

**CITY OF BEAUFORT**  
1911 BOUNDARY STREET  
BEAUFORT MUNICIPAL COMPLEX  
BEAUFORT, SOUTH CAROLINA 29902  
(843) 525-7070  
**CITY COUNCIL WORKSESSION AGENDA**  
**October 22, 2019**

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

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**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."

**WORKSESSION - City Hall, Planning Conference Room, 1st Floor - 5:00 PM**

**I. CALL TO ORDER**

A. Billy Keyserling, Mayor

**II. EMPLOYEE NEW HIRE RECOGNITION**

- A. Finance Department - Jay Phillips
- B. Fire Department - Milton Rivera, Ronald Ball, Cal Shanks, Jessica Tomasoski, and Tom Kisolek

**III. DISCUSSION ITEMS**

- A. Continued discussion regarding review and update of Council appointed Committee's per the Beaufort Development Code
- B. The Beaufort Development Code and Affordable Housing

**IV. EXECUTIVE SESSION**

- A. Pursuant to Title 30, Chapter 4, Section (70) (a) (1) of the South Carolina Code of Law: Discussion regarding appointments to Task Force Committees.

**V. ADJOURN**



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 10/17/2019  
**FROM:** Kathy Todd, Finance Director  
**AGENDA ITEM**  
**TITLE:** Finance Department - Jay Phillips  
**MEETING**  
**DATE:** 10/22/2019  
**DEPARTMENT:** City Clerk

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*BACKGROUND INFORMATION:*

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*PLACED ON AGENDA FOR:*

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*REMARKS:*



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 10/17/2019  
**FROM:** Tim Ogden, Deputy Chief of Operations  
**AGENDA ITEM** Fire Department - Milton Rivera, Ronald Ball, Cal Shanks, Jessica Tomazoski, and  
**TITLE:** Tom Kisolek  
**MEETING**  
**DATE:** 10/22/2019  
**DEPARTMENT:** City Clerk

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*BACKGROUND INFORMATION:*

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*PLACED ON AGENDA FOR:*

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*REMARKS:*



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 10/16/2019  
**FROM:** City Administration and Community & Economic Development  
**AGENDA ITEM TITLE:** Continued discussion regarding review and update of Council appointed Committee's per the Beaufort Development Code  
**MEETING DATE:** 10/22/2019  
**DEPARTMENT:** City Clerk

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#### *BACKGROUND INFORMATION:*

Continued discussion from Worksession held on October 15, 2019.

It has been the policy of the City to periodically review the zoning ordinance. The City Manager wants to take the opportunity to ensure that the rules governing the development review bodies are up-to-date and serve the vision and goals of the City Council.

The development review bodies are:

- City Council [10.1]
- Metropolitan Planning Commission [10.2]
- Zoning Board of Appeals [10.3]
- Building Official [10.4]
- Administrator [10.5]
- Technical Review Committee [10.6]
- Historic Review Board [10.7]
- Design Review Board [10.8]

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#### *PLACED ON AGENDA FOR:*

#### *REMARKS:*

#### **ATTACHMENTS:**

Description	Type	Upload Date
Staff Report	Backup Material	10/16/2019



# Staff Report for City Council

From the Department of  
Community and Economic Development

15 October 2019

## 1 SUBJECT

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Review and update of The Beaufort Development Code's Chapter 10 – Development Review Bodies

## 2 FACTS

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It has been the policy of the City to periodically review the zoning ordinance. The City Manager wants to take the opportunity to ensure that the rules governing the development review bodies are up-to-date and serve the vision and goals of the City Council.

The development review bodies are:

- City Council [10.1]
- Metropolitan Planning Commission [10.2]
- Zoning Board of Appeals [10.3]
- Building Official [10.4]
- Administrator [10.5]
- Technical Review Committee [10.6]
- Historic Review Board [10.7]
- Design Review Board [10.8]

## 3 ATTACHMENTS

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- Beaufort Development Code, Chapter Ten with highlights
- Ordinance, O-02-00, Joint Planning Commission
- Resolution, R-14-07, Northern Regional Implementation
- Ordinance, O-23-09, Metropolitan Planning Commission
- Ordinance, O-20-01, Approval of Preliminary and Final Subdivision Plats

## 4 STAFF COMMENTS

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Staff has reviewed chapter ten and has the following comments:

**10.1 City Council** – no comments

**10.2 Metropolitan Planning Commission** – *shall perform all planning functions in the areas of jurisdiction of the City of Beaufort and the Town of Port Royal, South Carolina, and the unincorporated areas of Port Royal Island and Lady’s Island, all of which have been designated as the growth area in the Northern Beaufort County Regional Plan. . . . The MPC is created so that the two municipalities and Beaufort County can act together to enhance present advantages, to overcome collective problems involving these three governmental entities in which joint resolution is advisable, and to engage in orderly planning for the wise conservation of historic and natural resources, and for the growth of business enterprises providing new or expanded job opportunities in the growth area.* [10.2.1.A Powers and Duties]

South Carolina Code of Laws

SECTION 6-29-310. "Local planning commission" defined.

For purposes of this chapter, "local planning commission" means a municipal planning commission, a county planning commission, a joint city-county planning commission, or a consolidated government planning commission.

HISTORY: 1994 Act No. 355, Section 1.

SECTION 6-29-320. Bodies authorized to create local planning commissions.

The city council of each municipality may create a municipal planning commission. The county council of each county may create a county planning commission. The governing body of a consolidated government may create a planning commission. Any combination of municipal councils and a county council or any combination of municipal councils may create a joint planning commission.

HISTORY: 1994 Act No. 355, Section 1.

**Re 10.2.1.A and 10.2.2.A**, staff suggests that the planning commission no longer be a “metropolitan” commission, which has 2 members from the county, 2 members from the Town of Port Royal, and two members from the City of Beaufort. The ostensible rationale for a metropolitan commission is to address regional issues, however, addressing regional issues is the expressed purpose of the Northern Regional Plan Implementation Committee and, therefore, is not needed of the planning commission.

It is a considerable responsibility for a planning commissioner to be knowledgeable of the municipality’s zoning ordinance, comprehensive plan, and other supporting plans and documents. To expect planning commissioners to be familiar with the foundational planning documents from three separate jurisdictions is hopeful at best and unrealistic in fact.

Multi-person boards are instrumental in bringing different perspectives to the deliberation of important issues. However, it is important that these different perspectives are from individuals who have a direct interest and connection to the jurisdiction. Requiring that planning commissioners are residents or owners of property in the City of Beaufort is essential to ensuring that planning commission decisions are focused on city needs and impacts.

**Re 10.2.1.D.1 (MPC additional duties):** add “that are outside of public rights-of-way, designated open space, or public parks” at the end of the current *Review and make recommendations to the City Council in regard to planting, tree preservation, and other aesthetic consideration for land and land structures.*

**Re 10.2.1.D.3 (MPC additional duties):** Currently, subdivision sketch plans go to the MPC for approval. Preliminary plats and final plats are approved by staff. Being a ministerial decision, should all subdivision plans be approved by staff?

South Carolina Code of Laws

SECTION 6-29-1150. Submission of plan or plat to planning commission; record; appeal.

(A) The land development regulations adopted by the governing authority must include a specific procedure for the submission and approval or disapproval by the planning commission or designated staff.

SECTION 6-29-1110. Definitions.

(2) "Land development" means the changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.

**Re 10.2.3.G:** replace reference of *Department of Planning and Development Services* with *Department of Community and Economic Development*

**10.3 Zoning Board of Appeals** – correct misspelling of “circuit” in subparagraph G; replace reference of *Department of Planning and Development Services* with *Department of Community and Economic Development* and remove *and the building official of the city*, due to the building official being a part of the department.

**10.4 Building Official** – no comments

**10.5 Administrator** – no comments

**10.6 Technical Review Committee** – change *staff the pre-application conference* to *staff the pre-design conference*

**10.7 Historic District Review Board** – Section 10.7.1.B states *The HRB shall review and take action on projects located within the Beaufort Historic District, including changes to the exterior of any structure and new construction.* It is unclear if this means new construction to a historic structure or new construction in general. If it is the latter, this is in contradiction to 9.10.2, which states that it requires administrative review, not HRB review, of applications for certificates of appropriateness for *new construction and building modifications to include construction of non-habitable accessory buildings in the Beaufort Preservation Neighborhood.* Staff is respectfully requesting Council’s intent regarding review of new construction in historic districts.

Regarding sections 10.7.3.A, it states that *one of the 5 members shall be a member of the board of directors of the Historic Beaufort Foundation, and shall be recommended by the organization.* While recognizing the important role the HBF plays in protecting the historic assets and character of the city and having no objection to a board member of the HBF serving on the HRB, staff feels, however, that

mandating that a member of an advocacy group serve on a board, which has been formed to protect public interests, is less democratic and, therefore, not recommended.

**10.8 Design Review Board** – Section 10.8.1.B reads that the “powers and duties” of the DRB are to *review, and approve, or deny, all applications subject to Major Development Design Review as outlined in Section 9.8.2.* It is unclear whether the DRB is expected to provide technical approvals or guidance of design. If it is technical approval of development plans, as stated earlier, the governing authority [city council] can assign this responsibility to the planning commission or designated staff. It is unclear if this can be delegated to another board. If the expectation of the DRB is to provide guidance on design, does this make them an architectural review board?

SECTION 6-29-870. Board of architectural review; membership; officers; rules; meetings; records.

(A) A local government which enacts a zoning ordinance which makes specific provision for the preservation and protection of historic and architecturally valuable districts and neighborhoods or significant or natural scenic areas, or protects or provides, or both, for the unique, special, or desired character of a defined district, corridor, or development area or any combination of it, by means of restriction and conditions governing the right to erect, demolish, remove in whole or in part, or alter the exterior appearance of all buildings or structures within the areas, may provide for appointment of a board of architectural review or similar body.

If the DRB is an architectural review board, can their purview be the entire city save the historic districts? Reference section 10.8.1.A.

**Re 10.8.3.G:** Replace reference of *Department of Planning and Development Services* with *Department of Community and Economic Development*.

# 10: DEVELOPMENT REVIEW BODIES

## 10.1: CITY COUNCIL

### 10.1.1 POWERS AND DUTIES

- A. **Text Amendments:** The City Council shall hear and approve, approve with conditions, or deny proposed text amendments to this Code.
- B. **Map Amendments:** The City Council shall hear and approve, approve with conditions, or deny proposed amendments to the Official Zoning Map (rezoning).
- C. **Appointments:** The City Council shall appoint the Metropolitan Planning Commission, Zoning Board of Appeals, Historic District Review Board, and DRB.
- D. **Development Improvements:** Upon approval of a final plat, the City Council shall determine the acceptance or non-acceptance of all dedicated streets, easements, rights-of-way, public parks, and other public lands as shown on the plat.

## 10.2: METROPOLITAN PLANNING COMMISSION

### 10.2.1 POWERS AND DUTIES

- A. **Authority:** Pursuant to § 6-29-320, et seq., of the South Carolina Code of Laws, 1976, as amended, and ordinances of the Town of Port Royal South Carolina and Beaufort County, there is established a Beaufort-Port Royal Metropolitan Planning Commission (MPC), which shall perform all planning functions in the areas of jurisdiction of the City of Beaufort and the Town of Port Royal, South Carolina, and the unincorporated areas of Port Royal Island and Lady's Island, all of which have been designated as the growth area in the Northern Beaufort County Regional Plan (collectively defined herein as the "Growth Area" on the Growth Area Map in Chapter 2 of the Regional Plan).

## SECTIONS

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The MPC is created so that the two municipalities and Beaufort County can act together to enhance present advantages, to overcome collective problems involving these three governmental entities in which joint resolution is advisable, and to engage in orderly planning for the wise conservation of historic and natural resources, and for the growth of business enterprises providing new or expanded job opportunities in the growth area.

**B. Territorial Jurisdiction**

1. The MPC may exercise the power set forth in Title 6, Chapter 29 of the South Carolina Code of Laws, as amended, in the following areas: all lands within the City of Beaufort, the Town of Port Royal, and the growth area, as defined in the Northern Beaufort County Regional Plan and shown on the Growth Area Map.
2. The City Council may expand the jurisdiction of the MPC by ordinance and/or intergovernmental agreement, in accordance with the provisions of Section 6-29-330 of the South Carolina Code of Laws.

**C. Powers and Duties with Regards to the Growth Area:** The MPC will have authority, pursuant to state law, for planning in the growth area. It will handle all matters in the growth area that are delegated to it and that require MPC action. In order to better coordinate growth within the growth area, the MPC shall

1. promote comprehensive planning in the growth area.
2. review all zoning and land development regulation amendments for conformity with the respective Comprehensive Plan. Conflicts with the Comprehensive Plan shall be noted in any report to the respective governmental entity making the regulation amendment.
3. review and make recommendations concerning all annexations with specific attention to those of regional impact within the growth area.
4. review and make recommendations concerning all requests for zoning within the growth area.
5. review and make recommendations concerning major transportation projects affecting the growth area.
6. review and make recommendations on other matters delegated by any of the governmental entities or such other matters as may appropriately come before the Commission.
  - a. In matters affecting the entire growth area, the MPC shall report its recommendations to the councils for the municipalities, and to the county planning commission.
  - b. In matters affecting only one governmental entity, the MPC shall report its recommendations to that governmental entity.
  - c. Municipal and county staffs will work together to share responsibility for presenting matters to the MPC as outlined in the commission's adopted "Rules of Procedure".

**D. Powers and Duties with Regard to the City of Beaufort:** Additionally, as to matters pertaining to lands within the City of Beaufort limits, the Beaufort City Council designates to the MPC the following additional duties:

1. Review and make recommendations to the City Council in regard to planting, tree preservation, and other aesthetic consideration for land and land structures.
2. Review and make recommendations on public projects.

3. Review and approve, approve with conditions, or deny all Major Subdivision Sketch Plans.
4. Delegate Site Plan (syn. Preliminary Plat) and Final Subdivision Plat review and approval to city staff.
5. Review and make recommendations to the City Council about amendments to the text of this Development Code.
6. Review and make recommendations to the City Council about amendments to the Official Zoning Map.

### 10.2.2 MEMBERSHIP, TERMS, AND COMPENSATION

- A. **Number, Appointment:** All city-appointed MPC members shall be residents of the city, own property in the city, or own or operate a business in the City. The MPC shall consist of 6 members, appointed for staggered terms, 2 members from each municipality, and 2 members from Beaufort County. No member shall hold an elective public office. Appointments to the MPC shall comply with the City Council's resolution establishing the guidelines for appointments to city boards/committees as adopted on November 9, 1993 and revised from time to time.
- B. **Terms:** Members may be appointed to succeed themselves up to a maximum of 2 full 3-year terms. Thereafter, members may be appointed only after they have been off the MPC for at least 1 year. All terms shall end on June 30 of the applicable year, and members must continue to serve until their successors are appointed.
- C. **Term Limits:** No member may serve for more than 2 successive terms, except for extraordinary circumstances where the City Council believes it to be in the best interest of the community to have a particular member continue for a specific period of time. This limitation shall not prevent any person from being appointed to the MPC after an absence of 1 year. Service for a partial term of less than 1½ years shall not constitute a term of service for purposes of this Section.
- D. **Vacancies:** A vacancy for any reason shall be filled for the unexpired term.
- E. **Removal:** The City Council may remove any city-appointed member of the MPC for cause by majority vote of the council.
- F. **Compensation:** Members shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance by the Administrator.

### 10.2.3 OFFICERS, MEETINGS, AND QUORUM

- A. **Officers:** The organization of the MPC shall be as provided for under § 6-29-360 of the South Carolina Code of Laws, 1976, as amended. The MPC shall elect a chairperson and a vice-chairperson from its members who shall serve for 1 year or until reelected, or until a successor is elected. The MPC shall appoint a secretary, who may be an employee of any of the governmental entities.
- B. **Meetings:** Meetings of the MPC shall be held at the call of the chairperson and at such other times as the MPC may determine. All meetings of the MPC shall be open to the public.
- C. **Quorum:** A majority of the members appointed shall constitute a quorum.
- D. **Notice of Meetings:** Reasonable notice of the time, place, and agendas of the meetings shall be given to the public. The news media shall be contacted in accordance with state law.

- E. **Rules of Proceeding**
  - 1. The MPC shall adopt and adhere to rules of procedure for the conduct of business.
  - 2. An abstention from voting shall be considered a vote to deny the motion.
- F. **Minutes:** The MPC shall keep minutes of its proceedings, showing the vote of each member upon each question, or indicating absence or failure to vote.
- G. **Staff:** The MPC shall work with the Department of Planning and Development Services for all projects within the city.

## 10.3: ZONING BOARD OF APPEALS

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### 10.3.1 POWERS AND DUTIES

- A. **Authority:** The Zoning Board of Appeals (ZBOA) is hereby established, pursuant to the authority of § 6-29-780, et seq., of the South Carolina Code of Laws, as amended, and shall hereafter be referred to as the Board.
- B. **Territorial Jurisdiction**
  - 1. The ZBOA shall have jurisdiction over all lands within the City.
  - 2. The City Council may expand the jurisdiction of the ZBOA by ordinance and/or intergovernmental agreement, in accordance with the provisions of § 6-29-330 of the South Carolina Code of Laws.
- C. **Powers and Duties**
  - 1. **Appeals:** The ZBOA shall hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an Administrative Official in the enforcement of this Code.
  - 2. **Variances**
    - a. The ZBOA shall hear and decide requests for Variance from the requirements of this Code when strict application of the provisions of the Ordinance would result in unnecessary hardship.
    - b. The ZBOA shall hear and decide requests for Variance from the requirements of Chapter 4 of the City of Beaufort Code of Ordinances's "Flood Damage Prevention Ordinance."
  - 3. **Special Exception:** The ZBOA shall permit uses by Special Exception subject to the terms and conditions set forth for such uses in this Ordinance.

### 10.3.2 MEMBERSHIP, TERMS, AND COMPENSATION

- A. **Number:** The ZBOA shall consist of 5 members, appointed by the City Council. None of the members of the ZBOA shall hold any other public office or position in the city.
- B. **Terms, Appointment:** All members shall be appointed by the City Council for overlapping terms of 3 years. All members shall be residents of the city, own property in the city, or own or operate a business in the city. All terms shall end on June 30 of the applicable year, and members must continue to serve until their successors are appointed.
- C. **Term Limits:** No member may serve for more than 2 successive terms, except for extraordinary circumstances where the City Council believes it to be in the best interest of the community to have a particular member continue for a specific period of time. This limitation shall not prevent any person from being appointed to the ZBOA after an absence

of 1 year. Service for a partial term of less than 1½ years shall not constitute a term of service for purposes of this Section.

- D. **Vacancies:** Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.
- E. **Removal:** The City Council may remove any member of the ZBOA for cause.
- F. **Compensation:** Members shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance by the Administrator.

### 10.3.3 OFFICERS, MEETINGS, AND QUORUM

- A. **Officers:** The ZBOA shall elect a chairperson and a vice-chairperson from its members who shall serve for 1 year or until reelected, or until a successor is elected. The board shall appoint a secretary, who may be an employee of the City.
- B. **Meetings:** Meetings of the ZBOA shall be held at the call of the chairperson and at such other times as the ZBOA may determine. All meetings of the ZBOA shall be open to the public.
- C. **Quorum:** At least 3 of the members of the ZBOA must be present to constitute a quorum.
- D. **Notice of Meetings:** Public notice of all meetings of the ZBOA shall be provided at least 15 days in advance by publication in a newspaper of general circulation in the city. In cases involving Variances or Special Exceptions, conspicuous notice shall also be posted on or adjacent to the property affected, with at least 1 such notice being visible from each public thoroughfare that abuts the property. Such notice shall be posted continuously for at least 15 days in advance of the meeting at which the Variance or Special Exception request will be heard.
- E. **Witnesses:** The chairperson, or in his or her absence, the vice-chairperson, may administer oaths and compel the attendance of witnesses by subpoena.
- F. **Rules of Proceeding**
  - a. The ZBOA shall adopt and adhere to rules of procedure for the conduct of business.
  - b. An abstention from voting shall be considered a vote to deny the motion.
- G. **Decisions:** The concurring vote of 3 members of the ZBOA shall be necessary to: reverse any order, requirement, decision, or determination of the Administrator or building official, or to decide in favor of an applicant on any matter upon which it is required to pass judgement, or to affect any variation of this Code. On all appeals, applications and matters brought before the ZBOA, the ZBOA shall inform in writing all the parties involved of its decisions and the reasons therefore.
- H. **Contempt Penalty:** In case of contempt by a party, witness, or other person before the ZBOA, it may certify this fact to the circuit court, and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.
- I. **Minutes:** The ZBOA shall keep minutes of its proceedings, showing the vote of each member upon each question, or indicating absence or failure to vote. The Board shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the ZBOA and shall be a public record.
- J. **Staff:** The ZBOA shall use the staff of the Department of Planning and Development Services and the building official of the city.

## 10.4: BUILDING OFFICIAL

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### 10.4.1 DESIGNATION

The City Manager shall designate the Building Official for the City of Beaufort.

### 10.4.2 POWERS AND DUTIES

- A. **Responsibility:** The Building Official shall be responsible for issuance of Project Permits and other matters that reference the building code.
- B. **Powers and Duties:** The Building Official has the following powers and duties:
  - 1. Conducting inspections of buildings, structures and uses of land to determine compliance with the provisions of this Code.
  - 2. Issuing Stop Work Orders.
  - 3. Issuing Project Permits.
  - 4. Issuing Certificates of Occupancy.

### 10.4.3 APPEALS

Appeals to decisions made by the Building Official shall be reviewed by the Building Board of Appeals (City Code of Ordinances, Section 5-1005.1)

## 10.5: ADMINISTRATOR

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### 10.5.1 DESIGNATION

“Administrator” shall be defined as any person or persons designated by the City to fulfill the duties herein.

### 10.5.2 POWERS AND DUTIES

The Administrator shall:

- A. administer and enforce the provisions of this Code.
- B. make written interpretations of this Code.
- C. review and make recommendations on Project Permits where the Building Official has authority.
- D. review and make recommendations on Certificates of Occupancy.
- E. process applications for Variances and Special Exceptions.
- F. issue all Permits, except for Project Permits where the Building Official has authority.
- G. review and take action on New Street and Development Names.
- H. review and take action on Administrative Adjustments.
- I. review and take action on Minor Development Design Review applications.
- J. review and make recommendations on Major Development Design Review applications.
- K. review and take action on Minor Certificate of Appropriateness applications.
- L. review and make recommendations on Major Certificate of Appropriateness applications.
- M. review and make recommendations on Landscaping and Tree Conservation Plans.

## 10.6: TECHNICAL REVIEW COMMITTEE

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### 10.6.1 DESIGNATION

The City Manager shall designate a Technical Review Committee (TRC) consisting of the Administrator, the Building Official and any other city staff professional the City Manager deems necessary for professional review. A traffic engineer shall be included on the TRC to review Traffic Impact Analyses. The Administrator shall serve as chair of the committee and be responsible for all final decisions of the committee.

### 10.6.2 POWERS AND DUTIES

- A. Staff the Pre-Application Conference: The TRC shall review any projects that appear at pre-application conferences.
- B. **Site Plans and Final Plats:** The TRC shall approve, approve with conditions, or deny Major Subdivision Site Plans and Final Plats.
- C. **Traffic Impact Analyses:** The TRC shall review and make recommendations on Traffic Impact Analyses.

## 10.7: HISTORIC DISTRICT REVIEW BOARD

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### 10.7.1 DESIGNATION

- A. **Creation:** A Historic District Review Board (HRB) is hereby established as a board of architectural review pursuant to Section 6-29-870 of the South Carolina Code of Laws, 1994, as amended.
- B. **Purpose:** The HRB shall review and take action on projects located within the Beaufort Historic District, including changes to the exterior of any structure and new construction. The HRB will seek to preserve and protect the historic character and architectural integrity of Beaufort's National Landmark Historic District.

### 10.7.2 POWERS AND DUTIES

- A. **Territorial Jurisdiction:** The HRB shall have jurisdiction throughout the Beaufort Historic District. The HRB shall also have jurisdiction to review the Special Property Tax Assessment for Rehabilitated Historic Properties (a.k.a. Bailey Bill) applications for any structure listed in the Beaufort County Historic Sites Survey – 1997, or most recent historic sites survey, that are located within the city limits, but outside the Historic District.
- B. **Powers and Duties**
  - 1. It shall be the function of the HRB to review and take action on any Major Certificates of Appropriateness (Section 9.7.1).
  - 2. It shall be the function of the HRB and for approving alterations to structures listed on the “1997 Beaufort County Above Ground Historic Sites Survey (or most recent historic sites survey) which have applied for the Bailey Bill in accordance with Section 9.10 (Certificate of Appropriateness).
  - 3. In exercising the authority granted the HRB under this Section, the HRB may call upon the advice of any professionals it deems appropriate; any costs incurred for such consultation may be paid for with funds approved for such use by the City Council.
  - 4. The HRB shall maintain an inventory of historic properties within the City of Beaufort and make such information available to the public. This inventory shall be updated

periodically to record structures and buildings that have gained historic or architectural significance, and buildings that no longer contribute to the character of the National Landmark Historic District due to demolition or loss of character.

5. The HRB shall have the opportunity to comment to the appropriate approving agency on National Register nominations proposed for any building within its jurisdiction at its discretion.
- C. **Staff:** The staff of the City's Department of Planning and Development Services may provide support to the HRB from time to time.

### 10.7.3 MEMBERSHIP, TERMS, AND COMPENSATION

- A. **Number, Composition:** The HRB shall consist of 5 members with an interest, competence, or knowledge in historic preservation. All HRB members shall be residents of the city, own property in the city, or own or operate a business in the city. To the extent that such is available in the community, 2 members shall, be professionals in the disciplines of historic preservation, architecture, landscape architecture, history, architectural history, planning, archeology, or related disciplines. Three of the members shall either live or own property in the Historic District. One of the 5 members shall be a member of the board of directors of the Historic Beaufort Foundation, and shall be recommended by that organization.
- B. **Terms, Appointment:** All members shall be appointed by the City Council for terms of 3 years. All terms shall end on June 30 of the applicable year and members must continue to serve until their successors are appointed.
- C. **Term Limits:** No member may serve for more than 2 successive terms, except for extraordinary circumstances where the City Council believes it to be in the best interest of the community to have a particular member continue for a specific period of time. This limitation shall not prevent any person from being appointed to the HRB after an absence of 1 year. Service for a partial term of less than 1½ years shall not constitute a term of service for purposes of this Section.
- D. **Vacancies:** Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.
- E. **Removal:** The City Council may remove any member of the HRB for cause.
- F. **Compensation:** Members shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance by the Administrator.

### 10.7.4 OFFICERS, MEETINGS, AND QUORUM

- A. **Officers:** The HRB shall elect a chairperson and a vice-chairperson from its members who shall serve for 1 year or until reelected, or until a successor is elected. The HRB shall appoint a secretary, who may be an employee of the City.
- B. **Meetings:** Meetings of the HRB shall be held at the call of the chairperson and at such other times as the HRB may determine. All meetings shall be open to the public.
- C. **Quorum:** At least 3 of the members of the HRB must be present to constitute a quorum.
- D. **Rules of Proceeding**
  1. The HRB shall adopt and adhere to rules of procedure for the conduct of business.
  2. An abstention from voting shall be considered a vote to deny the motion.
- E. **Minutes:** The HRB shall keep minutes of its proceedings, as required by state law.

## 10.8: DESIGN REVIEW BOARD

### 10.8.1 POWERS AND DUTIES

- A. **Territorial Jurisdiction:** The Design Review Board (DRB) shall have jurisdiction over the entire city, except for the Historic District.
- B. **Powers and Duties:** Review, and approve, or deny, all applications subject to Major Development Design Review as outlined in Section 9.8.2.

### 10.8.2 MEMBERSHIP, TERMS, AND COMPENSATION

- A. **Number, Appointment**
  - 1. The DRB shall be appointed by the City Council.
  - 2. The DRB shall be composed of 5 voting members who shall be residents of the city, own property in the city, or own or operate a business in the City. The DRB shall include 3 design professionals, and 2 citizen representatives. With regard to the design professional positions, it is preferable that the positions be as follows: 1 landscape architect, 1 architect, and 1 engineer. With regard to the citizen representatives, it is preferable that 1 representative be a business owner, preferably owning a business on a Primary Street (see Appendix C.3).
- B. **Terms:** All terms shall be for 3 years. All terms shall expire on June 30 of the applicable year and members must continue to serve until their successors are appointed.
- C. **Term Limits:** No member may serve for more than 2 successive terms, except for extraordinary circumstances where the City Council believes it to be in the best interest of the community to have a particular member continue for a specific period of time. This limitation shall not prevent any person from being appointed to the HRB after an absence of 1 year. Service for a partial term of less than 1½ years shall not constitute a term of service for purposes of this Section.
- D. **Vacancies:** Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.
- E. **Removal:** The City Council may remove any member of the DRB for cause.
- F. **Compensation:** Members shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance by the Administrator.

### 10.8.3 OFFICERS, MEETINGS, AND QUORUM

- A. **Officers:** The DRB shall elect a chairperson and a vice-chairperson from its members who shall serve for 1 year or until reelected, or until a successor is elected. The DRB shall appoint a secretary, who may be an employee of the City.
- B. **Meetings:** Meetings of the DRB shall be held at the call of the chairperson and at such other times as the DRB may determine. All meetings of the DRB shall be open to the public.
- C. **Quorum:** At least 3 of the members of the DRB must be present to constitute a quorum.
- D. **Notice of Meetings:** Reasonable notice of the time, place and agendas of the meetings shall be given to the public. The news media shall be contacted in accordance with state law.
- E. **Rules of Proceeding:**
  - 1. The DRB shall adopt and adhere to rules of procedure for the conduct of business.

2. An abstention from voting shall be considered a vote to deny the motion.
- F. **Minutes:** The DRB shall keep minutes of its proceedings, as required by state law.
  - G. **Staff:** The staff of the City's Department of Planning and Development Services may provide support to the DRB from time to time.

## ORDINANCE

0-02-00

AMENDING PART 5, CHAPTER 2, OF THE CODE OF ORDINANCES OF THE CITY OF BEAUFORT, SOUTH CAROLINA BY DELETING THE EXISTING ARTICLE A, "PLANNING COMMISSION," AND REPLACING IT WITH A NEW ARTICLE A ESTABLISHING THE CITY OF BEAUFORT-TOWN OF PORT ROYAL JOINT MUNICIPAL PLANNING COMMISSION.

WHEREAS, any combination of municipal councils are authorized by Section 6-29-320 of the Code of Laws of South Carolina, 1976, as amended, to establish by ordinance a joint planning commission; and

WHEREAS, the City of Beaufort and the Town of Port Royal both of Beaufort County, South Carolina, desire to create a joint municipal planning commission to serve as their planning commission; and

WHEREAS, the City of Beaufort has invited the Town of Port Royal, and the Town of Port Royal has invited the City of Beaufort to participate in a joint planning effort to mutually address the opportunities and problems which confront both; and

WHEREAS, the City Council of the City of Beaufort, pursuant to Section 6-29-340 of the Code of Laws of South Carolina, 1976, as amended, desires to continue to engage in planning for orderly growth and development, to be in compliance with the "South Carolina Local Government Comprehensive Planning Enabling Act of 1994", and to participate as a joint member of a municipal planning commission for the purpose of acting in concert, as much as possible, in addressing mutual planning concerns.

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 6-29-320 of the Code of Laws of South Carolina, 1976 as amended, that Part 5, "Planning and Development," of the Code of Ordinances of the City of Beaufort, South Carolina, Chapter 2, "Planning," be amended by deleting the existing Article A and replacing it with a new Article A to read as follows:

### ARTICLE A. PLANNING COMMISSION

#### **Section 5-2001. Joint municipal planning commission established.**

Pursuant to Section 6-29-320 of the Code of Laws of South Carolina, 1976 as amended and an ordinance of the Town of Port Royal, South Carolina, there is established a Joint Municipal Planning Commission which shall perform all planning functions in the area of jurisdiction of the City of Beaufort, South Carolina, and the Town of Port Royal, South Carolina and which shall conform to the requirements of the "South

Carolina Local Government Comprehensive Planning Enabling Act of 1994." The Joint Municipal Planning Commission is created so that the two municipalities can act together to enhance present advantages, to overcome collective problems involving the municipalities in which joint resolution is advisable, and to engage in orderly planning for the wise conservation of historical and natural resources of the area, and the growth of business enterprises providing new or expanded job opportunities to the area.

**Section 5-2002. Membership; organization; general powers and duties.**

The membership, organization and general powers and duties of the Joint Municipal Planning Commission shall be as provided for under Section 6-29-340 through Section 6-29-380 of the Code of Laws of South Carolina, 1976 as amended. The Commission shall consist of five (5) members with initial appointments of three (3) members by the City of Beaufort and two (2) members by the Town of Port Royal. After two (2) years, the membership switches to two (2) members by the City of Beaufort and three (3) members by the Town of Port Royal and every two (2) years thereafter will alternate. The minority municipality shall have one of its two members serve as chairperson of the Commission, such selection of same, to be determined by the Joint Municipal Planning Commission.

**Section 5-2003. Terms of members; vacancies; expenses.**

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

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

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

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

**Section 5-2004. Organization.**

The Joint Municipal Planning Commission shall organize themselves, adopt rules of organizational procedure, elect a chairman and vice chairman for terms of one (1) year,

and appoint a secretary who may be an employee of the City of Beaufort or the Town of Port Royal. The Planning Commission shall keep public records of their resolutions, findings, determinations, and orders.

**Section 5-2005. Repeal.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance shall become effective February 1, 2000.



BILL RAUCH, MAYOR

(SEAL)

Attest:

  
BEVERLY W. GAY, CITY CLERK

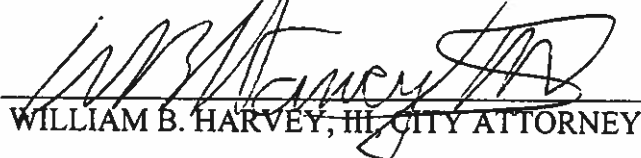
1st Reading

December 14, 1999

2nd Reading & Adoption

January 11, 2000

Reviewed by:

  
WILLIAM B. HARVEY, III, CITY ATTORNEY

## RESOLUTION

WHEREAS, Beaufort County Council, the City of Beaufort, the Town of Port Royal, and the Town of Yemassee agreed to jointly prepare a regional plan; and

WHEREAS, the City of Beaufort, along with Beaufort County and the aforementioned municipalities, as well as the Lowcountry Council of Governments, and the Beaufort County School District engaged in a fourteen-month process with the full participation of the aforementioned municipalities; and

WHEREAS, the Northern Beaufort County Regional Plan has been reviewed and recommended for adoption by Acclamation by the Steering Committee of the Northern Beaufort County Regional Plan; and

WHEREAS, the Northern Regional Plan contains within it a multitude of recommendations which will necessitate cooperation on numerous action items; and

WHEREAS, the City of Beaufort wishes to maintain a leadership role in this vitally important collaborative effort, and for this reason is moving forward with implementation of the recommendations, with the full expectation that all participants will demonstrate similar commitment toward that objective.

NOW, THEREFORE, BE IT RESOLVED, that the Beaufort City Council concurs with the findings and recommendations of the Northern Beaufort County Regional Plan and shall vigorously support the Steering Committee by adopting the Plan in the following manner:

1. The Beaufort City Council fully supports the transition of the existing Steering Committee to officially becoming the Implementation Committee and overseeing the implementation of the Northern Beaufort County Regional Plan; and concurs that,
2. The first step toward implementation will be to formulate, draft, and adopt an intergovernmental agreement to implement the plan; and,
3. The second step toward implementation will be to develop and adopt baseline standards for environmental protection; architectural and landscaping along shared corridors; access management; and adequate public facilities.

IN WITNESS THEREOF, I hereunto set my hand and caused the Seal of the City of Beaufort to be affixed this 28<sup>th</sup> day of August, 2007.

  
BILL RAUCH, MAYOR

ATTEST:

  
BEVERLY W. GAY, CITY CLERK

## ORDINANCE

### ORDINANCE AMENDING TITLE 6 CHAPTER 7 ARTICLE 2 OF THE CITY CODE OF ORDINANCES PERTAINING TO THE COMPOSITION AND DUTIES OF THE PLANNING COMMISSION

WHEREAS, section 2.2 of the City's Unified Development Ordinance (UDO) provides for the creation of a Joint Municipal Planning Commission, with territorial jurisdiction of lands within the City of Beaufort; and,

WHEREAS, section 2.2(B)(2) provides that City Council may expand the jurisdiction of the Planning Commission in accordance with the provisions of Section 6-29-330 of the Code of Laws of South Carolina; and,

WHEREAS, Section 6-29-330 provides that unincorporated areas of the county adjacent to incorporated municipalities may be added to and included in the area under municipal planning jurisdiction provided that the municipality and county councils adopt ordinances establishing the boundaries of the additional areas, the limitations of the authority to be exercised by the municipality, and the respective representation thereon of the governmental entities involved; and,

WHEREAS, the Northern Beaufort County Regional Plan contains planning in the growth areas of Northern Beaufort County, consisting of Port Royal Island and Lady's Island (the Growth Area); and,

WHEREAS, it is necessary and desired for there to be established a planning commission, consisting of representatives of the municipalities of Beaufort and Port Royal, and Beaufort County, to address planning issues within the Growth Area; and,

WHEREAS, the current Joint Planning Commission desires the expansion of the jurisdiction of the Commission, and has requested the City to enact an ordinance to effectuate this modification;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority of same, that Title 6, Chapter 7, Article 2 of the Code of Ordinance for the City of Beaufort, South Carolina be amended as follows:

1. Delete existing Section 2.2(A), and replace with the following:

#### **2.2 Planning Commission**

##### **A. Creation**

Pursuant to Section 6-29-330, et seq. of the Code of Laws of South Carolina, 1976, as amended, and Ordinances of the Town of Port Royal South Carolina and Beaufort County, there is established a Beaufort Port Royal Metropolitan Planning Commission (the Planning Commission),

which shall perform all planning functions in the areas of jurisdiction of the City of Beaufort, South Carolina, the Town of Port Royal, South Carolina, and the unincorporated areas of Port Royal and Lady's Island, all of which have been designated as the growth area in the Northern Beaufort County Regional Plan (collectively defined herein as the Growth Area). The Planning Commission is created so that the two municipalities and Beaufort County can act together to enhance present advantages, to overcome collective problems involving these three governmental entities in which joint resolution is advisable, and to engage in orderly planning for the wise conservation of historic and natural resources, and for the growth of business enterprises providing new or expanded job opportunities in the Growth Area.

2. Delete existing Section 2-2(C)(1) and replace with the following:

### **C. Membership, Terms and Compensation**

#### **1. Number, Appointment**

The membership of the Planning Commission shall be as provided for under Section 6-29-350 of the Code of Laws of South Carolina, 1976, as amended. The Commission shall consist of seven (7) members, appointed for staggered terms, two members from each municipality, two members from the County, and one member at large appointed with the consent of all three governmental entities. No member shall hold an elective public office. Appointments to the Board by the City shall comply with City Council's resolution establishing the guidelines for appointments to City Boards/Committees as adopted on November 9, 1993 and revised from time to time. Planning Commission members will have training or experience in areas pertaining to their duties. The Managers of the municipalities, and the County Administrator, shall serve on the Planning Commission as non-voting members, and may attend any meeting, provided their membership on the Planning Commission, or their presence at a meeting, shall not be considered for purposes of a quorum.

3. Amend existing Section 2-2(C)(2) as to read as follows:

#### **2. Terms**

- a. Terms of members of the Planning Commission shall be for three (3) years or until their successors are appointed. Terms of initial appointments by the City, the Town, and the County shall be staggered.
- b. Members may be appointed to succeed themselves up to a maximum of two full three-year terms. Thereafter, members may be appointed only after they have been off the Planning Commission for at least one year. All terms shall end on June 30

of the applicable year and members shall continue to serve until their successors are appointed.

4. Amend existing Section 2-2(D)(1) to read as follows:

**D. Officers, Meetings, Quorum**

**1. Officers**

The organization or the Planning Commission shall be as provided for under Section 6-29-360 of the Code of Laws of South Carolina, 1976, as amended. The Commission shall organize themselves, elect a Chairperson, who shall serve for a term of one year, elect a Vice-Chairperson for a term of one year, and appoint a secretary who may be an employee of any of the governmental entities.

5. Amend Section 2-2(D)(3) to read as follows:

**3. Quorum**

At least four of the members of the Planning Commission must be present to constitute a quorum.

6. Delete existing Section 2-2 (E), and add the following:

**E. Powers and Duties**

The Planning Commission will have authority, pursuant to state law, for planning in the Growth Area. It will handle all matters in the Growth Area delegated to it and requiring planning commission approval. In order to better coordinate growth within the Growth Area, the Planning Commission shall:

1. Prepare a single Comprehensive Plan for the Growth Area. The elements of the Comprehensive Plan shall be reviewed and updated on a schedule adopted by the Planning Commission meeting the requirements of Section 6-29-510 of the Code of Laws of South Carolina:
2. Review all zoning and land development regulation amendments for conformity with the Comprehensive Plan. Conflicts with the Comprehensive Plan shall be noted in any report to the governmental entity making the regulation amendment.
3. Review and make recommendation concerning all annexations and requests for up-zoning within the Growth Area to eliminate 'zoning shopping':
4. Review and make recommendations concerning transportation projects affecting the Growth Area:

5. Develop standards and levels of service for all new developments within the Growth Area, and make recommendations for the best means for financing the delivery of urban services for developments in the unincorporated areas of the Growth Area.
6. Review and make recommendations on other matters delegated by any of the governmental entities or such other matters as may appropriately come before the Commission.

In matters affecting the entire Growth Area, the Planning Commission shall report its recommendations to the councils for the municipalities, and to either county council or the county planning commission, as decided by county council.

In matters affecting only one governmental entity, the Planning Commission shall report its recommendations to that governmental entity.

Municipal and county staffs will work together to share responsibility for presenting matters to the Planning Commission.

Additionally, as to matters pertaining to lands within the Beaufort City limits, Beaufort City Council designates to the Planning Commission the following additional duties:

7. Review and make recommendations to the City Council in regard to planting, tree preservation, and other aesthetic consideration for land and land structures;
8. Review and take action on street names;
9. Review and take action on Cluster Development;
10. Review and make recommendations on Planned Unit Development (PUD) Master Plans;
11. Review and make recommendations on public projects;
12. Review and make recommendations to the City Council in regard to amendments to the text of the UDO;
13. Review and make recommendations to the City Council in regard to amendments to the Official Zoning Map;
14. Review and approve, approve subject to conditions or deny all Preliminary Major Subdivision Plats.
15. Delegate Final Subdivision Plat review and approval to City Staff.

This ordinance shall become effective immediately upon adoption.

\_\_\_\_\_  
BILLY KEYSERLING, MAYOR

(SEAL)

Attest:

\_\_\_\_\_  
SHIRLEY HUGHES, ACTING CITY CLERK

1<sup>st</sup> Reading

November 24, 2009

2<sup>nd</sup> Reading & Adoption

December 8, 2009

Reviewed by:

  
WILLIAM B. HARVEY, III, CITY ATTORNEY

## ORDINANCE

0-20-01

### AMENDING THE CITY OF BEAUFORT SUBDIVISION REGULATIONS BY GIVING THE ZONING ADMINISTRATOR AUTHORITY TO APPROVE FINAL PLATS AND CERTAIN PRELIMINARY PLATS

WHEREAS, according to the City's current Subdivision Regulations, the Planning Commission must approve all subdivision plats; and

WHEREAS, state planning enabling law allows designated staff to approve subdivision plats; and

WHEREAS, there is no discretion involved in the review of final plats and little discretion involved in the review of preliminary plats for two- and three-lot subdivisions where no new streets are proposed; and

WHEREAS, staff has prepared an amendment that gives the Zoning Administrator the authority to approve final plats and certain preliminary plats; and

WHEREAS, this amendment has been presented to the City of Beaufort-Town of Port Royal Joint Municipal Planning Commission; and

WHEREAS, a public hearing before the Beaufort City Council was held regarding this subdivision ordinance amendment on Tuesday, May 22, 2001, with notice of the hearing published in *The Beaufort Gazette* on May 7, 2001;

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 Subdivision and Land Development Regulations of the City of Beaufort, South Carolina* be amended as follows:

1. Revise Section 31, "Preliminary Review," by deleting the current subsection 31.1, "Procedure," and replace it with a new subsection 31.1 to read as follows:

31.1 Procedure.

1. Plats showing three or fewer parcels where no new roads are proposed shall be considered minor subdivisions and shall be reviewed and approved by the Zoning Administrator. The Zoning Administrator, at his/her discretion, may submit any preliminary plat to the Planning Commission for approval.
2. Appeals from a decision of the Administrator shall be made to the Planning Commission. The Planning Commission shall act on any appeal within sixty (60) days of the date the appeal was received.

3. The Planning Commission shall review all subdivisions of four or more lots and all subdivisions where new roads are proposed.
  4. Preliminary plats shall be reviewed by the Planning Commission or staff, as appropriate, within sixty (60) days after submission of the plat. This time frame does not apply to plats that do not contain all documentation required by these regulations. Plats may be approved, approved with conditions, or denied. Decisions on the plat shall be made in writing to the applicant.
  5. Appeals from a decision of the Planning Commission shall be filed with circuit court within thirty (30) days after notice of the decision.
  6. Approval of the preliminary subdivision plat shall not constitute approval of the final subdivision plat. Application for approval of the final (record) plat will be considered only after the requirements for final plat approval as specified herein have been fulfilled and after all other specified conditions have been met.
  7. Upon approval of the preliminary subdivision plat, the subdivider may proceed to comply with the other requirements of these regulations and the preparation of the final subdivision plat.
2. Revise Section 32, "Final Review," by deleting the current subsection 32.1 "Procedure," and replace it with a new subsection 32.2 to read as follows:
- 32.1 Procedure.
1. Final plats shall be reviewed by the Zoning Administrator for conformance with the approved preliminary plat and with the requirements of these regulations.
  2. Final plats shall be reviewed by the Zoning Administrator within sixty (60) days after submission of the plat. This time frame does not apply to plats that do not contain all documentation required by these regulations. The Administrator shall notify the subdivider in writing of any noncompliance with these regulations or any deviation from the approved preliminary plat which is found on the final plat.
  3. Appeals from a decision of the Administrator shall be made to the Planning Commission. The Planning Commission shall act on any appeal within sixty (60) days of the date the appeal was received.
  4. Appeals from a decision of the Planning Commission shall be filed with circuit court within thirty (30) days after notice of the decision.

5. Approval and certification of the final plat by the Zoning Administrator shall not be deemed to constitute or effect an acceptance by the City or the County or the public of the dedication of any street or other ground shown upon the plat. The City Council shall determine the acceptance or non-acceptance of all dedicated streets, easements, rights-of-way, public parks, and other public lands as shown on the plat.
6. The approved final plat must be recorded with the Register of Deeds within six (6) months after approval by the Zoning Administrator. Should the six (6) month time limit expire before the plat is recorded, it must be resubmitted to the Zoning Administrator for reprocessing. It shall be unlawful to sell or transfer property (lots) within the approved subdivision until after the plat has been recorded with the Beaufort County Register of Deeds.

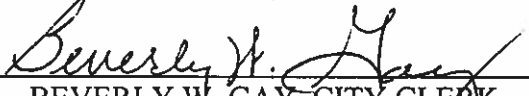
This ordinance shall become effective immediately upon adoption.



BILL RAUCH, MAYOR

(SEAL)

Attest:

  
BEVERLY W. GAY, CITY CLERK

1st Reading

May 8, 2001

2nd Reading & Adoption

May 22, 2001

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:** 10/16/2019  
**FROM:** Community and Economic Development  
**AGENDA ITEM**  
**TITLE:** The Beaufort Development Code and Affordable Housing  
**MEETING**  
**DATE:** 10/22/2019  
**DEPARTMENT:** City Clerk

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#### *BACKGROUND INFORMATION:*

Given the lack of affordable housing in the city, and understanding there are multiple contributing factors – government regulation being one, the Design Review Board has reviewed The Beaufort Development Code to determine if there are mandated requirements, that may extend beyond the purposes of ensuring a well-ordered, healthful, and safe developed-environment, that could be making the cost of constructing residential housing more expensive. The Board respectfully requests an evaluation of the following in the Beaufort Development Code:

- The requirement in the T4 district that the ground floor height of single-family residential structures shall be a minimum of 9 feet from finished floor to ceiling [§ 2.6.2.C.2]
- The requirement in the T4 district that the ground floor height of multi-family residential structures shall be a minimum of 10 feet from finished floor to ceiling [§ 2.6.2.C.3]
- The requirement in the T5 district that the ground floor height of residential structures shall be a minimum of 10 feet from finished floor to ceiling [§ 2.6.2.C.4]
- The prohibition of 2-3 dwelling units, rowhomes, and apartment houses in the T3-S district [§ 3.2]
- The prohibition of rowhomes and apartment houses in the T3-N and T4-HN districts [§ 3.2]
- The requirement in the T4, T5, RMX, and IC districts that apartment building lengths not exceed 160 feet [§ 4.5.7.B.4]
- The requirement in the T4 and T5 districts that finished floor heights for residential structures shall be elevated a minimum of 2 feet and 3 feet, respectively, above the average adjacent sidewalk grade. [§2.6.2.C and D] (Board feels this requirement is based on aesthetics but recognizes that perhaps additional language should be added regarding grading to ensure proper drainage of stormwater and protection from flood waters.)
- 

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#### *PLACED ON AGENDA FOR:*

#### *REMARKS:*

Staff is in the process of forming a task force of architecture and building professionals to address the DRB's questions.

Does Council want to provide any thoughts or guidance prior to work on this issue going forward?

**ATTACHMENTS:**

Description	Type	Upload Date
Memorandum	Backup Material	10/16/2019



## Memorandum for City Council and the Affordable Housing Taskforce

### From the Design Review Board

**August 8, 2019**

**TO:** The Mayor and City Council, and to the Chairman of the City of Beaufort Affordable Housing Task Force

**SUBJECT:** The Beaufort Development Code and Affordable Housing

Given that, based on the State of South Carolina's definition of affordable housing<sup>1</sup>, a household earning a median income of just under \$46K should pay no more than approximately \$886 for housing, which includes rent/mortgage, taxes, insurance, and HOA fees.

And given that the recent housing needs study showed that the City of Beaufort needs 358 rental units at this cost or less; and that there are no rental units in the city for less than \$875/month; though 91 units are currently being planned or developed.<sup>2</sup>

And given that the housing needs study shows a need in the city for 109 for-sale houses that range in price from \$100K to \$199K; and that there are currently four houses in Beaufort in this price range; all are Habitat houses (2 occupied and 2 under construction).<sup>3</sup>

Therefore, given the lack of affordable housing in the city, and understanding there are multiple contributing factors – government regulation being one, the Board has reviewed The Beaufort Development Code to determine if there are mandated requirements, that may extend beyond the purposes of ensuring a well-ordered, healthful, and safe developed-environment, that could be making the cost of constructing residential housing more expensive. The Board respectfully requests an evaluation by the task force of the following in the Beaufort Development Code:

- The requirement in the T4 district that the ground floor height of single-family residential structures shall be a minimum of 9 feet from finished floor to ceiling [§ 2.6.2.C.2]
- The requirement in the T4 district that the ground floor height of multi-family residential structures shall be a minimum of 10 feet from finished floor to ceiling [§ 2.6.2.C.3]
- The requirement in the T5 district that the ground floor height of residential structures shall be a minimum of 10 feet from finished floor to ceiling [§ 2.6.2.C.4]

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<sup>1</sup> South Carolina Code of Laws § 6-29-1110 (1)

<sup>2</sup> Johnson, Deborah. 2019. Housing Progress per *Housing Needs Assessment 1.30.19*

<sup>3</sup> Ibid

- The prohibition of 2-3 dwelling units, rowhomes, and apartment houses in the T3-S district [§ 3.2]
- The prohibition of rowhomes and apartment houses in the T3-N and T4-HN districts [§ 3.2]
- The requirement in the T4, T5, RMX, and IC districts that apartment building lengths not exceed 160 feet [§ 4.5.7.B.4]
- The requirement in the T4 and T5 districts that finished floor heights for residential structures shall be elevated a minimum of 2 feet and 3 feet, respectively, above the average adjacent sidewalk grade. [§ 2.6.2.C and D] (Board feels this requirement is based on aesthetics but recognizes that perhaps additional language should be added regarding grading to ensure proper drainage of stormwater and protection from flood waters.)

The DRB is willing to discuss these issues at the convenience of the task force.

Respectfully,

City of Beaufort Design Review Board