

**BEAUFORT-PORT ROYAL
METROPOLITAN PLANNING COMMISSION**

AGENDA

1911 Boundary Street, Beaufort, SC 29902

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

Monday, April 18, 2011 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 of Projects for the Town of Port Royal:

- A. Town of Port Royal – Annex and Rezone.** District 100, Map 34, Parcel 108, approximately 0.30 acres located at 923 East Belleview Circle. The proposed zoning is Highway Commercial (HC) with the Shell Point Neighborhood Overlay District.
- B. Town of Port Royal – Rezone.** District 111, Map 10, Parcel 121, 3.396 acres located at 1712 West Paris Ave. The existing zoning is Mobile Home District with the Traditional Neighborhood Overlay District. The proposed zoning is Highway Commercial (HC) with the Traditional Neighborhood Overlay District.
- C. Town of Port Royal – Text Amendment.** Revising Chapter 15.5 Overlay Districts, adding an article to provide design standards for all non-residential development that is not within an existing overlay design district.
- D. Town of Port Royal – Update on Council Actions.**

IV. Review of Projects for the City of Beaufort:

- A. **City of Beaufort – Rezoning.** Rezoning a parcel of property located at 804 Wilmington Street, identified as District 120, Tax Map 4, Parcel 346. The existing zoning is “General Commercial District.” The proposed zoning is “General Residential District.” Applicant: City of Beaufort.
- B. **City of Beaufort** – Update on Council Actions.

V. Review of Projects for the County of Beaufort:

No projects.

VI. Discussion

- A. **Review of Revised Rules of Procedures.**
- B. **City of Beaufort Short Term Rental Ordinance.**

VII. Review Commission Meeting Minutes:

- A. **Minutes of the March 21, 2011 Meeting.**

VIII. Adjournment

Note: If you have special needs due to a physical challenge, please call Julie Bachety at (843) 525-7011 for additional information.

City of Beaufort - Town of Port Royal
Joint Planning Commission
Rezoning Analysis PR-AX 01-11
Meeting Date: April 18, 2011

Applicant

Estate of Virginia Verhaeghe

Site

Approximately 0.35 acre

The plat map reference for this property is: District 100, Map 34, Parcel 108. The parcel is located at 923 East Belleview Drive and sites a 1305 square foot single family residence.

Present Zoning

The parcel is currently zoned Shell Point Neighborhood Community Preservation – Neighborhood Commercial under Beaufort County’s Zoning and Development Standards Ordinance (ZDSO).

The Annexation

Comprehensive Plan

This parcel is included on **The Future Land Use Map** in the Land Use Element of the Town’s Comprehensive Plan (Page 72). The parcel is within the Future Growth Boundary for the town. The property is in a Restricted Growth Sector, Conventional Neighborhood zone (G_1_B) (Page 69). Please see Exhibit A. This sector includes areas of existing development and established neighborhoods with a wide range of lot sizes. Streets are typically curvilinear or a modified grid with large blocks. Future infill or redevelopment should seek to enhance connectivity. The parcel is within what is considered Shell Point.

The Comp Plan addresses Shell Point as follows:

The Shell Point area is comprised of older, well-maintained neighborhoods, but is not very pedestrian oriented. With two major highways in this area, there is the potential for more commercial and mixed use development. Pedestrian orientation and connectivity should be improved. While older neighborhoods and areas along the water may maintain larger lots, there are also opportunities for more mixed use, infill, and smaller lot development.

- *Promote village commercial along Savannah Highway.*
- *Increase pedestrian accessibility and connectivity.*
- *Parris Island Gateway should support mixed use and regional commercial in nodes.*
- *The area should maintain a strong residential, neighborhood feel with opportunities for walking and biking.*
- *Investigate traffic calming opportunities along Shell Point Road.*

The Comprehensive Plan Transect places Shell Point to the Urban end of the spectrum.



Public Service Issues

The parcel is located in an area served by the Beaufort Jasper Water and Sewer Authority. The Burton Volunteer Fire Department remains, the first deliverer of services for this area, with Port Royal as first backup. The Town holds an agreement with Burton Fire District, which allocates funds annually from the town to the Burton Volunteer Fire Dept. The Port Royal Police Department has adequate staff levels to deliver services to this area.

Proposed Zoning and Land Use Compatibility

The proposed zoning is Highway Commercial *Chapter 22, Article IV, Section 22-71* with the Shell Point Neighborhood Overlay District *Chapter 15.5, Article IV*. The intent of Highway Commercial states:

It is the intent of this section that the HC zoning district be developed and reserved for general business purposes and with particular consideration for the automobile-oriented commercial development existing or proposed along the town's roadways. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible and economically healthy environment for business, financial, service and professional uses which benefit from being located in close proximity to each other; and to discourage any encroachment by industrial, residential or other uses considered capable of adversely affecting the basic commercial character of the district. Highway Commercial allows a wide range of retail and service activities. The Shell Point Neighborhood Overlay District adds design standards as well as increased development limits to the properties within the district. Because this is a cross-jurisdictional code, the standards of this district are currently the same as those in force on this property today. The parcel is contiguous with the town on three sides and is contiguous to Highway Commercial zoning on three sides. Please see Exhibit B.

Environmental Issues

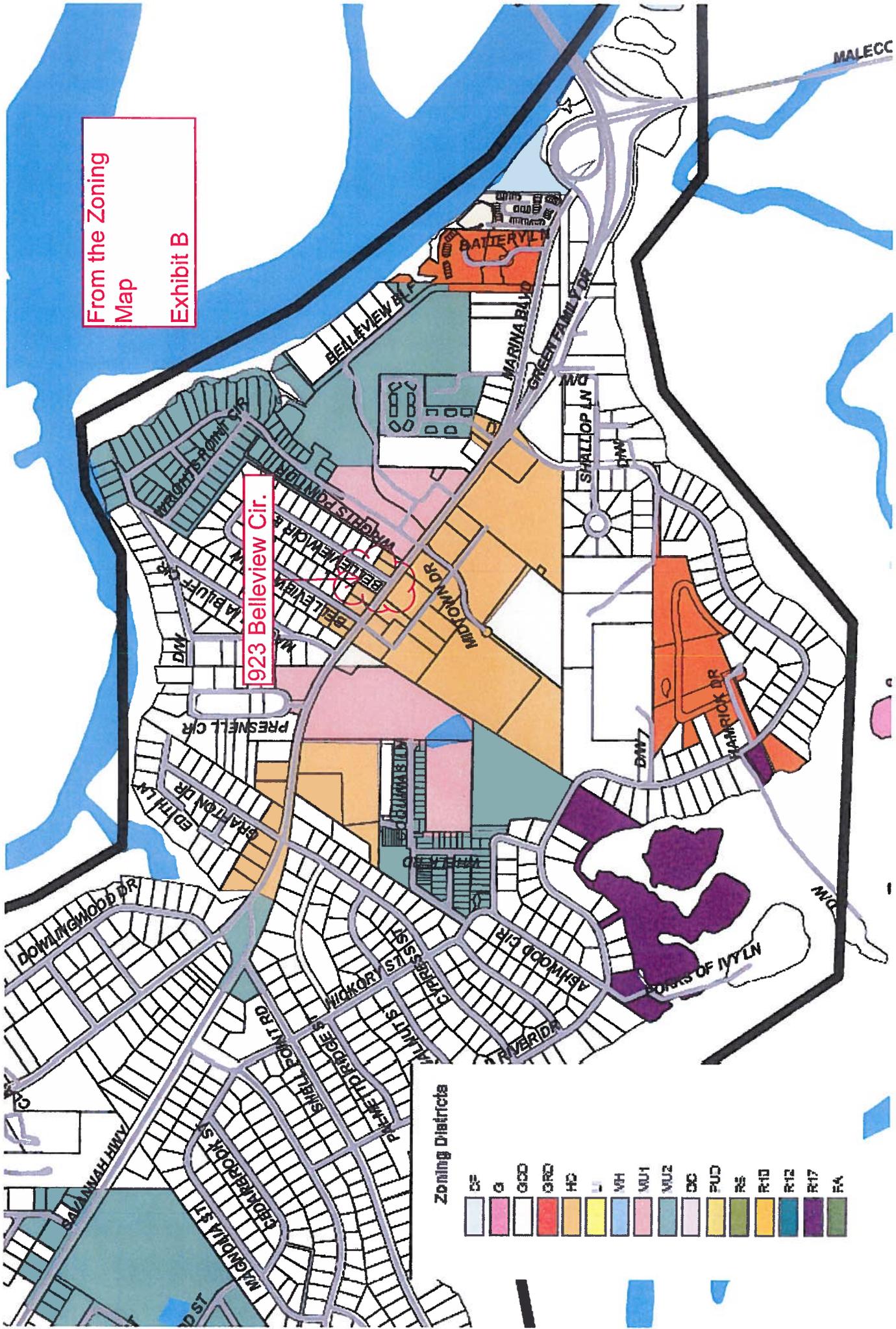
There are no environmental issues to consider.

Public Notification

Letters were sent to property owners within 400 feet of the property being annexed and rezoned.

From the Zoning
Map
Exhibit B

1923 Bellevue Cir.

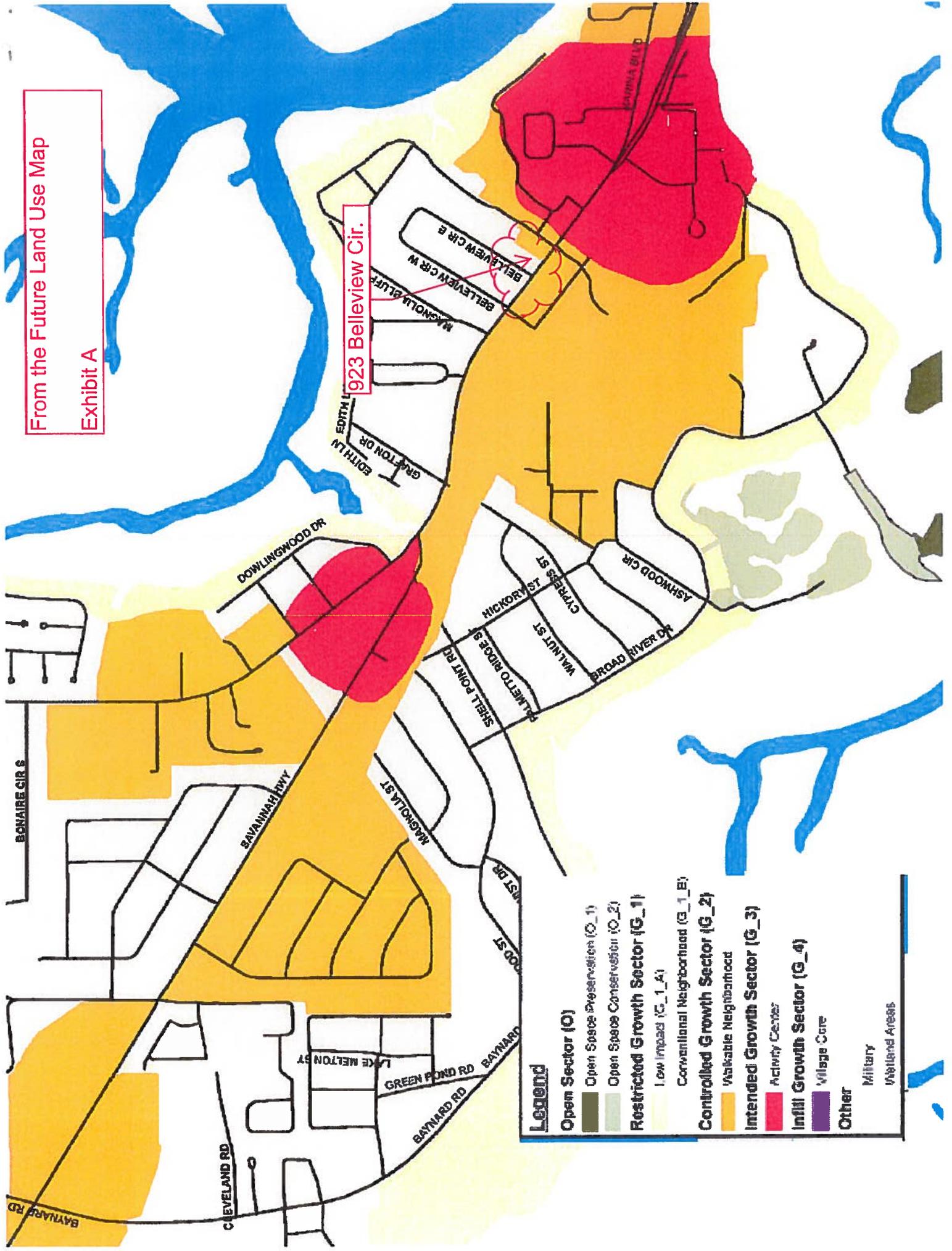


Zoning Districts

DF	G	GOD	GRD	H2	J	VH	VU1	VU2	DC	PUD	R5	R10	R12	R17	RA
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From the Future Land Use Map

Exhibit A



Legend

- Open Sector (O)**
 - Open Space Preservation (O_1)
 - Open Space Conservation (O_2)
- Restricted Growth Sector (G_1)**
 - Low Impact (G_1_A)
 - Conventional Neighborhood (G_1_B)
- Controlled Growth Sector (G_2)**
 - Walkable Neighborhood
- Intended Growth Sector (G_3)**
 - Activity Center
- Infill Growth Sector (G_4)**
 - Village Core
- Other**
 - Military
 - Wetland Areas

City of Beaufort - Town of Port Royal
Joint Planning Commission
Rezoning Analysis 01-11
Meeting Date: April 18, 2011

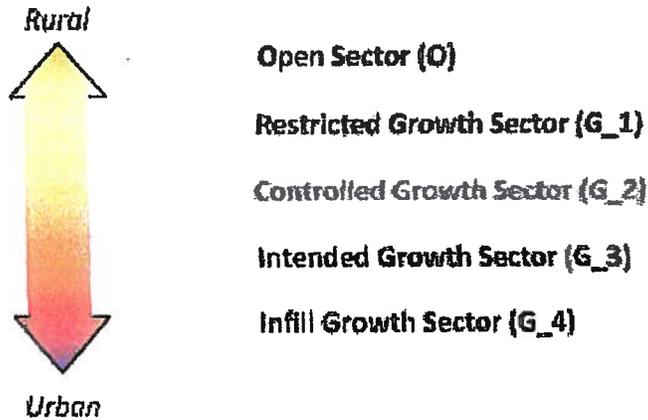
Applicant
Kent Bishop

Site
3.396 acres located at 1712 West Paris Ave, also identified as District 111, Map 10, Parcel 121. The existing use is a mobile home park, Kent's Court.

Present Zoning
The current zoning is Mobile Home District (see section 22-73) with the Traditional Town Overlay. The parcel sites a mobile home park. Please see Exhibit A.

Proposed Zoning
The proposed zoning is Highway Commercial (HC) with the Traditional Town Overlay. Highway Commercial is a commercial zoning designation. The district allows no residential development. Highway Commercial is the broadest commercial zoning designation in the town's zoning code. The district allows auto-oriented uses, such as drive-in restaurants and service stations.
The Traditional Town Overlay District applies standards for building and parking lot placement, (buildings to the street, parking to the rear or the side) and the application of traditional building materials and building elements. The overlay district design standards encourage rear alleys, and shared parking. When applied uniformly the Traditional Town Overlay District standards will create a pedestrian oriented community.

Land Use Compatibility / Comprehensive Plan
The Future Land Use map from the Comprehensive Plan classifies the property as an Infill Growth Sector. Please see Exhibit B. The Comp Plan tells us that development within Infill Growth Sectors can support substantial mixed use by virtue of their proximity to major roadways and existing or proposed development. Pedestrian accessibility and scale are complemented by an interconnected street network, typically in a traditional grid pattern with compact blocks. Proximity to major roadways may be suitable for larger-scale regional commercial, such as major grocery stores or retailers, which would not be appropriate in the immediate context of residential neighborhoods. On a continuum the Infill Growth Sector is as follows:



The Master Plan, an appendix of the Comprehensive Plan, addresses the property as follows:
"TRIANGLE" BETWEEN RIBAUT, PARIS EAST, AND PARIS WEST

This area forms the gateway to the historic core, and should be redeveloped with more substantial urban architecture to create awareness of arrival and suggest what lies beyond. In general, the block edges should be lined with buildings as close to the streets as possible, and parking should be in the middle of the blocks. Buildings should face the streets with their fronts. A flexible approach to land uses should be adopted to allow for market-driven solutions. While uses can be made flexible, building placement should be carefully regulated. To address the wide cross-section of Ribaut Road in particular, buildings along Ribaut Road which comply with the master plan should be permitted a height of four stories and a maximum height of 50 feet to the eaves. These ideas will require amendment of the zoning and consideration of fire protection issues. The triangular block is oversized, making it difficult to service the interior of the block and very inconvenient for pedestrians; at least one new north-south street or mews should be established, in alignment with crosswalks and connections north across Ribaut Road.

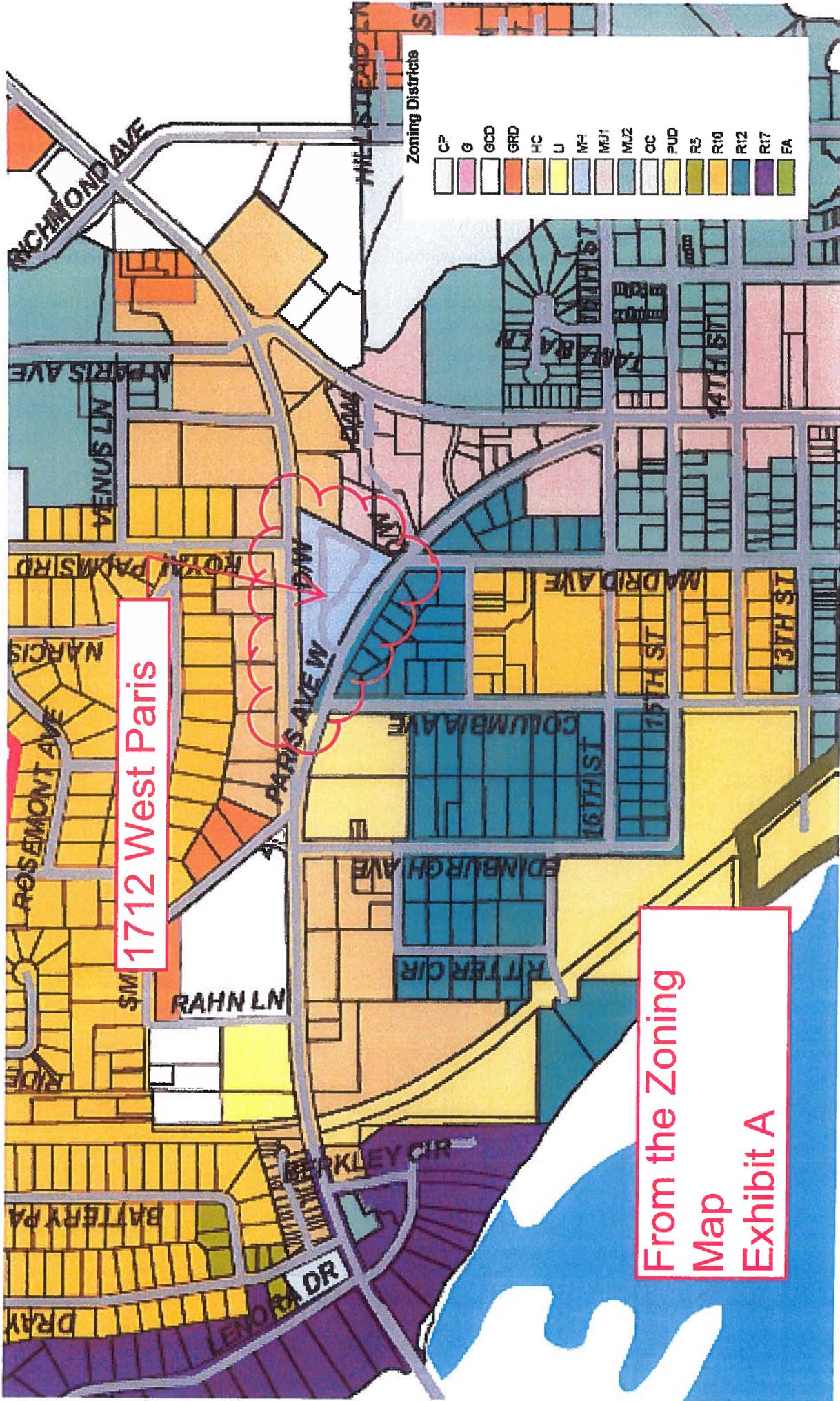
Environmental Issues

None

Public Service Issues

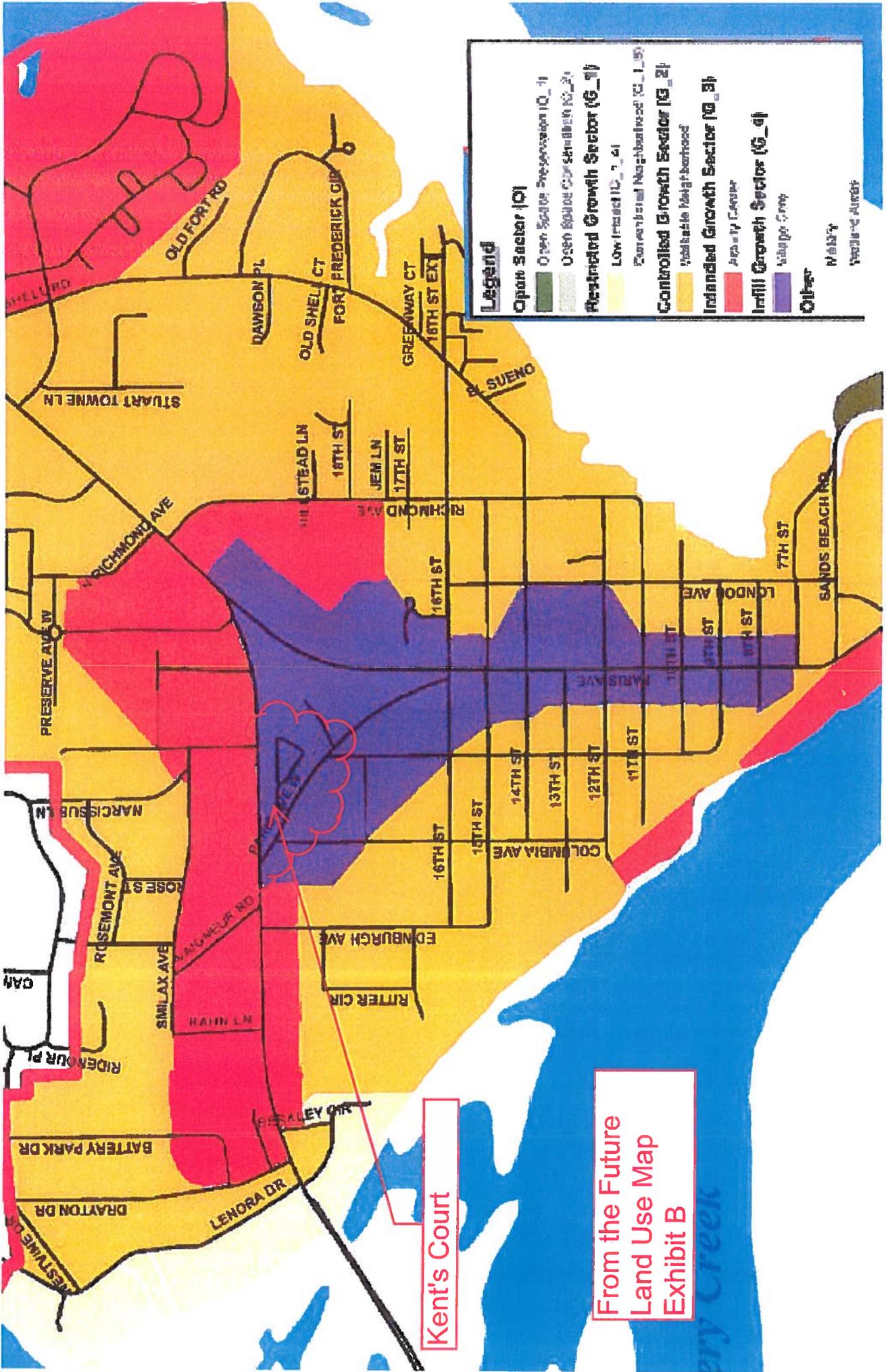
None

Letters were sent to property owners within 400 feet of the property being rezoned



1712 West Paris

From the Zoning
Map
Exhibit A



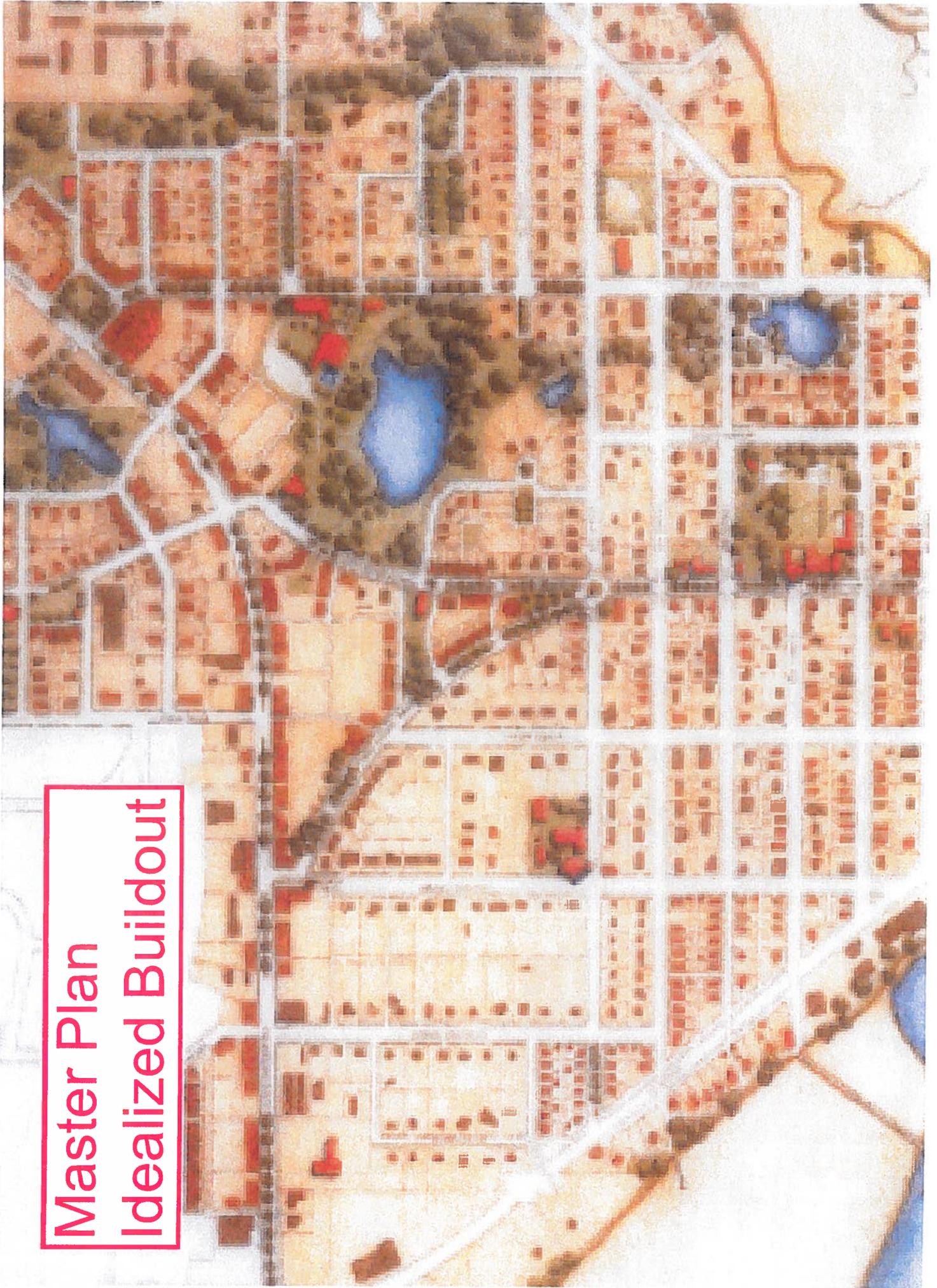
Legend

	Open Space (O1)
	Open Space Preservation (O_1)
	Open Space Core Shell (O_2)
	Restricted Growth Sector (R1)
	Low Intensity (L1_1)
	Controlled Neighborhood (L1_2)
	Controlled Growth Sector (G1_1)
	High Density Neighborhood
	Inland Growth Sector (G1_2)
	City Center
	Infill Growth Sector (G1_3)
	Waterfront
	Other
	Water
	Waterway

Kent's Court

From the Future
Land Use Map
Exhibit B

Master Plan Idealized Buildout



MEMORANDUM

To: City of Beaufort - Town of Port Royal Joint Municipal Planning Commission
From: Linda Bridges, Planning Administrator
Subject: Amendment to Chapter 15.5 – Overlay Districts
Date: April 11, 2011

Staff is resubmitting an amendment of the Town of Port Royal Code of Ordinances, Chapter 15.5 - Overlay Districts.

This text amendment creates a fourth design district which encompasses, geographically, all areas within the town that are not currently covered by one of the above mentioned districts. The proposed design standards will apply to all non-residential development. The standards for this new design district, mirror, the standards present in the Shell Point and the Robert Smalls Parkway overlays.

The code will be administered through staff by the town's Design Review Board (DRB). The DRB is a five member, council appointed, citizen / professional review board.

This version of the draft allows vinyl siding as a special exception, and fixes the appeal language as directed by the commission at the March meeting. I was also directed by the commission to solicit comment from the local development community and the two Shell Point appointees on the town's Design Review Board. To date I have received no advanced comments.

ARTICLE XXX. NON-RESIDENTIAL OVERLAY DESIGN STANDARDS

Sec. 1. Purpose.

The purpose of these design standards is to foster growth and economic development in the Town of Port Royal that is consistent with the goals of the town's comprehensive plan. The purpose of these standards is to: promote the safety of vehicular and pedestrian traffic, minimize traffic congestion, and promote roadside aesthetics and high quality development. In the case of conflict between these standards and any other local land development regulation, these standards shall apply.

Sec. 2. Applicability and administration.

The following standards, with the exception of single-family detached dwellings and two-family attached dwellings and their accessory structures, apply to all development located in the Town of Port Royal not lying within the Traditional Town Overlay District, the Shell Point Neighborhood Overlay District, or the Robert Smalls Parkway Overlay District. These design standards may overlay several zoning districts that shall be referred to as base zoning.

Interpretation of these standards shall be the responsibility of the town's design review board, as appointed annually by the town council. The overlay district standards shall be in addition to, rather than in place of, the requirements for the base zoning.

- (1) The design review board will review:
 - a. Any application with a construction value of more than five thousand dollars (\$5,000.00).
 - b. All other applications will be reviewed and approved by town staff. Staff review will include, but is not limited to, the planning staff and the building official.
 - c. Staff is not bound by the parameters set forth above. Staff may refer any application to the design review board at the staff's discretion.
- (2) Applications are subject to a discretionary review by the design review board. The design review board shall have approval authority for all aspects of site planning and exterior architecture, including aesthetic appropriateness, fit with historic context, environmental implications, traffic impacts, and any other site-specific matters not delineated herein.
- (3) Application requirements. The following items are required for review, unless deemed not applicable by the zoning administrator:
 - a. A current site survey, no more than one (1) year old.
 - b. A current tree survey, no more than one (1) year old.
 - c. A site plan, drawn to scale, which shall indicate:
 1. Building locations;
 2. Parking locations and number of spaces;
 3. Paved surfaces, materials and location(s);
 4. Site location diagram and legal description;

5. Any and all exposures, as defined by NFPA, within one hundred fifty (150) feet of the proposed building on or off site.
 - d. Building elevations illustrating all sides of all structures.
 - e. Other reasonable supporting documents to indicate intentions and/or any other items required by the design review board.
- (4) Any person who may have a substantial interest in any decision of the design review board may appeal from any decision of the board to the court of appropriate jurisdiction in and for the county by filing with the clerk of such court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law as rendered. Such appeal shall be filed within thirty (30) days after the decision of the board.

Sec. 3. Development standards.

- (a) Site design standards.
 - (1) All development shall provide vehicular and pedestrian linkages. Where an adjoining property has been previously developed, and the owner of such property is unwilling to provide access, the parcel currently under development review shall provide a stubbed access road in the event of a future connection to the adjoining parcel once it is redeveloped.
 - (2) Parking shall be located to the side and rear of the principle structure. Buildings with a footprint over twenty-five thousand (25,000) square feet may have parking at the front of the building provided that a minimum of fifty (50) percent of the road frontage is either subdivided into out-parcels or designated for the location of frontage buildings.
 - 3) Buildings are encouraged to locate near the street or be separated from the street by a landscaped area or pedestrian plaza.
 - (4) Interior parking lot landscaping requirements.
 - a. Landscaped islands are required in parking areas at the following intervals for either head-in or diagonal parking stalls:

No more than eight (8) consecutive parking stalls are permitted without a landscape break of at least six (6) feet in width and extending the entire length of the parking stall. Each landscape break shall have at least one (1), two and one half (2 ½) inch minimum caliper tree for every ninety (90) square feet of area, or portion thereof, and be covered with grass, shrubs, or living ground cover. To minimize water consumption, the use of low-water vegetative ground cover other than turf is encouraged.
 - b. In lieu of landscaped islands, landscape strips, of at least six (6) feet in width, can be provided between parking isles. Landscape strips shall have the same landscape requirements as landscape islands.

- (5) Foundation buffer: A five-foot wide landscaped buffer is required between any structure and parking and driving areas exclusive of loading ramps and drive-through facility areas.
- (6) Retention/detention ponds should be incorporated as an amenity into the site design wherever possible. The fencing of ponds should be avoided. Ponds should not be located in the front of the property unless the pond has been designed in conjunction with the natural features of the site and is developed and will be maintained as a site amenity. Rectangular or linear shaped ponds should be avoided where visible from the street.
Ponds should be planted and maintained with native wetland plants. Pond slopes shall be no steeper than 2:1. The proximity of the pond to pedestrian circulation should be considered in the design of the pond slopes.

(b) Architectural standards.

- (1) General architectural requirements. Innovative, high-quality design and development is strongly encouraged to enhance property values and long-term economic assets throughout the town. The design review board has the authority to approve designs and materials that vary from the requirements of this section if the board deems that the proposal has architectural merit, is appropriate to the design theme of the development, and is otherwise in keeping with the purposes of this article.
- (2) Building facade. Long, unarticulated or blank facades, including but not limited to those characterized by unrelieved repetition of shape or form, shall not be permitted on any facade or portion of a facade visible or expected to be visible from a public or private street or from primary vehicular access points or parking areas.
- (3) Elevations. All elevations of a structure visible or expected to be visible from a public or private street or from primary vehicular access points or parking areas shall be in harmony with one another in terms of scale, proportion, detail, material, color, and quality design. The side and rear elevations of buildings shall be as visually attractive as the front elevation, where those side or rear elevations are visible from a public or private street. Rooflines and architectural detailing shall present a consistency in quality design.
- (4) Roofs. Roof overhangs and pitched roofs shall be incorporated into all building designs. However, buildings having large footprints, where applying a pitched roof would be impractical, may have a flat roof only if a parapet is used. Main mass pitched roofs shall have a minimum pitch of 4:12. Long unarticulated roofs are not permitted. Roof materials shall consist of wood shingles, slate shingles, multi-layered asphalt shingles, metal (raised seam, galvanized metal, corrugated).
- (5) Exterior materials. The requirements of this section shall apply to all building facades which are visible or are expected to be visible

from a public or private street or from primary vehicular access points or parking areas. Materials shall express their function clearly and shall not appear as materials which are foreign to the character of the building. Wood clapboard, wood board and batten, wood shingle siding, brick, stucco, tabby, natural stone, faced concrete block and artificial siding material which resemble painted wood clapboard are permitted. Vinyl siding shall be approved on a case by case basis as defined in "special exception," section 15.5-29. Highly reflective glass or materials shall not be permitted as the predominant material. Long unarticulated building facades are not permitted. Internally illuminated and/or neon lighted exterior architectural or structural elements that are visible from a public or private street or from primary vehicular access points or parking areas are not permitted. Plywood, cinder block, unfinished poured concrete, and un-faced concrete block are not acceptable siding materials. New building materials will be considered as these are developed and will be evaluated on a case-by-case basis.

- (6) Color. Predominant color design shall be compatible with low country or coastal vernacular palette, which includes traditional historic colors, earth tones, grays, pale primary and secondary colors (with less than fifty (50) percent color value), white and cream tones, and oxblood red. Bright primary colors and disturbing color contrasts can only be used for limited architectural accents. Trademark colors are subject to review by the board.
- (7) Drive-thru windows. Drive-thru windows shall not be located on the front of the building but should be located on the side or preferably the rear of the structure. On corner lots, drive-thru windows should be screened from the street to the extent possible.
- (8) Accessory uses. The design of accessory buildings and structures shall reflect and coordinate with the general style of architecture inherent with the primary structure.
 - a. Unscreened chain-link fences and woven metal fences are not permitted where they will be visible from a public or private street.
 - b. Exterior storage shall be screened from view from a public or private street. Exterior displays shall consist of merchandise that cannot be practically displayed indoors. These include, but are not limited to, automobiles, plant materials, landscape structures, agricultural products, and boats. Areas designated for vehicular parking may not be used as outdoor display areas. If merchandise is displayed on any sidewalk, a minimum of forty-two (42) inches of the sidewalk as measured from the curb must remain open and unobstructed to facilitate safe pedestrian circulation.

(c) Lighting standards.

- (1) The following lighting requirements apply to architectural lighting, parking area and site lighting, security lighting, and the illumination of outdoor storage and merchandise:
 - a. Fixture (luminaries). Unless otherwise explicitly approved by the appropriate design review board, the light source shall be a full cut-off fixture, completely concealed within an opaque housing and shall not be visible from any street. Where the design for an area may suggest the use of lighting fixtures of a particular "period" or architectural style, fixtures other than full cut-off fixtures may be used if the lumens generated by each fixture do not exceed five thousand five hundred (5,500) and if the mounting heights of such fixtures are less than or equal to fifteen (15) feet. In all cases, fixtures used under gasoline canopies and other structural canopies shall be flat lens, recessed lens, or drop lens with glare shields. Use of drop lens without glare shields is prohibited.
 - b. Light source (lamp). Only incandescent, fluorescent, metal halide, or color corrected high-pressure sodium may be used. The same type light source must be used for the same or similar types of lighting on any one site or commercial subdivision. No colors other than white or off-white (light yellow tones) may be used for any light source for the lighting of signs, structures, or the overall site unless the appropriate design review board deems such lighting to be appropriate to the design theme of the proposed development. Total lighting levels cannot exceed fifty thousand (50,000) lumens per acre.
 - c. Mounting. Fixtures must be mounted in such a manner that its cone of light does not cross any property line of the site. Wood fixtures shall be naturally stained or painted with earth tones. If metal poles are used, they shall be black, dark gray, dark brown, or earth tone. Any fixtures located within any required buffer should not exceed twelve (12) feet above grade. The height of all other fixtures shall not exceed twenty-five (25) feet above grade; however, in parking areas greater than one (1) acre in size, lights located more than one hundred (100) feet from any property line may be up to thirty (30) feet above grade.
- (2) Light glare and trespass. With the exception of streetlights, all lighting fixtures shall be designed, located, and installed to avoid casting direct light onto adjacent properties and streets or creating glare in the eyes of motorists and pedestrians.
- (3) Floodlights. Floodlighting is discouraged, and if used, must be shielded to prevent disability glare for drivers or pedestrians, light trespass beyond the property line, and light above a ninety-degree,

horizontal plane. (Unshielded wallpack type fixtures are not permitted.)

- (e) Signage standards.
 - (1) The design, material, color, location, and illumination of signage shall be compatible with the overall design of the development. Sign standards as regulated by the underlying zoning will apply. Internally illuminated signs are prohibited.
- (f) Additional requirements.
 - (1) All utility lines such as electric, telephone, CATV or other similar lines serving individual sites as well as all utility lines necessary within the property shall be placed underground. All utility lines shall be placed underground in new subdivisions. All junction and access boxes shall be located to the side or the rear of the building unless public safety concerns dictate otherwise. All utility pad fixtures and meters should be shown on the site plan. The necessity for utility connections, meter boxes, etc. should be integrated with the architectural elements of the site plan.
 - (2) Mechanical equipment such as heating and air conditioning units, TV antennas and satellite dishes shall be hidden or screened from view. Lattice, open brick enclosures, or vegetation can be used to conceal mechanical equipment. Screening material shall be properly maintained. If vegetation is used for screening, the mature size of the vegetation shall be considered so that equipment airflow will not be compromised.
 - (3) All private trash receptacles (for example, dumpsters) shall be hidden or screened from view. Screening shall be compatible with the architectural style of the building.
- (g) Gas Station Design Guidelines. In addition to all other requirements in the code, the following shall apply
 - (1) Key Objectives
 - a. Protect and enhance the character and quality of commercial districts and adjacent neighborhoods where gas station and convenience stores are located.
 - b. Create a high level of expectation in the quality of gas station and convenience store architecture.
 - c. Provide needed flexibility to respond to unique conditions and constraints inherent to specific areas within the community.
 - d. Minimize negative impacts to adjacent uses resulting from on-site activities.
 - e. Maintain and strengthen the town's identity and character.
 - (2) Character/Context

A variety of character/contextual settings exists in Port Royal ranging from urban settings in downtown, to suburban settings in outlying areas. Each setting warrants differing responses in terms of site development and design. Gas station and convenience store

design should contribute to the established or desired character and identity of the community and neighborhood.

(3) Site Design

- a. All development proposals should show evidence of coordination with the site plan, arrangement of buildings and planning elements of neighboring properties:
 - 1. Seek shared-access with adjoining commercial uses where feasible to minimize curb cuts and enhance pedestrian and vehicular areas.
 - 2. Minimize cross traffic conflicts within parking areas
- b. Mitigate the negative impacts from site activities on adjoining uses:
 - 1. Service areas, storage areas, and refuse enclosures should be oriented away from public view and screened from adjacent sites.
- c. ATMs and other vending machines should be located within the primary retail building.
- d. Sidewalks shall be provided from the primary entrance to the public sidewalk.
- e. Vacuum stations and similar equipment are prohibited on the sides of the principle structure abutting a residential use.
- f. When pumps are proposed at existing facilities which do not meet the design standards for gas stations in this Code of Ordinances, a decorative wall not less than three feet in height shall be required along any side of the property adjoining a street.
- g. Provide significant architectural or landscape features at the corner on corner sites in order to address the public realm and enhance the streetscape.

(4) Architecture

The intent of the following architectural guidelines is to encourage creative architecture that is responsive to local and regional context and contributes to the aesthetic identity of the community.

- a. The building should be appropriately sized and scaled for the site and the overall context. "Kiosk"-type fuel sales are not permitted. A kiosk in this context is defined as an ancillary building from which an attendant sells sundries and monitors the pump; customers are generally not allowed into the building.
- b. Buildings should not derive their image solely from applied treatments that express corporate identity.
- c. The primary building should be at least 50% as long (measured parallel to the street) as the distance along the longest line of pumps parallel to the street.

- d. The design of stand-alone gas stations and convenience stores should conform to the dominant existing or planned character of the surrounding neighborhood. This can be accomplished through the use of similar forms, materials and colors.
- e. All sides of a building should express consistent architecture detail and character. All site walls, screen walls and pump island canopies and other outdoor covered areas should be architecturally integrated with the building by using similar material, color and detailing.
- f. Building colors should emphasize earth tones. The use of highly reflective or glossy materials should be limited and will not be appropriate in all contexts.
- g. Canopy:
 - 1. Canopy should relate to the building in architectural design and materials.
 - 2. Canopies with a pitched roof are encouraged. Multiple canopies or canopies that express differing architectural masses are encouraged.
 - 3. Canopy support columns should be entirely encased with materials that complement the primary building.
 - 4. Canopy fascia should be compatible in scale with building fascia.
 - 5. Canopy band face should be of a color consistent with the main structure or an accent color.
 - 6. Canopy ceiling should be recessed.
 - 7. Outlining of canopies with light bands or tubes is prohibited.

(5) Pump Island

The intent of this section is to encourage pump island designs that are well organized and consolidated to minimize visual clutter. Pump island components consist of: fuel dispensers, refuse containers, automated payment points, safety bollards, and other appurtenances.

- a. The design of pump islands should be architecturally integrated with other structures on-site using similar colors, materials and architectural detailing.
- b. The color of the various components of the pump island, including dispensers, bollards and all appurtenances, are encouraged to be muted.
- c. All elements of the pump island or canopy that are not operational should be architecturally integrated by use of color, material, and architectural detailing.

- d. The use of translucent materials and internally lighted cabinets are discouraged as finishes or as applied treatments at the pump island or on the canopy.
- e. Either a pump island curb or bollard is recommended for the protection of dispensing units.

(6) Lighting

- a. Light fixtures mounted under canopies should be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface (ceiling) of the canopy.
- b. The sides (fascias) of the canopy should extend below the lens of the fixture 12 inches to block the direct view of the light sources and lenses from property line.
- c. Lights should not be mounted on the top or sides (fascias) of the canopy and the sides (fascias) should not be illuminated.

(7) Landscaping

- a. A solid screening structure made of wood or finished masonry shall be installed along the property line when the facility adjoins land in residential use or zoned for single-family development. When the facility adjoins undeveloped property zoned for mixed use, the approval body has the authority to waive or revise this requirement.
- b. Provide ample landscaping and or a decorative wall to enhance the streetscape and define the street edge when setting building structures back from the street is unavoidable.

(8) Signs

See Chapter 22, Article V for specific signage requirements. The following provision is in addition to the provisions required in Chapter 22, Article V apply.

- a. Gas stations in any district where permitted by zoning may be approved to have a reader board included in a freestanding sign. The reader board shall be no more than 40% of the size of the sign face.

CITY OF BEAUFORT
REZONING ANALYSIS RZ11-05
PUBLIC HEARING DATE: APRIL 26, 2011

Applicant

The applicant is the City of Beaufort Planning Department.

Site

The property is located at 804 Wilmington Street, in the Northwest Quadrant neighborhood of the Historic District (see attached Site Location Map). The property is identified as District 120, Tax Map 4, Parcel 346. The lot is owned by Lowcountry Housing and Development Authority, an arm of the Beaufort Housing Authority. The property is undeveloped. The Housing Authority desires to build a single-family dwelling on the lot. The lot is approximately 4,900 square feet in area.

Present Zoning

The property is currently zoned "GC General Commercial District" (GC). The GC district is a fairly intense commercial zone. All types of office and retail uses are permitted, including restaurants without drive-thrus. Limited Vehicle Service (ex., a "quick lube") is permitted, but full service vehicle repair is not allowed. Fuel sales are permitted by special exception and with conditions outlined in the ordinance. Multifamily dwellings are permitted, but single-family dwellings and townhouses are not allowed.

The attached map shows the current zoning pattern in the area. The subject parcel is shown in red. This area of the Northwest Quadrant is primarily residential in nature. In staff's opinion, this area of the neighborhood is "overzoned."

Proposed Zoning

Staff is proposing to zone the lot "GR General Residential District" (GR). GR zoning would permit the Housing Authority's desired use--single-family development. The residential portions of the Northwest Quadrant are already zoned GR. Staff considers the proposed zoning a "placeholder," until the recommendations from Office of Civic Investment are received and adjustments to the overall zoning of the neighborhood can be made.

Consistency with Comprehensive Plan

The Framework Plan in the City's Comprehensive Land Use Plan designates the area as "Urban Neighborhoods/TND (G-2)." The G-2 Sector contains denser, mixed-use development at the scale of neighborhood centers, and suburban, residential development at the scale of walkable "traditional neighborhoods." Appropriate land uses in the G-2 sector include: single-family and multifamily residential, neighborhood mixed-use centers, neighborhood-scale commercial uses (retail and office), civic uses, and light industrial uses. An excerpt from the Comprehensive Plan describing the G-2 district and the Neighborhood Centers are attached.

Land Use Compatibility

Single-family development is the predominate land use in the area; however, there are several nonresidential uses nearby. A police substation is located at 1205 Duke (zoned GR), and two warehouse structures (former City office and storage buildings) are located at 1302 and 1304 Duke (zoned GR). An abandoned corner store is located adjacent to the property at 1401 Duke Street.

The former Frogmore Lodge is located at 1407 Duke. The building next to the lodge at 1409 Duke is said to have been used as a fish store at one time. These lots are zoned GC.

Suitability of Property for Uses Permitted in Current Zoning District

The property is currently vacant and is of sufficient size to accommodate construction of a single-family dwelling.

Suitability of Property for Uses Permitted in Proposed Zoning District

The lot is less than 5,000 square feet. It may be difficult to develop the lot for a commercial use due to on-site parking requirements.

Compatibility of Uses Permitted in Proposed Zoning District with Natural Features

This is an urban infill lot. As a result, there should be no negative impacts on natural features aside, possibly, from trees.

Marketability of Property for Uses Permitted by Current Zoning District

Given the size of the lot and the presence of surrounding residential land uses, the property may be more marketable in a purely residential zoning classification than a commercial classification.

Availability of Infrastructure

Water and sewer are available on the east-west streets and will need to be extended to serve the subject lot. There is no on-street parking in this block of Wilmington Street.

Public Notification

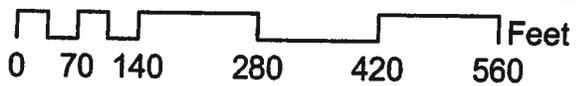
Letters were sent to owners of all property within 400' of the property being rezoned on April 8. The property was posted on April 11. The public hearing notice referencing this application appeared in the April 11 edition of *The Beaufort Gazette*. To date, staff has received no public comments on the proposed rezoning.

Staff Recommendation

The GC zoning in this area of the Northwest Quadrant is too intense. The zoning should be adjusted to reflect the type and intensity of development in the surrounding area, as well the recommendations in the comprehensive plan. The Civic Master Plan currently being prepared by the Office of Civic Investment will likely recommend changes to the zoning. In the meantime, it is important that this small project, which is compatible with the surrounding neighborhood be allowed to proceed. Staff recommends approval.

Site Location Map R120 004 000 0346

Created March 23, 2011

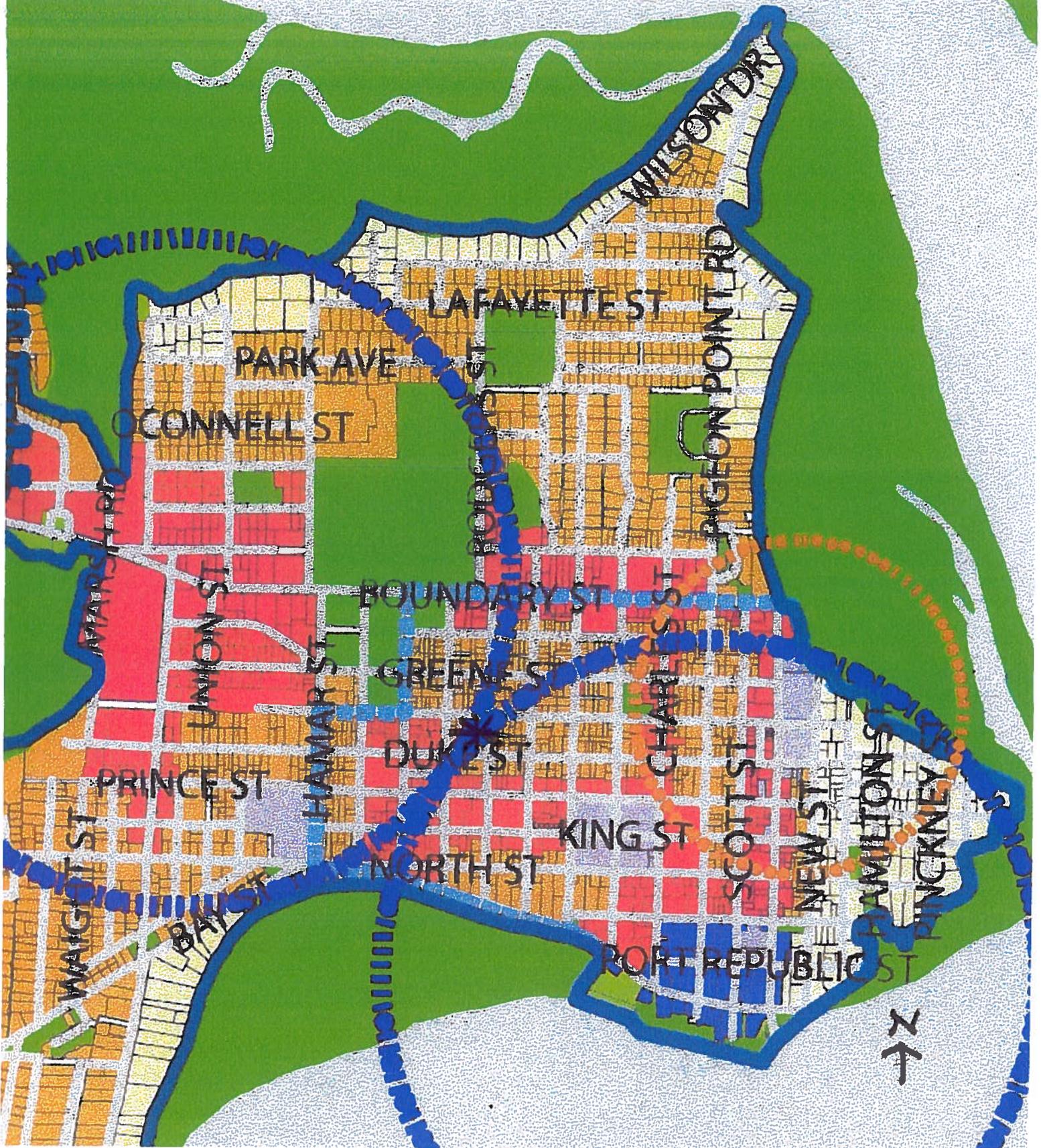


Current Zoning R120 004 000 0346 0000

Created April 6, 2011



**EXCERPT FROM FRAMEWORK MAP
FROM COMPREHENSIVE PLAN**





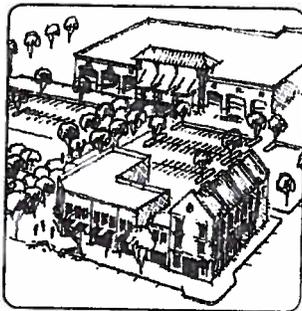
Mix of housing types in a new neighborhood



Neighborhood-scaled mixed-use building



Housing and civic uses in a neighborhood



A grocery-anchored mixed-use development is a typical neighborhood center, which may include retail, office, civic/institutional and residential uses

FG 1.5 GROWTH SECTOR 2 (G-2): URBAN NEIGHBORHOODS/TNDs

The G-2 sector contains denser, mixed-use development at the scale of neighborhood centers, indicated by the small (1/4 mile) circles, and suburban, residential development at the scale of walkable “traditional neighborhoods” shown in orange. This type of residential development creates an identifiable center organized around a small public square or green, often with some civic facilities or a building such as a church or a small store. Local, slow-speed streets form a connected network, with larger collector streets. Paths form pedestrian connections linking sidewalks to internal parks and preserved open space along the boundaries of the neighborhood. This pattern of development can be more environmentally sensitive to its context and can provide improved public health benefits for citizens through its capacity for safe walking and cycling.

G-2 lands are typically close to thoroughfares and at key cross-road locations. For Beaufort, the G-2 sector specifically includes areas that are already developed with neighborhood-serving retail and service uses or at key cross-roads where future development of this type is likely to occur.

The G-2 designation is also used in areas where a mixture of higher density residential types (e.g., small lot single family houses, townhomes, apartment or condominium buildings, or mixed-use buildings) are already occurring or would be appropriate to transition between higher intensity commercial uses and existing lower density neighborhoods, and take advantage of proximity to existing centers of commerce, education, or employment such as the university, downtown, and the hospital.

APPROPRIATE LAND USES/DEVELOPMENT TYPES:

The following community types and uses are appropriate in the G-2 sector:

- traditional neighborhood developments
- single-family and multifamily residential
- neighborhood mixed-use centers
- neighborhood-scale commercial uses (retail and office)
- civic uses
- light industrial uses

FG 1.6 NEIGHBORHOOD CENTERS

Neighborhood Centers, shown as the small black circles on the Framework Map, are based on a 1/4 mile radius (a typical 5-minute walk) from a key intersection. They are intended to be mixed-use activity centers serving surrounding neighborhoods with retail, services, civic uses, and higher density housing. A neighborhood center might typically contain 80,000 to 120,000 square feet of commercial uses. A grocery-anchored mixed-use development is a typical use for a neighborhood center. A conceptual mixed-use neighborhood center for Sea Island Parkway and Lady’s Island Drive was designed at the charrette and is detailed later in this section.

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: April 11, 2011
SUBJECT: Status Report on City Council Actions

=====

UDO Amendment Regarding Short Term Rentals. This topic will be included as a discussion item at your April meeting.

UDO Amendment Regarding Community Uses in Residential Districts. 1st reading of this ordinance is scheduled for the April 12 City Council meeting.

Rezoning 1004 Duke Street. A public hearing was held at the March 22 City Council meeting. 1st reading of an ordinance rezoning the property is scheduled for the April 12 City Council meeting.

Stokes Honda Annexation and Rezoning. This annexation and rezoning was scheduled for 2nd reading at the March 22 City Council meeting. Before the meeting, the applicant requested that this item be removed from the agenda.

Please contact me with any questions on this information.

Thank you.

**CITY OF BEAUFORT - TOWN OF PORT ROYAL
JOINT MUNICIPAL METROPOLITAN PLANNING COMMISSION
RULES OF PROCEDURE**

ARTICLE I. ORGANIZATION

Section 1. Rules.

These rules of procedure are adopted pursuant to S.C. Code § 6-29-360 for the City of Beaufort - ~~Town of Port Royal Joint Municipal~~ Metropolitan Planning Commission which consists of members appointed by the City of Beaufort, ~~and the~~ Town of Port Royal ~~and Beaufort County~~ ~~Town-Councils~~.

Section 2. Officers.

The officers of the Commission shall be a chairman and vice-chairman ~~at-large~~ elected for one year terms at the first meeting of the Commission in each calendar year. The Commission shall appoint a ~~member of the staff~~ representative of the City of Beaufort or the Town of Port Royal as secretary of the Commission.

Section 3. Chairman.

The chairman shall be a voting member of the Commission and shall:

- a. Call meetings of the Commission;
- b. Preside at meetings and hearings;
- c. Act as spokesperson for the Commission;
- d. Sign documents for the Commission;
- e. Transmit reports and recommendations to Councils; and
- f. Perform other duties approved by the Commission.

Section 4. Vice-Chairman.

The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and vice-chairman, an acting chairman shall be elected by the members present.

Section 5. Secretary.

The secretary shall:

- a. Provide notice of meetings;
- b. Assist the chairman in preparation of agenda;
- c. Keep minutes of meetings and hearings;
- d. Maintain Commission records as public records;
- e. Attend to Commission correspondence; and
- f. Perform other duties normally carried out by a secretary.

ARTICLE II. MEETINGS

Section 1. Time and Place.

An annual schedule of regular meetings shall be adopted, published and posted at the designated City, and Town and County offices in December of each year. Regular meetings shall be held on the second third Monday of the month at 5:30 p.m. Special meetings may be called by the chairman upon 24 hours notice, posted and delivered to all members and local new media. Meetings shall be held at the place stated in the notices, and shall be open to the public.

Section 2. Agenda.

A written agenda shall be furnished by the secretary to each member of the Commission and the news media, and shall be posted at least five (5) days prior to each regular meeting, and at least twenty four (24) hours prior to a special meeting. Items may be added to the agenda at a meeting by majority vote.

Section 3. Quorum.

A majority of the seated members of the Commission shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting.

Section 4. Rules of Order.

Robert's Rules of Order shall govern the conduct of meetings except as otherwise provided by the Rules of Procedure.

Section 5. Voting.

A member must be present to vote. Each member shall vote on every question unless disqualified by law. The question of disqualification shall be decided by the member affected, who shall announce the reason for disqualification, give it to the chairman in writing, have it placed in the minutes, and refrain from deliberating or voting on the question. An abstention shall be considered a vote to affirm deny the motion.

Section 6. Conduct of Meeting.

The normal conduct of consideration of an issue or application, subject to modification by the chairman, shall be:

- a. Statement of matter to be heard (chairman);
- b. Presentation by City, or Town or County staff (10 minute limit);
- c. Presentation by applicant (if any) (10 minute limit); and
- d. Public comment (2 minutes per speaker at the discretion of the chairman).

The Board may question participants at any point in the discussion.

Except for public hearings, no person shall speak at a Commission meeting unless invited to do so by the Commission.

ARTICLE III. PUBLIC HEARINGS

Section 1. Notice.

The secretary shall give the notice required by statute or ordinance for all public hearings conducted by the Commission. ~~Members of the public desiring to be heard shall give written notice to the secretary prior to commencement of the hearing.~~

Section 2. Procedure.

In matters brought before the Commission for public hearing, the normal conduct of consideration, subject to modification by the chairman, shall be:

- a. Statement of matter to be heard (chairman);
- b. Presentation by City staff (~~10-minute limit~~);
- c. Presentation by applicant (~~10-minute limit~~);
- d. Public comment (2 minutes per speaker **at the discretion of the chairman**).

The applicant shall have the right to reply last. No person speaking at a public hearing shall be subject to cross-examination. All questions shall be posed by members of the Commission.

ARTICLE IV. RECORDS

Section 1. Minutes.

The secretary shall record all meetings and hearings of the Commission on tape which shall be preserved until final action is taken on all matters presented or for five years whichever comes first. The secretary shall prepare minutes of each meeting for approval by the Commission at the next regular meeting. Minutes shall be maintained as public records.

Section 2. Reports.

The secretary shall assist in the preparation and forwarding of all reports and recommendations of the Commission in appropriate form. Copies of all notices, correspondence, reports and forms shall be maintained as public records.

Section 3. Attendance.

The minutes shall show the members in attendance at each meeting and the reason for absence submitted by any member. The Commission shall recommend to the governing body the removal for cause of any member who is absent from three (3) consecutive meetings without adequate reason.

ARTICLE V. REVIEW PROCEDURE

Section 1. Zoning Amendments.

Proposed zoning text and district amendments shall be considered and recommendations shall be forwarded to the governing body within thirty (30) days after receipt of the proposed amendments, unless additional time is given by the governing body. When so authorized, the Planning Commission shall conduct any required public hearing prior to making a

recommendation.

Section 2. ~~Plats.~~

~~Plats submitted for review pursuant to land development regulations shall be reviewed by designated staff members who may approve for recording plats of existing lots of record, minor subdivisions of land which meet all zoning requirements, and subdivision which are exempt from regulation pursuant to S.C. Code § 6-29-1110 (2). The Commission shall be informed in writing of all staff approvals at the next regular meeting, and a public record of such actions shall be maintained. All other plats shall be subject to review and approval by the Commission.~~

Section 3. Comprehensive Plan.

All zoning and land development regulation amendments shall be reviewed first for conformity with the comprehensive plan. Conflicts with the comprehensive plan shall be noted in any report to the governing body on a proposed amendment. The elements of the comprehensive plan shall be reviewed and updated on a schedule adopted by the Commission meeting the requirements of S.C. Code § 6-29-510 (E).

Section 4. Reconsideration.

The Commission may reconsider any review when so requested by the governing body, or when an applicant brings to the attention of the Commission new facts, a mistake of fact in the original review, correction of clerical error, or matters not the fault of the applicant which affect the result of the review.

ARTICLE VI. FINANCES

Section 1. Budget.

The Commission shall submit written recommendations to the governing body for funding in the annual budget. The recommendations shall include an explanation and justification for proposed expenditures.

Section 2. Expenditures.

Budgeted funds shall be expended only for approved purposes in accordance with financial policies and procedures set by the governing body, including procurement rules. Upon adoption of a budget by the governing body, the Commission may adopt an authorization for specified expenditures by designated staff members within the limits provided. Reimbursement for actual expenses incurred in the performance of official duties approved in advance by the Commission shall be made to members of the Commission and staff upon submission of vouchers supported by receipts.

Section 3. Personnel.

The Commission shall employ such staff and consultants as may be authorized and funded by budget or make recommendations for staff members to be employed by the City, and the Town and Beaufort County. Consultants shall be engaged by majority vote of the Commission after review of proposals invited by public notice and mail, and personal interviews with applicants by the Commission, or a committee of Commission members and staff.

ARTICLE VII. ADOPTION AND AMENDMENT

Section 1. Adoption.

These rules were adopted by vote of a majority of the members of the Commission at a regular public meeting on ~~February~~ April 18, 2011 ~~2000~~ and where revised on January 5, 2009.

Section 2. Amendment.

These rules may be amended at any regular meeting of the Commission by majority vote of the members of the Commission at least seven (7) days after the written amendment is delivered to all members.

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 525-7012

DATE: April 7, 2011

SUBJECT: UDO Amendment Regarding Short Term Rentals

At City Council's March 1 workshop, Council directed staff to continue working on a short term rental ordinance. Staff would like to present a proposal for your input.

- Permit short term rental of the primary dwelling unit in all residential zoning districts by special exception, except in the Traditional Beaufort Residential District The Point.
- Permit short term rental of an accessory dwelling unit in all residential zoning districts except The Point, as a conditional use when the owner is a full-time resident living on the property in the primary dwelling.

Short term rentals would not be permitted in The Point neighborhood. The Point neighborhood has clearly and consistently expressed its opposition to allowing short term rentals in their neighborhood.

The conditions that would apply to all short term rentals, whether permitted by special exception or as a conditional use are attached.

Commission members Alan Dechovitz and Greg Huddy have also prepared a version of a short term rental ordinance. I have it attached it here for your consideration.

Please contact me in advance of our meeting with any questions.

Thank you.

attachments

**Short Term Rental in Residential Neighborhoods
Proposed Minimum Conditions
March 28, 2011**

1. ~~Maximum occupancy 6 persons. (Note that a lesser occupancy could be set by the Zoning Board of Appeals during the special exception hearing based on the size of the dwelling.)~~
2. Minimum 2-night stay.
3. Adequate on-site parking based on the number of adults that are permitted in the unit. Parking shall be located to the side or rear of the dwelling (i.e., the front yard cannot be used for parking). Tenants must use the on-site parking and not park in the street.
4. On-site signage is prohibited.
5. No pets left unattended outside.
6. No outside amplified music.
7. A property management plan must be developed and approved as part of the review process.
8. An ABC fire extinguisher must be located in the kitchen area.
9. Before the business license is renewed, an administrative review of any complaints or property maintenance shall be conducted.
10. Before the business license is renewed, the unit shall undergo an annual Safety Inspection performed by the Building Codes Office (see attached checklist).
11. Approval of the special exception runs with the ownership of the property. If the property ownership changes, approval of the special exception is null and void and a new special exception will be needed to use the dwelling for short term rental.

CITY OF BEAUFORT SHORT TERM RENTAL CHECKLIST

Property Address: _____

Date of Inspection: _____

- One room minimum 12 sq. ft. (10 x 12)
- No double key dead-blots on exit doors
- Sleeping rooms have two forms of egress
- Smoke detectors in sleep rooms and halls
- Ceiling height 7 ft. minimum
- Dwelling unit properly heated
- Windows, intact, screens (if supplied) intact
- Doors & hardware functional, keyed locks
- Window-bars/quick release all bedrooms
- Windows operable in habitable rooms

- Sinks, tubs, & showers drain properly and are waterproof with no leaks
- Water heater vented with seismic straps & adequate combustion air
- No plumbing or sewage leaks
- Hot & cold running water
- No damaged electrical fixtures
- Electrical cover plates installed
- Kitchen stove & sink in good repair
- Minimum 1 toilet, sink, tub/shower
- Wall & floor coverings in good condition
- All units clean & sanitary

- Fire extinguishers installed/charged/inspected annually
- GFCI electrical receptacles (if supplied) in kitchen and bath
- Foundation vent screens intact
- Paint & roofing in good condition
- Halls, stairwells & exits will be lighted
- Adequate exterior lighting
- Exits clear and not blocked
- Dwelling units open to hall or outside
- No insects, rodents or vermin

- Grass cut (6" maximum)
- Lot free of debris
- Roll-cart and recycling bin present

- No unlicensed or inoperable vehicles on premises

3.16 Special Exceptions

A. Purpose

Special exceptions shall be used to permit uses subject to the terms and conditions for the uses set forth for such uses in this UDO. Uses permitted by special exception are declared to possess characteristics which require certain controls in order to insure compatibility with other uses in the zoning district within which they are proposed. The Zoning Board of Appeals shall hear and decide requests for special exceptions.

B. Application

A special exception application form as published by the Administrator and appropriate fee as required by Section 3.1 shall be required, along with such accompanying material as is required to ensure compliance with the criteria listed below.

C. Approval Process

1. Staff Review and Report

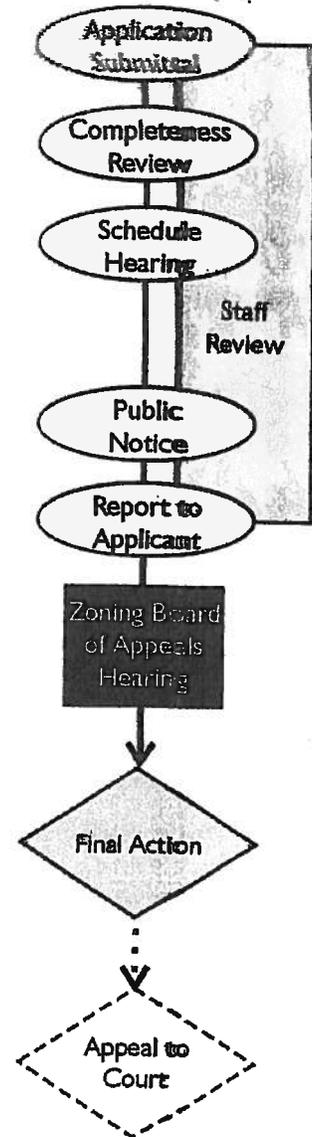
The Administrator shall prepare a staff report that reviews the proposed development in light of the Comprehensive Plan, the review criteria listed below, and the requirements of this UDO. A copy of the report shall be provided to the Zoning Board of Appeals and the applicant before the scheduled hearing.

2. Mailed Notice

A courtesy notice of any Special Exception Application shall be provided by US Mail to all property owners within 200 feet of the subject property. Failure to provide such notice shall not be considered a jurisdictional defect, provided that published notice in accordance with Section 3.1 has been provided.

3. Action by Board of Zoning Appeals

- a. Following posted and mailed notice in accordance with Section 3.1 Approval Procedures, the Zoning Board of Appeals shall hold a public hearing on the Special Exception application.
- b. After review of the application and the public hearing, the Zoning Board of Appeals shall make a written finding and approve, approve with modifications or conditions, or disapprove the request.
- c. If approval, or approval with modifications or conditions is granted, the decision shall be communicated in writing within 15 days to the applicant, and the applicant shall then be authorized to submit a development permit application consistent with this ordinance.



D. Special Exception Review Criteria

The Zoning Board of Appeals may approve an application for a Special Exception where it reasonably determines that there will be no significant negative impact upon residents of surrounding property or upon the general public. The Board shall consider the following criteria in its review:

1. -Whether the proposed use is compatible with existing land uses in the surrounding area;
2. Whether the proposed site plan, circulation plan, and schematic architectural designs are harmonious with the character of the surrounding area;
3. The likely impact on public infrastructure such as roads, parking facilities, and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to adequately service the proposed use without negatively impacting existing uses in the area and in the City;
4. Whether the proposed use and designs are in general conformity with the City's Comprehensive Plan and any other plans officially adopted by the City;
5. Likely impact on public health and safety; and
6. Potential creation of noise, lights, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts.

E. Conditions

The Zoning Board of Appeals may impose such conditions and restrictions upon the application as may be necessary to minimize or mitigate any potential adverse impacts of the proposed use.

F. Appeal

Any party aggrieved by the Zoning Board of Appeals' decision may appeal such determination to the Circuit Court of Beaufort County by filing with the Clerk of the Court a written petition within 30 days after the decision of the Board is postmarked, in accordance with the procedures found in Section 3.17 of this UDO.

Libby Anderson

From: Libby Anderson
Sent: Thursday, April 07, 2011 3:06 PM
To: Libby Anderson
Subject: FW: Short Term Rentals

From: Alan Dechovitz [mailto:sena05@charter.net]
Sent: Monday, March 28, 2011 12:04 PM
To: Libby Anderson
Subject: FW: Short Term Rentals

The core of the proposal in this draft is to modify the UDO in a way that provides a path forward for businesses that have been operating throughout the City without significant incident for, in many cases, years. At the same time, the draft recognizes the legitimate concerns of residential property owners that the fabric of their neighborhood not be disrupted by poorly supervised transient visitors or unkept properties. The draft also takes exceptional pains to protect those areas that already see a great deal of impact from the City's promotion of the historic character of the structures.

In many of our discussions, people have proposed the need for a pilot program, but the present operation of STR throughout the City, whether conforming or not, has been as good a pilot as we are likely to have. We have learned through public hearings that STRs have need of better on site management; better regulation for health and safety; proper permitting, licensing and tax collection procedures - all addressed here. We also know that they operate as a compatible mixed use with essentially no objection from the public prior to our "discovery" of the non-conforming businesses. A mix of residential and commercial uses is consistent with the recently adopted Bladden Street form based codes, planned as a model for much of the urban (T4) area of the City. The Office of Civic Investment (OCI) staff are understandably, and I believe wisely, reluctant to answer citizens' request for them to issue an opinion on this issue. However, it should be clear to the MPC that OCI's lack of objection to the Bladden Street Plan suggests that they support STRs as a compatible mixed use in urban districts .

At the time we were drafting the attached, I had not had access to the recent form based code materials provided to us by Libby. A quick read raises the question whether STRs are compatible, longer term, with sub-urban (T3) neighborhoods. While suburban existing STR, that do no harm, deserve a way forward out of the problems caused by the City's failure to enforce its regulations, it is worth considering whether it is in the best interest of the City that these businesses should continue longer term. If the MPC judges they should not, then it would be sensible to set a date past which no new STR license applications will be accepted in suburban areas and set a date several years hence when all such businesses must cease operation. Given these businesses are, at the moment, operating illegally and could be closed down immediately, this kind of transition should be seen as a fair solution for all involved.

I hope that you will find the draft language attached and other recommendations offer us at least the start of a close to this long running and contentious issue.

Alan

January 31, 2011

Subject – **Short Term Rental Changes to the UDO**

This recommends changes to the Uniform Development Ordinance to enable Short Term Rentals in all residential districts within the City. The proposed language addresses the objections and concerns raised by the public in previous meetings. Short Term Rentals can provide a powerful engine for redevelopment of troubled properties with certain restrictions, as described in the draft language, below.

In addition to implementing the draft ordinance, we recommend Council take the following actions: 1) Provide a substantial financial incentive for Short Term Rental projects which restore blighted structures designated as contributing historic fabric in the Northwest Quadrant and Old Commons. This incentive would be offered in return for the owner's investment of the lesser of 10% of the purchase price of the property or \$50,000, but not less than the incentive amount, in improvements from the date of business license application to date of first rental. Said incentive to be available for projects completed no later than December, 2012. 2) Implement the rezoning of the seven block Bluff neighborhood to Traditional Beaufort Residential (TBR) from GR (General Residential) as recommended by the Historic Preservation Plan Update and Lord-Aeck-Sargent consultants in 2008.

In considering these materials, it is important to keep in mind that, in the last three years, the City has received only one complaint per year regarding Short Term Rental properties. For the most part, these businesses service the public without any negative consequences to the neighborhoods in which they locate.

Draft UDO Language on Short Term Rentals

Short Term Rentals, as defined in the Uniform Development Ordinance, shall be an allowed use in all zoning districts where not specifically prohibited subject to the following:

- 1) Within TBR zoning (Traditional Beaufort Residential – The Point and The Bluff) Short Term Rentals are allowed in an accessory building, only, by Special Exception and may only be permitted where the owner or the owner's property manager is resident on the property in the main building.
 - a) The owner or the owner's property manager shall demonstrate to the City's satisfaction that the subject location is the owner's/ property manager's primary residence.
 - b) The owner's and/ or the owner's property manager's contact information shall be registered with the City prior to issuance of the business license.
 - c) No short term rental of the property shall occur when the owner or the owner's property manager are absent from the City for a period greater than 24 hours.
 - d) Failure to comply with these conditions shall be cause to revoke the permitted use.

- e) Special Exception approval for a site to be operated as a Short Term Rental shall not convey with the property.
- 2) In all other residential zoning districts (R-1, R-2, R-3 R-4, TR, RE, GR and TBR – ~~The Old Commons~~), Short Term Rentals are permitted as a conditional use. The owner or the owner's property manager shall be resident in either 1) the main or an accessory building; or 2) alternatively, the owner or owner's property manager shall be resident within 20 driving miles of the subject property.
- a) The owner's and/ or the owner's property manager's contact information shall be registered with the City prior to issuance of the business license.
 - b) The owner or the owner's property manager shall demonstrate to the City's satisfaction that the subject location or the alternative local residence is the owner's/ property manager's primary residence. In the event that a local property management company is used, the address and business license of that company must be verified and the property management company must provide a single point of contact person for the City in case of emergency or complaints.
 - c) No short term rental of the property shall occur when the owner or the owner's property manager are absent from the City or not available for contact by the City or Police for a period greater than 24 hours.
 - d) Failure to comply with these conditions shall be cause to revoke the permitted use.
 - e) Driving distance shall be determined by reference to any of the internet map direction services (<http://maps.google.com/maps>, <http://www.mapquest.com/>, etc.)
 - f) Refer to Conditional Use Standards for Short Term Rental in UDO Section 5-3.
- 3) If the property is bound by covenants adopted by an Homeowners' Association, Property Owners' Association, or similar legal structure, and that Association is functioning (i.e.: periodically elects officers, periodically reviews its covenants, rules and regulations, and holds annual meetings open to all affected property owners), then the covenants, rules and regulations of the Association shall determine whether short term rental use is permitted.
- 4) All Short Term Rentals must hold a current business license by the City. Every Short Term Rental property shall be subject to annual Health, Safety, and Building Codes inspections and conform to published standards made available to the owner at time of licensing and renewal. More frequent inspections may be conducted at problem properties at the City's discretion. (see attached)
- 5) Each Short Term Rental shall be subject to Administrative review at least once per year. Three substantiated complaints, made to the Administration and/or Police Department regarding the condition, maintenance and/or operation of a Short Term Rental, and noticed to the owner in writing by the City, in any 12 month period shall be sufficient cause for the City to revoke the business license of the Short Term Rental operations at that property. If the business operates more than one Short Term Rental, revocation of the business license at one property shall not necessarily revoke the license to offer Short Term Rentals at

other properties. However, should a business lose its right to offer Short Term Rentals at more than one property in any given 12 month period, then that shall be sufficient cause for the City to permanently revoke that business's license to offer any Short Term Rentals within the City.

Additional Modification to UDO Section 5-3. Conditional Use Standards for Short Term Rentals.

1. A minimum two (2) night stay is required.
2. Adequate on-site parking shall be provided, based on the number of adults that are permitted in the unit. Parking must be located to the side or rear of the rental dwelling unit. Neither the front yard nor on street parking may be used to satisfy this parking requirement.
3. On-site signage is prohibited.
4. No pets shall be left unattended outside.
5. Outside amplified music shall be subject to the City ordinances that require such activity to cease at 900 pm.
6. A property management plan must be submitted by the applicant and approved by the City Administration.
7. Business license renewal shall be contingent upon a satisfactory annual administrative review of the required Property Management Plan, complaints history and property maintenance conditions. Each rental unit shall undergo an annual inspection performed by the Building Codes Office and must meet the International Property Maintenance Code. (see Appendix 1)

Next Steps

The Metropolitan Planning Commission recommends Beaufort City Council take the following next steps:

- 1) Accept the recommended changes to the UDO.
- 2) Direct the Planning Department to undertake rezoning action for the seven block Bluff neighborhood consistent with the Historic Preservation Plan Update recommendations of 2008. Applications for further Short Term Rental businesses in the Bluffs area should be held pending outcome of the rezoning action.
- 3) Direct the City Manager to prepare a recommendation of one or more approaches to provide a meaningful redevelopment incentive for contributing historic structures via short term rentals which Council may then choose to implement.

**BEAUFORT–PORT ROYAL
METROPOLITAN PLANNING COMMISSION**

City of Beaufort Planning Department
1911 Boundary Street ~ Beaufort, South Carolina 29902
Phone: 843-525-7011 ~ Fax 843-986-5606

MINUTES

METROPOLITAN PLANNING COMMISSION

March 21, 2011, 5:30 P.M.

City Hall Council Chambers, 1911 Boundary Street, Beaufort, South Carolina

A meeting of the Beaufort-Port Royal Metropolitan Planning Commission was held on March 21, 2011 at 5:30 p.m. in council chambers of the Beaufort Municipal Complex, 1911 Boundary Street. In attendance were Chairman Joe DeVito and Commissioners Alan Dechovitz, James Hicks, and Robert Semmler and City Planning Director Libby Anderson, Town Planner Linda Bridges, and Tony Criscitiello, County Planning Director. Commissioners Greg Huddy and James Crower 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

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

REVIEW OF PROJECTS FOR THE TOWN OF PORT ROYAL

Town of Port Royal - Text Amendment

Revising Chapter 15.5 Overlay Districts, adding an article to provide design standards for all non-residential development that is not within an existing overlay design district

Ms. Bridges said staff was submitting an amendment. There are 3 design districts to which she wanted to draw the commission's attention. She described the parameters of the Traditional Town Overlay District. The other design districts are the Shell Point Neighborhood Overlay District and the Robert Smalls Parkway Overlay District; she described the parameters of these as well. She said anyone planning commercial, multi-family, townhouse, or a planned community would have a design district. This text amendment is for a fourth design district which applies to those areas not covered by the other design districts. This will cover all *non-residential* development and excludes one- and two-family dwellings but covers every other kind of structure: civic and institutional structures, multi-family dwellings, etc.

The Town of Port Royal adopted a code to control and make more alike the things on the Robert Smalls Parkway corridor. She called this "a nice, middle of the road code" which is less stringent than the Traditional Town code. It doesn't have the specificity of the Shell Point code,

which was tailored to Shell Point, where it works. Therefore, the Robert Smalls Parkway code "provides the DNA" for this new code.

She presented some of the feedback from the town's Design Review Board to whom she had presented the idea. She had made some changes and wanted to present some of the ideas to the Joint Municipal Planning Commission. The Design Review Board recommended that:

- The 2 Shell Point Overlay members on the expanded Design Review Board be added. The Design Review Board is a 5-member board appointed by town council. They have 7 members when an issue regarding the Shell Point Overlay is presented. One has to have property in the Shell Point area, and the other has property in the unincorporated Shell Point area.
- Vinyl siding be removed as an approved external material.
- Parking to the side and rear – there was a question as to whether it should be bumped up to a 75% standard
- Retention and detention ponds – much of the language in the Robert Smalls Overlay and this one uses the word "should," and the Design Review Board suggested changing those to the stronger "shall."
- Gas station design guidelines should possibly be changed.

The comp plan, Ms. Bridges said, guides everything. The goals and strategies in the comp plan that apply are

- Port Royal will continue to build on its strong planning tradition, "placing quality on the built environment"
- Maintaining the unique quaint coastal character while accommodating new growth and development.
- Town of Port Royal will coordinate growth with the City of Beaufort and Beaufort County
- Port Royal will support the vision for Northern Beaufort County to maintain a distinct regional form of compact urban and suburban development surrounded by rural development
- Port Royal will promote compatible infill and redevelopment.

The ordinance itself was the remainder of Ms. Bridges' staff report

Chairman DeVito asked, in reference to the retention/detention ponds, if they have had problems where the overlays are already, and might need "should" instead of "shall." Ms. Bridges said the developers bring the retention ponds as amenities; as design goes, she said they're fine, and they haven't had a problem, but they do with the *maintenance* of the ponds: aerators don't work; scum grows on them, etc. Some communities are good at it, others aren't.

Commissioner Hicks said the 3 districts are meshed closely; surely there's a vehicle for changes to be made to all three over time. Ms. Bridges said it would be separate. If the document moves forward with the "shalls," she would bring an amendment next month to the Shell Point Overlay and the Robert Smalls Overlay and bring them all up together.

Commissioner Hicks asked if the comp plan addressed how they wanted to see commercial growth along the corridors or if the guidelines are general and they wait to see how the market develops. Ms. Bridges said when the comp plan refers to the Town of Port Royal being urban, there's an urban standard. The zoning doesn't speak as effectively to the urban vision, she said. That code was adopted by the Town of Port Royal in 1979. The Highway Commercial corridor wouldn't ask much of it, i.e., where the parking is to be placed, pedestrian and vehicle connectivity, etc.

Commissioner Dechovitz asked if staff had presented this proposal to developers who might be considering the Town of Port Royal or who were active there now. Ms. Bridges said she has not forwarded it to anyone like that specifically. At the time she presented it to the Design Review Board, there were developers there who were privy to the discussion, and she got no comments back, but that wouldn't have been appropriate at that time. Commissioner Dechovitz said he'd like to see that happen before they vote on it. There's not a lot of innovation in Port Royal, he said, and it's "very regulated." He'd like to "encourage doing things for the good of Port Royal."

Commissioner Dechovitz said the document suggests that for non-residential development, staff has to review everything that's at least \$5,000, which is a very small commercial project; he asked if there was consideration as to "why the bar was set so low." Ms. Bridges said staff reviews everything; if the project is greater than \$5000, it goes to the Design Review Board. Ms. Bridges said that's the standard in all the districts. Ms. Bridges added that this applies if it's an issue covered by code. Ms. Bridges gave the example of an inexpensive roof replacement that staff would issue the permit for, if it met the standards. Commissioner Dechovitz said his concern was that the figure was too low. He has a concern with the code work: if the burden is so great, people can't bring innovation or development. If the development community is fine with it, he would be, too.

Commissioner Dechovitz said the meaning of paragraph 4, which begins, "Any person," was unclear. Ms. Bridges said it means that "if you have a leg to stand on, you have to present it to move forward." If the wronged entity feels the law is on his/her side, they are to put together a packet that states their appeal and also why it should be heard or granted. She said she would work on the language. Commissioner Dechovitz said it could be clearer.

Chairman DeVito said he thought the new guidelines on gas stations should be maintained and followed. In reference to "should" and "shall," he feels the Design Review Board should be allowed discretionary room; Commissioner Dechovitz agreed.

In reference to parking standards, Chairman DeVito feels 50% of the road frontage is adequate. 75% frontage seems to be "playing with the design capabilities." And in reference to vinyl siding, Commissioner Dechovitz said there are other materials now, and there's no call for people to use vinyl siding anymore.

Chairman DeVito said Ms. Bridges would come back with Shell Point representatives' and developers' comments. There was no public comment.

REVIEW OF PROJECTS FOR THE CITY OF BEAUFORT

Rezoning a parcel of property located at 1004 Duke Street, identified as District 121, Tax Map 4, Parcel 509. The existing zoning is "General Residential District." The proposed zoning is "Neighborhood Commercial District."

Applicants: John and Erica Dickerson

Ms. Anderson said the property is one lot off the intersection of Charles and Duke Streets in the Beaufort Historic District. The building is considered "contributing." Ms. Anderson described the size and the present General Residential zoning. She indicated on a graphic the property and those that surround it. The proposed Neighborhood Commercial District zoning allows all types of residential as well as low-intensity office and commercial uses. The design standard for new construction limits the building footprint to 2500 square feet for a single-use building.

In the surrounding zoning, Charles Street is a commercial corridor, but one interior lot is zoned Neighborhood Commercial District, so "it is a sort of a precedent," Ms. Anderson said. The comp plan designates it an urban neighborhood G-2. She reviewed appropriate uses under the comp plan. She described the various commercial uses in and around the area, which she termed "quite varied." The dwelling was meant for residential use when it was built.

There's not optimum parking for some commercial use; depending on the use, a parking variance may be required. In reference to notification, the city sent letters, posted the property, and ran the hearing notice in the *Gazette*. They received two comments that were e-mailed to the commission. Ms. Anderson said the staff recommendation is for approval.

James Lawton said he lives on Duke Street, and he would like for the property to remain residential; he doesn't want the neighborhood to be commercial.

Dwayne Smalley, 802 Charles Street, said his mother owns some properties near 1004 Duke Street. He spoke against the rezoning of the property to commercial. All the neighbors he spoke with support the parcel remaining residential. This has come up before, he said, a few years before, and it was rejected then. His family "has lived in the same spot for 90 years," and Mr. Lawton has been there 50 years. It's a family neighborhood, not one for businesses.

Mr. Smalley said the reason for the rezoning request has to do with the short-term rental policy the city lacks. The property owners would like to have a short-term rental at 1004 Duke Street, and he's not opposed to that, as are all of the residents he's spoken to. They'd like to see the city draft a short-term rental ordinance for the entire downtown area, "not just a loophole that would set a precedent for other property owners." Developers and speculators could go to General Residential areas and do the same, regardless of what the neighbors might want. He thinks the city needs to come up with a proposal that satisfies all neighborhoods. He expects others will speak out in agreement with him at the following night's public hearing.

Mr. Smalley said the Northwest Quadrant study group formulated 100 proposals, and none of them were that businesses come in and rezone properties to aid redevelopment. The comp plan of 2009-2010 refers to creating workforce housing in the Northwest Quadrant, not changing the designation of sites to accomplish that. They want the city to come up with a more comprehensive proposal. They don't want to create a cycle with a revolving series of businesses there.

Chris Lempesis had lived next to the Dickerson's short-term rental on Charles Street for 9 months, and in that time, having people next door encouraged the neighborhood to keep it up; the Dickerson's cleaned the yard every time they had a rental, and "there were never rambunctious renters." The property is small, and he can't see anything else being done to it. He offered to answer any questions or concerns about living next to a short-term rental. He now lives next to a long-term rental in Pigeon Point whose renters don't keep their property up. He feels that short-term rental would not be a detriment to the neighborhood.

Mary Jordan-Lempesis agreed with her husband and said they had a great experience and the short-term rental neighbors were all positive. The renters were all looking at the city as a place to retire. She complimented the Dickerson's for their upkeep of the property.

John Dickerson said the property is next to the Charles Street Commercial Corridor. Around it are condemned historic properties that are non-contributing; he showed some pictures of these. It's important to preserve the assets of the Northwest Quadrant, he said. He showed pictures of the property prior to renovation and after. He also showed a short-term rental on Charles Street which operates legally. There are currently vacant properties around their property, vacant lots, condemned properties, and long-term rentals which either can't be rented or can't maintain renters.

Commissioner Dechovitz agreed that the city should have a policy about short-term rentals and "not experiment with the Northwest Quadrant." The topic of short-term rentals has been under discussion with many for months now, and there has been no decision on draft language. It was sent to the mayor last month and re-worked again. It's a controversial issue because the city has allowed many businesses to operate in residential districts. Commissioner Dechovitz went on to discuss the process and said what they want to see won't happen for at least a couple

months or longer. That solution is the right way to proceed, “but they haven’t gotten there yet.”

Commissioner Dechovitz said they have looked many times at other districts for expanding commercial zoning. There’s been no apparent damage to the properties in the area, and this request is fairly consistent with these other areas. Charles Street has commercial properties up and down it. The character of this area is traditionally mixed use. He doesn’t “expect that the family fabric will be maintained while the condemned properties will be removed” unless they have value as short-term rentals, which make it worthwhile to maintain or make them into offices. Commissioner Dechovitz said having offices next door is unlikely to happen on Duke and is more likely on Charles.

Commissioner Dechovitz made a motion to recommend approval of the application for the rezoning of 1004 Duke Street; Commissioner Semmler seconded. Commissioner Semmler commended the Dickerson’s for their “patience with the bureaucracy” on this issue and for what they have done to renovate the home. Commissioner Hicks said the city council needs to have the Planning Commission say staff needs to come back with a proposed ordinance within the next 60 – 90 days. **The motion was approved unanimously.**

CITY OF BEAUFORT – UPDATE ON COUNCIL ACTIONS

City council agreed that staff should continue to work on the short-term rental agreement. Ms. Anderson said the rezoning of Greenlawn was held, and the Stokes Honda annexation and rezoning first reading was held. There will be public hearing at the following night’s city council meeting.

REVIEW OF PROJECTS FOR THE COUNTY OF BEAUFORT

County of Beaufort – Text Amendment to the Beaufort County Zoning and Development Standards Ordinance, adding new article: Article XVII. Transfer of Development Rights (TDRs)

Tony Criscitiello reviewed the various areas in the AICUZ. There are approximately 1400 eligible TDR candidates. Receiving areas are in the Seabrook, Clarendon, Laurel Bay, Burlington and Battery Creek High School areas. Additional areas in the city or town could be added later on. All are in the unincorporated areas of the county. The Beaufort County Planning Department is the administrator and would be a clearinghouse for information. The TDR bank could be run by the county, a land trust, or a private entity.

Participation in the TDR program is voluntary, he said. It is meant to remedy the unused development potential removed by the AICUZ Overlay District. They would issue TDR certificates to the property owner, a commodity the owner could legally sell. Developing a 1000 unit development would require 333 TDRs on the property, roughly 1 TDR per 3 dwelling units. For commercial development, it’s 1 TDR for 5000 square feet. A 10,000 square foot building is 2 TDRs.

Affordable housing units are exempt and wouldn't require a TDR. Some commercial developments and Traditional Neighborhood developments might be exempt as well; the *commercial part of that would not be required to be part of the TDR. This would be the same with industrial development, which is exempt, so that there's not a barrier or impediment to industrial development.*

In the unincorporated area, upzoning would require a TDR above the base density, and this is an interim mechanism until the form-based code is addressed. The 3 transactional options are a direct buyer-seller exchange: a developer finds a seller; a TDR Bank could be set up and a developer could pay cash in lieu to the bank; and the bank would go out and search for candidates who want to sell their TDRs.

The TDR certificates are to be purchased and streamlined for the developer. The price is based on market value for the unit in its location. The fee can be changed annually. The county council would establish value on an annual basis, and the ordinance need not be amended annually.

Mr. Criscitiello presented a diagram to the Planning Commission of how the program would work. He then reviewed the steps that need to be taken to begin the TDR program. This is something being proposed in the growth boundary and is in relationship to the AICUZ and the 1400 units in it. The Planning Commission was provided with a copy of the ordinance, Mr. Criscitiello said.

Chairman DeVito asked for more information on the cash-in-lieu process. Mr. Criscitiello replied that when the property is appraised, the owner says "I'd like to develop my property with a 1000 unit development, and I want to know how many TDRs I need." Chairman DeVito said if it's voluntary, he could buy TDRs, and Mr. Criscitiello said there is potential for a lag based on the free market system. When people know there's money available for their unused density, there will be a market that will rise from it. Chairman DeVito wanted to know if there's a reasonable expectation that someone would sell the certificates back. That was his only concern, he said.

Commissioner Dechovitz asked what ensures the county never uses the money for anything other than the TDR program. Mr. Criscitiello said it "would be an absolute certainty if there were a TDR Bank run by an independent land trust to acquire development rights." Commissioner Dechovitz said it could be the county and Mr. Criscitiello agreed, but added that he personally subscribes to the idea that the land trust runs the TDR bank. He said the Planning Commission could recommend that it be so.

Commissioner Semmler asked about the reversibility clause. Mr. Criscitiello said if someone with 5 TDRs decides he doesn't want to give away his development rights after all, he can reverse it. He can't come back and sell only 2 of them, though; "everyone is either all in or all

out” to keep it more manageable. Commissioner Semmler said an owner can commit to the program and then five years later change his mind. Mr. Criscitiello said once the TDR is established, the easement is created, and the exchange between buyer and seller is tracked.

Commissioner Dechovitz said he would characterize this as “carbon credits for property.” An artificial currency has been created for property rights, he said, and it’s complicated. Mr. Criscitiello explained why this is better than a PDR (Purchase of Development Rights) program, which is not a good fit for small lot landowners who live on a couple acres with one dwelling unit that can’t be subdivided because of the AICUZ. It benefits small property owners, which is its objective.

Commissioner Dechovitz asked if, for a small property owner, it wouldn’t be more straightforward to estimate the loss of value to their property and then just pay them, rather than go through this process. Mr. Criscitiello said that’s called “inverse condemnation,” and is “highly legalistic and court-driven.” It would take many years, the AICUZ might not have been adopted, and the base might not be here. Mr. Criscitiello said when the AICUZ was done, the property owners were told that the county would come back and provide TDRs and finally they “can do what they promised.”

Commissioner Dechovitz posed a hypothetical situation about a property owner who’s not in the AICUZ and through the TDR mechanism someone “could build a Habersham behind him.” Mr. Criscitiello replied that all changes to zoning are a legislative action by the county council, and the neighbor can appear before council; they don’t *have* to be given the right to upzone. Mr. Criscitiello said the true value of the TDR Bank is the ability to purchase and hold until the circumstances and time are right. The money will come from a variety of sources with a kick-start from the DOD. Commissioner Dechovitz asked if that were sufficient for all the TDRs they might need, and Mr. Criscitiello said “absolutely not.”

Alice Howard said the state gave \$250,000 to governments to do a TDR pilot program, and the DOD will match that. Commissioner Dechovitz confirmed that the pot is \$500,000 for all the property owners in the AICUZ to start. Mr. Dickerson said it would be replenished by the buying and selling. Mr. Criscitiello emphasized that this is a pilot program in this area.

Commissioner Dechovitz said his impression is that “the property owners are getting the short end of the stick,” and he hopes it turns out better than it sounds. Commissioner Hicks said there is no alternative. He explained the various options that have been explored and the work that has been done to create this. This “has been kept within the county for simplicity to establish it,” he said. Down the line, the towns and city might need to be brought in. Mr. Criscitiello said the county council could expand the receiving area in the future if the market isn’t big enough. The receiving area doesn’t need to be kept intact, but he can’t imagine that “a shrinking receiving area can mean anything but doom for the program.”

Commissioner Hicks made a motion that the Planning Commission forward the text amendment to County Council recommending approval and that the municipalities consider passing a resolution of support for the establishment of the TDR pilot program. Commissioner Semmler seconded. Commissioner Dechovitz said he wouldn't support tying the city into this. He has a lot of concerns; to him, "it looks like a raw deal to the landowner on both sides of the deal." A lot is done to accommodate the DOD, and he "couldn't vote for tying the city into the program without analysis." He really doesn't like the idea of anyone other than an independent trust or a commercial bank operating the TDR Bank. It should be chartered to ensure that the money goes to the property owners only.

Commissioner Hicks asked "if the cost of the operation of it should be thrown out." Commissioner Hicks said it's estimated to cost \$60,000 a year for start up, and \$100,000 a year to keep it going. That's the reason, Chairman DeVito said, the pilot program is suggested to be run by the county and then to later go to an independent entity. **The motion passed on a vote of 3-1, Commissioner Dechovitz opposed.**

MINUTES

On page 3 of the February 21, 2011 minutes, Commissioner Dechovitz said that Dick Stewart had presented success criteria he recommended and a time boundary on the pilot program, but this was not noted in the minutes. Commissioner Dechovitz said the acronym AICUZ is improperly written as ACUZ throughout the minutes. **Commissioner Dechovitz made a motion to accept the February 21, 2011 meeting minutes as amended, second by Commissioner Semmler. The motion passed unanimously.**

DISCUSSION

Ms. Anderson said there would be a workshop the following week by the Office of Civic Investment that would last about 20 minutes. She asked if the commission would want a workshop on short-term rentals, too, to be presented by staff. There was some discussion of the scheduling of charettes, the location of meetings, and the point of the Office of Civic Investment workshop.

Commissioner Dechovitz asked if council would consider a resolution on TDR the following night. Ms. Anderson clarified that this was to support the pilot program in the county, not to bring it into the city at this time.

There being no further business to come before the commission, **Commissioner Hicks made a motion to adjourn, second by Commissioner Semmler.** The motion passed unanimously, and the meeting was adjourned at 7:49 p.m.