

**BEAUFORT–PORT ROYAL
METROPOLITAN PLANNING COMMISSION**

AGENDA

1911 Boundary Street, Beaufort, SC 29902
Phone: 843-525-7011 ~ Fax: 843-986-5606

Monday, January 11, 2016, 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 November 16, 2015 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 4.3.60, Uses Customarily Accessory to Both Residential and Non-Residential Facilities, adding 7. Domestic Fowl

V. Review of Projects for Beaufort County:

A. No Projects.

VI. Review Projects for the City of Beaufort:

A. No Projects.

VII. 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 **November 16, 2015 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, George Johnston, and Bill Harris and City of Beaufort planner Libby Anderson and Beaufort County planner Rob Merchant. Commissioners Robert Semmler and Tim Rentz were absent.

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, seconded by Commissioner Harris, to approve the minutes of the October 19, 2015. The motion to approve the minutes as submitted passed unanimously.

REVIEW PROJECTS FOR THE CITY OF BEAUFORT

City of Beaufort – Annexation and rezoning

Annexing property located at 226 Sea Island Parkway, identified as R200-018-000-054A-0000 and rezoning it from existing zoning – S1 Industrial. The proposed zoning is Highway Commercial.

Applicant: Meletis Family Limited

Ms. Anderson said this is at Sea Island Parkway and Lost Island Road. She indicated surrounding properties on a map. It's approximately 1.5 acres. There are two vacant buildings on the property. One was a retail use, and the other was a storage building. The property is contiguous to the city limits, and all services will be available. Fire service will be through the Lady's Island Fire District.

The current county zoning is S1 Industrial, which permits development of moderate to high intensity. The proposed zoning is Highway Commercial District, which is a fairly intense zoning, which permits all types of office and commercial uses, including auto-oriented uses and light-industrial services. The property is close to the Airport Junction PUD, which is already approved for Highway Commercial activities, Ms. Anderson said. A nearby property at the northwest corner of Sea Island Parkway and Airport Circle was recently annexed to be part of the Airport Junction development, and it was zoned Highway Commercial.

The Comprehensive Plan designates this as Urban Neighborhood (G-2), and Ms. Anderson reviewed the uses permitted there. The Civic Master Plan doesn't address redevelopment in this area.

There is a dive shop located on the corner of Sea Island Parkway and Lost Island Road, and the airport is across Sea Island Parkway, as is a nearby produce packing shed. The Wal-Mart shopping center is proposed there. To the rear are wetlands, which will prevent the spread of this development into residential uses. A heating and air conditioning facility is across Lost Island Road from this lot. Chairman DeVito asked where the line is for the PUD. This is the corner piece, Ms. Anderson said; "and the rest of it surrounds it," Chairman DeVito said.

In regard to public notification, letters were mailed to adjacent property owners, and a representative of the Lady's Island Business and Professional Association was notified about the public meetings. There have been no public comments to date.

Commissioner Crower asked if the wetlands were tidal; Ms. Anderson said she believed so. The city ordinance requires a 50' buffer from saltwater wetlands. Commissioner Johnston asked if there was a proposed use. Ms. Anderson said a Taco Bell is interested in this property, but it's unknown if that use will follow through. If so, they will need to do a traffic impact analysis.

Swinton Anderson, 395 Distant Island Drive, said he saw a small notice about this meeting in regard to the annexation and rezoning of 226 Sea Island Parkway in the newspaper, and he and others on Distant Island wish the public "could know well in advance" about such meetings. Ms. Anderson said the posting on the property was to advertise the public hearing next week before council. Mr. Anderson said he would carry a message back to the interested parties. Chairman DeVito explained how the process works, with the Metropolitan Planning Commission making a recommendation to council, which will hold a public hearing, and that date is the one posted on the property: November 24 at 7 pm. Letters are mailed to 20 owners, Ms. Anderson said, or to those within 400' of the property, and the public hearing notice is in the newspaper.

Mr. Anderson said he's concerned about transparency and about development ruining the quality of life in their community.

Chairman DeVito said he didn't find any reason for concerns about upzoning. Commissioner Harris clarified that the new zoning would allow drive-through restaurants, but the old zoning would not have. Ms. Anderson said she didn't think it would have allowed them.

Commissioner Johnston said the road to Distant Island isn't shown on the map they were shown of the area. Chairman DeVito said, "It's further west" than what is shown on the map.

Commissioner Harris made a motion, second by Commissioner Johnston, to recommend the annexation of the property and rezoning it to Highway Commercial. The motion passed unanimously.

OTHER BUSINESS

Ms. Anderson said the technical review committee for the form-based code will meet next Monday, and Commissioners Harris and Rentz are the Metropolitan Planning Commission representatives. There will be two meetings a month in the hope of getting the document to the Metropolitan Planning Commission by March. The focus will be on technical input, with public input through the planning commission after that.

Chairman DeVito said on the Spanish Moss Trail, in Sector 5, the section currently under construction, concrete is down everywhere, except for a small piece being used for construction vehicles' entrance, and the bridge is 50% complete. A large storm drain had to be installed, and they are hoping this section of trail will be ready for use by the first of the year. They are still working on Sector 7, from Roseida Road to Clarendon.

Commissioner Johnston asked if all is still on track for Wal-Mart. Ms. Anderson said yes; they have not applied for permits to start work, though.

Boundary Street had its official kick off meeting, Chairman DeVito said; there's no exact notice of when the work will start, but it could happen any day. It's to be two years of construction.

There being no further business to come before the commission, **Commissioner Crower made a motion to adjourn, and the meeting was adjourned at 5:50 p.m.**

MEMORANDUM

To: BEAUFORT–PORT ROYAL METROPOLITAN PLANNING COMMISSION
From: Linda Bridges, Planning Administrator *LS*
Subject: Amend The Port Royal Code, Article 4, Section 4.3.60, Uses Customarily Accessory to Both Residential and Non-Residential Facilities, adding 7. Domestic Fowl
Meeting Date: January 11, 2016

The following text amendment to The Port Royal Code is being submitted by staff.

ADD 7. Domestic Fowl

- a. A total of not more than six chicken hens may be kept and maintained in a clean and sanitary pen or structure
- (1) No part of said structure shall be located less than forty feet from any residence, other than a residence owned and occupied by the person owning or in possession of such animals
 - (2) Further, that the keeping of such animals shall not create a health or nuisance problem.
 - (3) Such fenced area shall be wholly located within the rear yard of the site where the animals are kept.
 - (4) No part of the fenced area shall be within a required side yard or front yard setback.
 - (5) The keeping of roosters is expressly prohibited.
 - (6) Feed must be stored in rodent proof container.

Analysis:

The above language is the town's current regulations and is cited in Chapter 3 Animals, Town of Port Royal Code of Ordinances.

The Town Council is adopting an ordinance that will delete the current Chapter 3 and replace it with new regulations that have been drafted and adopted by Beaufort County Council. The town is adopting a Memorandum of Understanding with the County that will authorize Beaufort County staff for all animal control issues within the town. The county document does not address the Domestic Fowl issue. In the interest of uniformity across jurisdictional lines we want to keep the Town's animal control chapter (the afore mentioned Chapter 3) in concert with all of the other adopting jurisdictions. Council will address unique issues, such as this one in other areas of our codes. We are proposing that Domestic Fowl be regulated as a customary accessory to both residential and non-residential facilities.

Please find attached the existing section of code that is to be amended.

4.3.60 Uses Customarily Accessory to Both Residential and Non-Residential Facilities.

A. Uses customarily accessory to both residential and non-residential facilities shall comply with Section 4.3.30 (Conditions Applicable to All Accessory Uses and Structures), as well as the following conditions:

1. Satellite Dish Antenna.

a. All satellite dishes, regardless of size shall comply with the following standards:

(1) **General Requirements.** No form of advertising shall be allowed on the dish or framework other than the manufacturer's small identification plate.

(2) **Satellite dishes should be placed in the side or rear yard or on the roof.** Dishes shall not be allowed in any front yard unless a company licensed to install satellite dishes in the Town certifies that the front yard is the only place where the dish will be operational. Satellite dishes should be screened from the street and to the degree feasible, from adjoining properties. Such screening can be accomplished through fencing, landscaping, or placement of the dish between/behind architectural features of the building.

b. Reserved.

2. Security or Caretaker Quarters.

a. A dwelling unit for security or caretaker quarters shall comply with the following standards:

(1) **One Unit per Principal Use.** Only one such dwelling unit per principal use shall be allowed.

(2) **Location.** The dwelling unit for security or caretaker quarters shall be located within a principal building or accessory dwelling unit. Such quarters are not permitted in a mobile home.

(3) **Design.** Security or caretakers quarters in a freestanding accessory structure shall:

i. Comply with the dimensional and development standards for the Carriage House building type (see Section 5.1.40 Carriage House), and

- ii. Comply with the building height standards for ancillary buildings in Article 3 (Specific to Zones), and
 - iii. Not exceed 30 percent of the floor area of the principal structure.
 - (4) **Off-street Parking.** A minimum of two off-street parking spaces shall be provided, in addition to the required parking for the principal use or business.
 - (5) **Occupant.** Only the owner, operator, caretaker, or an employee of the principal building, plus that person's immediate family, may occupy the dwelling unit.
- b. **Reserved.**
3. **Small Wind Energy System.**
- a. A small wind energy facility shall comply with the following standards:
 - (1) **Amount.** Towers and turbines associated with a small wind energy facility shall be limited to a maximum of one per principal use.
 - (2) **Capacity.** Small wind energy facilities shall be:
 - i. Limited to 10kw of wind power generation or less on blocks that are primarily residential in nature.
 - ii. Limited to less than 100kw of wind power generation on blocks that are primarily mixed-use or commercial in nature.
 - (3) **Location and Setback.**
 - i. Small wind energy facilities shall not be located between a principal building and any streets fronting the lot.
 - ii. A small wind energy facility shall be set back a distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower extending from the roof) plus 10 feet from all lot lines and overhead utilities. Guy wires and other support devices shall be set back at least 10 feet from all lot lines.
 - (4) **Height.** The maximum height of a small wind energy system (including the tower and extended blades) shall be 90 feet.
 - (5) **Sound.** Sound produced by the wind turbine under normal operating conditions, as measured at a lot line, shall not exceed 55 dBA. The 55 dBA sound level, however, may be exceeded during short-term events that occur beyond the property owner's control, such as utility outages and/or severe wind storms.
 - (6) **Appearance.** The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white, or galvanized steel).
 - (7) **Blade Clearance.** The blade tip or vane of any small wind energy facility shall have a minimum ground clearance of 15 feet above grade, as measured at the lowest point of the arc of the blades. No blades shall extend over public rights-of-way, parking, or driveway areas.
 - (8) **Lighting.** No illumination of the turbine or tower shall be allowed, unless required by the FAA.
 - (9) **Access to Tower.** Any climbing rungs shall be removed to a height of 12 feet above grade.

- (10) **Signage Prohibited.** Signage visible from any public street shall be limited to the manufacturer's or installer's identification, appropriate warning signs, or owner identification.
- (11) **Abandonment.** On determining that a small wind energy facility has been inoperable for 180 days or more, the Director shall send the property owner notice requiring restoration of the system to operating order within 180 days after receiving the notice. If the owner fails to restore the system to operating condition within the authorized time frame, the owner shall be required, at the owner's expense, to remove the wind turbine from the tower for safety reasons. If the owner fails to remove the wind turbine from the tower, the County may pursue legal action to have the wind turbine removed at the owner's expense.

b. **Reserved.**

4. **Solar Energy Equipment.**

- a. Solar energy equipment shall comply with the following standards:
 - (1) **Location.** The system may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground.
 - (2) **Height.** The system shall comply with the maximum height standards for the zone in which it is located, provided that a roof-mounted system shall not extend more than 15 feet above the roofline of the structure on which it is mounted.
 - (3) **Nonconforming Structure-Height.** Where an existing structure exceeds the applicable height limit, a solar energy collection system may be located on its roof irrespective of applicable height standards, provided the system extends no more than five feet above the roof surface.
 - (4) **Area.** The area of the system shall not exceed one-half the footprint of the principal structure or 600 square feet, whichever is greater.
 - (5) The property owner shall be responsible for negotiating with other landowners in the vicinity to establish any solar easement designed to protect solar access for the solar energy collection system.

b. **Reserved.**

5. **Swimming Pools, Hot Tubs, and Ornamental Ponds.**

- a. Swimming pools, hot tubs, and ornamental ponds are permitted as per the adopted building code.

b. **Reserved.**

6. **Waste receptacles and refuse collection areas.**

- a. Waste receptacles and refuse collection areas Except for facilities serving individual single-family detached dwellings, two-family dwellings, and temporary waste receptacles on construction sites, all waste receptacles and refuse collection areas shall comply with the following standards:
 - (1) **Setbacks.** Waste receptacles and refuse collection areas shall be set back at least five feet from a side or rear lot line, and shall not be located within the front or street side setback area.
 - (2) **Surfacing Requirements.** Areas intended for large waste receptacles and refuse collection shall be surfaced with concrete or other material approved by the Town Engineer.

- (3) **Drainage.** Eating establishments and other uses that produce significant amounts of liquid waste shall configure areas intended for large waste receptacles and refuse collection to drain to an approved stormwater management system through grease traps or similar devices.
- (4) **In A Parking Area.** Waste receptacles and refuse collection areas shall meet the requirements in Section 5.6.60 (Loading and Service Areas).
- (5) **Screening.** Waste receptacles and refuse collection areas shall meet the screening requirements in Section 5.7.60 (Screening).

b. **Reserved.**

B. **Reserved.**

City of Beaufort Department of Planning and Development Services

M E M O R A N D U M

TO: Beaufort--Port Royal Metropolitan Planning Commission

FROM: Libby Anderson, City of Beaufort Planning Director

DATE: January 6, 2016

SUBJECT: Status Report on City Council Actions

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Annexing and zoning a parcel of property located at 226 Sea Island Parkway. The existing zoning is Industrial S1 Zone; the proposed zoning is Highway Commercial District. A public hearing on the proposed rezoning was held at the November 24 City Council meeting. First reading of the ordinances annexing and rezoning the property was held at the December 8 City Council meeting. Second reading of the ordinances may be held at the February 9 City Council meeting.

Please contact me with any questions on this information.

Thank you.