

**CITY OF BEAUFORT**  
1911 BOUNDARY STREET  
BEAUFORT MUNICIPAL COMPLEX  
BEAUFORT, SOUTH CAROLINA 29902  
(843) 525-7070  
**CITY COUNCIL REGULAR MEETING AGENDA**  
**December 10, 2019**

**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**

A. Character Education Proclamation - Anaya Milledge, Joseph S. Shanklin Elementary

**IV. PUBLIC COMMENT**

**V. PUBLIC HEARING**

- A. Ordinance annexing a portion of parcel R200 015 000 0875 0000 into the corporate limits of the City of Beaufort, South Carolina
- B. Ordinance amending the City of Beaufort Zoning map to include a portion of parcel R200 015 000 0875 0000 to be Zoned as T5-UC

**VI. MINUTES**

A. Worksession and Regular Meeting October 22, 2019

**VII. OLD BUSINESS**

- A. Ordinance amending Chapter 10 of the Beaufort Development Code - 2nd Reading
- B. Ordinance amending section 4.5.7 Apartment Housing of the Beaufort Code by deleting subparagraph B.4 sizes - 2nd Reading

**VIII. NEW BUSINESS**

- A. Request from Beaufort County Ministerial Alliance to hold the annual Martin Luther King Day Parade on Monday, January 20, 2020

- B. Short Term Rental Penalty Appeal
- C. Authorization to allow City Manager to execute contract for IDC Engineering Services
- D. Ordinance annexing a portion of parcel R200 015 000 0875 0000 into the corporate limits of the City of Beaufort, South Carolina - 1st Reading
- E. Ordinance amending the City of Beaufort Zoning map to include a portion of parcel R200 015 000 0875 0000 to be Zoned as T5-UC - 1st Reading

**IX. REPORTS**

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

**X. ADJOURN**



## PROCLAMATION

**WHEREAS**, the character education movement reinforces the social, emotional and ethical development of students; and

**WHEREAS**, schools, school districts and states are working to instill important core ethical and performance values including caring, honesty, diligence, fairness, fortitude, responsibility, and respect for self and others; and

**WHEREAS**, character education provides long-term solutions to moral, ethical and academic issues that are of growing concern in our society and our schools; and

**WHEREAS**, character education teaches students how to be their best selves and how to do their best work; and

**WHEREAS**, the Eleven Principles of Effective Character Education include: Promoting core ethical and performance values; Teaching students to understand, care about and act upon these core ethical and performance values; Encompassing all aspects of the school culture; Fostering a caring school community; Providing opportunities for moral action; Supporting academic achievement; Developing intrinsic motivation; Including whole-staff involvement; Requiring positive leadership of staff and students; Involving parents and community members; and assess results and strives to improve; and

**WHEREAS**, the Beaufort County School District's Character Education program was formed to support parents' efforts in developing good character in their children; and

**WHEREAS**, the purpose of the Character Education program is to integrate good character traits into the total school environment, as well as into the community; and

**WHEREAS**, each school's counselor identified a list of character words and definitions deemed important regardless of a person's political leanings, race, gender or religious convictions; and

**WHEREAS**, the words are friendship, kindness, acceptance, courage, tolerance, respect, gratitude, compassion, citizenship, perseverance, honesty, integrity, self-control, forgiveness, responsibility and cooperation; and

**WHEREAS**, Anaya Milledge was selected as the winner by Joseph Shanklin Elementary as the student of the month.

**NOW, THEREFORE**, the City Council of the City of Beaufort, South Carolina, hereby proclaims October 2019 as

### **ANAYA MILLEDGE AS JOSEPH SHANKLIN ELEMENTARY STUDENT OF THE MONTH**

The City of Beaufort thereby pronounces *courage/tolerance* as the word for the month of October and applauds Anaya Milledge, the Beaufort County School District, and Joseph Shanklin Elementary for their work and specifically honors Anaya Milledge as Joseph Shanklin Elementary Student of the Month.

**IN WITNESS THEREOF**, I hereunto set my hand and caused the Seal of the City of Beaufort to be affixed this 10th day of December 2019

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BILLY KEYSERLING, MAYOR

ATTEST:

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IVETTE BURGESS, CITY CLERK



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 12/5/2019  
**FROM:** Community and Economic Development  
**AGENDA ITEM** Ordinance annexing a portion of parcel R200 015 000 0875 0000 into the corporate  
**TITLE:** limits of the City of Beaufort, South Carolina  
**MEETING**  
**DATE:** 12/10/2019  
**DEPARTMENT:** Community and Economic Development

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#### *BACKGROUND INFORMATION:*

The applicant, Paul Trask, has petitioned the City of Beaufort to annex a 901 Sq. foot portion of parcel R200 015 000 0875 0000 within the County to combine with a parcel within the City jurisdiction identified as R123 015 000 0721 0000 (100 Ladys Island Commons).

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***PLACED ON AGENDA FOR:*** Discussion

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

#### **ATTACHMENTS:**

Description	Type	Upload Date
Ordinance	Ordinance	12/6/2019



## ORDINANCE

### ANNEXING A PORTION OF PARCEL R200 015 000 0875 0000 INTO THE CORPORATE LIMITS OF THE CITY OF BEAUFORT, SOUTH CAROLINA

WHEREAS, an annexation petition for a portion R200 015 000 0875 0000 located in Beaufort County has been presented to the City Council; and

WHEREAS, a proposed lot line revision, as shown in Attachment A, would move the western boundary (running N 00 degrees, 51 minutes, 70 seconds E measuring 92.70 feet) approximately 10 feet to the east, and, thereby, create a new western boundary running S 02 degrees, 12 minutes, 46 seconds W measuring 81.45 feet ; and

WHEREAS, the plat (attachment A) has been recorded at Plat Book 148 Page 31 in Beaufort County, but will not be published until the re-subdivision resides in a single jurisdiction, in this case the City of Beaufort, SC; and

WHEREAS, the properties are within the Northern Regional Plan growth boundary; and

WHEREAS, the properties are contiguous to the boundaries of the City of Beaufort, South Carolina; and

WHEREAS, the petition sets forth that this proposed annexation is requested pursuant to § 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, a public hearing before the Beaufort City Council was held regarding the proposed change to the city boundary on December 10, 2019, with notice of the hearing published in *The Beaufort Gazette* on November 8, 2019;

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, 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 in Beaufort County, South Carolina, as follows:

- Approximately 0.021 acres created by the lot line revision recorded with Beaufort County, SC Register of Deeds in Plat Book 148, Page 31 and shown in Attachment A.

This ordinance shall become effective immediately upon adoption.

BILLY KEYSERLING, MAYOR

(SEAL)

Attest:

IVETTE BURGESS, CITY CLERK

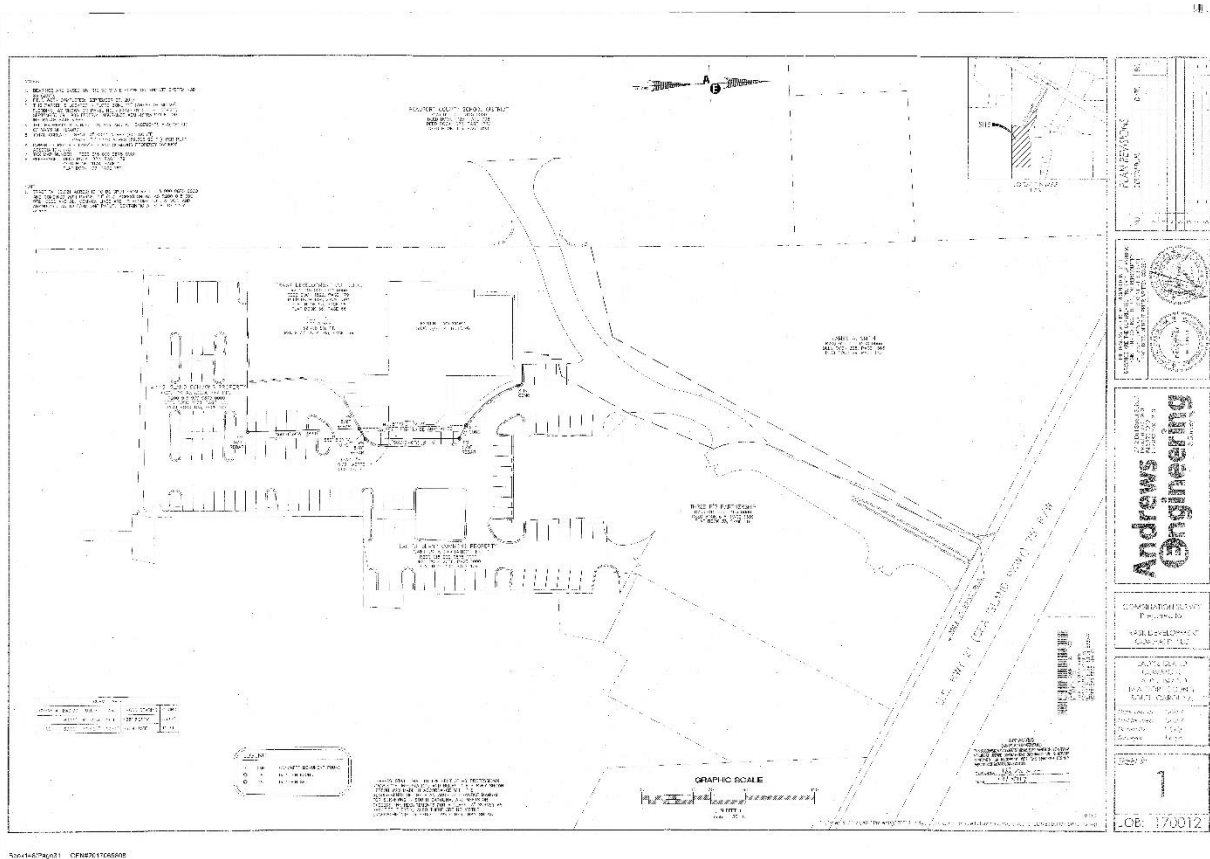
1st Reading

2nd Reading & Adoption

Reviewed by:

WILLIAM B. HARVEY, III, CITY ATTORNEY

Attachment "A"





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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 12/5/2019  
**FROM:** Community and Economic Development  
**AGENDA ITEM** Ordinance amending the City of Beaufort Zoning map to include a portion of parcel  
**TITLE:** R200 015 000 0875 0000 to be Zoned as T5-UC  
**MEETING**  
**DATE:** 12/10/2019  
**DEPARTMENT:** Community and Economic Development

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#### *BACKGROUND INFORMATION:*

The applicant, Paul Trask, has petitioned the City of Beaufort to annex a portion of parcel R200 015 000 0875 0000 within the County to combine with a parcel within the City jurisdiction identified as R123 015 000 0721 0000. Upon annexation the applicant requests the zoning designation to mirror the zoning existing portion of the larger parcel currently in the city, T5-UC.

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***PLACED ON AGENDA FOR:*** Discussion

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

#### **ATTACHMENTS:**

Description	Type	Upload Date
Ordinance	Ordinance	12/6/2019

## ORDINANCE

### AMENDING THE CITY OF BEAUFORT'S ZONING MAP TO INCLUDE A PORTION OF PARCEL R200 015 000 0875 0000 TO BE ZONED AS T5-UC

WHEREAS, the State of South Carolina has conferred to the City of Beaufort the power to enact ordinances "in relation to roads, streets, markets, law enforcement, health, and order in the municipality or respecting any subject which appears to it necessary and proper for the security, general welfare, and convenience of the municipality or for preserving health, peace, order, and good government in it . . ." as set forth in *Code of Laws of South Carolina*, Section 5-7-20; and

WHEREAS, the City of Beaufort adopted the *Beaufort Code* by reference on June 27, 2017, as set forth in section 5-6001 of the *Code of Ordinances Beaufort, South Carolina*; and

WHEREAS, the amendment of the zoning map is "for the general purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare" in accordance with *Code of Laws of South Carolina*, Section 6-29-710; and

WHEREAS, an annexation petition for a portion R200 015 000 0875 0000 located in Beaufort County has been presented to the City Council; and

WHEREAS, a proposed lot line revision, as shown in Attachment A, would move the western boundary (running N 00 degrees, 51 minutes, 70 seconds E measuring 92.70 feet) approximately 10 feet to the east, and, thereby, create a new western boundary running S 02 degrees, 12 minutes, 46 seconds W measuring 81.45 feet ; and

WHEREAS, the plat (attachment A) has been recorded at Plat Book 148 Page 31 in Beaufort County, but will not be published until the re-subdivision resides in a single jurisdiction, in this case the City of Beaufort, SC; and

WHEREAS, the gaining [city] parcel is currently zoned T5-UC; and

WHEREAS, the zoning map amendment is compatible and in accordance with the vision and goals of the City of Beaufort; and

WHEREAS, this vision and these goals were established through a democratic process and with public input and public participation; and

WHEREAS, these goals were recorded in the form of a comprehensive plan for all to see and reference; and

WHEREAS, the comprehensive plan was created through the leadership of the planning commission, responsible for determining a specific plan for the future of the city; and

WHEREAS, the city council of the City of Beaufort adopted the comprehensive plan (and Civic Master Plan) by ordinance; and

WHEREAS, the change of zoning to T5-UC is consistent and compatible with adjacent zoning; and

WHEREAS, it is reasonable to expect that the change of zoning to T5-UC will improve the marketability of the property; and

WHEREAS, any future development of the property will be able to take advantage of existing infrastructure; and

WHEREAS, a public hearing before the Beaufort City Council was held regarding the proposed change to the ordinance on December 10, 2019, with notice of the hearing published in *The Beaufort Gazette* on November 8, 2019;

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*, that the zoning map of the City of Beaufort be amended by establishing the zoning designation of T5-UC on the annexed portion of parcel of R200 015 000 0875 0000.

(SEAL)

Attest:

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

\_\_\_\_\_  
IVETTE BURGESS, CITY CLERK

1st Reading

\_\_\_\_\_

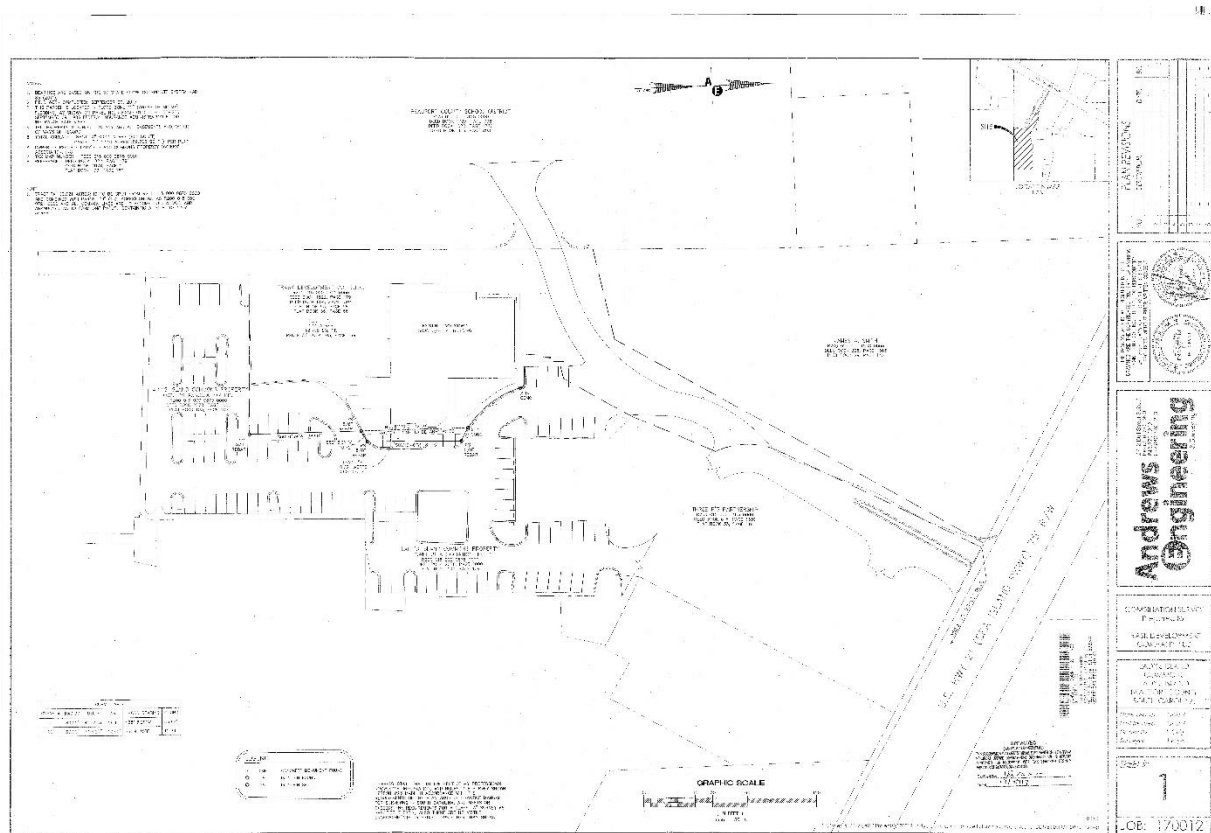
2nd Reading & Adoption

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Reviewed by:

\_\_\_\_\_  
WILLIAM B. HARVEY, III, CITY ATTORNEY

# Attachment "A"



A work session of Beaufort City Council was held on October 22, 2019 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 Mike McFee, and Police Chief Matt Clancy. Councilman Phil Cromer was 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.

### **CALL TO ORDER**

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

### **EMPLOYEE NEW HIRE RECOGNITION**

**Alan Eisenman** introduced **Jay Phillips**, a new employee in the finance department. [L] [SEP]

**Tim Ogden** introduced **Milton Rivera, Ronald Ball, Cal Shanks, Jessica Tomasoski, and Tom Kisolek**, new employees in the Beaufort/Port Royal Fire Department.

### **CONTINUED DISCUSSION ABOUT THE REVIEW AND UPDATE OF COUNCIL-APPOINTED COMMITTEES PER THE BEAUFORT CODE** [L] [SEP]

**David Prichard** discussed what had been covered in the last council work session about this review.

Metropolitan Planning Commission (MPC) – Mr. Prichard said this was about whether or not “it still makes sense” for it to still be a metropolitan planning commission, or if it should just be made up of City of Beaufort “residents and business owners.” There was also a discussion about “cleaning up some language,” he said, about the MPC’s role with regard to trees on private property.

Zoning Board of Appeals (ZBOA) – Mr. Prichard said the only changes were updating the name of the former planning department and “correcting a misspelling.”

Historic District Review Board (HDRB) – Mr. Prichard said the discussion had been about whether or not it should be mandated that a member of the Historic Beaufort Foundation (HBF) board serves on the HDRB, “given that it’s an advocacy board.” Mayor Keyserling said that the city has been unable to fill vacant seats on the board because they require certain professionals: designers, architects, historic preservationists, etc.

Mr. Prichard read the requirements for HDRB members.

Design Review Board (DRB) – Mr. Prichard said council decided the DRB’s purview should be citywide, except in the Historic District.

Mayor Keyserling said there was “universal agreement” that city staff should be

“continuously training *all* board members.”

Mayor Keyserling said **Maxine Lutz** had asked to be part of the conversation about HBF and the HDRB.

Mayor Keyserling said they needed to have internal conversations with the Town of Port Royal and the county “to see if they were as uncomfortable” with the current arrangement as the City of Beaufort is. He described the history of the planning commission and the Northern Regional Plan in regard to people living in “the unincorporated” area. Mayor Keyserling then discussed the growth boundaries. “Anecdotally,” he said, it appears that the 6 MPC members “judge projects in the city and Port Royal, but the county never brings projects to the” MPC; therefore, it is “not balanced” and the commission has “more perceived power and influence than being an advisory board, which planning commissions typically are.”

Ms. Lutz said she had heard that eliminating the mandatory HBF representative’s seat on HDRB was being considered because Mayor Keyserling had said that he didn’t think it was “ethical” for someone from “a regulatory group” to be on “an advisory body.” She said since the 1960s, the city and HBF have worked well together to bring the Historic District to National Historic Landmark status. What the organization advocates for are the Milner guidelines and the Secretary of the Interior standards, she said, so they feel they represent the city, as well as HBF, and advocate the city’s goals.

**Pete Palmer** said this is important because an HBF member on the HDRB “has a vote.” Part of the reason Beaufort is great, he said, is because of the preservation that has taken place over the last 50 years.

**Mary Ragsdale** said she feels HBF needs a seat at the table with a representative on HDRB.

**Chuck Symes** said he feels the missions of both the HDRB and HBF are the same and HBF should “absolutely” have a seat on the HDRB. He said he looked at 3 other cities that have historic districts and historic district review boards, and the basic composition of all of them is “the same” as in Beaufort, so he doesn’t think there’s “a legal or perception problem anywhere.” He feels the organizations should work together to make this the best Historic District it can be; he thinks the HDRB is “your instrument to make those kinds of things happen,” and HBF helps with that.

Mr. Symes told Mayor Keyserling that as far as he knows, in Anderson, South Carolina, the HDRB is “regulatory,” as were all of those that he looked at.

Mr. Symes said there has been a question raised “about authority” and what things reside with staff versus the HDRB. He asked where “the authority finally reside[s],” and if council agrees that it’s with the HDRB, and then he said it would be easy to adjust the



discrepancies in the city's code to reflect that.

**Rob Montgomery** said HBF has “a continuity” and “institutional knowledge of the town” and the historic buildings in it.

**Woody Rutter** said he was a past chairman of the board of HBF, and he knows there is “tension” between development and infill in a lot of towns that are “trying to do infill.” He was surprised this subject was raised and thinks “maybe having 20% of the vote is excessive,” but he wouldn't like to see HBF “marginalized.”

Mr. Symes said the percentage HBF has of the total board vote has been discussed; when **Katherine Pringle** came on the board, there was concern because there were then 2 HBF representatives on the board. He said he doesn't agree with that premise, but he didn't say anything. He was elected HDRB chairman, so he told Ms. Lutz that he could no longer advocate for HBF while he was chair, and he needed to be impartial. Ms. Lutz said they have found that the HBF representative doesn't always vote on HDRB matters the way the Preservation Committee decided.

**Conway Ivy** said HBF being involved on the HDRB has worked successfully for a long time, so there is a question of what is “motivating this proposed change at this time.” He is not aware of anything that has been problematic about HBF's position on the board, and he's not aware of any statutes or ordinances that would prevent HBF from being on the HDRB.

Mr. Ivy said he understood it was said that advocates shouldn't sit on a board that is making decisions about what they advocate. The HDRB is “an advisory board,” he said, and an HBF member isn't controlling the HDRB's decisions, just contributing to them. By having a place at the table, he said, HBF can actively enter into the discussion, not just make comments from the audience. This is a benefit because he has seen different ideas and suggestions come up in meetings, which “allows the HBF representative to be flexible.”

Mr. Ivy said HBF advocates following the Milner guidelines, and the guidelines are flexible enough to allow a lot of change, but they are also “guidelines to HBF's advocacy.” He described various “checks and balances” and said when HBF proposes its HDRB representative, the city has the option of accepting that HBF board member or not.

Mr. Ivy said aside from the results of what HBF has done since 1965, the HDRB has greatly benefitted from HBF's involvement with it, which has led to historic preservation while “allowing for thoughtful infill.” The relationship of HBF and the city has demonstrably been working, he said. Applicants come to the Preservation Committee, and it wants to see a project completed; suggestions might be made to help applicants make a change, and that is a benefit for both the city and the applicants. Mr. Ivy said an

example is The Anchorage, on which HBF has an easement. The owners needed to put in an elevator for their bed & breakfast, and if it wasn't done right, it would have harmed the building, which is a tabby structure, so HBF's Preservation Committee worked closely with the owners, and the historic nature of the building hasn't been harmed, he said.

Mayor Keyserling said he had first talked about this in 2003 "simply as a matter of ethics," but he's hearing that what the city is proposing seems like a lack of appreciation for HBF, which he said has been a good partner, and he feels it will continue to be. He has gone to HBF before beginning projects, and he's sure Mr. Prichard would recommend that applicants do so.

Mayor Keyserling said nothing the city would change would "really diminish your strength." He said there's no suggestion that a board member of HBF shouldn't apply and become an HDRB member, or even that two HBF board members couldn't be on the HDRB. Having Ms. Pringle as another HBF member on the HDRB was never a concern for him, he said.

Mayor Keyserling said he wishes HBF "wouldn't take it personally." HBF is a special interest group, he said, and "a paid lobbyist" comes to HDRB and other city meetings and "is always advocating your position here."

Ms. Lutz said HBF has "an application ready to go" for one of the vacancies on the HDRB; their process has been slowed because the HDRB hasn't been meeting regularly.

Mr. Ivy said HBF is "in transition" because it doesn't have an executive director; although Ms. Lutz is helping part-time, that has slowed things up, though now it's "been corrected." Mr. Ivy asked why this idea has come up now "after all of this time."

Councilman Murray said this shouldn't reflect on the relationship/partnership between the city and HBF. He feels the HDRB is working well; he hears few complaints, and he sees projects moving forward. Council believes there is a need for additional training for the members of all of the city's boards, he said. Councilman Murray agreed with the mayor that HDRB has the final say on people's projects in most cases, so it's a regulatory – not just an advocacy – board, and therefore, it should be "free of conflict." He said he's not opposed to multiple people from HBF being on the HDRB, though.

Councilman Murray understands that two more seats need to be filled on the HDRB, and he said the city should do better with appointment members to fill them.

Mr. Ragsdale said it would be most beneficial for a historic district review board to have a member of the foundation on it who did historic preservation. Councilman Murray said the executive director of HBF comes to HDRB meetings and makes recommendations, and HBF is asked to make recommendations in other instances as

well. Mr. Ragsdale said, "But there's no vote. There wouldn't be a vote" if HBF didn't have a representative on the HDRB.

Ms. Lutz said the HDRB is "highly functional," and she commended **Lauren Kelly** for bringing that "to fruition after many years" when the board wasn't functional.

Mr. Symes said there are 2 vacancies on the board; in January 2019, he and **Quinn Peitz** announced that they were leaving the board in 6 months, and then they said it at every meeting after that, so he finds it "inexcusable" that those positions were not filled in that time. He feels council should think about "where the expertise comes from," and he thinks they would find it comes from HBF. There is not expertise from city staff to assist the HDRB now like there was when Ms. Kelly was there, Mr. Symes said.

Councilwoman Sutton agreed with what Mayor Keyserling had said. She sees this change as a "positive" and agrees with staff's recommendation that HBF not "have a mandated seat." She said it wouldn't diminish or marginalize HBF "in any way whatsoever." There will always be an HBF member on the board, she said. Mr. Palmer said he has had the experience in the past of the city denying an HBF member a seat on the HDRB. Ms. Lutz said HBF was "left out of the loop" in the past, and they don't want to be again.

Mr. Ragsdale said the members of city council change, and if there were an entirely new council that "didn't understand what HBF" does, council might keep an HBF representative from serving on the HDRB.

Ms. Lutz said, in the past, council didn't reappoint someone from HBF to the HDRB because of his/her "personality," not because of his/her views, and that incident is not the only time she recalls something like that happening.

Mr. Palmer recalled HBF offering a nominee to the HDRB, but city council didn't want him to serve on the board, even though the nominee had "been a successful chairman" in the past.

Mr. Ivy asked the difference between the city saying HBF members could apply individually to sit on the HDRB and having this element of the ordinance as it is now. The only difference is that "it's in the statute," he said.

Mayor Keyserling said, "It presents an ethical consideration." Ms. Lutz asked if "ethical [is] the same as legal." Councilman McFee said he's never believed that having "an assigned seat" on any board is right. He said he has always been an advocate for HBF. The executive director and HBF's board change like Mr. Ragsdale said council does, Councilman McFee said. Mr. Ragsdale disagreed that this was the same thing. Councilman McFee said the policies and procedures of the city don't change, even when council members change. He doesn't believe that without an assigned seat, HBF

wouldn't have advocates on the HDRB. Council would look at the backgrounds and experience of all applicants, he added.

Councilman McFee said the current policy “sets a standard and [makes] a statement that have always bothered me.” Council would still rely on the Preservation Committee and on HBF to put forth members to serve on the HDRB, but he said he has never felt the mandated position “was appropriate.”

**Mike Sutton** said HBF does “a wonderful job” and has helped to “establish the rules we have today.” The state’s Department of Archives and History sets up the guidelines for historic district review boards, he said; the guidelines don't mandate a seat, but they are broader than the city’s guidelines are for board membership. The HDRB was established with designated seats, and it “narrowed the margins” of who serves on it, Mr. Sutton said. He thinks they should look outside of the current “context” to fill the empty board seats.

Mr. Sutton thinks council should continue to work with HBF, which is a nonprofit entity. If a second historic entity were to come to Beaufort, as has happened in Charleston, he asked how the city would make room for that group at the table.

Mr. Sutton said he’d like HBF to do more with archeology than it does. He sends all his clients to HBF and thinks all 5 seats on the HDRB could come from HBF.

**Lise Sundrla** said she had worked on “updating the Milner Report” many years ago. There was a lot of discussion at the time about the Board of Architectural Review (BOAR), as it was known at the time, pushing for more professional education and offering training opportunities, she said. There was also discussion about whether architects and landscape architects should serve on the board. At the time, the city created a formal advisor position to the board, she said, which allowed it to “operate freely.” Ms. Sundrla suggested that council consider doing this again with someone from HBF.

Mr. Prichard said he has a bid for a professional architect with preservation experience to help the HDRB and provide the board with more information as needed. Ms. Lutz said that was Ms. Kelly’s role in the past. Mr. Prichard said it would be a contract position, and that person would help both the DRB and the HDRB. Ms. Sundrla said that is a staff position, but she thinks that the advisor for the HDRB should come from HBF.

Councilman Murray said the city should have been more proactive about filling empty seats on the HDRB. Staff has said there have been a number of applicants for the HDRB, he said, but the board’s composition requirements are what is precluding them from being appointed. He asked HBF representatives to speak to that. Mr. Symes said he thinks it is extremely important to have an architect on the HDRB; he wasn’t aware that an architect was required for 2 of the positions. Councilman Murray read the

requirements for the appointees from the code.

Ms. Lutz recommended keeping to the guidelines for professionals on the HDRB because people have been on that board in the past “who didn’t have a clue.” She thinks it’s imperative to have people on it with those designated professional backgrounds.

Mr. Symes said expertise is extremely important, but they shouldn't count on the board members having all of the necessary expertise, so staff needs to have it. The board now, without adequate staff support, needs a month to study materials and make decisions, but they have usually been given a week or less to do so. **Joan Furlong** is helpful, he said, but she is new in her position and doesn’t have as much expertise that would help the HDRB as Ms. Kelly had.

The HDRB should designate those matters that can go to staff to be solved, based on their comfort with the staff, Mr. Symes said. The board gave Ms. Kelly a lot of things to make decisions on, but the structure is different now, and the board is not as familiar with the current staff’s capabilities, so the board is not as comfortable giving staff as much decision-making power, he said.

Councilman Murray asked if it is “too narrow” to have as a requirement that all of the HDRB members own property or live in the Historic District. **Deborah Johnson** said she was on the old BOAR. She feels they should consider seriously what it means to have people live or own property in the Historic District because those people have a different investment in the district than people who don’t live there. She advocates having at least 2 people on the HDRB who “live in that community” because she feels they have a different investment in the district.

Mr. Symes feels they could possibly require fewer people on the board to live in the Historic District, because there are people who live elsewhere in the city who are still passionate advocates for historic preservation.

Councilman Murray said he agrees that having 2 board members who live or own property in the Historic District might be better than 3. He would pick a professional who didn’t live “in the neighborhood” over someone who did but didn’t have the knowledge of someone who didn't.

Mr. Symes said he’s not sure they necessarily need 2 architects. Councilman McFee said that’s not the only profession that could fill those positions.

Mr. Palmer said he’s hearing that HBF could “flood” the city with applicants for the HDRB. Councilman Murray said council is asking HBF for help. Mr. Palmer said it’s hard to find people to serve in this position. Mayor Keyserling said he’s spoken to 2 architects about serving on the HDRB, but it’s hard to find people who are willing to give that time

to volunteer.

Mr. Ivy said HBF has term limits, and after a 1- or 2-year hiatus, people can come back onto the board, which allows “competent people” to serve again. The city might consider letting people come back to its boards after a hiatus, he said. Councilman McFee and Councilman Murray told him that the city has a similar requirement for a 1-year hiatus, but then they could serve again.

Mayor Keyserling asked if they have considered having 7 HDRB members so they could “get quorums.” Mr. Sutton said Archives & History says historic district review boards can have as many as 10 members.

Councilwoman Sutton read from the requirements for historic district review boards on the Archives & History site, which are much broader than the city’s.

#### **THE BEAUFORT CODE AND AFFORDABLE HOUSING** [SEP]

Mr. Prichard said he would present an update on affordable housing. The DRB requested that staff look at issues in the Beaufort Code, he said, so staff identified things that might be affecting the affordability of residential structures.

Mr. Prichard said the DRB had sent a letter to city council and to Councilman Cromer as the chair of the Affordable Housing Task Force suggesting they consider ordinance changes to help with affordable housing. Staff asked architects and builders to serve on a “task force,” and “they commented on” these possible changes, he said.

- 1) **Requirement that the ground floor height of single-family residential structures in T4 district should be 9’ and multi-family structures should be 10’, and that it should be a minimum of 10’ in residential structures in T5** – Mr. Prichard said **Dick Stewart** had said this requirement raises the cost of construction; there is “some debate about how much.” Regulations and fees are among the things that contribute to the lack of affordable housing, Mr. Prichard said. Most people now prefer a 9’ or 10’ ceiling, he said, but for years, 8’ was the minimum. “The feeling is that this is an aesthetic thing,” he said, so if someone is building affordable housing, it should be able to have 8’ ceilings.
- 2) **Prohibition of 2-3 dwelling units, row homes, and apartment houses in the T3-S district** – In T3-S zoning, minimum lot sizes are a little bigger than in transect districts, Mr. Prichard said, and “it was put on built subdivisions.” Until the 1950s, these neighborhoods were developed with large homes and apartment buildings on the corners, he said. The developers’ task force said they “probably didn’t want to mess with T3-S,” Mr. Prichard said, feeling it should remain single-family residential. 1:22:25
- 3) **Prohibition of row homes and apartment houses in the T3-N and T4-HN districts** – Mr. Prichard said, “The problem with T4-N” is that row homes are allowed, but so are hotels and more intense uses. “We almost need a bridge

- zoning district,” he said, to allow multi-family structures but not commercial.
- 4) **Requirement in T4, T5, RMX, and IC districts that apartment building lengths are limited to 160 feet** – “No one on the task force could come up with a rationale for 160 feet,” Mr. Prichard said, and “no one could figure out why apartment buildings were singled out.” The task force felt this should be done away with, he said.
  - 5) **Requirement in T4 and T5 districts to elevate finished floor heights for residential structures a minimum of 2’ and 3’, respectively, above the average adjacent sidewalk grade** – Mr. Prichard said the DRB believes this requirement is based on aesthetics, but the board also feels additional language could be added about “grading to ensure proper drainage of stormwater and protection from flood waters.” The task force of architects and builders felt “this was strictly an aesthetic,” he said.

Mr. Prichard said he sees these ordinance changes going to the Affordable Housing Task Force “for them to work” on.

Councilman McFee said the Affordable Housing Task Force is not to “blanketly change our ordinances.” Many different groups studied all aspects of the Beaufort Code, he said, and helped to shape it.

Mr. Prichard said these aspects of the Beaufort Code “were worked on” but were in the code “really because of aesthetics.” He asked council if “they still feel that way,” or if they should “allow exceptions to affordable housing.” Other reasons for a shortage of affordable housing include regulations, fees, taxes, and land prices, and he said, “We are looking at all of these things.”

Councilman McFee suggested fashioning “it to areas that are more prone to allow[ing] exceptions,” rather than doing anything “citywide.”

Councilwoman Sutton said eliminating “all of these requirements would lower the cost of affordable housing.”

Councilman McFee said in the Northwest Quadrant – as opposed to Mossy Oaks – there are differences in what would conform to what is around it. Mr. Prichard said the form-based code has “quite a bit” of regulation that requires a building “to have a stoop,” for example.

Mr. Prichard said he wanted council to comment on this and to determine if the next appropriate step is to present the changes to the Affordable Housing Task Force for its opinions before it comes back to council, or if council isn’t interested in the changes. This is an opportunity for council to weigh in on this, he said.

Mayor Keyserling said this would be a good way for the Affordable Housing Task Force

to weigh in.

Councilman Murray said he feels the Affordable Housing Task Force should look at this, but there is momentum, and he doesn't want the task force to slow that momentum. He agrees with the majority of the architect/developer task force's comments, and said he'd save further comments for later.

Councilman McFee said he feels it's appropriate for the Affordable Housing Task Force to weigh in on this and then for those comments to come to council.

Councilman Murray said the Beaufort style is tall ceilings, big windows, etc., and the Beaufort Code was made to create and promote that in the city's "other neighborhoods."

Mayor Keyserling said he is "enamored" with the duplexes on the corner of North Street and Ribaut Road, but he was shocked at the cost of building that housing on free land.

Councilman Murray said there are different design standards on major thoroughfares; in other areas, they might also have different standards.

#### **EXECUTIVE SESSION**

Pursuant to Title 30, Chapter 4, and Section 70 (a) (1) of the South Carolina Code of Law, **Councilman McFee made a motion, seconded by Councilman Murray, to enter into Executive Session to discuss appointments to task forces. The motion passed unanimously.**

There being no further business to come before council, the work session was adjourned at 6:39 p.m.



A regular session of Beaufort City Council was held on October 22, 2019 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 Mike McFee, and Police Chief Matt Clancy. Councilman Phil Cromer was 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.

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

#### **CALL TO ORDER**

Mayor Keyserling called the regular council meeting to order at 7:10 p.m.

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

Councilman McFee led the invocation and the Pledge of Allegiance.

#### **PROCLAMATION OF BEAUFORT GARDEN CLUB'S CELEBRATION OF 85 YEARS**

**Councilman McFee made a motion, second by Councilman Murray, to approve the proclamation. The motion passed unanimously.** Councilman McFee read the proclamation, and Mayor Keyserling presented it to **Jane Culley**, president of the Beaufort Garden Club.

#### **PROCLAMATION OF BEAUFORT HIGH SCHOOL CLASS OF 1964'S 55TH ANNIVERSARY WEEK, OCTOBER 21-26, 2019**

**Councilman McFee made a motion, second by Councilman Murray, to approve the proclamation. The motion passed unanimously.** Councilman McFee read the proclamation, and Mayor Keyserling presented it to representatives of Beaufort High's Class of 1964.

#### **MINUTES**

**Councilman Murray made a motion, second by Councilman McFee, to approve the minutes of the city council work session and regular meeting on September 24, 2019.** Councilman McFee said on page 1, in the middle of the page, "he thins" should be "he thinks." **The motion to approve the minutes as amended passed unanimously.**

#### **APPOINTMENTS TO THE AFFORDABLE HOUSING TASK FORCE**

**Councilman McFee made a motion, second by Councilman Murray, to approve the appointment of Councilman Cromer, who will serve as the chairman, Patrick Cunningham, Tom Hermann, Joe Mantua, Benjie Morillo, Sue Sagui, Ms. Sundrla, Mr. Sutton, and Stacie Von Vulpen; non-voting members Linda Bridges, Ms. Johnson, Mr. Prichard, and Bill Prokop to the Affordable Housing Task Force. The motion passed unanimously.**

## **APPOINTMENTS TO THE HIGHER EDUCATION TASK FORCE**

Councilman Murray made a motion, second by Councilman McFee, to approve the appointment of co-chairs Councilman Murray and Jon Verity; Saskia Amaro, James Duffy, Richard Gough, Bob LeFavi, Katherine Klingler, and Melissa Venable; non-voting members Mr. Prichard, Ms. Johnson, Mr. Prokop, Frank Rodriguez, and Matt St. Clair to the Higher Education Task Force. The motion passed unanimously.

## **ORDINANCE AMENDMENT TO CHAPTER 3, PARK AND TREE ADVISORY COMMISSION (PTAC), DUTIES**

Councilman McFee made a motion, second by Councilman Murray, to approve the ordinance amendment on first reading. Mr. Prichard said in Spring 2018, the city manager proposed changes to the city ordinance for PTAC. The proposed amendment would bring the ordinance up-to-date. PTAC agreed with the change to the Beaufort Code, but because of an oversight, it was not brought to council, he said. It would delete Section 3-3007 ("Accessory duties") and replace it with 3-3005. He read the language about the committee's responsibilities.

Mr. Prichard said it's his understanding that this ordinance amendment does not require a public hearing. Mayor Keyserling asked him to verify that and said he is willing to vote on first reading. Councilman McFee said they should plan for a public hearing before second reading, if it's required.

SEP

Ms. Culley said the garden club wants to be more involved with Arbor Day. Mr. Prichard said he thinks there may be a vacancy on PTAC and he'd send Ms. Culley announcements about the committee's meetings and agendas.

Mr. Prichard said he'd "revisited the issue with PTAC," and "they are still fine with the ordinance change." **The motion passed unanimously.**

## **MAYOR'S REPORT**

Mayor Keyserling said he sent out a long newsletter today, so people could read that.

He said the recent mock court in front of Judge **Ned Tupper** was great. He described the story behind the case and said the students, who were mostly 8<sup>th</sup> graders, felt the "take-away" is to not "pre-judge people before we know them."

## **COUNCIL REPORTS**

Councilwoman Sutton said she, Councilman McFee, and Councilman Murray had attended the "Advanced Municipal Elected Officials Institute" on advocacy and learned about how the state house and senate work. Councilman McFee said it was very informative. Both Councilwoman Sutton and Councilman McFee said it was "scary" as well as enlightening.

Councilman Murray agreed that it was informative. Business license spending legislation

was filed at the end of the last session that would “gut” 20% of the City of Beaufort’s budget; this would be considered next session, so he’s excited to advocate next year. Councilwoman Sutton and Councilman McFee both said they’d learned that there are tactics to lessen the amount of public comment on legislation. Councilwoman Sutton said, “We’re very open compared to them.”

Mayor Keyserling said in his time in the state legislature, he was concerned about the storage of plutonium at the Savannah River site. His subcommittee didn't meet for a year and a half because a representative knew Mayor Keyserling wanted to talk about that, so he filed suit once he left the legislature.

**There being no further business to come before council, Councilman McFee made a motion, second by Councilman Murray, to adjourn the regular council meeting. The motion passed unanimously, and the meeting was adjourned at 7:36 p.m.**



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 11/27/2019  
**FROM:** David Prichard, Director of Community Economic & Development  
**AGENDA ITEM**  
**TITLE:** Ordinance amending Chapter 10 of the Beaufort Development Code - 2nd Reading  
**MEETING**  
**DATE:** 12/10/2019  
**DEPARTMENT:** City Clerk

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#### *BACKGROUND INFORMATION:*

First Reading was held during City Council Regular Meeting on November 26, 2019

It has been the policy of the City to periodically review the zoning ordinance. The City Manager wanted 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:*

The following amendments to the Beaufort Development Code are proposed for consideration:

**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 10.2.3.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.*

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

**10.7 Historic District Review Board** – 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.

Therefore, remove: *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.*

**10.8 Design Review Board** – Section 10.8.1.B reads ***Powers and Duties:*** *Review, and approve, or deny, all applications subject to Major Development Design Review as outlined in Section 9.8.2.*

It is City Council's expectation that the purpose of the DRB is to evaluate the aesthetic design of all applications subject to major development design review.

Therefore, replace Section 10.8.1.B with: ***Powers and Duties:*** *Review, and approve, or deny, in accordance with the requirements set forth in The Beaufort Development Code, the aesthetic design of all applications subject to Major Development Design Review as outline in Section 9.8.2.*

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

The MPC, on November 18, 2019, voted unanimously to recommend approval of all proposed amendments except for the amendment regarding Section 10.7 Historic Review Board. The MPC voted 3-1 to recommend disapproval of the proposal to remove the mandated seat for the HBF.

## **ATTACHMENTS:**

Description	Type	Upload Date
Beaufort Development Code Chapter 10	Backup Material	11/27/2019
Proposed Ordinance of Chapter 10	Backup Material	11/27/2019

# 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

### AMENDING CHAPTER TEN OF THE BEAUFORT DEVELOPMENT CODE

WHEREAS, the State of South Carolina has conferred to the City of Beaufort the power to enact ordinances “in relation to roads, streets, markets, law enforcement, health, and order in the municipality or respecting any subject which appears to it necessary and proper for the security, general welfare, and convenience of the municipality or for preserving health, peace, order, and good government in it . . .” as set forth in *Code of Laws of South Carolina*, Section 5-7-20; and

WHEREAS, the City of Beaufort adopted the *Beaufort Code* by reference on June 27, 2017, as set forth in section 5-6001 of the *Code of Ordinances Beaufort, South Carolina*; and

WHEREAS, the amendment of the Beaufort Code is “for the general purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare” in accordance with *Code of Laws of South Carolina*, Section 6-29-710; and

WHEREAS, City staff has identified sections of Chapter 10 of the Beaufort Code that should be amended to provide better clarity of intent, application and process; and

WHEREAS, City Council finds that it is in the best interest of the City to update the development code’s chapter on development review bodies; and,

WHEREAS, the amendment is consistent with the goals for development as outlined in the City’s comprehensive plan and *Civic Master Plan*; and

WHEREAS, a public hearing before the Beaufort City Council was held regarding the proposed change to the ordinance on November 26, 2019, with notice of the hearing published in *The Beaufort Gazette* on November 5, 2019;

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*, that *The Beaufort Code* be amended by:

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

**Re 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.*



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

**Re 10.7.3.A (Historic District Review Board)** – remove: *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.*

**Re 10.8.1.B (Design Review Board)** – replace Section 10.8.1.B with: ***Powers and Duties:*** *Review, and approve, or deny, in accordance with the requirements set forth in The Beaufort Development Code, the aesthetic design of all applications subject to Major Development Review as outline in Section 9.8.2.*

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

(SEAL)

Attest:

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

\_\_\_\_\_  
IVETTE BURGESS, CITY CLERK

1st Reading

\_\_\_\_\_

2nd 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:** 11/27/2019  
**FROM:** David Prichard, Director of Community Economic & Development  
**AGENDA ITEM** Ordinance amending section 4.5.7 Apartment Housing of the Beaufort Code by  
**TITLE:** deleting subparagraph B.4 sizes - 2nd Reading  
**MEETING**  
**DATE:** 12/10/2019  
**DEPARTMENT:** City Clerk

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#### *BACKGROUND INFORMATION:*

First Reading was held during City Regular meeting on November 26, 2019

The proposed amendment is to delete Beaufort Development Code section 4.5.7.B.4, which requires that an apartment house building width not exceed 160 feet along any street frontage, and that no portion of the building shall exceed 160 feet in any direction.

The Civic Master Plan states: *an apartment building is best suited for dense neighborhood centers and mixed-use corridors. Depending on the surrounding context, the careful use of porches, balconies, roof lines and materials allow apartment buildings to reflect the character of typical Beaufort neighborhoods or mixed-use, main street areas. Apartment buildings are most effective in enhancing the public realm when they are built close to the street and mixed with a variety of other building types, as opposed to being concentrated within large apartment building complexes.*

Apartment houses are allowed (see Beaufort Development Code Table 3.2) by right in the T5-DC, T5-UC, RMX, and IC zoning districts and allowed conditionally (limited to 6 du in the historic district) in T4-N. Attention to the prescription of maximum length for apartment houses resulted from an assessment of the Beaufort Development Code by the Design Review Board. Recognizing a lack of affordable housing in the city, and understanding there are multiple contributing factors – government regulation being one, the Design Review Board 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 identified that requiring that apartment houses not exceed 160 feet in length, may be negatively impacting the availability of affordable housing. The DRB requested that city council consider the matter. The City formed a task force of local architects and builders to evaluate the issue.

The task force consensus regarding “160 feet” was that it seemed arbitrary, and that any possible concerns regarding inappropriate scale or massing can be managed through the application of the *Contextual Design Guidelines* [Beaufort Development Code §4.3], specifically:

***Rhythm of Development on the Street:*** *Monolithic massing that disrupts the predominant building pattern of the neighborhood and corridor is strongly discouraged.* [§4.3.2.B]

***Massing and Articulation*** [§4.3.2.c]

1. *New construction should complement the massing of neighboring buildings by utilizing roof forms, architectural trim, differentiation of facade planes, and a relationship of solids (siding and walls) to voids (window and door openings) that are consistent with the patterns established in neighboring buildings.*
2. *When large scale construction is proposed that is not consistent with the predominant building height and lot width of the surrounding area, special attention shall be paid to specific building design elements in order to articulate a building form that is appropriate to the neighborhood context. These include the items listed in the paragraph above, along with siting, setbacks, and facade treatments.*

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**PLACED ON AGENDA FOR:**

**REMARKS:**

- Given that no architectural principle has been found for justifying a maximum length of 160 feet for an apartment house; and
- Given that possible concerns regarding inappropriate scale or massing can be managed through the application of the *Contextual Design Guidelines* [Beaufort Development Code §4.3]; and
- Given that multi-family developments containing more than 24 units are subject to major development design review by the Design Review Board; and
- Given that the Civic Master Plan's vision for apartment buildings and their relation to the public realm is addressed in the Beaufort Development Code's limit on building-width-at-frontage for transect zones allowing apartment houses; and
- Given that the Beaufort Development Code sets no maximum lengths for any other building types, and, therefore, allows other building types to exceed 160 feet in length;
- Staff sees no rationale, other than individual personal preference, which can vary widely from person to person, for limiting the length of an apartment house other than along the frontage.
- The MPC, on November 18, 2019, voted unanimously to not recommend approval of the proposed amendment.

**ATTACHMENTS:**

Description	Type	Upload Date
Beaufort Code	Backup Material	11/27/2019
Proposed Ordinance of Apartment House Size	Backup Material	11/27/2019



# THE BEAUFORT CODE

## THE CITY OF BEAUFORT, SC

ADOPTED JUNE 27, 2017

AMENDED JULY 10, 2018



### T4-HISTORIC NEIGHBORHOOD DISTRICT (T4-HN)

The T4-Historic Neighborhood district is a primarily residential district that encompasses the entire historic district with the exception of a few north-south commercial corridors. It contains houses and residential buildings that are characterized by generous front porches, southern orientation, and historic architectural detailing. A limited number of corner retail buildings historically existed, and continue to exist, in this district.



### T4-NEIGHBORHOOD (T4-N)

The T4-Neighborhood district is a mixed-use zone of urban residential units and limited commercial development. A wide range of building types exist in the T4-Neighborhood district, including, but not limited to, apartment buildings, mixed-use buildings, rowhomes, duplexes, corner stores, and both attached and detached single-family housing.

A sub-district of this is the T4-Neighborhood Artisan (T4-NA) district. It incorporates more industrial uses, as well, and is applicable in the Depot Road area where industrial uses abut residential areas.





**T5-DOWNTOWN CORE DISTRICT (T5-DC)**

The T5-Downtown Core district consists of higher density, mixed-use buildings that accommodate retail, rowhomes, offices, and apartments. A tight network of streets, including those in Beaufort's historic commercial downtown, allows this district to be a highly walkable area. Buildings are set very close to the street in order to define the public realm and allow for visible activity along the streetscape.

**T5-URBAN CORRIDOR DISTRICT (T5-UC)**

The T5-Urban Corridor district consists of higher density, mixed-use buildings that accommodate retail, rowhomes, offices, and apartments located along primary thoroughfares. A tight network of streets allows this district to be a highly walkable area. Buildings are set very close to the street in order to define the public realm and allow for visible activity along the streetscape.



### 2.3.3 SUMMARY OF CONVENTIONAL DISTRICTS

#### REGIONAL MIXED-USE (RMX)

The RMX district's intensity accommodates region- and community-serving commercial and business uses, as well as highway-oriented businesses. Development form supports a high-quality commercial character coordinated with a uniform streetscape that enables pedestrian and transit access.



#### LIGHT INDUSTRIAL DISTRICT (LI)

The LI district permits office, manufacturing, industrial, and warehousing uses, as well as their supporting uses. Moderate to high intensities are permitted to achieve maximum land utilization that will also accommodate small businesses and start-up or incubator businesses. It also allows for larger industrial parks where appropriate.



#### INSTITUTIONAL & CAMPUS DISTRICT (IC)

The IC district supports generally non-residential institutions and employment areas that are designed in a campus-like setting, such as hospitals, universities, research facilities, and offices. It is intended to ensure that these unique institutions are designed to be compatible with their surroundings and the rest of the city.



#### MANUFACTURED HOME PARK DISTRICT (MHP)

The MHP district provides a sound and healthy residential environment that is sufficient to meet the needs of inhabitants living in manufactured homes, to protect manufactured home parks from encroachment by incompatible uses, and to encourage the consolidation of manufactured homes into manufactured home parks.



#### MILITARY RESERVATION DISTRICT (MR)

The MR district is applied to existing military bases and Department of Defense lands, and provides for military facilities and all supporting activities, such as housing, offices, and services that are on base land, even though they would otherwise be considered separate uses. Military property is under jurisdiction of the federal government. Recommendations and standards for this district are not included since these lands are federally owned, and are typically not subject to city regulations.





## 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	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.	40 ft min	40 ft min	40 ft min	40 ft min
2. Side Setback - Corner		5 ft min	15 ft min	5 ft min	5 ft min
3. Rear Setback		5 ft min	5 ft min	0 ft min	0 ft min



## 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 (Section 9.8) and Certificate of Appropriateness, Major (Section 9.10.2), are subject to the additional contextual design guidelines of this section. These guidelines shall be used by the Design Review Body as applicable, to evaluate the appropriateness of the proposed construction to its immediate context and the character of the broader community.

### 4.3.2 SPECIFIC GUIDELINES

- A. **Conformity to Civic Master Plan:** The Civic Master Plan provides site-specific guidance for the development of many parcels within the city. The intent of this Code is to facilitate the vision and ensure the visions are permitted. In instances where the Civic Master Plan provides guidance for building and site design standards on a particular parcel, development applications on that parcel should meet the general intent of such guidance to the extent practicable, as determined by the Design Review Body.
- B. **Rhythm of Development on the Street:** Monolithic massing that disrupts the predominant building pattern of the neighborhood and corridor is strongly discouraged.

EXAMPLE: RHYTHM OF DEVELOPMENT SHOWING APPROPRIATE (LEFT) AND INAPPROPRIATE (RIGHT) PATTERNS



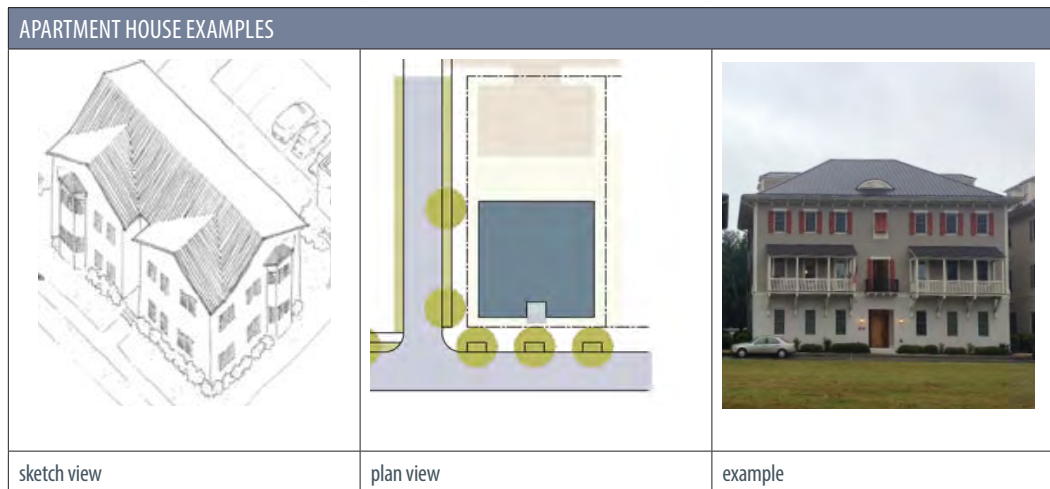
- C. **Massing and Articulation**
  1. New construction should complement the massing of neighboring buildings by utilizing roof forms, architectural trim, differentiation of facade planes, and a relationship of solids (siding and walls) to voids (window and door openings) that are consistent with the patterns established in neighboring buildings.
  2. When large scale construction is proposed that is not consistent with the predominant building height and lot width of the surrounding area, special attention shall be paid to specific building design elements in order to articulate a building form that is appropriate to the neighborhood context. These include the items listed in the paragraph above, along with siting, setbacks, and facade treatments.

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 not exceed 160 feet along any street frontage. No portion of the building shall exceed 160 feet in any direction.
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

elements should be considered in the building design:

- a. Pronounced window lintels/sills/mullions,etc.
- b. Columns with a capital and base
- c. A water table constructed of high-quality masonry units (such as cast-in-place stone) that extends beyond the face of the facade
- d. Vertically oriented windows of at least a 2:1 ratio
- e. Cornice lines with significant depth and multiple levels of relief
- f. A monumental raised entryway
- g. A formal landscaped area or plaza
- h. A tower element with a turret, cupola, or similar treatment

## 4.6: BUILDING DESIGN STANDARDS

### 4.6.1 GENERAL TO ALL APPLICABLE DISTRICTS (SEE 4.2.2)

- A. **Size, Mass and Scale:** The scale of buildings and accessory structures (including canopies) shall be appropriate to the scale of structures located in the neighboring context.
- B. **Proportions of Bays and Openings:** All building bays, including porches, colonnades and porticos as appropriate, shall be square or vertical in proportion, unless the design merits a horizontally-proportioned opening. Wall openings, with the exception of transoms and storefronts, shall be square or vertical in proportion. The facade of a proposed building should draw upon the proportion and number of bays in surrounding buildings, as defined by windows, doors, and column spacing, to establish a compatible scale.
- C. **Building Materials:** Building wall materials shall be combined on each facade only horizontally, unless the building is broken vertically by a change of plane, or a vertical architectural element. Heavier materials, such as masonry and stucco, shall be located below lighter materials, such as cement fiber or wood siding.
- D. **Roof Forms:** Where pitched roofs exist, primary roofs shall have a minimum slope of 4:12, while ancillary roof slopes may be no less than 2:12.
- E. **Garages and Accessory Structures:** Attached garages, detached garages, and other accessory structures shall be subordinate in height, footprint, and proportion to the primary structure on the site, and shall be compatible with the principal structure in terms of roof form, materials, and color. Where a garage contains an accessory dwelling unit above, it may exceed the height of the primary structure.
- F. **Trash, Mechanical, Utility and Service Equipment and Areas**
  - 1. Loading docks, service areas, and trash disposal facilities (e.g., trash and recycling receptacles, compactors, dumpsters) shall be hidden or screened from view of streets, parks, squares, waterways, or significant pedestrian spaces. Loading areas may be oriented toward adjoining developed properties that are zoned for nonresidential uses ,if such loading areas are screened from view. See Section 2.7.1.E for specific provisions about these areas in the Historic District.
  - 2. Mechanical equipment, such as ventilation systems, commercial exhaust fans, rooftop terminations, commercial cooling equipment, heating and air conditioning units, TV antennas, and satellite dishes, shall be hidden or screened from view. Lattice, open brick enclosures, or vegetation can be used to conceal mechanical equipment. Screening

material shall be properly maintained. If vegetation is used for screening, the mature size of the vegetation shall be considered so that equipment air flow will not be compromised.

- 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 identity, 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, Location, and Type of Merchandise:**
  - a. **Arrangement:** Merchandise shall be arranged and spaced so as not to clutter the front of the property, as determined by the Administrator.
  - b. **Outdoor Merchandise:** Except in T5-DC per Section 4.6.1.H.2.d, 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.
  - c. **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.
  - d. **Specific to T5-DC**
    - i. **Display Hours:** All merchandise shall be displayed outdoors during business hours only.
    - ii. **Location:** All merchandise displayed outdoors shall be within 5 feet of the building and only in front of the building or the tenant space.
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.

7. **Screening Requirements:** 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. Fencing

1. Chain link fencing is not permitted to extend past the front of any primary structure or be located along any street right-of-way. Chain link fencing is not permitted in the Historic District.
2. Barbed wire fencing is prohibited except in the LI district.

### 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)
  - 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

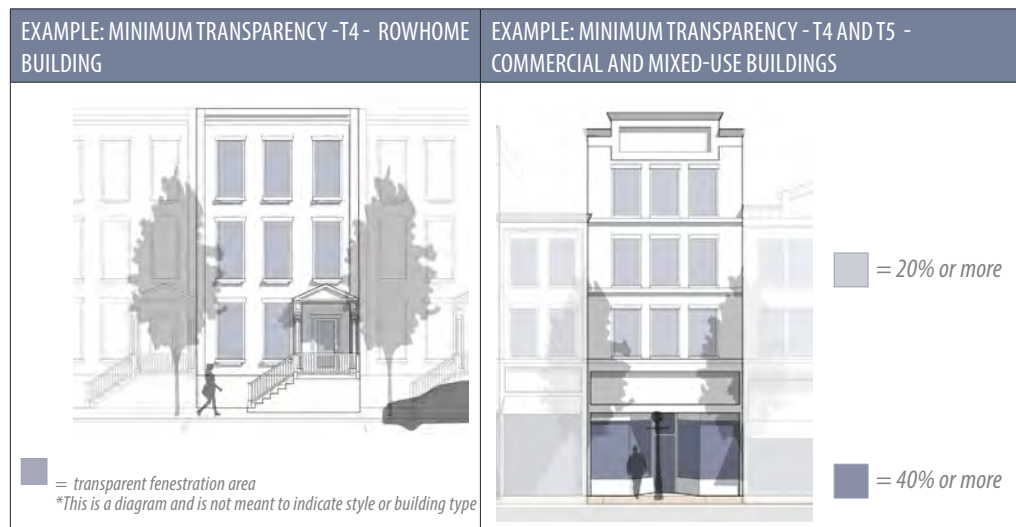
- e. Cast stone with smooth finish
  - f. Brick
  - g. \*Perma-cast
  - h. \*Other synthetic materials as approved by the Administrator, based on visual compatibility with listed approved materials
4. Railings and balustrades may be constructed of the following materials:
- a. Painted wood
  - b. Wrought 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
  - b. Vinyl Siding
  - c. Plastic shutters
  - d. Stone
  - e. Metal panels
  - f. Day-glo, luminescent, iridescent, neon or similar types of color finishes
  - g. Mirrored glass with a reflectivity of 20% or more
  - h. Roofing
    - i. Plastic or PVC roof tile
    - ii. Nontraditional colors such as orange or purple
8. **Exceptions:** In the Historic District, materials indicated with an asterisk (\*) may be permitted, on a context-specific basis, at the discretion of the Design Review Body.
- B. Roof Forms**
1. **Specific to zones T4 and T5:**
- a. Permitted roof types include gabled, hipped, shed, barrel vaulted, flat, mono-pitch, and domed. Applied and partial (less than 3 sides) mansard roofs are not typically permitted but may be permitted at the discretion of the Design Review Body based on compatibility with the surrounding context, size, mass and scale of the structure.



- b. Shed, flat, and mono-pitch roofs shall be concealed with parapets along the street frontage, except on porches, balconies, or building extensions.
- c. Downspouts and gutters should be galvanized steel, aluminum, or copper and shall match in materials and finish.
- d. Roof penetrations shall be hidden or painted to match the color of the roof.
- e. Skylights must be flat to the pitch of the roof. In the Historic District and T5 districts, they shall not be located on any sloped roof facing the primary frontage

### C. Windows and Doors

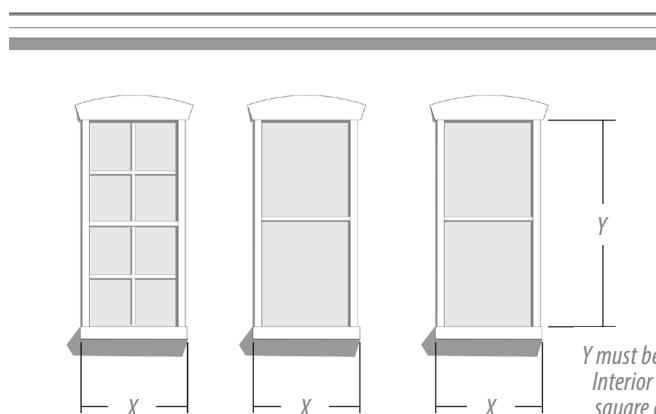
1. **Transparency, specific to zones T4 and T5:** Any commercial or mixed-use building elevation facing a street, waterway, or public space shall include a minimum of 40% of transparent fenestration (windows and doors) on the ground floor and 20% on upper floors. Apartment Houses shall conform to these requirements as much as possible, however the minimum percentage of transparent fenestration on the ground floor may be adjusted at the discretion of the Design Review Body. It shall not be reduced to lower than 30%.



### 2. Proportion and Details

- a. Windows shall not be flush with exterior wall treatments. Windows shall be provided with an architectural surround at the jambs and header, and a projecting sill.
- b. Window openings may be grouped horizontally, but trim between windows shall be at least 3.5 inches wide. This does not apply to storefront windows.
- c. **Specific to zones T4 and T5**
  - i. Facades should have several window sizes with smaller ones above. This is particularly important when buildings rise more than 2 stories.
  - ii. Thin mullions or muntins shall be required on windows larger than 2 feet in any direction, except for shopfronts. The depth of the mullion shall not be less than the width.

## EXAMPLE: WINDOW PROPORTIONS



*Simple window designs with consistent proportions must be used to create harmony in the building facade.*

*Y must be greater than or equal to X. Interior window divisions must be square or vertically proportioned.*

## D. Architectural Details

1. **Shutters:** Shutters shall be sized and placed so as to equal the width that would be required to cover the window opening. Operable shutters are preferred.
  - a. **Specific to zones T4 and T5:** Shutters must be operable and have all appropriate hardware.
2. **Column Bays:** Columns and piers shall be spaced no farther apart than they are tall. Column bays shall be of equal and precise proportions.
3. **Specific to zones T4 and T5**
  - a. Cornices are required to delineate the tops of facades. Expression lines are required to delineate the divisions between the first floor and upper floors. Cornices and expression lines should either be a molding extending a minimum of 2 inches, or a jog in the surface plane of the building wall greater than 2 inches. Cornice or eave height shall be consistent with the dominant cornice or eave height of buildings on the same block.
  - b. The elevation of the first floor and floor-to-floor heights shall be compatible with the expression of floors in the facades buildings on the same block.

## 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.



## ORDINANCE

### AMENDING SECTION 4.5.7 APARTMENT HOUSES OF THE BEAUFORT CODE BY DELETING SUBPARAGRAPH B.4 SIZES

WHEREAS, the State of South Carolina has conferred to the City of Beaufort the power to enact ordinances “in relation to roads, streets, markets, law enforcement, health, and order in the municipality or respecting any subject which appears to it necessary and proper for the security, general welfare, and convenience of the municipality or for preserving health, peace, order, and good government in it . . .” as set forth in *Code of Laws of South Carolina*, Section 5-7-20; and

WHEREAS, the City of Beaufort adopted the *Beaufort Code* by reference on June 27, 2017, as set forth in section 5-6001 of the *Code of Ordinances Beaufort, South Carolina*; and

WHEREAS, the amendment of the Beaufort Code is “for the general purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare” in accordance with *Code of Laws of South Carolina*, Section 6-29-710; and

WHEREAS, no architectural principle has been found for justifying a maximum length of 160 feet for an apartment house; and

WHEREAS, any possible concerns regarding inappropriate scale or massing can be managed through the application of the *Contextual Design Guidelines* [Beaufort Development Code §4.3]; and

WHEREAS, multi-family developments containing more than 24 units are subject to major development design review by the Design Review Board; and

WHEREAS, the Civic Master Plan’s vision for apartment buildings and their relation to the public realm is addressed in the Beaufort Development Code’s limit on building-width-at-frontage for transect zones allowing apartment houses; and

WHEREAS, the Beaufort Development Code sets no maximum lengths for any other building types, and, therefore, allows other building types to exceed 160 feet in length;

WHEREAS, City staff see no rationale for limiting the length of an apartment house other than along the frontage; and,

WHEREAS, City Council finds that it is in the best interest of the City to eliminate this restriction on the length of apartment housing in the City; and,

WHEREAS, the amendment is consistent with the goals for development as outlined in the City’s comprehensive plan and *Civic Master Plan*; and

WHEREAS, a public hearing before the Beaufort City Council was held regarding the proposed change to the ordinance on November 26, 2019, with notice of the hearing published in *The Beaufort Gazette* on November 5, 2019;

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*, that *The Beaufort Code* be amended by deleting Section 4.5.7.B.4, which reads:

**Size:** The building width not exceed [sic] 160 feet along any street frontage. No portion of the building shall exceed 160 feet in any direction.

(SEAL)

Attest:

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

\_\_\_\_\_  
IVETTE BURGESS, CITY CLERK

1st Reading

\_\_\_\_\_

2nd Reading & Adoption

\_\_\_\_\_

Reviewed by:

\_\_\_\_\_  
WILLIAM B. HARVEY, III, CITY ATTORNEY

**Phone (843) 525-7070**

Approved By: \_\_\_\_\_



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 12/4/2019  
**FROM:** Kathy Todd  
**AGENDA ITEM**  
**TITLE:** Short Term Rental Penalty Appeal  
**MEETING**  
**DATE:** 12/10/2019  
**DEPARTMENT:** Finance

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#### *BACKGROUND INFORMATION:*

Dr. Kristie Wallace, owns a mixed use building on Charles Street with an established chiropractic wellness center that incorporates 7 practitioners. Next to her office is a separated space that was recently turned into a Short Term Rental. Dr. Wallace was unaware of the different expectations of a STR compared to any other business, and she therefore used her current business license (Beaufort Chiropractic) to umbrella the STR as an added addition to her practice, incorporating a retreat-like stay for tourists. On October 30th, 2019, she received a letter from the Business License division of the city stating that she was non-compliant and in violation of the Beaufort Code/Ordinance. The next day she came to the city and learned that she had incurred a \$1,000 fine for operating a STR that was out of compliance with the Ordinance. Dr. Wallace is appealing the \$1,000 penalty. She has stated that it was her misunderstanding at the time that a separate business and retail license was needed to own and operate a short term rental. Her space is mixed use, and she lives upstairs from the Beaufort Chiropractic and the other unit (short term rental) next to her office downstairs. She is requesting an appeal for the reason of not understanding that a different license was needed and why it could not be an addition to her business and retail license, which she later learned in the city license meeting on November 21, 2019.

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

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

City Staff recommends that the penalty be upheld in accordance with the Ordinance and Beaufort Code.

#### **ATTACHMENTS:**

Description	Type	Upload Date
Appeal Letter	Cover Memo	12/4/2019

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## Kathy Todd

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**From:** Justin Rose  
**Sent:** Wednesday, December 04, 2019 2:11 PM  
**To:** Kathy Todd  
**Subject:** FW: Short Term Rental Fine Appeal

Kathy,

This is from Dr. Wallace who owns a STR at 1108 Charles Street. She's appealing the \$1,000 enhanced STR permit fee for operating a STR without zoning approval and a business license. Can you please let me know the date that she will be scheduled on the agenda so I can let her know?

Thanks,

**Justin Rose, MBL**

Business License Inspector  
City of Beaufort  
1911 Boundary St.  
Beaufort, SC 29902  
Ph: 843-525-6526  
[jrose@cityofbeaufort.org](mailto:jrose@cityofbeaufort.org)

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**From:** Kristie Wallace <dr.kwallace@gmail.com>  
**Sent:** Wednesday, December 4, 2019 1:54 PM  
**To:** Justin Rose <jrose@cityofbeaufort.org>  
**Subject:** Short Term Rental Fine Appeal

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To Whom It May Concern,

My name is Dr. Kristie Wallace, I own a mixed use building on Charles Street with an established chiropractic wellness center that incorporates 7 practitioners, 1 employee, and myself. Next to my office I have a separated space that I've recently turned into a Short Term Rental. I was unaware of the different expectations of a STR compared to any other business, therefore I used my current business license (Beaufort Chiropractic) to umbrella the STR as an added addition to my practice. Incorporating a retreat-like stay for tourists.

On October 30th, 2019, I received a letter from the city stating that I was non-compliant and in violation of the Beaufort Code. The next day I went to the city and learned that I had incurred a \$1000 fine if I continue to rent out the property, and was able to appeal after the fact.

My unit is up to code commercially with a sprinkler system, handicap accessible bathroom, and extra's that most residential homes would not entail. I did the work, met with the city officials, and was inspected and approved on 12/4/2019.

This email is to appeal the fine of \$1000 that I have paid in full. It was my misunderstanding at the time that a separate business and retail license was needed to own and operate a short term rental. My space is mixed use, I live upstairs, Beaufort Chiropractic, and another unit (short term rental) next to my office downstairs. I'm asking for an appeal for the reason of not understanding that a different license was needed and why it could not be an addition to my business and

retail license, which I later learned in the city license meeting on November 21, 2019. Also, I quickly changed what was needed and paid all the fees necessary to continue my short term rental within the specific regulations of the city and state code. If you have any further questions, please feel free to contact me at 803-727-6154.

Dr. Kristie Wallace  
Beaufort Chiropractic  
1108 Charles Street  
Beaufort, SC 29902  
O 843-522-1115  
C 803-727-6154



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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

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**TO:** CITY COUNCIL **DATE:** 12/4/2019  
**FROM:** Kathy Todd  
**AGENDA ITEM**  
**TITLE:** Authorization to allow City Manager to execute contract for IDC Engineering Services  
**MEETING**  
**DATE:** 12/10/2019  
**DEPARTMENT:** Finance

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*BACKGROUND INFORMATION:*

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

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***REMARKS:***

**ATTACHMENTS:**

Description	Type	Upload Date
Recommendation Memo	Cover Memo	12/4/2019
Draft Contract	Cover Memo	12/4/2019

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**CITY OF BEAUFORT  
INTEROFFICE MEMORANDUM**

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**TO:** WILLIAM PROKOP  
**FROM:** JAY PHILLIPS  
**SUBJECT:** RFP 2020 – IDC-01 PROFESSIONAL ENGINEERING SERVICES  
**DATE:** 12/4/2019  
**CC:** NATE FARROW, LAMAR TAYLOR, KATHY TODD

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The City issued a Request for Proposal (RFP) for Professional Engineering Services on August 8, 2019. The RFP was posted on the City's website and Vendor Registry, was advertised in the Island News and the State of South Carolina (SCBO) procurement website.

The City received (8) sealed proposals by the submittal date of September 6, 2019 in response to RFP 2020 – IDC 01. The (8) companies to submit proposals were:

Firm: Hourly Rate, Year 1, Principal Engineer

Davis & Floyd:	\$220.00	Infrastructure, Consulting & Engineering (ICE):	\$198.00
McKim & Creed:	\$232.00	Johnson, Mirmiran & Thompson (JMT):	\$220.00
Cranston Engineering:	\$250.00	Earthworks Group:	\$150.00
Weston & Sampson:	\$250.00	McCormick & Taylor:	\$295.00

The proposals were publicly opened on September 13, 2019 at 2:01pm and results were publicly read in accordance with the RFP notice.

On October 30, 2019, the selection committee met and discussed each of the eight submitted proposals. The committee decided to schedule presentation meetings with the top three companies, JMT, Cranston Engineering & McCormick Taylor.

On November 27, 2019, in the Planning Conference Room of City Hall, proposal presentations were given to the committee by the three top companies. Following the presentations, the committee discussed the needs of the city compared to the qualifications and expertise of the presenters and determined that the lowest rate per hour was not the best indicator for making a selection. Infrastructure Consulting & Engineering (ICE) is currently serving the City as IDC engineer at \$198/hour.

Based upon their understanding of local area watershed, stormwater and flooding issues combined with the depth of their engineer support staff and experience, the committee was unanimous in their recommendation that McCormick Taylor would service the city's professional engineering needs in the best possible way. This will provide the City with two highly qualified firms with specialized expertise to serve the City's needs.

Please Advise accordingly.

Jay Phillips  
Procurement Administrator



STATE OF SOUTH CAROLINA	)	PROFESSIONAL ENGINEERING
	)	SERVICES INDEFINITE DELIVERY
CITY OF BEAUFORT	)	AGREEMENT

THIS AGREEMENT, made and entered into this \_\_\_\_ day of **December, 2019** by and between **City of Beaufort**, 1911 Boundary Street, Beaufort, South Carolina 29902, hereinafter referred to as “City” and **McCormick Taylor**, 1441 Main Street Suite 875, Columbia, SC 29201, hereinafter referred to as “Engineer”.

WITNESSETH:

WHEREAS, City intends to undertake various **drainage and stormwater** related projects requiring professional civil engineering services on an “as needed” basis; and

WHEREAS, Engineer is an enterprise duly licensed under the laws of South Carolina, that is qualified and willing to provide such services;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and for other good and valuable consideration, the parties hereby agree as follows:

ARTICLE I

CHARACTER, EXTENT OF SERVICES AND STANDARD OF PERFORMANCE

- A. Services may include, but is not limited to City of Beaufort capital projects. Engineer must be able to provide all supervision, manpower, materials, equipment and supplies necessary to complete any scope of services outlined. The services to be provided shall include but not be limited to the following:
1. Evaluations, analyses, reports, recommendations, cost and time estimates, design, preparation of contract and/or record documents, field inspections and investigations.
  2. Engineering Services throughout all phases of the project, including but not limited to, periodic progress reports/meetings, proper processing of invoices for services, timely processing of project correspondence.
  3. Other types of professional and non-professional services of a nature consistent with the intent of **“RFQ 2020-IDC 01”** as so directed by the City.

- B. In rendering these services, Engineer shall assign to the services those employees having professional competency in the required disciplines.
- C. Individual work assignments requested by the City shall be described in a “Services Authorization” form prepared by the Engineer and approved by an authorized representative of the City. The Services Authorization form shall include the scope of services and the provisions for compensation and be incorporated into this agreement as Addendums.
- D. Engineer agrees to the terms established in the City of Beaufort Request for Qualification (RFQ), Number 2020-IDC 01, as amended, as they are applicable to this Agreement. **RFQ Number 2020-IDC 01 PROFESSIONAL CIVIL ENGINEERING AND RELATED SERVICES INDEFINITE DELIVERY CONTRACT and McCormick Taylor’s RFQ Statement (response)** is herein incorporated to this Agreement by this reference. In the event that any term contained in this Agreement varies from terms of the RFQ, the former shall supersede the latter.
- E. Engineer agrees to render its services so that the City’s facilities comply with the requirements of the Federal “Americans With Disabilities Act of 1990”, as amended prior to each executed work authorization.
- F. The following standards of performance shall apply:
  - 1. The obligations and duties to be performed by the Engineer under this Agreement shall be performed by persons qualified to perform such duties efficiently and effectively. The Engineer, if the City shall so direct, shall replace any engineer or other person employed by the Engineer in connection with the services under this Agreement.
  - 2. The Engineer shall perform his services with care, skill, and diligence, in accordance with the applicable professional standards currently recognized by such profession, and shall be responsible for the professional quality, technical accuracy, completeness, and coordination of all reports, designs, drawings, plans, information, specifications, and other items and services furnished under this Agreement. The Engineer shall comply with all applicable Federal, State and local laws, ordinances, codes and regulations in performing his services. If the Engineer fails to meet applicable professional standards, the Engineer shall without additional compensation correct or revise any errors or deficiencies in his reports, drawings, specifications, designs and other items or services. The Engineer’s

liability to the City for failure to comply with such standards of performance set forth above shall be limited to:

- a. Re-performing, at Engineer's expense, services to correct any deficiencies which result from the Engineer's failure to perform in accordance with the applicable professional standards; and
- b. Reimbursing the City for any direct costs, expenses, or damages (including but not limited to cost of reconstruction and re-procurement of equipment and material) caused by or attributed to defects or deficiencies in the Engineer's services which result from or are due to the Engineer's failure to perform in accordance with applicable professional standards.

G. Unless otherwise agreed to by express written statement in the Agreement, the City's review and approval of concepts, reports, specifications, drawings, and related documents developed by the Engineer for this Agreement, shall in no way or manner relieve or lessen the Engineer's responsibility under this Agreement or the professional quality, technical accuracy, and completeness of such documents.

## ARTICLE II

### TERM

This Agreement shall be for Twelve (12) months from January 1, 2020 to December 31, 2020. This Agreement may be renewed for four (4) additional one-year terms by express written agreement between the City and the Engineer before the end of each year this agreement is effective. However, an individual project started within the term(s) of this Agreement may be completed beyond the term(s) at the City's option.

## ARTICLE III

### COMPENSATION

Compensation for services provided under this Agreement shall be either on an "Hourly Rate Schedule" or a "Lump Sum" basis. The compensation method used for individual work assignments shall be mutually agreed to by the parties hereto.

A. "Time and Material" method:

1. Compensation to Engineer for personnel engaged in performance of the services shall be in accordance with the engineer's Hourly Rate Schedule provided in his Statement of Qualifications.
2. Compensation to Engineer for expenses incurred directly in connection with providing services, such as subsistence, printing, copies of electronic files of record drawings and specifications, mail, and telephone, shall be the actual costs to the Engineer.
3. City shall make payment to the Engineer upon presentation of an acceptable monthly pay request for services completed to date, less previous payments.

B. "Lump Sum" method:

1. Compensation to Engineer shall be a lump sum fee which includes all direct and indirect costs, expenses, and profit.
2. City shall make payment to the Engineer upon presentation of an acceptable monthly pay request based on Engineer's estimate of the proportion of the total services completed at that time, less previous payments.

## ARTICLE IV

### INSURANCE

The Engineer and his sub-consultants shall carry at all times the following insurance:

- A. General Liability insurance in an amount not less than \$1,000,000.00 for bodily injury and property damage combined, per incident.
- B. Automobile Liability insurance in an amount not less than \$1,000,000.00 for bodily injury and property damage combined, per incident.
- C. Professional Liability insurance in an amount not less than \$1,000,000.00.
- D. Workers Compensation insurance in such amount as is statutorily required:
  1. \$500,000 – Each Accident
  2. \$500,000 – Disease Each Employee
  3. \$500,000 – Disease Policy Limit

## ARTICLE V

### INDEMNIFICATION

Engineer shall indemnify and hold harmless the City from and against all losses and claims, demands, payments, suits, actions, recoveries and judgments of every nature and description brought or recoverable against the City, to the extent caused by any error, omission or negligence of said Engineer, his agents, employees, or sub-consultants, in the execution of the work or in consequence of any negligence.

## ARTICLE VI

### EQUAL EMPLOYMENT OPPORTUNITIES

During the performance of this Agreement, Engineer agrees to provide equal employment opportunities. Engineer will not discriminate against any employee or applicant for employment because of race, creed, color, sex, age, national origin, physical handicap, or marital status.

## ARTICLE VII

### CITY'S RESPONSIBILITIES

- A. City shall provide information as to its requirements for any project it requests of the Engineer.
- B. City shall designate a representative authorized to act on its behalf in transactions with Engineer on design and construction matters.
- C. City agrees to cooperate with Engineer in making timely decisions, either approving or disapproving plans and specifications presented by Engineer so that no undue expenses shall be caused to Engineer because of the lack of such decisions.

## ARTICLE VIII

### REUSE OF DOCUMENTS

All documents, including drawings and specifications prepared by Engineer pursuant to this Agreement shall become the property of the City of Beaufort. All such documents shall be delivered to City of Beaufort upon the completion of the Engineer's services. They are not intended or represented to be suitable for reuse by the City or other on extensions of the project or on any other project. Any reuse without written authorization will be at City's sole risk and with no liability or legal exposure to Engineer. Notwithstanding these provisions, the City shall be

provided, upon request, a reproducible copy of any drawing or document produced under this Agreement at the cost of reproduction and will be permitted full use of such documents subject to the limitations set forth herein.

## ARTICLE IX

### ASSIGNMENT PROHIBITED

Neither the City nor Engineer shall assign or transfer all or any of their respective interests in or duties under this Agreement without the written consent of the other.

## ARTICLE X

### LITIGATION

Except in consideration of additional compensation to be mutually agreed upon, Engineer shall not be obligated to prepare for, or appear in, litigation on the behalf of the City unless the litigation arises out of the negligence of Engineer. In case of dispute between the parties, the sole venue shall be in the municipal or state courts of Beaufort County, South Carolina.

## ARTICLE XI

### MISCELLANEOUS

This is the entire agreement between the parties hereto regarding the subject matter hereof. It shall not be modified or terminated except by a written amendment duly signed on behalf of the parties against which such modification or termination is sought to be enforced. It shall inure to the benefit of the parties hereto and their respective successors and assigns. The Section headings herein are for convenience of reference only and shall not be deemed to alter or affect the meaning of any provision of this Agreement. Any notice required by either party to be sent to the other shall be sent to the addresses noted at the beginning of the Agreement. The signatories of this Agreement represent that they have full authority to legally bind their respective entities.

IN WITNESS WHEREOF, the parties have executed this Agreement in duplicate as of the day and year first above written.

WITNESS

**CITY OF BEAUFORT**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
By:

Its: CITY MANAGER

\_\_\_\_\_  
(Printed Name)

WITNESS

**McCORMICK TAYLOR**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
By:

Its: \_\_\_\_\_

\_\_\_\_\_  
(Printed Name)



---

## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

---

**TO:** CITY COUNCIL **DATE:** 12/5/2019  
**FROM:** Community and Economic Development  
**AGENDA ITEM** Ordinance annexing a portion of parcel R200 015 000 0875 0000 into the corporate  
**TITLE:** limits of the City of Beaufort, South Carolina - 1st Reading  
**MEETING**  
**DATE:** 12/10/2019  
**DEPARTMENT:** Community and Economic Development

---

#### *BACKGROUND INFORMATION:*

The applicant, Paul Trask, has petitioned the City of Beaufort to annex a 901 Sq. foot portion of parcel R200 015 000 0875 0000 within the County to combine with a parcel within the City jurisdiction identified as R123 015 000 0721 0000 (100 Ladys Island Commons).

---

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

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

#### **ATTACHMENTS:**

Description	Type	Upload Date
Staff Report	Cover Memo	12/5/2019
Plat	Cover Memo	12/5/2019
R200 015 000 0875 0000 Annexation Ordinance	Ordinance	12/6/2019





# Staff Report for City Council

From the Department of  
Community and Economic Development

10 December 2019

## 1 SUBJECT

---

**Annexation:** The applicant, Paul Trask, has petitioned the City of Beaufort to annex a portion of parcel R200 015 000 0875 0000 within the County to combine with a parcel within the City jurisdiction identified as R123 015 000 0721 0000.

Parcel ID: R200 015 000 0875 0000

Size: 0.021 acres (901 Sq. Feet)

Current Zoning [County]: Hamlet Center Open (T4HCO)

Current Land Use: vacant commercial

Future Land Use: G3 – Corridor Mixed Use

Comprehensive Plan: The parcel to be annexed is contiguous to the primary service area and is therefore in accordance with the 2009 comprehensive plan.

Strategic Plan: N/A

The Beaufort Code: In accordance with 10.2.1.C.3 of the *Beaufort Code* the Metropolitan Planning Commission shall have the power and duty to recommend the annexation of parcels into the City limits for adoption by City Council.

Public Notice: Published in the November 8<sup>th</sup> addition of the *Beaufort Gazette*

## 2 STAFF COMMENTS

---

The applicant proposes to add a 0.021 acre portion of a parcel into a 1.21 acre parcel due to the existing structure sitting on the lot and consequently jurisdictional boundary as well.

A small portion of the existing structure crosses the lot line between the two parcels which is also the jurisdictional boundary between the City and the County. The applicant has had a plat drawn up that abandons that lot line and shows a new lot line beyond the entrance of the building. Moving the lot line will bring the existing structure into conformity with the T5-UC front setback regulation of 0' – 15'.

The City of Beaufort will be able to provide all services upon annexation.

The parcel would be subject to the adopted millage rate at the time of annexation, the adopted millage rate for FY 2020 is 75.77mils.

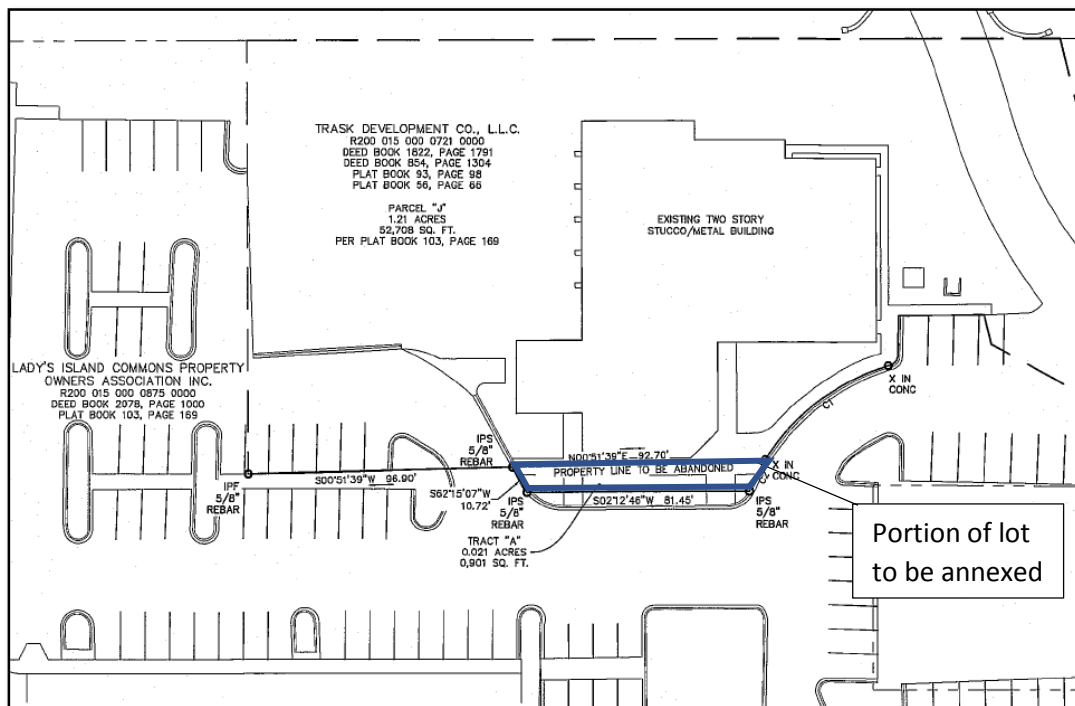
The portion of property will need a zoning designation, the applicant requests T5 Urban Corridor.

The Metropolitan Planning Commission voted unanimously to recommend to City Council

### 3 MAPS



1. Circled portion depicts the City zoning and the portion of the existing structure that sits outside of the City Jurisdiction

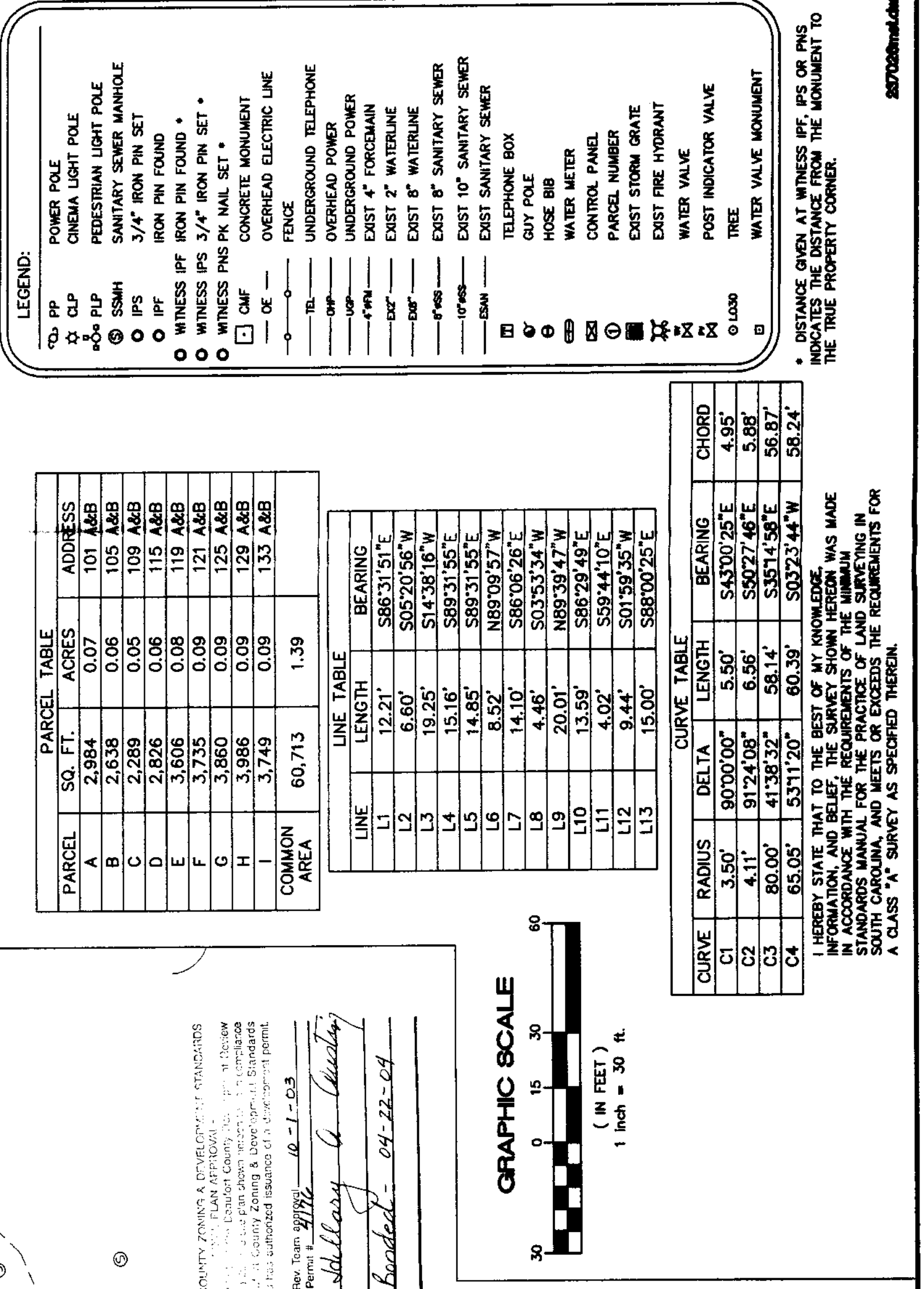


2. Revised Lot Line for R123 015 000 0721 0000 as per new Plat

THE DESIGNS AND IDEAS PRESENTED IN THESE DRAWINGS ARE THE PROPERTY OF SAID ENGINEER. THE REPRODUCTION, COPY-  
 OR USE OF THESE PLANS OR THE INFORMATION IS STRICTLY  
 PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.  
 \*ANY INFREINGMENT MAY BE SUBJECT TO LEGAL ACTION.

SUBDIVISION  
PLAT  
FOR  
TRASK  
DEVELOPMENT CO. LLC

SHEET #  
1  
JOB: 237026





## ORDINANCE

### ANNEXING A PORTION OF PARCEL R200 015 000 0875 0000 INTO THE CORPORATE LIMITS OF THE CITY OF BEAUFORT, SOUTH CAROLINA

WHEREAS, an annexation petition for a portion R200 015 000 0875 0000 located in Beaufort County has been presented to the City Council; and

WHEREAS, a proposed lot line revision, as shown in Attachment A, would move the western boundary (running N 00 degrees, 51 minutes, 70 seconds E measuring 92.70 feet) approximately 10 feet to the east, and, thereby, create a new western boundary running S 02 degrees, 12 minutes, 46 seconds W measuring 81.45 feet ; and

WHEREAS, the plat (attachment A) has been recorded at Plat Book 148 Page 31 in Beaufort County, but will not be published until the re-subdivision resides in a single jurisdiction, in this case the City of Beaufort, SC; and

WHEREAS, the properties are within the Northern Regional Plan growth boundary; and

WHEREAS, the properties are contiguous to the boundaries of the City of Beaufort, South Carolina; and

WHEREAS, the petition sets forth that this proposed annexation is requested pursuant to § 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, a public hearing before the Beaufort City Council was held regarding the proposed change to the city boundary on December 10, 2019, with notice of the hearing published in *The Beaufort Gazette* on November 8, 2019;

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, 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 in Beaufort County, South Carolina, as follows:

- Approximately 0.021 acres created by the lot line revision recorded with Beaufort County, SC Register of Deeds in Plat Book 148, Page 31 and shown in Attachment A.

This ordinance shall become effective immediately upon adoption.





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## CITY OF BEAUFORT

### DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

---

**TO:** CITY COUNCIL **DATE:** 12/5/2019  
**FROM:** Community and Economic Development  
**AGENDA ITEM** Ordinance amending the City of Beaufort Zoning map to include a portion of parcel  
**TITLE:** R200 015 000 0875 0000 to be Zoned as T5-UC - 1st Reading  
**MEETING**  
**DATE:** 12/10/2019  
**DEPARTMENT:** Community and Economic Development

---

#### *BACKGROUND INFORMATION:*

The applicant, Paul Trask, has petitioned the City of Beaufort to annex a portion of parcel R200 015 000 0875 0000 within the County to combine with a parcel within the City jurisdiction identified as R123 015 000 0721 0000. Upon annexation the applicant requests the zoning designation to mirror the zoning existing portion of the larger parcel currently in the city, T5-UC.

---

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

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

#### **ATTACHMENTS:**

Description	Type	Upload Date
Staff Report	Cover Memo	12/5/2019
Survey	Cover Memo	12/5/2019
R200 015 000 0875 0000 Zoning Designation Ordinance	Ordinance	12/6/2019



# Staff Report for City Council

From the Department of  
Community and Economic Development

10 December 2019

## 1 SUBJECT

---

**Zoning Designation:** The applicant, Paul Trask, has petitioned the City of Beaufort to annex a portion of parcel R200 015 000 0875 0000 within the County to combine with a parcel within the City jurisdiction identified as R123 015 000 0721 0000. Upon annexation the applicant requests the zoning designation to mirror the zoning existing portion of the larger parcel currently in the city, T5-UC.

Parcel ID: R200 015 000 0875 0000

Size: 0.021 acres (901 Sq. Feet)

Current Zoning [County]: Hamlet Center Open (T4HCO)

Current Land Use: vacant commercial

Future Land Use: G3 – Corridor Mixed Use lists T5-Urban Center as an acceptable zoning designation in a G3 future land use designation.

Strategic Plan: N/A

The Beaufort Code: In accordance with 10.2.1.C.4 of the *Beaufort Code* the Metropolitan Planning Commission shall have the power and duty to review and make recommendations concerning all requests for zoning within the growth area.

Public Notice: Published in the November 8<sup>th</sup> addition of the *Beaufort Gazette*

## 2 STAFF COMMENTS

---

The applicant proposes to add a 0.021 acre portion of a parcel into a 1.21 acre parcel due to the existing structure sitting on the lot and consequently jurisdictional boundary.

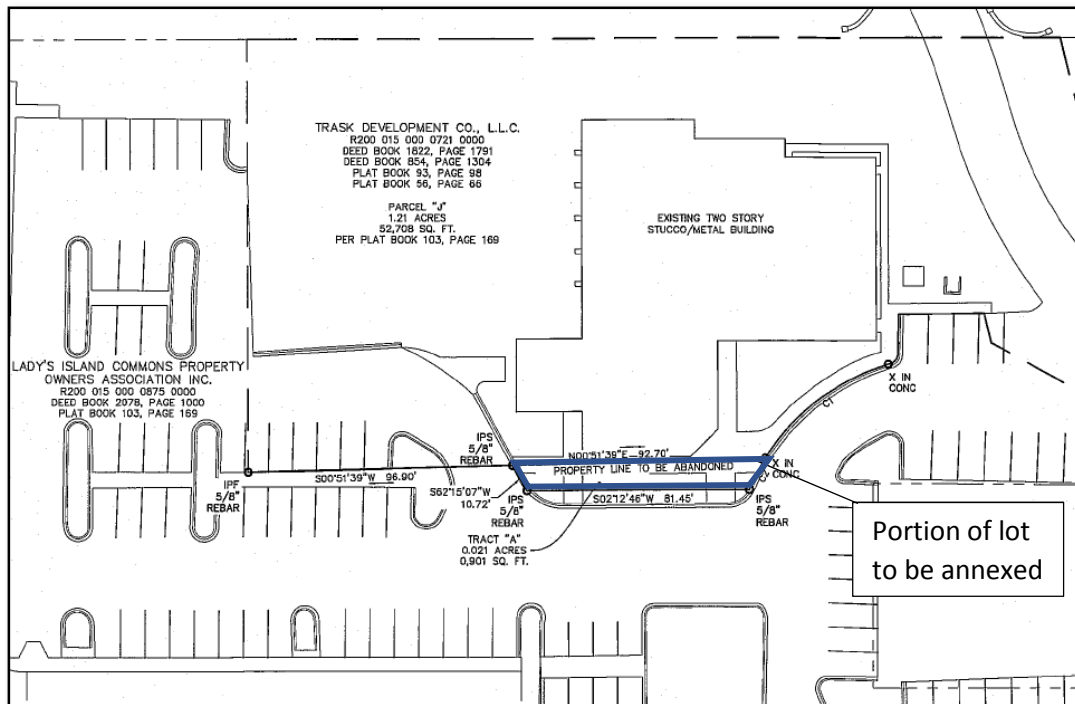
Moving the lot line will bring the existing structure into conformity with the T5-UC front setback regulation of 0' – 15'.

The Metropolitan Planning Commission voted unanimously to recommend T5-UC as a zoning designation for the portion to be annexed.

### 3 MAPS



1. Circled portion depicts the City zoning and the portion of the existing structure that sits outside of the City Jurisdiction



2. Revised Lot Line for R123 015 000 0721 0000 as per new Plat



## NOTES:

1. BEARINGS ARE BASED ON THE SC STATE PLANE COORDINATE SYSTEM NAD 83 (2011).
2. FIELD WORK COMPLETED: SEPTEMBER 29, 2017
3. THIS PARCEL IS LOCATED IN FLOOD ZONE "C" (AREAS OF MINIMAL FLOODING) AS SHOWN ON PANEL NO. 450025 0100 D - REVISED SEPTEMBER 29, 1986 FEDERAL INSURANCE ADMINISTRATION FLOOD INSURANCE RATE MAPS.
4. THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS AND/OR RIGHT OF WAYS OF RECORD.
5. TOTAL ACREAGE :TRACT "A" 0.021 ACRES (901 SQ FT)  
PARCEL "J" 1.210 ACRES (52,708 SQ FT)-PER PLAT
6. OWNER OF RECORD: LADY'S ISLAND COMMONS PROPERTY OWNERS' ASSOCIATION, INC.
7. TAX MAP NUMBER : R200 015 000 0875 0000
8. REFERENCE : DEED BOOK 1822, PAGE 1791  
DEED BOOK 2078, PAGE 1000  
PLAT BOOK 103, PAGE 169

## NOTE:

1. TRACT "A" (0.021 ACRES) IS TO BE SPLIT FROM R200 015 000 0875 0000 AND COMBINED WITH PARCEL "J" (1.21 ACRES) SHOWN AS R200 015 000 0721 0000 AND ALL COMMON LINES ARE TO BECOME NULL & VOID AND ABANDONED AS TO FORM ONE PARCEL CONTAINING A TOTAL OF 1.231 ACRES.

BEAUFORT COUNTY SCHOOL DISTRICT  
R123 015 000 0155 0000  
DEED BOOK 1025, PAGE 798  
DEED BOOK 1020, PAGE 1773  
DEED BOOK 843, PAGE 898

TRASK DEVELOPMENT CO., L.L.C.  
R200 015 000 0721 0000  
DEED BOOK 1822, PAGE 1791  
DEED BOOK 854, PAGE 1304  
PLAT BOOK 93, PAGE 98  
PLAT BOOK 56, PAGE 66

PARCEL "J"  
1.21 ACRES  
52,708 SQ. FT.  
PER PLAT BOOK 103, PAGE 169

LADY'S ISLAND COMMONS PROPERTY  
OWNERS ASSOCIATION INC.  
R200 015 000 0875 0000  
DEED BOOK 2078, PAGE 1000  
PLAT BOOK 103, PAGE 169

EXISTING TWO STORY  
STUCCO/METAL BUILDING

JAMES A. SMITH  
R200 015 000 1830 0000  
DEED BOOK 325, PAGE 1365  
PLAT BOOK 29, PAGE 143

THREE P'S PARTNERSHIP  
R200 015 000 0163 0000  
DEED BOOK 618, PAGE 1339  
PLAT BOOK 33, PAGE 119

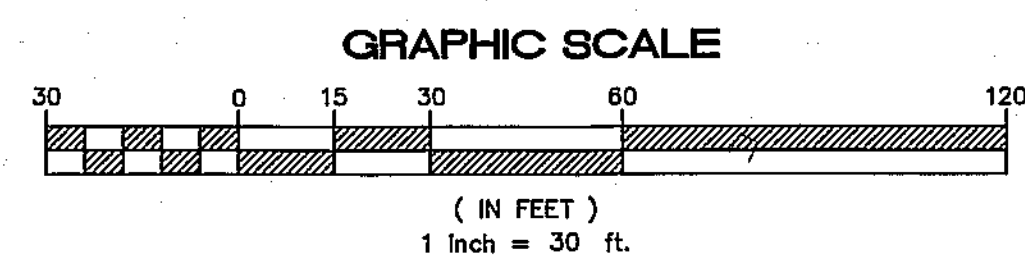
LADY'S ISLAND COMMONS PROPERTY  
OWNERS ASSOCIATION INC.  
R200 015 000 0875 0000  
DEED BOOK 2078, PAGE 1000  
PLAT BOOK 103, PAGE 169

CURVE TABLE					
CURVE #	RADIUS	DELTA	ARC	CHORD BEARING	CHORD
C1	80.00'	41°37'13"	58.11'	N35°15'25"W	56.84'
C2	80.00'	9°14'27"	12.90'	S60°41'15"E	12.89'

## LEGEND:

- CMF CONCRETE MONUMENT FOUND
- IPF IRON PIN FOUND
- IPS IRON PIN SET

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.



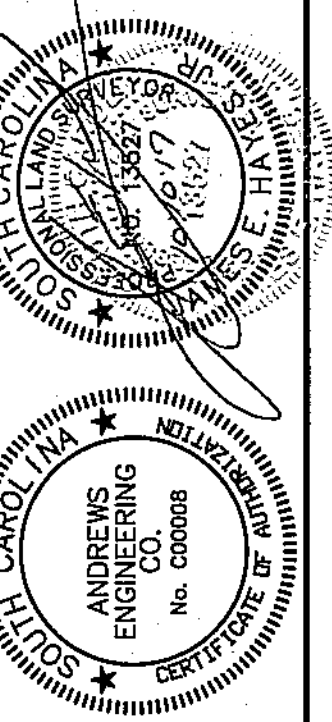
F:\Projects\2017\2017 Projects\170012 Lady's Island Commons Self Storage\DWG\170012\_COMBINATION SURVEY.dwg

© 2017

## PLAN REVISIONS

NO.	DESCRIPTION:	DATE:	BY:
1			
2			
3			
4			
5			
6			
7			
8			

THE DESIGNS AND IDEAS PRESENTED IN THESE DRAWINGS ARE THE PROPERTY OF ANDREW'S ENGINEERING, INC. ANY REUSE OR REPRODUCTION OF THESE PLANS OR THEIR CONTENT IS STRICTLY PROHIBITED WITHOUT PRIOR WRITTEN CONSENT.



2712 Bull Street Suite A  
Beaufort, SC 29902  
843.373.2222  
Fax 843.379.2223

**Andrews**  
**Engineering**  
& Surveying

COMBINATION SURVEY  
Prepared for

TRASK DEVELOPMENT  
COMPANY, LLC

LADY'S ISLAND  
COMMONS  
LADY'S ISLAND  
BEAUFORT COUNTY  
SOUTH CAROLINA

Date Drawn: 10/09/17  
Last Revised: 10/10/17  
Drawn By: B. Craig  
Surveyor: J. Hayes

SHEET #:

1

JOB: 170012

## ORDINANCE

### AMENDING THE CITY OF BEAUFORT'S ZONING MAP TO INCLUDE A PORTION OF PARCEL R200 015 000 0875 0000 TO BE ZONED AS T5-UC

WHEREAS, the State of South Carolina has conferred to the City of Beaufort the power to enact ordinances "in relation to roads, streets, markets, law enforcement, health, and order in the municipality or respecting any subject which appears to it necessary and proper for the security, general welfare, and convenience of the municipality or for preserving health, peace, order, and good government in it . . ." as set forth in *Code of Laws of South Carolina*, Section 5-7-20; and

WHEREAS, the City of Beaufort adopted the *Beaufort Code* by reference on June 27, 2017, as set forth in section 5-6001 of the *Code of Ordinances Beaufort, South Carolina*; and

WHEREAS, the amendment of the zoning map is "for the general purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare" in accordance with *Code of Laws of South Carolina*, Section 6-29-710; and

WHEREAS, an annexation petition for a portion R200 015 000 0875 0000 located in Beaufort County has been presented to the City Council; and

WHEREAS, a proposed lot line revision, as shown in Attachment A, would move the western boundary (running N 00 degrees, 51 minutes, 70 seconds E measuring 92.70 feet) approximately 10 feet to the east, and, thereby, create a new western boundary running S 02 degrees, 12 minutes, 46 seconds W measuring 81.45 feet ; and

WHEREAS, the plat (attachment A) has been recorded at Plat Book 148 Page 31 in Beaufort County, but will not be published until the re-subdivision resides in a single jurisdiction, in this case the City of Beaufort, SC; and

WHEREAS, the gaining [city] parcel is currently zoned T5-UC; and

WHEREAS, the zoning map amendment is compatible and in accordance with the vision and goals of the City of Beaufort; and

WHEREAS, this vision and these goals were established through a democratic process and with public input and public participation; and

WHEREAS, these goals were recorded in the form of a comprehensive plan for all to see and reference; and

WHEREAS, the comprehensive plan was created through the leadership of the planning commission, responsible for determining a specific plan for the future of the city; and

WHEREAS, the city council of the City of Beaufort adopted the comprehensive plan (and Civic Master Plan) by ordinance; and

WHEREAS, the change of zoning to T5-UC is consistent and compatible with adjacent zoning; and

WHEREAS, it is reasonable to expect that the change of zoning to T5-UC will improve the marketability of the property; and

WHEREAS, any future development of the property will be able to take advantage of existing infrastructure; and

WHEREAS, a public hearing before the Beaufort City Council was held regarding the proposed change to the ordinance on December 10, 2019, with notice of the hearing published in *The Beaufort Gazette* on November 8, 2019;

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*, that the zoning map of the City of Beaufort be amended by establishing the zoning designation of T5-UC on the annexed portion of parcel of R200 015 000 0875 0000.

(SEAL)

Attest:

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

\_\_\_\_\_  
IVETTE BURGESS, CITY CLERK

1st Reading

\_\_\_\_\_

2nd Reading & Adoption

\_\_\_\_\_

Reviewed by:

\_\_\_\_\_  
WILLIAM B. HARVEY, III, CITY ATTORNEY

# Attachment "A"

