

**SECTION 1.0
PROCEDURES**

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1.1. AUTHORITY

- 1.1.1. This Appendix was adopted to promote public the health, safety, and general welfare of the citizens of Daufuskie Island, specifically to: protect the environment, conserve land, consolidate services, promote energy efficiency, reduce vehicular traffic, promote the health benefits associated with a pedestrian environment, preserve historic and natural resources, reduce sprawling development, and improve the appearance of the built environment.
- 1.1.2. The Daufuskie Island Code and Regulating Plan shall serve as the official zoning ordinance and map for Daufuskie Island. The document was created as an appendix to the Beaufort County Zoning and Development Standards (ZDSO).
- 1.1.3. The appendix was adopted as an instrument of implementation for the *Community Objectives and Recommendations* of the Daufuskie Island Comprehensive Plan, as amended the “Daufuskie Island Plan”. The Daufuskie Island Plan was adopted by Beaufort County in October 2010.

1.2. PURPOSE AND INTENT

The **Purpose** (or Vision) of the Daufuskie Island Code is to preserve undeveloped lands while allowing for contextually appropriate “community-based” development that reflects the Island’s traditions, is meaningful, valued, and timeless.

The following **Guiding Principles** are instrumental to the Vision for Daufuskie Island, and shall be utilized in order to realize the Purpose and Intent of the document. Guiding Principles shall be considered within the context of the underlying Transect Zone; and recognize the role that time and succession play in realizing the ultimate vision for the Island. Every Citizen, landowner, and investor on Daufuskie Island; as well as those responsible for review, implementation, and enforcement of this Appendix should be able to preface each Guiding Principle with the words, “We are enforcing this provision in order to...”

1.2.1. Guiding Principles – The Island

“At the scale of the Island we are enforcing this provision in order to...”

- a. *...ensure that the Island retains its natural infrastructure and visual character derived from topography, woodlands, future farmlands, riparian corridors, and coastlines.”*
- b. *...ensure growth strategies that encourage equally the preservation of untouched lands and the consolidation of development into neighborhoods oriented towards the passenger ferry landings. Conservation of land in its current natural condition in combination with targeted growth based on the Future Urbanization Plan is critical to establishing a sustainable economy with expanded facilities and services.”*
- c. *...ensure that the ordinary activities of daily living occur within walking distance of Island ferries, providing easy access to all, including those who do not drive.”*
- d. *...ensure that transportation corridors, including commercial ferry routes, are planned and reserved in coordination with land use.”*
- e. *...ensure that the Island transportation network is designed for pedestrian use, bicycle systems, smart vehicles / golf carts and other alternatives to full-size combustion automobiles.”*
- f. *...ensure that rights of way and easements (in the form of streets, cartways / bikeways, pedestrian walkways, and trails) are established in a manner that keeps the waterfront open and accessible to the public.”*
- g. *...ensure that green corridors (with cartways / bikeways and trails) are used to define and connect areas of growth.”*
- h. *...ensure that affordable Housing is distributed throughout the Island to match transportation and job opportunities.”*
- i. *...ensure that the National Historic District is recognized, revitalized and celebrated, including opportunities for affordable housing, civic sites, and cultural /heritage tourism.*

1.2.2 Guiding Principles – Communities

“At the scale of the Community we are enforcing this provision in order to...”

- a. *...ensure that community development is structured using traditional settlement patterns that are native to the low country, including the village, hamlet, neighborhood, and district; and integrated into the existing development pattern using the Traditional Community types of this Appendix.*
- b. *...ensure that Civic, Institutional, and Commercial activities are clustered in the Island’s villages and hamlets, as opposed to sporadic or isolated locations (Lodging, Business and Retail are not included in this Guiding Principle).*

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- c. ...ensure that Traditional Communities are the preferred pattern of development. Subdivisions specializing in a single use and building type shall be the exception.
- d. ...ensure that new and infill communities are compact, pedestrian oriented, mixed use, and connected; allowing residents to partake in the activities of daily living without relying on vehicles.
- e. ...ensure that new and infill communities provide a range of residential uses and building types (i.e. Single Family, Two Family House, Multi-Family House); creating various price points that promote age diversity and income diversity.
- f. ...ensure that an interconnected network of streets, cartways / bikeways, and pedestrian passages is designed to disperse traffic and reduce the length of vehicle trips.
- g. ...ensure that Civic Sites such as Civic Spaces, Gathering Places, Civic Lots, Civic Buildings and Structures, and Civic Art are embedded in, or easily accessible to each community.
- h. ...ensure that Schools are sized and located in a manner that enables children to walk or bicycle to them.

1.2.3 Guiding Principles – Neighborhood Blocks and Buildings

“At the scale of the Block and Building we are enforcing this provision in order to...”

- a. ...ensure that buildings and landscaping contribute to the physical definition of streets as public places.
- b. ...ensure that development adequately accommodates vehicles while respecting the pedestrian and the spatial form of public areas that are human scaled.
- c. ...ensure that the design of streets and buildings reinforces safe environments, but not at the expense of accessibility.
- d. ...ensure that architecture and landscaping emanates from the local climate, topography, history, and building practice and reinforces traditional lowcountry design.
- e. ...ensure that buildings provide their inhabitants with a clear sense of geography and climate through energy efficient methods.
- f. ...ensure that Civic Sites reinforce a community’s identity and self-reliance.
- g. ...ensure that Civic Buildings are designed to convey a sense of community pride and significance that distinguishes them from other buildings that make up the fabric of the Island.
- h. ...ensure that the preservation and renewal of historic buildings is facilitated; thereby affirming the continuity and evolution of Island society and culture.

1.2.4 Guiding Principles – The Transect

“We are enforcing the standards and guidelines associated with Transect-based zoning and development in order to...”

- a. ...encourage successional zoning changes that are sequential in intensity and in keeping with the Standards of an abutting or nearby Transect Zone.
- b. Reserved.

1.3 APPLICABILITY

1.3.1 Provisions of this Appendix are activated by “shall” when required; “should” when recommended; and “may” when optional.

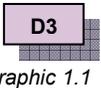
1.3.2 The provisions of this Appendix shall apply to all subdivision, development, or structures requiring a building permit, and / or development permit from Beaufort County.

1.3.3 The provisions of this Appendix shall apply to all dwelling units or structures open to temporary or permanent overnight habitation, including, but not limited to: travel trailers, house trailers, trailers used for vending or retail, mobile vending, motorized homes, RV’s, mobile units mobile homes, modular homes, etc.

- a. For purposes of administrative review and enforcement the aforementioned structures shall be designed and engineered to be “permanent units” (permanently affixed to the ground in accordance with State and Local Building Codes).
- b. In order to meet the intent of this Appendix and ensure proper administration of the ordinance, the aforementioned structures should utilize the provisions for the “Everyday Island” archetype.
- c. Special Emergency Provisions:
Notwithstanding anything to the contrary contained herein, following any declaration of emergency or disaster by Federal, State, or County Government that is applicable to Beaufort County and/or Daufuskie Island, the following shall pertain:

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1. The owner of any lot whose residence is destroyed or rendered uninhabitable by the event causing the emergency may place a travel trailer on such lot for a period not to exceed two (2) years from the date of the event, provided that an application for a building permit is made within one year of the time that the primary structure was destroyed.
 2. Any structure pre-approved by the Planning Department for interim housing following an emergency may be placed on such lot pending completion of the permanent structure on the lot. In addition, travel trailers may be located for no longer than two (2) years on any other location designated by the Planning Department for such purposes.
- 1.3.4** The ZDSO shall continue to be applicable to issues not addressed by this Appendix, except where the existing ZDSO is in conflict with Section 1.2 Purpose and Intent.
- 1.3.5** The provisions of this Appendix, when in conflict, shall take precedence over those of other codes, ordinances, regulations and Standards except for Historic Preservation Standards (Article X) and Health and Safety Codes.
- 1.3.6** The transect based, Light Imprint Stormwater Standards contained in this Appendix shall only apply if the performance standards required by the Beaufort County Stormwater Ordinance are achieved. In such case the requirements of both the Beaufort County Stormwater Ordinance and the Daufuskie Island Code shall be integrated in a manner that ensures optimal design without sacrificing performance.
- 1.3.7** The Standards, Tables, Graphics, Visioning, and Photographs contained in the Introduction, Section one (1) Procedures, Section Two (2) General to All, Section Three (3) Conservation Zones, Section Four (4) Urban Zones, Section five (5) Use Definitions, Section Eight (8) General Definitions, and Section (9) Comprehensive Waiver List shall be applicable as follows:
- a. **Tables:** shall be treated as an integral and legally binding component of this Code intended to reinforce the text. The text and / or tabular metrics shall reinforce, and – when in conflict – take precedence over an accompanying Graphic.
 - b. **Graphics:** shall be treated as a highly persuasive, yet legally binding component of this Code. They are intended to reinforce both text and table by illustrating a potential, likely, and desired (as opposed to every) outcome of the Standards (which are frequently provided as a range, making it impossible to depict every possible outcome). A Graphic is a clear and effective visual representation of a feature or element.
 - c. **Visioning:** shall be treated as the desired outcome for each Transect Zone if the standards and provisions of this code are enacted. Visioning provides the user with an illustrative depiction of the Code’s Guiding Principles against the backdrop of the Daufuskie Island Plan. Visioning in the form of a Rendering, Vignette, or Master Plan is intended to be highly persuasive, not binding.
 - d. **Photographs:** are intended to visually reinforce Text, Table, and Graphic with desired “real world” examples depicting one means by which the Standards of this Appendix may be interpreted correctly. Photographs should be highly persuasive, but they shall not be binding.
- 1.3.8** The Standards (text, diagrams, and photographs) contained in Section Six (6) Daufuskie Archetypes and Section Seven (7) Architectural Standards shall be applicable as follows:
- a. **Section Six (6) Daufuskie Archetypes:**
 1. New structures should contribute to the Island’s National Historic District by promoting forms that are traditional, meaningful, valued, and timeless.
 2. Each page contains a line Diagram, Photographs, and written description of both the Intent and elements that comprise a contextually appropriate Archetype for Daufuskie Island.
 - i. The **text** contained in Section Six (6) Daufuskie Archetypes is intended to be legally binding and activated by “shall” when required; “should” when recommended; and “may” when optional.
 - ii. The line **Diagram** used to represent each Archetype is purposely simple, conveying little more than the basic Massing and forms of the building. The Archetype is intended as a potential “starting point” for the Applicant. It is not intended to articulate the final concept (Scale, Style, elements), but rather to ensure that each new structure contributes to, and reinforces the neighborhoods of the National Historic District.
 - iii. The **Photographs** show the effect that individual interpretation, expression, and detailing may have on a project. Several “real world” examples of each Archetype are provided. In each instance, the basic Archetype has been transformed into a vernacular or classical building of varying scale, style, and articulation. The Photographs demonstrate that it is possible to achieve an architecturally diverse, yet, aesthetically cohesive public realm using a limited number of Archetypes. However, the Photographs convey just a few of the multitude of ways in which an Archetype may be interpreted correctly. Therefore, they shall not be construed as being absolute or binding.



Graphic 1.1

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3. The Transect Zone Symbol (depicted by Graphic 1.1) shall regulate the appropriate zoning district for each Archetype.
- b. **Section Seven (7) Architectural Standards:**
 1. **Architectural Standards** are necessary to preserve and promote a form that is traditional, valued, and timeless. Section Seven (7) provides written Standards for architectural elements that are meaningful and contextually appropriate within the Island's National Historic District.
 - i. All text contained "under" the sub-heading MATERIALS, EXECUTION, and GENERAL NOTES is intended to be legally binding and activated by "shall" when required; "should" when recommended; and "may" when optional.
 - ii. Text accompanied by a Transect Zone symbol (depicted by Graphic 1.1) shall be treated as a legally binding development Standard that is applicable only within the demarcated Transect Zone.
 2. The accompanying **Photographs** depict Architectural elements and "real world" examples that visually reinforce the Architectural Standards. However, each Photograph conveys just one means by which a Standard may be interpreted correctly, and shall not be construed as absolute or binding.

1.3.9 Red Text is intended to denote a Standard or Provision within this Code that acts as an incentive.

1.3.10 Section Eight (8) contains the definitions for terms that are capitalized in this Appendix. Those terms not defined in Section Eight (8) shall be accorded their commonly accepted meaning.

1.4 ADMINISTRATION OF THE CODE

1.4.1 Parameters

- a. The term Planning Director shall represent both the current Director of Planning, as well as the Planning Department Staff. So long as a document is signed or co-signed by the Director of Planning or Assistant Director of Planning it is considered to be issued in his name. This includes written findings of approval and denial.
- b. Approvals shall be granted when the application is in compliance with all applicable regulations; conditional approvals shall be issued when the applications require conditions in order to be found in compliance with all applicable regulations; denials of applications shall be issued if after conditions and safeguards have been considered, the application still fails to comply with all applicable regulations.
- c. Except in the case of conflict or special notation to the contrary, Article III. Administrative Procedures of the Beaufort County ZDSO shall apply.
- d. Final interpretation of all Standards in this Appendix shall be the responsibility of the Planning Director. Section 1.2 (Guiding Principles) and Section 2.0 (General to All Development) shall provide guidance to the >Planning Director<^{*} regarding the County's vision for land in any given area.
 1. In addition to Section 1.2 (Guiding Principles) and Section 2.0 (General to All Development), the >Planning Director<[†] may seek further guidance from:
 - i. ...the entire ZDSO.
 - ii. ...the Development Review Team.
 - iii. ...the Sustainable Planning Team (if applicable).
 - iv. ...the Daufuskie Island Plan.
 2. The ruling of the Planning Director shall be binding and final.
- e. Final interpretation of an issue not addressed by the Standards of this Appendix, or the larger ZDSO, shall be the responsibility of the Planning Director. Interpretation shall not be based on opinion or preference, but rather the fact that the specific issue is either in accordance with, or counter-active to the Guiding Principle(s) of Section 1.2. Therefore, if asked to defend a decision, the >Planning Director< may state, "In the absence of a clearly defined standard to speak to this issue, >I< have based my interpretation on the fact that the proposal is in accordance with, or counter-active to, the Guiding Principle(s) of Section 1.2; specifically, Guiding Principle(s) (substitute applicable Guiding Principle(s) here)."[‡]

* In order to adhere to Section 1.4.5 (m) #5 ii or iii, Approvals and Permitting Process, substitute the words "Planning Director" with "SPT".

† In order to adhere to Section 1.4.5 (m) #5 ii or iii, Approvals and Permitting Process, substitute the words "Planning Director" with "SPT", and disregard Section 1.4.1 (d) #1 iii.

‡ In order to adhere to Section 1.4.5 (m) #5 ii or iii, Approvals and Permitting Process, substitute the words "Planning Director" with "SPT" and "I" with "we" in this sentence.

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- f. Final approval, conditional approval, or denial of an Administrative Form Waiver shall be the responsibility of the Planning Director. Interpretation shall not be based on opinion or preference, but rather the fact that the Administrative Form Waiver is either in accordance with, or counter-active to, the Guiding Principle(s) of Section 1.2. Therefore, if asked to defend a decision, the >Planning Director< may state, ">My< final decision regarding the Administrative Form Waiver is based on the fact that the proposed deviation is in accordance with, or counter-active to, the Guiding Principle(s) of Section 1.2; specifically, Guiding Principle(s) (substitute applicable Guiding Principle(s) here)."[§]
1. The >Planning Director<^{**} may consider any of the following in conjunction with the Guiding Principles of Section 1.2 as cause to approve or deny the issuance of an Administrative Form Waiver:
 - i. Section 2.0 General to All Development.
 - ii. Time and Succession.
 - iii. The opinion of the Development Review Team.
 - iv. The opinion of the Sustainable Planning Team (if applicable).
 2. If the Planning Director approves an Application for an Administrative Form Waiver based on Time and Succession he may (at his discretion, and for a period not to exceed five (5) years) require the issuance of a performance and payment bond.
 - i. This option shall be applicable to:
 - ...any and all Development in the D4, PD, and D5 District.
 - ...Traditional Community Development in the D3 District.
 - ii. If the Planning Director believes Time and Succession are no longer cause for an Administrative Form Waiver, and fewer than five (5) years has passed, he may rescind the Applicant's Waiver, and require that the Bond be used to achieve Code compliance.
 3. The ruling of the Planning Director shall be binding and final.
- g. A Special Use Permit shall be reviewed by the Planning Director and Development Review Team, with a final decision made by the Zoning Board of Appeals (ZBOA).
1. When considering the appropriateness of a Special Use Permit, the >forementioned parties in Section 1.4.1 (g)< may consider the following criteria:^{††}
 - i. The Use in question shall not be in conflict with Section Five (5) Use Table Definitions.
 - ii. The Use in question shall not be in conflict with the Guiding Principles of Section 1.2.
 - iii. The Use in question shall not be in conflict with Section 2.0 General to All Development.
 - iv. The manner in which the proposed Use will operate given its specific location and proximity to other uses of varying intensity and character.
 - v. Time and Succession (if applicable).
 - vi. The opinion of the Sustainable Planning Team (if applicable).
 2. If the ZBOA approves an Application for a Special Use Permit based on Time and Succession, they may (at their discretion) attach a specific time period upon which the Use shall be permitted to exist / operate. Upon expiration of this period, the Applicant shall be eligible to apply for a new Special Use Permit.
- h. The Planning Director and ZBOA shall not establish a precedent when approving, conditionally approving, or denying a Proposal, a Form Based Waiver, or a Special Use Permit. Nor shall the Planning Commission or ZBOA establish a precedent when hearing an appeals procedure using this Code. Each Application and Issue shall be judged individually, and based on its merit.
- i. When evaluating an appeal regarding final approval of a Proposal or Administrative Form Waiver, the Planning Commission shall primarily evaluate whether or not the legally binding Standards or Procedures outlined in the ordinance were correctly interpreted by the Planning Director. They shall not entertain or engage in debate over the subjective aspects of design and architecture. This includes, but is not limited to: context, intensity, character, style, sustainability, and the like.

[§] In order to adhere to Section 1.4.5 (m) #5 ii or iii, Approvals and Permitting Process, substitute the words "Planning Director" with "SPT" and "My" with "Our" in this sentence.

^{**} In order to adhere to Section 1.4.5 (m) #5 ii or iii, Approvals and Permitting Process, substitute the words "Planning Director" with "SPT" and disregard Section 1.4.1 (f) #1 iv.

^{††} In order to adhere to Section 1.4.5 (m) #5 ii or iii, Approvals and Permitting Process, substitute the words "aforementioned parties in Section 1.4.1 (g)" with "SPT" and disregard Section 1.4.1 (g) #1 vi.

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- j. Development, construction, assembly, repair, retrofit, upgrade, improvement, or the like, to any structure that is fewer than 120 square feet (information kiosk, storage shed, hen house) and is located in the D1, D2, or D3 Transect Zone shall be exempt from the purview of this code, with the exception of:
 - 1. ...a Civic Site.
 - 2. ...a Transit Shelter.
 - 3. ...Signage.
 - 4. ...Specimen Tree removal.
 - 5. ...Any action in which Beaufort County requires a building permit and / or development permit.
- k. Development, construction, assembly, repair, retrofit, upgrade, improvement, or the like, to any structure that is fewer than 60 square feet (i.e. a light post, garden shed, swing set) and is located in the D4, PD, or D5 Transect Zones shall be exempt from the purview of this code, with the exception of:
 - 1. ...a Civic Site.
 - 2. ...a Transit Shelter.
 - 3. ...Signage.
 - 4. ...Specimen Tree removal.
 - 5. ...Any action in which Beaufort County requires a building permit and / or development permit.
- l. Specific Standards regarding both Existing and New Buildings and Structures, including Modifications, are located in Section 3.0 Conservation Zones and Section 4.0 Urban Zones.

1.4.2 Administrative Form Waiver

An Administrative Form Waiver (Waiver) is a ruling that would permit specified minor deviations from the provisions of this Appendix. Administrative Form Waivers are intended to relieve practical difficulties in complying with the strict requirements of this Appendix. Administrative Form Waivers are not intended to relieve specific cases of financial hardship, or to allow one to circumvent the Purpose and Intent of this Appendix.



Graphic 1.2

- a. Only those Standards containing a Waiver Sign in the margin (See Graphic 1.2), and / or referencing an Administrative Form Waiver in the text shall be eligible for an Administrative Form Waiver.
- b. An Administrative Form Waiver may not be granted if it conflicts with Federal Law, State Law, or the South Carolina Building Code.
- c. In order to be considered for an Administrative Form Waiver a proposed deviation shall be in accordance with the Guiding Principles of Section 1.2.
- d. The >Planning Director<^{##} may consider any of the following in conjunction with the Guiding Principles of Section 1.2 as cause to approve or deny the issuance of an Administrative Form Waiver:
 - 1. Section 2.0 General to All Development.
 - 2. Time and Succession (if applicable).
 - 3. The opinion of the Development Review Team.
 - 4. The opinion of the Sustainable Planning Team (if applicable).
- e. If the Planning Director approves an Application for an Administrative Form Waiver based on Time and Succession he may (at his discretion, and for a period not to exceed five (5) years) require the issuance of a performance and payment bond.
 - 1. This option shall be applicable to:
 - i. ...any and all Development in the D4, PD, and D5 District.
 - ii. ...Traditional Community Development in the D3 District.
 - 2. If the Planning Director believes Time and Succession are no longer cause for an Administrative Form Waiver, and fewer than five (5) years has passed, he may rescind the Applicant's Waiver, and require that the Bond be used to achieve Code compliance.
- f. Section Nine (9) contains a comprehensive list of all Administrative Form Waivers that an Applicant may be eligible to apply for when using this Code.

1.4.3 Special Use Permit

A Special Use Permit addresses those Uses listed in this Appendix as "By Special Use Permit" (Table 3.7 *General Uses*, Table 3.8 *Specific Uses*, and Table 4.11 *Specific Uses*). A Special Use Permit shall be reviewed by the Planning Director. Additional review shall take place by the Development Review Team, with a final decision made by the Zoning Board of Appeals (ZBOA).

^{##} In order to adhere to Section 1.4.5 (m) #5 ii or iii, Approvals and Permitting Process, substitute the words "Planning Director" with "SPT" and disregard Section 1.4.2 (d) #4.

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- a. When considering the appropriateness of a Special Use Permit, the >aforementioned parties in Section 1.4.3< shall consider the following criteria:
 - i. The Use in question shall not be in conflict with Section Five (5) Use Table Definitions.
 - ii. The Use in question shall not be in conflict with the Guiding Principles of Section 1.2.
 - iii. The Use in question shall not be in conflict with Section 2.0 General to All Development.
 - iv. The manner in which the proposed Use will operate given its specific location and proximity to other uses of varying intensity and character.
 - v. Time and Succession (if applicable).
 - vi. The opinion of the Sustainable Planning Team (if applicable).
- b. If the ZBOA approves an Application for a Special Use Permit based on Time and Succession, they may (at their discretion) attach a specific time period upon which the Use shall be permitted to exist / operate. Upon expiration of this period, the Applicant shall be eligible to apply for a new Special Use Permit.

1.4.4 Sustainable Planning Team (SPT)

- a. Formation and Parameters
 1. The Beaufort County Planning Department shall recommend, and the Beaufort County Planning Commission shall ratify a five member Sustainable Planning Team (SPT) that, when called upon by the Beaufort County Planning Director, shall convene in order to review applications meeting certain prerequisites and submitted under this Appendix. Staff will convey the specific reason for calling the meeting and outline the issues to be discussed.
 2. The SPT should consist of Island residents or Island landowners with a professional background or significant experience working in a design related industry (architect, urban designer, planner, historic preservationist, landscape architect, interior designer, draftsman, graphic designer) and / or a strong familiarity with the Daufuskie Island Form Based Code. Special effort shall be taken to ensure that Native Island / Gullah Geechee residents are represented on the SPT.
 3. The SPT shall provide the Planning Director with local input regarding the appropriateness of the proposal. Factors used to determine appropriateness include, but are not limited to location, context, form (intensity and character), architecture, style, historical context, function, materials, and sustainable applications.
- b. Operating Procedures
 1. When called upon by the Beaufort County Planning Director, the SPT shall convene for a meeting with a member of the Beaufort County Planning Staff.
 2. The SPT shall establish and adopt Operating Procedures. The SPT will elect a Chairman and Vice-Chairman. Operating Procedures shall be in writing and available for review by the general public in the same manner as this Code.
 3. SPT members shall serve a term of two years, not to exceed six consecutive years. In an effort to encourage staggering amongst future SPT appointments, the initial term of the SPT Chairman and Vice-Chairman shall be three years as opposed to two years, not to exceed seven consecutive years.
 4. SPT members who wish to continue serving past their current term must re-submit their names to the Planning Department.
 5. Reserved.

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Table 1.1

Approvals and Permitting Process

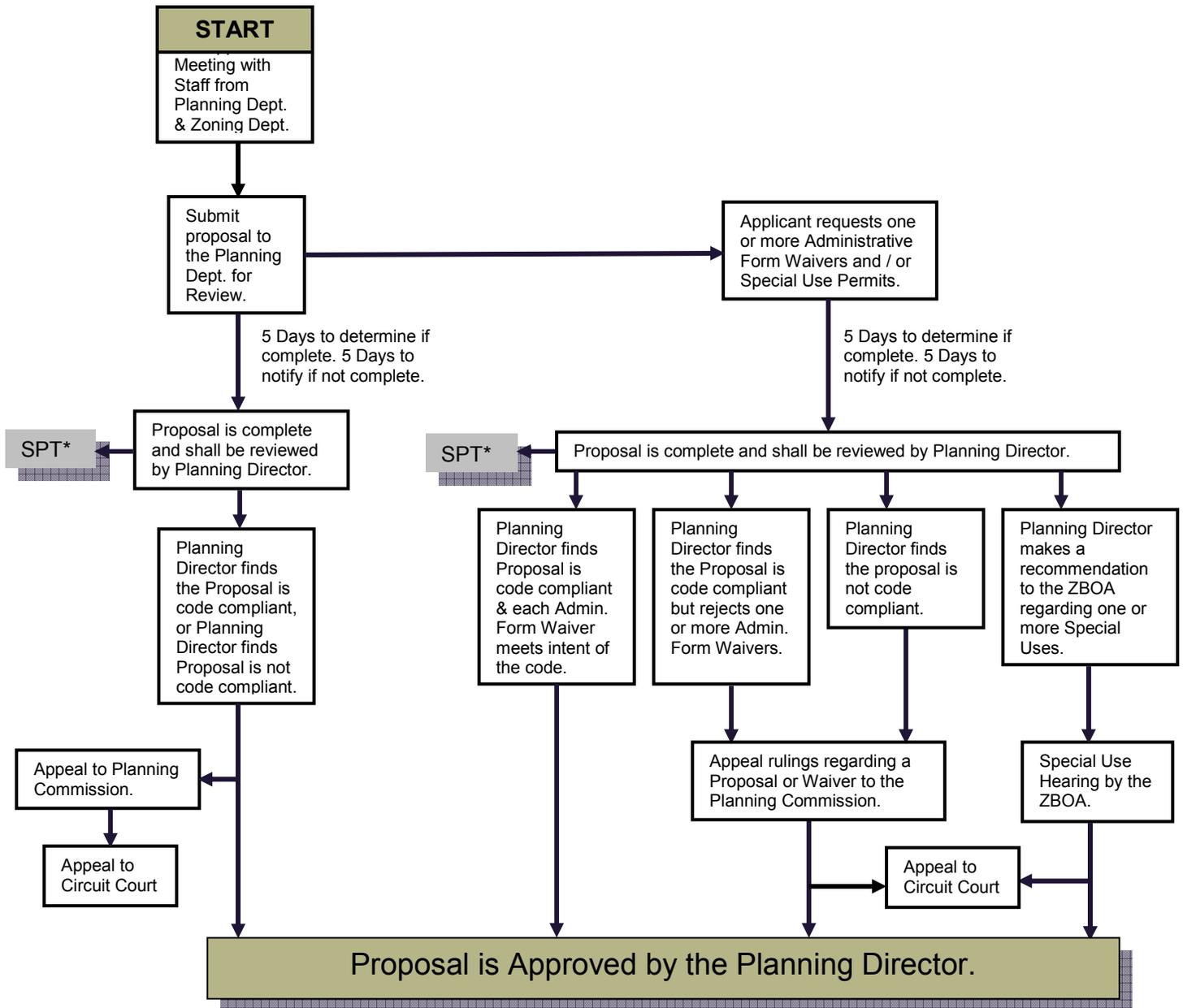


Diagram 1.1 is a general summary of the approvals and permitting process for this Appendix. However, there are additional areas where the procedures of this Appendix differ from those of the ZDSO. These are spelled out in the text, but not necessarily reflected in this Diagram.

* The Planning Director may call a meeting of the SPT in order to seek local input on a Proposal, Administrative Form Waiver, or Special Use Permit.

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1.4.5 Approvals and Permitting Process

This section outlines the chronological process for the review and approval of project applications.

- a. Prior to submitting an application the prospective applicant shall attend a pre-application meeting with Staff from both the Planning Department and Zoning Department. The intent of this meeting is to obtain information and offer guidance as to matters related to the proposed application.
- b. When the applicant is ready to submit a formal application he will do so to the Planning Department on forms provided therefore. Submittals shall follow standard procedures with the exception that both hard copy and digital submissions are required. The nature of the project, in combination with the pre-application meeting, should result in a shared understanding of the Applicant's submittal material. A submittal package may include any or all of the following:
 1. **Site Survey**
 2. **Tree Survey**
 3. **Site Plan**

The site plan (drawn to scale by a registered civil engineer, registered landscape architect, or registered architect) shall include the following elements: the exact dimensions of the parcel of land under consideration, a schematic representation of the types and locations of Buildings and Structures (elevations, function, density / intensity), proposed Civic Sites (Civic Space, Gathering Places, Civic Lots, Civic Buildings, Civic Art), Historic Structures, a Circulation Plan (Vehicular and Pedestrian circulation, Street Types, Frontage Types, and Parking), floodplain information, drainage systems, and any other information required by the Planning Director.

4. **Written Report**

A written report shall be submitted by the applicant for review and approval by the Planning Director. Such report shall explain in general the type, nature, intent, and characteristics of the proposed project, and shall specifically include, where applicable:

- i. A general description of the proposal, including:
 - ...Sector.
 - ...Demarcated Place Types.
 - ...Transect Zones.
 - ...Scale of development (i.e. Single lot, Conservation Community, Hamlet, etc.).
 - ii. A detailed legal description of the location of the site.
 - iii. A proposed development program, including:
 - ...number of residential units and proposed; densities, lot sizes, archetypes.
 - ...number and square feet of nonresidential uses, generalized intensities, archetypes.
 - ...number and square feet of all Civic Sites (Civic Space, Gathering Places, Civic Lots, Civic Buildings, Civic Art).
 - ...Circulation (Vehicular and Pedestrian), Street Types and Frontages, Parking.
 - iv. General plan for the provision of utilities, including water, sewer, and drainage facilities.
 - v. General plan for the provision of Ferry service.
 - vi. Tables showing the total number of acres in the proposed development and the percentage designated for each proposed type of Use, including Civic Sites.
 - vii. A statement of how the proposed development is consistent with the Purpose and Intent of this Appendix and the Daufuskie Island Comprehensive Plan.
 - viii. Requested Waivers and Special Uses.
 - ix. Historic Structures.
 - x. Other relevant information as may be requested by the Planning Director.
- c. The Director of Planning shall oversee **final approval** of proposals associated with this Appendix. He may consult with any official or department in reaching a decision.
 1. Where final responsibility for issuance lies with other officials or departments, it shall continue to do so. The Planning Director will work in unison with such parties, acting as a project manager or liaison between that party and the applicant.
 2. Once required permitting is provided, it shall be up to the Planning Director to provide final approval or denial of a project. He shall do so if he finds that all of the requirements of this Appendix have been met.
 - d. The Applicant shall submit all information discussed and requested during the Pre-application meeting (i.e. Building Plan, Community Master Plan, etc.), as well as any subsequent documentation requested by the Planning Director.
 - e. Pursuant to Section 1.4.5 the applicant shall list all Administrative Form Waivers that he/she is requesting and convey:
 1. ...why the Administrative Form Waiver is necessary and appropriate.
 2. ...why the Administrative Form Waiver is in keeping with Section 1.2 Purpose and Intent.

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- f. The Planning Director may determine that a proposal will require an Administrative Form Waiver. The Applicant may submit the appropriate Administrative Form Warrant request without re-submitting the entire application.
- g. Pursuant to Section 1.4.5 the applicant shall list in writing all Special Uses that he / she is requesting and convey:
 - 1. ...why the Special Use is necessary and appropriate.
 - 2. ...why the Special Use is in keeping with, or does not conflict with Section 1.2 Purpose and Intent.
- h. Upon receipt of the required materials, the Planning Director shall review the application for completeness. He shall have up to 5 business days to do so. If the application is incomplete, he shall have up to 5 additional business days to notify the Applicant in writing of each non-compliant component. Otherwise, the application will be considered to be “complete” on the 5th business day and the review process shall begin.
- i. The Planning Director shall review a “complete application” and determine whether the proposal complies with the intent, Standards, and vision conveyed in this Appendix. The Planning Director shall consult with other officials or departments as necessary, including the Development Review Team (DRT) and the Daufuskie Island Sustainable Planning Team (SPT).
- j. The SPT shall meet only as requested by the Planning Director. The Planning Director may call a meeting of the SPT for the following reasons only:
 - 1. To seek local input on whether a proposal complies with the intent, Standards, and vision conveyed in this Appendix.
 - 2. To seek local input on whether a proposed Administrative Form Waiver complies with the intent, Standards, and vision conveyed in this Appendix.
 - 3. To seek local input on whether a proposed Special Use complies with the intent, Standards, and vision conveyed in this Appendix.
- k. The Planning Director may consider the input of the SPT in making a final decision regarding a proposal or an Administrative Form Waiver; and when making a recommendation regarding a Special Use permit.
- l. **Where there is no referral to the Sustainable Planning Team, and depending upon the specific request of the applicant, the Planning Director shall:**
 - 1. ...approve, approve with conditions, or deny each Proposal and Administrative Form Waiver.
 - 2. ...issue an intended decision in writing within the number of calendar days typically allotted the request in Article III. Administrative Procedures (keeping in mind the 5 business days allotted to review a proposal for “completeness” and the 5 business days allotted to notify an applicant of an incomplete submission).
 - 3. The decision of the Planning Director shall include an explanation of how the Applicant may appeal the determination.
 - i. Appeals regarding final approval of a Proposal or an Administrative Form Waiver shall be heard by the Planning Commission at the next regularly scheduled meeting occurring a minimum of 10 business days from the time the Planning Director rules.
 - ii. When evaluating an appeal regarding final approval of a Proposal or Administrative Form Waiver, the Planning Commission shall determine if an application is code compliant or may be made “code compliant” using a different means (See Section 1.4. 1 *Parameters*).
 - iii. An Applicant wishing to appeal the decision of the Planning Commission may file with the circuit court a written appeal petition or a notice of appeal accompanied by a request for pre-litigation mediation. An appeal to the circuit court shall be filed within thirty (30) days after the notice of the decision.
 - 4. **If the matter at hand is a Special Use permit, the Planning Director shall:**
 - i. ...request that the Zoning Department schedule the proposal for the next available session of the DRT.
 - ii. Prior to this meeting the Planning Director shall provide the DRT with a current (updated) staff report that summarizes his recommendation, and describes any items requiring additional discussion. The DRT shall vote on the matter.
 - iii. The Planning Director shall ensure that the findings of the DRT are forwarded to the ZBOA using the procedures outlined in Article III. of the Beaufort County ZDSO.
 - iv. The ZBOA shall rule on the proposal.
 - v. An Applicant wishing to appeal the decision of the ZBOA may file with the circuit court a written appeal petition or a notice of appeal accompanied by a request for pre-litigation mediation. An appeal to the circuit court shall be filed within thirty (30) days after the notice of the decision.

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- m. **Should the Planning Director decide to convene the Sustainable Planning Team:**
1. ...the applicant shall be given an opportunity, upon a minimum of 10 days notice, to attend the meeting.
 2. ...the Planning Director shall prepare a staff report, and attend the meeting.
 3. ...the Planning Director shall review the application and staff report with the SPT.
 4. ...the SPT shall provide the applicant with the opportunity to comment and be heard.
 5. ...the SPT shall first refer to Section 1.4.4(a) #3 Sustainable Planning Team Operating Procedures which states:
 “The SPT shall provide the Planning Director with local input regarding the appropriateness of the proposal. Factors used to determine appropriateness include, but are not limited to location, context, form (intensity and character), architecture, style, historical context, function, materials, and sustainable applications.”
 6. The SPT shall determine whether:
 - i. ...a proposal complies with the intent, Standards, and vision conveyed in this Appendix.
 - ii. ...an Administrative Form Waiver is in keeping with the requirements conveyed in Section 1.4.2 Administrative Form Waiver (see footnote at the bottom of Pg.14).
 - iii. ...a Special Use Permit is in keeping with the requirements conveyed in Section 1.4.3 Special Use Permit (see footnote at the bottom of Pg.14).
 7. The SPT shall vote on each issue. The SPT may vote to approve, approve with conditions, or deny each issue (Proposal, Administrative Form Waiver, or Special Use Permit) before them. The Planning Director shall document the proceedings of the meeting.
- n. **Following the meeting with the SPT the Planning Director shall:**
1. ...issue written findings to the applicant within 7 business days, and if necessary contact the applicant to ensure that he receives the necessary permits or approvals.
 2. ...request that the Zoning Department schedule the proposal for the next available session of the DRT.
 - i. Prior to this meeting the Planning Director shall provide the DRT with a current (updated) staff report that summarizes the recommendations of the SPT, his recommendation, and describes any items requiring additional discussion. The DRT shall vote on the matter.
 - ii. The Planning Director shall issue written findings within 7 business days of the DRT mtg, and if necessary contact the applicant to ensure that he receives the necessary permits or approvals.
 - iii. Appeals regarding final approval of a Proposal or an Administrative Form Waiver shall be heard by the Planning Commission at the next regularly scheduled meeting occurring a minimum of 10 business days from the time the Planning Director rules.
 - iv. When evaluating an appeal regarding final approval of a Proposal or Administrative Form Waiver, the Planning Commission shall primarily evaluate whether or not the specific Standards or Procedures outlined in the ordinance were correctly interpreted by the Planning Director.
 - v. An Applicant wishing to appeal the decision of the Planning Commission may file with the circuit court a written appeal petition or a notice of appeal accompanied by a request for pre-litigation mediation. An appeal to the circuit court shall be filed within thirty (30) days after the notice of the decision.
 3. **If the matter at hand is a Special Use permit, the Planning Director shall:**
 - i. ...provide the DRT with a current (updated) staff report that summarizes the recommendations of the SPT, the Director’s recommendation regarding the Special Use, and a description of any items requiring additional discussion. The DRT shall vote on the matter.
 - ii. The Planning Director shall ensure that the findings are forwarded to the ZBOA using the procedures outlined in Article III. of the Beaufort County ZDSO.
 - iii. Upon ruling by the ZBOA, the Planning Director shall issue written findings to the applicant within 7 business days, and if necessary contact the applicant to ensure that he receives the necessary permits or approvals.
 - iv. An Applicant wishing to appeal the decision of the ZBOA may file with the circuit court a written appeal petition or a notice of appeal accompanied by a request for pre-litigation mediation. An appeal to the circuit court shall be filed within thirty (30) days after the notice of the decision.