

Sec. 106-7. Exemptions of development types.

The following development types are exempt from certain requirements of this chapter as follows:

- (1) *Exemption 1:* Single-family development and places of worship on lots of record. Any single-family development or place of worship sited on a lot created through recording of a subdivision, prior to the effective date of the ordinance from which this chapter derives, and conforming to the applicable zoning at the time of creation is exempt from minimum lot size (area and dimensions) standards and setbacks for its respective zoning district (this does not apply to setbacks from the OCRM critical line). Where single-family development or places of worship on lots of record cannot meet the setbacks for their respective zoning districts, these lots shall adhere to the following minimum setbacks:
 - a. Single-family development: front—25 feet; side—10 feet; rear—10 feet.
 - b. Places of worship: front—50 feet (major thoroughfare); ½ ROW (all other roads); side and rear—20 feet with a 10-foot buffer.

- (2) *Exemption 2:* Planned unit developments (PUDs).
 - a. A PUD, including conditional use PUD, approved prior to July 1, 1999, is exempt from this chapter if:
 1. The PUD has more than 50 percent of the lots platted and recorded, e.g., "lots of record," or more than 50 percent of the utilities and infrastructure for the entire project completed as of January 1, 2010; or
 2. The PUD is deemed a "low-impact" development, which develops less than 25 residential dwelling units, or sells less than 25 lots per year and/or less than 10,000 square feet of commercial area and the rates provided herein are not exceeded. The entire project must be completed as of January 1, 2010.
 - b. Notwithstanding the above, all PUDs, including conditional use PUDs, are subject to current tree and landscaping standards, fire safety standards, engineering and stormwater management standards, environmental quality standards, parking standards, fee adjustments, and impact fees unless otherwise provided for in a development agreement or in an ordinance that created or amended a particular PUD. **On-site stormwater BMPs will be required for new dwellings if approved PUD stormwater management standards do not include current runoff volume controls.**

(Note: The remainder of Sec. 106-7 is unchanged.)

Sec. 106.8. Exemption from subdivision review.

(Note: The remainder of Sec. 106-7 is unchanged except subparagraph (2)—see below)

- (2) *Minor subdivision exemption.* These subdivisions shall be exempt from certain review requirements that larger subdivisions must comply with. **Individual homes in these subdivisions are required to meet on-site stormwater requirements (Section 106-2865) unless the subdivision waives exemption.** All other appropriate standards of this chapter shall be adhered to. The ZDA shall review and approve minor subdivisions complying with the specific requirements explained as follows:

Sec. 106-18. Definitions

Best management practices, on-site means mandated individual dwelling stormwater practices determined by the amount of impervious surface on lot. Used when not covered in a community or regional stormwater management for both volume and quality.

Sec. 106-732. 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 chapter's standards and has any other required permits for access, water, sewer, or other required permits. **Unless a subdivision has been approved as meeting current stormwater volume requirements, on-site dwelling best management practices (Sec 106-2865) will be required under this section.**

Sec. 106-2865 – On-site Single Family Lot, Best Management Practices (BMP)

- (a) Where stormwater runoff is not addressed in an approved community runoff volume control system, construction of new or single family homes that are renovated in excess of 50% of their taxable appraised value, will need to employ and utilize on-site stormwater run-off volume control BMPs.**
- (b) The actual BMPs to be utilized can be either determined from Stormwater Utility's On-lot Volume Program (Attachment in BMP Manual and web-based program) or other volume practices as described in Beaufort County Best Management Practice Manual. Both manual and web-based program will be available on the County's web site.**
- (c) Required practices will be sized based on impervious surface on the property and can be reduced by employing practices that reduce impervious surface like:**
- 1. Pervious driveways**
 - 2. Pervious walkways**
 - 3. Smaller roof surface**

Sec. 106.2857. Exemptions from site runoff control and drainage planning/design.

- (a) Exemptions from site runoff control and drainage planning/design are as follows:
- (1) Any maintenance, alteration, renewal use or improvement to an existing drainage structure as approved by the county engineer which does not create adverse environmental or water quality impacts and does not increase the temperature, rate, quality, or volume or location of stormwater runoff discharge;
 - (2) Developments where adequate drainage exists ~~of~~ **for four or** fewer ~~than four~~ residential dwelling units that are not part of a phase of a larger development, not involving a main drainage canal, **however, homes in these areas will meet on-site requirements under this exemption;**
 - (3) Site work on existing one-acre sites or less where impervious area is increased by less than two percent;
 - (4) Site work on existing one-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 alter stormwater flow rates or discharge location(s);
 - (5) Agricultural activity not involving relocation of drainage canals; or
 - (6) 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.
- (b) Golf courses are required to comply with the latest version of the county's manual for stormwater BMPs and all site runoff volume and water quality control and drainage planning and design requirements; however, both golf courses and private lagoons shall be exempt from the flood control requirements of section 106-2859 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.

Sec. 106-2861. Retention/detention facilities.

(a) *Design criteria for developments.* Retention/detention facility design criteria for developments are as follows:

- (1) *Peak attenuation.* The peak discharge as computed from the design storm for postdevelopment 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 106-2859.
- (3) *Water quality control.* All proposed development and redevelopment shall comply with the latest version of the county's manual for stormwater BMPs.
- (4) *Total volume control.* Facility design criteria will control and retain total volume by retention and other methods so stormwater runoff levels will not exceed predevelopment levels. **On-site volume controls, where applicable, will be applied as stated in Sec. 106-2865.**

(Note: The remainder of Sec. 106-2861 is unchanged.)