

COUNTY COUNCIL OF BEAUFORT COUNTY

ADMINISTRATION BUILDING
100 RIBAUT ROAD
POST OFFICE DRAWER 1228
BEAUFORT, SOUTH CAROLINA 29901-1228
TELEPHONE: (843) 255-2180
FAX: (843) 255-9401
www.bcgov.net

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AGENDA NATURAL RESOURCES COMMITTEE

Monday, October 1, 2012
2:00 p.m.
Executive Conference Room
Administration Building

Committee Members:

Paul Sommerville, Chairman
Brian Flewelling, Vice-Chairman
Steven Baer
Gerald Dawson
William McBride
Jerry Stewart
Laura Von Harten

Staff Support: Tony Criscitiello

1. CALL TO ORDER – 2:00 P.M.
2. TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE V. USE REGULATIONS, SECTION 106-1218. COTTAGE INDUSTRY (TO REDUCE ACREAGE, SCREENING AND LIGHTING REQUIREMENTS FOR COTTAGE INDUSTRIES IN RURAL ZONING); APPLICANT: DAVID TEDDER. ([backup](#))
3. DISCUSSION / WATER QUALITY OFFICE / PARTNERSHIP WITH USC-B
4. CONSIDERATION OF REAPPOINTMENTS AND APPOINTMENTS
 - A. Northern Corridor Review Board
 - B. Rural and Critical Lands Board
 - C. Southern Corridor Review Board
5. EXECUTIVE SESSION
 - A. Discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property
6. ADJOURNMENT





MEMORANDUM

To: Natural Resources Committee of Beaufort County Council
From: Anthony Criscitiello, Planning Director
Subject: Amendment to the Zoning & Development Standards Ordinance (ZDSO)
Date: September 25, 2012

Excerpt of PLANNING COMMISSION RECOMMENDATION from its September 6, 2011, draft meeting minutes:

Mr. Brian Herrmann, the County Community Planner, briefed the Commission. He noted that the applicant proposed the following:

1. First Request: a- to reduce the by-right site requirement from 10 to 6 acres that is supported by the ordinance and the Staff; and b- to add the total acreage of the property where the cottage industry use is proposed and the adjacent residential property of the owner of the cottage industry use that the staff supports.
2. Second Request: a- to reduce the buffering from 100 to 50 feet that the staff recommends denial; b- to eliminate the phrase "...and district..." that the staff supports; and c- to waive the screening requirement between the cottage industry and the adjacent residential properties if both properties are owned by the same person which the staff supports.
3. Third Request: a- to changes the road requirement and to delete the word "...direct...", where both are supported by the staff; and b- to reduce the outdoor lighting standard from cut-off fixtures to standard fixtures that is not supported by the staff because they feel this would lower protection standards.

Applicant's Comments: Mr. Harvey McCormick, the applicant's representative, stated that the applicant agreed with all but two issues: the proposed 50-foot buffer and deleting cut-off lighting. The current ordinance requires 100-foot buffer for cottage industry that could make it prohibitive depending on the shape of the property. They recommend a 50-foot buffer with 100 percent opacity. A suitable alternative would be requiring a physical screen with the 50-foot buffer. If no physical screen is provided, then the 100-foot buffer should be required. Physical screening would do away with noise, odor and vibration. Generally cottage industry uses would be on smaller acreage, with buffers with 100 percent opacity; therefore using cobra versus cutoff lighting would be sufficient instead of cost-prohibitive.

Public Comment: No other public comment was received.

Chairman Hicks summarized the Applicant's Requests for clarity:

1. Reducing the minimum acreage requirement for by-right approval from 10 to 6 acres in Sec. 106-1218(a);

2. Including the property where the cottage industry would occur and the adjacent residential property of the owner of the cottage industry when calculating the minimum acreage requirement (Sec. 106-1218(a));
3. Reducing the buffer from 100 feet to 50 feet in Sec. 106-1218(a)(4);
4. Delete the phrase "...and districts..." in Sec. 106-1218(a)(4);
5. Removing the screening requirement between the two sites—cottage industry and residential—that are owned by same person (Sec. 106-1218(a)(4));
6. Changing the access requirement in Sec. 106-1218(a)(5) by deleting the word "direct";
7. Adding at the end of the sentence in Sec. 106-1218(a)(5): "..., which may be by way of a public or private road meeting the Rural Subdivision access easement requirements of Section 106-2597(1)."; and
8. Changing the outdoor lighting requirement from cutoff to standard lighting fixtures (Sec. 106-1218(a)(7)).

Discussion regarding the Applicant's requests #1 and #2 (listed above) included:

- Recalling a past project where someone wanted to repair small boat engines on St. Helena so cottage industry was devised with the various requirements of lighting, acreage, and buffering;
- Clarifying the applicant's request to calculate the acreage including the properties where the cottage industry is held and the cottage industry owner's abutting residential lot;
- Protecting the neighbors from abutting cottage industries in the rural areas; and
- Reducing the acreage requirement to 5 instead of the requested 6 acres if the goal is to promote cottage industry in rural districts.

Motion on Request #1: Mr. Semmler made a motion, and Mr. Brown seconded the motion, to forward a recommendation to County Council to approve reducing the minimum acreage requirement for cottage industry in rural district from 10 to 6 acres (in Section 106-1218(a)). No further discussion occurred. The motion to approve was carried unanimously (FOR: Brown, Chmelik, Hicks, LeGree, and Semmler).

Motion on Request #2: Mr. Semmler made a motion to forward a recommendation to County Council to approve adding to the end of Sec. 106-1218(a): "The qualifying acreage may consist of the total acreage of both the property upon which the use is proposed, as well as the adjacent residential property upon which the owner resides, in accordance with Section 106-1218(a)(9)." Discussion included a clarification that the motion would affect all properties in the county, not only the applicant's. Ms. Chmelik seconded the motion. No further discussion occurred. The motion to approve was carried unanimously (FOR: Brown, Chmelik, Hicks, LeGree, and Semmler).

Discussion regarding the Applicant's requests #3, #4 and #5 (listed on page 2 of 4) included: staff recommending approval of this request, involving the Zoning Board of Appeals instead of amending the text because of the size and shape of the lot provided a hardship to the owner,

agreement on the removal of the word “district”, and clarifying the proposed screening and buffer requirements.

Motion on Request #3: Mr. Semmler made a motion, and Ms. Chmelik seconded the motion, to forward a recommendation to County Council to deny reducing the bufferyard from 100 to 50 feet in Section 106-1218(a)(4). No further discussion occurred. The motion to deny was carried unanimously (FOR: Brown, Chmelik, Hicks, LeGree, and Semmler).

Motion on Request #4: Mr. Semmler made a motion, and Mr. Brown seconded the motion, to forward a recommendation to County Council to approve removing the phrase “...and districts..” from Section 106-1218(a)(4). No further discussion occurred. The motion to approve was carried unanimously (FOR: Brown, Chmelik, Hicks, LeGree, and Semmler).

Motion on Request #5: Mr. Semmler made a motion to forward a recommendation to County Council to approve screening all cottage industry operations from adjoining residential properties unless such residential property is owned by the operator of the cottage industry (Section 106-1218(a)(4)). Further discussion included clarification on the applicant’s screening requirement request. Ms. Chmelik seconded the motion. The motion to approve was carried unanimously (FOR: Brown, Chmelik, Hicks, LeGree, and Semmler).

Discussion regarding the Applicant’s requests #6 and #7 (from page 2 of 4) included a clarification of the proposed road requirement to avoid over dictating where a cottage industry occurs.

Motion on Request #6: Mr. Semmler made a motion, and Ms. Chmelik seconded the motion, to forward a recommendation to County Council to approve eliminating the word “direct” from the access requirement in Section 16-1218(a)5). No further discussion occurred. The motion to approve was carried unanimously (FOR: Brown, Chmelik, Hicks, LeGree, and Semmler).

Motion on Request #7: Mr. Semmler made a motion to forward a recommendation to County Council to approve adding the phrase “...which may be by way of a public or private road meeting the Rural Subdivision access easement requirements of Section 106-2597(1)” to the end of Section 106-1218(a)(5). Mr. Brown seconded the motion. No further discussion occurred. The motion to approve was carried unanimously (FOR: Brown, Chmelik, Hicks, LeGree, and Semmler).

Discussion for the Applicant’s request #8: included clarification on using standard instead of cutoff fixtures to avoid light pollution, shielding of lighting is available for residences, candlefoot limitation, concern for loosing night sky, cutoff light expense, and support for current lighting requirement

Motion on Request #8: Mr. Semmler made a motion to forward a recommendation to County Council to deny the applicant’s request to change the lighting requirement to standard lighting, thereby retaining the existing cutoff lighting requirement. Ms. Chmelik seconded the motion. No further discussion occurred. The motion for denial was carried unanimously (FOR: Brown, Chmelik, Hicks, LeGree, and Semmler).

STAFF REPORT:

A. BACKGROUND:

Case No. ZTA 2012-04
Applicant: David Tedder

B. SUMMARY OF REQUEST:

The text amendments proposed by the applicant are shown as underlined for additions and ~~struck through~~ for deletions.

Summary: Request 1

The applicant is requesting to reduce the minimum acreage required for “by right” approval of a cottage industry use in Rural from 10 acres to 6 acres. Currently, any site that is less than 10 acres requires a Special Use Permit for approval. Additionally, since ZDSO subsection (a) (9) states, “*the operator of a cottage industry shall own or reside on the property or immediately adjacent thereto,*” the applicant requests that both the property housing the cottage industry, as well as the adjacent residential property be utilized when calculating the acreage.

Please see the applicant’s attachments, including: 1. *Proposed Text Change and Reasons for Change*; 2. Proposed text with changes incorporated; 3. Proposed text with additions underlined and deletions ~~struck through~~.

Summary: Request 2

The applicant is requesting to reduce the bufferyard screening required between a cottage industry and “adjoining residential uses and districts” from 100 feet to 50 feet. Additionally, the applicant believes that since “there are very few districts which do not allow residential uses,” it is appropriate to omit the reference to “districts”. Finally, in cases where the residential use is also owned by the owner/operator of the adjoining cottage industry the applicant proposes that no screening be required between the two sites (See applicant’s attachments).

Summary: Request 3

In recognition of the fact that many properties in rural lack “direct access to a paved arterial or collector”, the applicant requests that the standard requiring that cottage industries have direct access to a paved arterial or collector road (a) (5) is changed and the word “direct” omitted. The applicant wishes to add language stating that such access “*may be by way of a public or private road that meets the Rural Subdivision access easement requirements of Section 106-2597(1).*” (See applicant’s attachments).

Summary: Request 4

The applicant believes that “standard outdoor lighting” as opposed to “cut-off-fixtures” is more in keeping with the character of Rural. The applicant requests that the requirement for such fixtures be omitted from the cottage industry standards (See applicant’s attachments).

C. ANALYSIS and RECOMMENDATION:

Section 106-493 of the ZDSO lists 7 standards (below), any of which is cause for a Zoning Text Amendment. Analysis will address all those applicable to **text change requests 1-4.**

Sec. 106-493. Standards for Zoning Text Amendment.

A zoning ordinance text amendment may be approved if:

- 1. It would implement a new portion of the Comprehensive Plan or Amendment.**
- 2. It would implement and better achieve the Comprehensive Plan's goals and objectives that have proved difficult to achieve under the ordinance's existing provisions.**
- 3. The ordinance's provisions were inconsistent or unreasonable in light of standards for similar uses.**
- 4. It is necessary to respond to state and/or federal legislation.**
- 5. It provides additional flexibility in meeting the ordinance's objectives without lowering the ordinance's general standards.**
- 6. It addresses a new use, changing conditions, and/or clarifies existing language.**
- 7. It clarifies the ordinance or makes adjustments to account for interpretation.**

Request 1

The applicant proposes the following changes to subsection (a).

- (a) In the rural district, cottage industry shall meet the following requirements. ~~Ten~~ Six acres shall be required for this use unless otherwise approved through a special use permit. The qualifying acreage may consist of the total acreage of both the property upon which the use is proposed, as well as the adjacent residential property upon which the owner resides, in accordance with Section 106-1218 (a)(9).

Request 1 contains two parts. In the first portion the applicant proposes to reduce the minimum "by right" acreage required for a cottage industry use in the Rural zoning district from 10 acres to 6 acres.

- 2. It would implement and better achieve the Comprehensive Plan's goals and objectives that have proved difficult to achieve under the ordinance's existing provisions.**
- 5. It provides additional flexibility in meeting the ordinance's objectives without lowering the ordinance's general standards.**

In the Land Use Chapter of the 2010 Beaufort County Comprehensive Plan the Section titled, "*Defining Rural*" lists "Small scale services and businesses that serve rural areas" as a common characteristic of rural that must be preserved, protected, and promoted. In the Section that follows, entitled "Rural Policy Goals" Beaufort County commits to "*promote rural based economic development that benefits local rural businesses and residents.*" Recommendation 4-17 continues this theme of promoting business opportunities in Rural.

Recommendation 4-17: S Rural

Beaufort County should evaluate its ZDSO to provide more flexibility and overcome obstacles to the establishment of compatible rural businesses.

- Consider changes to the ZDSO to place more emphasis on performance standards rather than use-restrictions for cottage industries, home occupations, and rural businesses.

The aforementioned language is intended to provide residents with new opportunities for businesses in rural areas and increase the flexibility of the existing standards in the ZDSO. The applicant's request to reduce the minimum acreage required for "by right" approval of a cottage industry use in the Rural zoning district from 10 acres to 6 acres increases the opportunity for "by right" approval without reducing the ordinance's general standards.

A future proposal would still be subject to the minimum 85% landscape surface ratio (LSR) of subsection (a) (12). As conveyed in subsection (a) (4) the cottage industry use would still be required to establish a "50-foot wide bufferyard providing 100% opacity." This standard requires that all "*buildings, work areas, and outdoor storage areas be completely screened from adjoining residential uses and districts,*" and is critical to fulfilling the requirement of subsection (a) (7) which requires, "no perceptible increase in noise, odor, vibration or electrical interference beyond the property line." Finally, as conveyed in subsection (a) (3) "*buildings associated with cottage industry may not exceed 5,000 square feet of combined floor space.*"

When LSR requirements are applied to a 6 acre lot that is completely screened, buffered, and contains a cottage industry use of 5000 square feet, approximately 34,204 square feet of non-landscaped surface area remain on which to site the primary residence. As the applicant's narrative conveys, such a site is large enough to locate both a residence and cottage industry use without increasing perceptible noise, odor, vibration or electrical interference beyond the property line.

In the second portion of Request 1 the applicant proposes language for subsection (a) that requires the acreage of the parcel on which the applicant resides to be added to the acreage of the adjoining parcel in which the cottage industry is located when calculating the minimum acreage requirement.

7. It clarifies the ordinance or makes adjustments to account for interpretation.

Subsection (a) (9) currently states, "The operator of a cottage industry shall own and reside on the property or immediately adjacent thereto. The language proposed by the applicant further clarifies the existing standards in the ZDSO and adds increased flexibility to the parameters by which these standards are interpreted. This is in keeping with Recommendation 4-17 of the Beaufort County Comprehensive Plan.

Recommendation: Staff recommends approval of Request 1.

Request 2

The applicant proposes the following changes to subsection (a) (4).

- (4) All operations associated with the cottage industry, including buildings, work areas, and outdoor storage areas, shall be completely screened from adjoining residential uses (unless owned by the owner of the property upon which the cottage industry is located) ~~and districts~~ with a ~~100~~-50-foot wide bufferyard providing 100 percent opacity.

Request 2 contains three parts. In the first portion the applicant proposes to reduce the bufferyard screening that is required between a cottage industry use and “adjoining residential uses and districts” from 100 feet to 50 feet.

The applicant’s narrative correctly states that a fifty foot buffer is in keeping with the sizes required of “other permitted uses” in the Rural zoning district. However, cottage industry uses include boat, small engine, and farm equipment repair, as well as all light industrial uses listed in Table 106-1098. These uses are more intense than traditional rural uses, and as such, more likely to produce negative impacts involving noise, odor, and vibration. Therefore, it is logical that the baseline standard for bufferyards is also increased.

Recommendation: Whereas Request # 1 provides additional flexibility and clarity for existing standards, while also ensuring that all baseline protections are maintained; staff finds that the first portion of request 2 simply lessens a standard that is necessary and already in place. Therefore, staff recommends denial of the applicant’s request to reduce the minimum bufferyard standard from 100 feet to 50 feet.

In the second portion of Request 2 the applicant proposes to omit the word “districts” from the standard. The applicant is correct in that all county zoning districts are mixed use. The County does not have a single use residential district.

7. It clarifies the ordinance or makes adjustments to account for interpretation.

Recommendation: Staff recommends approval of the second portion of Request 2 that proposes to omit the word “districts” from the standard.

In the third portion of Request 2 the applicant proposes to waive the screening requirement in cases where the residence is also owned by the owner/operator of the adjoining Cottage Industry.

Recommendation: Subsection (a) (9) states, “*The operator of a cottage industry shall own and reside on the property or immediately adjacent thereto.*” In Request 1 (above), staff recommended the following changes to subsection (a):

- (a) In the rural district, cottage industry shall meet the following requirements. ~~Ten~~-Six acres shall be required for this use unless otherwise approved through a special use permit. The qualifying acreage may consist of the total acreage of both the property upon which the use is proposed, as well as the adjacent residential property upon which the owner resides, in accordance with Section 106-1218 (a)(9).

The new sentence further clarifies the parameters of Subsection (a) (9). Staff recommends approval of the third portion of Request 2 with the addition of the following sentence.

- (4) All operations associated with the cottage industry, including buildings, work areas, and outdoor storage areas, shall be completely screened from adjoining residential uses (unless owned by the owner of the property upon which the cottage industry is located) ~~and districts~~ with a 100 foot wide bufferyard providing 100 percent opacity. Non-contiguous parcels deemed to be adjoining as a result of an easement must be screened from physically adjacent residential uses not owned by the owner/operator of the cottage industry.

Request 3

The applicant proposes the following changes to subsection (a) (5).

- (5) Cottage industries shall have ~~direct~~ access to a paved arterial or collector road, which may be by way of a public or private road meeting the Rural Subdivision access easement requirements of Section 106-2597 (1).

Request 3 contains two parts. In the first portion the applicant proposes to omit the requirement for “direct” access to a paved arterial or collector road. In the second portion of Request 3 the applicant proposes to add language to subsection (a) (5) that would make any “Public or private road that meets the Rural Subdivision access easement requirements of Section 106-2597(1)” compliant.

2. **It would implement and better achieve the Comprehensive Plan’s goals and objectives that have proved difficult to achieve under the ordinance’s existing provisions.**
6. **It provides additional flexibility in meeting the ordinance’s objectives without lowering the ordinance’s general standards.**

See specific references to language from the Comprehensive Plan in Request 1. By omitting the requirement for “direct” access to a paved arterial or collector road and adding language that opens access to “*public or private roads that meet the Rural Subdivision access easement requirements*” the proposal will provide residents with new opportunities for businesses in rural areas and increase the flexibility of the existing standards in the ZDSO.

Recommendation: Staff recommends approval of Request 3.

Request 4

The applicant proposes the following changes to subsection (a) (7).

- (7) There shall be no perceptible increase in noise, odor, vibration or electrical interference beyond the property line as a result of the cottage industry. Outdoor light fixtures, if any, shall be ~~cut-off fixtures~~ mounted in such a manner that the cone of light is not directed at any property line.

The applicant proposes to reduce the current standards for outdoor lighting of a cottage industry use such that “cut-off-fixtures” will no longer be required.

The county has a number of policies in place to target light pollution, including light trespass and sky glow. Light pollution results from an agglomeration of artificial light that is intrusive, unsafe or wasteful. The applicant's narrative is correct in that urban areas are more prone to this phenomenon; however, any grouping or cluster of "unfocused" lights, whether rural or urban can cause light pollution.

- Light trespass is a form of light pollution that results when "unfocused" or "misdirected" light from one property infiltrates an adjoining property. The applicant's narrative correctly states that subsection (a) (7) specifically addresses this issue. However, cut-off light fixtures are the "best management practice" tool of choice for doing so.
- Sky glow is an accumulation of light that spills into the atmosphere as a result of light pollution. This affects the ability to see the "night sky." The latter is very much an issue of concern in rural communities.

Recommendation:

Whereas Request 1 and 3 provide additional flexibility and clarity for existing standards, while also ensuring that all baseline protections are maintained; staff finds that request 4 simply lessens a standard that is both appropriate and in place. Therefore, staff recommends denial of the applicant's request to eliminate cut-off light fixtures with cottage industry uses.

Summary of Staff Recommendations:

Sec. 106-1218. Cottage industry.

- (a) In the rural district, cottage industry shall meet the following requirements. ~~Ten-Six~~ acres shall be required for this use unless otherwise approved through a special use permit. The qualifying acreage may consist of the total acreage of both the property upon which the use is proposed, as well as the adjacent residential property upon which the owner resides, in accordance with Section 106-1218 (a)(9).
- (1) Uses shall be limited to boat, small engine (e.g. lawnmowers) and farm equipment repair services and all light industrial uses listed in Table 106-1098, except the following: mini-warehouses, recreational equipment and heavy truck rental, and heavy truck, recreational vehicle and mobile home sales.
 - (2) Only incidental retail sales are permitted.
 - (3) Buildings associated with the cottage industry may not exceed 5,000 square feet of combined floor space.
 - (4) All operations associated with the cottage industry, including buildings, work areas, and outdoor storage areas, shall be completely screened from adjoining residential uses (unless owned by the owner of the property upon which the cottage industry is located) and districts with a 100 foot wide bufferyard providing 100 percent opacity. Non-contiguous parcels deemed to be adjoining as a result of an easement must be screened from physically adjacent residential uses not owned by the owner/operator of the cottage industry.

- (5) Cottage industries shall have ~~direct~~ access to a paved arterial or collector road, which may be by way of a public or private road meeting the rural subdivision access easement requirements of Section 106-2597 (1).
- (6) One non-illuminated sign not more than 12 square feet in area may be placed on the property to advertise the business.
- (7) There shall be no perceptible increase in noise, odor, vibration or electrical interference beyond the property line as a result of the cottage industry. Outdoor light fixtures, if any, shall be cut-off fixtures mounted in such a manner that the cone of light is not directed at any property line.
- (8) Hours of operation shall be limited to between 7:00 a.m. and 7:00 p.m., Monday through Friday.
- (9) The operator of a cottage industry shall own and reside on the property or immediately adjacent thereto.
- (10) All repair work on internal combustion engines must be performed within an enclosed structure.
- (11) All boats/trailers and farm equipment, if applicable, associated with a repair business must be currently licensed and registered. Salvage operations are prohibited as part of a cottage industry.
- (12) Cottage industries shall meet the minimum landscape surface ratio (LSR) applicable to “other permitted uses in table 106-1562 (minimum LSR = 0.85 for the rural district). All buildings, work areas, and outside storage areas must be shown on the site plan and shall be considered non-landscaped areas in the LSR calculation for the site.

D. ATTACHMENTS:

- Copy of application for Zoning Text Amendment
- Please see applicant’s attachments, including:
 - *Proposed Text Change and Reasons for Change.*
 - Proposed text with changes incorporated.
 - Proposed text with additions underlined and deletions ~~struck through~~.

BEAUFORT COUNTY, SOUTH CAROLINA
PROPOSED ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO)
ZONING MAP / TEXT AMENDMENT / PUD MASTER PLAN CHANGE APPLICATION

TO: Beaufort County Council

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

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

2. Give exact information to locate the property for which you propose a change: N/A
 Tax District Number: _____, Tax Map Number: _____, Parcel Number(s): _____
 Size of subject property: _____ Square Feet / Acres (circle one)
 Location: _____

3. How is this property presently zoned? (Check as appropriate) N/A
 Urban/U Community Preservation/CP Light Industrial/LI
 Suburban/S Commercial Regional/CR Industrial Park/IP
 Rural/R Commercial Suburban/CS Transitional Overlay/TO
 Rural Residential/RR Research & Development/RD Resource Conservation/RC
 Planned Unit Development/PUD

4. What new zoning do you propose for this property? N/A
 (Under Item 10 explain the reason(s) for your rezoning request.)

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

6. If this request involves a proposed change in the Zoning/Development Standards Ordinance text, the section(s) affected are: § 106-12.18 (Cottage Industry)
 (Under Item 9 explain the proposed text change and reasons for the change.)

7. Is this property subject to an Overlay District? Check those which may apply: N/A
 AOD - Airport Overlay District MD - Military Overlay District
 COD - Corridor Overlay District RQ - River Quality Overlay District
 CPOD - Cultural Protection Overlay District

8. The following sections of the Beaufort County ZDSO (see attached sheets) should be addressed by the applicant and attached to this application form:
 - a. Section 106-492, Standards for zoning map amendments.
 - b. Section 106-493, Standards for zoning text amendments. ✓

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 PLANNING
 DIVISION

Rec'd 250.00, UE# 14374, Rec# 18023

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

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

[Signature] _____ Date 8/6/12
Signature of Owner- Applicant Telephone Number: _____
Printed Name: DAVID TEDDER
Address: POB 1282, BEAUFORT SC 29901
Email: dave@tedderlawoffice.com
Agent (Name/Address/Phone/email): _____

FOR MAP AMENDMENT REQUESTS, THE PLANNING OFFICE WILL POST A NOTICE ON THE AFFECTED PROPERTY AS OUTLINED IN SEC. 106-402(D) OF THE BEAUFORT COUNTY ZDSO.

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

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

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

FOR PLANNING DEPARTMENT USE ONLY:

Date Application Received: _____ Date Posting Notice Issued: _____
(place received stamp below) Application Fee Amount Received: _____
Receipt No. for Application Fee: _____



ZTA
FILE NO: 2012-04 // Initiated by: STAFF / OWNER
(Circle One)

ITEM 9 EXPLANATION

Item 6. Proposed Text Change and reasons for change

Attached is Section 106-1218, *Cottage Industry*, with the requested changes showing as a redline. The requested changes stem from an analysis of the restrictions of this section's practical application over the last ten year's or more, and a desire to remove or alter some those restrictions which may unreasonably inhibit the ability of rural landowners to create small start-up businesses on larger properties, while still providing adequate protections to the surrounding property owners. The following is an explanation of each requested change.

1. Subsection (a). Reduce the required acreage from ten to six acres, and allow the inclusion of both the parcel acreage where the structure will be located with that of the owner's residential property, where it is on a separate parcel, but adjacent (as allowed under subsection (a) (9)). The operator of the cottage industry must reside and own the property on which the cottage industry is to be conducted, or immediately adjacent. Six acres is requested because in the rural, agricultural areas, tax law allows primary residential treatment for the residence on a parcel up to five acres. The present ordinance requires ten acres. By definition there must be differing tax treatments for the residence and the cottage industry site. It seems unreasonable to require an additional five acres (217,800 s.f.) for a structure that can be no more than 5,000 square feet of floor space, or only 2.3% of the total area of the five acres. The reduction to six acres from ten is in recognition that 10 acres, or 435,600 s.f. to accommodate a residence and an additional 5,000 s.f. of floor space, is out of proportion to any need for buffering or environmental protection. There is also the 85% landscape surface ratio (LSR) of subsection(a) (12), which requires a LSR of 85%. On a six acre tract, or 261,000 s.f., subtracting 85% of the square footage (22,156) from the total acreage of 261,000 allows for 39,204 square feet of non-landscaped surface. Obviously, there is room to allow for a 5,000 s.f. floor space, as it is unlikely that on the residential property, and a combined property, that there would be an additional 34,200 s.f. of non-landscaped property. Additionally, since Cottage Industry is not allowed in the Rural Residential areas (five or more contiguous five acre parcels) except as a grandfathered use, the additional acreage honors the intent of having more than five acres available for this use, except by special use permit.

2. Subsection (a)(4). This requested amendment clarifies that there is no reason to screen between the cottage industry and the operator/owner's own residence, as well as clarifying the screening is for residential uses, not districts. There are very few districts which do not allow residential uses. Further, the reduction to a fifty foot buffer is in keeping with the sizes of bufferyards required of "other permitted uses" in the Rural District, Table 106-1617.

3. Subsection (a)(5). Recognizing that many of the properties which are in the Rural areas do not have direct access to a paved arterial or collector, but do have access over easements and private roads which have serviced our agricultural businesses since motorized trucks and tractors were available, as well as the recent amendments to the

Rural Subdivision road standards of Section 106-2597 (1). These amendments allow for subdivisions in the Rural District to have private accesses; there seems to be no overriding reason a cottage industry cannot be allowed the same latitude to foster economic growth for these citizens.

4. Subsection (a)(7). In the Rural areas, standard outdoor lighting is the norm, not cut-off fixtures. Requiring a cut-off fixture would seem to be overkill, especially since there are additional prohibitions against focused light trespass in this same section.

For all the above reasons, it is requested that these amendments be adopted to simplify and more readily allow small business and small landowners the opportunity to have a business that can provide additional employment opportunities in the Rural areas, especially in light of the protracted economic troubles and the disproportionate impact that has occurred in the construction/manufacturing areas.

Sec. 106-1218. - Cottage industry.

(a)

In the rural district, cottage industry shall meet the following requirements. Six acres shall be required for this use unless otherwise approved through a special use permit. The qualifying acreage may consist of the total acreage of both the property upon which the use is proposed, as well as the adjacent residential property upon which the owner resides, in accordance with Section 106-1218 (a)(9).

(1)

Uses shall be limited to boat, small engine (e.g. lawnmowers) and farm equipment repair services and all light industrial uses listed in Table 106-1098, except the following: mini-warehouses, recreational equipment and heavy truck rental, and heavy truck, recreational vehicle and mobile home sales.

(2)

Only incidental retail sales are permitted.

(3)

Buildings associated with the cottage industry may not exceed 5,000 square feet of combined floor space.

(4)

All operations associated with the cottage industry, including buildings, work areas, and outdoor storage areas, shall be completely screened from adjoining residential uses (unless owned by the owner of the property upon which the cottage industry is located) with a 50-foot wide bufferyard providing 100 percent opacity.

(5)

Cottage industries shall have access to a paved arterial or collector road, which may be by way of a public or private road meeting the Rural Subdivision access easement requirements of Section 106-2597 (1).

(6)

One nonilluminated sign not more than 12 square feet in area may be placed on the property to advertise the business.

(7)

There shall be no perceptible increase in noise, odor, vibration or electrical interference beyond the property line as a result of the cottage industry. Outdoor light fixtures, if any, shall be mounted in such a manner that the cone of light is not directed at any property line.

(8)

Hours of operation shall be limited to between 7:00 a.m. and 7:00 p.m., Monday through Saturday.

(9)

The operator of a cottage industry shall own and reside on the property or immediately adjacent thereto.

(10)

All repair work on internal combustion engines must be performed within an enclosed structure.

(11)

All boats/trailers and farm equipment, if applicable, associated with a repair business must be currently licensed and registered. Salvage operations are prohibited as part of a cottage industry.

(12)

Cottage industries shall meet the minimum landscape surface ratio (LSR) applicable to "other permitted uses" in table 106-1526 (minimum LSR = .85 for the rural district). All buildings, work areas, and outside storage areas must be shown on the site plan and shall be considered non-landscaped areas in the in the LSR calculation for the site.

(b)

In the rural residential district, only businesses, which meet the definition of a cottage industry as set forth hereinabove, whether licensed or unlicensed and existing at, and continually operating since, the time of initial adoption of the ZDSO (April 26, 1999) shall be permitted, as long as they do not expand or intensify. Such businesses shall be exempt from the setback provisions set forth hereinabove in subsection (a)(4).

New cottage industries in the rural residential district are not permitted.

(Ord. No. 99-12, § 1 (03.219), 4-26-1999; Ord. No. 2002-2, 1-28-2002; Ord. No. 2003-33, 10-27-2003; Ord. No. 2004/27, 8-9-2004)

Cross reference— *Businesses, ch. 18.*

Sec. 106-1218. - Cottage industry.

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In the rural district, cottage industry shall meet the following requirements. ~~Six-Ten~~ acres shall be required for this use unless otherwise approved through a special use permit. The qualifying acreage may consist of the total acreage of both the property upon which the use is proposed, as well as the adjacent residential property upon which the owner resides, in accordance with Section 106-1218 (a)(9).

(1)

Uses shall be limited to boat, small engine (e.g. lawnmowers) and farm equipment repair services and all light industrial uses listed in Table ~~106-1098~~, except the following: mini-warehouses, recreational equipment and heavy truck rental, and heavy truck, recreational vehicle and mobile home sales.

(2)

Only incidental retail sales are permitted.

(3)

Buildings associated with the cottage industry may not exceed 5,000 square feet of combined floor space.

(4)

All operations associated with the cottage industry, including buildings, work areas, and outdoor storage areas, shall be completely screened from adjoining residential uses (unless owned by the owner of the property upon which the cottage industry is located) ~~and districts~~ with a ~~5~~400-foot wide bufferyard providing 100 percent opacity.

(5)

Cottage industries shall have ~~direct~~ access to a paved arterial or collector road, which may be by way of a public or private road meeting the ~~dimensional~~Rural Subdivision access easement and improvement requirements of Section 106-259~~87~~ (1).

(6)

One nonilluminated sign not more than 12 square feet in area may be placed on the property to advertise the business.

(7)

There shall be no perceptible increase in noise, odor, vibration or electrical interference beyond the property line as a result of the cottage industry. Outdoor light fixtures, if any, shall be ~~cut-off fixtures~~ mounted in such a manner that the cone of light is not directed at any property line.

(8)

Hours of operation shall be limited to between 7:00 a.m. and 7:00 p.m., Monday through Saturday.

(9)

The operator of a cottage industry shall own and reside on the property or immediately adjacent thereto.

(10)

All repair work on internal combustion engines must be performed within an enclosed structure.

(11)

All boats/trailers and farm equipment, if applicable, associated with a repair business must be currently licensed and registered. Salvage operations are prohibited as part of a cottage industry.

(12)

Cottage industries shall meet the minimum landscape surface ratio (LSR) applicable to "other permitted uses" in table 106-152662 (minimum LSR = .85 for the rural district). All buildings, work areas, and outside storage areas must be shown on the site plan and shall be considered non-landscaped areas in the in the LSR calculation for the site.

(b)

In the rural residential district, only businesses, which meet the definition of a cottage industry as set forth hereinabove, whether licensed or unlicensed and existing at, and continually operating since, the time of initial adoption of the ZDSO (April 26, 1999) shall be permitted, as long as they do not expand or intensify. Such businesses shall be exempt from the setback provisions set forth hereinabove in subsection (a)(4).

New cottage industries in the rural residential district are not permitted.

(Ord No 99-12 § 1 (03 219) 4-26-1999 Ord No 2002-2. 1-28-2002. Ord No 2003-33 10-27-2003 Ord No 2004/27. 8-9-2004)

Cross reference— Businesses ch 18