

**BEAUFORT-PORT ROYAL
METROPOLITAN PLANNING COMMISSION**

REVISED AGENDA

1911 Boundary Street, Beaufort, SC 29902

Phone: 843-525-7011 ~ Fax: 843-986-5606

Monday, January 12, 2015, 5:30 P.M.

City Hall Council Chambers, 1911 Boundary Street, Beaufort, SC

STATEMENT OF MEDIA NOTIFICATION: "In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, all local media were duly notified of the time, date, place and agenda of this meeting."

The commission may alter the order of items on the agenda to address those of most interest to the public in attendance first. Also, in an effort to ensure that all interested persons are given the opportunity to speak on every case, a two (2) minute time limit on public comment will be in effect. Individuals wishing to speak during the hearing will be asked to sign up in advance, and will be recognized by the Chairman during the public comment section of the hearing.

- I. Call to Order:**
 - II. Pledge of Allegiance:**
 - III. Review Commission Meeting Minutes:**
 - A. Minutes of the December 15, 2014 Meeting**
 - IV. Review of Projects for the Town of Port Royal:**
 - A. Town of Port Royal – Text Amendment. Amend The Port Royal Code, Article 4, Section 4.1.30, the Principal Use Table, to add a new item, Radio and Television Transmission Towers.**
 - B. Council Update**
 - V. Review of Projects for the City of Beaufort:**
 - A. City of Beaufort – Subdivision Review. Conceptual Review of New 47- Lot Subdivision located off Huguenin Drive in the West End Neighborhood. Applicant: East-West Communities.**
 - B. Council Update**
 - VI. Review of Projects for the County of Beaufort:**
 - A. No Projects.**
 - VII. Discussion:**
 - VIII. Adjournment**
- Note: If you have special needs due to a physical challenge, please call Julie Bachety at (843) 525-7011 for additional information.**

A meeting of the Beaufort-Port Royal Metropolitan Planning Commission was held on **December 15, 2014 at 5:30 p.m.** in council chambers of the Beaufort Municipal Complex, 1911 Boundary Street. In attendance were Chairman Joe DeVito and Commissioners James Crower, Alice Howard, Robert Semmler, and Bill Harris, City of Beaufort planner Libby Anderson, and Town of Port Royal planner Linda Bridges.

In accordance with the South Carolina Code of Laws, 1976, Section 30-4-80(d) as amended, all local media were duly notified of the time, date, place, and agenda of this meeting.

CALL TO ORDER

Chairman DeVito called the meeting to order at 5:30 p.m. and led the Pledge of Allegiance.

MINUTES

Commissioner Crower made a motion, second by Commissioner Howard, to table approval of the minutes of the November 17, 2014 meeting because they were not sent to the commission. The motion to table passed unanimously.

REVIEW OF PROJECTS FOR THE TOWN OF PORT ROYAL

Town of Port Royal – Annexation

Annex 5.29 acres at 128 Castle Rock Road. The property is further identified as District 100, Map 28, Parcel 110 and District 100, Map31, Parcel 1.

Applicant is Gregory Cook, owner; Steve Mitchell is the owner's representative.

Ms. Bridges appraised the commission of two errors of which they needed to be aware. She showed the parcel on an overhead image. Before the adoption of the new code, the zoning was Suburban. Council adopted the new community code last week, so it may have changed, but may still be Suburban.

In regard to the annexation, Ms. Bridges said the Comprehensive Plan's Future Land Use map delineates where the Town of Port Royal has mapped out its growth boundaries. This property is within the growth boundary in the Comprehensive Plan. It is policy that annexation will be driven by the delivery of services. The parcels are served currently by BJWSA. The Burton fire department is the deliverer of emergency services to that area, and they will remain so. The town and the Burton fire department have an agreement for the town to pay the fire department in a formula that has grown as parcels are annexed.

The zoning map, Ms. Bridges said, shows where the town is relative to the property, which is salient to annexation. She described the developments and properties that surround this one under consideration and said much of the land around it is undeveloped. Police, garbage, recycling, lawn waste, and codes enforcement all go out as far as this parcel already.

Town of Port Royal – Zoning Request

Zone 5.29 acres at 128 Castle Rock Road - The property is further identified as District 100, Map 28, Parcel 110 and District 100, Map31, Parcel 1.

The requested zoning designation is T4 Neighborhood Center Open.

Applicant is Gregory Cook, owner; Steve Mitchell is the owner's representative.

The applicant has requested T4 Neighborhood Center Open. Ms. Bridges said the Comprehensive Plan and its Future Land Use map again gives guidance for the zoning designation. She showed where the parcel is on the Future Land Use map in an overhead projection. It's on the most "intense end of the spectrum." It's meant to be commercial, she said, and allows multi-family housing. She quoted from the code about the types of housing that are intended for this type of zoning. She listed those development codes that are regulated per use and development standards.

Ms. Bridges said T4 Neighborhood Center Open district answers the activity center prediction of the Future Land Use. There are no environmental issues on this property. Residents within 400' of the property received letters of notice.

There was no public comment. Commissioner Harris asked Ms. Bridges if there were a projection as to "how intense this gets." He referred to an area on the zoning map and asked if this is as intense as this area is expected to get, or if there were no definition. Ms. Bridges said the latter is true. Ms. Bridges said the Robert Smalls Parkway plan was the nucleus of many of these decisions after Robert Smalls Parkway was four-laned, which drove the planning. Commissioner Harris said there seems to be no break in the nodes.

Commissioner Semmler made a recommendation for approval of the annexation of the property at 128 Castle Rock Road. Commissioner Harris seconded. The motion passed unanimously.

Commissioner Crower moved that the property at 128 Castle Rock Road be zoned T-4 Neighborhood Center Open. Commissioner Howard seconded. The motion passed unanimously.

Town of Port Royal – Text Amendment

Amend the Rose Island Planned Unit Development (PUD) to allow the subdivision of Lot 20 into 5 parcels. The property is also described as R110 012 000 0020 0000.

Ms. Bridges said this is a text amendment, not a rezoning. The property is going forward as a text amendment to the PUD. She reviewed with the commission the applicable paperwork in their packets. The applicant has done a good job, she said, providing the details of the text

amendment. They would amend the covenants in the highlighted areas. In regard to the Comprehensive Plan, there wasn't a lot of guidance. It's a unique property in that it is an unaccessed island, but it is a part of the town. She found reference to the Future Land Use map, which she said delineates it as an open space conservation area. The current situation may meet that definition. It's an area of "high environmental sensitivity," and development should be limited and done so with consideration of the environment and stormwater management. **Jeff Pinckney** is the owner's agent.

Commissioner Howard asked how much of this is wetlands. Commissioner Semmler said its 2 islands, not one. He said they can't be reached, and Commissioner Semmler said there is a caretaker's house. Ms. Bridges said there is, on Big Rose Island, and Mr. Pinckney said there's a barn. He said the text amendment affects the one lot, so it can be split up. This would affect only one lot. Commissioner Howard asked how many lots Little Rose Island would be divided into, and Mr. Pinckney said it is 1 now and would be 5. Chairman DeVito asked the size of the lots after the subdivision. Mr. Pinckney said the total is 8.07. "It won't be a big, huge house out there," he said. "It will be a step above a fish camp." Commissioner Semmler said it's a PUD now, and this loses the distinction of why it's a PUD. They need to look at the coastal conservation if they are going to do this. Commissioner Howard said if they do this, it would raise the value of it, and if it were placed on a conservation easement, it would raise the appraisal value if it weren't developed.

Reed Armstrong, Coastal Conservation League, has a number of concerns with the proposal. He submitted his comments for the record. He said the request is incomplete, and the burden of proving the need for the amendment is the applicant's, but it is not provided. The bridge or causeway of 1000' connecting the 8-acre island to Rose Island is contrary to OCRM regulations for an island of this size; bridges longer than 500' are not allowed. The text amendment is only for the 8-acre lot, number 20, RA said, but it would apply to all 106 acres of the Rose Island properties. The amended density is unclear or misleading. It implies that lot sizes would be 4 acres, but would actually result in lots averaging only 1.6 acres.

Under the new Port Royal code, RA said, if it's not a PUD, it would be zoned Natural Preserve (T-1) which allows for no residential development. Increasing the density would be contrary to the code. The town's Comprehensive Plan calls for only very limited development of this type of island. He also has concerns that the new Port Royal Code provisions would call for stormwater management (provision 5.11) and resource protection (5.1), especially river buffers and setbacks. Non-barrier islands like this are unique eco-systems with diverse flora and fauna that require protection. This island has its own habitat and is close to another important habitat with extensive bird rookeries. Loss of habitat and an increase in impervious areas are two of the issues that would arise. This is a low-lying island with 75% of it very susceptible to storm elevation and sea level rise.

By way of explaining how the acreage numbers add up, Mr. Pinckney said he wanted to change Lot 20. Chairman DeVito said the amendment brings the acreage to 4 acres. Mr. Pinckney said they are only changing Lot 20. He was told the text amendment had to be changed to match the lot. Chairman DeVito said these would be 1-acre lots. Ms. Bridges said they started with 1 5+-acre lot divided into 5 lots. Then they had to go back and that would be easy as far as an amendment to this document. This is what is desired. The highlighted paragraphs in the covenants is Mr. Pinckney's attempt to bring them into congruity with what he was proposing as a subdivision which brings the average lot size down. There are 20 single-family home sites and a residence per 5 acres (at a minimum). No lot is less than 5 acres. If he gets this amendment to this plat, that will no longer be the case; it will be gross density of an average of 1-4 acres. Mr. Pinckney said the intent was just to split up Little Rose for Lot 20.

Commissioner Howard asked, if they make the text amendment, if it is under the new covenants. Ms. Bridges said it would stay a PUD. The Comprehensive Plan gives guidance via the Future Land Use map, which designates the area as Open Space Conservation Area. The Comprehensive Plan "doesn't tighten us into specifics," Ms. Bridges said. The judgment of the reviewer determines if they are an Open Space Conservation Area, and if they make the change, do they remain one?

Commissioner Semmler said this PUD was made in 2000. He asked if it was done again after 10 years. Ms. Bridges said their PUD has no sunset clause, unlike the county's. Commissioner Howard said she wouldn't vote to change the text because it is a PUD.

Commissioner Harris asked what regulates the size or intensity of what can happen if it's considered as one residential unit per 5 acres. Ms. Bridges said one couldn't be isolated from another. The subdivision plat is just as much a part of the PUD. If an owner comes and requests a building permit, they would look at the plats, "which are pretty static now." Commissioner Harris asked, if he came in the permit office and had a 15,000 square foot home, if that would be allowed on that plat. Ms. Bridges said there are no limitations such as minimum or maximum home sizes. A lot is a lot, and single-family residential development is allowed per the covenants. Commissioner Harris said leaving it as it is might not protect it any more than it is by the smaller lots.

Chairman DeVito said the conceptual plan is so different from the original PUD. Ms. Bridges said the conceptual plan is not part of the original PUD. Commissioner Semmler said if they amend the text, they amend the entire PUD, and to him, that means it has to come up to current standards. Chairman DeVito said, as a PUD, it will have to go back before council and "be dealt with in that fashion." Chairman DeVito said he was trying to recall the last time they had opened a PUD. There was a discussion about Liberty Point. Commissioner Semmler said most PUDs are landlocked, so they must be very careful. They need to protect the environment. There was a discussion of what can currently be done under the PUD in regard to building and clearing.

Commissioner Semmler made a motion to recommend denial of the applicant's request. Commissioner Howard seconded. Commissioner Howard said if this were done today, this "would be a prime property for consideration for conservation." It's still eligible, Chairman DeVito said. **The motion passed unanimously.**

Town of Port Royal Council Update

Ms. Bridges said at council's most recent meeting, it tabled the 2014 Comprehensive Plan update. **Joe Lee** wanted to work on some language he brought forward to be incorporated. Council will need to agree on what Ms. Bridges and Mr. Lee create, and once they agree, they will send the document to the Metropolitan Planning Commission, whose document it is. She hopes to bring it back by February. Ms. Bridges said they may need another workshop on it, but she has to get with Mr. Lee and work with him and with **Van Willis**, and then see how council feels about it.

Council had a first reading of the proposed text amendments in regard to façade changes, building in the front build-to line and relaxing the 6-pump limitation. Their caveat was that they didn't want to remove the limit of 6 pumps on Ribaut Road. Ms. Bridges said that's attainable. Unlike the Comprehensive Plan, she will not be bringing this matter back to the Metropolitan Planning Commission, unless council instructs her to do so.

Ms. Bridges said that a Facebook post about planning commissioners for the Town of Port Royal was partially correct but "a little misleading." There will be two reappointments.

REVIEW OF PROJECTS FOR THE CITY OF BEAUFORT

City of Beaufort – UDO Amendment

Revising Section 5.3.D.11 "Specific Use Standards; Commercial Uses; Short Term Rental," to revise the conditions that apply to operation of short term rental units

Applicant: City of Beaufort

Libby Anderson said that the city's short-term rental ordinance was adopted in July 2011, and staff and the Zoning Board of Appeals are recommending some changes.

1. **Require that a property management company manage short-term rentals in residential districts if the property owner lives outside the City of Beaufort.** The service people for the property, or a next-door neighbor are not acceptable. "A 24-7 contact is really needed to manage the units," Ms. Anderson said. There are several professional management companies in the area who work in residential neighborhoods. This would not apply to short-term rentals in commercial districts.
2. **Eliminate the requirement for an inspection** for basic housing code items. This is unnecessary, Ms. Anderson said.

- 3. Add statements that a monitored fire alarm is required in all short-term rentals and business licenses are required for all professional services provided to a short-term rental.** Ms. Anderson said these are already required, but they feel it would be good to provide in the ordinance so applicants will understand what is required to operate a short-term rental. This is already required, but it isn't written in the zoning ordinance, Ms. Anderson clarified.

Commissioner Howard asked, on Item D, if they could say "in the county," rather than "outside the city" in regard to where the responsible party lives. Ms. Anderson said they could live in Hilton Head, then, and that's too far away. People want someone nearby who is responsible to manage the property. If someone lives in the Town of Port Royal, Commissioner Howard said, but owns a home in the City of Beaufort, they wouldn't be able to have it be a short-term rental without a management company involved.

Commissioner Semmler asked if "all these additions are already somewhere" in the ordinance or another applicable document. Ms. Anderson said the monitored fire alarm is in the fire code. It would be for every short-term rental. It's meant to "give folks a heads up" in case they are not familiar with the fire code. The deletion of the inspection and the requirement for a property management company is new.

Commissioner Semmler asked for clarification that this meant that the grass couldn't be cut by anyone without a business license. Ms. Anderson said she couldn't address the matter of a neighborhood high schooler earning money, but if you cut lawns, and have a truck full of lawn equipment, you need to have a business license.

Commissioner Semmler asked about the professional property management: if there are already ordinances in effect to enforce these issues, then he feels "putting it in another ordinance won't make it happen." He thinks it's an enforcement issue. If a property isn't being kept up, aren't there rules now about it? If a short-term rental owner hasn't cut his grass, what will the property management person do about it? Chairman DeVito said the professional property management firm would be a 24-hour response locally to deal with anyone who has issues with the people renting the short-term rental. What's come up is that people can't respond fast enough if they don't live in the city, so they need property management people to ensure that issues are addressed immediately.

Commissioner Semmler asked about the demographics of the short-term rentals. Ms. Anderson said most are single-family dwellings, and they are "maintained to a very high level." So far, most have been in the Pigeon Point neighborhood. Chairman DeVito said it's a vacation home to rent. Commissioner Semmler said every chance there is to charge a homeowner, they do, and he thinks there should be another way. Ms. Anderson said neighbors are concerned that

there's turnover every week and that affects the neighborhood. Staff wants to ensure that there is someone there to deal with any issues at any given time.

Commissioner Harris asked why they were taking away the safety inspection. Ms. Anderson said they are able to get a copy of the contracts to ensure that the owners have the monitored fire alarm. She said she has no concerns about the property maintenance issues for these short-term rentals, which is why they are OK with not requiring the safety inspection. They might go to check out the parking situation, but they don't go in the unit, and don't feel they will have the need to in the future.

Commissioner Howard asked, if it were worded this way, if a homeowner could appeal that they live nearby to the Zoning Board of Appeals, and Ms. Anderson said they could request a variance. Chairman DeVito suggested saying that "you have to live within a certain number of miles." People could be within walking distance of a short-term rental, he proposed, but not be within the city limits, though the short-term rental is in the city.

Sarah and Gary Tetley are from St. Louis, Missouri. They had come for the MPC meeting, she said, because they are "devoted" to managing their property. She is concerned about the way this is written; Ms. Anderson had said that it's for R1-R4 residences, but she is concerned that it will affect other (commercial) zoning as well. They do comply with the zoning for their location, Ms. Tetley said. Their place is licensed and is also their Beaufort home. They are in their neighborhood association (the Old Commons neighborhood). Ms. Tetley said the level of service she provides is "immediate and ... is 24-7." The Tetleys have a local backup, and she follows up and ensures that the issue has been resolved. Their services are all licensed. They have a double fire protection system. Mr. Tetley is a code official, and both of them are architects. Ms. Tetley said she had had a mattress delivered within 24 hours of a complaint, and had found a water heater for a plumber when they were sold out. The guests were not inconvenienced.

Ms. Tetley said she loves Beaufort, and her short-term rental is "a passion" for her. She said she couldn't risk paying a company that might not provide the same level of service that she can. They had stayed in short-term rentals before they moved here. They have had good experiences and bad ones with property management companies and owners when their family stayed in short-term rentals before they bought in Beaufort. She feels these revisions could hurt those short-term rental owners who "live out of town but have high standards." They have a local manager who would respond to things like loud parties, but they haven't had to do that.

Ms. Tetley asked, when a local owner goes somewhere, and then there's no one there to manage the short-term rental, what happens? She feels that isn't fair.

Brenda Hood has vacation rentals on Pigeon Point Road. She was surprised about the meeting. She didn't realize that ordinances for short-term rentals were adopted 3 years ago. She never heard that they were adopted, and they were not informed by the city. She said they were not involved prior to this. People who are here are top-notch property managers, Ms. Hood feels. Her "places have a 5-star rating" and are "immaculate" in order to attract the kinds of customers she wants. She agrees that short-term rentals need to be regulated to keep people from buying up property and not properly managing it. Ms. Hood lives on Lady's Island, not in the City of Beaufort, but she is on-site "almost every day." She has someone to cover for her when she's not and has a list of maintenance people available. She thinks short-term rental owners "can come up with a better solution than a rubber stamp." She said she and the other short-term rental owners would like to be involved in helping to determine the parameters of the ordinance.

Linda Baker Quinn and her daughter, **Anna Quinn**, live in Charleston. She owns a property at 710 Boundary Street at the corner of Scott and Boundary Streets. They have 3 commercial units and 5 furnished apartments. She has owned it for more than 10 years, and her property manager lives on Lady's Island as well. Ms. Quinn said that their manager's job is only to manage their property. She thinks someone/ an individual (as opposed to a firm) could be on call 24-7. When Ms. Baker Quinn first invested, she went to a property firm and couldn't get enough good references, but if everyone doing short-term rentals has to move their business to a firm, the firms would be overwhelmed, while her property manager is on-call 24-7. In regard to on-site signs, the property manager, police department, and fire department signs are on the premises. She is worried about the services needing to have business licenses. She was "scratching her head" about the use of licensed vendors (as opposed to a kid to mow the lawn). She agreed with Ms. Hood about the notification process needing to be better. Ms. Baker Quinn said on p. 1, in the second paragraph in regard to residential districts, she doesn't know that applies to her because she is in a commercial district. It says "a firm" in section D on page 2, and it mentions "residential district," but she's not in a residential district. Ms. Quinn said it's confusing to them because everyone has a different situation.

Greta Maddox with Seaside Getaways – they are available 24-7 and to manage a property they need to have the resources and are set up to do it – anyone with the commitment and resources can do it. She had a question on the licenses for lawn care and housekeeping. The vendors have a license for the county, and she asked if they need to get separate licenses when they work in the city. Chairman DeVito said yes, that's standard. Ms. Maddox asked about adequate on-site parking being provided, and she wondered what happens if the driveway is in front of the house: can they then park in front of the house? Chairman DeVito said they have to have dedicated parking spaces on the property, not on-street parking.

Beth Grace said she has short-term rentals that are not in the city. She loves her manager, but he doesn't take care of her property like she does, she said. Nothing is in its place and the

cleaning services are never as good as she is, no matter whom she hires. Having the people who help her as individuals shouldn't have to have business licenses because its "onerous" and complicated. "This will hurt people who have to go and apply for a city business license," she feels. Ms. Grace went on to say that her son-in-law, who has a short-term rental, couldn't afford to pay a property management firm. His short-term rental has a very reasonable rate, and he "is on-site a lot." Ms. Grace believes they should be encouraging reasonable short-term rentals like the Tetley's. Ms. Grace said she would like the commission to table this matter tonight, "and give us a chance to give us some input."

John Dickerson thanked the Metropolitan Planning Commission for the code that allowed the Dickersons to establish short-term rentals in the area. He asked if short-term rentals are better managed and maintained and have done so well, why do they need additional stuff lumped onto the ordinance, and he asked if this happened because there were problems or not. He hasn't heard of any problems, and if there are problems, they should hear about them.

Chairman DeVito said he is struggling with the notion of having to have professional management firms. The professional management plan may be enough. He said he "really struggles with the need to be in the city." To him, it goes back to the detailed property management plan. Commissioner Semmler said he agrees and doesn't understand the additions. The original ordinance covered everything, and the people who spoke are asking why they are doing this now. The short-term rentals "open up Beaufort," and the owners have proven they are able to manage them on their own. The suggestion to table this, Commissioner Semmler said, might be valid, but he doesn't "see the need to change these things."

Chairman DeVito said removing the inspection might be fine because it's a waste of taxpayer money. Commissioner Howard said the business license issue is an enforcement issue, if people are doing things they shouldn't. Going back to item D, Commissioner Howard said they own rental property, and "the fee can be onerous," but "you may not have a choice."

Chairman DeVito made a motion to make a recommendation to change the ordinance only in regard to removing the annual safety inspection. Commissioner Crower seconded. Item D is removed completely; Item H is in an ordinance elsewhere, and so is Item J. They are recommending removing the annual safety inspection only. The motion passed unanimously.

CITY OF BEAUFORT COUNCIL UPDATE

Ms. Anderson said the updates are in the packets. Commissioner Howard asked about the group home on Frasier Street and Chairman DeVito said it's a county project redoing a home. Commissioner Howard said it's going to be a group home. Chairman DeVito said it's an existing home. Commissioner Howard asked if it's permitted under current zoning. Ms. Anderson said she would need to research the matter. Chairman DeVito said they would get that for her.

Chairman DeVito said this is Commissioner Howard's last meeting because she is going to serve on county council. Commissioner Howard said she has sent out a form trying to find her own replacement. Chairman DeVito thanked her for her service.

DISCUSSION: UPDATE ON BOUNDARY STREET PROJECT

Ms. Anderson said FAQs were provided, and there was a question about the scope of the project at the last meeting. The duct bank will go to Ribaut Road, and the question was asked, "Why not further?" Council decided to do a complete project block-by-block, Ms. Anderson said, starting at the west. The redevelopment opportunities were greatest at the west, and hopefully the momentum would head that way. The point will be at Neil. Commissioner Howard asked if this was on the website, and Ms. Anderson said it was.

There being no further business to come before the commission, **Commissioner Howard made a motion to adjourn. The motion passed unanimously**, and the meeting was adjourned at 6:58 p.m.

MEMORANDUM

To: BEAUFORT–PORT ROYAL METROPOLITAN PLANNING COMMISSION
From: Linda Bridges, Planning Administrator
Subject: Amend Article 4, Specific to Use, of The Port Royal Code
Meeting Date: January 12, 2015

The following amendments to The Port Royal Code have been submitted to staff. The amendments will:

- Allow, as a Conditional Use, Radio and Television Transmission Towers.
- Establish Conditions for new towers
- Establish Conditions for the expansion of existing towers and tower farms.

Analysis

It is hoped that coupled with market forces and consolidated land availability, the conditions and limited zoning districts presented will have the effect of limiting a proliferation while encouraging a concentration (particularly through collocation) of these facilities.

ORDINANCE 2014 – _____

AN ORDINANCE AMENDING THE PORT ROYAL CODE SO AS TO PROVIDE FOR THE REGULATION AND PERMITTING OF RADIO AND TELEVISION TRANSMISSION TOWERS

Whereas, the Town of Port Royal previously allowed the construction of radio and television stations or transmission towers several zoning districts, including the Highway Commercial District, the General Commercial District, and Limited Industrial District; and

WHEREAS, there are existing radio and television transmission towers located within the boundaries of the Town of Port Royal, permitted and built in conformity with then existing regulations; and

WHEREAS, with the recent passage of the Port Royal Code, no provision was made for the existence of these radio and television transmission towers to continue as an allowed use; and

WHEREAS, it is the desire of the Town of Port Royal to provide regulations and a procedure for the continued operation and potential expansion of the areas presently being utilized for radio and transmission towers by the creation of clustered towers, sometimes referred to as “tower farms,”

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Port Royal, South Carolina, duly assembled and with authority of same, after receipt of recommendations from the Metropolitan Planning Commission and required public hearing:

- Section 1. The Port Royal Code is amended in the following particulars:
- a. Section 4.1.30, the *Principal Use Table*, is amended by adding a new item 7, *Radio and Television Transmission Towers*, and providing that such should be a Conditional Use (C) in the T4NC and T4 NC-O Districts, with *Additional Conditions* indicated as being found at Section 4.2.50.C
 - b. Section 4.2.50 of the Conditional Use Regulations, *Transportation, Communications, Infrastructure*, is amended by adding a new Subsection 4.2.50.C as follows:
 - C. *Radio and Television Transmission Towers and Tower Farms*
 1. Specific to Radio and Television Transmission Towers

a. Radio and Television Transmission Towers shall have all required federal permits and licenses, including the Federal Aviation Administration (FAA) and the Federal Communication Commission (FCC).

b. All new proposed sites must be at least six (6) acres in size, and the tower site must be located at least five hundred feet from any existing public road or residence, unless residence is part of the parcel upon which the tower is to be located, and the landowner specifically consents to the location of the tower.

c. All structures 150 feet or taller shall have lighting in accordance with FAA Advisory Circular AC 70/7460-1K, as amended, and FAA Advisory Circular AC 150/5435-43E, as amended, and shall be red flashing strobe lights (L-864) at night and medium intensity flashing white lights (L-865) during daylight and twilight use unless otherwise required by the FAA.

d. All existing towers must be maintained in accordance with FCC requirements, and provide commercially reasonable opportunities for location or collocation of commercial wireless (cellular) equipment on the tower. "Commercially reasonable" shall mean at prevailing market rates, without interference with the primary function of the tower as a radio or television transmission facility, or previously located wireless communication equipment on the tower or tower site.

2. Specific to Radio and Transmission Tower Farms.

a. On sites containing existing radio and television transmission towers as of January 1, 2015, additional towers may be constructed on the site, so as to create a "tower farm," on the following conditions.

i. The parcel containing the tower must be at least six (6) acres in size.

ii. The new tower must be located such that adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining properties and residential structures; the "fall zone" shall be determined and certified by a South Carolina licensed engineer in a letter which includes the engineer's signature and seal, and

shall be depicted on the plats and drawings submitted to the Town for approval.

iii. All applications for Tower Farms shall complete the Site Plan Review process as provided in Chapter 8 of the Port Royal Code. In addition to any Site Plan Review requirements, the application must contain the following items:

1. A site plan, drawn to engineer's scale, showing the location of the tower, guy anchors (if any), existing or proposed buildings and structures or improvements, including existing towers, guy wires and anchors, parking, driveways or access roads, fences, and protected trees affected by the proposed construction. If there are no protected trees affected, a surveyor's statement on the Site Plan must be shown. Adjacent land uses shall also be noted on the site plan, with precise measurements noted between the proposed tower and any residential structures on surrounding properties.
 2. The height and typical design of the tower, typical materials to be used, color, and lighting shall be shown on elevation drawings.
 3. Towers shall contain a sign no larger than four (4) square feet to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities. The sign shall contain the name(s) and operator(s) of the antenna(s) as well as emergency phone number(s). The sign shall be located so as to be visible from the access point of the site. No other signage, including advertising, shall be permitted on the antenna or antenna supporting structure unless required by law.
- b. The provisions of Section 4.2.50.C.1 above shall apply to the tower design and requirements.

Section 2.
Council.

This ordinance shall become effective immediately on adoption by

REQUESTED BY:

Milton E. Willis
Town Manager

ATTEST:

Tanya L. Payne
Municipal Clerk

APPROVED BY:

Samuel E. Murray
Mayor

Introduced: _____

Final Reading: _____

City of Beaufort Department of Planning and Development Services

MEMORANDUM

TO: Beaufort--Port Royal Metropolitan Planning Commission

FROM: Libby Anderson, Planning Director

DATE: January 7, 2015

SUBJECT: Conceptual Review of City Walk Subdivision Master Plan

Background

The Planning Commission is required to approve the preliminary plat for new major subdivisions. The Planning Commission has the authority to waive or vary certain subdivision requirements such as sidewalk installation and tree planting.

Proposal

East-West Communities is proposing to develop a 47-lot single-family subdivision off Huguenin Drive in the West End neighborhood of the city. As shown on the attached site location map, the property is located north of the Woodlawn Subdivision (Oaklawn Avenue) and has approximately 1,200' of frontage on Battery Creek. The applicant is proposing a cluster subdivision where the lot sizes and lot width can be varied in return for the preservation of open space. The City's cluster subdivision ordinance is attached. This property is an ideal setting for a cluster-type development given the property's location on Battery Creek. The City's Open Space Master Plan, adopted as part of the 2004 Comprehensive Plan Update, and the Boundary Street Master Plan both show the waterfront portion of this property as open space (see attached maps). The Pedestrian and Bicycle Infrastructure Plan in the Civic Master Plan (see attachment) shows a multipurpose path along the Battery Creek frontage of this lot.

Review Process

The applicant has requested a two-step review of the proposed subdivision by the Planning Commission. The first step is review of the conceptual plan, and review and endorsement of several variations from the City's typical subdivisions standards. This will be done at the January 12 Planning Commission meeting.

The second and final step will be review and approval of the preliminary plat, open space plan, street regulating plan (typical street sections), and tree planting plan. This is expected to be on Commission's February 16 agenda. The Commission will also be asked to approve the names for two new streets.

Waivers Requested by Applicant

The applicant has provided a description of the project in the form narrative dated December 31. Based on this narrative and the information presented in the conceptual open space plan and master plan, the applicant is requesting the following endorsements from the Planning Commission so they can move forward with development of the preliminary plat:

- *Approval of the amount, location, and type (active/passive mix) of open space.* The master plan appears to meet the minimum requirements for open space set out in the ordinance. In an effort to implement the “Battery Creek Basin greenway,” the multipurpose path shown on The Pedestrian and Bicycle Infrastructure Plan in the Civic Master Plan, staff recommends the Planning Commission require that a pathway easement be placed on the open space portion of the site where it connects to the adjoining property to the east, currently Park View Apartments (see attached excerpt from the Open Space Master Plan).
- *Approval of sidewalks on only one side of Water Street and the unnamed loop street.* Section 8.2.A.11 of the Unified Development Ordinance (UDO) requires sidewalks on both sides of all new streets, with the Planning Commission having the authority to waive this requirement “when alternative pedestrian ways or pedestrian /bikeways have been or will be provided outside the normal right-of-way; or that unique circumstances or unusual topographic, vegetative, or other natural conditions prevail to the extent that strict adherence to said requirements would be unreasonable and not consistent with the purposes and goals of this UDO . . .” Staff supports the request for this waiver.
- *Approval for no sidewalks on the unnamed potential future street connection at the east side of the site.* Staff supports this request.
- *Approval for not installing a sidewalk on Huguenin Drive.* Section 8.2. A.11 of the UDO requires that as part of major subdivision development, sidewalks be installed on existing streets. Staff would consider supporting a waiver of this requirement if the applicant provides justification based on grade changes and tree protection issues.
- *Approval for sidewalks 4’ wide.* Section 8.2.A.11 of the UDO requires sidewalks to be 5’ wide. Staff supports reducing the width of sidewalks to 4’ in areas where it will assist in tree preservation as determined by the City’s Certified Arborist.
- *Approval for creation of a block less than 300’.* Section 8.2.C.1 of the UDO requires that blocks be a minimum of 300’ in length. The block formed by the unnamed street at the east side of the site, is approximately 140’ in length. Staff supports this request.
- *Approval for not extending the alley into Tidal Street.* Section 8.2.A.2 of the UDO stipulates that “Where possible, existing streets shall be extended.” Staff recommends that the proposed alley be extended to connect with Tidal Street.

- *Approval for alleys with a 10' travel lane.* Section 8.2.A.13.b of the UDO requires alleys to have a minimum width of 12'. Staff supports this waiver.
- *Waiver of street tree planting requirement.* On the section of Water Street adjacent to the large open space, the applicant is proposing to only plant street trees on the south side of the street. Section 8.2.A.8 of the UDO requires street trees to be planted on both sides of all new streets. Staff recommends that tree planting on the south side of the Water Street ROW (adjacent to the open space) be determined jointly by the City's Certified Arborist and the applicant based on the arborist's report and by on-site inspection.

Once the Planning Commission makes a decision on these issues, the applicant can proceed to developing a preliminary plat to be reviewed at the Commission's February meeting.

zoning district. A deed restriction must be recorded on the deed of each applicable lot to ensure continued compliance with this setback.

c. Eaves

The eaves on the side of a house with a reduced setback may project a maximum of 18 inches over the adjacent property line. In this case, an easement for the eave projection must be recorded on the deed for the lot where the projection occurs.

d. Maintenance Easement

An easement between the two property owners to allow for maintenance or repair of the house is required when the eaves or side wall of the house are within four feet of the adjacent property line. The easement on the adjacent property must provide at least five feet of unobstructed space between the furthestmost project of the structure and the edge of the easement.

b. Deed Restrictions

All required deed restrictions shall be reviewed by the Administrator and recorded prior to issuance of any building permits.

B. Village House

1. Description

A village house is a single-family detached house with private yards on all four sides; however, the house is pulled up closer to the street in return for providing rear access for parking or garages.

2. Procedure

Village houses are allowed by-right. Review for compliance with the standards of this Section shall occur during the subdivision platting process.

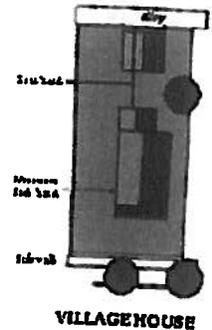
3. Additional Standards

a. Setbacks

The side and rear yard setbacks for the underlying district shall apply. A three-foot rear setback for any garage or carport structure shall be required. The front yard setback may be reduced to 12 feet.

b. Required Alley Access

Alley access for all lots with village houses is mandatory. Any garage or parking area shall access off the alley.



C. Cluster Development

A cluster development is a residential subdivision in which the lots are allowed to be smaller (in area and width) than otherwise required for the underlying, base zoning district, but in which the overall density cannot exceed the maximum density limit for the underlying zoning district. Through the cluster development option, a subdivision can contain no more lots than would otherwise be allowed for a conventional subdivision in the same zoning district, but the individual lots within the development could be smaller than required in a conventional subdivision. Smaller lot sizes within a cluster development are required to be offset by a corresponding increase in open space.

1. Conflict with Other Regulations

If there is a conflict between the cluster development standards of this section and any other requirement of this UDO, the standards of this section control. Otherwise, a cluster development is subject to all other applicable requirements of this UDO.

2. Approval Procedure

Cluster Developments are subject to the subdivision procedures set forth in Section 3.5.

3. Density

A cluster development is subject to the maximum density requirements of the base zoning district.

4. Lot Size

There is no set minimum lot size (area or width) requirement within a cluster development. Individual lot sizes must be adequate to meet all required density and development standards. Minimum lot sizes may be established by the Planning Commission during the Subdivision process.

5. Setbacks and Building Separations

The minimum setback standards of the base zoning district apply along the perimeter of a cluster development. All detached structures within a cluster development must be separated by a minimum distance of 10 feet.

6. Open Space

a. On-Site Open Space

Cluster developments shall be subject to the minimum on-site open space standards of the base zoning district, if applicable.

b. Common Open Space

(1) Minimum Requirement. Common open space is required within a cluster development to ensure that the overall density within the development does not exceed the maximum density allowed by the underlying zoning district. Common open space must be provided in an amount at least equal to the difference between:

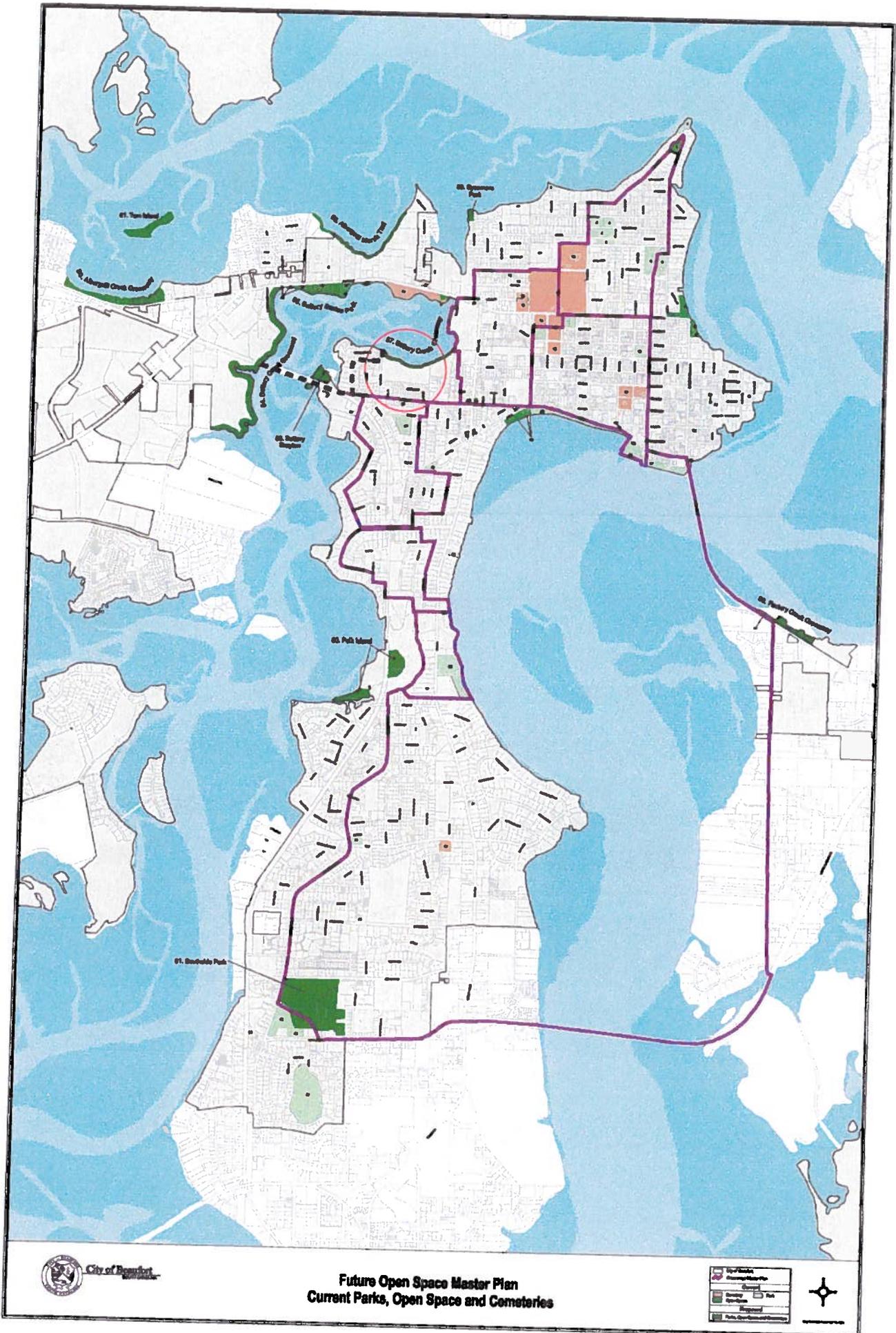
(a) The actual, average lot area per dwelling unit within the cluster development; and

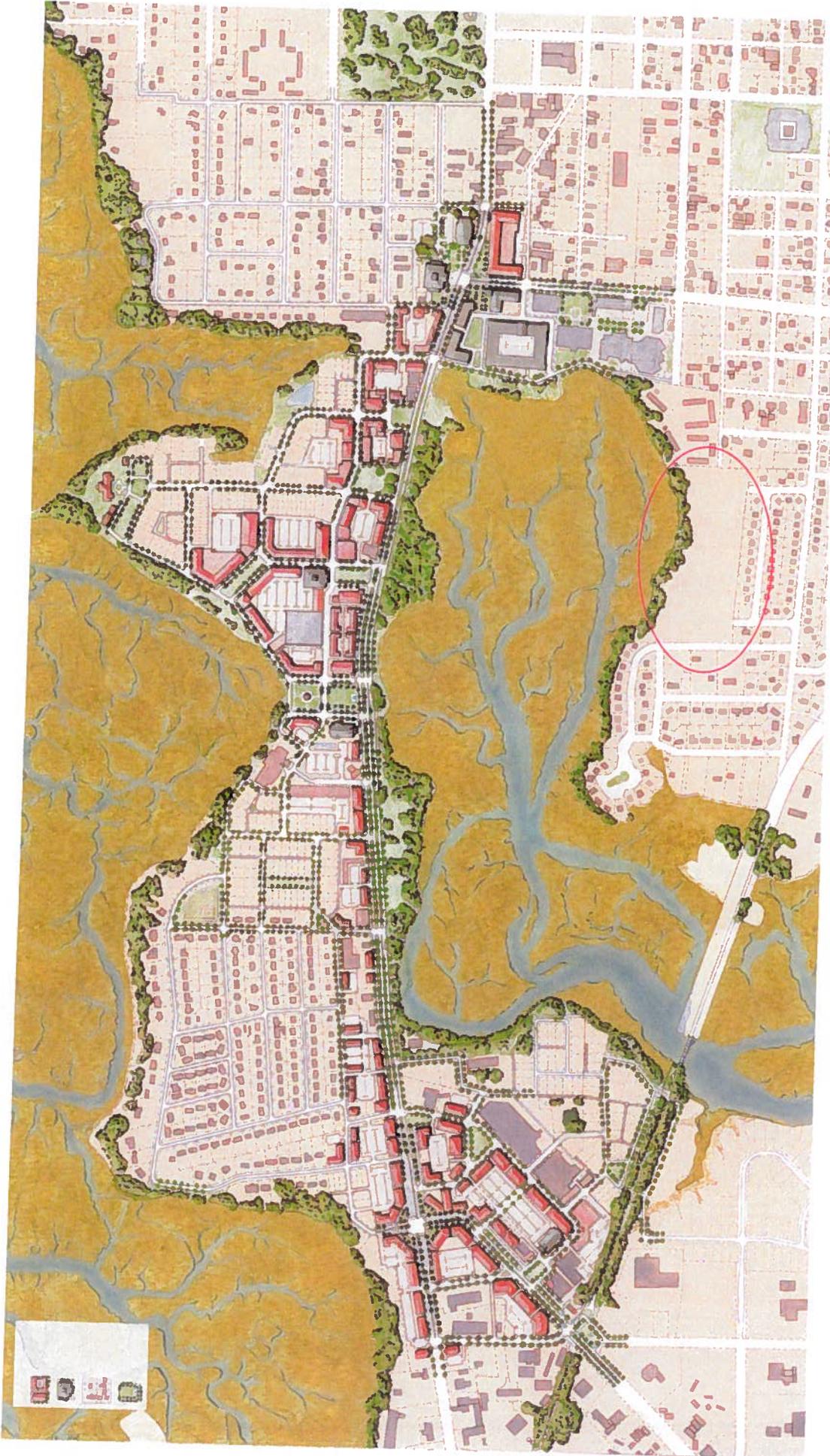
(b) The required lot area per dwelling unit for conventional development within the underlying base zoning district.

(2) Use of Common Open Space. Common open space must be set aside and designated as an area where no development will occur, other than project-related recreational amenities or passive open space areas. The Planning Commission may require that up to 50 percent of required common open space be useable open space, if deemed necessary by the Planning Commission to ensure adequate recreational amenities for residents of the development.

D. Townhouses

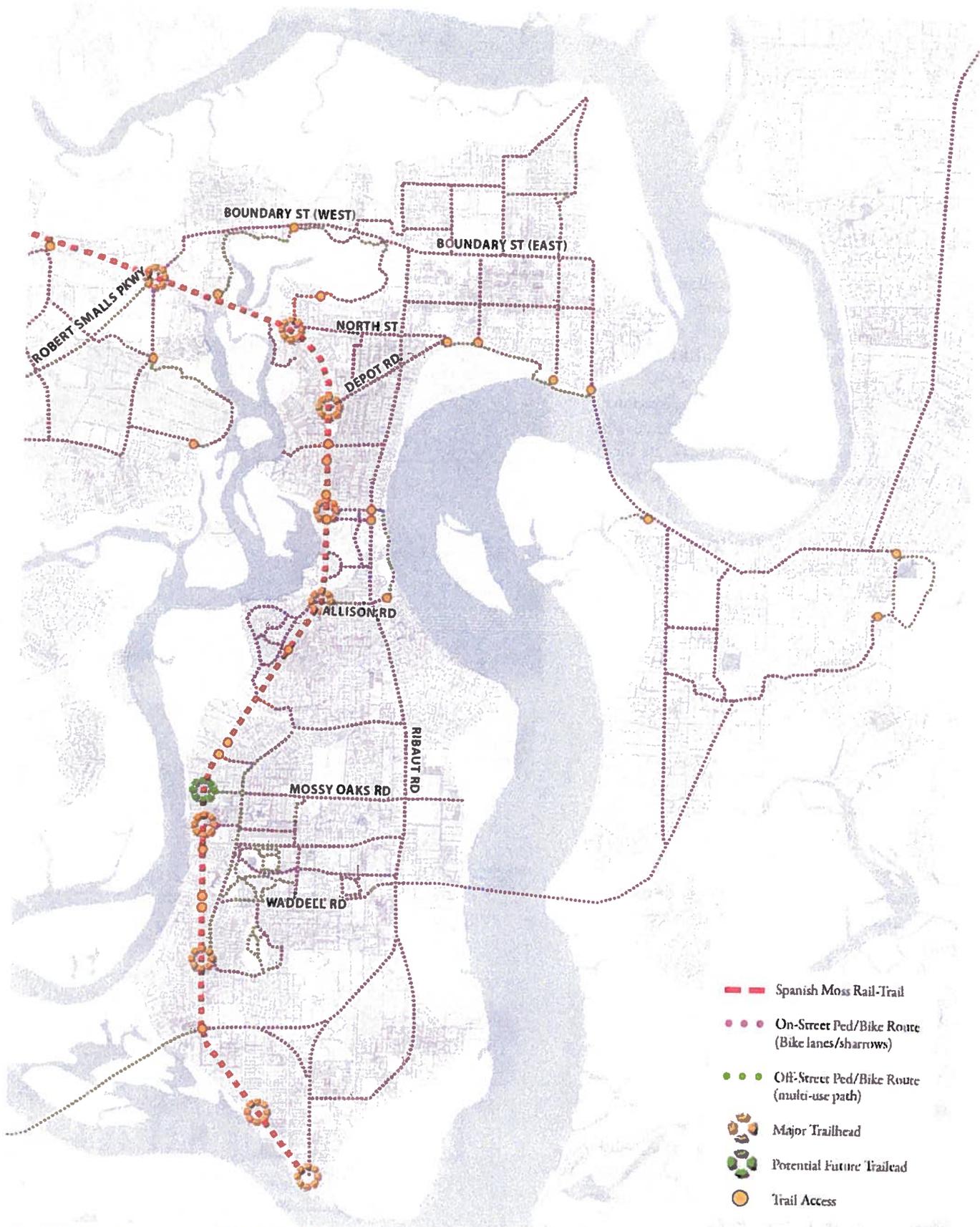
The regulations, as contained in this section, shall be applied to Townhouses where permitted in any district except the Boundary Street Redevelopment District.





Boundary Street Master Plan
Beaufort, SC
Adopted August 28, 2006





▲ PROPOSED PEDESTRIAN AND BICYCLE INFRASTRUCTURE SECTORS 1, 2, 3, 5

OPEN SPACE SUMMARY

TOTAL ACREAGE:
(TO CRITICAL LINE) +/- 11.78 ACRES

OPEN SPACE ACREAGE: +/- 2.01 ACRES

+/- 17% OPEN SPACE
PROVIDED



Walk
Fort SC

OPEN SPACE
MASTER PLAN
31 DECEMBER 2014

Witmer Jones Keefer
Ltd.

PLAN IS CONCEPTUAL AND SUBJECT TO CHANGE

City of Beaufort Department of Planning and Development Services

MEMORANDUM

TO: Beaufort--Port Royal Metropolitan Planning Commission

FROM: Libby Anderson, City of Beaufort Planning Director

DATE: January 8, 2015

SUBJECT: Status Report on City Council Actions

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UDO amendment revising Section 6.5.K to require all new residential construction to be elevated 18" above grade. First reading of the ordinance adopting the changes was held at the October 28 City Council meeting. Council discussed the draft ordinance at their workshop on December 16. Second reading of a revised ordinance is scheduled for the January 13 City Council meeting.

Revising the Marsh Gardens Planned Unit Development. Second reading of the ordinance was held at the December 9 City Council meeting.

UDO amendment revising Section 5.3.D.11 Pertaining to Short Term Rentals. A public hearing was held at the December 23 City Council meeting. A workshop with the Zoning Board of Appeals for further discussion on the issue is scheduled for February 12.