

COUNTY COUNCIL OF BEAUFORT COUNTY
ADMINISTRATION BUILDING
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DEPUTY COUNTY ADMINISTRATOR

THOMAS J. KEAVENY, II
COUNTY ATTORNEY

ASHLEY M. BENNETT
CLERK TO COUNCIL

AGENDA
NATURAL RESOURCES COMMITTEE

Monday, June 19, 2017

2:30 p.m. **Time Change**

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

Committee Members:

Brian Flewelling, Chairman
Roberts "Tabor" Vaux, Vice Chairman
Rick Caporale
Gerald Dawson
Steve Fobes
York Glover
Alice Howard

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 – 2:30 P.M. **Time Change**
2. DISCUSSION / PREVIOUS PLANNING COMMISSION MEETING ([backup](#))
3. MS4 RESOLUTION BY PERMIT ([backup](#))
4. AN ORDINANCE OF BEAUFORT COUNTY COUNCIL CREATING A SPECIAL TAX ASSESSMENT FOR REHABILITATED HISTORIC PROPERTIES IN THE GEOGRAPHICAL BOUNDARIES KNOWN AS DAUFUSKIE ISLAND ([backup](#))
5. PROPOSED AMENDMENT TO THE BEAUFORT COUNTY OFFICIAL ZONING MAP–SEC. 3.1.20 (ESTABLISHMENT OF ZONES) TO ADOPT THE 2013 F-35B AICUZ (AIR INSTALLATION COMPATIBILITY USE ZONE) MAP AS THE MCAS-AO OVERLAY ZONE ([backup](#))
6. TEXT AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE (CDC); APPLICANT: BEAUFORT COUNTY PLANNING STAFF: ([backup](#))
 - A. Section 3.4.30 MCAS Airport Overlay (MCAS-AO) Zone Standards (adds notice requirements in compliance with Section 6-29-1610 of the South Carolina Code);
 - B. Section 5.3.20 Applicability (architectural standards and guidelines) (clarifies that architectural standards only apply to non-residential and multi-family structures that are within 500-feet of arterials and major collector roads in conventional, PUD (Planned Unit Development), and CP (Community Preservation) Districts);
 - C. Section 5.5.30 General Parking Standards (allows parking of commercial trucks and semi-trailer tractors/cabs on residential lots of one acre or larger);
 - D. Section 5.8.20 Applicability (landscaping, buffers, and screening standards) (adds tree requirements for new single-family and duplex lots); and



- E. Section 5.11.100.E Tree Protection during Construction (Subparagraph 4. Penalty For Damaging Or Cutting Protected Trees) (increases the penalty/mitigation of illegally removed trees from 1.25 times to 2 times the caliper inches removed)

7. CONSIDERATION OF REAPPOINTMENTS AND APPOINTMENTS

- A. Southern Beaufort County Corridor Beautification Board

8. ADJOURNMENT

2017 Strategic Plan Committee Assignments

Hilton Head National Rezoning/Development Agreement
Priority Investment – Capital Projects Long-Term Prioritized Requirements
Passive County Parks: Plan, Funding
Comprehensive Countywide System/Stormwater Utility (Agreements with Municipalities)
2018 Priority Projects: Immediate Opportunities
Stormwater Management Program/Policy: Implementation
Okatie River Restoration: Funding
May River Action Plan
Rivers and Creeks Water Quality: Evaluation
Transfer of Development Rights
Buckingham Plantation Community Development Plan: Amendment



DAUFUSKIE ISLAND PLAN AND CODE UPDATE

June 19, 2017



Agenda

The Plan Update

Your Project Team

Plan Update Process

Public Involvement/Participation

Schedule and Key Milestones

Questions & Answers



Plan Update

- » Daufuskie Island Council Initiative
 - Deborah Smith, Chair, Committee on the Daufuskie Island Plan and Code
 - Darnell Brawner, Council Member
 - Sallie Ann Robinson, Council Member
 - John Schartner, Council Member
 - Leeann Coulter, Public Member
 - Martha Hutton, Public Member
 - Andy Mason, Public Member
 - Geoff Jenkins, Public Member
- » Council Committee serves as the Project Advisory Committee

Project Consultant Team



Bev



Rachel



- *Courtney Reich, AICP, CFM*
- *Ed DiTomasso, AICP, GISP*

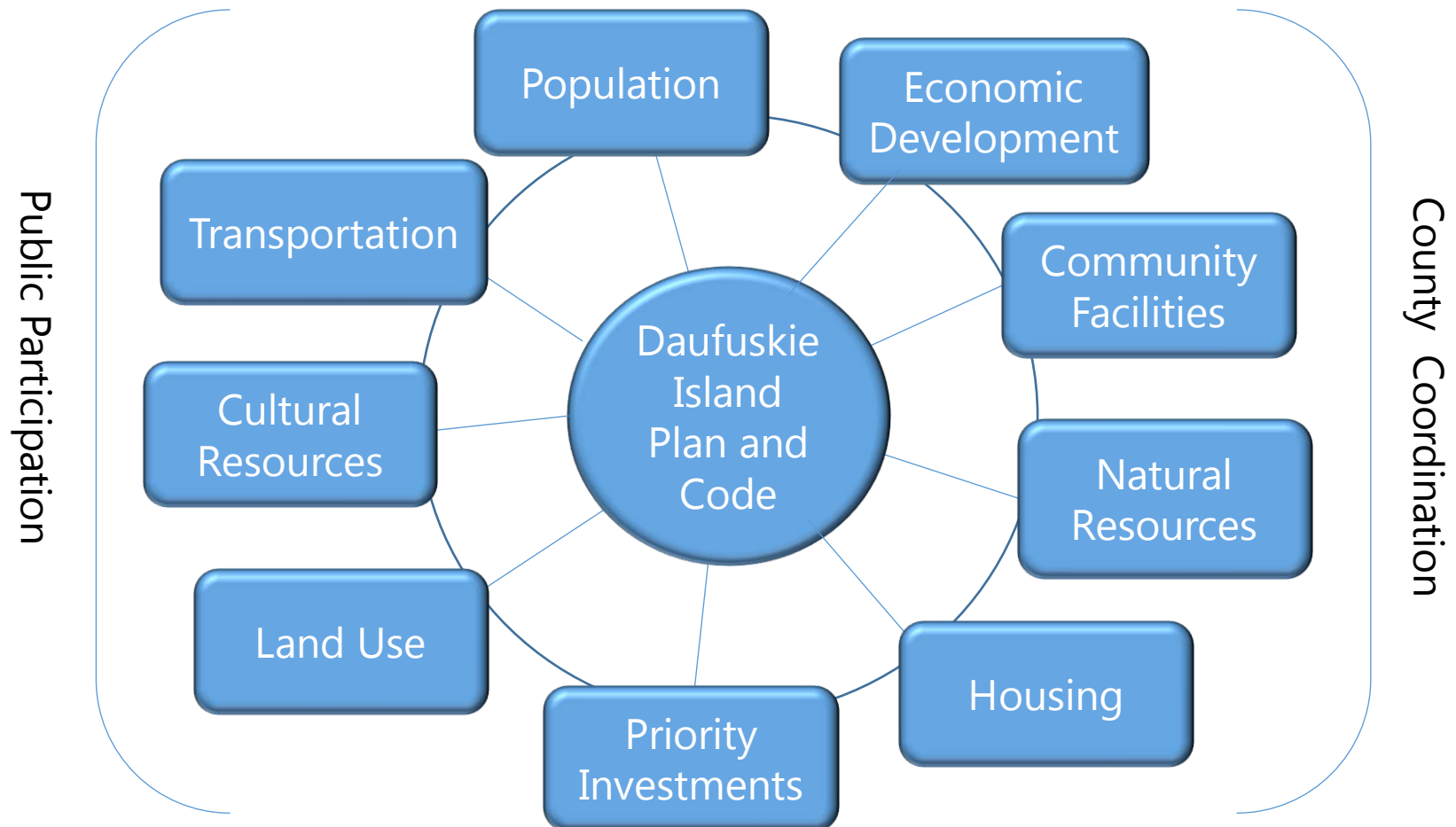


Sonny

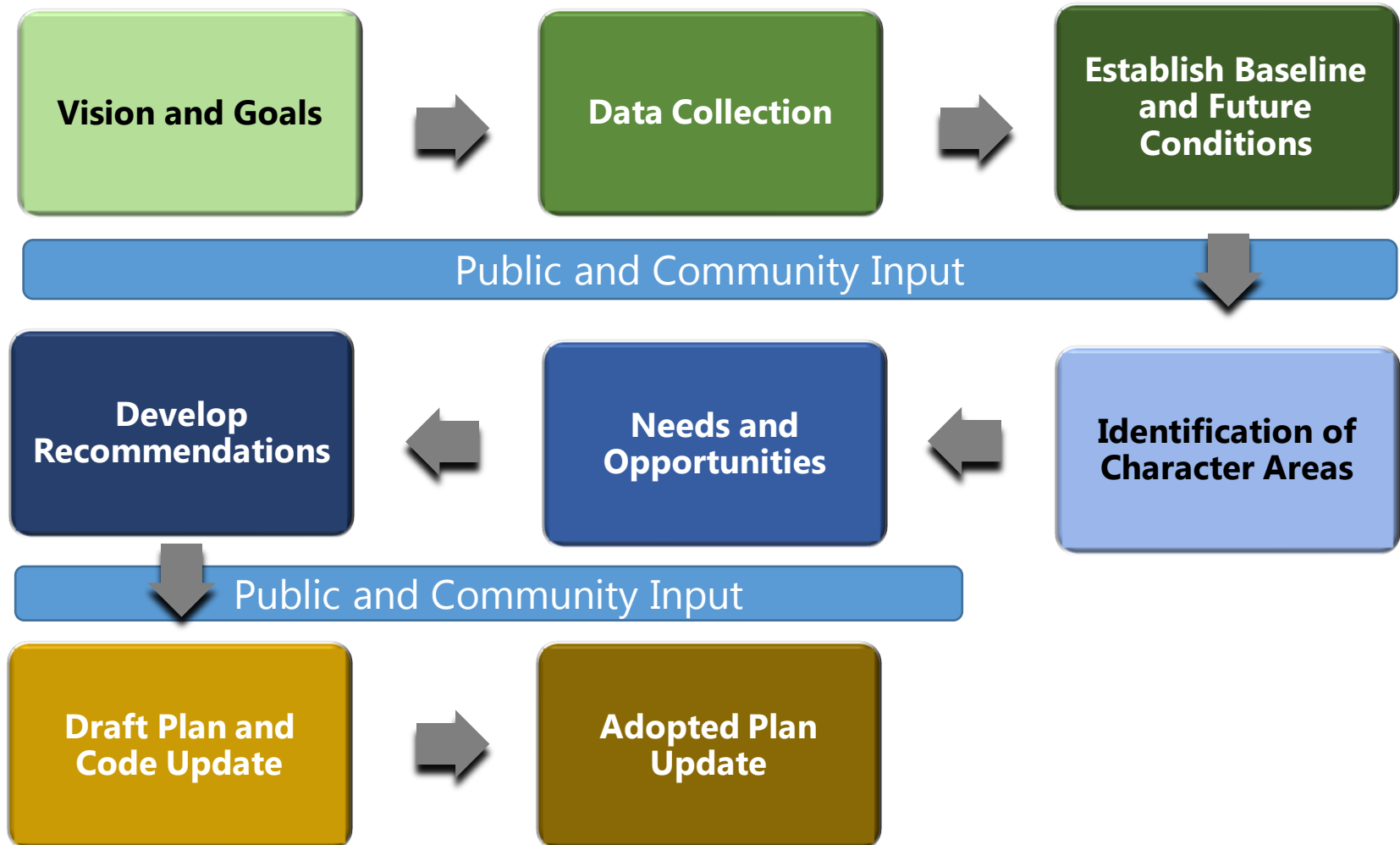
Comprehensive Plan Update Process

- » Completed within the Framework of State Planning Requirements and Beaufort County Plan

Required Plan Elements



Plan Update Process



Public Involvement/Participation

- » Public/Community Involvement is the Foundation of the Plan Development
- » Opportunities for Input
 - Project Advisory Committee
 - *Participants meet regularly throughout the process*
 - *Opportunities for input at the detailed, technical analysis level*
 - *Open to the public*
 - Public/Community Workshops
 - *Meetings held throughout the process*
 - *Interactive and participatory*
 - *Focused at a higher, recommendation level*
 - Daufuskie Council, Beaufort County Council and Planning Commission
 - *Updates throughout the process*

Public Involvement/Participation

» Public Meetings/Workshops:

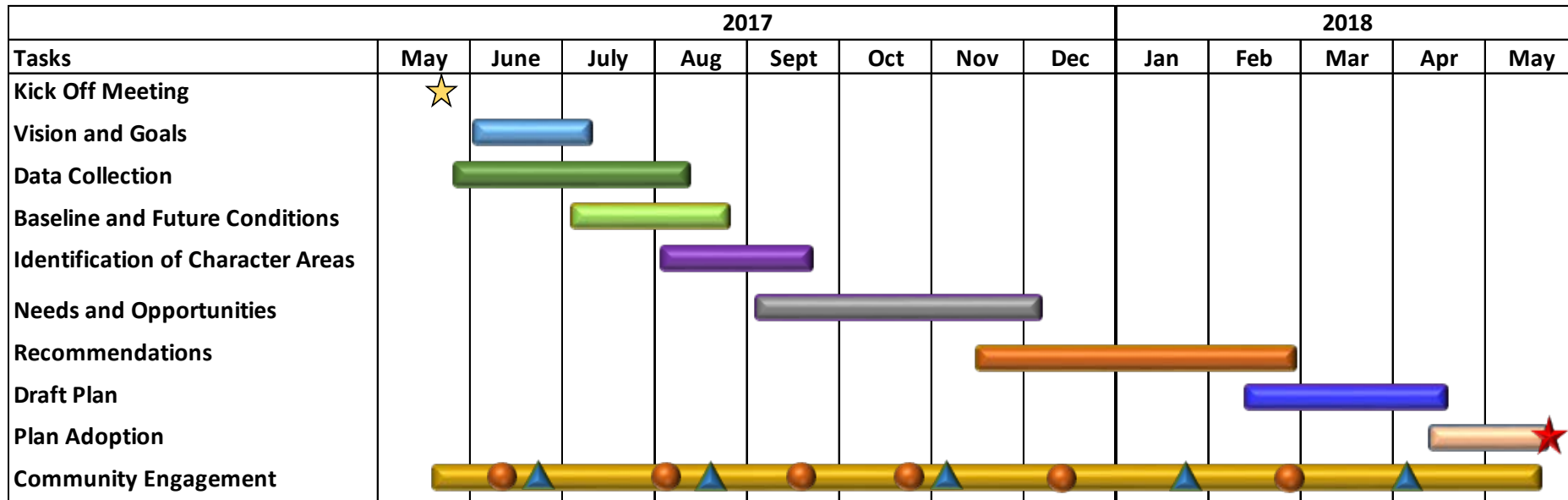
- June 29, 2017
 - *Review of planning process*
 - *Vision Statement*
- August, 2017
 - *Finalize vision statement*
 - *Character Areas – Needs, Opportunities, Goals*
- October/November, 2017
 - *Draft Recommendations by Character Areas*
- January, 2018
 - *Plan Presentation and Needed Code Revisions*
- March, 2018
 - *Code Revisions*

» Governmental Coordination:

- Daufuskie Island Council
 - *Monthly Updates*
 - *April, 2018 – Recommendation for Adoption*
- Beaufort County Council and Planning Commission
 - *Milestone Presentations*
 - *County Council Adoption – May, 2018*

Project Schedule

Daufuskie Island Plan and Code Update Schedule



QUESTIONS?



RESOLUTION 2017 / ____

A RESOLUTION AUTHORIZING THE BEAUFORT COUNTY ADMINISTRATOR AND BEAUFORT COUNTY STORM WATER UTILITY STAFF TO PREPARE AND SUBMIT AN AMENDMENT TO AN APPLICATION FOR NPDES GENERAL PERMIT FOR STORM WATER DISCHARGES FROM REGULATED SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

WHEREAS, the Beaufort County Stormwater Utility was created in 2001 with the mission to address the stormwater needs of the County while protecting its water resources; and

WHEREAS, the United States Environmental Protection Agency (hereinafter, “EPA”) promulgated the Clean Water Act, 33 U.S.C. Section 1251 *et. seq.*, in 1972 (hereinafter, “CWA”), amended by the Water Quality Act, P.L. 100-4 and subsequent regulations of 1987, creating the National Pollutant Discharge Elimination System (hereinafter, “NPDES”); and

WHEREAS, the State of South Carolina Department of Health and Environmental Control (hereinafter, “DHEC”) promulgated the South Carolina Pollution Control Act, S.C. Code Sections 48-1-10 *et. seq.*, in 1976 in response to the CWA, creating the NPDES General Permit for Storm Water Discharges from Regulated Small Municipal Separate Storm Sewer Systems (hereinafter, “MSM4”); and

WHEREAS, DHEC Bureau of Water has promulgated the NPDES General Permit for Storm Water Discharges from Regulated Small Municipal Separate Storm Sewer Systems (MSM4), SCR030000; and

WHEREAS, on June 4, 2014, in accordance with the South Carolina Water Pollution Control Permits Regulations 61-9 Section 122.32 (a)(1), DHEC designated Beaufort County, South Carolina as a small MS4 for permitting; and

WHEREAS, S.C.R. 61-9 requires the owners and operators of MS4 obtain a NPDES permit and develop and implement a program to minimize the discharge of pollutants through and from the MS4 into waters of the United States; and

WHEREAS, on November 19, 2014, the County submitted a Notice of Intent (hereinafter, “NOI”) to be covered by General permit SCR030000 and a Stormwater Management Program (hereinafter, “SWMP”) to DHEC; and

WHEREAS, on December 1, 2015, the County’s MS4 permit became effective for the Urbanized Area defined by the U.S. Census and DHEC and illustrated within the NOI; and

WHEREAS, on April 3, 2017, following a meeting with DHEC and the County to define an implementation schedule for the MS4 permit, DHEC recommended to the County that the NOI be amended to “permit by rule,” meaning that the County would be permitted for all

unincorporated areas of Beaufort County's political jurisdiction, to align with local ordinances and programs that have been created to implement the MS4 program county-wide; and

WHEREAS, the County, which desires to implement these new ordinances and programs county-wide with the goal of protecting our waters, improving water quality, and being good stewards of the environment, is agreeable to the "permit by rule" option.

NOW, THEREFORE, BE IT RESOLVED that Beaufort County Council, duly assembled, hereby authorizes the County Administrator and Stormwater Utility Staff to prepare and submit such an amendment consistent with this resolution of the NOI to South Carolina Department of Health and Environmental Control Bureau of Water.

Adopted this _____ day of June, 2017.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

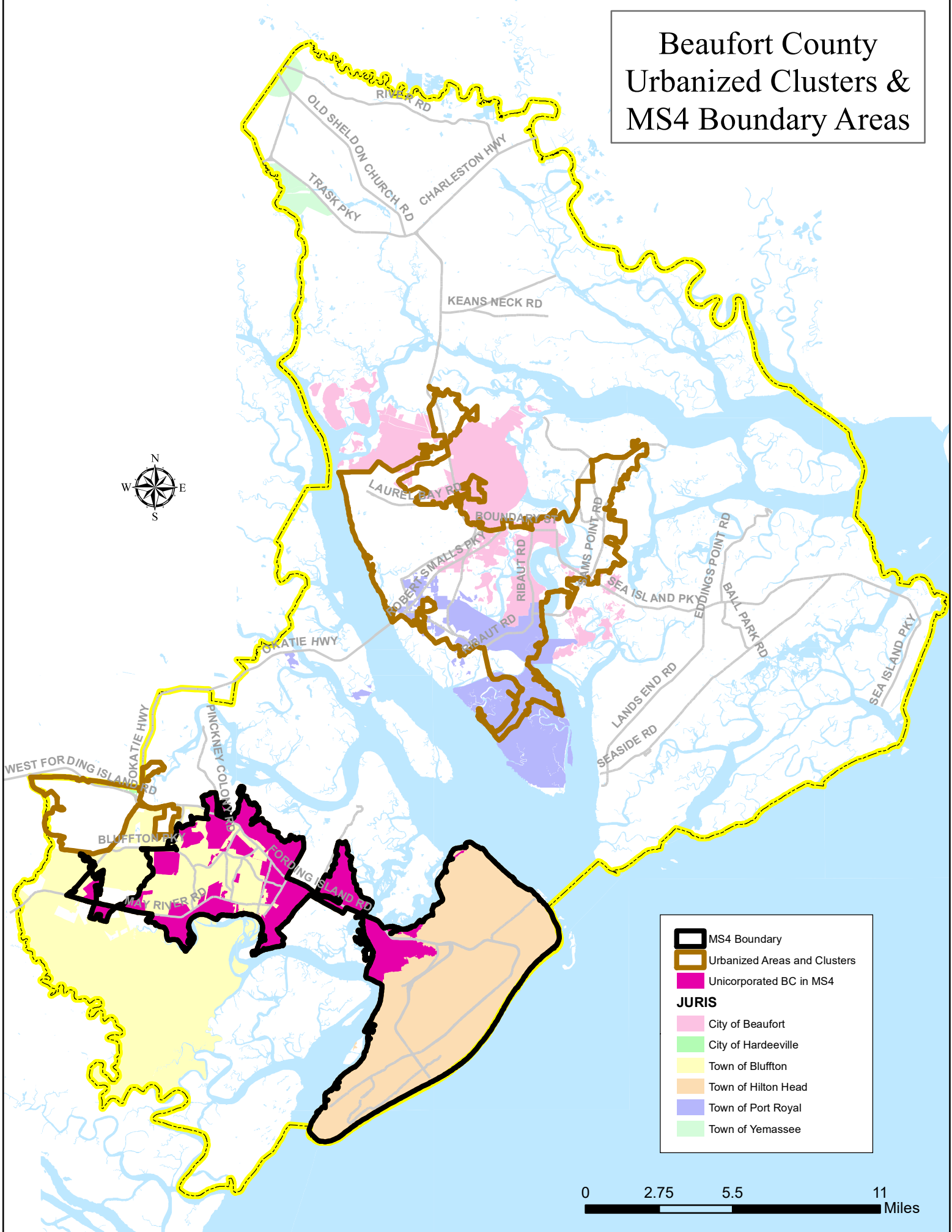
APPROVED AS TO FORM:

Thomas J. Keaveny, II, Esquire
Beaufort County Attorney

ATTEST:

Ashley M. Bennett, Clerk to Council

Beaufort County Urbanized Clusters & MS4 Boundary Areas



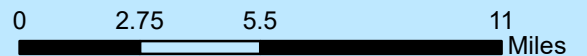
MS4 Boundary

Urbanized Areas and Clusters

Unincorporated BC in MS4

JURIS

- City of Beaufort
- City of Hardeeville
- Town of Bluffton
- Town of Hilton Head
- Town of Port Royal
- Town of Yemassee



AN ORDINANCE OF BEAUFORT COUNTY COUNCIL CREATING A SPECIAL TAX ASSESSMENT FOR REHABILITATED HISTORIC PROPERTIES IN THE GEOGRAPHICAL BOUNDARIES KNOWN AS DAUFUSKIE ISLAND

WHEREAS, Section 4-9-195 of the South Carolina Code of Laws, as amended (“S.C. Code”), provides that counties may by ordinance grant special property tax assessments to real property which qualifies as “rehabilitated historic property”; and

WHEREAS, the geographic area known as Daufuskie Island, in the County of Beaufort, South Carolina (“Daufuskie”) contains a substantial amount of historic property, the preservation of which is beneficial for the economic development of the County and for its citizens; and

WHEREAS, Beaufort County Council (the “County Council”) has determined that it is in the best interests of the County and its citizens to allow for a special property tax assessment available and as set forth in S.C. Code §4-9-195 to qualifying properties located within the geographic boundaries of Daufuskie; and

WHEREAS, the County Council finds that providing for this special property tax assessment will (1) encourage the restoration of historic properties, (2) promote community development and redevelopment, (3) encourage sound community planning, and (4) promote the general health, safety, and welfare of the community; and

WHEREAS, pursuant to S.C. Code §4-9-195, the County must specify the minimum investment threshold and the number of years in which the special assessment shall apply, and in the absence of a board of architectural review the County may name an appropriate reviewing authority to consider proposed rehabilitation plans and actual rehabilitation work.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council that Chapter 66, Article III of the Beaufort County Code of Ordinances is hereby amended by inserting the following into Beaufort County Code of Ordinances Chapter 66, Division 4:

Division 4. Special Assessment Ratio for Rehabilitated Historic Properties

Section 66-155. Special tax assessment created –Daufuskie Island.

A special tax assessment is created for eligible rehabilitated historic properties located within the geographic boundaries of Daufuskie Island for 10 years equal to the appraised value of the property at the time of preliminary certification.

Section 66-156. Purpose.

It is the purpose of this division to:

- (a) Encourage the restoration of historic properties;
- (b) Promote community development and redevelopment;
- (c) Encourage sound community planning; and
- (d) Promote the general health, safety, and welfare of the community.

Section 66-157. Eligible properties.

- (a) *Certification.* In order to be eligible for the special tax assessment, historic properties must receive preliminary and final certification.

- (1) To receive preliminary certification a property must meet the following conditions:

- a. The property has received historic designation from the Daufuskie Island Council and in accordance with the Daufuskie Island Plan or is listed on the Beaufort County Above Ground Historic Resources Survey completed in 1998.
- b. The proposed rehabilitation work receives approval from the Beaufort County Historic Preservation Review Board (HPRB) under Sec. 5.10 and Sec. 7.2.120 of the Beaufort County Community Development Code (CDC).; and
- c. Be a project that commences on or after the date of the adoption of this ordinance. Preliminary certification must be received prior to beginning work.

- (2) To receive final certification, a property must have met the following conditions:

- a. The property has received preliminary certification.
- b. The minimum expenditures for rehabilitation were incurred and paid.
- c. The completed rehabilitation receives approval from the Beaufort County Planning Director, or designee, as being consistent with the plans approved by the HPRB as part of preliminary certification.

- (b) *Historic designation.* As used in this section, "Historic Designation" means:

- (1) The structure is at least 50 years old and is located in the geographic area known as Daufuskie Island;
- (2) The structure is listed on the National Register of Historic Places; or
- (3) The structure is listed on the "1998 Beaufort County Above Ground Historic Sites Survey."

Section 66-158. Eligible rehabilitation.

- (a) Standards for rehabilitation work. To be eligible for the special tax assessment, historic rehabilitations must be appropriate for the historic building and the geographic district. This is achieved through adherence to the standards set forth in the Community Development Code and, if required, approval of a Certificate of Appropriateness in accordance with Sec. 7.2.120 of the CDC.
- (b) Work to be reviewed. The following work will be reviewed according to the standards set forth above:
 - (1) Repairs to the exterior of the designated building.
 - (2) Alterations to the exterior of the designated building.
 - (3) New construction on the property on which the building is located.
 - (4) Alterations to interior primary public spaces.
 - (5) Any remaining work where the expenditures for such work are being used to satisfy the minimum expenditures for rehabilitation.
- (c) Minimum expenditures for rehabilitation means the owner rehabilitates the building, with expenditures for rehabilitation exceeding 75 percent of the fair market value of the building. Fair market value means the appraised value as certified by a real estate appraiser licensed by the State of South Carolina, the sales price as delineated in a bona fide contract of sale within 12 months of the time it is submitted, or the most recent appraised value published by the Beaufort County Tax Assessor.
- (d) Expenditures for rehabilitation means the actual cost of rehabilitation relating to one or more of the following:
 - (1) Improvements located on or within the historic building as designated.
 - (2) Improvements outside of but directly attached to the historic building which are necessary to make the building fully useable (such as vertical circulation) but shall not include rentable/habitable floorspace attributable to new construction.
 - (3) Architectural and engineering services attributable to the design of the improvements.
 - (4) Costs necessary to maintain the historic character or integrity of the building.
- (e) Scope. The special tax assessment may apply to the following:
 - (1) Structure(s) rehabilitated.
 - (2) Real property on which the building is located.

- (f) Time limits. To be eligible for the special tax assessment, rehabilitation must be completed within two years of the preliminary certification date. If the project is not complete after two years, but the minimum expenditures for rehabilitation have been incurred, the property continues to receive the special assessment until the project is completed or until the end of the special assessment period, whichever shall first occur.

Section 66-159. Process.

- (a) Fee required. A fee as set out in the County of Beaufort's Fee Schedule, as appropriate, shall be required for final certification for each application.
- (b) Plan required. Owners of property seeking approval of rehabilitation work must submit an application for a Certificate of Appropriateness, as required under Sec. 7.2.120 of the CDC, with supporting documentation and application fee(s) prior to beginning work.
- (c) Preliminary certification. Upon receipt of the completed application, the proposal shall be placed on the next available agenda of the Beaufort County Historic Preservation Review Board (HPRB). After the HPRB makes its' determination(s), the owner shall be notified in writing. Upon receipt of this determination the owner may:
 - (1) If the application is approved, apply for building permits to begin rehabilitation;
 - (2) If the application is not approved, may revise such application in accordance with comments provided by the HPRB.
- (d) Substantive changes. Once preliminary certification is granted to an application, substantive changes must be approved by the HPRB. Unapproved substantive changes are conducted at the risk of the property owner and may disqualify the project from eligibility. Additional expenditures will not qualify the project for an extension on the special assessment.
- (e) Final certification. Upon completion of the project, the project must receive final certification in order to be eligible for the special assessment. The Beaufort County Planning Director and Director of Building Codes, or designees, will inspect completed projects to determine if the work is consistent with the approval granted by the HPRB. Final certification will be granted when verification is made that expenditures have been made in accordance with Section 66-158(c) above. Upon receiving final certification, the property will be assessed for the remainder of the special assessment period on the fair market value of the

property at the time the preliminary certification was made or the final certification was made, whichever occurred earlier.

(f) *Additional work.* For the remainder of the special assessment period after final certification, the property owner shall notify the Beaufort County Community Development Department of any additional work, other than ordinary maintenance. The HPRB will review the work at a regularly scheduled hearing and determine whether the overall project is consistent with the standards for rehabilitation. If the additional work is found to be inconsistent, the property owner may withdraw his request and cancel or revise the proposed additional work.

(g) *Decertification.* When the property has received final certification and has been assessed as rehabilitated historic property, it remains so certified and must be granted the special assessment until the property becomes disqualified by any one of the following:

- (1) Written notice from the owner to the Beaufort County Assessor's Office requesting removal of the preferential assessment; or
- (2) Rescission of the approval of rehabilitation by the HPRB because of alterations or renovation by the owner or the owner's estate, which causes the property to no longer possess the qualities and features which made it eligible for final certification.

Notification of any change affecting eligibility must be given immediately to the Beaufort County Assessor, Auditor, and Treasurer.

(h) *Notification.* The Beaufort County Community Development Department shall, upon final certification of a property, notify the Beaufort County Assessor, Auditor and Treasurer that such property has been duly certified and is eligible for the special tax assessment.

(i) *Date effective.* If an application for preliminary or final certification is filed by May 1 or the preliminary or final certification is approved by August 1, the special assessment authorized herein is effective for that year. Otherwise, it is effective beginning with the following year.

The special assessment only begins in the current or future tax years as provided for in this section. In no instance may the special assessment be applied retroactively.

- (j) Application. Once a property has received final certification , the owner of the property shall make application to the Beaufort County Assessor's Office for the special assessment provided for herein.

SECTIONS 66-160. Reserved.

This ordinance shall become effective immediately upon adoption.

DONE, this ____ of _____, 2017.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, Esquire
Beaufort County Attorney

ATTEST:

Ashley M. Bennett, Clerk to Council

First Reading: May 22, 2017

Second Reading:

Public Hearing:

Third and Final Reading:

Code of Laws of South Carolina, 1976, as amended

SECTION 4-9-195. Grant of special property tax assessments to "rehabilitated historic property" or "low and moderate income rental property".

(A) The governing body of any county by ordinance may grant the special property tax assessments authorized by this section to real property which qualifies as either "rehabilitated historic property" or as "low and moderate income rental property" in the manner provided in this section. A county governing body may designate, in its discretion, an agency or a department to perform its functions and duties pursuant to the provisions of this section in its discretion.

(1) All qualifying property may receive preliminary certification from the county governing body and upon this preliminary certification, the property must be assessed for two years on the fair market value of the property at the time the preliminary certification was made. If the project is not complete after two years, but the minimum expenditures for rehabilitation have been incurred, the property continues to receive the special assessment until the project is completed.

(2) Upon completion of a project, the project must receive final certification from the county governing body in order to be eligible for the special assessment. Upon final certification, the property must be assessed for the remainder of the special assessment period on the fair market value of the property at the time the preliminary certification was made or the final certification was made, whichever occurred earlier. If a completed project does not comply with all requirements for final certification, final certification must not be granted and any monies not collected by the county due to the special assessment must be returned to the county.

(3) The special assessment only begins in the current or future tax years as provided for in this section. In no instance may the special assessment be applied retroactively.

(B) As used in this section:

(1) "Historic designation" means the owner of the property applies for and is granted historic designation by the county governing body for the purpose of the special property tax assessment based on one or more of the following reasons:

(a) the property is listed in the National Register of Historic Places;

(b) the property is designated as a historic property by the county governing body based upon criteria established by the county governing body and is at least fifty years old; or

(c) the property is at least fifty years old and is located in a historic district designated by the county governing body at any location within the geographical area of the county.

(2) "Approval of rehabilitation work" means the proposed and completed rehabilitation work is approved by the reviewing authority as appropriate for the historic building and the historic district in which it is located.

(3) "Minimum expenditures for rehabilitation" means the owner or his estate rehabilitates the building, with expenditures for rehabilitation exceeding the minimum percentage of the fair market value of the building established by the county in its ordinance. The county governing body may set different minimum percentages for owner-occupied property and income producing real property, between twenty percent and one hundred percent.

(4) "Special assessment period" means the county governing body shall set the length of the special assessment in its ordinance of not more than twenty years.

(5) "Preliminary certification" means a property has met the following conditions:

(a) the owner of the property applies for and is granted historic designation by the county governing body; and

(b) the proposed rehabilitation receives approval of rehabilitation work from the reviewing authority.

A county governing body may require that an owner applies for preliminary certification before any project work begins.

(6) "Final certification" means a property has met the following conditions:

(a) the owner of the property applies for and is granted historic designation by the county governing body;

(b) the completed rehabilitation receives approval of rehabilitation work from the reviewing authority; and

(c) the minimum expenditures for rehabilitation were incurred and paid.

(7) "Reviewing authority" for approval of rehabilitation work pursuant to this section is defined as:

(a) the board of architectural review in counties with a board of architectural review with jurisdiction over historic properties operating pursuant to Section 6-29-870;

(b) in counties without a board of architectural review with jurisdiction over historic properties, the county governing body may designate another qualified entity with historic preservation expertise to review the rehabilitation work; or

(c) if the county governing body does not designate another qualified entity, the Department of Archives and History shall review the rehabilitation work. No separate application to the department is required for properties receiving preliminary and final approval for the federal income tax credit allowed pursuant to Section 47 of the Internal Revenue Code or the state income tax credit allowed pursuant to Section 12-6-3535.

(8) "Rehabilitated historic property" means the property has met all the criteria for final certification.

(C) "Low and moderate income rental property" is eligible for certification if:

(1) the property provides accommodations under the Section 8 Program as defined in the United States Housing Act of 1937 and amended by the Housing and Community Act of 1974 for low and moderate income families and persons as defined by Section 31-13-170(p); or

(2) in the case of income-producing real property, the expenditures for rehabilitation exceed the appraised value of the property; and

(3) if the low and moderate income housing rehabilitation is located in an area designated by the local government as a Low and Moderate Housing Rehabilitation District; and

(4) the owner or estate of any property certified as "low and moderate income rental property" takes no actions which cause the property to be unsuitable for such a designation. The county governing body granting the initial certification has the authority to decertify property in these cases, and the property becomes immediately ineligible for the special tax assessments provided for this type of property; and

(5) if the property qualifies as "historic" as defined in subsection (B)(1), then the rehabilitation work must be approved by the appropriate reviewing authority as provided in subsections (B) and (D).

(D) The Department of Archives and History may provide training and technical assistance to counties and procedures for application, consideration, and appeal through appropriate regulations for "rehabilitated historic property" provisions of the law. The governing body may establish fees for applications for preliminary or final certification, or both, through the ordinance or regulations.

(E) When property has received final certification and is assessed as rehabilitated historic property, or low or moderate income rental property, it remains so certified and must be granted the special assessment until the property becomes disqualified by any one of the following:

(1) written notice by the owner to the county to remove the preferential assessment;

(2) removal of the historic designation by the county governing body;

(3) decertification of the property by the local governing body as low or moderate income rental property for persons and families of moderate to low income as defined by Section 31-13-170(p);

(4) rescission of the approval of rehabilitation work by the reviewing authority because of alterations or renovations by the owner or his estate which cause the property to no longer possess the qualities and features which made it eligible for final certification.

Under no circumstances shall the sale or transfer of ownership of real property certified and assessed in accordance with this section and any ordinance in effect at the time disqualify the property from receiving the special property tax assessment under this section. This provision shall be applicable and given full force and effect to any special property tax assessment granted prior to the effective date of this paragraph notwithstanding any ordinance in effect from time to time to the contrary.

Notification of any change affecting eligibility must be given immediately to the appropriate county taxing and assessing authorities.

(F) If an application for preliminary or final certification is filed by May first or the preliminary or final certification is approved by August first, the special assessment authorized by this section is effective for that year. Otherwise it is effective beginning with the following year.

(G) Once the governing body has granted the special property tax assessments authorized by this section, the owner of the property shall make application to the auditor for the special assessment provided for by this section.

(H) A property certified to receive the special property tax assessment under the existing law continues to receive the special assessment in effect at the time certification was made.

HISTORY: 1990 Act No. 474, Section 1, eff May 14, 1990; 1992 Act No. 375, Sections 1-4, eff May 19, 1992; 2004 Act No. 292, Section 1, eff August 16, 2004; 2010 Act No. 182, Section 5, eff May 28, 2010.

Effect of Amendment

The 1992 amendment revised (A)(1) and (2), (B)(4) and (5), and (C), and added subsection (H).

The 2004 amendment rewrote this section.

The 2010 amendment rewrote subsection (E).

DIVISION 4. - SPECIAL ASSESSMENT RATIO FOR REHABILITATED HISTORIC PROPERTIES

Beaufort County Council Code of Ordinances

Sec. 66-150. - Special tax assessment created.

A special tax assessment is created for eligible rehabilitated historic properties located within the municipal boundaries of the City of Beaufort for ten years equal to the appraised value of the property at the time of preliminary certification.

(Ord. No. 2014/25, § 1, 9-22-2014)

Sec. 66-151. - Purpose.

It is the purpose of this division to:

- (a) Encourage the restoration of historic properties;
- (b) Promote community development and redevelopment;
- (c) Encourage sound community planning; and
- (d) Promote the general health, safety, and welfare of the community.

(Ord. No. 2014/25, § 1, 9-22-2014)

Sec. 66-152. - Eligible properties.

- (a) *Certification*. In order to be eligible for the special tax assessment, historic properties must receive preliminary and final certification.
 - (1) To receive preliminary certification a property must meet the following conditions:
 - a. The property has received historic designation from the City of Beaufort.
 - b. The proposed rehabilitation work receives approval from the City of Beaufort's Historic District Review Board (HRB); and
 - c. Be a project that commences on or after the date of the adoption of this ordinance. Preliminary certification must be received prior to beginning work.
 - (2) To receive final certification, a property must have met the following conditions:
 - a. The property has received preliminary certification.
 - b. The minimum expenditures for rehabilitation were incurred and paid.
 - c. The completed rehabilitation receives approval from the City of Beaufort's Director of Planning and Development Services as being consistent with the plans approved by HRB as part of preliminary certification.
- (b) *Historic designation*. As used in this section, "historic designation" means:
 - (1)

The structure is at least 50 years old and is located in the historic district as designated by the City of Beaufort;

- (2) The structure is located outside the historic district and is listed on the National Register of Historic Places; or
- (3) The structure is listed on the "1997 Beaufort County Above-Ground Historic Sites Survey," and has been designated as "historic" according to section 3.21 of the Unified Development Ordinance and its successors.

(Ord. No. 2014/25, § 1, 9-22-2014.)

Sec. 66-153. - Eligible rehabilitation.

- (a) *Standards for rehabilitation work.* To be eligible for the special tax assessment, historic rehabilitations must be appropriate for the historic building and the historic district. This is achieved through adherence to the standards set forth by the City of Beaufort.
- (b) *Work to be reviewed.* The following work will be reviewed according to the standards set forth above:
 - (1) Repairs to the exterior of the designated building.
 - (2) Alterations to the exterior of the designated building.
 - (3) New construction on the property on which the building is located.
 - (4) Alterations to interior primary public spaces.
 - (5) Any remaining work where the expenditures for such work are being used to satisfy the minimum expenditures for rehabilitation.
- (c) *Minimum expenditures for rehabilitation* means the owner rehabilitates the building, with expenditures for rehabilitation exceeding 75 percent of the fair market value of the building. Fair market value means the appraised value as certified to the HRB by a real estate appraiser licensed by the State of South Carolina, the sales price as delineated in a bona fide contract of sale within 12 months of the time it is submitted, or the most recent appraised value published by the Beaufort County Tax Assessor.
- (d) *Expenditures for rehabilitation* means the actual cost of rehabilitation relating to one or more of the following:
 - (1) Improvements located on or within the historic building as designated.
 - (2) Improvements outside of but directly attached to the historic building which are necessary to make the building fully useable (such as vertical circulation) but shall not include rentable/habitable floor space attributable to new construction.
 - (3) Architectural and engineering services attributable to the design of the improvements.
 - (4) Costs necessary to maintain the historic character or integrity of the building.
- (e) *Scope.* The special tax assessment may apply to the following:
 - (1) Structure(s) rehabilitated.
 - (2) Real property on which the building is located.

- (f) *Time limits.* To be eligible for the special tax assessment, rehabilitation must be completed within two years of the preliminary certification date. If the project is not complete after two years, but the minimum expenditures for rehabilitation have been incurred, the property continues to receive the special assessment until the project is completed or until the end of the special assessment period, whichever shall first occur.

(Ord. No. 2014/25, § 1, 9-22-2014.)

Sec. 66-154. - Process.

- (a) *Fee required.* A fee as set out in the City of Beaufort's Fee Schedule shall be required for final certification for each application.
- (b) *Plan required.* Owners of property seeking approval of rehabilitation work must submit an HRB application with supporting documentation and application fee prior to beginning work.
- (c) *Preliminary certification.* Upon receipt of the completed application, the proposal shall be placed on the next available agenda of the HRB to determine if the project is consistent with the standards for rehabilitation in subsection 10-1004(a). After the HRB makes its determination, the owner shall be notified in writing. Upon receipt of this determination the owner may:
- (1) If the application is approved, begin rehabilitation;
 - (2) If the application is not approved, may revise such application in accordance with comments provided by the HRB;
- (d) *Substantive changes.* Once preliminary certification is granted to an application, substantive changes must be approved by the HRB. Unapproved substantive changes are conducted at the risk of the property owner and may disqualify the project from eligibility. Additional expenditures will not qualify the project for an extension on the special assessment.
- (e) *Final certification.* Upon completion of the project, the project must receive final certification in order to be eligible for the special assessment. The City of Beaufort's Director of Planning and Development Services will inspect completed projects to determine if the work is consistent with the approval granted by the HRB pursuant to subsection 10-1004(a). Final certification will be granted when the completed work meets the standards and verification is made that expenditures have been made in accordance with subsection 10-1004(c), above[sic]. Upon receiving final certification, the property will be assessed for the remainder of the special assessment period on the fair market value of the property at the time the preliminary certification was made or the final certification was made, whichever occurred earlier.
- (f) *Additional work.* For the remainder of the special assessment period after final certification, the property owner shall notify the HRB of any additional work, other than ordinary maintenance. The HRB will review the work at a regularly scheduled hearing and determine whether the overall project is consistent with the standards for rehabilitation. If the additional work is found to be inconsistent, the property owner may withdraw his request and cancel or revise the proposed additional work.
- (g)

Decertification. When the property has received final certification and has been assessed as rehabilitated historic property, it remains so certified and must be granted the special assessment until the property becomes disqualified by any one of the following:

- (1) Written notice from the owner to the HRB and the Beaufort County Auditor requesting removal of the preferential assessment; or
- (2) Rescission of the approval of rehabilitation by the HRB because of alterations or renovation by the owner or the owner's estate, which causes the property to no longer possess the qualities and features which made it eligible for final certification.

Notification of any change affecting eligibility must be given immediately to the Beaufort County Assessor, Auditor, and Treasurer.

(h) *Notification.* The city shall, upon final certification of a property, notify the Beaufort County Assessor, Auditor and Treasurer that such property has been duly certified and is eligible for the special tax assessment.

(i) *Date effective.* If an application for preliminary or final certification is filed by May 1 or the preliminary or final certification is approved by August 1, the special assessment authorized herein is effective for that year. Otherwise, it is effective beginning with the following year.

The special assessment only begins in the current or future tax years as provided for in this section. In no instance may the special assessment be applied retroactively.

(j) *Application.* Once the HRB has granted the special property tax assessments authorized herein, the owner of the property shall make application to the Beaufort County Auditor for the special assessment provided for herein.

(Ord. No. 2014/25, § 1, 9-22-2014.)

Secs. 66-155—66-160. - Reserved.

CHAPTER 1. - SPECIAL PROPERTY TAX ASSESSMENTS FOR REHABILITATED HISTORIC PROPERTIES

City of Beaufort Code of Ordinances

Sec. 10-1001. - Special tax assessment created.

A special tax assessment is created for eligible rehabilitated historic properties for ten (10) years equal to the appraised value of the property at the time of preliminary certification.

(Ord. No. O-23-14, 9-23-14)

Sec. 10-1002. - Purpose.

It is the purpose of this division to:

- (a) Encourage the restoration of historic properties;
- (b) Promote community development and redevelopment;
- (c) Encourage sound community planning; and
- (d) Promote the general health, safety, and welfare of the community.

(Ord. No. O-23-14, 9-23-14)

Sec. 10-1003. - Eligible properties.

- (a) *Certification.* In order to be eligible for the special tax assessment, historic properties must receive preliminary and final certification.
 - (1) To receive preliminary certification a property must meet the following conditions:
 - a. The property has received historic designation.
 - b. The proposed rehabilitation work receives approval from the historic district review board (HRB); or
 - c. Be a project that commences on or after the date of the adoption of this ordinance. Preliminary certification must be received prior to beginning work.
 - (2) To receive final certification, a property must have met the following conditions:
 - a. The property has received preliminary certification.
 - b. The minimum expenditures for rehabilitation were incurred and paid.
 - c. The completed rehabilitation receives approval from the director of planning and development services as being consistent with the plans approved by HRB as part of preliminary certification.
- (b) *Historic designation.* As used in this section, "historic designation" means:
 - (1) the structure is at least fifty 50 years old and is located in the historic district;
 - (2)

The structure is located outside the historic district and is listed on the National Register of Historic Places; or

- (3) The structure is listed on the "1997 Beaufort County Above Ground Historic Sites Survey," and has been designated as "historic" according to Section 3.21 of the Unified Development Ordinance and its successors.

(Ord. No. O-23-14, 9-23-14)

Sec. 10-1004. - Eligible rehabilitation.

- (a) *Standards for rehabilitation work.* To be eligible for the special tax assessment, historic rehabilitations must be appropriate for the historic building and the historic district. This is achieved through adherence to the standards set out in Section 3.20.C of the Unified Development Ordinance and its successors.
- (b) *Work to be reviewed.* The following work will be reviewed according to the standards set forth above:
 - (1) Repairs to the exterior of the designated building.
 - (2) Alterations to the exterior of the designated building.
 - (3) New construction on the property on which the building is located.
 - (4) Alterations to interior primary public spaces.
 - (5) Any remaining work where the expenditures for such work are being used to satisfy the minimum expenditures for rehabilitation.
- (c) *Minimum expenditures for rehabilitation* means the owner rehabilitates the building, with expenditures for rehabilitation exceeding seventy-five (75) percent of the fair market value of the building. Fair market value means the appraised value as certified to the HRB by a real estate appraiser licensed by the State of South Carolina, the sales price as delineated in a bona fide contract of sale within twelve (12) months of the time it is submitted, or the most recent appraised value published by the Beaufort County tax assessor.
- (d) *Expenditures for rehabilitation* means the actual cost of rehabilitation relating to one or more of the following:
 - (1) Improvements located on or within the historic building as designated.
 - (2) Improvements outside of but directly attached to the historic building which are necessary to make the building fully useable (such as vertical circulation) but shall not include rentable/habitable floor space attributable to new construction.
 - (3) Architectural and engineering services attributable to the design of the improvements.
 - (4) Costs necessary to maintain the historic character or integrity of the building.
- (e) *Scope.* The special tax assessment may apply to the following:
 - (1) Structure(s) rehabilitated.
 - (2) Real property on which the building is located.

- (f) *Time limits.* To be eligible for the special tax assessment, rehabilitation must be completed within two (2) years of the preliminary certification date. If the project is not complete after two (2) years, but the minimum expenditures for rehabilitation have been incurred, the property continues to receive the special assessment until the project is completed or until the end of the special assessment period, whichever shall first occur.

(Ord. No. O-23-14, 9-23-14)

Sec. 10-1005. - Process.

- (a) *Fee required.* A fee as set out in the city's fee schedule shall be required for final certification for each application.
- (b) *Plan required.* Owners of property seeking approval of rehabilitation work must submit an HRB application with supporting documentation and application fee prior to beginning work.
- (c) *Preliminary certification.* Upon receipt of the completed application, the proposal shall be placed on the next available agenda of the HRB to determine if the project is consistent with the standards for rehabilitation in subsection 10-1004(a). After the HRB makes its determination, the owner shall be notified in writing. Upon receipt of this determination the owner may:
- (1) If the application is approved, begin rehabilitation;
 - (2) If the application is not approved, may revise such application in accordance with comments provided by the HRB;
- (d) *Substantive changes.* Once preliminary certification is granted to an application, substantive changes must be approved by the HRB. Unapproved substantive changes are conducted at the risk of the property owner and may disqualify the project from eligibility. Additional expenditures will not qualify the project for an extension on the special assessment.
- (e) *Final certification.* Upon completion of the project, the project must receive final certification in order to be eligible for the special assessment the director of planning and development services will inspect completed projects to determine if the work is consistent with the approval granted by the HRB pursuant to section 10-1004(a). Final certification will be granted when the completed work meets the standards and verification is made that expenditures have been made in accordance with section 10-004(c) above. Upon receiving final certification, the property will be assessed for the remainder of the special assessment period on the fair market value of the property at the time the preliminary certification was made or the final certification was made, whichever occurred earlier.
- (f) *Additional work.* For the remainder of the special assessment period after final certification, the property owner shall notify the HRB of any additional work, other than ordinary maintenance. The HRB will review the work at a regularly scheduled hearing and determine whether the overall project is consistent with the standards for rehabilitation. If the additional work is found to be inconsistent the property owner may withdraw his request and cancel or revise the proposed additional work.
- (g)

Decertification. When the property has received final certification and has been assessed as rehabilitated historic property, it remains so certified and must be granted the special assessment until the property becomes disqualified by any one of the following:

- (1) Written notice from the owner to the HRB and the Beaufort County auditor requesting removal of the preferential assessment; or
- (2) Rescission of the approval of rehabilitation by the HRB because of alterations or renovation by the owner or the owner's estate which causes the property to no longer possess the qualities and features which made it eligible for final certification.

Notification of any change affecting eligibility must be given immediately to the Beaufort County assessor, auditor, and treasurer.

- (h) *Notification.* The city shall, upon final certification of a property, notify the Beaufort County assessor, auditor and treasurer that such property has been duly certified and is eligible for the special tax assessment.
- (i) *Date effective.* If an application for preliminary or final certification is filed by May 1 or the preliminary or final certification is approved by August 1, the special assessment authorized herein is effective for that year. Otherwise, it is effective beginning with the following year. The special assessment only begins in the current or future tax years as provided for in this section. In no instance may the special assessment be applied retroactively.
- (j) *Application.* Once the HRB has granted the special property tax assessments authorized herein, the owner of the property shall make application to the Beaufort County auditor for the special assessment provided for herein.

(Ord. No. O-23-14, 9-23-14)



MEMORANDUM

To: Natural Resources Committee of County Council
From: Anthony Criscitiello, Beaufort County Planning Director
Subject: Proposed Amendments to the Beaufort County Official Zoning Map – Sec. 3.1.20 (Establishment of Zones) to Adopt the 2013 F-35B AICUZ (Air Installation Compatibility Use Zone) Map as the MCAS-AO Overlay Zone
Date: June 8, 2017

PLANNING COMMISSION RECOMMENDATION from its June 5, 2017, draft meeting minutes:

Mr. Harold Mitchell, Planning Commissioner, recused himself from the discussion due to possible personal interests. He left the Council Chambers.

Mr. Anthony Criscitiello briefed the Commission on the map amendment. He noted that the Metropolitan Planning Commission recommended approval of the map amendment to adopt the 2013 F-35B AICUZ map to replace the F-18 map approved by County Council in 2004. The difference between the two maps is 2,200 acres because of the increased noise contours for the F-35B.

Mr. Criscitiello noted that the text amendment associated with the map amendment (Section 3.4.30) included County notification requirements to the Marine Corps Air Station-Beaufort and their response time to such notifications.

Discussion included clarification of the recourse of property owners within the new AICUZ (*Mr. Criscitiello noted that the property owners upon sale of their property are to notify future owners that the property is in the AICUZ. There is no financial benefit; however, in the future the Transfer of Development Rights (TDR) Program when implemented may provide some financial assistance. Mr. Semmler noted that the process for adopting the new overlay has been going on for over two years and it now exists—to not adopt it would be negating all the conversations, meetings, and discussion that has occurred for over two years.*).

For the Record: Mr. Semmler stated that the meeting started with a quorum; despite Mr. Mitchell recusing himself for this amendment, a quorum still exists.

Further discussion included clarification on the difference between the F-18 and F-35B AICUZ zones (*Mr. Criscitiello noted that the staff deemed reasonable to use the F-35B map rather than working with two maps simultaneously since the F-35B zones encompassed the F-18 zones, and the F-35Bs will eventually replace the F-18s.*); and acknowledging that F-18s would be used for several years.

Public Comment: None were received.

Motion: Mr. Ed Pappas made the motion, and Mr. Jason Hinchler seconded the motion, **to accept the Proposed Amendment to the Beaufort County Official Zoning Map– Section 3.1.20 (Establishment of Zones) to adopt the 2013 F-35B AICUZ (Air Installation Compatibility Use Zone) map as the MCAS-AO overlay zone.** The motion **carried (FOR: Hinchler, Pappas, Semmler, and Walsnovich; RECUSED: Mitchell; ABSENT: Chmelik, Fermin, Fireall, and Stewart).**

Note: Mr. Harold Mitchell returned to the meeting, after leaving the Council Chambers due to his recusal of the Amendment to the Official Zoning Map.

STAFF REPORT

Summary of Proposed Amendment – Adopt an updated Marine Corps Air Station – Airport Overlay (MCAS – AO) map showing 2013 F-35B noise contours and accident potential zones (attachment 1).

Justification – The MCAS – AO Zone applies to all land within noise and accident potential zones as outlined in Sec. 3.4.30 of the Beaufort County Community Development Code (attachment 2). The overlay zone establishes regulations in addition to those pertaining to the underlying zoning district. It includes limitations and restrictions that apply to land uses in the overlay zone, adds requirements for noise attenuation of structures, prohibits operations that may interfere with flight operations (e.g. bright lighting, electronic interference, and visual hazards), and requires disclosure statements on all subdivision plats and property transfers.

The current MCAS – AO map was adopted by County Council in 2004, and is based on the results of a 2003 Air Installation Compatible Use Zone (AICUZ) study prepared by the U.S. Dept. of the Navy. That study utilized noise contours and accident zones associated with the F/A-18 aircraft. In 2013, a new AICUZ study was published that was based on the transition to a new aircraft at MCAS – Beaufort, the F-35B Joint Strike Fighter. The transition from the F/A-18 to the F-35B began in 2014, and is expected to be complete by the mid-2020s. The 2003 AICUZ comprised 7,219 acres off-Station, while the 2013 AICUZ comprises 9,477 acres, an increase of 2,258 acres (attachment 3).

The proposed zoning map amendment to adopt an updated airport overlay zone map is a recommendation of the 2015 Joint Land Use Study (JLUS), which was administered by the Lowcountry Council of Governments in co-operation with Beaufort County, the City of Beaufort, the Town of Port Royal, and MCAS – Beaufort. The updated map will ensure that the County’s airport overlay regulations are being applied to the most current noise and accident potential zones for MCAS—Beaufort .

METROPOLITAN PLANNING COMMISSION RECOMMENDATION:

The Metropolitan Planning Commission met on May 15, 2017, to review the County’s map

amendment. Commissioners' attendance: Joe DeVito (Chairman), Judy Alling, Caroline Fermin, Bill Harris, and Robert Semmler (Absent: Tim Rentz).

Mr. Anthony Criscitiello, County Planning Director, briefed the Commission that the County proposed to adopt the 2013 F35-B AICUZ (Air Installation Compatibility Use Zone) Map. A brief discussion occurred with clarification on the map amendment.

Public Comment: None were received.









Motion: Mr. Robert Semmler made a motion, and Ms. Caroline Fermin seconded the motion, **to recommend approval to the County Planning Commission of the Proposed Amendment to the Beaufort County Official Zoning Map (Community Development Code Section 3.1.20 Establishment of Zones)**. No further discussion occurred. The motion **carried** (FOR: Alling, DeVito, Fermin, Harris, and Semmler; ABSENT: Rentz).

Attachments:

1. Proposed Map -- 2013 F-35B noise contours and accident potential zones
2. Existing MCAS-AO Map
3. Comparison of 2003 and 2013 AICUZ 65+ dB DNL Contours

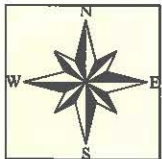
MCAS BEAUFORT

Noise Contours and APZs'

-  MCAS Boundary
- Accident Potential Zones**
-  APZ1
-  APZ2
-  CZ
-  RZ
- F-35 Noise levels**
-  Zone 2A (65 - 69.9 DB DNL)
-  Zone 2A (70 - 74.9 DB DNL)
-  Zone 3 (75+ DB DNL)

"DNL" means "Day-Night Average Sound Level" and is a 24-hour weighted and averaged measurement.

"DNL" is not a measurement in decibels (dBA)

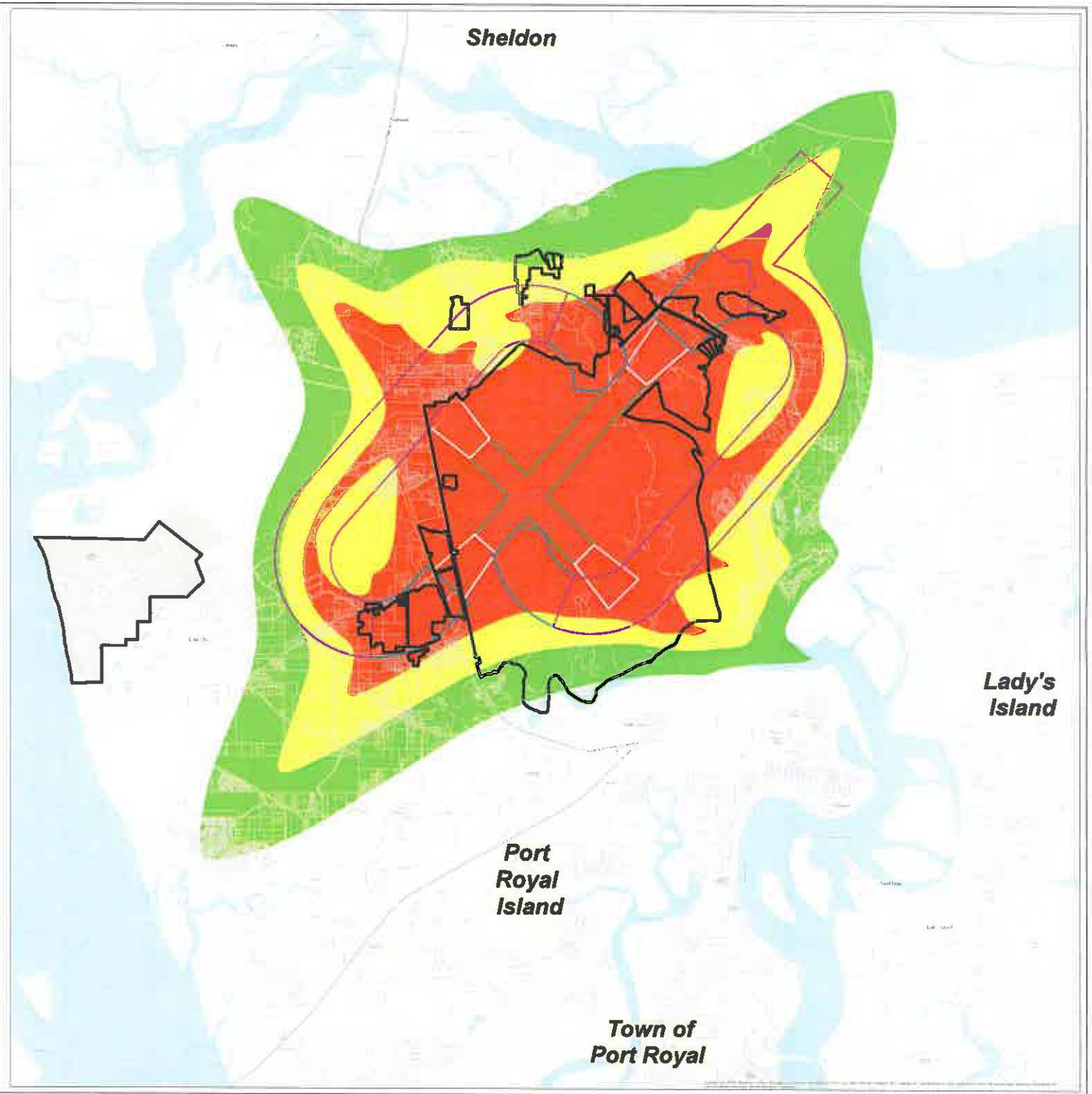


Beaufort County Council
Planning Department



Created April 12, 2017

ATTACHMENT 1



MCAS BEAUFORT

Noise Contours and APZs

 MCAS Boundary

F-18 Noise Level

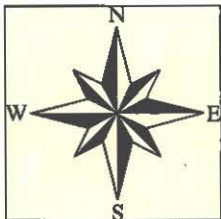
 Noise Zone 2A (65 - 70 DB DNL)

 Noise Zone 2B (70 - 75 DB DNL)

 Noise Zone 3 (75+ DB DNL)

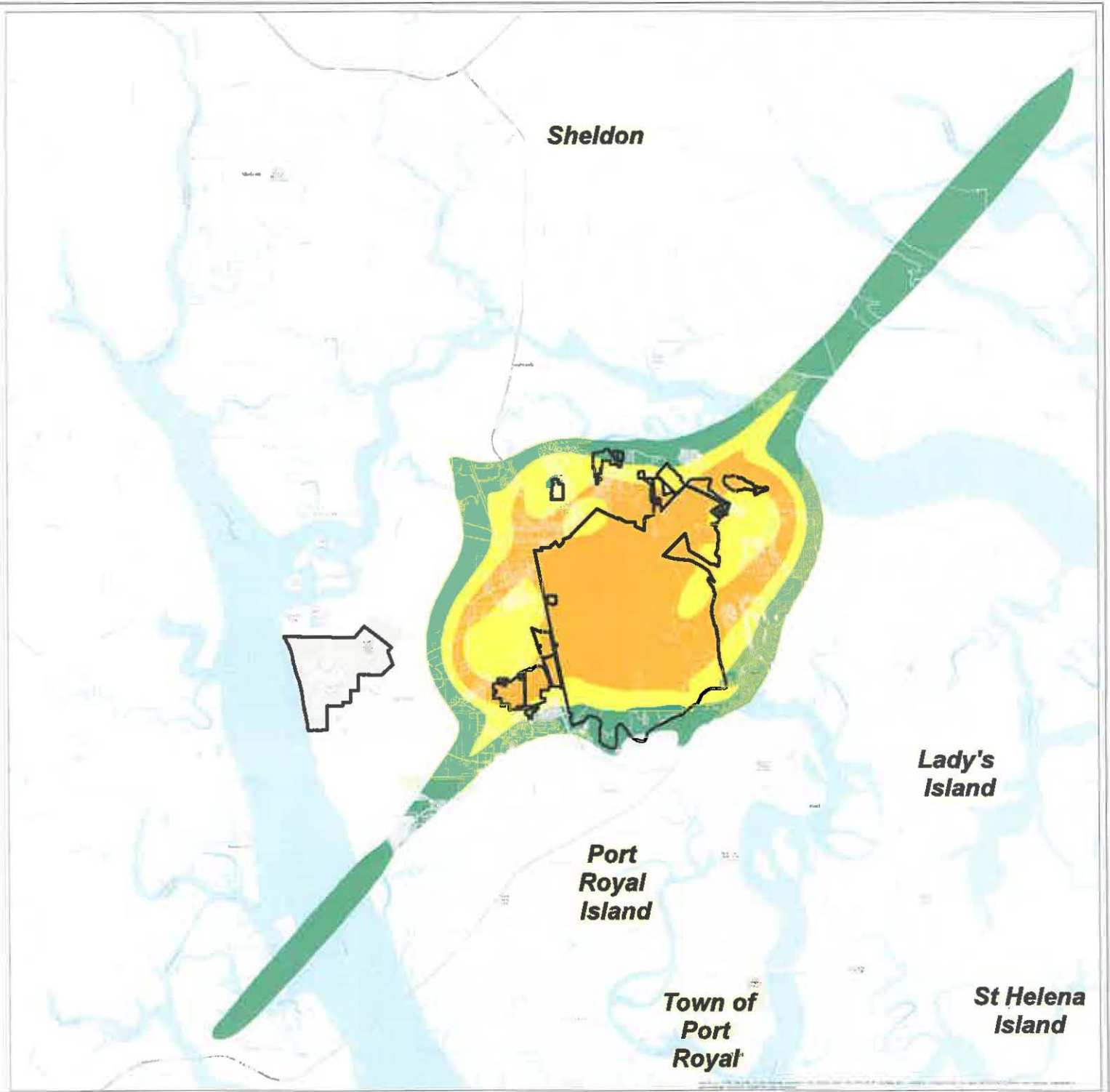
*"DNL" means "Day-Night Average
Sound Level" and is a 24-hour
weighted and averaged measurement*

*"DNL" is not a measurement
in decibels (dBA)*



Created April 12, 2017

ATTACHMENT 2



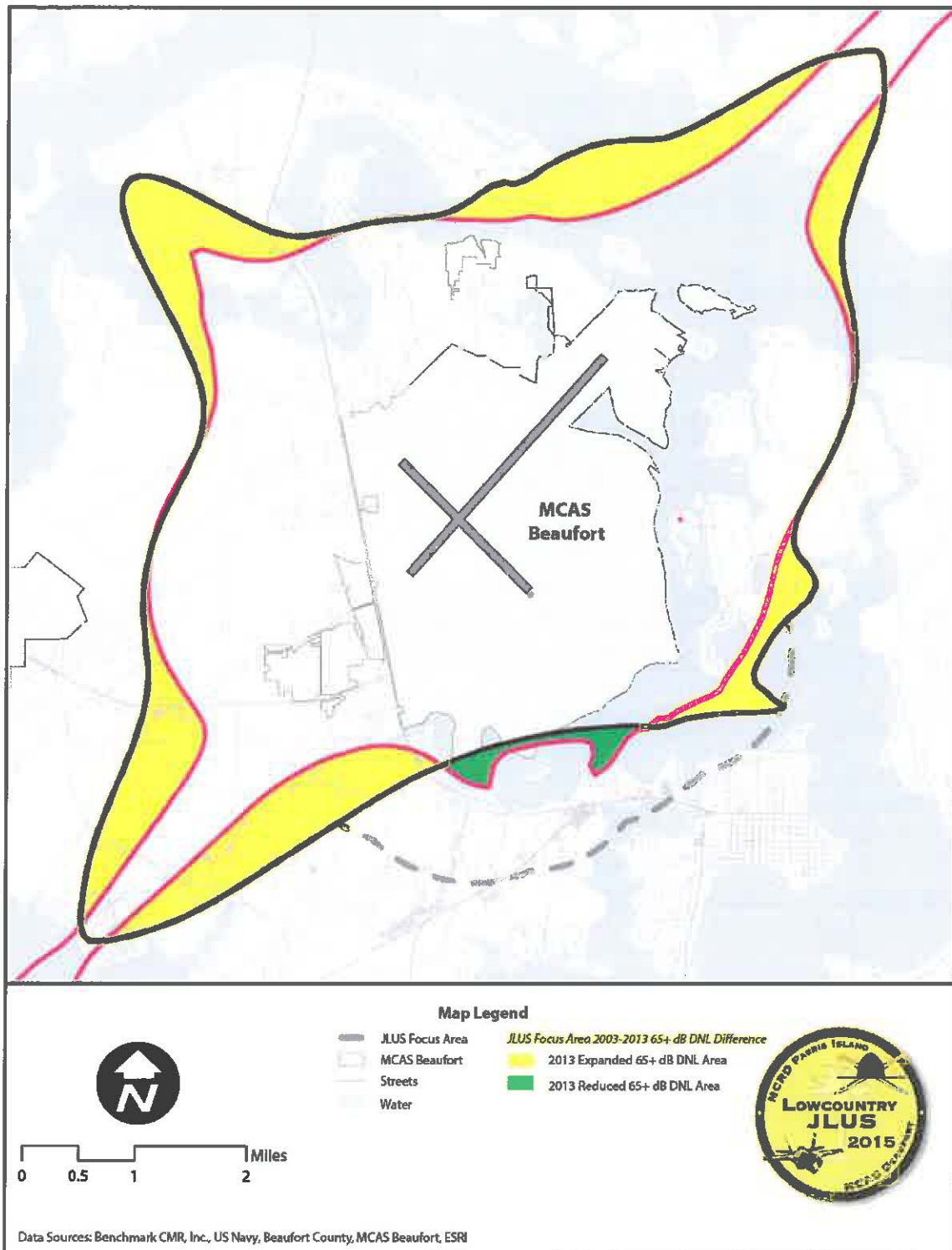


Figure 3-13: Comparison of 2003 and 2013 AICUZ 65+ dB DNL Contour



MEMORANDUM

TO: Natural Resources Committee of County Council
FROM: Anthony Criscitiello, Planning Director
DATE: June 8, 2017
SUBJECT: 18-Month Review of Community Development Code – Proposed Text Amendments – Part 2

PLANNING COMMISSION RECOMMENDATION from its June 5, 2017, draft minutes:

Mr. Criscitiello briefed the Commission on the text amendments proposed by the staff. This is part of an 18-month review of the Code. The Staff has chosen to withdraw the following amendments that the Commission forwarded from last month's meeting since the Staff agreed with the Commission from its last month's meeting discussion:

- Section 3.2.90.D regarding increasing the maximum lot coverage from 30% to 50% for the T3-Neighborhood district;
- Sections 3.1.60, 3.1.70, and 4.1.410 regarding the stand-alone use for boat/vehicle storage; and
- Section 5.8.20 regarding tree requirements on new residential lots.

Mr. Semmler noted that he would like the Commission to separately discuss and approved each text amendment, and no objection was offered by the Commissioners.

- **Section 5.5.30:** Mr. Criscitiello noted that a member of County Council requested allowing tractor cabs only on one acre lots or larger, and staff agreed. Commission discussion included clarification that tractor cabs and not trailers would be allowed on 1-acre lots, clarification of service professionals with trailers attached to their vehicles were allowed especially with home occupations, noting a hardship if only 1 vehicle was allowed in a 1-acre or larger residential lot, and clarification on multi-acre residential lots and the number of vehicles allowed.

Motion: Mr. Jason Hinchey made the motion and Mr. Harold Mitchell seconded the motion, to recommend approval to County Council on the **Text Amendment to the Community Development Code (CDC) Section 5.5.30 General Parking Standards that allows parking of commercial trucks and semi-trailer tractors/cabs on residential lots of one acre or larger.** Discussion included concern for potential abuses of other vehicles, querying the genesis for this amendment came from a resident asking his Councilman to alleviate his situation to allow him to park his tractor-trailer cab at his residence, noting that covenants may prevent this amendment, and recommending citizens who may be affected by this amendment to contact the Planning Department. The motion **carried (FOR: Hinchey, Mitchell, Pappas, Semmler, and Walsnovich; ABSENT: Chmelik, Fermin, Fireall, and Stewart).**

- **Section 5.3.20:** The Staff is adding architectural guidelines within existing PUDs (Planned Unit Developments). This standard was in the ZDSO (Zoning and Development Standards Ordinance), but not included in the Code, unintentionally. Mr. Criscitiello noted that if existing PUDs did not have architectural guidelines in their PUD agreement, then this standard would be used. Discussion included clarification on the effect of this proposed amendment to existing PUDs on Highway 278 being impacted by road widenings.

Motion: Mr. Eric Walsnovich made the motion and Mr. Ed Pappas seconded the motion, to recommend approval to County Council on the Text Amendment to the Community Development Code (CDC) Section 5.3.20 Applicability (Architectural Standards and Guidelines) that clarifies that architectural standards only apply to non-residential and multi-family structures that are within 500-feet of arterials and major collector roads in conventional, PUD (Planned Unit Development), and CP (Community Preservation) Districts. No further discussion occurred. The motion carried (FOR: Hinchey, Mitchell, Pappas, Semmler, and Walsnovich; ABSENT: Chmelik, Fermin, Fireall, and Stewart).

- **Section 5.8.20:** Mr. Criscitiello noted that this is a way to have better tree standards and tree cutting requirements on residential lots. Discussion included clarification on supporting the standard.

Motion: Mr. Ed Pappas made the motion and Mr. Eric Walsnovich seconded the motion, to recommend approval to County Council on the Text Amendment to the Community Development Code (CDC) Section 5.8.20 Applicability (Landscaping, Buffers, and Screening Standards) that adds tree requirements for new single-family and duplex lots. The motion carried (FOR: Hinchey, Mitchell, Pappas, Semmler, and Walsnovich; ABSENT: Chmelik, Fermin, Fireall, and Stewart).

- **Section 3.4.30:** Mr. Criscitiello noted that this text amendment was related to the earlier map amendment that the Commission recommended approval to County Council; therefore a separate vote was not needed. Discussion included clarification on the proposed text amendment regarding public notification to the Air Station (*Mr. Criscitiello noted that the verbiage was in accordance with state law and as recommended by the JLUS (Joint Land Use Study)*).

Public Comments: None were received.

PLANNING COMMISSION RECOMMENDATION from its May 1, 2017, approved minutes:

Section 5.11.100.E Tree Protection During Construction (Subparagraph 4. Penalty For Damaging Or Cutting Protected Trees) (increases the penalty/mitigation of illegally removed trees from 1.25 times to 2 times the caliper inches removed).

The above Section was discussed by the Planning Commission at its May 1, 2017, and forwarded recommending approval (see the yellow highlights in the motion below); however, it was not included in the agenda titling at the May 15, 2017, Natural Resources Committee. Therefore, Staff is bringing it forward with the text amendments from the June 5, 2017, Planning Commission meeting.

Motion: Ms. Carolyn Fermin made a motion, and Mr. Marque Fireall seconded the motion, to forward to County Council recommending approval of the following Text Amendments to the Community Development Code:

9. **Section 5.11.100 (Trees):** Adds longleaf pine and black cherry as specimen trees at 16 inches, and increases the penalty/mitigation of illegally removed trees from 1.25 times to 2 times the caliper inches removed

The motion was carried (FOR: Chmelik, Fermin, Fireall, Hinchey, Semmler, Stewart, and Walsnovich; ABSENT: Mitchell and Pappas).

STAFF REPORT

Planning Staff brought forward a group of amendments to the Community Development Code at the May (2017) meeting of the Planning Commission. At that time, the Commission had concerns about some of the proposed amendments and requested that Planning Staff do further analysis to determine whether they were appropriate and would not result in adverse impacts or unintended consequences. These amendments include the following:

1. **Section 3.2.90.D: T3 Neighborhood** – Amendment to increase the maximum lot coverage, the portion of a lot covered by buildings and outbuildings, from 30% to 50%.
2. **Section 3.1.60, 3.1.70, and 4.1.410** – Amendment to create a new use titled “Outdoor Boat/Vehicle Storage.
3. **Section 5.8.20** – An amendment to require that all new residential lots have at least two overstory trees with the exception of the T4 districts. Existing trees can count toward this requirement. In the T4 districts, at least one overstory tree is required.

After further analysis, staff has decided to withdraw the first two proposed amendments from consideration by the Planning Commission.

Staff has revised the language and is bringing forward the third amendment (Section 5.8.20.). In addition, staff is proposing three new amendments with this package (Sections 3.4.30., 5.3.20., and 5.5.30.).

Further, Section 5.11.100.E. is being included since it was mistakenly left off the first set of text amendments that the Planning Commission recommended approved to County Council during its May 1, 2016, meeting.

3.4.30 MCAS Airport Overlay (MCAS-AO) Zone Standards. This amendment implements a recommendation from the 2015 Joint Land Use Study (JLUS) for Marine Corps Air Station Beaufort to formally codify state law requires to notify local military installations prior to land use planning and zoning actions.

G. Variances. The Beaufort County Zoning Board of Appeals (ZBOA) shall not act upon a request for a variance from this Section affecting lands within the MCAS AO Zone until they have received an advisory opinion from MCAS Beaufort. If an advisory opinion is not received within 30 days of notification, the ZBOA may proceed to act on the request without the opinion.

G. Notice to Military Installations.

1. Section 6-29-1610 et seq. of the South Carolina Code Ann. sets forth notice requirements pertaining to federal military installations. The provisions of Subsection G. shall apply to the following types of land use and zoning decisions when such decisions involve land located within an Accident Potential Zone or Noise Zone:
 - a. adoption of or amendment to the Beaufort County Comprehensive Plan;
 - b. amendment to the Official Zoning Map;
 - c. an appeal to the Beaufort County Zoning Board of Appeals (ZBOA);
 - d. a request to the ZBOA for a variance from the provisions of the Beaufort County Community Development Code; or
 - e. a request to the ZBOA for a Special Use Permit.
2. Pursuant to § 6-29-1610 et seq., S.C. Code Ann., for the proposed land use or zoning decisions identified in Subsection G, Division 1, the Beaufort County Community Development Department shall:
 - a. at least thirty days prior to any public hearing conduction in conjunction with any of the land use or zoning decision specified in Subsection G, Division 1, request from the base commander a written recommendation with supporting facts with regard to the matters specified in Subsection G, Division 4, relating to the use of the property which is the subject of review; and
 - b. upon receipt of the written recommendation from the base commander, the Community Development Department shall make the written recommendation a part of the public record, and in addition to any other duties with which the Community Development Department is charged by the local government, investigate and make recommendations of findings with respect to each of the matters enumerated in Subsection G, Division 4.
3. If the base commander does not submit a recommendation by the date of the public hearing, there is a presumption that the proposed land use or zoning decision does not have any adverse effect relative to the matters specified in Subsection G, Division 4.
4. The matters the Community Development Department and the base commander shall address in their investigation, recommendations, and findings must be:
 - a. whether the proposed land use or zoning decision will permit a use that is suitable in view of the fact that the property under review is within the MCAS-AO zone;

- b. whether the proposed land use or zoning decisions will adversely affect the existing use or usability of nearby property within the MCAS-AO zone;
- c. whether the property to be affected by the proposed land use or zoning decisions has a reasonable economic use as currently zoned;
- d. whether the proposed land use or zoning decision results in a use which causes or may cause a safety concern with respect to excessive or burdensome use of existing streets, transportation facilities, utilities, or schools where adjacent or nearby property is used as a federal military installation;
- e. whether the land use or zoning proposal is in conformity with the policy and intent of the Beaufort County Comprehensive Plan given the proximity of a federal military installation; and
- f. whether there are other existing or changing conditions affecting the use of the nearby property, such as the presence of a federal military installation, which give supporting grounds for either approval or disapproval of the proposed land use or zoning decision.

5.3.20 Applicability (of Architectural Standards and Guidelines). This amendment limits the applicability of architectural standards in conventional zones to development located within 500 feet of an arterial or major collector. This amendment also clarified existing PUDs are not exempt from architectural standards. A significant amount of commercial development along US 278 such as Moss Creek and Belfair is zoned PUD.

- B. **Within Conventional Zones, Existing PUDs, and Community Preservation Districts.** Within Conventional Zones, Existing PUDs, and Community Preservation Districts, all development located within 500 feet of the right-of-way of an arterial or major collector, with the exception of single-family and two-family residential, shall meet the standards in Section 5.3.3.30 (General Architectural Standards and Guidelines) and utilize Section 5.3.40 (Architectural Styles) as a “best practices manual” to achieve the standards in Section 5.3.30 (General Architectural Standards).

5.5.30 General Parking Standards. This amendment relaxes the restriction that commercial trucks and semi-trailer cabs can only park on residential lots in the T2 district. This provides more flexibility to independent contractors and small business owners.

- A. **Storage and/or Parking of Heavy Trucks, Trailers, Recreational Vehicles, Boats, Campers, and similar Vehicles.** Parking or storage of heavy trucks (vehicles over 20,000 GVW), trailers, recreational vehicles, boats, campers, or similar vehicles in any zone for residential or storage purposes shall be prohibited except as follows:

1. Semi-trailer trucks, their cabs or trailers, and other heavy trucks shall not be parked or stored on any residential lot except within the T2 district, except that one commercial truck or one semi-trailer cab may be parked on any residential lot of one acre or larger provided it is not prohibited by private covenants and restrictions.

5.8.20 Tree Planting Requirements for Single Family Residences and Duplexes. This amendment requires that all new residential lots have at least two overstory trees with the exception of the T4 districts. Existing trees can count toward this requirement. In the T4 districts, at least one overstory tree is required.

B. ~~Exemptions:~~ **Requirements for Single-Family Residential and Duplex Lots.** New single-family residential and duplex lots that are 10,800 square feet or less shall require the planting or preservation of at least two overstory trees in all districts except T4. In the T4 districts, at least one overstory tree is required.

- ~~1. Within Transect Zones: Single family residential and duplexes on individual lots are exempt from the requirement of this section within T1 Natural Preserve, T2 Rural, T2 Rural Neighborhood, T2 Rural Neighborhood Open, T2 Rural Center, T3 Edge, T3 Hamlet Neighborhood, and T3 Neighborhood.~~
- ~~2. Within Conventional Zones and Community Preservation Districts: Single family residential and duplexes on individual lots are exempt.~~

5.11.100.E Tree Protection During Construction. This amendment increases the penalty for damaging or removing protected trees during construction. The current penalty requires the trees to be replaced by 1.25 times the diameter caliper inches of removed or damaged trees. The amendment would require that to be increased to 2 times the caliper inches.

4. **Penalty for Damaging or Cutting Protected Trees.** If trees are damaged or cut down as a result of the construction process, the mitigation shall be individual plantings of trees a minimum of 2.5 caliper inches with a total caliper equal to 1.25 two (2) times that of the DBH of the trees damaged or destroyed. Trees shall be planted within the disturbed area of the site. If all tree inches cannot be planted back on site due to site constraints, the remaining tree inches shall be subject to a general county reforestation fee; see Section 5.11.100.D.3 (Reforestation Fee).