

COMMUNITY DEVELOPMENT CODE REVIEW TEAM
March 27, 2013

The Community Development Code Review Team (CDCRT), also known as the Joint Code Review Team (Committee), met on Wednesday, March 27, 2013 at 3:00 p.m., in the Executive Conference Room of the County Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Team (Committee) Members:

- County Councilmen: Brian Flewelling, Team (Committee) Chair, Cynthia Bensch and Gerald Dawson
- Planning Commissioners: Diane Chmelik, Mary LeGree, Ed Riley and Randolph Stewart

Staff: Anthony Criscitiello, Planning Director; Delores Frazier, Assistant Planning Director; Robert Merchant, Long-range Planner; and Tamekia Judge, Zoning Analyst

Others: Robert Semmler, Chairman, Beaufort County Planning Commission; Reed Armstrong, Coastal Conservation League; Brian Herrmann, Representing Town of Port Royal

1. **CALL TO ORDER:** Chairman Brian Flewelling called the meeting to order at approximately 3:00 p.m. and led those assembled in the Pledge of Allegiance to the United States of America.
2. **MINUTES:** No action was taken on the minutes.
3. **REVIEW COMMUNITY DEVELOPMENT CODE: ARTICLE 1 – GENERAL PROVISIONS**

Robert Merchant gave a brief explanation of Article 1. He explained how the Transitional Provisions explain how mapping decisions were made. Mr. Merchant also explained that the Community Preservation districts are all listed even the ones where no changes are being proposed.

Mary LeGree said that the font was difficult to read and the ordinance will need to be more inviting. Mr. Flewelling said that the formatting issues could be addressed at a later time.

Diane Chmelik expressed concern that Article 1 refers to zoning districts that are not yet defined. She said that the first thing she wants to know is what are the zoning districts and what uses are permitted in each district. Mr. Merchant explained that Article 3 provides that information. She said that she was used to having definitions at the beginning of the code. Mr. Flewelling said that when we get to Article 10, we could address the appropriate location of the definition section.

Mr. Riley asked if the on-line draft of the code would provide a link of a word to its definition. Mr. Merchant explained that the current on-line draft consisted of pdf documents.

Mr. Flewelling stated it would be too much work if the links are constantly changing when the document is being edited. He said that once the ordinance is adopted, then hyperlinks will be looked at for ease of navigation.

Ms. Bensch asked for an explanation of the definition of the transect. Mr. Merchant provided a brief explanation. Ms. Bensch said that she was concerned that term would not be understood by the layman.

Mr. Flewelling reiterated from the previous meeting that in the table of contents at the beginning of each Article, he would like to see it clearly labeled which column listed the sections, and which column listed the page numbers.

Mr. Stewart asked what the relationship was between this code and the zoning maps. Mr. Criscitiello said that there are two components that make up any zoning code – the text and the map. He said that the map was not part of any specific article or section of the code.

Ms. LeGree was concerned that on page 1.1-1, it was redundant to list the section references at the top of the page and have them repeated below on the same page. Mr. Stewart explained that this format worked in other divisions where there were many sections and they appeared on different pages. She also said that as she proceeded through article one, it was difficult to tell she was still in article one because it was not indicated in the header of each page. Mr. Flewelling said that the words “Article 1: General Provisions” needed to be on every header in article 1. Mr. Stewart also said that he would like to have each article color coded so it was easy to tell where you are in the code. Mr. Flewelling called for a vote on whether to keep the formatting where the sections were listed at the beginning of each division. Mr. Flewelling, Mr. Dawson, Ms. Chmelik, Mr. Riley, and Mr. Stewart voted in favor of keeping the format. Ms. Bensch and Ms. LeGree voted no.

Ms. LeGree asked that the code state where the references to State laws can be found. Mr. Flewelling said that the state statutes were a very large library of books that are available in the County law library. Mr. Stewart said that we should have a hyperlink to the state statute on-line. Mr. Flewelling said that any changes to the State website would make the hyperlink obsolete. It would provide vigilance to continually update the link. It would be easier for the user to simply google the law reference.

Mr. Stewart said that the title of the code in Section 1.1.10 should be Beaufort County Community Development Code.

Ms. Chmelik said that on page 1.2-1, in section 1.2.10.A(4) it should be reworded to read, “Attempt to Secure Safety from Fire, Flood, and Other Dangers.” She was concerned that we couldn’t promise that we would achieve that goal.

On Page 1.2-1 in the first paragraph in section 1.2.10, several members expressed concern with the term “morals”. Ms. Bensch also expressed concern with the term “convenience”. The committee voted to remove the words “morals” and “convenience” from the first paragraph.

Ms. Chmelik asked about the reference to “urban agriculture”. She asked if it meant that people could have chickens in urban areas. Mr. Merchant explained that these issues are addressed in Article 3 where specific uses are addressed.

Ms. LeGree expressed concern with repetitive language in Section 1.2.10. Mr. Flewelling agreed and said that the section should be edited to eliminate repeating the heading of each item in the explanation afterward. For example, section 1.2.10.A(7) would be edited as follows – “**Promote Green and Sustainable Development.**~~Promote green and sustainable development~~ through carbon footprint reduction...”

Ms. Chmelik suggested in editing section 1.2.10.B(2) reword to read – “...and integrate safe options for pedestrians, bicyclists, ~~connecting to connect~~ important destinations.”

Mr. Stewart requested editing section 1.2.10.A(8) To read – “Maintain Long Term, Comprehensive, Consistent, Effective, Efficient, and Equitable Standards...” Mr. Stewart also asked that section 1.2.10.B(2) reference “multi-modal” to include other modes of transportation.

Ms. Bensch suggested changing the wording “environmental justice” to “environmental preservation”. Mr. Merchant said that the term referred to making sure that we don’t located undesired land uses in poorer communities. Mr. Flewelling said his concern was that the paragraph didn’t really address the issue of environmental justice. Ms. Chmelik felt the term was too ephemeral or fleeting. Mr. Flewelling agreed, but didn’t know of a simpler way to explain the term without a much longer explanation that would be unnecessary in this section. He felt the wording should remain the way it is.

Ms. Bensch expressed that she did not like the word “hamlet”. She felt that few people used the term. Mr. Criscitiello said that it referred to the scale of a community and that subdivision or community would not be an appropriate substitution. Mr. Flewelling said that he encouraged committee members to find another appropriate word to substitute “hamlet”, otherwise, he does not want to dwell on the issue.

On page 1.2-2, Mr. Stewart requested rewording of section 1.2.10.C(1) to read - “...Promote, preserve, and enhance community design that reflects the distinct and diverse character...”

Ms. Bensch requested rewording section 1.2.10.C(1) to read “...and supports a range of vibrant ~~human habitats~~ communities.”

Mr. Riley requested adding a reference to “multi-modal” forms of transportation to section 1.2.10.D(2).

Mr. Stewart requested rewording section 1.2.10.D(2) to read “Reinforce and Promote Walkable Neighborhood Patterns...” Ms. Chmelik expressed concern that connectivity and

walkability were not universally popular. The committee discussed the issue of walkability. Mr. Flewelling said that his own neighborhood attracted residents from other neighborhoods to walk around because it was so inviting. He said that he invited the additional persons because it means that there are more people reporting if there are problems or potential criminal activity.

Mr. Stewart had a general comment about section 1.2.10.D(4). He said he preferred having affordable housing mixed within all communities. Ms. Bensch expressed concerns about mixing affordable housing in all neighborhoods. It would be difficult to establish property values.

In section 1.2.10.D(3), Ms. Bensch asked for clarification on what the term “incubate” was referring to. Mr. Flewelling suggested replacing the word “incubate” with the word “grow”. Ms. Bensch expressed concern that encouraging local businesses would not be appropriate for all communities. Mr. Flewelling said that at a minimum, allowing someone to have their insurance in their home is a way to encourage local businesses. Ms. Bensch asked if we could enforce this where private covenants would restrict businesses. Mr. Criscitiello said that if covenants are more restrictive, they supersede zoning.

Ms. Bensch requested to substitute the term “building fabric” in section 1.2.10.E(1) with “building context”.

There was general discussion about the applicability of the proposed code to municipal lands, Federal lands, and PUDs.

Mr. Flewelling requested an explanation of section 1.3.50.A which says that the State is exempt from subdivision requirements when land is acquired for public right-of-way. It was discussed that this mainly applied to State acquisition of right-of-way for the construction of new roads or road widening.

Mr. Stewart requested referencing inter-governmental communications in the new development code. Mr. Flewelling felt it was more plan language than code language.

Mr. Stewart reiterated his comment about tables in the code. He said having a different color for tables was helpful, but also, the title of each table should be in a larger font.

Mr. Stewart asked if the code should address incentives for economic development. He said that other codes have addressed this. Mr. Criscitiello said that not all economic development goals are achieved through this code, but by other tools or actions.

Mr. Dawson asked for an explanation of “compatible Lowcountry character” under section 1.4.10.E. Mr. Criscitiello said that it had to do with the context of the building. Mr. Flewelling explained that allowing for a diverse mix of housing types, it creates an opportunity for affordable housing.

Mr. Stewart asked if the language in section 1.4.10.G addressed the issue of beautification of our corridors. Mr. Flewelling felt that the term “retrofit and improvement of existing streets” addressed beautification.

Ms. LeGree said that where we reference other parts of the code, we should always state what article the division is located in. Mr. Flewelling felt that it may be redundant because the first number in a division refers to what article it is in. He said that it may get redundant if done everywhere in the code.

Ms. Bensch asked for explanation of the word “assembly” when referring to road types. Mr. Criscitiello explained that each road is made up of many components – right-of-way, sidewalks, swales, travel lanes, etc.

Ms. Bensch asked for a definition of a regional park. Mr. Merchant explained that Buckwalter Park was a good example of a regional park with a combination of active and passive recreation.

Ms. Chmelik asked if the position of “Community Development Director” would be a new position. Mr. Criscitiello said that it would be and that it would be up to the County Administrator to decide who would fill that position.

4. **OTHER BUSINESS:** Mr. Flewelling noted that the next meeting was on April 10, 2013, at 3:00 p.m.
5. **ADJOURNMENT:** Mr. Flewelling adjourned the meeting at approximately 5.00 p.m.