

DEVELOPMENT STANDARDS ORDINANCE

Beaufort County, South Carolina

*Revised
90-3 4-9-92*

Ordinance 1989-13

Adopted

September 11, 1978

Amended

March 14, 1983 (Reference: Ordinance 83-5)

May 23, 1983 (Reference: Ordinance 83-9)

April 9, 1984 (Reference: Ordinance 84-8)

August 13, 1984 (Reference: Ordinances 84-19, 84-20, 84-21)

October 22, 1984 (Reference: Ordinance 84-25)

March 10, 1986 (Reference: Ordinance 86-3, 86-4, 86-5)

June 12, 1989 (Reference: Ordinance 89-13)

November 13, 1989 (Reference: Ordinance 89-20)

ORDINANCE 89-13

PREAMBLE

An Ordinance of Beaufort County, South Carolina, regulating the development of land; creating districts for such purposes and establishing the boundaries thereof; providing for a method of administration and amendment; and providing penalties for the violation of the provision of this Ordinance.

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ARTICLE I

AUTHORITY AND ENACTMENT CLAUSE

Section 1.1 Title.

This Ordinance shall be known as the Development Standards Ordinance of Beaufort County, South Carolina.

Section 1.2 Authority.

This Ordinance is adopted pursuant to the authority conferred by the General Statutes of South Carolina, 1976 Code of Laws, as amended.

Section 1.3 Purpose.

The purpose of this Ordinance is to promote the public health, safety and general welfare; to preserve the environmental, historical and social heritage and character of Beaufort County; to protect public, private, and institutional investment; and to facilitate the timely and adequate provision of transportation, water, sewage disposal, schools, parks and other requirements.

ARTICLE II

APPLICATION OF THE ORDINANCE

Section 2.1 Jurisdiction.

This Ordinance and the provisions contained herein shall hereafter govern all land development within the unincorporated areas of Beaufort County, South Carolina as now or hereafter established.

Section 2.2 Definition of Development.

Except where the context otherwise requires, and in the absence of a more limiting provision, "development" means the performance of any building or mining operation; the making of any material change in the use of any structure or land; or the division of land into two (2) or more parcels.

2.2.1 The following activities or uses shall be taken for the purposes of this Ordinance to involve development as defined in this Article unless expressly excluded by Ordinance.

- (a) A material change in type of use of a structure or land which would tangibly affect the area's natural environment, drainage transportation patterns, public health, or economic values; and
- (b) A building operation involving construction, reconstruction, or alteration of the size of a structure which would result in a tangible effect on the area's natural environment, transportation patterns, public health, or economic values; and
- (c) A material increase in the intensity of land use; such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land; when such increase would tangibly affect the area's natural environment, transportation patterns, public health, or economic values; and
- (d) Subdivision of a parcel or tract of land into two (2) or more lots, parcels or pieces for the purpose of sale or transfer of title; and
- (e) Commencement of any mining operation on a parcel of land; and
- (f) In connection with the use of land, the making of any material change in noise levels, thermal conditions or emissions of waste material.

- (g) Alteration of a shore, bank, or flood plain of a seacoast, river, stream, lake or other natural water body; and
- (h) Reestablishment of a use which has been abandoned for one (1) year; and
- (i) Construction of major electrical and telephone utility lines over three-fourths (3/4) of a mile in length and involving tree removal, construction of any utility line substation, or construction of any utility line crossing wetlands.

2.2.2 The following operations or uses do not constitute development for the purposes of this Ordinance.

- (a) The construction of any public street or other public way, grounds, buildings, structures or facilities. Such public project development plans are submitted and reviewed for approval under a separate administrative procedure; and
- (b) Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure, or decoration of the exterior of the structure; and
- (c) The use of any structure or land devoted to dwelling uses for any purposes customarily incidental to enjoyment of the dwelling; and
- (d) The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products, or for other agricultural purposes, including agriculture; and
- (e) A transfer of title to land not involving the division of land into parcels; and
- (f) The division of land into parcels of five (5) acres or more where no improvements are involved; and
- (g) The division of land into parcels for conveyance to other persons through the provisions of a will or similar document and in the settlement of an intestate's estate; and
- (h) The division of land into lots for the purpose of sale or transfer to members of one's own immediate family, where no new street is involved, is exempt from the standard submission and review procedures; and

- (i) Any subdivision, construction, changes, or improvements approved by the County or its delegated authorities prior to adoption of this Ordinance. (See Sections 2.3.2 and 2.3.3); and
- (j) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority; and
- (k) The recordation of a plat of land or property for purposes other than the sale or transfer of title to land including:
 - (1) the creation or termination of mortgages, leases, easements or liens; and
 - (2) lot line corrections on existing recorded properties; and
 - (3) the creation, termination or amendment of private covenants or restrictions on land; and
 - (4) property trades or swaps between immediately adjacent landowners not resulting in the creation of new parcels of record; and
 - (5) division of land for the purpose of sale or transfer to an immediately adjacent landowner for the sole purpose of enlarging the adjacent landowner's property and not resulting in the creation of new parcels.

2.2.3 Development as designated in this Ordinance includes all other activities customarily associated with it unless otherwise specified. Activities which may result in development as defined herein include erection, construction, redevelopment, alteration, or repair. When appropriate to the context, development refers to the act of developing or the result of development. Reference to any specific operation not involving development is not intended to mean that the operation or activity, when part of other operations or activities, is not development.

2.2.4 "Material," as contained herein, shall be construed to mean objective, substantive, tangible, or consequential.

Section 2.3 Exemptions and Repeal of Previous Ordinance.

2.3.1 The Beaufort County Subdivision Regulations are hereby repealed.

- 2.3.2 Development plans granted final plat approval under the provisions of the Beaufort County Subdivision Regulations dated December 23, 1974, shall maintain that approval as platted and not be subject to the provisions of this Ordinance.
- 2.3.3 Development plats recorded prior to the effective date of the Beaufort County Subdivision Regulations, December 23, 1974, shall be exempt from the provisions of this Ordinance as platted.
- 2.3.4 Development for which a valid application has been made for a Beaufort County Building Permit, prior to the effective date of this Ordinance, September 11, 1978, and for which such permit is subsequently issued, shall be exempt from the requirements of this Ordinance as designed and permitted.
- 2.3.5 Development plans declared "exempt" under the provisions of Section 4 (1) of the Beaufort County Subdivision Regulations shall maintain that exemption and do not have to be refiled for approval under the provisions of this Ordinance. Implementation of the various development tracts indicated on exempt master plans shall be submitted for approval under the provisions of this Ordinance.
- 2.3.6 Undesignated areas on any exempt masterplans, plans and plats governed by Section 2.3 shall be considered as open space.
- 2.3.7 Administrative procedure for exempt masterplans, plats and plans governed by Section 2.3. Such plans are exempt as filed or recorded and any changes in designated land use or increase in number of units or lots shall be submitted for approval.

Section 2.4 Nonconforming Development.

- (a) Existing development which does not comply with the provisions of this Ordinance shall be exempt from the provisions of this Ordinance except that nonconforming development shall not be:
 - (1) Changed to another non-conforming use;
 - (2) Re-used or re-occupied after discontinuance of use or occupancy for a

- period of thirty (30) days or more, or completed season in the case of a seasonal non-conforming use; and
- (3) Re-established, re-occupied or replaced with the same or similar building structure or mobile home if physically removed or relocated from its specific site location after passage of this Ordinance; and
 - (4) Repaired, rebuilt, or altered after damage exceeding fifty percent (50%) of its replacement cost at the time of destruction. Reconstruction or repair, when legal, must begin within six (6) months after damage is incurred; and
 - (5) Enlarged or altered in excess of an additional twenty percent (20%) of existing floor area in a way which increases its non-conformity.
- (b) Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

ESTABLISHMENT OF DISTRICTS

Section 3.1 Description of Districts.

For the purpose of this Ordinance, portions of Beaufort County are hereby divided into districts.

- 3.1.1 Conservation District. For the purposes of protecting and conserving sensitive environmental areas; discouraging growth in areas which pose undue hazards to man; and maintaining open space, the Conservation District is established.
- 3.1.2 Beach Development District. For the purpose of preserving native vegetation; maintaining dune stability and assuring public access to beaches, the Beach Development District is established.
- 3.1.3 Flood Hazard District. For the purpose of protecting future development from the effects of rising tidal waters associated with probable future hurricanes, the Flood Hazard District is established.

Section 3.2 Definition of Special Districts.

For the purposes of this Ordinance, designated special districts are defined as follows:

- 3.2.1 Conservation District. The Special Conservation District for Beaufort County consists of all wetland areas delineated as part of the Special Conservation District on Official District Maps and specifically defined as:
- (a) any salt, brackish, or fresh water marsh, bog, swamp, lake, pond, meadow, flat or other area subject to tidal flow, whether or not the tidewater reaches the area naturally or through artificial water courses; and,
 - (b) any other areas upon which exist a natural community of one or more of the following marsh grass indications of tidal influence: Spartina alterniflora, Spartina patens, and Juncus roemerianus; and,
 - (c) any natural land-locked bogs, swamps, lakes, ponds, sinks, or low-lying areas determined to be unique or important

wildlife habitats, or possess unique scenic and recreational value. The County may call upon the advice of various Federal or State agencies involved in wetlands preservation in making such determination.

3.2.2 Beach Development District. The Special Beach Development District for Beaufort County conforms with the "primary ocean front sand dunes" area of the South Carolina Coastal Council's permitting authority and is specifically defined as follows:

- (a) To the landward trough of the primary front row sand dune if the crest of this dune is reached within two-hundred (200') feet landward from mean high water; and
- (b) To the seaward side of any maritime forest or upland vegetation if reached before the primary front row sand dune; and
- (c) To the seaward side of any permanent man-made structure which was functional in its present form on the date of adoption of this Ordinance where such structure is located seaward of any primary dune and within two hundred (200') feet of mean high water. For the purposes of this section, fences, temporary erosion control structures, walkways and publically-funded erosion control projects do not constitute permanent manmade structures.

3.2.3 Flood Hazard District. The Special Flood Hazard District for Beaufort County consists of that area designated on official district maps as the special flood hazard district and specifically defined by reference to indicated elevation figures measured from mean sea level for each designated flood hazard area.

Section 3.3 Establishment of the District Map.

Beaufort County is hereby divided into districts, as shown on the Official District map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance.

An official copy of the Official District Map of Beaufort County shall be filed in the office of the County Administrator. This map shall bear the seal of Beaufort County under the following words: "This is to certify that this is the Official District Map referred to in Article Three of the Development Standards Ordinance adopted by Beaufort County on September 11, 1978."

Section 3.4 Interpretation of District Boundaries.

Where uncertainty exists with respect to the boundary of any district shown on the Official District Map the following rules of interpretation shall apply:

- (a) Where any district boundary is indicated on the district map as following approximately the corporate limits line of any incorporated place within the County, then such County boundary line or corporate limits line shall be construed to be such a district boundary; and
- (b) Unless otherwise indicated, the district boundaries follow natural features such as marsh edges and stream banks; and
- (c) Where indicated, district boundaries are parallel to the center lines of streets, highways, or railroads, or the rights-of-way of same; property lines; or said streams or other bodies of water; or said lines extended at such distance therefrom as indicated on the district map. If no distance is given, such distance shall be determined by the use of the scale of said district map; and
- (d) Where district boundary lines are so indicated that they approximately follow property or lot lines, such property or lot lines shall be construed to be such boundary lines; and
- (e) Where a district boundary line divided a parcel or lot, the location of any such district boundary line, unless indicated by dimensions shown on the district map, shall be determined by the use of the scale on said district map.

ARTICLE IV

MINIMUM CONSTRUCTION STANDARDS

Section 4.1 Introduction.

No structure may be erected or development undertaken except in conformance with the requirements of this article.

Section 4.2 Minimum Construction Standard Applying Throughout Jurisdiction.

The standard prescribed in this section shall apply to all building or development hereafter undertaken within Beaufort County.

4.2.1 Setbacks From Major Thoroughfares. No structure except signs shall be erected nearer than fifty (50) feet of the right of way line of a major thoroughfare so designated on the Official District Map.

a. Setbacks from all other roadways to be one-half (1/2) the Right-of-Way, (i.e. 50' road R.O.W; setback 25', 60' road setback 30', R.O.W.)

4.2.2 Setbacks at Intersections. There shall be no interference with the vision clearance at any street intersection. No fence, wall terrace, building, sign, shrubbery, hedge, planting, etc., above the height of three (3) feet measured from the finished street centerline level, shall be planted, placed, erected or maintained within the triangular area created by a line connecting points of the front and side lot lines at a distance from the intersection of said lines, or the extension of said lines:

At an Intersection Involving

- | | |
|----------------------------|-------------------|
| (a) driveway and a street; | Ten (10') feet |
| (b) an alley and a street; | Ten (10') feet |
| (c) a street and a street; | Thirty (30') feet |
| (d) major thoroughfares; | Fifty (50') feet |

4.2.3 Access to Major Thoroughfares. No street, driveway or other access point shall enter a major thoroughfare as designated on the Official Major Thoroughfare Map at a point nearer than five hundred (500) feet from an existing highway, street, driveway or other access point except where a lot of record (see Definitions) would be rendered unusable by the strict application of this Ordinance.

Relief requested from this provision in the form of the stated exception or by request for a variance, must be accompanied by:

- (1) Ownership and recording data associated with lot of record; and
- (2) Evidence that the applicant has explored all alternatives for access other than by variance or exception to the prescribed standards including, but not limited to joint use with adjoining properties, access from adjacent minor streets, establishment of frontage roads, etc; and
- (3) Qualification of request for variance consistent with provisions of Section 6.6.
- (4) Map or plan showing surveyed distance to nearest existing ingress/egress points from those proposed.

4.2.4 Sign Regulations. No sign shall be erected except in compliance with the Beaufort County Sign Ordinance. All signs shall be constructed of durable materials and maintained in good condition.

4.2.5 Alteration of Surface Runoff Prohibited. No site shall be developed or structure erected that will alter appreciably the quantity of surface water runoff to or from adjoining property.

4.2.6 Increase in Flood Hazard Prohibited. No site shall be developed or structure erected including dikes, dams, or levees that will result in any increase in flood hazard on adjoining or non-contiguous property.

Section 4.3 Minimum Construction Standards Applying to Special Districts.

The standards prescribed in this section shall apply to all development activity on land containing in whole or part of a conservation district as defined in Section 3.2.1.

- (a) Conservation District Preservation. No conservation district shall be disturbed or altered in any manner except as provided for in Section 4.3.1.2 and 4.3.1.3.
- (b) Water Related Development Activities. Special Exception to the provisions of Section 4.3.1.1. is hereby given for the construction of certain water-related development activities in the Conservation District for which valid permits have been issued by appropriate state and federal agencies having permitting authority over such activities. Such uses will normally include docks, wharfs, piers, marinas, bulkhead and erosion control devices.

In granting this special exception, Beaufort County does hereby reserve the right to impose the provisions of Section 4.3.1.1 where it is determined that the permitting of such activity by another agency is inconsistent with adopted goals and regulations of Beaufort County aimed at preserving environmental quality.

- (c) Site Alteration/Disturbance. Beaufort County recognizes that not all wetlands may possess unique scenic, recreational, or wildlife habitat value or that certain wetlands, when improved, may result in enhanced scenic, recreational and wildlife habitat value.

The County may approve alteration of wetlands as a special permit condition, specifying the manner and extent of alteration permitted, based on evaluation of the affected wetland by agencies and experts deemed appropriate by the County.

- 4.3.2 Beach Development District. The standards prescribed in this section shall apply to all building or development in the beach development district or whenever a portion of a proposed development property lies within the Beach Development District.

- 4.3.2.1 Preservation of Sand Dunes. No primary dune be leveled, breached, altered, or undermined in any way nor shall primary dune vegetation be disturbed or destroyed, with the exception of construction of boardwalks or similar beach access which have minimal effect on the natural features of the dune.
- 4.3.2.2 Beach Access. Access to beach areas shall be provided by elevated walkways when determined necessary by the County Engineer, to prevent damage to the primary dune.
- 4.3.3 Flood Hazard District. The standards prescribed in this section shall apply to all building or development in the flood hazard district.
- 4.3.3.1 Flood Hazard Design Standards. All requirements of the Beaufort County Building Codes related to construction in flood hazard areas must be met.

ARTICLE V

SITE DESIGN & DEVELOPMENT STANDARD

Section 5.1 No development shall be undertaken except in conformance with the standards set forth in this article unless expressly exempt from obtaining a development permit as specified in Article Six, Section 6.2.

Section 5.2 Site Design and Development Standards applying throughout the Jurisdiction.

The standards prescribed in this section shall apply to all site design and development hereafter undertaken within the jurisdiction.

Section 5.2.1 Street and thoroughfare standards.

A) Layout and Alignment

- 1) While it is the intent of this section to provide ample flexibility in the layout of streets, and most design standards are not specifically required herein, proposed street systems will be reviewed as to its design, safety and convenience of users as well as adjacent property owners; provided, such review shall be conducted in accordance with reasonable street design standards and with generally accepted engineering and development practices. Emphasis should be placed on safety at curves and intersections.
- 2) Proposed streets should be coordinated with the street system in the surrounding area where possible.
- 3) Upon determination that reasonable access to adjoining property(s) would be seriously affected by a proposed subdivision design, the Development Administrator will notify the adjacent property owner by registered mail of his findings and recommend

that he take whatever action deemed necessary based on that finding. This provision is merely for the purpose of notifying an adjacent property owner and in no way obviates existing laws regarding access to properties by right of necessity.

- 4) Proposed street which are obviously in alignment with other existing and named streets shall bear the assigned name of the existing street. Proposed street names shall not be phonetically similar to existing street names irrespective of the use of suffixes such as: street, avenue, boulevard, drive, place, court, etc. In no case shall a name be used which will be confused with other existing streets. A house or lot numbering (address) system shall be designed utilizing an extension of an existing system in the area where one exists.
- 5) Where a subdivision abuts or contains an existing or proposed major thoroughfare as designated on the official major thoroughfare map, the County may require except in planned residential, resort or commercial developments where a central access road has been provided or is included in the master plan for such area, minor access or frontage streets or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- 6) No fence, wall, tree, terrace, building, sign, shrubbery, hedge, other planting or structure or object capable of obstructing driver vision will be allowed at intersections.

B) PRIVATE ROADS, RIGHT-OF-WAY AND PAVEMENT WIDTHS

<u>Type</u>	<u>ROW</u>	<u>Pavement</u>
Cul-de-sac	50 feet	22 feet
Local	50 feet	22 feet
Collector	60 feet	22 feet

- a. While finished paving of private street is encouraged, private streets may be constructed without finished paving; provided, however, that all private streets shall have shoulders, side slopes and ditches prepared in conformance with the latest edition of the "Standard Specifications for Highway Construction," South Carolina Department of Highways and Public Transportation, and "Engineering Policy and Procedure Memorandum S.C.D.H. & P.T. Number C-1 Design Criteria 5/5/86."
- C) In all cases, the platted right-of-way of private streets shall be at least fifty (50) feet.
- a. Streets offered for public dedication must have a minimum right-of-way width of fifty (50) feet.
 - b. All costs involved in bringing the right-of-way up to public street standards shall be borne by either the developer, a property owners' association, or affected property owners through the creation of a special tax district.
 - c. Acceptance for permanent public maintenance. Authority to accept streets for permanent public maintenance rests solely with the county council. (Ord. No. 78-12, & 5.2.1(c); Ord. No 83-5,3-14-83)
- D) PUBLIC ROADS DEDICATION REQUIREMENT
- a. Construction Standards. All streets offered for public dedication shall be constructed and surfaced with finished paving in conformance with the latest edition of the "Standard Specifications for Highway Construction," South Carolina Department of Highways and Public Transportation" and "Engineering Policy and Procedure Memorandum" S.C.D.H. & P.T. Number C-1 Design Criteria 5/5/86.

Authority to accept streets for permanent public maintenance rests solely with the Beaufort County Council or South Carolina Department of Highways and Public Transportation.

b. Number C-1 Design Criteria.

This memorandum cancels and supersedes Department of Highways and Public Transportation Engineering Policy and Procedure Memoranda C-1, dated February 12, 1974; C-2, dated April 4, 1974; C-3 dated January 21, 1975; D-1, dated May 31, 1976; F-1, dated October 16, 1973; F-2, dated January 22, 1974; F-3, dated November 1, 1975; F-4, dated August 25, 1976; and F-5, dated November 1, 1977.

c. The purpose of this memorandum is to establish uniform design criteria for all highway projects. Henceforth, except as otherwise provided herein, the Department's design standards shall be those contained in the appropriate sections of A Policy on Geometric Designs of Highways and Streets (1984), or later editions.

d. The only exceptions to this Policy shall be for Federal Aid Secondary and State Secondary System projects where the following typical section elements will be the minimum standard for FAS rural routes and will be the standard for all State "C" projects, other than urban or subdivision streets:

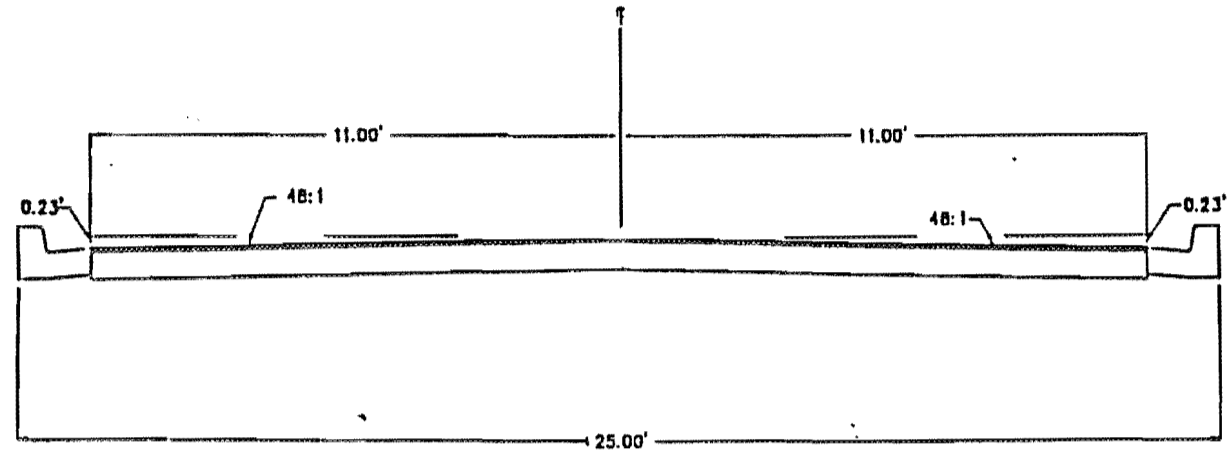
1. right of way width - 66"
(33'/33')
2. pavement width - 22'
3. normal pavement crown slope - 48:1
4. shoulder width - 6' (9' where guardrail is required)
5. shoulder slope - 12:1
6. distance to ditch line from centerline - 22'
7. ditch front slope - 4:1
8. minimum cut or fill slopes - 2:1
9. design speed - 55 mph (minimum)

- e. Typical sections which provide for valley gutters or curbs and gutters shall be permitted in urban areas or subdivisions. Right-of-way widths of 50 feet minimum shall be acceptable in these areas. Design speeds in these areas shall be appropriate for existing or anticipated development.
- f. It shall be required that the right-of-way be cleared and all improvements removed from the right-of-way. In compliance with state laws, all areas disturbed during construction and shoulders and slopes shall be seeded to obtain permanent vegetation for controlling erosion. Seeding shall be in accordance with the Standard Specifications for Highway Construction (1986) and as specified on the PS&E. PPM C-3 more fully describes this requirements.
- g. A clear zone, the maximum possible within the proposed right of way, shall be provided. Guardrail shall be provided if obstructions cannot be eliminated. Also, guardrail shall be installed at bridge ends, along fill slopes steeper than 4:1 exceeding ten feet height, and at other hazardous locations.
- h. Obviously, no single standard can be applied for design of all projects. Additional right-of-way or sloping easements may be necessary and traffic demands may warrant additional traffic lanes. Adaptions or adjustments for local conditions are permitted, however, exceptions to the design standards hereby established must be approved by the Federal Highway Administration Division Administrator for federal-aid projects, and by the State Highway Engineer for state projects. Requests for design standard exceptions must fully explain the situation and justify waiver of a design standard.

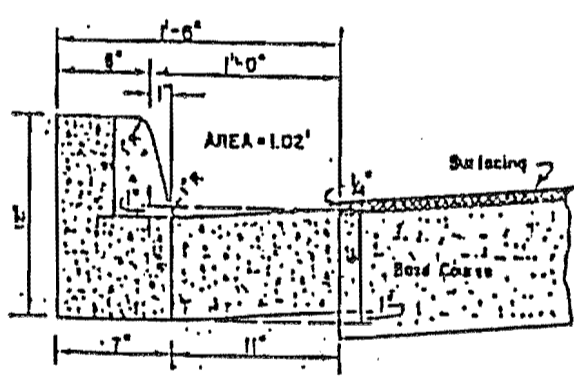
Recommended: Noel K. Yobs Date: 5/1/86
 Director of Pre-Construction

Approved: Herman P. Snyder Date: 5/5/86
 State Highway Engineer

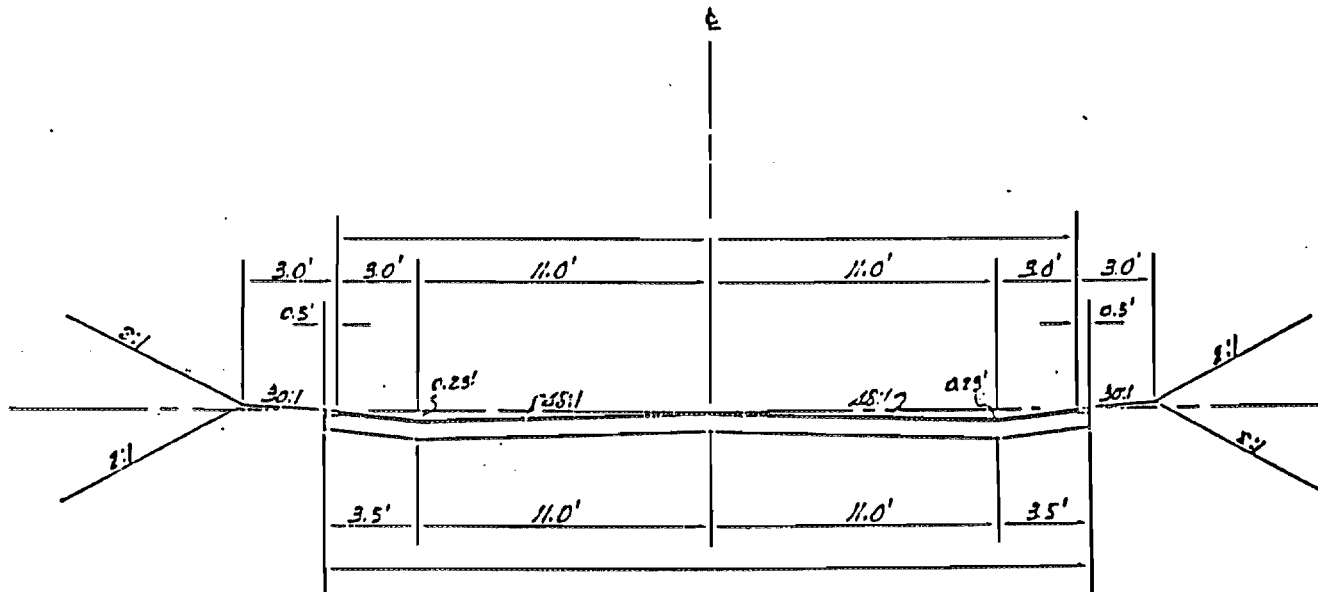
- i. The roadway drainage should be adequate with sufficient outfall drainage.
- j. The geometry (vertical and horizontal alignment) shall meet minimum safety requirements.
- k. In order for a road or street in any subdivision to be accepted into the System, 20 percent of the lots on the street (road) must have a house constructed thereon. Each road must have a minimum right-of-way width of 50 feet unless extenuating circumstances dictate otherwise.
- l. Each road must be contiguous to the State Highway System. The road must not possess any unusual features that will cause the construction cost to be abnormal.
- m. If the road is located on a dam for a water impoundment, the dam shall be declared safe by the Land Resources Commission in accordance with the Dams and Reservoirs Safety Act.
- n. The road shall not be located so that a narrow buffer strip is maintained between the right-of-way of the road and adjacent property in such a manner as to deny access to other adjacent landowners.
- o. Plats of subdivision in which roads are located which are requested to be accepted in the System shall be made available to the Department.



25' ROADWAY W/ CONCRETE CURB & GUTTER
15-31-e

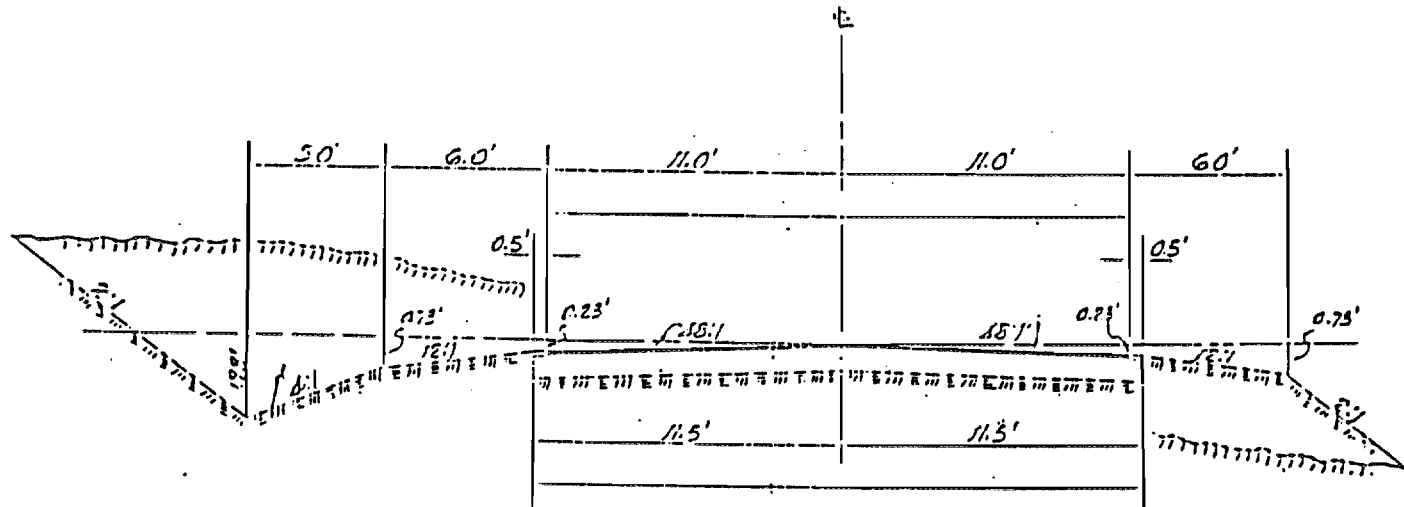


DETAIL OF CONCRETE CURB &
GUTTER (CLASS "B" CONCRETE)
20



20' VALLEY GUTTER SECTION

15-31-e



34'-11" SECTION

15-31-d

- E) OFF-STREET PARKING AND LOADING. No development shall be undertaken except in compliance with the off-street parking and loading requirements prescribed in this article.
- 1) Off-street parking requirements. There shall be provided at the time of the erection of any building or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area; or before conversion from one type of use or occupancy to another, permanent off-street parking space in the amount specified by this section. Such parking space may be provided in a parking garage or properly graded and improved space.
- a) Remote parking space. If the off-street parking space required by this article cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the principal use or by shuttle bus, walkways or similarly convenient service or access to a more distant remote parking site.
- b) Combination of required parking space. The required parking space for any number of separate uses may be combined in one. But the required space assigned to one use may not be assigned to another use, except that one-half (1/2) of the parking space required for churches, theatres or other uses may be assigned to a use which will be closed at night or on Sundays.
- c) Design of parking area. All off-street parking in conjunction with development shall be designed to the criteria of the Beaufort County Engineer's Department. Parking areas shall be designed in such a manner as to completely eliminate the necessity of utilizing any portion of adjacent street, road or highway rights-of-way for maneuvering.

- d) Size of off-street parking space. The size of parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet, plus adequate area for ingress and egress, other than handicapped, which shall be 12' x 20'.
- e) Tandem parking. Tandem parking spaces shall not be allowed.
- f) Minimum off-street parking requirements. In planned resort, residential and commercial developments, where a substantial number of visitors are presumed to arrive by public transportation, the parking spaces noted below will be required, as approved by the County Engineer.

USE

Auditorium and Theatre	One (1) space for each four (4) spectator seats.
Automobile Service Station	One (1) space for each vehicle stored or parked plus one (1) space for each employee.
Bank	One (1) space for each two hundred (200) square feet of gross floor space, plus one (1) space for each two (2) employees.
Bus Terminal	One (1) space for each four (4) seats in the waiting room, plus one (1) space for each two (2) employees.
Child Care Center	One (1) space for each adult attendant, plus two (2) off-street spaces for loading and unloading.

Church	One (1) space for each six (6) seats in the main assembly room.
Driving Range	One (1) space for each driving tee.
Elementary School	One (1) space for each vehicle owned or operated by the school plus two (2) spaces for each faculty member and administrative office.
Fire Stations	One (1) space for each employee and one (1) space for each three (3) volunteer personnel on a normal shift.
Funeral Home	One (1) space for each four (4) seats in the chapel or parlor, plus one (1) space for each employee.
Golf Course	Four (4) spaces for each green, plus requirements for any other associated use, except in planned residential, resort, or commercial developments which have otherwise adequate provisions for parking.
Hospital	One (1) space for each six (6) patient beds, excluding bassinet plus one (1) space for each medical staff member or visiting doctor, plus one (1) space for each four (4) employees.

Hotel, Motel or
Motor Court

One (1) space for each room to be rented, plus One (1) additional parking space for each three (3) employees, plus requirements for any other use associated with the establishment.

Indoor and Outdoor
Commercial
Recreation

Adequate parking facilities for contemplated use. The required parking spaces for any multiple use area shall be either (a) that number spaces required for such single use having the greatest parking needs plus ten (10%) percent of the combined required for all other uses in the area, or (b) that number of spaces shown to be necessary and reasonable by data submitted by the developer, whichever is less.

Industrial
Manufacturing and
Wholesale uses

One (1) space for each two (2) employees on the largest shift; one (1) space for each member of the managerial or office staff, one (1) visitor parking space for each ten (10) persons on the managerial staff, and one space for each vehicle used directly in the conduct of the business.

Junior High School

One (1) space for each vehicle owned or operated by the school, plus three (3) spaces for each faculty member plus one (1) space for each five (5) seats in the auditorium or gymnasium.

Mobile Home Park	Two (2) spaces for each mobile home.
Nursing Home	One (1) space for each five (5) beds intended for patient use, plus one (1) space for each shift employee.
Office and/or Professional Building; Office, Medical or Dental	One (1) space for each two hundred (200) square feet of gross floor space plus One (1) space for each two (2) employees.
Planned Shopping	Four (4) spaces for every one thousand (1,000) square feet of gross leasable floor area.
Public or Private Club	One (1) space for each two hundred (200) square feet of gross floor space.
Public Utility Building	One (1) space for each employee.
Residential	One and one-half (1 1/2) spaces for each dwelling unit.
Restaurant	One (1) space for each three (3) seats, plus one (1) space for each two (2) employees.
Retail Business	Five (5) spaces for every 1,000 square feet of gross floor area, except as otherwise specified below:
Appliance and Furniture Store	Two (2) spaces per 1,000 square feet of gross floor area plus one (1) space for each employee.
Automobile (vehicle) Dealership	One (1) space per 1,000 square feet of gross floor area plus one (1) space for each employee.

Feed and Seed Store	Two (2) spaces per 1,000 square feet of gross floor area plus one (1) space for each employee.
Building Supply Store	Three (3) spaces per 1,000 square feet of gross floor area plus one (1) space for each employee.
Sales and Service establishments not listed elsewhere, which deal with customers on the premises	One (1) parking space for each two-hundred (200) square feet of gross floor area, plus one (1) space for each two (2) employees.
Senior High School	One (1) space for each vehicle owned or operated by the school plus seven (7) spaces for each faculty member, plus one (1) space for each administrative office, plus one space for each four (4) students enrolled.
Stadium	One (1) space for each four (4) spectator seats.

g) Off-street loading requirements. Any industrial operation and wholesale building shall provide sufficient off-street space for the loading and unloading of vehicles. Loading berths and parking areas for waiting vehicles shall be designed in accordance with the needs of the proposed operations subject to the minimum standards indicated in the following schedule:

<u>Square feet of Gross Floor areas in structure</u>	<u>Number of berths or Parking Spaces</u>
0 - 25,000	1
25,000 - 40,000	2
40,000 - 100,000	3
100,000 - 160,000	4

<u>Square feet of Gross Floor areas in structure</u>	<u>Number of berths or Parking Spaces</u>
160,000 - 240,000	5
240,000 - 320,000	6
320,000 - 400,000	7
Each 90,000 above 400,000	1

All retail uses and office buildings with a total floor area of twenty thousand (20,000) square feet shall have one (1) loading berth or parking space for each twenty thousand (20,000) square feet of floor area.

Off street loading areas shall be designed so that vehicles can maneuver for loading and unloading entirely within the property lines of the premises.

Section 5.2.2 Lot configuration.

The developer shall demonstrate through design and the use of private property restrictions and covenants adequate attention to the following aspects of lot design:

- A) lot size, width, depth, shape, grade, and orientation to streets; and
- B) relationship of residential lots to adjoining nonresidential development, existing or proposed; and
- C) building setback lines, front, side, and rear; and
- D) separation of residential lots from major thoroughfares and railroads and other possible incompatible land uses; and
- E) separation and proper screening of non-residential development from adjacent existing residential development. Suitable natural or commercial grade materials of sufficient height shall be used in the construction of the required buffers.

Section 5.2.3 Required Services.

All development shall be provided with minimum services in conformance with the provisions of this section. The property owner or developer, his agents or his assignees shall assume responsibility for the provision of basic services within the proposed development. The requirement of services as a prerequisite for development

does not in any way obligate the County Council or its departments or agents to furnish such services.

- A) MINIMUM SERVICES REQUIREMENTS. No development shall be undertaken if provision has not been made for the following basic services:
- 1) Power supply normally electricity; and
 - 2) Potable water supply of sufficient quantity to satisfy domestic needs; and
 - 3) Water supply of acceptable quality and sufficient quantity to satisfy commercial and industrial demand; and
 - 4) Means for treatment and disposal of domestic sewage and other liquid waste; and
 - 5) Means for collection and disposal of solid wastes except for single-family residential subdivisions; and
 - 6) Vehicles access to existing streets or highways; and
 - 7) All driveways shall be paved from the property line to the edge of pavement, except for private dirt roads; and
- B) CONFORMANCE TO STANDARDS AND REGULATIONS. No development shall be undertaken except in conformance with all applicable standards, regulations, specifications and permitting procedures established by any duly authorized governmental body or its authorized agents for the purpose of regulating utilities and services. It shall be the responsibility of the developer to show that the development is in conformance with all standards, regulations, specifications and permitting procedures.
- C) EASEMENTS. No development shall be undertaken unless adequate easements are provided to accommodate all required or planned utilities and drainage. The developer shall also demonstrate that adequate provisions have been made for access to and maintenance of all easements.
- D) AVAILABLE COMMUNITY SERVICES. Where there are existing public or private community water and/or sewer systems within one-thousand (1,000) feet of a proposed development, the developer must show evidence that he has explored the possibility of tying into existing systems.

- E) UTILITIES UNDERGROUND. All electrical, telephone and gas utility lines in a development shall be installed according to plans and specifications approved by the respective utility companies providing such service. In addition, all such utility lines shall be installed underground unless it is determined that a variance to allow for overhead facilities is warranted due to exigencies of construction, undue and unreasonable hardship or other conditions unique to the development.

Section 5.2.4 Monuments and Markers.

At all corners there shall be placed a concrete or other permanent marker of the type commonly used in the area. Concrete control monuments shall be placed on the lot property lines intersection with the road R/W lines as shown on a site specific basis determined during the plan review process.

Section 5.2.5 Storm Water Runoff Standards.

No development shall be undertaken except where adequate drainage is provided in conformance with the provisions prescribed in this section.

- A) RUNOFF TO ADJOINING PROPERTY RESTRICTED. No development shall be undertaken that appreciably increases the surface runoff reaching adjacent or surrounding property. Surface runoff shall be dissipated by detention or retention on the development parcel percolation into the soil, evaporation, or by transport by natural drainage way or conduit to an appropriate point of discharge.
- B) DESIGN STANDARDS. No development shall be undertaken except where the planned drainage system is adequate to accommodate at least the twenty-five (25) year storm event.
- C) INCREASE IN FLOOD POTENTIAL PROHIBITED. No development shall be undertaken that can be expected to appreciably increases the flood potential within the development or on adjacent or surrounding lands.

D) IMPERVIOUS SURFACE MAPPING. All applicants for preliminary approval, unless expressly exempted under "Exemptions from site runoff and drainage planning," be covered by impervious surfaces. Any change to impervious surface coverage after approval will require updated maps and approval by Beaufort County. Impervious surfaces will include, but not be limited to, any or all of the following which do not allow for infiltration of rainfall: Paved parking areas, streets, roads, curbs, roofed areas, sidewalks, patios, covered walkways, bike or pedestrian paths, impervious surfaced recreational area, permanent static water surface areas without one inch rainfall on-site storage capacity (lagoons, ponds, streams, etc.). The total area or impervious surfaces and areas by type of impervious surface (rooftop, parking, etc.) shall be presented in either square feet or acres. If any surface materials are proposed which have a runoff coefficient of 0.8 or less, or an SCS-T.R. 55 CN number of less than 98, the surface area will be identified, together with the proposed coefficients of runoffs. Use of surface materials which allow for percolation of the rain falling on that surface is encouraged.

E) IMPERVIOUS SITE COVERAGE.
 1) It is the intent of this section to encourage development design that minimizes the amount of impervious surface coverage in order to maximize storm water runoff infiltration (percolation) into the soil. Therefore, no commercial, industrial, office, hotel/motel, multi-family residential, institutional use, or mobile home park will be approved which contains more than sixty-five (65%) percent site coverage by impervious surfaces unless site specific soil types, percolation rate and seasonal high ground water table conditions are adequate so as to permit seventy (70%) percent or eighty (80%) percent impervious surface coverage. Permanent on-site water surface areas will be considered as impervious material surfaces for this site coverage calculation, unless

the waterbody provides opportunities for detention storage set forth in Section 5.2.5(h) general requirements.

- 2) The Soil Conservation Service (SCS) has identified thirty-nine (39) different soil types in Beaufort County. These soil types are assigned to four (4) groups (called Hydrologic Soil Groups) according to their runoff-producing characteristics. The chief consideration is the inherent capacity of the soil bare of vegetation to permit infiltration. The slope and the kind of plant cover are not considered, but are separate factors in predicting runoff. All commercial, industrial, office, hotel/motel, multi-family residential, institutional and mobile home park projects shall be designed and constructed so as to contain an impervious to pervious surface coverage ratio in accordance with the following table:

<u>Hydrologic Soil Group</u>	<u>Impervious/Pervious Ratio</u>
A	80/20
B	70/30
C	65/35
D	50/50

Applications for projects incorporating a 65/35 ratio of impervious to pervious surface coverage do not have to submit site specific soils data. Applications seeking greater than sixty-five percent (65%) impervious site coverage must include site specific certified soil data, annual high ground water levels, soil percolation rate and supporting calculations performed by a soils expert meeting the qualifications set forth in sub-paragraph 3 below. Soil test results submitted will be used to determine the allowable surface coverage ratio in accordance with the table set forth herein.

3. SOILS EXPERT QUALIFICATION. To be qualified as an expert in soils, their

classification, their physical make-up and their hydrological properties, an individual must be a graduate geologist, a soils specialist by virtue of long work experience in the analysis of soils, or a state licensed soils expert.

Prior to a submission under section (e) 2, prequalification and certification under(e) 3 must be submitted to Beaufort County in writing.

F) STORM RUNOFF METHODOLOGY.

1. All applications for development will provide for on-site retention or detention (dry or wet), or percolation for the differential between the post-development and predevelopment computed peak runoff.

The site shall be the total owned fee simple contiguous area proposed for development.

2. Two (2) hydrological methods for computing surface runoff are hereby adopted: "The Rational Method" and "U.S.D.A. S.C.S. T.R.-55."

Surface runoff computations for development up to fifty (50) acres in size may be done under either method.

For development tracts over fifty (50) acres, the "U.S.D.A. S.C.S. T.R.-55" method may be required at the discretion of Beaufort County.

Utilization of the Rational Method" tracts up to ten (10) acres in size shall include consideration of existing conditions surrounding the tract to be developed within five hundred (500) feet of the boundaries thereof.

For tracts ranging from eleven (11) acres up to fifty (50) acres, "Rational Method" computation shall include, at the request of Beaufort County, the hydrological features within the total watershed including

the development site itself plus
upstream and downstream areas.

G) DRAINAGE DESIGN CRITERIA. The following
design criteria shall be used for either
methodology utilized for computation
specified in subsection (f).

- 1) Design Storm - The design storm for
Beaufort County shall be the twenty-
five-year frequency, twenty-four hour,
8.0 Inch rainfall, antecedent
condition II.
- 2) Impacts - Required
 - a. Site inflows C.F.S.+(Hydrograph);
and
 - b. Site outfalls C.F.S.+(Hydrograph);
and
 - c. Tidal backwater effects; and
 - d. Soil characteristics; and
 - e. Static water levels; and
 - f. Peak water levels - 25 year storm
 - g. Peak water levels shall be
checked relative to a 100 year
storm frequency in setting first
floor elevations; and
 - h. Predevelopment conditions shall be
carefully evaluated as to adequacy
of drainage design (if any) and
removed, replaced, or reworked if
found unsatisfactory.
- 3) Rational Method
 - a. The Savannah Intensity Duration
Curve from the National Weather
Service Technical Paper No. 25
shall be used in computations.
 - b. S.C.S.T.R.-55 Method:
 1. The minimum C.N. used shall
be 39 with a class A soil
characteristic.
 2. A "B" soil characteristic
may be used in lieu of "CD"
if drained subject to
approval of the Engineer.
 3. A minimum DUPE of 300 shall
be used as the dimensionless
unit hydrograph peak factor.

H) GENERAL REQUIREMENTS.

- 1) The use of wetlands for storing and
purifying runoff is strongly en-

couraged. However, care must be taken not to overload their capacity, thereby harming the wetlands and transitional vegetation. Priority wetlands identified on the official Beaufort County Conversation District maps or the Federal National Wetlands Inventory, U.S. Department of Commerce, should not be injured by the construction of detention ponds in them or sufficiently near to deprive them of required runoff or to lower their normal water table elevations. Adjacent detention ponds that benefit retention of normal wetland water table elevations are acceptable. If a retention or detention pond is going to be located near priority wetland, the applicant will provide data showing that impacts will not be detrimental to the wetland.

- 2) The first flush runoff (0.5 inch-1.0 inch) from paved streets and parking areas is very detrimental to maintenance of water quality standards. Therefore, filtering of runoff from streets and parking areas through vegetation, grass, gravel, sand or other filter mediums to remove oil, grease, gasoline, particulates and organic matter is required before the runoff enters any man-made or natural waterbody.
- 3) Detention and retention ponds shall be designed so that shorelines are meandering where possible to increase the length of shoreline, thus offering more space for the growth of littoral vegetation for filtering purposes.
- 4) Detention and retention ponds shall be designed to provide at least one foot of vertical detention storage volume for runoff above the proposed dry weather water level design elevation. Major drainage canals shall not be used for storage where this may impact the storm hydrology upstream and downstream. Use of rectangular weir outlets will be allowed only where this weir will provide better outlet control needed for a given sit-

uation than that provided by a V-notched weir. V-shaped or V-notched weir outlets are recommended to achieve detention storage. Use of innovative outlet structures such as pipe/culvert combinations, perforated riser pipe, or special graduated opening outlet control boxes, is encouraged as ways of reproducing predevelopment runoff conditions. Design data for storage volume and detention outlet requirements shall be submitted and approved by Beaufort County prior to final plan approval.

- 5) Detention and retention ponds shall be designed for ten-year sediment loads before the one-foot storage volume requirement is included.
- 6) Where cleared site conditions exist around detention or retention areas, the banks shall be sloped to the proposed dry weather water surface elevation and planted for stabilization purposes. Where slopes are not practical or desired, other methods of bank stabilization will be used and noted on plans submitted for preliminary approval.

I) DIRECT STORMWATER DISCHARGE

- 1) Channeling runoff directly into natural or man-made waterbodies from pipes, curbs, lined channels, hoses, impervious surfaces, inverted crown street, rooftops or similar methods shall not be allowed unless methods of filtration are provided, either at the intake or outfall as approved by Beaufort County. Runoff shall be routed through swales, drywells, or infiltration ditches and other methods to increase percolation, allow suspended solids to settle and remove other pollutants.
- 2) Where specific site hardships may require a variance to allow direct discharge into tidal areas, Coastal Council, DHEC, County Engineer, Corps of Engineer and Water Resources

Commission approval, as required before a variance is effective. Granting of a variance will be based upon unique site hardships and not upon hardship created by the proposed development plan, or financial consideration. Where specific site hardships may require a variance to allow direct discharge into a natural water body, methods of diffusing and filtering the discharge and of reducing the velocity will be required. Granting of a variance will be based on unique site hardships and not upon hardships created by the proposed development plan, or financial considerations.

- 3) Dredging, clearing, deepening, widening, straightening, stabilizing or otherwise altering natural waterbodies or canals may be permitted by Beaufort County only when a positive benefit can be demonstrated. Such approval by Beaufort County does not obviate the need for State or Federal agency approvals where applicable.
- 4) Vegetative strips shall be retained or created along the banks or edges of all wetlands. The following shall be the minimum setbacks for construction from the edge of all wetlands:

Single-family residential	-	20 feet
Multi-family residential	-	50 feet
Commercial or Industrial	-	50 feet
Impervious parking areas	-	30 feet

or as established by S.C.C.C. or U.S.A.C.O.E. Charleston, SC District.

A variance may be granted if the specific project design provides for the drainage or channeling of runoff away from natural watercourses, marshes, wetlands or tidal areas and if such runoff is filtered through a vegetated strip. Vegetative strips shall be retained or created in a natural vegetated or grassed condition to allow for periodic flooding, provide drainage access to the waterbody, and to act as a filter to trap sediment and

other contaminants to stormwater runoff.

- 5) No stormwater discharge shall be permitted directly onto any beaches.
- 6) Final landscape designs and plantings shall not work against the stormwater runoff controls and drainage concepts approved as part of the preliminary development permit approval process.

Landscape design and plantings should further opportunities for percolation, retention, detention, filtration and plant absorption of site-generated stormwater runoff.

- J) DRAINAGE EASEMENTS. Beaufort County shall require as a condition for obtaining approval of runoff control and drainage plans that the applicant record plats and covenants where available ensuring that drainage easements and facilities are assigned to a specific entity. If the choice of the developer is assignment to Beaufort County, then issuance of preliminary approval may be considered as conditional acceptance of dedication, provided that construction is in accord with approved plans and conforms to all County and State standards.

Upon receipt of clear, final County approval, the developer shall, within thirty (30) days, submit to County Council a request for permanent dedication of drainage improvements for County maintenance. The County Engineer shall certify that all as-built improvements so offered are in conformance with approved plans and with all prevailing County standards. However, authority to accept such improvements for permanent maintenance rest solely with Beaufort County Council upon the recommendation of the Roads and Bridges Committee.

Should drainage facilities and easements be deeded to a homeowners' or land owners' association, the general maintenance requirements necessary to insure the long-term functions of stormwater runoff

controls, easements and drainage facilities shall be described in the documents establishing the homeowners' or land owners' association. The documents will also state that Beaufort County or a legal entity having authority over such drainage may perform or require the homeowners' or land owners' association to take action under the following conditions:

- 1) If normal maintenance is not performed that is adversely affecting drainage flow.
- 2) To alleviate flooding or other emergency drainage problems upstream or downstream of the easement.

The County may assist the developer in negotiating with the homeowners' or land owners' association or other affected parties on equitable distribution of costs incurred in performing or repairing actions taken on dedicated easements under such conditions.

- 3) Underground Storm Sewer Easement. Adequate access for maintenance and improvement of the drainage facility will be required. Generally, for underground storm drain pipes the minimum width of the easement shall not be less than fifteen (15) feet. Additional width may be required based on drainage requirements. Sufficient width as determined by Beaufort County will be provided within the easement on one side of the pipe to allow for service equipment mobility and storage of removed fill.
- 4) Open Channel Easements. The easement shall be equal to the maximum top width of the ditch, plus an additional fifteen (15) feet.

All storm drainage easements shall be recorded in the Beaufort County Courthouse, Beaufort, South Carolina, and two (2) copies submitted to the Beaufort County Public Works Department.

Any development may discharge storm-water runoff, in excess of that required to be held on-site, into private drainage ways provided that the applicant submit written agreements to receive such discharge from the owners of the bodies, drainage ditches, wetlands or streams through which such proposed discharge will travel, including operational/maintenance easements. The County shall use its best efforts to induce downstream owners to receive such water when no feasible alternatives exist.

The developer shall provide adequate outfall ditches, pipes and easements downstream from his proposed discharge if adequate public or private drainage facilities do not exist to carry the proposed discharge. If the outfall ditches, pipes and easements required for adequate drainage are larger than those needed to carry the additional proposed discharge from the development sought by the applicant, then Beaufort County may bear those incremental costs which are greater than those properly allocable to the development. Beaufort County shall have the authority, however, to condition use of such expanded system by subsequent users on contributions by such users for allocable portions of the cost borne by Beaufort County.

- K) WATER SURFACE ELEVATIONS. No development will be permitted to construct, establish, maintain or alter the surface water elevation of any waterbody or wetland in such a way as to adversely affect the natural drainage from any upstream or to any downstream areas of the drainage basin on a permanent basis.

Development Review Committee shall review and approve any water surface elevations proposed for lagoons or waterbodies. The developer will submit sufficient groundwater and topographic elevation data or around the proposed waterbody site to assist in establishing the water surface elevation.

It may be required as a condition of drainage plan approval that adjustments be made to existing or approved water surface elevations if upstream or downstream areas require such adjustments to provide required drainage flows. The County may assist the developer in negotiating with the affected parties on an equitable distribution of cost under such conditions.

L) EXEMPTIONS FROM SITE RUNOFF AND DRAINAGE PLANNING. The following activities shall be exempt from the requirements of site runoff control and drainage planning

- 1) Any maintenance, alteration, renewal use or improvement to an existing drainage structure as approved by the County Engineer which does not create adverse environmental or water quality impacts and does not affect the velocity, volume or location of stormwater runoff discharge; and
- 2) The development of less than four (4) residential dwelling units not a phase of a larger development, not involving a main drainage canal; and
- 3) Existing agricultural activity or new agricultural activity not involving relocation of main drainage canals; and
- 4) Work by Agencies or property owners required to meet emergency flooding conditions. If possible, emergency work should be approved by the duly appointed officials in charge of emergency preparedness or emergency relief. Property owners performing emergency work will be responsible for any damage or injury to persons or property caused by their unauthorized actions. Property owners will restore the site of the emergency work to its approximate pre-emergency condition within a period of sixty (60) days following the end of the emergency period.

M) EROSION AND SEDIMENTATION CONTROL.

- 1) Application. Erosion and sedimentation controls shall be required on all sites adjacent to

waterbodies or drainage ways in which one-half contiguous acre or more of land surface is to be uncovered. The applicant will show erosion and sediment control measures between the uncovered areas and adjacent waterbodies or drainage ways on plans submitted for final plan approval. (See erosion and sedimentation best management practices by SC Land Resources Commission)

2) Existing Uncovered Areas.

- a. All uncovered areas not actively being developed existing on the effective date of this Ordinance, which resulted from land disturbing development activities and which exceed one-half contiguous acre, and which are causing off-site visual evidence of erosion or sedimentation, shall be provided with a ground cover or other protective measures sufficient to restrain accelerated erosion and control offsite sedimentation.
- b. Beaufort County may serve upon any landowner, by Certified Mail, written notice to comply with provisions of this article. The notice will reference the requirements of this article, will set forth the measures needed to comply, and will state a time within which such measures must be completed. In determining the measures required and the time allowed for compliance, the County shall take into consideration the economic feasibility, technology and quantity of work required, and shall set reasonable and attainable time limits for compliance.
- c. Preparations and approval of an extension and sedimentation control plan may be required by Beaufort County in any instance where extensive control measures are needed as a result of proposed development plans near watercourses or waterbodies.

- 3) Ground Cover Requirement To help retain sediment generated by land-disturbing development activities within the boundaries of the development tract, all developers shall plant or otherwise provide a permanent ground cover by "hydro-mulching" sufficient to restrain erosion after completion of construction or development and prior to final inspection.

- 4) Construction Buffer Zones
 - a. No land-disturbing activity except recreational uses which permit retention of grasses or other vegetation shall be permitted in proximity to a waterbody or wetland unless a vegetate strip is provided along the margin of the watercourses of sufficient width as final minimum setbacks specified in "Direct stormwater discharges," (f)(4), or unless other methods or structures of sediment control approved by Beaufort County are used in place of a buffer zone to be created after construction which will prevent sediment from leaving the site and entering the watercourse.

 - b. Erosion and Sedimentation Control (m)3 shall not apply to a land-disturbing activity in connection with construction of facilities to be located on, over, or under a watercourse or waterbody.

 - c. Erosion and Sedimentation Control (m)3 shall not apply to cleared land forming the basin of a reservoir proposed to be permanently inundated.

- 5) Graded Slopes and Fills The angle for graded slopes and fills on sites meeting the requirements of Erosion and Sedimentation Control (m) shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control

devices or structures. In any event, slopes left exposed shall be stabilized sufficiently by "hydro-mulching" to restrain erosion before a final approval may be issued.

N) DRAINAGE SYSTEMS. The following specifications are established for all drainage systems required by this Section.

1) Pipe

- a. Only Corrugated Aluminum Pipe Alloy 16 ga. AASHTO M-196;M-197 and Fed. Spec. WW p442-C or reinforced concrete pipe class (S.C.H.D.&P.T.) are permitted for drainage systems within Beaufort County; and
 - b. Such other pipe as approved in writing by Beaufort County may be used; and
 - c. Pipe gradients shall provide self-cleaning Velocities without scour; and
 - d. Drive pipes shall be a minimum of 15-inch R.C.P; and
2. Catch Basins Catch basins shall provide for a bottom sand trap of one and no tenths (1.0) feet below the inlet or outlet, i.e., basins may be required to provide baffles for oil and grease trap operation.
3. Drainage Swales Drainage swales, prior to use, shall have sufficient vegetation to provide filtration and erosion stabilization.
4. Maintenance All privately maintained drainage systems and structures shall provide in their covenants for periodic maintenance.

Section 5.2.6 Planning and Design Certification.

All design, grading, drainage and construction plans for roads and for site-related projects shall be prepared and certified by either an engineer or landscape architect, or both where appropriate under State law, who are registered for practice in South Carolina. However, all design, grading, drainage and construction plans for sanitary sewage systems, potable water systems and other principal

engineering systems, features or structures, shall be prepared and certified only by an engineer who is registered for practice in South Carolina.

Section 5.2.7 Protection of Natural Resources.

No development shall be undertaken except in conformance with the provisions of this section.

- A) CLEAR-CUTTING PROHIBITED. The cutting of trees for the sole purpose of clearing land or offering land for sale shall be prohibited.
- B) PROTECTION OF TREES. No person shall cut, destroy cause to be destroyed, move or remove any disease-free tree with a trunk diameter of eight (8) inches or more twenty five (25 inch circumference), measured three (3) feet up from the base, in conjunction with or preparation for any development activity as defined in Section 2.2, until such removal has been approved in accordance with the provisions of this Ordinance.

The saving of smaller specimen and desirable trees is encouraged.

- C) TREE SURVEY REQUIRED. A survey of all trees of the applicable size and larger shall be made within the area to be modified from its natural state and twenty-five (25) feet beyond in each direction or to the property lines, whichever is less. The location and size of trees shall be indicated on the site plan with surveys conducted either by a registered land surveyor, or engineer.
- D) REPLACEMENT OF TREES. As a condition of approval for the removal of certain trees, the County may require that suitable replacement trees be planted elsewhere on the site.

In determining if replacement trees are required the following criteria will be considered:

- 1) The intended use of the property; and
- 2) Existing (predevelopment) tree coverage, sizes and types; and

- 3) The general character of the site and its environs; and
 - 4) Grading, road, parking and drainage requirements of the project.
- E) EROSION CONTROL. No development shall be undertaken that directly or indirectly increases the erosion of land or its potential for erosion.
 - F) EROSION CONTROL DURING CONSTRUCTION. The applicant shall take all reasonable measures to reduce soil loss and contain sediment during construction. Exposed soil shall be stabilized prior to final inspection
 - G) Developers shall be responsible for any negligence or omissions of the contractor or subcontractor regarding the requirements of this section.

Section 5.2.8 Pollution, Nuisance and Hazard.

No development shall be undertaken except in conformance with the provisions of this section.

- A) No development shall directly contribute to pollution of the land, air or water; constitute a nuisance, or pose a hazard to life or property. Conformance with all existing local, state and federal statutes shall be construed as conformance with this provision.
- B) AESTHETIC STANDARDS. Any junk yard, storage, work area or other such area shall be screened with a fence or buffer approved by the Development Review Committee.

Section 5.2.9 Site Design and Density Standards.

The site design and density standards prescribed herein shall apply to all development activity. For purposes of this section, density is expressed in terms of dwelling units per gross acre of land. The acreage established upon which density is based must be under deed to the developer.

- A) SETBACKS. For purposes of determining required setbacks, all development is classified as follows:

- (LR) Light Residential - 1 to 4 du/acre
- (MR) Moderate Residential - 5 to 8 du/acre
- (IR) Intense Residential - 9 to 15 du/acre
- (HIR) High Intense Residential -16 du/acre and greater
- (C/I) Commercial/Industrial Development - any establishment included in the buying, selling, or manufacturing of goods or services except as provided for under institutional development.
- (INST.) Institutional - shall include, schools, churches, medical rehabilitative correctional and/or charitable shelters or other public buildings or grounds.

Required setbacks are determined by relationship of proposed development to existing development on contiguous property. Adjacent vacant property shall be classified as light residential except where preliminary approved or final approved plans indicate another classification, or where the County considers that the development of the surrounding area is such to warrant lesser setback distances applying to commercial development. For each habitable story over two, (2) setback is computed by adding base figure as shown in chart to the initial setback.

TABLE: I

Proposed Use	<u>Feet of Setback for One or Two Habitable Stories</u>					
	<u>EXISTING ADJACENT USE</u>					
	LR	MR	IR	HIR Hotel/Motel	CI	INST.
LR	10	10	15	15	20	15
MR	10	10	10	15	20	15
IR	20	15	15	10	20	20
HIR(Hotel/Motel)	20	20	15	10	20	20
C/I	30	30	30	30	10	30
INST.	20	25	25	30	30	20

The required setback shall be measured inward from the property line to the first vertical wall, excluding fences, lamp posts and the like. Exception to this standard

is made for any recreational amenity ancillary to the approved project. Such recreational amenities may be constructed in the non-buffer portion of the setback area.

The setback requirements of this section shall not apply to the separation of patio homes within a specific patio home development. However, in no case shall the separation between such patio homes be less than three (3) feet, from the property line of the adjacent lots.

When road rights of way and easements or dedicated recreation or open space exists between the property lines of existing and proposed land uses, the setback for the proposed use shall be measured from the property line of the existing use. However, in no case shall side, or rear and front yard setback of the proposed use be less than ten (10) feet measured from its property line, except for patio lot sidelines. Such rights-of-way, easements or dedicated open space shall be construed as being a part of the required setback.

Adjacent landowners may choose to waive the required setbacks where common party wall development is desired by:

- 1) filing with the Development Administrator a statement of mutual agreement prior to development plan approval for one or both tracts; and
- 2) recording the agreement as a property deed covenant in the deed of affected properties prior to development plan approval for one or both tracts.

B) BUFFER REQUIREMENTS. In order to provide protection for potential incompatibility between neighboring land uses of different type and/or intensity, the following buffer requirements shall apply to the setback areas prescribed in subpart (a) of this section.

TABLE: 2
Percentage of Table 1 Setback Standards
EXISTING ADJACENT USE

<u>Proposed</u>	<u>LR</u>	<u>MR</u>	<u>IR</u>	<u>HIR</u>	<u>C/I</u>	<u>Inst.</u>
	(% of Table I Setback Standards)					
LR	0	0	0	0	0	0
MR	50	50	50	50	50	50
IR	60	50	50	50	50	50
HIR	70	50	50	50	50	50
C/I	80	50	50	50	50	50
INST.	50	50	50	50	50	50

Buffer standards are computed as a percentage of required setbacks established in subpart (a) of this section and measured inward from the property line of the proposed use. Buffer areas must be left undisturbed except that underbrush may be cleared and the area landscaped. Nothing herein shall be construed as preventing removal of junk, debris or abandoned structures fences and the like from the buffer area in the interest of aesthetic improvement.

In the absence of adequate natural vegetation to effect the buffer required herein, the developer shall be required to plant trees, bushes or shrubs for a minimum depth of fifty (50) percent of the setback from Table 1 or ten (10) feet, whichever is greater, inward from the development property line to achieve the required buffer. The type, height and density of planted vegetation shall be approved by the County.

When roads or dedicated or covenanted open space or passive recreation areas exist between the property lines of existing and proposed land uses, no buffer area shall be required.

In the case of planned unit developments, the specific requirements for setbacks and buffering shall apply to the perimeter of the PUD only and does not apply to indi-

vidual development sites or tracts within the overall PUD consistent with the intent and spirit of these provisions.

The balance of the setback area required in subpart (a) of this section not reserved as buffer area may be utilized in the site development for roads, parking, drainage facilities and recreational amenities ancillary to the development.

Electrical, telephone, gas, water supply and sewage disposal and other utilities may be constructed in the required buffer area and after installation of such services and to meet the requirements of this section, the developer shall be required to restore the buffer area as approved by the County.

- C) OPEN SPACE STANDARDS. Open space as required herein shall mean all areas not utilized for buildings, sidewalks, roads and parking. Areas qualifying as open space are landscaped areas, lagoons, pond and lakes, natural freshwater wetlands, dedicated wildlife preserves, buffer areas required in subpart (b) and ancillary recreational amenities such as swimming pools, tennis courts, and golf courses.

Required open space as shown in Table 3 shall be computed as a percentage of the total development tract size.

In the case of planned unit developments, required open space shall be computed as the aggregate sum of the respective open space percentages computed for the various designated land uses and densities within the overall PUD. The total open space required may be provided anywhere within the boundaries of the PUD.

In the case of development fronting on tidal wetlands, the developer may utilize a portion of the wetlands, for which title is held, to meet up to seventy-five (75) percent of the open space required in Table 3. The Open Space Credit may not exceed the total amount of the wetlands for which title is held.

Example: Development tract size
 (including wetlands) equals 7 acres
 High ground = 3 acres,
 Wetlands = 4 acres
 Proposed Density = 9 du./acre
 Required Open Space from
 Table 3 = 60% X 7 acres = 4.2 acres
 Open Space Required on High
 Ground = 4.2 Acres
 - 3.15 Acres
 1.05 Acres

Table 3: Percent Open Space Required by
 Land Use and Density

1) <u>Residential</u>		
a) Single Family	Less Than 10 acres	N/A
b) Single Family	Greater Than 10 acres	10%
c) Multi-Family	2 du/acre	20%
"	"	3 - 8 du/acre
"	"	9 - 15 du/acre
"	"	16 & up du/acre
2) Institutional		15%
3) Commercial		15%
4) Industrial		20%
5) Hotel/Motel	(Equivalent of 40% of a residential unit)	

*Required open space percentage of total hotel/motel tracts is computed by dividing the hotel/motel units per acre by 2.5 and applying the resultant residential density requirement.

Example: Hotel development at 30 units/acre. Take 30 du/acre divided by 2.5 which equals 12 du/acre or 40% open space required.

Section 5.2.10 Declaration of Land Use and Density.

No development shall be undertaken except where master plans, site plans or plats have been submitted to and approved by the County clearly denoting all proposed uses of the land and the maximum density or size of such uses thereon.

Such declared uses, density and size shall not be deviated from until such proposed changes are submitted to and approved by the County.

Undesignated areas on master plans, site plans or plats shall be considered as open space and any proposed use thereof, other than open space, shall be submitted to and approved by the County.

Section 5.2.11 Special Nuisances.

The following uses of land, buildings and structures within the County are deemed to constitute special nuisances which would endanger the health, safety, and welfare of residents and property owners in the County and shall only be permitted in accordance with the provisions of Section 5.2.12.

- A) Other than normal, acceptable businesses which have a history of safety and regulation, such uses as creates a risk of fire, explosion, noise, radiation, injury, damage or other physical detriment to any person, structure or plant growth beyond the boundaries of the premises on which such use is located.
- B) Racing tracks for automobiles, motorcycles, grand prix midget racers, go-carts and similar activities.
- C) Commercial amusement parks, ferris wheels, roller coasters, water slides, carnival rides and carnival-like activities except those non-profit organizations, agricultural or institutional fairs, displays and games in place and operated at special times of the year for thirty (30) days or less.
- D) Commercial wild animal parks, alligator farms and other animal displays and use activities requiring admission for entry; provided, however, that this provision shall not apply to a marine ecology center or aquarium, animal protection shelter, kennels, dog or horse training facilities, boarding and riding stables or similar educational facilities, provided they do not create a nuisance beyond the property boundary.
- E) Businesses such as junkyards, salvage material yards, open storage yards supplies and equipment in disarray, solid waste landfill areas, depositories for nuclear waste, chemicals or other industrial or agricultural wastes.
- F) Any use causing or resulting in the emission of toxic or corrosive gases,

radiation, interference with television or radio reception, or other physical or electronic disturbance perceptible beyond the boundaries of the premises on which such use is conducted.

- G) Any light or source illumination either interior or exterior that casts disturbing rays or creates glare so as to constitute a nuisance to nearby residences or creates a hazard by impairing vehicular driver vision.
- H) Such special nuisances as defined above which result in the production or discharge of smoke or other air contaminants as dark or darker in shade than as designated as No. 2 on the Latest Edition Ringlemann Chart as published by the United States Bureau of Mines for a period or periods aggregating more than three (3) minutes in any one hour.
- I) Such special nuisances as defined above which result in the production or discharge of offensive odors exceeding the standards established by Table III (Odor Threshold) in Chapter 5 of Manufacturing Chemists Assoc., "Air Pollution Abatement Manual," Latest Edition.
- J) Such special nuisances as defined above which result in the production of noise levels in excess of sixty (60) dBA measured at the property line.

Section 5.2.12 Special Nuisance Standards.

- A) All land uses and land use activities outlined in Section 5.2.11 (a) through (e) shall be screened from view from any public highway, street or road, adjacent existing and approved residential uses and institutional uses such as churches, schools, cemeteries and libraries. Required screening and buffering may be accomplished with natural and/or landscaped plantings or combination thereof, including berms, walls or fencing that effectively prevent from view the nuisance. Approved residential uses as described herein shall mean those residential uses shown on plans on file in the offices of the Beaufort

County Development Administrator having either preliminary (including master plan approval) or final plan approval under the provisions of this Ordinance.

- B) The applicant shall demonstrate through design and the use of plantings, wall, buffers, setbacks and the like compliance with radiation, light, smoke, odor and noise provisions as established in Section 5.2.11 (f), (g), (h) and (j).
- C) Exception to the smoke, odor and noise standards prescribed in Section 5.2.11 (h), (i), and (j) is hereby made for certain temporary activities such as construction, land clearing, special events and the like where, owing to the nature of such activity, temporary nuisance is unavoidable.
- D) Exception to the noise level prescribed in Section 5.2.11 (j) is hereby made for publicly owner airfields and landing strips.

Section 5.2.13

FIRE SAFETY STANDARDS. The Fire Safety Standards prescribed herein shall apply to all development activity.

- A) Fire Hydrants. All new development serviced by a public or quasi-public water system and approved by the South Carolina Department of Health and Environmental Control shall provided fire fighting capability through the provision and placement of fire hydrants and adequate flow pressure. The location and spacing of hydrants shall be as follows:
 - 1) Subdivision. Hydrants shall be placed along residential streets and roads at intervals not to exceed one thousand (1,000) feet. In no case shall the nearest property line of a subdivided lot exceed five hundred (500) feet from a fire hydrant.
 - 2) All premises where buildings or portions of buildings, other than one or two family dwellings, are located more than one hundred fifty (150) from a hydrant shall be provided with approved fire hydrants connected to a water system capable of supplying the

fire flow required by the Fire Official. The location and number of such on-site hydrants shall be as designated by the Fire Official with the minimum arrangement being so as to have a hydrant available for distribution of hose to any portion of any building on the premises at distances not exceeding five hundred (500) feet.

- B) Development Plan Review. The local Fire Official shall review development site plans of all proposed development as related to fire safety standards contained in this section.

Prior to the final plan approval the local Fire Official shall make written recommendations to the Development Review Committee indicating approval of the design as submitted or delineating needed design changes consistent with fire safety standards and practices.

The local Fire Official shall inspect the completed development site for compliance with the approved plans and submit his findings to the Development Administrator prior to issuance of a Certificate of Compliance.

- C) Building Height Restriction. In the interest of fire safety and local fire fighting capability, no building shall be constructed that is taller than the safe ladder capability of the local Fire Department, unless it is deemed as a high rise structure and meet all the codes and regulations for a high rise building as defined under applicable Section of the current Edition of the Standard Building Code.

- D) Emergency Vehicular Access. No development shall be constructed in any manner so as to obstruct emergency vehicular access to the development property or associated buildings and structures.

To insure that access will not be impaired in any emergency situation, attention should be given to the design and layout of such features as signs fences, walls,

street intersections and curves, parking lots, sidewalks, ditches, lagoons, recreational amenities and landscaping.

Section 5.2.14 Access to Development.

- A) It is the intent of this ordinance that all properties proposed for development shall have legal and adequate ingress and egress satisfactory to the County

Section 5.3 Site Design and Development Standards Applying to Special Districts.

Section 5.3.1 Conservation District.

The standards prescribed in this section shall apply to all site design and development hereafter undertaken within the Conservation District.

Section 5.3.1.1 Compliance with Minimum Construction Standards.

All structures and facilities within any development shall comply with the provisions of Article 4, Section 4.3.1.

Section 5.3.1.2 Disruption of Tidal Flow.

No structures which impede natural tidal flow and have the effect of reducing the quantity and frequency of water reaching marsh areas will be permitted except approved in conjunction with nature and related uses.

Section 5.3.2 Beach Development District.

All standards prescribed in this section shall apply to all site design and development hereafter undertaken within the Beach Development District or whenever a portion of a proposed development property lies within the Beach Development District.

Section 5.3.2.1 Compliance with Minimum Construction Standard.

All structures and facilities within any development shall comply with the provisions of Article 4, Section 4.3.2

Section 5.3.2.2 Public Beach Access Required.

Public beach access shall be provided by the developer for any development including more than one-thousand (1,000) feet of beach frontage according to the provisions of Section 5.3.2.3.

Section 5.3.2.3 Option to Purchase Beach Access.

Upon filing of a preliminary application for an oceanfront development plan with the Development Administrator, Beaufort County shall have an option to purchase reasonable beach access as deemed necessary for the general welfare and benefit of the public. The county's option to purchase beach access shall run from the date of first submission of plans to the Development Administrator, to the date of the second regular County Council meeting of the Development Review Committee after submission, but in no case shall the option period be more than ninety (90) days from the date of first submission of plans.

The Development Review Committee shall review a proposed oceanfront development as to the need for public beach access and shall recommend to County Council what action it feels the County should take as regards public beach access areas in the best interest of the general public. The County Council shall notify the developer of its intentions on the option by the end of the specified option period, and shall, if electing to purchase the beach access area(s), have a period of thirty (30) days, and one extension period of thirty (30) days, from the end of the option period, to negotiate the terms of the purchase with the developer.

The County Council may cause to be made an appraisal of the required beach access areas(s) by a board of at least three (3) independent appraisers in order to establish the basis for a purchase offer to the developer for the beach access area.

Section 5.3.2.4 Beach Development Setbacks.

No development shall be undertaken except in compliance with the provisions of this section. Furthermore, the requirements of paragraphs (a) and (b) of this section shall be included as covenants and restrictions for all subdivision development in the Beach Development District.

- A) No building or other structure shall be located or constructed in such a manner as to destroy, undermine, or alter any primary and dune or disturb primary dune vegetation.
- B) No structure shall be constructed within forty (40) feet landward of the crest of a primary sand dune or seventy-five (75) feet landward of mean high water, whichever is greater, except for beach cabanas of four hundred (400) square feet and less on

elevated pilings or beach boardwalks on elevated pilings.

Section 5.3.2.5 Beach Protection Plan.

Development applications will indicate how the developer plans to preserve sand dunes and shore vegetation.

Section 5.3.3 Flood Hazard District.

All standards prescribed in this section shall apply to all site design and development hereafter undertaken within the Flood Hazard District. (The Flood Hazard District corresponds to Special Flood Hazard areas officially designated by the Federal Insurance Administration).

Section 5.3.3.1 Compliance with Minimum Construction Standards.

All structures and facilities within any development shall comply with the provisions of Article 4, Section 4.3.3

Section 5.3.3.2 Indication of Flood Hazard Areas.

Plats of development lying in a flood hazard area shall have such areas clearly delineated on the plat by indication of the topographic contour line corresponding to the one hundred (100) year flood elevation shown on official county flood plain maps.

Section 5.3.3.3 Flood Hazard Design Standards.

Engineering plans and specifications shall be submitted showing that adequate design has been incorporated to assure to the maximum extent possible that:

- A) Water supply systems will be constructed to preclude infiltration by flood waters; and
- B) Waste water disposal systems, including septic tanks, will be constructed to preclude infiltration by flood waters; and
- C) Types of and construction of fill materials used for building foundations are such so as to minimize settlement, slope erosion, siltation and facilities drainage of potential surrounding flood waters.

Section 5.3.3.4 Protective Deed Restrictions Required.

Covenant or deed restrictions shall be placed in the deeds to all lots of a development lying within a flood hazard area stipulating to the owner that:

- A) Construction of a residential structure (or commercial structure in the case of a commercial business subdivision) on that lot lying within a flood hazard area, shall have as a minimum first floor elevation the level of the one-hundred year flood or above as designated on official county flood plain maps.
- B) Construction on lots within what is defined and designated as "coastal high hazard areas" velocity shall be elevated and securely anchored to well-anchored piles or columns and have the level of the bottom of the lowest horizontal support member at or above the level of the one-hundred year flood. Space below the level of the first floor level shall be free of obstruction or covered by break away facade material capable of producing free obstruction for the impact of abnormally high tides or wind-driven water.
- C) All other requirements of the Beaufort County Building Code, related to construction in flood hazard areas, must be met.

Section 5.3.3.5 Disclosure Statement Required.

On all plats of development for which lots, sites, or structures are to be sold or leased, the following statement shall be clearly affixed to the plat(s) and readily visible. "The areas indicated on this plat as flood hazard areas have been identified as having at least a one percent (1%) chance of being flooded in any given year by rising tidal waters associated with possible hurricanes. Local regulations require that certain flood hazard protective measures be incorporated in the design and construction of structures in these designated areas." Reference shall be made to the development covenants and restrictions of this development and requirements of the Beaufort County Building Code Department. In addition, federal law requires mandatory purchase of flood insurance as a prerequisite to mortgage financing in these designated flood hazard areas.

ARTICLE VI

DEVELOPMENT PERMITS

Section 6.1 No development shall be undertaken within Beaufort County except in accordance with the procedures established in this Ordinance.

Section 6.2 Development Exempt from Permit.

The following types of development shall be exempt from obtaining a development permit under the provisions of this article. These developments, are however, subject to the provisions of Article Four of this Ordinance. Compliance with the provisions of Article Four of this code is checked off as part of the administrative process of obtaining a Beaufort County building permit from the County Department of Building Inspections.

- A) Any single family residential structure (including a mobile home) on an individual parcel, tract, or lot of record or, on a lot within a platted subdivision existing prior to the adoption of this Ordinance or approved under this Ordinance.
- B) The construction or addition of single family residential units on family property for occupancy by members of the same family. Applications must be accompanied by a signed statement indicating that the property is family land and existing or proposed occupancy by family members only.
- C) Accessory uses incidental to the enjoyment of a single family residential structure (i.e. detached garage, swimming pool, pump house and private use fish ponds where no materials are removed from the property.
- D) Home occupations confined within a residential structure.
- E) All farm and farm related structures (See definition of farm).
- F) Any structure or use expressly approved as integral to a development permitted in accordance with the provisions of this article.

SECTION 6.3 Development Subject to Permit.

No development unless expressly exempted in Section 6.2 shall commence without a permit approved by the Beaufort County Development Review Committee in accordance with the provisions of this article.

Section 6.4 Approval by Development Review Committee.

The Development Administrator shall not issue a development permit under the provisions of this article without the expressed approval of the Development Review Committee.

Section 6.5 Conditions for Development Plan Approval.

If the conditions set forth in this section are satisfied, the Development Review Committee shall approve the development plan and direct the Development Administrator to issue a permit. Said permit shall authorize the applicant to:

- A) Record a subdivision plat, where appropriate
- B) Commence all improvements to the land and the construction of all support facilities as specified by the permit
- C) Commence the construction of all buildings and facilities shown by the development plan and specified by the permit.

Section 6.5.1 The following conditions shall be met prior to development plan approval: (Phased planned developments shall be treated, insofar as this Section is concerned, by phases, notwithstanding general approval of the entire plan).

- A) The applicant has complied with the procedures of this Ordinance and has furnished all information and data expressly required by this Ordinance.
- B) The development plan complies, as a whole or in the case of phased planned developments in relevant part with the provisions of Article Four and Article Five of this Ordinance.
- C) The applicant has satisfactorily demonstrated his ability and intent to complete the proposed development and to meet all obligations agreed to or incurred as a

result of conformance with this Ordinance within a reasonable time period and in accordance with all conditions of the permit.

- D) The applicant has established adequate legal safeguards to ensure compliance with the approved development plan and to provide for adequate management of the development regardless of future ownership or control of the land or facilities thereon.
- E) The applicant has given legal guarantee (where applicable) of the installation and maintenance of water systems, sewer systems drainage systems, street systems and open space areas and any other improvements indicated on the final plat in lieu of actual construction of improvements prior to final approval. Such guarantees are applicable only to residential developments involving the sale or other transfer of lots, building sites or buildings.

Guarantees may be in the form of:

- 1) Letter of commitment from a public agency providing service (such as a municipality or public service district providing the water or sewer systems).
 - 2) Dedication to and acceptance by the County of permanent public maintenance of streets and/or drainage systems or open space areas.
 - 3) Establishment of an automatic homeowners association.
 - 4) Performance bond underwritten by an acceptable South Carolina licensed corporate surety.
 - 5) County government lien against the development property.
 - 6) Escrow account
 - 7) Irrevocable bank letter of credit
 - 8) Cashiers check payable to Beaufort County
 - 9) Any other means acceptable to the Beaufort County Council
- F) For all time sharing (internal ownership) units, the developer must show, prior to commencement of sales, a financial plan demonstrating its capacity to fund

maintenance and other preferred services.

- G) Prior to submitting plans for preliminary plan approval on a project containing an element critical to that development involving other agencies including, but not limited to, the South Carolina Coastal Council, Army Corps of Engineers and DHEC, the applicant shall seek preliminary comments from such agencies regarding:
- 1) Protection of water quality in adjacent waterways and wetlands:
 - 2) The long-term operating viability of any mechanism or process associated with the element. Comments from the respective agencies will be required in writing as the time of preliminary plan submission.

Section 6.6 Variances.

The Development Review Committee may grant, in specific cases, relief from the expressed provisions of this ordinance, where, owing to special conditions, a literal enforcement of the provision would in an individual case, result in unnecessary and unusual hardship (not to include economic considerations).

Such variance may be granted in the case of unusual hardship upon a finding by the development Review Committee that:

- 1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
- 2) The application of the ordinance on the particular piece of property would create an unusual hardship;
- 3) Such conditions are peculiar to the particular piece of property involved, and;
- 4) Relief, if granted, would not cause detriment to the public good or impair the purpose and intent of this ordinance or comprehensive plan.

Section 6.7 Denial of Permit.

Development Review Committee shall deny approval of a development permit only if it finds that the proposed development does not comply with the expressed provisions of this Ordinance.

Section 6.8 Rights Attaching to Development Permits.

Changes to this Ordinance which become effective after an application for a development permit has been filed, but before the permit has been granted, apply to the pending application unless it is determined that the ordinance change would place a unique hardship on the applicant in having to modify the application to conform with the change.

A change in this ordinance which becomes effective after a development permit has been granted shall not apply to the permitted development unless such permit shall have expired as provided for in section 6.9 of this Ordinance.

A development permit is assignable but an assignment does not discharge any assignor or assignee from the requirements of the approved permit or from any obligation owed to the County in connection with the development unless the Development Review Committee approves the discharge of obligations.

Section 6.9 Expiration of Development Permit.

Any permit approved under the provisions of this Article shall become invalid two (2) calendar years from the date of its issue unless:

- A) otherwise specified by the permit
- B) the subdivision plat has been recorded
- C) an appreciable amount of improvement or development of the land has commenced in accordance with the approved permit as determined by the Development Review Committee, which in the case of phased developments shall be understood as improvement or development of the permitted phase of such development.

The Development Review Committee may grant one (1) extension for a period of one (1) calendar year upon request of the applicant.

Section 6.10 Revocation of Development Permit.

Any permit approved under the provisions of this ordinance may be revoked by the County upon determination that conditions related to a development activity permitted have changed or been altered from that which was approved for the particular permitted development or which is not in compliance with the provisions of this ordinance.

Revocation of a development permit immediately ceases all authorized construction, work or sales associated with the development activity.

The developer shall be notified in writing of permit revocation and may apply for reinstatement of the permit by correcting the deficiency for which revocation action was taken.

Section 6.11 Public Dedication of Improvements.

A developer may, at his option, choose to dedicate for permanent public ownership and maintenance road, drainage, water and sewer systems within developments involving the sale of lots, units or building sites to consumers.

Upon the filing of any plan, all intended offers of public dedication must be formally expressed in writing, setting forth clearly the improvements to be dedicated and government body or agency to which dedication is to be made. The Development Administrator will forward such notices of intent to the appropriate agency for which dedication is intended and advise the applicant of persons to contact regarding required specifications and conditions to be met prior to formal acceptance.

With the filing of a final plan application, the developer shall submit final plans and design specifications required by agencies to which dedication is intended and receive final design approval from such agencies.

Following final plan approval, by the Development Review Committee construction of required improvements may commence and upon completion of construction, the developer shall contact the agencies to which dedication is intended for final inspection prior to acceptance.

Upon certification for acceptance by the appropriate agency official, the developer shall prepare necessary plats, easements, or deeds as required and obtain final acceptance by the County Council of the dedicated improvement.

In the event of non-acceptance of the completed improvement for public ownership and maintenance, the developer shall submit and obtain approval of an alternate method of ownership and maintenance of improvements.

No lot, unit or building site may be sold until offers of public dedication have been formally accepted or alternate methods of ownership and maintenance of required improvements have been approved and legally established except that the developer may, at his option, post a maintenance bond with the County, in an amount sufficient to maintain the improvements as determined by the County Engineer.

With the posting of such bond the developer may record appropriate plats and sell platted lots, units or building sites while completing the process of public dedication or establishment of alternate methods of ownership and maintenance of required improvements.

ARTICLE VII

ADMINISTRATION, APPEAL, COMPLAINTS AND REMEDIES

Section 7.1 This article defines the department officer responsible for the overall administration of this Ordinance; specifies the powers of that department officer; sets forth procedures for the filing of development applications and the issuance of permits including the establishment of time limits; establishes the foundation and procedures for the appeal of rulings made under this Ordinance; and sets forth remedies and penalties for violation.

Section 7.2 Grant of Power To Administer and Enforce.

The Beaufort County Council delegates the responsibility and authority for administration of this Ordinance to the Beaufort County Development Administrator and the Development Review Committee. The Development Administrator shall exercise the following duties:

- A) Prepare and publish rules and procedures relating to the administration of this Ordinance; and
- B) Review and approve or disapprove all permit applications in accordance with Article Six of this Ordinance; and
- C) Issue permits in accordance with the provisions of this Ordinance; and
- D) Review and recommend action, when applicable, to the County Council, Development Review Committee and the Beaufort County Board of Adjustment and Appeals; and
- E) All other responsibilities and powers granted explicitly by this Ordinance; and
- F) All other authority lawfully delegated to it by County Council legislation; and

Section 7.3 Establishment of Development Review Committee

The Beaufort County Council hereby establishes the Development Review Committee for the purpose of review and approval of development plans in accordance with the provisions of this ordinance.

The Development Review Committee shall be composed of seven (7) voting members and constituted as follows:

Deputy Administrator for Public Works
 Development Administrator
 County Engineer/Surveyor
 Director of Public Works
 Director of Building Inspections
 Director of Planning and Development
 County Fire Official

The County Fire Official shall be designated by the Deputy County Administrator for Public Works on a one(1) year rotating basis from the County area fire chiefs.

The Development Administrator shall serve as Chairman of the Development Review Committee. The Development Review Committee shall meet biweekly, as required, for the purpose of review and approval or disapproval of development applications submitted in accordance with the provisions of this ordinance.

All meetings of the Development Review Committee shall be public meetings, the time, place and agenda of which shall be duly publicized for public awareness and appropriate minutes of proceedings and actions kept as official public record.

Section 7.4 Approvals.

The Planning Board, formerly the Beaufort County Joint Planning Commission, hereby delegates all permitting responsibilities to the Deputy County Administrator for Public Works.

Section 7.5 Permit Applications.

All applications for development permits under this Ordinance shall conform to the procedures and requirements of this section.

Section 7.5.1 Preapplication Conference.

Although not mandatory, prior to the filing of a formal application, the applicant is encouraged to consult with the Development Administrator for comments and advice on the procedures, specifications, and applicable standards required by this Ordinance. The Development Administrator, or a designated representative, shall be available for such purposes at the request of the applicant at a time mutually agreeable to both parties.

Section 7.5.2 Application Process.

The owner, developer or otherwise responsible agent initiates the permit procedure by filing a final application with the Development Administrator in accordance with the provisions of this section.

Section 7.5.2.1 Filing Fees.

In order to defray some of the administrative cost associated with processing development applications, a filing fee must accompany each application according to the following schedule:

- A) Application Filing Fee five dollars (\$5) per acre not to exceed five hundred dollars (\$500). Minimum filing fee twenty-five dollars (\$25)

The filing fee is payable to the Beaufort County Development Review Committee and credited to the County General Fund.

No action by the Development Administrator shall be taken until the filing fee is paid. This fee shall not be refunded should the applicant fail to file a final application for a development permit or should a preliminary application be disapproved.

Refiling of a previously disapproved application shall be subject to a filing fee equal to one-half of that of the initial filing fee provided such refiling occurs within one (1) year of the initial filing.

- B) Site Inspection Filing Fee. A filing fee of one hundred-fifty dollars (\$150) will be levied on those development projects in excess of five (5) acres. This fee will cover one (1) final site inspections by the County Engineer. Should additional site visits be required to bring the project into compliance with approved site plans, an additional fee of fifty dollars (\$50) per trip will be charged. A filing fee of twenty-five dollars (\$25) will be levied on all projects under five (5) acres for drainage review.

Section 7.5.2.2 Posting Notice of Development.

In order to notify adjacent property owners, landowners and residents in the immediate vicinity and the

general public of impending development activity, applicants for development plan approval shall post a notice of development at least two (2) weeks prior to the scheduled review meeting at which the development application is to be reviewed. The notice sign shall be obtained from the Development Administrator and erected on the development property readily visible from the most traveled thoroughfare adjacent to the property. The Development Review Committee will not review applications for which the prescribed Notice Sign has not been posted in accordance with the provisions of this section.

Section 7.5.2.3 Preliminary Application Format and Content

- A) SUBDIVISION OF LAND. The preliminary application for subdivision of land shall contain:
- 1) Six (6) black or blue line prints of the subdivision layout; and
 - 2) The names and addresses of the owner(s) of record and the applicant, if different from the owner; and
 - 3) A legal description of the property and a boundary survey with the computed acreage of the tract bearing the seal of a registered land surveyor; and
 - 4) The location of primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred; and
 - 5) The proposed name of the subdivision; and
 - 6) Names of the owners of contiguous parcels and an indication of whether or not contiguous parcels are developed or a development permit has been obtained.
 - 7) A map or site plan showing:
 - a) The location, dimensions, descriptions and flow line of existing watercourses and drainage structures within the tract or on contiguous tracts; and
 - b) Location of municipal limits or county lines, and district boundaries, if they traverse the tract, form part of the boundary of the tract, or are contiguous to such boundary; and

- c) Vicinity map or sketch showing the general relationship of the proposed development to the surrounding areas with access roads referenced to the intersection of the nearest state primary or secondary paved road. Reference distances shall be shown in feet if less than one thousand (1,000) feet and in miles or tenths of a mile if greater than one thousand (1,000) feet; and
 - d) Topographic survey when required by the County Engineer; and
 - e) The location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the tract, intersecting or contiguous with its boundaries or forming such boundaries; and
 - f) The location, dimensions, descriptions and names of all existing or recorded residential lots, parks, public areas, permanent structures and other sites within or contiguous with the tract.
- 8) Proposed lot layout, street design and street right-of-way widths.
 - 9) Proposed street names.
 - 10) Proposed drainage system layouts. (Submit directly to the County Engineer).
 - 11) Proposed water system layout, except where individual wells are proposed.
 - 12) Proposed sewer system layout, except where individual septic tanks are proposed.
 - 13) Proposed open space areas (where applicable).
 - 14) Where applicable, surveyed line delineating the extent of any special district boundary on the development property. (See Article Three).
 - 15) Where applicable, topographic contour line corresponding to the one-hundred year base flood elevation affecting the proposed development property. (See Section 4.3.3 and 5.3.3).
 - 16) Tree survey as specified in Section 5.2.7 (c).

- 17) Other affected agencies' preliminary comments or approvals on elements of the proposed subdivision over which such agencies have approval or permitting authority. In the case of Health Department preliminary comments on the use of individual septic tanks as the proposed method of sewage disposal, such comments need only relate to lots or parcels proposed for platting and sale or other transfer by the applicant.
 - 18) Letters of capability and intent to serve community water supply and sewage disposal (where applicable from the affected agency or entity).
 - 19) The Development Review Committee may require submission of additional maps, data or proposed methods of addressing other pertinent matters relative to the proposed development where, owing to the nature, size and location of the proposed development, particular elements critical to the health, safety and welfare of the community and its citizens should be addressed. Such elements may be, but are not limited to, hurricane evacuation, other emergency preparedness and response, environmental preservation, historical preservation, shoreline erosion, public access, community linkages, public education and the like.
 - 20) A narrative addressing:
 - a) the proposed ownership and maintenance of streets, drainage systems, water and sewer systems, open space areas, parking areas and other proposed amenities and improvements.
 - b) Proposed phasing and time schedule if development is to be done in phases.
 - c) In a beach development district, a plan to preserve sand dunes and shore vegetation.
(See Section 4.3.2 and 5.3.2).
- B) PLANNED UNIT DEVELOPMENT (PUD). The preliminary application for planned unit development shall contain:
- 1) Six (6) copies of the development

- master plan; and
- 2) Proposed arrangement of land uses, approximate acreage of each use area or tract, type of use and density (residential use tracts); and
 - 3) The names and addresses of the owner(s) of record, and the applicant, if different from the owner; and
 - 4) A legal description of the property and a boundary survey with the computed acreage of the tract bearing the seal of a registered land surveyor; and
 - 5) The location of primary control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred.
 - 6) The proposed name of the development is there is one; and
 - 7) Names of owners and type of land use of all parcels contiguous to the development property; and
 - 8) A map or site plan showing
 - a) The location, dimensions, descriptions, and flow of existing water courses and drainage structures within the tract or on contiguous tracts.
 - b) Location of municipal limits or county lines, and district boundaries, if they traverse the tract, form part of the boundary of the tract, or are contiguous to such boundary.
 - c) Vicinity map or sketch showing the general relationship of the proposed development to the surrounding areas with access roads referenced to the intersection of the nearest state primary or secondary paved roads. Reference distances shall be shown in feet if less than one thousand (1,000') feet and in miles or tenths of a mile if greater than one thousand (1,000) feet; and
 - d) Topographic survey when required by the County Engineer; and
 - e) The location, dimensions, name and description of all existing or recorded street, alleys, reservations, easements or other

- public rights-of-way within the tract, intersecting or contiguous with its boundaries or forming such boundaries; and
- f) The location, dimensions, description, and name of all existing or recorded residential lots, parks, public areas, permanent structures and other sites within or contiguous with the tract; and
 - 9) Proposed street system layout.
 - 10) Preliminary (master) drainage plan
 - 11) Where applicable surveyed line delineating the extent of any special district boundary on the development property (See Article Three).
 - 12) Preliminary comments from other affected agencies having approval or permitting authority over elements related to the proposed development.
 - 13) A narrative addressing:
 - a) The proposed ownership and maintenance of streets, drainage systems, water and sewer systems, open space areas, parking areas, and other proposed amenities and improvements; and
 - b) Proposed phasing and time schedule if development is to be done in phases; and
 - c) In a beach development district, a plan to preserve sand dunes and shore vegetation (see Section 4.3.2 and 5.3.2).
 - 14) Proposed internal site planning standards such as setbacks and buffers aimed at addressing potential incompatibility between adjacent land uses and activities.
 - 15) The Development Review Committee may require submission of additional maps, data or proposed methods of addressing other pertinent matters relative to the proposed development where, owing to the nature, size and location of the proposed development, particular elements critical to the health, safety and welfare of the community and its citizens should be addressed.

Such elements may be, but are not limited to, hurricane evacuation, other emergency preparedness and response, environmental preservation, historical preservation, shoreline erosion, public access, community linkages, public education, and the like.

- 16) Other affected regulatory agencies preliminary comments or approvals on elements of the proposed development over which such agencies have approval or permitting authority.
 - 17) Letters of capability and intent to serve community water supply or sewage disposal service from the affected agency or entity, where applicable.
- C) OTHER DEVELOPMENT. The preliminary application for development other than subdivision of land or planned unit developments shall contain:
- 1) Six (6) black and blue line prints of the project site plan; and
 - 2) The names and addresses of the owner(s) of record and the applicant, if different from the owner; and
 - 3) A legal description of the property and a boundary survey with the computed acreage of the tract bearing the seal of a registered surveyor; and
 - 4) The location of primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred; and
 - 5) The proposed name of the development if there is one; and
 - 6) Names of the owners of all contiguous parcels and surrounding land use (i.e. single family residential, multi-family residential, commercial, industrial, institutional, agricultural, vacant (wooded)).
 - 7) A map or site plan showing:
 - a) The location, dimensions,

- descriptions and flow line of existing watercourses and drainage structures within the tract or on contiguous tracts; and
- b) Location of municipal limits or county lines, and district boundaries, if they traverse the tract, form part of the boundary of the tract, or are contiguous to such boundary; and
 - c) Vicinity map or sketch showing the general relationship of the proposed development to the surrounding areas with access roads referenced to the intersection of the nearest state primary or secondary paved road. Reference distances shall be shown in feet if less than one thousand (1,000') feet and in miles or tenths of a mile if greater than one thousand (1,000') feet; and
 - d) Topographic survey when required by the County Engineer; and
 - e) The location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the tract, intersecting or contiguous with its boundaries or forming such boundaries.
 - f) The location, dimensions, descriptions and name of all existing or recorded residential lots, parks, public areas, permanent structures and other sites within or contiguous with the tract.
- 8) Proposed land use design or layout, ingress/egress, streets, parking layout loading/unloading areas, and other proposed structures, facilities and areas; and
 - 9) Proposed drainage system layout; and
 - 10) Proposed water system layout; and
 - 11) Proposed sewer system layout including septic tank and drain-

- age field location, where applicable; and
- 12) Proposed setbacks, buffers and open space areas; and
 - 13) Proposed building heights and number of stories (floors); and
 - 14) Where applicable, surveyed line delineating the extent of any special district boundary on the development property; and
 - 15) Where applicable, topographic contour line corresponding to the one-hundred year base flood elevation affecting the proposed development property (See Section 4.3.3. and 5.3.3); and
 - 16) Tree survey and indication of trees proposed for removal. (See Section 5.2.7(d)); and
 - 17) A narrative addressing:
 - a) The proposed ownership and maintenance of streets, drainage systems, water and sewer systems, open space areas, parking areas and other proposed amenities and improvements; and
 - b) Proposed phasing and time schedule if development is to be done in phases; and
 - c) In the beach development district, a plan to preserve sand dunes and shore vegetation. (See Section 4.3.2 and 5.3.2); and
 - 18) The Development Review Committee may require submission of additional maps, data or proposed methods of addressing other pertinent matters relative to the proposed development where, owing to the nature, size and location of the proposed development, particular elements critical to the health, safety and welfare of the community and its citizens should be addressed. Such elements may be, but are not limited to, hurricane evacuation, other emergency preparedness and response, environmental preservation, historical preservation, shoreline erosion, public access, community linkages, public education and the like.

- 19) Other affected regulatory agencies preliminary comments or approvals on elements of the proposed development over which such agencies have approval or permitting authority.
- 20) Letters of capability and intent to serve community water supply and sewage disposal service from the affected agency or entity, where applicable.

Section 7.5.2.4 Preliminary Application Processing.

- A) Upon receipt of the preliminary application, the Development Administrator shall review the application for conformity with the format and content requirements of this section. If discrepancies are found, the Development Administrator shall within (10) working days notify the applicant of all discrepancies and return the application for correction.
- B) If the Development Administrator finds that the preliminary application conforms to the format and content provisions of Section 7.4.2.3, he shall record the application and the date of its receipt, and shall submit the application for review.
- C) The Development Review Committee shall review all preliminary applications within thirty (30) days of the application filing date and take one of the following actions:
 - 1) Approve the preliminary application; and
 - 2) Approve the preliminary application with conditions; and
 - 3) Disapprove the preliminary application.
- D) The applicant shall be notified in writing of Development Review Committee action by the Development Administrator. If the preliminary application is disapproved, the written notice to the applicant shall specify the reasons for disapproval.
- E) Preliminary approval, where granted by the Development Review Committee, shall expire two (2) years from date of such approval.

Section 7.4.2.5 Right Attaching to Preliminary Application Approval.

- A) General - Approval of the preliminary application shall be deemed an expression of approval of the development concept and preliminary site design submitted, and invites the applicant to proceed with more detailed planning and design prior to submission of a final application. Preliminary application approval does not authorize the recording of a subdivision plat nor the sale or transfer of subdivided property except as provided for in Section 7.4.2.5 (b) below.
- B) Planned Unit Development. Often times a tract of land is master planned for development in sections or phases consisting of several different types and densities of land use. The original developer of a planned unit development may or may not be the developer that actually develops each phase or section to completion. As a special exception to the development process, the developer of a planned unit development may sell or transfer ownership of development tracts within a planned unit development in accordance with the following procedures and provisions:
- 1) the developer must submit a preliminary application according to the procedures and requirements of Section 7.4.2 and obtain Development Review Committee approval of the preliminary master plan of the total planned unit development; and
 - 2) property covenants and restrictions must accompany the transfer of any development tract within the approved planned unit development restricting the new owner to the development type and density indicated on the approved master plan; and
 - 3) the developer must submit a sworn affidavit from the prospective

purchaser of a development tract wherein the purchaser waives his right to the guarantee of the installation of required improvements afforded through this Ordinance for the subdivision of land, and further states that he understands that a final application must be submitted, and a development permit awarded by the County, prior to commencement of any development on the tract according to the procedures of Section 7.4.3; and

- 4) the developer must submit a plat for certification for recording by the Development Administrator, and subsequently record such plat prior to sale or transfer of any development tract or phase; and
- 5) this procedure will not be permitted for the sale or transfer of any individual single-family lot or group of lots intended for construction of one single-family dwelling.

Section 7.5.3 Final Application.

The applicant initiates the final approval procedure by filing a final application with the Development Administrator in accordance with the provisions of this section.

Section 7.5.3.1 Final Application Format and Content.

- A) SUBDIVISION OF LAND. The final application of subdivision of land shall contain:
 - 1) Six (6) black or blue line prints of the final subdivision plat; and
 - 2) Name and address of owner of land being subdivided; and
 - 3) Name of subdivision, date, north point and graphic scale; and
 - 4) Name and seal of registered land surveyor; and
 - 5) Name of County, location, tax map and parcel number; and
 - 6) Bearings and distances of all lot lines and street lines; and
 - 7) Streets and alleys, right-of-way, proposed street names and lot numbers. (Street addresses will be

- assigned by the Planning Commission after final plat approval and copies sent to appropriate agencies); and
- 8) Square foot area of each lot.
 - 9) Location of all monuments and markers and type indicated; and
 - 10) Location, size and type of all existing and proposed easement; and
 - 11) Proposed location and designation of parks, playgrounds, school sites, open space, recreation amenity areas and facilities where applicable; and
 - 12) Existing railroads, watercourses, streets, highways, city limit lines, transmission lines, water and sewer lines drainage pipes, ditches, and wetlands within or immediately adjacent to land being subdivided; and
 - 13) Design, specifications and profiles of all proposed streets and drainage system (submit directly to County Engineer); and
 - 14) Layout of all proposed water lines and sewer lines (where applicable); and
 - 15) Underground electrical, telephone and gas utility layouts by the respective utility companies (signed and dated); and
 - 16) Proposed fire hydrant locations (See Section 5.2.13); and
 - 17) Other affected agency final approval, certification or permits for elements relative to the subdivision such as:
 - a) DHEC construction permit for community water and sewer systems; and
 - b) DHEC approval of the use of individual wells or community water system in conjunction with septic tanks for only those lots the subdivider is making application for to record and sell after final plat approval; and
 - c) SCCC signed certification of surveyed Critical Wetland Boundary Line. Note: Corresponds to Beaufort County

- Special Conservation District Boundary line. (See Section 3.2.1); and
- d) SCCC and/or Corps of Engineers permits for proposed docks, marinas, bulkheads and the like (where applicable).
 - e) County Engineer approval of stormwater drainage systems plans; and
 - f) Area Fire Department certification of compliance with Fire Safety Standards (See Section 5.2.13); and
 - g) All other applicable regulatory agency approvals.
- 18) Two copies of signed final covenants and restrictions for the subdivision (where applicable).
 - 19) Signed statement of any offers of proposed public dedication of streets, drainage system, school sites, open space areas, easements or beach, river, wetland or historic site access.
 - 20) Two (2) copies of final Homeowners or Property Owners Association documents addressing ownership and maintenance of all subdivision improvements.
 - 21) Bond or legal surety guaranteeing the completed installation of all required improvements to the subdivision and other improvements shown on subdivision plat, or represented in the application, where sale of lots is intended prior to complete construction of all improvements. Such bonds or other surety shall be payable to Beaufort County and equal registered engineers estimates of construction costs or contractors executed contract sales. In the event the subdivider exercises the option to post bond in lieu of completed construction, the subdivider shall complete all subdivision improvements, including required mechanisms guaranteeing perpetual ownership and maintenance, within

twelve (12) months of the date of final plat approval. Failure to do so will constitute a violation of the development permit issued and subject the developer to the penalty provisions set forth in Section 7.9.

In addition, the County shall act on the posted bond and cause the improvements to be completed on behalf of lot purchasers in the development. Extension to the twelve (12) months time period afforded for completion of improvements may be granted one time by the County. Such requests must be submitted in writing prior to the expiration date and accompanied by:

- a) an explanation of why the extension is necessary; and
 - b) signed/dated agreement with the extension by all lot owners in the subdivision to date; and
 - c) amount of work completed and costs remaining for incomplete work; and
 - d) amended bond or surety for incomplete work; and
22. Beaufort County Special District boundary lines (where applicable) denoted directly on the final plat. (See Section 3.1).
23. Tree survey of all trees eight (8) inches or larger in trunk diameter and indication of trees proposed for removal in all areas for the subdivision that the developer (subdivider) proposes to disturb. Such areas are likely to be street rights-of-way, amenity areas, lakes, lagoons and the like.
In the case of proposed subdivision roads, the tree survey shall include all trees of the applicable size twenty-five (25) feet both sides of the proposed street right-of-way.
24. Copies of recorded deeds, plats or easements clearly documenting legal access to the proposed subdivision.

- B) OTHER DEVELOPMENT. The final application for other development shall contain:
- 1) Six (6) black or blue line prints of the development site plan; and
 - 2) Name and address of owner of record (developer/applicant); and
 - 3) Name of development, north point, graphic scale and date; and
 - 4) Name of county, project location, tax map and parcel number; and
 - 5) Bearings and distances of all property lines, tract acreage, location of property markers and seal of registered land surveyor; and
 - 6) Location, size and type of all existing easements on or immediately adjacent to the development property; and
 - 7) Existing railroads, streets, drainage ditches, watercourses, city limit lines and utility lines on or adjacent to the development property; and
 - 8) Names of all contiguous land owners and indication of all contiguous property land uses (residential, commercial, industrial, institutional, agricultural, wooded/vacant, etc); and
 - 9) Beaufort Count Special District boundary lines (where applicable) (See Section 3.1) and
 - 10) Tree survey of all trees eight (8) inches and larger in trunk diameter and indication of trees proposed for removal. [Note: It is the expressed intent of this ordinance that every effort be made in the design and layout of development projects to conserve as many trees as possible]; and
 - 11) Proposed building locations, ingress/ egress, circulation/ maneuvering facilities and areas, parking areas, loading/unloading areas, storage areas, work and other activity areas and facilities properly dimensioned and labeled; and
 - 12) Final stormwater drainage plan (See Section 4.2.5, 4.2.6 and 5.2.5); and
 - 13) Final water and sewer system layouts, or well and septic tank locations, where applicable; and

- 14) Final Underground electric, telephone and gas service layouts by the respective utility companies, signed and dated with reference to the nearest point of existing utility lines; and
- 15) Existing and proposed fire hydrant locations (where applicable).
- 16) Location, size and type of all proposed easements; and
- 17) Proposed setbacks, buffer and screening (where applicable); and
- 18) Proposed open space and landscaped areas; and
- 19) Other required agency permits or approvals such as:
 - a) DHEC septic tank permit; and
 - b) DHEC water supply construction permit; and
 - c) DHEC sewage disposal system construction permit; and
 - d) SCCC permit for docks, wharfs, piers, marinas, bulkheads, causeways, bridges and the like; and
 - e) US Army Corps of Engineers permit (where applicable); and
 - f) County Engineer approval of stormwater runoff design (forwarded directly to the Planning Commission by the County Engineer); and
 - g) Fire Official approval; and
 - h) Any other applicable local, state or federal agency permit or approval.
- 20) Solid waste disposal plan or letter of intent to provide contract service by a private refuse collection agency or the like.
- 21) Agreements, contracts or letters of intent to provide water supply or sewage disposal service by a municipality, other government authority, public service district or private utility company, where applicable.
- 22) For development projects on property which is not immediately contiguous to a public road, street or highway and, where such proposed project involves the sale of

residential, commercial, industrial or institutional condominium, villa, town house or other such unit or space, the applicant shall submit:

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- a) copies of recorded deeds, plats or easements clearly documenting access to the development property.
- C) Planned Unit Development (PUD). The format and content of final plan application for phases or sections of preliminary approved Planned Unit Developments shall consist of those items outlined in parts (a) and (b) of this section as determined by the type of development of the PUD phase.

Section 7.5.3.2 Final Application Processing.

- A) Upon receipt of the final application, the Development Administrator shall review the application for conformity with the format and content requirements of this section. If discrepancies are found, the Development Administrator shall within ten (10) working days notify the applicant of all discrepancies and return the application for correction.
- B) If the Development Administrator finds that the final application conforms to the format and content provisions of this section he shall record the application and the date of its receipt, and shall submit the application to the Development Review Committee.
- C) The Development Review Committee shall review all final applications and may at its discretion call a public hearing in accordance with the provisions of this article. Within sixty (60) days of the application filing date, Development Review Committee shall take one of the following actions:
 - 1) Approve the application
 - 2) Disapprove the application
- D) In the event the application is approved, the Development Administrator shall issue a permit authorizing the applicant to

commence development or file a subdivision plat (where appropriate).

- E) If the permit is denied the Development Administrator shall notify the applicant of such action in writing specifying the reasons for such denial.
- F) In the event the Development Review Committee does not take action within sixty (60) calendar days of the filing date of the application, the application shall be deemed to have been approved and a certificate to that effect shall be issued by the Development Administrator upon demand.

Section 7.6 Documentation of Rulings.

Any ruling made by the Development Review Committee under the provisions of this Ordinance shall be issued in writing and shall include written findings of fact and conclusions, together with the reasons therefore to the extent practicable. Conclusions based on any provision of this ordinance shall contain a reference to the provision relied on.

Section 7.7 Changes to Approved Plans.

Changes to approved plans involving, but not limited to, street and parking layouts, water, sewer, drainage, density, access, setbacks, buffer zones, tree removal, shall be submitted to and approved by the Development Review Committee.

Section 7.8 Appeal

Section 7.8.1 Beaufort County Board of Adjustment and Appeals

Section 7.8.1 Establishment of Board of Adjustment and Appeal.

The Board of Adjustment & Appeals is hereby established. Said Board shall consist of five members, who shall be citizens of Beaufort County and shall be appointed by the Beaufort County Council for overlapping terms of three (3) years. Initial appointment shall be as follows:

One (1) member for a term of three (3) years, two (2) members for a term of two (2) years, and two members for a term of

one (1) years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the Board.

Section 7.8.1.2 Proceedings of the Board of Adjustment.

The Board of Adjustment shall elect a chairman and a vice-chairman from its members who shall serve for one (1) year or until reelected, or until their successors are elected. The Board shall appoint a secretary who may be an employee of the County or a member of the Board of Adjustment. The Board shall adopt rules and bylaws in accordance with the provisions of this Ordinance and of the General Statutes of South Carolina, Code of Laws of South Carolina, 1976, as amended. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public.

Section 7.8.1.3 Decisions of the Board of Adjustment.

The concurring vote of three (3) members of the Board of Adjustment shall be necessary to reverse any decision or determination of the Development Review Committee on any matter relating to application of the provisions of this Ordinance. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be immediately filed in the office of the Board and shall be a public record. On all appeals brought before the Board of Adjustment, the Board shall inform in writing all the parties involved of its decisions and the reasons therefor.

Section 7.8.1.4 Appeals, Hearings, Notice.

Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the County. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Development Administrator and with the Board of Adjustment notice of said appeal specifying the grounds thereof. The Development Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Development Administrator certifies to the Board, after the notice of

appeal shall have been filed with it, that by reason of facts stated in the application, a stay would, in its opinion, cause imminent peril to life and property.

In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notices to the officer from whom the appeal is taken, and on due cause shown.

The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the County at least fifteen (15) days in advance of the scheduled hearing date. At the hearing any party may appear in person or by agent or by attorney.

Section 7.8.1.5 Powers and Duties of the Board of Adjustment.

The Board of Adjustment shall have the following powers and duties:

- (a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Development Review Committee in the administration and enforcement of the Beaufort County Development Standards Ordinance.
- (b) To authorize on appeal in specific cases relief from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will in an individual case, result in unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unusual hardship upon a finding by the Board of Adjustment that:
 - (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - (2) The application of the Ordinance on this particular piece of property would create an unusual hardship;

- (3) Such conditions are peculiar to the particular piece of property involved; and
- (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Ordinance or comprehensive plan, provided, however, that no variance may be granted for a use of land or building or structure that is not permitted in a given district.

- (c) To decide on matters where a decision of the Board of Adjustment may be specifically required by the provisions of this ordinance.

In exercising the above powers, the Board of Adjustment may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or modify any decision of the Development Review Committee or Development Administrator from whom the appeal is taken. The Board, in the execution of the duties for which appointed, may subpoena witnesses and in the case of contempt may certify such fact to the Circuit Court having jurisdiction.

Section 7.8.1.6 Appeals from Decisions of Board of Adjustment.

Any person who may have a substantial interest in any decision of the Board of Adjustment may appeal from such decision to the Circuit Court in and for the County of Beaufort by filing with the Clerk of such Court a petition in writing setting forth plainly, fully, and distinctly wherein such decision is contrary to law. Such appeal shall be filed within thirty (30) days after the decision of the Board is rendered.

Section 7.9 Public Hearings.

Public hearings required or called under the provisions of this ordinance shall proceed in accordance with this section. Other than those expressly provided for in the Ordinance, public hearings may be called only when the issues raised by the proposed development, in the judgement of the Development Review Committee have sufficient County-wide impact as to warrant public discussion.

- A) At least fifteen (15) days in advance of a hearing the Development Administrator shall publish notice of the hearing in a newspaper of general circulation, and shall give notice individually to the following:
 - 1) the developer, property owner or applicant
 - 2) any other person, agency or organization that may be designated by this Ordinance

- B) The notice shall:
- 1) give the time and place of the hearing
 - 2) contain a statement describing the subject matter of the hearing and,
 - 3) specify the officer or employee of the County from whom additional information can be obtained; and
- C) The notice shall specify the governmental authority, commission, agency or officer responsible for conduct of the hearing and before which the hearing shall be held, and shall designate the presiding officer.
- D) A written statement giving the name and address of the person making the appearance, signed by him or his attorney, and filed with the presiding officer, constitutes appearance of record. The parties to a hearing shall be any of the following persons who have entered an appearance of record either prior to commencement of the hearing or when permitted by the presiding officer.
- 1) A person entitled to notice under (a) subsection (1)
 - 2) The representative of any department or agency of Beaufort County
 - 3) A person who satisfied the presiding officer that he has significant interest in the subject matter of the hearing.
- E) The Development Administrator shall make a record of the hearing.

Section 7.10 Enforcement, Remedies and Penalties.

- A) It shall be unlawful for any person, firm or corporation to sell or transfer lots of subdivided land until such subdivision or development plan has been approved and a development permit issued under the provisions of this ordinance and the approved subdivision plat duly recorded with the Registrar of Mesne Conveyances for Beaufort County.
- B) No building, plumbing or electrical permit shall be issued by the County unless a valid development permit has been approved under the provisions of this Ordinance for those developments for which a development permit is required.
- C) No agency, public or private, shall modify,

install or provide any streets or public utility services to any development unless a preliminary application approval and improvement design approval has been granted under the provisions of this Ordinance.

- D) No agency, public or private, shall sell or supply any water, gas, electricity or sewer services within any development unless a valid development permit has been approved under the provisions of this Ordinance.
- E) The responsibility for the enforcement of this Ordinance is delegated to the Beaufort County Deputy Administrator for Public Works.
 - 1) If the Development Administrator shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, setting forth the nature of the violation and order the action necessary to correct it.
 - 2) Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a signed written complaint with the Beaufort County Development Administrator. Such complaint shall state fully the causes and basis thereof.

The Development Administrator shall properly record such complaint, immediately investigate to determine the validity of the charge and take whatever action is necessary to assure compliance with this Ordinance.

- 3) In the event any development is undertaken in violation of this Ordinance, the Development Administrator, the Beaufort County Council or its agent, or any person aggrieved may, in addition to other remedies, provided by law, institute an injunction, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful development.
- F) Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and upon the conviction thereof, shall pay such penalties as the court may decide

as prescribed by South Carolina law, not to exceed two hundred (\$200.00) dollars or thirty (30) days imprisonment, for each violation. Each day during which such conduct shall continue shall constitute a separate violation which shall subject the offender to liability prescribed in this chapter. Furthermore, any violation of the provisions of this Ordinance dealing with subdivision of land, by any person, firm, corporation, owner or agents of owners of land to be subdivided shall make the transfer, sale, agreement for sale, or negotiation for sale of any lot, part, tract, parcel, building site or building interior structure, rescindable at the purchaser's option.

- G) In the event any development activity is undertaken prior to approval and issuance of a development permit, if the developer is declared guilty by a magistrate in accordance with the provisions of this Ordinance, in addition to other prescribed remedies in this Section, the Development Review Committee shall not consider the developer's application for development plan approval and subsequent issuance of a development permit for that project for a period of ninety (90) days from the date of determination of violation.
- H) Nothing herein shall prevent the County of Beaufort from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE VIII
AMENDMENTS

Section 8.1 Introduction.

This Ordinance including the Official District map may be amended from time to time by the County Council in accordance with the provisions of this Article.

Section 8.2 Review by Development Review Committee.

The County Council shall not adopt an amendment to this Ordinance until the proposed amendment has been transmitted to the Development Review Committee comments and recommendations and either:

- A) The Development Review Committee transmitted its comments and recommendations to the County Council and these comments have been made available to the public at least fifteen (15) calendar days prior to adoption of the amendment; or
- B) Ninety (90) calendar days have elapsed since the proposed amendment was submitted to the Development Review Committee.

Section 8.3 Public Hearing Required.

The County Council shall not adopt any amendment to this Ordinance until at least one (1) public hearing has been held.

ARTICLE IX
LEGAL STATUS PROVISIONS

Section 9.1 Conflict with other Laws.

Whenever the provisions of this Ordinance impose more restrictive standards than are required under other statutes, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

Section 9.2 Validity.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 9.3 Repeal of Conflicting Ordinances.

All Ordinances and parts of Ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect (See Section 2.3).

Section 9.4 Effective Date.

This Ordinance shall take effect and be in force from and after the date of its adoption by the County Council.

ARTICLE X
DEFINITION OF TERMS

Section 10.1 Interpretation of certain terms or words

Except as specifically defined herein, all words in this Ordinance have the customary dictionary definitions. For the purpose of this Ordinance, certain words or terms used herein are defined as follows:

Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word "shall" is always mandatory.

The word "may" is permissive.

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The word "used" or "occupied" as applies to any land or building shall be construed to include the words intended, arranged or designed to be used or occupied.

The words "map", "district map" or "Official District Map" shall mean the Official District Map of Beaufort County, South Carolina and refers to all maps so titled and bearing the seal of the Beaufort County Council together with the signatures of the Chairman, Beaufort County Council, one Administrative Official of Beaufort County, as well as the date of adoption of the Ordinance.

The term "Development Administrator" refers to the person subsequently and specifically designated by the County Council and so employed and empowered to enforce this Ordinance.

Section 10.2 Definitions.

Section 10.2.1 Access.

The right and or ability of pedestrians and vehicles to enter and leave property.

Section 10.2.2 Accessory Use.

A use of a structure subordinate to the principal use of the structure on a lot used for purposes customarily incidental to the main or principal use of the structure and located on the same lot.

Section 10.2.3 Alley.

A secondary street or roadway which affords access to the side or rear of abutting property.

Section 10.2.3 Buffers.

A piece of land of specific width, free from man made structures (including driveways and parking areas), permanently set aside by the owner and his assigns and planted in trees and/or shrubs of density sufficient to provide contiguous properties with a measure of privacy. Sufficient density may be achieved by, but is not limited to, the planting of such shrubs as ligustrum, red-tip or cherry laurel at intervals of three feet on center. These may be used in combination with structures (wall, fences, screens) which serve to minimize or eliminate conflicts between contiguous uses of land.

Section 10.2.5 Building.

Any structure having a roof supported by columns or walls and intended for the shelter housing, or enclosure of any person, process, equipment or goods.

Section 10.2.6 Building Alteration.

Any change in the supporting members of a building (such as bearing walls, columns or girder), any addition or reduction to a building, any change in use or any relocation of a building from one location or position to another.

Section 10.2.7 Building Line.

A line which represents the distance that a building or structure must be set back from a lot boundary line or a street right-of-way line according to the terms of this Ordinance. In all cases, the building lines of a lot shall be determined to run parallel to right-of-way lines and lot boundary lines.

Section 10.2.8 Building, Principal.

A building in which the principal use of the lot is conducted.

Section 10.2.9 Canal.

Those main drainage canals and additions thereto throughout Beaufort County and studied in the "Feasibility Study of Requirements for Main Drainage Canals", Beaufort County, South Carolina dated April , 1970.

Section 10.2.10 Coastal High Hazard (Also Velocity) Areas.

A flood hazard area subject to high velocity waters.

Section 10.2.11 Coefficient of Runoff.

A number used as a multiple in measuring the change in stormwater runoff.

Section 10.2.12 Density.

The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise stated in this Ordinance, density requirements are expressed in units per gross acre.

Section 10.2.13 Detention.

The collection and storage of surface water for subsequent controlled discharge at a rate which is less than the rate of inflow.

Section 10.2.14 Development.

The word "development" shall mean, except where the context otherwise requires and in the absence of a more limiting provision, the performance of any building or mining operation, the making of any material change in the use of any structure or land, or the division of land into two (2) or more parcels, lots, building sites or building units. (See Section 2.2.1).

Section 10.2.15 Development, Industrial.

Development for the purpose of converting natural resources into marketable products, the assembly of parts into wholly or partially finished products, the physical or chemical processing of materials, the extraction of minerals and other substances, and other activities normally considered industrial in nature.

Section 10.2.16 Development, Institutional.

Development involving public, quasi-public, eleemosynary, religious philanthropic or other activity undertaken for the purpose of providing for the social, cultural, educational or physical betterment of the community.

Section 10.2.17 Development, Non-conforming.

Existing development not in conformance with one (1) or more provisions of this Ordinance.

Section 10.2.18 Development, Office.

Development providing space and facilities for the conduct of business, administrative, professional activities or services not involving the movement, storage or sale of goods on the premises.

Section 10.2.19 Development, Residential.

The provision of the structures and facilities to permanently house the population.

Section 10.2.20 Development, Retail Commercial.

Structures and activity involving the sale of goods on the premises to the public.

Section 10.2.21 Development, Transportation.

Structures, facilities for the movement and distribution of goods and people.

Section 10.2.22 Development, Warehousing.

Structures, facilities and activities for the sole purpose of storing goods.

Section 10.2.23 Development, Wholesale.

Structures and activity involving the sale of goods primarily to the retailer.

Section 10.2.24 Drainage Basin.

A drainage are or watershed contributing to the flow of water in a receiving body of water.

Section 10.2.25 Drainage Facility.

Any component of the drainage system.

Section 10.2.26 Dwelling Unit.

Dwelling unit is a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Section 10.2.27 Easement.

An interest in land of another that entitles the holder to a specified limited use.

Section 10.2.28 Existing Grade.

The existing or natural slope of land expressed in terms of vertical drop per horizontal distance of land.

Section 10.2.29 Family.

One or more persons living together as a housekeeping unit in a dwelling unit.

Section 10.2.30 Family, Immediate.

A property owner's heirs at law who would succeed to his estate or inheritance under the South Carolina statute of descent and distribution.

Section 10.2.31 Farm.

Any tract of real property which is principally used to raise, harvest or store crops, feed, breed or manage livestock or to produce plants, trees, fowl or animals, including agriculture operations, useful to man including the preparation of the products raised thereon for man's use and disposed of by marketing or other means, including agriculture.

Section 10.2.32 Finished Grade.

The resultant slope of land following alteration as part of a development activity expressed in terms of

vertical drop per horizontal of lands, streets, embankment, etc.

Section 10.2.33 Flood.

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters.

Section 10.2.34 Flood Hazard District.

That area designated by the Federal Flood Insurance Administration on official flood hazard area maps, subject to a one percent or greater chance of flooding in any given year.

Section 10.2.35 Grade.

The slope expressed in terms of vertical drop per horizontal distance of land, streets, embankment, etc.

Section 10.2.36.1 Gross floor space shall be computed as the foot print of the space times the number of floors.

Section 10.2.36 Gross Acre.

All land under title or ownership and recorded with the property deed.

Section 10.2.37 Habitable Space (room).

Habitable space is space in a structure for living, sleeping, eating or cooking. Maintenance or utility space, parking garages and similar areas are not considered as habitable space.

Section 10.2.38 Home Occupation.

Any use of principal and accessory buildings clearly incidental to their uses for dwelling purposes and conducted for compensation by a resident thereof, within a residential area.

Section 10.2.39 Impervious Surface.

A surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, patios, swimming pool decks and other similar structures.

Section 10.2.40 Improvement.

The construction of buildings and the establishment of basic services and amenities associated with the development activity including, but not limited to, streets and sidewalks, parking areas, water and sewer systems, drainage system, property markers and monuments, recreational facilities, (i.e., lakes, swimming pools, tennis courts, golf courses, riding stables, club houses, cabanas, marinas, docks and the like)

Section 10.2.41 Inverted Crown Section.

A road or street cross section where the center of the road or street profile is lower than the edges of the profile to allow for stormwater to drain toward the center of the road or street for removal through a stormwater drainage system.

Section 10.2.42 Lined Channels.

The use of plastics, concrete, stone, asphalt or similar material to define a drainage channel.

Section 10.2.43 Littoral Vegetation.

Vegetation found off, or along a shore of surface water.

Section 10.2.44 Loading Space, Off-Street.

Space logically and conveniently located for pickups and deliveries off public right-of-way, scaled to delivery vehicles expected to be used, and accessible to such vehicles.

Section 10.2.45 Local Fire Official.

The duly appointed or employed Fire Chief of a County, municipal, public service district or special tax district fire protection service agency or department, or other designated individual.

Section 10.2.46 Lot.

A small developed or undeveloped tract or parcel of land suitable for building purposes and legally transferable as a single unit of land.

Section 10.2.47 Lot of Record.

A separate lot, parcel, piece or tract of land that existed and was described and defined as part of the public record prior to adoption of this Ordinance on September 11, 1978.

Section 10.2.48 Man-made Waterbody.

Any man-made pond, lake, lagoon channel, wetland, marina, or basin which ordinarily or intermittently contains water and which has a discernible shoreline.

Section 10.2.49 Material.

As contained herein, shall be construed to mean objective, substantive, tangible and consequential.

Section 10.2.50 Mining.

The act or process of digging, excavating or tunneling for the purpose of removing some natural material, for sale or trade.

Section 10.2.51 Natural Waterbody.

Any natural pond, lake, channel, wetland, marsh, creek, sound or ocean which ordinarily or intermittently contains water and which has a discernible shoreline.

Section 10.2.52 On Site.

On or within the area contained in the development permit application or within other areas which, pursuant to this Ordinance may be included in defining the site's said referenced purpose.

Section 10.2.53 One Hundred (100) Year Flood.

Means the flood or level of flood water measured from mean sea level that has a one percent (1%) chance of being equaled or exceeded in any given year.

Section 10.2.54 Open Space.

Land area not covered by buildings, parking areas or other accessory structures. Open space does not include utility easements, street right-of-way, drain ditches and the like (See Section 5.2.9).

Section 10.2.55 Owner.

An owner of property or the authorized agent of an owner.

Section 10.2.56 Parcel.

See Tract, Section 10.2.44

Section 10.2.57 Parking Lot.

Any public or private open area used for the express purpose of parking automobiles and other vehicles.

Section 10.2.58 Parking Space, Off-Street.

The storage space for one automobile of not less than nine (9) feet by twenty (20) feet, plus the necessary access space, and located outside the dedicated street right-of way, other than handicapped spaces.

Section 10.2.59 Peak Flow.

(For Runoff) At the time of greatest runoff concentration, the volume or velocity in cubic feet per second (cfs) being discharged at a given point.

Section 10.2.60 Person.

Every natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government or any group or combination acting as a unit.

Section 10.2.61 Predevelopment Conditions.

Those conditions which existed before alteration, resulting from human activity, of the natural topography, vegetation and rate, volume or direction of surface or ground water flow as indicated by the best available historical data.

Section 10.2.62 Premises.

A lot or other tract of land including the buildings or structures thereon.

Section 10.2.63 Planned Development.

A tract of land master planned or developed in sections or phases whether or not consisting of several different types and densities of land use.

Section 10.2.64 Planned Unit Development (PUD).

A tract of land master planned or developed in sections or phases consisting of several different types and densities of land use.

Section 10.2.65 Primary Dune.

The major front dune immediately behind the beach.

Section 10.2.66 Property.

An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed as filed in the official records of the County.

Section 10.2.67 Quasi-Public (Also Quasi-Governmental).

Commissions, boards, authorities, public service districts created by local or state legislation to serve a limited and specific public purpose.

Section 10.2.68 Receiving Waters.

Any waterbodies, watercourses, or wetlands into which surface waters flow either naturally, in man-made ditches, or in a closed conduit system.

Section 10.2.69 Retention.

The collection and storage of runoff without subsequent discharge to surface waters.

Section 10.2.70 Sediment.

Fine particulate material, whether mineral or organic, that is temporarily in suspension or has settled in a waterbody.

Section 10.2.71 Sign.

Any form of publicity which is visible from any public way, directing attention to an individual, business, commodity, service, activity, or product, by means of words, lettering, parts of letters, figures, numerals, phrases, sentences or emblems.

Section 10.2.72 Site.

A space or piece of ground occupied or planned for occupation by structures or a set of structures and support improvements.

Section 10.2.73 Street, Private.

A right-of-way which has not been dedicated or publically accepted by the County.

Section 10.2.74 Street, Public.

A dedicated public right-of-way which affords means of access to abutting property and which has been accepted for maintenance by the County or the State Highway Department. For the purposes of these regulations, the term street or streets shall also mean avenues, boulevards, roads, lanes and other public ways.

Local Street - A public or private way used primarily for providing direct access to abutting property.

Collector Street - A public or private way designed primarily to connect residential service streets with arterial streets or to provide a direct connection between two arterial streets and may be expected to carry a significant volume of traffic having neither origin nor destination on the street.

Major Thoroughfare - A federal or State Highway designated for the movement of large volumes of traffic or recognized for purposes of this Ordinance, as a result of long-range planning study, to possess such potential. For purposes of this Ordinance, major thoroughfares are designated on the Official Major Thoroughfare Map adopted as a part of this Ordinance and included in the Appendix, subject to periodic revisions by the Development Review Committee.

Section 10.2.75 Structure.

Anything constructed, erected or established including, but not limited to the following: Buildings, signs, seawalls, mobile homes, fences, screen enclosures and patio walls.

Section 10.2.76 Structure, Alteration.

Any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders or any structural change in the roof or in the exterior walls.

Section 10.2.77 Subdivision.

The term "subdivision" shall mean all divisions of a tract or parcel of land into two (2) or more lots, building units or other division, for the purpose, whether immediate or future, of sale, legacy, transfer or resale and involves all division of land involving a new street or change in existing streets, and includes the act of resubdividing previously subdivided property.

Section 10.2.78 Tandem Parking.

An arrangement for parking two vehicles in a straight line (bumper to bumper) in which ingress and egress to the space is provided at only one end so that the second vehicle parked blocks the exit way of the first.

Section 10.2.79 Tract.

A defined area or piece of land, the term itself not importing any precise dimension.

Section 10.2.80 Tree.

Any self-supporting woody perennial plant which has a diameter of eight (8) inches or more (25 inch circumference) measured three (3) feet up from the base and which normally attains a height of at least ten (10) feet at maturity and usually has one main stem or trunk and many branches.

Section 10.2.81 Use.

The purpose or activity for which the land or building thereon is designed, arranged or intended or for which it is occupied and maintained.

Section 10.2.82 Utility, Private.

Any privately owned company or corporation which provides the general public or residents within a private development with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other services.

Section 10.2.83 Utility, Public.

Any agency which, under public franchise or ownership provides the general public with electricity, gas, heat, steam, communication rail transportation, water, sewage collection or other services.

Section 10.2.84 Variance.

A departure from the strict terms or expressed provisions of this Ordinance where such departure will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of any action on the part of the property owner, a literal enforcement of this Ordinance would result in unnecessary and undue hardship.

Section 10.2.85 Vegetation.

All plant growth, especially trees, shrubs vines, ferns, mosses and grasses.

Section 10.2.86 Wetlands.

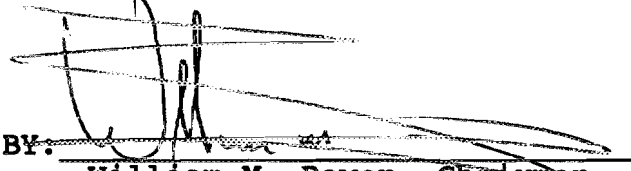
- A) Any salt, brackish or fresh water marsh, bog, swamp, meadow, flat or other area subject to tidal flow, whether or not the tide water reaches the area naturally or through

Section 10.2.86 Wetlands.

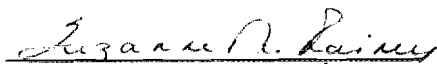
- A) Any salt, brackish or fresh water marsh, bog, swamp, meadow, flat or other area subject to tidal flow, whether or not the tide water reaches the area naturally or through artificial water courses; and,
- B) Any other area upon which exists a natural community of one or more of the following indication of tidal influence: *Spartina alteniflora*, *Spartina potenas* and *Juncus roemerianus*; and,
- C) Any natural land-locked bogs, swamps, lakes and ponds, sinks or low-lying areas that are unique and important wildlife habitats, or possess unique scenic and recreational value.

Adopted this 12th day of June, 1989

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: 
William M. Bowen, Chairman

Attest:


Clerk of Council

First Reading, By Title Only: 2-13-89
Second Reading: 5-8-89
Public Hearings: 5-22-89
Third & final Reading: 6-12-89

Amending Ordinances:

86-5
86-4
86-3
84-25
84-21
84-20
84-19
84-9
83-9
83-5

A P P E N D I X

MAJOR THOROUGHFARES

Beaufort County, South Carolina

U.S. Highway 17

U.S. Highway 21

U.S. Highway 278

SC 802 and 802 West

S - 3

S - 20

S - 23

S - 40

S - 44

S - 46

S - 72

S - 73

S - 80

S - 86

SC - 116

S - 144

S - 163 (Burnt Church Road)

SC - 170

S - 243

S - 245

SC - 280

S - 342

S - 244