

## The Beaufort Code

Public Comment Summary Sheets

Color Key: **Black Text** - Action Item for May 6; **Blue Text** - resolved in April 7 draft, **Red Text** - no change/pending item

| Code Section | Public Comment/Recommendation   | Course of Action/April 7 Draft comments   | Follow Up in May 6 Revision         |
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| General      | Who decided that the Hermitage Road area should be a place that should have more infill development?<br><i>Staff Response - This has to do with a number of factors including analysis that was done during the 2009 Comprehensive Plan process and the 2011-2014 Civic Master Plan process. Particularly evaluation of concentrations of rental property can indicate areas that could potentially accommodate infill development. Proximity to the downtown area, parks and public spaces, and commercial corridors was also considered, along with number of vacant lots.</i>                                    |   |                                     |
|              | Consider an "unintended consequences" clause which allows items to change quickly, perhaps within one year, if something in the new code isn't working. <i>Staff Response: this is an interesting idea and we'll study if other areas do something similar. However with the vetting and review process, we are trying to preempt any unintended consequences. Codes are dynamic and change often. There is a logical process for this, which does take time, but may be the best course of action for code changes. The county and Port Royal both had a series of changes about 6 months into their new code.</i> |   |                                     |
|              | Consider development incentives to encourage people to building multiple buildings at one time. For instance if someone buys X # of lots and is infilling on all of them at once - this makes crews more efficient - they get a break on something (permit fee, BJWSA fee, impact fee). If you're using local contractors, there should be incentives for that too. <i>Staff Response: This is a great idea and is one that will be passed along to the redevelopment commission.</i>   |   |                                     |
| Article 1    |   |   |                                     |
| 1.3.2.C      | Property Owner: does state right to farm act be listed in "not constituting development"? <i>Staff Response: state law can supercede local law, as stated in 1.3.3. We did not cite every instance where an exception to our ordinance was made per state law for simplicity and clarity sake.</i>  |   |                                     |
|              | Property Owner: Activities not constituting development: Un-consolidation of conforming lots should be included. <i>Staff Response: This is currently in Minor Subdivision. Actually, on 1.3.2.C, item 8 should also be under minor subdivision so we will make this change. The reason for both is that these require oversight and documentation so it's important to have a process for them. But hopefully the process is painless. We are always open to suggestions to make it easier.</i>  | no change is proposed.  |                                     |
| Article 2    |   |   |                                     |
| 2.3.3        | Neighbor: T3-S and T3-N photos show Broad Street and Midtown. These should be replaced to match the zoning map.   | Staff will <b>replace</b> these images  | These images were <b>replaced</b> . |
| 2.4.1        | What is the height limit for Allison Rd? <i>Staff response - it's currently 2-4 stories (2 stories are only required within 500' of the intersection with Ribaut Rd. The remainder may be 1 story).</i>   | <b>No change was made. Staff is still considering limiting the height to 3 stories except for the area within 500' of the intersection if Ribaut Road and Allison Road.</b> | This <b>change</b> was made.        |

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|              | Hermitage Road residents - R1 to T3-N - this is too big of a change, don't understand what the point is. Will fundamentally affect the DNA of the neighborhood  | The boundaries of the T3-S were expanded to limit the number of R1 to T3-N conversions; <b>additional language was added</b> to permit setbacks greater than 30' in T3-N for larger lots. This helps the existing structure of the neighborhood to be retained if desired, but also allows change if desired. |   |
|              | Hermitage Road/West End residents - it should be clearly shown what the density increases will be. <i>Staff Response - since much of the neighborhoods are built out, additional density may come but it will happen incrementally. It's difficult to predict how/where, but we will work on providing examples.</i>  | Staff will <b>work to provide examples</b> of how a neighborhood could infill.  | Case Studies have been posted on the Website under Document Downloads. Note that case studies do not constitute approved drawings, or the intention of the property owner. In addition they did not take into account topography or trees. They are simply studies showing potential on a parcel of a certain size in a certain location and zoning district. |
|              | For T3-N in Hermitage Road area consider making a larger minimum lot size.  | Staff will <b>review</b> this.  |   |
|              | For R-1 to T3-S why are you going from 30' front setback to 20'? <i>Staff Response: This is permitting buildings to be closer to the street, but not requiring them to be. We will study the proposed street section to make sure this is appropriate.</i>  |   |   |
| 2.4.1.E      | What happens in T4 if there's no formal on-street parking and no way to get a driveway into the property b/c of an existing building  | Staff will <b>review</b> this.  | <b>This is still being studied.</b>   |
| 2.5.1.A.2    | Live work entrance to residential space above: All live work situations may not have the residential space above. Suggest removing the word "above".  |   | This <b>change</b> was made.  |
| 2.5.2        | Will this provision eliminate the need for variances and take the public out of the process? <i>Staff Response - the intent is for the Administrator to have enough flexibility to permit things that meet the intent of the code, so minor deviations. If anything was out of the realm of minor, the administrator would not be able to approve it and would take it through the typical public process. Some of this flexibility currently exists in the historic district, as well as in areas where the platted lots are smaller than the lot size requirements.</i> | <b>No change was made</b>   |   |

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| 2.6          | HBF - what happened to the overall height limits per story? They should be put back. If one used the 15' max limit provided for in 2.6.1.A a 45'-70' building could be constructed if one used mezanines between 15' floors. <i>Staff response - the TRC recommended that these be removed and are not needed given the other levels of oversight such as the HRB and infill standards. They limit creativity and don't address any problem that the Historic District has had.</i>  | <b>No change was made</b>  |   |
| 2.6.2        | What is the impact of FEMA on this section? <i>Staff response - FEMA regulations supercede our ordinance if they are stricter. Building Code requires that height be calculated as the amount above base flood elevation if present.</i>   | Staff will <b>look at</b> adding in standards the county is working on in Article 8.                             | <b>This is still being studied.</b>   |
| 2.6.2.A      | Requiring 18" elevation above grade and prohibiting slab on grade will increase building costs. <i>Staff Response - given the excess rain and flooding that has occurred lately, this is something that staff and the building official feel is very important. There is a difference between housing that is cheaply constructed and housing that is affordable. The general intent of this requirement, aside from reducing flooding, is to encourage higher quality construction that will be more durable, and reduce long term maintenance and insurance costs.</i>   | See next response.   |   |
| 2.6.2        | This is requiring buildings to be 18" above a sidewalk and 24" above a street if there is no sidewalk. This prevents the typical 1950s style ranch houses from being built. <i>Staff Response: The slab-on-grade houses being built today are not similar to the 1950s style ranch houses.</i>   | Staff will <b>review</b> this and <b>simplify</b> if necessary. This will be discussed further with MPC/Council. | This language was <b>simplified</b> . <b>The general intent will be discussed further with MPC/Council.</b> |
|              | Isn't this what was before City Council not long ago and was tabled? This will add costs and make housing less affordable. <i>Staff Response - yes, this is similar to what has been tabled. It is being brought back to the table. The thinking here is that there is a difference between affordable housing and cheap housing. If a house floods due to the fact that it was built on grade, the cost incurred by remediation for that flood, in addition to insurance costs, would far offset the initial cost of raising the building 18". This upfront additional has been listed at around \$7,000. It would be appropriate to quantify that costs so that it could be understood by property owners and builders. As written this undermines goals 6, 7, 9 and 10.</i> |  | <b>No change was made. Staff will review this with the MPC/Council.</b>                                     |
| 2.7          | Arts Overlay District - HBF - how would pre-approved buildings work in the Historic District? <i>Staff Response - in the Conservation District, these new accessory structures could be approved at the staff level. In the Preservation District, the applicant would have buildings pre-approved, with conditions on siting and context, at the HRB. The HRB may still need to approve the location on the site and coordination with the primary structure.</i>   |  |   |

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|              | Arts Overlay District - We are unclear as to how the accessory dwellings, as proposed in the Arts District proposal, are accomplished within this code? The way we read it, they are still approved on a case-by-case basis by the Administrator. Is that correct? <i>Staff Response - Any new construction has to have zoning approval, regardless of the area. So each of these would need to go through a building permit and zoning review. Regarding the design, the strategy as we understand it is to have 5-6 designs pre-approved for specific contexts so that the design approval would be streamlined See previous two responses for more information.</i>   |  |   |
|              | Arts Overlay District - Neighbors - already being known as "shack in the back" in this area. There needs to be some level of review for the site, landscaping and building.  |  |   |
| 2.7          | Missing an Overlay District - MUSIC DISTRICT COMPATIBILITY USE ZONE (MDCUZ) OVERLAY DISTRICT STANDARDS A. Purpose: The Music District Compatible Use Zone (MDCUZ) District shall overlay other zoning districts. The MDCUZ District includes all lands within an established footprint as designated by Beaufort City Council Ordinance as the Music District. In order to increase public awareness and to ensure the general safety and welfare of persons affected by adverse impacts common to nightlife entertainment this ordinance requires that property owners within the MDCUZ District be properly notified of their location. All building permits issued in the MDCUZ shall require the applicant to acknowledge the possible impact of nightlife entertainment and the current Noise Ordinance restrictions. All prospective renters signing a commercial or residential lease shall be notified by the property owner through a written provision contained in the lease agreement if the leased property is located within the MDCUZ District. | <b>Staff will review this with the MPC/Council.</b>  | <b>No change was made. Staff will review this with the MPC/Council.</b>   |
| 2.8.2        | Are cottage courts permitted in T3-S? This is a significant increase in density; there will be parking everywhere. <i>Staff Response - we will study this and provide a good illustration of how this could work. We will also confirm that minimum lot dimension needed for these. It's important to note that there are other standards that apply, for example parking configuration and open space. So just because someone has a lot that meets the size requirement doesn't necessarily mean they will be able to do this. It needs to be designed and make sure all the other standards can be met.</i>   | <b>Changes were made to Sections • 2.8.2.C &amp; D (formerly F), &amp; L; Staff is considering changing cottage courts in T3-S to Special Exception. Diagrams showing examples of this development type are pending.</b> | Diagrams were <b>added</b> . Approval process for lots in T3-S <b>changed</b> from by-right to Special Exception. |
|              | Neighbor - Cottage courts are similar to the way families organized their homes, and still do, on St. Helena Island.   |  |   |
| 2.8.3.B      | Is my understanding correct that any development over 100 acres must be a TND development? <i>Staff Response - Yes. What if that is not what the owner wants? Staff Response - There are not currently many, if any, 100 acre vacant parcels in the city. This is in there for potential annexation to set a standard for the expectation the city will have if large landowners want to annex. How does this impact the Industrial Park? Staff Response - 2.8.3.B.4 excludes the industrial park. Is this intended to discourage annexation? Staff Response - No.</i>   |  |   |
| 2.8.3.F.3    | Will property owners be compensated for the 2% of land donated for civic use? Will the city maintain this? <i>Staff Reply - the intent is that since the density is allowed to be increased, this offsets this 2% requirement and is the compensation. It also ensures sufficient public spaces when largescale new development occurs.</i>  | In the April 7 draft, this was <b>modified</b> from shall to should to add flexibility.  |   |
|              | This should be thought through - would the property be required to be deeded over? Or could it just be dedicated to a public use? If it's provided it should count for something (e.g. impact fee) since it's making a more liveable community.  | Staff will review this.  |   |

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| Article 3    |   |  |  |
| 3.2          | Hermitage Road/West End residents -Lodging should not be permitted in T4-NA   | No change was made.  | No change was made. Staff will review this with the MPC/Council. |
|              | Hermitage Road/West End - Residential should not be permitted in T4-NA. The surrounding neighborhood will not support this change.  | April 7 draft - Rowhomes modified to be permitted by Special Exception rather than by right. |  |
|              | Old Commons Neighbor: My second comment has to do with the kinds of commercial, religious, social activity that are approved for residential neighborhoods. For example, I would not want a grocery or liquor store or a situation like we currently have with the BCOB in the Old Commons. There should be very strict guidelines governing the kind of activity approved for a residential neighborhood. Noise level as well as time of day factor should be pervading factors. <i>Staff Response: The new code does not change the permitted uses in the historic district neighborhoods. The zoning name is changing from TBR-Old Commons to T4-Historic Neighborhood (T4-HN). But the permitted uses are not changing. Historically, the historic neighborhood is finegrained and does integrate churches. Grocery stores were historically integrated on corners as well; Pruitt's store was the last remaining true corner store. 1401 Duke Street also was one of these corner grocers. There are no liquor stores embedded into the residential fabric. However, there are commercial corridors such as Charles Street, Carteret Street and Boundary Street that form the boundaries of the Old Commons. These are mixed-use corridors that do contain commercial uses. These will continue to be permitted.</i> | No change is proposed.   |  |
|              | Water/Marine Oriented Facilities should not be permitted in T3-S.   | Staff will make this change.   | This change was made.  |
| 3.4.3.A.3.B  | Please delete in it's entirety item "b" Display/Sales. It states "Artwork may be placed on the exterior of the building and in the yard". Replace it with the language in 3.4.3B.2.C " No Display of products will be visible from the street and only articles made on the premises... may be sold" The NWQ is a residential neighborhood and community, not a Retail District. We are now the only neighborhood in the city for which the Art Overlay District is proposed. It would be difficult to regulate the nature of the Art we would see when walking around or going to library, or what the children would see when playing outside.Artwork as I understood it can be anything the artist says or thinks it is. In addition this code has the potential to enable a perpetual yard sale in our neighborhood.  | Staff will make this change.   | This text was <b>modified</b> .                                  |
|              | I am concerned that people will be able to display their "art" in their yards and visible from the street for prolonged periods of time and that "art" could potentially be age inappropriate.  | see previous response  | This text was modified.  |
|              | If I interpret Article 6.5 correctly, freestanding signs are not applicable use on single family lots. In Article 3.4.3 Home Occupation-Artisan, verbiage has been added to include freestanding signage NTE 5 sqft. (3x larger than other Home Occupation signs. If an exception is being made, would you consider reducing the size to NTE 3 sqft for the primarily single family lots within the Art Overlay District in the NWQ.  | Staff will <b>consider</b> this reduction.   | This <b>change</b> was made.                                     |

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| 3.2.5.B.2    | Vehicles under 1.5 tons or (3000lbs) are allowed? This would not allow, Ehrlich Pest Control, Sargent Whites and Hotels on boundary street and others with overnight parking of service, work or employee vehicles? – 2016 Chevy Volt = 3,543 lbs., Chevrolet suburban 5800lbs or 2.9 tons, 1500 Chevrolet pickup weighs 5300lbs or 2.6 tons. General and business service vehicles parked overnight should not create a non-conforming situation.  |  | This was <b>changed</b> to match the classification for light duty vehicles, 8,500 pounds or less.  |
| 3.2.5.B.4.B  | Exceptions, contractors or others who perform services off site. Same problem as above. Engineers – Surveyors and other service providers regularly have specialized equipment and vehicles accessory to the use. Vehicles should be allowed if the equipment is contained “on” the vehicle and not on a trailer. Could also limit with (2) axel vehicles.  |  | This was <b>changed</b> to match the classification for light duty vehicles, 8,500 pounds or less.  |
| 3.12.1       | <p>Adding 2 ADUs on a vacant lot appears to be in conflict with Art. 3.12.1..... "allow a large range of accessory uses. Such uses SHALL be located on the same site as the principal use." Suggest changing the nomenclature of the proposed ADUs on vacant lots to "small house" with a defined sq. footage range, OR retain the true definition of accessory dwelling units to include a primary residence and specify a reasonable timeline for construction. Siting 2 houses on any lot within the NWQ seems to go against the Code's objective of street "behavior", but it appears to have already been included. Staff response: We agree that the "shall" in the purpose of accessory uses is in conflict with permitting accessory uses before primary structures. This verbiage will be updated.</p> <p>Regarding the terminology of Accessory Dwelling Units vs. Small houses; ADU is more all-encompassing as it can be something free standing, something attached to a primary structure, or something over a garage. Small Houses does not have that flexibility.</p> <p>The issue of specifying a timeline for construction of a primary unit gets tricky because how do you enforce it? Would you evict someone from their house by revoking the Certificate of Occupancy if the primary structure is not built?</p> <p>The other thing that is that in the NWQ particularly, cottages were 600-800 square feet historically. So if someone were proposing to building a unit that size, it may be better for them to located it properly in the front of the lot. So do believe the siting, particularly if they are going to be provided prior to the primary structure, or if multiple units are proposed, is very important. We will add something to this effect in Section 4.5.3.</p> | Staff will <b>modify</b> language in 3.12.1 and also 4.5.3 | Language was <b>modified</b> in Section 4.5.3.B.10. After reviewing 13.2.1, staff felt it was clearer to simply provide exceptions in Section 4.5.3.B.10. |
| Article 4    |   |  |   |
| 4.3.1        | The public was told, repeatedly, that the Civic Master Plan was illustrative and policy setting and the designs contained therein were not proscriptive. The statement in this section states differently. Is it City Council's intent to make the illustrative the binding requirement for development? <i>Staff Response - The intent is to facilitate the development patterns suggested and illustrated by the code but not to mandate them to be implemented verbatim. The language in the Section 4.3.1 will be clarified accordingly.</i>  | Language was clarified in the April 7 draft.               |   |

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| 4.5.3        | Has the Arts Overlay District been approved? If not, isn't it premature to be making changes to the code based on its "intent"? Specifically, I'm trying to understand the "intent" of increasing the number of ADUs to 2 per lot. (Article 4.5.3). I accept you might want to add an ADU plus another type accessory building, but not 2 accessory dwellings. If a primary structure must be in place before the ADU, what need for two more dwellings. This just doesn't seem in keeping with the principles of the NWQ. This should be returned to 1 per lot. When/if the AOD is approved, will it be added to Article 2.7 so all can understand its purpose and intent? <i>Staff Response: The 2 per lot is something that is proposed city-wide. Please note that other requirements, such as lot coverage, parking, etc. also need to be met in order to have 2 ADUs per lot. Regarding adding the overlay district in section 2.7, this is not something that is supported by the city staff since the area where the overlay is proposed is already defined as the Conservation District / NWQ.</i> | Staff will <b>review</b> the number per lot.  | <b>No change was made. Staff will review this with the MPC/Council.</b>  |
|              | With the potential for ADUs constructed per the AOD proposal, how will additional parking reqts. be addressed for sites which do not have on-street parking nor a formal driveway for the primary dwelling due in part to lot size. The unattractive result will be more cars parked in the front yard. There are currently several houses (contributing, non-contributing and single family rentals) with multiple cars parked haphazardly on the front lawn. Code as written does not address the many residences having no driveways. <i>Staff Response: This will be evaluated, as will be the future planning for properties that build ADUs prior to primary dwellings.</i>   | Staff will <b>review</b> and <b>modify</b> accordingly.   | Staff <b>clarified</b> this language. However, parking standards are the same as for a single-family residence so that would determine the placement, location, formality, etc. and ensure it is consistent with the neighborhood. |
| 4.5.3.B.7    | Carriage House / Accessory dwelling unit sizes. There are many smaller homes on larger lots in the NW quadrant and around town. If the carriage house can only be a maximum of 50% of the size of a main house that is 700 or 800sf, this could make it impractical to build a useable accessory or carriage house of 350-400sf. This sizing should have some more flexibility or scaling to allow for larger units in this situation. <i>Staff Response: The intent is to have the carriage houses be sized appropriately compared to the existing structure. This 50% has been in place for at least 10 years and we have not had any instance where it's been an issue. If it is, on a case-by-case basis, there is the option of a variance. If we find it to be recurring issue, we can always change the code at that time.</i>   | <b>No change</b> is proposed.   | <b>No change was made.</b>   |
| 4.5.5        | Hermitage Road Area/ West End Residents: don't want 2 or 3 unit buildings, multi-family or rowhouses in T3-N. Want to remain T3-S. Any change in this neighborhood conflicts with the "purchased expectations" of the neighborhood. Even if something looks compatible, it may not be compatible with regards to noise, traffic. Don't want affordable housing in this neighborhood. <i>Staff response - it is important to understand the conditions associated with each use marked with "C" in the use chart. The condition for multifamily pertains to Battery Point only and is based on their current PUD. The condition for 2/3 unit buildings and rowhouse are that they can be utilized in very specific conditions.</i>   | <b>Conditions</b> for 2/3 unit buildings were <b>clarified</b> ; <b>rowhome</b> was <b>removed</b> from T3-N. |  |
| 4.5.5.B.3    | Hermitage Area Resident - In T3-N have you considered short blocks? If a block only has 4-5 lots on it, than 2 of them could be 2/3 unit buildings. Is this the intent? Consider removing the ability to do duplex or triplex on shorter streets.   | Staff will <b>review</b> this.  | <b>No change was made. Staff will review this with the MPC/Council.</b>  |

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|              | Question from local architect: What is the worry about 2/3 unit buildings? What is the negative? Is it that it could be rentals? Some of the existing duplexes, which are non-conforming, are pushed back from the street with parking in front. The new code introduces design standards to prevent this. Response from Hermitage Area resident: Would not have invested in a neighborhood where there is a by-right ability to do 2/3 unit buildings. As economic times change the existing non-conforming duplexes will be removed and replaced with single-family houses. There is a different density, investment type if renters occupy the units, a different level of caring. It's the law of expectations. When a neighborhood is 99% built-out it shouldn't change. What we bought into trumps what someone else thinks is better. We don't see a lot of things broken with the zoning - e.g. side setback (buffer) is 15' now but is changing to 10', garages can have a 5' setback in new code - there is specimen trees and old landscaping. This will create a whole different feel. |   |  |
|              | Question from staff: How about the ability to age in place? The 2/3 Unit buildings could provide opportunities for that to prevent one from having to move out of their neighborhood. Response from Hermitage Area resident: Can have 2 ADUs now for college kids, grandparents. This is a creating a different layout and feeling than what we like and it's not making it better.  |   |  |
| 4.5.6        | Are rowhouses permitted in the old Jail property? <i>Staff Response - Currently they are not however it's something that can be explored, especially if they are articulated differently than traditional rowhouses.</i>   | <b>No change was made. Staff is still considering this.</b>                 | <b>No change was made.</b>   |
| 4.5.11       | Requirement for liner or setback for a parking structure will hinder development of parking lots in the historic downtown that have currently be identified as potential garage sites.   | Staff will review this.   | The requirements were <b>clarified</b> and applied to specific streets, particularly in the Historic District. |
| 4.6.3.A.1.g  | Corrugated metal is not appropriate in residential neighborhoods. It may be appropriated in an artist district but not on a typical residential street. There are not enough design standards; one could paint their home rainbow colors without consequence. Concerned that code addresses how buildings behave but doesn't address design enough. <i>Staff response: this definitely needs to be a balance. New code proposes to limit colors to 3, but in general, if it's not in a design district there is limited oversight on design.</i>   | Staff will review this.   | <b>No change was made.</b>   |
| 4.6.3.A.2    | Is this too restrictive to limit materials of chimneys? Some contractors use wood/fiber cement to clad chimneys. Consider changing should to shall. <i>Staff Response - wood or sy nthetic wood clad chimneys are not characteristic in Beaufort and can be another way to stigmatize certain types of housing.</i>  | <b>No change was made.</b>  | <b>No change was made.</b>   |
| 4.6.3.A.7    | What's the criteria for the Prohibited materials? Someone doesn't like them? Eliminating vinyl may increase building costs and reduce affordability. A certain type of house and family will be priced out of Beaufort. Vinyl siding can be durable and cheaper. It does have UV light sensitivities and can deteriorate. It costs \$14K more to have a raised slab, fiber cement siding and operable shutters. <i>Staff Response - this will be considered. There is a difference between housing that is cheaply constructed and housing that is affordable. The general intent of limiting materials is to encourage higher quality construction that will be more durable, and reduce long term maintenance and insurance costs.</i>   | <b>No change was made. This will be discussed further with MPC/Council.</b> | <b>No change was made. Staff will review this with the MPC/Council.</b>  |

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|              | What if a building currently contains these prohibited materials? What happens if the owner wants to do an addition using matching materials?  | Staff will <b>review</b> this.   | Staff <b>added</b> a note regarding this to 4.6.3.A.8.b   |
| Article 5    | could use some diagrams; look at ones from Alexandria, VA  | Pending  | Pending   |
| 5.4.1.A.3    | Is there a list or a plan that note such trees designated for preservation, or is this to come later? <i>Staff Response - This is intended to refer to trees shown to remain on an approved site plan. If circumstances, during the construction phase, require a change to the retention of a tree formerly shown to remain, (this occurs fairly often) whether it be pruning or removal, then approval by the city arborist and a permit will be required to either remove or prune as necessary. If tree requires removal due to building or infrastructure installation that wasn't accounted for by project engineer or architect prior to final plan approval, then mitigation per 5.6.3.B applies.</i> There are a number of places specifying minimum lot frontage coverage, setbacks and other building site specifications. Which shall take precedence, those requirements or the tree requirements? What criteria will be use to decide? Who shall have authority? What path of appeal is available to seek relief? This undermines goals 1 and 2. <i>Staff Response - Please provide examples of conflicts you find. The landscaping and buffer standards were designed to complement and not contradict the build-to requirements and other design requirements in more urban areas.</i> | In the April 7 draft, language was <b>clarified in 5.4.1.A.3. May 9 note:</b> Examples of conflicts were not provided. | No additional changes were made.  |
| 5.4.1.B.2    | Development Potential – “Whether or not the tree constrains reasonable development of the site”. In whose opinion? What is process of appeal? This undermines goals 1 and 2.   | No change made - clarification pending.  | No change was made. A suitable alternative was not determined. Staff will discuss with MPC/Council.   |
| 5.4.1.C      | need example of tree retention/removal schedule  | Pending  |   |
| 5.5.1.C      | Rob M. from the county said that these are about 1/2 what county requires in same corridors  | No change was made. Still under review   | No change was made.   |
| 5.6.1.D      | Overstory trees must be installed at 3 caliper inches and understory trees must be 8' high. What are the current standards? <i>Staff Response - Minimum size requirement for overstory trees currently is 2" caliper and 10' ht. and 1" caliper and 6' ht. for understory trees. 3.5 caliper inches is required for stree tree plantings.</i> Will the replacement landscaping along Boundary street meet these standards? <i>Staff Response - Yes. The overstory trees on this project will be 3.5 caliper inches</i>   |  |   |
| 5.7.10       | Add language regarding RV parking from current UDO - Section 7.5.H & I either here or appropriate place; Please describe regulations limiting the parking of trucks on residential streets ( possibly limited by overall length, registration - commercial, etc- or other)   | Staff will <b>incorporate</b> UDO Section 7.5.H & I are into the new code.   | This <b>change</b> was made.  |
|              | Please clarify conditions, if any, under which residents can reserve the public street in front of their houses for personal use by blocking parking by others through use of traffic cones. <i>Staff Response: In order to reserve or block off a street or portion of a street, one needs to go through the police departments.</i>  |  | No change was made to the code. However staff has followed up with Park Beaufort to ensure concerns from resident/business owner are being met. |

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| Article 6    |   |   |  |
| Article 7    |   |   |  |
| 7.1.3        | New developments are required to install public street signs and public streets? What is the process of appeal? Who has the authority to grant relief? Does this automatically obligate the City to take ownership and maintenance responsibility for "public streets"? <i>Staff Response - this is already the case in the Boundary Street Redevelopment District and in locations (e.g., Ribaut Road) where specific street sections have been designated.</i>  | Staff will review this.   | <b>No change</b> was made. Staff will review this with the MPC/Council.              |
| 7.2.1.C.1    | "Where the existing right-of-way is substandard, the fronting property owner shall be required to dedicate the appropriate amount of right-of-way (as measured from the centerline of the existing street)." How is the property owner compensated? What if there are buildings already on the both sides and buildings are required to be built to the prevailing line? What is process to obtain relief? Could these improvements be in lieu of road impact fees?   | This section was <b>modified</b> to add clarity and provide flexibility for infill situations. Staff is <b>still investigating</b> the question of whether or not these investments could be in lieu of road impact fees.   | <b>No additional changes</b> were made. Staff will review this with the MPC/Council. |
| 7.2.2        | Connectivity - Adjoining parking lots shall be interconnected. Section 7.2.2, Street Network Requirements, also requires properties to connect to one another. Section 7.2.3 requires Shared Access wherever feasible. There are ownership issues – legal, liability, etc. – associated with this. How does this City propose to address this? At what point will connectivity be required? If at the time of redevelopment, this requirement will discourage redevelopment. We already pay street impact fees. By requiring both, this Code fails to meet goals 4, 5, 7, and 10.   | <b>No change</b> has been made. Connectivity of primary streets and internal access ways is a goal of the city. However there are a number of exceptions and flexible language in this section that permits the administrator to evaluate this on a case-by-case basis. | <b>No change</b> was made. Staff will review this with the MPC/Council.              |
| Article 8    | Is there a limit on the amount of fill permitted on a parcel?   | This is still <b>being studied</b> .  | <b>No change</b> was made. Staff will review this with the MPC/Council.              |
|              | Consider incorporating the county's standards regarding sea level rise into this chapter.   | This is <b>being studied</b> . <b>May 9 comment:</b> staff has not received the information to incorporate from the county.   | This is still <b>being studied</b> .   |
|              | HBF - The Historic district is a resource and should be listed here. <i>Staff Response - The HD is recognized as a resource at the beginning of Section 1.2, and in Article 4. This chapter is intended to discuss Natural Resources. It may not be appropriate to list the historic district here give the content.</i>  | <b>No change</b> was made.  | <b>No change</b> was made.   |
| 8.1.2.C.1    | critical line setback is increased from 25' to 30' in all transect based districts. I can see moving it to 50' in conventional zones but in the urban T4 and denser districts, increase is unnecessary. <i>Staff Response: The current ordinance, section 6.5.I.5, has the 30' setback for residential, and 50' average setback with 35' minimum for commercial. In Section 7.3.E.4, there's another statement about the critical area – case in point that we are trying to streamline the code and reduce redundancy! – that allows a minimum 25' setback with an average of 40' for lots less than one acre. So this may be where you're getting the 25' from; but if you read the whole paragraph, and then the paragraph from Section 6.5, I think the new code is consistent, if not a little less restrictive, than the current UDO.</i> |   |  |

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| 8.2          | These stormwater standards Beaufort County has developed are too strict and too expensive. The state has good standards. Why not just stick with them? <i>Staff Response - The city has adopted an adaptation of the county's standars that applies them differently depending on the contexts.</i>  | <b>This is still being studied.</b>  | <b>Adjustments</b> to the requirements table have been made to further adapt the stormwater standards Beaufort County adopted to the needs of Beaufort and make them more flexible. A more detailed response to this concern will be published on our website. |
| 8.2.2        | The definition of Greenfield at 1 acre, or limiting infill to less than 2 acres, is not practical. This number should be increased.  | In the April 7 draft, <b>Greenfield and Infill were clarified</b> to eliminate gap. Note that Greenfield refers to sites that were never previously developed. <b>Pending review from stormwater engineer.</b> | The change was <b>maintained</b> . <b>Pending further input from stormwater engineer.</b>  |
| Article 9    |  |  |  |
| 9.10.2.1.b.  | HBF - Giving purview over new single-family construction in the NWQ (Preservation Sub-District) gives too much responsibility to the Administrator. Also, it eliminates any public review of these projects. <i>Staff response - the purview that is proposed to change to staff is for detached single family homes only. That may not necessarily constitute significant development. There is no formal public notice now except for posting of the agenda, and the HRB meeting being open to the public. This would indeed be removed. The goal is to expedite the review process.</i> | <b>No change</b> was made. This will be discussed further with MPC/Council.  | <b>No change</b> was made. This will be discussed further with MPC/Council.  |
|              | Public Comment - 1) Reinstate provisions for HRB approval of siting and public notification for new development, modification and renovation activities within the T4HN conservation district.   | <b>No change</b> was made. This will be discussed further with MPC/Council.  | <b>No change</b> was made. This will be discussed further with MPC/Council.  |
|              | HBF -Is there any notification for new construction where HRB review is no longer required? Neighbors should be notified at least 2 weeks prior to approval of any new "significant" development around them. <i>Staff Resppnse - see above.</i>   | <b>No change</b> was made. This will be discussed further with MPC/Council.  | <b>No change</b> was made. This will be discussed further with MPC/Council.  |
|              | Neighbor - I'm in line with strealigning the application process but staff review denatures the Historic District There's only 300 acres with special buildings and a semi-rural flavor. We have a good staff now but may not always.  | <b>No change</b> is proposed. This will be discussed further with MPC/Council.   | <b>No change</b> was made. This will be discussed further with MPC/Council.  |
| 9.5.1.B.2    | how dows a barn or agricultural structure fit in? should language regarding the less than 200 SF requirement be incorporated? It may not need to be if the name is changed to Project Permit   | <b>No change</b> . Ag. Structures are regulated by state law which would supercede this ordinance.   | <b>No change</b> . Ag. Structures are regulated by state law which would supercede this ordinance.   |
| 9.5.2        | is there a flow diagram for different types of projects?   | <b>This is pending.</b>  |  |
| 9.9.2.D.3    | Regarding oversight on subdivision of waterfront lots - Since this impacts a relatively small number of lots, it seems reasonable that those property owners be notified of the specific change. Has this been done? <i>Staff response - It hasn't since there hasn't been an exact determination of the scope of this requirement. However this is a good suggestion.</i>   |  |  |

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|                   | Neighbor - We are in support of additional oversight of subdivision of these significant waterfront lots.   |  |  |
| <b>Article 10</b> |   |  |  |
| <b>10.6.1</b>     | HBF - Will there be one administrator or several? Does this mean a new staff position? A serious concern is the power and authority granted this position and few people are knowledgeable in every instance required in this document. <i>Staff Response - Administrator is defined in 10.5. The administrator may be different depending on the type of review. The staffing and qualifications are determined by the city manager.</i>   |  |  |
| <b>10.7</b>       | The new Beaufort Code guarantees the special interest advocacy group, the Historic Beaufort Foundation, a permanent seat on the City's HDRB. Why should the Historic Beaufort Foundation be given special and preferential treatment and not give all other similar Beaufort design, planning and historic advocacy groups the same opportunity to lobby their viewpoint, but who are instead only invited to express their opinion and are not given one of the 5 "votes" as HBF is, at what is supposed to be a fair and unbiased City HDRB review process?   | No change was made. There are no other similar, formalized and longstanding advocacy groups. | No change was made. There are no other similar, formalized and longstanding advocacy groups. |
|                   | The new Code increases the HDRB terms from 2 years to 3 years. Does this change limit community participation by lessening the number of citizens who can serve on the HDRB? Also, are all 5 individuals of the City's HDRB non-elected members, thereby giving citizens the only recourse to challenge the HDRB decision by suing the City of Beaufort or should a citizen appeal process to City Council be created as a first attempt at reconciliation before causing public money to be spent in the Court System? <i>Staff Response: the new code proposes increasing the time on all boards and commissions to 3 years. This is already the case for the Planning Commission, and due to the amount of training and adaptation required, the 2 years doesn't seem adequate or efficient.</i> | No change was made.  | No change was made.  |
| <b>10.7.2.B</b>   | HBF - suggest replace "take action on" with "approve or deny". <i>Staff Response - the emphasis on denial is not one that necessarily encourages activity in this district. Also typically the HRB approves, approves with conditions (most common), tables or denies something so it may not be accurate to limit those choices to two.</i>  | No change was made.  | No change was made.  |
| <b>Article 11</b> |   |  |  |
| <b>11.1.4</b>     | Can single family structures be considered non-conforming? <i>Staff response: fo. Single family detached buildings can not be non-conforming. If something is non-conforming, however, it may not be permitted to increase or intensify the non-conformance.</i>  |  |  |

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| 11.1.4 and 11.7.2 | What happens if these changes make a property non-conforming? How soon would, for instance, a parking lot need to be brought into compliance? <i>Staff response - Article 11 deals with non-conformities. Note that it's not the intention to make single-family residences non-conforming and require them to be brought to current standards. For parking lots that do not comply with the landscaping standards, any improvement over \$10,000 would trigger additions to bring it into compliance. 5% of project cost would go towards landscaping.</i>  | <b>No change was made.</b>              |   |
|                   | There has long been a requirement that parking lots be fenced or screened but the lot adjacent to Beaufort Inn at the corner of Scotts and Port Republic is not fenced and people drive across the sidewalk to exit the lot. Will this change? When? What will trigger the change? <i>Staff Response - we will review this from a safety perspective. As for what will trigger this from an ordinance perspective, see previous response.</i>  |   |   |
| 11.4.4            | Do single family homes need to follow this Damage of Destruction section? If there is a major calamity can a home be rebuilt as-is even if it is non-conforming to the new ordinance? <i>Staff Response: Yes, that is the intention. We will be sure this is clear. If there is any Damage or Destruction as listed in that section, it could be rebuilt. However, if it is non-conforming, it must be rebuilt exactly the same or it will need to come into compliance with the new code.</i>   | Staff will <b>clarify</b> if needed.    | This was <b>clarified</b> in Section 11.4.2.B.3 |
| Article 12        | If possible it would really improve the appearance of some neighborhoods if code could be created and/ or enforced that addresses maintenance, repair and upkeep of long term rental houses, especially the exterior and yards. It would be useful to determine the percentage of houses in a neighborhood that are long term rentals to see the scope of the problem. <i>Staff Response: This is a great comment which will be passed along to the Codes Enforcement office which is a part of the Fire Department. This is not something that is addressed by a Development Code. However, the city has adopted the International Property Maintenance Code that addresses how properties should be kept up.</i> |   |   |
| Article 13        |  |   |   |
| Appendix A        | Add the tree save/remove chart   |   | <b>Pending</b>                                  |
|                   | There may be inappropriate species for parking areas eg Bradford Pear, Swamp Maples- consider adding this information.   | Staff will come up with this list.      | <b>Pending</b>                                  |
| Appendix B        |  |   |   |
| Appendix C        |  |   |   |

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|                          | At what point are the changes to Port Republic Street made and by whom? We suffered through the redevelopment of Port Republic Street a few years ago. This was partially funded with Federal grants. Does this redesign require that the federal funds be returned? Are you certain? How wide is the existing right of way? It appears this may prevent construction of a parking structure. Has this been evaluated? If so, what were the conclusions? | The street section as shown in the Civic Master Plan and Appendix C does not have any fiscal or time commitments. It is simply an idea for a possible streetscape improvement. If this project is undertaken, the grant funding will be evaluated and it will be ensured that this would not result in revocation of those funds. |                             |
|                          | Boundary Street east of Ribaut Road. What is the width of the existing ROW. If we replace existing buildings on block west of Newcastle, what will we be required to provide? <i>Staff Comment - See previous comment on 7.2.1.C.2.</i>  |   |                             |
| C.2                      | These colors are hard to read; is it possible online to click on a line and have it say what it is?  | Pending   | Pending                     |
|                          | Sidewalk planning is non-existent in Beaufort. This needs to be addressed  |   |                             |
|                          | The section of Bay Street, Ribaut Road to Hamar, is identified on multiple map pages and was not assigned a typical street section or regulating plan. Was this an oversight? <i>Staff Response: This was an oversight and will be updated.</i>  | Pending   | Pending                     |
| p. 255                   | This image is the same as 256  | Pending   | Pending                     |
|                          |  |   |                             |
| <b>General Questions</b> | <b>Question</b>  | <b>Response</b>   |                             |
|                          | Where did the original code come from?   | A base document was developed by Opticos in 2010 and adopted by the Lawrence Group and then the Planning Department to meet the requirements for Beaufort. It was not taken from a code that was developed for another place, but rather developed specifically for Beaufort.   |                             |
|                          | IN T3-S, is it true that ceiling heights have to be a minimum of 9' and that slab on grade is not permitted?   | In T3-S there is no minimum ceiling height. There is a provision that buildings have to be raised a minimum of 18" above grade.   |                             |
|                          | Lowcountry Housing Trust - This is the most included I've ever felt in the planning process.   |   |                             |
|                          | Have other coastal areas adopted similar codes? If so, where?  | A searchable list, along with an interactive map, showing where form-based codes have been adopted all over the country has been posted on the website. It is on the Beaufort Code page under "Resources."  |                             |

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|              | How many new codes in other areas are going to transect-based?   | Staff will research this but it seems to be the national trend, and has been for 5-10 years.   |                             |
|              | How does this public comment sheet address multiple comments on the same topic?  | It depends - sometimes they are listed multiple times, if the intent is different. Other times, staff combines them into one comment. We will try to record if the comment has been made multiple times.   |                             |
|              | How can we identify and create a local historic district in the Hermitage Road area?   | There is a process for this in Section 9.11.   |                             |
|              |  |  |                             |
| Map comments | Comment  | Response/Action  |                             |
|              | There is a vacant lot next door at 2203 Bay St since the house was demolished by a fallen tree. Am I to understand the new neighborhood zoning would allow 3 homes on the lot? The lot is 12,800+ sf and is a corner lot.  | Yes, it could be subdivided into 3-4 lots per the new code particularly since it is a double frontage (actually triple frontage) lot.  |                             |
|              | Except for the empty lot at 2203 Bay St, the lots facing Bay St are pretty much all developed. This lot is empty because the house was demolished after a tree fell on it. I think this area, if rezoned, should be classified in the Suburban group as opposed to the neighborhood group which allows for more housing with small setback requirements. If this Rezoning happens it will change the landscape of the fully developed, existing neighborhood.  | The idea behind the T3-N zoning is to permit the type of development that currently exists while also permitting different types of development if the market demands.   |                             |
|              | All properties in Hermitage and West End zoned R1 and R2 should convert to T3-S  | Staff will continue to <b>review</b> this. The lots between Hermitage and Barnwell, except fronting Ribaut Road, and lots west of the Rail Trail were changed to T3-S  |                             |
|              | How was it determined whether or not something converted from R2 to T3-S or T3-N? Suggest that all R1 start converting to T3-S and all R2 start converting to T3-N. The evaluate if this is appropriate. There will be resistance from Hermitage Road/West End neighborhoods to be rezoned from R1 or R2 to T3-N.  | This was not a 1-1 conversion. About 2/3 of R2 properties converted to T3-S, and the remaining 1/2 went to T3-N. Some of the reasons for the T3-N conversion in specific areas were: proximity to downtown/commercial area; proximity to schools, parks or other areas that are compatible with smaller lot sizes; actual existing lot sizes; how the neighborhood was addressed in the Civic Master Plan; evaluating transitions and relationships to adjacent parcels. |                             |
|              | Hermitage Road Area; conversion from R-1 and R-2 to T3-N: The neighborhood already has an aesthetic. Smaller lots could result in large trees being removed. Local architect: I don't really think much is changing here. Resident: I disagree. It's going from 12,500 square feet lot size to 4,000 Square feet. <i>Staff Response: be sure to note that this conversion applies to about 40 lots in this neighborhood, and 60 total out of over 6,000 in the city. So it's the exception rather than the rule.</i> |  |                             |

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|              | 754 Ribaut with frontage on Ribaut and Fuller: affected by the zoning, oppose T3-N zoning. Too much change in size, density and buffers. Oppose 2/3 units and rowhouses. Small lots will remove large oaks on Fuller Street. The proposal is dramatic and don't like being cherry picked.   | A special provision was <b>added</b> in Section 2.5.2.B.4 to set special requirements for the area bound by Fuller, Ribaut, Stuart and Barnwell.  |                             |
|              | Hermitage Road Neighbors - This code is not compliant with the Civic Master Plan. The neighborhood was developed in 1951 before zoning. The lots are bigger, there are two story houses with nice trees. There is something called the "Law of Expectation" which means that something is purchased with an expectation of how it will remain. This shouldn't be changed. Permitting smaller lots with small cottages means that someone with a different lifestyle that what our neighborhood is use to may move in next door. This is not what the neighborhood wants.  |   |                             |
|              | Hermitage Road Neighbors - Permitting smaller lots with small cottages means that someone with a different lifestyle that what our neighborhood is use to may move in next door. This is not what the neighborhood wants.   |   |                             |
|              | Hermitage Road Neighbors - Don't agree with introducing 2/3 unit buildings in the neighborhood. Never would have invested in a non-single family neighborhood.  |   |                             |
|              | Hermitage Road Neighbors - The new code would be encouraging the 1951 fabric to change. The goal is to encourage diversity. Hate that some other comments about discouraging diversity have been stated by other neighbors.   |   |                             |
|              | South Hermitage Road Resident - Many of the previous comments were related to the Hermitage area and the changing the feel and dynamics of the area. Section 1.2.2 states that an intent of the plan is Preservation of unique architectural and historic resources balanced with sensitive infill and investment in our historic core. Infill is not sensitive to this area. For a large tract like Fuller St, this is logical but decreasing lot sizes by more than 25% to encourage subdividing lots is not sensible. Infill was the rationale for the zoning of the pickle factory condos and it was and still a bad idea. In regards to this idea of infill, where has this plan been implemented in other cities with similar type areas like the Hermitage area? |   |                             |
|              | West End Neighbors - On Meritta, the zoning is going from R-2 to T3-N. There are some lots that are 1/3 - 3/4 of an acre and go from Meritta to Waight Streets (double frontage). Would these lot sizes permit cottage courts? Would they be permitted to be 75% of the permitted lot size since they are double frontage? We don't want to discourage different types of development but struggle with the number of houses that may be permitted here.  | The planning staff has developed case studies for 405 and 411 Meritta. They are posted on the website and list what would and would not be permitted. Even on the largest lot in that area, 411 Meritta, a cottage court would not be permitted since the lot isn't wide enough to accommodate it. The 75% provision wouldn't apply as the lot is too deep to need to use it while still maintaining the 40' width requirement. |                             |
|              | West End/Hermitage Road Neighbors - disagree with idea of having a built out neighborhood introduce different levels of density for what is perceived as a social need.   |   |                             |

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|              | West End - at Woodland Farm there is an ancient stand of Camellias. This is a good resource that should not be overlooked for the sake of development. There are no public gardens South of Charleston and Aiken. This could be a good place for one.   |   |                             |
|              | In Pigeon Point, since the area is proposed to get more infill, can the speed limit on the major roads be reduced to 25 MPH similar to Carteret Street? <i>Staff Response - we will look into this change with the DOT/Public Works</i>   |   |                             |
|              | What is the landlocked parcel south of Allison Road?  | Staff will <b>review</b> this.  |                             |
|              | Received from multiple Mossy Oaks Residents: Southside Park should be zoned T1; Why are some parks T1 and others similar to the neighborhood zoning? Current zoning for Southside Park is general residential. In the proposed Beaufort Code, this property would be zoned as T4-N. There is a restrictive covenant currently governing Southside Park which maintains this property to be used strictly as a park and recreational facility for the benefit of the City's residents. As such this property should be zoned as T1, Natural Preserve District to highlight its use and eliminate any confusion regarding development in this area. As an example, zoning for Pigeon Point Park in the proposed code is T1, although it is also located within a residential area. <i>Staff Response - sometimes this can go either way. Parks are permitted in zoning districts so having parks zoned like the neighborhood does not mean it can't be a park. Similarly, just because something is zoned T1 doesn't mean it can't be rezoned in the future. Zoning does not provide protection and the zoning map is not intended to be a use map.</i> | Staff will <b>review</b> this.  |                             |
|              | USCB in the Historic District shouldn't be 30 du/acre. This is too dense. <i>Staff Response: this is not a change but it is something staff will discuss with USCB. There is still HRB review and also the new infill standards will help ensure a building that is compatible with the district.</i>   | Staff will <b>review</b> this.  |                             |
|              | Look at using IC zoning for churches, schools consistently.   | Staff will <b>review</b> this and ensure it's being used appropriately.   |                             |
|              | What if something in the county currently zoned T2 annexes to the city?   | Staff will <b>review</b> potential areas for this and <b>develop</b> a strategy.  |                             |
|              | Conversion sheets needed for: GR to IC, MED to IC, Boundary Street Redevelopment District to T5-UC  | Staff will <b>prepare</b> these.  |                             |
|              | Why is the school on Burroughs Ave not zoned IC.  | This property is currently zoned like the neighborhood and in the new code, staff proposes to carry this same thought process over. Schools are permitted in T3-N zoning districts so this works. |                             |
|              | Could rowhouses be placed on the school at Burroughs if it ever redevelops?   | No. The provision that allowed rowhouses to be permitted in T3-N has been removed.  |                             |

## The Beaufort Code

Public Comment Summary Sheets

Color Key: **Black Text** - Action Item for May 6; **Blue Text** - resolved in April 7 draft, **Red Text** - no change/pending item

| Code Section  | Public Comment/Recommendation  | Course of Action/April 7 Draft comments   | Follow Up in May 6 Revision |
|---------------|--|---|-----------------------------|
|               | What would be permitted if the School property on Burroughs was redeveloped? Is there a lease on the corner park that expires in 2024? | The planning staff has developed a case study for what would happen if that school property was redeveloped. This is posted on the website. We believe there is a current lease between the School District and Holy Trinity. |                             |
| <b>Notes:</b> | <i>Grammatical or spelling errors that have been corrected are not listed in this chart.</i>   |   |                             |
|               | <i>All references will be updated for the April draft.</i>   |   |                             |