



**County Council of
Beaufort County
Planning Commission
Meeting**

Chairman
ED PAPPAS

Vice Chairman
RANDOLPH STEWART

Commission Members
KEVIN HENNELLY
CAROLINE FERMIN
CECILY MCMILLAN
JASON HINCHER
FRANK DUCEY
JIMMIE LAWRENCE, JR

County Administrator
ERIC GREENWAY

Staff Support
ERIC GREENWAY
ROBERT MERCHANT

Administration Building
Beaufort County Government
Robert Smalls Complex
100 Ribaut Road

Contact
Post Office Drawer 1228
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www.beaufortcountysc.gov

Planning Commission Agenda

Thursday, July 8, 2021 at 6:00 PM

Council Chambers

County Administration Building, 100 Ribaut Road, Beaufort, SC

ALL OF OUR MEETINGS ARE AVAILABLE FOR VIEWING ONLINE AT WWW.BEAUFORTCOUNTYSC.GOV AND CAN ALSO BE VIEWED ON HARGRAY CHANNELS 9 AND 113, COMCAST CHANNEL 2, AND SPECTRUM CHANNEL 1304.

MEETING LINK:

Meeting number (access code): 161 026 3222

Passcode: 241569

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. FOIA – PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT
4. APPROVAL OF MINUTES – June 7, 2021
5. APPROVAL OF AGENDA
6. CITIZEN COMMENTS (*Comments are limited to 3 minutes.*)

ACTION ITEMS

7. **TEXT AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE (CDC):** ARTICLE 5, DIVISION 5.6, SECTIONS 5.6.10; 5.6.20; 5.6.30; 5.6.40; 5.6.50; 5.6.80; 5.6.90; 5.6.100; 5.6.120; 5.6.160; AND 5.6.170; ARTICLE 7, DIVISION 7.2, SECTION 7.2.40; AND ARTICLE 10, SECTIONS 10.1.10; 10.1.30; 10.1.40; 10.1.50; 10.1.60; 10.1.70; 10.1.90; 10.1.120; 10.1.140; 10.1.150; 10.1.160; 10.1.190; AND 10.1.200, TO UPDATE DEFINITIONS, REGULATIONS, AND PROCEDURES FOR SIGNS AND SIGN PERMITS
8. **ZONING MAP AMENDMENT/REZONING REQUEST FOR 3.09 ACRES (R100 024 000 0423 0000) 374 LAUREL BAY ROAD FROM S1 INDUSTRIAL TO C3 NEIGHBORHOOD MIXED USE; APPLICANT: JOHN WALKER**
9. **ROAD NAME CHANGE REQUEST:** IN THE BLUFFTON AREA FROM LINDEN PLANTATION ROAD, LINDEN PLANTATION DRIVE E, AND LINDEN PLANTATION DRIVE W TO LINDEN PARK ROAD, LINDEN PARK DRIVE E, AND LINDEN PARK DRIVE W; APPLICANTS: PROPERTY OWNERS OF LINDEN PLANTATION RD, LINDEN PLANTATION DR E, AND LINDEN PLANTATION DRIVE W

10. **TEXT AMENDMENT** TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 3.1.60 (CONSOLIDATED USE TABLE) AND SECTION 4.1.190 (RECREATION FACILITY: CAMPGROUNDS) TO REVISE THE CAMPGROUND STANDARDS
11. **TEXT AMENDMENT** TO THE COMMUNITY DEVELOPMENT CODE (CDC): ARTICLE 5, DIVISION 5.5, SECTION 5.5.30.B.1 "GENERAL PARKING STANDARDS, OFF-SITE/PREMISES PARKING," TO PROVIDE ADDITIONAL FLEXIBILITY FOR SHARED PARKING
12. **TEXT AMENDMENT** TO SECTION 3.4.90 OF THE COMMUNITY DEVELOPMENT CODE TO ADD A COASTAL RESILIENCE OVERLAY DISTRICT TO REQUIRE REAL ESTATE DISCLOSURE WHEN PROPERTY IS TRANSFERRED IN LOW-LYING AREAS.
13. **TEXT AMENDMENT** TO ARTICLE 5 OF THE COMMUNITY DEVELOPMENT CODE ADDING A NEW DIVISION 5.13 TITLED "FILL STANDARDS" TO LIMIT THE AMOUNT OF FILL ON LOW-LYING AREAS.

DISCUSSION ITEMS

14. CHAIRMAN'S REPORT
15. ADJOURNMENT



COUNTY COUNCIL OF BEAUFORT COUNTY
Beaufort County Planning and Zoning Department

Beaufort County Government Robert Smalls Complex
Physical: Administration Building, Room 115 100 Ribaut Road
Mailing: Post Office Drawer 1228, Beaufort, SC 29901-1228
Phone: 843-255-2140 / FAX: 843-255-9432

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held at the Buckwalter Recreation Center, 905 Buckwalter Parkway, Bluffton on Monday, June 7, 2021, 6:00 p.m.

Members Present:

Mr. Ed Pappas, Chairman
Ms. Diane Chmelik
Mr. Jimmie Lawrence Jr

Dr. Caroline Fermin
Mr. Jason Hinchler
Mr. Kevin Hennelly

Mr. Randolph Stewart, Vice Chairman
Ms. Cecily McMillan

Members Absent:

Mr. Frank Ducey

Staff Present:

Mr. Eric Greenway, County Administrator
Mr. Robert Merchant, BC Planning and Zoning Acting Director
Ms. Hillary Austin, Zoning and Development Administrator
Ms. Lisa Anderson, Zoning Analyst III
Ms. Libby Anderson

CALL TO ORDER: Chairman Ed Pappas called the meeting to order at 6:03 p.m.

PLEDGE OF ALLEGIANCE: Chairman Ed Pappas led those assembled in the pledge of allegiance.

REVIEW OF MEETING MINUTES: The Commissioners reviewed the May 3, 2021 minutes, and Chairman Ed Pappas asked for a motion to approve same. Dr. Caroline Fermin made a motion to approve minutes as submitted, and Mr. Jason Hinchler seconded the motion. There was unanimous support for the motion.

AGENDA REVIEW: Chairman Ed Pappas requested the addition of two executive sessions to the meeting agenda; one session before hearing the Oyster Cove Campground appeal and one following, both to allow the Commission to receive legal counsel. Dr. Caroline Fermin made a motion to approve the amendment and Mr. Jason Hinchler seconded the motion.

CITIZEN COMMENTS: Chairman Ed Pappas asked if there were any non-agenda citizen comments.

Mr. Gregg Marcel Dixon, voiced concerns that the Comprehensive Plan does not address black inequality, poverty rate, educational failure, and land loss of black American citizens.

PUBLIC HEARING:

2040 Comprehensive Plan (Envision Beaufort County) Acting Director Rob Merchant announced the upcoming community meetings (June 8th and 10th, 2021) to view the plan, ask questions of staff and leave comments regarding the Comprehensive Plan draft. Mr. Merchant gave a brief overview of the process for updating the Comprehensive Plan.

Mr. Glen Walters of Design Workshop presented, via Zoom, on the 2040 Comprehensive Plan and the process used to gain community feedback and input.

CITIZEN COMMENTS: Chairman Pappas, stated there have been over 300 comments that have been received and used as part of the review process and that any comments received throughout the month would be included as well. He then opened the meeting to public comment.

Ms. Dawn Paige, Lowcountry Equitable Land and Resource Trust and Lowcountry Equity Task Force, her focus is on inclusion of the black citizens. The Lowcountry Equity Task Force are working on their own plan called "Imagine St. Helena" which includes 6 capital improvement projects and they are requesting \$40 Million of the money acquired by the County.

Mr. William Smith spoke in favor of involving school students, juniors and seniors, in the Plan.

Ms. Kate Schaefer spoke on behalf of the Beaufort County Open Land Trust and spoke in favor of conservation and land protection within the Plan.

Ms. Juliana Smith spoke on behalf of Coastal Conservation League advocating for recommendations excluded from the Plan. Exclusions include: limitation of sand mining allowed on the sea islands, encouraging regional cooperation with Yemassee to safeguard against rampant growth in rural areas, protection and restoration of Gullah/Geechee graveyards, and creation of community derived plans for rural communities.

Ms. Dawn Paige, Lowcountry Equitable Land and Resource Trust and Lowcountry Equity Task Force, attempted to make another comment but was informed by Chairman Pappas she had already used her allotted time for comments.

PUBLIC HEARING:

Text Amendment to Comprehensive Plan Chapter 12 Priority Investment – to include an Environmental Center at Bindon Plantation (R710 012 000 014 0000) Mr. Robert Merchant, Acting Director of Beaufort County Planning & Zoning, gave an overview of the request and a staff report outlining the staff recommendation that this project is not currently a priority within the Passive Parks program, and the property is not currently owned or controlled by the County.

The applicant, Mr. Tony Criscitiello, gave an overview of his request for an environmental education center and botanical garden at Bindon Plantation.

CITIZEN COMMENTS:

Ms. Dawn Paige, Lowcountry Equitable Land and Resource Trust and Lowcountry Equity Task Force spoke against investing money into the Bindon Plantation project.

Vice Chairman Randolph Stewart made a motion to include an education center at Bindon Plantation, motion was seconded by Mr. Jason Hinch. Vote passed 6 to 1 YEAS: Ms. Cecily McMillan, Mr. Randolph Stewart, Mr. Ed Pappas, Dr. Caroline Fermin, Mr. Kevin Hennelly, and Mr. Jimmie Lawrence, Jr. NAYS: Mr. Jason Hinch. Ms. Diane Chmelik abstained from the vote.

APPEAL:

Oyster Cove Campground – Administrative Appeal for 56 Acres, Parcel A, Callawassie Drive; Conceptual Plan Approval for Oyster Cove Campground Phase I (R600 009 000 0113 0000) Chairman

Pappas recused himself from the appeal process and turned the hearing over to Vice Chairman Stewart. The Commission went into Executive Session to confer with legal counsel before continuing to hear the appeal.

After hearing the appeal, Mr. Hinchler motioned to uphold the approval for the Oyster Cove Campground Phase I Conceptual Plan, Dr. Fermin seconded the motion. The vote to uphold approval was passed 6 to 1. YEAS: Ms. Cecily McMillan, Mr. Randolph Stewart, Ms. Diane Chmelik, Dr. Caroline Fermin, and Mr. Jimmie Lawrence, Jr., and Mr. Jason Hinchler. NAYS: Mr. Kevin Hennelly. Mr. Ed Pappas abstained from the vote, having previously recused himself from hearing the appeal

DISCUSSION ITEM: Because the previously scheduled July 5, 2021 meeting falls on the Observance of the July 4th holiday, the meeting had to be rescheduled. The Board agreed the next meeting would take place on Thursday, July 8, 2021.

Other Business: The next Planning Commission meeting is scheduled for Thursday, July 8, 2021, 6:00 p.m., Council Chambers, County Administration Building, 100 Ribaut Road, Beaufort. Additional meeting details will be made available prior to the July 8 meeting date.

ADJOURNMENT: With no further business to discuss, Chairman Ed Pappas adjourned the meeting at 9:00 p.m.

SUBMITTED BY: Chris DiJulio-Cook
Community Development Senior Administrative Specialist

Ed Pappas
Beaufort County Planning Commission Chairman

Date: _____



MEMORANDUM

To: Beaufort County Planning Commission
From: Robert Merchant, AICP, Acting Director
Subject: Proposed Revisions to Beaufort County Sign Regulations, Community Development Code (CDC) Division 5.6 (Sign Standards), Division 7.2 (Sign Permit Review Procedures), and Article 10 (Definitions)
Date: July 8, 2021

No area of land use law is more difficult than sign regulation. Most of the difficulties arise from free speech law and how it affects the regulation of signs and the messages they contain. The Beaufort County Attorney Department, responding to recent case law, hired Scott D. Bergthold, a Chattanooga attorney specializing in constitutional law as it relates to land use and free speech issues. Mr. Bergthold reviewed the County's sign regulations and has developed a comprehensive list of amendments to accomplish three main goals:

- (1) Articulate more fully the bases for regulating signage, and the legislative record supporting such regulations;
- (2) Modernize the standards and procedures for regulating signs; and
- (3) Adopt new, and update older, definitions applicable to signs.

Below is a summary of recommended amendments:

Article 5, Division 5.6

- Detail the County's governmental interests in controlling signage, including reducing driver distraction and fostering pedestrian and traffic safety, as well as serving the aesthetic interests of the community
- Identifying judicial decisions and studies that relate to signs and support the County's governmental interests
- Identifying certain signs exempt from regulation or from permitting requirements
- Reinforce the County's prohibition on new commercial billboard signs and digital displays in certain locations
- Elucidate the County's substitution policy whereby noncommercial messages may be substituted for commercial speech wherever commercial speech is permitted on a sign

Article 7, Division 7.2

- Distinguish between preliminary and final approval of a sign permit
- Specify the information necessary to make a sign permit application complete
- More specifically outline the time frames for processing applications

- Set forth procedures for denial or revocation of a sign permit, and appeals therefrom

Article 10

- Add relevant definitions, including definitions of “commercial billboard sign,” “commercial message,” “digital display,” “off-premises sign,” “on-premises sign,” etc.
- Update other sign definitions, including definitions of “directional sign,” and “landscape wall sign”

The following pages contain the proposed amendments. Additions are indicated by underline, deletions are indicated by ~~strikethrough~~.

Division 5.6: - Sign Standards

5.6.10 -- Purpose, Scope, and Intent Applicability

A. Purpose. ~~The purpose of this Division is to establish regulations for commercial and non-commercial signage. These regulations are intended to help reinforce the vibrant, mixed-use pedestrian environment.~~

1. Signs perform an important function in identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public. The intent of this Division is to regulate all signs within the County to ensure that they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and protective of the public health, safety, and general welfare.
2. The County Council specifically finds that these sign regulations are narrowly tailored to achieve the compelling and substantial governmental interests of traffic safety and aesthetics, and that there is no other way for the County to further these interests.
3. Article XII, Section 1 of the South Carolina Constitution provides that "[t]he health, welfare, and safety of the lives and property of the people of this State and the conservation of its natural resources are matters of public concern." Implementing the South Carolina Constitution is a compelling governmental interest.
4. The County finds that these sign regulations are necessary to achieve the overarching goal of the County's Comprehensive Plan of "promoting safe and healthy communities that preserve and build on the County's unique sense of place."
5. In accordance with the U.S. Supreme Court's cases on sign regulations, the regulations in this Division are not intended to regulate or censor speech based on its content or viewpoint, but rather to regulate the secondary effects of speech that may adversely affect the County's substantial and compelling governmental interests in preserving scenic beauty and community aesthetics, and in vehicular and pedestrian safety in conformance with the First Amendment. These cases and their holdings include, but are not limited to:
 - a. Reed v. Town of Gilbert, U.S., 135 S. Ct. 2218, 192 L. Ed. 2d 236 (2015) on the topic on noncommercial temporary signs;
 - b. Metromedia, Inc. v. City of San Diego, 453 U.S. 490 (1981) on the topic of commercial signs and off premise signs;
 - c. City of Ladue v. Gilleo, 512 U.S. 43 (1994) on the topic of political protest signs in residential areas;
 - d. Linmark Assocs., Inc. v. Township of Willingboro, 431 U.S. 85 (1977) on the topic of real estate signs in residential areas;
 - e. Burson v. Freeman, 504 U.S. 191 (1992) on the topic of election signs near polling places;
 - f. Central Hudson Gas & Electric Corp. v. Public Service Commission, 447 U.S. 557 (1980) on the topic of regulation of commercial speech; and
 - a. City Council v. Taxpayers for Vincent, 466 U.S. 789 (1984) on the topic of signs on public property.
 - g.
6. Specific legislative Intent. More specifically, the sign regulations in this Division are intended to:
 - a. Encourage the effective use of signs as a means of communication in the County;
 - b. Ensure pedestrian and traffic safety;
 - c. Minimize the possible adverse effects of signs on nearby public and private property;

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- d. Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive area of signs which compete for the attention of pedestrian and vehicular traffic and are not necessary to aid in wayfinding; and
- e. Regulate signs in a manner so as not to interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians.

7. The County Council relies on judicial decisions, studies, and reports relevant to these regulations.

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B. Applicability Scope.

1. The provisions of this Division shall govern the number, size, location, and character of all signs allowed under the terms of this Division. No signs shall be allowed except in accordance with the provisions of this Division. ~~These sign regulations apply to all signs within the County.~~
2. The provisions of this Division do not regulate the message content (sign copy) of any sign. ~~(sign copy), regardless of whether the message content is commercial or non-commercial.~~
3. Sign installation shall require Sign Permit approval in compliance with this Code. ~~All signs, unless exempt from regulation under Section 5.6.10.B.4, or exempt from the permitting requirement under Section 5.6.10.B.5, shall obtain a Preliminary Approval of a Sign Permit in accordance with the requirements of Section 7.2.40 before being erected, replaced, relocated or altered.~~
4. Signs exempt from regulation. The following signs are exempt from regulation under this Division:
 - a. A public notice or warning required by a federal, state, or local law, regulation, or ordinance, or issued pursuant to same.
 - b. Public signage within the right-of-way including
 - (1) public signs erected by or on behalf of a governmental agency to convey public information, identify public property, post legal notices, or direct or regulate pedestrian or vehicular traffic;
 - (2) Bus stop signs installed by a public transit company;
 - (3) Informational signs of a public utility regarding its lines, pipes, poles or other facilities; or
 - (4) Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized work within the public right-of-way.

c. Wayfinding, directional, hazard, life safety, traffic control device, construction control, and similar signs authorized, required or installed by a government agency on private property.

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5. Signs and activities exempt from permitting requirements. The following signs and activities are exempt from permitting requirements under Section 7.2.40, but shall comply with the standards of this Division, as applicable:

- ea. A non-electrical sign nameplate, displaying only the name and/or address of the occupant, and which ~~that~~ is one two square foot or less in area and is located within three feet of an entry door or within fifteen feet of a driveway.
- d. ~~A clock, thermometer, barbershop pole, or similar device where not part of a permanent sign.~~
- eb. A flags that meet the following conditions: of any nation, state or city.
 - (1) Location. Flags and flagpoles shall not be located within any right-of-way
 - (2) Height. No more than 30 feet
 - (3) Number. No more than two (2) flags per lot in residential districts, no more than three flags per lot in all other districts

(4) Size. No more than 24 square feet in residential districts; no more than 35 square feet in all other districts

- ~~fc. A display behind a shop front window.~~
- ~~g. A sculpture, statue, relief, mosaic or mural which is a work of art or otherwise decorative and does not contain a commercial message or symbol.~~
- ~~h. A property address number consisting of numerals or letters 12 inches or less in height.~~
- id. One or more non-illuminated for-sale, for rent, or for lease signs, not exceeding a combined total of six square feet in sign face area, located on private property.
- ~~j. Official notices issued by any court, public agency or similar official body.~~
- ~~k. Private street or road name signs.~~
- le. The activity of changing of characters on any moveable-changeable copy sign.
- ~~m. Signs prohibiting hunting, fishing, loitering, trespassing, and similar signs not exceeding one square foot in area.~~
- ~~n. One temporary, in-season, agricultural products sales sign not exceeding ten square feet in total area.~~

C. Intent.

1. Substitution of noncommercial speech for commercial speech. Notwithstanding any provisions of this Division to the contrary, to the extent that this Division allows a sign containing commercial content, it shall allow a noncommercial sign to the same extent. The noncommercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this Division.
2. Severability.
 - a. Generally. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Division, or any application thereof, is declared unconstitutional by any court of competent jurisdiction, this declaration of unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Division, or any other application thereof.
 - b. Severability where less speech results. This subsection shall not be interpreted to limit the effect of Subsection 5.6.10.C.2.a. above, or any other applicable severability provisions in the code of ordinances or any adopting ordinance. The County Council specifically intends that severability shall be applied to these sign regulations even if the result would be to allow less speech in the County, whether by subjecting currently exempt signs to permitting or by some other means.
 - c. Severability of provisions pertaining to prohibited signs. This subsection shall not be interpreted to limit the effect of Subsection 5.6.10.C.2.a. above, or any other applicable severability provisions in the code of ordinances or any adopting ordinance. The County Council specifically intends that severability shall be applied to Section 5.6.20 "Prohibited Signs," so that each of the prohibited sign types listed in that section shall continue to be prohibited irrespective of whether another sign prohibition is declared unconstitutional or invalid.
 - Severability of prohibition on off-premises signs. This subsection shall not be interpreted to limit the effect of Subsection 5.6.10.C.2.a. above, or any other applicable severability provisions in the code of ordinances or any adopting ordinance. If any or all of Division 5.6 "Sign Standards," or any other provision of the Community Development Code is declared

unconstitutional or invalid by any court of competent jurisdiction, the County Council specifically intends that the declaration shall not affect the prohibition on off-premises signs in Section 5.6.20 "Prohibited Signs."

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5.6.20 - Prohibited Signs

The following signs are prohibited when visible from a publically maintained street, road, or highway, whether county, state, or federal:

- A. Off-premises signs / Commercial billboard signs ~~and pole signs~~;
- B. Flashing, animated, or scrolling signs;
- C. Internally illuminated signs;
- D. Moving signs or signs having moving parts;
- E. 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;
- F. 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;
- G. 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;
- H. No sign or any kind shall be erected or displayed in any salt marsh areas or any land subject to periodic inundation by tidal seawater;
- I. Portable commercial signs or vehicle movable commercial signs except business identification painted on or magnetically attached to business cars and trucks;
- J. Abandoned or dilapidated signs; and
- K. 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.

5.6.30 - General Sign Requirements

The following 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. **Illumination and Glare.**
 1. 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 sign face.
 - a. Illuminated signs shall not have a light reflecting background, but may use reflective lettering.
 - b. Monument signs may be illuminated with reverse channel/halo lighting or one up-light per side. The up-light must have a shield to direct light at sign.

- c. Wall signs may be illuminated with reverse channel/halo lighting or down lighting using a cut-off fixture. The brightness of the sign shall not exceed 30 foot-candles at any one point on the sign face.
 - d. Colored lamps or lights are not permitted.
 - e. Externally mounted neon signs are permitted in T4 Hamlet Center, T4 Hamlet Center Open, and T4 Neighborhood Center. Internally mounted neon signs are permitted in all zones.
 - f. ~~LED Message board signs are not permitted~~ Digital displays are prohibited, except on a parcel containing a schools, houses of worship, gasoline ~~price signs~~ station, and or a theater ~~signs advertising films and live entertainment which change on a regular basis. These items~~ Digital displays shall be included in the overall maximum allowed square footage of the sign. The text and graphics on ~~an electronic reader board~~ digital display may be changed no more frequently than every thirty (30) minutes. Lighting levels are limited to a maximum luminous intensity of 200 nits (candela per square meter), full white mode, from sunset to sunrise.
2. 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. Light sources used to illuminate signs shall not:
 - a. Be visible from a street right-of-way.
 - b. Cause glare or reflection that is hazardous to pedestrians or vehicle drivers.
 - c. Create a nuisance for adjacent properties.
 3. Electrical requirements pertaining to signs shall be as prescribed under the adopted National Electrical Code for the County.

D. Location.

1. All signs shall be erected so as not to obstruct or impair driver vision at ingress-egress points and intersections.
2. Directional, landscape, pole/monument and yard signs shall not be located within or encroach into public rights-of-way.
3. Signs shall not be attached to any public utility pole, structure or street light, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, statue, memorial, or other location on public property, except those signs approved as part of a temporary use permit on County property, or banner signs permitted by Beaufort County on light poles in certain zones within the County.
4. Signs located in buffers shall be positioned so as to have the least impact on existing trees within the buffer. If trees must be removed, specimen trees must be replaced inch for inch. All other trees must be replaced tree for tree. The replacement trees shall be planted within the buffer(s) on site with the front buffer taking precedence for plant back. The sign shall be landscaped with shrubs and groundcovers with annuals and perennials used only as accents.

E. Design. Sign design and materials shall be as follows:

1. 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.
2. 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 and establishment of unity of design for the proposed development.

3. **Signs used for Business Identification/Advertisement.** The business name shall be the predominant feature of the sign. Graphic accents (items and info other than the business name) may not dominate the sign face.
4. **Sign Colors.**
 - a. Bright, primary, or neon colors are not permitted. This includes corporate logos using these colors. A sign color guide outlining approvable colors for accents and letters shall be maintained by the Director.
 - b. Sign backgrounds are to be a neutral base color. Neutral base colors are those that do not provide a contrast to the remaining sign elements such as letters and accents. Neutral base colors typically would match or be a shade of the sign foundation and/or building materials and color. The use of a sign background color to provide contrast to accent color and letter color is not permitted.
5. **Sign Shapes.** Signs shall be composed of standard geometric shapes and/or letters of the alphabet only and shall 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.

F. **Sign Measurement Criteria.**

1. **Sign Area Measurement.** Sign area for all sign types is measured as follows:
 - a. Sign copy mounted, affixed, or painted on a background panel or surface distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle(s) that will enclose both the sign copy and the background. See figure on the next page.
 - b. Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure, that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the total sign. See figure on next page.
 - c. Sign copy mounted, affixed, or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element, which contains sign copy. Such elements may include, but are not limited to, lit canopy fascia signs; spanner board signs; and/or interior lit awnings. See figure on next page.
 - d. Multi-face signs are measured as follows:
 - (1) **Two face signs:** if the interior angle between the two sign faces is 45 degrees or less, the sign area is of one sign face only. If the angle between the two sign faces is greater than 45 degrees, the sign area is the sum of the areas of the two sign faces. See figure on next page.
 - (2) **Three or four face signs:** the sign area is 50 percent of the sum of the areas of all sign faces. Signs with greater than four faces are prohibited. See figure on next page.
2. **Sign Height Measurement.** Sign height is measured as the vertical distance from the average elevation between the highest point and the lowest point of finished grade at the base of a sign to the top of the sign. Refer to sections 5.6.80 through 5.6.190 for height measurements by type of sign.

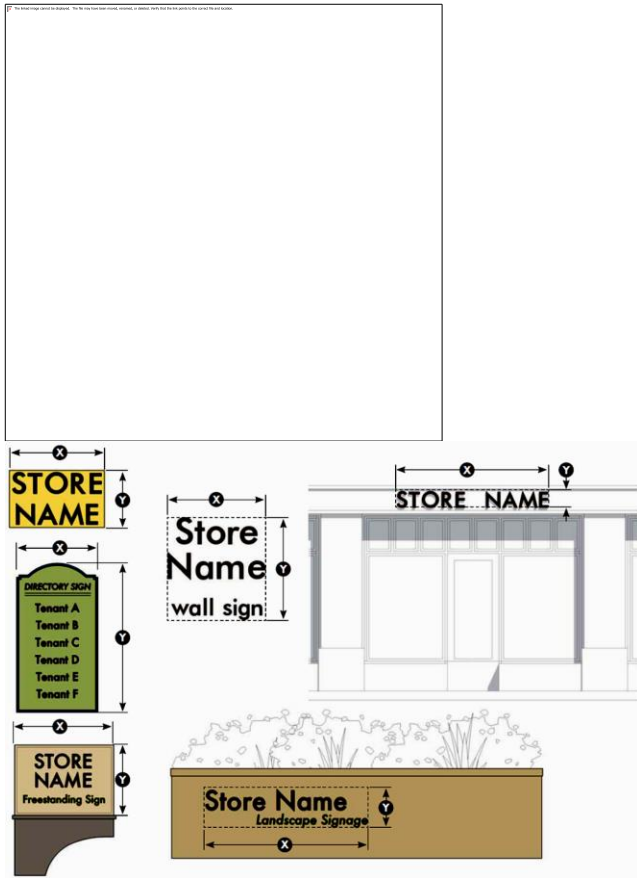


Figure 5.6.30.F: Sign Area for Signs on Background Panel and Signs with Individual Letters

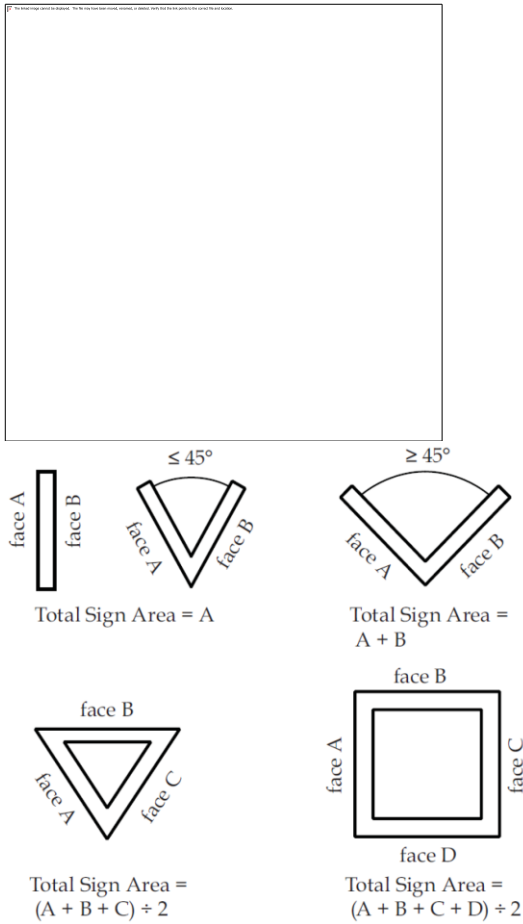


Figure 5.6.30.A: Sign Area for Multi-face Signs or Free Form Signs



G. Materials.


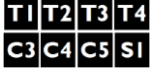

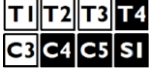
1. The finish materials to be used for signage throughout all districts shall be as follows:
 - a. Wood: painted, stained, or natural;
 - b. Metal: copper, brass, or galvanized steel;
 - c. Stucco, tabby, or brick; or
 - d. Any other material that is finished or painted and looks like wood.
2. Monument signs shall be constructed of materials compatible with the overall design of a development and/or building. This includes the sign face materials as well as the sign foundation.





([Ord. No. 2015/32, § 1, 11-9-15](#))

5.6.40 - Permanent Sign Types for Buildings, Businesses and Communities

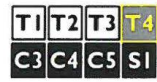
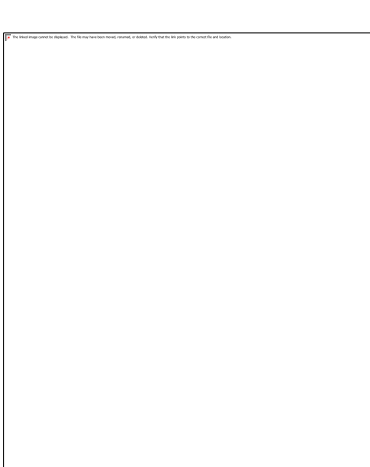
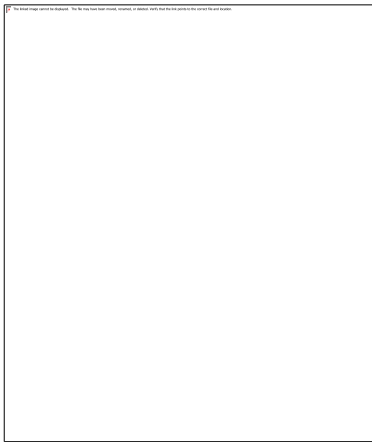
- A. Table 5.6.40.A (Sign Types) establishes a variety of permanent sign types as well as the permitted zoning district for each type.
- B. All businesses and community types located in the County may choose to utilize a combination of the sign types permitted in Table 5.6.40.A (Sign Types) in accordance with the limitations prescribed in Table 5.6.40.B (Aggregate Sign Area).

Table 5.6.40.A: Sign Types			
Specific Sign Type	Illustration	Permit	Standards
<p>Awning Signs: Awnings are a traditional storefront fitting and can be used to protect merchants' wares and keep storefront interiors shaded and cool in hot weather.</p>			5.6.80

<p>Directional Signs: Directional signs provide guidance to entrances and parking locations. A wall-mounted or freestanding sign placed within 30 feet of an entrance to, or exit from, an establishment or parking location.</p>			5.6.90
<p>Landscape Wall Sign: A sign attached to a freestanding wall that forms a perimeter or buffer for a landscape feature. Landscape wall signs are attached to freestanding walls and are often used to mark a place of significance or the entrance to a location.</p>			5.6.100

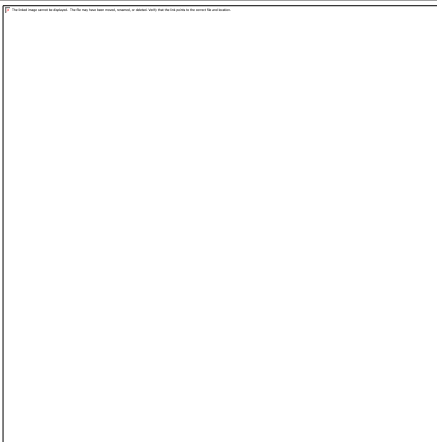
<p>Marquee Signs: Marquee signs are vertical signs that are located either along the face where they project perpendicular to the facade; or at the corner of the building where they project at 45 degree angles.</p>			<p>5.6.110</p>
<p>Freestanding Signs: Freestanding signs encompass a variety of signs that are not attached to a building and have an integral support structure. Three varieties include: Freestanding, Monument and Pole.</p>			<p>5.6.120</p>

Projecting Signs:
Projecting signs mount perpendicular to a building's facade. These signs are small, pedestrian scaled, and easily read from both sides. Syn. Blade Sign.



5.6.130





Key


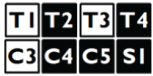





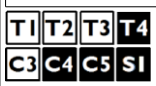

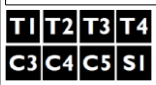
Permitted

Permitted with Conditions

Sign Type Not Allowed

<p>Sidewalk Signs: Sidewalk signs provide secondary signage and may be used to announce daily specials, sales, or point to shops off the sidewalk (i.e., a shop located along a passageway).</p>			5.6.140
<p>Suspended Signs: Suspended signs mount to the underside of beams or ceilings of a porch, gallery, arcade, breezeway or similar covered area. These signs are small, pedestrian scaled, and easily read from both sides.</p>			5.6.150

<p>Wall Signs: Wall signs are signs flat against the facade consisting of individual cut letters applied directly to the building or painted directly on the surface of the building.</p>			<p>5.6.160</p>
<p>Wall Mural Signs: Wall mural signs are flat against the facade and are located on a secondary facade, typically along a side street, alley, or passageway. These signs are typically painted directly on the building and contain a combination of text and graphic elements.</p>			<p>5.6.170</p>

<p>Window Signs: Window signs are professionally painted consisting of individual letters and designs, gold leaf individual letters and designs, applied directly on the inside of a window.</p>			<p>5.6.180</p>
<p>Yard Signs: Yard signs are signs mounted on a porch or in a yard between the public ROW and the building facade.</p>			<p>5.6.190</p>
<p>Key</p>			

# Permitted	# Permitted with Conditions
	# Sign Type Not Allowed

C. **Aggregate Sign Area.** Table 5.6.40.B (Aggregate Sign Area) conveys standards regarding the maximum amount of signage permitted on a building, a lot, or as part of a community. In order to establish appropriate parameters the sign types depicted in Table 5.6.40.A (Sign Types) are further classified as Building Attached or Building Detached signs. Depending upon the type and form utilized, Directional Signs and Yard Signs (indicated with an asterisk) may be characterized as either Building Attached or Building Detached signs.

1. *Building Attached* sign types include:

- a. Awning Signs
- b. Canopy Signs
- c. Directional Signs*
- d. Marquee Signs
- e. Projecting Signs
- f. Sidewalk Signs
- g. Suspended Signs
- h. Wall Signs
- i. Wall Mural Signs
- j. Window Signs
- k. Yard Signs*

2. *Building Detached* sign types include:

- a. Freestanding (Monument and Pole) Signs
- b. Directional Signs*

c. Landscape Wall Signs

d. Yard Signs*

Table 5.6.40.B: Aggregate Sign Area	
Maximum Aggregate Sign Area	
Building Attached Signs	Building Detached Signs
Home Business	
One non-illuminated Attached Yard Sign, not more than six (6) square feet in area, may be placed on the property to advertise the business.	One non-illuminated Detached Yard Sign, not more than six (6) square feet in area, may be placed on the property to advertise the business.
Live Work	
Permitted signs may be sited on the principal frontage of the building or unit only and shall not be illuminated. The maximum aggregate sign area shall not exceed one (1) square foot per linear foot of principal frontage.	One non-illuminated Detached Yard Sign, not more than six (6) square feet in area, may be placed on the property to advertise the business.
Single-Family Neighborhood/Manufactured Home Community	
See Standards for Home Business and Live Work above.	One (1) Freestanding or Landscape Wall Sign, not to exceed 36 square feet, may be sited along the primary thoroughfare frontage at the primary vehicular entrance.
	One (1) Freestanding or Landscape Wall Sign, not to exceed 24 square feet, may be sited along each additional thoroughfare frontage at a vehicular entrance.
	Freestanding Directional Signs shall not count toward the maximum aggregate signage.
Multi-Family Oriented Community	
Where first floor businesses are permitted they shall comply with the standards for Live Work above.	Shall comply with the standards for Single Family Oriented Communities and Manufactured Home Communities.
One (1) Directional Sign shall be permitted per residential building as necessary.	
Commercial Oriented Community - Single Tenant Building Fronting One or More Thoroughfares	
Principal Building Frontage. Aggregate sign area for the Principal Building Frontage equals 1½ square feet for each linear foot of building frontage measured along the	One (1) Freestanding Sign, Landscape Wall Sign, or a combination of the two, not to exceed 40 square feet in aggregate, may be sited along the primary thoroughfare frontage at the primary vehicular entrance. Signs

<p>thoroughfare where the building has frontage and/or the primary entrance.</p> <p>If the building fronts one thoroughfare, up to 33% of the total signage permitted on the Principal Building Frontage may be applied to one or more alternative building elevations. Combined signage for alternative building elevations shall not exceed 33% of the aggregate sign area for the Principal Building Frontage.</p> <p>If the building fronts two or more thoroughfares, up to 33% of the total signage permitted on the Principal Building Frontage may be applied to a building elevation that does not face a thoroughfare.</p>	<p>may be used for identification purposes, as a directory listing, or a combination thereof.</p> <p>Freestanding Directional Signs shall not count toward the maximum aggregate signage.</p> <p>Drive-Through Menu Boards. One (1) Freestanding Menu Board Sign per drive-through lane, not to exceed 32 square feet in aggregate, may be sited as part of a drive-through business. The sign may list the type and price of items or services offered and to the maximum extent possible, shall not be visible from a primary street right-of-way. Where appropriate the base of the menu board shall be landscaped and/or incorporated into the landscaping plan.</p>
<p>Secondary Building Frontage. Aggregate sign area for the Secondary Building Frontage equals ½ square foot for each linear foot of building frontage measured along the thoroughfare where the building has secondary frontage and/or a secondary entrance.</p> <p>Up to 33% of total signage permitted along the Secondary Building Frontage may be applied to an alternative building elevation. However, Secondary Building Frontage signage may not be applied/added to an elevation containing Principal Building Frontage signage.</p>	
<p>Commercial Oriented Community - Multiple-Tenant Buildings With or Without Outparcel Buildings Fronting One or More Thoroughfares</p>	
<p>All permitted sign types may be utilized where allowed and shall comply with the standards for a Commercial Oriented Community (Single Tenant Business Fronting One or More Thoroughfares).</p> <p>Upper Story Business. A second story retail or service oriented business is permitted one Projecting Sign, one Suspended Sign, or one Wall Sign, not to exceed one (1) square foot in size and located at the first floor entrance.</p> <p>Additional upper floor businesses that share a common first floor entrance shall utilize an individual Wall Sign or Directory Sign located at the sidewalk level.</p>	<p>One (1) Freestanding Sign, Landscape Wall Sign, or a combination of the two, not to exceed 80 square feet in aggregate, may be sited at the primary vehicular entrance along each thoroughfare frontage. Signs may be used for identification purposes, as a directory listing, or a combination thereof.</p> <p>Freestanding Directional Signs shall not count toward the maximum aggregate signage.</p> <p>Thoroughfare frontage exceeds 500 feet in length. One additional Freestanding Sign, Landscape Wall Sign, or combination of the two, not to exceed 80 square feet in aggregate, may be sited at a secondary intersection along the frontage.</p> <p>Individual Tenants in a Multi-Tenant Building. Individual businesses in a multi-tenant building shall not be allowed to have separate Freestanding Signs.</p> <p>Individual Tenant in an Outparcel Building. In a pedestrian environment, one (1) Detached Yard Sign may be placed on the property to advertise the business.</p> <p>Drive-Through Menu Boards. See above.</p>
<p>Traditional Neighborhood Plan (TCP)</p>	
<p>Home Business, Live Work, Multi-family, and Non-Residential Development. See above.</p>	<p>Home Business, Live Work, and Drive-Through Menu Boards. See above.</p> <p>Multi-family. One Freestanding on or off-premises Directional Sign shall</p>

be permitted per internal street or lot as needed.

Commercial. Large scale, auto-oriented signage along thoroughfares (used for identification purposes, and directory listings) shall be discouraged in favor of human-scaled Building Attached and Building Detached signage. The above standards for **Individual Tenants in an Outparcel Building** shall apply.

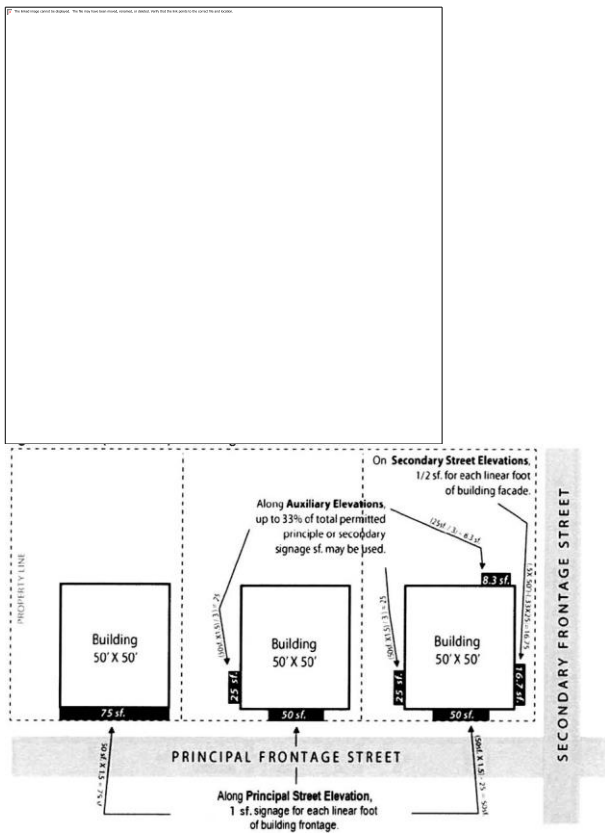


Figure 5.6.40.B: Aggregate Signage Standards for Building Attached Signs based on a 50' x 50' Single-Tenant Building.

([Ord. No. 2015/20, 7-27-15](#) ; [Ord. No. 2015/32, 11-9-15](#) ; [Ord. No. 2016/18, 6-27-16](#))

5.6.50 - Off-Premises Sign Standards

A. ~~Commercial Off-Premises Signs / Commercial Billboard Signs.~~ New ~~commercial-off-premises signs / commercial billboard signs are prohibited.~~ Digital displays are prohibited on all off-premises signs / commercial billboard signs.

B. ~~Non-Commercial Off-Premises Signs.~~

1. ~~Location.~~

a. ~~Non-commercial off-premises signs may be placed on any premises where the placement of commercial on-premises signs are allowed.~~

b. ~~No portion of any noncommercial off-premises sign shall be located within 300 feet of any other off-premises sign on the same side of the street or highway, or any residence (single-family or multi-family).~~

2. ~~Standards.~~ ~~Noncommercial off-premises signs shall meet the standards in Section 5.6.120 (Freestanding Sign Type).~~

C. ~~Directional Signs.~~

1. ~~Location.~~ ~~In order to provide information and directional aid to the general public, directional signs may be erected 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.~~

2. ~~Standards.~~ ~~Directional signs shall meet the standards in Section 5.6.90 (Directional Sign Type).~~

D. ~~Directory Listings.~~

1. ~~Location.~~ ~~Directory listing signs may be placed at strategic locations along major highways in order to provide pertinent County area information to tourists and visitors.~~

2. ~~Content.~~ ~~Directory 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.~~

3. ~~Standards.~~ ~~Directory listings shall meet the standards in Section 5.6.120 (Freestanding Sign Type).~~

E. ~~Maintenance Standards For Off-Premises Signs.~~ All off-premises signs must be structurally safe and maintained in a good state of repair, including, but not limited to, the following standards:

1. The sign face must be maintained free of peeling, chipping, rusting, wearing and fading so as to be fully legible at all times.
2. Commercial off-premises 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. Minor modification to the sign face to improve hurricane safety, i.e. "hurricane frames" may be performed as long as the sign foundation is not included so as to improve the structural integrity of the billboard structure in the hurricane safety modification. Upon determination by the Code Enforcement 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 ZBOA. 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 such removal shall be paid by the owner of such sign.
3. Extension, enlargement, replacement, rebuilding, adding lights to an un-illuminated sign, changing the height of the sign above ground, or re-erection of the sign are prohibited.
4. Any signs suffering damage in excess of normal wear cannot be repaired without:

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- a. Notifying the Code Enforcement 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
- b. Receiving written notice from the Code Enforcement Department authorizing the repair work. If the work authorization is granted, it shall be mailed to the applicant within 30 days of receipt of the information described in Subsection 5.6.50.E.4.a. of this section. Any such sign that is repaired without the department's authorization shall be removed by the County, and the costs and expenses of such removal shall be paid by that person or entity making the unauthorized repairs.
- c. If a sign is partially destroyed by wind or other natural forces, the Director must determine whether to allow the sign to be rebuilt. If the Director determines that the damage to the sign was greater than 50 percent of its replacement cost as of the time of the damage, the sign must be consistent with all current requirements of this chapter.

([Ord. No. 2020/45, 10-26-20](#))

5.6.60 - Temporary Signs

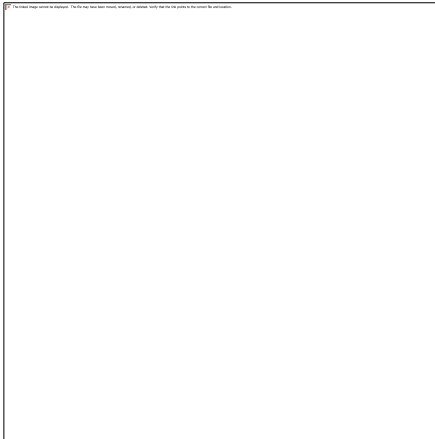
- A. **Allowed Sign Types.** The following types of signs are classified as temporary signs:
 1. Special event signs which are in the nature of noncommercial advertising;
 2. Grand opening, going out of business and sale signs of businesses and services;
 3. Signs for work under construction;
 4. Land subdivision or development signs;
 5. Signs advertising the sale or lease of property upon which they are located; and
 6. Political signs.
 - a. On private property along major corridors, freestanding political signs must be no closer than ten (10) feet from the highway right-of-way. Major corridors are US 21, US 17, US 278, SC 170, SC 802, SC 280, SC 46, SC 116, and SC 163. Sign placement on other roads may be placed on property lines.
 - b. Political signs may be displayed or erected at any time within an election year. Political candidates are required to obtain a sign permit. All political signs must be removed within 48 hours after the election.
 - c. If approval for placement within the state rights-of-way is granted to the political candidates, the candidates shall present the approval whenever they apply for the county permit.
 - d. A single permit will allow each candidate to post an unlimited number of signs. Only the candidates whose name will appear on the ballot for an upcoming election may display signs.
 - e. Impoundment of Political Signs. See Section 5.6.70.B.
- B. **Area, Height, Location.**
 1. **Area.** The total area of temporary signs shall not exceed 80 square feet.
 2. **Height.** The maximum height of temporary signs shall not exceed ten (10) feet measured from the highest part of any sign or supporting structure and existing ground level except special event promotional banners.
 3. **Location.** No off-premises temporary sign, except those identified in Subsections 5.6.50.A.5 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.
- C. **Time Limits on Erection.**

1. **Special Event Signs.** Special event signs may be erected no sooner than 30 days preceding a special event, and shall be removed within 48 hours following the special event. Temporary signs for special events shall be permitted for no more than 32 days at a time. The signs are limited to 4 times a calendar year per site for a total of 128 days.
 2. **Grand Opening Signs.** Grand opening signs shall be erected for a period not to exceed 30 days.
 3. **Work Under Construction Signs.** 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.
 4. **Announcement of Subdivision of Land.** Signs announcing the subdivision of land may be erected on the land being developed and shall be removed when 75 percent of the lots are conveyed or after two years, whichever comes first.
- D. **Permits.** Unless exempted in Subsection 5.6.10.B.4, temporary signs must be permitted in the same manner as permanent signs.

5.6.70 - Administration

- A. **Display of Permit.** All signs for which a permit has been issued shall be in compliance with the following:
1. **Display of Permit Tag.** All permit tags issued for the erection of a sign shall be displayed on the sign and shall be readily visible.
 2. **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.
 3. **Return of Permit Tag.** If a sign is dismantled, removed or the ownership transferred, the permit tag shall be removed, returned to the Community Development Department and a new application made as appropriate.
 4. **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 Community Development Department.
- B. **Impoundment of Signs.**
1. **Signs Subject to Removal without Notice.** The Code Enforcement Department shall have the authority to remove, without notice to the owners thereof, and impound for a period of ten 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.
 2. **Impoundment of Signs Erected without Permit, but Otherwise in Compliance.** When a sign requiring a permit under the terms of this Division is erected without a Sign Permit, the Code Enforcement Department shall use the following procedure:
 - a. **Violation Sticker.** The Code Enforcement Department shall issue a Notice of Warning to the owner of the sign that is in violation. The Notice of Warning shall include instructions to call the Code Enforcement Department immediately for permitting compliance.
 - b. **Failure to Obtain Permit.** If the owner of the sign fails to contact the Code Enforcement Department, to bring the sign into conformance with this article and get a permit for the sign, the Code Enforcement Department shall have the sign removed and impounded without any further notice.
- C. **Recovery and Disposal of Impounded Signs.** The owner of a sign impounded may recover the sign upon the payment of \$2.00 for each square foot of such impounded sign, prior to the expiration of the ten-day impoundment period. If it is not claimed within ten days, the Code Enforcement Department shall have authority to either discard or sell the sign.

5.6.80 - Awning/Canopy Sign Type



A. Description

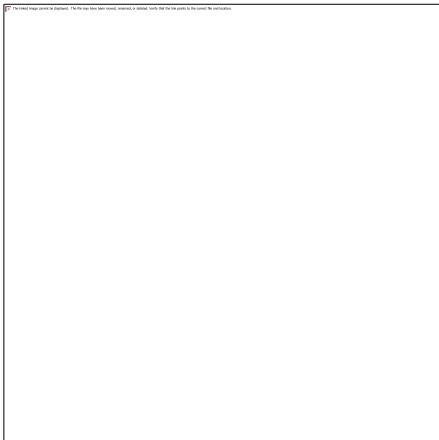
Awning Signs are a traditional storefront fitting and can be used to protect merchant's wares and keep storefront interiors shaded and cool in hot weather. Retail tenant signs may be painted, screen printed, or appliquéd on the awnings.

B. Standards

Size

Projecting:		
Sign Area	1 per SF per linear ft. of shop front, max.	(A)
Lettering Height	16" max.	(B)
Lettering Thickness	6" max.	(C)
Sloping Plane:		
Sign Area	25% coverage max.	(D)
Lettering Height	18" max.	(E)
Valance:		
Sign Area	75% coverage max.	(F)
Width	Storefront width max.	(G)
Height	8" min.; 16" max.	(H)
Lettering Height	8" max.	(I)
Location		
Clear Height	8' min.	(J)
Signs per awning	1 projecting; or 1 valance and 1 sloping plane max.	
Miscellaneous		
Only the tenant's store name, logo, and/or address should be applied to the awning. Additional information is prohibited.		
Open-ended awnings are strongly encouraged.		
Fabric awnings shall be covered only with canvas, woven acrylic, or similar fabric materials. Shiny or glossy materials like vinyl and plastic are not permitted.		
Sign copy on awnings on second story windows is not permitted.		

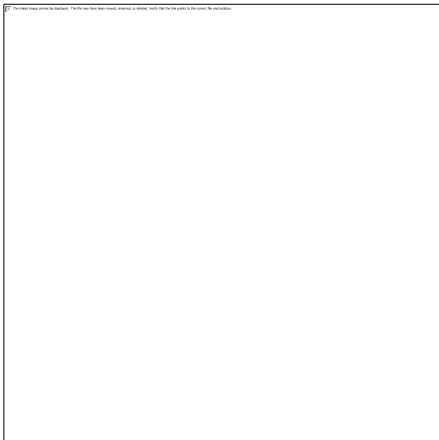
5.6.90 - Directional Sign Type



A. Description
Directional Signs are wall-mounted or freestanding signs placed within 30 feet of an entrance to, or exit from, an establishment or parking location, provide guidance to entrances and parking locations.
B. Standards
Size
Signable Area:

Transect Zones	3 SF max.	Ⓐ
Conventional Zones	6 SF max.	Ⓐ
Location		
Height:		Ⓑ
Wall-Mounted	8' max.	
Freestanding	6' max.	
Number of Signs	1 per lot or access way	
¹ See Section 5.6.120 (Freestanding Signs) for additional standards.		
Miscellaneous		
May say "enter," "exit," "drive in," "service entrance," "no parking," etc., without any advertising words or phrases.		
Name of business or address may appear on directional sign.		
No permit fee.		

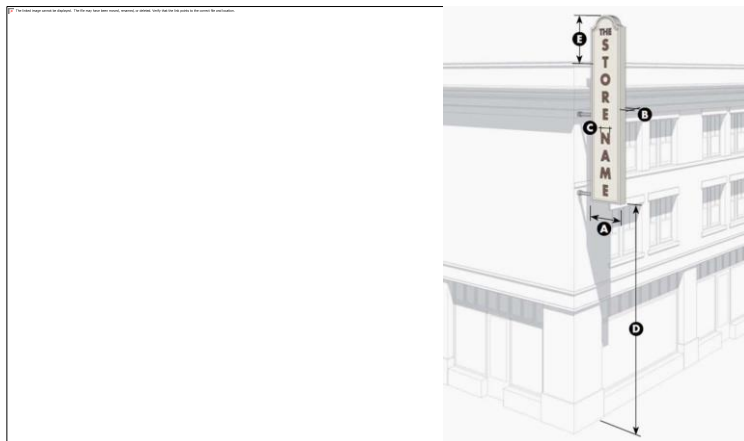
5.6.100 - Landscape Wall Sign Type



A. Description		
<p>Landscape Wall Signs are attached to freestanding walls and are often used to mark a place of significance or the entrance to a location. The signs are often used in place of a monument sign that form a perimeter or buffer for a landscape feature.</p>		
B. Standards		
Size		
Signable Area	24 SF Max.	Ⓐ
Location		

Height of Wall	4' max.	ⓑ
Mounting Height:		
Top of Wall		ⓒ
Above Grade	At least 12"	ⓓ
Number of Signs	1 per wall face	

5.6.110 - Marquee Sign Type



A. Description

Marquee Signs are vertical signs that are located either along the face where they project perpendicular to the façade; or at the corner of the building where they project at a 45 degree angle. Marquee signs often extend beyond the parapet of the building, but may also terminate below the cornice or eave. Marquee signs often have neon lettering used in conjunction with painted lettering.

B. Standards

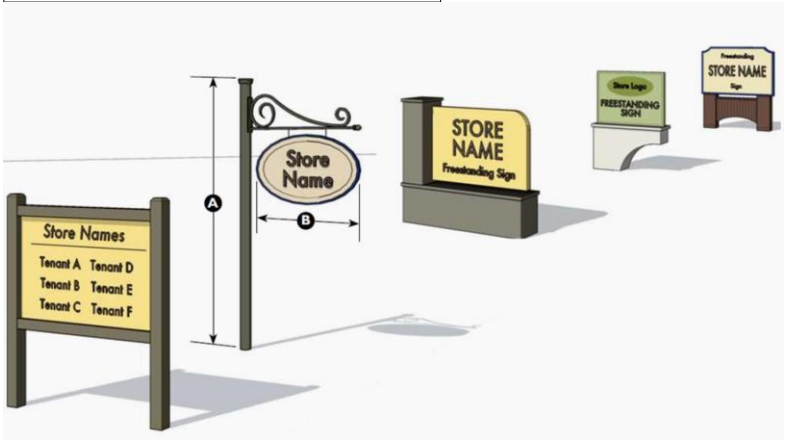
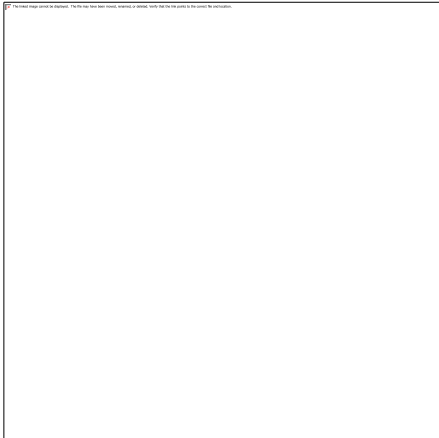
Size

Signable Area:

Width	24" max.	Ⓐ
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Depth	10" max.	Ⓑ
Lettering:		
Width	75% of sign width max.	Ⓒ
Location		
Clear Height	12' min.	Ⓓ
Extension	10' max. ¹	Ⓔ
Signs per building	1 max.	
¹ Marquee signs may not extend beyond the eave of a pitched roof.		
Miscellaneous		
Neon letter may only be used in conjunction with painted lettering. Signs consisting only of neon lettering are not permitted.		

5.6.120 - Freestanding Sign Type



A. Description

Freestanding Signs encompass a variety of signs that are not attached to a building and have an integral support structure. Freestanding varieties include Monument and Pole Signs.

A Pole Sign, usually double-faced, mounted on a single or pair of round poles, square tubes, or other fabricated members without any type of secondary support.

A Monument Sign stands directly on the ground or ground level foundation and is often used to mark a place of significance or the entrance to a location.

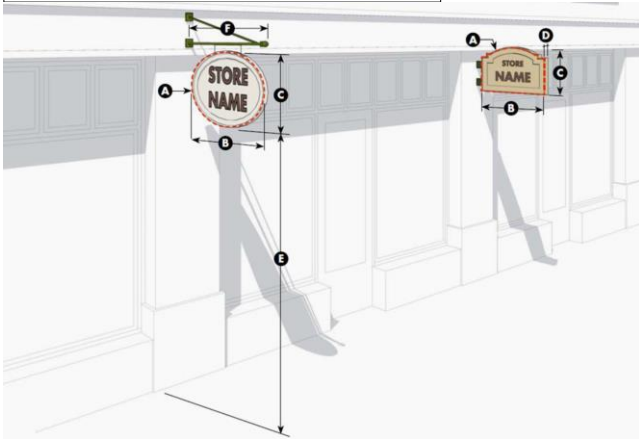
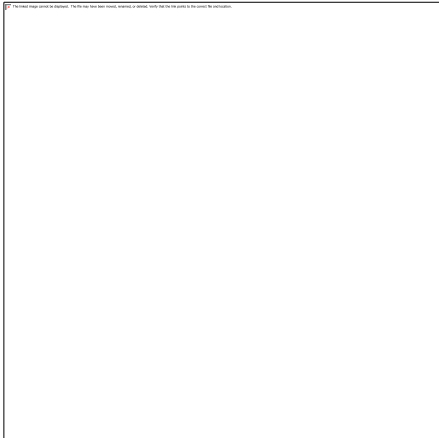
B. Standards

Size

Signable Area	T4	All Other Districts>
Single Tenant	24 SF max.	40 SF max.
Multiple Tenant with one highway frontage	32 SF max.	80 SF max.
Multiple Tenant with two highway frontages	32 SF per frontage	80 SF per frontage
Location		
Signs per Highway Frontage:		
Single Tenant	1 max.	
Multiple Tenant	1 max. ^{1,2}	
Height	10' max.	Ⓐ
Width	15' max.	Ⓑ
Distance from ground to the base if the sign	4' max.	
Setback from ROW	10' min.	
¹ Individual tenants may not have a Freestanding Sign.		
² Frontages greater than 500 feet may include one additional freestanding sign not to exceed 80 SF in area and with a total allowable sign area not exceeding the maximum allowable sign area for the multiple tenant center.		
Miscellaneous		
Changeable copy signs are allowed for on the premises of gasoline price signs stations, houses of worship, schools, directory signs listing more than one tenant buildings with more than one tenant, and signs advertising restaurant food specials, restaurants, and theaters, films and live entertainment or more highway frontages which change on a regular basis. restaurants, and theaters, films and live entertainment or more highway frontages which change on a regular basis.		

([Ord. No. 2015/20, 7-27-15](#) ; [Ord. No. 2015/32, § 1, 11-9-15](#) ; [Ord. No. 2017/20, 6-26-17](#))

5.6.130 - Projecting Sign Type



A. Description

Projecting Signs mount perpendicular to a building's façade. They are typically hung from decorative cast or wrought iron brackets in a manner that permits them to swing slightly. These signs are small, pedestrian-scale, and easily read from both sides. Often, Projecting Signs offer the opportunity for a more creative or "playful" sign. Projecting Signs should be hung well out of reach of pedestrians and all exposed edges of the sign should be finished. Synonym: Blade Sign.

B. Standards

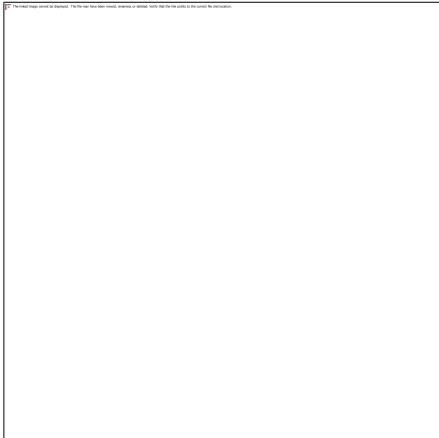
Size

Signable Area:

Area	6 SF max.	Ⓐ
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Width	48" max.	ⓑ
Height	36" max.	ⓒ
Thickness	4" max. ¹	ⓓ
¹ Special and creative signs that have a three-dimensional quality may have a greater thickness subject to approval by the review authority.		
Location		
Clear Height	8' min.	ⓔ
Extension	8.5' max.	ⓕ
Signs per building	1 per storefront max. ²	
² One (1) additional sign may be located along an auxiliary elevation at a secondary entrance.		

5.6.140 - Sidewalk Sign Type



A. Description

Sidewalk Signs provide secondary signage and may be used to announce daily specials, sales, or point to shops off the sidewalk (i.e., a shop located along a passageway). They may be painted wood panels or cut wood shapes. Traditional slate boards are highly recommended. Chaser lights or illuminated signs may not be used.

B. Standards

Size

Signable Area:

Area	6 SF max.	Ⓐ
Width	30" max.	Ⓑ

Height	42" max.	©
Location		
Sidewalk Signs must be located on or adjacent to a sidewalk and shall not interfere with pedestrian travel or encroach upon the required accessible path.		
Sidewalk Signs may only be displayed during business hours and must be removed when the business is closed.		
Signs per building	1 per storefront max.	

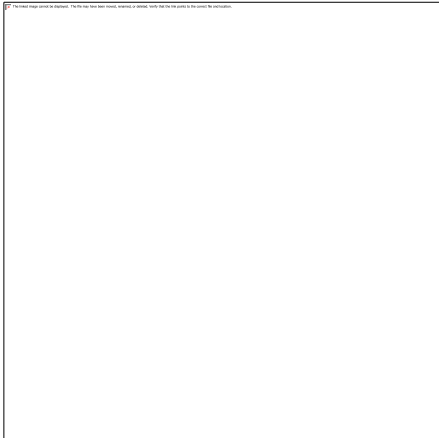
5.6.150 - Suspended Sign Type



A. Description
Suspended Signs mount to the underside of beams or ceilings of a porch, gallery, arcade, breezeway or similar covered area. They are typically hung in a manner that permits them to swing slightly. These signs are small, pedestrian-scaled, and easily read from both sides. Suspended signs should be hung well out of reach of pedestrians and all exposed edges of the sign should be finished.
B. Standards
Size

Signable Area:		
Area	6 SF max.	
Width	36" max.	Ⓐ
Height	36" max.	Ⓑ
Location		
Clear Height	8' min.	Ⓒ
Signs per building	1 per shop front, max. ¹	
¹ One (1) additional sign may be located along an auxiliary elevation at a secondary entrance.		
Miscellaneous		
Suspended Signs shall not extend beyond the edge of the building façade, frontage, or overhang on which it is placed.		

5.6.160 - Wall Sign Type



A. Description

Wall Signs are flat against the facade consisting of individual cut letters applied directly to the building, or painted directly on the surface of the building. Wall signs are placed directly above the main entrance and often run horizontally along the "expression line" or entablature of traditional buildings. Wall signs do not protrude beyond the roofline or cornice of a building. Wall signs are typically intended to be seen from a distance and are often accompanied by additional pedestrian-scaled signage.

B. Standards

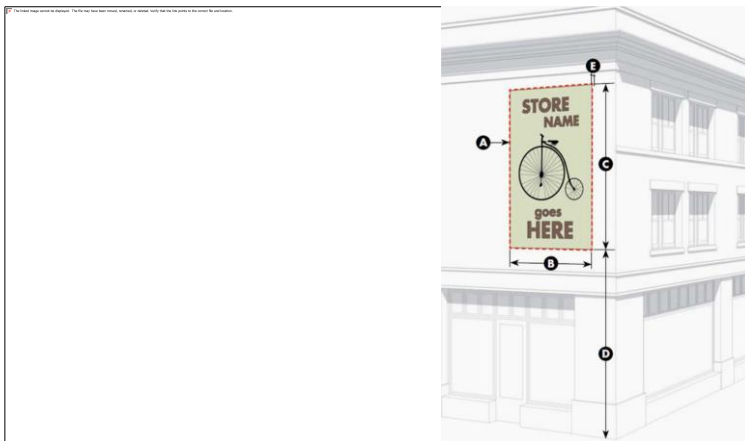
Size

Signable Area:

Area	1 SF per linear foot of shop front width up to 80 SF max.	(A)
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Width	Storefront width, max.	Ⓑ
Height	12" min.; 5' max.	Ⓒ
Lettering:		
Width	75% of signable width, max.	Ⓓ
Height	75% of signable height, max.; 35" max.	Ⓔ
Location		
Projection from facade	8" max.	
Signs per building	1 per shop front and/or elevation	
2 nd Story Business	1 sign located at 1 st floor entrance, max size 1 SF	
Miscellaneous		
Changeable Copy Signs are allowed for gasoline price signs on the premises of gas stations, directory signs listing buildings with more than one tenant, and signs advertising restaurant food specials, restaurants, and theaters, films and live entertainment which change on a regular basis.		

5.6.170 - Wall Mural Sign Type



A. Description

Wall Mural Signs are flat against the facade and are located on a secondary facade, typically along a side street, alley, or passageway. These signs are typically painted directly on the building and contain a combination of text and graphic elements. ~~These signs are intended to be visible from a greater distance and must be accompanied by additional signage on the primary facade at the business entrance. Wall Mural Signs that provide off-site signage for a business or do not provide signage for a specific business (artistic wall mural) are considered wall mural signs and are prohibited.~~

B. Standards

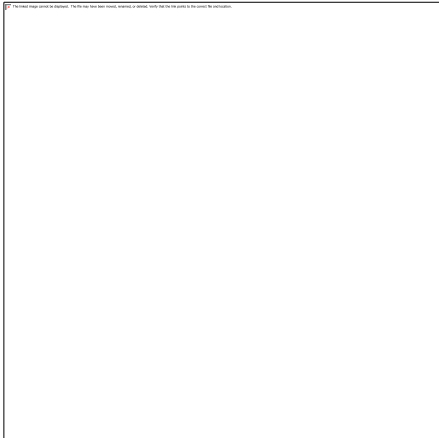
Size

Sign Area:		
Area	1,000 SF max.	Ⓐ
Width	200' max.	Ⓑ
Height	50' max.	Ⓒ

Location

Height above ground	8' min.	Ⓓ
Projection	8" max.	Ⓔ
Signs per building:	1 max.	
Any size	2 spaces/1,000 SF min.	

5.6.180 - Window Sign Type



A. Description

Window signs are professionally painted consisting of individual letters and designs, gold leaf individual letters and designs, applied directly on the inside of a window. Window signs offer a high level of craftsmanship and visibility, and are often used for small professional offices. Window signs are often repeated on storefronts with several divided openings, however, repetition should be done with great care to ensure that the entrance to the business is clearly marked.

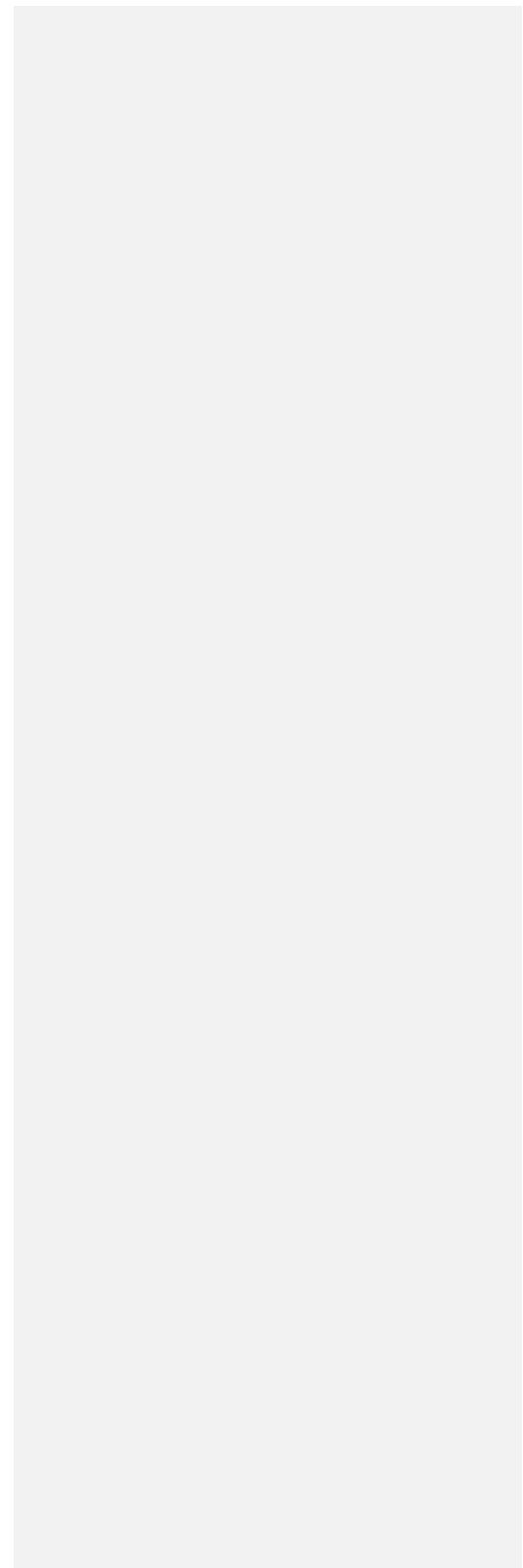
B. Standards

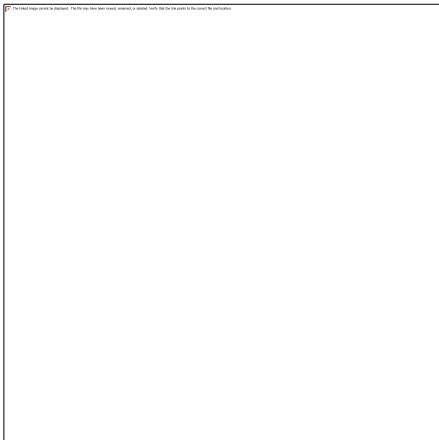
Size

Sign Area:		Ⓐ
Per Shop front Bay	25% max.	

Per Shop front	15% max.	
Width	5' max.	ⓑ
Height	36" max.	ⓒ
Location		
Window signs shall be placed at or above eye level.		
Window signs shall be applied directly to the inside of the glass.		
Miscellaneous		
Applied plastic or vinyl cut letters are strongly discouraged.		
Window signs must have a clear background.		

5.6.190 - Yard Sign Type





A. Description

Yard Signs are signs mounted on a porch or in a yard between the public ROW and the building facade. Yard signs mounted on a porch are placed parallel to the building's facade. Yard signs mounted in a yard are placed parallel or perpendicular to the ROW. Yard signs work well for home businesses.

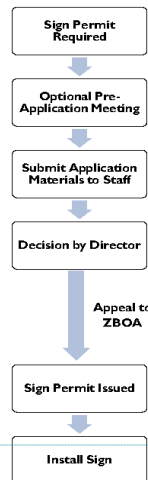
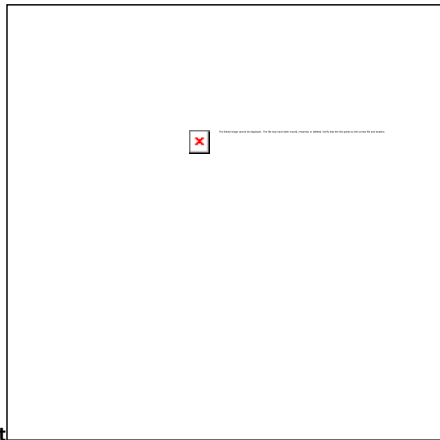
B. Standards

Size

Signable Area:

Area	6" max.	
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Width	36" max.	Ⓐ
Height	36" max.	Ⓑ
Location		
Clear Height:		Ⓒ
Mounted on Porch	6' 8" min.	
Mounted in Yard	12" min.	
Overall Height	5' max.	Ⓓ
Signs per Building:		
Mounted on Porch	1 max.	
Mounted in Yard	1 max.	
Miscellaneous		
Yard signs may not be located within a public ROW.		
Yard mounted signs shall be parallel or perpendicular to the ROW.		



Field Code Changed

7.2.40 - Sign Permit

- A. **Purpose.** The purpose of this Section is to provide a uniform mechanism for reviewing applications for Sign Permits to ensure ~~all~~that signs comply with the standards of Division 5.6 (Sign Standards).
- B. **Applicability.** All signs, unless exempted in accordance with Section 5.6.10.B.4 or Section 5.6.10.B.5, shall obtain a Preliminary Approval of a Sign Permit in accordance with the requirements of this Section before being erected, replaced, relocated or altered.
- C. **Sign Permit Procedure.**
 - 1. **Pre-Application Conference is Optional.** See Section 7.4.20 (Pre-Application Conference).
 - 2. **Application Submittal and Acceptance.** ~~See Section 7.4.30 (Application Submittal and Acceptance).~~ An applicant for a sign permit shall submit to the office of the Director a completed application made on a form provided by the Director. The application shall be signed by the applicant and shall be notarized. An application shall be considered complete when it contains the following required information and/or items:
 - a. The applicant's name, address, phone number, and email address.
 - b. The name, address, phone number, email address, and business license number of the owner of the sign.
 - c. The name and address of the owner of the property where the sign is (or is to be) located, the zoning district and tax map number and parcel number for the property, and the physical 911 address for the property.
 - d. If the applicant does not own the property, the owner's written and signed authorization for the applicant to seek a permit to erect, replace, relocate or alter the sign as described in the application.
 - e. The address of the location for the sign and the related Development/Zoning Permit number.
 - f. The type of sign, the material of the sign, and statements of whether and how the sign would be illuminated.
 - g. A statement of the sign's height, width, total area of sign, and number of faces.
 - h. A statement of the name on the sign.
 - i. A statement of an identifying number assigned to the sign by a governing authority, if any.

- j. A statement of the value of the sign.
 - k. A statement of whether the proposed sign would replace an existing sign.
 - l. A statement of whether the sign owner plans to include the sign in its Business Inventory.
 - m. A statement of whether the proposed sign is a temporary sign, and if so, the date(s) being requested.
 - n. A form showing Business License Department approval concerning the sign manufacturer's business license number, the sign installer's business license number (if different from the sign manufacturer), and the sign permit applicant's business license number.
 - o. A copy of the certificate of occupancy issued for the property on which the sign is to be erected, replaced, relocated or altered.
 - p. A site plan of the property showing the proposed placement of the sign with respect to property lines, buildings, parking areas, driveways and any entrance island(s), and other improvements of the property. The sketch must also show the location and size of all existing signs on site. The sketch must also show the setbacks and separation distances for the sign.
 - q. A drawing of the proposed sign showing the sign, sign face, and sign copy area, as well as the shape, design, colors, height, and dimensions of the various sign elements.
 - r. Accurate color chips or Pantone Matching System (PMS) numbers included on the drawing of the proposed sign.
 - s. For a wall sign, a photograph of the actual building showing the wall for the proposed sign.
 - t. For a freestanding sign, a copy of the plans of any structure to support the proposed sign.
 - u. A description of the materials and construction for the sign, showing that the sign and any sign structure complies with the requirements of Division 5.6.
 - v. An application fee of 50¢ per square foot of the total area of the sign, or a minimum payment of \$15 for each sign, payable to the Beaufort County Treasurer.
3. ~~**Determination of Application Completeness, Staff Review and Action.** Applicable to a decision by the Director. See Section 7.4.430.F. (Staff Review and Action). The Director's decision shall be based on the standards in Subsection 7.2.40.D.~~
4. **Issuance of Preliminary Approval of a Sign Permit.** Within thirty (30) days of the filing of a completed sign permit application, the Director or designee shall either issue Preliminary Approval of a sign permit to the applicant or issue a written notice of denial to the applicant. The Director or designee shall issue Preliminary Approval of a sign permit unless:
- a. The applicant has failed to provide information required by Subsection 7.2.40.C.2 for issuance of a sign permit or has falsely answered a question or request for information on the application form.
 - b. The application fee has not been paid.
 - c. The applicant or the owner of the sign does not have a proper Development/Zoning Permit for the activity or land use actually occurring on the property.
 - d. The sign is located, or proposed to be located, on a premises where an establishment, land use, or business is operated in violation of, or in noncompliance with, its certificate of use and occupancy.
 - e. The permit sought is for a sign on a premises where an establishment, land use, or business is located, or is seeking to locate, contrary to the regulations of the Development Code.
 - f. The sign is prohibited under Division 5.6 (Sign Standards) of the Development Code.
 - g. The sign does not comply with the standards in Division 5.6 (Sign Standards) of the Development Code that govern the sign.

5. Inspection; Issuance of a Sign Permit. Upon Preliminary Approval of a Sign Permit, the applicant may erect, replace, relocate, or alter the sign authorized by the Preliminary Approval, shall complete the work, and shall request an inspection from the Codes Enforcement Officer before the Preliminary Approval expires under Subsection 7.2.40.D. The Codes Enforcement Officer shall inspect the sign within ten (10) business days of receiving an inspection request. The Director or designee shall issue a Sign Permit to the applicant within five (5) business days of the inspection unless the sign work is incomplete or the sign as completed fails to comply with the Development Code or the permittee's building permit.

Commented [1]: Subsection 7.2.40.D (was subsection E before these amendments, see below) says that sign permits are valid for 6 months, and it points to a different section that says sign permits are eligible for a 3 month extension.

6. Grounds for Revocation of a Preliminary Approval or a Sign Permit. The Director or designee is authorized to issue a written notice of revocation of a Preliminary Approval or of a Sign Permit if the approval or permit should have been denied under Subsection 7.2.40.C.4, or if the applicant/permittee erects, alters, or fails to maintain the sign in violation of the Development Code or the applicant/permittee's building permit. The Director or designee may also pursue any applicable remedies set forth in Subdivision 5.6.70.B. (Impoundment of Signs).

Commented [2]: new on 5/21

7. Denial or Revocation of a Preliminary Approval or a Sign Permit. When the Director or designee issues a written notice of denial or revocation of a Preliminary Approval or of a Sign Permit, the Director or designee shall immediately send such notice, which shall include the specific grounds under Subdivision 7.2.40.C.4 and/or Division 5.6 (Sign Standards) for such action, to the applicant/permittee by personal delivery, certified mail return receipt requested, or email. The notice shall be directed to the most current business address, other mailing address, or email address on file with the Director for the applicant/permittee. The notice shall also set forth the following: The applicant/permittee shall have thirty (30) days after receiving the written notice to deliver, at the office of the Director, a written Appeal application that specifies the grounds for the appeal. See Subsection 7.3.70.C.2. If the applicant/permittee does not deliver a written Appeal application within said thirty (30) days, the Director's written notice shall become a final decision on the thirty-first (31st) day after it is issued.

48. Appeal from Denial or Revocation. The decision of the Staff Director or designee on a Preliminary Approval or a Sign Permit may be appealed to the ZBOA. See Section 7.3.70 (Appeals).

- a. If the applicant/permittee (hereafter, "petitioner") timely delivers a written Appeal application in accord with Subsection 7.2.40.C.7 above, then the Director or designee shall, within fifteen (15) days after the delivery of the request, send a notice to the petitioner indicating the date, time, and place of the hearing before the ZBOA. The hearing shall be conducted not less than twelve (12) days nor more than forty (45) days after the date that the hearing notice is issued.
- b. The public hearing (See Subsection 7.3.70.C.5 & C.6) shall be on the record of the appeal, with presentations limited to arguments on the record of the appeal as it relates to the grounds for appeal specified in the Appeal application. At the hearing, the petitioner and the Director shall have the opportunity to present all relevant arguments and to be represented by counsel. The hearing shall take no longer than one (1) day, unless extended at the request of the petitioner to meet the requirements of due process and proper administration of justice. The ZBOA may receive, consider, and adopt proposed written decisions tendered by the Director and/or the petitioner before or during the hearing. The ZBOA shall issue a final written decision, including specific reasons for the decision pursuant to this Development Code, to the Director and the petitioner within 15 business days after the hearing. The decision of the ZBOA may be appealed to the Circuit Court. (See Subsection 7.3.70.C.7.)

D. Sign Permit Review Standards. A Sign Permit shall be approved on a finding the applicant demonstrates the sign, as proposed, complies with the standards in Division 5.6 (Sign Standards).

ED. Expiration. Preliminary Approval of a Sign Permit shall automatically expire if the sign installation it authorizes is not commenced within six months after the date of approval, unless an extension of this period is authorized in accordance with Section 7.4.130 (Expiration of Development Approval).

FE. Amendment. A [Preliminary Approval of a](#) Sign Permit may be amended only in accordance with the procedures and standards established for its original approval.

Article 10: - Definitions

10.1.10 - A Definitions

Access. An area designated as a way for vehicles and pedestrians to enter or leave a property to a public or private street or alley.

Access Easement. A portion of a property used for access to another property and shown on a plat by a recorded easement declaration.

Accessory Structure. A structure physically detached from, secondary and incidental to, and commonly associated with a primary structure and/or use on the same site (see Division 4.2). **Accessory Use.** A subordinate use of a building, structure or lot that is customarily incidental to a principal use located on the same lot (see Division 4.2).

Addition (to an existing building). Any walled and/or roofed expansion to the perimeter of a building connected by a common load-bearing wall other than a firewall.

ACI (Aggregate Caliper Inch). A measure of the total combined number of inches of existing and proposed trees used to meet landscaping requirements. Caliper inch sizes for individual proposed trees are measured as indicated in the American Standard for Nursery Stock (ANSI 260.1-2004). Caliper inch sizes for existing trees are measured in diameter at breast height (DBH).

Advertise or Advertisement. Any form of public announcement intended to aid directly or indirectly, in the sale, use or promotion of a product, commodity, service, activity, or entertainment.

AICUZ (Air Installations Compatible Use Zone). The area surrounding MCAS—Beaufort as identified on the Zoning Map (Airport Overlay District/MCAS—Beaufort).

Ancillary Structure/Ancillary Building. See Accessory Structure.

Apartment House. See Section 5.1.120 (Building Type Standards).

Aquaculture. The cultivation of aquatic animals and plants, especially fish, shellfish, and seaweed, in natural or controlled marine or freshwater environments; underwater agriculture.

Arcade. A covered walkway with habitable space above often encroaching into the right-of-way (see Section 5.2.140).

Archaeological Resources. As defined in the Archaeological Resources Protection Act of 1979 (16 USC 470aa—470mm) Section (1): The term "archaeological resource" means any material remains of past human life that 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. Nonfossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources, under this definition, unless found in an archaeological context. No item shall be treated as an archaeological resource under this definition unless such item is at least 100 years of age.

Archaeological Site. The area of the development identified as being listed in or having the potential for listing in the National Register of Historic Places. Effect and adverse effect mean as follows:

1. Effect means 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.
2. Adverse effect means an undertaking in which the effect on a historic resource may diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

Architectural Features. Exterior building elements intended to provide ornamentation to the building massing, including, but not limited to: eaves, cornices, bay windows, window and door surrounds, light fixtures, canopies, and balconies.

Awning Sign. Signs that are painted, screen printed, or appliquéd on an awning. (See Section 5.6.80).

10.1.20 - B Definitions

Base Site Area. An area of land calculated by subtracting various land areas from the gross site area of a lot. See Section 6.1.40.F (General Review Standards).

Baseline Density. The maximum density allowed on a receiving area property under baseline zoning and applicable overlay districts without participation in the Transfer of Development Rights (TDR) program (see Division 2:10).

Baseline Zoning. The zoning in effect on a receiving area property as of June 13, 2011. This term is specifically applied to the Transfer of Development Rights (TDR) Program (see Division 2:10).

Berm. An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses.

Buffer, Perimeter. An area of land along the perimeter of a development site that contains any combination of vegetative materials, berms, fences, and walls, and provides separation and screening to minimize potential adverse impacts between the development and dissimilar development on abutting property.

Buffer, River. An area of land along tidal waters or tidal wetlands extending inland 50 feet from the OCRM critical line. See also Critical Line.

Building Envelope. The area on a lot on which a structure can be erected as permitted by the front, side yard, and rear yard setbacks of the applicable zoning district.

Building Type. A structure defined by its combination of configuration, disposition and function.

Build-to Line (BTL). A line parallel to a property line or right-of-way where a building facade must be placed. The BTL may appear graphically on the regulating plan or be stated as a dimension from the property line or right-of-way. Figures 10.A and 10.B depict how to calculate the % of BTL Defined by a Building and % of Building at the BTL as may be required in the Building Form Standards. Minor deviations from the BTL are allowed for architectural features, recessed entries, and recessed balconies and do not count against the calculations of % of BTL Defined by a building or Building at the BTL.

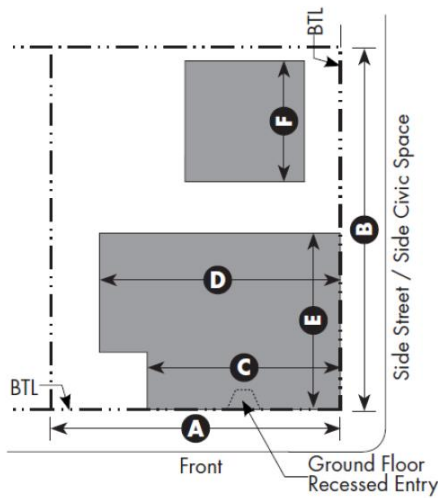
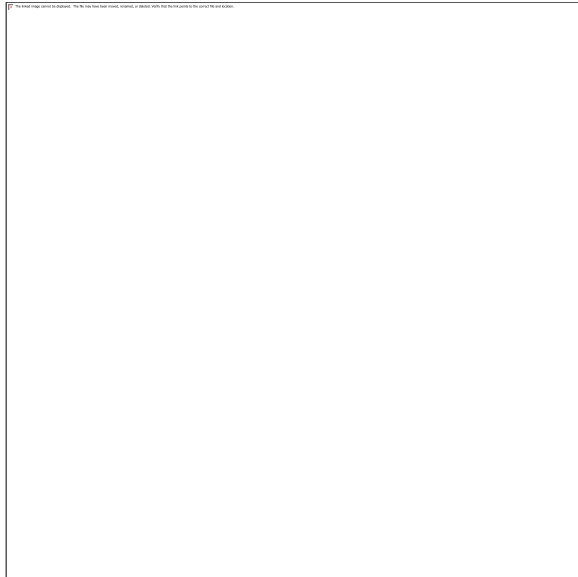


Figure 10.A:

% of BTL Defined by a Building:

$$\text{Front} = \frac{C}{A} \quad \text{Side Street} = \frac{E}{B}$$

% of Building at the BTL:

$$\text{Front} = \frac{C}{D} \quad \text{Side Street} = \frac{E}{(E + F)}$$

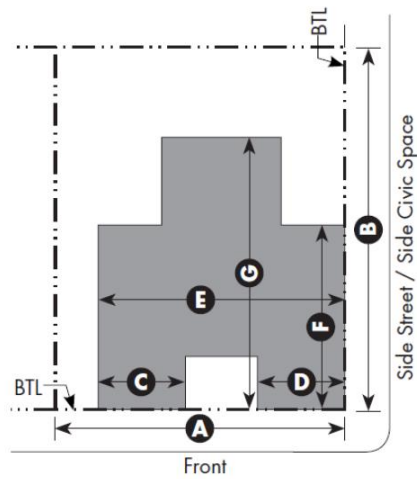


Figure 10.B

% of BTL Defined by a Building:

$$\text{Front} = \frac{(C + D)}{A} \quad \text{Side Street} = \frac{F}{B}$$

% of Building at the BTL:

$$\text{Front} = \frac{(C + D)}{E} \quad \text{Side Street} = \frac{F}{G}$$

10.1.30 - C Definitions

Caliper. Caliper - Diameter of the trunk measured six inches above the ground for trees up to and including four-inch diameter, and measured 12 inches above the ground for larger trees. This measurement is used for nursery-grown trees.

Canopy Tree. A tree that has an expected height at maturity greater than 30 feet and produces significant shade because it has a crown that is oval, round, vase-shaped, or umbrella-shaped.

Carriage House. This Building Type is a secondary accessory structure typically located at the rear of a lot. This structure typically provides either a small residential unit, home office space, or other small commercial or service use that may be above a garage or at ground level. This Building Type is important for providing affordable housing opportunities and incubating small businesses within walkable neighborhoods. Multiple Carriage Houses can be utilized to organize Family Compounds and Farmsteads. (See Section 5.1.40).

Cash in-lieu. The fee rate established by Beaufort County that can be paid for increased density on a receiving area property above baseline zoning.

Ceiling Height, Ground Floor. Height from finished floor to finished ceiling of primary rooms on the ground floor, not including secondary rooms such as bathrooms, closets, utility rooms and storage spaces.

Ceiling Height, Upper Floor(s). Height from finished floor to finished ceiling of primary rooms on the floor(s) above the ground floor, not including secondary rooms such as bathrooms, closets, utility rooms and storage spaces.

Changeable Copy Sign: [A sign or portion thereof on which the copy or symbols change either through mechanical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system.](#)

Charrette. A multiple-day collaborative design and planning workshop held on-site and inclusive of all affected stakeholders.

Chicanes. A means of slowing traffic through street design where alternating curb extensions create an S shaped curve in the street. They are categorized as horizontal deflectors - as opposed to vertical deflectors like speed bumps.

Civic. A term defining not-for-profit organizations that are dedicated to arts, culture, education, religious activities, recreation, government, transit, and public parking facilities.

Civic Building. A structure operated by governmental or not-for-profit organizations and limited to civic and related uses.

Civic Space. Civic space is a type of open space that is easily accessible and dedicated for public use or for common use of residents of a private community. Civic spaces generally do not include lands set aside for natural resource preservation, buffers, and stormwater management unless these lands are available for common use by the public or the residents of the community and that have amenities that encourage the use of these lands.

Commercial. A term defining workplace, office and retail uses collectively.

Commercial Billboard Sign. [\(Also known as an off-premises sign\). A sign utilized for advertising a commercial establishment, activity, product, service or entertainment which is located, sold, produced, manufactured, available or furnished at a place other than on the property on which said sign is located. For purposes of this Division, noncommercial messages are never off-premises.](#)

Commercial Message. [Any sign wording, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a business, product, service, sale or sales event or other commercial activity.](#)

Common Yard. A private frontage type where the main facade of the building has a large planted setback from the frontage line providing a buffer from the higher-speed thoroughfares. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape and working in conjunction with the other private frontages (See Section 5.2.40).

Common Courtyard. An entry court, forecourt or courtyard shared by multiple residential units or commercial spaces.

Community Garden. A civic/open space designed as a grouping of garden plots that are available to nearby residents for small-scale cultivation (see Division 2.8).

Community Park. A moderate sized civic/open space available for unstructured recreation and a limited amount of structured recreation (see Division 2.8).

Conditional Use. A use that is permitted in a zone subject to the standards specified for that use being met, as determined by the Director.

Critical Line. A line that is currently delineated by the South Carolina Office of Ocean and Coastal Resource Management (OCRM) or its successor that separates upland areas from coastal waters, tidelands and marshes.

Critical Root Zone (CRZ). An area surrounding a tree, both above and below ground, with a radius of 1.5 feet for every inch in trunk DBH.

Critical Root Zone, Structural (SCRZ). Similar to a Critical Root Zone, but with a smaller radius (see Section 5.11.90). Significant risk of catastrophic tree failure exists if roots within this area are damaged or destroyed.

10.1.40 - D Definitions

DBH (Diameter at Breast Height). The diameter (in inches) of the trunk of a tree (or, for multiple trunk trees, the aggregate diameters of the multiple trunks) measured 4 ½ feet from the existing grade at the base of the tree. This measurement is used for existing trees.

Day-Night Average Noise Level (Ldn). A measure for quantifying noise exposure based on the weighted sound level average over a 24-hour time period, with a ten decibel penalty applied to nighttime (10:00 p.m. to 7:00 a.m.) sound levels.

Decibel (dB). A unit of measure describing the loudness of sound.

Density, Gross. A measurement of intensity defined as the total number of dwelling units on a property divided by the Base Site Area, expressed as units per acre.

Depth, Ground-Floor Commercial Space. The distance from the street-facing facade to the rear interior wall of the ground-floor space available to a commercial tenant.

Development. This term includes the following:

1. All construction, modification, or use of any lot, parcel, building or structure.
2. All disturbances of land surfaces of 10,000 square feet or greater, including removal of vegetation, excavation, filling, and grading.
3. Any subdivision of a parcel or tract of land into two or more lots, parcels, or pieces for the purpose, whether immediate or future, of sale or transfer of title.

Digital Display. The portion of a sign made up of internally illuminated components capable of changing the display or message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

Directional Sign. Secondary signage that provides guidance to entrances and parking locations. A wall-mounted or freestanding sign placed within 30 feet of an entrance to, or exit from, an establishment or parking location. (see Section 5.6.90).

Director. The Community Development Director or his or her duly appointed designee (see Section 7.5.60 for specific duties and responsibilities).

Diseased Trees. Those trees that may constitute a hazard to life and property or harbor insects or disease which represent a potential threat to other trees as determined by a Certified Arborist.

Dooryard. A private frontage type where the frontage line is defined by a low wall or hedge and the main facade of the building is set back a small distance creating a small dooryard. The dooryard may be raised, sunken, or at grade and is intended for ground floor residential in flex zones, live/ work, and small commercial uses (see Section 5.2.100).

Duplex. This Building Type is a small to medium-sized structure that consists of two side-by-side or two stacked dwelling units, both facing the street. This Type has the appearance of a medium to large single-family home and is appropriately scaled to fit within primarily single-family neighborhoods or medium-density neighborhoods (see Section 5.1.90).

Dwelling. A building, or portion thereof, used as a place of residence, containing living, sleeping, cooking, and sanitary facilities, excluding commercial lodging facilities.

10.1.50 - E Definitions

Easement. A portion of a property subject to an agreement between the property owner and another party that grants the other party the right to make limited use of that portion of the property for a specified purpose.

Electronic Changeable Copy Sign: [A type of changeable copy sign on which the copy or symbols change automatically through electrical or electronic means.](#)

Encroachment. Any architectural feature, structure or structural element, such as a gallery, fence, garden wall, porch, stoop, balcony, bay window, terrace or deck, that breaks the plane of a vertical or horizontal regulatory limit extending into a setback, beyond the build-to-line, into the public frontage, or above a height limit.

Entablature. The assemblage of horizontal moldings and bands supported by and located immediately above the columns of Classical buildings or similar structural supports in non-Classical buildings.

Estate House. This Building Type is a large detached structure on a large lot that incorporates one unit. It is typically located within a primarily single-family residential neighborhood in a more rural setting (see Section 5.1.50).

10.1.60 - F Definitions

Facade. The vertical surface of a building.

Facade Zone. The area between the minimum and maximum setback lines.

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.

Family Compound. A form of traditional rural development that allows additional family dwelling units on, and/or subdivisions of, a single parcel of land owned by the same family for at least 50 years.

Finish Level, Ground Floor. Height difference between the ground floor finished floor of residential or commercial space, excluding lobbies and common-use areas, and the adjacent public walk. In the case of a loading dock frontage that serves as the public right-of-way, the floor finish level is the height of the walk above the adjacent street.

Flag: Any sign printed or painted on cloth, plastic, canvas, or other like material attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.

Flex Space. A room or group of internally connected rooms designed to accommodate an evolution of use over time in response to an evolving market demand. Typically designed to accommodate future commercial uses, while accommodating less intense short-term uses, such as residential or live/work, until the full commercial demand has been established.

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

Floor Area, Gross. See Gross Floor Area.

Floor Area Ratio (FAR). A measure of the allowable size of building area on a lot compared to the size of the lot. The FAR is calculated by dividing the Gross Floor Area by the Base Site Area.

Forecourt. A private frontage type where the main facade of the building is at or near the frontage line and a small percentage is set back, creating a small court space (see Section 5.2.90).

Forest, Maritime. An indigenous forest community within close proximity to tidally influenced salt marshes and/or open water, also known as the South Atlantic Inland Maritime Forest, which is characterized by a canopy dominated by live oak, swamp laurel oak, southern magnolia, and cabbage palm.

Forest, Mixed Upland, Young. An area or stand of trees whose total combined canopy covers an area of one acre or more composed of canopies of trees having a DBH of less than 18 inches covering at least 60 percent of the area. This forest type is characterized as being southern mixed hardwood, beech-magnolia hammock, mesic oak-hickory, pine flatwoods (southeastern coastal plain suberic longleaf pine), spruce-pine-mixed hardwood, and pine-saw palmetto flatwood communities. Pine plantations are not included.

Forest, Mixed Upland, Mature. An area or stand of trees whose total combined canopy covers an area of one acre or more composed of canopies of trees having a DBH of at least 18 inches or greater covering at least 75 percent of the area. Also, any stand or grove of trees consisting of eight or more individual trees having a DBH of at least 18 inches whose combined canopies cover at least 50 percent of the area encompassed by the grove. This forest type is characterized as being southern mixed hardwood, beech-magnolia hammock, mesic oak-hickory, pine flatwoods (southeastern coastal plain suberic longleaf pine), spruce-pine-mixed hardwood, and pine-saw palmetto flatwood communities. Pine plantations are not included.

Formally Disposed. Composed in a formal arrangement, in a regular, classical, and typically symmetrical manner.

Freestanding Signs: Freestanding signs encompass a variety of signs that are not attached to a building and have an integral support structure. Three varieties include: Freestanding, Monument and Pole (see Section 5.6.120).

Front. The primary frontage(s) of a lot, determined as follows:

1. For lots with frontages along multiple thoroughfares, the frontage along the thoroughfare that is part of the lot's address will always be the Front. All other frontages may be considered to be side street frontages.
2. For lots with frontages along a thoroughfare and a civic space, the Front may be the frontage along either the thoroughfare or the civic space, or both frontages may be treated as Fronts, with

the following exception: the frontage along certain Civic Spaces may be required to be a Front, as per the standards in Division 2.7 (Civic and Open Space Types).

3. For lots with a frontage along either a thoroughfare or a Civic Space, but not both, that frontage is the Front.
4. Frontages along alleys, service drives, and parking drives may never be a front.

Frontage. A strip or extent of land abutting a thoroughfare, civic space or other public right-of-way.

1. **Private Frontage.** The area between the curb of the public right-of-way and the front or side façade (see Division 5.2).
2. **Public Frontage.** The area between the curb of the vehicular lanes and the frontage line (see Section 2.9.70).

Frontage Line. The property line(s) of a lot fronting a thoroughfare or other public way, or a civic space.

Frontage Type. The way in which a building engages the public realm. See Division 5.2 (Frontage Type Standards).

10.1.70 - G Definitions

Gallery. A private frontage type where the main facade of the building is at the frontage line and the gallery element overlaps the sidewalk. This Type is intended for buildings with ground-floor commercial uses and may be one or two stories (see Section 5.2.130).

Garage. A structure, or part thereof, used or intended to be used for the parking and storage of motor vehicles.

Grand Tree. An existing, exceptionally large tree as follows:

1. Live Oak (*Quercus Virginiana*), Black Walnut (*Juglans Nigra*), or Longleaf Pine (*Pinus Palustris*) equal to or greater than a diameter of 24 inches DBH;
2. Loblolly Pine (*Pinus Taeda*), Slash Pine (*Pinus Ellitoi*), and Shortleaf Pine (*Pinus Echinata*) equal to or greater than a diameter of 36 inches DBH;
3. All other non-invasive species of trees, not defined above, equal to or greater than a diameter of 30 inches DBH.

Green. A small civic/open space usually found in a residential area that is available for unstructured and limited amounts of structured recreation (see Division 2.8).

Greenway. A linear open space that may follow natural corridors providing unstructured and limited amounts of structured recreation (see Division 2.8).

Ground Cover. Low-growing plants that grow in a spreading fashion to form a more or less solid mat of vegetation, generally planted to provide decorative landscaping or permeable cover for bare earth that prevents soil erosion.

Gross Floor Area (GFA). The sum of the total horizontal areas of a building. The measurement of gross floor area is computed by applying the following criteria:

1. The horizontal square footage is measured from the outside face of all exterior walls.
2. Cellars, basements, 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.
3. 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.

Gross Site Area. All land and water area contained within the surveyed boundaries of a lot or parcel.

Guest House. Living quarters within a detached accessory building located on the same premises with the main building, for use by guests of the occupants of the premises, such quarters may have no kitchen or cooking facilities and not rented or otherwise used as a separate dwelling (see Section 4.2.70).

10.1.80 - H Definitions

Hedge. A group of shrubs planted in line or in groups that forms a compact, dense, living barrier that demarcates an area from on-site or off-site views.

Height.

1. **Overall.** Overall building height shall be measured vertically from the natural grade or finished grade adjacent to the building exterior to the average height of the highest roof surface, excluding chimneys, cupolas, and spires.
2. **Eave/Parapet.** Building height to eave/parapet shall be measured from the eave or top of parapet to natural grade or finished grade at the lowest point adjacent to the building exterior, whichever yields the greatest height.

Historic Resources. According to the National Historic Preservation Act of 1966, as amended through 1992 (16 USC 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 50 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.

([Ord. No. 2016/18, 6-27-16](#))

10.1.90 - I Definitions

Illumination. A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source.

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

Incidental Sales. Sales that are ancillary to the owner's primary business activity.

Industrial/Agricultural Building. This Building Type is a medium to large structure that accommodates retail, light industrial, agricultural and mixed uses that are too large to be appropriately housed in a residential building type. This Building Type is typically located on the edge of the commercial core within a rural crossroads or hamlet place type. The design and massing of this Building Type find their precedent in the vernacular packing sheds, barns, and warehouses of the Lowcountry (see Section 5.1.140).

Infill. Development or redevelopment of land that has been bypassed, remained vacant, or is underused in an otherwise developed area.

Intensive Level Archaeological Survey. A survey that will be based on a systematic approach to the entire tract, usually at 100-foot intervals, that 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, subsurface activities 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, are compiled into a final report.

Internal Illumination. A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Digital displays and signs incorporating neon lighting shall not be considered internal illumination for the purposes of this Code.

Invasive Species. An introduced species (also called "non-indigenous" or "non-native") that adversely affects the natural habitat it invades by dominating and choking out indigenous species.

10.1.100 - J Definitions

No specialized terms beginning with the letter J are defined at this time.

10.1.110 - K Definitions

No specialized terms beginning with the letter K are defined at this time.

10.1.120 - L Definitions

Landscape Strip, Perimeter. Vegetative material associated with the perimeter landscaping required for a parking lot area.

Landscape Wall Sign. ~~Landscape wall~~A signs ~~are attached to a freestanding walls that forms a perimeter or buffer for a landscape feature. and are often used to mark a place of significance or the entrance to a location~~(see Section 5.6.100).

Ldn. See Day-Night Average Noise Level.

Liner Building. An occupiable structure specifically designed to mask a parking lot or a parking structure from a frontage.

Live/Work Unit. An integrated housing unit and working space in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, which may accommodate a substantial commercial component with employees and walk-in trade.

Lot. An area designated as a separate and distinct parcel of land on a subdivision plat or deed as recorded with the Beaufort County Register of Deeds office.

Lot Coverage. The portion of a lot, expressed as a percentage, that is covered by any and all buildings including accessory buildings, excepting paved areas, uncovered parking areas, single level unenclosed covered parking areas (unless the roof space is used for any use or activity), unenclosed covered walkways, driveways, walks, porches, terraces, swimming pools, and landscape areas.

Lot of Record. A lot that existed prior to the date of adoption of this Development Code.

10.1.130 - M Definitions

Main Street Mixed-Use Building. A Building Type which consists of a small- to medium-sized structure, typically attached, intended to provide a vertical mix of uses with ground-floor commercial, service, or retail uses and upper-floor commercial, service, or residential uses. Smaller versions of this Type include live/work units (see Section 5.1.130).

Mansion Apartment. A Building Type which consists of a medium-sized structure with three to six side-by-side and/or stacked dwelling units, typically with one shared entry or individual entries along the front. This Type has the appearance of a medium-sized family home and is appropriately scaled to fit in

sparingly within primarily single-family neighborhoods or into medium-density neighborhoods (see Section 5.1.110).

Manufactured Home. A single family dwelling unit fabricated in an off-site manufacturing facility for installation at the building site, bearing a seal certifying that it was built in compliance with the Federal Manufactured Home Construction and Safety Standards Act of 1974, as amended.

Mariculture. Cultivation of marine organisms in their natural habitats, usually for commercial purposes.

Maritime Forest. See Forest, Maritime.

Marquee Sign. Marquee signs are vertical signs that are located either along the face where they project perpendicular to the facade; or at the corner of the building where they project at 45-degree angles (see Section 5.6.110).

Memorandum of Agreement. An agreement between the 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.

Mitigation. Measures taken to lessen the adverse impacts of a proposed land use or land disturbance activity.

Mixed Upland Forest. See Forest, Mixed Upland.

Mixed-Use. Multiple functions within the same building or the same general area through superimposition or within the same area through adjacency.

Mixed-Use Project. A development that combines both commercial and residential uses on the same site, typically with the commercial uses occupying the ground floor street frontage and the residential uses above.

Mobile Home. See Manufactured Home.

10.1.140 - N Definitions

National Register of Historic Places. The list of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology, engineering, and culture, maintained by the Secretary of the Interior under authority of the National Historic Preservation Act.

Naturally Disposed. A preservation of the existing natural condition or a composition of elements arranged as they would appear in nature, with irregular shapes and asymmetry.

Neckdowns. Curb extensions at street intersections that reduce the roadway width from curb to curb. Neckdowns shorten crossing distances for pedestrians and tighten the curb radii at the corners therefore reducing the speeds of turning vehicles.

Neon Sign: [A sign illuminated by a neon tube, or other visible light-emitting gas tube.](#)

Noncommercial message. [Any message on a sign that is not a commercial message.](#)

Nonconformities. Land, structures, lots, signs, and other site features that were established before this Development Code was adopted or amended, and that do not conform to its terms and requirements. Nonconformities may be either legal or illegal.

1. **Legal Nonconformities.** Those nonconformities that were properly permitted and legally established but that no longer comply with the applicable provisions of this Development Code.

2. **Illegal Nonconformities.** Those nonconformities that were neither properly permitted nor legally established and that do not comply with the applicable provisions of this Development Code.

10.1.150 - O Definitions

OCRM Critical Line. See "Critical Line."

Off-Premises Sign (Also known as a **commercial billboard sign**). A sign utilized for advertising a commercial establishment, activity, product, service or entertainment which is located, sold, produced, manufactured, available or furnished at a place other than on the property on which said sign is located. For purposes of this Division, noncommercial messages are never off-premises.

On-Premises Sign. A sign utilized for advertising a commercial establishment, activity, product, service or entertainment which is located, sold, produced, manufactured, available or furnished on the property on which said sign is located.

Open Space. Land not covered by lots, buildings, accessory structures, driveways, parking areas, or impervious surfaces.

Overstory Tree. See "Canopy Tree."

10.1.160 - P Definitions

Parcel. See Lot.

Passive Recreation. Recreation requiring little or no physical exertion focusing on the enjoyment of one's natural surroundings. In determining appropriate recreational uses of passive parks, the promotion and development of resource-based activities such as fishing, camping, hunting, boating, gardening, bicycling, nature studies, horse-back riding, visiting historic sites, hiking, etc., shall be the predominate measure for passive park utilization.

Peak Hour. A one-hour period of time, usually occurring during the morning or evening commute periods, when traffic volume is at its highest.

Pedestrian Shed. An area centered on a major destination. Its size is limited by an average distance that may be traversed at an easy walking pace in a given amount of time from its center to its edge. Pedestrian sheds are useful for planning walkable areas. See Section 2.3.50 (Pedestrian Sheds).

Permanent Sign: Any one of the types of signs specifically listed within this Development Code as a permitted sign, excluding "temporary signs," and which is installed and maintained in a fixed location for an indefinite period of time.

Permitted Use. A use that is allowed in a zone without the need for special administrative review and approval upon satisfaction of the standards and requirements of this Development Code.

Planting Strip. Areas intended for the placement of vegetation within the interior of parking lot areas or along street right-of-way edges, typically between the back of the curb and the inside edge of the sidewalk.

Plaza. A civic/open space designed for civic purposes and commercial activities in the more urban Transect Zones, generally paved and spatially defined by building frontages (see Division 2.8).

Playground. An open space designed and equipped for the recreation of children. A Playground may include an open shelter. Playgrounds may be included within other civic spaces (see Division 2.8).

Pocket Park. A small open space available for informal activities in close proximity to neighborhood residences (see Division 2.8).

Pocket Plaza. A small formal open space available for civic purposes and commercial activities. Pocket Plazas are typically hardscaped (see Division 2.8).

Porch. See Division 5.2 (Private Frontage Standards).

1. **Projecting Porch.** A porch which is open on three sides and all habitable space is located behind the setback line (see Section 5.2.50).
2. **Engaged Porch.** A porch which has two adjacent sides of the porch that are engaged to the building while the other two sides are open (see Section 5.2.60).
3. **Side Yard Porch.** A porch located on the side of the principle building with its front side in line with the front façade of the building (see Section 5.2.70).

Primary Dune. The major front dune immediately behind the beach.

Principal Use. The primary purpose for which a lot is occupied and/or used.

Projecting Sign. Projecting signs mount perpendicular to a building's facade. These signs are small, pedestrian scaled, and easily read from both sides (see Section 5.6.130).

([Ord. No. 2015/32, § 1, 11-9-15](#))

10.1.170 - Q Definitions

Qualified Personnel. Professional consultants meeting the criteria set forth by the Secretary of the Interior, as well as the state historic preservation office and published in their Guidelines and Standards for Archaeological Investigation.

10.1.180 - R Definitions

Regional Park. For the purposes of this Code, an open space of at least 75 acres available for structured and unstructured recreation (see Division 2.8).

Residential. Premises used primarily for human habitation.

Right-of-way. An area of land not part of 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.

River Buffer. See "Buffer, River."

Rookery. A vegetated area used by a colony of birds for nesting and rearing their young.

10.1.190 - S Definitions

Security Quarter. A dwelling unit associated with a nonresidential use in a nonresidential zone which is occupied by one or more employees who reside on-site and oversee or manage the operation or provide care, protection, or security for the property.

Setback. The mandatory clear distance between a property line and a structure.

Shared Parking. Any parking spaces assigned to more than one user, where different persons utilizing the spaces are unlikely to need the spaces at the same time of day.

Shopfront. A private frontage type where the main facade of the building is at or near the frontage line with an at-grade entrance along the public way (see Section 5.2.110).

Shrub. A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

Sidewalk Sign. A temporary, moveable sign type that may be used to announce daily specials, sales, or point to shops off the sidewalk (see Section 5.6.140).

[Sign: Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure.](#)

Significant Resources. Historic resources listed in or eligible for listing in the National Register of Historic Places.

Small Lot House. This Building Type is a small, detached structure on a small lot that incorporates one unit. It is typically located within a primarily single-family neighborhood in a walkable urban setting, potentially near a neighborhood main street (see Section 5.1.70).

Small Wind Energy System. Equipment that converts and then stores or transfers energy from the wind into usable forms of energy that is used primarily to reduce on-site consumption of utility power. Equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.

Solar Energy Equipment. Items including, but not limited to solar panels lines pumps, batteries, and mounting brackets framing around foundations used for, or intended to be used for, the collection of solar energy in connection with a building on residential municipal or commercial properties. Solar energy equipment, and its use, is accessory to the principal use of the property

Special Use. A use that may be permitted within a zone upon approval of a special use permit by the Zoning Board of Appeals (ZBOA). See Section 7.2.130 (Special Use Permits).

Specified Anatomical Areas. Those portions of the human body less than completely and opaquely covered including the human genitals and pubic region, buttocks, and female breasts 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. Includes 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, public region, buttock, or female breast.

Specimen Tree.

1. Understory trees as follows: dogwood, redbud, and southern magnolia greater than four inches dbh.
2. Canopy trees as follows: American holly, bald cypress, beech, black oak, black tupelo, cedar, hickory, live oak, palmetto, pecan, southern red oak, sycamore, or walnut with a dbh of greater than 16 inches dbh.
3. All other non-invasive trees with a dbh of 24 inches or greater.

Sports Complex. A regional scaled open space that consolidates heavily programmed athletic fields and associated facilities (see Division 2.8).

Square. An Open Space available for unstructured recreation and civic purposes. A Square is spatially defined by building Frontages. Its landscape shall consist of paths, lawns and trees, formally disposed (see Division 2.8).

Storefront. The portion of a frontage composed of the display window and/or entrance and its components, including windows, doors, transoms and sill pane, that is inserted into various frontage types, such as a shopfront or gallery, to accommodate retail uses.

Stoop. A private frontage type where the Facade is aligned close to the frontage line with the first story elevated from the sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing (see Section 5.2.80).

Story. An above-grade habitable floor level within a building.

1. **Half.** A conditioned space that rests primarily underneath the slope of the roof, usually having dormer windows.

Street Tree. A tree that is located within the public frontage.

Structural Critical Root Zone (SCRZ). See Critical Root Zone, Structural.

Structure. Anything constructed or erected, the use of which requires attachment to the ground, attachment to something located on the ground, or placement on the ground.

Structure, Principal. A structure in which is conducted the primary use of the lot on which the structure is situated.

Stub-out. A short road segment that is constructed to and terminates at a parcel line, and that is intended to serve current and future development by providing road connectivity between adjacent developments.

Suspended Signs. Suspended signs mount to the underside of beams or ceilings of a porch, gallery, arcade, breezeway or similar covered area. These signs are small, pedestrian scaled, and easily read from both sides (see Section 5.6.150).

Subdivision. The division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land for the purpose, whether immediate or future, of lease, transfer of ownership, or building development.

10.1.200 - T Definitions

Tandem Parking. A parking space deep enough to allow two cars to park, one behind the other. **TDR.** Transfer of Development Rights.

1. **Bank.** An intermediary authorized by Beaufort County to act on its behalf in the TDR program.
2. **Certificate.** The official document issued by the county identifying the number of TDRs owned by the holder of the TDR certificate.
3. **Intermediary.** Any individual or group, other than a sending area landowner or receiving area developer, which buys and sells TDRs.
4. **Option.** The option of a receiving area property owner to increase density above baseline zoning through participation in the TDR program.
5. **Program.** The rules and requirements of this article for the transfer of development rights from sending areas to receiving areas.
6. **Receiving Area.** Properties on which upzonings trigger the establishment of the TDR overlay district.
7. **Sending Area.** Areas within unincorporated Beaufort County that are eligible to sell TDRs.

Temporary Parking Lots. Parking lots that are not permanent, are only intended to fulfill a short-term need, and ultimately will be replaced by a permanent building or structure. Temporary Parking lots are not

subject to the parking location regulations and liner requirements for above grade parking in the building form standards, but must comply with all landscaping standards.

Terrace. A private frontage type where the main facade is at or near the frontage line with an elevated terrace providing public circulation along the facade. This Type can be used to provide at-grade access while accommodating a grade change (see Section 5.2.120).

Townhouse. A building type consisting of a small to medium-sized attached structure with three or more dwelling units placed side-by-side. This Type is typically located within medium-density neighborhoods or in a location that transitions from a primarily single-family neighborhood into a neighborhood main street (see Section 5.1.100).

Traffic control device. [Any device used as a traffic control device and described and identified in the Manual on Uniform Traffic Control Devices approved by the Federal Highway Administration as the National Standard and as may be revised from time to time. A traffic control device includes those signs that are classified and defined by their function as regulatory signs \(that give notice of traffic or parking laws or regulations\), warning signs \(that give notice of a situation that might not readily be apparent or that poses a threat of serious injury \(e.g., gas line, high voltage, condemned building, etc.\) or that provides warning of a violation of law \(e.g., no trespassing, no hunting allowed, etc.\)\), and guide signs \(that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information\).](#)

Transect. A cross-section of the environment showing a range of different habitats. The rural-to-urban transect of the human environment is divided into multiple transect zones that describe the physical form and character of a place according to the intensity of its land use and urbanism.

Transect Zone. Transect Zones are zoning districts that primarily focus on mixed-use, walkable areas of the County and range in function and density from primarily residential areas with a mix of building types (e.g. T3 Hamlet Neighborhood), to medium density neighborhoods and other commercial and retail areas (e.g. T4-Hamlet Center).. See Division 3.2 (Transect Zones).

Transit Station. A lot or structure used for the purpose of parking, loading and unloading freight and passengers from train or bus transportation. May include parking facilities and other commercial amenities to service transit passengers.

Transit Stop. A location where buses stop to load and unload passengers. A transit stop may or may not include a shelter or a pullout.

Tree, Deciduous. A tree that drops its foliage annually before becoming dormant.

Tree, Evergreen. A tree with foliage that is not dropped, or that remains green throughout the year.

Tree, Shade. See Canopy Tree.

Tree, Street. See Street Tree.

10.1.210 - U Definitions

Understory Tree. A tree that has an expected height at maturity of no greater than 30 feet.

Utilities. Installations or facilities or means for furnishing to the public, electricity, gas, steam, communications, water, drainage, sewage disposal, or flood control, irrespective of whether such facilities or means are underground or above ground; utilities may be owned and operated by any person, firm, corporation, municipal department or board, duly appointed by state or municipal regulations. Utility or utilities as used herein may also refer to such persons, firms, corporations, departments, or boards.

10.1.220 - V Definitions

Vegetation, Native. Any indigenous tree, shrub, ground cover or other plant adapted to the soil, climatic, and hydrographic conditions occurring on the site.

Village House. A building type consisting of a medium-sized detached structure on a medium-sized lot that incorporates one unit. It is typically located within a primarily single-family residential neighborhood in a walkable urban setting, potentially near a neighborhood main street (see Division 5.1.60).

10.1.230 - W Definitions

Wall Sign. A sign that is flat against the facade of a building consisting of individual cut letters applied directly to the building or painted directly on the surface of the building (see Section 5.6.160).

Wall Mural Sign. A sign that is flat against the building facade and is located on a secondary facade, typically along a side street, alley, or passageway. These signs are typically painted directly on the building and contain a combination of text and graphic elements (see Section 5.6.170).

Window Sign. Window signs are professionally painted consisting of individual letters and designs, gold leaf individual letters and designs, applied directly on the inside of a window (see Section 5.6.180).

10.1.240 - X Definitions

No specialized terms beginning with the letter X are defined at this time.

10.1.250 - Y Definitions

Yard Sign. Yard signs are signs mounted on a porch or in a yard between the public ROW and the building façade (see Section 5.6.190).

10.1.260 - Z Definitions

No specialized terms beginning with the letter Z are defined at this time.



MEMORANDUM

TO: Beaufort County Planning Commission
FROM: Robert Merchant, AICP, Acting Director
DATE: July 8, 2021
SUBJECT: Zoning Map Amendment/Rezoning Request for 3.09 acres of property identified as R100 024 000 0423 0000 located at 24 Zehm Lane, from S1 Industrial to C3 Neighborhood Mixed Use District; Applicant: John Walker.

STAFF REPORT:

A. BACKGROUND:

Case No.	ZMA-2021-03
Owner/Applicant:	John Walker, Property Owner
Property Location:	The property is located at 24 Zehm Lane, just east of the intersection of Laurel Bay Road and Bay Pines Road. Zehm Lane is a frontage road paralleling Laurel Bay Road.
District/Map/Parcel:	R100 024 000 0423 0000
Property Size:	3.09 acres
Property Use:	Vacant undeveloped land
Future Land Use Designation:	Neighborhood/Mixed-Used
Current Zoning District:	S1 Industrial
Proposed Zoning District:	C3 Neighborhood Mixed Use

B. SUMMARY OF REQUEST:

The applicant seeks to change the zoning of property they own just east of the intersection of Laurel Bay Road and Bay Pines Road. The lot is currently zoned S1 Industrial. The applicant seeks C3 Neighborhood Mixed Use zoning to facilitate residential development of the lot.

C. EXISTING ZONING:

The property is currently zoned S1 Industrial. S1 Industrial permits office, manufacturing, industrial, warehousing and limited retail uses; residential development is not permitted.

D. PROPOSED ZONING:

According to the Community Development Code, the C3 Neighborhood Mixed Use Zone is designed to provide for high-quality, moderate-density residential development (averaging under three dwelling units per acre), with denser areas of multi-family and mixed-use development to provide walkability and affordable housing options. The design requirements in the Neighborhood Mixed Use Zone are intended to provide a suburban character and encourage pedestrian, as well as automobile, access. Open spaces are provided in sufficient quantity to ensure an open quality with a predominance of green space. Non-residential uses are limited to parcels having access to arterial or collector streets or within a Traditional Community Plan. This Zone provides for the lower densities of areas designated Neighborhood/Mixed-Use in the Comprehensive Plan. It is intended to support the development of communities with a diverse range of housing types and uses.

E. COMPREHENSIVE PLAN FUTURE LAND USE MAP:

The lot is designated as Neighborhood/Mixed-Use in the Future Land Use Map in the current comprehensive plan. In neighborhood mixed-use areas, residential is the primary use, with some supporting neighborhood retail establishments. New development is encouraged to be pedestrian-friendly, have a mix of housing types, a mix of land uses and interconnected streets. The maximum gross residential density is approximately two dwelling units per acre. No more than 5% to 10% of the land area should consist of commercial development. Commercial uses providing neighborhood retail and services are limited to collectors and arterials and within master planned mixed-use developments.

F. AIR INSTALLATIONS COMPATIBLE USE ZONE (AICUZ):

The project is located outside of the AICUZ and therefore is not subject to the restrictions in the MCAS Airport Overlay Zone. The AICUZ is the area designated by MCAS where there are higher decibel levels and potential for accidents due to military aircraft operations.

G. NORTHERN BEAUFORT COUNTY REGIONAL PLAN:

The proposed parcel is located within the growth boundary as put forth in the Northern Beaufort County Regional Plan. The regional plan and the intergovernmental agreement that implements the plan require that all increases in zoning in unincorporated Beaufort County located within the growth boundary explore options to annex into the appropriate municipality – in this case the City of Beaufort. The intergovernmental agreement states the following:

The county shall encourage any landowner who seeks an increase in densities/intensities under current zoning on lands that are not contiguous to a municipality but within the growth boundary, to explore ways to annex the land. If annexation is not feasible,

following the procedures outlined in Section G (below) the County will consult with the Planning Staffs of the City of Beaufort and the Town of Port Royal to determine the following: a. Whether the proposed zoning amendment or planned unit development is consistent with the Comprehensive Plan of the municipality in whose future growth area the proposed development is located; and b. Whether the proposed zoning amendment or planned unit development is consistent with the Northern Beaufort County Regional Plan.

This report has been sent to the City of Beaufort staff. Beaufort County staff will consult with City staff to determine whether annexation is feasible and whether this rezoning is consistent with the Northern Regional Plan. The property is not contiguous to property currently in the city limits of the City of Beaufort.

H. ZONE MAP AMENDMENT REVIEW STANDARDS:

In determining whether to adopt or deny a proposed Zone Map Amendment, the County Council shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

- 1. Is consistent with and furthers the goals, and policies of the Comprehensive Plan and the purposes of this Development Code;** The property is designated Neighborhood/Mixed-Use in the Future Land Use map in the comprehensive plan. The proposed C3 Neighborhood Mixed Use zoning is consistent with that designation.
- 2. Is not in conflict with any provision of this Development Code, or the Code of Ordinances;** The proposed rezoning does not conflict with the Community Development Code or the Code of Ordinances.
- 3. Addresses a demonstrated community need;** The applicant desires to convert the lot to residential use, consistent with the adjoining uses to the east. While there is no guarantee the unit(s) will be affordable, increasing the supply of housing near the Air Station outside of the AICUZ could be considered a local need.
- 4. Is required by changed conditions;** The lot immediately adjacent to the property to the west and the three lots to the north were rezoned from S 1 Industrial and T2 Rural to C4 Community Mixed Use Center in October 2020. As shown on the Existing Zoning Map, the subject property, zoned S1 Industrial, is now surrounded by Mixed Use Zoning (C3 and C4).
- 5. Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zone and uses for the land;** The immediate area is a mixture of residential, institutional, and light industrial uses. The site is located approximately one mile east of the entrance to Laurel Bay. The three lots to the east of the property proposed for rezoning are developed for single-family uses. Across Laurel Bay Road is a 32-unit townhouse development. Approximately ½ mile east is an affordable multi-family housing development called Magnolia Park, in addition to a Food Lion and a Dollar General.

6. **Would not adversely impact nearby lands;** The site adjoins single-family dwellings east along Zehm Lane. The property to the west is vacant. The property to the north is a laydown and storage yard. The lots to the north and west were recently rezoned to C4 Community Center Mixed Use, and an affordable multifamily housing is proposed for the site.
7. **Would result in a logical and orderly development pattern;** The subject property adjoins land to the east that is zoned and developed for residential uses and adjoins property to the west and north that is zoned and proposed for residential development.
8. **Would not result in adverse impacts on the natural environment – including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;** Any development on the site would be required to adhere to the natural resource protection, tree protection, wetland protection, and stormwater standards in the Community Development Code and the Southern Lowcountry Stormwater Design Manual.
9. **Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities):** The site is located within the growth area of northern Beaufort County. It is in close proximity to public sewer and water, schools, fire and EMS. It is served by a network of streets and multi-use paths that connect it to MCAS Beaufort and Laurel Bay.

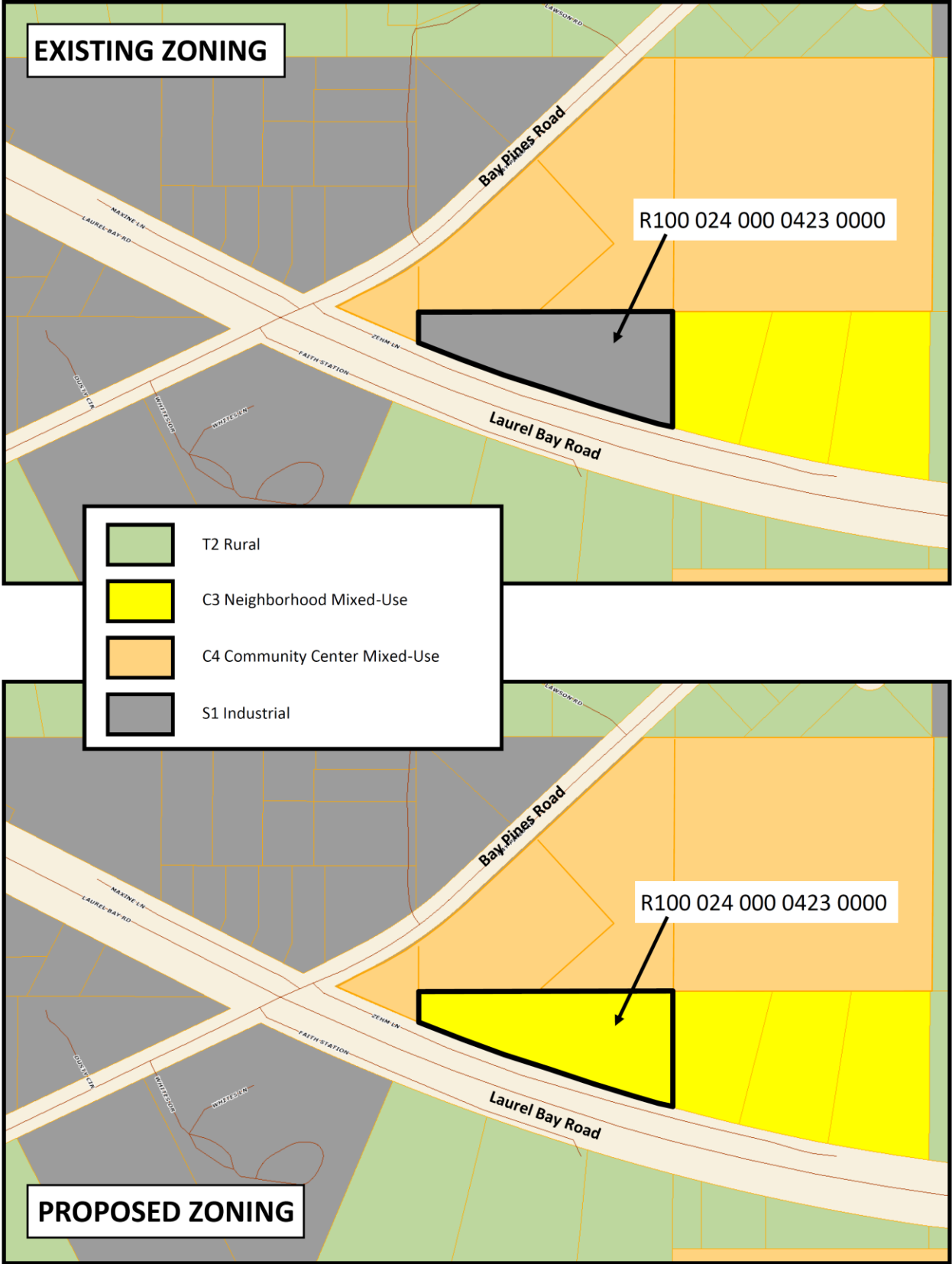
I. METROPOLITAN PLANNING COMMISSION:

The Metropolitan Planning Commission will consider this rezoning request at their July 19, 2021 meeting.

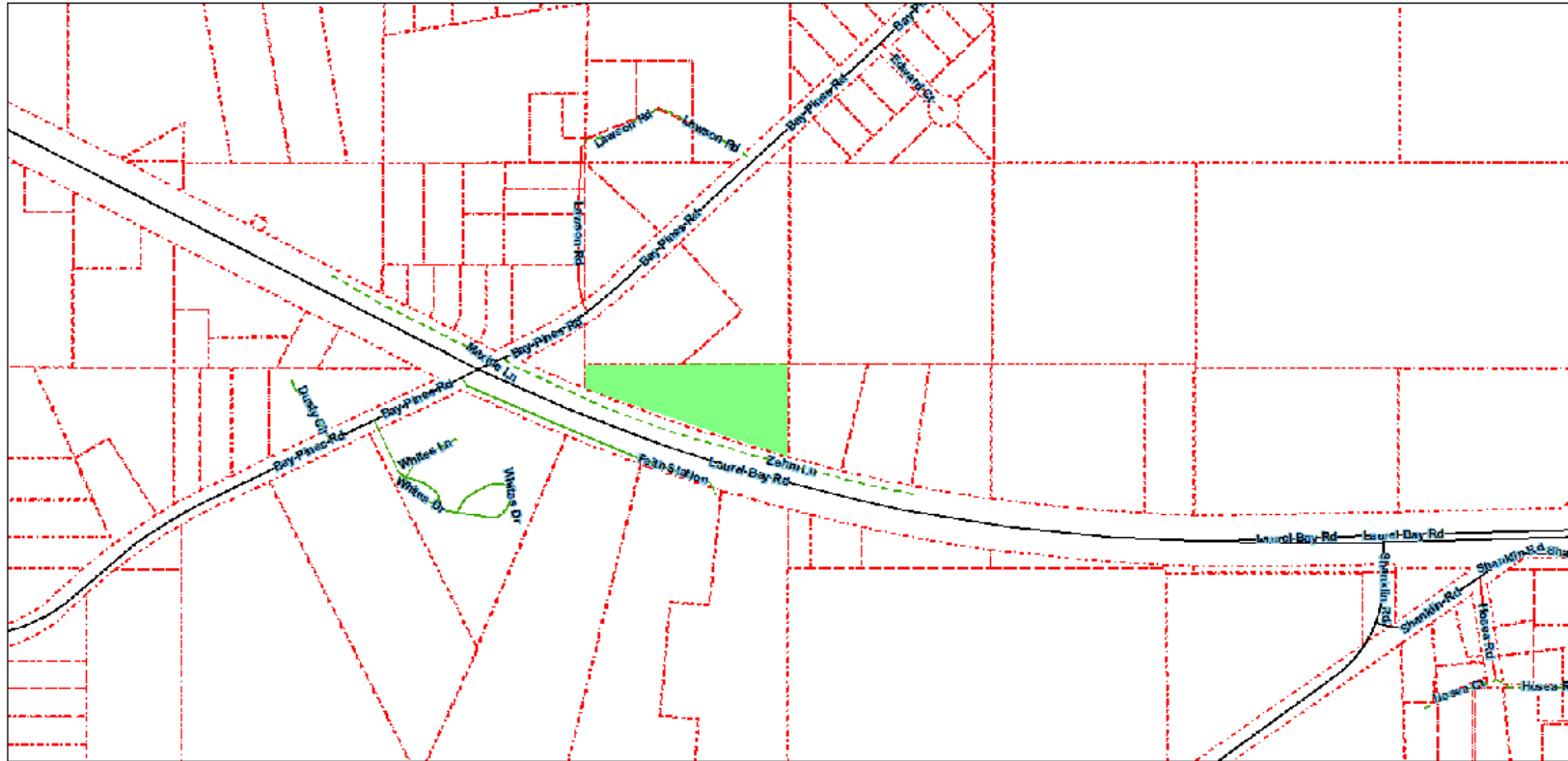
J. STAFF RECOMMENDATION: Staff recommends approval of the proposed zoning map amendment.

K. ATTACHMENTS

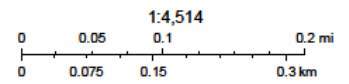
- Zoning Map (existing and proposed)
- Location Map



SITE LOCATION MAP



6/28/2021, 1:44:48 PM
 Road Classifications
 — STATE, PAVED
 — COUNTY, PAVED
 - - - COUNTY, UNPAVED
 — PRIVATE, PAVED
 - - - PRIVATE, UNPAVED
 □ LiveParcels



Your Name Here
 Data supplied for you by Beaufort County Mapping and Applications, powered by Web AppBuilder for ArcGIS



MEMORANDUM

TO: Beaufort County Planning Commission
FROM: Robert Merchant, AICP, Acting Director
DATE: July 8, 2021
SUBJECT: Road Renaming – Linden Plantation Road/Drive to Linden Park Road/Drive

A. BACKGROUND:

Case Number: MISC 2021-01
Parcels: R600 038 000 0017 0000, R600 038 000 017A 0000, R600 038 000 0041 0000, R600 038 000 0042 0000, R600 038 000 0044 0000, R600 038 000 0046 0000, R600 038 000 2070 0000, R600 038 000 2071 0000, R600 038 000 2080 0000, and R600 038 000 2083 0000
Current Name: Linden Plantation Road/Drive E-W
Proposed Name: Linden Park Road/Drive E-W
Applicant: Lucy Crosswell

B. STAFF REVIEW

A request for a street renaming has been submitted to the Community Development Department for consideration. Linden Plantation Road is a private unpaved road located in the Bluffton area off May River Road. The request was initiated by Lucy Crosswell, a property owner on Linden Plantation Road (see attached letter to Rob Merchant dated May 28, 2021). Linden Plantation Road extends south from May River Road (SC 46) to the May River (see attached map). Before the road reaches the river, it splits and the name changes from Linden Plantation Road to Linden Plantation Drive East and Linden Plantation Drive West.

The applicant is requesting approval to change the name of the street(s) to Linden Park Road and Linden Park Drive East and Linden Park Drive West. Ten parcels owned by eight different owners have frontage on Linden Plantation Road/Drive E-W. Nine parcels have a Linden Plantation address. The street name change petition is signed by eight of the nine owners that would be impacted by this change. The Community Development Code requires the petition to be signed by a minimum of 51% of the property owners affected by the change. This request is consistent with this requirement.

Section 7.2.100.D of the Community Development Code establishes the following standards for review of a street renaming request:

1. **Road renaming requests after individuals for any collector or higher order street should be reserved for individuals whose contribution has been of notable significance to the citizens of Beaufort County:** The proposed street name Linden Park is not an individual's name.
2. **Duplication or near duplication of street names is not permitted:** Proposed street renaming from Linden Plantation to Linden Park is not a duplication or near duplication of another street name as verified by the Beaufort County E-911 Addressing Center.
3. **Use of numbered (e.g., 1st) or lettered (e.g., "A") names and complicated, lengthy, offensive, or unconventionally spelled words or phrases are not permitted:** The proposed street name(s) meets this standard.
4. **Street names shall be consistent with the historical or physiographical features of the local area in which the street name exists:** The applicant has stated that this area was referenced as Linden Park Company on mid-19th century maps, so the request appears consistent with this standard.

B. STAFF RECOMMENDATION

After review of the standards set forth in Section 7.2.100.D of the Community Development Code, staff recommends approval of the street name change from Linden Plantation Road and Linden Plantation Drive East and Linden Plantation Drive West, to Linden Park Road and Linden Park Drive East and Linden Park Drive West.

C. ATTACHMENTS

- Letter from Lucy Crosswell to Rob Merchant
- Map of Affected Properties



May 28, 2021

Hi Rob,

Thanks again for presenting this to the Beaufort County Planning Commission.

We felt compelled to change the name of our road after reading Highschool Senior's Isabella Miller's letter to the Beaufort Gazette in June 2020 whose family roots in Bluffton date back to the mid 19th century. <https://www.islandpacket.com/article243820312.html>.

Her article was part of our learning as to the hurt that the word Plantation triggers to families of enslaved ancestors and their painful past of living and working on plantation operations. Please note that all the property owners (with exception of one neutral vote) are in full support of changing the road name to be more welcoming to all and to honor the wishes of the families that came before us.

We have also since learned that Linden was not a Plantation, but our entire Bluff on the May River is referenced as Linden Park Company on mid-19th century maps. So we hope to also be more historically accurate by renaming our road Linden Park Drive.

Thanks again for your consideration.

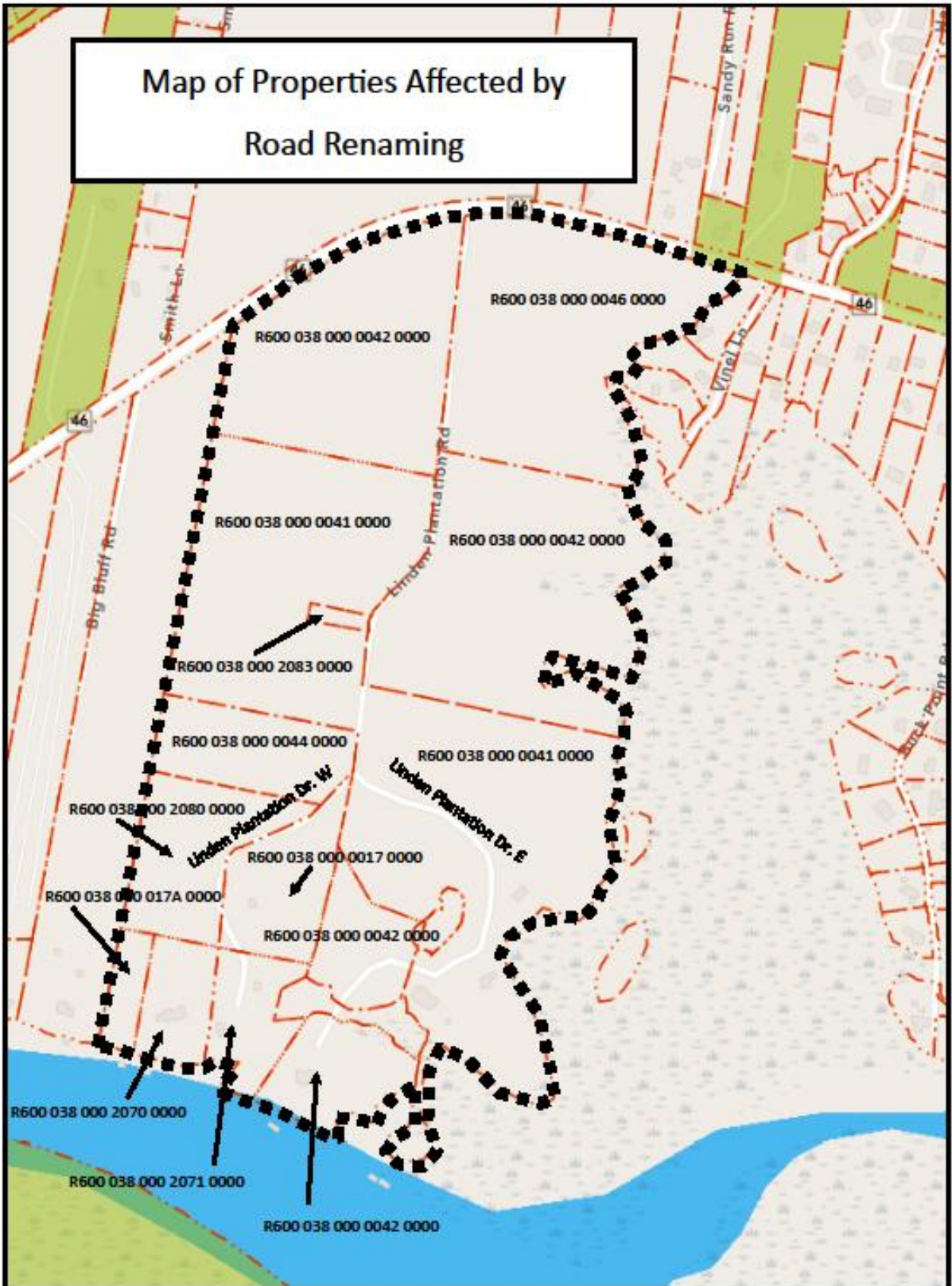
Lucy Crosswell

60 Linden Plantation Road, NE

Bluffton SC 29910

lucycrosswell@gmail.com

Map of Properties Affected by Road Renaming





MEMORANDUM

To: Beaufort County Planning Commission

From: Robert Merchant, AICP, Acting Director

Subject: Text Amendment to the Community Development Code (CDC): Section 3.1.60 (Consolidated Use Table) and Section 4.1.190 (Recreation Facility: Campgrounds) to revise the Campground Standards

Date: July 8, 2021

Background: In 2018, the Beaufort County Planning Department initiated a series of amendments to its campground standards. These amendments were partially in response to a growing popularity of upscale, amenity-based RV resorts. At the time, there was one definition and one set of standards for campgrounds. The amendments created three types of campgrounds – primitive, semi-developed, and developed. This distinction directed low-impact, smaller campgrounds toward the rural areas of the county while larger RV resorts were limited to more developed areas of the county with sewer and water. The standards also provided time limits for campers. Over the last two years, staff identified some areas of current standards that could be strengthened or provided with additional clarity.

Summary of Proposed Amendments: This series of amendments currently under consideration build on the changes made in 2018 and address the following issues:

- The existing language requiring time limits for campers could lead to a loophole where a camper simply switches sites or forgoes one night to renew the time limit.
- Apparent discrepancies between the consolidated use table and the campground standards have been corrected.
- 100-foot-wide opaque buffers are required for all three campground types.
- More clarity is provided on what types of trailers and RVs are permitted in each campground type.
- Semi-developed and Developed campgrounds are required to be served by public sewer and water.

4.1.190 Recreation Facility: Campgrounds

Campgrounds shall be defined as ~~comply with~~ the following:

- A. **Primitive Campground.** A campground accessible by walk-in, equestrian, motorized trail vehicles or ~~passenger vehicles~~ ~~vehicular traffic~~ where basic facilities may be provided for the comfort and convenience of the campers. Primitive Campgrounds shall comply with the following:
1. **Length of Stay.** ~~All campers are limited to a 14-day length of stay. All camping units may stay for a period of time not to exceed 14 days in any given 30-day period.~~
 2. **Zones.** Primitive Campgrounds are allowed in the T1 Natural Preserve zone and ~~the~~ ~~all~~ T2 Rural zones ~~(See Section 3.1.60 Consolidated Use Table).~~
 3. **Buffers.** ~~This use shall be screened with a 100-ft wide, opaque, visual buffer next to all property lines. Any tent sites shall be located no less than 30 feet from any property line.~~
 4. ~~Class A, B+, and C motorized No RV's are prohibited. Class B camper vans are allowed. or camping trailers over 20 feet in length shall be allowed.~~
 5. **Tree Requirement.** Existing Trees shall be left on site, when practical. If there are no trees between campsites at least two trees shall be planted between each campsite.
 6. **Accessory Uses.** Facilities for the comfort and convenience of the camper may be provided such as bathing facilities, flushing toilets, grills, tables, fire pits, fire circles, and refuse collection.
- B. **Semi- Developed Campground.** A campground, with two or more campsites, for a camping unit, accessible by walk-in, pack-in, equestrian campers, motorized trail vehicles or vehicular traffic. Semi-Developed Campgrounds shall comply with the following:
1. **Length of Stay.** ~~All camping units are limited to a 30-day length of stay. All camping units may stay for a period of time not to exceed 30 days in any given 60-day period.~~
 2. **Zones.** Semi-Developed Campgrounds can be located within ~~all~~ T2 Rural Zones ~~(See Section 3.1.60 Consolidated Use Table).~~ ~~(neighborhood and Rural Center).~~
 3. **Public Sewer and Water:** ~~Semi-Developed Campgrounds shall be served by public sewer and water.~~
 4. **Buffers.** This use shall be screened with a 100-ft wide, opaque, visual buffer next to all property lines.
 5. **Minimum RV Pad Size.** If RV pads are provided they shall be a minimum of 1,600 square feet. This does not include tent only sites. A maximum number of 200 camp sites.
 6. **Tree Requirement.** Existing trees shall be left between all campsites and/or RV Pads, to the maximum extent practicable. If there are no trees between campsites, tent sites or RV pads, at least two trees shall be planted between each campsite, tent site or RV pad.
 7. **Accessory Uses.** Recreational facilities and amenities shall be for the purpose of the camper enjoyment including sports facilities, equipment for amusement, playground facilities, swimming pools and a camp store/ office. These amenities shall not be for general public use and shall not exceed 3,000 square feet.

C. **Developed Campground.** A campground with two or more campsites, for a camping unit, accessible by walk-in, pack-in, equestrian campers, motorized trail vehicles or vehicular traffic. Sites may be substantially developed with tables, refuse containers, flush toilets, bathing facilities, and one or more service buildings. These campsites may have individual water, sewer, and electrical connections. Developed Campgrounds shall comply with the following:

1. **Length of Stay.** All camping units are limited to a 30-day length of stay. All camping units may stay for a period of time not to exceed 30 days in any given 60-day period.
2. **Zones.** Developed Campgrounds can be located within the T2 (only-Rural Center Zone), C4 Community Center Mixed Use and C5 Regional Center Mixed Use. (See Section 3.1.60 Consolidated Use Table).
3. **Public Sewer and Water:** Developed Campgrounds shall be served by public sewer and water.
4. **Buffers.** This use shall be screened with a 100-ft wide, opaque, visual buffer next to all property lines.
5. **Minimum RV Pad Size.** If RV pads are provided they shall be a minimum of 1,600 square feet. A maximum number of 400 camp sites.
6. **Tree Requirement.** Existing trees shall be left between all campsites and/ or RV pads, to the maximum extent practical. If there are no trees between campsites or RV pads, at least two trees shall be planted between each campsite, tent site or RV Pad.
7. **Accessory Uses.** Recreational facilities and rural recreation businesses including, but not limited to zip lines, horse riding trails, arcades, camp stores, small cafes, small offices, or a club house. The size, intensity and scale of such accessory uses

Table 3.1.60. Consolidated Use Table (continued)

Land Use Type	T1 N	T2R	T2 RL	T2 RN	T2 RNO	T2 RC	T3E	T3 HN	T3 N	T3 NO	T4 HC	T4 VC	T4 HCO	T4 NC	C3	C4	C5	SI
RECREATION, EDUCATION, SAFETY, PUBLIC ASSEMBLY																		
13. Recreation Facility: Primitive Campground	P	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--
14. Recreation Facility: Semi-Developed Campground	--	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--
15. Recreation Facility: Developed Campground	--	--	--	--	--	P	--	--	--	--	--	--	--	--	--	P	P	--
16. Ecotourism	S	C	--	C	C	C	--	--	--	--	--	--	--	--	--	--	--	--
17. School: Public or Private	--	--	--	--	--	S	--	--	--	S	P	P	P	P	P	P	--	--
18. School: Specialized Training/Studio	--	--	--	--	--	S	--	--	--	P	P	P	P	P	P	P	P	P
19. School: College or University	--	--	--	--	--	S	--	--	--	--	S	--	S	S	S	S	S	--
Land Use Type	T1 N	T2R	T2 RL	T2 RN	T2 RNO	T2 RC	T3E	T3 HN	T3 N	T3 NO	T4 HC	T4 VC	T4 HCO	T4 NC	C3	C4	C5	SI

"P" indicates a Use that is Permitted By Right.

"C" indicates a Use that is Permitted with Conditions.

"S" indicates a Use that is Permitted as a Special Use.

"TCP" indicates a Use that is permitted only as part of a Traditional Community Plan under the requirements in Division 2.3

"--" indicates a Use that is not permitted.



MEMORANDUM

To: Beaufort County Planning Commission
From: Robert Merchant, AICP, Acting Director
Subject: Text Amendment to The Community Development Code (CDC): Section 5.5.30.B.1 (General Parking Standards, Off-Site/Premises Parking) to Provide Additional Flexibility
Date: July 8, 2021

- A. BACKGROUND:** The Community Development Code (CDC) allows required vehicle parking to be provided off-site under certain conditions as outlined in Section 5.5.30.B. Currently, off-site parking can be located no more than 600' from the subject property and must be permanently linked to the site by a recorded covenant. The distance restriction limits, or effectively prevents, remote shuttle parking. The requirement for a restrictive covenant presents time, cost, and legal concerns that discourage property owner participation.

Staff believes the code should allow more flexibility in approving off-set parking arrangements. Allowing staff to approve off-site parking more than 600' from the premises may make good sense in some situations. (Note that the previous Zoning and Development Standards Ordinance did give staff that flexibility.) A simple shared parking agreement should generally suffice to ensure adequate parking. Shared parking should be encouraged to allow landowners to make the most effective use of their property and to minimize the amount of land (particularly impervious surface) devoted to parking. We should be forward-thinking. Some design professionals are suggesting that the country is currently at "peak parking," and that the demand for parking will only decrease over time. Ridesharing services (ex., Uber and Lyft) are here to stay, and autonomous vehicles are coming, so we need to provide more flexibility in parking arrangements and requirements.

- B. RECOMMENDATION:** Staff recommends approval.
- C. ATTACHMENTS:** Proposed amendment to the CDC.

5.5.30 General Parking Standards

- A. **Storage and/or Parking of Heavy Trucks and Trailers.** Parking or storage of heavy trucks (vehicles over 20,000 GVW) and trailers in any zone for residential or storage purposes shall be prohibited except as follows:
1. Semi-trailer trucks, their cabs or trailers, and other heavy trucks may be parked or stored on any residential lot within the T2 Rural district;
 2. In all other districts, one commercial truck or one semi-trailer cab may be parked on any residential lot of one acre or larger provided it is not prohibited by private covenants and restrictions;
 3. Where storage and/or parking of heavy trucks and trailers is permitted, the following shall apply:
 - a. The vehicle shall be stored in the rear or interior side setback behind the front of the building, garage, or carport;
 - b. There is a principal use of the property, to which such storage would be an accessory use;
 - c. No living quarters shall be maintained or any business conducted from within while such trailer or vehicle is so parked or stored; and
 - d. The required number of parking spaces on the parcel is maintained in addition to the area used for the stored vehicle(s).
- B. **Off-Site/Premises Parking.** If a property owner is unable to provide the required parking on-site, the owner may at the discretion of the Director satisfy the parking requirement off-site provided the following standards are met.
1. **General to All Zones.**
 - a. Required parking may be provided in off-street parking facilities on another property within 600 feet of the site proposed for development, as measured:
 - (1) Along the street right-of-way; or
 - (2) Between the closest edge of such parking facilities to the closest edge of the site being served.

The Director may approve parking further than 600 feet if it is in conjunction with a plan to provide access to the lot (e.g., valet or shuttle service).
 - b. Pedestrian access between the use or the site and the off-premises parking area shall be via paved sidewalk or walkway.
 - c. The owner shall provide a written parking agreement reflecting the arrangement with the other site ~~recorded parking agreement reflecting the arrangement with the other site. The shared parking arrangement shall require a recorded covenant running with the land, recorded by the owner of the parking lot,~~ guaranteeing that the required parking will be maintained exclusively for the uses served and remain for the duration of the use.
 - d. If the off-premises parking facility is shared, the Director may allow a reduction in the number of required parking spaces. The reduction shall be based on the Shared Parking practices procedures outlined in Section 5.5.40 (Number of Motor Vehicle Parking Spaces Required).
 - e. All off-street parking facilities shall be located on property zoned for the use which the parking is intended to serve, or specifically permitted for parking facility uses in Table 3.1.60 (Consolidated Use Table).

2. **Specific to Conventional Zones.** Off-site parking facilities for a non-residential use shall not be located in a C3 zone.
- C. **Pervious parking.** The use of pervious parking spaces is strongly encouraged to promote on-site stormwater infiltration, aquifer recharging, and improved water quality.



MEMORANDUM

To: Beaufort County Planning Commission
From: Robert Merchant, AICP, Acting Director
Subject: Coastal Resilience Overlay District
Date: July 8, 2021

STAFF REPORT:

Case No. ZTA 2021-02
Applicant: Planning and Zoning Department
Proposed Text Change: Text amendment to Section 3.4.90 of the Community Development Code to add a Coastal Resilience Overlay District to require real estate disclosure when property is transferred in Zone X (shaded).

A. SUMMARY: The Coastal Resilience Overlay Zone is established to provide for the general health, safety and welfare by requiring notification at all real estate closings of the vulnerability of property in Zone X (shaded) to sea level rise and coastal flooding. This provision is specifically designed to assist individuals in making decisions that involve investments that will last at least 30 years in light of projected coastal flooding conditions in that time frame. This ordinance applies to property in Zone X (shaded) on the Flood Insurance Rate Map for unincorporated Beaufort County.

A. HISTORY: The Coastal Resilience Overlay District is a recommended action in the Lady's Island Plan, adopted in April 2019. The ordinance was developed by a Sea Level Rise Task Force made up of county and municipal planners, stormwater managers, flood officials, environmental experts and members of the development community. The Task Force oversaw the development of this ordinance, as well as the proposed fill amendment, along with looking at larger policy issues related to coastal flooding and sea level rise.

The County Planning Commission considered the original Coastal Resilience ordinance at their March 2021 meeting and recommended approval. At that meeting, the Planning Commission received a letter signed by several local realty associations outlining a number of concerns with the proposal. Staff subsequently held several meetings with realty association representatives to discuss these concerns.

C. REVISED ORDINANCE: Based on the concerns raised at the realtor meetings, staff has proposed to take a different, simpler approach to the ordinance.

Instead of basing the overlay district on an elevation contour (which may be hard to map or otherwise identify), staff is now recommending the ordinance be based on a commonly used, understood, and available tool, the Flood Insurance Rate Map (FIRM). Flood maps are used by realtors, contractors, and developers on a regular basis. Residents and property owners are also often familiar with flood maps, since federally regulated or insured lenders must require flood insurance for property in the Special Flood Hazard Zone.

Staff is recommending that the boundary of the Coastal Resilience Overlay District be land within Zone X (shaded) on the FIRM. Zone X (shaded) is the area with a 0.2-percent-annual-chance of flooding. This area is commonly called the “500-year flood zone.” FEMA considers Zone X (shaded) an area at moderate risk of flooding. Flood insurance is not required in X zones, and while the risk of being flooded under current conditions is reduced, it is not completely removed: one in four insurance claims come from outside high-risk flood areas. Fortunately, flood insurance is available to residents in X zones and is currently provided under lower-cost Preferred Risk Policies. Staff believes it is important that residents and property owners in the 500-year flood zone [Zone X (shaded)], be informed of the risk of flooding now and in the future, and be encouraged to purchase flood insurance.

D. FREQUENTLY ASKED QUESTIONS: Below are some frequently asked questions about the proposed ordinance.

1. *Isn't notification of flood risk already required?* Yes, but the notifications can be somewhat vague. For example, on the South Carolina Residential Property Condition Disclosure Statement, the property owner is required to answer yes, no, or “no representation” to the question, do you have any actual knowledge or notice concerning “Flood hazards, wetlands, or flood hazard designation affecting the property.” However, flood hazards are not defined. Does flood hazard include areas in Zone X and Zone X (shaded)? And if everything is considered as being in some type of flood zone, is the disclosure meaningful? Similarly, the owner is required to answer yes, no, or no representation to the question, “Flood insurance covering the property.” Is this asking if the current owner has a flood insurance policy? But what if the owner doesn't have flood insurance because they don't have a mortgage on the property? Or they do have insurance, but the property is outside the Special Flood Hazard Area? In these cases, is the disclosure actually helpful?
2. *Won't this be a duplication of existing disclosures?* Yes, and no. As noted above, disclosures are required, but they can be ambiguous. At the same time, duplication could be considered a good thing when it comes to education. The Community Rating System (CRS), offers reductions in flood insurance rates for communities that attain certain scoring levels. The CRS Coordinator's Manual states that, “The same message can and should be conveyed via different, multiple methods.” Further, “To be most effective, the same message should be repeated in many projects.” Credit for CRS education projects is based on three factors, one of which is “How often they are delivered.” The CRS Manual notes that, “Research has shown that awareness of the flood hazard is not enough to motivate people to take action to protect themselves and their property. People need to be told repeatedly, through various means, what specific actions to take before they will change their behavior”—for example, to purchase flood insurance.

3. *Don't the new flood maps adequately convey flood risk?* The FIRM for unincorporated Beaufort County was adopted in March 2021. The map is based on modeling completed in April 2015--before Hurricanes Bonnie, Hermine, Matthew, Irma, Dorian, and Bertha. The modeling for the current maps did not consider climate change, sea level rise, and/or increasing frequency and intensity of storms. Interestingly, the new maps show a fairly dramatic decrease in the amount of land in the Special Flood Hazard Area (SFHA) (where disclosure and insurance are required). In unincorporated Beaufort County, 21,100 parcels were removed from the SFHA in the new maps, while 3,900 were added. County-wide, almost 40,800 parcels were removed from the SFHA and just over 5,000 were added. While the current Flood Insurance Study for the County notes that the storm surge from an August 1940 hurricane, "flooded the entire business area of Beaufort to a depth of 2 to 3 feet," the new FIRM for the downtown Beaufort area shows both sides of Bay Street as now outside the SFHA--with the exception of the lots on the south side of the Bay/Scott Street intersection. Bay Street properties were moved from the SFHA to Zone X (shaded). It seems appropriate that new property owners in Zone X (shaded) be informed there is a risk of moderate flooding and that flood insurance is available at a reduced rate.
4. *How will the ordinance be enforced?* The proposed ordinance is an amendment to the Community Development Code (CDC) and so will be enforced the same way all zoning requirements are. The CDC contains a similar disclosure for properties in the AICUZ.
5. *Are other Beaufort County jurisdictions being asked to adopt a similar ordinance?* The Task Force has recommended that other local governments in the County consider a similar ordinance, and staff has, and will continue, to share information with other local planning departments. At the same time, each local government has a different approach to flood hazard management and risk tolerance.

E. RECOMMENDATION: The impacts of a changing climate, which include sea level rise, present significant future challenges to Beaufort County. Coastal flooding is the primary concern. Beaufort County's low elevation combined with its 6 to 10-foot tidal range make it very vulnerable to any increase in mean sea level. A rise of 1 to 2 feet may not at first appear to have a significant impact on the county's landscape, but combined with semi-regular extreme high tide events, up to 9,000 acres of urban and residential land could regularly experience flooding. The impact of coastal flooding is compounded by extreme rain events, which are projected to occur at greater frequency due to climate change. It is important that property owners, residents, and developers of land outside the SFHA, but in areas of moderate risk of flooding, be informed of such risk--as well as the opportunity to mitigate that hazard with the purchase of flood insurance.

Staff recommends approval of the revised ordinance.

F. ATTACHMENTS:

- Coastal Resilience Overlay District

3.4.90 Coastal Resilience Overlay (CRO) Zone Standards

A. Purpose - The Coastal Resilience Overlay Zone is established to provide for the general health, safety and welfare by requiring notification at all real estate closings of the vulnerability of low-lying property due to sea level rise and coastal flooding. This provision is specifically designed to assist individuals in making decisions that involve investments that will last at least 30 years in light of projected coastal flooding conditions in that time frame.

Currently properties located within the special flood hazard areas subject to inundation by the 1% annual chance flood as defined and delineated in the FEMA Flood Insurance Rate Maps (FIRM) require flood insurance through the National Flood Insurance Program. In addition, this information is also required by state law to be disclosed when real property is transferred. However, these requirements do not apply to areas defined as Zone X (shaded) on the FIRM Maps which still face flooding risks. The purpose of the Coastal Resilience Overlay Zone is to inform the public that properties located in Zone X (shaded) may still be vulnerable to coastal flooding and may face increased flooding risks due to increasingly intense storm events, king tides, and rising sea level. Additionally, the disclosure requirement will inform property owners that private flood insurance is available to properties located in Zone X (shaded).

The Coastal Resilience Overlay (CRO) shall overlay other zoning classifications that shall be referred to as base zoning. The CRO District includes all lands within an established footprint affected by sea level rise.

B. District Boundaries - The district boundaries of the Coastal Resilience Overlay Zone is defined as all lands located within Zone X (shaded) on the FEMA Flood Insurance Rate Maps for unincorporated Beaufort County.

C. Notification

1. At all real estate closings involving a property in Zone X (shaded) in the CRO district, the buyer, seller and witnesses shall sign the following form which shall be filed with the deed and/or plat at the Beaufort County Register of Deeds Office.

a. Coastal Resilience Overlay Disclosure Form

The property at _____ (address/location) is located in Zone X (shaded) on the Flood Insurance Rate Map for Beaufort County (effective March 23, 2021). This is an area of moderate flood hazard, encompassing the land between the Special Flood Hazard Area and the 0.2-percent-annual-chance (or 500-year) flood. Beaufort County has determined that the property in Zone X (shaded) has the potential to be subject to flooding and/or damage as a result of coastal flooding caused by increasingly intense storm events, king tides, and rising sea level. The County has placed a requirement of disclosure within these areas. Flood insurance is available for property in Zone X (shaded). These Preferred Risk Policies are available at a lower cost much less than for a standard policy. Is

it strongly recommended that property owners and residents consider purchasing flood insurance for Zone X (shaded) properties.

b. 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 Zone X (shaded) in the Coastal Resilience Overlay District.

Dated this ____ day of _____, _____.

Witness _____ Owner _____

As a prospective purchaser of the subject property, I hereby certify that I have been informed that the subject property is in Zone X (shaded) in the Coastal Resilience Overlay District, and I understand the potential for sea level rise related flooding on the subject property.

Dated this ____ day of _____, _____.

Witness _____ Purchaser _____

- 2. All prospective renters signing a commercial or residential lease shall be notified by the property owner through a written provision contained in the lease agreement if the leased property is located within Zone X (shaded) in the Coastal Resilience Overlay District.
- 3. All subdivision plats, planned unit development plats, townhouse plats, and/or condominium documents shall contain the following disclosure statement:

a. Coastal Resilience Overlay Disclosure Form

The property lies in Zone X (shaded) on the Flood Insurance Rate Map for Beaufort County (effective March 23, 2021). Beaufort County has determined that the property on the premises has the potential to be subject to flooding and/or damage to property as a result of coastal flooding caused by increasingly intense storm events, king tides, and rising sea level. Purchasers are required to sign a Disclosure Form per Division 3.4.90 of the Beaufort County Community Development Code and file the form with the deed and/or plat at the Beaufort County Register of Deeds Office.

- 4. In the case of new construction in Zone X (shaded), a signed Coastal Resilience Overlay Disclosure Statement shall accompany the building permit application.



MEMORANDUM

To: Beaufort County Planning Commission
From: Robert Merchant, AICP, Acting Director, Department of Planning and Zoning
Subject: Fill Standards and Coastal Resilience Overlay District
Date: July 8, 2021

STAFF REPORT:

Case No. ZTA 2021-01
Applicant: Planning and Zoning Department
Proposed Text Change: Text amendment to Article 5 adding a new division 5.13 titled “Fill Standards” to limit the amount of fill on low-lying areas.

A. BACKGROUND. The proposed amendment is designed to promote public health, safety and general welfare by preserving Beaufort County’s natural floodplain and drainage patterns to minimize the impacts of development within the floodplain on neighboring properties. The ordinance applies to property situated in the special flood hazard areas delineated in the FEMA Flood Insurance Rate Maps and limits fill to 3 feet.

This amendment addresses making future development more resilient to the impacts of coastal flooding and sea level rise. Beaufort County like many coastal areas in the southeast faces the challenge of increasing population (more people and more assets in harm’s way) compounded by an increased potential for flooding and other due to sea level rise. Beaufort County, South Carolina, is a low-lying coastal county with a high sensitivity to tidal flooding and storm surge. Just over half of Beaufort County is open water, sounds, marshes, and estuaries and much of its upland is located within a flood zone.

The impacts of a changing climate, which include sea level rise, present significant future challenges to Beaufort County. Coastal flooding is the primary concern. Beaufort County’s low elevation combined with its 6 to 10 foot tidal range make it very vulnerable to any increase in mean sea level. A rise of 1 to 2 feet may not at first appear to have a significant impact on the county’s landscape, but combined with semi-regular extreme high tide events, up to 9,000 acres of urban and residential land could regularly experience flooding. In addition to the built environment, saltmarshes which will struggle to migrate upland to keep pace with sea level rise. In places where marsh migration is impeded by development, marsh acreage may be lost. The impact of coastal flooding is compounded by extreme rain events, which are projected to occur at greater frequency due to climate change.

The proposed amendments originally came from recommendation from the Lady’s Island Plan. Since they would have an impact well beyond Lady’s Island, the Planning Department set up a

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Sea Level Rise Task Force made up of county and municipal planners, stormwater managers, flood officials, environmental experts and members of the development community. The Task Force oversaw the development of these two amendments along with looking at larger policy issues related to coastal flooding and sea level rise.

C. MARCH 1, 2021 PLANNING COMMISSION REVIEW AND ACTION: Right before the March 1 meeting, the Planning Commission received a letter signed by several local realty associations outlining a number of concerns with the proposal. Even though the Planning Commission unanimously supported the draft ordinance, staff subsequently held several meetings with the local boards of realtors and the Hilton Head Area Home Builders Association to discuss their concerns.

D. ORDINANCE REVISIONS: Based on the concerns raised at the realtor meetings, staff has proposed to make the following revisions to the ordinance:

- Rather than apply to all parcels located at or below 10 feet above mean sea level (NAVD 1988), the ordinance now applies to all parcels located in the special flood hazard areas as defined and delineated in the FEMA Flood Insurance Rate Maps (FIRM) for Beaufort County. Staff believes that this is more defensible and provide much greater ease of use as flood maps are used by local governments, in addition to realtors, contractors, and developers on a regular basis. Residents and property owners are also often familiar with flood maps, since federally regulated or insured lenders must require flood insurance for property in the Special Flood Hazard Zone.
- Single-family residential development on existing lots of record are exempt from the fill requirements. Staff believes that this will reduce the amount unintended hardships dealing with existing undeveloped lots that are already platted.

E. RECOMMENDATION: Staff recommends approval.

H. ATTACHMENTS:

- Fill Standards

Division 5.13: Fill Standards

Sections:

- 5.13.10 Purpose
- 5.13.20 Applicability
- 5.13.30 Fill Restrictions
- 5.13.40 Administration

5.13.10 Purpose

To promote public health, safety and general welfare by preserving Beaufort County's natural floodplain and drainage patterns to minimize the impacts of development within the floodplain on neighboring properties.

5.13.20 Applicability

The requirements established in this Division shall apply to all proposed development within the unincorporated County located in the special flood hazard areas subject to inundation by the 1% annual chance flood as defined and delineated in the FEMA Flood Insurance Rate Maps (FIRM) for Beaufort County, except for the following exemptions:

- A. Single-family residential development on lots existing prior to the adoption of this Division (September xx, 2021).
- B. Fill utilized for agriculture and/or property maintenance. For purposes of this Division, the term "property maintenance purposes" means landscaping, gardening or farming activities, erosion control, and filling in of washed-out sections of land. Property maintenance purposes shall only include the placement of such quantities of fill not to exceed the limitations specified herein and that do not inhibit the free flow of water. Said limited amounts of fill for property maintenance purposes need not be compensated by an equivalent amount of excavation area as specified in 5.13.20.C. Exemptions from fill requirements for erosion control purposes must be accompanied by a stabilization plan and narrative approved by the Public Works Director providing reasoning why fill is necessary to solve an erosion issue.
- C. Public roads, pump stations, stormwater management improvements, levees, and other public facilities that are necessary to provide for health, safety, and public welfare needs. Filling on public property shall be approved by the Director coordinating with the appropriate department head or governmental agency.

5.13.30 Fill Restrictions

- A. The amount of allowable fill must not increase the existing natural grade of the property by more than three vertical feet.
- B. The only portion of the property that may be filled is the area underneath the elevated structure, together with driveway and walkway access to the structure; Fill shall taper at a maximum slope of 1:3 from a five foot perimeter around the outer foundation to the

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existing site elevation. Minimal fill for grading is permitted for parking, stormwater, and roads.

- C. If the lot area is 20 acres or more, in no case shall the maximum lot area of the property filled exceed 33.33 percent of the total area of the lot.
- D. If a new or reconstructed structure is to be elevated utilizing fill material, any required building elevation standard exceeding the three-foot fill limitation as referenced in section 5.13.20.B must be achieved through the use of elevation foundations, piers or similar structural elevation techniques that are in compliance with then-applicable county building code requirements as certified by a structural engineer.
- E. Non-conforming structures may utilize fill to expand up 15% of the gross floor area in accordance with Division 8.3 of the Community Development Code.
- F. Any fill project must be designed to limit negative impacts upon adjacent and affected upstream and downstream property owners during flood events to the maximum extent practicable.
- G. No fill project shall fill in or obstruct any local drainage channels without an alternative drainage plan design, and shall limit soil erosion and water runoff onto adjacent properties to the maximum practicable extent, and in compliances with the NPDES standards and with the Beaufort County Manual for Stormwater Best Management and Design Practices.
- H. All fill material that is brought in from offsite and will be placed at elevations below the seasonal high water table or within 1ft above the seasonal high water table will be required to meet the following clean fill requirements. Offsite soils brought in for use as fill shall be tested for Total Petroleum Hydrocarbons (TPH), Benzene, Toluene, Ethyl Benzene, and Xylene (BTEX) and full Toxicity Characteristic Leaching Procedure (TCLP) including ignitability, corrosivity and reactivity. Fill shall contain a maximum of 100 parts per million (ppm) of total petroleum hydrocarbons (TPH) and a maximum of 10 ppm of the sum of Benzene, Toluene, Ethyl Benzene, and Xylene and shall pass the TCPL test. Determine TPH concentrations by using EPA 600/4-79/020 method 418.1. Determine BTEX concentrations by using EPA SW-846. 3- 3 Method 5030/8020. Perform TCLP in accordance with TCLP from a composite sample of material from the borrow site, with at least one test from each borrow site. Within 24 hours of conclusion of physical tests, submit 3 copies of test results, including calibration curves and results of calibration tests. Fill material shall not be brought on site until tests have been approved by the Stormwater Department.
- I. Modulation from Fill Requirements: The Director may grant flexibility from the fill requirements in the following cases:
 - 1. Lots 3 acres or less and all single-family residential lots with sloping terrain may provide greater than 3 feet of fill to provide a level foundation as long as the average fill does not exceed 3 feet.

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2. Where no other suitable site configuration is practicable, depressions, sinkholes, and borrow pits that are not part of the natural drainage of the site that are not delineated as tidal or non-tidal wetlands may be filled to provide for a level foundation.
3. Single-family residential structures utilizing raised slabs with a masonry or concrete curtain wall may contain more than 3 feet of fill if it is limited to the footprint of the building.

5.13.40 Administration

Fill activities in accordance with this section may be permitted upon approval by the Director. All fill application permits shall be valid for a period of six months from the date of issuance, may be renewed only upon filing of an application for renewal with the Community Development Department, and then may only be renewed upon a showing of demonstrated progress towards completion of the fill activity. All fill application permits must be accompanied by a detailed plan describing the area to be filled, the estimated amount of fill to be used and the purpose of the fill project. A professional engineer registered in the state must also submit elevation and topographic data illustrating changes in the topography and estimating impacts upon local flood flows. Except as provided in sections 5.13.20.A, 5.13.20.B and 5.13.20.C, adjacent property owners shall be identified and notified of the fill project by the applicant with proof of notification provided to the Director.