

SPECIAL EXCEPTION APPLICATION
2304 WILSON DRIVE

APT# 12330

PAID
11/5/15 CL

City of Beaufort Zoning Board of Appeals
1911 Boundary Street
Beaufort, South Carolina 29902
Phone (843) 525-7011, Fax (843) 986-5606
E-Mail: jbachety@cityofbeaufort.org
*Revised September 12, 2014

Application Fee
\$300

SPECIAL EXCEPTION APPLICATION

OFFICE USE ONLY: Date Filed: 11-5-15 Application #: ZB15-30 Zoning District: R-1

Instructions

Entries must be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not the owner, the owner(s) must sign the Designation of Agent (below).

Submittal Requirements

1. A legal survey of the property.
2. An accurate, legible site plan showing the north arrow, dimensions, and locations of all existing and proposed structures and any improvements relevant to the appeal such as trees, fences, power lines. Six copies of all plans are required.
3. Photograph(s) of the site.

APPLICANT(S): Michael J. McFee, Sr. & Mgr.

Address: 2304 Wilson Dr

Telephone: 843-321-0556 [day] 843-321-0556 [fax]

E-mail: McFeeMike@gmail.com

OWNER(S) if other than Applicant(s): Pinckney Place LLC (est. of Albert Pinckney)

Address: 2302 Wilson Dr. Beaufort, SC 29902

Telephone: 843-321-0556 [day] 843-321-0556 [fax]

PROPERTY STREET ADDRESS: 2304 Wilson Drive

Tax Map No.: R120-002-000-0008-0000

Parcel No.: Lots 15-17 BK W -

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 No

DESIGNATION OF AGENT [complete only if owner is not applicant]:

I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Date: _____

Owner's Signature: _____

I (We) certify that the information in this application is correct.

Date: 11/5/2015

Applicant's Signature: Michael J. McFee

City of Beaufort Zoning Board of Appeals
1911 Boundary Street
Beaufort, South Carolina 29902
Phone: (843) 525-7011, Fax: (834) 986-5606
E-Mail: jbachety@cityofbeaufort.org
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APPLICATION FOR SPECIAL EXCEPTION

Applicant hereby appeals to the Zoning Board of Appeals for a special exception for a (ex. Type 2 Home Occupation) Short Term Rental - residential
Single family home
on property described on Page 1 which is permitted by special exception under the district regulation in Section 5.1 of the Unified Development Ordinance (UDO).

1. Applicant will meet the standards in Section 3.16.D of the UDO which are applicable to the proposed special exception in the following manner:
 - a. The proposed use is compatible with existing land uses in the surrounding area as follows: _____
 - b. The proposed site plan, circulation plan, and schematic architectural designs are harmonious with the character of the surrounding area in that: _____
 - c. The likely impact on public infrastructure such as roads, parking facilities, and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to adequately service the proposed use without negatively impacting existing uses in the area and in the City are as follows: None
 - d. The proposed use(s) and designs are in general conformity with the City's comprehensive Plan and any other plans officially adopted by the City in that: _____
 - e. The likely impact on public health and safety is as follows: N/A
 - f. Potential creation of noise, lights, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts is as follows: N/A

[A site plan must be submitted]

Pinckney Place, LLC

2304 Wilson Drive

RENTAL POLICY

Pinckney Place, LLC (2304 Wilson Drive hereinafter referred to as Pinckney Place) has established these policies to assure that you, our guests, will find the Beaufort Area to be a pleasant place to visit and to assure our owners that you understand the responsibilities you have accepted as guests in our home.

RESERVATIONS: Minimum two (2) Night reservations are required at Pinckney Place.

RATE: Rental rate at an amount of \$ _____/Night for a period commencing (Check-In) on _____ and ending (Check-out) on _____. Credit Card held for security deposit and damages deposit.

ARRIVAL TIME: CHECK-IN time is guaranteed for 4pm and we regret that we cannot guarantee the availability of accommodations prior to that time. Early check-in MAY be arranged, according to availability.

DEPARTURE TIME: CHECK-OUT time is 11am. Late check-out (according to availability) when possible, may be arranged for an additional charge. Should you arrive after Business Hours, your key package will be left at the residence with pre-arranged access code to property.

PAYMENT POLICY: We accept Mastercard, Visa, Personal Checks or Cash. A Credit Card is required to confirm your reservation and for damages security. A deposit equal to 30% of the rental amount is due within 14 days of the booking. The balance is payable at check-in by cash, check or accepted credit card. There is an automatic \$30 charge on any returned checks.

CANCELLATION POLICY:

30 Days or More Days Prior to Arrival: In case of cancellation 30 or more days prior to arrival, for any reason, a \$50 cancellation fee will be charged, all other deposit amounts will be refunded.

Within 30 Days (but more than 72 hours) prior to arrival: In you cancel for any reason, a \$75 Cancellation Fee will be charged, all remaining deposits will be refunded.

WITHIN 72 HOURS OF ARRIVAL: Cancellation less than 72 hours prior to planned arrival will result in the full charge for the reservation and will be charged to the credit guaranteed with

Page 2 PINCKNEY PLACE

the reservation. If we are able to re-rent for any portion of your cancelled reservation, we will refund that portion.

NO REFUNDS will be granted under ANY of the following circumstances:

- 1) Failure to arrive (no shows). Full rental amount will be charged to no shows.
- 2) For check-ins or arrivals AFTER the reserved arrival date. (You are responsible the entire time reserved)
- 3) For check-outs or departures PRIOR to the end of the reserved time period.
- 4) For Cancellation, early check-outs or Late arrivals due to inclement weather (NOT to include evacuations mandated by civil authority)

GUESTS' PERSONAL PROPERTY: We are not responsible for personal items you may leave behind. Please be diligent in collecting your possessions. We will retain for a 14 day period, and AT YOUR REQUEST AND EXPENSE, will ship forgotten items to you. Your reservation credit card will be charged shipping plus \$25 handling fee.

PARKING: Pinckney Place is a private residence in a neighborhood community. No cars may be parked along the street right of ways or on sidewalks. There are 4 parking spaces (Gravel Parking) for guest parking. No additional vehicles are allowed.

CARE OF UNIT: PINCKNEY PLACE is a private residence, furnished for and cared for by the owners. We ask that you respect and treat the property as if it were your own. Locked closets and spaces (to include Basement, Attic and Owners Spaces) are for owners' use only. Please do not re-arrange or remove furnishings, significant re-arrangement will generate an additional \$50 charge for re-positioning furnishings, so please return to the way you found the house. Trash and recycle containers are available on-site and should be used. Upon check-out ALL Trash and perishable items should be properly disposed of. Trash and Recycle pickup is on Monday of each week.

PETS: PINCKNEY PLACE is a pet friendly rental. Registered pets (Breed and Size) limited to two (2) pets with a Non-refundable Pet Fee of \$100 for Stays up to one week \$150 for stays greater than one week. Any NON-REGISTERED pets will generate a \$200 penalty and terminate your lease immediately. Owner reserves right to exclude any Insurance Company 'Dangerous Breeds' as allowable 'pet' guests. Pets must be leashed and cleaned-up after at all times.

DAMAGES: PINCKNEY PLACE is inspected prior to your arrival and upon your departure. If you should find ANY damages (other than normal wear and tear) or if any damages occur while you are there, please contact us immediately. Responsibility for damages will be determined based upon review of the inspections lists. Any EXCESSIVE or UNDO damages will be addressed to you for payment of repair or replacement.

KEYS: You will be charged \$15 for each key not returned at Check-Out.

REPAIRS: If, during your stay with us, major appliance fails, such as HVAC, we will make every effort to correct within 12 hours. Repairs of small appliances, such as DVD/VCR'S, Toasters, TV's or Lamps, are not guaranteed.

PAGE 3 PINCKNEY PLACE

Guest agrees to allow service contractors access for repairs during business hours, with notification. There can be no discount or refund on equipment or appliance failures.

OCCUPANCY: PINCKNEY PLACE is a 4BR 2.5 Bath home and has a maximum capacity of 8 guests. These numbers are NOT to be exceeded! You will be billed for additional overnight guests at double the nightly rate for the unit.

INDEMNIFICATION: Guests agree to indemnify and save PINCKNEY PLACE, LLC, individual homeowners, and its employees, free and harmless for any liabilities or any loss or damage whatsoever arising from, related to, or in connection with rental of the premises including, but not limited to, any claims or liability for personal injury or damage or loss of property which is made, incurred or sustained by guest or guests of guest.

Tenant Signature	DATE
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Tenant Signature	DATE
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As to Landlord, Pinckney Place, LLC, Michael A. McFee	DATE
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SHORT RENTAL APPLICATION

The following information will only be used for rental purposes.

Date of Application

I am looking for a 1 BR 2 BR 3 BR 4 BR House Duplex Apt

Applicant #1 _____ Phone # _____

Birth date / / M F Smoker - Yes No

Current Address _____, City _____ State _____ How Long _____

Landlord Name _____ Phone # _____ Call - Yes No

How long at that address _____ Rent amt. _____ Lease date ending _____

Employed by _____ Address _____

Date Employed _____ Wage per week _____ per month _____ Temp Full-time

Other income _____ Renting by Section 8? _____ Other _____

Student Y N School _____ Year of School _____ Major _____

References: Character, housekeeping, care of finances (Boss, teacher, etc.) MUST complete all 3.

1. _____ Relationship _____ Phone# _____

2. _____ Relationship _____ Phone# _____

3. _____ Relationship _____ Phone# _____

Pets: Cats _____ Dogs _____ Age _____ How long owned? _____ Fixed? _____ Declawed _____

How soon do you need the residence? _____

How many will occupy this residence? Adults Children Ages _____

Applicant #2 _____ Phone # _____

Birth date / / M F Smoker - Yes No

Current Address _____, City _____ State _____ How Long _____

Landlord Name _____ Phone # _____ Call - Yes No

How long at that address _____ Rent amt. _____ Lease date ending _____

Employed by _____ Address _____

Date Employed _____ Wage per week _____ per month _____ Temp Full-time

Other income _____ Renting by Section 8? _____ Other _____

Student Y N School _____ Year of School _____ Major _____

References: Character, housekeeping, care of finances (Boss, teacher, etc.) MUST complete all 3.

1. _____ Relationship _____ Phone# _____

2. _____ Relationship _____ Phone# _____

3. _____ Relationship _____ Phone# _____

Pets: Cats _____ Dogs _____ Age _____ How long owned? _____ Fixed? _____ Declawed _____

How soon do you need the residence? _____

How many will occupy this residence? Adults Children Ages _____

APPLICANT #1 Signature Date APPLICANT #2 Signature Date

Landlord Acknowledgment _____ Acceptance _____

As to Landlord, PINCKNEY PLACE, LLC

PINCKNEY PLACE, LLC

*** GUEST LICENSE AGREEMENT ***

We are happy you are staying with us on ___/___/___ and will do every-thing possible to make your visit relaxing and enjoyable.

The following documents are enclosed: 1) Reservation Confirmation, 2) Guest License/Trust Account Agreement, and 3) Rental Policy.

If there are any errors or questions on the information contained in these documents, please call our office immediately so corrections can be made and/or policies clarified.

Your SIGNATURE on the GUEST LICENSE AGREEMENT acknowledges and ACCEPTS the RENTAL POLICY, ARRIVAL/DEPARTURE DATES, RATES AND OCCUPANCY NUMBERS.

It is understood that each rental residence is privately owned, including the furnishings, grounds and amenities. You as a guest agree to compensate the owner for damages, late departures and/or long distance calls as covered in the Rental Policy.

Please SIGN and RETURN the GUEST LICENSE/TRUST ACCOUNT AGREEMENT in the enclosed envelope. If you are paying your deposit by check, please include with this agreement.

Signature Date

*** TRUST ACCOUNT AGREEMENT ***

The South Carolina Real Estate License Law requires all rental deposits to be held in trust until termination or consummation of your contract. This form is your authorization for us to accumulate the interest earned on those funds to our benefit to help offset the high cost of bookkeeping and management.

I hereby certify that I understand all advance deposits are placed in an interest-bearing escrow account and waive all claims to any interest earned.

Reservation Number : Date :
Unit Number : Arrival Date :
Property Address : Departure Date :
Section :
Location : SIGNATURE
Number of Adults :
Number of Children :
Under 16



CITY OF BEAUFORT
CONTACT LIST FOR SHORT TERM RENTAL
LOCATED AT 2304 Wilson Drive

PROPERTY OWNER:

Name: Pinckney Place, LLC

Address: c/o Michael McFee 2302 Wilson Drive, Beaufort, SC 29902

Phone: (843)321-0556 or (239) 370-6749

E-Mail: constanceshan@aol.com or mcfeemike@gmail.com

PROPERTY MANAGER: (PRIMARY)

Name: Michael A. McFee

Address: 2302 Wilson Drive, Beaufort, SC 29902

Phone: (843) 321-0556

E-Mail: mcfeemike@gmail.com

PROPERTY MANAGER: (BACK-UP)

Name: Martin & Connie Pinckney

Address: 1120 Lakeshore Place, Naples, FL 34103-8940

Phone: (239)580-7081

E-Mail: constanceshan@aol.com or martindupre@aol.com

PROPERTY MANAGER (SECONDARY BACK-UP)

Name: Bob & Allison Pinckney Schultz

Address: 12749 Bradwell Road, Herndon, VA 20171

Phone: (703)298-7971

E-Mail: apinckney@cox.net

Julie Bachety

From: Mike McFee <mcfeemike@gmail.com>
Sent: Friday, November 06, 2015 3:05 PM
To: Julie Bachety
Subject: 2304 Wilson Drive

Pictures of house exterior plus parking-gravel and pine straw. Mike











Sent from my iPad

STAFF REPORT
2304 WILSON DRIVE

**CITY OF BEAUFORT
ZONING BOARD OF APPEALS
Staff Report and Recommendations
Meeting of 23 November 2015**

Case Number: ZB15-30
Property Address: 2304 Wilson Drive
Applicant: Michael McFee
Type of Request: Special Exception for Short Term Rental
Zoning: R-1 District

Background: The property is located at 2304 Wilson Drive in the Pigeon Point neighborhood (see Site Location Map attached). The property is identified as District 120, Tax Map 2, Parcel 8. The lot is zoned "R-1 Low Density Single-Family Residential District" (R-1). A single-family dwelling is located on the lot. Photographs of the property are attached.

The applicant desires manage the dwelling as a short term rental (i.e., rental for periods less than 30 days). Short term rental of a primary dwelling unit is permitted by special exception in the R-1 District. Special exceptions are approved by the Zoning Board of Appeals. The criteria that the Board must consider in reviewing an application for a special exception are set out in Section 3.16.D. of the UDO (attached). The ordinance permitting short term rentals is attached.

The applicant live adjacent to the subject lot at 2302 Wilson Drive. The applicant will be the property manager. The rental agreement that was provided limits the number of persons in the unit to eight and the vehicles on the site to four. The agreement stipulates that vehicles are to park in the parking area in front of the dwelling. The property has adequate on-site parking. The rental agreement specifies a minimum two-night stay which complies with the City's ordinance.

Question for the applicant: Who will manage the unit when the applicant are out of town?

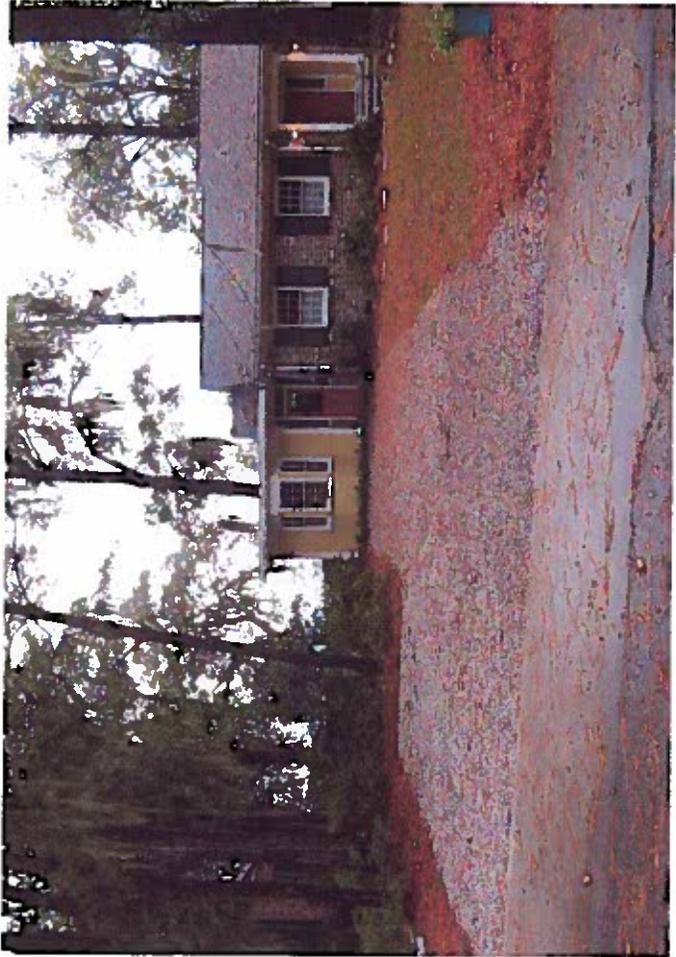
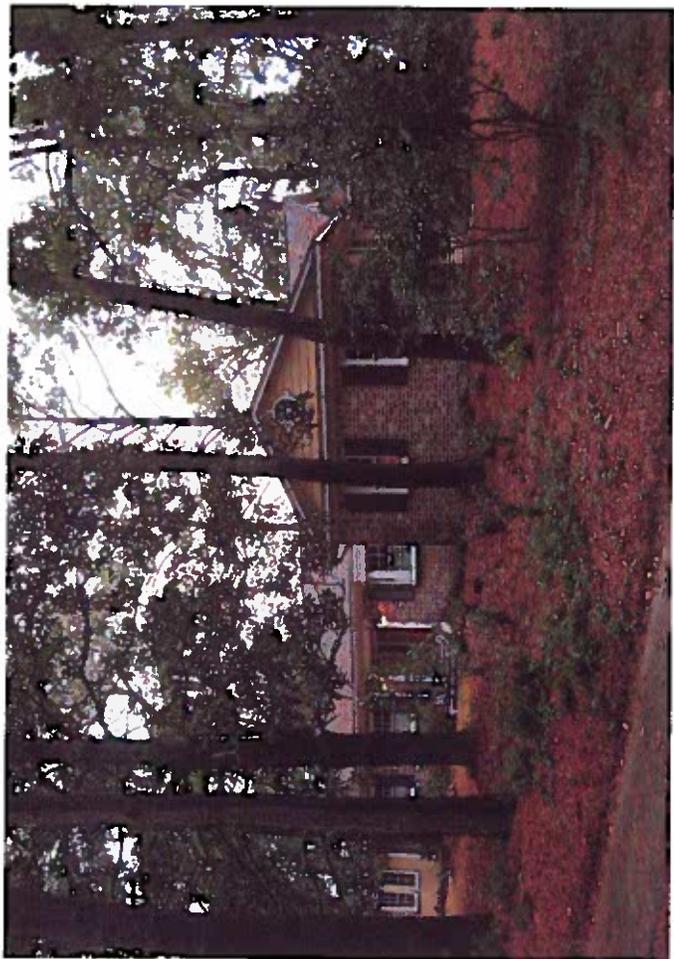
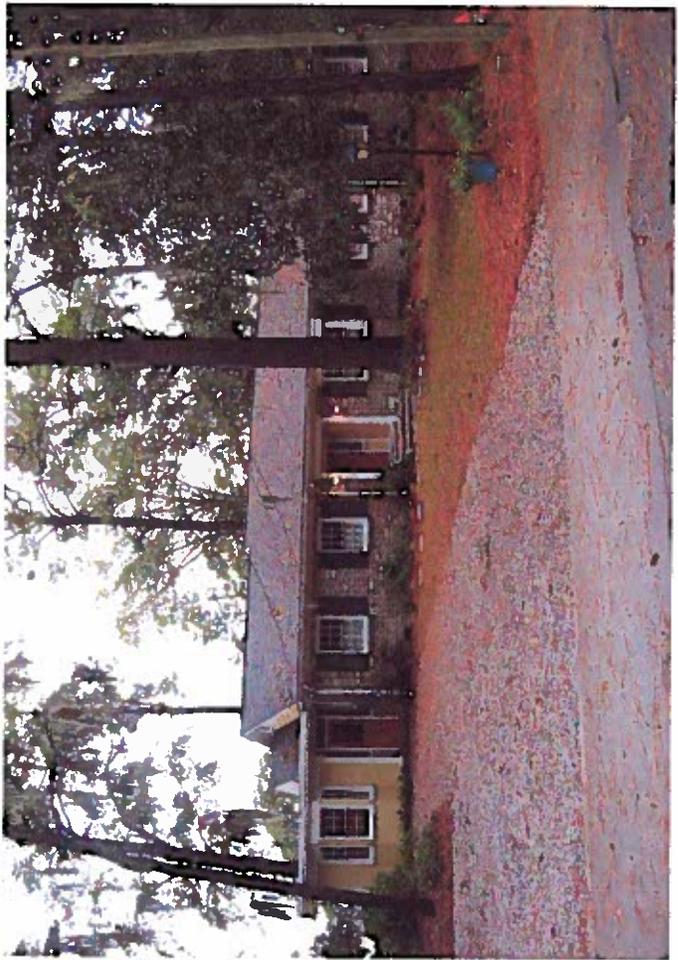
Public comment: The public hearing notice referencing this application appeared in the November 8 edition of *The Beaufort Gazette*. Letters were sent to adjoining property owners on November 9. The property was posted on November 9. On November 13, staff notified the president of the Pigeon Point Neighborhood Association of the application. Staff has received no public comments on this application as of the date of this report.

Criteria for approval of a special exception set out in Section 3.16:

According to the UDO, the Zoning Board of Appeals may approve an application for a Special Exception where it reasonably determines that there will be no significant negative impact upon residents of surrounding property or upon the general public. The UDO stipulates that the Board shall consider six criteria in its review of an application for a special exception. Staff comments on how the application relates to these criteria follows.

- (1) *Whether the proposed use is compatible with existing land uses in the surrounding area.* The property is located on the Beaufort River in the Pigeon Point neighborhood. Wilson Drive would be considered a residential collector street. The property is located within an easy bike ride of the downtown core
- (2) *Whether the proposed site plan, circulation plan, and schematic architectural designs are harmonious with the character of the surrounding area.* No changes are proposed to the property as part of its use as a short term rental.
- (3) *The likely impact on public infrastructure such as roads, parking facilities, and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to adequately service the proposed use without negatively impacting existing uses in the area and in the City.* The proposed use is not likely to have a greater impact on public infrastructure than for use as a long-term rental.
- (4) *Whether the proposed use and designs are in general conformity with the City's comprehensive plan and any other plans officially adopted by the City.* The proposed use is in conformity with the City's comprehensive plan and the Civic Master Plan.
- (5) *Likely impact on public health and safety.* The proposed use will likely have little impact on public health and safety since the property manager lives in the adjacent dwelling and in effect can provide continuous, on-site management.
- (6) *Potential creation of noise, lights, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts.* In staff's opinion, the proposed use has little potential to create noise, lights, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts if a monitored fire alarm is installed as required by the Building Official.

Staff recommendation: Staff recommends approval of the special exception with the condition that a monitored fire alarm system be installed.



3.16 Special Exceptions

A. Purpose

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

B. Application

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

C. Approval Process

1. Staff Review and Report

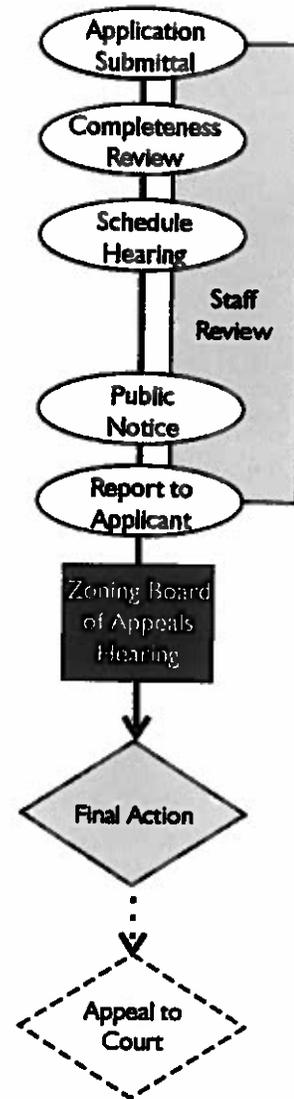
The Administrator shall prepare a staff report that reviews the proposed development in light of the Comprehensive Plan, the review criteria listed below, and the requirements of this UDO. A copy of the report shall be provided to the Zoning Board of Appeals and the applicant before the scheduled hearing.

2. Mailed Notice

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

3. Action by Board of Zoning Appeals

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



D. Special Exception Review Criteria

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

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

E. Conditions

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

F. Appeal

Any party aggrieved by the Zoning Board of Appeals' decision may appeal such determination to the Circuit Court of Beaufort County by filing with the Clerk of the Court a written petition within 30 days after the decision of the Board is postmarked, in accordance with the procedures found in Section 3.18 of this UDO.

Article Article 11: Definitions
Section 11.2: Defined Terms

Grand Tree. Any existing broad-leaved overstory tree with a DBH of 24 inches or greater; any existing understory tree with a DBH of twelve inches or greater; and any Palmetto tree having a clear trunk height of at least two feet.

Ground Cover. Vegetation growing close to the ground including grass, ivy and some species of juniper.

Ground disturbance. Any activity which would result in any tangible modification to the surface of the ground including, but not limited to, building new structures or additions, paving, grading, excavating or tree removal.

Hardscape. Any nonliving material such as berms, mulch, walls and fences commonly used in landscaping designs.

Height of Freestanding Sign. The vertical distance measured from the average elevation of the nearest road centerline to the top of the sign face or sign structure, whichever is greater.

Historic Resources. According to the National Historic Preservation Act of 1966, as amended through 1992, (16 U.S.C. 470 et seq.) Section 101(a)(1)(A):

The secretary of the Interior is authorized to expend and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture.

Criteria set forth by the Secretary of the Interior states that any district, site, building, structure, or object that is at least 50 years of age, is significant in American history, architecture, archeology, engineering, and culture may be considered for inclusion on the National Register of Historic Places.

Home Occupation. An occupation conducted from a residence in accordance with the provisions of this ordinance.

Hotel/Motel. A lodging establishment of 26 or more guest rooms providing overnight accommodations to transient guests.

Housing, Short Term Rental. A single-family or individual two-family or multifamily dwelling that is available for use or is used for accommodations or lodging of guests paying a fee or other compensation for a period of less than 30 days.

Impervious Surface. Any area of land that cannot be landscaped or planted and which does not allow for the natural passage of water through it, including paved areas, all buildings, and asphalt or concrete parking areas, driveways, roads, sidewalks and any areas of concrete or asphalt and/or any water bodies, and roof surfaces.

Infill. Development or redevelopment of land that has been bypassed, remained vacant, and/or is underused as a result of the continuing urban development process.

Inn. A building used as a lodging establishment having six to 25 guest rooms providing overnight accommodations and breakfast to transient guests.

Intensive Level Survey. An Intensive Level Survey will be based on a systematic approach to the entire tract, to differentiate between having high or low potential for containing archeological resources. Topography and soil types are also taken into consideration to help determine the areas of high and low potential. In addition, sub-surface activity, such as shovel tests are done (unless surface exposure is evident) and the materials are

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:

BASE 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
IP	Industrial Park
Special Purpose Zoning Districts	
CP	Conservation Preservation
MED	Medical
PUD	Planned Unit Development
MR	Military Reservation
OVERLAY ZONING DISTRICTS	
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.

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.

- c. In the NC zoning district, the building footprint of such use shall be no more than 2,500 square feet. Larger facilities shall be permitted as part of a mixed-use development.

9. Entertainment

Indoor and Outdoor Entertainment are permitted subject to the following standards:

- a. The use is owned and managed by the neighborhood association or property owners' association in which the use is located.

10. Fuel Sales

In the GC District, Fuel Sales are permitted as a conditional use in the SC 170 Design District and the US 21 District outside the Boundary Street Redevelopment District. In all other GC Districts, Fuel Sales are permitted by special exception. Fuel Sales in all districts where permitted by this UDO, are permitted subject to the following standards:

- a. Parking and/or service areas shall be separated from adjoining residential properties by a suitable planting screen, fence or wall at least six feet in height;
- b. No open storage of any type, including the overnight storage of vehicles, shall occur in conjunction with the operation.
- c. No more than two Fuel Sales facilities are permitted at an intersection of any Arterial Street (Section 7.2.B). Nor more than one Fuel Sales facility is permitted at the intersection of other streets.
- d. In new development, pumps should not be located between the building and the adjacent street, but instead be placed behind the building, although the Design Review Board may permit pumps to be located to one side of the building based on unique site conditions including the presence of wide buffers. In such cases, the pumps, including the canopy, shall not project further toward the street than the front line of the building.
- e. No signs shall be located on any canopy over the pumps.
- f. Any freestanding light fixtures shall be reduced in height to fifteen feet if the use adjoins a residential district or residential use.
- g. Any service bay doors shall not be oriented toward any public right-of-way.
- h. Fuel sales are subject to the general Design District standards set out in Section 6.6 and the specific Gas Station Design Guidelines set out in the Appendix.

 **11. Housing, Short Term Rental**

Short term rentals are permitted in all residential zoning districts with the exception of the Traditional Beaufort Residential District, The Point, or where prohibited by covenants. Short term rental of the primary dwelling, or rental of an accessory dwelling unit on property where the property owner does not live on the premises, shall be by special exception subject to the standards

shown below. Short term rental of an accessory dwelling unit where the property where the property owner lives on the premises, and short term rental of any type of residential unit in a commercial district, shall be a conditional use subject to the standards shown below.

- a. A minimum 2-night stay is required;
- b. Adequate on-site parking is provided. Parking should be located to the side or rear of the dwelling (i.e., the front yard should not be used for parking). Tenants should use the required on-site parking and not park in the street;
- c. A property management plan shall be developed and approved by the appropriate review authority. Failure to comply with the approved property management plan shall result in revocation of zoning approval;
- d. No on-site signage shall be permitted;
- e. No pets shall be left outside unattended;
- f. An annual Safety Inspection shall be conducted before the Business License for the facility can be renewed;
- g. The facility shall comply with all business license, revenue collection, and health laws of the City of Beaufort, Beaufort County, and the state of South Carolina; and
- h. Approval of the use runs with the ownership of the property.

12. Manufacturing and Production

Manufacturing and Production uses are permitted subject to the following standards:

- a. Any industrial use, plus operations incidental to such use, which involves manufacturing, processing, assembly, storage operations, provided the manufacturing, processing, assembly or storage in no way involves any junk or salvage operations;
- b. No open storage of junk or salvage materials shall occur; and
- c. Any noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other injurious or obnoxious conditions related to the operation shall not be sufficient to create a nuisance beyond the premises.

13. Medical Office/Clinic

Medical offices and clinics are permitted in the NC zoning district subject to the following standards:

- a. The building footprint of such use shall be no more than 2,500 square feet. Larger facilities shall be permitted as part of a mixed-use development.

**SHORT TERM RENTALS IN RESIDENTIAL DISTRICTS APPROVED BY SPECIAL EXCEPTION
SINCE AUGUST 2011**

ADDRESS	NEIGHBORHOOD
1105 Craven St	The Bluff
1108 North St	The Bluff
2203 North St	Dixon Village
2413 Hermitage Rd	Hermitage Area
706 Church St	Northwest Quadrant
1711 King St	Northwest Quadrant
806 Newcastle St	Northwest Quadrant
1002 Wilmington St	Northwest Quadrant
502 Scott St	Old Commons
803 Scott St	Old Commons
507 West St	Old Commons
811 and 811-A Audusta Pl	Pigeon Point
1305 Charles St	Pigeon Point
907 Charlesfort St	Pigeon Point
1401 Church St	Pigeon Point
915 Lafayette St	Pigeon Point
1106 Laudonniere St	Pigeon Point
1460 Pigeon Point Rd	Pigeon Point
2215 Wilson Dr	Pigeon Point
1219 Rodgers St	Pigeon Point
2413 Oak Lawn St	Royal Oaks
2308 Pine Court	Royal Oaks
2404 North St	West End
2703 Oaklawn Ave	West End

**SHORT TERM RENTALS IN RESIDENTIAL DISTRICTS IN ACCESSORY DWELLING UNITS
APPROVED AS CONDITIONAL USE (BY STAFF)**

<u>Neighborhood</u>	<u>Number Approved</u>
Dixon Village	One
Mossy Oaks	One
Pigeon Point	Two
Royal Oaks	One

As of 10-27-15