



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

Chairman
ED PAPPAS

Vice Chairman
VACANT

Commission Members

VACANT
VACANT
CECILY MCMILLAN
DANIEL RIEDEL
GLENN MILLER
DENNIS ROSS
GAIL MURRAY

County Administrator

ERIC GREENWAY

Staff Support

ROBERT MERCHANT

Administration Building

Beaufort County Government
Robert Smalls Complex
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Planning Commission Agenda

Monday, May 1, 2023 at 6:00 PM

Council Chambers

County Administration Building, 100 Ribaut Road, Beaufort, SC

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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 MINUTES – April 3, 2023
5. APPROVAL OF AGENDA
6. CITIZEN COMMENTS – NON-AGENDA ITEMS
(Comments are limited to 3 minutes.)

ACTION ITEMS

7. **TEXT AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE (CDC):** ARTICLE 3, DIVISION 3.1, SECTION 3.1.70 LAND USE DEFINITIONS, DIVISION 3.4, SECTIONS 3.4.10- OVERLAY ZONES PURPOSE AND 3.4.50- CULTURAL PROTECTION OVERLAY (CPO) ZONE STANDARDS TO UPDATE LAND USE DEFINITIONS, RECREATION FACILITY: GOLF COURSE; TO UPDATE DEFINITIONS, REGULATIONS, AND STANDARDS IN THE CULTURAL PROTECTION OVERLAY ZONE

DISCUSSION ITEMS

8. DIRECTOR'S REPORT
9. CHAIRMAN'S REPORT
10. ADJOURNMENT



COUNTY COUNCIL OF BEAUFORT COUNTY
Beaufort County Planning and Zoning Department
Beaufort County Government Robert Smalls Complex
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The regular meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held in Council Chambers on Monday, April 3, 2023 at 6:00 p.m.

MEMBERS PRESENT:

Mr. Ed Pappas, Chairman
Mr. Glenn Miller
Ms. Cecily McMillan
Mr. Dan Riedel
Mr. Dennis Ross

MEMBERS ABSENT:

Ms. Gail Murray

STAFF PRESENT:

Mr. Robert Merchant, Planning and Zoning Director
Mr. Mark Davis, Planning and Zoning Deputy Director
Mrs. Chris DiJulio-Cook, Senior Administrative Specialist
Ms. Kristen Forbus, Long Range Planner

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

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

REVIEW OF MEETING MINUTES: Mr. Daniel Riedel made a motion to approve the March 6, 2023 minutes. Mr. Glenn Miller seconded. The motion passed unanimously.

CITIZEN COMMENTS: When Mr. Pappas initially asked if there were any non-agenda citizen comments. There were none. Shortly after moving on to the action items, a man came in wanting to speak. Chairman Pappas reopened public comment and allowed him to speak.

Mr. Frank Cerulli spoke about the hazards of yard burning without permits.

ACTION ITEMS:

TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): DIVISION 4.2.20 (GENERAL STANDARDS AND LIMITATIONS) TO CLARIFY CONNECTIVITY STANDARDS FOR PRIMARY STRUCTURES REGARDING BUILDING CONNECTIONS; DIVISION 4.2.30 (ACCESSORY/SECONDARY DWELLING UNIT) TO MODIFY ALLOWABLE DENSITY TO PROVIDE OPPORTUNITY FOR AN ADDITIONAL ACCESSORY DWELLING UNIT AND TO PROVIDE FLEXIBILITY FOR AREA OF UNITS; DIVISION 4.1.360 (SHORT-TERM RENTALS) TO MODIFY GENERAL STANDARDS TO ALLOW ONLY A PRINCIPAL DWELLING UNIT OR AN ACCESSORY DWELLING UNIT AS A SHORT-TERM RENTAL ON A SINGLE PARCEL:

Both Mr. Rob Merchant and Mr. Mark Davis explained the staff-driven text amendment and shared a couple of power point slides.

After some discussion, Mr. Glenn Miller made a motion to recommend approval of the text amendment with the addition of the word “property” inserted in 4.2.30 – Accessory/Secondary Dwelling Unit:

4.2.30 - Accessory/Secondary Dwelling Unit

An accessory/secondary dwelling unit, whether attached or detached, shall comply with the following standards:

H. **Rental.** Accessory dwelling units shall not be leased or rented for tenancies of less than 30 consecutive days, unless approved as a short-term rental **property** (STRP) following the requirements and procedures of Division 4.1.360.

Ms. Cecily McMillan seconded the motion. The motion passed unanimously.

ONE YEAR REVIEW OF THE 2040 BEAUFORT COUNTY COMPREHENSIVE PLAN IMPLEMENTATION – PART II

Chairman Pappas commented that the second half of the Comprehensive Plan update would be presented at the May Planning Commission meeting, instead of tonight’s meeting.

CHAIRMAN’S REPORT:

Mr. Pappas had nothing to report.

ADJOURNMENT: Chairman Pappas adjourned the meeting at 6:45 p.m.

SUBMITTED BY: Chris DiJulio-Cook
Planning and Zoning Senior Administrative Specialist

Ed Pappas
Beaufort County Planning Commission Chairman

Date: _____

ORDINANCE 2023/ _____

**TEXT AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE (“CDC”):
ARTICLE 3, DIVISION 3.1, SECTION 3.1.70 LAND USE DEFINITIONS, DIVISION 3.4,
SECTIONS 3.4.10 - OVERLAY ZONES PURPOSE AND 3.4.50 - CULTURAL
PROTECTION OVERLAY (CPO) ZONE STANDARDS TO UPDATE LAND USE
DEFINITIONS, RECREATION FACILITY: GOLF COURSE; TO UPDATE
DEFINITIONS, REGULATIONS, AND STANDARDS IN THE CULTURAL
PROTECTION OVERLY ZONE.**

WHEREAS, County Council is authorized to enact ordinances for the implementation and enforcement of powers granted to it pursuant to Sections 4-9-30(9) and (17) of the South Carolina Cod of Laws as amended and to exercise such powers as are necessary to promote the health, safety, and welfare of Beaufort County; and

WHEREAS, among the powers granted to County Council, and which County Council has heretofore exercised, are: (i) the power pursuant to Section 6-29-710(A) of the South Carolina Code of Laws as amended to adopt zoning ordinances for the purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of Beaufort County; (ii) the power pursuant to Section 6-29-720(A) of the South Carolina Code of Laws as ammended to create zoning districts of such number, shape, and size as it determines to be best suited to carry out the purposes of Chapter 29 to Title 6 of the Code of Laws; and (iii) the power pursuant to 6-9-720(C) to utilize certain zoning and planning techniques including overlay zones which are defined as “a zone which imposes a set of requirements . . . when there is a special public interest in a particular geographic area that does not coincide with the underlying zone boundaries”; and

WHEREAS, in this regard, and incident to the adoption of this ordinance, Beaufort County Council, as the governing body of Beaufort County, South Carolina, makes the following legislative findings:

1. St. Helena Island is home to one of the largest Gullah/Geechee communities on the southeast coast. The Gullah/Geechee people are descendants of enslaved people brought from West Africa and indigenous Americans from the Sea Islands.
2. On April 26, 1999, County Council Adopted Ordinance No. 1999/12. This ordinance codified Beaufort County’s Zoning & Development Standards. As part of this ordinance, County Council adopted Appendix C, the Cultural Protection Overlay (CPO) District. As set forth in the Appendix, the District was established to provide opportunities to protect the natural and cultural resources which are found on St. Helena Island, to prevent rural gentrification, the displacement of residents, and to protect St. Helena and the Gullah culture from encroaching development pressures.
3. After County Council adopted the CPO District in 1999, the U.S. Department of the Interior’s National Park Service conducted its own research into Gullah Culture. After exhaustive research the National Park Service issued *Low Country Gullah Culture*:

Special Resource Study and Final Environmental Impact Statement (July 2005). This report in its entirety is included in County Council’s legislative findings.

4. In the nearly two-and-a-half decades since County Council’s adoption of the CPO District, Beaufort County experienced unprecedented population growth and a marked increase in development of all kinds, residential and commercial.
5. On November 8, 2021, County Council adopted the 2040 Comprehensive Plan. The Plan recognizes the need for a balanced approach to development.
 - a. It recognizes challenges to the County’s natural environment. Specifically, it notes “there are still many challenges ahead. Development has not slowed and the County will continually need to reevaluate and update its policies and regulations to make sure that its water quality and resource protection goals are met.”
 - b. It recognizes challenges to the County’s historic, cultural, and scenic resources. It stresses a commitment to “protecting culturally significant communities and resources through sensitive place-based planning and community engagement.”
 - c. It recognizes challenges to St. Helena. It 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 “[t]he 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 “[r]eevaluate the CPO District by assessing whether additional land use restrictions are necessary to meet the intent of the district.”
6. On January 5, 2023, the Beaufort County Planning Commission considered text amendments to Article 3, Division 3.4, Section 3.4.50.D, Use Limitations as set forth in the Cultural Protection Overlay (CPO) Zone Standards. The Commission’s meeting lasted several hours. The Commission received letters from state, local and regional leaders expressing opposition to the proposed amendments. Dozens of community members attended the meeting. With rare exception, community members, the majority of whom were from St. Helena, spoke against the proposed amendments. The Commission voted unanimously against the proposed amendments. It recommended County Council deny the proposed text amendments.

7. On January 9, 2023, County Council’s Community Services and Land Use Committee considered the amendments to Article 3, Division 3.4, Section 3.4.50.D which the Planning Commission considered just days before, which the Commission rejected, and which it recommended County Council deny. The Committee voted to postpone consideration of the proposed amendments until its meeting of April 10, 2023, to refer the matter to the Cultural Protection Overlay District Committee to review the proposed amendments and to suggest revisions that might be added to reinforce the Overlay’s purpose to improve the protection it provides to St. Helena and the surrounding islands.

8. The Cultural Protection Overlay District Committee received the referral from the Community Services and Land Use Committee. It met four times: January 17th, January 31st, February 21st, and March 21st. It reviewed and evaluated the language of Section 3.4.50 in its entirety – subparts A through D. During the course of its work the Committee received letters from several sources including attorneys who are associated with organizations which are devoted to cultural, historic, and land preservation on a local, regional, and national level. Its meetings were well attended by members of the public, by the residents of St. Helena, and by members of state and local preservation organizations. The information which was received from the community and from these organizations demonstrated unequivocally that there is special public interest in a particular geographic area of the county (St. Helena) that does not coincide with the underlying zone boundaries. During the meeting of March 21, 2023, the CPO District Committee voted unanimously to recommend (i) that County Council deny the text amendments which were proposed to Article 3, Division 3.4, Section 3.4.50.D which the Community Services and Land Use Committee received on January 9th and further (ii) that County Council adopt, instead, the amendments to Article 3, Division 3.4, Section 3.4.50 as set forth in Exhibit “A”.

Beaufort County Council finds, based on the above recitals and the legislative history which has been provided to the Clerk of Council which constitutes part of this record, that (i) it is appropriate to accept the recommendations of the Cultural Protection Overlay District Committee to amend Article 3, Division 3.4, Section 3.4.50 as set forth in Exhibit “A” and (ii) it is appropriate to amend other provisions of Article 3, Divisions 3.1 and 3.4 of the Community Development Code as recommended by the Planning and Zoning Department which are also set forth in Exhibit “A”.

NOW, THEREFORE Be It Ordained by County Council in a meeting duly assembled that Article 3, Division 3.1, Section 3.1.70 (Land Use Definitions), and Division 3.4, Sections 3.4.10 (Overlay Zones Purpose) and 3.4.50 (Cultural Protection Overlay Zone Standard) of the Community Development Code (“CDC”) are hereby amended as set forth in Exhibit “A”. Deletions in the existing code are stricken through. Additions are highlighted and underlined.

Adopted this ___ day of _____ 2023.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, JD, Clerk to Council

EXHIBIT “A”

Section 3.1.70 Land Use Definitions

RECREATION, EDUCATION, SAFETY, PUBLIC ASSEMBLY (continued)	
Land Use Type	Definition
7. Recreation Facility: Commercial Indoor	An establishment providing indoor amusement and entertainment services, often for a fee or admission charge, including, but not limited to : bowling alleys, coin-operated amusement arcades, movie theaters, electronic game arcades (video games, pinball, etc.), indoor ice skating and roller skating rinks, pool and billiard rooms as primary uses. Does not include adult-oriented businesses. May include bars and restaurants as accessory uses. Any establishment with four or more electronic games or amusement devices (e.g., pool or billiard tables, pinball machines, etc.) or a premise where 50 percent or more of the floor area is occupied by electronic games or amusement devices is considered an indoor recreation facility; three or fewer machines or devices are not considered a use separate from the primary use of the site.
8. Recreation Facility: Commercial Outdoor	A facility for outdoor recreational activities where a fee is often charged for use. Examples include, but are not limited to, amusement and theme parks; go-cart tracks; golf driving ranges; miniature golf courses; marinas; watercraft rentals; and water parks. May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc. Marinas may include marine-related retail (bait and tackle, boat supplies), fuel sales, minor boat repair, and boat storage. This use does not include golf courses or campgrounds.
9. Recreation Facility: Community-Based	A community recreation center that may include one or more of the following: gymnasium; indoor swimming pool; indoor tennis, racquetball, and/or handball courts, and other indoor sports activities. This use includes all not-for-profit organizations chartered to provide community-based recreation services. Does not include commercial health/fitness facilities, which are included under “General Offices and Services.”
10. Recreation Facility: Golf Course	This use consists of regulation and par 3 golf courses having nine or more holes, and accessory facilities and uses, including driving ranges, clubhouses with bar and restaurant, locker and shower facilities; “pro shops” for on-site sales of golfing equipment and clothing; and golf cart storage facilities. <u>An area of land with improvements to the grounds on which the sport of golf is played. It typically consists of a series of holes, each consisting of a tee box, a fairway, the rough and other hazards, and/or a green with a cylindrical hole in the ground, known as a cup. Golf course accessory uses may include a clubhouse, restrooms, driving range, and shelters.</u>
11. Recreation Facility: Campground	Form of lodging where guests bring tents, travel trailers, campers, or other similar forms of shelter to experience natural environments. Campgrounds rent two (2) or more pads or spaces to guests. May also include accessory uses such as a camp store, shower/bathroom facilities, and recreational facilities.
12. Ecotourism	Organized, educational and mainly outdoor recreation with or without lodging that invites participants to learn about and promote ecological preservation, conservation, and sustainability. This use shall include at least two of the following characteristics: <ol style="list-style-type: none"> 1. Located near or within a wilderness setting, park, or protected area; 2. Interpretive educational program with or without guides; 3. Outdoor activities; or 4. Cultural experiences.
13. School: Public or Private	A public or private academic educational institution, including elementary (kindergarten through 6th grade), middle and junior high schools (7th and 8th grades), secondary and high schools (9th through 12th grades), and facilities that provide any combination of those levels. May also include any of these schools that also provide room and board.
14. School: Specialized Training/Studios	Small-scale facilities that provide individual and group instruction, education and/or training, including tutoring and vocational training in limited subjects, including, but not limited to: the arts, dance, photography, martial arts training, gymnastics instruction, production studios for individual musicians, painters, sculptors, photographers, and other artists, business and vocational schools, and driver education schools.

15. School: College or University

A facility for post-secondary education that grants associates, bachelors, masters, or doctoral degrees, and may include research functions. Includes professional schools (law, medicine, etc.) and technical colleges.

Division 3.4: Overlay Zones

Sections:

- 3.4.10 Purpose
- 3.4.20 Applicability
- 3.4.30 MCAS Airport Overlay (MCAS-AO) Zone Standards
- 3.4.40 Beaufort County Airport Overlay (BC-AO) Zone Standards
- 3.4.50 Cultural Protection Overlay (CP) Zone Standards
- 3.4.60 Commercial Fishing Village Overlay (CFV) Zone Standards
- 3.4.70 Transfer Development Rights Overlay (TDR) Zone Standards
- 3.4.80 Place Type Overlay (PTO) Zone Standards

3.4.10 Purpose

This Division provides regulatory standards governing land use and building form within special overlay zones. 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. These zones are typically applied to certain areas of the County here extreme environmental, physical or cultural constraints need increased planning guidelines and consideration.

3.4.20 Applicability

The requirements of this Division shall apply to all proposed development within the overlay zones, and shall be considered in combination with the standards for specific uses in Article 4 (Specific to Use), if applicable, and the development standards in Article 5 (Supplemental to Zones). If there is a conflict between any standards, the provisions of Article 4 (Specific to Use) control over Article 3 (Specific to Zones) and Article 5 (Supplemental to Zones).

3.4.50 - Cultural Protection Overlay (CPO) Zone Standards

A. Purpose. The Cultural Protection Overlay (CPO) zone is established to provide for the long term protection of the culturally significant resources found on St. Helena Island. The CPO zone acknowledges St. Helena's historic cultural landscape and its importance as a center of Beaufort County's most notable concentration of Gullah culture. The Cultural Protection Overlay (CPO) District is established to preserve the rural character and to protect the cultural, natural, and historic resources on St. Helena Island.

St. Helena Island's most important cultural resource is the people themselves. While the Island's population is very diverse with residents who have been there for generations along with newcomers, St. Helena Island is home to one of the largest Gullah/Geechee communities on the southeast coast. The Gullah/Geechee people are descendants of enslaved people brought from West Africa and indigenous Americans from the Sea Islands. The historic isolation of the County's Sea Islands was crucial to the survival of this culture. This isolation created a unique culture with African roots that are clearly visible in the Gullah/Geechee people's distinctive arts, crafts, foodways, music, and language. While isolation was critical to the development of the Gullah/Geechee culture, the land and land ownership is critical to the survival of this culture into the present day. Shortly after the Civil War, many freedmen in the Sea Islands were successful in acquiring lands that were formerly located on plantations. Gullah/Geechee landowners were able to develop a self-sustaining economy based on small-scale cash crops, subsistence agriculture, and truck farming supplemented with fishing and harvesting shrimp and oysters. This land ownership remains to this day and has been critical in facilitating a stable and self-supporting community.

Beaufort County is undergoing extraordinary growth and development. Preserving the character of rural spaces in the unincorporated areas of the County promotes the health, safety, and welfare of the County's citizens. Large scale development, rapid growth, and otherwise incompatible development in rural areas can adversely affect the character of rural areas. St. Helena Island is one of Beaufort County's remaining rural spaces. It is a living, working landscape of forested lands, Gullah/Geechee family compounds, marsh vistas, family farms - large and small, and small tight-knit rural communities centered around places of worship, connected by two-lane canopy covered roads. The island is home to many historic structures, and sacred burial grounds including graveyards and cemeteries. It is one of the communities that participated in the *National Park Service's Low Country Gullah Culture: Special Resource Study & Final Environmental Impact Statement* which was published in 2005. (The study is incorporated into this Purpose statement.) As noted in the study, to talk about St. Helena is to talk about "life ways and traditions of a living culture in the Low Country and Sea Islands, a semi-tropical area filled with palmetto trees and live oaks draped with Spanish moss..." (*Low Country Gullah Culture: Special Resource Study & Final Environmental Impact Statement* p. 1) The study notes that "[t]he Gullah/Geechee story represents a crucial component of local, regional, and national history. Preserving ... Gullah/Geechee culture and its associated sites is significant to people of all racial, regional, and ethnic backgrounds and is vital to [preserving and] telling the story of the American heritage." (p.2). It is home to Penn Center, the nation's first trade, agricultural, and normal school for freedmen. The historical significance of the Penn Center area has been

formally recognized with a National Historic Landmark designation and comprises two of the four sites in Reconstruction Era National Park.

Beaufort County's 2040 Comprehensive Plan places great value in preserving the rural character of St. Helena and in continuing the natural, cultural, and historic qualities of St. Helena Island. The Comprehensive Plan identifies land development as the primary threat to the Island's rural qualities and its existing culture. It is important to note that the Comprehensive Plan supports steady incremental growth that enhances the Island's existing character and provides services and economic opportunities to the rural community. However, 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.

B. District Boundaries. The boundaries of the CPO zone on St. Helena Island are depicted on the Beaufort County Official Zoning Map. Where the CPO zone is applied, the permitted uses shall be limited to the base zoning, except where additional limitations are established within the CPO zone.

C. Site Design. Design features that restrict access to water and other culturally significant locations, and franchise design are prohibited.

D. Use Limitations. ~~The following specific uses are deemed to be incompatible with the CPO zone; and therefore, are prohibited:~~ Based upon the Purpose statement above, and in particular the National Park Service's Low Country Gullah Culture: Special Resource Study & Final Environmental Impact Statement, Beaufort County finds that golf courses, resorts, fences, beachfront development, boat landings, marinas, and the coastal population explosion are all encroaching upon and in some cases overtaking Gullah/Geechee Culture, it is the public policy of Beaufort County to protect St. Helena Island's rural, historic, and cultural heritage by prohibiting the following uses which are deemed to be incompatible with the Cultural Protection Overlay District:

Restricted Access (Gated Communities) ~~An intentionally designed, secured bounded area with designated and landscaped perimeters, usually walled or fenced, that are designed to prevent access by non-residents.~~ A residential neighborhood where accessibility is controlled by means of a gate, guard, barrier, or other similar improvement for the purposes of controlling the movement of traffic and people into

and out of the neighborhood and usually include common areas, amenities such as swimming pools, clubhouses, restaurants which are open only to residents, property owners, members and guests.

Resort This use includes lodging that serves as a destination point for visitors and designed with some combination of recreation uses or natural areas. Typical types of activities and facilities include marinas, beaches, pools, tennis, golf, equestrian, restaurants, shops, and the like. This restriction does not apply to ecotourism or its associated lodging.

Golf Course ~~This use includes regulation and par three golf courses having nine or more holes.~~ An area of land with improvements to the grounds on which the sport of golf is played. It typically consists of a series of holes, each consisting of a tee box, a fairway, the rough and other hazards, and/or a green with a cylindrical hole in the ground, known as a cup. Golf course accessory uses may include a clubhouse, restrooms, driving range, and shelters.