



COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY PLANNING DIVISION
Beaufort County Government Robert Smalls Complex
Administration Building, 100 Ribaut Road, Room 115
Mailing: Post Office Drawer 1228, Beaufort SC 29901-1228
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PLANNING COMMISSION

Monday, April 4, 2016

6:00 p.m.

Council Chambers, Administration Building
100 Ribaut Road, Beaufort, South Carolina

In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, all local media was duly notified of the time, date, place and agenda of this meeting.

1. COMMISSIONER'S WORKSHOP – 5:30 P.M.
Planning Office, Room 115, County Administration Building
2. REGULAR MEETING – 6:00 P.M.
Council Chambers
3. CALL TO ORDER – 6:00 P.M.
4. PLEDGE OF ALLEGIANCE
5. REVIEW OF MINUTES
 - A. December 7, 2015 (backup)
 - B. March 7, 2016 (backup)
6. CHAIRMAN'S REPORT
7. PUBLIC COMMENT ON NON-AGENDA ITEMS
8. TEXT AMENDMENTS TO ARTICLES 1, 2, 3, 4, 5, 6, AND 7 OF THE COMMUNITY DEVELOPMENT CODE AS A RESULT OF THE ONE-YEAR REVIEW OF THE CODE ADOPTED DECEMBER 4, 2014; APPLICANT: BEAUFORT COUNTY PLANNING STAFF (backup)
9. SOUTHERN BEAUFORT COUNTY—ULMER ROAD REZONING / ZONING MAP AMENDMENT; APPLICANT: BEAUFORT COUNTY PLANNING STAFF: ***(NOTE: THIS ITEM HAS BEEN WITHDRAWN BY THE PLANNING STAFF FOR MORE WORK)***
 - R600 039 000 0850 0000 (1 PARCEL TOTALING 9.24 ACRES, ON THE NORTHEAST CORNER OF BURNT CHURCH ROAD AND ULMER ROAD FROM SPLIT ZONED T4-HC (HAMLET CENTER) AND T3-HN (HAMLET NEIGHBORHOOD TO T4-HCO (HAMLET CENTER OPEN); AND
 - R600 039 000 0205 0000, R600 039 000 0271 0000, R600 039 000 0229 0000, R600 039 000 0519 0000, R600 039 000 0226 0000, R600 039 000 226A 0000, R600 039 000 0860 0000, R600 039 000 226B 0000, R600 039 000 0287 0000, R600 039 000





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The regular meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held on Monday, December 7, 2015, in County Council Chambers, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

Members Present:

Mr. Robert Semmler, Chairman
Mr. George Johnston

Ms. Diane Chmelik
Mr. Edward Riley III

Ms. Carolyn Davis
Mr. Eric Walsnovich

Members Absent: Mr. Charles Brown, Mr. Marque Fireall, and Mr. Randolph Stewart

Staff Present:

Mr. Anthony J. Criscitiello, Planning Director
Ms. Delores Frazier, Assistant Planning Direction
Ms. Mary Lohr, Legal Counsel to the Planning Commission
Ms. Allison Coppage, Legal Counsel for Beaufort County

CALL TO ORDER: Chairman Robert Semmler called the meeting to order at approximately 6:01 p.m.

PLEDGE OF ALLEGIANCE: Mr. Semmler led those assembled in the Council Chambers with the pledge of allegiance to the flag of the United States of America.

REVIEW OF MINUTES: The Commission reviewed the **November 2, 2015, meeting.** Ms. Carolyn Davis noted that the adjournment motion included her when she was absent; Mr. Semmler asked that the minutes reflect the correction. **Motion:** Ms. Diane Chmelik made a motion, and Mr. George Johnston seconded the motion, **to accept the September 3, 2015, minutes as corrected.** No further discussion occurred. The motion **was carried** (FOR: Chmelik, Davis, Johnston, Riley, Semmler, and Walsnovich; ABSENT: Brown, Fireall, and Stewart).

CHAIRMAN’S REPORT: Mr. Semmler stated that he was changing the order of the agenda, with the Southern Beaufort County map amendment/rezoning request being heard first, then the Administrative Appeal. The agenda change was accepted without objections from the Commissioners.

PUBLIC COMMENT on non-agenda item: No comments were received.

Mr. Semmler introduced Ms. Mary Lohr, the Commissioners’ Attorney of record for the appeal process.

SOUTHERN BEAUFORT COUNTY MAP AMENDMENT/REZONING REQUEST FOR R600 013 000 0061 0000 (20+/- ACRE PORTION, FORMERLY KNOWN AS OKATIE MARSH PLANNED UNIT DEVELOPMENT, ON HIGHWAY 170 BETWEEN HEFFALUMP AND PRITCHARD POINT ROADS) FROM T1 TO T2-RURAL; OWNER/APPLICANT: BEAUFORT COUNTY

Mr. Anthony Criscitiello briefed the Commissioners on the rezoning. He noted that the parcel had been acquired by the Rural and Critical Land Preservation Board as T1 zoning. The County swapped a 40-acre parcel at Chechessee for the front 20 +/- acre portion on the subject parcel with the intent of building an animal shelter there. A rezoning to T2R (Rural) is needed for the proposed animal shelter. The back portion (approximately 97 acres) of the parcel will remain T1 for the purpose of building a park. The adjacent property is zoned Planned Unit Development/PUD and is known as Malind Bluff with the front portion along Highway 170 as a commercial component and a residential component on the back that is age-restricted.

Discussion by the Commissioners included clarification of the property formerly known as Okatie Marsh PUD being included with two other properties known as Okatie Village PUD; the animal shelter occupying a portion of the rezoned 20-acre portion; concern for the uses allowed in the remaining portion of the rezoned 20-acre portion; public notification involving a newspaper ad, posting of the property, and letters to the property owners listed in the meeting packet; no responses received by the Planning office from the property owners notified; clarification on the proposed animal shelter being a conditional use under the T2 zoning; and clarification on the 20 acres needed to be rezoned to T2.

Public Comment:

1. Mr. James Glass, a resident at 12 Ashepoo Drive in the Rivers End subdivision, is against the shelter because he does not want to hear dogs barking. He is an animal lover and has two cats and a dog. His property backs up against the woods and it is a quiet neighborhood. He is for the shelter if it is placed on the southern portion with a big buffer along Heffalump Road.
2. Mr. Richard Manser, a resident at 18 Otter Creek, is fine with the shelter as long as it is placed on the south end of the property. He is against the rezoning if the shelter is placed near his property.

Mr. Criscitiello noted that the site plan would be reviewed by the Staff Review Team (SRT), and input from the adjacent neighborhood then will be taken into consideration. The property will be posted before the SRT review begins, and public comment will be received at that time. At this time only the proposed rezoning will be addressed.

Mr. Semmler asked for clarification on County Council's intent for the property.

Ms. Allison Coppage, the Assistant Staff Attorney, drafted the Memorandum of Understanding that stated that the intent of the County Council was to build a 20,000-square foot animal shelter in partnership with the Hilton Head Humane Society. The concept would be a traditional animal shelter, with the other part of the building for the Humane Society.

Further discussion by the Commission included a clarification of the Rural and Critical Land Preservation monies being involved and this rezoning (*Ms. Coppage noted that a land exchange occurred with the approval of the Rural and Critical Land Preservation Board*), clarification that a larger footprint is allowed by the rezoning, and concern for buffering the abutting property owners from the shelter.

Motion: Mr. Ed Riley made a motion, and Mr. George Johnston seconded the motion, to recommend approval to County Council on the Southern Beaufort County zoning map amendment/rezoning request for R600-013-000-0061 (a 20+/- acre portion from T1 to T2-R

(Rural)). No further discussion occurred. The motion carried (FOR: Chmelik, Davis, Johnston, Riley, Semmler, and Walsnovich; ABSENT: Brown, Fireall, and Stewart).

Ms. Carolyn Davis emphasized that the abutting property owners' concerns absolutely should be considered.

ADMINISTRATIVE APPEAL OF A DECISION BY THE STAFF REVIEW TEAM (SRT) APPROVING A 25-LOT SUBDIVISION (R200 015 000 0558 0000, -0559 0000, AND -0560 0000, KNOWN AS LOTS 7, 8, AND 9 OF ACADEMY PARK SUBDIVISION ON FAIRFIELD AND ALUMNI ROADS AND FACULTY DRIVE, LADY'S ISLAND; APPELLANT: RICHARD S. BOLIN, ET. AL.

Mr. Semmler read the procedural guide for conduct of appeals by the Planning Commission, for the benefit of the Commissioners and the audience, including receiving no public comment. He noted that when the Community Development Code was written, the Development Review Team (DRT) became the Staff Review Team (SRT) (so they are synonymous).

When Mr. Semmler queried about a copy of the record, the Appellant typically pays for a copy of the record, per the Commissioners legal counsel (Ms. Mary Lohr).

Statement of the Matter: Mr. Semmler stated the titling of the subject appeal (as noted above in bold capital letters). Mr. Semmler asked for comments from the applicant/appellant.

Presentation by the Appellant(s): Mr. William Murtaugh noted that he had been duly elected/appointed as the spokesman for the appellants. He noted that he was originally from the north (New Jersey and Pennsylvania). He stated that local governments have to balance competing interests and make the best decision for the greatest good. This panel has ample guidance on how to proceed with the Comprehensive Plan and several other ordinances. As a result of these ordinances and plans, there are no franchises on Bay Street—they have their place, but not downtown. The proposed subdivision has its place, but not in our neighborhood. Everyone has a right to (*use*) their property. He understands the right to growth. Entrepreneurs have an absolute right to make a buck. My hat is off to the developer. They contend the following:

- 1-The proposed subdivision does not meet the County's ordinance requirement regarding character, sale and density. He stated the County ordinance 106-3 for justifiable expectations for the planning process to proceed. The inclusion of these proposed high density houses into a long lasting, stable, extremely wooded, heavily wooded subdivision would be highly detrimental to the value of our land and our homes. We will have increased noise. Currently, the only noise we now have is the sound of freedom and sometimes the Beaufort Academy football announcer. There will be an increase in the already high amount of litter on Fairfield Road, which I currently pick up. Certainly, it will not enhance our neighborhood and it will destroy our reliance upon 40 years of existing land use in our subdivision.
- 2-We believe that the Lady's Island Community Preservation District (LICPD) standard for minimum lot size was misapplied. The review team determined that the high density of homes meet the minimum lot size for the LICPD; however, one-quarter acre lot size is entirely out of character with the placement of this subdivision and the adjacent properties in Academy Estate subdivision. He stated County ordinance 106-4 regarding legislative purposes. The quarter acre lots approved inside the Lady's Island area, like Newpoint, Celadon and Fairfield Estates, are self-contained, were developed from scratch, and have their own access to major thoroughfares. They were built and sold to the public as high density on the onset. Those lots

were not inserted into an existing subdivision. Section 106-4 is written so that review bodies can give pause before making decisions to apply overriding intent and correctness standards that do not meet the minimum qualifying criteria. What was the original standard of Academy Estate? He showed a map indicating existing three- to five-acre lots with existing homes.

- 3-The traffic choke point at the intersection of Fairfield and Sam's Point Roads was not adequately considered. This assertion appears to be mote as 45 homes do not require a traffic study. The proposed development has 43 homes.
- 4-The developer submitted plans for three sides of the property, with the fourth side as wetlands and drainage, but the plans refer to unspecified additional development. The only feasible area to be developed is the interior of the property. If the development is approved with the "unspecified" caveat, there may be more than 25 homes—possibly 43.
- 5-Adequate evidence of environmental analysis has not been established. Having 25 to possibly 43 septic tanks adjacent to wetlands and only a few feet from existing drinking wells is not appropriate. Should such a high density of homes require a septic system? He read Sec. 106-3 regarding justifiable expectations as a whole. Mr. Murtaugh showed how the proposed subdivision would look against the existing subdivision. He reiterated the existing density versus the density of the proposed subdivision that would be a 500% increase. He read the purpose of the LICP district from the ordinance. The LICP district will not preserve the character, the original intent, and the housing density of our existing long-established subdivision. Reject this plan because it does not meet the requirements of conforming to subdivision character, scale and density. Reject this plan because it does not meet the LICP district standards for minimum lot size, because of the unspecified future development, and out of environmental concerns. Reject this plan because it has its place, but not there—otherwise we become New Jersey.

Commission discussion included: when the subdivision was planned (*40 years ago in 1975*); whether Mr. Murtaugh was one of the first buyers (*he was not*); whether there were subdivision covenants (*covenants had existed, but has since expired; there is a move to renew them, but it has not occurred*); whether Mr. Murtaugh expecting the subdivision to maintain the 3-acre lots when he purchased his lot (*Mr. Murtaugh bought his lot based on the wooded area. He could not answer for all the property owners, but he understood all the appellants had that expectation.*); whether the existing lots were using septic tanks (*it is Mr. Murtaugh's understanding*); whether a formal homeowners association existed (*none exists*); and whether the group converses as a cohesive body (*we do now. Mr. Murtaugh noted that the area is extremely private, with hundreds of feet between houses. He has lived there 12 years.*)

Presentation by the Government: Mr. Anthony Criscitiello and Ms. Hillary Austin represent the Beaufort County Staff Review Team (SRT). Mr. Criscitiello noted that the SRT did not approve the project lightly. There were many meetings with the developer to insure that all the boundaries of the law, as the SRT understood, were met. The SRT gave conceptual approval to the project. The staff did caution the neighborhood prior to conceptual approval that the neighborhood should develop their covenants and restrictions, since it was critical to maintain the character of their neighborhood. The SRT applied the LICP District standards as they were written, including the intent. Ms. Austin noted that the lots were large, so she checked the covenants and saw that the covenants had expired. She reiterated that the SRT had notified the neighborhood to renew their covenants. When the project returned, and the covenants had not been renewed, the SRT had to abide by the LICP District standards.

Commission discussion included: whether Sec. 106-2 of the Comprehensive Plan was considered (*Mr. Criscitiello noted that the SRT did take that into consideration. The former covenants and restrictions called for 1-acre lots.*); noting that the proposed development had lots of about one-fifth of an acre (*Mr. Criscitiello noted that the SRT tried their best to rectify the situation.*); whether new growth mentioned in Section 106-2 was considered (*Ms. Austin noted that the zoning in the neighborhood did not apply since the LICP District calls for smaller lots; the neighborhood should have been zoned rural. Ms. Austin noted that the community was approached with the rural zoning, but the community chose to remain in the LICP District which opened it up to developers for two units per acre or minimum quarter-acre lots.*); how the density jumped from 3- to 5-acre lots to 1/5-acre lots (*Ms. Austin noted that the LICP District came into place with the 1999 ordinance, 15 years ago.*); the public notification process; the Government's erroneous expectancy of property owners to access the County website for details of the Code regarding their property (*Mr. Criscitiello said that the SRT obligation is to adhere to the law as it is written by Council as a legislative act. If details are not written, then the developer has the right to submit a development based on the Code.*); environmental concern with septic tanks on such small lots (*Mr. Criscitiello noted that the on-site septic in the proposed development must be submitted to the state agency Department of Health and Environmental Control (DHEC) for their determination/permitting. Ms. Austin noted that if DHEC determines that the lots are not big enough, the developer must make the lots bigger.*); the appearance of the letter of the ordinance being followed, but not the spirit of the Comprehensive Plan; concern that the details do not support the narrative regarding the gross density; concerns with the Commission's ability to correctly interpret the Code with the contradicting statements on density (*Ms. Allyson Coppage, Assistant County Attorney and counsel to staff, noted that a cardinal rule for statutory interpretation would be to apply the plain and unambiguous meaning to the word—i.e., two units per acre.*); concern that Section 106-2.c regarding land use goals were not considered regarding density; whether the community could enact new covenants (*Ms. Austin said it is too late for any new covenants since a conceptual was approved by the SRT.*); concern that the neighborhood was unaware of the proposed development (*Ms. Austin noted that the property was posted and the neighborhood knew because some came to the office to review the proposal. Mr. Criscitiello noted that the citizens were aware of the proposal and the need for new covenants, since they had attended all the SRT review meetings prior to and during the conceptual approval.*); concern that the County does not have a stellar reputation regarding public notification; concern that the neighborhood was not organized to enact new covenants; determining how the conceptual plan was approved (*Ms. Hillary explained the SRT review process on the conceptual plan.*); and concern with the conceptual approval going against the concept of enhancing the neighborhood.

Rebuttal by the Applicant: Mr. Christopher Inglese, an attorney in Mr. David Tedder's office and representing the applicant, Academy Park LLC, submitted a 50-page brief to be placed in the record. Mr. Semmler noted that the brief would take hours to read and the Appeal was occurring now. Mr. Inglese handed the brief to the clerk. Ms. Lohr noted that Mr. Inglese was protecting his rights to appeal at a later date by submitting his brief for the record. Mr. Semmler asked if the Commission should go into Executive Session to read the lengthy brief. Ms. Lohr believed Mr. Inglese would explain his summary verbally to the Commission. Mr. Inglese explained that the County ordinance Section 106 that keeps coming up is inapplicable. The assertions (by the Appellants) relying on that reference are wrong. It is an outdated ordinance that was replaced by Ordinance 2014/36 that was passed by County Council in December 2014, known as the Community Development Code (CDC). The first two assertions in the appeal are totally inappropriate. The Comprehensive Plan is addressed by the appellant; however, the property is within the growth boundary that County Council and the Comprehensive Plan designated for urban and suburban growth, unless parcels are specifically identified to be preserved as rural. This property is zoned LICP which allows for a minimum lot size

of 10,890 square feet which is consistent with the Comprehensive Plan. He noted that the plan exceeds the open space requirement with 2.2 acres, is consistent with the Comprehensive Plan as it is located inside the urban growth boundary, complies with the standards of the CDC in Table A.2-60, and does not require a traffic study or traffic improvements, according to the County Traffic Engineer. There is a base zone district that is in place. His client has invested a great deal of effort, time and money to move forward with the zoning entitlements that are in place under the base zone district. Mr. Inglese noted that within the procedural directive for the Commission read earlier was a statement that the Commission was to make a decision on the legal basis for which the original decision was made. He believes that the neighbors have no standing in appealing the project. There are other developments, such as Celadon and Newpoint, that are surrounded by properties of smaller or large lots, so it is irrelevant to the standards and application of this appeal. The Appellant's assertion that the minimum lot size was applied wrongly goes against having minimum lot sizes that property buyers and owners rely on. The Appellant's suggesting that the staff should be able to move the number for minimum lot size is troubling. The Appellant stated that there is a traffic choke hold; however, the Traffic Engineer has already verified that no traffic study or improvements are required. There should be a direct relationship from the subdivision, not from the school down the road. Traffic improvements would be for the school, not the new homes. There is ingress and egress for future development on one of the lots. Adequate environmental and archaeological analyses have been provided. The CDC does not regulate septic tank requirements, just DHEC; such permits must be in place before the final plan is submitted. This subdivision has its place, it's here. Like Celadon and Newpoint made their place, this subdivision is here. The Applicant could seek other options that would increase density. He is applying for the zone district. He is not even maxing out his allowable density. The covenants expired 14 years ago, and the Applicant must consent to any new covenants for it to apply to his property. The Staff's decision to subdivide or not lies in their authority. He noted that final approval is still to come after the Applicant meets the standards applied by the SRT, including stormwater and tree standards.

Commission discussion included the non-receipt of a Corps of Engineering approval, a clarification on the urban growth boundary (*Mr. Criscitiello noted that the growth boundaries are in the future land use element of the County Comprehensive Plan and explained the history and purpose of the boundaries*), a clarification that the Appellant's context issue uses the Zoning and Development Standards Ordinance (ZDSO) not the current CDC, a clarification that the base zone district determines the density, and a clarification whether the CDC contains the language that the Appellant used from the ZDSO (*Mr. Criscitello noted that a lot of language from brought from the ZDSO to the CDC, but he would have to check on the exact language. Mr. Semmler read page A-7 of the CDC that contains the purpose of the LICP.*

Rebuttal by the Appellant: Mr. Murtaugh noted that the fact that the owner can do 34 lots is not a reason that the Applicant can make it worst, therefore a reason to approve the plan. I don't think so. The overriding factor is the overriding purpose that the District recognizes the standards when a community is developed. What are we living under? What are the purpose and the protection of these codes? If it offers no preservation, no protection, no consideration for what has been around for forty years, then it has no legal justification at all. You don't need the codes. The purpose is wrong. It's written incorrectly. I don't want to go back to New Jersey, I want to stay here.

Rebuttal by the Applicant: Mr. Robert Sample, the Applicant, noted that he is a property owner in the subdivision. There are other people in the subdivision that want to develop their property—maximize the use of their property. The other property owners were put on notice. The Appellants are quoting regulations that were passed in 1999, then the CDC was passed in 2014—where were

they when the charrettes occurred? The property owner had 40 years to recertify their covenants and restrictions. There wasn't an automatic extension clause in their covenants. He noted that DHEC is responsible for septic tank permits. I've been at this for a year; I've been before the SRT three times. I can do 35 lots, but am only doing 25. The Appellants are quoting an outdated, obsolete ordinance. There is a national standard regarding transportation and his plan does not trip the threshold. The Appellant uses Celadon but it is not a closed community. This staff has approved at least 2 communities under the LICP District that are around larger lots. This is not contextual zoning, it is base zoning. The Appellants are asking you to consider contextual zoning and selective standards for this plan and it was never the intent of the LICP District. It is not right. You just can't make it up in a vacuum. The SRT got it right. (*Mr. Semmler asked Mr. Sample if he had any mitigating or extenuating circumstances to offer.*) Mr. Sample reiterated that the SRT got it right.

Discussion by the Commission includes the verbiage in the Comprehensive Plan and the CDC (*Ms. Coppage noted that the sections 106-3 and 106-4 that has been referenced throughout the evening refer to the purpose and legislative intent portions of the Comprehensive Plan that must be in effect before zoning standards, the specifics, can be adopted. The Comprehensive Plan contains underlying general policy statements which give the County the ability to introduce zoning.*), a clarification on covenants and restrictions, a clarification and applicability of the final plan approval process, a clarification on the appeal process, a clarification on the intent of the CDC and the LICP District, concern that the Appellant has no standing in the appeal (*Ms. Lohr noted that a neighbor has standing under the law*), and a clarification in factors that should be used by the Commission in making a decision on the appeal.

Final Arguments:

1. **Appellant:** Mr. Murtaugh said the staff hit it absolutely correct. They did it by the book, by whatever matrix the Applicant's attorney brought up. The project met the minimum requirements of the law. The overriding principles of the law are not for the staff to apply; they cannot take it into consideration. The staff can look at it, but only a voting body like the Commission can apply those principles. The staff would be criticized for loosely applying a standard that they are not allowed to take into consideration. I believe that it is reserved solely for you (the Commission), and it is in your hands.
2. **Government:** Ms. Coppage noted that prior to implementing zoning laws, South Carolina laws state that each county implement a Comprehensive Plan which is a compilation of general policy statements. Sections 106-3 and 106-4 that were referenced earlier are generalized statements that discuss the purpose and legislative intent of the Comprehensive Plan as it relates to the CDC. After duly enacting the Comprehensive Plan, the County has the ability to enact zoning laws which is what our (County) CDC is. There is a legal presumption that the CDC is compatible with the Comprehensive Plan; that is why we have the Plan. There are several factors that are not in dispute. One is the Comprehensive Plan is the overarching generalized policy statement. Two, the development code and the zoning specifications as delineated by that code are what are applicable to this particular property. Three, this property is located in the LICP District. Four, there are no covenants and restrictions currently in place. The previous covenants and restrictions that limited property to one acre expired in 2000, over 15 years ago. Five, of particular importance, the applicant met all of the requirements of the SRT and the planning staff. They went by the book and made the application as delineated in the CDC. Based on that application and the fact that they followed the proper procedures, the SRT was required to apply the standards as developed and codified in the CDC. If we are to look at the fact that the applicant met all the standards and to deny the application of the Applicant based on subjective interpretation of

generalized policy statements, I believe that borders on making an arbitrary and capricious decision. What has been done is the standards have been met, applied, and based on that the decision of the SRT has been rendered.

Mr. Semmler asked Ms. Lohr about the appeal review standards. Ms. Lohr advised moving Executive Session so she could advise the Commission.

Recessed Meeting: Mr. Semmler recessed the meeting so that the Commission would move into Executive Session with their legal counsel.

Reconvened Meeting: Mr. Semmler reconvened the meeting after the executive session. He noted that the Commission will vote on the stated Appeal that was sent to the Commission. The **vote for affirming the SRT Decision was three (3)—Chmelik, Riley, and Semmler; and for reversing the decision was three (3)—Davis, Johnston, and Walsnovich; Absent: Brown, Fireall, and Stewart.**

Announcement of Ruling: Mr. Semmler noted that the Commission finds that there are three votes to affirm and three to reverse the stated Appeal. Therefore, **the SRT decision stands.**

Mr. Semmler noted that he has personal concerns that the developer was adding more density than the existing neighborhood. Mr. Riley noted he voted because of the lack of the covenants, but did not like the project. Ms. Chmelik voted because it was the law, but it does not mean she liked the project. Mr. Walsnovich struggles with the letter of the law versus the character of the development. Ms. Davis voted that the overriding policy statement did not coincide with the rules and regulations were not considered, nor did they meet the spirit of the law. Mr. Johnston voted because of the inconsistencies of the project where there are differing impressions because of how individuals view the same project, and the negative effect of the project to the community.

OTHER BUSINESS: Next Meeting: Mr. Semmler noted that the next Commission meeting is scheduled for Monday, December 7, 2015, at 6:00 p.m.

ADJOURNMENT: Motion: Mr. Eric Walsnovich made a motion, and Mr. Ed Riley seconded the motion, **to adjourn the meeting.** The motion **was carried** (FOR: Chmelik, Davis, Johnston, Riley, Semmler, and Walsnovich; ABSENT: Brown, Fireall, and Stewart). Mr. Semmler adjourned the meeting at approximately 7:32 p.m.

SUBMITTED BY:

Barbara Childs, Admin. Assistant to the Planning Director

Robert Semmler, Beaufort County Planning Commission Chairman

APPROVED: **April 4, 2016, as written**

Note: The video link of the December 7, 2015, Planning Commission meeting is:
http://beaufort.granicus.com/MediaPlayer.php?view_id=3&clip_id=2424



COUNTY COUNCIL OF BEAUFORT COUNTY
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The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held on Monday, March 7, 2016, in County Council Chambers, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

Members Present:

Mr. Robert Semmler, Chairman
Mr. George Johnston

Ms. Diane Chmelik
Mr. Edward Riley III

Mr. Marque Fireall
Mr. Eric Walsnovich

Members Absent: Mr. Randolph Stewart, VACANCY-Northern Beaufort County representative (Mr. Charles Brown), and VACANCY-Port Royal Island representative (the late Ms. Carolyn Davis)

Staff Present:

Mr. Anthony J. Criscitiello, Planning Director
Mr. Robert Merchant, Long Range Planner
Ms. Barbara Childs, Administrative Assistant to the Planning Director

CALL TO ORDER: Chairman Robert Semmler called the meeting to order at approximately 6:02 p.m.

PLEDGE OF ALLEGIANCE: Mr. Semmler led those assembled in the Council Chambers with the pledge of allegiance to the flag of the United States of America.

REVIEW OF MINUTES

- A. **January 7, 2016:** Mr. Semmler noted that he had four (4) corrections and would give Mrs. Childs the changes. No further discussion occurred. **Motion:** Ms. Diane Chmelik made motion, and Mr. Ed Riley seconded the motion, **to accept the January 7, 2016, minutes as corrected.** The motion **carried** (FOR: Chmelik, Fireall, Johnston, Riley, Semmler, and Walsnovich; ABSENT: Stewart).
- B. **February 1, 2016:** Mr. Semmler noted that he had eight (8) changes and would give Mrs. Childs the changes for the records. Mr. Riley noted that with the Bloody Point motion, Mr. Semmler was not absent, rather he voted against the motion. No further discussion occurred. **Motion:** Mr. Marque Fireall made motion, and Mr. Ed Riley seconded the motion, **to accept the February 1, 2016, minutes as corrected.** The motion **carried** (FOR: Chmelik, Fireall, Johnston, Riley, Semmler, and Walsnovich; ABSENT: Stewart).

CHAIRMAN'S REPORT: Mr. Semmler noted that the Commission had been working hard to get the Comprehensive Plan reviewed. He hoped that the three elements being reviewed tonight would be forwarded to County Council for their approval.

PUBLIC COMMENT on non-agenda item: None were received.

THE FIVE-YEAR ASSESSMENT AND TEXT AMENDMENTS TO CHAPTER 4-LAND USE, CHAPTER 6-CULTURAL RESOURCES, AND CHAPTER 9-ENERGY OF THE 2010 BEAUFORT COUNTY COMPREHENSIVE PLAN AS A RESULT OF THE FIVE-YEAR REVIEW OF THE PLAN; APPLICANT: BEAUFORT COUNTY PLANNING STAFF

Mr. Robert Merchant briefed the Commissioners on the 5-Year Assessment. He noted that the Commissioners and the staff have been working together to determine what needed to be updated, revised, or eliminated to make the Comprehensive Plan continue to be relevant through the next five years. The state statute required counties to have a comprehensive plan if a zoning ordinance is being used, and required at least a 5-year review instead of a rewrite. The 5-Year Assessment satisfies the review requirement for the plan. The Commission and the staff will continue to work on each element to make the identified revisions that will be brought before County Council for their adoption. The plan will be a relevant document on current programs and needs that will carry the County through until the next review period. He gave a brief description of the 5-Year Assessment. The Commission is diligently going through the elements of the Comprehensive Plan, and has brought forward three completed elements today.

Discussion by the Commissioners included concern that Spring Island was shown on Map 4-1 as rural and undeveloped when it definitely is developed and should be rural (*Mr. Robert Merchant noted that the density on Spring Island was low and explained that page 4-6 showed the mapping categories.*); clarification on the mapping categories; concern that the introduction paragraph should emphasize the goals and who the users were and how the plan is used on a practical basis for growth management by the County (*Mr. Merchant noted that he would give some major achievements such as transportation changes and Rural & Critical Land Preservation Program purchases.*).

Mr. Semmler noted for the audience's benefit that the Commission had gone through the elements prior to tonight's meeting, and had given their comments for Staff to include in each element.

Public Comment: None were received.

Motion: Mr. George Johnston made a motion, and Mr. Ed Riley seconded the motion, **to recommend approval to County Council for the Five-Year Assessment and Text Amendments to Chapter 4-Land Use, Chapter 6-Cultural Resources, and Chapter 9-Energy of the 2010 Beaufort County Comprehensive Plan as a result of the five-year review of the plan.** The motion **carried** (FOR: Chmelik, Fireall, Johnston, Riley, Semmler, and Walsnovich; ABSENT: Stewart).

OTHER BUSINESS: The next Special Planning Commission meeting will be Tuesday, March 15, at 5:30 p.m. The next Planning Commission meeting is scheduled for Monday, April 4, 2016, at 6:00 p.m.

ADJOURNMENT: Motion: Mr. Marque Fireall made a motion, and Mr. Eric Walsnovich seconded the motion, **to adjourn the meeting.** The motion **was carried** (FOR: Chmelik, Fireall, Johnston, Riley, Semmler, and Walsnovich; ABSENT: Stewart). Mr. Semmler adjourned the meeting at approximately 6:33 p.m.

SUBMITTED BY:

Barbara Childs, Admin. Assistant to the Planning Director

Robert Semmler, Beaufort County Planning Commission Chairman

APPROVED: April 4, 2016, as written

Note: The video link of the February 1, 2016, Planning Commission meeting is:
http://beaufort.granicus.com/MediaPlayer.php?view_id=3&clip_id=2490

0286 0000, R600 039 000 0285 0000, AND A 2 ACRE PORTION OF R600 040 000 0003 0000 (LOCATED AT THE NORTHEAST CORNER OF ULMER ROAD AND BENTON FIELD ROAD) (12 PARCELS TOTALING 27.31 ACRES BETWEEN ULMER ROAD AND DEVONWOOD DRIVE) FROM T3-HN (HAMLET NEIGHBORHOOD) TO T2-RC (RURAL CENTER)

10. LADY’S ISLAND REZONING REQUEST / MASTER PLAN CHANGE FOR GREENHEATH PLANNED UNIT DEVELOPMENT (PUD) AT R200 010 000 0022 0000 (OFF BRICKYARD POINT ROAD AND FIDDLER DRIVE); OWNER: GREENHEATH LLC, AGENT: CHRISTOPHER INGLESE, ESQ. – ***(NOTE: THIS ITEM WAS WITHDRAWN BY THE OWNER)***

11. OTHER BUSINESS

- A. Next Meeting – Monday, May 2, 2016, at 6:00 p.m.

12. ADJOURNMENT



MEMORANDUM

TO: Beaufort County Planning Commission

FROM: Tony Criscitiello, Planning Director

DATE: April 4, 2015

SUBJECT: 1 Year Review of Community Development Code – Proposed Text Amendments

When County Council adopted the Community Development Code (CDC) on December 8, 2014, the motion included a 6 month and 1 year evaluation of the code as a condition of approval. As in the six-month review, staff has learned of both minor and major corrections that should be made to the ordinance based on application and enforcement of the Code. These proposed amendments are provided in this memo.

To help navigate through this list of amendments, they have been categorized with the major changes first and minor fixes at the end of the document. The amendments are divided into the following categories:

- **Transect Zone Amendments:** These include amendments to transect zones and related provisions. Since the transect zones are a prominent feature in the new Code, it is in the County's best interest to insure that the districts are utilized and do not present unnecessary barriers to development.
- **Parking Amendments:** These are changes to Division 5.5 to assure that strict maximum parking requirements do not present an unnecessary barrier to development.
- **Sign Amendments:** These are changes to the sign requirements in Division 5.6.
- **Tree Amendments:** These are changes to the Resource Protection Standards in Division 5.11 to respond to concerns about several new developments in the county.
- **Corrections, Clarifications, and provisions from the ZDSO:** These are minor amendments that do not change the substance of the code. They include mistakes found in the code, such as incorrect building setbacks, or references to provisions that were removed from the code (e.g. Plat Vacation). They also include clarifications, which are changes to wording that aid in the understanding of the requirements. Finally, some of the changes being brought forward were provisions that were in the former ZDSO and did not make it into the final draft of the CDC.

Transect Zone Amendments

Section 3.2.90.D: T3 Neighborhood – Building Placement: This amendment consists of reducing the side-yard setback in T3 Neighborhood from 10 feet to 7 ½ feet: This amendment is being proposed to allow greater flexibility in the type of house that could be built in this district. The T3 Neighborhood district allows a minimum lot width of 50 feet. With the 10 foot side yard setback, houses are limited to a maximum of 30 feet in width. Reducing this setback would allow more variety in the placement of houses in this district.

D. Building Placement		
Setback (Distance from ROW/Property Line)		
Front	15' min., 20' max.	A
Side Street	10' min., 20' max.	B
Side:		
Side, Main Building	10'-7 ½' min.	C
Side, Ancillary Building	5' min.	
Rear		
Rear, Main Building	15' min.	D
Rear, Ancillary Building	5' min.	
Façade within Façade Zone:		
Front	75%	
Side Street	50%	
Lot Size (20,000 SF Maximum)		
Width	100' max.	E
Depth	200' max.	F
Miscellaneous		

Where existing adjacent buildings are in front of the regulated BTL or front setback, the building may be set to align with the façade of the front-most immediately adjacent property.

Maximum lot size does not apply to Recreation, Education, Safety, Public Assembly uses

E. Building Form		
Building Height		
Main Building	2.5 stories max.	G
Ancillary Building	2 stories max.	
Ground Floor Finish Level ¹	18" min.	H
Upper Floor(s) Ceiling	8' min. clear	I
Footprint		
Maximum Lot Coverage ²	30% of lot area	
Miscellaneous		
Loading docks, overhead doors, and other service entries may not be located on street-facing façades.		
Notes		
¹ Buildings located in a flood hazard zone will be required to be built above base flood elevation in accordance with Beaufort County Building Codes.		
² Lot coverage is the portion of a lot that is covered by any and all buildings including accessory buildings.		

Section 3.4.80.E: Place Type Overlay Zone: Allocation of Transect Zones. This amendment provides greater flexibility for the Village Place Type. The amendment would allow in the Village Place type both T4 Hamlet Center Open and T4 Neighborhood Center or a combination of the two districts.

Table 3.4.80.E. Allocation Mix of Transect Zones for Each Community Unit Type		
Transect Zone	Percentage of Land Assigned to Zone	
Rural Crossroads Place Type		
T2 Rural (T2R)	No min.	65% max.
T2 Rural Center(T2RC)	5% min.	20% max.
T3 Edge (T3E)	No min.	25% max.
T3 Hamlet Neighborhood (T3HN)	25% min.	40% max.
Hamlet Place Type		
T2 Rural (T2R)	No min.	65% max.
T3 Edge (T3E)	No min.	25% max.
T3 Hamlet Neighborhood (T3HN)	25% min.	70% max.
T4 Hamlet Center(T4HC)	10% min.	50% max.
Village Place Type		
T3 Edge (T3E)	No min.	25% max.
T3 Hamlet Neighborhood (T3HN)	No min.	25% max.
T3 Neighborhood (T3N)	25% min.	70% max.
T4 Hamlet Center Open (T4HCO) and/or T4 Neighborhood Center(T4NC)	10% min.	50% max.

Parking Amendments

Section 5.5.40.A2: Allowable Increases and Reductions in Number of Parking Spaces: Staff recommends changing the allowable increases and decreases in the number of parking spaces to match what was permitted in the ZDSO.

“2. **Allowable Increases and Reductions in Number of Parking Spaces.** The Director may allow up to a ~~five-20~~ percent increase or a 20 percent reduction in the required number of parking spaces if the applicant can show, through a parking demand study, that additional or fewer parking spaces are required. The parking demand study shall be approved by the County Traffic and Transportation Engineer. All approved additional parking spaces shall have a pervious surface. “

Table 5.5.40.B: Number of Motor Vehicle Parking Spaces Required. These amendments would change the parking requirements for restaurants, banks, and medical offices. The Planning Department recommends making these adjustments to the parking table based on input from developers and land planners. For restaurants, the ZDSO allowed 12 parking spaces per 1,000 square feet of floor area. The CDC currently allows only 8 per 1,000. Staff recommends striking a balance of 10 spaces per 1,000 square feet of building space. This requirement matches what the Town of Hilton Head Island requires for the same use. For banks and medical offices, staff recommends revising the parking standards to match what the ZDSO required – 4.5 space per 1,000 square feet, or 1 space per 222 gross square feet.

Table 5.5.40.B: Number of Motor Vehicle Parking Spaces Required	
Use	Number of Required Spaces
Retail & Restaurants	
General Retail, except for the following:	1 per 300 GSF
Floor Area Over 25,000 SF	1 per 250 GSF
Drive-Through Facilities	5 stacking spaces per drive-through, including service window, plus base use requirement.
Adult Oriented Business	1 per 150 GSF
Bar, Tavern, Nightclub	1 per 150 GSF
Gas Station/Fuel Sales	1 per pump plus requirement for general retail
Restaurant, Café, Coffee Shop:	1 per 100-150 GSF including outdoor dining areas
Drive-Through Facilities	5 stacking spaces per drive-through, including service window and menu board areas, plus base use requirement.
Vehicle Sales and Rental	1 per 1,500 GSF plus 2.5 per service bay
Offices & Services	
General Offices & Services, except the following:	1 per 300 GSF
Drive-Through Facilities	5 stacking spaces per drive-through, including service window, plus base use requirement.
Banks	1 per 222 GSF
	5 stacking spaces per drive-through, including service window, plus base use requirement.
Animal Clinic/Hospital	1 per 300 GSF
Animal Services/Kennel	1 per 300 GSF
Daycare Center	1 per employee plus 1 off-street drop-off/pick-up space per 10 students
Lodging, except the following:	1 per room
Bed and Breakfast (5 rooms or less)	2 spaces plus 1 per guest room
Medical Clinics/Offices	1 per 222-300 GSF
Hospitals	1 per 2 beds plus 1 per 4 employees
Vehicle Services: Maintenance & Repair	1 per 1,000 GSF plus 2.5 per service bay

¹ Residential parking space requirements can be satisfied by garage or covered spaces.

Sign Amendments

Table 5.6.40.A: Sign Types: This amendment would allow for wall signs as in T2 and S1 districts. Wall signs are common in all districts that allow commercial uses. The CDC currently does not allow wall signs in the T2 districts or S1. These districts allow commercial uses and therefore should permit wall signs.

<p>Wall Signs. Wall signs are signs flat against the facade consisting of individual cut letters applied directly to the building or painted directly on the surface of the building.</p>			<p>5.6.160</p>
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Table 5.6.40.B: Aggregate Sign Area: This amendment would allow one freestanding menu board sign for each drive-through lane. Some drive-through restaurants are providing two lanes and ordering stations to help speed up the ordering process. The way the code currently reads, a maximum of one ordering sign is allowed per business.

Table 5.6.40.B: Aggregate Sign Area (continued)	
Maximum Aggregate Sign Area	
Building Attached Signs	Building Detached Signs
Commercial Oriented Community – Single Tenant Building Fronting One or More Thoroughfares	
<p>Principal Building Frontage. Aggregate sign area for the Principal Building Frontage equals 1 ½ square feet for each linear foot of building frontage measured along the thoroughfare where the building has frontage and/or the primary entrance.</p> <p>If the building fronts one thoroughfare, up to 33% of the total signage permitted on the Principal Building Frontage may be applied to one or more alternative building elevations. Combined signage for alternative building elevations shall not exceed 33% of the aggregate sign area for the Principal Building Frontage.</p> <p>If the building fronts two or more thoroughfares, up to 33% of the total signage permitted on the Principal Building Frontage may be applied to a building elevation that does not face a thoroughfare.</p> <p>Secondary Building Frontage. Aggregate sign area for the Secondary Building Frontage equals ½ square foot for each linear foot of building frontage measured along the thoroughfare where the building has secondary frontage and/or a secondary entrance.</p> <p>Up to 33% of total signage permitted along the Secondary Building Frontage may be applied to an alternative building elevation. However, Secondary Building Frontage signage may not be applied/added to an elevation containing Principal Building Frontage signage.</p>	<p>One (1) Freestanding Sign, Landscape Wall Sign, or a combination of the two, not to exceed 40 square feet in aggregate, may be sited along the primary thoroughfare frontage at the primary vehicular entrance. Signs may be used for identification purposes, as a directory listing, or a combination thereof.</p> <p>Freestanding Directional Signs shall not count toward the maximum aggregate signage.</p> <p>Drive-Through Menu Boards. One (1) Freestanding Menu Board Sign per drive-through lane, not to exceed 32 square feet in aggregate, may be sited as part of a drive-through business. The sign may list the type and price of items or services offered and to the maximum extent possible, shall not be visible from a primary street right-of-way. Where appropriate the base of the menu board shall be landscaped and/or incorporated into the landscaping plan.</p>

Tree Amendments

5.8.90 Perimeter Buffers. The amendments to this section strengthen the protection of perimeter buffers by specifying there is to be no removal of vegetation within buffers without the Director’s approval, and by requiring protection fencing for buffers prior to construction.

I. Development within Required Perimeter Buffers

1. The required perimeter buffer shall not contain any development, impervious surfaces, or site features (except fences or walls) that do not function to meet the standards of this Section unless otherwise permitted in this Development Code.
2. No **vegetation or tree removal, or other** construction activities shall occur within perimeter buffers.
3. Sidewalks, trails, and other elements associated with passive recreation may be placed in perimeter buffers **with approval by the Director** if all required landscaping is provided and damage to existing vegetation is minimized to the maximum extent practicable.
4. Overhead and underground utilities required or allowed by the County are not permitted in perimeter buffers except where they are perpendicular to the perimeter buffer.

M. Protection of Perimeter Buffers During Construction. **Prior to commencing underbrushing, clearing work or any site alterations, a conspicuous four-foot-high barrier to prevent encroachment by people, materials, and vehicles shall be erected around all required perimeter buffers and shall remain in place until the Certificate of Compliance is issued, except where additional landscaping, walls or fences are installed in accordance with this Section.**

5.11.100 Tree Protection. These amendments strengthen the tree protection standards by allowing the Director to require a certified arborist’s report at the beginning of a project’s review to determine the health and feasibility of saving specimen trees on a development site. This provision is included in the City of Beaufort’s draft development code. The amendments also include provisions from the Town of Bluffton’s code in which tree removal may be referred to the Planning Commission if the staff finds specified tree removal criteria have not been met.

All trees that are not protected under Section 5.11.90 (Forests) **or Section 5.8.90 (Perimeter Buffers)** shall be protected in accordance with this section.

- A. **General.** Careful site planning for new development shall, to the greatest extent practicable, preserve existing trees and vegetation on the property to be developed. This is to include all specimen trees in good health as well as groups of smaller healthy trees and understory vegetation that provide wildlife habitat, corridors, and bird nesting areas.
- B. **Specimen Trees.** A specimen tree is defined as follows:
 1. Understory trees - Dogwood, Redbud, and Southern Magnolia that are equal to or greater than a diameter of 4 inches (DBH).
 2. Overstory trees - American Holly, Bald Cypress, Beech, Black Oak, Black Tupelo, Cedar, Hickory, Live Oak, Palmetto, Pecan, Red Maple, Southern Red Oak, Sycamore, or Walnut that are equal to or greater than a diameter of 16 inches (DBH).

3. All other trees equal to or greater than a diameter of 24 inches (DBH) except those identified as invasive species in Table 5.11.100.C.
- C. **Tree Survey Required.** Prior to any development approval, except bona fide forestry, the applicant shall provide a tree survey of the areas in which building, clearing or construction activities are planned in accordance with the following:
1. The tree survey shall include all trees 8 inches DBH and larger, and all dogwoods (*Cornus spp.*), redbuds (*Cercis canadensis*), and magnolias (*Magnolia spp.*) four inches DBH and larger.
 2. The tree survey shall indicate species type and size (DBH).
 3. The tree survey shall be conducted by a certified arborist, professional urban forester, registered landscape architect, or registered land surveyor. All tree surveys shall be certified by a registered land surveyor.
 4. A tree survey shall be less than five years old beginning from the application submission date for which the survey pertains. The Director may require that a new tree survey be undertaken at the applicant's expense when it has been determined that a tree survey is more than five years old.
- D. **Tree Removal.**
1. **Preservation of Existing Trees a Priority.** Reasonable design alternatives shall be explored to preserve existing trees to the extent practicable. At the discretion of the Director, a Certified Arborist Report may be required as part of the tree retention/removal plan for all specimen trees on a development site. Such report shall detail the general health of each tree and the steps necessary to promote survival during and after construction.
 2. **Tree Removal Criteria.** Before approval to remove any tree over 8" DBH, or any specimen tree, is granted by the Director, the following criteria shall be considered:
 - a. It is difficult or impossible to reasonably use the property without the removal of the tree.
 - b. Roads, parking areas, drive aisles, paths and other site features have been designed around the canopies of existing trees to the greatest extent possible.
 - c. Removal will allow the preservation of other, healthier hardwood trees on the property.
 - d. Adjustments to the site plan cannot be made to save the tree without losing lots or floor area.
 3. If the Director finds that the applicant has not met the criteria listed above, the removal shall require approval by the Planning Commission.
14. **Mitigation.** Where individual specimen trees are to be cut (see subsection B above), the developer shall plant sufficient trees having a caliper of 2.5 inches or more each so as to meet the DBH of the tree or total trees cut. Such trees shall be of the same species as those cut unless the Director approves other species to enhance the diversity to that similar to the native forest areas. All mitigation trees shall be planted within the disturbed area of the site.
25. **Existing Trees Used for Mitigation.** The saving of existing non-specimen trees is encouraged and may be utilized to meet the mitigation requirement above. Existing trees used for mitigation must be located within the disturbed area of the site.
36. **Penalty for Removing Trees Prior to Permitting.** If trees are cut down prior to a development receiving all necessary permits from the County, the County shall not issue a permit to allow the development to occur within two years of the tree removal, unless the property owner provides

mitigation for the trees removed. Mitigation shall involve the replanting of trees a minimum of 2.5 caliper inches with a total caliper equal to 1.25 times that of the DBH of the trees removed.

47. **Reforestation Fee.** Where the director determines that the required replacement of trees is not feasible or not desirable due to the size and shape of property and/or structures, crowding of the trees to where thinning will be required, other design limitations, or other viable site constraints, such reduction shall be subject to a general reforestation fee. This fee shall be the actual and verified cost of the required tree replacement and shall be paid to the county before final approval is given for the development plan. The funds collected through this reforestation fee shall be used by the county to plant trees and other landscaping in highway medians, along roads, or on other public properties as deemed appropriate.

Corrections, Clarifications, and provisions from the ZDSO

Article 1: General Provisions

1.6.60 Planned Unit Development (PUD) Approved Prior to December 8, 2014 (from ZDSO). This proposed amendment carries over language that was in the ZDSO that addresses minor amendments to existing PUDs. Staff proposes adding a number 5 under this section to read as follows:

5. The Director may approve minor amendments to an approved PUD master plan for the changes listed below. All other amendments to a PUD master plan shall follow the procedures for a Zoning Map Amendment (see Sec. 7.3.40).
 - a. Minor changes in the location of roads or widths of streets or rights-of-way within the master plan;
 - b. Minor changes in the allocation of housing density within the master plan so long as the overall approved density of the master plan is not increased; and
 - c. Changes in the proposed build-out and phasing schedule.

Article 2: Multi-Lot and Single Lot Community Scale Development

2.2.60.A.2 Access Management – Design: Driveway Separation (Correction). This correction states that local roads and minor roads are still subject to the requirements in SCDOT's ARMS Manual. Amend as follows:

2. Within conventional zones, thoroughfares shall meet these standards:
 - a. Street, driveway, or other access separation along county, state and federal highways shall be in accordance with the SCDOT, *Access and Roadside Management Standards*, and County-approved access management plans.
 - b. In no event, however, shall residential driveways and non-residential full-access curb cuts be permitted at spacing less than as follows:
 4. Minor Collector and Local roads: No minimum See subsection a. above.

2.5.30 Manufactured Home Community Standards (Correction). This correction amends Table 2.5.30 to provide a maximum gross density to manufactured home communities and revise the side yard setback from 0 feet to 5 feet.

Table 2.5.30.A Manufactured Home Community Standards	
Site Dimensions	
Gross Density	4 dwelling units per acre
Site Area	Min: 3 acres Max: 20 acres
Lot Size	Min: 4,000 square feet
Lot Width	Min: 40 feet
Lot Depth	Min: 80 feet
Building Height	
Principle Building	Max: 35 feet
Secondary Building (Includes Garage or Outbuilding)	Max: 35 feet
Building Setbacks	
Front (includes Private Frontage)	Min: 12 feet Max: 18 feet
Side (Includes Garage or Outbuilding)	Min: 0-5 feet
Rear (Includes Garage or Outbuilding)	Min: 5 feet
Building Function	
Non-Residential Uses	One traditional neighborhood shop permitted for developments with more than 100 units, and must be incorporated into the development design.

2.9.40 Thoroughfare Design (from ZDSO). This is language from the ZDSO which requires existing streets in a proposed subdivision to revise their rights of way to comply with the requirements of this code. Add a new subsection J to read as follows:

J. Dedication of Right-Of-Way. A proposed subdivision that includes a platted street that does not conform to the minimum right-of-way requirements of this chapter shall provide for the dedication of additional right-of-way along either one or both sides of the street so that the minimum rights-of-way required by this code can be established. If the proposed subdivision abuts only one side of the street, a minimum of one-half of the required extra right-of-way shall be dedicated by such subdivision.

Article 3: Specific to Zones

Table 3.1.70 Land Use Definitions (Correction). Amend the use “Community Care Facility” to “Institutional Care Facility” to match all other sections of the code.

~~Community~~ **Institutional** Care Facility [correction]

3.3.30 Neighborhood Mixed Use (C3) Zone Standards (Clarification).

C. Building Form

Building Height

Single Family and Duplex	2.5 stories max.
Multi-Family	2.5 stories max.
Non-Residential Buildings	2 stories max.
Ground Floor Finish Level	No minimum

Multi-Family housing shall utilize the Mansion Apartment Building Type requirements in 5.1.110.

D. Gross Density¹ and Floor Area Ratio

Gross Density

Single Family Detached	2.6 d.u./acre
Single Family Attached/Duplex Two Family Unit	2.6 d.u./acre
Multi-Family Unit	12 d.u./acre, Maximum of 80 dwelling units
Traditional Community Plan	3.5 d.u./acre ²

²Subject to the requirements in Division 2.3

Article 4: Specific to Use

4.1.190 Recreational Facility: Campgrounds (from ZDSO). This amendment increases the buffer width required around campgrounds to match the 100 feet that was originally required in the ZDSO.

- A. **Buffers.** This use shall be screened with a 100-ft. wide, opaque, visual buffer equal to a Type E Perimeter Buffer (see Table 5.8.90.D) next to all property lines.

4.2.20.E General Standards and Limitations (Accessory Uses and Structures). This amendment allows greater flexibility in the square footage of accessory buildings for properties located in the T2R district.

- E.2. **Size.** Except for a standard two-car garage (less than 600 square feet) all other for the T2R district, individual freestanding accessory structures on a parcel shall not collectively exceed 30 percent of the floor area of the principal structure. This does not include standard two car garages (less than 600 square feet), accessory dwellings, guest houses, structures used for bona fide agricultural purposes, and accessory structures used for home businesses and cottage industries. In the T2R district, except for structures used for bona fide agricultural purposes, all freestanding accessory structures shall be clearly incidental and subordinate to the principal structure.

5.12.30.C Stormwater Standards (Clarification): This amendment requires stormwater ponds to be appropriately sized to accommodate expected runoff.

- C. All development and redevelopment shall utilize and integrate Stormwater BMPs which are appropriate to their location and environment, sized to accommodate the expected runoff, and contribute to the overall character of a proposal. Stormwater facilities may not be utilized to circumvent other requirements in this Code pertaining to mining/resource extraction. BMPs implemented at the development scale shall be integrated into civic and open space networks to the maximum extent technically feasible in accordance with standards found in Division 2.8,

Civic and Open Space Types. Stormwater BMPs should be selected in keeping with the applicable transect zone or conventional zone, as indicated in Table 5.12.30.V. BMPs may be designed as a singular practice or as part of various supplemental pre-treatment BMPs in a series to achieve the runoff volume, runoff pollution load, and peak runoff rate control standards.

Article 10: Definitions

10.1.80 H Definitions: Height (Clarification). This amendment carries over exceptions to building height requirements that were originally in the ZDSO.

Height.

1. **Overall.** Overall building height shall be measured vertically from the natural grade or finished grade adjacent to the building exterior to the average height of the highest roof surface, excluding chimneys, cupolas, and spires.
2. **Eave/Parapet.** Building height to eave/parapet shall be measured from the eave or top of parapet to natural grade or finished grade at the lowest point adjacent to the building exterior, whichever yields the greatest height.