

# Article I: General Provisions

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

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### **I.I.10 Short Title**

This Chapter shall be officially known as the “The Port Royal Code” of the Town of Port Royal, South Carolina” and may be referred to as the “Development Code,” or “Code.”

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### **I.I.20 Authority**

In pursuance of authority conferred by Section 6-29-710 of the Code of Laws of South Carolina, 1976, as amended, and pursuant to the authority granted under the terms of Title 6, Chapter 7, Code of Laws of South Carolina, 1976, the Town Council of the Town of Port Royal does ordain and enact into the law the following articles, divisions and sections as set forth in this Development Code.

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of this Development Code refers to or cites a section of the S.C. Code of Laws, and that section is later amended or superseded, this Development Code shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.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

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### 1.2.10 Guiding Principles

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

#### A. In General and Throughout the Entire Town:

1. Implement the Comprehensive Plan and the Northern Beaufort County Regional Plan;
2. Secure safety from fire, flood, and other dangers;
3. Protect and promote the Town's unique natural resources (e.g. wetlands), historic resources (e.g. Port Royal Elementary School), and cultural resources (e.g. Paris Island);
4. Preserve and enhance Port Royal's character and identity as a coastal Town and seaport;
5. Establish Port Royal as a Town of walkable neighborhoods;
6. Create an interconnected network of context-sensitive thoroughfares that are safe and secure for vehicles, bicycles, and pedestrians;
7. Encourage appropriately-scaled infill development and redevelopment;
8. 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;
9. Establish and maintain consistent, efficient, and equitable standards and procedures for the review and approval of development that recognizes and respects the rights of landowners and considers the interests of the Town's citizens (including the relationship with the public realm); and
10. Support a range of vibrant human habitats along the transect.

#### B. Within the Traditional Town Core and Outlying Areas:

1. Reinforce and promote the establishment of compact, walkable, mixed-use centers within the Town's urban and sub-urban areas;
2. Encourage the use of multi-modal transit (e.g. automobiles, buses, ferries, bicyclists, pedestrians, etc.) within, and between the Town's urban and sub-urban centers;
3. Balance pedestrian comfort and placemaking with traffic efficiency along major corridors;

4. Encourage and incubate businesses as a means of diversifying and stimulating the local economy;
5. Promote and celebrate our working waterfront; and
6. Provide new opportunities for public access to the water.

**C. Within Neighborhoods:**

1. Preserve, protect, and enhance the character of well-established neighborhoods;
2. Enable neighborhood main streets to remain or become vibrant social and commercial centers;
3. Support a diversity of housing choices appropriate to the determined location along the transect; and
4. Promote services within a safe, comfortable walking distance of homes.

**D. Within Blocks and Buildings:**

1. Reinforce the unique and diverse collection of building types located within the Town;
2. Ensure that each building plays a role in creating a better whole (a better street, a better neighborhood, a better Town), not just a good building;
3. Ensure that buildings can readily adapt to a variety of uses, allowing them to withstand changes to the economy, the surrounding community, or the needs of their owner / occupant;
4. Ensure that architecture and landscape grow from local climate, history, and building practice; and
5. Ensure that landmark buildings are sited at important locations, and that they promote a form that reflects their civic stature.

## Division I.3: Applicability and Jurisdiction

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### I.3.10 Jurisdiction

These regulations shall govern all parcels of land lying within the corporate limits of the Town of Port Royal.

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### I.3.20 Minimum Requirements

The regulations expressed in this Development Code shall be considered the minimum provisions for the protection of the health, safety, economy, good order, appearance, convenience and welfare of the general public.

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### I.3.30 Rules of Interpretation

- A. **Authority.** The Planning Administrator is assigned the responsibility and authority to interpret the requirements of this Development code.
- B. Provisions of this Development Code are activated by “shall” when required; “should” when recommended; and “may” when optional.
- C. **Figures (Tables, Diagrams, Photographs).** The numbers and text contained in this code are legally binding. Figures are intended to implement and / or reinforce these as follows:
  1. **Tables.** Tables shall be treated as an integral and legally binding component of this Code intended to implement and reinforce the numbers and text.
  2. **Diagrams.** Diagrams are intended to reinforce numbers and text by illustrating potential, likely, and / or desired outcomes. Diagrams should be persuasive, but they shall not be binding.
  3. **Photographs.** Photographs are intended to visually reinforce numbers and text by presenting “real world” examples that depict potential, likely, and/ or desired outcomes. Photographs should be persuasive, but they shall not be binding.

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**1.3.40 Use of Land or Structures**

- A. No land or structure shall hereinafter be used or occupied, and no structure or parts shall hereafter be constructed, erected, altered, or moved, unless in conformity with all of the regulations herein specified for the zone in which it is located.
- B. **No Structure shall hereafter be erected or altered:**
1. With greater height, size, bulk, or other dimensions;
  2. To accommodate or house a greater number of families;
  3. To occupy a greater percentage of lot area;
  4. To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required; or
  5. Any other manner contrary to the provisions of this Development Code.
- C. **Applicability to Specific Development Activities.**
1. The following development activities, whether publicly or privately conducted, shall be subject to the provisions and standards of this Development Code:
    - a. **Use of Structure or Land.** The establishment, re-establishment, or change in use of a structure or land, whether temporary or permanent, which the Administrator determines would affect the area's natural environment, parking requirements, transportation patterns, public health or economic values.
    - b. **Construction, Reconstruction, or Alteration.** A building operation involving construction, reconstruction, or alteration of the size of a structure which the Administrator determines would affect the area's natural environment, parking requirements, transportation patterns, public health, or economic values.
    - c. **Increase in Land Use Intensity.** An increase in the intensity of land use, such as an increase in the number or size of nonresidential or residential uses in a structure or on land, or in the number of parking spaces or amount of impervious surface coverage, when the Administrator determines that such increase would affect the area's natural environment, parking requirements, transportation patterns, public health, or economic values.
    - d. **Filling, Excavating or Dredging.** Commencement of any filling or excavating operation on a parcel of land or filling or dredging of inter-tidal or underwater land.
    - e. **Change in Effects or Conditions.** In connection with the use of land, the making of any material change in noise levels, vibration levels, lighting intensity, thermal conditions, odors, or emissions of waste material.
    - f. **Utility Construction.** The construction or extension of any utility service line or facility.
    - g. **Subdivision.** The subdivision of land within the Town into two or more lots, parcels or pieces, for purposes of sale or transfer of title.
    - h. **Alteration of a Shore, Bank, or Floodplain.** Alteration of a shore, bank, or floodplain of a river, stream or other natural water body.

2. The development as designated in this Development Code shall include all other activities customarily associated with it unless otherwise specified herein. The change or repair of a structure or site infrastructure (e.g., parking, access drives) may result in development as defined herein. Development refers to the act of developing, redeveloping, or the result of development. Reference to any specified activity not involving development is not intended to mean that the activity, when part of other activities, is not development.

**D. Activities not Constituting Development.**

For purposes of this Development Code, the following activities shall not be considered to be development unless otherwise specifically noted herein:

1. The division of land into parcels of five acres or more where no new street is involved.
2. A transfer of title to land not involving the division of land into parcels.
3. Leases and easements.
4. The creation or termination of leases and easements concerning development of land, or other rights, except that no easement required by this Development Code may be terminated without the approval of the Administrator.
5. Legal exhibits and documents.
6. The recording of any documents or plats expressly for the purposes of reference or attachment to a publicly recorded document when such recording does not result in subdivision of land into parcels. Such recording may include, but is not limited to, documents such as master deeds or covenants, plats for mortgage, or filings for HUD purposes.
7. Subdivision of land into parcels less than 5,000 square feet exclusively for the provision of local utilities such as pump stations.
8. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots comply with all standards of this Development Code.

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**1.3.50 Conflicting Provisions**

- A. **Conflict with Other Laws.** Whenever the requirements made under authority of these regulations impose higher standards than are required in any other statute or local ordinance or regulation, the provisions of this Development Code shall govern. Whenever the provisions of any other statute or local ordinance or regulation impose higher standards than are required by this Development Code, the provisions of such statute or local ordinance or regulations shall apply.
- B. **Repeal of Conflicting Ordinances.** All town ordinances and parts of town ordinances in conflict herewith are repealed to the extent necessary to give this Development Code full force and effect.

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

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### I.4.10      **Comprehensive Plan**

It is intended that this Development Code implement the planning policies adopted as part of the Town’s Comprehensive Plan, as amended and periodically updated, including all supplements and attachments thereto.

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### I.4.20      **In Accordance with the Town of Port Royal Comprehensive Plan**

This Development Code is intended to ensure that all development within the Town’s jurisdiction is in accordance with the Town of Port Royal Comprehensive Plan.

- A. **Walkability.** This Development Code establishes standards promoting pedestrian-oriented, interconnected development patterns that consider safety, comfort, and human scale.
  
- B. **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 2.3 of this Development Code, 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 1.4.20.A (Comprehensive Plan Transportation Implementation), provides correlation between Thoroughfare descriptions adopted by the Town and those found in this Code.

Table 1.4.20.A: Comprehensive Plan Transportation Implementation	
Comprehensive Plan Transportation Designation	Code Implementing Thoroughfare Types
Other (Local Streets)	Assembly: Rear Lane RL-20-12 Assembly: Rear Alley RA-24-21 Assembly: Road RD-50-26 Assembly: Road RD-50-18
Minor Collector	Assembly: Commercial Street CS-80-54 Assembly: Commercial Street CS-58-34
Major Collector	Assembly: Street ST-56-36
Minor Arterial	See Table 2.3.90.D for Slow and Low Movement Types
Principal Arterial	See Table 2.3.90.D for Slow and Low Movement Types

- C. **Land Use.** The Comprehensive Plan establishes a land use framework that is based on the character of Port Royal’s planning districts and their intended preservation, growth, and change over time. This Development Code establishes a series of zones that implement the land use goals and policies of the Comprehensive Plan, as described in Table 1.4.20.B (Comprehensive Plan Land Use Implementation Standards) and allowable land uses in these zones as described in Article 3 (Specific to Zones).

Table 1.4.20.B: Comprehensive Plan Land Use Implementation Standards	
Comprehensive Land Use Designation	Zones Implementing Land Use
<b>Open Sector (O)</b>	
Open Space Preservation (O-1)	T1 Natural Preserve
Open Space Conservation (O-2)	
<b>Restricted Growth Sector (G-1)</b>	
Low Impact (G-1-A)	T3 Edge T3 Sub-Urban Neighborhood
Conventional Neighborhood (G-1-B)	T3 Sub-Urban Neighborhood T3 Neighborhood
<b>Intended Growth Sector (G-3)</b>	
Activity Center	T4 Neighborhood Center T4 Urban Center
Village Core	T4 Urban Center T5 Main Street
<b>Other</b>	
Military	Military Overlay
Wetland Areas	T1 Natural Preserve

- D. **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 5.10 (Resource Protection).
- E. **Cultural Resources.** This Development Code provides standards to protect historic resources as well as tools that encourage and maintain vernacular lowcountry architectural character.
- F. **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 of projects.
- G. **Community Facilities.** This Development Code establishes standards for civic spaces. Table 1.4.20.C (Comprehensive Plan Open Space Implementation) correlates the designations for parks & open space in the Town’s Comprehensive Plan with the civic space standards found in Division 2.4 of this Development Code.

Table I.4.20.C: Comprehensive Plan Open Space Implementation	
Comprehensive Plan Open Space Designation	Code Implementing Civic Space Types
Pocket Park	Pocket Plaza (4000 sf. – .5 acres) Pocket Park (4000 sf. – 1 acre) Playground Community Garden
Neighborhood Park (1 – 5 acres)	Greenway (8+ acres) Green (1 – 15 acres) Square (.5 acre – 5 acres) Plaza (.5 acre – 2.5 acres)
Community Park (25+ acres)	Community Park (12+ acres) Waterfront Park
Regional Park (75+ acres)	Regional Park (200+ acres)
Special Use Park (varies)	Sport Complex (25+ acres)

- H. **Housing.** This Development Code provides tools and standards to provide multifamily and small lot housing that is compatible with lowcountry character and that assists with meeting diverse housing needs.

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## Division 1.5: Official Zoning Map

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### **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 Town.
- B. The original and all revised versions of the Official Zoning Map shall be certified as such by the signature of the Mayor, and shall be kept on file, in either hardcopy or digital form, in the office of the Municipal Clerk.
- C. Copies of the Official Zoning Map shall be made available for public inspection in the office of Planning and Development 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 Section 8.7.20 (Zoning Map Amendment (Rezoning)).
- B. The Administrator shall enter changes onto the Official Zoning Map within a reasonable period of time after a map amendment is approved by the Town Council. Where the ordinance enacting a zone boundary change contains wording explaining or clarifying the location of the new boundary, the Administrator may enter on the Official Zoning Map notations reflecting the ordinance wording.
- C. The Municipal Clerk shall maintain copies of superseded versions of the Official Zoning Map for historical reference.

### **1.5.30 Interpretation**

The Administrator shall be responsible for interpretations of the Official Zoning Map in accordance with the standards in Section 8.1.140 (Written Interpretation).

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## Division I.6: Transitional Provisions

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### **I.6.10 Effective Date**

This Development Code shall take effect and be in force from and after the date of its adoption by the Town Council.

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### **I.6.20 Complete Applications**

- A. If an application for a development permit or approval is accepted as complete before *<insert effective date of this Development Code>*, 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).
  - B. If the applicant elects to have the pending application reviewed in accordance with the prior standards, the Town 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 6 (Nonconformities).
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### **I.6.30 Development Subject to a PUD and Development Agreement**

Any application that has received approval for a PUD district, or a development agreement before *<insert effective date of this Development Code>* may be carried out in accordance with the master plan for PUD and its terms and conditions of approval, and the terms and conditions of the development agreement, provided the PUD and development agreement does not expire and otherwise remains valid. If the PUD 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. 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.

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**I.6.40 Other Approved Development Permits and Approvals**

- A. Any other development that has received approval of a development permit or approval before *<insert effective date of this Development Code>* 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 6 (Nonconformities).

## Division I.7: Severability

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### **1.7.10 Severability**

It is the legislative intent of the Town Council in adopting this Development Code that all provisions shall be liberally construed to implement the Town of Port Royal Comprehensive Plan and guide development in accordance with the existing and future needs of the Town as established in the Comprehensive Plan and this Development Code, and promote the public health, safety, and welfare of landowners and residents of the Town. 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 Town 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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