

ORDINANCE

0-08-09

AMENDING SECTION 6.7 OF THE CITY OF BEAUFORT UNIFIED DEVELOPMENT ORDINANCE TO CLARIFY THE DEFINITION OF RESIDENTIAL UNITS IN THE AIR INSTALLATION COMPATIBLE USE ZONE ORDINANCE

WHEREAS, the City Council adopted a revised Air Installation Compatible Use Zone (AICUZ) ordinance in December 2006; and

WHEREAS, this ordinance was prepared jointly by staff from the City, Beaufort County, the Town of Port Royal, the Lowcountry Council of Governments, and the Marine Corps Air Station Beaufort; and

WHEREAS, Beaufort County and the Town of Port Royal adopted the same ordinance; and

WHEREAS, adoption of a coordinated ordinance was part of implementation of the Joint Land Use Plan for Marine Corps Air Station Beaufort; and

WHEREAS, Beaufort County has made a minor change to the use limitations section of the AICUZ ordinance to clarify that live-work units are considered residential dwellings for purposes of calculating the density limitations set out in the ordinance; and

WHEREAS, the City desires to maintain the same ordinance as in effect in Beaufort County; and

WHEREAS, staff has prepared an amendment to the Unified Development Ordinance that revises the use limitations section of the City's AICUZ ordinance in the same manner in which the County's ordinance was recently revised; and

WHEREAS, this amendment has been presented to the City of Beaufort-Town of Port Royal Joint Municipal Planning Commission and the Commission recommended approval; and

WHEREAS, a public hearing before the Beaufort City Council was held regarding this ordinance amendment on February 24, 2009, with notice of the hearing published in *The Beaufort Gazette* on February 9, 2009;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority of same, pursuant to the power vested in the Council by Section 6-29-760, *Code of Laws of South Carolina, 1976*, that *The Unified Development Ordinance of the City of Beaufort, South Carolina* be amended by revising Section 6.7 "Air Installation Compatible Use Zone," by deleting the current Subsection F "Use Limitations," and replacing it with a new Subsection F to read as follows:

F. Use Limitations

1. The following uses are not permitted within a Clear Zone, any Accident Potential Zone and/or within Noise Zone 3 (DNL 75 and above), regardless of size:

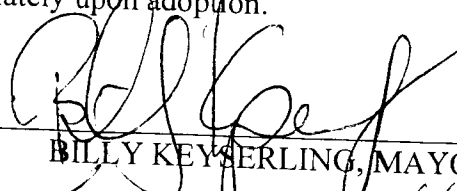
1. Hospitals and Health Clinics
 2. Religious Institutions
 3. Schools
 4. Commercial Daycare Centers
 5. Overnight Guest Accommodations
 6. Restaurants
 7. Multi-family dwellings (including duplexes)
 8. Indoor Entertainment
 9. Outdoor Entertainment
 10. Commercial retail centers (only single, free-standing uses are permitted)
 11. Parks with active recreation
 12. Mobile home parks
 13. Storage of explosive, flammable or toxic materials in outdoor, above-ground storage tanks, except for individual residential use, e.g., heating. (Prohibited in Clear Zones and APZs only)
 14. Petroleum refining and related industries (NAICS 324) (Prohibited in Clear Zones and APZ's only)
 15. Chemical manufacturing (NAICS 325) (Prohibited in Clear Zones and APZ's only)
 16. Manufacturing of plastic and/or rubber products (NAICS 326) (Prohibited in Clear Zones and APZ's only)
2. Single-family residential development within any Accident Potential Zone and/or within Noise Zone 3 (DNL 75 and above) shall not be permitted at a gross density that exceeds one (1) dwelling unit per three (3) acres. Gross density means the total number of dwelling units (which shall include any building or portion thereof used as a place of residence, such as single-family dwellings, multifamily dwellings, commercial apartments, live/work units, garage apartments, accessory dwelling units, etc.) on a site divided by the entire site area. No residential development is permitted within a Clear Zone.
 3. Residential development within Noise Zone 2b (DNL 70 to 75) shall not be permitted at a gross density (defined in paragraph 2 above) that exceeds one (1) dwelling unit per acre. If the maximum density requirement of the base zoning district is less than one dwelling unit per acre, the more stringent standard shall apply.
 4. Residential development within Noise Zone 2a (DNL 65 to 70) shall not be permitted at a gross density (defined in paragraph 2 above) that exceeds two (2) dwelling units per acre. If the maximum density requirement of the base zoning district is less than two dwelling units per acre, the more stringent standard shall apply.
 5. Residential units may be required by the Planning Commission to be clustered outside of the APZ's and/or Noise Zones if possible. In those instances, the number of

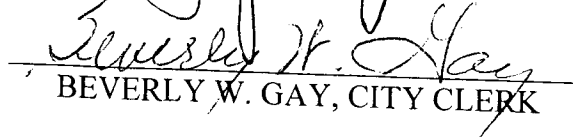
allowable units on the remainder of the property shall be determined by the gross density permitted in the base zoning district calculated for the entire site. The Planning Commission may modulate the minimum lot size requirement to achieve this result.

This ordinance shall become effective immediately upon adoption.

(SEAL)

Attest:

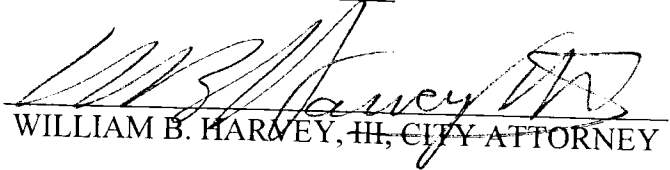

BILLY KEYSERLING, MAYOR


BEVERLY W. GAY, CITY CLERK

1st Reading March 10, 2009

2nd Reading & Adoption March 24, 2009

Reviewed by:


WILLIAM B. HARVEY, III, CITY ATTORNEY