



**County Council of
Beaufort County
Planning Commission
Meeting**

Chairman

ED PAPPAS

Vice Chair

CECILY MCMILLAN

Commission Members

PETE COOK

JON HENNEY

EUGENE MEYERS

GLENN MILLER

GAIL MURRAY

CHUCK NEWTON

DENNIS ROSS

County Administrator

MICHAEL MOORE

Staff Support

ROBERT MERCHANT

Administration Building

Beaufort County Government
Robert Smalls Complex
100 Ribaut Road

Contact

Post Office Drawer 1228
Beaufort, South Carolina 29901-1228
(843) 255-2147
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Planning Commission Agenda

Monday, October 5, 2026 at 6:00 PM

Council Chambers

County Administration Building, 100 Ribaut Road, Beaufort, SC

ALL OF OUR MEETINGS ARE AVAILABLE FOR VIEWING ONLINE AT WWW.BEAUFORTCOUNTYSC.GOV AND CAN ALSO BE VIEWED ON SPARKLIGHT CHANNELS 9 AND 417, COMCAST CHANNEL 2, AND SPECTRUM CHANNEL 1304, BCTV YouTube, FREE APPS – ROKU, APPLE, AMAZON

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. FOIA – PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT
4. APPROVAL OF MEETING MINUTES – September 10, 2026 Workshop and Regular Meetings
5. APPROVAL OF AGENDA
6. CITIZEN COMMENTS – NON-AGENDA ITEMS

(Comments are limited to 3 minutes.)

ACTION ITEMS

7. **REQUEST FOR DEFERRAL TO THE NOVEMBER 2nd MEETING:** CONSIDERATION OF AN AMENDMENT TO THE FOCUSED PLANNING AREAS CHAPTER OF THE 2040 COMPREHENSIVE PLAN TO CHANGE THE RURAL CROSSROADS PLACE TYPE LOCATED ON SEABROOK ROAD AND THE SPANISH MOSS TRAIL TO A HAMLET PLACE TYPE
8. **REQUEST FOR DEFERRAL TO THE NOVEMBER 2nd MEETING:** CONSIDERATION OF AN AMENDMENT TO THE ZONING MAP FOR 233 ACRES LOCATED AT 214 SEABROOK RD FROM T2 RURAL TO HAMLET PLACE TYPE OVERLAY (T3 HAMLET NEIGHBORHOOD AND T4 HAMLET CENTER) AND INDUSTRIAL (S1)
9. CONSIDERATION OF AN ORDINANCE AUTHORIZING BEAUFORT COUNTY COUNCIL TO DECLARE A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING, APPROVAL, OR ISSUANCE OF CERTAIN APPLICATIONS, PERMITS, AND APPROVALS FOR DATA CENTERS IN BEAUFORT COUNTY, SOUTH CAROLINA; PROVIDING FOR A COMPREHENSIVE STUDY OF THE POTENTIAL CUMULATIVE IMPACTS OF DATA CENTERS; INVOKING THE PENDING ORDINANCE DOCTRINE; AND PROVIDING FOR OTHER MATTERS RELATED THERETO
10. CONSIDERATION OF AN ORDINANCE AMENDING THE ZONING MAP FOR 502 ACRES LOCATED ON DULAMO ROAD AND ST. HELENVILLE ROAD (R300 007 000 0002 0000; R300 012 000 0256 0000) FOR THE REMOVAL FROM THE CULTURAL PROTECTION OVERLAY (CPO) DISTRICT

DISCUSSION ITEMS

11. CHAIRMAN'S REPORT
12. ADJOURNMENT



COUNTY COUNCIL OF BEAUFORT COUNTY
Beaufort County Planning and Zoning Department
Beaufort County Government Robert Smalls Complex
Physical: Administration Building, Room 115 100 Ribaut Road
Mailing: Post Office Drawer 1228, Beaufort, SC 29901-1228
Phone: 843-255-2140

The workshop meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held in the Executive Conference Room on Thursday, September 10, 2026 at 5:30 p.m.

MEMBERS PRESENT:

Mr. Ed Pappas, Chairman
Mr. Jon Henney
Ms. Cecily McMillan, Vice Chair
Mr. Gene Meyers
Mr. Glenn Miller
Ms. Gail Murray
Mr. Chuck Newton
Mr. Dennis Ross

MEMBERS ABSENT:

Mr. Pete Cook

STAFF PRESENT:

Mr. Rob Merchant, Planning and Zoning Director

CALL TO ORDER: Chairman Pappas called the meeting to order at 5:30 p.m.

DISCUSSION:

Mr. Merchant went over the roles of staff, Zoning Board of Appeals, and Planning Commission. He discussed what each body reviewed depending on the project. There was discussion about sending rezoning applications to Planning Commission once there are deemed complete. The group also discussed data centers. It was stated that they were discussed at the recent Northern Regional Planning Implementation Committee and the Natural Resources Committee. Both can be found on the County Channel. Mr. Merchant stated that there will be an upcoming Council Workshop on September 17th to discuss next steps for data center ordinances. It was noted that Development Agreements were adopted by ordinance.

ADJOURNMENT: Chairman Pappas adjourned the meeting at 5:58 p.m.

SUBMITTED BY: Kristen Forbus
Long-Range Planner

Ed Pappas
Beaufort County Planning Commission Chairman

Date: _____



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Beaufort County Planning and Zoning Department
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Phone: 843-255-2140

The regular meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held at the Beaufort County Council Chambers on Thursday, September 10, 2026 at 6:00 p.m.

MEMBERS PRESENT:

Mr. Ed Pappas, Chairman
Mr. Jon Henney
Ms. Cecily McMillan, Vice Chair
Mr. Gene Meyers
Mr. Glenn Miller
Ms. Gail Murray
Mr. Chuck Newton
Mr. Dennis Ross

MEMBERS ABSENT:

Mr. Pete Cook

STAFF PRESENT:

Ms. Kristen Forbus, Long Range Planner
Mr. Robert Merchant, Planning Director

CALL TO ORDER: Chair Pappas called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE: Chair Pappas led those assembled in the pledge of allegiance.

REVIEW OF MEETING MINUTES: The July 9th minutes were approved with no objections with the condition that a scrivener’s error on page 1 was addressed.

CITIZEN COMMENTS: Chair Pappas asked if there were any non-agenda related citizen comments. There were none.

ACTION ITEMS:

CONSIDERATION OF A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): TABLE A.13.40 (MAY RIVER COMMUNITY PRESERVATION DISTRICT LAND USE) TO PERMIT CEMETERIES AS AN ALLOWED USE

Ms. Forbus presented the text amendment and staff’s recommendation of approval. Ms. McMillan asked about height requirements for structures located on cemeteries. Mr. Merchant stated that the structures would have to follow building code requirements. Ms. McMillan asked about the applicant’s plans. Mr. Merchant stated that a text amendment would be applicable to the whole zoning district rather than just one site. The applicant, John Binder, spoke of the plans and discussions with the Department of Veterans Affairs. He stated the VA was interested in a parcel that is located east of Buckwalter and west of Buck Island Rd. Mr. Pappas asked about a timeframe. Mr. Binder stated the closing timeframe would be between 6 months to a year.

Ms. McMillan asked about access points. Mr. Binder said there would be at least two. Mr. Henney asked about development standards and negative impacts. Mr. Merchant stated that the CDC has code standards that address issues such as lighting and buffers. He stated the impact of cemeteries is low and extra

conditional standards was not necessary to add to the use. Additionally, anything of a large size comparable to the National Cemetery would need to go through the development review process. Mr. Newton asked if a conditional use would provide additional protections and if it was necessary for this use. Mr. Merchant stated that staff saw this as a low-impact use; therefore, conditions were not part of the recommendation. Conversation opened about whether the use should be permitted, conditional, or special. Mr. Merchant reiterated that the use is a permitted use in almost every other district under "Place of Worship". He stated these uses were not originally adopted in the MRCP. This may have been done in an effort to preserve the rural character of the area. However, this proposed use is consistent with rural character. Mr. Merchant said that anything out of the ordinary would be addressed at the staff level- including a potential need for a Traffic Impact Analysis.

Chair Pappas opened the meeting for public comment.
There was no public comment.

Mr. Henney made a motion to recommend approval of CONSIDERATION OF A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): TABLE A.13.40 (MAY RIVER COMMUNITY PRESERVATION DISTRICT LAND USE) TO PERMIT CEMETERIES AS AN ALLOWED USE stating that the amendment met standards 1-7. Mr. Miller seconded. The motion passed 8-0.

CONSIDERATION OF AN AMENDMENT TO THE FOCUSED PLANNING AREAS CHAPTER OF THE 2040 COMPREHENSIVE PLAN TO CHANGE THE RURAL CROSSROADS PLACE TYPE LOCATED ON SEABROOK ROAD AND THE SPANISH MOSS TRAIL TO A HAMLET PLACE TYPE

Mr. Merchant presented the background of Place Type Overlays and what they are. He stated the applicant is proposing a Comprehensive Plan amendment to change the Seabrook Place Type from Rural Crossroads to a Hamlet to accommodate 160 acres. He stated that the Comprehensive Plan's Future Land Use's goal is to show future land use and density. Mr. Merchant stated the Rural Crossroads Place Type was originally chosen because it corresponds with the old Seabrook community. This type of PTO accommodates one dwelling unit per acre at maximum of 80 acres; a Hamlet's maximum density is three units per acre at a maximum of 160 acres. Mr. Merchant went over the criteria in the staff report reiterating that the area is in proximity to three schools and the Spanish Moss Trail. He also emphasized that the underlying Future Land Use of Neighborhood Mixed-Use visions the area to be denser than Rural. The Neighborhood Mixed Use calls for development of two units per acre. The current Rural Crossroads Place Type conflicts with this at a lower density and is counterintuitive.

Chair Pappas asked about the agreement with the City of Beaufort and annexation. Mr. Merchant stated that is discussed in the next agenda item. Mr. Henney asked why the Place Type was not originally adopted as a Hamlet. Mr. Merchant stated it was because the current character of the area is rural and most likely, historically, used to qualify as a Rural Crossroads. There was discussion on implementation of contiguous Place Types and the zoning districts of the application. Mr. Ross spoke about the chosen zoning districts and impact on the rural heritage of the area. Mr. Merchant reiterated that the purpose of a Place Type is to incentivize dense walkable communities by providing a higher density than the underlying zoning. Mr. Newton clarified that density was for gross land space. Ms. McMillan opened up conversation regarding density and sewer.

Chair Pappas opened the meeting for public comment.
Felice Lamarca spoke in favor of low-density development and the Comprehensive Plan.

CONSIDERATION OF AN AMENDMENT TO THE ZONING MAP FOR 233 ACRES LOCATED AT 214 SEABROOK RD FROM T2 RURAL TO HAMLET PLACE TYPE OVERLAY (T3 HAMLET NEIGHBORHOOD AND T4 HAMLET CENTER) AND INDUSTRIAL (S1)

Mr. Merchant presented the zoning amendments and Place Type plan. He discussed the history of the property stating that a portion has an easement that was purchased in 2008 through Rural and Critical Lands program and the Air Station to protect from development in the AICUZ. He then discussed the restrictions of annexation in the conservation easement. It states that any annexation required County Council approval first. The growth boundary and Northern Beaufort County Regional Plan agreement of annexation and contiguity were discussed. It was stated that the city, however, does not want to annex the site.

Mr. Merchant presented the site's facilities saying that a Traffic Impact Analysis was completed. Water/sewer will need improvements but will allow for more connections to nearby residences. The proposed EMS/fire site is called out in the Burton Fire District's long-range plans. The nearby schools have excess capacity. It was stated that the S1 (industrial) zoning district is compatible with the AICUZ and that the proposed residential development is set outside of the AICUZ. Mr. Merchant stated there were some site plan concerns staff put together in the report. He then went over the criteria and recommendation for the rezoning stating that the rezoning was contingent upon the Comprehensive Plan amendment being passed.

Mr. Ross stated there were discrepancies with the TIA. He spoke about concerns of walkability and the cost to build a new EMS/Fire station. There were also concerns of a Development Agreement and the lack of public meetings during the process. Mr. Newton and Mr. Merchant discussed density and layout of the project. Mr. Miller expressed concern about the conditions attached to the staff's recommendation and lack of time to review the project. Mr. Merchant stated that the commission had the right to defer the request. Ms. McMillan asked about affordable housing. Mr. Merchant stated it was not required but often something discussed in a Development Agreement. There was then discussion about the size of the proposed development compared to other developments in the County. Mr. Henney asked about the weight the regulating plan has. Mr. Merchant stated that it, along with a thoroughfare plan, and civic/open space plan are required and any changes would have to go through the same process. Mr. Ross stated there were inadequacies in the application. Ryan Thompson, representing the applicant, presented the Comprehensive Plan and rezoning amendment application.

Mr. Ross stated concerns about stormwater. Mr. Thompson stated that they will abide by requirements and use pond systems and drainage. Mr. Miller asked about the renderings for the S1 portion of the property. Mr. Thompson said there were no plans as of yet. It was stated that S1 was part of phase 3 and would begin construction in 10 years. Mr. Thompson said that the EMS land would be given over automatically. Doug Nicoll, the applicant, said the industrial parcels would house flex space/offices. He discussed the price points and diversity of housing types. He also stated there were opportunities for water stub outs and that there would be four acres donated to accommodate a recreation center and .7 miles of Spanish Moss trail would be implemented. Walter Nester, representing the applicant, discussed the process of implementing a Development Agreement and public hearings.

Chair Pappas opened the meeting for public comment.

Frank Emminger spoke against the proposed amendment with concerns of the traffic impact analysis.

Mark Heygood spoke against the proposed amendment with concerns of building and timeframe.

Melissa Avery spoke of concerns with the proposed amendment.

Wendy Orford spoke against the proposed amendment with concerns of impacts.

Chip McLeod spoke in favor of the proposed amendment.

William West spoke in favor of the proposed amendment.

Kathleen Gardner spoke as a representative of Sharon DeLoach against the proposed amendment.

Heather Spade spoke against the proposed amendment with concerns of cultural impacts.

Billy Keyserling spoke in favor of the proposed amendment and stated that he would develop 20 acres nearby to accommodate shops and a grocery store.

The Board also received the following comments:

From: [Cynthia Cooler](#)
To: [Forbus, Kristen](#)
Cc: [Merchant, Robert](#); [Austin, Hillary](#)
Subject: PUBLIC COMMENT: Opposition to 214 Seabrook Road Rezoning Amendment
Date: Tuesday, August 25, 2026 7:02:31 PM

[EXTERNAL EMAIL] Please report any suspicious attachments, links, or requests for sensitive information to the Beaufort County IT Division at 843-255-2000.

Date: August 25, 2026

To: Beaufort County Planning Commission & Staff

From: Cynthia Cooler
88 Detour Road
Seabrook, SC 29940

RE: Public Comment in Opposition to the Proposed Amendment to the Zoning Map for 233 Acres at 214 Seabrook Road (From T2 Rural to T3HN, T4HC, and SI)

Dear Members of the Planning Commission and County Council,

I am writing to formally log my strong opposition to the proposed rezoning of the 233 acres located at 214 Seabrook Road. As the property owner at 88 Detour Road, my home and quality of life will be directly and negatively impacted by this massive shift from a quiet rural community to high-density commercial and industrial zones. I completely oppose this amendment for the following critical reasons:

Severe Traffic Impact on Detour Road:

The proposed plan shows new streets feeding directly into Detour Road from the highly dense T4 Hamlet Center (T4HC). Detour Road is a residential and school-adjacent roadway that is entirely unequipped to handle the heavy daily traffic, delivery trucks, and congestion that a retail and mixed-use center will bring.

Incompatible Industrial Zoning (SI):

Placing Industrial (SI) zones immediately adjacent to Detour Road and Chisholm Road is highly disruptive. Introducing warehouses, light manufacturing, or distribution yards directly into our neighborhood will cause severe visual blight, environmental degradation, and commercial vehicle noise right next to our homes and nearby schools.

Compounded Noise and Safety Concerns:

Detour Road already sits within the F-35 AICUZ 65 dB Noise Level Contour. Adding heavy industrial operations and dense commercial activity to an area already burdened by military flight-path noise will make the neighborhood unlivable and degrade our property values.

Destruction of Rural Character:

The transition from T2 Rural to dense T4 Hamlet Center and Industrial zoning destroys the historic character of Seabrook. This massive urban-style development does not belong in an area that residents intentionally chose for its rural peace.

For these reasons, I request that the Planning Commission and County Council deny this

rezoning request and preserve the current T2 Rural designation.

Please include this letter in the official public record for the upcoming hearing on September 10th, 2026. I plan to attend the meeting to stand in person with my neighbors in unified opposition to this proposal.

Thank you for your time and consideration of the residents who will bear the brunt of this development.

Sincerely,

Cynthia Cooler
88 Detour Road
Seabrook, SC
843-271-5266
cynthiacooler4@gmail.com

PLEASE INCLUDE THIS IN THE RECORD

Beaufort County Planning Commission.
September 10, 2026

John Smith

DAVE LAND LLC

The County's burden to justify abandoning its own Rural Zoning.

Good evening. I live in Seabrook, and I am here to tell you to abide by county regulations and leave Rural land rural.

If Rural zoning can be discarded whenever a developer proposes enough houses, what protection does the word "RURAL" actually provide?

This is not simply a request to build some houses. It is a request to change the rules governing this land so that hundreds of houses can be built where hundreds of houses are not presently permitted.

That distinction matters.

Beaufort County's own Zoning Code says the purpose of Rural Zoning is to **preserve the rural character of Beaufort County.**

Those are the County's words, not mine.

So, I have a very simple question.

What has changed about this land that makes it no longer worthy of being rural?

Has the countryside disappeared?

Have the woods disappeared?

Has Seabrook suddenly become an urban center?

Or has the only thing that changed been that a developer discovered that considerably more money can be made if Beaufort County changes its zoning?

We are hearing that this project will provide affordable housing for teachers.

Fine. Then show us.

Show us the proposed selling prices. Show us the legally enforceable affordability requirements. Show us how many homes will actually be reserved for teachers or other working families --- and for how many years?

A sales pitch is not an affordable housing program.

Before approving hundreds of houses, the public should also see the complete site plan, traffic study, drainage and stormwater analysis, water and sewer requirements, environmental impacts, school impacts, and the actual density being requested.

Once Rural land is rezoned for high density development, we don't get the countryside back.

And while the developer can come back with more paperwork, Seabrook citizens cannot come back later and recreate what has been destroyed.

Follow the purpose of your own Rural Zoning Ordinance.

Keep Seabrook rural, Deny this rezoning request. Thank you.

John Smith
A Seabrook Citizen.

Mr. Henney stated that the Place Type should be a higher density than the Future Land Use. PTOs are not a one-size-fits-all and that maxing out at the highest density and densest allowed districts does not reflect best practices.

Mr. Meyers suggested a deferral until different plans are ready to be presented. The applicant agreed. Mr. Meyers made a motion to defer CONSIDERATION OF AN AMENDMENT TO THE FOCUSED PLANNING AREAS CHAPTER OF THE 2040 COMPREHENSIVE PLAN TO CHANGE THE RURAL CROSSROADS PLACE TYPE LOCATED ON SEABROOK ROAD AND THE SPANISH MOSS TRAIL TO A HAMLET PLACE TYPE to the next meeting to address comments. Mr. Newton seconded. The motion passed 6-2.

Mr. Meyers made a motion to defer CONSIDERATION OF AN AMENDMENT TO THE ZONING MAP FOR 233 ACRES LOCATED AT 214 SEABROOK RD FROM T2 RURAL TO HAMLET PLACE TYPE OVERLAY (T3 HAMLET NEIGHBORHOOD AND T4 HAMLET CENTER) AND INDUSTRIAL (S1) to the next meeting to address comments. Mr. Newton seconded. The motion passed 6-2.

ADJOURNMENT: Chair Pappas adjourned the meeting at 9:18 p.m.

SUBMITTED BY: Kristen Forbus
Long Range Planner

Ed Pappas
Beaufort County Planning Commission Chairman



MEMORANDUM

TO: Ed Pappas, Chairman, Beaufort County Planning Commission

FROM: Robert Merchant, AICP, Beaufort County Planning and Zoning Department

DATE: October 5, 2025

SUBJECT: CONSIDERATION OF AN ORDINANCE AUTHORIZING BEAUFORT COUNTY COUNCIL TO DECLARE A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING, APPROVAL, OR ISSUANCE OF CERTAIN APPLICATIONS, PERMITS, AND APPROVALS FOR DATA CENTERS IN BEAUFORT COUNTY, SOUTH CAROLINA; PROVIDING FOR A COMPREHENSIVE STUDY OF THE POTENTIAL CUMULATIVE IMPACTS OF DATA CENTERS; INVOKING THE PENDING ORDINANCE DOCTRINE; AND PROVIDING FOR OTHER MATTERS RELATED THERETO

Background: The Natural Resources Committee of County Council directed staff to examine how Beaufort County can better prepare for the possibility of a data center locating in the County.

Data centers are becoming increasingly common across South Carolina and the nation. Depending on their size, they may affect the electric grid, water resources, the environment, noise levels, traffic, emergency services, land values, housing availability, public infrastructure, and overall quality of life.

As an initial step, staff has prepared a proposed moratorium ordinance. Staff requests that the Planning Commission review the ordinance and recommend whether County Council should proceed with its adoption.

A moratorium is a temporary suspension of certain development activities. It generally pauses the processing of development applications and the issuance of building permits while the local government studies whether its zoning regulations, comprehensive plan, or other ordinances should be revised.

The proposed ordinance would temporarily suspend the development of data centers in Beaufort County for nine months. This period would allow the County to:

- Research the potential impacts of data centers;
- Evaluate and, if appropriate, revise the County's zoning regulations and related ordinances;
- Seek public input; and
- Address community concerns before data center development occurs.

Staff Recommendation: Staff recommends that the Planning Commission approve the proposed moratorium ordinance for data centers and forward a favorable recommendation to County Council.

Potential Next Steps: The purpose of the moratorium is to give the County time to study data centers and determine whether additional regulations are needed to protect the County from potential adverse impacts. Following that review, the County could consider one of the following options:

- **Prohibit data centers:** The County could prohibit data centers entirely within its jurisdiction.
- **Adopt regulations for data centers:** The County could establish regulations governing where data centers may be located and the conditions under which they may operate. These regulations could address potential impacts such as utilities, water use, noise, traffic, emergency services, environmental protection, and infrastructure. Public input could be incorporated through a special use approval process or a floating zoning district.
- **Take no action:** The County could determine that the existing Community Development Code provides sufficient protections to address the potential impacts of data centers.

Staff has provided two sample ordinances for the Planning Commission's review to illustrate the range and complexity of issues the County may need to address during the moratorium period. One sample ordinance would prohibit data centers entirely. The other would establish a data center "floating zone." A floating zone is a zoning district that is not assigned to a specific location on the zoning map when it is created. The district would be added to the official zoning map only if and when County Council approves its application to a particular area of the County.

Attachments:

- Moratorium
- Sample Ordinances

**STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
ORDINANCE NO. _____**

**AN ORDINANCE AUTHORIZING BEAUFORT COUNTY COUNCIL TO DECLARE A
TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING, APPROVAL, OR
ISSUANCE OF CERTAIN APPLICATIONS, PERMITS, AND APPROVALS FOR DATA
CENTERS IN BEAUFORT COUNTY, SOUTH CAROLINA; PROVIDING FOR A
COMPREHENSIVE STUDY OF THE POTENTIAL CUMULATIVE IMPACTS OF DATA
CENTERS; INVOKING THE PENDING ORDINANCE DOCTRINE; AND PROVIDING FOR
OTHER MATTERS RELATED THERETO**

WHEREAS, Beaufort County is a coastal community with distinctive natural, cultural, historic, agricultural, and rural resources that contribute substantially to the County's quality of life, economic vitality, and sense of place; and

WHEREAS, Beaufort County Council has observed an increase in the number of data centers seeking sites in the State of South Carolina; and

WHEREAS, Data centers may involve substantial buildings, extensive electrical infrastructure, backup-generation equipment, cooling systems, water use, access roads, utility improvements, security facilities, and other supporting infrastructure; and

WHEREAS, The development and operation of large-scale data centers may affect electric-grid capacity, water supply, wastewater systems, stormwater management, air quality, noise levels, traffic, emergency services, land values, housing availability, public infrastructure, environmental resources, and the overall quality of life of Beaufort County residents; and

WHEREAS, The potential cumulative impacts of data centers may extend beyond the boundaries of an individual parcel and may not be adequately evaluated through the review of a single zoning, subdivision, land-development, or building-permit application; and

WHEREAS, Beaufort County's 2040 Comprehensive Plan, adopted by County Council on November 8, 2021, recognizes the importance of protecting the County's natural, cultural, historic, agricultural, and rural resources while directing growth in a manner that supports the health, safety, welfare, and quality of life of current and future residents; and

WHEREAS, The 2040 Comprehensive Plan identifies the protection of rural lands, environmentally sensitive areas, water resources, community character, infrastructure capacity, and culturally significant places as important considerations in the County's land use and development decisions; and

WHEREAS, Beaufort County Council finds that the County should evaluate whether its existing comprehensive plan, the Community Development Code, building codes, infrastructure policies, and other ordinances provide an adequate framework for reviewing and managing the location, scale, design, construction, operation, and potential cumulative impacts of data centers; and

WHEREAS, Beaufort County Council further finds that a temporary, time-limited moratorium is a reasonable planning measure that will allow the County to study these issues and determine whether amendments to the County’s regulatory framework are appropriate or necessary; and

WHEREAS, The purpose of this Ordinance is not to prohibit data centers permanently, but to provide a limited period for careful planning, public review, technical analysis, and consideration of appropriate regulatory standards consistent with the Beaufort County 2040 Comprehensive Plan and the protection of the County’s quality of life; and

WHEREAS, A temporary moratorium authorized and implemented in accordance with this Ordinance is intended to protect the public health, safety, and general welfare while the County undertakes the study described herein.

WHEREAS, Beaufort County Council desires that this temporary, time-limited moratorium take effect immediately and therefore invokes the **Pending Ordinance Doctrine**.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council, in a duly assembled and noticed meeting this ____ day of _____, 2026, as follows:

- A. **Findings Incorporated.** Each “Whereas” clause above is adopted, confirmed, and incorporated as a finding of Beaufort County Council.
- B. **Purpose and Intent.** The purpose and intent of this Ordinance is to:
 - a. Allow Beaufort County to evaluate the potential direct and cumulative impacts of data centers;
 - b. Determine whether the County’s current regulatory framework is adequate to address those impacts;
 - c. Evaluate whether data centers are compatible with the Beaufort County 2040 Comprehensive Plan;
 - d. Protect the County’s natural resources, water supply, electric infrastructure, transportation network, public services, community character, and quality of life; and
 - e. Provide an opportunity for public participation and informed consideration of any future amendments to the County’s comprehensive plan, Community Development Code, or other applicable requirements.
- C. **Definition.** For purposes of this Ordinance, “Data Center” means a facility, campus of facilities, or group of interconnected facilities that houses computer servers or other information-technology equipment and is designed or used for the storage, processing, management, transmission, or distribution of digital data.

A Data Center may include, without limitation, associated electrical substations, transformers, switchyards, backup generators, fuel storage, cooling systems, water-treatment or water-storage systems, telecommunications equipment, security facilities, administrative space, parking areas, access roads, and other accessory or supporting infrastructure.

The term does not include:

- a. Ordinary computer rooms, server rooms, or information-technology equipment that is accessory to and located within a separately permitted principal use;
- b. Telecommunications facilities regulated under applicable federal or state law, except to the extent that the facility constitutes a Data Center as defined above;
- c. Public safety, emergency management, or governmental communications facilities that are not operated as a commercial Data Center; or
- d. Facilities that the County determines, in writing, do not meet the scale, intensity, or operational characteristics of a Data Center as defined in this Section.

D. **Temporary Moratorium.** Beaufort County Council hereby declares a temporary moratorium on the acceptance, processing, approval, or issuance of applications, permits, and approvals for Data Centers for a period not to exceed nine months from the Effective Date of this Ordinance.

During the moratorium, the County shall not accept, process, approve, or issue any application, permit, or approval for a Data Center unless expressly exempted under Section E of this Ordinance.

The moratorium shall remain in effect until the earliest of:

- a. Nine months after the Effective Date;
- b. The effective date of an ordinance adopted by County Council establishing applicable regulations for Data Centers; or
- c. The effective date of an ordinance adopted by County Council terminating the moratorium.

Nothing in this Ordinance requires Beaufort County Council to adopt permanent regulations authorizing Data Centers.

E. **Applications and Approvals Subject to the Moratorium.** The moratorium applies to any application, petition, request, plan, permit, or other submission seeking approval, review, or relief for a Data Center, including, but not limited to:

- a. A zoning-map amendment or zoning-text amendment submitted for a specific Data Center, site, or user;
- b. A special use, variance, or similar discretionary land use approval;
- c. A place type overlay or other master-plan approval;
- d. A preliminary or final subdivision application;
- e. A land development, site development, grading, clearing, or stormwater management plan;
- f. A building permit, electrical permit, mechanical permit, plumbing permit, or other construction permit for a Data Center;
- g. A certificate of occupancy or similar approval for a Data Center; and
- h. Any other County approval that is necessary for the construction, expansion, establishment, or operation of a Data Center.

The moratorium applies whether the Data Center is proposed as a principal use, accessory use, conditional use, special exception, or component of a larger development.

- F. Exemptions and Vested Rights.** This Ordinance shall not:
- a. Prohibit the continued operation, maintenance, repair, or replacement of an existing lawful facility that qualifies as a Data Center, provided that the work does not result in a material expansion of the facility's size, capacity, water use, energy demand, noise, traffic, or operational intensity;
 - b. Apply to an application that received final approval before the Effective Date of this Ordinance, to the extent protected by applicable law;
 - c. Abrogate or impair rights that have vested under applicable South Carolina law;
 - d. Prevent the County from processing ministerial permits for work that is authorized by a valid, unexpired, and previously issued approval; or
 - e. Prevent County staff from accepting information or conducting preliminary discussions for planning and informational purposes, provided that no development approval is issued in violation of this Ordinance.

Nothing in this Section shall be construed to create a vested right where one does not otherwise exist.

- G. Comprehensive Study.** During the moratorium, Beaufort County shall conduct or commission a comprehensive study of the potential direct and cumulative impacts of Data Center development and shall prepare a written report for consideration by County Council.

The study should evaluate, to the extent reasonably practicable:

- a. Consistency with the Beaufort County 2040 Comprehensive Plan and any applicable community, area, corridor, or special-purpose plans;
- b. Compatibility with the County's stated goals concerning quality of life, community character, rural lands, environmentally sensitive areas, water resources, and orderly growth;
- c. Electric power demand, transmission capacity, substations, backup-generation systems, fuel storage, and potential effects on existing and future utility customers;
- d. Water consumption, water availability, wastewater capacity, cooling systems, reclaimed water opportunities, and potential effects on existing water users;
- e. Air emissions, noise, vibration, heat, lighting, electromagnetic equipment, and other operational impacts;
- f. Stormwater runoff, flooding, wetlands, tidal areas, groundwater, wildlife habitat, trees, coastal resources, and other environmental considerations;
- g. Traffic, road capacity, heavy vehicles, emergency access, construction impacts, and required transportation improvements;
- h. Fire protection, hazardous material response, emergency services, public safety, and staffing requirements;
- i. Housing availability, residential development patterns, land values, employment, public revenues, and potential effects on existing businesses and residents;
- j. Visual impacts, building scale, setbacks, screening, landscaping, security features, fencing, and compatibility with surrounding uses;
- k. Impacts on historically significant, culturally significant, agricultural, rural, or environmentally sensitive areas;

- l. The adequacy of existing zoning districts and whether Data Centers should be permitted by right, conditionally, or only in designated locations;
 - m. Appropriate minimum standards for parcel size, setbacks, buffers, height, building design, noise, lighting, water use, energy use, emissions, stormwater, landscaping, emergency access, and decommissioning; and
 - n. Appropriate procedures for evaluating the cumulative effects of multiple Data Centers or large-scale utility-dependent developments.
- H. **Public Participation and Policy Recommendations.** The County shall provide appropriate opportunities for public participation during the study process, which may include public meetings, workshops, written comments, stakeholder meetings, and presentations to County Council or its designated committee.

The written report should include policy recommendations, if any, concerning:

- a. Amendments to the County's comprehensive plan;
 - b. Amendments to the zoning ordinance or zoning map;
 - c. Amendments to the Community Development Code, SOLOCO manual or other building or infrastructure regulations;
 - d. Geographic areas or zoning districts where Data Centers may be appropriate or inappropriate;
 - e. Minimum standards for environmental protection and resource efficiency;
 - f. Procedures for evaluating cumulative impacts; and
 - g. Additional studies, standards, or public processes that may be necessary before Data Centers are approved.
- I. **Pending Ordinance Doctrine.** First reading of this Ordinance shall invoke the Pending Ordinance Doctrine to the extent recognized and permitted under applicable South Carolina law.
- J. **Construction and Interpretation.** This Ordinance shall be interpreted to provide a temporary planning period while preserving the County's ability to administer existing regulations and protect the public health, safety, and general welfare.

Nothing in this Ordinance shall be construed to authorize a use that is otherwise prohibited by the County's applicable ordinances, regulations, or land use plans.
- K. **Severability.** If any provision of this Ordinance is determined to be invalid, unlawful, or unenforceable by a court of competent jurisdiction, that determination shall not affect the validity of the remaining provisions, which shall remain in full force and effect.
- L. **Effective Date.** This Ordinance shall become effective immediately upon approval at the first reading of the Ordinance by Beaufort County Council pursuant to the Pending Ordinance Doctrine and the Nine-month period of the moratorium shall begin following the required readings, public hearing, and enactment procedures.
- M. **Expiration.** Unless earlier terminated or superseded as provided in Section D, this Ordinance shall expire nine months after its approval and execution by the Chair of County Council.

Ordained this ____ day of _____, 2026

Alice Howard, Chair

Attest:

Sarah Brock, Clerk to Council

SAMPLE ORDINANCE

**STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
BEAUFORT COUNTY COUNCIL**

ORDINANCE NO. 2026/ ____

AN ORDINANCE TO AMEND THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE TO PROHIBIT DATA CENTERS AS A PERMITTED, CONDITIONAL, OR ACCESSORY USE IN ALL ZONING DISTRICTS OF BEAUFORT COUNTY, SOUTH CAROLINA; TO DEFINE "DATA CENTER"; TO ESTABLISH APPLICABILITY TO PENDING AND FUTURE APPLICATIONS; TO PROVIDE FOR VESTED RIGHTS AND NONCONFORMITIES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE AN EFFECTIVE DATE.

WHEREAS, Beaufort County has adopted the Beaufort County Community Development Code (the “Development Code”) pursuant to the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code Ann. § 6-29-310 et seq., and specifically the zoning authority conferred by S.C. Code Ann. § 6-29-720, to implement the goals, objectives, and land use policies of the Beaufort County Comprehensive Plan; and

WHEREAS, large-scale data centers, defined generally as facilities primarily housing computer servers, network infrastructure, and associated cooling, backup power, and switching equipment for the storage, processing, management, or distribution of data, are land uses that are fundamentally distinct in character, intensity, and community benefit from the residential, commercial, mixed-use, agricultural, and light industrial uses contemplated by the Development Code and the Comprehensive Plan; and

WHEREAS, data centers characteristically require large, continuous volumes of potable and/or non-potable water for cooling, substantial and often continuous electric load on the order of tens to hundreds of megawatts, extensive backup diesel or natural gas generation, and high-capacity transmission infrastructure, each of which places direct and disproportionate demands on Beaufort County’s water resources, electric grid capacity, and air quality, and each of which is inconsistent with the rural, coastal, and low-impact development character that the Comprehensive Plan and the Development Code are designed to protect; and

WHEREAS, Beaufort County’s natural resources, including its sole-source and shallow aquifers, tidal creeks, salt marsh, and the Port Royal Sound and May, Broad, Chechessee, Coosaw, and Combahee River systems, are finite, ecologically sensitive, and already subject to documented saltwater intrusion, withdrawal, and water-quality pressures, such that the introduction of a high water and high energy consumption industrial use of this kind poses an unacceptable risk to those resources and to the County’s long-term water and energy planning; and

WHEREAS, data centers typically generate comparatively few permanent jobs per acre and per dollar of capital investment relative to other commercial and industrial uses, generate continuous mechanical and generator noise, require large impervious footprints and perimeter security fencing inconsistent with the pedestrian-oriented and form-based design standards of the Development Code, and are generally incompatible, in scale, appearance, traffic generation, and neighborhood integration, with the character of the communities, neighborhoods, and rural districts of Beaufort County; and

WHEREAS, County Council finds that the values, environmental resources, infrastructure capacity, and community character of Beaufort County are best protected by prohibiting data centers as a use in all zoning districts of the County, rather than by attempting to mitigate their impacts through conditional use, special exception, or performance standards review; and

WHEREAS, the Beaufort County Planning Commission has reviewed this proposed text amendment to the Development Code for consistency with the Comprehensive Plan and has forwarded its recommendation to County Council in accordance with S.C. Code Ann. § 6-29-720 and 6-29-760; and

WHEREAS, County Council finds that this Ordinance is a valid and reasonable exercise of the County's zoning and police power authority under S.C. Code Ann. § 4-9-25 and Chapter 29 of Title 6 of the South Carolina Code of Laws, bears a rational relationship to legitimate governmental interests in protecting public health, safety, welfare, water and energy resources, and community character, and is consistent with and implements the Beaufort County Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED by the County Council of Beaufort County, South Carolina, in Council duly assembled, as follows:

SECTION 1. FINDINGS.

The foregoing recitals are incorporated herein as findings of County Council. County Council further finds that the prohibition enacted by this Ordinance applies uniformly to the use denominated "Data Center" as defined in Section 2 of this Ordinance, throughout every zoning district established under Article 3 of the Development Code, including all Transect Zones, Conventional Zones, and Overlay Zones, and is not directed at any specific applicant, parcel, or pending application.

SECTION 2. DEFINITION ADDED.

Article 10.1.40 (D Definitions) of the Development Code is hereby amended to add the following definition, inserted in alphabetical order:

Data Center. A building, structure, or portion thereof, or a campus of such buildings or structures, designed, constructed, or used primarily to house computer servers, data storage systems, network switching or routing equipment, or related electronic data processing equipment, together with the associated cooling systems (including but not limited to chillers, cooling towers, and water-based cooling infrastructure), uninterruptible power supply systems, backup or standby electric generation equipment, and dedicated electrical substation or switchgear infrastructure serving such use. The term includes, without limitation, facilities marketed, described, or classified as “colocation facilities,” “server farms,” “hyperscale data centers,” “enterprise data centers,” and “cloud computing facilities,” regardless of the number of tenants. The term does not include: (i) computer or server rooms accessory to and located within a principal building whose primary use is not data processing or storage, provided such accessory space does not exceed [] square feet of floor area and does not require dedicated new electrical substation infrastructure; (ii) equipment shelters, cabinets, or structures accessory to a wireless communication facility or wireline telecommunications facility otherwise regulated under Article 4 of this Code; or (iii) facilities operated directly by Beaufort County, the State of South Carolina, or a federal agency for internal governmental information technology functions and not offered for lease, colocation, or commercial data-hosting purposes to third parties.

SECTION 3. USE TABLE AMENDED — DATA CENTERS PROHIBITED IN ALL ZONING DISTRICTS.

Article 4 (Specific to Use) of the Development Code, including the Table of Allowed Uses (and any corresponding use tables in Article 3 to include but not limited to, Consolidated Use Table 3.1.60, Division 3.2 (Transect Zones) and Division 3.3 (Conventional Zones)), is hereby amended to add the use “Data Center” as a listed use, designated “Use Not Allowed” (“—”) in every zoning district of Beaufort County, as follows:

Use	All Transect Zones (T1-T4, TNCP)	All Conventional & Overlay Zones
Data Center (as defined in Article 10)	— Use Not Allowed	— Use Not Allowed

This prohibition applies without exception in every zoning district of the County, including without limitation districts in which data processing, office, commercial, or industrial uses are otherwise permitted, conditionally permitted, or permitted subject to design or performance standards. No conditional use permit, special exception, variance, planned development district, Traditional Community Plan designation, or *development agreement* may be used to authorize a Data Center use.

SECTION 4. ACCESSORY AND TEMPORARY USES.

No structure, equipment, or infrastructure that would independently meet the definition of “Data Center” in Section 2 of this Ordinance may be established as an accessory use, temporary use, or phase of any otherwise permitted principal use. This Section does not prohibit ordinary

information technology infrastructure accessory to a lawful principal use that falls within the exclusions in Section 2 of this Ordinance.

SECTION 5. APPLICABILITY; PENDING APPLICATIONS; VESTED RIGHTS.

This Ordinance applies to all applications for rezoning, conditional use approval, site plan approval, development plan approval, and building or zoning permits for a Data Center use that have not received final, unappealable approval as of the effective date of this Ordinance. In accordance with S.C. Code Ann. § 6-29-1510 et seq. nothing in this Ordinance shall be construed to divest a vested right established prior to the effective date of this Ordinance through the approval of a site-specific development plan, a recorded development agreement under S.C. Code Ann. § 6-31-10 et seq., or other vesting mechanism recognized under South Carolina law. In the absence of such a vested right, no applicant shall acquire a right to establish a Data Center use in Beaufort County based solely on the filing of an application, the payment of fees, pre-application conferences, or informal staff communications.

SECTION 6. NONCONFORMITIES.

Any Data Center lawfully established and in operation prior to the effective date of this Ordinance shall be treated as a nonconforming use under Article 8 (Nonconformities) of the Development Code, and shall not be expanded, enlarged, or increased in capacity (including additional building floor area, additional electrical load, or additional server or cooling capacity beyond that lawfully in place as of the effective date), and shall be subject to the discontinuance and restoration limitations generally applicable to nonconforming uses under Article 8.

SECTION 7. CONFLICTING PROVISIONS.

All ordinances, resolutions, and provisions of the Development Code or the Beaufort County Code of Ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 8. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance. County Council hereby declares that it would have enacted this Ordinance and each section, subsection, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, clauses, or phrases be declared invalid.

SECTION 9. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon third and final reading by County Council and ratification in accordance with the Beaufort County Code of Ordinances and applicable South Carolina law.

Read the first time this ____ day of _____, 2026.

Read the second time this ____ day of _____, 2026.

Read the third time and ratified this ____ day of _____, 2026.

BEAUFORT COUNTY COUNCIL

Chairman, Beaufort County Council

ATTEST:

Clerk to Council

Approved as to form:

County Attorney

SAMPLE ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE TO ESTABLISH THE DATA CENTER FLOATING ZONE; TO PROVIDE STANDARDS FOR DATA CENTER DEVELOPMENT; TO ESTABLISH ELIGIBILITY, APPLICATION, REVIEW, AND APPROVAL REQUIREMENTS FOR APPLYING THE FLOATING ZONE TO PARTICULAR PROPERTY; TO IMPLEMENT THE SOUTH CAROLINA LOCAL GOVERNMENT COMPREHENSIVE PLANNING ENABLING ACT OF 1994; TO PROMOTE CONSISTENCY WITH THE BEAUFORT COUNTY COMPREHENSIVE PLAN; AND FOR OTHER PURPOSES

WHEREAS, Beaufort County is authorized to adopt and amend zoning regulations pursuant to the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, including S.C. Code Sections 6-29-710 through 6-29-790, as amended;

WHEREAS, S.C. Code Section 6-29-720 authorizes a county to establish zoning districts and expressly recognizes a “floating zone” as a zoning technique consisting of a zone described in the text of a zoning ordinance but not initially shown on the official zoning map;

WHEREAS, a floating zone may be applied to a particular parcel meeting the minimum requirements of the zoning ordinance through legislative action by the County Council;

WHEREAS, Beaufort County has adopted the Beaufort County Comprehensive Plan, together with its Future Land Use Map, Greenprint Plan, resiliency strategies, and related implementation materials;

WHEREAS, the Beaufort County Comprehensive Plan provides a framework for managing growth, protecting natural and cultural resources, directing development toward appropriate locations, coordinating infrastructure, improving economic resilience, and preserving Beaufort County’s distinctive coastal character;

WHEREAS, the County Council finds that data centers are specialized, infrastructure-intensive uses that require tailored standards addressing site location, energy supply, cooling systems, water demand, noise, visual impacts, emergency response, environmental and community protection, and eventual decommissioning;

WHEREAS, the County Council finds that the establishment of a floating zone is preferable to permitting data centers indiscriminately throughout the County because each proposed location should be evaluated for consistency with the Comprehensive Plan, the Future Land Use Map, surrounding land uses, infrastructure capacity, environmental constraints, and community character;

WHEREAS, the County Council intends that the Data Center Floating Zone be applied only where the proposed development is consistent with the Beaufort County Comprehensive Plan or where any apparent inconsistency is specifically identified, justified, and addressed through enforceable mitigation measures;

WHEREAS, the County Council finds that this ordinance promotes the Comprehensive Plan's objectives concerning coordinated growth, economic development, infrastructure planning, protection of water resources, climate and flood resiliency, conservation of natural lands, protection of community character, and orderly development;

NOW, THEREFORE, BE IT ORDAINED by the Beaufort County Council as follows:

3.4.90 DATA CENTER FLOATING ZONE (DCFZ)

A. Establishment

The DCFZ is an unmapped zoning district. It shall not appear on the official zoning map unless and until the County Council applies the DCFZ to a specific parcel or assemblage of parcels through adoption of a zoning map amendment in accordance with Section 7.3.40 (Zoning Map Amendment) of this ordinance.

The DCFZ is intended to implement the Beaufort County Comprehensive Plan by allowing consideration of specialized employment generating development in locations that are appropriate for the use, adequately served by infrastructure, compatible with surrounding development, and capable of protecting Beaufort County's natural, cultural, scenic, and community resources.

B. Purpose and Intent

The purpose of the DCFZ is to:

1. Provide a predictable but location-sensitive framework for reviewing data centers in Beaufort County;
2. Direct data center development to locations that are consistent with the Beaufort County Comprehensive Plan and its Future Land Use Map;
3. Facilitate economic development and technology-related employment while protecting the County's quality of life and natural environment;
4. Require coordinated review of energy, water, wastewater, transportation, emergency-response, stormwater, and telecommunications infrastructure;
5. Protect sensitive receptors and neighboring properties from excessive noise, glare, vibration, heat, odor, visual impacts, and other external effects;
6. Protect wetlands, waterways, floodplains, forests, wildlife habitat, groundwater resources, and other critical environmental resources identified in the Comprehensive Plan;
7. Encourage compact, well-designed, infrastructure-efficient campuses rather than scattered or incompatible development;
8. Require consideration of sea-level rise, storm surge, flooding, extreme heat, wind, hurricanes, utility interruptions, and other resiliency issues identified in County planning documents;
9. Establish clear requirements for emergency response, fire protection, battery storage, hazardous materials, and public safety;

10. Ensure that data center facilities can be responsibly decommissioned and that obsolete equipment and infrastructure do not become a long-term burden on the County; and
11. Provide a floating-zone process that allows the County Council to evaluate each location on its individual merits rather than pre-designating all potentially eligible property.

C. DCFZ Siting Criteria

1. **Consistency with the Comprehensive Plan:** The DCFZ and every application to apply the DCFZ shall be interpreted and administered in accordance with the Beaufort County Comprehensive Plan, as amended. In reviewing a DCFZ application, the Planning Commission and County Council shall consider, at a minimum:
 - a. The Future Land Use Map designation of the property;
 - b. The Comprehensive Plan's land-use, growth-management, economic-development, infrastructure, transportation, natural-resource, resilience, and community-character policies;
 - c. The relationship of the proposed use to existing and planned development;
 - d. Whether the proposed location is within an appropriate growth area, employment area, activity center, industrial area, or other area identified as suitable for intensive nonresidential development;
 - e. Whether the proposed development would conflict with agricultural lands, conservation lands, rural landscapes, cultural resources, historic resources, established neighborhoods, or other protected areas identified in the Comprehensive Plan;
 - f. Whether adequate public facilities and infrastructure exist or will be provided in a timely manner;
 - g. Whether the proposed development advances the Comprehensive Plan's objectives for economic resilience without undermining environmental resilience or community character; and
 - h. Whether the proposed development has been designed to avoid or minimize impacts associated with flooding, sea-level rise, storm events, water-quality degradation, tree-canopy loss, and habitat fragmentation.
2. **Minimum Site Area:** The property shall contain at least 50 contiguous acres, unless the County Council determines that a smaller site is appropriate because it is part of an existing industrial campus or coordinated employment center;

3. **Access:** The property shall have direct access to a public road capable of safely accommodating anticipated construction, employee, service, and emergency traffic;
4. **Adequate Utilities and Services:** The applicant shall demonstrate that electric, water, wastewater, telecommunications, stormwater, and emergency-response infrastructure can adequately serve the proposed development;

D. Definitions

For purposes of the DCFZ, the following definitions apply. Where a term is not defined in this article, the definition in the Beaufort County Community Development Code shall apply.

1. **Data Center:** A facility, campus of facilities, or group of interconnected facilities that houses computer servers or other information-technology equipment and is designed or used for the storage, processing, management, transmission, or distribution of digital data.

A Data Center may include, without limitation, associated electrical substations, transformers, switchyards, backup generators, fuel storage, cooling systems, water-treatment or water-storage systems, telecommunications equipment, security facilities, administrative space, parking areas, access roads, and other accessory or supporting infrastructure.

2. **Data Center Electrical Substation:** A facility used for transforming, switching, regulating, transmitting, or distributing electric power primarily to serve a data center or data center campus located on the same or adjoining property or immediately across a public right-of-way.
3. **Community Noise Equivalent Level:** The twenty-four-hour A-weighted average sound level, adjusted by adding five decibels to sound levels occurring from 7:00 p.m. to 10:00 p.m. and ten decibels to sound levels occurring from 10:00 p.m. to 7:00 a.m.
4. **Sensitive Receptor:** Uses that are particularly sensitive to noise, vibration, glare, air emissions, or other operational impacts. Sensitive receptors include the following uses or locations:
 - a. A residence;
 - b. A school, preschool, daycare center, or in-home daycare;
 - c. A hospital, medical facility, nursing home, assisted-living facility, or retirement community;
 - d. A place of worship;

- e. A community center;
 - f. A public park, passive park, or public open-space area;
 - g. A campground;
 - h. A prison, dormitory, or similar congregate-living facility; or
 - i. Any other use identified by the Director as particularly sensitive to noise, vibration, glare, air emissions, or other operational impacts.
5. **Critical Environmental Resource:** A wetland, watercourse, tidal creek, riparian area, floodplain, flood-prone area, groundwater-recharge area, habitat of a threatened or endangered species, mature forest, significant tree stand, conservation area, cultural landscape, historic resource, or other environmentally or culturally sensitive area identified by applicable federal, state, or County regulations, or the Comprehensive Plan.

E. Uses

1. Permitted Uses

- a. Data Center Campus: A Data Center Campus may contain one or more Data Center Principal Buildings and associated Data Center Accessory Uses approved as part of a unified development plan.
- b. Manufacturing, Processing, and Packaging – Light (Table 3.1.70 Land Use Definitions)
- c. Warehousing (Table 3.1.70 Land Use Definitions)
- d. Wholesaling and Distribution (Table 3.1.70 Land Use Definitions)

2. Accessory Uses

- a. Administrative, management, and security offices;
- b. Fiber-optic and telecommunications facilities;
- c. Electrical substations and transformers;
- d. Emergency and standby generators;
- e. Cooling systems and mechanical equipment;
- f. Battery energy-storage systems;
- g. Water-storage, water-treatment, and cooling-water systems;
- h. Wastewater treatment or pretreatment facilities;
- i. Fire-suppression and fire-protection facilities;
- j. Maintenance, repair, and storage buildings;
- k. Solar energy facilities located on building roofs, parking canopies, or previously disturbed areas; and

3. **Prohibited Uses:** The following uses are prohibited within the DCFZ unless separately approved under applicable County regulations:
- a. Commercial electric generation for sale to the regional electric grid during normal operations;
 - b. A general-purpose warehouse or distribution center unrelated to the data center;
 - c. Outdoor storage of equipment, materials, or containers visible from a public road or Sensitive Receptor;
 - d. Disposal, burial, or long-term outdoor storage of electronic waste;
 - e. Residential use, except for temporary security or caretaker facilities approved by the County;
 - f. Cryptocurrency mining operations not associated with the approved data center use; and
 - g. Any use that generates noise, emissions, vibration, glare, heat, odor, or traffic substantially inconsistent with the approved DCFZ development plan.

F. Development Standards

1. **General Site Design:** All Data Center Principal Buildings and accessory structures shall be located, designed, and constructed to be compatible with the site, surrounding properties, existing public roads, and the community character described in the Beaufort County Comprehensive Plan. The applicant shall design the campus to:
- a. Minimize the visual bulk of buildings and equipment;
 - b. Preserve existing mature trees and natural vegetation to the maximum extent practicable;
 - c. Avoid wetlands, flood-prone areas, riparian areas, and other Critical Environmental Resources;
 - d. Reduce land disturbance and unnecessary impervious surface;
 - e. Provide safe access for employees, service vehicles, emergency responders, and utility providers;
 - f. Minimize impacts to adjacent residences, public roads, scenic corridors, and community facilities;
 - g. Use building placement, grading, landscaping, berms, and screening to preserve the visual character of the surrounding area; and
 - h. Support the Comprehensive Plan's objectives for resilient, well-coordinated, and resource-sensitive development.

2. **Maximum Building Height:** The maximum height of a Data Center Principal Building shall be 50 feet, measured in accordance with the Beaufort County Community Development Code.
3. **Building Setbacks**
 - a. 200 feet from all property lines adjoining a Sensitive Receptor;
 - b. 150 feet from a public road right-of-way;
 - c. 200 feet from property located in a residential zoning district;
 - d. 100 feet from all other property lines; and
4. **Buffers and Screening:** The minimum buffer shall be:
 - a. Sensitive Receptor or residential zoning district - 200 feet
 - b. Public road right-of-way - 150 feet
 - c. Park, open space, conservation area, or cultural resource - 150 feet
 - d. Other nonresidential property - 75 feet
 - e. Buffer planting requirements of the "Type E" buffer in Table 5.8.90.D.
 - f. The Director may require additional buffering based on the results of a Visual Impact Assessment.
4. **Parking and Loading:**
 - a. A minimum of one parking space per employee on the largest regularly scheduled shift shall be provided, together with at least three visitor spaces.
 - b. Loading bays, service entrances, and loading areas shall be located on the side or rear of the Data Center Principal Building; be screened from public roads and Sensitive Receptors; not obstruct emergency access; include adequate on-site maneuvering space; and be designed to prevent trucks from queuing on public roads.

G. Noise and Vibration

1. **Noise Intensity Restrictions:** Noise from a Data Center Campus, measured at the property boundary, shall not exceed:
 - a. 60 dBA CNEL where the receiving property contains a Sensitive Receptor;
 - b. 70 dBA CNEL where the receiving property does not contain a Sensitive Receptor; and
 - c. The more restrictive limit imposed by any applicable County noise regulation.
 - d. Sound produced for a cumulative period of not more than one minute in any hour may exceed the applicable limit by no more than 10 dBA, except for emergency alerts and emergency operations.

2. **Tonal and Low-Frequency Noise:** In addition to dBA measurements, the applicant shall demonstrate that the operation will not create unreasonable tonal, low-frequency, or impulsive noise.
3. **Noise Study Required:** A pre-construction noise study shall be submitted with every DCFZ application. The study shall:
 - a. Establish existing ambient conditions;
 - b. Identify all proposed noise sources;
 - c. Model normal and emergency operating conditions;
 - d. Analyze rooftop and ground-mounted equipment;
 - e. Analyze generators, cooling equipment, transformers, battery systems, and substations;
 - f. Identify Sensitive Receptors;
 - g. Recommend noise-control measures; and
 - h. Demonstrate compliance with this ordinance and the Comprehensive Plan's objectives concerning compatible development and protection of community character.
 - i. The study shall be prepared by a qualified acoustical engineer or other professional approved by the Director.
4. **Post Construction Noise Study:** A post-construction noise study shall be completed before issuance of a certificate of occupancy. The County may require additional as-built testing if complaints or field observations indicate possible noncompliance. The County may require analysis using:
 - a. C-weighted decibels, or dBC;
 - b. One-third octave-band analysis;
 - c. Low-frequency noise analysis; and
 - d. Any other methodology recommended by a qualified acoustical professional.
5. **Noise Mitigation Methods:** Noise mitigation methods may include:
 - a. Equipment selection;
 - b. Acoustic enclosures;
 - c. Sound walls;
 - d. Berms;
 - e. Building orientation;
 - f. Increased setbacks;
 - g. Equipment relocation;
 - h. Operational restrictions;
 - i. Vibration isolation; and

- j. Other measures recommended by the noise study.
6. **Exemptions:** The limits in this section do not apply to:
- a. Emergency alarms;
 - b. Emergency work necessary to protect life, property, public health, or public safety;
 - c. Emergency generation of electricity during an outage;
 - d. Emergency utility repairs; or
 - e. Other activities expressly exempted by applicable County regulations.

H. Lighting, Glare, and Visual Impacts

1. **General Lighting Requirements:** All exterior lighting shall meet the requirements of Division 5.7.
2. **After Hours Lighting:** After hours security lighting shall:
 - a. Use motion sensors, dimming controls, or equivalent technology where feasible;
 - b. Be limited to the minimum fixtures necessary for security and emergency response;
 - c. Not exceed 25 percent of the fixtures used during normal operating hours unless justified by a security plan; and
 - d. Not create glare visible from adjacent residences, public roads, waterways, or scenic corridors.
3. **Visual Impact Assessment:** The applicant shall submit a visual-impact assessment of the data center that includes:
 - a. Photographs and view-shed maps;
 - b. Simulations from public roads and Sensitive Receptors;
 - c. Building-height analysis;
 - d. Evaluation of substations, generators, cooling towers, tanks, fencing, and other major equipment;
 - e. Proposed landscaping and screening;
 - f. Analysis of scenic corridors and community character; and
 - g. Measures to achieve consistency with the Comprehensive Plan.
4. **Berms and Screening Walls:**
 - a. Berms may be used in combination with landscaping where appropriate.
 - b. Berms shall have a maximum slope of 3:1 unless the County approves a steeper slope based on an erosion-control plan.
 - c. Screening shall have 100% opacity;
 - d. Use durable materials compatible with the principal building;

- e. Be maintained in good condition; and
- f. Prevent visibility from public roads and Sensitive Receptors;
- g. Reduce noise;
- h. Avoid excessive building bulk; and
- i. Comply with the approved visual-impact assessment.
- j. Rooftop equipment shall be screened by a parapet, penthouse, or opaque screen on all sides.

I. Electrical, Mechanical and Utility Facilities

Generators, transformers, substations, cooling equipment, tanks, battery systems, pumps, and other ground-mounted equipment shall be located to minimize impacts on public roads, Sensitive Receptors, and neighboring properties. Equipment shall not be located in a required buffer yard except where specifically approved as part of the development plan and adequately screened.

1. Electrical Substations: A Data Center Electrical Substation shall:

- a. Be located on the side or rear of the principal building where feasible;
- b. Be screened from public view;
- c. Comply with applicable electrical, fire, environmental, and utility regulations;
- d. Be set back from property lines as required by this ordinance;
- e. Include appropriate spill prevention and containment measures; and
- f. Be evaluated for noise, visual, electromagnetic, and emergency-response impacts.
- g. Power lines serving the site shall be placed underground where feasible. On-site distribution lines of 34.5 kilovolts or less shall be placed underground unless the County approves an alternative based on technical infeasibility.

2. Generators and Fuel Storage: Generators and fuel-storage facilities shall:

- a. Be located outside required buffers;
- b. Comply with applicable fire, building, environmental, and air-quality requirements;
- c. Include secondary containment where required;
- d. Include spill-response procedures;
- e. Be designed to minimize noise and emissions; and
- f. Be tested only during approved hours unless testing is necessary for emergency preparedness.

J. Water Conservation

- 1. Water Supply Analysis:** The applicant shall submit a water-supply analysis addressing:
 - a. Average daily demand;
 - b. Maximum daily demand;
 - c. Peak demand;
 - d. Cooling-water demand;
 - e. Fire-flow demand;
 - f. Backup-water requirements;
 - g. Water-recycling and reuse opportunities;
 - h. Source availability;
 - i. Impacts on other customers;
 - j. Drought and emergency conditions; and
 - k. Consistency with the Comprehensive Plan's water-resource, infrastructure, and resilience policies.
- 2. Water Conservation Requirements:** The County shall not approve a DCFZ application unless the applicant demonstrates that the proposed water demand can be accommodated without unacceptable impacts to existing users, public health, groundwater resources, or the long-term water-resource objectives of the Comprehensive Plan. At a minimum the data center shall incorporate the following:
 - a. Closed-loop cooling systems;
 - b. Reclaimed or non-potable water;
 - c. Rainwater capture;
 - d. Condensate recovery;
 - e. Cooling technologies that reduce water use;
 - f. Leak detection;
 - g. Water metering; and
 - h. Water-efficiency monitoring.
- 3. Wastewater:** The applicant shall identify the volume, characteristics, treatment, and discharge method for all wastewater generated by the development. No wastewater may be discharged to a public or private system without written confirmation that the receiving system has adequate capacity and that the discharge is permitted.

K. Environmental and Community Impact Analysis

Before the Planning Commission considers a DCFZ application, the applicant shall submit an Environmental and Community Impact Analysis prepared by qualified professionals. The analysis shall include:

1. A narrative description of the proposed use and operations;
2. The size, phasing, and anticipated useful life of the facility;
3. The number of employees by shift;
4. Construction and operational traffic;
5. Energy demand;
6. Water demand;
7. Wastewater generation;
8. Stormwater impacts;
9. Air emissions;
10. Noise and vibration;
11. Heat and thermal impacts;
12. Lighting and glare;
13. Solid-waste and electronic-waste management;
14. Emergency-response requirements;
15. Fire-protection requirements;
16. Utility infrastructure;
17. Potential impacts on schools, residences, parks, cultural resources, and public facilities;
18. Impacts on municipal and County revenues and expenses;
19. Cumulative impacts with other approved or proposed development; and
20. Consistency with the Beaufort County Comprehensive Plan.

L. Safety and Emergency Response

All development shall comply with the applicable building, fire, electrical, mechanical, and life-safety codes.

1. **Emergency Response Plan:** The applicant shall submit an Emergency Response Plan prepared by a qualified professional and reviewed by the applicable fire department and emergency-management officials. The plan shall address:
 - a. Fire suppression;
 - b. Battery fires;
 - c. Generator and fuel incidents;
 - d. Electrical emergencies;
 - e. Hazardous materials;
 - f. Evacuation;
 - g. Emergency access;
 - h. Hydrant locations and fire-flow capacity;
 - i. Smoke and toxic-gas conditions;

- j. Facility shutdown procedures;
 - k. Emergency contacts; and
 - l. Training for first responders.
2. **Battery Energy Storage:** Battery energy-storage systems shall:
- a. Comply with applicable fire and building codes;
 - b. Comply with NFPA 855 or any successor standard;
 - c. Include fire detection and suppression systems appropriate to the technology;
 - d. Include thermal-runaway monitoring;
 - e. Include emergency shutdown procedures;
 - f. Be located and separated to protect adjoining property; and
 - g. Be addressed in the Emergency Response Plan.
3. **Coordination with Emergency Service Providers:** The applicant shall coordinate with the appropriate County emergency-management and public-safety agencies to ensure adequate radio coverage within the facility. Where necessary, the applicant shall install an emergency-responder communication enhancement system.
4. **Emergency Contact Information:** A 24-hour emergency contact sign shall be posted at the principal access entrance. The sign shall include:
- a. The facility name;
 - b. The owner or operator;
 - c. The name and telephone number of the responsible representative;
 - d. The emergency contact telephone number;
 - e. The applicable electric utility; and
 - f. Any other information required by the County or fire department.

M. Decommissioning

1. **Decommissioning Plan:** A decommissioning plan shall be submitted with every DCFZ application. The plan shall address:
- a. The anticipated operational life of the facility;
 - b. Removal of servers, racks, cabling, batteries, generators, transformers, cooling systems, tanks, and other specialized equipment;
 - c. Removal of obsolete utility infrastructure;
 - d. Electronic-waste recycling;
 - e. Responsible disposal of hazardous materials;
 - f. Restoration or reuse of buildings and structures;
 - g. Site restoration;
 - h. Reuse or redevelopment of the property; and
 - i. Financial responsibility for decommissioning.

2. **Financial Security:** Before issuance of a certificate of occupancy, the owner shall provide financial security acceptable to the County in an amount equal to 110 percent of the estimated cost of decommissioning, less the documented salvage value of reusable equipment. The County may require the financial security to be increased if the updated estimate demonstrates that the existing security is insufficient. Financial security may consist of:
 - a. A surety bond;
 - b. An irrevocable letter of credit;
 - c. A cash escrow;
 - d. A guaranty from an acceptable financial institution; or
 - e. Another form approved by the County Attorney and Finance Director.
 - f. The decommissioning cost estimate shall be prepared by a qualified professional and reviewed at least every five years.
3. **Abandonment:** A Data Center Campus shall be considered abandoned if:
 - a. The facility has ceased operations for 12 consecutive months;
 - b. The owner has not submitted an approved redevelopment or reuse plan; and
 - c. The County determines that the facility is not being maintained for an active, permitted use.
 - d. Upon abandonment, the County may require implementation of the approved decommissioning plan.

N. Resiliency

The applicant shall demonstrate how the facility supports the resilience objectives of the Beaufort County Comprehensive Plan and related County resilience strategies. Applicants are encouraged to incorporate green-building and low-impact-development practices consistent with the Comprehensive Plan.



MEMORANDUM

TO: Beaufort County Planning Commission

FROM: Robert Merchant, AICP, Beaufort County Planning and Zoning Department

DATE: September 17, 2026

SUBJECT: CONSIDERATION OF AN ORDINANCE AMENDING THE ZONING MAP FOR 502 ACRES LOCATED ON DULAMO ROAD AND ST. HELENVILLE ROAD (R300 007 000 0002 0000; R300 012 000 0256 0000) FOR THE REMOVAL FROM THE CULTURAL PROTECTION OVERLAY (CPO) DISTRICT

STAFF REPORT:

A. BACKGROUND:

Case No.	CDPA-000062-2026
Owner/Applicant:	Elvio Tropeano/Kevin E. Dukes, Esq.
Property Location:	Located at 288 Dulamo Road on St. Helena Island in northern Beaufort County
District/Map/Parcel:	R300 007 000 0002 0000 and R300 012 000 0256 0000
Property Size:	502 acres
Current Future Land Use:	Rural
Current Zoning District:	T2 Rural with the Cultural Protection Overlay (CPO) Zone
Proposed Zoning District:	T2 Rural

B. SUMMARY OF REQUEST: The applicant is requesting to remove the two parcels that make up Pine Island from the Cultural Protection Overlay (CPO) District.

C. EXISTING ZONING: Pine Island is currently zoned T2 Rural (T2R), which permits residential development at a density of one dwelling unit per 3 acres. T2 Rural also permits very limited non-residential uses. This application differs from a similar application that the Planning Commission reviewed at their May 5, 2025 meeting. This time 502 acres are being proposed to be removed from the CPO rather than 437 acres. Also, the applicant is not proposing an

accompanying development agreement. It is important to note that removing the property from the CPO would allow the uses (golf courses, resorts, and gated communities) that are restricted by the CPO to locate on the Pine Island property.

The Rural (T2R) Zone is intended to preserve the rural character of Beaufort County. This Zone applies to areas that consist of sparsely settled lands in an open or cultivated state. It may include large lot residential, farms where animals are raised or crops are grown, parks, woodland, grasslands, trails, and open space areas.

Pine Island also falls within the Cultural Protection Overlay (CPO) Zone. Overlay Zones impose a set of requirements or relax a set of requirements imposed by the underlying zoning district when there is a special public interest in a particular geographic area that does not coincide with the underlying zone boundaries. Specifically, the CPO restricts franchise architecture and prohibits restricted access (gated) communities, resorts, and golf courses which were deemed to be incompatible with cultural protection.

- D. CULTURAL PROTECTION OVERLAY (CPO) ZONE:** The Cultural Protection Overlay (CPO) Zone has been established land use policy in Beaufort County since 1999. The CPO was originally adopted on April 26, 1999, when the County adopted its Zoning and Development Standards Ordinance following an extensive community process. The stated purpose of the district was to “provide opportunities to protect natural and/or cultural resources found on St. Helena Island.” The purpose statement goes on to say the following:

“Although, the intent of the CPO district is to protect St. Helena and the Gullah culture from encroaching development pressures, growth is not discouraged. However, the quality and rate of growth is of concern in these areas. Rapid in-migration would substantially alter the traditional social and cultural character of this area, as new residents represent different values and customs. The gentrification of the island would result in greater demand for urban services and eventually to the urbanization of the island. This can be particularly acute on St. Helena where maintaining the traditional lifestyle becomes cost prohibitive because of the value of land of development”

The CPO was referenced in the 2010 Beaufort County Comprehensive Plan stating that staff should “continue to enforce the Cultural Preservation Overlay” and “determine if additional policies and regulations are needed for the overlay to better implement its purpose.”

In 2014, the CPO was retained as policy and incorporated into the Community Development Code (CDC).

On November 8, 2021, County Council adopted the 2040 Comprehensive Plan which further upheld the CPO as policy recommending the following:

“Reevaluate the CPO District by assessing whether additional land use restrictions are necessary to meet the intent of the district. Consider the addition of specific design standards that reinforce historic Gullah/Geechee development patterns and character. Include diverse representation on the steering committee that may be formed to guide the process. Ensure public input from all segments of the community.”

Following this recommendation from 2040 Comprehensive Plan, County Council appointed the Cultural Protection Overlay District Committee on November 14, 2022. The CPO Committee was given further direction by the Community Services and Land Use Committee on January 9, 2023 to study the existing CPO ordinance with the County's legal department and with other outside entities of the Committee's choosing to suggest revisions that can be added to reinforce the Overlay's purpose and to improve the protection it provides to St. Helena and the surrounding islands. As a result of this direction, the CPO Committee met four times in early 2023 focusing on the purpose statement and definitions and evaluated the language of the CPO in its entirety. On March 21, 2023, the CPO Committee voted unanimously to recommend to County Council amendments to the CPO. These amendments were adopted by County Council on May 8, 2023.

- E. CULTURAL PROTECTION OVERLAY (CPO) ZONE BOUNDARIES:** The boundaries of the CPO apply to all of St. Helena Island with the exception of Fripp, Harbor, Hunting, Dataw Islands and the unbridged barrier islands including Pritchard, Capers, St. Phillips and Bay Point Islands. The applicability statement in the original CPO (1999) states that "the CPO District requirements apply to new uses; it is not the intent of this section to create nonconforming use of existing uses. Subdivisions, PUDs and other developments approved prior to the adoption of the 1999 Zoning Development Standards Ordinance (ZDSO) are exempt from the requirements of this section." In 1999, Fripp, Harbor and Dataw Islands had well established development patterns and were excluded from the CPO to avoid rendering these communities nonconforming. The originally established boundary of the CPO remained unchanged when the CPO was adopted as part of the Community Development Code in 2014.

F. PREVIOUS APPLICATIONS TO REMOVE PINE ISLAND FROM THE CPO ZONE:

June 2023 Application: The Planning Commission reviewed a similar application at its June 5, 2023 meeting to remove 502 acres of property from the CPO Zone. At that time, the Planning Commission unanimously recommended denial of the application. County Council, at their June 26, 2023 meeting voted two in favor and 8 opposed to the zoning map amendment and, therefore, it was defeated.

May 2025 Application: The Planning Commission reviewed an application at its May 5, 2025 meeting to remove 437 acres of property from the CPO Zone. This application did not include a 64.58 acre parcel (R300 012 000 0256 0000), owned by Pine Island Property Holdings LLC. At that time, the Planning Commission unanimously recommended denial of the application. County Council, at their September 22, 2025 meeting voted 10 in favor and 1 opposed not to approve a development agreement between Pine Island Property Holdings LLC and Beaufort County Council. At that point, the developer withdrew their zoning map amendment application.

- G. ZONING MAP AMENDMENT REVIEW STANDARDS:** In determining whether to adopt or deny a proposed Zone Map Amendment, the County Council shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

- 1. *Is consistent with and furthers the goals and policies of the Comprehensive Plan and the purposes of this Development Code.***

As stated above, the 2040 Comprehensive Plan places great value in protecting the natural and cultural resources of St. Helena Island. The Plan recognizes challenges facing St. Helena Island and devotes an entire “Spotlight” section to the island. The Plan provides that “Beaufort County’s Gullah/Geechee community makes evident that the region’s cultural resources are not just the historic sites, waterways, sacred grounds, farmlands, open spaces, hunting grounds, and the land on which traditional events have occurred. The most important cultural resource is the people themselves.” The Plan further observes that “the primary threat to the long-term viability of Beaufort County’s Gullah/Geechee communities is land development. Implementing land use policies that concentrate growth in urban areas and protect rural land from suburban development are the most important actions the County can take to protect its unique Gullah/Geechee heritage.” As both a strategy and an action, the Plan calls for County Council to “reevaluate the CPO District by assessing whether additional land use restrictions are necessary to meet the intent of the district.”

Upon guidance of the 2040 Comprehensive Plan and the CPO Committee, the purpose statement of the CPO, as amended by County Council on May 8, 2023 provides greater emphasis to the threats facing St. Helena Island’s natural and cultural environment stating the following:

“large-scale, rapid, and/or suburban growth, such as gated, master planned communities, golf courses and resort destinations, conflicts with the Island’s character and presents the greatest threat to the character and stability of the Island community. Rapid suburban growth would not only change the character of the area and threaten the natural, cultural and historic qualities of St. Helena, it would likely bring with it disproportionate and unsustainable short and long-term demands for urban services and infrastructure and eventually lead to urbanization or suburbanization of the Island, the loss of natural qualities which have sustained generations of islanders and which has resulted in the culture and history of the Island. Therefore, the Cultural Protection Overlay District is designed to complement the underlying zoning districts on St. Helena Island by limiting large-scale development such as large master planned communities and resort destinations, that would substantially alter the rural character and natural landscape, would generate high traffic volume, and/or would otherwise be incompatible with the culture of St. Helena Island.”

It is clearly established that the location and extent of the CPO boundaries were purposefully delineated to support and implement the Comprehensive Plan and the purpose statement of the CPO. Moving the boundaries for the purpose of excluding certain parcels erodes the effectiveness of the CPO by allowing the very uses that have been identified as posing the greatest threat to the character and stability of the island community. The magnitude of the proposed rezoning (502 acres) only increases the potential impact of this rezoning.

2. *Is not in conflict with any provision of this Development Code, or the Code of Ordinances.*

Upon guidance of the 2040 Comprehensive Plan and the CPO Committee, the purpose statement of the CPO, as amended by County Council on May 8, 2023 provides greater emphasis to the threats facing St. Helena Island’s natural and cultural environment stating the following:

“large-scale, rapid, and/or suburban growth, such as gated, master planned communities, golf courses and resort destinations, conflicts with the Island’s character and presents the greatest threat to the character and stability of the Island community. Rapid suburban growth would not only change the character of the area and threaten the natural, cultural and historic qualities of St. Helena, it would likely bring with it disproportionate and unsustainable short and long-term demands for urban services and infrastructure and eventually lead to urbanization or suburbanization of the Island, the loss of natural qualities which have sustained generations of islanders and which has resulted in the culture and history of the Island. Therefore, the Cultural Protection Overlay District is designed to complement the underlying zoning districts on St. Helena Island by limiting large-scale development such as large master planned communities and resort destinations, that would substantially alter the rural character and natural landscape, would generate high traffic volume, and/or would otherwise be incompatible with the culture of St. Helena Island.”

It is clearly established that the location and extent of the CPO boundaries were purposefully delineated to support and implement the Comprehensive Plan and the purpose statement of the CPO. Moving the boundaries for the purpose of excluding certain parcels erodes the effectiveness of the CPO by allowing the very uses that have been identified as posing the greatest threat to the character and stability of the island community. The magnitude of the proposed rezoning (502 acres) only increases the potential impact of this rezoning.

3. *Addresses a demonstrated community need.*

This proposed zoning map amendment does not address any known community need.

4. *Is required by changing conditions.*

There are no known changing conditions to require this rezoning.

5. *Is compatible with existing and proposed uses surrounding the land subject to the application and is the appropriate zone and uses for the land.*

Moving the boundaries of the CPO would introduce land uses to St. Helena Island which have been identified as posing the greatest threat to the character and stability of the island community.

6. *Would not adversely impact nearby lands.*

Moving the boundaries of the CPO would introduce land uses to St. Helena Island which have been identified as posing the greatest threat to the character and stability of the island community.

7. *Would result in a logical and orderly development pattern.*

Moving the boundaries of the CPO would introduce land uses to St. Helena Island which have been identified as posing the greatest threat to the character and stability of the island community.

8. ***Would not result in adverse impacts on the natural environment – including, but not limited to, water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.***

Any future development would need to meet the County's natural resources protection and stormwater requirements regardless of the zoning of the property.

9. ***Would result in development that is adequately served by public facilities (e.g. streets, potable water, sewerage, storm water management, solid waste collection and disposal, schools, parks, police, and fire and emergency facilities)***

The site is served by Dulamo Road, a paved 2-lane state road approximately 1.9 miles from US 21 (Sea Island Parkway). The proposed change in zoning does not meet the threshold for requiring a Traffic Impact Analysis. A traffic impact analysis study would be required for future development of the site if the proposed development is projected to generate 50 peak hour trips. The site is located in proximity to public water (BJWSA). The proposed change in zoning is not anticipated to have significant adverse impacts on the provision of solid waste collection and disposal, schools, parks, police, and emergency facilities. Any future development would need to meet the County's stormwater SOLOCO Manual.

H. STAFF RECOMMENDATION:

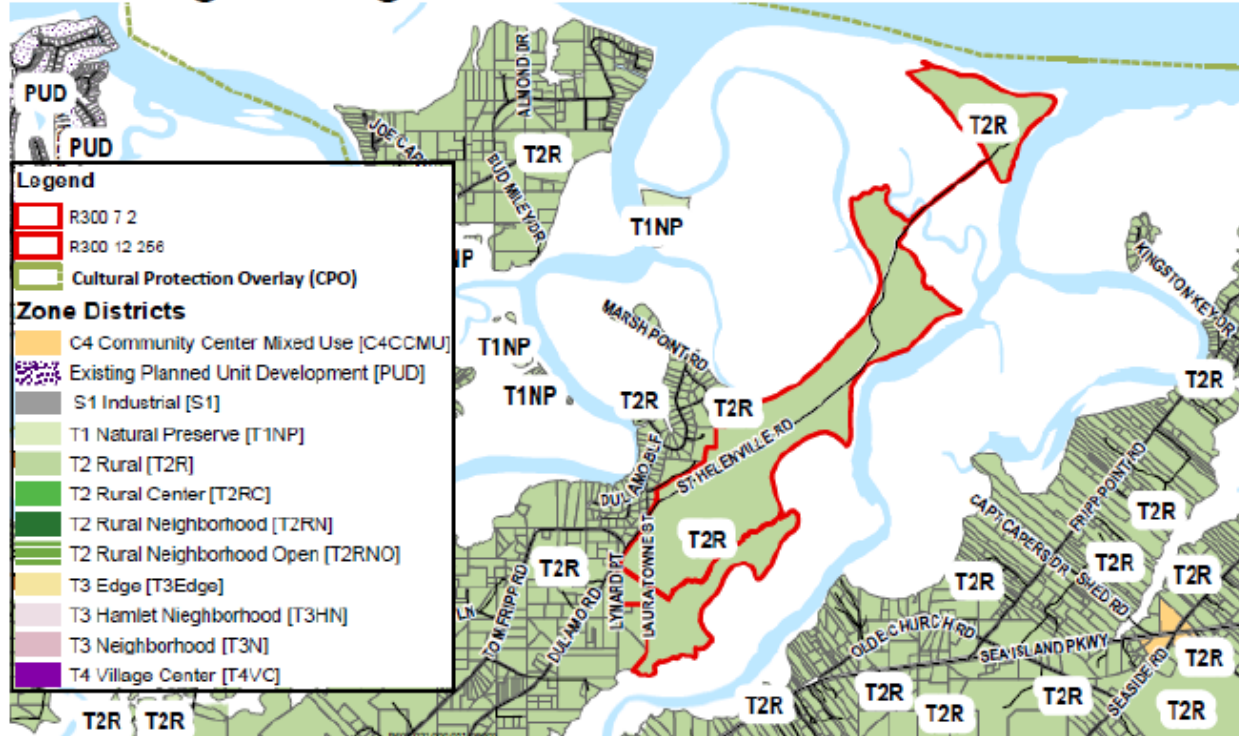
Staff recommends denial of the proposed zoning amendment. The location and extent of the CPO boundaries were purposefully delineated to support and implement the Comprehensive Plan and the purpose statement of the CPO. Moving the boundaries for the purpose of excluding certain parcels erodes the effectiveness of the CPO by allowing the very uses that have been identified as posing the greatest threat to the character and stability of the island community.

In sum, the proposed rezoning is inconsistent with and seeks to defeat the goals and policies of the Comprehensive Plan and the purposes of the Development Code; is in direct conflict with provisions of the Development Code; is in direct conflict with the demonstrated needs of the community which led to the creation of the CPO; is not required by changing conditions; is incompatible with existing and proposed uses surrounding the land and is not an appropriate zone or use for the land; is likely to adversely impact nearby lands; will conflict with anticipated logical and orderly development patterns; will likely have an adverse impact on the natural environment; and will likely result in increased strain and stress on public facilities.

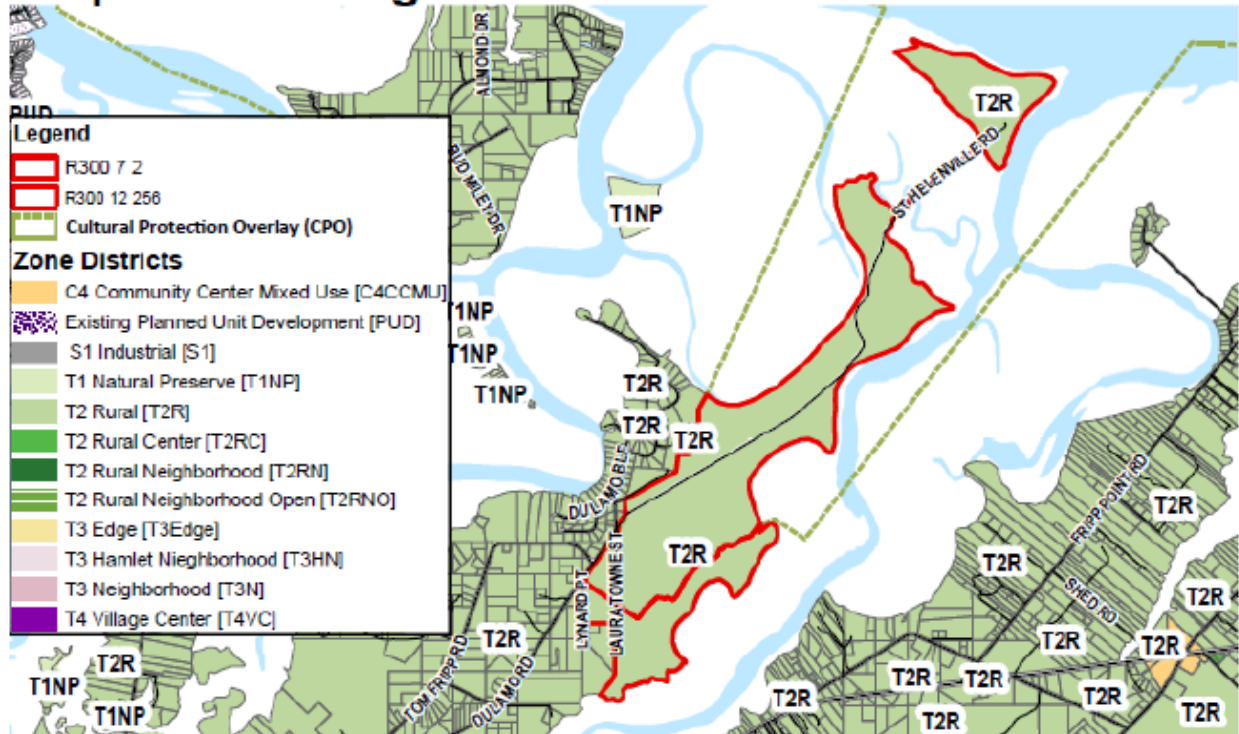
I. ATTACHMENTS:

- Existing and Proposed Zoning Map
- Application

Existing Zoning



Proposed Zoning



**BEAUFORT COUNTY, SOUTH CAROLINA
COMMUNITY DEVELOPMENT CODE (CDC) ZONING MAP AMENDMENT**

TO: Beaufort County Council

The undersigned hereby respectfully requests that the Community Development Code (CDC) be amended as described below:

GENERAL INFORMATION
OWNER'S NAME: Pine Island Property Holdings, LLC
MAILING ADDRESS: c/o Harvey & Battey, PA, P.O. Box 1107, Beaufort, SC 29901
PHONE: (843) 524-3109
EMAIL: kdukes@harveyandbattey.com
NAME OF APPLICANT (IF DIFFERENT FROM OWNER): Kevin E. Dukes, Esq.
PHONE: (843) 524-3109
EMAIL: kdukes@harveyandbattey.com

*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.

PROPERTY INFORMATION
PARCEL NUMBERS (TMS): R300 007 000 0002 0000 and R300 012 000 0256 0000 (collectively the "Property").
ADDRESS OF SUBJECT PARCEL(S): 288 Dulamo Road and 1/3/5 St. Helenville Road
SIZE OF SUBJECT PROPERTY: ~ 502 Acres
PRESENT ZONING CLASSIFICATION (AND ANY APPLICABLE OVERLAY DISTRICTS): T2 Rural (T2R) and Cultural Protection Overlay (CPO) Zone
REQUESTED ZONING CLASSIFICATION: T2 Rural (T2R)
REASON FOR REQUEST: To preserve the Rural character of the Property. T2R is aligned with the Comprehensive Plan's future land use designation of "Rural."
ATTACH TRAFFIC IMPACT ANALYSIS (TIA) (IF APPLICABLE)** NOT APPLICABLE

**The applicant should address and attach a Traffic Impact Analysis per Division 6.3.20(D) if a particular project or zoning district may result in a development that generates 50 trips during the peak hour or will change the level of service of the affected street.

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proof for the proposed rezoning rests with the Owner.

	September 2, 2026
_____ Signature of Owner	_____ Date

UPON RECEIPT OF APPLICATIONS, THE STAFF HAS **THREE (3)** WORKDAYS TO REVIEW ALL APPLICATIONS FOR COMPLETENESS. THE COMPLETED APPLICATIONS WILL BE REVIEWED FIRST BY THE BEAUFORT COUNTY PLANNING COMMISSION SUBCOMMITTEE RESPONSIBLE FOR THE AREA WHERE YOUR PROPERTY IS LOCATED. MEETING SCHEDULES ARE LISTED ON THE APPLICATION PROCESS (ATTACHED). COMPLETE APPLICATIONS MUST BE SUBMITTED BY **NOON FIRST MONDAY OF THE MONTH** PRIOR TO THE APPLICABLE PLANNING COMMISSION MEETING DATE.

SUBMISSION OF APPLICATION. ALL APPLICATIONS SHALL BE SUBMITTED TO THE APPROPRIATE COUNTY DEPARTMENT. NO APPLICATION WILL BE ACCEPTED UNLESS ACCOMPANIED BY THE REQUIRED FEE. APPLICATIONS RECEIVED BEFORE 12:00 P.M. SHALL BE DATED THE SAME WORKING DAY. APPLICATIONS RECEIVED AFTER 12:00 P.M. SHALL BE DATED THE NEXT WORKING DAY.

FOR MAP AMENDMENT REQUESTS, THE PLANNING OFFICE WILL POST A NOTICE ON THE AFFECTED PROPERTY AS OUTLINED IN DIV. 7.4.50 OF THE COMMUNITY DEVELOPMENT CODE.

CONTACT THE PLANNING DEPARTMENT AT (843) 255-2140 FOR EXACT APPLICATION FEES.

ZONING MAP AMENDMENT REVIEW STANDARDS

In consideration of the proposed zoning map amendment as a legislative act of Beaufort County Council, and to aid in that consideration, the Owner hereby addresses the following review standards applicable to Zoning Map Amendments:

1. Is consistent with and furthers the goals, and policies of the Comprehensive Plan and the purposes of this Development Code.

Yes, the proposed map amendment is consistent with the Comprehensive Plan. The T2R zoning district is consistent with the future land use map, which designates the parcels making up the Property as “Rural.”

According to Table 1.4.10 of the CDC, zoning district T2R is consistent with the future land use designation of Rural.

Table 1.4.10.A: County Comprehensive Plan Land Use Implementation	
Comprehensive Land Use Designation	Zones Implementing Land Use
Preserved Land	T1 Natural Preserve
	T2 Rural
Rural	T2 Rural
	T2 Rural-Low
	T2 Rural Neighborhood
	T2 Rural Neighborhood Open
	T2 Rural Center

2. Is not in conflict with any provision of this Development Code, or the Code of Ordinances;

The proposal is not in conflict. The T2R district is listed in Table 1.4.10 as a zoning district that implements the Rural future land use designation. The amendment is sought under the procedure the Development Code itself provides for amendment of the Official Zoning Map, CDC § 7.3.40, and an amendment made in accordance with that procedure is not in conflict with the Code.

“The Rural (T2R) Zone is intended to preserve the rural character of Beaufort County.” CDC § 3.2.40

“The T2 Rural Zone implements the Comprehensive Plan goals of preserving the rural character of portions of Beaufort County.” CDC § 3.2.40

3. Addresses a demonstrated community need;

Not applicable. This standard is directed at applications proposing a development that would provide a service for which a community need can be demonstrated. The requested amendment proposes no development; the question is not applicable to the requested amendment.

4. Is required by changed conditions;

No, it is not.

- 5. *Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zone and uses for the land;***

Yes, T2R is a compatible fit for the surrounding area and is the appropriate zone for the land. The surrounding land carries the same T2R base zoning, and the requested amendment maintains it. The Rural (T2R) zone is intended to preserve the rural character of Beaufort County.” CDC § 3.2.40. The requested amendment therefore maintains the rural character of St. Helena Island.

- 6. *Would not adversely impact nearby lands;***

No, it would not. The proposed zoning district would not disrupt the rural character, as T2R is specifically designed to preserve the rural character of Beaufort County.

- 7. *Would result in a logical and orderly development pattern;***

Yes. The Comprehensive Plan designates the future land use of the property as “Rural” and any development will be required to meet the standards of the T2R zone, which is specifically designed to maintain the rural character of Beaufort County.

- 8. *Would not result in adverse impacts on the natural environment—including, but not limited to, water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and***

Any development on the site would be required to adhere to the natural resource protection, tree protection, wetland protection, and stormwater standards in the Community Development Code and the Stormwater BMP Manual.

- 9. *Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities).***

Yes. The requested amendment authorizes no development and creates no demand for public facilities. T2R is a low intensity rural district, and the adequacy of public facilities for any future development would be reviewed at that time.

For the reasons set forth above, the goals and objectives of the Comprehensive Plan and Community Development Code are best served by adopting the requested Zoning Map Amendment.