

# Article I: General Provisions

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## **Division I.1: Title, Authority, and References to South Carolina Statutes**

### **I.1.10 Title**

This Chapter shall be officially known as the “Community Development Code of Beaufort County, South Carolina” and may be referred to as the “Beaufort County Community Development Code,” or the “Development Code.”

### **I.1.20 Authority**

The County Council is authorized to adopt this Development Code in accordance with the enabling authority in the S. C. Code of Laws, Section 6-29-710, et. seq., and all other relevant laws of the state of South Carolina.

### **I.1.30 References to South Carolina Statutes**

Whenever any provision of this Development Code refers to or cites a section of the S.C. Code of Laws, and that section is later amended or superseded, this Development Code shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

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## Division 1.2: Purpose and Intent

### 1.2.10 General

The purpose and intent of this Development Code is to guide development in accordance with the existing and future needs of the County and its Comprehensive Plan, and to promote the public health, safety, order, appearance, prosperity, and general welfare of the landowners and residents of the County, and other members of the public. The purpose and intent of this Development Code is more specifically to:

**A. In general and throughout the County:**

1. **Implement the Comprehensive Plan and the Beaufort County Regional Plans.**
2. **Provide for adequate light and air.**
3. **Lessen Congestion in the Streets.**
4. **Attempt to Secure Safety from Fire, Flood, and Other Dangers.**
5. **Conserve and Protect the County's Natural Resources.** (e.g., wetlands, estuarine areas, beach and dune systems, surface waters, floodplains, aquifers, marine and wildlife habitat, vegetative cover, and soils).
6. **Preserve and Protect Historic and Cultural Resources.**
7. **Promote Green and Sustainable Development** through carbon footprint reduction, water conservation and reuse, energy conservation, renewable energy use, recycling and waste reduction, vegetation, urban agriculture, and hazard-resilient development.
8. **Maintain Long Term Comprehensive, Consistent, Effective, Efficient, and Equitable Standards and Procedures** for the review and approval of land development that recognizes and respects the rights of landowners and considers the interests of the County's citizens.

**B. Within Rural Areas:**

1. **Promote, Conserve and Support the Character of the County's Rural Areas.**
2. **Promote Rural Development Patterns that Support Environmental Justice and Equity.** Promote development patterns that incorporate compact community form, encourage economic development, and integrate safe options for pedestrians, bicyclists, and other modes of transportation to connect important destinations.
3. **Preserve Agriculture and Open Space at Edges.** Preserve agriculture and open space by clearly defining the boundary between rural and urban.
4. **Foster and Support Agricultural Activities.**

**C. Within Villages and Hamlets:**

1. **Promote, Preserve, and Enhance Community Character.** Promote, preserve, and enhance community design that reflects the distinct and diverse character of Beaufort County and supports a range of vibrant communities.
2. **Promote Development Patterns that Support Walkable, Pedestrian-Oriented Mixed Use Places.**

3. **Promote and Reinforce Development Patterns that Support Effective, and Multi-Modal Transportation Options** in urban and suburban places, including auto, pedestrian, and bicycle, minimizing vehicle traffic by providing a mix of land uses, walkability, and compact community form.
4. **Promote the Health Benefits of Pedestrian-Oriented Places** including safe routes for walking, bicycling and other exercise.
5. **Preserve and Enhance Working Waterfronts.**

**D. Within Neighborhoods:**

1. **Preserve, Protect, and Enhance the Character of Established Neighborhoods.**
2. **Reinforce Walkable Neighborhood Patterns.** Support existing walkable neighborhoods through networks of well-designed streets that are safe and secure for multiple modes of transportation including pedestrian and bicycle. Encourage appropriately-scaled infill and development that places services within safe, comfortable walking distance of homes. Encourage the retrofit of those that are not walkable.
3. **Encourage and Grow Local Business** activity through community design.
4. **Promote Neighborhoods with Quality Housing and Housing Options.** Promote neighborhoods with quality housing that encourage a diversity of housing choices.

**E. Within Blocks and Buildings:**

1. **Reinforce Building Context.** Ensure that each building plays a role in creating a better whole, not just a good building.
2. **Promote Flexibility.** Ensure buildings and environments that can adapt to changing economics and demographics.
3. **Promote Local Character.** Ensure that architecture and landscape grow from local climate, history, and building practice.
4. **Encourage Civic Engagement.** Promote the placement of civic buildings in important locations and promote a form that reflects their civic stature.

## Division I.3: Applicability and Jurisdiction

### I.3.10 General Applicability

The provisions of this Development Code shall apply to the development of all land within unincorporated Beaufort County unless it is expressly exempted by a specific section or subsection of this Development Code.

### I.3.20 Application to Governmental Units

- A. The provisions of this Development Code shall apply to development by the County or its agencies and departments, or on land owned or otherwise controlled by the County.
- B. To the extent allowed by law, the provisions of this Development Code shall also apply to development by any city, town, state, or federal government or its agencies, departments, or corporate services, or on land owned or otherwise controlled by a city, town, state, or federal government.

### I.3.30 Appropriate Development Permits or Approvals Required

No development shall occur without the development permits or approvals appropriate for the development, as set forth in this Development Code.

### I.3.40 Compliance with Development Code Required

No land shall be developed without full compliance with the provisions of this Development Code and all other applicable county, state, and federal standards.

### I.3.50 Exemptions

- A. The provisions of this Development Code shall not require formal subdivision of land as a result of actions taken by the State of South Carolina and its political subdivisions to acquire land or interests in land for public right-of-way and easements.
- B. County Council, public utilities, or County agencies may be exempt from the provisions of this Development Code when an emergency exists such that it is impossible to submit to the normal procedures and standards of this Development Code and quick and instant action is necessary to secure the public health, safety, or welfare. The County Council shall ratify such exemption after the fact at its next regularly scheduled meeting, and shall base its ratification on specified findings of fact related to the emergency involved.

- C. A public utility or public infrastructure installation (water, sewer, roads, gas, stormwater, telephone, cable, etc.) is exempt from the standards of this Development Code, except:
  - 1. Thoroughfare standards, in Division 2.9 (Thoroughfare Standards);
  - 2. Wetland standards, in Section 5.11.30 (Tidal Wetlands), and Section 5.11.40 (Non-Tidal Wetlands);
  - 3. River Buffer standards, in Section 5.11.60 (River Buffer);
  - 4. Tree Protection standards, in Section 5.11.90 (Tree Protection);
  - 5. Stormwater management standards, in Section 5.12.30 (Stormwater Standards);
  - 6. Utility standards, in Section 4.1.210 (Regional (Major) Utility);
  - 7. Wireless communication facilities standards, in Section 4.1.320 (Wireless Communications Facility).
- D. The Department of Defense shall be exempt from the standards of this Development Code.



## Division I.4: Relationship to Comprehensive Plan, Laws, and Restrictive Covenants

### Sections:

- 1.4.10 In Accordance with Beaufort County Comprehensive Plan
- 1.4.20 Conflicts with Other County Standards
- 1.4.30 Conflicts with State or Federal Law
- 1.4.40 Relationship to Private Agreements and Restrictive Covenants

### 1.4.10 In Accordance with Beaufort County Comprehensive Plan

This Development Code is intended to ensure that all development within the County’s jurisdiction is in accordance with the Beaufort County Comprehensive Plan.

Table 1.4.10.A: County Comprehensive Plan Land Use Implementation	
Comprehensive Land Use Designation	Zones Implementing Land Use
Preserved Land	T1 Natural Preserve T2 Rural
Rural	T2 Rural T2 Rural-Low T2 Rural Neighborhood T2 Rural Neighborhood Open T2 Rural Center
Rural Community Preservation	Varies per district
Air Installation Compatible Use Zone (AICUZ)	T2 Rural T2 Rural Neighborhood T3 Edge T3 Hamlet Neighborhood C4 Community Center Mixed Use SI Industrial
Neighborhood Mixed Use	T3 Edge T3 Hamlet Neighborhood T3 Neighborhood C3 Neighborhood Mixed Use
Urban Mixed Use	T3 Hamlet Neighborhood T3 Neighborhood T4 Hamlet Center T4 Neighborhood Center
Community Commercial	C4 Community Center Mixed Use
Regional Commercial	C5 Regional Center Mixed Use
Research and Development	T4 Hamlet Center Open C4 Community Center Mixed Use
Light Industrial	SI Industrial

- A. **Land Use.** The Comprehensive Plan establishes a land use framework, sets forth a series of development guidelines for each applicable land use, and establishes policies for implementation of the Future Land Use Map. This Development Code establishes a series of zones that implement the land use goals and policies of the Comprehensive Plan, as described in Table 1.4.10.A (County Comprehensive Plan

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**Division 1.4: Relationship to Comprehensive Plan, Laws, and Restrictive Covenants**

Land Use Implementation). Standards and allowable land uses in these zones are described in Article 3 (Specific to Zones).

- B. **Natural Resources.** This Development Code establishes zones for the preservation of sensitive environmental lands and provides standards for the continued protection of natural resources throughout all zones. Specific standards are found in Division 5.11 (Resource Protection Standards).
- C. **Cultural Resources.** This Development Code provides standards to protect historic resources as well as tools that encourage and maintain vernacular lowcountry architectural character.
- D. **Economic Development.** This Development Code maintains standards for zones intended to maintain concentrations of jobs and provides standards for preserving, creating, and maintaining walkable places that seek to maximize opportunities for economic exchange. It also seeks to incentivize new development through streamlined review and permitting for certain mixed-use projects.
- E. **Affordable Housing.** This Development Code provides tools and standards to provide multi-family and small lot housing that is compatible with lowcountry character and that assists with meeting diverse housing needs. It also seeks to incentivize new development through streamlined review and permitting for certain multi-family projects.
- F. **Energy and Sustainability.** This Development Code provides standards for compact development patterns that encourage walking and bicycling, reduce automobile dependence, and enable alternative modes of transportation.
- G. **Transportation.** This Development Code establishes standards for thoroughfares appropriate for new development and the retrofit and improvement of existing streets. The standards for thoroughfares, found in Division 2.9 (Thoroughfare Standards), are organized by complexity. Standards for simple thoroughfares are provided as complete assemblies allowed by right; standards for more complex thoroughfares are provided as formulas allowed by right, and standards for most complex thoroughfares are provided as formulas requiring additional review by applicable agencies. Table 1.40.10.B (Comprehensive Plan Transportation Implementation) provides correlation between Thoroughfare descriptions found in the Comprehensive Plan and those found in this Development Code.

## Division I.4: Relationship to Comprehensive Plan, Laws, and Restrictive Covenants

<b>Table I.4.10.B: Comprehensive Plan Transportation Implementation</b>	
<b>Comprehensive Plan Transportation Designation</b>	<b>Code Implementing Thoroughfare Types</b>
Other (Local Streets)	Assembly: Rear Lane RL-20-12 Assembly: Rear Alley RA-24-21 Assembly: Road RD-40-18 Assembly: Road RD-50-18 Assembly: Road RD-50-22 Assembly: Road RD-50-26
Minor Collector	Assembly: Commercial Street CS-58-34 Assembly: Commercial Street CS-80-54 Assembly: Street ST-56-36
Major Collector	Assembly: Street ST-56-36
Minor Arterial	See Table 2.9.90.D for Slow and Low Movement Types
Principal Arterial	See Table 2.9.90.D for Slow and Low Movement Types

- H. **Community Facilities.** This Development Code establishes standards for civic and open spaces. Table 1.4.10.C (Comprehensive Plan Open Space Implementation) correlates Comprehensive Plan Parks & Open Space with the civic space standards found in Division 2.8 (Civic and Open Space Types).

<b>Table I.4.10.C: Comprehensive Plan Open Space Implementation</b>	
<b>Comprehensive Plan Open Space Designation</b>	<b>Code Implementing Civic Space Types</b>
Pocket Park	Pocket Plaza (0.1 - .5 acres) Pocket Park (0.1 - 1 acres) Playground Community Garden
Neighborhood Park (1 – 5 acres)	Greenway (8+ acres) Green (1-15 acres) Square (0.5 acre -5 acres) Plaza (0.5 acre – 2.5 acres)
Community Park (25+ acres)	Community Park (12+ acres)
Regional Park (75+ acres)	Regional Park (200+ acres)
Special Use Park (varies)	Sport Complex (25+ acres)

### I.4.20 Conflicts with Other County Standards

If a provision of this Development Code is inconsistent with another provision of this Development Code, or with a provision found in other adopted codes or ordinances of the County, the more restrictive provision shall govern unless the terms of the more restrictive provision specify otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

### I.4.30 Conflicts with State or Federal Law

If a provision of this Development Code is inconsistent with a provision found in the law or standards of the state or federal government, the more restrictive provision shall control, to the extent allowed by law.

**I.4.40 Relationship to Private Agreements and Restrictive Covenants**

- A. Nothing in this Development Code is intended to supersede, annul, or interfere with any easement, covenant, deed restriction, or other agreement between private parties. In the review of an application for development approval or permit, the County shall inquire whether land proposed for development is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity, in accordance with S.C. Code of Laws Section 6-29-1145.
- B. If the County has actual notice of a restrictive covenant in accordance with S.C. Code of Laws Section 6-29-1145, that is contrary to, conflicts with, or prohibits the permitted activity requested in the application that is allowed under this Development Code, the County shall not approve the activity, unless the landowner demonstrates the restrictive covenant is released.

## Division 1.5: Official Zoning Map

### 1.5.10 Establishment and Maintenance

- A. Land subject to this Development Code is divided into the various base and overlay zones established in Article 3 (Specific to Zones). The location and boundaries of the zones are shown on the Official Zoning Map. The Official Zoning Map and all the notations thereon is incorporated herein by reference and made part of this Development Code. The Official Zoning Map shall be the final authority as to the status of the current zone district classification of land in the County.
- B. The original and all revised versions of the Official Zoning Map shall be certified as such by the signature of the Community Development Director, and shall be kept on file, in either hardcopy or digital form, in the office of the Community Development Department.
- C. Copies of the Official Zoning Map shall be made available for public inspection in the office of the Community Development Department during normal business hours.

### 1.5.20 Changes

- A. Changes made in zone boundaries or other matters portrayed on the Official Zoning Map shall be made in accordance with Subsection 7.3.40.C.
- B. The staff shall enter changes onto the Official Zoning Map within a reasonable period of time after a map amendment is approved by the County Council. Where the ordinance enacting a zone district boundary change contains wording explaining or clarifying the location of the new boundary, the staff may enter on the Official Zoning Map notations reflecting the ordinance wording.
- C. The Community Development Department shall maintain copies of superseded versions of the Official Zoning Map for historical reference.

### 1.5.30 Interpretation

The Community Development Director shall be responsible for interpretations of the Official Zoning Map in accordance with the standards in Section 7.3.60 (Interpretations).

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## Division I.6: Transitional Provisions

### Sections:

- 1.6.10 Effective Date
- 1.6.20 Transition to New Zones
- 1.6.30 Violations Continue
- 1.6.40 Nonconformities
- 1.6.50 Complete Applications
- 1.6.60 Planned Unit Development (PUD) Approved Prior to December 8, 2014
- 1.6.70 Other Development Subject to a PUD and Development Agreement
- 1.6.80 Other Approved Development Permits and Approvals

### I.6.10 Effective Date

This Development Code shall take effect and be in force on December 8, 2014

### I.6.20 Transition to New Zones

- A. On December 8, 2014, land zoned with a zone classification from the previous *Beaufort County Zoning and Development Standards Ordinance* shall be translated to one or more of the zone classifications in this Development Code as set forth in Article 3 (Specific to Zones). Table 1.6.20.A (Zone Transition Table) summarizes the translation of the zones used in the previous ordinance to the zones used in this Development Code. Zones have been transitioned to transect zones where physical characteristics encourage rural and/or walkable environments. Zones have been transitioned to conventional (non-transect) zones where physical characteristics maintain auto-oriented environments, and the transition to walkable environments will be more gradual. In some cases, former zones have transitioned to multiple zones.

**Table 1.6.20.A: Zone Transition Table**

Zone In Former Code	Zone in Community Development Code
<b>Transitions to Transect Zones</b>	
RC Resource Conservation	T1 Natural Preserve
R Rural/R-TO Rural with Transitional Overlay	T2 Rural, T2 Rural-Low, T2 Rural Neighborhood Open
RR Rural Residential/RR-TO Rural Residential with Transitional Overlay	T2 Rural, T2 Rural Neighborhood, T2 Rural Center, T3 Edge
RB Rural Business	T2 Rural Center
CP Community Preservation	See Table 1.6.20.B
U Urban	C3 Neighborhood Mixed-Use, T3 Hamlet Neighborhood, T3 Neighborhood, T4 Hamlet Center, T4 Neighborhood Center
RD Research and Development	T4 Hamlet Center Open

<b>Table 1.6.20.A: Zone Transition Table (continued)</b>	
<b>Zone In Former Code</b>	<b>Zone in Community Development Code</b>
<b>Transitions to Conventional Zones</b>	
CP Community Preservation	CP Community Preservation
S Suburban	C3 Neighborhood Mixed Use
CS Commercial Suburban	C4 Community Center Mixed Use
CR Commercial Regional	C5 Regional Center Mixed Use
RD Research and Development	C4 Community Center Mixed Use
LI Light Industrial	SI Industrial
IP Industrial Park	SI Industrial
Military Overlay	Military
PUD	PUD
<b>Overlay Zones</b>	
AO Airport Overlay	AO Airport Overlay
CO Corridor Overlay	N/A
CPO Cultural Protection Overlay	CPO Cultural Protection Overlay
CFV Commercial Fishing Village	CFV Commercial Fishing Village

- B. **Zone Transitions in CP Districts.** Areas of the County given the Community Preservation (CP) designation in the County Comprehensive Plan possess distinct qualities. Community Preservation areas are transitionable to a mix of rural and urban transect zones that can be further calibrated to respond to their distinct character, while sharing other aspects of this Development Code. Community Preservation Areas may elect to update to the system of transect zones in coordination with updates to, or the creation of, a Community Plan. Table 1.6.20.B (Community Preservation Area Zone Transition Table) describes zone transitions for CPs in effect on December 8, 2014. Standards for CPs that retain CP zoning can be found in Appendix A.

<b>Table 1.6.20.B: Community Preservation Zone Transition Table</b>	
<b>Zone In Former Code</b>	<b>Zone in Community Development Code</b>
<b>Alljoy Road CP</b>	
CPD Community Preservation District	T3 Edge, T3 Hamlet Neighborhood
OC/MU Office Commercial/Mixed-Use	T3 Hamlet Neighborhood, T4 Hamlet Center
<b>Big Estate CP</b>	
CPD Community Preservation District	SBECP Sheldon-Big Estate Community Preservation District <sup>2</sup>
<b>Bluffton CP</b>	
CPD Community Preservation District	T3 Edge, T3 Neighborhood, T4 Hamlet Center
<b>Buckingham Landing CP<sup>1</sup></b>	
BLCP Buckingham Landing Community Preservation District	BLCP Buckingham Landing Community Preservation District <sup>2</sup>
<b>Coosaw and Judge Islands CP<sup>1</sup></b>	
CIR Coosaw Island Rural	CIR Coosaw Island Rural <sup>2</sup>
CIRR Coosaw Island Rural Residential	CIRR Coosaw Island Rural Residential <sup>2</sup>
<b>Notes</b>	
<sup>1</sup> The districts of this Community Preservation Area remain unchanged.	
<sup>2</sup> The uses and standards for this district are in Appendix A (Community Preservation Districts)	



**Division I.6: Transitional Provisions**

<b>Table I.6.20.B: Community Preservation Zone Transition Table (continued)</b>	
<b>Zone In Former Code</b>	<b>Zone in Community Development Code</b>
<b>Corners Community CP</b>	
CPD Community Preservation District	T2 Rural Neighborhood Open, T2 Rural Center, T3 Edge, T3 Hamlet Neighborhood, T4 Village Center
PMD Public Market District	T4 Village Center
<b>Dale CP<sup>1</sup></b>	
DCP Dale Community Preservation District	DCP Dale Community Preservation District <sup>2</sup>
DMD Dale Mixed-Use District	DMU Dale Mixed-Use District <sup>2</sup>
<b>Land's End CP</b>	
CPD Community Preservation District	T2 Rural Neighborhood Open, T3 Edge, T3 Hamlet Neighborhood, T3 Neighborhood
<b>Lady's Island CP</b>	
LICP Community Preservation	T3 Edge, T3 Hamlet Neighborhood, T3 Neighborhood, T4 Hamlet Center, LICP Community Preservation
EHB Expanded Home Business	LIEHB Expanded Home Business
NAC Neighborhood Activity Center	LINAC Neighborhood Activity Center
POD Professional Office District	LIPO Professional Office District, T4 Hamlet Center
VC Village Center	T4 Hamlet Center Open, T4 Neighborhood Center
<b>May River Corridor CP</b>	
May River CP District	MRCP May River CP District
<b>Pritchardville CP</b>	
CPD Community Preservation District	T2 Rural, T2 Rural Center, T3 Edge
<b>Seabrook-Stuart Point CP<sup>1</sup></b>	
SSP Seabrook-Stuart Point Residential District	SSPR Seabrook-Stuart Point Residential District <sup>2</sup>
SSPMU Seabrook-Stuart Point Mixed-Use District	SSPMU Seabrook-Stuart Point Mixed-Use District <sup>2</sup>
<b>Sheldon CP</b>	
CPD Community Preservation District	SBECPP Sheldon-Big Estate Community Preservation District <sup>2</sup>
<b>Shell Point CP</b>	
CPD Community Preservation District	T3 Edge, T3 Hamlet Neighborhood, T3 Neighborhood
SPNC Neighborhood Commercial District	T3 Hamlet Neighborhood, T3 Neighborhood, T4 Hamlet Center, T4 Neighborhood Center
SPCS Commercial Suburban District	T3 Hamlet Neighborhood, T3 Neighborhood, T4 Hamlet Center, T4 Neighborhood Center
<b>Tansi Village CP</b>	
CPD Community Preservation District	T3 Edge
<b>Notes</b>	
<sup>1</sup> The districts of this Community Preservation Area remain unchanged.	
<sup>2</sup> The uses and standards for this district are in Appendix A (Community Preservation Districts)	

**I.6.30 Violations Continue**

Any violation of the previous Beaufort County Zoning and Development Standards Ordinance and other development standards replaced by this Development Code shall continue to be a violation under this Development Code, and be subject to the penalties set forth in Article 9 (Enforcement), unless the development complies with the express terms of this Development Code.

**I.6.40 Nonconformities**

If any use, structure, lot, sign, or other site feature was legally established on the date of its development, but does not fully comply with the standards of this Development Code, then that use, structure, lot, sign, or other site feature shall be considered nonconforming and subject to the provisions of Article 8 (Nonconformities). If a use, structure, lot, or site feature that was legally nonconforming under previous development standards becomes conforming under this Development Code, it shall no longer be deemed nonconforming or subject to the provisions of Article 8 (Nonconformities).

**I.6.50 Complete Applications**

- A. If an application for a development permit or approval is accepted as complete before December 8, 2014, but is still pending final action as of that date, the application shall be reviewed and decided, at the applicant's option, wholly in accordance with the development standards in effect when the application was accepted, or wholly in accordance with the standards put into effect by this Development Code (but not in accordance with a mix of provisions from both sets of standards), at the applicant's option.
- B. If the applicant elects to have the pending application reviewed in accordance with the prior standards, the County shall review and decide the application in good faith and in accordance with any time frames established by the prior standards. If the application is approved and the approval or subsequent authorization of the approved development expires or becomes invalid (e.g., for failure to comply with time limits or the terms and conditions of approval), any subsequent development of the site shall be subject to the procedures and standards of this Development Code.
- C. To the extent a pending application is approved in accordance with the prior standards and proposes development that does not comply with this Development Code, the subsequent development, although allowed, shall be nonconforming and subject to the provisions of Article 8 (Nonconformities).

**I.6.60 Planned Unit Development (PUD) Approved Prior to December 8, 2014**

The following standards apply to planned unit developments (PUDs), including conditional use PUDs, approved prior to December 8, 2014.

- 1. The PUD shall comply with the following standards:
  - a. Division 5.5 (Off-Street Parking);
  - b. Division 5.6 (Sign Standards);
  - c. Division 5.7 (Exterior Lighting);
  - d. Division 5.8 (Landscaping, Buffers, and Screening Standards);
  - e. Division 5.11 (Resource Protection Standards);

- f. Division 5.12 (Stormwater Standards);
  - g. Division 6.2 (Land Development Standards); and
  - h. Division 6.3 (Traffic Impact Analysis).
2. The standards in Subsection 1.6.60.1 shall not apply if otherwise provided in a development agreement or in an ordinance that established or amended the PUD.
  3. If a PUD concept plan or master plan approved prior to December 8, 2014 lacks a specific element in the master or concept plan like use, lot area, density/intensity, height, setbacks, buffers, open space set-a-sides, or design standards, the following factors shall be considered by the Director in developing an appropriate standard:
    - a. Compatibility and consistency with the overall PUD concept plan or master plan;
    - b. Compatibility with areas near the PUD;
    - c. Provisions of this Development Code that address similar matters in areas not in a PUD district; and
    - d. Any related materials governing the approval of the PUD.
  4. For PUDs approved prior to July 1, 1999, the PUD is exempt from the requirements of the Development Code not listed in Subsection 1.6.60.1, if:
    - a. The PUD has more than 50 percent of the lots platted and recorded, e.g., "lots of record," or had more than 50 percent of the utilities and infrastructure for the entire development completed by January 1, 2010; or
    - b. The PUD is deemed a "low-impact" development, which develops less than 25 residential dwelling units, or sells less than 25 lots per year and/or less than 10,000 square feet of commercial area and the rates provided herein are not exceeded.
  5. The Director may approve minor amendments to an approved PUD master plan for the changes listed below. All other amendments to a PUD master plan shall follow the procedures for a Zoning Map Amendment (see Sec. 7.3.40).
    - a. Minor changes in the location of roads or widths of streets or rights-of-way within the master plan;
    - b. Minor changes in the allocation of housing density within the master plan so long as the overall approved density of the master plan is not increased; and
    - c. Changes in the proposed build-out and phasing schedule.

**1.6.70 Other Development Subject to a Development Agreement**

Any application that has received approval in accordance with a development agreement approved before December 8, 2014 may be carried out in accordance with the terms and conditions of the development agreement, provided the development agreement does not expire and otherwise remains valid. If the development agreement expires, is revoked (e.g., for failure to comply with time limits or the terms and conditions of approval), or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of this Development Code.

**I.6.80 Other Approved Development Permits and Approvals**

- A. Any other development that has received approval of a development permit or approval before December 8, 2014 may be carried out in accordance with the terms and conditions of the development permit or approval and the procedures and standards in effect at the time of approval, provided the permit or approval does not expire and otherwise remains valid. If the development permit or approval expires, is revoked (e.g., for failure to comply with time limits or the terms and conditions), or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of this Development Code.
- B. To the extent a prior approval authorizes development that does not comply with this Development Code, the subsequent development, although allowed, shall be nonconforming and subject to the provisions of Article 8 (Nonconformities).

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## **Division I.7: Severability**

### **I.7.10 Severability**

It is the legislative intent of the County Council in adopting this Development Code that all provisions shall be construed to implement the Beaufort County Comprehensive Plan and guide development in accordance with the existing and future needs of the County as established in the Comprehensive Plan and this Development Code, and promote the public health, safety, and welfare of landowners and residents of the County. If any section, subsection, sentence, clause, or phrase of this Development Code is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity and continued enforcement of any other provision of this Development Code. The County Council hereby declares that it would have adopted this Development Code and any section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases of the Development Code is declared invalid by a court of competent jurisdiction.

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