

**BEAUFORT–PORT ROYAL
METROPOLITAN PLANNING COMMISSION**

AGENDA

1911 Boundary Street, Beaufort, SC 29902

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

Monday, March 21, 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 – 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.

B. 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 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.

B. City of Beaufort – Update on Council Actions.

V. Redevelopment Projects for Beaufort County:

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

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: March 14, 2011

Staff is submitting an amendment to the Town of Port Royal Code of Ordinances, Chapter 15.5 - Overlay Districts. There are currently within the town three “Design Districts”:

- the Traditional Town Overlay District, Chapter 15.5, Article II (see Exhibit A for boundaries)
- the Shell Point Neighborhood Overlay District, Chapter 15.5, Article IV (see Exhibit B for boundaries)
- the Robert Smalls Parkway Overlay District, Chapter 15.5, Article V (see Exhibit B for boundaries).

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. The members of the DRB, at their March 3, 2011 meeting reviewed the proposed code language and offered the following feedback.

- Add the two Shell Point members, who augment the DRB when a development falls within the Shell Point Overlay, to the administration of this new code. *Staff had not included this provision in the original draft of the new code. The Shell Point code is the result of a planning effort contributed to by the county’s Shell Point Community Preservation citizen committee, County Council representatives, Port Royal Council representatives, Planning Commissioners from Beaufort County and Port Royal, and planning staff from Beaufort County and Port Royal. The Shell Point Neighborhood Overlay is unique from the town’s other overlay districts in that the Shell Point overlay, in addition to regulating design issues, has provisions that effect density and use adjacencies. The administration of the Shell Point code added two members to the town’s DRB. Both appointees must live or own property within the district; one member’s property must be in the town, the other member’s property must be in unincorporated Beaufort County. This administration is unique to the Shell Point Neighborhood District, and not based on design issues alone. Staff does not*

recommend appointing these two members to regulate design issues that do not lie within the geographic boundaries of the Shell Point Neighborhood.

- **The DRB recommended that vinyl siding be removed as an approved exterior material.**
Vinyl siding was included in this overlay district as an approved material as it is an approved material in all other districts (it is allowed on a limited basis in the Traditional Town Overlay District).
- **Site design standards.**
(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. **Question:** Should we go higher (75% but allow for view corridor).
The quoted text standard is uniform with our other existing overlay codes. It should be pointed out the Shell Point code has the same standards as the Beaufort County Shell Point standards and the Robert Smalls Parkway code mirrors the standards adopted by Beaufort County and the City of Beaufort.
- (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.**
Question: Could we say something like:
A variety of tools shall be encouraged for managing on-site stormwater. When Retention/detention ponds are utilized, they **shall** be incorporated into the site in a manner that creates a civic amenity. The fencing of such ponds **shall be prohibited**. Retention/detention ponds:
 - **Shall 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 **civic** amenity).
 - **Shall not** be located on the street side a corner property (a lot bound by two public or private streets).
 - **Shall** be planted and maintained with native wetland plants.
 - **Shall** have slopes no steeper than 2:1. The proximity of the pond to pedestrian circulation should be considered in the design of the pond slopes.*Again, the quoted text standard is uniform with our other existing overlay codes.*

- (g) Gas Station Design Guidelines.

Question: Should we add something like:

Pumps shall not be located between the building and primary street (street address), but may be located on the side, OR preferably the rear of the structure (not both). Buildings shall address the primary street. On corner lots, the building shall anchor the corner, with pumps located to the rear, or on the side of the building that does not front a street. Keep in mind that corporate gas stations frequently have pumps on both sides with two entrances (one for each side).

Again, the quoted text standard is uniform with our other existing overlay codes.

Comprehensive Plan

Goals and Strategies included in the town's Comprehensive Plan to be considered in the adoption of this amendment.

GOALS

- Port Royal will continue to build upon its strong planning tradition in placing a high priority on the quality of the built environment.
- We will strive to maintain our unique, quaint coastal character while also accommodating new growth and development to sustain our community.
- The Town of Port Royal will coordinate growth with the City of Beaufort and Beaufort County, especially around the current and future edges of the communities.
- 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 for the purpose of reinforcing the valuable sense of unique and high quality places within the region.
- Port Royal will promote compatible infill and redevelopment.

ARTICLE XXX. NON-RESIDENTIAL OVERLAY DESIGN STANDARDS

Sec. xx-xxx. 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. xx-xxx. 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 is rendered. Such appeal shall be filed within thirty (30) days after the decision of the board.

Sec. xx-xxx. 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. 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, un-faced concrete block, and plastic or vinyl, not closely resembling painted wood clapboard 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

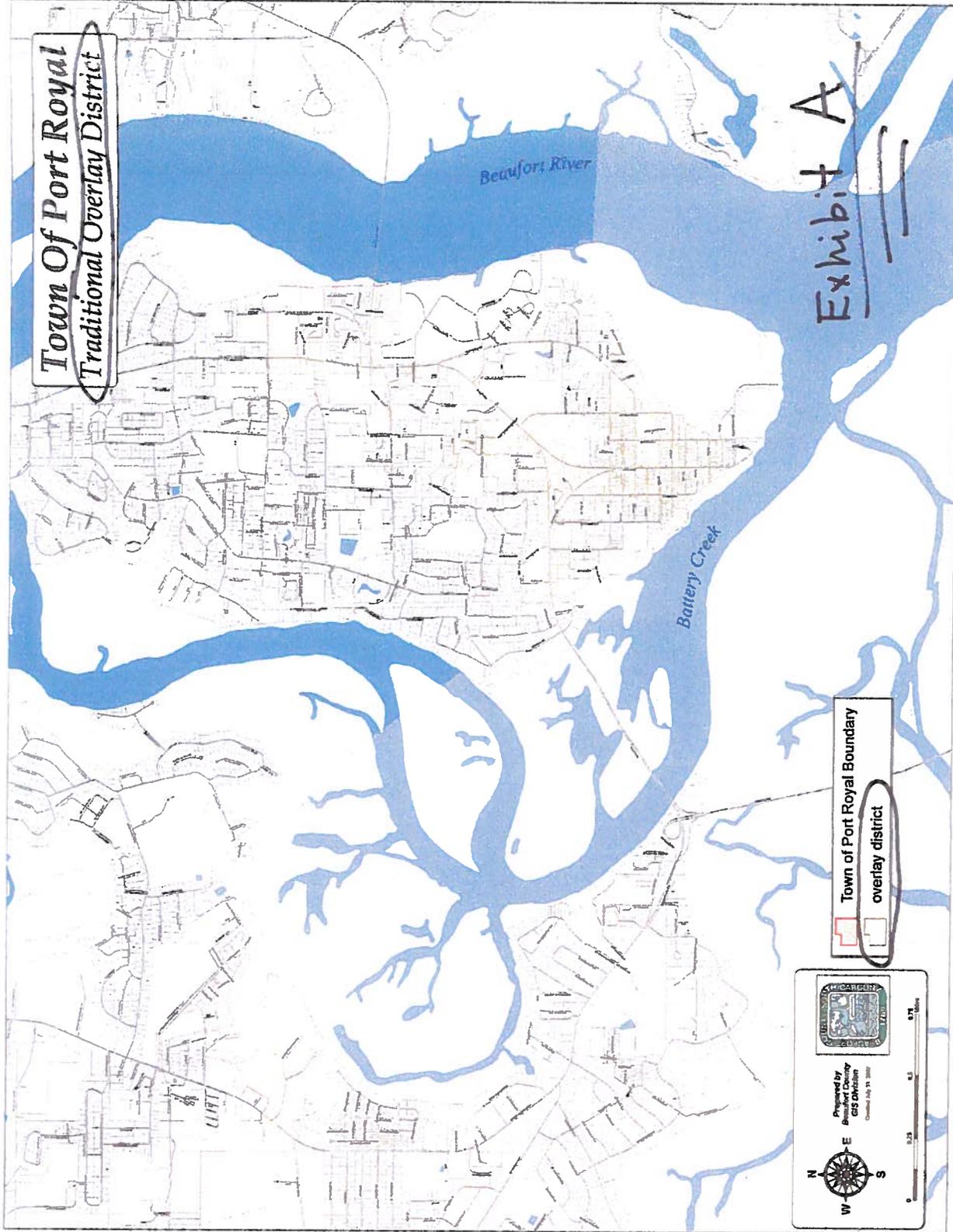
The intent of this section is to encourage pump island designs that are well organized and consolidated to minimize visual clutter. Pump island components consist of: fuel dispensers, refuse containers, automated payment points, safety bollards, and other appurtenances.

- 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 that 40% of the size of the sign face.

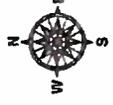
Town Of Port Royal
Traditional Overlay District

Exhibit A



Town of Port Royal Boundary
overlay district

Prepared by
Beaufort County
GIS Division
Created July 14, 2009



Memorandum

To: Joint Metropolitan Planning Commission
From: Linda Bridges, Planning Administrator
Date: March 14, 2011
Subject: Update on Town Council Action

- There are no issues or actions to report.

Please contact me with any questions on this information, 843 986-2207 or lbridges@portroyal.org.

Thank you.

CITY OF BEAUFORT
REZONING ANALYSIS RZ11-04
PUBLIC HEARING DATE: MARCH 22, 2011

Applicant

The applicants are John and Erica Dickerson.

Site

The property is located at 1004 Duke Street, in the Northwest Quadrant neighborhood of the Historic District. The property is located in the south side of Duke Street, one lot west of the intersection of Charles and Duke Streets (see attached Site Location Map). The property is identified as District 121, Tax Map 4, Parcel 509. The lot is approximately 2,200 square feet in area. A single-family dwelling, approximately 740 square feet in size, is located on the property. The building is a contributing structure according to the 1998 Beaufort County Above Ground Historic Resources Survey.

Present Zoning

The property is currently zoned "GR General Residential District" (GR). The GR District is a residential zone that permits single-family, townhouse, and multifamily dwellings. Multifamily dwellings are permitted at a density of up to 25 units per gross acre. Churches and schools are conditional uses. Group dwellings such as assisted living facilities, are permitted by special exception by the Zoning Board of Appeals. The table of permitted uses in the various zoning districts and the development standards for the districts are attached.

The attached map shows the current zoning pattern in the area. The subject parcel is outlined in blue. As shown in the zoning map, the lot, located one lot west of Charles Street, adjoins Neighborhood Commercial (NC) zoning along Charles Street. Duke Street to the west of the lot is zoned GR. Although NC zoning is primarily limited to the Charles Street corridor, as noted on the zoning map, an interior lot on Washington Street (the lot has no address), just to the west of 814 Charles Street, is also zoned NC.

Proposed Zoning

The property is proposed to be rezoned Neighborhood Commercial District (NC). NC is a mixed-use district permitting all types of residential development as well as office and commercial uses. The footprint of new free-standing office and retail uses is limited to 2,500 square feet in an effort to prevent "big box" type commercial development, although larger facilities are allowed as part of a mixed-use development. Drive-through facilities, except for banks, are not permitted

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. In addition, the site is at the fringe of the one-quarter mile activity center focused on the University of South Carolina Beaufort (USCB) campus. The USCB focus area would be comparable to the Neighborhood Centers set out in the

Comprehensive Plan. The Neighborhood Centers are “intended to be mixed-use activity centers serving surrounding neighborhoods with retail, services, civic uses, and higher density housing.” Excerpts from the Comprehensive Plan describing the G-2 district and the Neighborhood Centers are attached.

Land Use Compatibility

The lot is located one lot west of Charles Street. The Charles Street corridor has a mix of office, civic (churches and Post Office), residential, and service uses. Duke Street to the west is primarily residential in nature; however, a police substation is located at 1205 Duke, and two warehouse structures (former City office and storage buildings) are located at 1302 and 1304 Duke. All these lots are currently zoned GR.

Suitability of Property for Uses Permitted in Current Zoning District

The existing structure on the lot was built for use as a single-family dwelling and is suitable for continued use as a residential structure. The lot adjoins residential uses to the west.

Suitability of Property for Uses Permitted in Proposed Zoning District

The lot has two on-site parking spaces, so it may be possible to convert the structure to a nonresidential use. Note that certain building code requirements will need to be met for change in occupancy.

Compatibility of Uses Permitted in Proposed Zoning District with Natural Features

The lot is already developed. A change of occupancy of the building, would have be no impact on natural features.

Marketability of Property for Uses Permitted by Current Zoning District

The property may be more marketable under the proposed NC zoning than under the current GR zoning, although the small size of the building may limit the attractiveness of the property for many types of nonresidential uses.

Availability of Infrastructure

The lot is served with water and sewer. On-street parking is available on Charles Street, one lot to the east.

Public Notification

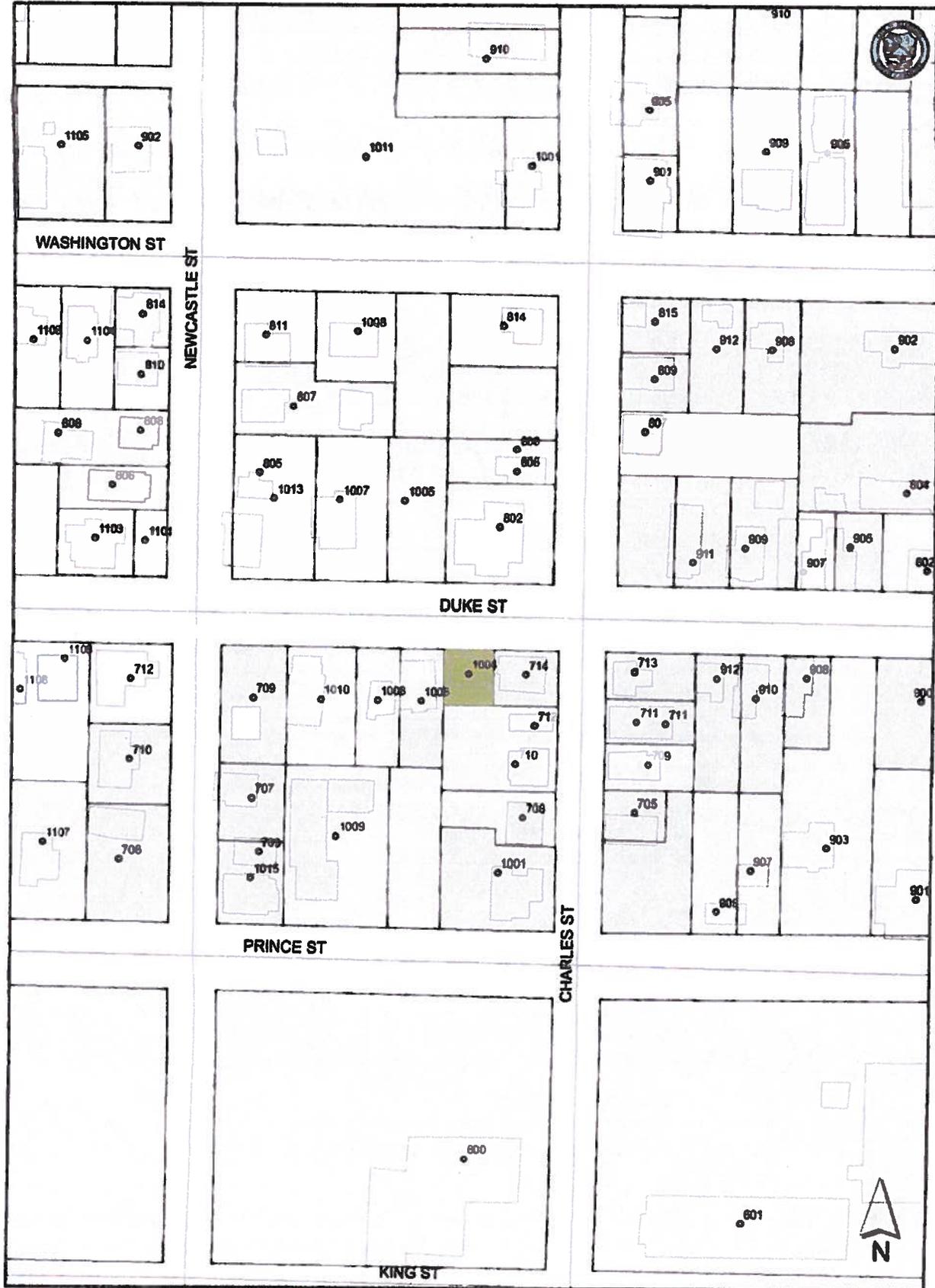
Letters were sent to owners of all property within 400' of the property being rezoned on March 4. The property was posted on March 7. The public hearing notice referencing this application appeared in the March 7 edition of *The Beaufort Gazette*. To date, staff has received no public comments on the proposed rezoning.

Staff Recommendation

The lot is located adjacent to the Charles Street Neighborhood Commercial Corridor. Charles Street is served with urban infrastructure such as sidewalks and on-street parking. An interior lot on Washington Street, in a similar geographic situation to the subject lot, is zoned NC. The Comprehensive Plan provides support for the zoning. As a result of these factors, staff recommends approval.

Site Location Map R121 004 000 0509 0000

Created February 28, 2011



Article 4. Zoning Districts

4.1 Establishment of Districts

For the purpose of this UDO, portions of the City as specified on the Official Zoning Map of the City are hereby divided into the following zoning districts:

Residential Zoning Districts	
TR	Transitional Residential
RE	Residential Estate
R-1	Low Density Single-Family Residential
R-2	Medium Density Single-Family Residential
R-3	Medium-High Density Single-Family Residential
R-4	High Density Single-Family Residential
GR	General Residential
TBR	Traditional Beaufort Residential
MHP	Manufactured Home Park
Commercial Zoning Districts	
NC	Neighborhood Commercial
OC	Office Commercial
CC	Core Commercial
GC	General Commercial
HC	Highway Commercial
Industrial Zoning Districts	
LI	Limited Industrial
Special Purpose Zoning Districts	
CP	Conservation Preservation
MED	Medical
PUD	Planned Unit Development
MR	Military Reservation
AICUZ	Air Installation Compatibility Use Zone
-D	Development Design
-H	Historic

4.2 Official Zoning Map

- A. The boundaries of the above zoning districts are a map or series of maps entitled "Official Zoning Map, City of Beaufort" which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this UDO. Special purpose zoning districts intended to serve as floating districts are not established on the zoning map until a specific district is proposed and approved by the City.
- B. Each map bearing the designation "Official Zoning Map, City of Beaufort" shall be identified by the signature of the Administrator, and bearing the seal of the City under the words: "Official Zoning Map, City of Beaufort, South Carolina," together with the date of the adoption of the map.
- C. If, in accordance with the provisions of this UDO and Section 6-29-710 of the Code of Laws of South Carolina, 1976, as amended, changes are made in district boundaries or

Article 5. Use Regulations

5.1 Use Tables

A. Types of Use

All of the Use Categories listed in the Use Table are defined and described in the sections immediately following the Table.

1. Uses Permitted By Right

A "P" indicates that a use is allowed by right in the respective district. Such uses are subject to all other applicable regulations of this UDO.

2. Conditional Use

A "C" indicates a use that is allowed conditionally, provided that it meets the additional listed standards contained in Section 5.3, Specific Use Standards. Conditional uses are subject to all other applicable regulations of this UDO.

3. Special Exception

An "S" indicates that a use is allowed only if reviewed and approved as a Special Exception, provided that it meets the listed standards contained in Section 5.3, Specific Use Standards. Special exceptions are subject to all other applicable regulations of this UDO.

4. Existing Building

An "E" indicates a use category that is allowed only in existing buildings, provided that it meets the additional listed standards contained in Section 5.3.

B. Uses Not Allowed

A blank cell in the Use Table indicates that a Use Category is not allowed in the respective district.

C. Uses Not Listed

The Administrator shall determine whether or not an unlisted use is part of an existing Use Category or is substantially similar to an already defined use, using the criteria in Section 5.2, Use Categories.

Article 6. District Development Standards

6.1 Residential District Standards

A. Residential Development Standards

The following table illustrates the dimensional standards that apply in the City's base Residential districts:

Standard	Zoning District								
	TR	RE	R-1	R-2	R-3	R-4	GR and TBR-Old Commons	TBR-The Point	MHP
Lot Dimensions Lot Area, Min. Lot Width, Min. Lot Frontage, Min.	3 AC 100 feet 20 feet	21,780 SF 100 feet 20 feet	12,500 SF 100 feet 20 feet	9,000 SF 80 feet 20 feet	6,000 SF 60 feet 20 feet	4,000 SF 40 feet 20 feet	See note 5	See note 1	5 acres 150 feet 150 feet
Minimum Yards Front Yard Rear yard* Side Yard*	35 feet 15 feet 15 feet	35 feet 50 feet 15 feet	30 feet 15 feet 15 feet	20 feet 15 feet 12 feet	15 feet 15 feet 10 feet	12 feet 15 feet 6 feet	See note 2 See note 6 See note 6	See note 2 15 feet 10 feet	25 feet 15 feet 15 feet
Impervious Coverage	N/A	N/A	40%	45%	50%	55%	50%	55%	N/A
Maximum Height	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	See note 3	See note 4	35 feet

1. Minimum 6,000 SF lot area and 60 feet in width for single-family; 8,000 SF lot area and 80 feet in width for two-family and 10,000 SF in lot area and 100 feet in width for three-family.
2. In the Historic District, use average prevailing setback for front yard; accessory structure side and rear yard setbacks may be reduced to 5'.
3. Maximum height 35 feet for single-family structures, 50 feet for multifamily.
4. Maximum height 35 feet above base flood elevation.
5. For single-family development see R-4 standards; for two-family, three-family and multifamily development (GR only), minimum 6,000 SF lot area, 60 feet lot width, and 60 feet lot frontage, maximum density 25 units per gross acre.
6. For multifamily development, minimum front yard 25 feet, minimum rear yard 15 feet, and minimum side yard 10 feet; single-family development, see R-4 standards;

*See Section 5.4.G. for setbacks for accessory structures.

B. Average Prevailing Setback (Front Yard)

The average prevailing front yard setback shall be measured by averaging the front yard setbacks on the three lots adjoining either side of the proposed lot. When the three lots extend more than 100 feet from the side lot line of the proposed lot, only those lots lying at least partially within 100 feet of the proposed lot line shall be used in calculating the average prevailing setback. The Administrator may exercise reasonable discretion and flexibility in determining the average prevailing front yard depth so that it is harmonious with the existing streetscape; however, the minimum front yard shall be no less than five feet.

C. MHP Manufactured Home Park District

1. MH Park plan

In order to qualify for a MH Manufactured Home zoning classification, a proposed park must first meet the following specific requirements:

6.3 Nonresidential District Standards

A. Nonresidential Development Standards

1. Commercial and Industrial Districts

The following table illustrates the dimensional standards that apply in the City's base Commercial and Industrial districts:

	NC	OC	CC	GC	HC	LI
Lot Dimensions						
Lot Area, Min.	2,500 SF	4,000 SF	2,500 SF	4,000 SF	6,000 SF	10,000 SF
Lot Width, Min.	25 feet	40 feet	25 feet	40 feet	60 feet	100 feet
Minimum Yards***						
Front Yard	(Build-to) 3-10 feet	10 feet	none	(Build-to) 7-12 feet	25 feet	25 feet
Rear Yard	10 feet	10 feet	none	10 feet	15 feet	35/ 50 feet**
Side Yard	none	10 feet	none	10 feet	10 feet	10/ 25 feet**
Impervious Surface Coverage, Max.	75%	60%	N/A	65%*	60%	65%
Maximum Height	42 feet	50 feet	See Section 6.5.K.11	50 feet	50 feet	50 feet

*Maximum impervious coverage may be increased to 75 percent for redevelopment sites.

**35' except when property abuts another zoning district 50' is required and 10' except when property abuts another zoning district, 25' is required.

- *** a. Single-family standards should be the same as R-4.
- e. Multifamily standards should be the same as GR; maximum density 30 dwelling units per gross acre.
- c. Maximum density for Residential, Upper Story, 35 dwelling units per gross acre.

The following table illustrates the dimensional standards that apply in the City's Special Purpose districts:

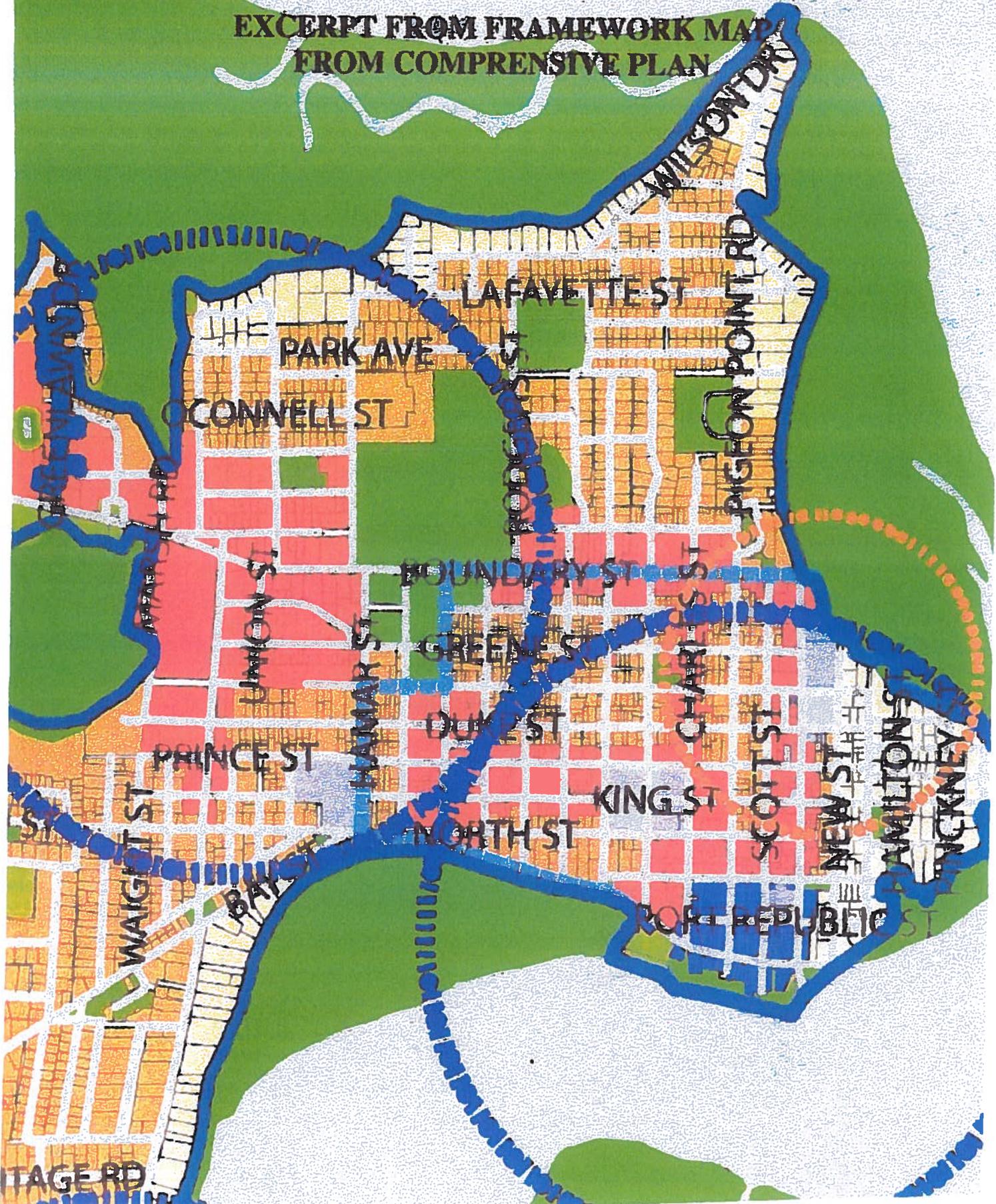
	MED
Lot Dimensions	
Lot Area, Min.	5,000 SF
Lot Width, Min.	50 feet
Floor Area, Min.	—
Minimum Yards	
Front Yard	35 feet
Rear Yard	25 feet
Side Yard	25 feet
Impervious Surface Coverage, Max.	65%
Maximum Height	50 feet

Current Zoning

Created February 28, 2011



EXCERPT FROM FRAMEWORK MAP
FROM COMPREHENSIVE PLAN

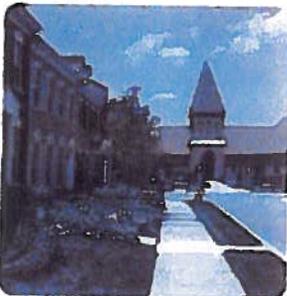




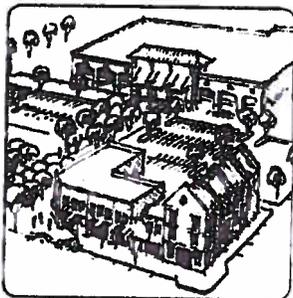
Mix of housing types in a new neighborhood



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 & Development Services
Post Office Drawer 1167
Beaufort, South Carolina 29901
Phone (843) 525-7011, Fax (843) 525-7034
E-Mail: planning@cityofbeaufort.org

Revised December 14, 2007

REZONING APPLICATION
(Except for PUDs)

Application Fee

\$250 + \$10 for each
additional lot.

OFFICE USE ONLY: Application #: RZ11-04 Date Received: 2/22/2011

Property Address: 1004 Duke Street

District, Tax Map, Parcel #: R121 004 000 0509

Applicant: John & Erica Dickerson

Applicant Phone #: 301-806-4731 Fax #: _____ E-Mail Address: john@domiadsum.com

Applicant Address: 1302 Charles St., Beaufort, SC 29902

Property Owner: 1004 Duke St., LLC Phone #: 301-806-4731

Property Owner Address: 1302 Charles St., Beaufort, SC 29902

Have any previous applications been made for a map amendment affecting these same premises? (X) YES () NO

If yes, give action(s) taken: UDO Change denied 2/21/2011

Present zone classification: General Residential

Requested zone classification: Neighborhood Commercial

Total area of property: 2296

Existing land use: Long Term Rental

Desired land use: Short Term Rental

Reasons for requesting rezoning: This property is bordered on 3 sides by NC property. Our adjacent property, 714 Charles St., is NC and is rented short term. In our efforts to restore cottages in Beaufort, we find it necessary to rent them short term to be able to pay for the extensive renovations.

Pursuant to Section 6-29-1145 of the South Carolina Code of Laws, is this tract or parcel restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity described in this application? ___ Yes X No

You must attach a boundary map prepared by a registered land surveyor of the tract, plot, or properties, in question, and all other adjoining lots or properties under the same ownership. 12 copies of all application materials are required.

Applicant signature: [Signature] Date: 2/22/2011

NOTE: If the applicant is not the property owner, the property owner must sign below.

Property owner signature: _____ Date: _____

GASQUE & ASSOCIATES INC.
LAND SURVEYORS & PLANNERS

701 BLADEN STREET, SUITE 207, BEAUFORT, S.C.
 P.O. BOX 1363, BEAUFORT, S.C.
 PHONE (803) 522-1798



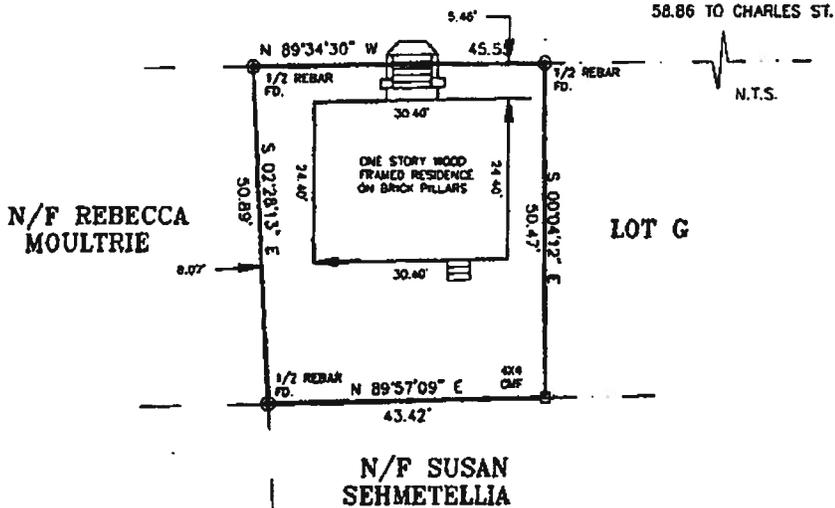
VICINITY MAP NOT TO SCALE

EXEMPT

The development plan shown hereon is exempt from the requirements of the City of Beaufort Subdivision Regulations according to the provisions in Article 7

Section: 70(c)
 Certified by: [Signature]
 Date: 12/9/98
 Beaufort County Planning Board

DUKE STREET 60' R/W



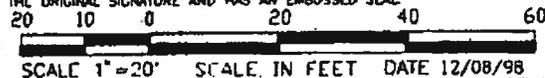
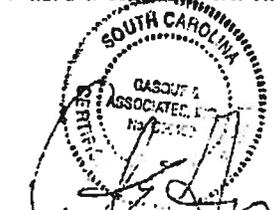
PLAT PREPARED FOR

MAUREEN CORBIN - COOLEY
 BEING LOT B, A PORTION OF BLOCK 77, CITY OF BEAUFORT
 ACCORDING TO THE SURVEY BY THE UNITED STATES DISTRICT
 TAX COMMISSIONS FOR THE DISTRICT OF S.C.
 BEAUFORT COUNTY R.M.C. OFFICE
 BEAUFORT TAX MAP 4, PARCEL 509
 LOCATED IN THE CITY OF BEAUFORT, BEAUFORT COUNTY, S.C

THIS PROPERTY LIES IN FLOOD ZONE "C" AS DETERMINED BY F.E.M.A. FIRM COMM-PANEL NUMBER 450026 0005 D. DATED 09/29/86

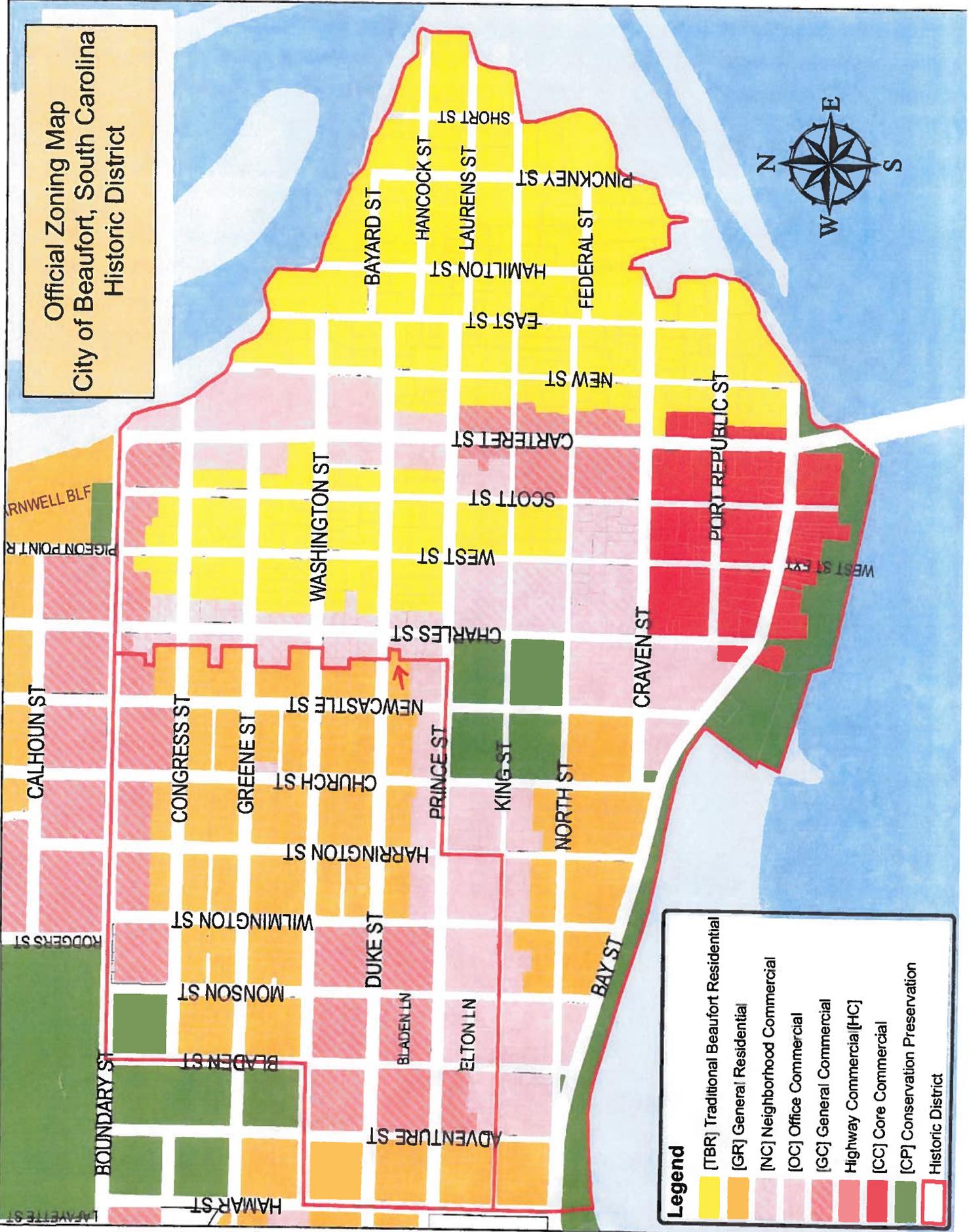
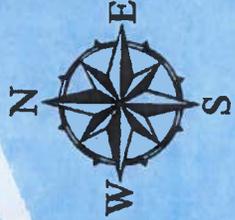
THE UNDERSIGNED DOES NOT CERTIFY THAT THE PROPERTY SHOWN HEREON COMPLIES WITH THE BEAUFORT COUNTY DEVELOPMENT STANDARDS ORDINANCE

I, DAVID E. GASQUE, HEREBY CERTIFY TO MAUREEN CORBIN - COOLEY THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN. ALSO THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN THIS SURVEY IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE AND HAS AN EMBOSSED SEAL.



DAVID E. GASQUE, R.L.S. JOB # 13,143
 S.C. REGISTRATION NUMBER 10508 TB F 87 DOC

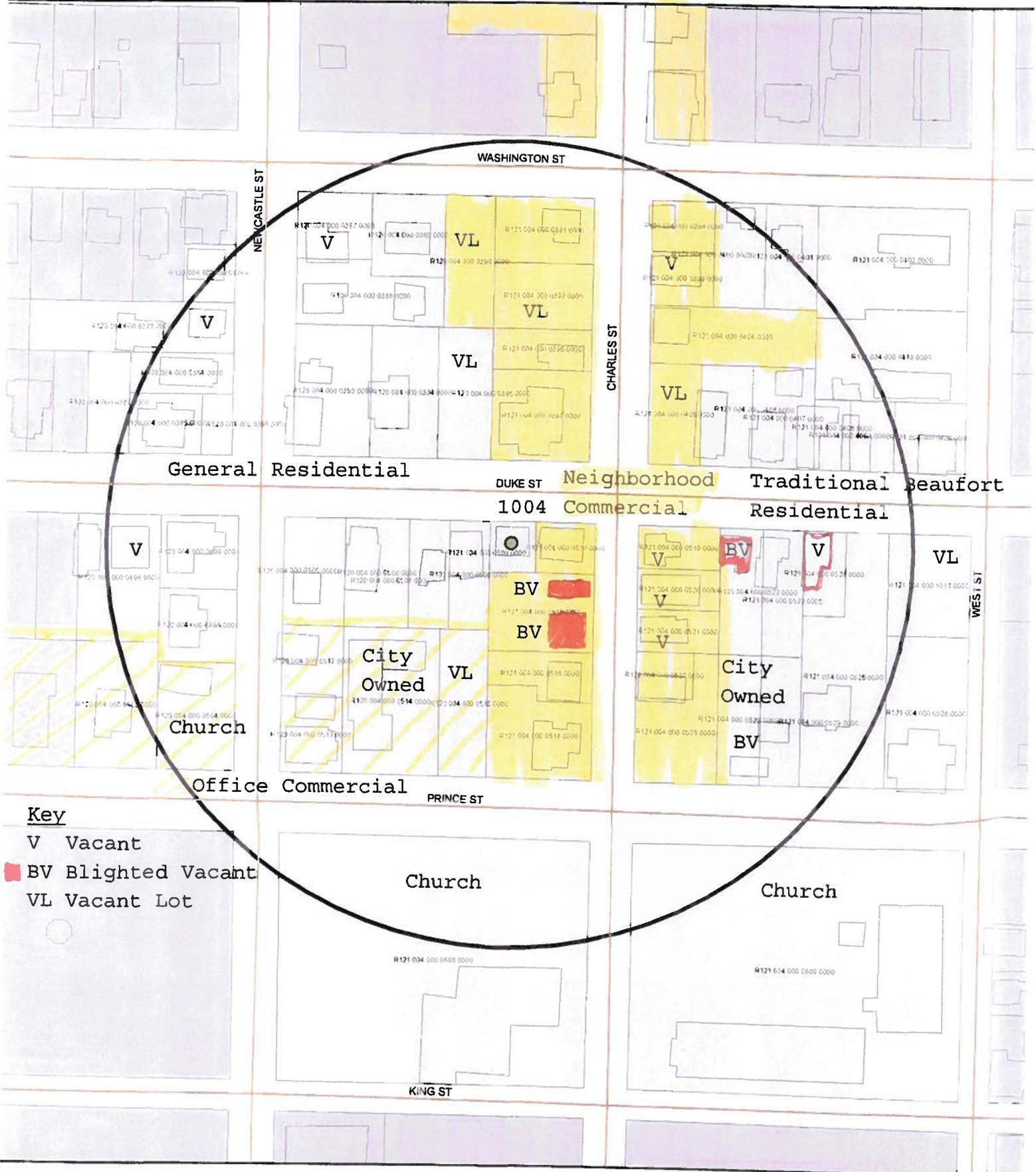
Official Zoning Map
City of Beaufort, South Carolina
Historic District



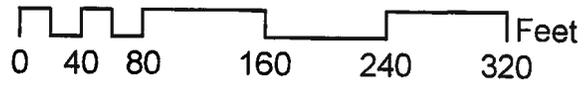
Legend

[TBR]	Traditional Beaufort Residential
[GR]	General Residential
[NC]	Neighborhood Commercial
[OC]	Office Commercial
[GC]	General Commercial
[HC]	Highway Commercial [HC]
[CC]	Core Commercial
[CP]	Conservation Preservation
[Red Outline]	Historic District

Properties within 400' of R121 004 000 0509



- Key**
- V Vacant
 - BV Blighted Vacant
 - VL Vacant Lot



1004 Duke St. – Rezoning Neighborhood Commercial

1



- 1004 Duke St. is surrounded on three sides by Neighborhood Commercial Properties

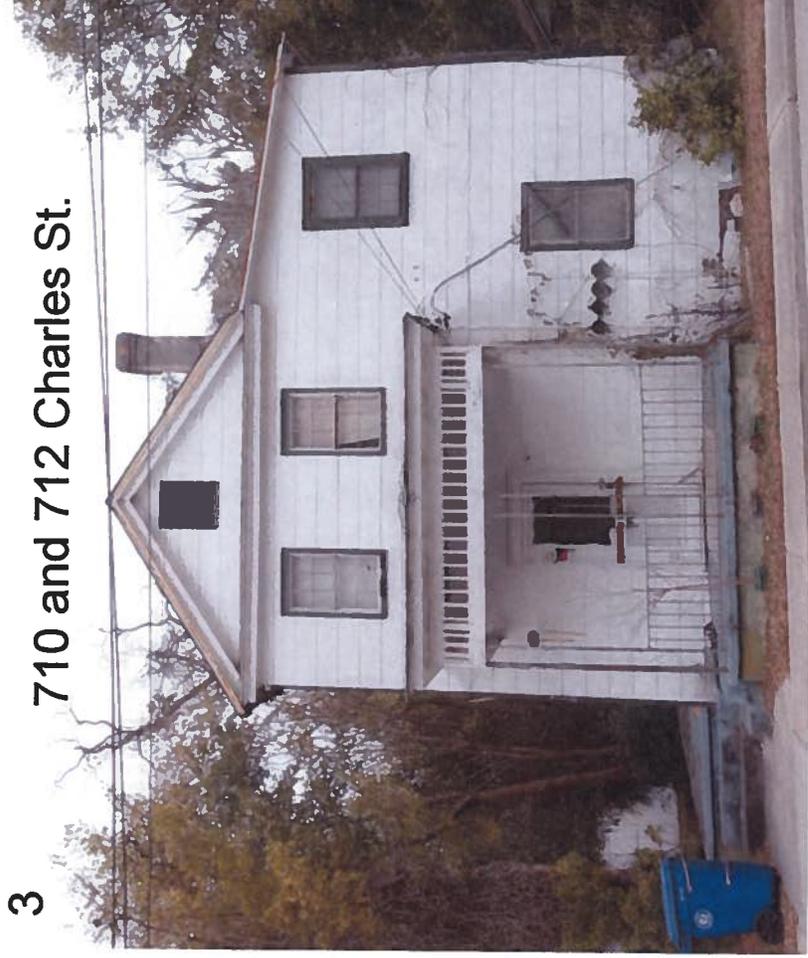
2



- 714 Charles St. (NC) is located to the east

1004 Duke St. - Rezoning

- Two condemned buildings to the south



710 and 712 Charles St.



1004 Duke St – Rezoning

5



- A private residence zoned NC is to the north at
- 802 Charles St

6



- A vacant lot is next to 802 Charles St. at 1005 Duke St.

1004 Duke St. - Rezoning

- 1006 Duke St. is to the west and is a owner occupied residence zoned GR.

7



- 1008 Duke St. is to the west and is partially condemned, but rented long term.

8



1004 Duke St. – Rezoning Charles St. Vacant Properties



9



10

713 Charles St.



11

711 Charles St.



12

709 Charles St.

N.E. Corner of Charles & Duke

1004 Duke St. – Rezoning

There are a number of other blighted properties in the 400 ft radius.



13

912 Duke St. is open to the sky and is ready to fall down.



14



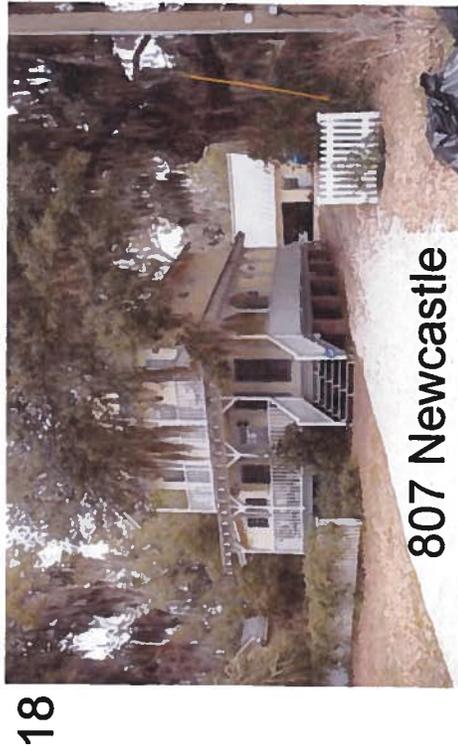
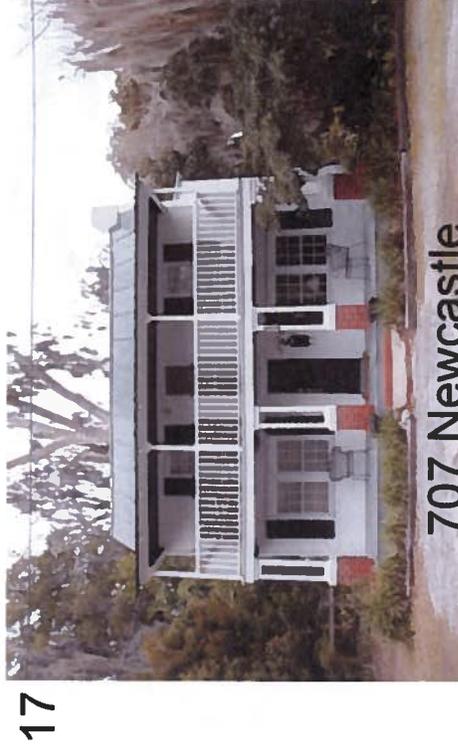
15

908 Duke St. was rented long term, but they have been unable to maintain it due to low rents...

The city owns these two lots that have two buildings that are ready for demolition.

1004 Duke St. – Rezoning

There are also some great properties.





MEMORANDUM

TO: Metropolitan Planning Commission

FROM: Tony Criscitiello, Beaufort County Director of Planning & Development T.C.

DATE: March 14, 2011

SUBJECT: Proposed Amendment to the ZDSO to adopt a Transfer of Development Rights (TDR) Program for the area surrounding MCAS-Beaufort

In October 2004, Beaufort County, the City of Beaufort and the Town of Port Royal adopted a Lowcountry Joint Land Use Study (JLUS), the purpose of which was to cooperatively plan for and protect the present and future integrity of operations and training at MCAS Beaufort. One of the recommendations that came out of the JLUS was for the three jurisdictions to develop a coordinated "AICUZ Overlay" district for all land affected by accident potential and/or noise zones associated with the air station. Approximately 13,000 acres of unincorporated land in Beaufort County fall within one or more of the AICUZ zones.

In December 2006, the County Council adopted AICUZ overlay regulations that limit the type and density of development that can occur within noise and accident potential zones. The overlay district was also adopted by the City of Beaufort and the Town of Port Royal.

To prevent long term encroachment of incompatible development around MCAS and to provide some economic relief for those land owners affected by the new overlay district, the three local governments have been exploring the feasibility of establishing a transfer of development rights (TDR) program. Such a program would essentially "transfer" development out of the AICUZ zones and "send" it to other areas within northern Beaufort County that have been targeted for additional density. Through a grant received from the U.S. Department of Defense, the Lowcountry Council of Governments (LCOG) contracted with a consulting firm to evaluate the feasibility of such a program and to develop a specific TDR process for Beaufort County. The attached amendment to the County's ZDSO is a result of this effort.

The proposed amendment (see attached):

- Establishes sending and receiving areas;
- Sets up a TDR Bank to assist in program management;
- Provides a methodology for calculating development rights and transfer ratios;
- Requires purchase of TDRs for all upzonings in the receiving area; and
- Provides for a cash in-lieu payment option.

Beaufort County Zoning and Development Standards Ordinance

Article XVII. Transfer of Development Rights

Sec. 106-3298. Purpose

The purpose of the Transfer of Development Rights (TDR) program is to support County efforts to reduce development potential near the Marine Corps Air Station Beaufort (MCAS—Beaufort) and to redirect development potential to locations further from the Air Station, consistent with the Beaufort County Comprehensive Plan. This preferred development pattern is intended to reduce hazards associated with aircraft operations near MCAS—Beaufort in a way that respects the rights of property owners and utilizes a free market system to achieve planning objectives. The TDR program is also intended to work in concert with other regional, County, and local programs that promote good land use planning and to facilitate inter-jurisdictional cooperation between Beaufort County, the Lowcountry Council of Governments (LOCG), the City of Beaufort, and the Town of Port Royal.

Sec. 106-3299. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Affordable Housing Units means dwelling units that comply with Article IX (Affordable Housing Incentives) of the Zoning and Development Standards Ordinance.

Air Installations Compatible Use Zone (AICUZ) means the area surrounding MCAS—Beaufort as identified in Appendix A1 (Airport Overlay District/MCAS – Beaufort)

AICUZ Buffer means the quarter-mile area surrounding the AICUZ.

Baseline Density means the maximum density allowed on a Receiving Area property under baseline zoning and applicable overlay districts without participation in the TDR program.

Baseline Zoning means the zoning in effect on a receiving area property as of the adoption of this article (insert date).

Cash In-lieu means the fee rate identified by Beaufort County that can be paid for increased density above Baseline zoning.

TDR Bank means an intermediary authorized by Beaufort County to act on its behalf in the TDR Program.

TDR Certificate means the official document issued by the County identifying the number of TDRs owned by the holder of the TDR certificate.

TDR Option means the option of a Receiving Area property owner to increase density above baseline zoning through participation in the TDR Program.

TDR Program means the rules and requirements of this article for the transfer of development rights from Sending Areas to Receiving Areas.

TDR Receiving Area means properties on which upzonings trigger the establishment of the TDR overlay district.

TDR Sending Area means areas within unincorporated Beaufort County that are eligible to sell TDRs.

Intermediary means any individual or group, other than a Sending Area landowner or Receiving Area developer, which buys and sells TDRs.

Sec. 106-3300. Voluntary Nature of Program

The participation of property owners in the TDR program is voluntary. Nothing in this article shall be interpreted as a requirement for Sending Area property owners to sell TDRs, for Receiving Areas property owners to purchase TDRs, or for any property owner or County resident to otherwise participate in the TDR program.

Sec. 106-3301. Establishment of TDR Sending and Receiving Areas

(a) *Sending Areas.* TDR Sending Areas shall include all properties within unincorporated Beaufort County that are:

- (1) Located within the Airport Overlay District for MCAS-Beaufort; and
- (2) Zoned Rural (R), Rural Residential (RR), Rural - Transitional Overlay (R-TO), Rural Residential - Transitional Overlay (RR-TO), or Suburban (S).

(b) *Receiving Areas.*

- (1) TDR Receiving Areas shall include all properties within unincorporated Beaufort County that are located:
 - a. Outside of Airport Overlay District for MCAS-Beaufort and the AICUZ Buffer; and
 - b. Within the boundaries of Port Royal Island.
- (2) The cities of Beaufort and Port Royal may also participate in the TDR Program by designating TDR Receiving Areas and submitting a complimentary ordinance and interjurisdictional agreement

Sec. 106-3302. TDR Bank

(a) *Purpose.* The County may choose to contract with an outside agency, hereto referred to as a TDR Bank, to assist or manage TDR program administration, buying, holding, and selling TDRs as well as performing other functions as directed by the County Council. The purpose of the TDR Bank is to facilitate a well-functioning TDR market by performing these tasks. The County is ultimately responsible for managing and administering the TDR program and the TDR Bank.

(b) *TDR Bank Description.*

- (1) The TDR Bank is an intermediary specifically authorized by the County Council to perform functions assigned to it by agreement by the TDR Bank and the County Council. These functions may include the acquisition and sale of TDRs as well as TDR program promotion and facilitation.
- (2) The County Council is not required to form a TDR Bank. The County Council may instead elect to use County personnel to perform TDR Bank functions.
- (3) The establishment of a TDR Bank shall not preclude direct buyer-seller transactions of TDRs.

(c) *TDR Purchase Priorities.* The TDR Bank will prioritize the purchase of TDRs from small landowners over large landowners in the following way:

- (1) The TDR Bank will purchase TDR Certificates from Sending Area landowners based on the number of TDRs they hold, from smallest to largest. Landowners with one TDR will be bought out first, followed by landowners with two or more TDRs.
- (2) The TDR Bank will establish a time window during which it will accept letters of interest from Sending Area landowners. At the close of the time window, the TDR Bank will create a rank-order list of sellers whose TDR Certificates it will buy.
- (3) The TDR Bank will purchase TDR Certificates starting at the top of the list from landowners who have TDR Certificates. For example, if the landowner at the top of the list does not have a TDR Certificate, the TDR Bank will go down the list until it reaches a landowner with TDR Certificates.

(d) *TDR Bank Operation.* The duties and operating procedures of the TDR Bank, if established, shall be specified in an agreement between the TDR Bank and the County Council. These procedures shall reflect the TDR program goal of reducing development potential within Sending Areas.

Sec. 106-3303. Transfer of Development Rights (TDR) Overlay District

(a) *Purpose.* The purpose of the Transfer of Development Rights (TDR) overlay district is to allow Receiving Area properties to exceed Baseline Density through compliance with TDR program requirements.

(b) *Establishment of TDR Overlay Districts.* TDR overlay districts shall be established concurrently with the approval of any rezoning that increases residential density potential within a TDR Receiving Area. As part of the rezoning, the new zoning designation shall include a TDR overlay district suffix indicating the need to comply with TDR Program requirements in the event that the property owners choose to use the TDR Option and exceed Baseline Density.

(c) *Rezoning Procedure.*

(1) Establishment of a TDR overlay district shall occur as part of the County's standard rezoning process and shall not require separate application or approval procedures. The approval or denial of a TDR overlay district shall be dependent upon the approval or denial of the requested zoning district.

(2) The TDR overlay district does not affect County procedures for placing conditions on rezoning approvals to implement County plans and policies. The TDR program does not affect the authority of the County to initiate amendments to the Zoning and Development Standards Ordinance or County procedures for responding to rezoning applications submitted by property owners

Sec. 106-3304. TDR Certificates

(a) *General.* A TDR Sending Area property owner may choose not to participate in the TDR Program or, alternatively, may choose to participate by applying for a TDR Certificate.

(b) *TDR Certification Application Submittal, Review, and Issuance.*

(1) To request a TDR Certificate, a property owner shall submit to the Planning Department an application that includes the information and materials required by the County for TDR Certificate applications, together with all required application fees.

(2) The property owner shall submit to the Planning Department proof of clear title of ownership. The application shall include written approval of the TDR Certificate application from all holders of liens on the subject property.

(3) TDR Certificate applications shall include draft easement language as required by Section 106-3306 (Sending Area Easements). At the property owner's option, this easement may preclude one, some, or all of the allowable TDRs not foregone by previous TDR easements or similar deed restrictions.

- (4) The Planning Department shall calculate the number of allowable TDRs for a Sending Area property using the methodology described in Section 106-3305 (Calculation of TDRs in Sending Areas).
- (5) Upon recordation of the easement, the Planning Director shall issue a TDR Certificate documenting the number of TDRs generated by the recorded easement, the serial numbers of all TDRs created by the easement, the Sending Area that generated these TDRs, the identity of the property owner/certificate holder, and any other documentation required by the Planning Director.

(c) *Sale and Tracking of TDRs.*

- (1) Once a Sending Area property owner receives a TDR Certificate, the property owner may sell or give one, some, or all of the TDRs documented in that TDR Certificate directly to the developer of a Receiving Site property or to any intermediary.
- (2) In accordance with procedures approved by the Planning Director, upon the sale or gift of any or all TDRs, the holder of a TDR Certificate shall notify the Planning Director, who will void the original TDR Certificate and issue one or more new TDR Certificates documenting the new owners of the TDRs.
- (3) The Planning Director shall maintain a TDR registry, publicly accessible via the internet, documenting current TDR Certificate holders and the serial numbers of the TDRs contained within all TDR Certificates. The Planning Director shall develop and implement procedures to ensure that the transfer process is accurate and transparent.

Sec. 106-3305. Calculation of TDRs in Sending Areas

(a) *Methodology.*

- (1) The Planning Department shall calculate the number of allowable TDRs for a TDR Sending Area property using the methodology for calculating residential use capacity of a parcel as outlined in Table 106-1815(1). The calculation shall be based on the baseline zoning classification, not on the limitations, if any, imposed by the airport overlay district.
- (2) When 50 percent or more of a parcel is located within a Sending Area, the calculation of maximum allowable TDRs shall be based on the entire land area of the parcel.
- (3) The maximum number of allowable TDRs shall be permitted minus any reduction in this calculation created by the recordation of previous TDR easements or similar deed restrictions.
- (4) The maximum permitted density shall be reduced by one TDR for each existing dwelling unit on the property. The Planning Director shall develop and implement procedures, if needed, to reduce the TDR allocation to reflect existing non-conforming or non-

residential improvements if the owner declines to remove these improvements from the sending site.

(b) *Fractional Development Rights.* Any fractional development right exceeding 0.5 shall be rounded up to the nearest whole number. Only whole TDRs shall be issued and sold.

(c) *Appeals.* The Planning Director's calculation of allowable TDRs may be appealed to the ZBOA in a manner consistent with Article III, Division 6 (Appeals).

Sec. 106-3306. Sending Area Easements.

(a) *Maximum Residential Density.* Owners of TDR Sending Area properties that choose to participate in the TDR program shall record an easement that reduces the permitted residential density by one, some, or all allowable TDRs on the property.

(b) *County Review.* The Planning Department and County Attorney shall review and approve easement language as part of its review of a TDR Certificate application as specified in Section 106-3304.

(c) *Required Language.* At a minimum, easements shall specify the following information:

(1) Serial numbers for all allowable TDRs to be certified by the Planning Department for the parcel.

(2) Written consent of all lien holders and other parties with an interest of record in the sending parcel.

(3) If the County chooses, and at the request of the property owner, a reversibility clause can be included to allow for the removal of the easement if the property owner does not sell the associated TDR certificates, chooses to not participate in the TDR program, and returns all TDR certificates to the County Planning Department within an allotted time period. All TDR Certificates issued to a property partially within the TDR Sending Area as allowed by Section 106-3304 (TDR Certificates) may only be reversed together at the same time and shall not be unbundled.

(4) A statement that the easement shall be binding on successors in ownership and shall run with the sending parcel in perpetuity.

(d) *Easement Monitoring and Enforcement.* The County shall be responsible for monitoring of easements or may select any qualified person or organization to maintain the easements on its behalf.

Sec. 106-3307. Development Options within TDR Overlay District

(a) *Baseline Development Option.* Owners of properties within a TDR overlay district may choose to not participate in the TDR Program and to develop the property at or below the

Baseline Density. Properties developed under this option shall be subject to the requirements of the baseline zoning district before the property was upzoned and received the TDR overlay district designation as well as all applicable development standards and procedures specified in this chapter.

(b) *TDR Development Option.* In addition to the requirements imposed by the underlying zoning district, developers who choose to exceed Baseline Density within a TDR overlay district shall satisfy TDR requirements in the following ways:

- (1) One TDR shall be retired for every three dwelling units of residential development in excess of baseline density.
- (2) One TDR shall be retired for every 5,000 additional square feet of commercial development beyond the maximum permitted by the baseline zoning.
- (3) Developers have the option of paying cash in lieu of each TDR that otherwise would be required in an amount specified in the County Fee Schedule.

Sec. 106-3308. Exceptions to the TDR Requirement.

(a) *Affordable Housing Projects.* Affordable Housing Units shall not be counted when calculating the extent to which a proposed development project exceeds baseline density.

(b) *Commercial Density.* The County may approve an additional 250 square feet of commercial development for each proposed residential unit that is part of a traditional neighborhood development without the use of TDRs. This exception is intended to promote mixed-use, traditional neighborhood developments in a manner consistent with the goals of the TDR program.

(c) *Industrial Development.* Industrial development shall be excluded from the TDR requirement. However, in order to be excluded from the TDR requirement, industrial development must be proposed in such a way that its floor area can be easily calculated separately from any other uses.

Sec. 106-3309. TDR Compliance

(a) *Purchase Price.* All TDR Certificate purchase prices shall be open to negotiation between the buyer and seller, except that public funds shall not be used to purchase TDRs for an amount greater than their market value. The TDR Bank shall publicly post and update the dates and sale prices of all TDR Certificate transactions.

(b) *Timing of Compliance.* A Receiving Area property owner shall transmit TDR Certificates containing the required number of TDRs, or make a cash payment in lieu of TDRs, before final subdivision plat approval of a project involving land division or prior to final development plan approval for a project that does not involve land division.

Sec. 106-3310. Development Project Procedures

(a) *Identification of TDRs.* Project applicants that propose to exceed baseline density in a TDR overlay district shall acknowledge in all official development applications the number of TDRs that must be retired prior to final project approval.

(b) *Final Approval.* The Development Review Team shall grant final approval of a project utilizing TDRs for additional development only after the applicant has transmitted TDR Certificates containing the required number of TDRs to the Planning Department or has made the required cash in lieu payment. The serial numbers of all TDRs to be retired for Receiving Area projects shall be recorded on the final plat or the development permit.

Sec. 106-3311. In-Lieu Payment Option

(a) *General.* The developer of a property in the TDR overlay district who chooses to exceed Baseline Density may satisfy TDR requirements through a cash in-lieu payment rather than, or in combination with, the retirement of TDRs.

(b) *Fee Amount.*

- (1) The fee amount shall be established by the County Council.
- (2) The Planning Director shall submit an annual report on the TDR program to the Rural and Critical Lands Board, the Beaufort County Planning Commission, and County Council. The annual report shall include recommendations on potential changes to the cash-in-lieu amount. This recommendation shall reflect changes in the assessed value of Sending Area properties, actual TDR sales prices experiences, and general real estate trends.

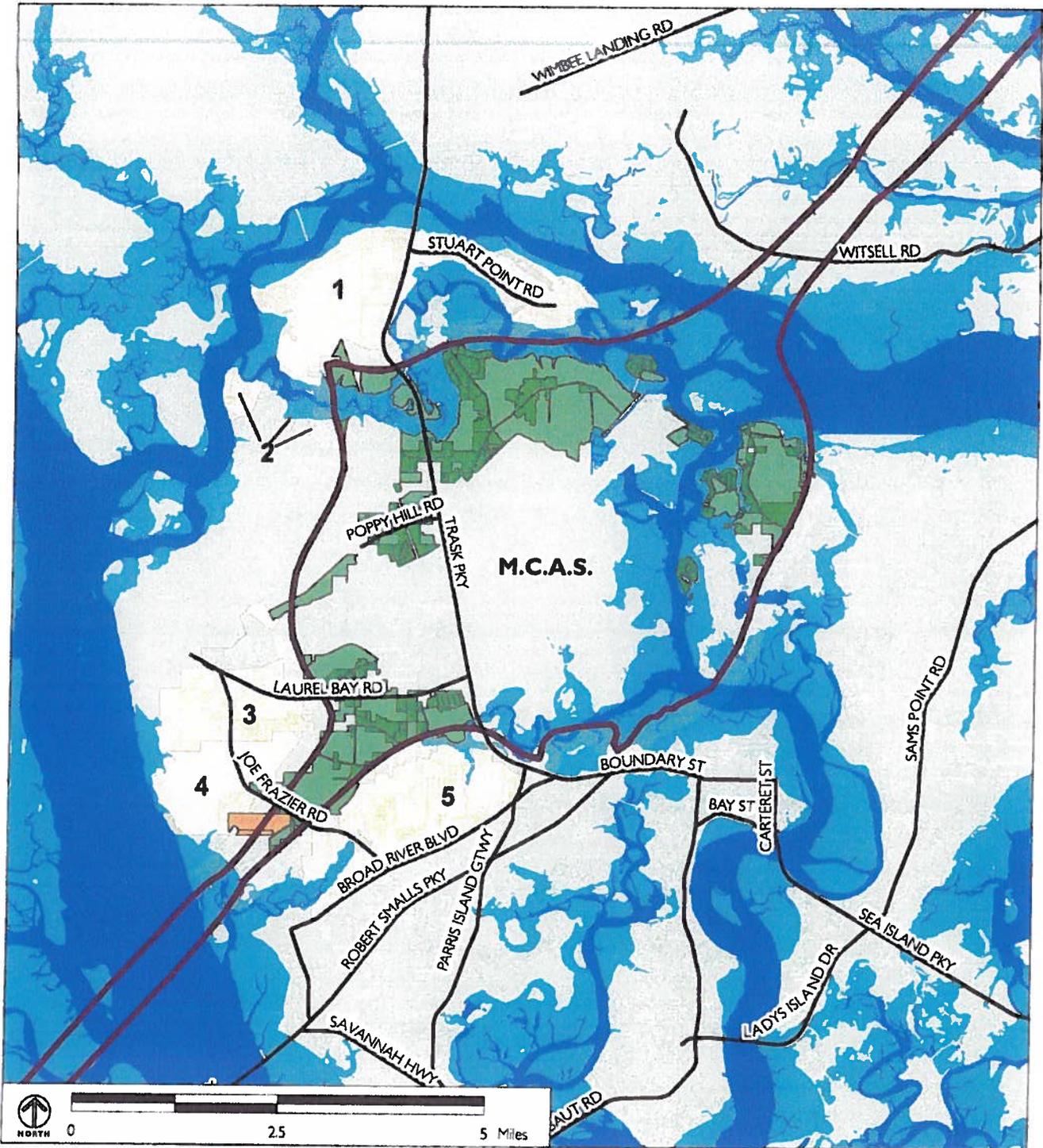
(c) *Use of Revenue.*

- (1) Revenue from cash in-lieu payments shall be applied exclusively to the TDR program unless the potential supply of TDRs has been depleted and/or Sending Area landowners decline to sell their TDRs at full market value. In this event, the County Council may choose to expand the TDR program by adopting additional TDR Sending Areas.
- (2) Other than TDR acquisition, revenue from cash in-lieu payments shall only be used for costs incurred in administering the TDR program, including but not limited to facilitating TDR transactions, preparing/recording TDR easements, monitoring/enforcing easements, and maintaining records.
- (3) The County Council may authorize County staff to use cash-in-lieu proceeds in accordance with procedures adopted by the Council. Alternatively, if the County Council chooses to enter into an agreement creating a TDR Bank, the Council may transmit cash in-lieu proceeds to the TDR Bank for the purposes specified by agreement between the Council and the TDR Bank. This agreement may direct the TDR Bank to combine the cash in-lieu proceeds to create a general TDR acquisition fund. All TDRs purchased with

such a general TDR acquisition fund shall be offered for sale to Receiving Area developers.

- (4) The TDR program may operate with federal or other land preservation programs.

LOWCOUNTRY COUNCIL OF GOVERNMENTS
BEAUFORT COUNTY/MCAS TDR PROGRAM



 AICUZ Boundary	Receiving Areas
Sending Areas	 1 Seabrook Area
 Rural Residential	 2 Clarendon Road Area
 Rural	 3 Laurel Bay Road Area
 Suburban	 4 Cherokee Farms Road Area
	 5 Battery Creek High School Area

Source: Beaufort County GIS

FIGURE ES-1
DRAFT SENDING-RECEIVING-AREAS

**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

February 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 February 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, Greg Huddy, James Crower, James Hicks, and Robert Semmler and City Planning Director Libby Anderson, Town Planner Linda Bridges, and Tony Criscitiello, County Planning Director.

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 CITY OF BEAUFORT

City of Beaufort – UDO Amendment

Revising Sections 5.1, "Use Tables," and Section 5.3.D, "Specific Use Standards, Commercial Uses," to permit Short Term Rentals by Special Exception in residential zoning districts
Applicants: John and Erica Dickerson

Libby Anderson reviewed the history of the short-term rental issue. The city attorney said existing facilities can't be grandfathered because they weren't legally permitted to begin with. Only legal non-conforming uses can continue. The facilities that weren't approved, though, cannot be grandfathered. Staff met with Josh Martin of the Office of Civic Investment, who recommended the issue be tabled and addressed on a neighborhood by neighborhood basis as part of the city's master plan. The first phase of the master plan has been initiated in the greater downtown area. There will be a charette on the issue at the end of March.

Chairman DeVito asked the commission for their views. Commissioner Huddy said if the pilot program were to begin in the Northwest Quadrant, it would be by special exception. There would be conditions to be met: if neighbors were concerned, they could come to the ZBOA and the special exception hearing. He feels this is a good way to start the process as the team looks at how to expand the program.

Commissioner Dechovitz said he and Commissioner Huddy took input from previous meetings and information from the public hearings and provided draft language for staff review. There is *new information from the Dickersons, he said. Chairman DeVito invited the Dickersons forward.*

Mr. Dickerson said they will be revising their application. He's withdrawing the original UDO change "shortly." Commissioner Dechovitz said the Dickersons have made a substantial investment over the last 8 months waiting through this process, and they plan to ask for a zoning change for their property. The Planning Commission may want to peruse Commissioner Huddy's proposal he worked out with Mr. Martin.

Commissioner Hicks said he "doesn't want to step on the City of Beaufort." The Planning Commission still has this even though they're going to withdraw it, but it will come back to the Planning Commission in the form of a zoning change, and they'll need a staff recommendation on that. The city has many people renting places. They could stick their head in the sand, but they know it's not going to happen in the near-term. It's a complicated piece of writing. He suggested that it would be logical to recommend to council that those in existence have 90 days to apply for a license to be granted for 12 months; at the end of that, the city will have created a policy. Commissioner Hicks said they could wait a long time; to keep waiting would be illogical. They should recommend that the city identify the renters, give them a 12 month license, and they have that time to come up with a policy. Ms. Anderson said everything is on hold now. She said an ordinance change is being discussed and would be required to issue licenses. Unless the Planning Commission recommends changing zoning throughout the city, they legally can't issue licenses, Chairman DeVito said.

Commissioner Dechovitz said he doesn't want to put people out of business, but the city attorney has advised that grandfathering is not an option. The enforcement problem is the city's problem, not the MPC's problem. The Planning Commission should deal with the planning issues: there will be a zoning change for one property. If they want to pursue what Mr. Martin and Commissioner Huddy recommended for the Northwest Quadrant, they can recommend that pilot plan to council. Or they can resume changing the ordinance on the entire city, but that will be a longer process. Commissioner Dechovitz reiterated that the enforcement issues aren't the Planning Commission's problem. The charette will be March 22-29, Ms. Anderson said. Commissioner Huddy said this is something that could change as the Office of Civic Investment works on it.

Chairman DeVito asked for public comment on a pilot program in the Northwest Quadrant. Commissioner Huddy said they had worked on the conditions for short-term rentals. There will have to be a property manager, annual property reviews, etc. and a long list of conditions that will have to be met.

Dave Radford, Pigeon Point, said he has had a short-term rental since the mid-1990s and was unwittingly operating illegally. He's been told to wait for a business license. He wanted to reiterate his support for allowing short-term rentals on owner-occupied properties. He also supports the pilot program. He also liked Commissioner Hicks's idea about the conditional temporary licenses. Commissioner Dechovitz asked if Mr. Radford would be eligible for a license even though he's a non-conforming use. Ms. Anderson said they would have to discuss that with the city attorney, but if he can provide documentation to show that he was renting before the ordinance prohibiting it was created, it might be possible.

Sonnie Torrey, Mossy Oaks, also has an accessory dwelling unit. The house was rented out for income. They are willing to comply with any rules and regulations, licensing, taxes, etc. She said the Northwest Quadrant is nothing like Mossy Oaks, and if the pilot program doesn't work, she wondered if that would mean they wouldn't do it elsewhere in the city. Commissioner Huddy answered that the idea of the pilot program is to have a place to start, not to suggest that it won't work elsewhere in the city. Commissioner Huddy went on to say that work will be done sooner than it takes to determine if something works or not.

Rich Seymour said a majority of homeowners at Battery Point don't favor short-term rentals in their neighborhood.

David Tedder said his properties won't be affected by this. However, he recommended that the commission should recommend to council that those short-term rentals that exist with non-conformities be allowed to operate for 12 months, as Commissioner Hicks suggested. Then, he said, "People in the city can work without being hung up on a conformity/non-conformity issue." Chairman DeVito said if there was a way around the issue, he feels the city attorney would have suggested it; "two attorneys are saying two different things."

Wayne Baggett asked if Port Royal and the city were different regarding short-term rentals, and Chairman DeVito said yes. Mr. Baggett said he has properties in each. He supports a pilot program. He has applied for a business license and had an inspection completed. He said a pilot program will help create an environment and consistent standards that everyone wants to see. Fire codes are different in short-term rentals and long-term rentals, for example. He cited the various advantages short-term rentals offer.

Dick Stewart said he owns property in the Northwest Quadrant and adjacent areas. He's concerned about what a pilot program might be. He asked that the Planning Commission consider the location. The Northwest Quadrant "has a geographic and chronological history"; he would like the area in the pilot program bounded by particular streets to give everyone an easily understood area of demarcation. He also said the devil is in the details. He'd like it to be crafted carefully.

DeWitt Helm, 406 New Street, is the former president of The Point neighborhood association. He endorses the idea of a pilot program but said it's "not a simplistic solution." The criteria should be set at the beginning, not the end, of the program. The Office of Civic Investment should be involved, he added.

Henrietta Goode, Northwest Quadrant, has worked with Commissioner Huddy and others to come up with guidelines for short-term rentals. They could be beneficial to the city as a whole. The pilot program has to begin somewhere. When the rules are set, they should be set for the whole city as "a unit, not just parts." They need a specific set of guidelines that must be adhered to by all. They won't know until they do something.

Commissioner Huddy reviewed the guidelines they have been discussing. The owner or the owner's property manager must be registered with the city prior to issuance of a business license. They must live on the property and be available within 20 miles of the property if there is a problem. He reviewed some conditions such as a minimum two-night stay, on-site parking, no on-site signs, no pets unattended, no amplified music per the city ordinance, an approved property management plan, business license renewal per annual review.

Commissioner Dechovitz added that the recommendation for "by special exception" is a process that is more involved for the applicant than is "conditional use." With the recommendation Commissioner Huddy is working on, no one would ever go more than 24 hours before a problem was solved. There would be annual review and inspection of property. If there are more than 3 complaints substantiated by the city in a year, then the special use would be reviewed. Historically, they have received one complaint per year in the last 3 years. Most short-term rentals operate with no problems. Commissioner Huddy said there's an extensive checklist as well for aesthetic and code issues.

Commissioner Dechovitz said he and Commissioner Huddy believe there's some risk, but it's very minimal because of the way the city is operating today. Short-term rentals can provide a cash flow to property owners, whereas long-term rental doesn't generate enough cash flow. Rather than lose these properties, they think this will make fixing them up attractive to people.

Commissioner Huddy made a motion that the Planning Commission recommend to council the approval of short-term rentals by special exception beginning with the Northwest Quadrant as a pilot program with the conditions and rental checklist that is documented from January 31, 2011.

Commissioner Dechovitz said he's concerned that what was described is complicated enough that the Planning Commission should have the actual wording in front of them before they move on it. Commissioner Semmler said they need to vote on it, let the planners do their work, and the renters do their job. The discussion should come later, or they're just dragging their

feet. He suggested a vote on the motion. He agrees with Commissioner Hicks's suggestion of 12 months. There was some discussion of what was being voted on in this motion.

Commissioner Huddy withdrew his motion. Chairman DeVito said what is on the table tonight is going back to what was looked at last month. They have to decide to pass it to council or kill it. There's also a different plan that could be put to council. They don't have specific language on either motion. Commissioner Hicks said there's a recommendation that the UDO be changed. He advocated recommending to council that the request be approved pending the further investigation of short-term rentals.

Commissioner Hicks made a motion to recommend denying the application. Robert Semmler seconded the motion. The motion passed 5-1 with Commissioner Huddy opposed to the motion.

Commissioner Dechovitz said he and Commissioner Huddy will come back with language, and the Dickerson's will apply for a zoning change.

City of Beaufort – Rezoning

Rezoning a parcel of property located at 1403 Greenlawn Drive, identified as District 120, Tax Map 1, Parcel 263. The existing zoning is "Neighborhood Commercial District." The proposed zoning is "Marsh Gardens Planned Unit Development."

Applicant: 303 Associates, LLC

Ms. Anderson said the public hearing will be at the next council meeting. Staff recommends approval as the City Council has already given 1st reading to the change. The Planning Commission is required to make a recommendation on rezoning. Commissioner Dechovitz said council has already acted. Commissioner Hicks said council can't take action without Planning Commission reaction. Chairman DeVito said if the Planning Commission doesn't react in 30 days, it goes through. There was no public comment.

Commissioner Hicks made a motion that the request for rezoning be approved. Commissioner Semmler seconded. Ms. Anderson said it would be lot type D in response to Commissioner Huddy's question. She said the Planning Commission can make a recommendation. Commissioner Huddy asked how it differed from its current zoning; Ms. Anderson said it's more intense. Its current zoning is Neighborhood Commercial but it's in the Boundary Street Redevelopment District. Commissioner Huddy said the proposed use is a park and a parking lot. Lot type D has minimum footage coverage. Ms. Anderson said the park may not have a building on it, and the parking lot may not, so the lot frontage wouldn't apply.

Commissioner Huddy said it sounds like there are two separate issues. Chairman DeVito said the decision is on its coming into Marsh Gardens PUD as a type D. Commissioner Crower asked if the approval of it is as part of a PUD that it's not a part of now.

Commissioner Dechovitz said he doesn't like the process of the council acting on something before the commission has made a recommendation; if that's going to be council's process, *"there's really no reason for the Planning Commission to operate."* It weakens the Planning Commission's authority to negotiate with a developer. He didn't have a problem last month with this plan or this change, but they "need to get right on our process." Otherwise he has no objection to this change. **The motion passed unanimously.**

City of Beaufort – Rezoning

Rezoning 6 parcels of property located at 88 Robert Smalls Parkway (Stokes Honda), identified as R120, Map 29, Parcels 201 and 202, and R100, Map 29, parcels 142, 143, 179 and 4X. The existing zoning is General Commercial District and Commercial Regional District. The proposed zoning is Highway Commercial District.

Applicant: S & S Properties LLC

Ms. Anderson said there are 6 parcels proposed for rezoning. She showed a visual of the area under consideration. 2 properties are in the city limits and 4 are in the county's incorporated area. All six properties are proposed for rezoning to Highway Commercial. The applicant wants to demolish the building and build another one. Annexation and rezoning will facilitate development of this site. She reviewed the permitted uses in each of the current districts. There is a mix of zoning designations of property on S.C. 170. G-3B type property in the comp plan is high-intensity use. There are a variety of intense commercial uses in the area. Public notification has been sent out and there are no public comments. Staff recommends approval. Ms. Anderson said there should be two motions to cover all bases.

There was no public comment. Commissioner Hicks said this is in line with the NRP and he thinks it's "great."

Commissioner Dechovitz made a motion, second by Commissioner Crower, to recommend annexation of the properties. The motion passed unanimously.

Commissioner Dechovitz made a motion, second by Commissioner Crower, to recommend rezoning the properties to Highway Commercial. The motion passed unanimously.

City of Beaufort – UDO Amendment

Revising Section 5.1, "Use Tables," and Section 5.3.D "Specific Use Standards, Commercial Uses," to allow Entertainment uses such as community clubhouses and pools as conditional uses in residential zoning districts

Applicant: City of Beaufort

Ms. Anderson said this would apply to community clubhouses and pools. Most are in PUDs, and these types of uses are factored in, but this isn't the case in all neighborhoods. Staff proposes

amending to allow indoor and outdoor entertainment, subject to ownership and management by the POA or neighborhood association. Ms. Anderson said they could rent out the clubhouse if it's owned by the neighborhood association or POA. There was no public comment.

Commissioner Dechovitz made a motion, seconded by Commissioner Hicks, to recommend approval. The motion passed unanimously.

CITY OF BEAUFORT – UPDATE ON COUNCIL ACTIONS

Ms. Anderson reviewed council's actions.

REVIEW OF PROJECTS FOR BEAUFORT COUNTY

County of Beaufort – Port Royal Island Map Amendment/Rezoning for R100 024 0000 0042 AND 0362 (known as Burlington Planned Unit Development; 545.99 and 103.74 acres, respectively; off Joe Frazier Road in Burton), from Planned Unit Development (PUD) to Rural with Transitional Overlay (R-Transitional Overlay)
Owner: Riverstone Properties II LLC (rezoning is County staff-initiated).

Tony Criscitiello said County Councilman Herbert Glaze and his constituents were present to listen to how these projects will proceed in the near future. The Burlington PUD was approved in 1998. County council set a process to sunset inactive or slow development PUDs. This rezoning request is coming from the staff, not the applicant. The comp plan classifies the property as Neighborhood Mixed Use. This area is in the growth boundary. Residential uses are encouraged to develop interconnectedness, according to the direction of the comp plan. The positives are mixed use housing, interconnected streets, etc. In the near future, the county will have a Burton/Laurel Bay charette to further develop a form-based code for the unincorporated area.

The county will be bringing forward a pilot TDR; this PUD will be a primary receiving area. The comp plan recommendations are equal to the Planning Commission's. The county council was recommended to change the zoning from PUD to Rural with Transitional Overlay. The Planning Commission must decide whether to change the zoning from PUD back to rural with the opportunity in the future to bring it back to some level of development, provided it meets standards for form-based code. The planning department suggests to the Planning Commission that it recommend this to the full Planning Commission of Beaufort County.

Commissioner Crower asked what the requirements are of transitional overlay. Mr. Criscitiello said in a span of time of 10-20 years, the infrastructure is anticipated to be available to transition it to a higher intensity and commercial density, provided those are available. This is in the growth boundary so it's expected to grow as well. They're trying to coordinate the growth in the growth boundary in a way that is conducive to the county's, city's, and town's development.

Commissioner Crower asked why this was chosen over a slightly more dense zoning. Mr. Criscitiello said what's surrounding the area is rural, and that's a driving consideration. Commissioner Dechovitz asked if there was response from the people who originally applied for and got the PUD. *The original applicant for the PUD is present, Mr. Criscitiello said.* Commissioner Dechovitz said he's not familiar with all of the acronyms Mr. Criscitiello had used. Mr. Criscitiello proceeded to explain what the ACUZ is, the different types of zones that deal with noise and accident potential. The zoning is limited for opportunities of the property owners to use the property. He went on to discuss the way TDRs work. In some areas in Burton, the opportunity for development has been lessened, but there are other areas that can receive that density. The TDR program will be adopted with the expectation that they will assist small property owners whose ability to use their land has been limited.

Commissioner Dechovitz asked if someone owning 20 acres in the compatibility zone would have the right to sell to the extent that the value of his property had been diminished. Mr. Criscitiello answered yes. There would be a requirement to create a TDR bank, and he explained how that worked. There will be a need to create a Land Trust that is fair and even-handed to evaluate the TDRs to ensure they are useable. Also county council, the city, or town would have to set a market price annually for the TDRs.

Burlington PUD is not in the ACUZ, Mr. Criscitiello said. He introduced the PUD representative, **Jeff Galanti** of Riverstone Properties who told the commission that the form-based codes and TDRs were discussed in a meeting with county planning. They think it's a good PUD. They have no immediate plans to develop. Commissioner Crower asked if there was a time limit in the original PUD. Mr. Galanti said there wasn't. Mr. Criscitiello said the PUD is indefinite until county council acts to remove the designation.

Tim Schwartz, Lady's Island, has property on Joe Frazier Road and Highway 116. He's in the process of rezoning the property from Rural Transitional Overlay to Suburban Commercial zoning. It cannot be annexed into the city because it doesn't meet the parameters. He's waited two years for a charette that never took place. He spoke with Mr. Criscitiello in 2008 to get the zoning to the way the property has been used for five decades. Mr. Criscitiello said the property is 14 acres, which is too big, so he couldn't recommend rezoning the whole property. The county recommended subdividing and rezoning the front half of the property. A planning subcommittee meeting in August 2010 recommended moving forward. On October 4, at the county planning commission meeting, they voted unanimously for rezoning. At a February 14, 2011 meeting he wasn't allowed to speak, and they voted against the rezoning.

Peter Dawson, 228 County Shed Road, said the zoning of District 8 has been difficult to explain. In the initial redistricting and community plan, the residents all voted to stay rural. The comp plan made them Transitional Overlay. They "wanted to stay rural and panicked." The Transitional Overlay took away the Rural Residential designation. The city couldn't annex because of the zoning, so they lay in limbo for 8 years. They didn't complain because they were

Rural Residential. As development comes, they will lose their Rural Residential designation and can't have chickens in the yard or more than a 17' boat in the yard. This is a problem for families that have been there for years. Community preservation was a concept. They are *frustrated because they want to stay rural*.

Commissioner Dechovitz asked if the property was covered by the PUD. Mr. Dawson said the PUD is owned by the corporation, and those he represents live around that property. Mr. Dawson said they want to be rural, whoever owns it. Commissioner Dechovitz said if the PUD were transitional zoning, it wouldn't affect them. Mr. Dawson said "the overlay overrides the zoning." The request is to go back to rural. The ACUZ is incomprehensible, he feels. Commissioner Dechovitz confirmed that Mr. Dawson's property is not under consideration but the surrounding property is. Mr. Criscitiello showed a map of the area and the zoning designations. The TDRs, he said, will mean property owners with 1.2 units per acre density can sell some of their density to a receiving area such as Burlington. Mr. Criscitiello said the process is complicated. They are trying to work with the neighborhood and the neighborhood association to create fair and logical zoning in the future.

Councilman Glaze said when the first reading came up, county council denied it. He represents District 8. It was on the consent agenda to be denied, but he wanted to hear what was going on. Mr. Sharp said he'd spoken to constituents, and he wanted to get money to upgrade the area. They said "they were never told he was going to go with a Dollar General." The charette will allow the community to have input as to what they want in a particular area. The neighborhood hasn't been told the truth about developing a Dollar General in that area. If they wait until the charette is scheduled, all can come together and can design a layout that's good for everyone. To do it now is not appropriate. He sympathizes with this plight, but he must represent his constituents.

Harold Carter has property that "butts up against Burlington." He wants to know how this change will affect him and the other owners around him. Burlington is behind his property; if it's designated Rural Residential, he wants to know how it will affect him. A pond dropped 5 feet when Habersham was opened. Chairman DeVito said the zoning for Burlington would be the same as his is now.

Patrick Lai-Fang wanted to know how the changes will affect property taxes. Mr. Criscitiello said the use will affect how it's taxed; zoning has a small effect and use has a greater effect. Burlington has an agricultural classification and is taxed as such. Until there's a development plan, it will not have an effect on taxes. Commissioner Hicks said it's a PUD now; the recommendation is for Rural Residential designation. What is on the table tonight would not affect taxes. Zoning permitted now is denser than what is proposed, Commissioner Huddy said.

Jane Middleton began to discuss “the improvement to that property,” but Chairman DeVito said what’s being recommended has nothing to do with that property. The focus is only on the Burlington property.

Commissioner Hicks said he was on the Planning Commission in 1998; by 2004 in Beaufort County, “there were PUDs scattered everywhere,” some going back to 1971. County council said they were “building roads and parks for someone who’s not developing.” They had indefinite PUDs, so council got together to modify the existing ordinance to say that if by 2010 a building hadn’t been built, it would revert back to the base density of the surrounding community and the developer could request an extension. In this case, no request was received to negotiate an extension on this in January 2010. Commissioner Hicks said Mr. Criscitiello was doing what council said for him to do, which is downzoning to its base density. All these areas have to be looked at in toto. There was no ACUZ when Burlington was established. The F-35 may or may not expand the ACUZ. If growth isn’t controlled, Highway 21 will have to be a 6-lane road, and Joe Frazier Road will fail as growth occurs. The city of Beaufort annexed the property and authorized 10,000 houses in Clarendon. All this needs to be considered, so **Commissioner Hicks made a motion that the Joint Municipal Planning Commission recommend to Beaufort County Planning Commission approval of the rezoning as submitted.** They will in turn recommend it to county council. **Commissioner Semmler seconded the motion.** Chairman DeVito said “it’s fine to move this on.” **The motion was approved unanimously.**

*County of Beaufort – Lady’s Island Map Amendment/Rezoning for R200 015 0000 0051 AND 051A (known as The Village at Lady’s Island Planned Unit Development; approximately 35+ acres total, bordered by Sam’s Point and Oyster Factory Roads), from Planned Unit Development (PUD) to Lady’s Island Community Preservation (LICP) and Lady’s Island Expanded Home Business (LIEHB)
Owner: B McNeal Partnership LP (rezoning is County staff initiated).*

Mr. Criscitiello said this rezoning is similar to Burlington. It is subject to the same ordinance: in a slow-growing or dormant PUD, if it’s not developed by December 2009, the PUD designation may be lost. The applicant went to county council to extend his PUD, and it was extended for one year. “He didn’t show up for 11 months and 59 days,” Mr. Criscitiello said, but then they discussed the options with him, i.e., more compatible zoning similar to New Point or Celadon might be feasible at a range of 2-2.5 dwelling units per acre and up to 5 dwelling units, so he has flexibility. The recommendation is to return the zoning to a designation that would allow for expanded home business.

Mr. Criscitiello showed the level of small scale commercial development. They’re seeking the approval of the Joint Municipal Planning Commission to recommend to the full Planning Commission to recommend approval. Chairman DeVito clarified that the year extension is up with no action. Mr. Criscitiello said yes. The property owner wasn’t present.

Mr. Tedder said he wasn't present as the owner's attorney but was speaking as a member of the public. This is "of a different flavor," he said. He wasn't being paid by Mr. MacNeil to speak tonight but he owns property on Lady's Island. When they asked for the extension last year, "form-based code was coming down the line," and there would be people to assist with charettes. Form-based code has progressed slowly as a year went by. There's not yet a map available or an idea of what is going to happen.

Mr. Tedder wanted assistance from staff to design something the county would approve, but they have only gotten negative feedback. There's been a lot of frustration that they can't find out what to do that is acceptable with the property. Mr. McNeil worked with the county and did things, as opposed to the other PUD heard from earlier, Mr. Tedder said. It's not on the receiving end of the TDR program. It needs to go through a preservation program. Charettes have been delayed because of form-based code, he reiterated. Mr. Tedder thinks it should be delayed. He advocated clustering in that area; he described the properties and said they "should have magnets to create pedestrian-friendly areas." The planned community and mixed use options aren't the best use for this property at this time, he feels.

Commissioner Hicks read aloud the density of the developments on Lady's Island. Higher density is allowed if it's a walkable, established commercial area. The good density would be about 2.45 like Newport's. The current zoning is 6. The county has done much to promote growth. They have to be cautious about what they do on an island. They should support the ordinance, he feels. He said Celadon is 3.2; it's the densest of all the PUDs on the island.

Commissioner Huddy asked if Opticos would look at this as part of form-based code. He asked what it hurts to wait. Commissioner Hicks said they've waited a decade, then another year, and though form-based code is coming, there's not a chance that they'll promote high-density development other than in the village center. To go down Sam's Point Road is probably not going to happen.

Commissioner Huddy said it seems waiting is not going to do anything. Chairman DeVito said if what is discussed tonight is done, it's easier to get into form-based code. The PUD is locked in right now. Mr. Criscitiello said until county council takes action, the PUD is active. He explained what would be involved. "He has to hit the 50% point," he said.

Commissioner Huddy asked if Mr. Criscitiello had discussed this parcel with Opticos, and Mr. Criscitiello replied "intensely." Ms. Anderson, Linda Bridges, and Mr. Criscitiello are actively working on this. Chairman DeVito noted that neither the applicant nor a representative were present for this meeting. Commissioner Hicks said the decision should be council's on the ordinance. Commissioner Semmler said he had the same concerns a year ago. He can see the frustrations, and he feels they need to move on; "the next step, whatever it is, will happen. "

Commissioner Semmler made a motion, seconded by Commissioner Hicks, that the rezoning be forwarded to the Beaufort County Planning Commission, recommending approval. Mr. Tedder said the stormwater changes are in place. The motion passed unanimously.

Discussion: Review of Rules of Procedures

Ms. Anderson said this hasn't happened yet. Commissioner Dechovitz made a motion, second by Commissioner Huddy, to table the discussion and put it on next month's agenda. **The motion passed unanimously.**

Chairman DeVito said the commission's agenda packets are usually e-mailed beforehand for review plus a hardcopy is available when they arrive in chambers. He asked if they want that process continued or if they would like a hard-copy sent to them beforehand. Commissioner Semmler, Commissioner Hicks, and Commissioner Crower said they want hard copies mailed, and Ms. Anderson said they will do it for everyone, but there will not be hard copies available in chambers. The chair will have one hard copy available if it's needed. Mr. Tedder asked if these packets would be posted on websites as well prior to the meetings. Ms. Anderson said the City of Beaufort web site will have the agendas, but not the entire package. Chairman DeVito said they can do whatever the Planning Commission wants. Chairman DeVito said he didn't see why they couldn't post the whole packet. Commissioner Huddy asked if there's a separate Planning Commission section. Ms. Anderson said they will e-mail it to Ms. Bridges and Mr. Criscitiello, and they can put it on their websites as well.

Commissioner Crower requested Mr. Criscitiello give the Planning Commission members a packet of information about county zoning. Chairman DeVito said he could send a link to the part of the website where it's referenced. Commissioner Semmler said there are differences in what Port Royal, the city, and the county do. He's going with what Beaufort County says until he's told differently at the Planning Commission. Chairman DeVito said each jurisdiction highlights the zoning in the area under consideration. No one could learn all of the zonings intimately.

Chairman DeVito said two members of the planning commission will be absent from the next meeting.

MINUTES

Commissioner Huddy made a motion to accept the minutes of the January 10, 2011 meeting as written, second by Commissioner Semmler. The motion passed unanimously.

There being no further business before the commission, Commissioner Dechovitz made a motion to adjourn, second by Commissioner Huddy. The motion passed unanimously, and the meeting was adjourned at 8:00 p.m.