99/12

AN ORDINANCE TO ADOPT THE APRIL 23, 1999 ZONING AND DEVELOPMENT STANDARDS ORDINANCE WITH PROCEDURES FOR A ONE-YEAR EVALUATION AND REVIEW.

WHEREAS, County Council adopted the Beaufort County Comprehensive Plan on December 15, 1997; and

WHEREAS, the Beaufort County Joint Planning Board on November 3, 1998 forwarded a duly written Zoning and Development Standards Ordinance to County Council; and

WHEREAS, County Council has subsequently amended this draft and returned it to the Joint Planning Board for review and recommendations in accordance State Law; and

WHEREAS, County Council has determined that the current draft of the Zoning and Development Standards Ordinance will reasonably and effectively implement the Beaufort County Comprehensive Plan.

NOW, THEREFORE, Be It Ordained, that Beaufort County Council:

1. Adopts the attached Zoning and Development Standards Ordinance dated April 23, 1999; and

2. Adopts Zoning Maps attached to the Zoning and Development Standards Ordinance dated April 23, 1999; and

3. Adopts procedures for a one-year Evaluation and Review period as described on the attached memorandum from the Planning Director to County Council and the County Administrator, dated April 16, 1999.

Adopted this 26th day of April, 1999.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____

Frank Brafman
Chairman

ATTEST:

Clerk to Council

APPROVED:

Ladson F. Howell, County Attorney

First Reading, By Title Only: February 8, 1999
Second Reading: April 12, 1999
Public Hearing: April 12, 1999
Third and Final Reading: April 26, 1999

BEAUFORT COUNTY ZONING & DEVELOPMENT STANDARDS ORDINANCE

Adopted by
the Beaufort County Council

April 26, 1999

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ARTICLE 01
TITLE, COMPREHENSIVE PLANNING POLICY, PURPOSE, LEGISLATIVE INTENT, APPLICABILITY, NONCONFORMITIES AND LEGAL PROVISIONS

DIVISION 01.000 TITLE

This Ordinance shall be known as the "Beaufort County Zoning & Development Standards Ordinance," or the "Ordinance."

DIVISION 01.100 COMPREHENSIVE PLANNING POLICY

The 1997 Beaufort County Comprehensive Plan, adopted the authority of the South Carolina Local Government Enabling Act of 1994, S.C. CODE ANN. § 6-29-310 *et seq.*, as amended, ensures that future land use and development will be consistent with the desires of the community and the wise use of the County's natural resources while, at the same time, recognizes the financial constraints of the County and the need to balance environmental concerns with private property rights.

SECTION 01.110 INTRODUCTION

Between 1960 and 1990, Beaufort County more than doubled in population, growing from 41,052 in 1960 to 86,425 in 1990. While estimates of future growth vary according to the type of statistical forecasting methodology employed, all estimates, nevertheless, call for continued strong growth. 1990 projections for the year 2000 range from a low of 109,275 to a high of 151,400. For the year 2010, estimates range from a low of 139,400 to a high of 219,000.

Much of this new growth and development has been, and will continue to be, directly related to the development of Beaufort County as a quality tourist destination, second home, and retirement location. These, in turn, have grown out of the unique character of Beaufort County's natural, environmental, cultural and historic resources. The citizens of Beaufort County have clearly recognized the predicament this situation presents: the unique and irreplaceable character of the County is the principal generator of its recent economic growth and development. Yet this new growth, if inappropriate or planned and managed poorly, could threaten and undermine the very characteristics that have produced it in the first place.

SECTION 01.120 LAND USE GOALS

To guard against the negative impacts of unmanaged growth, the citizens of Beaufort County have articulated a clear and strong vision of the future which is contained in the six over-arching public policy goals guiding the comprehensive plan. These are: maintain the distinction between rural and developing areas; protecting the character and quality of existing communities; supporting an ethic of quality growth; fostering and managing economic development; managing growth through infrastructure investment policies and plans; and recognizing constraints to growth.

A. MAINTAINING THE DISTINCTION BETWEEN RURAL AND DEVELOPED AREAS.

Maintaining the distinction between rural and developed areas is important for several reasons.

First, the quality of the natural environment, local waterways and fisheries is essential to preserving the character of Beaufort County that is attractive to tourism and second home development. This includes the County's natural features and resources, along with large areas of contiguous open space. Second, protecting rural areas also protects the traditional sectors of the local economy, such as farming, timbering and fishing. Third, preventing sprawl development means a more efficient and economical way to provide infrastructure such as schools, fire departments and law enforcement. Fourth, emergency evacuation can be carried out more effectively from developed areas with adequate road systems. Finally, the preservation of rural areas is directly related to the preservation of Beaufort County's historic heritage and resources.

B. PRESERVING AND PROTECTING EXISTING COMMUNITIES AND DEVELOPING NEW COMMUNITIES.

Beaufort County's existing historic communities, including Lady's Island, the Corner community on St. Helena's Island, Dale, Sheldon and Bluffton, all contribute toward the creation of an image of the County that is essential to the sense of place that residents and visitors alike share about their community. The preservation and protection of buildings, structures, sites, objects, districts and landscape features of historic, architectural, cultural, archeological, educational and aesthetic merit are critical to the character of Beaufort County. Moreover, these communities also serve as an important model for the development of new communities in the County, especially as they provide an example of the type of traditional development pattern where a clear distinction is maintained between developed and undeveloped areas. In addition, these existing communities make an important contribution to the diversity of the County in terms of race, age and income.

C. DEFINING AND PERPETUATING AN ETHIC OF QUALITY DEVELOPMENT.

Another important goal is the establishment of a widespread, generalized, approach to development based on quality. While it is recognized that each community approaches development from its own perspective, based on its own needs and opportunities, the goal of the Beaufort County Comprehensive Plan is to articulate and encourage a development ethic that fully recognizes the historic and environmental resources of the County and attracts developers and lenders interested in the challenges and opportunities these represent. In return, it recognizes that the regulatory process must be fair and effective.

D. FOSTERING SUSTAINABLE ECONOMIC DEVELOPMENT.

Even as the County has succeeded in attracting and emphasizing quality development in the areas of tourism and second home development, it recognizes that, in a global economy where goods, services and labor compete across national borders, downward pressure on wages in lesser skilled, labor intensive industries, such as tourism, creates a situation where the underemployed residents of Beaufort County face the possibility of long-term wage erosion. However, just as the County has been able to realize the benefits of quality development because of its remarkable environmental, cultural and historic heritage, the potential also exists to leverage these assets to attract those high-value, knowledge-based industries such as software, telecommunications and market research, which prize high-amenity environments like Beaufort County as a business location. A goal of this plan is to formulate a plan which creates jobs and economic opportunity for all residents of the County, in close proximity to their homes. These jobs should be of sufficient wages and good benefits to allow people to remain in the County, and share in economic growth.

E. MANAGING GROWTH THROUGH INFRASTRUCTURE INVESTMENT.

New growth produces new demands for community services like police, fire and emergency management and new facilities like schools, roads, water and sewer service, and stormwater drainage. When this growth occurs in areas unserved by an existing network of services or facilities, it creates fiscal pressures on public budgets and frequently means higher taxes. Coordinating new growth, both in terms of location and timing, with existing or planned infrastructure provides a way to manage this growth so that it is not only appropriate from a land use perspective, but is fiscally responsible and prudent from a public finance perspective, as well.

F. RECOGNIZING CHALLENGES TO GROWTH.

In addition to environmental and fiscal challenges, the Comprehensive Plan recognizes special features of Beaufort County which create other challenges to growth such as the County's cultural diversity; its coastal geography; its vulnerability to natural hazards; and the presence of military installations. In cases where these elements cannot be fully or adequately addressed by general land use policies, they are subject to specifically tailored programs.

SECTION 01.130 THE GROWTH MANAGEMENT PLAN

Future growth and development will be coordinated, and the land use goals of Beaufort County implemented, through a growth management plan which establishes a two-stage framework for land development. The first part of this plan calls for a Countywide base density of one (1) unit per three acres. The second part creates performance standards designed to provide for higher or lower densities in given areas depending upon appropriate community character. In general, higher densities are to be limited to urbanized or transitional areas. Higher than base density is not to be allowed in rural areas, except in areas where they contribute to the stock of affordable housing in the County and where they do not adversely affect other conditions.

To implement the Plan, the County is divided into three planning areas for the purpose of public investment and infrastructure development: Priority Investment Areas; Transitional Investment Areas; and Rural Investment Areas. Priority Investment Areas will be targeted for investment in publicly funded infrastructure, parkland, schools, roads, and sewer and water facilities. The Transitional Investment Areas are to receive moderate levels of capital investment and are defined as those areas likely to become priority investment areas within a 10-15 year time horizon. Finally, Rural Investment Areas are those areas intended to remain rural and to receive limited capital investment and basic services (except, however, where these services are related to this growth management objective, such as for purchase of development rights and Open Space Acquisition).

A. PRIORITY INVESTMENT AREAS.

Priority Investment Areas are designated according to any one (1) of the following three criteria: the area already has a concentration of public infrastructure, including possibly excess capacity in either infrastructure and/or a number of community services; the area has an existing concentration of homes and/or businesses which themselves might not be fully serviced and a current source of health and safety issues; or, finally, the area is anticipated to be developed within a five year time horizon.

The purpose of the Priority Investment Area designation is to allow the County to make effective use of tax dollars; to make up deficits related to outlays for infrastructure; to allow the county to phase capital investment for infrastructure; and to coordinate private development plans with the provision of public infrastructure and investment.

B. TRANSITIONAL INVESTMENT AREAS.

Transitional Investment Areas are those areas of the County likely to become priority investment areas within a 5-10 year period. However, property owners and developers may accelerate development of property included in this classification by financing the full cost of their own infrastructure and service needs.

Review of development projects within the Transitional Investment Area will include a more detailed review to include traffic studies; delineation of wetlands and the mapping of sensitive areas; and detailed site inventory including identification of major tree stands and existing site vegetation.

C. RURAL INVESTMENT AREAS.

The goal of the Rural Investment Area is to protect the rural character of Beaufort County which is a central goal of the Comprehensive Plan. Key issues related to this goal include preventing widespread suburban development; protecting the capacity of roads and highways by minimizing curb cuts and, thus, commercial development along the County's major roads and thoroughfares; and limiting development densities to one (1) unit per three acres in order to adequately handle septic system effluent (since rural areas are outside the service boundaries of sewer and water utilities).

The recommendations for the Rural Investment Areas include the creation of Rural Service Areas and Resource Conservation Areas. Rural Service Areas are designed to stay in their present state and not be targeted for development of public infrastructure. Within Rural Service Areas, design and development standards should reflect rural character and be subject to: a base zoning of 0.3; open space development, particularly when it includes contiguous tracts of land; transfer of development rights; and appropriate wastewater treatment provisions.

D. RESOURCE CONSERVATION AREAS.

Resource Conservation Areas are land areas which share a number of similar characteristics: they are generally difficult to access and include barrier islands and those islands within the major waterways of the County not accessible by land; they have both significant natural and archaeological resources; and they possess sensitive environmental characteristics, such as high water quality impacts from septic systems due to location or soil type.

For these reasons, the Comprehensive Plan recommends that development be restricted and/or limited along the following lines: that development density be no more than one (1) unit per 10 acres; that land uses be limited to single family residential, government, and park and recreation; that the clustering of residential generally be discouraged (due to the problems associated with septic systems); that vegetation of all kinds, but particularly native varieties, be maintained and conserved; and that development along waterways be restricted through the use of 100 foot development buffers.

DIVISION 01.200 PURPOSE

In addition to implementing the policies of the Beaufort County Comprehensive Plan as established in Division 01.100, Division 01.200 promotes the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of Beaufort County's present and future inhabitants and businesses by the following:

A. LAND USE PATTERNS AND COMMUNITY CHARACTER.

1. Establishing rational land use and growth patterns and encouraging the most

appropriate use of individual pieces of land in accordance with the 1997 Beaufort County Comprehensive Plan.

2. Dividing the County into districts of distinct community character according to the use of land and buildings, the intensity of such use (including bulk and height), and the surrounding open space, to promote health and safety.

3. Providing suitable transitions between different community character areas to minimize the amount of incompatible land use and adverse impacts on property value.

4. Regulating the location and use of buildings, structures, and land for trade, industry, residences, and other uses.

5. Providing protection from noise, glare, odor, or vibration through buffers and other regulations.

6. Securing adequate natural light, clean air, privacy, convenient and safe access to property, and a safe environment.

7. Limiting the bulk, scale, and density of new and existing structures to preserve the desired character of Beaufort County and its various neighborhoods for residents and promote and encourage the community's growth and economic health.

8. Encouraging high-quality, attractive, and marketable development for the present and future population and businesses.

B. NATURAL AND CULTURAL RESOURCES.

1. Protecting watershed and surface water resources for safe and secure drinking water upon which the County's population depends.

2. Controlling the density, open space, land use, and vegetative cover to prevent surface water contamination.

3. Protecting life and property by avoiding or lessening the hazards of flooding, stormwater accumulation, runoff, or destabilization of soils by district or performance standards.

4. Avoiding or lessening soil erosion hazards.

5. Preserving and protecting areas with limited development potential due to topography, hydrology, soils, or other natural conditions as habitats for wildlife.

6. Respecting the area's history by preserving archaeological, historical, and architectural resources in a form that is as close to their historic use and character as is consistent with the economic realities of the neighborhoods and county.

C. PUBLIC INFRASTRUCTURE.

1. Creating an environment safe from fire, flood, and other dangers.

2. Ensuring adequate and safe roads and facilities by limiting land use intensity to the capacity of the roads or facilities and controlling access and by planning and building roads to accommodate anticipated growth.

3. Protecting and enhancing a pattern of streets, arterial streets, and highways that produces a unified, safe, and efficient system for movement.

4. Reducing the danger and congestion of traffic on roads and highways by both limiting the number of friction points, such as intersections and driveways, and minimizing other hazards.

5. Protecting residential streets from degradation by non-residential traffic.

6. Establishing and regulating setback lines along streets and highways, property lines, and drainage facilities to ensure adequate and safe facilities. When appropriate, establishing and regulating build-to lines to create a pedestrian-scale sense of place.

7. Promoting economy in governmental expenditures.

8. Promoting and encouraging basic public services which meet the needs of Beaufort County's citizens and providing for public safety and services that ensure the health of residents and businesses.

D. GROWTH MANAGEMENT.

1. Encouraging development patterns that permit interim land uses when utilities are not available, but do not preclude the desired future pattern of development.

E. JUSTIFIABLE EXPECTATIONS.

1. Protecting and enhancing the value of land and buildings.

2. Seeking to balance the Ordinance's impact by permitting clustering at higher densities, and a greater variety of uses to offset restrictions.

3. Protecting landowners from adverse impacts of adjoining developments.

4. Protecting and respecting the justifiable reliance of existing residents and businesses on the continuation of existing, established, and planned land use patterns.

5. Abating nuisances by regulating proximate uses' compatibility using quantifiable performance standards.

6. Maintaining a desirable lifestyle for residents.

F. ADMINISTRATION.

1. Defining the powers and duties of administrative officers and bodies necessary to administer this Ordinance.

2. Prescribing penalties for violating this Ordinance's provisions.

Each purpose listed above serves to balance the interests of the general public of Beaufort County with those of individual property owners.

DIVISION 01.300 LEGISLATIVE INTENT

This Ordinance is intended to protect the interests of both present and future neighbors and the general public from adverse impacts of land uses. Each standard is developed as a regulatory response to an identifiable negative impact or potential. At the same time, the Ordinance is intended to respect landowners' rights to a beneficial use of their property. Regulations were designed to use greater flexibility and more development options to protect public rights, while minimizing impact on property owners to the greatest extent consistent with good planning principles.

A sound interpretation of any standard cannot be ensured without a careful analysis of the end to which the regulation is directed. Administrators and other persons shall interpret this Ordinance based on an understanding of the purposes intended.

The intent of the standards and supporting definitions is to protect both individual property owners and the general public from adverse impacts which might otherwise be the result of a proposed land use. To this end, those called upon to interpret this Ordinance shall proceed as follows:

A. PUBLIC PURPOSE. Before any decision is made, the purposes for which the regulation or standard was initially imposed by the legislative body must be explicitly identified. This should include the purposes stated in this Ordinance and its relevant Article(s), Division(s), or Section(s), and an examination of the Comprehensive Plan.

B. IMPACT. Two questions must be asked to determine the actual impact of various proposed interpretations:

1. Does the interpretation reduce protection to the public or site's occupants?

2. Does the interpretation provide greater freedom to the landowner to use the property?

C. DECISION CRITERIA. The decision should permit flexibility in design provided it shall not lower the protection afforded to the public. An interpretation which permits increased design freedom is to be encouraged. An interpretation which provides for any of the following is prohibited:

1. Permits a use prohibited in the district, or one (1) similar to a prohibited use.

2. An intensity increase in the use beyond the degree specified in this Ordinance.

3. A decrease in a standard that reduces the protection afforded neighbors, the amount of open space, the environment, or the general public.

4. A decrease in a standard that endangers users of a property or others.

D. BALANCING RIGHTS. This Ordinance has been carefully designed to avoid regulations that either sacrifice legitimate public goals, including protecting adjoining property owners, or require undue limitations on property owners' abilities to use their land in manners consistent with the Beaufort County Comprehensive Plan's goals. Great care has been taken to balance competing groups' rights and achieve maximum protection with flexibility and a range of use options. Interpretations of the provisions of this Ordinance shall not conflict with the County Council's legislative intent.

DIVISION 01.400 APPLICABILITY OF THE ORDINANCE

The Beaufort County Zoning & Development Standards Ordinance shall apply to all development, as defined in Section 01.410, within the unincorporated areas of Beaufort County, unless expressly exempted or otherwise provided for in this Ordinance. No development or use of real property shall occur unless authorized pursuant to this Ordinance. Nothing in this Ordinance shall act to prohibit the reconstruction repair or replacement of any single-family residence lost to natural disaster, acts of God, or accidental loss. Any new highway construction by SCDOT that impacts trees, wetlands or water must meet the requirements of this Ordinance.

SECTION 01.410 TYPES OF DEVELOPMENT

A. THE USE OR CONSTRUCTION OF ANY BUILDING, STRUCTURE, LAND, OR WATER. All construction, modification, or use of any lot, parcel, building, or structure, on land or on water, shall comply with this Ordinance.

B. ANY DISTURBANCE OF LAND, SOIL, VEGETATION, OR WATERWAYS. Individual or cumulative disturbances of land surfaces of 10,000 sf. or greater. The Standard Building Code and State law, however, may require permits for all types of disturbances.

C. ANY DIVISION OF LAND OR LAND DEVELOPMENT. All development designs and layouts, whether by metes and bounds, subdivision, or land development, shall comply with this Ordinance .

SECTION 01.420 EXEMPTIONS

The development types listed below shall be exempt from certain requirements of this Ordinance, as follows:

A. PROVISIONS APPLICABLE TO ALL DEVELOPMENT. All construction, however, must meet the requirements of ***flood hazard, river buffer, and specimen tree protection*** requirements of Article 05, as well as, the requirements of Articles 03 and 04. All subdivisions that are not lots of record and are less than 40% developed with homes, must meet the landscaping standards in Article 04. All lots must have an approved public or on-site water and sewer system, as required in Table 04.110.

B. TYPES OF EXEMPTIONS AND VESTING RULES.

EXEMPTION 1. **Single-Family Development on Lots of Record.** Any single-family development on a lot created through recording of a subdivision, prior to the date of adoption of this Ordinance, conforming to the applicable zoning at the time of creation, shall be considered a legal lot of record, even if smaller in size than allowed in its respective zoning district (see Division 1.500 concerning nonconforming uses and lots). Such lots are exempt from minimum lot size standards.

EXEMPTION 2. **Planned Unit Developments (PUDs).** Any PUD, including Conditional Use PUDs approved prior to the date of adoption of this Ordinance and vested in accordance with the Vesting Rules below, shall be exempt from this Ordinance. (Staff Note: ARDR fee paid at building permit may replace TDR program-see Article 06.) Any requests for material amendments to such PUDs are subject

to the Vested Rights Determination process, in accordance with Section 21.620.

Vesting Rules for PUDs. All PUDs, including Conditional Use PUDs, are subject to *tree and landscaping standards, drainage standards, environmental quality standards, fee adjustments, and impact fees,* unless otherwise provided for in a Development Agreement, as well as, the following rules:

1. PUDs in which more than 50% of the lots are platted and recorded, or more than 50% of the utilities and infrastructure for the entire project have been completed as of January 1, 2010, are fully vested.

2. Other PUDs are required to complete a County Council Vested Rights Determination process prior to January 1, 2010.

3. PUDs that do not satisfy number one above, and do not develop at a rate exceeding more than 25 dwelling units, or sell more than 25 lots per year and/or, 10,000 sf. of commercial area shall be deemed "low impact" developments and are vested as long as these rates are not exceeded.

4. Approved PUDs may seek a Development Agreement with Beaufort County in order to have long term vesting. Development Agreements are guided by State law, Chapter 31, S.C. Codes 6-31.

EXEMPTION 3. **Approved Subdivisions and Other Projects.** Any subdivision or other project approved prior to the date of adoption of this Ordinance is vested for two years from the date of adoption of this Ordinance. Such subdivisions or other projects shall comply with this Ordinance if not substantially constructed within the two-year time period.

EXEMPTION 4. **Non-Approved Developments.** Any other type of development that has not received approval as of the date of adoption of this Ordinance are presumed not vested. This presumption may, however, be rebutted through the County Council Vested Rights Determination process (Section 21.620), in those cases where an applicant can demonstrate a substantial investment in furtherance of the project. Such investment may include contracts, architectural and engineering services, and financing arrangements.

EXEMPTION 5. **Agriculture and Forestry.** Agricultural and forestry activities, not including commercial livestock and poultry operations, plowing or tree harvesting are exempt from this Ordinance except for **flood hazard, river buffer and specimen tree protection** requirements of Article 05, and applicable permissions and standards in Articles 03 and 04.

EXEMPTION 6. **Utilities.** Any public utility or public infrastructure installation is exempt provided it does not impact trees or wetlands, or impacts a body of water, except for applicable standards as specified in Table 03.110: Local/Regional Utilities, and Section 03.244: Commercial Communication Towers.

EXEMPTION 7. **Interior Improvements.** 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.

SECTION 01.430 EXEMPTION FROM SUBDIVISION REVIEW

In order to acknowledge State law regarding certain subdivisions, provide opportunities for simple and minor subdivisions of land and a streamlined review process for each, those landowners proposing the following subdivisions of their land may utilize one of the applicable options listed below.

A. STATE LAW EXEMPTION: Certain exemptions from the formalized subdivision review process, are permitted when one of the circumstances listed in 1. through 7. below, are present. Notification to the ZDA by the land owner, of the action is required so that inclusion of the information can be attached to the plat.

1. 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 Beaufort County;

2. The division of land into parcels of five acres or more where no new street is involved (Nothing in this Ordinance shall allow any development, structure or construction on such five acre parcel in violation of the RC district provisions);

3. The combination or recombination of entire lots of record where no new street or change in existing streets is involved;

4. 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;

5. Property trades or swaps between immediately adjacent landowners not resulting in the creation of new parcels of record;

6. 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.

7. The recordation of a plat of land or property for purposes other than the sale or transfer of title to land including the following:
   - **a)** the creation or termination of leases, easements, or liens;
   - **b)** the creation or termination of mortgages on existing parcels of record, approved subdivisions or commercial projects, partly or undeveloped land;
   - **c)** lot line corrections on existing recorded properties;
   - **d)** the creation, termination or amendment of private covenants or restrictions on land.

B. MINOR SUBDIVISION EXEMPTION: These subdivisions shall be exempt from certain review requirements that larger subdivisions must comply with. All other appropriate standards of this Ordinance shall be adhered to. The ZDA shall review and approve minor subdivisions complying with the specific requirements explained below:

1. Minor subdivisions are exempt from DRT review and the Site Capacity Analysis in Article 05, provided the subject land has not been previously subdivided within five years.

2. During the pre-application conference, the applicant shall discuss the location of existing forested areas, specimen trees and wetlands on the property proposed for

subdivision with the ZDA,, whereby the ZDA shall determine the appropriateness of the proposed property lines, and whether the required open space easement or streetyard buffer would be more appropriate. The ZDA shall also explain the significance of protecting specimen trees, forested areas and wetlands, through literature handouts.

3. The applicant shall be required to provide option a. or b., below, which shall be indicated on the plat, and all minor subdivisions shall comply with c. - e., as follows:

a) Designate the percentage of open space required in Table 04.110 within the proposed subdivision, or

b) Provide a 25 foot natural vegetated streetyard buffer along all streets (public and private, including access easements) that the proposed lots have frontage.

1) for the purposes of this Section, the required buffer shall consist of trees, shrubs and natural growth, that maximize opacity of the interior portions of the subdivided lots from the adjacent street(s);
2) where no existing vegetation is present, the applicant shall provide landscaping according to *Section 04.355.4., Bufferyard Landscaping Standards*, every 40 feet of buffer length;
3) where only a portion of the required buffer is absent of vegetation, the applicant shall discuss with the ZDA, landscaping methods for restoring the missing buffer to full compliance with this Section, and;

c) the ZDA shall review the proposed minor subdivision to determine if additional studies, maps or information is required before approval of the subdivision can be granted, and;

d) minor subdivisions in the Rural and Rural Residential districts which include private access easements with the potential to serve no more than 4 lots total, may be 40 feet wide without gravel surface improvements ditches, as long as documentation from the local Fire Official is provided, stating that emergency vehicles can be accommodated; and

e) proposed minor subdivisions that do not meet the requirements of this Section, or are not consistent with environmental or public safety standards, shall require consideration and approval by the DRT, and subject to all standards required in Division 13.100.

DIVISION 01.500 NON-CONFORMITIES

SECTION 01.510 PURPOSE

This Division regulates non-conforming uses, buildings and structures, lots, and signs. This Ordinance recognizes that non-conformities vary in the degree of conflict, annoyance, incompatibility, or hazard to the surrounding community. The purpose of regulating non-conformities is to gradually increase the degree of compatibility and functionality within zoning districts. All non-conforming uses, buildings and structures, lots and signs shall be encouraged to become conforming, while attempting to minimize disruption of surrounding, established, conforming situations.

Over time, this Ordinance will lead to greater conformity and functionality within zoning districts as

non-conformities are abandoned, damaged, or converted to conforming status. It is recognized that this is a slow and gradual process, and not one that is intended to be unduly disruptive to a property owner or a community. Rules and procedures are intended to balance the desire to eventually eliminate the non-conformity against the degree of the problem and the landowner's rights. Table 01.500 provides a detailed description of types non-conforming situations, and limitations and standards for each.

Table 01.500 DESCRIPTION OF NON-CONFORMING USES, STRUCTURES, LOTS, AND SIGNS

TYPE	DEFINITION	STANDARDS FOR USE OR EXPANSION	CONVERSION TO CONFORMING USE	TERMINATION BY DAMAGE OR ABANDONMENT	ADDITIONAL INFORMATION
Uses	Any existing use not permitted in the General Use Table, 03.110 is a non-conforming use.	15% disturbed area expansion allowed within required setbacks and with maximum feasible buffers.	Non-conforming uses may become conforming by correcting the non-conformity or through approval of a Special Use Permit. See Section 01.520.	Non-conforming uses with damage greater than 50% of their market value shall be replaced by conforming uses, except as otherwise provided. ABANDONMENT BY DAMAGE: Any partially destroyed non-conforming use shall be considered abandoned if substantial reconstruction (see Article 23) of the damaged use has not been initiated within 180 days of the destruction date. VOLUNTARY ABANDONMENT: Any use shall be considered abandoned if vacant or unused for 120 days. Abandoned uses shall only be replaced with conforming uses.	A non-conforming single family use may be continued following a fire or natural disaster so long as that use is resumed within one year and all applicable building codes are met.
Buildings And Structures	Buildings and structures are non-conforming if they exceed floor area or density standards by 20% or have less than 75% of required open space or landscaped surface.	Expansions of up to 15% are allowed provided setbacks are not reduced and maximum feasible landscaping and buffers are used. A building's intrusion into setbacks shall not project further into the setback than at present. Non-conforming structures may expand only within the existing setback requirements.	Non-conforming buildings and structures may become conforming by correcting the non-conformity or through approval of a Special Use Permit. See column at left and Section 01.520.	Non-conforming buildings or structures with damage greater than 50% of their market value shall be replaced by conforming buildings or structures, *except as otherwise provided.* **NOTE:** *Regardless* of the percentage of damage, any building that is deemed unsafe by the Building Codes Official, and a threat to life and safety of repair crews, the public, or neighbors shall be ordered demolished and terminated. ABANDONMENT BY DAMAGE: Any partially destroyed non-conforming building or structure shall be considered abandoned if substantial reconstruction (see Article 23) of the damaged building or structure has not been initiated within 180 days of the destruction date. VOLUNTARY ABANDONMENT: Any non-damaged building or structure shall be considered abandoned if vacant or unused for 120 days. Abandoned buildings or structures shall only be replaced with conforming buildings or structures.	A single family residential structure may be rebuilt within one year of a fire or *natural disaster* without meeting zoning standards so long as all applicable building codes are met.
Lots	Lots are non-conforming if they do not: 1) Meet area, width, or frontage standards, and 2) have approved water, septic, or sewer systems.	When a non-conforming lot is sold to an adjacent landowner, the lot must be combined with the adjoining lot to create a conforming lot.	Non-conforming lots may become conforming by correcting the non-conformity or through approval of a Special Use Permit. See Section 01.520.	Not applicable.	Development on non-conforming lots may not fall below the standards of Table 4.110 and/or 04.210 by more than 10%. Any development seeking to fall below these standards by more than 10% must obtain a Variance.
Signs	Off-premise signs, billboards, pole signs, and other signs not in conformance with the Ordinance, are prohibited.	Existing non-conforming, on-premise signs may remain in place as long as they are maintained in good condition. Off-premise signs in right-of-way may be removed by the County without notice.	n.a.	ABANDONMENT BY DAMAGE: Abandoned or non-conforming signs requiring repairs exceeding 50% of the sign's value shall be replaced by conforming signs. *VOLUNTARY ABANDONMENT*: Signs are considered abandoned if unused for 60 days. Any partially destroyed non-conforming sign shall be considered abandoned if action is not initiated to have it inspected to determine if it can be rebuilt within 60 working days of the destruction date.	Non-conforming signs that have been abandoned or damaged must be removed within 60 days of notice by the County. (See Division 16.400).

SECTION 01.520 NON-CONFORMITIES: HOW TO BECOME CONFORMING

There are two types of situations whereby a non-conforming use, building, structure, lot or sign can become conforming:

A. CORRECT THE NON-CONFORMING SITUATION. If the non-conformity is terminated and a different use is proposed which is permitted within the subject zoning district, then, the ZDA shall ensure that all standards for the proposed use, building, structure, lot or sign within the zoning district are met. Once this review by the ZDA is completed and approved, then the new use, building, structure, lot or sign shall become conforming through issuance of the appropriate permit. *NOTE: Where a proposed change of use is different than the non-conforming use, and a Special Use Permit is required according to Table 03.110, then the procedures beginning in Section 21.230, must be followed.*

B. APPLY FOR A SPECIAL USE PERMIT AS A NONCONFORMITY. Many non-conformities have existed in their neighborhood locations for a long time. In fact, some may have only recently become non-conforming. In some instances, the nonconformity is even an integral part of the neighborhood's function. Since zoning's purpose is to protect neighborhoods, and if the community is comfortable with the particular non-conformity, the classification "non-conformity" may run counter to community desires. Under such conditions, the non-conforming situation may be mitigated and made conforming through application for, and approval by the ZBOA for a Special Use Permit. The purpose of this is to remove the stigma typically associated with the designation of being non-conforming with the Zoning Ordinance. This Division's provisions for non-conforming uses, buildings, structures, and lots provide the procedures for making a non-conformity become conforming. In no case shall non-conforming signs be approved as a Special Use.

subSECTION 01.521 PROCEDURE FOR MITIGATING A NONCONFORMITY BY *SPECIAL USE PERMIT*

Owners of non-conforming uses buildings, structures, or lots may apply for a Special Use Permit to become conforming without changing the use or necessarily modifying the entire physical nature of the non-conformity. The Special Use Permit application is reviewed by the DRT who then provides a recommendation to the ZBOA for a final decision. The DRT and ZBOA, at their discretion, shall require the following studies and reports from the property owner as part of their consideration in deciding whether to approve the request and/or how much of the request to grant:

1. **Operation Plan.** This shall include a site plan of the entire site, and narrative defining the specific elements of the use that may create problems; for example: exhaust fans, air conditioning, and mechanical equipment, junk, exterior storage, lack of buffering or other landscaping, visual conditions, intrusion into yards close to neighbors, and the use of the adjoining property, as well as the general impact on the community as a whole will be considered.

   Reductions in hours of operation, noise, odor, dust and/or exterior storage shall be considered beneficial and will favor approval of the Special Use Permit. Increases in landscaping, buffers, or improved building quality and materials shall also be considered beneficial.

   Note: Where an expansion of a non-conforming use is proposed, elements of the use identified as a nuisance to adjoining properties by the ZBOA shall be mitigated as a condition of approval. Additional conditions shall include one or more of the following: additional buffering, fences or landscaping, relocation of doors, waste storage or exterior storage, cleaning up of the site, or mitigation of other problems with the use.

The purpose of the additional conditions shall be to give the same level of protection to neighbors that would be afforded by a conforming structure. The degree to which mitigation is accomplished by additional conditions shall effect the degree of expansion or other approval granted the non-conformity.

2. **Community Impact Statement (CIS).** See Section 21.112.G. The CIS consists of four separate assessments, including:
   - The Area Impact Assessment,
   - The Environmental Impact Assessment,
   - The Traffic Impact Assessment, and
   - The Archaeological and Historic Impact Assessment.

   One, or all of the assessments shall be required depending on the applicant's proposal, as required by this Ordinance. The CIS, or portions thereof, will assist the DRT and the ZBOA in determining whether the proposed change in the non-conformity is more, equal or less intensive, than the existing use, and if it significantly lessens the adverse impacts to surrounding and nearby property owners. A study of how the proposed mitigation of the non-conformity affects the surrounding and nearby neighborhoods and properties shall be assessed, and shall be part of the CIS.

subSECTION 01. 522 CRITERIA FOR APPROVAL OF A NON-CONFORMITY THROUGH SPECIAL USE PERMIT

In addition to the standards and criteria for Special Use Permit approval set forth above, in Division 03.200 and Section 21.230, the applicant shall meet the following requirements:

A. Demonstrate that the non-conformity, as conducted and managed has minimal non-compatibilities that have been integrated into the neighborhood's function. Factors to evaluate this criteria include:

   1. The neighborhood residents patronize or are employed at the use (for non-residential uses).

   2. Current management practices that eliminate problems such as noise, waste materials, competition for on-street parking, or similar conflicts.

   3. The non-conformity's history of complaints against it.

   4. The non-conformity has been maintained in good condition or that the nonconformity represents a disincentive for such maintenance.

B. The DRT shall review the application and require in writing any conditions relative to the expansion of bufferyards, landscaping, or other site design. The review may also contain specific limitations believed necessary to address any concerns that as a conformity it might become a nuisance.

C. The ZDA shall submit a list of all the property's non-conforming conditions.

D. The ZBOA shall determine that the non-conformity is generally integrated into the neighborhood and has minimal adverse impacts. Upon that finding, the ZBOA may require conditions it deems necessary to protect the public health, safety and general welfare.

E. Sign mitigation shall not be permitted under any circumstance.

subSECTION 01.523 EFFECT

Upon granting a Special Use Permit, the ZBOA shall require that a notation be placed on the official zoning maps stating that the property is a Special Use. Granting the Special Use Permit makes the use, building or structure, or lot conform to the specifics of the special approval, eliminating the non-conformity.

DIVISION 01.600 LEGAL PROVISIONS

SECTION 01.610 AUTHORITY

The Beaufort County Council is authorized to adopt this Ordinance pursuant to the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. CODE ANN. § 6-29-310 *et seq.*, as amended.

SECTION 01.620 SEVERABILITY

If any Division, Section, paragraph, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected. If any application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

SECTION 01.630 REPEALER

This Ordinance specifically repeals Ordinance No. 90/3, as amended, except for PUD's vested under the terms of this Ordinance, and all other ordinances or parts of ordinances in conflict with the provisions of this Ordinance.

ARTICLE 02
ESTABLISHMENT OF ZONING DISTRICTS

DIVISION 02.000
ESTABLISHMENT OF ZONING DISTRICTS

The unincorporated areas of the County are divided into the minimum number of zoning districts necessary to achieve compatibility of uses and character within each district, to implement the adopted County Comprehensive Plan, and to achieve the purposes of this Ordinance.

SECTION 02.010 ZONING DISTRICTS

For the purpose of this Ordinance, all land and water areas in the Community are divided into Comprehensive Plan categories and zoning districts, whose purposes are described in Division 02.200. Table 02.010 provides a listing of the zoning districts according to Investment Area, as defined in the Comprehensive Plan.

Table 02.010 ZONING DISTRICTS

COMPREHENSIVE PLAN DESIGNATION	ZONING DISTRICT	SEE SECTION	MAP CODE
Priority Investment Area	Urban	02.210	U
	Suburban	02.220	S
	Community Preservation	02.230	CP
	Commercial Regional	02.240	CR
	Commercial Suburban	02.250	CS
	Research & Development	02.260	RD
	Light Industrial	02.270	LI
	Industrial Park	02.280	IP
Transitional Investment Area	Transitional Overlay	02.310	TO
Rural	Rural	02.410	R
	Resource Conservation	02.420	RC
	Rural Residential	02.430	RR
Special (If applicabe, all Special District standards are located in the APPENDIX)	River Quality Overlay	(Pending)	RQ
	Military	02.520	M
	Airport Overlay	02.530	AO
	Corridor Overlay	02.540	CO
	Cultural Protection Overlay	02.550	CPO

DIVISION 02.100 ZONING MAP

Zoning districts established by this Ordinance are delineated on the Beaufort County Zoning Map. The Zoning Map and all information on it are a part of this Ordinance. In some cases, the districts, as shown on the zoning map are less or greater than the minimum/maximum acreage, due to existing uses prior to the adoption date of this Ordinance. Any new acreage brought into a zoning district must meet minimum requirements stated, herein.

SECTION 02.110 INTERPRETATION OF DISTRICT BOUNDARIES

The following rules shall be used to determine the precise location of any zoning district boundary line shown on the Zoning Map:

A. Boundaries shown as following, or approximately following, streets, alleys, or railroads shall be construed as following the centerline of such features.

B. Boundary lines shown as following, or approximately following, lot lines, section lines, survey or other property lines, or municipal boundaries shall be construed as following such lines.

C. Boundaries shown as following, or approximately following, the centerline of streams, rivers, other continuously flowing watercourses, or wetlands shall be construed as following the channel centerline of such watercourses. In the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.

D. Boundaries shown as separated from and parallel, or approximately parallel, to any of the features listed in Section 02.110.A. through C. shall be construed to be parallel to such features and at such distances therefrom as are shown on the Zoning Map.

subSECTION 02.111 NEW OR UNCLASSIFIED LAND

Any land not shown or labeled on the Zoning Map shall be zoned with a designation consistent with similar zoning in the surrounding area, except coastal islands with no land access, which shall be designated Resource Conservation (RC).

SECTION 02.120 DEVELOPMENTS IN MORE THAN ONE (1) ZONING DISTRICT

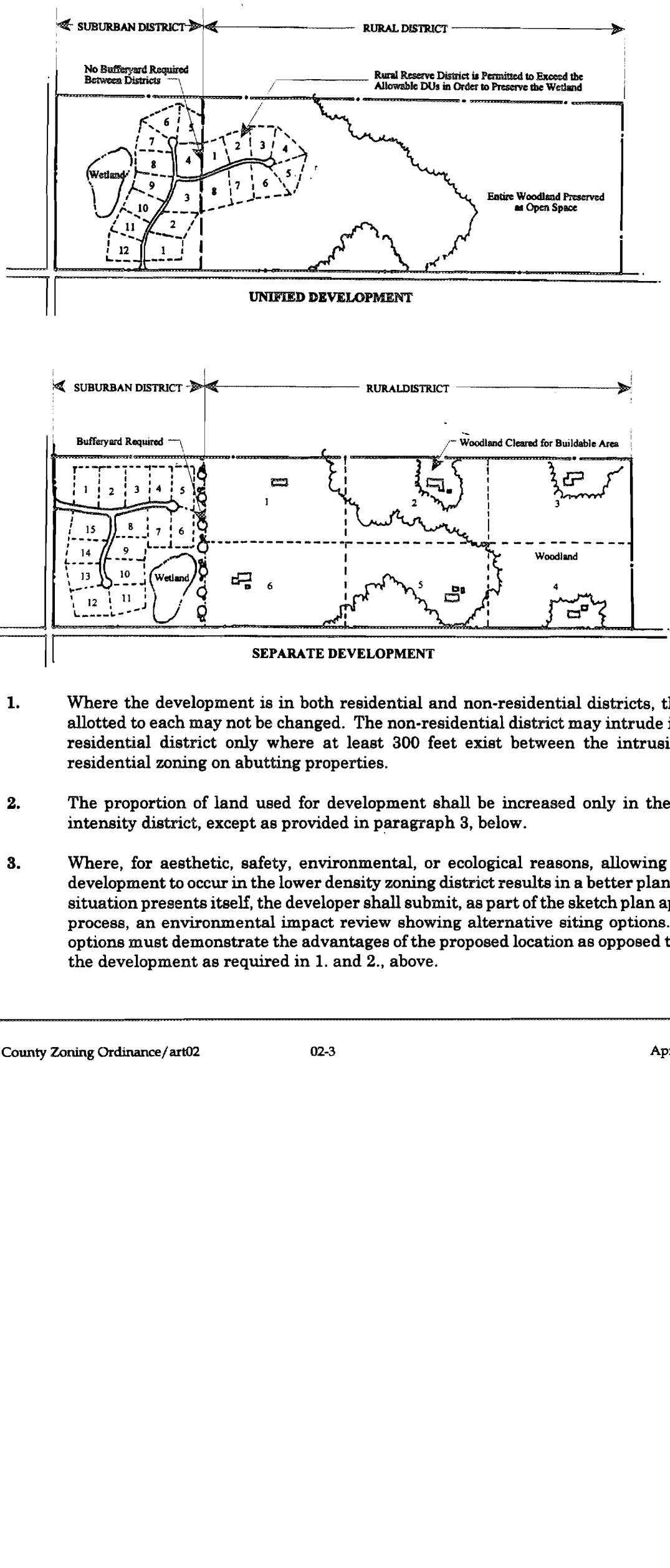
Where a single parcel of land is in more than one (1) district, the development may be designed as if each district were a separate parcel or designed and developed as a single project. The following rules govern developments in two or more districts where they are developed as a single project:

A. The acreage in both districts may be used to determine minimum site area in Table 04.110.

B. The required open space and maximum dwelling units shall be the sum of that required by separate calculations (see Division 05.100) for each district.

C. The proportions of a development need not be identical to that calculated for each district. However, the plan for allocating development shall be approved as a preliminary plan for the entire property. Approval shall be based on the following criteria:

Figure 02.130
LAND IN TWO ZONING DISTRICTS



1. Where the development is in both residential and non-residential districts, the area allotted to each may not be changed. The non-residential district may intrude into the residential district only where at least 300 feet exist between the intrusion and residential zoning on abutting properties.

2. The proportion of land used for development shall be increased only in the higher intensity district, except as provided in paragraph 3, below.

3. Where, for aesthetic, safety, environmental, or ecological reasons, allowing for the development to occur in the lower density zoning district results in a better plan. If this situation presents itself, the developer shall submit, as part of the sketch plan approval process, an environmental impact review showing alternative siting options. These options must demonstrate the advantages of the proposed location as opposed to siting the development as required in 1. and 2., above.

D. Where a unified development straddles a district boundary, bufferyards are not needed between the development's portions. Where the development is in two separate parts or changes use or density at the boundary, then the buffer requirements shall be met.

DIVISION 02.200 PRIORITY INVESTMENT AREA

This Division contains the statements of intent for all zoning districts in the Priority Investment Area of the Comprehensive Plan. The mapping of districts shall implement the Comprehensive Plan. All districts in the Priority Investment Area are served or have been proposed to be served within five years by full urban services (sewer, water, fire, emergency services, law enforcement and parks and recreation). The County and public service districts are investing in upgrading facilities in this area to ensure adequate services. This area is intended to be the area where development rights are purchased from the Rural (R) or Resource Conservation (RC) districts to reach maximum intensities of development.

SECTION 02.210 URBAN (U) DISTRICT

A. This district provides for high quality, high density averaging under five dwelling units per acre, with small areas of multi-family having gross densities (up to 15 dwelling units per acre) to provide affordable housing options. Residential development with a full range of residential uses is encouraged by providing higher densities for such developments. Mixed uses are permitted in large scale community developments and, on a more limited basis, to provide local neighborhood commercial services.

B. The district provides an URBAN character. Design standards ensure the desired character, with buildings being dominant. Open spaces are primarily for intense recreation or as focal points in the community. Pedestrian access is provided for and outdoor sidewalk use is encouraged.

C. This district provides for the higher densities of areas designated residential and light commercial to support the development of new communities with a diverse range of housing types and uses.

SECTION 02.220 SUBURBAN (S) DISTRICT

A. This district provides for high quality, moderate density (up to 2.28 dwelling units per acre) residential development.

B. The design requirements are intended to provide a SUBURBAN character and encourage pedestrian, as well as automobile, access. Open spaces shall be provided in sufficient quantity to ensure an open quality with a predominance of green space.

C. Non-residential uses shall be limited to parcels having access to arterial or collector streets. The mixed use structures must be designed as part of the surrounding subdivision and integrated architecturally.

D. This district provides for the lower densities of areas designated residential and light commercial in the Comprehensive Plan. It is intended to support the development of communities with a diverse range of housing types and uses, providing more open space and a more traditional housing pattern than the Urban district.

SECTION 02.230 COMMUNITY PRESERVATION (CP) DISTRICTS

A. These districts protect the residential character of existing communities, neighborhoods or platted subdivisions that were or are being developed under previous zoning regulations. These areas shall be mapped to generally correspond to the Community Preservation areas shown in the Comprehensive Plan or to the detailed plans for these areas as they are developed and adopted by the County.

B. These districts recognize the lotting standards in effect when the community or subdivision was developed and is intended to avoid making older developments become nonconforming as development standards evolve. It permits minor in-fill consistent with the existing character, but is not otherwise intended for use of new development or rezoning.

C. Different types of neighborhoods exist which receive a CP designation. Interim standards for CP districts are shown in Appendix D.

SECTION 02.240 COMMERCIAL REGIONAL (CR) DISTRICT

A. This district permits a full range of retail, service, and office businesses. The district's intensity accommodates regional and community commercial and business activities. Uses include large commercial activities that serve the entire County and highway oriented businesses that need to be located on major highways.

B. While this use is high quality, commercial character, the setback or build-to line, landscaping, and other design requirements provide a uniform streetscape that makes provision for pedestrian and transit access. The district is intended to be more attractive than commercial areas in other counties to maintain the attractive tourist and business environment and have minimal impact on surrounding residential areas.

C. The district is not intended to be a strip along all arterials and collectors. In developing areas, the minimum depth of a parcel along an arterial or collector shall be 600 feet. The minimum district size shall be 20 acres. In the older, built-up areas, new uses shall have depths and areas equal to or greater than similar uses in the area. This district shall be located in areas designated Regional Commercial in the Comprehensive Plan.

SECTION 02.250 COMMERCIAL SUBURBAN (CS) DISTRICT

A. This district provides for a limited number of retail, service, and office uses intended to serve the surrounding neighborhood. These are smaller uses and not highway service types of uses.

B. The intensity standards are set to ensure that the uses have the same SUBURBAN character as the surrounding SUBURBAN residential areas. They are intended to blend with the surrounding areas, not threaten the character of the area.

C. These districts shall not be strip developments, but neighborhood centers with a sense of place; they shall meet the following locational requirements:

1. Adjoin large suburban, residential areas.

2. Be at intersections of arterial or collector roads where residential area traffic is high.

3. Be no larger than 20 acres.

4. Be at least one mile from other commercial districts.

SECTION 02.260 RESEARCH & DEVELOPMENT (RD) DISTRICT

A. This district is intended to provide for offices, laboratories, test plants, and other research facilities. Manufacturing facilities are limited to those associated with the research and development facilities.

B. These are intended to be very high quality areas whose character is such that the district serves as a catalyst for technically oriented employment to be located in the County. The intensity standards provide for modest floor area ratios and intensive landscaping associated with campus types of environment. Lot sizes are large and permit multiple buildings on a parcel consistent with campus style development by a single business.

C. The district shall have a minimum of 100 acres and be located along major arterials or major collectors.

SECTION 02.270 LIGHT INDUSTRY (LI) DISTRICT

A. This district permits office, manufacturing, industrial, warehousing, and uses that support them. The district shall also be designed to permit small businesses and incubator businesses.

B. Moderate to high intensities are permitted to achieve maximum land utilization. The required buffering provides an attractive character from the exterior. The interior land which is screened from view may develop at higher intensities with less landscaped area. Such practices will maximize the land's use and accommodate small businesses and start-up or incubator businesses.

C. Light Industry districts shall have a minimum of 20 acres and have direct access to arterial or major collector roads.

SECTION 02.280 INDUSTRIAL PARK (IP) DISTRICT

A. This district is intended for the location of heavy and light industry as specified in this Ordinance, and will be the major County sites for these enterprises.

B. Low to moderate intensities are permitted, with required buffering to provide an attractive character.

C. This district shall have a minimum of 100 acres, and have access to major arterial streets and railroads.

DIVISION 02.300 TRANSITIONAL INVESTMENT AREA

This Division contains the statements of intent for all zoning districts in the Transitional Investment Area of the Comprehensive Plan. The mapping of districts shall implement the Comprehensive Plan. Land in this district is anticipated for development in 10 to 20 years. Because the land is not intended to be developed within the near future, the base zoning will remain rural. Some of the land may develop if landowners are able to provide all the needed services; if that occurs, it may appropriately be rezoned (see Section 21.211) when the County has determined that all services have been provided.

SECTION 02.310 TRANSITIONAL OVERLAY (TO) DISTRICT

A. Landowners may develop under the underlying Rural zoning; or,

B. A landowner may seek to provide all necessary infrastructure and facilities needed to serve one (1) or more of the land use categories in the Priority Investment Area and seek a zoning change. Where land is designated as having the Transitional Overlay (TO), the zoning change shall meet the standards in Section 21.211.B.

DIVISION 02.400 RURAL INVESTMENT AREA

This Division contains the statements of intent for all zoning districts in the Rural Investment Area of the Comprehensive Plan. The mapping of Rural Investment Area districts shall implement the Comprehensive Plan. These districts are outside the 20 year growth boundary for infrastructure investment expectations. They are intended to remain RURAL in character. All Rural Investment Area districts are intended to be sending areas for development rights.

SECTION 02.410 RURAL (R) DISTRICT

A. This district provides for limited residential development. The district intensity is kept low to encourage landowners to sell development rights, thus preserving rural character or continuing agriculture or forestry uses.

B. If a landowner must develop the land residentially, the standards of density and very high open space ratios ensure the retention of an overall RURAL character after build-out. Landscaping, lot size, and open space are intended to provide a rural land use pattern with residential in the background. Open space, clustering in communities, natural vegetation, agriculture, and landscaping work together to ensure this character.

C. Clustering with 70% or more open space requires the use of centralized water and wastewater systems. The maximum density of development can be obtained only when the development has made arrangements to ensure the development is serviced by publicly owned, community-scale water and sewer systems.

D. Public sewer extensions into a Rural district shall only be permitted when a documented health condition warrants such expansion, and not to merely accommodate new development.

E. New development may access existing wastewater trunk lines if such lines are located within 300 feet of the development, and service the area as of the date of adoption of this Ordinance.

SECTION 02.420 RESOURCE CONSERVATION (RC) DISTRICT

A. This district is applied to coastal islands which are not accessible by land and are environmentally sensitive due to soils, location, and natural resources. The types of uses are limited to those consistent with the fragile environment. Again, the sale of development rights is greatly encouraged.

B. The limited development shall involve clustering and the provision of coastal buffers to preserve the coastal character. The environment and maritime character is preserved by a series of special opportunities.

C. Areas designated Resource Conservation on the Comprehensive Plan shall be zoned to this category on the Zoning Map.

SECTION 02.430 RURAL RESIDENTIAL DISTRICT

A. This district protects the residential character of existing communities and neighborhoods in the Rural area, that were developed under previous zoning regulations and designated as Rural in the adopted 1997 Comprehensive Plan.

B. This district is intended to minimize non-conforming lots and provide owners of small clustered rural lots with flexibility in the use of their land. The districts are established by identifying areas with five contiguous lots of five or fewer acres. It permits subdivision of existing lots to a maximum of 1.2 units to one (1) acre gross density, with DHEC approval, for wastewater treatment. The district is not intended to promote tract development or to encourage rezoning.

DIVISION 02.500 SPECIAL DISTRICTS

This Division contains the statements of intent for all Special Districts of the Comprehensive Plan. The mapping of these districts shall implement the Comprehensive Plan. Special Districts are applied to certain areas of Beaufort County where extreme environmental, physical or cultural constraints or opportunities need increased planning guidelines and consideration.

SECTION 02.510 RIVER QUALITY OVERLAY (RQ) DISTRICT (Pending Recommendations)

Reserved.

SECTION 02.520 MILITARY (M) DISTRICT

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

SECTION 02.530 AIRPORT OVERLAY (AO) DISTRICT

The Airport Overlay provides special controls for this district that are intended to prevent incompatible uses or other uses where there is a high likelihood of a concentration of people in the high risk areas associated with increased potential for aviation accidents. Additional regulations may require increased building standards where noise levels are highest. This is an overlay over the underlying zoning. Thus, for example, a Rural area within the Airport Overlay would be designated on maps as R-AO indicating the base zoning (Rural), and the overlay (Airport Overlay).

SECTION 02.540 CORRIDOR OVERLAY (CO) DISTRICT

The Corridor Overlay is provided to enhance and protec t the functional and aesthetic qualities of lands within 500 feet of designated highway corridors in Beaufort County. In addition, special view shed corridors are established at 1000 foot radii from the centerline of certain quality river or creek highway vistas. All land development proposed for this overlay district requires an additional review by Planning Department Staff and/or the Corridor Review Board. See Articles 03.450 and 21.240 for general standards and review procedures pertaining to this special district.

SECTION 02.550 CULTURAL PROTECTION OVERLAY (CPO) DISTRICT

The Cultural Protection Overlay (CPO) District is established to provide opportunities for the effective long-term protection of cultural resources found on St. Helena Island. The CPO District acknowledges St Helena's historic cultural landscape and its importance as the center of the county's most notable concentration of Gullah culture. In addition, the Cultural Protection Overlay District (CPO) purpose is to: 1) Preserve traditional land use patterns; 2) Retain established customs and rural way of life. The CPO District encompasses the island of St Helena and is an overlay over the base zoning.

ARTICLE 03
USE REGULATIONS

DIVISION 03.000
PURPOSE

This Division's purpose is to provide guidelines for, and define the land uses permitted in each zoning district, including setting additional review standards for Limited and Special Uses, and accessory uses.

DIVISION 03.100
USE REGULATIONS

All land uses or structures shall be permitted in districts only as indicated in this Division. All uses are subject to ZDA or DRT approval except placement of a single-family house on a single lot, which is subject to all applicable Beaufort County Building Codes. Prohibited uses in any district shall not be permitted. The following symbols are used in Table 03.110:

1. **"Y"** indicates a **Permitted Use**, where the use is permitted as a matter of right subject to all performance standards.

2. **"N"** indicates a **Prohibited Use**.

3. **"L"** indicates a use whose permission is **Limited**, depending on locational, design, or other criteria of Division 03.200 being met for the proposed site. Not all properties may meet these requirements, thus limiting the sites upon which the use may be built.

4. **"LC"** designates a **Limited Use** that is permitted only in one of the **Residential Community Use** options, meeting all other criteria of Division 03.200 and Community Design Standards in Division 11.100.

5. **"S"** indicates a use permitted only if a **Special Use Permit** is approved by the Zoning Board of Appeals per Sections 21.230 - 21.235. The use must conform to the locational, design, or other conditions of Division 03.200. Not all properties may meet these requirements, thus limiting the sites upon which the use may be built.

6. **Military (M) district** permissions are not included since regulation of these lands is not under the jurisdiction of Beaufort County.

SECTION 03.110 USE TABLE

According to generalized land uses, Table 03.110 lists the type of use permission in each district, as well as, definitions for each use listed. References for additional Limited and Special Use standards are also contained in this Table and are detailed in Division 03.200. Should a use not be identified in Table 03.110 or Article 23, refer to Article 21, Division 21.300, Administrative Interpretations. See Articles 03, 04, and 05 for additional standards.

Table 03.110 GENERAL USE TABLE

USE PERMISSION
Y = Permitted Use L = Limited Use S = Special Use
N = Prohibited Use LC = Permitted use only in Residential Community Use option
Community Preservation District - Please refer to the CP Area standards in Appendix D.

LAND USE	PRIORITY AREAS							RURAL AREAS			ADDITIONAL STANDARDS (See Section)	USE DEFINITION
	U	S	CR	CS	RD	LI	IP	R	RR	RC		
AGRICULTURAL USES												
Agriculture	N	L	N	N	N	N	N	Y	Y	S	03.210	Crop (see below: Clearcutting, #4) and animal production, plant nurseries, tree farms. (NAICS 111, 112)
Forestry	L	L	L	L	L	L	L	L	L	S	03.211	Perpetual management, harvesting and enhancement of forest resources for ultimate sale or use of wood products, requiring replanting, and subject to S.C. Forestry Commission BMPs. (NAICS 113)
Clearcutting	L	L	L	L	L	L	L	Y	Y	L	03.212	1. Management, harvesting and use of forest or woodland (NAICS 113) for sale or use of wood products, without replanting or regeneration of the tree crop. 2. Clearing, grubbing or other destruction and cutting of ground cover, grading or otherwise moving the topsoil, or burning of the vegetative cover of more than 10,000 sf. of land. Landscaping improvements to private residential properties shall not be considered clearcutting, and shall not require a development permit. 3. Cutting of any tree over eight inches DBH, or any specimen tree. 4. Cultivation of any land as an agricultural use, and gardens of less than10,000 sf. shall not be considered clearcutting, and shall be a permitted use.
Farmstead	N	L	N	N	N	N	N	Y	Y	S	03.213	Residential-agricultural unit in which the land is used for agriculture and residential purposes by the owner/operator of the agricultural operation.
Farmworker Housing	N	N	N	N	N	N	N	L	N	N	03.213.A.(1)	Housing located on farmsteads for temporary occupancy during seasonal farming activity. Farmworker housing is exempt from permit requirements. This type of housing may be provided at one unit per 50 acres for the first 100 acres, and one unit per each 100 acres after that.
Commercial Stables	N	S	N	S	N	S	N	Y	Y	N	03.214	Stabling, training, feeding of horses, mules, donkeys, or ponies, or the provision of riding facilities for use other than by the resident of the property, including riding academies. Also includes any structure or place where such animals are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch or similar purpose.
Agricultural Support Services	N	N	Y	Y	N	Y	N	Y	Y	N	na.	Farm supply services, equipment dealers, grain storage, veterinary uses for agricultural animals and seasonal packing sheds. (NAICS 1151, 1152, 49313, 4225, 54194)

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Table 03.110 GENERAL USE TABLE

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Community Preservation District - Please refer to the CP Area standards in Appendix D.

LAND USE	PRIORITY AREAS							RURAL AREAS			ADDITIONAL STANDARDS (See Section)	USE DEFINITION
	U	S	CR	CS	RD	LI	IP	R	RR	RC		
RESIDENTIAL USES												
Single-Family Detached	Y	Y	N	N	N	N	N	Y	Y	Y	na.	Detached dwelling unit intended for only one family. Includes any one family dwelling unit which complies with the Beaufort County Building Code.
Single-Family Cluster	N	Y	N	N	N	N	N	Y	N	Y	na.	Two or more single-family detached residential uses in a subdivision, or on an individual lot that include, as part of the subdivision or lot design, significant common open space.
Family Compound	N	N	N	N	N	N	N	Y	Y	N	Article 07	Form of traditional rural development which provides affordable housing for family members allowing additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years.
Planned	L	L	N	L	N	N	N	L	N	N	03.215.1, Articles 04 & 11	A development that consists of two or more of the following housing types: single-family, single-family lot line, village houses, patio houses, atrium houses, townhouses of several types, duplexes, multiplexes and apartments. Such developments shall be planned as a unit.
Multi-Family	L	L	N	L	N	N	N	N	N	N	03.215.2, Articles 04 & 11	This use permits duplexes, multiplexes and apartments only.
Commercial Apartment	Y	LC	Y	Y	N	N	N	LC	N	N	na.	One to four dwelling units located above, or to the rear of a non-residential structure on the same lot.
Community - small scale	N	N	N	N	N	N	N	Y	N	N	The details of this use are found in Articles 04, and 11.	A form of planned development that is of such scale, extent and design that it creates a community with a mix of residential and non-residential land uses and a clear sense of identity. Design potential includes small, medium, and large communities depending on the applicable zoning district.
Community - medium scale	Y	N	N	N	N	N	N	Y	N	N		
Community - large scale	Y	Y	N	N	N	N	N	N	N	N		

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Table 03.110 GENERAL USE TABLE

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LAND USE	PRIORITY AREAS							RURAL AREAS			ADDITIONAL STANDARDS (See Section)	USE DEFINITION
	U	S	CR	CS	RD	LI	IP	R	RR	RC		
Group Home	Y	Y	N	N	N	N	N	Y	Y	N	n.a.	A building that would otherwise be categorized as a single-family home, except for the fact that the number of unrelated individuals living in the unit does not qualify under the definition of family. The operation of a group home shall be self-operating and controlled by the residents in a family living environment, as opposed to an institutional environment, whereby operations are mainly controlled by a professional staff. If the unit would otherwise qualify as other types of dwelling units defined in this Ordinance, such as apartment or attached housing, then the use shall be treated as such. Not included are Co-ops, nursing homes, other institutional residential and boarding house types of operations since these are institutional or commercial lodging uses.
Manufactured Home Community	L	L	N	N	N	N	N	L	N	N	Article 11, Section 11.250	A parcel or contiguous series of parcels under single ownership, that may include land-leased or individual ownership options, planned and improved for the placement of 10 or more manufactured housing units for use as residential dwellings. Mere subdivision of land does not constitute it being defined under this use. Dwelling types typically found under this use include: 1. Manufactured Home - A residential dwelling unit built in accordance with the Federal Manufactured Home Construction and Safety Standards (FMHCSS), usually after 1976. 2. Mobile Home - A residential dwelling unit fabricated in an off-site manufacturing facility, built prior to the enactment of the FMHCSS, usually before 1976. 3. Modular Home - A residential dwelling unit constructed in a factory to a residential construction code other than the FMHCSS. In Beaufort County, this would be the Beaufort County Building Code, and/or BOCA. 4. Factory-Built Home - A residential dwelling that is wholly, or mostly fabricated, formed or assembled in an off-site manufacturing facility for future installation on a building site. These units may include manufactured homes, modular homes and mobile homes. Other definitions: 1. Land-leased option - Single ownership of all lands within a development, with the landowner retaining the rights of ownership. Home sites within the development are leased to individual homeowners, who retain customary leasehold rights. 2. Individual ownership option - Sale of lots within a development and plotted for individual manufactured Home sites, to be placed on permanent foundations.
Small Single Family -Affordable	L	L	~~L~~N	L	N	N	N	N	N	N	07.240	An affordable residential unit especially designed and built to serve the needs of individuals or small households who need small, compact, affordable housing. It is not intended to meet the needs of large families. Three types of housing are provided: 1) single-family detached one story, 2) single-family detached two story, and 3) single story attached. The small scale of these units permits them to fit into existing neighborhoods without threatening the neighborhood character.

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LAND USE	PRIORITY AREAS							RURAL AREAS			ADDITIONAL STANDARDS (See Section)	USE DEFINITION
	U	S	CR	CS	RD	LI	IP	R	RR	RC		
Accessory Dwelling Unit	L	L	N	N	N	N	N	L	L	N	07.260	A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use a s a complete, independent living facility.
HOME USES												
Daycare, Family *(Daycare, Commercial see Section 03.323)*	Y	Y	N	N	N	N	N	Y	Y	N	na.	A facility in a private home that is operated by one (1) or more persons duly licensed or qualified to be licensed by the State for the purpose of providing child day care for one (1) to not more than eight (8) children at any one time, who are not relatives of the day care provider. (NAICS 62441)
Home Occupation	Y	Y	N	N	N	L	N	Y	Y	Y	03.218.1	A business, profession, occupation or trade located entirely within a residential dwelling which does not change the essential character of the residential use.
Home Business	Y	Y	N	Y	N	L	N	Y	Y	N	03.218.2	A business operated out of a single-family residence and accessory structures that permits the employment of up to three unrelated individuals. Farm workers are not included. Uses shall be limited to office and service types; wholesale or retail sales are prohibited on premises.
Cottage Industry	N	N	N	N	N	N	N	L	N	N	03.219	Light industrial or intensive use(s) conducted on a lot with a residential dwelling unit. Up to six (6) employees may be employed in addition to family members. Farm workers are not included. This use includes, but is not limited to, businesses related to agriculture, screened outdoor storage areas, trucking operations, small automotive repair shops, septic system service, well service, carpentry, upholstery, woodworking, limited antique sales (including finishing and repair), potteries, glassworks and other similar uses.
INSTITUTIONAL USES												
Assembly and Worship, Large	L	L	Y	L	N	N	N	L	N	N	03.220.1	Museums, libraries, aquariums, cultural or arts centers, historic sites and churches with or without schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having fifteen thousand or greater square feet of floor area. (NAICS 6111, 8131, 8134)
Assembly and Worship, Small	Y	Y	Y	Y	N	N	N	L	L	N	03.220.2	Museums, aquariums, cultural or arts centers, historic sites and churches with no schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having less than 15,000 s.f. of floor area. In the Rural district, there shall be no minimum lot size for this use when less than 15,000 s.f. of floor area, and/or when no school is involved. NAICS 6111, 8131, 8134). This use includes all cemeteries. (NAICS 81222)

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Community Preservation District - Please refer to the CP Area standards in Appendix D.

LAND USE	PRIORITY AREAS							RURAL AREAS			ADDITIONAL STANDARDS (See Section)	USE DEFINITION
	U	S	CR	CS	RD	LI	IP	R	RR	RC		
Colleges & Professional Schools	L	L	N	L	S	N	N	S	N	N	03.221	Colleges, universities, and professional schools; other advanced education. (NAICS 6112, 6113)
Schools, Neighborhood (Elementary and Middle School)	L	L	N	L	N	N	N	S	N	N	03.221	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the County or the State of South Carolina. The definition includes nursery schools, kindergarten, elementary schools, middle schools or any special institution of learning under the jurisdiction of the State Department of Education catering to those age groups. This does not include charm schools, dancing schools, music schools or similar limited schools.
Schools, Community (High Schools)	L	L	N	L	N	N	N	S	N	N	03.221	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the County or the State of South Carolina. The definition includes senior high schools or any special institution of learning under the jurisdiction of the State Department of Education catering to those age groups. This does not include professional and vocational schools, charm schools, dancing schools, music schools or similar limited schools nor public or private universities or colleges.

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LAND USE	PRIORITY AREAS							RURAL AREAS			ADDITIONAL STANDARDS (See Section)	USE DEFINITION
	U	S	CR	CS	RD	LI	IP	R	RR	RC		
Institutional Residential	L	Y	Y	Y	N	N	N	LC	N	N	03.222	1.Convents or monasteries. 2.Skilled Nursing Facility - Twenty four hor care to ill persons in a controlled setting providing daily and medical care. Residents often have limited or no mobility. Requires licensing. 3.Assisted Living Facility - Residential care facility catering to the frail elderly who require assistance with daily activities. Requires licensing. 4.Independent Living Facility - facility catering to more mobile, healthy senior adults. Individual living units may contain kitchens, while common dining is available. Planned recreation, housekeeping, transportation, etc may also be provided. Does not require licensing. 5.Sheltered care facilities or group living facilities where the residents live in an institutional environment and are generally under the care or control of staff. All sheltered care, group care, and group homes, except emergency shelters and residential substance abuse facilities where total occupancy is more than eight, shall be considered institutional residential use. These residents would be members of an institution, have institutional care, or would be treated by staff in an institutional setting rather than living independently. (NAICS 623, 62422, 62423) 6.Institutional housing where there is commercial rental or condominium ownership combined with any of the following: common food service, nursing, or health care. Assisted living facilities shall also be included. (NAISC 623311, 6239, 624229) 7.Dormitories, fraternities, or sororities. 8.Schools with live-in facilities on site, other than universities, colleges or preparatory schools. (NAICS 61111)
Daycare, Commercial *(Daycare, Family see Home Uses)*	L	L	L	Y	L	Y	L	Y	Y	N	03.223	All daycare facilities not classified as Daycare, Family and including more than eight children (NAICS 62441).
Protective Care	N	N	N	N	N	N	N	S	N	N	03.223.5	Housing where the residents are assigned to the facility and are under the protective care of the County, State, or Federal government. This use includes jails, prisons, work release, other similar facilities, and psychiatric hospitals. (NAICS 92214, 6222)

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Community Preservation District - Please refer to the CP Area standards in Appendix D.

LAND USE	PRIORITY AREAS							RURAL AREAS			ADDITIONAL STANDARDS (See Section)	USE DEFINITION
	U	S	CR	CS	RD	LI	IP	R	RR	RC		
Local Utilities	Y	Y	Y	Y	Y	Y	Y	Y	Y	L	03.224	Utility substations or transmission and local distribution facilities, including telephone, and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, and land-fills or mining operations. (NAICS 221122, 22121)
Public Services	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	na.	These uses include emergency service, buildings, or garages, (e.g., ambulance, fire, police, rescue, and public works) or other garages or areas where vehicles are stored and dispatched. (NAICS 62191, 92212, 92216, see Office uses, below)
Government Office	L	L	Y	Y	Y	Y	L	LC	N	N	03.224.3	County, State, or Federal office buildings or other facilities that are primarily devoted to public office uses or services. (NAICS 921, 92211, 92213, 923)
Recreational Institutional	Y	L	Y	Y	N	N	N	S	S	N	03.224.6	Non-profit organizations chartered to provide community-based recreational services.
COMMERCIAL USES												
Adult Uses (not indoor gambling)	N	N	N	N	N	L	N	N	N	N	03.225	1. **Adult bookstore:** Establishment having, as a substantial or significant portion of its stock in trade, books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined, herein, or an establishment with an area or section devoted to the sale or display of such material. 2. **Adult entertainment establishment:** Enclosed building used for presenting material and/or conduct distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined, herein, for observation by patrons therein. This includes bars, restaurants, movie theaters, theaters, peep shows, strip halls, special cabarets, physical culture establishments, photographic studios, or any other normally permitted use where "specified sexual activities" are displayed, or where "specified anatomical areas" are exposed to customers. (NAICS 71399, 72241) 3. **Massage parlors:** Establishments offering massage, manipulation, rubbing, vibration, stroking or tapping of the human body with the hand or an instrument, staffed by one (1) or more persons who do not belong to any nationally recognized massage therapy association, or by persons who are not graduates of any recognized training school in massage therapy.

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Community Preservation District - Please refer to the CP Area standards in Appendix D.

LAND USE	PRIORITY AREAS							RURAL AREAS			ADDITIONAL STANDARDS (See Section)	USE DEFINITION
	U	S	CR	CS	RD	LI	IP	R	RR	RC		
Bed and Breakfast	L	L	N	N	N	N	N	L	N	N	03.226	This is any place of lodging in which there are no more than eight guestrooms, or suites of rooms available for temporary occupancy for varying lengths of time, with compensation to the owner, by the general public, and in which meals may be prepared for them, provided that no meals may be sold to persons other than such guests, and that the owner resides therein as his or her principal place of residence. (NAICS 721191)
Commercial Lodging (hotel and motel)	Y	N	Y	Y	L	Y	N	LC	N	N	03.227	Hotels, motels, boarding and rooming houses, or a building or group of buildings offering transient lodging accommodations on a daily rate to the general public. Additional services may include a restaurant, meeting rooms, and recreational facilities. (NAICS 7211, 7213)
Commercial Retail, Neighborhood	L	LC	Y	L	N	Y	N	LC	N	N	03.228.1	These uses are retail uses that primarily serve their immediate neighborhoods, and include the following types: 1.Hardware stores 2.Grocery store with general merchandise for resale, with limited uses allowable in CS and CP districts up to 40,000 sf. 3.Food and beverage stores 4.Boutiques, gift shops, antique shops, liquor stores, book stores and drug stores 5.Garden centers 6.Vehicular service uses, as listed elsewhere in this Table The maximum size of any Neighborhood Commercial Retail use shall be 10,000 s.f., unless otherwise specified.
Commercial Retail, Traditional Shop	N	N	N	N	N	N	N	L	L	N	03.228.2	This use reflects existing small, traditional, community-oriented necessity stores found in rural areas that sell mainly grocery items and household supplies, but not gasoline. Since these are neighborhood-oriented, their maximum size is 1,500 sf. Certain limitations to this use are intended to preserve the character of the communities that they serve.

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Community Preservation District - Please refer to the CP Area standards in Appendix D.

LAND USE	PRIORITY AREAS							RURAL AREAS			ADDITIONAL STANDARDS (See Section)	USE DEFINITION
	U	S	CR	CS	RD	LI	IP	R	RR	RC		
Commercial Retail, Regional	N	N	Y	N	N	L	N	N	N	N	03.229	These uses include all retail uses in Neighborhood Commercial, but which exceed the service character and scale of Neighborhood Commercial, above. Any retail use having exterior sales or storage shall be considered Regional Commercial, even if its scale does not require that. In addition to the types of retail uses listed in Neighborhood Commercial above, the following uses shall be permitted: 1.All miscellaneous retail not included in Neighborhood Commercial, above 2.Clothing and accessory stores 3.Furniture stores 4.Paint, glass, wallpaper specialty stores 5.Greenhouses (retail only and with garden supplies) 6.Repair shops and related services 7.Vehicular sales, rental and service uses, listed elsewhere in this Table 8.Hospitals and medical facilities
Conference Center	Y	N	Y	Y	Y	Y	N	LC	N	N	n.a.	One (1) or more buildings owned by a business entity in which there are no more than 10 guest rooms, or suites of rooms, available for temporary occupancy for varying lengths of time, by employees, customers, and other persons whose presence in the building coincides with a particular meeting occurring at the venue. (NAICS 72111 part)
Drive-through Restaurant	LC	LC	Y	L	N	L	N	N	N	N	03.230	Drive-in and drive-through restaurants that provide service to customers while in their vehicles. This use may include inside service to customers, as well.

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LAND USE	PRIORITY AREAS							RURAL AREAS			ADDITIONAL STANDARDS (See Section)	USE DEFINITION
	U	S	CR	CS	RD	LI	IP	R	RR	RC		
Office	L	L	Y	Y	L	Y	L	LC	N	N	03.232	Building or buildings wherein operations are predominantly administrative, professional or clerical, and includes the following: 1.Finance, banks, trusts, savings and lending (NAICS 521, 522, 525, 533) 2.Security, commodity brokers and investment services (NAICS 523) 3.Insurance carriers, agents, brokers, and services (NAICS 524) 4.Real estate services (NAICS 531) 5.Professional and technical services (NAICS 5411-5419) 6.Business services (NAICS 55, 5611-5616, 5619, 8139) 7.Health services (NAICS 621) 8.Social services (NAICS 624) (except care facilities) 9.Educational services, such as business schools (NAICS 6114), technological, and trade schools (excluding public and private schools defined as institutional) 10.Civic and social organizations (NAICS 8132 -34) 11.Agricultural support and services (offices only) (NAICS 115) 12.Governmental offices (NAICS 92 excluding public service) 13.Parking lots (NAICS 81293) 14.Contractor's Office without exterior storage
Restaurant	L	LC	Y	Y	L	Y	N	LC	N	N	03.233	Establishment that serves food and beverages to persons seated within the building. Outside terrace or sidewalk seating is permitted subject to all other required codes. Bars, taverns, saloons and nightclubs are permitted subject to applicable State liquor licensing requirements and standards.

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LAND USE	PRIORITY AREAS							RURAL AREAS			ADDITIONAL STANDARDS (See Section)	USE DEFINITION
	U	S	CR	CS	RD	LI	IP	R	RR	RC		
Services	LC	LC	Y	Y	N	L	N	LC	N	N	03.234	A wide variety of personal and commercial services including the following: 1.Educational services (NAICS 611 except 611512, 61162) 2.Social assistance (NAICS 624) 3.Hospitals and medical laboratories (NAICS 339116, 62151, 62211, 62221, 62231), including general medical and surgical hospitals, and specialty hospitals, except alcoholism, drug, rehabilitation. 4.Kennel service and domestic veterinary clinics (NAICS 11521) 5.Postal service buildings, except regional distribution centers, couriers and messengers (NAICS 491, 492) 6.Miscellaneous repair services and shops (NAICS 44311, 8112, 8113, 8114) 7.Health and exercise clubs; dance studios (NAICS 71394, 71399) 8.Parking lots (NAICS 81293) 9.Funeral homes (NAICS 81221) 10.Laundry services (NAICS 8123) 11.Personal services (NAICS 8121, 8129) NOTE: Drive through facilities are not permitted as part of this use.

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Y = Permitted Use L = Limited Use S = Special Use
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Community Preservation District - Please refer to the CP Area standards in Appendix D.

LAND USE	PRIORITY AREAS							RURAL AREAS			ADDITIONAL STANDARDS (See Section)	USE DEFINITION
	U	S	CR	CS	RD	LI	IP	R	RR	RC		
VEHICULAR SALES, RENTAL AND SERVICE, GAS CONVENIENCE MARTS:											03.234.3	
Vehicle Sales or Rentals	N	N	L	N	N	N	N	N	N	N		Automobile, light truck, boat, motorcycle sales or rentals, but no other truck sales or rentals (NAICS 4411, 441221, 441222, 5321).
Auto malls	N	N	L	N	N	N	N	N	N	N		Auto malls with a number of the auto service uses contained in a single building. Accessory car washes shall be permitted as part of such auto malls only when the total floor area is greater than 30,000 s.f. (NAICS 4411, 4413 and 811191, 81119).
Quick service oil, tune-up, brake and muffler shops	L	L	Y	L	N	Y	L	N	N	N		Quick service oil, tune-up, brake and muffler shops where maintenance repairs are made in fully enclosed bays, and where such repairs are typically completed in less than two hours.
General Auto Repair and Gasoline Service Stations with repair bays or facilities.	L	L	L	L	N	Y	N	L	N	N		General auto repair facilities where most types of servicing and repair can be performed on-site. Hand car wash/detailing businesses are permitted as part of, or separate from this use.
Gas-convenience marts with no repair bays or facilities	L	L	Y	L	N	Y	N	L	N	N		Gas-convenience marts with no repair bays or facilities. There is no towing, vehicle body, engine repair, painting, or exterior overnight vehicle storage permitted with this use Single-bay car washes associated with a gas convenience mart are permitted (NAICS 811191, 811192).

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Table 03.110 GENERAL USE TABLE

USE PERMISSION
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Community Preservation District - Please refer to the CP Area standards in Appendix D.

LAND USE	PRIORITY AREAS							RURAL AREAS			ADDITIONAL STANDARDS (See Section)	USE DEFINITION
	U	S	CR	CS	RD	LI	IP	R	RR	RC		
Mixed Use	Y	L	Y	Y	N	N	N	N	N	N	03.234.6	1. A building containing two or more use categories with five or more residential dwelling units comprising a minimum of 25% of the total floor area. 2. A building or group of buildings arranged around a pedestrian precinct, containing four or more different uses including: commercial retail, commercial lodging, office, service, residential, institutional, or exhibition center. Residential use shall be one of the required uses.
RECREATION AND AMUSEMENT USES												
Campground	N	N	N	N	N	N	N	L	N	S	03.235	Form of commercial lodging where guests bring tents, travel trailers, campers, or other similar forms of shelter to experience more rustic setting and natural environments. Campgrounds rent pads or spaces to the guests.
Commercial Amusement, Indoor	LC	LC	L	L	N	N	N	LC	N	N	03.236.1	Includes, but is not limited to: bowling alleys, indoor sports arenas, movie theaters, performing arts companies, indoor skating rinks (ice or roller), amusement game machine complex, pool halls, and shooting arcades. (NAICS 512131, 7111, 7112 part, 7113, 712 part, 713 part)
Commercial Amusement, Indoor Gambling	N	N	S	N	N	S	N	N	N	N	03.236.2	The use of coin-operated gambling devices and includes video poker parlors, and secondary uses, as described by State law. (NAICS 7132, part., 71329)
Commercial Amusement, Indoor Casino Gambling	N	N	N	N	N	N	N	N	N	N	03.236.5	Casino gambling for land-based, or as a port of call for an ocean going vessel.
Commercial Amusement, Outdoor	N	N	L	S	N	L	N	S	N	N	03.237	Includes, but is not limited to: fairgrounds, outdoor stadiums, racing facilities, rodeos, music arenas, theme parks, amusement parks, water slides, batting cages, shooting ranges, zoos, and botanical gardens. (NAICS 512132, 71311, 71212, 71213, 71219)

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Table 03.110 GENERAL USE TABLE

USE PERMISSION

Y = Permitted Use L = Limited Use S = Special Use
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Community Preservation District - Please refer to the CP Area standards in Appendix D.

LAND USE	PRIORITY AREAS							RURAL AREAS			ADDITIONAL STANDARDS (See Section)	USE DEFINITION
	U	S	CR	CS	RD	LI	IP	R	RR	RC		
Indoor Recreation	Y	Y	Y	Y	L	L	L	LC	N	N	03.238	Recreational uses including community recreation centers, gymnasiums, indoor swimming pools, tennis, racquetball, or handball courts (NAICS 71394). Specifically excluded are health and exercise clubs, and uses listed as service uses, above.
Outdoor Recreation	Y	Y	Y	Y	Y	Y	Y	Y	N	S	03.239	1.Active recreational activities and supporting services including, but not limited to: jogging, cycling, tot-lots, playing fields, playgrounds, outdoor swimming pools, and tennis courts (NAICS 7113); game preserves and shooting, trapping and fishing clubs (NAICS 71391, 71393 71394); marinas. 2.Passive recreational uses including, but not limited to: arboretums, wildlife sanctuaries, forests, areas for hiking, nature areas, and other passive recreation-oriented parks. 3.Picnic areas, garden plots, and beaches.
Resort	L	L	N	N	N	N	N	L	N	N	03.240	Lodging that serves as a destination point for visitors, located and designed with some combination of recreational uses or natural areas, such as marinas, beaches or pools, tennis, golf, equestrian, other special recreation opportunities, and/or a variety of restaurants and shops to serve the guests. Buildings and structures in the resort shall complement the scenic and natural qualities of the location and area where it is situated.
Ecotourism	N	N	N	N	N	N	N	L	L	S	03.240.5	Organized, educational and mainly outdoor recreation with or without lodging, which invites participants to learn about and promote ecological preservation, conservation and sustainability. This use shall include at least two of the following characteristics: 1.Located near or within a wilderness setting, park or protected area; 2.Interpretive educational program(s) with or without guides; 3.Outdoor activities; or 4.Cultural experiences.
Golf Course	L	L	L	L	N	N	N	L	N	N	03.241	Regulation and Par 3 golf courses and associated amenities having nine or more holes. A driving range may be an ancillary use to the operation. (NAICS 71391)

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Community Preservation District - Please refer to the CP Area standards in Appendix D.

LAND USE	PRIORITY AREAS							RURAL AREAS			ADDITIONAL STANDARDS (See Section)	USE DEFINITION
	U	S	CR	CS	RD	LI	IP	R	RR	RC		
Miniature Golf Course	L	L	L	L	N	N	N	N	N	N	03.242	Putting courses installed on artificial surfaces, practice facilities that are driving ranges, or which have several practice holes or putting areas. (NAICS71399)
INDUSTRIAL USES												
Airports	N	N	N	N	N	S	L	S	N	N	03.243	Airports (NAICS 481) and flight training schools (NAICS 611512), including private airstrips, and those used by ultra-light aircraft.
Commercial Communication Towers	S	S	L	S	S	L	L	S	S	N	03.244	Radio or television broadcasting towers, telecommunications towers, and antenna arrays (NAICS 513), except residential satellite dishes. Speculation towers are prohibited.

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Community Preservation District - Please refer to the CP Area standards in Appendix D.

LAND USE	PRIORITY AREAS							RURAL AREAS			ADDITIONAL STANDARDS (See Section)	USE DEFINITION
	U	S	CR	CS	RD	LI	IP	R	RR	RC		
Heavy Industry	N	N	N	N	N	L	Y	N	N	N	03.245	Construction, manufacturing, transportation, and public utilities with land use intensity impacts that are typically non-compatible with residential and commercial land uses, and are usually associated with large industrial uses, accessory outdoor storage areas, and large building areas. The following uses shall be classified as Heavy Industry: 1.Any Light industrial use that requires outdoor storage that exceeds 10% of the gross floor area, 2.Any Light industrial use that does not meet the noise, odor or vibration standards for that use, or that produces emissions that exceed 60% within, or adjoining the building, 3.Any Light industrial use that exceeds 200,000 s.f. of gross floor area, 4.Heavy construction contractors (NAICS 234), 5.Meat products manufacturing (NAICS 3116), 6.Seafood product preparation and packaging (NAICS 3117), 7. Petroleum refining and related industries (NAICS 234), 8.Alcoholic beverages (NAICS 31212, 31213, 31214), 9.Industrial equipment leasing (NAICS 5324), 10.Stone, clay and glass products (NAICS 327), 11.Metal mills, foundries, smelter (NAICS 331), 12. Wood Products (NAICS 312), 13.Transportation equipment manufacturing (NAICS 336), 14.Utility production or processing facilities, but not office or transmission or distribution (NAICS 22), 15.Welding, sheet metal, blacksmith (NAICS 3323). 16.Paper Manufacturing (NAICS 322, except Paper Mills 32211,12,13) 17.Plastic/Rubber Products (NAICS 326, except Tire Manufacturing 32621) 18.Fabricated Metal Products (NAICS 332) 19.Machinery Manufacturing (NAICS 333) 20.Transportation-Auto Manufacturing (NAICS 336) 21.Chemical Manufacturing (NAICS 325).

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Table 03.110 GENERAL USE TABLE

USE PERMISSION
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Community Preservation District - Please refer to the CP Area standards in Appendix D.

LAND USE	PRIORITY AREAS							RURAL AREAS			ADDITIONAL STANDARDS (See Section)	USE DEFINITION
	U	S	CR	CS	RD	LI	IP	R	RR	RC		
Light Industry	N	N	N	N	L	Y	Y	N	N	N	03.246	incubator development, light manufacturing, processing, assembly, or finishing operations in enclosed buildings, with limited exterior storage. The following uses shall be classified as Light Industry: 1.Any Light industrial use not requiring more than 10% of its gross floor area for exterior storage, 2.Any Light Industrial use that does not exceed 200,000 s.f. of gross floor area, 3.Building, development and general contracting (NAICS 233), 4.Special trade contractors (NAICS 235, except storage of any equipment that is more than 12 feet in height), 5.Food products (NAICS 311, 312, except NAICS 3112, 3116, 3117, 31212, 31213, 31214, 3122 other than micro-breweries), 6.Textiles and apparel (NAICS 313, 314 & 315), 7.Fuel dealers (NAICS 45431, 454312, 454319), 8.Furniture and fixtures (NAICS 337), 9.High tech industry (NAICS 327 nonmetallic mineral products, 335 electrical equipment, 8112, 443 electronics and appliances), where the gross floor area of the business is less than 20,000 s.f., and receives and ships all its packages via courier service, 10.Commercial Uses, 11.Lumber and other building materials (NAICS 4213, 4413, 44419, 44911), 12.Printing and publishing (NAICS 511, 512, 323), 13.Office and computing machines (NAICS 334), 14.Electric and electronic equipment (NAICS 335) except electronic distribution and electrical industrial (NAICS 3353, 3359), 15.Instruments and related products (NAICS 334, 339), 16.Mini warehouses, with or without outside storage (NAICS 53113), 17.Transportation services (NAICS 488), 18.Wholesale trade, durable and nondurable (NAICS 421, 422) except farm products (NAICS 4225), 19.Recreational equipment rental (NAICS 532292), 20.Heavy truck, recreational vehicle and mobile home sales (NAICS 441222, 441229, 44121, 45393), 21.Heavy truck rental (NAICS 53212). 22.Trucking and warehousing (NAICS 484)
Mining/Resource Extraction	N	N	N	N	N	S	N	S	N	N	03.247	Extractive uses such as surface mining for sand, gravel, clay and topsoil and any other such use. Quarrying is not permitted. (NAICS 21)

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Community Preservation District - Please refer to the CP Area standards in Appendix D.

LAND USE	PRIORITY AREAS							RURAL AREAS			ADDITIONAL STANDARDS (See Section)	USE DEFINITION
	U	S	CR	CS	RD	LI	IP	R	RR	RC		
High Technology Industry	N	N	N	N	Y	Y	Y	N	N	N	na.	High tech uses such as electronics, pharmaceutical, chemical, and health care that typically have research facilities, testing, or pilot plants as a part of their research and development. The total development campus can include corporate and general offices, warehousing and industrial facilities that are involved in creating the product(s) under development or ones previously developed. Corporate headquarters campuses involving multiple buildings may also be part of this use.
Recycling/Salvage	N	N	L	N	N	L	N	N	N	N	03.248.1	Any land or structure used for salvaging, recycling, junkyards, or storing of waste paper, rags, scrap metal, and discarded materials, and the collection, dismantlement, and salvage of two or more inoperative vehicles, automobiles, boats, trucks, farm vehicles or equipment, or other types of machinery. This includes the aggregate storage of manmade equipment, machinery, scrap, or other used materials having a total cubic volume of 700 cubic feet or more. Where there is no exterior storage, and all the material is stored inside buildings with impervious floors, the use shall be considered Light Industry.
Waste Transfer Station	L	L	L	L	N	L	N	L	N	N	03.248.2	Drop-off centers for household waste to be transferred to a landfill by public or private companies.
Regional Utilities	L	L	L	L	L	L	L	L	L	N	03.249	Generation, storage of combustibles, and regional facilities, such as regional switching stations, pump storage, and other facilities not housed inside normal buildings or structures (NAICS 22).
STORAGE:												
Business Storage	N	L	L	L	L	Y	Y	L	N	N	03.249.5.1	Any land or structure used for storage and holding of commercial business supplies, materials, equipment and products, that are necessary for conducting that business.
Residential Storage Facility	N	N	L	L	N	L	N	N	N	N	03.249.5.2	A building or buildings consisting of individual, small, self-contained units that are leased or owned for the storage of household goods.
Warehousing/Distribution	N	N	N	N	L	Y	Y	N	N	N	03.250	Storage, wholesale, and distribution of manufactured products, supplies and equipment. This use excludes bulk storage of materials that are flammable, explosive, toxic or create hazardous conditions, and that are defined as Business Storage uses, above.

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Table 03.110 GENERAL USE TABLE

USE PERMISSION

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Community Preservation District - Please refer to the CP Area standards in Appendix D.

LAND USE	PRIORITY AREAS							RURAL AREAS			ADDITIONAL STANDARDS (See Section)	USE DEFINITION
	U	S	CR	CS	RD	LI	IP	R	RR	RC		
Waste Disposal/Waste Facilities	N	N	N	N	N	S	L	S	N	N	03.251	Disposal uses including sanitary landfills, construction waste landfills, sludge disposal or storage, resource recovery facilities, energy recovery or generating from waste material, and any other form of waste management facilities. (NAICS 5622, excluding disposal of hazardous or radioactive waste materials NAICS 562211)
TEMPORARY USES												
Christmas Tree Sales	Y	Y	Y	Y	N	Y	N	Y	Y	N	n.a.	The sale of evergreens for use as Christmas holiday decorations. Sales shall be limited from November 15 through December 25 during any year.
Construction Staging or Plant	N	S	N	N	N	S	S	S	N	N	3.252	A concrete or asphalt batch plant, or metal forming and cutting facility assembled on the site or located no more than one (1) mile from the site where the construction of a particular road, infrastructure or building is to take place. Such facilities shall be removed within one (1) year.
Contractor's Office	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	n.a.	Security guard buildings and structures, construction equipment sheds, contractor's trailers and similar uses incidental to a construction project. Limited sleeping and/or cooking facilities may also be permitted.
Roadside Stand	N	L	N	N	N	N	N	L	L	N	03.253	Temporary or permanent structure or vehicle used in the sale of agricultural produce. More than one (1) farm may sell at a single stand.
Model Homes/Sales Office	Y	Y	Y	Y	N	Y	L	Y	N	N	n.a.	A dwelling unit or modular unit in a subdivision used as a sales office for that subdivision.
TEMPORARY OUTDOOR SALES:											03.253	
Commercial Outdoor Sales	L	L	S	S	N	S	N	N	N	N		Outdoor sales of merchandise, by either a store owner or occupant, outside the store in question on either the public sidewalk, a private sidewalk, or pedestrian area. This use excludes sales associated with a public interest or special event.
Miscellaneous Outdoor Sales	L	L	L	L	N	N	N	L	N	N		Those activities which involve selling goods from a truck, temporary outdoor or tented sales area, but not as part of, or sponsored by a commercial operation on site.
Public Interest and Special Events	L	L	L	L	L	L	L	L	L	S	03.254	**Public Interest.** Outdoor gatherings, auctions, art sales, and bake sales for the benefit of the community, or community, service or non-profit organization. **Special Event.** These events may include, but are not limited to, outdoor concerts, auctions, carnivals, circuses, outdoor religious meetings, and special entertainment at commercial properties. Such uses often travel to various communities, or involve noisy events regardless of purpose.

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DIVISION 03.200
LIMITED AND SPECIAL USE STANDARDS

This Division describes the standards governing Limited and Special Uses as designated in the General Land Use Table, 03.110. These standards are in addition to other standards required elsewhere in this Ordinance, as well as, Building Code requirements, and further supercede certain standards in Article 04. The standards in this Division include buffering, location, bulk and scale, and standards of an environmental nature.

Uses designated as "L" in the General Use Table, are permitted uses, however, require additional standards from the by-right provisions. Uses designated as "S" in the Table are Special Uses, require more stringent standards, and must be considered and approved by the Zoning Board of Appeals (ZBOA). See Article 21 for the appropriate procedure for both Limited and Special Use reviews. If a Limited or Special Use is proposed as part of a subdivision or land development, the site plan must so designate their locations. The standards for each use may vary by zoning district.

AGRICULTURAL

SECTION 03.210 AGRICULTURE

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:
   1. All existing farm uses shall be exempt from the standards of this Ordinance.

B. SUBURBAN DISTRICT: Shall be permitted only when the agriculture is to be part of the open space in a Residential Community Use development.

C. RESOURCE CONSERVATION DISTRICT: Agriculture uses shall be permitted only when an expansion of existing agricultural use or for restoration of an historic site's traditional fields or groves.

SECTION 03.211 FORESTRY

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS, EXCEPT FOR RURAL AND RURAL RESIDENTIAL:

   2. A Forestry Plan shall be submitted that demonstrates that the intended forestry activities will not adversely affect flood hazard, river buffer and specimen tree protection requirements of Article 05. In determining this, the ZDA shall review the type of cutting, and site plan for the activity.

   3. Bufferyards of 50 feet along adjoining streets and districts shall be retained. Where no existing bufferyard is present in the required 50 foot area, the location of the bufferyard may require being placed further inward of the property line. Excessive cutting of the bufferyard shall result in the area having to be replanted as per Section 04.355.4.

   4. All State of South Carolina standards for BMPs, buffers and reforestation practices shall be adhered to.

   5. The landowner shall retain a minimum of at least 25 overstory trees per acre after final harvest, not including the required buffer. The landowner shall immediately pursue planned natural regeneration methods, whereby between 4 to 12 seed harvesting trees

are left uncut, or 20 to 30 shelterwood harvesting trees are left uncut. Either method is acceptable as long as the required buffer is provided, and the method recognized by the State of South Carolina for responsible forestry practices.

B. RIVER QUALITY OVERLAY DISTRICT:
Reserved.

C. RESOURCE CONSERVATION DISTRICT: Forestry shall be permitted only when part of a BMPs Plan to retain the highest quality natural area through limited harvesting of trees to improve the quality and growth of the rest or to eliminate invasive species.

D. RURAL/RURAL RESIDENTIAL DISTRICTS: Timber harvesting, as defined by the S.C. Forestry Association shall only require that notice be provided to the ZDA of intended activity, prior to commencement of the activity.

SECTION 03.212 CLEARCUTTING

E. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:
Clearcutting is generally not permitted in any district other than for bona-fide forestry practices. When clearcutting does not include forestry, approval for clearcutting shall be issued only under one (1) of the following conditions:

1. A 50 foot forested buffer shall remain along all street frontages. Absence of the required existing buffer shall preclude any site from being approved for this use;

2. As part of a site plan or subdivision with an approved Resource Protection Plan;

3. When a Site Capacity Analysis is submitted along with an Environmental Impact Assessment demonstrating that this Ordinance's standards are met, and a record of the property's original conditions is filed with the Planning Department.

SECTION 03.213 FARMSTEAD

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:
1. Farmworker housing is allowed as an accessory use on farmsteads for semi-permanent use by farm workers, consistent with State and federal regulations.

B. SUBURBAN DISTRICT: Farmsteads shall be permitted when part of the open space in a community development where a new farm unit is created with a minimum of 50 acres of land that is part of the planned open space of the community.

C. RESOURCE CONSERVATION DISTRICT: A farmstead shall be permitted only when it is part of the restoration of a historic site's traditional agricultural operations.

SECTION 03.214 COMMERCIAL STABLES

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:
1. Additional buffering shall be required whenever the use is within 100 feet of a developed residential lot. The buffer width shall be increased to a minimum of 15 feet.

2. **Minimum Site Area:** Five acres.

3. A five foot high fence is required around paddock areas.

B. REPORTS/STUDIES REQUIRED: All applications for this use shall include an Area Impact Assessment.

RESIDENTIAL

SECTION 03.215.1 PLANNED RESIDENTIAL

A. COMMERCIAL SUBURBAN DISTRICT: In reviewing the site plan, it shall be determined that the shape of the parcel, orientation of the buildings, and provision for pedestrians makes the multi-family project a suitable use for the particular site in question. See Exemption for affordable housing, Section 07.230.

B. URBAN DISTRICT: Planned residential uses shall only be permitted with a minimum spacing of one-quarter (.25) mile between multi-family developments. No more than 40 dwelling units shall be constructed in any building.

C. SUBURBAN DISTRICT: Planned residential uses shall be consistent with surrounding neighborhood character in size, scale and architecture.

D. RURAL DISTRICT: Planned residential uses shall only contain single-family and duplex dwellings. All other multi-family uses are not permitted.

E. REPORTS/STUDIES REQUIRED: All applications for this use shall include a Community Impact Statement.

SECTION 03.215.2 MULTI-FAMILY RESIDENTIAL

A. COMMERCIAL SUBURBAN DISTRICT: In reviewing the site plan, it shall be determined that the shape of the parcel, orientation of the buildings, and provision for pedestrians makes the multi-family project a suitable use for the particular site in question. See Exemption for affordable housing, Section 07.230.

B. URBAN DISTRICT: Multi-family residential uses shall only be permitted with a minimum spacing of one-quarter (.25) mile between multi-family developments. No more than 40 dwelling units shall be constructed in any building. No more than 200 units shall be constructed as part of a single development.

C. SUBURBAN DISTRICT: Multi-family uses shall be compatible with surrounding neighborhood character in size, scale and architecture. The Traffic Impact Analysis shall indicate required improvements, where applicable.

D. REPORTS/STUDIES REQUIRED: All applications for this use shall include a Community Impact Statement.

HOME USES

SECTION 03.218.1 HOME OCCUPATION

A. LIGHT INDUSTRY DISTRICT: Only home occupations existing on lots of record, before the adoption date of this Ordinance shall be permitted. These existing uses shall not be considered non-conforming.

SECTION 03.218.2 HOME BUSINESS

A. COMMERCIAL SUBURBAN AND LIGHT INDUSTRY DISTRICTS: Only home businesses existing on lots of record, before the adoption date of this Ordinance shall be permitted.

SECTION 03.219 COTTAGE INDUSTRY

A. RURAL DISTRICT: This use shall not exceed 20% of the total site area. A 50 foot bufferyard of 100% opacity shall be required on the entire length of all property boundaries adjoining a residential district. Ten acres shall be required for this use.

INSTITUTIONAL

SECTION 03.220.1 ASSEMBLY AND WORSHIP, LARGE
(15,000 s.f. or greater and/or with school)

A. REPORTS/STUDIES REQUIRED: All applications for this use shall include a Traffic Impact Analysis.

B. URBAN, SUBURBAN, COMMERCIAL SUBURBAN DISTRICTS: Access shall be provided through frontage on an arterial or collector street, unless the DRT finds that access to an adjoining local street is safer, and provides improved design, benefitting the County. There shall be no minimum lot size for this use.

C. RURAL DISTRICT: It is the intent of this Ordinance to ensure that lots used for assembly and worship uses are large enough to accommodate future expansions, and to maintain the desired character of the surrounding community. Thus, a minimum lot size of at least 10 acres shall be required.

SECTION 03.220.2 ASSEMBLY AND WORSHIP, SMALL
(Less than 15,000 s.f., no school)

A. URBAN, SUBURBAN, COMMERCIAL SUBURBAN DISTRICTS: In these districts, there shall be no minimum lot size. Sunday school activities are permitted. Access shall be provided through frontage on an arterial or collector street, unless the DRT finds that access to an adjoining local street is safer, and provides improved design, benefitting the County.

B. RURAL DISTRICT: There shall be no minimum lot size for this use. When the use proposes a school (except for Sunday school activities) as part of the use, then a minimum lot size of 10 acres shall be required.

SECTION 03.221 SCHOOLS

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:

1. **Access:** High schools, colleges and professional schools shall have frontage on a collector or arterial and shall be required to take access to such streets unless the County Engineer believes local streets are safer in the particular conditions of the site and roads.

2. **Minimum site area:**

a)	Colleges and Professional Schools:	**10 acres**
b)	Neighborhood (Elementary):	**10 acres**
c)	Neighborhood (Middle):	**20 acres**
d)	Community (High):	**50 acres**

B. RURAL DISTRICT: The school shall serve the district and surrounding rural areas.

C. REPORTS/STUDIES REQUIRED: All applications for this use shall include a Community Impact Statement.

SECTION 03.222 INSTITUTIONAL RESIDENTIAL

A. URBAN DISTRICT: The use shall have a minimum four acre site.

SECTION 03.223 DAY CARE, COMMERCIAL

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:

1. This use shall have a minimum lot area of 20,000 sf., or 1,000 sf. per person (staff and customers).

B. REPORTS/STUDIES REQUIRED: All applications for this use shall include a Traffic Impact Analysis.

SECTION 03.223.5 PROTECTIVE CARE

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS: All proposed protective care uses shall have a minimum site area of 50 acres.

B. REPORTS/STUDIES REQUIRED: All applications for this use shall include a Community Impact Statement.

SECTION 03.224 UTILITIES, LOCAL

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS: Utility agencies shall submit service radii or other locational criteria that demonstrate the need to place facilities in this district.

SECTION 03.224.3 GOVERNMENT OFFICE

A. REPORTS/STUDIES REQUIRED: All applications for this use shall include a Community Impact Statement.

SECTION 03.224.6 RECREATIONAL INSTITUTIONAL

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS: All applications for this use shall include a Traffic Impact Analysis.

COMMERCIAL

SECTION 03.225 ADULT USES

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:

1. **Additional Buffers:** An additional 20 feet of bufferyard width shall be provided on all lot sides.

2. **Separation:** The use shall be a minimum of 500 feet from any residence outside the zone, church, school, or daycare center.

3. **Spacing:** The minimum spacing between adult uses shall be one (1) mile.

4. **Lot Size:** Minimum one (1) acre.

5. **Access:** Shall be from an interior street in the development, not from an exterior roadway.

6. **Signage:** The signage shall be a monument sign no more than 60% of the district standard. At the entrance to the building, a notice shall be posted indicating that this is an adult use which may involve activities or materials that do not meet community decency standards.

B. REPORTS/STUDIES REQUIRED: All applications for this use shall include a Community Impact Statement.

SECTION 03.226 BED AND BREAKFAST

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:

1. **Use Standards:** Any Bed and Breakfast use shall have a maximum of six rental rooms. Meals may be served only to registered guests.

2. **Signs:** Bed and Breakfast uses are limited to five s.f. total sign area. Such signs must be constructed of wood or other durable non-plastic materials.

3. **Parking:** Bed and Breakfast uses must provide for all parking off-street, which shall be screened from adjoining land uses by hedges and canopy trees. The DRT may permit on-street parking to be substituted upon determining that the street can accommodate the parking and the provision of off-street parking would be detrimental to the area's appearance.

4. **Building Type:** This use is limited to structures at least 50 years old with an identifiable architectural style unless a different building design is approved by the Historic Preservation Review Board, Corridor Review Board or the DRT. The applicable reviewing body shall ensure the building is in character with its neighborhood in style and appearance.

SECTION 03.227 COMMERCIAL LODGING

A. REPORTS/STUDIES REQUIRED: All applications for this use shall include a Community Impact Statement.

B. COMMERCIAL SUBURBAN DISTRICTS: The use shall be located on an arterial road leading to a resort area or on a collector road within 500 feet of such an arterial road.

C. RESEARCH AND DEVELOPMENT DISTRICT: Where a research park with multiple tenants is designed with a central core service area, a commercial lodging is permitted subject to the following:

1. The total area devoted to commercial lodging shall be no more than two percent of the site.

2. The service area in which the use shall be located is in the interior of the property with pedestrian linkages within the development.

SECTION 03.228.1 COMMERCIAL RETAIL, NEIGHBORHOOD

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:

1. This use shall be limited to individual buildings or lease space in larger structures of no more than 10,000 s.f., unless otherwise specified.

2 **Access:** The use shall have access to a collector or arterial road.

3. Uses with drive-through facilities shall design the project so that pedestrian safety is ensured.

B. COMMERCIAL SUBURBAN DISTRICT: The buildings shall have pitched roofs in keeping with that of nearby residential uses.

C. REPORTS/STUDIES REQUIRED: All applications for this use shall include a Traffic Impact Analysis.

SECTION 03.228.2 COMMERCIAL RETAIL, TRADITIONAL SHOP

A. The following standards shall apply to all new traditional shop uses:

1. The maximum allowable size for new traditional shop uses shall be 1,500 sf. total.

2. No traditional shop use shall be located within a ½ mile radius from another traditional shop use.

3. The buildings shall have pitched roofs in keeping with that of the local community character. Franchise architecture shall be prohibited.

4. Natural landscaping shall be preserved to the fullest extent possible. Every effort shall be made to preserve existing, significant trees.

5. Traditional shops shall include typical staple products for resale such as grocery items and household supplies. Gasoline sales are not permitted.

SECTION 03.229 COMMERCIAL RETAIL, REGIONAL

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:

1. These uses may constitute no more than five percent of the total permitted floor area of the project in which they are located.

2. **Access:** The access to these uses shall be from the development's interior streets. The uses shall not have frontage on arterial or collector streets.

B. REPORTS/STUDIES REQUIRED: All applications for this use shall include a Community Impact Statement.

SECTION 03.230 DRIVE-THROUGH RESTAURANT

A. URBAN, SUBURBAN AND COMMERCIAL SUBURBAN DISTRICTS: Talk boxes must be screened by a sound barrier such as a fence or masonry wall.

B. URBAN DISTRICT: Drive-through facility uses shall take access from an alley.

C. LIGHT INDUSTRY DISTRICT: Drive-through facility uses shall take access from the entrance road to the business park. Furthermore, these uses shall be located along the entrance road and prior to the first road intersection within the business park.

D. REPORTS/STUDIES REQUIRED: All applications for this use shall include a Traffic Impact Analysis.

SECTION 03.232 OFFICE

A. RESEARCH AND DEVELOPMENT DISTRICT: Offices are permitted only if they are single user buildings or corporate offices.

B. URBAN AND SUBURBAN DISTRICTS:

1. **Bufferyard:** Adequate bufferyards shall be included and maintained as part of the design, according to Article 04.

2. **Parking:** All parking shall be located to the side and rear of the proposed use.

3. **Compatibility:** In cases where there is no review by a Corridor Review Board, the DRT shall determine compatibility of architecture design with the surrounding community.

C. REPORTS/STUDIES REQUIRED: All applications for this use shall include a Traffic Impact Analysis.

SECTION 03.233 RESTAURANT

A. RESEARCH AND DEVELOPMENT DISTRICT:

1. In the interior of buildings or a separate building in a complex of a firm where the restaurant is open only to the employees and visitors of the company.

2. Where a research park with multiple tenants is designed with a central core service area restaurants are permitted subject to the following:

3. The total area devoted to restaurants shall be no more than two percent of the site where the total floor area of the site is less than 1,000,000 sf. Over that amount only one (1) percent of the additional floor area shall be used for this use.

4. The service area in which the restaurants shall be located is in the interior of the property with pedestrian linkages within the development.

C. URBAN DISTRICT: This use shall be limited to 3,500 sf. of floor area.

D. REPORTS/STUDIES REQUIRED: All applications for this use shall include a Traffic Impact Analysis.

SECTION 03.234 SERVICES

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:

1. Where the adjoining land is zoned or used for residential, the buffer shall be increased by 25 feet.

B. STUDIES/REPORTS REQUIRED: At the discretion of the DRT, all applications for this use shall include a Traffic Impact Analysis.

SECTION 03.234.3 VEHICULAR SALES, RENTAL AND SERVICE

The following additional standards shall be guided by use as listed in Table 03.110:

A. AUTO SALES, AUTO MALLS IN ALL DISTRICTS:

1. Where the adjoining land is zoned for residential, the buffer shall be increased by 25 feet.

2. One (1) automobile display area shall be permitted for every 400 feet of the major road (highest road classification or traffic volume) upon which the use fronts. If there are two such roads, the main road shall be used to calculate the number of display areas, but they may be located on either road.

3. No vehicles shall be parked in rights-of-way.

4. Except within the display building, no vehicles shall be displayed with their hoods open.

5. All service bay doors shall be located perpendicular to the street of higher classification.

B. QUICK SERVICE REPAIR SHOPS, GAS STATIONS WITH LIGHT AUTO REPAIR, GENERAL AUTO REPAIR AND GAS CONVENIENCE MARTS WITH NO REPAIR IN ALL DISTRICTS:

1. All canopies over gas pumps shall have pitched roofs.

2. Lighting shall be kept hidden inside a canopy so as not to be visible from off-site. Any free standing lighting fixtures shall be reduced in height to 15 feet if the use adjoins a residential district.

3. All service bay doors shall be located perpendicular to the street of higher classification.

4. **Additional Buffers:** Where the property abuts a residential area, a wall or opaque fencing at least six feet in height shall be erected at the interior of the buffer.

5. All new applications for this use shall include an Environmental Impact Assessment.

SECTION 03.234.6 MIXED USES

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:

1. Except as provided in 2., below, mixed use buildings shall have a minimum of 25% residential floor area.

2. A mixed use building, or a group of buildings in a mixed use development, oriented to a pedestrian precinct, may have the minimum residential component reduced to fifteen 15% where a major portion of the floor area is a large public structure, such as a museum or a hotel and convention center, that occupies at least 40% of the total floor area.

3. Residential uses shall provide outdoor areas greater than or equal to 120 sf. per unit, or the equivalent using one (1) or a combination of the following methods:
   a) Balconies or roof gardens; and/or
   b) Parks or parkways with a minimum of 20,000 sf. of lawn area located within the development; and/or
   c) Paved pedestrian precincts which may count for no more than 25% of the requirement.

B. REPORTS/STUDIES REQUIRED: All applications for this use shall include a Community Impact Statement.

RECREATION & AMUSEMENT

SECTION 03.235 CAMPGROUND

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:

1. This use shall have a minimum of 100 feet of buffer on all sides.

2. A camp store and entertainment area is permitted as part of the campground provided it is not advertised off-site and does not exceed 3,000 sf. per every 200 camping spaces.

3. Camping sites shall be at least 1,600 sf. If the area is forested at the time of development, trees shall be left between all camp sites. If the area is not forested, at least two trees shall be planted between each site.

B. REPORTS/STUDIES REQUIRED: Applications for this use shall require a Community Impact Statement.

SECTION 03.236.1 COMMERCIAL AMUSEMENT, INDOOR

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:
1. The use shall take access from a collector or arterial road.

B. REPORTS/STUDIES REQUIRED: All applications for this use shall include a Community Impact Statement.

SECTION 336.2 COMMERCIAL AMUSEMENT, INDOOR GAMBLING

All Indoor Gambling uses shall be subject to the provisions of State law, as well as additional standards prescribed in this Ordinance, and as follows:

A. The use shall take access from a collector or arterial road.

B. The proposed use shall include a site design which indicates that the use is compatible with surrounding communities.

C. This use shall only be permitted upon completion of a Community Impact Statement, and approval by the ZBOA as a Special Use.

D. There shall be three types of indoor gambling uses, with additional standards as follows:
1. **Video Poker Parlor:** This use is defined as a completely separate use, contained in a permanent building used solely for indoor gambling purposes only.

Video Poker as Secondary Use, Major: This use shall be operated as an accessory use from the main legal use, include the use of four or more individual Video Poker machines, and be contained in a separate room which shall prohibit any person under the age of 18 years from entering.

Video Poker as Secondary Use, Minor: This use shall be operated as an accessory use from the main legal use, include the use of three or less individual Video Poker machines, and shall prohibit any person under the age of 18 years from observing or playing at any time.

The following standards shall also apply to all indoor gambling uses:

a) any person under the age of 18 years shall be prohibited from entering the establishment;

b) non-permanent structures such as tents, mobile units, trailers, recreational vehicles or other temporary buildings shall be prohibited;

c) the proposed use shall provide one (1) parking space for each 200 sf. of floor area, and one (1) space for each gambling machine;

d) all proposed uses shall be located at least 1,000 feet from any place of worship, educational institution, or publicly or privately owned youth-oriented grounds or facility;

e) all proposed uses shall be located at least 500 feet from any residentially zoned district; and

f) there shall be no operation of the use between 2:01 A.M. and 7:59 A.M.

E. REPORTS/STUDIES REQUIRED: All applications for this use shall include a Community Impact Statement.

SECTION 03.237 COMMERCIAL AMUSEMENT, OUTDOOR

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:

1. The use shall have only one (1) lot line facing a residential use. The buffer shall be increased by 50 feet.

2. Closing hours and lighting shall be limited to 11:00 P.M. Facilities seeking to remain open after this time must apply for and receive approval of a Special Use Permit.

3. During review of the facility, the DRT and/or ZBOA may prohibit landscaping or design that is unnatural or not compatible for surrounding properties or communities in terms of the materials or other design features.

4. The minimum lot area shall be five acres.

B. REPORTS/STUDIES REQUIRED: All applications for this use shall include a Community Impact Statement.

SECTION 03.238 INDOOR RECREATION

A. RESEARCH AND DEVELOPMENT DISTRICT: Individual uses or the development as a whole may provide indoor recreation facilities for their tenants. A health club or similar use shall be permitted as a public facility only where the development has at least 500,000 sf. of total floor area.

B. LIGHT INDUSTRY DISTRICT: The use may occupy no more than five percent of the site's land area.

C. REPORTS/STUDIES REQUIRED: All applications for this use shall include a Community Impact Statement.

SECTION 03.239 OUTDOOR RECREATION

A. RESOURCE CONSERVATION: The use shall be designed to service only that island, or if the use is water dependent and related to a unique historical site or unique physical or

environmental conditions that warrant its development for the public good. Applications for outdoor recreation uses in this district shall include an Environmental Impact Assessment.

SECTION 03.240 RESORT

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:

1. **Minimum Site Area:** Ten acres. Where a golf course is involved, 250 acres shall be the minimum site area.

2. **Height:** No resort shall exceed 35 feet in height, or three stories, whichever is lower.

B. ENVIRONMENTAL/CULTURAL PROTECTION OVERLAY:

2. Resorts within the Environmental/Cultural Protection Overlay shall be limited to Ecotourism and similar activities having no measurable environmental impact.

2. REPORTS/STUDIES REQUIRED: Applications for outdoor recreation uses in this district shall include a Community Impact Statement.

SECTION 03.240.5 ECOTOURISM

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:

1. **Site Design:** Applications for this use shall include a site plan whose design incorporates the building, structures and amenities into the natural and scenic qualities of the area, in a complimentary fashion. An Operational Plan for the overall design and intent of the proposed use shall indicate that the use will enhance the Ecotourism experience of intended users in regard to the related wilderness setting, interpretive educational programs, wildlife viewing opportunities, outdoor activities, parks/protected areas, and/or cultural experience. In addition, the following design standards shall be required:

2. **Maximum floor area ratio** for each development shall be (.1).
   a) An open space ratio of 85% shall be required for the entire property.

   b) Impervious surface shall not exceed eight percent for the entire property.

   c) There shall be a three acre minimum site size for this use.

   d) Lodging Restriction: Lodgings are permitted with this use and include cabins, inns, bed and breakfasts, ranches, historic properties and small hotels. Hotel uses shall be limited to no more than 50 units per development, eight units per building, and a maximum height of two stories.

   e) Operators of Ecotourism uses shall adhere to the stewardship, research and educational principles promoted by The Ecotourism Society (TES).

B. REPORTS/STUDIES REQUIRED: All applications for this use shall include a Community Impact Statement.

SECTION 03.241 GOLF COURSE

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS: All golf courses shall be designed to meet BMPs.

B. REPORTS/STUDIES REQUIRED: All applications for this use shall include a Community Impact Statement.

SECTION 03.242 MINIATURE GOLF COURSE

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:

1. Where the use adjoins residential zoning or a residential use, an additional 50 feet of buffer shall be required.

2. Minimum lot area shall be two acres.

3. Miniature golf courses shall all be constructed in forested areas leaving a minimum of 60% of the original forest cover. No fill or structure raising the height of the holes more than four feet above the original grade shall be permitted.

4. All lighting shall be turned off after closing. If the use is located within 300 feet of a residential area, the use shall close at 11:00 P.M. with the lights off within one half (½) hour of closing.

B. URBAN AND SUBURBAN DISTRICTS: Miniature golf courses shall have direct access to an arterial road.

C. REPORTS/STUDIES REQUIRED All applications for this use shall include a Community Impact Statement.

INDUSTRIAL

SECTION 03.243 AIRPORTS

A. All new airport applications shall demonstrate that the airport controls affected land(s) either through ownership or easements to meet the following criteria:

1. The airport shall control all land within accident potential zones either by fee simple or avigation easements that ensure no residential, religious, school, commercial lodging, office, or other use that would concentrate people are permitted.

2. Areas above the 75 Ldn footprint shall be controlled as required in Section 03.440.

3. The County shall impose Airport Overlay zoning on all land within the 65 Ldn footprint, as delineated on the official Beaufort County Airport Overlay District Map. No residential structures shall be located within the 75 Ldn footprint projected for the airport.

4. None of these provisions are intended to encroach on existing residential communities. In the event of an airport expansion, documentation shall be provided to demonstrate that facility planners have studied the impact on all affected communities.

5. All applications for this use shall include a Community Impact Statement, as well as, an Airport Master Plan.

SECTION 03.244 COMMERCIAL COMMUNICATION TOWERS

A. CO-LOCATION:

1. All new applications for this use shall provide a Co-Location Study to demonstrate that there is not a suitable co-location site that can serve needs of the user. Placement on water towers or other tall structures shall be fully considered prior to making an application. Existing uses shall be required to demonstrate cooperation in that there is not an undue proliferation of towers.

2. Any co-location on an existing structure or communication tower that results in less than a 30 foot increase in the height shall be exempt from a Special Use Permit if one is required by Table 03.110. Only one (1) increase per tower shall be allowed. It shall not be necessary that the existing communications tower, as increased in height, accommodate the number of users as set forth in Section 03.244.B.1 and 2, if not structurally possible without replacing the communications tower.

3. All new towers shall provide for co-location. This means the tower shall have additional location points and the design of the ground structures shall be such that modular expansion is feasible. The following co-location standards shall also apply:
   a) all structures less than 125 feet in height shall make provision for at least two locations;
   b) towers between 125 feet and 150 feet in height shall have at least four locations;
   c) when a tower is proposed within two miles an existing tower, the applicant will be expected to prove that it is not physically possible to locate on the existing tower.

B. MAXIMUM HEIGHT:

1. For towers with provisions for one (1) to three locations, 125 feet.

2. For towers with provisions for four to five locations, 150 feet.

3. Towers may be permitted an additional 30 feet, for a maximum height of 180 feet above ground level, with strict adherence to the following additional standards:

   a) the existing tower, as is, is full and it accommodates at least four cellular, or PCS providers already; and
   b) the applicant provides an engineer's certification that the structure will support and shall not be adversely affected by additional tower height and antennas; and
   c) the applicant provides a lease agreement with a committed co-locator; and
   d) the additional tower height shall accommodate two cellular or PCS providers;

e) Rural District: Where the tower is located on a property with a conservation easement in place, such locations shall only be approved where the location of the structure will be completely screened at least one mile in sight distance, from roads or river ways having visual access of the subject property. In the Rural district, the required Resource Protection Plan shall show how harvesting of the buffer will be done so as to retain the screening of the tower.

C. LIGHTING: Only lighting required by the Federal Aviation Administration or other airport administrators shall be permitted. No general illumination shall be permitted. All lighting shall be red (both day and night). All towers 100 feet and taller shall be lighted.

D. ADDITIONAL STANDARDS FOR ALL TOWERS:

1. No structure shall adversely affect any historic structure or site.

2. A 50 foot forested buffer shall be provided around all sites. If a forested buffer does not exist, then a new buffer shall be planted in accordance with Article 04, Section 04.355.4.

3. A collapse zone shall be designed so that tower collapse will occur only within the property owned or controlled by an easement.

4. A sign of no more than two s.f. shall be mounted in an easily noticeable location, no more than four feet above the ground, providing tower identification and an emergency notification number.

5. In the event of disputed evidence before the DRT or ZBOA, the County may hire, at the developers expense, a communications expert or engineer of their own choosing to assist in determining the facts.

6. When any tower is abandoned for 60 days, it shall be removed by the landowner, and the site restored within six months.

7. Speculation towers are prohibited.

8. New uses are strictly prohibited in Corridor Overlay, Historic Overlay and Community Preservation areas, and shall not adversely affect any property, road or waterway which has been officially recognized or designated as scenic within Beaufort County. The expansion or replacement of existing towers in a Community Preservation Area shall require a Special Use Permit, and are limited to 150 feet in height.

9. The base of any new tower shall be set back no closer to a residential structure than a distance equal to one (1) foot for each one (1) foot in height of the proposed tower, plus an additional 50 feet.

10. No tower shall be located within 500 feet, plus one (1) foot for each foot of height of the proposed tower, of the O.C.R.M. Critical Line. All towers shall comply with the Airport Overlay District standards.

E. REPORTS/STUDIES REQUIRED: All applications for this use shall include a Community Impact Statement including a visual impact analysis.

SECTION 03.245 HEAVY INDUSTRY

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:

1. A setback of at least 300 feet from the district boundary shall be required for all uses having such a location.

2. Operators of this use shall ensure that no residentially zoned district receives levels of noise beyond 70 decibels between 6:00 A.M. and 7:00 P.M. The maximum receiving noise between 7:01 P.M. and 5:59 A.M. shall be 55 decibels.

3. No use shall produce vibration levels that are received at residential property lines.

4. No use shall produce noxious or nuisance-oriented emissions.

5. Chemical Manufacturing uses (NAICS 325) shall be prohibited in the Light industry district.

B. REPORTS/STUDIES REQUIRED: All applications for this use shall include a Community Impact Statement.

SECTION 03.246 LIGHT INDUSTRY

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:

1. A setback of at least 100 feet from the district boundary shall be required for all uses having such a boundary.

2. Operators of this use shall ensure that no residentially zoned district receives levels of noise beyond 70 decibels between 6:00 A.M. and 7:00 P.M. The maximum receiving noise between 7:01 P.M. and 5:59 A.M. shall be 55 decibels.

3. No use shall produce vibration levels that are received at residential property lines.

4. No use shall produce noxious or nuisance-oriented emissions.

5. No light industry use shall exceed a maximum square footage of 200,000 sf. of floor area per building.

B. REPORTS/STUDIES REQUIRED: All applications for this use shall include an Environmental Impact Assessment.

C. RESEARCH AND DEVELOPMENT DISTRICT: Light industrial uses shall be permitted only where it is a pilot plant or manufacturing facility that produces products developed at the research facility and occupies no more than 40% of the floor area. The manufacturing facility shall be built of the same materials and be in the same architectural style as the research and development facilities.

SECTION 03.247 MINING, RESOURCE EXTRACTION

B. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:

1. **Minimum Site Area:** 20 acres.

2. An End Use Plan shall be submitted providing the following:
   a) The ground surface shall be restored to a condition permitting one (1) of the following uses: agriculture, residential, recreational (see 2., below), or non-residential. Either an escrow account or a yearly fee as approved by the County Attorney and County Council, shall be required in the Special Use Permit to ensure that there are sufficient funds set aside for the restoration.

   b) If future recreational use is identified, management of such use shall be established, at time of application. Risks from any subsurface materials to future uses shall be identified.

   c) The site shall be designed so that the quantity and quality of run-off reaching any surface water, on-site or discharging off-site, shall be controlled through BMPs.

   d) If surface water is present, the report shall indicate likely chemical water quality. The plan shall provide safe edges to prevent accidents. Safe edges require a long shelf with a slope of less than 1:5 to a depth of three feet. Where water is to remain for more than one day, the area shall be fenced. The fence shall be located at least 50 feet from the edge of excavation. Every 25 feet along the length of the fence clearly legible "No Trespassing" signs shall be installed on the fence and in high visibility locations at all site access points.

3. If ground water will be encountered, the EIA must indicate the following:
   a) Probable maximum pumping rates and cone of depression impacts on surrounding public and private wells and long-term water table.

   b) Disposal method for pumped water and its effect on water quality and flooding.

   c) Studies shall be done before application submittal, to ensure that pumping during the active use of the site will not result in groundwater contamination or salt water intrusion. Monitoring wells shall be installed to monitor this. Should groundwater contamination or salt water intrusion occur, the County shall require the mine to be closed immediately, and require the mine operator/landowner to undertake corrective action, and pay for any damages resulting from the operation. The mine operator shall be strictly liable for any harm to adjacent properties.

4. Along the property boundary where adjoining residential uses are one acre or larger, the required forested buffer width shall be 200 feet. If the buffer is not currently forested, the provisions of Section 04.355.4 shall apply and planted over a berm having a minimum height of eight feet. A greater height may be required by 6., below. Where the use will continue for less than two years, the Special Use Permit may permit the buffer to be reduced to 100 feet.

5. Along the property boundary where adjoining residential uses are less than one acre, the required forested buffer width shall be 400 feet. If the buffer is not currently forested, the provisions of Section 04.355.4 shall apply and planted over a berm having a minimum height of eight feet. A greater height may be required by 6., below. Where the use will continue for less than two years a Special Use Permit may be issued that permits the buffer to be reduced to 100 feet.

6. The site shall be bermed or walled to ensure that the maximum noise at the property line does not exceed 65 decibels.

7. The hours of operation shall be limited from 6:30 A.M. to 6:30 P.M.

8. No processing or drying shall be allowed on site.

9. Where surface water features remain, or a depressed area is created, a final excavation plan matched to a proposed end use plan shall be submitted. The final excavation plan shall demonstrate that sufficient land is to remain unexcavated and/or that the excavation will be done in a manner permitting the development to conform to this Ordinance's regulations without any Variances.

10. A truck routing plan shall be included in the Traffic Impact Analysis which ensures that truck traffic through existing residential areas is mitigated or avoided. The capacity of all truck route roads to carry the traffic from the site to arterial or collector roads shall be evaluated by the County Engineer. The mining company shall be required to bring any substandard roads up to standard as part of the approval for any truck route. No equipment shall exceed 30 feet in height above the lowest natural grade on the site.

11. An Operations Plan shall be submitted that identifies the specific types of activities that are necessary for successful operation of the use, specific technologies that will be incorporated into the use, size of the operation, number of employees, operating hours, etc.

B. REPORTS/STUDIES REQUIRED: In addition to other required studies, reports, plans, etc., all applications for this use shall include a Community Impact Statement.

SECTION 03.248.1 RECYCLING / SALVAGE

A. COMMERCIAL REGIONAL DISTRICT:

1. **Additional buffer:** The use shall have either an additional 25 feet of forested buffer or an eight foot wall landscaped with one (1) canopy tree per 50 feet around the entire property. If the adjoining property is residential, then both shall be required.

B. LIGHT INDUSTRY DISTRICT:

1. **Setback:** All uses shall be located at least 300 feet from the outer boundaries of the development unless the adjoining property is similarly zoned.

2. **Additional buffer:** The use shall have either, an additional 10 feet of forested buffer, or an eight foot wall, landscaped with one (1) canopy tree per 50 feet, around the entire property. If the adjoining property is residential, then both shall be required.

C. REPORTS/STUDIES REQUIRED: All applications for this use shall include a Community Impact Statement.

SECTION 03.248.2 WASTE TRANSFER STATION

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:

1. Only residential and office wastes shall be accepted by this use. Commercial, industrial, auto or machinery generated waste shall not be accepted.

2. The use shall have either an additional 25 feet of forested buffer or an eight foot wall landscaped with one (1) canopy tree per 50 feet around the entire property. If the adjoining property is residential, then both shall be required.

B. REPORTS/STUDIES REQUIRED: All applications for this use shall require an Environmental Impact Assessment and Traffic Impact Analysis.

SECTION 03.249 UTILITIES, REGIONAL

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:

1. The site shall have an additional buffer of at least 100 feet.

2. There shall be no minimum site area as long as the bufferyard requirement is adhered to.

3. The application shall demonstrate no adverse consequences to adjoining land or the State's waters.

B. REPORTS/STUDIES REQUIRED: All applications for this use shall include an Area Impact Assessment, Environmental Impact Assessment and Archaeological and Historic Impact Assessment.

SECTION 03.249.5.1 BUSINESS STORAGE

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:

1. There shall be no storage of toxic, hazardous, flammable, explosive or noxious materials permitted as part of this use.

2. Noise shall not exceed 60 decibels at the boundary of any receiving residentially zoned property.

B. REPORTS/STUDIES REQUIRED: All applications for this use shall include a Traffic Impact Analysis.

SECTION 03.249.5.2 RESIDENTIAL STORAGE

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:

1. Storage of toxic, hazardous, flammable, explosive or noxious materials is prohibited. Only personal household goods shall be stored in such facilities.

2. Access to storage areas shall be provided through gated, walled or natural barriers.

3. Buildings shall utilize architectural design that is compatible with surrounding neighborhood.

B. REPORTS/STUDIES REQUIRED: All applications for this use shall include a Traffic Impact Analysis.

SECTION 03.250 WAREHOUSING / DISTRIBUTION

B. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:

1. There shall be no bulk storage of materials that are toxic, flammable, explosive, or create hazardous conditions.

C. REPORTS/STUDIES REQUIRED: All applications for this use shall include a Traffic Impact Analysis.

D. ADDITIONAL STANDARDS FOR RESEARCH AND DEVELOPMENT DISTRICT: Light warehousing shall be permitted only where it is an accessory use to the primary research facility and occupies no more than 10% of the floor area. The warehouse shall be built of the same materials and be in the same architectural style as the research and development facilities.

SECTION 03.251 WASTE DISPOSAL FACILITIES

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS: All Waste Disposal facilities shall be required to have an Environmental Impact Assessment, Operations Plan and Truck Routing Plan on file in the Planning Department. When no change or expansion of use is proposed, these plans shall be updated every five years, or as determined by the ZBOA.

1. There shall be no adverse impacts to adjoining land or the State's waters.

2. An End Use Plan shall be submitted providing the following:
   a) The ground surface shall be restored to a condition permitting one of the following uses: recreational (see b., below) or non-residential. Either an escrow account or a yearly fee shall be required in the Special Use Permit as approved by the County Attorney and County Council to ensure that there are sufficient funds set aside for the restoration.

   b) If future recreational use is identified, management of such use shall be established. Risks from any subsurface materials or gas venting to future uses shall be identified.

   c) The quantity and quality of run-off reaching any surface water, on-site or discharging off-site, shall be controlled.

   d) If surface water is present, the report shall indicate likely chemical water quality. The plan shall provide safe edges to prevent accidents. Safe edges require a long shelf with a slope of less than 1:5 to a depth of three feet.

3. If ground water will be encountered, the End Use Plan must indicate the following:
   a) probable maximum pumping rates and cone of depression impacts on surrounding public and private wells and long-term water table;

   b) disposal method for pumped water and its effect on water quality and flooding;

   c) studies shall be done to ensure that pumping during the active use of the site will not result in salt water intrusion. Monitoring wells shall be installed to

monitor this. Should salt water intrusion occur, the County shall require the mine to be closed immediately.

4. Along the district boundary or any district permitting adjoining residential uses, the required buffer width shall be increased by 100 feet. If the buffer is not currently forested, the area shall be replanted in accordance with Section 04.355.4.

5. The side slopes of land fills shall be developed first so that the operation can be screened effectively. The side slopes shall be kept at least 10 feet higher than operating areas. The side slopes shall be forested per Division 04.300, BUFFERYARD AND LANDSCAPING STANDARDS, immediately upon reaching a temporary height. Staging plans shall be approved as part of the Special Use Permit approval.

6. A minimum of one (1) foot of final cover shall be required. Additional depth of three feet to support forest cover. All side slopes shall have this additional depth. At least 30% of the top of a landfill shall have this cover and be planted with trees.

7. A truck routing plan shall be included as part of the Traffic Impact Analysis which indicates that truck traffic through existing residential areas is mitigated or avoided. The capacity of all truck route roads to carry the traffic from the site to arterial or collector roads shall be evaluated by the County Engineer. The waste company shall be required to bring any substandard roads up to standard as part of the approval for any truck route.

8. An Operations Plan shall be submitted that identifies the specific types of activities that are necessary for successful operation of the use, specific technologies that will be incorporated into the use, size of the operation, number of employees, operating hours, etc.

B. REPORTS/STUDIES REQUIRED:

1. In addition to all other required studies, reports, plans, etc, all applications for this use shall include a Community Impact Statement.

2. An existing waste disposal facility may expand without submitting the required reports in response to an emergency such as a hurricane only through a resolution for a Limited Use by the County Council. This expansion may include up to 20% of the facility's total volume, and shall only include debris resulting from the disaster.

3. Any other expansion, or change in the approved Operations Plan for a waste facility shall require a Community Impact Statement and other required studies, reports or plans, and/or a Special Use Permit as indicated in Table 03.110.

C. ADDITIONAL STANDARDS FOR THIS USE IN THE INDUSTRIAL PARK DISTRICT:

1. **Minimum Site Area:** 100 acres.

D. DEBRIS MANAGEMENT LOCATIONS (DMLs). In the event of a natural disaster such as hurricane, tornado, flooding etc., the County would require readily available vacant tracts of land to allow emergency debris clearance of public rights of way to facilitate rescue operations, to re-establish public services and mobility, and to begin the disaster recovery process. Potential sites are on file in the Planning Department. All debris management policies, priority actions and decisions shall be approved by resolution of County Council, and conducted by the Public Works Department, in association with the Emergency Management Office, and other

appropriate agencies and entities. Please refer to *Debris Policy Memorandums* located in the Public Works Department for detailed policy provisions.

TEMPORARY USES

SECTION 03.252 CONSTRUCTION STAGING OR PLANT

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:

1. No such use shall be located within 500 feet of an adjoining residential zoning district.

2. If any one adjoining land use or district is residential, hours of operation shall be limited to 8:00 A.M. to 8:00 P.M. In all other instances, hours of operation shall be limited to 6:00 A.M. to 10:00 P.M.

3. Prior to receiving a development permit, the applicant shall provide a written agreement and advance surety in the amount of 100% of the estimated site restoration costs (to be determined by the DRT) to ensure complete site restoration upon the project's conclusion.

4. Prior to receiving a development permit, the applicant shall provide a written agreement and advance surety in the amount of 100% of the estimated road restoration/replacement costs (to be determined by the County Engineer) to ensure roads will be reconstructed to their original or improved condition upon the project's conclusion.

B. REPORTS/STUDIES REQUIRED: All applications for this use shall include require a Community Impact Statement.

SECTION 03.253 TEMPORARY OUTDOOR SALES

COMMERCIAL OUTDOOR SALES

A. URBAN AND SUBURBAN DISTRICTS:

1. These sales may include farmers markets, or similar temporary uses that are incidental to existing stores, sidewalk-type reduced price or clearance sales, etc.

2. Sales displays shall not interfere with pedestrian flow or traffic safety and shall be arranged to leave at least six feet of clear walkway for pedestrian circulation.

B. COMMERCIAL REGIONAL, COMMERCIAL SUBURBAN AND LIGHT INDUSTRY DISTRICTS:

1. Garden materials sales areas shall be permitted, provided they do not occupy required parking spaces, or are located on an area designated on the site plan for that purpose. Garden supplies, plant material, and garden furniture are permitted to be sold in these areas. Garden sales areas may be in parking areas for a period not to exceed 3 months and are limited to once a year.

2. Other sales are permitted up to four times a year. The following additional standards shall apply:

a) The store shall have an exterior pedestrian area or sidewalk that is a minimum of 12 feet wide. Sales displays shall be arranged to leave at least six feet of clear walkway for pedestrian circulation.

b) The sales displays shall be on racks or display counters that are of similar quality to those used in the store. All displays shall be taken in at closing time.

c) No signage other than normal price markers shall be permitted.

d) The permit shall be good for no more than seven consecutive days.

MISCELLANEOUS OUTDOOR SALES

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:

1. No such use shall be closer than 15 feet from any public road right-of-way.

2. Each company, or property and all associated franchises and/or divisions are permitted three Limited Use Permits per year. Each Limited Use Permit shall terminate after 72 hours from permit approval.

SECTION 03.254 PUBLIC INTEREST AND SPECIAL EVENTS

A. LIMITED/SPECIAL STANDARDS FOR THIS USE IN ALL APPLICABLE DISTRICTS:

1. Public interest or special events in stadiums or public parks shall be regulated by the County and are not subject to the standards listed below.

2. All public interest and special event uses held on land occupied by the organization benefitting from the proposed activity, or on a site owned by another party who has agreed to host the event, shall adhere to the following standards:

a) The activity shall be permitted only during hours when the facility's parking would not be used for the primary use's high traffic generation activities.

b) Such uses shall not be held on a property more than two times per year.

c) Such uses shall be limited to seven consecutive days.

d) Applicants must provide a written communication from the Sheriff's Department indicating adequate provisions have been made for special traffic personnel, as deemed necessary by the Police Department.

e) As part of the application, the applicant must provide written approval from SCDHEC regarding sanitary provisions, and that adequate provisions have been made.

f) Prior to receiving a Limited Use Permit, the applicant must provide a written communication from the Building Inspector indicating adequate provisions have been made for electric and lighting facilities. The safety and welfare of the public will be evaluated prior to approval of any permit.

g) Hours of operation shall be permitted between 8:00 A.M. to 11:00 P.M. for outdoor events, and 7:00 A.M. until 12:00 midnight for indoor events. In no case, shall noise levels exceed 70 decibels for receiving residential districts.

h) The applicant shall provide surety for complete restoration of the site upon the event's conclusion, before issuance of the Limited Use Permit can be provided.

i) Any violation of these requirements before or during the event shall result in the Limited Use Permit being revoked.

DIVISION 03.300
ACCESSORY AND MISCELLANEOUS USE STANDARDS

This Division contains standards for a variety of accessory and miscellaneous uses that incidental or ancillary to specific uses found in the General Use Table. Where applicable, these standards apply to accessory and miscellaneous uses in all districts. Figure 03.310.1 indicates how front, side and rear yards are determined.

Table 03.310.
ACCESSORY AND MISCELLANEOUS USE STANDARDS

TYPE OF ACCESSORY USE	APPLICABLE STANDARD(S)
RESIDENTIAL	
Fences	1. All fences shall be constructed of materials expressly designed for fences. No barbed wire fences or fences made of discarded material shall be permitted. Chain-link fences may be permitted in back yards only. No fence shall exceed six feet in height. 2. Atrium and Patio houses yards shall be surrounded by walls except as provided in Section 12.240. 3. Single-family lots in the Rural, Rural Residential and Community Preservation districts shall be exempt from fence standards. Planned or Community use developments in these districts shall conform.

Table 03.310.
ACCESSORY AND MISCELLANEOUS USE STANDARDS

Freestanding Structures (Accessory or ancillary uses, not otherwise listed in this Table, and not including accessory dwelling units or structures intended for living quarters, that are man-made objects having a discernable stationary location on land or in water.)	1. Freestanding accessory structures shall not be permitted in front of the principal structure or within the front yard. 2. Freestanding structures may be located in the rear yard provided: a) A single-family lot (including lot line and village house) less than 10,000 sf. shall have a setback from the rear property line of at least five feet. b) A single-family lot between 10,000 sf. and one acre shall have a setback from the rear property line of at least 10 feet. c) A single-family lot one acre or more shall have a setback from the rear property line of at least 25 feet. d) For attached units, freestanding accessory structures shall be permitted only as provided in 4., below. Walled units, patio houses, and atrium houses shall contain all accessory structures within their walls. 3. **For multi-family or attached housing**, where freestanding structures must be accessible from private roads and fire lanes, their location shall be approved in the site plan review process to ensure essential access is safe and the structures do not create a nuisance to adjoining properties. 4. Freestanding structure shall not exceed 30% of the floor area of the principle structure.
Satellite Dish or Antenna	Satellite dishes or antennas over three feet in diameter shall be mounted on the ground in the rear yard. These dishes shall be screened from view with an evergreen hedge or shrubs and understory trees to their rear. The dish shall be located so that the screening protects neighboring homes. Evergreen trees shall be used to block other views from neighboring homes to the dish's front, when planting cannot be placed close to the dish. Figure 03.310.2., illustrates the type of planting required. Staff shall not approve any site plan until the owner /applicant proves that the landscaping and placement requirements have been met. In the **Rural and Rural Residential districts**, single-family developments shall be exempt from this provision.
Sheds, Storage or Utility	Storage buildings are permitted on residential lots provided they meet the following criteria: 1.All such areas shall be used only for private residential storage of the property owner or tenant. 2.Storage or utility sheds shall be subject to all applicable setback and buffer standards as required by this Ordinance. 3.Rural, Rural Residential and Community Preservation districts are exempt from theses requirements.
Stables, Private	Stables are permitted on lots over three acres and on lots of record existing as of this Ordinance's adoption date, which legally had stables located on them. All stables shall conform to the following: 1. The stable shall be for the owner's private use only, however, boarding of up to four additional horses not owned by the owner shall be permitted without such a use becoming a commercial stable. 2. The lot shall have at least one-half (0.5) acre per horse. 3. No building, corral or riding area shall be permitted within 25 feet of a property line, except that a trail may connect to an off-lot riding trail.
Ponds, Private	Freshwater ponds are permitted up to one acre in size. Any private pond excavation resulting in a land disturbance of 10,000 sf. or greater, shall provide a certified Engineer's report ensuring that drainage and runoff do not adversely impact said property or surrounding properties. The ZDA shall have approval authority for all private pond uses.
Tennis Courts	Tennis courts shall not be permitted on lots of less than 60,000 sf. This use shall require a site plan for review by Staff.

Table 03.310. ACCESSORY AND MISCELLANEOUS USE STANDARDS	
Trucks and Heavy Equipment, Storage	Semi-trailer trucks, their cabs or trailers, construction vehicles or equipment, or commercial vehicles with a gross weight of more than three tons shall not be parked on residential lots or on residential streets in Urban (U), Suburban (S), Community Preservation (CP) districts, or Residential Community Use options.
NON-RESIDENTIAL	
General	Non-residential uses may have a variety of accessory uses within the principle structure, or in separate structures, subject to the standards, below. No uses or structures shall be located within the front yards. Placement of accessory uses shall be at the landowner's discretion, except for loading and storage, as provided, below. All uses and accessory uses not otherwise permitted in the district shall be prohibited, except where: 1. They constitute less than 15% of the total floor area; and 2. The use is essential to, or traditionally conducted in association with, the principal use which is a Permitted Use, Limited Use, or approved Special Use; and 3. Except in the LI, IP and RD districts, industrial uses shall not be permitted under any condition.
Fences	For Exterior Storage fencing requirements, refer to Exterior Storage, below. Hazardous utilities or other uses requiring fencing, for safety, liability or to prevent access, shall meet the following additional standards: 1. A hedge shall be required around the fenced area where a metal, wire or mesh fence is used. The amount of shrubs required shall be installed at four feet on center. 2. If razor wire or concertina wire is to be used, a metal and/or masonry decorative fence shall be erected 15 feet outside the wire fence and surrounded by a two-tenths (0.2) opacity bufferyard.
Loading and Truck Access	Where loading and truck access is in the yard between residential uses or vacant land that can only be residentially used, the area shall be enclosed as indicated in Figure 03.310.3.
Storage, Exterior	Exterior storage shall be prohibited except as indicated in Article 04, Division 04.400. All exterior storage shall be enclosed by a wall or opaque fence of sufficient height to screen the stored materials from view. If a fence, rather than a wall, is used, then shrubs shall be planted at three foot on center around the periphery.
Waste, Trash Storage	Where dumpsters or common waste storage facilities are used in residential developments or non-residential developments, the area where a dumpster and/or garbage can is stored shall be fully enclosed with a wood or masonry fence (or other durable low maintenance materials approved by the DRT) or berms. The gates shall be kept closed. The area shall be landscaped as indicated in Figure 03.310.4.

Figure 03.310.1
STREET, FRONT, SIDE, AND REAR YARDS

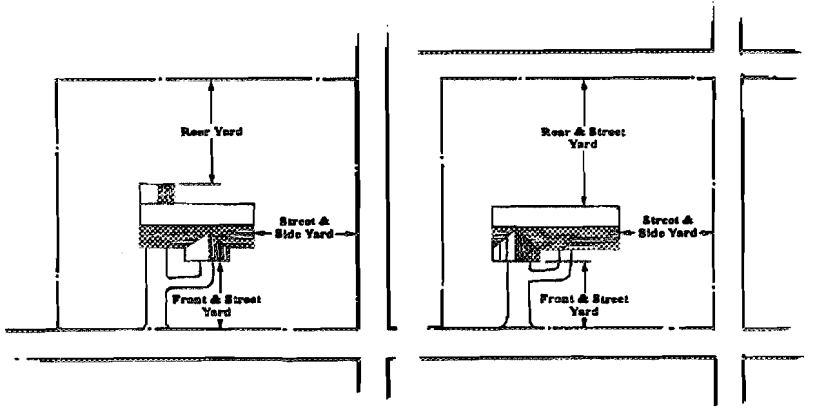


Figure 03.310.2.
SATELLITE DISH OR ANTENNA LANDSCAPING

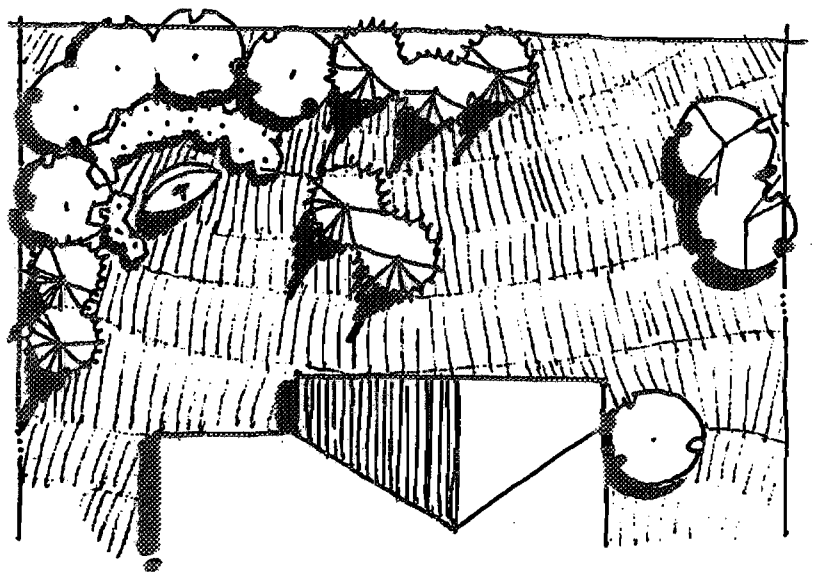
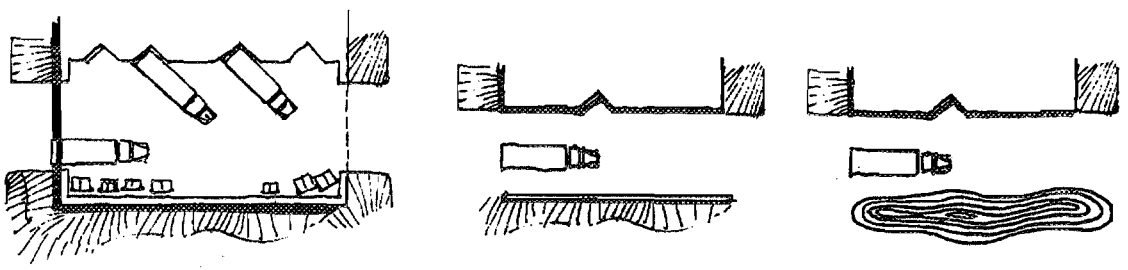


Figure 03.310.3.
ENCLOSURE FOR LOADING AND TRUCK ACCESS



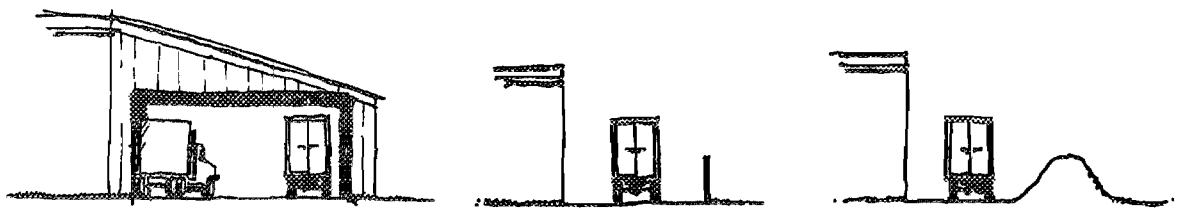
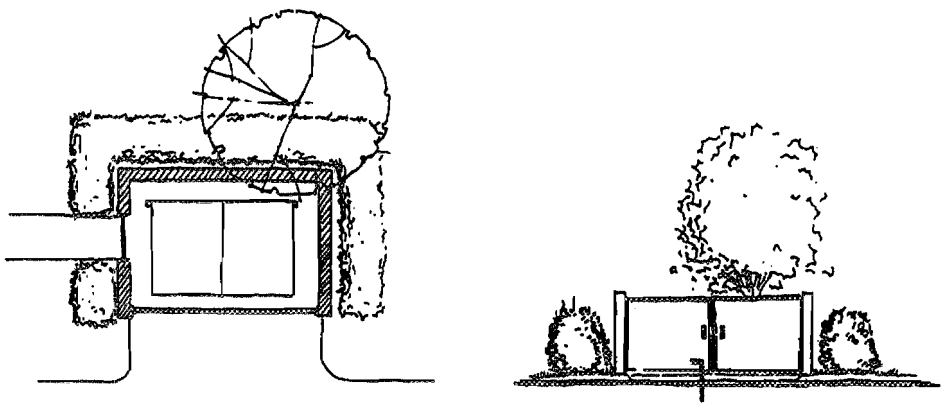


Figure 03.310.4
LANDSCAPING FOR WASTE OR TRASH STORAGE AREAS



DIVISION 03.400
SPECIAL DISTRICT STANDARDS

Special Districts typically have increased standards that are applied to uses when new proposals are submitted by property owners. Because these standards are usually comprehensive and detailed, each Special District shall be incorporated into the Appendix as guidelines in addition to, or superseding certain standards of this Ordinance. The Special Districts pertaining to this Zoning Ordinance are as follows:

A. RIVER QUALITY OVERLAY DISTRICT.
Reserved.

B. MILITARY DISTRICT. Lands identified on the Zoning Map as Military District are owned entirely by the federal government. While these lands are exempt from local standards, Beaufort County encourages strong interagency coordination and planning when changes in land uses are being considered. There are no current additional standards for this district elsewhere in this Ordinance.

C. AIRPORT OVERLAY DISTRICT.
Reserved. See Appendix A.

D. CORRIDOR OVERLAY DISTRICT.
See Appendix B.

E. ENVIRONMENTAL/CULTURAL PROTECTION OVERLAY DISTRICT.
See Appendix C.

ARTICLE 04
OPEN SPACE & DENSITY, LOT & BUILDING INTENSITY, BUFFERYARDS & LANDSCAPING, EXTERIOR STORAGE AND ILLUMINATION

DIVISION 04.000
PURPOSE

The purpose of Article 04 is to establish orderly base district standards. There are four sets of standards which are guided by open space and density (Division 04.100), lot and building intensity (Division 04.200), bufferyards and landscaping (Division 04.300) and exterior storage and illumination (Division 04.400). The working Tables and Sections that follow, provide specific requirements for each of the above sets of standards. This Article works in tandem with Article 05, which provides the formulas and work tables for completing the required Site Capacity Analysis for individual sites. Standards for Planned, Community and Multi-family developments are located in Article 11.

DIVISION 04.100
OPEN SPACE AND DENSITY STANDARDS

Table 04.110 contains varying open space and density standards for each district depending upon development type. These standards may be modified by the DRT pursuant to Article 15. The following describe the various elements of Table 04.110:

Min. OSR or LSR: OSR is the ***open space ratio*** used for residential uses. OSR is the preserved natural area divided by the area of the site. LSR is the ***landscape surface ratio*** used for non-residential uses. LSR is the land devoted to pervious landscaping divided by the area of the site.
Density: A residential measure of intensity translated to dwelling units (du's) per acre. (Also, rooms per acre.)
Max. Gross: Overall density for an entire site which also includes lots, open space, and roads.
Max. Net: The resulting density of a portion of a site including roads and lots, but not open space or landscaped surface.
Floor Area Ration (FAR): A non-residential measure of intensity comparing floor area to lot area.
Sewer: This column specifies whether public sewer (P) or community sewer (CS) is required, rather than individual, on-site tile fields (OS). If public sewer is not available within 300 feet of the site, on-lot systems may be approved until public sewer is available.
ARDR Reqd.: This indicates the development rights above base density, that are needed to reach maximum density.
Min. Site Area: The area required to be eligible to use this option. Individual lots may be created within the Min. Site Area to accommodate more than a single use.

DIVISION 04.200
LOT AND BUILDING INTENSITY STANDARDS

Table 04.210 contains varying lot and building standards for each district depending upon development type. These standards may be modified by the DRT pursuant to Article 15. The following describe the various elements of Table 04.210:

Lot Area: The minimum allowable lot area within a total site area, or by itself, for the listed use.

Lot dimensions: Minimum requirements for street frontage of property lines and placement of buildings and structures within the lot.

Maximum Height: The maximum allowable height of a building on a lot.

Table 04.110
OPEN SPACE AND DENSITY STANDARDS

Zoning District & Development Type	Min. OSR or LSR	Density		Floor Area Ratio		Sewer	ARDR Reqd.	Min. Site Area
		Max. Gross	Max. Net	Max. Gross	Max. Net			
Resource Conservation (RC)								
Single-Family	0.50	0.09	0.18	na.	na.	OS	N	10 ac.
Single-Family Cluster	0.85	0.10	0.80	na.	na.	OS	N	50 ac.
Other Permitted Uses	0.95	na.	na.	0.02	0.34	OS	N	50 ac.
Rural (R)								
Farmstead	0.00	0.02	0.02	na.	na.	OS	N	50 ac.
Single-Family	0.40	0.30	1.06	na.	na.	OS	N	3 ac.
Single-Family Cluster	0.70	0.40	1.58	na.	na.	OS	N	20 ac.
Planned	0.75	0.45	2.20	na.	na.	CS	N	20 ac.
Community, Small	0.80	0.51	2.59	na.	na.	CS	N	200 ac.
Community, Medium	0.80	0.57	3.13	na.	na.	CS	N	800 ac.
Manufactured Home Community	0.40	1.00	1.66	na.	na.	CS	N	10 ac. Max: 30 ac.
Other Permitted Uses	0.85	na.	na.	0.07	0.46	OS	N	10 ac.

Table 04.210
LOT AND BUILDING* STANDARDS

	Minimum					Maximum
	Lot Area (ac./sf)	Lot Width (feet)	Street Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Height (feet)
Resource Conservation (RC)						
Single-Family	5 ac.	300	50	50	100	35
Single-Family Cluster	1 ac.	150	50	18	75	35
Other Permitted Uses	10 ac.	400	100	50	100	35
Rural (R)						
Farmstead	50 ac.	600	50	50	50	50
Single-Family	1 ac.	150	50	18	50	35
Single-Family Cluster	21,780	100	35	12	50	35
Planned	See Table 11.200					
Community, Small	See Table 11.200					
Community, Medium	See Table 11.200					
Manufactured Home Community	See Section 11.250					
Other Permitted Uses	10 ac.	400	100	50	100	50

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Table 04.110
OPEN SPACE AND DENSITY STANDARDS

Zoning District & Development Type	Min. OSR or LSR	Density		Floor Area Ratio		Sewer	ARDR Reqd.	Min. Site Area
		Max. Gross	Max. Net	Max. Gross	Max. Net			
Rural Residential (RR)								
Single-Family	0.20	1.2	2.0	n.a.	n.a.	OS	N	.5 ac.
Other Permitted Uses	0.20	1.2	2.0	.25	.25	OS	N	.5 ac.
Rural - River Quality (RQ) Overlay (pending recommendations)								
Farmstead	0.00	0.02	0.	na.	na.	OS	N	50 ac.
Single-Family	0.50	0.30	1.06	na.	na.	OS	N	3 ac.
Single-Family Cluster	0.75	0.40	2.20	na.	na.	CS	N	10 ac.
Planned	0.80	0.45	2.59	na	na.	CS	N	30ac.
Community, Small	0.85	0.51	4.10	na.	na.	CS	N	200ac.
Community, Medium	0.85	0.57	4.80	na.	na.	CS	N	800ac.
Other Permitted Uses	0.85	na.	na.	0.07	0.46	CS	N	10 ac.
Community Preservation (CP) Standards See Appendix D								
Suburban (S) Priority								
Single-Family	0.20	1.22	1.54	na.	na.	P	Y	21,780
Single-Family Cluster	0.35	1.40	2.18	na.	na.	P	Y	5 ac.
Planned	0.40	1.83	3.60	na.	na.	P	Y	5 ac.
Community, Large	0.45	2.28	4.50	na.	na.	P	Y	200 ac.
Multi-Family	0.40	4.0	8.0	na.	na.	P	Y	5 ac.

Table 04.210
LOT AND BUILDING* STANDARDS

	Minimum					Maximum
Lot Area (ac./sf)	Lot Width (feet)	Street Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Height (feet)
Rural Residential (RR)						
21,780	100	35	12	50	35
21,780	100	50	18	50	35
Rural - River Quality (RQ) Overlay						
50 ac.	600	50	50	50	50
1 ac.	150	50	18	75	35
14,520	85	35	10	40	35
See Table 11.200					
See Table 11.200					
See Table 11.200					
10 ac.	400	100	30	100	40
Community Preservation (CP) Standards See Appendix D					
Suburban (S) Priority					
21,780	100	35	12	50	35
14,520	85	30	10	40	35
See Table 11.200					
See Table 11.200					
See Table 11.200					

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Table 04.110
OPEN SPACE AND DENSITY STANDARDS

Zoning District & Development Type	Min. OSR or LSR	Density		Floor Area Ratio		Sewer	ARDR Reqd.	Min. Site Area
		Max. Gross	Max. Net	Max. Gross	Max. Net			
Manufactured Home Community	0.40	4.00	7.00	na.	na.	P	Y	2 ac. Max: 20 ac.
Institutional Residential	0.00	7.1 rms.	17.7 rms.	na.	na.	P	N	5 ac.
Other Permitted Uses	0.60	na.	na.	0.18	0.46	P	N	2 ac.
Suburban - River Quality (S-RQ) (pending recommendations)								
Single Family	0.30	1.34	2.18	na.	na.	P	Y	32,670
Single-Family Cluster	0.45	1.54	2.86	na.	na.	P	Y	2 ac.
Planned	0.50	2.01	4.50	na.	na.	P	Y	25 ac.
Community, Large	0.55	2.51	7.00	na.	na.	P	Y	200 ac.
Manufactured Home Community	0.70	2.00	6.66	na.	na.	P	Y	10 ac.
Institutional Residential	0.60	8 rms.	20.0	na.	na.	P	N	2 ac.
Other Permitted Uses	0.60	na.	na.	0.18	0.46	P	N	3 ac.
Urban (U)								
Single-Family	0.12	2.60	2.93	na.	na.	P	Y	32,670
Single-Family Cluster	0.40	3.00	6.00	na.	na.	P	Y	2 ac.

Table 04.210
LOT AND BUILDING* STANDARDS

Minimum					Maximum
Lot Area (ac./sf)	Lot Width (feet)	Street Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Height (feet)
See Table 11.250					
5 ac.	300	75	40	75	32
2 ac.	280	100	40	100	32
Suburban - River Quality (S-RQ)					
14,520	85	35	10	40	35
10,780	80	35	6/15	35	35
See Table 11.200					
See Table 11.200					
See Section 11.250					
5 ac.	300	75	40	75	32
3 ac.	200	40	15	25	40
Urban (U)					
10,780	50	35	6/15	35	35
5,000	50	50	6/15	35	35

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Table 04.110
OPEN SPACE AND DENSITY STANDARDS

Zoning District & Development Type	Min. OSR or LSR	Density		Floor Area Ratio		Sewer	ARDR Reqd.	Min. Site Area
		Max. Gross	Max. Net	Max. Gross	Max. Net			
Planned	0.20	3.00	4.00	na.	na.	P	Y	5ac.
Community, Small	0.20	4.50	6.10	na.	na.	P	Y	20 ac.
Community, Medium	0.20	4.50	6.10	na.	na.	P	Y	100 ac.
Community, Large	0.20	5.20	7.40	na.	na.	P	Y	200 ac.
Manufactured Home Community	0.40	4.00	7.00	na.	na.	P	Y	2 ac. Max: 20 ac.
Multi-Family	0.25	15.00	24.00	na.	na.	P	Y	2-15 ac.
Institutional Residential	0.40	12.00	20.00	na.	na.	P	N	4 ac.
Other Permitted Uses	0.40	na.	na.	0.28	0.46	P	N	4 ac.
Urban - River Quality (U-RQ) (pending recommendations)								
Single-Family	0.20	2.60	3.66	na.	na.	P	Y	21,780
Planned	0.30	3.00	5.68	na.	na.	P	Y	10 ac.
Community, Medium	0.30	4.95	8.00	na.	na.	P	Y	200 ac
Community, Large	0.30	5.72	8.50	na.	na.	P	Y	500 ac.
Multi-Family	0.30	17.34	24.00	na.	na.	P	Y	2 ac.
Institutional Residential	0.50	13.5	27	na.	na.	P	N	4 ac.
Other Permitted Uses	0.50	na.	na.	0.23	0.46	P	N	4 ac.
Commercial Suburban (CS)								

Table 04.210
LOT AND BUILDING* STANDARDS

Minimum					Maximum
Lot Area (ac./sf)	Lot Width (feet)	Street Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Height (feet)
See Table 11.200					
See Table 11.200					
See Table 11.200					
See Table 11.200					
See Section 11.250					
See Table 11.200					
4 ac.	300	50	25	50	35
4 ac.	300	50	25	50	35
Urban - River Quality (U-RQ)					
8,500	75	25	12	30	35
See Table 11.200					
See Table 11.200					
See Table 11.00					
4 ac.	300	50	25	50	35
4 ac.	300	50	25	50	35
Commercial Suburban (CS)					

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Table 04.110
OPEN SPACE AND DENSITY STANDARDS

Zoning District & Development Type	Min. OSR or LSR	Density		Floor Area Ratio		Sewer	ARDR Reqd.	Min. Site Area
		Max. Gross	Max. Net	Max. Gross	Max. Net			
Planned	0.45	2.28	4.50	na.	na.	P	Y	1-10 ac.
Multi-Family	0.50	8.30	18.73	na.	na.	P	Y	1-5 ac.
Offices	0.50	na.	na.	0.26	0.53	P	N	.5 ac.
Retail	0.45	na.	na.	0.18	0.34	P	N	1 ac.
Other Commercial Uses	0.50	na.	na.	0.18	0.37	P	N	1 ac.
Other Permitted Uses	0.50	na.	na.	0.23	0.46	P	N	2 ac.
Commercial Regional (CR)								
Offices	0.35	na.	na.	0.50	0.82	P	N	.5 ac.
Retail	0.20	na.	na.	0.31	0.39	P	N	1 ac.
Other Commercial uses	0.20	na.	na.	0.37	0.47	P	N	1 ac.
Mixed Uses	0.20	na.	na.	1.00	1.40	P	N	2 ac.
Other Permitted Uses	0.25	na.	na.	0.39	0.53	P	N	1 ac.
Research & Development (RD)								
Offices, Commercial Lodging	0.35	na.	na.	0.34	0.54	P	N	10 ac.
Industrial	0.30	na.	na.	0.40	0.57	P	N	10 ac.
Restaurants	0.25	na.	na.	0.14	0.20	P	N	10 ac.

Table 04.210
LOT AND BUILDING* STANDARDS

Minimum					Maximum
Lot Area (ac./sf)	Lot Width (feet)	Street Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Height (feet)
See Table 11.200					
See Table 11.200					
.5 ac.	100	25	none	20	35
1 ac.	150	25	none	20	35
1 ac.	150	25	none	20	35
2 ac.	200	25	none	20	35
Commercial Regional (CR)					
.5 ac.	150	25	20	20	40
21,780	150	25	20	20	40
21,780	150	25	20	20	35
2 ac.	200	25	20	20	40
1 ac.	150	25	20	20	35
Research & Development (RD)					
1 ac.	150	40	20	20	55
1 ac.	150	40	20	20	120*
1 ac.	150	40	20	20	30

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Table 04.110
OPEN SPACE AND DENSITY STANDARDS

Zoning District & Development Type	Min. OSR or LSR	Density		Floor Area Ratio		Sewer	ARDR Reqd.	Min. Site Area
		Max. Gross	Max. Net	Max. Gross	Max. Net			
Other Permitted Uses	0.30	na.	na.	0.26	0.38	P	N	10 ac.
Light Industry (LI)								
Offices, Commercial Lodging	0.20	na.	na.	0.37	0.47	P	N	10 ac.
Restaurants	0.15	na.	na.	0.16	0.20	P	N	10 ac.
Industrial	0.15	na.	na.	0.48	0.57	P	N	10 ac.
Other Permitted Uses	0.20	na.	na.	0.30	0.38	P	N	20 ac.
Industrial Park (IP)								
Offices, Commercial Lodging	0.20	na.	na.	0.37	0.47	P	N	10 ac.
Restaurants	0.15	na.	na.	0.16	0.20	P	N	10 ac.
Industrial	0.15	na.	na.	0.48	0.57	P	N	10 ac.
Other Permitted Uses	0.20	na.	na.	0.30	0.38	P	N	20 ac.

Table 04.210
LOT AND BUILDING* STANDARDS

Minimum					Maximum
Lot Area (ac./sf)	Lot Width (feet)	Street Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Height (feet)
1 ac.	150	40	20	20	40
Light Industry (LI)					
20,000	100	40	20	20	55
20,000	100	40	20	20	30
20,000	100	40	20	20	60
20,000	100	40	20	20	40
Industrial Park (IP)					
20,000	100	40	20	20	55
20,000	100	40	20	20	30
20,000	100	40	20	20	120*
20,000	100	40	20	20	40

*Buildings must be in conformance with Standards Building Code and National Fire Safety Standards.

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DIVISION 04.300 BUFFERYARD AND LANDSCAPING STANDARDS

This Division provides standards for bufferyards and general landscaping requirements. Sections 04.305-04.310 provide standards for bufferyards between uses and districts, and for special purposes. Sections 04.350- 04.355.5 provide general landscaping and installation standards, as well as, landscaping standards for various uses including lots, open spaces, scenic corridors and streets; for creating or preserving all types of buffers mentioned in this Ordinance; and for parking areas.

SECTION 04.305 BUFFERYARD REQUIREMENTS

Bufferyard requirements are designed to ameliorate nuisances between certain adjacent zoning districts or land uses. Bufferyards function to eliminate or minimize large changes in scale and potential nuisances such as dirt, litter, noise, glare of lights, unsightly buildings, parking areas, or signs. Bufferyards serve a similar function between streets and various land uses. ***NOTE:*** *Various bufferyard requirements can be found throughout this Ordinance. The bufferyard with the greatest benefit, or width, shall supersede all lesser bufferyard benefits or widths, for the same use or situation.*

A. USES. Uses within bufferyards shall be guided by the following:

1. Passive recreation, and may contain pedestrian, bike, or equestrian trails, provided the plant material amount is not reduced because of the trail, the total width of the bufferyard is maintained or increased by the width of the trail, and all other Ordinance regulations are met.

2. Golf courses may be installed within a bufferyard, as long as installed landscaping, natural vegetation, wetlands or other natural features contribute significantly to the bufferyard.

3. In no event shall swimming pools, tennis courts, sports fields, or other active recreational facilities be permitted in bufferyards.

B. LOCATIONS. Bufferyard locations shall be guided by the following:

1. Where required, bufferyards shall be located along the outer perimeter of a lot or parcel and shall extend to the lot or parcel boundary line.

2. Bufferyards are required under the following conditions (see Table 04.310):

a) Along all arterial or collector streets and some minor streets as specified in Table 04.310;

b) Along a property line where adjoining properties are in different zoning districts as specified in Table 04.310;

c) Along property boundaries between Limited and Special Uses and affected permitted uses; and

d) Parking areas.

3. Bufferyards shall not be located on any portion of an existing, dedicated or reserved public or private street or right-of-way.

4. Bufferyards shall not be part of the required lot area for lots less than one acre. They may be part of a lot, but the minimum standards (Table 04.110) shall be exclusive of the bufferyard area.

SECTION 04.310 BUFFERYARD AND TREE STANDARDS TABLE

Table 04.310 contains varying bufferyard width and tree requirements for each district depending upon development type. These requirements may be modified by the DRT pursuant to Article 15. Specific landscaping requirements are described in Section 04.350. The following descriptions provide explanations of the elements listed in Table 04.310:

Canopy Trees: These are tall trees that make up the forest canopy 40 or more feet above the ground. All new development shall be required to provide an adequate number of canopy trees in order to retain the natural character of Beaufort County. Table 04.310 lists the required number of canopy trees per each lot, acre of open space, and per parking space.

Street Trees: Proposals for new development shall require street trees to be planted. Table 04.310 lists the minimum spacing requirement when street trees are to be planted. Street trees are those trees located along all types of streets and highways, as well as, within center medians of larger thoroughfares.

Bufferyards for Adjoining Streets: Bufferyards are forested or landscaped areas that separate and screen a use from the street or adjoining land. Table 04.310 lists the required bufferyard width in feet when the desire is to screen a use from street visibility.

Bufferyards for Adjoining Districts: This section sets forth bufferyards required on zoning district boundaries. Where a bufferyard is shown in the same district, the buffer will be required at property lines. Table 04.310 lists the required bufferyard width in feet when the desire is to screen a use from a neighboring zoning district.

(See Table 04.310 next page)

Table 04.310 BUFFERYARD AND TREE STANDARDS

Zoning District & Development Type	Number of Landscaping Canopy or Existing Trees per			Street Tree Spacing per	Bufferyard Width (ft.) Adjoining Streets		
	Lot	Acre Open Space	Parking Spaces	Feet of ROW	Arterial	Collector	Local
Resource Conservation (RC)							
Single Family	--	8	--	50	na	na	50
Single-Family Cluster	2/du	8	1/10				
Other Permitted Uses	5/ac	8	1/10	40	na.	na.	50
Rural (R)							
Farmstead	--	--	--	50	--	--	--
Single Family	--	--	--		50	50	--
Single-Family Cluster	2/du	5	1/10		100	100	50
Planned	1/du	5	1/10				
Community, Small	1/du	5	1/10		250	250	50
Community, Medium	1/du	5	1/10				
Man. Home Comm.	See 11.250		1/10		100	100	50
Other Permitted Uses	5/ac	4	1/10		100	100	50

Table 04.310 BUFFERYARD AND TREE STANDARDS

	Bufferyard Width (ft.) Adjoining District												
	RC	RQ	RR	R	S	U	CP	CS	CR	RD	LI	IP	M
Resource Conservation (RC)													
	--	100	--	--	--	--	--	--	--	--	--	--	--
	--	100	--	--	--	--	--	--	--	--	--	--	--
Rural (R)													
	--	100	--	--	--	--	--	--	--	--	--	--	--
	--	100	25	25	--	--	--	25	25	25	25	25	50
	--	100	25	25	25	25	25	25	25	25	25	25	50
	--	100	50	50	50	50	50	50	50	50	50	50	100
	--	100	300	250	200	300	300	300	300	300	300	300	300
	--	100	300	250	200	300	300	300	300	300	300	300	300
	--	100	50	50	50	50	50	50	50	50	50	50	100
	--	100	50	50	50	50	50	50	50	50	50	50	100

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Table 04.310 BUFFERYARD AND TREE STANDARDS

Zoning District & Development Type	Number of Landscaping Canopy or Existing Trees per			Street Tree Spacing per	Bufferyard Width (ft.) Adjoining Streets		
	Lot	Acre Open Space	Parking Spaces	Feet of ROW	Arterial	Collector	Local
Rural Residential (RR)							
Single Family	--	0	--	50	50	50	50
Other Permitted Uses	3/ac	4	1/10		100	100	50
Suburban (S)							
Single-Family	2/du	5	none	50	50	50	--
Single-Family Cluster	1/du	5	1/10		100	50	25
Planned	1/du	5	1/10		100	50	50
Community, Large	1/du	5	1/10		100	100	50
Multi-Family	25/ac	5	1/10		100	100	50
Man. Home Comm.	See 11.250		1/10		100	100	50
Institutional Residential	6/ac	8	1/10		100	100	50
Other Permitted Uses	6/ac	8	1/10		100	100	50

Table 04.310 BUFFERYARD AND TREE STANDARDS

Bufferyard Width (ft.) Adjoining District												
RC	RQ	RR	R	S	U	CP	CS	CR	RD	LI	IP	M
Rural Residential (RR)												
--	100	--	--	--	--	--	--	--	--	--	--	50
--	100	--	25	--	--	25	--	--	--	--	--	50
Suburban (S)												
--	--	--	25	--	--	--	--	--	--	--	--	50
			50	25		25		25		25	25	
			100	50		50						
				100		100			100	100	100	100
									50	100	100	50
									50	100	100	50
				50		50			50	50	50	50

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Table 04.310 BUFFERYARD AND TREE STANDARDS

Zoning District & Development Type	Number of Landscaping Canopy or Existing Trees per			Street Tree Spacing per	Bufferyard Width (ft.) Adjoining Streets		
	Lot	Acre Open Space	Parking Spaces	Feet of ROW	Arterial	Collector	Local
Urban (U)							
Single-Family	1/du	5	1/10	50	50	50	--
Single-Family Cluster							
Planned							
Community, Med.					100	75	--
Community, Large							
Man. Home Comm.	See 11.250				75	50	25
Multi-Family	25/ac	5					
Institutional Residential	6/ac				50		
Other Permitted Uses							
Community Preservation (CP) Standards See Appendix D							

Table 04.310 BUFFERYARD AND TREE STANDARDS

Bufferyard Width (ft.) Adjoining District												
RC	RQ	RR	R	S	U	CP	CS	CR	RD	LI	IP	M
Urban (U)												
--	100	--	100	--	--	--	--	--	--	--	--	50
		--		50			--	--	--	--	--	
		25		100	25	25	--	--	--	25	25	100
		25			25	25	25	25	--	50	50	
		50			50	50	25	25	--			
		25			25	25	--	--	--			
		50										50
Community Preservation (CP) Standards See Appendix D												

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Table 04.310 BUFFERYARD AND TREE STANDARDS

Zoning District & Development Type	Number of Landscaping Canopy or Existing Trees per			Street Tree Spacing per	Bufferyard Width (ft.)		
					Adjoining Streets		
	Lot	Acre Open Space	Parking Spaces	Feet of ROW	Arterial	Collector	Local
Commercial Suburban (CS) District							
Planned	1/du	8	1/10	50	50	50	20
Multi-Family	3/du						
Offices	6/ac						
Retail							
Other Commercial							
Other Permitted Uses							
Commercial Regional (CR)							
Offices/ Commercial Lodging	8/ac	6	1/10	50	50	50	50
Retail							
Other Commercial Uses							
Other Permitted Uses							

Table 04.310 BUFFERYARD AND TREE STANDARDS

Bufferyard Width (ft.)												
Adjoining District												
RC	RQ	RR	R	S	U	CP	CS	CR	RD	LI	IP	M
Commercial Suburban (CS) District												
–	150	100	50	25	–	50	25	–	–	–	25	–
				–	25	100	–					
Commercial Regional (CR)												
–	200	100	100	100	50	100	30	–	30	–	25	–

Table 04.310 BUFFERYARD AND TREE STANDARDS

Zoning District & Development Type	Number of Landscaping Canopy or Existing Trees per			Street Tree Spacing per	Bufferyard Width (ft.)		
					Adjoining Streets		
	Lot	Acre Open Space	Parking Spaces	Feet of ROW	Arterial	Collector	Local
Research & Development (RD)							
Offices/ Commercial Lodging/Research	10/ac	10	1/10	40	100	100	50
Industrial							
Restaurants							
Other Permitted Uses							
Light Industry (LI)							
Offices/Commercial Lodging	4/ac	4	1/10	50	50	50	25
Restaurants							
Industrial							
Other Permitted Uses							
Industrial Park (IP)							
Offices/Commercial Lodging	4/ac	4	1/10	50	50	50	25
Restaurants							
Industrial							
Other Permitted Uses							

Table 04.310 BUFFERYARD AND TREE STANDARDS

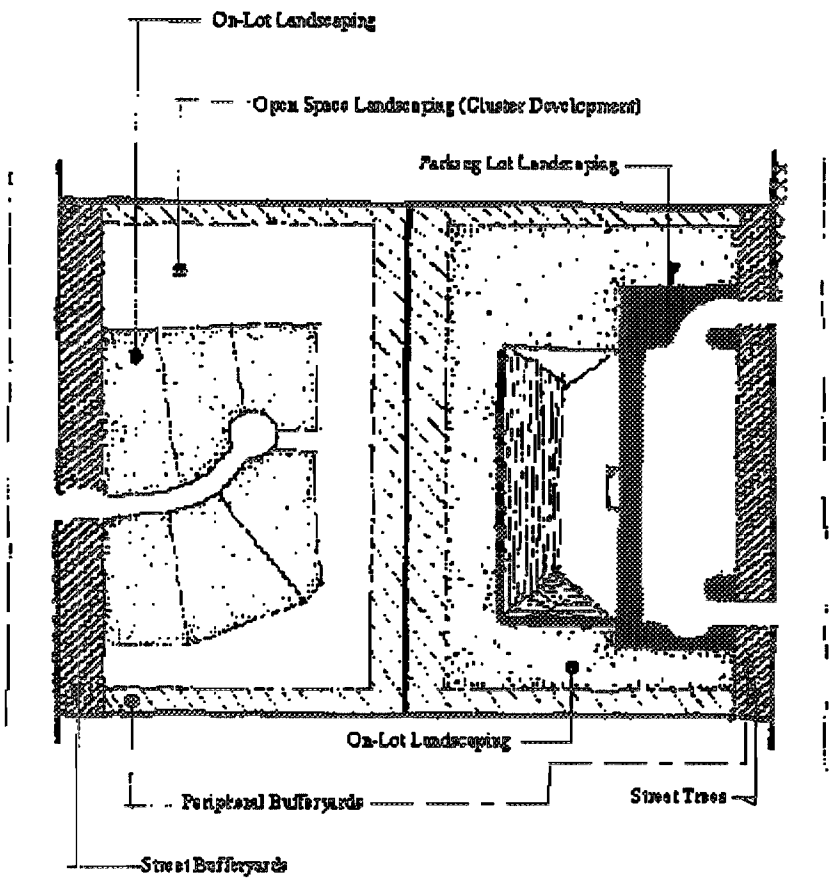
Bufferyard Width (ft.)												
Adjoining District												
RC	RQ	RR	R	S	U	CP	CS	CR	RD	LI	IP	M
Research & Development (RD)												
--	300	100	100	100	50	100	--	50	50	--	--	--
Light Industry (LI)												
--	300	100	100	100	50	100	50	25	50	--	--	--
Industrial Park (IP)												
--	300	100	100	100	100	100	50	25	50	--	--	--

SECTION 04.350 LANDSCAPING STANDARDS

subSECTION 04.351 APPLICABILITY AND CONSIDERATIONS

All new development shall comply with the landscaping standards for installing and maintaining landscaping materials and protecting specimen trees of the following Sections. The preferred method of landscaping is to preserve the existing forest cover or individual trees.

Figure 04.351 LANDSCAPING AREAS



A. EXEMPTION: Existing lots of record shall be exempt from these landscaping standards unless new development or a change in use is proposed, whereby these standards shall then apply.

B. Landscaping is required on lots, in parking areas, in open spaces, along streets and scenic corridors, as a buffer between certain specified uses, and as buffer areas between zoning districts and uses. Figure 04.351 shows how a property is divided into these areas. Each area must be measured to determine the amount of landscaping required. Landscaping areas do not overlap, for example, landscaping requirements for a scenic corridor would the landscaping requirements for a simple street bufferyard.

subSECTION 04.352 INSTALLATION REQUIREMENTS

A. LANDSCAPE PLAN: To ensure plant materials are installed and properly maintained, a Landscape Plan will be required of all developments. This plan shall show the location of all required plant materials. A plant list shall accompany the plan indicating species, size, and number provided.

B. PLANT MATERIAL SPECIES: Plant material is grouped in four categories: **1) canopy trees, 2) understory trees, 3) evergreens, and 4) shrubs.** The plants are divided into street and off-street parking lot landscaping (where neatness and hardiness near pavement is desired), general landscaping, and reforestation areas. Reforestation areas are restricted to locally indigenous plants. Except as specifically granted by the County as part of a Landscape Plan approval, plant material is required to meet the requirements contained in Appendix E.

1. **Planting Locations.** The exact placement of required plants and structures shall be the decision of each user, except for the following requirements that shall be met:

   a) No street or canopy trees shall be planted under or within 10 lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line, or other utility. The distance from the curb and sidewalk shall be 3 feet. Exceptions may be made at the discretion of the County contingent upon specific planting conditions and species of trees.

   b) Evergreens and evergreen shrubs shall be planted with a 15 foot spacing to maximize their chance for survival.

   c) The developer shall be encouraged to utilize diversity in planting types and locations.

C. REPLACEMENT: The developer shall be responsible for replacing all plants that die during a two year period from the date of installation. The County may use the bond or surety to replace plants if the developer fails to perform adequately.

D. PERFORMANCE BOND: The developer shall submit a bid for the landscaping that shall be reviewed by the County. A bond, landscape contractor guarantee, or other acceptable surety equal to 120% of the cost shall be provided to ensure proper installation and maintenance of the landscaping for a period of 2 years from the date of installation.

subSECTION 04.353 RESOURCE PROTECTION

A. TREE PROTECTION ZONES: Tree protection zones shall be established and maintained for each tree preserved or planted on a development site, as follows:

1. **Resource Protection Barrier.** Prior to commencing construction or any site alterations, a conspicuous four foot high barrier to prevent encroachment by people and vehicles shall be erected around the tree protection zone that shall require approval by the ZDA. Barriers may be erected around groupings of trees, where feasible. Use of orange polyethylene safety fencing or a similar material is recommended. The barrier shall remain in place until the Certificate of Occupancy is issued.

2. **New Trees.** The protection zone in open areas shall be a circle with a radius of two feet for understory and Palmetto trees, and three feet for canopy or pine trees.

3. The area within the tree protection zone must be open and unpaved, except where approved perforated pavers may be utilized, or tree aeration systems and tree wells installed.

4. **Change in Grade.** This shall not be permitted within the tree protection zone except for a two inch cut, or a two inch fill of topsoil, sod or mulch.

5. **Underground Utility Lines.** These shall be routed around and away from tree protection zones. Necessary installation through tree protection zones shall be accomplished through tunneling, rather than cutting open trenches.

6. **Disturbance.** Where machinery must pass within a tree protection zone during construction, approval shall be required from the ZDA. To protect tree roots from excessive compaction during construction, special cushioning measures may be required by the ZDA, such as a heavy layer of chip mulch or pine straw or a "bridge" of boards.

7. **Existing Trees.** The tree protection zone shall be a circle with a radius of one-half (½) foot for every one inch of DBH or five feet, whichever is greater. The DRT may approve an alternate tree protection zone, if it can be determined by a certified forester, that a specific design or protection will not injure any tree under consideration. In no case, shall the circle of protection be less than one-third (1/3) of the total diameter required by the formula above.

B. RESOURCE PROTECTION ZONES: A temporary resource protection zone shall be established prior to commencement of construction. The barrier shall be installed on the outer edge of all resources to be protected, per Table 05.010. The following standards apply:

1. Prior to commencing construction or any site alterations, a conspicuous four foot high barrier to prevent encroachment by people and vehicles shall be erected around the resource protection zone that shall require approval by the ZDA. Barriers may be erected around groupings of trees, where feasible. Use of orange polyethylene safety fencing or a similar material is recommended. The barrier shall remain in place until the Certificate of Occupancy is issued.

2. Where wetland, river buffer, or maritime buffers are involved a silt fence shall be erected and the required barrier described in 1., above installed at least one foot into the buildable area of the site.

3. No building materials, dirt, debris, oils, paints, or any other materials, equipment or vehicles shall be placed or deposited within the resource protection area, nor shall any trenching or paving be done within the resource protection area.

4. Underground utility lines shall be routed around and away from resource protection zones. No utilities shall be permitted in resource protection areas.

C. PENALTY FOR DISTURBING RESOURCE PROTECTION AREAS: If trees or any natural resources are damaged or cut down during the process of construction, the following mitigation shall be required:

1. **One to five individual trees that do not qualify as specimen trees:** The mitigation shall be individual plantings of trees greater than two an one-half (2.5) inches caliper, with a total caliper equal to that of the DBH of the trees damaged or destroyed.

2. **One to five specimen trees:** The mitigation shall be individual plantings of trees greater than two an one-half (2.5) inches caliper with a total caliper equal to one and a quarter (1.25) times that of the DBH of the trees damaged or destroyed.

3. **Six or more individual trees:** The mitigation shall be individual plantings of trees greater than two an one-half (2.5) inches caliper with a total caliper equal to one and four-tenths (1.4) times that of the DBH of the trees damaged or destroyed.

4. **Forest areas in excess of one-half (0.5) acre:** The mitigation shall involve the creation of protected open space that is one and one-tenth (1.1) times the area destroyed. This may result in a loss of buildable area and lots. The area shall be replanted at the rate specified in Table 04.355.D.

SECTION 04.355 LANDSCAPING STANDARDS FOR VARIOUS USES

Table 04.310 establishes the required landscaping for the landscaped area of each lot, open space, and parking area. The landscaped area standards apply only to those areas of the lot or property not covered by buildings, road rights-of-way, parking, or bufferyards. The parking lot standard applies to the parking area.

subSECTION 04.355.1 ON-LOT LANDSCAPING STANDARDS

A. GENERAL REQUIREMENTS: In general, the on-lot landscaping shall be distributed around the lot, planted close to the buildings, or be in some combination of these planting schemes. However, front yards are particularly important for preserving community character. Certain unit types require additional planting material to be planted between front-load garages and the right-of-way as indicated in Section 04.355.1.B.

B. LOTS LESS THAN 12,000 SQUARE FEET: In addition to the landscaping required by Table 04.310, all residential lots of 12,000 sf. or less, or any unit using side-load garages shall install special landscaping, as indicated in Table 04.355.1.B.

Table 04.355.1.B
LANDSCAPING REQUIREMENTS FOR LOTS LESS THAN 12,000 SF.

Dwelling Type	Additional Requirements	Landscaping Options
Village House	Village house (see Figure 11.200) street yards shall be landscaped with two additional items. Select one option each from two of the three categories listed under landscaping options. The site plan and/or Landscape Plan for each home shall indicate these techniques or they shall be provided as options that may be included in the house price and selected by the home purchaser.	STREET PROPERTY-LINE BORDER. 1) Wood or non-chain link fence at least three feet in height; 2) Hedge with shrubs planted at a maximum of three feet on center; ADDITIONAL LANDSCAPING. 1) Two flowering understory trees at one and one-half (1.5) inch caliper; 2) One canopy tree of at least 3 inches caliper; STRUCTURES. The following options are not available where a front-load garage is used on a lot with less than 90 feet of frontage. 1) A roofed porch which is not enclosed or screened, running three-quarters (0.75) the width of the house front and having a minimum width of seven feet; 2) A masonry or stone patio raised a minimum of 18 inches above the front yard, minimum eight foot width, and at least 500 sf.
Lot Line House	Lot line houses shall install an additional canopy tree of at least three inches caliper, in the front yard and one of the landscaping options at right.	1) Three flowering understory trees at one and one-half (1.5) inches caliper; 2) Stone wall, wood or non-chain link fence at least three feet in height; 3) Hedge with shrubs planted at a maximum of three feet on center.
House with Side-Loading Garage	Where a side-loading garage is permitted in front of the house proper, extra planting shall be required between the street and the side of the garage facing the street. The planting shall consist of each of the plant types listed in landscaping options, to the right.	1) One canopy tree of at least three inches caliper; 2) Two understory trees of at least 1-1/2 inches caliper each; 3) Thirteen shrubs of at least five gallon pot size.

Table 04.355.1.B LANDSCAPING REQUIREMENTS FOR LOTS LESS THAN 12,000 SF.		
Dwelling Type	**Additional Requirements**	**Landscaping Options**
Other Single-Family Detached	These homes shall install two canopy trees of at least three inches caliper, in the front yard, and one of the landscaping options at right.	1) Three flowering understory trees at one and one-half (1.5) inches caliper; 2) Stone wall, wood or non-chain link fence at least three feet in height; 3) Hedge with shrubs planted at a maximum of three feet on center.
Attached and Multi-Family	All attached units shall have on-lot landscaping of two canopy trees. The landscaping material shall be distributed in the front, rear, or side yards. In multi-family developments, the yard areas associated with each unit shall be landscaped with 10 canopy trees per acre.	See left.

subSECTION 04.355.2 OPEN SPACE LANDSCAPING STANDARDS

Open space is required in all residential developments to serve the following functional needs: outdoor recreation, play space, trail space, residential attractiveness, scenic landscape and vista conservation, the protection of natural and sensitive resources, stormwater detention, and scenic and land use buffers. All areas of required open space shall be landscaped using one of the following landscape treatments:

A. EXISTING VEGETATION: Areas presently covered with natural vegetation shall be maintained in that natural state.

B. LAWNS: Open space areas intended to be groomed or to serve as a mowed lawn shall be planted with a minimum of six canopy trees per acre. This provision shall not apply to open space areas that are designed as sports fields or recreational uses that require a paved or specially prepared surface. Golf courses shall provide four canopy trees per acre.

C. REFORESTATION: Areas disturbed, but scheduled to be returned to natural conditions, shall be planted as forest (reforestation) or with such other plant material that will return the area to its natural condition.

D. OTHER STANDARDS: Any applicable provisions discussed elsewhere in this Article shall be satisfied, in addition to the above landscaping standards.

subSECTION 04.355.3 SCENIC CORRIDOR LANDSCAPING STANDARDS

Scenic corridors may be established along all arterials and collector roads. There are three types of scenic corridors: **open space scenic corridors, open land scenic corridors, and forested scenic corridors.**

A. OPEN SPACE SCENIC CORRIDORS: The open space scenic corridor may be selected and used where the land adjoining the corridor is designated open space for a depth of at least 400 feet. Open space scenic corridors shall meet the following standards:

1. **Landscaping.** The landscaping shall consist of three canopy trees per 100 feet of corridor. The plantings may be grouped to provide a partial hedgerow planting 10 feet in depth adjoining the right-of-way.

2. **Agricultural Field.** An agricultural field having a minimum of 30 acres and a depth of at least 600 feet shall require no landscaping provided the agricultural field is designated open space and its use is restricted for that purpose.

B. OPEN LAND SCENIC CORRIDORS: The open land scenic corridor is land having residential lots within 400 feet of the buffer, and where the vegetative cover is farm land, grasslands, or old field succession. Open land scenic corridors shall meet the following standards:

1. **Width.** The corridor shall be no less than 100 feet in width.

2. **Landscaping.** The landscaping shall be up to 12 canopy trees per 100 feet of corridor. The plantings may be grouped to provide a hedgerow planting. The degree of planting shall be governed by the following standards:
   a) Where there is less than 50 feet of open space between the buffer and the lots, the full 12 canopy trees shall be required per 100 feet of buffer.

   b) Where the open space is between 50 feet and 100 feet from the buffer to the lots, there shall be 10 canopy trees required per 100 feet of buffer.

   c) Where the open space is between 100 feet and 300 feet from the buffer to the lots, there shall be six canopy trees required per 100 feet of buffer.

C. FORESTED SCENIC CORRIDORS: Forested scenic buffers are in areas where a width of at least 50 feet within the scenic corridor is covered by and will be preserved as forest. Forested scenic corridors shall meet the following standards:

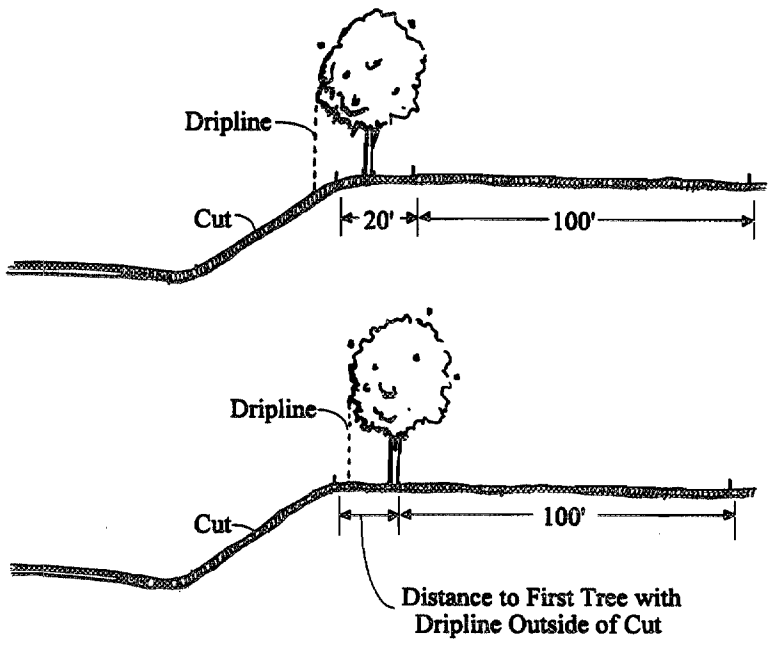
1. **Land Survey.** A survey shall indicate the boundary of forest, indicating the preserved area and its width.

2. **Tree Survey.** Where grading on any side of the forested scenic corridor shall exceed three feet of cut or fill, a tree survey covering the area within 40 feet from the proposed grading is required.

3. Where the cut or fill exceeds three feet, the 100 foot width shall be measured 20 feet from the top of the cut (bottom of fill) or to the first tree whose drip line is outside the disturbed area, whichever is less (see Figure 04.355.3.C).

(See Figure 04.355.3.C next page)

Figure 04.355.3.C FORESTED SCENIC CORRIDOR



subSECTION 04.355.4 BUFFERYARD LANDSCAPING STANDARDS

A. EXISTING PLANT MATERIAL COUNTED: In areas of the site not protected as forest resources, existing trees shall be counted towards the planting requirement.

1. **Lots and Parking Areas.** Where trees are required by Table 04.310, existing trees six inches in diameter or greater shall be counted. Trees in excess of 24 inches shall be counted as two trees.

2. **Open Spaces or Bufferyards.** Where there are scattered individual trees or an old field condition where the trees are growing back but the canopy averages less than 15 feet in height, the standards of this Section shall apply.

a) Trees over 24 inches caliper can replace several required trees based on subtracting the area under the canopy drip line from the area to be planted.

✔ *For example: A live oak covering 10,000 sf. of a 50,000 sf. bufferyard would reduce the planting area to 40,000 sf.*

b) Trees from six inches to 24 inches shall have the total caliper measured and divided by two. That amount of caliper size in plants shall be deducted from the total to be planted. An eight foot pine is assumed to have a caliper of two inches.

✔ *For example: Six trees having a total caliper of 42 inches would be credit for 7 three inch canopy trees (42/2=21 inches: 21/3 =7 three inch trees)*

3. **Old Field or Recovering Logged Areas.** The number of trees of each size category by species shall be counted towards the total number of plants to be planted.

B. NATURAL VEGETATION: Bufferyards shall be retained in their naturally vegetated condition, when such retention benefits a visually pleasing and healthy bufferyard. The width of bufferyards in Table 04.310 is based on their natural vegetation. The canopy, pine, and

understory trees shall be retained in such buffers. Shrubs shall be retained, or they may be replaced on an equal basis by more decorative species.

C. INVASIVE VEGETATION: All species identified as invasives shall be removed and the bufferyard maintained so as to prevent their re-establishment.

D. BUFFERYARDS HAVING LIMITED OR NO VEGETATION: Where bufferyards have limited or no vegetation, such as farm fields or logged areas, the area shall be re-vegetated. The plant material required is such that the site should have a young forest character within five years from planting. Section 04.355.4.A addresses the counting of trees in cases where there is no forest cover, but there are some individual trees. Where an area has been logged and replanted, cleared lots have natural regeneration taking place, or where an old field succession has reached the point where the average canopy height is 15 feet, the area shall be considered forested if, upon inspection, it has a reasonable mix of materials typical of either the maritime, mixed, or pine forest.

E. BUFFERYARD REFORESTATION: There are three types of forests found in Beaufort County: maritime, mixed, and pine. Appendix E contains the plant species suitable for each forest type. The type of forest shall be selected by matching it to the nearest forest types and individual soil conditions. Where the bufferyard is within 1,000 feet of the shoreline, the maritime forest shall be established unless the soil conditions are unfavorable for this type. Table 04.355.4.E., contains the landscaping standards which shall apply to each acre of unforested bufferyard.

Table 04.355.4.E
BUFFERYARD PLANTING STANDARDS

Forest Type	Plant Type	Quantity Per Acre	Size
Maritime	Canopy Tree	10	3 inch caliper
	Canopy Tree	15	2-1/2 inch caliper
	Understory	50	1-1/2 inch caliper
	Shrubs	325	5 gallon pot
Mixed	Canopy Tree	15	3 inch caliper
	Pine	25	8 foot height
	Understory	50	1-1/2 inch caliper
	Shrubs	325	5 gallon pot
Pine	Pine	25	8 foot height
	Pine	40	6 foot height
	Understory	40	1-1/2 inch caliper
	Shrubs	250	5 gallon pots

subSECTION 04.355.5 PARKING AREA LANDSCAPING STANDARDS

A. PARKING LOTS: Landscaping shall include the following:

1. One (1) canopy tree per number of parking spaces specified in Table 04.310; and

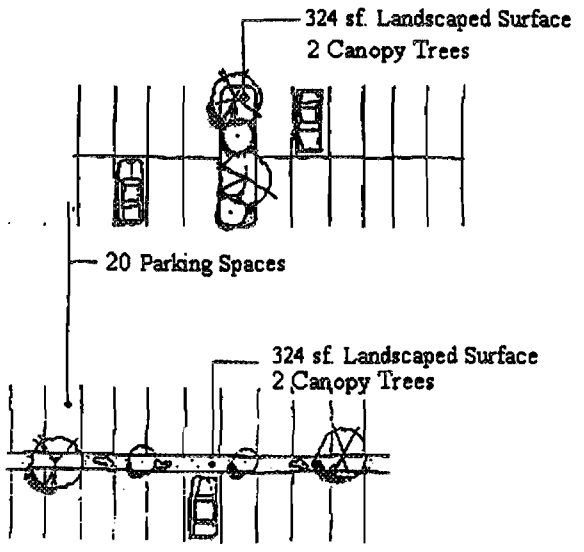
2. Ground cover and one understory tree of one and a half (1-1/2) inches caliper; or six shrubs of at least five gallon pot size.

3. Each canopy tree shall be planted in a planting island(s) or space with a minimum total area of 162 s.f. The developer shall have the ability to combine islands or to use

continuous planting strips between parking aisles. In small parking lots, the island(s) may be the lot's corners. The landscaping required by Table 04.310 shall be located within the parking lot in order to visually enhance the parking area and to provide shade for pedestrians. Existing trees that can be preserved by not disturbing the area under their canopy shall count towards the landscaping requirements.

4. Figure 04.355.5 illustrates two examples of appropriate planting areas and preservation of existing trees, according to one canopy tree per 10 parking spaces.

Figure 04.355.5
EXAMPLES OF PARKING LOT LANDSCAPING CONFIGURATIONS



Illustrating: 1.0 Canopy Tree per 10 parking spaces

B. PARKING BUFFERYARD STANDARDS: Parking bufferyards are required where parking areas abut an existing residential use or residentially zoned land. Parking buffers shall conform with the following standards:

1. Where no buffer is required by Table 04.310, a forested buffer 25 feet in width shall be preserved. If no forest cover exists, or it cannot be preserved, then a 30 foot wide buffer shall be installed and planted in accordance with Section 04.355.4.

2. When a buffer is required by Table 04.310, a parking buffer shall be required only where the parking buffer is wider than the bufferyard width required by Table 04.310. In that case, the parking buffer shall be used.

3. Parking buffers shall not be required in the interior of a residential development, however, the DRT shall review the Landscape Plan to ensure that site landscaping provides protection where needed.

subSECTION 04.355.6 STREET AREA LANDSCAPING STANDARDS

A. STREET RIGHTS-OF-WAY: All unpaved areas within street rights-of-way shall be seeded or sodded. All sod, seed, hydroseed and mulch materials and installation shall conform to the latest edition of the SCDOT Standard Specifications for Highway Construction. Before the release of the 12 month maintenance bond, all unpaved areas between the edge of the road pavement and the right-of-way line shall have:

1. A minimum depth of four inches of topsoil; and

2. A growth of an acceptable healthy grass turf.

B. STREET TREES: New subdivisions or land development shall require street trees to be planted as follows:

1. Trees shall be planted on the property side of each side of the right-of-way at the minimum spacing indicated in Table 04.310.

2. Center boulevards shall have a minimum width of 16 feet and shall have one additional tree planted every 40 feet in the landscaped island. Boulevards having a width greater than 20 feet shall plant one and a half (1.5) trees every 40 feet.

3. No trees may be planted closer together than 40 feet except evergreens and special plantings which may be clustered, as determined appropriate by the County.

DIVISION 04.400
EXTERIOR STORAGE AND ILLUMINATION

Exterior storage and illumination requirements are guided by Table 04.400. The standards indicated are applicable to specific uses which would be required for all districts where they are to be given approval for use permission. Elements contained within the Table are listed and defined below, as follows:

1. **Allowable Storage Area:** The percent of the building's footprint that may be devoted to exterior storage areas.

2. **Screening:** Indicates the opacity level of visual screening required to hide the exterior storage area.

3. **Maximum Illumination:** This sets the maximum illumination in foot candles.

4. **Maximum Height:** This sets the maximum height of the structure use for holding the lights. Both cut-off and regular luminaires are permitted by this Ordinance and are indicated in the Table.

Table 04.400
EXTERIOR STORAGE AND ILLUMINATION STANDARDS

EXTERIOR STORAGE BY USE			ILLUMINATION BY DISTRICT	
LAND USE	**ALLOWABLE STORAGE AREA**	**SCREENING/SETBACKS**	**MAXIMUM ILLUMINATION**	**MAXIMUM HEIGHT**
AGRICULTURAL			**RC, R, RR (All Uses)**	
Agricultural Support Services	25%	n.a.	*Regular = 0.4 footcandle* *Cutoff = 0.5 footcandle*	*Regular = 10 feet* *Cutoff = 15 feet*
COMMERCIAL			**S, U (All Uses)**	
Commercial Retail, Neighborhood	10%	100% fencing/landscaping	*Regular = 3 footcandle* *Cutoff = 5 footcandle*	*Regular = 15 feet* *Cutoff = 20 feet*
Vehicular Sales and Rental	Vehicle storage only at 25 spaces per 1,000 s.f. No other exterior storage permitted.	n.a.	**CP (All Uses)** *See Appendix D*	

Table 04.400
EXTERIOR STORAGE AND ILLUMINATION STANDARDS

EXTERIOR STORAGE BY USE

LAND USE	ALLOWABLE STORAGE AREA	SCREENING/SETBACKS
RECREATION AND AMUSEMENT		
Golf Course	10% for maintenance buildings only storage permitted	80% fencing/landscaping
INDUSTRIAL		
Airport	25%	Forested/Landscaped buffer along all non-industrial property boundaries providing 100% opacity
Heavy Industry	20%	Forested/Landscaped buffer along all non-industrial property boundaries providing 100% opacity
Light Industry	10% LI District only	Forested/Landscaped buffer along all non-industrial property boundaries providing 100% opacity
Mining/Resource Extraction	50%	See Section 03.347.D., E. & F.
High Technology Industry	15% LI, IP Districts only	Forested/Landscaped buffer along all non-industrial property boundaries providing 100% opacity
.egional Utilities	20% Metals only enclosed	Forested/Landscaped buffer along all non-industrial property boundaries providing 100% opacity
Business Storage	70%	Forested/Landscaped buffer along all non-industrial property boundaries providing 100% opacity
Waste Disposal/ Facilities		See Section 03.351.D.
TEMPORARY USES		
Christmas Tree Sales	80%	Site must be cleared of all debris and environmental damages mitigated prior to user leaving site.
Commercial Temporary Miscellaneous Sales	Permitted only where placement of goods do not interfere with Fire/Safety Codes and motor traffic	Site must be cleared of all debris and environmental damages mitigated prior to user leaving site.

ILLUMINATION BY DISTRICT

MAXIMUM ILLUMINATION	MAXIMUM HEIGHT
CS (Planned, Multi-Family, Offices, Retail Uses only)	
Regular = 3 footcandle *Cutoff = 5 footcandle*	*Regular = 15 feet* *Cutoff = 20 feet*
CS (All Other Uses)	
Regular = 3 footcandle *Cutoff = 10 footcandle*	*Regular = 15 feet* *Cutoff = 25 feet*
CR (All Uses)	
Regular = 5 footcandle *Cutoff = 12 footcandle*	*Regular = 20 feet* *Cutoff = 30 feet*
RD (All Uses)	
Regular = 3 footcandle *Cutoff = 10 footcandle*	*Regular = 15 feet* *Cutoff = 20 feet*
BP (All Uses)	
Regular = 5 footcandle *Cutoff = 12 footcandle*	*Regular = 25 feet* *Cutoff = 30 feet*

SECTION 04.410 RESERVED

SECTION 04.450 EXTERIOR LIGHTING REQUIREMENTS

Exterior lighting is regulated to eliminate light spill-over and glare on motor vehicle operators, pedestrians, and land uses within the light source's proximity. Safety considerations are the basis of the regulations, especially with respect to motor vehicles. In other cases, the regulations protect against both nuisance and hazard aspects of glare or excess light.

subSECTION 04.451 EXTERIOR LIGHTING PLAN

When exterior lighting is installed or substantially modified, and whenever a Zoning Permit is sought (as required in Section 21.430), an exterior lighting plan shall be submitted to the ZDA to determine whether this Article's requirements have been met and that adjoining property will not be adversely impacted by the proposed lighting.

subSECTION 04.452 LIGHTING STANDARDS

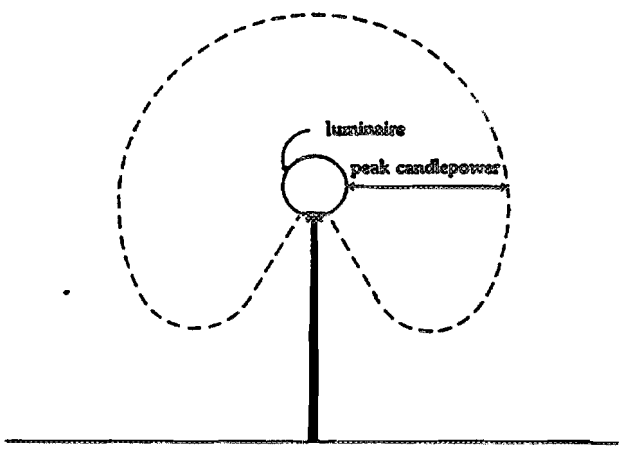
Two types of light sources or luminaires are available (Figure 04.452), as follows:

1. A non cut-off fixture, directing the light to limit view of the light source or luminaire.

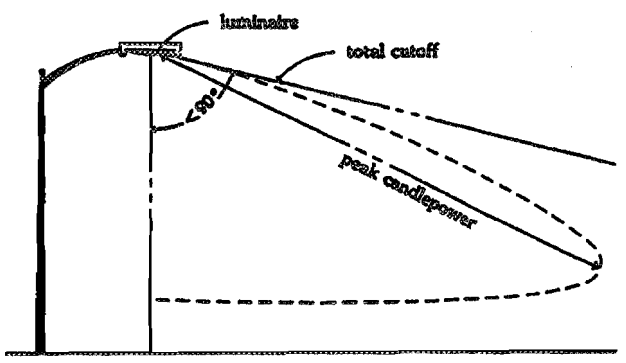
2. A cut-off fixture, which has built-in shielding that blocks the light source from view. The maximum permitted illumination and the maximum permitted luminaire height are set forth in Table 04.400.

3. Dock area lighting should allow for security and safety but provide cut-off fixtures that shield light sources from view on waterways.

Figure 04.452
TYPES OF LUMINAIRES



NO CUT-OFF LUMINAIRE



LUMINAIRE WITH CUT-OFF LESS THAN 90°

subSECTION 04.453 STREET LIGHTS

Public street lighting shall conform to standards set by the County or SCDOT. Adequate lighting of driveways, parking lots, walkways, employee areas and other public and semi-public spaces shall be provided in all commercial, industrial and multi-family residential developments, in accordance with accepted illuminating engineering standards.

subSECTION 04.454 EXTERIOR LIGHTING FOR OUTDOOR RECREATIONAL USES

Ball diamonds, playing fields, and tennis courts have unique requirements for night time visibility and, generally, have limited hours of operation. These uses may meet the following Limited Use standards for approval of lighting in excess of the illumination standards of Table 04.400.

A. The site plan meets all other Code requirements and, to the maximum extent possible, lighting is located to avoid shining at residential uses.

B. Exterior light sources do not exceed the maximum permitted post height of 80 feet.

C. The light source or luminaire shall be cut-off fixtures. The luminaire may have a cut-off angle that extends beyond the property boundaries if:

1. A landscaped bufferyard is provided to prevent light and glare spill-over to adjacent residential property. The DRT shall be able to require denser bufferyards than those in Table 04.310 to achieve this objective.

2. The maximum permitted illumination shall not exceed one footcandle at the residential property line or the street curb, whichever is less.

ARTICLE 05
RESOURCE PROTECTION, SITE CAPACITY & OPEN SPACE

DIVISION 05.000
PURPOSE

Natural systems are self-balancing, provided enough of the system is left in a functioning condition. A system's health or function can be measured by its habitat quality and species diversity. Preserving habitats and resources is also important to the community's character. Thus, preservation enhances property values and the quality of life for residents and businesses.

Resource destruction and certain development practices lead to air, ground water and surface water pollution, flooding and soil erosion to the detriment of the public health. Constructing a building in certain resource areas is hazardous to life and property, therefore, development in these areas should be avoided. This Article establishes the basic performance standards to protect natural and historic resources. New developments are required to conduct a Site Capacity Analysis which regulates the maximum intensity based on actual site conditions (see Exemptions, Section 05.110). The Site Capacity Analysis ensures that the public health, safety, and welfare are protected by preventing development from exceeding the site's resource capacity to sustain the development.

SECTION 05.010 NATURAL RESOURCE PROTECTION LEVELS

The protected resources listed in Table 05.010 are provided protection by a requirement of this Ordinance that all or a percentage of the resource be reserved as open space and left undisturbed by any development. Certain uses are permitted in this open space, however, as provided in Division 05.300. The protection level for each resource is the decimal value, or percentage of the resource that is to remain permanent open space. For example, a protection level of 0.70 means that 70% of the land in that resource must be fully protected. The level of protection may vary by zoning district.

Table 05.010
RESOURCE PROTECTION LEVELS

NATURAL RESOURCE	R, RC, RQ DISTRICTS	S, CS DISTRICTS	ALL OTHER DISTRICTS	OTHER STANDARDS (See Section)
Non-Tidal Wetlands	1.00	0.80	0.60	05.221
Beach-Dune	1.00	1.00	1.00	05.230
Headwaters Buffer (RQD only)	1.00	1.00	1.00	05.240
River Buffer	1.00	1.00	1.00	05.241
Maritime Forest	0.70	0.65	0.60	05.250
Mixed Upland Forest, Mature	0.55	0.45	0.20	05.250
Pine Forest, Mature	0.40	0.30	0.20	05.250
Mixed Upland Forest, Young	0.25	0.20	0.10	05.250
Endangered Species Areas	1.00	1.00	1.00	05.270
Specimen Trees	See Section 05.251 and Article 04			--
Historic Sites	See Article 08			--

DIVISION 05.100 SITE CAPACITY ANALYSIS

The Site Capacity Analysis requires a ***6 STEP PROCESS*** which measures protected resources on each site to ensure that proposed development does not exceed the site resource's ability to sustain the development. These six steps include the following:

- **STEP 1.** Determine if the development is exempt (Section 05.110).
- **STEP 2.** Prepare a Protected Resource Survey (Section 05.120).
- **STEP 3.** Calculate the Base Site Area and Protected Resource Land (Section 05.130).
- **STEP 4.** Calculate Residential/Non-Residential Use Capacity (Section 05.140).
- **STEP 5.** Apply natural resource protection standards (Division 05.200).
- **STEP 6.** Apply open space use standards (Division 05.300).

SECTION 05.110 *STEP 1:* APPLICABILITY/EXEMPT

Each property proposed for development shall, at the time of rezoning, site plan or subdivision application submittal, prepare a Site Capacity Analysis (Tables 05.120-05.122) based on the site's physical conditions, hazards, and natural resources, except for the following exemptions from this requirement:

EXEMPTION 1. Any site which does not contain any protected resources listed within Table 05.010.

EXEMPTION 2. Single-family detached developments or farmsteads in the rural district, while exempt from the complete Site Capacity Analysis, shall demonstrate that they meet the protection levels of Section 05.010.

EXEMPTION 3. Single-family detached developments in a CP district that:

1. Involve no new streets and take access to existing residential streets;

2. Where the development contains less than 10 new lots.

EXEMPTION 4. Any lot of record proposed for residential use which cannot be further subdivided, or which is buildable after wetlands and buffers are taken into account, but would not be buildable after other resource standards are applied. Such lots will be permitted one dwelling unit.

EXEMPTION 5. Any lot of record proposed for a non-residential use which is less than *20,000 sf.* in area and which is buildable after wetlands and buffers are taken into account, but would not be buildable after other resource standards are applied. Such lots shall conduct the Site Capacity Analysis without the other resources.

EXEMPTION 6. Individual lots in subdivisions approved subject to this Ordinance's provisions, since protection is achieved in the subdivision approval process.

EXEMPTION 7. Planned Unit Developments (PUDs) see Section 01.420.

SECTION 05.120 *STEP 2:* PROTECTED RESOURCES SURVEY

A. All proposed Plats of Subdivision and Land Development Plans shall submit a Protected Resources Survey showing all resources listed in Table 05.010. Detailed definitions can be found in Article 23. The boundaries of all protected resources shall be field surveyed and

delineated on the Protected Resources Survey.

1. NOTE: When there appears to be a conflict between the surveyed boundary and actual site conditions, the applicant shall engage the services of a certified Arborist, Forester, Wetland Scientist or other professional approved by the County as knowledgeable in plant and environmental conditions in the County, to prepare a delineation report. This report must be submitted as part of the application package, and shall determine the correct boundary of the resource protection area. In addition, the report shall include the following:
   a) a detailed topographic layout of the subdivision and/or area to be developed prepared by a land surveyor or engineer; and
   b) flood hazard area which shall be tied to site specific topography with one foot contour interval.

subSECTION 05.121 MAPPING AND CALCULATIONS REQUIREMENTS FOR SITE CAPACITY ANALYSIS

In preparing maps of protected resources, the following rules shall apply:

A. Map open water and tidal wetlands and subtract them from the total site area.

B. When resources overlap, the resource having the higher level of protection (greater open space ratio) in Table 05.010 shall be mapped and used for calculating protection level.

C. Where resources overlap, and some open space uses are permitted in one and not the other, then all prohibited uses shall be prohibited.

D. Where two resources overlap and have differing standards for a use, the plan should seek to meet both. Where this is impossible due to conflicting standards, the Department shall review the standards and approve one or a combination of the two that provides the greatest protection for both resources.

SECTION 05.130 *STEP 3:* CALCULATION OF BASE SITE AREA AND TOTAL PROTECTED RESOURCE LAND

Table 05.130 provides a simple method for determining Base Site Area and total Protected Resource Land for a site based on existing conditions and the Protected Resource Survey.

(See Table 05.130 next page)

Table 05.130
BASE SITE AREA AND TOTAL PROTECTED RESOURCE LAND

CALCULATION 1:
Determine Base Site Area

Enter gross site area as determined by actual survey.		ac.
Subtract land within existing roads' ultimate rights-of-way; or land within major utilities' rights-of-way (minimum 50 foot width within subject property).	-	ac.
Subtract land cut off from use by railroad, highway, or water body.	-	ac.
Subtract all existing natural water bodies and tidal wetlands.	-	ac.
Subtract land previously dedicated as open space.	-	ac.
Equals Base Site Area.	=	ac.

CALCULATION 2:
Measure all natural resources in the Base Site Area and enter in the Acres Measured Column 2. If resources overlap, measure only that resource with the highest resource protection ratio. These numbers provide each resource's area of land. Multiply by Resource Protection Ratio for the district (Column 3, 4, or 5) and insert result in Column 6.

Column 1	Column 2	Multiply Column 2 by Resource Protection Ratio			Column 6
		Column 3	Column 4	Column 5	
Protected Resource	Acres Measured	R, RQ, RC districts	S, CS districts	All other districts	Protected Land
Non-Tidal Wetlands		1.00	0.80	0.60	
Beach-Dune		1.00	1.00	1.00	
Headwaters Buffer (RQD only)		1.00	1.00	1.00	Reserved.
River Buffer		1.00	1.00	1.00	
Maritime Forest		0.70	0.65	0.60	
Mixed Upland Forest, Mature		0.55	0.45	0.20	
Pine Forest, Mature		0.40	0.30	0.20	
Mixed Upland Forest, Young		0.25	0.20	0.10	
Endangered Species Areas		1.00	1.00	1.00	
CALCULATION 3: **Total Resource Land** equals the sum of all Protected Resources listed above. Enter this figure to the right: ⇨					
CALCULATION 4: Total Protected Resource Land equals sum of Column 6 at right: ⇨					

SECTION 05.140 *STEP 4:* CALCULATION OF RESIDENTIAL/ NON-RESIDENTIAL CAPACITY

Tables 05.141 and 05.142 provide the procedures for calculating residential or non-residential use capacity of a site based on protected resources. Where the site is in more than one zoning district, or where the site is to be developed for both residential and non-residential uses, separate calculations are required. Final capacity calculations shall be rounded down to a whole dwelling unit (du) or square footage.

Table 05.141 RESIDENTIAL USE CAPACITY CALCULATION			
Calculation 1:	Take Base Site Area (Table 05.130, Calculation 1)	=	ac.
	Subtract Total Resource Land (Table 05.130, Calculation 3)	-	ac.
	Equals Total Unrestricted Land	=	
	Enter Protected Resource Land (Table 05.130, Calculation 4)		
Calculation 2:	Enter Base Site Area (Table 05.130, Calculation 1)		ac.
	Multiply by Minimum Open Space Ratio (Table 04.110)	x	
	Equals Minimum District Required Open Space	=	ac.
Calculation 3:	Enter Base Site Area (Table 05.130, Calculation 1)		ac.
	Subtract Protected Resource Land (Calculation 1 or 2, whichever is greater)	-	ac.
	Equals Net Buildable Site Area	=	ac.
	Multiply by Maximum Net Density (Table 04.110)	x	
	Equals Site Specific Maximum Density Yield	=	du's
Calculation 4:	Enter Base Site Area (Table 05.130, Calculation 1)		
	Multiply by Maximum Gross Density (Table 04.110)	x	
	Equals District Maximum Density Yield	=	du's
Calculation 5:	Maximum Yield for Site (Calculation 3 or 4, whichever is less)	=	du's

Table 05.142 NON-RESIDENTIAL USE CAPACITY CALCULATION			
Calculation 1:	Enter Base Site Area (Table 05.130, Calculation 1)		ac.
	Subtract Protected Resource Land (Table 05.130, Calculation 4)	-	ac.
	Equals Buildable Land, Site	=	ac.
Calculation 2:	Enter Base Site Area (Calculation 1)		ac.
	Multiply by Minimum Landscape Surface Ratio (Table 04.110)	x	
	Equals Minimum Landscaped Area	=	ac.
Calculation 3:	Enter Base Site Area (Calculation 1)		ac.
	Subtract Minimum Landscaped Area (Calculation 2)	-	
	Equals Buildable Land, District	=	ac.
Calculation 4:	Enter Calculation 1 or 3, whichever is less		ac.
	Multiply by Maximum Net Floor Area Ratio (Table 04.110)	x	
	Equals Maximum Floor Area in acres	=	ac.
		x	43,560
	Multiply by 43,560 to determine Maximum Floor Area in square feet	=	sf.
Calculation 5:	Minimum Landscaped Surface Calculation 1 (Total Protected Land) or Calculation 2 (Minimum Landscaped Area), whichever is greater)	=	ac.

DIVISION 05.200
NATURAL RESOURCE PROTECTION STANDARDS

This Division contains performance standards and mitigation requirements for the various types of protected natural resources found in Beaufort County. Only certain uses are permitted in protected resource areas. Table 05.310 lists use permissions for each type of resource.

SECTION 05.210 TIDAL WETLANDS

A. WATER DEPENDENT FACILITIES. These shall be the only use permitted in tidal wetland areas according to the following additional standards:

1) All proposals for this use shall require the approval of a Special Use Permit.

2) An Environmental Impact Assessment shall be submitted by the applicant that indicates the design: 1) minimizes the impact on the wetlands, and 2) is such that there is the maximum sharing of the facility to avoid having every property in the area seek a similar request. This may mean shared facilities for the entire development or facilities that can serve several adjoining properties.

3) Approval by the Army Corps of Engineers and OCRM shall be required.

SECTION 05.220 NON-TIDAL WETLANDS

A. Farm ponds of less than three acres shall not be considered wetlands by the County and may be filled, provided their storm water capacity is preserved at another location on the same stream, subject to Army C.O.E. and/or OCRM approval.

B. Where structures are necessary to a permitted use and cannot be located outside the wetland, the structure shall be located on piles. Where needed, access shall be provided on structures such as boardwalks.

C. MITIGATION PERMITTED. Cases may exist where protection is not a reasonable alternative and mitigation is an acceptable solution. Mitigation is permitted only under the following conditions:

1. In the U, CR, CS, LI, IP and RD districts, the use intensity is so high that retained wetlands of less than one acre have increased potential to become degraded habitats, or if the retention of the wetland would be isolated, difficult to adequately provide proper water levels to preserve existing vegetation, be subject to invasive, non-native species, would have a greatly reduced habitat value, or serve no significant stormwater or water quality benefit, and subject to the following requirements when such areas are to be filled or severely disturbed:

a) a mitigation plan has been approved, designating the area in which the site is located as a mitigation area; or

b) mitigation will actually provide larger, more easily protected and managed on-site wetland areas. This provision permits consolidating many small wetlands into a single wetland management unit. If the County and SCDHEC/OCRM develop a mitigation bank, or the U.S. Army Corps of Engineers and other agencies establish a fee-based mitigation program, the County in consultation

with SCDHEC/OCRM will permit off-site mitigation when the County finds that the mitigation meets all other standards of this Ordinance and the site cannot be developed to permitted development intensities without the mitigation, or would be an undesirable development without the off-site mitigation; and

c) the wetlands to be mitigated are not, and cannot, easily become part of an interconnected area that provides drainage and flood storage; and

d) the wetland area to be filled is not more than one acre or 20% of the mitigation area, whichever is less.

2. In all districts where, due to parcel shape and interaction with topography, reshaping the wetland boundary is necessary to provide a reasonable building site, minor filling is permitted provided that:

   a) less than 10% of the wetland area or less than two acres, whichever is less, is disturbed, and

   b) high quality wetland areas and wetlands containing rookeries are avoided.

3. In all districts where the wetlands are less than one quarter (0.25) acre and not connected to a stream or drainage corridor.

4. All fill and mitigation shall meet this Ordinance's requirements or U.S. Army Corps of Engineers permit requirements, whichever are more stringent. In either case, a permit shall be required.

5. **Drainage.** The current drainage pattern shall be submitted for all subdivisions or land developments containing a wetland. The stormwater management system shall ensure an adequate flow of water to maintain the wetland. OCRM shall sign off on the adequacy of the drainage before a final plat is approved.

SECTION 05.230 BEACH-DUNE

The standards of this Section shall apply to site design and development in the Beach-Dune area.

A. PRESERVATION OF SAND DUNES. No primary dune shall be leveled, breached, altered, or undermined in any way, nor shall vegetation on the primary dune be disturbed or destroyed, with the exception of construction of boardwalks or similar beach accesses. Such pedestrian accesses shall be designed and oriented to have minimal effect on the natural features or vegetation of the dune. The County may require shared accesses by elevated walkways.

B. PUBLIC BEACH ACCESS REQUIRED. Public beach access shall be provided by the developer for any development including more than 1,000 feet of beach frontage, according to the provisions of C., below.

C. OPTION TO PURCHASE BEACH ACCESS. Upon filing of a preliminary application for an oceanfront development plan with the Department, Beaufort County shall have an option to purchase reasonable beach access as deemed necessary for the benefit of the public. The County's option to purchase beach access shall run from the date of first submission of plans to the Department to the date of the second regular County Council meeting following the proposed permit issue date of the DRT, but in no case shall the option period be more than 90 days from the date of first submission of plans.

   The Department shall review all 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 with regards to 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 30 days and one extension period of 30 days from the end of the option period to negotiate the terms of the purchase with the developer.

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

D. BEACH DEVELOPMENT SETBACKS. No development shall be undertaken except in compliance with the provisions of this Section. Furthermore, the requirements of this Section shall be included as covenants and restrictions for all subdivision development that contain Beach-Dune areas.

1. No building or other structure shall be located or constructed in such a manner as to destroy, undermine, or alter any primary sand dune or disturb primary dune vegetation.

2. At a minimum, no structure, septic tank, or tile field shall be constructed within 50 feet landward of the crest of a primary sand dune or 100 feet landward of OCRM Critical Line, whichever is greater, except for beach cabanas of 144 sf. or less in size. No permanent roof shall be permitted as part of the cabana, which shall be shall only be located on the seaward side of the dune. Beach boardwalks shall also be permitted, however, no further encroachment towards the sea shall be permitted.

E. ADDITIONAL STUDIES/REPORTS. A Beach Protection Plan shall be submitted as part of the required Environmental Impact Assessment, and will indicate how the developer plans to preserve sand dunes and shore vegetation.

SECTION 05.240 HEADWATERS BUFFER (Pending Recommendations)

Reserved.

SECTION 05.250 RIVER BUFFER

The River Buffer extends inland 50 feet from all tidal waters and wetlands beginning at the OCRM Critical Line. The following standards are required for all development affecting the River Buffer:

A. DRAINAGE. The County Engineer shall require BMPs according to the latest version of the Beaufort County Manual for Stormwater BMPs in the design of drainage and detention basins. Additional special engineering may be required where the County Engineer requires it to protect the nearby waters or wetlands. All drainage shall be diverted away from the OCRM Critical Line, and through a County approved stormwater system employing BMPs. The lots adjoining the river buffer shall be designed and engineered to prevent direct discharge from impervious surfaces across the river buffer. All discharges shall be diverted into the development's stormwater system and treated as required by this Ordinance. Existing agricultural uses are exempt from the provision of this Section, but are strongly urged to utilize BMPs. New agricultural uses shall comply.

B. VIEW CORRIDOR. The landowner may provide a view corridor through the River Buffer. The following standards shall apply:

1. Such a view corridor shall not extend for more than 75 feet or one-third (1/3) of the lot

width, whichever is less.

2. The view corridor shall generally involve only pruning to provide views. However, a landowner may submit a selective clearing and selective landscaping program for the view corridor. This shall only be approved by the DRT if the net result provides both ample screening of the shoreline and filtering of runoff from lawns on the lots.

C. SETBACKS. The following setbacks from the OCRM Critical Line shall apply to all new development:

1. Single-Family Detached and Duplex buildings shall be set back 50 feet.

2. All other residential buildings shall be set back 100 feet.

3. Non-Residential Buildings, Parking Lots, and Drives shall be set back 100 feet.

4. Tile Fields or Septic Tanks are prohibited in the River Buffer, and shall not be placed within 100 feet of the OCRM Critical Line.

5. Agricultural Uses and Golf Courses shall be set back 150 feet.

D. WAIVER. Where existing conforming or non-conforming lots are so small that a single-family house cannot be built to meet the required Critical Line setbacks, the DRT may grant a Waiver with strict adherence to following standards:

1. The test of whether a Waiver can be granted shall be based on the average size of homes within five lots on either side of the proposed house. If there are no homes within this area, then a maximum floor area of 3,000 sf., a floor area ratio on the lot of three-tenths (0.30)., or maximum building footprint (liveable area) of 15% of the total lot, whichever is less shall guide the need for a Waiver.

2. New homes shall be designed so that they do not encroach into the Critical Line setback area. Applicants for Waivers shall prove to the DRT that design alternatives such as adding a second or third story, adjusting house dimensions, reducing overall house size, etc., would still render the non-Critical Line setback area as unbuildable.

3. The DRT shall be empowered to reduce the street or front yard setback by 30% in order to avoid the need for a Waiver. In developments that are largely unbuilt, with lots still in common ownership, the County shall require the developer to revise Covenants to grant reduced street setbacks. The street setback reduction shall be the minimum possible.

4. The Critical Line setback shall not be reduced to less than a 35 foot setback, except in areas where homes already existing on nearby lots are located closer than 35 feet. In those cases, the average Critical Line setback of adjoining lots shall be used provided that in no case shall a setback of less than 20 feet be granted, unless the setback is to preserve a specimen tree, historic resource, or to prevent a lot from becoming unbuildable with comparable houses as described in 1., above.

5. If the house and lot do not drain to a stormwater management system that uses BMPs pursuant to A., above, then the DRT shall require the individual landowner to provide the necessary stormwater management on the lot.

SECTION 05.260 FORESTS

In residential developments, forests may be cut over a greater area than permitted in Table 05.010 only if mitigation is provided and the following standards are met:

A. The mitigation shall be required due to unique conditions on the site that make it impossible to meet the protection standards due to site size, shape, utilities, or other elements that are unique to the property.

B. A Tree Survey (see subSection 05.262) of the site's forest is conducted. The best forests, in terms of percentage of climax vegetation, tree size, tree health, and habitat value, shall be preserved.

C. The protection level given forests shall not be less than 80% of that required in Table 05.010. Thus, a forest with a protection level of 40% could be reduced to 32%.

D. The land on which the mitigation is to occur may be on-site where adequate land is available to achieve the required mitigation level. The land on which mitigation is to occur may be off-site, if within an approved mitigation bank area only in the Urban district where existing lots are too small to permit preservation. All land used for mitigation shall be preserved as permanent open space.

E. Mitigation shall include planting one and one-quarter (1.25) acres of new woodland of comparable species for every one acre of disturbed mature or young forest for which mitigation is required.

F. The plant material in the mitigation area shall be determined based on a tree survey of the disturbed area in total inches DBH. The mitigation shall be one and one-quarter (1.25) times the total inches of DBH and consist of similar species of trees. All trees shall be a minimum of two and one-half (2.5) inches caliper.

G. The plant species used in mitigation shall be similar in percentage to those destroyed.

subSECTION 05.261 TREE PROTECTION AND SPECIMEN TREES

In areas of forest that are not protected per Section 05.010, or areas that are not classified as forests, all trees shall be protected as indicated in this Section. Prior to any clearing or development approval, except bona-fide forestry management, the applicant shall provide a Tree Survey (See subSection 05.262) of the areas in which building or construction activities are planned. Areas that are to be preserved as protected forest need not be surveyed. A Tree Survey shall be made of all trees greater than eight inches DBH and all specimen trees, (See Appendix E). If feasible, all trees greater than eight inches, and all specimen trees shall be preserved through careful site planning.

A. All trees covered by this Section shall be protected unless the landowner can demonstrate that:

1. The site plan has used clustering to the maximum extent allowed to preserve trees.

2. The trees sought to be cut are within the lot's setback and cannot be saved by modifying the setback lines or building pads using Sections 12.210 or 12.230.A, or by flipping the plan to relocate the driveway.

3. The trees are in the rights-of-way of roads and small adjustments cannot be made to the site plan to save the trees without losing lots or floor area.

B. Upon written certification only by a certified Arborist or Forester, tagged trees that are diseased may be removed. The priority for preservation shall be healthy trees, as follows:

HIGHEST PRIORITY:	Specimen trees over 24 inches DBH.
HIGH PRIORITY:	Other trees over 24 inches DBH and specimen tree species over 12 inches DBH.
MEDIUM PRIORITY:	Any tree over 8 inches DBH and any specimen tree not meeting the requirements of the higher priorities.
LOW PRIORITY:	All other trees.

C. MITIGATION. Where individual trees over 24 inches DBH, or specimen trees over 16 inches DBH are to be cut, then the developer shall plant sufficient trees having a caliper in excess of two and one-half (2.5) inches each so as to exceed the DBH of the tree or total trees lost. Such trees shall be of the same species as those cut unless the DRT requires other species to enhance the diversity to that similar to the native forest areas.

D. The saving of existing trees less than the protected size is encouraged and may be utilized in some cases to meet the requirements of B., above pertaining to replacement of trees that are approved for removal.

E. FEE. Where the DRT determines that the required replacement of trees is not feasible or not desirable due to the size and shape of property and/or structures, crowding of the trees to where thinning will be required, other design limitations, or other viable site constraints, such reduction shall be subject to a general forestation fee. This fee shall be the actual and verified cost of the required tree replacement eliminated per tree reduced and shall be paid to the Treasurer of Beaufort County before final approval is given for the development plan. The funds collected through this forestation fee shall be used by Beaufort County to plant trees and other landscaping in highway medians, along roads, to provide plants for affordable housing projects, or on other public properties as deemed appropriate.

F. Trees that are used as rookeries (even in non-wetland areas) shall not be cut.

subSECTION 05.262 TREE SURVEYS

Detailed Tree Surveys shall be required for any land development that is not exempt from the standards of this Ordinance. Tree Surveys shall be required in all non-forested areas and historic groves as indicated in Section 05.261, and consist of the following:

A. Tree Surveys shall include all trees eight inches DBH and larger.

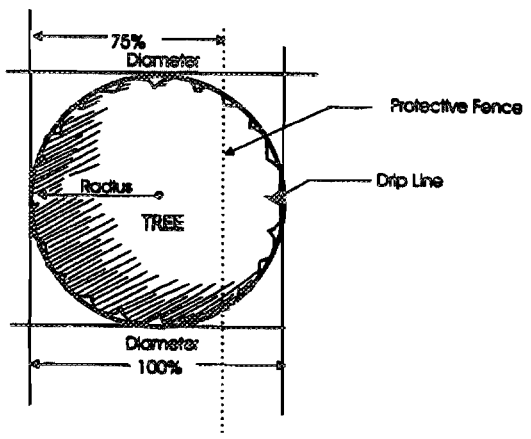
B. In all forested areas, Tree Surveys shall first identify areas of forest by the various categories of forest listed in Table 05.010, and any endangered species area. A detailed Tree Survey locating individual trees shall be required only where areas of the forest are to be cut.

C. The Tree Survey shall be conducted for 75 feet on either side of the tree protection line. This will permit accurate determination of the actual area of protection. The Tree Survey shall provide size and drip line for all trees in the area where cutting will occur. The actual protection line shall be drawn so that only trees having more than 75% of the diameter of their canopy outside the protection fence line may be counted as preserved (see Figure 05.262).

D. The Tree Survey shall be conducted by a certified Arborist, Forester, Wetland Scientist or Registered Landscape Architect, and certified by a registered land surveyor. Each tree surveyed shall be referenced in the required report, including the type, size, and condition of the tree, and submitted as part of the application for development.

E. A Tree Survey shall be less than five years old beginning from the application submission date for which the survey pertains. The ZDA or DRT shall require that a new Tree Survey be undertaken, at the applicant's expense, when it has been determined that a Tree Survey is invalid.

Figure 05.262 TREE PROTECTION LINE



SECTION 05.270 ENDANGERED SPECIES

The protection needs of endangered species is, in part, dependent on the type of species.

The County shall maintain Endangered Species Maps of the areas identified as having endangered species. Applicants shall refer to these maps and United States Fish and Wildlife Service (USFWS) data to determine whether there are endangered species on a proposed development site. All endangered species areas shall be given 100% protection. In addition, secondary protection areas may be established. No development shall take place in these areas.

Any site or development that contains an endangered species area, or affects a nearby property containing endangered species shall require an Endangered Species Protection Plan for approval by USFWS, prior to approval of a Plat of Subdivision or Land Development Plan by the DRT. The actual species location, primary protection area, and secondary protection areas shall be protected as an endangered species area in the Site Capacity Analysis calculations, beginning with Table 05.130.

SECTION 05.280 FLOOD HAZARD AREA

All standards in this Section shall apply to site design and development undertaken within the Flood Hazard Area.

A. FLOOD HAZARD DESIGN STANDARDS.

1. All requirements of the Beaufort County Building Codes related to construction in flood hazard areas shall be met.

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

   a) water supply systems will be constructed to preclude infiltration by flood waters; and
   b) wastewater 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.

B. INDICATION OF FLOOD HAZARD AREAS. The 100-Year Flood elevation, as shown on official County floodplain maps, shall clearly delineate the flood hazard area on the preliminary and final plat. The line shall be determined by field measurement of the elevation on the site.

C. 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:

1. Construction on lots within what is defined and designated as "Coastal High Hazard Areas: Velocity Zones" 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 one foot or more above the level of the 100-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. Residential structures on existing lots shall have a maximum floor area of 2,200 sf. per lot. A larger home may be built only by acquiring additional lots. In new developments, a maximum floor area ratio of one-tenth (0.10) shall be required.

2. All other requirements of the Beaufort County Building Codes related to construction in flood hazard areas must be met.

D. DISCLOSURE STATEMENT REQUIRED. On all Plats of Subdivision and Land Development Plans for which lots, sites, or structures are to be sold or leased, the following statement shall be clearly affixed to the plat(s) or plan(s) and readily visible:

"The areas indicated on this plat/plan as flood hazard areas have been identified as having at least a 1% chance of being flooded in any given year by rising tidal waters associated with extreme wind and storm surge. 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 Codes Department. In addition, some agencies may require mandatory purchase of flood insurance as a prerequisite to mortgage financing in these designated flood hazard areas.

DIVISION 05.300 OPEN SPACE USES AND STANDARDS

SECTION 05.310 USES IN OPEN SPACE

Table 05.310 lists uses that may be permitted in open space when required elsewhere in this Ordinance. Most of the uses listed are specific sub-uses from the generalized uses listed in Table 03.110. In so doing, a closer match of the permitted uses to the resource's tolerance is provided. Any use not listed shall be considered prohibited. Detailed standards for Limited Uses, Special Uses, or uses that must prepare an Environmental Impact Assessment, are listed beginning with Section 05.320.

Table 05.310 USES IN OPEN SPACE

Use	General Open Space*	Non-Tidal Wetland	Headwaters Buffer	River Buffer	Beach-Duns	All Forest Types (Sec. 5.120)	Endangered Species
AGRICULTURAL							
Apiaries	Y	N	Y	Y	N	Y	N
Field Crops	Y	N	N	N	N	N	N
Orchards	Y	N	N	N	N	N	N
Pasture	Y	N	N	N	N	N	N
Forestry	Y	L	L	L	N	L	N
Kennels and Stables	Y	N	N	N	N	N	N
Nursery	Y	N	L	N	N	N	N
RECREATION AND AMUSEMENT: OUTDOOR RECREATION							
Ball Fields	Y	N	N	N	N	N	N
Beach	Y	N	N	Y	Y	N	N
Golf Course	L	N	N	N	N	L	N
Nature Area	Y	Y	Y	Y	N	Y	N
Nature Center	Y	N	N	N	N	L	L
Picnic Area	Y	N	Y	N	N	N	N
Pools/Courts	Y	N	N	N	N	N	N
Trails	Y	L	Y	L	L	Y	L
COMMERCIAL/RESIDENTIAL WATER DEPENDENT							
Water Dependent	Y	N	S/EA	S/EA	S/EA	N	N
UTILITIES, COMMUNITY/REGIONAL							
Public/Private Road	L	S/EA	S/EA	N	N	N	N
Essential Access	Y	S/EA	S/EA	N	S/EA	N	N
Sewer/Water	Y	S/EA	S/EA	N	N	N	N
Stormwater Detention	Y	L	N	N	N	N	N
TEMPORARY USES							
Public Interest Event	Y	N	L	N	N	N	N
Special Event	Y	N	N	N	N	N	N

Y = Permitted Use
S = Special Use
L = Limited Use
N = Prohibited
SEA = Special Use, with Environmental Impact Assessment
*General open space is that land required by Table 04.110 as Min. OSR/LSR and not containing any specific natural resource.

SECTION 05.320 STANDARDS FOR OPEN SPACE USES

Uses listed as Limited Uses, Special Uses, or requiring an Environmental Impact Assessment shall, in addition to meeting the criteria in Articles 21.112.G. and 21.230, meet the conditions set forth in Sections 05.321-05.330.

subSECTION 05.321 FORESTRY

A. Clearcutting is prohibited in designated open spaces.

B. BMPs of the South Carolina Forestry Association shall be employed.

C. Forestry areas shall be harvested so that a canopy cover consisting of minimum basal area per acre, remains well distributed throughout the area. The landowner shall retain a minimum of at least 25 overstory trees per acre after final harvest, in addition to the required forested buffer of 50 feet along all street frontages. The landowner shall immediately pursue planned natural regeneration methods, whereby 4 - 12 seed harvesting trees are left uncut, or 20 - 30 shelterwood harvesting trees are left uncut. Either method is acceptable as long as the required buffer is provided, and the method recognized by the State of South Carolina for responsible forestry practices. For any area of protected resources that exceeds more than five acres in total, or in an individual area, the harvesting shall be phased so that a balance is retained between the area cut, frequency of harvesting, area that is mature, and area growing back taking into account the time needed for the forest to return to its initial state, or in the case of young forest areas, to reach a mature state.

subSECTION 05.322 NURSERY

A. HEADWATERS BUFFER. Plant nurseries may only be permitted under the following conditions:

1. The land had been previously used as follows:
   a) farming;
   b) farming had been discontinued, but the current stage of succession is grasslands with few woody plants established;
   c) had been recently timbered, but replanted trees are not higher than *five feet* on the average.

2. The drainage of the nursery was designed to flow away from the shoreline to a detention and settlement basin that protects the area's water quality.

3. There shall be a strip of natural landscaping with high quality ground cover with a width of 50 feet between the nursery and the water body.

subSECTION 05.323 ACTIVE RECREATION USES EXCEEDING 10 ACRES

A. AREA COUNTED TOWARD OPEN SPACE. Fifty percent of any active recreation use may be counted toward open space in Rural districts.

B. FORESTS. No area of protected forest shall be used for golf courses if the tree cover is to be disturbed. However, trees in the rough may be pruned to provide easy movement at the ground and still be part of the protected open space.

subSECTION 05.324 NATURE CENTER

A. FORESTS. Nature centers over 5,000 sf. shall require a Special Use Permit. Nature centers not exceeding 5,000 sf. shall be permitted, provided the following conditions are met:

1. A tree survey of the site shall be provided to assist in properly locating the building, to avoid destruction of larger trees, specimen trees, or rare trees. Where feasible, the building should be in an area with low tree density or trees that are in poor condition.

2. Parking is not permitted in the protected open space.

B. ENDANGERED SPECIES. The plans for nature centers shall be reviewed by the agency on whose list the species was established (Federal, State, or both), and who shall be given 60 days to review and comment on the appropriateness of the design and location. A detailed site plan of the endangered species area should be provided to ensure the most sensitive site design.

subSECTION 05.325 TRAILS

A. NON-TIDAL WETLANDS. Trails may be installed in non-tidal wetlands where essential to cross or where the trail has a natural history purpose. The trails shall be of boardwalk construction. The height of the boardwalk above normal high water shall be set to ensure the boardwalk minimally disrupts plant life below it.

B. BEACH-DUNE. Trails over the dunes shall all be of boardwalk construction. The boardwalk shall be located to ensure minimal erosion and constructed to avoid well-established vegetation.

C. RIVER BUFFER. Trails shall be permitted to cross the river buffer at reasonable intervals for access to the water. Such trails shall be designed and constructed in a manner that does not result in them becoming channels for stormwater, result in erosion, or damage surrounding vegetation. The County may require trails to be of boardwalk construction, pervious paving systems or stepping stones if needed to ensure meeting the objectives of the buffer, and for long-term maintenance of the trail.

D. ENDANGERED SPECIES. In general, trails shall be prohibited in these areas. However, if research values and preservation of the species are best achieved by having access on defined trails, then they should be permitted. The plans for such trails shall be reviewed by the agency on whose list the species was established (Federal, State, or both) and who shall be given 60 days to review and comment on the appropriateness of the design and location. A detailed site plan of the endangered species area should be provided to ensure that the most sensitive site design.

subSECTION 05.326 WATER DEPENDANT USES

Water dependent uses should be spaced as far apart as feasible, consistent with minimal adverse impacts. The following standards shall apply to all water dependent uses:

A. NAVIGATIONAL STRUCTURES OR AIDS. These uses shall be permitted where required by the Coast Guard. All other navigational aids shall be floating buoys.

B. DOCKS, PIERS, AND WHARFS. These uses should be limited in number so that the entire river system is not lined with facilities. While financial considerations shall not be justification for any dock approval or planning by the County, the permitting should adhere to the priorities below, and the highest priority shall be required unless the applicant can demonstrate that the

priority approach cannot work. All uses shall require DHEC approval.

1) **Highest Priority**: Common dockage for an entire stretch of the river serving multiple developments.

2. **High Priority:** Common dockage for a subdivision.

3. **Medium Priority:** Common dock serving several lots. Locations on lot lines similar to shared drive access are preferred over easements.

4. **Low Priority:** Single dock for a single property.

C. MARINAS AND LAUNCHING RAMPS. These should be located only in areas where they will not be an obstruction to navigation. Adequate clean-out and disposal for marine toilets and waste tanks shall be required. Access shall be from an arterial street, unless the marina serves an individual development.

D. COMMERCIAL DOCKAGE. Such facilities may be approved only if the following conditions are met:

1. The need for new dockage and inadequacy of existing facilities in the immediate area to support the proposed development shall be demonstrated. Failure to demonstrate need shall result in denial.

2. Alternative sites shall have been fully evaluated as part of the Environmental Impact Assessment (EIA). The EIA shall determine which site best meets commercial purposes and has the least adverse environmental consequences.

E. See subSection 04.452.3 for exterior dock lighting standards.

subSECTION 05.327 PUBLIC/PRIVATE ROADS

A. NON-TIDAL WETLANDS. Crossings shall be permitted only where no reasonable alternative exists. Road shall be elevated and not constructed of or on fill material. Wildlife corridors should be provided under the road.

B. HEADWATERS BUFFER. Roads shall be permitted only to provide access to water dependent uses, where County plans call for a new road and bridge, or where headwaters buffers overlap on an island so that a road to buildable areas cannot avoid headwaters buffers.

C. ALL OPEN SPACE. All utilities shall be placed under the pavement to avoid additional destruction where the road is in wetlands or headwaters buffer.

D. GENERAL OPEN SPACE: Where the development is to be set well into a site requiring more than 60% open space and the road right-of-way would use more than 20% of the permitted development area, then the DRT may permit a road in the preserved open space. The road shall be designed to minimize cutting of trees and to provide a scenic drive. Special engineering to limit the width of the road and clearing needed to construct it may be required by the DRT.

subSECTION 05.328 ESSENTIAL ACCESS

Essential access to non-tidal wetlands, headwaters buffer areas and beach/dune areas shall be permitted only upon finding (in the EIA) that:

A. The access cannot avoid crossing non-tidal wetlands, headwaters buffers or beach-dune areas to reach land that is otherwise developable.

B. No development rights are being transferred to the area to be served.

C. If several properties in the area suffer the same problem, then the essential access shall be designed to serve all properties, and access easements shall be provided. The landowner(s) seeking access shall make every effort to gain the cooperation of all affected property owners, including financial sharing of costs. If adjoining property owners do not cooperate, the landowner making the improvements may submit a certified billing on the cost of the access. Subsequent essential access requests in the area shall be denied. The landowners shall be required to use the initial access and pay for their share of the documented expenses based on the number of dwellings or lots served. In the review of developments, the County shall seek to identify areas of adjoining properties that might qualify and provide stub streets so as to eliminate the need for this type of mitigation.

subSECTION 05.329 SEWER/WATER

A. NON-TIDAL WETLANDS. Crossings shall be permitted only where no reasonable alternative exists.

B. HEADWATERS BUFFER. Lines shall be permitted only to provide service to water dependent uses or where headwaters buffers overlap on an island so that service to buildable areas cannot avoid headwaters buffers.

subSECTION 05.330 PUBLIC INTEREST EVENTS

A. HEADWATERS BUFFERS. This use shall only be permitted only where:

1. The land is a publicly-owned park or other land, and maintained in grass rather than natural vegetation.

DIVISION 05.400 OTHER ENVIRONMENTAL STANDARDS

This Division is reserved. **Note**: The County is waiting to review new on-lot disposable waste standards. If those are judged sufficient by the County, then they will be used. If not, the County will develop standards to be inserted here.

ARTICLE 07
AFFORDABLE HOUSING INCENTIVES

DIVISION 07.000
PURPOSE

The County encourages the production of affordable housing that is fully integrated into the community. The bonuses in this Article are intended to encourage the development of housing that meets state and federal affordable housing standards, as well as to permit the market to produce affordable units with only minimal assistance from the government. The bonuses in Sections 07.210-07.280 provide the mechanism to compensate developers who produce units, or provide a subsidy for such production, that meet the standards of this Article. Additionally, this Article provides several alternative affordable housing types that may be used to produce affordable housing.

DIVISION 07.100
AFFORDABLE HOUSING BONUS GUIDELINES

SECTION 07.110 AFFORDABLE HOUSING GENERAL STANDARDS

All affordable housing produced requesting a density bonus shall adhere to the following standards:

A. DESIGN.

1. The units shall be located in a random fashion throughout the development, and mixed in such a way that they blend with the character of the community. In multi-family developments, the designated units shall be mixed throughout the buildings.

2. Exterior materials, details, style, landscaping, and other elements of the units that are visible shall be identical to those of the other units in the development.

B. CONTROL OF UNITS. The units shall be regulated to ensure that they remain available as affordable units. The following are acceptable methods of regulation:

1. **Management** may be by a private developer, non-profit housing agency, or Housing Authority. The eligibility rules shall be reviewed and approved by the Housing Authority to ensure they meet state and federal requirements. Where there are no State or federal funds or programs involved, the Housing Authority shall review the proforma to ensure the eligibility requirements match the cost reduction provided by the bonus.

2. **Sales Units.** These units may be sold subject to agreements that limit appreciation and that require the units to be sold to people eligible for such units. Appreciation shall be geared to the percentage increase in assessed value in the development.

3. Nothing in subsections 1. or 2., above shall prohibit units to be sold to the Housing Authority or a recognized non-profit, affordable housing corporation.

4. **Rental Units.** These units shall be rented only to eligible tenants based on the approved eligibility program.

C. AFFORDABILITY. Affordable housing units shall be considered affordable in one of two ways:

1. **Below Market.** The units are built with a local, State, or federal subsidy, or a private non-profit sponsor for persons or families earning less than 80% of median income; or,

2. **Market.** The units are to be made affordable by the following measures, as determined by the developer's pro-forma:
   a) the cost of the raw land, general site work, roads, and all utilities serving the development shall be zero;
   b) the developer shall submit specifications for market-rate and affordable interiors which would lower the cost per square foot of the units. This can include smaller room sizes. The County shall approve any lower standards as being suitable for long-term maintenance; however, the County may not require higher standards than those used in market-rate housing;
   c) the developer may be allowed full profits on the construction of the dwelling unit.

D. DEVELOPMENT RIGHTS. No purchase or transfer of development rights shall be required for either the affordable or bonus units, except as provided in Section 06.190.

DIVISION 07.200
TYPES OF AFFORDABLE HOUSING BONUSES

SECTION 07.210 SINGLE-FAMILY CLUSTER

In a single-family cluster, the developer shall submit the site capacity calculations to establish the base density. The developer can propose up to a 10% increase in density over that provided in Table 04.110 for a project using development rights. The bonus shall be granted provided all requirements of this Article are met, as well as, the following conditions:

A. The bonus shall be permitted only when natural resources do not limit the density, i.e. when the gross density calculation in Table 05.141 controls.

B. Fifty percent of the additional units shall meet the criteria of Section 07.110.

C. A site plan shows the additional units being accommodated by:

1. A revised set of lot standards which reduces lot area for all lots or uses several lot sizes; and/or,

2. A reduction of the amount of open space by multiplying the open space ratio (Section 04.110) by ninety-five hundredths (0.95) to determine the new open space ratio, provided such open space shall not be less than the Protected Resource Land, Table 05.141, Calculation 1 or 2, whichever is greater.

SECTION 07.220 BONUS FOR PLANNED, COMMUNITY OR MULTI-FAMILY DEVELOPMENTS

Developers of these uses can propose up to a 20% increase in density from Table 04.110 maximums, which shall be granted provided the requirements of this Article are met. The actual bonus shall be determined by this Section. The developer shall submit the site capacity analysis to establish the base density, as well as, meet the following conditions:

A. The bonus shall be permitted only when natural resources do not limit the density, i.e., when the gross density calculation in Table 05.121 controls.

B. Fifty percent of the additional units shall meet the criteria of Section 07.110.

C. A site plan showing the additional units being accommodated by any combination of the following:

1. A revised mix of dwelling unit types. The developer may introduce a unit type that uses less land to partially achieve the increase in density.

2. The affordable units shall be mixed into all unit types used on the plan.

3. Reducing the amount of open space by multiplying the open space ratio (Table 04.110) by ninety-five hundredths (0.95) to determine the new open space ratio, provided such open space shall not be less than the Protected Resource Land, Table 05.141.

Example: *Site capacity in a planned development permits 100 dwelling units. Use of the bonus would permit a total of 120 dwelling units, of which 10 must be affordable units. The 100 base units would sell for $180,000. The raw land cost, site development cost and profit on the lot would be 25% of the total or $45,000 per lot. The building cost, including both hard costs and soft costs, would be $80 per sf. or $135,000 for a 1,688 sf. house. The 10 affordable units would be $78 per sf. or $109,200 for a 1,400 sf. unit. This represents a reduction of 39% which makes it very affordable when compared to the market housing. The developer's bonus is 10 market units. Since there are 110 units to allocate over the cost of land and improvements of $4,500,000, the 10 unit bonus in market units reduces the per unit cost to $40,909. If the site was a suburban planned development with a 1.83 gross density and 40% open space, it would have the following land allocation: 54.6 acres, of which 40% (21.9 acres) was open space, leaving 32.7 acres of buildable land. With about 15% streets, the average lot size would have been 12,100 sf. The affordable project would have 120 units for a density of 2.19 dwelling units per gross acre. Open space would be reduced from 40% to 38.0% (20.7 acres), thus providing 33.9 acres for development and resulting in 120 lots of about 10,000 sf. each.*

SECTION 07.230 BONUS FOR SMALL SUBDIVISIONS, MULTI-FAMILY DEVELOPMENTS, AND PLANNED DEVELOPMENTS

Bonuses for three types of small, affordable developments are defined in this Section shall be permitted in the Urban, Suburban, Commercial Suburban, and Community Preservation districts. Such developments must demonstrate that they meet the guidelines of federal, State, or Beaufort County affordable housing programs; the County may authorize non-profit organizations to participate if they provide assurances that they meet the same affordability standards.

A. SMALL SUBDIVISIONS: 25 - 40 LOTS.

1. Units shall not exceed 1,200 sf. in area for three bedroom units or 1,400 sf. for units with more bedrooms.

2. At least ***50%*** of the units shall be affordable to households at *80% of median income* and below.

3. **Lot Size.**
   a) Suburban district lots shall be reduced to one quarter (.25) acre (10,780 sf.);
   b) Commercial Suburban district lots shall be reduced to 7,000 sf.;
   c) Urban district lots shall be reduced to 7000 sf.

   Density may increase accordingly, provided the required open space shall be maintained.

4. The DRT shall reduce the required landscape material size from *2-1/2 inches caliper* to *1-1/2 inches caliper* where it is demonstrated that the site plan has maximized tree preservation through sensitive design.

5. All such subdivisions shall be at least one quarter (0.25) mile apart.

B. MULTI-FAMILY DEVELOPMENTS: UP TO 70 UNITS.

1. At least 50% of the units shall be affordable to households at 80% of median income and below.

2. The County shall reduce the required landscape material size from 2-1/2 inches caliper to 1-1/2 inches caliper where it is demonstrated that the site plan has maximized tree preservation through sensitive design.

3. Density may be increased by up to 50% in the Commercial Suburban district, and by up to 100% in Community Preservation, Suburban, and Urban districts.

4. **Commercial Suburban District.** Affordable Planned Development housing is exempt from the mixed use requirement in this district.

5. All such developments shall be at least one half (0.5) mile apart, and located on an arterial street.

C. PLANNED DEVELOPMENTS (*as defined in Table 03.110*): UP TO ONE HUNDRED (100) UNITS.

1. No more than 70% of the units shall be of one type.

2. At least 50% of the units shall be affordable to households at 80% of median income and below.

3. The County shall reduce the required landscape material size from 2-1/2 inches caliper to 1-1/2 inches caliper where it is demonstrated that the site plan has maximized tree preservation through sensitive design.

4. Density may be increased by up to 100% in Community Preservation, Suburban, Commercial Suburban, and Urban districts.

5. Affordable housing for the purposes of this Section is exempt from the commercial mixed use requirement in the Commercial Suburban district.

6. All such developments shall be at least one half (0.5) mile apart.

SECTION 07.240 BONUS FOR SMALL, SINGLE FAMILY HOUSING

This bonus provides for very small housing units, suited for a segment of the housing market that can easily live in small units. The small scale of these units permits them to fit into existing neighborhoods without threatening the character of the neighborhood. The standards for these lots are contained in Table 07.240 (see Figure 07.240). There are three types of housing provided for under this Section: 1) single-family detached one-story, 2) single-family detached two-story, and 3) single-story attached.

Table 07.240
SMALL LOT SINGLE-FAMILY UNITS

UNIT TYPE	BUILDING STANDARDS				PARCEL SETBACK STANDARDS		
	Min. Lot Area per Unit	Max. on-lot Floor Area Ratio	Spacing	Height	Street	Side	Rear
1 story detached	1,900 sf.	0.37	16 ft.	18 ft.	15 ft.	5 ft.	10 ft.
2 story detached	2,500 sf.	0.38	20 ft.	22 ft.	15 ft.	5 ft.	10 ft.
1 story attached	700 sf.	0.80	attached	15 ft.	10 ft.	8 ft.	None

A. The small, single-family units are to be predominantly one bedroom units. No more than 20% of the units may contain two bedrooms and those units shall provide a larger lot to maintain the floor area ratio of this Section.

B. The units shall be permitted in the Suburban and Urban districts, subject to standards 1., 2., or 3., below. They are permitted in some Community Preservation districts as indicated in C., below. They are also permitted in the Suburban Commercial districts under the standards in 2. or 3., below.

1. Where the lot size is less than 12,000 sf.; or

2. Where the units are contiguous to a religious or non-profit organization that owns the units; or

3. Where they adjoin a commercial area and have direct pedestrian access to the commercial area.

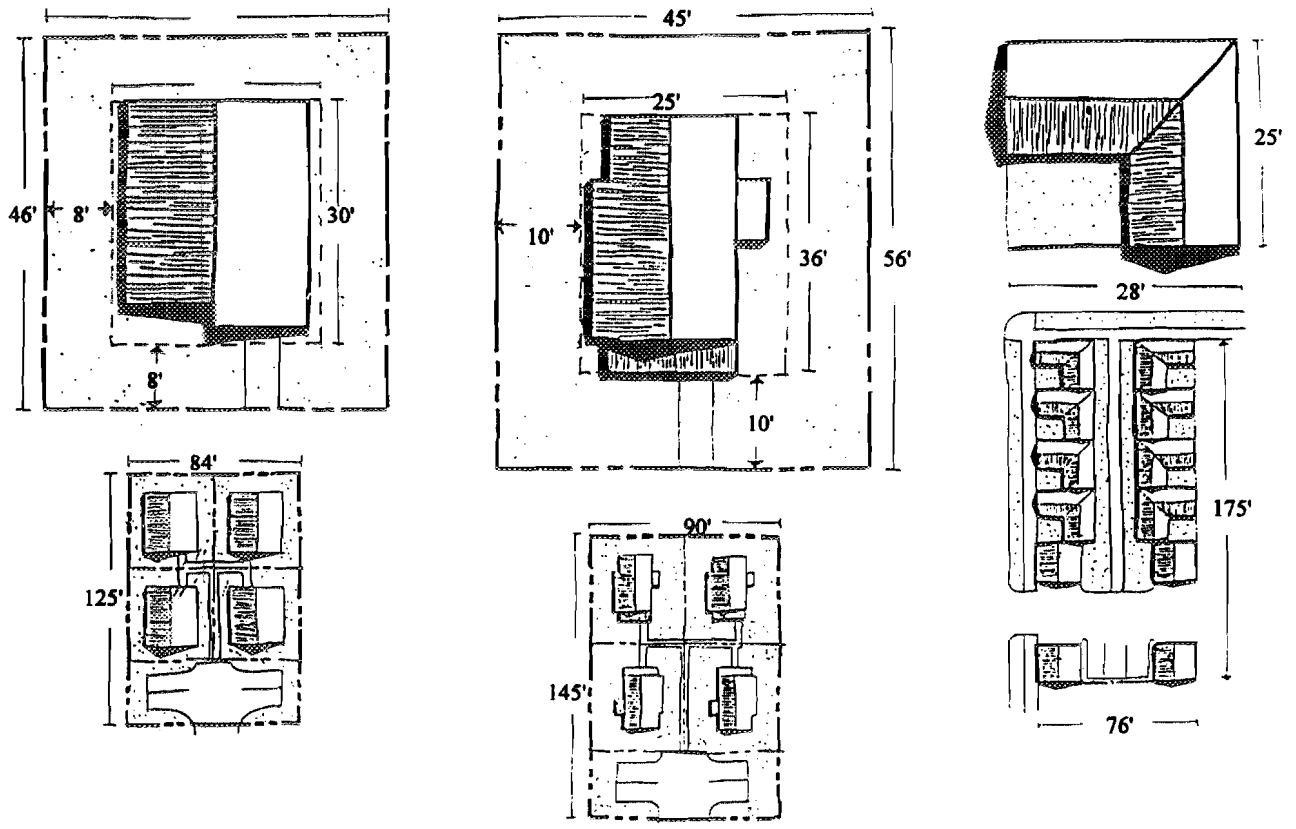
C. A maximum number of lots shall be permitted as follows:

1. In the Suburban and Community Preservation districts, no more than 20 units on a lot or adjacent lots, provided that there are no more than 48 units within a one-half (0.5) mile radius;

2. In the Urban district, no more than 30 units on a lot or adjacent lots, provided that there are no more than 72 units within a one-half (0.5) mile radius.

3. Any small, single-family units in a commercial district shall conform to the standards of the closest Urban or Suburban district.

Figure 07.240 SMALL LOT SINGLE-FAMILY UNITS



1 STORY DETACHED **2 STORY DETACHED** **1 STORY ATTACHED**

SECTION 07.250 FAMILY COMPOUNDS

A. The purpose of this Section is to allow longtime rural residents to protect a traditional way of life and provide affordable housing for family members — which in turn will help stabilize and preserve the county's rural communities. Family compounds are approved uses in the Rural, Rural Residential, and Community Preservation districts. In the Rural Residential District, only parcels of record may apply for the Family Compound option.

B. The Family Compound option allows property owners a density bonus for "family dwelling units," which can be built either on the applicant's property or on property subdivided and conveyed by the applicant.

C. Upon application by a property owner, the County shall permit additional family dwelling units and/or permit a subdivision upon a determination that 1. and 2., below are satisfied:

1. Either a single member of the family, multiple members of the family, or an unbroken succession of family members have owned the property for no less than 50 years;

2. The person for whom the family dwelling unit is to be built and/or the property subdivided is related to the owner of the property by blood, marriage, or adoption.

D. DWELLING UNIT DESIGN.

1. Family dwelling units may be built at the densities set forth in Table 07.250, as limited by Section 07.250.F. As the Table indicates, the property owner will be permitted more family dwelling units if the new units are arranged in a traditional cluster with two or more existing units. For the purposes of this Section, "traditional cluster" means that the average distance between units is not more than 50 feet.

2. In the case of traditional clustering, a site plan shall be submitted. The site plan must be drawn to scale and clearly indicate all property lines and the location of all existing and proposed structures.

Table 07.250
FAMILY COMPOUND DENSITY

MINIMUM SITE AREA	NUMBER OF UNITS W/ TRADITIONAL CLUSTERING	NUMBER OF UNITS W/O TRADITIONAL CLUSTERING
up to 1.99 acres	2	1
2 acres	4	2
3 acres	6	3
4 acres	7	3
5 acres	8	4
6 acres	9	4
7 acres	9	4
8 acres	10	5
9 acres	10	5
10 acres	11	5
11 acres	11	5
12 acres	12	6
13 acres	12	6
14 acres	13	6
15 acres	13	6
16 acres or more	14	7

3. In order to facilitate traditional clustering, there shall be no minimum lot size required for that option; otherwise, the minimum lot size shall be one-half (½) acre.

4. No family dwelling unit shall be built unless the appropriate agency has determined that septic systems and reserve areas in the family compound are sufficient to serve all units in the compound.

5. In order to facilitate traditional clustering, the minimum separation between family dwelling units shall be 15 feet.

6. Rural subdivision standards do not apply. Improved roads are not required. Any subdivision under this Section shall be accompanied by covenants and cross-easements, or similar restrictions and reservations, guaranteeing essential infrastructure and 50

feet of vehicular access for each family subdivided lot.

E. No family dwelling unit shall be leased for five years from the date of approval unless the lessee is related to the property owner by blood, marriage, or adoption.

F. No portion of a tract of land granted a density bonus under this Section shall be conveyed for five years from the date of approval unless the grantee is related to the property owner by blood, marriage, or adoption. This limitation on conveyance shall:

1. Be recorded on the plat of the applicant's property, on the plats of any property subdivided and conveyed by the applicant under this Section, and in a database accessible to County staff.

2. Not operate to prohibit actions in foreclosure brought by lenders that are participating in the secondary mortgage market.

3. Not operate to prohibit sale by the County of the entire tract or a portion of it for nonpayment of property taxes.

G. VIOLATION. Any person found in violation of this Section may be assessed a fine of the maximum allowed by State law for each dwelling unit in violation.

1. **A VIOLATION** of this Section shall consist of:
   a) intentional misrepresentation during the application process;

   b) lease of a family dwelling unit to a non-family member within five years of approval; or

   c) conveyance of any portion of a tract of land granted a density bonus under this Section to a non-family member within 5 years of approval.

2. The fine may be waived if it can be shown that lease or conveyance to a non-family member was absolutely necessary to avoid foreclosure on either a family dwelling unit or any portion of a tract granted a density bonus under this Section.

3. Until the fine has been paid, the ZDA shall not permit additional family dwelling units or further subdivision under this Section in the violator's family compound.

4. As a condition of approval, the applicant and the person for whom the family dwelling unit is to be built, or the property subdivided shall read and sign disclosure forms describing violations of this Section and applicable penalties.

5. A violation shall not have the effect of clouding the title of a parcel subdivided under this Section.

H. SWORN AFFIDAVIT. Applicants must submit a sworn affidavit with the following information:

1. Certification that the parcel in question has been in the family for at least 50 years as required by this Ordinance.

2. An agreement that all new parcels subdivided from the parent parcel shall be owned or used by family members or as otherwise provided for in this Ordinance.

3. Acknowledgment that resale of any parcel approved as part of a Family Compound shall be restricted for five years as provided for in this Ordinance.

SECTION 07.260 ACCESSORY DWELLING UNITS

A property owner may request an accessory dwelling unit (adu) to provide for affordable housing. In approving the request, the ZDA shall require the following conditions be met:

A. 1. **Urban District.** Adu's are permitted by right.

2. **Other Districts.** Adu's are permitted with the single-family cluster, planned and community uses. A maximum of 25% of the standard dwelling units may have adu's.

B. All adu's shall be 800 sf. or less in area.

C. There shall be specific design guidelines for the provision of adu's provided by the developer and approved by the ZDA. The units shall be above a detached garage or within the standard dwelling. In planned or community development, the ZDA may require slightly larger lots for properties eligible for the adu if the additional building area reduces the yard on lots of less than 10,000 sf. in area.

SECTION 07.270 HISTORIC TRANSFERS

The development rights awarded as an historic preservation bonus may be transferred within the zoning district or to any zoning district having a higher density. For planned developments or communities, the units shall be added to those otherwise permitted by this Ordinance.

ARTICLE 08
HISTORIC PRESERVATION

DIVISION 08.000 PURPOSE

SECTION 08.000 PURPOSE

The preservation and protection of buildings, structures, sites, objects, districts and landscape features of historic, architectural, cultural, archeological, educational and aesthetic merit are critical to the character of Beaufort County. The preservation of these historic resources promotes and enhances the County's distinctive architectural and cultural heritage. Preservation also provides educational, cultural, and economic enrichment for the people of Beaufort County.

SECTION 08.010 IDENTIFICATION OF HISTORIC RESOURCES

The regulations of this Article provide the mechanism to identify resources and provide for their long-term maintenance and preservation in a form that is as close to their historic use and character as is consistent with the economic realities of the neighborhoods and county. This is done by reviewing development plans in a manner that encourages the purposes of this Article. A historic property's current condition will be reviewed to determine feasibility of preservation and to ensure that the historic character, architecture, and site conditions are respected and enhanced in the Land Development Plan.

SECTION 08.020 MAPPING OF HISTORIC RESOURCES

All locally designated historic properties and historic districts shall be clearly shown on the Zoning Map.

DIVISION 08.100
INVENTORY AND DESIGNATION

SECTION 08.110 HISTORIC PROPERTY INVENTORY

The Historic Preservation Review Board (HPRB) shall maintain a local inventory of buildings, structures, objects, cemeteries and sites that meet the historic survey eligibility standards of the South Carolina State Historic Preservation Office (SHPO) guidelines. These records shall be available to the public.

SECTION 08.120 CRITERIA FOR DESIGNATION OF HISTORIC PROPERTIES

The HPRB shall review the local inventory and make recommendations for historic designation(s) to Beaufort County Council. The following are the criteria upon which a property may be designated a historic resource:

A. Must be at least 50 years old, and listed in or has been determined by the State Historic Preservation Office (SHPO) to be eligible for listing in the National Register of Historic Places; or,

B. The site or structure has significant inherent character, interest, or value as part of the development or heritage of the community, state, or nation; or

C. It is the site of an event significant in the community, state, or national history; or

D. It is associated with a person or persons who contributed significantly to the culture and development of the community, state, or nation; or

E. The site or structure exemplifies the cultural, political, economic, social, ethnic, or historic heritage of the community, state, or nation; or

F. Individually, or as a collection of resources, embodies distinguishing characteristics of a type, style, period, or specimen in architecture or engineering; or

G. The structure or building is the work of a designer whose work has influenced significantly the development of the community, state or nation; or

H. It contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or

I. The buildings are part of or related to a square, park, or other distinctive element of community planning of a historical, cultural, or architectural context; or,

J. Represents an established and familiar visual feature of the neighborhood or community; or,

K. The site has yielded, or may be likely to yield, information important in pre-history or history.

subSECTION 08.121 LEVEL OF SIGNIFICANCE

In recommending the designation of the of a site, building, or structure as historic, the HPRB shall use the following to identify the resource's Levels of Significance:

A. CLASS I:

1. Resources listed in the National Register of Historic Places maintained by the United States Department of the Interior; or,

2 Resources determined by the SHPO to be eligible for listing in the National Register of Historic Places; or,

3. Resources determined by the HPRB to be examples of high style regional architecture and/or resources of particular historical importance to Beaufort County.

B. CLASS II:

1. Resources determined by the HPRB to be of good architectural quality, vernacular resources, and/or resources that contribute to broad patterns of the County's history.

SECTION 08.130 DESIGNATION OF INTERIOR PUBLIC SPACES

No public space within the interior of a building may be designated without the prior written consent of the owner of record.

subSECTION 08.131 OWNER NOTIFICATION

Owners of properties proposed to be designated historic shall be notified in writing thirty days prior to consideration by the HPRB. Owners may appear before the HPRB or Beaufort County Council to voice approval or opposition to such designation.

subSECTION 08.132 APPEAL OF DESIGNATION

Any property owner may object to the decision by the Beaufort County Council to designate his property as historic by filing suit against Beaufort County Council before the Courts of the State of South Carolina. This suit must be based on procedural non-conformities in the designation process, or on the misapplication of the criteria for designation as specified in the County's Ordinance, or under SCCL 6-29-870.0, and not simply on the desire not to be designated as an individual historic resource or as part of a historic district.

SECTION 08.140 NATIONAL REGISTER OF HISTORIC PLACES NOMINATIONS

The HPRB may conduct first review and evaluation of all proposed nominations for the National Register of Historic Places for properties that are within its jurisdiction, prior to consideration by the State Board of Review. The HPRB may send their recommendations to the State Historic Preservation Office for consideration at the meeting of the State Board of Review. The HPRB shall not nominate properties directly to the National Register; only the State Board of Review shall have this final review authority unless expressly authorized by federal statute.

DIVISION 08.200
HISTORIC PRESERVATION BONUS

This Division is intended to promote the retention of the community's historic resources. Resources of different classifications are given different protection levels. Special rules encourage preservation by ensuring that the development's density is not lowered by the protection of the historic buildings and site. Where maintaining the density is not feasible, the density can be transferred. Since, in some cases, the long-term management and maintenance of an historic structure is unfeasible, density bonuses or transferable development rights may be awarded to preserve the structure.

SECTION 08.210 CLASSIFICATION OF HISTORIC RESOURCES

This classification permits historic resources to be preserved in a setting similar to their historic setting, rather than simply preserving a structure. Historic resources are classified by their viewing area as determined by their context (parcel size, vegetation, topography, and surrounding development). The goal is to preserve landscapes that are part of the view into and out of historic resources. There are both historic districts and historic sites. Figure 08.210 illustrates the four classifications.

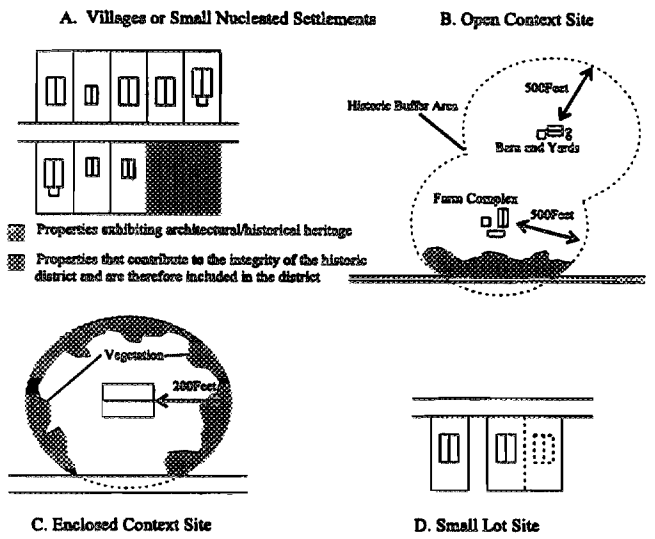
A. VILLAGES AND SMALL NUCLEATED SETTLEMENTS: This is an area that has a common architectural or historic heritage, usually in a village or hamlet form, and is designated on the zoning map as an historic overlay district. In designating the boundaries, land that is part of a view into or out of district and contributes to the integrity, understanding and appreciation of that existing historic district shall be included within the boundaries.

B. OPEN CONTEXT SITE: This applies as an historic building or site where the context and value of the site is dependent on being seen in its context across relatively open land. For example, farms were surrounded by fields. A buffer of 500 feet or more around the buildings or other features shall be identified as the site and an historic buffer created.

C. ENCLOSED CONTEXT SITE: A site where the vegetation, topography and/or surrounding development limit the context of the building leaving a small viewing area. An historic buffer of 200 feet around the buildings or other features shall be identified as the site. The distance may be reduced when the viewing area is interrupted by other buildings or physical features. At the discretion of the Historic Preservationist, a different configuration or size of the historic buffer may be considered if the preservation of the resource is enhanced.

D. SMALL LOT SITE: This is an historic building or site in a developed area, where the site cannot be subdivided or would permit only one additional building on the property. The area is generally developed and the historic structure is seen in a much modified context.

Figure 08.210
CLASSIFICATION OF HISTORIC RESOURCES



SECTION 08.220 ELIGIBILITY

Properties with historic resources shall be eligible for bonuses to ensure the preservation of the historic resources. See Appendix G.

A. All historic properties get a bonus in that the historic structure does not count towards the permitted dwelling units or floor area. For historic sites, the area preserved shall count as open space.

B. If the preservation of the required open space around Class I or II historic properties (Section 08.210) makes it impossible to plan the permitted number of lots, then the development is eligible for reduced lot sizes, pursuant to Section 08.230, or transferable development rights.

C. Where an historic review conducted pursuant to Sections 08.420 and 21.270 (Historic Demolition Request) determines that the resource will be difficult to maintain or preserve, the HPRB may award increased density to the development or transfer of development rights. The developer will need to provide reports concerning the state of the resource, compiled by an architect or structural engineer, and cost estimates for maintenance or renovation.

D. In non-residential districts, where the site cannot be preserved while providing for the allowable intensity, the HPRB may award development rights. The County may relax site coverage on other lots or height restrictions to permit the intensity to be transferred in the rest of the development or permit transfer to another site.

SECTION 08.230 SINGLE-FAMILY CLUSTER OR PLANNED DEVELOPMENTS

The intent of the open space surrounding Class I and II historic districts is the preservation of the historic setting of the structure. Ideally, single-family cluster or planned developments

should have sufficient open space to achieve this; however, that may not always be the case. A radius is used to determine the area to be protected and can be modified by subSection A., below. Because there is a minimum lot size for single-family cluster developments, it may in some cases prove impossible to develop the permitted number of lots allowed in Article 05 due to the increased amount of open space required. If that occurs, the ZDA is authorized to make corrections using subsections A., B., C., or D., below. In planned developments, the developer has flexibility in selecting housing types, so adjustments will be unusual; however, should adjustments be needed, the DRT is authorized to use the provisions of subsections B. or C., below to achieve the permitted density.

A. The DRT may adjust the boundaries of the open space, provided the total size of the open space is not reduced. The DRT, upon recommendation from the HPRB, shall consider traditional lotting patterns, land cover and vegetation, topography, views and view sheds, and pedestrian access in determining the shape of the protection area.

B. The lot size and frontage for all or some of the lots may be reduced so that the developer may develop the permitted number of units. The reduction for up to 30% of the lots may be 10%. If more lots are impacted, the reduction shall not exceed 5%.

C. Depending on the historic character of the site, the open space may be used for detention or recreation, thus making it easier to provide the required amount of open space and lots.

D. The site area requirement for planned developments may be lowered so that a site which would not otherwise be eligible as a planned development may become eligible by using the planned option at the permitted open space subdivision density and without the increased open space.

SECTION 08.240 HISTORIC RESOURCES

Historic resources that are preserved and restored for use shall not be counted as part of the maximum permitted development if the site is large enough to permit subdivision or increased development.

A. DETACHED SINGLE-FAMILY USE: The residence shall not be counted as one of the permitted residential lots as determined by Article 05, but shall be a bonus unit if it is preserved and restored.

B. LARGE SINGLE FAMILY: Where the historic resource was a single family house, but is deemed too large to be effectively maintained as a single family unit, the ZDA, with approval from the HPRB, may permit it to be converted to either a duplex or two- (2) flat type unit. In this case, neither unit shall be counted as one of the permitted dwelling units as determined by Article 05.

C. MULTI-FAMILY: The residential units shall not be counted towards the permitted units as determined by Article 05, but shall be a bonus for preservation and renovation.

D. NON-RESIDENTIAL: The floor area of the historic resource may not be counted towards the permitted area as determined by Article 05, but shall be a bonus for preservation and renovation.

E. OPEN SPACE: The preservation and renovation of an historic resource that also requires the preservation of open space around the historic resource shall be implemented by the following:

1. The entire open space may be sold to the user of the building as a building or residential lot. The lot shall be subject to a conservation easement. Stipulations in the easement that prevent any resource or development on the property which would detract from the historic setting shall be approved by the DRT and the HPRB.

2. The open space may be split into a lot and common open space to be maintained by the maintenance organization. The lot and open space shall be subject to a conservation easement. Stipulations in the easement that prevent any resource or development on the property which would detract from the historic setting shall be approved by the DRT and the HPRB.

SECTION 08.250 RENOVATION INCENTIVE

An historic resource may require significant, expensive renovations and costly maintenance that could be deemed fiscally impossible. The DRT, upon a recommendation from the HPRB, may grant a bonus for the renovation and long-term maintenance of such historic resources.

A. The DRT shall review the proforma indicating the cost of renovation and cost of maintenance versus the expected value of the renovated property on the market.

B. A bonus of dwelling units, additional floor area for non-residential properties, or transferable development rights may be offered to provide the incentives needed to renovate and preserve the historic resource. The bonus shall be such that the renovation is made feasible by providing the value to pay for the renovation and long-term maintenance.

C. County purchase of development rights could also be used in lieu of a bonus or in conjunction with a bonus.

DIVISION 08.300
USES OF HISTORIC STRUCTURES

SECTION 08.310 PERMITTED USES

The historic zone established pursuant to this Ordinance shall be deemed an overlay zone on the otherwise applicable zoning district on the County Zoning Map. All uses permitted in the underlying zoning district shall be permitted.

SECTION 08.320 PROHIBITED USES

All uses prohibited in the underlying district are prohibited in the Historic District except in the historic zone except as specified in Section 08.330. In addition, the Department may prohibit any change in use that meets the following criteria:

A. Requires the building to be expanded to an extent that its historic character and style are lost.

B. Renovations or expansions to the use that alter the exterior so as to destroy one of the characteristics that led to the property's designation.

SECTION 08.330 HISTORIC RESOURCE, ADAPTIVE REUSE

A historic resource may be converted or adapted into the uses permitted in this Section. The application shall include: 1) construction plans if an addition or alteration is planned; and 2) a site plan showing parking areas, access ways, buffers, landscaping, signs, lighting structures, the relationship of the proposed conversion to adjacent residential properties, and the present and proposed location and use of any accessory structure. The conversion shall conform to the following standards:

A. The following uses are permitted, bed and breakfasts, home businesses, limited office use, and personal services. If the use is to provide sheltered and screened parking in the opinion of the HPRB, retail uses or cottage industry may be permitted subject to a Special Use Permit.

B. An application for historic zoning shall be filed with the Department simultaneously with the Special Use Permit application (see Section 21.230).

C. New additions, exterior alterations, or related new construction shall not destroy historic features and materials that characterize the historic resource. Additions shall be compatible with the massing, size, scale, and architectural features of the historic resource and shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired. The converted resource and proposed addition shall comply with all other provisions of this Article. No structured (deck) parking facilities are permitted.

D. The lot upon which the structure and any permitted addition is situated shall adequately preserve the setting of the resource. If physical limitations of the site contribute to economic unfeasibility of adaptive use, the HPRB may grant a reduction of lot size, open space, or setback requirements in order to promote the preservation of a resource.

DIVISION 08.400
PERMIT REQUIRED

SECTION 08.410 CERTIFICATE OF APPROPRIATENESS

A Certificate of Appropriateness is required before a building permit can be issued for the construction, exterior alteration, modification or addition to a designated historic resource or before a development permit can be issued for any property on which is located one or more designated historic resources. Any building permit not issued in conformity with this Ordinance shall be considered void. An application in accordance with Appendix ___ shall be submitted.

SECTION 08.420 DEMOLITION PERMIT

Prior to the demolition of any building or grading of any historic or archeological site a demolition permit shall be required. No demolition permit shall be granted unless the board finds that even with all the bonus and clustering provisions of this code it is impossible or economically infeasible to preserve the structure or site. (See Section 21.270)

SECTION 08.430 MAINTENANCE, REPAIR, AND INTERIOR PROJECTS

Nothing in this document shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of structures designated as historic when that repair does not involve a change in design, material, color, or outer appearance of the structure. The HPRB shall not consider the interior arrangements or alterations to the interior of a building unless an interior feature is visually part of the exterior appearance of the resource or the interior of a public building or the public space of a private building is specifically described and designated as historic. The HPRB may authorize a Staff member to approve minor projects involving repairs and ordinary maintenance that do not alter design, materials, color or the outer appearance of a structure or interior projects not subject to other reviews.

DIVISION 08.500
ARCHAEOLOGICAL AND HISTORIC IMPACT ASSESSMENT

To protect the many significant archaeological and historic resources of Beaufort County, the following requirements shall be adhered to:

SECTION 08.510 GENERAL REQUIREMENTS

All proposed developments shall be required to have a written statement from the Beaufort County Planning Director or the Beaufort County Historic Preservationist indicating whether or not the location of the proposed development contains any archaeological resources identified by Beaufort County through existing surveys, historic maps and papers and other information available, the South Carolina Department of Archives and History, and the South Carolina Institute of Archaeology and Anthropology, as being listed in or having been determined eligible, or potentially eligible, for listing in the National Register of Historic Places, as well as those areas identified in the document entitled Cartographic Survey of Historic Sites in Beaufort County, South Carolina, dated June 30, 1992, as having the potential to yield significant archaeological information.

If the Planning Director determines that the proposed development contains, or is likely to contain archaeological resources, then a professional Archaeological Survey shall be completed by qualified personnel to determine the existence of the resource and to evaluate the significance of the resource. The survey shall then be submitted to the Planning Director for review.

If the area of the proposed project has been previously surveyed for archaeological resources and the survey report is available and meets the standards, the applicant will not be required to perform another survey, but merely submit that report to the Planning Director.

If the Planning Director determines that the location contains a potential historic resource, qualified personnel shall complete and submit to the Planning Director the documentation as outlined in this Article. Identified resources shall be preserved and/or the effects of the proposed project mitigated in accordance with the applicable Federal and State laws and guidelines. Further, for any contemplated construction that would significantly affect the setting or vista of any archaeological or historic resource in a manner that would compromise the resource's eligibility to the National Register of Historic Places, the Planning Director may require that the development plans be altered to mitigate or avoid such effects.

All requests to the applicant by the Planning Director for surveys, documentation, and mitigation shall include a letter outlining the justification for such requests. A letter of justification from the Planning Director shall also be required in those instances when a survey is required by Beaufort County and not by the South Carolina Department of Archives and History and in those instances when no survey is required.

SECTION 08.520 PROHIBITED ACTS

No person may excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any archaeological or historic resource located in Beaufort County unless such activity is pursuant to a permit issued by the Planning Director. Any person(s) violating this Article shall be subject to penalties prescribed in this Ordinance and additional penalties prescribed by the S.C. Code of Laws.

SECTION 08.530 INTENSIVE LEVEL ARCHAEOLOGICAL SURVEY

A. The Planning Director will officially notify, in writing, the applicant of the need for an Intensive Level Survey. The survey must meet the criteria set forth by the South Carolina State Historic Preservation Office's *Guidelines and Standards for Archaeological Investigation.*

B. The applicant will notify the Planning Director as to who will be authorized to undertake the survey. The survey will be executed by qualified personnel, as required by the South Carolina State Historic Preservation Office's Standards.

C. The findings of the Intensive Level Survey will be submitted to the Planning Director.

D. Upon receipt of the Intensive Level Survey final report, and any necessary visual records, the Planning Director will either issue a Permit of Approval for the proposed development project or deny approval of the project until the development plans can be altered to mitigate or avoid any negative impact.

SECTION 08.540 HISTORIC RESOURCE DOCUMENTATION

A. If at any time either prior to, during the execution of, or after the completion of the Intensive Level Survey, historic resources are identified on the property to be developed, the Planning Director will notify the applicant in writing of the need to document the identified historic resources.

B. The documentation will be executed by qualified personnel, as required by the South Carolina State Historic Preservation Office's Guidelines and Standards for

Archaeological Investigation. The applicant will notify the Planning Director as to who will be authorized to complete the documentation.

C. Documentation will be completed for each resource. Documentation required will be one or more of the following:

1. A completed South Carolina Statewide Survey Site Form.

2. Measured drawings, flat plane photographs (4" x 5", or 8" x 10"), or 35mm documentation as prescribed by the American Institute of Architects (AIA) in their publication *Recording Historic Structures.*

D. The completed documentation will be submitted to the Planning Director for review, after which the Planning Director will either issue a Permit of Approval for the proposed development project or deny approval of the project until the development plans can be altered to mitigate or avoid any adverse affect.

SECTION 08.550 MITIGATION

A. DETERMINATION OF ADVERSE EFFECTS. Upon receipt of an Intensive Level Archaeological Survey final report, documenting archaeological resources and/or the South Carolina Statewide Survey Form(s) documenting historic resources, the Planning Director will determine whether the proposed project will have an adverse effect on archaeological or historic resources listed in, or eligible for listing in, the National Register of Historic Places.

1. **There Is No Adverse Effect.** If the Planning Director determines that the project will not have an adverse effect on archaeological or historic resources listed in, or eligible for listing in, the National Register of Historic Places, he/she will issue a Permit of Approval for the proposed project.

2. **There Is An Adverse Effect.** If the Planning Director determines that the project will have an adverse effect on archaeological or historic resources, listed in, or eligible for listing in, the National Register of Historic Places, he/she will deny a Permit of Approval for the proposed project until the development plans can be altered to mitigate or avoid adverse effects.

B. MITIGATION OF ADVERSE EFFECTS: The applicant shall enter into a Memorandum of Agreement (MOA) with Beaufort County that describes mitigation measures that will be required prior to the issuance of a Permit of Approval. The Planning Director shall stress to the applicant that preservation-in-place of a significant resource is the preferred mitigation method. Mitigation may include:

1. **Preservation In Place.** Preservation-in-place of an archaeological or historic resource is the avoidance of the resource which protects it from damage, destruction, vandalism or deterioration and may include such measures as: dedicated open space, protective barriers, deed restrictions, preservation covenants and easements, the rehabilitation/maintenance of historic buildings and structures, and others.

2. **Documentation.** if is determined that an adverse effect to a historic resource cannot be avoided, the resource shall be documented in accordance with the

Secretary of the Interior's Standards for Historical Documentation, the Secretary of the Interior's Standards for Architectural Documentation, and/or *Recording Historic Structures* by the American Institute of Architects.

3. **Data Recovery.** Data recovery of an archaeological site shall be conducted if the site cannot be preserved. Provisions for the ownership and curation of the excavated artifacts, field notes, records, maps, photographs, and materials shall be detailed in the Archaeological data recovery mitigation plan. A final report on the archaeological data recovery shall be produced.

4. **Reporting.** All identified archaeological sites shall be reported to the South Carolina Institute of Archaeology and Anthropology , and all historic sites shall be reported to the South Carolina State Historic Preservation Office for assignment of a site number.

SECTION 08.560 OPEN SPACE

If the property proposed for development contains any archaeological or historic sites, the Planning Director, along with the DRT, may allow for the potentially impacted sites and their appropriate buffers to be counted as part of the required open space for the development, or the open space requirements may be reduced by an amount that would equal the value of the land containing the archaeological or historic sites provided that the property owner agrees to preserve the resource.

SECTION 08.570 DEFINITION OF TERMS

Archaeological Resources:

A(3)s defined in the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa-470mm) Section (1): The term "archaeological resource" means any material remains of past human life which are of archaeological interest. Such determination shall include, but not be limited to: pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of the foregoing items. Non-fossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources, under the regulations under this paragraph, unless found in an archaeological context. No item shall be treated as an archaeological resource under regulations under this paragraph unless such item is at least 100 years of age.

Archaeological Site:

For the purposes of this Ordinance, an archaeological site is the area of the development identified as being listing in, or having the potential for listing in the National Register of Historic Places.

Effect and Adverse Effect:

Effect: An undertaking has an effect on a historic resource when the undertaking may alter the characteristics of the resource that may qualify the resource for inclusion in the National Register of Historic Places.

Adverse Effect: An undertaking is considered to have an adverse effect when the effect on a historic resource may diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

Historic Resources:

According to the National Historic Preservation Act of 1966, as amended through 1992, (16 U.S.C. 470 et seq.) Section 101 (a) (1) (A):

> The Secretary of the Interior is authorized to expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture.

Criteria set forth by the Secretary of the Interior states that any district, site, building, structure, or object that is at least fifty years of age and is significant in American history, architecture, archaeology, engineering, and culture may be considered for inclusion on the National Register of Historic Places.

Intensive Level Survey:

An Intensive Level Survey will be based on a systematic approach to the entire tract, usually at 100 ft. intervals are differentiated between having high or low potential for containing archaeological and historic resources. Topography and soil types are also taken into consideration to help determine the areas of high and low potential. In addition, sub-surface activity, such as shovel tests are done (unless surface exposure is evident), and the materials are sifted. All of the findings, as well as a determination of eligible sites will be compiled into a final report.

Memorandum of Agreement:

An agreement between Beaufort County, and the applicant to avoid, reduce, or mitigate, adverse effects on archaeological and historic properties, or to accept each effect in the public interest.

Qualified Personnel:

Professional consultants meeting the criteria set forth by the Secretary of the Interior, as well as the South Carolina State Historic Preservation Office and published in their *Guidelines and Standards for Archaeological Investigation*.

Significant Resources:

Historic resources eligible for listing in the National Register of Historic Places.

ARTICLE 11
COMMUNITY USE AND NON-RESIDENTIAL DESIGN

DIVISION 11.000
PURPOSE

This Article addresses the design standards to be applied to Communities and Non-Residential developments. It also provides regulations to ensure the quality of development and prevent monotony. The community development options require special design controls if they are to be successful. In traditional communities and neighborhoods around the nation, as well as in the County, buildings were built incrementally in small numbers so blocks developed over an extended period. The result is a great diversity in scale, style, and detail.

All non-exempt development occurring along or requiring access from the following Beaufort County highways: U.S. 278, S.C. 170, S.C. 46, S-163,U.S.21, U.S. 17, S.C. 802, S.C. 280 and S.C. 116, shall require approval from the appropriate Corridor Review Board, before consideration by the DRT. Please refer to Sections 20.250 - 252 and 21.240 for additional guidelines and procedures for these reviews.

DIVISION 11.100
COMMUNITY USE DESIGN AND STANDARDS

SECTION 11.110 COMMUNITY USE PLAN SUBMISSION

Communities shall be required to submit a concept plan that ensures all the provisions of these Sections are met so the design and land use mix actually creates a mixed use community, rather than a planned development that has a greater density. Preliminary design guidelines shall be part of this concept plan. Final design guidelines are submitted with the final plan submission.

SECTION 11.120 COMMUNITY SIZE

Community size is determined by the acreage and density requirements in Articles 04 and 05. When the development has the minimum acreage of a medium or large community, it shall meet all standards for that type.

SECTION 11.130 COMMUNITY LAND USES AND STANDARDS

Rural and Suburban communities shall be divided into two major areas:

1) ***Community Development Area*** which consists of the community center, residential, and community employment areas; and

2) ***Rural Open Space or Greenbelts.***

Urban communities shall consist of only the community development area and community open space shall be distributed within all areas. Large and medium communities shall have a community employment area for employment opportunities. In small communities, employment uses shall be located in the employment area.

subSECTION 11.131 COMMUNITY DEVELOPMENT AREA

The community development area is the portion of the total site area not required by Table 04.110 to be open space. All non-farm dwellings shall be located within this area. It may have a residential area, community center area, and employment area.

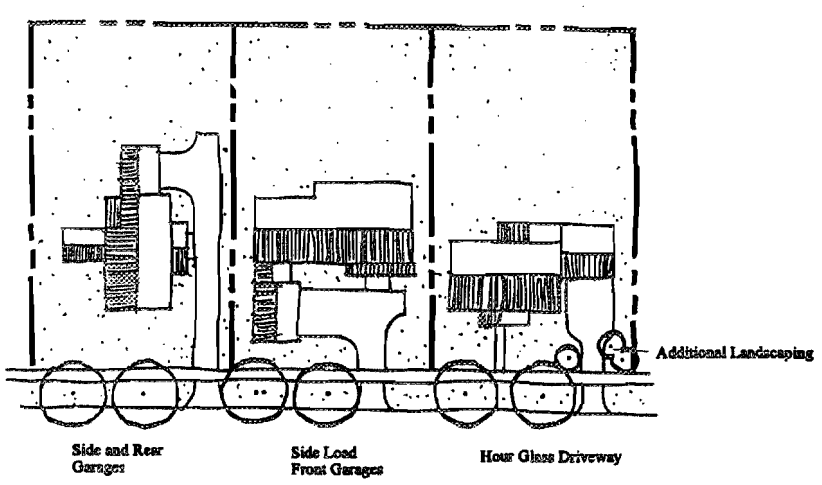
A. All small communities shall have at least three of the housing types listed in Table 04.110. All proposed communities shall meet the standards of this Article.

B. In urbanizing areas where environmental conditions, site size and shape permits, the site should be developed using a grid or other formal pattern. The vehicular access to units should be via alleys. This permits the rather narrow building fronts to be free from driveways and garage doors. Where this is impossible, the following shall be used to reduce the impact of drives and garages (Figure 11.131):

1. Garages located to the side and rear with a drive of no more than 10 feet in width providing access.

2. Side load front garages shall be used on at least 40% of lots where the garage is not to the rear of the lot.

Figure 11.131
VEHICULAR GARAGE ACCESS

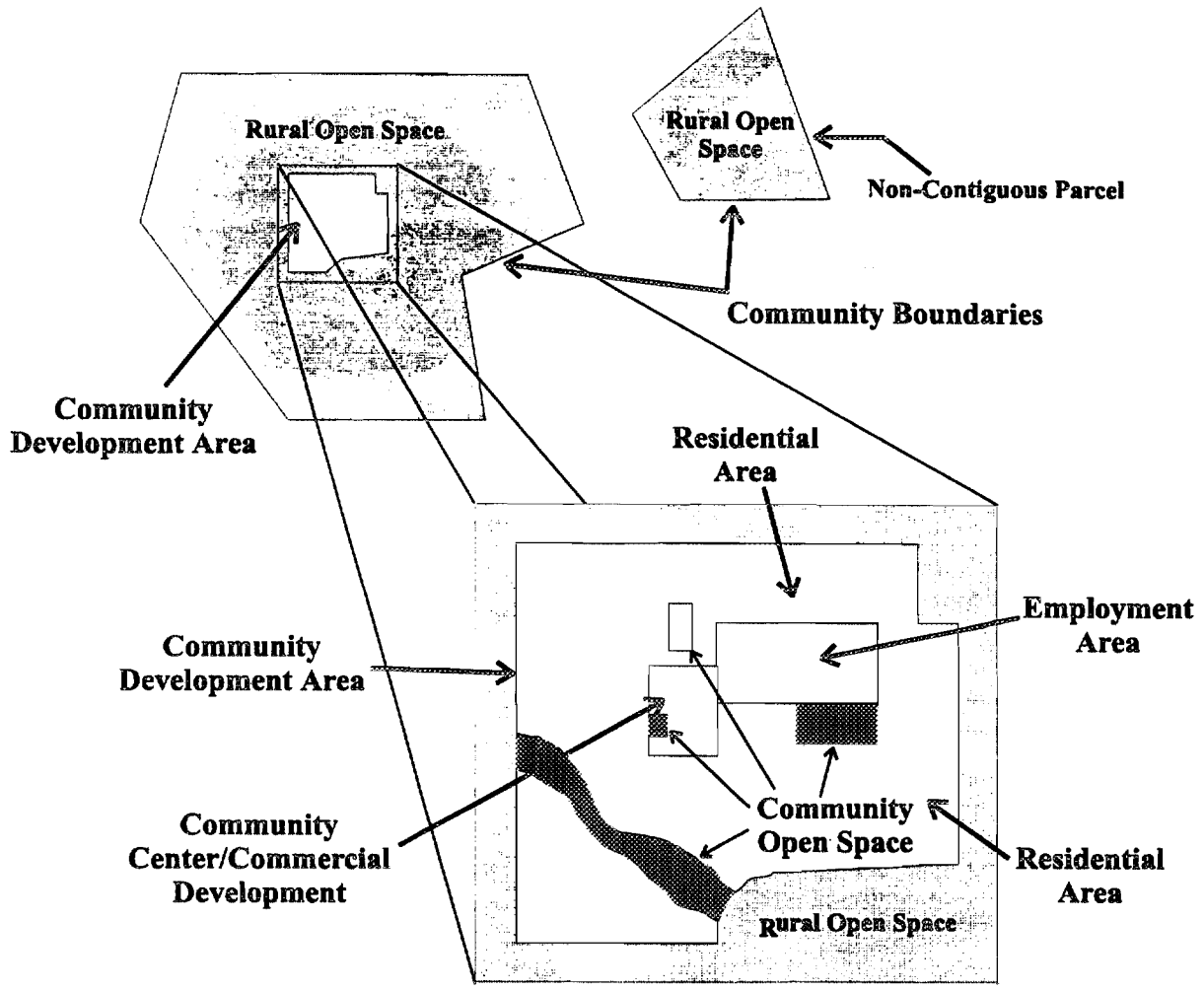


C. All dwellings, except existing or new farmsteads, shall be in the community development area. The farmsteads shall meet the definition of this Ordinance. New farm buildings shall be separated from the limits of the community development area by at least 400 feet. Farmsteads shall have conservation easements that prohibit further subdivision or housing.

D. Where an existing arterial road runs through communities in Rural districts, the minimum setback from the road right-of-way to the edge of the community development area shall be 50 feet plus the required buffer width in Article 04. In Urban or Suburban districts the street buffers and required setbacks in Article 04 shall control.

E. The DRT may approve limited frontage on an existing arterial where it is deemed essential to the successful development of the community. However, no typical strip commercial uses will be permitted and design guidelines will have to demonstrate that the area will function as an integral part of the County's character.

Figure 11.130
COMMUNITY LAND USE



subSECTION 11.132 RESIDENTIAL STANDARDS

The residential areas of communities shall meet the following standards:

A. There shall be a variety of housing types: single-family detached, single-family attached, and multi-family dwellings (Table 11.200). While multi-family is permitted, the majority of multi-family units are expected to occur in mixed use structures or commercial apartments in the village. All other multi-family housing shall be in structures designed to appear to be large, single-family structures.

B. The community may be divided into various neighborhoods which have different characters and intensities. Each neighborhood shall have a variety of housing types or lot sizes. These types shall be mixed throughout the neighborhood.

C. Institutional uses, such as churches or schools, are permitted in the residential areas. They may also be permitted in the community center or employment areas.

D. Community open space shall be distributed in, or between neighborhoods.

subSECTION 11.133 COMMUNITY CENTER STANDARDS

Communities are required to limit commercial development to their community centers. Such areas shall be designated in the concept plan. The County may require phasing of the development to ensure the commercial area is produced. The following regulations shall govern commercial development:

A. SMALL COMMUNITIES: Community commercial uses shall be in the center and shall conform to the following:

1. Commercial uses in the community center shall be limited to: neighborhood retail, office, restaurants, service businesses and bed and breakfasts and home occupations.

2. Bed and Breakfast uses may have accessory uses which shall be on the same lots as the bed and breakfast and shall be limited to the following: restaurant, general store, and specialty retail. The owner/operator may also have offices or service business. All accessory uses shall meet the following:
   a) the accessory use does not exceed 1,200 sf.;
   b) the design guidelines for the community contain design provisions for the accessory use.

3. All commercial or home occupations uses shall be buildings having a minimum of two stories. The maximum floor area at ground floor of any commercial use shall be 6,000 sf. At least 30% of the center's floor area shall be for residential uses on the second or third floors.

4. The build-to setback for commercial buildings shall be from zero (0) to 15 feet. The build-to line shall be specifically approved in the concept plan for the design and landscaping of the community center area.

5. Drive-in uses are prohibited, except where the community center is directly accessible without passing through residential areas from an arterial highway with traffic volumes in excess of 10,000 vehicles per day. The design guidelines shall provide for pedestrian access consistent with the community's character and separated and screened from the pedestrian and residential areas.

6. The concept plan may make provision for vehicular service in the center, with specific design guidelines and sites designated for that specific use. The design guidelines shall strictly limit signs to a character that is in harmony with the community. Buffering and design will also ensure these uses fit into the community. These lots must not be used for other uses, unless at build-out, users cannot be found.

B. MEDIUM AND LARGE COMMUNITIES: Community commercial uses shall be in the center and shall conform to the following:

1. Commercial uses in the community center shall be limited to: neighborhood retail, office, restaurants, service businesses, bed and breakfasts, commercial lodging and home occupations.

2. The total area of the community center area shall be in proportion to accepted planning standards, allowing for excellence in project design.

3. The build-to setback for commercial buildings shall be from zero (0) to 12 feet. The build-to line shall be specifically approved in the concept plan for the design and landscaping of the center area. The design guidelines shall include specifications for the inclusion of sidewalk eating areas.

4. At least 30% of the center's floor area shall be for residential uses.

5. Drive-in uses shall have special design standards. The design guidelines shall provide for pedestrian access consistent with the community's character and separated and screened from the pedestrian and residential areas.

6. The concept plan may make provision for vehicular service in the center, with specific design guidelines and sites designated for that specific use. The design guidelines shall strictly limit signs to a character that is in harmony with the County. Buffering and design will also ensure these uses fit into the community. These lots must not be used for other uses unless, at build-out, users cannot be found.

subSECTION 11.134 COMMUNITY EMPLOYMENT AREA

Large and medium communities shall have a designated community employment area. Small community's shall have an employment area that is integrated into the community center. The DRT may require phasing of the development to ensure the employment area is produced. The following regulations shall govern employment areas:

A. SMALL COMMUNITIES: Employment area shall be limited to the community center area permitting office, service and home occupations and shall meet the following:

1. If an area is designed to attract business, the following are required:
   a) design guidelines must be established to present traditional street facades and screen truck and industrial traffic;
   b) the total area of the community center area shall be in proportion to accepted planning standards, allowing for excellence in project design;
   c) access should be by a collector road with access restricted to or from residential areas of the community.

B. MEDIUM AND LARGE COMMUNITIES: An area shall be designated as community employment area for office, service, commercial, light industrial, home occupations and home business uses as indicated in Table 03.110. Such areas shall be permitted as follows:

1. Separate employment areas for office/service/light industrial use shall be provided if cottage industry is planned.

2. Design guidelines must be established to present traditional street facades and screen truck and separate industrial traffic from residential areas.

3. Access should be by a collector road and restricted from residential areas of the County.

4. Limited commercial retail, restaurants, and vehicular service uses are also permitted in the employment area, provided:
   a) commercial retail and restaurants are limited to a total of no more than 15% of the floor area of an office/service building;
   b) freestanding restaurants may be permitted provided they are located to serve both the employment area and the rest of the County with customers able to walk or ride bicycles. Further, the plans shall limit the sites for this use to no more than one (1) percent of the total floor area for the employment center;
   c) vehicular service shall be permitted only at the edges of the employment area on major collectors where they serve the commuting work force of the employment area and will not be a nuisance to any residential area. The design guidelines shall strictly limit signs to a character that is harmonious within the County. Buffering and design will also ensure these uses fit into the community. These sites, once designated, must not be used for other uses unless, at build-out, users cannot be found.

SECTION 11.140 COMMUNITY OPEN SPACE STANDARDS

Each community shall provide a minimum amount of community open space that is designed and located to be accessible and usable for the residents. The community open space area shall be counted as part of the minimum open space required by Table 04.110. The community open space land may be contained, or partially contained within the community development area. It may also surround the development area. Seven types of community open spaces (greens, parkways, resource corridors, parks, buffers, rural open space and golf courses) are permitted and shall conform to the following standards:

A. <u>SPECIFIC COMMUNITY OPEN SPACE STANDARDS:</u>

1. **Greens.** Internal central spaces surrounded on at least three sides by the community development area. The minimum area in this type shall be 20,000 sf. with a minimum dimension of 100 feet. Such areas shall be designed to permit recreational and/or social use by the community.

3. **Parkways.** A divided street with open space in the center is considered a parkway. The minimum dimension of such areas shall be 40 feet, with a minimum area of 10,000 sf. Such areas shall be designed to permit passive recreational use by the community. Active recreation shall be permitted only where the area and traffic flows are such that it may be used safely for that purpose. Smaller parkways, islands, and cul-de-sac islands may count towards the open space provided they do not cumulatively constitute more than 10% of the total community open space.

4. **Resource Corridors.** Open space areas along a natural feature such as a stream, vegetation, or topographic feature. At a minimum, passive recreational use and trails shall be provided in such areas.

5. **Parks.** Park areas shall be designed to provide a range of active and passive recreational opportunities for the development's residents.

6. **Buffers.** Specified areas located on the outside edge of the development area and may provide trails, passive or active recreation, or natural open space.

7. **Rural Open Space.** In Rural districts, all open space not within the community development areas shall be considered rural open space. Suburban communities may opt to have rural open spaces. Except as provided in this Section, such open space shall not be part of individual lots. The following rules govern rural open space:
   a) all rural open space shall have open space easements running in favor of the County, preserving it as agricultural land, natural land, rural corridors, spray irrigation for the community, or some combination thereof;
   b) rural corridors shall be established in the rural open space. Such corridors shall include pedestrian or bicycle access through the rural open spaces that link villages or communities to each other or to regional or County parks or trail systems;
   c) where lots in excess of 40 acres are laid out in accordance with this Section, the land in the open space easement shall be counted as rural open space if:
      1) The lots have a maximum of a three acre building pad and lawn envelope that is within the community development boundary.

7. **Golf Courses.** Golf courses may be counted toward open space, however, fairways must be deleted from open space calculations.

B. STRUCTURES: Formal activity areas are encouraged to be built into open spaces. These include fountains, formal gardens and sitting areas, gazebos or similar facilities. These should serve the residents and provide a sense of identity to the various open spaces. The concept plan and preliminary plan shall provide increasing detail on the types of structures to be provided.

SECTION 11.150 NON-CONTIGUOUS DEVELOPMENT

In Rural districts, the entire area of the community need not be contiguous, provided the standards of Article 06, if applicable are met. Non-contiguous developments shall not be permitted for communities in the Urban or Suburban districts.

DIVISION 11.200
LOT AND BUILDING STANDARDS FOR PLANNED, COMMUNITY USE & MULTIFAMILY HOUSING DEVELOPMENTS

Housing types used in planned and community developments or multi-family housing are contained in Table 11.200. Housing types and lot configurations are illustrated in Figure 11.200. The requirements for a mix of dwelling units is contained in Table 11.220. The explanations below describe the columns for Table 11.200; see Article 23 for the full and complete definitions of these terms.

Site Area: The area required to be eligible to develop this dwelling unit type. It applies to multi-family and attached housing types.

Lot Area: The area in square feet, unless number is followed by ac. denoting acres.

Lot Width: Width at setback line.

Yards: The yard dimensions or setbacks.

Building Spacing: This is used when the yard dimension applies only to one (1) side yard, or where side yards are small or non-existent, but buildings still need a minimum separation.

Maximum Height: The height of the building.

Maximum Building Coverage: This regulates the building size that can be placed on a lot.

Patio: These apply to patio and atrium housing types where the entire lot is enclosed and small internal patios or atriums are used instead of normal yards.

Side Load Garage Setback: Some unit types permit side loading garages in front of the normal setback line. This setback governs the garage.

Minimum Percentage in Width Type: Village and Lot line homes have three (3) lot widths. Each development shall have the stated percentage of each width. This is an affordable housing strategy.

(See Table 11.200 next page)

Table 11.200 LOT AND BUILDING STANDARDS FOR PLANNED, COMMUNITY & MULTIFAMILY HOUSING DEVELOPMENTS

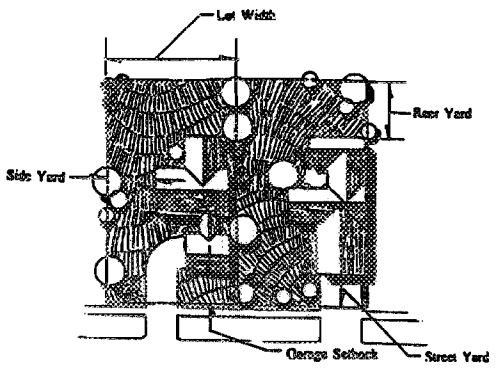
	MINIMUM							Maximum Height	PATIO MINIMUMS		Side Load Garage Setback	Minimum Percent In Width Type
Development Type	Site Area	Lot Area	Lot Width	Street Yard	Side Yard	Building Spacing	Rear Yard		Area	Width		
Single-Family												
Single-Family Detached		10,000	80	25	6/15		30	35				
Single-Family Detached		8,500	70	25	5/12		30	35				
Lot Line		6,410	55	20[1]	1@20	20	30	30			8	20
		7,000	60								8	40
		7,580	65								8	remainder
Village		4,500	45	12bt	5/10	na.	25[2]	35				
		5,000	50								6	
		5,500	55									
Patio		4,500	50	8/20[3]	patio	8	patio	26	1,000/48	20/6		
Single-Family Attached												Max Unit in a row
Twin	9,000	4,200	42	20/20[3]	1@8	12	25	35				2
Atrium	9,000	3,000	45	0/20[3]	0	8	0	16	800/48	24/6		8
Weak-link Town House	10,800	3,600	36	15/20[3]	0	10	25	35				8
Town House	7,200	2,200[4]	22[4]	15/20[3]	0	10	20	35				10
Multi-Family												
Duplex	7,000	3,500	70	20	8/22	na.	30	35				na.
Multiplex	8,000	2,000	80	20	6	12	15	35			5	8
Apartment	10,000	1,800	100	25/15[3]	12	30	20	35				na.

[1] Setback to garage from sidewalk.
[2] Rear garage may have 5' rear yard setback providing access to alley.
[3] Setback to parking.
[4] Variable - See Section

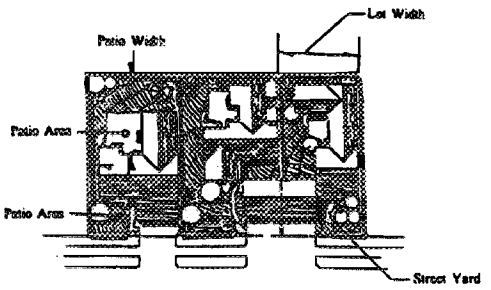
Figure 11.200

C725

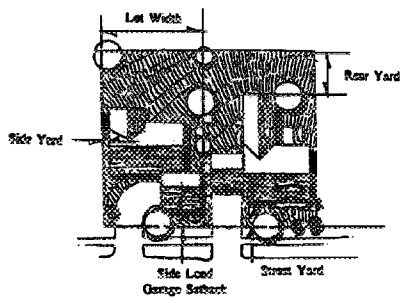
HOUSING TYPES AND LOT CONFIGURATIONS



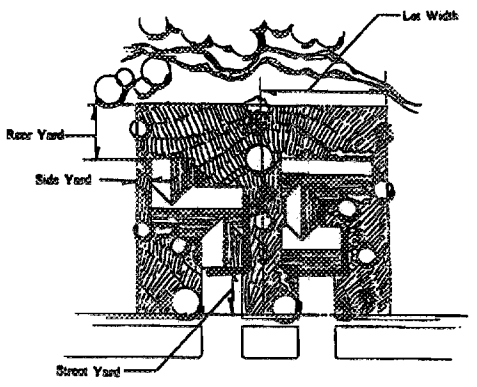
Lot-Line House



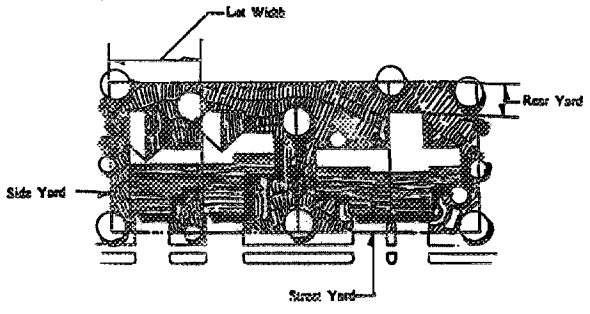
Patio House



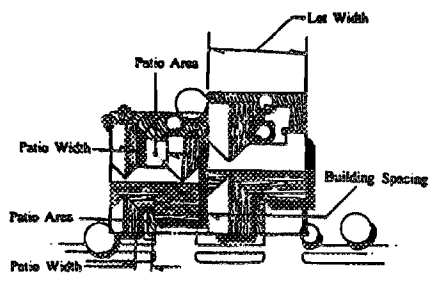
Village House



Single-Family Detached

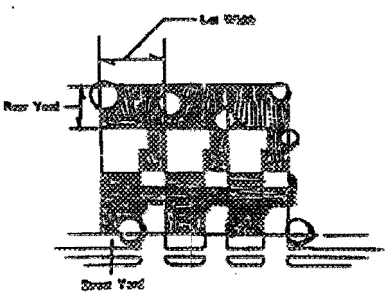


Twin House

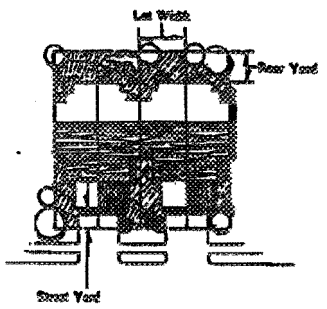


Atrium

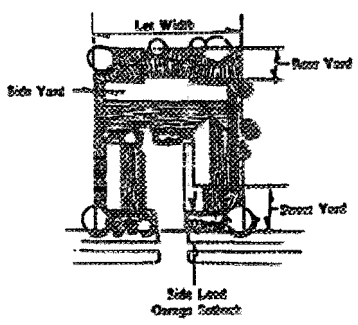
Figure 11.200
HOUSING TYPES AND LOT CONFIGURATIONS (Continued)



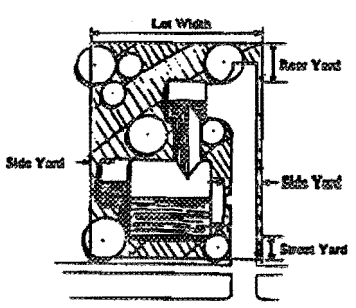
Weak-Link Townhouse



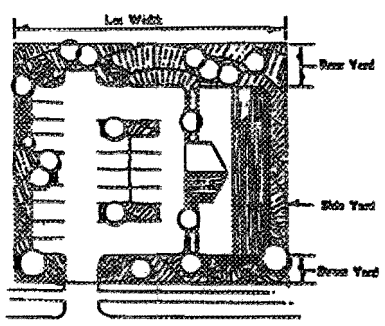
Townhouse



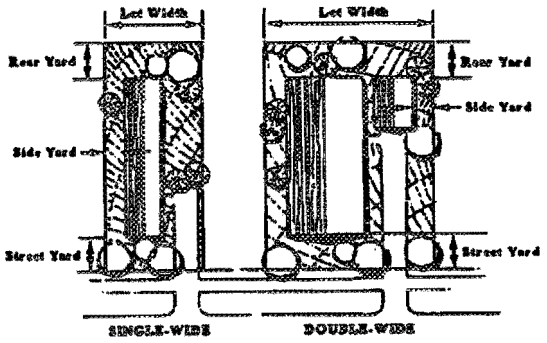
Multiplex



Duplex



Apartment



MANUFACTURED HOME

SECTION 11.210 LOT-LINE, VILLAGE AND PATIO HOUSING TYPES

Lot line and village houses in Table 11.200 utilize various widths and areas of lots. Such variations provide variable home sizes for diversity in housing cost and appearance. All three lot types shall be mixed on each block face or cul-de-sac having more than six units. Only two are needed on smaller block faces having fewer than six units. Corner lots have two street yard requirements which narrow the width of the building, prohibiting the wider unit. In calculating the width of corner lots, obtain the frontage of the lot type from Table 04.110 or Table11.200 and add the difference between the street yard and side yard. See Figure 11.200.

SECTION 11.220 DWELLING UNIT MIX REQUIREMENTS

All planned and community developments shall meet the mix requirements (Table 11.220) regarding the number of different dwelling unit types that must be provided. The mix provides a variety of housing types to meet all residents' needs. If the development is to be phased, each phase shall contain a share of the largest unit types generally proportional to the percentage of the total dwelling units. Where more unit types are provided than required, the developer may determine the percentage of those types to be provided.

Table 11.220
DWELLING UNIT MIX REQUIREMENTS FOR PLANNED & COMMUNITY DEVELOPMENTS

Total Units in Project R & S Districts	Total Units in Project U Districts	Min. Number of Types	Max. % Any Type	Min. % Any Type
1-25	1-40	1	100	20
26-50	41-100	2	70	20
51-150	101-200	3	60	15
151-300	201-400	4	45	10
301-600	401-700	5	40	5
601 or more	701 or more	6	40	5

SECTION 11.250 MANUFACTURED HOME COMMUNITY

This type of development is intended to accomplish quality design principles with manufactured housing units, to provide more affordable housing options for a variety of residents. Through flexible, yet careful consideration of site design, density, architectural and structural treatment and innovative construction, these types of developments can provide young, first-time homeowners, as well as, people on fixed-incomes, reasonable community types of living environments with effective neighborhoods, including active/passive open space areas for recreation, pedestrian-orientation and other attractive amenities that have become highly marketable.

Table 11.250
MANUFACTURED HOME COMMUNITY STANDARDS

STANDARD	URBAN, SUBURBAN, CP DISTRICTS	RURAL DISTRICT	ADDITIONAL STANDARDS
SITE LOCATION:			
District	Anywhere in district with minimum Collector Road direct access.	Only permitted within one (1) mile (measured to the closest property frontage along the highest order road), or as part of, a Community Preservation district. Public sewer or Community system is required for all developments with 10 or more units.	Permitted in Suburban-River Quality/See Table 04.110.
SITE DIMENSIONS:			
Site Area	Min: 3 acres. Max: 20 acres.	Min: 10 acres. Max: 30 acres.	
Density	Up to four units/acre gross.	Up to two units/acre gross.	
Lot Size	Min: 5,000 sf. CP District: Min = 10,890 sf.	Min:21,780 sf.	
Lot Width	Min: 40 feet.	Min: 50 feet.	
Unit Separation	Min: 10 feet.	Min: 20 feet.	Variations in exterior design and treatment of facades to avoid monotony, shall be encouraged by the DRT.
OPEN SPACE, BUFFERS, SETBACKS:			
Minimum Open Space	40% overall. *Active Open Space Requirement:* 100 sf. per unit or 5,000 sf., whichever is greater.	40% overall. *Active Open Space Requirement:* 200 sf. per unit or 10,000 sf., whichever is greater.	1. No more than 25 % open space can be water/wetlands. 2. Passive "Green Areas" open space including trails, viewing areas, etc., must be completed prior to 25 % development completion. Active "Green Areas" open space including bike paths, park facilities, swimming pools, etc., must be completed prior to 50 % development completion.
Landscaping	*Lot:* Two existing or planted canopy trees per unit, on each lot. *Entrance to Community:* Required	*Lot:* Three existing or planted canopy trees per unit, on each lot. *Entrance to Community:* Required	
Buffers	*Perimeter:* Fifty foot landscaped or natural vegetation providing at least 50 % opacity.		May be used as 25% of total open space requirement.

BK 0759

Table 11.250
MANUFACTURED HOME COMMUNITY STANDARDS

STANDARD	URBAN, SUBURBAN, CP DISTRICTS	RURAL DISTRICT	ADDITIONAL STANDARDS
Setbacks	Variable.		No structure permitted within any buffer.
COMMUNITY OPTIONS:			
Use Limitations	Recreational Vehicles are not permitted.		
Site Layout	Variable. Traditional Neighborhood Design encouraged.	Clustering required.	Zero lot-line layout is permitted.
Commercial Uses	Not permitted.	One Traditional Neighborhood Shop permitted for developments with more than 100 units, and must be incorporated into the development design. All standards in Section 03.328.2 must be adhered to.	
ARCHITECTURAL REQUIREMENTS:			
Structural Design	1. *Exterior Siding* shall be made of non-reflective and non-metallic materials, including vinyl, wood, glass, stucco, brick, stone and other masonry materials. 2. *Roof Structures* shall be sloped and provide an eave projection of no less than six inches, and no greater than 30 inches. (Not applicable to approved deck areas) 3. *Roofing Material* shall consist of one of the following: wood, shingle, synthetic composite shingle or concrete tile. (Metallic roofing surfaces are not permitted) 4. *Minimum Floor Area* shall be no less than 800 sf. for any unit, excluding garage or carport. 5. *Minimum Width* shall be no less than 22 feet at the lesser of any first story dimension, excluding garages and carports. Single section homes less than 22 feet, excluding garages or carports, but including two-story additions may be permitted at the discretion of the DRT. 6. *Foundations* shall allow permanent placement of every manufactured home that meets or exceeds all applicable Beaufort County Building Code requirements. 7. *Skirting* or a similar structural enclosure shall be installed so that no under-side of any unit is exposed, and the continuation of the exterior facade is not interrupted.		1. These requirements supercede the requirements as defined in Article 23. 2. Variations in exterior design and treatment of facades to avoid monotony, shall be encouraged by the DRT.
OTHER REQUIREMENTS:			
Reports, Studies	1. Community Impact Statement including Affordable Housing Narrative.		

BK 0760

DIVISION 11.300
NON-RESIDENTIAL DESIGN STANDARDS

Non-residential uses are often built along a roadway as single buildings on individual lots over a period of years. The diversity of styles, colors, materials, shapes, and other architectural features that are often done to attract attention result in chaotic streetscapes. A number of uses are often combined under a single roof or under single ownership (shopping centers, for example). These types of development offer greater potential for good design, which is not always achieved. The standards within this Division may be considered by the DRT and/or the CRB, and are applicable to all such uses within the County, regardless of their location within a designated Highway Corridor, and in addition to any formal review by other County Boards, if required. The following standards are intended to achieve several objectives:

A. Ensure that the degree of difference in style, color, materials, signs, and other design features is not so great as to result in a cluttered, chaotic, or unsightly streetscape.

B. Ensure that larger buildings and streetscapes are harmonious and have a sense of community, while having sufficient diversity in details and architectural features to avoid monotony.

C. Provide a clear sense of place and a community character that distinguishes Beaufort County from other areas.

SECTION 11.310 INDIVIDUAL BUILDING STANDARDS

Where individual buildings are to be built, the review will look for the following:

A. Buildings that use common materials, low country styles, or colors to create a strong sense of compatibility with adjoining uses along that street face.

B. Buildings that use roofs that unify the street face.

C. Corporate formula buildings are to be strongly discouraged. Roofs, colors, and motifs should be blended with the streetscape.

D. Differentiation should be encouraged through building shape (footprint), architectural details, such as: windows, accent materials, entrance details, roof lines and other architectural features, that articulate and create variety while maintaining a consistent roof theme.

E. The street face shall be considered a block (area between streets) unless the block is less than 300 feet or more than one quarter (.25) miles.

F. No buildings shall be clad in metal. Metal buildings are permitted, when clad with non-metal exterior. An exception to this is buildings in the Light Industry district that take access to interior streets of the development and are a minimum of 400 feet from exterior streets or property lines.

SECTION 11.320 BUILDING COMPLEX STANDARDS

Where the development is a complex of buildings, such as a shopping center, an office or industrial park with its own design guidelines, the complex should have a strong sense of place and unity of design. The complex should not be out of keeping with the surrounding buildings, but may clearly establish its own identity. The complex shall have a sense of place which can be accomplished with the use of a variety of architectural elements and design techniques. The following shall be used in evaluating the complex:

A. Commonality of materials and architectural style.

B. Roof lines and materials that provide a common overall design, but punctuated by design features that articulate the major elements of the center and provide variety and interest.

C. Break up horizontal fronts of buildings and create spaces that create a desirable pedestrian environment with appropriate street furniture.

D. A uniform sign package that limits style of letters, colors, and has rules for size.

E. An element or elements that provide a strong identifying image. The strength of the image should be related to the scale of the development. A small project should have an image that is more closely related to its neighboring land uses. A large, regional facility should have greater differentiation from its neighbors and a sense of place that is readily identifiable. Intermediate scale projects will need to have an identity that is distinct, but also relates well to neighboring uses. Entrance features, including the use of architectural features like a clock tower or corner building that has a strong image, are ways in which a strong identity may be created.

ARTICLE 13
SUBDIVISION DESIGN

DIVISION 13.000
PURPOSE

South Carolina State law defines subdivisions as land developments that divide a tract or parcel of land into two or more lots, building sites, or other divisions. This Article provides the principles for subdivision layout and design . Adherence to the provisions of this Article assures new subdivisions are consistent with Beaufort's community-oriented character by ensuring:

A. The Subdivision Plat contributes to the creation of a neighborhood or community rather than the development of an isolated project.

B. The Subdivision Plat preserves or enhances the character and the quality of the County and its neighborhoods.

C. The street, road, and pedestrian system is created in a manner that is safe and provides the best overall layout for the community, as well as the individual development.

D. Subdivision Plats conform to public improvement plans of the County, such as the proper provision of open space for recreation and other public use, and the convenient and proper location of sites for future schools, other public buildings, community facilities and shopping and industrial areas.

E. Adequate water, sewer, stormwater systems, and other utilities are provided to serve the development without adversely impacting other portions of the system or properties.

F. Proposed developments are functional and internally safe to the greatest degree possible and without adverse impact on the environment and adjoining properties.

G. All requirements of this Ordinance have been met.

H. All Subdivision Plats are processed equitably according to the uniform procedures and standards delineated in this Ordinance.

DIVISION 13.100
GENERAL REVIEW STANDARDS

All major subdivisions shall comply with the standards in this Article, unless superseded by more appropriate standards elsewhere in this Ordinance. Subdivisions may be as simple as merely dividing a tract or parcel of land, or for developing the tract or parcel of land into a legal use (Table 03.110) that includes or requires eventual subdivision

SECTION 13.110 EVALUATION CRITERIA

All non-exempt new subdivisions shall be evaluated with regard to excellence in design. The design should allow the subject site and adjoining land(s) to benefit from careful placement of uses, lots, drainage, and roads both on and off the site. The DRT may require that design modifications be made in order to achieve a design that meets the standards of this Article. The DRT shall recommend

modulation of the standards, where appropriate, to achieve better design without penalizing the developer. The DRT shall review all proposed Subdivision Plats and Land Development Plans against the following standards:

A. To facilitate the conformance with the public improvement plans of the County, such as the proper provision of open space for recreation and other public use and the convenient and proper location of sites for future schools, other public buildings, and other community facilities.

B. To protect the site's natural resources as provided by this Ordinance, with highest quality resource areas having the highest preservation priority. In addition to meeting minimum Ordinance requirements, plats and plans shall reflect sensitivity to such ecological factors as: preservation of vegetation, including protecting existing trees from destruction, minimizing of cut-and-fill operations, avoidance of erosion and consequent siltation of streams and drainageways, and other pertinent conservation measures.

C. To provide for well-proportioned and oriented lots that relate properly to roads and open space. An awkward and irrational pattern of lots and individual lot shapes shall be avoided. However, where somewhat irregular lots provide better visual access to open space or permit more efficient utilization of the land while still providing suitable house pads, they should be permitted. No remnants or landlocked spaces without access to the vehicular/pedestrian circulation system shall be permitted.

D. To promote the best design for the use of the property, both functionally and in relation to the adjoining neighborhood.

E. To provide for the safe, efficient, and convenient movement of vehicular and pedestrian traffic. Vehicular travel lanes, pedestrian movement systems, and parking should be separated. Within the context of overall community development, the internal circulation system should promote and encourage the increased use of pedestrian and bicycle movement among residential, local shopping, employment, schools, and other areas. Road connections shall seek to avoid external automobile trips through the employment of superblocks, stub streets, connecting open space, bicycle-pedestrian ways, and other design techniques and devices. Private gated communities shall not be permitted to restrict public access to the detriment of the County's other residents.

F. To integrate drainage and utilities efficiently into the design and avoid off-site impacts. With drainage in particular, the enhancement of flood storage capacity shall be encouraged.

G. To promote the district's qualities and character through both the site layout and landscaping. Bufferyard landscaping shall be provided of a type to achieve the screening objectives and, where possible, enhance open space objectives beyond the minimum requirements.

H. To review standards to determine if modulations in zoning or infrastructure design would assist in improving the development's quality, preserve natural resources, or enable the developer to work around difficult site conditions while maintaining density.

I. To permit plat or plan modifications to improve design, without requiring density reduction. The DRT may focus on revising the plat or plan by altering roads, lots, landscaping, or other plan elements and locations, rather than by altering development density.

DIVISION 13.200
TYPES OF SUBDIVISIONS

There are three types of subdivisions permitted under this Ordinance: **major, minor, and rural.**

Refer to Article 21 regarding review procedures for major or minor subdivisions.

SECTION 13.210 MAJOR SUBDIVISION

Major subdivisions are land developments that include subdividing any tract or parcel of land into five or more lots. Refer to Article 23 for a detailed explanation of major subdivision. Major subdivisions shall comply with the provisions of Article 13 and 14, and other applicable provisions of this Ordinance. Administration for major subdivisions begins with the ZDA and receives final approval by the DRT. Refer to Articles 20 and 21 for review responsibility and procedures for major subdivisions.

SECTION 13.220 MINOR SUBDIVISION

Minor subdivisions are land developments that include subdividing any tract or parcel of land into four or less lots. Refer to Article 23 for a detailed explanation of minor subdivisions. Minor subdivisions shall comply with the provisions of Article 13 and 14, and other applicable provisions of this Ordinance. Administration for minor subdivisions begins and ends with the ZDA, who retains final approval authority for them. Refer to Articles 20 and 21 for review responsibility and procedures for minor subdivisions. Refer to Section 13.010 for exemption options for certain types of subdivisions.

SECTION 13.230 RURAL SUBDIVISION

The rural subdivision is a minor subdivision designed to allow rural families to subdivide their land as simply as possible without providing open space or creating multiple access problems on rural roads and, thus, has specific standards that do not apply to the other types of subdivision. This subdivision provides limited development opportunity in the Rural (R) district if the landowner desires to continue agricultural operations, house family members, or raise income to supplement agricultural operations. It may also be used in areas where growth potential is limited by facilities capacity. This subdivision permits development at minimal cost, while providing protection from multiple access points along existing rural streets.

The rural subdivision permits a landowner to subdivide a large tract into four residential lots, for a total of five lots making up the entire original tract or parcel; the four newly subdivided lots are designated the "residential lots." The remaining parcel is designated as the "residual lot." The "residual lot" shall be included as part of the final plat for recordation purposes. The "residual lot" shall be used in part for access and as a reserve for future development that promotes sound land use patterns.

All rural subdivisions permit development with special treatment of local streets. No parcel in existence at the time this Ordinance takes effect shall use this rural subdivision process more than once, regardless of change in ownership. No further subdivision of a lot or the residual lot created by a rural subdivision shall be permitted except as a major subdivision meeting the requirements of this Ordinance. The requirements in Sections 13.310 and 13.311 must be met for a development to qualify as a rural subdivision. Administration for rural subdivisions begins and ends with the ZDA who retains final approval authority for them. Refer to Articles 20 and 21 for review responsibility and procedures for rural subdivisions.

DIVISION 13.300
SUBDIVISION LAYOUT

The following Sections provide design guidance in laying out blocks, lots, open spaces and streets in a subdivision development. The subdivision development shall be designed with a system of major and minor streets creating blocks of land.

SECTION 13.310 RURAL SUBDIVISION MINIMUM LAYOUT STANDARDS

The parcel upon which a rural subdivision is proposed shall have at least two and no more than four residential lots, in addition to the residual lot. No parcel shall be able to use the rural subdivision standards unless it meets the minimum area standards in Table 13.310. Newly subdivided lot sizes shall be no smaller than one (1) acre.

Table 13.310
MINIMUM AREA STANDARDS FOR RURAL SUBDIVISIONS

Number of Residential Lots	Acreage
2	30
3	45
4	60

subSECTION 13.311 CONDITIONS AND LIMITATIONS FOR RURAL SUBDIVISIONS

Rural subdivisions shall meet the following conditions and limitations. Where the adjoining public right-of-way is an arterial or collector street, the required right-of-way of such streets shall be dedicated to standards as designated by the County or SCDOT.

A. ACCESS EASEMENT: All lots shall take access from an access easement having a minimum right-of-way width of 50 feet located on the residual parcel. The access easement shall be improved with gravel and ditches for drainage. A 40 foot access easement may be permitted with documentation provided to the DRT that emergency vehicles can be accommodated. Landowners with private accesses are exempt from the width and improvement (gravel and ditches) requirements with documentation that emergency vehicles can be accommodated.

B. ACCESS LIMITATIONS: Any lot abutting a public right-of-way classified as an arterial, collector, or emergency evacuation route, shall have an accompanying plat note prohibiting access to that lot. The DRT may require such limitations on other roads where there exists the possibility of upgrading that road to the above status.

C. IMPROVEMENTS: The responsibility of the residual lot owner to pave roads and install all public utilities, water, sewer, and storm drainage for the initial lots shall be noted on the final plat.

D. RESIDUAL LOT REQUIREMENT: A note shall appear on all plans for rural subdivisions specifying that the residual lot cannot be further subdivided until all public improvements for water, sewer, and roads are satisfied or when infrastructure improvements and a Zoning Amendment take the land out of the Rural district. The note on the plan shall specify that the developer of the residual lot shall be responsible to improve all streets, utilities, and drainage for the subdivision's initial residential lots in accordance with this Ordinance, in conjunction with the subsequent planning of the residual parcel. When the residual lot is developed, the 40% open space requirement must be met and calculated on total acreage.

SECTION 13.330 TRADITIONAL NEIGHBORHOOD DESIGN SUBDIVISION

Design standards for blocks in TND subdivisions shall be as follows:

A. Where possible, blocks shall be laid out to have their short length abutting arterials, collectors,

or the development's major road. The blocks should not, in general, exceed 15 lots in length as measured on one side of the street. The length, width and shape of blocks should be determined with due regard to the provision of adequate sites for buildings of the type proposed, zoning requirements, topography, fire access, emergency service, and police protection.

B. Blocks should be, at minimum, such width as will provide two tiers of lots, except where reverse frontage lots are located along an arterial or collector street or where such an arrangement is prevented by size, topographical conditions or other inherent site conditions of property, as determined by the DRT.

C. Blocks for commercial and industrial areas may vary from the elements of design contained in this Section if the nature of the use requires other treatment. In such cases, safe and convenient access to the street system shall be required. Space for off-street parking may also require similar access for employees and customers. Extension of streets and utilities should be provided as necessary.

D. In areas where a grid or other formal system is desired in which open spaces are integrated into the block design, exceptions would be made for green spaces along drainage or stream channels or where other natural resources make the grid difficult or cost prohibitive. In other areas, the street and block system should be designed to preserve and protect natural areas.

E. Alleys are considered desirable for areas where lot sizes are less than 15,000 sf. in area. Alley access permits more narrow streets and improves the street frontage by keeping parking to the rear. Flexibility with regard to this objective will be needed on narrow sites or where there are resource limitations.

subSECTION 13.331 LOTS

Design standards for lots in TND subdivisions shall be as follows:

A. Every lot shall have frontage along the right-of-way lines of a street.

B. Double-frontage residential lots should be avoided. It is preferable along arterials or collectors to align blocks with perpendicular local streets so that side lot lines adjoin the main road. Only where this is impractical or where large buffers exist between the lot and the road should double frontages be permitted. Residential lots fronting on collectors shall be prohibited unless served with alleys.

C. Sidelines of a lot should generally be set approximately at right angles or radial to street right-of-way lines, and rear lines should generally be approximately parallel to street lines.

D. In rural areas, lotting along existing roads should generally be such so as to preserve the future developmental viability of interior lands by providing adequate road right-of-way access to the interior of properties. All homes should take access from new roads, rather than from existing roads.

E. The arrangement of lots must reflect sensitivity to the natural features of the property. Alternative development options, such as open space subdivision, single-family clustering or planned developments, provide the design flexibility needed to reduce the intrusion of lot areas into wetlands, floodplains, and other natural resources.

F. Commercial and industrial lots should be designed to prevent any visually unattractive facility, such as loading platforms, material or refuse storage areas, mechanical equipment, and supply areas, from facing major streets or residential neighborhoods. Alley access or screening walls

should be utilized to shield visually unattractive facilities.

subSECTION 13.332 LOT WIDTH AND FRONTAGE

Lot width and frontage requirements shall reflect the subdivision or land development conditions. These standards are intended to provide a reasonable building envelope and adequate access to each lot. The following guidelines govern lot configuration:

A. Where a grid street system exists, the lots should be as close to rectangular as feasible.

B. In curvilinear street patterns, irregular lot shapes will result. The construction envelope is where the minimum lot width must be maintained; therefore, the lot width may not be narrower than the minimum at any point within the envelope. The developer may define building envelopes more restrictively than minimum yard setbacks on the final plat. The building pads should permit houses that are part of the developer's product mix.

C. Where topography, natural resources, or property shape make normal lotting difficult, common drives, flag lots, or shared easements shall be considered.

D. Each lot shall have frontage on a public or private street. The minimum lot frontage shall be similar to minimum lot width. Exceptions shall be granted on curvilinear streets or cul-de-sacs and where irregular lots are found to assist in achieving other goals. No frontage shall be less than 25 feet at the street line. The critical element of lot width or frontage is that the building envelope be maintained so that houses typical of that lot size can be built.

subSECTION 13.333 LOT LINES

The County desires lot lines to be generally perpendicular or radial to the street and rear lines to be generally approximately parallel to street lines. However, different lot shapes will be permitted if they can be shown to be necessary or desirable to relate building sites to the terrain and open space or if they provide better site utilization and building relationships. Lots with non-radial, non-perpendicular, or bent lot lines may be permitted where it leads to greater efficiency while still providing generally rectilinear building envelopes. More flexibility in this consideration shall be granted as lot sizes increase. Also, where providing views of open space or to avoid resource destruction, the use of non-rectangular lots is desirable to achieve these broader goals.

subSECTION 13.334 EASEMENTS

Where required, all lots shall provide easements for sewer, water, drainage, gas, telephone, or cable TV necessary to serve the subdivision. Such easements shall be located in either street rights-of-way, alleys, side or rear yards. The following standards shall apply to easements:

A. The utility easements shall be a minimum of 10 feet wide. Easements which fall on shared side or rear lot lines shall be divided equally, requiring five feet from each lot.

B. Where attached housing types or patio lots are involved and yards are enclosed or very narrow, easements shall be placed in open space areas where maintenance will not disturb the enclosures.

C. Drainage easements shall be placed on lots to convey surface water to storm sewers located on the street or in open spaces.

D. The minimum lot size may include 10 foot easements, except as provided in B. above, or where open space is protected on the lot by an easement, or where public access easements are

provided. The areas in the open space easement shall be in addition to the minimum lot size in Table 04.110.

E. Surface drainage patterns shall be protected by easements or open space.

F. If streets are intended to be dedicated to SCDOT or Beaufort County, all SCDOT or County standards must be met, respectively.

G. Where roads or lots are built in areas of natural resources, all utilities, if safe, shall be placed within the street right-of-way and under the street in order avoid additional destruction of natural resources. Drainage easements shall be designed to use natural channels or sheet flow to the maximum extent practical.

subSECTION 13.335 OPEN SPACES

Open spaces in TND subdivisions shall be designed and laid out to achieve the following:

A. Open space requirements of buffering, resource protection, recreation, stormwater management, and preservation of community character shall be achieved.

B. Visual access to open space shall be encouraged from both lots and streets. Views to water, wetlands, mature forest stands, or specimen trees shall be encouraged.

C. Open space shall be designed to provide greenways along stream corridors. Such open areas shall be designed to accommodate wildlife wherever possible. Trails shall provide access along the greenway and to the residents of the development.

D. Open spaces should be integrated into the development design to bring significant open space to the maximum number of properties. Small odd left over open space areas should be avoided. Extra landscaping may be required to enhance the value of such spaces where they cannot be avoided.

E. More formal open spaces shall be designed to provide areas of focus to the development. The landscaping and public space furniture should be installed to enhance this effect.

F. Open spaces must be designated as "open space easement" on all plats, and conveyed to a property owner's association. When a mutual agreement exists, the open space may be conveyed to the County subject to acceptance by the County. The County may dedicate the open space for public use.

subSECTION 13.336 STREETS

All new streets not intended to be private in nature and widened portions of all existing dedicated public rights-of-way shall be dedicated to public use, subject to final inspection and acceptance by the County Engineer. Layout of streets in TND subdivisions shall comply with the following standards:

A. There shall be a clear hierarchy of streets, arterials, collectors, and local access streets, both residential and commercial subdivisions.

B. Lots are not intended to have direct access to arterial or collector streets. Only where the access serves large, high traffic volume uses or large parcels shall such direct access be provided. Access from arterial or collector streets to individual house lots should be prohibited unless there is no other option for serving the lot.

C. Where traffic volumes become too high, even on local streets, individual, single-family access should be prohibited.

D. Street design shall reflect the desired community character objectives of the County. This means that, wherever possible, collectors and arterials should have extensive landscaping as either boulevards or parkway type designs. Where practical, the center of the boulevards should run on the development property line so no individual developer has to provide the entire road.

E. Where small lots are used that would generate extensive on-street parking and lot widths result in a limit of the area available for on street parking, alleys should be used.

F. Special consideration shall be given to street design to enable natural areas to be protected or minimally disturbed.

G. Streets shall connect with adjoining developments to the maximum degree possible. This is critical to the creation of real neighborhoods. Only occasional connections shall be considered inadequate, unless there is a physical feature that renders connection difficult or very expensive. Where private gated communities are proposed, they may be permitted; however, the County shall require adequate access for community service, traffic movement, and access to water or other areas of public use.

SECTION 13.340 NON - TRADITIONAL NEIGHBORHOOD SUBDIVISION DESIGN

Design standards for blocks in Non-TND subdivisions shall be as follows:

subSECTION 13.341 LOTS

Design standards for lots in Non-TND subdivisions shall be as follows:

A. Every lot shall have frontage along the right-of-way lines of a street.

B. Double frontage lots are lots what the front and rear property lines border a street. Double frontage lots shall only be permitted where it shall be found necessary to separate a development from major thoroughfares, or to overcome specific disadvantages of topography and orientation.

C. Corner lots shall be of sufficient size and shape to permit required building setback and orientation to both streets.

D. In rural areas, lotting along existing roads should generally be such so as to preserve the future developmental viability of interior lands by providing adequate road right-of-way access to the interior of properties. All homes should take access from new roads, rather than from existing roads.

E. The arrangement of lots must reflect sensitivity to the natural features of the property. Alternative development options, such as open space subdivision, single-family clustering or planned developments, provide the design flexibility needed to reduce the intrusion of lot areas into wetlands, floodplains, and other natural resources.

F. Commercial and industrial lots should be designed to prevent any visually unattractive facility, such as loading platforms, material or refuse storage areas, mechanical equipment, and supply areas, from facing major streets or residential neighborhoods. Alley access or screening walls

should be utilized to shield visually unattractive facilities.

subSECTION 13.342 USABLE LOT AREA

Each lot shall have a minimum usable lot area equal to or greater than 50% of the gross lot area. This is calculated by subtracting the area of wetlands and wetlands setbacks from the gross area.

A. As an alternative to disallowing any lot that does not meet the minimum usable lot area as defined in the in the previous paragraph, if the Professional Engineer can clearly demonstrate that the lot can sustain a single-family residence, an access driveway, a septic tank and drainfield (as may be required) and potable water service, the County Engineer may approve such a lot for development. The accepted method for demonstrating that the substandard lot is suitable for development will be that the Design Engineer will provide a site/drainage plan for the lot which locates the house, the driveway, the septic drainfield (as required) and the potable water service. The site/drainage plan will also include existing and finished topography elevations.

subSECTION 13.343 LOT WIDTH AND FRONTAGE

Lot width and frontage requirements shall reflect the subdivision or land development conditions. These standards are intended to provide a reasonable building envelope and adequate access to each lot. The following guidelines shall govern lot configuration:

A. Where a grid street system exists, the lots should be as close to rectangular as feasible.

B. In curvilinear street patterns, irregular lot shapes will result. The construction envelope is where the minimum lot width must be maintained; therefore, the lot width may not be narrower than the minimum at any point within the envelope. The developer may define building envelopes more restrictively than minimum yard setbacks on the final plat. The building pads should permit houses that are part of the developer's product mix.

C. Where topography, natural resources, or property shape make normal lotting difficult, common drives, flag lots, or shared easements shall be considered.

D. Each lot shall have frontage on a public or private street. Unless otherwise required by Table 04.110, the minimum street frontage shall be 50 feet, except on cul-de-sacs which shall have a minimum of 30 feet, and 50 feet at the building line.

subSECTION 13.344 LOT LINES

Insofar as practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines. Excessive lot depth in relation to lot width shall be avoided. The depth of residential lots shall not be less than one nor more than five times their width.

subSECTION 13.345 MINIMUM LOT ELEVATION AND DRAINAGE

Lots shall be provided with adequate drainage and shall be graded, so as to drain surface water away from the building. The minimum elevation of the lot shall be a level that will prevent ponding or flooding as a result of heavy rain, or during abnormally high tides. The entire lot shall be properly drained at a minimum slope of one-eighth (1/8) inch per foot toward roadside and/or lot swales.

subSECTION 13.346 EASEMENTS

Where required, all lots shall provide easements for sewer, water, drainage, gas, telephone, or cable TV

necessary to serve the subdivision. Such easements shall be located in either street rights-of-way, alleys, side or rear yards. The following standards shall apply to easements:

A. The utility easements shall be a minimum of 10 feet wide. Easements which fall on shared side or rear lot lines shall be divided equally, requiring five feet from each lot.

B. Where attached housing types or patio lots are involved and yards are enclosed or very narrow, easements shall be placed in open space areas where maintenance will not disturb the enclosures.

C. Drainage easements shall be placed on lots to convey surface water to storm sewers located on the street or in open spaces.

D. The minimum lot size may include 10 foot easements, except as provided in B., above, or where open space is protected on the lot by an easement, or where public access easements are provided. The areas in the open space easement shall be in addition to the minimum lot size in Tables 04.110.

E. Surface drainage patterns shall be protected by easements or open space.

F. If streets are intended to be dedicated to SCDOT or Beaufort County, all SCDOT or County standards must be met, respectively.

G. Where roads or lots are built in areas of natural resources, all utilities, if safe, shall be placed within the street right-of-way and under the street in order avoid additional destruction of natural resources. Drainage easements shall be designed to use natural channels or sheet flow to the maximum extent practical.

subSECTION 13.347 OPEN SPACES

Open spaces in Non-TND subdivisions shall be designed and laid out to achieve the following:

A. Open space requirements of buffering, resource protection, recreation, stormwater management, and preservation of community character shall be achieved.

B. Visual access to open space shall be encouraged from both lots and streets. Views to water, wetlands, mature forest stands, or specimen trees shall be encouraged.

C. Open space shall be designed to provide greenways along stream corridors. Such open areas shall be designed to accommodate wildlife wherever possible. Trails shall provide access along the greenway and to the residents of the development.

D. Open spaces should be integrated into the development design to bring significant open space to the maximum number of properties. Small odd left over open space areas should be avoided. Extra landscaping may be required to enhance the value of such spaces where they cannot be avoided.

E. More formal open spaces shall be designed to provide areas of focus to the development. The landscaping and public space furniture should be installed to enhance this effect.

F. Any remnants of land not meeting all the requirements of this Ordinance shall be incorporated into either existing or proposed lots, or shall be legally deeded to the Homeowners Association. Open spaces must either be conveyed to a property owner's association, or placed under an open space easement. When a mutual agreement exists, the open space may be conveyed to the

County subject to acceptance by the County. The County may dedicate the open space for public use.

subSECTION 13.348 STREETS

All new streets not intended to be private in nature and widened portions of all existing dedicated public rights-of-way shall be dedicated to public use, subject to final inspection and acceptance by the County Engineer. Layout of streets in Non-TND subdivisions shall comply with the following standards:

A. There shall be a clear hierarchy of streets, arterials, collectors, and local access streets, both residential and commercial subdivisions.

B. Lots are not intended to have direct access to arterial streets. Access from arterial streets to individual house lots should be prohibited unless there is no other option for serving the lot.

C. Where traffic volumes become too high, even on local streets, individual, single-family access should be prohibited.

D. Street design shall reflect the desired community character objectives of the County. This means that, wherever possible, collectors and arterials should have extensive landscaping as either boulevards or parkway type designs. Where practical, the center of the boulevards should run on the development property line so no individual developer has to provide the entire road.

E. In order that there may be convenient access between various parts of a subdivision and between the subdivision and surrounding areas and in order to help prevent traffic congestion and traffic hazards, the length between intersecting streets hereafter shall not exceed 1,800 feet.

F. Special consideration shall be given to street design to enable natural areas to be protected or minimally disturbed.

G. Streets shall connect with adjoining developments to the maximum degree possible. This is critical to the creation of real neighborhoods. Only occasional connections shall be considered inadequate, unless there is a physical feature that renders connection difficult or very expensive. Where private gated communities are proposed, they may be permitted; however, the County shall require adequate access for community service, traffic movement, and access to water or other areas of public use.

DIVISION 13.400
COVENANTS AND DEEDS

SECTION 13.410 PRIVATE RESTRICTIONS

Private restrictions shall require review and approval by the DRT. The provisions of this Division are not intended to replace any deed restriction, covenant, easement, or any other private agreement on the use of land. All such restrictions shall be enforced by parties to the restriction. The County shall not enforce or become involved in the enforcement of private restrictions. The County shall only enforce provisions that are required by this Article or other provisions of the Beaufort County Zoning Ordinance.

A. If a provision of any County Ordinance is more restrictive than the private restriction, the County regulations shall prevail.

B. Any provision that violates the laws of the United States, the State of South Carolina, or the County is hereby deemed to be unenforceable by the property owners. Where found by the County in its review, it shall be deleted.

C. No private restriction shall render a development lot unbuildable if it were buildable under this Ordinance either by restricting the use or altering the setback or similar standards of the recorded subdivision.

D. Private restrictions shall ensure that open space, resource protection, and long term maintenance of common areas are provided in accordance with the provisions of this Ordinance.

SECTION 13.420 PUBLIC EASEMENTS

During the planning of a property, the County may require the granting of a variety of easements on private property or lots. These easements may be for any of the following purposes: drainage, utilities, access to public utilities or drainage areas, and open space easements. The County shall have the right to remove any encroachment, structures, landscaping, or any other improvements placed upon such public easements. The County may assess the cost of removing the illegal improvements against the landowner.

DIVISION 13.500 IMPROVEMENTS

All improvements shall meet the standards of Article 14. To ensure all required improvements are completed, all subdivisions shall be required to provide adequate surety for roads, utilities, drainage, stormwater management facilities, recharge basins, landscaping, open space completion, monuments, and other infrastructures and improvements shown on the final plan or plat. All infrastructure shall be completed within 12 months. Such surety shall be posted prior to the recording of a final plan or plat. See Division 21.540.

ARTICLE 14
SUBDIVISION AND LAND DEVELOPMENT STANDARDS

DIVISION 14.000
GENERAL

SECTION 14.010 APPLICABILITY

All proposed land developments and subdivisions shall conform with the standards set forth in this Article, unless expressly exempt from obtaining a development permit as specified in this Article or elsewhere in this Ordinance.

DIVISION 14.100 STREET STANDARDS

SECTION 14.110 ACCESS

subSECTION 14.111 ACCESS TO STATE AND FEDERAL THOROUGHFARES

A. Street, driveway, or other access separation along State and Federal highways shall be in accordance with the SCDOT, "Access and Roadside Management Standards." In no event however, shall individual driveways and non-residential curbcuts be permitted at spacing less than that listed below:

1.	MAJOR ARTERIAL ROAD (DIVIDED FOUR-LANE):	**1,500 feet**
2.	ARTERIAL ROAD (TWO-LANE):	**800 feet**
3.	COLLECTOR ROAD AND ALL OTHERS:	**400 feet**

C. If a road can be provided for lots (parcels), they shall be required, rather than permitting the stripping of lots (parcels) along the road frontage with individual and direct access to the roadway. The Rural Subdivision (Section 13.310) is specifically designed to eliminate stripping of lots. If a property cannot be provided access through adjoining properties, then a temporary access may be permitted (subSection 14.112).

subSECTION 14.112 TEMPORARY ACCESS

No developer shall be denied a Zoning Permit or plan approval for the sole reason that a parcel of record, as of the date of adoption of this Ordinance, cannot meet the permanent access standards, provided the development plan meets all other requirements of this Ordinance. A Temporary Access Permit may be granted which shall expire when the permanent access to the property via adjoining parking lots, shared access with adjacent property, parallel access, or reverse frontage roads is achieved. The property owner(s) shall bear the cost of closing the temporary access and connecting to the permanent access.

subSECTION 14.113 DRIVEWAY LINKAGE FOR NON-RESIDENTIAL DEVELOPMENT

As determined by the DRT, linkages shall be required between adjoining properties to provide for

movement from one (1) development to another without requiring a return to the public roadway. This may be accomplished in several ways.

A. Where feasible, a continuous frontage or reverse frontage shall be provided either immediately behind the bufferyard or, if out lots are to be provided, along the rear property line of the outlots.

B. Where a uniform setback line is established on a number of properties so that drives at the front of the building can be interconnected, this circulation road may be used as the linkage.

C. A driveway stub out section can be used when it is adjacent to the vacant land, if that vacant land is located in a non-residential zoning district, or where the DRT indicates the adjacent property will be developed as a non-residential use (This requirement shall not apply where a frontage road system is planned or is in place.) All driveways and driving areas (including those through parking lots) designated for such movement shall be paved.

D. The alignment of such accesses shall be linked in a straight line for as long a distance as is practical. The DRT may, in reviewing development, determine that one (1) of the above methods is most appropriate and requires that all development provide such connections.

subSECTION 14.114 LEGAL ACCESS

A. While it is the intent of this Ordinance that all property proposed for development have legal and adequate access to public thoroughfares, it is recognized that often such legal right of access may not be clearly established at the time of proposed development activity. For development activity not involving the sale of lots or residential units to consumers, the concern over questionable legal access is not as great, except that such proposed development may impact other property across which access to the development depends. It is, however, of great concern that projects proposed for the sale of lots or dwelling units to consumers have clear legal access to avoid potential legal litigation involving unsuspecting consumers. To this end, all applicants for development approval on property not immediately contiguous to deeded public rights-of-way shall submit:

1. Copies of recorded deeds, plats and easements clearly documenting access to the development property, or

2. In the absence of such recorded documents, evidence that reasonable effort has been made to acquire necessary easements from property owners whose lands over which access is dependent; and

B. Development involving the sale of lots, tracts, or units for which the provisions of subpart A.1. of this subSection cannot be met must include on the face of recorded plats and surveys and in the body of associated deeds, master deeds, covenants and restrictions the following disclosure:

Disclosure Statement
"It has been determined by Beaufort County that access to all lots or units contained in this development are not clearly and legally established or defined at the time of approval of this development for construction and sale of lots or units to the general public."

For development not involving the sale of lots or units which cannot meet the provisions of subpart A.1. of this subSection, the ZDA shall send notice of development intent by certified

mail to all affected property owners whose land over which access to the proposed development property is dependent at least 14 days in advance of scheduled project review.

C. The DRT shall review all applications for physical adequacy of access on a case-by-case basis and may deny development approval where access is inadequate for emergency vehicles or users may experience unwarranted inconvenience.

D. ACCESS TO ADJOINING PROPERTY. Upon determination that reasonable access to adjoining property would be seriously affected by a proposed subdivision design, the ZDA will notify the adjacent property owner, by registered mail, of his/her findings and recommend that he/she 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.

SubSECTION 14.115 PUBLIC ACCESS

A. Accessibility is important for public health and safety and to promote the character of the community that the County finds desirable. If a developer wishes to build a gated community that prohibits general public access, then the developer must meet the following standards:

1. No local residential street shall have a peak hour volume of greater than 240 trips. Such developments shall be designed to ensure this volume cannot be exceeded.

2. The County Attorney, assisted by other County Departments, shall determine if there are any water access areas that are subject to prescriptive right of use. If the County Attorney issues an opinion that there is a prescriptive right of access, and the applicant refuses to acknowledge the prescriptive easement, no permit shall be issued until a final order resolving such question is entered by an appropriate court, or the developer posts a bond which, in the opinion of the Court protects the potential prescriptive users.

3. Public access to existing cemeteries shall be ensured.

4. Any roads designated by the DRT for providing adequate transportation to an area pursuant to an overall circulation plan effecting multiple land owners shall be public roads.

5. **Gated Community.** All developments proposed for restricted access shall submit, as part of the TIA, an analysis of the potential effects from such restricted access on the future road capacities in the vicinity of the project.

SECTION 14.120 STREET DESIGN STANDARDS

While it is the intent of this Division to provide ample flexibility in the layout of streets, proposed street systems will be reviewed as to their 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.

A. GENERAL REQUIREMENTS.

1. **Continuation of Existing Street Pattern.** The location, layout, arrangement, width, and grade of the proposed streets should be coordinated with the adjoining street

systems, adjoining properties, topography, natural features, and drainage system. Minor residential streets shall be laid out so that their use by through traffic will be discouraged.

2. **Naming of Streets.** Proposed streets, which are obviously in alignment with other existing named streets, shall bear the assigned name of the existing street. Proposed street names shall not be phonetically similar to existing street names, regardless 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, and shall be placed on the final plat (See Street Naming, Section 21.760).

3. **Street Name Signs.** Street name signs, constructed to County specifications, shall be installed at all street intersections at the developer's expense. Street names proposed by the developer must first be approved by the E-911 Addressing Center, and then by the DRT.

4. **Design Drawings and Certification.** Professional Engineers, registered in the State of South Carolina, shall prepare plans, profiles, cross-sections, and specifications for all subdivision roads and streets. Said engineers shall certify roads/streets are built to their approved plans and specifications. Cross-sections shall be developed every 100 feet at intersections and break-points in grade. Cross-sections shall show travel-way, shoulders, ditches (or curb and gutter if applicable) and utility location.

B. GENERAL DESIGN REQUIREMENTS.

1. **Collector Streets.** Where a subdivision abuts or contains an existing or proposed collector or through street, the DRT may require marginal access streets, reverse frontage with screen planting, deep lots, or other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

2. **Visual Obstructions.** No fence, wall, tree, terrace, building, sign, shrubbery, hedge, or other planting or structure or object capable of obstructing driver vision will be allowed at intersections.

3. **Street Jogs.** Street jogs, or centerline offsets in the horizontal alignment of streets across intersections of less than 150 feet shall be prohibited.

4. **Intersections.** The centerline of no more than two streets shall intersect at any one (1) point. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no streets shall intersect any other street at less than 60 degrees.

5. **Minimum Curb and Street Radius.** The lot line radius at intersecting streets shall be not less than 20 feet, unless the developer demonstrates to the County Engineer valid reasons to utilize less than 20 feet radii. The centerline radius of all curvilinear streets shall be not less than 100 feet.

6. **Dead-End Street and Cul-de-Sac.** Dead-end streets, designed to be so permanently, shall be no longer than 1,800 feet and shall be provided with a cul-de-sac. The cul-de-sac shall have a right-of-way radius of 50 feet and a solid paved circular area with a

radius of 40 feet. Temporary dead-end streets shall be provided with a temporary turnaround area which shall be designed considering traffic usage, maintenance, and removal. Planned developments may utilize landscaping in the center of the cul-de-sac turnaround areas, or as approved by the County Engineer.

7. **Minimum Right-of-Way and Pavement Widths.** The standards for street widths varies with the type of traffic anticipated and whether parking on the street is required. Table 14.120 provides the standards.

8. **Additional Right-of-Way.** A proposed subdivision that includes a platted street which does not conform to the minimum right-of-way requirements of this Ordinance shall provide for the dedication of additional right-of-way along either one (1) or both sides of said street, so that the minimum rights-of-way required by this Ordinance can be established. If the proposed subdivision abuts only one (1) side of said street, then a minimum of one-half (½) of the required extra right-of-way shall be dedicated by such subdivision.

Table 14.120
ROAD STANDARDS

Type	Maximum Peak Hour Volume	Parking Lanes	Right-of-way	Pavement
Cul-de-sac, lot frontage more than 120 feet	20	none	50	20
Local Residential	240	none	50	22
Local Residential	240	1	50	26
Local Residential	240	2	60	34
Local Non-residential	1,000	none	50	28
Residential Collector	800	none	50	22
Collector	na.	none	60	24
Collector	na.	2	60	38
Arterial	na.	Per State Requirements		

C. STREET CONSTRUCTION SPECIFICATIONS.

1. **Reverse Curves.** The minimum distance between reverse curves shall be 100 feet.

2. **Specifications for Construction of Roads and Streets.** All new roads intended to become County roads shall be paved to meet the minimum requirements for road construction as follows, in accordance with referenced sections of the South Carolina Highway Department Standard Specifications:

a) Commercial Subdivisions.

1) Wearing Surface. Minimum thickness of two inches of Asphalt pavement, as specified in Section 400 titled, "Bituminous Pavements," and Section 403, "Hot Laid Asphalt Concrete Surface Course," Type I.

2) Base Course shall be a minimum thickness of eight inches and shall

comply with Section 306, "Stabilized Aggregate Base Course." Prime Coat shall meet the requirements of Sections 304.14 and 401.22.

b) Residential Subdivisions.

1) Wearing Surface: Minimum thickness of one and one-half (1-1/2) inches of Asphalt pavement, as specified in Section 400, "Bituminous Pavements," and Section 403, "Hot Laid Asphalt Concrete Surface Course," Type I.

2) Base Course will be a minimum thickness of six inches of stone and shall comply with Section 306, "Stabilized Aggregate Base Course." Prime Coat shall meet the requirements of Sections 304.14 and 401.22.

3. **Shoulder Slope.** Maximum slope of shoulders shall be one (1) inch per foot. Minimum slope of shoulders shall be one-half (½) inch per foot.

D. UNPAVED ROADS: MINIMUM CONSTRUCTION SPECIFICATIONS. For the purposes of this Article, unpaved road shall not mean dirt road, per se, but shall be referred as "Stabilized Aggregate" road. Unpaved roads are to be utilized for residential, low volume traffic usage only. For subdivision of land, low volume traffic shall mean that the highest traffic potential of traffic that can be generated based on the underlying zoning district. All minor subdivisions of land, as long as, no more than four lots are served by the proposed road, may utilize a Stabilized Aggregate road, per County standards. All major subdivisions shall require paved roads, per County standards. Unpaved roads shall remain private roads, and not accepted by Beaufort County for maintenance or ownership.

1. Normal crown cross-section transverse slopes shall be a two percent minimum.

2. Longitudinal slopes shall be a one (1) percent minimum.

3. A soil report and analysis shall be performed by a qualified soil professional to determine if the soil is suitable for unpaved roads. The water table elevation shall also be determined.

4. The road cross-section shall consist of the following:

a) strip and remove all deleterious and organic material from sub-base, and compact to a 95% of density in six inch to eight inch lifts, to a depth that will accommodate the vehicular loadings so structural failure will not occur;

b) six inch Stabilized Aggregate Base Course, that conforms to the requirements of Section 306 of the South Carolina Highway Department Standard Specifications, with prime coat or other suitable approved means of dust control. Other techniques with similar performance may be approved by the County Engineers.

5. Road shall consist of 20 foot roadway with four foot shoulders and roadside ditches.

6. All intersections shall be designed to keep stormwater out of intersection.

7. All discharges of stormwater in saltwater wetlands shall meet or exceed the Water Quality Control Standards of OCRM.

8. Roads shall be designed so that potential for maintenance is reduced to a minimum (i.e.,

maintenance plan for roadway).

9. Engineer shall design so that runoff will not create an erosion problem and damage the structural integrity of the road.

10. The engineer designing the road will produce a summary on how these criteria are accomplished, including the following;
    a) the existing tree root systems within the right-of-way shall be trimmed and cut back to eliminate and reduce intrusion or presence within the road subgrade, including the 24 inch compact subgrade. No existing standing trees which are adversely impacted by the root pruning shall be left standing such that they would present a dangerous or hazardous condition within the right-of-way. The developer or its contractor shall use the services of a qualified arborist or forester in determining the impact and survivability of individual trees.

11. **Minor Subdivisions in Rural/Rural Residential Districts.** All lots shall take access from an access easement having a minimum right-of-way width of 50 feet. The access easement shall be improved with gravel and ditches for drainage. A 40 foot access easement may be permitted with documentation provided to the DRT that emergency vehicles can be accommodated. Landowners with private accesses are exempt from the width and improvement (gravel and ditches) requirements with documentation that emergency vehicles can be accommodated.

DIVISION 14.200
SERVICE STANDARDS

SECTION 14.210 MINIMUM SERVICE REQUIREMENTS

All development shall be provided with minimum services in conformance with the provisions of this Division. 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. No development shall be undertaken if provision has not been made for the following basic services, where applicable:

A. Potable water supply of sufficient quantity to satisfy domestic needs; and

B. Water supply of acceptable quality and sufficient quantity to satisfy commercial and industrial demand; and

C. Means for treatment and disposal of domestic sewage and other liquid waste; and

D. Means for collection and disposal of solid wastes, except for single-family residential subdivisions; and

E. Vehicular access to existing streets or highways; and

F. All driveways shall be paved, from the property line to the edge of the roadway pavement, except for private dirt roads; and

G. Power supply, normally electricity; and

H. Water supply for fire protection (See Section 14.230.B).

SECTION 14.220 SEWER STANDARDS

A. All public sewers shall be installed to the specifications of the water and sewer agency providing that service. The plans for such service shall be approved in writing to the County prior to final plan approval. A letter accepting the facilities as properly installed shall be submitted to the County prior to the release of surety or the issuance of occupancy permits.

B. All on-site systems shall be properly installed and meet the standards of DHEC.

SECTION 14.230 WATER STANDARDS

A. WATER SUPPLY FOR PUBLIC USE. All public water systems shall be installed to the specifications of the water and sewer agency providing that service. The plans for such service shall be approved in writing to the County prior to final plan approval. A letter from the water and sewer agency accepting the facilities as properly installed shall be submitted to the County prior to the release of surety or the issuance of occupancy permits.

B. WATER SUPPLY FOR FIRE PROTECTION. All new development serviced by a public or quasi-public water system and approved by the South Carolina DHEC shall provide firefighting capability through the provision and placement of fire hydrants and adequate flow pressure. The location and spacing of hydrants shall be as follows:

1. **Subdivisions.** Fire hydrants shall be required for all subdivision of property except single-family subdivisions of four lots or less. Hydrants shall be placed along streets and roads at intervals not to exceed 1,000 feet. In no case shall the nearest property line of a subdivided lot exceed 500 feet from a fire hydrant.

2. **Buildings.** All properties where buildings or portions of buildings, other than one (1) or two-family dwellings, are located more than 150 feet from a public or quasi-public water main shall be provided with approved fire hydrants connected to a water system capable of supplying the required fire flow, unless the fire district has approved an alternate fire protection plan. The location and number of such on-site hydrants shall be as designed by the Fire Official with the minimum arrangement being so as to have a hydrant available within 300 feet of the building, and allow for distribution of hose to any portion of any building on the property at distances not exceeding 500 feet.

3. **Exemption.** Commercial buildings existing prior to adoption of this Ordinance shall not be required to meet Fire Safety Standards for approved changes which do not involve or affect the structure(s). Refer to Division 01.500, Non-conformities, for other requirements.

4. **Private Water Systems.** These shall be designed to handle fire flow in that subdivision by water mains or an approved alternative system, per Fire Safety Standards. The required fire flow shall be established according to the Insurance Services Office's determination guide.

5. **Fire Protection Options.** In providing fire protection for the development, the developer shall have one of the following three options:
   a) tying into an existing public or quasi-public water system capable of providing required fire flow; or

b) installing an approved alternate system, as listed in the National Fire Prevention Code, and installed according to code; or

c) presenting an approved engineering system designed to meet the required fire flow.

C. ALTERNATIVE WATER SUPPLY. An alternative method of water supply for fire protection can be utilized if first approved by the local fire official. The alternative method shall provide a degree of fire protection that is at least equivalent to that required by the adopted codes. In rural areas that have no suitable public or quasi-public water system available, water supply for fire protection shall be provided that complies with National Fire Protection Association 1231 as a viable alternative method of providing the required fire flow.

D. OTHER CONDITIONS FOR WATER SUPPLY. In the event that required water supply will not be contrary to the public interest and where, owing to conditions peculiar to the property and not resulting from any action on the part of the property owners, an enforcement of this standard would result in an unusual and undue hardship, the local Fire Official may approve alternate protection systems.

SECTION 14.240 FIRE SAFETY STANDARDS

The Fire Safety Standards prescribed herein shall be in accordance with Beaufort County Ordinance 89/5, as amended, other life, fire, building and safety codes that are adopted by Beaufort County and the State of South Carolina, and shall apply to all development activity. The local Fire Official having jurisdiction shall review all new development for compliance with fire and life safety standards of Beaufort County.

A. DEVELOPMENT PLAN REVIEW. All proposed development site plans shall be reviewed by the local Fire Official having jurisdiction as they relate to fire and life safety standards contained in this Article. Prior to the final plan approval, the local fire official shall make written recommendations to the DRT indicating approval of the design as submitted or delineating needed design changes consistent with fire and life safety standards and practices.

B. INSPECTION. The local Fire Official shall inspect the completed development site for compliance with the approved plans and submit his/her findings to the ZDA prior to issuance of a Certificate of Compliance.

C. BUILDING HEIGHT RESTRICTION. All occupancies, excluding one (1) or two-family dwellings, that exceed 35 feet in height or exceed a total fire flow demand of 3,500 gallons per minute (GPM) as referenced in the Insurance Service Organization (ISO) requirements for specialized equipment, must have adjustments to plans approved by the Fire District Fire Chief and the County Building Official and, as necessary, reach financial arrangements acceptable to the Fire District and the County Council which provide assistance in purchasing the appropriate fire fighting apparatus or equipment. This standard shall be applied to the Fire Management Plan as defined for each Fire District.

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 ensure 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, landscaping, alleys and maintenance of roads. Where buildings are over 20,000

square feet in area, a wall is more than 300 feet from a fire hydrant, or over 35 feet in height, special all weather fire access may be required to meet the local Fire Official's approval.

E. COMBUSTIBLES. For all subdivisions and land developments of property except single-family subdivisions of four lots or less, prior to bringing any combustibles to a site the landowner shall get a determination as to whether they are in quantities deemed hazardous by the local Fire Official. The local Fire Official shall notify the County if they require a temporary or permanent water supply prior to the start of construction, and adequate access, as approved by the local Fire Official.

SECTION 14.250 GENERAL UTILITY STANDARDS

All proposed development shall conform 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.

A. UTILITY EASEMENTS. All proposed development shall provide adequate easements 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.

B. INSTALLATION. All electrical, cable, 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 to the development. Request and justification must be presented to the DRT by the respective utility company prior to final plan approval.

DIVISION 14.300
STORMWATER MANAGEMENT STANDARDS

SECTION 14.310 PURPOSE

A. All development shall provide adequate drainage and stormwater pollution control in conformance with the provisions prescribed in this Division.

B. All development shall provide adequate stormwater runoff water treatment in accordance with the latest version of the County's Manual for Stormwater BMPs.

C. No development shall cause an adverse increase in 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 or man-made drainage way or conduit (protected by legal easement) to a County approved point of discharge.

D. Where private drainage systems and easements have been previously approved as private facilities, prior to the adoption date of this Ordinance, as well as, all new projects, and have not

been accepted by the County, such facilities shall not become County responsibility, and are to be so noted on any Plat of Subdivision or Land Development Plan, as well as in the respective covenants and agreements which control or follow the property.

E. Additionally, Beaufort County has the right to enter, enforce maintenance and/or cause maintenance of any stormwater management facility, either privately or publicly owned.

SECTION 14.315 EXEMPTIONS FROM SITE RUNOFF CONTROL AND DRAINAGE PLANNING/DESIGN

A. 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 increase the velocity, volume or location of stormwater runoff discharge; or

B. Developments where adequate drainage exists of less than four residential dwelling units not part of a phase of a larger development, not involving a main drainage canal; or

C. Site work on existing one (1) acre sites (or less) where impervious area is increased by less than two percent; or

D. Site work on existing one (1) acre sites (or less) where impervious area is increased by less than two percent; and any earthwork that does not increase runoff and/or eliminate detention/retention facilities and/or stormwater storage; or

E. Agricultural activity not involving relocation of drainage canals; or

F. Work by agencies or property owners required to mitigate 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 60 days following the end of the emergency period.

G. Golf courses are required to comply with the latest version of the County's Manual for Stormwater BMPs, however, both golf courses and private lagoons shall be exempt from the flood control requirements (Section 14.330) subject to clear demonstration by the design engineer that no damaging flooding will occur during the 100-year/24-hour storm and that all other safety concerns are addressed.

SECTION 14.320 DRAINAGE EASEMENTS

Drainage easements are utilized to provide for the protection and legal maintenance of drainage systems not within a right-of-way. Drainage easements shall be required over any portion of a drainage system not within a right-of-way and necessary for the functioning of the system. Drainage easements for all facilities must be shown on construction drawings and approved by the County Engineer. The easements shall be designated prior to issuance of a development permit and recorded in Public Records. The minimum allowable width of drainage easements shall be as follows:

Table 14.320 DRAINAGE EASEMENTS	
Drainage Systems	**Minimum Easement Width**
Closed Drainage Systems	(diameter + 4 feet + 2D) Where D = Depth from grade to pipe invert (20 foot minimum)
Open Drainage Systems	
Bottom Width 20 feet or less	15 feet + BW + 2SD (30 feet minimum)
Bottom Width 20 feet to 40 feet	30 feet + BW + 2SD
Bottom Width greater than 40 feet	40 feet + BW + 2SD Where BW = Bottom width, D = Depth of opening, S = Side slope
NOTE: The minimum required width of drainage easements may be increased if deemed necessary by the County Engineer, only for justifiable reasons.	

subSECTION 14.321 LOCATION OF DRAINAGE EASEMENTS

A. PLATTED SUBDIVISIONS (GREATER THAN 10 ACRES). Drainage easements which are required within a platted subdivision shall be clearly identified on the face of the plat and included in the dedication of rights-of-way and easements. Retention/detention ponds within platted subdivisions shall be protected and platted as a separate tract of land dedicated to the entity responsible for its maintenance. If it is desired to place all or a portion of a detention/retention pond on a buildable lot, not more than 50% of the buildable lot can be used for this purpose; and the detention/retention pond shall be clearly marked on the recordable survey or plat of the lot indicating the location of the 25-year and 100-year storm. Additionally detention/retention ponds may be placed within the open space as permitted by this Ordinance. Public drainage facilities, which are located within a private subdivision, shall be granted a drainage easement by conveyance recorded in the official record books of the County.

B. UNPLATTED LAND. Developments may contain drainage systems which traverse property not included in the plat. These may be adjacent lands which were not platted, future phases of the development to be platted at a later date, or may be part of an overall master plan. The drainage systems must be provided with an easement granted by conveyance recorded in the official record books of the County.

C. OFF-SITE. Developments may require off-site drainage improvements in order to ensure the proper functioning of the on-site system. Such off-site improvements shall be provided with a drainage easement granted by conveyance and recorded in the official record books of the County.

SECTION 14.330 FLOOD CONTROL DESIGN CRITERIA

The minimum standard for the design of stormwater facilities shall be as follows:

Table 14.330 FLOOD CONTROL DESIGN STORM FACILITIES (MINIMUM)	
Facility	**Design Storm**
Retention/detention ponds (with positive outfall)	25-year/24-hour

Table 14.330 FLOOD CONTROL DESIGN STORM FACILITIES (MINIMUM)	
Facility	**Design Storm**
Retention/detention ponds (Landlocked, w/o positive outfall)	100-year/24-hour Total retention
Collector, local streets and closed drainage systems	25-year/24 hour Hydraulic gradient line 1.0 feet below gutter line
Roadside swales	25-year/24-hour
Canals, major ditches	25-year/24-hour
Bridges	100-year

As an alternative to providing for the 100-year/24-hour storm, if the design engineer can clearly demonstrate that the 100-year/24-hour storm causes no flooding that is damaging within the subdivision upstream and/or downstream of the subdivision, the County Engineer, at his/her discretion may approve such a drainage system if it meets the intent of this Ordinance.

subSECTION 14.331 HYDROLOGIC MODELS

The two accepted hydrological methods for computing surface runoff are "The Rational Method" and "USDA SCS T.R.-55". Other methods approved by the County Engineer are allowable. The Rational Method may only be utilized for developments up to 50 acres. "TR-55" or other approved method can be used to model developments of any size. Proposed development design shall consider the hydrological features within the total watershed including the development site, upstream and downstream areas.

SECTION 14.340 GENERAL PLANNING AND DESIGN REQUIREMENTS

A. Stormwater discharges from development including streets, parking areas, rooftops, and lawn surfaces may adversely impact water quality in County streams, lakes and tidal waterbodies. Therefore, all proposed development shall must comply with the stormwater pollution control requirements in the latest version of the County's Manual for Stormwater BMPs.

B. Priority wetlands or other significant wetlands identified on the official Beaufort County Conservation District Maps, or the Federal National Wetlands Inventory, U.S. Department of Commerce, should not be injured by the construction of detention ponds in or near them, which deprives them of required runoff or lowers 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's proposed location is near a priority wetland, the applicant must provide data showing that impacts will not be detrimental to the wetland.

C. Detention and retention ponds shall be designed with relatively flat side slopes along the shoreline, and with meandering shorelines where possible to increase the length of shoreline, thus offering more space for the growth of littoral vegetation for pollution control purposes.

D. Detention and retention ponds shall be designed to provide at least one (1) foot of vertical detention storage volume for runoff above the proposed 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 situation 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 the County Engineer prior to final plan approval, with the design of the stormwater pollution control components to be based on the latest version of the County's Manual for Stormwater BMPs.

E. 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.

subSECTION 14.341 DIRECT STORMWATER DISCHARGE

A. Channeling runoff directly into natural waterbodies from swales, pipes, curbs, lined channels, hoses, impervious surfaces, rooftops or similar methods shall not be approved for new development unless the County Engineer has approved a stormwater pollution control plan which complies with the latest version of the County's Manual for Stormwater BMPs.

B. Where specific site hardships require a modification to allow direct discharge into tidal areas without adequate stormwater pollution controls, prior approval by OCRM, DHEC, County Engineer, Corps of Engineers (C.O.E.) and Water Resources Commission approval is required. Granting of a modification by the County Engineer will be based upon unique site hardships and the use of best available technology to reduce the water quality impacts of stormwater discharges.

C. Dredging, clearing, deepening, widening, straightening, stabilizing or otherwise altering natural water bodies or canals may be permitted by the County Engineer 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.

D. VEGETATIVE STRIPS. These shall be retained or created along the banks or edges of all wetlands as part of the required setback distance. The following minimum setbacks shall be established (unless already established by OCRM Charleston, SC District, whichever is greater) for construction from the edge of all wetlands:

Single-family Residential	**20 feet**
Multifamily Residential	**50 feet**
Commercial or Industrial	**50 feet**
Impervious Parking Areas	**30 feet**

Vegetative strips are areas completely pervious to the ground in nature and are intended to prevent pollutive runoff into fragile wetland systems. For this purpose, they shall be at least 15 feet in width and contain living plant material including but not limited to trees, shrubs vines, ferns, mosses, flowers, grasses, herbs and groundcover. Slatted lawn furniture, accessories and decks are permitted in the vegetative strips.

A modification may be granted by the County Engineer 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 water body, and to act as filter to trap sediment and other stormwater pollution.

E. No new stormwater discharge shall be permitted onto any beaches/shorelines.

F. Final landscape designs and plantings shall not adversely impact the stormwater runoff controls and drainage concepts approved as part of the development permit approval process. Landscape design and plantings should enhance opportunities for percolation, retention, detention, filtration and plant absorption of site-generated stormwater runoff.

G. 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.

subSECTION 14.342 WATER SURFACE ELEVATIONS

A. No developer 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.

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

C. 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 and if necessary, initiate condemnation proceedings if the County Council so deems appropriate and the developer pays all costs associated with any condemnation proceedings.

SECTION 14.350 RETENTION/DETENTION FACILITIES

A. DESIGN CRITERIA FOR DEVELOPMENTS.

1. **Peak Attenuation.** The peak discharge as computed from the design storm for post-development shall not exceed the peak discharge for the design storm for predevelopment or existing conditions.

2. **Total Retention.** Developments which are unable to secure a positive outfall for discharge shall retain all runoff resulting from the design storm as computed for the developed condition. As an alternate, the design engineer can comply with Section 14.330.

3. **Water Quality Control.** All proposed development shall comply with the latest version of the County's Manual for Stormwater BMPs.

B. DESIGN CRITERIA FOR REDEVELOPED SITES. Redevelopment which have no increase or a net decrease in impervious area yet lack evidence of a functioning retention/detention facility may be required by the County Engineer to retrofit the site to current County standards for peak attenuation and water quality control.

C. DESIGN BASED ON SOILS.

1. The design of stormwater management facilities should be based upon soil conditions. In areas where soils have been classified under the Soil Conservation Service (SCS) Hydrologic Soil Classification System as Types A or B (pervious), the overall storm water management strategy should be that of on-site retention and infiltration into the ground.

2. The areas where the soils have been classified under the SCS Hydrologic Soils Classification as Types C and D (impervious) or A/D, B/D, and C/D (high ground water table areas) the overall storm water management system shall be that of providing detention basins to attenuate peak from the contributory drainage area and to settle solids washed off or eroded therefrom.

3. **Other Standards.**
   a) detention ponds shall be designed to attenuate peak outflows to predevelopment rates and to comply with the water quality control requirements in the latest version of the County's Manual for Stormwater BMPs;
   b) retention ponds intended to attenuate post-development peak outflows shall be designed to provide for total retention of design storm as computed for the developed condition, and to comply with the water quality control requirements in the latest version of the County's Manual for Stormwater BMPs;
   c) exfiltration systems intended to attenuate post-development peak outflows shall be designed to store and exfiltrate over the duration of the storm the difference in runoff volume between pre- and post-development. Exfiltration systems shall be designed with a safety factor 1.5 (design using 75% of the permeability rate or 75% of the time for drawdown), and to comply with the water quality control requirements in the latest version of the County's Manual for Stormwater BMPs.

D. OUTFALL. Unless otherwise approved by the County Engineer, outfall structures shall be as simple as possible and shall employ fixed control elevations (i.e. no valves, removable weirs, etc.).

1. Detention ponds shall be required to have an outfall structure to limit peak off-site discharges to pre-development rates. To achieve water quality control, the location of the structure and the shape of the pond shall be designed to comply with the water quality control requirements in the latest version of the County's Manual for Stormwater BMPs.

2. Retention ponds may be required to provide outfall structures where deemed necessary by the County Engineer. In all cases retention ponds shall be designed considering the event of a possible overflow. A path for such overflow shall be determined, and no structures in the development can be situated such that flood damage can occur either on-site or off-site.

3. Exfiltration systems may be required to connect to an outfall system as deemed necessary by the County Engineer. In all cases, exfiltration systems shall be designed considering the event of a system surcharge. A pathway for excess runoff shall be

determined and structures in the development shall be situated such that no flood damage shall occur either on-site or off-site.

SECTION 14.360 OPEN DRAINAGE SYSTEMS - DITCHES AND PONDS

A. Access easement shall be provided to all drainage ponds and ditches.

B. Maintenance access shall be built and protected by drainage easements, as follows:

Table 14.361
DITCH AND CANAL MINIMUM ACCESS

Ditch or Canal Width	Minimum Unobstructed Access
20 feet or less	15 feet, one side
20 to 40 feet	15 feet, both sides
Greater than 40 feet	20 feet, both sides
Ponds, with fencing	20 feet around pond
Ponds, without fencing	15 feet around pond
The cross slopes of maintenance berms shall be 15:1	

C. Areas adjacent to open drainage ways and ponds shall be graded to preclude the entrance of stormwater except at planned locations.

D. Maximum side slopes permitted without fencing shall be allowed as follows:

Table 14.362
MAXIMUM SIDE SLOPES WITHOUT FENCING

Open Drainage Ways	Side Slopes
Swale, ditch, or canal	3:1
Ponds (normally dry)	3:1
Ponds (normally wet)	4:1 (to 3 feet below the normal water level) 2:1 (from 3 feet to pond bottom)
Minimum bottom width for ditches or canals shall be two feet.	

E. SLOPE PROTECTION. The disturbed areas in and around the ponds and ditches shall be re-vegetated as follows:

Side slopes and Berms: **Sod or hydroseed with maintenance bond**
Bottom (Dry Ponds): **Grass Seeded**

F. FENCING REQUIREMENTS - IF NECESSARY FOR SAFETY. The following fencing recommendations are not required; however, the design engineer shall carefully take into account the following fencing criteria and determine or render a professional opinion as to the necessity of fencing as discussed below.

1. Canals will not be approved which, along easements or rights-of-way, do not meet the

provisions of Section 14.360.D.

2. Ponds, which present a hazard, should have a six foot chain-link fence or other access-proof fence to prevent entry to the facilities. Fences will be required for retention/detention areas where one or more of the following conditions exist:
   a) rapid stage changes that would make escape practically impossible for small children;
   b) dry bottom ponds where side slopes are steeper than 4:1 and the design high water elevation exceeds two feet;
   c) wet bottom ponds where the side slopes are steeper than 4:1 (to 3 feet below the normal water level and 2:1 to pond bottom).

G. FREEBOARD. Open drainage ways and ponds shall have a one (1) foot minimum freeboard above design high water elevation except retention ponds with positive outfall depending upon the design of the outfall structure.

H. BERMS CONSTRUCTED ON FILL. Where fill berms are proposed, calculations supporting the stability of the fill berms are to be submitted by the design engineer. Where excess seepage may be expected through the berm, a clay core may be required.

SECTION 14.370 ROADWAY DRAINAGE PLANNING AND DESIGN STANDARDS

Good roadway drainage design consists of the proper selection of grades, cross slopes, curb types, inlet location, etc., to remove the design storm rainfall from the pavement in a cost effective manner while preserving the safety, traffic capacity and integrity of the highway and street system. These factors are generally considered to be satisfied, provided that excessive spreads of the water are removed from the vehicular traveled way and that siltation at pavement low points is not allowed to occur. All proposed development shall comply with the following standards:

A. ROADWAY GRADE. The minimum allowable centerline grade for all streets shall be 0.5%, unless otherwise approved by the County Engineer only under extenuating circumstances.

B. MINIMUM CENTERLINE ELEVATION shall be 7.5 feet NGVD. (NGVD is very close to MSL, however is more accurate measurement)

C. MINIMUM CROSS-SLOPE for all streets shall be one-quarter (1/4) inch per foot. All streets shall drain from the road centerline to curb and gutter or drainage ditches. Inverted Crown Roads shall **not** be permitted for roads intended for County acceptance and/or maintenance.

D. ALL DRAINAGE STRUCTURES, unless specifically detailed in these guidelines, shall conform to the latest edition of the SC DOT standards or designed in conformance with good engineering practices and shall require approval by the County Engineer.

E. DESIGN CRITERIA FOR UNDERDRAINS. All new streets shall be designed to provide a minimum clearance of one (1) foot between the bottom of the base and the estimated seasonal highwater table, or the artificial water table induced by an underdrain system. The following requirements and limitations apply to the design of underdrains:

   1. The underdrain trench bottom should not be placed below the seasonal low water table elevation.

2. The distance between the bottom of the under- drain trench and the bottom of the roadway base shall not be less than 24 inches.

3. The bottom of the base course of underdrains shall be placed more than 24 inches below the seasonal high water table elevation.

4. The developer's design engineer shall provide the following design certification:

> This is to certify that the underdrain design for _____ road, extending from station _____to station _____ has been designed such that the separation between the bottom of the base and the artificially induced wet season water table is no less than one (1) foot for the entire width of pavement.

5. The installation shall be inspected by the project design engineer who shall then certify that the underdrain installation procedures and materials are in accordance with the approved plans.

6. The stormwater facilities shall be designed to accommodate expected flow contributed by the underdrain system.

7. The County shall inspect the underdrain system for compliance prior to the issuance of final approval.

F. ROADSIDE SWALES. Swale drainage will be permitted only when the wet season water table is minimum of one (1) foot below the invert of the swale. Where roadside swales are required, a positive outfall for the drainage may be required depending on the soil classification and topography. Roadside swales used for water quality control shall comply with the latest version of the County's Manual for Stormwater BMPs.

G. CURBS AND GUTTERS. All roadway drainage not considered suitable for swale and/or ditch type drainage shall be designed as one of the following:

1. **Mountable Curb and Gutter Section:** Maximum 600 feet run between inlets.

2. **Standard Curb and Gutter Section:** Maximum 1,200 feet run between inlets.

3. Any modification to the above runs must be substantiated with calculations.

4. The width of curb and gutter shall be a minimum of 18 inches and shall be either standard or mountable (subdivisions only) curb and gutter, depending upon flow to be handled.

5. There shall be stabilized subgrade beneath all curbs and gutter for one (1) foot beyond the back of curb.

6. No new water valve boxes, meters, portions of manholes, or other appurtenances of any kind relating to any underground utilities shall be located in any portion of a curb and gutter section.

7. The minimum allowable flow line grade of curbs and gutter shall be 0.5%, except in

intersections where flatter grades shall be allowable. The tolerance for ponded water in curb construction is one-fourth (1/4) inch maximum, if exceeded, the section of curb shall be removed and reconstructed to grade.

8. Plastering shall not be permitted on the face of the curb. Joints shall be sawed (unless an alternate method is used) at intervals of 10 feet, except where shorter intervals are required for closures, but, in no case, less than four feet.

9. After concrete has set sufficiently, but in no case later than three days after construction, the curbs shall be backfilled.

10. All cross-street valley gutters shall be constructed of concrete.

H. RUNOFF DETERMINATION. The peak rates of runoff for which the pavement drainage system must be designed, shall be determined by the Rational Method. The time of concentration, individual drainage areas and rainfall intensity amount shall be submitted as part of the drainage plans. A separate Rational Runoff Coefficient (C) shall be determined for the specific contributing area to each inlet/catch basin within the proposed storm sewer system. A composite C value shall be computed for each contributing area based on an individual C value of 0.9 for the estimated impervious portion of the actual area and an individual C value of 0.2 for the remaining pervious (grassed) portion of the actual area.

I. STORMWATER SPREAD INTO TRAVELED LANE. Inlets shall be spaced at all low points, intersections and along continuous grades so as to prevent the spread of water from exceeding tolerable limits. The acceptable tolerable limits for collector roadways is defined as approximately one half the traveled lane width. Acceptable tolerable limits for interior subdivision roadway are defined as a maximum of one (1) inch above the crown of the road.

J. LOW POINT INLETS. All inlets at low points (sumps) shall be designed to intercept 100% of the design flow without exceeding the allowable spread of water onto the traveled lanes as defined above. On collector roadways, in order to prevent siltation and to provide for a safety factor against clogging of single inlet in a sump location, it is required to consider constructing multiple inlets at all sump locations or provide for other safety factor against clogging. Preferably two inlets should be constructed on each side of the roadway. Open bottom inlets are encourage in effective recharge areas.

SECTION 14.380 STORM SEWER DESIGN STANDARDS

A. DESIGN DISCHARGE. Storm sewer system design is to be based upon a 25-year frequency event. The system shall be designed to handle the flows from the contributory area within the proposed subdivision. Then, the system shall be analyzed a second time to insure that any off-site flows can also be accommodated. This second analysis shall consider the relative timing of the on-site and off-site flows in determining the adequacy of the designed system.

B. MINIMUM PIPE SIZE. The minimum size of pipe to be used in storm sewer systems is 15 inches or equivalent elliptical. Unless otherwise approved by County Engineer, designs shall be based upon six inch increments in sizes above 18 inches.

C. PIPE GRADE. All storm sewers shall be designed and constructed to produce a minimum velocity of 2.0 fps when flowing full, unless site conditions do not allow. No storm sewer system or portion thereof will be designed to produce velocities in excess of 10 fps.

D. PIPE CLEARANCE. Unless otherwise authorized by the County Engineer, the minimum clearance for all storm pipes shall be:

- From bottom of roadway base to outside crown of pipe: **1.0 feet**
- Utility crossing, outside edge to outside edge: **0.5 feet**

E. ROADWAY CROSS PIPES. All pipes crossing arterials and collectors shall be reinforced concrete pipe.

F. INTERFERENCE MANHOLES. Interference manholes shall be used only when there is no reasonable alternative design. Where it is necessary to allow a sanitary line or other utility to pass through a manhole, inlet or junction box, the utility shall be ductile iron or another suitable material. A minimum of one (1) foot vertical clearance shall be required between the bottom of the manhole and face of utility pipe. Interference manholes shall be oversized to accommodate the decreased maneuverability inside the structure and flow retardant.

G. MAXIMUM LENGTHS OF PIPE. The following maximum runs of pipe shall be used when spacing access structures of any types:

Table 14.380
PIPE SIZE AND RUN

Pipe Size	Maximum Run of Pipe
15 inches	300 feet
18 inches	300 feet
24 to 36 inches	400 feet
42 inches and larger	500 feet

H. DESIGN TAILWATER. All storm sewer systems shall be designed taking into consideration the tailwater of the receiving facility. In the case where the detention pond is the receiving facility, the design tailwater level can be estimated from the information generated by routing through the pond the hydrograph resulting from a 25-year frequency storm of duration equal to that used in designing the pond. Then the design tailwater level can be assumed to be the 25-year pond level corresponding to the time at which peak inflow occurs from the storm sewer into the pond. In lieu of the above detailed analysis, however, a simpler design tailwater estimate can be obtained by averaging the established 25-year Design High Water Elevation for the pond and the pond bottom elevation for "dry bottom" ponds or the normal water elevation for "wet bottom" ponds.

I. HYDRAULIC GRADIENT LINE COMPUTATIONS. The Hydraulic Gradient Line for the storm sewer system shall be computed taking into consideration the design tailwater on the system and the energy losses associated with entrance into and exit from the system, friction through the system, and turbulence in the individual manholes/catch basins/junctions with the system. The energy losses associated with the turbulence in the individual manholes are minor for an open channel or gravity storm sewer system and can typically be overcome by adjusting (increasing) the upstream pipe invert elevations in a manhole by a small amount. However, manholes can be significant for a pressure or surcharged storm sewer system and must be accounted for in establishing a reasonable hydraulic gradient line. Acceptable head loss coefficients (K) for various types of surcharged manholes/catch basins/junctions shall be used.

subSECTION 14.381 CULVERT DESIGN

A. MINIMUM SIZE.

1. **Pipe.** The minimum size of pipes to be used for culvert installations under roadways shall be 18 inches. The minimum size of pipes to be used for driveway crossings shall be twelve inches or equivalent elliptical.

2. **Box.** Unless otherwise approved by the County Engineer, box culverts shall be 3 feet x 3 feet minimum. Unless otherwise approved by the County Engineer, increments of 1 foot in height or width should be used above this minimum.

B. MAXIMUM PIPE GRADE. The maximum slope allowable shall be a slope that produces 10 fps velocity within the culvert barrel. Erosion protection and/or energy dissipaters shall be required to properly control entrance and outlet velocities.

C. MAXIMUM LENGTHS OF STRUCTURE. The maximum length of culvert conveyance structure without access shall be as allowed in Table 14.371 Note: For box culverts use 500 feet maximum.

D. DESIGN TAILWATER. All culvert installation shall be designed taking into consideration the tailwater of the receiving facility.

E. ALLOWABLE HEADWATER. The allowable headwater of a culvert installation should be set by the designer for an economical installation. When end walls are used, the headwater should not exceed the top of the endwall at the entrance. If the top of the endwall is inundated, special protection of the roadway embankment and/or ditch slope may be necessary for erosion protection.

F. DESIGN PROCEDURE. The determination of the required size of a culvert installation can be accomplished by mathematical analysis or by the use of design nomographs.

subSECTION 14.382 MATERIAL SPECIFICATIONS

E. PIPE. Reinforced concrete pipe shall conform to the latest edition of the SC DOT Standard Specifications for Highway Construction. Corrugated aluminum pipe shall conform to AASHTO M-196, M-197, and Federal Spec. WW 442-C. Corrugated polyethylene pipe shall conform to AASHTO M-252, M-294, Type "S". All pipe shall have a minimum cover so as not to pose structural damage to pipe and as per manufacturer's technical specifications and recommendation.

F. INLETS, MANHOLES, AND JUNCTION BOXES. All materials used in the construction of inlets, manholes and junction boxes shall conform to the latest editions of the SC DOT Standard Specifications for Highway Construction.

G. UNDERDRAINS/EXFILTRATION SYSTEMS. All materials used in the construction of underdrains shall conform to the latest edition of the SC DOT Standard Specifications for Highway Construction. The following is a list of underdrain materials acceptable for use in Beaufort County.

1. **Perforated Corrugated Tubing.** Corrugated, polyethylene tubing perforated throughout and meeting the requirements of AASHTO M-252 or M-294.

2. **Perforated PVC Pipe.** Polyvinyl-chloride pipe conforming to the requirements of ASTM D-3033. The perforations shall meet the requirements of ASTM C-508.

3. **Exfiltration Pipe.** The following is a list of pipe materials acceptable for use in exfiltration systems:
   a) aluminum Pipe Perforated 360_, meeting the requirements of AASHTO M-196;
   b) perforated Class III Reinforced Concrete Pipe with Perforations meeting the requirements of ASTM C-444;
   c) Polyvinyl-chloride Pipe Perforated 360_, meeting the requirements of ASTM D-3033.

4. **Coarse Aggregate.** Clean stone containing no friable materials and a gradation equivalent to size number 56 or 57.

H. DRAINAGE STRUCTURES. All materials used in the construction of drainage structures shall conform to the latest editions of the SC DOT Standard Specifications for Highway Construction. Rip-rap is not an acceptable material for drainage structure, but can be used for erosion control.

I. FENCING. Unless otherwise approved by the County Engineer, all fencing shall be six foot chain link or access-proof fence with a minimum 15 foot wide double gate opening conforming to the SC DOT specifications.

J. SOD, SEED, HYDROSEED & MULCH. All sod, seed, hydroseed and mulch materials and installation shall conform to the latest edition of the SC DOT Standard Specifications for Highway Construction. See Article 04.

K. The materials specifications can be modified by the County Engineer based on new and/or proven technology.

DIVISION 14.400
PARKING AND LOADING STANDARDS

SECTION 14.410 APPLICABILITY

The standards and requirements contained in this Division shall apply to all proposed vehicle parking areas.

SECTION 14.420 PARKING SPACES REQUIRED

A. DETERMINE MAXIMUM NUMBER OF SPACES. Table 14.421 lists the maximum number of parking spaces according to use that is allowable under this Ordinance. The following guidelines shall be adhered to when calculating the total number of parking spaces for all new development:

1. The site must be designed to accommodate 100% of the maximum parking spaces, however, it is strongly encouraged that only 80% of the required maximum parking be initially constructed.

2. The remaining 20%, if not initially constructed, must remain in a natural or landscaped vegetated state.

3. If the remaining 20% is constructed, the parking surface shall be constructed of pervious material, approved by the County Engineer.

B. EXISTING NON-CONFORMING PARKING. When an existing non-conforming parking lot is to incorporate additional spaces, either within the confines of the existing parking lot or through construction of new parking spaces, the parking shall be brought into conformance with this Ordinance.

Table 14.421
OFF-STREET PARKING REQUIREMENTS FOR SPECIFIC USES

USES	MAXIMUM SPACES PERMITTED		
	Per 1,000 sf. of floor area	Per dwelling unit	Other standard
AGRICULTURAL			
Agriculture	–	–	–
Forestry	–	–	–
Clearcutting	–	–	–
Farmstead	–	4.0	–
Agricultural Support Service	2.5	–	–
RESIDENTIAL			
Single-Family Detached	–	3.0	–
Single-Family Cluster	–	3.0	–
Family Compound	–	1.25	–
Planned	–	2.5	–
Multi-Family (two or less bedrooms)	–	2.0	–
Multi-Family (three or more bedrooms)	–	2.5	–
Commercial Apartment	–	1.0	–
Community - small scale	–	–	per individual use type and Articles 04 and 11.
Community - medium scale	–	–	
Community - large scale	–	–	
Group Home	–	–	1 per bedroom
Manufactured Home Community	–	2.25	–
Small Single Family - Affordable	–	1.25	–
HOME USES			
Daycare, Family	–	3.0	plus 1 in driveway
Home Occupation	–	3.0	–
Home Business	–	5.0	–
Cottage Industry	–	7.0	–

Table 14.421
OFF-STREET PARKING REQUIREMENTS FOR SPECIFIC USES

USES	MAXIMUM SPACES PERMITTED		
	Per 1,000 sf. of floor area	Per dwellin g unit	Other standard
INSTITUTIONAL			
Auditorium, public	–	–	1 per 3 seats
Church	–	–	1 per 3 seats or per six feet of pews, whichever is greater
Clubs & Associations (no food service)	8.0	–	–
Day Care, Commercial	–	–	1 per staff , 1 per 8 students & 1 vehicle
Fire Station	–	–	4 per vehicle bay
Library or Museum	3.5	–	plus bus spaces, calculate auditorium separately at 0.75 rate
Local Utility	1.0	–	–
Nursing Home	–	–	0.33 per room
School: College & Professional	–	–	1 per student plus 1 per teacher
School, Neighborhood: Elementary & Middle	–	–	2 per classroom
School, Community: Senior High	–	–	0.25 per individual
Trade School	–	–	1.1 per student
Institutional Residential, Monastery, Convent	–	–	1 per bedroom
Rooming & Boarding House	–	–	1.5 per lodger
Police Station	4.0	–	–
Post Office	–	–	6 per 1,000 sf. service area and 1 per vehicle
Public Service	3.5	–	–
COMMERCIAL USES: OFFICE			
General	3.5	–	–
Government Office	4.0	–	–
Medical	4.5	–	–
Bank/Financial	4.5	–	–
COMMERCIAL USES: COMMERCIAL RETAIL			
General	4.0	–	–
Shopping Center	4.0	–	–
Retail, Freestanding	4.0	–	–
Furniture, Carpet Store	2.5	–	–
Hardware, Paint & Home Improvement	4.0	–	–
Flea Market	–	–	as required by ZDA
COMMERCIAL USES: VEHICULAR SALES, RENTAL, SERVICE			

Table 14.421
OFF-STREET PARKING REQUIREMENTS FOR SPECIFIC USES

USES	MAXIMUM SPACES PERMITTED		
	Per 1,000 sf. of floor area	Per dwelling unit	Other standard
Auto Sales	15.0	--	--
General	1.5	--	or 4 per bay, whichever is greater
Carwash (single car, automatic bay)	2.0	--	plus 6 stacking spaces per bay and 1 drying
Carwash (multiple car, automatic bay)	4.0	--	plus 12 stacking spaces per bay and 2 drying
Carwash (self wash bay)	--	--	3 per bay
Gas Station	--	--	1 per vehicular fueling position
Vehicle Repair/Service	1.0	--	5 per bay
COMMERCIAL USES: SERVICES			
Adult Use	5.0	--	or 1 per seat, whichever is greater
Barber Shop	4.0	--	--
Beauty Shop	5.0	--	--
Commercial Laundry & Dry Cleaner	3.0	--	--
Funeral Home	6.0	--	--
Laundromat	--	--	0.8 space per washer/dryer
Restaurant	12.0	--	--
All Others	2.5	--	plus 1 per employee and 1 for each company vehicle
COMMERCIAL USES: DRIVE-IN FACILITY			
Restaurant w/Drive-in Window(s)	14.0	--	plus 5 stacking spaces per window
Banking Facility w/Drive-in Window(s)	4.5	--	plus 5 stacking spaces per window
Other w/Drive-in Window(s)	5.0	--	plus 3 stacking spaces per window
COMMERCIAL USES: COMMERCIAL LODGING			
Conference Center w/Lodging	--	--	1.2 per lodging room; if meeting space provided, 10 spaces/1,000 sf.
Hotel, Motel, Inn, Suite, w/o Conference Center	--	--	1 per guest room
Bed & Breakfast	--	--	1 per room including management spaces
Campground	--	--	1 per each tent, RV and trailer space
Resort	--	--	1 per room
COMMERCIAL USES: HEAVY RETAIL/SERVICE			
General	4.0	--	--
Building Materials	2.0	--	--
RECREATION AND AMUSEMENT USES: OUTDOOR RECREATIONAL			
Camp, Day or Youth	--	--	1 per employee, plus bus

Table 14.421
OFF-STREET PARKING REQUIREMENTS FOR SPECIFIC USES

USES	MAXIMUM SPACES PERMITTED		
	Per 1,000 sf. of floor area	Per dwellin g unit	Other standard
Golf Course	--	--	3 per hole
Miniature Golf Course	--	--	2 per hole
Golf Driving Range or Rifle Range	--	--	1.25 per station
Park, Playground	--	--	1 per 4,000 sf. of area
Stable, Commercial, Equestrian Facility	--	--	1 per 4 stalls, plus 1 per 2,000 sf. of riding area
Swimming Pool	--	--	1 per 400 sf. pool surface area
Tennis Court	--	--	3 per court
Athletic Field	--	--	1 per 4 feet of bleacher area or 30 per field, whichever is greater
All Other Active Recreation Facility	--	--	1 per 10,000 sf.
All Other Passive Recreation Facility	--	--	1 per acre; areas more than 50 acres: 1 per 3 acres over 50
RECREATION AND AMUSEMENT USES: INDOOR RECREATIONAL			
Swimming Pool	--	--	2 per 200 sf. pool, plus 1 per employee
Tennis/Racquetball/Handball	1.0	--	--
Community Center	4.0	--	--
All Others	4.5	--	--
RECREATION AND AMUSEMENT USES: OUTDOOR COMMERCIAL AMUSEMENT			
General	--	--	1 per 3 seats or 1.25 per playing station, whichever is greater
Outdoor Arena	--	--	1 per 3 seats or per 6 ft of bench length
RECREATION AND AMUSEMENT USES: INDOOR COMMERCIAL AMUSEMENT			
General	6.0	--	--
Amusement Park	--	--	special study
Bowling Alley/Pool Room	--	--	5 per lane, 2 per pool/billiard table
Indoor Arena	--	--	1 per 3 seats, or 1 per 30 sf. of floor area used for seating, or 1 per 6 ft of bench length, whichever is appropriate
Skating Rink	--	--	1 per 100 ft. surface
Theater	--	--	1 per 3 seats
INDUSTRIAL USES			
Airport	--	--	15 per daily airport movement
Commercial Communication Tower	--	--	3 spaces
Heavy Industry	1.5	--	plus 1 per vehicle
Light Industry	2.0	--	--

Table 14.421
OFF-STREET PARKING REQUIREMENTS FOR SPECIFIC USES

USES	MAXIMUM SPACES PERMITTED		
	Per 1,000 sf. of floor area	Per dwelling unit	Other standard
Mining/ Resource Extraction	–	–	1 per employee and 1 per vehicle
High Technology Industry	3.5	–	–
Regional Utilities	–	–	1 per employee
Trucking (no loading or warehousing)	3.0	–	plus 1 per vehicle operated from site
Warehousing/Distribution	0.75	–	–
Waste Transfer Station	–	–	1 per employee and 1 per vehicle
Recycling/Salvage	–	–	1 per 2,000 s.f. storage plus 1 per vehicle
TEMPORARY USES			
Christmas Tree Sales	–	–	1 per 500 s.f. display area
Construction Staging or Plant	–	–	1 per employee and 1 per vehicle
Contractor's Office	4.0	–	–
Roadside Stand	–	–	1 per 100 s.f. product area
Model Home Sales Office	–	–	4 per unit and 1 per employee
Temporary Sales	–	–	as required by ZDA
Public Interest/Special Event	–	–	as required by ZDA

C. SHARED AND MIXED USE DEVELOPMENT PARKING.

The purpose of this Section is to permit a reduction in the total number of parking spaces which would otherwise be required in instances when any land and/or building is used or occupied by two or more uses which typically do not experience peak parking demands at the same time. Notwithstanding Table 14.421, OFF STREET PARKING REQUIREMENTS FOR SPECIFIC USES, when any land or building is used for two or more distinguishable purposes listed in Table 14.422, the minimum total number of required parking spaces for land or building shall be determined by the following procedure:

1. Multiply the minimum parking requirement for each individual use as set forth in Table 14.421 by the appropriate percentage as set forth in Table 14.422 for each of the five designated time periods.

2. Add the resulting sums for each of the five vertical columns in the Table.

3. The minimum parking requirement is the highest sum among the five columns resulting from the calculation in 2., of this Section.

Table 14.422 SHARED PARKING FACTORS					
	Weekday Daytime: 6am to 6pm (%)	Weekday Evening: 6pm to midnight (%)	Weekend Daytime: 6am to 6pm (%)	Weekend Evening: 6pm to midnight (%)	Nighttime: Midnight to 6am (%)
Residential	60	90	80	90	100
Office/industrial	100	10	10	5	5
Retail	60	90	100	70	5
Hotel, motel, inn	75	100	75	100	75
Restaurant	50	100	100	100	10
Entertainment/ recreational	40	100	80	100	10
Church	10	30	100	30	5
School	100	30	30	10	5
All other uses	100	100	100	100	100

4. Mixed Use Development. The following conditions shall apply to any parking lot for mixed-use development:

a) the mixed-use property and shared parking lot must be located within 600 feet walking distance of the entrance to the establishment to be served;
b) the DRT shall determine, at the time of parking plan approval, concept plan approval or preliminary plan approval, whichever is applicable, that shared parking is possible and appropriate at the location proposed. Particular attention is needed to ensure that sufficient and convenient short-term parking will be available to the commercial establishments during the weekday-daytime period. The shared parking spaces must be located in the most convenient and visible area of the parking facility nearest the establishment being served;
c) a subsequent change in use requires a new certificate of use and/or occupancy and proof that sufficient parking will be available;
d) cross-access easements shall be established and noted on the parking plan;
e) the Plat of Subdivision or Land Development Plan shall contain additional open areas in amounts equivalent to that needed to accommodate the total number of parking spaces required without applying the reductions permitted by this Section.

SECTION 14.430 PARKING LOT DESIGN STANDARDS

A. SURFACING. The DRT shall encourage the use of pervious surfaces wherever possible. Pervious surfaces may be required as part of the water quality plan for developments in the River Quality Overlay District. Alternative means of surfacing materials may also be authorized by the DRT in remote areas of large parking lots serving places of public assembly. Parking spaces, aisleways and access/egress lanes shall be paved and permanently maintained with asphalt, concrete or any other all-weather surface approved by the DRT.

B. STRIPING. All parking spaces provided in conjunction with every use, with the exception of residential units with parking in garages and driveways, shall be appropriately striped and terminated with curbs, bumper blocks, or other approved marking.

C. ARRANGEMENTS AND MARKINGS. All off-street parking areas shall be arranged and marked so as to provide for orderly and safe loading, unloading, parking and storage of vehicles, where necessary. Incidental parking spaces, aisleways, approach lanes, and maneuvering areas shall be clearly marked with directional arrows and pavement lines and markings to properly direct traffic. Each space or area for specialized parking (i.e. handicapped, employee, loading/unloading) or movement (fire lanes) shall be clearly marked or signed to indicate the intended use and shall be designed in accordance with the appropriate regulations. Dead-end parking aisles shall not be permitted unless there are no alternatives.

D. CURBS AND WHEEL STOPS. The location and placement of curbs and wheel stops shall take into consideration the need to manage stormwater and site drainage.

1. **Curbs.** A continuous, minimum six inch high concrete curb or permanent border shall be installed around the entire parking lot. The function of such curb shall be to:
   - a) serve as a wheel stop to prevent parked vehicles from extending beyond edges of parking lots;
   - b) serve as edging for planting areas and islands;
   - c) protect walls, buildings, and other structures;
   - d) clearly define the limits of vehicular areas;
   - e) physically delineate entrances and exits; and
   - f) functionally separate vehicular ways from pedestrian ways.

2. **Wheel stops.** These shall be installed within individual parking spaces, where landscaped median or islands exist to protect landscaped areas, but shall not be used in lieu of required curbs or to delineate required interior islands.

E. PARKING SPACES IN DRIVEWAYS. Garages may be considered as required off-street parking spaces for all detached housing types. For attached dwellings, required parking shall be provided on driveways.

F. BACKING MOVEMENTS. With the exception of single family or single family-attached dwellings on local streets, all required parking spaces shall be designed to prohibit backing directly onto a street right-of-way or sidewalk from the parking space.

G. VEHICULAR CIRCULATION AND ACCESS. Parking areas shall be designed to safely, conveniently and efficiently accommodate the maneuvering of all vehicles including delivery, emergency and public transit vehicles, where appropriate. For parking lots with 50 or more spaces, a minimum 40 feet deep channeled entrance/exit driveway free of turning movements shall be provided as measured from property lines.

H. LOCATION OF PARKING SPACES.

1. All parking shall be located on land zoned for the use which the parking is intended to serve. Required parking spaces shall be located not more than 600 feet from the building or use to which they are assigned. However, with the approval of the DRT, a maximum of 10% of the spaces may be located beyond 600 feet. Valet parking may also be located over 600 feet away with DRT approval.

2. Improved parking design and aesthetics shall be strongly encouraged through distribution of all or a percentage of parking spaces toward the rear and side areas of the proposed development.

I. SHARED PARKING. The parking spaces for separate buildings or uses may be combined in

a single parking lot, provided that the number of parking spaces in the lot shall be equal to or greater than the sum of the parking spaces required for each building and use (See Section 14.420.C).

SECTION 14.440 PARKING STALL DIMENSIONS

The size of a typical parking space for one vehicle shall consist of a rectangular area, having dimensions of not less than nine feet by 20 feet, or according to Table 14.440, plus adequate area for ingress and egress. Parking accessibility standards for people with disabilities are set forth in the *Standard Building Code, 1997, Table 1104.3*, or as subsequently amended. Figure 14.440 and Table 14.440 specify the minimum dimensions for standard parking rows and aisles.

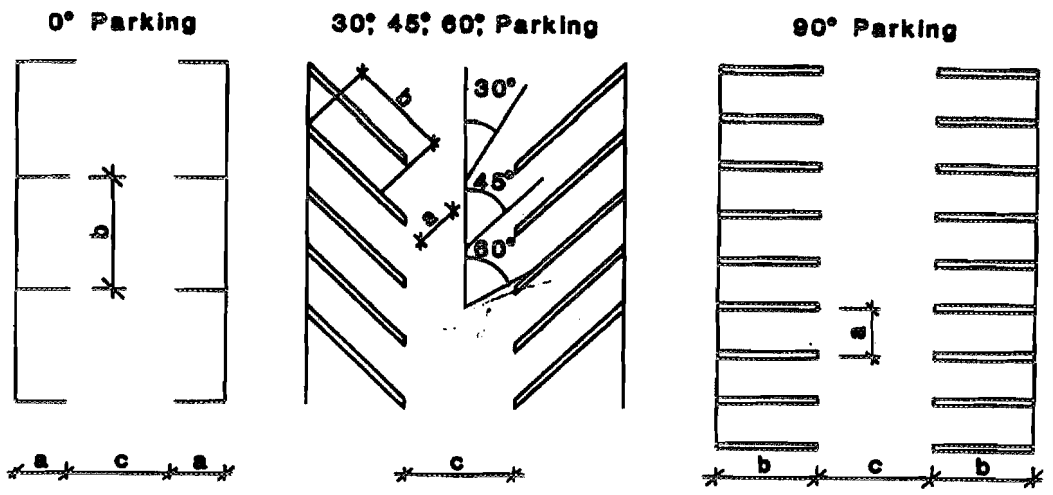
A. VERTICAL CLEARANCE. Parking spaces located within a parking structure shall have a vertical clearance of at least seven feet.

Table 14. 440
PARKING SPACE DIMENSIONS

Dimension from Figure 14.440	0° Parallel	30 ° Angle	45 ° Angle	60 ° Angle	90° Perpendicular
a	8 ft.	9 ft.	9 ft.	9 ft.	9 ft.
b	21 ft.	18 ft.	18 ft.	18 ft.	18 ft.
c - one-way	12 ft.	14 ft.	16 ft	18 ft.	22 ft.
c - two-way	22 ft.	22 ft.	22 ft.	22 ft.	22 ft.

(See Figure 14.440 PARKING SPACE DIMENSIONS next page)

Figure 14.440 PARKING SPACE DIMENSIONS



SECTION 14.450 HANDICAP PARKING

All uses, other than residential served by on-lot parking, shall provide parking spaces for motor vehicles which transport disabled persons in accordance with this Section's standards and the American with Disabilities Act (ADA) or as may be amended, whichever is more restrictive.

A. Handicap parking spaces shall be a minimum of eight feet wide by 18 feet long with an adjacent parallel access aisle five feet wide. The adjacent parallel access aisle may be shared by two accessible parking spaces. One (1) in every eight accessible spaces shall have an access aisle a minimum of eight feet wide (rather than five feet) and shall be signed "Van Accessible."

B. Handicap parking spaces shall be located as close as possible to an entrance which allows such persons to enter and leave the parking area and building without assistance. Where feasible, this means locations where there is no need to cross vehicular access lanes or aisles. Ramps shall be provided at curbs.

C. Handicap parking spaces shall be posted and marked with both a ground-mounted sign and pavement marking which includes the international symbol for barrier-free environments and a statement informing the public that the parking space is reserved for use by disabled persons.

Table 14.450 REQUIRED NUMBER OF OFF-STREET HANDICAP PARKING SPACES	
Number of Parking Spaces Provided	Number of Handicap Spaces Required
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2 %
1,001 or more	20 spaces + 1% of spaces over 1,000

D. Residential units designed for occupancy by disabled persons shall provide one (1) handicap parking space for each dwelling unit designed for such occupancy.

E. Off-street parking spaces required for the disabled by this Article shall count toward fulfilling this Article's total off-street parking requirements.

F. Other Code guidelines for handicap accessibility to public facilities shall be in accordance with regulations issued by federal agencies, including the United States Department of Justice, under the Americans with Disabilities Act of 1990. More specifically, these regulations include 28 CFR Part 36 "Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities, Final Rule."

SECTION 14.470 LOADING

The number of loading areas shall be governed by Table 14.470.

A. Site plans involving uses which require loading facilities must be designed to ensure the functional separation between loading spaces/truck turnaround areas, and between vehicular/pedestrian areas.

B. Internal site circulation lanes are to be designed with adequate turning radii to accommodate the size and efficient maneuvering of delivery vehicles.

subSECTION 14.471 OUTDOOR LOADING BAY AREA STANDARDS

A. DIMENSIONS. Each outdoor loading bay area's minimum dimensions shall be 12 feet wide and 60 feet long. At no time shall any part of a truck or van be allowed to extend into a public thoroughfare or right-of-way while the truck or van is being loaded or unloaded. If the outdoor loading area is covered, but not totally enclosed, the minimum height of the outdoor loading bay

area shall be 14 feet.

B. MANEUVERING SPACE. Adequate off-street truck maneuvering space shall be provided on-lot and not within any public street right-of-way or other public lands.

C. LOCATION. All loading areas are required to be located on the same lot as the building or lot served by the loading area.

D. OBSTRUCTIONS. All loading spaces and maneuvering spaces shall be accessible at all times.

E. FIRE EXIT OR EMERGENCY ACCESS. Off-street loading facilities shall be designed to not interfere with any fire exits or emergency access facilities to either a building or site.

Table 14.470
LOADING STANDARDS FOR SPECIFIC USES

USES	LOADING AREA REQUIREMENT
AGRICULTURAL	
Agricultural Support Service	1 per 10,000 sf.
HOME USES	
Cottage Industry	1 space
INSTITUTIONAL	
Assembly	as required by ZDA
Schools, All	as required by ZDA
Protective Care	as required by ZDA
Local Utilities	1 space
Public Services	as required by ZDA
Government Office	as required by ZDA
Recreational Institutional	as required by ZDA
COMMERCIAL USES: COMMERCIAL RETAIL	
Convenience Store (no gas)	as required by ZDA
Paint, Glass, Wallpaper, Hardware	1 per 25,000 sf.
General Merchandise	1 per 25,000 sf.
Food	1 per 15,000 sf.
Apparel and Accessory	1 per 25,000 sf.
Home Furnishings	1 per 25,000 sf.
Consumer Electronics	1 per 15,000 sf.
Miscellaneous Retail	1 per 20,000 sf.
Art	1 per 25,000 sf.
Gifts	1 per 25,000 sf.
Sporting Goods	1 per 25,000 sf.

Table 14.470
LOADING STANDARDS FOR SPECIFIC USES

USES	LOADING AREA REQUIREMENT
Drug	1 per 25,000 sf.
Liquor	1 per 5,000 sf.
Books	1 per 25,000 sf.
Toys	1 per 25,000 sf.
Camera	none
Garden Center	1 per 25,000 sf.
Video Rental	none
Movie Theater	none
COMMERCIAL USES: OTHER COMMERCIAL	
Adult Uses	as required by ZDA
Commercial Lodging (hotel and motel)	1 per 10,000 sf.
Conference Center	1 per 60,000 sf.
Convenience Store w/ gas	as required by ZDA
Drive-through Restaurant	1 per 25,000 sf.
Government Office	1 per 60,000 sf.
Office	2 per 40,000 sf.
Restaurant	1 may be in parking
Vehicular Sales, Rental and Service	1.5 per bay
RECREATION AND AMUSEMENT	
Campground	1
Commercial Amusement, Outdoor	1
Indoor Recreation	1
Outdoor Recreation	1
Resort	1
Miniature Golf Course	1 per 33,000 sf.
Stable, Commercial/Equestrian Facility	1 per 40 stalls
INDUSTRIAL USES	
Airport	as required by ZDA
Heavy Industry	1 per 15,000 sf.
Light Industry	1 per 25,000 sf.
Mining/ Resource Extraction	1 per 15,000 or 1.25 per bay

Table 14.470 LOADING STANDARDS FOR SPECIFIC USES	
USES	**LOADING AREA REQUIREMENT**
High Technology Industry	1 per 25,000 sf.
Recycling/Salvage	1 per 10,000 sf.
Regional Utility	1.25 per bay
Warehousing/Distribution	1.5 per bay
Waste Transfer Station	1 per 20,000 sf. or 1 per bay
TEMPORARY USES	
Model Home Sales Office	1 per vehicle
Temporary Sales	1 per vehicle

DIVISION 14.500
SURVEY AND ENGINEERING REQUIREMENTS

SECTION 14.500 CERTIFICATE OF COMPLIANCE

All Subdivision Plats and Land Development Plans shall include a Certificate of Compliance, signed by the County Engineer setting forth that the development complies with the standards set forth in this Ordinance, and the specifications as approved by the DRT.

SECTION 14.510 SURVEY REQUIREMENTS

A. Survey Requirements specified in this document are only for control survey connections between geodetic survey monuments and land parcels. Boundary surveys shall be performed, in accordance with the State Minimum Standards published by the State Board of Registration for Professional Engineers and Land Surveyors unless more stringent requirements are specified herein. Insofar as possible, control surveys between geodetic monuments and property boundaries shall be extended from the nearest geodetic monument(s). County specifications for horizontal control are as follows:

B. SURVEY TIES TO GEODETIC CONTROL MONUMENTS. All subdivision and land development exceeding 10 acres shall tie control of the survey to geodetic control monuments, as follows:

1. State Plane Coordinates will be shown on the plan/plat, for at least two property corners. The geodetic monument(s) used for control will be shown on the plan/plat, with the grid distance and azimuth to the coordinated property corners shown.

2. Horizontal ground distances (not grid distances) will be shown on the plan/plat for all segments of the boundary survey. A combined State Plane coordinated, sea level reduction factor will be noted on the plan/plat. Area will be based on horizontal ground distances.

3. All bearings will be referenced to State Plan Coordinate grid north.

4. It is considered very desirable for surveyors to tie all surveys, whenever possible, to the State Plane Coordinate System. With the exception of Closing/Loan or Mortgage surveys in existing subdivisions, all surveys not tied to geodetic control shall have two "locator ties." A locator tie is defined as: a bearing and distance tie from a property corner to the nearest tie point; intersections of a street or right-of-way; and/or property corners on adjoining properties used in the establishment or verification of property corners.

5. **Requirements for Showing Locator Ties.** All locator tie points must be described on the plan/plat, with data given to show their location and type. The tie line shall be shown between the locator tie point and the property corner, with its bearing and distance, to an accuracy consistent with the class of survey.

C. TERRESTRIAL SURVEYS.

1. If control is extended no more than one-half (½) mile from control monument to property boundary, third-order Class I (1/10,000) specifications shall be followed.

2. If control is extended more than one-half (½) mile from the control monument to the property boundary, second-order Class II (1/20,000) specifications shall be followed.

D. GLOBAL POSITIONING SYSTEM (GPS) SURVEYS. If GPS is used, procedures shall be followed to ensure compatibility with the nearest geodetic control monuments to the accuracy specified under B. 1. and B. 2. above, or two-tenths (0.2) feet, whichever is the most stringent.

D. ELECTRONIC COPY. All subdivisions shall be required to submit a final copy of the Land Development Plan or Subdivision Plat in an electronic file copy.

E. MONUMENTS AND MARKERS.

1. All property corners shall be identified with a concrete or iron rod monument. For horizontal control and to reestablish lost monuments, concrete control monuments shall be placed on each corner of the property boundary.

2. To establish vertical control for use with setting finished floor elevations, construction of drainage systems, and benchmark monuments referenced to NGVD 1929, shall be located a minimum of one (1) every four acres, and reference elevations shall be placed on the plan or plat.

SECTION 14.520 MAPPING CRITERIA FOR NATURAL OR MAN-MADE FEATURES

A. Streams (perennial, intermittent, mapped, and unmapped) with identifiable banks and beds shall have their boundaries set at the top of the bank.

B. Initial identification of the watercourses/ waterbodies shall be made using the U.S. Geological Survey quadrangle maps or more accurate information, as available. Field survey verification to determine evidence and location of channelized flow is required for preliminary Subdivision Plats and Land Development Plans. Vegetation shall be measured by the canopy line for the determination of areas of forest, woodlands, or trees. Other vegetation types shall be measured from the middle of the vegetation transition. Wetlands shall be measured by the U.S. Army Corps of Engineers criteria.

C. Measurements for the boundary are to be made horizontally, perpendicular from or radial from any feature or point.

D. Boundaries that are dependent on elevation shall be based on site elevations and shall not be interpolated.

E. Topographic lines shall be at one (1) foot intervals. Where slopes exceed 25%, two foot contour intervals are permitted. Five foot intervals are permitted for slopes in excess of 50%.

F. The width of existing impervious area such as roadways, parking lots, structures, sidewalks, etc., shall not count towards the area of any natural resource.

SECTION 14.530 DRAINAGE PLAN REQUIREMENTS

A. GENERAL PLAN INFORMATION. A Master Drainage Plan showing all existing and proposed features shall be included in the construction plans. The plan is to be prepared preferably on a standard 24" by 36" sheet, at a scale not to exceed 1" = 200'. In cases where the drainage area will not fit on the sheet, and with the approval of the County Engineer, a larger scale may be used. The following features are to be included on the Drainage Plan:

1. Drainage bounds, including all off-site areas draining to the proposed development.

2. Sufficient topographical information with elevations to verify the location of all ridges, streams, etc., at one foot contour intervals.

3. Highwater data on existing structures upstream and downstream from the development.

4. Notes indicating sources of highwater data.

5. Notes pertaining to existing standing water, areas of heavy seepage, or springs.

6. Existing drainage features (ditches, roadways, ponds, etc.) are to be shown a minimum of 1,000 feet downstream of the proposed development unless the ultimate outfall system is a lesser distance.

7. Drainage features, including location of inlets, swales, ponding areas, etc.

8. Delineation of drainage sub-areas.

9. Include water quality control facilities, including ingress/egress areas, supplemental BMPs (e.g., swales),dedicated natural open space boundaries and other information required to comply with the latest version of the County's Manual for Stormwater BMPs.

10. General type of soils according to the latest Soil Survey of Beaufort County.

11. Flood hazard classification.

12. Description of current ground cover and/or land use.

13. Cross-sections and/or profiles of retention/detention facilities, typical swales, ditches or canals.

14. All driveway pipe size and inverts will be shown on the site plan and installed at time of and as part of the building and driveway construction. Minimum driveway pipe shall be 12" RCP with all pipe having flared ends or similar as approved by the County Engineer.

15. Drainage rights-of-way, or easements.

16. Typical fencing detail.

17. Note on the Drainage Plan(s) that an Erosion Control Plan will be submitted to the ZDA or DRT. The Erosion Control Plan shall be in accordance with State and/or Federal laws concerning erosion control, and shall require County Engineer approval prior to any construction and permitting.

B. FINAL PLAT. The overall Drainage Plan shall be placed on the final plat, showing proposed finished contour elevations for the entire subdivision and proposed minimum first floor elevations of all proposed structures. This overall drainage plan shall be prepared by a professional engineer and shall require approval by the County Engineer.

C. SUBSOIL INVESTIGATION. A Subsoil Report by a professional engineer may be required by the County Engineer. A minimum of two locations per retention/detention area shall be delineated in order to determine the location of groundwater elevation and/or soil conditions.

D. STORMWATER CALCULATIONS. Stormwater calculations for retention/detention areas, including design high water elevations for the 25-year and/or 100-year storm events, shall include, but not be limited to the following storm sewer tabulations:

1. Locations and types of structures.

2. Types and lengths of line.

3. Drainage sub-area tributary to each structure.

4. Runoff coefficient per sub-area.

5. Time of concentration to structure.

6. Hydraulic gradient for the 25-year frequency storm event.

7. Estimated receiving water (tailwater) elevation with sources of information, if available.

8. Diameters of pipe.

9. Outlet and other pipe velocities.

10. Calculation worksheet which demonstrates that the proposed water quality controls comply with the latest version of the County's Manual for Stormwater BMPs.

E. OFF-SITE IMPROVEMENTS. Cross-sections showing all existing and proposed topographic features within a right-of-way shall be plotted at 50 foot intervals or as approved by the County Engineer, and at all locations where the roadway features change significantly. Plotted centerline profile of the existing and proposed roadways shall also be required.

F. PLANNING AND DESIGN CERTIFICATION.

1. **Professional Engineers**, registered in the State of South Carolina, shall prepare a detailed drainage report and design plan, and certify all subdivision grading, drainage, roads, parking lots, and water and sewer systems. Tier B Land Surveyors, registered in the State of South Carolina, may design and certify drainage systems as limited by State Regulations. An as-built field survey shall be submitted to the County Engineer showing controlling stormwater invert elevations and spillways and outlet structures of commercial and industrial developments and residential developments requiring drainage systems.

2. **Landscape Architects**, registered in the State of South Carolina, shall certify drainage features pertinent to their Landscape design drawings. Design engineers or landscape architects may perform, design and/or certify their plans in accordance with South Carolina rules and regulations governing their professions.

DIVISION 14.600
PERFORMANCE GUARANTEES

SECTION 14.610 APPLICABILITY

All improvements required by this Ordinance for roads, water, sewer, drainage, and detention, as well as other improvements such as lighting, landscaping, and bufferyards, shall be installed prior to obtaining a Certificate of Occupancy or recording the plat. A developer may also submit surety.

SECTION 14.620 COST ESTIMATES AND SURETY

If surety is offered, the developer's engineer shall submit a cost estimate for road, water, sewer, storm drainage, detention, lighting, and any off-site improvements. The designers of the landscaping, buffers, and/or other improvements shall submit cost estimates. Valid bids from contractors may be substituted for cost estimates. The DRT shall review all bids, checking for consistency with similar bids or public bids, to ensure they are reasonable. A surety shall be required in the amount of 125% of the cost estimates. Surety shall be valid until released by the ZDA and/or County Engineer.

SECTION 14.630 FORM OF SURETY

Surety shall be cash, an irrevocable letter of credit approved by the County attorney, or other such equivalent surety.

SECTION 14.640 RELEASE OF SURETY

Upon completing all or part of required improvements, the developer may request a reduction or closure of the surety. The DRT shall then have the development inspected by the ZDA and/or County Engineer or designees. Any deficiencies shall be identified and the developer notified in writing of the deficiencies. If all work is complete and a maintenance bond provided, the surety shall be closed. If 25% of the work has been completed, or is in stages identified in the original cost estimates, the surety shall be reduced.

SECTION 14.650 CALLING SURETY

Under normal circumstances, the developer should finish construction of improvements well before the surety expiration date and will, on his own initiative, request inspection and reduction or closure of the

surety. In the event construction has not been completed at least 60 calendar days prior to the surety expiration date, the DRT shall inspect and send a report to the developer indicating items to be completed by 30 calendar days prior to the expiration date. Should the developer want additional time, a new surety covering the time (minimum six months) shall be submitted to the DRT. If all work is not completed or an extended surety has not been presented at least 30 days prior to expiration, the ZDA or County Engineer shall notify the County Attorney to call the surety so the work can be completed.

SECTION 14.660 MAINTENANCE GUARANTEE

Upon completing the required improvements, the surety will be reduced or eliminated. A maintenance guarantee of 10% of the actual construction cost for road and drainage facilities shall be deposited with the County for anticipated maintenance for a period of two years after the completion of all improvements.

ARTICLE 15
MODULATION OF STANDARDS

DIVISION 15.000
PURPOSE

This Ordinance uses established industry standards in many of the Sections contained, herein. In other cases, uncommon situations that cannot meet the standards, have been anticipated and logical modifications of the standards provided. Specific standards are identified in this Article that may be modulated pursuant to the standards below to provide greater flexibility in creating quality communities on all sites and provide architects and designers greater flexibility.

DIVISION 15.100
MODULATION APPROVAL

SECTION 15.110 GENERAL REVIEW

The DRT shall review all requests for modulation of standards against this Article. A note indicating the modulation approval shall be placed on file and indicated by a note on the final plan.

DIVISION 15.200
MODULATION OF ZONING STANDARDS

The following Sections address specific zoning standards that can be modulated by the DRT without the necessity of seeking a Variance.

SECTION 15.210 CONSTRUCTION ENVELOPES

The net density and site capacity calculations in Article 04 and Article 05 assume all of a residential lot will be disturbed during development. This Section provides the rules by which resource protection is permitted to occur on a lot within the minimum lot area. Only large lots, those having a minimum lot size (Table 04.110) with sewer that exceed 20,000 sf., or where lots with drain fields exceed two acres shall be eligible for this modulation. All eligible lots shall conserve the resource area in question, restricting the use of that land to open space uses and prohibiting fencing and the clearing, cutting, or disturbing of vegetation. All development within the construction envelope shall follow this Section's standards.

A. The Site Capacity Analysis (Division 05.100) shall be used to determine the amount of open space required. Where that level of protection required of resources and total open space is achieved by a plan that does not exceed the Maximum Gross Density (Step 4, Table 05.121), then the Maximum Site Yield may be ignored since it does not account for on-lot preservation. The actual yield will be based on the site plan.

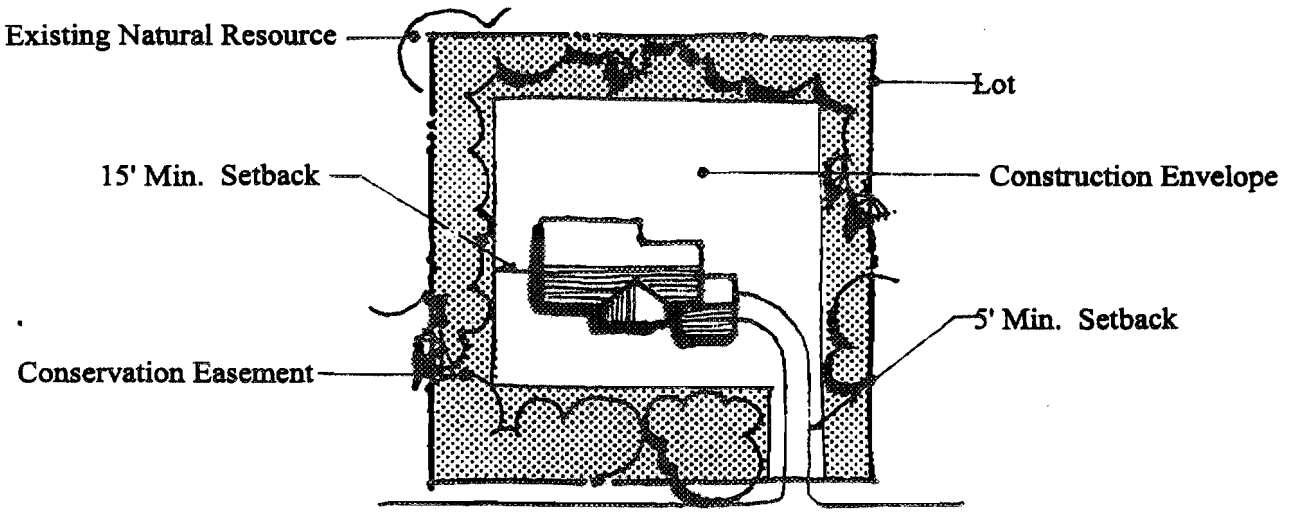
B. The construction envelope may occupy no more than 75% of the total area of the lot.

C. All lot construction and clearing shall be confined to the construction envelope including buildings, decks or patios, driveways, lawns, pools, tennis courts, septic tanks and tile fields, and utility access. The construction envelope shall be extended 15 feet from the foundation and five feet from any other area to be developed or disturbed to provide for machinery and earth movement. The construction envelope shall be temporarily fenced prior to construction or grading to prevent equipment from intruding into the conservation areas. Figure 15.120 shows the relationship between the lot, construction envelope, and conservation areas on a lot.

D. Where the resource being preserved is forest land, all trees over 16 inches in the lots shall be surveyed indicating size, species, and condition. In drawing the boundaries of the preservation area, no surveyed tree where more than 30% of the canopy will be in the disturbed area shall be counted as preserved. The entire canopy area of such tree shall then be considered as a disturbed area (see Figure 15.120).

E. The DRT shall require that a mitigation bond be posted for 2,500 dollars. The DRT shall inspect for damaged trees in the preservation area before occupancy and shall require mitigation for those trees damaged.

Figure 15.120
LOT WITH CONSTRUCTION ENVELOPE



SECTION 15.220 BUFFERYARDS

On existing properties, it may be impossible to achieve the desired buffer, thus rendering the property nonconforming with respect to the bufferyard standards. Severely constrained properties are those where the required buffers would use more than 25% of the site. In these cases, the DRT may approve a maximum feasible buffer based on the following standards:

A. The land reasonably available for bufferyards shall be evaluated, based on quality of site design, land characteristics, and effort of the developer to accommodate them. On developed properties, the DRT shall evaluate the current parking, existing vegetation, and relationship of the site plan to adjoining uses to be protected. No more than 25% of a vacant site should be in bufferyards.

B. The DRT shall designate an area to be used for the bufferyard that accomplishes what is required without undue hardship on the landowner. The use of landscape materials, berms, or walls shall be evaluated to determine the degree of protection that can be provided.

C. Landscape materials may be required in excess of normal planting rates to make up for limited buffer area. Walls or berms may be used as a substitute for landscape materials in areas where limited land is available and screening is more effectively established by structural methods. Similarly, hedges that are to be maintained at a minimum height may also be required.

D. Where the DRT unanimously agrees that increased open space or increased buffers make better design sense to accommodate either requirement, they may provide modulation from the bufferyard standards, as long as no buffer is reduced to less than 25 feet in width. For example, if 40% open space is required, but not easily achievable because of site conditions, the DRT may recommend an increase in another standard such as bufferyards or vice versa.

SECTION 15.230 STREET YARD SETBACKS

The street yard is normally intended to ensure a safe setback from roads, but often results in all buildings being lined up in a row; however, landscaping that screens the buildings from the street or variations in setback can, in some conditions, reduce the need for the rigid setback. In other cases, building form may dictate a different type of setback.

A. SINGLE-FAMILY AND LOT LINE: A combination of landscaping and facades that are articulated or staggered to give the sense that setbacks are varied can provide an enhanced environment. The setback may be reduced where the following are met:

1. When individual building construction envelopes, with varying setbacks, are described for each lot on the record plan to provide a streetscape with varied building locations. At the edges of such developments, the setbacks shall be feathered to match outside developments on the same street face.

2. Where the setback in Table 04.110 is greater than 35 feet, the average setback maybe reduced by up to 10% on any block face. No single lot setback reduction shall be greater than 30%.

3. Where the setbacks in Table 04.110 are 35 feet or less, the development's setbacks shall average the setback listed in Table 04.110. No single lot setback reduction shall be greater than 20%.

4. In addition to the street tree requirements (Table 04.310), the DRT may require additional landscaping to be placed in the right-of-way or first 10 feet of the lot.

5. All front loading garages shall be set back the minimum distance to provide for adequate off-street parking.

6. This provision shall only be used along the development's internal streets, not where single-family homes face homes in another subdivision across a street.

B. ADJOINING LOTS THAT ARE NONCONFORMING: In older parts of the County, setbacks may not conform or may vary from lot to lot. In these areas, the DRT may approve unique setbacks under the following conditions:

1. Where 40% of the lots on a block face are nonconforming, the unit may be set back at so as to blend in with the average distance of existing nearby structures.

2. Where existing block faces are all nonconforming, the DRT, upon evaluating the local conditions, shall determine a setback.

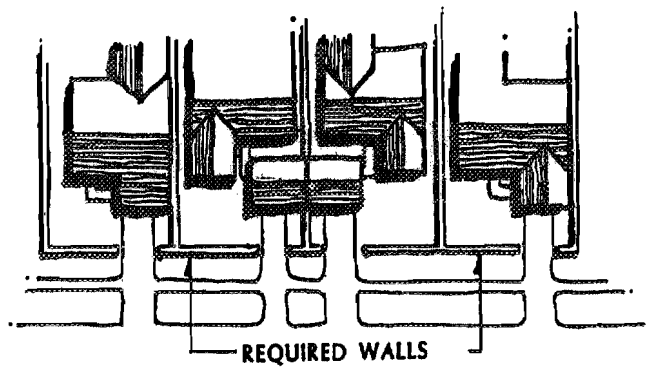
C. SIDE LOADING GARAGES: Side loading attached garages located in front of the house shall be permitted on single-family detached house lots listed as less than 15,000 sf. in Table 04.110. The setback for such garages may be reduced, provided the following are met:

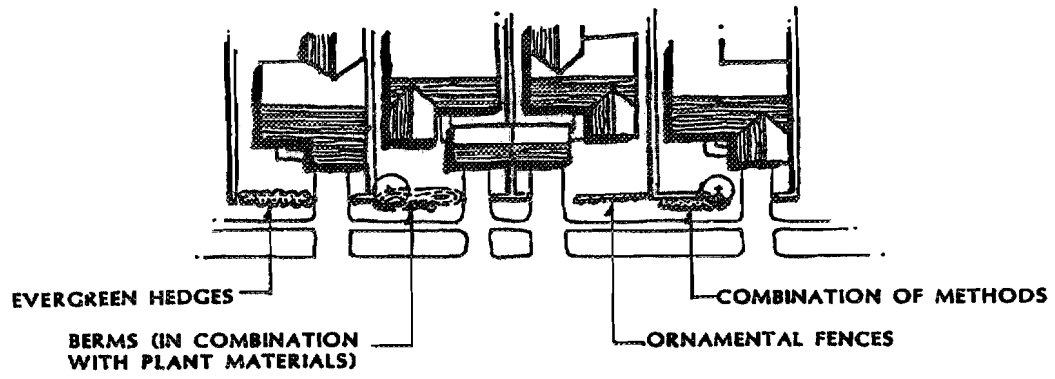
1. Side load garage setbacks shall be a minimum of 15 feet.

2. Additional landscaping, as required by the DRT shall be installed for each side load garage in the area between the garage and the right-of-way.

3. Within a development, no more than 40% of the total lots may be side load garages. No more than three adjacent lots may contain side load garages. The orientation shall be broken-up so that garages do not all face the same direction.

Figure 15.240
TECHNIQUES FOR ARTICULATING PATIO AND ATRIUM STREET FACE WALLS





SECTION 15.240 PATIO AND ATRIUM DWELLING UNITS

The wall enclosing these lots may be eliminated or reduced in height or opacity where the unit faces open space. The street yard should be varied to avoid monotony. The following rules govern wall modulation:

A. Where the wall abuts open space within the development, it may be reduced in height, length, or opacity in accordance with Table 15.240.

B. A patio or atrium dwelling unit's street face (where applicable) may be articulated to avoid monotony. The wall requirement shall be eliminated in favor of some combination of the wall and one (1) or more of the techniques shown in Figure 15.240.

Table 15.240
PERCENT REDUCTION IN TOTAL AREA OF WALL

TYPE OF COVER	WIDTH OF OPEN SPACE			
	30-40 ft.*	41-60 ft.*	61-100 ft.	101 ft. +
Lawn	10%	15%	30%	40%
Old Field	30%	40%	60%	80%
Young Forest	50%	70%	90%	100%
Mature Forest	60%	80%	100%	100%
* If a trail or walk is present, add 10 feet to width.				

SECTION 15.250 WINDOWLESS WALL

In atrium and patio units, windows are prohibited from looking into the neighboring yards. Windows shall be permitted in walls designated as windowless, provided that any of the following conditions are met:

A. The adjoining land is a public right-of-way.

B. The adjoining land is open space having a minimum width of 15 feet, where the unit on the opposite side of the open space is walled.

C. The adjoining land is open space having a minimum width of 30 feet.

D. The windows face a closed courtyard, or the windows are located at a height that prevents a view into the adjoining property.

SECTION 15.260 BUILDING SEPARATION FOR ATTACHED UNITS

This Section sets forth the residential building spacing regulations and standards. Various attached dwelling unit types have no side yard lines since the individual dwelling units are attached. However, blocks of attached units are regulated by building spacing. A variety of situations can modify the basic standards. The normal separation assumes the building walls are generally parallel, but that need not be the case. This circumstance also changes the separation requirements needed to provide light, air

and fire access. The following standards permit modulation of building spacing under the specified conditions.

A. IRREGULAR FACING WALLS: Where facing building planes are not a straight line, the average distance between the adjoining walls shall be used, provided no portion of the building is closer than 80% of the minimum building spacing.

B. NON-PARALLEL BUILDING ALIGNMENT: Where building walls are not parallel, the minimum building separation may be reduced. The average separation must be equal to the requirements of Table 11.200, and the minimum shall be no less than 80% of that requirement.

C. BUILDING CODE: The building code may establish increased requirements for fire-rated construction where building setbacks are reduced, thus increasing costs, or require stricter standards.

SECTION 15.270 VERY LARGE LIGHT INDUSTRIAL STRUCTURES

The maximum size of a light industrial building has been set at 200,000 sf. to prevent too large a building or structure from altering the general character of the district. Larger buildings can be permitted under several types of conditions.

A. In large business parks where there is a central area of the park that is at least two lots from any boundary, larger buildings may be permitted provided:

1. The mass of the larger building will be mostly screened by the surrounding buildings. The DRT may require more than the minimum two lot distance from the edge of the business park.

2. The site topography is such that the large buildings are not going to stand up above surrounding structures.

3. The building itself has articulations in the facade and roof line to reduce the apparent size of the building; or

4. Additional on-lot landscaping and berming has been provided to screen and break up the mass of the building. This may also include berms that are located on the building foundation.

B. The design of the business park is such that a variety of techniques are used to ensure that the public neighboring property owners or drivers on adjoining roads are not aware of the mass. Several of the following techniques may be required by the DRT to achieve that result:

1. The whole business park has a common architectural design, facade materials, window treatment, roof lines, etc.

2. The building is designed to reduce its apparent mass by having building wings, articulated facade, a reduced height by setting the ground floor partially below grade, or locating the building topographically so that it is better screened by surrounding buildings.

3. The massing of buildings on the periphery of the development to screen the larger building to the rear.

4. The bufferyards, street trees, and on-lot landscaping is upgraded to mask the development.

5. The site plan shall be designed so that the actual view of the larger building located down the street is such that the scale of the larger building is not apparent.

C. Screening or special design treatment shall not be required on boundaries with industrial or heavy industrial land unless an arterial or collector road is the boundary.

SECTION 15.280 ALTERNATIVE DWELLING UNIT TYPES

The DRT shall review and may approve proposed alternative dwelling unit types, provided:

A. They represent a significantly different housing style, not just a smaller lot; and

B. That the housing type addresses issues of privacy, usable yard space, and adequate light and air; and

C. That the parking be such that the unit does not create a situation where garages and drives dominate the front facades; and

D. That there be a valid reason for the unit type such as, but not limited to, the following:

1. That the unit is designed for specific topographic conditions or hazard conditions.

2. That the unit is designed to respond to specific traditional architectural patterns to better integrate the new development with the County's historic character.

3. That the unit type is particularly suited to increasing affordable housing and can be mixed into the overall fabric of the community without creating an obvious unit type. For example, a unit type that makes a single family home a two-unit building either with a granny flat or with a second unit in a townhouse or village house situation.

DIVISION 15.300
MODULATION OF SUBDIVISION STANDARDS

During plat or plan review, the DRT may approve minor deviations from the standards of this Ordinance when common sense dictates. No deviations from density requirements or other standards in this Ordinance are permitted. Minor deviations shall only include deviations that benefit the County or citizenry in general and include:

1) Minor setback flexibility to preserve trees or the environment;

2) Minor changes in road design to preserve trees or the environment;

3) Any other minor change in design that the DRT unanimously agrees will improve overall project design and environmental protection, whereby strict adherence to the requirements of this Ordinance would limit such improvements, protection or preservation.

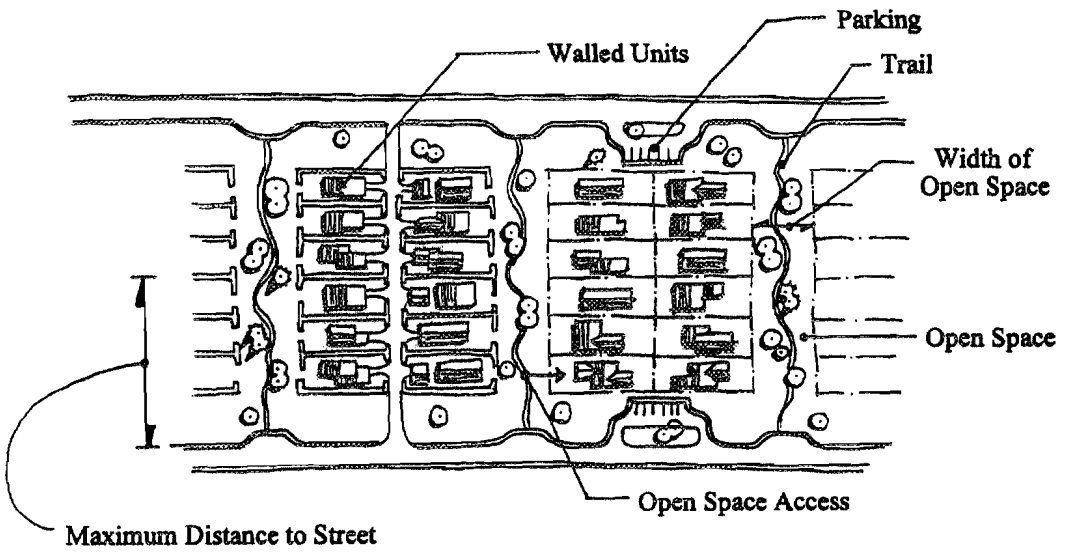
SECTION 15.310 NO ROAD FRONTAGE

Under certain circumstances, atrium, patio, village houses, and townhouses of all types do not have to front a street. All such units shall front an open space that meets the standards in Table 15.310. The maximum distance that such a unit may be away from a street depends on whether the lot has direct access to both the open space and an alley (which provides the lots with on-site parking and emergency access), or whether access is solely via the open space. For example, the distance in Table 15.310 is doubled if a road or emergency access alley is available at both ends of the open space. Figure 15.310 illustrates the various conditions.

Table 15.310
STANDARDS FOR SPECIFIC RESIDENTIAL UNITS WITH NO ROAD FRONTAGE

WIDTH OF OPEN SPACE (FT.)	WALLED UNIT	MAXIMUM DISTANCE FROM STREET (FT.)	
		Open Space Access	Alley and Open Space Access
8'	yes	60'	100'
12'	yes	75'	150'
20'	no	100'	180'
30'	no	120'	200'

Figure 15.310
RESIDENTIAL UNITS WITH NO ROAD FRONTAGE



SECTION 15.320 FLAG LOTS

Flag lots are generally prohibited because they have often been used to avoid building a street to serve a subdivision, and their use increases the number of curb cuts on arterial or collector roads. However, conditions exist where flag lots are reasonable and can even enhance the community's character. These conditions are set forth below and illustrated in Figure 15.320.

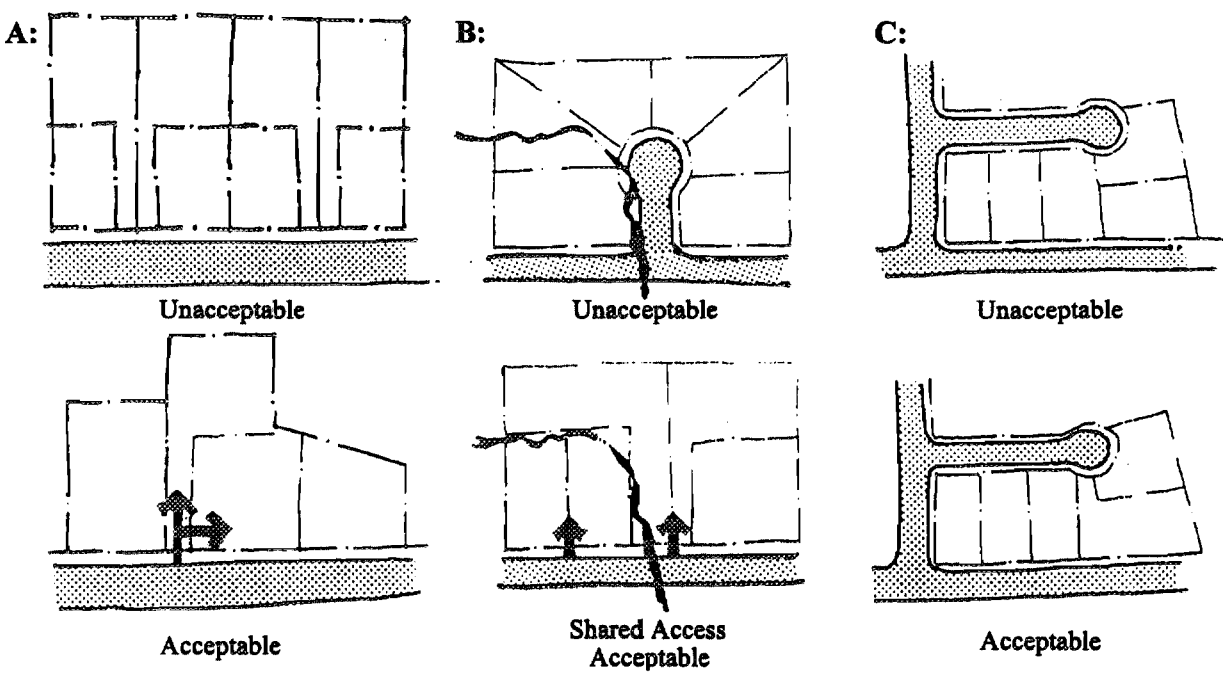
A. If the property to be subdivided has very irregular boundaries and a narrow street and cul-de-sac are not feasible, a flag lot may be used to serve a single lot where lots are one (1) acre or larger.

B. In a resource protection area, a flag lot may be used to reduce resource destruction which would have occurred by extending the cul-de-sac further into the sensitive area where lots are one (1) acre or larger.

C. A flag lot shall be used to avoid lots taking access to arterial or collector streets, as long as the flag lot does not take access from the arterial or collector.

D. A combined curb cut for the flag lot and one (1) or more lots may be required where the DRT determines such design will improve safety.

Figure 15.320
FLAG LOT CONDITIONS



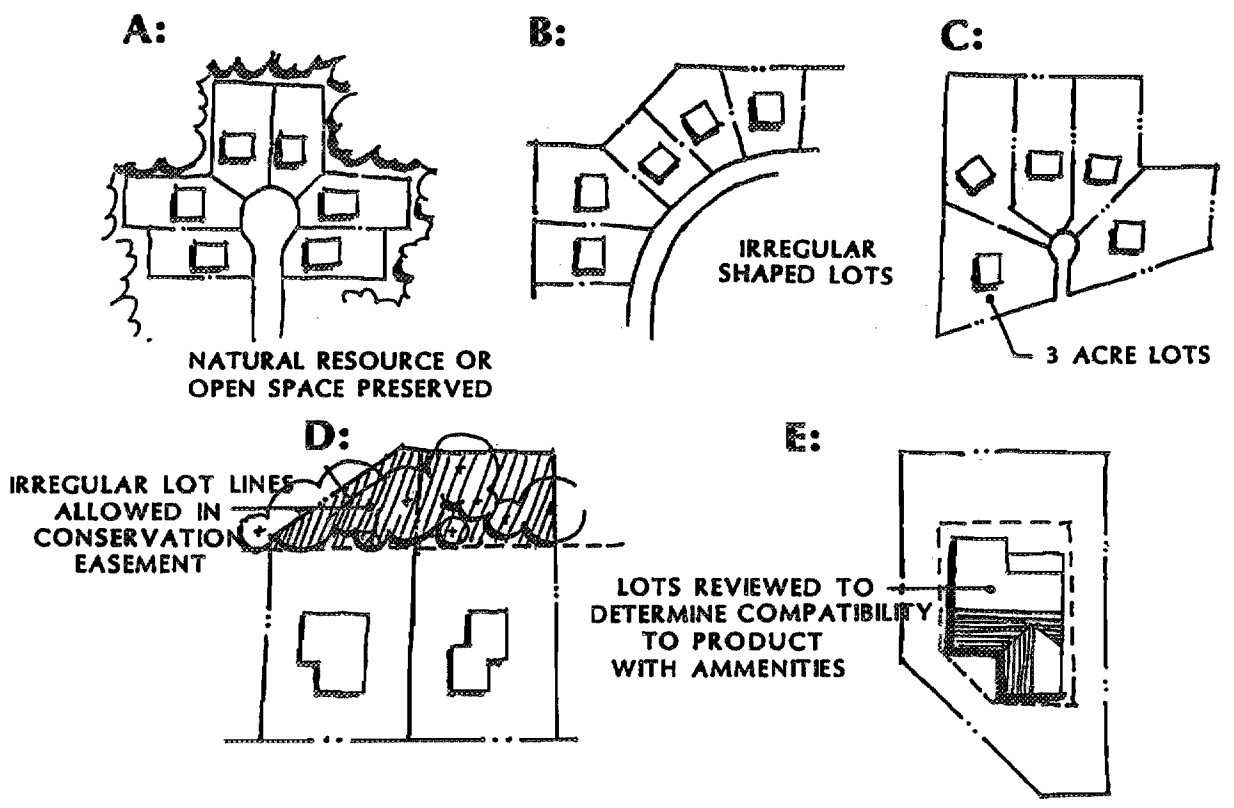
SECTION 15.330 LOT SHAPES

Normally, lot shapes are rectangular or pie-shaped and work well in some cases. Rectangular lots are important when lots are rather small since they provide a maximum buildable area, whereas, pie-shaped lots can be very inefficient. The most important element is that the lot contains a building construction envelope adequate for conventional house design. Lot shapes may be irregular under the following circumstances (Figure 15.330):

A. Where lots are surrounded by open space, lots of approximately trapezoidal shape may be used to maximize the benefits of the open space and reduce road length.

B. Where the property has a shape that makes it difficult to create lots efficiently, the developer should be able to use irregular lot shapes, rather than waste land.

Figure 15.330
IRREGULAR SHAPED LOTS



C. Where lots exceeding three acres are provided, the lot shape that provides efficient use of the land and minimum lot size may be used.

D. Portions of lots in a conservation easement may have irregular shapes since they cannot be used for construction.

E. All lot sizes and shapes shall be reviewed to determine if houses similar to those normally built in the district can be constructed with normal patios or decks within the building envelope.

SECTION 15.340 CUL-DE-SAC OR BLOCK LENGTH

Cul-de-sac length is generally set to avoid unduly long roads where only one (1) means of access exists. Maximum block lengths provide for good circulation. However, instances may arise where a longer block length or cul-de-sac length is justified.

A. A cul-de-sac's maximum length may be extended to serve 24 lots, provided:

1. No stub street is possible on any cul-de-sac whose length would exceed 18 lots, and

2. The average number of lots served by cul-de-sacs in the development is 16 or less.

B. Up to 28 lots per block length may be permitted where:

1. Unique topography, shape, or physical features make it difficult to connect to another street without building structures that are well above normal improvement costs; or

2. The connection would result in undesirable intrusions into natural resources; and

3. Adjoining developments provided no connections which, if linked to the subject property, would reduce the need for the modulation; or no stubs are possible to adjoining vacant land.

SECTION 15.350 INTERSECTIONS

Intersections may be permitted closer than the 300 foot centerline distances where:

A. The depth of a block is less than these distances. An exception shall be granted unless a reasonable alternative street configuration exists which will provide the needed separation; or

B. Topographic, natural resource, or ownership problems make providing the separation impractical or undesirable; or

C. A narrower distance may be permitted where the DRT determines the shorter distance results in safer conditions based on site distances.

SECTION 15.360 PARKING AREAS

The parking and loading standards in Article 03 may be too stringent for certain use applications.

A. PARKING SPACE REDUCTION. The DRT may reduce the number of parking and/or loading spaces required, to protect specimen trees, to reduce impervious surfaces, where required spaces are not logical for the proposed use, and where a unique situation is proposed or exists which will not generate the need for as many parking spaces as required by this Article. In cases where the DRT does not approve of a reduction in parking, the applicant may petition the DRT to authorize a reduction based on studies and findings from a Parking Demand and Needs Analysis (PDNA) as described below. The DRT may approve such a reduction where the PDNA indicates that the required parking would exceed the minimum necessary to conveniently serve the customers, clients, visitors and employees. The components of a PDNA must include at least the following:

1. A narrative discussion of the type of use, and an explanation of why such use is unique from a parking needs standpoint.

2. Basic traffic generation data, such as numbers of anticipated vehicles entering and exiting the site at peak hours.

3. Proposed means of parking/traffic mitigation measures, such as car pools/van pools, varied work shifts, company-operated buses or shuttles and employee incentives for utilizing alternate modes of transportation.

4. The non-utilized parking area must still be shown on the site plan, with no permanent facilities or structures, as reserved parking to accommodate any future change of use which may render the reduction substandard.

B. PARKING IMPACT MITIGATION. The DRT may increase the parking area landscaping standards by no more than 15%, where a development adversely impacts residential uses, natural or open space areas, and village centers.

C. STALL WIDTH REDUCTION. Subject to DRT approval, stall width may be reduced to 8½ feet in parking lots for office and industrial/manufacturing type uses, provided that the parking area with the reduced widths is for the exclusive use of the on-site employees. Parking spaces available for the general public shall be clearly identified for public use and must be clearly separated from employee parking spaces with reduced widths.

DIVISION 15.400
MODULATION OF ENVIRONMENTAL STANDARDS

A. ENVIRONMENTAL CONSTRAINTS. Where environmental constraints exist that make strict adherence to setback lines unreasonable, the DRT may permit the developer to submit a plan showing building pads that define the permitted setback locations versus alternate locations. If it is determined by the DRT that the permitted setback locations are unreasonable given existing environmental conditions that were not apparent or in place at the time of plan approval, and the alternative proposal benefits the County and improves design, then the front and side yard setbacks may be reduced to maximize the various types of environmental protection. The DRT may require additional landscaping to compensate for the closer setbacks.

B. OCRM CRITICAL LINE. Modulation of OCRM Critical Line setback requirements is not permitted through this Article. Refer to Section 05.241, which provides specific standards for complying with this requirement.

ARTICLE 16
SIGNS

DIVISION 16.000
PURPOSE

The purpose of this Article is to enhance the built environment through appropriately designed signage that safely provides information while protecting the public welfare, such as follows:

A. SAFETY. Promote the safety of persons and property by providing that signs:

1. Do not create traffic hazards by distracting or confusing motorists, or impairing motorists' abilities to see pedestrians, other vehicles, and obstacle or to read traffic signs; and,

2. Do not create a hazard due to collapse, fire, collision, decay or abandonment.

B. INFORMATION. Promote the efficient transfer of general public and commercial information through the use of signs.

C. PUBLIC WELFARE. Protect the public welfare and enhance the overall appearance and economic value of the landscape and preserve the unique natural environment that distinguishes Beaufort County while promoting and increasing the economic benefits derived from the attraction of tourists, permanent and part-time residents, new industries and cultural facilities.

DIVISION 16.100
SIGNS REGULATED

No sign shall be erected, replaced, relocated or altered without first obtaining a Sign Permit, except as provided in Section 16.120. Prohibited signs are listed below in Section 16.110.

SECTION 16.110 PROHIBITED SIGNS

The following signs are prohibited when visible from a publicly maintained street, road or highway, whether County, State or Federal:

A. Commercial billboard signs and pole signs;

B. Flashing signs;

C. Neon Signs;

D. Internally illuminated signs;

E. Moving signs or signs having moving parts;

F. Signs using the words "stop," "danger" or any other word, phrase, symbol or character in a manner that might mislead, confuse or distract a vehicle driver;

G. Except as otherwise provided, no sign, whether temporary or permanent, except by a public agency, is permitted within any street or highway right-of-way;

H. Signs painted on or attached to trees, fence posts, rocks or other natural features, telephone or utility poles, or painted on or projected from the roofs of buildings visible from any public thoroughfares; and

I. No sign of any kind shall be erected or displayed in any salt marsh areas or any land subject to periodic inundation by tidal salt water; and

J. Portable commercial signs or vehicle movable commercial signs except business identification painted on or magnetically attached to business cars and trucks; and

K. Abandoned or dilapidated signs; and

L. All signs and supporting structures in conjunction with a business or use which is no longer in business or operation unless a new permit for the sign has been obtained.

SECTION 16.120 SIGNS EXEMPT FROM SIGN PERMIT

The following signs are exempt from obtaining a Sign Permit. Similar signs that are larger or other wise violate the provisions of this Section shall be required to obtain a permit.

A. One non-illuminated "For Sale", "For Rent", or "For Lease" sign not exceeding 6 sf. in area.

B. One non-illuminated home occupation sign not exceeding 4 sf. in area and mounted flat against the wall of the principal building for each profession or occupation carried on therein.

C. Official notices issued by any court, public agency or similar official body.

D. Traffic directional, warning or information signs authorized by any public agency.

E. Private street or road name signs.

F. The changing of characters on any moveable copy sign.

G. Signs prohibiting hunting, fishing, loitering, trespassing and similar signs not exceeding one sf. in area.

H. One temporary, in-season, agricultural products sales sign not exceeding 10 sf. in total area.

DIVISION 16.200 SIGN STANDARDS

SECTION 16.210 GENERAL SIGN PROVISIONS

The following provisions shall apply to all signs:

A. VISIBILITY. The area around the sign shall be properly maintained clear of brush, trees and other obstacles so as to make signs readily visible.

B. FINISH. Reverse sides of signs must be properly finished with no exposed electrical wires or protrusions and shall be of one color.

C. GLARE. Signs shall not be illuminated so as to impair driver vision.

D. LOCATION. No sign shall be located so as to obstruct or impair driver vision at business ingress-egress points as at intersections.

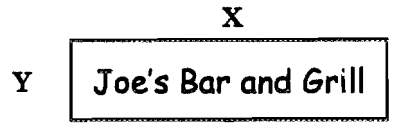
E. DESIGN. Sign shapes shall be composed of standard geometric shapes and/or letters of the alphabet only and not be in the shape of a sponsor motif (bottles, hamburgers, human or animal figures, etc.). All elements of a sign structure shall be unified in such a way not to be construed as being more than one sign. Outcrops on signs are prohibited.

SECTION 16.220 ON-PREMISE SIGNS

A. TYPE. All businesses or other uses located in Beaufort County may choose to utilize any two types of the following types of on-premises signs. In no case shall individual types exceed the limitations prescribed herein, and in no case shall the combined area of any two types chosen exceed 160 sf., except in the case of a business fronting on two highways. In this instance, 240 sf. shall be the maximum allowed.

1. **Wall sign.** The maximum sign area shall be the lesser of 15% of the area of the wall or 80 sf. The area of "letters only" signs shall be computed as the area of an imaginary rectangle enclosing the lettering.

Example 1:



Area = X times Y

Example 2:



Area = X - 1 times Y - 1 + X - 2 times Y - 2

2. **Projecting Sign.** One projecting sign per business frontage perpendicular to the wall of a building and consisting of an area not exceeding 32 sf. Signs attached perpendicular to the wall of a building shall not extend outward from the wall more than 8 ½ feet.

3. Ground sign (free-standing). One per each highway frontage, not exceeding 10 feet in overall height, 15 feet in width, with a maximum allowable area of 80 sf.

B. On-premises signs shall be erected so as not to obstruct or impair driver vision at business, or other use's ingress-egress points and intersections.

C. When necessary to facilitate traffic movement, such on-premise signs as "Enter," "Exit," "Drive-In," "Service Entrance," "No Parking," etc., without any other advertising words or phrases, may be installed without a permit fee after proper notification to the Inspection Department. Maximum area of each sign not to exceed six sf.

SECTION 16.230 SHOPPING CENTERS OR MULTIPLE TENANT BUILDINGS

A. IDENTIFICATION SIGN. Shopping centers, malls and multiple tenant buildings may erect either one 80 sf. free-standing ground sign (which may be used as an identification sign, directory listing, or combination thereof) on each street or highway frontage except where the frontage exceeds 500 feet. An additional sign may be allowed provided it does not exceed ***80 sf.*** in area and the total area of all free-standing signs do not exceed the maximum allowable area as specified in Section 16.230.B.

B. TOTAL MAXIMUM ALLOWABLE AREA:

1. Shopping centers and/or multiple tenant buildings fronting on one street or highway. Maximum total free-standing area, 160 sf.

2. Shopping center and/or multiple tenant buildings fronting on two streets or highways. Maximum total free-standing area, 240 sf.

3. Individual businesses within a shopping center and/or multiple tenant building may erect wall and/or projecting signs consistent with the provisions of Section 16.220.

4. Individual businesses within a complex shall not be allowed to have separate free-standing signs.

SECTION 16.240 OFF-PREMISE SIGNS

A. Except as provided for in paragraphs (G) and (H) of this Section, all commercial, off-premise signs are banned in the areas of Beaufort County to which this Ordinance applies.

B. Non-commercial, off-premise signs shall be limited to the location and design standards set forth in this Section, provided, however, that non-commercial, off-premises signs and non-commercial, on-premise signs may be placed on any premises where on the placement of commercial, on-premise signs is allowed, and such non-commercial, off-premise signs and non-commercial, on-premise signs shall be subject to the size standards set forth in Section 16.230.

C. Subject to the foregoing provisions of this Section, the following provisions shall apply to all non-commercial, off-premise signs:

1. Off-premise signs may be located only within 600 feet of a commercial business or industrial operation measured from the center line of the commercial or industrial structure and only on the same side of the highway as the commercial use.

2. Commercial business or industrial operation does not include:
   a) such activities not visible from the main traveled thoroughfare; and
   b) transient or temporary activities; and
   c) outdoor advertising structures; and
   d) agricultural, forestry, ranching, grazing or farming activities; and
   e) activities conducted in a building used principally as a residence; i.e., home occupations; and
   f) activities more than 160 feet from the nearest edge of right-of-way; and
   g) railroad tracks and sidings; and
   h) public buildings or activities.

D. No portion of any non-commercial, off-premise sign shall be located nearer than 300 feet to any portion of the following:

1. Any other off-premise sign on same side of the street or highway; and

2. Church; and

3. Cemetery; and

4. Public building or facility; and

5. Historic district or site; and

6. Residence (single family or multi-family); and

7. Intersection of two or more streets (does not include driveways) other than directional signs of a uniform design pursuant to regulations for intersection directional signs as may be adopted from time to time by County Council.

E. THE MAXIMUM PERMITTED AREA of an off-premise sign shall be 40 sf.

F. THE MAXIMUM PERMITTED HEIGHT of any non-commercial, off-premise sign shall not exceed 10 feet measured from the highest part of any sign and its supporting structure and the elevation of existing grade.

G. BACK-TO-BACK SIGNS AND V-SIGN STRUCTURES shall be considered as one sign for purposes of spacing requirements.

H. OFF-PREMISE, DIRECTIONAL SIGNS. In order to provide information and directional aid to the general public, directional signs may be erected upon approval of Beaufort County only within 300 feet of intersections of major traveled thoroughfares and secondary roads to identify businesses, services, organizations, agencies, facilities and activities located down the secondary road. Such directional signs shall not be utilized to identify uses on the major traveled thoroughfare.

I. DIRECTORY LISTING SIGNS. Directory listing signs may be placed at strategic locations in major highways in order to provide pertinent Beaufort area information to tourists and visitors. Such listings are intended to be informational and helpful for the convenience of visitors and not promotional of any particular business or type of business. Listings may be limited to local area hotels/motels, restaurants, major residential developments, major retail outlet centers and the like.

I. THE DESIGN, LOCATION AND INFORMATION CHARACTER of off-premise, directional signs will be consistent with policies adopted by Beaufort County Council and, in addition, must be in compliance with the "Outdoor Advertising Act" of South Carolina.

J. ADMINISTRATION OF DIRECTORY LISTING SIGNS will be in accordance with regulations developed by the County.

subSECTION 16.241 MAINTENANCE STANDARDS FOR OFF-PREMISE SIGNS

All off-premise commercial signs must be structurally safe and maintained in a good state of repair including but not limited to, the following standards:

A. The sign face must be maintained free of peeling, chipping, rusting, wearing and fading so as to be fully legible at all times.

B. Signs may be maintained only by painting or refinishing the surface of the sign face or sign structure so as to keep the appearance of the sign as it was when originally permitted. Upon determination by the Inspection Department and notice to the permittee that a sign has become dilapidated or structurally unsound, such sign shall be removed within 20 days, unless an appeal of such determination has been previously filed with the County Council. Such sign shall, thereafter, be removed within 20 days of disposition of such appeal in favor of the Council, its agencies, departments, and/or officials. Any structural or other substantive maintenance to a sign shall be deemed an abandonment of the sign, shall render the prior permit void and shall result in removal of the sign without compensation. Costs and expenses of removal hereunder shall be paid by the owner of such sign.

C. Extension, enlargement, replacement, rebuilding, adding lights to an unilluminated sign, changing the height of the sign above ground, or re-erection of the sign are prohibited.

D. Any signs suffering damage in excess of normal wear cannot be repaired without:

1. Notifying the Beaufort County Inspection Department in writing of the extent of the damage, the reason the damage is in excess of normal wear, and providing a description of the repair work to be undertaken, including the estimated cost of repair; and

2. Receiving written notice from the Beaufort County Inspection Department authorizing the repair work as described above. If said work authorization is granted, it shall be mailed to the applicant within 30 days of receipt of the information described in A., above. Any such sign which is repaired without Department of Inspections' authorization shall be removed by the Department of Inspections, and the costs and expenses of such removal shall be paid by that person or entity making the unauthorized repairs.

E. In the event a sign is partially destroyed by wind or other natural forces, the ZDA must determine whether to allow the sign to be rebuilt. If the ZDA determines that the damage of the sign was greater than 50% of its replacement cost as of the time of the damage, the sign must be consistent with all current requirements of this Ordinance.

SECTION 16.250 SIGN ILLUMINATION

A. SHIELDING. Sign illumination shall be placed and shielded so as not to directly cast light rays into nearby residences, sleeping accommodations, or in the eyes of vehicle drivers.

B. UNSHIELDED LIGHTS - INTENSITY. Signs incorporating steady, unshielded light bulbs shall utilize bulbs not in excess of 75 watts intensity.

C. ELECTRICAL REQUIREMENTS. Electrical requirements pertaining to signs shall be as prescribed under the adopted National Electrical Code for Beaufort County. (Cross Reference -Adoption of the National Electrical Code and Amendments thereto, Chapter 3.)

DIVISION 16.300
TEMPORARY SIGNS

SECTION 16.310 TEMPORARY SIGNS - TYPES

The following types of signs are classified as temporary signs:

A. SPECIAL EVENT SIGNS which are in the nature of non-commercial advertising;

B. "GRAND OPENING," "GOING OUT OF BUSINESS" AND "SALE" SIGNS of business and services;

C. SIGNS FOR WORK UNDER CONSTRUCTION;

D. LAND SUBDIVISION OR DEVELOPMENT SIGNS;

E. SIGNS ADVERTISING THE SALE OR LEASE OF PROPERTY upon which they are located;

F. POLITICAL SIGNS.

SECTION 16.320 TEMPORARY SIGNS – AREA, HEIGHT, LOCATION

A. AREA. The total area of temporary signs shall not exceed 80 sf.

B. HEIGHT. The maximum height of temporary signs shall not exceed 10 feet measured from the highest part of any sign or supporting structure and existing ground level except special event promotional banners.

C. LOCATION. No off-premise temporary sign, except those identified in Section 16.310.D. and E., shall be located nearer than 100 feet to any church, cemetery, public building, historic site or district and intersection of two or more public streets or highways.

SECTION 16.330 TEMPORARY SIGNS - TIME THEY MAY BE ERECTED

A. SPECIAL EVENT SIGNS. These signs may be erected no sooner than 30 days preceding a special event and shall be removed within 48 hours following the special event.

B. GRAND OPENING SIGNS. These signs shall be erected for a period not to exceed 30 days.

C. GOING OUT OF BUSINESS AND SALE SIGNS. These signs shall be erected for a period not to exceed 30 days.

D. WORK UNDER CONSTRUCTION SIGNS pertaining to owners, architects, engineers, contractors, development agencies, financial institutions and the like may be erected on the construction site during construction and shall be removed within 30 days following completion of the project.

E. SIGNS ANNOUNCING THE SUBDIVISION OF LAND may be erected on the land being developed and shall be removed when 75% of the lots are conveyed or after 2 years, whichever comes first.

SECTION 16.340 TEMPORARY SIGNS - PERMITS

Unless exempted in Section 16.120 of this Ordinance, temporary signs must be permitted in the same manner as permanent signs.

DIVISION 16.400
ADMINISTRATION

SECTION 16.410 DISPLAY OF PERMIT

A. DISPLAY FOR PERMIT TAG. All permit tags issued for the erection of a sign shall be displayed on the sign and be readily visible.

B. RELOCATION OF PERMIT TAG. Under no circumstances may the permit tag be removed from one sign to another, nor may the sign to which it is attached be relocated to another location.

C. RETURN OF PERMIT TAG. In the event signs are dismantled, removed or the ownership transferred, the permit tag shall be removed, returned to the Inspection Department and a new application made as appropriate.

D. LOST OR ILLEGIBLE PERMIT TAG. If a permit tag is lost, defaced, destroyed or otherwise becomes illegible through normal wear or an act of vandalism, a new application shall be made to the Inspection Department.

DIVISION 16.500
VIOLATIONS

SECTION 16.510 IMPOUNDMENT OF SIGNS

A. SIGNS SUBJECT TO REMOVAL WITHOUT NOTICE.

1. The Inspection Department shall have the authority to remove without notice to the owners thereof, and impound for a period of 10 days, signs placed within any street or highway right-of-way; signs attached to trees, fence posts, telephone and utility poles, or other natural features; and signs erected without a permit.

B. IMPOUNDMENT OF SIGNS ERECTED WITHOUT PERMITS, BUT ARE OTHERWISE IN COMPLIANCE. When a sign requiring a permit under the terms of this Article is erected

without a Sign Permit, the Inspection Department shall use the following procedure:

1. **Violation Sticker.** The Inspection Department shall attach a highly visible sticker reading "VIOLATION" to the face of the sign. The sticker shall include the date that it was attached to the sign with instructions to call the Inspection Department immediately.

2. **Failure To Obtain Permit.** If, within 10 working days, the owner of the sign fails to contact the Inspection Department, bring the sign into conformance with this Article and get a permit for the sign, the Inspection Department shall have the sign removed and impounded without any further notice.

SECTION 16.520 IMPOUNDED SIGNS - RECOVERY, DISPOSAL

The owners of signs impounded may recover same upon the payment of One Dollar and 00/100 cents ($1.00) for each square foot of such impounded sign, prior to the expiration of the 10 day impoundment period. In the event it is not claimed within 10 days, the Inspection Department shall have authority to either discard or sell the sign.

SECTION 16.530 SCENIC AREAS AND HIGHWAYS

Beaufort County Council recognizes that County citizens may desire more comprehensive sign regulations than those contained in this Article in various sections of the County and along these public highways. Therefore, County Council reserves the right to establish scenic areas in which additional sign controls and regulations may be enacted and enforced under the provision of this Article.

ARTICLE 20
ADMINISTRATIVE BODIES AND AGENTS

DIVISION 20.000
PURPOSE

This Article establishes the responsibilities of and procedures for administrative bodies and agents created by this Ordinance. This Article does not attempt to recite all responsibilities granted under the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, only those required of this Ordinance.

DIVISION 20.100
ADMINISTRATIVE BODIES AND AGENTS

SECTION 20.110 RESPONSIBILITY

The responsibility for major actions required by this Ordinance is set forth in this Article. The following codes are used in Table 20.110 to indicated responsibility. Any body or agent may have more than one (1) responsibility, typically holding a hearing in addition to any action. Further, regardless of the appeal notation, decisions are appealable to the courts in accordance with the South Carolina law.

(See Table 20.110 next page)

Table 20.110
PROCEDURAL RESPONSIBILITIES

TYPE OF ACTION	ADMINISTRATIVE BODIES			ADMINISTRATIVE AGENTS			
	County Council	Planning Comm.	Zoning Board of Appeals	Development Review Team	Planning Dept.	Zoning & Development Administrator	Hearing Officer
DISCRETIONARY							
Zoning Text Amendment	HD	HR			R		
Zoning Map Amendment	HD	HR			R		
Special Use			HD	R			
Community Use Project Review*		HA		D			
Non-Residential Project Review*		HA		D			
Zoning Variance			HD			R	
Plat Vacation	HD			R			
New Street Naming①				D			
Street Renaming①		HD	HA		R		
Beneficial Use	D				R		HR
ADMINISTRATIVE							
Major Subdivision Plat*		HA		D			
Minor Subdivision Plat*		HA				D	
Major Land Development Plan*		HA		D			
Minor Land Development Plan*		HA		D			
Modulation of Standards				D			
Limited Use			HA			D	
Zoning Permit			HA			D	
Sign Permit			HA			D	
Interpretation			HA		R	D	
Vested Rights Determination	HA				R		HD

NOTE: *Certain subdivisions and developments require reviews by special boards or agencies, not listed.
① = All new street names are initially approved by the E-911 Addressing Center

R = The body makes recommendations to the decision-makers.
H = The body must hold a public hearing. In some cases, public hearings are held at the time of the final action.
D = The body makes the final decision.
A = The body hears an appeal to the decision.

DIVISION 20.200
ADMINISTRATIVE BOARDS

SECTION 20.210 COUNTY COUNCIL

In addition to any responsibility indicated in Table 21.110, the County Council shall have the following powers and duties under this Ordinance:

A To appoint and approve members of the Planning Commission (PC).

B. To appoint and approve members of the Zoning Board of Appeals (ZBOA).

C. To appoint and approve members of the Historic Preservation Review Board (HPRB).

D. To appoint and approve members of the Corridor Review Boards (CRB).

E. To designate and appoint Hearing Officer (HO).

F. To take such other action not delegated to the Planning Commission, ZBOA, HPRB, Hearing Officer, or heads of County Departments, as the County Council may deem desirable and necessary to implement the provisions of the Comprehensive Plan and this Ordinance.

SECTION 20.220 PLANNING COMMISSION

The Planning Commission (In this Article, hereafter referred to as the Commission) shall have the following powers and duties:

A. To review, hear, consider, and make recommendations to approve or disapprove applications for Zoning Map and Ordinance text amendments.

B. To initiate, prepare, or cause to be prepared a Zoning, Subdivision, Land Development or Landscaping Ordinance or amendments thereto, and to oversee the administration of such regulations.

C. To prepare or cause to be prepared the Comprehensive Plan, or any element or portion thereof, and recommend its adoption.

D. To initiate, review, hear, consider, and make recommendations to approve or disapprove amendments to the Comprehensive Plan.

E. To prepare or cause to be prepared an official map and appropriate revision on it showing the exact location of existing or proposed public street, highway, and utility rights-of-way, and public building sites, together with regulations to control the erection of buildings or other structures or changes in land use within the rights-of-way, building sites or open spaces within Beaufort County.

F. Prepare or cause to be prepared a Capital Improvements Program, setting forth projects required to implement plans which have been prepared and adopted, including an annual listing of priority projects for consideration by the County Council prior to preparation of its capital budget.

G. Approve and authorize the name of a street or road located within Beaufort County, pursuant to S.C. Code Ann. § 6-29-1200.

H. To make studies of the County's resources, possibilities, and needs and to report its findings and recommendations, with reference thereto, from time to time, to the County Council.

subSECTION 20.221 PLANNING COMMISSION MEMBERSHIP

A. MEMBERSHIP. The Commission shall consist of 12 members, as follows: two each from the four unincorporated planning areas including Port Royal Island, Southern Beaufort County, Sheldon/Dale/Lobeco, and Lady's Island/St. Helena Island, to be appointed by County Council; two appointed by the City of Beaufort, one (1) appointed by the Town of Port Royal; and one (1) appointed by the Town of Bluffton. No member of the Commission shall hold elective office in Beaufort County, the Town of Port Royal, the Town of Bluffton or the City of Beaufort. Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or education in planning, law, architecture, natural resource management, real estate and related fields, and to representatives of neighborhood groups.

B. TERMS OF OFFICE. Members shall be appointed for four year terms. The existing "Planning Board" as of the adoption date of this Ordinance meets requirements of the State Planning Law, and the membership methodology of terms of office from *Template Ordinance 92-28*, and therefore shall continue as appointed.

C. OFFICERS.

1. **Chairman and Vice-Chairman**. At an annual organizational meeting, the members of the Commission shall elect a Chairman and Vice-Chairman from among its members. The Chairman's and Vice-Chairman's terms shall be for one (1) year with eligibility for reelection. The Chairman shall be in charge of all procedures before the Commission , and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Commission. In the absence of the Chairman, the Vice-Chairman shall act as Chairman.

2. **Secretary**. The Planning Director or designee shall serve as Secretary of the Commission. The Secretary shall keep minutes of all proceedings. The minutes shall contain a summary of all proceedings before the Commission , which include the vote of all members upon every question, and its recommendations, resolutions, findings and determinations, and be attested to by the Secretary. The minutes shall be approved by a majority of the Commission members voting. In addition, the Secretary shall maintain a public record of Commission meetings, hearings, proceedings, and correspondence.

3. **Staff**. The Planning Department shall be the Commission's professional staff.

D. QUORUM AND VOTING. Seven Commission members shall constitute a quorum of the Commission necessary to take action and transact business. All actions shall require a simple majority of the number of Commission members present.

E. REMOVAL FROM OFFICE. County Council by a simple majority vote, shall terminate the appointment of any member of the Commission and appoint a new member for the following reasons: 1) Absent from more than one-third of the Commission meetings per annum, whether excused or unexcused; 2) Is no longer a resident of Beaufort County; 3) Is convicted of a felony; or 4) Violated conflict of interest rules according to the County-adopted Template Ordinance.

Moreover, a member shall be removed automatically for failing to attend any three consecutive regular meetings.

F. VACANCY. Whenever a vacancy occurs on the Commission, the County Council shall appoint a new member within 30 days of the vacancy subject to the provisions of this Section. A new member shall serve out the former member's term.

G. COMPENSATION. The Commission members shall serve without compensation, but may be reimbursed for such travel, mileage and/or per diem expenses as may be authorized by the Commission approved budget.

subSECTION 20.222 PLANNING COMMISSION MEETINGS

Commission meetings shall be held on the first Tuesday of every month. Additionally, meetings may be called by the Chairperson or at the request of seven Commission members. The location of all Commission meetings shall be in the County Administration Building in a place accessible to the public. The following shall apply to the conduct of all meetings:

A. RULES OF PROCEDURE. The Commission shall, by a majority vote of the entire membership, adopt rules of procedure and shall keep a record of meetings, resolutions, findings, and determinations. The Commission may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.

B. OPEN TO PUBLIC. All meetings and public hearings of the Commission shall be open to the public.

C. RECOMMENDATIONS OR DECISIONS. All recommendations shall be made by show-of-hands of all members present. A tie vote or failure to take action shall constitute a denial recommendation. All recommendations shall be accompanied by a written summary of the action and recommendations.

D. NOTICE AND AGENDA. The Commission must give written public notice of regular meetings at the beginning of each calendar year. The Commission must post regular meeting agendas at the meeting place 24 hours before any meeting. Notices and agenda for call, special or rescheduled meetings must be posted at least 24 hours before such meetings. The Commission must notify any persons, organizations and news media that request such notification of meetings. In addition notice shall be given at least 15 days in advance of a Commission meeting in a newspaper of general circulation in Beaufort County, and, in cases involving Zoning Map and text changes, street renamings or appeals to land development decisions by Staff. Conspicuous notice shall be posted on or adjacent to the affected property, with at least one such notice being visible from each public thoroughfare abutting the property.

SECTION 20.230 ZONING BOARD OF APPEALS

The Zoning Board of Appeals (In this Article, hereafter referred to as the ZBOA) shall have the following powers and duties:

A. To hear and decide appeals where it is alleged that there is error in an Order, requirement, decision, or determination made by the ZDA or other County official in the enforcement of the Beaufort County Zoning & Development Standards Ordinances.

B. To hear and decide appeals for variance from the requirements of this Ordinance when strict application of the provisions of the Ordinance would result in unnecessary hardship.

C. To hear, consider, and approve or disapprove applications for special use permits, pursuant to Division 03.300 or this Ordinance.

subSECTION 20.231 ZONING BOARD OF APPEALS MEMBERSHIP

A. MEMBERSHIP. The ZBOA shall consist of seven members appointed by County Council. No member of the ZBOA shall hold elective office in Beaufort County, the Town of Port Royal, the Town of Bluffton or the City of Beaufort. Members shall be appointed from each of the five County planing districts: Beaufort/Port Royal Island, Lady's Island, Southern Beaufort County, St. Helena Island and Northern Beaufort County (north of Whale Branch), and two shall be selected, one each north and south of the Broad River. The membership shall include, to the greatest extent practical, at least one (1) attorney and one (1) design professional, either a registered architect or a registered landscape architect.

B. TERMS OF OFFICE. The original ZBOA shall be appointed as follows: Three members for two year terms, two members for three year terms, and two members for four year terms. Thereafter, all members shall be appointed for four year terms.

C. OFFICERS.

1. **Chairperson and Vice-Chair.** At an annual organizational meeting, the members of the ZBOA shall elect a Chair and Vice-Chair from among its members. The Chair's and Vice-Chair's terms shall be for one (1) year. The Chairperson shall administer oaths, shall be in charge of all procedures before the ZBOA, may compel the attendance of witnesses, and shall take such action as necessary to preserve order and the integrity of all proceedings before the ZBOA. In the absence of the Chairperson, the Vice-Chair shall act as Chairperson.

2. **Secretary**. The ZBOA shall appoint a Secretary, who may be an official of Beaufort County or a member of the ZBOA; however it is customary for the ZDA to serve as Secretary to the ZBOA. The Secretary shall keep minutes of all proceedings. The minutes shall contain a summary of all proceedings before the ZBOA , which shall show the vote of each member upon every question, or in the absence or failure to vote, indicating such fact. The minutes shall be approved by a majority of the ZBOA members voting. In addition, the Secretary shall maintain a public record of ZBOA examinations, findings, determinations, and all other official action, all of which shall be of public record.

3. **Staff**. The ZDA shall be the professional staff for the ZBOA.

D. QUORUM AND VOTING. Four or more members of the ZBOA shall constitute a quorum necessary to take action and transact business. All actions shall require a simple majority of the members present.

E. REMOVAL FROM OFFICE. REMOVAL FROM OFFICE. County Council by a simple majority vote, shall terminate the appointment of any member of the ZBOA and appoint a new member for the following reasons: 1) Absent from more than one-third of the ZBOA meetings per annum, whether excused or unexcused; 2) Is no longer a resident of Beaufort County; 3) Is convicted of a felony; or 4) Violated conflict of interest rules according to the County-adopted Template Ordinance. Moreover, a member shall be removed automatically for failing to attend any three consecutive regular meetings.

F. VACANCY. Whenever a vacancy occurs on the ZBOA, the County Council shall appoint a new member within 30 days of the vacancy, subject to the provisions of this Section. A new member shall serve out the former member's term.

G. COMPENSATION. The ZBOA members shall serve without compensation, but may be reimbursed for such travel, mileage and/ or per diem expenses as may be authorized by the ZBOA approved budget.

subSECTION 20.232 ZONING BOARD OF APPEALS MEETINGS

Meetings of the ZBOA shall be held each month on a date noticed annually by the County. Additionally, meetings may be called by the Chairperson or at the request of four members of the ZBOA. The location of all ZBOA meetings shall be in the County Administration Building in a place accessible to the public.

A. NOTICE AND AGENDA. The ZBOA must give written public notice of regular meetings at the beginning of each calendar year. The ZBOA must post regular meeting agendas at the meeting place 24 hours before any meeting. Notices and agenda for call, special or rescheduled meetings must be posted at least 24 hours before such meetings. The ZBOA must notify any persons, organizations and news media that request such notification of meetings. In addition notice shall be given at least 15 days in advance of a ZBOA meeting in a newspaper of general circulation in Beaufort County, and, in cases involving Variances or Special Use Permits, conspicuous notice shall be posted on or adjacent to the affected property, with at least one such notice being visible from each public thoroughfare abutting the property.

B. RULES OF PROCEDURE. The ZBOA shall, by a majority vote of the entire membership, adopt Robert's Rules of Order for the transaction of business and keep a record of meetings, resolutions, findings, and determinations. The ZBOA may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.

C. OPEN TO PUBLIC. All meetings and public hearings of the ZBOA shall be open to the public.

SECTION 20.240 HISTORIC PRESERVATION REVIEW BOARD

The Historic Preservation Review Board (In this Article, hereinafter referred to as the HPRB) shall have the following powers and duties:

A. To review, hear, consider, and make recommendations for the designation of individual historic properties.

B. To review, hear, consider, and make recommendations for the designation of historic districts.

C. To review applications for construction within historic districts and applications for construction or demolition pertaining to or affecting duly designated historic resources. The HPRB shall approve, approve with modifications, or deny such applications in accordance with Article 08 of this Ordinance.

subSECTION 20.241 HISTORIC PRESERVATION REVIEW BOARD MEMBERSHIP

A. MEMBERSHIP. The HPRB shall consist of seven members appointed by County Council. No member of the HPRB shall hold elective office in Beaufort County, the Town of Port Royal, the Town of Bluffton or the City of Beaufort. Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have established professional qualifications in history (with a specific knowledge of local history),

historic architecture (an architect or, if an architect is unavailable, a person who is knowledgeable about building design and construction, with specific experience or training with historic resources), or architectural history. "Professional qualifications" include the Secretary of the Interior's Historic Preservation Professional Qualification Standards. Membership shall be representative of unincorporated areas of the County, including: one (1) from Northern Beaufort County; one (1) from Southern Beaufort County; one (1) from Port Royal Island; one (1) from Lady's Island; and one (1) from St. Helena Island. The membership shall also include a representatives from the Historic Beaufort Foundation and the Bluffton Historic Preservation Organization.

B. TERMS OF OFFICE. All citizen members shall be appointed for a term of four years. The terms shall be staggered with one (1) or two members appointed each year.

C. OFFICERS.

1. **Chairperson and Vice-Chair**. At an annual organizational meeting, the members of the HPRB shall elect a Chairperson and Vice-Chairperson from among its members. The Chair's and Vice-Chair's terms shall be for one (1) year with eligibility for reelection. The Chair shall be in charge of all procedures before the HPRB, may administer oaths, may compel the attendance of witnesses, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the HPRB. In the absence of the Chair, the Vice-Chair shall act as Chairperson.

2. **Secretary**. The County Historic Preservationist shall serve as Secretary for the HPRB. The Secretary shall keep minutes of all proceedings. The minutes shall contain a summary of all proceedings before the HPRB, which include the vote of all members upon every question, and its recommendations, resolutions, findings and determinations, and be attested to by the Secretary. The minutes shall be approved by a majority of the HPRB members voting. In addition, the Secretary shall maintain a public record of HPRB meetings, hearings, proceedings, and correspondence.

3. **Staff**. The Historic Preservationist shall be the HPRB's professional staff.

D. QUORUM AND VOTING. Four HPRB members shall constitute a quorum of the HPRB necessary to take action and transact business. All actions shall require a simple majority of the number of HPRB members present.

E. REMOVAL FROM OFFICE. REMOVAL FROM OFFICE. County Council by a simple majority vote, shall terminate the appointment of any member of the HPRB and appoint a new member for the following reasons: 1) Absent from more than one-third of the HPRB meetings per annum, whether excused or unexcused; 2) Is no longer a resident of Beaufort County; 3) Is convicted of a felony; or 4) Violated conflict of interest rules according to the County-adopted Template Ordinance. Moreover, a member shall be removed automatically for failing to attend any three consecutive regular meetings.

F. VACANCY. Whenever a vacancy occurs on the HPRB, the County Council shall appoint a new member within 30 days of the vacancy, subject to the provisions of this Section. A new member shall serve out the former member's term.

G. COMPENSATION. The HPRB members shall serve without compensation, but may be reimbursed for such travel, mileage and/or per diem expenses as may be authorized by the HPRB approved budget.

subSECTION 20.242 HISTORIC PRESERVATION REVIEW BOARD MEETINGS

HPRB meetings shall be held on the fourth Thursday of every month. Additionally, meetings may be called by the Chairperson or at the request of four HPRB members. The location of all HPRB meetings shall be in the County Administration Building in a place accessible to the public. The following shall apply to the conduct of all meetings:

A. RULES OF PROCEDURE. The HPRB shall, by a majority vote of the entire membership, adopt rules of procedure and shall keep a record of meetings, resolutions, findings, and determinations. The HPRB may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.

B. OPEN TO PUBLIC. All meetings and public hearings of the HPRB shall be open to the public.

C. RECOMMENDATIONS OR DECISIONS. All recommendations shall be by show-of-hands of all members present. A tie vote or failure to take action shall constitute a denial recommendation. All recommendations shall be accompanied by a written summary of the action and recommendations.

C. NOTICE AND AGENDA. The HPRB must give written public notice of regular meetings at the beginning of each calendar year. The HPRB must post regular meeting agendas at the meeting place 24 hours before any meeting. Notices and agenda for call, special or rescheduled meetings must be posted at least 24 hours before such meetings. The HPRB must notify any persons, organizations and news media that request such notification of meetings. In addition notice shall be given at least 15 days in advance of a HPRB meeting in a newspaper of general circulation in Beaufort County, and, in cases involving variances or special permits, conspicuous notice shall be posted on or adjacent to the affected property, with at least one such notice being visible from each public thoroughfare abutting the property.

SECTION 20.250 CORRIDOR REVIEW BOARDS

There shall be two Corridor Review Boards (In this Article, hereinafter referred to as the CRB). Both Boards shall review and take action on development applications pursuant to Division 03.450 of this Ordinance.

A. The "Southern Beaufort County Corridor Review Board," whose design review responsibility shall include all proposed projects and developments situated on designated highway corridors, as follows:

1. U.S. 278, from the Hilton Head Island Town line to the Jasper County line.

2. S.C.170 (segment south of the Broad River), from the Jasper County line in Okatie to the New River (Jasper County line).

3. S.C. 46, from U.S. 278 to the northern terminus of the Town of Bluffton, and from the eastern terminus of the Town of Bluffton to S.C 170.

4. S-163 (Burnt Church Road), from U.S. 278 to the northern terminus of the Town of Bluffton.

B. The "Northern Beaufort County Corridor Review Board," whose design review responsibility shall include all proposed projects and developments situated on designated highway corridors, as follows:

1. U.S.21, from the Hampton County line to the northern terminus of the City of Beaufort, and from the eastern terminus of the City of Beaufort to Fripp Island.

2. U.S. 17, from the Colleton County line to the Jasper County line.

3. S.C. 170 (segment north of the Broad River), from the southern terminus of the City of Beaufort to the Jasper County line in Okatie.

4. S.C. 802, from S.C. 170 to the southern terminus of the Town of Port Royal, and from the eastern terminus of the Town of Port Royal to Coosaw Island.

5. S.C. 280, from U.S. 21 to S.C. 802.

6. S.C. 116 in its entirety to the entrance gate of the Laurel Bay Military Housing Development.

subSECTION 20.251 CORRIDOR REVIEW BOARD MEMBERSHIP

A. MEMBERSHIP. Each CRB shall each consist of seven members appointed by County Council. No member of either CRB shall hold elective office in Beaufort County, the Town of Port Royal, the Town of Bluffton or the City of Beaufort. Membership shall include two architects, one (1) landscape architect, one (1) other design professional and three persons who reside in the respective area served.

B. TERMS OF OFFICE. Each CRB shall be appointed as follows: Three members for two year terms, two members for three year terms, and two members for four year terms. Thereafter, all members shall be appointed for four year terms.

C. OFFICERS.

1. **Chairperson and Vice-Chair.** At an annual organizational meeting, the members of each CRB shall elect a Chairperson and Vice-Chairperson from among its members. The Chair's and Vice-Chair's terms shall be for one (1) year with eligibility for re-election. The Chair shall administer oaths, shall be in charge of all procedures before the CRB, may compel the attendance of witnesses, and shall take such action as necessary to preserve order and the integrity of all proceedings before the CRB. In the absence of the Chair, the Vice-Chair shall act as Chairperson.

2. **Secretary.** The County Design Review Planner shall serve as Secretary for each CRB. The Secretary shall keep minutes of all proceedings. The minutes shall contain a summary of all proceedings before the CRB, which shall show the vote of each member upon every question, or in the absence of failure to vote, indicating such fact. The minutes shall be approved by a majority of the CRB members voting. In addition, the Secretary shall maintain a public record of CRB examinations, findings, determinations, and all other official action, all of which shall be of public record.

3. **Staff.** The County Design Review Planner shall be the professional staff for each CRB.

D. QUORUM AND VOTING. Four or more members of each CRB shall constitute a quorum necessary to take action and transact business. All actions shall require a simple majority of the members present.

E. REMOVAL FROM OFFICE. REMOVAL FROM OFFICE. County Council by a simple majority vote, shall terminate the appointment of any member of the CRB and appoint a new member for

the following reasons: 1) Absent from more than one-third of the CRB meetings per annum, whether excused or unexcused; 2) Is no longer a resident of Beaufort County; 3) Is convicted of a felony; or 4) Violated conflict of interest rules according to the County-adopted Template Ordinance. Moreover, a member shall be removed automatically for failing to attend any three consecutive regular meetings.

F. VACANCY. Whenever a vacancy occurs on either Corridor Review Board, the County Council shall appoint a new member within 30 days of the vacancy, subject to the provisions of this Section. A new member shall serve out the former member's term.

G. COMPENSATION. All CRB members shall serve without compensation, but may be reimbursed for such travel, mileage and/or per diem expenses as may be authorized by the CRB approved budget.

subSECTION 20.252 CORRIDOR REVIEW BOARD MEETINGS

Both CRB's meetings shall be held twice per month. Additionally, meetings may be called by the Chairperson or at the request of four CRB members. The following shall apply to the conduct of all meetings:

A. RULES OF PROCEDURE. Each CRB shall, by a majority vote of the entire membership, adopt rules of procedure and shall keep a record of meetings, resolutions, findings, and determinations. Each CRB may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.

B. OPEN TO PUBLIC. All meetings and public hearings of each CRB shall be open to the public. The Northern County CRB shall meet in the County Main Administration Building; The Southern County CRB shall meet at a centrally located venue near the Bluffton area.

C. RECOMMENDATIONS OR DECISIONS. All recommendations shall be by vote of all members present. A tie vote or failure to take action shall constitute a denial recommendation. All recommendations shall be accompanied by a written summary of the action and recommendations.

D. NOTICE AND AGENDA. Each CRB must give written public notice of regular meetings at the beginning of each calendar year. Each CRB must post regular meeting agendas 24 hours before any meeting. Notices and agenda for call, special or rescheduled meetings must be posted at least 24 hours before such meetings. Each CRB must notify any persons, organizations and news media that request such notification of meetings. In addition notice shall be given at least 15 days in advance of a CRB meeting in a newspaper of general circulation in Beaufort County, and, in cases involving variances or special permits, conspicuous notice shall be posted on or adjacent to the affected property, with at least one such notice being visible from each public thoroughfare abutting the property.

DIVISION 20.300
ADMINISTRATIVE AGENTS

SECTION 20.310 DEVELOPMENT REVIEW TEAM (DRT)

The Development Review Team (In this Article, hereinafter referred to as the DRT) is facilitated by the ZDA and shall consist of the ZDA, the Development Review Manager, the Building Codes Official, and the County Engineer. The DRT shall be responsible for the review and approval or non-approval of all

Community and Non-Residential developments, new streets, subdivision plats, and land development plans. The DRT shall provide recommendations to Administrative Bodies for all Special Uses and Plat Vacations. No proposal appearing before the DRT shall be approved except where it is in compliance with this Ordinance. DRT approvals require the affirmative vote of all DRT members.

subSECTION 20.311 DRT MEETINGS

A. ADMINISTRATION. All projects and proposals requiring review by the DRT shall be coordinated and scheduled through the ZDA. When an appropriate application is determined by the ZDA to be complete, he/she shall distribute for their review and comments, copies of the project or proposal application package to all DRT members, and if applicable, to the appropriate public safety departments , and other entities that may be vital as determined by the DRT, for properly evaluating the proposed project or proposal.

B. RULES OF PROCEDURE. The DRT shall adopt rules of procedure and shall keep a record of meetings, findings, and determinations. The DRT shall record and may transcribe such meetings and proceedings as may be deemed necessary.

C. RECOMMENDATIONS OR DECISIONS. All reviews by the DRT shall include written comments including a recommendation for approval/disapproval, and reasoning for the recommendation. Written comments shall be provided by each reviewer, on their official letterhead. A recommendation by the DRT shall not be considered until all Staff comments have been provided. Approvals require an affirmative recommendation from all DRT members. All recommendations and decisions shall be accompanied by a written summary of the action, and recommendations to be mailed to the applicant and included in their file.

An applicant receiving a non-approval may, at his/her discretion before the scheduled DRT meeting, postpone further consideration of the application to address and correct the issues presented by individual DRT members, or reapply subject to new application procedures. Once scheduled for a DRT meeting, an applicant may only reschedule twice to correct deficiencies in their proposals or projects to avoid additional fees. If applicable, all applications requiring DRT consideration shall expire 60 days from the date of the first scheduled DRT meeting.

D. NOTICE AND AGENDA. The DRT shall post all applications scheduled for consideration at the next available meeting, 24 hours prior. All meetings of the DRT shall be open to the public. The applicant shall post the property two weeks prior to the scheduled DRT meeting.

SECTION 20.320 PLANNING DEPARTMENT

The Planning Department shall have the following jurisdiction, authority, and duties:

A. To review and make recommendations for the disposition of applications for various permits or approvals as indicated in Table 20.110.

B. To undertake the Planning Commission's current and long range comprehensive planning responsibilities.

C. To review as necessary, but at least every five years the comprehensive plan and this ordinance and recommend amendments to the Planning Commission and County Council.

D. The Director of Planning or designee from the Planning Department shall serve as staff to the Planning Commission.

SECTION 20.330 ZONING & DEVELOPMENT ADMINISTRATOR

The Zoning and Development Administrator (In this Article, hereafter referred to as the ZDA) is responsible for coordinating, receiving and distributing all land development applications, and for providing Staff level interpretive decisions regarding the Zoning and Development Standards Ordinance. In addition to the jurisdiction, authority, and duties which may be conferred upon the ZDA by other provisions of the Beaufort County Code and State law, the ZDA shall have the following jurisdiction, authority, and duties under this Ordinance:

A. To receive and coordinate all applications for discretionary and administrative actions and sign permits for processing pursuant to this Ordinance.

B. To ensure that adequate public notice is provided for development application pursuant to this Ordinance.

C. If designated, to serve as Chief County Code Enforcement Officer, and Department head over Staff Zoning Enforcement Officers, and to initiate proceedings against the violators of this Ordinance.

D. To review, consider, and render interpretations of this Ordinance or the Zoning Map.

E. To issue Zoning Permits, Sign Permits as required by Table 20.110.

F. To undertake the day-to-day administration of those sections of this Ordinance for which the office is responsible under Table 20.110.

G. To inspect buildings, uses, developments, or other activities for compliance with this Ordinance.

H. To serve as professional staff to the ZBOA.

I. Authority to approve, qualify and/or stamp plats exempt, under the terms and conditions of this Ordinance.

SECTION 20.340 HEARING OFFICER

The County Council shall appoint one (1) or more Hearing Officer(s) to hear appeals for Beneficial Use Determinations and requests for Vested Rights Determinations. The Hearing Officer(s) shall serve at the County Council's pleasure for such period as is determined necessary. Hearing Officer(s) shall be compensated at a rate to be determined by the County Council.

A. MINIMUM QUALIFICATIONS.

1. Demonstrate knowledge of administrative, environmental, and land use planning law and procedures.

2. Hold no other appointed or elected public office or position in Beaufort County, the Town of Port Royal, the Town of Bluffton, the Town of Hilton Head or the City of Beaufort during the period of appointment.

B. DUTIES.

1. Conduct hearings on appeals for Beneficial Use Determinations and recommend approval, approval with conditions, or disapproval to the County Council. In making a recommendation, the Hearing Officer shall consider the recommendations of the Planning Department.

2. Conduct hearings, and make decisions on requests for Vested Rights Determinations.

3. Tender to the County Council a written report containing a summary of the testimony and evidence given and findings and recommendations regarding the specific standards applicable to the particular matter.

C. RESTRICTIONS ON APPEARANCES. Whoever shall accept an appointment as Hearing Officer shall, for a period of one (1) year from the date of termination as holder of such office, not act as agent or attorney in any proceeding, application, or other matter before any County decision-making body in any matter involving land that was the subject of a proceeding, or nearby properties, which was pending during the time served as Hearing Officer.

SECTION 20.350 COUNTY ATTORNEY

In addition to the jurisdiction, authority, and duties which may be conferred upon the County Attorney by other provisions of the Beaufort County Code, the County Attorney shall have the following authority and duties under this Ordinance:

A. To review for form, and when appropriate, documents drafted by the ZDA, Planning Commission, ZBOA, CRB or HPRB in connection with any Ordinance requirement.

B. To review for form, all development agreements, easements, declarations of covenants, letters of credit, performance guarantees, or other such documentation in connection with any Ordinance requirement.

C. To advise the County Council, Planning Commission, Planning Department, ZDA, ZBOA, CRB and HPRB in regard to the legal issues which may arise during implementation of the Comprehensive Plan and this Ordinance.

SECTION 20.360 HISTORIC PRESERVATIONIST

The Historic Preservationist shall have the following powers and duties:

A. To administer Article 08 of this Ordinance.

B. To serve as staff for the HPRB.

C. To administer and enforce the County Archaeology Ordinance.

D. To maintain and update the Beaufort County Historic Sites Inventory.

E. To maintain the South Carolina Institute of Archeology and Anthropology Archaeology Sites file for Beaufort County, the County's National Register of Historic Places file, and the Beaufort County Historic Sites Cartographic Maps.

F. To assist citizens with matters such as National Register nominations, tax credits, state and federal grants, and with state, federal and local compliance responsibilities.

G. To implement historic preservation issues identified in the Beaufort County Comprehensive Plan.

ARTICLE 21
PROCEDURES AND ADMINISTRATION

00851

DIVISION 21.000
PURPOSE

This Article establishes the procedures for all approvals, administrative reviews, and administrative relief required by this Ordinance. This Article provides the user with a guide to the procedures to be followed and the criteria that must be met for some types of applications. It also provides for appeals from decisions taken to the courts.

SECTION 21.010 PROCEDURE AND ADMINISTRATION

Table 21.010 divides the various procedures into groups of reviews that follow a common format. The first column lists the types of procedures used to review applications made under this Ordinance. Each successive column addresses a specific type of application; each column, in turn, has three subcolumns. The first column, labeled "Req'd.," indicates whether the procedure is required, optional, or not applicable. The second column, labeled "Days," is the time limit that the agency has to conduct the proceedings. The third column, labeled "Agency," indicates the responsible agency or board.

The remainder of this Article is divided into Divisions that address general procedures common to all applications using those procedures and those addressing the making of decisions on various types of applications.

A. Division 21.100 sets forth general procedures. If Table 21.010 indicates an application follows a specific procedure shown in the first column, then the agency reviewing the application shall follow the specific procedure.

B. Division 21.200 sets forth the procedures governing Discretionary Reviews including Zoning Map & Text Amendments, Variances, Special Uses, Design Reviews, Plat Vacations, Street Namings and Renamings, and Certificates of Appropriateness.

C. Division 21.300 sets forth the procedures governing Administrative Interpretations.

D. Division 21.400 sets forth the procedures governing Administrative Reviews -- Limited Uses, Signs, Zoning Permits, and Certificates of Zoning Compliance.

E. Division 21.500 sets forth the procedures governing the review of Plats of Subdivision and Land Development Plans, including Performance Guarantees.

F. Division 21.600 sets forth the procedures governing Administrative Appeals, Vested Rights Determinations and Beneficial Use Determinations.

G. Division 21.700 sets forth Enforcement Provisions.

Table 21.010
PROCEDURAL AND ADMINISTRATIVE CHART

Procedural Review

ADMINISTRATIVE ACTION																		
	Zoning Text/ Map Amendment , Plat Vacation ②			**Zoning Variance, Appeal, Special Use***			**Beneficial Use**			**Permitted Use, Limited Use, Zoning Permit, Sign Permit, Interpretation ③ (see Major Development)**			**Major: Land Development Plan, Subdivision Plat, Community Design, Non-Residential Design**			**Minor: Land Development Plan, Subdivision Plat, Non-Residential Design**		
TYPE	Req'd	Days	Agency	Req'd	Days	Agency	Req'd	Days	Agency	Req'd	Days	Agency	Req'd	Days	Agency	Req'd	Days	Agency
Preapplication Conference	Y	10 wk days	Planning Dept.	O	5 wk days	ZDA	O	10 wk days	Planning Dept.	O	5 wk days	ZDA	Y	10 wk days	ZDA	O	5 wk days	ZDA
Application Data and Fees. All Administrative Actions require the appropriate forms.	Y	Refer to the Zoning & Development Guidebook		Y	Refer to the Zoning & Development Guidebook		Y	Refer to the Zoning & Development Guidebook		Y	Refer to the Zoning & Development Guidebook		Y	Refer to the Zoning & Development Guidebook		Y	Refer to the Zoning & Development Guidebook	
Application Completeness	Y	3 wk days	ZDA	Y	3 wk days	ZDA	Y	3 wk days	ZDA	Y	3 wk day	ZDA	Y	10 wk days	ZDA	Y	10 wk days	ZDA
Special Review	N	--	--	Y*	--	--	N	--	--	Y*	30	CRB, HPRB, if applicable	Y	45	CRB, HPRB, if applicable	Y	45	CRB, HPRB, if applicable
Concept Plan	N	--	--	N	--	--	N	--	--	O	--	--	Y	20	DRT	O	20	ZDA
Preliminary Plat/Plan	N	--	--	Y*	--	--	N	--	--	O	--	--	Y	40	DRT	O	40	ZDA or DRT
Final Plat/Plan	N③	--	--	Y*	--	--	N	--	--	Y*	--	--	Y	60	DRT	Y	60	ZDA or DRT
The days indicated below represent the maximum number of calendar days which start from the time an application is determined complete.																		
Application ① Review and Recommendations	Y	21	Planning Dept.	Y	15	County Staff	Y	21	Planning Dept.	Y	5	ZDA	Y	see above	County Staff	Y	see above	County Staff
Public Notice	Y	*15-30 days prior*	Planning Secretary	Y	*15-30 days prior*	ZDA	Y	15-30 days prior	Planning Secretary	N	--	--	N	--	--	N	--	--
Public Hearing	Y	30	Planning Comm.	Y	30	ZBOA or PC	Y	30	Hearing Officer	N	--	--	N	--	--	N	--	--
Action	Y	30	Planning Comm.	Y	30	ZBOA or PC	Y	30	Hearing Officer	Y	5	ZDA	Y	60	DRT	Y	60	DRT
Public Notice	Y	*15-30 days prior*	Clerk to Council	--	--	--	Y	*15-30 days prior*	Clerk to Council	--	--	--	--	--	--	--	--	--
Public Hearing	Y	45	County Council	--	--	--	Y	45	County Council	--	--	--	--	--	--	--	--	--
Action	Y	60	County Council	--	--	--	Y	60	County Council	--	--	--	--	--	--	--	--	--

The first column lists the types of procedures used to review applications made under this Ordinance. Each successive column address a specific type of application; each column, in turn, has three (3) subcolumns. The first column, labeled "Req'd.," indicates whether the procedure is required, optional, or not applicable. The second column, labeled "Days," is the time limit that the agency has to conduct the proceedings. All times are in working days. The third column, labeled "Agency," indicates review responsibility.

① Review agenda schedule begins when application is complete. ② Plat Vacations require a Final Plat, but no Planning Commission consideration. ③ Interpretations require a recommendation from the Planning Department

NOTES:
Y = required Y* = required for all land developments and subdivisions occurring along designated Beaufort County highways. Please refer to Sections 20.250 and 21.240. N = not required O = optional

ZDA = Zoning & Development Administrator PC = Planning Commission ZBOA = Zoning Board of Adjustment CRB = Corridor Review Board HPRB = Historic Preservation Review Board.

BK 0852 PG 0001

DIVISION 21.100 PROVISIONS GENERALLY APPLICABLE TO REVIEWS AND ACTIONS

The procedures set forth in this Division shall be followed for all reviews and actions required by Table 21.010.

SECTION 21.110 REVIEW OF APPLICATIONS

subSection 21.111 Preapplication Conference

A. GENERAL. A preapplication conference is mandatory prior to submitting certain applications according to Table 21.010. The preapplication conference's purpose is to familiarize the applicant with any County concerns and with the Ordinance's applicable provisions. Also, this conference permits Staff to assess the proposal and identify any service problems or concerns.

B. INITIATION. An applicant shall request a date for the preapplication conference with Staff. The request shall be accompanied by a description of the character, location, and magnitude of the proposed development and the type of approval sought. If the applicant prepares a concept plat or plan, such a plat or plan should be brought to the preapplication conference.

C. **Scheduling**. Upon receipt of the request for a preapplication conference, the ZDA or Planning Department, according to Table 21.010 shall schedule and notify the applicant of the time, date, and place of the preapplication conference.

D. **Conference Determinations**. At the preapplication conference, the ZDA or Planning Department and other Staff shall review the material, make recommendations, and indicate concerns, problems, or other factors the applicant should consider in pursuing the proposal.

E. **Written Summary**. The ZDA or Planning Department shall provide the applicant with a brief summary of the preapplication conference.

subSection 21.112 Applications

A. **Forms.** All Administrative Actions shall require the appropriate County forms as indicated in the Zoning and Development Guidebook.

B. **Initiation.** Unless otherwise indicated in this Article, applications (as contained in Appendix __ or the Zoning and Development Guidebook) shall be signed and submitted by the owner, or an authorized agent of the owner.

C. **Application Fees.** The County Council shall pass an ordinance establishing fees as needed to defray application review and processing costs. The fee schedule shall be available for review in the ZDA's office, and the latest Zoning and Development Guidebook.

D. **Submission of Application.** All applications shall be submitted to the ZDA. No application will be accepted unless accompanied by the required fee. Applications received before 2:00 p.m. shall be dated the same working day. Applications received after 2:00 p.m. shall be dated the next working day.

E. **Inspection and Access**. Accompanying any application shall be a signed statement granting Staff right of reasonable access to view, enter, and inspect the property, or on-site uses or buildings, for compliance with this Ordinance.

F. **Contents of Application.** The application shall be submitted in or on a form established by the Planning Department and made available to the public. An application form, describing the

information each application must contain to be considered complete, shall be available from the ZDA.

G. STUDIES AND REPORTS. When required, applications must contain special studies or reports as follows:

1. **Community Impact Statement (CIS).**

a) Requirements. Where required by this Ordinance, a Community Impact Statement (CIS) shall be submitted as part of the application. The CIS consists of at least four separate assessments. One, or all of the assessments shall be required for certain development applications, as required by this Ordinance. The four assessments include:

i) AREA IMPACT ASSESSMENT (AIA)

ii) ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

iii) TRAFFIC IMPACT ASSESSMENT (TIA)

iv) ARCHAEOLOGICAL AND HISTORIC IMPACT ASSESSMENT (AHIA)

b) Approval Criteria. The purpose of the CIS is to 1) determine if alternatives would avoid the adverse impacts, 2) determine that the plan selected minimizes the impact, and 3) identify mitigation measures that would off-set the impacts. The following standards shall determine the approval, denial, or recommended conditions:

i) The developer must establish a need for the use that requires this review. The developer must also demonstrate that the site cannot be used for a permitted use that does not require a CIS, or which would have substantially less impact.

ii) The site or plan that best avoids impacts and is feasible shall be approved. Failure to achieve this objective shall be the basis for denial.

iii) The plans shall clearly minimize any adverse impacts. The alternative plan with the least impact shall be a condition of approval.

iv) Mitigation shall be required that minimizes or off-sets all adverse impacts.

2. **Area Impact Assessment (AIA).**

a) Requirements. Where required by this Ordinance, an Area Impact Assessment (AIA) shall be conducted and submitted as part of the application. The AIA report includes several different studies or assessments that may be required separately for certain developments. The following shall be part of the AIA:

i) Fire/Police/EMS: Expected annual number of responses for the proposed development (based on statistics describing similar types of development which already exist).

ii) Population: Expected number of employees (construction, as well as, permanent); amount of increase in number of residents and type of housing product associated with proposed development.

iii) Land Use Compatibility: Relationship of the proposed development with

surrounding land uses, including a description of surrounding land uses, as well as, the anticipated impacts upon them. Impacts to air quality due to construction and continued operations must be detailed, along with impacts to noise levels. Will the proposed development produce, or require the storage of hazardous or toxic material on site?

iv) Economic Impact/Benefits: Provide anticipated revenues to the County, as well as, estimated dollar amount of wages and salaries to employees.

3. **Environmental Impact Assessment (EIA).**

a) Requirements. Where required by this Ordinance (see Table 03.110, Division 03.200, Limited and Special Use Standards and Table 05.310), an Environmental Impact Assessment (EIA) shall be conducted and submitted as part of the application. The EIA report includes several different studies or assessments that may be required separately for certain developments. The following shall be part of the EIA:

i) Justify the proposed use or deviation from this Ordinance's strict standards. The EIA shall identify a need for the use or a set of conflicting community goals that require the deviation.

ii) Alternative sites shall be considered to demonstrate the proposed site is indeed the best available site. A minimum of two alternatives shall be provided.

iii) Alternative designs or locations on the site shall be considered to determine that the proposed use minimizes the potential for adverse ecological impacts.

iv) Identify any environmental impacts on adjoining land uses or communities, or on users of public or private roads.

v) Through an environmental analysis, identify existing natural conditions, any increased risks of flooding, ground water depletion, water or air pollution, soil instability, or safety risks to site users.

vi) Inventory of Federal and State threatened and endangered plant and animal species (as well as candidates for such designation) on-site and within 500 feet of the site. Determine the proposed development's impacts, and identify any mitigation.

4. **Traffic Impact Analysis (TIA) (Recommendation Pending).**

a) Requirements. A TIA shall be required according to Article 03 and this Section. Also, any development that would generate more than 50 trips during the peak hour shall be required to conduct a Traffic Impact Analysis (TIA). A second phase, second subdivision, or addition that takes a property over the trip limitation when taken as a whole shall also require a TIA even though that development does not qualify on its own. The DRT shall determine whether a TIA is complete during preliminary or final plan or plat review. Thorough and complete TIA's are the responsibility of the applicant. Failure by the applicant to provide a complete TIA may result in review delays for their plat or plan. Under no circumstances will an applicant change a use to another use permitted in the district without conducting a new TIA, if required. All TIA's shall adhere to the following requirements and standards:

i) The TIA shall be conducted by a Transportation Planner certified by the AICP or Engineer registered in the State of South Carolina, and who are experienced in the conduct of traffic analysis.

ii) The TIA shall indicate current conditions, the traffic generated by the subject site at full development, traffic generated by developments approved in the area that would effect future traffic flows, and an estimate of future traffic on the system at the time of buildout.

iii) The TIA shall review access to the site. The adequacy of the entrance design shall be evaluated and recommendations made of acceleration and deceleration lanes, left turn lanes, or signalizations shall be part of the TIA.

iv) The TIA shall review the number and types of curb cuts that are permitted. In particular the TIA shall assess the connection of the property to adjoining properties. Where the use, scale of development, or size of adjoining properties is such that trips would be anticipate between the proposed use and the other properties the TIA shall make recommendation on interconnections. The DRT may have similar recommendations, or past analyses. The TIA shall recommend interconnections to provide a smooth flow of traffic between uses along arterials and collector roads to insure that as much traffic as possible uses secondary roads rather than major roads for short trips.

v) The adequacy of the roads to which the development takes access shall be assessed in the TIA. Recommendations for improvements shall be made. The relative share of the capacity created shall be broken down as follows; development share, other developments share; any existing over capacity, and capacity available for future growth.

vi) The DRT must first approve the TIA in regard to completeness and accuracy, and may require the applicant to provide construction of recommended improvements, fees in lieu-of-construction, or revise the project to lessen or eliminate the determined impact, provided there is an agreement with the State or County to make the improvements.

vii) Residential development, residential care facilities, hospitals, hotels and resort-oriented developments shall submit an Emergency Evacuation Analysis (EEA), as part of the TIA. The EEA shall indicate how the proposed development utilizes the County's prescribed evacuation routes, as shown in the adopted Comprehensive Plan. The Transportation Planner or Traffic Engineer preparing the report shall indicate the effect of the proposed development upon existing evacuation times for that portion of the County. The EEA shall be reviewed and approved by the Director of Emergency management prior to submittal as part of the TIA.

5. **Archeological and Historic Impact Assessment (AHIA).**

a) Requirements. Where required by this Ordinance, an Archaeological and Historic Impact Assessment (AHIA) pursuant to Article 08, shall be conducted and submitted as part of the application. The following shall be part of the AHIA:

i) A determination in the form of a written statement from the Beaufort County Historic Preservation Planner as to the archaeological or historical significance of the property.

ii) If required, an Intensive Level Archaeological Survey.

iii) If required, Historic Resource Documentation according to South Carolina State Historic Preservation Office standards.

iv) If required, an approved Mitigation Plan.

v) Inventory of Federal, State, or local identified irreplaceable historical, archaeological or paleontological resources on site and within 500 feet of the proposed site(s); determine the proposed development's impact on the resources and identify any mitigation.

subSection 21.113 Application Completeness Review and Recommendations

A. APPLICATION COMPLETENESS REVIEW. The ZDA shall determine, within the time specified in Table 21.010, if the application is sufficient and includes data necessary to evaluate the application.

1. If the ZDA determines the application is not sufficient, a written notice shall be mailed to the applicant specifying deficiencies. No further action shall be taken on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within 30 working days, the application shall be considered withdrawn and the application fee refunded.

2. Upon receipt of a complete application, the ZDA shall forward the application to all appropriate County departments and consultants, and schedule the appropriate review meeting dates. All reviews shall be completed by each reviewer, and comments with recommendations included on the reviewer's official letterhead, allowing sufficient time for the applicant to be mailed a copy of such recommendation, before a scheduled meeting.

3. If a public hearing is required, the ZDA shall schedule a date and time to hear the application, and shall notify the applicant in writing.

B. RECOMMENDATIONS.

1. Upon completion of all appropriate County reviews, the Planning Department or ZDA, whichever applicable, shall then file a Staff report including all review recommendations no later than seven (7) working days prior to the scheduled DRT meeting, or, if applicable, the ZBOA public hearing on the application. Staff may meet with the applicant prior to the DRT meeting, to review the recommendations, and the applicant shall be permitted to ask questions and respond to the comments and recommendations. If the applicant chooses to proceed with the scheduled DRT meeting, and the DRT determines that revisions to a subdivision plat or land development plan are required before further consideration can be given, a limit of two additional meetings may be scheduled to allow the applicant time to provide the revisions. If the applicant fails to properly submit adequate revisions to previously considered plats or plans, a disapproval of the application, or delay of further consideration may result. A disapproval by the DRT will require a new application by the applicant, subject to all applicable fees and conditions of this Ordinance.

2. The Staff report shall recommend any changes in the application, as submitted, and the conditions for approval, if any, necessary to bring the application into compliance with this Ordinance.

3. The Planning Department or ZDA, whichever applicable, shall make available, a copy of the Staff report to the applicant no later than five (5) working days prior to the scheduled DRT meeting, or, if applicable, the ZBOA public hearing on the application.

C. **Examination and Copying of Application and Other Documents.** Upon reasonable request and during normal business hours, any person may examine any application and materials concerning the application in the County Administration Building. A copy of written reports and text may be obtained by any person upon applying to the ZDA or Planning Department and paying the duplication cost of such material. Due to copyright laws, requests for signed and sealed project drawings and plans must be approved by the originator and said graphics provided by the originator.

subSection 21.114 Concept Plat or Plan Review

In addition to the general design standards of Articles 03, 04, 05, 10, 11, 13, and 14, concept plat or plan reviews shall consider the phasing and organization of major subdivisions and land developments. The concept plat or plan is a general, sketch-type plat or plan that need not contain all design details, but should permit the entire development to be assessed. Such an assessment includes the following elements:

A. **Phasing.** In particular, elements such as required land uses or land use mixes shall be addressed in the phasing to ensure such requirements are not left until the last phase and then not developed. A phasing plan may be required as part of the concept plat or plan approval.

B. **Flexibility**. Building flexibility into long-term development is essential since market conditions can change dramatically. In permitting flexibility, rules must govern the types of changes that will be considered consistent. Flexibility will not permit an increase in density or decrease in open space or landscaped surface below this Ordinance's standards. It may also provide substitution provisions. The developer shall specify the types of flexibility desired or other requirements to ensure important requirements are not dropped. Certain standards of flexibility are included in Article 12, Modulation of Standards.

C. **Design**. This Ordinance's design review standards shall be covered at the concept plat or plan approval stage.

D. **Option.** The ZDA has the option to determine when it is appropriate for an applicant to submit a concept plat or plan. See Table 20.010.

Section 21.114.1 CONDITIONS

The DRT shall have the authority to impose such conditions on a concept plat or plan approval that identify additional standards that will have to be met by subsequent plat or plan submissions. Conditions as to the development's layout to meet the standards of this Ordinance shall be required at this stage.

Section 21.114.2 COMPLIANCE WITH THE CONCEPT PLAT OR PLAN

Compliance with a concept plat or plan in terms of the design details shall be general in nature; subsequent plats or plans will be reviewed for compliance with this Ordinance. Dimensions and measurements of the concept plat or plan are assumed to be illustrative; even the conditions are likely to be in general terms (percentages, for example). The details become more concrete at preliminary and final plat or plan stage. Detailed land development planning and engineering are anticipated to result in significant changes in detail, but not overall concept.

Section 21.114.3 AMENDMENTS

A concept plat or plan may be amended only pursuant to the standards and procedures established for the original approval of a concept plat or plan.

SECTION 21.115 PLAT OF SUBDIVISION REVIEW

Every owner of any tract or parcel of land, who intends to subdivide land into two or more parts for the purpose of laying out lots, shall cause a plat of subdivision to be prepared in accordance with Articles 4, 13 and 14. The types of subdivision are minor, major and Rural, as defined in Division 23.300. Each type may require a preapplication conference, concept plat, preliminary, or final review as indicated in Table 21.115. No land may be sold, transferred, or offered for sale until a final plat has been recorded. Also, future development in subdivisions may require Land Development Plan review (Section 21.116).

Table 21.115
REQUIRED PLAT OF SUBDIVISION SUBMISSIONS

	Concept (Section 21.114)	Preliminary	Final
Minor	O	O	Y
Major	Y	Y	Y
NOTES: Y = Required O = Optional			

Section 21.115.1 EFFECT OF APPROVAL

The three types of Subdivision Plats are concept, preliminary, and final, and each has a different effect. The concept and preliminary plats set guidelines for subsequent plat submissions. The final plat indicates how a subdivision must be physically laid out with regard to this Ordinance. The effect of each approval is as follows:

A. **Concept Plat.** The concept plat gives general guidance to prepare a preliminary or final plat. It is a sketch plan, expected to be modified as more detailed planning and engineering are completed. Subsequent plans are expected to contain design improvements. Minor concerns regarding concept plats are not to be corrected in the concept plat, but shall be incorporated into subsequent plats. If major redesign is required, a revised concept plat may be required.

B. **Preliminary Plat.** The preliminary plat contains accurate preliminary planning and engineering. While not a survey, the accuracy is such that only minor changes are to be expected in the final plat. The final plat is expected to be in substantial compliance with the preliminary plat with only minor deviations created by final engineering, surveying, or other minor design enhancements. Major changes at the final plat stage may, at the discretion of the DRT, be required to be reviewed again as a preliminary plat if the DRT feels the changes result in significant implications that adversely affect this Ordinance or the ability to adequately or safely provide services. A proposed phasing plan shall require approval by the DRT.

C. **Final Plat.** The final plat is to be recorded. It is also to be submitted in an electronic format as determined by the DRT and containing State Plane coordinates. All construction is to be in accordance with the final plat and engineering. Final engineering may be modified in the field, provided "as-built" drawings are submitted. As-built drawings must be acceptable by the DRT or

its designee; if unacceptable, the work must be corrected at the developer's expense prior to accepting improvements and return of any surety. Should the lots not be laid out as specified, the lots shall be surveyed. Lots not meeting this Ordinance shall be considered illegal nonconforming lots and all development halted until revised plats meeting this Ordinance are submitted. Lots may have to be combined to correct the problem. All final plats must be in accordance with applicable South Carolina laws.

Section 21.115.2 RECORDATION

Upon approval and submission in an approved format, the final plat shall be signed and sealed and dated by the ZDA, certifying that approval has been given by the appropriate agency. The plat shall be filed by the ZDA in the Register of Deeds office. The final plat must be recorded within sixty (60) days of DRT approval. No sales or transactions involving lots shall be permitted until a final plat is recorded.

Section 21.116 LAND DEVELOPMENT PLAN REVIEW

Every owner of any tract or parcel of land, who intends to develop any tract or parcel of land not addressed in Section 21.115 shall submit a Land Development Plan for approval. The types of land developments are minor and major, as defined in Division 23.300. Each type may require a preapplication conference, concept plan, preliminary, or final review as indicated in Table 21.116. No building permits shall be issued until a final Land Development Plan is recorded.

Table 21.116
REQUIRED LAND DEVELOPMENT PLAN SUBMISSIONS

	Concept (Section 21.510)	Preliminary	Final
Minor	O	O	Y
Major	Y	Y	Y

NOTES: Y = Required O = Optional

Section 21.116.1 EFFECT OF APPROVAL

The three types of land development plans are concept, preliminary, and final, and each has a different effect. Concept and preliminary Land Development Plans set guidelines for subsequent plan submissions. The final Land Development Plan indicates how a development must be built with regard to this Ordinance. The effect of each approval is as follows:

A. **Concept Land Development Plan.** The concept Land Development Plan gives general guidance to prepare a preliminary or final Land Development Plan. It is a sketch plan, expected to be modified as more detailed planning and engineering are completed. Subsequent plans are expected to contain design improvements. The minor concerns regarding concept land development plans are not to be corrected in the concept land development plan, but incorporated into subsequent plans. If major redesign is required, a revised concept Land Development Plan may be required.

B. **Preliminary Land Development Plan.** The preliminary Land Development Plan contains dimensioned preliminary planning and engineering. While not a survey, the accuracy is such that only minor changes are to be expected in the final Land Development Plan. Where building tenants are not known, building envelopes may be used. Preliminary engineering should indicate that

proper connections and improvements can be done. The final Land Development Plan is expected to be in substantial compliance with the preliminary land development plan, with only minor deviations created by final engineering, surveying, user desires, or other minor design enhancements. Major changes at final land development plan may, at the discretion of the DRT, be required to be reviewed again as a preliminary Land Development Plan should the DRT determine that the changes result in significant implications adversely affecting this Ordinance or the ability to adequately or safely provide services. A proposed phasing plan shall require approval by the DRT.

C. **Final Land Development Plan.** The final Land Development Plan is to be recorded. It is also to be submitted in an electronic format (*.dxf* file, compatible in Intergraph Microstation and AutoCAD and containing State plane coordinates). All construction is to be in accordance with the final Land Development Plan and engineering. Final engineering may be modified in the field, provided "as-built" drawings are submitted and approved. The developer is required to clear any significant deviation with the appropriate agency before making changes. As-builts must be acceptable by the DRT or its designee. If unacceptable, the work must be corrected at the developer's expense prior to accepting the improvements and return of any surety. Should the buildings not be laid out as specified, the DRT shall determine whether they still comply with this Ordinance. Where the buildings comply, As-builts shall be submitted. Where buildings do not meet requirements, construction shall be halted until corrections are made. All final plans must be in accordance with applicable South Carolina laws.

Section 21.116.2 RECORDATION

All approved Land Development Plans shall be submitted in an approved format. The plan shall be filed by the ZDA, and then microfiched. After the project is completed, As-built drawings shall be submitted to the County Engineer for approval, and then recorded in the Register of Deeds office. The final plan must be recorded within sixty (60) days of DRT approval. No sales or transactions involving lots shall be permitted until a final subdivision plat associated with the development is recorded.

SECTION 21.120 PUBLIC HEARINGS

All applications requiring public hearings (see Table 21.010) shall follow this Section's provisions.

Section 21.121 NOTICE OF PUBLIC HEARINGS

The applicable administrative body shall be responsible for ensuring newspaper, posted, and mailed notice.

A. **Newspaper Notice.** Applications shall be advertised in the legal notice section of a newspaper of general circulation in Beaufort County. Notice shall appear no more than thirty (30) calendar days before and no less than fifteen (15) calendar days prior to the public hearing date and shall contain the following information:

1. The type of application.

2. A short description of the proposed action requested.

3. A legal description of the parcel, the approximate street location or address, and the name of the person seeking the application.

4. The location, address, date, and time of the public hearing.

5. Information on where full details of the application may be obtained, including the location, hours, and phone number.

B. **Mailed Notice.** A notice containing all the information required under Section 21.121.A.1 - 5 shall be sent by first class mail to the last known address of all property owners within 500 feet from all property lines of the subject property, no less than fifteen (15) calendar days prior to the public hearing. Comprehensive amendments to the Zoning Ordinance or the Zoning Map are not subject to this requirement. Instead, County Council shall publish a summary of the proposed action in the legal notice section of a newspaper of general circulation in Beaufort County and shall make the materials available for public inspection in the appropriate Beaufort County department.

C. **Posted Notice.** A public hearing notice sign shall be posted on all subject properties no less than fifteen (15) calendar days in advance of the public hearing.

1. One (1) sign shall be placed on each public thoroughfare which the parcel abuts for which the particular application was filed. The applicable administrative body may require additional signs to be placed on the parcel to carry out this Ordinance's intent.

2. Signs shall be no less than twenty-two (22) inches by twenty-eight (28) inches. Sign lettering, of not less than two and one-half (2.5) inches high and three-eighths (0.375) inch wide, shall include the following: PUBLIC HEARING. In lettering of not less than three-fourths (0.750) inch high and one-fifth (0.200) inch wide, the sign shall continue: *(insert type of action and/or permit).* In lettering of not less than one-half (0.500) inch high and one-tenth (0.100) inch wide, the sign shall conclude: APPLICATION FOR *(insert type of action and/or permit)* FILED WITH *(insert applicable administrative body).* PUBLIC HEARING WILL BE HELD ON *(insert date and time)* IN THE COUNTY ADMINISTRATION BUILDING, BEAUFORT COUNTY. The appropriate Beaufort County department may require additional information to be placed on any such sign serving to fully inform the public as to the nature of the permit.

3. The sign(s) shall be set back no more than five feet from the street right-of-way.

4. All signs shall be placed in a conspicuous location so as to be clearly visible to the traveled portion of the respective street. Where the land does not have frontage on a public street, an additional sign shall be erected on the nearest street right-of-way with an attached notation generally indicating the direction and distance to the land subject to the application.

5. The sign shall be removed after the close of the hearing on the application.

6. The failure of any such posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with the standards or be grounds to challenge the validity of any decision made on the application. However, it shall be a violation of this Ordinance to any person(s), firm, association, or corporation who shall remove, mar, scratch, obliterate, or in any manner deface, hide from view, or tamper with such signs.

7. Cases in which it would be unduly burdensome to comply with this requirement, such as amendments to the Comprehensive Plan or large-scale amendments to the zoning text or map, are exempt from this requirement.

D. **Request for Mailing of Notification of Public Hearing.** Notification of all public hearings shall by provided by the applicable administrative body to any person who requests notification in writing and pays the cost of processing and mailing.

E. There may be other notice requirements imposed by bodies other than those governed by this Ordinance. It is the applicant's responsibility to independently comply with any such notice

requirements.

Section 21.122 SETTING PUBLIC HEARINGS

When a public hearing is required by this Ordinance, the applicable administrative body shall schedule a place and time for the public hearing. The hearing shall be scheduled as soon as the public notice requirements can be satisfied or at such later time as is mutually agreed upon between the applicant and the applicable administrative body.

Section 21.123 CONDUCTING PUBLIC HEARINGS

A. All administrative bodies conducting hearings pursuant to this Ordinance shall adopt rules of procedure governing the conduct of such meetings or hearings.

B. **Rights of All Persons**. Any person may appear at a public hearing and submit evidence.

1. If the person represents an organization, the body conducting the hearing may request written evidence of that person's authority to speak on behalf of the organization in regard to the matter under consideration.

2 Persons appearing at a public hearing shall identify themselves, state an address, and, if appearing on behalf of an organization, state the organization's name and mailing address.

C. **Continuance of Public Hearing.** The body conducting the public hearing may, on its own motion, continue the public hearing to a fixed date, time, and place. An applicant shall have the right to request and be granted one (1) continuance. Any subsequent continuances requested by any party shall be granted at the discretion of the body conducting the public hearing only upon demonstrating good cause.

D. **Close of Public Hearing.** Upon the completion of all testimony, the hearing shall be closed. No further direct or informal testimony shall be taken during public comment periods. The applicant may be asked questions or allowed to comment on proposed conditions.

E. **Withdrawal of Application**. Notice of withdrawal of an application must be submitted in writing by the applicant. All fees shall be forfeited.

F. **Record.**

1. The body conducting the public hearing shall record the public hearing. The written or taped record of oral proceedings, including testimony and statements of personal opinions; the hearing minutes; all applications, exhibits and papers submitted in any proceeding before the administrative body; the Staff report; and the decision of the administrative body shall constitute the record.

2. All administrative bodies' records shall be public records, open for inspection at the offices of the ZDA or the Planning Department during normal business hours upon reasonable notice.

3. A copy of the public hearing record may be obtained by any person upon applying to the applicable administrative body and paying the duplication cost of the record.

Section 21.124 ACTIONS BY ADMINISTRATIVE BODIES

After the close of the public hearing, the body conducting the hearing shall consider the application,

relevant support materials, Staff report, and public testimony given at the public hearing. The body conducting the hearing shall render a decision or recommendations, as appropriate, either to approve, approve with conditions, or disapprove the application based on this Ordinance.

A. All decision-making bodies and persons shall act within the time limits established in this Ordinance. Action shall be taken as promptly as possible in consideration of the interests of Beaufort County's citizens.

B. All decisions or recommendations shall be in writing and include all of the following:

1. A clear statement of specific findings of fact and a statement of the basis upon which such facts were determined, with specific reference to this Ordinance's relevant standards;

2. A clear statement of approval, approval with conditions (where applicable), or disapproval;

3. Any other information deemed necessary by the administrative body.

SECTION 21.130 GENERAL CONSIDERATIONS IN RENDERING DECISIONS

A. Except as provided in B. and C., below, all decisions shall be based solely on this Ordinance or other relevant County codes or laws.

B. In Discretionary Reviews (Division 21.200), this Ordinance's minimum standards shall be met, but discretion is permitted to impose or rely on higher standards or other public health, safety, and welfare concerns in making the decision. In making these discretionary decisions, reference should be made to this Ordinance's purpose, appropriate sections of the Comprehensive Plan, or to specific professional studies or analyses.

C. Where interpretation is required in rendering a decision, the legislative intent (Division 01.300) shall be used to guide decisions.

SECTION 21.140 EFFECT OF APPROVAL

Approval of any application shall authorize only the particular use, plan, or other specific activity for which the application was issued, and not any other approval requiring separate application. Approvals shall run with the land, except for zoning text changes and use interpretations.

A. **Time Limitations.** Any approval not listed in Table 21.140 shall have no time limit. Such approvals shall continue in force until superseded by an Ordinance change or specific action to alter it. Permitted time frames for an approval do not change with changes in ownership and shall expire as indicated in Table 21.140 if any of the following occur:

1. No building permit has been issued to establish the use authorized in the approval.

2. The use does not require a building permit and the use is not established, ongoing, and in operation.

3. The approval is a step in a multi-stage approval process, and the next stage application has not been accepted as complete.

B. **Extensions.** Upon written request, one (1) time extension may be granted by the decision-making body (see Table 21.010) for a period not to exceed that shown in Table 21.140 for good cause. No written request for an extension shall be considered unless submitted to the applicable

administrative body no later than one (1) month prior to expiration. Failure to submit an application for an extension within the time limits established by this Section shall result in the approval's expiration as provided above.

Table 21.140
TIME LIMITS AND EXTENSIONS

USE	TIME LIMITATION (MONTHS)*	EXTENSION (MONTHS)
Special Use	12[a]	6
Variance	12	6
Appeal	12	3
Limited Use	12	6
Sign Permit	6[b]	3
Zoning Permit	12	6
Concept Plat or Plan	1224	12
Preliminary Plat or Plan	12	6
Final Plat or Plan	12	6

NOTES:
* Unless specified otherwise in the Special Use approval. [b] If part of a Zoning Permit or Land Development Plan, twelve (12) months.
*If construction stops, other than for reasons of natural disaster, then the permit expires six (6) months after permit approval.

DIVISION 21.200 DISCRETIONARY REVIEWS

Discretionary Reviews are those reviews which are considered and decided upon by boards, commissions or councils, other than Staff, according to Table 20.110. Applicants for these reviews must meet all applicable standards, but in which the decision-making body retains some degree of discretion. As part of that discretion, meeting additional conditions to protect an important governmental interest, to mitigate possible damage or to ensure the applicant does exactly as indicated, may be imposed as part of the approval process. If the evidence or technical requirements are debatable, the decision-makers have discretion to select the one (1) they find most compelling.

SECTION 21.210 AMENDMENTS TO THE ZONING MAP OR TEXT

This Section provides a means for changing the Zoning Map boundaries or this Ordinance's text. Such changes are not intended to relieve particular hardships or confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions. In determining whether to grant a requested amendment, the County shall consider the factors set forth in this Section and the consistency of the proposed amendment with the Comprehensive Plan.

A. **Initiation.**

1. **Zoning Map Amendment.** The application for a Zoning Map amendment may be proposed by a landowner, the Council, Planning Commission, or Planning Department.

2. **Ordinance Text Amendment.** An application for an Ordinance text amendment may be proposed by a landowner, Beaufort County citizen, the County Council, Planning Commission, or Planning Department.

B. **General standards.** The applicant shall demonstrate findings that an amendment to the Zoning

Map or an amendment to this Ordinance's text meets the standards in Section 21.211 or Section 21.212.

Section 21.211 STANDARDS FOR ZONING MAP AMENDMENT

There are two (2) types of map amendments. The first involves a change from the Rural District with a Transitional Overlay designation to one (1) of the Priority Investment Area classifications. The second includes all other map amendments. Rezoning requests that are not consistent with the Comprehensive Plan cannot be considered until an amendment to the Comprehensive Plan has been approved by County Council. Rezoning requests cannot be considered for economic or speculative reasons. A Zoning Map amendment may be approved if the weight of the findings describe and prove:

A. **All Changes.**

1. The change is consistent with the County's Comprehensive Plan and the purposes of this Ordinance. In areas of new development, consistency with the Comprehensive Plan shall be considered to meet the standards in 2., 3., and 4. below, unless compelling evidence indicates the proposed amendment would threaten public health, safety, and welfare if so designated as planned in the Comprehensive Plan.

2 The change is consistent with the character of the neighborhood.

3. The extent to which the property is consistent with the zoning and use of nearby properties.

4. The suitability of the property for the uses to which it has been proposed or restricted.

5. Allowable uses in the proposed district would not adversely affect nearby property.

6. The length of time a property has remained vacant as zoned, where the zoning is different from nearby developed properties.

7. The current zoning is not roughly proportional to the restrictions imposed upon the landowner in light of the relative gain to the public health, safety and welfare provided by the restrictions.

8. A Traffic Impact Analysis (TIA) indicates that the rezoning request to a higher intensity will not adversely impact the affected street network and infrastructure in the higher zoning classification. A TIA shall be required and reviewed under one of the following circumstances:

   a) The rezoning is based upon a particular project that generates more than fifty (50) trips during the peak hour, or

   b) The rezoning is based upon a more intensive zoning district, whereby the most intensive traffic generator will be considered, or

   c) The rezoning will change the existing Level of Service of the affected street.

B. Where the property is Rural with a Transitional Overlay designation, the following criteria must be successfully met. Once that is determined, the exact zoning designation shall consider the criteria in A., above.

1. Letters and/or studies shall indicate that the proposed development shall be served by public water and public sewer adequate to handle the proposal.

2. For projects that would generate more than fifty (50) trips during the peak hour, a Traffic Impact Analysis (TIA) shall be conducted. All road improvements needed to maintain the current Level of Service shall be identified. The developer shall ensure that all improvements will be made as part of the development.

3. An Emergency Evacuation Analysis (EEA) shall be conducted to ensure that the new development does not result in evacuation times of greater than ½ hour. If the development would lengthen the time, then a program of road improvements shall be proposed, and the development would pay for its share of the capacity created.

4. Letters of Verification shall be provided from the appropriate agency or agencies to determine the adequacy of current police, emergency service, and fire facilities to serve the site.

5. Letters of Verification shall be provided from the Beaufort County School Board to demonstrate that adequate school capacity is available.

6. In subsections 1. to 5., above, the developer shall demonstrate that either the facilities are adequate to serve the development and all development in that portion of the priority investment area served by that facility, or that the developer is building the facilities or has paid the government providing the service with funds to make the improvement.

C. Also, a Zoning Map Amendment inconsistent with the Comprehensive Plan shall be approved only if it meets one (1) or more of the following:

1. **Mistake**. The Comprehensive Plan contains a mistake. More specifically, the assumptions about the property, surrounding uses, population forecasts, the rate of land consumption, or other factors were in error. Therefore, the amendment is justified to correct the mistake.

2. **Changes**. The assumptions on capital investments, road locations, population trends, land committed to development, density, use, or other Comprehensive Plan elements have changed and justify the amendment.

3. **Plan Amendment**. A Comprehensive Plan amendment has occurred. Therefore, the amendment renders the Zoning Map consistent with the Comprehensive Plan.

Section 21.212 STANDARDS FOR ZONING TEXT AMENDMENT

An Ordinance Text amendment may be approved if:

A. It would implement a new portion of the Comprehensive Plan or amendment.

B. It would implement and better achieve the Comprehensive Plan's goals and objectives that have proved difficult to achieve under the Ordinance's existing provisions.

C. This Ordinance's provisions were inconsistent or unreasonable in light of standards for similar uses.

D. It is necessary to respond to State and/or federal legislation.

E. It provides additional flexibility in meeting this Ordinance's objectives without lowering the Ordinance's general standards.

F. It addresses a new use(s), changing conditions, and/or clarifies existing language.

G. It clarifies the Ordinance or makes adjustments to account for interpretation.

Section 21.213 DECISION BY COUNTY COUNCIL

Upon receiving the recommendation regarding the text or map amendment from the Planning Commission and the Council's Planning Committee, the County Council may adopt the recommendations of the Planning Commission; override the recommendation by a majority vote of Council membership; or return the recommendation to the Planning Commission for reconsideration with a statement of concerns.

Section 21.214 REVERSION

Beaufort County's best interest is to retain the Comprehensive Plan and zoning districts as originally conceived. Adequate land has been provided for future uses for a twenty (20) year period. While zoning approvals are general in nature, it is not the intent of rezoning to be speculative. Therefore, if a building permit has not been approved within two (2) years of a rezoning, Staff shall file a rezoning that would revert the property to its original zoning classification.

SECTION 21.220 VARIANCES

This Section establishes the procedures and conditions for a Variance from this Ordinance's standards. This Section permits, under limited circumstances, a building or structure that does not comply with this Ordinance's standards when strict enforcement would represent a unique, undue, and unnecessary hardship.

Section 21.221 STANDARDS FOR VARIANCES

A. To approve a Variance, the Zoning Board of Appeals shall find all of the following standards are met based on the evidence presented by Staff reports and testimony. The applicant shall be informed of the appropriate application to seek relief. A Variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece or property. Extraordinary conditions could exist due to topography, street widening, beach front set back lines or other conditions which make it difficult or impossible to make reasonable use of the property;

2. These conditions do not generally apply to other property in the vicinity;

3. Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict utilization of the property;

4. The authorization of a Variance would not adversely affect adjacent property or the public good. Also, the character of the district would not be harmed by the granting of the Variance.

5. The hardship of which the applicant complains must: (a) relate to the applicant's land, and not to the applicant's personal circumstances; (b) is unique, or nearly so, and is not one common to many surrounding properties; (c) not be the result of the applicant's own

actions; and (d) is one suffered by the applicant and not the adjoining landowners or the general public.

B. The ZBOA shall also find that the granting of the Variance:

1. Is the minimum necessary to relieve the unnecessary hardship and permit a reasonable use of the land;

2. Will not be injurious to the neighborhood surrounding the land where the variance is proposed and is otherwise not detrimental to the public welfare;

3. Is in harmony with this Ordinance's purposes and intent; and

4. Is consistent with the Comprehensive Plan.

C. The ZBOA may not grant a Variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to expand by not more than 15 percent, physically a non-conforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a Variance be granted, may not be considered for grounds for a Variance.

D. Variances to protect natural resources may be permitted, however, Variances that would negatively impact natural resources shall not be permitted.

E. No Variance shall be granted for development in the flood hazard area. In the event a landowner in Beaufort County is of the opinion all beneficial use of said landowner's property has been denied or "taken" by applying this Ordinance, a remedy can be sought by following the procedures listed in Division 21.600.

Section 21.222 CONDITIONS AND RESTRICTIONS ON VARIANCES

In approving the application for any Variance, the ZBOA may impose additional restrictions and conditions on such approval. Restrictions and conditions may be limits on the use of the property, the standards for locating the use, standards for mitigating the impact on adjoining property owners who would lose protection as a result of permitting the Variance, or standards to protect the general health, safety, and welfare. All conditions imposed upon any Variance shall be expressly set forth in writing with the granting of such Variance.

Section 21.223 DEVELOPMENT APPROVALS SUBSEQUENT TO GRANT OF VARIANCE

Development approved by the Variance shall not be carried out until the applicant has secured all other development approvals required by this Ordinance. Approval of a Variance shall apply only to that Section of the regulations for which it is approved and does not ensure the development shall receive subsequent approval unless the relevant and applicable portions of this or other ordinances are met.

Section 21.224 AMENDMENT TO A VARIANCE

A Variance may be amended, extended, varied, or altered only pursuant to the standards and procedures for the original approval of a Variance.

SECTION 21.230 SPECIAL USES

Certain land uses and developments present unique problems with respect to their property location. Such

land uses and developments are identified as Special Uses in each particular zoning district (see Table 03.110). Analysis and judgement of the consequences of each use and development is necessary to preserve and promote the public health, safety, and welfare.

Section 21.231 CRITERIA FOR APPLICATION AND APPROVAL

Approval of a Special Use application shall be dependent upon findings that the proposed use fully complies with this Ordinance. The application shall be filed and duly advertised. A public hearing shall be held per this Article's requirements. All Special Use Permit applications shall include a Special Use Development Plan as described below, which clearly shows that all of the requirements set forth in Division 3.300 pertaining to the particular Special Use applied for, have been met. The DRT shall review the Special Use Development Plan and provide a recommendation of approval or non-approval to the ZBOA. The ZBOA shall consider the Staff recommendation and the Special Use Development Plan, which shall include and address all of the following:

A. The proposed use shall be consistent with the Comprehensive Plan's purposes, goals, objectives, and policies, including standards for building and structural intensities and densities and intensities of use.

B. The proposed use shall be compatible with the character of land in the immediate vicinity.

C. The proposed use's design shall minimize adverse effects, including visual impact of the proposed use on adjacent lands.

D. The proposed use shall minimize adverse impacts on the environment, traffic and congestion, infrastructure, or governmental services. A Traffic Impact Analysis (TIA) may be required as determined by Staff.

E. A Community Impact Statement (CIS), or a portion of the report may be required, as determined by Staff.

F. A site plan for the proposed Special Use which includes the total site area and calculations, surrounding properties, buffers and setbacks, natural resources and if applicable, an end use or reclamation plan shall be required as part of the submittal package.

Section 21.232 CONDITIONS

The ZBOA may impose conditions on the approval of a Special Use, the proposed use, and the premises to be developed or used pursuant to such approval. This action may be performed to accomplish any of the following:

A. Ensure the Special Use is developed exactly as presented in drawings, exhibits, and assertions made at the hearings.

B. Limit uses, reduce density, increase open space, landscaped surfaces, or environmental protection to ensure it meets the standards by which it is approved (Section 21.231).

C. Limit the length of time a use may exist, or provide for periodic review of the appropriateness of the use, or provide for elimination of the use.

D. Impose conditions that ensure the general purposes, goals, and objectives of the Comprehensive Plan and this Ordinance are met.

E. Prevent or minimize adverse effects from the proposed use and development on other properties in the neighborhood and on the public health, safety, and welfare.

F. All conditions and restrictions shall be written and given to the developer within five (5) days of approval. The developer shall submit a written statement agreeing to the approval and all conditions within ten (10) days. If no agreement is offered, the application shall be considered denied.

Section 21.234 AMENDMENT TO A SPECIAL USE PERMIT

A Special Use Permit may be amended, extended, varied, or altered only pursuant to the standards and procedures for the approval of the original use set forth in this Article.

Section 21.235 REVOCATION OF SPECIAL USE PERMIT

The DRT may institute revocation of a Special Use for violation of the conditions of approval because the permit has expired, or that they are not meeting the conditions of approval. For findings that the use is no longer acceptable due to changed conditions, the DRT may ask the ZBOA to review the use. The DRT shall provide notice to the landowner and public in the same manner as was provided for the establishment of the Special Use. Revocation shall be recommended to the ZBOA for the following:

A. Repeated violations of the Special Use Permit or other regulations of the County.

B. After a periodic review or upon reaching a sunset period specified in the original Special Use Permit, if the DRT finds that the use has either become an issue in the neighborhood or no longer fits the character of the neighborhood, or the site is a blighting influence.

C. Repeated complaints, accidents, or other threats to the health or safety of users or the neighborhood have been found to exist.

SECTION 21.240 CORRIDOR REVIEW

Corridor Review is discretionary and is conducted by one of two Corridor Review Boards regarding all non exempt land development occurring and/or requiring access to highway U.S. 21, U.S. 17, U.S. 278, S.C. 170, S.C. 802, S.C. 280, S.C. 46, S.C. 116 or S-163. Design Reviews focus on architectural, landscaping, lighting and overall design compatibility of proposed uses and projects, in regard to an existing community or area. Recommendations from the Corridor Review Board (see Article 20.250) shall be adhered to, and obtained prior to consideration by the DRT.

The following standards will be considered by each Corridor Review Board (See Section 20.250), as well as, those guidelines and standards prescribed in the applicable "Corridor Review Guidelines and Standards," manual for each highway.

Section 21.241 CORRIDOR REVIEW STANDARDS

In conducting the Corridor Review, the Corridor Review Boards shall evaluate the plan against the following criteria, in addition to all other applicable standards. Approval requires that the criteria have been met or are not applicable to the specific project and that the development is significantly superior to one that merely meets the requirements of this Ordinance.

A. The proposed project is compatible with surrounding uses in terms of size and scale, and adheres to the traditional architectural styles and materials of the Lowcountry and more specifically, Beaufort County.

B. The proposed architecture, project layout, access, landscaping, signage and overall design contribute to a harmonious and diverse character that has a strong sense of unity. The proposed project has been carefully planned, and attempts to minimize adverse impacts to surrounding communities.

C. Monotony is avoided and the plan provides an environment that has interest and diversity without becoming chaotic or discordant.

D. Proposed buildings are designed to blend with existing communities, or are planned to be part of new, innovative individual communities or streetscapes. Formula buildings and color schemes are undesirable.

E. The proposed streetscape protects or enhances the portals or distinct areas of Beaufort County, contributing to Beaufort County's sense of place, and uniqueness from other communities.

F. The combination of architecture, signs, and landscaping creates a sense of place for those developments having many buildings, or which contribute to an overall sense of unity if the development is a single building.

G. The proposed streetscape and building design reduces the apparent building mass of large buildings to match the nearby residential areas.

H. Existing historic resources have been reviewed by the County Historic Preservationist and/or the Historic Preservation Review Board, if applicable.

SECTION 21.250 PLAT VACATION

The vacation of a plat, be it in its entirety, a lot, street, or other dedication associated with the plat, shall follow this Section's standards.

A. **Standards for All Vacations.** To authorize a Plat Vacation, the County Council shall find that:

1. The vacation does not deny access to any land, lot, or public use area in the subdivision or to adjoining property.

2. The vacation does not create a nonconformity or make any nonconformity greater.

3. The vacation is for the public good and improves its health, safety, and welfare.

4. No public utilities or drainage facilities are deprived of adequate access easements. New easements may be required as part of the vacation.

5. When land (roadway or other dedication) is vacated, it shall become part of the adjoining lots and be placed on the tax roles. In the event of vacation of an entire plat, the land shall revert to a single ownership.

6. Vacations of land shall not become effective until recorded at the Register of Deeds. Failure to record within three (3) months shall void the vacation.

B. **Whole Subdivisions.** To vacate an entire plat, all landowners of all lots in the plat shall be applicants for the vacation.

C. **Lots or Dedicated Land.** Where a lot, lots, or dedicated land is to be vacated, the plat of vacation shall combine the vacated land with adjoining lots. Vacated land shall not become a separate parcel except where the vacated land would be a conforming lot. The plat of vacation shall show all such lot combinations.

SECTION 21.260 STREET NAMING AND RENAMING

This Section establishes general procedures and criteria for naming and renaming streets within the County's jurisdiction. A consistent, efficient and easily understood street naming and renaming system is in the best interest of public health, safety and welfare by providing directional clarity, enhanced traffic flow and ease of locating property. The *1994 South Carolina Local Government Comprehensive Planning Enabling Act, Section 69-29-1200*, authorizes responsibility for street naming and renaming to the Planning Commission.

A. **Initiation.**

1. **New Street Name.** Requests for approval of any new street name may be proposed by a landowner or a landowner's agent, the County Council, Planning Commission, or E-911 Addressing Center. The Planning Commission hereby delegates responsibility for approving all new street names to the E-911 Addressing Center. New street name requests are subject to all applicable provisions of this Ordinance.

2. **Renaming of an Existing Street.** Requests for approval of any change in an existing street name may be proposed by a property owner who has frontage on the affected street, the County Council, Planning Commission, or E-911 Addressing Center. All street renaming requests shall appear before the Planning Commission for their consideration and approval or disapproval. Street renaming requests are subject to all applicable provisions of this Ordinance.

B. **General Standards For Street Naming And Renaming.**

1. All proposed street names in Subdivision Plats, Land Development Plans or Community Design Plans require approval by the E-911 Addressing Center before further consideration of those plats or plans by the DRT or Planning Commission.

2. All new street names shall adhere to Section 14.140 of this Ordinance. All new street names and street renamings shall follow the most current *Street Naming and Renaming Guidelines*, Appendix F as approved by the Planning Commission for such procedures.

3. Duplication, or near duplication of street names is not permitted.

4. Use of numbered (e.g., 1st) or lettered (e.g., "A") names, complicated, lengthy, offensive, or unconventionally-spelled words or phrases is not permitted.

5. For such requests, street names shall be consistent with the historical or physiographical features of the local area in which the street name exists.

SECTION 21.270 CERTIFICATES OF APPROPRIATENESS

A. CERTIFICATE OF APPROPRIATENESS. The application for a Certificate of Appropriateness must be signed by the owner or his authorized representative and the form must be signed by the chairman or vice-chairman of the applicable Board stating its approval, denial, or approval with conditions and the reasons for the decision. An application for a Certificate of Appropriateness shall be obtained from the Beaufort County Planning Department and, when completed, filed with

the appropriate administrative official as designated by the Board.

1. **Time Limits**. Applications for a Certificate of Appropriateness shall be considered by the Board at its next regular meeting, provided they have been filed at least fourteen (14) calendar days before the regularly scheduled meeting of the Board. If the Board fails to take action upon any application with forty-five (45) days after the complete application is received, the application shall b e considered approved, except in cases where the Board has postponed an application to demolish a structure under the provisions contained in this Ordinance.

2. **Board Action on Application**. The Board shall review the application, using the design guidelines appearing in the Historic Review guidelines adopted by the Board, to make findings of fact to decide whether or not the applicant's plans are appropriate. The decision of the Board, along with the reasons for each decision, will be recorded in the minutes and will be available upon request as a public reference for preservation procedures.

3. **Contents of Application**. The Board shall in its Rules of Procedure, require data as are reasonable and necessary to determine the nature of the application. An application shall not be considered complete until all the required data have been submitted.

4. **Notification of Affected Property Owners**. Prior to the issuance of an approval or disapproval of a Certificate of Appropriateness, the Board shall inform the owners of any property likely to be materially affected by the application, and shall give the applicant and such owners an opportunity to be heard.

B. DEMOLITION.

1. No designated historic resource shall be demolished, in whole or in part, including the removal or stripping of any significant interior or exterior features, without the prior issuance of a Certificate of Appropriateness from the Board. Further, no Class I historic resource shall be demolished by neglect. The Board shall notify in writing the owner of record of a property it determines to be being demolished by neglect. The owner shall have forth-five (45) days after receipt of the notification to properly protect the resource against weather and vandalism.

2. **Demolition Delay**. The Board shall have the authority to delay issuance of a Certificate of Appropriateness for a Class I historic resource for a period not to exceed one hundred eighty (180) days. The Board shall have the authority to delay issuance of a Certificate of Appropriateness for a Class II historic resource for a period not to exceed ninety (90) days. If the Board denies or postpones a request to demolish a historic resource, the Board shall work closely with the owner to find an appropriate use for the property, to help find a buyer or to obtain funding for rehabilitation, including low interest loans or grants. The Board shall inform the community concerning the threat to the building, its value as part of the fabric of the community and, through publicity and contacts with civic groups, seek to provide assistance in preserving the property.

3. **Recordation of Resources to be Demolished**. Prior to the issuance of any permit for the demolition of any designated historic resource, the owner of the property or the authorized applicant shall provide two (2) copies of documentation recording the resource that meets the requirements of the Secretary of the Interior's Standards for Historical Documentation and the Secretary of the Interior's Standards for Architectural Documentation. In the case of Class I historic resources, this documentation shall include:

   a) rectified black and white photographs depicting all elevations, sides, or views of the

resource as well as representative interior views; and

b) professionally-prepared architectural plans of sufficient scale and detail to accurately depict the plan of the property and the location of the resource; the size, shape, and height of the resource; and in the case of buildings or structures, plans of each interior floor level.

DIVISION 21.300 ADMINISTRATIVE INTERPRETATIONS

SECTION 21.310 ADMINISTRATIVE INTERPRETATIONS

An Administrative Interpretation by the ZDA, after consultation with the Planning Department and the County Attorney, is required when this Ordinance is not clear or when a proposed use is not listed in Table 03.110. The following sections shall guide the ZDA in rendering an official interpretation and shall guide the Zoning Board of Appeals in hearing an appeal of such an interpretation. Any person may seek an interpretation, provided such a request is associated with a proposed use of land.

Section 21.311 TYPES OF INTERPRETATIONS

A. **Meaning or Application.** When evaluating an Ordinance provision as to its meaning or application, the provisions of Division 21.300 shall be applied. Administrative Interpretations shall not lessen protection, but may provide greater flexibility in meeting this Ordinance's objectives. Determining the provision's public health, safety, and welfare purposes should guide the decision.

B. **Unlisted Uses.** Uses not listed in Article 03 or Article 23 shall be placed into the most similar category. For non-residential use, the NAICS code shall be the first guide. Where an NAICS code is found in several categories, the ZDA shall seek similar characteristics, including the use's intensity and its likely adverse impacts. Where a choice remains after reviewing for adverse impacts, the use should be classified with the similar use that has the most adverse impacts.

Section 21.312 PROCEDURE

In making an Administrative Interpretation, the ZDA shall:

A. Request the Planning Department's and the County Attorney's review and recommendation on the interpretation request.

B. Evaluate the interpretation request in light of the Comprehensive Plan, this Ordinance, the Zoning Map, and the recommendations of the Planning Department and the County Attorney.

C. Render a written interpretation, which shall be mailed to the applicant and provided to the Planning Department within thirty (30) days of receipt of a complete request for an interpretation.

D. The ZDA, through a report to the Zoning Board of Appeals shall maintain a record of all Administrative Interpretations rendered. This record shall be available for public inspection in the ZDA's office, upon reasonable request, during normal business hours.

Section 21.314 ANNUAL REVIEW

To ensure that the intent of this Ordinance is being met, the ZDA shall report to the ZBOA and the County Council on all Administrative Interpretations made, before their second official meeting in January of each

year. Should the County Council disagree with any Administrative Interpretation, they shall direct the ZDA to not follow such interpretations in subsequent applications. When necessary, they shall further direct the Planning Department to prepare Ordinance amendments to clarify their intent.

DIVISION 21.400 ADMINISTRATIVE REVIEW PROCEDURES

SECTION 21.410 LIMITED USE REVIEW

The ZDA shall make Limited Use reviews. Such reviews shall be limited solely to determining whether the conditions in Division 03.300 for limited uses have been met. If the conditions have been satisfied, that criteria for approval shall be deemed met. The application noting all conditions have been met shall be filed in the ZDA's office.

SECTION 21.420 SIGN PERMIT

Before any sign is erected, the ZDA shall review the plans and within ten (10) days make a determination whether the sign meets this Ordinance's requirements. If it does, a Sign Permit shall be issued. If it does not, the person requesting the Sign Permit shall be notified in writing as to the deficiencies. Any sign proposal occurring in the Highway Corridor Overlay District shall be reviewed by the appropriate CRB.

SECTION 21.430 ZONING PERMIT

A Zoning Permit shall be required prior to receiving a development permit (when applicable), or a building permit for all uses permitted by right. This permit ensures the proposed development complies with this Ordinance's standards, and has any other required permits for access, water, sewer, or other required permits.

SECTION 21.440 CERTIFICATE OF ZONING COMPLIANCE

No new or existing building or structure shall be occupied or used, and no change in the character or use of land or of a building shall occur, until a Certificate of Zoning Compliance has been received by the Building Code Official certifying that such building or use complies with all regulations of this Ordinance.

DIVISION 21.500 PERFORMANCE GUARANTEES

This Division has been moved to the last Division in Article 14.

DIVISION 21.600 APPEALS, VESTED RIGHTS AND BENEFICIAL USE DETERMINATIONS

SECTION 21.610 ADMINISTRATIVE APPEALS

The purpose of the Appeal is to determine if the decision rendered meets this Ordinance.

Section 21.611 PROCEDURES

Appeals from a decision of administrative agents shall be heard by the ZBOA or the Planning Commission as shown in Table 20.110, based solely on the materials (plans, documents, reports, studies, drawings, and testimony) available to the body or agent rendering the initial decision and advisory bodies prior to the decision. Appeals shall not consider new or altered plans, except that information submitted, but not discussed or considered in rendering a decision, shall be considered part of the original evidence. If hearings were held and testimony given, transcripts and other record items of those proceedings shall be the exclusive bases of the Appeal. The Appeal shall also consider this Ordinance's standards and State

law.

Section 21.612 STANDARDS

The Zoning Board of Appeals or the Planning Commission are limited to the following determinations:

A. The decision-maker made an error in reviewing whether a standard was met. The record must indicate that an error in judgement occurred or facts, plans, or regulations were misread in determining whether the particular standard was met.

B. Where conflicting evidence exists, the appeal is limited to determining what evidence or testimony bears the greatest credibility in terms of documentation and qualifications of those making the determination.

C. The decision-maker made the decision on standards not contained in this or other County ordinances, regulations, or State law, or a standard more strict or broad was applied. This Ordinance does not permit administrative decision-makers to consider or create standards not officially adopted.

D. An error in applying a standard or measuring a standard was made.

E. An Appeal shall not hear any evidence or make any decision based on hardships or special conditions. If such argument is made, it shall be heard either as a Variance or Special Use (Sections 21.220 and 21.230, respectively).

SECTION 21.620 VESTED RIGHTS DETERMINATIONS

The purpose of this section is to provide a procedure for relief, on a case-by-case basis, to persons who claim that the adoption of the Beaufort County Zoning & Development Standards Ordinance has interfered with certain development rights that are assumed vested, with regard to their property prior to the effective date of this Ordinance.

Section 21.621 APPLICATION

A. **Form.** All applications for Vested Rights Determinations shall be submitted on a form provided by the Planning Department and shall be accompanied by the required fee. The application shall include the following:

1. The name, address and telephone number of the property owner;

2. The street address, legal description and acreage of the property;

3. A description of the specific portions of the Ordinance which allegedly interfere with a vested right to develop the property; and

4. All factual information and knowledge reasonably available to the owner to address the evaluation criteria set forth in Section 21.624.

B. **Review by Planning Department and County Attorney.** No later than 30 days after receipt of a complete application from the ZDA, the Planning Department and the County Attorney shall review the application for compliance with the evaluation criteria of Section 21.624, and shall make a written recommendation to the Hearing Officer.

Section 21.622 REVIEW AND DETERMINATION BY HEARING OFFICER

A. No later than 30 days after the receipt of the written recommendations from the Planning Department and the County Attorney, the Hearing Officer shall hold a public hearing on the application. Written notice of the hearing shall be mailed by the County to the applicant at least 14 days prior to the scheduled hearing. The parties before the Hearing Officer shall be the County and the applicant. Testimony and evidence shall be limited to the matters directly relating to the evaluation criteria of Section 21.624.

B. No later than 30 days after the closing of the public hearing under Section A., above, the Hearing Officer shall issue a determination denying, granting, granting with conditions, or granting in part and denying in part the application. The determination shall be in writing and shall include findings of fact for each of the applicable evaluation criteria, conclusions of law for each criterion, and a final determination.

Section 21.623 APPEAL TO COUNTY COUNCIL

A. Within 30 days after the issuance of the Hearing Officer's written determination, the County, the applicant, or any resident of the County who appeared at the public hearing before the Hearing Officer, may appeal the determination to the County Council by filing a written notice of appeal and requisite fee with the County Council.

B. No later than 30 days after receipt of written notice of appeal, the County Council shall hold a hearing based solely upon the record of the proceedings before the Hearing Officer.

C. County Council shall adopt the Hearing Officer's determination, with or without modifications or conditions, or reject the Hearing Officer's determination.

Section 21.624 EVALUATION CRITERIA

The criteria herein provided shall be considered in rendering a Vested Rights Determination. An applicant shall be entitled to a positive Vested Rights Determination only if the applicant demonstrates, by a preponderance of the evidence, entitlement to complete his or her development without regard to the otherwise applicable provisions of this Ordinance by the existence of all three of the following requirements:

A. An authorized act of the County;

B. Reasonable good faith reliance upon the act by the applicant;

C. Such a substantial change in position or expenditure by the applicant that it would be highly inequitable or unjust to destroy the rights acquired. In evaluating whether an applicant has made a substantial change in position or expenditure, the Hearing Officer shall consider the following factual matters:

1. The total investment made in the project, including all costs incurred subsequent to the act of the County relied upon by the applicant, which costs may include, without limitation, the costs of land acquisition, architectural and engineering fees and the cost of on-site and off-site infrastructure improvements to service the project;

2. Any dedication of property made to public entities in accordance with the approved overall development plan for the project;

3. Whether infrastructure improvements which have been installed have been sized to accommodate use as approved in the overall development plan;

4. The acreage of the approved overall development plan and the number of phases within the overall development plan which have received final approval;

5. Whether the completion of the project has been timely and diligently pursued; and

6. The effect of the applicant's existing development loans on the application of this Ordinance to the project.

Section 21.625 WAIVER OF TIME LIMITS

Any time limits specified in Sections 21.621, 21.622 or 21.623 may be waived upon receipt by the Planning Department of a written stipulation requesting such waiver and signed by the applicant and the Director of Planning.

SECTION 21.630 BENEFICIAL USE DETERMINATIONS

In the event a landowner in Beaufort County is of the opinion all beneficial use of said landowner's property has been denied by applying this Ordinance, the procedures listed in this Section shall be used prior to seeking relief from the courts in order that any denial of beneficial use of property may be remedied through a non-judicial forum. This Ordinance's purpose and intent is that all landowners should enjoy a beneficial use of their property. The Beneficial Use Determination is a process by which the County evaluates the allegation that no beneficial use remains, and can provide relief from the regulations by granting additional development potential. However, this Division also intends that such relief not increase the potential for damages to health, safety, or welfare of future users of the property or neighbors that might reasonably be anticipated if the landowner were permitted to build.

Section 21.631 APPLICATION

A. **Form.** All applications for Beneficial Use Determinations shall be submitted on a form provided by the Planning Department and shall be accompanied by the required fee. The application shall include the following:

1. The name, address and telephone number of the property owner;

2. The street address, legal description and acreage of the property;

3. A description of the specific portions of the Ordinance and/or actions which allegedly denies the landowner beneficial use of his/her property; and

4. All factual information and knowledge reasonably available to the owner to address the deprivation standards set forth in Section 21.632.

B. **Additional Application Data.** The nature of this appeal, that this Ordinance denies the landowner all beneficial use of the property, requires detailed financial information on the property not typically required or desired in normal applications. The following data shall accompany all applications for a Beneficial Use Appeal:

1. Documentation of the purchase date and price of the property.

2. A description of the property's physical features, total acreage, and present use, as well as

the use of the property at the time of this Ordinance's adoption.

3. A description of the specific portions of the regulations which allegedly eliminate all beneficial use of the property, together with all appraisals, studies, any other supporting evidence, and any actions taken by the County related to the property. Such supporting evidence my include documentation that the property has been listed for sale for at least six (6) months after this Ordinance was adopted and originals or copies of all bids, offers-to-purchase, and other correspondence regarding the sale of such property.

4. A description of the use which the landowner believes represents the property's minimum beneficial use and all documentation, studies, and other evidence supporting that position.

C. **Review by Planning Department and County Attorney.** No later than 30 days after receipt of a complete application from the Zoning & Development Administrator, the Planning Department and the County Attorney shall review the application for compliance with the deprivation standards of Section 21.632, and shall make a written recommendation to the Hearing Officer. The Hearing Officer shall then make a written recommendation to the County Council, for their decision.

Section 21.632 REVIEW AND RECOMMENDATION BY HEARING OFFICER

A. No later than 30 days after the receipt of the written recommendations from the Planning Department and the County Attorney, the Hearing Officer shall hold a public hearing on the application. Written notice of the hearing shall be mailed by the County to the applicant at least 14 days prior to the scheduled hearing. The parties before the Hearing Officer shall be the County and the applicant. Testimony and evidence shall be limited to the matters directly relating to the deprivation standards and relief criteria of Sections 21.632 and 21.633, respectively.

B. No later than 30 days after the closing of the public hearing under Section A., above, the Hearing Officer shall issue a Recommendation denying, granting, granting with conditions, or granting in part and denying in part, relief regarding the application. The Recommendation shall be in writing and shall include all findings of fact and conclusions for warranting the Recommendation.

Section 21.633 DEPRIVATION STANDARDS

In determining if a landowner has been deprived of beneficial use of property, the Hearing Officer and the County Council shall take into account the following factors:

A. **Diminution in Value.** The property value, prior to this Ordinance's adoption, shall be compared to the property value with the regulations as applied. A mere diminution in value does not deprive the landowner of a beneficial use; the diminution must be so drastic that it effectively deprives the landowner of any significant use or enjoyment of the property.

B. **Common Land Uses.** A use common to the County and/or the area of the subject site, although it may not involve further development of the land, is considered a beneficial use. Attention shall also be given to land uses considered to be the lowest intensity in the County or adjoining areas, but which uses still provide for occupation and living by the landowner. These land uses, as well, shall be considered beneficial uses.

C. **Unique Treatment.** Is the property being unreasonably singled out for different treatment than similarly-situated properties under this Ordinance?

D. **Subsidy.** A minimum beneficial use of the land should be one that does not have any

governmental subsidy attached to the use or long-term safe occupation of the property. If such a subsidy exists, it should be reflected in the considered minimum beneficial use on a valuation basis. The cumulative public costs of a subsidy should be considered payment to the landowner for the restriction on the property if the annual subsidy enhances the existing use's economic return to the landowner. The proposed use's value shall be adjusted to reflect the degree to which a subsidy enhances the property value by determining the use's value without the subsidy.

E. **Adverse Impacts.** The extent to which the Ordinance protects users or neighbors from threats to health or safety shall be fully considered. A use that significantly threatens the health of future residents or neighbors is not a beneficial use.

F. **Expectations.** Expectations shall, in general, not be considered. Only expectations backed by financial investments made prior to the adoption date of the Ordinance in question and substantially above the cost of the land and normal planning investments shall be considered.

G. **Nuisances.** In no case shall a use that is a nuisance per se, or a use that in that particular location constitutes a nuisance, be granted relief. Such uses are not legal uses of the land and, therefore, no taking of beneficial use of the land can occur. The Hearing Officer shall recommend denial if the proposed or current use to be discontinued is a nuisance.

Section 21.634 GRANTING RELIEF

If the finding is that a landowner has been denied beneficial use of property, and only if all beneficial use of the property has been denied, the Hearing Officer shall recommend relief be granted. The Hearing Officer may also indicate there seems to be no taking, but that the case is borderline with strong evidence to support either conclusion. In that case, the Hearing Officer shall recommend the level of relief appropriate to eliminate doubt.

A. **Minimum Increase.** In granting relief, the landowner shall be given the minimum increase in use intensity or other possible concessions from this Ordinance to permit a beneficial use of the land. The highest use, or even an average or generally reasonable expectation, is not required or intended as the appropriate remedy. The following guidelines shall be used for determining the property's minimum beneficial use and, therefore, the amount of relief granted a landowner in order to reach that minimum:

1. The standards of Articles 03, 04, 05, 11, 13 and 14 shall be used to indicate the need for additional density or uses.

2. The reality of limited development potential, given the property's natural condition, shall not be attributed to the regulations applied to the property. If the property is such that it cannot safely accommodate development with normal grading and clearing practices, this fact shall be taken into account in identifying the best site for development that minimizes development costs. Any savings to the developer in land modification shall be considered in determining the beneficial use.

3. The potential for damages to either residents or property shall be assessed in determining a beneficial use. Conditions shall be placed on sites where damage from building on hazardous conditions is likely. The conditions may include location restrictions, size limitations, and construction practices and shall require a building to be built so it will not be damaged.

B. **Granting Relief.** Upon recommending no beneficial use exists, the County Council may grant the recommended relief by adopting a development order ordinance. The County Council may also

consider granting relief where the Hearing Officer reports borderline conditions. Under no condition shall relief be granted unless a finding of no beneficial use or borderline beneficial use exists. The action shall be by ordinance and that information placed on the Zoning Map. Based on the findings of these hearings, the County Council may also direct hearings be held to amend this Ordinance.

DIVISION 21.700 ENFORCEMENT PROVISIONS

SECTION 21.710 NOTICE, WARNING, AND PENALTY

A. **Notice and Warning.** Upon the County's attention to a Zoning Ordinance violation, the ZDA shall investigate the violation and prepare a report concerning the same. If a violation exists, a warning notice shall be delivered to any person occupying the property, whether the person is the owner, renter, or lessee. If the nature of the violation is non-correctable, then a "Notice To Appear" shall be issued immediately. If no one is present or refuses to accept the notice, the ZDA shall post the warning notice on the residence or building entrance.

1. The warning notice shall contain:
   a) The address and legal description of the property.

   b) The Ordinance Section being violated.

   c) The nature and location of the violation and the date by which such violation shall be removed or abated.

   d) A notice of the penalty for failing to remove or abate the violation, stating that if the nuisance reoccurs by the same occupant, owner, or person in charge, a notice to appear will be issued without further notice.

2. If the violation occurs where the residence or building is unoccupied, the property may be posted as provided above. If the property is unimproved, the notice may be placed on a tree or other such object as available.

3. A written notice containing the same information as the warning notice shall be sent to the owner or any other person having control of the property at the last known address of the owner, or at the address of the person having control, by ordinary mail.

B. **Recurring Violations.** Once a notice has been delivered and the same violation recurs on the same lot or tract of land by the same person or persons previously responsible, no further warning notice need be given. Thereafter, such person(s) deemed responsible may be notified to appear in Court to answer to the charge against him/her.

C. **Failure to Act Upon Warning Notice.** Upon neglect or failure to act upon the warning notice, the County shall issue a notice to appear as follows:

1. **Service of Notice to Appear.** If a warning notice is given and, after the time for removal or abatement has lapsed, the property is reinspected and the ZDA finds and determines the violation has not been removed or abated, the ZDA shall fill out and sign, as the complainant, a complaint and information form or a notice to appear. The notice to appear shall include:

   a. Name of the occupant, owner, or person in charge of the property.

b. The address or legal description of the property on which the violation is occurring.

c. The Ordinance section or other reference the action or condition violates.

d. The date on which the case will be on the Court docket for hearing.

e. Any other information deemed pertinent by the ZDA.

The original copy of the notice to appear shall be forwarded to the Clerk of the Court for inclusion on the court's docket for the date indicated on the notice to appear.

2. Notice to Appear; Delivery by Mail. If no one is found at the property to accept a notice to appear for failure to remove or abate a violation, the ZDA shall fill out and sign the notice to appear as the complainant and deliver the original plus one (1) copy to the Clerk of the Court. The Clerk shall verify or insert the date the case has been set for hearing before the Court. The Clerk shall mail the copy by certified mail to the person named in the notice to appear at that person's last known address.

3. Abatement by County; Costs Assessed to Person Responsible. If the occupant, owner, or person in charge of the property for which a warning notice has been given, fails to remove or abate the violation in the time specified in the notice, whether on public or private property, the County may, if severe conditions exist that affect health, welfare, safety or severe environmental degradation, remove the same and thereby abate the violation. If necessary, the County may lawfully enter upon the property on which the violation remains unabated to remove or abate such violation at the cost of the person(s) responsible for creating or maintaining the violation. The violation will be subject to civil fines reflecting the cost to the County, as prosecuted by the County Attorney.

4. Payment of Costs; Special Tax Bill or Judgment. All costs and expenses incurred by the County in removing or abating any violation on any private property may be assessed against the property as a lien on the property. Alternatively, the cost of removing or abating the violation may by made part of the judgment by the Judge, in addition to any other penalties and costs imposed if the person(s) charged either pleads or is found guilty of causing, creating, or maintaining a violation.

5. Warning Notice; First Offense. In all cases where the violation is the first offense of the specified Ordinance violation, the warning notice provisions of A., above shall be observed. The notice shall specify the number of days in which the violation shall be removed or abated, which time shall not be less than three (3) days nor more than ten (10) days, except in emergency cases.

6. Warning Notice; Subsequent Offenses. In all cases where the violation on public or private property is a repeat or continued offense on such property, after the expiration of the time period set out in 5., above, this Section's warning notice provisions need not be observed. Each day a violation continues after the expiration of the warning period to abate such violation shall constitute a separate offense.

D. **Penalty for Violation.**

1. Any person, group, firm, association or corporation violating any provision of this Section shall be guilty of a misdemeanor and upon conviction thereof, shall pay such penalties as

the court may decide, as prescribed by South Carolina law, not to exceed five hundred (500) dollars, or thirty (30) days imprisonment for each violation. Each day during which such conduct shall continue shall subject the offender to the liability prescribed in this Article.

2. In addition to the penalties established and authorized in 1., above, the County Attorney shall take other actions at law or in equity as may be required to halt, terminate, remove, or otherwise eliminate any violations of this Ordinance.

ARTICLE 23
DEFINITIONS

DIVISION 23.000
PURPOSE

This Article defines words, terms, and phrases found in this Ordinance.

DIVISION 23.100
WORD USAGE

This Article's provisions and rules shall be observed and applied when interpreting this Ordinance, except when the context clearly requires otherwise:

A. Words used or defined in one tense or form shall include other tenses or forms.

B. Words in the singular number shall include the plural number. Words in the plural number shall include the singular number.

C. The masculine gender shall include the feminine. The feminine gender shall include the masculine.

D. The word "may" is permissive.

E. The word "person" includes individuals, partnerships, firms, corporations, associations, trusts or any employees, assistants, agents and any other similar entities or combination of individuals.

F. The word "shall" is mandatory.

SECTION 23.110 COUNTY TERMS

A. The word "Council" shall mean the Beaufort County Council.

B. The word "Board" shall mean the Board of Adjustments and Appeals, Corridor Review Board or Historic Preservation Review Board, whichever is relevant to the referenced Section.

C. The words "Building Code" shall mean the current Beaufort County Building Code.

D. The word "County" shall mean Beaufort County, South Carolina.

E. The words "County Engineer" shall mean Beaufort County Engineer.

F. The words "Comprehensive Development Plan" shall mean the Comprehensive Plan of Beaufort County. It includes all maps, charts and explanatory materials adopted on December 15, 1997, and any subsequent amendments thereto.

G. The word "Department" shall mean the Department of Planning.

H. The words "Planning Commission" shall mean the Beaufort County Planning Commission, formerly known as the Joint Planning Board.

I. The words "Register of Deeds" shall mean the Beaufort County Office of Register of Deeds.

J. The letters "DRT" shall mean Development Review Team.

K. The letters "ZDA" shall mean the Zoning and Development Administrator.

L. The letters "HPRB" shall mean the Historic Preservation Review Board.

M. The letters "ZBOA" shall mean the Zoning Board of Appeals, formerly known as the Zoning Board of Adjustment and Appeals.

N. The letters "CRB" shall mean Corridor Review Board.

SECTION 23.120 STATE AGENCIES AND TERMS

A. The letters "DHEC" means the South Carolina Department of Health and Environmental Control.

B. The letters "DNR" means the South Carolina Department of Natural Resources.

C. The letters "SCDOT" means the State of South Carolina, Department of Transportation.

D. The letters "OCRM" means the South Carolina Office of Ocean and Coastal Resource Management.

E. The word "State" shall mean the State of South Carolina.

SECTION 23.130 ABBREVIATIONS

The following abbreviations are used in this Ordinance:

AASHTO	American Association of State Highway and Transportation
ac.	acre
BMPs	Best Management Practices
BOCA	Building Officials and Code Administrators
DBH	diameter at breast height for a tree
SCDOT	State of South Carolina, Department of Transportation
SHPO	The State Historic Preservation Office
DHEC	Department of Health and Environmental Control
DNR	Department of Natural Resources
du or du's	dwelling unit(s)
FAR	floor area ratio
FEMA	Federal Emergency Management Agency
ft.	feet or foot
GD	gross density
GFA	gross floor area

GFAR	gross floor area ratio
Ldn	day night level
LOS	level of service
LSR	landscape surface ratio
max.	maximum
min.	minimum
na.	not applicable
NAICS	North American Industrial Classification System
ND	net density
NFAR	net floor area ratio
OSR	open space ratio
sf. or sq.ft.	square feet
S.F.	single-family

DIVISION 23.200 RESERVED

DIVISION 23.300
GENERAL DEFINITIONS

This Division contains the definition of words used in this Ordinance. For definitions of specific uses not found in this Article, please refer to Section 03.120 and/or Division 21.300

Abandoned Sign. An abandoned sign is one which is erected on property in conjunction with a particular use which has been discontinued for a period of 90 days or more, or a sign the contents of which pertain to a time, event or purpose which no longer applies.

Abandonment. That the use, structure, or sign is not used, occupied, or otherwise operating for the intended nonconforming activity for the period specified in Table 01.500. Periods of active remodeling during which the use is closed for repairs should not be considered in determining abandonment, provided the remodeling is completed within a reasonable time period as indicated on the zoning permit issued for remodeling nonconforming use. Abandonment of signs shall mean having electricity disconnected for lighted signs, no message, or the failure to repair damaged signs.

Abutting. Two lots sharing the same, or common, property lines, including lots separated by an alley. See Figure 23.301.

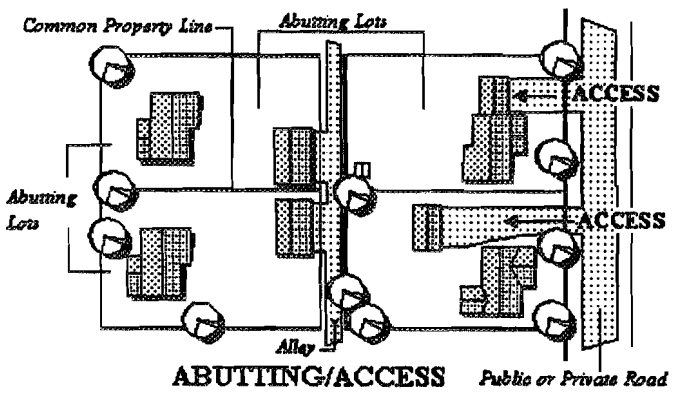
Access. An area designated as a way for vehicles to enter or leave a property or lot to a public or private street or alley. Access is intended to permit residents to bring their vehicles onto the property, customers or tenants to park, and to provide for public access in emergencies. See Figure 23.301.

Access Easement. That portion of a lot used for ingress/egress to an abutting lot and shown on a record plan by a recorded easement declaration. In no case shall a street right-of-way be construed to mean an easement.

Accessory Building. A building detached from a principal building located on the same lot, and which is incidental and subordinate to the principal use or building.

Accessory Use. A use of land or a building, or portion thereof, incidental and subordinate to the principal use or building, and located on the same lot with such principal use or building.

Figure 23.301



Accident Potential Zone (APZ). Is the area lateral to, and immediately beyond, the ends of runways along primary flight paths.

Active Recreation. Recreational uses, areas, and activities oriented toward potential competition and involving special equipment. Playgrounds, sports fields and courts, swimming pools, picnic areas, biking trails and golf courses are examples of active recreation uses. Also see *Passive Recreation.*

Addition. Any construction which adds or enlarges the size of an existing building. Additions also include any extension or increase in floor area, or height of a building or structure. Examples of an addition are: a porch, carport, new room, roof configuration, etc. Also see *Conversion, Building or Use* and *Structural Alteration.*

Airport. Is a tract of land or water that is maintained for the landing and takeoff of aircraft, and for receiving and discharging passengers and cargo, and that usually has facilities for the shelter, supply and repair of planes.

Airport Environs. Those areas identified according to their accident potential and /or noise rating.

Airport Obstruction. A Structure of object or object of natural growth or use of land which would exceed the Federal Obstruction Standards which obstructs the airspace required for flight of aircraft in landing or taking off of aircraft.

Airspace Height. The determination of height limits in all zones set forth in the airport districts, the datum of which shall be above mean sea level elevation unless otherwise specified.

Airstrip. A runway without normal airbase or airport facilities.

Alley. A secondary means of ingress and egress serving more than one tract of land and used primarily for vehicular service, and which may be used for public utility purposes. Also see *Street, Service.*

Alter or Alteration. A change in the appearance of a building, structure, site, or object, which is not otherwise covered by the definition of demolition, or any other change for which a permit is required pursuant to this Ordinance.

Alteration. A change in the external architectural or environmental features of any historic resource; a change in the landscape features of any historic site or place; and/or work having an adverse effect upon designated archaeological resources; and/or a reconstruction or alteration of the size, shape or facade of a historic resource, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements; and/or demolition or relocation of a historic resource; and/or commencement of excavation for construction purposes; and/or the erection, alteration, restoration or removal of any building or other structure within a historic resource or district, including walls, fences, steps and pavements or other appurtenant features.

Ancillary Uses. Uses subordinate to the principal use being conducted on a lot located either on the same lot as the proposed use(s) or on a separate lot, but which provide services convenient to the operation of the principal use.

Antenna. Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.

Apartment. A multi-family dwelling unit contained in a building comprised of three (3) or more dwelling units, each having an entrance to a hallway, stairway or balcony in common with at least one (1) other dwelling unit. See Figure 11.200.

Appeal. A way to obtain review of a decision, determination, order, or act of an administrative agency pursuant to the terms of this Ordinance. See Division 21.600.

Applicant. A person, firm or governmental agency who executes the necessary forms to obtain approval or a permit for any zoning, subdivision, land development, building, land disturbance, or other activity regulated by this Ordinance.

Approach/Departure Zone. An area longitudinally centered about each runway centerline extended, beginning 200 feet beyond each end of the primary zone and extending outward for 25,000 feet. The width of the approach clearance zone is the same as the primary zone, uniformly flaring to 8,000 feet at 25,000 feet distance. An approach zone is designed for each runway based upon the type of approach available or planned for the runway end.

Approval. Approval shall mean final approval given by a Department, Board, Commission, or when County Council action is required for final approval, approval shall mean the adoption of all necessary ordinances, resolutions or the signature of the Chair of County Council when no ordinance or resolution is required.

Approved Segment. A portion of a subdivision street for which a developer has posted a bond, letter of credit, or other surety with SCDOT or the County to ensure completion of specified public or private street improvements.

Aquiculture. The cultivation and /or production of aquatic resources including fish, crustaceans, mollusks and aquatic plants.

Aquifer. A body of rock (sand, gravel, or crystalline) that contains sufficient saturated permeable material to yield economically significant quantities of groundwater to wells.
Arterial Street. A highway intended to carry a mix of regional and local traffic. It provides access to regional and community scaled land uses. It should be anticipated to ultimately require a minimum of four traffic lanes.

As-Built Plans. A set of engineering or site drawings that delineate the lot lines, roads, water, sewer, other utilities, and stormwater management facility as actually constructed.

Atrium House. An attached, one (1) story dwelling unit with private individual access for a single family. Each unit shall have a private yard called an atrium. The entire lot area of atrium and house shall be enclosed by a wall. All living spaces (that is, living rooms, dens or bedrooms) shall face an atrium. An atrium house is permitted only in planned developments as provided in Articles 03 and 04. See Figure 11.200.

Attic. The area between roof framing and the ceiling of the rooms below, and that is not habitable, but may be reached by ladder and used for storage or mechanical equipment. Improvement to habitable status shall make it a story.

Awning or Canopy. A structure partially attached or entirely supported by a wall, and which is covered by canvas, cloth, plastic, other similar material, used as a protective cover for a door, entrance, window, walkway, or service area.

Back-to-Back Sign. A back-to-back sign is one constructed on a single act of supports which may have two (2) messages visible on either side, provided double message boards are physically contiguous.

Base Flood. The base flood, also called the 100-year flood, is a measure of flooding of a specific magnitude used as a standard in the National Flood Insurance Program. The base flood has a one (1) percent chance of occurrence in any given year.

Basement. The lowest level or story of a structure which has its floor below grade and which is at least 50% below the average finished grade of the building for purposes of establishing building height, a basement shall not count toward the maximum number of stories allowed. Also see *Story, First.*

Base Site Area. A calculated area obtained by subtracting various land areas from the gross site area. See Section 05.120.

Beach-Dune. This is an environmental unit that includes the beach and primary dune area. The beaches include all soils classed as coastal beaches by the Soil Survey of Beaufort and Jasper Counties, South Carolina, United States Department of Agriculture, Soil Conservation Service.

Benchmark. A definite point of known elevation and location, and of more or less permanent character. The identity and elevation shall be based on NAD 1927/ National Geodetic Vertical Datum (NGVD)1929 or NAD 1983/ National Geodetic Vertical Datum (NGVD) 1988.

Best Management Practices (BMPs). That combination of conservation measures, structures, vegetation or management practices, that reduces or avoids adverse impacts of development on adjoining site's land, water, or waterways and water bodies.

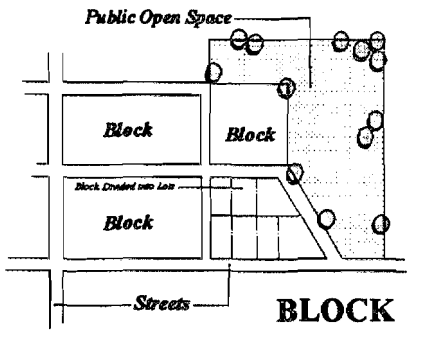
Billboard. See *Sign, Off-premise.*

Block. A piece of land surrounded on all sides by streets or other transportation rights-of-way, or by physical barriers such as water bodies or public open spaces. Blocks are normally divided into lots. See Figure 23.302.

Buffer. A designated area between two uses deemed incompatible with each other, or along the perimeter of a natural feature to be protected from an incompatible use, or along the perimeter of that

use, which will absorb or otherwise preclude such incompatibility by some combination of construction design, vegetative plantings, fences and/or maintenance practices which shall be permanently maintained.

Figure 23.302



Bufferyard. A strip of land on the periphery of a property created to visually separate one (1) type of land use or zoning district from another when they are incompatible or in conflict. Bufferyards include street bufferyards that protect the use from road related nuisances or screen undesirable uses. See Figure 23.303.

Buffer, River. See *River Buffer.*

Buildable Area. The space remaining on a lot after the minimum open space or landscape surface requirements, bufferyards and setbacks have been met. See Figure 23.304 and *Net Buildable Site Area.*

Building. A structure built on a lot, having a roof, and intended to shelter people, animals, property or business activity. Any structure used or intended to be used for supporting or sheltering any use or occupancy. The word *building* shall be construed as if followed by the words "or part or parts thereof and all equipment therein."

Building Code. See Section 23.110.

Building Front. That exterior wall of a building which faces the front lot line.

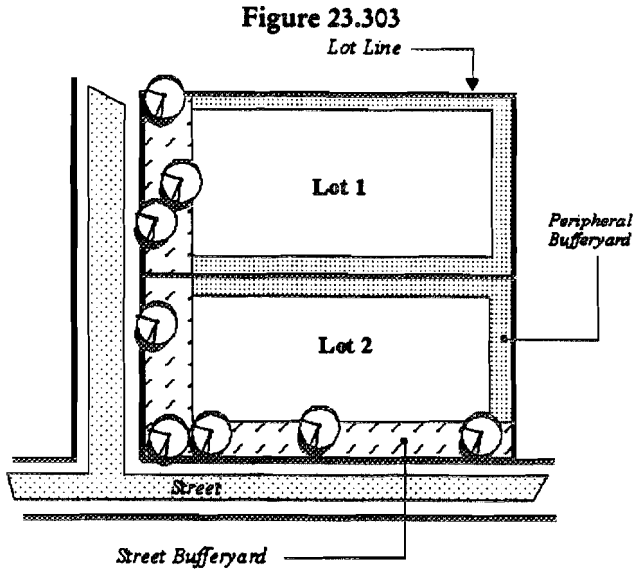
Building Height. See *Height, Building.*

Building Line. That line formed by the rear, side, and street setbacks. Also see *Buildable Area.*

Building Official. Director of the Building Codes Department or his or her designee.

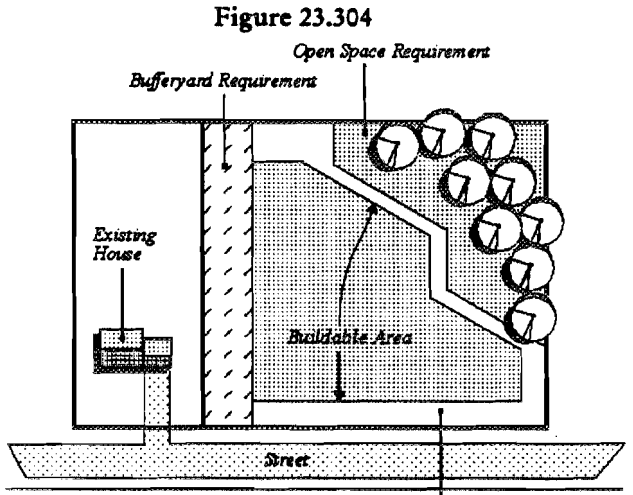
Caliper. The diameter of new landscape plantings measured six inches above ground.

Figure 23.303



BUFFERYARDS

Figure 23.304



BUILDABLE AREA

Canopy Tree. See *Tree, Canopy*

Certificate of Occupancy. A statement signed by the Building Official setting forth that a building, structure, or use legally complies with this Ordinance and the Building Code, and that the building, structure, or use may be used for the purposes stated therein.

Certificate of Appropriateness. Document issued by the Historic Preservation Review Board following a prescribed review procedure, certifying that the proposed actions by an applicant are found to be acceptable in terms of design criteria relating to the individual property or the historic district.

Certificate of Zoning Compliance. Certification by the ZDA, that a building or use complies with all regulations of this Ordinance.

Clean Fill. A nondecomposable, environmentally inert solid, such as rock, soil, gravel.

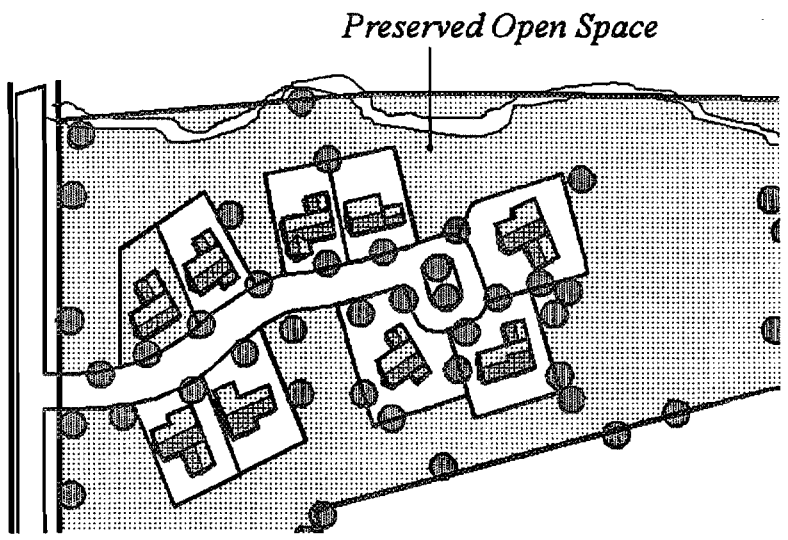
Clearcutting. The practice of wholesale, complete removal of all trees, disturbing shrubs, or other vegetation in the process. This definition does not include the selective removal of trees on a building pad or normal maintenance of vegetation.

Clear zone. The fan shaped area 1,500 feet wide at the end of the runway expanding to 2,284 feet wide 3,000 feet from the end of the runway.

Climax Vegetation. Reserved.

Cluster, Single-Family. A development pattern or design technique in which lots or homes are grouped together rather than spread evenly throughout a parcel as in conventional subdivision development. Cluster development allows the remaining land to be used for recreation, open space and the preservation of natural resources. See Figure 23.305.

Figure 23.305



Coastal high hazard areas. A flood hazard area subject to high velocity waters.

Co-efficient of runoff. A number used as a multiplier in measuring the change of stormwater runoff.

Co-Location Study. A study used to determine the availability of existing sites for locating antennas with other similar uses, so that the development of new sites can be avoided.

Collector Street. A street intended to provide access to nonresidential land uses, collect traffic from local streets, and convey traffic to higher levels of streets and highways. See *Street, Collector.*

Collector, Residential. A street intended to gather traffic from local residential streets and convey it to higher levels streets. It is found only in residential areas or developments, serves more than 240 dwelling units, and is not intended to serve individual residential lots. See *Street, Residential Collector.*

Commencement of Construction. Commencement of construction means that a building permit or other written permit required to be issued by the Department has been issued and work has commenced under such permit which is recognizable upon an inspection of the property. The work is also of a nature and character that reflects a good faith intention to continue the work until completion. Examples include the clearing of rights-of-ways, rough-grading of the roadway, the installation of a drainage system or stormwater management facilities, and the placement and active maintenance of erosion and sediment control measures.

Commercial Sign. See *Sign, Commercial.*

Common Facilities. Common facilities refers to all private open spaces designated on the record plan, and also any common areas or common amenities that may be depicted on the record plan including, but not limited to, streets, unless accepted for dedication by the County or SCDOT, curbs, sidewalk, storm water management facilities, including recharge systems, parks, recreational facilities, fire hydrants, landscaping, parking areas, rights-of-way, easements, monuments and markers, and all improvements located thereon.

Common Parking. Any parking area shared by occupants of two or more dwelling units.

Common Land. That land set aside for open space, including stormwater retention lakes, ponds or recreational use areas for the owners of lots in a subdivision, which land is conveyed in trust for the benefit, use and enjoyment of the lot owners.

Community Facilities. Facilities and services required to serve new development, including but not limited to:

1. roads, streets, highways, bridges and public transportation facilities;
2. water supply production, treatment and distribution facilities;
3. sewage collection, treatment and disposal facilities;
4. drainage facilities;
5. parks, open space and recreation facilities;
6. public primary and secondary schools;
7. police protection services;
8. fire and paramedic services;
9. libraries.

Communication tower. A tower structure used for transmitting a broadcast signal or for receiving a broadcast signal (or other signal) for retransmission. A communication tower does not include "ham" radio transmission antenna.

Comprehensive Amendment. Any map amendment affecting all land in a district, or any change in a map affecting more than 100 lots or parcels of land.

Condominium. A multi-family dwelling, or single-family detached or attached dwelling, governed by the *(add applicable S. C. condo statute)*

Conical Zone. An area extending outward and upward from the periphery of the Inner Horizontal Zone at a slope of 20:1 for 7,000 feet.

Conservation. The planned management of a natural feature to prevent its exploitation, destruction, or neglect.

Conservation Easement. A portion of a lot that is covered by an easement, running in favor of the County, or a non-profit agency providing that such land shall be left in a natural state or open space access easement. The area of the lot, exclusive of the easement, shall meet the minimum lot area requirements of Article 04.

Constructed Wetland. A low-lying area artificially created by dredging, damming, or leveeing of earth for the retention of water, and the establishment of a hydrophytic vegetative community.

Construction Buffer. A specific separation distance that serves to absorb the impact of land disturbing activities and protect a designated resource area.

Construct or Construction. The erection of a new building, structure, or object upon a site.

Contiguous. Land that abuts other land or lands, that are separated only by streets, ways, pipelines, electric power lines, conduits or rights-of-way, owned in fee or less than fee, by third parties.

Contributing Building, Structure, Site or Object. A building, structure, site, or object within a historic district that reflects the historical or architectural character of the district.

Conversion, Building or Use. The process by which the original use of a building or land is changed to a different use. See also *Addition* and *Structural Alteration.*

Copy, Changeable. A sign message where the copy may be changed, manually or electrically.

Copy area. Includes the entire sign area, excluding trim, moldings, battens, cappings, and nailing strips.

Corridor Review. A discretionary review by one of two Corridor Review Boards of the design of all non-exempt land developments impacting designated highway corridors within Beaufort County. Compatibility and aesthetic issues are considered in regard to a project's fit with local community character. See Articles 03, 11, 20 and 21.

Cut-off. The point at which all light rays emitted by a lamp, light source, or luminaire are intercepted by a shield preventing their continuation. For signs, the term *cut-off* simply refers to the use of shields to direct the light so light rays shine exclusively on the sign.

Cut-off Angle. The angle, formed by a line drawn from the light source to the ground, and a line perpendicular to the ground from the light source, above which no light is emitted.

Cut-off-type Luminaire. An outdoor lighting fixture, or luminaire, with shields, reflectors, or refractor panels which direct and cut off the light at an angle that is less than 90 degrees. See Figure 14.620.

Cutout. An appendage to a sign extending outside of the regular square or rectangular sign area. The area of a cutout shall not exceed 10% of the sign area. Cutouts shall be included in sign area calculations for the purposes of this Chapter.

Day-Night Level (Ldn). A basic measure for quantifying noise exposure. The A-weighted sound level energy average over a 24-hour time period, with a 10 decibel penalty applied to night-time (10:00 P.M. to 7:00 A.M.) sound levels.

Days. Working days, unless otherwise noted.

Decibel. A unit of measure describing the loudness of sound. Decibel is denoted as "dB", and is logarithmic in which a change of 10 indicates a doubling of intensity.

Dedication. The transfer of private property to public or common ownership for a public purpose. The transfer may be in fee simple interest, or less than fee simple interest, including easements. Dedication requires the acceptance of the interest to be complete.

Demolish. Demolition or demolish means the razing or destruction, whether entirely or in significant part, of a building, structure, site, or object. Demolition includes the removal of a building, structure, or object from its site, the removal or destruction of the facade or surface, or the alteration to such an extent that repair is not feasible or is so costly so as to be prohibitive, rendering the property unfit for use. Demolition shall also include demolition by neglect as defined in this Ordinance.

Demolition by Neglect. A term applied to historic structures meaning the failure to provide ordinary and necessary maintenance and repair to a building, structure or object designated as historic which results in any of the conditions in this section. Demolition can occur by ordinary negligence or willful neglect, purpose or design.

1. The deterioration of the exterior features so as to create or permit a hazardous or unsafe condition to exist.

2. The deterioration of exterior walls, roofs, chimney, windows, the lack of adequate waterproofing, or deterioration of interior features or foundations which will or could result in permanent damage or loss of exterior features.

Density. The average number of dwelling units allowed on an acre of land. It may also measure the families, housing units, rental rooms, or persons. For example, Figure 23.306 shows two types of land uses on an acre of land. The first shows a density of three homes per acre. The second shows a density of 20 apartment units per acre.

Density, Gross (GD). The total number of dwelling units on a site divided by the base site area, Figure 23.307.

Density, Net (ND). The number of units per net buildable area of the site, Figure 23.307.

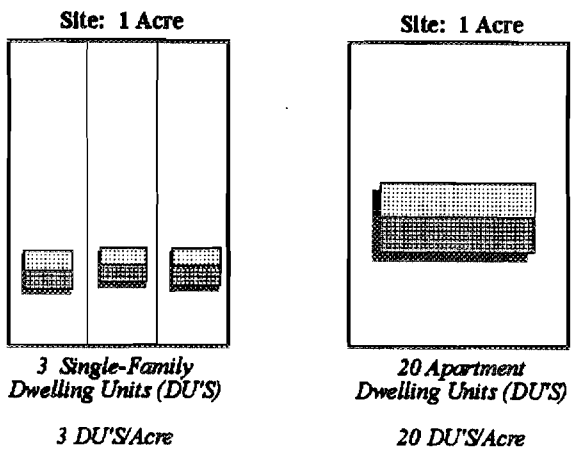
Design Storm Frequencies. Time interval, in years, at which a storm occurrence has a chance to exceed or equal the storm of specific duration and intensity used in design of drainage facilities.

Detached Sign. A detached sign is any sign that is not attached to a building in any manner and is structurally free-standing.

Detention/Retention Basin. A natural or man-made structure designed as a wet or dry temporary holding basin for water. Water may be detained to minimize flooding downstream, or retained to increase aquifer recharge.

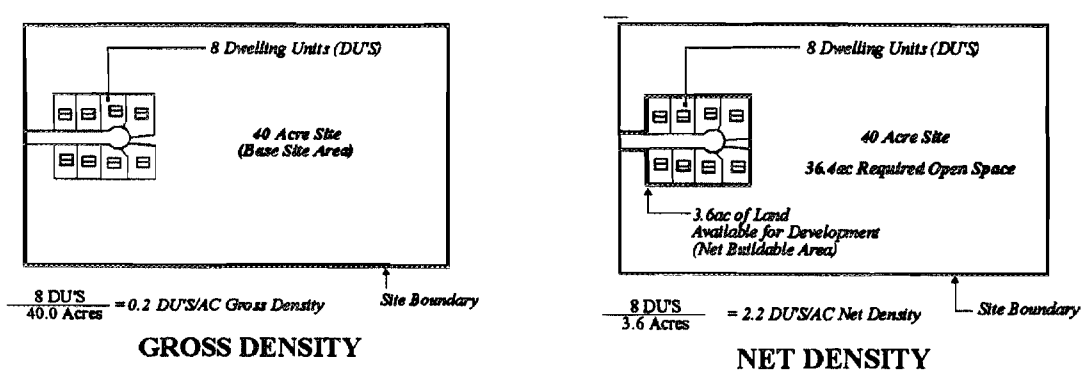
Developable Land. All land within the boundaries of any tract proposed for development except for land which is located within the existing rights-of-way of any public or private road or any overhead utility line, floodplains, including land continuously covered with water, wetlands and prohibitive steep slopes.

Figure 23.306



DENSITY

Figure 23.307



Developer. A person seeking to build or develop as defined in this Ordinance.

Development. Any action covered by Division 01.400.

Development Agreement. A properly executed and legally binding contract between the developer of a parcel of land and Beaufort County to proceed with development as noted therein.

Diameter at Breast Height (DBH). A measurement of the size of tree equal to the diameter of its trunk measured four and one-half (4.5) feet above the adjacent natural grade. See also *Caliper*.

Dilapidated Sign. A dilapidated sign is any sign which is insecure or otherwise structurally unsound, has defective parts, or is in need of painting or maintenance.

Directional Sign. A directional sign is an off-premise sign the content of which is limited exclusively to the identification of a use or occupancy located elsewhere and which tells the location of or route to such use or occupancy.

Disposal Field. A system of open jointed or perforated pipes laid in the upper strata of the soil to distribute sewage effluent into the soil for absorption and vaporization.

Domestic Animals. The normal farm animals and house pets. Wild animals, birds, reptiles or other species are expressly excluded.

Dormitory. A building with many rooms providing sleeping and living accommodations for a number of usually unrelated persons; usually associated with an educational institution.

Drainage. The process by which surface water (usually from rainfall) moves across the land surface. See *Stormwater Management.*

Drainage Areas. The delineated areas that currently contribute or are proposed to contribute runoff to a specific location or point.

Drainage Facility. Any system of artificially constructed drains, including open channels and separate stormwater sewers, used to convey storm-, surface-, or groundwater, either continuously or intermittently, to natural water courses.

Drip Line. A generally circular line, the circumference of which is determined by the outer reaches of a tree's widest branching points.

Driveway. A private access way, primarily for vehicles, leading from a street to a parking or loading area.

Dry waste. Includes clean fill, plastics, lumber, trees, stumps, vegetative matter, asphalt pavement, asphaltic products incidental to construction/demolition debris, or other materials which have reduced potential for environmental degradation and leachate production.

Duplex. A form of multifamily dwelling with no more than two units per structure, located on different floors. See Figure 11.200.

Dwelling. A building, or portion thereof, used as a place of residence, containing sleeping, cooking, and sanitary facilities, excluding commercial lodging facilities.

Dwelling, Attached. Two or more dwelling units in a single structure or attached structures, each of which could have a single lot, which are separated from each other by a dividing wall. Such units may be side-by-side, back-to-back or both. This includes twin houses, atrium houses, weak-link town houses, and town houses.

Dwelling, Multiple Family. A structure containing more than one (1) dwelling unit with either direct access to the outside, or through a common hallway, with a separate kitchen facility and living quarters in each unit.

Dwelling, Single-Family Detached. A dwelling unit, including a manufactured home, designed for and occupied by not more than one (1) family and having no roof, wall or floor in common with any other dwelling unit.

Dwelling Unit. One (1) or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one (1) family with separate facilities for all of the following: sanitation, living, sleeping, cooking and eating.

Easements. Any portion of a parcel subject to an agreement between the property owner and another party which grants the other party the right to make limited use of that portion of the property for a specified purpose. For example, a property owner may give or be compensated for a small portion of his property to allow installation of power lines or pipelines or to allow access to another property. See *Conservation Easement.*

Elderly. A person who meets the criteria set forth in the Federal Older Americans Act of 1965, as amended.

Elevation Certificate. A FEMA form to be completed by a professional engineer or surveyor to document the elevation of the lowest floor, including basement, of all new and substantially improved structures.

Endangered Species Areas. These are areas where endangered species exist in the County. The Department will check for known sites upon a request for a landowner. Other sites could be identified during the planning for a property; such sites will also qualify.

End Use Plan. A combination of drawings and narratives which explain how the completed project or use will have affected the subject site. This includes, but is not limited to, reclamation plans, mitigation procedures, landscaping plans, etc.

Engineer, Professional. An individual technically and legally qualified to practice the profession of civil engineering and who is registered to do so in the State of South Carolina.

Erosion. The wearing away of soil or rock fragments by water, rain, wind or earth gravity.

Essential Access. An access that must cross a resource restricted area, such as a wetland or waterbody, to reach an area of the site that is otherwise buildable, and would result in damage to the restricted resource.

Expressway. A limited access highway, in which all intersections are grade separated, designed to carry regional traffic.

Exterior Architectural Features. The architectural style, general design and general arrangement of the exterior of a historic resource, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the foregoing, in addition to any interior features that are a visible component of the exterior appearance of the resource.

Exterior Features. The architectural style, design and general arrangement of the exterior of a building, structure or object, including the color, nature and texture of building materials, and the type of style of all windows, doors, light fixtures, signs or other similar items found on or related to the exterior of a building, structure or object.

Exterior Environmental Features. Those aspects of the landscape or the development of a site which affect the historical character of the property.

Exterior Storage. Outdoor storage of fuel, raw materials, products, equipment and other materials used in commercial, office or industrial activities. Exterior storage includes all building materials, waste or scrap materials stored outdoors. Truck trailers held on the site for more than one (1) night storing materials or awaiting pick-up shall be considered exterior storage. In the case of truck

terminals, exterior storage includes all trucks, truck beds and truck trailers that are not involved in active loading.

Facade. The elevational surface of a building. See *Building Front*

Family. Any number of individuals legally related through blood, marriage, adoption or guardianship, including individuals placed for foster care by an authorized agency, or up to four unrelated individuals living and cooking together and functioning as a single housekeeping unit using certain rooms and housekeeping facilities in common. Fraternities, sororities, group homes, and other social or institutional residential units are excluded.

Family Compound. Form of traditional rural development which provides affordable housing for family members allowing additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years.

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.

Farm. The land, buildings, structures and machinery which are primarily adapted and used for agricultural purposes.

Fascia. A band located at the top edge of a building but below the actual roofline and above the building wall. Fascia material is often of a different type than either the actual roof or the building wall.

Filling. The depositing on land, whether submerged or not, of sand, gravel, earth or other materials. Biodegradable materials and other materials subject to decomposition or significant settling (such as garbage and other organic matter) shall not be considered filling.

Fire flows. The quantity of water available for fire fighting in a given area, calculated in addition to the normal water consumption in the area.

Fish Farming. The cultivation and/or production of seafood products including fish, crustaceans, mollusks and aquatic plants for market and/or consumption. "Fish farming" is a form of aquiculture devoted to the production of seafood products intended for human consumption.

Flag Lot. See *Lot, Flag.*

Flashing sign. A flashing sign is any lighted or electrical sign which emits light in sudden transitory bursts. On/off time and temperature signs and message boards are not considered flashing signals for the purpose of this Ordinance.

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

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.

Floodproofing Certificate. A FEMA form to be completed by a professional engineer or surveyor to certify that a floodproofed non-residential building has been constructed in accordance with NFIP requirements.

Flood Protection Elevation. A point one (1) feet above the water surface elevation of the 100 year flood.

Floor Area, Gross. The sum of the total horizontal areas of every floor of every building on a lot. The measurement of gross floor area shall be computed by applying the following criteria:

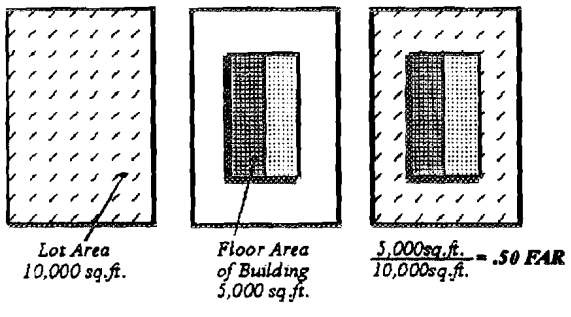
A. The horizontal square footage is measured from the outside face of all exterior walls.

B. Cellars, basements, penthouses, attics, covered or uncovered porches, balconies and decks, enclosed storage or mechanical areas, mezzanines and similar structures shall be included as GFA wherever at least seven feet are provided between the finished floor and the ceiling.

C. No deduction shall apply for horizontal areas void of actual floor space, for example, elevator shafts and stairwells. The protected upper floors of open atriums and foyers shall not be included.

Floor Area Ratio (FAR). A measure of the allowable size of a building area on a lot compared to the size of the lot. FAR gives developers flexibility in deciding whether to construct a low building covering most of the lot or a tall building covering only a small part of the lot, as long as the total allowable floor area coverage is not exceeded. See Figure 23.308.

Figure 23.308



FLOOR AREA RATIO (FAR)

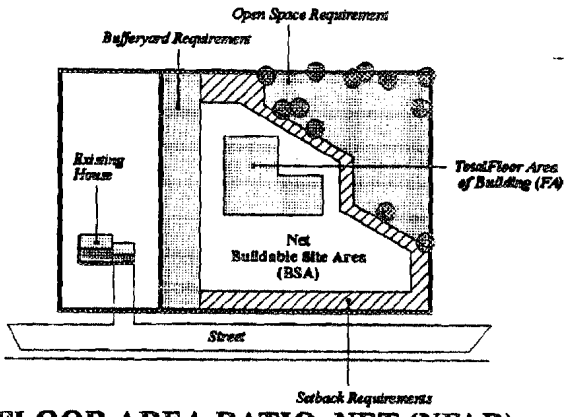
Floor Area Ratio, Gross (GFAR). The gross floor area of a building or structure divided by the base site area.

Floor Area Ratio, Net (NFAR). The gross floor area of a building or structure divided by the net buildable site area. See Figure 23.309.

Footcandle. A unit measuring the amount of illumination produced on a surface. One (1) footcandle is the amount of illumination falling on all points which are one (1) foot from a uniform point source of one (1) candle.

Forest. An area covered by a canopy of woody plants (trees) that qualifies as mature and/or young. It may also be a woodland, woodlot, grove, or stand of trees meeting the specifications of the forest type.

Figure 23.309



FLOOR AREA RATIO, NET (NFAR)
FA/BSA=NFAR

Forest, Maritime. An area or stand of trees whose total combined canopy covers an area of one (1) acre or more composed of canopies of trees having a DBH of at least 18 inches or greater covering at least 75% of that area. Also, any stand or grove consisting of eight or more individual trees having a DBH of at least 18 inches whose combined canopies cover at least 50% of the area encompassed by the grove. This forest type is also known as the South Atlantic Inland Maritime Forest and is characterized by a canopy dominated by Live Oak, Swamp Laurel Oak, Southern Magnolia, and Cabbage Palm.

Forest, Mixed Upland Mature. An area or stand of trees whose total combined canopy covers an area of one (1) acre or more composed of canopies of trees having a DBH of at least 18 inches or greater covering at least 75% of that area. Also, any stand or grove consisting of eight or more individual trees having a DBH of at least 18 inches whose combined canopies cover at least 50% of the area encompassed by the grove. This forest type is characterized as being Southern Mixed Hardwood, Beach-Magnolia Hammock, or Mesic Oak-Hickory communities.

Forest, Mixed Upland Young. An area or stand of trees whose total combined canopy covers an area of one (1) acre or more, with canopy trees having a DBH of six inches and covering at least 60% of the area. However, no trees kept or grown for commercial purposes shall be considered a young forest. This forest type is characterized as being Southern Mixed Hardwood, Beach-Magnolia Hammock, or Mesic Oak-Hickory communities.

Forest, Pine. An area or stand of trees whose total combined canopy covers an area of one (1) acre or more composed of canopies of trees having a DBH of at least 16 inches or greater covering at least 75% of that area. Also, any stand or grove consisting of eight or more individual trees having a DBH of at least 18 inches whose combined canopies cover at least 50% of the area encompassed by the grove. This forest type includes the following natural communities: Pine Flatwoods (Southeastern Coastal Plain Subxeric Longleaf Pine), Spruce-Pine-Mixed Hardwood, and Pine-Saw Palmetto Flatwoods. Pine Plantations are not included.

Forester. A person trained in forestry, botany, biology, or ecology and possessing at least a Bachelors Degree in forestry or closely related field.

Forest Management Practices. That combination of generally accepted methods for preserving, promoting and protecting silviculture, which may include selective cutting, burning and removal of trees.

Former Code. The Beaufort County Zoning Ordinance in existence as of March, 1990, prior to the adoption of this Ordinance.

Freeboard. Vertical elevation between design high water level and the top of bank.

Front Lot Line. See *Lot Line.*

Garage, Private. A garage accessory to a principal building, used for storage purposes only, and in which no business, service or industry is conducted.

Garage, Public. A garage available to the public for free or fee.

Garden Apartments. See Apartment.

Grade. The natural level of the ground adjoining the object whose height is to be measured. Where grade refers to a street or road, it is the existing grade at that point.

Grading. The excavating, filling (including hydraulic fill) or stockpiling of earth materials, or any combination thereof, including the land in its excavated or filled condition.

Gross Area. The total land and water surface area contained within the boundaries of a lot or tract.

Gross Floor Area. See *Floor Area, Gross.*

Groundcover. Any perennial evergreen plant material species that generally does not exceed twelve inches in height and covers 100% of the ground all year.

Ground Sign. See *Sign, Ground.*

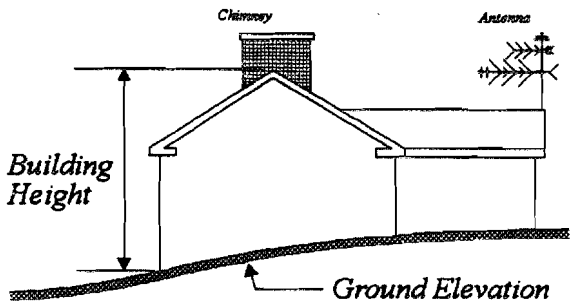
Groundwater. A portion of the subsurface water that occurs beneath the water table in soils and geologic formations that are fully saturated.

Hazardous Substance. Any substance as found in 40 CFR 116, Designation of Hazardous Substances.

Headwaters Buffer. Reserved.

Height, Building. The maximum height of a building permitted on a lot. Building height is determined from the vertical distance as measured from the lowest ground elevation on the building to the highest point on the building, excluding chimneys and antenna. See Figure 23.310 and Table 04.110.

Figure 23.310



BUILDING HEIGHT

Height, Sign. The vertical distance measured from the highest of the adjacent sidewalk grade, adjacent street grade, or upper surface of the street curb to the highest point of the sign. Elevated roadways shall not be used to measure sign height.

Health Hazard. A classification of a chemical for which there is statistically significant evidence based on a generally accepted study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed persons.

Highway. Any road thoroughfare, street, boulevard, lane, court, railway, right-of-way or easement used for, or laid out and intended for, public passage of vehicles or persons.

Historic buildings or sites. Those buildings or sites listed on the National Register of Historic Places, or in State or local historic listings.

Historic District. A district possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development as designated by Beaufort County, upon recommendation of the Historic Preservation Review Board, and pursuant to the provisions of this Ordinance.

Historic Object. The term "object" is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment.

Historic Resource. Any building, structure, object, landscape element (for example, groves or allee), site or historic district that is important historically, architecturally or archaeologically in the history of the County, the State or the Nation. These may be determined by the following criteria:

1. Listed in or determined to be eligible for the National Register of Historic Places as provided in the National Historic Preservation Act of 1966, 16 USC 470. Historic resource may be listed individually or as part of a district;

2. Designated or determined to be eligible for designation as a Historic Overlay District according to the provisions of this Ordinance.

Historic Resource. Any place (including an archaeological site or the location of a significant historical event), building, structure, work of art, fixture or similar object that has been individually designated by the Beaufort County Council or designated as a contributing property within a historic district.

Historic Site. The location of a significant event, a prehistoric or historic occupation or activity, of a building or structure, whether standing, ruined or vanished, where the location itself maintains historical, cultural or archaeological value regardless of the value of any existing structure. Four (4) types of sites are regulated. See Division 08.100.

Historic Structure. The term "structure" is used to distinguish buildings whose function and constructions are usually for purposes other than creating human shelter.

Home Occupation. See Table 03.110.

Homebuyer. Homebuyer shall mean and refer to any person whose intent is to accept a deed to a lot or dwelling unit.

Homeowner. Homeowner shall mean and refer to those individuals who accept a deed to a lot or dwelling unit.

Hydraulically Critical Areas. Locations where the design high water level may exceed the top of bank, or overtop a catch basin or facility, causing flooding conditions.

Hydric Soils. Soils which in their natural, undrained state are wet frequently enough at or near the surface to periodically produce anaerobic conditions, thereby influencing plant species composition and/or growth.

Hydrophytic Vegetation. Those plants which are adapted to life in saturated soil conditions.

Illuminated sign. An illuminated sign is any sign which is directly lighted by an electrical source, internal or external.

Impact Statement. A statement containing an analysis of a project's potential impact on the surrounding communities in terms of environment, traffic, aesthetics, schools, public services, and/or municipal costs and revenues, as well as comments on how the project fits into the Comprehensive Plan.

Impervious Surface Ratio (ISR). The proportion of a development that is impervious surface. It is determined by dividing the area in impervious surface by the base site area.

Impervious Surfaces. Areas that do not allow significant amounts of water to penetrate.

Infiltration. The passage or movement of water through the soil profile.

Infrastructure. (Reserved)

Intermittent Stream. A channel with banks and a bed within which concentrated water flows some of the time.

Intensity. The degree to which land is allowed to be used for development. See *Density* and *Floor Area Ratio*.

Interpretation. An administrative decision regarding the general provisions of this Ordinance to specific cases.

Land Banking. The reservation of land for future use, such as parking, that will be landscaped. Such area shall not count towards the minimum required open space.

Land Development, Major. A plan, that proposes one (1) or more of the following:

1. Building(s) of 20,000 sf. GFA or more on an undeveloped site, or additions of 20,000 sf.or 30% or more of the original building and which result in a building in excess of 20,000 sf.

2. Apartment or multi-family development of 10 dwelling units or more.

3. A new street.

Land Development, Minor. A plan, not involving a new street, that proposes one (1) or more of the following:

1. Building(s) less than 20,000 sf. GFA on an undeveloped site.

2. Apartment or multi-family development of less than 10 dwelling units.

Land Grading. See *Grading*.

Land, Improved. Vacant land which has been provided with power, water, sewage, streets and sidewalks, and other infrastructure.

Landowner. The holder of legal title to the land as recorded in the Register of Deeds.

Landscape Architect. An individual registered by the State of South Carolina to practice the profession of landscape architecture.

Landscape Plan. A plan associated with a subdivision, land development or parking facility plan indicating the placement of trees, shrubs, ground cover and affiliated structures and improvements, including specifications, species, quantities and installation as prepared by a Landscape Architect.

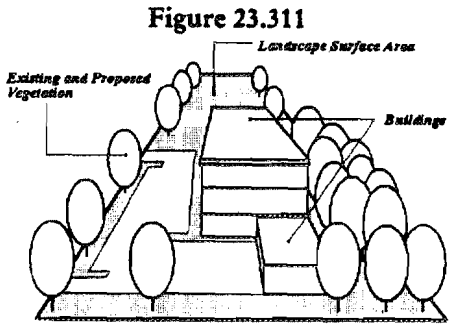
Landscape Surface Area. Surface area of land not covered by any buildings, storage areas, or impervious surface. These areas shall be maintained as lawn or a natural area and may be left undisturbed. See Figure 23.311.

Landscape Surface Ratio (LSR). The area of landscaped surface divided by the base site area.

Landscaping. The design and installation of plant material such as lawns, groundcover, trees, bushes, etc., in formal, informal, or natural arrangements.

Leachable Wastes. Waste materials including, without limitation, solids, sewage sludge and agricultural residue which may release water-borne contaminants to the surrounding environment.

Figure 23.311



LANDSCAPE SURFACE AREA

Leachate. Liquid that has passed through, contacted or emerged from dry waste and contains dissolved, suspended or miscible materials, chemicals and microbial waste products removed from the dry waste.

Legal conforming. A status conferred on a use that has been built or created in conformance with the provisions of this Ordinance.

Legal nonconforming structure. A building or structure lawfully constructed with a building permit prior to the effective date of this Ordinance, or any amendment thereto, which does not comply with the applicable bulk regulations of the zoning district in which it is located.

Legal nonconforming use. A use lawfully established prior to the effective date of the Ordinance, or any amendment thereto, with appropriate building permits and/or business licenses, which does not conform to the use regulations of the zoning district in which it is located.

Loading Space. A durably paved, properly designed for drainage, off-street space used for the loading and unloading of vehicles, except passenger vehicles in connection with the use of the property on which such space is located.

Local Street. A street that provides access to individual land uses.

Local Residential Access Street. A street that provides access to individual residential lots.

Lot. A parcel of land whose boundaries have been established by a legal instrument such as a court order or a recorded plot which is recognized as a separate legal entity for purposes of transfer of title.

Lot Area. The area of a lot taken at its perimeter exclusive of any portion within a public or private street right-of-way, or any conservation or open space easement.

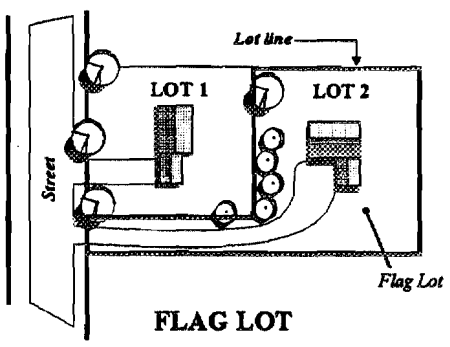
Lot Coverage. That portion of the lot area that is covered by buildings.

Lot of Record, Legal. A valid, approved existing lot as of the adoption date of this Ordinance.

Lot, Depth of. The average depth measured in the mean direction of the side lot lines from the front street line to the rear lot line. The rear line shall be deemed to be not farther back than a line drawn parallel with the front street line, entirely on the lot, and not less than 10 feet long.

Lot, Flag. A tract of land having insufficient lot width along a road or at the minimum setback line to meet Article 04 requirements but with sufficient area to meet all lot requirements further back on the lot.The area to the rear shall meet minimum lot area requirements. See Figure 23.312.

Figure 23.312



FLAG LOT

Lot Line. A line, including property line or a lease line, dividing one (1) lot from another or from a street or other public place. There are basically four types of lot lines: front, rear, side, and street. See Figure 23.313.

1. Front lot line. The street lot line from which the unit takes access; or where more than one (1) street yard could safely provide this access, the street serving the smallest traffic volume.

2. Rear lot line. The lot line opposite the front lot line.

3. Side lot line. The lot line that runs generally perpendicular or at angles to the street or any line that is not a front, street or rear lot line.

4. Street lot line. Any lot line that is also a street right-of-way line.

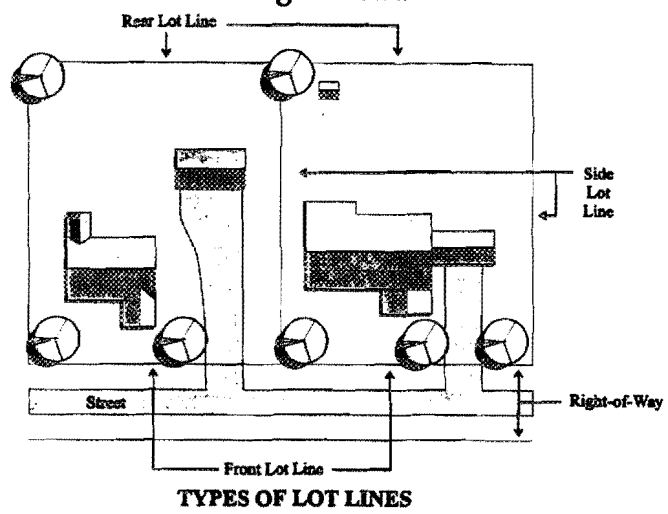
Lot-Line House. A dwelling type consisting of a single-family, fully detached residence located on an individual lot with only one (1) side yard (see Figure 11.200). No windows are permitted on the zero lot-line wall of the house. The zero lot-line may be achieved by:

1. Placing the house on a side lot line and providing a maintenance easement six feet wide on the adjoining lot; or,

2. Locating the house so as to provides two side yards, one (1) of which shall be a six foot side yard with a use easement for the neighboring property.

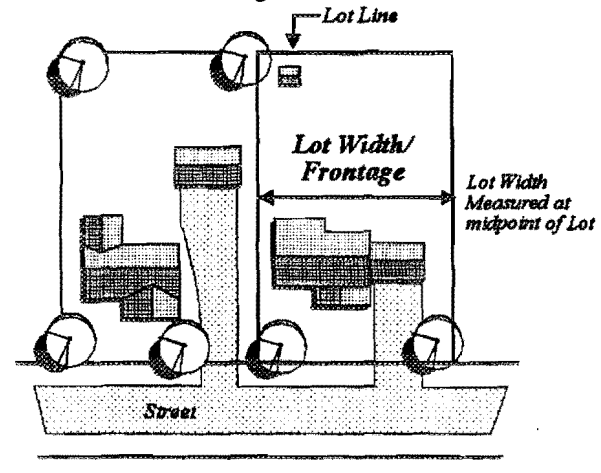
Lot Width. The distance across the lot (side lot line to side lot line) at the minimum front setback line or at the midpoint of the buildable area, whichever is less. Lot width is also the measure of frontage for lots (for signs, see *Frontage*). See Figure 23.314.

Figure 23.313



TYPES OF LOT LINES

Figure 23.314



LOT WIDTH/FRONTAGE

Lower Power Radio Services Facility or Wireless Telecommunications Facility. An unmanned structure which consists of equipment used primarily for the transmission, reception or transfer of voice or data through radio wave or (wireless) transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached. Low power radio services facilities include "cellular" or "PCS" (personal communications system) communications and paging systems.

Lowest Floor. The lowest habitable floor of the lowest enclosed area, including basement intended for human occupancy, excluding storage, mechanical and parking.

Luminaire. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts ready to be mounted on pole or other location.

Luminaire, Cut-off-type. See *Cut-off-type Luminaire.*

Maintenance Guarantee. A guarantee of facilities or work to ensure the correction of any failures of any improvements required pursuant to this Ordinance, or to maintain same.

Major Change. A change to the plan that increases density or floor area, decreases open space, bufferyards, or parking, or which alters the alignment or layout of streets by more than five feet. For conditional approvals granted prior to the adoption of this Ordinance, any use proposed not contained in the original advertisement shall be considered a major change.

Major Collector Street. A street intended to gather traffic from local non-residential access streets and convey it to higher level streets. Note this street does not serve individual non-residential lots. Located in non-residential areas or developments, this street type collects and moves a high volume of traffic from local non-residential access streets.

Manufactured Home. A one (1) family dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it was built in compliance with the County building code or the Federal Manufactured Housing Construction and Safety Code. The following shall apply:

1. It has a minimum of 750 sf. of floor area. Units consisting of 560 sf. of floor area are permitted when the only occupant is an elderly or handicapped person.

2. It has a minimum width along any exterior front, side and rear elevation of 12 feet, exclusive of any garage area. If applicable, it shall be multiple transportation sections at least 10 feet wide unless transportable in three or more sections, in which case only one section need be 10 feet wide.

3. It is permanently mounted on a solid foundation or pier foundation system and anchored, or complies with State law at 23 S.C. Code Ann. Regs § 19-425.43 (Supp. 1998).

4. All wheels, axles, transportation lights and removable towing apparatus, if any, shall be removed from the dwelling when it is placed on the foundation in accordance with subSection C of this section.

5. All utilities shall be permanently connected in accordance with the county plumbing and mechanical codes.

6. It has a storage area either in the living area, in an attic area, in a closet area, in an attached or detached garage or an enclosed structure constructed on a permanent foundation and having an area of at least 80 sf. or any combination thereof. The total storage area must not be less than 10% of the gross floor area of the dwelling unit.

7. It shall have a weather-resistant exterior covering material consistent with State law at 23 S.C. Code Ann Regs. § 19-425.43 (Supp. 1998).

8. The siding of all dwellings shall be continuous so as to enclose any joining of two or more sections.

9. It complies with all other pertinent sections of the building and housing codes of the County, and the fire and health codes of the State.

Mariculture. The cultivation and/or production of seafood products including fish, crustaceans, mollusks and seaweed in marine or brackish water for purposes which are typical to other forms of aquiculture. "Mariculture" is a form of aquiculture executed in sea water or brackish water.

Marina. A facility for storing, servicing, fueling, berthing, securing and launching private boats. It may include supporting facilities and services.

Marquee. A hood, awning or permanent roof type construction which projects from the wall of a building above an entrance for movie theaters and similar uses.

Maximum Aggregate. The total of the sign area of all signs located on a parcel..

Maximum Permitted Illumination. The most illumination, measured in foot-candles, that is allowed at the interior lot line or bufferyard line, if a bufferyard is required, at ground level.

Mean Surface Water Elevation. The observed limit of dry weather flow elevation in a watercourse or mean high water level in tidal areas.

Minimize. To reduce to the smallest amount possible using BMPs. "Minimize" shall not mean complete elimination, but shall require that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect of the action required to be minimized. With respect to activities, the conduct of which is adverse to the conservation of the natural features of land, the requirement to "minimize" shall include but not be limited to the requirement that the placement of dwellings and other structures and the locations of roads, sedimentation and erosion control devices, and earthmoving activities shall be planned and designed so as to permit the adverse effect of the activity in question to be reduced to the smallest amount possible under the circumstances consistent with the otherwise permitted development.

Minor Change. A change or deviation to the plan that does not increase density or floor area, does not decrease open space, bufferyards or parking, or alter the alignment or layout of streets by more than five feet.

Minor Collector Street. A street intended to gather traffic from local non-residential access streets and convey it to higher level streets. *Note: This street does not serve individual non-residential lots.* Located in non-residential areas or developments, this street type collects and moves a low volume of traffic from local non-residential access streets.

Minor Deviation. See *Minor Change.*

Mitigation. Any action taken to lessen the specified undesirable impacts of a proposed land use or land disturbance activity, including those which would adversely affect the health or longevity of a natural feature, pose a visual intrusion or conflict, or otherwise be deemed incompatible with surrounding properties.

Mixed Use. See Table 03.110.

Mobile Home or Mobile Dwelling Unit. A transportable one (1) family dwelling larger than 320 sf., designed to be used as a year-round residence. This definition shall not include motor homes or recreational vehicles.

Monument. A stone or concrete boundary marker, as required by this Ordinance, intended to fix the physical location of property lines.

Motel. See Table 03.110.

Moving Message Board. A moving message board is an electrical sign having a continuous message flow across its face by utilization of lights forming various words.

Multi-family Dwelling. *See Dwelling, Multi-Family.*

Multiplex. A multiple-family building type. Units may have either private or shared access. The units may be arranged in a variety of configurations, including back-to-back, side-to-side or vertical. However, no fewer than two and no more than eight units shall be attached in any single building. A multiplex is permitted only in planned developments as provided in Articles 03 and 04. See Figure 11.200.

National Geodetic Vertical Datum (NGVD). Elevations referenced to mean sea level datum of the 1929 or 1988 U.S. Geological Survey.

National Register of Historic Places. The national list of districts, sites, buildings, structures and objects significant in American history, architecture, archeology, engineering, and culture, maintained by the Secretary of the Interior under authority of section 101(a)(1)(A) of the National Historic Preservation Act, as amended.

Native Ground Cover Plants. See *Appendix E Beaufort County - Native plants.*

Net Buildable Site Area. A calculated value, determined by the calculations specified in Article 05.

Non-commercial Sign. See *Sign, Non-commercial.*

Nonconforming Building. A building or structure, other than a sign, lawfully existing at the time this Ordinance or a subsequent amendment to this Ordinance became effective, which does not conform to the dimensional requirements of the district in which it is located.

Nonconforming Lot. A lot, legally established prior to the adoption of this Ordinance, which does not meet the standards of the district in which it is located. This can involve minimum area, buildable area, or dimensional requirements of the lot.

Nonconforming Sign. Any sign, erected or displayed prior to the adoption of this Ordinance or subsequent amendments thereto, which does not fully comply with the standards of this Ordinance.

Nonconforming Situation. A building/structure or the use of a lot or building/structure lawfully existing at the time this Ordinance or a subsequent amendment to this Ordinance became effective which does not conform to the dimensional and/or use requirements of the district in which it is located.

Nonconforming Use. A use of land or use of a building/structure lawfully existing at the time this Ordinance or a subsequent amendment to this Ordinance became effective which does not conform to the use requirements of the district in which it is located.

Notice of Disturbance. This shall indicate that the DRT (Limited Uses) or County Council has approved a disturbance of a certain acreage of natural resources. Each shall be listed along with the

acres involved. The notice shall contain an indication of resources that may be further disturbed or any areas where resources will have to be restored if the site is developed.

Off-premise sign. See *Sign, Off-premise.*

On-premise sign. See *Sign, On-premise.*

Open Space. Land area to be left undeveloped as part of a natural resource preservation, recreation, bufferyards, or other open space provision of this Ordinance. Open space excludes areas in lots, street rights-of-way, or parking. Private open space is designed and intended for common use and the enjoyment of the residents. Public open space is designed and intended for common use and the enjoyment of the residents of Beaufort County or the State.

Open Space Ratio (OSR). The proportion of a development required to be left in open space. It is determined by dividing the area in open space by the base site area. When applied to resource protection, the open space ratio shall mean that percentage of the resource feature to be protected and/or preserved in the total land area in that resource.

Open Storage. Goods, equipment or supplies held for safekeeping or eventual sale or distribution, not entirely within totally enclosed buildings. T-structures, lean-to-type structures or roofed-over, fenced-in areas shall not be considered totally enclosed buildings.

Outflow Hydrograph. Graphical representation of the runoff rate versus time for flow exiting a stormwater management facility.

Outfall point. A specific location, as defined by local topography, where stormwater runoff exits a specific land area.

Outparcel. A lot used for drainage, detention, agriculture or open space, with distinct boundaries, which shall not be used for residential or non-residential uses, that is created in the process of subdivision.

Overlay District. A district that is applied over other zoning districts and which may modify the permitted uses or intensity of use.

Owner. See *Landowner.*

Parcel. See *Lot.*

Park. An area reserved for recreational, educational or scenic purposes.

Parking Space. An area of land designated for the parking of motor vehicles and connected to a street or private accessory.

Parking Structure. A structure designed to accommodate vehicular parking spaces which are fully or partially enclosed or located on the deck surface of a building. This definition shall include parking garages, deck parking and underground or under-building parking areas.

Parkway. See *Right of Way.*

Passive Recreation. Recreational uses, areas or activities oriented to noncompetitive activities which either require no special equipment or are natural areas. Bicycle riding, hiking and bird watching are examples of passive recreation activities.

Patio House. A dwelling type that is a detached or semi-detached unit (i.e. attached by a common wall to another dwelling unit) for a single family, with one (1) dwelling unit from ground to roof. Each dwelling unit's lot shall be fully enclosed by a wall located at the lot line, thus creating a private yard, referred to as a patio, between the house and the wall. A "minimum patio area" rather than setbacks is used to determine minimum yard area. All living spaces, such as living rooms, dens and bedrooms, shall face into the yard or patio. A patio house is permitted only in planned developments as provided in Articles 03, 04 and 11. See Figure 11.200.

Paved Area. See *Impervious Surfaces.*

Peak Hours or Peak Periods. In general, periods from 7:00 P.M. to 9:00 A.M. and from 4:00 A.M. to 6:00 P.M. on weekdays. A peak hour is a 60 minute period occurring within a peak period. Different peak hours may be established by the Department, based on type of development or traffic counts on a street.

Peak Flow. The time of greatest runoff concentration, the volume or velocity in cubic feet per second being discharged at a given point.

Pedestrian Precinct. A paved or largely paved area set aside for pedestrian circulation and providing a full range of pedestrian amenities. Amenities include seating areas and other street furniture, lighting, landscaping, fountains or water features, art or other appropriate amenities.

Pedestrian Way. A publicly or privately owned right-of-way or easement for pedestrian or bicycle use.

Pennants. See *Sign, Flag* and *Sign, Banner.*

Percolation Tests. See *Soil Borings and Percolation Tests.*

Perennial Stream. A channel with banks and a bed within which concentrated water flows all of the time.

Performance Guarantee. See *Surety.*

Performance standards. Standards which establish certain criteria which must be met on a site, but allow flexibility as to how those criteria can be met.

Pervious. A description of a surface that presents an opportunity for precipitation to infiltrate into the ground.

Phasing. The proposed order of development beginning with initial disturbance of a site, to completion and build-out.

Plan, Final. A complete subdivision or land development plan, including all required supplementary data, which defines property lines, proposed streets and other improvements, and easements; or a plan of private streets to be dedicated to public use.

Plan, Major Land Development. A plan depicting a major land development which may include the subdivision of land.

Plan, Minor Land Development. A plan depicting a minor land development which may include the subdivision of land.

Plan, Preliminary. A plan of a land development, including all required supplementary data, showing the approximate proposed street and lot or site layout including existing and proposed buildings and structures, setbacks, landscaping, parking, etc., as a basis for consideration by the DRT and the technical advisory committee prior to the preparation of a final plan.

Plan, Sketch. An informal plan indicating salient existing features of a tract and its surroundings, including the general layout of a proposed subdivision or land development.

Plans, Construction. The architectural or engineering drawings showing the construction details and the types of material for the physical structures and facilities, excluding dwelling units, to be installed in conjunction with the development of the project.

Planned Development. A form of cluster development and residential use type.

Planned Unit Development (PUD). A planned development approved by County Council before adoption of this Ordinance, which contains open space and which may contain one or more types of residential, commercial, industrial, and institutional uses.

Plat, Preliminary. A plan of a subdivision, including all required supplementary data, showing the approximate proposed street and lot or site layout, or a plan of existing private streets to be dedicated to public use, as a basis for consideration by the DRT and the technical advisory committee prior to the preparation of a final plan.

Plot. See *Parcel.*

Pole Sign. A sign erected above ground supported by poles or other stanchions and not attached to a building.

Portable Sign. Any sign which is not permanently affixed to a building, structure or the ground, or which is attached to a mobile vehicle.

Pre-development conditions. Those conditions which existed on a property before alteration, resulting from human activity, of the natural topography, vegetation and rate, volume or direction of surface or groundwater flow as indicated by the best available historical data.

Property Line. See *Lot Line.*

Primary Dune. The major front dune immediately behind the beach.

Principal Building or Use. The main use on a property in terms of size, area, and function. See *Accessory Building* or *Accessory Use.*

Public Improvement. Any improvement, facility or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as: streets, alleys, pedestrian

walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

Public Space within a Building. Spaces designed for use by the public, such as auditoriums, court rooms, lobbies, entrance halls, etc. These spaces are usually gathering places as opposed to corridors for public use.

Public Utilities. Publicly or investor owned or regulated entity which provides services to the general public utilities, e.g., water, sewer, telephone, solid waste, cable, gas and electric.

Public Water Supply Well. A well from which the water is used to serve a community water system by Section 14.230 (Public Water Systems) in the South Carolina State Regulations Governing Public Drinking Water Systems.

Rare Species. Endangered or threatened South Carolina or National species.

Rational Method. An engineering method of predicting peak runoff rates.

Receiving Streams. Those streams which are downstream from a development area which may be affected by changes in course, volume, quality or velocity of flow, due to construction or development activity.

Receiving Waters. Any waterbody, water course or wetland into which surface waters flow either naturally, in man-made ditches or in a closed conduit system.

Recharge Areas. The recharge water resource protection areas are designated as having the best potential for groundwater recharge. They were delineated using methodology described in a report prepared by the South Carolina Geological Survey entitled "Delineation of Ground-Water Recharge Resource Protection Areas in the Coastal Plain of Beaufort County, South Carolina," dated January 1993 ("recharge resource area").

Recreation, Active. See *Active Recreation.*

Recreation, Passive. See *Passive Recreation.*

Recreational Vehicle. A vehicle designed or used as living quarters for recreational, camping, vacation, or travel use, such as house trailers, travel trailers, trucks, trailers, pickup trucks and vans. For the purposes of this definition, a recreational vehicle shall not include trailers in excess of 28 feet in length or in excess of 4,500 pounds gross weight.

Reforestation. Replanting or planting of forest plant materials. Also includes planting in areas not originally forested for mitigation purposes.

Reserve Strip. A parcel of ground in separate ownership separating a street from other adjacent properties or from another street.

Residential Collector Street. A new street intended to gather traffic from local residential access streets and convey it to higher level streets. Note: This street does not serve individual residential lots. Located in residential areas or developments, this street type collects and moves the traffic from local residential access streets whose total dwelling unit count exceeds 240.

Residual Lot. The remaining lot from a Rural Subdivision, on which the landowner usually resides. This lot cannot be subdivided further.

Restoration. The reasonable rehabilitation of the affected land for useful purposes and the protection of the natural resources of the surrounding area, including surface water and groundwater.

Restricted Access (gated) Community. An intentionally designed, secured bounded area with designated and landscaped perimeters, usually walled or fenced, that are designed to prevent penetration by non-residents. For purposes of this Ordinance, restrictions on gated communities apply to communities of more than 50 units.

Retaining Wall. A wall or similar structural devise used at a grade change to hold the soil on the up-hill side from slumping, sliding, or falling.

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

Reverse Frontage Lot. A lot extending between and having frontage on two generally parallel streets.

Rezoning. An amendment to the Zoning Map.

Right of Way. An area of land not on a lot that is dedicated for public or private use to accommodate a transportation system and necessary public utility infrastructure (including, but not limited to, water lines, sewer lines, power lines and gas lines.) In no case shall a right-of-way be construed to mean an easement.

River Buffer. This is a buffer along all tidal waters or tidal wetlands. It extends inland 50 feet from the OCRM Critical Line.

Road, Arterial. See *Street, Arterial.*

Road, Collector. See *Street, Collector.*

Road, Local. See *Local Residential Access Street* or *Local Nonresidential Access Street.*

Road, Major Collector. See *Major Collector Street.*

Road, Minor Collector. See *Minor Collector Street.*

Roadway. The portion of a highway including the cartway and shoulders within a right-of-way.

Roof Sign. A roof sign is a sign which is located upon or over the roof of a structure.

Roofline. The top of a roof or building parapet, excluding any cupolas, pylons, chimneys, or other minor projections.

Rookery. An area used by colonial water birds for nesting and rearing their young.

Rotating Sign. A rotating sign is any sign which revolves around one or more fixed areas.

Runoff. The rainfall, snowmelt, or irrigation water flowing that has not evaporated or infiltrated into the soil, but flows over the ground surface.

Sanitary Sewage. Any liquid discharge from a structure or animal containment area, except roof drains.

Sanitary Sewage Disposal, Community. A sanitary sewage collection system in which sewage is carried from individual lots, by a system of pipes, to a temporary central treatment and disposal plant, generally serving a neighborhood area.

Sanitary Sewage Disposal, On-lot. A system in which sanitary sewage and wastewater is collected from a single use or dwelling unit, by a system of pipes, and carried to a septic tank and tile disposal field located within the boundaries of an individual lot.

Sanitary Sewage Disposal, Public. A system in which sanitary sewage and wastewater is collected from multiple uses or dwelling units, by a system of pipes, and carried to a central disposal facility, generally serving a region.

Sanitary Sewer Line. A sanitary sewer collection system in which sewage is carried from individual lots, by a system of pipes, to a central treatment and disposal plant, or to other pipes, that run to a central treatment and disposal plant.

Sanitary Sewer System. A central treatment and disposal plant and related systems and pipes, including, but not limited to, sanitary sewer lines.

Screen, Visual. A physical device and/or landscaping, such as berms, walls or hedges, used to hide or conceal a use or structure from sight.

SCS Method. A method of estimating runoff and peak discharges in a watershed, including Technical Release 20 and Technical Release 55, promulgated by the U.S. Department of Agriculture.

Secondary Containment. A system installed to prevent any volume of a substance released from the primary containment tank from reaching the soils and/or water outside the system for the anticipated period of time necessary to detect and recover the released substance.

Secretary of the Interior. The Secretary of the Interior of the United States and/or publications or regulations issued by the office of the Secretary of the Interior of the United States.

Sediment. Soils or other surface materials transported and/or deposited by the action of wind, water, ice or gravity as a product of erosion.

Selective Cutting. The felling of certain, but not all, trees in an area for the purpose of:

1. Removing dead, diseased, damaged, mature or marketable timber;

2. Improving the quality of a tree stand or species; or

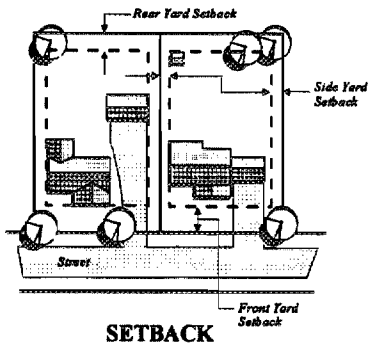
3. Meeting personal domestic needs.

Septic Tank. A multiple compartment, watertight receptacle which receives sewage from a building and is designed and constructed so as to permit settling of solids from the sewage, digestion of the organic matter and discharge of the liquid portion into a disposal area.

Septic System, Individual. See *Sanitary Sewage Disposal, On-lot.*

Setback. A stated minimum distance between every structure and the lot lines of the lot on which it is located on a lot as measured from a lot line. Setbacks are illustrated by a line parallel to and at the specified minimum distance from the rear, side, or street lot line (See Figure 23.315).

Figure 23.315



SETBACK

Sewage Treatment Plant. A licensed facility that purifies sanitary sewer effluent to a minimum level as established by state and/or federal environmental protection agencies.

Sheltered Care. See Table 03.110.

Shopping Center. A group of retail, personal, or professional service establishments planned, developed, owned, or managed as a unit, with off-street parking provided on the property.

Sidewalk. A pedestrian way extending along, parallel to and within an easement or the right-of-way of a public or private street.

Sign. Any object, device, or structure, or part thereof, situated outdoors or indoors, which is used to identify, advertise, display, direct or attract to an object, person, institution, business product, organization, service, event or location by means including words, letters, figures, designs, symbols, fixtures, logos, colors, illumination or projected images. Signs do not include the flag or emblem on any nation, organization of nations, state, county, or any religious organization; works of art which in no way identify a product; or scoreboards located on athletic fields.

Sign, Commercial. Any sign which is in the nature of commercial advertising, and which transmits a message pertaining to a product, service, use, occupancy, business, operation, event or function.

Sign, Ground. A free-standing sign flush to the ground and not elevated upon poles or other stanchions.

Sign, Non-Commercial. An sign which is not in the nature of commercial advertising, and which transmits a message which does not relate to product, good, or service that is sold or rendered for profit.

Sign, Off-Premise. Any sign, commercial or non-commercial, the content of which relates to use, occupancy, or function on property other than that upon which the sign is located.

Sign, On-Premise. Any sign, commercial or non-commercial, the content of which relates to use, occupancy, or function on the same property as that upon which the sign is located.

Siltation Control. The installation of such devices as sediment ponds, bales of straw, fencing, siltation webbing, sodding, seeding and mulching, or other devices to prevent silting of abutting properties and roadways during the period of construction, up to and including, such times as permanent ground cover is attained.

Single Lot Development. A development consisting of one (1) or more buildings to be erected on a platted parcel of land or a single lot which is part of a subdivision, intended to be separately owned, developed and otherwise used as a unit.

Site Disturbance. *See grading, filling, and* Section 01.410.

Site Plan. A plan or drawing showing the location of buildings, parking, or other elements that is used for the issuing of approvals other than subdivision plans or land developments. Site plans cover a single land use issue. The drawings shall show sufficient detail to enable the DRT to determine whether the standard requiring a site plan has been met.

Site Volume Ratio (SVR). A calculated value resulting from subtracting the building volume ratio from the landscape volume ratio.

Sketch Plan. A conceptual plan submitted for review and comment in order to obtain guidance from the county regarding how county requirements would apply to a proposed development.

Sludge. Any solid, semisolid or liquid waste, including grit and screenings generated from a municipal, commercial or industrial wastewater treatment plant or water supply treatment plant or air pollution control facility or any other such use having similar characteristics.

Soil Borings and Percolation Tests. Field tests conducted and used in judging the suitability of soil for on-site, subsurface sewerage and seepage systems. The borings indicate the soil formations penetrated and groundwater conditions. The percolation tests give an indication of the absorptive capacity of the soil and provide a basis for the design of seepage facilities.

Soil Stabilizing Function. A plant or structure which encourages resistance of soil to erosion, soil creep or other movement which results in net loss of soil from an area.

Solid Waste Transfer Station. A facility used to combine and compact loads of solid waste into larger units of waste, which are then loaded onto trucks for delivery to landfill sites.

Special Use. Uses permitted in particular zoning districts only after careful review of their location, design, configuration, and impacts by the DRT and the ZBOA, to determine the desirability of their development on a given site and the applicability of specific conditions to mitigate potential impacts.

Specified Anatomical Areas. Specified anatomical areas includes those portions of the human body less than completely and opaquely covered including: the human genitals and pubic region; buttocks; and female breast below a point immediately above the top of the areola; and the human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities. Specified sexual activities include human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Specimen Tree.

1. Understory trees as follows: Dogwood, Redbud , and Southern Magnolia greater than four (4) inches DBH.

2. Canopy trees as follows: American Holly, Bald Cypress, Beech, Black Oak, Black Tupelo, Cedar, Hickory, Live Oak, Palmetto, Pecan, Red Maple, Southern Red Oak, Sycamore, or Walnut with a DBH of greater than 16 inches.

3. All other trees with a DBH of 24 inches or greater.

Stabilization. The prevention of soil erosion by surface runoff or wind through the establishment of vegetative or structural soil coverage measures. Examples include, but are not limited to, straw mulch with temporary or permanent vegetation, wood chips and stone or gravel ground cover.

Start of Construction. See *Commencement of Construction.*

State Historic Preservation Office (SHPO). The State Historic Preservation Office, hereinafter referred to as SHPO, is the South Carolina Department of Archives and History.

Stormwater Management. The management of drainage to ensure that water moves in a manner that protects people and property from damage or flooding. It includes man-made and natural channels, drainage structures, storage areas, sedimentation control, and erosion control.

1. For water quantity control, a system of vegetative, structural, and other measures that may control the volume and rate of stormwater runoff which may be caused by land disturbing activities or activities upon the land; and

2. For water quality control, a system of vegetative, structural, and other measures that control adverse effects on water quality that may be caused by land disturbing activities or activities upon the land.

Stormwater Management Plan. A plan for the control of soil erosion, sedimentation, stormwater quantity and water quality impacts resulting from any land disturbing activity.

Stormwater Utility. An administrative organization that has been established for the purposes of funding sediment control, stormwater management or flood control planning, design, construction, maintenance and overall resource needs by authorized and imposed charges.

Story, First. The ground floor story of a building, provided its floor level is not more than four feet below the mean lot level adjacent to the foundation.

Story, Half. A story under a sloping roof at the top of the building, the floor of which is not more than two feet below the wall plate.

Street. A strip of land, comprising the entire area within the right-of-way, intended for use as a means of vehicular and pedestrian circulation to provide access to more than one (1) lot. However, the establishment of a common driveway for access purposes for no more than three separate parcels contiguous to one another shall not be considered a street as this term is defined.

Street, Arterial. A street which serves, or is designed to serve, as a connection between uses which generate heavy traffic volumes, or between other arterial streets.

Street, Boulevard. A street which is divided by a landscaped median which is continuous or exists at development's entrance.

Street, Collector. A street which serves or is designed to serve as the connection from minor streets to the arterial street system, such as the main entrance street of a residential development, or as a secondary connection between arterial streets.

Street, Cul-de-sac. A short, independent, minor street having only one (1) point of ingress and egress, terminating in a circular turn-around or other approved termination.

Street Frontage. The linear measurement of a parcel along a street line, private road or right-of-way to which the parcel abuts.

Street, Half (Partial). A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.

Street Line. A property line of a lot which coincides with a line indicating the limits of an existing or proposed right-of-way.

Street, Local. A street which serves or is designed to serve primarily as access to abutting properties.

Street, Marginal Access. A local street, parallel and adjacent to an arterial street, but separated from it by a long strip, which provides access to abutting properties and control of intersections with the major street.

Street, Private. Any street right-of-way not dedicated to public use.

Street, Public. Any street right-of-way dedicated to public use or maintained by the SCDOT Division of Highway Operations.

Street, Service. A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.

Street, Residential Collector. A street intended to gather traffic from local residential access streets and convey it to higher level streets. Note this street does not serve individual residential lots. Located in residential areas or developments, this street type collects and moves the traffic from local residential access streets whose total dwelling unit count exceeds 240.

Street Right-of-way. See *Street and Right-of-Way.*

Structural Alterations. Any change in the supporting members of a building such as bearing walls, columns, beams or girders and floor joists, ceiling joists, roof rafters or stairways.

Structure. Any man-made object having an ascertainable stationary location on land or in water.

Structure, Permanent. A structure placed on or in the ground, or attached to another structure in a fixed position.

Structure, Temporary. A structure that is designed to be repeatedly erected or inflated, tents and inflatable structures, or buildings that are picked up and moved.

Subdivision.

1. The division or redivision of a lot, tract, or parcel of land, by any means, including by means of a plan or a description by metes and bounds, into two or more lots, tracts, parcels or other divisions of land, for the purpose, whether immediate or future, of lease, of the transfer of ownership or of building development, exempting, however, the division of land for agricultural purposes into parcels of more than 10 acres not involving any new streets or easements of access, divisions of property by testamentary or intestate provision, or divisions of property upon court order; or

2. The combination or recombination of parts of previously platted lots where the total number of lots is not increased and the lots maintain the standards of the governing authority; or

3. The division of land into parcels of five acres or more where no new street is involved; or

4. The combination of entire lot of record where no new street or change in existing street is involved; or

5. The division or allocation of land for the opening, widening or extension of any street or streets, or the division or allocation of land as open spaces for common use by owners, occupants or leaseholders, or as easements for the extension and maintenance of public sewer, water supply, storm drainage or other public facilities.

Subdivision, Major. A subdivision of land into five or more lots.

Subdivision, Minor. A subdivision of four or fewer lots.

Subdivision, Rural. A subdivision of land in the rural areas that allows a land owner to subdivide with less review than the standard subdivision process. Depending on the size of the land proposed for subdivision, and other requirements, a landowner is permitted up to four subdivisions, not including a residual lot. See Section 13.230.

Subdivision Regulations. Articles 13, 14, 20 and 21 of this Ordinance.

Substantial Construction.

1. **Subdivisions:** Payment of surety, the clearing and grading of the site, installation of roads and utilities. This shall not apply to property subject to agricultural exemption, which shall not be considered substantially constructed.

2. **Land Developments.** Installation of parking, circulation, stormwater facilities and installation of foundations.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial Hardship. Hardship, caused by unusual and compelling circumstances, based on one or more of the following: a) the property cannot reasonably be maintained in the manner dictated by the Ordinance, and/or b) there are no other reasonable means of saving the property from deterioration or collapse.

Substantial Improvement. Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project or improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions; or

2. Any alteration of a historic structure, provided that the alteration would not preclude the structure's continued designation as a historic structure.

Substantial reconstruction. The on-site rehabilitation, renovation, or alteration of more than 50% of the floor area of an existing building or demolition of an existing building and reconstruction of a new building on the lot

Sumps. A point of comparatively low elevation which cannot be drained by means of surface flow.

Superblock. An area bounded by arterial or collector streets or cut off by a body of water.

Surety. A form of financial guarantee that required improvements will be made by providing the County with the resources to install the improvements should the developer fail to do so. These include, bonds, cash, letters of credit, or other financial instruments approved by the County Attorney.

Surface Water. Natural or artificial bodies of water greater than one (1) acre in extent at the normal annual water level, as depicted on U.S.G.S. Topographic Quadrangles and/or as determined by on-site surveys by a registered surveyor, landscape architect or engineer. Excluded from this definition are retention basins or other stormwater management facilities, farm ponds or other facilities associated with agricultural operations, sewage lagoons and other facilities for which normal maintenance and repair is necessary.

Survey. The process and product of precisely ascertaining the area, dimension and location of a piece of land, produced by either a professional engineer or surveyor duly licensed by the State of South Carolina.

Surveyor. A land surveyor registered by and licensed to practice in the State of South Carolina.

Temporary Sign. A temporary sign is any sign or information transmitting structure intended to be erected or displayed for a limited period of generally 60 days or less.

Tidewater. Water inland which is affected by tidal influence.

Time and Temperature Sign. A time and temperature sign is an electrical sign displaying only time and temperature.

Top of Bank. A point above the mean water surface of a watercourse which defines the maximum depth of channel flow in the watercourse. It is either determined visually or computed as an elevation using the peak rate of runoff from a two year storm event.

Topography. The characteristics of a parcel of land with respect to elevation.

Townhouse. A single-family attached dwelling unit, with a single unit going from ground to roof, and with individual outside access. See Figure 11.200.

Townhouse, Weak-Link. A single-family attached dwelling unit, with a single unit from ground to roof, and with individual outside access. Each unit shall have both a one (1) and two story section, with the one (1) story section shall constitute at least 20% of frontage. See Figure 11.200

Transfer of Development Rights. The conveyance of development rights by deed, easement or other legal instrument authorized by the county to another parcel of land and the recording of that conveyance.

Travel Demand Management Program. A program initiated by the employer that provides some combination of the following: business supplied car/van pooling, subsidy of transit passes, flex hours, staggered work hours, home work programs, subsidy of rents for living within walking commuting distance, company vehicles for daytime use or company run pick-ups from nearby transit stations.

Travel Trailer. See *Recreational Vehicle.*

Tree, Canopy. A tree whose leaves would occupy the upper level of a forest, 40 or more feet above the ground in a natural ecological situation. These trees are also called shade trees, and typically reach heights of 50 to 100 feet at maturity.

Tree, Understory. A tree whose leaves would occupy the intermediate level of a forest in a natural ecological situation. These trees are also called ornamental trees.

Trellis. A frame of latticework designed to support plants.

Twin House. A single-family dwelling that is attached by one (1) common wall to one (1) other dwelling unit. See Figure 11.200.

Underground Petroleum Storage. Any underground storage vessel, including the underground pipes connected thereto, which is used to contain petroleum products including heating oil and diesel fuel, and the volume of which, including the volume of the underground pipes connected thereto, is buried 10% or more beneath the surface of the ground.

Underground Storage Tank System. Any one (1) or a combination of tanks including underground pipes connected thereto, which is used to contain an accumulation of regulated substances, and the volume of which, including the volume of underground pipes connected thereto, is 10% or more beneath the surface of the ground.

Understory Tree. See *Tree, Understory.*

Undevelopable Area. The portion of a lot that is unusable for or not adaptable to the normal uses made of the property, which may include area covered by water, area that are excessively steep, included in certain types of easements, or otherwise not suitable for development, including areas designated on a plat as undevelopable.

Unlawful Acts. The violation of any note, regulation, order, permit condition or provision of the Ordinance.

Variance. A departure from the strict terms or express provisions of this Ordinance when it will not be contrary to the public interest, and when, as a result of the peculiar conditions of the property and not from the actions of the property owner, the enforcement of this Ordinance would result in unusual and unnecessary hardship.

Vegetation. Living plant material including but not limited to trees, shrubs, vines, ferns, mosses, flowers, grasses, herbs, and groundcover.

Vested Rights. Reserved.

Village House. A single-family residence which is detached from neighboring structures. A village house has very small front yards with special landscape requirements. Homes shall be built to the build-to line. A village house is permitted only in planned developments as provided in Articles 03, 04 and 11. See Figure 11.200.

Visual Amenity. Any type of visible feature which the observer finds attractive or pleasing to the eye.

Waterbody. Any watercourse, tidal wetland or lake defined by a bank or shore in which water can be found.

Watercourse. A stream channel (perennial, intermittent, mapped or unmapped) with banks and a bed within which concentrated water flows.

Water distribution system.

A. **Community**. A system for supplying and distributing water from a common source to two or more dwellings or other buildings within a single neighborhood.

B. **On-site**. A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

C. **Public**. A system for supplying and distributing water from a common source to dwellings and other buildings, but generally not confined to one neighborhood.

Water quality. Those characteristics of stormwater runoff, usually from a land disturbing activity that relate to the chemical, physical, biological or radiological integrity of water.

Watershed. The total or partial drainage area contributing stormwater runoff to a single point.

Water table. The level below the surface at which the ground is saturated by water.

Wetland. Those areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions; or areas that are defined and delineated in accordance with the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands" dated January 10, 1989, and as may be amended from time to time; or as further defined and delineated by the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, or the South Carolina Department of Natural Resources and Environmental Control.

Wetland, Tidal. These are wetlands that are effected by tidal action or are submerged. They include Estuarine, Marine, and Riverine-tidal wetlands or natural communities.

Wetland, Non-Tidal. These are wetlands that are not effected by tidal action. They include Lacustrine, Palustrine, and Riverine wetlands or natural communities except for Riverine-tidal wetlands.

Wetland Delineation and Report. An on-site method or process for identifying wetlands as described in the Corps of Engineers Wetland Delineation Manual, Technical Report: Y-87-1, from 1987 and as may be amended from time to time. The report shall be prepared by a person with professional experience and knowledge in wetlands identification and shall analyze a site for the existence and extent of wetlands a person with professional experience and knowledge in wetlands identification and shall analyze a site for the existence and extent of wetlands.

Wildlife Habitat. A community of plants that provide food, water, cover, nesting, and foraging or feeding conditions necessary to maintain populations of animals.

Woodland. See *Forest.*

Yard. Those portions of a lot outside the buildable area which are for the use of the occupants. Such areas are unobstructed from the ground up, except for permitted accessory buildings or architectural features. Such areas are required regardless of ownership type. The type of yards are front, rear, side, and street. See Figure 23.316.

Yard, Street. A yard extending the full width of the lot between the street line and the parts of the principal building erected thereon setting back from and nearest such street line. See Figure 23.316.

Yard, Rear. A yard extending the full width of the lot between the rear lot line and the parts of the principal building erected thereon. For a corner lot, the rear yard shall not extend beyond the building setback line on the side street. See Figure 23.316.

Yard, Side. A yard between the parts of the principal building and the adjacent side line of the lot and extending from the front yard to the rear yard. See Figure 23.316.

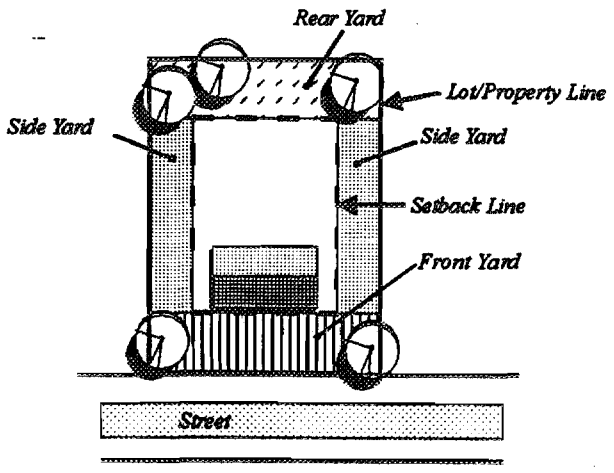
Zero Lot Line. See *Lot Line House.*

Zoning District. A designation shown on the Zoning Map as being in a district enumerated in Article 02 in which a specific set of zoning standards apply. The term may refer to the standards or an area so mapped. The term is also analogous with zoning classification or designation.

Zoning Map. The map(s) showing the location and boundaries of the zoning districts established by this Ordinance. These maps are entitled, "Official Zoning Map of Beaufort County."

Zoning Permit. A written permit issued by the ZDA that certifies that the proposed use of the land will be in compliance with this Ordinance.

Figure 23.316



YARDS

APPENDIX A

AIRPORT OVERLAY DISTRICT

Section 4.17 AOD - Airport Overlay District

Section 4.17.1 Airport Districts, Beaufort County

The standards prescribed in this section shall apply to all building or development in the Airport Overlay District.

Section 4.17.2 Applicability

The regulations on land set forth herein are applicable to all lands lying within delineated airport noise, accident potential and airspaces zones adopted as a part of the Beaufort County Zoning Ordinance. In addition to the zoning district regulations set forth in the underlying zoning district, the provisions of this section as they apply to a parcel of land shall also apply.

Section 4.17.3 Recommended Uses in Airport Districts

The following uses, based on noise levels and accident potential, are recommended in Airport Districts:

(A) Landing and takeoff runways
(B) Landing strips
(C) Hangars
(D) Taxi ways and parking ramps
(E) Airplane repair shops
(F) Parking as required in this Ordinance
(G) Restaurant facilities related to airport operations
(H) Personnel and ticket offices
(I) Towers for control, landings and takeoffs
(J) Industrial uses and storage of nonvolatile materials
(K) Community parks not in the airport proper
(L) Farming
(M) Entertainment assembly not in the airport proper or accident potential zones.
(N) Communication, transportation and utilities
(O) Motor vehicle transportation
(P) Ambulance and fire protection

Section 4.17.4 Requirements of Airport Districts

(A) **Airport Overlay Districts**

(1) General Intent of District. It is the intent of this section to promote the health,

safety and general welfare of the inhabitants of the County by preventing the creation, establishment or maintenance of hazards to aircraft, preventing the destruction or impairment of the utility of the airports in the County and the public investment therein and protecting the lives and properties of owners or occupants of lands in the vicinity of airports as well as the users of airports; and to aid and implement the overriding federal interest in the safe operation of airports and the security of land surrounding airports.

(2) Airports Included. Airports included and applicable to this section are the U.S. Marine Corps Air Station (MCAS), the Beaufort County Airport (Lady's Island), and the Hilton Head Airport.

(3) Airports Environs: Accident Potential (APZs) and Noise Zones. Airport environ zones are designated in accordance with table below:

AIRPORT ENVIRON ZONES

Area	Characteristics
A	Accident Potential Zone A
B	Accident Potential Zone B
C	Accident Potential Zone C
B3	Accident Potential Zone B and Noise Zone 3
B2	Accident Potential Zone B and Noise Zone 2
C3	Accident Potential Zone C and Noise Zone 3
C2	Accident Potential Zone C and Noise Zone 2
3	Noise Zone 3
2	Noise Zone 2

(B) **Airport Potential Hazard Area (APHA)**

Accident potential zones (APZs) are divided into three types of zones along primary flight paths, which are designated as Zone A, Zone B, and Zone C. Zone A is an area which possesses a high potential for accidents. Zone B is the area normally beyond Zone A which possesses a significant potential for accidents. Zone C is an area normally beyond Zone B having a measurable potential for accidents.

(C) **Airport Noise Zone**

The airport noise zones are defined in the table following:

Airport Noise Zone	Decibel Level of a Day/Night Average
1	Less than 65
2	65-75
3	Greater than 75

Section 4.17.5 **Regulations Applicable to Designated Civilian and Military Airport Environs**

(A) **Allowable Land Uses**

The uses to which the property contained within the Airport District(s) may be put shall be prescribed by the various zoning districts underlying the overlay district as established in this Ordinance.

(B) **Conditional Uses**

The following uses shall be permitted subject to the conditions prescribed herein.

(1) Commercial development in accordance with the Zoning and Development Standards Ordinance shall be permitted but are advised that reception, lounge, and office areas shall be designated with a thirty (30) decibels, A-weighted (dbA), noise level reduction (NLR)..

(2) Medical and other health services such as hospitals, nursing homes, clinics, and similar uses shall be designated with a sixty (60) decibels, A-weighted (dbA), noise level reduction (NLR).

(3) Industrial uses, such as warehousing, wholesaling, assembly plants shall be permitted with the advice that reception, lounge, and office area shall be designed with twenty-five (25), A-weighted (dbA), noise level reduction (NLR).

(4) Public and quasi-public services structures such as churches, government offices, postal services, schools, libraries, museums, art galleries, and similar uses not be erected in areas where the noise level exceeds 65 or greater decibels.

Section 4.17.6 **Regulations applicable to Established Military and Civil Airport Height Zones**

(A) **Airport Zones and Airspace Height Limitations**

In order to carry out the provisions of this section, there are hereby created and established

certain zones which include all the land lying beneath the approach, transitional, horizontal, and conical surfaces as they apply to a particular airport. The area located in more than one of the described zones is considered to be only one zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

(1) **Public Civil Airport Height Zones and Limitations**

BEAUFORT COUNTY AIRPORT

(a) Primary Zone is an area longitudinally centered on a runway, extending two hundred (200') feet beyond each end of that runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway. No structure or obstruction will be permitted within the primary zone that is not part of the landing and take-off area and is of a greater height than the nearest point on the runway center line. The width of the primary zone is as follows:

Five hundred (500') feet for nonprecision-instrument runways having visibility minimum greater than three-fourths (3/4) of a statute mile.

(b) Horizontal Zone is the area around each civil airport with an outer boundary perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary zone of each airport's runway and connecting the adjacent arcs by line tangent to the arcs. The radius of each arc is:

Ten thousand (10,000') feet for nonprecision- instrument runways having visibility minimum greater than three-fourths (3/4) of a statute mile.

Ten thousand (10,000') feet for visual runways having only visual approaches.

The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest composite value determined for either end of the runway. No structure or obstruction will be permitted in the horizontal zone that has a height greater than one hundred fifty (150') feet above the airport height.

(c) Conical Zone is the area extending outward from the periphery of the horizontal zone for a distance of four thousand (4,000') feet. Height limitations for structures in the conical zone are one hundred fifty (150') feet above the airport height at the inner boundary with permitted height increasing one (1') foot vertically for every twenty (20') feet of horizontal distance measured outward from the inner boundary to a height of three hundred (300') feet above the airport height at the outer boundary.

(d) Approach Zone is an area longitudinally centered on the extended runway center line and extending outward from each end of the primary surface. An approach zone is designed for each runway based upon the type of approach available or planned for the runway end.

The inner edge of the approach zone is the same width as the primary zone and it expands uniformly to a width of:

Five hundred (500') feet for nonprecision instrument runways having visibility minimum greater than three-fourths (3/4) of a statute mile.

Thirty-five hundred (3,500') feet for visual runways having only visual approaches. The approach surface extends for a horizontal distance of:

Ten thousand (10,000') feet for all nonprecision-instrument runways other than utility.

Five hundred (500') feet for visual runways having only visual approached.

The outer width of an approach zone to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

Permitted height limitation within the approach zone is the same as the runway and height at the inner edge and increases with horizontal distance outward from the inner edge as follows:

Beaufort County Airport Runway 6/24 permitted height increases one (1') foot vertically for every twenty (20') feet of horizontal distance for all utility and visual runways.

Beaufort County Airport Runway 6/24 permitted height increase one (1') foot vertically for every thirty-four (34') feet of horizontal distance for all nonprecision-instrument runways other than utility.

(e) Transitional Zone is the area extending outward from the sides of the primary zones and approach zones connecting them to the horizontal zone. Height limits within the transitional zone are the same as the primary zone or approach zone at the boundary line where it adjoins and increases at a rate of one (1') foot vertically for every seven (7') feet horizontally, with the horizontal distance measured at right angles to the runway center line and extended centerline, until the height matches the height of the horizontal zone or conical zone or for a horizontal distance of two thousand (2,000') feet from the side of the part of the precision approach zone that extends beyond the conical zone.

(f) Other Areas. In addition to the height limitations imposed in the aforementioned paragraphs, no structure or obstruction will be permitted within the County that would cause a minimum obstruction clearance altitude, a decision height or a minimum vectoring altitude to be raised.

HILTON HEAD AIRPORT

Section 16-7-470 (AHZ) Airport Hazard Overlay Zoning District, Applicability and Purpose, through Section 16-7-473, Nonconforming Uses or Structures, and Appendix A of the Town of Hilton Head Land Management Ordinance (LMO) shall be a part of this Ordinance and shall be

administered by the Town of Hilton Head Island.

Areas of Beaufort County outside the corporate limits of the Town of Hilton Head Island and above-referenced Airport Hazard Overlay Zoning District, are deemed necessary for airspace controls due to overflight, approaches, takeoffs, and pilot training areas.

(a) Approach Zone. The approach zone for the Hilton Head Island Airport for Runways 03 and 21, shall be at a distance of 1.5 miles from the runway end and of width not less than five hundred (500') feet of the sides of the primary runway and shall extend into the County as appropriate.

(b) Height Limits in Approach Zone. The height limits for structures in the Approach Zone shall not exceed thirty-five (35') feet within two hundred forty-five (245') feet of the sides of the primary surface of the runway or a distance of one-thousand one-hundred ninety (1,190') feet of the ends of the runway.

The height limits for structures in the Approach Zone shall not exceed seventy-five (75') feet within five hundred twenty-five (525') feet of the sides of the primary surface of the runway or for a distance of two-thousand five-hundred fifty (2,550') feet of the ends of the runway. The height limits for structures in the Approach Zone shall not exceed three hundred fifty (350') feet within five hundred (500') feet of the sides of the primary surface of the runway or for a distance of one and five-tenths (1.5) miles of the ends of the runways (03 and 21).

(c) Transitional Zone. The transitional zone is the area ending outward from the sides of the primary zones and the approach zones connecting them to a horizontal zone. The transitional zone for Runway 03 shall be a distance of three and five-tenths (3.5) miles from the end of the primary runway and swing in an arc to meet the transitional zone line from Runway 21, or a distance of two (2) miles from the outer limits of the Approach Zone.

The Transitional Zone for Runway 21 shall be a distance off our and five-tenths (4.5) miles from the end of the primary runway and swing in an arc to meet the transitional zone line from Runway 03 or a distance of three (3) miles from the outer limits of the Approach Zone.

(d) **Height Limits in the Transitional Zone**

No structure in the transitional zone shall exceed three hundred fifty (350') feet without review by the Beaufort County Aviation Board and approval by the Town of Hilton Head Island and/or the Beaufort County Development Review Team.

(e) **County Airport Corridor**

There shall be established a Beaufort County Airport Corridor between the Beaufort County Airport (Lady's Island) and the Hilton Head Island Airport. The Airport Corridor shall begin at the outer limits of the Approach Zone to the Beaufort County Airport (Lady's Island) and extend to the outer limits of the Approach Zone of the Hilton Head Island Airport. The Airport Corridor shall

be three (3) miles in width. No structures in the Airport Corridor shall exceed three-hundred fifty (350') feet without the approval of the Development Review Team and shall be clearly marked and lighted as provided for by Federal Aviation Administration's (FAA) Advisory Circular 70/7460-1G, "Obstruction Marking and Lighting," or as provided for in this Ordinance if deemed that more restrictive measures are deemed necessary for aircraft safety.

(2) **Military Airport Zones**

The United States Navy (United States Marine Corps) is exempt from the provision of this part for areas under its authority which includes MCAS-Beaufort runways 04, 22, 14, and 32.

(a) Primary Zone is an area located on the ground or water, longitudinally centered on each runway and extending two hundred (200') feet beyond the runway end. The width of the primary zone in one thousand five hundred (1,500') feet.

(b) Clear Zone is the fan-shaped area adjacent to the landing threshold and expanding to two thousand two hundred eight-four (2,284') feet wide, three thousand (3,000') feet from the threshold at an angle of 7 degrees, 58 minutes, 11 seconds commencing two hundred (200') feet from the threshold.

(c) Inner Horizontal Zone is the area encompassing the runways, primary zone and clear zone perimeter formed by swinging arcs of seven thousand five hundred (7,500') feet radius about the center line at the end of each primary zone and connecting adjacent arcs by lines tangent to these arcs. No structure or obstruction will be permitted in the inner horizontal zone of a greater height than one hundred fifty (150') feet above the airport elevation.

(d) Conical Zone is a surface extending from the periphery of the inner horizontal surface outward and upward at a slope of twenty (20) to one (1) to a height of five hundred (500') feet above the established airfield elevation.

(e) Outer Horizontal Zone is the area extending outward from the outer periphery of the conical zones for a distance of thirty thousand (30,000') feet. The height limit within the outer horizontal zone is five hundred (500') feet above airport elevation.

(f) Approach Zone is the area longitudinally centered on each runway centerline, with an inner boundary two hundred (200') feet out from the end of the runway and the same width as the primary zone, and extending outward for a distance of fifty thousand (50,000') feet, expanding uniformly in width to sixteen thousand (16,000') feet at the outer boundary. Height limits within the approach zone commence at the height of the runway end and increase at the rate of one (1') foot vertically for every fifty (50') feet horizontally for a distance of twenty-five thousand (25,000') feet, at which point it remains level at five hundred (500') feet above the airport elevation to the outer boundary.

(g) Transitional Zone is the area with an inner boundary formed by side of the primary zones and the approach zones, then extending outward at a right angle to the runway

centerline until the height matches the adjoining inner horizontal zone and increases at the rate of one (1') foot vertically for every seven (7') feet horizontally to the outer boundary of the transitional zone, where it again matches the height of the adjoining outer horizontal zone.

Section 4.17.7 Application Review Requirement

All applications for structures exceeding one hundred fifty (150') feet in height in Beaufort County submitted to the Beaufort County Building Inspections Department or Development Review Team shall have automatic referral to the Beaufort Aviation Board. The Aviation Board shall have twenty-one (21) working days to respond, in writing, on the application.

Section 4.17.8 Miscellaneous Use Regulations, Variances and Nonconforming Uses

(A) **Uses Which Interfere With Aircraft**

It shall be unlawful and a violation of the Beaufort County Zoning Ordinance to establish, maintain or control a use within an airport accident potential, noise, or height zone in a manner as to interfere with the operation of airborne aircraft. The following special requirements shall apply to each use lawfully established in the zones:

(1) Lights or illumination used in conjunction with street, parking, signs or use of land and structures shall be arranged and operated in such a manner that is not misleading or dangerous to aircraft operating from an airport or in the vicinity thereof as determined by the airport operator.

(2) No operations of any type shall produce smoke, glare or other visual hazards within three (3) miles of a usable runway of a designated airport.

(3) No operations of any type shall produce electronic interference with navigation signals or radio communication between the airport and the aircraft.

(4) No use of land shall be permitted which encourages large concentrations of birds or waterfowl within the vicinity of an airport.

(5) All structures containing guidewires as a means of support shall have an illumination device of all weather material (plastic, aluminum, etc.) connected to the guideline(s) at twenty-five (25') foot intervals. The devices shall be not less than twelve (12") inches in length and not less than four (4") inches in width and be able to withstand high winds and inclement weather conditions.

(6) High intensity white obstruction lights shall be placed on all towers which exceed one hundred fifty (150') feet in height, at fifty (50') feet intervals.

(B) **Lighting**

Notwithstanding the provisions of this Ordinance, the owner of a structure over two hundred (200') feet above ground level shall install lighting in accordance with Federal Aviation Administration (FAA) Circular 70-7460-1 Series and Amendments thereto on the structure and an additional provisions covering lighting contained in this Ordinance. Additionally, high-intensity white obstruction lights shall be installed on a high structure which exceeds seven hundred forty-nine (749') feet above mean sea level. The high-intensity white construction lights must be in accordance with the Federal Aviation Administration (FAA) Advisory Circular 70-7460-1E and Amendments.

(C) **Hazard Marking and Lighting**

A permit or variance shall require the owner to mark and light the structure in accordance with Federal Aviation Administration (FAA) Circular 70-7460-1 Series. The permit may be conditioned to permit the United States Navy (United States Marine Corps) or the County, at its owner expense, to install, operate and maintain markers and lights necessary to indicate to pilots the presence of an airspace hazard if special conditions so warrant.

(D) **Variances**

The Beaufort County Board of Adjustments and Appeals shall not act upon a request for a variance from this Code affecting lands laying within an airport environ or height zone until the Board of Adjustments and Appeals has received an advisory opinion from the Beaufort County Aviation Board. When the division of a lot of record existing upon the effective date of the part by an airport environ zone boundary line makes impractical the reasonable use of the lot, the Development Review Team may, when not contrary to the public interest or the spirit and intent of this part, move the boundary line to wholly encompass or exclude the lot from the zone by reclassifying the zone or by utilizing the Zoning and Development Standards Ordinance variance provisions.

(E) **Nonconforming Uses and Structures**

To the extent set forth herein, the restrictions or nonconforming uses and structures contained in the Zoning Ordinance, Article II, Section 2.4, are modified or supplemented as follows:

(1) The owners of a nonconforming structure shall allow the installation, operation and maintenance, during hours of darkness, of the markers and lights deemed necessary by the airport's administrative official to indicate to the operators of aircraft in the vicinity of the airport the presence of the structures or aircraft hazards. The markers and lights shall be installed, operated and maintained at the expense of the owners of the airport concerned.

(2) The owner of a tree or other natural growth which exceeds the limitations on height as provided in this Code shall allow the owner of this airport at its expense to make lower, remove, or take other action necessary to bring the tree or growth into conformity with the Code.

(3) A use which is nonconforming by virtue of the regulations contained in this part may be structurally altered, reconstructed or replaced provided there is no increase in the floor area or height of a structure.

Section 4.17.9 Helicopter Landing Sites

A landing site for helicopters or other vertical takeoff aircraft shall be a permitted use in a commercial, industrial, residential, agricultural, and rural development zoning district; provided, that this use shall not be established in a location other than an airport until a permit therefore shall have been authorized by a resolution adopted by County Council, and until FAA airspace has been authorized and until the State licensing requirements have been obtained pursuant to South Carolina Statutes.

Section 4.17.10 Disclosure Statement

All subdivisions plats, Planned Unit Development plats, townhouse plats, and/or condominium documents shall contain an approved Disclosure Statement as follows:

Airport Overlay Disclosure Statement

This property lies in an Airport Overlay District. Purchasers are required to sign a Disclosure Form per Section 4.17.10.1 of the Development Standards Ordinance and file with deed and/or plat at the Beaufort County Register of Mesne Conveyances Office (RMC Office).

Airport Zone:_____
Accident Potential Zone:_____
Noise Zone:_____
Airport Environs Area:_____

The decibel level of a day/night average ranges from _____ to _____ decibels.

Section 4.17.10.1 **Disclosure Statement Form**

No person shall sell any property within the airport hazard area unless the prospective buyer has been given the following notice:

To:_____

The property at _____(address/location) is located within the airport hazard area of _____ airport. Beaufort County has determined that persons on the premises will be exposed to a significant noise level and accident potentials as a result of the airport operations. The County has established certain noise zones and accident potential zones (APZs).

The above property is located in Airport Zone _____ and in Accident Potential Zone _____ and Airport Environs Area _____.

The County has placed certain restrictions on the development and use of property within airport environ areas. Before purchasing the above property, you should consult the Beaufort County Zoning and Development Manager to determine the restrictions which have been placed on the subject property.

CERTIFICATION

As the owner of the subject property, I hereby certify that I have informed _____, as a prospective purchaser, that the subject property is located in an airport hazard area.

Dated this ____ day of _____, 19____.

Witness_____ Owner_____

As a prospective purchaser of the subject property, I hereby certify that I have been informed that the subject property is in an airport hazard area, and I have consulted the Beaufort County Zoning and Development Manager to determine the restrictions which have been placed on the subject property.

Dated this ____ day of _____, 19____.

Witness_____ Purchaser_____

Section 4.17.11 Official Maps

In addition to the Official Zone Maps for the County of Beaufort, South Carolina, typical airport maps are hereby made a part of this Ordinance. The maps show the boundaries of the airports, instrument, non-instrument, VFR transition, horizontal and conical zones; airport reference points and elevations.

Section 4.18 HPOD - Historic Preservation (Overlay) District

Section 4.18.1 Identification of Historic Resources

All structures, ruins, cemeteries, and other sites of historic significance shall be identified by the Planning Board, with the assistance of appropriate persons and/or agencies.

Section 4.18.2 Permitted Uses

Any uses which may reasonably be made a structure in a Historic District, and which is permitted within the zoning district or districts which underlies the Historic District, shall be permitted. In the case of a Historic District overlaying more than one type of Zoning District, those uses permitted in the most restrictive Zoning District classification shall be permitted.

Section 4.18.3 Creation of the Historic Preservation Review Board

There is hereby created and established a Historic Preservation Review Board in accordance with the Code of Laws of South Carolina, 1976, as amended, Title 5, Chapter 23, Article 3 to provide for the preservation and protection of historically and architecturally significant structures and sites and to preserve the cultural and historical heritage of Beaufort County.

(A) **Terms of Appointment**

The Historic Preservation Review Board shall consist of nine (9) members.

One member will be appointed by Beaufort County Council from each of the following geographic areas of the County:

(1) Northern Beaufort County; and
(2) Southern Beaufort County; and
(3) Lady's Island; and
(4) Port Royal Island; and
(5) St. Helena Island; and
(6) Daufuskie Island and shall have demonstrated interest, competence and knowledge in historic preservation; and

APPENDIX B

CORRIDOR OVERLAY DISTRICT GUIDELINES

NOTE: These guidelines are in draft form. Further research to define the landscaping standards, and view sheds is in progress.

The primary objective of reviewing projects lying within Beaufort County's Corridor Overlay (CO), is to establish continuity of each development within the overall corridor system. Corridor Review offers protection and guidelines for the unique, special and desired character of development within and along certain highways in Beaufort County. The CO District shall overlay other zoning district classifications which shall be referred to as the base zoning. See Appendix.

APPLICABILITY

All proposed development lying within five hundred (500) feet of the centerline of U.S. 21, U.S. 17, U.S. 278, S.C. 170, S.C. 802, S.C. 280, S.C. 46, S.C. 116 and/or S-163, and all proposed development lying within one thousand (1,000) feet from the centerline of designated Beaufort County view sheds (Entrance Gateways) as described below, shall be subject to the additional standards and review measures pertaining to Sections 03.452 - 03.454. **REFER TO MAP not yet completed.**

Beaufort County Entrance Gateways include those areas whose point of reference begins at the intersecting points of highway centerline, OCRM Critical Line below the road surface and/or ? and ends one thousand (1000) feet in all directions whereby land disturbance could take place.

NOTE ABOUT NON-CONFORMING SITUATIONS:

A. Existing nonconforming uses within a CO District, at the time of adoption of this Ordinance, may be brought into compliance through a streamlined Staff review process. Such situations shall require approval of the Development Review Manager, in place of full CRB review, before the required DRT review. This option is only for those uses whose owners or operators would like to continue the existing use, with no change of ownership, and where no abandonment has occurred. **MORE LANGUAGE.**

B. All other nonconforming situations shall be brought into compliance with the standards contained within Sections 03.452 - 03.454, when the nonconforming situation proposes any change, alteration or expansion, to any portion of a building, structure or use, and/or has been abandoned according to Table 01.500.

ARCHITECTURAL DESIGN GUIDELINES

The design of all applicable structures including habitable structures, walls, fences, signs, light fixtures and accessory and appurtenant structures shall be unobtrusive and of a design, material and color that blend harmoniously with the natural surroundings, and the scale of neighboring architecture, complying with the intent of this Section. Innovative, high quality design and development is strongly encouraged to enhance property values and long-term economic assets along designated corridors.

A. EXTERIOR MATERIALS AND ARCHITECTURAL ELEMENTS

1. **Roofs:** Roof overhangs and pitched roofs shall be incorporated into all building designs.

Wood shingles, slate shingles, multi-layered asphalt shingles, metal (raised seam, galvanized metal, corrugated metal, metal tile, etc.) or tiles are permitted.

NOT PERMITTED:
1) Partial (less than three sides) mansard roofs.
2) Flat roofs (including a minimum pitch less than 4:12) without a pediment.
3) Long, unarticulated roofs.

2. **Sides of Buildings and Structures:** Wood clapboard, wood board and batten, wood shingle siding, brick, stucco, tabby, natural stone, faced concrete block and artificial siding material which resembles painted wood clapboard are permitted. Wood siding may be painted, stained, weathered, or left natural.

NOT PERMITTED:
1) Long, unarticlutaed, blank facades.
2) Plywood, cinder block, unfinished poured concrete, unfaced concrete block, and plastic or metal, not closely resembling painted wood clapboard.
3) Highly reflective glass or materials as the predominant material or visible texture.

3. **Colors:** Predominant color design shall be compatible with Lowcountry or coastal vernacular palette which include traditional historic colors, earth tones (greens, tans, light browns and terra cotta), grays, pale primary and secondary colors (with less than 50% color value), white and cream tones, and oxblood red. Accent color design (i.e., black, dark blue, greys, and other dark, primary colors) may be used on a limited basis as part of an architectural motif, at the discretion of the Development Review Planner and/or the CRB.

NOT PERMITTED:
1) Color contrasts resulting in a clearly disturbing appearance.
2) Primary colors.

4. **Accessory Uses:** The design of accessory buildings and structures, if permitted within the applicable zoning district, shall reflect and coordinate with the general style of architecture inherent in the primary structure for the proposed development. Covered porches, canopies, awnings, trellises, gazebos, street/pedestrian furniture and open wood fences are encouraged.

NOT PERMITTED:
1) Unscreened chain-link or woven metal fences.
2) Internally illuminated and/or neon lighted exterior architectural or structural element(s) that is/are visible from the highway.
3) Exterior storage not completely hidden from view, and only if permitted per Table 04.400.
4) Exterior display of merchandise except for landscape structure, plant materials and agricultural products.

B. COMMERCIAL
Reserved.

C. ENTRANCE GATEWAYS
Reserved.

D. SPECIAL ENVIRONMENTAL CONSTRAINTS
Reserved.

LANDSCAPE DESIGN GUIDELINES

All proposed projects shall require the appropriate amount of landscaping as determined by the Landscape Surface Ratio (LSR) in Table 04.110. LSR refers to the area of land that must be devoted to pervious landscaping divided by the area of the lot or site. Pervious areas of individual planters larger than four sf. may be counted, but may not consist of more than 25% of the total LSR requirement. Water shall not be considered as a pervious surface. All standards pertaining to landscaping not contained in this Section shall be guided by Section 04.350.

A. BUFFERYARDS REQUIRED:

1. **Bufferyard Uses.** Required bufferyards shall contain only vegetative landscaping materials, except for the following uses:

   a) Vehicular access drives and passageways placed approximately perpendicular to the right-of-way.

   b) Foot and pedestrian paths.

   c) Walls and fences, as permitted in the CO, less than six (6) feet in height.

   d) Landscaping sculpture, lighting fixtures, trellises and arbors.

   e) Bus shelters.

   f) Signage, as permitted in the CO.

   g) Utility lines that are placed approximately perpendicular to the right-of-way. Where existing lines or planned lines must run parallel to the right-of-way, an equivalent amount of buffer may be required beyond the required buffer width, if the character of the buffer is significantly disturbed. To the extent possible, such service lines should be consolidated with vehicular access routes. New utilities may be constructed within the required buffer area, however, the developer shall be required to restore the required bufferyard area to comply with the landscaping requirements of this Section.

   h) Proposed lagoons and drainage swales are not encouraged for placement in bufferyards, and may not be granted approval by the CRB. Existing lagoons may require additional buffers at the discretion of the Development Review Manager and/or the CRB, to satisfy the intent of this Section. The CRB may grant limited flexibility in cases where substandard lots of record makes adherence to these standards impractical.

2. **Bufferyard Locations.** Bufferyard are required for all development occurring withing the Corridor Overlay District. District and street bufferyards that are

greater in width than required below, as determined by Table 04.310, shall supercede the following width requirements.

a) Highway Corridor Buffer. Landscaped buffers are required for all lands fronting a Highway Corridor(s). This buffer shall be at least 50 feet in width providing 75% opacity, measured from the right-of-way line into the site.

b) Frontage Roads. Bufferyards shall not include any portion of a frontage road which shall be located toward the interior of the site, from the right-of-way line.

c) Perimeter Buffer. All side and rear property boundaries shall contain a 10 foot natural buffer providing 30% opacity when vegetation is left in its natural state. When there is no existing vegetation, or it has been cleared, the installed buffers shall require 15 feet of width.

d) Foundation Buffer. An eight foot wide landscaped buffer is required between any structure and parking or driving area, exclusive of loading and drive-through facility areas. Sidewalks and handicap ramps may be placed adjacent to the buffer on either side. Foundation buffers are not required in loading areas.

e) Structural Buffer. Any opaque or 80% opaque wall or fences (brick, stucco, wood rail) installed along the front of the property, including those used for screening of parking areas, shall be softened with landscaping materials.

f) Parking Lot Buffer. Reserved.

B. LANDSCAPING STANDARDS: The CRB shall review particular plant selections and landscaping designs only to ensure conformance with the specific requirements of the CO. All landscaping required by this Section , and approved as part of an application for development, shall be maintained in healthy condition by the property owner. Plant material used for installation shall conform to the standards established by the American Association of Nurserymen in the *"American Standards for Nursery Stock"* provisions. Landscaping requirements of this Ordinance shall not interfere with fire and life safety standards contained in the Zoning and Development Standards Ordinance.

1. **Installation Requirements.** Installation and maintenance of landscaping materials shall adhere to Section 04.352 of the Zoning and Development Standards Ordinance, and/or additional requirements by the CRB.

2. **Existing Plant Material Counted.** The use of existing vegetation and plant species native to the Lowcountry is strongly encouraged, and shall be counted toward the landscaping requirement. No tree six inches in diameter at four feet diameter Breast Height (dbh) or larger shall be removed form any highway buffer, exclusive of access drive location, required sight triangle area, and diseased trees, subject to CRB and/or Staff approval.

3. **Bufferyard Planting** Requirements. The corresponding Tree List pertaining to the following requirements is included in this Ordinance as Appendix E. The overstory and understory trees contained in the list are typically found throughout the Lowcountry

region, and are recommended for use in meeting these landscaping requirements. Other trees proposed for a project shall be reviewed by the CRB as to their compatibility and hardiness in the Lowcountry region.

a) Highway Corridor Buffer. Four broad-leaved overstory trees; 2) 14 understory trees; 3) 30 shrubs per every 100 feet or portion thereof. Plant materials shall be generally distributed to avoid significant gaps in the buffer, and to achieve the required 75% opacity coverage.

b) Parking Buffer. Parking areas that remain visible from the highway shall require Additional plantings, walls, fences, berms, or a combination thereof, to provide effective screening.

1. **Parking Lot Planting Requirements.** The CRB may require additional or larger plantings to allow for adequate visual screening or enhancement of a particular situation.

a) Landscaped Median. A minimum five foot wide landscaped median shall be installed alongside (perpendicular to) parking spaces on the interior portion of a parking lot with more than one (1) parking bay. Wheel stops shall be placed within all parking spaces at the standards distance from every landscaped median to protect plantings.

Shrubs and/or trees shall be installed in the median to provide for semi-continuous planting along the median. Shrubs shall be at least one (1) foot in height at installation and reasonably projected to grow at least two feet in height within three years.

b) Landscaped Peninsula. A minimum 9' X 20' foot landscaped peninsula shall be installed parallel to the parking spaces every eight or fewer spaces, and at the end of the parking aisle in order to separate the last space from any adjacent travelways. Each landscaped peninsula shall contain one (1) broad-leaved overstory tree with a minimum size of 3½ caliper inches at dbh, and a minimum height of 12 feet.

SIGNAGE

A. SIGNAGE REQUIREMENTS: The following standards for signage are in addition to those prescribed in Article 16 of this Ordinance.

1. **Sign Placement.** Any freestanding sign must be no closer than 10 feet from the highway right-of-way.

2. **Sign Design and Materials.**

a) Signage, including overall design, materials, colors and illumination must be compatible with the overall design of the main building. Details of the sign, such as typeface and layout shall be subject to minimal review only to prevent obtrusive designs.

b) An integrated sign system shall be required for all new commercial and residential subdivisions and land developments. These systems shall be reviewed for materials, colors, shapes, sizes, compatibility with architecture an establishment of unity of design for the proposed development.

c) Pole signs are permitted, however, no pole shall be higher than four

feet from the ground to the base of the sign. The overall height of any pole sign shall not exceed 10 feet, measured from the ground.

d) Political and temporary signs are exempt from this Article and shall subscribe to the requirements of Article 16.

e) Any graphic accent color (i.e., black, dark blue, greys and other dark or strong colors) may be used for graphic accents only. Corporate logos shall be reviewed on a case-by-case basis.

f) Changeable copy signs that are permitted must be displayed on a single sign.

NOT PERMITTED:
1) Changeable copy signs, except for gasoline price signs, directory signs listing more than one (1) tenant, and signs advertising films and live entertainment which change on a regular basis.

3. **Sign Illumination.**

a) If a sign is to be illuminated, a stationary light directed solely at the sign shall be used. No more than two stationary lights may be used for any one (1)sign face. Illuminated signs shall not have a light reflecting background, but may use reflected lettering.

b) Lighting for signs shall be of a moderate intensity and designed and arranged to minimize glare and reflection. Light sources shall be concealed.

NOT PERMITTED:
1) Internally illuminated signs (except halo-lit) and neon signs.
2) Internally illuminated interior signs visible from the highway.

LIGHTING

A. GENERAL STANDARDS:

1. Exterior architectural, display and decorative lighting visible from the corridor shall be generated from a concealed light source with low-level fixtures.

2. Any lighting used to illuminate parking areas, access drives or loading areas shall be of such design, so as to minimize the amount of ambient lighting perceptible from adjacent properties. In no case, shall any lighting impair the vision of motorists on the corridor.

3. All interior lighting shall be so designed to prevent the light source or high levels of light from being visible from the corridor.

4. Entrances into developments from the highway may be lighted for traffic safety reasons, provided such lighting does not exceed the applicable foot candle requirements specified in subSection C., below.

5. A Site Lighting Plan shall be submitted as part of the application submission.

B. LIGHT FIXTURES:

1. Any light fixture shall be a cutoff luminaire whose source is completely concealed with an opaque housing and shall not be visible from any street. This provision includes lights on mounted poles, as well as, architectural display and decorative lighting visible from the corridor.

2. Fixtures shall be mounted in such a manner that the cone of light is not directed at any property line of the site.

3. Only incandescent, flourescent, metal halide, mercury vapor or color corrected high-pressure sodium light may be used. The same type of lighting must be utilized for all fixtures and light sources on the site.

4. Only white or off-white (light yellow tones) may be used for any light source.

5. Lighting poles mounted within 50 feet of the highway right-of-way may not exceed a height of 20 feet, and only forward-throw, or Type IV lights may be used to light entrances. The minimum mounting height for a pole shall be 12 feet.

C. ILLUMINATION LEVELS: All site lighting shall be designed so that the level of illumination measured in footcandles (fc) at any one point meets the standards in Table 03.455. The CRB shall have the discretion to allow limited flexibility as to variations in the minimum and average levels, if the proposed levels are below the following standards. The CRB shall not allow flexibility for proposed levels which exceed the maximum levels, unless such levels strictly conform to the recommended levels within the *IESNA Lighting Handbook*.

Table 03.455 ILLUMINATION LEVELS

LOCATION OR TYPE OF LIGHTING	MINIMUM LEVEL (FC)	AVERAGE LEVEL (FC)	MAXIMUM LEVEL (FC)
Landscape and Decorative	0.0	.50	5.0
Commercial Parking Areas	0.6	2.40	10.0
Multi-family Residential Parking Areas	0.2	1.50	10.0
Areas for display of Outdoor merchandise	1.0	5.0	15.0
Walkways and Streets	0.2	1.0	10.0

NOTES: Minimum and maximum levels are measured at any one point. Average level is not to exceed the calculated value, and is derived using only the area of the site included to receive illumination. Points of measurement shall not include the area of the building, or areas which do not lend themselves to pedestrian traffic. If the major portion of the lighting is to placed in front of a building, the average level should not be affected by adding any additional lighting elsewhere on the building.

APPENDIX C CULTURAL PROTECTION OVERLAY (CPO) DISTRICT

Purpose

The Cultural Protection Overlay (CPO) District is established to provide opportunities to protect natural and/or cultural resources found on St. Helena Island. The Comprehensive Plan provides "actions" to be undertaken, which would prevent rural gentrification and displacement of residents. Although, the intent of the CPO district is to protect St Helena and the Gullah culture from encroaching development pressures, growth is not discouraged. However, the quality and rate of growth is of concern in these areas. Rapid in-migration would substantially alter the traditional social and cultural character of this area, as new residents represent different values and customs. The gentrification of the island would result in a greater demand for urban services and eventually to the urbanization of the island. This can be particularly acute on St. Helena where maintaining the traditional lifestyle becomes cost prohibitive because of the value of land of development.

For those areas that require additional cultural protection, the CPO District provides additional standards. The criteria for the delineation of areas, which maybe, designated CPO, are:

- The omnipresence of an ethnic heritage
- Historic structures, settlements, and land use patterns
- Archeological sites
- Significant cultural features and sites

Applicability

The CPO District requirements apply to new uses; it is not the intent of this section to create nonconforming use of existing uses. Subdivisions, PUDs and other developments approved prior to the adoption of the 1999 Zoning Development Standards Ordinance (ZDSO) are exempt from the requirements of this section.

District Boundary

The CPO District boundary the St Helena Planning Area, excluding Fripp, Harbor, Hunting and Dataw Islands. The delineation of areas, which fall under the CPO designation, is outlined on the Official Zoning Map of Beaufort County. The official zoning map shall be amended to show a CPO suffix on any parcel where the CPO District has been applied.

CULTURAL PROTECTION OVERLAY (CPO) DISTRICT

The provisions of the CPO, the underlying zoning district, as well as the general development standards of the ZDSO are intended for the effective long-term protection of the culturally significant resources found on St. Helena.

Cultural Protection Standards

Permitted Uses

Where the CPO District is applied, the permitted uses shall be limited to those permitted uses specifically referenced in the base zoning, except those within the CPO District.

Use Limitations

The Comprehensive Plan recognizes the ethnic heritage, historical assets and rural traditions and customs of St Helena Island. In general, uses and activities that generate high traffic volume, require substantial parking, or massively alter the natural landscape are inconsistent with the intent of the CPO District.

Site Design

Design features that restrict access to water and other culturally significant locations, and franchise design are prohibited.

Without limiting the foregoing, the following specific new uses are deemed to be incompatible with cultural protection and are therefore prohibited:

1. **Restricted Access** (gated) Communities. An intentionally designed, secured bounded area with designated and landscaped perimeters, usually walled or fenced, that are designed to prevent access by non-residents.
2. **Resorts**. This use includes lodging that serves as a destination point for visitors, located and designed with some combination of recreational uses or natural areas; such as marinas, beaches or pools, tennis, golf, equestrian, other special recreation opportunities, and /or a variety of restaurants and shops to serve the guest. This does not include ecotourism or its associated lodging.
3. **Golf Course**. This use includes regulation and par 3 golf courses and clubhouses having nine or more holes.

Appendix D. COMMUNITY PRESERVATION USE TABLE

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AGRICULTURAL USES																
Agriculture	L	L	L	N	N	L	L	L	N	N	N	L	N	L	L	Crop (see below: Clearcutting, #4) and animal production, plant nurseries, tree farms. (NAICS 111, 112)
Forestry	Y	Y	Y	N/Y	N/Y	Y	Y	Y	N/Y	Y	N/Y	Y	N/Y	Y	Y	Perpetual management, harvesting and enhancement of forest resources for ultimate sale or use of wood products, requiring replanting, and subject to S.C. Forestry Commission BMPs. (NAICS 113)
Clearcutting	Y	Y	Y	N/Y	N/Y	Y	Y	Y	N/Y	Y	Y	Y	N/Y	Y	Y	1. Management, harvesting and use of forest or woodland (NAICS 113) for sale or use of wood products, without replanting or regeneration of the tree crop. 2. Clearing, grubbing or other destruction and cutting of ground cover, grading or otherwise moving the topsoil, or burning of the vegetative cover of more than ten thousand (10,000) s.f. of land. Landscaping improvements to private residential properties shall not be considered clearcutting, and shall not require a development permit. 3. Cutting of any tree over eight (8) inches DBH, or any specimen tree. 4. Cultivation of any land as an agricultural use, and gardens of less than ten thousand (10,000) s.f. shall not be considered clearcutting, and shall be a permitted use.
Farmstead	N	N	N	N	N	N	N	N	N	N	N	N	N	Y/N	N	Residential agricultural unit in which the land is used for agriculture and residential purposes by the owner/operator of the agricultural operation.
Farmworker Housing	N	N	N	N	N	N	N	N	N	N	N	N	N	Y/N	N	Housing located on farmsteads for temporary occupancy during seasonal farming activity. Farmworker housing is exempt from permit requirements. This type of housing may be provided at one (1) unit per fifty (50) acres for the first one hundred (100) acres, and one (1) unit per acre for each one hundred (100) acres after that.
Commercial Stables	L	L	L	N	N	L	L	L	N	L	N	L	N	L	L	Stabling, training, feeding of horses, mules, donkeys, or ponies, or the provision of riding facilities for use other than by the resident of the property, including riding academies. Also includes any structure or place where such animals are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch or similar purpose.
Agricultural Support Services	Y	Y	Y	N/Y	N/Y	Y	Y	Y	N/Y	Y	N/Y	Y	N/Y	Y	Y	Farm supply services, equipment dealers, grain storage, veterinary uses for agricultural animals and seasonal packing sheds. (NAICS 1151, 1152, 49313, 4225, 54194)

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RESIDENTIAL USES																
Single-Family Detached	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Detached dwelling unit intended for only one (1) family. Includes any one (1) family dwelling unit which complies with the Beaufort County Building Code.
Single-Family Cluster	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Two or more single-family detached residential uses in a subdivision, or on an individual lot that include, as part of the subdivision or lot design, significant common open space that meets the standards in Section 04.110.
Family Compound	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Form of traditional rural development which provides affordable housing for family members allowing additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least fifty (50) years.
Planned	L/Y	L/Y	L/Y	L/Y	N/Y	L/Y	L/Y	L/Y	N/Y	L/Y	N/Y	L/Y	N/Y	L/Y	L/Y	A development that consists of two (2) or more of the following housing types: single-family, single-family lot line, village houses, patio houses, atrium houses, townhouses of several types, duplexes, multiplexes and apartments. Such developments shall be planned as a unit and shall meet all the open space standards in Section 04.110.
Multi-Family	N	N	N	N	N	L	N	N	N	N	N	L	N	N	L	This use permits duplexes, multiplexes and apartments only.
Commercial Apartment	N	N	N	N	N	Y	N	N	N	N	N	Y	N	Y	Y	One (1) to four (4) dwelling units located above, or to the rear of a non-residential structure on the same lot.
Group Home	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A building that would otherwise be categorized as a single-family home, except for the fact that the number of unrelated individuals living in the unit does not qualify under the definition of family. The operation of a group home shall be a family living environment, not an institutional environment, where staff manages the living, and controls activities. If the unit would otherwise qualify as other types of dwelling units defined in this Ordinance, such as apartment or attached housing, then the use shall be treated as such. Not included are Co-ops, nursing homes, other institutional residential and boarding house types of operations since these are institutional or commercial lodging uses.
Small Single Family - Affordable	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	An affordable residential unit especially designed and built to serve the needs of individuals or small households who need small, compact, affordable housing. It is not intended to meet the needs of large families. Three (3) types of housing are provided: 1) single-family detached one story, 2) single-family detached two story, and 3) single story attached. The small scale of these units permits them to fit into existing neighborhoods without threatening the neighborhood character.

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Accessory Dwelling Unit	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A second dwelling unit, clearly subordinate to the principal unit, either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use a s a complete, independent living facility.
Manufactured Home Park Community	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	A parcel or contiguous series of parcels under single ownership, that may include land-leased or individual ownership options, planned and improved for the placement of ten (10) or more manufactured housing units for use as residential dwellings. Mere subdivision of land does not constitute it being defined under this use. Dwelling types typically found under this use include: 1. Manufactured Home - A residential dwelling unit built in accordance with the Federal Manufactured Home Construction and Safety Standards (FMHCSS), usually after 1976. 2. Mobile Home - A residential dwelling unit fabricated in an off-site manufacturing facility, built prior to the enactment of the FMHCSS, usually before 1976. 3. Modular Home - A residential dwelling unit constructed in a factory to a residential construction code other than the FMHCSS. In Beaufort County, this would be the Beaufort County Building Code, and/or BOCA. 4. Factory-Built Home - A residential dwelling that is wholly, or mostly fabricated, formed or assembled in an off-site manufacturing facility for future installation on a building site. These units may include manufactured homes, modular homes and mobile homes. Other definitions: 1. Land-leased option - Single ownership of all lands within a development, with the landowner retaining the rights of ownership. Home sites within the development are leased to individual homeowners, who retain customary leasehold rights. 2. Individual ownership option - Sale of lots within a development and plotted for individual manufactured Home sites, to be placed on permanent foundations.

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HOME USES																
Daycare, Family *(Daycare, Commercial see Section 03.323)*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A facility in a private home that is operated by one (1) or more persons duly licensed or qualified to be licensed by the State for the purpose of providing child day care for one (1) to not more than eight (8) children at any one time, who are not relatives of the day care provider. (NAICS 62441)
Home Occupation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A business, profession, occupation or trade located entirely within a residential dwelling which does not change the essential character of the residential use.
Home Business	Y/E	Y/E	Y/E	Y/E	Y/E	Y/E	Y/E	Y/E	Y/E	Y/E	Y/E	Y/E	Y/E	Y/E	Y/E	A business operated out of a single-family residence and accessory structures that permits the employment of up to three (3) unrelated individuals. Farm workers are not included. Uses shall be limited to office and service types; wholesale or retail sales are prohibited on premises.
INSTITUTIONAL USES																
Assembly and Worship, Large	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Museums, libraries, aquariums, cultural or arts centers, historic sites and churches with or without schools (except Sunday schools occupying no more than fifty [50] percent of the floor area) as part of the complex and having fifteen thousand or greater square feet of floor area. (NAICS 6111, 8131, 8134)
Assembly and Worship, Small	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Museums, aquariums, cultural or arts centers, historic sites and churches with no schools (except Sunday schools occupying no more than fifty [50] percent of the floor area) as part of the complex and having less than fifteen thousand (15,000) square feet of floor area. In the Rural district, there shall be no minimum lot size for this use when less than 15,000 square feet of floor area, and/or when no school is involved. NAICS 6111, 8131, 8134) This use includes all cemeteries. (NAICS 81222)
Colleges & Professional Schools	S/N	S/N	S/N	N	N	S/N	S/N	S/N	N	S/N	N	S/N	N	S/N	S/N	Colleges, universities, and professional schools; other advanced education. (NAICS 6112, 6113)
Schools, Neighborhood (Elementary and Middle School)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the County or the State of South Carolina. The definition includes nursery schools, kindergarten, elementary schools, middle schools or any special institution of learning under the jurisdiction of the State Department of Education catering to those age groups. This does not include charm schools, dancing schools, music schools or similar limited schools.

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Schools, Community (High Schools)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the County or the State of South Carolina. The definition includes senior high schools or any special institution of learning under the jurisdiction of the State Department of Education catering to those age groups. This does not include professional and vocational schools, charm schools, dancing schools, music schools or similar limited schools nor public or private universities or colleges.
Institutional Residential	N	N	N	N	N	L	N	N	N	N	N	L	N	L	L	1. Convents or monasteries. 2. Skilled Nursing Facility - Twenty four hor care to ill persons in a controlled setting providing daily and medical care. Residents often have limited or no mobility. Requires licensing. 3. Assisted Living Facility - Residential care facility catering to the frail elderly who require assistance with daily activities. Requires licensing. 4. Independent Living Facility - facility catering to more mobile, healthy senior adults. Individual living units may contain kitchens, while common dining is available. Planned recreation, housekeeping, transportation, etc may also be provided. Does not require licensing. 5. Sheltered care facilities or group living facilities where the residents live in an institutional environment and are generally under the care or control of staff. All sheltered care, group care, and group homes, except emergency shelters and residential substance abuse facilities where total occupancy is more than eight (8), shall be considered institutional residential use. These residents would be members of an institution, have institutional care, or would be treated by staff in an institutional setting rather than living independently. (NAICS 623, 62422, 62423) 6. Institutional housing where there is commercial rental or condominium ownership combined with any of the following: common food service, nursing, or health care. Assisted living facilities shall also be included. (NAISC 623311, 6239, 624229) 7. Dormitories, fraternities, or sororities. 8. Schools with live-in facilities on site, other than universities, colleges or preparatory schools. (NAICS 61111)
Daycare, Commercial *(Daycare, Family see Home Uses)*	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	All daycare facilities not classified as Daycare, Family and including more than eight (8) children (NAICS 62441)
Local Utilities	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Utility substations or transmission and local distribution facilities, including telephone, and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, and landfills or mining operations. (NAICS 221122, 22121)

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Public Services	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	These uses include emergency service, buildings, or garages, (e.g., ambulance, fire, police, rescue, and public works) or other garages or areas where vehicles are stored and dispatched. (NAICS 62191, 92212, 92216, see Office uses, below)
Government Office	Y	Y	Y	~~N~~ L	~~N~~ L	Y	Y	Y	~~N~~ L	Y	~~N~~ L	Y	Y	Y	Y	County, State, or Federal office buildings or other facilities that are primarily devoted to public office uses or services. (NAICS 921, 92211, 92213, 923)
Recreational Institutional	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Non-profit organizations chartered to provide community-based recreational services.
COMMERCIAL USES																
Bed and Breakfast	L	L	L	L	L	L	L	L	N	L	N	L	L	L	L	This is any place of lodging in which there are no more than eight (8) guestrooms, or suites of rooms available for temporary occupancy for varying lengths of time, with compensation to the owner, by the general public, and in which meals may be prepared for them, provided that no meals may be sold to persons other than such guests, and that the owner resides therein as his or her principal place of residence. (NAICS 721191)
Commercial Retail, Neighborhood	N	L	L	N	N	L	L	L	N	~~N~~ L	N	L	N	L	L	These uses are retail uses that primarily serve their immediate neighborhoods, and include the following types 1.Hardware stores 2.Grocery store with general merchandise for resale, with limited uses allowable in CS and CP districts up to forty thousand (40,000) s.f. 3.Food and beverage stores 4.Boutiques, gift shops, antique shops, liquor stores, book stores and drug stores 5.Garden centers 6.Vehicular service uses, as listed elsewhere in this Table The maximum size of any Neighborhood Commercial Retail use shall be ~~ten thousand (10,000)~~ three-thousand (3,000) s.f., unless otherwise specified.

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Commercial Retail, Traditional Shop	L	L	L	L	L	L	L	L	N	L	N	L	N	L	L	This use reflects existing small, traditional, community-oriented necessity stores found in rural areas that sell mainly grocery items and household supplies, but not gasoline. Since these are neighborhood-oriented, their maximum size is 1,500 square feet. Certain limitations to this use are intended to preserve the character of the communities that they serve.
Drive-through Restaurant	N	N	N	N	N	L	N	N	N	N	N	N	N	N	L	Drive-in and drive-through restaurants that provide service to customers while in their vehicles This use may include inside service to customers, as well.
Office	L	L	L	L	N	L	L	L	N	L	N	L	N	L	L	Building or buildings wherein operations are predominantly administ. ive, professional or clerical, and includes the following: 1. Finance, banks, trusts, savings and lending (NAICS 521, 522, 525, 533) 2. Security, commodity brokers and investment services (NAICS 523) 3. Insurance carriers, agents, brokers, and services (NAICS 524) 4. Real estate services (NAICS 531) 5. Professional and technical services (NAICS 5411-5419) 6. Business services (NAICS 55, 5611-5616, 5619, 8139) 7. Health services (NAICS 621) 8. Social services (NAICS 624) (except care facilities) 9. Educational services, such as business schools (NAICS 6114), technological, and trade schools (excluding public and private schools defined as institutional) 10. Civic and social organizations (NAICS 8132 -34) 11. Agricultural support and services (offices only) (NAICS 115) 12. Governmental offices (NAICS 92 excluding public service) 13. Parking lots (NAICS 81293) 14. Contractor's Office without exterior storage
Restaurant	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Establishment that serves food and beverages to persons seated within the building. Outside terrace or sidewalk seating is permitted subject to all other required codes. Bars, taverns, saloons and nightclubs are permitted subject to applicable State liquor licensing requirements and standards.

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Services	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	A wide variety of personal and commercial services including the following: 1. Educational services (NAICS 611 except 611512, 61162) 2. Social assistance (NAICS 624) 3. Hospitals and medical laboratories (NAICS 339116, 62151, 62211, 62221, 62231), including general medical and surgical hospitals, and specialty hospitals, except alcoholism, drug, rehabilitation. 4. Kennel service and domestic veterinary clinics (NAICS 11521) 5. Postal service buildings, except regional distribution centers, couriers and messengers (NAICS 491, 492) 6. Miscellaneous repair services and shops (NAICS 44311, 8112, 8113, 8114) 7. Health and exercise clubs; dance studios (NAICS 71394, 71399) 8. Parking lots (NAICS 81293) 9. Funeral homes (NAICS 81221) 10. Laundry services (NAICS 8123) 11. Personal services (NAICS 8121, 8129) NOTE: Drive through facilities are not permitted as part of this use.
Mixed Use	N	N	N	N	N	Y ~~L~~	N	N	N	N	N	Y ~~L~~	N	Y ~~L~~	Y ~~L~~	1. A building containing two (2) or more use categories with five (5) or more residential dwelling units comprising a minimum of twenty-five (25) percent of the total floor area. 2. A building or group of buildings arranged around a pedestrian precinct, containing four (4) or more different uses including: commercial retail, ~~commercial lodging~~, office, service, residential, institutional, or exhibition center Residential use shall be one of the required uses.
VEHICULAR SALES, RENTAL AND SERVICE, GAS CONVENIENCE MARTS:																
Quick service oil, tune-up, brake and muffler shops	N	L	L	N	N	L	N ~~L~~	L	N	N	N	L	N	L	Y	Quick service oil, tune-up, brake and muffler shops where maintenance repairs are made in fully enclosed bays, and where such repairs are typically completed in less than two (2) hours.
General Auto Repair and Gasoline Service Stations with repair bays or facilities.	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	Y	General auto repair facilities where most types of servicing and repair can be performed on-site Hand car wash/detailing businesses are permitted as part of, or separate from this use.

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Gas-convenience marts with no repair bays or facilities	N	L	L	N	N	Y	L	Y	N	N	N	Y	N	Y	Y	Gas-convenience marts with no repair bays or facilities. There is no towing, vehicle body, engine repair, painting, or exterior overnight vehicle storage permitted with this use Single-bay car washes associated with a gas convenience mart are permitted (NAICS 811191, 811192).
RECREATION AND AMUSEMENT USES																
Commercial Amusement, Indoor	N	N	N	N	N	L	N	N	N	N	N	N	N	N	L	Includes, but is not limited to: bowling alleys, indoor sports arenas, movie theaters, performing arts companies, indoor skating rinks (ice or roller), amusement game machine complex, pool halls, and shooting arcades (NAICS 512131, 7111, 7112 part, 7113, 712 part, 713 part)
Indoor Recreation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Recreational uses including community recreation centers, gymnasiums, indoor swimming pools, tennis racquetball, or handball courts (NAICS 71394). Specifically excluded are health and exercise clubs, and uses listed as service uses, above
Outdoor Recreation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	1. Active recreational activities and supporting services including, but not limited to: jogging, cycling, tot-lots, playing fields, playgrounds, outdoor swimming pools, and tennis courts (NAICS 7113); game preserves and shooting, trapping and fishing clubs (NAICS 71391, 71393 71394); marinas. 2. Passive recreational uses including, but not limited to: arboretums, wildlife sanctuaries, forests, areas for hiking, nature areas, and other passive recreation-oriented parks. 3. Picnic areas, garden plots, and beaches.
Ecotourism	L	N	N	N	N	N	L	N	N	N	N	N	N	L	N	Organized, educational and mainly outdoor recreation with or without lodging, which invites participants to learn about and promote ecological preservation, conservation and sustainability. This use shall include at least two of the following characteristics: 1. Located near or within a wilderness setting, park or protected area; 2. Interpretive educational program(s) with or without guides; 3. Outdoor activities; or 4. Cultural experiences.

009538

Appendix D. COMMUNITY PRESERVATION USE TABLE

USE PERMISSION

Y = Permitted Use L = Permitted Use with limited review S = Special Use
N = Prohibited Use
All other uses excluded from this table are prohibited .
Commercial uses are limited to areas zoned commercial under the 1990 Zoning and Development Standards Ordinance.

LAND USE	Dale	Sheldon	Big Estates	Brighton Beach	Buckingham	Bluffton	Daufuskie Island	Pritchardville	Sawmill Creek	Lands End	Tansi Village	Corner Community	Polk Village	Seabrook	Lady's Island	USE DEFINITION
INDUSTRIAL USES																
Commercial Communication Towers	N	N	N	N	N	S	S	S	N	N	N	S	N	N	S	Radio or television broadcasting towers, telecommunications towers, and antenna arrays (NAICS 513), except residential satellite dishes. Speculation towers are prohibited.
Residential Storage Facility	L	L	L	N	N	L	N	L	N	N	N	L	N	L	L	A building or buildings consisting of individual, small, self-contained units that are leased or owned for the storage of household goods.

00959

Appendix D. COMMUNITY PRESERVATION USE TABLE

USE PERMISSION

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LAND USE	Dale	Sheldon	Big Estates	Brighton Beach	Buckingham	Bluffton	Daufuskie Island	Pritchardville	Sawmill Creek	Lands End	Tarsi Village	Corner Community	Polk Village	Seabrook	Lady's Island	USE DEFINITION
TEMPORARY USES																
Christmas Tree Sales	Y	Y	Y	Y	N ¥	Y	Y	Y	N ¥	Y	N ¥	Y	N ¥	Y	Y	The sale of evergreens for use as Christmas holiday decorations. Sales shall be limited from November 15 through December 25 during any year.
Construction Staging or Plant	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	A concrete or asphalt batch plant, or metal forming and cutting facility assembled on the site or located no more than one (1) mile from the site where the construction of a particular road, infrastructure or building is to take place Such facilities shall be removed within one (1) year.
Contractor's Office	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Security guard buildings and structures, construction equipment sheds, contractor's trailers and similar uses incidental to a construction project. Limited sleeping and/or cooking facilities may also be permitted
Roadside Stand	Y	Y	Y	Y	N ¥	Y	Y	Y	N ¥	Y	N ¥	Y	N ¥	Y	Y	Temporary or permanent structure or vehicle used in the sale of agricultural produce. More than one (1) farm may sell at a single stand.
Model Homes/Sales Office	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A dwelling unit or modular unit in a subdivision used as a sales office for that subdivision
TEMPORARY OUTDOOR SALES:																
Commercial Outdoor Sales	Y	Y	Y	Y	N ¥	Y	Y	Y	N ¥	Y	N ¥	Y	N ¥	Y	Y	Outdoor sales of merchandise, by either a store owner or occupant, outside the store in question on either the public sidewalk, a private sidewalk, or pedestrian area. This use excludes sales associated with a public interest or special event.
Miscellaneous Outdoor Sales	L	L	L	L	N ¥	L	L	L	N ¥	L	N ¥	L	N ¥	L	L	Those activities which involve selling goods from a truck, temporary outdoor or tented sales area, but not as part of, or sponsored by a commercial operation on site.
Public Interest and Special Events	L	L	L	L	N ¥	L	L	L	N ¥	L	N ¥	L	N ¥	L	L	Public Interest. Outdoor gatherings, auctions, art sales, and bake sales for the benefit of the community, or community, service or non-profit organization. Special Event. These events may include, but are not limited to, outdoor concerts, auctions, carnivals, circuses, outdoor religious meetings, and special entertainment at commercial properties. Such uses often travel to various communities, or involve noisy events regardless of purpose.

00960

Appendix D

COMMUNITY PRESERVATION AREAS

LIMITED AND SPECIAL USE STANDARDS

This Appendix describes the standards governing Limited and Special Uses in the Community Preservation areas as designated on the County's Zoning Map. These standards are in addition to other standards required elsewhere in the Zoning Development Standards Ordinance (ZDSO), as well as, Building Code requirements. The standards in this Appendix include buffering, location, bulk and scale, and standards of an environmental nature. New uses within each Community Preservation Area shall be consistent with surrounding neighborhood character in size, scale and architecture. In cases where the proposed use is located within a designated highway corridor (See Section 21.240) or contains historic resources (see article 8) the Corridor Review Board and/or the Historic Preservation Review Board shall be consulted in the determination of compatibility.

Uses designated as "L" in Appendix D, are permitted uses, however, require minor additional standards from the by-right provisions. Uses designated as "S" in the table are Special Uses, require more stringent standards, and must be considered and approved by the Zoning Board of Appeals. See Article 21 for the appropriate procedure for both Limited and Special Use reviews. If a Limited or Special Use is proposed as part of a subdivision or land development, the site plan must so designate their locations. The standards for each use may vary by zoning district.

AGRICULTURAL

AGRICULTURE

All existing farm uses shall be exempt from the standards of this Ordinance.

All commercial livestock and poultry operations utilizing 4 acres or more shall include an Environmental Impact Assessment.

COMMERCIAL STABLES

Additional buffering shall be required whenever the use is within 100 feet of a developed residential lot. The buffer width shall be increased to a minimum of 15 feet.

Minimum Site Area: 5 acres.

A 5-foot high fence is required around paddock areas.

All applications for this use shall include an Area Impact Assessment.

RESIDENTIAL

PLANNED
Standards Pending

MULTI-FAMILY RESIDENTIAL

Bufferyards shall be used around the perimeter and shall be increased to 15 feet in width.

Any freestanding lighting fixtures shall be reduced in height to fifteen 15 feet if the use adjoins a residential district or use.

Multi-family uses shall be consistent with surrounding neighborhood character in size, scale and architecture. The Traffic Impact Analysis shall indicate required improvements, where applicable.

All applications for this use shall include a Community Impact Statement.

MANUFACTURED HOME PARK

See Section 11.250

SMALL SINGLE FAMILY –AFFORDABLE

See Article 7.

INSTITUTIONAL

ASSEMBLY AND WORSHIP, LARGE

Access shall be provided through frontage on an arterial or collector street, unless the DRT finds that access to an adjoining local street is safer, and provides improved design, benefiting the County.

A minimum lot size of 10 acres shall be required when a school is involved.

All applications for this use shall include a Traffic Impact Analysis.

SCHOOLS

This Section applies to elementary, middle schools, high schools and colleges and professional schools which shall be governed by the following:

A. Access: High schools, colleges and professional schools shall have frontage on a collector or arterial and shall be required to take access to such streets unless the County Engineer believes local streets are safer in the particular conditions of the site and roads.

B. The school shall serve the district and surrounding rural areas.

C. Minimum site areas shall be based on the type of school:

Colleges and Professional Schools -10 acres
Neighborhood (Elementary) - 10 acres
Neighborhood (Middle) - 20 acres.
Community (High) - 30 acres.

All applications for this use shall include a Community Impact Statement.

INSTITUTIONAL RESIDENTIAL

This use shall have a minimum 4-acre site.

Bufferyards shall be used around the perimeter and shall be increased to 15 feet in width.

DAY CARE, COMMERCIAL

Minimum Area: minimum lot area of 20,000 square feet, or 1,000 square feet per person (staff and customers).

All applications for this use shall include a Traffic Impact Analysis.

UTILITIES, LOCAL

Utility agencies shall submit service radii or other locational criteria that demonstrate the need to place facilities in this district. The facilities shall be designed to serve that district and surrounding, more rural zoning districts, but not adjoining more intensely zoned districts.

COMMERCIAL

BED AND BREAKFAST

Use Standards: Any Bed and Breakfast use shall have a maximum of 6 rental rooms. Meals may be served only to registered guests.

Signs: Bed and Breakfast uses are limited to 5 square feet total sign area. Such signs must be constructed of wood or other durable non-plastic materials.

Parking: Bed and Breakfast uses must provide for all parking off-street, this includes guest, resident and employee parking, which shall be screened from adjoining land uses by hedges and canopy trees. The DRT may permit on-street parking to be substituted upon determining that the street can accommodate the parking and the provision of off-street parking would be detrimental to the area's appearance.

Building Type: This use is limited to structures at least 50 years old with an identifiable architectural style unless a different building design is approved by the Historic Preservation Review Board, Design Review Board or the DRT. The applicable reviewing body shall ensure the building is in character with its neighborhood in style and appearance.

COMMERCIAL RETAIL, NEIGHBORHOOD

The use shall be limited to individual buildings or lease space in larger structures of no more than 3,000 square feet, unless otherwise specified.

The buildings shall have pitched roofs in keeping with that of the local community character. The use shall also be consistent with surrounding community character in size, scale and architecture Franchise architecture shall be prohibited.

Natural landscaping shall be preserved to the fullest extent possible. Every effort shall be made to preserve existing, significant trees.

The use shall have access to a collector or arterial road.

Grocery stores are limited to 10,000 square feet within Big Estates, Corner Community Island, Seabrook, and Sheldon and on Daufuskie Island.

Additional standards for grocery stores pending

All applications for this use shall include a Traffic Impact Analysis.

COMMERCIAL RETAIL, TRADITIONAL SHOP

The following standards shall apply to all **new** traditional shop uses:

The maximum allowable size for new traditional shop uses shall be 1,500 square feet total.

No traditional shop use shall be located within a ½ mile radius from another traditional shop use.

The buildings shall have pitched roofs in keeping with that of the local community character. Franchise architecture shall be prohibited.

Natural landscaping shall be preserved to the fullest extent possible. Every effort shall be made to preserve existing, significant trees.

Traditional shops shall include typical staple products for resale such as grocery items and household supplies. Gasoline sales are not permitted.

DRIVE-THROUGH RESTAURANT

Talk boxes must be screened by a sound barrier such as a fence or masonry wall.

All applications for this use shall include a Traffic Impact Analysis

VEHICULAR SALES, RENTAL AND SERVICES

All canopies over gas pumps shall have pitched roofs.

Lighting shall be kept hidden inside a canopy so as not to be visible from off-site. Any free standing lighting fixtures shall be reduced in height to 15 feet if the use adjoins a residential district.

All service bay doors shall be located perpendicular to the street of higher classification.

Additional Buffers: Where the property abuts a residential area, an additional 15 feet of buffer or a wall at least 6 feet in height that is fully opaque and erected at the interior of the buffer is required.

The maximum allowable size for new uses shall be 1,500 square feet total, excluding canopy and service bays.

All applications for this use shall include

OFFICE

This use shall be located only on an arterial or collector road.

Bufferyard: Adequate bufferyards shall be included and maintained as part of the design, according to Article 04.

Compatibility: In cases where there is no review by a Design Review Board, the DRT shall determine compatibility of architecture design with the surrounding community.

All applications for this use shall include a Traffic Impact Analysis.

RESTAURANT

Additional Buffers: Where the adjoining land is zoned or used for residential, the buffer shall be increased by 15 feet.

The maximum allowable size for new restaurants shall be 3,000 square feet total.

All applications for this use shall include a, Traffic Impact Analysis

SERVICES

Additional Buffers: Where the adjoining land is zoned or used for residential, the buffer shall be increased by 15 feet.

At the discretion of the DRT, All applications for this use shall include a Traffic Impact Analysis,

MIXED USES

Except as provided in 2., below, mixed use buildings shall have a minimum of 25 percent residential floor area.

A mixed use building, or a group of buildings in a mixed use development, oriented to a pedestrian precinct, may have the minimum residential component reduced to 15 percent where a major portion of the floor area is a large public structure, such as a museum, that occupies at least 40 percent of the total floor area.

Residential uses shall provide outdoor areas greater than or equal to 120 square feet per unit, or the equivalent using 1 or a combination of the following methods:

1. Balconies or roof gardens; and/or

2. Parks or parkways with a minimum of 20,000 square feet of lawn area located within the development; and/or

3. Paved pedestrian precincts, which may count for no more than 25 percent of the requirement.

All applications for this use shall include a Traffic Impact Analysis, Community Impact Statement and Resource Protection Plan.

RESIDENTIAL STORAGE FACILITY

The site shall have a minimum lot depth of 250 feet.

Rear yard setback requirements may be reduced to 10 feet or to the requirements of the buffer yard, whichever is greater.

Building placement and site design shall ensure that the use is not visible from arterial or collector roads. The use shall be located to the rear of permitted commercial uses

Where the adjoining land is zoned or used for residential, the buffer shall be increased by 15 feet.

All applications for this use shall include a Traffic Impact Analysis.

RECREATION & AMUSEMENT

COMMERCIAL AMUSEMENT, INDOOR

The use shall take access from a collector or arterial road.

The maximum allowable size for new or expanded uses shall be twelve thousand (12,000) square feet total.

All applications for this use shall include a Community Impact Statement.

ECOTOURISM

Site Design: Applications for this use shall include a site plan whose design incorporates the building, structures and amenities into the natural and scenic qualities of the area, in a complimentary fashion. An Operational Plan for the overall design and intent of the proposed use shall indicate that the use will enhance the ecotourism experience of intended users in regard to the related wilderness setting, interpretive educational programs, wildlife viewing opportunities, outdoor activities, parks/protected areas, and/or cultural experience. In addition, the following design standards shall be required:

Maximum floor area ratio for each development shall be 1.
An open space ratio of 85 percent shall be required for the entire property.

Impervious surface shall not exceed 8 percent for the entire property.

There shall be a 3 acre minimum site size for this use.

Lodging Restriction: Lodgings are permitted with this use and include cabins, inns, bed and breakfasts, ranches, historic properties and small hotels. Hotel uses shall be limited to no more than fifty (20) units per development, 8 units per building, and a maximum height of 2 stories.

Operators of Ecotourism uses shall adhere to the stewardship, research and educational principles promoted by The Ecotourism Society (TES).

All applications for this use shall include a Community Impact Statement.

COMMERCIAL COMMUNICATION TOWERS

Commercial communication towers are restricted to the expansion or replacement of an existing tower.

See standards listed in Section 03.344.

TEMPORARY USES

CONSTRUCTION STAGING OR PLANT

No such use shall be located within 500 feet of an adjoining residential zoning district.

If any one adjoining land use or zone is residential, hours of operation shall be limited to 8:00 A.M. to 8:00 P.M. In all other instances, hours of operation shall be limited to 6:00 A.M. to 10:00 P.M.

Prior to receiving a development permit, the applicant shall provide a **written agreement and advance surety** in the amount of 100% of the estimated site restoration costs (to be determined by the DRT) to ensure complete site restoration upon the project's conclusion.

Prior to receiving a development permit, the applicant shall provide a **written agreement and advance surety** in the amount of 100 % of the estimated road restoration/replacement costs (to be determined by the County Engineer) to ensure roads will be reconstructed to their original or improved condition upon the project's conclusion.

All applications for this use shall include an Environmental Impact Assessment and a Traffic Impact Analysis.

PUBLIC INTEREST AND SPECIAL EVENTS

Public interest or special events in stadiums or public parks shall be regulated by the County and are not limited by this Section.

All other public interest and special events shall meet the following standards:

All such uses shall be held on land occupied by the organization benefiting from the proposed activity, or on a site owned by another party who has agreed to host the event. The activity shall be permitted only during hours when the facility's parking would not be used for the primary use's high traffic generation activities.

Such uses shall not be held on a property more than 2 times per year.

1. Such uses shall be limited to 4 successive days.

2. If deemed necessary by the Police Department, special traffic personnel shall control property access. As part of the application, the applicant must provide a written communication from the Police Department indicating adequate provisions have been made.

3. As part of the application, the applicant must provide written approval from SCDHEC regarding sanitary provisions, and that adequate provisions have been made.

4. Prior to receiving a use permit, the applicant must provide a written communication from the Building Inspector indicating adequate provisions have been made for electric and lighting facilities. The safety and welfare of the public will be evaluated prior to approval of a use permit.

Appendix D.
Table 2
Development Standards for Community Preservation Areas

DISTRICT INTENSITY STANDARDS

Zoning District & Development Type	Min OSR or LSR	Density		Floor Area Ratio		Sewer	Min Site Area
		Max * Gross	Max Net	Max Gross	Max Net		
Community Preservation (CP)							
Single-Family	.10	See Appendix D Table 1		na	na	OS	Var.
Single-Family Cluster	0.40	2.07	3.80	na.	na.	CS	20 ac.
Multi-Family	.30	5.20	7.40	na	na	P/CS	15 ac
Planned	0.20	4.5	6.10	na	na	P/CS	10 ac
CP-pud	see original approval						
Other Permitted Uses	.10	na	na	~~.05~~ 0.5	.82	Varies*	10,890

DISTRICT LOT AND BUILDING STANDARDS

Minimum					Maximum
Lot Area (sf)	Lot Width (feet)	Street Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Height
See Table 1	150	~~50~~ 20	18	~~50~~ 20	35
Either lot line or Village House					35
See Table 11.200					35
See Table 11.200					
See original approval					
10,890	50	10*	5	50	35

Public sewer or community sewer service is required for commercial uses within the Southern Beaufort, Port Royal and Lady's Island planning areas.

* The maximum gross density for all residential development options within the Lady's Island CP area is one (1) unit per acre.

Table 3
LANDSCAPING, BUFFERYARD AND ILLUMINATION STANDARDS

LANDSCAPING STANDARDS

Zoning District & Development Type	Landscaping Trees per			Canopy Bufferyard Standards		
				Adjoining Streets		
	Lot	Acre Open Space	Parking Spaces	Arterial	Collector	Minor
Community Preservation (CP)	~~None~~ 3	~~None~~ 4	~~None~~ 1/10	~~25~~ 15	~~25~~ 15	—

LANDSCAPING STANDARDS

Bufferyard Standards (ft.)

Adjoining District											
RC	River RQ	RR	R	S	U	CP	CS	CR	RD	LI	IP
—	100	25	25	-	-	—	—	—	—	—	

ILLUMINATION STANDARDS

Street Tree Spacing (feet)	Max. Illumination/Height	
	Illumination	Height
	~~R=Regular~~ C=Cutoff Fc=footcandle	~~R=Regular~~ C=Cutoff Ft=feet
50	R=2f C=4fc	R=15ft. C=20ft

* The minimum street yard for Highway 46 is 25 feet.

89600

Appendix D.

Table 1

Residential Lot Size and Density Standards for Community Preservation Areas

Planning Area	Community Preservation Area	Density				Minimum Lot Area (sf.)	
		Maximum Density with Sewer Service		Maximum Density without Sewer Service*			
		Max.Gross	Max. Net	Max.Gross	Max. Net		
Northern Beaufort	Dale	N/A	N/A	1:1	1.66	~~43,560~~	21,780
	Big Estates	N/A	N/A	1:1	1.66	~~43,560~~	21,780
	Sheldon	N/A	N/A	1:1	1.66	~~43,560~~	21,780
Southern Beaufort	Brighton Beach	4:1	5.10	2:1	2.93	~~10,890~~	5,445
	Buckingham	4:1	5.10	2:1	2.93	~~10,890~~	5,445
	Bluffton	4:1	5.10	2:1	2.93	~~10,890~~	5,445
	Daufuskie Island	2:1	2.93	1:1	1.66	~~21,780~~	10,890
	Pritchardville	2:1	2.93	2:1	2.93	~~21,780~~	10,890
	Sawmill Creek	2:1	2.93	1:1	1.66	~~21,780~~	10,890
Port Royal Island	Polk Village	4:1	5.10	2:1	2.93	~~10,890~~	5,445
	Seabrook	4:1	5.10	2:1	2.93	~~10,890~~	5,445
St Helena	Lands End	N/A	N/A	2:1	2.93	~~21,780~~	10,890
	Tansi Village	N/A	N/A	1:1	1.66	~~43,560~~	21,780
	Corner Community	4:1	5.10	2:1	2.93	~~21,780~~	10,890
Lady's Island	Lady's Island	1:1	1.66	1:1	1.66	~~43,560~~	21,780

*Sewer service includes only connection to a sewer trunk line, a local treatment plant, or a community system, any of which must be certified by the Beaufort Jasper Water and Sewer Authority.

APPENDIX F
STREET NAMING AND RENAMING GUIDELINES IN BEAUFORT COUNTY

(Proposed revisions to the previously approved (3/92) and revised (9/94) document by the Joint Planning Board)

These guidelines are preliminary and will be completed prior to March 18, 1999, based on Joint Planning Board and Subcommittee recommendations.

AUTHORITY

In 1994, the State of South Carolina, through the *South Carolina Local Government Comprehensive Planning Enabling Act, Section 69-29-1200,* authorized certain duties and responsibilities to local planning commissions for approving both new street names and name changes to existing public and private streets.

The primary objectives of a consistent, efficient and easily understood street naming system are to enhance directional clarity and traffic flow, and to facilitate the locating of property. It is in the interest of public health, safety and welfare that these guidelines be adhered to for all new street namings and renamings. Honoring individuals, conveying a certain image, or conferring status upon a particular address are valid but secondary functions. The intent of this document is governed by the Joint Planning Commission which has legal authority and decision-making responsibilities for its administration.

GENERAL GUIDELINES

The following General Guidelines are applicable for all street naming/renaming activities within the purview of the Beaufort County Joint Planning Commission.

1) While all street namings are important, more careful consideration will be given to the naming or renaming of higher order streets, scenic highways and highway corridor overlay streets. In determining traffic systems, a hierarchy of streets has been established according to various criteria including traffic volume, regional county connections, ratio of traffic service to access service, number of lanes, and length of street segment. To assist in naming and renaming streets, five general classes of streets have been operationally defined in Table A, below.

Table A. Beaufort County Road Classifications

Road Classification	Description	Beaufort County Examples
Principal Arterial-(highest order) Note: *Streets classified as scenic highways or within a highway corridor overlay district, though not necessarily principal arterials, will be treated as highest order roads for the purposes of street renamings.*	Principal arterials are the most important streets in the County and include U.S. numbered highways, South Carolina primary highways, and streets that generate the largest amounts of traffic. These streets should provide minimal land access.	-Parris Island Gateway (SC 280) -Trask Parkway -Ribaut Road (portion) -Boundary Street (portion) -Fording Island Road (US 278)
Minor Arterial	Interconnects principal arterials, distributes traffic to smaller towns and resort areas. Provides slightly more land access.	-Sams Point Road -Sea Island Parkway -SC 170 -May River Road (SC 46)
Major Collector	Provides land access and circulation connecting county seats and intracounty traffic generators such as schools, county parks, etc. that are not served by arterials.	-Martin Luther King Boulevard -Sea Island Parkway -Keans Neck Road -Joe Frazier Road
Minor Collector	Collects traffic from local roads for distribution to developed areas within a reasonable distance of a collector street.	-Mink Point Boulevard -Meridian Road -Fripp Point Road -Pritchard Farms Road

Local Road-(lowest order)	The purpose of local streets is to allow access to abutting properties with minimal or no through traffic. Often contained within small subdivisions providing circulation, as well as, access within that subdivision. Short trips in nature. Many local streets are privately owned.	-Example not necessary

2) In all cases, exact and near duplication of primary names and suffixes in unincorporated Beaufort County, the City of Beaufort and the Town of Port Royal is not permitted. For example, the use of both Spring Street and Spring Boulevard may be confusing and should therefore, be avoided. It may be appropriate, however, for a minor subsidiary road to duplicate the primary name of a larger street with which it is associated, e.g., St. Ann Place, a cul-de-sac, running off of St. Ann Street.

3) It is preferable not to use names which sound alike or which might be confused with one another, such as Beach Street and Beech Street, or Beach Street and Peach Street.

4) It is desirable to use names which are simple and logical and which foster clarity and efficiency. Use of frivolous or complicated words, or unconventional spellings in road names is discouraged.

5) In all cases, names which might be reasonably perceived to be offensive shall not be permitted.

6) The use of numbers such as 1st Street or alphabetical letters as road names shall not be permitted, unless such a road is part of an entire interconnected system of roads, and the intent of these guidelines are adhered to.

7) It is desirable to use names which have some association with Beaufort County and specifically with the immediate location of the road, such as reference to historical residents or physiographic features. Use of names which may be misleading in terms of association are strongly discouraged.

8) Use of a system or theme is recommended for names of roads which are associated with one another, such as those within a residential subdivision, business park or downtown area.

9) In order to preserve local history, care should be exercised in changing historical names. In addition, it is recognized that changing any existing name may be disruptive and costly to residents and business owners.

10) Designation of thoroughfare suffixes (road, street, avenue, boulevard, parkway, highway, drive, lane, way, court, place, circle, etc.) should be appropriate to the type and size of the road. Suffix designations provide directional assistance in locating addresses by how roads look and travel. Communities often utilize standard road naming systems that provide identity to their areas and help to foster themes they wish to achieve. See Table B for road suffix parameters.

Table B. Road Suffix Parameters.

Suffix Designation	Physical Description
Freeway	Interstate in nature. Usually run east/west or north/south. Extreme limited access.
Highway	The major thoroughfare(s) traveling through an area. Generates a large amount of traffic. Limited access.
Parkway	A major thoroughfare usually traveling to or through major points of interest or providing access to those areas. Often designated in resort areas, regional park or nature areas. Limited access.

Boulevard	Thoroughfare that travels through a community or communities, often divided by a landscaped median. Sometimes terminates at a specific point of interest. Assists in providing identity to a community. Provides more access.
Avenue	Collector that serves an entire community or neighboring communities. Usually travels in straighter directions. May be used to assist in providing identity to a community. Provides increased access, especially to and from local roads.
Drive, Trail	Usually longer collectors that travel in all directions, often winding in nature. May be used for scenic points of interest. Can provide reasonable access.
Road	Generic suffix. Often used for industrial and rural collectors, or single roads that take motorists to specific uses within those areas.
Street	Generic suffix. Can be used for most local residential, commercial and urban systems. Usually straight in direction. Often provides access between more significant thoroughfares.
Lane	Local residential designation. Can meander slightly or travel straight. Used for local travel only. May provide access between or to more significant thoroughfares.
Loop, Circle	Can be used for residential, commercial or industrial park areas. No real terminus, often bringing traveler back to starting point. Sometimes provides two access points from a single, more significant thoroughfare.
Way, Court, Place, Point, Path	Local residential designation. Terminates at a cul-de-sac or dead end. Usually does not provide through traffic.

11) Public input shall be encouraged in considering road names,. Especially in the case of lower order roads, greater weight may be given to the feelings of those property owners who are directly affected by the proposed name/renaming, as long as due consideration of these guidelines is followed. In rendering road renaming recommendations and decisions, the Joint Planning Commission may consider unnecessary hardship to those affected property owners whose properties are directly addressed on the subject road.

12) Violation of any guidelines or procedures contained within this document may constitute a misdemeanor, punishable by law.

CRITERIA FOR NAMING ROADS FOR INDIVIDUALS

1) In determining whether a road should be named in honor of a particular person, consideration should be given to that person's relationship to Beaufort County, character, public image and public contribution.

2) The size, significance and classification of the thoroughfare should not be out of proportion to the significance of the individual's contribution. It should not be construed that one's contribution is small if his/her name is affixed to a lower order road.

a) Names given to arterials should be reserved for individuals whose contribution has clearly been of great significance to the citizens of Beaufort County.

b) Names given to major collectors should be reserved for individuals whose contribution has been of notable significance to the citizens of Beaufort County. Such contribution should be public and clearly exceptional. The competent execution of ordinary duties should not be considered sufficient.

c) It is preferable that names given to minor collectors be reserved for individuals who have made some contribution to Beaufort County of a public nature.

d) Road renaming requests after individuals for any minor collector or higher order road may require a biographical profile of the individual for whom the road name is being requested.

e) Flexibility will be given in the dedication of local roads. It is preferable, however, that

disreputable individuals not be so honored.

3) More thoughtful and careful consideration should be rendered in the nomination of a person who is still living, younger in age, or still engaged (rather than retired) in his/her career.

4) It is desirable for there to be an association between the individual and the location of the named road, where possible.

CRITERIA FOR DELINEATING SEGMENT LENGTHS DESIGNATIONS

Each named road should reflect a specific segment of roadway which is discrete, cohesive and continuous. It should be readily perceived as an element which is unitary in its identity. Consideration will be favored toward the automobile driver, and how the driver would expect to see a road name end or continue. Some criteria for making this determination follow.

1) A named roadway should have two distinct and appropriate termini. Appropriate termini may include: a road that ends at a "T" or "Y" intersection; an abrupt change in compass direction; a jurisdictional boundary; a natural boundary such as a river or a dramatic change in topography; a significant change in land use; a change in road type or size; or a dead end.

2) A name should not end abruptly. Nor, should it gerrymander, e.g., take surprising turns or extend unnaturally beyond a logical terminus. An abrupt change in name, however, is more disconcerting than a name which extends too far. Therefore, when in doubt, a name should probably continue.

3) Roads which continue through an intersection at or near a 180 degree angle should bear the same name. If the angle is significantly less, such as less than 135 degrees, it may be appropriate to use different names. At a three-way intersection, the two roads which form an angle closest to 180 degrees should bear the same name.

5) A road running in a consistent compass direction should have one name throughout that distance. If it takes a sharp change in direction (excluding intersections) for a significant distance it may be appropriate to rename that portion of roadway. Where that section is clearly part of, and subsidiary to the larger roadway, however, it should bear the same name.

6) It is preferable for road names to continue across jurisdictional boundaries into adjacent counties or unincorporated areas. Beaufort County should cooperate with other jurisdictions toward this end. In selecting a name for such a road, it should be considered which section of roadway is more defining in character and greater in length, and whether one jurisdiction is likely to annex.

7) It may be appropriate to use one name for a road which seems to extend beyond natural termini if it is identified as the major thoroughfare linking significant related traffic generating sources and destinations.

8) Federal and primary State highways may help to define a named roadway segment but it should be noted that such highways penetrate through the County and thus then to continue and meander. Therefore, a named roadway generally should only comprise that section of a state or federal highway.

9) In naming or renaming roads that have property numbers it is preferable to have the named road segments coincide with the existing numbering arrangement in order that continued use of those numbers still follow a logical pattern.

10) Roads that are broken by intervening land uses and not likely to be connected/reconnected in the future should have different names.

Adopted this 2nd day of March, 1992.
Revised this 6th day of September, 1994. Revised this _____ day of _____, 1998

BEAUFORT COUNTY PLANNING BOARD

BY:_____ **ATTEST:**_____
Fred Kuhn, Sr., Chair **Marvin Dukes, III, Vice Chair**

PROCEDURE FOR NAMING NEW STREETS

The Beaufort County Planning Board delegates review and approval of names for newly created local roads and minor collectors to the Beaufort County Development Review Team (DRT), provided that the DRT adheres to the guidelines herein. Names for newly created major collectors and higher order roads will require Beaufort County Joint Planning Board approval.

1) Applicants for all new road names are required to obtain written verification from the Beaufort County Emergency Management E911 and Addressing Center so that the proposed road(s) are not duplicated, and to ensure that the names proposed are within the parameters of these guidelines.

> The Addressing Center can be contacted at 843.470.3052. The E911 Center can be contacted at 843.470.3053.

2) If applying for a Development Permit, and road name verification is required, then the applicant must submit written verification from the E911 Center to the ZDA as part of the application package, before continued processing of the application can take place.

> The Zoning and Development Department can be reached at 843.470.2781.

PROCEDURE FOR CHANGING EXISTING ROAD NAMES

The Beaufort County Planning Board is authorized by the 1994 Comprehensive Planning Act to determine whether any road renaming is justified. The Joint Planning Board has sole decision-making responsibility in deciding all public and private road renaming request. All applicants must adhere to the following requirements:

1) Meet with a Beaufort County Addressing Center representative on the second floor of the Law Enforcement Center, 2001 Duke Street, Room 226, and request a signed and completed "Road Renaming Request Verification"form.

> The Addressing Center can be contacted at 843.470.3052. The E911 Center can be contacted at 843.470.3053.

2) Obtain a copy of the latest County Tax Map for the area where the proposed road renaming is located. Be sure that the map includes all properties fronting, having access from, or physically adjoining the right of way of the subject road. The County Tax Assessor's Office is located on the second floor of the Main

Administration Building, Room 210.

The Tax Assessor can be contacted at 843.470.2513.

3) Take the County Tax Map and the "ROAD RENAMING REQUEST VERIFICATION" form to the Beaufort County Planning Department on the second floor of the Main Administration Building, Room 260.

The Planning Department can be contacted at 843.470.2724.

4) Request a "ROAD NAME CHANGE PETITION" from the Planning Department which will be preliminarily completed by the Planning Department and then returned to the applicant for completion.

5) Applicants are required to obtain signatures on the "ROAD NAME CHANGE PETITION" from at least 51% of all adjoining owners whose property boundaries touch any portion of the subject road. Properties do not have to be addressed on the subject road, but must be included, if they front, have access to or from, or physically touch the right of way of the subject road.

- Only one individual property owner signature per affected parcel per road renaming petition is permitted. A property owner who owns more than one parcel affected by the same proposed road renaming can sign the petition only once. Said signature will count as only one property owner towards the 51 % requirement.

- Only one Trustee designated in the Tax Assessor's files is permitted to sign a road renaming petition, in place of any other owner.

6) Once the petition is completed, the Contact Person must return it to the staff planner who will then review the submitted forms, verify all information provided by the applicant is correct, and if determined to be complete, will provide a recommendation to the Joint Planning Board regarding the requested road name change. The Planning Department encourages all applicants to arrange a meeting with the staff planner for your area to discuss the proposed road name change and application requirements. All incomplete and/or invalid applications, as determined by the Planning Department will be returned to the contact person for completion, which may affect scheduling of the request for any Planning Board meeting.

7) All property owners affected by a road renaming will be notified by U.S. Mail sent to the address as listed in the County Tax Assessor's files. All such public notification will include, at a minimum, all abutting (merely touching) property owners of the road right of way requested for renaming. The County is not responsible for non-delivery of mail.

8) If the application is found to be valid and complete, the staff planner will schedule the proposed road renaming request on the appropriate Joint Planning Board Subcommittee agenda. Currently, road renamings are scheduled for the first available regular subcommittee agenda meetings in January and July. Depending on the subcommittee action, the road renaming request will then be considered by the Joint Planning Board at their next available meeting (usually first Tuesday of the month). Exceptions to this schedule may occur at the discretion of the Joint Planning Board. Public notice through a local newspaper will be provided when road

renamings are scheduled for consideration by the Joint Planning Board.

9) County policy (8/96) regarding road renaming signage dictates the following financial considerations:

- Applicants for road renamings are responsible for payment of new signage. Please contact the Public Works Department for current pricing. Signage costs due to errors in misspellings or misplacement of signage by the County will be paid for by the County.

- Signage replacement or changes as the result of neighborhood disputes, continual theft of signage due to novel signage text, misspellings due to applicant/petition error, additional road renamings, or renamings not approved by the Joint Planning Board are the financial responsibility of the affected property owners.

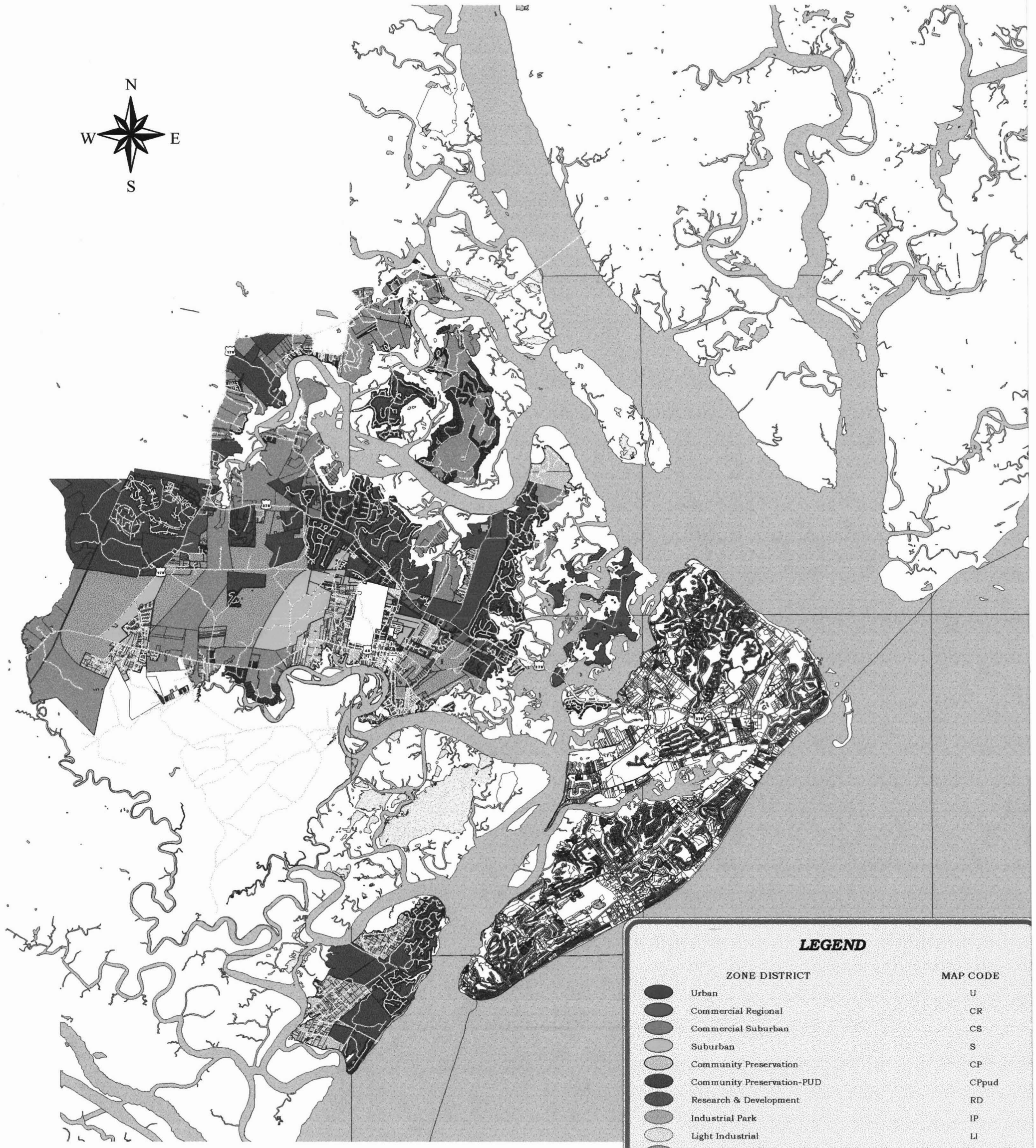
- The Joint Planning Board reserves the right to change any road name, with proper public notice and hearing, when such change enhances public safety or eliminates continual theft problems due to novel signage.

12) The Joint Planning Board agrees that the renaming of any road shall occur only under extraordinary circumstances. Such circumstances shall include duplication of, or similar-sounding road names; emergency or logistical problems of the road name; postal delivery problems; or for reasons determined by the Joint Planning Board.

Southern Beaufort County

Zoning Map

Adopted April 26 1999



LEGEND

ZONE DISTRICT	MAP CODE
Urban	U
Commercial Regional	CR
Commercial Suburban	CS
Suburban	S
Community Preservation	CP
Community Preservation-PUD	CPpud
Research & Development	RD
Industrial Park	IP
Light Industrial	LI
Transitional Overlay	TO
Rural	R
Resource Conservation	RC
Rural Residential	RR
ZONE DISTRICT	MAP CODE
Military	M
Existing Park	EP
Airport Overlay - Map pending Revisions	AO
River Quality Overlay - Map Pending Revisions	RO

BEAUFORT COUNTY SOUTH CAROLINA 1769

Prepared By Beaufort County GIS Department

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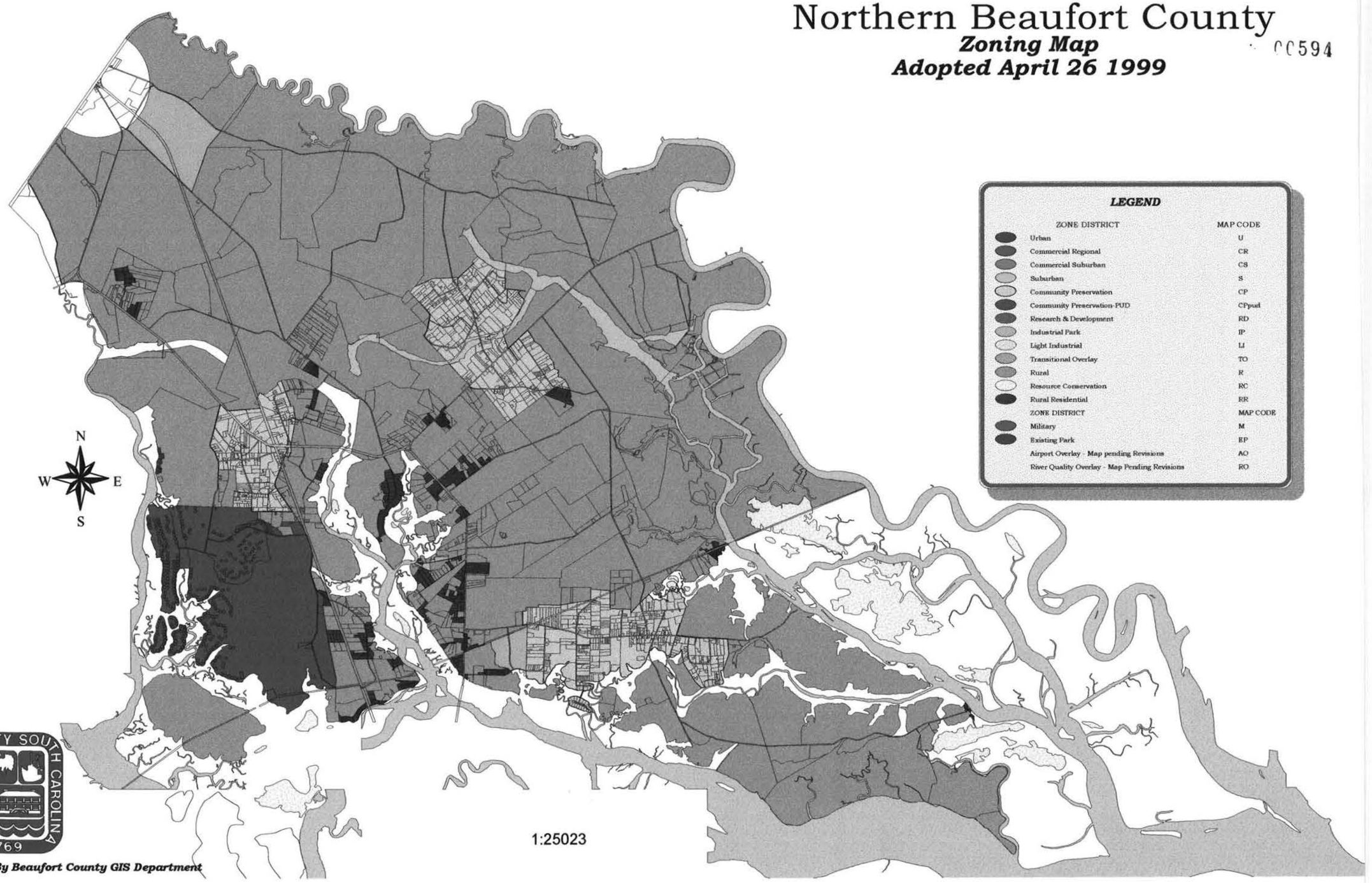
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Northern Beaufort County

Zoning Map

Adopted April 26 1999

00594



LEGEND

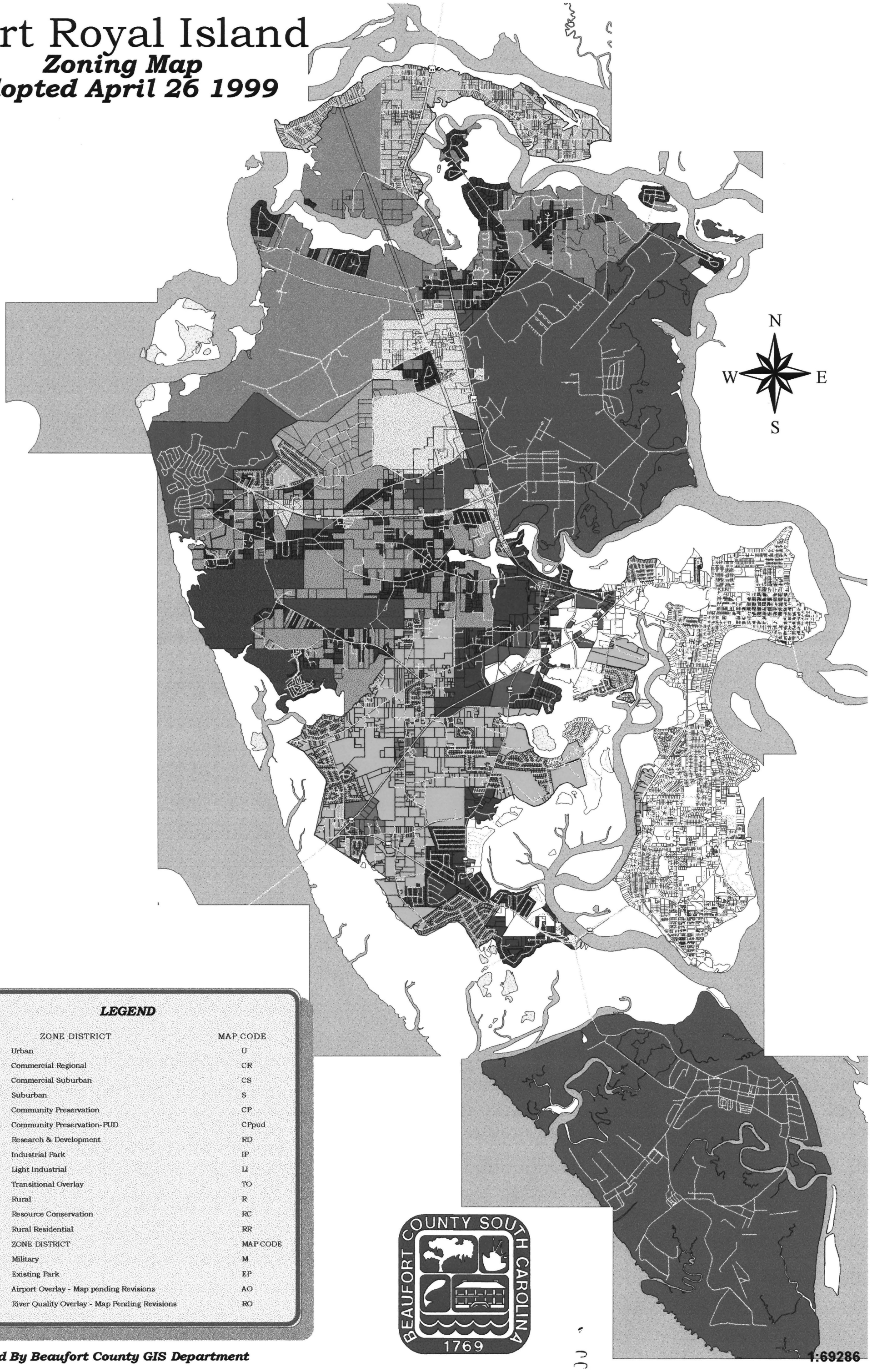
ZONE DISTRICT	MAP CODE
Urban	U
Commercial Regional	CR
Commercial Suburban	CS
Suburban	S
Community Preservation	CP
Community Preservation-PUD	CPpud
Research & Development	RD
Industrial Park	IP
Light Industrial	LI
Transitional Overlay	TO
Rural	R
Resource Conservation	RC
Rural Residential	RR
ZONE DISTRICT	MAP CODE
Military	M
Existing Park	EP
Airport Overlay - Map pending Revisions	AO
River Quality Overlay - Map Pending Revisions	RO

Prepared By Beaufort County GIS Department

Port Royal Island

Zoning Map

Adopted April 26 1999



LEGEND

ZONE DISTRICT	MAP CODE
Urban	U
Commercial Regional	CR
Commercial Suburban	CS
Suburban	S
Community Preservation	CP
Community Preservation-PUD	CPpud
Research & Development	RD
Industrial Park	IP
Light Industrial	LI
Transitional Overlay	TO
Rural	R
Resource Conservation	RC
Rural Residential	RR
ZONE DISTRICT	MAP CODE
Military	M
Existing Park	EP
Airport Overlay - Map pending Revisions	AO
River Quality Overlay - Map Pending Revisions	RO

BEAUFORT COUNTY SOUTH CAROLINA
1769

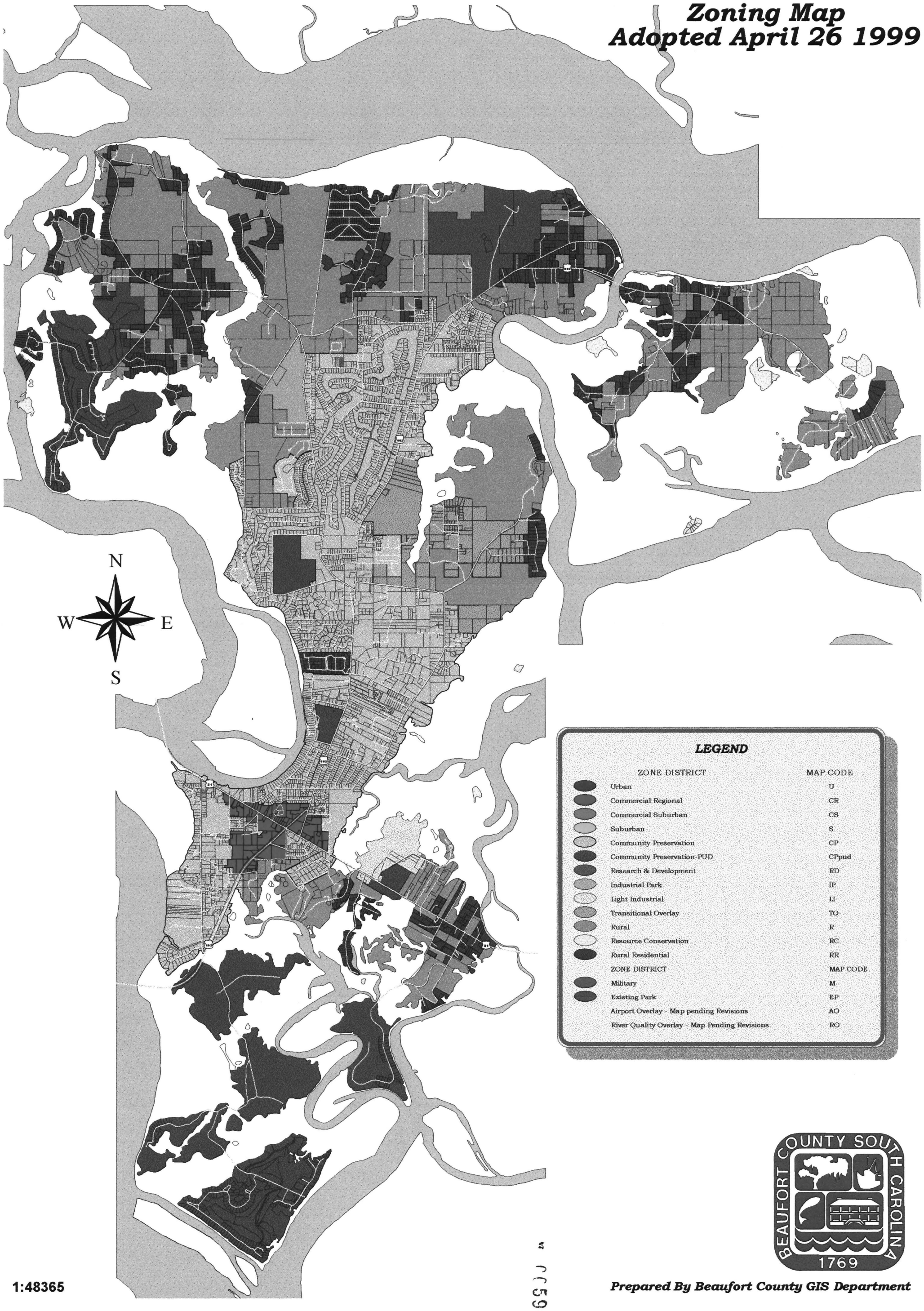
Prepared By Beaufort County GIS Department

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Lady's Island

Zoning Map
Adopted April 26 1999



LEGEND

ZONE DISTRICT	MAP CODE
Urban	U
Commercial Regional	CR
Commercial Suburban	CS
Suburban	S
Community Preservation	CP
Community Preservation-PUD	CPpud
Research & Development	RD
Industrial Park	IP
Light Industrial	LI
Transitional Overlay	TO
Rural	R
Resource Conservation	RC
Rural Residential	RR
ZONE DISTRICT	MAP CODE
Military	M
Existing Park	EP
Airport Overlay - Map pending Revisions	AO
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BEAUFORT COUNTY SOUTH CAROLINA
1769

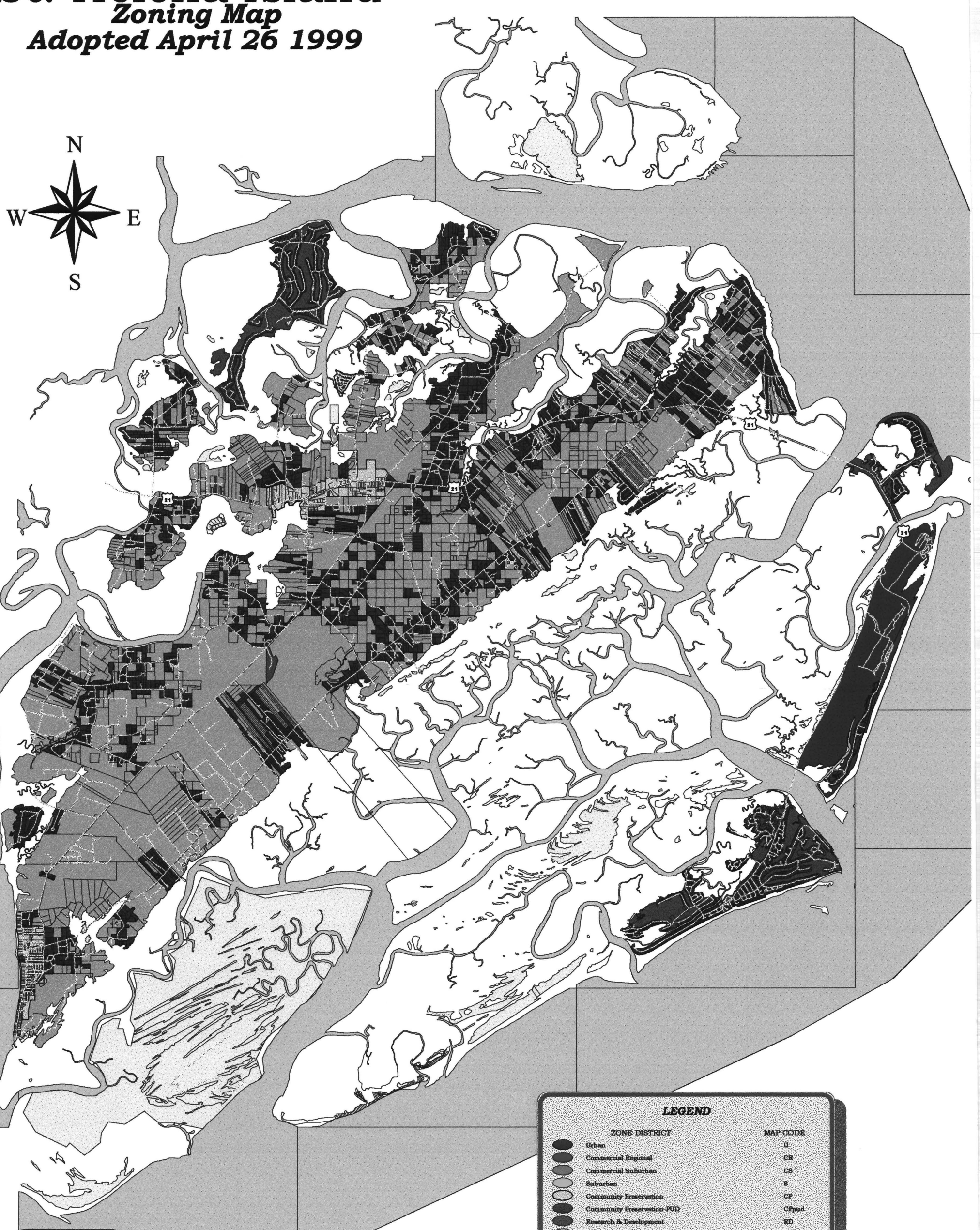
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Prepared By Beaufort County GIS Department

St. Helena Island

Zoning Map

Adopted April 26 1999



BEAUFORT COUNTY SOUTH CAROLINA 1769

Prepared By Beaufort County GIS Department

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PLANNING DEPARTMENT MEMORANDUM

00592

To: County Council; County Administrator

From: Tom Wilson, Planning Director

Subject: ZDSO Transition

Date: April 16, 1999

The Planning Department has recommended a one year "evaluation and review" period for the ZDSO following its adoption. During this period, transitional policies are needed to minimize disruption. Planning staff recommends the following:

1. A Technical Advisory Committee should be appointed to assist with technical refinements to the ordinance. This includes, but is not necessarily limited to, planned community standards (which replace the PUD), buffers, modulation of standards, and streamlined administrative procedures.

2. Reports should be submitted to Planning Board at its regular monthly meeting, and amendments refining the ordinance should be submitted to County on a quarterly basis, or as needed.

3. A minimum of six Community Preservation Areas will be studied in greater detail, and permanent standards will replace interim standards.

4. The Affordable Housing Task Force will review and refine Article 7. It may also add new private sector incentives. Affordable housing impact assessment requirements will be pre-determined by staff in a pre-application conference in order to minimize costs and streamline procedures.

5. If it is found that two or more provisions of the ZDSO are in conflict, the more lenient of the two provisions will apply during this period.

6. In Community Preservation Areas developers shall have the option of using the interim standards published in the ZDSO or district standards published in the main text of the ordinance in areas mapped as CP on the Future Land Use Map and as another district on the adopted Zoning Map.

7. New or restructured boards will be appointed within six months of adoption of the Ordinance. Planning staff will have up to three months following adoption to advise Planning Board and County Council of new or restructured board requirements. Existing boards will continue to operate until replaced or restructured.

8. Fees charged for development applications and all other development related activities, if not addressed by this ordinance, shall remain in effect without change from those previously in effect until new fees are approved by County Council.

9. Planning staff will assist viable projects that are consistent with the Comprehensive Plan, but unable to meet ZDSO standards due to a mistake in the Ordinance, by assisting them through the Zoning Board of Appeals for a variance and then meeting with the Technical Advisory Committee to discuss amendments to the ZDSO.

10. All complete development applications submitted to the Development Review Team or the Corridor Review Board and received on or before January 11, 1999 may proceed to be developed under the zoning regulations and development standards in effect at the time of application, subject to the limitations in Article 1 of the 1999 ZDSO.