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## AGENDA NATURAL RESOURCES COMMITTEE

Monday, June 2, 2014

2:00 p.m.

Executive Conference Room, Administration Building  
100 Ribaut Road, Beaufort

### Committee Members:

Brian Flewelling, Chairman  
Cynthia Bensch, Vice Chairman  
Gerald Dawson  
William McBride  
Jerry Stewart  
Tabor Vaux  
Laura Von Harten

Staff Support: Tony Criscitiello

1. CALL TO ORDER – 2:00 P.M.
2. CONSIDERATION / A RESOLUTION OF THE BEAUFORT COUNTY RURAL AND CRITICAL LAND PRESERVATION BOARD RECOMMENDING COUNTY COUNCIL ADOPT AN ORDINANCE AUTHORIZING THE PLACEMENT OF A QUESTION ON THE OFFICIAL BALLOT FOR THE GENERAL ELECTION TO BE CONDUCTED NOVEMBER 4, 2014 ([backup](#))
3. RECOMMENDATION TO FORWARD TO COUNTY COUNCIL FOR ADOPTION THE 2014 COMMUNITY DEVELOPMENT CODE, ITS APPENDICES, AND ITS RELATED ZONING MAPS  
([www.bcgov.net/departments/Planning-and-Development/planning/cdc/](http://www.bcgov.net/departments/Planning-and-Development/planning/cdc/))  
([staff report](#))
4. DISCUSSION REAPPOINTMENTS AND APPOINTMENTS
  - A. Northern Corridor Review Board
  - B. Southern Corridor Review Board
  - C. Stormwater Management Utility Board
5. EXECUTIVE SESSION
  - A. Discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property
6. ADJOURNMENT

### 2014 Strategic Plan: Committee Assignments

Community Development Code: Adoption  
Comprehensive Plan for County-owned land: Inventory Use and Direction  
Greenprint Map Update  
Water Quality Office: Next Steps



**A RESOLUTION OF THE BEAUFORT COUNTY RURAL AND CRITICAL LAND PRESERVATION BOARD RECOMMENDING COUNTY COUNCIL ADOPT AN ORDINANCE AUTHORIZING THE PLACEMENT OF A QUESTION ON THE OFFICIAL BALLOT FOR THE GENERAL ELECTION TO BE CONDUCTED NOVEMBER 4, 2014,**

*WHEREAS*, Beaufort County has experienced a very high rate of growth and the Beaufort County Council recognizes the need to preserve land that has scenic, natural, recreational, rural, and open space character which is deemed essential to the County' s quality of life; and

*WHEREAS*, Beaufort County has created a citizen advisory committee known as the Beaufort County Rural and Critical Lands Preservation Board for the purpose of identifying and evaluating potential lands for preservation based upon an official criteria and ranking system established for the County; and

*WHEREAS*, Beaufort County Rural and Critical Lands Preservation Board has requested that the County conduct a referendum that if favorably approved by the citizens of Beaufort County, would allocate 1 mill in ad valorem taxes for the express purpose of continuing the acquisition of lands for conservation and recreation purposes; and

*WHEREAS*, Beaufort County Rural and Critical Lands Preservation Board has additionally requested that an amount not to exceed 20 percent (20%) of the total amounts borrowed under this referendum be allowed for the use in the making of improvements, outside the scope of general property maintenance, to those lands which have been acquired by the County under previous rural and critical lands programs and all such lands acquired under this current proposed borrowing; and

*WHEREAS*, Beaufort County forecasts that a levy of 1 mill as requested by the Beaufort County Rural and Critical Lands Preservation will raise sufficient revenue to finance the issuance of \$20,000,000 in general obligation bonds; and

*WHEREAS*, it is the intent of Beaufort County Council that at the time of this borrowing, the anticipated repayment shall never exceed more than 1 mill; and

*WHEREAS*, the purposes of the bond proceeds are to provide for and protect natural areas and open space, to protect water quality from harmful effects of over-development, to preserve land for recreational activities, to preserve farm and forest land, to preserve the rural character of Beaufort County, and to protect other environmentally sensitive areas such as wetlands, marsh lands and headwater areas;

*NOW, THEREFORE, BE IT RESOLVED* by the Beaufort County Council that pursuant to the provisions of Section 4-9-30, *et seq.* of the *Code of Laws of South Carolina, 1976*, as amended, the Beaufort County Council hereby directs the Beaufort County Board of Elections and Registration to print on the official ballot to be used in the General Election to be held on November 4, 2014 the following public question:

OFFICIAL BALLOT, REFERENDUM  
GENERAL OBLIGATION BONDS, NOT TO EXCEED \$20,000,000  
FOR LAND PRESERVATION TO PROTECT NATURAL LAND, FARMLAND AND  
WATER QUALITY

NOVEMBER 4, 2014

**“Shall Beaufort County, South Carolina issue general obligation bonds, not to exceed \$20,000,000, representing a borrowing that at no time shall exceed 1 mill in debt service repayment, for the purpose of land preservation, by purchasing land, development rights and/or conservation easements in all areas of Beaufort County, in order to protect water quality, natural lands, wildlife areas, farmland, parkland, recreational areas, coastal areas, rivers and wetlands, provided that all expenditures shall be prioritized based upon an official criteria and ranking system established for the County, and subject to an annual independent audit and provide that an amount, not to exceed 20 percent (20%) of the amount borrowed may be spent on improvements, outside the scope of general property maintenance, to those lands which have been acquired by Beaufort County, South Carolina under previous rural and critical lands programs and all such lands acquired under this current proposed borrowing?”**

**If the voter wishes to vote in favor of the question, place a check or cross mark in the square after the words “In favor of the question”; if the voter wishes to vote against the question, place a check or cross mark in the square after the words “Opposed to the question.”**

**YES In favor of the question [ ]**  
**NO Opposed to the question [ ]”**

If this question is approved, then Beaufort County will be authorized to issue general obligation bonds in an amount not to exceed \$20 million. The bond funds will allow Beaufort County to continue to preserve open land as well as making improvements to such lands. Bond funds may be used only for the purposes stated in the ballot question. None of the funds may be used for any other purpose, or for administrative expenses of Beaufort County. However, the County shall be permitted to expend bond funds to engage a qualifying organization(s) in the management of the Beaufort County Rural and Critical Lands Preservation Program. An annual audit will verify that the funds are used as required by law.

Adopted this 8<sup>th</sup> day of May, 2014.

Rural and Critical Lands Preservation Board

BY:   
\_\_\_\_\_ Ed Pappas, Chairman



## MEMORANDUM

**To:** Natural Resources Committee of County Council  
**From:** Anthony J. Criscitiello, Planning & Development Director  
**Date:** May 29, 2014  
**Subject:** Proposed Community Development Code, its Appendices, and Zoning Maps

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**Excerpt of PLANNING COMMISSION RECOMMENDATION from its May 5, 2014, draft meeting minutes:**

Mr. Anthony Criscitiello, County Planning Director, briefed the Commissioners on the staff responses to Mr. David Tedder's questions since the Commission's April 2014 meeting. The staff is prepared to move forward, and is ready to respond to Mr. Tedder's comments.

**Public Comments:**

1. Mr. David Tedder thanked the staff for responding to his comments. He reviewed the videos of each of the Joint Review Committee meetings to determine the Committee's responses to the Code. He noted his concerns included:
    - The Committee making changes without vetting public comment, including stormwater best management practices, etc.
    - Councilman Brian Flewelling stating these new standards would not refer to single-family lot of records; however, Mr. Tedder was unable to find it specifically stated in the Code.
    - Planned Unit Developments (PUDs) being subject to certain criteria or is the option being eliminated altogether.
    - Mr. Randolph Stewart requested that tile fields be increased to 100 feet thereby creating a financial hardship to the property owners, despite DHEC determining that tile field setbacks were appropriate.
    - Requiring gazebos or terminating vistas every 1200 feet was unnecessary.
    - Requiring unnecessary stub-outs for interconnectivity that will not occur.
    - Requiring a river buffer plus a construction envelope would mean a 60-foot setback instead of 50 feet when the construction envelope should be included in the river buffer instead.
    - Requiring the use of professionals to draft plans instead of using a standardized guide.
    - Requiring increased setbacks and buffer when increased on-site retention is currently practiced.
    - Removing the cul-de-sac options.
    - Eliminating gated communities.
    - Not allowing side-mounted garages that he believes would provide more market opportunities/flexibility.
    - Open space standards should not reduce the number of allowable lots in a development.
    - Recommending a design professional charrette before the Code adoption.
    - Accessory use requirements for large lots should be less restrictive.
    - Recommending less restrictive standards in rural areas.
    - Recommending wetlands standards be left to federal government regulations.
    - The lack of specialized professional expertise on stormwater best management practices, DHEC septic tank issues, etc., during the Joint Code Review.
- Mr. Tedder asked that his comments be considered constructive rather than destructive.

Mr. Semmler thanked Mr. Tedder on his work with the Code.

2. Mr. Milt Rhodes, a Bluffton resident, stated he had followed the Code review for the past 1-1/2 years. He is concerned with the proposed zoning maps, especially the Bluffton map where the Pepper Hall property is now being considered by County Council. Mr. Rhodes noted that the Planning Commission recommended certain map amendments which are not reflected on the proposed zoning map. He noted ecotourism, resorts, etc., were not addressed in the Code use tables. He noted other Rural Residential properties in Southern Beaufort County were not represented on the map, most notable is the property near Malphrus Road.
3. Mr. Jan Malinowski of Palmetto State Bank was addressing number 20 (Beachfront Setbacks) of the handout (the Planning Staff report dated May 5, 2014). He noted the implosion of properties and the heightened look by the underwriters on how a property is viewed and if it (the home) could be rebuilt (on the property). If the setback were increased, would there be any (loan) money for the public?

Mr. Semmler noted that Mr. Tedder reiterated his comments from the last meeting. Mr. Criscitiello, in response to the Graves property/Pepper Hall, stated that the staff did not want to raise questions regarding the property before County Council had made its final decision. Mr. Criscitiello noted that the zoning districts were simplified so PUDs were not necessary since T-zones could be created. PUDs have been used in the past to side-step school impact fees. If PUDs are recommended to be reinstated, the Planning Staff can do so. Mr. Criscitiello noted that the Code is ready to be moved forward.

Discussion by Commissioners included best management practices not being changed at all, beach dune access being an environmental protection move, the critical line changing every 10 years by the state, recognizing the eroding coastline that calls for larger setbacks, text changes occurring from time to time, and the Code being a hybrid not a full form-based code that will probably be worked on continually.

Mr. Tedder was particularly concerned with free standing signs that was addressed in the staff's comments, requiring drain field lines at 100 feet vice 50 feet per the Joint Review Team, allowing the construction envelope to be in the setbacks rather than being an additional requirement, and placing PUDs in abeyance for 9 months until it is shown that PUDs are needed in the Code.

Mr. Rhodes asked to make a comment, but Mr. Semmler noted that the public comment period had been closed.

Mr. Semmler noted that the staff had responded to Mr. Tedder's earlier comments. Mr. Semmler suggested that a 6-month and a 1-year periods of review of the Code be considered by the Commission. He reiterated Mr. Criscitiello's comment regarding zoning map changes that are before County Council should not be addressed until County Council has made its final consideration. Mr. Semmler stated that he believes in the strength of environmental control although it may make things difficult for some people.

**Motion:** Mr. John Thomas made a motion, and Mr. Ed Riley seconded the motion, **to recommend approval to County Council of the Community Development Code, its Appendices, and its associated Zoning Maps, and additionally recommended a 6-month and a 1-year review of the Code for needed changes and to put Planned Unit Developments (PUDs) standards in abeyance for nine (9) months until it is determined that PUDs are not required.** No further discussion occurred. The motion was carried unanimously (FOR: Bihl, Chmelik, Fireall, Riley, Semmler, and Thomas; ABSENT: Brown and Stewart).

**Excerpt of PLANNING COMMISSION RECOMMENDATION from its April , 2014, draft meeting minutes:**

Mr. Anthony Criscitiello, County Planning Director, briefed the Commissioners. He believes the document is very well done, and this progressive document will serve the community over the next 10 to 15 years in a positive way. The Zoning and Development Standards Ordinance (ZDSO) has many strengths and the staff has used it well; however, it was difficult to use. The Code is user-friendly and streamlines the development review and approval process. Mr. Criscitiello introduced Mr. Robert Merchant, Beaufort County Long-range Planner, who provided a power point presentation on the Code. Mr. Merchant noted that the planning efforts in the past 10 years led to this Code. He noted the Code recognizes the diverseness of the County from rural to suburban to urban areas, including natural and cultural resources, that require land use strategies, goals, and policies unique to each area. He expounded on the individual areas and their respective goals and policies, with promoting walkability in urban areas. The Code has a variety of zoning districts and the zoning maps are colored accordingly. He expounded on the zoning maps. The new Code has the best of the existing ZDSO, improving on some of the ZDSO, and adding new and better tools.

**Public Comments:** Mr. David Tedder, a local attorney, has worked on the City of Beaufort Code. He stated the County Code has a lot of to assimilate. He prepared some questions and passed the list to the Commissioners. He stated the three-year preparation of the County Code had not been open to the public. Why aren't all the maps printed out and posted at the libraries or in the Planning Department? He believes Mr. Merchant has presented the Code well. Mr. Tedder's concerns included:

- Modulation, Section 7.2.30: He believes the modulations are not given enough authority and not consistent.
- Thoroughfare design, Section 2.2.30.A.2: The rationale that requires a break in roads longer than 1,200 feet.
- Future road connection/stub-outs, Sec. 2.2.30.D, shown on plats become perpetuity thereby preventing owners from developing their property.
- He questioned the exclusion of cul-de-sacs.
- Thoroughfare assemblies to accommodate public spaces, Section 2.8.50.C.2:
- Use Table 3.1.60 appears to have omissions such as ecotourism; bar, tavern, nightclubs, and restaurants in T3 Hamlet.
- Building type standards, Division 5.1, did not include house styles on Dataw Island with the garage in front of the main house with a side entry and the definition of "Required Private Open Space."
- Fencing requiring a development permit.
- Accessory uses such as garages and special events standards.
- Correcting zoning maps.
- Parking in the back or remotely not being acceptable in auto-oriented designs.
- General retail standards between 3,500 and 50,000 square feet are non-existent.
- Suggesting a design profession workshop looking at three recent developments completed under the ZDSO, then using the Code standards.
- Suggesting a mandatory review period of nine-months after adoption to identify problems comprehensively rather than individually as glitches are discovered.

Mr. Tedder asked that the Commission take his comments as constructive, not destructive.

Commission discussion included thanking Mr. Tedder for his comments, discussing delaying a Commission recommendation until Mr. Tedder's comments are researched by the Planning staff before the May 2014 Commission meeting, acknowledging Mr. Tedder's certification by the American Institute of Certified Planners (AICP), querying why Mr. Tedder had not come forth earlier during the review

process and whether there are others with additional questions/concerns, concern about the cul-de-sac issue, and forwarding the staff responses to Mr. Tedder's concerns to the Commissioners prior to the next Commission meeting.

**Motion:** Ms. Diane Chmelik made a motion, and Mr. Ed Riley seconded the motion, **to recommend delaying action on the Community Development Code, its Appendices, and Zoning Maps to obtain additional information until the next meeting in May 2014.** Discussion included Ms. LeGree thanking Mr. Tedder for his comments since he took the time to review the Code and how it was interpreted, recommending obtaining input from the Councilmen on the Code Review Team, and the County not having the financial resources to perform a "dry run" as recommended by Mr. Tedder. The motion **was carried unanimously** (FOR: Bihl, Brown, Chmelik, Riley, Semmler, and Stewart).

Mr. Semmler noted that the work was intensive.



## Additional Recommended Changes to the Draft Community Development Code

The proposed revisions highlighted in green were made by the Planning Commission as part of their recommendation to the Natural Resources Committee. The proposed revisions highlighted in yellow are additional recommendations made by staff.

**Article 1: Table 1.6.20.A: Zone Transition Table.** (Staff Recommended Correction) The purpose of this correction is to add Rural/Transitional Overlay (R/TO) and Rural Residential/Transitional Overlay (RR/TO) to the Zone Transition Table.

Table 1.6.20.A: Zone Transition Table	
Zone In Former Code	Zone in Community Development Code
<b>Transitions to Transect Zones</b>	
RC Resource Conservation	T1 Natural Preserve
R Rural / R-TO Rural with Transitional Overlay	T2 Rural, T2 Rural-Low, T2 Rural Neighborhood Open
RR Rural Residential / RR-TO Rural Residential with Transitional Overlay	T2 Rural, T2 Rural Neighborhood, T2 Rural Center, T3 Edge
RB Rural Business	T2 Rural Center
CP Community Preservation	See Table 1.6.20.B
U Urban	C3 Neighborhood Mixed-Use, T3 Hamlet Neighborhood, T3 Neighborhood, T4 Hamlet Center, T4 Neighborhood Center
RD Research and Development	T4 Hamlet Center Open

**Article 2: Section 2.2.30: Thoroughfare Design, Network, and Connectivity.** (Staff Recommended Correction) This proposed language is in response to concerns made by David Tedder that the new code would prohibit gated communities.

### D. External Connectivity

1. The arrangement of roads in a development shall provide for the alignment and continuation of existing or proposed roads into adjoining lands in those cases in which the adjoining lands are undeveloped and intended for future development or in which the adjoining lands are developed and include opportunities for such connections.
2. Road rights-of-way shall be extended to or along adjoining property boundaries such that a roadway connection or thoroughfare stub shall be provided for development.
3. At all locations where roads terminate with no connection, but a future connection is planned or accommodated, a sign shall be installed at the location with the words "FUTURE ROAD CONNECTION" to inform property owners.
4. The Subdivision Plat, described in Division 7.2.70 shall identify all stubs for roads and include a notation that all stubs are intended for connection with future roads on adjoining undeveloped property.

5. Private, gated communities may be permitted; however, the development shall provide adequate connectivity for traffic movement, public safety, and access to water or other areas of public use. See Section 6.2.30.C (Standards for Restricted Access Developments).

**Article 2: Section 2.2.30: Thoroughfare Design, Network, and Connectivity.** *(Planning Commission Recommended Correction)* This proposed language is in response to concerns raised by David Tedder that the language restricting cul-de-sacs was not consistent with the modulation standards in Article 7.

- E. **Dead-End Streets and Cul-de-Sacs.** Dead-end streets and cul-de-sacs shall not be included in plans. Cul-de-sacs may be approved by administrative modulation to accommodate a site specific environmental feature requiring protection and/or preservation ~~only~~ and no other alternative block structure is practicable. Table 2.2.30.E provides illustrations of preferred cul-de-sac types. Cul-de-sacs approved by administrative modulations shall meet the following standards:

**Article 3: Table 3.1.60: Consolidated Use Table** *(Planning Commission Recommended Correction)* This new language is in response to David Tedder who was concerned that the new code did not have an “Ecotourism” use. The change would add “Ecotourism” as a conditional use in T2R, T2RN, T2RNO, T2RC, and a special use in T1N.

**Article 3: Table 3.1.70: Land Use Definitions** *(Planning Commission Recommended Correction)* This new language provides a definition of “ecotourism.”

“Ecotourism: Organized, educational and mainly outdoor recreation with or without lodging that invites participants to learn about and promote ecological preservation, conservation and sustainability. This use shall include at least two of the following characteristics:

1. Located near or within a wilderness setting park or protected area;
2. Interpretive educational program with or without guides;
3. Outdoor activities; or
4. Cultural experiences.”

**Article 4: Section 4.1.330: Standards for Ecotourism.** *(Planning Commission Recommended Correction)* This new language provides conditional use standards for Ecotourism.

1. Applications shall include a site plan whose design incorporates the building, structures and amenities into the natural and scenic qualities of the area in a complimentary fashion.

2. An operational plan shall indicate that this use will enhance the ecotourism experience of intended users in regard to the related wilderness setting, interpretive educational programs, wildlife viewing opportunities, outdoor activities, parks/protected areas, and/or cultural experiences.
3. The maximum floor area ratio for each development shall be 0.1.
4. An open space ratio of [at least] 85% shall be required for the entire property.
5. Impervious surface shall not exceed eight percent for the entire property.
6. There shall be a three-acre minimum site size for this use.
7. Lodgings are permitted with this use and include cabins, inns, B&Bs, historic properties and small hotels. Hotel uses shall be limited to no more than 50 units per development, eight units per building, and a maximum height of two stories.
8. Operators of ecotourism uses shall adhere to the stewardship, research and education principals promoted by The Ecotourism Society (TES).

**Article 3: Section 3.4.30 MCAS Airport Overlay (MCAS-AO) Zone Standards** *(Staff Recommended Correction)* Staff found an error in the language in the Airport Noise Zone Disclosure Statement. The following language matches what currently exists in the ZDSO.

**D. Noise Reduction Requirement**

**Notes**

<sup>2</sup> Because manufactured homes are constructed to federal standards that may not meet the standards listed above for noise attenuation, all permit applications for the placement of manufactured homes within a noise zone shall be accompanied by the following disclosure statement:

“Airport Noise Zone Disclosure Statement”

~~This property lies within an Airport Overlay District, which applies to property in proximity to the Marine Corps Air Station Beaufort. Beaufort County has determined that persons on the premises will be exposed to accident potentials and/or significant noise levels as a result of the airport operations. Purchasers are required to sign a Disclosure Form per Division E of this overlay district and file the form with the deed and/or plat at the Beaufort County Register of Deeds office. All or a portion of this property lies within:~~

I hereby acknowledge and understand that in making this application for the location of a manufactured home within Noise Zone \_\_\_\_\_, I fully acknowledge that such zone has been determined to be possibly hazardous to health by excessive aircraft noise. I further acknowledge that manufactured homes are constructed to national standards and may not meet Beaufort County standards for noise attenuation consistent with the location of homes within this zone.

Owners Signature/Date

Witness

**E. Notification**

2. All prospective renters signing a commercial or residential lease shall be notified by the property owner through a written provision contained in the lease agreement if the leased property is located within the ~~ZO~~ MCAS-AO Zone.

**Article 3: Section 3.4.60 Commercial Fishing Village Overlay (CFV) Zone Standards** *(Staff Recommended Correction)* *The following changes are being proposed to the Commercial Fishing Village Overlay to provide better clarification .*

**D. Development Standards**

10. **Existing Structures.** Existing structures that exceed the river buffer setbacks or the base zoning setbacks shall be evaluated as conforming structures for the purposes of rebuilding and expansion. Expansions within the river buffer setback shall require a river buffer waiver.

**E. River Buffer**

2. The following information may be required by the Director where it is deemed applicable in the granting of a ~~modulation for stormwater standards in Division 5.12.30, Stormwater Standards of the Development Code~~ river buffer waiver setback.
4. There are two types of waivers that may be granted depending upon the amount of buffer relief sought:
  - a. Major waivers (structures/impervious areas that, combined with existing structures/ impervious areas, would occupy more than 10 percent of the river buffer area). A major waiver from the buffer area requirements of this article may be approved by the Director through consultation with the OCRM. Any major waiver allowing encroachment into the buffer shall be conditioned upon implementation of best management practices. The staff may also impose such other conditions as necessary to mitigate the effects of the grant of a waiver. ~~No waivers may be granted to reduce a river buffer area by more than 15 percent.~~

- b. Minor waivers (structures/impervious areas that, combined with existing structures/impervious areas, would occupy less than or equal to 10 percent of the river buffer area). Minor waivers, not to exceed more than 10 percent of the buffer area requirements imposed by Division 5.11.60, may be granted by the Director. Any minor waiver shall be conditioned upon implementation of best management practices. The Director may also impose such other conditions as necessary to mitigate the effects of the grant of a minor waiver.

~~6. Existing structures that exceed the river buffer standards or the base zoning setbacks shall be evaluated as conforming structures for the purposes of rebuilding and expansion. Expansions within the river buffer setback shall require a river buffer waiver.~~

**Article 4: Section 4.1.100: Gas Station/Fuel Sales** (Staff Recommended Correction) This change would eliminate the three acre minimum site area for gas stations in rural areas.

- D. **Specific to T2 Rural District.** Gas stations shall be located no closer to one another than three miles along a public roadway. ~~The minimum site area for this use shall be three acres.~~

**Article 4: Table 4.2.20.A: Table of Permitted Accessory Uses** (Staff Recommended Correction) The following language is being proposed to clarify the meaning of “freestanding accessory structure.”

Freestanding Accessory Structure (Includes Garages and Sheds)

**Article 4: Section 4.2.20.E: Table of Permitted Accessory Uses** (Staff Recommended Correction) The following language is being proposed to provide clarification to the overall square footage restrictions placed on accessory uses.

E. **Location and Size of Accessory Buildings/Structures**

- 2. **Size.** Except for a standard two-car garage (less than 600 square feet) ~~and structures used for bona fide agricultural purposes, an all other~~ individual freestanding accessory structures on a parcel shall not collectively exceed 30 percent of the floor area of the principal structure ~~unless otherwise specified in this Section. This does not include accessory dwellings, guest houses, structures used for bona fide agricultural purposes, and accessory structures used for home businesses and cottage industries.~~

**Article 5: Section 5.2.20 Applicability - Private Frontage Standards.** (Staff Recommended Correction) This proposed revision will help clarify where private frontage standards apply.

These standards work in combination with the standards found in Article 3 (Specific to Zones) and Division 5.1 (Building Type Standards) and are applicable to all private frontages within transect zones except residential uses in T1 Natural Preserve, T2 Rural, T2 Rural-Low, and T2 Rural Neighborhood.

~~A. Exceptions. Residential Uses exempted from the Building Type Standards in Section 5.1.20.A.1 (Exemptions) are similarly exempt from Division 5.2 (Private Frontage Standards).~~

~~B. Reserved.~~

**Article 5: Section 5.4.30 General Requirements for Fences and Walls** (Planning Commission Recommended Correction)

D. **Fences in Easements.** Fences ~~shall be prohibited~~ should not be located within utility easements ~~except to the extent approved by the Director after finding the fence would not impede the purpose or function of the easement.~~ The County shall not be responsible for damage to, or the repair or replacement of, fences that must be removed to access such easements. In no instance shall this provision be construed to prevent fencing around stormwater retention or detention facilities.

**Article 5: Table 5.8.40.A: Overview of On-Lot Landscaping and Buffer Requirements** (Staff Recommended Correction) This revision corrects a clerical error in the title of the table.

Change heading to read: "Transect Zones<sup>1</sup> excluding T3~~2~~ Rural, T2 Rural Low and T2 Rural Neighborhood"

**Article 5: Section 5.8.110 Landscape Construction and Maintenance Standards (Applicable to All Zones)** (Staff Recommended Correction) Removing this language from the Landscape division eliminates duplication. This language is already in the Tree Protection Section (5.11.100).

~~A. Tree Protection Zones. Tree protection zones shall be established and maintained for each tree preserved or planted on a development site, as follows:~~

- ~~1. Tree Protection Zone Dimensions. For existing trees that are being saved, the tree protection zone shall be a circle with a radius of 1 ½ foot for every one inch of dbh, or five feet, whichever is greater. The Director may approve an alternate tree protection zone, if it can be determined by a certified arborist that a specific design or protection will not injure any protected tree. In no case shall the circle of protection be less than one half of the total diameter required by the formula in this Section. Conspicuous barrier fencing shall be erected around a tree or group of trees to be preserved and protected from encroachment prior to site work or construction commencing, and remain in place until issuance of a Certificate of Occupancy.~~

- ~~2. **Tree Protection Fence Requirement.** Prior to commencing construction or any site alteration, a conspicuous four-foot-high fence to prevent encroachment by persons and vehicles shall be erected around the tree protection zone that shall be approved by the Director. Fences may be erected around groupings of trees, where feasible. Use of orange polyethylene safety fencing or a similar material is recommended. No building materials, dirt, debris, oils, paints, or any other materials, equipment or vehicles shall be placed or deposited within the tree protection zone. The fence shall remain in place until the Certificate of Compliance is issued.~~
- ~~3. **New Trees.** The protection zone in areas where new trees will be planted shall be a circle with a radius of two feet for understory trees and three feet for overstory trees.~~
- ~~4. **No Paving within Tree Protection Zone.** The area within the tree protection zone shall be open and unpaved, except where approved, perforated pavers may be utilized, or tree aeration systems and tree wells installed.~~
- ~~5. **Changes in Grade.** Changes in grade shall not be permitted within the tree protection zone except for a two-inch cut or a two-inch fill of topsoil, sod, or mulch.~~
- ~~6. **Underground Utility Lines.** Underground utility lines shall be routed around and away from tree protection zones. Necessary installation through tree protection zones shall be accomplished through tunneling, rather than cutting open trenches.~~
- ~~7. **Silt Fencing.** Where wetlands or river buffers are involved, a silt fence shall be erected and the required barrier described in this Section shall be installed at least one foot into the buildable area of the site.~~
- ~~8. **Disturbance.**
  - ~~a. Where machinery must pass within a tree protection zone during construction, approval shall be required from the Director. To protect tree roots from excessive compaction during construction, special cushioning measures may be required by the Director, such as a heavy layer of wood chip mulch, pine straw, or a bridge of boards.~~
  - ~~b. Landscape soils that have been compacted during construction activities shall be loosened and aerated to a depth of six inches before planting.~~~~
- ~~9. **Irrigation.** Temporary spray irrigation systems may be used to establish seeded and/or planted areas.~~

**C. Maintenance of Landscaping Materials. (Moved from deleted section above)**

5. **Irrigation.** Temporary spray irrigation systems may be used to establish seeded and/or planted areas.

**Article 5: Section 5.11.20:** *(Staff Recommended Correction)* These revisions are being proposed to match the current requirements in the ZDSO.

- C. **Exemptions from Natural Resources Survey.** The following are exempt from the requirement for a natural resources survey:
1. Planned Unit Developments (PUDs) shall comply with Section 1.6.60 (Planned Unit Development (PUD) Approved Prior to *<insert effective date of this Development Code>*).
  2. Single-family ~~detached development~~ and two-family (duplex) units on an individual lot shall be required to survey the river buffer and trees only.
  3. Minor subdivisions (four lots or less), provided no new street is proposed, shall be required to survey the river buffer only.
  4. Family compounds shall be required to survey the river buffer only.

**Article 5: Section 5.11.30 Tidal Wetlands** *(Planning Commission Recommended Correction)*

Development in tidal wetlands is prohibited, except for water-oriented facilities that comply with Section 4.2.190 (Water / Marine-Oriented Facilities), and other water-dependent uses (e.g. recreational boardwalks, bird blinds, and observation decks). All development in tidal wetlands shall comply with ~~and~~ the following:

**Article 5: Section 5.11.50 Beach Dune System** *(Staff Recommended Correction)* Staff reviewed the recommendations made by the Joint Review Committee. Staff determined that the Committee requested increasing the setback of septic tanks and tile fields from 50 feet to 100 feet from the OCRM Baseline. The Committee did not specifically recommend increasing the setback of structures.

- B. **Structures, Septic Tanks, or Tile Fields within 100 Feet of OCRM Baseline.** On the seaward side only of the barrier islands (i.e., Bay Point, Little Capers, Daufuskie, Fripp, Harbor, Hilton Head, Hunting, Pritchards and St. Phillips Islands), no structure shall be constructed within 50 feet landward of the OCRM baseline, and no septic tank or tile field shall be constructed within 100 feet landward of the OCRM baseline, or as required by OCRM, whichever is greater, except:
1. **Beach Cabanas.** Beach cabanas that are 144 square feet or less in size and do not have a permanent roof; and
  2. **Beach Boardwalks.** Beach boardwalks constructed perpendicular to the shoreline in accordance with this Section.



- F. **Additional Studies/Reports.** Except for single-family/two-family development on an individual lot, A beach protection plan shall be submitted as part of the initial plan for development submitted in accordance with Article 7 (Procedures). The plan shall demonstrate how the applicant plans to protect threatened and endangered sea turtle nesting, and preserve the beach dune system and shore vegetation in accordance with the requirements of this Section.

**Article 5: Section 5.11.60: River Buffer** (Staff Recommended Correction) The following revisions are being proposed to provide clarification.

- B. **Setbacks:** All development shall be set back ~~a minimum of 50 feet inland~~ from all tidal waters and wetlands beginning at the OCRM critical line, ~~except as otherwise shown in Table 5.11.60.A.~~

**Article 5: Section 5.11.90: Forests** (Staff Recommended Correction) The following revision eliminates duplication of language.

D. **Uses Permitted Within Forest Preservation Area.**

2. The following activities may be permitted within forest preservation areas with approval by the Director:
  - a. Low impact improvements such as bike paths, walking paths, picnic areas, wildlife viewing areas, etc.
  - b. Removal of invasive species and poisonous underbrush vegetation such as poison ivy, poison oak and poison sumac with hand-held equipment.
  - c. ~~Removal of invasive species with hand-held equipment.~~

**Article 5: Section 5.11.110 Allowed Activities in Resource Protection Areas** (Planning Commission Recommended Correction).

Add "Water Dependent Uses" as a new activity and list as a conditional use under Tidal Wetlands and River Buffer. Also add Bikeways as a conditional use in Non-Tidal Wetlands

**Article 5: Section 5.12.10: Stormwater Standards** (Staff Recommended Correction). The following revision was requested by the County Stormwater Manager to provide clarification.

The purpose of these standards is to protect the County's water resources by ensuring that development and redevelopment, including highways, shall use site planning, design, construction, and maintenance strategies for the property to maintain or restore, to the maximum extent technically feasible, the pre-development hydrology of the property with regard to the temperature, rate, volume, quality and duration of the water flow. No

development or redevelopment shall cause post-development stormwater rates, quality, or volume to increase above predevelopment levels or to cause an adverse increase in the surface runoff reaching adjacent or surrounding property or receiving waters.

**Article 5: Section 5.12.30.C: Stormwater Standards** (Staff Recommended Correction). The following revision was requested by the County Stormwater Manager to provide clarification.

- C. All development and redevelopment shall utilize and integrate Stormwater BMPs which are appropriate to their location and environment, and contribute to the overall character of a proposal. BMPs implemented at the development scale shall be integrated into civic and open space networks to the maximum extent ~~possible~~ technically feasible in accordance with the standards found in Division 2.8, Civic and Open Space Types. Stormwater BMPs should be selected in keeping with the applicable transect zone or conventional zone, as indicated in Table 5.12.30.C. BMPs may be designed as a singular practice or as part of various supplemental pre-treatment BMPs in series to achieve the ~~effective imperviousness goals~~ runoff volume, runoff pollution load, and peak runoff rate control standards.

**Article 6: Section 6.1.30 Types of Subdivisions** (Staff Recommended Correction) This change eliminates erroneous references to ZDSO zoning districts.

- C. **Commercial Subdivision.** Commercial subdivisions are land developments that include master planning and subdividing into two or more lots any tract or parcel of land located in ~~commercial regional, commercial suburban, research and development, light industry, and industrial park~~ C4, C5, and SI districts. These subdivisions are limited to commercial and/or industrial uses only. Commercial subdivisions shall comply with the procedures in Subsection 7.2.70.F (Major and Commercial Subdivision Plat Procedure), the standards in this Article, and all other relevant provisions of this Development Code. This type of subdivision includes all of the following:

**Article 6: Section 6.1.80 Commercial Subdivision Standards** (Staff Recommended Correction) This change eliminates a clerical error.

- E. 2. Property covenants and restrictions (see subsection ~~(e)~~ B. above), must accompany the sale or transfer of any lot within the commercial subdivision restricting the new owner to the development shown on the approved master development plan;

**Article 6: Section 6.2.40: Service Standards** (Staff Recommended Correction) This change was recommended by the County Engineering.

## B. Sewer Standards

4. **Remote Septic Drain Fields.** Remote (off-site) septic drain fields shall not be permitted for new subdivisions.

C. **Water Standards** *(Staff Proposal – New)*

5. **On-Site Systems.** All on-site potable water systems (wells) shall be permitted by DHEC prior to final plat or development plan approval, with locations being identified on the final plat or plan. All well permits shall be submitted with the application for final approval.

**Article 7: Section 7.2.30 Modulation Permit** *(Planning Commission Recommended Correction)*  
*This change provides more flexibility in the modulation standards.*

**Table 7.2.30.A: Allowable Modulations: Building Placement:** Change maximum modulation from the Build-to-Line from 2 feet to 5 feet where existing site conditions such as specimen trees and wetlands make it impossible to meet the ordinance standards.

**Article 7: Section 7.5.10 County Council** *(Staff Recommended Correction)* *The Joint Review Committee recommended removing the section relating to Plat Vacation. This additional change eliminates a reference to the removed section.*

A. **Powers and Duties.** In accordance with state law, the County Council shall have the following powers and duties under this Code:

1. **Review and Decide Applications.** Review and decide the following applications:

a. ~~**Plat Vacations.** See Section 7.2.70.L (Plat Vacation);~~