



MINUTES

The City of Beaufort
PARK & TREE ADVISORY COMMISSION
Thursday, September 25th, 2025 at 3:30pm
City Hall Planning Conference Room
1911 Boundary St, Beaufort, SC

- I. The Meeting was called to order at 3:30p.m. by PTAC Chair Barbara Farrior, in attendance was PTAC members, Joe Macdermant, and Michael Andersen.
- II. Minutes were approved for August 28th meeting.
- III. Old Business was opened by Barbara Farrior and the first item talked about was responsibility changes for council meeting, Adam Wellins said Isahiah Martinez has not responded for availability and a new representative for PTAC would have to be selected, after deliberating schedules Michael Andersen volunteered to represent PTAC and Joe Macdermant said he would be there to assist as well.
- IV. Barbara Farrior opened new business with the discussion for 5-year tree compliance ordinance recommendations presented by Michael Andersen attached is the verbiage of the proposed recommendations as read off during the meeting.

ORDINANCE NO. O-__-25

AN ORDINANCE AMENDING THE BEAUFORT DEVELOPMENT CODE TO REQUIRE RESUBMITTAL OF EXPIRED DEVELOPMENT APPROVALS FOR COMPLIANCE WITH CURRENT TREE STANDARDS; TO PROVIDE THAT SUBSEQUENT PHASES OF PHASED DEVELOPMENTS SHALL MEET TREE STANDARDS IN EFFECT AT TIME OF SUBMITTAL; AND TO CLARIFY THE ADVISORY ROLE OF THE PARK & TREE ADVISORY COMMISSION.

Section 1. Findings.

(A) The City of Beaufort Development Code, Chapter 5, establishes policies and standards to conserve and restore the City's tree canopy, including Tree Protection & Restoration Plans (TPRPs), canopy coverage requirements, and mitigation schedules.

(B) The City has established the Park & Tree Advisory Commission (PTAC) to advise on matters of tree protection and to hear appeals related to tree determinations.

(C) The South Carolina Vested Rights Act (S.C. Code Ann. §6-29-1520 et seq.) establishes that site-specific development plans receive a two-year vested right, that extensions may be granted consistent with statute, and that phased developments may vest for up to five years.

(D) To ensure that development reflects contemporary tree protection standards, City Council finds it necessary to require resubmittal of expired approvals and to apply current tree standards to each new phase of phased developments.

Section 2. Amendment to Chapter 5: Add Section 5.1.13

5.1.13 Plan Duration; Resubmittal; Phased Development; Extensions; Effect of Amendments to Tree Standards.

(A) **Scope.** This Section applies to approvals that authorize land-disturbing activity, including site development permits, final site plans, final plats, and subdivision phases.

(B) **Vesting Preserved.** The vesting, duration, expiration, and extension of approvals are governed by Chapter 9 and the South Carolina Vested Rights Act. Nothing in this Section shortens or eliminates vested rights conferred by state law or this Code.

(C) **Resubmittal After Expiration.**

1. When an approval has expired because its vested right has lapsed, the applicant shall resubmit the plan for review.

2. Resubmitted plans must comply with the tree protection and planting standards in effect at the time of resubmittal, including TPRPs, canopy coverage, specimen/landmark tree protections, and mitigation/fee provisions of Chapter 5.
3. Previously paid mitigation fees may be credited toward new mitigation obligations for the same site.

(D) Phased Development.

1. Approval of a master or phased plan does not automatically vest future phases beyond the vesting periods established in Chapter 9 or state law.
2. Each new phase submitted for approval after vesting expiration shall be reviewed for compliance with the tree standards in effect on the date of submittal.
3. Phased vesting may be granted consistent with the South Carolina Vested Rights Act, not to exceed five years.

(E) Extensions. Applications for extension of vested rights shall be processed under Chapter 9 and the South Carolina Vested Rights Act.

(F) Violations. Resubmittals are subject to the deferral and mitigation provisions of Chapter 5 for any unauthorized tree removal.

(G) PTAC Advisory Role. PTAC shall provide advisory recommendations, as set forth in Chapter 9, on extension requests, alternative compliance proposals, and appeals of administrative determinations relating to tree standards in resubmitted or phased plans.

(H) Administration. The Administrator may adopt resubmittal checklists and arborist/TPRP guidelines to implement this Section.

Section 3. Amendment to Chapter 9

9.2.2.G Resubmittal of Expired Approvals (Tree Standards).

1. When a development approval listed in Section 5.1.13 has expired, the applicant must file a resubmittal application before new permits are issued.
2. Resubmitted applications shall be reviewed against Chapter 5 tree standards in effect at resubmittal.
3. The Administrator shall maintain a resubmittal checklist consistent with Section 5.1.13.

9.2.3.E Extensions of Vested Rights — Tree Standards.

Granting an extension of a vested right does not vest tree standards for phases not yet submitted. Upon expiration of an approval, any subsequent resubmittal is subject to Section 5.1.13.

9.3.7.C Advisory Role on Resubmittals and Extensions.

1. PTAC shall provide non-binding recommendations on:
 - a. Extension applications where tree standards are implicated;
 - b. Alternative compliance proposals or mitigation modifications under Section 5.1.13;
 - c. Appeals of administrative determinations relating to tree protection in resubmitted or phased plans.
2. PTAC recommendations must be transmitted in writing within 30 days of the public meeting.
3. PTAC has no final approval authority over site plans or plats.

Section 4. Severability.

If any provision of this ordinance is held invalid, the remaining provisions shall continue in effect.

Section 5. Effective Date; Transition.

This ordinance takes effect upon second reading. Approvals issued prior to the effective date remain valid for their vested period under Chapter 9 and state law. After expiration, resubmittal under Section 5.1.13 is required.

Michael Andersen said he chose the 5 year vested period so that the developers have time to find financing and other needs to get the development started without the city asking them to change their plans, but also to protect the city from developers who will sit on a development well after the vested period has expired which will cause the developers to have to resubmit plans to meet the newer requirements of that vested period. A motion to recommend the developmental code to require resubmittal of expired development approvals for compliance with current tree standards was made and passed by all three attending members. Adam Wellins brought up the second topic of spilt rail fencing at Hermitage Rd to protect the two live oak trees at the crossing of Spanish Moss Trail and Hermitage Rd. Barbara Farris has been bringing awareness and attention to these trees to protect them and had requested fencing be put up to protect the root flares of the trees from vehicle damage. The Committee all agreed this was something that should be done to protect the trees, especially since a financial commitment has been made to save the trees. Adam Wellins said he will work with public works to get this on the schedule for installment. Adam Wellins stated Raul Dominguez was unable to attend the meeting to discuss the drainage project taking place on Charles St and the Waterfront Park and would extend an invitation for the next meeting.

- V. New Business was opened by Barbara Farris and asked the question if there was any open space for another tree grove like on the Spanish Moss Trail near Broad River Blvd, Adam Wellins stated that along the trail he's not sure if there is another space that can take more trees due to Dominion and Beaufort Jasper having stricter regulations on their easements. Michael Andersen asked about the tree grove along Prince St near Scott St and which entity has jurisdiction over the right of ways, there were companies parking near there on the roots and destroying the grass. Adam Wellins stated it was a SCDOT right of way and he could reach out to them, but the city was in a maintenance agreement to assist maintaining their right of ways. Adam Wellins said that the planning of the arbor day celebration needs to be completed at the next meeting to make sure the trees and proclamation can be secured before the first Friday in December. The committee and Adam Wellins agreed that Wilson Park on Ribaut Rd would be a good location for an understory tree.

- VI. Meeting was adjourned