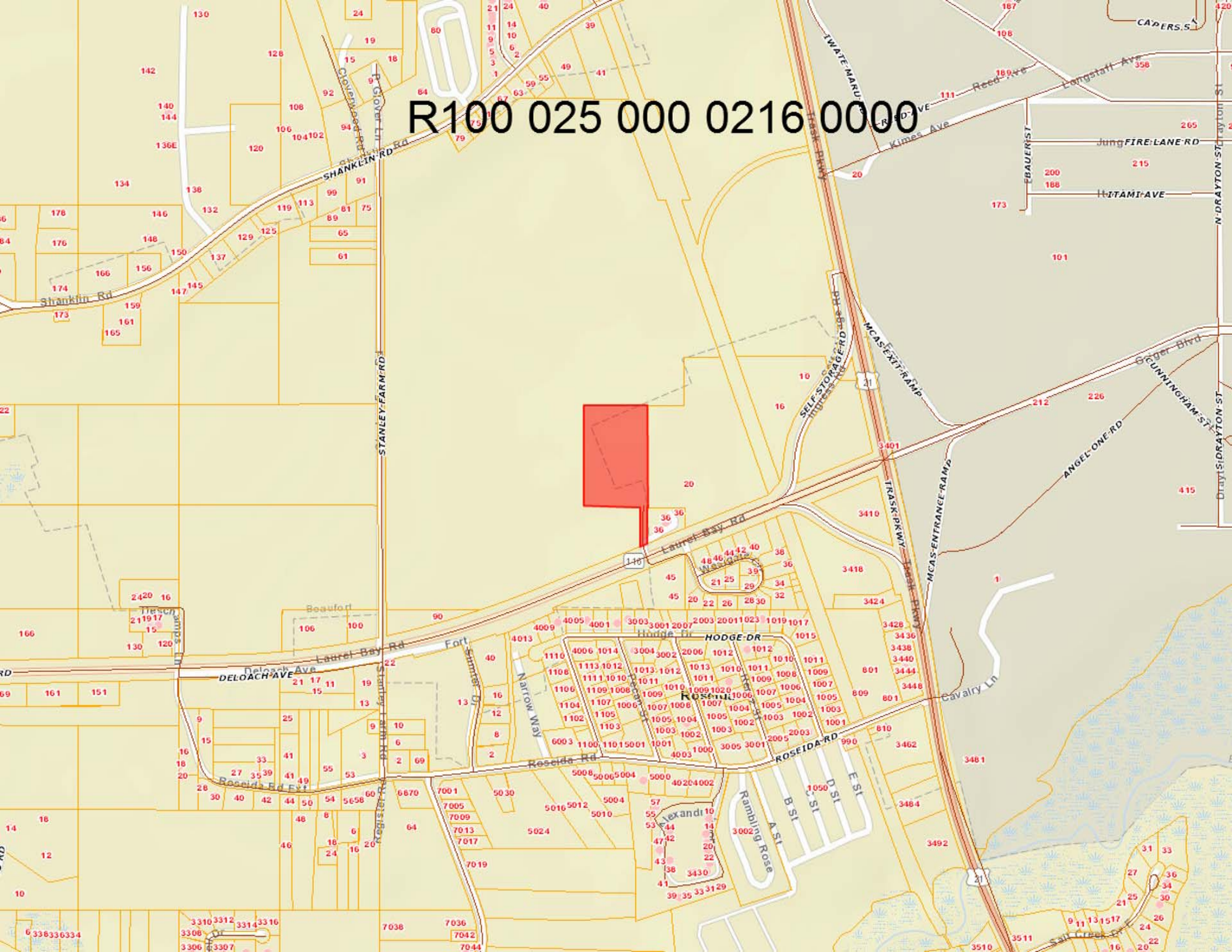


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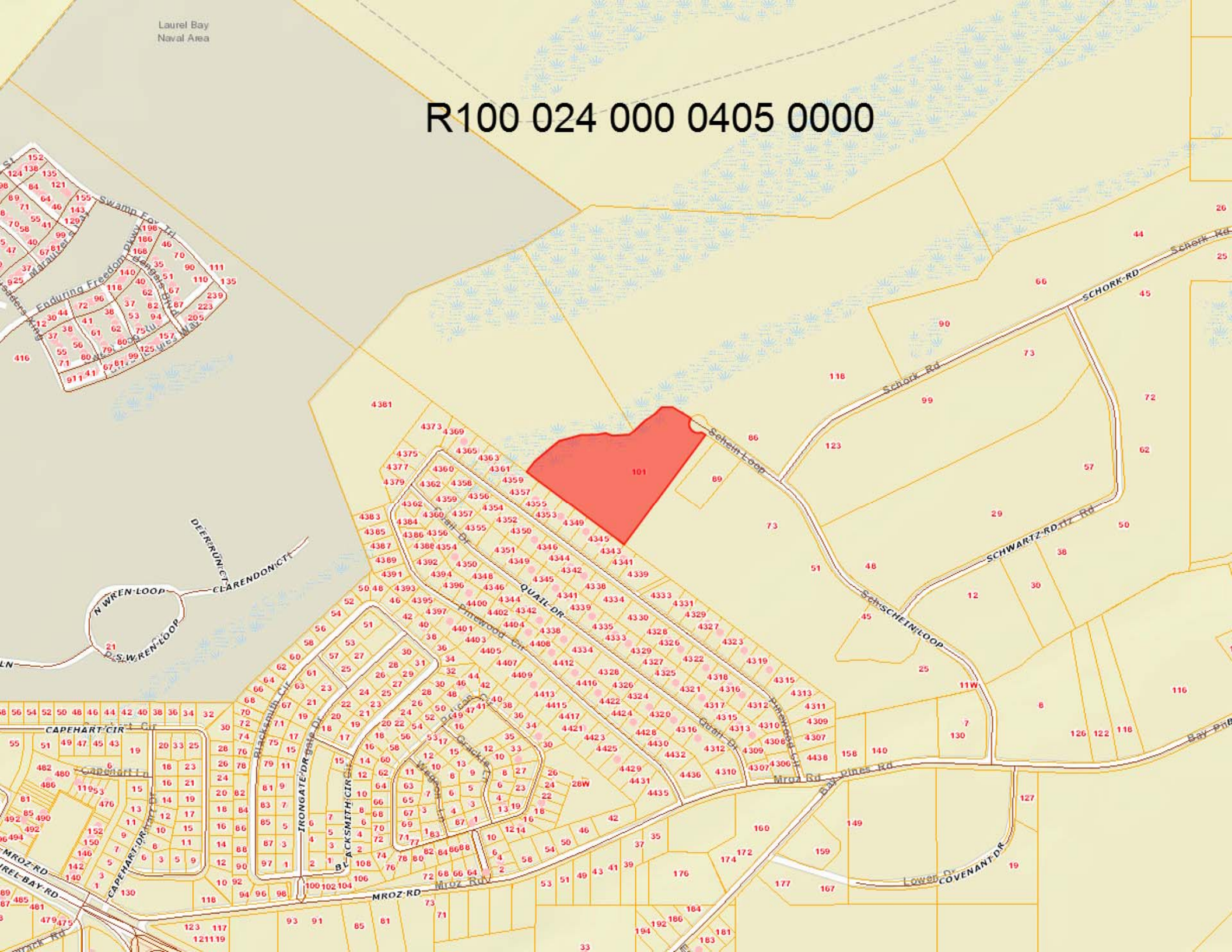


R100 025 000 0216 0000





R100 024 000 0405 0000





R100 029 000 092C 0000



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 6/6/2018  
**FROM:** Libby Anderson  
**AGENDA ITEM TITLE:** Ordinance Zoning Four Parcels of Property Located on Port Royal Island - 2nd Reading  
**MEETING DATE:** 6/12/2018  
**DEPARTMENT:** Planning

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#### *BACKGROUND INFORMATION:*

The City has received an annexation petition for four parcels of property on Port Royal Island. The parcels are located at 20 Eleanore Fine Road (2), 101 Schein Loop, and 95 Burton Hill Road. The parcels are identified as R100 025 000 0215 0000, R100 025 000 0216 0000, R100 024 000 0405 0000, and R100 029 000 092C 0000 respectively. Three lots (Eleanore Fine Road and Schein Loop) are proposed to be zoned Light Industrial District under the Beaufort Development Code. One lot (Burton Hill Road) is proposed to be zoned T5-Urban Corridor/Regional Mixed-Use (T5-UC/RMX). The Beaufort--Port Royal Metropolitan Planning Commission considered this zoning request at their meeting on May 21. A public hearing on the proposed rezoning was held at the May 22 City Council meeting. First reading of an ordinance zoning the property was held at the May 22 meeting. The ordinance zoning this property (attached) is ready for second and final reading by City Council.

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***PLACED ON AGENDA FOR:*** Action

#### ***REMARKS:***

#### **ATTACHMENTS:**

Description	Type	Upload Date
Four parcels rezoning ordinance	Cover Memo	6/6/2018

## ORDINANCE

### AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BEAUFORT BY ZONING FOUR PARCELS OF PROPERTY ON PORT ROYAL ISLAND LIGHT INDUSTRIAL DISTRICT (3) AND T5-UC/RMX (1)

WHEREAS, a petition was submitted to the City Council dated April 17, 2018 for annexation of four parcels of property located on Port Royal Island; and

WHEREAS, the parcels to be annexed are located at 20 Eleanore Fine Road (2), 101 Schein Loop, and 95 Burton Hill Road; and

WHEREAS, the properties to be annexed are identified as R100 025 000 0215 0000, R100 025 000 0216 0000, R100 024 000 0405 0000, and R100 029 000 092C 0000 respectively; and

WHEREAS, pursuant to Section 2.2.2.F of *The Beaufort Development Code*, an amendment to the “City of Beaufort Zoning District Map” is required to effect zoning classifications for the property; and

WHEREAS, the Beaufort–Port Royal Metropolitan Planning Commission reviewed the proposed zoning of the properties and the Commission recommended approval of the proposed zoning; and

WHEREAS, a public hearing before the Beaufort City Council was held regarding zoning of this property on Tuesday, May 22, 2018 with notice of the hearing published in *The Beaufort Gazette* on Monday, May 7, 2018;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority of same, pursuant to the power vested in the Council by Section 6-29-760, *Code of Laws of South Carolina, 1976* as amended, that the property described below shall be zoned as shown below, and that the “City of Beaufort Zoning District Map” shall be amended to reflect the same.

All these certain pieces, parcels, or tracts of land, together with improvements thereon, situate, lying, and being on Port Royal Island, in Beaufort County, South Carolina, located and described as follows:

Property Identification Number	Address	Existing Zoning	Proposed Zoning
R100 025 000 0215 0000	20 Eleanore Fine Road	I	LI
R100 025 000 0216 0000	20 Eleanore Fine Road	I	LI
R100 024 000 0405 0000	101 Schein Loop	I	Li
R100 029 000 092C 0000	95 Burton Hill Road	C5	T5-UC/RMX

C5 = Regional Mixed-Use Center

I = Industrial Zone

LI = Light Industrial District

T5-UC/RMX = T5-Urban Corridor/Regional Mixed-Use

This ordinance shall become effective immediately upon adoption.

(SEAL)

Attest:

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BILLY KEYSERLING, MAYOR

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IVETTE BURGESS, CITY CLERK

1st Reading

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2nd Reading & Adoption

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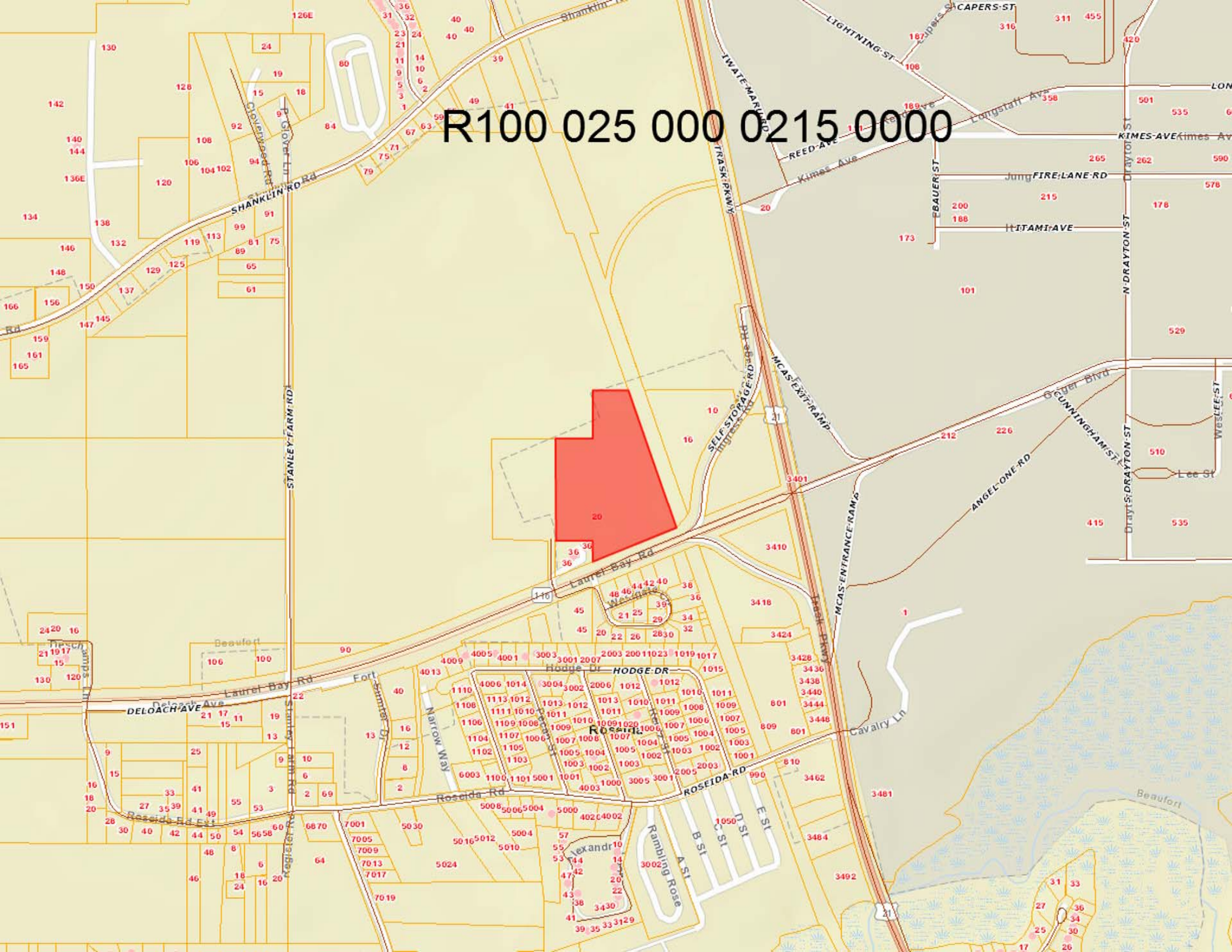
Reviewed by:

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WILLIAM B. HARVEY, III, CITY ATTORNEY

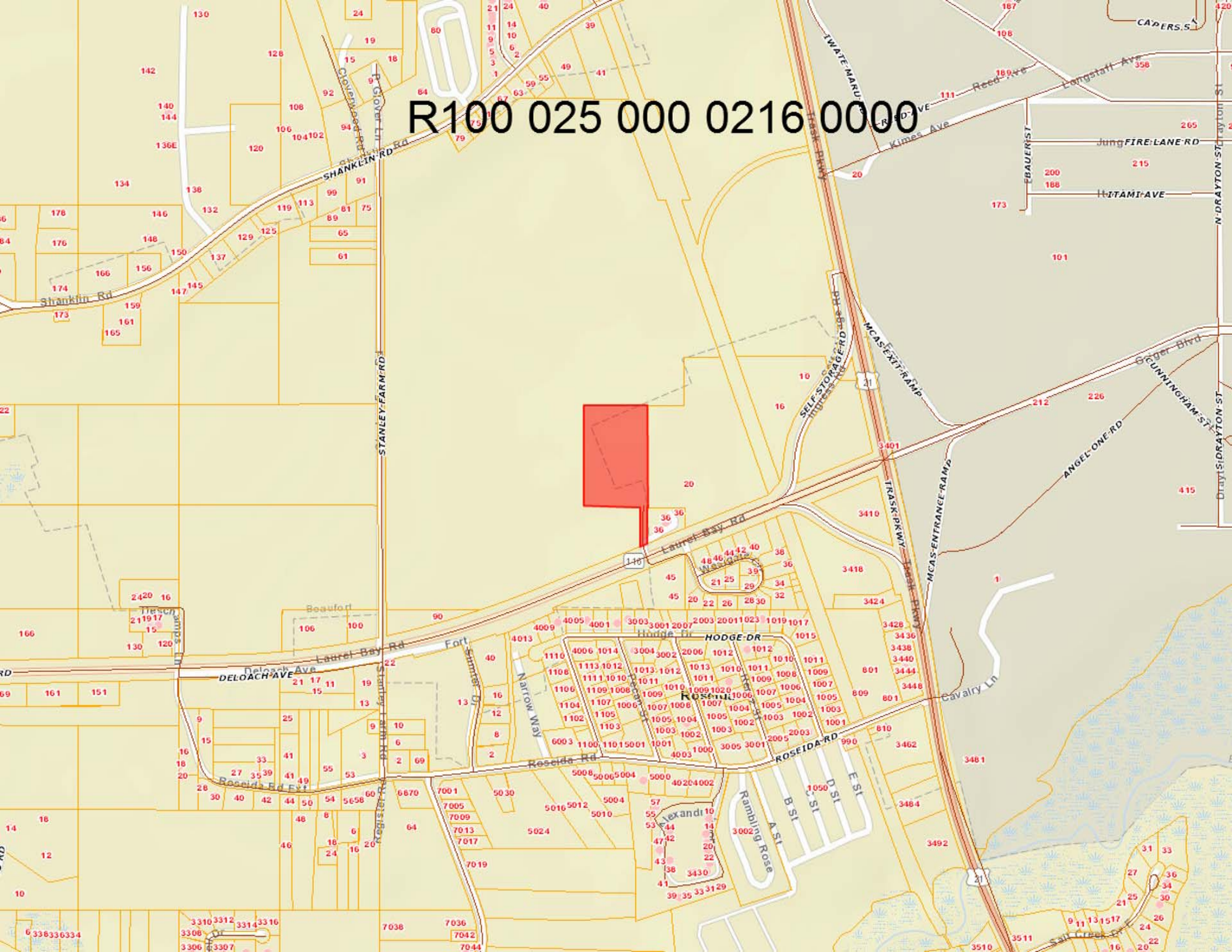


R100 025 000 0215 0000





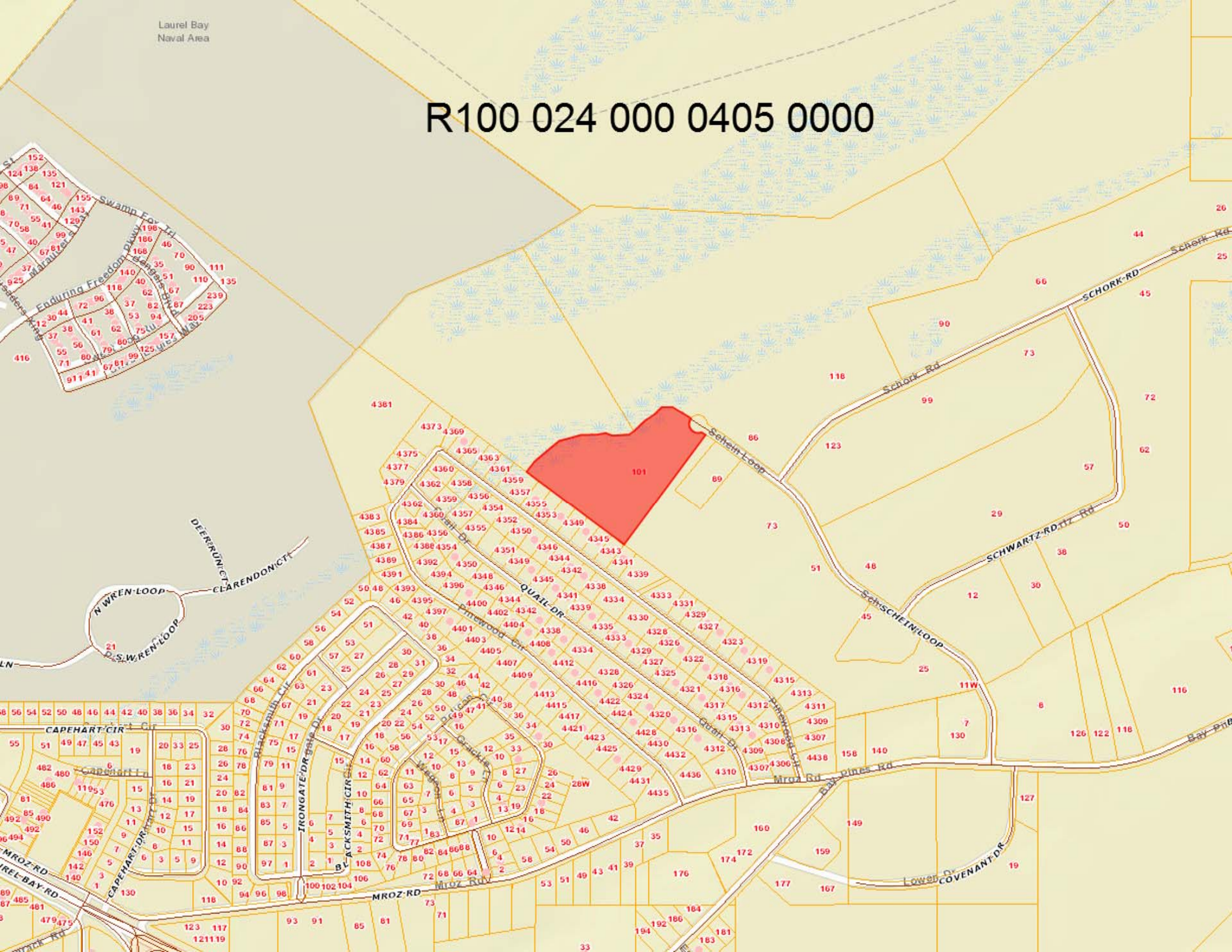
R100 025 000 0216 0000





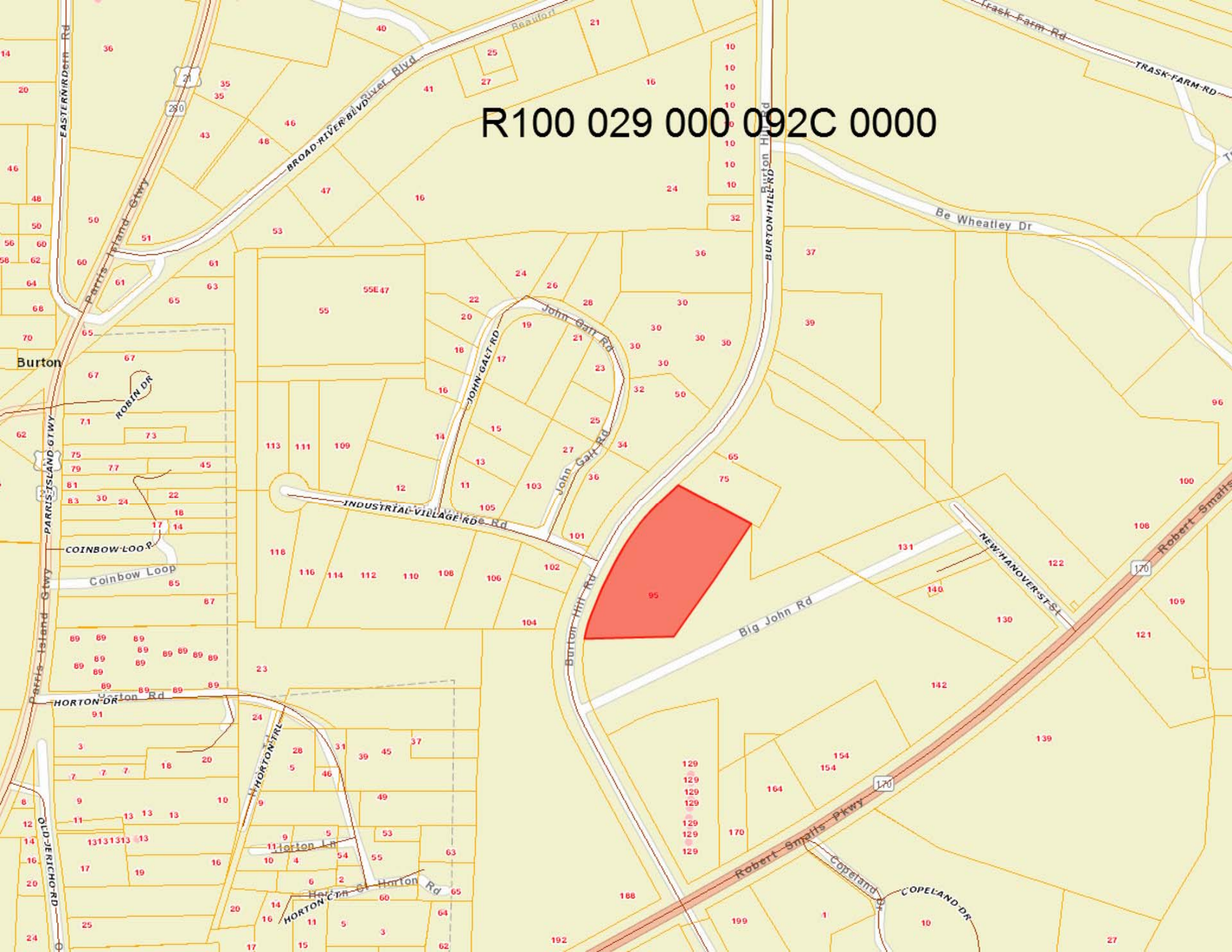
Laurel Bay  
Naval Area

R100 024 000 0405 0000





R100 029 000 092C 0000





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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 6/7/2018  
**FROM:**  
**AGENDA ITEM** Ordinance approving the sale of surplus City property and authorizing the City Manager  
**TITLE:** to execute documents to transfer - 2nd Reading  
**MEETING**  
**DATE:** 6/12/2018  
**DEPARTMENT:** City Managers Office

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*BACKGROUND INFORMATION:*

---

*PLACED ON AGENDA FOR:*

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*REMARKS:*

**ATTACHMENTS:**

Description	Type	Upload Date
Ordinance	Backup Material	6/7/2018

## ORDINANCE

Approving the sale of surplus city property and authorizing the City Manager to execute documents to transfer the same.

WHEREAS, over the years the City has acquired property which it does not need or use; and,

WHEREAS, with the approval of Council, City staff prepared a list of surplus properties which were offered to interested parties by closed bids; and,

WHEREAS, the high and only bidder for the 0.016 acre sliver of property located near 107 Verdier Road, tax map number R 120 007 000 0685 0000 was Joe DeVitto; and,

WHEREAS, a condition of the sale is that the purchaser shall be responsible for all closing costs; and,

WHEREAS, Council finds that this bid is reasonable and that the sale of this property is in the best interest of the City and its citizens; and,

WHEREAS, Section 1-3021 of the City Code of Ordinances provides that an ordinance is required for sale of City property;

NOW THEREFORE, be it ordained by the City Council of Beaufort, South Carolina, in Council duly assembled, and by the authority of the same, as follows:

Council approves the sale of the sliver of property located near 107 Verdier Road, Beaufort tax map number R 120 007 000 0685 000, to Joe DeVitto for the sum of \$50.00, per the Quit Claim deed attached hereto.

The City Manager is authorized to execute all documents to effectuate this transfer.

This Ordinance shall be effective upon adoption.

\_\_\_\_\_  
Billy Keyserling, Mayor

Attest

\_\_\_\_\_  
Ivette Burgess, City Clerk

1<sup>st</sup> Reading \_\_\_\_\_

2<sup>nd</sup> Reading \_\_\_\_\_

Reviewed and Approved by William B. Harvey, III, City Attorney

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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 6/7/2018  
**FROM:** Kathy Todd  
**AGENDA ITEM**  
**TITLE:** FY 2019 Budget Ordinance - 1st Reading  
**MEETING**  
**DATE:** 6/12/2018  
**DEPARTMENT:** Finance

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***BACKGROUND INFORMATION:***

In accordance with State Law, the City Manager brings before City Council the FY 2019 Budget Ordinance.

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***PLACED ON AGENDA FOR:*** Action

***REMARKS:***

**ATTACHMENTS:**

Description	Type	Upload Date
FY 2019 Budget Ordinance	Cover Memo	6/7/2018

# ORDINANCE

## **AN ORDINANCE TO PROVIDE FOR THE LEVY OF TAXES FOR THE CITY OF BEAUFORT FOR FISCAL YEAR BEGINNING JULY 1, 2018 AND ENDING JUNE 30, 2019; TO PROVIDE FOR EXECUTION OF AND TO PUT INTO EFFECT THE CONSOLIDATED BUDGET; AND TO PROVIDE BUDGETARY CONTROL OF THE CITY'S FISCAL AFFAIRS**

**WHEREAS**, pursuant to the provisions of the laws of the State of South Carolina, the City Manager is required to submit to the City Council a budget for the year beginning July 1, 2018 and ending June 30, 2019, and

**WHEREAS**, the City Manager has prepared and presented such proposed budget to the Council, such budget available for inspection at the office of the Finance Director, and

**WHEREAS**, the consolidated budget contains the budgets of the General Fund, the Parks and Tourism Fund, the Stormwater Utility Fund, the State Accommodations Fund, and the Redevelopment Fund.

**NOW, THEREFORE, BE IT ORDAINED** by the governing body of the City of Beaufort, SC, in Council duly assembled, and by the authority of the same to provide for the levy of tax for corporate City of Beaufort for the fiscal year beginning July 1, 2018 and ending June 30, 2019, to make appropriations for said purposes, and to provide for budgetary control of the City's fiscal affairs.

### SECTION 1. TAX LEVY

The City Council of Beaufort, SC hereby appropriates the funds as detailed in Sections 3 and 4 of this Ordinance. Further, that the City Council of Beaufort, SC hereby establishes the millage rates as detailed in Section 2 of this Ordinance. However, the City Council of Beaufort, SC reserves the right to modify these millage rates by resolution at its August 14, 2018 meeting.

### SECTION 2. MILLAGE

The Beaufort County Auditor is hereby authorized and directed to levy the Fiscal Year 2018 – 2019 a tax of 74.59 mills on the dollar of assessed value of property within the City limits, in accordance with the laws of South Carolina. These taxes shall be collected by the Beaufort County Treasurer, as provided by law and distributed in accordance with the provisions of this Ordinance and subsequent appropriations hereafter passed by the City Council of Beaufort, SC.

City Operations	53.62
City Debt Service	18.97
City Reserve Mil	2.00

### SECTION 3. CITY OPERATIONS APPROPRIATION

An amount of \$22,975,810 is appropriated to the City of Beaufort to fund City Operations as follows:

	<u>Appropriation</u>
<b><u>General Fund</u></b>	
Non Departmental	\$ 138,279
City Council	159,001
City Manager	498,973
Finance	781,178
Human Resources	177,440
Information Technology	470,729
Municipal Court	526,806
Planning	909,922
Police Operations	4,041,005
School Resource Officer	281,501
School Crossing Guards	27,376
Victims Rights	83,503
Beaufort Fire	5,208,177
Public Works	417,354
Streets & Traffic	906,333
Facilities Maintenance	557,424
Solid Waste	736,067
Debt Service	1,739,254
Total General Fund	<u>\$ 17,660,321</u>
<b><u>TIF II Fund</u></b>	<u>\$ 184,000</u>
<b><u>Parks &amp; Tourism Fund</u></b>	
Police Operations	\$ 1,267,788
Marina	30,974
Waterfront Park Operations	476,135
Waterfront Park Debt Service	309,109
Parking	49,100
Other Parks & Tourism	936,089
Other Downtown Operations	312,205
Tourism Marketing	123,585
Total Parks & Tourism Fund	<u>\$ 3,504,985</u>
<b><u>Stormwater Utility Fund</u></b>	
Stormwater Utility Operations	\$ 518,886
Debt Service	546,420
Total Stormwater Utility Fund	<u>\$ 1,065,306</u>
<b><u>State Accomodations Fund</u></b>	
Police Operations	\$ 59,680
Designated Marketing Organization	157,293
ATAX Grant Awards	281,122
Transfers out	51,216
Total State Accommodations Fund	<u>\$ 549,311</u>
<b><u>Redevelopment Fund</u></b>	<u>\$ 12,000</u>
<b>Total Appropriations</b>	<u><u>\$ 22,975,923</u></u>

The detailed Operations budget containing line-item accounts by department is hereby adopted as part of this Ordinance.

**Capital Project Appropriations** shall not lapse at June 30, 2018, but each project appropriation shall remain in force for the life of the project and shall be closed out upon completion or other disposition of the project.

#### SECTION 4. CITY OPERATIONS REVENUE

The appropriations of the City Operations will be funded from the following revenue sources:

	<u>Revenues</u>
<b><u>General Fund</u></b>	
Property Taxes	\$ 7,028,088
Licenses & Permits	3,973,000
Intergovernmental	2,878,189
Franchise Fees	2,230,243
Charges for Services	1,067,316
Fines & Forfeitures	278,000
Miscellaneous	134,269
Interest	20,000
Transfers In	51,216
Total General Fund	<u>\$ 17,660,321</u>
<b><u>Parks &amp; Tourism Fund</u></b>	
Other Taxes	\$ 2,916,159
Charges for Services	588,826
Total Parks & Tourism Fund	<u>\$ 3,504,985</u>
<b><u>Stormwater Utility Fund</u></b>	
Charges for Services	<u>\$ 1,065,306</u>
Total Stormwater Utility Fund	<u>\$ 1,065,306</u>
<b><u>State Accommodations Fund</u></b>	
Other Taxes	<u>\$ 549,311</u>
Total State Accommodations Fund	<u>\$ 549,311</u>
<b><u>Redevelopment Fund</u></b>	
Charges for Services	<u>\$ 12,000</u>
Total Redevelopment Fund	<u>\$ 12,000</u>
<b>Total Revenues</b>	<u><u>\$ 22,791,923</u></u>

#### SECTION 5. ESTABLISHMENT OF A MASTER FEE SCHEDULE

A Master Fee Schedule listing all fees charged by the City for Fiscal Year 2019 is included and incorporated for reference as Attachment A. Included in the Master Fee Schedule is the adoption of the increase in the Stormwater Utility Fee from \$105 to \$135.

#### SECTION 5. CITY DEBT SERVICE APPROPRIATION

The revenue generated by an 18.97 mill levy is appropriated to defray the principal and interest payment on all City debt authorized to cover Capital expenditures.



## SECTION 6. BUDGETARY ACCOUNT BREAKOUT

The foregoing City Operation appropriations have been detailed by the City Council into line-item accounts for each department. The detailed appropriation by account and budget narrative contained separately is hereby adopted as part of this Ordinance.

## SECTION 7. FY 2017-2018 ENCUMBRANCES AND REMAINING GRANT AUTHORIZATIONS REAPPROPRIATED, RECORDING OF ASSIGNMENTS OF AMOUNTS APPROPRIATED FROM FUND BALANCE.

Encumbrances in each fund at June 30, 2018, representing obligations made against 2017-2018 appropriations outstanding as of that date, are hereby reappropriated and the appropriations shall be distributed to the budgetary accounts under which the expenditures will be charged during the FY 2018-2019 budget year as such obligations are satisfied, provided that such encumbrances, when taken together with the FY 2017-2018 expenditures, do not cause any fund to exceed its budgetary authorization for the year ended June 30, 2018.

For each fund in which a reappropriation occurs, the amount of funds appropriated hereunder shall be established in that fund as "Assigned Fund Balance for Encumbrances."

For each fund in which the balanced budget for FY 2018-2019 includes the use of fund balance; the amount of the fund balance so used shall be identified as "Assigned for Current Appropriations."

Appropriations for grants, the authorization for which extends beyond the end of the fiscal year, shall not lapse at the end of the fiscal year. Any such grant authorizations remaining at the end of a fiscal year shall be reappropriated pursuant to the conditions of the respective grant agreements.

Appropriations for active projects resulting in restrictions or commitments of fund balances shall be identified by appropriate titles in the financial statements of the affected funds.

## SECTION 8. ADMINISTRATION OF THE BUDGET

The City Manager or his designee shall administer the budget and may authorize the transfer of appropriations within the allotments heretofore established and necessary to achieve the goals of the budget provided, however, that no such transfer shall be used to increase the total appropriation within any fund.

## SECTION 9. AUTHORIZATION TO ENTER INTO CONTRACTS

The City Manager is authorized to enter into City contracts if the total contract amount is less than or equal to the budget line item or project budget as approved by City Council herein.

## SECTION 10. ALLOCATION OF FUNDS

The City Manager is responsible for controlling the rate of expenditures of budgeted funds in order to assure that expenditures do not exceed funds on hand. To carry out this responsibility, the City Manager is authorized to allocate budgeted funds.

SECTION 11. MISCELLANEOUS RECEIPTS ABOVE ANTICIPATED REVENUES

Revenues other than, and/or in excess of, those addressed in Section 4 of this Ordinance, received by the City of Beaufort, which are in excess of the anticipated revenue as approved in the current budget, may be expended as directed by the revenue source, or for the express purposes for which the funds were generated without further approval of City Council. All such expenditures addressed in Section 3, in excess of \$10,000, shall be reported, in written form, to the City Council of Beaufort on a quarterly basis. Such funds include sales of products, services, rents, contributions, donations, special events, insurance and similar recoveries.

SECTION 12. TRANSFERS VALIDATED

All duly authorized transfers of funds heretofore made from one account to another, or from one fund to another during Fiscal Year 2019, are hereby approved.

SECTION 13. EFFECTIVE DATE

This Ordinance shall be effective July 1, 2018. Approved and adopted on the second and final reading this 26<sup>rd</sup> day of June 2018.

\_\_\_\_\_  
BILLY KEYSERLING, MAYOR

ATTEST:

\_\_\_\_\_  
IVETTE BURGESS, CITY CLERK

1<sup>ST</sup> Reading \_\_\_\_\_

2<sup>nd</sup> Reading & Adoption \_\_\_\_\_

Reviewed by: William Harvey III, City Attorney, 6/6/2018

**ATTACHMENT A**  
**MASTER FEE SCHEDULE FOR FY 2018-2019**

Special Duty Fee - Police	\$50/hour
Special Duty Fee – Fire	\$38/hour
Special Duty Fee – Public Works	\$36/hour
Park Rental Fee – Waterfront Park – as adopted in February 2011 and included in the Waterfront Park rental application	
Park Deposit Fee – Pigeon Point Park	\$50/day
Park Deposit Fee - Southside Park	\$100/day
Parking Fee for Special Events - Full Day Rate	\$6/day
Stormwater Fee – Option E under the Beaufort County Stormwater Rate model	\$135/account
Refuse/Recycling Collection Fee – Residential	\$16.20/month
Refuse Collection Fee – Commercial:	
Tier 1 – 1 Cart/2 Day service	\$27.00/month
Tier 2 - 2 Carts/2 Day service	\$57.00/month
Tier 3 – 3 Carts/2 Day service	\$82.00/month
Tier 4 – 3 Carts/5 Day service	\$120.00/month
Tier 5 – 4 Carts/5 Day service	\$158.00/month
Tier 6 – 5 Carts/5 Day service	\$189.00/month
Tier 7 – 6 Carts/5 Day service	\$220.00/month
\$25.00 added to each monthly account requiring Saturday service	

## BUSINESS LICENSE

### RATE SCHEDULE

<u>RATE CLASS</u>	<u>INCOME: \$0 - \$2,000</u>	<u>INCOME OVER \$2,000</u>
	<u>BASE RATE</u>	<u>Rate per Thousand or fraction thereof</u>
1	\$25.00	\$0.95
2	\$35.00	\$1.37
3	\$45.00	\$1.79
4	\$55.00	\$2.21
5	\$65.00	\$2.63
6	\$75.00	\$3.05
7	\$85.00	\$3.47
8.1	\$60.00	\$1.75
8.2	\$ set by State statute	
8.3	MASC Telecommunications	
8.4	See detail below	
8.5	\$20.00	\$0.65
8.6	\$288.00	\$2.07
8.7	MASC Insurance	
8.8A	\$12.50 + \$12.50 per machine	
8.8B	\$64.00	\$2.52
8.8C	\$12.50 + \$180.00 per machine	
8.9	See detail below	
8.10	See detail below	

**All other 08 Classifications – please contact the Business License Office.**

### NON-RESIDENT RATES

Unless otherwise specifically provided, all taxes and rates shall be doubled for nonresidents and itinerants having no fixed principal place of business within the municipality.

### CLASS 8 RATES

Each NAICS Number designates a separate sub-classification. The businesses in this section are treated as separate and individual subclasses due to provisions of State law, regulatory requirements, service burdens, tax equalization considerations, etc., which are deemed to be sufficient to require individually determined rates. Non-resident rates do not apply except where indicated.

#### **NAICS 230000 - Contractors, Construction, All Types**

- 8.1** Having permanent place of business within the municipality  
Minimum on first \$2,000..... \$ 60.00 PLUS  
Each additional 1,000..... \$ 1.75

- 8.1A** Not having permanent place of business within the municipality

Minimum on first \$2,000..... \$ 120.00 PLUS  
Each additional \$1,000.....\$ 3.50  
(Non-resident double rates do not apply)

A trailer at the construction site or structure in which the contractor temporarily resides is not a permanent place of business under this ordinance.

The total tax for the full amount of the contract shall be paid prior to commencement of work and shall entitle contractor to complete the job without regard to the normal license expiration date. An amended report shall be filed for each new job and the appropriate additional license fee per \$1,000 of the contract amount shall be paid prior to commencement of new work. Only one base tax shall be paid in a calendar year.

No contractor shall be issued a business license until all state and municipal qualification examination and trade license requirements have been met. Each contractor shall post a sign in plain view on each job identifying the contractor with the job.

Sub-contractors shall be licensed on the same basis as general or prime contractors for the same job. No deductions shall be made by a general or prime contractor for value of work performed by a sub-contractor.

No contractor shall be issued a business license until all performance and indemnity bonds required by the Building Code have been filed and approved. Zoning permits must be obtained when required by the Zoning Ordinance.

Each prime contractor shall file with the License Official a list of sub-contractors furnishing labor or materials for each project.

**8.2     NAICS 482 - Railroad Companies** – (See S.C. Code § 12-23-210)  
Set by State Statute

**8.3     NAICS 5171, 5172 - Telephone Companies:**

A. Notwithstanding any other provisions of the Business License Ordinance, the business license tax for "retail telecommunications services", as defined in S. C. Code Section 58-9-2200, shall be at the maximum rate authorized by S. C. Code Section 58-9-2220, as it now provides or as provided by amendment. The business license tax year shall begin on January 1 of each year. Declining rates shall not apply.

B. In conformity with S.C. Code Section 58-9-2220, the business license tax for "retail telecommunications services" shall apply to the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the municipality. For a



business in operation for less than one year, the amount of business license tax shall be computed on a twelve-month projected income.

C. The business license tax for "retail telecommunications services" shall be due on January 1 of each year and payable by January 31 of that year, without penalty.

D. The delinquent penalty shall be five percent (5 %) of the tax due for each month, or portion thereof, after the due date until paid.

E. Exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

F. Nothing in this Ordinance shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement in the event that the franchise or contractual agreement should expire after December 31, 2003.

G. All fees collected under such a franchise or contractual agreement expiring after December 31, 2003, shall be in lieu of fees or taxes which might otherwise be authorized by this Ordinance.

H. As authorized by S. C. Code Section 5-7-300, the Agreement with the Municipal Association of South Carolina for collection of current and delinquent license taxes from telecommunications companies pursuant to S. C. Code Section 58-9-2200 shall continue in effect.

**NAICS 22112 - Electric Power Distribution**..... See Consent or Franchise

**NAICS 22121 - Natural Gas Distribution** ..... See Consent or Franchise

**NAICS 517110 - Television: Cable or Pay**

Services using public streets ..... See Franchise

**8.4A NAICS 423930 - Junk or Scrap Dealers** [Non-resident rates apply]

Minimum on first \$2,000 ..... \$ 41.00 PLUS

Per \$1,000, or fraction, over \$2,000 ..... \$ 1.66

**8.4B NAICS 522298 - Pawn Brokers** - All Types

Minimum on first \$2,000 ..... \$ 161.00 PLUS

Per \$1,000, or fraction, over \$2,000 ..... \$ 2.88

**8.5 NAICS 4411, 4412 - Automotive, Motor Vehicles, Boats, Farm Machinery or Retail**  
(except auto supply stores - see 4413)

Minimum on first \$2,000 ..... \$ 20.00 PLUS

Per \$1,000, or fraction, over \$2,000 ..... \$ 0.65

One sales lot not more than 400 feet from the main showroom may be operated under this license provided that proceeds from sales at the lot are included in gross receipts at the main office when both are operated under the same name and ownership.

Gross receipts for this classification shall include value of trade-ins. Dealer transfers or internal repairs on resale items shall not be included in gross income.

**NAICS 454390 - Peddlers, Solicitors, Canvassers, Door-To-Door Sales**

Direct retail sales of merchandise. [Non-resident rates apply]

- 8.6** Regular activities [more than two sale periods of more than three days each per year]  
Minimum on first \$2,000 ..... \$ 288.00 PLUS  
Per \$1,000, or fraction, over \$2,000 ..... \$ 2.07

Applicant for a license to sell on private property must provide written authorization from the properly owner to use the intended location.

**8.7 NAICS 5241 - Insurance Companies:**

Except as to fire insurance, “gross premiums” means gross premiums written for policies for property or a risk located within the municipality. In addition, “gross premiums” shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company’s office located in the municipality, (2) the insurance company’s employee conducting business within the municipality, or (3) the office of the insurance company’s licensed or appointed producer (agent) conducting business within the municipality, regardless of where the property or risk is located, provided no tax has been paid to another municipality in which the property or risk is located based on the same premium.

Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute conducting business within the municipality, regardless of whether or not an office is maintained in the municipality.

As to fire insurance, “gross premiums” means gross premiums (1) collected in the municipality, and/or (2) realized from risks located within the limits of the municipality.

Gross premiums shall include all business conducted in the prior calendar year.

Gross premiums shall include new and renewal business without deductions for any dividend, credit, returns premiums or deposit.

**NAICS 52411 - Life, Health and Accident** ..... 0.75% of Gross Premiums

**NAICS 524126 - Fire and Casualty** (Licensed in SC) .....2% of Gross Premiums

**NAICS 524127 - Title Insurance** ..... 2% of Gross Premiums



**8.9A NAICS 713290 - Bingo halls, parlors –**  
Minimum on first \$2,000 .....\$32.50 PLUS  
Per \$1,000, or fraction, over \$2,000 ..... \$1.26

**8.9B NAICS 711190 - Carnivals and Circuses – Per Day**  
Minimum on first \$2,000 ..... \$ 230.00 PLUS  
Per \$1,000, or fraction, over \$2,000 ..... \$ 5.76

**8.9C NAICS 722410 – Full Service Restaurants (Alcoholic beverages consumed on premises) that may or may not provide entertainment.**  
Minimum on first \$2,000 ..... \$ 115.00 PLUS  
Per \$1,000, or fraction, over \$2,000 ..... \$ 2.90  
License must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

**8.9D NAICS 722410 - Drinking Places, bars, lounges, cabarets (Alcoholic beverages consumed on premises) that may or may not provide entertainment.**  
Minimum on first \$2,000 ..... \$ 272.00 PLUS  
Per \$1,000, or fraction, over \$2,000 ..... \$ 4.31  
License must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

**8.10A NAICS 713990 - Billiard or Pool Rooms, all types ..... \$5.00 permit/table PLUS**  
Minimum on first \$2,000 ..... \$ 32.00 PLUS  
Per \$1,000, or fraction, over 2000..... \$ 1.26

**CITY OF BEAUFORT, SOUTH CAROLINA  
DEVELOPMENT REVIEW CODES FEE SCHEDULE  
Effective November 1, 2017**

(1) **OTHER FEES SUPERSEDED**

The following schedules and regulations regarding fees are hereby adopted and supersede all regulations and schedules regarding fees published in the most recent edition of the International Building Code or supplement thereof.

(2) **FEES MANDATORY**

No permit shall be issued until the fees prescribed in this section shall have been paid. Nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure, shall have been paid.

(3) **FAILURE TO OBTAIN PERMIT**

Where work for which a permit is required by this code is started or proceeded prior to obtaining said permit, the fees herein specified shall be tripled, but the payment of such tripled fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

(4) **RECORD OF FEES COLLECTED**

The Building Official shall keep a permanent and accurate accounting of all permit fees and other monies collected, the names of all persons upon whose account the same was paid, the full date and amount thereof.

(5) **MOVING A BUILDING/STRUCTURES**

For the moving of any building or structure, the fee shall be \$150.00

(6) **DEMOLITION OF BUILDING/STRUCTURE**

For the moving of any building or structure, the fee shall be \$150.00  
For the demolition of any building or structure, the fees are as follows:

Complete Demolition Single-Family Structure \$100.00 Complete Demolition Commercial & Multifamily Structure \$200.00

(7) **BUILDING PERMIT FEES**

On all new buildings, structures or alterations requiring a building permit as set forth in the International Building Code and the International Residential Code, the fee shall be paid as required at the time of filing the application in accordance with the schedule shown below. Plan review fee is paid at the time the plans are submitted.



Building Permit Fee Schedule:

<b>Total Valuation</b>	<b>Base Fee</b>
\$500 or less	No fee, unless an inspection is required, in which case an inspection fee shall be charged.
>\$500 to \$50,000	\$35 for the first \$500, plus \$5.30 for each additional thousand or fraction thereof (round up)
>\$50,000 to \$100,000	\$300 for the first \$50,000, plus \$4 for each additional thousand or fraction thereof (round up)
>\$100,000 to \$500,000	\$500 for the first \$100,000, plus \$3 for each additional thousand or fraction thereof (round up)
>\$500,000 and up	\$1,700 for the first \$500,000, plus \$2 for each additional thousand or fraction thereof (round up)

(8) **PLAN CHECKING FEES**

When a plan is required to be submitted, all fees shall be paid to the building department at the time of submitting plans and specifications for checking. Said plan checking fee shall be equal to one-half of the base fee.

(9) **BUILDING PERMIT VALUATIONS**

If, in the opinion of the Building Official, the valuation of a building, alteration, or structure, appears to be underestimated, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.

(10) **PROCEDURE FOR PERMIT REFUNDS**

- (a) Permit holder must return all applicable permit forms and receipts; copies will not be accepted.
- (b) Permit refund will be for total amount paid minus Plan Checking Fee--
- (c) A completed W-9 form is required.

(11) **INSPECTION FEES**

- (a) Plumbing Inspection Fees
  - \$30.00 for Residential
  - \$40.00 for Commercial

- (b) Electrical Inspection Fees
  - \$30.00 for Residential
  - \$40.00 for Commercial
- (c) Mechanical Inspection Fees
  - \$30.00 for Residential
  - \$40.00 for Commercial
- (d) Gas Inspection fees
  - \$30.00 for Residential
  - \$40.00 for Commercial
- (e) Miscellaneous Inspections (Includes re-roof, signs, windows, etc.) \$30.00
- (f) Swimming Pool Inspection Fees
  - Single-Family \$235.00  
with \$200 to be refunded after pool inspection has been performed and approved
  - Multifamily and Commercial \$265.00  
with \$200 to be refunded after pool inspection has been performed and approved
- (g) Safety Inspection
  - Home Occupation \$30.00
  - Commercial \$50.00

(12) **RE-INSPECTIONS**

If the Building Official or his duly authorized representative shall, upon his inspection after the completion of the work or apparatus, find the same does not conform to and comply with the provisions of this Code, he shall notify the contractor, indicating the corrections to be made, and then he shall again inspect the work or apparatus without further charge; but when extra inspections are due to any of the following reasons, a charge of \$100 for multifamily and commercial projects, and \$50.00 for all other projects shall be made for each re-inspection:

- (a) Wrong Address
- (b) Repairs or corrections not made when inspections are called
- (c) Work not ready for inspection when called

All re-inspection fees are required to be paid in advance prior to re-inspection.

(13) **TREE REMOVAL FEES**

For issuing each tree permit, the fee shall be as follows:

	<b><u>Single-Family Lots</u></b>	<b><u>Commercial and Multifamily Lots</u></b>
1 – 2 trees	\$ 20.00	\$ 35.00
3 – 5 trees	\$ 40.00	\$ 55.00
6 – 10 trees	\$ 60.00	\$ 75.00
11 – 15 trees	\$ 80.00	\$ 95.00
16 – 20 trees	\$100.00	\$115.00
21 – 40 trees	\$150.00	\$200.00
41 +	\$200.00	\$300.00

(14) **SIGN PERMITS**

For issuing each sign permit, the fee shall be as follows:

Permanent Sign                      Building Permit Fee (see Section 7) plus Plan Checking  
Fee (see Section 8) plus Inspection Fee

Master Sign Plan Review Fee              \$20.00 (2 – 4 tenants)  
\$50.00 (5 – 10 tenants)

Amendments to Master Sign Plan              \$20.00

There shall be no fee for temporary Special Event Signs for non-profit agencies.

(15) **BANNER PERMITS**

Temporary Banner for 5 Days              \$25.00  
Temporary Banner for 15 Days              \$50.00  
Temporary Banner for 30 Days              \$75.00

(16) **TEMPORARY TENT PERMITS**

Temporary Tents over 500 Sq. Ft. \$150.00 Temporary Canopies over 700 Sq. Ft. \$150.00

(17) **LANDSCAPE IRRIGATION AND OR WELL PERMITS**

Single-Family Lot                      \$50.00  
Commercial or Multifamily Lot              \$75.00

(18) **SUBDIVISION FEES**

Lot Recombination/Lot Line Adjustment	\$50.00
Lot Consolidation	\$25.00

Major Subdivision that include New Streets:

6 to 49 lots:	\$1,000 + \$10/lot
50-100 lots:	\$1,500 + \$10/lot
101 to 300 lots:	\$2,000 + \$10/lot
301 + lots:	\$2,500 + \$10/lot

Minor Subdivision (≤ 5 lots and no new streets)	\$50.00
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(19) **STAFF DESIGN REVIEW FEES**

**Fees for Staff Design Review:**  
**Boundary and Bladen Redevelopment Districts**  
**Certain Development Agreements**  
**Development Design Review Minor**  
**Certificates of Appropriateness Minor**  
**Post facto applications shall be twice the normal fee.**

**Type 1**

- Improvements not including additions, ≤ 50% of the value of the structure (not including single-family, or 2/3-unit buildings)

<u>Value</u>	<u>Fee</u>
Improvements ≤ \$5,000	\$50
Improvements > \$5,000 but ≤ \$25,000	\$75
Improvements > \$25,000 but ≤ \$50,000	\$125
Improvements > \$50,000 but ≤ \$100,000	\$150
Improvements > \$100,000 but ≤ \$250,000	\$500
Improvements > \$1250,000 but < 50% of the value of the structure	\$1,000

- Any single-family and 2/3-unit residential improvements not including additions, < 50% of the value of the structure: \$50

**Type 2**

- Any single-family and 2/3-unit residential addition: \$50
- All other projects: \$500 base fee + \$0.05/square foot of addition.

**Type 3**

Review for new construction and for improvements totaling over 50% of the value of the structure:

- Single-family and 2/3 unit residential: \$100
- ≤ 10,000 square feet: \$500 base fee + 0.05/square foot of building

- > \$10,000 square feet: \$1,000 base fee + \$0.05/square foot of building for the first 100,000 square feet of building. For additional square footage over 100,000, \$0.02/square foot.

(20) **REVIEW BOARDS: HISTORIC REVIEW BOARD & DESIGN REVIEW BOARD**

Single-family residential projects (board review)	\$100 per meeting
Multifamily and commercial projects (board review)	\$200 per meeting
Change After Certification	\$100
Demolition (whole structure)	\$250.00
Special Board Meeting	\$500.00

**Post facto applications shall be twice the normal fee.**

(21) **ZONING BOARD OF APPEALS**

(a) Variance:	Residential	\$200.00
	Commercial	\$300.00
(b) Special Exception:		\$300
(c) Administrator Appeal:		\$300

(22) **REZONING**

Rezoning to PUD	\$400
Rezoning, non-PUD	\$200 & \$10/per lot

(23) **TEXT AMENDMENT**

Beaufort Code Text Amendment	\$400
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(24) **OTHER FEES**

Trip to Storage (Request for documents from storage)	\$50.00 (plus copying fee)
Flood Hazard Area Verification Letter	\$25.00
Parking Meter Space Rental	\$5.00 per day per metered space (for construction projects only)
Fee for Copies (8 1/2 x 11)	30¢ per sheet
Zoning Review	\$50.00
Traffic Impact Analysis Report Review Fee	\$750.00
Design Exception	\$200.00
Accessory Dwelling unit	\$50.00



Administrative Adjustment	\$50.00
Home Occupation	\$25.00
Short Term Rentals	\$100.00
Zoning Compliance Letter	\$50.00
Development Code Interpretation	\$100.00
Development Code Text Amendment	\$400.00



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 6/7/2018  
**FROM:** Kathy Todd  
**AGENDA ITEM**  
**TITLE:** Amendment Sec 7-13003 - Hospitality Fee Ordinance - 1st Reading  
**MEETING**  
**DATE:** 6/12/2018  
**DEPARTMENT:** Finance

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#### *BACKGROUND INFORMATION:*

With the creation of the Greater Beaufort Port Royal Convention and Visitor's Bureau, proposed amendment to Section 7-13003, increasing the allocation to the designated marketing organization from 4.4% to 5% and decreasing the allocation for other non-profits toward the advertising to increase tourism of the downtown economy from 1.7% to 1.1%.

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***PLACED ON AGENDA FOR:*** Action

#### ***REMARKS:***

#### **ATTACHMENTS:**

Description	Type	Upload Date
Amendment to Hospitality Fee Ordinance - First Reading	Cover Memo	6/7/2018

## CHAPTER 13. - HOSPITALITY FEE

### Sec. 7-13001. - Authority.

This chapter is enacted pursuant to the authority of Title 5, Code of the State of South Carolina (1976), including, without limitation, S.C. Code Ann. Section 5-7-10 (Supp. 1992), and S.C. Code Ann. Section 5-7-30 (Supp. 1992), which provide, in relevant part, that municipalities may adopt all ordinances which appear necessary and proper for the security, general welfare and convenience of the municipality and for the preservation of the general health, peace and order in the municipality and further that municipalities may establish uniform service charges.

(Ord. No. O-20-94, 11-8-94)

### Sec. 7-13002. - Declaration of purpose and intent.

This article is enacted to preserve the general health, safety and welfare of the general public within the City of Beaufort, South Carolina, by creating a uniform fee for the purpose of creating a fund to pay in whole or in part for the current and future preservation, maintenance, nourishment, renourishment, and improvement of the historic and waterfront areas of Beaufort, and those public facilities related to the use of the waterfront; public transportation improvements, including street construction, storm drainage, right-of-way acquisitions, median and right-of-way enhancements and landscaping, walkways and bikeways; public park facilities, public parking, and capital facilities and equipment necessary for the provisions of police, fire, sanitation, and other public activities.

(Ord. No. O-20-94, 11-8-94)

### Sec. 7-13003. - Hospitality fee.

A uniform fee equal to two (2) percent is hereby imposed on the gross proceeds derived from the sale of all food and beverages served by a restaurant, hotel, motel, or other food service facility within the City of Beaufort. In addition, the fee shall be imposed for all food and beverages prepared or modified by convenience stores or grocery stores within the City of Beaufort, South Carolina. All hospitality fees received by the city shall be allocated as follows:

- (1) ~~FiveFour~~ and ~~fourzero~~-tenths (~~4.4~~ 5.0) percent shall be allocated to the designated marketing organization specifically targeted for advertising to increase tourism, within the City of Beaufort.
- (2) One and ~~seven one~~-tenth (~~1.7~~ 1) percent shall be available through appropriation, for advertising to increase tourism and revitalization of the Downtown economy. The allocation will be awarded by the Beaufort City Council through the annual budget process, based on budget presentation of certain non-profit organizations invited by City Council to present. The presentation to the City Council will be conducted during the normal budget period. An allocation of these funds shall be based on the objectives that best achieve City Council goals and purposes.
- (4) Ninety-three and nine-tenths (93.9) percent shall be allocated for uses permitted in section 7-13006 below.

(Ord. No. O-20-94, 11-8-94; Ord. No. O-28-97, 7-22-97; Ord. No. O-36-99, 6-8-99; Ord. No. O-04-07, 1-23-07)

Sec. 7-13004. - Payment of fee.

- (a) Payment of the fee established herein shall be the liability of the consumer of the services for items described in section 7-13003. The fee shall be paid at the time of delivery of the services or items to which the fee applies and shall be collected by the provider or seller of the service, services or items.
- (b) The fees collected by the seller or provider of the services or items as required under section 7-13003 shall be remitted to the City of Beaufort by the twentieth day of the month for sales of the preceding month along with such return or form as may be established by the City of Beaufort for such purpose.
- (c) Fees not remitted by the twentieth day of the month shall be subject to a ten-percent late fee. The ten-percent late fee shall be added for each month or portion thereof after the due date until paid. Failure to collect the fee imposed by this chapter does not relieve the provider from making the required remittance. If any hospitality fee shall remain unpaid for sixty (60) days after its due date, a Uniform Ordinance Summons shall be prepared and served for the collection of the hospitality fee, and the cost of one hundred dollars (\$100.00) will be assessed and charged in addition to the hospitality fee and penalties. Failure to pay such amount as may be assessed by the municipal court shall be unlawful and shall subject the offender to the penalties set forth in section 1-3048(a) of this code. Such punishment shall not relieve the offender of liability for delinquent fees, penalties and costs provided for herein.

(Ord. No. O-20-94, 11-8-94)

Sec. 7-13005. - Hospitality fee account.

The revenue account, to be known as the City of Beaufort Hospitality Fee, shall be established and all revenues received from the hospitality fee shall be deposited into this account. The principal and any accrued interest from this account shall be expended only as permitted in section 7-13006 below.

(Ord. No. O-20-94, 11-8-94)

Sec. 7-13006. - Permitted uses of funds.

The city council of the City of Beaufort, South Carolina is hereby authorized to utilize the funds collected from the imposition of the hospitality fee for the following purposes:

- (1) Nourishment, renourishment, and maintenance of the public parks and waterfront access areas; provision of police, fire, emergency medical, and sanitation services; the planting of grass or other vegetation useful in preserving parks and recreational areas within the territorial limits of the City of Beaufort, South Carolina.
- (2) Acquisition and maintenance of public waterfront access.
- (3) Capital improvements to the public parks and open space related facilities which include but are not limited to public parks, public parking, public access, and public restrooms.
- (4) Transportation improvements including construction and resurfacing of streets, storm water drainage, sidewalks, bikeways, landscaping, and all associated costs including right-of-way acquisition and engineering design.
- (5) The acquisition of land and the construction of passive and active parks and facilities associated with parks including playground equipment, sports facilities, and community recreation buildings.
- (6) Acquisition of property and the construction of facilities required for the provision of police and fire service; the acquisition of capital equipment for the provision of public, fire and other public safety services.
- (7) The payment of bonded indebtedness required to provide the above referenced uses.

(Ord. No. O-20-94, 11-8-94)

Sec. 7-13007. - Authorization for use.

Authorization to utilize revenues from the hospitality fee account shall be by the annual budget ordinance duly adopted by the city council of the City of Beaufort, South Carolina.

(Ord. No. O-20-94, 11-8-94)

Sec. 7-13008. - Severability.

If any section, phrase, sentence or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, phrase, sentence or portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining sections, phrases, sentences or portions thereof.

(Ord. No. O-20-94, 11-8-94)

Sec. 7-13009. - Effective date.

This chapter shall become effective on January 1, 1995.

(Ord. No. O-20-94, 11-8-94)





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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 6/7/2018  
**FROM:** City Clerk, Ivette Burgess  
**AGENDA ITEM** Ordinance setting election, related dates, and filing fees for two (2) members of City  
**TITLE:** Council - 1st Reading  
**MEETING** 6/12/2018  
**DATE:**  
**DEPARTMENT:** City Clerk

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#### *BACKGROUND INFORMATION:*

Election 2018

Councilman Phil Cromer - 4 year term expiring  
Councilman Stephan Murray - 4 year term expiring

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#### *PLACED ON AGENDA FOR:*

#### *REMARKS:*

#### **ATTACHMENTS:**

Description	Type	Upload Date
Ordinance	Cover Memo	6/7/2018

## O R D I N A N C E

### SETTING ELECTION, RELATED DATES, AND FILING FEES FOR TWO (2) MEMBERS OF CITY COUNCIL PURSUANT TO SECTIONS 1-8001 THROUGH 1-8006 OF THE CITY OF BEAUFORT CODE OF ORDINANCES

**WHEREAS**, Sections 1-8001 through 1-8006 of the Code of Ordinances, City of Beaufort, governs elections; and

**WHEREAS**, Council amended the Ordinance July 28, 1998 changing the election dates to even numbered years to coincide with national elections.

**NOW, THEREFORE BE IT ORDAINED**, by City Council of the City of Beaufort, South Carolina, duly assembled, and by authority of same that:

The filing fee for candidates running for Council seats will be **\$150.00**

The following dates are hereby established for the 2018 City General Election:

Filing Deadline for Statement of Candidacy and Statement of Economic Interest	August 15, 2018 <b>12:00 NOON</b>
Election Date	November 6, 2018
Challenge Ballot Hearing	November 9, 2018 9:30AM
Newly Elected Officers Take Office	December 11, 2018

\_\_\_\_\_  
BILLY KEYSERLING, MAYOR

SEAL

ATTEST:

\_\_\_\_\_  
IVETTE BURGESS, CITY CLERK

1<sup>st</sup> Reading  
2<sup>nd</sup> Reading  
& Adoption \_\_\_\_\_

Reviewed by \_\_\_\_\_  
William B. Harvey, III, City Attorney



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 6/8/2018  
**FROM:**  
**AGENDA ITEM**  
**TITLE:** Appeal from Decision of Park & Tree Advisory Commission  
**MEETING**  
**DATE:** 6/12/2018  
**DEPARTMENT:** Planning

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*BACKGROUND INFORMATION:*

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*PLACED ON AGENDA FOR:*

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*REMARKS:*

**ATTACHMENTS:**

Description	Type	Upload Date
Staff Report	Backup Material	6/8/2018

**City of Beaufort Department of Planning and Development Services**

**M E M O R A N D U M**

**TO:** Bill Prokop, City Manager

**FROM:** Libby Anderson, Planning Director

**DATE:** May 3, 2018

**SUBJECT:** Appeal from Decision of PTAC

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An appeal from a decision of staff regarding a tree removal application is made to the Park & Tree Advisory Commission (PTAC) (Section 3-3007 of the PTAC ordinance attached). PTAC decisions are appealed to City Council (Section 3-3008).

A permit is required to remove a Specimen or Landmark Tree on a single-family residential lot. A 20" Live Oak is a Specimen tree (see attached excerpts from The Beaufort Code). Action Tree is appealing the decision of PTAC to assess a \$1,000 "mitigation fee" for the removal of a 20" Live Oak at 412 Joshua Court without a permit.

**Timeline**

The facts and timeline for the case are outlined below:

- Application for removal of 20" live oak (attached) was accepted on 1-16-18.
- Brian Franklin conducted a site visit and denied the request on 1-19-18. Brian left a voice message on David Tedford's cell and on Action Tree's main line.
- Action Tree proceeded with removal work on 1-19-18. Photos of the tree are attached.
- Brian received a call from Mrs. Giles from Action Tree, stating that Action Tree had begun the removal work but had stopped work. They apologized and told Brian they were having personnel issues. 1-19-18
- Brian asked Action Tree to have their certified arborist review the tree and make a determination on its health (see attached letter dated 1-23-18).
- Brian then consulted with me. I recommended that Brian take this before PTAC. Brian emailed Action Tree on 2-6-18 and let them know this issue would be on the February PTAC agenda.
- PTAC met on 2-22-18 and had a discussion about the tree. A decision on the issue was tabled until the March meeting so that Amanda Flake, the board's certified arborist, could inspect the tree. Mrs. Thompson, the property owner, was in attendance; no one from Action Tree attended the meeting. The minutes of the February PTAC meeting are attached.
- Brian visited the site with Amanda on 3-20-18 and Amanda drafted her comments to PTAC (attached).
- PTAC met on 3-22-18 and read Amanda's letter into the minutes. The Board then made a motion to "remove the portion of the tree that has been "heavily trimmed," leaving the other trunk, and either to fine Action Tree Service or to require it to mitigate for removing the trunk without permission." The motion was voted on and passed. Mrs. Thompson, the property owner, was in attendance, but no one from Action Tree. The minutes of the March PTAC meeting are attached.
- Brian emailed Action Tree a follow-up letter on 3-27-18 (attached). Brian followed up with Action Tree via email on 4-24-18.
- Action Tree emailed Brian on 4-27-18 requesting to appeal PTAC's decision to Council.

### **CHAPTER 3. - PARK AND TREE ADVISORY COMMISSION**

#### **Sec. 3-3001. - Definitions.**

*Street trees* are herein defined as all woody vegetation located in the right-of-way of all publicly-owned streets within the city.

*Park trees* are herein defined as all woody vegetation which is located in publicly-owned parks and open spaces within the city.

(Ord. No. O-10-14, 4-22-14)

#### **Sec. 3-3002. - Creation and establishment of board.**

There is hereby created and established the park and tree advisory commission for the city, which shall consist of five (5) members who are either residents of the city, own property within the city, or either hold, or are associated with a business that holds a current city business license. Members shall be appointed by the city council. The park and tree advisory commission shall include one certified arborist, two (2) design professionals and two (2) citizen representatives.

(Ord. No. O-10-14, 4-22-14)

#### **Sec. 3-3003. - Terms.**

All terms shall be for three (3) years. At the end of a term, city council may re-appoint a commission member for another term. Council retains the authority to remove any member of the commission for cause. In the event a vacancy occurs during the term of any member, a successor shall be appointed by city council and begin a three-year term from date of initial appointment.

(Ord. No. O-10-14, 4-22-14)

#### **Sec. 3-3004. - Compensation.**

Members of the commission shall serve without compensation. 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-10-14, 4-22-14)

#### **Sec. 3-3005. - Duties and responsibilities.**

It shall be the responsibility of the commission to develop and periodically update, an urban forestry management plan which supplements and corresponds to the recommendations of the civic master plan for the city. The management plan shall define the species of trees to be utilized as street and park trees and specify horticultural requirements for the planting, maintenance and preservation of public trees. Further, the commission shall study, investigate and make recommendations to council regarding park design, acquisition and/or de-acquisition



of city parks and open spaces, the planting of utility corridors, the design and maintenance of city playgrounds and recreation areas, the establishment of agricultural and public gardens in city parks and the creation and management of city trails and trail linkages. The commission shall also provide guidelines for the establishment of a city tree fund and make recommendations to city council for the prioritized allocation of monies.

(Ord. No. O-10-14, 4-22-14)

Sec. 3-3006. - Operation.

The commission shall elect a chairperson and a vice-chairperson from its members who shall serve for one year or until reelected, or until a successor is elected. The commission shall make its own rules and regulations and keep minutes of its proceedings. A majority of the seated members shall constitute a quorum for the transaction of business. All meetings of the commission shall be open to the public.

(Ord. No. O-10-14, 4-22-14)

Sec. 3-3007. - Accessory duties.

The commission shall be responsible for the planning and procurements necessary for the annual Arbor Day celebration, the retrieval of required data for recertification as a Tree City USA by the Arbor Day Foundation from city public works, parks and planning departments, provision of park names for city council consideration in the naming/renaming of parks, and shall review appeals of any ruling by the city arborist in regards to denial of tree removal applications on private property. Further, the commission may notify private property owners, in writing, of any tree(s) on their property which pose a potential hazard to the public right-of-way.

(Ord. No. O-10-14, 4-22-14)

Sec. 3-3008. - Review by city council.

The city council shall have the right to review the conduct, acts and decisions of the park and tree advisory commission. Any person may appeal any ruling of the commission to the city council who may hear the matter and make final disposition of same.

(Ord. No. O-10-14, 4-22-14)

Secs. 3-3009—3-3099. - Reserved.

## 5.4: TREE REMOVAL

### 5.4.1 PERMIT REQUIRED

- A. **Applicability:** A zoning permit is required for the following tree modifications, as per Section 9.4:
1. **Permit Required for Removal:** A Permit shall be required for the removal or relocation, of any tree 8" caliper or larger at DBH, or any tree designated as a specimen or landmark tree, as established in Section 5.3.2. An exception is granted in single family and 2- and 3- family buildings on existing lots of record wherein a permit is only required for the removal of Specimen or Landmark Trees.
  2. **Permit Required for Pruning:** A permit shall be required for the pruning of any tree designated as a landmark tree, as established in Section 5.3.2. Pruning must be done by, or under the guidance of, a certified arborist.
  3. **Trees Designated for Retention:** A permit shall be required for the removal, relocation, or pruning of any tree previously designated to be retained on an approved development plan.
- B. **Criteria for Reviewing Applications for Tree Removal:** The following criteria shall be considered by the administrator in determining whether or not to issue a zoning permit:
1. **Health:** Whether or not the tree is in good health, according to a certified arborist report or staff evaluation
  2. **Development Potential:** Whether or not the tree constrains reasonable development of the specific site, considering lot size, applicable setbacks, context, building type and use, stormwater requirements and other relevant site development considerations
  3. **Access:** Whether or not the tree is a hazard to pedestrian, bicycle, or vehicular traffic
  4. **Structural Interference:** Whether or not the tree presents a hazard to buildings, structures, or utility lines
  5. **Cost:** Whether or not there are cost-effective alternatives to tree removal
- C. **Tree Removal in Conjunction with Development:** If trees are to be removed in conjunction with the physical development of a site, submission of a tree retention/removal schedule is required to accompany the Site Plan (Section 9.3.1.C). See Appendix A for an example of this schedule. All trees, both to be saved and removed, shall also be noted on the landscaping plan. This schedule and plan must be reviewed and approved by the appropriate Design Review Body prior to the issuance of a Project Permit. No tree removal may commence without a Project Permit.
1. **Buffer Areas:** Preserved trees in the buffer areas shall be counted toward the minimum tree conservation requirements of the buffers stated in Section 5.5.1. Recognizing that the perimeter buffers lie outside of the buildable area, the intent of this provision is to preserve as many of these trees as possible while allowing for access, reasonable visibility, and other uses permitted in the buffer area that practicably are best located within the buffer.
  2. In exceptional cases where the Administrator determines that the species of a tree or grouping of trees is on an official state or federal list of threatened or endangered species, then approval is specifically required for removal.

### 5.4.2 EXCEPTIONS

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

- B. **Approach to Meeting Requirements:** This tree coverage requirement may be met through the retention of existing trees, supplemental plantings, or a combination of both. Removal of trees must be in accordance with Section 5.4 (Tree Removal). New trees planted to satisfy the tree canopy coverage requirement, as set forth above, must meet the standards found in Section 5.6 (Landscape Installation and Maintenance). If lot size is smaller than listed above, tree planting shall be done if possible, but may not be required. If it is not possible to plant overstory trees, two understory trees may count as one overstory tree.
- C. **Plan Requirements:** Compliance with these tree coverage standards must be clearly shown on all submitted applications.

### 5.3.2 SPECIMEN AND LANDMARK TREES

- A. **Designation of Specimen and Landmark Trees:** Certain trees, because of their species and size, are an asset to both the City and individual property owners and are hereby designated as “specimen” and “landmark” trees. Such trees shall be defined as those trees which meet the criteria in the following table:

SPECIES	COMMON NAME	SPECIMEN TREE (MIN. DBH)*	LANDMARK TREE (MIN. DBH)*
<i>Cornus florida</i>	Flowering Dogwood	4 inches	18 inches
<i>Cercis canadensis</i>	Redbud	4 inches	18 inches
<i>Magnolia grandiflora</i>	Southern Magnolia	4 inches	24 inches
<i>Ilex opaca</i>	American Holly	4 inches	14 inches
<i>Juniperus virginiana</i>	Eastern Red Cedar	12 inches	24 inches
<i>Quercus virginiana</i>	Live Oak	12 inches	24 inches
<i>Sabal palmetto</i>	Cabbage Palm	18 feet tall	36 feet tall
<i>Taxodium distichum</i>	Bald Cypress	16 inches	24 inches
<i>Quercus velutina</i>	Eastern Black Oak	16 inches	24 inches
<i>Nyssa sylvatica</i>	Tupelo/Black Gum	16 inches	24 inches
<i>Quercus alba</i>	White Oak	16 inches	36 inches
<i>Quercus falcata</i>	Southern Red Oak	16 inches	24 inches
<i>Acer rubrum</i>	Red Maple	16 inches	24 inches
<i>Ulmus americana</i>	American Elm	16 inches	36 inches
<i>Pinus palustris</i>	Longleaf Pine	16 inches	36 inches
<i>Fagus grandifolia</i>	American Beech	16 inches	36 inches
All other species of overstory trees except for Laurel Oaks, Sweet Gum, Pecan and other species of Pines — those species are never considered specimen or landmark trees, regardless of their size		24 inches	36 inches

\*DBH = diameter at breast height (or about 4.5 feet above grade)

- B. **Preservation of Specimen and Landmark Trees:** Reasonable design alternatives shall be explored to preserve these trees to the extent practicable. A Certified Arborist Report (see Appendix A) shall be required when sites contain specimen trees that will be impacted by or removed due to development, unless the Administrator determines that the report would not change the outcome of the plan. A certified arborist report shall always be required for all Landmark Trees that will be impacted by or removed due to development. The Certified Arborist Report shall be incorporated into the project submission as part of the Site Plan (see 9.3.1.C).
- C. **Mitigation for Preserving Existing Trees:** To incentivize saving a variety of species and sizes of existing trees, credits shall awarded for their preservation at a ratio of 1:1. All trees, except for Laurel Oaks, Sweet Gums, Pecans and non-Longleaf Pines, may be used as mitigation credits for that same species. *Example: If a 12" magnolia tree is removed, but three 3" magnolias are saved, only 3" of magnolia trees would be included in the mitigation calculation per the schedule in 5.6.2.D.*

ARB?



## TREE REMOVAL APPLICATION

Department of Planning & Development Services  
1911 Boundary Street, Beaufort, South Carolina, 29902  
p. (843) 525-7049 / f. (843) 986-5606  
[www.cityofbeaufort.org](http://www.cityofbeaufort.org)

#161 88  
**PAID**  
1/16/18 CA

BS  
1/16

Application Fee: \$TBD

Refer to Section 5.4 of The Beaufort Code for complete information about Tree Removal Requirements

Applicant Name:

Janice Thompson

(Dave 575-1620 cell)

Property Address:

412 Joshua Court

Applicant E-mail:

Applicant Phone No.: 522 0677

Owner/Contractor Name (if other than the Applicant):

Action Tree Service

Phone Number: 525 6024

For the following reasons:

To Enter Front Door, she HAS to Walk Around The Sidewalk or Bend over, undermining sidewalk, Trip and Fall

**PLEASE NOTE:** CONTRACTORS ARE RESPONSIBLE FOR REMOVING AND PROPERLY DISPOSING OF ALL TREE DEBRIS FROM THE JOB SITE (I.E. CANNOT BE LEFT ON CURB FOR OTHERS TO PICK UP). TRUNK SECTIONS KEPT BY PROPERTY OWNER SHALL BE IN REAR OF PROPERTY.

Draw map of structure(s) and indicate location of tree(s) to be removed.

Tree(s) MUST be marked with flagging tape. Commercial sites are required to have a tree survey.

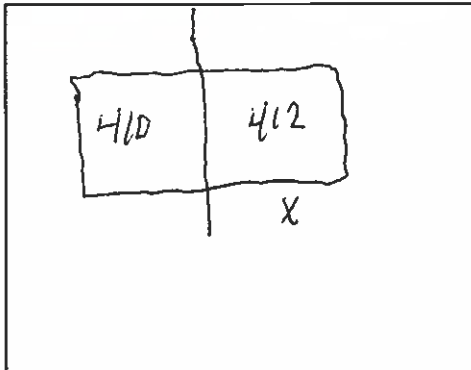
### TREE(S) TO BE REMOVED

Type of Tree

Live Oak

Diameter (54" from ground)

20"



PLEASE INDICATE IF TREE IS IN A FENCED YARD CONTAINING A DOG(S).  
YES ☐ NO ☒

Do Not Write in This Space

A. REQUEST TO REMOVE TREES APPROVED:



BY:

B. REQUEST TO REMOVE TREES DENIED:



BY:

*[Signature]*

If denied, you may resubmit your tree survey or you make appeal to the Park and Tree Advisory Commission in writing, 15 days prior to the next scheduled meeting. Submit your appeal request to the Planning Department.

Updated July 21, 2017 | This form is also available online at [www.cityofbeaufort.org](http://www.cityofbeaufort.org)

1/13/18 LEFT Voice Message

# ACTION TREE SERVICE

56 B SAV HWY  
BEAUFORT, S.C. 29906  
(843) 525-6024

JANUARY 23, 2018

To whom it may concern,

I have inspected the property at 412 Joshua Court, Beaufort, SC. The cuts were made in accordance with ISA standards or nearly so. In a few years you would not know it had been pruned. It will bush out on top and eventually become long and lanky again. That side of the tree is being pushed hard to the right because of the much bigger main tree in front of the house. Any Certified or lay Arborist that walked up to this tree would recommend its removal. It is always going to grow away from the main tree toward the light. The elderly lady in the house has to walk around the tree on uneven ground just to access her front door. The sidewalk, which she would have to just about get on her hands and knees to stay on sidewalk under tree is cracked and severely push up in two places. Constituting a serious trip hazard, which will continue to happen as long as that section of tree is there. If the tree was removed the stump should be left in place. Not only to avoid root damage but grinding the stump would also negatively impact the drainage in her yard. All that being said if the tree is left in a few years it will look normal again and go on to be a healthy tree. I would also like to say that my cutting off the tree was my mistake relating to a personal issue not involving my employer. Which we are working out. Thank you.

David Tedford (843) 575-1620  
S.C. State Certified Arborist  
5620A

A meeting of the Park and Tree Advisory Committee was held on **February 22, 2018 at 3:00 p.m.** in City Hall, 1911 Boundary Street. In attendance were Chairman Barb Farrior, committee members Amanda Flake, Gordon Fritz, Blake Austin, and Chuck Rushing, and Brian Franklin, city staff.

In accordance with the 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.

Chairman Farrior called the meeting to order at 3:05 p.m.

### **MINUTES**

**Mr. Rushing made a motion, second by Mr. Fritz, to approve the minutes of the January 25, 2017 PTAC meeting.** Ms. Flake abstained from voting because she was not present at the meeting. **The motion to approve the minutes as submitted passed 4-0.**

### **TREE REMOVAL APPLICATION – 412 JOSHUA COURT**

**Janice Thompson** said she has a beautiful live oak in her front yard. It has “two trunks,” and one “has started to curve toward the sun,” so people entering and exiting her home have to go under the tree, she said, and it’s “easy to bump into.” Ms. Thompson said she doesn’t want to grind the stump down, so as not to affect the other part of the tree.

Mr. Franklin said he had denied Ms. Thompson’s application for removal. An arborist was doing trimming on the tree after Mr. Franklin issued that denial; there’s a letter about that portion of the tree in the committee’s packets. “The overall size of the tree” and its health were the reasons for his denial, Mr. Franklin said. This is a “manmade” problem, he feels, not a problem with the tree, so he wanted to bring it to PTAC to get the committee’s opinions.

Chairman Farrior said the tree is healthy, but it’s creating a hazard to humans. Ms. Flake said she’d prefer to look at the tree herself, and she asked the timeframe on this. Mr. Franklin said that’s up to the committee.

Ms. Thompson described how much of the tree “was chopped” before the trimming was stopped.

Mr. Fritz said he’d talked to arborist **Michael Murphy**, who recommends that these trees be trimmed from the top, which could “arrest that motion.” Mr. Franklin and Mr. Rushing said they have seen the tree. Mr. Austin asked if less than a third of the canopy would be lost with this trimming. Mr. Franklin and Mr. Rushing said probably no more than a third.

Mr. Austin said it sounds like the tree is creating “a nuisance.” If less than a third of the canopy is taken off, his understanding is that it will not have any ill effect on the tree.



Mr. Franklin said he wanted the committee to apply its expertise and then approve or deny the application.

Mr. Franklin said he'd talked to **David Tedford** of Action Tree Service, who said if the limb is left, it would still be a viable part of the tree. Ms. Thompson said, aesthetically, "it looks very unfinished." Mr. Fritz said live oaks, when they're trimmed back, will shoot out new growth for more balance. He said he understands where Ms. Thompson is coming from, but he is "a tree man," and he feels this is a "manmade problem." He can't justify taking out a tree that is "balanced," he said, especially when they can balance it out within a couple of years. It could be an attractive tree again "and add value to your house," Mr. Fritz said.

Mr. Rushing said the tree is similar to how it looked on a Google 2008 map. He agreed with Mr. Fritz that it is a manmade problem, and he feels the solution is "an architectural" one. Ms. Thompson could re-route the walkway and put a little more curve into it in order to get in the front door more easily, Mr. Rushing said.

Mr. Austin said he disagrees about the balance of the tree with the amount of canopy that's been trimmed off. "There's a Dr. Seuss-looking limb" that is going off to the right, he said, and if it's a nuisance to the homeowner, he is leaning toward allowing it to be cut off. He thinks it will be fine as long as less than a third of the canopy is removed.

Mr. Rushing said he'd hate to make an assessment on whether the tree has lost a third of its canopy, given how much the tree service has taken out. If they take the remainder, he thinks that's probably "less than a third of what's left." Mr. Austin said the arborist's notes say the tree is "healed up." Mr. Rushing said the arborist just did this trimming recently, so it can't be healed yet. Mr. Franklin said the trimming was done within the last 2 months.

This piece is 20" DBH, Ms. Flake said. She called it "a large wound" and said decay could get into the root system over time. She said again that she'd like to go look at the tree in person, rather than looking at a picture of it.

Chairman Farrior said she would defer to Ms. Flake because she is a certified arborist. Ms. Flake said she would like to table this application for a month to give the committee time to have a look at the tree. **Mr. Fritz made a motion to table, seconded by Mr. Austin. The motion passed unanimously.**

#### **TREE REMOVAL APPLICATION – 1006 BATTERY CREEK ROAD**

**George Webb** said he has a tree in front of his house that has "quite a cavity in it," and it's leaning toward his house. He moved there in 1985, and the tree is "increasingly close" to his house. Mr. Webb believes it's a live oak, and he said it's "full of vines" that

## Brian Franklin

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**From:** Flake, Amanda <aflake@bcgov.net>  
**Sent:** Tuesday, March 20, 2018 4:37 PM  
**To:** Brian Franklin  
**Subject:** Tree Removal at 412 Joshua Court

Brian,

After our site visit today I have determined the following; the pruning cuts on this tree are significant. Typically you want to take no more than 25% of the canopy at one time. However, this means 25% of the whole canopy, not 25% on one major trunk of the tree. Also the pruning cuts do not leave enough viable limbs to make enough energy for this side of the tree and therefore makes me wonder if the tree will recover. My suggestion is that the owner remove this section of tree. The stump needs to be left at an angle so that water will not pool on the surface and cause decay that could eventually lead to root decay. If the rest of the tree starts to decline in the next 5 to 10 years I recommend that the tree company be required to mitigate since they performed the work without a permit from the City of Beaufort.

Thanks,  
Amanda

Amanda Flake  
Natural Resources Planner  
Beaufort County Community Development Department  
ISA Certified Arborist, SO-6474A  
843-255-2142  
[aflake@bcgov.net](mailto:aflake@bcgov.net)

A meeting of the Park and Tree Advisory Committee was held on **March 22, 2018 at 3:00 p.m.** in City Hall, 1911 Boundary Street. In attendance were Chairman Barb Farrior, committee members Gordon Fritz and Chuck Rushing, and Brian Franklin, city staff. Amanda Flake and Blake Austin were absent.

In accordance with the 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.

Chairman Farrior called the meeting to order at 3:04 p.m.

### **MINUTES**

**Mr. Rushing made a motion, second by Mr. Fritz, to approve the minutes of the February 22, 2017 PTAC meeting. The motion to approve the minutes as submitted passed unanimously.**

### **TREE REMOVAL APPLICATION – 412 JOSHUA COURT**

Chairman Farrior read a letter from Ms. Flake, who had gone with Mr. Franklin to look at the tree.

Mr. Fritz said he didn't agree with Ms. Flake's assessment because of his experience with large oaks on his property that had fallen over because of Hurricane Matthew but are coming back after the roots were trimmed. He said he knows that this kind of tree can recover from this type of pruning.

Mr. Franklin said he doesn't disagree with Mr. Fritz, but Ms. Flake is a certified arborist, so he would defer to her opinion. There was a discussion of her assessment and of what had happened, which is that the trimming on the tree "was not done from a pruning standpoint" but with the intention of "a removal," Mr. Franklin said, and the tree company was stopped in that process. If the tree declines and expires, he said, the tree company should bear the responsibility for that.

Mr. Rushing said the tree company cut a major section of the tree without a permit. Mr. Franklin said the company did the work the same day he denied a trimming permit. He called **David Tedford** of Action Tree Service and also emailed the tree company to let them know that he had denied it, but the work took place during that time that he was attempting to contact them. Mr. Rushing said the application was for a permit to remove one of the trunks of the tree; Mr. Franklin said that's correct. Mr. Tedford was apologetic, he said, and Action Tree Service had reached out to Mr. Franklin to apologize and to find out what to do to make it right.

Mr. Rushing asked what the recourse is when something like this is done without permission. Mr. Franklin said he believes it's mitigation or a fine, but he doesn't know what the fine is for doing this to a live oak.

Mr. Rushing said he hears Ms. Flake's letter as saying that the part of the tree that has been "mutilated" should be cut off, and if the remainder dies, then the tree company should be responsible. Mr. Fritz told **Janice Thompson**, the homeowner, that he knows from experience that a live oak can rebound. He told Chairman Farrior that he is opposed to removing it.

**Mr. Rushing made a motion to remove the portion of the tree that has been "heavily trimmed," leaving the other trunk, and either to fine Action Tree Service or to require it to mitigate for removing the trunk without permission. Chairman Farrior seconded the motion. The motion passed 2-1, Mr. Fritz opposed.**

Chairman Farrior told Ms. Thompson that she has permission to have the trimmed trunk removed, and Mr. Franklin will be overseeing that. Chairman Farrior asked Mr. Franklin about the mitigation. Mr. Franklin said, before the removal, Action Tree Service would have to do the mitigation or pay the fine. He will update the board at its next meeting. Mr. Franklin said he would email Action Tree Service tomorrow and will copy Ms. Thompson on it.

Chairman Farrior said she feels that if the city doesn't take a stand with tree companies about trimming without permission, this practice will continue. This company moved forward without a permit, which she said is "unusual." Mr. Fritz said he thought the committee made a good decision, even though he didn't vote in favor of it.

#### **SOUTHSIDE PARK TRAIL UPDATE**

Trail work has commenced at Southside Park, Mr. Franklin said. In the next few weeks, there will be a walking surface. They are shooting for a May deadline, he said.

#### **BOUNDARY STREET PLANTING UPDATE**

There are trees in the medians, Mr. Franklin said. They are holding off on the north side of Boundary Street until the overhead power lines can be brought down. Chairman Farrior said she thinks it looks great so far, and Mr. Fritz agreed. Mr. Franklin said there would be shrubs put in on the south side of the street and in the medians while they wait for the power lines to come down. The goal is to complete this by the end of April, he said.

Mr. Fritz said he feels "this is a fantastic legacy for you guys, to have fought for this and got it."

Mr. Franklin said the landscape contractor will do maintenance for the first year, and then it will be turned over to the city. Mr. Rushing asked if ground cover is planned and about weed control and mulching. Mr. Franklin said he had removed the weed fabric from the project that was to be put down because in his experience, it is an impediment to work, and it kills weeds coming up, but if the mulch is deep, weeds will grow on top



SCOTT F. DADSON  
City Manager

**CITY OF BEAUFORT  
DEPARTMENT OF PLANNING  
AND DEVELOPMENT SERVICES**  
1911 BOUNDARY STREET  
BEAUFORT, SOUTH CAROLINA 29902  
(843) 525-7011  
FAX (843) 986-5606  
[www.cityofbeaufort.org](http://www.cityofbeaufort.org)

LIBBY ANDERSON  
Director of Planning  
and Development Services

March 27, 2018

Mr. David Tedford, Certified Arborist  
Action Tree Service  
56 Savannah Highway  
Beaufort, South Carolina 29906

**Re: 412 Joshua Court Live Oak**

Dear Mr. Tedford:

I wanted to advise you that the City of Beaufort Park & Tree Advisory Commission (PTAC) had a meeting on Thursday, March 22, 2018 at which time the Commission voted to allow Action Tree Service to remove the remaining 20" limb on the live oak at 412 Joshua Court. The Board passed two conditions for the removal of this limb. The first condition of the removal is that the final cut be made at an angle to keep moisture from sitting on the top of the stump that will remain. The second condition is that Action Tree be required to mitigate the loss of this 20" limb because the work was performed without a permit. The Beaufort Code requires mitigation at \$50 per caliper inch for a total of \$1,000. This can be paid by check or credit card to the City of Beaufort, 1911 Boundary Street, Beaufort, SC 29902. This money is to be used to plant new trees around the City. PTAC requested that the mitigation be paid before the removal of the 20" limb is allowed.

As per Section 3-3008 of *The Code of Ordinances of the City of Beaufort, South Carolina*, you may appeal this decision to the Beaufort City Council within 30 days of the date of this letter by filing an appeal with City Clerk.

Regards,

**Brian Franklin, PLA**

City of Beaufort - Landscape Architect  
1911 Boundary Street, Beaufort, SC 29902  
Cell. 843.263.8587  
PH. 843.525.6348 [bfranklin@cityofbeaufort.org](mailto:bfranklin@cityofbeaufort.org)





**LIMB THAT WAS REQUESTED  
TO BE REMOVED**





**AREA WHERE TREE WAS CUT**

**LIMB REQUESTED TO BE REMOVED**





**AREA WHERE REMOVAL WAS DONE**

**LIMB THAT WAS CUT ON**





A large, mature tree with a thick trunk and dense green foliage dominates the left side of the image. A red rectangular highlight is placed on a section of the tree's trunk. To the right of this highlight, a black rectangular box contains the text "AREA WHERE CUTS WERE MADE" in red, bold, capital letters. The background shows a clear blue sky with some white clouds, a house with a grey roof and white trim, and a green lawn with other trees and a white car in the distance.

**AREA WHERE CUTS  
WERE MADE**

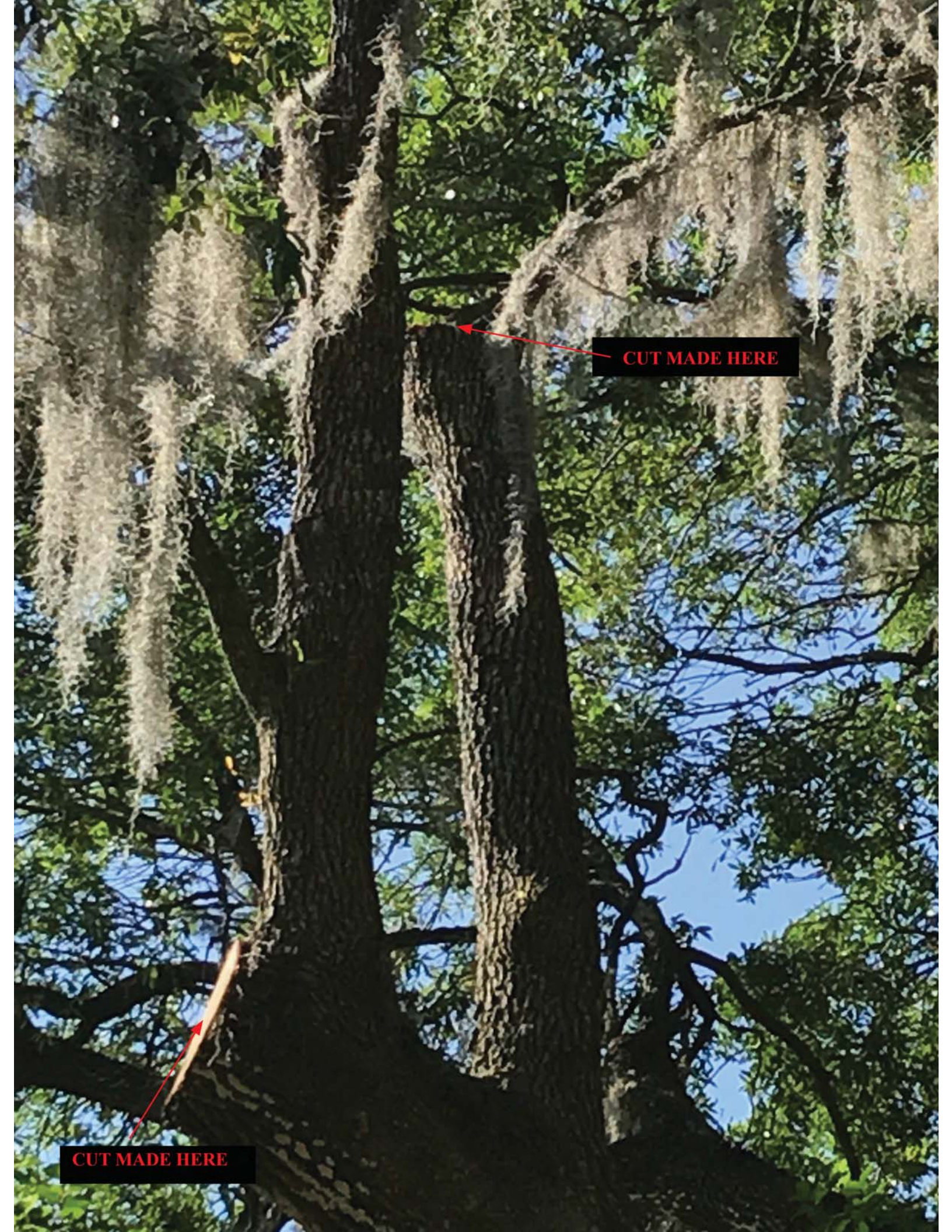




**CLOSE UP OF CUT AREA**







**CUT MADE HERE**

**CUT MADE HERE**







