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AGENDA NATURAL RESOURCES COMMITTEE

Monday, February 4, 2013
2:00 p.m.

Executive Conference Room
Administration Building

Committee Members:

Brian Flewelling, Chairman
Cynthia Bensch, Vice Chairman
Gerald Dawson
William McBride
Jerry Stewart
Laura Von Harten
Vacant – District 9 Representative

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, TABLE 106-1098 GENERAL USE TABLE (TO ALLOW BOAT SALES IN COMMERCIAL SUBURBAN ZONING DISTRICTS); APPLICANT: FRANCES M. RABON ([backup](#))
3. CONSIDERATION OF THE PROCESS TO BE FOLLOWED IN THE ADOPTION OF THE PROPOSED DEVELOPMENT CODE ([backup](#))
4. CONSIDERATION OF REAPPOINTMENTS AND APPOINTMENTS
 - A. Beaufort/Jasper Water and Sewer Authority
 - B. Historic Preservation Review Board
 - C. Northern Corridor Review Board
 - D. Planning Commission
 - E. Rural and Critical Lands Board
 - F. Southern Corridor Review Board
 - G. Stormwater Management Utility Board
 - H. Zoning Appeals Board
5. ADJOURNMENT





MEMORANDUM

To: Natural Resources Committee of Beaufort County Council
From: Tony Criscitiello, Planning Director
Subject: Amendment to the ZDSO
Date: January 28, 2013

PLANNING COMMISSION RECOMMENDATION from its January 7, 2013, draft meeting minutes:

Mr. Criscitiello briefed the Commission on the application. He noted that the applicant asked him to visit the intended site (formerly Beaufort Glass on Highway 170) where the building is currently unoccupied. Mr. Criscitiello noted that boat repair, but not boat sales, did not make sense; so he encouraged the applicant to apply for a text amendment. He noted that the boat sales near the boat landing on Lady's Island off Highway 21 was a similar text amendment. Additional requirements were added by staff to the Zoning and Development Standards Ordinance (ZDSO) regarding this text amendment.

Chairman Hicks opened the floor for comments from the applicant. The applicant was not present at the meeting.

Discussion included the intended site being next to, but not including the former Beaufort Fun Park; clarification that the Commission had put limitations on the Lady's Island boat sales site to prevent a line of boats along the major road; specific sites should not be discussed with this text amendment since all commercial suburban districts would be affected by this text amendment; the requirements of adequate screening from the road; clarification that the applicant is currently engaged in boat sales and repairs elsewhere; the occupancy of a vacant building in a constructive way; the applicant being advised to discuss annexation into the Town of Port Royal which could not occur due to the abutting cemetery; and Town of Port Royal planning administration having no objections to the perceived upzoning per its ordinances.

Public Comment: None was received.

Motion: Mr. Semmler made a motion, and Mr. Thomas seconded the motion, **to recommend to County Council approval of the staff proposed Text Amendments in Articles V, Table 106-1098 and Section 106-1292(3) that will allow boat sales in Commercial Suburban district with certain requirements.** The motion was carried unanimously (FOR: Brown, Chmelik, Hicks, LeGree, Petit, Riley, Semmler, Sutler and Thomas).

STAFF REPORT:

A. BACKGROUND:

Case No. ZTA 2012-06
Applicant: Frances Rabon
Proposed Text Change: Amendment to allow boat sales in the Commercial Suburban Zoning District

B. SUMMARY OF REQUEST:

The Commercial Suburban (CS) district permits the repair of cars and boats, but not the sale of these vehicles. The applicant wishes to amend the ZDSO to permit the sale of boats in CS zones. The General Use Table (Table 106-1098) does not distinguish between the sale of boats and the sale of other vehicles. The ZDSO text amendment proposed by the applicant is shown as underlined for additions and ~~strike through~~ for deletions.

TABLE 106-1098. GENERAL USE TABLE

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
VEHICULAR SALES, RENTAL AND SERVICE, GAS CONVENIENCE MARTS													
Vehicle sales or rentals	N	N	L	<u>N</u> <u>L</u>	N	N	N	N	N	N	N	106-1292	Automobile, light truck, boat, motorcycle sales and rentals, but no other truck sales or rentals (NAICS 4411, 441221,441222, 5321)

Sec. 106-1292. Vehicular sales, rental and service

[Note: This section provided for reference only. The applicant does not propose any changes to the limited standards for vehicle sales]

- (1) *Auto sales, auto malls in all districts.*
 - a. Where the adjoining land is zoned for residential, the buffer shall be increased by 25 feet.
 - b. One automobile display area shall be permitted for every 400 feet of the major road (highest road classification or traffic volume) upon which the use fronts. If there are two such roads, the main road shall be used to calculate the number of display areas, but they may be located on either road.
 - c. No vehicles shall be parked in rights-of-way.
 - d. Except within the display building, no vehicles shall be displayed with their hoods open.

- e. All service bay doors shall be located perpendicular to the street of higher classification.

C. ANALYSIS:

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 the text change request.

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.

(Not Applicable)

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.

(Not Applicable)

3. The ordinance's provisions were inconsistent or unreasonable in light of standards for similar uses.

(Not Applicable)

4. It is necessary to respond to state and/or federal legislation.

(Not Applicable)

5. It provides additional flexibility in meeting the ordinance's objectives without lowering the ordinance's general standards.

In 2005, County Council amended the ZDSO to permit boat sales/service as a separate use in the Lady's Island Village Center (LIVC) zoning district to accommodate boat sales in proximity to the Lady's Island boat ramp. Several limited conditions for this use were also approved to ensure these facilities would be compatible with the overall character of the Village Center district, i.e., a mixed-use center that provides for daily shopping and service needs of island residents and that will become, over time, a pedestrian-friendly environment. The LIVC district is similar to the County's Commercial Suburban (CS) districts in that they both provide for a limited number of retail, service and office uses that are intended to blend in with surrounding neighborhoods. With the same development conditions used in the LIVC, boat sales could be opened up to other commercial suburban areas with minimal impact. The use should also be permitted in Rural Business districts, which similarly serve surrounding rural communities.

6. It addresses a new use, changing conditions, and/or clarifies existing language.

(Not Applicable)

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

(Not Applicable)

D. STAFF RECOMMENDATION:

After review of the guidelines set forth in Section 106-493 of the ZDSO, staff recommends a modification to the requested text amendment as follows: changes are shown as underlined for additions and ~~strike through~~ for deletions:

TABLE 106-1098. GENERAL USE TABLE

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
VEHICULAR SALES, RENTAL AND SERVICE, GAS CONVENIENCE MARTS													
Vehicle sales or rentals	N	N	L	N	N	N	N	N	N	N	N	106-1292	Automobile, light truck, boat , motorcycle sales and rentals, but no other truck sales or rentals (NAICS 4411, 441221,441222, 5321)
<u>Boat sales and service</u>	<u>N</u>	<u>N</u>	<u>L</u>	<u>L</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>L</u>	<u>N</u>		<u>Establishments primarily engaged in the sale, service and maintenance of pleasure watercraft and accessories.</u>

Sec. 106-1292. Vehicular sales, rental and service

(3) Boat sales and service

a. Limited/special standards for use in all applicable districts.

(1) No boats shall be displayed in rights-of-way, buffers, protected resource areas, or required landscaped areas.

(2) All service bay doors shall be located perpendicular to the street of higher classification.

b. Commercial suburban districts.

(1) All service, repair, and storage activities shall be located behind the front building line and completely screened (100 percent opacity) from rights-of-way and adjoining properties using natural buffers, fencing, buildings, or a combination thereof.

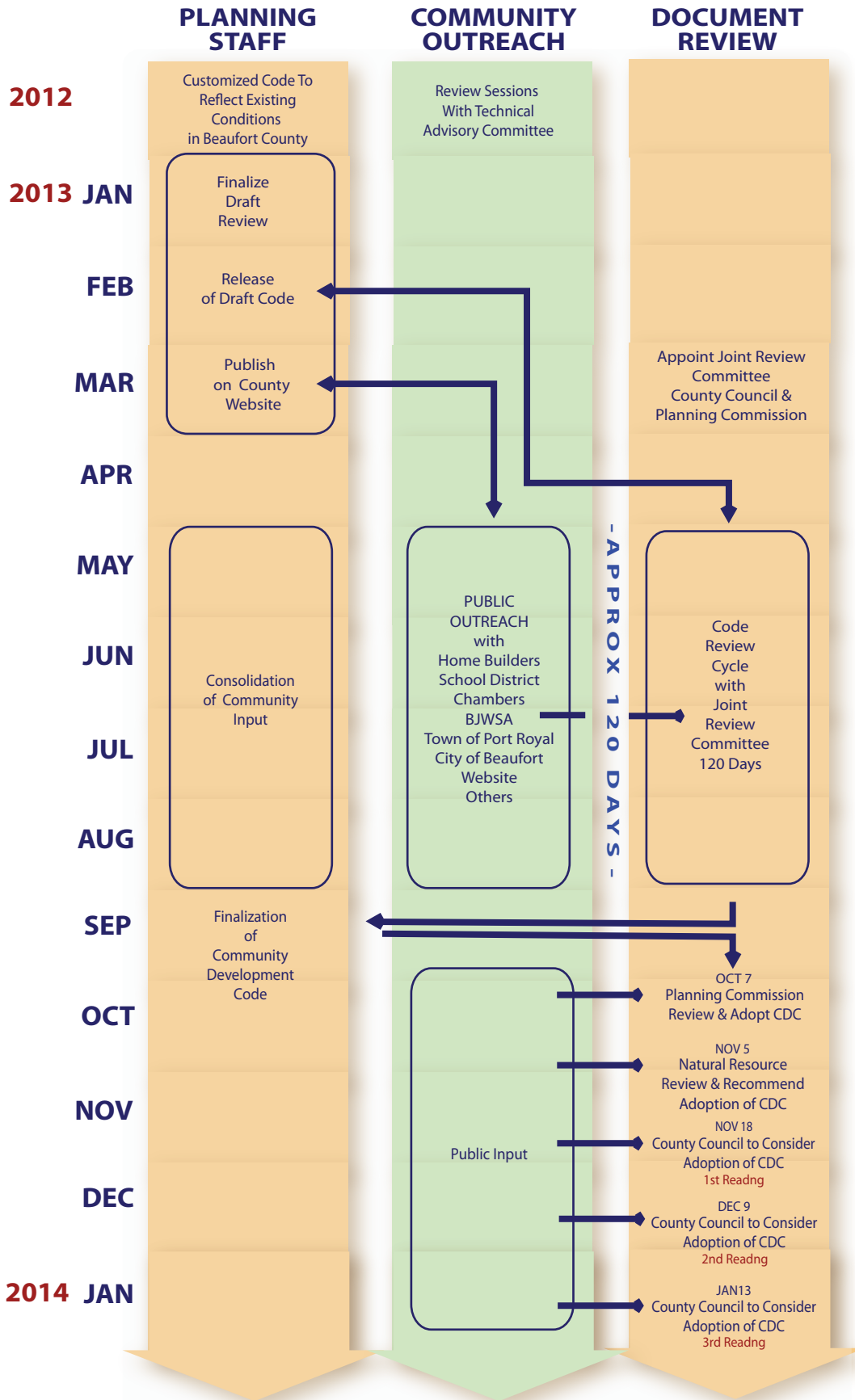
(2) All outdoor display areas shall be located behind the front building line. Buildings and display areas shall not exceed 37 percent of the gross site area.

(3) The scale, massing, and building design shall be compatible with the surrounding area. The structure shall be street-oriented with pedestrian entrances from the street. Buildings shall define a minimum of 50% of the street frontage.

E. ATTACHMENTS:

- Copy of application for Zoning Text Amendment

CONSIDERATION FOR ADOPTION OF THE DEVELOPMENT CODE





**Beaufort Code Project Schedule
Update Draft 01-16-2013**

KEY TASK/MILESTONE/DELIVERABLE	ANTICIPATED DATE
2 Districts & 3 Land Use Provisions	Jan 2013 – Mar 2013
Delivery of Draft Chapters to Committee and Online Editing Enabled	Jan 9, 2013
<i>Committee Review of Article 2</i>	Jan 16, 2013
<i>Continue Committee Review of Article 2 (Sector 4/5 mapping delivered)</i>	Feb 6, 2013
<i>Committee Review of Article 3</i>	Feb 20, 2013
<i>Committee Review of Mapping</i>	Mar 6, 2013
Distribution of Final Draft with Committee Comments Incorporated	Mar 20, 2013
4 Building Design	Feb 2013 – Apr 2013
Delivery of Draft Chapter to Committee and Online Editing Enabled	On or before Feb 6, 2013
<i>Committee Review of Article 4</i>	Mar 20, 2013
<i>Continue Committee Review of Article 4</i>	Apr 3, 2013
Distribution of Final Draft with Committee Comments Incorporated	Apr 17, 2013
5 Landscaping, Lighting and Parking & 6 Signs	Feb 2013 – May 2013
Delivery of Draft Chapters to Committee and Online Editing Enabled	On or before Feb 20, 2013
<i>Committee Review of Article 5</i>	Apr 17, 2013
<i>Committee Review of Article 6</i>	May 1, 2013
Distribution of Final Draft with Committee Comments Incorporated	May 15, 2013
7 Land Development & 8 Environmental Protection	Feb 2013 – Jun 2013
Delivery of Draft Chapters to Committee and Online Editing Enabled	On or before Feb 20, 2013
<i>Committee Review of Article 7</i>	May 15, 2013
<i>Committee Review of Article 8</i>	Jun 5, 2013
Distribution of Final Draft with Committee Comments Incorporated	Jun 19, 2013
9 Development Review Procedures; 10 Development Review Bodies; 11 Non Conformities; 12 Enforcement; 13 Definitions	Feb 2013 – Jul 2013
Delivery of Draft Chapters to Committee and Online Editing Enabled	On or before Feb 6, 2013
<i>Committee Review of Article 9, 10</i>	Jun 19, 2013
<i>Committee Review of Article 11, 12, 13</i>	Jul 10, 2013
Distribution of Final Draft with Committee Comments Incorporated	Jul 24, 2013
Final Draft for Committee Review	Aug 2013
Public Adoption Process (TBD)	Sept 2013 – Dec 2013