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AGENDA  
NATURAL RESOURCES COMMITTEE

Monday, September 18, 2017

4:00 p.m.

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 – 4:00 P.M.
2. DISCUSSION / PREVIOUS PLANNING COMMISSION MEETING
3. PRESENTATION / SOUTHERN BEAUFORT COUNTY CORRIDOR BEAUTIFICATION BOARD
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. DISCUSSION / DETERMINE DATES AND PLACES FOR MEETINGS TO RECEIVE PUBLIC COMMENT AND INPUT INTO POLICIES FOR AN ORDINANCE TO DEAL WITH PLASTIC BAGS AND A SUBSTITUTE FOR THEM WITH REUSABLE RETAIL CARRYOUT BAGS IN THE UNINCORPORATED AREAS OF BEAUFORT COUNTY
6. TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 3.1.70 LAND USE DEFINITIONS, AGRICULTURE (TO ADD THE AQUAPONICS USE TO AGRICULTURE AND CROP HARVESTING LAND USE TYPE); APPLICANT: EDWARD D. KREBS ([backup](#))
7. TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): ARTICLE 4, SECTION 4.2.20 GENERAL STANDARDS AND LIMITATIONS, T3-NEIGHBORHOOD (TO ALLOW PRIVATE FISH PONDS); APPLICANT: GREG HUMPHRIES ([backup](#))



8. TEXT AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE (CDC), ARTICLE 5 (SUPPLEMENT TO ZONES), DIVISION 5.5 (OFF-STREET PARKING), SECTION 5.5.30.A. STORAGE AND/OR PARKING OF HEAVY TRUCKS AND TRAILERS ([backup](#))
9. DISCUSSION ONLY / SHERIFF P.J. TANNER / COUNTY ADMINISTRATOR GARY KUBIC / DIGITAL MESSAGING COMMUNICATION SYSTEMS
10. CONSIDERATION OF REAPPOINTMENTS AND APPOINTMENTS
  - A. Southern Beaufort County Corridor Beautification Board
11. 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



## Memorandum

DATE: September 14, 2017  
TO: Natural Resources Committee  
FROM: Christopher S. Inglese, Assistant County Attorney *CS*  
SUBJECT: Daufuskie Island Bailey Bill

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### Proposed Daufuskie Island Bailey Bill

10 Year Assessment Period                      75% Initial investment

Issue: Should Daufuskie Island have a 20-year assessment period and a 20% initial investment standard in the proposed Daufuskie Island Bailey Bill when an existing County ordinance applicable within the City limits of Beaufort provides for a 10 year assessment period and a 75% initial investment?

Rationale: Consistency County wide is appropriate because: 1) there is no precedent for varying standards within a county, 2) because of administration of the Assessor's duties, 3) need to comply with constitutional principles of uniformity of tax assessment and equal protection, 4) avoid the predictable slippery slope of different communities expecting custom crafted standards, and 5) because of the potential fiscal impact.

1. **No precedent for varying standards of tax break-** Staff is not aware of any County that has substantive variations in the assessment period or initial investment amount among municipalities or geographic districts.
2. **Administrative needs-** Administration of the Assessor's duties is best served by a countywide standard. Varying standards will be a burden on staff, create opportunities for mistakes, and require manual entry outside of the automated systems created for efficiency and accuracy.

3. **Inconsistent with Constitutional Principals-** Article X Sec. 1- “The assessment of all property shall be equal and uniform” with regard to real and personal property. Subsequent state/local law (such as the Bailey Bill), must be in conformity with the Constitution. The Bailey Bill does not grant the County greater powers with regard to taxation than is granted under the Constitution, i.e. the power to customize tax assessments. Additionally, **S.C. Code of Laws 12-37-30** requires the uniform assessment of real property within a county.
  - a. **Article I Sec. 23- Provisions of Constitution mandatory.** “The Provision of the Constitution shall be taken, deemed, and construed to be mandatory and prohibitory, and not merely directory, except where expressly made directory or permissive by its own terms.”
  - b. **Article I Sec. 3-** Includes the equal protection of the laws, which guarantees the equal application of the law to citizens of the State and its political subdivisions. In this case, the equal application of the Bailey Bill to all county taxpayers.
4. **Slippery slope-** Avoid the predictable pleas from different communities for a custom crafted ordinance.
5. **Fiscal Impact-** I believe the School District voiced its opposition to a 20-year special tax break because of the fiscal impact at the time the City of Beaufort ordinance was passed. While arguably negligible for the few properties eligible on Daufuskie Island, the longer the special tax break, the deeper the fiscal impact to the County and the School District.

The substantive arguments were vetted through the public hearing process at the time the City of Beaufort ordinance was passed and include:

**75% v. 20%**

The 75% Initial investment provides for a substantial investment that ensures the property will be visibly improved thereby benefiting neighboring properties and the community at large; a 20% investment may not be sufficient for any visible improvements to the property. Furthermore, a 20% investment may depreciate long



before the expiration of a 20-year period thereby realizing no or nominal gain in assessed value over the course of 20 years.

**10 Years v. 20 Years**

A 10-year period for the special assessment provides for increased tax revenue to the County and School District after a reasonable time for recovering the initial investment. A 20-year period may allow for the property value and/or the condition of the property to deteriorate such that no increase in value due to improvements would be realized on the tax rolls.

**From:** Michael Bedenbaugh <[oldhouse@palmettotrust.org](mailto:oldhouse@palmettotrust.org)>  
**Date:** Monday, April 24, 2017 at 1:03 PM  
**To:** "[tvaux@bcgov.net](mailto:tvaux@bcgov.net)" <[tvaux@bcgov.net](mailto:tvaux@bcgov.net)>, "[gkubic@bcgov.net](mailto:gkubic@bcgov.net)" <[gkubic@bcgov.net](mailto:gkubic@bcgov.net)>  
**Subject:** Bailey Bill Implementation

Tabor and Gary

I appreciated the time y'all took to come visit Daufuskie and sit in on the council meeting. The connectivity between the island and the county is at a all time high and it says a lot about your dedication to open communication and availability.

Regarding the Bailey Bill, I have a link from the city of Columbia that shows how they recognize the implementation of the program.

Here it is: <http://www.columbiasc.net/planning-preservation/historic-incentives>

The top portion deals with the Bailey Bill and provides not only the ordinance but the application as well.

Implementing this act will go far in assuring that the historic fabric of Daufuskie will remain for future generations.

Thank you for helping us get this presented to Council. This is a priority for our mission in Beaufort County and Daufuskie and I will make it a priority to be as available to meet with you during work sessions and committee or council meetings to discuss this further.

Sincerely

Michael Bedenbaugh  
Executive Director  
Palmetto Trust for Historic Preservation  
PO Box 506  
117 Grace Street  
Prosperity, SC 29127  
803-924-9979

Help us save Daufuskie's Historic Gullah Homes <http://www.gofundme.com/savinggullahhomes>

## ***EXCERPT FROM CITY OF COLUMBIA WEBSITE***

### **Historic Incentives**

#### **Bailey Bill Historic Properties Tax Abatement Program**

An incentive for owners of historic buildings, this City of Columbia program may enable you to keep your building's current assessed value at the same rate for 20 years. The property owner is required to make an investment of 20% of qualified expenses to qualify for the abatement. Richland County also offers its own Bailey Bill which generally mirrors the City's program. For more information, go to their [website](#).

The Bailey Bill was passed by the state legislature in 1992 to give local governments the option of granting property tax abatement to encourage the rehabilitation of historic properties. Following amended state legislation in 2004, Columbia's City Council also adopted a local amended version of the bill in July of 2007.

All projects must be reviewed by the [Design/Development Review Commission](#) and your district's [staff representative](#) for eligibility prior to the start of work.

[Bailey Bill Application](#)

[Bailey Bill Ordinance](#)

#### **Commercial Facade Improvement Loan Program**

This City of Columbia multi-phase program has completed its round for the central business district along Main Street and is now focused on North Main Street. Funding through this program can be forgivable if certain criteria are met. Find out more through the [Community Development Office](#).

For assistance with the Facade Improvement Loan Program please contact Gerry Lynn Hall at [glhall@columbiasc.net](mailto:glhall@columbiasc.net) or 803-545-3381. For the [North Main Street Design District](#) please contact John Fellows, Planning Administrator, at [jsfellows@columbiasc.net](mailto:jsfellows@columbiasc.net) or 803-545-3215.

#### **South Carolina State Historic Preservation Office (SHPO)**

Located in Columbia, the SHPO has a number of free educational resources available to historic property owners, and they also have certain tax credit programs available for qualifying renovations. They have all of the state's listings in the National Register of Historic Places, many of them with full-length nomination forms and photographs, which can be valuable tools for researching your community. The SHPO is housed in the same building as the S.C. Department of Archives and History, which maintains thousands of our state's historic documents.

#### **Abandoned Buildings Act**

In June 2013, the South Carolina State Legislature approved the Abandoned Buildings Act (ABA) in an effort to encourage the revitalization of abandoned buildings throughout the state. The ABA provides a tax credit to individuals who rehabilitate, renovate, and/or redevelop building sites.

The ABA offers two tax credit options:

- 1) A credit against income taxes, corporate, license fees or taxes on associations; or
- 2) A credit against real property taxes levied by local taxing entities.

The City of Columbia is only involved in the review and approval process when a taxpayer is seeking the credit against real property taxes. To qualify, a taxpayer must file a "Notice of Intent to Rehabilitate" with the City of Columbia Planning Division along with a completed application and signed affidavit. Planning staff will facilitate the review process. For more information about the Abandoned Buildings Act and how to apply for the tax credit, please contact Amy Moore at 803-545-3335 or [aemoore@columbiasc.net](mailto:aemoore@columbiasc.net).

Resources:

[Frequently Asked Questions](#)

[Application](#)

[Abandoned Building Act Legislation](#)

**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 Auditor'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:

**August 23, 2016**  
**Daufuskie Island Council Resolution**  
**“The Bailey Bill on Daufuskie Island”**

**Background**

South Carolina state legislation enacted in 1992 and amended in 2004, known popularly as “The Bailey Bill” is a local real estate tax incentive for rehabilitation of historic property. It freezes the taxable assessed value of a property for up to 20 years following a minimum investment threshold, review and approval of the project, and successful completion of the project within two years.

The Daufuskie Island Council, in establishing a committee to study the effects of the Bailey Bill on Daufuskie Island Historic District, has met with members of the Beaufort County Council, Beaufort County Staff and citizens of Daufuskie in order to determine the suitability of the application of the Bailey Bill on historic property located on Daufuskie Island.

To this end, the Daufuskie Island Council has adopted the following resolution which is being forwarded to the Beaufort County Council:

**Whereas,** Daufuskie Island is a special planning district located in Beaufort County; and

**Whereas,** Daufuskie Island has a Historic District that contains many buildings listed on the National Register as contributing to the historic district, and

**Whereas,** these historic buildings reflect the unique history of a SC Sea Island inhabited by Gullah and white landowners who existed on the island prior to the encroachment of modern late 20<sup>th</sup> century development, and

**Whereas,** due to the uniqueness of the quantity and quality of these historic buildings, a thriving tourist industry has developed with visitors wanted to see and experience these historic places first hand, and

**Whereas,** because of the isolation of the island and difficulty in maintaining the privately owned properties, many of the historic structures listed on the National Register have been degraded and deteriorated to the point of where they might face eminent demolition, by either action or neglect, and



**Whereas**, many of the owners are not incentivized to invest in these historic structures due to the increase of Property taxes and the additional financial burden that could entail on their limited finance's, and

**Whereas**, the loss of these historic places could have a negative impact on tourism revenue for the islands property owners.

**THEREFORE, BE IT**

**RESOLVED**, that the Daufuskie Island Council strongly recommends that the Beaufort County Council enact the Bailey Bill for the Island of Daufuskie; and be it further

**RESOLVED**, that the Daufuskie Island Council urges the Beaufort County Council to give approval for an abatement of property tax for buildings listed on the National Register to be fixed at pre rehabilitation level for the full 20-year period and for the amount of investment equal to 20% of the value of the property.

**ADOPTED BY UNANIMOUS VOTE OF THE DAUFUSKIE ISLAND COUNCIL ON  
FRIDAY, August 23, 2016.**

Charlie Small, Chairman  
Chuck Hunter, Vice-Chairman  
David Hutton, Vice-Chairman  
Janet Adams  
Tine Fine  
Steve Hill  
Len Pojednic  
John Schartner  
Deborah Smith



## MEMORANDUM

**To:** Natural Resources Committee of Beaufort County Council  
**From:** Anthony Criscitiello, Beaufort County Community Development Director  
**Subject:** Amendment to the Beaufort County Community Development Code - Aquaponics  
**Date:** September 13, 2017

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**PLANNING COMMISSION RECOMMENDATION from the excerpt of its September 7, 2017, draft minutes:**

Mr. Criscitiello briefed the Commission and noted his research regarding aquaponics. There has been a decline in farming and this concept may reverse that trend in Beaufort County. He contemplated the reasoning adding the use to one district that the applicant requested versus all other districts where agriculture was allowed. Staff concurred with the applicant and felt it was beneficial to broaden the requested text amendment to all districts that allow agriculture uses. Staff has included the special use approval and other areas of changes. The special use was recommended so that the applicants would go before the Zoning Board of Appeals to weigh their individual applications. He noted that excavation of the ground was prohibited to prevent any mining applications under this proposed amendment.

**Applicant's Comment:** Mr. Ed Krebs, the applicant, noted that when he spoke to the Planning staff, they had no idea what was aquaponics. He gave kudos to the deeply researched staff report supporting his request. He noted his property was in Pritchardville in T3-Edge zoning that was allowed a greenhouse garden, but disallowed aquaculture (fish growing). He noted his handout to the Commissioners. He noted the traditional ways of raising fish was in outdoor ponds. He would be raising koi, not tilapia, in his aquaponics system. He mentioned that his wife was a biologist and a naturalist, so would not support outdoor fish ponds. His system would be an all-natural, completely organic system, where he would feed the fish--no fertilizer, no chemicals, no pesticides, and no herbicides. The system will produce 120,000 heads of lettuce a year and 100 koi each month that will grow in the system for a year. They will have a store where they will sell their lettuce and koi, and have a small classroom for people to view and learn about the aquaponics system—especially children and college level students. The investment is slightly under \$400,000 and will employ three people. He was looking for something that was lightweight.

**Discussion by Commission** included determining the regulatory authority for aquaponics systems (*Mr. Krebs stated that his research indicated Clemson Extension had the authority.*), the types of fish allowed in aquaponics (*Mr. Krebs noted that catfish, koi, brim, tilapia, etc.; but processing fish would involve another authority.*), acknowledging aquaponics systems elsewhere (*Mr. Krebs noted Hawaii and Midwest, with Hawaii being outdoors because the weather is mild. As a commercial entity, being outdoors would not work because there would be a 5-month season. Technically outdoors would work, but practically you would not cover your investment in such a short season. The greenhouse system would require 4 months before the first lettuce*

*can be harvested.*), clarifying the site requirements involving greenhouses rather than outdoors (*Mr. Krebs noted that 10-20 acres of farmland equates to 80,000 square feet of greenhouse for aquaponics.*), agreeing with the staff for a controlled environment on this innovative process, and concern with private fish pond verbiage confusing for one who wants decorative fish pond (*Mr. Criscitiello noted that this concern would be related to the next text amendment.*).

**Public Comment:** None were received

**Motion:** Mr. Randolph Stewart made a motion, and Ms. Caroline Fermin seconded the motion, **to recommend to County Council approval of Text Amendment to the Community Development Code (CDC): Section 3.1.70 Land Use Definitions, Agriculture, to add the Aquaponics use to agriculture and crop harvesting land use type, as a special use and with the other recommendation by staff.** Further discussion included clarification of the motion. The motion **carried (FOR: Chmelik, Fermin, Hinchey, Pappas, Semmler, and Stewart; ABSENT: Mitchell; VACANCIES: St. Helena Island and Southern Beaufort County (Walsnovich) and Fireall).**

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**STAFF REPORT:**

**A. BACKGROUND:**

**Case No.** ZTA 2017-12

**Applicant:** E. D. Krebs III

**Proposed Text Change:** Amendment to Add “Aquaponics” in the Section 3.1.70 Agriculture and Crop Harvesting Land Use Type

**B. SUMMARY OF REQUEST:**

The proposed amendment would change the Land Use definitions in Table of 3.1.70, Section 1, Agriculture and Crop Harvesting, to add “Aquaponics” in the definition for Agriculture and Crop Harvesting land use type. The term “Aquaponics” refers to a farming technique that is organic in nature using an ultra-low water use process involving fish in tanks in conjunction with floating rafts with vegetables, usually leaf lettuce.

The fish are fed organic food and water from the fish tanks; and then, the by-product is circulated through a bed of expanded clay particles where a beneficial bacterium removes the impurities. The water continues from there into float beds where the roots of the plants are immersed under the foam floats that hold up the leafy parts of the plants. The plants use the nutrients in the water to grow to maturity and the water is then pumped back into the fish tanks where the process continues its cycle all over again.

The entire process is housed in an enclosed greenhouse to protect from outside contamination. Typically there is no need for fertilizers, pesticides, or herbicides. Other than the initial load of water at start-up, no water changes are required. Excavation of the land area of the parcel is not permitted with this technique of farming.

## **C. ANALYSIS:**

**Sec. 7.7.30(C). Code Text Amendment Review Standards.** The advisability of amending the text of this Development Code is a matter committed to the legislative discretion of the County Council and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the County Council shall weigh the relevance of and consider whether, and the extent to which, the proposed amendment:

### **1. Is consistent with the goals, objectives, and policies of the Comprehensive Plan;**

The proposed amendment is consistent with preserving and enhancing agriculture as a way of life in Beaufort County and is vital to maintaining the county's economic and demographic diversity by providing economic opportunities to rural residents and landowners, reducing the pressures of sprawl, providing a source of local fresh produce, and retaining the traditions and characteristics that make this region unique (Culture Resource Element, page 6-11). Also, as a cottage industry, farmers should be encouraged to produce food items not only for farmers' markets and grocery outlets, but also for local and regional restaurants as well as schools, hospitals, or other institutional cafeterias. (Economic Development Element, page 7-21).

Finally, the way the food is produced and transported has an impact on the environment and energy consumption. The term "food miles" refers to the distance that food travels from the farm on which it is produced to the kitchen in which it is prepared. Food travels between 1,500 to 2,500 miles every time that it is delivered to the consumer. (Energy Element, page 9-16)

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

The proposed change does not conflict with other provisions of the Development Code or Code of Ordinances.

### **3. Is required by changed conditions;**

Not Applicable.

### **4. Addresses a demonstrated community need;**

The Cultural Resources Element of the Comprehensive Plan notes a continuous decline in the number of farms and the land in acreage dedicated to farming activities. The means and methods to improve farming activities in Beaufort County should be pursued in order to arrest the overall decline in farming as an important way of life. Also, an innovation in farming like aquaponics is an intriguing possibility that should not be hindered by regulatory barriers to farming.

### **5. Is consistent with the purpose and intent of the zones in this Development Code, or would improve compatibility among uses and ensure efficient development within the County;**

This amendment is consistent and would promote agriculture and crop harvesting in zoning districts that allow agriculture and crop harvesting as a permitted use. Those districts can be found in the Community Development Code in Table 3.1.60 Consolidated Use Table and include T1N, T2R, T2RL, T2RN, T2RNO, T3RC, and T3E.

### **6. Would result in a logical and orderly development pattern; and**

See responses to Items 4 and 5 above.

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

Aquaponics is essentially the combination of aquaculture and hydroponics. Both aquaculture and hydroponics have limitations—hydroponics requires expensive nutrients to feed the plants, and also requires periodic flushing of the systems which can lead to waste disposal issues. Re-circulating

aquaculture water needs to have excess nutrients removed from the system; normally this means that a percentage of the water is removed, generally on a daily basis.

Aquaponics is a bio-integrated system that links recirculating aquaculture with hydroponic vegetable, flower, and/or herb production. Recent advances by researchers and growers have turned aquaponics into sustainable food production model.

**D. STAFF RECOMMENDATION:**

After review of the standards set forth in Section 7.7.30(C) of the Community Development Code, staff **recommends Special Use Approval with the following conditions:** (new language **underscored**):

1. Aquaponics may be permitted in all districts that allow agriculture and crop harvesting as a special use with compliance with accessory use standards to be reviewed and approved by the Staff Review Team and the Zoning Board of Appeals.
2. The following language is proposed for Table 4.1.340 Aquaponics
  - A. An operational plan shall be submitted that indicates that this use will result in no adverse impacts on neighboring properties including noise and odors.
  - B. The principle product of aquaponics shall be vegetables with fish available from time to time as a bi-product.
  - C. All standards that apply to the zoning districts which allow Agriculture and Crop Harvesting shall be followed, and aquaponics may be an accessory use on the site.
  - D. The entire aquaponics process shall take place inside an enclosed greenhouse to protect from outside contaminants, and the need for pesticides or herbicides is to be avoided.
  - E. No excavation of the ground to create the potential of sand mining shall be allowed in the pursuit of an aquaponics zoning permit.

**E. ATTACHMENTS:**

- Proposed Ordinance Amendments
- Application



**Table 3.1.60. Consolidated Use Table**

Land Use Type	T1 N	T2R	T2 RL	T2 RN	T2 RNO	T2 RC	T3E	T3 HN	T3 N	T3 NO	T4 HC	T4 VC	T4 HCO	T4 NC	C3	C4	C5	SI
<b>AGRICULTURE</b>																		
1. Agriculture & Crop Harvesting	P	P	P	P	P	P	P	--	--	--	--	--	--	--	P	--	--	--
2. <u>Aquaponics</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>								<u>S</u>			
3. Agricultural Support Services	--	P	P	P	P	P	P	--	--	--	P	P	P	--	TCP	P	P	P
4. Animal Production	--	C	--	C	C	C	--	--	--	--	--	--	--	--	--	--	--	--
5. Animal Production: Factory Farming	--	S	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
6. Seasonal Farmworker Housing	--	C	C	C	C	C	C	--	--	--	--	--	--	--	C	--	--	--
7. Forestry	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
8. Commercial Stables	--	C	C	C	C	C	--	--	--	--	--	--	--	--	C	--	--	--

**Table 3.1.70 Land Use Definitions**

**AGRICULTURE**

This category is intended to encompass land uses connected with a business or activity involving farming, animal production, forestry, and other businesses serving primarily agricultural needs.

Land Use Type	Definition
1. Agriculture and Crop Harvesting	A nursery, orchard, or farm, greater than 10,000 SF, primarily engaged in the growth and harvesting of fruits, nuts, vegetables, plants, or sod. The premises may include agricultural accessory structures, plant nurseries, and secondary retail or wholesale sales.
2. <u>Aquaponics</u>	<u>The symbiotic use of plants and fish in single environment where the fish thrive off of the plant waste and the plants absorb the fish waste as fertilizer. Both the fish and the plants are harvested.</u>
3. Agricultural Support Services	Nursery, orchard, forestry, or farm supply and support services including, but not limited to: equipment dealers, support uses for agricultural, harvesting, and/or animal production, seasonal packing sheds, etc.
4. Animal Production	The raising, breeding, feeding, and/or keeping of animals for the principal purpose of commercially producing products for human use or consumption, including, but not limited to: cattle, pigs, sheep, goats, fish (aquaculture), bees, rabbits, and poultry. This does not include "Factory Farming" operations.
5. Animal Production: Factory Farming	The raising, breeding, feeding, and/or keeping of livestock (typically cows, pigs, turkeys, or chickens) in confinement at high stocking density for the purpose of commercially producing meat, milk, or eggs for human consumption.
6. Seasonal Farmworker Housing	Housing located on farmland for temporary occupancy during seasonal farming activity.
7. Forestry	Perpetual management, harvesting, replanting, and enhancement of forest resources for ultimate sale or use of wood products, subject to S.C. Forestry Commission BMPs.
8. Commercial Stables	Stabling, training, feeding of horses, mules, donkeys, or ponies, or the provision of riding facilities for use other than by the resident of the property, including riding academies. Also includes any structure or place where such animals are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch or similar purpose.

<b>Division 4.1: Specific to Use</b>		<b>Page 4-1</b>
4.1.10	Purpose	4-1
4.1.20	Adult-Oriented Businesses	4-1
4.1.30	Animal Production	4-2
4.1.40	Animal Services: Kennel	4-2
4.1.50	Commercial Stables	4-2
4.1.60	Day Care (Adult or Child)	4-3
4.1.70	Drive-Through Facilities	4-3
4.1.80	Family Compound	4-3
4.1.90	Seasonal Farmworker Housing	4-4
4.1.100	Gas Station / Fuel Sales	4-4
4.1.110	General Offices and Services	4-5
4.1.120	General Retail	4-5
4.1.130	Manufactured Home Community	4-6
4.1.140	Manufacturing, Processing, and Packaging	4-6
4.1.150	Meeting Facility / Place of Worship	4-6
4.1.160	Mining / Resource Extraction	4-7
4.1.170	Multi-Family Dwellings	4-9
4.1.180	Outdoor Maintenance / Storage Yard	4-9
4.1.190	Recreation Facility: Campgrounds	4-10
4.1.200	Recreation Facility: Commercial Outdoor	4-10
4.1.210	Regional (Major) Utility	4-10
4.1.220	Residential Storage Facility	4-11
4.1.230	Restaurant, Café, Coffee Shop	4-12
4.1.240	Salvage Operations	4-12
4.1.250	Tattoo or Body Piercing Facility	4-12
4.1.260	Vehicle Sales and Rental: Automobiles, Light Trucks, Boats	4-13
4.1.270	Vehicle Services: Maintenance and Repair	4-13
4.1.280	Warehousing, Wholesaling, and Distribution	4-14
4.1.290	Waste Management Facility: Community Waste Collection and Recycling	4-15
4.1.300	Waste Management Facility: Regional Waste Transfer and Recycling	4-15
4.1.310	Waste Management Facility: Regional Waste Disposal and Resource Recovery	4-16
4.1.320	Wireless Communications Facility	4-17
4.1.330	Ecotourism	4-19
<b>4.1.340</b>	<b>Aquaponics</b>	<b>4-19</b>

#### 4.1.340 Aquaponics

Aquaponics shall comply with the following:

- A. An operational plan shall be submitted that indicates that this use will result in no adverse impacts on neighboring properties including noise and odors.
- B. The principle product of aquaponics shall be vegetables with fish available from time to time as a bi-product.
- C. All standards that apply to the zoning districts which allow Agriculture and Crop Harvesting shall be followed, and aquaponics may be an accessory use on the site.
- D. The entire aquaponics process shall take place inside an enclosed greenhouse to protect from outside contaminants, and the need for pesticides or herbicides is to be avoided.
- E. No excavation of the ground to create the potential of sand mining shall be allowed in the pursuit of an aquaponics zoning permit.

#### E. TI Allowed Uses

Land Use Type <sup>1</sup>	Specific Use Regulations	TI
<b>Agricultural</b>		
Agriculture & Crop Harvesting		P
<b>Aquaponics</b>	<b>4.1.340</b>	<b>S</b>
Forestry		P
<b>Residential</b>		
Dwelling: Single Family Detached Unit		P
Dwelling: Group Home		P
Home Office	4.2.90	C
<b>Recreation, Education, Safety , Public Assembly</b>		
Park, Playground, Outdoor Recreation Areas	2.8	P
Recreation Facility: Campground	4.1.190	S
Ecotourism	4.1.330	S

#### Key

P	Permitted Use
C	Conditional Use
S	Special Use Permit Required
---	Use Not Allowed

#### End Notes

<sup>1</sup> A definition of each listed use type is in Table 3.1.70 Land Use Definitions.

## H. T2R Allowed Uses

Land Use Type <sup>1</sup>	Specific Use Regulations	T2R	T2RL
<b>Agricultural</b>			
Agriculture & Crop Harvesting		P	P
<b>Aquaponics</b>	<b>4.1.430</b>	<b>S</b>	<b>S</b>
Agricultural Support Services		P	P
Animal Production	4.1.30	C	---
Animal Production: Factory Farming	4.1.30	S	---
Seasonal Farmworker Housing	4.1.90	C	C
Forestry		P	P
Commercial Stables	4.1.50	C	C
<b>Residential</b>			
Dwelling: Single Family Detached Unit		P	P
Dwelling: Accessory Unit	4.2.30	C	C
Dwelling: Family Compound	2.7.40	C	C
Dwelling: Group Home		P	P
Home Office	4.2.90	C	C
Home Business	4.2.80	C	---
Cottage Industry	4.2.40	C	---
<b>Retail &amp; Restaurants</b>			
General Retail 3,500 SF or less	4.1.120	C	---
Gas Station/Fuel Sales	4.1.100	S	---
<b>Offices &amp; Services</b>			
Animal Services: Kennel	4.1.40	C	---
Day Care: Family Home (up to 8 clients)		P	P
Lodging: Bed & Breakfast (5 rooms or less)	7.2.130	S	S
Lodging: Inn (up to 24 rooms)	7.2.130	S	---

### Key

P	Permitted Use
C	Conditional Use
S	Special Use Permit Required
---	Use Not Allowed

### End Notes

<sup>1</sup> A definition of each listed use type is in Table 3.1.70 Land Use Definitions.

Land Use Type <sup>1</sup>	Specific Use Regulations	T2R	T2RL
<b>Recreation, Education, Safety, Public Assembly</b>			
Community Public Safety Facility		P	P
Institutional Care Facility	7.2.130	S	---
Detention Facility	7.2.130	S	---
Meeting Facility/Place of Worship (less than 15,000 SF)	4.1.150	C	---
Meeting Facility/Place of Worship (15,000 SF or greater)	4.1.150	S	---
Park, Playground, Outdoor Recreation Areas	2.8	P	P
Recreation Facility: Commercial Outdoor	4.1.200	S	---
Recreation Facility: Golf Course		P	---
Recreation Facility: Campground	4.1.190	C	---
Ecotourism	4.1.330	C	---
<b>Infrastructure, Transportation, Communications</b>			
Airport, Aviation Services	7.2.130	S	---
Infrastructure and Utilities: Regional (Major) Utility	4.1.210	C	C
Waste Management: Community Waste Collection & Recycling	4.1.290	C	---
Waste Management: Regional Waste Transfer & Recycling	4.1.300	S	---
Waste Management: Regional Waste Disposal & Resource Recovery	4.1.310	S	---
Wireless Communications Facility	4.1.320	S	S
<b>Industrial</b>			
Mining & Resource Extraction	4.1.160	S	S

## H. T2RN Allowed Uses

Land Use Type <sup>1</sup>	Specific Use Regulations	T2RN	T2RNO
<b>Agricultural</b>			
Agriculture & Crop Harvesting		P	P
<b>Aquaponics</b>	<b>4.1.430</b>	<b>S</b>	<b>S</b>
Agricultural Support Services		P	P
Animal Production	4.1.30	C	C
Seasonal Farmworker Housing	4.1.90	C	C
Forestry		P	P
Commercial Stables	4.1.50	C	C
<b>Residential</b>			
Dwelling: Single Family Detached Unit		P	P
Dwelling: Accessory Unit	4.2.30	C	C
Dwelling: Family Compound	2.7.40	C	C
Dwelling: Group Home		P	P
Home Office	4.2.90	C	C
Home Business	4.2.80	C	C
Cottage Industry	4.2.40	C	C
Live/Work		---	P
<b>Retail &amp; Restaurants</b>			
General Retail 3,500 SF or less		---	P
Restaurant, Café, Coffee Shop		---	P

Land Use Type <sup>1</sup>	Specific Use Regulations	T2RN	T2RNO
<b>Offices &amp; Services</b>			
General Offices & Services 3,500 SF or less		---	P
Day Care: Family Home (Up to 8 clients)		P	P
Day Care: Commercial Center (9 or more clients)	4.1.60	---	C
Lodging: Bed & Breakfast (5 rooms or less)		---	P
Medical Offices: Clinics/Offices		---	P
<b>Recreation, Education, Safety, Public Assembly</b>			
Community Public Safety Facility		P	P
Meeting Facility/Place of Worship (Less than 15,000 SF)	4.1.150	C	C
Park, Playground, Outdoor Recreation Areas		P	P
Ecotourism	4.1.330	C	C
<b>Infrastructure, Transportation, Communications</b>			
Infrastructure and Utilities: Regional (Major) Utility	4.1.210	C	C
Wireless Communication Facility	4.1.320	S	S

### Key

P	Permitted Use
C	Conditional Use
S	Special Use Permit Required
---	Use Not Allowed

### End Notes

<sup>1</sup> A definition of each listed use type is in Table 3.1.70 Land Use Definitions.



## G. T2RC Allowed Uses

Land Use Type <sup>1</sup>	Specific Use Regulations	T2R C	Land Use Type <sup>1</sup>	Specific Use Regulations	T2R C
<b>Agricultural</b>			<b>Recreation, Education, Safety, Public Assembly</b>		
Agriculture & Crop Harvesting		P	Community Oriented Cultural Facility (less than 15,000 SF)		P
<b>Aquaponics</b>	<b>4.1.430</b>	<b>S</b>	Community Oriented Cultural Facility (greater than 15,000 SF)	7.2.130	S
Agricultural Support Services		P	Community Public Safety Facility		P
Animal Production	4.1.30	C	Institutional Care Facility	7.2.130	S
Seasonal Farmworker Housing	4.1.90	C	Meeting Facility/Place of Worship (less than 15,000 SF)	4.1.150	C
Forestry		P	Meeting Facility/Place of Worship (15,000 SF or greater)	4.1.150	C
Commercial Stables	4.1.50	C	Park, Playground, Outdoor Recreation Areas		P
<b>Residential</b>			Recreation Facility: Community-Based		P
Dwelling: Single Family Detached Unit		P	Ecotourism	4.1.330	C
Dwelling: Accessory Unit	4.2.30	C	School: Public or Private	7.2.130	S
Dwelling: Family Compound	2.7.40	C	School: Specialized Training/Studio	7.2.130	S
Dwelling: Group Home		P	School: College or University	7.2.130	S
Community Residence (dorms, Convents, assisted living, temporary shelters)		P	<b>Infrastructure, Transportation, Communications</b>		
Home Office	4.2.90	C	Infrastructure and Utilities: Regional (Major) Utility	4.1.210	C
Home Business	4.2.80	C	Parking Facility, Public or Commercial		P
Cottage Industry	4.2.40	C	Transportation, Terminal	7.2.130	S
<b>Retail &amp; Restaurants</b>			Waste Management: Community	4.1.290	C
General Retail 25,000 SF or less		P	Waste Collection & Recycling		
Bar, Tavern, Nightclub		P	Wireless Communications Facility	4.1.320	S
Gas Station/Fuel Sales	4.1.100	C	<b>Industrial</b>		
Open Air Retail		P	Manufacturing, Processing, and Packaging - Light (less than 15,000 SF)	4.1.140	C
Restaurant, Café, Coffee Shop		P	Outdoor Maintenance / Storage Yard	4.1.180	C
Vehicle Sales and Rental: Light	4.1.260	C	Warehousing	4.1.280	C
<b>Offices &amp; Services</b>			Wholesaling and Distribution	4.1.280	C
General Offices & Services <10,000 SF		P			
General Offices & Services: with Drive-Through Facilities	4.1.70	C			
Animal Services: Clinic/Hospital		P			
Animal Services: Kennel	4.1.40	C			
Day Care: Family Home (up to 8 Clients)		P			
Day Care: Commercial Center (9 or more clients)	4.1.60	C			
Lodging: Bed & Breakfast (5 rooms or less)		P			
Lodging: Inn (up to 24 rooms)		P			
Medical Service: Clinics/Offices		P			
Vehicle Services: Minor Maintenance And Repair	4.1.270	C			
Vehicle Services: Major Maintenance And Repair	4.1.270	C			

### Key

P	Permitted Use
C	Conditional Use
S	Special Use Permit Required
---	Use Not Allowed

### End Notes

<sup>1</sup> A definition of each listed use type is in Table 3.1.70 Land Use Definitions.

## G. T3 E Allowed Uses

Land Use Type <sup>1</sup>	Specific Use Regulations	T3E
<b>Agricultural</b>		
Agriculture & Crop Harvesting		P
<u>Aquaponics</u>	<u>4.1.430</u>	<u>S</u>
Seasonal Farmworker Housing	4.1.90	C
Forestry		P
<b>Residential</b>		
Dwelling: Single Family Detached Unit		P
Dwelling: Accessory Unit	4.2.30	C
Dwelling: Family Compound	2.7.40	C
Dwelling: Group Home		P
Community Residence (dorms, convents, assisted living, temporary shelters)		P
Home Office	4.2.90	C
Home Business	4.2.80	C

Land Use Type <sup>1</sup>	Specific Use Regulations	T3E
<b>Offices &amp; Services</b>		
Day Care: Family Home (up to 8 clients)		P
Lodging: Bed & Breakfast (5 rooms or less)		P
<b>Recreation, Education, Safety, Public Assembly</b>		
Meeting Facility/Place of Worship (Less than 15,000SF)	4.1.150	C
Park, Playground, Outdoor Recreation Areas		P
<b>Infrastructure, Transportation, Communications</b>		
Infrastructure and Utilities: Regional (Major) Utility	4.1.210	S

### Key

P	Permitted Use
C	Conditional Use
S	Special Use Permit Required
---	Use Not Allowed

### End Notes

<sup>1</sup> A definition of each listed use type is in Table 3.1.70 Land Use Definitions.

**BEAUFORT COUNTY, SOUTH CAROLINA**  
**PROPOSED COMMUNITY DEVELOPMENT CODE (CDC)**  
**ZONING MAP OR TEXT AMENDMENT / PUD MASTER PLAN CHANGE APPLICATION**

TO: Beaufort County Council

The undersigned hereby respectfully requests that the Beaufort County Zoning/Development Standards Ordinance (ZDSO) be amended as described below:

AUG 10 2017  
PLANNING  
DIVISION

1. This is a request for a change in the (check as appropriate):  
( ) PUD Master Plan Change  
( ) Zoning Map Designation/Rezoning  
(☒) Community Development Code Text
2. Give exact information to locate the property for which you propose a change:  
Tax District Number: \_\_\_\_\_, Tax Map Number: \_\_\_\_\_, Parcel Number(s): \_\_\_\_\_  
Size of subject property: \_\_\_\_\_ Square Feet / Acres (circle one)  
Location: \_\_\_\_\_
3. How is this property presently zoned? (Check as appropriate)  

( ) T4NC Neighborhood Center	( ) T2RC Rural Center	( ) C3 Neighborhood Mixed Use
( ) T4HC Hamlet Center	( ) T2RN Rural Neighborhood	( ) C4 Community Center Mixed Use
( ) T4HCO Hamlet Center	( ) T2RNO Rural Neighborhood Open	( ) C5 Regional Center Mixed Use
( ) T4VC Village Center	( ) T2R Rural	( ) S1 Industrial
( ) T3N Neighborhood	( ) T1 Natural Preserve	( ) Planned Unit Development/PUD
( ) T3HN Hamlet Neighborhood	( ) Community Preservation	(name) _____
( <input checked="" type="checkbox"/> ) T3E Edge	(specify) _____	
4. What new zoning do you propose for this property? \_\_\_\_\_  
(Under Item 9 explain the reason(s) for your rezoning request.)
5. Do you own all of the property proposed for this zoning change? (☒) Yes ( ) No  
Only property owners or their authorized representative/agent can sign this application. If there are multiple owners, each property owner must sign an individual application and all applications must be submitted simultaneously. If a business entity is the owner, the authorized representative/agent of the business must attach: 1- a copy of the power of attorney that gives him the authority to sign for the business, and 2- a copy of the articles of incorporation that lists the names of all the owners of the business.
6. If this request involves a proposed change in the Community Development Code text, the section(s) affected are: Sec. 3.1.70  
(Under Item 9 explain the proposed text change and reasons for the change.)
7. Is this property subject to an Overlay District? Check those which may apply:  

( ) MCAS-AO Airport Overlay District/MCAS	( ) MD Military Overlay District
( ) BC-AO Airport Overlay District/Beaufort County	( ) RQ River Quality Overlay District
( ) CPO Cultural Protection	( ) TDR Transfer of Development Rights
( ) CFV Commercial Fishing Village	
8. The following sections of the Community Development Code (CDC) (see attached sheets) should be addressed by the applicant and attached to this application form:
  - a. Division 7.3.20 and 7.3.30, Comprehensive Plan Amendments and Text Amendments.
  - b. Division 7.3.40, Zoning map amendments (rezoning).
  - c. Division 1.6.60, Planned Unit Developments (PUDs) Approved Prior to Dec. 8, 2014
  - d. Division 6.3, Traffic Impact Analysis (for PUDs)



9. Explanation (continue on separate sheet if needed):

SHEET ATTACHED

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

[Signature] 8/9/17  
Signature of Owner (see Item 5 on page 1 of 2) Date  
Printed Name: E. D. KEEBS III Telephone Number: 843-384-1096  
26p. Address: 179 GIBBET ROAD - BLUFFTON, SC 29910  
Email: EDK @ SOLARFARMS OF AMERICA .COM  
Agent (Name/Address/Phone/email):

UPON RECEIPT OF APPLICATIONS, THE STAFF HAS THREE (3) WORK DAYS TO REVIEW ALL APPLICATIONS FOR COMPLETENESS. THE COMPLETED APPLICATIONS WILL BE REVIEWED FIRST BY THE BEAUFORT COUNTY PLANNING COMMISSION SUBCOMMITTEE RESPONSIBLE FOR THE AREA WHERE YOUR PROPERTY IS LOCATED. MEETING SCHEDULES ARE LISTED ON THE APPLICATION PROCESS (ATTACHED). COMPLETE APPLICATIONS MUST BE SUBMITTED BY NOON THREE WORKING DAYS AND FOUR (4) WEEKS PRIOR FOR PLANNED UNIT DEVELOPMENTS (PUDs) OR THREE (3) WEEKS PRIOR FOR NON-PUD APPLICATIONS TO THE APPLICABLE PLANNING COMMISSION MEETING DATE.

PLANNED UNIT DEVELOPMENT (PUD) APPLICANTS ARE REQUIRED TO SUBMIT FIFTEEN (15) COPIES TO THE PLANNING DEPARTMENT. CONSULT THE APPLICABLE STAFF PLANNER FOR DETAILS.

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

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

FOR PLANNING DEPARTMENT USE ONLY:

Date Application Received:  
(place received stamp below)

Date Posting Notice Issued:

Application Fee Amount Received:

Receipt No. for Application Fee:

## Edward D. Krebs

30 Lake View Court  
Bluffton, SC 29910  
843-384-1096

The following refers to Zone T3 Edge

We are requesting a text change to one section of the land use definition (3.1.70, section 1 - Agriculture and Crop Harvesting).

This section (section 1) does not include a new farming method referred to as "Aquaponics". Aquaponics is an organic, ultra-low water use farming system that uses fish in tanks in conjunction with floating rafts with vegetables, usually leaf lettuce. The fish are fed organic food and the water from the fish tanks is circulated through a bed of expanded clay particles where beneficial bacteria removes impurities. The water continues from there into the float beds where the roots of the plants are immersed under foam floats that hold up the leafy parts. The plants use the nutrients in the water to grow and the water is then pumped back into the fish tanks where the process continues its cycle over again.

The entire process takes place inside an enclosed greenhouse to protect from outside contaminants, therefore there is no need for fertilizer, pesticides or herbicides. Other than the initial load of water at start-up, no water changes are required. Only 2% of the water is lost and most of that is taken up by the plants.

Section 3 of 3.1.70 Animal Production, states that raising fish via aquaculture is not allowed in Zone T3 Edge, but does not mention raising fish as part of the aquaponic production of vegetables.

"Aquaculture" is generally thought of as fish farms, employing large ponds in the ground with dikes between and water wheels to circulate and aerate. These ponds require draining to harvest and need to dry out to kill off pathogens, produced by too many fish in one place, between stocking. This process uses large quantities of water and land. Aquaculture's product is fish, Aquaponics product is vegetables with small amounts of fish available from time to time.

Therefore, we ask that you insert the word "Aquaponics" in section 1 in order to allow this type of modern, organic farming in Zone T3Edge.

Sincerely,

  
Ed Krebs



## MEMORANDUM

**To:** Natural Resources Committee of Beaufort County Council  
**From:** Anthony J. Criscitiello, Community Development Director  
**Subject:** Amendment to Article 4, Section 4.2.20 of the Community Development Code to Allow Private Fish Ponds in the T3 Neighborhood District  
**Date:** September 13, 2017

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**PLANNING COMMISSION RECOMMENDATION from the excerpt of its September 7, 2017, draft minutes:**

Mr. Merchant briefed the Commission with the current requirements. He noted the proposed requirements included a 1-acre private fish pond on a minimum 3-acre lot, with slope and noise standards. The proposed text amendment is restricted to a 1-acre pond to prevent mining activity where dirt is removed from the property for resale. He gave the rationale for the staff including all the T3 Zoning Districts in this text amendment. Staff recommended approval with the additional requirements including all the T3 zoning districts, a truck routing plan, and returning the road to the standard it was prior to hauling the dirt off the property. He noted that this is not aquaculture which is restricted to the T2 Zoning Districts.

Discussion by Commission included clarifying fish ponds for personal use, concern that this would exclude those in smaller lots from building a small personal fish pond for aesthetics, concern that a small water feature would be denied for smaller lots, clarifying the difference between a fish pond and a stormwater pond, clarifying the staff's goal to limit land mining, concern with the cleanliness of 1-acre pond—especially algae bloom, safety concern for trucks on the roads during school hours, and adding a requirement to prevent algae bloom in such ponds.

Applicant's Comment: Mr. David Karlyk of Carolina Engineering, is a representative of the applicant (Mr. Humphries) and the owner of the property—Mr. Trey Smith, noted that Mr. Smith owns and lives on the property (behind Bi-Lo in Shell Point) with his family. He is trying to encourage his 4 sons to be involved with nature. His sons currently fish out of the drainage pond behind the Medical Center. Mr. Smith has 8 acres and he realizes the pond would attract wildlife—birds, fish, etc.; however, his children will not have to leave his property to fish. His property is surrounded by a County park and undeveloped property currently owned by the bank, so he is not impacting any of his neighbors. Mr. Karlyk noted that wet detention ponds are promoted by the County drainage standards to treat fecal coliform. He also noted he lives in the Telfair subdivision where there are several drainage ponds that have existed for 15-18 years, that are without algae blooms. Mr. Karlyk sees this as a benefit to Mr. Smith's property, not a detriment.

Commission discussion included clarifying whether the applicant could ask for a special use (*Mr. Merchant said the Code specifically does not allow such application since the applicant's property is in the T3-Neighborhood zone.*), concern that such hauling of dirt should be regulated, clarifying that a 12-foot deep 1-acre pond did not involve a lot of dirt, querying the number of properties in the Shell Point area near Shell Point Park that would be able to take advantage of this text amendment considering it must be a 3-acre or larger property (*Mr. Merchant noted that very few lots will be involved.*), consider changing the start time trucks can operate from 7:00 a.m. to 9:00 a.m. in residential area or wherever

school children must wait for school buses, recommending a provision to take the Clemson Extension Master Pond Management classes where proper safety and safeguards are taught, and belief that such a provision would not be used by property owners of a 1-acre pond.

**Public Comment:** None were received

**Motion:** Mr. Jason Hinchler made a motion, and Mr. Robert Semmler seconded the motion, to recommend approval to County Council on the Text Amendments to the Beaufort County Community Development Code (CDC): Article 4, Section 4.2.20 General Standards and Limitations, T3-Neighborhood that will allow private fish ponds with the conditions recommended by the staff. Further discussion included not including the requirement for pond management training, and staff providing clarification on private fish ponds for personal use. The motion failed (**FOR: Chmelik and Hinchler; AGAINST: Fermin, Pappas, Semmler, and Stewart; ABSENT: Mitchell; VACANCIES: St. Helena Island and Southern Beaufort County (Walsnovich) and Fireall.**

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## **STAFF REPORT:**

### **A. BACKGROUND:**

<b>Case No.</b>	ZTA 2017-13
<b>Applicant:</b>	Greg Humphries
<b>Proposed Text Change:</b>	Text Amendment to the Beaufort County Community Development Code (CDC): Article 4, Section 4.2.20 General Standards and Limitations, T3 Neighborhood (to allow private fish ponds).

### **B. SUMMARY OF REQUEST:**

The Community Development Code allows private fish ponds of one acre or less as an accessory use to a residential dwelling in the T2 districts and C3-Neighborhood Mixed-Use. The applicant is requesting to allow private fish ponds in the T3 Neighborhood District as well.

Where private fish ponds are permitted, Article 4, Section 4.2.200 places specific restrictions on their size and location:

- The minimum lot size where a fish pond can be located is 3 acres.
- Fish ponds can be no greater than 1 acre in size.
- Ponds shall be setback a minimum of 100 feet from the OCRM critical line, if applicable; and
- Ponds shall be excavated no deeper than 12 feet from existing grade with safe edges (minimum slope of 1:5 to a depth of three feet).

In addition, there are specific requirements that apply to the excavation process. Excavation activities are limited to 7:00 a.m. to 6:00 p.m. Monday through Saturday, and maximum noise at the property line cannot exceed 65 decibels. There are restrictions on hauling fill dirt through residential neighborhoods with the property owner responsible for damage to roads caused by truck traffic related to the excavation of the pond. If fill dirt leaves the site or is sold, the property owner shall submit a valid mining permit issued by the appropriate state agency at the time of application for a private fish pond.

**C. ANALYSIS: Sec. 7.7.30(C). Code Text Amendment Review Standards.** The advisability of amending the text of this Development Code is a matter committed to the legislative discretion of the County Council and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the County Council shall weigh the relevance of and consider whether, and the extent to which, the proposed amendment:

1. **Is consistent with the goals, objectives, and policies of the Comprehensive Plan:** The issue of private fish ponds is not directly addressed in the Comprehensive Plan.
2. **Is not in conflict with any provision of this Development Code or the Code of Ordinances:** See item #5.
3. **Is required by changed conditions:** Not applicable.
4. **Addresses a demonstrated community need:** Not applicable
5. **Is consistent with the purpose and intent of the zones in this Development Code, or would improve compatibility among uses and ensure efficient development within the County:** The T3 Neighborhood District is intended to provide moderate density residential development within walking distance to transit and commercial areas. For this reason, the district has a *maximum* lot size of 20,000 square feet. The required minimum lot size would limit private ponds to lots of record of 3 acres or greater. This restriction would limit any adverse impacts on the intent of the T3 Neighborhood district. Additionally, the restrictions placed on the excavation of the pond and the removal of dirt should address adverse impacts to neighboring properties.
6. **Would result in a logical and orderly development pattern:** See item #5.
7. **Would not result in adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment:** It is staff's opinion that the natural resource protection, stormwater and performance standards in the CDC will minimize impacts to the environment.

**D. RECOMMENDATION:** Staff recommends approval with the following conditions:

- Private fish ponds should be permitted in all T3 districts (see attachment).
- Since this amendment may result in a greater number of fish ponds in residential areas, the conditions in Section 4.2.200 should be strengthened to require a truck routing plan and greater safeguards if roadways are damaged. The following language is proposed for 4.2.200.I:

***I. Truck Routing Plan.** A truck routing plan shall be submitted that ensures that truck traffic through residential areas is avoided or mitigated to the extent practicable. Any roads brought to sub-standard condition due to work on the site as determined by SCDOT and/or the County must be brought up to standard. At a minimum, a road must be returned to its initial condition.*

**E. ATTACHMENTS:**

- Application
- Proposed changes to the CDC



**Table 4.2.20A: Table of Permitted Accessory Uses**

Accessory Use/ Structure Type	Additional Requirements	T1 N	T2R T2RL	T2 RN	T2 RNO	T2 RC	T3E	T3 HN	T3 N	T4 HC	T4 VC	T4 HCO	T4 NC	C3	C4	C5	SI
Accessory / Secondary Dwelling Unit	4.2.30	--	P	P	P	P	P	P	P	P	P	P	P	P	--	--	--
Cottage Industry	4.2.40	--	P	--	P	P	--	--	--	--	--	--	--	--	--	--	--
Fences and Walls	4.2.50	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Food Sales (Indoor)	4.2.60	--	P	--	P	P	--	--	--	P	P	P	P	--	P	P	P
Freestanding Accessory Structure (includes Garages and Sheds)	4.2.20.E	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Guest House	4.2.70	--	P	P	P	P	P	P	--	--	--	--	--	P	--	--	--
Home Business	4.2.80	P	P	P	P	P	--	--	P	P	P	P	P	P	--	--	--
Home Office	4.2.90	--	P	P	P	P	P	P	P	P	P	P	P	P	--	--	--
Outdoor Display (as an Accessory Use)	4.2.100	--	--	--	P	P	--	--	--	--	P	P	P	--	P	P	--
Outdoor Storage (as an Accessory Use)	4.2.110	--	--	--	--	P	--	--	--	--	--	P	P	--	P	P	P
Private Fish Ponds	4.2.200	--	P	P	P	P	P	P	P	--	--	--	--	P	--	--	--
Private Stables	4.2.120	--	P	P	P	--	--	--	--	--	--	--	--	P	--	--	--
Satellite Dish Antenna	4.2.130	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Security Quarters	4.2.140	--	--	--	--	P	--	--	--	--	P	P	P	--	P	P	P
Small Wind Energy System	4.2.150	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--	P
Solar Energy Equipment	4.2.160	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Swimming Pools, Hot Tubs, and Ornamental Ponds and Pools	4.2.170	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Waste Receptacles and Refuse Collection Areas	4.2.180	--	P	P	P	P	--	--	P	P	P	P	P	P	P	P	P
Water/Marine-Oriented Facilities	4.2.190	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

**P=Permitted Subject to the Additional Requirements    --=Not Allowed**

#### 4.2.200 Private Fish Ponds

A Private Fish Pond shall comply with the following standards:

- A. **Zones Allowed.** Private fish ponds shall be permitted as an accessory use to a principal residential dwelling unit in accordance with Table 4.2.20 (Table of Permitted Accessory Uses).
- B. **Size/Area.**
  - 1. Ponds are permitted to be excavated on lots a minimum of three acres in size.
  - 2. Ponds shall be no larger than one acre in size.
- C. **Setbacks.** All excavation activities shall meet all setbacks applicable to the principal structure, except that these activities shall be set back a minimum of 100 feet from the OCRM critical line, if applicable.
- D. **Maximum Depth of Excavation.** Ponds shall be excavated no deeper than 12 feet from existing grade.
- E. **Safe Edges.** Safe edges shall be provided for any excavation on the site to prevent accidents. Safe edges shall require a long shelf with a slope a minimum of 1:5 to a depth of three feet.
- F. **Engineer's Report Required for Disturbance Greater than 10,000 Square Feet.** Any private pond excavation resulting in a land disturbance of 10,000 sq. ft. or greater shall provide a certified engineer's report ensuring that drainage and runoff do not adversely impact the property or surrounding properties.
- G. **Hours of Operation.** Excavation activities are limited to 7:00 a.m. to 6:00 p.m. Monday through Saturday.
- H. **Noise.** Maximum noise at the property line shall not exceed 65 decibels.
- I. **Truck Routing Plan Haul Route.** The hauling of fill dirt through existing residential areas should be avoided, or the shortest route should be utilized. The property owner shall be responsible for damage to roads caused by truck traffic related to the excavation of the pond. A truck routing plan shall be submitted that ensures that truck traffic through residential areas is avoided or mitigated to the extent practicable. Any roads brought to sub-standard condition due to work on the site as determined by SCDOT and/or the County must be brought up to standard. At a minimum, a road must be returned to its initial condition.
- J. **State Permit Required if Fill Dirt Leaves the Site or is Sold.** If fill dirt leaves the site or is sold, the property owner shall submit a valid mining permit issued by the appropriate state agency at the time of application for a private fish pond.

**BEAUFORT COUNTY, SOUTH CAROLINA**  
**PROPOSED COMMUNITY DEVELOPMENT CODE (CDC)**  
**ZONING MAP OR TEXT AMENDMENT / PUD MASTER PLAN CHANGE APPLICATION**

RECEIVED

NOV 11 2017

PLANNING  
DIVISION

TO: Beaufort County Council

The undersigned hereby respectfully requests that the Beaufort County Zoning/Development Standards Ordinance (ZDSO) be amended as described below:

1. This is a request for a change in the (check as appropriate): ( ) PUD Master Plan Change  
( ) Zoning Map Designation/Rezoning (✓) Community Development Code Text

2. Give exact information to locate the property for which you propose a change:

Tax District Number: 100, Tax Map Number: 34, Parcel Number(s): 0020  
Size of subject property: 369,444 SF / 8.48 AC Square Feet / Acres (circle one)  
Location: 615 BROAD RIVER DRIVE IN SHELL POINT

3. How is this property presently zoned? (Check as appropriate)

( ) T4NC Neighborhood Center	( ) T2RC Rural Center	( ) C3 Neighborhood Mixed Use
( ) T4HC Hamlet Center	( ) T2RN Rural Neighborhood	( ) C4 Community Center Mixed Use
( ) T4HCO Hamlet Center	( ) T2RNO Rural Neighborhood Open	( ) C5 Regional Center Mixed Use
( ) T4VC Village Center	( ) T2R Rural	( ) S1 Industrial
(✓) T3N Neighborhood	( ) T1 Natural Preserve	( ) Planned Unit Development/PUD
( ) T3HN Hamlet Neighborhood	( ) Community Preservation	(name) _____
( ) T3E Edge	(specify) _____	

4. What new zoning do you propose for this property? N/A  
(Under Item 9 explain the reason(s) for your rezoning request.)

N/A. Do you own all of the property proposed for this zoning change? ( ) Yes ( ) No  
Only property owners or their authorized representative/agent can sign this application. If there are multiple owners, each property owner must sign an individual application and all applications must be submitted simultaneously. If a business entity is the owner, the authorized representative/agent of the business must attach: 1- a copy of the power of attorney that gives him the authority to sign for the business, and 2- a copy of the articles of incorporation that lists the names of all the owners of the business.

6. If this request involves a proposed change in the Community Development Code text, the section(s) affected are: 4.2.20 GENERAL STANDARDS AND LIMITATIONS, 4.2.200 PRIVATE FISH PONDS  
(Under Item 9 explain the proposed text change and reasons for the change.)

N/A. Is this property subject to an Overlay District? Check those which may apply:

( ) MCAS-AO Airport Overlay District/MCAS	( ) MD Military Overlay District
( ) BC-AO Airport Overlay District/Beaufort County	( ) RQ River Quality Overlay District
( ) CPO Cultural Protection	( ) TDR Transfer of Development Rights
( ) CFV Commercial Fishing Village	

8. The following sections of the Community Development Code (CDC) (see attached sheets) should be addressed by the applicant and attached to this application form:
- Division 7.3.20 and 7.3.30, Comprehensive Plan Amendments and Text Amendments.
  - Division 7.3.40, Zoning map amendments (rezoning).
  - Division 1.6.60, Planned Unit Developments (PUDs) Approved Prior to Dec. 8, 2014
  - Division 6.3, Traffic Impact Analysis (for PUDs)



9. Explanation (continue on separate sheet if needed): APPLICANT IS REQUESTING A  
TEXT AMENDMENT TO ALLOW A PRIVATE FISH POND TO BE  
CONSTRUCTED IN T3N ZONING

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

Signature of Owner (see Item 5 on page 1 of 2) 2/11/17 Date  
Printed Name: Cree Humphries Telephone Number: 843-816-8103  
Address: 1850 Tibaut Rd Port Royal SC 29935  
Email: lowcoast@embargoemail.com  
Agent (Name/Address/Phone/email): \_\_\_\_\_

UPON RECEIPT OF APPLICATIONS, THE STAFF HAS THREE (3) WORK DAYS TO REVIEW ALL APPLICATIONS FOR COMPLETENESS. THE COMPLETED APPLICATIONS WILL BE REVIEWED FIRST BY THE BEAUFORT COUNTY PLANNING COMMISSION SUBCOMMITTEE RESPONSIBLE FOR THE AREA WHERE YOUR PROPERTY IS LOCATED. MEETING SCHEDULES ARE LISTED ON THE APPLICATION PROCESS (ATTACHED). COMPLETE APPLICATIONS MUST BE SUBMITTED BY NOON THREE WORKING DAYS AND FOUR (4) WEEKS PRIOR FOR PLANNED UNIT DEVELOPMENTS (PUDs) OR THREE (3) WEEKS PRIOR FOR NON-PUD APPLICATIONS TO THE APPLICABLE PLANNING COMMISSION MEETING DATE.

PLANNED UNIT DEVELOPMENT (PUD) APPLICANTS ARE REQUIRED TO SUBMIT FIFTEEN (15) COPIES TO THE PLANNING DEPARTMENT. CONSULT THE APPLICABLE STAFF PLANNER FOR DETAILS.

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

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

FOR PLANNING DEPARTMENT USE ONLY:

Date Application Received:  
(place received stamp below)

Date Posting Notice Issued:

Application Fee Amount Received:

Receipt No. for Application Fee:



CAROLINA ENGINEERING  
CONSULTANTS, INC.

P.O. Box 294  
Beaufort, SC 29901

(843) 322-0553  
(843) 322-0556 Fax

August 9, 2017

Mrs. Delores Frazier  
Beaufort County Planning Dept  
PO Drawer 1228  
Beaufort SC 29901-1228

RE: Text Amendment for Private Fish  
Pond in T3N Zoning  
615 Broad River Drive  
Shell Point  
Job No. 2066

Dear Delores:

In support of our request for a Text Amendment to allow a Private Fish Pond in T3N zoning, please find enclosed the following:

1. The \$250 Application fee
2. One (1) copy of the Text Amendment Application
3. One (1) copy of the Conceptual Pond Plan

Mr. Trey Smith (the owner of the 8.5 acres at 615 Broad River Blvd.) and I met with the County Staff on July 19<sup>th</sup> to discuss the possibility of Mr. Smith being able to dig a 1.0 acre private fish pond on his property. We were informed at the meeting that a Text Amendment in the Beaufort County Community Development Code would be required in order for Mr. Smith to dig his pond. Mr. Smith, his wife, and his four (4) sons currently live in a house on the property.

The Beaufort County Community Development Code currently allows private fish ponds as an accessory use to a principal residential dwelling unit in several zoning districts, as long as the property is at least 3.0 acres in size and the pond is no larger than 1.0 acres in size. Mr. Smith's property meets all of the criteria except for its zoning. His property is currently zoned T3N.

Mr. Smith's property is currently bordered by Beaufort County parks to the North, East and West and undeveloped property to the South. It would not be a detriment to the adjacent property owners or his community, and it would give his sons a place to fish and enjoy nature and wildlife on the property where they live.

Mrs. Delores Frazier  
August 9, 2017  
Page Two

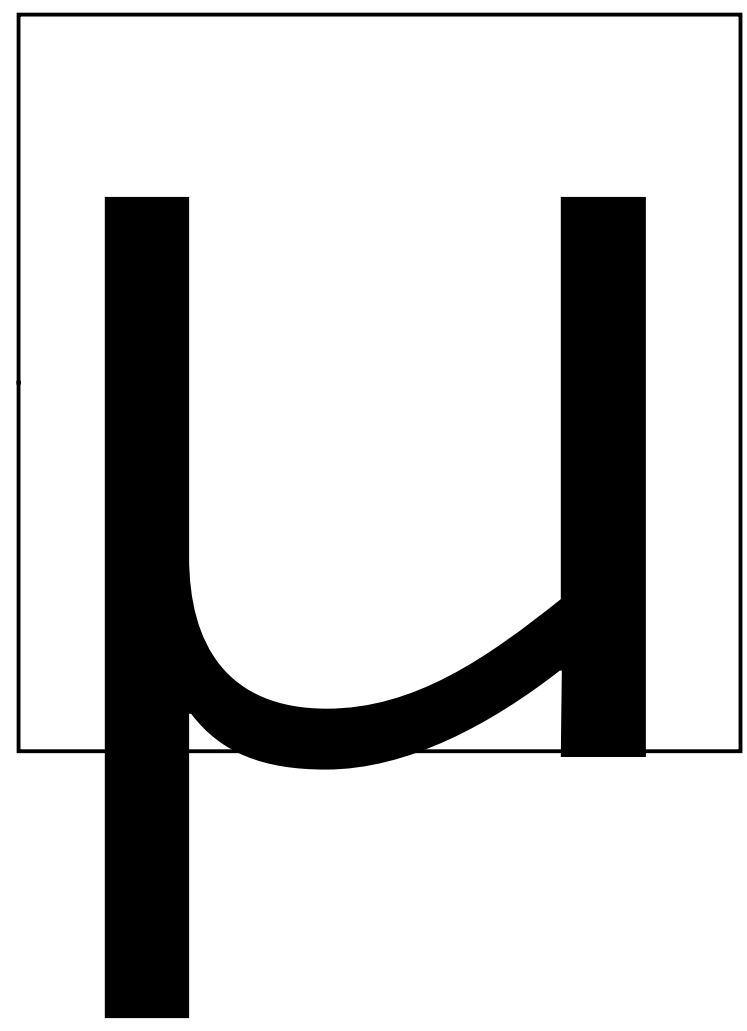
We are requesting the County's review and approval of our request to dig a 1.0 acre private fish pond in the T3N zoning district. If you have any questions or require any additional information to complete your review, please feel free to give me a call at our office.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Karlyk', with a stylized flourish at the end.

David R. Karlyk, PE  
Carolina Engineering Consultants, Inc.

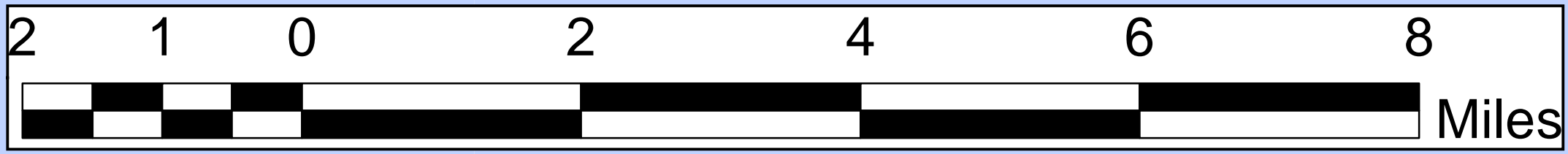
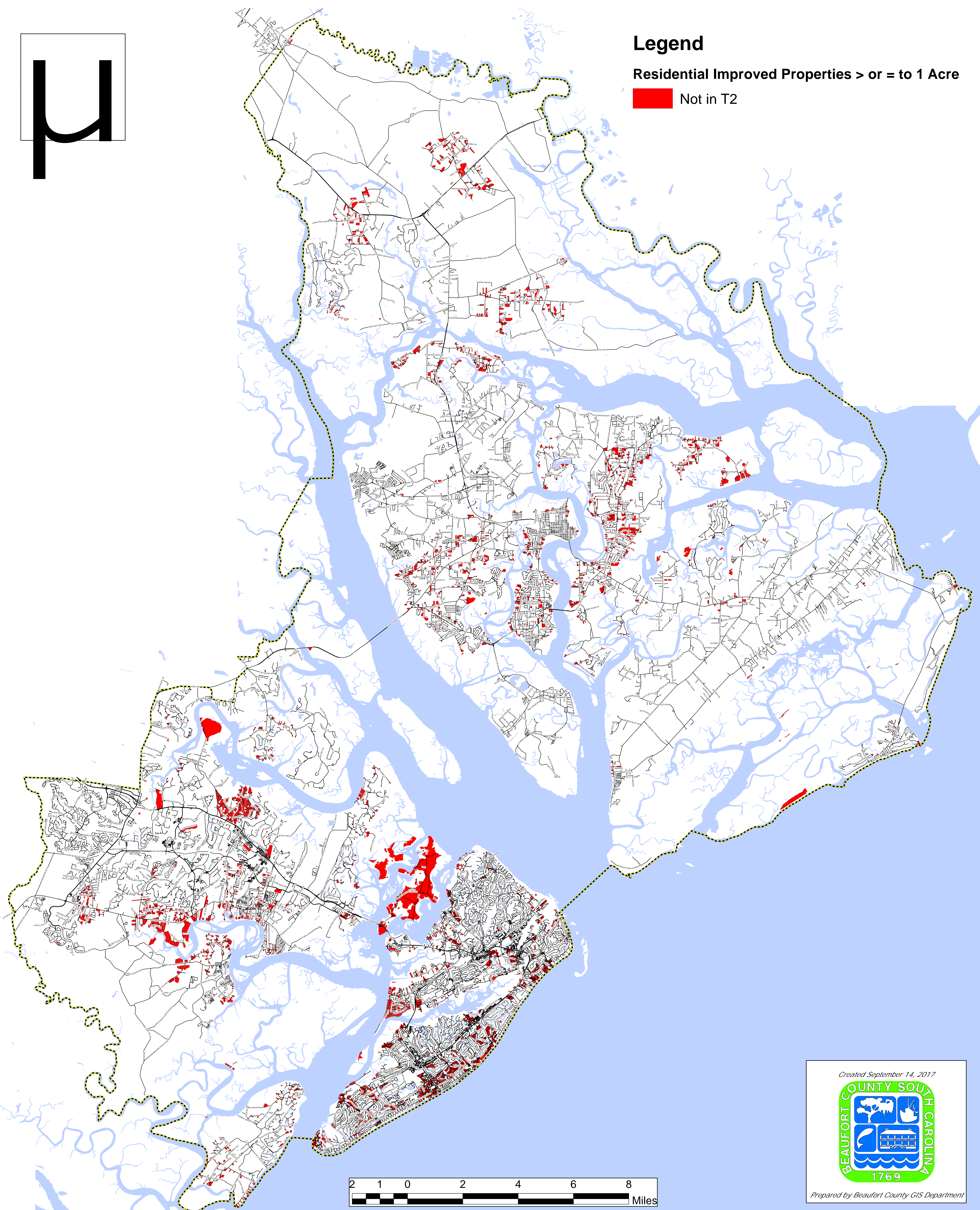




**Legend**

**Residential Improved Properties > or = to 1 Acre**

 Not in T2



Created September 14, 2017



Prepared by Beaufort County GIS Department



2017 /

TEXT AMENDMENTS TO THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT  
CODE (CDC), ARTICLE 5 (SUPPLEMENT TO ZONES), DIVISION 5.5 (OFF-STREET  
PARKING), SECTION 5.5.30.A. STORAGE AND/OR PARKING OF HEAVY TRUCKS  
AND TRAILERS

Whereas, amended text is highlighted in yellow, underscored for additions and struck  
through for deletions.

Adopted this \_\_\_\_\_ day 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: August 28, 2017

Second Reading:

Public Hearing:

Third and Final Reading:



## ARTICLE 5. SUPPLEMENT TO ZONES

### DIVISION 5.5: Off-Street Parking

#### 5.5.30 General Parking Standards

- A. **Storage and/or Parking of Heavy Trucks, ~~and Trailers, Recreational Vehicles, Boats, Campers, and similar Vehicles.~~** Parking or storage of heavy trucks (vehicles over 20,000 GVW); ~~and 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 ~~may shall not~~ be parked or stored on any residential lot ~~except~~ within the T2 **Rural** district.
  2. **In all other districts, 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.**
  3. **Where storage and/or parking of heavy trucks and trailers is permitted, the following shall apply:**
    - a) **The vehicle** shall be stored in the rear or interior side setback behind the front of the building, garage, or carport;
    - b) There is a principal use of the property, to which such storage would be **an** accessory **use**;
    - c) No living quarters shall be maintained or any business conducted from within while such trailer or vehicle is so parked or stored; and
    - d) The required **number of** parking **spaces** on the parcel is maintained in addition to the area used for the stored vehicle(s).

#### *Notes:*

- *5.5.30.A.4. & 5. are incorporated in 5.5.30.A.3.*
- *5.5.30.B & C are not affected*