

COUNTY COUNCIL OF BEAUFORT COUNTY
ADMINISTRATION BUILDING
BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX

100 RIBAUT ROAD
POST OFFICE DRAWER 1228
BEAUFORT, SOUTH CAROLINA 29901-1228
TELEPHONE: (843) 255-2000
FAX: (843) 255-9401
www.bcgov.net

D. PAUL SOMMERVILLE
CHAIRMAN

GERALD W. STEWART
VICE CHAIRMAN

COUNCIL MEMBERS

CYNTHIA M. BENSCH
RICK CAPORALE
GERALD DAWSON
BRIAN E. FLEWELLING
STEVEN G. FOBES
ALICE G. HOWARD
WILLIAM L. MCBRIDE
STEWART H. RODMAN
ROBERTS "TABOR" VAUX

GARY T. KUBIC
COUNTY ADMINISTRATOR

JOSHUA A. GRUBER
DEPUTY COUNTY ADMINISTRATOR
SPECIAL COUNSEL

THOMAS J. KEAVENY, II
COUNTY ATTORNEY

SUZANNE M. RAINEY
CLERK TO COUNCIL

AGENDA
NATURAL RESOURCES COMMITTEE

Tuesday, May 17, 2016

3:00 p.m.

Executive Conference Room, Administration Building
Beaufort County Government Robert Smalls Complex
100 Ribaut Road, Beaufort

Committee Members:

Brian Flewelling, Chairman
Alice Howard, Vice Chairman
Gerald Dawson
Steve Fobes
William McBride
Jerry Stewart
Roberts "Tabor" Vaux

Staff Support:

Anthony Criscitiello, Planning Director
Gary James, Assessor
Eric Larson, Division Director
Environmental Engineering
Dan Morgan, Division Director
Mapping & Applications

1. CALL TO ORDER – 3:00 P.M.
2. PRESENTATION / RECAP MAY 2, 2016 MEETING OF THE PLANNING COMMISSION
3. DISCUSSION / RESOLUTION ADOPTING THE PORT ROYAL SOUND ESTUARINE SYSTEM ([backup](#))
4. TEXT AMENDMENTS TO ARTICLES 1, 2, 3, 4, 5, 6, AND 7 OF THE COMMUNITY DEVELOPMENT CODE AS A RESULT OF THE ONE-YEAR REVIEW OF THE CODE ADOPTED DECEMBER 4, 2014; APPLICANT: BEAUFORT COUNTY ([backup](#))
5. SOUTHERN BEAUFORT COUNTY MAP AMENDMENT / REZONING FOR THIRTEEN (13) PROPERTIES TOTALING 39.02 ACRES LOCATED IN THE BLUFFTON AREA BETWEEN ULMER ROAD AND DEVONWOOD DRIVE; APPLICANT: BEAUFORT COUNTY ([backup](#))
 - From T3-Hamlet Neighborhood to T2-Rural Center for twelve (12) properties: R600 039 000 0205 0000, R600 039 000 0271 0000, R600 039 000 0229 0000, R600 039 000 0519 0000, R600 039 000 0226 0000, R600 039 000 226A 0000, R600 039 000 0860 0000, R600 039 000 226B 0000, R600 039 000 0287 0000, R600 039 000 0286 0000, R600 039 000 0285 0000, and a 2-acre portion of R600 040 000 0003 0000 (located at the northeast corner of Benton Field and Ulmer Roads); and
 - From T3-Hamlet Neighborhood to T4-Hamlet Center for a 4.28-acre portion of R600 039 000 0850 0000



Natural Resources Committee

May 17, 2016

Page 2

6. CONSIDERATION OF REAPPOINTMENTS AND APPOINTMENTS

A. Beaufort/Jasper Water and Sewer Authority

B. Planning Commission

C. Zoning Board of Appeals

7. ADJOURNMENT

2016 Strategic Plan Committee Assignment

Stormwater Management Program

Creek Restoration: Progressive Projects for Saltwater, Quality, Recommendations

Tree Ordinance: Evaluation Report, Revision

Affordable / Workforce Housing

Pepper Hall Plantation Site

Comprehensive Plan: Update

Park Potential Development

Community Development Code: Refinements

RESOLUTION 2016 /

A RESOLUTION SUPPORTING ADMISSION OF THE PORT ROYAL SOUND ESTUARINE SYSTEM AS A MEMBER OF THE NATIONAL ESTUARY PROGRAM

WHEREAS, the Port Royal Sound Estuarine System is a unique and largely understudied high salinity salt marsh estuarine system; and

WHEREAS, the Port Royal Sound Estuarine System is a major economic, cultural and historical resource for Beaufort County, South Carolina and the state as a whole; and

WHEREAS, anticipated research conducted under the auspices of the Port Royal Sound Conservancy will address a wide range of multiple fields and topics, particularly, focusing on stormwater issues, system-carrying capacities and potential sea level rise; and

WHEREAS, there are no estuarine systems in either the States of South Carolina or Georgia with the National Estuary Program as currently structured.

NOW, THEREFORE, BE IT RESOLVED, that the National Estuary Program:

1. Consider and recognize the value of information gained through the study of an estuarine system unique beyond its current membership; and
2. Appreciate the importance of the resource to its stakeholders and their commitment to its sustainable use in the face of growing challenges; and
3. Prepare to work in collaboration with entities within the Port Royal Sound Conservancy to share knowledge and expertise for the benefit of all; and
4. Seize the opportunity to broaden its scope by extending membership to an estuarine system of the South Atlantic Coast which is not currently represented within the National Estuary Program.

Adopted this ____ day of _____, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____

D. Paul Sommerville, Chairman



MEMORANDUM

TO: Beaufort County Planning Commission

FROM: Anthony Criscitiello, Planning Director

DATE: May 11, 2016

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

PLANNING COMMISSION RECOMMENDATION from the excerpt of its May 2, 2016, draft minutes:

Mr. Semmler noted that when the Community Development Code (CDC) was adopted, a codicil was included where the CDC would be reviewed six months and one year from its adoption. If any changes were found, they would be added to the CDC via the amendment process. He stated that it does not mean that other amendments would not occur in the future. He noted that there were many meeting attendees who wanted to speak on the tree amendment (Article 5) and he would allow them to address that portion last. The remaining amendments would be discussed first.

Text Amendments to Articles 1, 2, 3, 4, 6, and 7 (excluding Article 5):

Mr. Robert Merchant briefed the Commissioners on the one-year review of the CDC. He noted that staff suggested the amendments after they had used the CDC. There are several types of amendments:

- Transect zone amendments that included reducing the side yard setbacks in T3-N, and using T4-HCO or T4-NC in the place type overlay section.
- Parking amendments that included allowing 20% parking increase that matches what was in the former zoning and development standards ordinance (ZDSO), and changing the parking requirements for restaurants, banks, and medical offices.
- Sign amendments that included allowing wall signs in S1 and T2 zoning districts and one menu sign per drive-thru order lane.
- Corrections, clarifications, and Provisions from the ZDSO that included planned unit development (PUD) changes, driveway separation standards, manufactured home community density and side yard setback standards, the dedication of right-of-way in thoroughfare design, a community care facility typographical correction, changing the gross density of single family density in the C3 zoning district, setting 100-foot buffers for campgrounds, adding more flexibility for accessory uses and structures/outbuildings in T2-Rural District, and setting stormwater standards for the pond size to be appropriate to the use/expected runoff.
- Definition amendment that allows height flexibility for chimneys, cupolas, and spires.

Discussion by the Commissioners included clarification on planned unit development (PUD) minor changes (*Mr. Merchant stated that major changes include increase in the density cap, the addition of commercial uses, or the reduction of open space; minor changes are all items, unless the Staff Review Team (SRT) determines otherwise*); kudos to increasing restaurant parking; a query on driveway setbacks for manufactured housing; clarification of screening buffers for campgrounds; a query regarding accessory uses to store RVs rather than leaving them out in the open (*Mr. Merchant noted that it was at the discretion of the Planning Director for T2-R zoning districts*); and clarification on the PUD changes, especially subparagraph c regarding legacy PUDs getting extensions beyond the buildout schedule and the sunset clause for PUDs.

Public Comment: Ms. Sandy Stephen, a Lady's Island resident, is concerned with the grandfathering of PUDs. (*Mr. Semmler noted that PUDs were not grandfathered. Mr. Anthony Criscitiello clarified that a PUD was a designation on the zoning map and that removal of the PUD designation must occur through the rezoning process.*)

Motion: Mr. Randolph Stewart made a motion, and Ms. Diane Chmelik seconded the motion, to **recommend approval to County Council on the Text Amendments to Articles 1, 2, 3, 4, 6, and 7 of the Community Development Code (CDC) as a result of the one-year review of the Code adopted December 4, 2014.** The motion **carried (FOR: Chmelik, Fermin, Fireall, Pappas, Semmler, Stewart, and Walsnovich; ABSENT: Johnston; and VACANCY: Northern Beaufort County Representative).**

Text Amendments to Article 5 - Tree Amendments:

Mr. Criscitiello noted that the tree amendments included increasing the language for buffers to include no vegetation or tree removal or other construction activities shall occur within the perimeter buffers; adding standards regarding activity such as sidewalks, trails, and other elements associated with passive recreation in perimeter buffers to be approved by the Planning Director; protecting perimeter buffers during construction; including section 5.8.90 reference in the tree protection paragraph; tree removal standards on preservation of existing trees; and tree removal criteria requiring the approval of the Planning Director.

Regard the tree amendments, Mr. Semmler noted that he had received comments from Mr. Gordon Fritz and Ms. Kate Shaefer of Coastal Conservation League, and had spoken to Ms. Eliza Hill, the landscape architect of the City of Beaufort. Mr. Semmler noted that some of the public believe the tree amendments are not strong enough. There will be many opportunities for further changes. However, stopping these amendments would not be wise.

Public Comment:

1. Mr. Joseph Allard, a Lady's Island resident, thinks the amendment is reasonable and would work. It would be what we want for the lowcountry area. There should be more teeth to prevent developers from clearcutting.
2. Ms. Kate Shaefer of the Coastal Conservation League had a handout for the Commissioners. She thanked the Commission for reviewing the amendment. She has spoken to colleagues and municipal personnel regarding this amendment. Having buffers and preserving trees on site are important goals. She has posted the recommendations on her website and garnered over 200 signatures which are part of her handout. She advocates greater consistency with the local municipalities, an emphasis on habitat connectivity between forested and open spaces, and insuring that the fines and incentive system is scaled to the development. The County's tree ordinance should be consistent with the neighboring municipalities. Inconsistencies include when a permit is required; and the

standards for a specimen tree, especially in the T3 and T4 zones. She wants to include protection of long-leaf pine and red cedar trees. She advocates connectivity for wildlife habitat. Forest cover should be maintained using Table 5.11.90. Perimeter buffers should also include critical area and waterfront buffers to preserve corridors for wildlife travel. She noted one of the municipalities required a percent of shading of the built environment which is an important ecosystem service that trees provide. She asked for consideration to adjust the language regarding tree removal based on the number and types of trees that were removed. She offered providing incentive opportunities such as clustering or setbacks, etc. Replacement should be two times the cost of a tree rather than 1.25 times. Penalties for removed trees should increase according to the size removed. On Hilton Head Island, the Zoning Board of Appeals hears requests for removal of large trees. (*Mr. Semmler thanked the Coastal Conservation League for their work and gave kudos to Mr. Reed Armstrong, a League member.*)

3. Mr. Chuck Newton, representing the Sea Island Corridor Coalition, noted that many Coalition members were in the audience tonight. He acknowledged the County's swift action during the Oyster Bluff tree removal incident. By enlarge, he supports the amendments; however, there were missing pieces in the amendment, especially penalties and enforcement. He believes that the recommendations deal minimally and somewhat cautiously regarding penalties. The offender is require to plant back even with a 25% penalty, and that is offensive in light of the build-out of a major development. With D.R. Horton putting 51 homes on the Oyster Bluff property, penalties have to hurt especially since it happened only after the (tree removal) damage is done. The penalties do not protect trees; it only requires the developer to factor in the cost of tree replacement. A 25% penalty is not particularly significant. Send a signal that trees are important. Retaining treed properties should be a priority. Trees are not just a natural source or just a renewable resource, it is a public resource that demands protection, irrespective of property ownership. Stronger tree protection means increasing the staff. He encouraged the use of the Safebuilt application on smartphones to be used to report violations.
4. Mr. Gordon Fritz, a Beaufort resident since 1972, has seen a lot of changes in Beaufort. It's one of the great places to live and retire. He taught school for 10 years. He became a developer and a real estate broker. There's no excuse for poor development. We want good growth. He's hoping that the staff will work toward that. You are the front line defense for preventing the developers from ruining the area. No regulation is too severe or too strict. (*One Commissioner noted that jail time was suggested, but it was not considered.*)
5. Mr. Robert Hendrick, a six-year resident of Beaufort County, owns two homes—one on Dataw and one on Habersham. This county allowed trees to get big. It's not overcrowded. It's disappointing to see the intense development. There's an oversteering on specimen trees. List trees that can be found—i.e., sweetgum, pine (on Dataw)—pines should be in groups to protect them. Reliance on arborists, most big trees are unhealthy (like humans). He stated he would forward his recommendations to the Planning staff.
6. Ms. Sandy Stephen appreciated the after-the-fact effort regarding the tree amendments. She suggested a site review board to consult with staff on large developments to arbitrate the development. Pine trees are a wonderful thing. We need those pine trees. Go thru thinking about specimen trees. Replacement trees should be increased from 2.5-inch.

Commission discussion included utility tree trimming, tree protection support, lots of opportunity for improvement, desired conversation regarding tree banks, and lamenting that entities such as SCDOT and School District having authority to trim trees without discretion,

Motion: Mr. Randolph Stewart made a motion, and Mr. Ed Pappas seconded the motion, to recommend approval to County Council on the Text Amendments to Article 5 of the Community Development Code (CDC) as a result of the one-year review of the Code adopted December 4, 2014. The motion carried (FOR: Chmelik, Fermin, Fireall, Johnston, Pappas, Semmler, Stewart, and Walsnovich; ABSENT: Johnston; and VACANCY: Northern Beaufort County representative).

STAFF REPORT:

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

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

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

Transect Zone Amendments

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

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

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

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

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

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

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

Parking Amendments

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

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

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

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

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

Sign Amendments

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

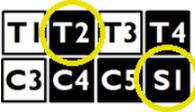
<p>Wall Signs. Wall signs are signs flat against the facade consisting of individual cut letters applied directly to the building or painted directly on the surface of the building.</p>			<p>5.6.160</p>
--	---	---	----------------

Table 5.6.40.B: Aggregate Sign Area: This amendment would allow one freestanding menu board sign for each drive-through lane. Some drive-through restaurants are providing two lanes and ordering stations to help speed up the ordering process. The way the code currently reads, a maximum of one ordering sign is allowed per business.

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

Tree Amendments

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

I. Development within Required Perimeter Buffers

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

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

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

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

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

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

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

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

Corrections, Clarifications, and provisions from the ZDSO

Article 1: General Provisions

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

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

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

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

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

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

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

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

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

Article 3: Specific to Zones

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

~~Community~~ Institutional Care Facility [correction]

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

C. Building Form

Building Height

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

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

D. Gross Density¹ and Floor Area Ratio

Gross Density

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

²Subject to the requirements in Division 2.3

Article 4: Specific to Use

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

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

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

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

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

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

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

Article 10: Definitions

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

Height.

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



MEMORANDUM

TO: Natural Resources Committee of County Council
FROM: Anthony Criscitiello, Planning Director
DATE: May 11, 2016
SUBJECT: **Ulmer Road Rezoning from T3 Hamlet Neighborhood to T4 Hamlet Center (4.28 acres of R600 039 000 0850 0000) and T2 Rural Center (27.78 acres – remaining parcels)**

PLANNING COMMISSION RECOMMENDATION from the excerpt of its May 2, 2016, draft minutes:

Mr. Robert Merchant briefed the Commissioners on the map amendment. During the six-month review of the CDC, there were two map amendments. This amendment is similar. Staff believes that this amendment should occur. There are several non-residential uses in the area including the Lowcountry Regional Transportation Authority (LRTA), and a concrete plant. The new zoning more closely resembles the past zoning from the Zoning & Development Standards Ordinance (ZDSO). The property of the Bluffton Fire District is also included in the map amendment; the property is split zoned and that would make it difficult for the fire department to develop their property.

Discussion by the Commissioners included the Town of Bluffton zoning for the adjoining properties, clarification on the fire station and its fire tower, clarification on what were the adjoining properties, the buffer size, the tower height (*45 feet to train fire personnel, per Bluffton Fire Chief John Thompson*), the non-requirement of lighting the tower, whether mitigation had occurred on the rezoned Fire District property that was heavily forested but clearcutted for the fire maintenance building, the tower being permitted under the ZDSO, residential use being allowed in T2 Rural Center, affirming that Devonwood Drive was a dirt road, disagreeing with the proposed zoning because the Town of Bluffton zoning was different from the proposed County zoning, whether the Town of Bluffton had been notified of the rezoning, the impact of the rezoning on the fire tower construction if the Commission defers their decision until next month (*the Bluffton fire fighters would train at the Lady's Island Airport, per Fire Chief Thompson*), the text amendment regarding height would be heard by the Commission at its June 2016 meeting, clarification on the existing zoning properties, and consistent zoning for fire station split zoned property.

Public Comment: None were received.

Motion: Mr. Marque Fireall made a motion, and Mr. Ed Pappas seconded the motion, **to recommend approval to County Council on the Southern Beaufort County Map Amendment / Rezoning for Thirteen (13) Properties totaling 39.02 acres located in the Bluffton area between Ulmer Road and Devonwood Drive; Applicant: Beaufort County:**

- From T3-Hamlet Neighborhood to T2-Rural Center for twelve (12) properties: R600 039 000 0205 0000, R600 039 000 0271 0000, R600 039 000 0229 0000, R600 039 000 0519 0000, R600 039 000 0226 0000, R600 039 000 226A 0000, R600 039 000 0860 0000, R600 039 000 226B 0000, R600 039 000 0287 0000, R600 039 000 0286 0000, R600 039 000 0285 0000, and a 2-acre portion of R600 040 000 0003 0000 (located at the northeast corner of Benton Field and Ulmer Roads); and
- From T3-Hamlet Neighborhood to T4-Hamlet Center for a 4.28-acre portion of R600 039 000 0850 0000.

The motion carried (FOR: Chmelik, Fireall, Pappas, and Semmler; AGAINST: Fermin, Stewart, and Walsnovich; ABSENT: Johnston; and VACANCY: Northern Beaufort County representative).

STAFF REPORT

A. BACKGROUND:

Case No. ZMA-2016-02

Applicant: Beaufort County

Property Location: Located in the Bluffton area between Ulmer Road and Devonwood Drive (see attached map)

District/Map/Parcel: R600 039 000 0850 0000, R600 039 000 0205 0000, R600 039 000 0271 0000, R600 039 000 0229 0000, R600 039 000 0519 0000, R600 039 000 0226 0000, R600 039 000 226A 0000, R600 039 000 0860 0000, R600 039 000 226B 0000, R600 039 000 0287 0000, R600 039 000 0286 0000, R600 039 000 0285 0000, and a 2 acre portion of R600 040 000 0003 0000 (located at the northeast corner of Ulmer Road and Benton Field Road)

Property Size: 32.06 acres

Future Land Use Designation: Urban/Mixed-Use

Current Zoning District: T3 Hamlet Neighborhood

Proposed Zoning District: T4 Hamlet Center (4.28 acres of R600 039 000 0850 0000)
T2 Rural Center (27.78 acres – remaining parcels)

B. SUMMARY OF REQUEST:

As part of the development of the Beaufort County Community Development Code (CDC), the County changed the zoning of the Alljoy community which includes the properties along Ulmer Road. Since the Alljoy community adjoins Old Town Bluffton, the County determined that this

area was a good location to apply the transect zones to continue the goals of promoting pedestrian friendly development. The transect zones were mapped during a charrette held in November 2011 and took effect when the CDC was adopted in December 2014. However, during the development of the Code, the Ulmer Road area was zoned T3 Hamlet Neighborhood, which is primarily a residential zoning district. This area has historically had a mix of commercial and light industrial uses which include concrete manufacturing, bus storage, contractor's offices, and public maintenance buildings. This mix of uses was accommodated in the ZDSO under the Alljoy Community Mixed-Use district. Planning staff believes that the T3 Hamlet Neighborhood designation for this area was an oversight by the consultant and staff and needs to be corrected with a zoning designation that reflects the existing mix of uses.

The T2 Rural Center zoning designation promotes a character, density, and mix of commercial, service, and light industrial uses that are appropriate for the existing development in the area.

In addition, the 9.24 acre parcel owned by the Bluffton Fire District at the corner of Burnt Church Road and Ulmer Road was split zoned with the front 5 acres zoned T4 Hamlet Center and the rear 4.28 acres zoned T3 Hamlet Neighborhood. Staff is proposing to zone the entire parcel T4 Hamlet Center to limit the complications that may stem from being split zoned.

C. **ANALYSIS:** Section 7.3.40 of the Community Development Code states that a zoning map amendment may be approved if the proposed amendment:

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

Both the Land Use and Economic Development chapters of the Comprehensive Plan identify the need to provide a sufficient quantity of suitably located land for non-retail commercial uses that promote the region's economic health and diversity. The area proposed to be rezoned has a mix of service and light industrial uses that are not suitable for a location along a major corridor. The availability of land in southern Beaufort County for these types of uses is very limited.

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

There are no known conflicts with any provision in the CDC or Code of Ordinances.

3. ***Addresses a demonstrated community need.***

As stated above, the Comprehensive Plan documents a need to accommodate non-retail commercial uses for the purposes of diversifying the region's economy and tax base.

4. ***Is required by changing conditions.***

Not applicable.

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.***

The proposed zoning change will ensure that future development in this area will be consistent with the existing intensity, character, and mix of uses.

6. *Would not adversely impact nearby lands.*

The site currently has a mix of uses consistent with the proposed T2 Rural Center zoning designation. The proposed area to be rezoned is bounded on the north by land that is under conservation easement, to the east by the Bluffton Recreation Center, to the south by Ulmer Road, and to the west by the Bluffton Fire District Station #30. These adjoining uses and features serve to limit any adverse impacts on neighboring properties.

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

The site is suitable for service and light industrial uses. The zoning would achieve this purpose.

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.*

All but approximately 7 acres of the 32 acre site proposed for rezoning is developed. Any future development or redevelopment of this site would be subject to the natural resource and stormwater standards in the Community Development Code.

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 has adequate public facilities.

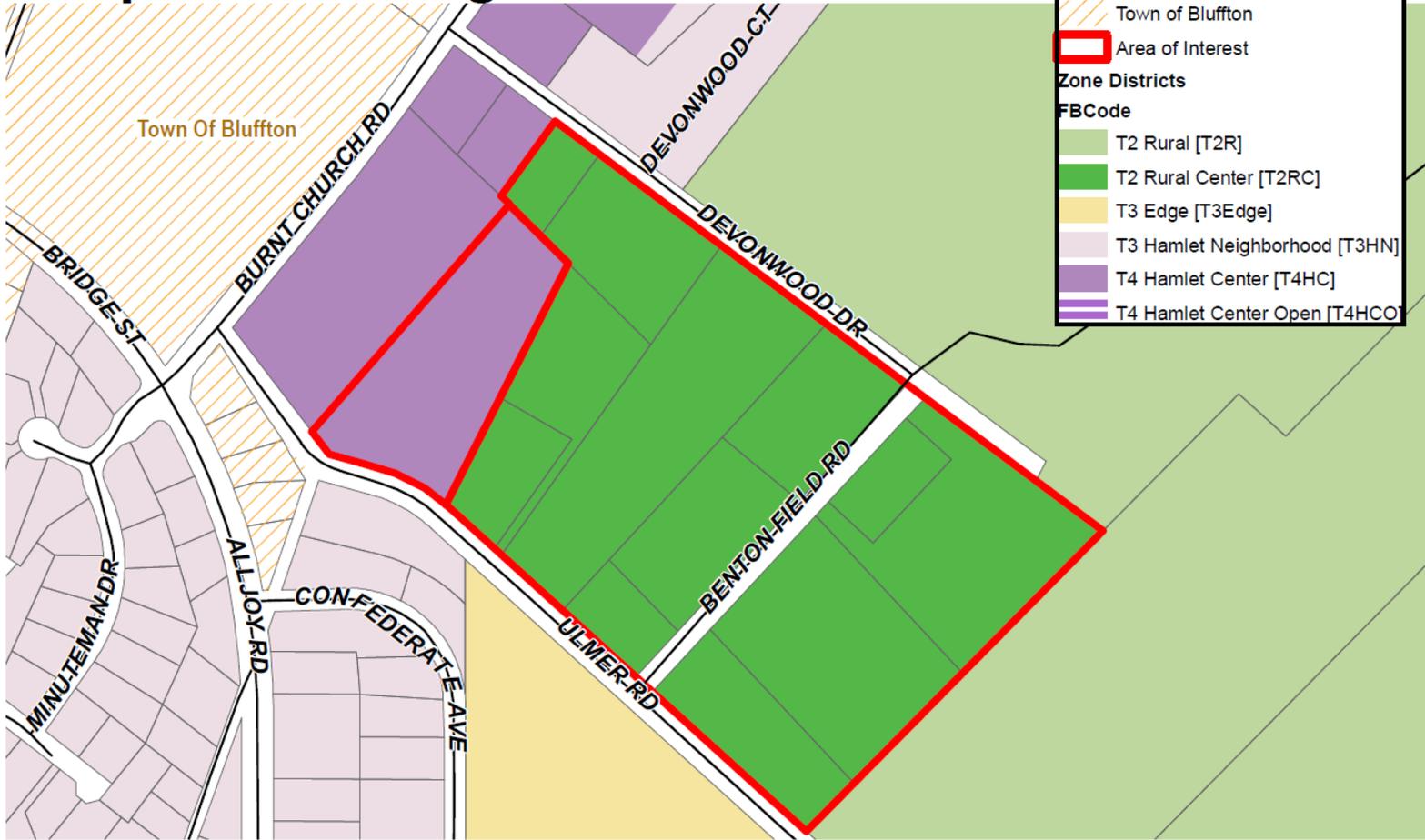
D. STAFF RECOMMENDATION:

After review of the guidelines set forth in Section 7.3.40 of the Community Development Code, staff recommends correcting the official zoning map from T3 Hamlet Neighborhood to T4 Hamlet Center for 4.28 acres of R600 039 000 0850 0000; and from T3 Hamlet Neighborhood to T2 Rural Center for the remaining 27.78 acres.

F. ATTACHMENTS:

- Existing and Proposed Zoning Map (ZDSO)
- Property Owners Notified of Map Amendment
- Notification Letter (copy)

Proposed Zoning



Existing Zoning

