

PLANNED UNIT DEVELOPMENT
ZONING AMENDMENT

FOR

BELFAIR

BEAUFORT COUNTY, SOUTH CAROLINA

JULY 24, 1995

AS APPROVED BY BEAUFORT COUNTY COUNCIL
JULY 24, 1995

APPLICANT:
BELFAIR PLANTATION LIMITED LIABILITY COMPANY

BELFAIR PUD

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- Zoning and Development Standards Ordinance 90/3, Article V, Site Design and Development Standards.
- Ordinance to Amend Zoning and Development Standards Ordinance 90/3, Article V, Section 5.2.7, Tree Protection Standards

B E L F A I R P U D

PLANNING TEAM

Belfair Plantation Limited Liability Company Applicant/Land Owner

Edward Pinckney/Associates, LTD. Land Planner/Landscape Architect

Thomas & Hutton Engineering Company Civil Engineer/Surveyor

Bethea, Jordan & Griffin, PA Legal Counsel

Law Offices Of Lewis J. Hammet, Esq. PUD Legal Counsel

Fazio Golf Course Designers, Inc. Golf Course Architects

Newkirk Environmental Consultants, Inc Environmental Consultants

Permar & Ravenel, Inc. Marketing Consultants

Brockington and Associates, Inc. Archaeological Consultants

Whitaker Laboratory Geotechnical Consultants

S & ME Geotechnical Consultants

BELFAIR PUD

COUNTY OF BEAUFORT, SOUTH CAROLINA
ZONING & DEVELOPMENT STANDARDS ORDINANCE
- PLANNED UNIT DEVELOPMENT -

00008

DATE APPLICATION ACCEPTED:	RECEIVED BY:	FILING FEE:	RECEIPT #:	PROJECT TYPE: PLANNED UNIT DEVELOPMENT
PROJECT NAME: <p style="text-align: center;">Belfair</p>			PROPERTY OWNER NAME, ADDRESS Belfair Plantation Limited Liability Company 803-757-701	
APPLICANT (DEVELOPER) NAME, ADDRESS Belfair Plantation Limited Liability Company, P.O. Box 24143, Hilton Head			PROPOSED DENSITY: SINGLE FAMILY: see text MULTI FAMILY: see text OVERALL: 1.45	
PROJECT LOCATION U.S. Hwy 278 and Buck Island Road	DISTRICT: see zoning development MAP: see zoning development PARCEL: Amendment Form	LAND AREA (TOTAL): 1028 a/c	LAND AREA (COMM):	S/F LOTS: 770
		LAND AREA (RES):	LAND AREA (OTHER):	M/F LOTS: 722

- PRELIMINARY APPLICATION INFORMATION REQUIRED -

<input checked="" type="checkbox"/> SIX BLACK OR BLUE LINE PRINTS OF THE DEVELOPMENT MASTER PLAN(S) <input checked="" type="checkbox"/> VICINITY MAP SHOWING PROJECT LOCATION <input checked="" type="checkbox"/> DEVELOPMENT PROPERTY BOUNDARY LINES AND DIMENSIONS <input checked="" type="checkbox"/> EXISTING ROADS, STREETS, HIGHWAYS (NAME NUMBER AND RIGHT-OF-WAY WIDTH) ON OR ADJACENT TO DEVELOPMENT PROPERTY <input checked="" type="checkbox"/> EXISTING DRAINAGE FACILITIES, CANALS, DITCHES & WATER COURSES ON AND ADJACENT TO PROPERTY <input checked="" type="checkbox"/> EXISTING RIVERS, CREEKS, MARSHES & WETLANDS ON & ADJACENT TO PROPERTY <input checked="" type="checkbox"/> ADJACENT PROPERTY OWNERS NAME AND EXISTING LAND USE (RESIDENTIAL, UNDEVELOPED, OR COMMERCIAL, ETC.) <input checked="" type="checkbox"/> EXISTING EASEMENTS (TYPE, WIDTH AND DIRECTION) ON & ADJACENT TO PROPERTY <input checked="" type="checkbox"/> EXISTING BUILDINGS, STRUCTURES AND FACILITIES ON DEVELOPMENT PROPERTY <input checked="" type="checkbox"/> SEAL OF REGISTERED ENGINEER <input checked="" type="checkbox"/> MUNICIPAL OR COUNTY BOUNDARY LINES WITHIN OR CONTIGUOUS TO DEVELOPMENT PROPERTY <input checked="" type="checkbox"/> NARRATIVE DESCRIBING THE INTENT AND SCOPE OF THE PROJECT <input checked="" type="checkbox"/> PROPOSED LOT LAYOUT/DESIGN, NUMBER OF LOTS/UNITS <input checked="" type="checkbox"/> PROPOSED STREET RIGHT-OF-WAY WIDTH TOTAL MILES PROPOSED <input checked="" type="checkbox"/> PROPOSED STREET NAMES	<input checked="" type="checkbox"/> PROPOSED OWNERSHIP, MAINTENANCE OF ROADS, DRAINAGE SYSTEM, WATER/SEWER, OPEN SPACE, AMENITIES <input checked="" type="checkbox"/> PROPOSED ACCESS TO EXISTING ROADS <input checked="" type="checkbox"/> PROPOSED SETBACKS, BUFFERS, OPEN SPACE & LANDSCAPED AREAS <input checked="" type="checkbox"/> SPECIAL DISTRICT BOUNDARY LINES (FLOOD HAZARD DISTRICT, CONSERVATION DISTRICT) <input checked="" type="checkbox"/> TOPOGRAPHIC SURVEY <input checked="" type="checkbox"/> PRELIMINARY STORMWATER DRAINAGE PLAN <input checked="" type="checkbox"/> PRELIMINARY WATER SUPPLY, AND SEWAGE DISPOSAL PLAN <input checked="" type="checkbox"/> PROPOSED PHASING <input checked="" type="checkbox"/> BEACH, DUNE, DUNE VEGETATION PRESERVATION PLAN (BEACH DEVELOP. DISTRICT) <input checked="" type="checkbox"/> PROPOSED ARRANGEMENT OF LAND USES, ACREAGE OF EACH USE AREA, TYPE OF USE & DENSITY (RESIDENTIAL) EACH AREA <input checked="" type="checkbox"/> PRELIMINARY LETTERS OF CAPABILITY AND INTENT TO SERVE WATER, SEWER FROM AFFECTED AGENCY <input checked="" type="checkbox"/> HEALTH DEPARTMENT PRELIMINARY COMMENTS OR APPROVAL OF PROPOSED WATER SUPPLY, SEWAGE DISPOSAL METHODS <input checked="" type="checkbox"/> OTHER AGENCY PRELIMINARY COMMENTS OR APPROVALS ON ELEMENTS OF THE PROPOSED DEVELOPMENT OVER WHICH SUCH AGENCIES HAVE PERMITTING AUTHORITY (US ARMY CORPS OF ENGINEERS, SC COASTAL COUNCIL FIRE DISTRICT AND BOARD OF ADJUSTMENTS)
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APPLICANTS SIGNATURE: <i>[Signature]</i> DATE: 3/23/95 LANDOWNER'S SIGNATURE: <i>[Signature]</i> DATE: 3/23/95	COUNTY COUNCIL ACTION: APPROVED DATE _____ DISAPPROVED DATE _____ COUNTY ENGINEER APPROVAL OF PRELIMINARY DRAINAGE PLAN _____ SCDH&PT ENCROACHMENT PERMIT _____ FIRE OFFICIAL APPROVAL _____ DATE OF PUBLIC NOTICE _____ DATE OF SCHEDULED REVIEW _____ DATE OF PRELIM. APPROVAL _____
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ZD FILE NO. _____

BEAUFORT COUNTY, SOUTH CAROLINA
PROPOSED ZONING/DEVELOPMENT AMENDMENT

To: The Chairman and Members, Beaufort County Council

The undersigned hereby respectfully requests that the Beaufort County Zoning and Development Standards Ordinance be amended as described below:

1. This is a request for a change in the: (Check as appropriate)

Zoning Map Designation Zoning/Development Text

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

District 600 Map 23B Parcel 48
District 600 Map 23 Parcel 16
District 600 Map 23B Parcel 48
District 600 Map 23 Parcel 4

Square feet or acres of subject property 1,028 Acres

3. How is this property presently zoned? (Check one) OCD

CPD RDD DD GR-4 GR-8
 GR-12 GR-16 GR-20 NPD-1 NPD-2
 NPD-2 NPD-3 NPD-4 NCD GCD
 RAD RCD ID PUD* LID

*Also Previously DD and GCD.

4. What new zoning do you propose for this property? PUD
(Under item 8 explain why this are should be rezoned as you propose).

5. Do you own all of the property proposed for the zoning change?
Yes No
If NO, give location of the property involved which applicant does not own and name and address of the/those owner(s): _____

6. If this request also involves a proposed change in the Zoning & Development Standards Ordinance Text, which section(s) will be affected?

Section See attached application notebook

7. Explain proposed text change and reasons therefore in item 8.

8. Explanation: See attached application notebook

(Continue on separate sheet, as necessary)

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

BDOD () FHOD (X) AOD () HPOD () HCOD(X)

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 applicant.

MM Maibely
Signature of Applicant

3/23/75
Date

Printed Name Belfair Plantation Limited Liability Company

Address P.O. Box 24143, Hilton Head Island, SC 29925

Telephone Number (803)-757-7701

- BDOD- Beach Development Overlay District
- FHOD-Flood Hazard Overlay District
- AOD- Airport Overlay District
- HPOD-Historic Preservation Overlay District
- HCOD-Highway Corridor Overlay District

For amendment requests which affect district zoning, a posting notice must be placed on the affected property at least fifteen (15) days prior to scheduled review by the Planning Board. The notice will be provided by the zoning/development office but you are responsible for its placement on the property.

Date Notice Provided _____ Date Received _____
 Date Forwarded _____ Date of Planning Board Review _____
 Date of County Council Action _____
 Approved _____ Disapproved _____ Modified _____

Please submit original form and two (2) copies

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B E L F A I R P U D

I. PROJECT INTRODUCTION

This rezoning application seeks to establish the Belfair Planned Unit Development (PUD) Zoning District hereinafter referred to as Belfair PUD. The vast majority of the subject property will be low intensity, single family residential development with associated golf course and amenities. A limited amount of multifamily and commercial development is also provided. The overall impact of this application is to reduce the total amount and intensity of development allowed under prior zoning in order to produce a high quality, well planned community which complements surrounding uses.

Section II of this Application compares the presently requested zoning to prior zoning for the subject property. Beaufort County zoned this property as a combination of PUD Zoning, General Commercial Zoning and Development District when the original County Zoning Map was adopted in 1990. The official County Zoning Map showed that zoning status when the present Applicant purchased the property in September, 1994, and that zoning status was certified to the Applicant by the Beaufort County Zoning Administrator immediately prior to its purchase of the property (See Exhibit C). Beaufort County has since changed the official zoning map, administratively, to show the entire property as PUD Zoning District, as part of the Rose Hill PUD (See Exhibit D).

In order to address this confusing background, Section II of this Application compares the present rezoning request to both versions of the prior Official County Zoning Map (See Exhibits C and D). Under either comparison, the present request reduces the total intensity of development for the subject property, as Section II more fully explains.

The total single family residential unit count for the property will be seven hundred seventy. A maximum of seven hundred twenty-two units multifamily is requested for thirty-three acres, and fifty acres of commercial development is requested. The Commercial development use requested is similar to the Neighborhood Commercial District under County law (including by right and conditional uses) and the modified Neighborhood Commercial allowed for PUD applications within a Development District. The Applicant believes that this less intense Commercial use provides the necessary flexibility within the plan, while reducing total development impact and preventing many of the more intense and potentially incompatible uses allowed under a General Commercial District.

The existing conditions of the site are explained under Section III of this application and the full Development Plan proposed for the Belfair PUD is set forth under Section

B E L F A I R P U D

IV of this Application.

Belfair Plantation Limited Liability Company respectfully requests that Beaufort County approve this Application and rezone the subject property to establish the Belfair PUD Zoning District.

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II. PREVIOUS AND PROPOSED PUD & ZONING ANALYSIS

The Applicant seeks approval for a new PUD Zoning District, to be known as Belfair PUD. To understand the impact of this requested zoning change, it is important to understand the development rights allowed under previous zoning.

The original zoning of this property was a combination of PUD Zoning (as part of the Rose Hill PUD), General Commercial Zoning, and Development District Zoning. That zoning status was enacted by the Beaufort County Council in 1990, depicted on the official Zoning Maps of the County, and specifically certified to this Applicant in August of 1994, just prior to Applicant's purchase of property. Apparently, Beaufort County staff changed the official Zoning Map, by administrative action without notice to the Applicant, about the time that this Applicant closed on its purchase of the Property. The administrative version of the Zoning Map now shows the entire property as PUD, under the Rose Hill PUD Plan.

This analysis will set forth the maximum development rights associated with the property under all three zoning scenarios. First, the maximum rights under the Zoning Maps adopted by County Council in 1990 and certified to the Applicant in 1994 will be shown. Next, the maximum development rights under the administrative zoning (Rose Hill PUD) will be examined. Finally, the maximum development rights under the requested Belfair PUD Zoning will be summarized.

The analysis reveals that the new Belfair PUD represents a significant reduction in the intensity of development for the property, whether compared to the previously certified Zoning Map or the administrative version.

For clarity and ease of comparing each alternative, all of the scenarios below will compare only the Belfair portion of the Rose Hill PUD. The Rose Hill PUD contains areas of Rose Hill Plantation and Belfair Plantation. The acreage numbers used here for comparison appear on the original Rose Hill Plantation PUD or are calculated based on the various maps or plans contained in this submittal.

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BELFAIR PUD


ZONING CERTIFICATION

The undersigned hereby certifies as follows:

1. That he is the duly appointed Zoning & Development Manager, Beaufort County, South Carolina, and is competent to make this certification.

2. That the property described on Exhibit "A" attached hereto is zoned as (1) a portion of PUD 600-1 as shown on Map 600-11 attached hereto; (2) a portion of the General Commercial District (GC) as shown on Map 600-11 attached hereto; and (3) a portion of Development District (DD) as shown on Map 600-11 attached hereto under the laws and ordinances of Beaufort County, South Carolina.

This 19th day of August, 1994.


Gordon S. Crispin
Zoning & Development Manager
Beaufort County Zoning &
Development Administration
PO Drawer 1228
Beaufort, SC 29901-1228

PARCEL A:

ALL that certain piece, parcel or tract of land, situate, lying and being near Bluffton Township, in Beaufort County, South Carolina, containing 782.97 acres, being shown and delineated on a plat entitled "Plat of 782.97 Acres Being a Portion of Belfair Plantation" prepared by Thomas & Hutton Engineering Co., certified by Octavio Arango, S.C.R.L.S. No. 12066, dated September 16, 1992, and recorded in the Office of the Register of Mesne Conveyances for Beaufort County, South Carolina, in Plat Book 44 at Page 198. For a more detailed description as to the courses, distances, metes and bounds of the above described property, reference is had to the above plat of record.

PARCEL B:

ALL that certain piece, parcel or tract of land, situate, lying and being near Bluffton Township, in Beaufort County, South Carolina, containing 182.011 acres, being shown and delineated on a plat entitled "Block B-6, B-7 and B-8" prepared by Thomas & Hutton Engineering Co., certified by Octavio Arango, S.C.R.L.S. No. 12066, dated March 16, 1994, and recorded in the Office of the Register of Mesne Conveyances for Beaufort County, South Carolina, in Plat Book 49 at Page 81. For a more detailed description as to the courses, distances, metes and bounds of the above described property, reference is had to the above plat of record.

PARCEL C:

ALL that certain piece, parcel or tract of land, situate, lying and being near Bluffton Township, in Beaufort County, South Carolina, containing 59.620 acres, being shown and delineated as "Pecan Grove" on a plat entitled "Block B-9" prepared by Thomas & Hutton Engineering Co., certified by Octavio Arango, S.C.R.L.S. No. 12066, dated September 16, 1992, and recorded in the Office of the Register of Mesne Conveyances for Beaufort County, South Carolina, in Plat Book 44 at Page 199. For a more detailed description as to the courses, distances, metes and bounds of the above described property, reference is had to the above plat of record.

B E L F A I R P U D

B. ALLOWED DEVELOPMENT UNDER ROSE HILL PUD PLAN

The County Zoning Map has been changed administratively to show all of the subject property to be within the Rose Hill PUD Zoning. A copy of the Rose Hill PUD Plan, dated January, 1988 and approved July 24, 1989 as certified by Mr. G.S. Crispin, is attached hereto as Exhibit E. The uses and densities for the Belfair portion of the Rose Hill PUD are set forth separately in the table on the face of the Master Plan. These Belfair allocations include the property which is the subject of this Application, together with additional property across Highway 278 which is not included in this Application. This analysis has subtracted the acreage and associated development densities for the property not included in this Application for the Belfair PUD Zoning. Therefore, this analysis has been appropriately adjusted to include the subject property only.

The following table shows the land use areas, respective acreage and development density allowed for the property under the Rose Hill PUD Master Plan:

SCHEDULE 'B'

Belfair based on approved Rose Hill/Belfair PUD dated January 1988 - Certified July 24, 1989

ZONING	ACRES	DU	NOTES:
MF	89.0	712	MF = Multi-Family Residential @ 8 Units/Acre (89 acres x 8 DU/AC = 712 DU)
MF (6)	5.4	32	MF(6) = Multi-Family Residential @ 6 Units/Acre (5.4 acres x 6 DU/AC = 32 DU)
SFP	56.0	168	SFP = Single Family Patio Residential @ 3 DU/AC (56 acres x 3 DU/AC = 168 DU)
SF	877.6	1668	SF = Single Family Residential @ 1.9 DU/AC (877.6 acres x 1.9 DU/AC = 1668 DU)
TOTAL	1028	2580	DENSITY = 2.5 Units/Acre

BELFAIR PUD

B E L F A I R P U D

A. ALLOWED DEVELOPMENT UNDER THE 1990 OFFICIAL ZONING MAP

As previously stated, the County Council originally zoned this property as a combination of PUD Zoning, General Commercial and Development District. A copy of that Zoning Map (Map No. 600-11) is attached (See Exhibit C). Please note the certification on the face of the map, dated August 16, 1994, by the County Zoning/Development Manager. Also attached is a copy of the Zoning Certification, dated August 19, 1994 see Exhibit C-1, delivered to the Applicant prior to its purchase of the property. The following table shows the land use areas, respective acreage, and development density allowed for the property under this zoning scenario:

SCHEDULE 'A'

Belfair based on county Zoning Map 600-11 certified August 16, 1991

ZONING	ACRES	DU	NOTES:
GC	19.0	---	GC = General Commercial
NC (DD)	15	---	NC (DD) = Neighborhood Commercial (within the Development District) As part of the Development District, which totals 74.4 acres, the DSO allows 20% of that area to be Neighborhood Commercial. (74.4 acre x 20% = 15 acres)
MF (DD)	59.4	475	MF (DD) Multi-Family Residential (within the Development District) As part of the Development District, the DSO allows for Multi-Family Residential at eight units per acre. (74.4 acres - 15 acres = 59.4 acres x 8 DU/AC = 475 DU)
MF	89.0	712	MF = Multi-Family Residential @ 8 DU/AC (89 acres x 8 DU/AC = 712 DU)
MF (6)	5.4	32	MF(6) = Multi-Family Residential @ 6 DU/AC (5.4 acres x 6 DU/AC = 32 DU)
SFP	56.0	168	SFP = Single Family Patio Residential @ 3 DU/AC (56 acres x 3 DU/AC = 168 DU)
SF	784.2	1490	SF = Single Family Residential @ 1.9 DU/AC (784.2 acres x 1.9 Du/AC = 1490 DU)
			DU/AC = Dwelling Units Per Acre
TOTAL	1028.0	2877	DENSITY = 2.8 Units/Acre

2877 total
1219 MF
1658 SF

BELFAIR PUD

B E L F A I R P U D

C. ALLOWED DEVELOPMENT UNDER PROPOSED BELFAIR PUD

The proposed Belfair PUD (Exhibit E) represents a substantial down zoning of development intensity as compared with either of the prior zoning classifications. The vast majority of the acreage is devoted to low intensity single family use. Multifamily development is included, but moved to a more appropriate location closer to Highway 278. The commercial use is a more restrictive and limited commercial use continues the concept endorsed by the County Council of establishing a commercial node in this location.

The following table shows the land use areas, respective acreage, and development density allowed under the proposed Belfair PUD:

SCHEDULE 'C'

Belfair based on the Proposed PUD Submittal dated January 26, 1995

ZONING	ACRES	DU	NOTES:
NC*	50.0	722	NC = Neighborhood Commercial as defined in this submittal (MAY include MF) * the development plan provides for part or all of this acreage to be MF (See IV,A,6,f)
MF	33.0		MF = Multi-Family Residential as defined in this submittal
SF***	897.8	770	SF = Single Family Residential as defined in this submittal *** includes acreage for the golf course, roads, open space, and other wetlands, buffers and conservation areas.
CRF	22.0	—	CRF = Community Recreational Facilities as defined in this submittal
CE / SC	6.8	—	CE / SC = Community Entrance / Sales Center
M/SE	18.4	—	M/SE = Maintenance & Secondary Entrance as defined in this submittal
TOTAL	1028.0	1492	DENSITY = 1.45 Units/Acre

The foregoing analysis was given to provide context and comparison between the present request and the previous zoning. The following section of this Application will describe the elements of the Belfair PUD Zoning request in more detail.

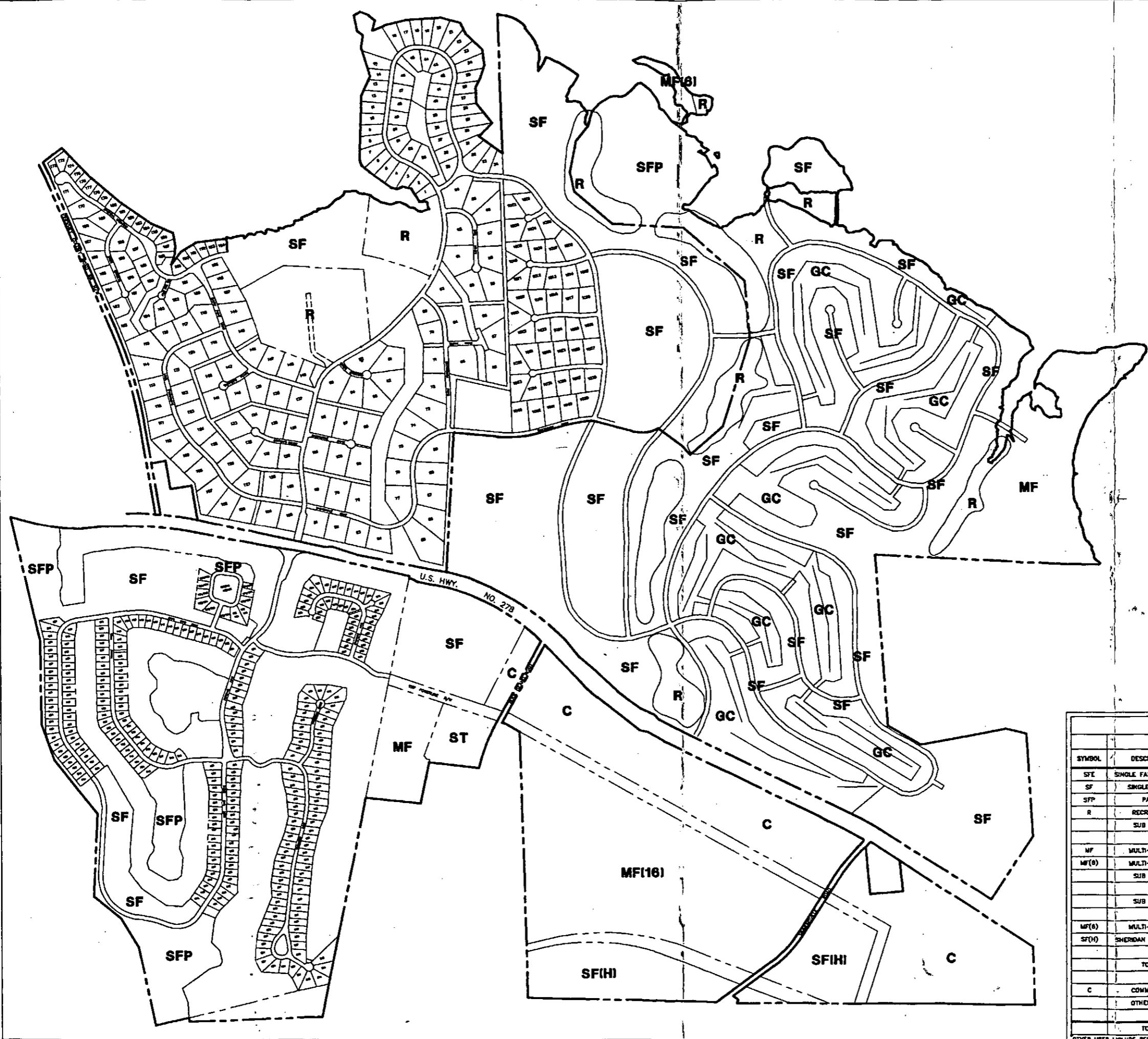
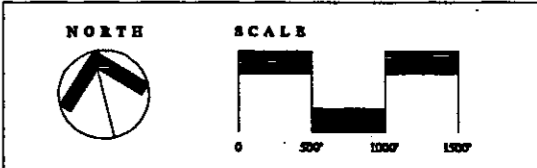
BELFAIR PUD



JANUARY 1988
**ROSE HILL
 PUD
 PLAN**
 Redrawn With Computer Software January 1984

CONSULTANT:
 Land Planning
EDWARD PINCKNEY/ASSOCIATES, LTD.
 Hilton Head Island, South Carolina

NOTE:
 The reproduction of this plan was accomplished by trace digitizing the original approved Rose Hill PUD plan and merging it with parts of the Rose Hill Master Plan.



		BELFAIR PLANTATION			ROSE HILL PLANTATION			TOTAL		
SYMBOL	DESCRIPTION	ACRES	DU/AC	DWELLING UNITS	ACRES	DU/AC	DWELLING UNITS	ACRES	DU/AC	DWELLING UNITS
SFE	SINGLE FAMILY ESTATE	-	-	-	97.9	0.4	43	97.9	.4	43
SF	SINGLE FAMILY	584.2	1.8	1125	897.4	.8	753	1481.6	1.3	1878
SFP	PATIO	56	3.0	168	78.6	2.5	206	134.6	2.5	374
R	RECREATION	-	-	-	10	-	-	10	-	-
SUB TOTAL		640.2	2.0	1293	1083.9	.9	1002	1724.1	1.3	2295
MF	MULTI-FAMILY	114.6	8.0	917	-	-	-	114.6	8.0	917
MF(8)	MULTI-FAMILY	5.4	6.0	32	-	-	-	5.4	6.0	32
SUB TOTAL		120.0	7.9	949	-	-	-	120.0	7.9	949
SUB TOTAL		760.2	2.9	2242	1083.9	.9	1002	1844.1	1.7	3244
MF(8)	MULTI-FAMILY	178.0	10.0	2018	-	-	-	178.0	10.0	2018
SF(H)	SHERIDAN HOMELANDS	61.0	3.3	200	-	-	-	61.0	3.3	200
TOTAL		997.2	5.3	5250	1083.9	.9	1002	2081.1	3.0	6250
C	COMMERCIAL	155.5	-	-	-	-	-	155.5	-	-
	OTHER USES*	517.3	-	-	406.7	-	-	924.0	-	-
TOTAL		1670.0	3.1	5250	1490.6	.7	1002	3160.6	2.0	6250

*OTHER USES INCLUDE RECREATIONAL OPEN SPACE, GOLF COURSES, SEWAGE TREATMENT PLANT AND ROAD AND POWERLINE RIGHTS-OF-WAY.

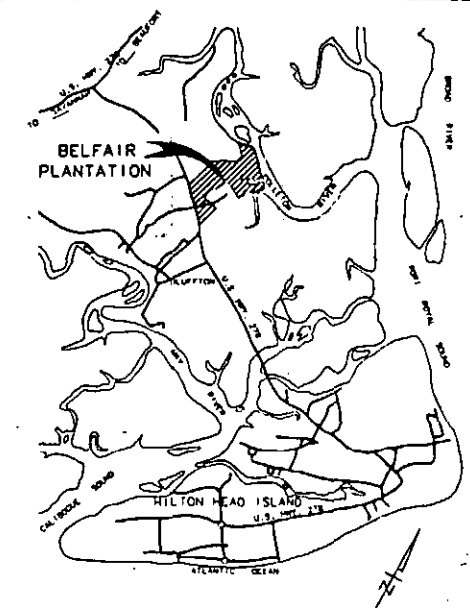
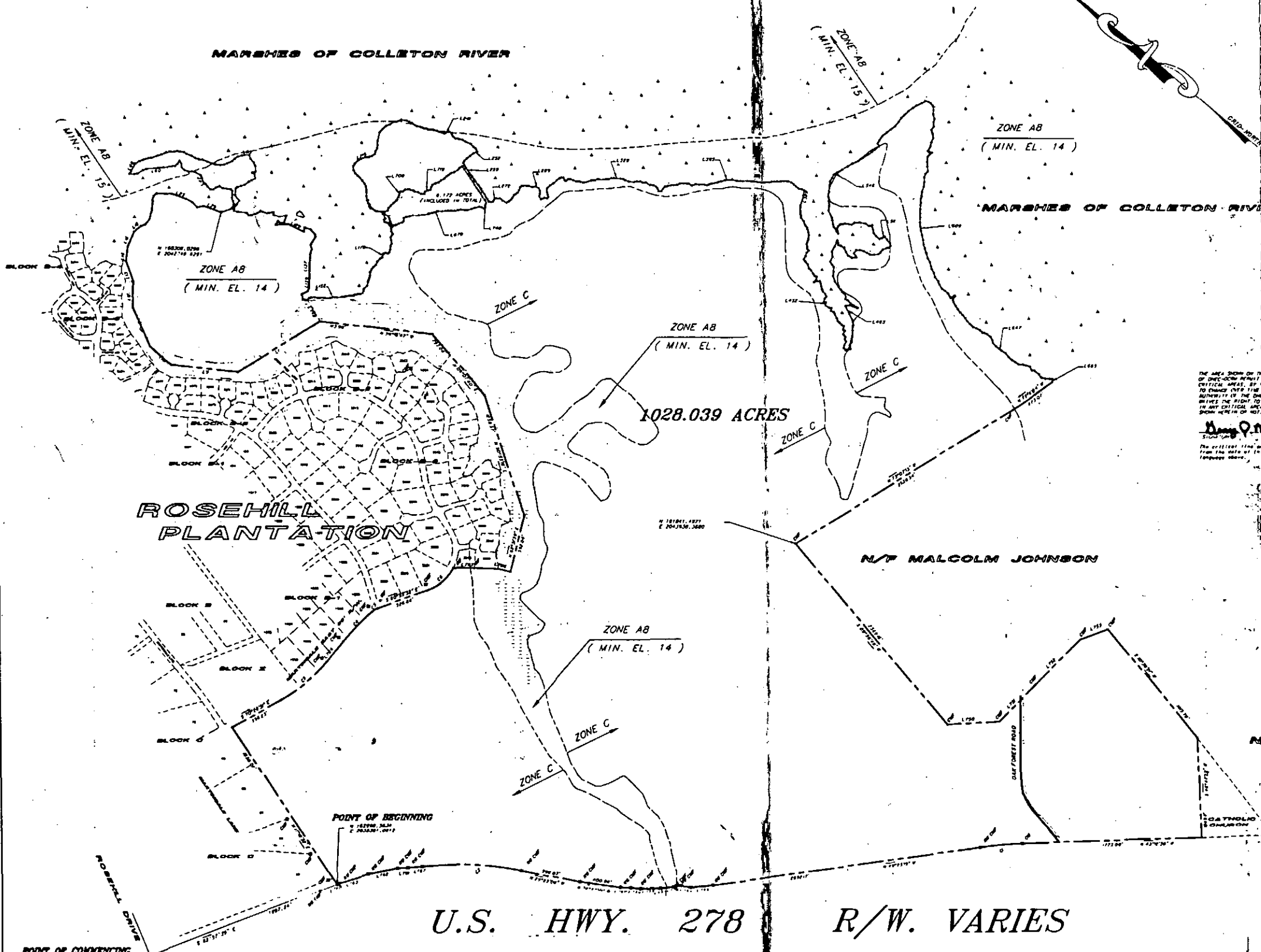
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Notes

Lined writing area consisting of approximately 30 horizontal lines for notes.

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VICINITY MAP NOT TO SCALE

THE AREA SHOWN ON THIS PLAN IS GENERAL REPRESENTATION OF ONE-CENT PLANT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS, BY THEIR NATURE, ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME BY GENERAL EROSION AND SILTATION. AUTHORITY OF THE ONE-CENT PLANT OFFICE OF STATE IS NOT GUARANTEED. THE OFFICE OF STATE IS NOT RESPONSIBLE FOR ANY DAMAGE TO PROPERTY OR PERSONS IN ANY CRITICAL AREA OF THE SUBJECT PROPERTY, WHETHER SHOWN HEREIN OR NOT.

Harry O. McMillan Date

The existence of the one-cent plant is valid for three years from the date of this signature, subject to the conditions, provisions above.

FLOOD NOTES:

THE AREAS INDICATED ON THIS PLAN AS FLOOD HAZARD AREAS HAVE BEEN IDENTIFIED AS HAVING AT LEAST A ONE PERCENT (1%) CHANCE OF BEING FLOODED IN ANY GIVEN YEAR BY RISING TIDAL WAVES ASSOCIATED WITH POSSIBLE HURRICANES. LOCAL REGULATIONS REQUIRE THAT CERTAIN FLOOD HAZARD PROTECTION MEASURES BE INCORPORATED IN THE DESIGN AND CONSTRUCTION OF STRUCTURES IN THESE DESIGNATED AREAS.

ACCORDING TO F.L.E.M.S. MAP NO. 83023 PANEL NO. 270 MAP REVISION 10/1988, A PORTION OF THIS SUBDIVISION FALLS WITHIN A 100 YEAR FLOOD HAZARD AREA. IN ZONE AB, MIN. EL. 14 & 13.5 FT. SEE PLAN FOR APPROPRIATE FLOOD LINES.

NOTES:

1. PLAN FINISH OF CLOSURE IS 1/4"=100'±
2. FIELD ANGLE OF CLOSURE IS 1/30"±
3. ANGLE OF CLOSURE IS 1/30"± PER SINGLE POINT.
4. THE AREA WAS DETERMINED BY GEOMETRIC METHOD OF LAND CALCULATION.
5. FIELD MEASUREMENT: 200'± SET, 30'±
6. SEE SHEET 2 FOR LINE & CURVE DATA.
7. SEE SHEET 3 FOR LEGAL DESCRIPTION.
8. COORDINATES BASED ON SOUTH CAROLINA STATE PLANE.

LEGEND

SEE SHEET 2 FOR LEGAL DESCRIPTION

SEE SHEET 3 FOR LEGAL DESCRIPTION

SEE SHEET 4 FOR LEGAL DESCRIPTION

SEE SHEET 5 FOR LEGAL DESCRIPTION

SEE SHEET 6 FOR LEGAL DESCRIPTION

SEE SHEET 7 FOR LEGAL DESCRIPTION

SEE SHEET 8 FOR LEGAL DESCRIPTION

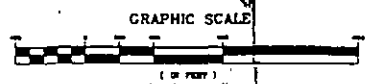
SEE SHEET 9 FOR LEGAL DESCRIPTION

SEE SHEET 10 FOR LEGAL DESCRIPTION

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN ACCORDANCE WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

TO THE BEST OF MY KNOWLEDGE AND BELIEF ALL BEARINGS, MEASUREMENTS OF COURSES AND DISTANCES, AND MONUMENT LOCATIONS HAVE BEEN PROVEN BY LAND SURVEY.

TO THE BEST OF MY KNOWLEDGE AND BELIEF THE RATIO OF PRECISION OF THE FIELD SURVEY IS 1/750,000 AS SHOWN HEREON AND THE AREA WAS DETERMINED BY THE COORDINATE METHOD OF AREA CALCULATION.



"ALTA/ACSM LAND TITLE SURVEY"
SHEET 1 OF 2

A SURVEY OF

BELFAIR
Plantation

BEAUFORT COUNTY, SOUTH CAROLINA

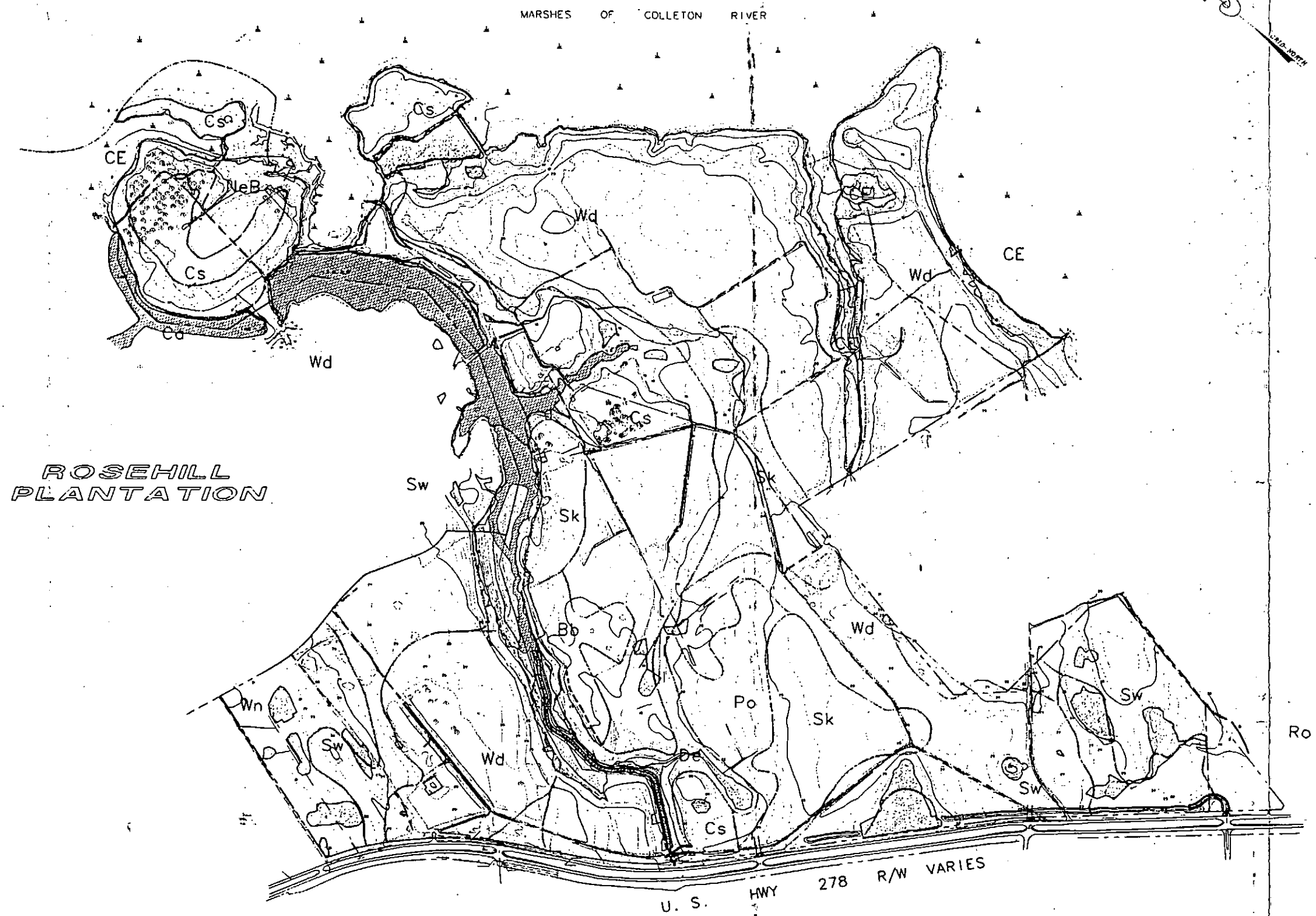
DATE: AUG 15, 1994 FILE: 27030

DRAWN BY: B.E. PERRY CHPT. 68

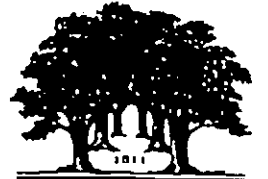
THOMAS & HUTTON
ENGINEERING, CO.

P.O. BOX 19008 BAYANNAH, GEORGIA 31502

9 COLLETHORPE PROFESSIONAL BLVD. ONE-800-0000



A SOILS MAP OF

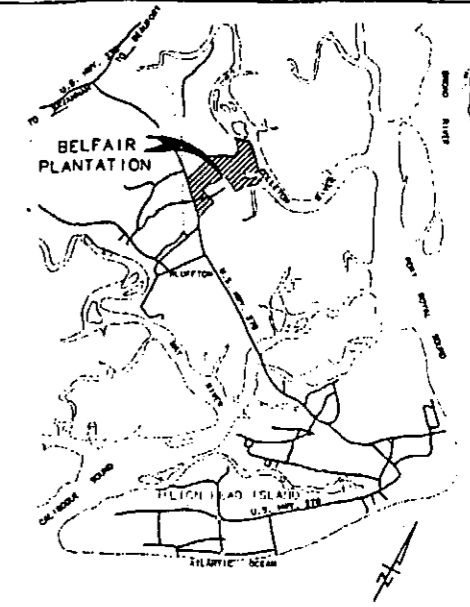
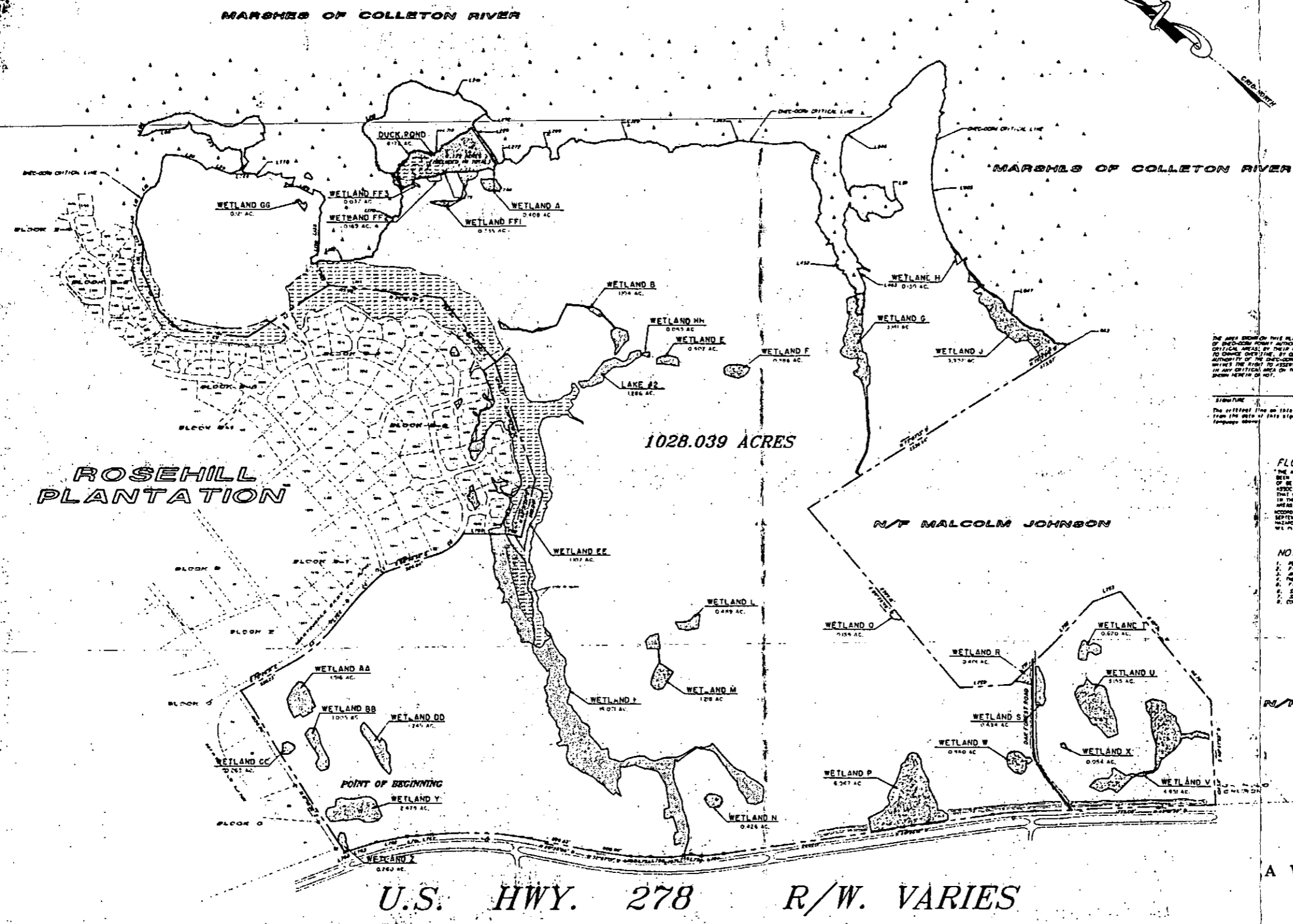


BELFAIR

BEAUFORT COUNTY, SOUTH CAROLINA
THOMAS & HUTTON
 ENGINEERING, CO.

P.O. BOX 14028 SAVANNAH, GEORGIA
 3 OCEANIC PROFESSIONAL BLDG (903) 302-3300

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THE AREA SHOWN ON THIS PLAN... IS A REPRESENTATION OF THE SURVEYED PROPERTY... THE SURVEYED PROPERTY... IS SUBJECT TO CHANGE... BY GENERAL OR SPECIAL ORDER... OF THE BOARD OF LANDS... THE RIGHT TO ASSESS... JURISDICTION AS AND THE... IN ANY OFFICIAL... OF THE SUBJECT PROPERTY... SHOWN HEREIN OR NOT.

SIGNATURE: _____ DATE: _____
 The witness has on this date to witness these papers from the date of this signature, subject to the restrictions language above.

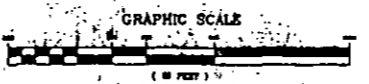
FLOOD NOTES:
 THE AREAS INDICATED ON THIS PLAN AS FLOOD HAZARD AREAS HAVE BEEN IDENTIFIED AS HAVING AT LEAST A ONE PERCENT (1%) CHANCE OF BEING FLOODED IN ANY GIVEN YEAR BY RISING TIDAL WATERS ASSOCIATED WITH POSSIBLE HURRICANES. LOCAL REGULATIONS REQUIRE THAT CERTAIN FLOOD HAZARD PROTECTION MEASURES BE INCORPORATED IN THE DESIGN AND CONSTRUCTION OF STRUCTURES IN THESE DESIGNATED AREAS.
 ACCORDING TO F.E.M.A. MAP NO. 15002B PANEL NO. 800 AND REVISION DATED 10/19/88, A PORTION OF THIS SUBDIVISION FALLS WITHIN A 100-YEAR FLOOD HAZARD AREA. IN SOME AREAS, MIN. ELEVATION IS 14.0 & 13.0 M.S.L. SEE PLAN FOR APPROXIMATE FLOOD LINES.

NOTES:
 1. ALL CORNERS OF CLOSURE IS 1/4" W/32" B.S.
 2. FIELD HORSESHOE OF CLOSURE IS 1/2" W/32" B.S.
 3. AREA OF CORNER OF CLOSURE IS 1/2" W/32" B.S.
 4. THE AREA HAS BEEN DETERMINED BY GEOMETRIC METHOD OF LAND CALCULATION.
 5. FIELD EQUIPMENT: SONY TA 501A, 500 33.
 6. SEE SHEET 2 FOR LINE & CURVE SCHEDULES.
 7. SEE SHEET 3 FOR LEGAL DESCRIPTION.
 8. COORDINATES BASED ON SOUTH CAROLINA STATE PLANE.

POINT OF COMMENCING

LEGEND
 100' CONCRETE MONUMENT FOUND
 6" DIA. 1" W/32" B.S. MONUMENT SET BY
 1 1/2" DIA. 1" W/32" B.S. MONUMENT SET BY
 1 1/2" DIA. 1" W/32" B.S. MONUMENT SET BY
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 1 1/2" DIA. 1" W/32" B.S. MONUMENT SET BY

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS A CORRECT REPRESENTATION OF THE LAND PLATTER AND HAS BEEN PREPARED IN ACCORDANCE WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.
 TO THE BEST OF MY KNOWLEDGE AND BELIEF ALL SURVEY MEASUREMENTS OF COURSE AND DISTANCES, AND MONUMENT LOCATIONS HAVE BEEN MADE BY LAND SURVEY.
 TO THE BEST OF MY KNOWLEDGE AND BELIEF THE AREA OF APPROXIMATELY 1028.039 ACRES IS 1/2" W/32" B.S. AS SHOWN HEREON AND THE AREA HAS BEEN DETERMINED BY THE GEOMETRIC METHOD OF AREA CALCULATION.



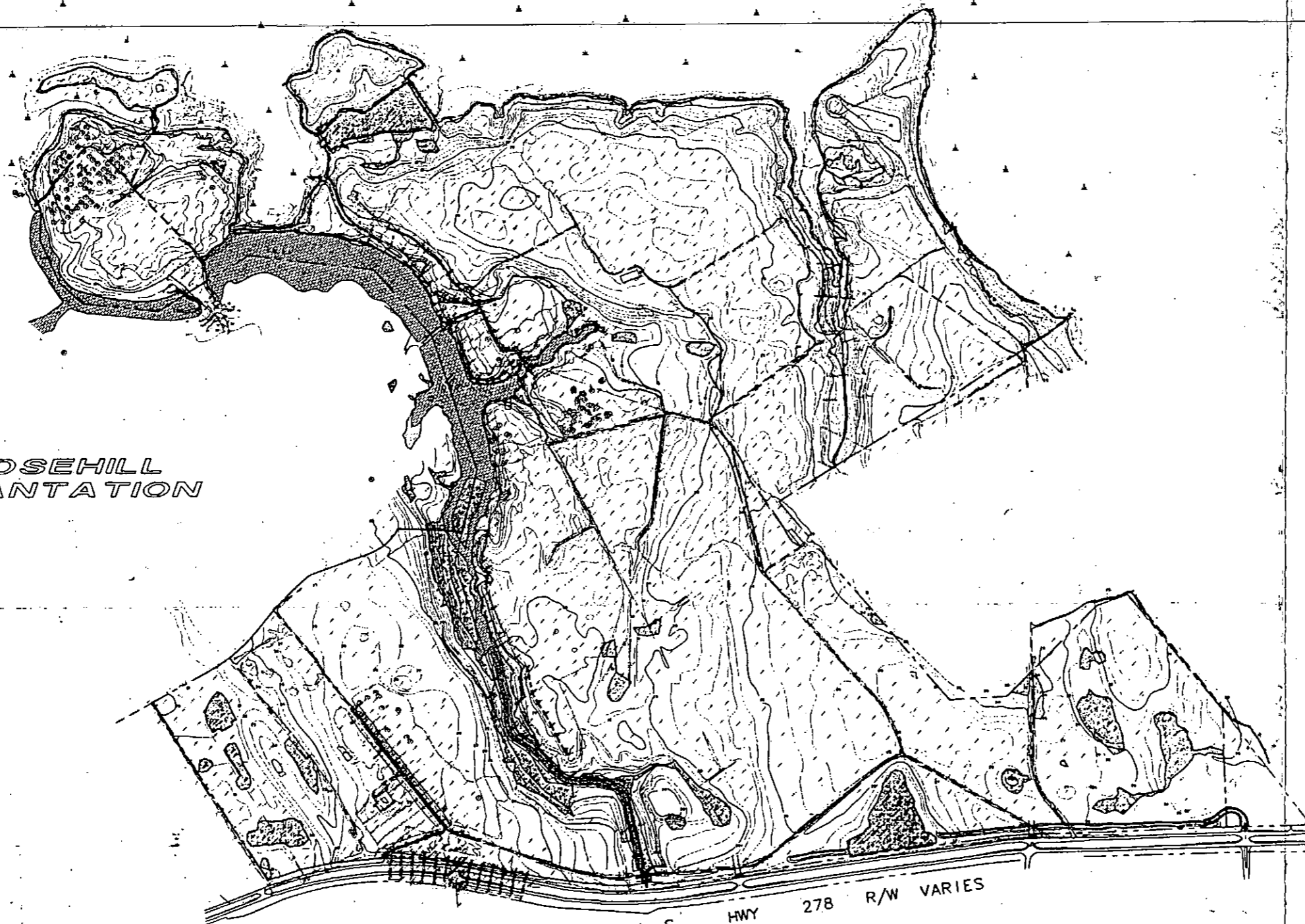
NO.	DATE	REVISED BY	BY

"ALTA/ACSM LAND TITLE SURVEY"
 SHEET 1 OF 2

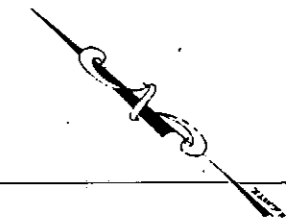
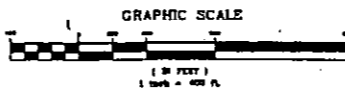
A WETLAND SURVEY OF
BELFAIR
 BEAUFORT COUNTY, SOUTH CAROLINA
 THOMAS & HUTTON
 ENGINEERING, CO.
 P.O. BOX 1800 SAVANNAH, GEORGIA
 8 COLLETTA PROFESSIONAL BLVD. (910) 335-6000

MARSHES OF COLLETON RIVER

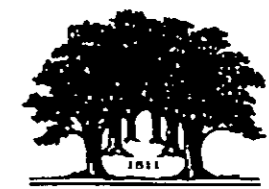
ROSEHILL
PLANTATION



U. S. HWY 278 R/W VARIES



A TOPOGRAPHIC MAP OF



BELFAIR

BEAUFORT COUNTY, SOUTH CAROLINA
THOMAS & HUTTON
ENGINEERING, CO.

P.O. BOX 1809 SAVANNAH, GEORGIA
9 COLLETON PROFESSIONAL BLDG. (912) 965-0200

III. EXISTING CONDITIONS

The subject property owned by the Belfair Plantation Limited Liability Company is currently part of the 3,160 acre Rose Hill PUD.

This application seeks rezoning of the 1,028 acre Belfair Plantation property presently zoned under the Rose Hill PUD in order to create a separate PUD for the development of the project to be known as Belfair.

The property to be rezoned under the Belfair PUD will consist of the areas shown as Blocks B-6, B-7, B-8 and B-9 on the approved master plan of Rose Hill Plantation and Belfair Plantation, the 782 acre tract of land east of the chain of lakes and north of U.S. Highway 278, and a small island known as Lady Slipper Island designated as MF(6) on the plan.

The boundary survey plat of the property shown as Exhibit F contains the following information.

- a) Vicinity Map
- b) Boundary and Dimensions
- c) Existing Roads
- d) Adjacent Property Owners
- e) Existing Easements
- f) Existing Structures
- g) South Carolina Coastal Council Critical Line
- h) Adjacent Rivers, Marshes and Lakes

The new 1,028 acre Belfair PUD will be bounded on the north by marshes of the Colleton River, on the south by U.S. Highway 278 on the west by Rose Hill Plantation and on the East by lands now or formerly of Malcolm Johnson.

The property is generally well drained with ground elevations ranging from 30.0 MSL to 5.0 MSL along the critical line adjacent to the Colleton River marshes. The soils (See Exhibit G) are predominantly Wando, Coosaw and Seabrook fine sands with the exception of the areas adjacent to the wetlands. Large portions of the property were under cultivation approximately 12 years ago. At present most of the cultivation fields are covered with voluntary pine growth. The hardwoods are primary within the wetlands, along the shoreline of the lakes, and along the edge of the marshes (See Aerial Photograph: Exhibit B).

The large lakes between Rose Hill Plantation and Belfair provide adequate storm

B E L F A I R P U D

water management for both projects.

Beaufort/Jasper Water & Sewer Authority is committed to serve the development with potable water for domestic use and fire protection and to provide wastewater collection and treatment as well as treated effluent holding capacity (See Exhibit K).

The treated effluent will be disposed by spray irrigation within the Belfair Golf Courses as approved by the South Carolina Department of Health & Environmental Control (See Exhibit K).

The freshwater wetlands (See Exhibit H) within the project were delineated by Environmental Consultants, Inc., and surveyed by Thomas & Hutton Engineering Co. The U.S. Army Corps of Engineers verified the freshwater wetlands delineation by letters dated October 1, 1993 and June 15, 1994 (See Exhibits I-1, I-2 and I-3).

The South Carolina Coastal Council critical line was delineated by Newkirk Environmental Services in July, 1994 and surveyed by Thomas & Hutton Engineering Co. in August, 1994 (See Exhibits F, H and J).

The critical line has been verified by the South Carolina Department of Health & Environmental Control, Office of Ocean and Coastal Resource Management and it is indicated on the boundary survey plat shown on Exhibit F.



DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 919
CHARLESTON, S.C. 29402-0919

00036

REPLY TO
ATTENTION OF

October 1, 1993

Regulatory Branch

Mr. Richard G. Harmon
Environmental Services, Inc.
306 West State Street
Savannah, Georgia 31401

Dear Mr. Harmon:

This is in response to your request dated July 2, 1993, with an enclosed survey plat prepared by Thomas & Hutton Engineering Co., dated October 21, 1992, and entitled "A Wetlands Plat of 782.97 Acres Being a Portion of Belfair Plantation, Beaufort County, South Carolina."

This plat depicts a wetland boundary as established by your firm. You have requested that this office verify the accuracy of this wetland mapping as a true representation of wetlands within the regulatory authority of this office. The property in question is owned by Rose Hill Plantation Development Company and is a 782.97 acre tract located off of U.S. Highway 278 near Bluffton, Beaufort County, South Carolina, and contains 68.870 acres of wetlands.

Based on an on-site inspection, aerial photo and soil survey review, it has been determined that the wetland boundary is an accurate representation of wetlands within our regulatory authority.

In future correspondence concerning this matter, please refer to SAC-81-93-0963. You may still need State or local assent. Prior to performing any work, you should contact the South Carolina Coastal Council. A copy of this letter is being forwarded to the addressees on the enclosed list for their information.

Please be advised that this determination is valid for three years from the date of this letter unless new information warrants revision of the delineation before the expiration date. All actions concerning this determination must be complete within this time frame, or an additional wetland delineation must be conducted.

If you have any questions regarding this matter, please contact me at (803) 727-4330.

Respectfully,

Jake Duncan
Biologist

EXHIBIT I-1



DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 919
CHARLESTON, S.C. 29402-0919

00037

REPLY TO
ATTENTION OF

October 1, 1993

Regulatory Branch

Mr. Richard G. Harmon
Environmental Services, Inc.
306 West State Street
Savannah, Georgia 31401

Dear Mr. Harmon:

This is in response to your request dated July 2, 1993, with three enclosed survey plats prepared by Thomas & Hutton Engineering Co. These plats are (1) "A Plat of Block B-3, Block B-6 and Block B-7 Wetlands Location Being a Portion of Rose Hill Plantation, Beaufort County, South Carolina", dated August 10, 1992; (2) "A Plat of Block F Wetlands Location Being a Portion of Rose Hill Plantation, Beaufort County, South Carolina", dated August 14, 1992; and (3) "A Plat of Block B-9 Being a Portion of Rose Hill Plantation, Beaufort County, South Carolina", dated September 16, 1992.

These three plats depict wetland boundaries as established by your firm. You have requested that this office verify the accuracy of this wetland mapping as a true representation of wetlands within the regulatory authority of this office. The property in question is owned by Rose Hill Plantation Development Company and is a 327.109 acre tract located off of U.S. Highway 278 near Bluffton, Beaufort County, South Carolina, and contains 38.092 acres of wetlands.

Based on an on-site inspection, aerial photo and soil survey review, it has been determined that the wetland boundary is an accurate representation of wetlands within our regulatory authority.

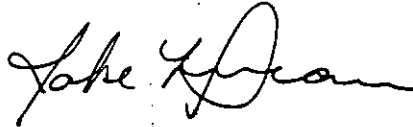
In future correspondence concerning this matter, please refer to SAC-81-93-0962. You may still need State or local assent. Prior to performing any work, you should contact the South Carolina Coastal Council. A copy of this letter is being forwarded to the addressees on the enclosed list for their information.

Please be advised that this determination is valid for three years from the date of this letter unless new information warrants revision of the delineation before the expiration date. All actions concerning this determination must be complete within this time frame, or an additional wetland delineation must be conducted.

EXHIBIT I-2

If you have any questions regarding this matter, please contact me at
(803) 727-4330.

Respectfully,



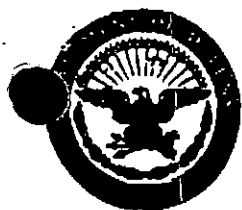
Jake Duncan
Biologist.

Copy Furnished:

S. C. Coastal Council
4130 Faber Place, Suite 300
Charleston, South Carolina 29405

S. C. Water Resources Commission
c/o South Carolina Sea Grant Consortium
287 Meeting Street
Charleston, South Carolina 29401

U. S. Environmental Protection Agency
Region IV, Wetlands Regulatory Unit
345 Courtland Street
Atlanta, Georgia 30365



DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 919
CHARLESTON, S.C. 29402-0919

REPLY TO
ATTENTION OF

June 15, 1994

Regulatory Branch

Mr. Lafayette Lyle
Soil and Wetland Consulting
Route 4, Box 663
Walterboro, South Carolina 29488

Dear Mr. Lyle:

This is in response to your recent letter dated May 13, 1994, with an enclosed survey plat prepared by Thomas & Hutton Engineering Co. dated February 17, 1994, and entitled "A Plat of Block B-8 Wetlands Location".

This plat depicts a wetland boundary as established by your firm. You have requested that this office verify the accuracy of this wetland mapping as a true representation of wetlands within the regulatory authority of this office. The property in question is owned by the Rose Hill Plantation and is a 45.584-acre tract located along S.C. Highway 278, near Bluffton, in Beaufort County, South Carolina.

Based on an on-site inspection and aerial photo review, it has been determined that the wetland boundary is an accurate representation of wetlands within our regulatory authority. In future correspondence concerning this matter, please refer to SAC-81-94-0727(J). A copy of this letter is being forwarded to the addressees on the enclosed list for their information.

Please be advised that this determination is valid for a period of five (5) years from the date of this letter unless new information warrants revision of the delineation before the expiration date. If you have any questions regarding this matter, please contact me at (803) 727-4330.

Respectfully,

Laurie R. Harford

for : Jake Duncan
Biologist

EXHIBIT I-3



POST OFFICE BOX 2149 / BEAUFORT, SOUTH CAROLINA 29901-2149
803/521/9200 803/521/2008 Engineering & Operations FAX 803/521/9203

DEAN MOSS, General Manager

January 23, 1995

Mr. Octavio Arango
Thomas & Hutton Engineering Company
Post Office Box 14609
Savannah, Georgia 31416

Dear Mr. Arango:

The purpose of this letter is to confirm the availability of potable water to meet the domestic and fire flow demands and that the Rose Hill wastewater treatment plant has adequate capacity to handle the projected flows from the Belfair Plantation Development. Should you have additional questions, please do not hesitate to contact me.

Sincerely,

Autie F. Kelley
Assistant to the General Manager

EXHIBIT K

DON H. FISHER CHAIRMAN	JAMES A. CARLEN, III VICE CHAIRMAN	MICHAEL L. BELL SECRETARY/TREASURER
JOHN L. BALLANTYNE, P.E.	THADDEOUS Z. COLEMAN	CHARLENE COOLER
C. SCOTT GRABER, ESQ.	JOHN T. GRAMES	JOHN D. ROGERS

00041

IV. DEVELOPMENT PLAN

Belfair Plantation L. L. C. proposes one thousand four hundred ninety-two (1492) units on the one thousand twenty-eight(1,028) acre site. The project will be developed in accordance with the Master Plan (Belfair PUD) prepared by Edward Pinckney/Associates, Ltd., and shown in Exhibit E. In addition to residential uses, there will be community recreational, neighborhood commercial, golf courses, and maintenance uses as will be described in greater detail hereinafter. The overall density is approximately 1.4 units per acre. The proposed density is less than the 3.0 units per acre currently allowed under the existing approved PUD (See Exhibit D).

The density, distribution of units and unit count does not limit the rights of the applicant to acquire additional land and expand the boundaries of the Belfair PUD, and thus increase the total number of dwelling units. Potential expansion may require rezoning approval and will be processed accordingly. However, future expansions will not affect the unit count and density approved by this application.

BELFAIR PUD

B E L F A I R P U D

A. LAND USES

The following land use categories as designated on the master plan, shall have the following allowed permitted uses and development parameters.

1. Single Family Residential (SF)

The designation allows for the construction of single family units both detached and attached. The units will be developed in accordance with the Community Covenants and Restrictions (CCR's).

Permitted Uses:

- a. Dwelling Units
 - (1) Detached Single Family
 - (a) Minimum lot size - 5,000 square feet for detached single family units
 - (2) Attached Single Family
 - (a) Minimum lot size - 3,000 square feet for attached units
- b. Accessory Buildings, Private Swimming Pools, and Home Occupations if allowed under private covenants
- c. Model Homes/Sales and Development Office
- d. Open Space
 - (1) Landscape Areas
 - (2) Lagoons, Ponds, Impoundments and Lakes
 - (3) Freshwater Wetlands and Buffers
 - (4) Wildlife Preserves & Buffers
 - (5) Conservation Easements
 - (6) Garden Plots
 - (7) Recreational Areas
- e. Temporary Construction Facilities
 - (1) Storage
 - (2) Staging
 - (3) Disposal Yards
 - (4) Construction Signs
 - (5) Office
 - (6) Office Trailers
- f. Utilities, including but not limited to, Power, Telephone, Water, Sewer, Drainage Lagoon, and Telecommunications
- g. Community Roads
- h. All Uses in 3. Golf Courses (GC)

B E L F A I R P U D

i. All Uses in 4. Community Recreational Facilities (CRF)

2. Multi-Family Residential (MF)

The designation allows for the construction of multi-family dwelling unit that will be designed and built in accordance with the Community Covenants and Restrictions (CCR's).

Permitted Uses:

- a. Multi-Family Not To Exceed 722 total units and not to exceed 16 units per net acre
- b. All Uses in 1. - Single Family Residential
- c. All Uses in 5. - Sales Center/Community Entrance

3. Golf Courses (GC)

This designation provides for the construction of golf courses in the community.

Permitted Uses:

- a. Regulation, Full Length Golf Course
- b. Executive Golf Course
- c. Golf Cart Storage and Maintenance (Golf and Community) Facilities
- d. Special Event Areas
 - (1) Temporary Parking
 - (2) Temporary or Permanent Outdoor Tents
- e. All Uses in 1. Single Family Residential (SF)
- f. Restrooms
- g. Rain Shelters
- h. Halfway Houses
- i. Golf Learning Center Facilities
- j. Tournament Boards and Facilities
- k. Television Camera Towers
- l. Other Facilities or Equipment Necessary to Stage a Televised Golf Event
- m. Irrigation Equipment and Buildings

4. Community Recreation Facilities (CRF)

B E L F A I R P U D

This use provides for central recreation complexes to serve the community. These facilities may have indoor recreation, meeting, banquet, fitness and hobby space. These facilities may be built in a complex of multiple buildings over the life of the development. Outdoor Recreational Facilities may include golf courses, golf driving ranges, pools, tennis courts, croquet courts, lawn bowling, parks, playgrounds, trails & paths and other recreational uses.

Permitted Uses:

- a. Recreational Buildings
- b. Accessory Buildings
- c. Community Offices
- d. Outdoor Recreation Facilities
- e. Maintenance and Storage Facilities
- f. Commercial Uses Associated with:
 - (1) Club Houses, Locker Rooms, Proshops
 - (2) Snack Bar/Grill
 - (3) Convenience Goods for Residents and Guests
- g. Lighted Outdoor Recreation Facilities
- h. Mail Deposit and Pickup Facility
- i. All Uses in 1. Single Family Residential

5. Community Entrance/Sales Center (CE/SC)

This Community Entrance/Sales Center will house a major entrance to the community, the Sales offices and related services. In order to provide flexibility for the Community, in the future, this area may include office facilities.

Permitted Uses:

- a. Sales, Professional and Financial Services Offices
- b. Model Homes
- c. All Uses in 1. Single Family Residential (SF)

6. Neighborhood Commercial (NC)

The Neighborhood Commercial area allows for the development of a limited use commercial area to provide essential services to residents and to function as part of a commercial node for the general public as

B E L F A I R P U D

anticipated by the original Beaufort County Zoning Map.

Permitted Uses:

- a. General and Professional Offices-including Medical and Health Services
- b. General Retail, Service Business, and Shopping Centers unless specifically prohibited under Prohibited Uses, below
- c. Uses allowed in a Neighborhood Commercial District and Development District under current *Beaufort County Zoning and Development Standards Ordinance*, both by right and Conditional uses, unless specifically prohibited under *Prohibited Uses*, below
- d. The Other Requirement, Section 4.11.5 of the *Beaufort County Zoning and Development Standards Ordinance* shall apply to all Commercial Development within the Neighborhood Commercial Area
- e. All Uses in 1., Single Family Residential (SF)
- f. All Uses in 2., Multi-Family Residential (MF)
- g. All Uses in 3., Golf Courses (GC)

Prohibited Uses:

The following Commercial Uses, which are presently allowed under *Beaufort County Zoning and Development Standards Ordinance*, within Neighborhood Commercial or General Commercial Districts, are specifically prohibited:

- a. ~~Telecommunications Tower~~
- b. Telegraph Offices
- c. Telephone Exchange
- d. Publicly Owned and Operated Building
- e. Club, Lodge, Union Hall or Social Center
- f. Off-Street Commercial Parking Garage
- g. Public Utility Installations or Sub-Installations Including Water Towers
- h. Motion Picture Studio
- i. Wooden Assembly Companies
- j. Electronic Assembly Companies
- k. Automobile Garage-Repair and Service /
- l. Newspaper Publishing Plant
- m. Automobile Carwash ✓
- n. Laundry or Washateria (Except as Related to Guest Laundry Services)

B E L F A I R P U D

- o. Animal Hospital, Clinic or Kennel
- p. Junk Yard or Auto Salvage Yards
- q. Solid Waste Transfer Facilities or Recycle Centers
- r. Automobile Service Station ✓
- s. Horse Riding School and/or Training Facility
- t. Mini-Warehouses
- u. Recreational Vehicle Park or Camping Facility
- v. Miniature Golf
- w. Go-Cart Racing Facility
- x. Water slide and Wave Pools
- y. Roller Coaster

7. Maintenance/Secondary Entrance (M/SE)

Maintenance/Secondary Entrance will house the facilities compatible with and necessary to maintain the common properties and golf courses.

Permitted Uses:

- a. Vehicle Maintenance
- b. Storage of Vehicles and Parts, Boats, Recreational Vehicles, and Resident Storage Units
- c. Fuel Storage
- d. Shops for Woodwork, Metalwork and Painting for Maintenance of Community, Greenhouses and Pump Station
- e. Offices Associated with Community and Golf Maintenance
- f. Storage of Chemicals and Bulk Materials
- g. All Uses in 1. Single Family Residential (SF)

8. Wetlands

Freshwater wetlands on the property have been delineated, surveyed and verified. The use of these lands is controlled by the U.S. Army Corps of Engineers and South Carolina Department of Health & Environmental Control, Office of Ocean and Coastal Management Resource and unless restricted via memorandum of Agreement to the contrary, the following are Permitted Uses:

- a. Open Space
- b. Conservation Easements
- c. Activities in all Areas as Permitted by U.S. Army Corps of Engineers

B E L F A I R P U D

and South Carolina Department of Health & Environmental Control, Office of Ocean and Coastal Management Resource.

- d. Disposal of Reclaimed Water as Permitted by SCDHEC
- e. Boardwalks and Golf Cart Bridges
- f. Stormwater Control and Disposal

9. Roads

Collector roads will provide access to all parts of the project.

Permitted Uses:

- a. Roads for Access
- b. All Uses in 1. Single Family Residential (SF)

10. Open Space and Buffers

Adequate open space is required for developments in Beaufort County. Open space in the Belfair PUD as with other PUD's, will be calculated for the boundary of the PUD and not site specific for each phase of the PUD. The open space requirement for the area covered by this application is shown below:

Single Family Residential	314 acres x 10% =	31 acres
Multi-Family Residential	33 acres x 30% =	10 acres
Recreation, Sales Centers, Club	29 acres x 15% =	4 acres
Neighborhood Commercial	50 acres x 15% =	8 acres
Maintenance	18 acres x 15% =	3 acres
Total Requirement =		56 acres

The Belfair Conceptual Master Plan calls for approximately 500 acres of open space in conserved wetlands, lakes, utility easements, golf course and buffers. This does not include landscaped areas within developed parcels which will add considerably to the open space. Therefore, the Belfair PUD more than meets the *Beaufort County Zoning and Development Standards Ordinance* open space requirements

11. Setbacks and Buffers

B E L F A I R P U D

Setbacks and Buffers will meet or exceed the requirements of the *Beaufort County Zoning and Development Standards Ordinance* or as modified herein. All setback and buffers shall apply to the perimeter of the PUD only.

BELFAIR PUD

B E L F A I R P U D

B. PHASING

The project will be constructed in phases over an estimated 8 - 12 year period, with the timing and size of phase to be determined by Belfair according to market condition.

BELFAIR PUD

BELFAIR PUD

C. SITE DESIGN AND DEVELOPMENT STANDARDS

The development standards will apply to all areas of the Belfair PUD. Architectural guidelines and restrictive covenants will set standards for all design and construction materials and will meet and/or exceed the *Beaufort County Zoning and Development Standards Ordinance* as attached hereto as an appendix in Section V.

The development standards for Belfair PUD will meet or exceed Article V and Article IV, Section 4.23 of the *Beaufort County Zoning and Development Standards Ordinance (DSO)*, as attached hereto under Section V, for this PUD with certain modifications as proposed herein as follows. The site design and development standards proposed herein and referenced to the *DSO* as found in the Appendix will supersede the development standards requirements of the *DSO*.

ARTICLE IV REQUIREMENTS BY DISTRICT Modified as Follows:

Section 4.23 US Highway 278/US Highway 278 Extension Overlay District

The provisions of this Overlay District will apply to the Belfair PUD.

Section 4.25 Beaufort County River Protection Overlay District

The Belfair PUD shall be exempt from all provisions of this Overlay District.

ARTICLE V SITE DESIGN AND DEVELOPMENT STANDARDS Modified as Follows:

Section 5.2.1 Street and Thoroughfare Standards

(B) Private Roads, Right-of-Way and Pavement Widths

Add the following:

"The Belfair street system will be private and maintained by the Property Owner's Association. The streets will be paved with a pavement designed for the soil conditions.

BELFAIR PUD

<u>Type</u>	<u>Right-of-Way Width</u>	<u>Pavement Width</u>
Residential or Local	50 Feet	22 Feet and 18 Feet*
Collector	60 Feet	22 Feet

*In order to reduce the impacts of fill into sensitive freshwater and saline wetlands, Belfair PUD will reduce the road pavement at the crossing at the areas known as "Lady Slipper Island" and at the west end of the "Duck Pond".

Right-of-way and pavement widths are Beaufort County minimum standards, and may be exceeded by actual design.

The minimum pavement width for the Avenue of Oaks will be ten feet (10') with a twelve to eighteen inch (12" - 18") band along each side of the pavement.

This existing roadway which was the original entrance to the old Belfair Plantation House, consists of a 16 feet wide oyster shell surface lined with large oak trees on each side of the road. The clearance between these trees is approximately twenty-eight feet (28').

In order to protect the root system of these oak trees the pavement width for this portion of the entrance road will be limited to approximately twelve feet (+/- 12') including adjacent pavement band of contrasting pavement.

(2) Street Section

The street section will be one of three types:

- a. Curb and Gutter
- b. Roadside Swales
- c. Inverted Crown

The actual design will be determined based on use and site specific soil conditions with the

prior approval of the Beaufort County Engineer."

(F) **Off-Street Parking Requirements**

(2) **Combination of Required Parking Space**

Add the following:

"The required parking space for any number of separate uses may be combined in one. The required space assigned to one use may not be assigned to another use, except that the number of parking spaces for Community Recreation Facilities, Golf Clubhouse, Community Entrance and Sales Centers shall be the number shown to be necessary and reasonable by data submitted by the developer and approved by the County Engineer."

(4) **Size of Off-Street Parking Space**

Add the following:

"The size of parking spaces for one vehicle shall have the rectangular area of not less than nine feet (9') by eighteen feet (18'), plus adequate area for ingress and egress. Handicap spaces shall be in accordance with American with Disabilities Act requirements."

(6) **Minimum Off-Street Parking Requirements**

Add the following:

"Allowance for golf cart parking, as used by residents of the development, may reduce the requirement for standard parking. Parking requirements will be approved by the County Engineer at time of development permit."

(H) **Access to Major Thoroughfares**

Add the following:

"Access to major thoroughfares shall be in accordance with the approved master plan."

Section 5.2.5 Storm Water Runoff Standards

(B) Design Standards

Add the following:

"Storm drainage design shall be based on the twenty-five (25) year, twenty-four (24) hour, eight inch (8") rainfall storm event. This standard will apply for the life of the Belfair PUD, including site modifications after project build-out."

(E) Impervious Site Coverage

Delete and replace with the following:

"(1) It is the intent of this section to encourage development design that controls the amount of impervious surface coverage in order to maximize stormwater runoff infiltration (percolation) into the soil. Impervious site coverage requirements will be based on the entire Belfair PUD area, rather than site specific requirements. The Belfair PUD will be limited to a maximum of sixty-five percent (65%) impervious surface coverage except where specific soil types, percolation rates, and/or seasonal high water table conditions are adequate to permit seventy percent (70%) or eighty percent (80%) impervious surface coverage. (70% coverage in SCS Hydrological Soil Group B and 80% in SCS Group A).

(2) Applications for projects seeking greater than sixty-five percent (65%) impervious site coverage must include site specific certified soil data, annual high ground water levels, soil percolation rate and supporting calculations performed by a soils expert meeting the qualifications set forth in Sub-paragraph 3

below. Soil test results submitted will be used to determine the allowable surface coverage ratio."

(H) **General Requirements**

(1) Add the following:

"Wetland impacts covered by a permit from the South Carolina Department of Health & Environmental Control, Office of Ocean & Coastal Resource Management, and U.S. Army Corps of Engineers will be allowed."

(I) **Direct Stormwater Discharge**

(4) Add the following:

"The County Engineer can approve specific projects with drainage systems designed to provide filtering with vegetative strips."

(J) **Drainage Easements**

(3) **Underground Storm Sewer Easement**

Add the following:

"To maintain access for maintenance, a minimum twenty (20) foot drainage easement will be platted for underground storm pipes. Additional width may be set aside for pipes twenty-four inches in diameter or more as long as sufficient easement width is provided to allow for service equipment mobility and storage of removed fill. Where conditions are favorable, the County Engineer may grant easements less than twenty feet (20')."

(4) **Open Channel Easements**

Add the following:

"Drainage easement sizing table may apply to

those drainage channels serving areas greater than five (5) acres."

(M) **Erosion and Sedimentation Control**

(3) **Ground Cover Requirement**

Add the following:

"Other acceptable methods acceptable to the County Engineer may be used to restrain erosion in lieu of hydromulching."

(N) **Drainage Systems**

Modify as follows:

The following specifications are established for all drainage systems required by this Section.

(1) **Pipe**

(a) Delete and add the following:

"Concrete pipe - reinforced class III conforming to ASTM Specification C-76; Corrugated Aluminum Alloy Pipe, annular or helical conforming to ASTM Specification B-241 Alloy 6061 Temper T6 and AASHTO M-196; and Corrugated Plastic (Polyethylene) Pipe - 4" to 10" diameter conforming to AASHTO M252 with smooth interior liner - 12" to 36" diameter conforming to AASHTO M294 Type S - 42" to 48" with stiffness of 20 and 17 psi, respectively at 5% deflection conforming to all requirements of AASHTO M294 the material also must conform to ASTM D12448 Type III, Category 4, Grade P33, Class C, or ASTM D3350 Cell Classification 32442OC."

Add the following:

"(e) The PUD will meet or exceed Beaufort

County's criteria for the use and installation of PVC or Polyethylene storm drainage pipe."

Section 5.2.7

Tree Protection Standards

The provisions of the Tree Protection Standards will apply to the Belfair PUD.

Section 5.2.9. Site Design and Density Standards

Add the following to the opening paragraph:

"For clarification, a net acre is that acre which remains after the deduction of easements for existing utilities, easements for existing roads, and easements for existing ditches. All remaining uplands and freshwater wetlands are included in the net acreage for density calculations. (Also a change to 10.2.82)."

(A) **Setbacks**

Add the following:

"Setback requirements apply to perimeter of the Belfair PUD only and will meet or exceed the requirements of the *Beaufort County Zoning and Development Standards Ordinance* or as modified herein."

Setback Table * (Section 5.2.9-A)

Proposed Use	Existing Adjacent Use				
	LR	MR	IR	C	INST.
LR	10	10	15	20	15
MR	10	10	10	20	15
IR	20	15	15	20	20
C	30	30	30	10	30
INST	20	25	25	30	20

* Feet of Setback for one or two habitable stories

(B) **Setbacks from Major Thoroughfares**

Add the following:

"Setback requirements apply to perimeter of the Belfair PUD only."

(C) **Setbacks at Intersections**

Add the following:

B E L F A I R P U D

"Setback requirements apply to perimeter of the Belfair PUD only."

(D) Buffer Requirements

Add the following:

"Buffer requirements apply to perimeter of the Belfair PUD only and will meet or exceed the requirements of the *Beaufort County Zoning and Development Standards Ordinance* or as modified herein."

Buffer Requirement Table * (Section 5.2.9-D)

Proposed Use	Existing Adjacent Use				
	LR	MR	IR	C	INST.
LR	0	0	0	0	0
MR	50	50	50	50	50
IR	60	50	50	50	50
C	80	50	50	50	50
INST	50	50	50	50	50

* Expressed in Percentages (%) of Setback Table

(E) Open Space Standards

Add the following:

"Open space requirements will be calculated based on the boundaries of the Belfair PUD and are not site specific. The Belfair PUD shall meet or exceed with the modifications below:

The Belfair PUD exceeds the requirements of subparagraph E. Open Space Standards. The Belfair PUD allows for flexibility in the development of the Permitted Uses (Section IV Development Plan, paragraph A OPEN SPACE AND BUFFERS herein). However, for statistical purposes a "test case scenario" would be:

Adequate open space is required for developments in Beaufort County. Open space in the Belfair PUD,

B E L F A I R P U D

as with other PUD's, will be calculated for the boundary of the Belfair PUD and not site specific for each phase of the Belfair PUD. The open space requirement for the area covered by this application is shown below:

Single Family Residential	314 acres x 10% =	31 acres
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The Belfair Conceptual Master Plan calls for approximately 500 acres of open space in conserved wetlands, lakes, utility easements, golf course and buffers. This does not include landscaped areas within developed parcels which will add considerably to the open space. Therefore, the Belfair PUD more than meets the *Beaufort County Zoning and Development Standards Ordinance* open space requirements

The final plan for Belfair may vary from the Conceptual Plan as the configuration for streets, open spaces and development parcels is adjusted to meet market demand for parcels of various sizes. However, the total open space, when developed, will exceed the *Beaufort County Zoning and Development Standards Ordinance* Open Space Standard stated in Article V, Section 5.2.9, Subparagraph (E) of the Appendix herein."

Section 6.2 **Development Exempt From Permit**

- (E) The harvesting or cutting of timber in designated timber areas, and forest management areas shall be exempt from a Development Permit, providing that, the owner/operator shall notify, in writing, the County Zoning and Development Administrator no less than

five (5) days prior to the cutting of timber with a statement indicating the site location, estimated number of acres to be harvested, and dates the cutting will occur. It is understood that the cutting will be done in compliance with best management practices and the Forest Management Plan prepared by a certified silviculture consultant.

BELFAIR PUD

D. UTILITY SERVICES**1. Potable Water and Wastewater**

The Beaufort-Jasper Water & Sewer Authority (B-JWSA) is the service agent for potable water and wastewater services. A letter from B-JWSA agreeing to service the project and approving the conceptual plans is enclosed as Exhibit K.

Potable water will be provided to the site by two existing eight inch diameter lines at Buck Island Road and at the southern corner of the property at U.S.Highway 278. The developer will construct the distribution system within the development, and B-JWSA will operate and maintain it. The conceptual Water Distribution and Sanitary Sewer Master Plans are shown in Exhibits L and M, respectively. The water system will be capable of providing fire flow. The conceptual water service master plan has been reviewed by the Bluffton Fire District and their approval is enclosed as Exhibit N.

Wastewater treatment will be provided by B-JWSA at the Rose Hill Wastewater Treatment Facility. Wastewater will be collected on site by a system operated by B-JWSA, refer to Exhibit M for the conceptual master plan. After treatment at the treatment facility, effluent will be disposed of by land application.

The South Carolina Department of Health and Environmental Control (SCDHEC) has reviewed the Conceptual Water and Wastewater Master Plan. A letter from SCDHEC approving the conceptual master plan is enclosed as Exhibit O.

2. Stormwater Drainage

The Belfair drainage system will be constructed to meet current federal, state and local standards. A 24-hour, eight inch rainfall storm event will be used to design the system. The system will consist of inlets and pipes, to convey the post development runoff to a lagoon/lake system. The lagoon/lake system will attenuate the runoff to predevelopment rates before being released off site. Pipe in the drainage system will be made of concrete, aluminum, or polyethylene as determined appropriate by the design engineer and approved by the County.

B E L F A I R P U D

The Conceptual Drainage Plan is shown in Exhibit P. The plan shows the following:

- (a) Drainage patterns
- (b) Proposed lagoons/lakes

The Conceptual Drainage Plan is subject to modification as the development progresses. Exact locations of lagoons/lakes will be determined at the time construction plans are developed.

The stormwater drainage management concept for Belfair provides a "common" stormwater detention system, consisting of interconnected lakes, that alleviates the need to meet total stormwater detention requirements on individual development parcels.

The design and construction criteria for the drainage system is presented in Section C, Site Design and Development Standards, of this document.

The Conceptual Drainage Plan has been reviewed by the SCDHEC Office of Ocean and Coastal Resource Management (OCRM) and the Beaufort County Engineer (See Exhibits Q and R).

A property owners' association will be established to maintain the streets and drainage system.

Impervious coverage of the project will comply with Section 5.2.5 (E) Impervious Site Coverage of the Beaufort County Development Standards Ordinance, as modified herein.

The flood hazard zones for the property are shown on FEMA Flood Insurance Rate Maps for Beaufort County 450025, panel 85D dated September 29, 1986. Most of the property is in Zone C. The low edges along marshes and wetland areas are in the A Zone (A8) calling for minimum finished floor elevations of 14' and 15' MSL. C Zone is above the 100 year flood. The FEMA Flood Insurance Rate Map (FIRM) information is shown in Exhibit F.

3. Electrical Service

Belfair has coordinated with Palmetto Electric Cooperative, Inc. the provider for electrical service. A letter from Palmetto Electric committing

to serve the project is enclosed (See Exhibit S).

4. Telecommunications Service

The Bluffton Telephone Company, Inc. serves the Belfair site in Beaufort County. A letter from Bluffton Telephone Company, Inc. committing to serve the project is enclosed (See Exhibit T).

5. Waste Management

Waste management services will be provided by Waste Management of Bluffton during and after construction. A letter from Waste Management of Bluffton committing to serve the project is enclosed (See Exhibit U).

BELFAIR PUD

E. ACCESS

Belfair will utilize existing median cuts along the property line at U.S. Highway 278 for access to the property. The proposal is to have the main entrance to the development across from the Buck Island Road intersection at U.S. Highway 278 with a secondary entrance at the next available median cut east of the Buck Island Road intersection. The next two easterly median cuts will provide access to the neighborhood commercial, the multi-family, and the church tracts.

The enclosed letter from the South Carolina Department of Transportation approves the location and alignment of these four access points as referenced (See Exhibit V).

BELFAIR PUD

B E L F A I R P U D

F. PROPOSED STREETS

Belfair proposes to construct approximately eleven miles of roads throughout the development of this property. It is understood that the Belfair PUD illustrates the present plan for the road alignments which may change based on future market or site considerations.

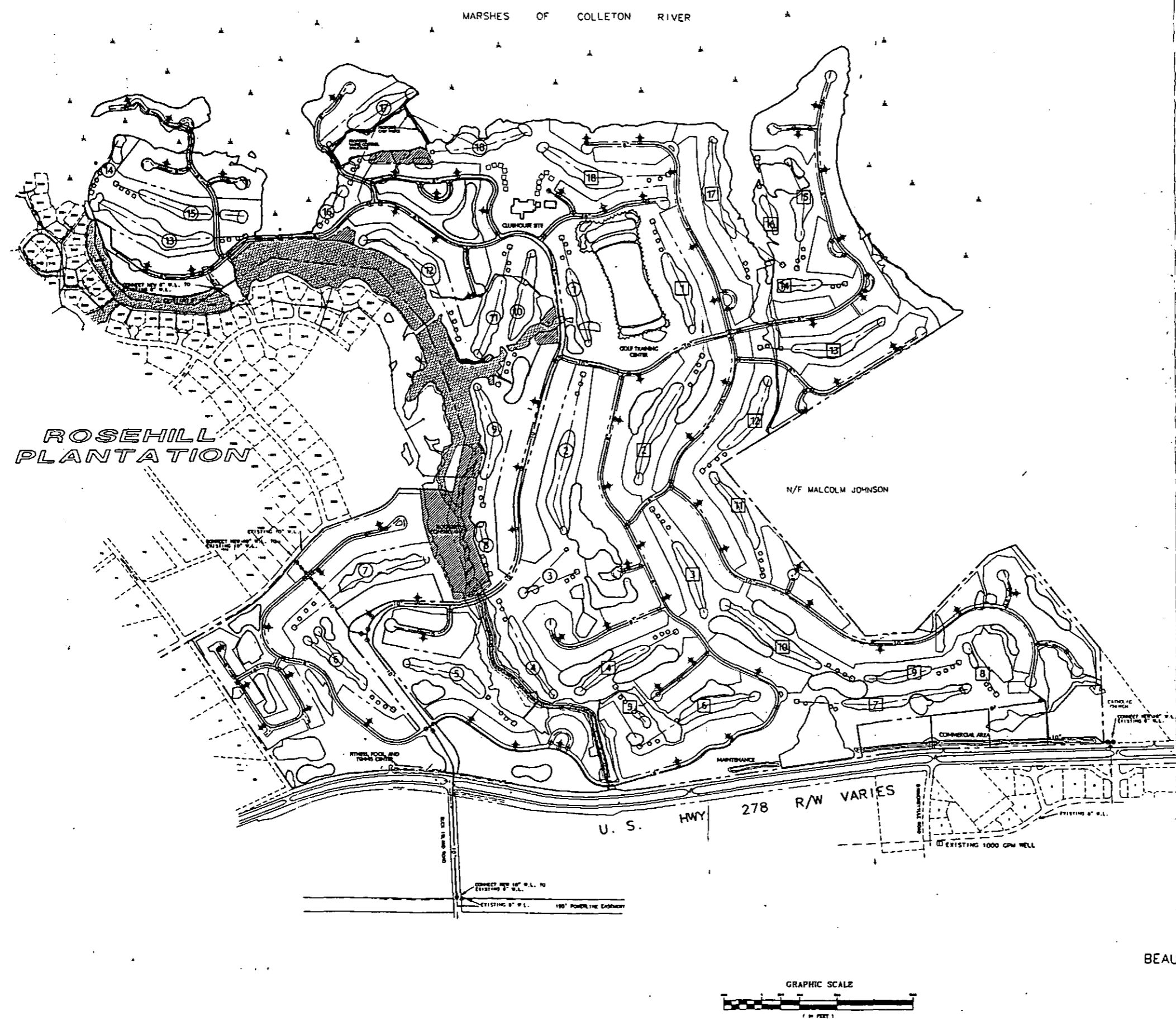
The following are the proposed street names for consideration by Beaufort County (See Exhibit W to be submitted separately).

BELFAIR PUD

G. INTERNAL ACCESS TO NEIGHBORHOOD COMMERCIAL AREA

Access shall be provided for Belfair PUD residents from inside the Belfair PUD (Residential Area) to reach the Neighborhood Commercial Area without the need to utilize U.S. Highway 278.

BELFAIR PUD



- LEGEND**
- 10" — PROPOSED WATER LINE 8"-10"
 - - - - - PROPOSED WATER LINE 2"
 - ⊙ PROPOSED WATER VALVE
 - ⊕ PROPOSED FIRE HYDRANT
 - - - - - EXISTING WATER LINE
 - ⊙ EXISTING WATER VALVE

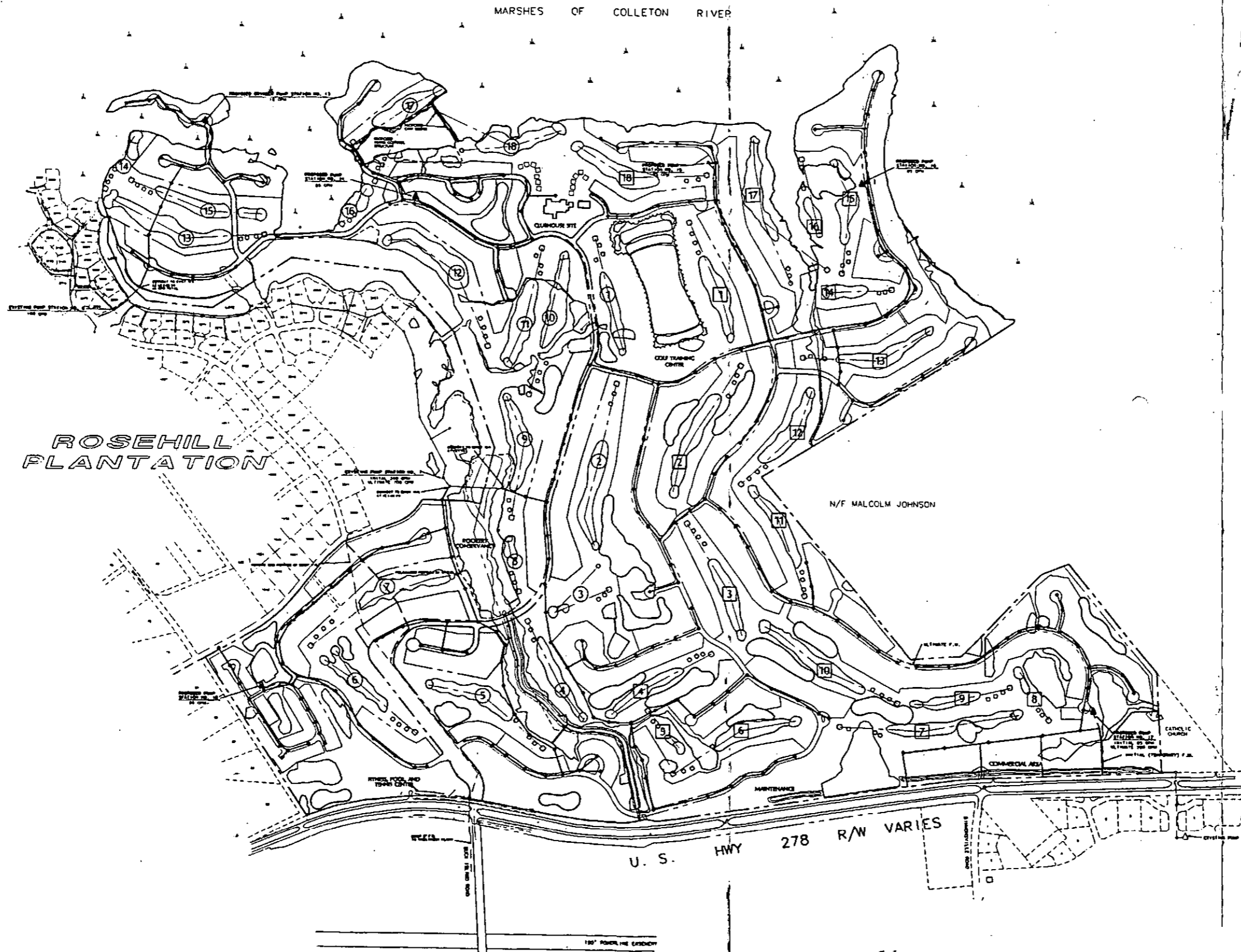
**WATER DISTRIBUTION
MASTER PLAN**



BELFAIR

BEAUFORT COUNTY, SOUTH CAROLINA
THOMAS & HUTTON
ENGINEERING, CO.

JANUARY, 1995 J-9173
P.O. BOX 1400 SAVANNAH, GEORGIA
8 COLLETT PROFESSIONAL, P.L.C. (912) 355-8300



- LEGEND**
- PROPOSED SANITARY SEWER
 - ▲— PROPOSED MANHOLE
 - ▲— PROPOSED PUMP STATION
 - - - - PROPOSED FORCE MAIN
 - EXISTING MANHOLE
 - △ EXISTING PUMP STATION
 - EXISTING SANITARY SEWER
 - - - - EXISTING FORCE MAIN

**SANITARY SEWER
MASTER PLAN**



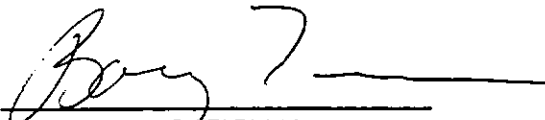
BEAUFORT COUNTY, SOUTH CAROLINA
THOMAS & HUTTON
ENGINEERING, CO.

JANUARY, 1995 J-9173
P.O. BOX 1808 SAVANNAH, GEORGIA 31402
3 COLLETON PROFESSIONAL BLDG. (903) 669-8000



**BEAUFORT COUNTY DEVELOPMENT STANDARDS ORDINANCE
- FIRE SAFETY STANDARDS APPROVAL FORM -**

00079

APPLICANT (DEVELOPER) NAME, Belfair Plantation Limited Liability Co.		ADDRESS Post Office Box 24143 Hilton Head Island, SC 29925	ZONE: PHONE # 803-757-7701
PROJECT NAME Belfair Plantation Master Plan		TYPE Residential Development	LOCATION Bluffton U.S. Highway 278
TAX MAP #	PARCEL #	# LOTS/UNITS 1.492 lots	DENSITY 1.4 lots / ac
LAND AREA 1,028 ac.	BUILDING AREA N/A	HEIGHT (FINISHED GRADE TO ROOF EAVES) Unknown	
NUMBER OF BUILDINGS N/A		HEIGHT (FINISHED GRADE TO BOTTOM OF HIGHEST WINDOW) N/A	
FIRE DISTRICT Bluffton		FIRE OFFICIAL Barry Turner	
PROPOSED WATER SUPPLY SYSTEM Beaufort / Jasper Water System		ACCESS/ROADS/PARKING SURFACING Paved Roads	
<p>BASED ON A REVIEW OF THE SITE PLAN AND INFORMATION SUBMITTED BY THE APPLICANT, I HEREBY</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><input checked="" type="checkbox"/> APPROVE</p> <p><input type="checkbox"/> APPROVE WITH CONDITIONS</p> <p><input type="checkbox"/> DISAPPROVE</p> </div> <div style="width: 45%;"> <p><input type="checkbox"/> PRELIMINARY</p> <p><input type="checkbox"/> FINAL</p> </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;">  (FIRE OFFICIAL) </div> <div style="width: 45%; text-align: right;"> <p><u>JAN. 23, 1994</u> (DATE)</p> </div> </div>			
CONDITIONS:			
CERTIFICATIONS OF COMPLIANCE			
DATE INSPECTION WAS REQUESTED		D.S.O. PERMIT #	
<p>BASED ON AN INSPECTION OF THE SUBJECT PROJECT</p> <p><input type="checkbox"/> THE FOLLOWING DEFICIENCIES OR CORRECTIONS ARE NOTED AND MUST BE ADDRESSED:</p> <p><input type="checkbox"/> THE COMPLETED PROJECTS IS IN COMPLIANCE WITH THE FIRE SAFETY STANDARDS OF THE DEVELOPMENT STANDARDS ORDINANCE.</p>			
_____ (FIRE OFFICIAL)		_____ (DATE)	



Low Country Environmental Quality Control District
1313 Thirteenth Street
Port Royal, SC 29935
803-522-9097 Fax 803-522-8483

Serving
Beaufort, Colleton,
Hampton and Jasper Counties

00080

Promoting Health, Protecting the Environment

January 25, 1995

Mr. Octavio Arango
Thomas & Hutton Engineering Co.
Post Office Box 14609
Savannah, Georgia 31416-1609

RE: Belfair Plantation

Dear Mr. Arango:

I am in receipt of your request for preliminary approval of water and sewer service to the proposed development. As stated in your letter, the proposed development consists of 1,028 acres within the Rose Hill development.

Provided that the Beaufort-Jasper Water & Sewer Authority has the capacity and is willing to provide water and sewer service, preliminary approval could be given. As you know, appropriate permits would have to be issued prior to the initiation of any construction of water or sewer lines. Also, the Rose Hill wastewater treatment plant would have to be upgraded to handle additional flows.

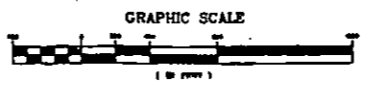
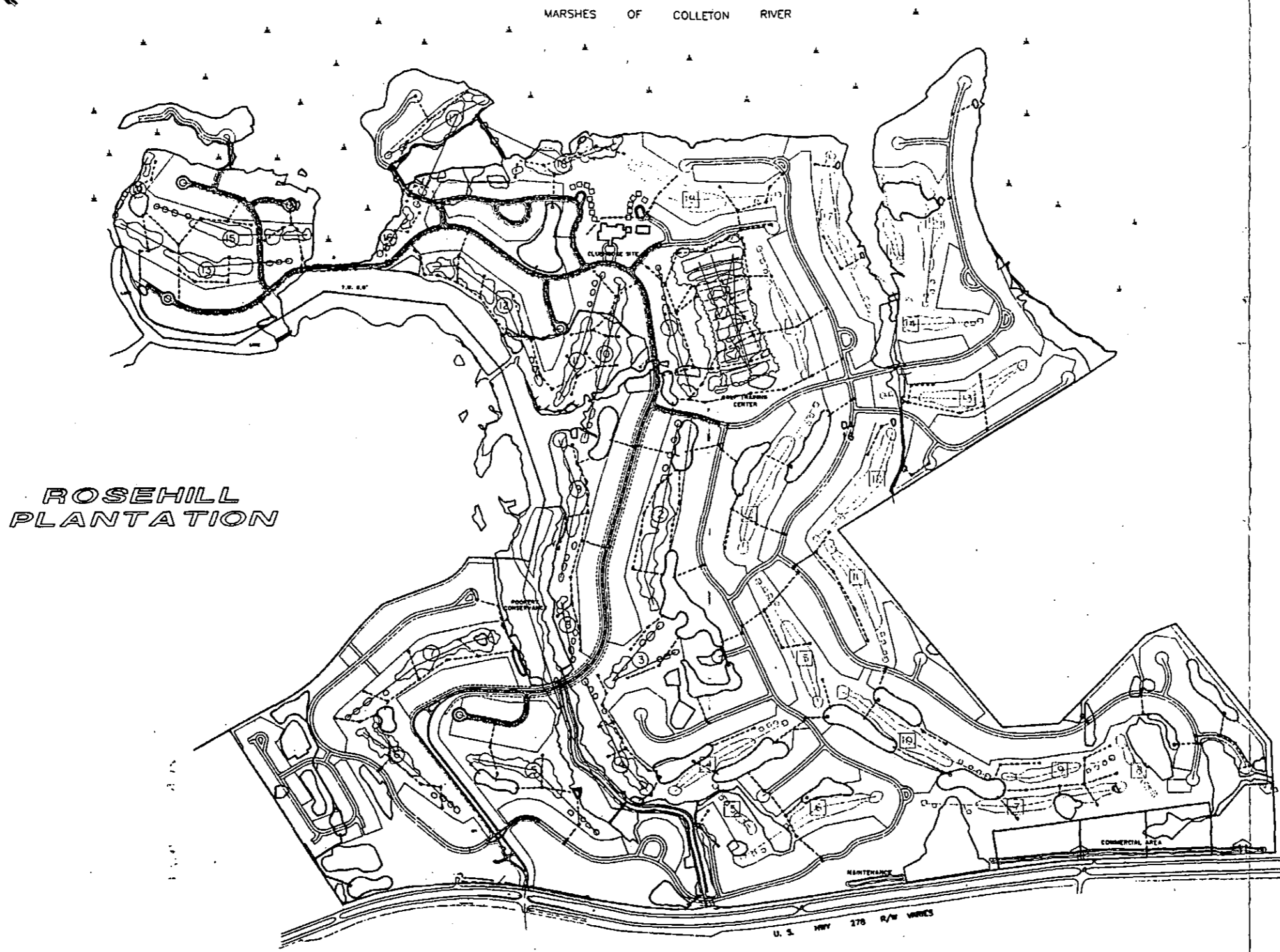
Should you have any questions or require any additional information, please feel free to call me at (803) 522-9097.

Sincerely,



Penny Cornett
District Engineer
Environmental Quality Control
Low Country District EQC

EXHIBIT O



MASTER DRAINAGE PLAN



BELFAIR
 BEAUFORT COUNTY, SOUTH CAROLINA
 JANUARY, 1995
THOMAS & HUTTON
 ENGINEERING, CO.
 P.O. BOX 1808 SAVANNAH, GEORGIA 31402
 9 COLLETTON PROFESSIONAL BLDG. 910 665-8800

00082



P.O. Box 587
Beaufort, SC 29901

Commissioner: Douglas E. Bryant

Board: Richard E. Jabbour, DDS, Chairman
Robert J. Strippling, Jr., Vice Chairman
Sandra J. Molander, Secretary

John H. Burris
William M. Huk, Jr., MD
Roger Leaks, Jr.
Burnet R. Maybank, III

Promoting Health, Protecting the Environment

Office of Ocean and Coastal Resource Management

H. Wayne Beam, Ph. D., Deputy Commissioner

Christopher L. Brooks, Assistant Deputy Commissioner

(803) 524-8885

(803) 524-4839 (fax)

January 25, 1995

Belfair Plantation Limited Liability Company
Post Office Box 24143
Hilton Head Island, South Carolina 29925

Re: Belfair Plantation Conceptual
Drainage Master Plan
Beaufort County

Dear Sirs:

The staff of the Office of Ocean and Coastal Resource Management (OCRM) has reviewed the conceptual drainage master plan for Belfair Plantation, and the overall project is consistent with the Coastal Zone Management Program. The certification staff at OCRM does not object to Beaufort County proceeding with PUD status review for this project; however, as you are aware before any construction on the future phase developments may occur the office of OCRM will require that land disturbance permits be obtained for each specific phase of development. If you have any questions or comments please do not hesitate to call the OCRM Beaufort office.

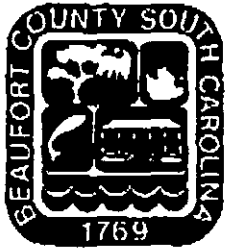
Sincerely,

Tom Bolin
Environmental Engineer III

TB/tb

cc: Dr. H. Wayne Beam
Mr. Christopher L. Brooks
Mr. H. Stephen Snyder
Mr. Joe Fersner
Mr. Octavio Arango

EXHIBIT Q



COUNTY COUNCIL OF BEAUFORT COUNTY
 Beaufort County Development Division
 1000 Ribaut Road • Post Office Drawer 1228
 Beaufort, South Carolina 29901-1228
 Phone (803) 525-7212 FAX (803) 525-7113/7102

Robert E. Klink, P.E.
 County Engineer

Mike Ardman
 G.I.S. Coordinator

Arthur L. Cummings
 Director
 Buildings Codes

Charles R. Gatch
 Zoning & Development
 Manager

Summer L. Rutherford
 Interim Director of
 Planning

January 25, 1995

Mr. Octavia Orango
 Thomas & Hutton Engineering Co.
 P. O. Box 14609
 Savannah, GA 31416

Re: Review of Belfair Plantation Drainage

Dear Octavia;

Beaufort County's Engineering Department has reviewed the above project and is satisfied with the conceptual plans and drainage criteria. All stormwater will be conveyed to lagoons where sediment will settle and pollutants be filtered from the water before released to the wetlands. Stormwater design will be based on Beaufort County standards at the time of Development, and flows off the site will be less than or equal to pre-development rates.

Major collectors and residential streets will be crowned sections with curb and gutter unless otherwise approved. Piped drainage systems will be utilized in residential areas. Open ditches will be used where they exist prior to development and to a minimum inside the development. Drainage easements across the property will be obtained by the developer, as required.

As specified under Section 4.13.5 of the Development Standards Ordinance, PUDs are required to comply with all provisions related to drainage. If there any questions regarding this, please let me know.

Sincerely,

Robert E. Klink, P. E.
 County Engineer

REK/ces

cc: John Cardomonne

Post-It® Fax Note	7871	Date	# of pages ▶
To	Octavia Orango	From	Chaise
Co./Dept.	T & H	Co.	BFT Cnty Eng.
Phone #	(912) 355-5300	Phone #	803 525-7212
Fax #	(912) 355-7562	Fax #	803 525-2113

EXHIBIT R



September 27, 1994

Mr. John Cardamone
Belfair Development Limited Co.
200 Main Street
Suite 201
Hilton Head Island, S.C. 29926

Re: Proposed Belfair Tract

Dear John:

Palmetto Electric Cooperative has ample power available to provide service to the above-referenced location.

If you have any questions, or if I can be of any further assistance, please do not hesitate to let me know.

Sincerely,

PALMETTO ELECTRIC COOPERATIVE, INC.

A handwritten signature in cursive script that reads "A. B. Davis Jr." followed by a long horizontal flourish.

A. Berl Davis, Jr.
Vice-President, Engineering & Operations

ABD,jr:abm

EXHIBIT S





Bluffton Telephone Co.
INCORPORATED

September 29, 1994

Mr. John Cardamone
Belfair Development Limited Liability Co.
200 Main Street, Suite 201
Hilton Head Island, S.C. 29926

RE: Belfair Plantation
Bluffton Township

Dear Mr. Cardamone:

With reference to the above project, it is our desire to provide all necessary telephone facilities to accommodate your needs in accordance with our General Customer Service Tariff with an effective date of January 1, 1972.

Due to the nature of the project, it may be necessary for you as the developer to fund a certain portion of the initial installation cost, known as Aid to Construction. Specific arrangements will be made at a later date.

An easement is also needed prior to any telephone facility construction.

I will be more than happy to discuss this matter in more detail with you at any time. You can contact our Engineering Department by calling 803-757-2211.

Yours truly,



J. Stephen Hunter

cc: Mr. Tom Wing

EXHIBIT T

00086

Waste Management of Bluffton

P.O. Box 369
Simmonsville Road
Bluffton, South Carolina 29910
3/757-2216 • 803/785-2046



A Waste Management Company

November 3, 1994

RECEIVED JAN 23 1995

Belfair Plantation Limited Liability Company

P.O. Box 24143
Hilton Head, SC 29925

Dear Sir:

This letter will confirm our intent to service Belfair Plantation in Bluffton Township. We are able to provide service during and after construction. If any further information is needed, please feel free to call me.

Sincerely,

Teresa Jaquays
Office Manager

EXHIBIT U

00087



**SOUTH CAROLINA
DEPARTMENT OF TRANSPORTATION**

112 Woodlawn - P.O. Drawer 490
Ridgeland, S.C. 29936

DANIEL P. FANNING
EXECUTIVE DIRECTOR

January 25, 1995

Mr. Octavio Arango
Thomas & Hutton Engineering Co.
Post Office Box 14609
Savannah, Ga. 31416-1509

Re: Belfair Plantation
Master Plan and Rezoning application

Dear Mr. Arango,

We have reviewed the proposed access on U.S. Highway 278 to serve the Belfair Plantation development. The four proposed accesses are located to align with connecting secondary road and existing median cross-overs with no new median cross-over being applied for.

While we approve the location and alignment of this four proposed accesses the Department reserves the right of further review of the driveway and median cross-over designs prior to issuing an encroachment permit for construction.

If you have any questions or if you need any additional information, feel free to call me.

Sincerely,

Charles H. Stone

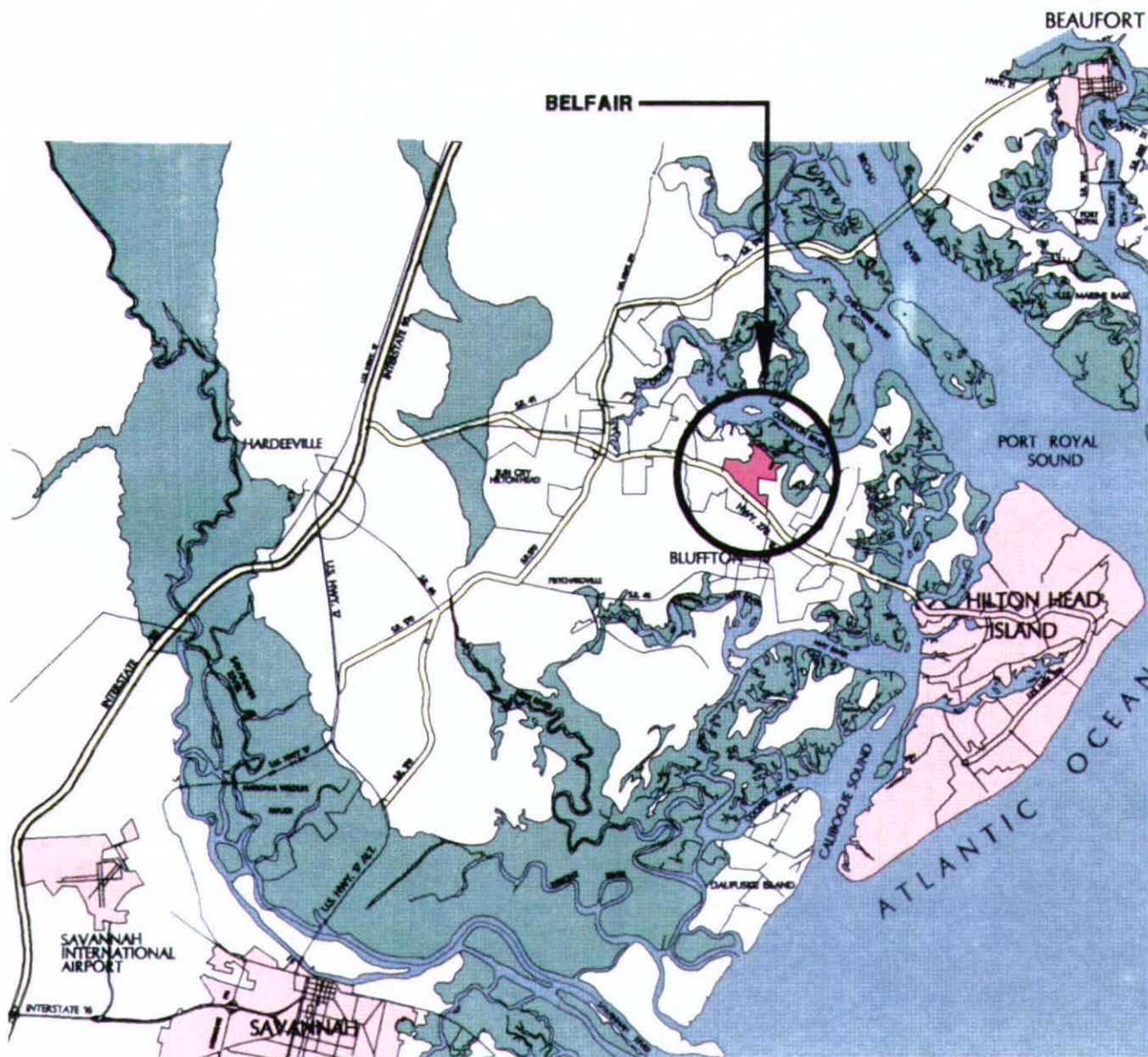
CHS/bbd

CC: Mr. Robert Clark
District Traffic Engineer

EXHIBIT V

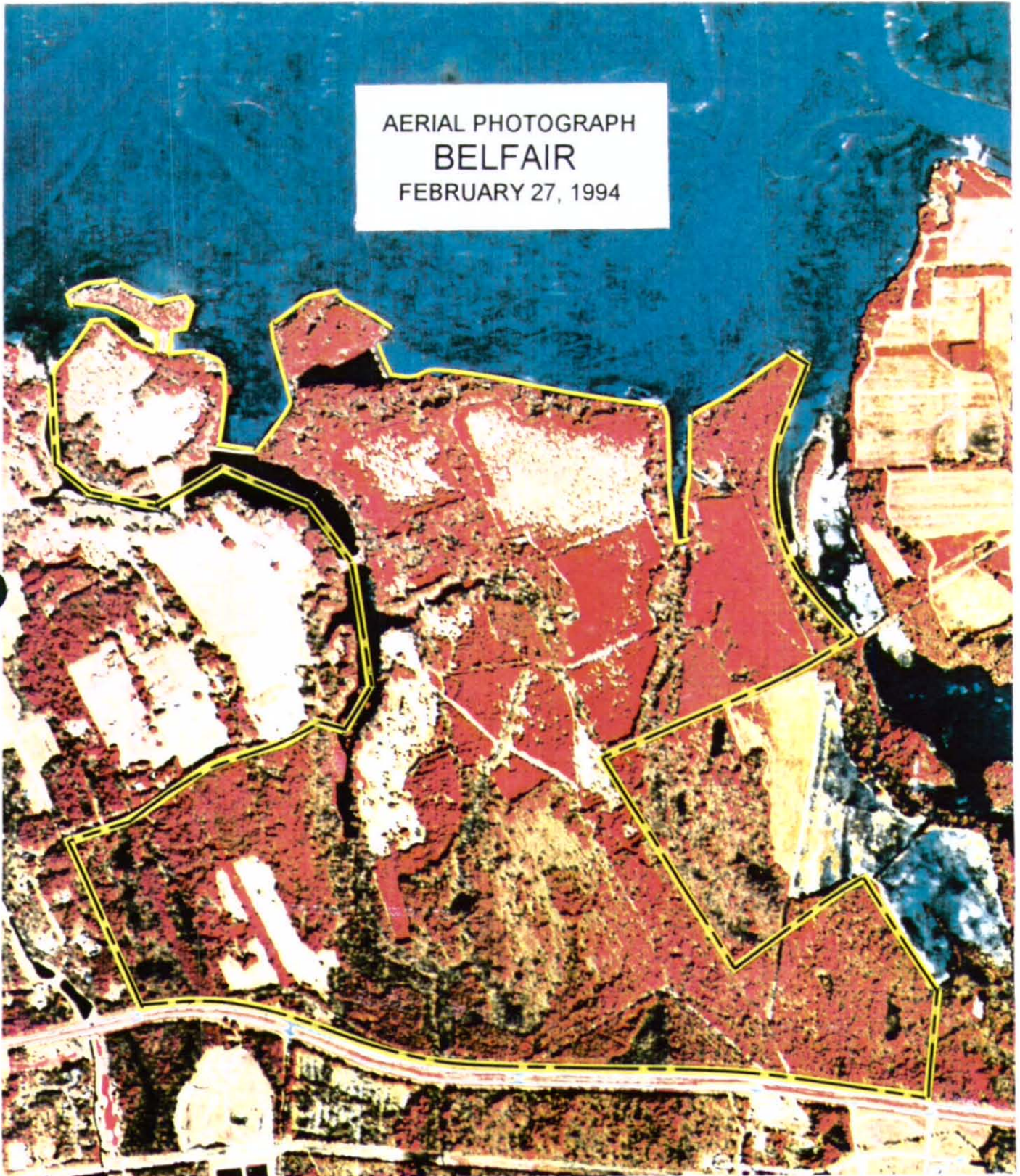
BELFAIR PUD

VICINITY MAP
BELFAIR



B E L F A I R P U D

AERIAL PHOTOGRAPH
BELFAIR
FEBRUARY 27, 1994



00090

Notes

Lined writing area consisting of 28 horizontal lines.



any adjacent residential use or zoning district. The applicant shall submit plans for approval to the Development Review Committee indicating the location and type of each exterior light.

Section 4.23

U.S. Highway 278/U.S. Highway 278 Extension
Corridor Overlay District

Section 4.23.1

General Standards

(A) Applicability

(1) All development, including signage, as defined in this ordinance shall be subject to the provisions of this overlay district, with the following exceptions:

(a) Individual parcels in or designated for single-family residential use and family property (i.e., parcels in residential use by members of the same family). The establishment of a single-family use on such parcels, however, shall be subject to the fifty (50') foot front yard setback on an existing parcel of record and subject to the one thousand five hundred (1,500') foot distance requirement between access points for newly created parcels.

(b) Newly created single-family parcels within subdivisions, which shall be subject to the standard setback of ten (10') feet from the property line where an existing fifty (50') foot landscaped buffer is already established for the entire subdivision, under the provisions of this ordinance, and subject to the one thousand five hundred (1,500') foot distance requirement between access points.

(c) Mobile home parks, which shall be subject to their standard setback from the property line where an existing fifty (50') foot landscaped buffer is already established, under the provisions of this ordinance, and subject to the one thousand five hundred (1,500') foot distance requirement between access points.

Such regulations shall be in addition to, rather than in place of, the requirements for the underlying district.

(2) The Corridor Review Board shall review all elements of development addressed in Section 4.23.2 Landscaping and Screening, Section 4.23.3 Architectural Design, Signage and Lighting, and Section 4.23.4 Other Requirements, of this overlay district. All other elements of development, including those other elements specified within this overlay district, shall be reviewed by the Development Review Committee (the "DRC"), as required in this Ordinance.

(3) If a parcel extends beyond the boundaries of this overlay district, then the entire parcel shall be subject to review.

(4) The Corridor Review Board will review development within the five hundred (500') foot corridor. The Corridor Review Board will waive review of development that, in its determination, will not be visible from the highway.

(B) Use

(1) The uses of property contained within the corridor shall be as prescribed by the various base districts underlying this overlay district.

(2) Trailers are not permitted for use on property within this overlay district except for exempted uses in Section 4.23.1(A)(1) and for use as a temporary on-site construction facility, whereby a trailer may be used on the property only during the life of the construction project. Modular buildings are permitted for residential or commercial use within this overlay district. A modular building is defined as any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, constructed off-site in accordance with the applicable codes, and transported to the point of use for installation or erection, as per Chapter 43, Section 23-43-10 of the South Carolina Modular Buildings Construction Act. Mobile or manufactured homes are not permitted for use as commercial structures within this overlay district. Where modular buildings are used, they must be underpinned, skirted, with the tongue removed, and must conform in appearance to the Architectural Design standards in Section 4.23.3. Such temporary use of trailers or modular buildings shall not continue for a period longer than two (2) years without reapplication to the Corridor Review Board for approval of up to an additional two (2) years.

(C) Access Location and Design

(1) A minimum distance of one thousand five hundred (1,500') feet shall be maintained between all access points onto the corridor, including private driveways, roads and public right-of-way. Spacing will be measured from the midpoint of each driveway. If the existence of jurisdictional wetlands precludes compliance with this provision, the Corridor Review Board shall have discretion as to the placing of an alternative access point. However, no additional curb cuts on the subject parcel should result from having the alternative access point. This minimum distance applies with the following exceptions:

(a) Access may be granted to a parcel of record existing at the time of adoption of this overlay district provided that the property owner demonstrates that he/she has made significant but unsuccessful efforts to establish alternative access, including, but not limited to, the following methods: with adjoining properties, access from adjacent roads and the establishment of frontage roads.

- (1) joint access with adjoining properties;
- (2) access from adjacent roads; and
- (3) the establishment of frontage roads.

(b) Where the South Carolina Department of Transportation has established nodes along the right-of-way of the U.S. Highway 278 Extension as access points, access points spaced less than one thousand five hundred (1,500') feet apart may be used provided that they are spaced at least one thousand two hundred (1,200') feet apart.

(D) Parcel Dimensions and Setbacks

The following standards shall apply to all property fronting the U.S. 278 highway right-of-way.

(1) Front Yard: The minimum front yard setback from the right-of-way shall be fifty (50') feet for all primary and accessory structures, but not including accessory structures such as walls, fences, trellises and other landscape structures.

(2) Side Yard: The minimum side yard setbacks from the property line shall be fifteen (15') feet.

(3) The Corridor Review Board shall have discretion to adjust the front, side, and rear setbacks in the case of existing jurisdictional wetlands or to preserve existing specimen trees.

(4) The minimum lot width at the building setback line for newly created parcels shall be a distance of one hundred fifty (150') feet. Newly created parcels are subject to the one thousand five hundred (1,500') foot distance requirement between access points from the highway.

(E) Subdivisions

In addition to the existing standards of the Zoning and Development Standards Ordinance for subdivisions, the following requirements pertain to the overlay district.

(1) Newly created subdivisions are subject to the one thousand five hundred (1,500') foot distance requirement between access points from the highway.

(2) No subdivision of land which would create parcels fronting on the highway shall be approved unless it is established prior to subdivision approval how access will be provided to each parcel in compliance with the one thousand five hundred (1,500') foot distance requirement, i.e. frontage roads, shared access drives, etc.

(3) Newly created parcels must have sufficient depth to allow for the required twenty-five (25') foot highway buffer and setback required herein.

(4) A permanent twenty-five (25') foot highway buffer, as required in this overlay district, shall be provided for in all new residential subdivisions.

(5) If existing platted commercial subdivisions contain dedicated open space, such open space may be utilized to meet the landscaping requirements for the highway buffer.

Section 4.23.2 Landscaping and Screening

"Landscaped area" for the purpose of this section shall include all pervious areas containing existing or installed vegetation and water features. The use of existing vegetation and plant species native to the Lowcountry region is encouraged in the landscaped areas.

The Corridor Review Board shall review particular plant selections and landscaping designs only to ensure conformance with the specific requirements of this section. All landscaping required by this section and shown on the approved application shall be maintained in good condition by the property owner.

Plant materials used for installation shall conform to the standards established by the American Association of Nurserymen in the "American Standard for Nursery Stock" provisions.

Section 4.23.2.1 Highway Buffer

(A) A minimum twenty-five (25') foot wide landscaped buffer shall be established parallel to the entire front of the property along the U.S. 278 highway right-of-way. The buffer shall contain only vegetative landscaping materials, except for the uses listed below:

- (1) Vehicular access drives placed approximately perpendicular to the right-of-way;
- (2) Foot and bicycle paths;
- (3) Walls and fences less than six (6') feet in height;
- (4) Landscaping sculpture, lighting fixtures, trellises and arbors;
- (5) Bus shelters;
- (6) Signage;
- (7) Water, sanitary sewer, electrical, telephone, natural gas, cable and other service lines provided that they are placed approximately perpendicular to the right-of-way. Where existing lines or planned lines must run parallel to the right-

of-way, an equivalent amount of buffer may be required beyond the twenty-five (25') feet if the character of the buffer is greatly disturbed. To the extent possible, such service lines should be consolidated with vehicular access routes.

Electrical, telephone, gas, water supply and sewage disposal and other utilities may be constructed within the required buffer area and after installation of such services and to meet the requirements of this section, the developer shall be required to restore the buffer area as approved by the County.

(8) Drainage and stormwater detention areas. Where existing or created lagoons and drainage swales will occupy a substantial portion of the highway buffer because of natural land forms or drainage patterns, additional buffer depth may be required to achieve the visual softening intent of this Section. If the development is proposed for an existing platted lot and the size of the lot makes adherence to these standards impractical, the Corridor Review Board may relax these standards as reasonably necessary to be consistent with the Development and Standards Ordinance.

(B) No tree six (6") inches in diameter at four (4') feet dbh (diameter breast height) or larger may be removed from the highway buffer except for access drives, sight triangles and diseased trees as approved by the Corridor Review Board. Where groupings of native shrubs are present, their preservation with minimal disturbance is strongly encouraged.

(C) Landscaping

The purpose of this subsection is to achieve at maturity a semi-continuous and semi-opaque vertical plane of tree canopy, understory trees and shrubbery coverage in order to soften the appearance of structures and parking lots visible from the highway, to screen headlight glare on and off site, and to mitigate commercial lighting as seen by neighboring properties and from the highway. Natural appearing landscape forms are encouraged.

(1) For every 100 linear feet (or portion thereof) of frontage on the highway, a minimum of six (6) broad-leaved overstory trees, seven (7) understory trees, and thirty (3) shrubs are required in the buffer. The plant materials shall be generally distributed along and throughout the buffer in order that there not be significant gaps without plantings (except as required at sight triangles and road intersections).

(2) Three (3) cone-bearing overstory trees may substitute for one (1) broad-leaved overstory tree. However, for each substitution of three (3) cone-bearing overstory trees, one (1) additional understory tree shall be required.

(3) Existing, as well as installed, vegetation may be included in meeting the requirement, but if there is not

sufficient distribution within the buffer, then additional plantings will be required; i.e. existing healthy trees which are grouped closely together (such that the canopies are closely intertwined) shall be considered as a group rather than tallied individually. Appropriate credit shall be allocated at the discretion of the Corridor Review Board.

(4) Existing evergreen or deciduous understory trees may be counted for credit to meet the requirements; however, understory trees to be newly planted must be evergreen.

(5) Installed overstory trees used to meet this requirement shall be at least two and one half (2½) caliper inches and ten (10') feet tall when planted. Installed understory trees used to meet this requirement shall be at least one (1) caliper inch and eight (8') feet tall when planted. Installed shrubs used to meet this requirement shall be at least two and one half (2½') feet tall when planted.

(6) The Corridor Review Board may reduce the planting requirement where existing plant materials are of sufficient sizes and forms to satisfy the purpose of this subsection.

(7) Where commercial parking areas would be visible from the highway, additional vegetation, walls, fences, berms, or some combination shall be used to screen those areas. The effectiveness of proposed screening materials shall be subject to the review and discretion of the Corridor Review Board. This provision shall not apply to those commercial uses exempted for the outside display of merchandise in Section 4.23.4, except for the commercial parking areas which are part of such uses.

(8) Trees and shrubs shall not be pruned in any manner that would significantly diminish the desired softening character of the buffer except in accordance with standard horticultural practice. Trees shall not be limbed-up from the ground more than six (6') feet to the lowest branches except as required within sight triangles at intersections or to provide adequate light for understory plantings.

The following list contains overstory and understory trees which are found in the lowcountry region and are recommended for use in meeting the landscaping requirements of this section. Other trees used will be reviewed by the Corridor Review Board as to their compatibility and hardiness in the lowcountry region.

BROAD-LEAVED OVERSTORY TREES

American Beech	<i>Fagus grandifolia</i>
American Elm	<i>Ulmus americana</i>
American Sycamore	<i>Platanus occidentalis</i>
Ashleaf Maple	<i>Acer negundo</i>
Black Oak	<i>Quercus velutina</i>
Black Gum	<i>Nyssa sylvatica</i>

Eastern Cottonwood	<i>Populus deltoides</i>
Honeylocust	<i>Gleditsia triacanthos</i>
Laurel Oak	<i>Quercus laurifolia</i>
Live Oak	<i>Quercus virginiana</i>
Pecan	<i>Carya illinoensis</i>
Palmetto	
(over 20' in height)	<i>Sabal Palmetto</i>
Pignut Hickory	<i>Carya glabra</i>
Pumpkin Ash	<i>Fraxinus profunda</i>
Shumard Oak	<i>Quercus shumardii</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Southern Red Oak	<i>Quercus falcata</i>
Swamp Chestnut Oak	<i>Quercus michauxii</i>
Sweet Gum	<i>Liquidamber styraciflua</i>
Water Tupelo	<i>Nyssa aquatica</i>
White Oak	<i>Quercus alba</i>
Willow Oak	<i>Quercus phellos</i>

CONE-BEARING OVERSTORY TREES

Bald Cypress	<i>Taxodium distichum</i>
Loblolly Pine	<i>Pinus taeda</i>
Long Leaf Pine	<i>Pinus palustris</i>
Pond Cypress	<i>Taxodium distichum</i> var. <i>nutans</i>
Pond Pine	<i>Pinus serotina</i>
Slash Pine	<i>Pinus elliotii</i>
Short Leaf Pine	<i>Pinus echinata</i>
Spruce Pine	<i>Pinus glabra</i>

UNDERSTORY TREES

Allegheny Chinkapin	<i>Castanea pumila</i>
American Holly	<i>Ilex opaca</i>
American Plum	<i>Prunus americana</i>
Bigleaf Snowbell	<i>Styrax grandifolia</i>
Bitternut Hickory	<i>Carya cordiformis</i>
Black Cherry	<i>Prunus serotina</i>
Black Willow	<i>Salix nigra</i>
Blackjack Oak	<i>Quercus marilandica</i>
Bluejack Oak	<i>Quercus incana</i>
Buckthorn Bumelia	<i>Bumelia lycioides</i>
Cabbage Palmetto	<i>Sabal palmetto</i>
(under 19' in height)	
Carolina Ash	<i>Fraxinus caroliniana</i>
Carolina Basswood	<i>Tilia caroliniana</i>
Carolina Buckthorn	<i>Rhamnus caroliniana</i>
Carolina Laurelcherry	<i>Prunus caroliniana</i>
Carolina Silverbell	<i>Halesia carolina</i>
Chickasaw Plum	<i>Prunus angustifolia</i>
Coastal Plain Willow	<i>Salix caroliniana</i>
Common Elderberry	<i>Sambucus Canadensis</i>
Common Hoptree	<i>Ptelea trifoliata</i>
Common Persimmon	<i>Diospyros virginiana</i>
Common Sweetleaf	<i>Symplocos tinctoria</i>

Crepe Myrtle	<i>Lagerstroemia indica</i>
Dahoon Holly	<i>Ilex cassine</i>
Devilwood	<i>Osmanthus americanus</i>
Eastern Coralbean	<i>Erythrina herbacea</i>
Eastern Hornbeam	<i>Ostrya virginiana</i>
Eastern Redbud	<i>Cercis canadensis</i>
Eastern Red Cedar	<i>Juniperus virginiana</i>
Flatwoods Plum	<i>Prunus umbellata</i>
Florida Basswood	<i>Tilia floridana</i>
Florida Maple	<i>Acer barbatum</i>
Flowering Dogwood	<i>Cornus florida</i>
Fringetree	<i>Chionanthus virginicus</i>
Green Ash	<i>Fraxinus pennsylvanica</i>
Hercules Club	<i>Zanthoxylum clava-herculis</i>
Ironwood	<i>Carpinus caroliniana</i>
Littlehip Hawthorn	<i>Crataegus spathulata</i>
Loblolly Bay	<i>Gordonia lasianthus</i>
Mockernut Hickory	<i>Carya tomentosa</i>
Myrtle Oak	<i>Quercus myrtifolia</i>
Overcup Oak	<i>Quercus lyrata</i>
Parsley Hawthorn	<i>Crataegus marshallii</i>
Pawpaw	<i>Asimina triloba</i>
Planer Tree	<i>Planera aquatica</i>
Possumhaw Holly	<i>Ilex decidua</i>
Post Oak	<i>Quercus stellata</i>
Red Buckeye	<i>Aesculus pavia</i>
Red Maple	<i>Acer rubrum</i>
Red Mulberry	<i>Morus rubra</i>
Redbay	<i>Persea borbonia</i>
River Birch	<i>Betula nigra</i>
Sand Hickory	<i>Carya pallida</i>
Sassafras	<i>Sassafras albidum</i>
Sourwood	<i>Oxydendrum arboreum</i>
Southern Bayberry	<i>Myrica cerifera</i>
Southern Crab Apple	<i>Malus angustifolia</i>
Southern Red Cedar	<i>Juniperis silicicola</i>
Sparkleberry	<i>Vaccinium arboreum</i>
Sugarberry	<i>Celtis laevigata</i>
Swamp Cottonwood	<i>Populus heterophylla</i>
Sweetbay	<i>Magnolia virginiana</i>
Tough Bumelia	<i>Bumelia tenax</i>
Turkey Oak	<i>Quercus laevis</i>
Water Hickory	<i>Carya aquatica</i>
Water Oak	<i>Quercus nigra</i>
Waterlocust	<i>Gleditsia aquatica</i>
Wax Myrtle	<i>Myrica cerifera</i>
Windmill Palm	<i>Trachycarpus fortunei</i>
Witch Hazel	<i>Hamamelis virginiana</i>
Yaupon Holly	<i>Ilex vomitoria</i>

Section 4.23.2.2 Other Buffer and Landscaping Standards

(A) Perimeter Buffers: Landscaped buffers at least ten (10') feet in width shall be maintained along the side and rear

property boundaries. These buffers may be penetrated for vehicular and pedestrian passageways linking adjoining properties provided the passageways are placed approximately perpendicular to these buffers.

(B) **Foundation Buffers:** A landscaped buffer at least eight (8') feet wide shall be maintained between any structure and any parking or driving area, except for loading areas and areas where drive-through facilities are utilized. This space is to be reserved for plant material, either existing or planned. No such space is required at the rear or other sides of the building, but is encouraged. Sidewalks and handicap ramps may be placed adjacent to the buffer on either side. The buffer may be penetrated to provide for access to the building and is not required in loading areas.

(C) Any opaque or partially opaque walls or fences installed along the front of the property, including those used for screening of parking areas, must be softened with landscaping materials.

(D) **Frontage Roads:** Frontage roads shall be located behind the front buffer.

(E) **Parking Lot Requirements**

(1) Parking lots shall include landscaped medians and landscaped peninsulas as follows:

(a) **Landscaped Median**

A minimum of five (5') foot wide landscaped median shall be installed alongside (perpendicular to) parking spaces on the interior portion of a parking lot with more than one (1) parking bay. Wheel stops shall be placed within all parking spaces at the standard distance from every landscaped median to protect plantings.

Shrubs and/or trees shall be installed in the median to provide for semi-continuous planting along the median. Shrubs shall be at least one (1') foot in height at installation and reasonably projected to grow at least two (2') feet in height within three (3) years.

(b) **Landscaped Peninsula**

A minimum nine (9') by twenty (20') foot landscaped peninsula shall be installed parallel to the parking spaces every eight (8) or fewer spaces and at the end of the parking aisle in order to separate the last space from any adjacent travelways.

Each landscaped peninsula shall contain one (1) broad-leaved overstory tree with a minimum size of two and one half (2½) caliper inches at dbh and a minimum height of ten (10') feet.

Section 4.23.3 Architectural and Site Design

(A) Architectural Design

The Corridor Review Board shall review the design of all structures (except those exempted in Section 4.23.1(A), including habitable structures, walls, fences, signs, light fixtures and accessory and appurtenant structures. It is the intent of this section to encourage architecture that is unobtrusive and of a design, material and color that blend harmoniously with the natural surroundings and the form and scale of neighboring architecture, provided the latter conforms with the intent of this section. Architectural review is not meant to stifle innovative design or diversity, but to safeguard property values and long-term economic assets through quality design and development.

The Corridor Review Board shall review elements of design, including form, mass, scale, proportion, height, texture, color, architectural style, individual architectural elements, or orientation or specific location upon the site. If the Corridor Review Board disapproves a design, the Corridor Review Board must establish significant justification for such denial in accordance with the intent of this section. The Corridor Review Board may require adjustments to the design and site location of proposed structures, and reasonable conditions may be attached to an approval.

(1) General Principles

(a) Architectural styles should be reflective of, or at least compatible with, architectural styles which exemplify the unique character of the Lowcountry region and conform to general standards of architectural quality.

(b) Multi-unit developments shall utilize a consistent or at least stylistically compatible palette of scale, forms, colors, materials and textures.

(c) Accessory structures should be architecturally compatible with primary structures.

(d) Ratio of Building Setback to Building Height. The maximum building height shall be seventy-five (75%) percent of the building setback from the edge of right-of-way. Using the calculation x feet of building setback \times 75%, or a ratio of 3 to 4, the maximum height shall be rounded up to the nearest whole number in case of fractions. The maximum building height refers to the height of the main roof line and does not apply to architectural features such as church steeples and cupolas, which are exempt from the building height provision as approved by the Corridor Review Board.

<u>Building Setback (from r.o.w.)</u>	<u>Maximum Building Height</u>
50 Feet	38 Feet
55 Feet	42 Feet
60 Feet	45 Feet
65 Feet	49 Feet

These setback standards should also apply to fixed or unfixed equipment whether stationary or not, animated structures and recreational structures.

(2) Appropriate Exterior Materials and Architectural Elements

The exteriors of structures only are subject to review. The following are some materials and elements are considered compatible and appropriate for primary and accessory structures:

Other materials and elements consistent with the General Principles outlined above will be considered by the Corridor Review Board.

(a) Siding: Wood clapboard, wood board and batten, wood shingle siding, brick, stucco, tabby, natural stone, faced concrete block, and artificial siding which closely resembles painted wood clapboard. Wood siding may be painted, stained, weathered or left natural.

(b) Roofs: Wood shingles, slate shingles, multi-layered asphalt shingles, metal raised seam, or tiles.

(c) Use of pitched roofs, roof overhangs, covered porches, canopies, awnings, trellises, gazebos and open wood fences are encouraged.

(d) Colors considered to be compatible with the Lowcountry or coastal vernacular palette are earth tones (greens, tans, light browns, terra cotta), grays, pale primary and secondary colors (with less than 50% color value), white and cream tones, and oxblood red.

(3) Inappropriate Exterior Materials and Architectural Elements

The following materials and elements are considered incompatible and inappropriate for primary and accessory structures:

(a) Plywood, cinderblock, unfinished poured concrete, unfaced concrete block and plastic or metal not closely resembling painted wood clapboard.

(b) Partial (less than three sides) mansard roofs, flat roofs without a pediment, long unarticulated roofs.

- (c) Long, unarticulated or blank facades.
- (d) Incongruity of architectural details or color contrasts resulting in a clearly disturbing appearance.
- (e) Unscreened chain link or woven metal fences.
- (f) Use of reflective materials as the main building material or texture.
- (g) Use of highly reflective glass.

(4) Accessory Buildings

The design of accessory buildings should reflect and coordinate with the general style of architecture inherent in the primary structure on the property.

(B) Signage

(1) General Requirements

In addition to the provisions of the Beaufort County Sign Ordinance, the following provisions shall apply to signs in this overlay district:

(a) Signage, including overall design, materials, colors, and illumination, must be compatible with the overall design of the main structure and building site. Details of the sign, such as typeface and layout, shall be subject to minimal review only to prevent obtrusive designs.

(b) Any freestanding sign must be no closer than ten (10') feet from the highway right-of-way line.

(c) Internally illuminated signs (except halo lit signs) and neon signs shall not be permitted.

(d) If a sign is to be illuminated, a stationary lights directed solely at the sign shall be used. No more than two (2) stationary lights may be used for any one (1) sign face. Illuminated signs shall not have a light reflecting background, but may use light reflecting lettering.

(e) Changeable copy signs shall not be permitted except for gasoline price signs, directory signs listing more than one tenant and signs advertising films and live entertainment which change on a regular basis. Gasoline price signs must be displayed on a single sign.

(f) Lighting for signs shall be of a moderate intensity and designed and arranged so as to minimize glare and reflection. Light sources should be concealed.

(g) An integrated sign system shall be required for all new PUDs, commercial and residential subdivisions, office complexes and shopping centers. The establishment of integrated sign systems for existing developments is strongly encouraged. These systems shall be reviewed for materials, colors, shapes, sizes, compatibility with architecture and establishment of unity of design for the development. Individual signs shall be reviewed for conformance with the sign systems, whether newly established or existing and substantially in compliance with this ordinance.

(C) Lighting

(1) General Provisions

(a) Any lighting used to illuminate parking areas, access drives or loading areas shall be of such a design or level of illumination so as to minimize the amount of ambient lighting perceptible from adjacent properties and that would impair the vision of motorists on the corridor.

(b) Exterior architectural, display and decorative lighting visible from the corridor shall be generated from concealed light source, low level light fixtures.

(c) All interior lighting shall be so designed to prevent the light source or high levels of light from being visible from the corridor.

(d) Entrances into developments from the highway may be lighted for traffic safety reasons provided such lighting does not exceed the footcandle requirements for lighting walkways and streets, per Section 4.23.3(C)(2)(4) of this Ordinance. Lighting poles mounted within fifty (50') feet from the highway right-of-way may not exceed a height of twenty (20') feet, and only forward-throw or Type IV lights may be used to light entrances.

(2) Lighting Standards

(a) All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:

(1) Fixture (luminaire)

Any light fixture shall be a cutoff luminaire whose source is completely concealed with an opaque housing and shall not be visible from any street. This provision includes lights on mounted poles as well as architectural display and decorative lighting visible from the corridor.

(2) Light Source (Lamp)

Only incandescent, fluorescent, metal halide, mercury vapor or color corrected high-pressure sodium light may be used. The same type must be used for the same or similar type of lighting on any one site or Planned Unit Development.

(3) Mounting

Fixtures must be mounted in such a manner that the cone of light is not directed at any property line of the site.

The minimum mounting height for a pole shall be twelve (12') feet.

(4) Illumination Levels

All site lighting shall be designed so that the level of illumination as measured in footcandles (fc) at any one point meets the following standards. Minimum and maximum levels are measured at any one point.

Average level is not to exceed the calculated value, and is derived using only the area of the site included to receive illumination. Points of measurement shall not include the area of the building or areas which do not lend themselves to pedestrian traffic. Also, if the major portion of the lighting design is to be in the front of a building, the average level should not be affected by adding a light or two in the back of the same building, which would lower the average of the intended area for lighting.

Illumination levels are as follows:

<u>Location or Type of Lighting</u>	<u>Minimum Level (fc)</u>	<u>Average Level (fc)</u>	<u>Maximum Level (fc)</u>
Areas for Display of Outdoor Merchandise	1.0	5.0	15.0
Commercial Parking Areas	0.6	2.40	10.0
Multi-Family Residential Parking Areas	0.2	1.50	10.0
Walkways and Streets	0.2	1.00	10.0
Landscape and Decorative	0.0	.5	5.0

(b) Requirements

(1) A site lighting plan shall be submitted at 1" = 20' scale minimum.

(2) Site Lighting Plans shall include:

(a) Location and mounting information for each light;

- (b) Illumination calculations showing light levels in footcandles at points located on a ten (10') foot center grid, including an illustration of the areas masked out per the requirements above regarding points of measurements;
- (c) A fixture schedule listing fixture design, type of lamp, and wattage of each fixture; and number of lumens after using 85% depreciation for both metal halide and high pressure sodium of initial output;
- (d) Manufacturer's photometric data for each type of light fixture, including initial lumens and mean depreciation values.
- (e) An illumination summary, including the minimum, average and maximum footcandle calculations ("array values") and the total number of array points (points used on the ten (10') foot grid for the calculation.

Section 4.23.4 Other Requirements

(A) All trash receptacles, dumpsters, ductwork, fixed operating machinery, and other such utility equipment shall be either screened from view or located so that they are not visible from the highway, and shall be located not less than ten (10') feet from side and rear property lines.

(B) There shall be no outside display of merchandise except for automobiles, trucks, boats, tractors, outside landscape structures (garden sheds, arbors, gazebos, etc. but not outdoor furniture), plant materials and agricultural products.

(C) Outside storage of other merchandise is permitted only at the rear of the property or behind completely opaque walls and screens.

(D) Nonconforming Uses

Any existing commercial or industrial use presently not conforming to the site design standards, general standards, landscaping, lighting and sign standards of this section shall be brought into compliance if the use is changed, expanded, or altered as defined in Section 2.2.1. Land uses discontinued for more than six (6) months shall conform to the landscaping, sign, lighting and site design provisions of this section as reasonably related to existing site constraints, at the discretion of the Corridor Review Board.

ARTICLE V

SITE DESIGN AND DEVELOPMENT STANDARDS

Section 5.1

No development shall be undertaken, except in conformance with the standards set forth in this Article, unless expressly exempt from obtaining a development permit as specified in Article Six, Section 6.2.

Section 5.2 Site Design and Development Standard Applying Throughout the Jurisdiction

The standards prescribed in this section shall apply to all site design and development hereafter undertaken within the jurisdiction.

Section 5.2.1 Street and Thoroughfare Standards

(A) Layout and Alignment

(1) While it is the intent of this section to provide ample flexibility in the layout of streets, and most design standards are not specifically required herein, proposed street systems will be reviewed as to its design, safety and convenience of users as well as adjacent property owners; provided, such review shall be conducted in accordance with reasonable street design standards and with generally accepted engineering and development practices. Emphasis should be placed on safety at curves and intersections.

(2) Proposed streets should be coordinated with the street system in the surrounding area where possible.

(3) Upon determination that reasonable access to adjoining property(s) would be seriously affected by a proposed subdivision design, the Zoning and Development Administrator will notify the adjacent property owner by registered mail of his findings and recommend that he take whatever action deemed necessary based on that finding. This provision is merely for the purpose of notifying an adjacent property owner and in no way obviates existing laws regarding access to properties by right of necessity.

(4) Proposed streets, which are obviously in alignment with other existing and named streets, shall bear the assigned name of the existing street. Proposed street names shall not be phonetically similar to existing street names irrespective of the use of suffixes such as: street, avenue, boulevard, drive, place, court, etc. In no case shall a name be used which will be confused with other existing streets. A house or lot numbering (address) system shall be designed utilizing an extension of an existing system in the area where one exists.

(5) Where a subdivision abuts or contains an existing or proposed major thoroughfare as designated on the official major thoroughfare map, the County may require except in planned residential, resort, or commercial developments where a central access road has been provided or is included in the master plan for such area, minor access or frontage streets or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(6) No fence, wall, tree, terrace, building, sign, shrubbery, hedge, other planting or structure or object capable of obstructing driver vision will be allowed at intersections.

(B) Private Roads, Right-of-Way and Pavement Widths

<u>Type</u>	<u>ROW</u>	<u>Pavement</u>
Cul-de-sac	50 Feet	22 Feet
Local	50 Feet	22 Feet
Collector	60 Feet	22 Feet

(1) While finished paving of private streets is encouraged, private streets may be constructed without finished paving; provided, however, that all private streets shall have shoulders, side slopes and ditches prepared in conformance with the latest edition of the "Standard Specifications for Highway Construction", South Carolina Department of Highways and Public Transportation, and "Engineering Policy and Procedure Memorandum, S.C.D.H. & P.T., Number C-1 Design Criteria 5/5/86."

(C) In all cases, the platted right-of-way of private streets shall be at least fifty (50') feet.

(1) Streets offered for public dedication must have a minimum right-of-way width of fifty (50') feet.

(2) All costs involved in bringing the right-of-way up to public street standards shall be borne by either the developer, a property owners' association, or affected property owners through the creation of a special tax district.

(3) Acceptance for Permanent Public Maintenance. Authority to accept streets for permanent public maintenance rests solely with the County Council. (Ord. No. 78-12, and 5.2.1(c); Ord. No. 83-5, 3-14-83).

(D) Public Roads Dedication Requirement

(1) Construction Standards

All streets offered for public dedication shall be constructed and surfaced with finished paving in conformance with

the latest edition of the "Standard Specifications for Highway Construction", South Carolina Department of Highways and Public Transportation and "Engineering Policy and Procedure Memorandum", S.C.D.H. & P.T. Number C-1 Design Criteria 5/5/86.

Authority to accept streets for permanent public maintenance rests solely with the Beaufort County Council or South Carolina Department of Highways and Public Transportation.

Existing roads, created prior to this Ordinance or resulting from County prescriptive acceptance of road responsibilities, may be accepted at existing dimensions, including rights-of-way and surface conditions, as may be approved by County Council of Beaufort County.

County government agencies, public utilities such as water and sewer authorities, public service districts, and public fire districts shall be exempt from payment of a site inspection filing fee. This does not exempt for-profit utilities or service agencies.

(2) Number C-1 Design Criteria

This memorandum cancels and supersedes Department of Highways and Public Transportation Engineering Policy and Procedure Memorandum C-1, dated February 12, 1974; C-2, dated April 4, 1974; C-3, dated January 21, 1975; D-1, dated May 31, 1976; F-1, dated October 16, 1973; F-2, dated January 22, 1974; F-3, dated November 1, 1975; F-4, dated August 25, 1976; and F-5, dated November 1, 1977.

(3) The purpose of this memorandum is to establish uniform design criteria for all highway projects. Henceforth, except as otherwise provided herein, the Department's design standards shall be those contained in the appropriate sections of A Policy on Geometric Designs of Highways and Streets (1984), or later editions.

(4) The only exceptions to this Policy shall be for Federal Aid Secondary and State Secondary System projects where the following typical section elements will be the minimum standard for FAS rural routes and will be the standard for all State "C" projects, other than urban or subdivision streets:

- (a) right-of-way width - 66' (33'/33')
- (b) pavement width - 22'
- (c) normal pavement crown slope - 48:1
- (d) shoulder width - 6' (9' where guardrail is required)
- (e) shoulder slope - 12:1
- (f) distance to ditch line from centerline - 22'
- (g) ditch front slope - 4:1
- (h) minimum cut or fill slopes - 2:1
- (i) design speed - 55 mph (minimum)

(5) Typical sections which provide for valley gutters or curbs and gutters shall be permitted in urban areas or subdivisions. Right-of-way widths of fifty (50') feet minimum shall be accepted in these areas. Design speeds in these areas shall be appropriate for existing or anticipated development.

(6) It shall be required that the right-of-way be cleared and all improvements removed from the right-of-way. In compliance with state laws, all areas disturbed during construction and shoulders and slopes shall be seeded to obtain permanent vegetation for controlling erosion. Seeding shall be in accordance with Highway Construction (1986) and as specified on the PS&E. PPM C-3 more fully describes these requirements.

(7) A clear zone, the maximum possible within the proposed right-of-way, shall be provided. Guardrail shall be provided if obstructions cannot be eliminated. Also, guardrail shall be installed at bridge ends, along fill slopes steeper than 4:1 exceeding ten (10') feet height, and at other hazardous locations.

(8) Obviously, no single standard can be applied for design of all projects. Additional right-of-way or sloping easements may be necessary and traffic demands may warrant additional traffic lanes. Adaptions or adjustments for local conditions are permitted; however, exceptions to the design standards hereby established must be approved by the Federal Highway Administration Division Administrator for federal-aid projects, and by the State Highway Engineer for state projects. Requests for design standard exceptions must fully explain the situation and justify waiver of a design standard.

(9) The roadway drainage should be adequate with sufficient outfall drainage.

(10) The geometry (vertical and horizontal alignment) shall meet minimum safety requirements.

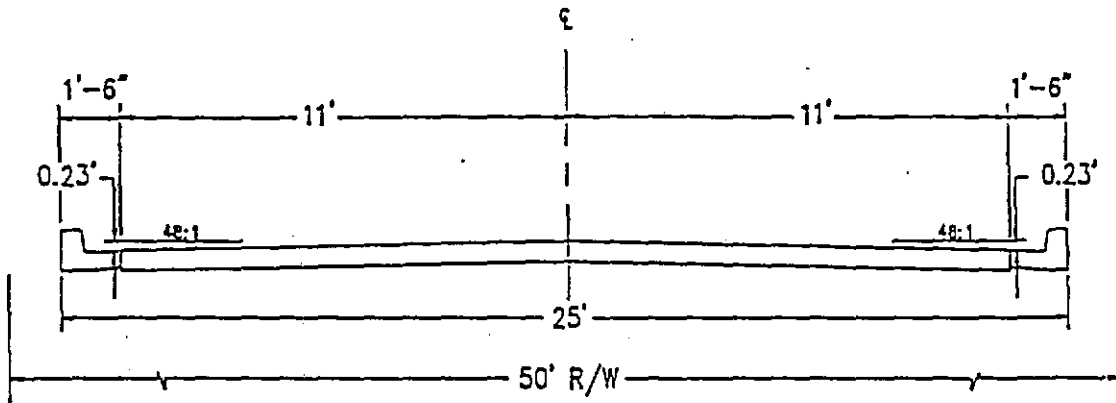
(11) In order for a road or street in any subdivision to be accepted into the system, twenty (20%) percent of the lots on the street (road) must have a house constructed thereon. Each road must have a minimum right-of-way width of fifty (50') feet unless extenuating circumstances dictate otherwise.

(12) Each road must be contiguous to the State Highway System. The road must not possess any unusual features that will cause the construction cost to be abnormal.

(13) If the road is located on a dam for a water impoundment, the dam shall be declared safe by the Land Resources Commission in accordance with the Dams and Reservoirs Safety Act.

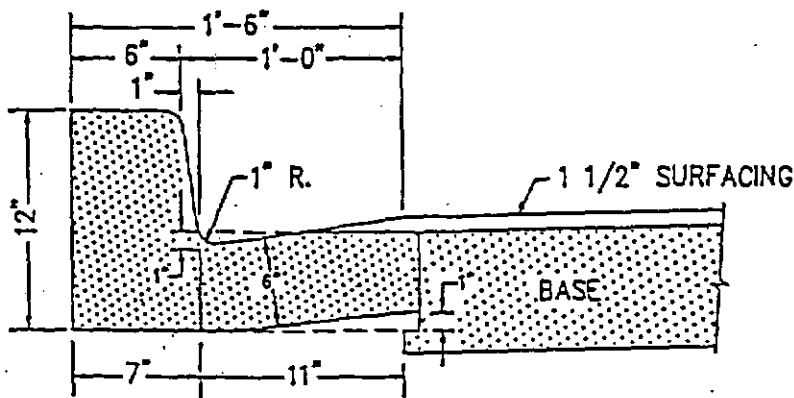
(14) The road shall not be located so that a narrow buffer strip is maintained between the right-of-way of the road and adjacent property in such a manner as to deny access to other adjacent landowners.

(15) Plats of subdivision in which roads are located and which are requested to be accepted in the system shall be made available to the Department.



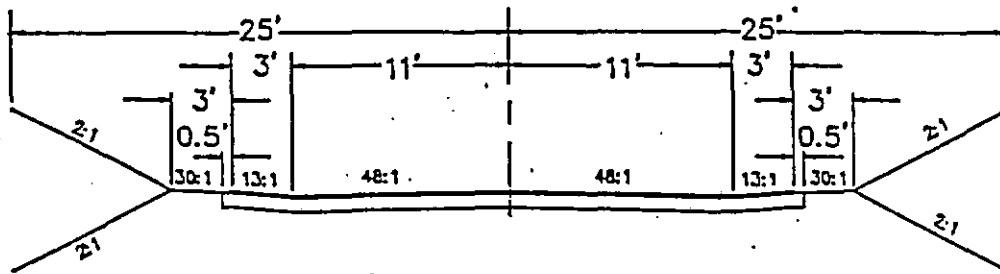
25' CURB AND GUTTER WITH 50' R/W

SCALE: 1" = 30.0'



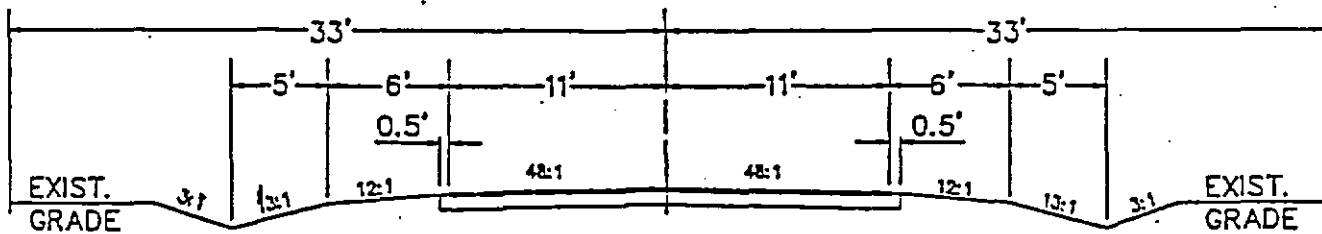
CONCRETE CURB & GUTTER DETAIL

NOT TO SCALE



28' VALLEY GUTTER W/ 50' R/W

SCALE: 1" = 60.0'



CROWN ROAD W/ 66' R/W

SCALE: 1" = 60.0'

(E) Off-Street Parking and Loading

No development shall be undertaken, except in compliance with the off-street parking and loading requirements prescribed in this Article.

(F) Off-Street Parking Requirements

There shall be provided at the time of the erection of any building or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area; or before conversion from one type of use or occupancy to another, permanent off-street parking space in the amount specified by this section. Such parking space may be provided in a parking garage or properly graded and improved space.

(1) Remote Parking Space

If the off-street parking space required by this article cannot be reasonably provided on the same lot on which the principal is located, such space may be provided on any land within four hundred (400') feet of the principal use provided that the parking site is in the ownership of the owner or operator, or that the owner or operator of the facility requiring such remote parking space, shall have a long-term lease (10 years or longer), or by shuttle bus, service or access to a more distant remote parking site under ownership or lease.

(2) Combination of Required Parking Space

The required parking space for any number of separate uses may be combined in one. But the required space assigned to one use may not be assigned to another use, except that one-half (1/2) of the parking space required for churches, theatres, or other uses may be assigned to a use which will be closed at night or on Sundays.

(3) Design of Parking Area

All off-street parking in conjunction with development shall be designed to the criteria of the Beaufort County Engineer's Department. Parking areas shall be designed in such a manner as to completely eliminate the necessity of utilizing any portion of adjacent street, road, or highway rights-of-way for maneuvering.

(4) Size of Off-Street Parking Space

The size of parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine (9') feet by twenty (20') feet, plus adequate area for ingress and egress, other than handicapped, which shall be 12' : 20'.

(5) Tandem Parking

Tandem parking spaces shall not be allowed.

(6) Minimum Off-Street Parking Requirements

In planned resort, residential and commercial developments, where a substantial number of visitors are presumed to arrive by public transportation, the parking spaces noted below will be required, as approved by the County Engineer.

USE

Auditorium and Theatre	One (1) space for each four (4) spectator seats.
Automobile Service Station	One (1) space for each vehicle stored or parked plus one (1) space for each employee.
Bank	One (1) space for each two hundred (200') square feet of gross floor space plus one (1) space for each two (2) employees.
Bus Terminal	One (1) space for each four (4) seats in the waiting room plus one (1) space for each two (2) employees.
Child Care Center	One (1) space for each adult attendant plus two (2) off-street spaces for loading and unloading.
Church	One (1) space for each six (6) seats in the main assembly room.
Driving Range	One (1) space for each driving tee.
Elementary School	One (1) space for each vehicle owned or operated by the school, plus two (2) spaces for each faculty member and administrative office.
Fire Stations	One (1) space for each employee and one (1) space for each three (3) volunteer personnel on a normal shift.
Funeral Home	One (1) space for each four (4) seats in the chapel or parlor, plus one (1) space for each employee.
Golf Course	Four (4) spaces for each green plus requirements for any other associated use, except in planned residential,

resort, or commercial developments which have otherwise adequate provisions for parking.

Hospital One (1) space for each six (6) patient beds excluding bassinet, plus one (1) space for each medical staff member or visiting doctor, plus one (1) space for each four (4) employees.

Hotel, Motel or Motor Court One (1) space for each room to be rented, plus one (1) additional parking space for each three (3) employees, plus requirements for any other use associated with the establishment.

Indoor and Outdoor Commercial Recreation Adequate parking facilities or contemplated use. The required parking spaces for any multiple use area shall be either (a) that number spaces required for such single use having the greatest parking needs plus ten (10%) percent of the combined required for all other uses in the area, or (b) that number of spaces shown to be necessary and reasonable by data submitted by the developer, whichever is less.

Industrial Manufacturing and Wholesale Uses One (1) space for each two (2) employees on the largest shift; one (1) space for each member of the managerial or office staff; one (1) visitor parking space for each ten (10) persons on the managerial staff; and one (1) space for each vehicle used directly in the conduct of the business.

Junior High School One (1) space for each vehicle owned or operated by the school, plus three (3) spaces for each faculty member, plus one (1) space for each five (5) seats in the auditorium or gymnasium.

Mobile Home Park Two (2) spaces for each mobile home.

Nursing Home One (1) space for each five (5) beds intended for patient use, plus one (1) space for each shift employee.

Office and/or Professional Building; Office, Medical or Dental One (1) space for each two hundred (200') square feet of gross floor space plus one (1) space for each two (2) employees.

Planned Shopping	Four (4) spaces for every one thousand (1,000') square feet of gross leasable floor area.
Public or Private Club	One (1) space for each two hundred (200') square feet of gross floor space.
Public Utility Building	One (1) space for each employee.
Residential	One and one-half (1 1/2) spaces for each dwelling unit.
Restaurant	One (1) space for each three (3) seats, plus one (1) space for each two (2) employees.
Retail Business	Five (5) spaces for every 1,000 square feet of gross floor area, except as otherwise specified below:
Appliance and Furniture Store	Two (2) spaces per 1,000 square feet of gross floor area plus one (1) space for each employee.
Automobile (Vehicle) Dealership	One (1) space per 1,000 square feet of gross floor area plus one (1) space for each employee.
Building Supply Store	Three (3) spaces per 1,000 square feet of gross floor area plus one (1) space for each employee.
Feed and Seed Store	Two (2) spaces per 1,000 square feet of gross floor area plus one (1) space for each employee.
Sales and Service Establishments Not Listed Elsewhere, Which Deal With Customers on the Premises	One (1) parking space for each two-hundred (200') square feet of gross floor area, plus one (1) space for each two (2) employees.
Senior High School	One (1) space for each vehicle owned or operated by the school plus seven (7) spaces for each faculty member, plus one (1) space for each administrative office, plus one (1) space for each four (4) students enrolled.
Stadium	One (1) space for each four (4) spectator seats.

(G) Off-Street Loading Requirements

Any industrial operation and wholesale building shall provide sufficient off-street space for the loading and unloading of vehicles. Loading berths and parking areas for waiting vehicles shall be designed in accordance with the needs of the proposed operations subject to the minimum standards indicated in the following schedule:

<u>Square Feet of Gross Floor Areas in Structure</u>	<u>Number of Berths or Parking Spaces</u>
0 - 25,000	1
25,000 - 40,000	2
40,000 - 100,000	3
100,000 - 160,000	4

<u>Square Feet of Gross Floor Areas in Structure</u>	<u>Number of Berths or Parking Spaces</u>
160,000 - 240,000	5
240,000 - 320,000	6
320,000 - 400,000	7
Each 90,000 above 400,000	1

All retail uses and office buildings with a total floor area of twenty thousand (20,000') square feet shall have one (1) loading berth or parking space for each twenty thousand (20,000') square feet of floor area.

Off-street loading areas shall be designed so that vehicles can maneuver for loading and unloading entirely within the property lines of the premises.

(H) Access to Major Thoroughfares

No street, driveway, or other access point shall enter a major thoroughfare as designated on the Official Major Thoroughfare Map at a point nearer than five hundred (500') feet from an existing highway, street, driveway or other access point except where a lot of record (see Definitions) would be rendered unusable by the strict application of this Ordinance. (Reference Appendix for a listing of designated major thoroughfares.)

Relief requested from this provision in the form of the stated exception or by request for a variance must be accompanied by:

(1) Ownership and recording data associated with lot of record; and

(2) Evidence that the applicant has explored all alternatives for access other than by variance or exception to the prescribed standards including, but not limited to, joint use

with adjoining properties, access from adjacent minor streets, establishment of frontage roads, etc.; and

(3) Qualification of request for variance consistent with provisions of Section 6.6; and

(4) Map or plan showing surveyed distance to nearest existing ingress/egress points from those proposed.

(I) Driveway Linkage Between Commercial Developments

To the extent practical - as determined by the Development Review Committee - driveways on adjacent commercial and office uses shall be linked to provide for movement from one such development to another without necessitating return to the public roadway. A driveway stub out section shall be incorporated adjacent to vacant land if that vacant land is located in a commercial or industrial zoning district. This requirement shall not apply where a frontage road system is planned or in place. All driveways and driving areas (including those through parking lots) designed for such movement shall be paved.

Section 5.2.2 Lot Configuration

The developer shall demonstrate through design and the use of private property restrictions and covenants adequate attention to the following aspects of lot design:

(A) Lot size, width, depth, shape, grade, and orientation to streets; and

(B) Relationship of residential lots to adjoining nonresidential development, existing or proposed; and

(C) Building setback lines, front, side, and rear; and

(D) Separation of residential lots from major thoroughfares and railroads and other possible incompatible land uses; and

(E) Separation and proper screening of nonresidential development from adjacent existing residential development. Suitable natural or commercial grade materials of sufficient height shall be used in the construction of the required buffers.

Section 5.2.3 Required Services

All development shall be provided with minimum services in conformance with the provisions of this Section. The property owner or developer, his agents or his assignees shall assume responsibility for the provision of basic services within the proposed development. The requirement of services as a prerequisite for development does not in any way obligate the

County Council or its departments or agents to furnish such services.

(A) Minimum Services Requirements

No development shall be undertaken if provision has not been made for the following basic services where applicable:

- (1) Potable water supply of sufficient quantity to satisfy domestic needs; and
- (2) Water supply of acceptable quality and sufficient quantity to satisfy commercial and industrial demand; and
- (3) Means for treatment and disposal of domestic sewage and other liquid waste; and
- (4) Means for collection and disposal of solid wastes except for single-family residential subdivisions; and
- (5) Vehicles access to existing streets or highways; and
- (6) All driveways shall be paved from the property line to the edge of pavement, except for private dirt roads; and
- (7) Power supply normally electricity; and
- (8) Water supply for fire protection as prescribed by Section 5.2.3(D).

(B) Conformance to Standards and Regulations

No development shall be undertaken except in conformance with all applicable standards, regulations, specifications and permitting procedures established by any duly authorized governmental body or its authorized agents for the purpose of regulating utilities and services. It shall be the responsibility of the developer to show that the development is in conformance with all standards, regulations, specifications and permitting procedures.

(C) Easements

No development shall be undertaken unless adequate easements are provided to accommodate all required or planned utilities and drainage. The developer shall also demonstrate that adequate provisions have been made for access to and maintenance of all easements.

(D) Providing Community Services

In providing fire protection for his development, the developer shall have the option of:

1. Tying into an existing public or quasi-public water system capable of providing required fire flow; or

2. Installing an approved alternate system as listed in National Fire Protection Association (NFPA) 1231 and installed according to code; or

3. Presenting an approvable engineering system designed to meet the required fire flow.

Private water systems shall be designed to handle fire flow in that subdivision by water mains or an approvable alternative system per fire safety standards.

The required fire flow shall be determined according to the Insurance Services Office's determination guide.

(E) Utilities Underground

All electrical, telephone and gas utility lines in a development shall be installed according to plans and specifications approved by the respective utility companies providing such service. In addition, all such utility lines shall be installed underground unless it is determined that a variance to allow for overhead facilities is warranted due to exigencies of construction, undue and unreasonable hardship, or other conditions unique to the development.

Section 5.2.4 Monuments and Markers

At all corners there shall be placed a concrete or other permanent marker of the type commonly used in the area. Concrete control monuments shall be placed on the lot property lines intersection with the road right-of-way lines as shown on a site specific basis determined during the plan review process.

Section 5.2.5 Storm Water Runoff Standards

No development shall be undertaken, except where adequate drainage is provided, in conformance with the provisions prescribed in this Section.

(A) Runoff to Adjoining Property Restricted

No development shall be undertaken that appreciably increases the surface runoff reaching adjacent or surrounding property. Surface runoff shall be dissipated by detention or retention on the development parcel, percolation into the soil, evaporation, or by transport by natural drainage way or conduit to an appropriate point of discharge.

(B) Design Standards

No development shall be undertaken except where the planned drainage system is adequate to accommodate at least the twenty-five (25) year storm event.

(C) Increase in Flood Potential Prohibited

No development shall be undertaken that can be expected to appreciably increase the flood potential within the development or on adjacent or surrounding lands.

(D) Impervious Surface Mapping

All applicants for preliminary approval, unless expressly exempted under "Exemptions from site runoff and drainage planning", be covered by impervious surfaces. Any change to impervious surface coverage after approval will require updated maps and approval by Beaufort County. Impervious surfaces will include, but not be limited to, any or all of the following which do not allow for infiltration of rainfall: paved parking areas, streets, roads, curbs, roofed areas, sidewalks, patios, covered walkways, bike or pedestrian paths, impervious surfaced recreational area, permanent static water surface areas without one inch rainfall on-site storage capacity (lagoons, ponds, streams, etc.). The total area of impervious surfaces and areas by type of impervious surface (rooftop, parking, etc.) shall be presented in either square feet or acres. If any surface materials are proposed which have a runoff coefficient of 0.8 or less, or an SCS-T.R. 55 CN number of less than 98, the surface area will be identified, together with the proposed coefficients of runoffs. Use of surface materials which allow for percolation of the rain falling on that surface is encouraged.

(E) Impervious Site Coverage

(1) It is the intent of this section to encourage development design that minimizes the amount of impervious surface coverage in order to maximize storm water runoff infiltration (percolation) into the soil. Therefore, no commercial, industrial, office, hotel/motel, multi-family residential, institutional use, or mobile home park will be approved which contains more than sixty-five (65%) percent site coverage by impervious surfaces unless site specific soil types, percolation rate and seasonal high ground water table conditions are adequate so as to permit seventy (70%) percent or eighty (80%) percent impervious surface coverage. Permanent on-site water surface areas will be considered as impervious material surfaces for this site coverage calculation, unless the waterbody provides opportunities for detention storage set forth in Section .2.5(h) General Requirements.

(2) The Soil Conservation Service (SCS) has identified thirty-nine (39) different soil types in Beaufort County. These soil types are assigned to four (4) groups (called Hydrologic

Soil Groups) according to their runoff-producing characteristics. The chief consideration is the inherent capacity of the soil bare of vegetation to permit infiltration. The slope and the kind of plant cover are not considered, but are separate factors in predicting runoff. All commercial, industrial, office, hotel/motel, multi-family residential, institutional and mobile home park projects shall be designed and constructed so as to contain an impervious to pervious surface coverage ratio in accordance with the following table:

<u>Hydrologic Soil Group</u>	<u>Impervious/Pervious Ratio</u>
A	80/20
B	70/30
C	65/35
D	50/50

Applications for projects incorporating a 65/35 ratio of impervious to pervious surface coverage do not have to submit site specific soils data. Applications seeking greater than sixty-five (65%) impervious site coverage must include site specific certified soil data, annual high ground water levels, soil percolation rate and supporting calculations performed by a soils expert meeting the qualifications set forth in Sub-paragraph 3 below. Soil test results submitted will be used to determine the allowable surface coverage ratio in accordance with the table set forth herein.

(3) Soils Expert Qualification

To be qualified as an expert in soils, their classification, their physical makeup, and their hydrological properties, an individual must be a graduate geologist, a soils specialist by virtue of long work experience in the analysis of soils, or a state licensed soils expert.

Prior to a submission under Section (e) 2, prequalification and certification under (e) 3 must be submitted to Beaufort County in writing.

(F) Storm Water Methodology

(1) All applications for development will provide for on-site retention or detention (dry or wet), or percolation for the differential between the post-development and predevelopment computed peak runoff.

The site shall be the total owned fee simple contiguous area proposed for development.

(2) Two (2) hydrological methods for computing surface runoff are hereby adopted: "The Rational Method" and "U.S.D.A. S.C.S. T.R. -55."

Surface runoff computations for development up to fifty (50) acres in size may be done under either method.

For development tracts over fifty (50) acres, the U.S.D.A. S.C.S. T.R.-55" method may be required at the discretion of Beaufort County.

Utilization of the Rational Method, tracts up to ten (10) acres in size shall include consideration of existing conditions surrounding the tract to be developed within five hundred (500') feet of the boundaries thereof.

For tracts ranging from eleven (11) acres up to fifty (50) acres, "Rational Method" computation shall include, at the request of Beaufort County, the hydrological features within the total watershed including the development site itself plus upstream and downstream areas.

(G) Drainage Design Criteria

The following design criteria shall be used for either methodology utilized for computation specified in Subsection (F).

(1) Design Storm

The design storm for Beaufort County shall be the twenty-five-year frequency, twenty-four hour, 8.0 inch rainfall, antecedent condition II.

(2) Impacts - Required

- (a) Site inflows C.F.S. +(Hydrograph); and
- (b) Site outfalls C.F.S. +(Hydrograph); and
- (c) Tidal backwater effects; and
- (d) Soil characteristics; and
- (e) Static water levels; and
- (f) Peak water levels - 25 year storm; and
- (g) Peak water levels shall be checked relative to a 100 year storm frequency in setting first floor elevations; and
- (h) Predevelopment conditions shall be carefully evaluated as to adequacy of drainage design (if any) and removed, replaced, or reworked if found unsatisfactory.

(3) Rational Method

(a) The Savannah Intensity - Duration Curve from the National Weather Service Technical Paper No. 25 shall be used in computations.

(b) S.C.S.-T.R. -55 Method:

(1) The minimum C.N. used shall be 39 with a class "A" soil characteristic.

(2) A "B" soil characteristic may be used in lieu of "CD" if drained subject to approval of the Engineer.

(3) A minimum DUPE of 300 shall be used as the dimensionless unit hydrograph peak factor.

(H) General Requirements

(1) The use of wetlands for storing and purifying runoff is strongly encouraged. However, care must be taken not to overload their capacity, thereby harming the wetlands and transitional vegetation. Priority wetlands identified on the Official Beaufort County Conservation District Maps or the Federal National Wetlands Inventory, U.S. Department of Commerce, should not be injured by the construction of detention ponds in them or sufficiently near to deprive them of required runoff or to lower their normal water table elevations. Adjacent detention ponds that benefit retention of normal wetland water table elevations are acceptable. If a retention or detention pond is going to be located near priority wetland, the applicant will provide data showing that impacts will not be detrimental to the wetland.

(2) The first flush runoff (0.5 inch-1.0 inch) from paved streets and parking areas is very detrimental to maintenance of water quality standards. Therefore, filtering of runoff from streets and parking areas through vegetation, grass, gravel, sand or other filter mediums to remove oil, grease, gasoline, particulates and organic matter is required before the runoff enters any man-made or natural waterbody.

(3) Detention and retention ponds shall be designed so that shorelines are meandering where possible to increase the length of shoreline, thus offering more space for the growth of littoral vegetation for filtering purposes.

(4) Detention and retention ponds shall be designed to provide at least one foot of vertical detention storage volume for runoff above the proposed dry weather water level design elevation. Major drainage canals shall not be used for storage where this may impact the storm hydrology upstream and downstream. Use of rectangular weir outlets will be allowed only where this weir will provide better outlet control needed for a given situation than that provided by a V-notched weir. V-shaped or V-notched weir outlets are recommended to achieve detention storage. Use of innovative outlet structures such as pipe/culvert combinations, perforated riser pipe, or special graduated opening outlet control boxes, is encouraged as ways of reproducing predevelopment runoff conditions. Design data for storage volume and detention outlet requirements shall be submitted and approved by Beaufort County prior to final plan approval.

(5) Detention and retention ponds shall be designed for ten-year sediment loads before the one-foot storage volume requirement is included.

(6) Where cleared site conditions exist around detention or retention areas, the banks shall be sloped to the proposed dry weather water surface elevation and planted for stabilization purposes. Where slopes are not practical or desired, other methods of bank stabilization will be used and noted on plans submitted for preliminary approval.

(I) Direct Stormwater Discharge

(1) Channeling runoff directly into natural or man-made waterbodies from pipes, curbs, lined channels, hoses, impervious surfaces, inverted crown street, rooftops or similar methods shall not be allowed unless methods of filtration are provided, either at the intake or outfall as approved by Beaufort County. Runoff shall be routed through swales, drywells, or infiltration ditches and other methods to increase percolation, allow suspended solids to settle and remove other pollutants.

(2) Where specific site hardships may require a variance to allow direct discharge into tidal areas, Coastal Council, DHEC, County Engineer, Corps of Engineers and Water Resources Commission approval, is required before a variance is effective. Granting of a variance will be based upon unique site hardships and not upon hardship created by the proposed development plan, or financial consideration. Where specific site hardships may require a variance to allow direct discharge into a natural water body, methods of diffusing and filtering the discharge and of reducing the velocity will be required. Granting of a variance will be based on unique site hardships and not upon hardships created by the proposed development plan, or financial considerations.

(3) Dredging, clearing, deepening, widening, straightening, stabilizing or otherwise altering natural water bodies or canals may be permitted by Beaufort County only when a positive benefit can be demonstrated. Such approval by Beaufort County does not obviate the need for State or Federal agency approvals where applicable.

(4) Vegetative strips shall be retained or created along the banks or edges of all wetlands. The following shall be the minimum setbacks for construction from the edge of all wetlands:

Single-family Residential	- 20 feet
Multi-family Residential	- 50 feet
Commercial or Industrial	- 50 feet
Impervious Parking Areas	- 30 feet
or as Established by	
S.C.C.C. or U.S.A.C.O.E	
Charleston, S.C. District	

A variance may be granted if the specific project design provides for the drainage or channeling of runoff away from natural watercourses, marshes, wetlands or tidal areas and if such runoff is filtered through a vegetated strip. Vegetative strips shall be retained or created in a natural vegetated or grassed condition to allow for periodic flooding, provide drainage access to the water body, and to act as a filter to trap sediment and other contaminants to stormwater runoff.

(5) No stormwater discharge shall be permitted directly onto any beaches.

(6) Final landscape designs and plantings shall not work against the stormwater runoff controls and drainage concepts approved as part of the preliminary development permit approval process. Landscape design and plantings should further opportunities for percolation, retention, detention, filtration and plant absorption of site-generated stormwater runoff.

(J) Drainage Easements

Beaufort County shall require as a condition for obtaining approval of runoff control and drainage plans that the applicant record plats and covenants where available ensuring that drainage easements and facilities are assigned to a specific entity. If the choice of the developer is assignment to Beaufort County, then issuance of preliminary approval may be considered as conditional acceptance of dedication, provided that construction is in accord with approved plans and conforms to all County and State standards.

Upon receipt of clear, final County approval, the developer shall, within thirty (30) days, submit to County Council a request for permanent dedication of drainage improvements for County maintenance. The County Engineer shall certify that all as-built improvements so offered are in conformance with approved plans and with all prevailing County standards. However, authority to accept such improvements for permanent maintenance rest solely with Beaufort County Council upon the recommendation of the Roads & Bridges Committee.

Should drainage facilities and easements be deeded to a homeowners' or landowners' association, the general maintenance requirements necessary to insure the long-term functions of stormwater runoff controls, easements and drainage facilities shall be described in the documents establishing the homeowners' or landowners' association. The documents will also state that Beaufort County or a legal entity having authority over such drainage may perform or require the homeowners' or landowners' association to take action under the following conditions:

(1) If normal maintenance is not performed that is adversely affecting drainage flow.

(2) To alleviate flooding or other emergency drainage problems upstream or downstream of the easement.

The County may assist the developer in negotiating with the homeowners' or landowners' association or other affected parties on equitable distribution of costs incurred in performing or repairing actions taken on dedicated easements under such conditions.

(3) Underground Storm Sewer Easement

Adequate access for maintenance and improvement of the drainage facility will be required. Generally, for underground storm drain pipes the minimum width of the easement shall not be less than thirty (30') feet. Additional width may be required based on drainage requirements. Sufficient width as determined by Beaufort County will be provided within the easement on one side of the pipe to allow for service equipment mobility and storage of removed fill.

(4) Open Channel Easements

Open channel easements shall be sized as shown in the table below. The open channel shall be located on one side of the easement to provide an adequate maintenance shed area."0

DRAINAGE EASEMENT SIZING TABLE

Maximum Top Width of Open Channel (Feet)	Required Minimum Drainage Easement (Feet)
0-8	30
9-15	35
16-20	40
21-25	45
>25	As Approved by County Engineer

All storm drainage easements shall be recorded in the Beaufort County Courthouse, Beaufort, South Carolina, and two (2) copies submitted to the Beaufort County Public Works Department.

Any development may discharge stormwater runoff, in excess of that required to be held on-site, into private drainage ways provided that the applicant submit written agreements to receive such discharge from the owners of the bodies, drainage ditches, wetlands or streams through which such proposed discharge will travel, including operational/maintenance easements. The County shall use its best efforts to induce downstream owners to receive such water when no feasible alternatives exist.

The developer shall provide adequate outfall ditches, pipes and easements downstream from his proposed discharge if adequate public or private drainage facilities do not exist to carry the proposed discharge. If the outfall ditches, pipes and easements required for adequate drainage are larger than those needed to carry the additional proposed discharge from the development sought by the applicant, then Beaufort County may bear those incremental costs which are greater than those properly allocable to the development. Beaufort County shall have the authority, however, to condition use of such expanded system by subsequent users on contributions by such users for allocable portions of the cost borne by Beaufort County.

(K) Water Surface Elevations

No developer will be permitted to construct, establish, maintain or alter the surface water elevation of any waterbody or wetland in such a way as to adversely affect the natural drainage from any upstream or to any downstream areas of the drainage basin on a permanent basis.

The Development Review Committee shall review and approve any water surface elevations proposed for lagoons or waterbodies. The developer will submit sufficient groundwater and topographic elevation data around the proposed waterbody site to assist in establishing the water surface elevation.

It may be required as a condition of drainage plan approval that adjustments be made to existing or approved water surface elevations if upstream or downstream areas require such adjustments to provide required drainage flows. The County may assist the developer in negotiating with the affected parties on an equitable distribution of cost under such conditions.

(L) Exemptions from Site Runoff and Drainage Planning

The following activities shall be exempt from the requirements of site runoff control and drainage planning:

(1) Any maintenance, alteration, renewal use or improvement to an existing drainage structure as approved by the County Engineer which does not create adverse environmental or water quality impacts and does not affect the velocity, volume or location of stormwater runoff discharge; and

(2) The development of less than four (4) residential dwelling units not a phase of a larger development, not involving a main drainage canal; and

(3) Existing agricultural activity or new agricultural activity not involving relocation of main drainage canals; and

(4) Work by agencies or property owners required to meet emergency flooding conditions. If possible, emergency work should be approved by the duly appointed officials in charge of emergency preparedness or emergency relief. Property owners performing emergency work will be responsible for any damage or injury to persons or property caused by their unauthorized actions. Property owners will restore the site of the emergency work to its approximate pre-emergency condition within a period of sixty (60) days following the end of the emergency period.

(M) Erosion and Sedimentation Control

(1) Application

Erosion and sedimentation controls shall be required on all sites adjacent to waterbodies or drainage ways in which one-half contiguous acre or more of land surface is to be uncovered. The applicant will show erosion and sediment control measures between the uncovered areas and adjacent waterbodies or drainage ways on plans submitted for final plan approval. (See erosion and sedimentation best management practices by S.C. Land Resources Commission.)

(2) Existing Uncovered Areas

(a) All uncovered areas not actively being developed existing on the effective date of this Ordinance, which resulted from land disturbing development activities and which exceed one-half contiguous acre, and which are causing off-site visual evidence of erosion or sedimentation, shall be provided with a ground cover or other protective measures sufficient to restrain accelerated erosion and control off-site sedimentation.

(b) Beaufort County may serve upon any landowner, by Certified Mail, written notice to comply with provisions of this Article. The notice will reference the requirements of this Article, will set forth the measures needed to comply, and will state a time within which such measures must be completed. In determining the measures requires and the time allowed for compliance, the County shall take into consideration the economic feasibility, technology and quantity of work required, and shall set reasonable and attainable time limits for compliance.

(c) Preparations and approval of an extension and sedimentation control plan may be required by Beaufort County in any instance where extensive control measures are needed as a result of proposed development plans near watercourses or waterbodies.

(3) Ground Cover Requirement

To help retain sediment generated by land-disturbing development activities within the boundaries of the development tract, all developers shall plant or otherwise provide a permanent ground cover by "hydromulching" sufficient to restrain erosion after completion of construction or development and prior to final inspection.

(4) Construction Buffer Zones

(a) No land-disturbing activity except recreational uses which permit retention of grasses or other vegetation shall be permitted in proximity to a waterbody or wetland unless a vegetative strip is provided along the margin of the watercourses of sufficient width as final minimum setbacks specified in "Direct stormwater discharges," (f) (4), or unless other methods or structures of sediment control approved by Beaufort County are used in place of a buffer zone to be created after construction which will prevent sediment from leaving the site and entering the watercourse.

(b) Erosion and Sedimentation Control

(M) (3) shall not apply to a land-disturbing activity in connection with construction of facilities to be located on, over, or under a watercourse or waterbody.

(c) Erosion and Sedimentation Control

(M) (3) shall not apply to cleared land forming the basin of a reservoir proposed to be permanent inundated.

(5) Graded Slopes and Fills

The angle for graded slopes and fills on sites meeting the requirements of Erosion and Sedimentation Control (M) (3) shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed shall be stabilized sufficiently by "hydro-mulching" to restrain erosion before a final approval may be issued.

(N) Drainage Systems

The following specifications are established for all drainage systems required by this Section.

(1) Pipe

(a) Only Corrugated Aluminum Pipe Alloy 16 gauge AASHTO M-196; M-197 and Fed. Spec. WW p442-C or reinforced concrete pipe class (S.C.H.D. & P.T.) are permitted for drainage systems within Beaufort County; and

(b) Such other pipe as approved in writing by Beaufort County may be used; and

(c) Pipe gradients shall provide self-cleaning velocities without scour; and

(d) Drive pipes shall be a minimum of 15-inch R.C.P.

(2) Catch Basins

Catch basins shall provide for a bottom sand trap of one and no tenths (1.0) feet below the inlet or outlet, i.e., basins may be required to provide baffles for oil and grease trap operation.

(3) Drainage Swales

Drainage swales, prior to use, shall have sufficient vegetation to provide filtration and erosion stabilization.

(4) Maintenance

All privately maintained drainage systems and structures shall provide in their covenants for periodic maintenance.

Section 5.2.6Planning and Design Certification

All design, grading, drainage and construction plans for roads and for site-related projects shall be prepared and certified by either an engineer or landscape architect, or both were appropriate under State law, who are registered for practice in South Carolina. However, all design, grading, drainage and construction plans for sanitary sewage systems, potable water systems and other principal engineering systems, features or structures, shall be prepared and certified only by an engineer who is registered for practice in South Carolina.

Section 5.2.7Protection of Natural Resources

No development shall be undertaken except in conformance with the provisions of this Section.

(A) Land-Clearing Prohibited

The cutting of trees for the sole purpose of clearing land or offering land for sale shall be prohibited.

(B) Protection of Trees

No person shall cut, destroy, cause to be destroyed, move or remove any disease-free tree with a trunk diameter of eight (8) inches or more (25-inch circumference), measured three (3) feet up from the base, in conjunction with or preparation for any development activity as defined in Section 2.2, until such removal has been approved in accordance with the provisions of this Ordinance.

The saving of smaller specimen and desirable trees is encouraged.

Removal of endangered or valued trees will not normally be permitted. Trees included in this category are:

- (1) American Elm (*Ulmus americana*)
- (2) American Holly (*Llex opaca*)
- (3) Bald Cypress (*Taxodium distichum*)
- (4) Laurel Oak (*Quercus laurifolia*)
- (5) Live Oak (*Quercus virginiana*)
- (6) Loblolly-Bay (*Gordonia lasianthus*)
- (7) Pecan (*Carva illinoensis*)
- (8) Pond Cypress (*Taxodium Dist. carnutans*)
- (9) Spruce Pine (*Pinus glabra*)
- (10) Southern Magnolia (*Magnolia grandiflora*)

- (11) Sweet Bay (*Magnolia virginiana*)
 (12) Yellow Poplar (*Liriodendron tulipifera*)

Those trees designated for preservation in accordance with the provisions of this Ordinance, as shown on the approved Landscape Plan, shall be marked with bright blue ribbons encircling the tree trunk at a height of four (4) feet above the ground, and a four (4) feet high barricade will be constructed around the tree at the drip line prior to the start of construction.

As a condition of approval from this Ordinance, the applicant may be required to plant replacement trees for trees approved for removal as part of the final plan. In requiring replacement trees, the following will be considered: the intended use of the property; the existing or pre-development tree coverage, size and types; the number, size, type, and location of natural trees proposed for preservation by the applicant; and the grading, road building, parking, and drainage requirements of the project.

(C) Tree Survey Required

A survey of all trees of the applicable size and larger shall be made within the area to be modified from its natural state and twenty-five (25') feet beyond in each direction or to the property lines, whichever is less. The location and size of trees shall be indicated on the site plan with surveys conducted either by a registered land surveyor or engineer.

The requirement for a tree survey is waived in the case of golf course construction or when preliminary site evaluation by the applicant reveals the ability to accomplish the proposed project without removal of any trees eight (8) inches in diameter or larger. In the latter case, the applicant shall submit a written statement that no trees will be removed, and his permit will indicate "No Tree Removal" as a condition thereof.

(D) Clear Cutting Prohibited

No development shall be undertaken and no development will be approved that involves cutting or removal of more than seventy-five (75%) percent of trees eight (8) inches and larger on the development site.

(E) Erosion Control

No development shall be undertaken that directly or indirectly increases the erosion of land or its potential for erosion.

(F) Erosion Control During Construction

The applicant shall take all reasonable measures to reduce soil loss and contain sediment during construction. Exposed soil shall be stabilized prior to final inspection.

Developers shall be responsible for any negligence or omissions of the contractor or subcontractor regarding the requirements of this Section.

Section 5.2.8 Pollution, Nuisance and Hazard

No development shall be undertaken except in conformance with the provisions of this Section.

(A) No development shall directly contribute to pollution of the land, air or water; constitute a nuisance, or pose a hazard to life or property. Conformance with all existing local, state and federal statutes shall be construed as conformance with this provision.

(B) Aesthetic Standards. Any junk yard, storage, work area or other such area shall be screened with a fence or buffer approved by the Development Review Committee.

Section 5.2.9 Site Design and Density Standards

The site design and density standards prescribed herein shall apply to all development activity. For purposes of this Section, density is expressed in terms of dwelling units per net acre of land. The acreage established upon which density is based must be under deed to the developer.

(A) Setbacks. For purposes of determining required setbacks, all development is classified as follows:

(LR) Light Residential - 1 to 4/du acre.

(MR) Moderate Residential - 5 to 8 du/acre.

(IR) Intense Residential - 9 to 15 du/acre.

(HIR) High Intense Residential - 16 du/acre and greater.

(C/I) Commercial/Industrial Development - any establishment included in the buying, selling, or manufacturing of goods or services except as provided for under institutional development.

(INST) Institutional - shall include schools, churches, medical, rehabilitative, correctional and/or charitable shelters, or other public buildings or grounds.

Required setbacks are determined by relationship of proposed development to existing development on contiguous

property. Adjacent vacant property shall be classified as light residential except where preliminary approved or final approved plans indicate another classification, or where the County considers that the development of the surrounding area is such to warrant lesser setback distances applying to commercial development. For each habitable story over two (2), setback is computed by adding base figure as shown in chart to the initial setback.

TABLE: 1

(Feet of Setback for One or Two Habitable Stories)

Existing Adjacent Use

<u>PROPOSED USE</u>	<u>LR</u>	<u>MR</u>	<u>IR</u>	<u>HOTEL/MOTEL</u>	<u>CI</u>	<u>INST.</u>
LR	10	10	15	15	20	15
MR	10	10	10	15	20	15
IR	20	15	15	10	20	20
HIR (Hotel/Motel)	20	20	15	10	20	20
C/I	30	30	30	30	10	30
INST	20	25	25	30	30	20

The required setback shall be measured inward from the property line to the first vertical wall, excluding fences, lamp posts and the like. Exception to this standard is made for any recreational amenity ancillary to the approved project. Such recreational amenities may be constructed in the non-buffer portion of the setback area.

The setback requirements of this Section shall not apply to the separation of patio homes within a specific patio home development. However, in no case shall the separation between such patio homes be less than three (3) feet from the property line of the adjacent lots.

When road rights-of-way and easements or dedicated recreation or open space exists between the property lines of existing and proposed land uses, the setback for the proposed use shall be measured from the property line of the existing use. However, in no case shall side, or rear and front yard setback of the proposed use be less than ten (10') feet measured from its property line, except for patio lot sidelines. Such rights-of-way, easements or dedicated open space shall be construed as being a part of the required setback.

Adjacent landowners may choose to waive the required setbacks where common party wall development is desired by:

(1) Filing with the Zoning and Development Administrator a statement of mutual agreement prior to development plan approval for one or both tracts; and

(2) Recording the agreement as a property deed covenant in the deed of affected properties prior to development plan approval for one or both tracts.

(B) Setbacks from Major Thoroughfares

No structure except signs shall be erected nearer than fifty (50') feet of the right-of-way line of a major thoroughfare so designated on the Official District Map.

Setbacks from all other roadways to be one-half (1/2) the right-of-way, (i.e., 50' road ROW; setback 25', 60' road ROW; setback 30'.)

(C) Setbacks at Intersections

There shall be no interference. No fence, wall, terrace, building, sign, shrubbery, hedge, planting, etc., above the height of three (3') feet measured from the finished street centerline level, shall be planted, placed, erected or maintained within the triangular area created by a line connecting points of the front and side lot lines at a distance from the intersection of said lines; or the extension of said lines:

At an Intersection Involving:

- (1) Driveway and a street; Ten (10') Feet
- (2) An alley and a street; Ten (10') Feet
- (3) A street and a street; Thirty (30') Feet
- (4) Major thoroughfares; Fifty (50') Feet

(D) Buffer Requirements

In order to provide protection for potential incompatibility between neighboring land uses of different type and/or intensity, the following buffer requirements shall apply to the setback areas prescribed in Subpart (a) of this Section.

TABLE: 2

Percentage (%) of Table 1: Setback Standards

Existing Adjacent Use

PROPOSED USE	Existing Adjacent Use			HIR	CI	INST.
	LR	MR	IR	HOTEL/MOTEL		
LR	0	0	0	0	0	0
MR	50	50	50	50	50	50
IR	60	50	50	50	50	50
HIR (Hotel/Motel)	70	50	50	50	50	50
C/I	80	50	50	50	50	50
INST.	50	50	50	50	50	50

Buffer standards are computed as a percentage of required setbacks established in subpart (a) of this section and measured inward from the property line of the proposed use. Buffer areas must be left undisturbed except that underbrush may be cleared and the area landscaped. Underbrush is defined as a thick growth of bushes, vines, sapling size sprouts, twigs, and trees that do not exceed two inches in diameter. Underbrushing, when approved, shall mean the act of removing such bushes, vines, sapling size sprouts, twigs, and trees by use of a mechanical bushhog device applied in a horizontal manner, or manually within like constraints, for the purpose of opening up a property for surveyor teams; or engineers or health department personnel to accomplish soil suitability evaluations. Underbrushing to improve visual appearance shall not be undertaken unless approved as a part of project permitting. Maintenance underbrushing is permissible if accomplished within this guidelines. Nothing herein shall be construed as preventing the removal of junk, debris or abandoned structures, fences, and the like from the buffer area in the interest of aesthetic improvement.

In the absence of adequate natural vegetation to effect the buffer required herein, the developer shall be required to plant trees, bushes or shrubs for a minimum depth of fifty (50%) percent of the setback from Table 1 or ten (10') feet, whichever is greater, inward from the development property line to achieve the required buffer. The type, height and density of planted vegetation shall be approved by the Development Review Committee.

When roads or dedicated or covenanted, open space or passive recreation areas exist between the property lines of existing and proposed land uses, no buffer area shall be required.

In the case of planned unit developments, the specific requirements for setbacks and buffering shall apply to th

perimeter of the PUD only and does not apply to individual development sites or tracts within the overall PUD consistent with the intent and spirit of these provisions.

The balance of the setback area required in Subpart (A) of this Section not reserved as buffer area may be utilized in the site development for roads, parking, drainage facilities and recreational amenities ancillary to the development.

Electrical, telephone, gas, water supply and sewage disposal and other utilities may be constructed in the required buffer area and after installation of such services and to meet the requirements of this Section, the developer shall be required to restore the buffer area as approved by the County.

(E) Open Space Standards

Open space as required herein shall mean all areas not utilized for buildings, sidewalks, roads and parking. Areas qualifying as open space are landscaped areas, lagoons, pond and lakes, natural freshwater wetlands, dedicated wildlife preserves, buffer areas required in Subpart (B) and ancillary recreational amenities such as swimming pools, tennis courts, and golf courses.

Required open space as shown in Table 3 shall be computed as the aggregate sum of the respective open space percentages computed for the various designated land uses and densities within the overall PUD. The total open space required may be provided anywhere within the boundaries of the PUD.

In the case of development fronting on tidal wetlands, the developer may utilize a portion of the wetlands, for which title is held, to meet up to seventy-five (75) percent of the open space required in Table 3. The Open Space Credit may not exceed the total amount of the wetlands for which title is held.

Example: Development tract size (including wetlands) equals seven acres

High Ground	= 6.00 Acres
Wetlands	= 1.00 Acre
Proposed Density	= 9.00 Du./acre
Required Open Space from Table 3	
40% x 7 acres	= 2.80 Acres
Total Open Space Required	= 2.80 Acres
75% Credit for Wetlands 2.18 Acres.	
Wetlands Held	(1.00) Acres
Open Space Required on High Ground	1.80 Acres

TABLE: 3

Percent Open Space Required By
Land Use and Density

(1) Residential

(a)	Single Family Less Than 10 Acres	N/A
(b)	Single Family Greater Than 10 A	10%
(c)	Multi-Family 2 du/acre	20%
	Multi-Family 3 - 8 du/acre	30%
	Multi-Family 9 - 15 du/acre	40%
	Multi-Family 16 & Up du/acre	50%

(2) Institution 15%

(3) Commercial 15%

(4) Industrial 20%

(5) Hotel/Motel (Equivalent of 40% of a Residential Unit)*

*Required open space percentage of total hotel/motel tracts is computed by dividing the hotel/motel units per acre by 2.5 and applying the resultant residential density requirement.

Example: Hotel development at 30 units/acre. Take 30 du/acre divided by 2.5 which equals 12 du/acre or 40% open space required.

(F) Telecommunications Towers

The distance from the base of a telecommunications tower to any existing residential structure must be no less than the tower height plus five (5') feet for self-supporting towers and no less than the guy anchor radius (distance from tower base to anchor) or seventy (70%) percent of tower height, whichever is larger, plus five (5') feet for guyed towers.

Telecommunications towers shall be set back from each property line according to the category in which the land use (as defined in Section 5.2.9(A) above) of the adjoining property falls. In Table 4, below, Category I includes all residential uses (LR, MR, IR, HIR) plus major thoroughfares; Category II includes hotels, motels, vacant property (unless preliminary or final approved plans indicate another classification), agricultural uses, institutional and public uses and roadways other than major thoroughfares; Category III includes commercial and industrial uses. Towers must be set back a distance equal to the lesser of the percentage of tower height specified in Column A or the number of feet specified in Column B, with a minimum.

setback of thirty (30') feet from all property lines and roadway rights-of-way. The minimum setback from the right-of-way of major thoroughfares is fifty (50') feet.

TABLE: 4

(Setbacks for Telecommunications Towers
from property lines)

<u>Land Use</u>	<u>A</u>	<u>B</u>
Category I	50%	200'
Category II	25%	100'
Category III	10%	40'

In order to screen the tower from adjacent properties and roadways a planting strip at least twenty (20') feet in width, starting at the property line shall be installed with at least one row of evergreen trees. These trees shall measure at least one (1") inch in diameter three (3') feet above grade when planted, shall be spaced not more than twenty (20') feet apart, and shall have an expected height of at least forty (40') feet at maturity. The Development Review Committee, at its discretion, may relax the one (1") inch standard where certain species, such as pine, are normally planted as smaller saplings, and the twenty (20') foot standard where certain species, such as live oak, develop a larger canopy width at maturity. The selection of tree species and their arrangement within the planting strip shall be approved by the Development Review Committee. Installation of new planting will not be required in those places where the Development Review Committee determines that the presence of existing vegetation or structures is sufficient to screen the tower. The purpose of this paragraph is to provide for a continuous landscaping screen around the property with maximum canopy height.

All tower supports and guy anchors must be located within the property and set back a minimum of twenty (20') feet from the property line.

Section 5.2.10

Declaration of Land Use and Density

No development shall be undertaken except where master plans, site plans or plats have been submitted to and approved by the County clearly denoting all proposed use of the land and the maximum density or size of such uses thereon.

Such declared uses, density and size shall not deviated from until such proposed changes are submitted to and approved by the County.

Undesignated areas on master plans, site plans or plats shall be considered as open space and any proposed use thereof, other than open space, shall be submitted to and approved by the County.

Section 5.2.11 Special Nuisances

The following uses of land, buildings, and structures within the County are deemed to constitute special nuisances which would endanger the health, safety, and welfare of residents and property owners in the County and shall only be permitted in accordance with the provisions of Section 5.2.12.

(A) Other than normal, acceptable businesses which have a history of safety and regulation, such uses that create a risk of fire, explosion, noise, radiation, injury, damage or other physical detriment to any person, structure or plant growth beyond the boundaries of the premises on which such use is located.

(B) Racing tracks for automobiles, motorcycles, grand prix midget racers, go-carts and similar activities.

(C) Commercial amusement parks, ferris wheels, roller coasters, water slides, carnival rides and carnival-like activities except those nonprofit organizations, agricultural or institutional fairs, displays and games in place and operated at special times of the year for thirty (30) days or less.

(D) Commercial wild animal parks, alligator farms and other animal displays and use activities requiring admission for entry; provided, however, that this provision shall not apply to a marine ecology center or aquarium, animal protection shelter, kennels, dog or horse training facilities, boarding and riding stables or similar educational facilities, provided they do not create a nuisance beyond the property boundary.

(E) Businesses such as junkyards, salvage material yards, open storage yards supplies and equipment in disarray, solid waste landfill areas, depositories for nuclear waste, chemicals or other industrial or agricultural wastes.

(F) Any use causing or resulting in the emission of toxic or corrosive gases, radiation, interference with television or radio reception, or other physical or electronic disturbance perceptible beyond the boundaries of the premises on which such use is conducted.

(G) Any light or source illumination either interior or exterior that casts disturbing rays or creates glare so as to constitute a nuisance to nearby residences or creates a hazard by impairing vehicular driver vision.

(H) Such special nuisances as defined above which result in the production or discharge of smoke or other air contaminates as

**ORIGINAL DOCUMENT
POOR CONDITION OR CONTRAST**

dark or darker in shade than as designated as No. 2 on the latest Edition Ringlemann Chart as published by the United States Bureau of Mines for a period or periods aggregating more than three (3) minutes in any one hour.

(I) Such special nuisances as defined above which result in the production or discharge of offensive odors exceeding the standards established by Table III (Odor Threshold) in Chapter 5 of Manufacturing Chemists Association, "Air Pollution Abatement Manual," Latest Edition.

(J) Such special nuisances as defined above which result in the production of noise levels in excess of sixty (60) dBA measured at the property line.

Section 5.2.12

Special Nuisance Standards

(A) All land uses and land use activities outlined in Section 5.2.11 (A) through (E) shall be screened from view from any public highway, street or road, adjacent existing and approved residential uses and institutional uses such as churches, schools, cemeteries and libraries. Required screening and buffering may be accomplished with natural and/or landscaped plantings or combination thereof, including berms, walls or fencing that effectively prevent from view the nuisance. Approved residential uses as described herein shall mean those residential uses shown on plans on file in the office of the Beaufort County Zoning and Development Administrator having either preliminary (including master plan approval) or final plan approval under the provisions of this Ordinance.

(B) The applicant shall demonstrate through design and the use of plantings, wall, buffers, setbacks and the like compliance with radiation, light, smoke, odor and noise provisions as established in Section 5.2.11 (F), (G), (H), (I), and (J).

(C) Exceptions to the smoke, odor and noise standards prescribed in Section 5.2.11 (H), (I), and (J) is hereby made for certain temporary activities such as construction, land clearing, special events and the like where, owing to the nature of such activity, temporary nuisance is unavoidable.

(D) Exception to the noise level prescribed in Section 5.2.11 (J) is hereby made for publicly owned airfields and landing strips.

Section 5.2.13

Fire Safety Standards

The Fire Safety Standards prescribed herein shall be in accordance with Beaufort County Ordinance 89/5, as amended, other life, fire, building and safety codes that are adopted by Beaufort County and the State of South Carolina and shall apply to all development activity.

The local Fire Official having jurisdiction shall review all new development for compliance with fire and life safety standards of Beaufort County.

(1) Water Supply for Fire Protection

All new development serviced by a public or quasi-public water system and approved by the South Carolina Department of Health and Environmental Control shall provide firefighting capability through the provision and placement of fire hydrants and adequate flow pressure. The location and spacing of hydrants shall be as follows:

(a) Subdivision. Fire hydrants shall be required for all subdivision of property except single-family subdivisions of four (4) lots or less. Hydrants shall be placed along streets and roads at intervals not to exceed one thousand (1,000') feet. In no case shall the nearest property line of a subdivided lot exceed five hundred (500') feet from a fire hydrant.

(b) All Premises where buildings or portions of buildings, other than one or two family dwellings, are located more than one hundred fifty (150') feet from a public or quasi-public water main shall be provided with approved fire hydrants connected to a water system capable of supplying the required fire flow unless the fire district has approved an alternate fire protection plan. The location and number of such on-site hydrants shall be as designed by the Fire Official with the minimum arrangement being so as to have a hydrant available for distribution of hose to any portion of any building on the premises at distances not exceeding five hundred (500') feet. Commercial buildings existing prior to adoption of this section shall not be required to meet Fire Safety Standards for approved changes which do not involve or affect the structure(s). Refer to Article II, "Non-Conforming" for other requirements."

(2) Alternative Water Supply. An alternative method of water supply for fire protection can be utilized if first approved by the local Fire official. The alternative method shall provide a degree of fire protection that is at least equivalent to that required by the adopted codes. In rural areas that have no suitable public or quasi-public water system available, water supply for fire protection shall be provided that complies with National Fire Protection Association 1231 as a viable alternative method of providing the required fire flow.

(3) Other Conditions for Water Supply. In the event that required water supply will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as result of any action on the part of the property owners, an enforcement of this standard would result in unusual and undue hardship, the local Fire Official may approve alternate protection systems.

(B) Development Plan Review

The local Fire Official having jurisdiction shall review development site plans of all proposed development as it relates to fire and life safety standards contained in this section.

Prior to the final plan approval, the local Fire Official shall make written recommendations to the Development Review Committee indicating approval of the design as submitted or delineating needed design changes consistent with fire and life safety standards and practices.

The local Fire Official shall inspect the completed development site for compliance with the approved plans and submit his findings to the Zoning and Development Administrator prior to issuance of a Certificate of Compliance.

(C) Building Height Restriction

In the interest of fire safety and local firefighting capability, no building shall be constructed that is taller than the safe ladder capability of the local Fire Department, unless it is deemed as a high rise structure and meets all the codes and regulations for a high rise building as defined under applicable section of the current edition of the Standard Building Code.

(D) Emergency Vehicular Access

No development shall be constructed in any manner so as to obstruct emergency vehicular access to the development property or associated buildings and structures.

To insure that access will not be impaired in any emergency situation, attention should be given to the design and layout of such features as signs, fences, walls, street intersections and curves, parking lots, sidewalks, ditches, lagoons, recreational amenities, landscaping and maintenance of roads.

Section 5.2.14 Access to Development

(A) While it is the intent of this Ordinance that all property proposed for development have legal and adequate access to public thoroughfares, it is recognized that often times such legal right of access may not be clearly established at the time of proposed development activity. For development activity not involving the sale of lots or residential units to consumers, the concern over questionable legal access is not as great except that such proposed development may impact other property across which access to the development depends.

It is, however, of great concern that projects proposed for the sale of lots or dwelling units to consumers have clear legal access to avoid potential legal litigation involving unsuspecting consumers.

To this end, all applicants for development approval of property not immediately contiguous to deeded public rights-of-way shall submit.

(1) Copies of recorded deeds, plats and easements clearly documenting access to the development property or,

(2) In the absence of such recorded documents, evidence that reasonable effort has been made to acquire necessary easements from property owners whose lands over which access is dependent, and

(B) Development involving the sale of lots, tracts, or units for which the provisions of subpart (A) (1) of this section cannot be met must include on the face of recorded plats and surveys and in the body of associated deeds, master deeds, covenants and restrictions the following disclosure:

Disclosure Statement

"It has been determined by Beaufort County that access to all lots or units contained in this development is not clearly and legally established or defined at the time of approval of this development for construction and sale of lots or units to the general public."

For development not involving the sale of lots or units which cannot meet the provisions of subpart (a) (1) of this section, the Zoning and Development Administrator shall send notice of development intent by certified mail to all affected property owners, whose land over which access to the proposed development property is dependent, at least fourteen (14) days in advance of scheduled project review.

(C) The Zoning and Development Administrator shall review all applications for physical adequacy of access on a case-by-case basis and may deny development approval where access is inadequate for emergency vehicles or users may experience unwarranted inconvenience.

Section 5.3 Home Occupation Standards

Section 5.3.1 Definition

The term home occupation shall mean an occupation conducted in a dwelling unit by the resident family.

Section 5.3.2 Conditions

A home occupation may be permitted under the following conditions:

(A) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes.

(B) No accessory building or out-structure shall be used in conjunction with the home occupation.

(C) No more than two (2) employees other than members of the resident family shall be engaged in such home occupation.

(D) Not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

(E) There shall be no change in the outside appearance of the dwelling or the premises or any visible evidence of the conduct of the home occupation other than one (1) sign not exceeding one (1) square foot in area, non-illuminated.

(F) No traffic shall be generated in greater volumes than normally expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by off-street parking and not in the required front yard.

(G) Normal business operating hours shall be limited to 8:00 a.m. to 6:00 p.m. Businesses that operate between the hours of 6:00 p.m. and 6:00 a.m. shall be of a type that is quiet in nature such as clerical, bookkeeping, accounting, computer, etc.

(H) No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premise or cause fluctuation of the voltage off the premises.

(I) There shall be no outside display of goods or commodities visible from the street or adjacent residential properties.

(J) A home occupation shall not be considered to include experimentation that may involve the use of chemicals or other substances which may create noises, odors, or hazards to the health, safety and welfare of the neighborhood.

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COUNCIL LEGISLATIVE INTENT: PURSUANT TO EXISTING STATE LAW, GENERALLY KNOWN AS "THE PENDING ORDINANCE DOCTRINE", ALL PERMITS TO BE ISSUED AND ALL APPLICATIONS MADE AFTER FIRST READING OF THIS ORDINANCE WILL BE SUBJECT TO THE PROVISIONS OF THIS ORDINANCE.

AN ORDINANCE TO AMEND ARTICLE V, SECTION 5.2.7 OF THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE PERTAINING TO TREE PROTECTION STANDARDS.

Section 5.2.7 Tree Protection Standards

No development shall be undertaken except in conformance with the provisions of this section.

Section 5.2.7.1 Intent

It is the expressed intent of these tree protection standards that all site planning and design for development of land be undertaken with a survey of trees on the property and that the final placement of buildings, structures, and roads, utilities, and other features minimizes the removal of existing trees on the property.

Section 5.2.7.2 Protected Trees

No person shall cut, destroy, cause to be destroyed or remove any tree with a trunk diameter at breast height (dbh) of eight (8") inches (25 inch circumference) or larger or any Dogwood, Redbud or Magnolia tree with a trunk diameter of four (4") inches dbh or larger in preparation for, anticipation of or in conjunction with any development activity as defined in Section 2.2 until such removal has been approved as part of the overall site development approval process of this ordinance. The saving of existing trees less than the protected size is encouraged and may be utilized in some cases to meet the requirements of Section 5.2.7.7 pertaining to replacement of trees that are approved for removal. Upon written certification of a certified arborist or forester and upon development plan approval, sick or diseased trees may be removed.

Section 5.2.7.3 Tree Survey Required

A survey of all trees with a trunk diameter of eight (8") inches dbh and larger and all dogwoods, redbuds, and magnolia trees with a trunk diameter of four (4") inches dbh and larger shall be made within the area to be modified from its natural state and seventy-five (75') feet beyond in each direction or to the property lines, whichever is less. The survey shall be conducted and certified by a registered land surveyor or engineer and include the type and size of trees. Tree surveys for streets shall extend twenty-five (25') feet beyond either side of the street right-of-way lines.

Applications for subdivision approval must also include an estimate of existing tree cover on each lot of the proposed subdivision indicating tree types, average size, and approximate density of trees per acre.

Residential/commercial lot tree cover estimates may be certified by a registered land surveyor, engineer, or landscape architect.

Section 5.2.7.4 Site Design Emphasis on Significant Trees

While all types of trees are protected under these standards, special emphasis is placed on preservation of large trees and certain significant and more valued species listed herein. The highest site design priority shall be given to preservation of live oaks with a trunk diameter of twenty-four (24") inches or larger. Removal of this valued tree is highly discouraged, and will only be approved upon the determination of the Development Review Team that all responsible design alternatives have been explored by the applicant and removal cannot be avoided. If a twenty-four (24") inch or larger significant tree must be removed, the planting of new trees of the same species or live oak trees, if the same species is not available, totaling the same number of inches in diameter will be required, only 50% of which may be allowed to be used for credit towards the minimum requirement of 15 trees per acre.

Significant Trees

American Holly	Redbud (4")
Bald Cypress	Red Maple
Black Oak	Southern Red Oak
Black Tupelo	Southern Magnolia (4")
Cedars	Sycamore
Dogwood (4")	Walnut
Hickory	Any other species 24" diameter and larger
Live Oak	
Palmetto (may be relocated on site)	
Pecan	

For development sites that do not contain any or very few of these significant trees, design emphasis should be shifted to preserving other species present.

Section 5.2.7.5 Minimum Tree Coverage

The minimum allowable post-development tree cover for all development shall be fifteen (15) existing trees, eight (8") inches, dbh (diameter breast height) and larger, per acre of disturbed area. Pairs or groups of trees with trunk spacing or separation of five (5') feet or less shall count as one (1)

tree towards meeting the minimum allowable coverage. Each tree with a trunk diameter of thirty-six (36") inches dbh or larger may count as two (2) trees towards meeting the minimum allowable coverage.

Disturbed area shall mean the limits of the site project activity (buildings, roads, parking areas, retention ponds and the like) including the required front, rear and side yard setbacks or to the property line, whichever is less.

Section 5.2.7.6 Tree Replacement

(A) In those cases where site design alternatives cannot achieve the minimum allowable existing tree cover or where predevelopment tree cover is less than the prescribed minimum, the Developer shall be required to plant two (2) replacement hardwood trees of the same type cut down or one (1) live oak tree, with a minimum trunk diameter of 2.5 inch dbh for each existing protected tree under the minimum requirement of fifteen (15) trees per acre of disturbed area.

(B) Proposed or required planted or replacement tree design, types and locations, shall be prepared by a certified arborist or landscape architect and should take into account site soil types and conditions, existing tree species to be preserved and their locations, and the species to be planted that would be best suited to site conditions, proposed activities and impervious surface areas.

(C) Existing significant hardwood trees and dogwood trees, less than eight (8") inches dbh but not less than 2.5" dbh, may be used in place or relocated on-site to meet prescribed minimums in lieu of purchased trees. Planted or re-located trees should be appropriately designated as such on the site plan and placed so as to enhance the overall landscaping of the site. Required replacement trees in residential subdivisions should be planted on the residential lots outside of the assumed building area.

(D) In commercial projects, replacement trees should be utilized in landscaped islands to enhance parking area and areas of the project site most visible to traveled thoroughfares.

(E) Where the Development Review Team determines that a reduced plantback is necessary due to the size and shape of property and/or structures, and/or other design limitation, or other viable site constraints, such reduction shall be subject to a general forestation fee. This fee shall be the actual and verified cost of the required tree plantback, per tree reduced and shall be paid to the Treasurer of Beaufort County before final approval is given for the development plan. The funds collected through this forestation fee shall be used by Beaufort County to plant trees and other landscaping in highway medians, along-side roads and on other public properties as deemed appropriate.

(F) The survival of any tree planted and/or replanted as above shall be guaranteed with a tree maintenance and replacement bond for a period of one year. The required bond amount shall

equal 125% of the actual cost to replace each tree that is planted or relocated (replanted) on the development site.

(G) All trees preserved, planted or relocated on the site must be protected and nurtured for the life of the project approved. Any tree lost subsequent to development approval and certification of compliance shall be replaced with 2 1/2" dbh tree of the same type, or live oak, with a minimum height of twelve (12') feet at planting. In the event any twenty-four (24") inch dbh or larger live oak is lost subsequent to development, it shall be replaced with an equivalent number of caliper inches of live oaks each with a minimum diameter of 2 1/2" dbh and height of twelve (12') feet.

Section 5.2.7.7 Tree Protection Zones

Tree protection zones shall be established and maintained for each tree preserved or planted on a development site. The area within the tree protection zone must be open and unpaved except where approved perforated pavers may be utilized or tree aeration systems and tree wells installed.

If a Developer can demonstrate that a tree protection zone less than that described can be designed so as not to injure the tree under consideration, based upon the use of a certified arborist, the Development Staff Review Team may approve the alternate tree protection zone.

(A) Maintaining open space around the base of a tree is one of the most important factors in promoting the health and longevity of the tree. The root system within the drip line is generally considered to be the critical root zone.

(B) A permanent tree protection zone surrounding both preserved and planted trees shall be established. This tree protection zone shall apply during the construction phase, as well.

(C) Tree protection zones should vary according to the species, size location, and health of a tree and be designed for maximum flexibility of shape and minimum effectiveness of size. However, where compelling information to the contrary regarding a particular tree in its particular setting is not available the minimum tree protection zones shall be established as follows:

- (1) For existing trees: a circle with a radius of one half foot for every inch of D.B.H. or five feet, whichever is greater (the circle of protection may be offset as much as 1/3 of its total diameter).
- (2) For newly planted trees:
 - a. understory tree: a circle with a radius of two (2') feet
 - b. overstory tree: a circle with a radius of three (3') feet
- (3) For Palmetto trees, a circle with a radius of two (2') feet

(D) The size of the protection zone may be reduced, the shape adjusted, or other encroachments may occur within the zone where any of the following measures or techniques are deemed to sufficiently mitigate such a change and certified as acceptable by a reputable tree service, arborist, or other qualified party:

- (1) limb and root pruning
- (2) fertilization
- (3) aeration
- (4) irrigation
- (5) restoring the natural grade of the soil
- (6) tree feeders
- (7) porous paving materials
- (8) tree well

(E) In general, where a tree well is used it should encompass at least half the area beneath the canopy of the tree and extend in every direction no less than half way from the trunk to the tree's dripline.

(F) Prior to commencing construction or any site alterations a conspicuous four (4') foot high barrier sufficiently prominent visually to prevent encroachment by people and vehicles shall be erected around the protection zone and approved by the Building Official. Barriers may be erected around groupings of trees, where feasible. Use of orange polyethylene safety fencing or a similar material is recommended. The barrier shall remain in place until the Certificate of Occupancy is issued.

(G) Passive forms of tree protection - such as continuous rope or flagging - may be utilized to mark tree save areas which are remote from areas of land disturbance, if approved by the Building Official. Signage designating such areas shall be put in place.

(H) No building materials, dirt, debris, oils, paints, or any other materials, equipment, or vehicles shall be placed or deposited within the protection area nor shall any trenching or paving be done within the protection area.

(I) No change in grade shall be permitted within the tree protection zone except for a two (2") inch cut or two (2") inch fill of topsoil, sod or mulch.

(J) Underground utility lines shall be routed around any away from tree protection zones. Necessary installation through protection zones shall be accomplished through tunneling rather than cutting open trenches (which sever tree roots).

(K) Where machinery must pass within a tree protection zone during construction, approval shall be required from the Building Official. To protect tree roots from excessive compaction during construction, special cushioning measures may be required by the Building Official such as a heavy layer of chip mulch or pine straw or a "bridge" of boards.

(L) Remedial site reclamation and tree care procedures (such as those mentioned in (D) above, may be required at the reasonable discretion of the Building Official when encroachment or construction activity within protective zones has caused damage to either a tree or tree growing site. Any such treatment shall be in accordance with accepted International Society of Arboriculture practices. Such treatment shall occur prior to the issuance of a Certificate of Occupancy. At the discretion of the Building Official the planting of additional trees may be required if trees are damaged or destroyed.

Section 5.2.7.8 Tree Protection During Construction

Those trees designated for preservation as shown on the approved landscape plan and/or development site plan shall be marked on site with a bright blue ribbon encircling the trunk and a minimum four (4') foot high barricade shall be erected around each tree or clusters of trees at a distance no less than the extent of the required tree protection zone from the base of the tree or preferably at the drip line the tree. No construction activity, other than finish grading in accordance with the provisions of Section 5.2.7.7, or any storage of construction materials or parking of vehicles during construction is allowed within the barricaded area.

Section 5.2.7.9 Master Plans

It is recognized that certain large tracts of land are master planned for residential development or planned unit developments and are developed in phases over many years. Large portions of these planned developments remains forest lands for many years and periodically require removal of certain trees in order to maintain a healthy forest and allow remaining trees to grow better.

For those residential lands of twenty (20) acres and larger, silviculture or selective thinning will be allowed subject to the following conditions:

(A) An approved preliminary plan or master plan on file with the Beaufort County Zoning and Development Administrator.

(B) An application for a development permit for selective harvesting must be filed and include a map or plat of the property indicating the area to be harvested together with silviculture plan prepared by a registered forester or horticulturist. The silviculture plan must contain proposed methods for protection of hardwoods from damage during the timber operation.

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(C) Only pine trees may be harvested and only to the extent that there remains in the harvest area the minimum site coverage standards of Section 5.2.7.5.

(D) Clear cuts are strictly prohibited.

Section 5.2.7.10 Special Conditions/Exemptions

(A) Golf Courses

For new golf course developments, and for additions to, or renovations of, existing golf courses, the following tree surveying and replacement standards will apply:

(1) Those areas in which golf course clubhouses, cart barns, snack bars, rest facilities, maintenance buildings, storage areas, and parking lots are to be located will adhere fully to all foregoing sections of this Ordinance.

(2) Active playing areas (including proposed fairways, adjoining mowed grass rough, and new water hazards) and outdoor practice/training areas (including driving range, practice putting greens, etc.) will be exempt from the tree survey requirements of Section 5.2.7.3, and will instead require survey, including species, size and location, of all hardwood trees with a trunk diameter of twenty-four (24") inches dbh or larger.

Such areas will also be exempt from the tree replacement requirements of Section 5.2.7.6, except as such apply to all hardwood trees of twenty-four (24") inches dbh or greater located within these areas.

(3) All other portions of the golf course property shall have trees with a trunk diameter of twelve (12") inches dbh or greater surveyed. Any trees of this size which are proposed to be removed will be replaced pursuant to Section 5.2.7.6 requirements, regardless of species.

(B) Commercial Sod Farms and Vegetable Farms

The active growing areas, plus a twenty (20') foot roadway circumscribing such areas, of proposed new sod and vegetable farms, or of areal expansions of such existing farming areas, shall be exempt from all requirements of this Ordinance."

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Adopted this 12th day of June, 1995.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: *Thomas C. Taylor*

Thomas C. Taylor
Chairman

ATTEST:

Elizabeth R. Proulx

Clerk to Council

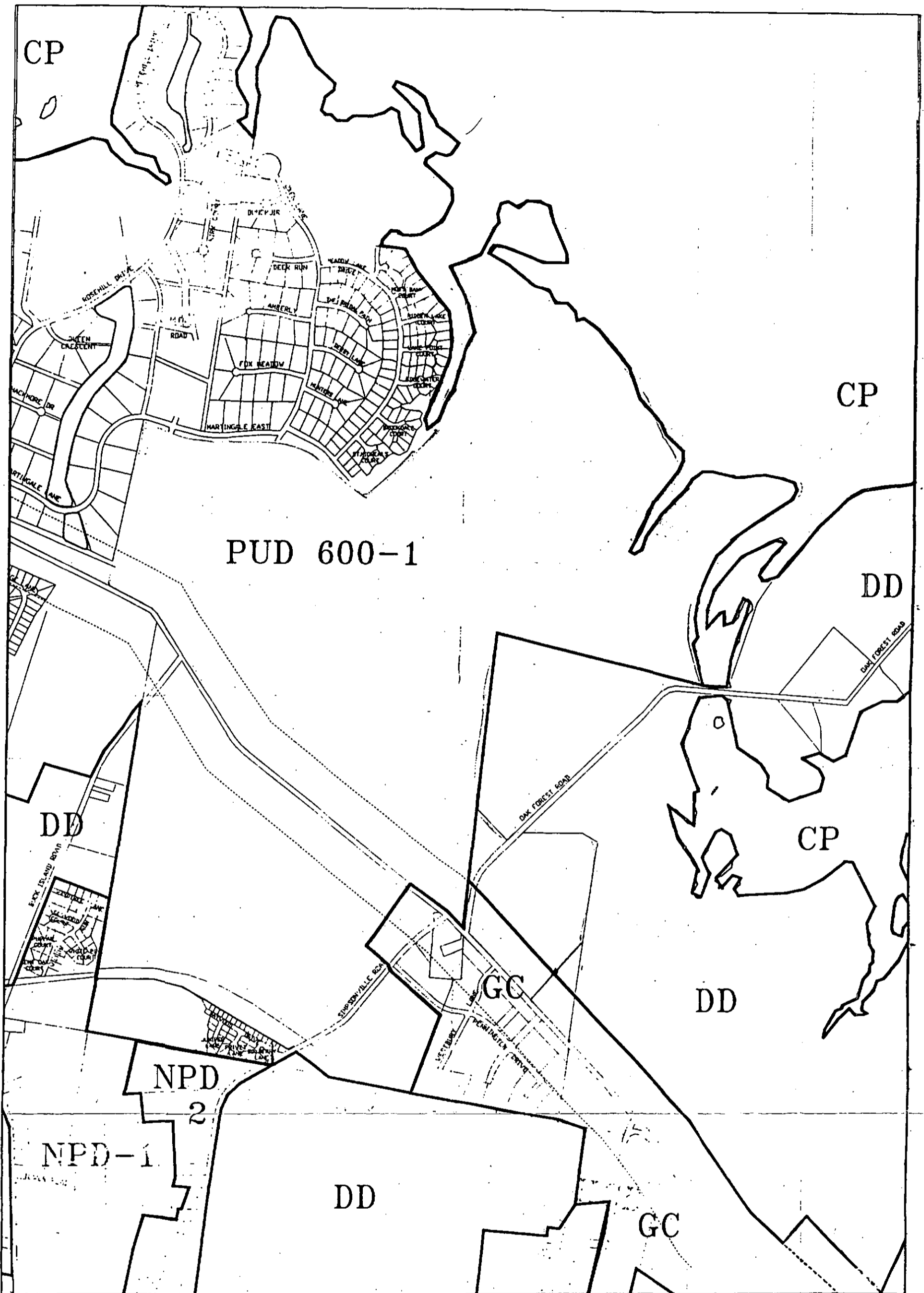
REVIEWED BY:

Ladson Howell

Ladson Howell, County Attorney

First Reading: April 24, 1995
Second Reading: May 8, 1995
Public Hearing: May 22, 1995
Third and Final Reading: June 12, 1995

Amending 90/3



PUD 600-1

-LEGEND-

- NPD - NEIGHBORHOOD PRESERVATION DISTRICT (*du, ac)
- RAI - RESIDENTIAL AGRICULTURE DISTRICT
- RDD - RURAL DEVELOPMENT DISTRICT
- GR - GENERAL RESIDENTIAL DISTRICT (*du, ac)
- GC - GENERAL COMMERCIAL DISTRICT
- NCU - NEIGHBORHOOD COMMERCIAL DISTRICT
- RCD - RESIDENTIAL COMMERCIAL DISTRICT
- HCU - HIGHWAY CORRIDOR (OVERLAY) DISTRICT
- PUD - PLANNED UNIT DEVELOPMENT
- DD - DEVELOPMENT DISTRICT
- ID - INDUSTRIAL DISTRICT
- CP - CONSERVATION PRESERVATION DISTRICT
- APZ - ACCIDENT POTENTIAL ZONE
- APN - AIRPORT NOISE ZONE

BOUNDARY LINE LEGEND

ZONING DISTRICTS	—————
AIRPORT APPROACHMENT	—————
CONICAL OUTER HORIZ. ZONE	—————
AIRPORT NOISE ZONE(75)	—————
AIRPORT NOISE ZONE(70)	—————
AIRPORT NOISE ZONE(65)	—————
ACCIDENT POTENTIAL ZONE	—————
HIGHWAY CORRIDOR DIST.	—————

ADOPTED: MARCH 16, 1990
 ORD 93/15 JUN 20, 1993

-OFFICIAL ZONING MAP-
 BEAUFORT COUNTY, SOUTH CAROLINA

ADOPTED: MARCH 16, 1990
 CHAIRMAN, BEAUFORT COUNTY COUNCIL
 ATTEST: COUNTY ADMINISTRATOR
 MAP NO. 600-11
 SCALE: 1" = 800'

EXHIBIT C

00156



J. K. TILLER ASSOCIATES, INC.

FAX COVER SHEET

Name:	Barry Connor Bob Klink	Job Name:	
Organization:	Beaufort County	Job Number:	
Fax:	837-9995 470-2686	Date:	July 8, 1999
From:	Jim Tiller	Pages:	3, including cover

Subject: _____

Notes: For your information.

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T:\Admin\Master Forms\Fax Cover Sheet.wpd

00158

JKT

J. K. TILLER ASSOCIATES, INC.

July 1, 1999

Mr. Thomas D. Wilson, Director
Beaufort County Planning Department
PO Drawer 1228
Beaufort, SC 29901

RE: Interpretation of April 26, 1999 ZDSO Regarding Ongoing Development Within County
Approved Planned Unit Developments

Dear Tom:

This letter is in response to our discussion earlier today regarding the current and ongoing interpretation of the Development Review Team with respect to ongoing development within PUDs.

Tom, you are very familiar with the review process necessary for obtaining PUD ordinance approvals. The approval process under the old DSO required meetings and approvals of the staff planners; submissions and approvals of the sub-committees of the Planning Board; submission and approvals of the Planning Board with public hearing; then to sub-committee of Council for approval; then to full Council for three readings with the last reading as a public hearing. Each of these steps includes input, discussion, revisions, re-writes, compromise, etc. by both the applicant and the County's staff, committees, boards and ultimately Council. Each PUD is reviewed in detail at each step of this process.

In my experience most PUDs relinquished significant densities from those densities available under by-right uses in order to obtain the flexibility approved in the PUD ordinances. These PUD planning documents were crafted by planners in order to provide some flexibility for adaptation of changing market segments which hopefully would produce successful developments. The PUD agreements were negotiated at each step of the process and ultimately many planning decisions, lots subdivided adjustments and ultimately lots were valued and sold to property owners under those understandings established in the master plan and development covenants which accompanied PUD approval. Most PUDs include property owners associations and detailed design guidelines that further foster the parameters established in the PUD agreement dealing with such things as setbacks, buffers, trees, landscaping standards, building standards, etc. All such standards were established and recorded with the County as part of the PUD approval process. The specific design and performance standards for the PUD should prevail over the ZDSO, as was the original intent of County Council.

LAND PLANNING

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Voice: 843.815.4800

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jktiller@hargray.com

LANDSCAPE ARCHITECTURE

BLUFFTON, SOUTH CAROLINA 29910

Fax: 843.815.4802

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Therefore, I feel that you should reconsider the exemption section of the ZDSO regarding PUD issues based on the commitments made during the approval process. The proper course of action, in my opinion, would be to review the PUD ordinances as the overriding ordinance that has undergone rigorous review by all the ruling boards and Council. Ample evidence is in place within the PUD documentation that provides for internal development covenants and design guidelines that are being managed under a property owner or developer /property governance. By providing an interpretation that would allow the PUD ordinance to prevail would likewise allow property owners within PUDs to continue to develop these sites within the guidelines and standards developed and approved within the PUD ordinance, while showing a good faith gesture that is equitable and just by re-establishing vested rights already existing within the PUD.

Your immediate consideration in this matter could alleviate further confusion and misunderstanding in this matter. Through your administrative interpretation a lengthy approval process back through the Planning Commission and County Council could be foregone. A change in the law is not required, only a change in the interpretation.

If you should like to discuss this further, I would appreciate the opportunity to talk with you at your convenience.

Sincerely,



James K. Tiller, ASLA
President



COUNTY COUNCIL OF BEAUFORT COUNTY

Beaufort County Development Division

Multi Government Center ♦ 100 Ribaut Road

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FAX: (843) 470-2686

Robert E. Klink, P.E.
County Engineer
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Arthur L. Cummings, C.B.O.
Building Codes Director
Ph. 470-2684

Dan Morgan
G.I.S. Coordinator
Ph. 470-2660

Thomas D. Wilson
Planning Director
Ph. 470-2724

Charles Gatch
Zoning & Development Administrator
Ph. 470-2781

April 21, 1998

Ladson F. Howell, County Attorney
PO Box 40
Beaufort, SC 29901

RE: Catholic Diocese Tract – Hwy. 278, Bluffton

Dear Lad:

In May of 1995 when Belfair Plantation filed for PUD rezoning, staff discovered that the boundary lines of the Rosehill PUD district had been incorrectly drafted on the original zoning maps adopted April of 1990. The intent in 1990 was to apply PUD zoning to all of the approved PUD masterplans on file at that time which included Rosehills.

Summer and I recall discussing this drafting error with you and we believe that you advised we should put something in the file to acknowledge the discovered error and that a correction was made and why. So far I have not been able to find whether we did that or not. The discovered error and correction made is however well documented in staff write-ups for the Belfair PUD, discussed in the Belfair PUD documents and discussed in Planning Board minutes.

The original approved Rosehill PUD masterplan included what is now a 10-acre tract on Hwy 278 owned by the Catholic Church Diocese. Rosehill subdivided out this tract and sold it to the church in 1986. Since this tract was part of the Rosehill PUD we would have included it in the Rosehill PUD zoning district had the maps been correctly drafted however, because the boundary lines were incorrectly drawn, the church property was included in a General Commercial zone and a portion in Development District. When the drafting error was corrected in 1995 the correction included the church property but we did not notify the church of this correction therefore they continued to believe they were zoned General Commercial and Development District.

I am now being told that in reliance on the zoning maps the church made a major decision to acquire another parcel to build their church on and to sell this commercial zoned parcel. They now have a sales contract but have discovered that we changed the zoning to PUD 600-1 under the correction action.

Since we did not notify the church of the drafting error correction in 1995, I feel we should reestablish the General Commercial and Development District zoning that was put on their property in 1990.

COUNTY COUNCIL OF BEAUFORT COUNTY

ADMINISTRATION BUILDING

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RANDOLPH L. WOOD, JR.

LADSON F. HOWELL
COUNTY ATTORNEY

August 4, 1995

Mr. John Cardomone
Belfair Plantation Limited Liability Company
P.O. Box 24143
Hilton Head Island, SC 29925

Dear John:

At its meeting Monday, July 24, 1995, it was the will of Beaufort County Council to approve your request for zoning change from County-wide zoning:

Tax Map 600, Maps 23 and 23B, Parcels 48, 16 and 4, located along U.S. Highway 278 from Planned Unit Development (under the Rose Hill Master Plan) to Planned Unit Development.

If Council or Staff may be of further assistance, please let us know.

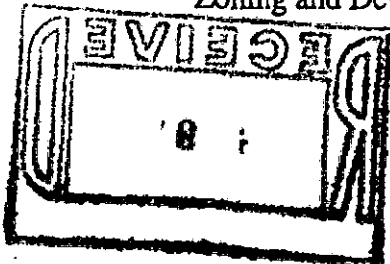
Sincerely,

Thomas C. Taylor
Chairman

TCT:smr

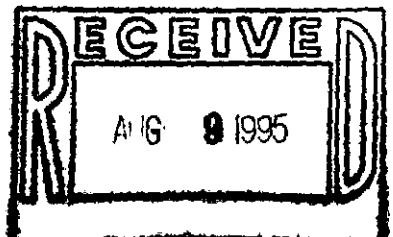
Attachment: Ordinance 95/28

cc: Planning Director
Zoning and Development Administrator



10100

00162




95/28

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, AMENDING THE EXISTING OFFICIAL LAND USE ZONING MAPS, DATED APRIL 9, 1990, WHICH ARE PART AND PARCEL OF THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (90/3).

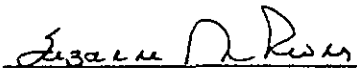
A. Official Land use Zoning Map 600-11

Tax Map 600, Maps 23 and 23B, Parcels 48, 16 and 4, located along U.S. Highway 278 from Planned Unit Development (under the Rose Hill Master Plan) to Planned Unit Development.

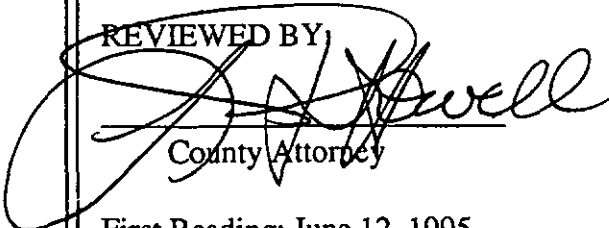
COUNTY COUNCIL OF BEAUFORT COUNTY

By: 
Thomas C. Taylor
Chairman

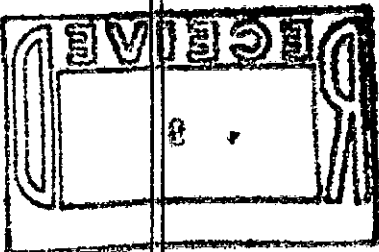
ATTEST:


Clerk to Council

REVIEWED BY:

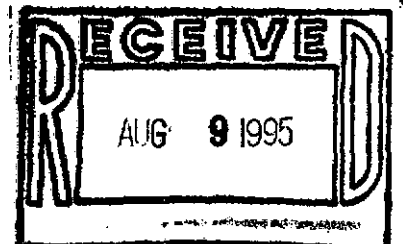

County Attorney

First Reading: June 12, 1995
Second Reading: June 26, 1995
Public Hearing: July 24, 1995
Third and Final Reading: July 24, 1995



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COUNTY COUNCIL OF BEAUFORT COUNTY
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August 4, 1995

Mr. John Cardomone
Belfair Plantation Limited Liability Company
P.O. Box 24143
Hilton Head Island, SC 29925

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If Council or Staff may be of further assistance, please let us know.

Sincerely,



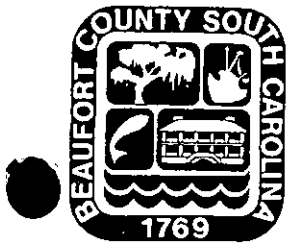
Thomas C. Taylor
Chairman

TCT:smr

Attachment: Ordinance 95/28

cc: Planning Director
Zoning and Development Administrator





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^{SLs}
COPY

00166

MEMO

To: Michael G. Bryant, County Administrator
From: Summer Rutherford, Director of Planning *SR*
Subject: Chapman Family Easement
Date: 23 January 1998

I have discussed the matter with Maurice, and he has informed me that the access point that currently exists is only temporary, as part of the Belfair golf course yet to be constructed would be bisected should that access road be maintained. As an alternative to the current access, which was altered from the Chapman's original access, Belfair is proposing to route the Chapmans in a circuitous fashion to a new access point which has neither been approved, nor permitted. Belfair is at this time, applying for a PUD ammendment to allow the new access point to U.S. Hwy 278. Should the proposed PUD ammendment be denied, Belfair proposes to route the Chapmans to an existing entrance on the Catholic Church property.

In addition, the Crescent Conditional Use PUD will also alter the Chapman's access to Oak Forest. Between the two PUDs, Belfair and Crescent, no consideration has been given to the existing landuse on Oak Forest, nor has any effort been made to provide safe and efficient access such as has been previously enjoyed by the Chapman Family for over one hundred years.

Hillary - please put this
in the Belfair PUD
project file re this issue.
Thanks!
Summer

Official Proceedings
County Council of Beaufort County
June 12, 1995

The electronic and print media were duly notified in accordance with the State Freedom of Information Act

The regularly scheduled meeting of County Council of Beaufort County was held at 4:00 p.m. Monday, June 12, 1995, in Council Chambers of the Administration Building, Beaufort, South Carolina.

ATTENDANCE

Chairman Thomas Taylor, Vice Chairman Elizabeth Grace and Council members Ron Atkinson, Herbert Glaze, Dorothy Gnann, Joseph Kline, Joel Martin, William McBride, Emmett McCracken, Victoria Mullen and Leonard Tinnan.

PLEDGE OF ALLEGIANCE

Mr. Taylor led those present in the Pledge of Allegiance to the Flag.

INVOCATION

Reverend Leon Meadows, Riverview Baptist Church, gave the Invocation.

REVIEW OF MINUTES OF THE REGULAR MEETING HELD MAY 22, 1995

There were no corrections and/or additions made to the minutes of the regular meeting held May 22, 1995.

It was moved by Mrs. Gnann, seconded by Mrs. Mullen, that Council approve the minutes of the regular meeting held May 22, 1995. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mr. Taylor and Mr. Tinnan. ABSTAINED - Mrs. Grace and Mrs. Mullen. The motion passed.

PUBLIC COMMENT

The Chairman recognized Mr. Jim Bequette, a Lady's Island resident, who stated the proposed impact fee and the host of new ordinances concerning development is going to have serious implications on the cost of low- and moderate-income housing in Beaufort County. If the market place fails to absorb housing at the higher costs which must be passed on to the home buyers, Beaufort County will experience a significant increase in unemployment from the home building

Official Proceedings - Beaufort County Council
 June 12, 1995
 Page 3

Mr. Wood announced that a Public Safety Committee meeting has been scheduled for Monday, June 19, 1995, during which time the T-hangar issue will be discussed. As a brief background, Mr. Wood explained that Requests for Proposal were mailed for aircraft maintenance hangars. Master Aviation, who is currently the County's fixed base operator at the Lady's Island Airport, was the only entity to respond. Council authorized the project. Master Aviation wants to hold off building its maintenance hangar with the idea that if they were the successful proposer, they could combine the projects. Master Aviation was the only proposer again. Staff did not like the terms of Master Aviation's proposal and initially rejected it. Master Aviation resubmitted its proposal to bring it in line with the maintenance hangar proposal with respect to term of the lease (that the County expected) as well as revenues to the County. Master Aviation's proposal looks more attractive now. Thus, the proposal will be presented to the Public Safety Committee with Staff's recommendations.

Closing of the Sands Boat Ramp - Town of Port Royal

It was moved by Mrs. Grace, seconded by Mr. Martin, that Council approve the closing of the Sands boat ramp Tuesday, July 4, 1995, from 6:00 p.m. until midnight. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. Mr. Kline temporarily left the room. The motion passed.

CONTRACT AWARD

Purchase of Three New Dump Trucks

Mr. Tom Mattox, Purchasing Director, explained that a total of 21 bidders received invitation for bids on three new dump trucks. On May 22, 1995, the County received the following bids that include credit for trade-in and add for the tax. The total from Roberts Truck Center, Inc. is \$154,453. The total from Ronnie Burns Ford is \$163,200. The total from O. C. Welch is \$172,359. Staff recommends the award of contract to the lowest bidder, Roberts Truck Center from Garden City, Georgia.

It was moved by Mr. McBride, seconded by Mr. Tinnan, that Council award a contract to the lowest bidder, Roberts Truck Center, Inc. in the amount of \$154,453 for the purchase of three new dump trucks. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. Mr. Kline temporarily left the room. The motion passed.

AMENDMENT TO SPENDING LIMITATION ORDINANCE

It was moved by Mr. Atkinson, as Finance Committee Chairman (no second required), that Council approve on second reading an amendment to the Spending Limitation Ordinance that would provide that in the event the County's fund balance exceeds ten (10%) percent of the County's projected total

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June 12, 1995
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on the County Administrator's part) is to invite litigation and injunction in a time of emergency. The proposed Spending Limitation Ordinance amendment is a much "cleaner and clearer" way to provide for the needs of the citizens of this County. Beaufort County is the fastest growing County in the State.

Mr. Martin will oppose the proposed Spending Limitation Ordinance amendment. He feels Council is losing the faith of the citizens it represents. Council passed an ordinance. The citizens have faith in Council. Council has been able to hold that faith for the past four years

The Chairman urged Council to support the motion. Council would be negligent if it did not recognize the world has changed dramatically since adoption of the Spending Limitation Ordinance. Council has the confidence of the people in its ability to operate government in a more efficient and in a better manner than in the past. Council is not seeking to take advantage of the opportunity to spend more money nor is Council seeking to change the Spending Limitation Ordinance for purposes of opening the door again for freewheeling-type spending. Council is trying to react to the community's needs.

The vote was: FOR - Mr. Glaze, Mrs. Gnann, Mr. Kline, Mr. McBride, Mr. McCracken, Mr. Taylor and Mr. Tinnan. OPPOSED - Mr. Atkinson, Mrs. Grace, Mr. Martin and Mrs. Mullen. The motion passed.

The Chairman announced a public hearing Monday, June 26, 1995, at 6:00 p.m. in Council Chambers of the Administration Building.

PROPOSED FY 1995-1996 BUDGET

It was moved by Mr. Atkinson, as Finance Committee Chairman (no second required), that Council approve on second reading the proposed FY 1995-1996 budget which includes budgets for Beaufort County government, Beaufort County School District, Burton Fire District, Lady's Island/St. Helena Island Fire Districts, Daufuskie Island Fire District, Bluffton Fire District, Sheldon Fire District, Indigent Care and Continuing Education.

Mr. McCracken asked if the County's \$270,000 loan to the Lowcountry Regional Transportation Authority (hereinafter "LRTA") is for operational use or capital expenditures? The County Administrator noted the loan is a combination of operations and capital. A portion is for repayment of fencing and fuel as well as paving. As of last week, LRTA has provided the County with a repayment schedule.

For clarification Mrs. Mullen asked if the items to be covered under the proposed Spending Limitation Ordinance amendment are built into the proposed FY 1995-96 budget or listed as separate items.

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Mr. Taylor stated that PUD's approved by Council, either before or after 1990, are contractual agreements as approved and the County must live with the agreement made at the time. Nothing Council can do today, by virtue of a policy statement, is going to bury what obligations or restrictions a PUD already has. Hence forth, it is important the Planning Department carefully review future PUD applications.

The County Attorney stated the reason for adoption of the resolution is to give developers and the public a better handle on the County's intent in dealing with the important issues, such as river protection overlay, drainage, etc. The resolution still does not relieve the County of its responsibility to approve, on a case-by-case basis, each individual plan that is submitted to ensure that those items are not omitted. If the County approves these items and the items are included as a matter of course for a particular project, then the items are grandfathered.

It was moved by Mr. Kline, seconded by Mrs. Mullen, that Council approve a resolution as it relates to a policy statement pertaining to Planned Unit Developments which is attached hereto and made a part hereof. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

TEXT CHANGE TO ZONING AND DEVELOPMENT STANDARDS ORDINANCE Tree Protection Standards Ordinance

It was moved by Mrs. Mullen, as Planning and Development Standards Ordinance (no second required), that Council approve on third and final reading a text change to the Zoning and Development Standards Ordinance as it relates to Tree Protection Standards.

Motion to amend: It was moved by Mr. Tinnan, seconded by Mr. McCracken, that Council add a Section 5.2.7.11, Special Conditions/Exemptions, that would require a tree survey on golf courses and replacement standards of all hardwood trees with a trunk diameter of 24" d.b.h. or larger (This deletes the last paragraph of Section 5.2.7.3). The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

Vote on the main motion which includes the amendment: That Council approve on third and final reading a text change to the Zoning and Development Standards Ordinance as it relates to Tree Protection Standards with the addition of Section 5.2.7.11, Special Conditions/Exemptions, that would require a tree survey on golf courses and replacement standards of all hardwood trees with a trunk diameter of 24" d.b.h. or larger (This deletes the last paragraph of Section 5.2.7.3). The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

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is totally inappropriate. It is not the intent of environmental protection to maintain a visual buffer? Additionally, Mr Tinnan objects to the language added to Section 4.24(A)(1)(b), "existing agricultural activities are exempt from the buffer zone requirement of this section for one year". This language is talking about existing farm activities. According to the language, there is no grandfather protection and the owner must move his/her farm back 50' from the waterfront. This is totally inappropriate.

Motion to amend: It was moved by Mr. Tinnan, seconded by Mrs. Grace, that Council delete "for one year" from Section 4.23(A)(1)(b).

Mr. McCracken feels it may serve Council well to let the ordinance proceed on second reading and to let Staff rework those areas of concern discussed this date by Council.

As maker of the motion, Mr. Tinnan, with the seconder, Mrs. Grace, agreeing, withdrew the amended motion.

The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

ADOPTION OF COUNCIL'S RULES AND PROCEDURES

It was moved by Mr. McBride, seconded by Mrs. Grace, that Council adopt its Rules and Procedures as submitted. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

PUBLIC HEARINGS

Amendment to 208 Management Plan.

Sale of Shell Point Wastewater Treatment Plant from the B/J Water and Sewer Authority to the City of Beaufort

The Chairman opened a public hearing at 6:05 p.m. for the purpose of receiving information from the public as it relates to an amendment to the 208 Management Plan, i.e., the sale of Shell Point Wastewater Treatment Plant from the B/J Water and Sewer Authority (hereinafter "B/JWSA") to the City of Beaufort (hereinafter "City"). After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:06 p.m.

Mr. Tinnan stated that Mr. Atkinson and other Council members expressed concerns that the proposed transfer of the wastewater treatment plant to the City from B/JWSA would not be used as a lever for future annexation of territory into the City and would not impose any adverse rates on customers newly acquired by the City. With regard to these concerns, Council requested the City

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June 12, 1995
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The Chairman opened a public hearing at 6:17 p.m. for the purpose of receiving information from the public as it relates to the proposed S. C. Highway 170 Corridor Overlay District. After calling once for public comment, the Chairman recognized Ms. Alice Gray Gregory, President of the B/J Homebuilders Association (hereinafter "Association") and owner of a small construction company. She commended Council for its hard work and long hours spent guiding the County through these challenging times. The Association's biggest concern is the punitive cost and affect of the proposed ordinances. Large developers have teams of people and money to weave their way through government. However, it is the small developer who will be hurt by the proposed regulations. The Association is also concerned that the proposed ordinances have become cumbersome and seem to regulate every possible contingency that might arise in the use and development of land.

Mr. David Gasque, a member of the B/J Homebuilders Association, noted the proposed ordinance does not specify a time frame for rendering a decision on a project. He questioned the term "new" highway right-of-way". Is "new" from existing highway right-of-way? Is "new" from a proposed right-of-way? The buffer should be measured from the existing highway right-of-way at the time of permitting.

Mr. Tim Rentz, President of Coastal Contractors, stated those affected the greatest by the proposed new regulations will be the small business owner and family. He supports orderly growth, restrictions on tree removal, aesthetics, etc. He expressed concern with: (a) requiring 1,500' between curbcuts, (b) requiring a 25' setback for manufactured homes and a 50' setback for a single-family home, (c) requiring a minimum lot width of 150', (d) the cost of landscaping, and (e) the creation of an architectural review board.

Mr. Merritt Patterson, President of Patterson Construction and member of the B/J Homebuilders Association and Planning Council, would like to see S.C. Highway 170 address the same requirements for both inside and outside the right-of-way. If Council adopts the ordinance, he would like to see the requirements specified in the ordinance applied across the board, i.e., School Board, Highway Department, County, etc.

Mr. W. R. (Skeet) Von Harten, Executive Vice President of and speaking on behalf of the B/J Homebuilders Association, noted the proposed ordinance tells people what to do with their money, it is excessive regulation, and it takes away imagination and individuality.

After calling twice more for public comment and receiving none, the Chairman declared the hearing closed at 6:55 p.m.

Impact Fee Ordinance

The Chairman opened a public hearing at 6:56 p.m. for the purpose of receiving information from the public as it relates to the proposed Impact Fee Ordinance. After calling once for public comment,

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Mr. J. Bennett McNeal, a Lady's Island resident, did not wish to speak.

Mr. Vince Graham, a Lady's Island resident, commended Mrs. Mullen and Mr. Martin for opposing the adoption of an Impact Fee Ordinance. To enact impact fees now, in the absence of any type vision or goals, is putting the cart before the horse. Impact fees could be an important tool but Council will alienate a lot of people in the process, with its "sky is falling" regulatory mentality. He requested Council refrain from voting on impact fees until the citizens and Council has had an opportunity to review and understand the legislation.

After calling twice more for public comment and receiving none, the Chairman declared the hearing closed at 7:18 p.m.

The Chairman announced a second public hearing on the proposed Impact Fee Ordinance Monday, June 26, 1995, at 6:00 p.m. in Council Chambers.

The Chairman stated that Council has a vision, i.e., the lifestyle of the people who presently reside in Beaufort County is worth saving and making sacrifices to protect. The natural resources are the most important single economic and liveable draw to the people who live in this County. The fact that Beaufort County has come this far in the past six months shows much about its citizens. The issues under discussion could have divided the community very easily.

S.C. Highway 170 Corridor Overlay District

It was moved by Mrs. Mullen, as Planning and Development Standards (no second required), that Council approve on third and final reading the creation of a S. C. Highway 170 Corridor Overlay District.

It was moved by Mr. Atkinson, seconded by Mrs. Grace, that Council table third and final reading until its June 26, 1995, meeting. The vote was: FOR - Mr. Atkinson, Mrs. Grace, Mr. Kline, Mr. Martin, Mrs. Mullen and Mr. Taylor. OPPOSED - Mr. Glaze, Mrs. Gnann, Mr. McBride, Mr. McCracken and Mr. Tinnan. The motion passed.

Impact Fee Ordinances

It was moved by Mrs. Mullen, seconded by Mr. Tinnan, that Council approve on second reading the establishment of Impact Fee Ordinances.

Mrs. Mullen will vote against the Impact Fee Ordinances. There were many questions at the committee level as to drainage implementation. It was Mrs. Mullen's understanding impact fees would apply only to new residents. All platted lots are not new lots. She would like Staff to compare the impact fee numbers with those figures provided by the consultant for the Del Webb development.

Official Proceedings - Beaufort County Council

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Motion to amend #2: It was moved by Mr. Tinnan, seconded by Mr. Glaze, that Council hold revenues generated under the terms of the impact fees for 90 to 120 days and until such time as the special workforce has interacted with the various segments of the community. Also, that it is Council's policy that should there be any downward adjustments, refunds of any difference would be due to all who paid impact fees in that 90- to 120-day period. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. OPPOSED - Mr. Martin. The motion passed.

Motion to amend #3: It was moved by Mr. Tinnan, seconded by Mrs. Gnann, that Council approve the School Impact Fee Ordinance subject to it being effective only if and when all four municipalities within Beaufort County sign on to the program through an intergovernmental agreement.

It appears to Mr. Taylor that Council is putting itself in the position of having the municipalities become the "stop" to Countywide impact fees for schools. He asked if Council has the authority to levy a Countywide impact fee that is collectable within the municipalities without their acquiescence?

The County Administrator explained Council probably has this authority in the area of school impact fees. If the school impact fee is contingent upon approval of the four municipalities, Council will have great difficulty with regard to the ordinance.

Mr. Marty Leitner, impact fee consultant, explained the agreement with the four municipalities is needed to make the fee operational in terms of schools. There is a problem if Council tries to impose an impact fee in most of the areas of the County but not in all areas of the County. Schools are county-wide. Approval of the school impact fees by the four municipalities is critical.

The Chairman stated that County Council levies County taxes on a County-wide basis for the School District. Council does not need nor seek the input of the municipalities to carry out this responsibility. Mr. Taylor is not willing to let the Town of Port Royal have veto power over whether or not Council is going to pass impact fees in Beaufort County for school improvement. Is it necessary to have an intergovernmental agreement with the municipalities in this County in order for Council to levy an impact fee for school district improvements?

The County Attorney knows of no cases in South Carolina directed at this specific point. State law provides for collection of ad valorem taxes. State law also provides that this particular aspect of government rests with the legislature. Mr. Howell questions (not having seen any precedence and not having seen the legislature grant County government the authority) whether or not the County can levy impact fees for school district improvements without the consent of the four municipalities.

It was moved by Mr. Glaze, seconded by Mr. McBride, that Council table the motion to amend #3 until the County Attorney has had an opportunity to research the issue of whether or not Council can levy impact fees for school district improvements without the consent of the four municipalities. The

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Mr. Leitner noted a portion of the bond issue allocated for new growth is \$90 million. This is designed to accommodate 16,500 dwelling units. If there are actually 16,500 built over the next five to six years, and at an approximate \$1,000 per dwelling unit for impact fees, generates \$16,500,000. This is the portion of the \$90 million that would be generated by the impact fee or approximately 18% to 20%.

Since the Planning and Development Committee meeting, Mrs. Mullen noted the impact fees ordinances have now been amended to address exemption of single-family plotted lots of records from impact fees. With the addition of this language to the impact fee ordinances, Mrs. Mullen will now support adoption.

As maker of the motion, Mr. Atkinson, with the seconder, Mrs. Grace, agreeing, withdrew the motion.

Motion to amend #5: It was moved by Mr. Tinnan, seconded by Mrs. Mullen that unless Messrs. Ladson Howell and Marty Leitner can deliver a written legal opinion that the County may mandate the School Impact Fee on the municipalities, Council withhold third and final reading of the School Impact Fee Ordinance only until an intergovernmental agreement is finalized with all four of the County's municipalities. The vote was: FOR - Mr. Atkinson, Mrs. Gnann, Mrs. Grace, Mr. Martin, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. OPPOSED - Mr. Glaze, Mr. Kline and Mr. McBride. The motion passed.

Vote on the main motion that includes the amended motions #1, #2, and #5: That Council approve on second reading the Impact Fee Ordinances and that Council activate, effective July 1, 1995, a special workforce to interact with all segments of the community with this issue to resolve the correct impact fee structures and regulations within 90 to 120 days, effective July 1, 1995; that Council hold revenues generated under the terms of the impact fees for 90 to 120 days and until such time as the special workforce has interacted with the various segments of the community (it is Council's policy that should there be any downward adjustments, refunds of any difference would be due to all who paid impact fees in that 90- to 120-day period). Also, that unless Messrs. Ladson Howell and Marty Leitner can deliver a written legal opinion that the County may mandate the School Impact Fee on the municipalities, Council withhold third and final reading of the School Impact Fee Ordinance only until an intergovernmental agreement is finalized with all four of the County's municipalities. The vote was: FOR - Mr. Atkinson, Mrs. Gnann, Mrs. Grace, Mr. Martin, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. OPPOSED - Mr. Glaze, Mr. Kline and Mr. McBride. The motion passed.

MOTION TO EXTEND

It was moved by Mr. McCracken, seconded by Mr. Kline, that Council extend beyond 8:00 p.m. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr.

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County. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

Planning and Development Standards Committee

S.C. Highway 170 Corridor Review Board

The following names were placed in nomination for consideration to serve on the S.C. Highway 170 Corridor Review Board: David Barwise, Ann DeBrosse, Jane Frederick, Bill Flowers, Charles Heins, Joe Jenkins, Dick Jennings, Thomas Mike, Bruce Patterson, Merritt Patterson, Adams Pinckney, and Clay Pinckney.

Referencing Section 7.12.1, Membership, Mr. McCracken explained the 170 Corridor Review Overlay District boundaries now include north of the Broad River to the City of Beaufort limits. He hopes Council recognizes that 25 miles are located in District 4 while 1 mile is located in Districts 8 and 9. With this in mind, the following language amendment was suggested: "The Corridor Review Board shall be appointed by County Council and shall be composed of seven voting members who are residents of Beaufort County. This will include four design professionals who live or have principle offices within the County, namely, in the landscape architecture, architecture, and civil engineering professions and three persons who reside full time in District 4".

U.S. Highway 278 Corridor Review Board

* John Pinckney

The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mr. Kline, Mr. Martin, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. Mr. Pinckney garnered the six votes required for appointment. This is a partial term expiring February 1996 and replacing Mr. Bill Barker

* David Barwise

The vote was: FOR - Mrs. Gnann, Mrs. Grace and Mr. McBride. Mr. Barwise failed to garner the six votes required for appointment.

Text Change to Zoning and Development Standards Ordinance Development District - Section 4.3.2(A)

As Planning and Development Standards Committee Chairman, Mrs. Mullen explained the Committee discussed and agreed to forward to the Planning Board and Staff consideration of a text change to Zoning and Development Standards Ordinance that would reduce the number of dwelling units from

RESOLUTION

POLICY FOR PLANNED UNIT DEVELOPMENTS

Planned Unit Developments are considered essentially as "contracts" or agreements between Beaufort County and a developer.

Planned Unit Developments will normally have specific provisions or technical standards in the contract that would be locked in (i.e., are irrevocable by the County) for the life of the Planned Unit Development, such as the following:

- a. Use (e.g., residential, commercial, or mixed)
- b. Building setbacks and buffers
- c. Road standards and curb radii
- d. Building heights
- e. Building density
- f. Lot sizes and dimensions

Planned Unit Development agreements will normally require that future phases of development shall adhere to the latest version, then current as of the date of building permit applications, of the following:

- a. Tree and Landscaping Standards
- b. Drainage Standards
- c. Environmental Quality Standards
- d. Fee adjustments (e.g., Building Permits and Inspection, etc.)
- e. Impact fees (unless otherwise provided for in a separate, formal Development Agreement)

Previously approved Planned Unit Developments at the time of the adoption of this Ordinance will be exempt from all archaeological, traffic or environmental impact assessment requirements.

Approved this 12th day of June, 1995.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: 

Thomas C. Taylor
Chairman

ATTEST:


Clerk to Council

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The electronic and print media were duly notified in accordance with the State Freedom of Information Act

The regular scheduled meeting of County Council of Beaufort County was held at 4:00 p.m., Monday, June 26, 1995, in Council Chambers of the Administration Building, Beaufort, South Carolina.

ATTENDANCE

Chairman Thomas Taylor, Vice Chairman Elizabeth Grace and Council members' Ron Atkinson, Dorothy Gnann, Joel Martin, William McBride, Emmett McCracken, Victoria Mullen and Leonard Tinnan. Herbert Glaze and Joseph Kline arrived at 4:30 p.m.

PLEDGE OF ALLEGIANCE

Mr. Taylor led those present in the Pledge of Allegiance to the Flag.

INVOCATION

Rabbi David Kraus, Synagogue Beth Israel, gave the Invocation.

REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD JUNE 12, 1995

The following corrections and/or additions were made to the proceedings of the regular meeting held June 12, 1995:

Page 3, line 9, add "... in"; page 13, line 14, change "live" to "liveable"; page 5, line 26, change "\$275,000" to "\$270,000"; and page 19, line 8, change "Joe Jenkins" to "Dick Jennings."

It was moved by Mr. Tinnan, seconded by Mrs. Gnann, that Council approve the proceedings of the regular meeting held June 12, 1995. The vote was: FOR - Mr. Atkinson, Mrs. Gnann, Mrs. Grace, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. ABSENT - Mr. Glaze and Mr. Kline. The motion passed.

REVIEW OF PROCEEDINGS OF THE PUBLIC HEARING HELD JUNE 14, 1995

There were no corrections and/or additions made to the proceedings of the public hearing held June 14, 1995.

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had suggested the buffer in the S.C. Highway 170 Corridor Overlay District be increased to 50' and that the aesthetic oversight of projects behind that buffer be eliminated. These suggestions were discarded by Council without serious consideration.

Mrs. Sylvia Wampler, a Daufuskie Island resident, opposes the consolidation of the Daufuskie Island Fire District with the private plantations and the accompanying millage increase.

Mr. John Wampler, a Daufuskie Island resident, stated that none of the trucks or equipment of the Daufuskie Island Fire District should be housed behind the locked gates at Haig Point.

Mr. Jack Alderman, speaking on behalf of Union Camp, appreciates the time and effort that have been put into the growth management issues over the past six months. There are many clear benefits to much of the work that is being done. Certainly the significant trees, the ORW rivers, and the many highways in the County will be a little better protected. However, concerns have been expressed about the cumulative effect of all the proposed ordinances. Since there was insufficient time for the County to conduct an impact analysis, Union Camp has made an attempt to simplistically undertake such a study for a piece of land. Without a traffic ordinance and down zoning, on a typical 100-acre residential subdivision with an estimated 170 lots located in the Bluffton area, the total of the new ordinances and the existing Beaufort/Jasper Water and Sewer Authority impact fees would be about \$1,100,000 or \$6,600 per home. This is a concern. Another concern is the additional acreage required by the ordinance, i.e., an additional 20 acres to accommodate the same 170 lots.

Mr. W. R. (Skeet) Von Harten, representing the Beaufort/Jasper Homebuilders Association (hereinafter "Association") commended Council for its efforts, diligence, and contributions to Beaufort County. However, on some of the proposed ordinances the Association disagrees, i.e., the S.C. Highway 170 Corridor Overlay District (hereinafter "Ordinance"). The Association believes Article IV of the Zoning and Development Standards Ordinance provides appropriate highway overlay district regulations not only for S.C. Highway 170 but for the other major highways. The delineation of S.C. Highway 170 right-of-way is not now known. Therefore, it would make it impossible/difficult for developers to comply with the ordinance as written. The Association opposes excessive government regulation and sees this Ordinance as an example of that.

Mr. Pete Spragins, representing Focus on Beaufort County, recommended Council defeat the proposal to amend the Spending Limitation Ordinance imposed in 1991. He requested Council consider four pertinent factors: (1) The County can live within the allowed 5.6% increase in the budget, (2) The world is cutting back on government spending and bureaucracy, (3) Council is quibbling, and (4) Council will be betraying its voters' trust.

Mrs. Susan Dulany, a Bluffton area resident, stated it is too bad government has to pass ordinances but unfortunately, people do not do what they're suppose to. She encouraged Council to adopt the proposed ordinances.

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COUNTY ADMINISTRATOR'S REPORT

Police Retirement Fund - Application for Full-time Firefighters

The County Administrator reported effective July 1, 1995, the Hilton Head Island Airport will employ full-time firefighters. In order for the firefighters to be enrolled in the Police Retirement System, the County must have an active account for firefighters already established.

It was moved by Mr. Tinnan, seconded by Mr. Martin, that Council approve the establishment of a firefighter active retirement account under the Police Retirement Fund. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. Taylor, Mr. McCracken, Mrs. Mullen and Mr. Tinnan. The motion passed.

Department of Juvenile Justice - Housing of Juveniles

The County Administrator explained the Omnibus Crime bill was passed in January 1995 whereby the municipalities will now be responsible for the transport and expenses for incarceration of their juveniles in Columbia.

It was moved by Mr. McCracken, seconded by Mrs. Mullen, that Council approve the housing of juveniles at \$110 per day. This is the same rate as in FY 1994-95. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. Taylor, Mr. McCracken, Mrs. Mullen and Mr. Tinnan. The motion passed.

CONTRACT AWARD

Just-in-Time Delivery of Office Supplies

Mr. Tom Mattox, Purchasing Director, reported a total of seven vendors received bid invitations for Just-in-Time Delivery of office supplies. On June 15, 1995, three companies responded as follows: (1) Corporate Express, whose base bid includes 93 high-turnover basic stock items, was \$1,403, (2) Forms & Supply, Inc. bid on these same items was \$1,594, and (3) Gail & Vaughn Office bid on these same items was \$1,799. Staff recommends the award of the contract to the lowest bidder, Corporate Express, for one year with an option to renew the contract for two additional years.

Mr. Tinnan noted Council is dealing with an expenditure that has a \$70,000 projected annual budget and yet the recommended award is based on a purchase of one each of 93 basic stock items for a total bid ranging from \$1,400 up. He is concerned that the criterion is improper when looking at the annual purchase. The County might purchase one of the 93 items, 14 of another, 36 of another, and depending how the purchases are multiplied for the different bids, could result in a different contractor offering a better price than on the one times 93 items.

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After calling twice more for public comment and receiving none, the Chairman declared the hearing closed at 6:08 p.m.

Amendment to Spending Limitation Ordinance

The Chairman opened a public hearing at 6:09 p.m. for the purpose of receiving information from the public as it relates to an amendment to the Spending Limitation Ordinance. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:10 p.m.

(Reference Public Comment page 3 for comments.)

Text Change to Zoning and Development Standards Ordinance River Protection Overlay District

The Chairman opened a public hearing at 6:11 p.m. for the purpose of receiving information from the public on a proposed text change to the Zoning and Development Standards Ordinance as it relates to the creation of the River Protection Overlay District (hereinafter "Ordinance"). After calling once for public comment, the Chairman recognized Mr. John Vann, a Planning Board member and a Bluffton area resident, who stated the proposed Ordinance is a workable document. He urged Council to adopt the Ordinance.

Mr. Jim Lawton, a Bluffton area resident, commended Council's efforts to safeguard the County's pristine rivers. It is incumbent to protect the resources as a legacy for the children. The County needs to approve the Ordinance. But more important, the Ordinance needs the teeth to sustain it through all types of attack.

Mr. W. R. (Skeet) Von Harten, speaking on behalf of the Beaufort/Jasper Homebuilders Association (hereinafter "Association"), does not support the proposed Ordinance in its present form. The Association believes Article V of the Zoning and Development Standards Ordinance provides adequate and appropriate protection for the water quality of those rivers. The outstanding resource waters are valuable to us all and should be maintained. Article V also provides for appropriate setbacks, for the critical line, and for the control of stormwater runoff. The Association wants to work with Council. The Association does not want to impose its will upon Council. The Association desires and requests that its knowledge, resources, and assets be put to work by Council to help in the refinement and a tweaking of the Ordinance to get it to a place where not only will the County's rivers, scenic highways, environment and archeological history can all be preserved, but the same generations who want to enjoy some of the same assets residents now enjoy will also be able to enjoy a lifestyle, a profession, and a way of life to support their families in an adequate, economic fashion.

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calculations, based on the School Board's bond package and using their numbers, the new capacity costs are only \$47.5 million and the catch up cost is \$74.2 million. If the impact fee ordinances are implemented, new people will pay on bond indebtedness \$60 million of the old outstanding bonds before the new issue and \$74.2 million in catch up. The School District has approximately 80 modular units that have to be replaced with new construction for the existing students. He encouraged Council to reject the School Facilities Impact Ordinance since new development will pay its own way in debt retirement.

Mr. W. R. (Skeet) Von Harten, speaking on behalf of the Beaufort/Jasper Homebuilders Association (hereinafter "Association"), supports the Impact Fee Ordinances. However, there are items the Association would like included in the ordinances and will present these items during the impact fee workshops.

Mr. John Vann, a member of the Planning Board, stated that it seems the County is trying to put more of a burden on the new developer than needed and maybe more than is his fair share. He supports the creation of an S. C. Highway 170 Corridor Overlay District and the proposed River Protection Overlay District. However, he questioned whether or not the proposed impact fees are fair and equitable.

After calling twice more for public comment and receiving none, the Chairman declared the hearing closed at 6:48 p.m.

Text Change to Zoning and Development Standards Ordinance
Archeological Survey Requirements

The Chairman opened a public hearing at 6:50 p.m. for the purpose of receiving information from the public as it relates to a text change to the Zoning and Development Standards Ordinance dealing with archeological survey requirements. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:51 p.m.

Text Change to Zoning and Development Standards Ordinance
Environmental and Traffic Assessment Ordinance

The Chairman opened a public hearing at 6:52 p.m. for the purpose of receiving information from the public as it relates to a text change to the Zoning and Development Standards Ordinance dealing with the establishment of an environmental and traffic assessment ordinance. After calling once for public comment, the Chairman recognized Mr. Jack Alderman speaking on behalf of Union Camp. Union Camp believes that of all the ordinances proposed this date, the Traffic Assessment Ordinance is one document that needs to put on the shelf for some period of time. The proposed ordinance fails on several counts: (1) It was introduced very late in the ordinance process, (2) The ordinance deserves and has not received due consideration, (3) Union Camp does not understand the language, (4) The

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REQUEST FOR ZONING CHANGE

Belfair

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve the following modifications to the Belfair PUD text: (1) multi-family development shall be limited to 16-units per acre, (2) access shall be provided from the Planned Unit Development (residential area) to reach the Neighborhood Commercial area without the need to utilize U.S. Highway 278, (3) the Planned Unit Development shall abide by the recently adopted Policy Statement of Beaufort County Council, as a preexisting Planned Unit Development, which policy provides, among other things: (a) that preexisting Planned Unit Developments shall be subject to all provisions of the newly enacted Tree Ordinance, (b) preexisting Planned Unit Developments shall be exempt from the River Corridor Overlay District, and © preexisting Planned Unit Developments shall be subject to all provisions of the U.S. Highway 278 Corridor Overlay District. The vote was: FOR - Mr. Atkinson Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. OPPOSED - Mr. Martin. The motion passed.

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve on second reading a request for zoning change in Bluffton, Tax District 600, Maps 23 and 23B, Parcels 48, 16 and 4, located along US Highway 278 from Planned Unit Development (under the Rose Hill Master Plan) to Planned Unit Development. The vote was: FOR - Mr. Atkinson Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. OPPOSED - Mr. Martin. The motion passed.

The Chairman announced a public hearing Monday, July 24, 1995, at 6:00 p.m. in Council Chambers of the Administration Building.

HILTON HEAD PUBLIC SERVICE DISTRICT NO. 1

Expansion of Service Area

It was moved by Mr. Tinnan seconded by Mrs. Mullen, that Council approve on first reading, by title only, an ordinance to expand the service area of Hilton Head Public Service District No. 1 to include the service areas of Hilton Head Island Rural Community Water District, Coastal Utilities, Inc., and Hilton Head Utilities, Inc.

Mr. Tinnan circulated copies of correspondence dated June 23, 1995, from the Hilton Head Island Rural Water District to its customers. The letter, signed by the four commissioners, supports the annexation for three main reasons: (1) The water rates will be lower to the Rural Water District customers, (2) The cost for an alternate water supply will be less to the Rural Water District customers, and (3) Sewer service will be available that cannot be provided by the Rural Water District. With regard to Mr. Tom Barnwell's comments, made during the public hearing earlier in

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in FY 1997). The State has not provided any funds for this reassessment. By January 1, 1997, the State has mandated that the County reduce 30% of the waste going into the landfill. He noted that last year when Council realized that the fire district could no longer keep up with the growth in their particular districts, the Spending Limitation Ordinance was amended. There was no objection to the amendment from Focus on Beaufort County. Focus has not addressed the issue of how much the School District spends. Focuses' continued focus has been on County government. Yet, County government represents only 30% of the tax notice.

Motion to amend: It was moved by Mrs. Grace, seconded by Mrs. Mullen, that Council add a sunset provision to the Spending Limitation Ordinance that makes the amendment good for only one year.

Mr. Tinnan asked if the amended motion represents some sort of conflict between Section 3, which declares a one-year emergency versus Section 4, which represents a one-year relief? The County Attorney does not believe the motion will conflict with the emergency provisions. For clarification the amended motion provides for Council to vote and approve a one-year non-emergency situation:

Mrs. Mullen supports the amended motion, which includes a sunset provision, so the public knows up-front when Council plans to amend the Spending Limitation Ordinance

Vote on the amended motion: FOR - Mr. Atkinson, Mrs. Grace, Mr. Martin, Mr. McCracken, Mrs. Mullen and Mr. Tinnan. OPPOSED - Mr. Glaze, Mr. Kline, Mr. McBride, and Mr. Taylor. The motion passed.

Vote on the main motion which includes the amendment: The vote was: FOR - Mr. McCracken, Mr. Taylor and Mr. Tinnan. OPPOSED - Mr. Atkinson, Mrs. Gnann, Mrs. Grace, Mr. Martin, Mr. McBride and Mrs. Mullen. ABSTAINED - Mr. Glaze and Mr. Kline. The motion failed.

(Reference page 17.)

TEXT CHANGE TO ZONING AND DEVELOPMENT STANDARDS ORDINANCE River Protection Overlay District

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve the amendments in Sections 4.25.1(a), 4.25.3(B), 4.25.3(A), 4.25.4(F) and 4.25.7 as approved at the June 23, 1995 Planning and Development Standards Committee. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. OPPOSED - Mr. Martin. The motion passed.

Mr. Tinnan noted that every water body in Beaufort County is important. For Council to isolate/protect certain waters is sending a signal that the others are open bodies for pollutants. If

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the dumping of pollutants into the Chechessee River, Broad River, Whale Branch River, Lucy Creek, Huspah Creek, etc. is stopped, then with time and with Mother Nature's help these rivers too, could be classified as SAA waters.

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve on third and final reading a text change to the Zoning and Development Standards Ordinance as it relates to the creation of the River Protection Overlay District. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. OPPOSED - Mr. Martin. The motion passed.

IMPACT FEE ORDINANCES

Procedural, Fire Facilities, Drainage Facilities, School Facilities

Fire Facilities Impact Fee Ordinance.

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve the following amendments to the appropriate Impact Fee Ordinances: (1) A reduction in Lady's Island/St. Helena Island from \$313 to \$191, (2) a reduction in the Sheldon Fire to \$150, (3) a reduction in Bluffton Fire from \$366 to \$200, (4) an increase in Burton Fire from \$141 to \$144, (4) replace "waiver" with "variance" throughout the Ordinances, (5) age restricted communities and timeshares are not exempt, (6) fees will be imposed at the development permit stage but collected at the building permit stage*, and (7) existing homes planned for renovation will not be subject to impact fees. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

(*This motion was amended at Council August 14, 1995, meeting.)

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve on third and final reading a Fire Facilities Impact Fee Ordinance which includes the above-stated amendments. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

Drainage Facilities Impact Fee Ordinance

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve the following amendments to the Drainage Impact Fee Ordinances: (1) replace "waiver" with "variance" throughout the Ordinances, (2) age restricted communities and timeshares are not exempt, (3) fees will be imposed at the development permit stage

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but collected at the building permit stage, and (4) existing homes planned for renovation will not be subject to impact fees. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

(* This motion was amended at Council's August 14, 1995, meeting.)

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve on third and final reading a Drainage Facilities Impact Fee Ordinance which includes the above-stated amendments.

Mrs. Mullen will oppose the motion since the ordinance is flawed. People who are self inclusive and handle their own drainage issue, should have the ability to opt out since the acreage has already been calculated into the cost for constructing a drainage canal.

The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. McBride, Mr. McCracken, Mr. Taylor and Mr. Tinnan. OPPOSED - Mr. Martin and Mrs. Mullen. The motion passed.

School Facilities Impact Fee Ordinance

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve the following amendments to the School Facilities Impact Fee Ordinances: (1) replace "waiver" with "variance" throughout the Ordinances, (2) age restricted communities and timeshares are not exempt, (3) fees will be imposed at the development permit stage but collected at the building permit stage*, (4) existing homes planned for renovation will not be subject to impact fees, and (5) the school impact fees collected will be applied to the portion of the \$120 million bonded indebtedness for new school construction. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

(*This motion was amended at Council's August 14, 1995, meeting.)

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve on third and final reading a School Facilities Impact Fee Ordinance which includes the above-stated amendments. This Ordinance is to be effective upon the approval of the Intergovernmental Agreement by the Town of Hilton Head Island.

Mrs. Grace stated that impact fees will help pay for a portion of the infrastructure that will have to be provided. The fees will benefit all Beaufort County citizens.

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The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. McBride, Mr. McCracken, Mr. Taylor and Mr. Tinnan. OPPOSED - Mr. Martin and Mrs. Mullen. The motion passed.

Procedural Fee Ordinance

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve the following amendments to the Procedural Ordinance as it relates to Impact Fees: (1) replace "waiver" with "variance" throughout the Ordinances, (2) age restricted communities and timeshares are not exempt, (3) fees will be imposed at the development permit stage but collected at the building permit stage, (4) existing homes planned for renovation will not be subject to impact fees, and (5) the school impact fees collected will be applied to the portion of the \$120 million bonded indebtedness for new school construction. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve on third and final reading a Procedural Ordinance as it relates to Impact Fees. This includes the above-stated amendments. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

TEXT CHANGE TO ZONING AND DEVELOPMENT STANDARDS ORDINANCE

Archeological Survey Requirements

It was moved by Mrs. Mullen, seconded by Mrs. Grace, that Council table a text change to the Zoning and Development Standards Ordinance as it relates to the establishment of Archeological Survey Requirements until the Planning Board has completed its review on the proposed language. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

As recommended by the County Administrator, the Chairman announced that effective July 1, 1995, the following administrative duty has been assigned to the Planning Director, "Anyone applying for a development permit must submit the appropriate documentation as outlined in the Ordinance for review. This will not have the same effect where the Department requires the appropriate surveys as outlined in the documentation until the Planning Board and Council have acted upon a said document, but will give the Department an opportunity to review the documentation on archaeological issues and developments."

TEXT CHANGE TO ZONING AND DEVELOPMENT STANDARDS ORDINANCE
Environmental Assessment and Traffic Assessment Ordinance

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council sever the Environmental Assessment and Traffic Assessment Ordinance into two separate ordinances. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Grace, Mrs. Gnann, Mr. Kline, Mr. McBride, Mr. Martin, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

TEXT CHANGE TO ZONING AND DEVELOPMENT STANDARDS ORDINANCE
Environmental Assessment Ordinance

It was moved by Mrs. Mullen, seconded by Mrs. Grace, that Council table a text change to the Zoning and Development Standards Ordinance as it relates to the establishment of an Environmental Assessment Ordinance until the Planning Board has completed its review on the proposed language. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Grace, Mrs. Gnann, Mr. Kline, Mr. McBride, Mr. Martin, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

As recommended by the County Administrator, the Chairman announced that effective July 1, 1995, the following administrative duty has been assigned to the Planning Director, "Any developer applying for a development permit from either a State or Federal agency regarding the environment must submit a copy of their submittal at the same time the State/Federal agency is notified. This does not apply retroactively; it will only apply for the developers after the effective date of this Ordinance."

TEXT CHANGE TO ZONING AND DEVELOPMENT STANDARDS ORDINANCE
Traffic Assessment Ordinance

It was moved by Mrs. Mullen, seconded by Mrs. Grace, that Council table a text change to the Zoning and Development Standards Ordinance as it relates to the establishment of a Traffic Assessment Ordinance until the Planning Board has complete its review on the proposed language. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Grace, Mrs. Gnann, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

MOTION TO EXTEND

It was moved by Mr. McBride, seconded by Mr. Martin, that Council extend beyond 8:00 p.m. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Grace, Mrs. Gnann, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

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CALL FOR RECONSIDERATION

It was moved by Mr. McBride, seconded by Mrs. Gnann, that Council reconsider a motion dealing with the amendment to the Spending Limitation Ordinance. The vote was: FOR - Mr. Glaze, Mrs. Gnann, Mr. Kline, Mr. McBride, Mr. McCracken, Mr. Taylor and Mr. Tinnan. OPPOSED - Mr. Atkinson, Mrs. Grace, Mr. Martin. Mrs. Mullen temporarily left the room. The motion passed.

* Note: Had Mrs. Mullen been in the room, she would have voted against the motion to reconsider.

(Reference pages 12 and 13.)

AMENDMENT TO SPENDING LIMITATION ORDINANCE

It was moved by Mr. Tinnan, seconded by Mr. McCracken, that Council approve on third and final reading an amendment to the spending limitation ordinance that would provide that in the event the County's fund balance exceeds ten (10%) percent of the County's projected total annual budget for the forthcoming fiscal year, funds in excess of a ten (10%) percent fund balance may, at Council's discretion, be placed in an account for funding of nonrecurring or special projects expressly approved by Beaufort County Council. The expenditure of said funds shall not be included within the budgetary constraints of this Spending Limitation Ordinance; nor shall the amount of such expenditure be included in the budgetary basis for calculating the spending limits for ensuing fiscal years. The vote was: FOR - Mr. Glaze, Mrs. Gnann, Mr. Kline, Mr. McBride, Mr. McCracken, Mr. Taylor and Mr. Tinnan. OPPOSED - Mr. Atkinson, Mrs. Grace, Mr. Martin. Mrs. Mullen temporarily left the room. The motion passed.

* Note: Had Mrs. Mullen been in the room, she would have voted against the motion to reconsider.

PROPOSED FY 1995-1996 BUDGET

It was moved by Mr. Atkinson, as Finance Committee Chairman (no second required), that Council approve on third and final reading the FY 1995-1996 budget.

Mrs. Gnann explained that Council on Aging current budget is approximately \$404,000. The organization has a \$27,000 shortage in its FY 1994-1995 budget and has requested Council appropriate an additional \$12,500 in FY 1995-96 to cover a portion of this shortage. This is a one-time request.

Rather than amend the FY 1995-96 budget, the Chairman authorized the transfer of \$10,000 from Council's FY 1994-95 contingency account to Council on Aging. The County Administrator agreed to find the remaining \$2,500 in the FY 1994-95 budget. Total transfer \$12,500.

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Motion to amend: It was moved by Mr. Tinnan, seconded by Mr. McCracken, that Council vote separately on the County operations budget, County debt service/continuing education/indigent health care, County special project budget, School District operating budget, School District debt service budget, and various fire district budget

Messrs. Atkinson and Kline feel it is very unfair to separate the various segments of the FY 1995-96 budget.

Mr. Tinnan noted the motion provides Council an opportunity to vote for the basic budget and vote against the \$1.5 million special project budget.

The vote was on the amended motion: FOR - Mr. Tinnan and Mr. McCracken. OPPOSED - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mrs. Mullen and Mr. Taylor. The motion failed.

Vote on the main motion: that Council approve on third and final reading the FY 1995-96 budget. The vote was: FOR - Mr. Glaze, Mrs. Gnann, Mr. Kline, Mr. McBride, Mr. McCracken, Mr. Taylor and Mr. Tinnan. OPPOSED - Mr. Atkinson, Mrs. Grace, Mr. Martin and Mrs. Mullen. The motion passed.

The Chairman passed the gavel to the Vice Chairman to receive Committee Reports.

COMMITTEE REPORTS

Community Services Committee

It was moved by Mrs. Gnann, as Chairman of the Community Services Committee (no second required), that Council table for further study consideration a resolution authorizing the establishment of an ad hoc committee or committees designed for the purpose of soliciting supplemental funds for specific library capital improvements and special projects. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

Long-Range Planning and Economic Development Committee

Mr. McCracken, as Long-Range Planning and Economic Development Chairman, reported the Committee received an update on the Request for Proposal on the Comprehensive Master Plan. Council will be notified of the date and time of the interviews.

The Chairman announced that he intends for the Evaluation Committee to present to Council a ranking of more than just one possible candidate from whom to choose. Council will make the final

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decision on the consultant.

Planning and Development Standards Committee

S.C. Highway 170 Corridor Overlay Review Board

It was moved by Mr. Tinnan, seconded by Mrs. Mullen, that Council appoint the following individuals to serve as members on the S.C. Highway 170 Corridor Overlay Review Board: Ann DeBrosse (landscape architect), Jane Frederick (architect), Bruce Patterson (engineer), and Adams Pinckney (architect). The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

It was moved by Mr. McCracken, seconded by Mr. Tinnan, that Council appoint all three lay persons from District 4. The vote was: FOR - Mr. McCracken and Mr. Tinnan. OPPOSED - Mr. Atkinson, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mrs. Mullen and Mr. Taylor. ABSTAINED - Mrs. Gnann. The motion failed.

* David Barwise

Mr. Barwise failed to garner the six votes required for appointment.

* Charles Hines

The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. Mr. Hines garnered the six votes required for appointment.

* Dick Jennings

The vote was: FOR - Mr. Martin. Mr. Jennings failed to garner the six votes required for appointment.

* Thomas Mike

The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. Mr. Mike garnered the six votes required for appointment.

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* Clay Pinckney

The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. Mr. Pinckney garnered the six votes required for appointment.

Public Safety Committee

Lady's Island Airport

It was moved by Mr. Martin, as Public Safety Committee Chairman (no second required), that Council enter into a ten-year lease with Master Aviation for the maintenance and operation of the Lady's Island Airport with the caveat that Master Aviation submit its full building permit application and drawings to the Building Codes Department within 90 days of Council's approval and commence construction 90 days after receipt of the building approvals. Also, that Council enter into a 20-year lease with Master Aviation for the T-hangar rental at the Lady's Island Airport. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

Daufuskie Island Fire District

Mr. McCracken nominated the following individuals as candidates to serve as members on the Daufuskie Island Fire District: Robert Kennedy, Lory Kowalski and Sylvia Wampler.

E-911

Mr. Randy Wood, Deputy Administrator of Public Safety and Development, reported 911 will switch to E-911 effective Thursday, June 29, 1995, at 2:00 a.m.

Public Works Committee

Old Miller Road

As Public Works Committee Chairman, Mr. Tinnan reported Old Miller Road located in Bluffton has a flooding problem at its intersection with State Highway 46 because there is no way to carry the water under the Highway and then out to a natural waterway. The Public Works Committee was presented with an easement. The Committee erred in not attaching a condition to the easement. The County passed a River Protection Overlay District Ordinance this date. The discharge of the outfall is into the May River and would be inconsistent with the Ordinance just passed.

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To be in compliance with the recently adopted River Protection Overlay District Ordinance, Mr. Bob Klink, County Engineer, explained Staff will employ erosion control measures during construction of the ditch. The ditch would be grass lined and/or have rock check dams.

It was moved by Mr. Tinnan, seconded by Mrs. Mullen, that Council accept the drainage easement subject to the County Engineering Department devising a solution of treatment for the water flow prior to its entry into the May River. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

Stormwater Master Drainage Plan

It was moved by Mr. Tinnan, as Public Works Committee Chairman (no second required), that Council accept the final version of the Stormwater Master Drainage Plan prepared by Beaufort Engineering Services. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

Seagull Road and Fiddlers Road - Drainage

It was moved by Mr. Tinnan, as Public Works Committee Chairman (no second required), that Council authorize Staff to solicit bids for construction of the required drainage on Seagull Drive (Project No. 24) and for Fiddlers Drive (Project 25) with an engineering staff estimate of \$201,000 and \$116,000 respectively. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

Four Additional Dump Trucks

It was moved by Mr. Tinnan, as Public Works Committee Chairman (no second required), that Council authorize the Public Works Department to solicit bids for purchase of four new dump trucks at an estimated net cost of \$200,604. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

Laurel Hill Lane - Acceptance

It was moved by Mr. Tinnan, as Public Works Committee Chairman (no second required), that Council accept Laurel Hill Lane into the County road paving program. There is a full 50 foot right-of-way. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr.

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Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

Luther Lane - Acceptance

It was moved by Mr. Tinnan, as Public Works Committee Chairman (no second required), that Council conditionally accept into the County road paving program Luther Lane pending the signature of two outstanding property owners and with the understanding that pursuant to County policy accept the road with a 30 foot right-of-way due to interference with two existing structures by a full 50 foot right-of-way. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

Okatie Mailing Address

Mrs. Gnann reported that the U.S. Postal Service survey indicated that the Okatie area address will be changed from a Ridgeland address and zip code to an Okatie address with the Bluffton zip code. This is a milestone for our Beaufort County citizens in the Okatie area. She thanked Council and Staff for all its help.

Impact Fee Ordinance Review Task Force

The Chairman appointed to the Impact Fee Ordinance Task Force the following Council members: Mr. Tinnan, as Chairman, Mr. McBride, Mrs. Gnann, Mr. McCracken and Mr. Atkinson. The Task Force is charged with the responsibility for instituting an information program and public awareness program and to recommend revisions of the ordinances, as appropriate, over the next 120 days.

ADJOURNMENT

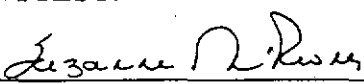
Council adjourned at 8:55 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: 

Thomas C. Taylor
Chairman

ATTEST:


Clerk to Council

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The electronic and print media were duly notified in accordance with the State Freedom of Information Act

The regular scheduled meeting of County Council of Beaufort County was held at 4:00 p.m., Monday, July 24, 1995, in Council Chambers of the Administration Building, Beaufort, South Carolina.

ATTENDANCE

Vice Chairman Elizabeth Grace and Council members Ron Atkinson, Herbert Glaze, Joseph Kline, Joel Martin, Emmett McCracken, Victoria Mullen and Leonard Tinnan. Dorothy Gnann, William McBride and Thomas Taylor absent*.

The Vice Chairman chaired the meeting in the Chairman's absence.

PLEDGE OF ALLEGIANCE

Mrs. Grace led those present in the Pledge of Allegiance to the Flag.

INVOCATION

Rev. John Scholer, First Presbyterian Church, gave the Invocation.

REVIEW OF PROCEEDINGS OF THE REGULAR MEETING HELD JUNE 26, 1995

The following corrections and/or additions were made to the proceedings of the regular meeting held June 26, 1995:

Page 5, lines 8 and 16, change the second "Mr. McBride" to "Mr. Taylor"; page 10, line 22, add "... warning to alert any potential builder . . ."; page 14, lines 17 and 30 add "... will not be . . ."; page 15, line 15 add "... will not be . . ."; page 15, line 16, add "... applied to the portion of the \$120 million bonded indebtedness for new school construction"; page 16, line 4, add "... will not be . . ."; page 16, line 5, add "... applied to the portion of the \$120 million bonded indebtedness for new school construction"; pages 17 and 18, add a footnote, "Had Mrs. Mullen been in the room, she would have voted against the motion to reconsider"; pages 14, 15 and 16, as discussed earlier this date with the County Administrator, the language needs clarifying in number (3) "fees will be imposed at the development permit stage but collected at the building permit stage."

* Attending National Association of Counties Annual Conference.

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price is reasonable. Staff recommends awarding the contract to Blanchard Machinery Company in the amount of \$115,200.

It was moved by Mr. Tinnan, as Public Works Committee Chairman (no second required), that Council award the contract to Blanchard Machinery Company in the amount of \$115,200 for one new track loader with the caveat that the purchase order not be processed with Blanchard Machinery until they provide a written commitment honoring the 60-day discount. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McCracken, Mrs. Mullen and Mr. Tinnan. ABSENT - Mrs. Gnann, Mr. McBride and Mr. Taylor. The motion passed.

Four New Dump Trucks

Mr. Tom Mattox, Purchasing Director, reported the original bid, awarded by Council at its June 12, 1995 meeting, included an option to purchase additional trucks for the same price of \$54,751 each. Other bids were \$55,600 and \$59,653. Four more trucks are now needed for the drainage program and can be purchased with trade-in allowance plus tax for \$200,604.

Mr. Tinnan noted the County purchased three dump trucks about one month ago and this bid is for the purchase of an additional four new dump trucks.

It was moved by Mr. Tinnan, as Public Works Committee Chairman (no second required), that Council purchase four new dump trucks in the amount of \$200,604 from Roberts Truck Center, Inc. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McCracken, Mrs. Mullen and Mr. Tinnan. ABSENT - Mrs. Gnann, Mr. McBride and Mr. Taylor. The motion passed.

Long Distance Telephone Services

Mr. Tom Mattox, Purchasing Director, reported four vendors were requested to submit written proposals for furnishing long distance telephone services. For voice and data monthly charges, based on the current average monthly usage, the total charge from Hargray for one month is \$8,768.38, MCI \$10,552.80, Sprint \$12,221.80, and ATT \$14,109. The Evaluation Committee recommends awarding a two-year contract to Hargray Long Distance Company because their proposal offers the greatest savings to the County.

It was moved by Mr. Atkinson, seconded by Mrs. Mullen, that Council award a two-year contract to Hargray Long Distance Company because their proposal offers the greatest savings to the County. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McCracken, Mrs. Mullen and Mr. Tinnan. ABSENT - Mrs. Gnann, Mr. McBride and Mr. Taylor. The motion passed.

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The Vice Chairman assigned this issue to the Community Services Committee.

HILTON HEAD PUBLIC SERVICE DISTRICT NO. 1
Expansion of Service Area

It was moved by Mr. Tinnan, as Public Works Committee Chairman (no second required), that Council approve on second reading an ordinance to expand the service area of Hilton Head Public Service District No. 1 to include the service areas of Hilton Head Island Rural Community Water District, Coastal Utilities, Inc., and Hilton Head Utilities, Inc. with the caveat that: (1) the ordinance will be effective on the date coincident with the approval by the South Carolina Public Services Commission and (2) the adoption of a resolution by the Beaufort/Jasper Water and Sewer Authority waiving any rights to this area. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McCracken, Mrs. Mullen and Mr. Tinnan. ABSENT - Mrs. Gnann, Mr. McBride and Mr. Taylor. The motion passed.

REQUEST FOR ZONING CHANGE
Thomas Kolen

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve on first reading, by title only, a request for zoning change in District 200, Map 15, Parcel 308 and a portion of 302A, located on Katy Lane on Lady's Island just north of Robin Drive in Sherwood Forest Subdivision, from General Residential-4 to Neighborhood Commercial District. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McCracken, Mrs. Mullen and Mr. Tinnan. ABSENT - Mrs. Gnann, Mr. McBride and Mr. Taylor. The motion passed.

COMMITTEE REPORT

Intergovernmental Relations Committee

As Intergovernmental Relations Committee Chairman, Mrs. Grace reported members received a presentation from Mr. Robert Croom, a staff attorney with the South Carolina Association of Counties. Mr. Croom updated the members on the new and pending legislation. One major issue is that local government funding increased from \$3.3 million to \$3.6 million. Additional discussion was held on Property Tax Reform, Homeowners Exemption, Hog Bill, Mobile Home Regulations, Defense of Indigents in Capital Cases Bill, County Dock Stamp Bill, and Lease Purchase Bill. The City of Beaufort also made a presentation.

Long-Range Planning and Economic Development Committee

Mr. McCracken, as Long-Range Planning and Economic Development Committee Chairman,

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County has failed to honor its maintenance obligations and, thus, would like to revert the four-foot easement.

There is an equivalent access, not too far from Mr. Dunlap's property, for public use to the Coosaw River.

It was moved by Mr. Tinnan, as Public Works Committee Chairman (no second required), that Council approve the revocation of the 1990 Agreement between Beaufort County and Randolph Dunlap.

If Council approves the revocation of the 1990 Agreement, Mr. Kline is unclear where it leaves the ability to visit the Coosaw Cemetery.

Mr. Ladson Howell, County Attorney, explained the entrance to the Coosaw Cemetery is a walking access. Mr. Dunlap on many occasions has assured the County he would provide access to anyone who wants to visit the cemetery. Prior to the 1990 Agreement with Mr. Dunlap, apparently he allowed people to visit the cemetery. Mr. Dunlap would provide security for this area.

Motion to amend: It was moved by Mr. Tinnan, seconded by Mr. McCracken, that Council approve the revocation of the 1990 Agreement between Beaufort County and Randolph Dunlap to be effective upon receipt of a written statement by Ladson Howell, County Attorney, from Randolph Dunlap that access to the cemetery will be allowed.

Mr. Kline inquired of this area being used as a firing range. Mr. Howell explained the Sheriff's Department has had a continued problem with this issue. The Public Works Department was unable to even maintain a dirt barricade much less a structured barricade. Vandals would pull it down. The area is full of rifle shells, shotgun shells, etc. which has been documented on several occasions. The four-foot access with pilings is very difficult to maintain.

Vote on the motion to amend: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McCracken, Mrs. Mullen and Mr. Tinnan. ABSENT - Mrs. Gnann, Mr. McBride and Mr. Taylor. The motion passed.

Brays Island Wastewater Discharge to Huspah Creek

Mr. Tinann explained the Department of Health and Environmental Control in the recent past awarded a permit to the Brays Island Wastewater Treatment Plant to discharge into the wetlands which empties into Huspah Creek. This is a situation that makes absolutely no sense since there is so much land and golf course area on which the discharge of this wastewater plant could have been applied beneficially without ever leading to any potential for damage of water pollution in Huspah Creek. Beaufort/Jasper Water and Sewer Authority has already expressed its concern.

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inclusion of a sunset provision to the ordinance so that when the collection of the two-year assessment expires the district is disbanded. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McCracken, Mrs. Mullen and Mr. Tinnan. ABSENT - Mrs. Gnann, Mr. McBride and Mr. Taylor. The motion passed.

Road Acceptance

Walking Stick Road and Sailboat Road

It was moved by Mr. Tinnan, as Public Works Committee Chairman (no second required), that Council accept Walking Stick Road and Sailboat Road into the Public Works maintenance inventory. These are dirt roads to be maintained by the County. Both roads have a 50' right-of-way pursuant to County policy and have the approval and signatures of the property owners involved. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McCracken, Mrs. Mullen and Mr. Tinnan. ABSENT - Mrs. Gnann, Mr. McBride and Mr. Taylor. The motion passed.

Impact Fee Ordinance Review Task Force

As Task Force Chairman, Mr. Tinnan reported the committee has met a number of times. The first two meetings were held for internal review with Staff and consultants trying to look at revisions that might be appropriate. The Task Force has scheduled six public workshops. Thus far, three workshops have been held. The first workshop was with the four municipalities, the second with the Beaufort/Jasper Homebuilders Association, and the third with the County's major developers. Three additional workshops are scheduled to be held the week of July 24, one with the Hilton Head Homebuilders Association, another with the general public from southern Beaufort County, and the last workshop is with the general public from northern Beaufort County. A tentative date for presentation of the revised ordinances to the Planning and Development Standards Committee is scheduled for September 12.

Mr. Atkinson asked how the County plans to deal with impact fees as it relates to lots rented to mobile home owners. The County Attorney explained that if these lots were created at the time Council passes the Impact Fee Ordinances, then there is no way for the County to charge impact fees. Lots created after adoption of the ordinances will be subject to the impact fees. The owner, not the renter, of the lot will be responsible for paying the impact fees.

EXECUTIVE SESSION

RECONVENE OF REGULAR SESSION

Hilton Head Island Airport

It was moved by Mr. Tinnan, seconded by Mr. Martin, that Council authorize the County Attorney

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reading on the request for zoning change until the issue of the 182 acres is resolved.

Mr. Howard Sherman, a resident of Rose Hill Plantation, encouraged Council to deny or delay third and final reading on Belfair's request for zoning change until the issue of the 182 acres is resolved.

Mr. Dick McTeer, a resident of Rose Hill Plantation, feels a lot of legal confrontation is unnecessary and it never accomplishes anything. He would like to see the developers of Belfair, Rose Hill and the Association come up with an amicable solution. Otherwise, the residents of Rose Hill will have to suffer a loss of the amenities.

After calling twice more for public comment and receiving none, the Vice Chairman declared the hearing closed at 6:15 p.m.

Third and Final Reading - Belfair Plantation

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve on third and final reading a request for zoning change in southern Beaufort County, Tax Map 600, Maps 23 and 23B, Parcels 48, 16 and 4, located along U.S. Highway 278 from Planned Unit Development (under the Rose Hill Master Plan) to Planned Unit Development.

It is Mr. Atkinson's understanding the developer of Rose Hill sold the property September 8, 1994, to Belfair Plantation. From Council's perspective the request for zoning change is a land use issue. And based on what has been presented, there is no incompatibility of the land use. He will support the motion from the perspective of land use. It seems the problem, as stated, is between the Association and the Rose Hill Development Company. This is a matter for the Courts. This is an unfortunate situation for the Association.

Mr. McCracken stated the issue is purely a zoning matter. Unfortunately, the issue is a dispute between the initial Rose Hill developers and the Association. The sale of the 182 acres in September 1994 had an extensive title search as to covenants, impediments or any restrictions that might have been put on the property. At this point, one would have to assume that those 182 acres in question were able to pass from their previous owner to the current owner without any encumbrances. The Association is left with the discomfort of trying to clear up broken promises. It does not fall (as pointed out by Mr. Olivetti) to Belfair to make up these differences. It is not proper to table the request for zoning in order to apply pressure on the original developer of Rose Hill to make good. Certainly, the Rose Hill Property Owners Association would have greater success in this area in civil court.

Mr. Tinnan stated that from time to time citizens appear before Council requesting it deny or defer action on some sort of application until the applicant involved has solved the problem. This is a most

CERTIFICATE OF RESOLUTION
OF
BEAUFORT COUNTY COUNCIL

I, Suzanne M. Rainey, Clerk to the Beaufort County Council, do certify that the following documents are taken from the proceedings of the Beaufort County Council and the Planning and Development Standards Committee.

BY: Suzanne M. Rainey
Suzanne M. Rainey
Clerk to Council

August 23, 1995
Beaufort, South Carolina

CERTIFICATE OF RESOLUTION
OF
BEAUFORT COUNTY COUNCIL

I, Suzanne M. Rainey, Clerk to the Beaufort County Council, do certify that the following documents are taken from the proceedings of the Beaufort County Council and the Planning and Development Standards Committee.

BY: *Suzanne M. Rainey*
Suzanne M. Rainey
Clerk to Council

August 23, 1995
Beaufort, South Carolina

COUNTY COUNCIL OF BEAUFORT COUNTY
ADMINISTRATION BUILDING

00203

1000 RIBAUT ROAD
POST OFFICE DRAWER 1228
BEAUFORT, SOUTH CAROLINA 29901-1228
TELEPHONE: (803) 525-7100
FAX: (803) 525-7181

THOMAS C. TAYLOR
CHAIRMAN
ELIZABETH P. GRACE
VICE CHAIRMAN

COUNCIL MEMBERS

CHARLES R. (RON) ATKINSON
HERBERT N. GLAZE
DOROTHY P. GNANN
JOSEPH N. KLINE
JOEL A. MARTIN
WILLIAM L. McBRIDE
H. EMMETT McCRACKEN, JR.
VICTORIA T. MULLEN
LEONARD M. TINNAN

SUZANNE M. RAINEY
CLERK TO COUNCIL

MICHAEL G. BRYANT
COUNTY ADMINISTRATOR
DEPUTY ADMINISTRATORS

MORRIS C. CAMPBELL
THOMAS A. HENRIKSON, CPA
RANDOLPH L. WOOD, JR.

LADSON F. HOWELL
COUNTY ATTORNEY

August 4, 1995

Mr. John Cardomone
Belfair Plantation Limited Liability Company
P.O. Box 24143
Hilton Head Island, SC 29925

Dear John:

At its meeting Monday, July 24, 1995, it was the will of Beaufort County Council to approve your request for zoning change from County-wide zoning:

Tax Map 600, Maps 23 and 23B, Parcels 48, 16 and 4, located along U.S. Highway 278 from Planned Unit Development (under the Rose Hill Master Plan) to Planned Unit Development.

If Council or Staff may be of further assistance, please let us know.

Sincerely,



Thomas C. Taylor
Chairman

TCT:smr

Attachment: Ordinance 95/28

cc: Planning Director
Zoning and Development Administrator




95/28

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, AMENDING THE EXISTING OFFICIAL LAND USE ZONING MAPS, DATED APRIL 9, 1990, WHICH ARE PART AND PARCEL OF THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (90/3).

A. Official Land use Zoning Map 600-11

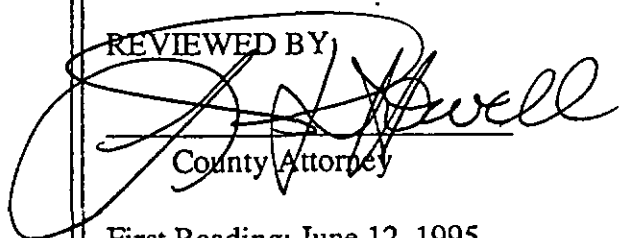
Tax Map 600, Maps 23 and 23B, Parcels 48, 16 and 4, located along U.S. Highway 278 from Planned Unit Development (under the Rose Hill Master Plan) to Planned Unit Development.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: 
Thomas C. Taylor
Chairman

ATTEST:


Clerk to Council

REVIEWED BY:

County Attorney

First Reading: June 12, 1995
Second Reading: June 26, 1995
Public Hearing: July 24, 1995
Third and Final Reading: July 24 1995

PROCEEDINGS
BEAUFORT COUNTY COUNCIL

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June 12, 1995
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→ Request for Zoning Change (Belfair Plantation Limited Liability Corporation)

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve on first reading, by title only, a request for zoning change in Bluffton, Tax District 600, Maps 23 and 23B, Parcels 48, 16 and 4, located along U.S. Highway 278 from Planned Unit Development (under the Rose Hill Master Plan) to Planned Unit Development.

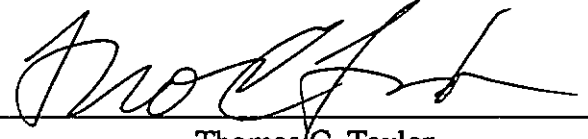
Mrs. Mullen noted the developer desires to enter into a Development Agreement with Beaufort County government.

The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

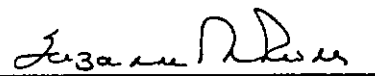
ADJOURNMENT

Council adjourned at 9:05 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: 
Thomas C. Taylor
Chairman

ATTEST:


Clerk to Council

Minutes - Beaufort County Council

June 26, 1995

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→ **REQUEST FOR ZONING CHANGE**

Belfair

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve the following modifications to the Belfair PUD text: (1) multi-family development shall be limited to 16-units per acre, (2) access shall be provided from the Planned Unit Development (residential area) to reach the Neighborhood Commercial area without the need to utilize U.S. Highway 278, (3) the Planned Unit Development shall abide by the recently adopted Policy Statement of Beaufort County Council, as a preexisting Planned Unit Development, which policy provides, among other things: (a) that preexisting Planned Unit Developments shall be subject to all provisions of the newly enacted Tree Ordinance, (b) preexisting Planned Unit Developments shall be exempt from the River Corridor Overlay District, and © preexisting Planned Unit Developments shall be subject to all provisions of the U.S. Highway 278 Corridor Overlay District. The vote was: FOR - Mr. Atkinson Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. OPPOSED - Mr. Martin. The motion passed.

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve on second reading a request for zoning change in Bluffton, Tax District 600, Maps 23 and 23B, Parcels 48, 16 and 4, located along US. Highway 278 from Planned Unit Development (under the Rose Hill Master Plan) to Planned Unit Development. The vote was: FOR - Mr. Atkinson Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. OPPOSED - Mr. Martin. The motion passed.

The Chairman announced a public hearing Monday, July 24, 1995, at 6:00 p.m. in Council Chambers of the Administration Building.

HILTON HEAD PUBLIC SERVICE DISTRICT NO. 1

Expansion of Service Area

It was moved by Mr. Tinnan seconded by Mrs. Mullen, that Council approve on first reading, by title only, an ordinance to expand the service area of Hilton Head Public Service District No. 1 to include the service areas of Hilton Head Island Rural Community Water District, Coastal Utilities, Inc., and Hilton Head Utilities, Inc.

Mr. Tinnan circulated copies of correspondence dated June 23, 1995, from the Hilton Head Island Rural Water District to its customers. The letter, signed by the four commissioners, supports the annexation for three main reasons: (1) The water rates will be lower to the Rural Water District customers, (2) The cost for an alternate water supply will be less to the Rural Water District customers, and (3) Sewer service will be available that cannot be provided by the Rural Water District. With regard to Mr. Tom Barnwell's comments, made during the public hearing earlier in

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PUBLIC COMMENT

→ The Vice Chairman recognized Mr. Mike Olivetti, legal counsel for Rose Hill Property Owners Association (hereinafter "Association"), who explained that originally Rose Hill Plantation and Belfair Plantation were both under a Rose Hill Plantation Master Plan. The Association is not opposed to a split between the two. In fact, the developers of Belfair have met with the Association on several occasions and any differences have been worked out. The Association feels confident the Belfair development is going to be advantageous to Rose Hill. There is a subterfuge that really does not involve Belfair but rather a common grantor between these two entities. The original Rose Hill Development Company made certain assurances to the people of Rose Hill that Rose Hill would be at a minimum a certain size so that it could support a reasonable assessment to support the amenities (roads, security, etc.). Unfortunately, the developer of Rose Hill has sold a 182-acre tract that was to support a part of Rose Hill Plantation. The Association believes it can establish that these 182 acres are part of Rose Hill or, at least, subject to the covenants and restrictions of Rose Hill Plantation. Frankly, the Association depends on the future assessment revenue from these 182 acres to support the common areas in Rose Hill. For clarification the Association's dispute is not with the developers of Belfair but rather the Rose Hill Development Corporation. The Association plans to follow this dispute through the Courts, if necessary, to protect its interest and the loss assessment revenue. If the Association goes to Court to establish its rights, it could impact Belfair in that the Court could establish that the covenants and restrictions of Rose Hill overlap and control a portion of what is going to be called Belfair.

Rev. V. A. Young, of Bethel Baptist Church, requested Beaufort County Ministry Union be provided with a copy of Council's minutes.

COUNTY ADMINISTRATOR'S REPORT

There was no County Administrator's report.

CONTRACT AWARD

One New Track Loader

Mr. Tom Mattox, Purchasing Director, reported a total of 17 vendors were contacted to submit bids on one new track loader. On June 5, 1995, one bid was received from Blanchard Machinery Company for the total amount of \$115,200. Based on information received from other sources, this price is reasonable. Staff recommends awarding the contract to Blanchard Machinery Company in the amount of \$115,200.

It was moved by Mr. Tinnan, as Public Works Committee Chairman (no second required), that Council award the contract to Blanchard Machinery Company in the amount of \$115,200 for one new

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Page 10

to proceed immediately to seek corrective action for the contractual performance deficiencies of the fixed-based operator at Hilton Head Island Airport. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McCracken, Mrs. Mullen and Mr. Tinnan. ABSENT - Mrs. Gnann, Mr. McBride and Mr. Taylor. The motion passed.

→ **PUBLIC HEARING**

The Vice Chairman opened a public hearing at 6:00 p.m. for the purpose of receiving information from the public as it relates to a request for zoning change in southern Beaufort County, Tax Map 600, Maps 23 and 23B, Parcel 48, 16 and 4, located along U.S. Highway 278 from Planned Unit Development (under the Rose Hill Master Plan) to Planned Unit Development. After calling once for public comment the Vice Chairman recognized Mr. Mike Olivetti, legal counsel for the Rose Hill Property Owners Association (hereinafter "Association"). Mr. Olivetti is not before Council to limit Belfair from developing its property as they see fit, to contest that Belfair has done anything to the Association, nor to try to unnecessarily delay any action Council has taken relative to Belfair's rezoning application. However, Mr. Olivetti is before Council to make it aware of some of the contractual obligations the "common developer" has made to the Association. As Council is aware, Belfair bought its tract from the developer that developed Rose Hill as it is known today. That developer made representations dating back some time now to the property owners of the then Rose Hill as to the size and style of development in Rose Hill. This development is adversely affected by the sale of a large tract to Belfair because the 182 acres that were expected to be and promised to be in the Rose Hill Plantation now is within Belfair. This sale has a negative impact on several funds, particularly, the loss of assessment revenue Rose Hill Plantation needs in order to maintain the common elements. The Association's concern is admittedly with Rose Hill Development Corporation and their willingness to make promises to the Association and then, for all intents and purposes, break them by selling the 182-acre tract to Belfair. The Association wants to make it clear to Council, primarily because the Association plans to pursue this issue in Court if necessary, and depending upon the Court's award, if Council approves Belfair's request for rezoning this date, it will be potentially impacted by the lawsuit. The Association intends to prove that the 182 acres owned by the Rose Hill Development Corporation was equitably subjected to the covenants and restrictions of Rose Hill Plantation.

Belfair and its developers were not part of the negotiations between the Association and the developer. To Mr. Olivetti's knowledge Belfair has done nothing that would affect the agreement between the developer and the Association. Admittedly, the Association is appearing before Council somewhat late, but since the Association's private negotiations to resolve this matter have not worked to date, the Association decided to start making its feelings and intentions clear and public if necessary.

Mr. John F. Breen, a resident of Rose Hill Plantation, was unaware that two readings were previously held on Belfair's request for zoning change. He requested Council table third and final

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reading on the request for zoning change until the issue of the 182 acres is resolved.

Mr. Howard Sherman, a resident of Rose Hill Plantation, encouraged Council to deny or delay third and final reading on Belfair's request for zoning change until the issue of the 182 acres is resolved.

Mr. Dick McTeer, a resident of Rose Hill Plantation, feels a lot of legal confrontation is unnecessary and it never accomplishes anything. He would like to see the developers of Belfair, Rose Hill and the Association come up with an amicable solution. Otherwise, the residents of Rose Hill will have to suffer a loss of the amenities.

After calling twice more for public comment and receiving none, the Vice Chairman declared the hearing closed at 6:15 p.m.

Third and Final Reading - Belfair Plantation

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve on third and final reading a request for zoning change in southern Beaufort County, Tax Map 600, Maps 23 and 23B, Parcels 48, 16 and 4, located along U.S. Highway 278 from Planned Unit Development (under the Rose Hill Master Plan) to Planned Unit Development.

It is Mr. Atkinson's understanding the developer of Rose Hill sold the property September 8, 1994, to Belfair Plantation. From Council's perspective the request for zoning change is a land use issue. And based on what has been presented, there is no incompatibility of the land use. He will support the motion from the perspective of land use. It seems the problem, as stated, is between the Association and the Rose Hill Development Company. This is a matter for the Courts. This is an unfortunate situation for the Association.

Mr. McCracken stated the issue is purely a zoning matter. Unfortunately, the issue is a dispute between the initial Rose Hill developers and the Association. The sale of the 182 acres in September 1994 had an extensive title search as to covenants, impediments or any restrictions that might have been put on the property. At this point, one would have to assume that those 182 acres in question were able to pass from their previous owner to the current owner without any encumbrances. The Association is left with the discomfort of trying to clear up broken promises. It does not fall (as pointed out by Mr. Olivetti) to Belfair to make up these differences. It is not proper to table the request for zoning in order to apply pressure on the original developer of Rose Hill to make good. Certainly, the Rose Hill Property Owners Association would have greater success in this area in civil court.

Mr. Tinnan stated that from time to time citizens appear before Council requesting it deny or defer action on some sort of application until the applicant involved has solved the problem. This is a most

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 Page 12

unusual case in that the citizens appear before Council asking Council to deny or delay an action in which the applicant, Belfair Plantation, has no role so they could be used as a lever, so to speak, to solve the problem with the Rose Hill Development Corporation. This puts Council in a very awkward position of having to serve as an obstacle that can cause economic hardship to the Belfair Company in order to solve the problems expressed by the citizens and property owners of Rose Hill. Mr. Tinnan understands the distress, empathizes with the property owners, who have a real problem with their developer, yet the problem needs to be solved with the developer, not through or with Belfair Company. He urged Mr. Olivetti, on behalf of the Rose Hill Property Owners Association, to move forward with legal action against the developer. Since the title to the 182 acres transferred free and clear, Mr. Tinnan believes Council has no legal basis to deny or defer the third and final reading of the request for zoning change. If Council were to so act, it might provide cause to Belfair Company that it is rendering an economic hardship on them. Then, Council would become a party to this action. He wished Council could help, but it cannot help by denying the request for zoning change.

Mrs. Grace stated Council's decision, whether to deny or approve the request for zoning change, could neither help nor hurt the Rose Hill Property Owners Association. Council must evaluate legally the planned unit development application and request for rezoning based on the County's development standards. Prior to 1990, there were no zoning regulations in Beaufort County. Therefore, when a developer applied for a planned unit development, such as Rose Hill Plantation, a master plan was presented to County staff for review. The master plan may have consisted of many phases depending on size but whether the master plan came to fruition depended upon finances, marketability, etc. Now, however, the County's planned unit development process is much different. The process is more stringent in that a PUD zoning district is created which is like a legal contract between the County and developer. The standards of the approved district must be met unless an amendment to the planned unit development is requested and approved by Council.

The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McCracken, Mrs. Mullen and Mr. Tinnan. ABSENT - Mrs. Gnann, Mr. McBride and Mr. Taylor. The motion passed.

ADJOURNMENT

Council adjourned at 6:25 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____

Thomas C. Taylor
 Chairman

ATTEST:

 Clerk to Council

00212

PROCEEDINGS

PLANNING AND DEVELOPMENT STANDARDS COMMITTEE

PLANNING AND DEVELOPMENT COMMITTEE

May 23, 1995

The Planning and Development Standards Committee meeting was held at 4:00 p.m., Tuesday, May 23, 1995, at the Career Education Center, Beaufort, SC.

ATTENDANCE

Chairman Victoria Mullen and committee members Dorothy Gnan, Elizabeth Grace, Joseph Kline and Emmett McCracken present. Non-committee members Herbert Glaze and Bill McBride present.

County Staff: Summer Rutherford, Planning Director; Bob Klink, County Engineer; Sharon Dingee, Planner.

Guests: Lewis Hammet, PUD legal counsel; Jim Cardamone, Belfair Partner; Jim Tiller, Edward Pinckney and Associates LTD.

ACTION ITEM

→ 1. REQUEST FOR ZONING CHANGE

Bluffton, Tax District 600, Maps 23 and 23B, Parcels 48, 16 and 4, located along U.S. 278 from Planned Unit Development under the Rose Hill Master Plan to Planned Unit Development (Belfair Plantation Limited Liability Corporation).

Discussion: The property consists of 1,028 acres on the north side of U.S. 278 and is currently part of the 3,160 acre Rose Hill Plantation PUD, the developed portion of which is located to the west of the Belfair tract. To the east of the Belfair tract is zoned Development District and to the south lies an undeveloped commercial portion of Rose Hill and Rose Hill's Sheridan Park, which is also zoned PUD/General Commercial. The Rose Hill master plan was approved in 1988 prior to the enactment of zoning. PUD zoning was placed on Rose Hill, but when the boundary lines were drawn, a drafting error occurred on the official zoning map. The drafting error was corrected in August 1994.

- Staff originally recommended that the neighborhood commercial area not be included as part of the Belfair PUD and that the multifamily residential not exceed 16 units per acre. As staff worked through the process, the recommendation was modified with conditions based on applicant's ability to reconfigure some of the commercial so that it is not along the highway.

- Applicants are basically requesting exemptions from the pending River Protection Overlay District Ordinance and the latest tree protection standards. Belfair would like to use the old tree standards with the modifications contained in the PUD master plan. The master plan did not address the golf course

tree survey because the old tree protection standards did not address it.

- In particular, applicants would like an exemption from the tree replacement requirements for golf courses because of the \$2 million expense. As far as surveying all trees 24" and greater on the golf course, applicants feel it would be a waste of money because great effort would be placed in identifying trees and working around them when the golf course is designed.

- If the tree standards are waived for the Belfair PUD, other PUD applicants will expect the same exemption. Belfair has attempted to begin the Development Agreement process, but was informed by the Development Agreement Committee Chairman, Thomas Taylor, that any Development Agreements should wait until after the Impact Fee Ordinance is established.

- If Belfair cannot iron out the problems through the Development Agreement Committee, then the existing request can be reviewed by the Planning and Development Standards Committee to address the golf course tree survey and the other exemptions.

Recommendation: Council approve on first reading, by title only, a request for zoning change in Bluffton, Tax District 600, Maps 23 and 23B, Parcels 48, 16 and 4, located along U.S. 278 from Planned Unit Development under the Rose Hill Master Plan to Planned Unit Development. This request should be addressed by the Development Agreement Committee before the June 12, 1995, Council meeting.

INFORMATION ITEMS

2. River Protection Overlay District

Discussion: Ms. Sharon Dingee, Planner, explained that a single-family residence would be exempt from stormwater management portions of the proposed ordinance because one house by itself would not cause a threat to water quality (this situation would be addressed by the 50-foot buffer requirement). However, a number of single-family homes along the river introduces infiltration of runoff and new sources of pollutants (cars, rooftops, pesticides, animal waste): Enforcement would reply primarily on citizen complaints.

3. Amendments to Archeological, Environmental and Traffic Ordinance

Discussion: Staff circulated a document including an array of proposed amendments to the archeological, environmental and traffic ordinance. Thus far, the ordinance has received two readings.

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June 23, 1995
Page 5

Recommendation:

- (1) Council approve the insertion of a 25-foot/50-foot buffer from the highway.
- (2) Council add language to specify that utilities, county, state and federal agencies are not exempt from the provisions (buffers, etc.) of the S.C. Highway 170 Corridor Overlay District Ordinance; the Ordinance's buffer requirements will be applicable to everyone in Beaufort County.

→ **5. Belfair Plantation**

Discussion: Mr. Louis Hammet, counsel for Belfair Plantation, stated that Council has made some policy decisions applicable to existing Planned Unit Developments ("PUDs") which would resolve some of the Belfair PUD issues. Mr. Hammet presented a list in which the Planning Board and some of Council's requirements are addressed, and Belfair would like to proceed with second reading on the rezoning request, even if by title only.

Recommendation: Council accept the PUD amendments presented by Mr. Hammet and proceed with second reading on the Belfair Plantation PUD rezoning.

6. Request for Zoning Change

District 200, Map 15, Parcel 308 and a portion of Parcel 302-a, located on Katy Lane on Lady's Island just north of Robin Drive in the Sherwood Forest Subdivision from General Residential-4 to Neighborhood Commercial District (Thomas M. Kolen).

Recommendation: Council approve on first reading, by title only, to rezone District 200, Map 15, Parcel 308 and a portion of Parcel 302-a from General Residential-4 to Neighborhood Commercial District.

Section 4.10**NCD - Neighborhood Commercial District****Section 4.10.1****Permitted Uses**

The following uses shall be permitted in the Neighborhood Commercial District:

(A) All uses permitted in the Neighborhood Preservation Districts. However, when such use is a residential use, the density of the Neighborhood Preservation District abutting or closest to the Neighborhood Commercial District shall be the standard. When two or more Neighborhood Preservation Districts are contiguous to the Neighborhood Preservation District, the Neighborhood Preservation District with the highest density shall prevail.

(B) Retail business involving the display and sale of merchandise inside stores only, provided, however, that agricultural products may be displayed and sold outside. Permitted retail businesses specifically include and may be similar to:

- (1) Antique store
- (2) Appliance, radio, television store
- (3) Art supply store
- (4) Book, magazine, newspaper shop
- (5) Candy store
- (6) Clothing store
- (7) Drug store or pharmacy
- (8) Florist shop
- (9) Fruit, nut and/or vegetable store
- (10) Gift or curio shop
- (11) Grocery store
- (12) Hardware store
- (13) Hobby and/or toy shop
- (14) Millinery or hat shop
- (15) Music store and/or record shop
- (16) Office supply and equipment store
- (17) Package liquor store
- (18) Photographic and camera supply and service store
- (19) Shoe store

(C) Business involving the rendering of a personal service or the repair and servicing of small equipment specifically including, but not limited to:

- (1) Appliance, radio, television repair shop
- (2) Bank, savings and loan associations, personal loan agency and branches.
- (3) Barber shop, beauty shop, or combination thereof.
- (4) Bicycle repair and sales shop
- (5) Dressmaker, seamstress, tailor
- (6) Dry cleaning self-service and/or laundry self-service facility.

- (7) Insurance agency
 - (8) Jewelry and watch repair shop
 - (9) Locksmith or gunsmith
 - (10) Medical, dental, or chiropractic office, clinic and/or laboratory
 - (11) Office for government, business, professional, or general purposes.
 - (12) Photographic studio
 - (13) Real estate agency
 - (14) School offering instruction in art, music, dancing, drama, or similar cultural activity.
 - (15) Telegraph office
- (D) Radio and/or television station
- (E) Private or semiprivate club, lodge, union hall or social center.
- (F) Church
- (G) Off-street commercial parking lot
- (H) Publicly owned and operated building, facility or land.
- (I) A temporary office and/or storage building during a project involving construction but not to be used as a dwelling with the removal of same within 30 days upon project completion.
- (J) Public utility facility including substation, switching station, telephone exchange, pump station, water tower or fire tower.

Section 4.10.2 **Conditional Uses**

The following uses shall be permitted on a conditional basis in any Neighborhood Commercial District:

- (A) Auto accessory store provided there is no storage of wrecked automobiles or scrapped or salvaged auto parts on the premises.
- (B) Automobile service station provided operations involving major repairs, body and fender work, and painting, are not conducted on the premises; provided all pumps are set back at least twenty-five (25') feet from the right-of-way line of all abutting streets; provided all pumps are set back at least fifty (50') feet from the right-of-way line along the major thoroughfares as identified in this Ordinance; and provided parking and/or services areas are separated from adjoining residential properties by a suitable planting screen, fence, or wall at least six (6') feet in height above finished grade.
- (C) Bakery provided that goods baked on the premises are primarily sold at retail only.

**COUNTY OF BEAUFORT
ZONING & DEVELOPMENT STANDARDS ORDINANCE
PRE-APPLICATION CHECKLIST**

DATE OF PRE-APP	PROJECT NAME	PROJECT TYPE	DISTRICT	MAP	PARCEL	ZONING DISTRICT	
06-19-08	Belfair Clubhouse Exp	Ancillary	600	23E	54	PUD	
APPLICANT (DEVELOPER) NAME, ADDRESS, PHONES #			PROPERTY OWNER NAME, ADDRESS, PHONE				
Belfair POA			Same				
PROJECT LOCATION	OVERLAY DISTRICT	DENSITY	LAND AREA (ACRES)	# LOTS	# UNITS	BLDG AREA	# BLDGS
200 Belfair Oaks Blvd Bluffton	River buffer	N/A		N/A	N/A	16,000 [±]	1
COMMERCIAL - () MULTI-FAMILY - () SINGLE FAMILY - () MINOR S/D - () MAJOR S/D - () INDUSTRIAL - () INSTITUTIONAL - () - <u>Ancillary Use.</u>							
IS TYPE OF PROPOSED USE A PERMITTED USE?				YES <input checked="" type="checkbox"/>	NO ()		
<i>Per Belfair PUD Document.</i>							
IS TYPE OF PROPOSED USE A LIMITED USE?				YES ()	NO ()		
IS TYPE OF PROPOSED USE A SPECIAL USE?				YES ()	NO ()		
IS TYPE OF PROPOSED USE A LEGAL NONCONFORMING USE?				YES ()	NO ()		
MIN. OPEN SPACE/LANDSCAPE RATIO: <u>15%</u> TOTAL ACREAGE REQUIRED: _____ NOT APPLICABLE: _____							
GROSS FAR: <u>N/A</u> SEWERAGE DISPOSAL: ON SITE () COMMUNITY SEWER () WATER SUPPLY: WELL () PUBLIC () <i>Existing water/sewer</i>							
MINIMUM LOT AREA (S/D): <u>N/A</u> MINIMUM LOT WIDTH: <u>N/A</u> MIN. SITE AREA (NOT LOT OF RECORD) <u>N/A</u>							
MIN. STREET YARD SETBACK: <u>25'</u> MIN. SIDE YARD SETBACK: <u>N/A</u> MIN. REAR YARD SETBACK: <u>30'</u> <i>Per PUD Document Belfair is exempt from River Buffer Requirement.</i>							
MIN. OCRM SETBACK: <u>30'</u> MAX HEIGHT OF BLDG/TOWER: <u>35'</u> TOWER CO-LOCATION SPACES REQUIRED: <u>N/A</u>							
# OF CANOPY TREES REQUIRED: LOT _____ ACRE OPEN SPACE: <u>15 trees per acre.</u> PARKING SPACES: _____ TOTAL: _____							
STREET TREES SPACING (FEET): <u>50'</u> BUFFER YARD WIDTH (FT): ARTERIAL: _____ COLLECTOR: <u>N/A.</u> LOCAL: _____ <i>Setbacks & buffers apply to perimeter only.</i>							
BUFFER WIDTH (FEET) (ADJOINING DISTRICT): NORTH: <u>30'</u> SOUTH: <u>0'</u> EAST: <u>0'</u> WEST: <u>0'</u> <i>Parking is regulated by PUD doc. p. 53 - F.(2)</i>							
PARKING REQUIRED: <u>5 per 1000</u> ACCESS SEPARATION: <u>N/A</u>							
** PLEASE NOTE FOR FINAL APPLICATION ALL APPLICABLE FEES MUST BE PAID. IN ORDER TO OBTAIN A LETTER OF CAPABILITY AND COMMITMENT TO SERVE WATER AND SEWER FROM BJWSA ALL CAPACITY FEES MUST BE PAID. APPLICATIONS WILL BE CONSIDERED INCOMPLETE IF BJWSA COMMITMENT TO SERVE IS NOT SUBMITTED.							
APPLICANT/AGENT'S SIGNATURE: <u><i>John W. Park</i></u>							
ZONING ADMINISTRATOR'S SIGNATURE: <u><i>William Aust</i></u>							
** THIS PRE-APPLICATION CONFERENCE DOES NOT REPRESENT AN APPROVAL FROM THE COUNTY, NOR DOES IT VEST OR GRANDFATHER THE APPLICANT. **							



(D) Contractor's office provided there is no storage of construction vehicles, equipment, or materials on the premises.

(E) Delicatessen, restaurant, soda fountain or other eating and/or drinking establishments provided no outside loud speaker systems are utilized; provided all lights or lighting arrangements used for purposes of advertising or night operations are directed away from adjoining or nearby residential properties and passing vehicular traffic by suitable planting screen, fence, or wall at least six (6') feet in height above finished grade.

(F) Dry cleaning or laundry pickup agency provided that any laundering, cleaning or pressing done on the premises involves only articles delivered to the premises by individual customers.

(G) Meat, fish, and/or poultry shop provided that no slaughtering be permitted.

(H) Pet shop, provided all animals are housed within the principal buildings so that no sound is perceptible beyond the premises.

Section 4.10.3 Other Requirements

Uses permitted in the Neighborhood Commercial District shall be required to conform to the following standards:

(A) For front, side, and rear yard setback requirements, refer to Section 5.2.9.

(B) Maximum building height: Thirty-five (35') feet above base flood elevation or finished grade, whichever is greater.

(C) The maximum building size per parcel shall be ten thousand (10,000') square feet for all uses with the exception of: residential dwelling units; churches and other places of worship; public and nonprofit schools and day care centers; clubs, lodges, union halls, social/community centers; public recreational facilities; conditional uses delineated in Section 4.10.2(I)?

(D) Additional requirements: Uses permitted in the Neighborhood Commercial Zoning District shall meet all standards set forth in Section 5.2.1(E) pertaining to off-street parking, loading, and other requirements.

Section 4.11 GCD - General Commercial District

Section 4.11.2 Permitted Uses

The following uses shall be permitted in any General Commercial District:

(A) Any use permitted in any Development District, in compliance with the provisions of Section 5.2.9.

Last Transaction

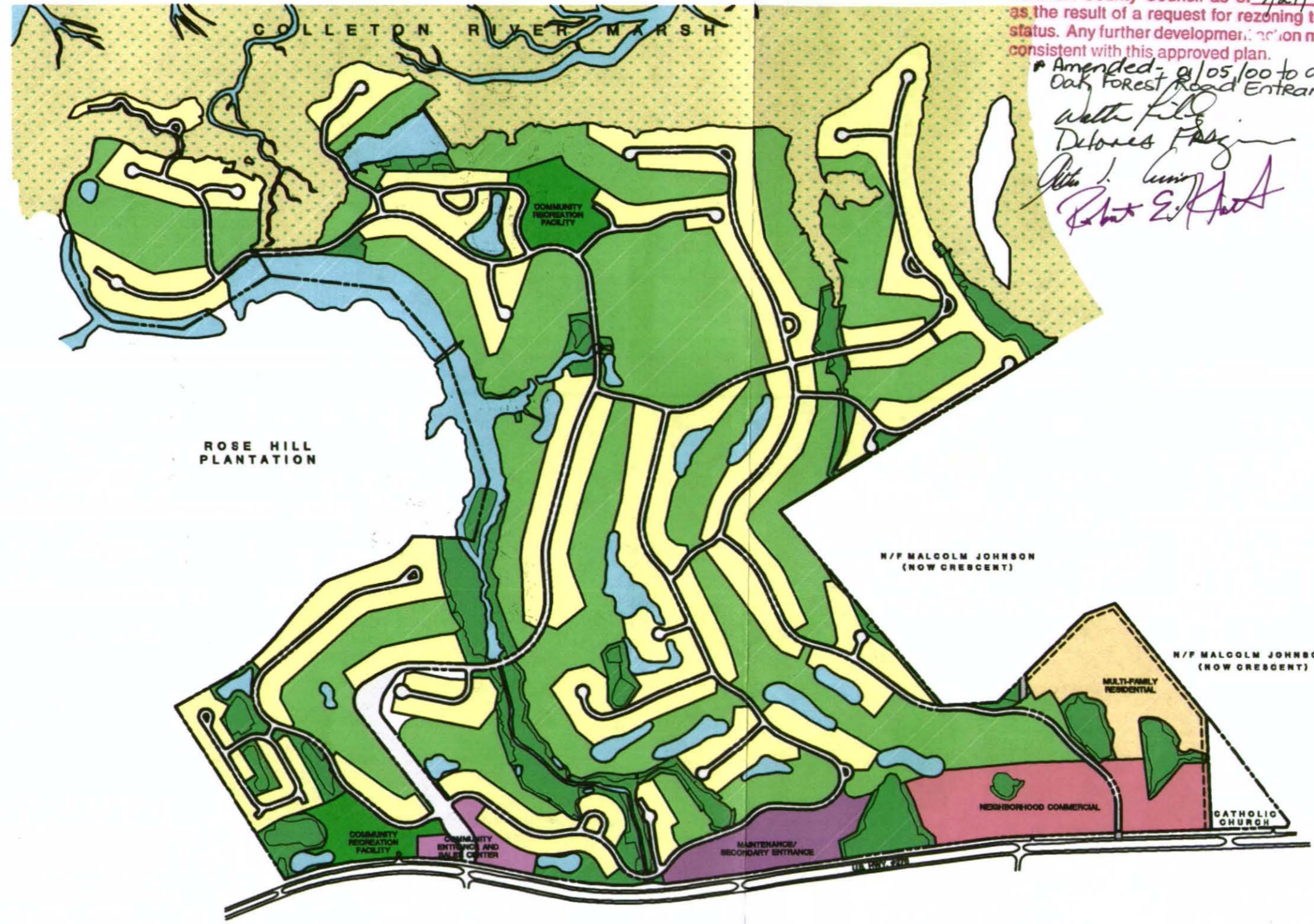
<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Jan 8	11:37AM	Fax Sent	98152296	0:51	3	OK

PLANNED UNIT DEVELOPMENT BY REZONING ACTION

This master plan represents the preliminary plan for development approved by action of the Beaufort County Council as of 7/24/95 as the result of a request for rezoning to PUD status. Any further development action must be consistent with this approved plan.

** Amended - 8/05/00 to add Oak Forest Road Entrance*

*with file
Deborah Frazier
John J. Cunningham
Robert E. Hart*



BELFAIR P.U.D. PLAN

CONSULTANTS:

Land Planning
J. K. TILLER ASSOCIATES, INC.
Bluffton, South Carolina

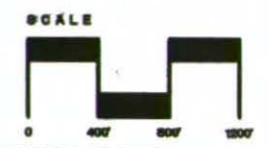
Engineering
THOMAS & HUTTON ENGINEERING CO.
Savannah, Georgia

NOTE:

All development plans are tentative and subject to change.

KEY

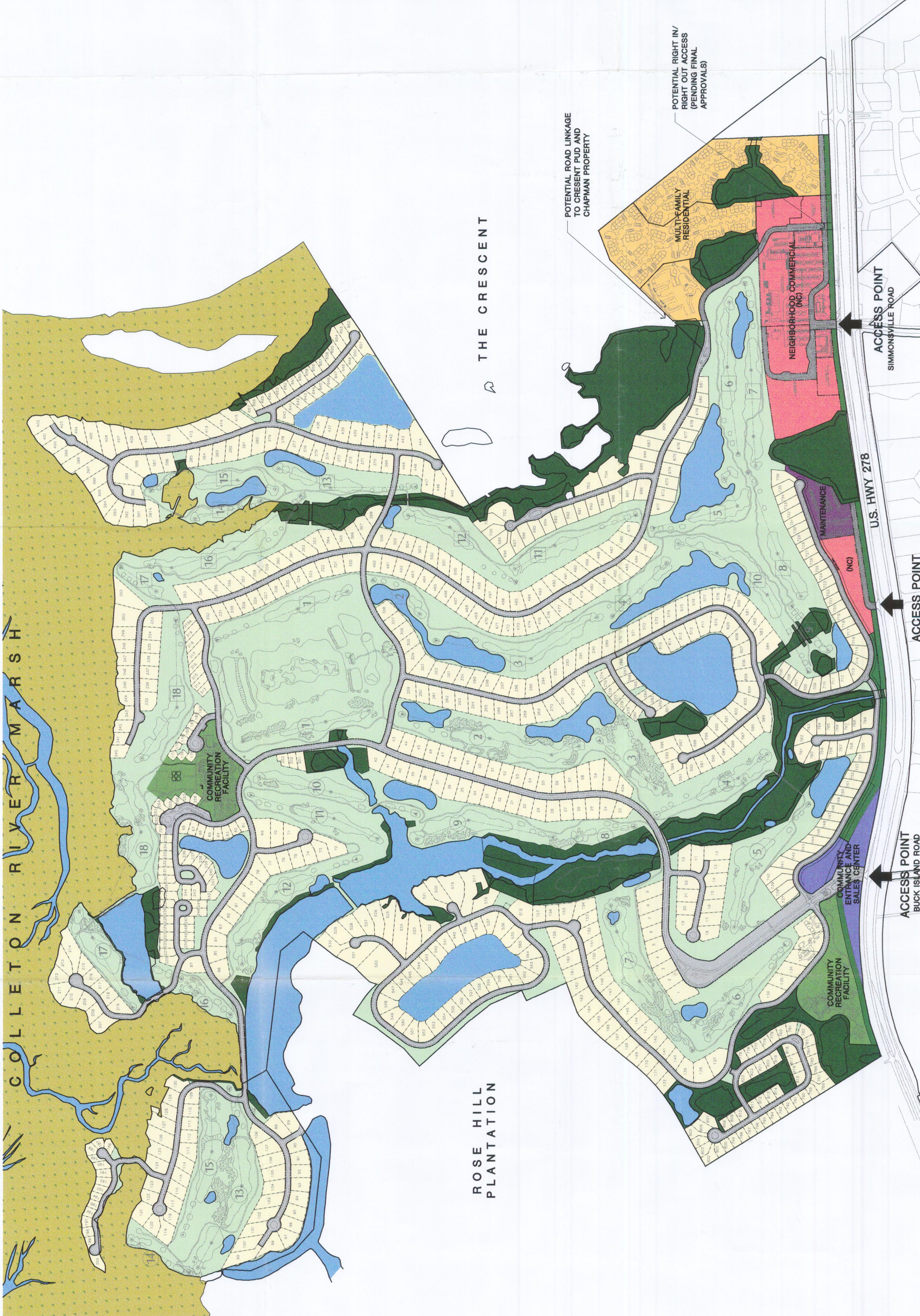
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- GOLF COURSE
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- OPEN SPACES
- BUFFERS & FRESH WATER WETLANDS
- SALT WATER MARSH
- LAKES, DRAINAGE LAGOONS, PONDS & IMPOUNDMENTS



JANUARY 30, 1995
JANUARY 15, 1998 REVISED
JANUARY 4, 2000 REVISED

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COLLETON RIVER MARSH

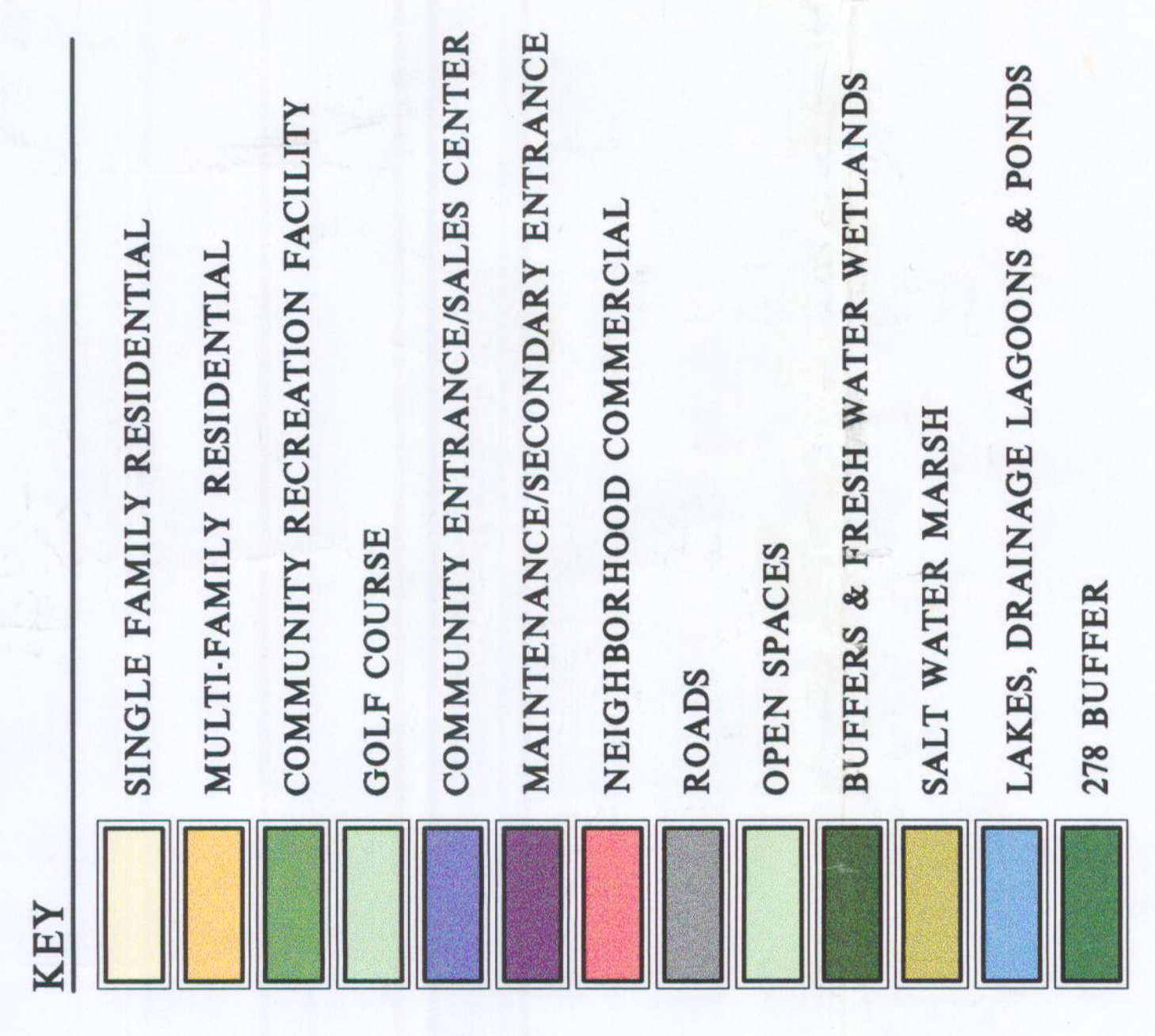


BEAUFORT COUNTY, SOUTH CAROLINA

BELFAIR P.U.D. FINAL MASTER PLAN

CONSULTANTS:
Land Planning
J. K. TILLER ASSOCIATES, INC.
Bluffton, South Carolina
Engineering
THOMAS & HUTTON ENGINEERING CO.
Savannah, Georgia
Legal
LEWIS J. HAMMET
Bluffton, South Carolina

NOTE:
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JANUARY 30, 1995
JANUARY 15, 1998 REVISED
JANUARY 4, 2000 REVISED
MARCH 27, 2000 REVISED
0022.3

EXHIBIT E

SCHEDULE 'C' - Final PUD Master Plan LAND USE, ACREAGE AND DENSITY FINAL PUD MASTER PLAN

ZONING	ACRES	DU	NOTES
NC*	31.5	506	NC=Neighborhood Commercial as defined in the PUD Narrative (MAY include MF) *the development plan provides for part or all of this acreage to be MF (See IV.A.6.5)
MF	33.6		MF=Multi-Family Residential as defined in the PUD Narrative
SF***	1033.4	737	SF=Single Family Residential as defined in the PUD Narrative ***includes acreage for the golf course, roads, open space, and other wetlands, buffers and conservation areas. Lot configuration subject to change.
CRF	18.2	---	CRF=Community Recreational Facilities as defined in the PUD Narrative
CE/SC	7.1	---	CE/SC=Community Entrance/Sales Center. Allowed uses as defined in PUD Narrative
MSE	4.3	---	MSE=Maintenance & Secondary Entrance allowed uses as defined in the PUD Narrative
TOTAL	1128.1	1243	FINAL PUD DENSITY = 1.10 Units/Acre

SCHEDULE 'C' - Original PUD * LAND USE, ACREAGE AND DENSITY AS IN ORIGINAL PUD

ZONING	ACRES	DU	NOTES
NC*	30.0	722	NC=Neighborhood Commercial as defined in the PUD Narrative (MAY include MF) *the development plan provides for part or all of this acreage to be MF (See IV.A.6.5)
MF	33.0		MF=Multi-Family Residential as defined in the PUD Narrative
SF***	897.8	770	SF=Single Family Residential as defined in the PUD Narrative ***includes acreage for the golf course, roads, open space, and other wetlands, buffers and conservation areas.
CRF	22.0	---	CRF=Community Recreational Facilities as defined in the PUD Narrative
CE/SC	6.8	---	CE/SC=Community Entrance/Sales Center. Allowed use as defined in PUD Narrative
MSE	18.4	---	MSE=Maintenance & Secondary Entrance. Allowed use as defined in PUD Narrative
TOTAL	1028.0	1492	ORIGINAL PUD DENSITY = 1.45 Units/Acre

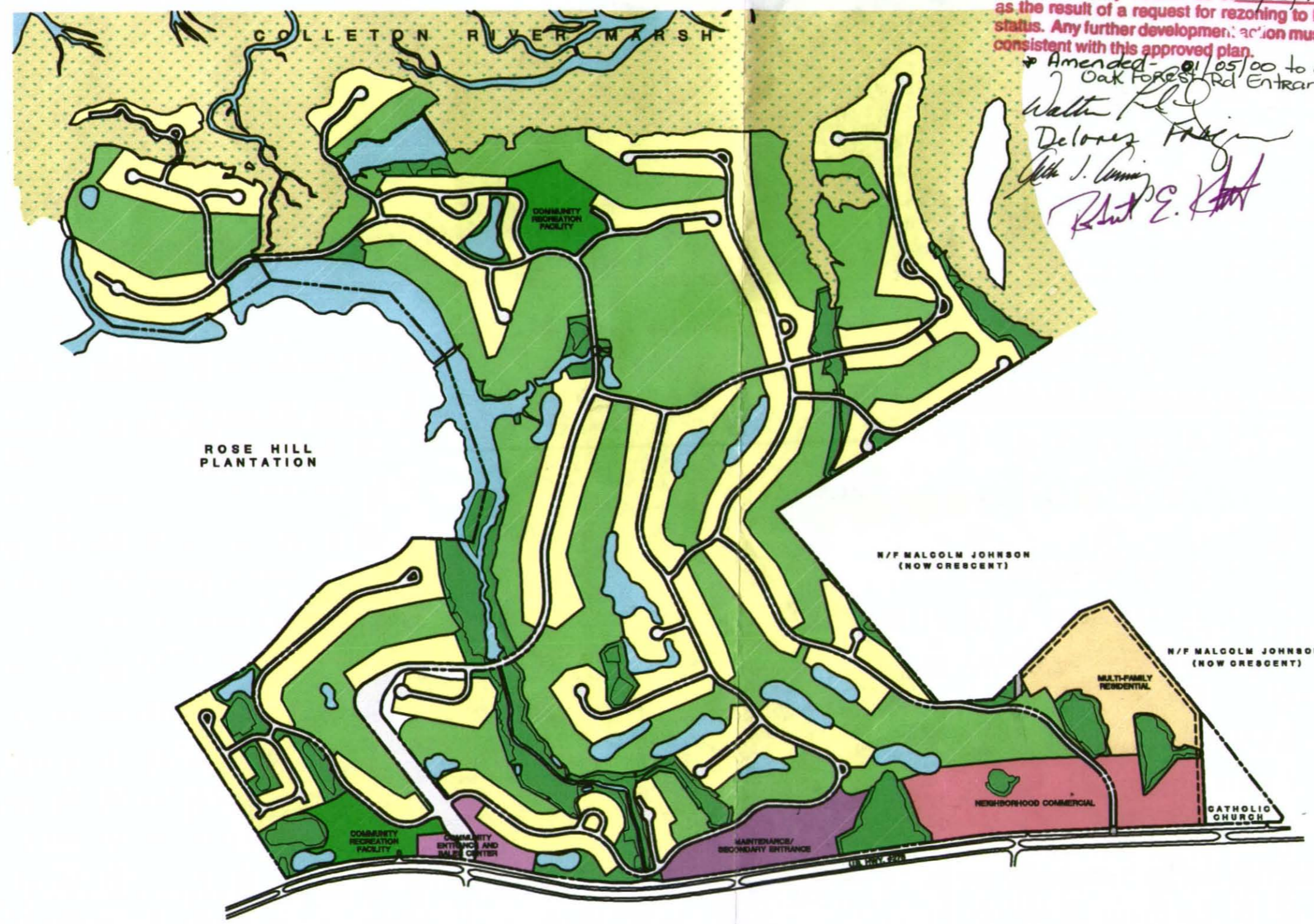
* TAKEN FROM PAGE 15 OF APPROVED PUD DOCUMENT DATED JULY 24, 1995

**PLANNED UNIT DEVELOPMENT
BY REZONING ACTION**

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Amended - 01/05/00 to add Oak Forest Rd Entrance

Walter F. [Signature]
Delores [Signature]
John J. [Signature]
Robert E. [Signature]



**BELFAIR P.U.D.
PLAN**

CONSULTANTS:

Land Planning
J. K. TILLER ASSOCIATES, INC.
Bluffton, South Carolina

Engineering
THOMAS & HUTTON ENGINEERING CO.
Savannah, Georgia

NOTE:

All development plans are tentative and subject to change.

KEY

- SINGLE FAMILY RESIDENTIAL
- MULTI-FAMILY RESIDENTIAL
- COMMUNITY RECREATION FACILITY
- GOLF COURSE
- COMMUNITY ENTRANCE/SALES CENTER
- MAINTENANCE/SECONDARY ENTRANCE
- NEIGHBORHOOD COMMERCIAL
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- OPEN SPACES
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- SALT WATER MARSH
- LAKES, DRAINAGE LAGOONS, PONDS & IMPOUNDMENTS



JANUARY 30, 1995
JANUARY 15, 1998 REVISED
JANUARY 4, 2000 REVISED

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SUMMARY – BELFAIR PLANTATION

ORIGINAL APPROVAL (COUNTY COUNCIL) – JULY 24, 2005

ACREAGE	-	1,028 ACRES
NUMBER OF SINGLE FAMILY LOTS APPROVED	-	770 LOTS
NUMBER OF MULTI-FAMILY UNITS APPROVED	-	722 UNITS
MULTI-FAMILY PARCEL MAXIMUM	-	33 ACRES
COMMERCIAL PARCEL MAXIMUM	-	50 ACRES
OPEN SPACE	-	500 ACRES

1ST AMENDMENT (MINOR – DRT) – JANUARY 05, 2000 - **ADD OAK FOREST ROAD ENTRANCE**

SEE MASTERPLAN

FINAL APPROVAL TO DATE

TOTAL NUMBER OF S/F LOTS APPROVED	-	733 SINGLE FAMILY
TOTAL NUMBER OF M/F UNITS APPROVED	-	414 UNITS

COMMERCIAL AREA – BELFAIR TOWNE VILLAGE HAS BEEN ANNEXED TO THE TOWN OF BLUFFTON

I. PROJECT INTRODUCTION

This rezoning application seeks to establish the Belfair Planned Unit Development (PUD) Zoning District hereinafter referred to as Belfair PUD. The vast majority of the subject property will be low intensity, single family residential development with associated golf course and amenities. A limited amount of multifamily and commercial development is also provided. The overall impact of this application is to reduce the total amount and intensity of development allowed under prior zoning in order to produce a high quality, well planned community which complements surrounding uses.

Section II of this Application compares the presently requested zoning to prior zoning for the subject property. Beaufort County zoned this property as a combination of PUD Zoning, General Commercial Zoning and Development District when the original County Zoning Map was adopted in 1990. The official County Zoning Map showed that zoning status when the present Applicant purchased the property in September, 1994, and that zoning status was certified to the Applicant by the Beaufort County Zoning Administrator immediately prior to its purchase of the property (See Exhibit C). Beaufort County has since changed the official zoning map, administratively, to show the entire property as PUD Zoning District, as part of the Rose Hill PUD (See Exhibit D).

In order to address this confusing background, Section II of this Application compares the present rezoning request to both versions of the prior Official County Zoning Map (See Exhibits C and D). Under either comparison, the present request reduces the total intensity of development for the subject property, as Section II more fully explains.

The total single family residential unit count for the property will be seven hundred seventy. A maximum of seven hundred twenty-two units multifamily is requested for thirty-three acres, and fifty acres of commercial development is requested. The Commercial development use requested is similar to the Neighborhood Commercial District under County law (including by right and conditional uses) and the modified Neighborhood Commercial allowed for PUD applications within a Development District. The Applicant believes that this less intense Commercial use provides the necessary flexibility within the plan, while reducing total development impact and preventing many of the more intense and potentially incompatible uses allowed under a General Commercial District.

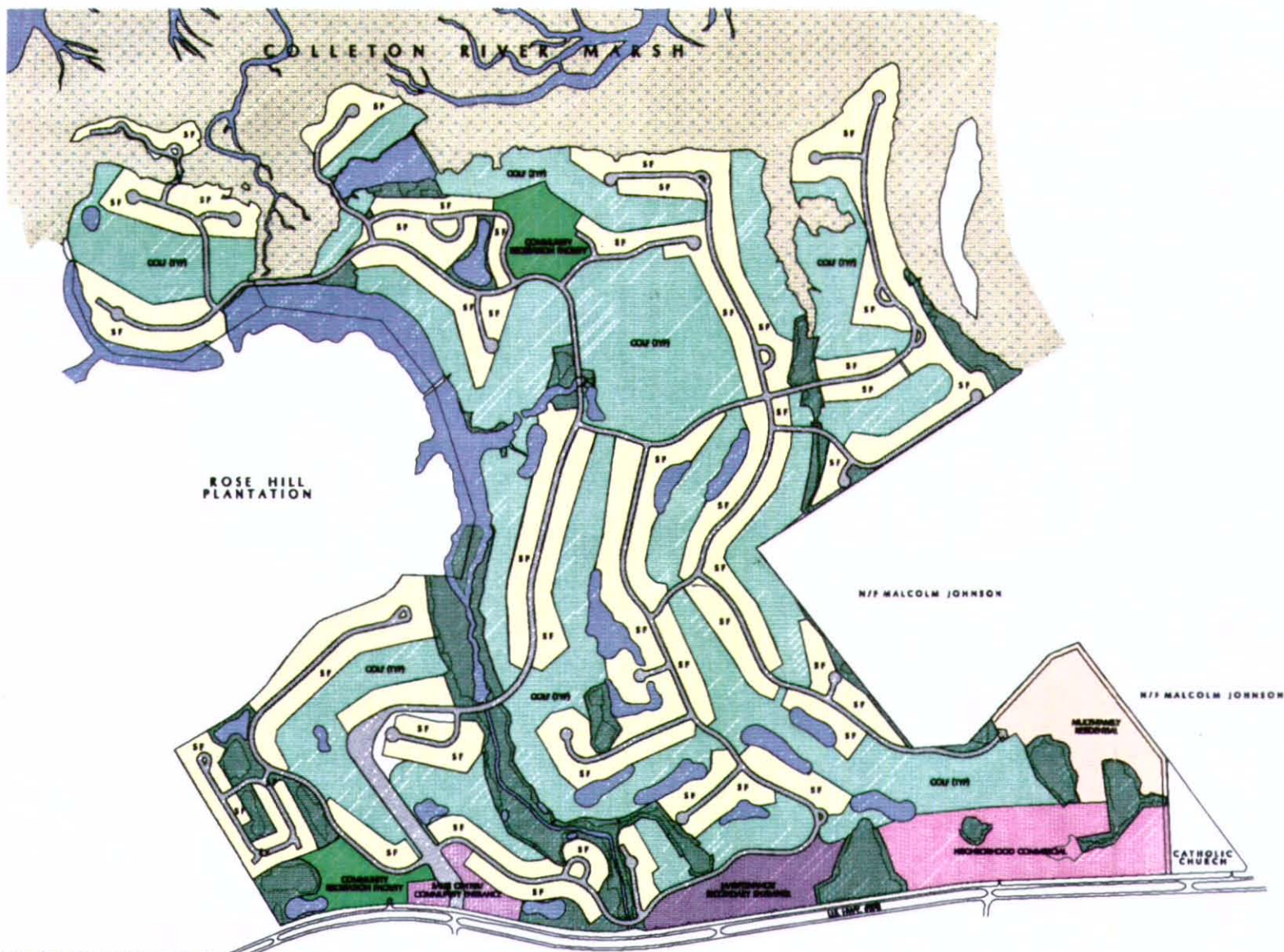
The existing conditions of the site are explained under Section III of this application and the full Development Plan proposed for the Belfair PUD is set forth under Section

B E L F A I R P U D

IV of this Application.

Belfair Plantation Limited Liability Company respectfully requests that Beaufort County approve this Application and rezone the subject property to establish the Belfair PUD Zoning District.

PLANNED UNIT DEVELOPMENT ZONING AMENDMENT



PLANNED UNIT DEVELOPMENT BY REZONING ACTION

This masterplan represents the preliminary plan for development approved by action of the Beaufort County Council as of 7/24/95, as the result of a request for rezoning to PUD status. Any further development action must be consistent with this approved plan.

David Steteb

BELFAIR

BEAUFORT COUNTY, SOUTH CAROLINA



BELFAIR P.U.D. PLAN

CONSULTANTS:

Land Planning
EDWARD PINCKNEY/ASSOCIATES, LTD.
Hilton Head Island, South Carolina

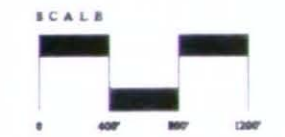
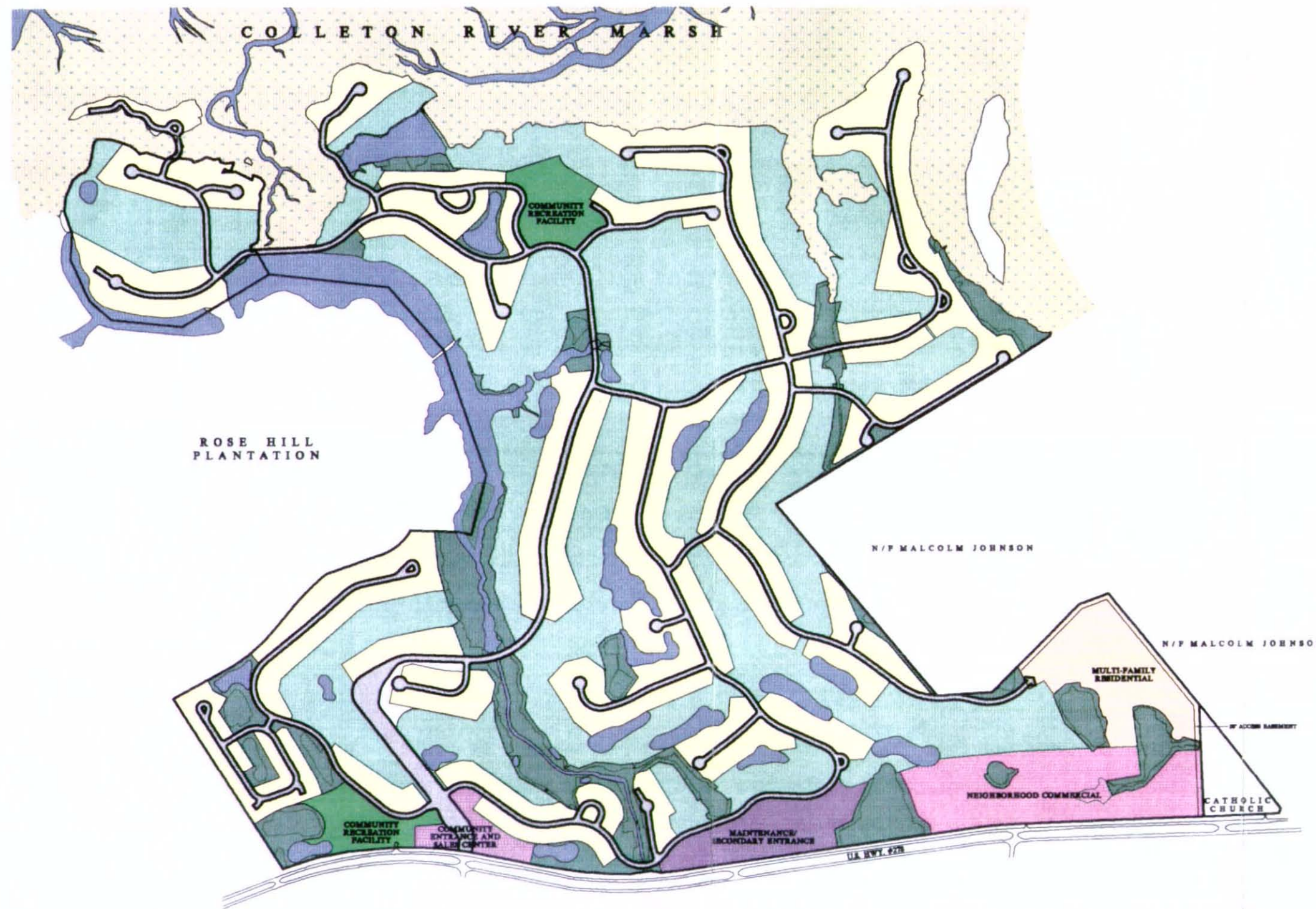
Engineering
THOMAS & HUTTON ENGINEERING CO.
Savannah, Georgia

NOTE:

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- MULTI-FAMILY RESIDENTIAL
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- GOLF COURSE
- COMMUNITY ENTRANCE/SALES CENTER
- MAINTENANCE/SECONDARY ENTRANCE
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- BUFFERS & FRESH WATER WETLANDS
- SALT WATER MARSH
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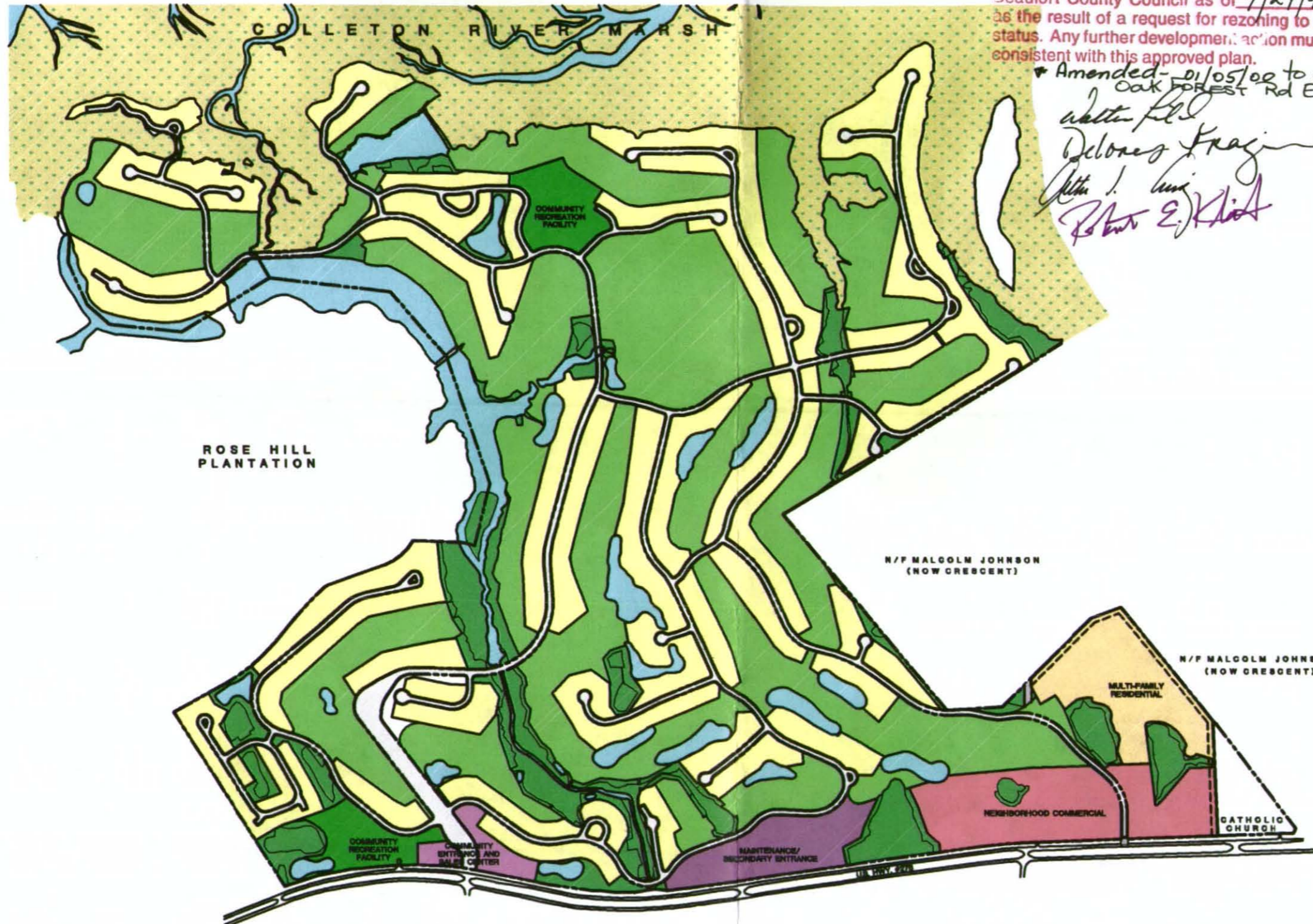
JANUARY 30, 1995

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Amended - 01/05/00 to add Oak Forest Rd Entrance

Walter F. S.
Delores Craig
John J. Lewis
Robert E. Kist



BELFAIR P.U.D. PLAN

CONSULTANTS:

Land Planning
J. K. TILLER ASSOCIATES, INC.
Bluffton, South Carolina

Engineering
THOMAS & HUTTON ENGINEERING CO.
Savannah, Georgia

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NORTH

SCALE

JANUARY 30, 1995
JANUARY 15, 1998 REVISED
JANUARY 4, 2000 REVISED

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MCNAIR LAW FIRM, P.A.

ATTORNEYS AND COUNSELORS AT LAW

Physical Address:

SUITE 400
23-B SHELTER COVE
HILTON HEAD ISLAND, SOUTH CAROLINA 29928

www.mcnair.net

Walter J. Nester III
wjnester@mcnair.net

Mailing Address:

POST OFFICE DRAWER 3
HILTON HEAD ISLAND, SOUTH CAROLINA 29938

TELEPHONE (843) 785-2171
FACSIMILE (843) 686-5991

Via E-mail Only**MEMORANDUM**

To: Weston Newton, Gary Kubic, Tony Criscitiello, Bob Klink, Bill Herbkersman, Tom Peeples, Steve Riley, Charles Cousins, Darrin Shoemaker

From: Walter J. Nester III

Copy To: Belfair Plantation Property Owners' Association, Inc.

Date: December 3, 2007

Client/Matter: 113033.00022

Re: Belfair Plantation Property Owners' Association, Inc. - Parcels A and B Commercial Tract

I trust this e-mail finds you doing well and enjoying the holiday season. Our law firm represents the Belfair Property Owners' Association. It has come to our attention that an application for rezoning has been submitted to the Town of Bluffton by the owner of an approximate five acre parcel of property located within the Belfair PUD but annexed into the Town of Bluffton in 2005. This five acre parcel of property is adjacent to and accessed from Highway 278. The residential areas of the Belfair PUD remain in the County. The parcel at issue is directly opposite Highway 278 from Plantation Business Park at the location of the Highway 278 median cut. This is its sole access point. The property is currently zoned PUD and the use designation is "Secondary Entrance/Maintenance Facility". This use limits use of this property to uses associated with the operation of a golf course and associated facilities. It is our understanding that the applicant, Dumler Properties, is proposing to amend the PUD to change the use classification under the Belfair PUD to "Neighborhood Commercial". Not included in the application, but confirmed from our discussions with the applicant and the Town, is that the applicant's intention is to construct a gas station and convenience store. We are told by the Town of Bluffton Planning Department that it will support this upzoning. We believe that is wrong and does not make sense for a variety of reasons, particularly given today's conditions on Highway 278.

It is important to note that in 2000 the original developer of the Belfair PUD made an application to Beaufort County to amend the PUD to the use designation of this five acre parcel to "Neighborhood Commercial". That request was denied by the County. I have attached a copy of the DRT's action for your review. The specific reasons were predominantly increased traffic on Highway 278, proximity to residences, the fact that there was no interconnectivity between this property and other commercial property and the fact that it would extend the commercial node of the Belfair PUD further along Highway 278 than was originally approved. We believe that all of these issues exist today and, frankly, are more acute. The idea of upzoning this property to add a new gas station cuts against all of the good efforts undertaken to relieve impacts on Highway 278. Therefore, and since there is a direct impact to traffic along the Highway 278 corridor, I think it is important for you to know about this application.

Please feel free to contact me if you have any questions or require further information.

Best regards,

Walter

MCNAIR LAW FIRM, P.A.
ATTORNEYS AND COUNSELORS AT LAW

00232

Physical Address:
SUITE 400
23-B SHELTER COVE
HILTON HEAD ISLAND, SOUTH CAROLINA 29928

www.mcnair.net

Sara Hutton
shutton@mcnair.net

Mailing Address:
POST OFFICE DRAWER 3
HILTON HEAD ISLAND, SOUTH CAROLINA 29938
TELEPHONE (843) 785-2171
FACSIMILE (843) 686-5991

June 14, 2007

VIA E-MAIL AND U.S. MAIL

Hillary Austin
Beaufort County Zoning & Development Department
PO Drawer 1228
Beaufort, SC 29901-1228

RE: Belfair P.U.D. Plan-Parcel A and B-A Portion of Tax Map Parcel# R600 023 00B 0138
Our File No. 113033.00022

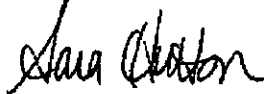
Dear Hillary:

As you know from our discussions, we represent Belfair Property Owners Association, Inc. (the "Association"). Recently it has come to the Association's attention that a gas station is proposed on the above referenced parcel (the "Property"). It is our understanding that the Property is zoned "Maintenance/Secondary Entrance," a classification that permits neither a gas station or automobile service station under the Belfair P.U.D. Plan. However, it is also our understanding that Beaufort County has designated the Property as "Neighborhood Commercial." This is specifically set forth in Terry Finger's letter to Marc Orlando dated April 12, 2007. That letter stated "[i]t appears clear that the County had acknowledged this designation [recognizing Property as Neighborhood Commercial] and simply failed to follow through with signing whatever documents were require." It would appear that this constitutes a change in zoning requiring a zoning map amendment. We have not found any record of such a zoning map amendment and it is therefore requested that you provide us with a copy of this amendment or reason why the County believes one is not required.

If you have any questions or comments, please contact Walter Nester or myself.

Sincerely,

McNAIR LAW FIRM, P.A.



Sara Hutton

c: Belfair Property Owners Association, Inc. (via email only)

DATE: November 16, 2000
TO: Harold C. Boehm, Deputy Administrator
FROM: Charles Gatch, Zoning Administrator
SUBJ: Belfair PUD Masterplan Amendments

May 10, 2000, Belfair submitted a request for minor changes to the approved Belfair Masterplan which consisted of reduced residential density, reduced commercial acreage and the addition of 100.1 acres of land to the PUD. { See attached May 10, 2000 submittal letter }

The DRT approved the requested amendment subject to approval by Rosehill and Crescent Plantation of the transfer of some of their acreage into the Belfair PUD and further conditioned upon DRT approval of an amendment to the Rosehill PUD masterplan to reflect the reduced acreage annexed into the Belfair PUD.

When the revised PUD Masterplan was submitted for certification (stamping) of the DRT approval, both Hillary and I noticed that it contained an additional change which involved changing a portion of the masterplan designated Maintenance Area to Neighborhood Commercial. I checked with the DRT members to confirm whether or not they understand that to be a part of the requested and approved change. All indicated they did not know that was a part of the requested change or that it was even a change to the original approved masterplan.

Jim Tiller, representing Belfair on this matter, was advised by me that the maintenance area change to neighborhood commercial would have to be submitted as an additional amendment request but that first I needed to get a ruling from the DRT whether or not they would consider that request to be a major or minor change. Under the ordinance, minor PUD changes can be reviewed by the DRT and major changes have to be reviewed by County Council.

On August 23, 2000, the DRT ruled that the requested change could be considered minor and could be handled by the DRT. Mr. Tiller was advised of this decision, given a posting notice to be placed at the Belfair entrance and scheduled for review by the DRT on September 6, 2000.

On September 9, 2000, the DRT reviewed and disapproved the additional masterplan change requested. {See attached DRT Action Form for reasons}. No one representing Belfair was in attendance at the DRT meeting.

One additional issue had arisen after the DRT approval of the first amendment request. The requested annexation of the adjacent Rosehill and Crescent Plantation properties into the Belfair PUD amounted to a change in the boundary lines of official Beaufort County zoning districts which can only be done by County Council. This was explained to Mr. Tiller who later advised me that Belfair would just withdraw that part of their original request and he submitted a revised masterplan that reflected those properties as not included within the boundary line of the Belfair PUD zoning district.



BEAUFORT COUNTY, SOUTH CAROLINA

BELFAIR P.U.D. FINAL MASTER PLAN

CONSULTANTS:

Land Planning
J. K. TILLER ASSOCIATES, INC.
 Bluffton, South Carolina
Engineering
THOMAS & HUTTON ENGINEERING CO.
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- NEIGHBORHOOD COMMERCIAL
- ROADS
- OPEN SPACES
- BUFFERS & FRESH WATER WETLANDS
- SALT WATER MARSH
- LAKES, DRAINAGE LAGOONS & PONDS
- 278 BUFFER

NORTH

SCALE

JANUARY 30, 1995
 JANUARY 15, 1998 REVISED
 JANUARY 4, 2000 REVISED
 MARCH 27, 2000 REVISED



SCHEDULE 'C' - Original PUD *
 LAND USE, ACREAGE AND DENSITY AS
 IN ORIGINAL PUD

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* TAKEN FROM PAGE 15 OF APPROVED PUD DOCUMENT DATED JULY 24, 1995

SCHEDULE 'C' - Final PUD Master Plan
 LAND USE, ACREAGE AND DENSITY
 FINAL PUD MASTER PLAN

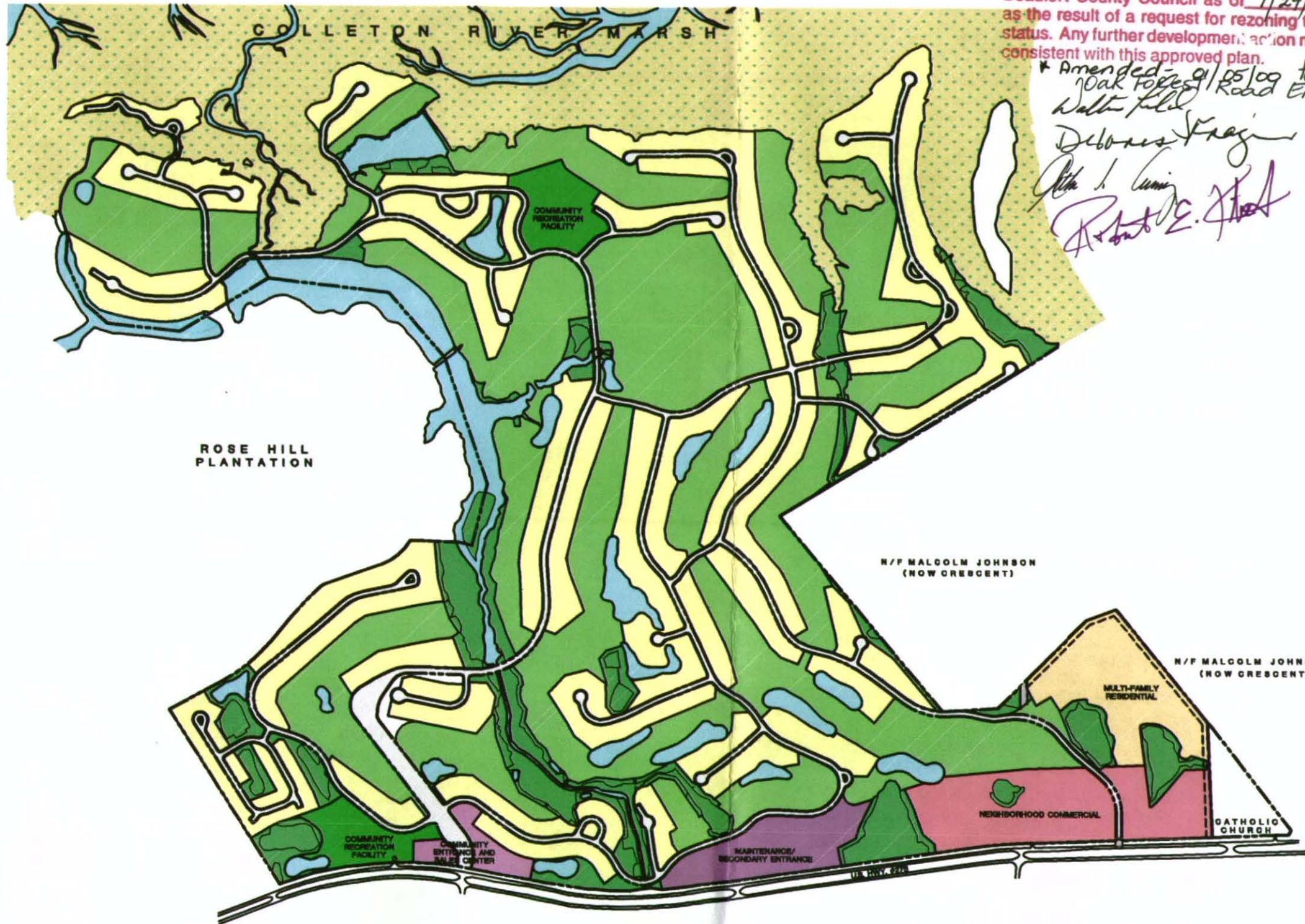
ZONING	ACRES	DU	NOTES
NC*	31.5	506	NC=Neighborhood Commercial as defined in the PUD Narrative (MAY include MF) *the development plan provides for part or all of this acreage to be MF (See IV.A.6.2)
MF	33.6		MF=Multi-Family Residential as defined in the PUD Narrative
SP***	1033.4	737	SP=Single Family Residential as defined in the PUD Narrative ***includes acreage for the golf course, roads, open space, and other wetlands, buffers and conservation areas. Lot configuration subject to change.
CRF	18.2		CRF=Community Recreational Facilities as defined in the PUD Narrative
CE/SC	7.1		CE/SC=Community Entrance / Sales Center. Allowed use as defined in PUD Narrative
M/SE	4.3		M/SE=Maintenance & Secondary Entrance allowed uses as defined in the PUD Narrative
TOTAL	1128.1	1243	FINAL PUD DENSITY = 1.10 Units/Acre

T:\Projects\199801\02\dwg\Pud030800.dwg, 30x42 pud titleblock, 05/22/2000 02:24:30 PM, J.K. Tiller Associates, Inc.

**PLANNED UNIT DEVELOPMENT
BY REZONING ACTION**

This master plan represents the preliminary plan for development approved by action of the Beaufort County Council as of 7/24/95 as the result of a request for rezoning to PUD status. Any further development action must be consistent with this approved plan.

** Amended 11/05/00 to add
10 Oak Forest Road Entrance.
Walter Hill
Deborah Craig
Alta L. Lewis
Robert E. Hill*



BELFAIR
BEAUFORT COUNTY, SOUTH CAROLINA

**BELFAIR P.U.D.
PLAN**

CONSULTANTS:

Land Planning
J. K. TILLER ASSOCIATES, INC.
Bluffton, South Carolina

Engineering
THOMAS & HUTTON ENGINEERING CO.
Savannah, Georgia

NOTE:

All development plans are tentative and subject to change.

KEY

- SINGLE FAMILY RESIDENTIAL
- MULTI-FAMILY RESIDENTIAL
- COMMUNITY RECREATION FACILITY
- GOLF COURSE
- COMMUNITY ENTRANCE/SALES CENTER
- MAINTENANCE/SECONDARY ENTRANCE
- NEIGHBORHOOD COMMERCIAL
- ROADS
- OPEN SPACES
- BUFFERS & FRESH WATER WETLANDS
- SALT WATER MARSH
- LAKES, DRAINAGE LAGOONS, PONDS & IMPOUNDMENTS



JANUARY 30, 1995
JANUARY 15, 1998 REVISED
JANUARY 4, 2000 REVISED

Exemption from RPOD

Law Office of
Lewis J. Hammet, P.A.
Attorney and Counselor at Law
Post Office Box 1719
32 Calhoun Street
Bluffton, South Carolina 29910
(843) 757-8126 (843) 757-7620

Memorandum

**To: Hillary Austin
Zoning Administrator**

From: Lewis J. Hammet

Date: September 9, 2002

**Re: Belfair Commercial
Proposed Lodging Use**

I represent the developers of the commercial area of the Belfair PUD. As you may know, this is the commercial center, across from the Sheridan Park (Regional Commercial) development, which includes the Kroger store, banks, offices, restaurants, etc.

My client proposes to develop a lodging use on one of the remaining commercial sites within the commercial area of the Master Plan. I believe that the lodging use is specifically allowed, and I have put together this memorandum and attachments so you can confirm this conclusion. I believe the following facts are important.

1. The Belfair PUD was approved by County Council on July 24, 1995, and the new ZDSO maps show the property as PUD – Community Preservation.
2. The allowed uses are defined within the PUD text. The area is labeled as Neighborhood Commercial, as defined in the PUD text. On pages 43-45 of the Belfair PUD text, the commercial area use allowances and development standards are defined (paragraph (A) 6.).
3. Under Permitted Uses, on page 44, the first two paragraphs (a. and b.), make virtually all retail and office uses allowed, unless specifically

listed under the "Prohibited Uses." Subparagraph (c) of the Permitted Uses adopts other allowed uses by reference, as set for the in the Beaufort County Ordinance. The additional commercial uses, adopted by reference to the then current DSO, are "uses allowed in the Neighborhood Commercial District and Development District..., both by right and conditional uses, unless specifically prohibited under Prohibited Uses, below".

4. Under the then current version of the DSO, section 4.3.2 (B) (2), states that lodging and restaurants are allowed as a conditional use within a Development District, if the land is part of a PUD.
5. The Prohibited Uses within the PUD do not contain a prohibition against lodging (see pages 44 and 45).
6. Finally, the Belfair PUD adopts the development standards of section 4.11.5 of the DSO to govern all commercial development. This is the DSO section establishing development standards for the General Commercial District.

Even though it is not required, my client has anticipated a question regarding traffic generation for lodging as opposed to high intensity retail and office. Traffic generation is lower for the lodging use.

I have attached they relevant sections of the Belfair PUD and the then current DSO, which were incorporated into the Belfair PUD. Could you please confirm that lodging is an allowed use. Let me know if a meeting would be helpful.

(M) Utility lines, substations, switching stations, pump stations and treatment plants.

(N) Customary home occupations established under the provisions of Section 5.3.

(O) Hospitals and health clinics.

(P) Schools, private and public; day care centers; child nurseries.

(Q) Public or private health care homes or nursing homes.

(R) Non-commercial recreation areas including swimming pools; amusement parks providing a variety of entertainment provided the same is carried out on premises of not less than ten (10) acres in area.

(S) A horse riding school and/or horse training facility provided the site contains a minimum of three (3) acres and provided that there shall be a minimum area of one (1) acre for the first one (1) to two (2) horses approved for the facility, plus an additional one-half (1/2) acre for each additional horse approved for the facility. Stalls or stable areas should be one hundred forty-four (144') square feet for each horse.

(T) Platted patio lots as a part of a subdivision whereon the location of a building on an individual lot is in such a manner that one or more of the building's sides rest directly on or close to a lot line, thus creating a zero lot line(s).

(U) A temporary office and/or storage building during a project involving construction but not to be used as a dwelling with the removal of same within 30 days upon project completion.

Section 4.3.2

Conditional Uses

The following uses may be permitted on a conditional basis in any Development District:

(A) Residential Conditional Use. Any single-family or multi-family residential use at a density not exceeding eight (8) units per net acre of land providing that water and sewer service is available from a source other than individual well or septic tank. For a definition of "Net Acre" see Section 10.2

(B) Planned Unit Development Conditional Use. Any single use or combination of mixed uses except industrial, subject to the guidelines, standards and submission requirements established in Section 4.13 Planned Unit Development, provided that:

(1) Commercial use does not exceed twenty per cent (20%) of the total development acreage.

(2) Commercial uses shall be those permitted in the Neighborhood Commercial District but may include restaurants, lodging establishments and/or a shopping center.

(C) Seafood Conditional Use. Seafood or shellfish packaging and processing shall be permitted in a Development District provided that the following conditions area met:

(1) There shall be a setback of one-hundred fifty (150') feet from the perimeter of any residential zone or Planned Unit Development District.

(2) All packaging and/or processing of seafood, shellfish, or sea plants shall meet the provisions of Section 5.2.11 of this Ordinance as related to odor, noise, smoke, or waste disposal, etc.

(D) Telecommunications Towers Conditional Use. Telecommunications (transmission and receiving) towers provided the site plan complies with the requirements of Section 5.2.9(F); provided towers under two hundred (200') feet are painted silver or gray or retain galvanized finish in order to camouflage against the sky (unless the Federal Aviation Administration imposes other requirements); and provided no strobe lights are used (unless required by the FAA).

(E) Campgrounds and Recreational Vehicle Parks provided that:

(1) No site or structure shall be continuously occupied for more than fourteen (14) days. Any tent, camper, or recreational vehicle shall be physically removed on or before the expiration of fourteen (14) days.

(2) No overflow camping shall be allowed. When a campground/RV Park is full, no more campers or vehicles shall be permitted on the grounds.

(3) The campground shall have a minimum size of twenty (20) acres. The maximum size campground shall not exceed fifty (50) acres on any single parcel.

(4) All permanent structures including cabins in a campground shall be limited to single-story structures in height.

(5) No more than eight (8) campsites/RV sites or camping structures including cabins shall be permitted per net acre in any campground.

(6) Not less than thirty (30%) percent of all campgrounds/RV Parks shall consist of open space which shall contain no camp/RV sites and/or structures.

(7) All campgrounds and recreational vehicle parks in Beaufort County shall be in compliance with the Rules and

1995 DSO

Ord. No. 90/3

00243

(c) That if there is a monetary return (cash paid) as a result of a winning combination on the coin operated device, machine or electronic gaming device, the building in which such machine(s) exist shall not be located within one thousand feet (1,000') feet of any church, school, educational institution, or publicly or privately owned/operated youth-oriented grounds or facilities; nor within five hundred (500') feet of any residential zoning district. Such distance shall be computed by following the shortest route of ordinary pedestrian or vehicular travel from the nearest point of the grounds in use as part of such church, school, educational institution, residential zoning district, or publicly or privately owned/operated youth-oriented grounds or facilities.

(d) No person who maintains for use or permits the use of, on any place or premise occupied by him/her, any coin operated machine, device or electronic gaming device to be operated between the hours of 2:01 a.m. and 7:59 a.m.

Section 4.11.4 Seafood Conditional Uses

Seafood or shellfish packaging and processing shall be permitted in a General Commercial District provided that the following conditions are met:

(A) There shall be a setback of one hundred fifty (150') feet from the perimeter of any residential zone or Planned Unit Development District.

(B) All packaging and/or processing of seafood, shellfish, or sea plants shall meet the provisions of Section 5.2.11 of this Ordinance as related to odor, noise, smoke, or waste disposal, etc.

Section 4.11.5 Other Requirements

Unless otherwise specified elsewhere in the Ordinance, uses permitted in the General Commercial District shall be required to conform to the following standards:

(A) Minimum lot width, measured at the building line: fifty (50') feet.

(B) For front, side, and rear yard setback requirements, refer to Section 5.2.9 of this Ordinance.

(C) Setbacks where adjacent to other zoning districts: Where adjacent zoning districts are established, the provisions contained in Section 5.2.9 of this Ordinance shall apply.

(D) Maximum building height: Fifty (50') feet above base flood elevation or finished grade, whichever is greater. For exceptions to height limitations, see Section 5.2.13(c).

B E L F A I R P U D

This use provides for central recreation complexes to serve the community. These facilities may have indoor recreation, meeting, banquet, fitness and hobby space. These facilities may be built in a complex of multiple buildings over the life of the development. Outdoor Recreational Facilities may include golf courses, golf driving ranges, pools, tennis courts, croquet courts, lawn bowling, parks, playgrounds, trails & paths and other recreational uses.

Permitted Uses:

- a. Recreational Buildings
- b. Accessory Buildings
- c. Community Offices
- d. Outdoor Recreation Facilities
- e. Maintenance and Storage Facilities
- f. Commercial Uses Associated with:
 - (1) Club Houses, Locker Rooms, Proshops
 - (2) Snack Bar/Grill
 - (3) Convenience Goods for Residents and Guests
- g. Lighted Outdoor Recreation Facilities
- h. Mail Deposit and Pickup Facility
- i. All Uses in 1. Single Family Residential

5. Community Entrance/Sales Center (CE/SC)

This Community Entrance/Sales Center will house a major entrance to the community, the Sales offices and related services. In order to provide flexibility for the Community, in the future, this area may include office facilities.

Permitted Uses:

- a. Sales, Professional and Financial Services Offices
- b. Model Homes
- c. All Uses in 1. Single Family Residential (SF)

-6. Neighborhood Commercial (NC)

The Neighborhood Commercial area allows for the development of a limited use commercial area to provide essential services to residents and to function as part of a commercial node for the general public as

B E L F A I R P U D

anticipated by the original Beaufort County Zoning Map.

Permitted Uses:

- a. General and Professional Offices-including Medical and Health Services
- b. General Retail, Service Business, and Shopping Centers unless specifically prohibited under Prohibited Uses, below
- c. Uses allowed in a Neighborhood Commercial District and Development District under current *Beaufort County Zoning and Development Standards Ordinance*, both by right and Conditional uses, unless specifically prohibited under *Prohibited Uses*, below
- d. The Other Requirement, Section 4.11.5 of the *Beaufort County Zoning and Development Standards Ordinance* shall apply to all Commercial Development within the Neighborhood Commercial Area
- e. All Uses in 1., Single Family Residential (SF)
- f. All Uses in 2., Multi-Family Residential (MF)
- g. All Uses in 3., Golf Courses (GC)

Prohibited Uses:

The following Commercial Uses, which are presently allowed under *Beaufort County Zoning and Development Standards Ordinance*, within Neighborhood Commercial or General Commercial Districts, are specifically prohibited:

- a. Telecommunications Tower
- b. Telegraph Offices
- c. Telephone Exchange
- d. Publicly Owned and Operated Building
- e. Club, Lodge, Union Hall or Social Center
- f. Off-Street Commercial Parking Garage
- g. Public Utility Installations or Sub-Installations Including Water Towers
- h. Motion Picture Studio
- i. Wooden Assembly Companies
- j. Electronic Assembly Companies
- k. Automobile Garage-Repair and Service
- l. Newspaper Publishing Plant
- m. Automobile Carwash
- n. Laundry or Washateria (Except as Related to Guest Laundry Services)

B E L F A I R P U D

- o. Animal Hospital, Clinic or Kennel
- p. Junk Yard or Auto Salvage Yards
- q. Solid Waste Transfer Facilities or Recycle Centers
- r. Automobile Service Station
- s. Horse Riding School and/or Training Facility
- t. Mini-Warehouses
- u. Recreational Vehicle Park or Camping Facility
- v. Miniature Golf
- w. Go-Cart Racing Facility
- x. Water slide and Wave Pools
- y. Roller Coaster

7. Maintenance/Secondary Entrance (M/SE)

Maintenance/Secondary Entrance will house the facilities compatible with and necessary to maintain the common properties and golf courses.

Permitted Uses:

- a. Vehicle Maintenance
- b. Storage of Vehicles and Parts, Boats, Recreational Vehicles, and Resident Storage Units
- c. Fuel Storage
- d. Shops for Woodwork, Metalwork and Painting for Maintenance of Community, Greenhouses and Pump Station
- e. Offices Associated with Community and Golf Maintenance
- f. Storage of Chemicals and Bulk Materials
- g. All Uses in 1. Single Family Residential (SF)

8. Wetlands

Freshwater wetlands on the property have been delineated, surveyed and verified. The use of these lands is controlled by the U.S. Army Corps of Engineers and South Carolina Department of Health & Environmental Control, Office of Ocean and Coastal Management Resource and unless restricted via memorandum of Agreement to the contrary, the following are Permitted Uses:

- a. Open Space
- b. Conservation Easements
- c. Activities in all Areas as Permitted by U.S. Army Corps of Engineers

COUNTY OF BEAUFORT
DEVELOPMENT REVIEW TEAM
ACTION FORM

PROJECT NAME: BELFAIR MASTERPLAN CHANGE
PROJECT TYPE: MASTERPLAN CHANGE

APPLICANT(DEVELOPER)NAME, ADDRESS, PHONE#

PROJECT LOCATION U.S. HWY 278	PIN	LAND AREA(ACRES)	LOTS/UNITS	BLDG AREA(SQFT)
DATE OF REVIEW 9/6/00	OVERLAY DISTRICT	FIRE DISTRICT BLUFFTON		ZONING DISTRICT PUD

TYPE OF DRT REVIEW () CONCEPTUAL () PRELIMINARY FINAL

APPROVED NO CONDITIONS

DISAPPROVED REASONS:

- 1) negative impact on residential lots adjacent to proposed commercial
- 2) increased traffic at maintenance area ingress/egress
- 3) no internal links between neighborhood commercial and residential

APPROVED WITH CONDITIONS CONDITIONS:

- 4) spreads out along Hwy 278, the neighborhood commercial node proposed in approved PUD document.

APPROVED SUBJECT TO CONDITIONS:

DEFERRED: (PLEASE SUBMIT THE FOLLOWING)

Quentin Stetler
ZONING & DEVELOPMENT ADMINISTRATOR

9/6/00
DATE

Subject: Belfair minor PUD amendment - commercial tract

Date: Tue, 22 Aug 2000 16:00:43 -0400

From: Jim Tiller <jim@jktiller.com>

To: Charles Gatch <charlesg@mail.co.beaufort.sc.us>

CC: Stephen Bird <stevebird@sbirdlaw.com>, Lewis Hammet <lawhammet@hargray.com>

Charles:

I have tried to call several times to let you know that there will be a written response to your request for a letter concerning a minor amendment change to the Belfair PUD that should accompany the Master Plan submitted last week. The other request, that a letter from the Belfair POA in response to the commercial reallocation change, is also forthcoming. Mr. Lewis Hammet and Mr. Stephen Bird shall be contacting you with a letter(s) addressing the written requirements you have requested. For your information, placement of the Posting Notice was taken care of today, August 22, 2000. It is our understanding that this will, with this written documentation provided by Mr. Hammet and Mr. Bird, complete the requirements for consideration of the final approval of the revision to the Belfair PUD on the September 6, 2000 meeting of the DRT.

Jim Tiller J. K. Tiller Associates, Inc.

jim@jktiller.com
1.843.815.6800

00248

Memorandum

Date: August 22, 2000

To: Beaufort County Development Review Team

From: Belfair Plantation Limited Liability Company
and Belfair Property Owner's Association, Inc.

Re: Amended Master Plan for Belfair PUD

Belfair Plantation Limited Liability Company has previously submitted a request for the Beaufort County Development Review Team to approve, as a minor amendment, the Amended Master Plan for Belfair PUD. The Amended Master Plan has the general effect of confirming reduced densities and final land use locations as explained below. The Development Review Team has asked for clarification that the Belfair Property Owner's Association is aware of the elements depicted under the Amended Master Plan and that the Association has no objection to the Amended Master Plan. The DRT has also requested a formal written request from Belfair Plantation Limited Liability Company. The purpose of this Memorandum, executed below by Belfair Plantation Limited Liability Company and the Belfair Property Owner's Association, Inc., is to satisfy both requests by the DRT.

The following specific changes are included under the Amended Master Plan:

1. **Single Family Location and Density.** The location of single family lot areas are hereby fixed and limited to the areas shown for single family lots on the Amended Master Plan. The original Master Plan did not fix specific locations for single family. The single family density is hereby reduced from 770 lots under the original Belfair Master Plan to 674 lots under the Amended Master Plan.
2. **Multifamily Location, Density and Configuration.** The location of multifamily development under the Amended Master Plan is hereby restricted to the area depicted for Multifamily on the Amended Master Plan. The total allowed multifamily density is reduced from a total allowance of 722 units under the original Master Plan to a total density of 506 units under the Amended Master Plan. As depicted under the Amended Master Plan Area,

multifamily has been developed into a portion of the original Neighborhood Commercial area as shown on the original Master Plan.

- 3. **Commercial Location, Density and Configuration.** The location of commercial development under the Amended PUD is hereby fixed and limited to the Neighborhood Commercial area as depicted on the Amended Master Plan. The original PUD allowed for up to a maximum of 50 acres of Neighborhood Commercial. The Amended Master Plan reduces Neighborhood Commercial acreage to a maximum of 31.50 acres as shown on the Amended Master Plan. As depicted under the Amended Master Plan, Neighborhood Commercial acreage is located as shown thereon, including the above referenced conversion to multifamily at the eastern boundary of the PUD, and the conversion of a portion (approximately 4 acres) of the original Maintenance Area to Neighborhood Commercial. The result of these changes is a net reduction in Neighborhood Commercial acreage from 50 acres to 31.5 acres. Internal access from the private area of the Belfair PUD is provided to the larger Neighborhood Commercial area, as shown on the Amended Master Plan. Such internal access is not provided to the smaller Neighborhood Commercial area immediately adjacent to the Maintenance Area.
- 4. **Golf, Roads, Amenities and Open Space.** The original Master Plan was very conceptual and did not fix the exact location of land uses within the PUD. Under the Amended Master Plan, the location of golf, roads, amenities and open spaces are as depicted on the Amended Master Plan, and the location of other land use categories are as depicted on the Amended Master Plan.
- 5. Except as specifically modified by the attached Amended Master Plan for the Belfair PUD, all other elements of the original PUD remain unchanged.

A copy of the Amended Master Plan, labeled Belfair PUD Final Master Plan, is attached hereto for convenient reference. By its signature below, the original developer, Belfair Plantation Limited Liability Company, hereby requests that approval of the Amended Master Plan be confirmed by Beaufort County, and by the signature of its authorized representative below, the Belfair Property Owner's Association, Inc. hereby concurs and offers no objection to the Amended Master Plan.

~~Sept.~~
August 12, 2000

Belfair Plantation Limited Liability Company

By: Rove Investments, LLC

Its: Gay L. Rice, manager

August 10, 2000

Belfair Property Owner's Association, Inc.

By: [Signature]

Its: PRESIDENT



cc. TC
CB



RECEIVED
11/07/00 D+S

November 7, 2000

VIA FACSIMILE 843/470-2823

Buzz Boehm
Beaufort County Deputy Administrator
P.O. Drawer 1228
Beaufort, SC 29901

Re: Belfair Master Plan

Dear Buzz:

In accordance with our recent conversation, enclosed please find 1.) a copy of the Memorandum from Lewis Hammet summarizing the status of the matter, 2.) a copy of the original submittal letter dated May 10, 2000 and 3.) a copy of an e-mail to Charles Gatch confirming the items he requested were being submitted.

Please call when you get a chance.

Best regards,

Thomas R. Zinn

TRZ:wac
Enclosures

Law Office of
LEWIS J. HAMMET, P.A.
Attorney and Counselor at Law
32 Calhoun Street
Post Office Box 1719
Bluffton, South Carolina 29910
(843)757-8126 FAX: (843)757-7620

Memorandum

Date: October 12, 2000
To: Gary Rowe
Tom Zinn
From: Lewis J. Hammet
Re: Final Belfair Master Plan Issues

You asked that I summarize the current status of the Final Belfair Master Plan approval and the problems we have encountered in obtaining the final confirmation. Basically, we had obtained final approval from the DRT months ago, but personnel changes and communications problems have prevented us from bringing this important matter to complete closure. The sequence of events has been as follows:

1. The Belfair developers originally received a very general and conceptual PUD approval, which contained caps on single family density, multifamily density, and total commercial acreage. By sometime last year, you had reached the point of completing the majority of development, and you had completed the plans for the few remaining undeveloped portions. Your final development was shaping up as a substantial reduction of both residential density and commercial acreage. You were contemplating a turnover of control to a new owner's board, and you wanted to confirm the Master Plan in its final form, to lock in the final changes and density reductions. We did not want to leave floating excess densities for future argument and we wanted to confirm the final location of all uses, since the original PUD had been entirely conceptual.
2. I worked with Jim Tiller and others to analyze the situation and prepare the final document to submit to the County, after you, as the developing entity, had confirmed the accuracy.

3. Once we had a Final Master Plan in hand, we decided to begin by meeting with the County Administrator, to explain the situation, determine if our approach was acceptable, and confirm how to present the matter to the County.
4. Jim Tiller and I met with John Kachmar on April 11 of this year, to show him the original PUD Master Plan, explain the situation, show him the proposed Final Master Plan, and seek comments and direction. Both the original PUD and the new proposal were placed on the table and discussed. Mr. Kachmar agreed with our proposed changes, believed that the changes were in the County's best interest, and suggested that we begin with an informal meeting with Walter Fielding and others with the DRT, as Walter might think appropriate.
5. Jim Tiller and I went to Beaufort for a preliminary conference with available DRT members to show them the original PUD Masterplan, the proposed Final PUD Master Plan, and explain the final density reductions and use locations. We also explained that a formal turnover to the Belfair Homeowner's was eminent, and we wanted to document the final densities and locations to prevent future arguments. We explained that many other PUD's, which had excess densities and uses after developer buildout, had become embroiled in controversy in subsequent years as subsequent owners tried to develop excess density and uses. Our plan would avoid that controversy and allow the County to reduce density in its computer models as well. We received positive input and were told we would be on the next agenda for DRT approval.
6. Jim Tiller attended the DRT meeting to obtain the final approval. At the meeting, the DRT decided that the Belfair property should be posted with a notice before action was taken. Jim reported this to me and told me a day or so later that Hillary had the posting placard ready to be picked up at her desk. I was going to Beaufort to meet with Fielding on another matter, so I stopped by and Hillary gave it to me personally and told me to give it to Jim for immediate posting. I did this and followed up with Jim later to confirm the posting.
7. I attended the next DRT meeting with Jim where the Final Master Plan was to be given final approval. Two questions were raised. Mr. Klink stated that he understood that the fourth Belfair curb cut had now been approved, so that we should remove the "Proposed Access" designation and simply show it as an access. After some discussion, other DRT members agreed. Hillary expressed concern that a small portion of what had been the Rose Hill PUD was being shown as part of the Final Belfair PUD. She said the DRT needed some documentation that this was approved. I told her that the Rose Hill developer and the Rose Hill Owner's Association had approved the sale, removed it from Rose Hill covenants of record, and it had been submitted to

Belfair covenants as part of Belfair, with DRT approval for the subdivision and connection to Belfair roads. She said the approval should be conditional upon the DRT being given a copy of the Rose Hill release documents that I described, for their file. The DRT then confirmed, unanimously, that the Final Belfair PUD was approved, subject to those two minor conditions. Jim and I called the Belfair principals on the way back from Beaufort to report the approval by DRT.

8. By the time Jim Tiller made the requested change on the Master Plan to eliminate the word "Proposed", and by the time we obtained a copy of the Rose Hill Covenant release, Charles Gatch was transferred back as head of the DRT and Mr. Fielding went to another job. Even though we had a final approval, subject to two minor conditions which Jim Tiller submitted, Charles refused to stamp the Final Master Plan. He raised a series of new concerns.
9. Jim attended a DRT meeting to seek confirmation that the Final Master Plan conditions had been met. He was told that notification of owners would be necessary before the plan was stamped (Jim did not recall or report at the time that notification had been previously accomplished). Charles had taken the position that the small area of Rose Hill could not be shown unless Rose Hill processed a PUD change request. Charles also took the position that the location of the 3+ acres of commercial in the Maintenance Area would take special consideration even though it was always shown, but he apparently supported the plan. Charles also requested, through Jim, that we obtain a specific approval of the Final Belfair Master Plan from the Belfair Owner's Association and that we obtain a formal request from the Belfair developer to have the plan approved. These were all new issues, not part of our original approval, but we elected to give Charles what he asked for rather than protest. It took a little while to get these items together, since the new Belfair Owner's Board had separate counsel, and he was out of the country. By the time we got everything together and in Jim's hands to satisfy the additional requests, Jim was told the DRT had decided that it should not approve the Final Master Plan.
10. No notice was given to us on any move to reconsider the DRT approval. No party appealed the original DRT approval, with conditions. The original conditions were met, and Charles' additional requests were fulfilled. To complicate matters further, Jim reports that the DRT has no record of its earlier approval actions.

Jim Tiller and I are checking our notes, calendars, etc. for additional details, but the above discussion is an accurate account of events. I have recommended that we begin our efforts to straighten this out by discussing these events with John Koehmar, since we started this process with him and followed his recommendations for our approval.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT) AGREEMENT

THIS AGREEMENT entered into this 31 day of May, 1996, by and between Rose Hill Plantation Property Owners' Association, P.O. Box 1689, Bluffton, South Carolina 29910 ("Rose Hill POA") and Belfair Plantation Limited Liability Company, P.O. Box 24143, Hilton Head Island, South Carolina, 29925 ("Belfair").

WHEREAS, Rose Hill POA and Belfair have had discussions over the past number of months in connection with the proposed purchase by Belfair of Block B-3 located in Rose Hill Plantation; and

WHEREAS, Block B-3 located in Rose Hill Plantation is subject to the Rose Hill Plantation Covenants; and

WHEREAS, Rose Hill POA and Belfair have agreed upon certain terms and conditions to allow for the release of Block B-3 from the Rose Hill Covenants so as to enable Belfair to purchase Block B-3 from Rose Hill Plantation Development Company Limited Partnership.

NOW THEREFORE, in consideration of the premises and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and in consideration of the premises named herein, it is mutually agreed as follows:

1. Release of Covenants. Rose Hill Plantation Property Owners' Association agrees to file of record that certain document styled Amendment to Declaration of Covenants and Restrictions of the Rose Hill Plantation Property Owners' Association, Inc., a copy of which is attached hereto.

2. Belfair Performance.

A. Office Complex. Belfair will purchase the Office Complex and related land described as Lot 103 and improvements thereto, Rose Hill Plantation from Rose Hill Plantation Development Company Limited Partnership and cause it to be conveyed to Rose Hill Plantation Property Owners' Association simultaneous with Belfair's purchase of Block B-3. Along with the conveyance of Lot 103, Belfair will make a cash payment of \$75,000.00 to Rose Hill POA.

B. Separation of Belfair from Rose Hill Plantation. Belfair and Rose Hill POA contemplate at the time of the execution of this Agreement that no fence will be constructed along their common property line. However, should either party desire a fence in the future, it will be constructed as a three rail horse fence which is similar in design, height, and material to the fence which is situated along the Avenue of the Oaks at the

entrance to Belfair.

C. Cross Tides Lane. Belfair will cause the chain link fence located at Cross Tides Lane to be removed. All plantings currently underway shall be completed by Belfair on or before _____, 1996.

D. Sewer System. Belfair agrees to design its sewer system to have sufficient capacity to accommodate no more than 20 homes from Rose Hill Block B-1 that may desire to connect to the Belfair system. All costs in connection for the Rose Hill residents would be paid by those residents hooking up to the system at the time of hook up. In addition, Belfair may charge market rate for capacity to those persons hooking on to the system. It is understood the current market rate is \$8.50 per gallon per day of sewage treatment capacity. To the extent that more than 20 homesites desire to hook on to the Belfair system, those homes will be selected on a first come, first served basis.

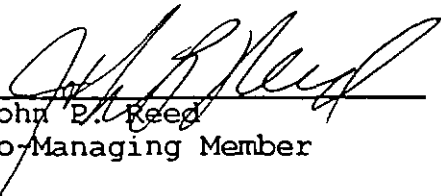
E. Boat Portage. Belfair will cooperate and work with Rose Hill POA to develop a boat portage on the dike between Hidden Lake and South Lake. The portage will allow boat access to South Lake from Hidden Lake.

IN WITNESS WHEREOF, the parties have executed this _____ day of May, 1996.

SIGNED, SEALED AND DELIVERED
in the presence of:

BELFAIR PLANTATION LIMITED
LIABILITY COMPANY

By: Belfair Development
Limited Liability Company
Its: Managing Member

By: 
John P. Reed
Co-Managing Member

00258

STATE OF ARKANSAS)
)
COUNTY OF _____)

PROBATE

PERSONALLY appeared before me the undersigned witness who, on oath, says that he saw the within named BELFAIR PLANTATION LIMITED LIABILITY COMPANY by _____, its _____, and _____, its _____, sign the within Covenants, and the said Corporation, by said officers, seal said Covenants, and, as its act and deed, deliver the same, and that he with the other witness subscribing above witnessed the execution thereof.

SWORN to before me this _____ day of _____, 1996.

(L.S.)

Notary Public for Arkansas

My Commission Expires: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

PROBATE

PERSONALLY appeared before me the undersigned witness who, on oath, says that he saw the within named ROSE HILL PLANTATION PROPERTY OWNERS' ASSOCIATION by _____, its _____, and _____, its _____, sign the within Covenants, and the said Corporation, by said officers, seal said Covenants, and, as its act and deed, deliver the same, and that he with the other witness subscribing above witnessed the execution thereof.

SWORN to before me this _____ day of _____, 1996.

(L.S.)

Notary Public for South Carolina
My Commission Expires: _____

AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS
OF THE ROSE HILL PLANTATION PROPERTY OWNERS
ASSOCIATION, INC.

WHEREAS, the Declaration of Covenants and Restrictions of the Rose Hill Plantation property Owners Association, Inc., and the Rose Hill Plantation Company made the 31st day of December, 1981, and recorded in the RMC Office of Beaufort County, South Carolina, in Deed Book 339 at Page 966 ("hereinafter referred to as the "Declaration") provides in Article VIII the means by which it may be amended; and

WHEREAS, the members of the Rose Hill Plantation Property Owners Association, Inc., (hereinafter referred to as the "Association"), by action taken at the annual meeting of the Association on March 20, 1996, have determined to amend the Declaration; and

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENCE that in accordance with the provisions of Article VIII, Section 2 of the Declaration, at a duly called and properly constituted meeting of the membership of the Association, held on March 20, 1996, the following amendments to the Declaration and the following authorization to execute and record the amendments were adopted:

1. Removal of Block B-3 from Declaration. At the above referenced meeting of the membership of the Association, the Declaration was amended to provide that

that certain parcel which is more particularly known as Block B-3 of Rose Hill Plantation should be removed from the operation, control, and encumbrance of the Declaration. The Declaration is hereby generally amended to provide for the deletion of this property from the operation and control of the Declaration, and the provisions of Section 1 of Article II of the Declaration are hereby specifically amended as follows:

That the Declaration of Declaration of Covenants and Restrictions of the Rose Hill Plantation Property Owner's Association, Inc., and the Rose Hill Plantation Development Company dated December 31, 1981 and recorded in the RMC Office for Beaufort County, South Carolina, in Book 339 at Page 966, amended by those certain amendments and addenda thereto recorded in the aforesaid public records in Book 347 at Page 1896, Book 557 at Page 1573 and Book 600 at Page 1263 and the same shall henceforth be amended to delete from the application, encumbrance, control, operation, benefit and burden of the Declaration, as amended, the following described property so that the Declaration, as amended, shall no longer encumber or apply to the following real property described in Exhibit "A" attached hereto and by this reference incorporated herein.

The removal of the above-referenced real property from the operation and control of the Declaration eliminates any benefits, burdens, memberships, rights, privileges or other matters flowing from or derived from the Declaration with regard to the above-described real property. Upon the execution and recording of this document, the individuals and entities owning all or any portion of the below-described real property shall forfeit and relinquish all membership and voting rights in the Rose Hill Plantation Property Owner's Association, Inc., as more particularly described in Article III of the Declaration, and such individuals and entities owning all or any portion of the above-described property shall additionally forfeit and relinquish any rights in and to the Common Property as more particularly described in Article IV of the Declaration.

2. Authorization of Association to own and operate non-common properties. At the above referenced meeting of the membership of the Association, the members resolved and approved an amendment to the Declaration allowing,

permitting and authorizing the Association to own parcels of real property other than Common Property and Restricted Common Property, and the provisions of Article III of the Declaration are hereby amended and supplemented to add a new Section 6 thereto which is more particularly set forth herein below:

Section 6. Ownership and Maintenance of Other Parcels of Real Property. In addition to the ownership and maintenance of the Common Property and Restricted Common Property as set forth in Section 1 of this Article VI and the ownership and maintenance of Membership Common Properties as set forth in Section 2 of this Article VI, the Association shall be generally authorized and empowered to own, hold, maintain, operate, sell, purchase, lease, encumber and otherwise dispose of parcels of real property other than Common Property, Restricted Common Properties and Membership Common Property, which parcels of real property shall include, but shall not be limited to, Public and Commercial Units, Public and Commercial Sites and Residential Lots. The Board of Directors of the Association shall be authorized and empowered to lease, develop, construct, renovate, remodel, operate, maintain, sell and generally utilize the improved and unimproved portions of parcels owned by the Association for those purposes and under those terms and conditions as established by the Board of Directors of the Association. The Board of Directors of the Association shall have the power and authority to mortgage the real property of the Association as described herein in accordance with the provisions of Section 5 of this Article VI

3. Flexible Use of Lots 103 and 104 by the Association. Prior to or contemporaneously with the execution of this document, Rose Hill Plantation Development Company has conveyed Lot 103 and Lot 104 within Block D of Rose Hill Plantation to the Association. As more particularly shown on the Master Development Plan for Rose Hill Plantation, Lot 103 currently contains four office buildings, and Lot 104 is shown and depicted as a Residential Lot. At the time of the execution of this document, Lot 104, Block D is unimproved. The Association needs to have the ability

to designate the intended use for Lot 104 at the time that the utilization plans for Lot 104 have been formulated and decided upon by the Association. In order to provide the Association with this flexibility, the Declaration is hereby amended to provide that the intended use of Lot 104 will be undesignated, but in the future, the Association shall have the power to designate Lot 104 as a Common Property, Restricted Common Property, Public or Commercial Site, or Public or Commercial Unit in order to fit the intended use for this property as determined by the Association. The Declaration is further amended to provide that portions of Lot 103 Block D may be designated as Common Property in the future. In order to accomplish these purposes, Article VII of the Declaration is hereby amended and supplemented to add a new Section VII as is more particularly set forth as follows:

Section 7. Intended Use for Lots 103 and 104, Block D. Prior to or contemporaneously with the execution of this document, the Company has conveyed Lot 104 within Block D of Rose Hill Plantation (hereinafter referred to as "Lot 104") to the Association, and the Association has also received title to Lot 103 of Block D (hereinafter referred to as "Lot 103"). The provisions of the Declaration are hereby amended to provide that the intended uses for Lot 103 and Lot 104 are hereby undesignated until the Board of Directors of the Association has determined its intended utilization for all or portions of Lot 103 and Lot 104. Upon a determination of the Association's utilization of all or portions of Lot 103 and Lot 104, Lot 103 and Lot 104 (or the applicable portions thereof) shall be designated as constituting Common Property, Restricted Common Property, Residential Lot, Public or Commercial Site or Public or Commercial Unit under the terms and provisions of the Declaration. Such a designation for all or portions of Lot 103 and Lot 104 shall be made in writing and recorded in the public records of Beaufort County, South Carolina. Upon such a written designation of Lot 103 and Lot 104 (or portions thereof), the intended use for Lot 103 and Lot 104 (or the applicable portions thereof) shall be established as designated in writing by the Association. The Association shall be empowered and authorized to designate portions of Lot 103 and Lot 104 with different intended uses as described above. Once Lot 103 and Lot 104 (or

IN WITNESS WHEREOF, this Amendment to the Declaration of Covenants and Restrictions of the Rose Hill Plantation Property Owners Association, Inc. and the Rose Hill Plantation Development Company adopted March 20, 1996, is executed this 7th day of April, 1996.

ASSOCIATION:
Rose Hill Plantation Property Owners Association, Inc.

By: *Robert B. ...*
Its: President

Attest: *Carol A. ...*
Its: Acting Secretary

SIGNED, SEALED, AND DELIVERED IN THE PRESENCE OF

WITNESS:

Walter M. Felt
Daniel O. Davis

STATE OF SOUTH CAROLINA)

ACKNOWLEDGEMENT

COUNTY OF BEAUFORT)

I, W. P. [unclear], Notary Public for the state of South Carolina, do hereby certify that the individual executing the within document personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and (where an official seal is required by law) official seal this 31st day of May, 199 .

[Handwritten Signature]
Notary Public for South Carolina

My commission expires: 5/15/2000

EXHIBIT "A"

DESCRIPTION OF BLOCK B-3 ROSE HILL PLANTATION

ALL that certain piece, parcel or lot of land situate, lying and being in Bluffton Township, Beaufort County, South Carolina, containing 61.77 acres, more or less, shown and designated as "61.77 ACRES" on that certain plat entitled "A Boundary Plat of Block B-3" prepared by Thomas & Hutton Engineering Co., Octavio Arango, SCRLS 12066, dated February 23, 1996, and recorded in the RMC Office for Beaufort County, South Carolina in Plat Book ___ at Page ___.

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STATE OF SOUTH CAROLINA)
) ABSOLUTE ASSIGNMENT
COUNTY OF BEAUFORT)

THIS ABSOLUTE ASSIGNMENT is made and entered into this 31st day of May, 1996 by and between Rose Hill Plantation Development Company Limited Partnership, a South Carolina limited partnership ("Assignor") in favor of Belfair Plantation Limited Liability Company, a South Carolina limited liability company having an address of P.O. Box 24143, Hilton Head Island, South Carolina 29925 ("Assignee").

WHEREAS, Assignor and Assignee entered into an Agreement dated the 31st day of May, 1995 whereby Assignor granted to Assignee an option to purchase certain lands contained within Rose Hill Plantation known as Block B-3 consisting of approximately 62 acres more particularly described on Exhibit "A" attached hereto and incorporated herein (the "Property"); and

WHEREAS, Assignor, concurrently with execution hereof, has transferred fee simple title to the Property to Assignee by General Warranty Deed dated May 31, 1996 and recorded in the Beaufort County RMC Office in Official Record Book 863 at Page 444; and

WHEREAS, Assignor, as the previous owner of the Property, has obtained or may have obtained certain permits, licenses, easements, approvals and other rights relative to present and future development of the Property; and

WHEREAS, Assignor or its predecessors in title did cause the Property to be encumbered by certain covenants known as the Class "A" Residential Covenants, said covenants having originally been recorded in Deed Book 330 at Page 570 in the Office of the RMC of Beaufort County (the "Class "A" Covenants") and restated and re-recorded in Deed Book 351 at Page 1182 in the RMC Office of Beaufort County, said Class "A" Covenants having been amended from time to time, which specifically were imposed upon Property by Amendatory Addendum recorded in Deed Book 399 at Page 1791 and re-recorded in Deed Book 420 at Page 1592, all in the RMC Office for Beaufort County; and

WHEREAS, Assignor, upon the execution hereof, does desire to convey and assign absolutely on to Assignee all of its rights, privileges, permits, easements, licenses and approvals of every kind in nature, specifically including any and all of Assignor's rights as the Company under the aforementioned Class "A" Covenants (but excluding any rights under said Class "A" Covenants held by virtue of lot ownership in Rose Hill

Handwritten signature or initials.

00268

423


Plantation) which may exist regarding or incidental to the Property.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that in consideration of the sum of Ten and 00/100 Dollars (\$10.00), the terms and conditions hereof and other good and valuable consideration, the receipt and sufficiency are hereby acknowledged, Assignor does hereby grant, bargain, sell, transfer, convey and assign, and by these presents has granted, bargained, sold, transferred, conveyed and assigned, without warranty of any nature, the following to the Assignee:

All of Assignor's right, title and interest of whatever nature, together with all obligations and liabilities associated therewith, regarding the permits, approvals, authorizations, easements, licenses and other previous recognitions of rights or privileges and any rights in any way related to the development or use of the Property generally, if any, unto Assignee, its successors and assigns forever, saving and excepting any rights held by Assignor under said Class "A" Covenants by virtue of lot ownership in Rose Hill Plantation.

Such rights hereby conveyed and assigned include, but are not necessarily limited to, all rights of Assignor regarding the Property under all governmental and quasi-governmental agency approvals or commitments associated with or integral to the Property, in the approved development upon or associated with the properties described and presently existing in development permits and approvals for the Property, all rights and approvals regarding the Property pursuant to any Master Plan, all private rights, uses recognized generally thereunder or through specific plan approvals, relating to the proposed or existing development upon the Property described in Exhibit "A" hereto, in the existing applications or documents filed with governmental entities or agencies whatsoever, any and all easement rights relating to the Property or any existing building permits or applications therefor, and any private authority rights, approvals and/or application of materials, any and all rights existing to Assignor as the "Company", as said term is defined in the Class "A" Covenants, under the Class "A" Covenants, and any other rights of any nature whatsoever relating to the Property and any other rights of the undersigned Assignor regarding any private covenants regarding the subject Property specifically, except as otherwise set forth herein.

TO HAVE AND TO HOLD all such rights totally, absolutely and irrevocably under the said Belfair Plantation Limited Liability Company, its successors and assigns forever.



00269

IN WITNESS WHEREOF, Rose Hill Plantation Development Company Limited Partnership, a South Carolina limited partnership, through its General Partner, Rose Hill Associates, Inc., by Weston C. Wilhelm, its President, has executed this Absolute Assignment effective the date, month and year first hereinabove written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

ROSE HILL PLANTATION DEVELOPMENT COMPANY LIMITED PARTNERSHIP, a ~~SOUTH CAROLINA~~ limited partnership

Maizorie Anne Bussey
Weston C. Wilhelm

By: ROSE HILL ASSOCIATES, INC., its General Partner

By: Weston C. Wilhelm
Weston C. Wilhelm
President

BELFAIR PLANTATION LIMITED LIABILITY COMPANY, a South Carolina limited liability company

By: BELFAIR DEVELOPMENT LIMITED LIABILITY COMPANY, its Managing Member

By: _____
John P. Reed
Co-Managing Member

By: ACC INVESTORS, INC.
Co-Managing Member

By: _____
Philip L. Herrington
President

00270

425

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

PROBATE

I, CHESTER C. WILLIAMS, do hereby certify that the within-named Rose Hill Plantation Development Company Limited Partnership, a SOUTH CAROLINA limited partnership, by Rose Hill Associates, by its General Partner, by Weston C. Wilhelm, its President, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 31 day of May, 1996.



Notary Public for South Carolina
My Commission Expires: 9/29/96

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

PROBATE

PERSONALLY appeared before me the undersigned witness who, on oath, says that he saw the within named BELFAIR PLANTATION LIMITED LIABILITY COMPANY by Belfair Development Limited Liability Company, its Managing Member and John P. Reed its Managing Member, sign the within Blanket Easement, and the said Corporation, by said officers, seal said Blanket Easement, and, as its act and deed, deliver the same, and that he with the other witness subscribing above witnessed the execution thereof.

SWORN to before me this _____ day of _____, 1996.

(L.S.)

Notary Public for South Carolina
My Commission Expires: _____

IN WITNESS WHEREOF, Rose Hill Plantation Development Company Limited Partnership, a _____ limited partnership, through its General Partner, Rose Hill Associates, Inc., by Weston C. Wilhelm, its President, has executed this Absolute Assignment effective the date, month and year first hereinabove written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

ROSE HILL PLANTATION DEVELOPMENT COMPANY LIMITED PARTNERSHIP, a _____ limited partnership

By: ROSE HILL ASSOCIATES, INC., its General Partner

By: _____
Weston C. Wilhelm
President

BELFAIR PLANTATION LIMITED LIABILITY COMPANY, a South Carolina limited liability company

By: BELFAIR DEVELOPMENT LIMITED LIABILITY COMPANY, its Managing Member

Belair Dev. Co. PL

J.P. Reed

By: John P. Reed
John P. Reed
Co-Managing Member

By: ACC INVESTORS, INC.
Co-Managing Member

By: N/A
Philip L. Herrington
President

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

PROBATE

I, _____, do hereby certify that the within-named Rose Hill Plantation Development Company Limited Partnership, a _____ limited partnership, by Rose Hill Associates, by its General Partner, by Weston C. Wilhelm, its President, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this _____ day of May, 1996.

Notary Public for South Carolina
My Commission Expires: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

PROBATE

PERSONALLY appeared before me the undersigned witness who, on oath, says that he saw the within named BELFAIR PLANTATION LIMITED LIABILITY COMPANY by Belfair Development Limited Liability Company, its Managing Member and John P. Reed its Managing Member, sign the within Blanket Easement, and the said Corporation, by said officers, seal said Blanket Easement, and, as its act and deed, deliver the same, and that he with the other witness subscribing above witnessed the execution thereof.



SWORN to before me this
31st day of May, 1996.

John P. Reed (L.S.)

Notary Public for South Carolina
My Commission Expires: 12/18/97

EXHIBIT A
TO
ABSOLUTE ASSIGNMENT

ALL that certain, piece, parcel or lot of land situate, lying and being in Bluffton Township, Beaufort County, South Carolina, containing 61.77 acres, more or less, shown and designated as "61.77 ACRES" on that certain plat entitled "A Boundary Plat of Block B-3" prepared by Thomas & Hutton Engineering Co., Octavio Arango, SCRLS 12066, dated May 28, 1996 and recorded in the RMC Office for Beaufort County, South Carolina in Plat Book 56 at Page 142.

Files
FILED 4683
JOHN A. SULLIVAN, JR.
R.M.C.
BEAUFORT COUNTY, S.C. /ML
96 JUN -4 AM 8:15
BK 863 PG 422
FOLDER #

00274

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South Carolina
Department of Transportation

13 Munch Drive
Beaufort, South Carolina 29906
(843) 524-7255 Telephone
(843) 524-3478 Fax

January 5, 2000

Post-It™ brand fax transmittal memo 7571 # of pages = 2

To: Allen Ward	From: Ron Oddo
Co.	Co.
Dept.	Phone #
Fax #	Fax #

Mr. J.C. Williams, P.E.
c/o Connor & Associates, Inc.
P.O. Box 381
Bluffton, South Carolina 29910

RE: Oak Forest Road

Dear Mr. Williams:

Enclosed find the South Carolina Department of Transportation performance bond form. The amount of the bond reflects 150% of your estimated cost of construction. Please complete and execute the form and return the original with any attachments to this department.

If you have questions or if I can assist you in any way please don't hesitate to contact me.

Sincerely,

Ron Oddo
Encroachment Permits Inspector

RWO:ro
Enclosure
File: D6/BEA/RO A: Performance Bond
Oddo.R.W@dot.state.sc.us

95/18

COUNCIL LEGISLATIVE INTENT: PURSUANT TO EXISTING STATE LAW, GENERALLY KNOWN AS "THE PENDING ORDINANCE DOCTRINE", ALL PERMITS TO BE ISSUED AND ALL APPLICATIONS MADE AFTER FIRST READING OF THIS ORDINANCE WILL BE SUBJECT TO THE PROVISIONS OF THIS ORDINANCE.

AN ORDINANCE TO AMEND ARTICLE V, SECTION 5.2.7 OF THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE PERTAINING TO TREE PROTECTION STANDARDS.

Section 5.2.7 Tree Protection Standards

No development shall be undertaken except in conformance with the provisions of this section.

Section 5.2.7.1 Intent

It is the expressed intent of these tree protection standards that all site planning and design for development of land be undertaken with a survey of trees on the property and that the final placement of buildings, structures, and roads, utilities, and other features minimizes the removal of existing trees on the property.

Section 5.2.7.2 Protected Trees

No person shall cut, destroy, cause to be destroyed or remove any tree with a trunk diameter at breast height (dbh) of eight (8") inches (25 inch circumference) or larger or any Dogwood, Redbud or Magnolia tree with a trunk diameter of four (4") inches dbh or larger in preparation for, anticipation of or in conjunction with any development activity as defined in Section 2.2 until such removal has been approved as part of the overall site development approval process of this ordinance. The saving of existing trees less than the protected size is encouraged and may be utilized in some cases to meet the requirements of Section 5.2.7.7 pertaining to replacement of trees that are approved for removal. Upon written certification of a certified arborist or forester and upon development plan approval, sick or diseased trees may be removed.

Section 5.2.7.3 Tree Survey Required

A survey of all trees with a trunk diameter of eight (8") inches dbh and larger and all dogwoods, redbuds, and magnolia trees with a trunk diameter of four (4") inches dbh and larger shall be made within the area to be modified from its natural state and seventy-five (75') feet beyond in each direction or to the property lines, whichever is less. The survey shall be conducted and certified by a registered land surveyor or engineer and include the type and size of trees. Tree surveys for streets shall extend twenty-five (25') feet beyond either side of the street right-of-way lines.

Applications for subdivision approval must also include an estimate of existing tree cover on each lot of the proposed subdivision indicating tree types, average size, and approximate density of trees per acre.

Residential/commercial lot tree cover estimates may be certified by a registered land surveyor, engineer, or landscape architect.

Section 5.2.7.4 Site Design Emphasis on Significant Trees

While all types of trees are protected under these standards, special emphasis is placed on preservation of large trees and certain significant and more valued species listed herein. The highest site design priority shall be given to preservation of live oaks with a trunk diameter of twenty-four (24") inches or larger. Removal of this valued tree is highly discouraged, and will only be approved upon the determination of the Development Review Team that all responsible design alternatives have been explored by the applicant and removal cannot be avoided. If a twenty-four (24") inch or larger significant tree must be removed, the planting of new trees of the same species or live oak trees, if the same species is not available, totaling the same number of inches in diameter will be required, only 50% of which may be allowed to be used for credit towards the minimum requirement of 15 trees per acre.

Significant Trees

American Holly	Redbud (4")
Bald Cypress	Red Maple
Black Oak	Southern Red Oak
Black Tupelo	Southern Magnolia (4")
Cedars	Sycamore
Dogwood (4")	Walnut
Hickory	Any other species 24" diameter and larger
Live Oak	
Palmetto (may be relocated on site)	
Pecan	

For development sites that do not contain any or very few of these significant trees, design emphasis should be shifted to preserving other species present.

Section 5.2.7.5 Minimum Tree Coverage

The minimum allowable post-development tree cover for all development shall be fifteen (15) existing trees, eight (8") inches, dbh (diameter breast height) and larger, per acre of disturbed area. Pairs or groups of trees with trunk spacing or separation of five (5') feet or less shall count as one (1)

tree towards meeting the minimum allowable coverage. Each tree with a trunk diameter of thirty-six (36") inches dbh or larger may count as two (2) trees towards meeting the minimum allowable coverage.

Disturbed area shall mean the limits of the site project activity (buildings, roads, parking areas, retention ponds and the like) including the required front, rear and side yard setbacks or to the property line, whichever is less.

Section 5.2.7.6 Tree Replacement

(A) In those cases where site design alternatives cannot achieve the minimum allowable existing tree cover or where predevelopment tree cover is less than the prescribed minimum, the Developer shall be required to plant two (2) replacement hardwood trees of the same type cut down or one (1) live oak tree, with a minimum trunk diameter of 2.5 inch dbh for each existing protected tree under the minimum requirement of fifteen (15) trees per acre of disturbed area.

(B) Proposed or required planted or replacement tree design, types and locations, shall be prepared by a certified arborist or landscape architect and should take into account site soil types and conditions, existing tree species to be preserved and their locations, and the species to be planted that would be best suited to site conditions, proposed activities and impervious surface areas.

(C) Existing significant hardwood trees and dogwood trees, less than eight (8") inches dbh but not less than 2.5" dbh, may be used in place or relocated on-site to meet prescribed minimums in lieu of purchased trees. Planted or re-located trees should be appropriately designated as such on the site plan and placed so as to enhance the overall landscaping of the site. Required replacement trees in residential subdivisions should be planted on the residential lots outside of the assumed building area.

(D) In commercial projects, replacement trees should be utilized in landscaped islands to enhance parking area and areas of the project site most visible to traveled thoroughfares.

(E) Where the Development Review Team determines that a reduced plantback is necessary due to the size and shape of property and/or structures, and/or other design limitation, or other viable site constraints, such reduction shall be subject to a general forestation fee. This fee shall be the actual and verified cost of the required tree plantback, per tree reduced and shall be paid to the Treasurer of Beaufort County before final approval is given for the development plan. The funds collected through this forestation fee shall be used by Beaufort County to plant trees and other landscaping in highway medians, along-side roads and on other public properties as deemed appropriate.

(F) The survival of any tree planted and/or replanted as above shall be guaranteed with a tree maintenance and replacement bond for a period of one year. The required bond amount shall

equal 125% of the actual cost to replace each tree that is planted or relocated (replanted) on the development site.

(G) All trees preserved, planted or relocated on the site must be protected and nurtured for the life of the project approved. Any tree lost subsequent to development approval and certification of compliance shall be replaced with 2 ½" dbh tree of the same type, or live oak, with a minimum height of twelve (12') feet at planting. In the event any twenty-four (24") inch dbh or larger live oak is lost subsequent to development, it shall be replaced with an equivalent number of caliper inches of live oaks each with a minimum diameter of 2 ½" dbh and height of twelve (12') feet.

Section 5.2.7.7 Tree Protection Zones

Tree protection zones shall be established and maintained for each tree preserved or planted on a development site. The area within the tree protection zone must be open and unpaved except where approved perforated pavers may be utilized or tree aeration systems and tree wells installed.

If a Developer can demonstrate that a tree protection zone less than that described can be designed so as not to injure the tree under consideration, based upon the use of a certified arborist, the Development Staff Review Team may approve the alternate tree protection zone.

(A) Maintaining open space around the base of a tree is one of the most important factors in promoting the health and longevity of the tree. The root system within the drip line is generally considered to be the critical root zone.

(B) A permanent tree protection zone surrounding both preserved and planted trees shall be established. This tree protection zone shall apply during the construction phase, as well.

(C) Tree protection zones should vary according to the species, size location, and health of a tree and be designed for maximum flexibility of shape and minimum effectiveness of size. However, where compelling information to the contrary regarding a particular tree in its particular setting is not available the minimum tree protection zones shall be established as follows:

(1) For existing trees: a circle with a radius of one half foot for every inch of D.B.H. or five feet, whichever is greater (the circle of protection may be offset as much as 1/3 of its total diameter).

(2) For newly planted trees:

a. understory tree: a circle with a radius of two (2') feet

b. overstory tree: a circle with a radius of three (3') feet

(3) For Palmetto trees, a circle with a radius of two (2') feet

(D) The size of the protection zone may be reduced, the shape adjusted, or other encroachments may occur within the zone where any of the following measures or techniques are deemed to sufficiently mitigate such a change and certified as acceptable by a reputable tree service, arborist, or other qualified party:

- (1) limb and root pruning
- (2) fertilization
- (3) aeration
- (4) irrigation
- (5) restoring the natural grade of the soil
- (6) tree feeders
- (7) porous paving materials
- (8) tree well

(E) In general, where a tree well is used it should encompass at least half the area beneath the canopy of the tree and extend in every direction no less than half way from the trunk to the tree's dripline.

(F) Prior to commencing construction or any site alterations a conspicuous four (4') foot high barrier sufficiently prominent visually to prevent encroachment by people and vehicles shall be erected around the protection zone and approved by the Building Official. Barriers may be erected around groupings of trees, where feasible. Use of orange polyethylene safety fencing or a similar material is recommended. The barrier shall remain in place until the Certificate of Occupancy is issued.

(G) Passive forms of tree protection - such as continuous rope or flagging - may be utilized to mark tree save areas which are remote from areas of land disturbance, if approved by the Building Official. Signage designating such areas shall be put in place.

(H) No building materials, dirt, debris, oils, paints, or any other materials, equipment, or vehicles shall be placed or deposited within the protection area nor shall any trenching or paving be done within the protection area.

(I) No change in grade shall be permitted within the tree protection zone except for a two (2") inch cut or two (2") inch fill of topsoil, sod or mulch.

(J) Underground utility lines shall be routed around any away from tree protection zones. Necessary installation through protection zones shall be accomplished through tunneling rather than cutting open trenches (which sever tree roots).

(K) Where machinery must pass within a tree protection zone during construction, approval shall be required from the Building Official. To protect tree roots from excessive compaction during construction, special cushioning measures may be required by the Building Official such as a heavy layer of chip mulch or pine straw or a "bridge" of boards.

(L) Remedial site reclamation and tree care procedures (such as those mentioned in (D) above, may be required at the reasonable discretion of the Building Official when encroachment or construction activity within protective zones has caused damage to either a tree or tree growing site. Any such treatment shall be in accordance with accepted International Society of Arboriculture practices. Such treatment shall occur prior to the issuance of a Certificate of Occupancy. At the discretion of the Building Official the planting of additional trees may be required if trees are damaged or destroyed.

Section 5.2.7.8 Tree Protection During Construction

Those trees designated for preservation as shown on the approved landscape plan and/or development site plan shall be marked on site with a bright blue ribbon encircling the trunk and a minimum four (4') foot high barricade shall be erected around each tree or clusters of trees at a distance no less than the extent of the required tree protection zone from the base of the tree or preferably at the drip line the tree. No construction activity, other than finish grading in accordance with the provisions of Section 5.2.7.7, or any storage of construction materials or parking of vehicles during construction is allowed within the barricaded area.

Section 5.2.7.9 Master Plans

It is recognized that certain large tracts of land are master planned for residential development or planned unit developments and are developed in phases over many years. Large portions of these planned developments remains forest lands for many years and periodically require removal of certain trees in order to maintain a healthy forest and allow remaining trees to grow better.

For those residential lands of twenty (20) acres and larger, silviculture or selective thinning will be allowed subject to the following conditions:

(A) An approved preliminary plan or master plan on file with the Beaufort County Zoning and Development Administrator.

(B) An application for a development permit for selective harvesting must be filed and include a map or plat of the property indicating the area to be harvested together with silviculture plan prepared by a registered forester or horticulturist. The silviculture plan must contain proposed methods for protection of hardwoods from damage during the timber operation.

(C) Only pine trees may be harvested and only to the extent that there remains in the harvest area the minimum site coverage standards of Section 5.2.7.5.

(D) Clear cuts are strictly prohibited.

Section 5.2.7.10 Special Conditions/Exemptions

(A) Golf Courses

For new golf course developments, and for additions to, or renovations of, existing golf courses, the following tree surveying and replacement standards will apply:

(1) Those areas in which golf course clubhouses, cart barns, snack bars, rest facilities, maintenance buildings, storage areas, and parking lots are to be located will adhere fully to all foregoing sections of this Ordinance.

(2) Active playing areas (including proposed fairways, adjoining mowed grass rough, and new water hazards) and outdoor practice/training areas (including driving range, practice putting greens, etc.) will be exempt from the tree survey requirements of Section 5.2.7.3, and will instead require survey, including species, size and location, of all hardwood trees with a trunk diameter of twenty-four (24") inches dbh or larger.

Such areas will also be exempt from the tree replacement requirements of Section 5.2.7.6, except as such apply to all hardwood trees of twenty-four (24") inches dbh or greater located within these areas.

(3) All other portions of the golf course property shall have trees with a trunk diameter of twelve (12") inches dbh or greater surveyed. Any trees of this size which are proposed to be removed will be replaced pursuant to Section 5.2.7.6 requirements, regardless of species.

(B) Commercial Sod Farms and Vegetable Farms


The active growing areas, plus a twenty (20') foot roadway circumscribing such areas, of proposed new sod and vegetable farms, or of areal expansions of such existing farming areas, shall be exempt from all requirements of this Ordinance."

Adopted this 12th day of June, 1995.

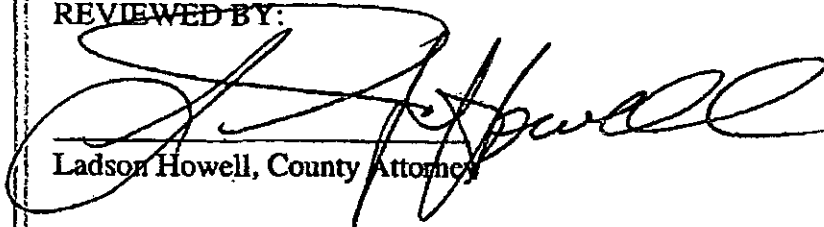
COUNTY COUNCIL OF BEAUFORT COUNTY

BY: 
Thomas C. Taylor
Chairman

ATTEST:


Elizabeth N. Prou
Clerk to Council

REVIEWED BY:


Ladson Howell, County Attorney

First Reading: April 24, 1995
Second Reading: May 8, 1995
Public Hearing: May 22, 1995
Third and Final Reading: June 12, 1995

Amending 90/3



BELFAIR P.U.D. PLAN

CONSULTANTS:

Land Planning
J. K. TILLER ASSOCIATES, INC.
 Bluffton, South Carolina

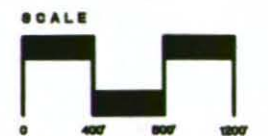
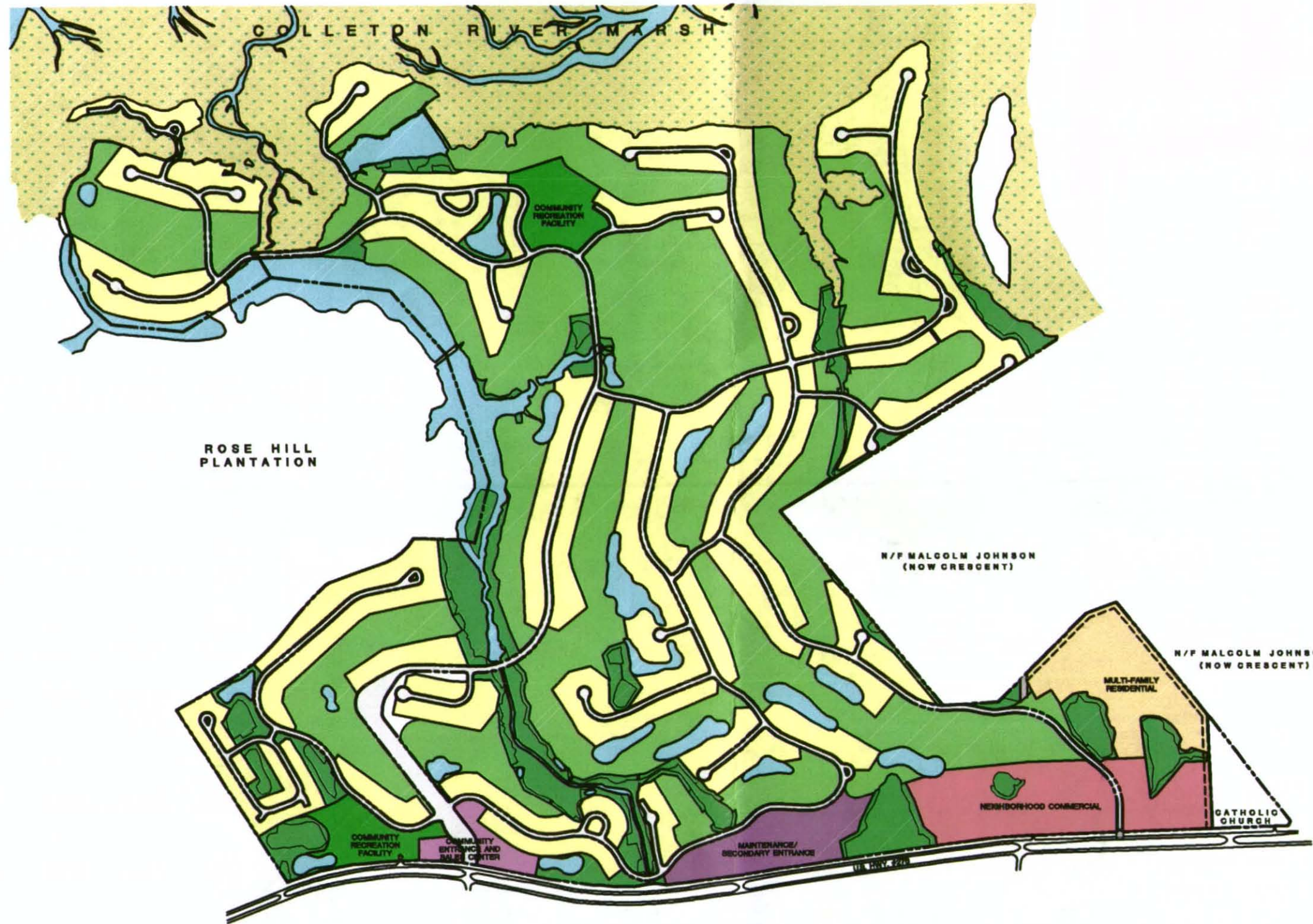
Engineering
THOMAS & HUTTON ENGINEERING CO.
 Savannah, Georgia

NOTE:

All development plans are tentative and subject to change.

KEY

	SINGLE FAMILY RESIDENTIAL
	MULTI-FAMILY RESIDENTIAL
	COMMUNITY RECREATION FACILITY
	GOLF COURSE
	COMMUNITY ENTRANCE/SALES CENTER
	MAINTENANCE/SECONDARY ENTRANCE
	NEIGHBORHOOD COMMERCIAL
	ROADS
	OPEN SPACES
	BUFFERS & FRESH WATER WETLANDS
	SALT WATER MARSH
	LAKES, DRAINAGE LAGOONS, PONDS & IMPOUNDMENTS



JANUARY 30, 1995
 JANUARY 15, 1998 REVISED
 JANUARY 4, 2000 REVISED



BELFAIR
 BEAUFORT COUNTY, SOUTH CAROLINA

**BELFAIR P.U.D.
 PLAN**

CONSULTANTS:
 Land Planning
J. K. TILLER ASSOCIATES, INC.
 Bluffton, South Carolina
 Engineering
THOMAS & HUTTON ENGINEERING CO.
 Savannah, Georgia

NOTE:
 All development plans are tentative and subject to change.

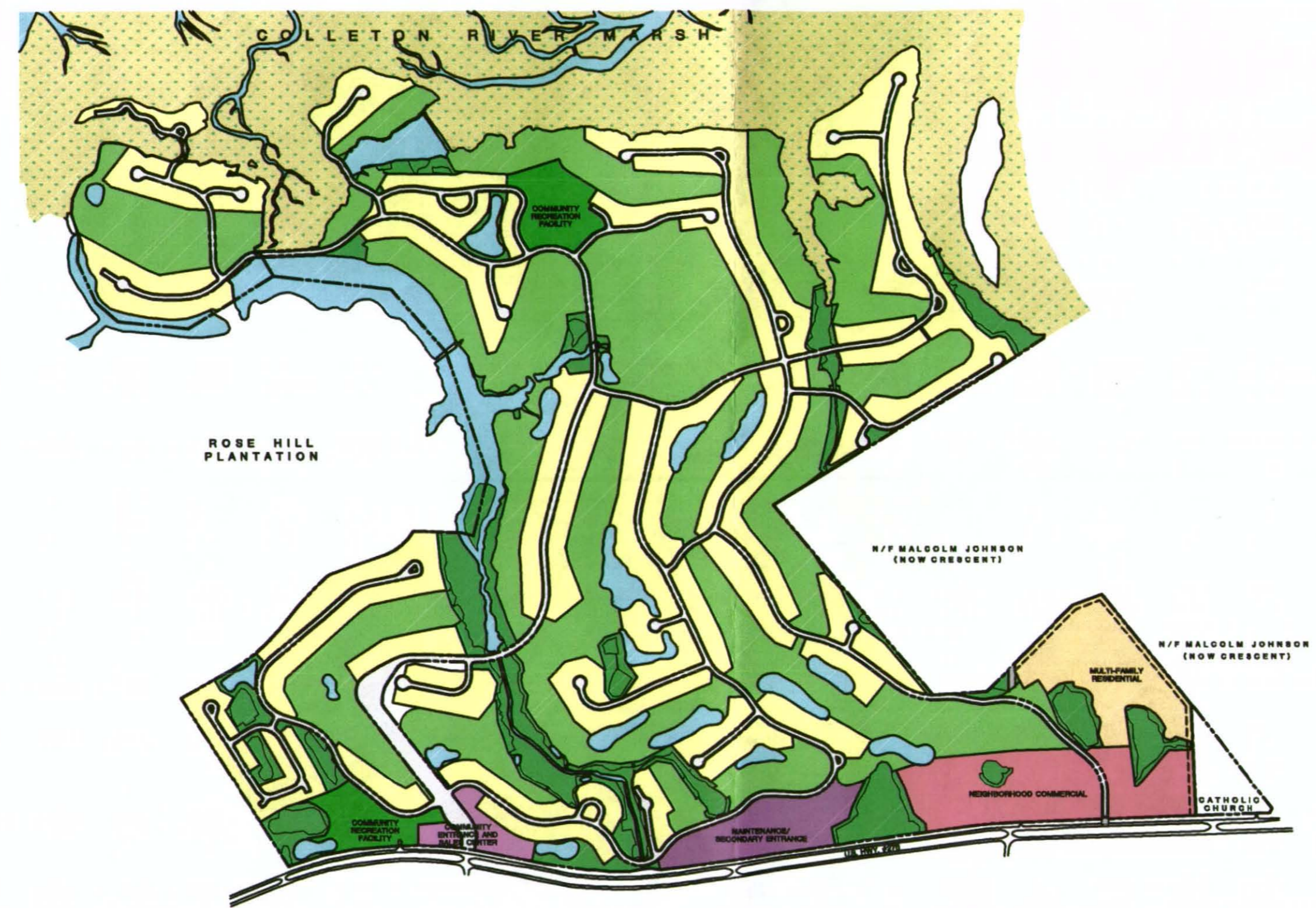
KEY

	SINGLE FAMILY RESIDENTIAL
	MULTI-FAMILY RESIDENTIAL
	COMMUNITY RECREATION FACILITY
	GOLF COURSE
	COMMUNITY ENTRANCE/SALES CENTER
	MAINTENANCE/SECONDARY ENTRANCE
	NEIGHBORHOOD COMMERCIAL
	ROADS
	OPEN SPACES
	BUFFERS & FRESH WATER WETLANDS
	SALT WATER MARSH
	LAKES, DRAINAGE LAGOONS, PONDS & IMPOUNDMENTS

NORTH

SCALE

JANUARY 30, 1995
 JANUARY 15, 1998 REVISED
 JANUARY 4, 2000 REVISED



T:\Projects\199801\02\dwg\Pud010400.dwg, 30x42, 01/04/2000 01:54:43 PM, JK Tiller Associates, Inc.

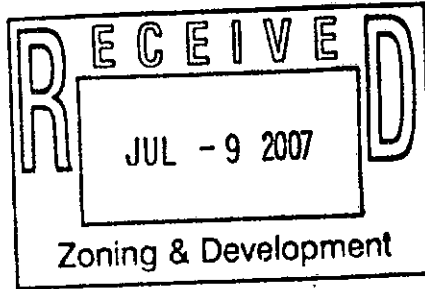
HOWELL, GIBSON AND HUGHES, P.A.
ATTORNEYS AT LAW
 Post Office Box 40
 Beaufort, South Carolina 29901-0040

JAMES S. GIBSON, JR.
 STEPHEN P. HUGHES
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 THOMAS A. BENDLE, JR.
 WILLIAM T. YOUNG III

25 RUE DU BOIS
 LADY'S ISLAND
 BEAUFORT, SOUTH CAROLINA 29907

TELEPHONE: 843 - 522-2400
 FAX NUMBER: 843 - 522-2429
 E-Mail: hghpa@islc.net
 WRITER'S DIRECT: 843 - 522-2420



July 3, 2007

Sara Hutton, Esquire
 McNair Law Firm
 Post Office Drawer 3
 Hilton Head, SC 29938

Re: Beaufort County – Belfair PUD Plan-Parcel A and B
 Our File No.: 3236 JSG

Dear Sara:

I am in receipt of your letter addressed to Hillary Austin dated June 14, 2007 in regards to the above referenced matter. I have been asked to respond on behalf of Beaufort County.

The short response to your request for information is that Beaufort County does not have any records or documentation indicating the subject area was changed from "Maintenance/Secondary Entrance" to "Neighborhood Commercial". The only documentation Beaufort County has which indicates any action taken by the DRT, is a Development Review Team Action Form dated September 6, 2000 signed by Charles Gatch of the Development Review Team. That Form indicates the Developer's request to change the classification from "Maintenance/Secondary Entrance" to "Neighborhood Commercial" was disapproved. The reasons for the disapproval are set forth in the Development Review Team Action Form.

Beaufort County is in possession of a memorandum prepared by Lewis Hammet who I understand represented Belfair Plantation Limited Liability Company dated October 12, 2000. Mr. Hammet provides his summary to Gary Rowe and Tom Zinn of the chain of events and efforts made by the Developers to change the subject zoning classification. Mr. Hammet's summary speaks for itself, but it indicates the Developers did not obtain final approval of the request.

C
O
P
Y

I have also enclosed a copy of the memorandum from Charles Gatch to Buz Boehm dated November 16, 2000 which appears to confirm the requested zoning change was not approved by the DRT.

Beaufort County is aware that the property was annexed into the Town of Bluffton at some point in time. Beaufort County is also not aware of any changes that may have been approved by the Town of Bluffton to Belfair PUD Plan.

Finally, so your records are complete, I enclosed a copy of an e-mail from Jim Tiller to Charles Gatch dated August 22, 2000.

If after reviewing this letter, you have any questions or would like to discuss this matter in more detail, please contact me at your convenience.

With kindest regards, I am

Yours truly,

HOWELL, GIBSON AND HUGHES, P.A.

g/

Robert W. Achurch, III

RWAIII/wmh

Enclosures

cc: Mr. Gary T. Kubic
Wm. Weston J. Newton, Esquire
Ms. Hillary Austin
Mr. Anthony Criscitiello
Mr. H.C. Boehm, Jr.

C
O
P
Y

DATE: November 16, 2000
TO: Harold C. Boehm, Deputy Administrator
FROM: Charles Gatch, Zoning Administrator
SUBJ: Belfair PUD Masterplan Amendments

May 10, 2000, Belfair submitted a request for minor changes to the approved Belfair Masterplan which consisted of reduced residential density, reduced commercial acreage and the addition of 100.1 acres of land to the PUD. { See attached May 10, 2000 submittal letter }

The DRT approved the requested amendment subject to approval by Rosehill and Crescent Plantation of the transfer of some of their acreage into the Belfair PUD and further conditioned upon DRT approval of an amendment to the Rosehill PUD masterplan to reflect the reduced acreage annexed into the Belfair PUD.

When the revised PUD Masterplan was submitted for certification (stamping) of the DRT approval, both Hillary and I noticed that it contained an additional change which involved changing a portion of the masterplan designated Maintenance Area to Neighborhood Commercial. I checked with the DRT members to confirm whether or not they understand that to be a part of the requested and approved change. All indicated they did not know that was a part of the requested change or that it was even a change to the original approved masterplan.

Jim Tiller, representing Belfair on this matter, was advised by me that the maintenance area change to neighborhood commercial would have to be submitted as an additional amendment request but that first I needed to get a ruling from the DRT whether or not they would consider that request to be a major or minor change. Under the ordinance, minor PUD changes can be reviewed by the DRT and major changes have to be reviewed by County Council.

On August 23, 2000, the DRT ruled that the requested change could be considered minor and could be handled by the DRT. Mr. Tiller was advised of this decision, given a posting notice to be placed at the Belfair entrance and scheduled for review by the DRT on September 6, 2000.

On September 9, 2000, the DRT reviewed and disapproved the additional masterplan change requested. {See attached DRT Action Form for reasons}. No one representing Belfair was in attendance at the DRT meeting.

One additional issue had arisen after the DRT approval of the first amendment request. The requested annexation of the adjacent Rosehill and Crescent Plantation properties into the Belfair PUD amounted to a change in the boundary lines of official Beaufort County zoning districts which can only be done by County Council. This was explained to Mr. Tiller who later advised me that Belfair would just withdraw that part of their original request and he submitted a revised masterplan that reflected those properties as not included within the boundary line of the Belfair PUD zoning district.

COUNTY OF BEAUFORT
DEVELOPMENT REVIEW TEAM
ACTION FORM

PROJECT NAME: BELFAIR MASTERPLAN CHANGE PROJECT TYPE: MASTERPLAN CHANGE

APPLICANT(DEVELOPER)NAME, ADDRESS, PHONE#

PROJECT LOCATION: U.S. HWY 278 PIN: LAND AREA(ACRES): LOTS/UNITS: BLDG AREA(SQFT):

DATE OF REVIEW: 9/6/00 OVERLAY DISTRICT: FIRE DISTRICT: BLUFFTON ZONING DISTRICT: PUD

TYPE OF DRT REVIEW () CONCEPTUAL () PRELIMINARY (X) FINAL

APPROVED NO CONDITIONS

DISAPPROVED [X] REASONS:

- 1) negative impact on residential lots adjacent to proposed commercial
- 2) increased traffic at maintenance area ingress/egress
- 3) no internal links between this "neighbourhood" commercial and residential

APPROVED WITH CONDITIONS CONDITIONS:

- 4) spreads out along Hwy 278, the neighbourhood commercial node proposed in approved PUD document.

APPROVED SUBJECT TO CONDITIONS:

DEFERRED: (PLEASE SUBMIT THE FOLLOWING)

C. W. Hester
ZONING & DEVELOPMENT ADMINISTRATOR

9/6/00
DATE

Law Office of
LEWIS J. HAMMET, P.A.
Attorney and Counselor at Law
32 Calhoun Street
Post Office Box 1719
Bluffton, South Carolina 29910
(843)757-8126 FAX: (843)757-7620

Memorandum

Date: October 12, 2000

To: Gary Rowe
Tom Zina

From: Lewis J. Hammet

Re: Final Belfair Master Plan Issues

You asked that I summarize the current status of the Final Belfair Master Plan approval and the problems we have encountered in obtaining the final confirmation. Basically, we had obtained final approval from the DRT months ago, but personnel changes and communications problems have prevented us from bringing this important matter to complete closure. The sequence of events has been as follows:

1. The Belfair developers originally received a very general and conceptual PUD approval, which contained caps on single family density, multifamily density, and total commercial acreage. By sometime last year, you had reached the point of completing the majority of development, and you had completed the plans for the few remaining undeveloped portions. Your final development was shaping up as a substantial reduction of both residential density and commercial acreage. You were contemplating a turnover of control to a new owner's board, and you wanted to confirm the Master Plan in its final form, to lock in the final changes and density reductions. We did not want to leave floating excess densities for future argument and we wanted to confirm the final location of all uses, since the original PUD had been entirely conceptual.
2. I worked with Jim Tiller and others to analyze the situation and prepare the final document to submit to the County, after you, as the developing entity, had confirmed the accuracy.

3. Once we had a Final Master Plan in hand, we decided to begin by meeting with the County Administrator, to explain the situation, determine if our approach was acceptable, and confirm how to present the matter to the County.
4. Jim Tiller and I met with John Kachmar on April 11 of this year, to show him the original PUD Master Plan, explain the situation, show him the proposed Final Master Plan, and seek comments and direction. Both the original PUD and the new proposal were placed on the table and discussed. Mr. Kachmar agreed with our proposed changes, believed that the changes were in the County's best interest, and suggested that we begin with an informal meeting with Walter Fielding and others with the DRT, as Walter might think appropriate.
5. Jim Tiller and I went to Beaufort for a preliminary conference with available DRT members to show them the original PUD Masterplan, the proposed Final PUD Master Plan, and explain the final density reductions and use locations. We also explained that a formal turnover to the Belfair Homeowner's was eminent, and we wanted to document the final densities and locations to prevent future arguments. We explained that many other PUD's, which had excess densities and uses after developer buildout, had become embroiled in controversy in subsequent years as subsequent owners tried to develop excess density and uses. Our plan would avoid that controversy and allow the County to reduce density in its computer models as well. We received positive input and were told we would be on the next agenda for DRT approval.
6. Jim Tiller attended the DRT meeting to obtain the final approval. At the meeting, the DRT decided that the Belfair property should be posted with a notice before action was taken. Jim reported this to me and told me a day or so later that Hillary had the posting placard ready to be picked up at her desk. I was going to Beaufort to meet with Fielding on another matter, so I stopped by and Hillary gave it to me personally and told me to give it to Jim for immediate posting. I did this and followed up with Jim later to confirm the posting.
7. I attended the next DRT meeting with Jim where the Final Master Plan was to be given final approval. Two questions were raised. Mr. Klink stated that he understood that the fourth Belfair curb cut had now been approved, so that we should remove the "Proposed Access" designation and simply show it as an access. After some discussion, other DRT members agreed. Hillary expressed concern that a small portion of what had been the Rose Hill PUD was being shown as part of the Final Belfair PUD. She said the DRT needed some documentation that this was approved. I told her that the Rose Hill developer and the Rose Hill Owner's Association had approved the sale, removed it from Rose Hill covenants of record, and it had been submitted to

Belfair covenants as part of Belfair, with DRT approval for the subdivision and connection to Belfair roads. She said the approval should be conditional upon the DRT being given a copy of the Rose Hill release documents that I described, for their file. The DRT then confirmed, unanimously, that the Final Belfair PUD was approved, subject to those two minor conditions. Jim and I called the Belfair principals on the way back from Beaufort to report the approval by DRT.

8. By the time Jim Tiller made the requested change on the Master Plan to eliminate the word "Proposed", and by the time we obtained a copy of the Rose Hill Covenant release, Charles Gatch was transferred back as head of the DRT and Mr. Fielding went to another job. Even though we had a final approval, subject to two minor conditions which Jim Tiller submitted, Charles refused to stamp the Final Master Plan. He raised a series of new concerns.
9. Jim attended a DRT meeting to seek confirmation that the Final Master Plan conditions had been met. He was told that notification of owners would be necessary before the plan was stamped (Jim did not recall or report at the time that notification had been previously accomplished). Charles had taken the position that the small area of Rose Hill could not be shown unless Rose Hill processed a PUD change request. Charles also took the position that the location of the 3+ acres of commercial in the Maintenance Area would take special consideration even though it was always shown, but he apparently supported the plan. Charles also requested, through Jim, that we obtain a specific approval of the Final Belfair Master Plan from the Belfair Owner's Association and that we obtain a formal request from the Belfair developer to have the plan approved. These were all new issues, not part of our original approval, but we elected to give Charles what he asked for rather than protest. It took a little while to get these items together, since the new Belfair Owner's Board had separate counsel, and he was out of the country. By the time we got everything together and in Jim's hands to satisfy the additional requests, Jim was told the DRT had decided that it should not approve the Final Master Plan.
10. No notice was given to us on any move to reconsider the DRT approval. No party appealed the original DRT approval, with conditions. The original conditions were met, and Charles' additional requests were fulfilled. To complicate matters further, Jim reports that the DRT has no record of its earlier approval actions.

Jim Tiller and I are checking our notes, calendars, etc. for additional details, but the above discussion is an accurate account of events. I have recommended that we begin our efforts to straighten this out by discussing these events with John Kachmar, since we started this process with him and followed his recommendations for our approval.

Belfair PUD amendment - commercial tract

Subject: Belfair minor PUD amendment - commercial tract**Date:** Tue, 22 Aug 2000 16:00:43 -0400**From:** Jim Tiller <jim@jktiller.com>**To:** Charles Gatch <charlesg@mail.co.beaufort.sc.us>**CC:** Stephen Bird <stevebird@sbirdlaw.com>, Lewis Hammet <lawhamet@hargray.com>

Charles:

I have tried to call several times to let you know that there will be a written response to your request for a letter concerning a minor amendment change to the Belfair PUD that should accompany the Master Plan submitted last week. The other request, that a letter from the Belfair POA in response to the commercial reallocation change, is also forthcoming. Mr. Lewis Hammet and Mr. Stephen Bird shall be contacting you with a letter(s) addressing the written requirements you have requested. For your information, placement of the Posting Notice was taken care of today, August 22, 2000. It is our understanding that this will, with this written documentation provided by Mr. Hammet and Mr. Bird, complete the requirements for consideration of the final approval of the revision to the Belfair PUD on the September 6, 2000 meeting of the DRT.

Jim Tiller J. K. Tiller Associates, Inc.

jim@jktiller.com
1.843.815.4800

CERTIFICATE OF RESOLUTION
OF
BEAUFORT COUNTY COUNCIL

I, Suzanne M. Rainey, Clerk to the Beaufort County Council, do certify that the following documents are taken from the proceedings of the Beaufort County Council and the Planning and Development Standards Committee.

BY: *Suzanne M. Rainey*
Suzanne M. Rainey
Clerk to Council

August 23, 1995
Beaufort, South Carolina

CERTIFICATE OF RESOLUTION
OF
BEAUFORT COUNTY COUNCIL

I, Suzanne M. Rainey, Clerk to the Beaufort County Council, do certify that the following documents are taken from the proceedings of the Beaufort County Council and the Planning and Development Standards Committee.

BY: *Suzanne M. Rainey*
Suzanne M. Rainey
Clerk to Council

August 23, 1995
Beaufort, South Carolina

COUNTY COUNCIL OF BEAUFORT COUNTY
ADMINISTRATION BUILDING

00297

1000 RIBAUT ROAD
POST OFFICE DRAWER 1228
BEAUFORT, SOUTH CAROLINA 29901-1228
TELEPHONE: (803) 525-7100
FAX: (803) 525-7181

THOMAS C. TAYLOR
CHAIRMAN

ELIZABETH P. GRACE
VICE CHAIRMAN

COUNCIL MEMBERS

CHARLES R. (RON) ATKINSON
HERBERT N. GLAZE
DOROTHY P. GNANN
JOSEPH N. KLINE
JOEL A. MARTIN
WILLIAM L. McBRIDE
H. EMMETT McCracken, JR.
VICTORIA T. MULLEN
LEONARD M. TINNAN

SUZANNE M. RAINEY
CLERK TO COUNCIL

MICHAEL G. BRYANT
COUNTY ADMINISTRATOR

DEPUTY ADMINISTRATORS

MORRIS C. CAMPBELL
THOMAS A. HENRIKSON, CPA
RANDOLPH L. WOOD, JR.

LADSON F. HOWELL
COUNTY ATTORNEY

August 4, 1995

Mr. John Cardomone
Belfair Plantation Limited Liability Company
P.O. Box 24143
Hilton Head Island, SC 29925

Dear John:

At its meeting Monday, July 24, 1995, it was the will of Beaufort County Council to approve your request for zoning change from County-wide zoning:

Tax Map 600, Maps 23 and 23B, Parcels 48, 16 and 4, located along U.S. Highway 278 from Planned Unit Development (under the Rose Hill Master Plan) to Planned Unit Development.

If Council or Staff may be of further assistance, please let us know.

Sincerely,



Thomas C. Taylor
Chairman

TCT:smr

Attachment: Ordinance 95/28

cc: Planning Director
Zoning and Development Administrator



95/28

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, AMENDING THE EXISTING OFFICIAL LAND USE ZONING MAPS, DATED APRIL 9, 1990, WHICH ARE PART AND PARCEL OF THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (90/3).

A. Official Land use Zoning Map 600-11

Tax Map 600, Maps 23 and 23B, Parcels 48, 16 and 4, located along U.S. Highway 278 from Planned Unit Development (under the Rose Hill Master Plan) to Planned Unit Development.

COUNTY COUNCIL OF BEAUFORT COUNTY

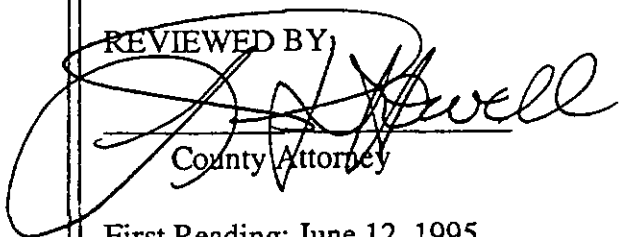
By: 

Thomas C. Taylor
Chairman

ATTEST:


Clerk to Council

REVIEWED BY:


County Attorney

First Reading: June 12, 1995
Second Reading: June 26, 1995
Public Hearing: July 24, 1995
Third and Final Reading: July 24 1995

PROCEEDINGS
BEAUFORT COUNTY COUNCIL

Official Proceedings - Beaufort County Council
June 12, 1995
Page 20

→ Request for Zoning Change (Belfair Plantation Limited Liability Corporation)

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve on first reading, by title only, a request for zoning change in Bluffton, Tax District 600, Maps 23 and 23B, Parcels 48, 16 and 4, located along U.S. Highway 278 from Planned Unit Development (under the Rose Hill Master Plan) to Planned Unit Development.

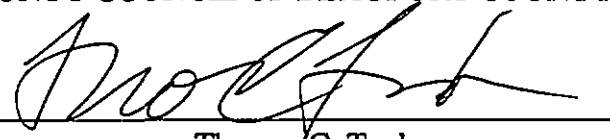
Mrs. Mullen noted the developer desires to enter into a Development Agreement with Beaufort County government.

The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. The motion passed.

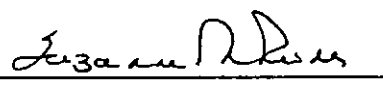
ADJOURNMENT

Council adjourned at 9:05 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: 
Thomas C. Taylor
Chairman

ATTEST:


Clerk to Council

Minutes - Beaufort County Council
 June 26, 1995
 Page 11

→ **REQUEST FOR ZONING CHANGE**

Belfair

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve the following modifications to the Belfair PUD text: (1) multi-family development shall be limited to 16-units per acre, (2) access shall be provided from the Planned Unit Development (residential area) to reach the Neighborhood Commercial area without the need to utilize U.S. Highway 278, (3) the Planned Unit Development shall abide by the recently adopted Policy Statement of Beaufort County Council, as a preexisting Planned Unit Development, which policy provides, among other things: (a) that preexisting Planned Unit Developments shall be subject to all provisions of the newly enacted Tree Ordinance, (b) preexisting Planned Unit Developments shall be exempt from the River Corridor Overlay District, and © preexisting Planned Unit Developments shall be subject to all provisions of the U.S. Highway 278 Corridor Overlay District. The vote was: FOR - Mr. Atkinson Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. OPPOSED - Mr. Martin. The motion passed.

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve on second reading a request for zoning change in Bluffton, Tax District 600, Maps 23 and 23B, Parcels 48, 16 and 4, located along US. Highway 278 from Planned Unit Development (under the Rose Hill Master Plan) to Planned Unit Development. The vote was: FOR - Mr. Atkinson Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. OPPOSED - Mr. Martin. The motion passed.

The Chairman announced a public hearing Monday, July 24, 1995, at 6:00 p.m. in Council Chambers of the Administration Building.

HILTON HEAD PUBLIC SERVICE DISTRICT NO. 1

Expansion of Service Area

It was moved by Mr. Tinnan seconded by Mrs. Mullen, that Council approve on first reading, by title only, an ordinance to expand the service area of Hilton Head Public Service District No. 1 to include the service areas of Hilton Head Island Rural Community Water District, Coastal Utilities, Inc., and Hilton Head Utilities, Inc.

Mr. Tinnan circulated copies of correspondence dated June 23, 1995, from the Hilton Head Island Rural Water District to its customers. The letter, signed by the four commissioners, supports the annexation for three main reasons: (1) The water rates will be lower to the Rural Water District customers, (2) The cost for an alternate water supply will be less to the Rural Water District customers, and (3) Sewer service will be available that cannot be provided by the Rural Water District. With regard to Mr. Tom Barnwell's comments, made during the public hearing earlier in

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PUBLIC COMMENT

→ The Vice Chairman recognized Mr. Mike Olivetti, legal counsel for Rose Hill Property Owners Association (hereinafter "Association"), who explained that originally Rose Hill Plantation and Belfair Plantation were both under a Rose Hill Plantation Master Plan. The Association is not opposed to a split between the two. In fact, the developers of Belfair have met with the Association on several occasions and any differences have been worked out. The Association feels confident the Belfair development is going to be advantageous to Rose Hill. There is a subterfuge that really does not involve Belfair but rather a common grantor between these two entities. The original Rose Hill Development Company made certain assurances to the people of Rose Hill that Rose Hill would be at a minimum a certain size so that it could support a reasonable assessment to support the amenities (roads, security, etc.). Unfortunately, the developer of Rose Hill has sold a 182-acre tract that was to support a part of Rose Hill Plantation. The Association believes it can establish that these 182 acres are part of Rose Hill or, at least, subject to the covenants and restrictions of Rose Hill Plantation. Frankly, the Association depends on the future assessment revenue from these 182 acres to support the common areas in Rose Hill. For clarification the Association's dispute is not with the developers of Belfair but rather the Rose Hill Development Corporation. The Association plans to follow this dispute through the Courts, if necessary, to protect its interest and the loss assessment revenue. If the Association goes to Court to establish its rights, it could impact Belfair in that the Court could establish that the covenants and restrictions of Rose Hill overlap and control a portion of what is going to be called Belfair.

Rev. V. A. Young, of Bethel Baptist Church, requested Beaufort County Ministry Union be provided with a copy of Council's minutes.

COUNTY ADMINISTRATOR'S REPORT

There was no County Administrator's report.

CONTRACT AWARD

One New Track Loader

Mr. Tom Mattox, Purchasing Director, reported a total of 17 vendors were contacted to submit bids on one new track loader. On June 5, 1995, one bid was received from Blanchard Machinery Company for the total amount of \$115,200. Based on information received from other sources, this price is reasonable. Staff recommends awarding the contract to Blanchard Machinery Company in the amount of \$115,200.

It was moved by Mr. Tinnan, as Public Works Committee Chairman (no second required), that Council award the contract to Blanchard Machinery Company in the amount of \$115,200 for one new

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to proceed immediately to seek corrective action for the contractual performance deficiencies of the fixed-based operator at Hilton Head Island Airport. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McCracken, Mrs. Mullen and Mr. Tinnan. ABSENT - Mrs. Gnann, Mr. McBride and Mr. Taylor. The motion passed.

→ **PUBLIC HEARING**

The Vice Chairman opened a public hearing at 6:00 p.m. for the purpose of receiving information from the public as it relates to a request for zoning change in southern Beaufort County, Tax Map 600, Maps 23 and 23B, Parcel 48, 16 and 4, located along U.S. Highway 278 from Planned Unit Development (under the Rose Hill Master Plan) to Planned Unit Development. After calling once for public comment the Vice Chairman recognized Mr. Mike Olivetti, legal counsel for the Rose Hill Property Owners Association (hereinafter "Association"). Mr. Olivetti is not before Council to limit Belfair from developing its property as they see fit, to contest that Belfair has done anything to the Association, nor to try to unnecessarily delay any action Council has taken relative to Belfair's rezoning application. However, Mr. Olivetti is before Council to make it aware of some of the contractual obligations the "common developer" has made to the Association. As Council is aware, Belfair bought its tract from the developer that developed Rose Hill as it is known today. That developer made representations dating back some time now to the property owners of the then Rose Hill as to the size and style of development in Rose Hill. This development is adversely affected by the sale of a large tract to Belfair because the 182 acres that were expected to be and promised to be in the Rose Hill Plantation now is within Belfair. This sale has a negative impact on several funds, particularly; the loss of assessment revenue Rose Hill Plantation needs in order to maintain the common elements. The Association's concern is admittedly with Rose Hill Development Corporation and their willingness to make promises to the Association and then, for all intents and purposes, break them by selling the 182-acre tract to Belfair. The Association wants to make it clear to Council, primarily because the Association plans to pursue this issue in Court if necessary, and depending upon the Court's award, if Council approves Belfair's request for rezoning this date, it will be potentially impacted by the lawsuit. The Association intends to prove that the 182 acres owned by the Rose Hill Development Corporation was equitably subjected to the covenants and restrictions of Rose Hill Plantation.

Belfair and its developers were not part of the negotiations between the Association and the developer. To Mr. Olivetti's knowledge Belfair has done nothing that would affect the agreement between the developer and the Association. Admittedly, the Association is appearing before Council somewhat late, but since the Association's private negotiations to resolve this matter have not worked to date, the Association decided to start making its feelings and intentions clear and public if necessary.

Mr. John F. Breen, a resident of Rose Hill Plantation, was unaware that two readings were previously held on Belfair's request for zoning change. He requested Council table third and final

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reading on the request for zoning change until the issue of the 182 acres is resolved.

Mr. Howard Sherman, a resident of Rose Hill Plantation, encouraged Council to deny or delay third and final reading on Belfair's request for zoning change until the issue of the 182 acres is resolved.

Mr. Dick McTeer, a resident of Rose Hill Plantation, feels a lot of legal confrontation is unnecessary and it never accomplishes anything. He would like to see the developers of Belfair, Rose Hill and the Association come up with an amicable solution. Otherwise, the residents of Rose Hill will have to suffer a loss of the amenities.

After calling twice more for public comment and receiving none, the Vice Chairman declared the hearing closed at 6:15 p.m.

Third and Final Reading - Belfair Plantation

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve on third and final reading a request for zoning change in southern Beaufort County, Tax Map 600, Maps 23 and 23B, Parcels 48, 16 and 4, located along U.S. Highway 278 from Planned Unit Development (under the Rose Hill Master Plan) to Planned Unit Development.

It is Mr. Atkinson's understanding the developer of Rose Hill sold the property September 8, 1994, to Belfair Plantation. From Council's perspective the request for zoning change is a land use issue. And based on what has been presented, there is no incompatibility of the land use. He will support the motion from the perspective of land use. It seems the problem, as stated, is between the Association and the Rose Hill Development Company. This is a matter for the Courts. This is an unfortunate situation for the Association.

Mr. McCracken stated the issue is purely a zoning matter. Unfortunately, the issue is a dispute between the initial Rose Hill developers and the Association. The sale of the 182 acres in September 1994 had an extensive title search as to covenants, impediments or any restrictions that might have been put on the property. At this point, one would have to assume that those 182 acres in question were able to pass from their previous owner to the current owner without any encumbrances. The Association is left with the discomfort of trying to clear up broken promises. It does not fall (as pointed out by Mr. Olivetti) to Belfair to make up these differences. It is not proper to table the request for zoning in order to apply pressure on the original developer of Rose Hill to make good. Certainly, the Rose Hill Property Owners Association would have greater success in this area in civil court.

Mr. Tinnan stated that from time to time citizens appear before Council requesting it deny or defer action on some sort of application until the applicant involved has solved the problem. This is a most

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unusual case in that the citizens appear before Council asking Council to deny or delay an action in which the applicant, Belfair Plantation, has no role so they could be used as a lever, so to speak, to solve the problem with the Rose Hill Development Corporation. This puts Council in a very awkward position of having to serve as an obstacle that can cause economic hardship to the Belfair Company in order to solve the problems expressed by the citizens and property owners of Rose Hill. Mr. Tinnan understands the distress, empathizes with the property owners, who have a real problem with their developer, yet the problem needs to be solved with the developer, not through or with Belfair Company. He urged Mr. Olivetti, on behalf of the Rose Hill Property Owners Association, to move forward with legal action against the developer. Since the title to the 182 acres transferred free and clear, Mr. Tinnan believes Council has no legal basis to deny or defer the third and final reading of the request for zoning change. If Council were to so act, it might provide cause to Belfair Company that it is rendering an economic hardship on them. Then, Council would become a party to this action. He wished Council could help, but it cannot help by denying the request for zoning change.

Mrs. Grace stated Council's decision, whether to deny or approve the request for zoning change, could neither help nor hurt the Rose Hill Property Owners Association. Council must evaluate legally the planned unit development application and request for rezoning based on the County's development standards. Prior to 1990, there were no zoning regulations in Beaufort County. Therefore, when a developer applied for a planned unit development, such as Rose Hill Plantation, a master plan was presented to County staff for review. The master plan may have consisted of many phases depending on size but whether the master plan came to fruition depended upon finances, marketability, etc. Now, however, the County's planned unit development process is much different. The process is more stringent in that a PUD zoning district is created which is like a legal contract between the County and developer. The standards of the approved district must be met unless an amendment to the planned unit development is requested and approved by Council.

The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McCracken, Mrs. Mullen and Mr. Tinnan. ABSENT - Mrs. Gnann, Mr. McBride and Mr. Taylor. The motion passed.

ADJOURNMENT

Council adjourned at 6:25 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____

Thomas C. Taylor
Chairman

ATTEST:

Clerk to Council

PROCEEDINGS

PLANNING AND DEVELOPMENT STANDARDS COMMITTEE

PLANNING AND DEVELOPMENT COMMITTEE

May 23, 1995

The Planning and Development Standards Committee meeting was held at 4:00 p.m., Tuesday, May 23, 1995, at the Career Education Center, Beaufort, SC.

ATTENDANCE

Chairman Victoria Mullen and committee members Dorothy Gnann, Elizabeth Grace, Joseph Kline and Emmett McCracken present. Non-committee members Herbert Glaze and Bill McBride present.

County Staff: Summer Rutherford, Planning Director; Bob Klink, County Engineer; Sharon Dinglee, Planner.

Guests: Lewis Hammet, PUD legal counsel; Jim Cardamone, Belfair Partner; Jim Tiller, Edward Pinckney and Associates LTD.

ACTION ITEM

→ 1. REQUEST FOR ZONING CHANGE

Bluffton, Tax District 600, Maps 23 and 23B, Parcels 48, 16 and 4, located along U.S. 278 from Planned Unit Development under the Rose Hill Master Plan to Planned Unit Development (Belfair Plantation Limited Liability Corporation).

Discussion: The property consists of 1,028 acres on the north side of U.S. 278 and is currently part of the 3,160 acre Rose Hill Plantation PUD, the developed portion of which is located to the west of the Belfair tract. To the east of the Belfair tract is zoned Development District and to the south lies an undeveloped commercial portion of Rose Hill and Rose Hill's Sheridan Park, which is also zoned PUD/General Commercial. The Rose Hill master plan was approved in 1988 prior to the enactment of zoning. PUD zoning was placed on Rose Hill, but when the boundary lines were drawn, a drafting error occurred on the official zoning map. The drafting error was corrected in August 1994.

• Staff originally recommended that the neighborhood commercial area not be included as part of the Belfair PUD and that the multifamily residential not exceed 16 units per acre. As staff worked through the process, the recommendation was modified with conditions based on applicant's ability to reconfigure some of the commercial so that it is not along the highway.

• Applicants are basically requesting exemptions from the pending River Protection Overlay District Ordinance and the latest tree protection standards. Belfair would like to use the old tree standards with the modifications contained in the PUD master plan. The master plan did not address the golf course

tree survey because the old tree protection standards did not address it.

- In particular, applicants would like an exemption from the tree replacement requirements for golf courses because of the \$2 million expense. As far as surveying all trees 24" and greater on the golf course, applicants feel it would be a waste of money because great effort would be placed in identifying trees and working around them when the golf course is designed.

- If the tree standards are waived for the Belfair PUD, other PUD applicants will expect the same exemption. Belfair has attempted to begin the Development Agreement process, but was informed by the Development Agreement Committee Chairman, Thomas Taylor, that any Development Agreements should wait until after the Impact Fee Ordinance is established.

- If Belfair cannot iron out the problems through the Development Agreement Committee, then the existing request can be reviewed by the Planning and Development Standards Committee to address the golf course tree survey and the other exemptions.

Recommendation: Council approve on first reading, by title only, a request for zoning change in Bluffton, Tax District 600, Maps 23 and 23B, Parcels 48, 16 and 4, located along U.S. 278 from Planned Unit Development under the Rose Hill Master Plan to Planned Unit Development. This request should be addressed by the Development Agreement Committee before the June 12, 1995, Council meeting.

INFORMATION ITEMS

2. River Protection Overlay District

Discussion: Ms. Sharon Dingee, Planner, explained that a single-family residence would be exempt from stormwater management portions of the proposed ordinance because one house by itself would not cause a threat to water quality (this situation would be addressed by the 50-foot buffer requirement). However, a number of single-family homes along the river introduces infiltration of runoff and new sources of pollutants (cars, rooftops, pesticides, animal waste). Enforcement would reply primarily on citizen complaints.

3. Amendments to Archeological, Environmental and Traffic Ordinance

Discussion: Staff circulated a document including an array of proposed amendments to the archeological, environmental and traffic ordinance. Thus far, the ordinance has received two readings.

Recommendation:

- (1) Council approve the insertion of a 25-foot/50-foot buffer from the highway.
- (2) Council add language to specify that utilities, county, state and federal agencies are not exempt from the provisions (buffers, etc.) of the S.C. Highway 170 Corridor Overlay District Ordinance; the Ordinance's buffer requirements will be applicable to everyone in Beaufort County.

→ **5. Belfair Plantation**

Discussion: Mr. Louis Hammet, counsel for Belfair Plantation, stated that Council has made some policy decisions applicable to existing Planned Unit Developments ("PUDs") which would resolve some of the Belfair PUD issues. Mr. Hammet presented a list in which the Planning Board and some of Council's requirements are addressed, and Belfair would like to proceed with second reading on the rezoning request, even if by title only.

Recommendation: Council accept the PUD amendments presented by Mr. Hammet and proceed with second reading on the Belfair Plantation PUD rezoning.

6. Request for Zoning Change

District 200, Map 15, Parcel 308 and a portion of Parcel 302-a, located on Katy Lane on Lady's Island just north of Robin Drive in the Sherwood Forest Subdivision from General Residential-4 to Neighborhood Commercial District (Thomas M. Kolen).

Recommendation: Council approve on first reading, by title only, to rezone District 200, Map 15, Parcel 308 and a portion of Parcel 302-a from General Residential-4 to Neighborhood Commercial District.



LEGEND

[Yellow]	PHASE I	(132 LOTS)
[Light Orange]	PHASE I A&B	(008 LOTS)
[Orange]	PHASE II	(013 LOTS)
[Light Green]	PHASE III A	(016 LOTS)
[Green]	PHASE III B	(015 LOTS)
[Light Blue]	PHASE IV	(050 LOTS)
[Blue]	PHASE V	(041 LOTS)
[Light Purple]	PHASE VI	(047 LOTS)
[Purple]	PHASE VI A	(070 LOTS)
[Dark Purple]	PHASE VI B	(028 LOTS)
[Dark Blue]	PHASE VII	(009 LOTS)
[Dark Green]	PHASE VIII A	(003 LOTS)
[Green]	PHASE VIII B	(017 LOTS)
[Light Green]	PHASE VIII C	(013 LOTS)
[Yellow-Green]	PHASE IX	(018 LOTS)
[Yellow]	PHASE X	(015 LOTS)
[Light Orange]	PHASE X B	(047 LOTS)
[Orange]	PHASE XI	(035 LOTS)
[Light Green]	PHASE XII	(046 LOTS)
[Green]	PHASE XIII	(032 LOTS)
[Light Blue]	PHASE XIV	(046 LOTS)
[Blue]	OAK FOREST ROAD	
[Green]	COMMUNITY RECREATION CENTER	
[Light Green]	GOLF CLUBHOUSE	
TOTAL LOTS		(733 LOTS)

ROSE HILL PLANTATION

N/F MALCOLM JOHNSON

A MASTER PLAN OF



LAST REVISED AUGUST 9, 2000
BEAUFORT COUNTY, SOUTH CAROLINA

THOMAS & HUTTON
ENGINEERING, CO.

50 PARK OF COMMERCE WAY P.O. BOX 2727
SAVANNAH, GEORGIA 31405 (912) 234-5300

U. S. HWY 278 R/W VARIES

SYMBOL LEGEND
289 LOT NUMBER
(33) STREET ADDRESS