



MEMORANDUM

To: Beaufort County Planning Commission
From: Anthony Criscitiello, Planning Director *TC*
Subject: Amendment to the Zoning & Development Standards Ordinance (ZDSO)
Date: May 25, 2012

STAFF REPORT:

A. BACKGROUND:

Case No. ZTA 2011-11
Applicant: R. Alex Cano
Proposed Text Change: Amendment would allow Recycling / Salvage in the Industrial Park Zoning District

B. SUMMARY OF REQUEST:

The ZDSO text amendments proposed by the applicant are shown as underlined for additions and ~~struck through~~ for deletions.

Sec. 106-1098. Use table.

According to generalized land uses, table 106-1098 lists the type of use permission in each district, as well as definitions for each use listed. References for additional limited and special use standards are also contained in this table and are detailed in division 2 of this article. Should a use not be identified in sections 106-13 through 106-18 or table 106-1098, refer to division 4 of article III of this chapter pertaining to administrative interpretations. See articles V, VI and VII of this chapter for additional standards.

TABLE 106-1098. GENERAL USE TABLE

Land Use	Priority Areas							Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP		
INDUSTRIAL USES									
Recycling/ Salvage	N	N	L	N	N	L	<u>N</u> <u>L</u>	106-1361	Any land or structure used for salvaging, recycling, junkyards, or storing of wastepaper, rags, scrap metal, and discarded materials, and the collection, dismantlement, and salvage of two or more inoperative vehicles, automobiles, boats, trucks, farm vehicles or equipment, or other types of machinery. This includes the aggregate storage of manmade equipment, machinery, scrap, or other used materials having a total cubic volume of 700 cubic feet or more. Where there is no exterior storage, and all the material is stored inside buildings with impervious floors, the use shall be considered light industry.

DIVISION 2. LIMITED AND SPECIAL USE STANDARDS
Subdivision VIII. Industrial*

Sec. 106-1361. Recycling / Salvage.

(a) *Commercial regional district.* In the commercial regional district, a recycling/salvage use shall have either an additional 25 feet of forested buffer or an eight-foot wall landscaped with one canopy tree per 50 feet around the entire property. If the adjoining property is residential, both shall be required.

(b) *Light industry district and Industrial Park district.* In the light industry district and the Industrial Park district the following shall apply:

- (1) *Setback.* All uses shall be located at least 300 feet from the outer boundaries of the development unless the adjoining property is similarly zoned.
- (2) *Additional buffer.* The use shall have either an additional ten feet of forested buffer or an eight-foot wall, landscaped with one canopy tree per 50 feet, around the entire property. If the adjoining property is residential, both shall be required.

(c) *Reports/studies required.* All applications for this use shall include a community impact statement.

(Ord. No. 99-12, § 1 (03.248.1), 4-26-1999)

***Cross Reference**—Businesses, ch. 18. (*of Beaufort County Code of Ordinances*)

C. ANALYSIS:

Section 106-493 of the ZDSO lists 7 standards (below), any of which is cause for a Zoning Text Amendment. Analysis will address all those applicable to the text change request.

Sec. 106-493. Standards for Zoning Text Amendment.

A zoning ordinance text amendment may be approved if:

1. It would implement a new portion of the Comprehensive Plan or Amendment.

The 2010 Beaufort County Comprehensive Plan devotes an entire chapter or “Element” to the Issue of Energy. The Energy Element seeks to lower Beaufort County’s energy dependency by reducing local energy consumption and facilitating local renewable energy production.

Specifically, it is recommended that Beaufort County:

...“implement land use policies” that encourage the private sector to invest in green technologies.

...diminish “regulatory barriers that create unnecessary obstacles to green building practices and renewable energy generation.”

...”facilitate educational outreach to promote energy efficiency and green technology.”

The Go Green facility that the Applicant references and describes as part of the requested text amendment would promote these goals (See Attachment) and implement a new portion of the Comprehensive Plan.

2. It would implement and better achieve the Comprehensive Plan’s goals and objectives that have proved difficult to achieve under the ordinance’s existing provisions.

See discussion under item 1 above.

3. The ordinance’s provisions were inconsistent or unreasonable in light of standards for similar uses.

In many cases, uses that locate on a site zoned Industrial Park exhibit similar characteristics and intensity to those that are permitted or even encouraged in the Commercial Regional (CR) Zoning District and the Light Industrial (LI) Zoning District. In recent years an entire industry known as green technology has risen to the forefront. The industry is quite diverse in both intensity and makeup; with the common characteristic being the reuse or recycling of materials. Since the ZDSO allows Recycling / Salvage (with limitations) in both the Commercial Regional (CR) Zoning District and the Light Industrial (LI) Zoning District (provided necessary measures are taken to reduce or negate any impacts), it seems reasonable, if not ideal, that this use should be permitted in the Industrial Park Zoning District.

4. It is necessary to respond to state and/or federal legislation.

(Not Applicable)

5. It provides additional flexibility in meeting the ordinance’s objectives without lowering the ordinance’s general standards.

See discussion under item 3 above.

6. It addresses a new use, changing conditions, and/or clarifies existing language.

(Not Applicable)

7. It clarifies the ordinance or makes adjustments to account for interpretation.

(Not Applicable)

D. STAFF RECOMMENDATION:

After review of the guidelines set forth in Section 106-493 of the ZDSO, staff recommends approval of the requested text amendment.

The Go Green facility that the Applicant references and describes as part of the requested text amendment will assist Beaufort County in implementing the Energy Element of the comprehensive plan. Furthermore, the ordinance's provisions were inconsistent or unreasonable in light of standards for similar uses. In many cases, uses that locate on a site zoned Industrial Park (IP) exhibit similar characteristics and intensity to those that are permitted or even encouraged in the Commercial Regional (CR) Zoning District and the Light Industrial (LI) Zoning District. Recycling / Salvage covers a diverse spectrum of uses and falls into this category. It is permitted (with limitations) in both the Commercial Regional (CR) Zoning District and the Light Industrial (LI) Zoning District. Therefore, it seems reasonable, if not ideal, that the use be permitted in the Industrial Park Zoning District.

E. ATTACHMENTS:

- Copy of application for Zoning Text Amendment

BEAUFORT COUNTY, SOUTH CAROLINA
PROPOSED ZONING/DEVELOPMENT STANDARDS ORDINANCE
ZONING MAP/TEXT AMENDMENT APPLICATION

TO: The Chairman & Members of Beaufort County Council

The undersigned hereby respectfully requests that the Beaufort County Zoning/Development Standards Ordinance (ZDSO) be amended as described below:

1. This is a request for a change in the (check as appropriate):
 Zoning Map Designation/Rezoning Zoning/Development Standards Text

2. Give exact information to locate the property for which you propose a change:
Tax District Number: _____, Tax Map Number: _____, Parcel Number(s): R100-025-000-0516-0000
Size of subject property: 18.21 Square Feet Acres (circle one)
Location: 116 Bay Pines Rd (or) 330 Parker Dr.

3. How is this property presently zoned? (Check one)
 Urban/U Community Preservation/CP Light Industrial/LI
 Suburban/S Commercial Regional/CR Industrial Park/IP
 Rural/R Commercial Suburban/CS Transitional Overlay/TO
 Rural Residential/RR Research & Development/RD Resource Conservation/RC
 Planned Unit Development/PUD

4. What new zoning do you propose for this property? _____
(Under Item 10 explain the reason(s) for your rezoning request.)

5. Do you own all of the property proposed for this zoning change? Yes No
Only property owners or their authorized representative/agent can sign this application. If there are multiple owners, each property owner must sign an individual application and all applications must be submitted simultaneously. If a business entity is the owner, the authorized representative/agent of the business must attach: 1- a copy of the power of attorney that gives him the authority to sign for the business, and 2- a copy of the articles of incorporation that lists the names of all the owners of the business.

6. If this request involves a proposed change in the Zoning/Development Standards Ordinance text, the section(s) affected are: 106-964(IP) 106-1361
(Under Item 10 explain the proposed text change and reasons for the change.)

7. Is this property subject to an Overlay District? Check those which may apply:
 AOD - Airport Overlay District MD - Military Overlay District
 COD - Corridor Overlay District RQ - River Quality Overlay District
 CPOD - Cultural Protection Overlay District

8. The following sections of the Beaufort County ZDSO should be addressed by the applicant and attached to this application form:
a. Section 106-492, Standards for zoning map amendments.
b. Section 106-493, Standards for zoning text amendments.

Explanation of proposed text change:

In section 106-1361 the land use is Recycling/Salvage and after reading the use definition the text seems to be referring more to a Salvage/ Junk yard. We will not be using this property for that use. We propose to use this property for a MRF (Material Recovery Facility). Go Green Recycling Center will be committed to the mission of preserving our earth's resources by providing a local outlet for LEED (Leadership in Energy and Environmental Design) certification, single stream recycling and construction/commercial recycling services. We also intend to work closely with the Beaufort County Solid Waste Department with their recycling goals and challenges as proposed in the Beaufort County Comprehensive Plan. By recycling we divert and reuse valuable materials that would otherwise be disposed of in a landfill.

Thank you for your help.

R. Alex Cano