

**ADD-ONS**

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## **Natural Resources Committee Beaufort County, SC**

This meeting will be held both in person at the County Council Chambers, 100 Ribaut Road, Beaufort and also virtually through Zoom.

**Monday, February 07, 2022**

**\* Immediately following the Special Called Meeting of County Council, no sooner than 2:00 PM\***

### **AGENDA**

#### **COMMITTEE MEMBERS:**

**ALICE HOWARD, CHAIRMAN  
LOGAN CUNNINGHAM  
YORK GLOVER**

**GERALD DAWSON, VICE-CHAIR  
LAWRENCE MCELYNN**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES - JANUARY 3, 2022
6. **CITIZEN COMMENTS - (ANYONE who wishes to speak during the Citizen Comment portion of the meeting will limit their comments to no longer than three (3) minutes ( a total of 15 minutes ) and will address Council in a respectful manner appropriate to the decorum of the meeting, refraining from the use of profane, abusive, or obscene language)**

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### **AGENDA ITEMS**

7. RECOMMEND FIRST READING OF AN ORDINANCE FOR APPROVAL OF A ZONING MAP AMENDMENT/REZONING REQUEST FOR NINETEEN (19) RURAL AND CRITICAL LANDS PRESERVATION PROGRAM PROPERTIES FROM VARIOUS ZONING DISTRICTS TO T1 NATURAL PRESERVE (T1NP)
8. RECOMMEND FIRST READING OF AN ORDINANCE FOR APPROVAL OF A ZONING MAP AMENDMENT REQUEST FOR 6.26 ACRES (R100 027 000 0387 0000) 186 CHEROKEE FARMS ROAD FROM T2 RURAL TO T4 HAMLET CENTER OPEN

- [9.](#) RECOMMEND FIRST READING OF AN ORDINANCE FOR APPROVAL OF A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTIONS A.2.40 (PERMITTED ACTIVITIES), A.4.40 (PERMITTED ACTIVITIES), AND A.5.40 (PERMITTED ACTIVITIES) TO REVISE THE LADY’S ISLAND COMMUNITY PRESERVATION, LADY’S ISLAND NEIGHBORHOOD ACTIVITY CENTER, AND LADY’S ISLAND PROFESSIONAL OFFICE DISTRICTS TO INCLUDE SHORT-TERM RENTALS AS A SPECIAL USE.
- [10.](#) RECOMMEND FIRST READING OF AN ORDINANCE FOR APPROVAL OF A ZONING MAP AMENDMENT/REZONING REQUEST FOR 6.55 ACRES (R600 041 000 0172 0000) AT 28 BUCKINGHAM PLANTATION DRIVE FROM T4 HAMLET CENTER OPEN TO T4 NEIGHBORHOOD CENTER
- [11.](#) RECOMMEND FIRST READING OF AN ORDINANCE FOR APPROVAL OF AN AMENDMENT TO THE OSPREY POINT (MAILIND BLUFF) PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN TO CONVERT THE COMMERCIAL AREA TO MULTIFAMILY
- [12.](#) RECOMMEND FIRST READING OF AN ORDINANCE FOR APPROVAL OF A ZONING MAP AMENDMENT/REZONING REQUEST FOR 11.66 ACRES (R600 009 000 0030 0000) AT 100 RAWSTROM DRIVE FROM T2 RURAL TO T2 RURAL NEIGHBORHOOD
- [13.](#) RECOMMENDATION OF FIRST READING FOR AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS TO CONVEY A PORTION OF PROPERTY OWNED BY BEAUFORT COUNTY WITH TMS NO. R200 010 000 0170 0000
- [14.](#) DISCUSSION OF STORMWATER UTILITY FEES AND INTERGOVERNMENTAL AGREEMENTS
- [15.](#) RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO PROVIDE FUNDING NOT TO EXCEED \$25,000 FOR A DESIGN PLANNING CHARRETTE TO DEVELOP DESIGN CRITERIA AND DRAWINGS TO ENHANCE THE IMPLEMENTATION OF THE LADY’S ISLAND PLAN
16. REAPPOINTMENT OF ED PAPPAS TO THE BEAUFORT COUNTY PLANNING COMMISSION FOR A THREE-YEAR TERM WITH AN EXPIRATION DATE OF 2025
17. APPOINTMENT OF DANIEL RIEDEL TO THE BEAUFORT COUNTY PLANNING COMMISSION FOR A PARTIAL TERM WITH AN EXPIRATION DATE OF 2023
18. REAPPOINTMENT OF JAMES ATKINS AND JOHN MICHAEL BROCK TO THE BEAUFORT COUNTY DESIGN REVIEW BOARD EACH FOR A THIRD TERM WITH AN EXPIRATION DATE OF 2026
19. REAPPOINTMENT OF CHERYL STEELE TO THE BEAUFORT COUNTY HISTORIC PRESERVATION REVIEW BOARD FOR A SECOND TERM WITH AN EXPIRATION DATE OF 2026
20. APPOINTMENT OF AILEEN LeBLANC TO THE BEAUFORT COUNTY DESIGN REVIEW BOARD FOR A FIRST TERM WITH AN EXPIRATION DATE OF 2026

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### **EXECUTIVE SESSION**

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21. EXECUTIVE SESSION PURSUANT TO SC CODE SECTION 30-4-70(A)(2) FOR THE RECEIPT OF LEGAL ADVICE WHERE THE LEGAL ADVICE RELATES TO A PENDING, THREATENED, OR POTENTIAL CLAIM OR OTHER MATTERS COVERED BY THE ATTORNEY-CLIENT PRIVILEGE, (RURAL LANDS)
22. MATTERS ARISING OUT OF EXECUTIVE SESSION
23. ADJOURNMENT

**TO WATCH COMMITTEE OR COUNTY COUNCIL MEETINGS OR FOR A COMPLETE LIST OF AGENDAS AND BACKUP PACKAGES, PLEASE VISIT:**

<https://beaufortcountysc.gov/council/council-committee-meetings/index.html>





## Natural Resources Committee Beaufort County, SC

This meeting was held both in person at the County Council Chambers, 100 Ribaut Road, Beaufort, and also virtually through Zoom.

Monday, January 03, 2022  
3:00 PM

### MINUTES

1. **CALL TO ORDER**

Committee Chair Howard called the meeting to order at 2:40 PM

**PRESENT**

Committee Chair Alice Howard  
Committee Vice-Chair Gerald Dawson  
Council Member Joseph F. Passiment  
Council Member D. Paul Sommerville  
Council Member Stu Rodman  
Council Member York Glover  
Council Member Chris Hervocho  
Council Member Mark Lawson  
Council Member Lawrence McElynn  
Council Member Logan Cunningham

**ABSENT**

Council Member Brian Flewelling

2. **PLEDGE OF ALLEGIANCE**

Committee Chair Howard led the Pledge of Allegiance.

3. **FOIA**

Committee Chair Howard stated public notice of this meeting had been published, posted, and distributed in compliance with the SC FOIA Act.

4. **APPROVAL OF AGENDA**

**Motion:** It was moved by Council Member Sommerville, seconded by Council Member Glover to approve the agenda. The motion was approved without objection.

5. **APPROVAL OF MINUTES**

**Motion:** It was moved by Council Member Sommerville, seconded by Council Member Glover to approve the December 6, 2021 minutes. The motion was approved without objection.

6. **CITIZEN COMMENTS**

No citizens comment

7. **AN ORDINANCE REGARDING A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 4.1.70 (DRIVE-THROUGH FACILITIES) TO CLARIFY THE STANDARDS FOR DRIVE-THROUGHS IN TRANSECT ZONES.**

**Discussion:** Rob Merchant stated the proposed amendment revises the standards for drive-through facilities in Transect zones, those areas planned for mixed-use, walkable development. Discussions surrounding several recent drive-through applications revealed that the standards for drive-through facilities should be clarified. In Transect zones, buildings are to be built close to the street, with parking and all other vehicle-use areas located behind the front façade. Drive-through lanes are not intended to circulate around or through the building. The proposed ordinance revisions clarify where service windows and drive-through lanes are located, set out standards for the safety of pedestrians on the site, and require a traffic engineering assessment of the site plan to ensure adequate vehicle stacking and circulation on the site. In addition, at the Planning Commission's request, standards for access on corner lots and lots with alley access have been added.

Council Member Sommerville stated businesses that have primary road access is not safe for individuals that are driving and suddenly must stop because of traffic.

Eric Greenway stated staff will evaluate the ordinance and bring back recommendations to the council.

**Motion:** It was moved by Council Member Sommerville, seconded by Council Member Glover to the An Ordinance regarding a Text Amendment to the Community Development Code (CDC): Section 4.1.70 (Drive-Through Facilities) to clarify the standards for drive-throughs in Transect zones and move forward to County Council for approval with having alternatives. The motion was approved without objection.

To see the full comments, click the link below:

<https://beaufortcountysc.new.swagit.com/videos/152335>

8. **BEAUFORT CONSERVATION DISTRICT 2021 ANNUAL REPORT**

**Discussion:** Denise Parsick presented the Beaufort Conservation District Annual Highlights

To see the full presentation, click the link below:

<https://beaufortcountysc.new.swagit.com/videos/152335>

**Status:** For Informational Purposes Only

9. **ADJOURNMENT**

The meeting was adjourned at 3:28 PM

Thank you for the opportunity to provide comment on this important issue. Together Beaufort County and the City of Beaufort have been working together to best manage the future of Lady's Island. We should all be proud of the work accomplished. The 2017 Stantec Transportation examined how we move people through our existing road network and made recommendations on how we could make transportation improvements to this critical corridor. This study led to the capital sales tax passage by voters to invest \$30 million. I'm appreciative of County staff for working with stakeholders to take the Stantec recommendations and make sure improvements are appropriate and strike a balance between moving cars and a future Lady's Island that isn't solely asphalt and concrete. The bad news is that we are over \$40 million short of funding needed to complete the voter approved projects. But I know we will, working together, find this necessary funding to complete these projects.

In 2018, the County, Town of Port Royal, City of Beaufort, with a broad coalition of stakeholders crafted and presented the Lady's Island Plan. This plan sought to understand at the macro level the current development position of the island, future development pressures, capture resident vision for the future, and to suggest pragmatic strategies that we could use to help us achieve this vision. It's important to remember that both Beaufort County Council and the City of Beaufort unanimously approved the Lady's Island Plan in 2018, formally supporting the strategies contained within, and providing the political endorsement for our respective institutions to get to work on implementation. And while maybe not as fast as some would like, or as smoothly as others would prefer, we should all be proud of the work accomplished to date. We have \$30 million in the bank, a solid transportation improvement plan for the main arteries, changes to the sewer density ordinance, a multi-jurisdictional fill ordinance, several density reductions through rural and critical lands acquisitions, and maybe the most exciting of all... a dedicated right turn lane by Walgreen's.

But make no mistake, we have a significant amount of work yet to do if we are sincere about achieving the Common Goals clearly presented in the Lady's Island Plan. A quick reminder of the position we find ourselves in can be found on page four of the Plan, "The amount of growth that could happen under current policies and regulations would likely exceed the capacity of infrastructure and natural systems on the island. With a current population of approx. 15,000 potentially growing to 18-22k by 2035... new measures are needed to manage growth." Additionally, the study found that we have approximately 6,000 residential dwelling units on the island today but has the potential through existing zoning and development agreements to add another 8,795 residential units. Think about that for a second. Residential development across Lady's Island has the legal and by-right potential to more than double in the coming decades. Now remember that everyone who lives not just on Lady's Island, but on Saint Helena, Dataw, Harbor, Fripp, Coosaw, Distant and the rest of the Sea Islands must come through Lady's Island and cross one of two bridges to get to the "mainland". Two bridges that already see tremendous pressure during peak rush hours. There are no easy or cheap answers to how we manage growth to ensure Lady's Island remains a pleasant place to live that isn't crippled with traffic gridlock in the coming years.

You may have read a recent op-ed in the Island News by a citizen calling for a third bridge. "the northern bypass", an idea that has been floating around for at least two decades. I'm told some economic and environmental analysis was done in the early 2000's, and residents were not supportive at the time, so the idea was shelved. In my humble opinion there isn't a perfect place to connect a third crossing, and of greatest concern... a new bridge may accelerate development on the island, making our problems worse, not better. And let's not forget the financial cost of bridges, given the lengthy list of capital needs across our County, are we prepared to raise the \$200-400 million that would be needed. We can't superhighway and bridge our way out of the 10 lbs. of rapidly approaching development that we're stuffing into a five lb. bucket of land across the Lowcountry. Growth management requires us to think and act in a more comprehensive manner.

The good news is that we have done a significant amount of work to understand the challenges, we have a multi-jurisdictional policy review committee NRPIC in place, and a plan. We've come to understand that growth management must be addressed holistically across the region. While roads and bridges are certainly a critical part of how our communities function, they are only a part of a well-functioning community. Zoning, design standards, development policy, public greenspace, multi-modal transportation, connectivity, rural vs. urban transects are also critical parts of the conversation. Which brings us to why we are here today.

I commend County Administrator Greenway and Planning Director Merchant's commitment to public investment to begin a Lady's Island Village Center Master Plan. His request today is formally supported by the Lady's Island Plan, the Beaufort County Comprehensive Plan, and draft City of Beaufort Comprehensive Plan. Each of the documents in some form or other call for the creation of a Lady's Island Village Center Plan. Specifically, the Lady's Island Plan states, "There is consensus that the future village should be high quality with a unique sense of place, but there is no simple definition for what that means. There is no one-size-fits-all solution. The answer is more complex: it should be neither fully urban nor suburban- it should be a hybrid mix of both. It should be a series of mixed-use clusters that fit within their location in the corridor." I think most of us would agree the current zoning and design standards fall short of this vision. In example, the proposed site of a national chain coffee store with a drive thru in the middle of the "village" has recently made three ZBOA appearances and this month will be heard a fourth time. To their credit, County staff has spent an inordinate amount of time working with the applicant on this single project to figure out how to make it work. I think most of us agree a high intensity drive thru in the middle of the "village" is probably inappropriate, but our current zoning and design standards are close to allowing one. Additionally, just down the corridor on the site of one of my favorite watering holes, the Fillin Station, this property is zoned City T5-UC, which would allow up to five stores of commercial or residential development. And I think most of us would agree this is too intense development along the corridor.

So while I'm appreciative and supportive of County Staff's recommendation for a design drawings and standards planning charette, I don't believe it goes far enough.

I'd like to quickly take you back to 2005 when the County and the City using Impact Fees hired Dover Kohl and Associates to complete the Boundary Street Redevelopment Plan. Boundary Street is the entrance to the city of Beaufort. As a typical commercial strip corridor, it does not enhance Beaufort's overall character and charm but rather serves as a poor gateway to our historic city. Working together we created a robust and holistic plan for this corridor that increased safety, efficiency, and is encouraging a built environment that is reflective of our communities' vision for the future. This plan engaged the public and made very specific policy recommendations for zoning, design standards, new public roadways, pedestrian/bike access, and development that is Beaufort scaled. Look at our McDonald's. It's two story, brick and hardiplank clad, lots of glass, and set near the intersection with sidewalk access. This is a direct result of the redevelopment plan. In the year following completion of the roadway project, accidents along the corridor are down 22%. It will take decades to fully realize the vision, but Boundary Street will eventually have a tree canopy, lined with mixed-use high quality development that not only is aesthetically pleasing, but will also help us relieve automobile pressure on our roadways, provide tax base sustainability, and a host of other positive benefits as we all work to capture the growth that is coming in the most responsible way.

I respectfully request that you authorize staff to release the Lady's Island Plan Implementation Committee's Request for Proposal that was submitted over a year ago. This RFP mirrors the Boundary Street Plan's Scope of work and I believe more appropriately captures the directive of the Lady's Island Plan. The City is a willing partner that looks forward to our continued work together and I hope County Council will support this request that is being made by the City, Sea Island Corridor Coalition, Lady's Island Implementation Committee, Northern Regional Implementation Committee, and the Coastal Conservation League.

We have the resources, leadership, and vision to bring forth a plan that will help the island move more efficiently, productively, and create a built environment that we can all be proud of. Let's not stop short at this critical moment in the Sea Island's future.

Item 6.



# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

<b>ITEM TITLE:</b>
<i>Zoning Map Amendment/Rezoning Request for nineteen (19) Rural and Critical Lands Preservation Program properties from various zoning districts to T1 Natural Preserve (T1NP)</i>
<b>MEETING NAME AND DATE:</b>
<i>Natural Resources Committee Meeting, February 7, 2022</i>
<b>PRESENTER INFORMATION:</b>
<i>Robert Merchant, AICP, Director, Beaufort County Planning and Zoning (10 minutes needed for item discussion)</i>
<b>ITEM BACKGROUND:</b>
<i>This rezoning application went before the Beaufort County Planning Commission at their January 3, 2022 meeting. At that time the Commission voted unanimously to recommend approval of the proposed rezonings to County Council.</i>
<b>PROJECT / ITEM NARRATIVE:</b>
<i>In order to provide the greatest possible zoning protection on nineteen (19) County-owned passive parks properties, staff has initiated a rezoning request in order to convert them from their current zoning districts to the most protective zoning district, T1 Natural Preserve. The nineteen properties' current zoning districts include T2 Rural, T3 Edge, T3 Hamlet Neighborhood, T3 Neighborhood, T4 Hamlet Center Open, C5 Regional Center Mixed Use, S1 Industrial, Lady's Island Community Preservation, and Planned Unit Development, all of which are no longer appropriate. The requested rezoning will ensure continued and future conservation and passive recreation.</i>
<b>FISCAL IMPACT:</b>
<i>Not applicable</i>
<b>STAFF RECOMMENDATIONS TO COUNCIL:</b>
<i>Staff recommends approval.</i>
<b>OPTIONS FOR COUNCIL MOTION:</b>
<i>To approve or deny the zoning amendment for nineteen (19) Rural and Critical Lands Preservation Program properties from various zoning districts to T1 Natural Preserve (T1NP).</i>

**ORDINANCE 2022 / \_\_**

**AN ORDINANCE TO AMEND THE ZONING MAP FOR BEAUFORT COUNTY TO CHANGE NINETEEN (19) RURAL AND CRITICAL LANDS PRESERVATION PROGRAM PROPERTIES FROM VARIOUS ZONINGS TO T1 NATURAL PRESERVE.**

**WHEREAS**, North Williman Island (R700 030 000 0005 0000, R700 030 000 0036 0000) is currently zoned T1 Natural Preserve and T2 Rural; and

**WHEREAS**, McLeod (R100 015 000 0046 0000, R100 015 000 040A 0000) is currently zoned T2 Rural; and

**WHEREAS**, Ihly (R100 016 000 0065 0000) is currently zoned T2 Rural; and

**WHEREAS**, Lucky (R100 016 000 0238 0000) is currently zoned T2 Rural; and

**WHEREAS**, Port Royal Battleground (R100 020 000 0165 0000) is currently zoned S1 Industrial; and

**WHEREAS**, Brewer Memorial Park (R200 015 000 143C 0000, R200 015 000 0142 0000) is currently zoned T4 Hamlet Center Open; and

**WHEREAS**, Battey-Wilson (R200 005 000 0005 0000, R200 005 000 0165 0000) is currently zoned T2 Rural and no zoning; and

**WHEREAS**, Pineview (R200 010 000 0170 0000) is currently zoned Lady's Island Community Preservation; and

**WHEREAS**, Crystal Lake Park (R200 018 000 018A 0000, R123 015 000 1004 0000) is currently zoned T1 Natural Preserve, T3 Neighborhood, and T3 Hamlet Neighborhood; and

**WHEREAS**, Jenkins Creek and Jenkins Islands (R300 011 000 012B 0000, R300 011 000 0308 0000) is currently zoned T2 Rural; and

**WHEREAS**, Station Creek Park (R300 036 000 0003 0000) is currently zoned T2 Rural; and

**WHEREAS**, Mobley Hummock (R600 006 000 0032 0000) is currently zoned T2 Rural; and

**WHEREAS**, Manigault Neck Corridor (R600 010 000 0205 0000, R600 010 000 0209 0000, R600 010 000 001A 0000, R600 010 000 0186 0000, R600 005 000 0003 0000) is currently zoned T2 Rural; and

**WHEREAS**, Okatie Marsh Preserve (R600 008 000 003F 0000, R600 013 000 003C 0000, R600 013 000 0005 0000) is currently zoned T2 Rural; and

**WHEREAS**, Barrel Landing (R600 021 000 0048 0000) is currently zoned Planned Unit Development; and

**WHEREAS**, Okatie River Park (R600 021 000 0673 0000) is currently zoned T2 Rural; and

**WHEREAS**, Pinckney Point Preserve (R600 014 000 002G 0000, R600 014 000 002J 0000, R600 014 000 002F 0000, R600 014 000 002K 0000, R600 014 000 002B 0000) is currently zoned T2 Rural; and

**WHEREAS**, Forby Stormwater (R600 040 000 0134 0000) is currently zoned C5 Regional Center Mixed Use; and

**WHEREAS**, Bailey Memorial Park (R600 039 00B 0147 0000) is currently zoned T3 Edge; and

**WHEREAS**, the nineteen properties’ current zoning districts are no longer appropriate for these properties, which were purchased through the Rural and Critical Lands Preservation Program with the intent to preserve the properties; and

**WHEREAS**, Beaufort County Planning Staff have requested the change from each property’s current zoning to T1 Natural Preserve; and

**WHEREAS**, the requested rezoning to T1 Natural Preserve will ensure continued and future conservation and passive recreation for these properties; and

**WHEREAS**, the proposed amendments are outlined in red on the attached maps; and

**WHEREAS**, the Beaufort County Planning Commission considered the request on January, 3, 2022, voting to recommend that County Council approve the request; and

**WHEREAS**, County Council now wishes to amend the zoning map to change the parcels’ zoning from their various zoning designations to T1 Natural Preserve.

**NOW, THEREFORE** be it ordained by County Council in meeting duly assembled as follows:

1. The zoning map of the County is hereby amended to reflect the zoning of Parcel ID Numbers R700 030 000 0005 0000, R700 030 000 0036 0000, R100 015 000 0046 0000, R100 015 000 040A 0000, R100 016 000 0065 0000, R100 016 000 0238 0000, R100 020 000 0165 0000, R200 015 000 143C 0000, R200 015 000 0142 0000, R200 005 000 0005 0000, R200 005 000 0165 0000, R200 010 000 0170 0000, R200 018 000 018A 0000, R123 015 000 1004 0000, R300 011 000 012B 0000, R300 011 000 0308 0000, R300 036 000 0003 0000, R600 006 000 0032 0000, R600 010 000 0205 0000, R600 010 000 0209 0000, R600 010 000 001A 0000, R600 010 000 0186 0000, R600 005 000 0003 0000, R600 008 000 003F 0000, R600 013 000 003C 0000, R600 013 000 0005 0000, R600 021 000 0048 0000, R600 021 000 0673 0000, R600 014 000 002G 0000, R600 014 000 002J 0000, R600 014 000 002F 0000, R600 014 000 002K 0000, R600 014 000 002B 0000, R600 040 000 0134 0000, and R600 039 00B 0147 0000 as T1 Natural Preserve.
2. Staff is directed to make the changes to the zoning map and to report to all persons necessary or helpful that the zoning has so changed.

Ordained this \_\_\_ day of \_\_\_\_\_, 2022

COUNTY COUNCIL OF BEAUFORT COUNTY

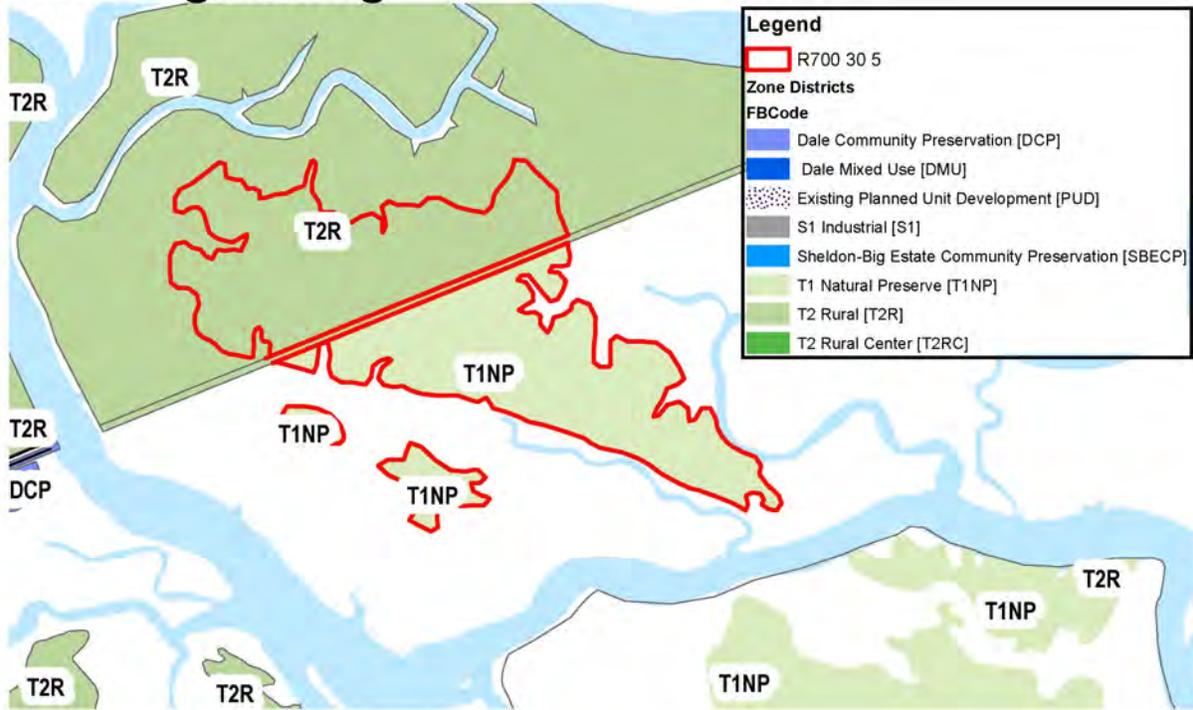
By: \_\_\_\_\_  
Joseph Passiment, Chairman

ATTEST:

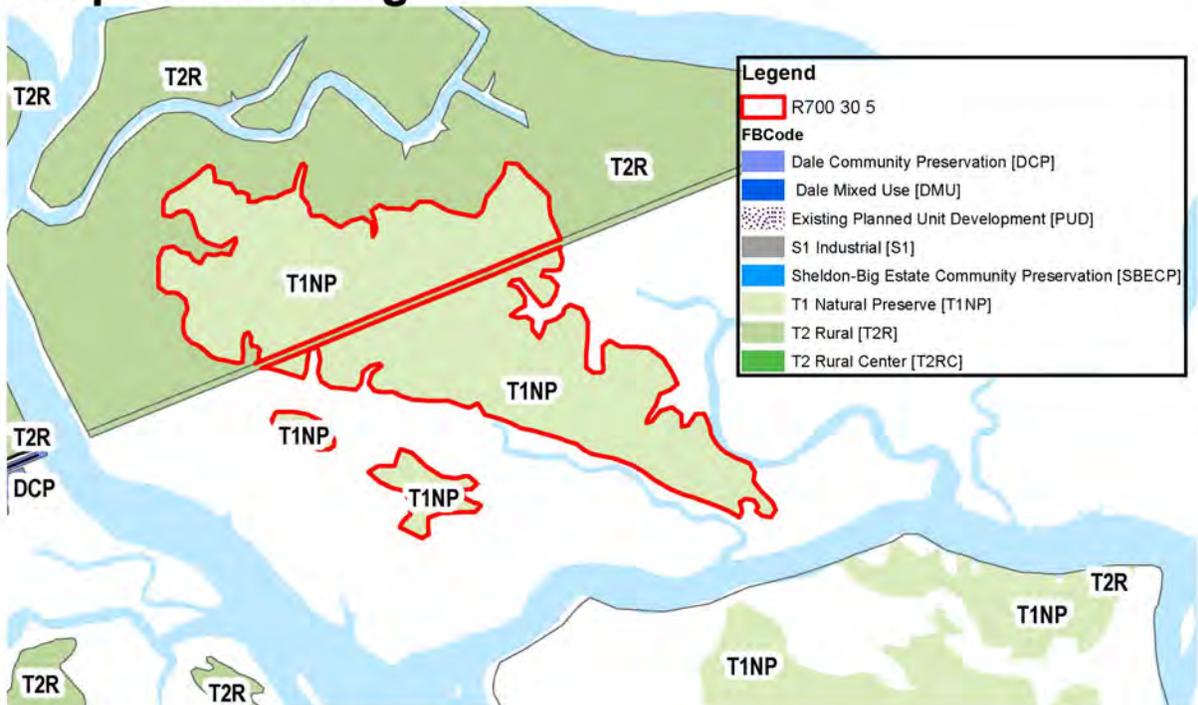
\_\_\_\_\_  
Sarah W. Brock, JD, Clerk to Council

North Williman Island

### Existing Zoning

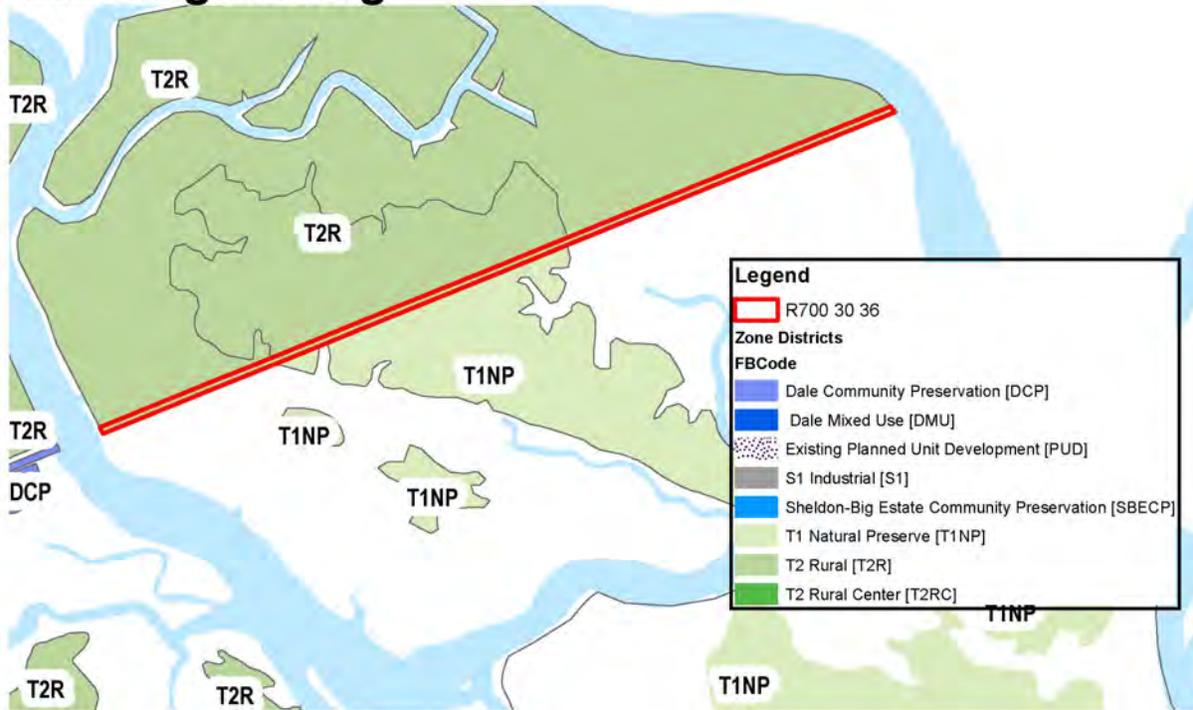


### Proposed Zoning

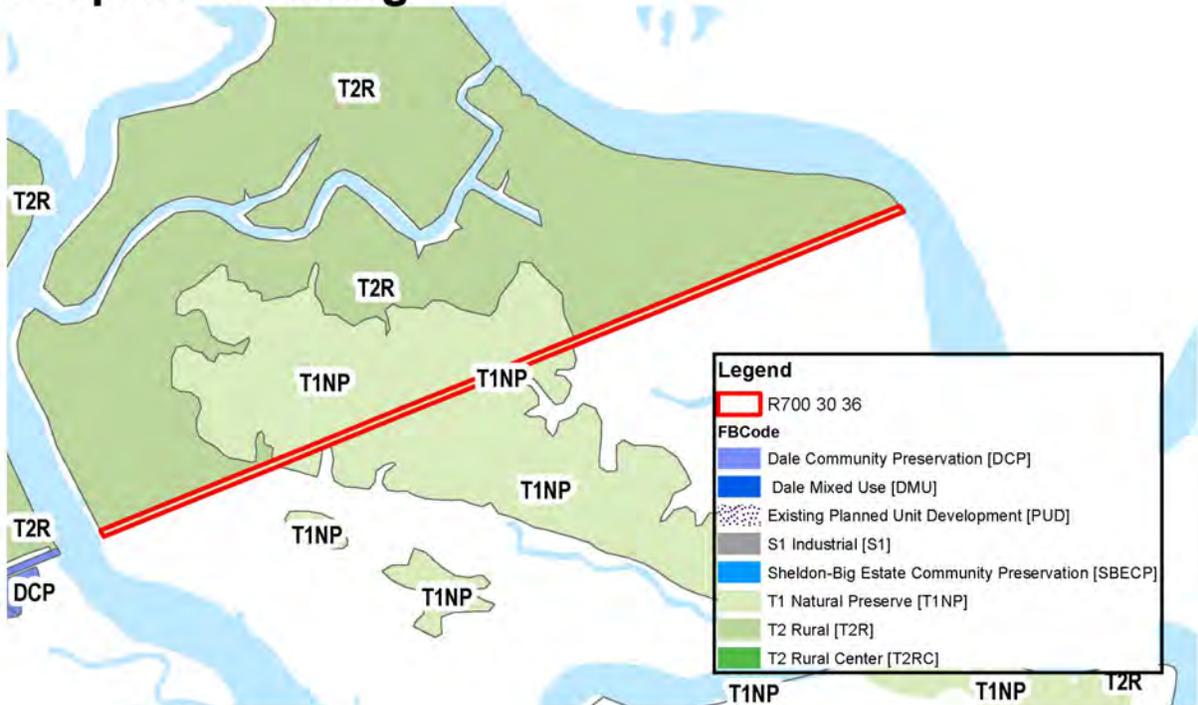


North Williman Island continued

### Existing Zoning

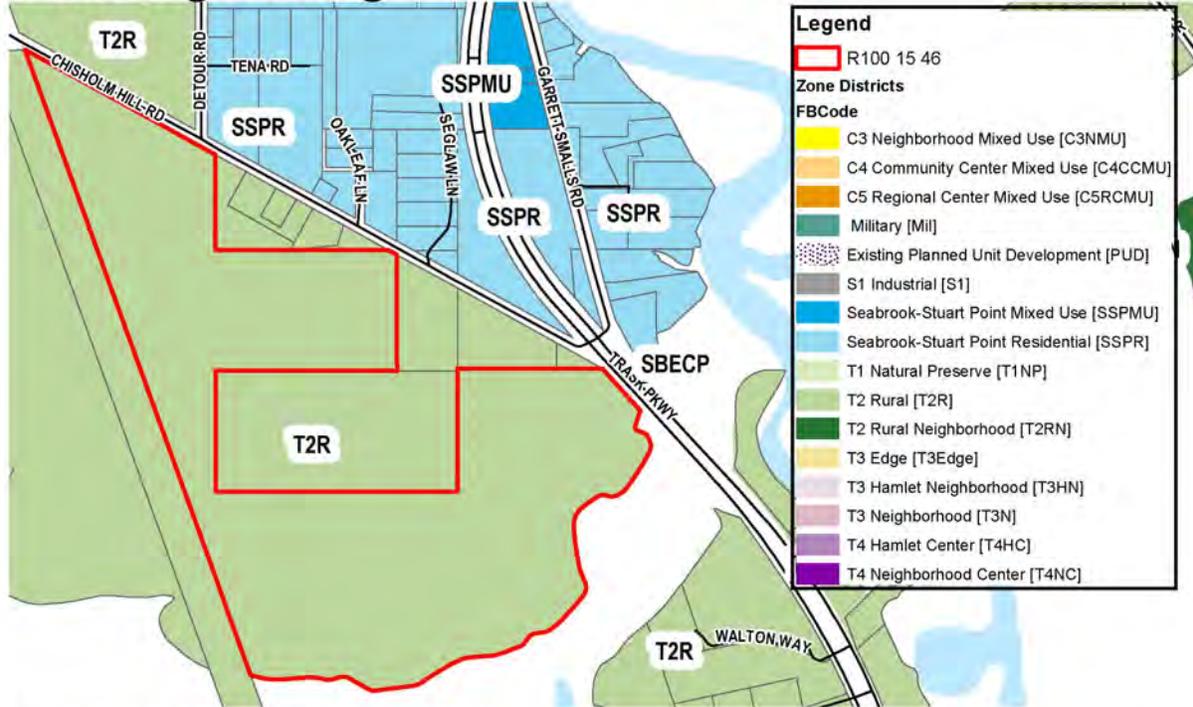


### Proposed Zoning

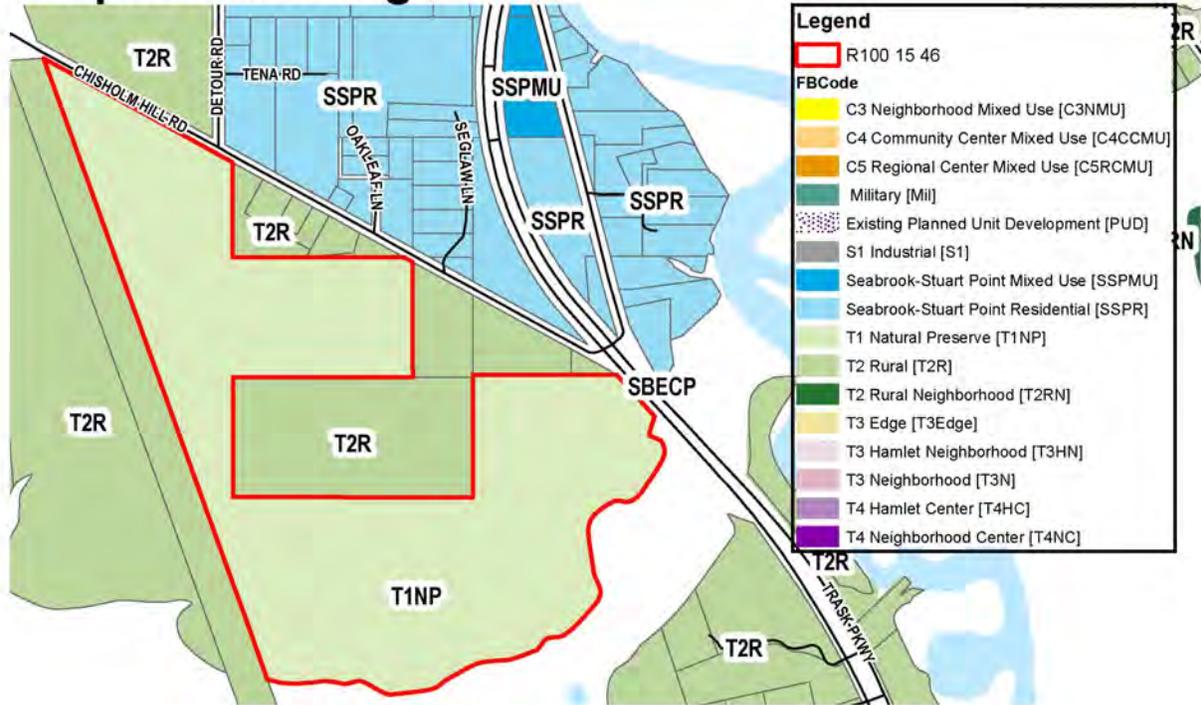


McLeod

### Existing Zoning

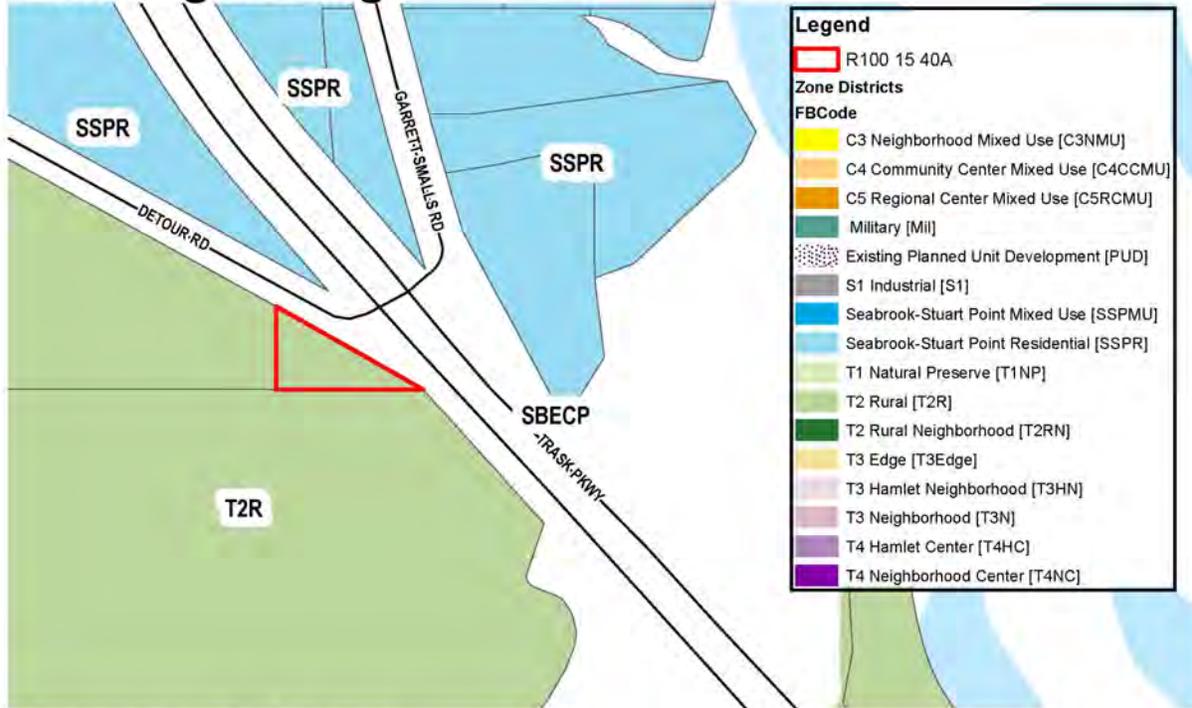


### Proposed Zoning

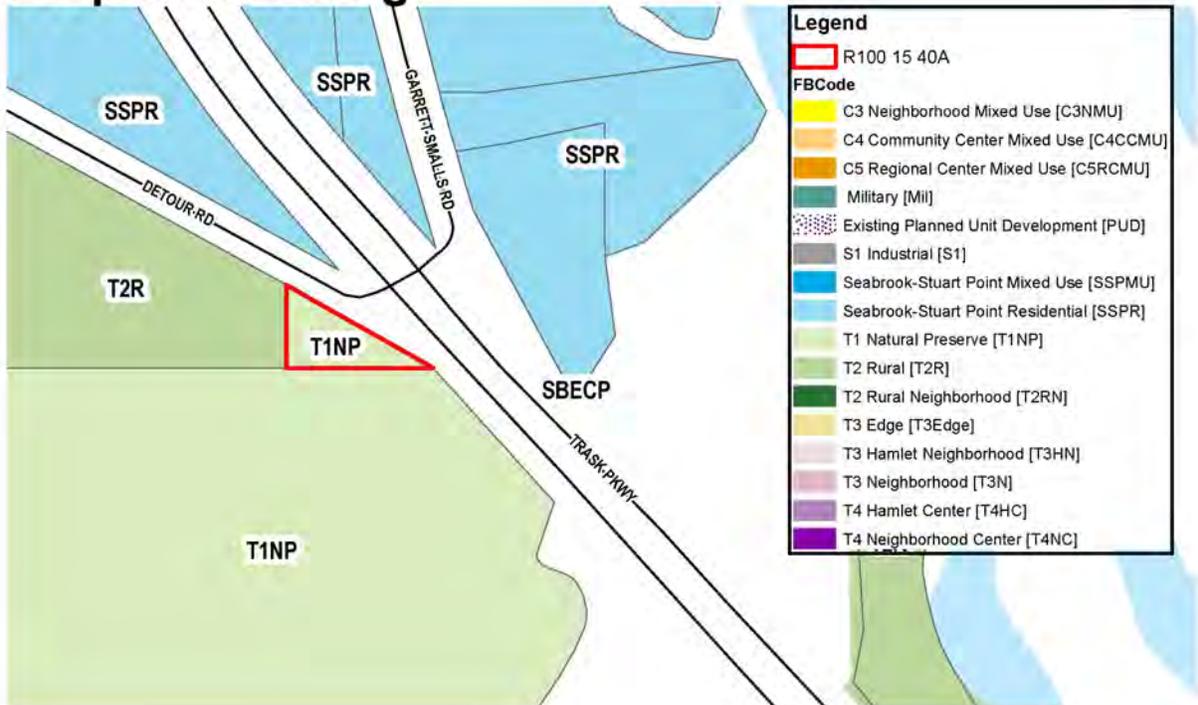


McLeod continued

### Existing Zoning

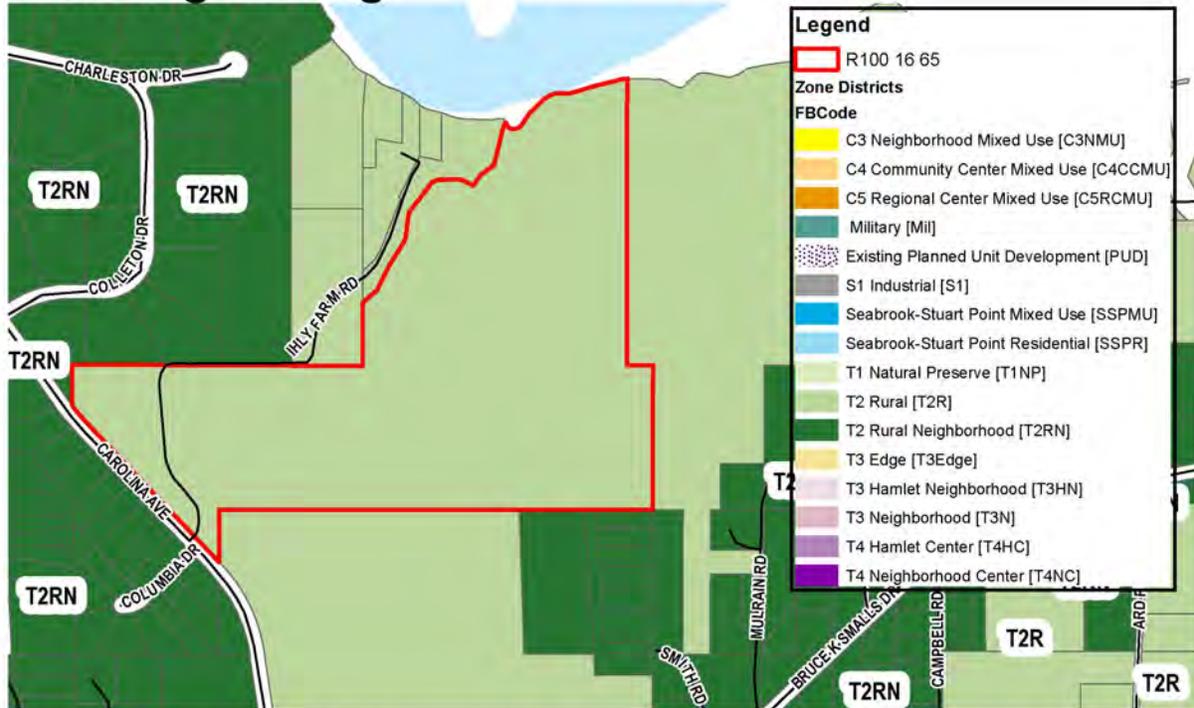


### Proposed Zoning

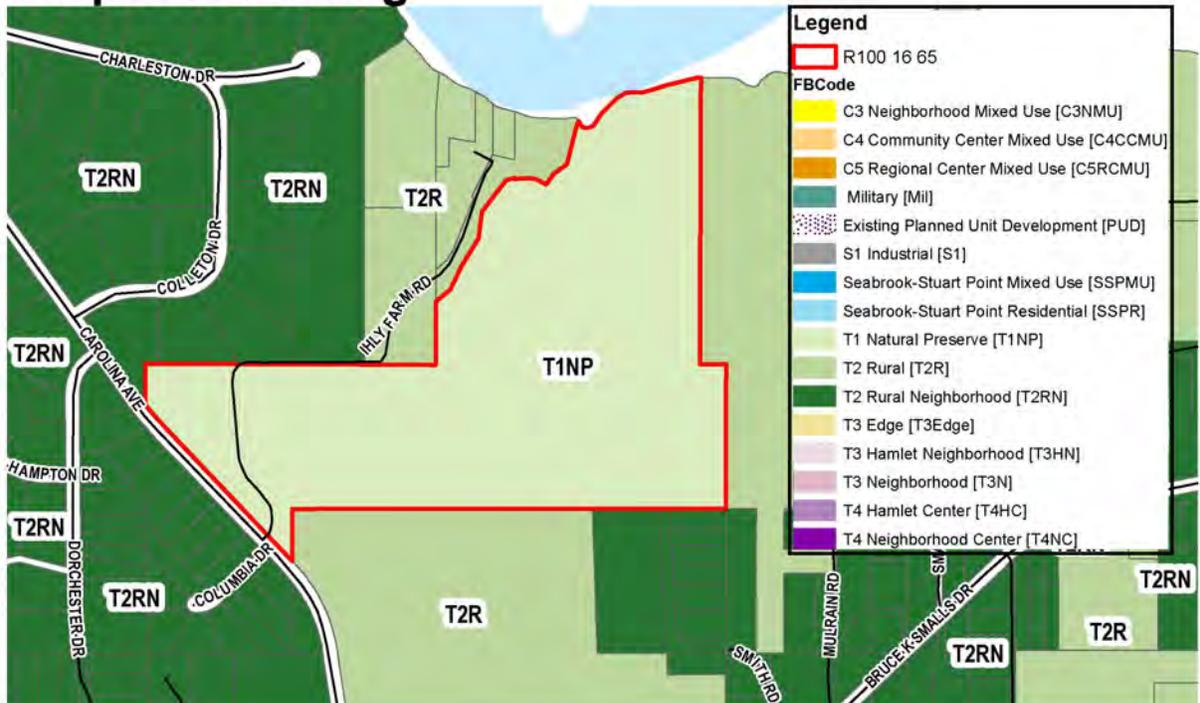


Ihly

### Existing Zoning

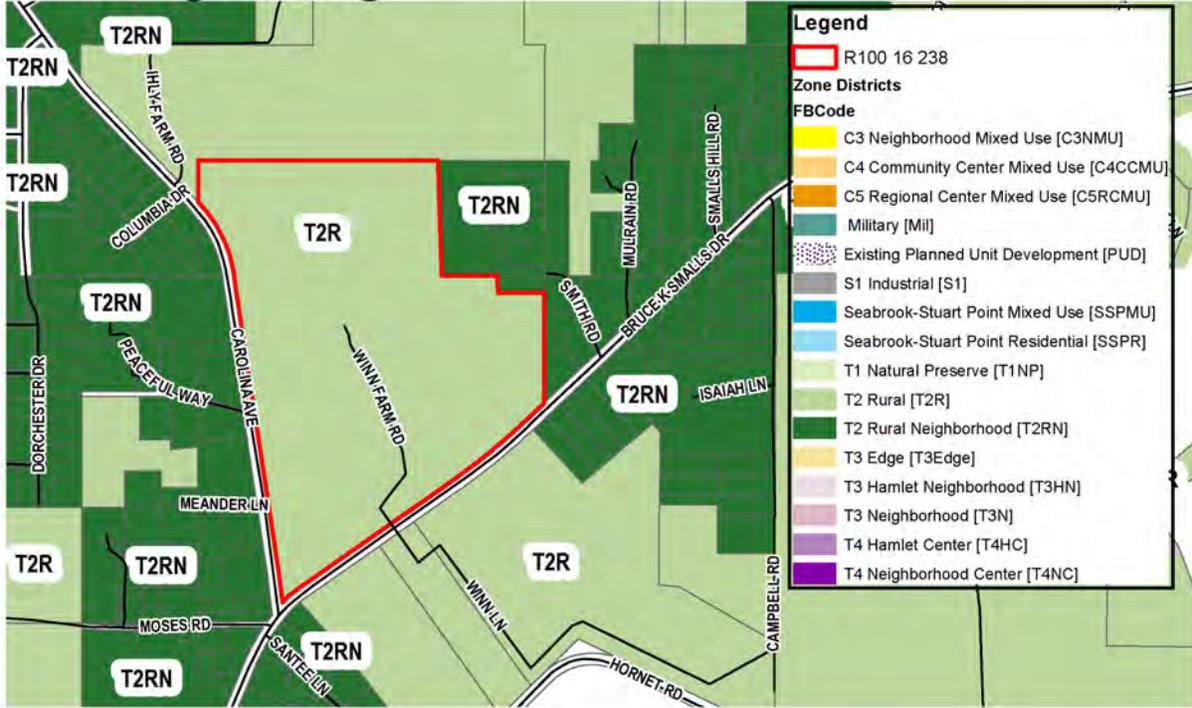


### Proposed Zoning

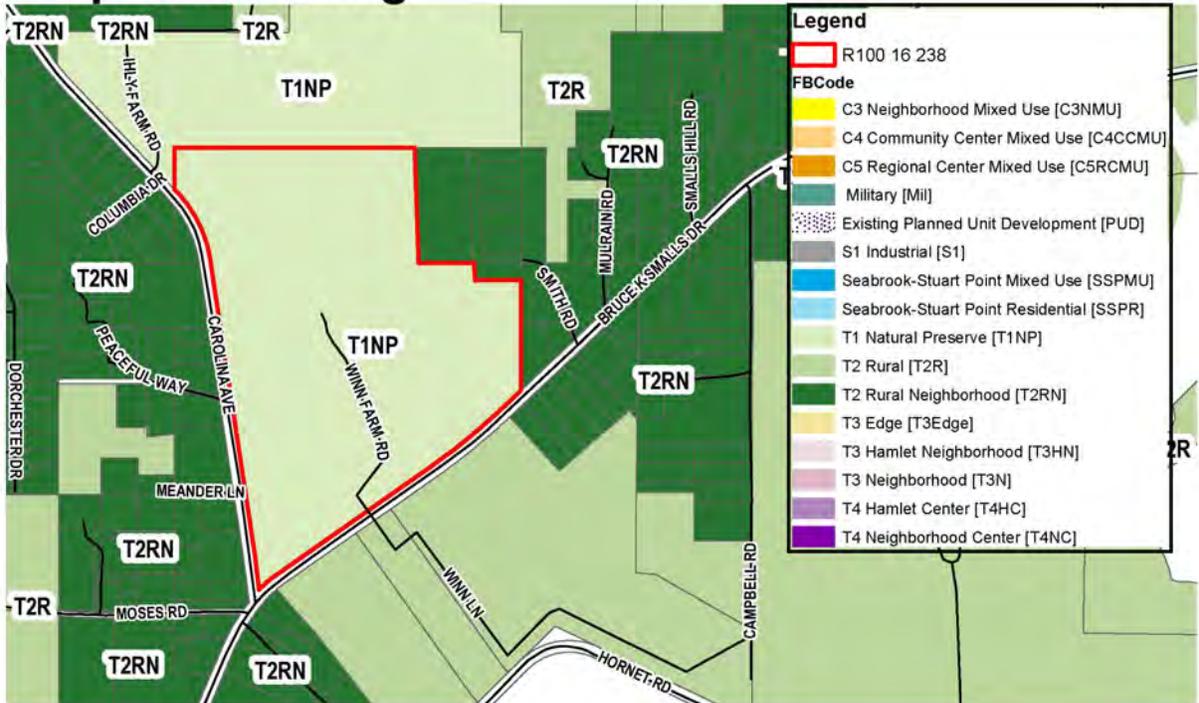


Lucky

### Existing Zoning



### Proposed Zoning

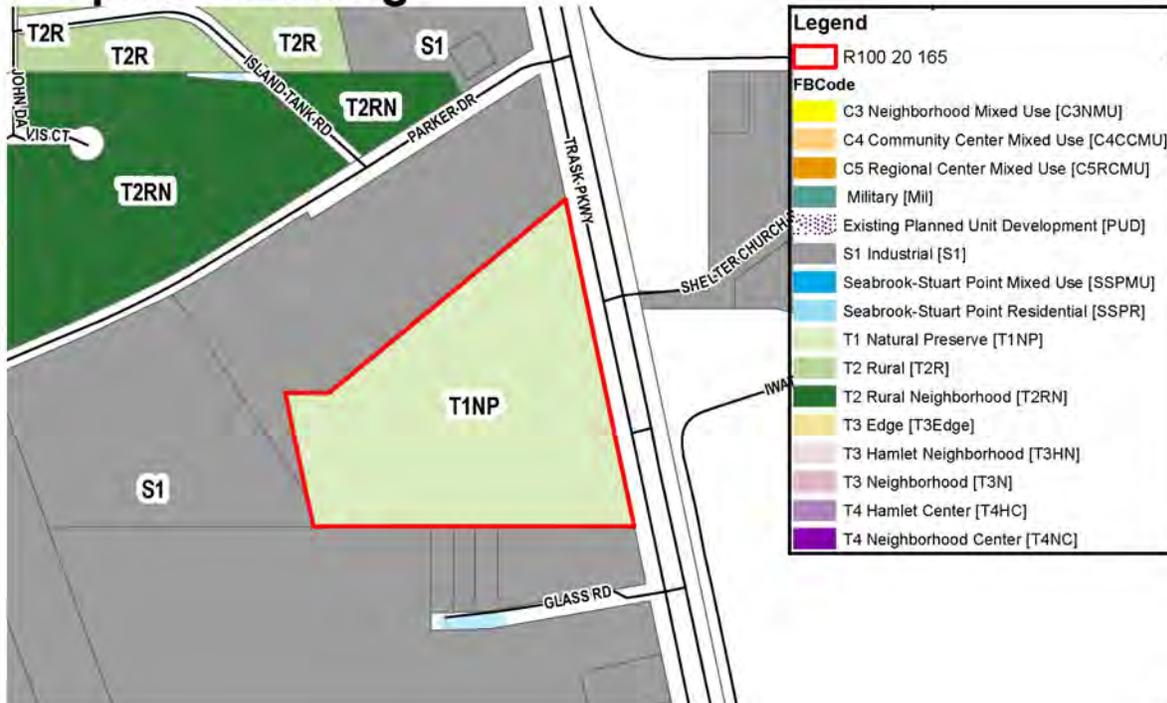


Port Royal Battleground

### Existing Zoning

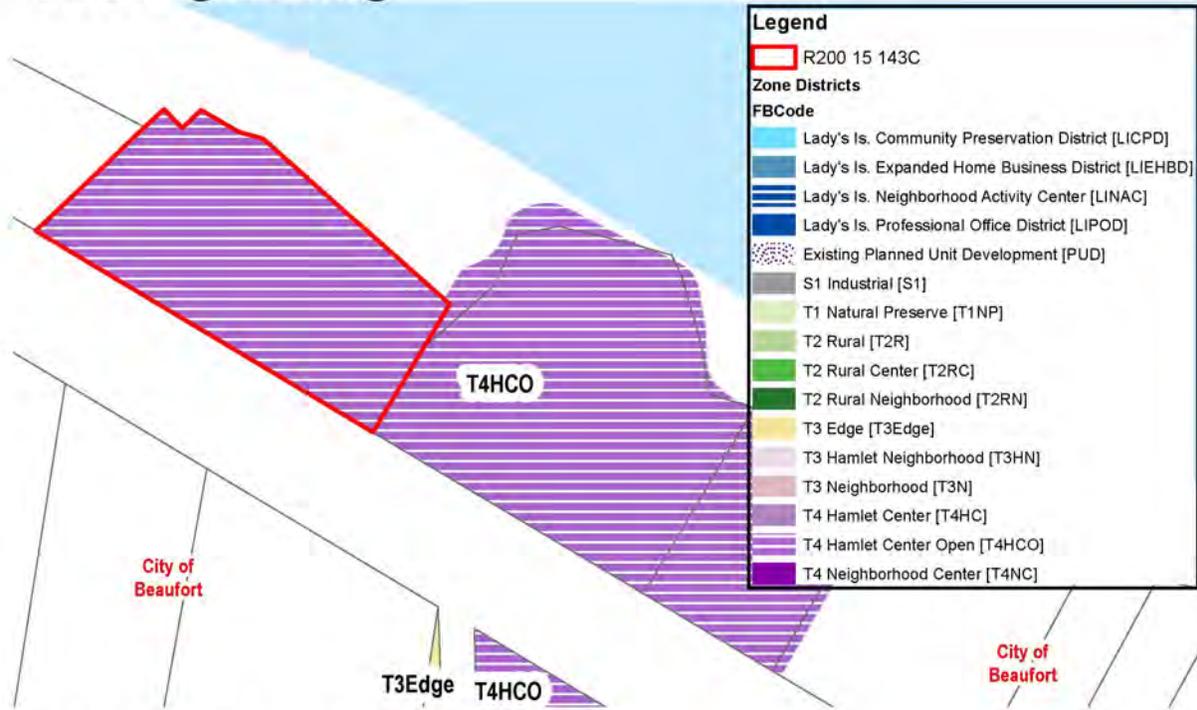


### Proposed Zoning

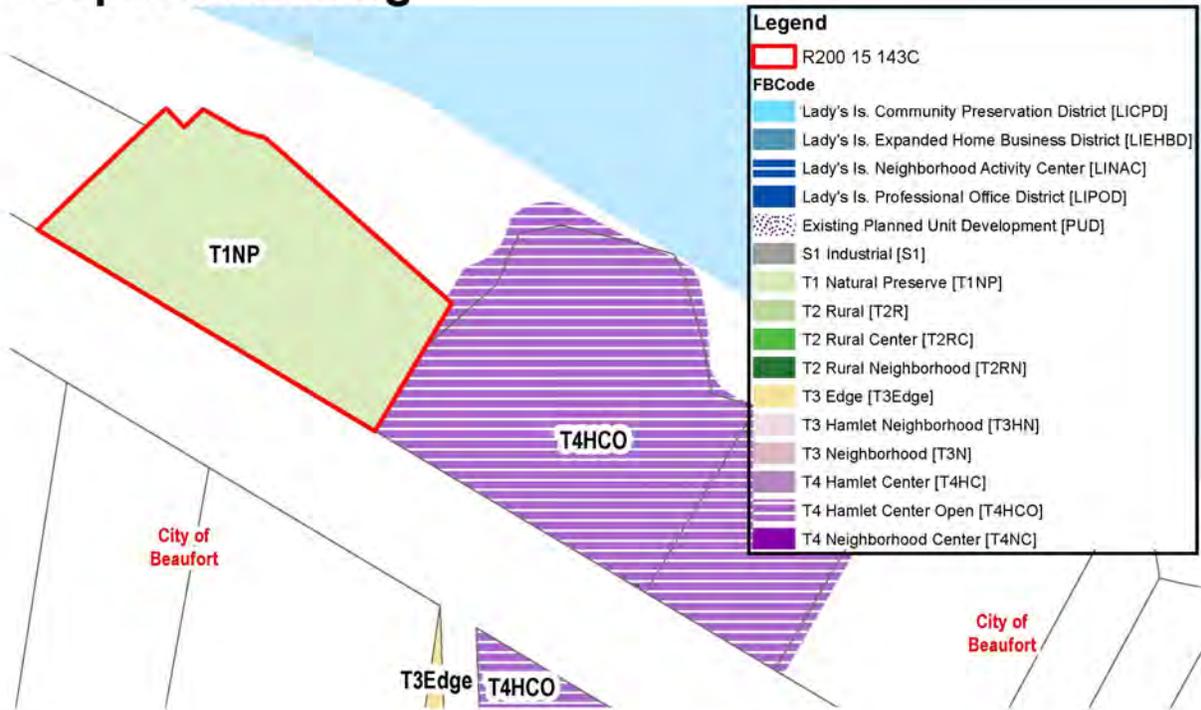


Brewer Memorial Park

### Existing Zoning

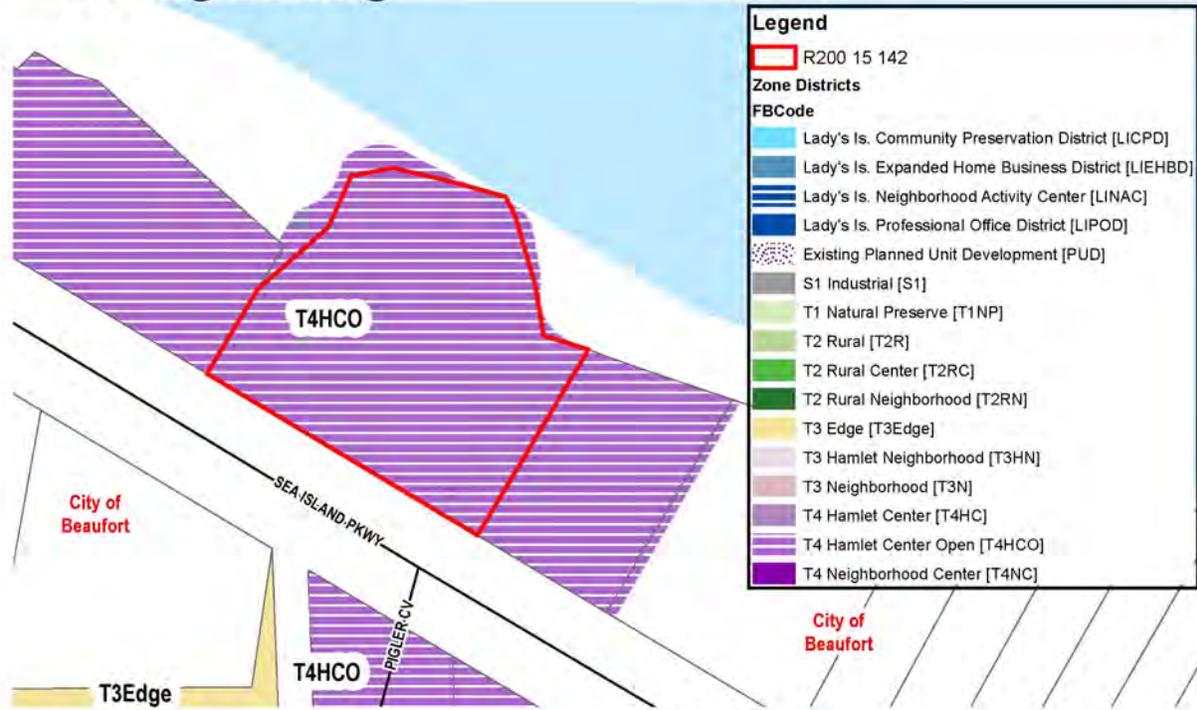


### Proposed Zoning

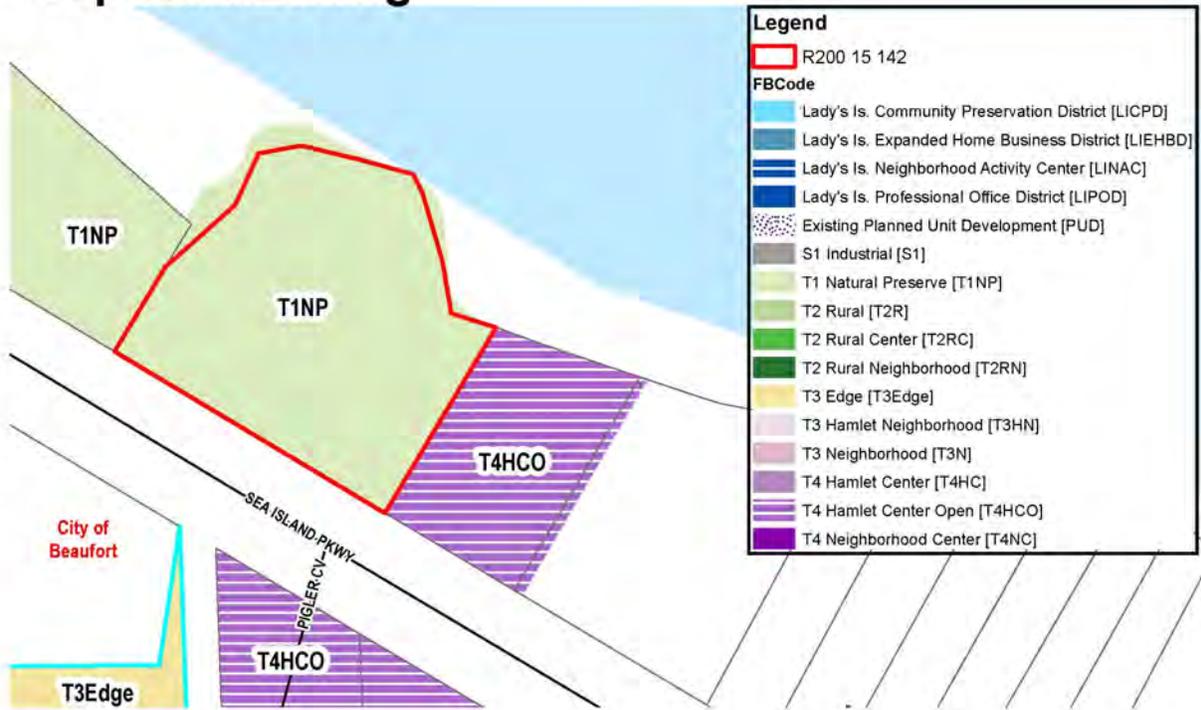


Brewer Memorial Park continued

### Existing Zoning

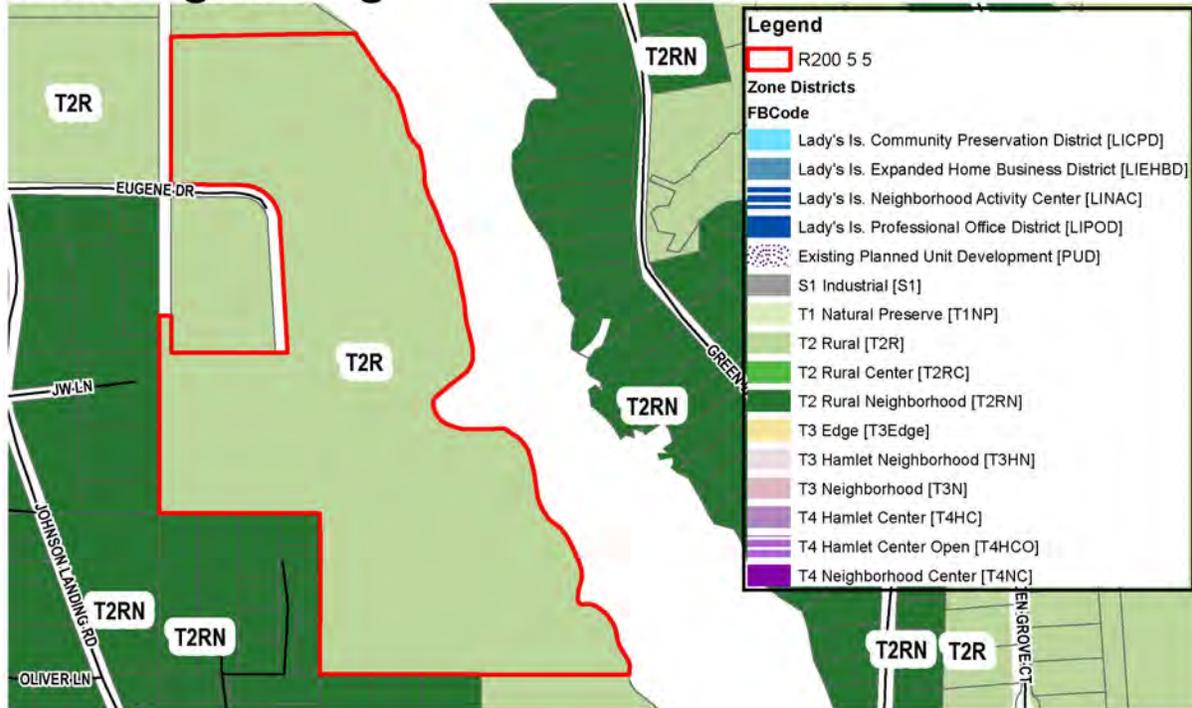


### Proposed Zoning

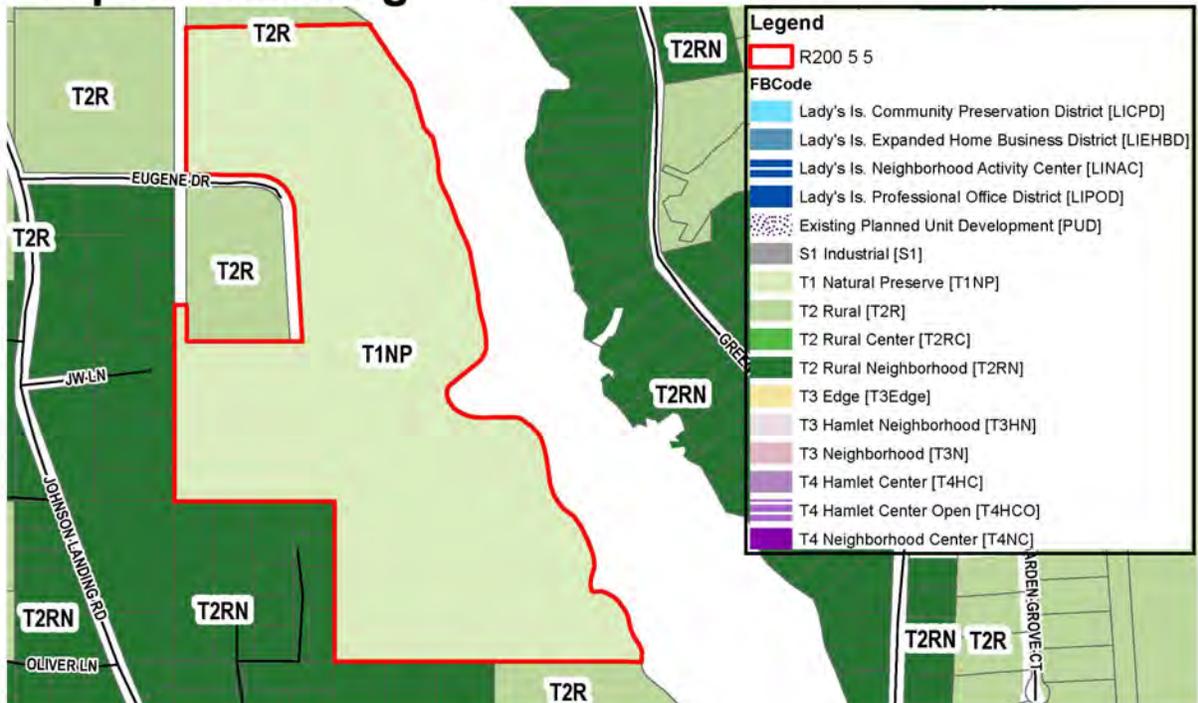


Batthey-Wilson

### Existing Zoning

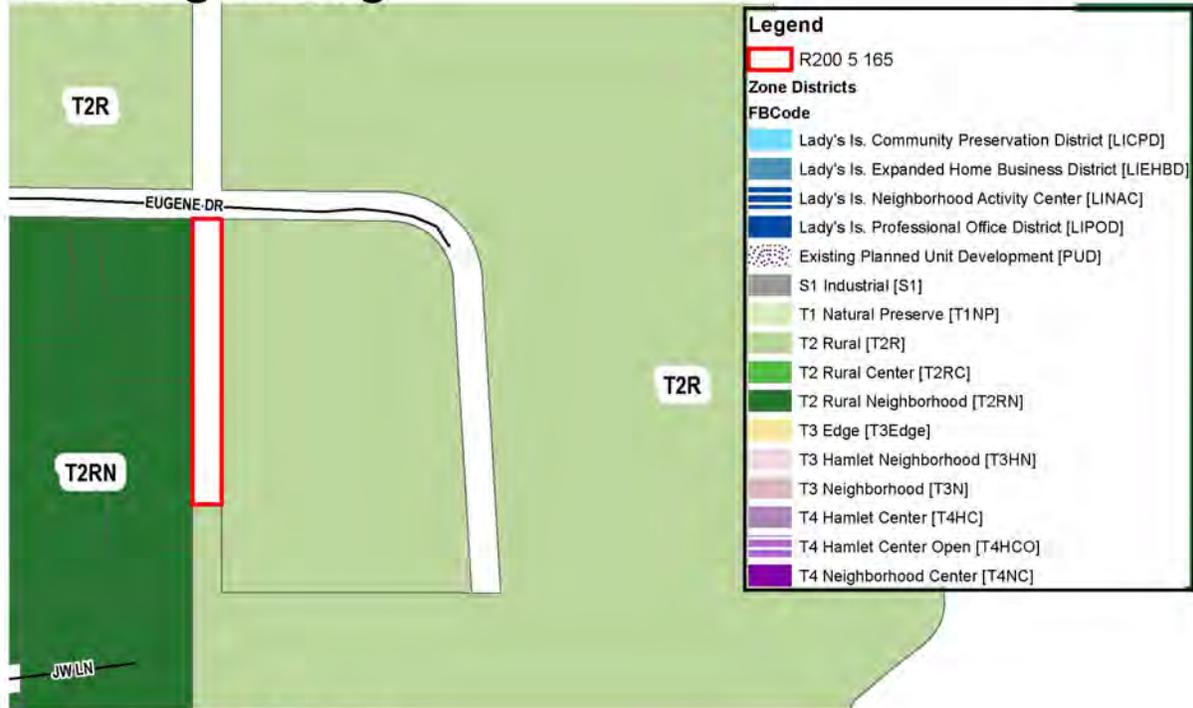


### Proposed Zoning

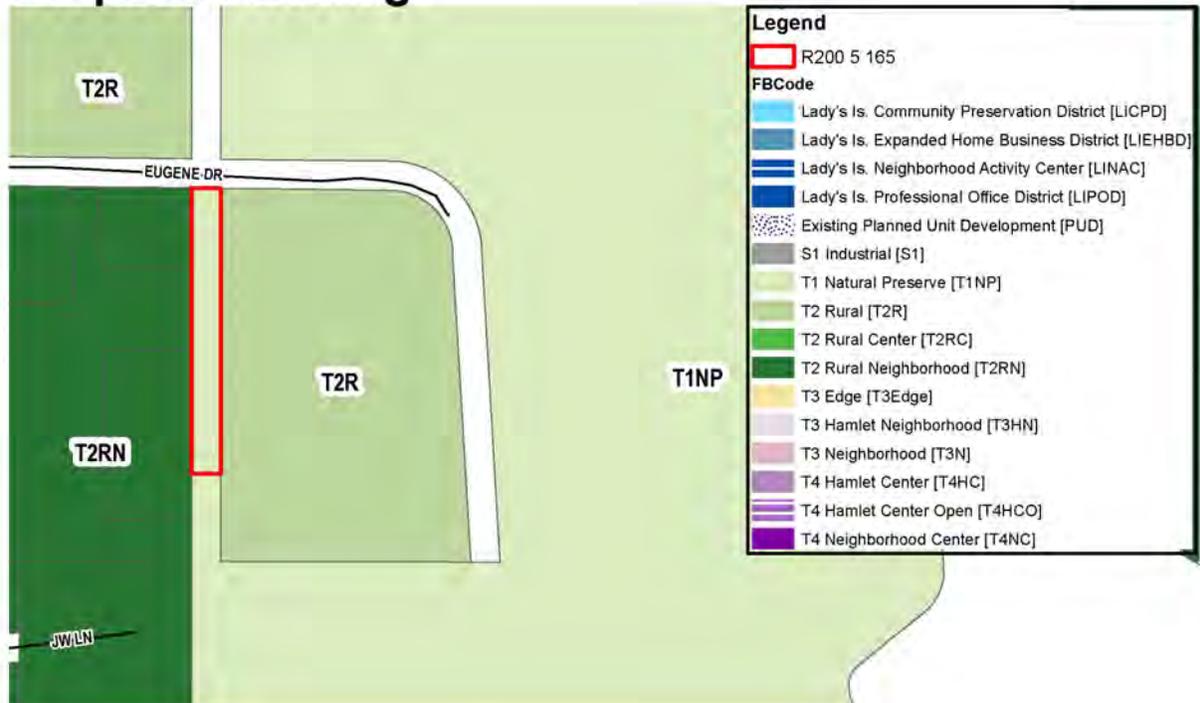


Batthey-Wilson continued

### Existing Zoning

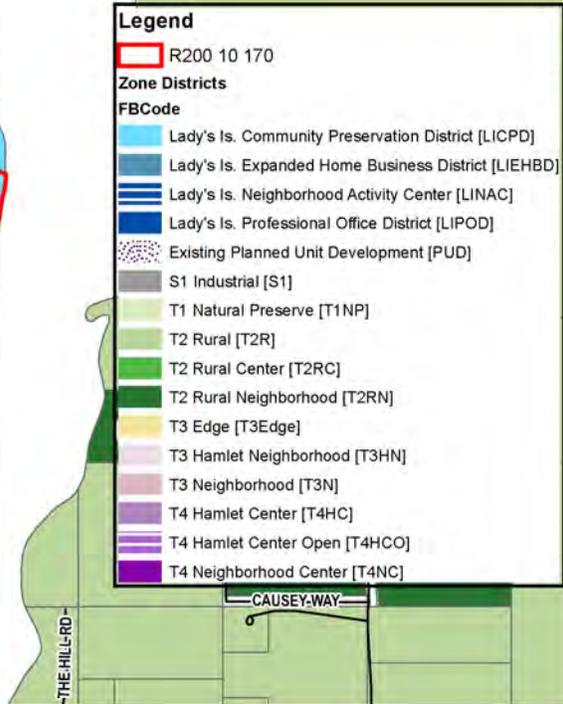


### Proposed Zoning

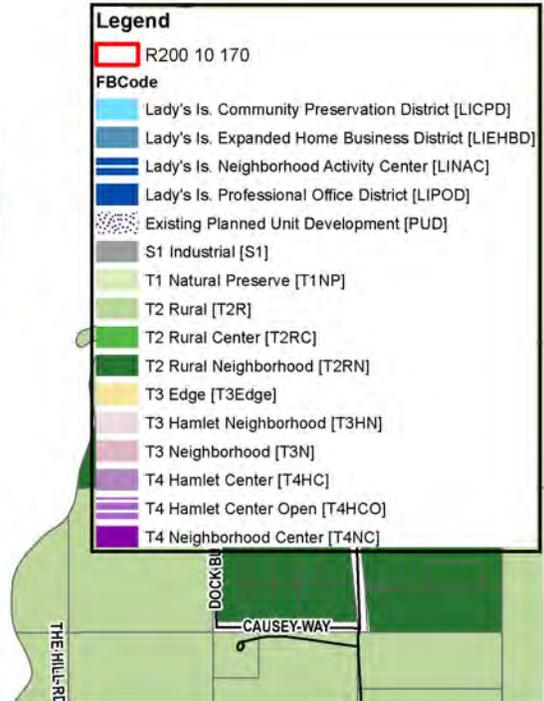
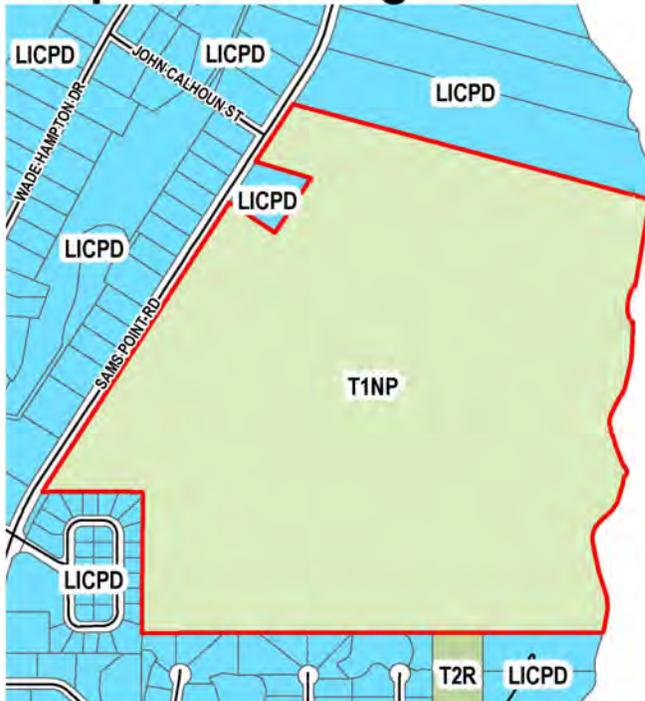


Pineview

### Existing Zoning

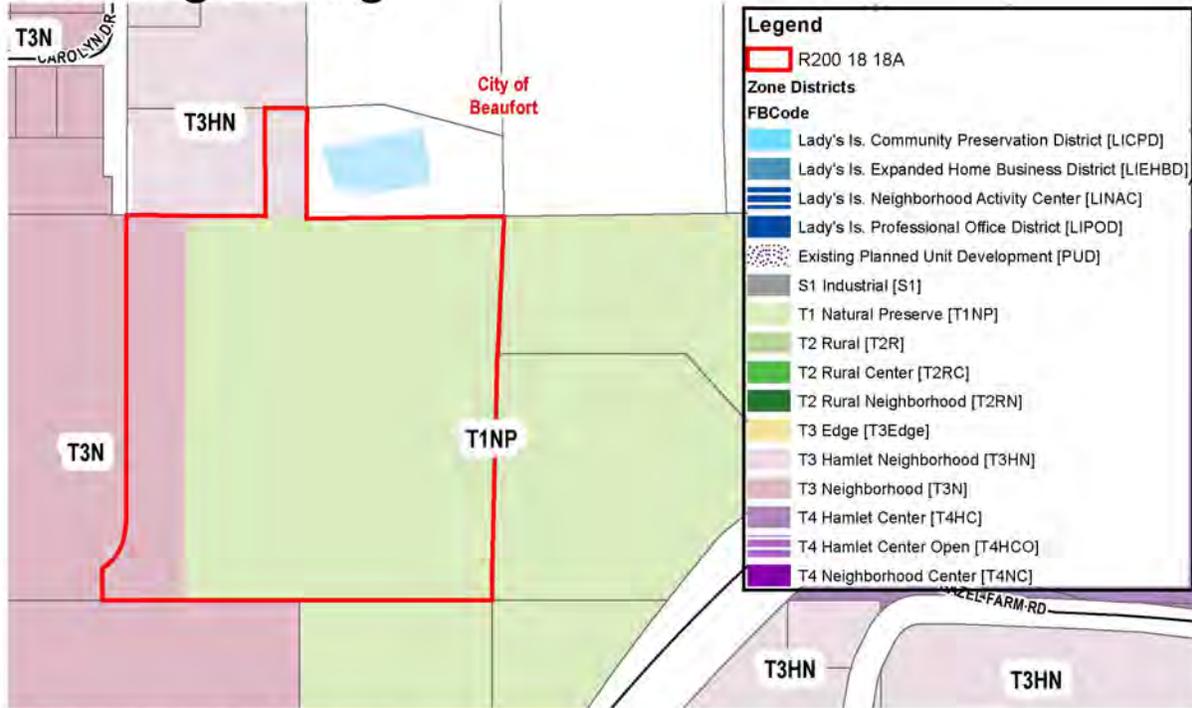


### Proposed Zoning

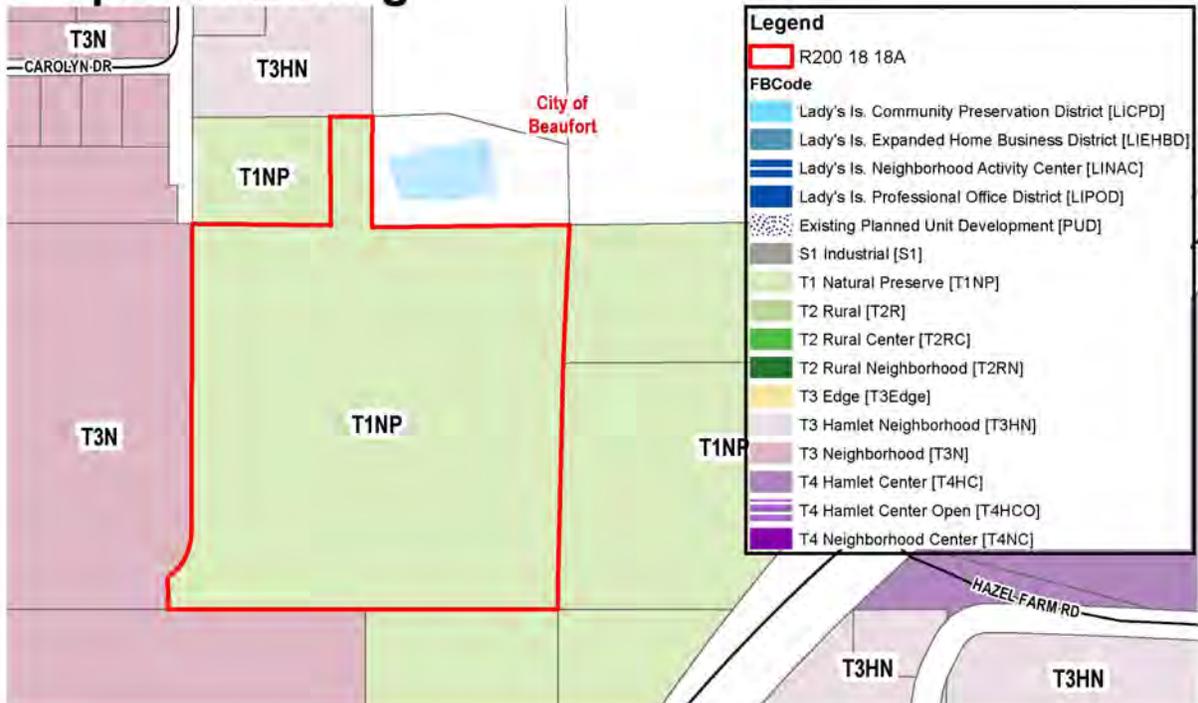


Crystal Lake Park

### Existing Zoning

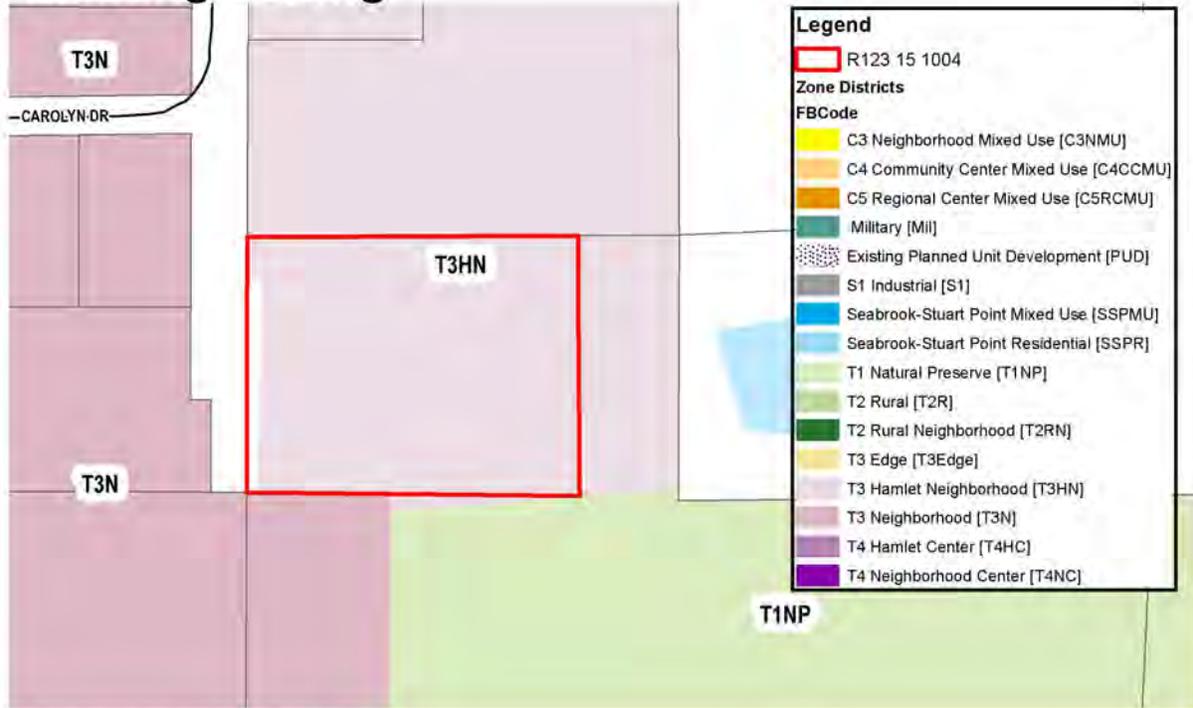


### Proposed Zoning

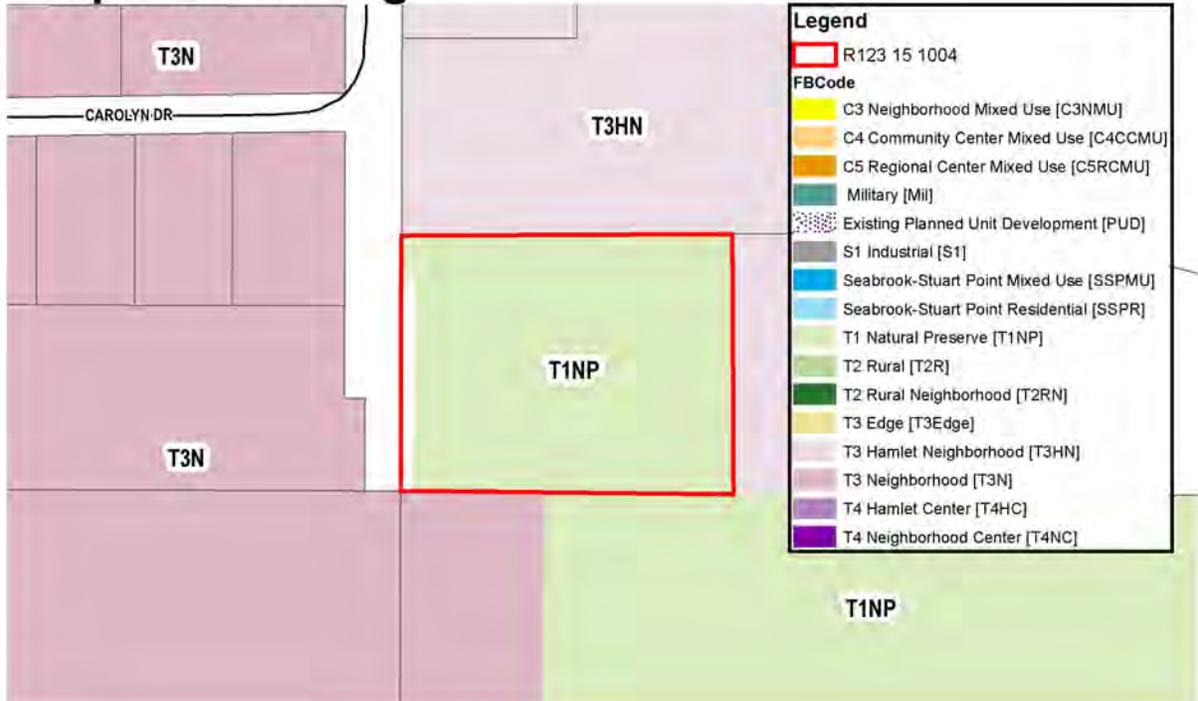


Crystal Lake Park continued

### Existing Zoning



### Proposed Zoning

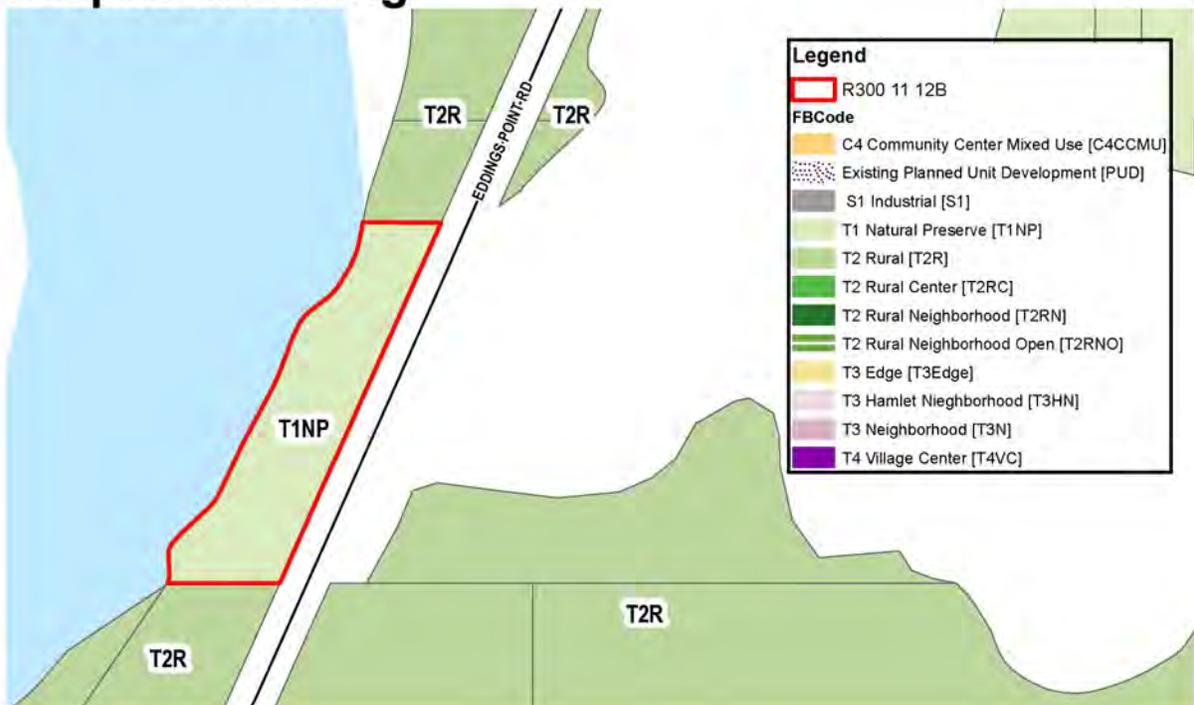


Jenkins Creek and Jenkins Islands

### Existing Zoning



### Proposed Zoning



Jenkins Creek and Jenkins Islands continued

### Existing Zoning

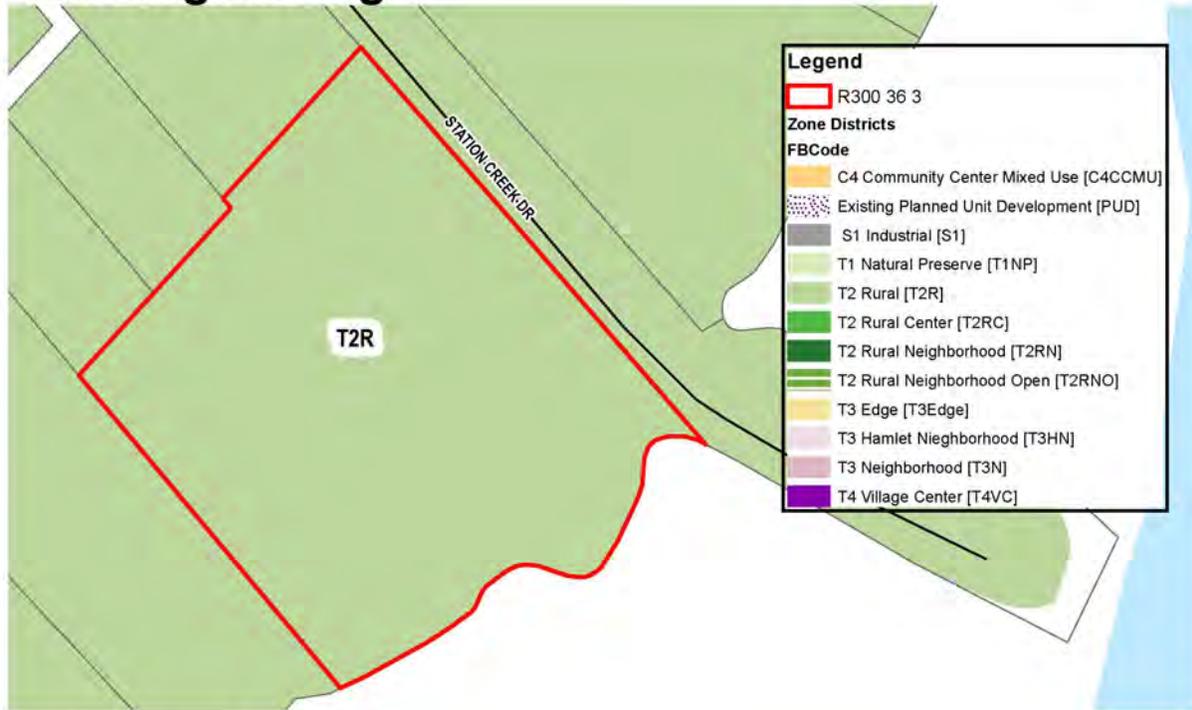


### Proposed Zoning

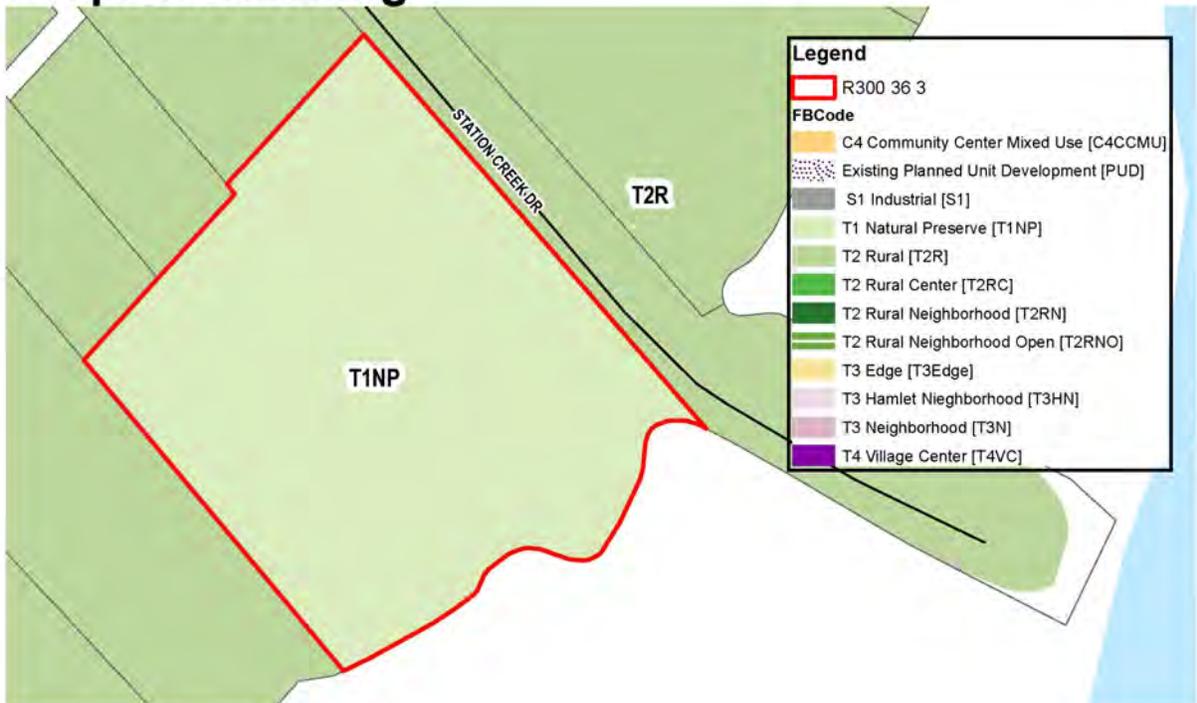


Station Creek Park

### Existing Zoning

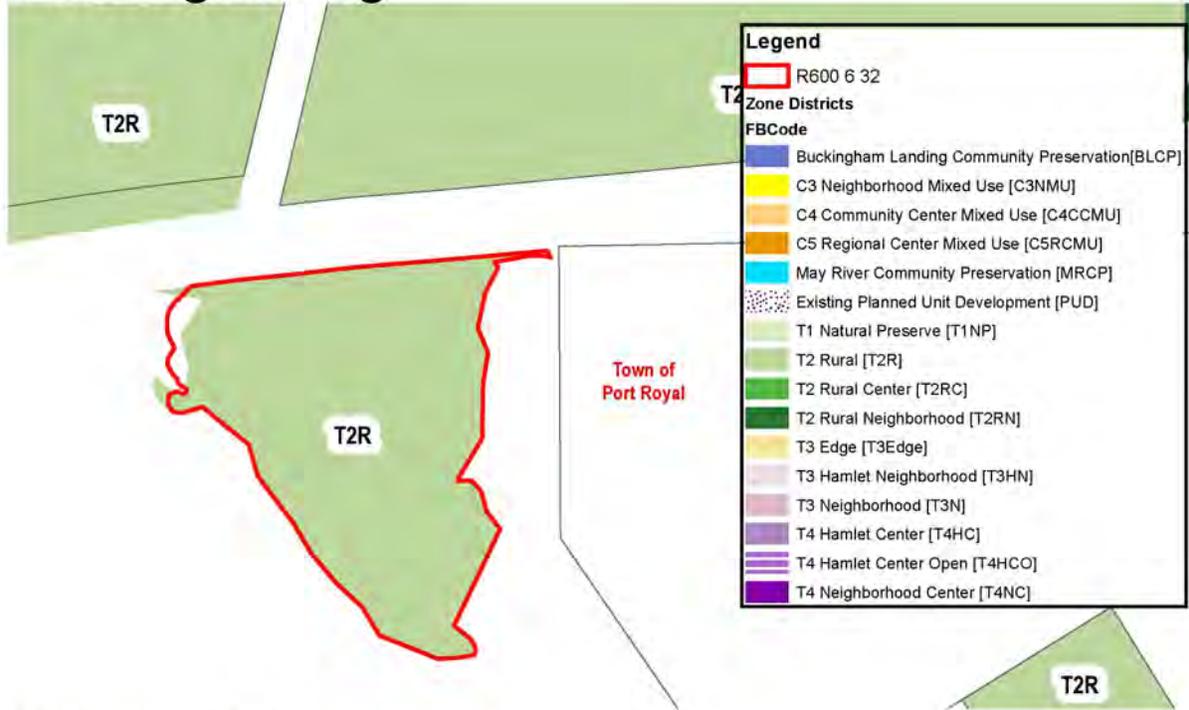


### Proposed Zoning

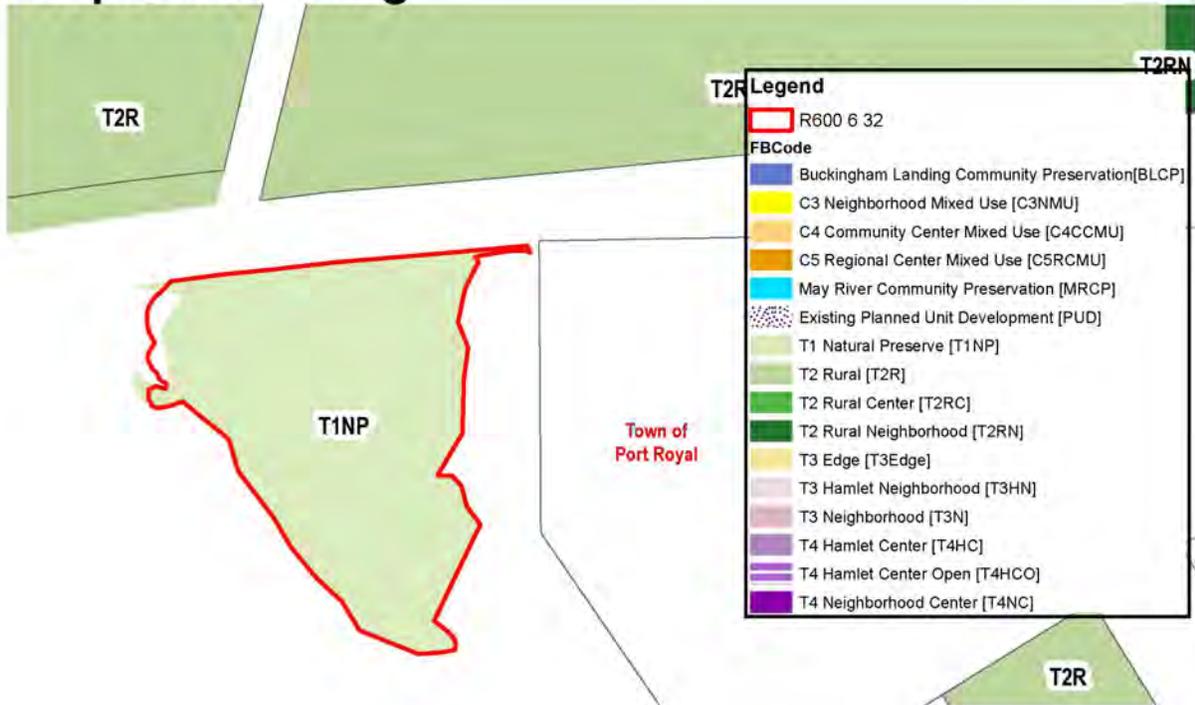


Mobley Hummock

### Existing Zoning

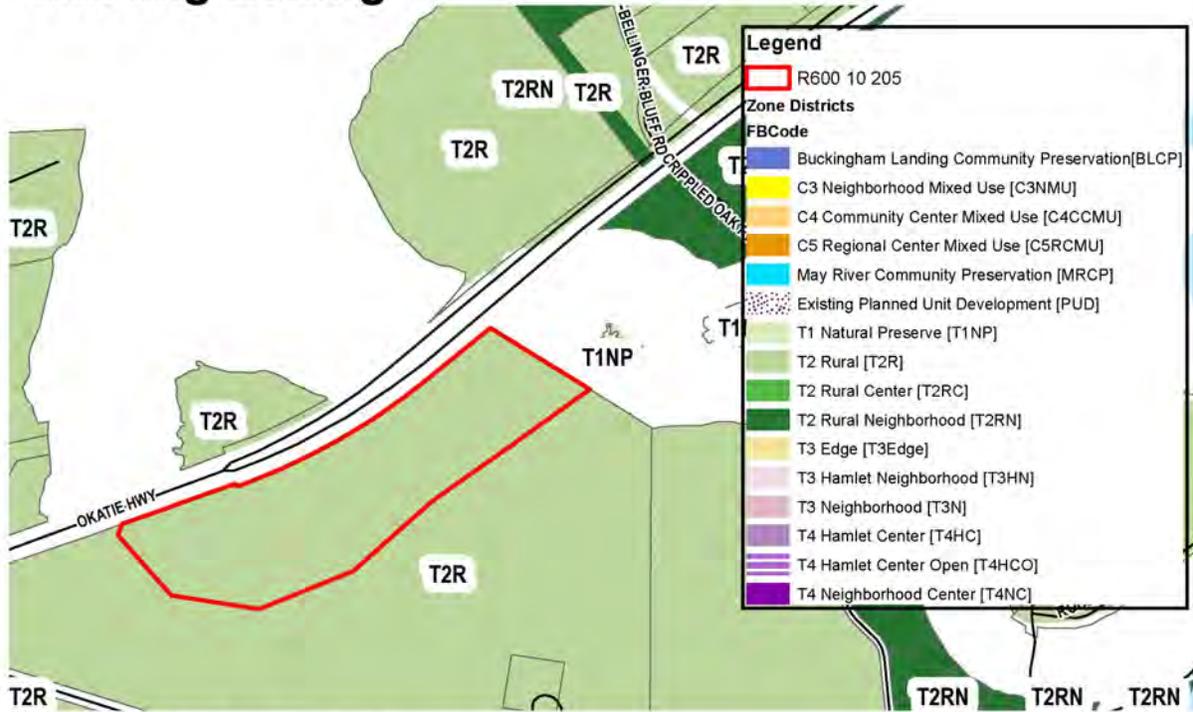


### Proposed Zoning



Manigault Neck Corridor

# Existing Zoning

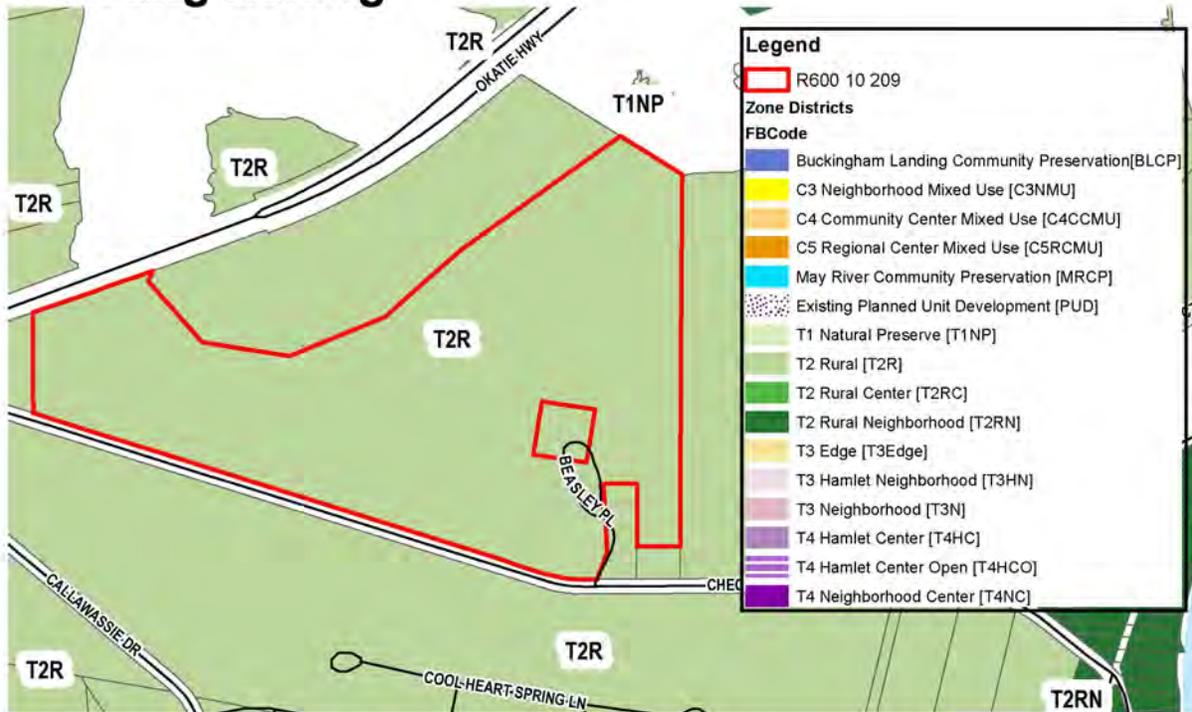


# Proposed Zoning

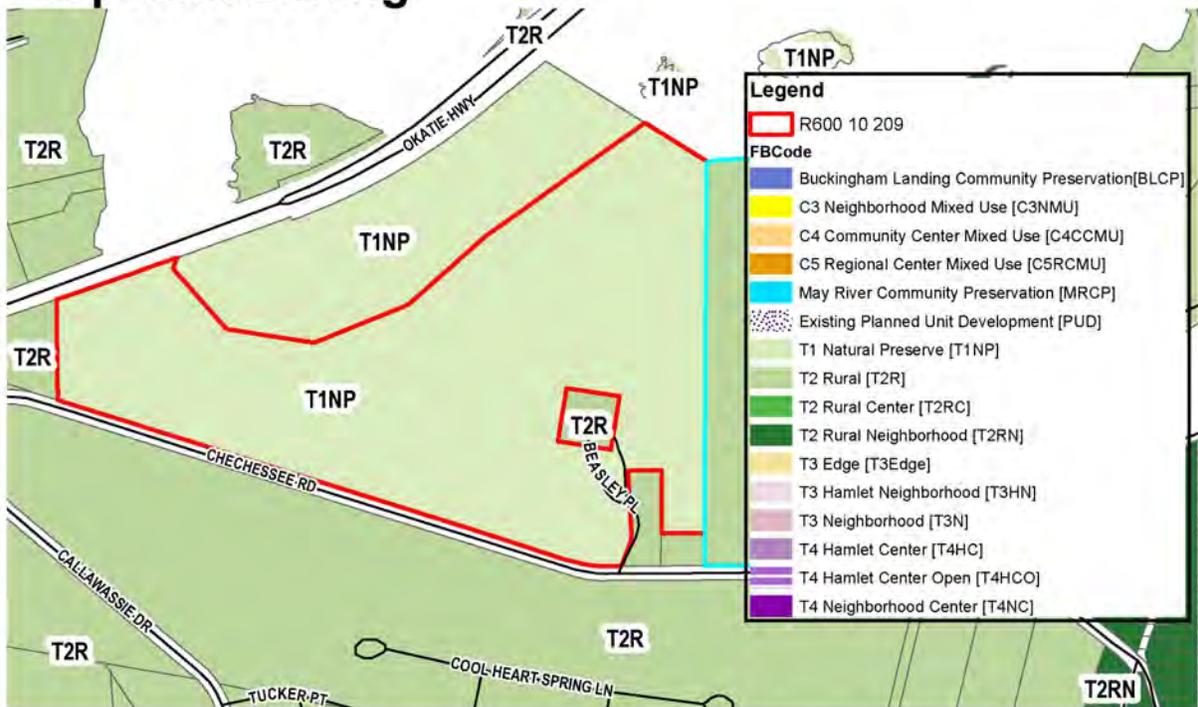


Manigault Neck Corridor continued

### Existing Zoning

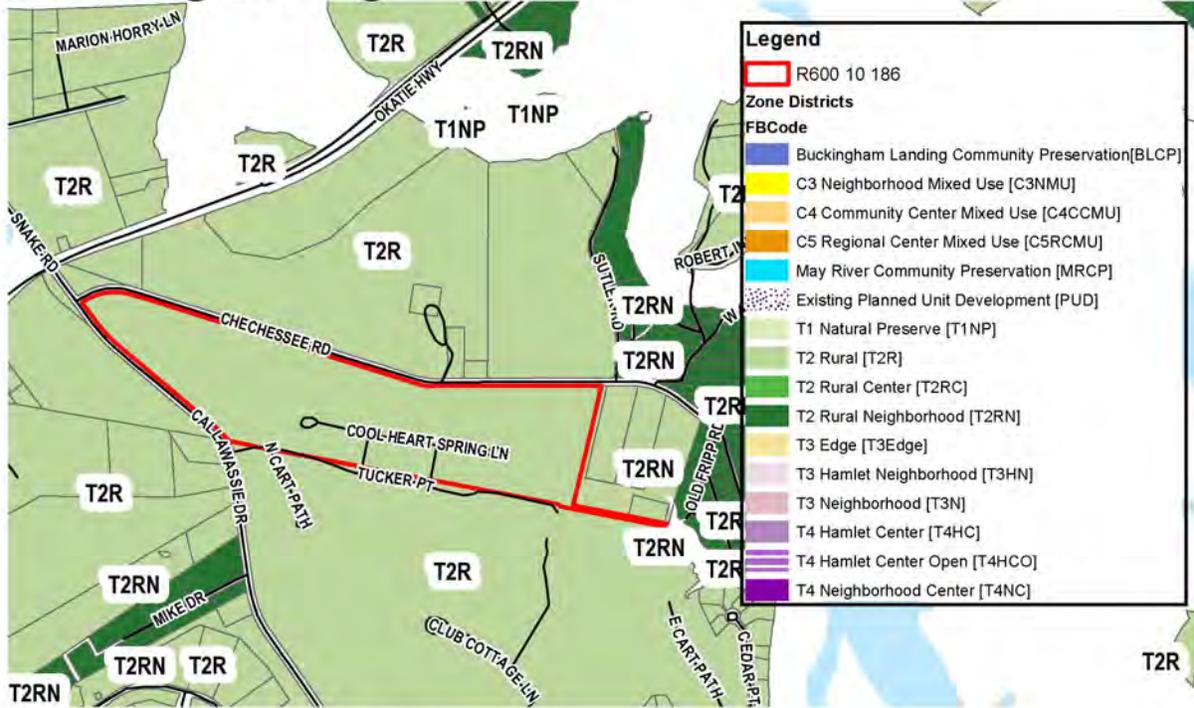


### Proposed Zoning

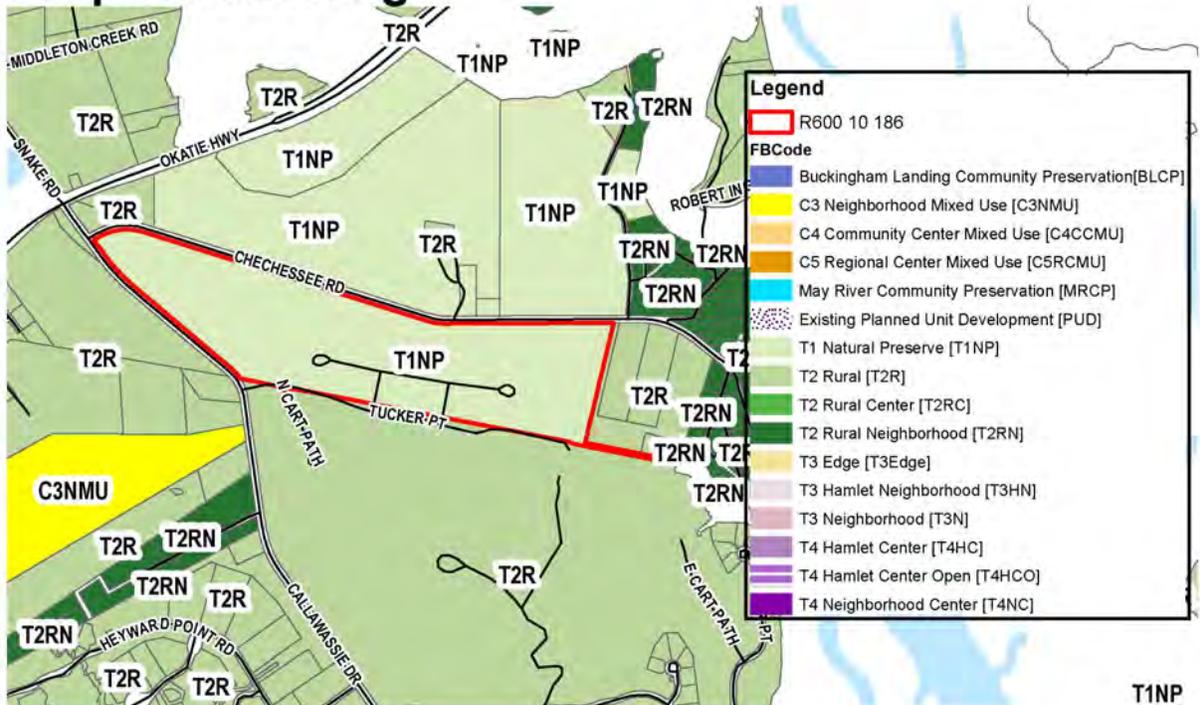


Manigault Neck Corridor continued

### Existing Zoning



### Proposed Zoning

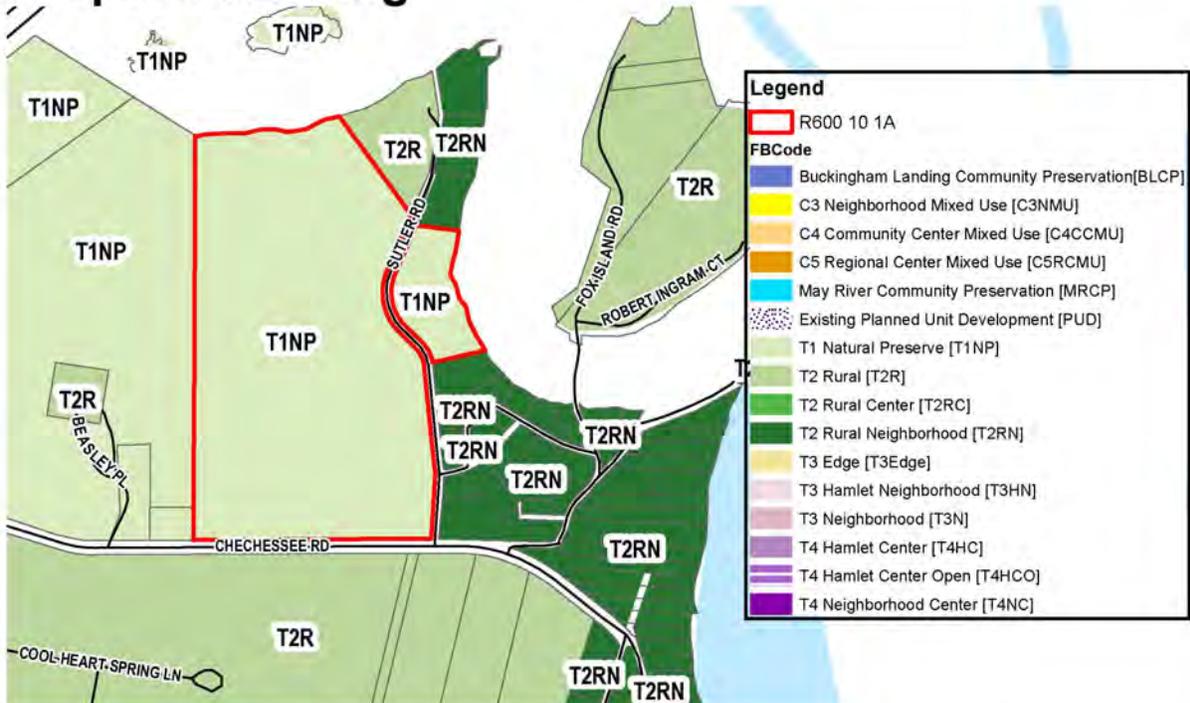


Manigault Neck Corridor continued

### Existing Zoning

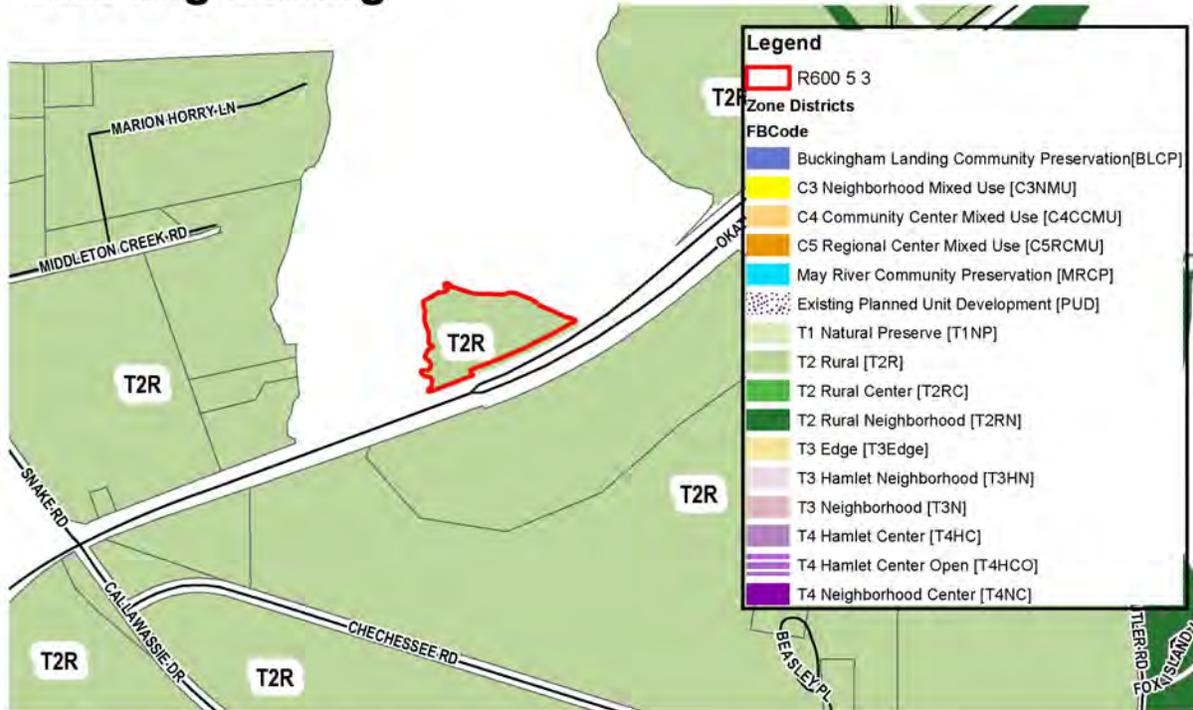


### Proposed Zoning

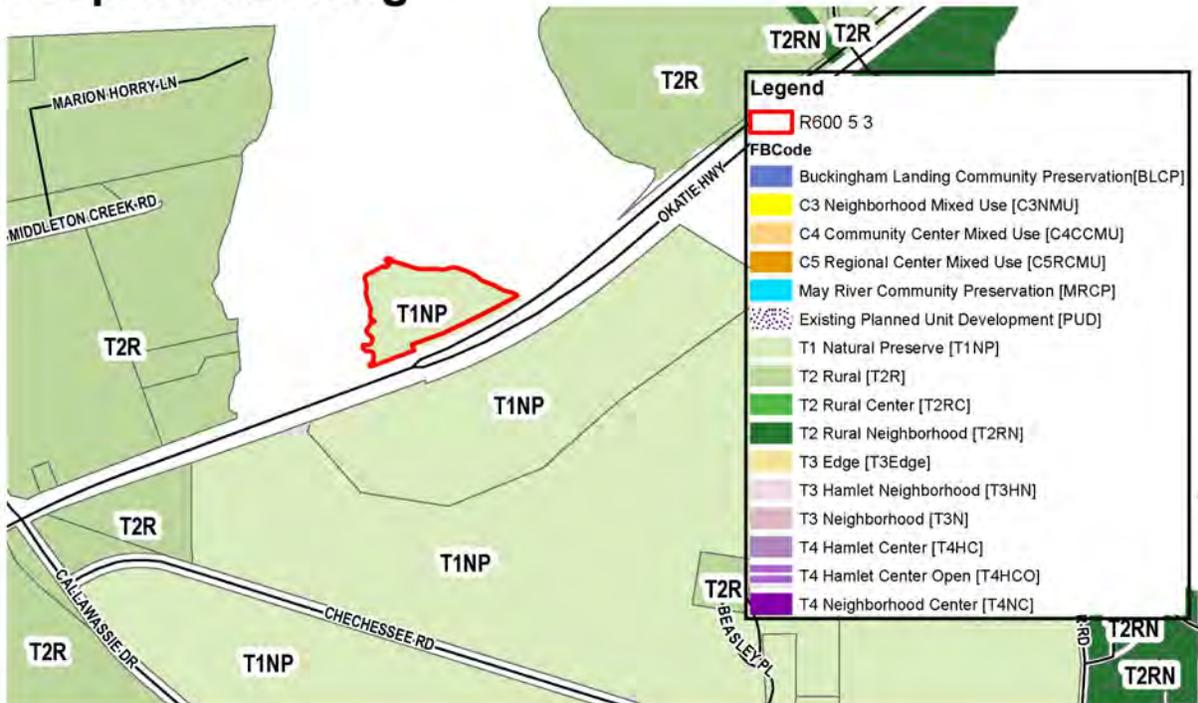


Manigault Neck Corridor continued

### Existing Zoning

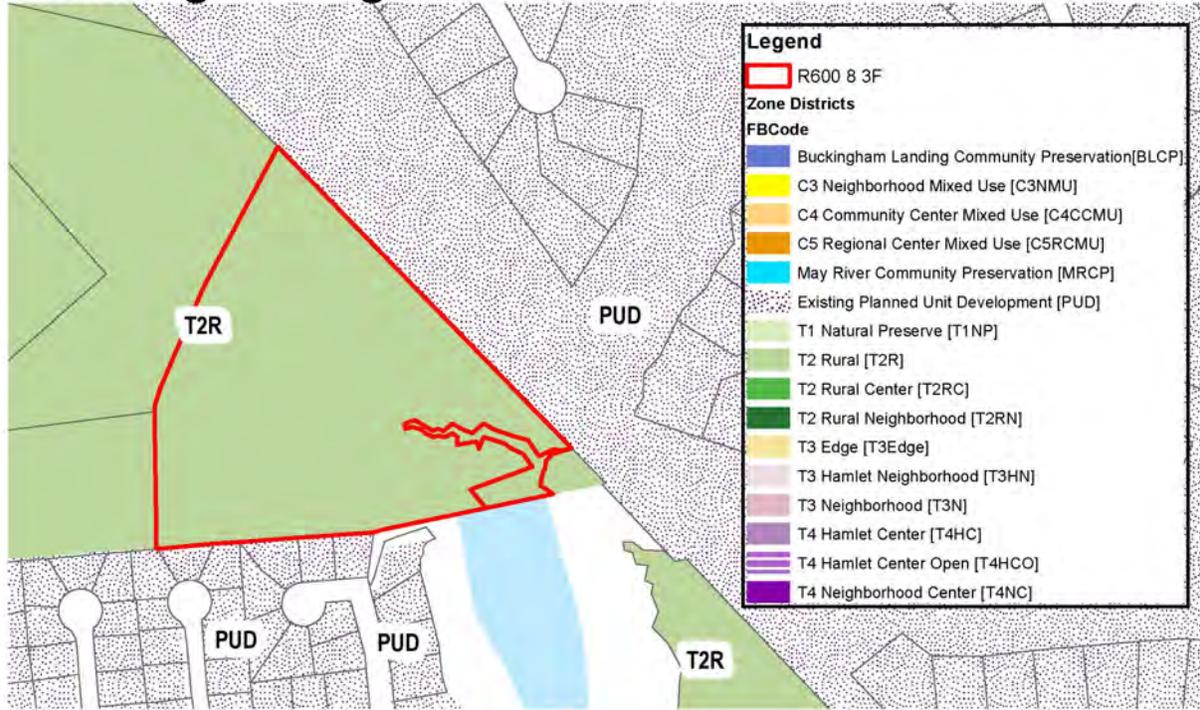


### Proposed Zoning

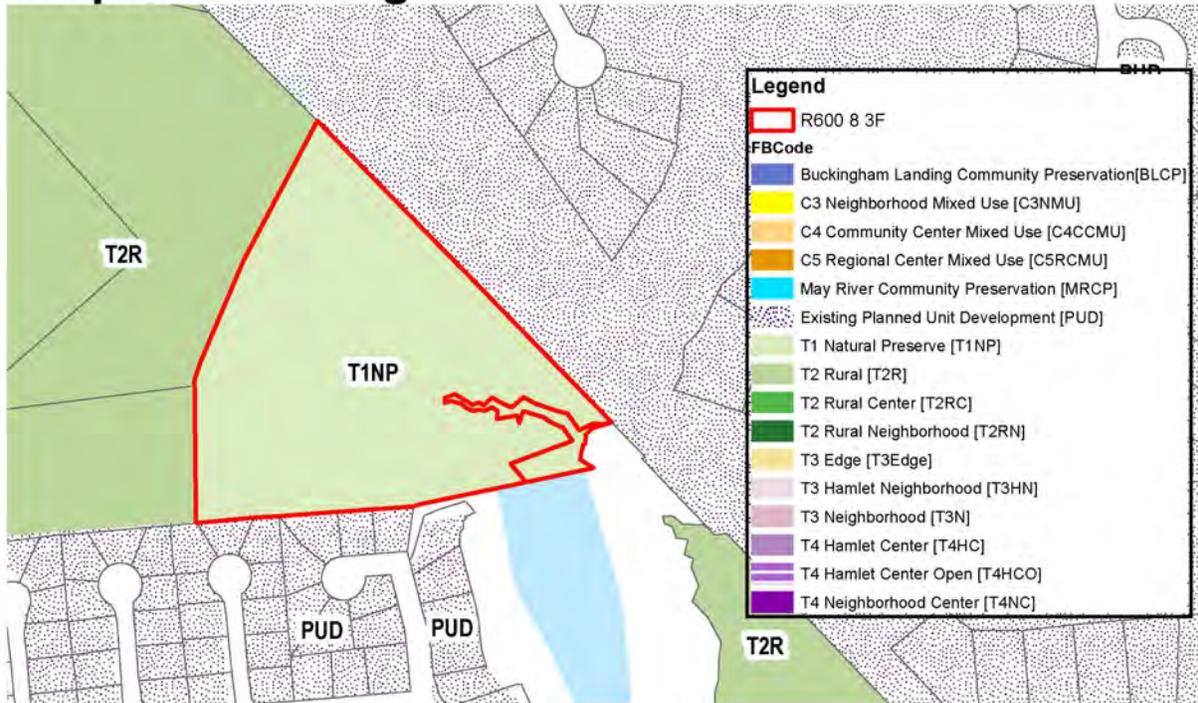


Okatie Marsh Preserve

### Existing Zoning

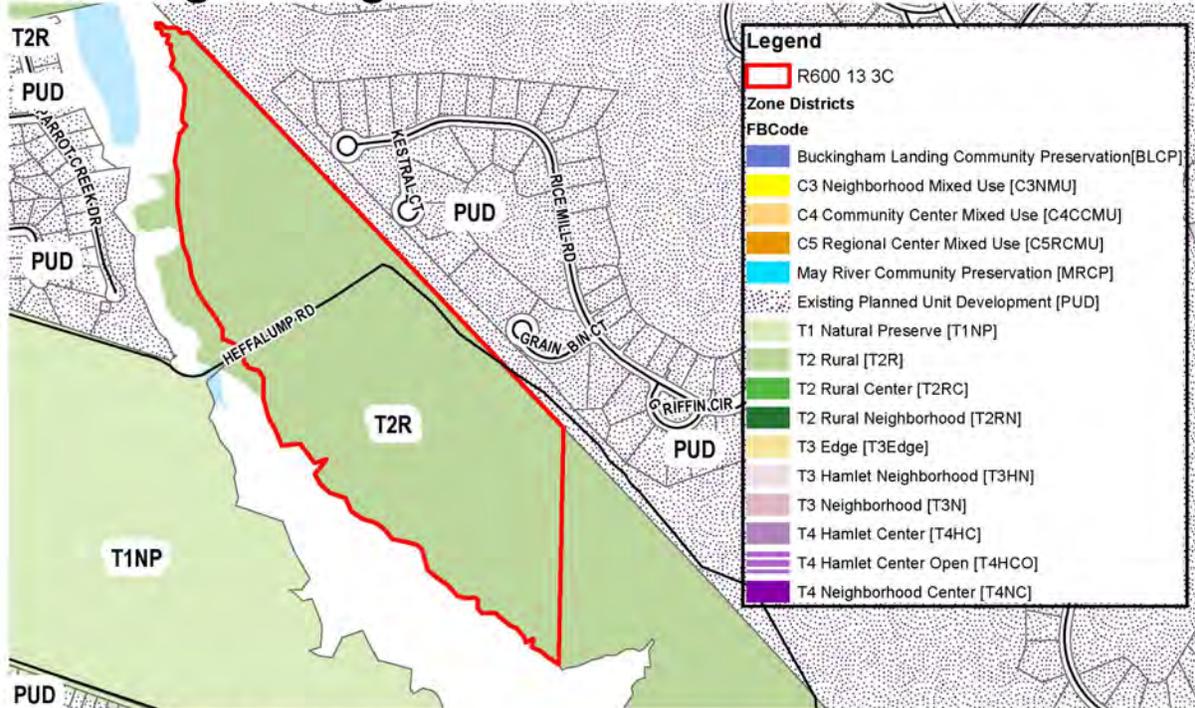


### Proposed Zoning

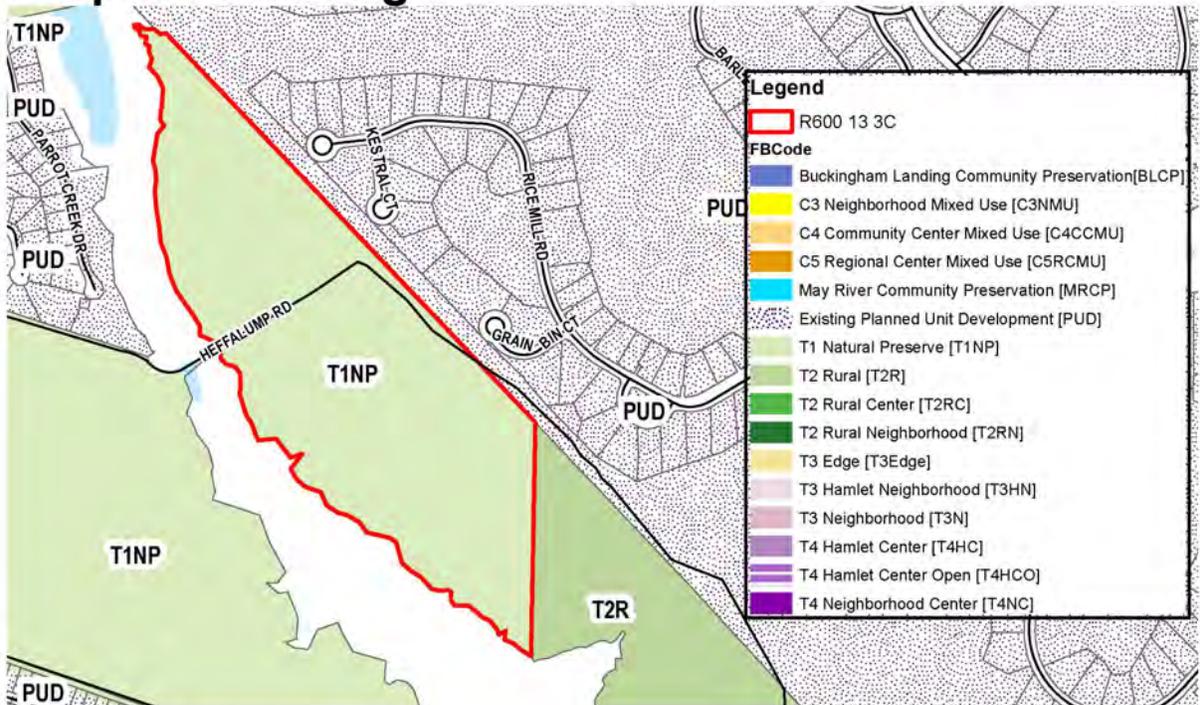


Okatie Marsh Preserve continued

### Existing Zoning

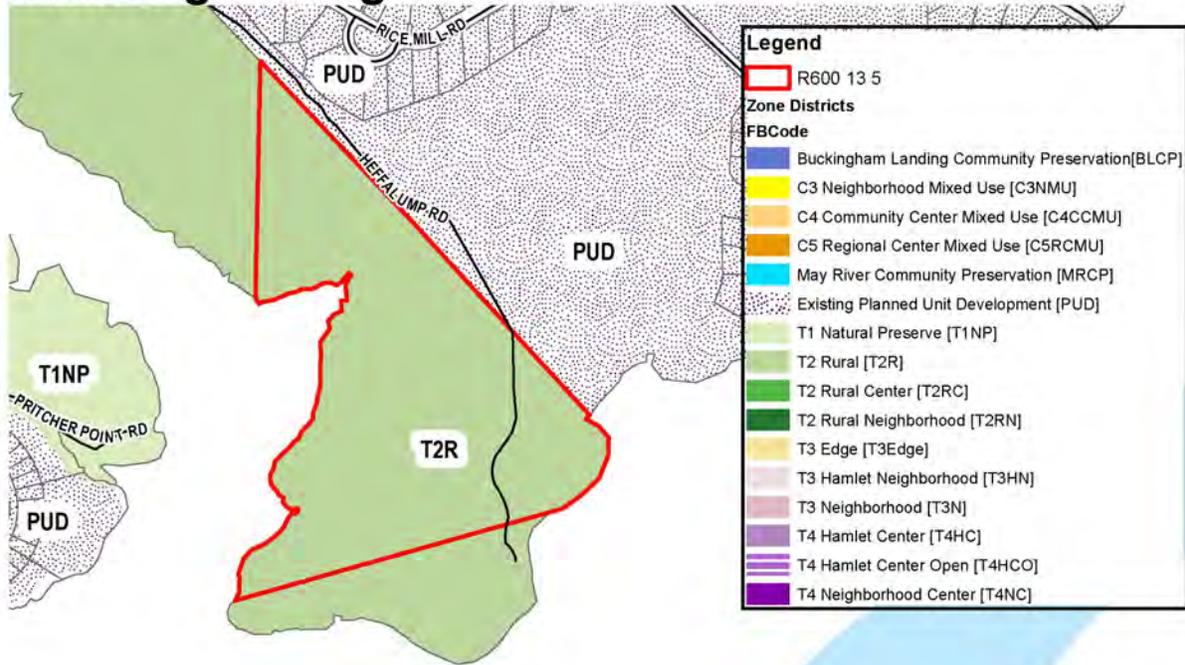


### Proposed Zoning

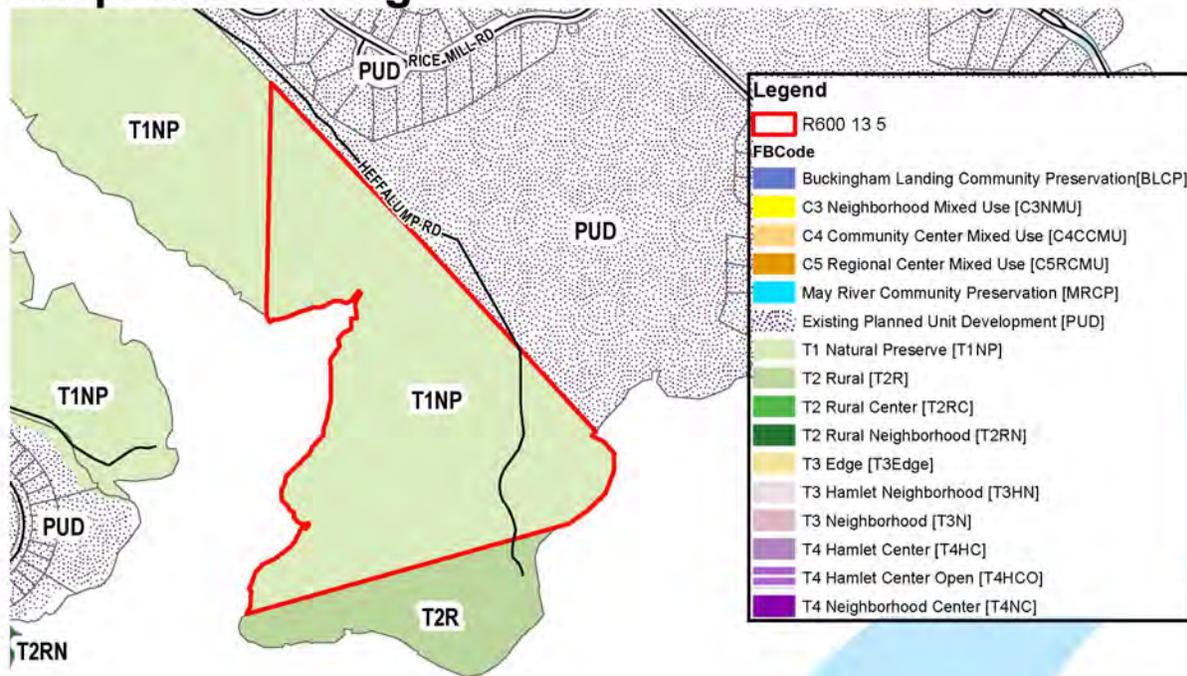


Okatie Marsh Preserve continued

### Existing Zoning

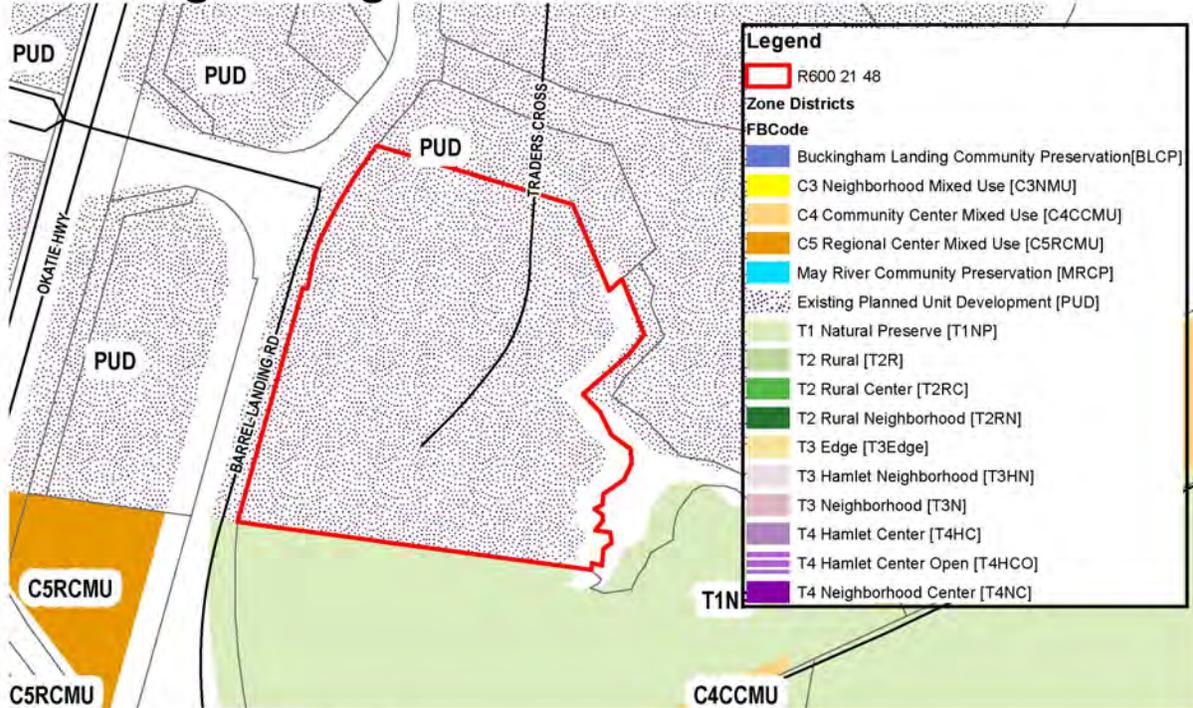


### Proposed Zoning

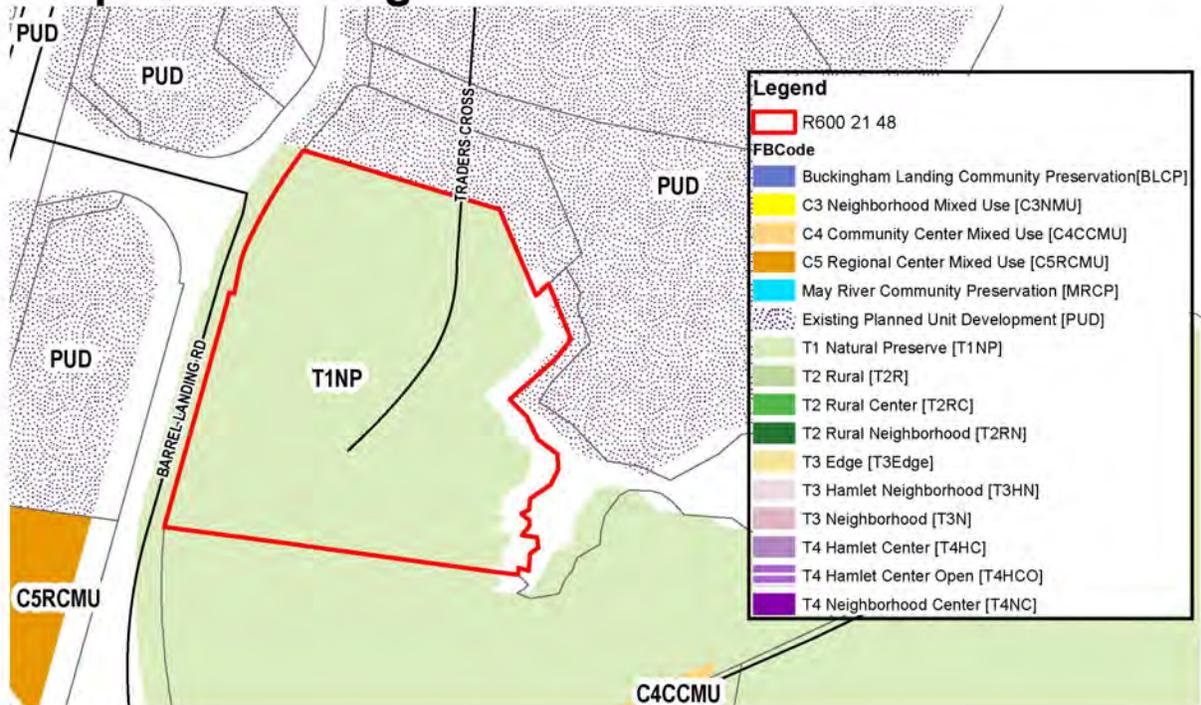


Barrel Landing

### Existing Zoning

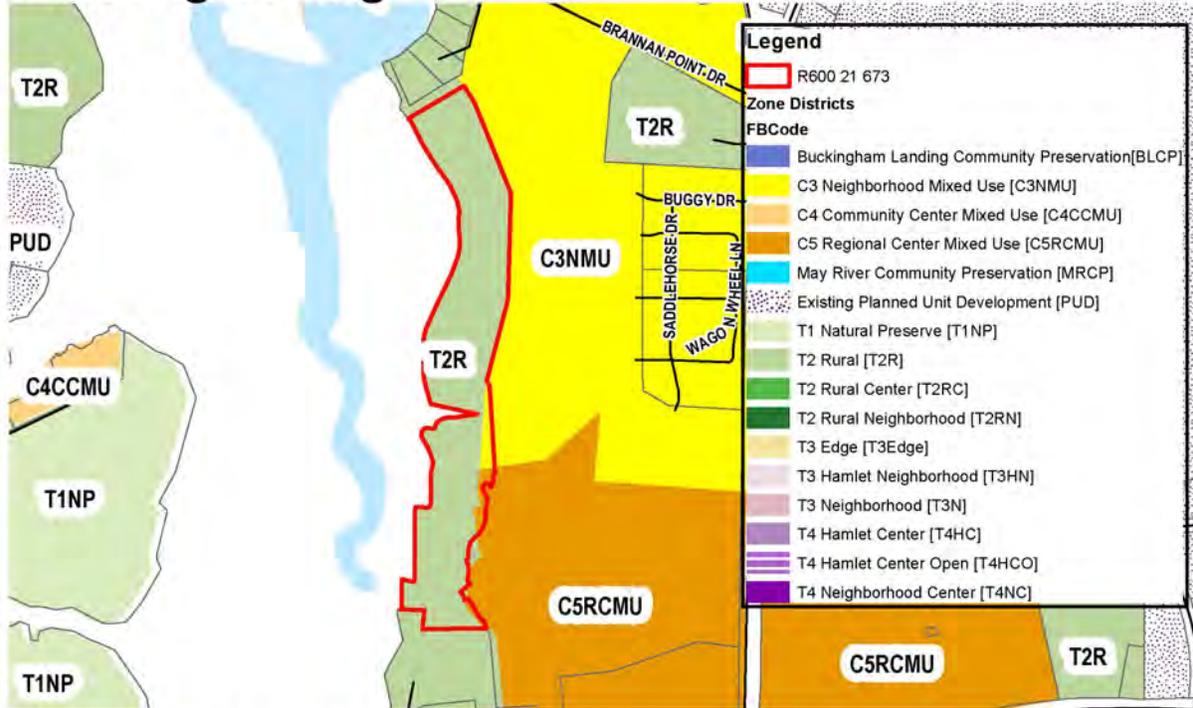


### Proposed Zoning

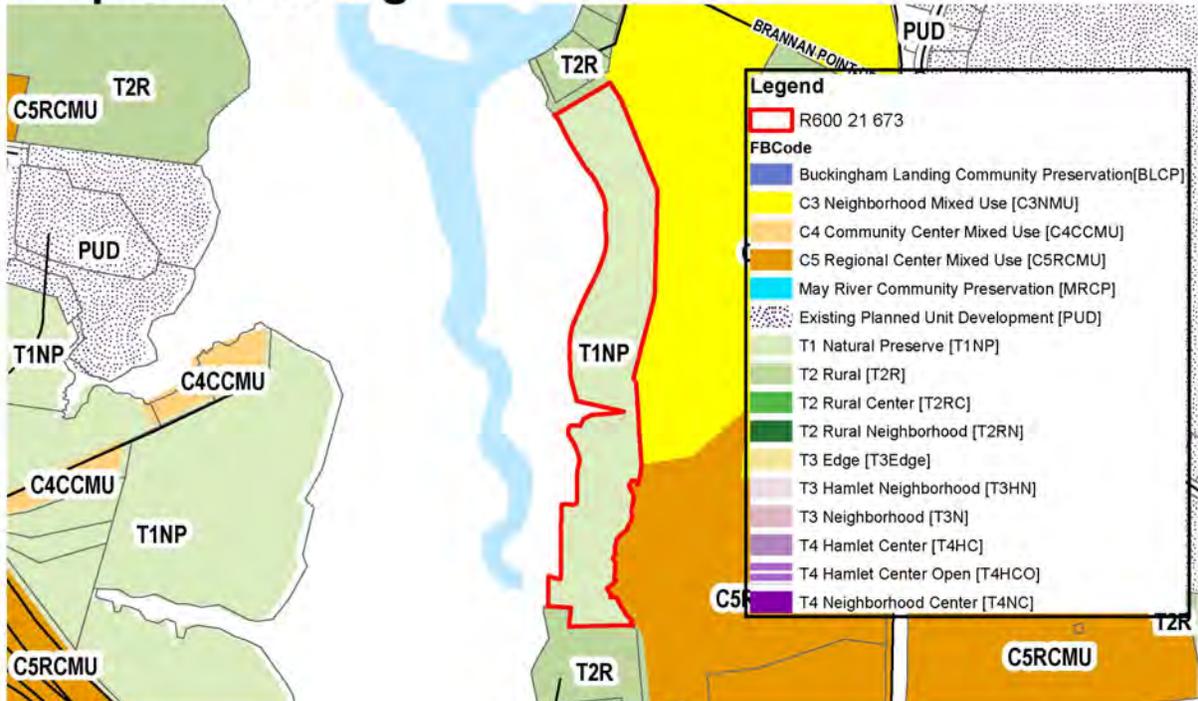


Okatie River Park

### Existing Zoning

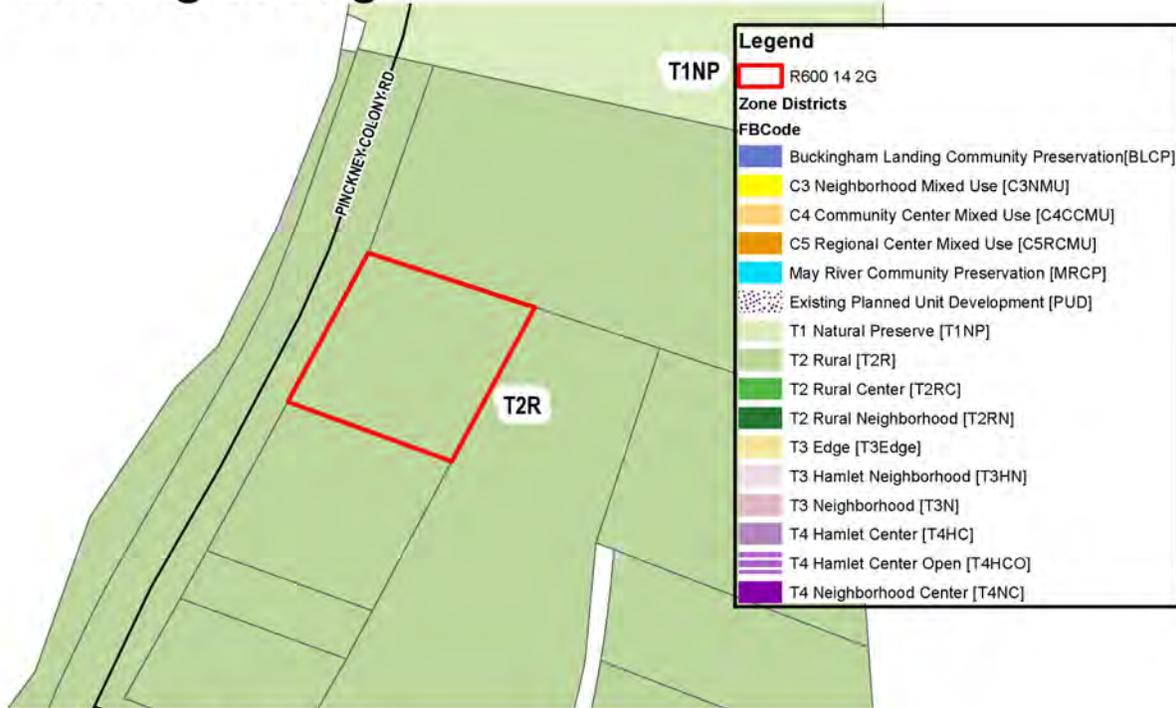


### Proposed Zoning

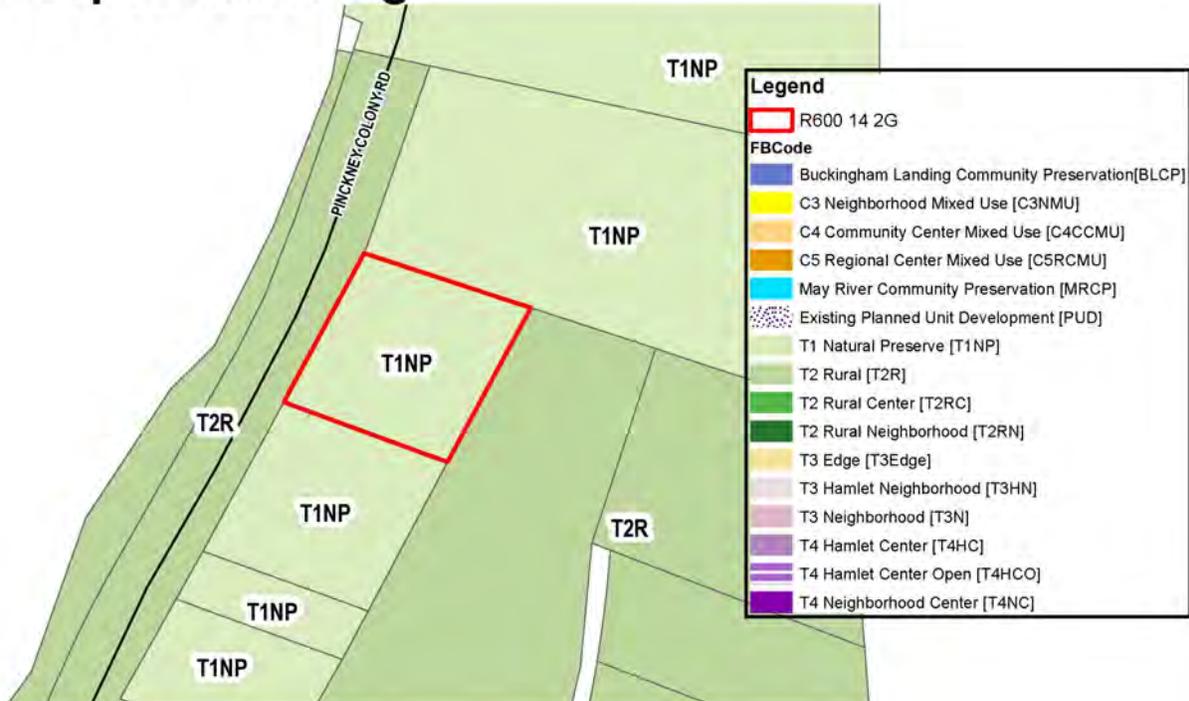


Pinckney Point Preserve

# Existing Zoning

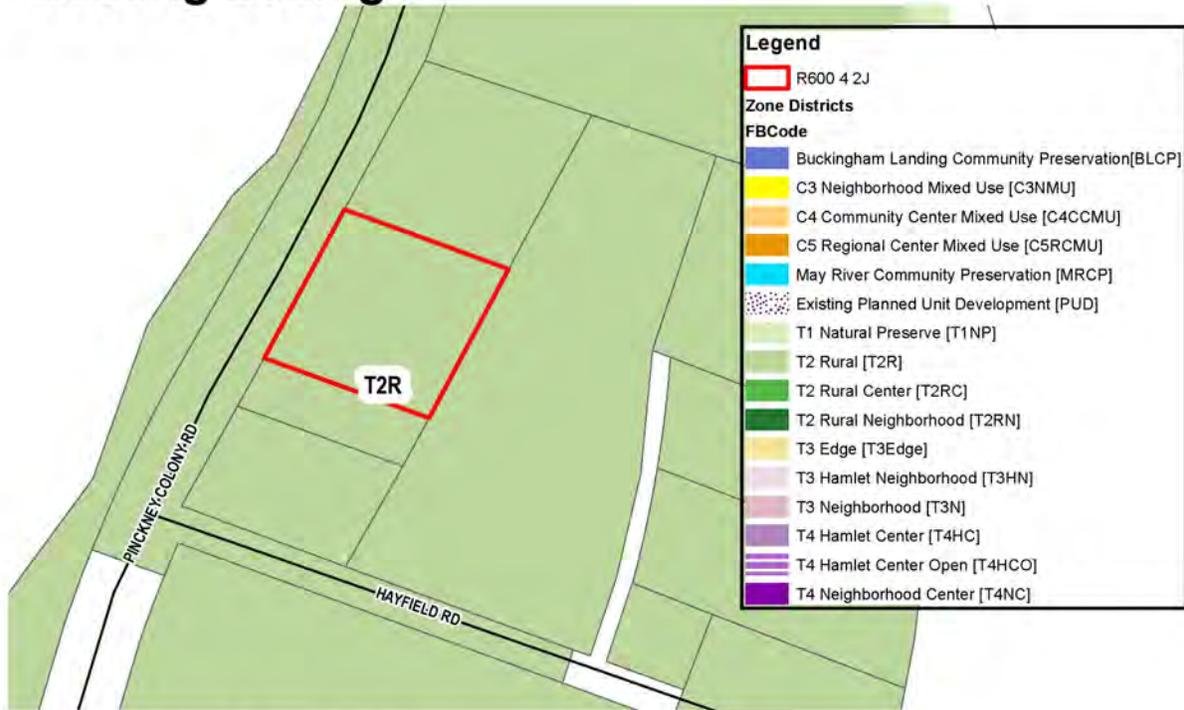


# Proposed Zoning

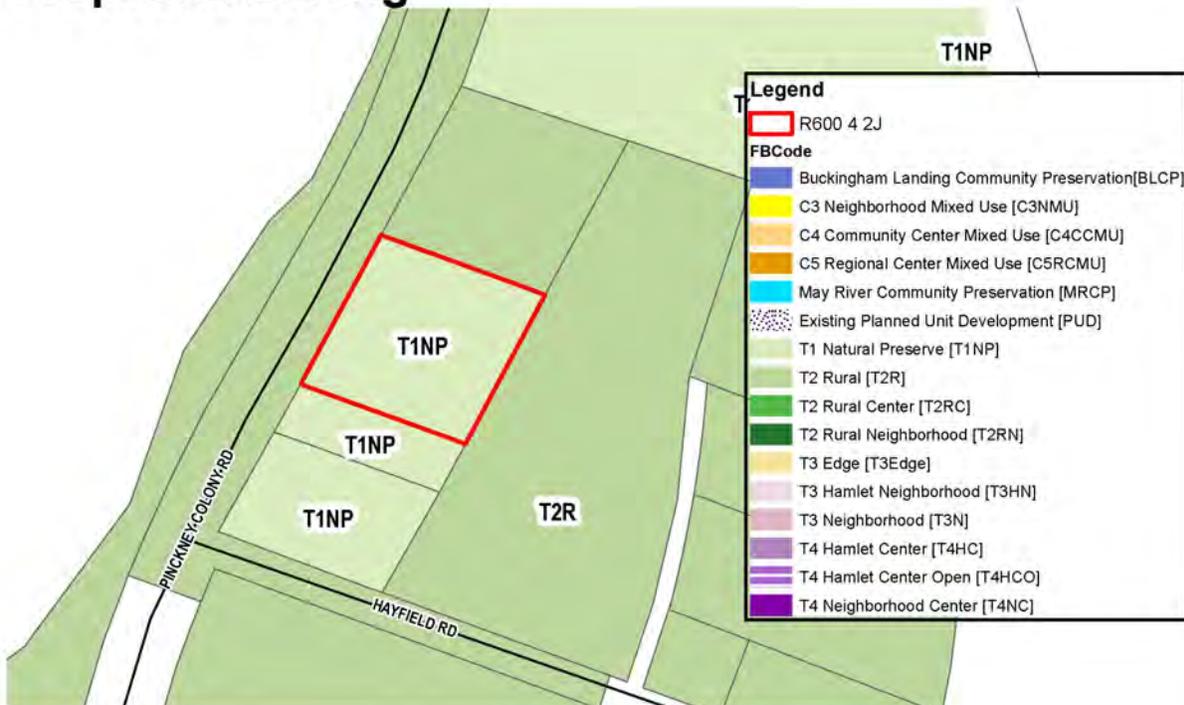


Pinckney Point Preserve continued

# Existing Zoning



# Proposed Zoning

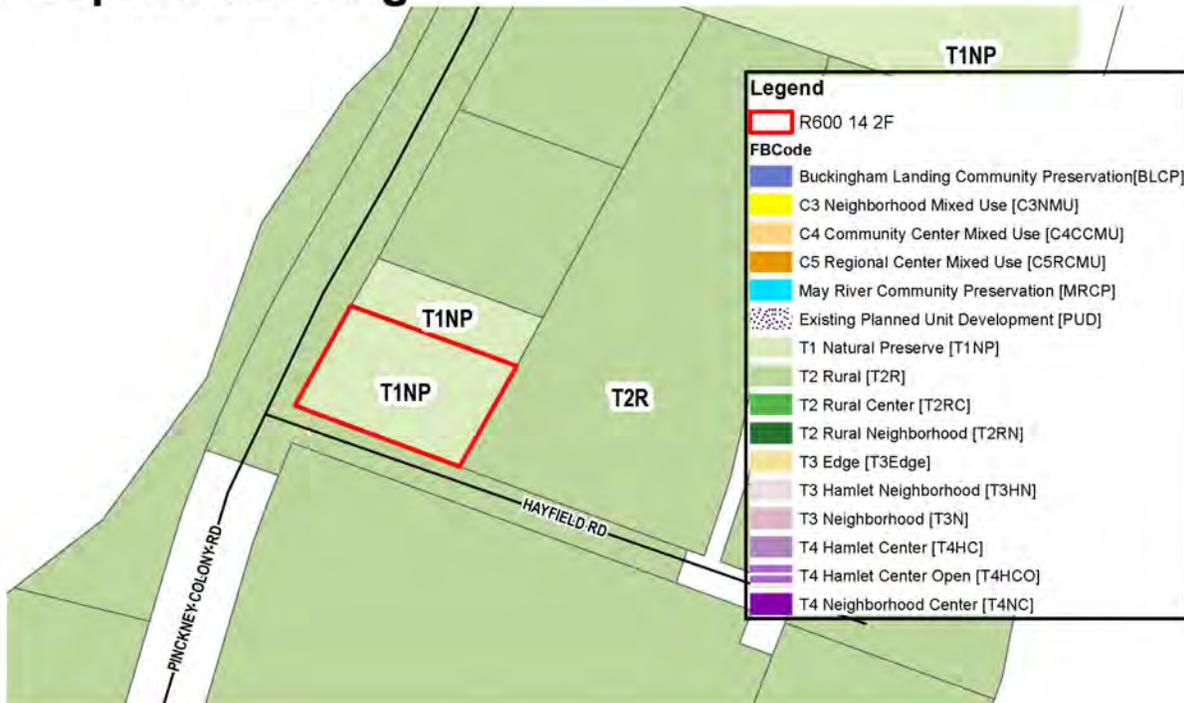


Pinckney Point Preserve continued

# Existing Zoning



# Proposed Zoning

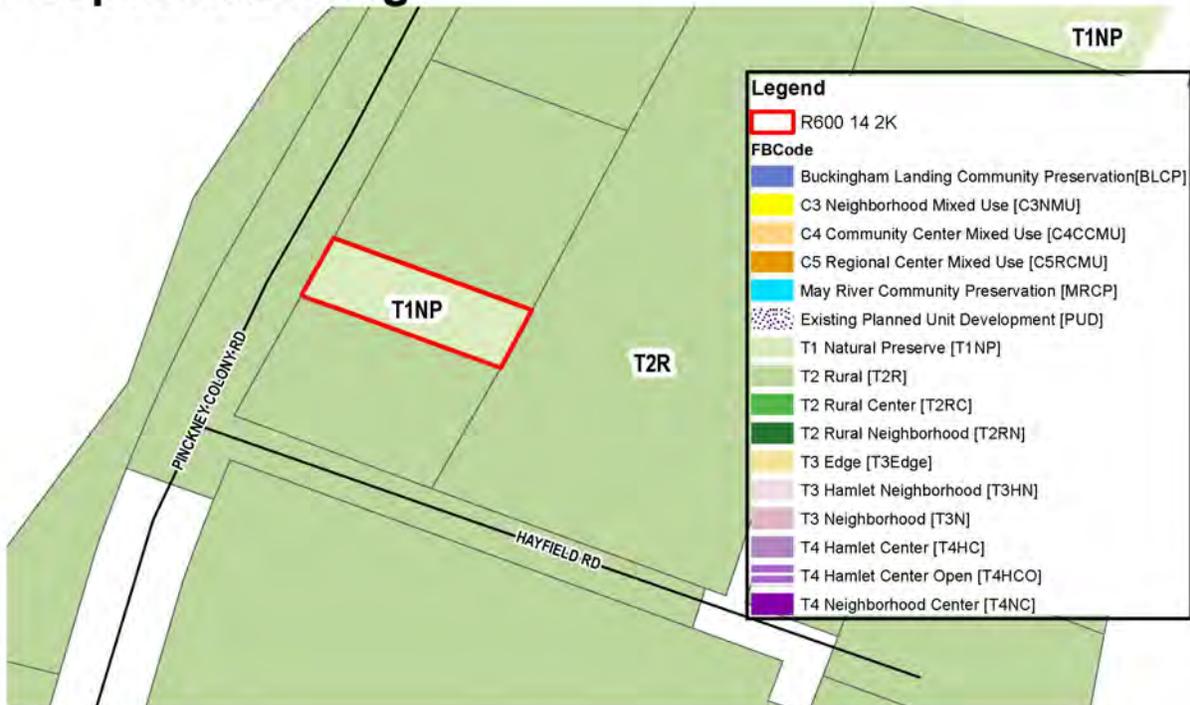


Pinckney Point Preserve continued

# Existing Zoning



# Proposed Zoning



Pinckney Point Preserve continued

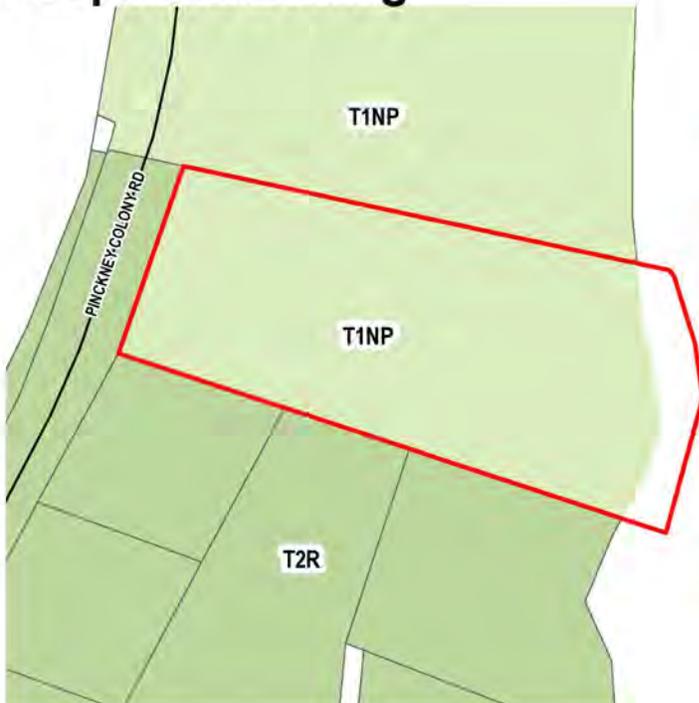
### Existing Zoning



**Legend**

- R600 14 2B
- Zone Districts**
- FBCode**
- Buckingham Landing Community Preservation [BLCP]
- C3 Neighborhood Mixed Use [C3NMU]
- C4 Community Center Mixed Use [C4CCMU]
- C5 Regional Center Mixed Use [C5RCMU]
- May River Community Preservation [MRCP]
- Existing Planned Unit Development [PUD]
- T1 Natural Preserve [T1NP]
- T2 Rural [T2R]
- T2 Rural Center [T2RC]
- T2 Rural Neighborhood [T2RN]
- T3 Edge [T3Edge]
- T3 Hamlet Neighborhood [T3HN]
- T3 Neighborhood [T3N]
- T4 Hamlet Center [T4HC]
- T4 Hamlet Center Open [T4HCO]
- T4 Neighborhood Center [T4NC]

### Proposed Zoning

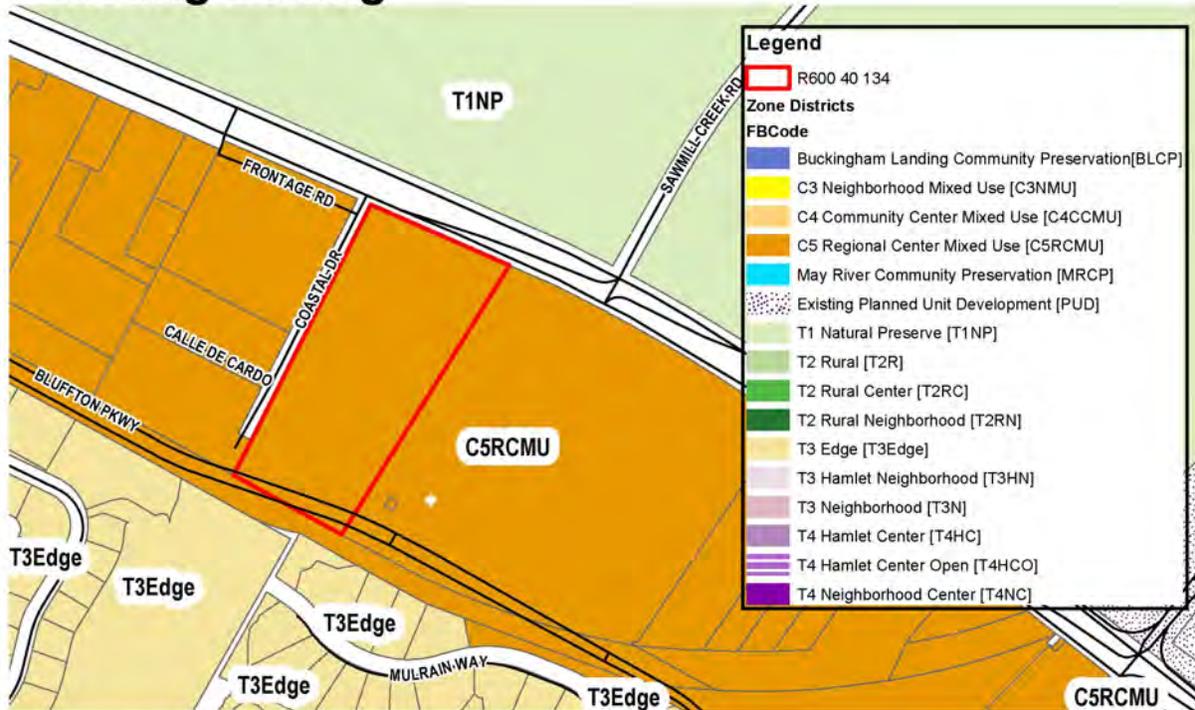


**Legend**

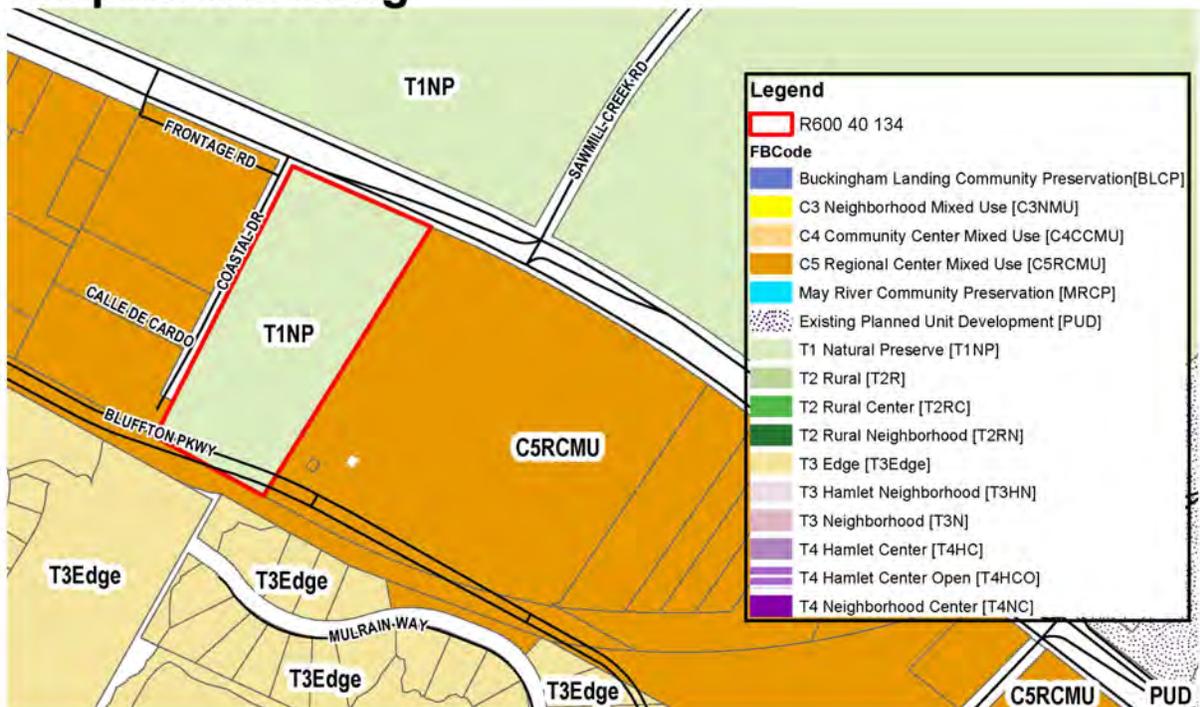
- R600 14 2B
- Zone Districts**
- FBCode**
- Buckingham Landing Community Preservation [BLCP]
- C3 Neighborhood Mixed Use [C3NMU]
- C4 Community Center Mixed Use [C4CCMU]
- C5 Regional Center Mixed Use [C5RCMU]
- May River Community Preservation [MRCP]
- Existing Planned Unit Development [PUD]
- T1 Natural Preserve [T1NP]
- T2 Rural [T2R]
- T2 Rural Center [T2RC]
- T2 Rural Neighborhood [T2RN]
- T3 Edge [T3Edge]
- T3 Hamlet Neighborhood [T3HN]
- T3 Neighborhood [T3N]
- T4 Hamlet Center [T4HC]
- T4 Hamlet Center Open [T4HCO]
- T4 Neighborhood Center [T4NC]

Forby Stormwater

### Existing Zoning

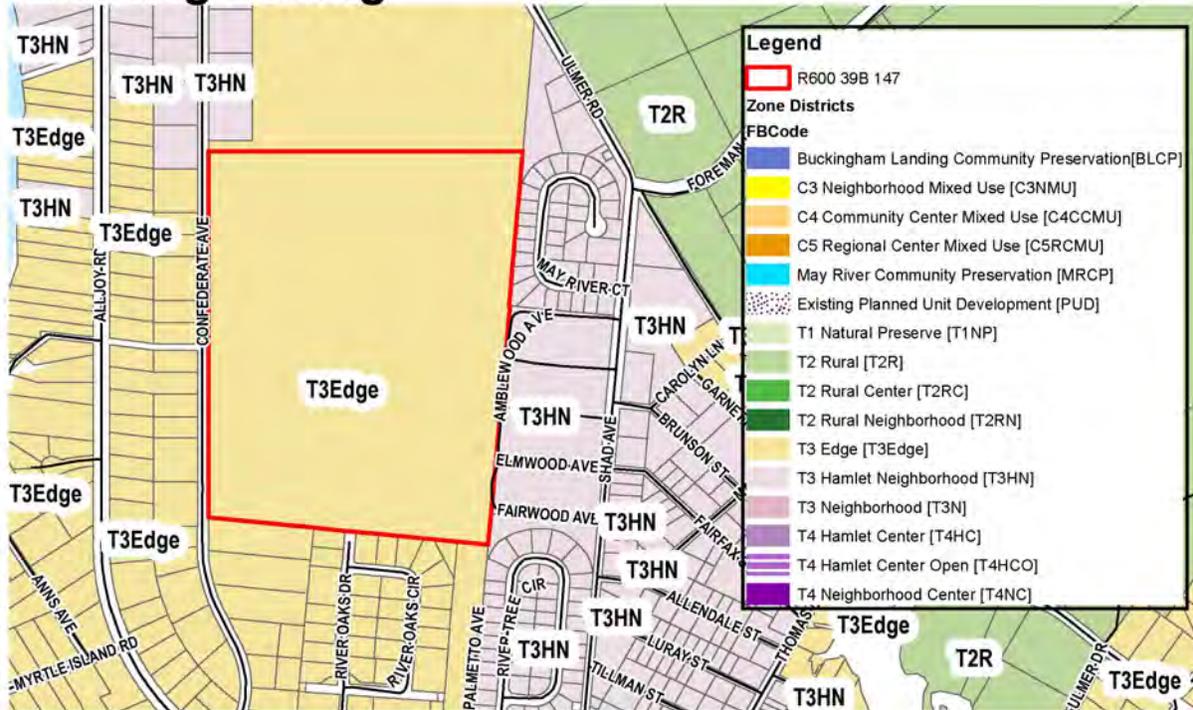


### Proposed Zoning

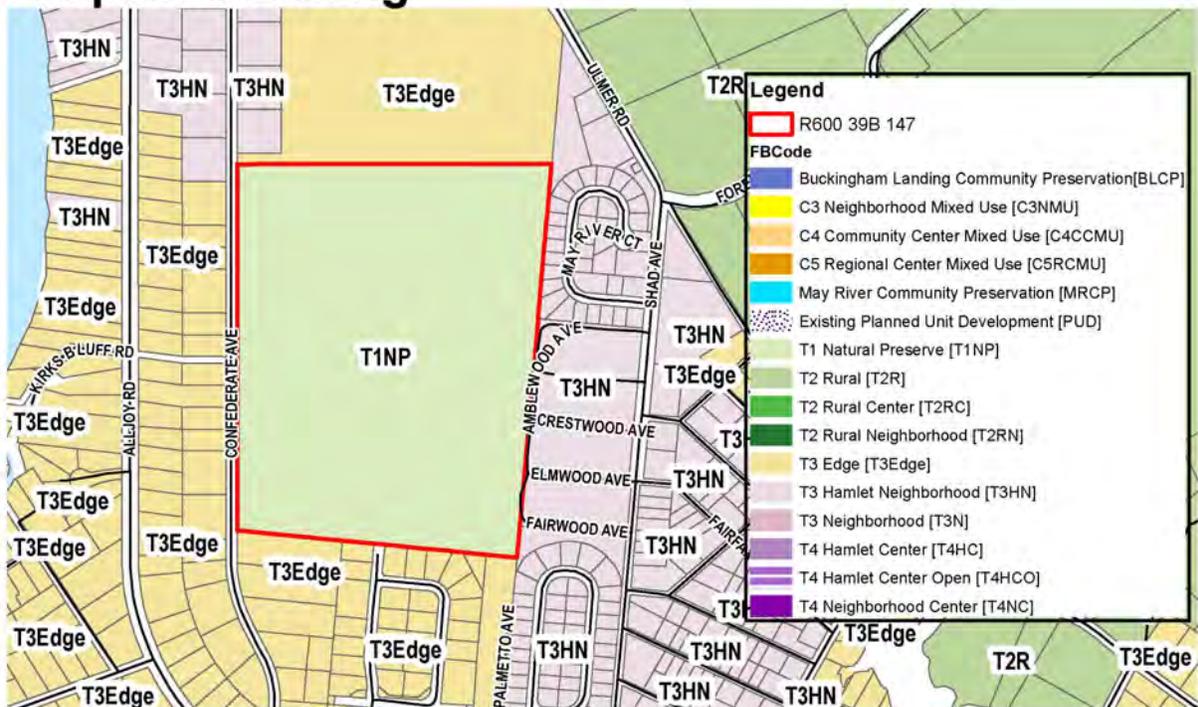


Bailey Memorial Park

### Existing Zoning



### Proposed Zoning





## MEMORANDUM

**TO:** Natural Resources Committee

**FROM:** Juliana Smith, Beaufort County Planning and Zoning Department

**DATE:** February 7, 2022

**SUBJECT:** Zoning Map Amendment/Rezoning Request for nineteen (19) Rural and Critical Lands Preservation Program properties from various zoning districts to T1 Natural Preserve (T1NP); Staff Initiated

### STAFF REPORT:

**A. BACKGROUND:** Since 2000, Beaufort County has preserved over 25,000 acres of land through the Rural and Critical Lands Preservation program for conservation, parks, buffers, scenic vistas, and for preservation of valuable economic and natural resources. Despite their acquisition through the Rural and Critical Lands Preservation Program, many of these properties still hold zoning districts that are no longer appropriate for the future intended conservation uses of the land.

**B. SUMMARY OF REQUEST:** In order to provide the greatest possible zoning protection on the nineteen County-owned passive parks properties, staff has initiated a rezoning request in order to convert them from their current zoning districts to the most protective zoning district, T1 Natural Preserve. The nineteen properties' current zoning districts include T2 Rural, T3 Edge, T3 Hamlet Neighborhood, T3 Neighborhood, T4 Hamlet Center Open, C5 Regional Center Mixed Use, S1 Industrial, Lady's Island Community Preservation, and Planned Unit Development, all of which are no longer appropriate. The requested rezoning will ensure continued and future conservation and passive recreation.

The affected Rural and Critical Preservation Program properties can be reviewed at the link below.  
<https://www.beaufortcountysc.gov/planning/rural-and-critical-lands-preservation.html>

**C. STAFF RECOMMENDATION:** Staff recommends approval.

**D. BEAUFORT COUNTY PLANNING COMMISSION:** At the January 3, 2022 meeting of the Beaufort County Planning Commission, the Commission voted unanimously to recommend approval of the proposed zoning amendments.



*Celebrating 50 Years of Land Protection*

Beaufort County Planning Commission  
100 Ribaut Road,  
Beaufort, SC 29902

January 3, 2022

Chairman Pappas and Beaufort County Planning Commission

Please accept the following letter of support from the Open Land Trust on agenda items 9 and 10 as stated below. We offer the following comments relying on experience from our role as contractor for the Rural and Critical Lands Preservation Program, however, we are not speaking for the Rural and Critical Lands Board members.

**9. ADOPTION OF THE 2020 BEAUFORT COUNTY GREENPRINT PLAN AS AN APPENDIX TO THE "ENVISION BEAUFORT COUNTY 2040 COMPREHENSIVE PLAN"**

**10. ZONING MAP AMENDMENT/REZONING REQUESTS FOR 19 RURAL AND CRITICAL LANDS PROPERTIES FROM VARIOUS ZONINGS TO T1 NATURAL PRESERVE (T1NP)**

With respect to item 9, we fully support the inclusion of the 2020 Beaufort County Greenprint Plan as an appendix to the Envision Beaufort 2040 Comprehensive Plan and believe it offers helpful perspective – both qualitative and quantitative – on the natural resources in Beaufort County. When used as a complement to the Comprehensive Plan, the Greenprint will offer important information on the best places to protect land, to continue to develop, and the ways to strike the appropriate balance with future zoning changes and regulations should that be necessary. The Greenprint plan provides appropriate context – whether its consideration for critical habitat, future sea level rise, and/or proximately to public access - for those decisions and a greater degree of predictability for all parties involved.

The Rural and Critical Lands Preservation Program board formed a subcommittee to review the Greenprint text and maps in early 2021 and endorsed the plan. We use it regularly when reviewing applications or planning proactively. The habitat data employed in the plan is also used by several conservation partners, including South Carolina Department of Natural Resources. The details with respect to marsh migration and resilience will become increasingly important in all planning efforts and further complement the new Resilience element of the 2040 Comprehensive Plan.

The Board of Directors: Terry Murray *President*, Dean Moss *Vice President*, Al Segars *Secretary*, Katie C. Phifer *Treasurer*  
Colden R. Battey, Jr., Patricia A. Denkler, Vernita F. Dore, Ashley Rhodes, Al Stokes, Thomas Tayloe, Beekman Webb  
Executive Director: Kristin Williams **Founding Trustees:** Marguerite Broz, John M. Trask, Jr., Betty Waskiewicz



Given the value of the Greenprint individually, the connected nature of natural resource protection to land planning, in addition to the numerous existing references, we encourage adoption of the 2020 Greenprint as an appendix to the 2040 Comprehensive Plan.

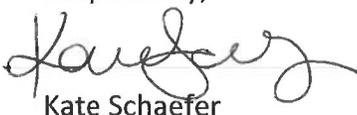
**With respect to item 10, we fully support the rezoning requests for 19 Rural and Critical Lands properties to T1 Natural Preserve.** This is another example of an appropriate and important action and we commend the Planning Department for spearheading this effort. We encourage its swift adoption.

The Rural and Critical Lands Preservation Program protects land in two ways: by purchase of development rights using a conservation easement, or by fee purchase. When protected by conservation easements, accredited land trusts like the Open Land Trust, hold and enforce the easements in perpetuity. When protected by fee purchase, the County owns the property and the property becomes part of the Passive Parks program and may be opened to the public for use in that manner. Passive park properties purchased with Rural and Critical Land program dollars carry conservation value in addition to their value as a potential passive park so some form of protection is prudent and necessary. To accomplish this in 2019, the County Planning Department created covenants and restrictions for Bailey Memorial Park, based on their professional knowledge and community input. While not perpetual like an easement, these covenants and restrictions are important for the property today and telling for its future, signaling to future Councils and stewards about the conservation values of the property.

Rezoning Passive Park properties to T1 Nature Preserve is another way to align their zoning and future land use with their intended use today and their passive park value. Several of these properties, including North Williman Island, the Highway 170 hummocks, and Station Creek on St Helena already represent what this zoning would allow – research lands managed for maritime forest and marsh migration, scenic vistas that provide critical habitat, and places for water access. Others like Crystal Lake Park, Brewer Memorial, Bailey Memorial and Pineview are existing or planned passive parks where current use and future enjoyment will not be hindered by this rezoning. T1 Nature Preserve zoning does not bind future councils but does signal that the best use for the 19 properties considered before you is as a passive park. This helps ensure these important properties exist as passive parks in the years to come, continuing to provide water access, passive recreation, and conservation value for current and future generations. We fully support this rezoning and encourage you to do the same.

Thank you for the opportunity to provide comments this evening and for beginning a new year with these important successes.

Respectfully,



Kate Schaefer



January 3, 2022

Beaufort County Planning Commission  
 Robert Smalls Complex  
 100 Ribaut Road  
 Beaufort, South Carolina 29902

Dear Beaufort County Planning Commissioners,

Thank you for the opportunity to share comments on behalf of the Coastal Conservation League regarding the proposed rezoning of 11.66 acres on Rawstrom Drive from T2 Rural to T2 Rural Neighborhood. We respectfully ask the commission to deny this request for rezoning.

As laid out in the staff report, the request is not consistent with Beaufort County's 2040 Comprehensive Plan, which designates this portion of the County as remaining rural in nature with a density of one dwelling unit per three acres. The rezoning request would amount to a three-fold increase in density from what is permitted under current zoning.

Also as clearly articulated in the staff report, the rezoning request is in direct conflict with the County's Development Code and the intent of the T2 Rural Neighborhood zoning district, which is expressly intended for existing clustered communities in rural areas and not to promote tract development or rezonings. Moreover, rezoning this individual parcel could open the door to subsequent rezonings on any T2R properties in the County, which could erode and further strain the rural character of those areas, induce sprawl development, and threaten critical natural resources.

If allowed, the requested rezoning would completely undermine the purpose and intent of the T2 Rural Neighborhood zoning district. The Comprehensive Plan and Development Code intentionally designate this area as rural to minimize strain on schools and emergency services and to help protect water quality in the Okatie and Colleton Rivers. The current zoning and future land use designation is correct, and we agree with planning staff that it should remain in place and that the rezoning should be denied.

Lastly, we fully support the adoption of the Greenprint Plan as an appendix to the County's Comprehensive Plan, as well as the downzoning requests for Rural and Critical Lands properties to T1 Natural Preserve.

Thank you for your time and consideration.

Respectfully,

**Jessie White**  
 South Coast Office Director  
 843.522.1800 | [jesssiew@scccl.org](mailto:jesssiew@scccl.org)



# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

<b>ITEM TITLE:</b>
<i>Zoning Map Amendment Request for 6.26 Acres (R100 027 000 0387 0000) 186 Cherokee Farms Road from T2 Rural to T4 Hamlet Center Open.</i>
<b>MEETING NAME AND DATE:</b>
<i>Natural Resources Committee Meeting, February 7, 2022</i>
<b>PRESENTER INFORMATION:</b>
<i>Robert Merchant, AICP, Director, Beaufort County Planning and Zoning (10 minutes needed for item discussion)</i>
<b>ITEM BACKGROUND:</b>
<i>This rezoning application went before the Beaufort County Planning Commission at their November 1, 2022 meeting. At that time, a motion to recommend approval of the rezoning failed to pass with two voting for and three voting against. The item went before the Metropolitan Planning Commission at their December 20, 2021 meeting who unanimously recommended approval.</i>
<b>PROJECT / ITEM NARRATIVE:</b>
<i>The applicant is requesting to rezone approximately 6.26 acres of land located on Port Royal Island on the south side of Cherokee Farms Road 600 feet east of Habersham from T2 Rural to T4 Hamlet Center Open.</i>
<b>FISCAL IMPACT:</b>
<i>Not applicable</i>
<b>STAFF RECOMMENDATIONS TO COUNCIL:</b>
<i>Staff recommends approval. This parcel has the potential to serve the Habersham/Cherokee Farms community with supporting businesses that may not be appropriate in the existing Market Street main street commercial district.</i>
<b>OPTIONS FOR COUNCIL MOTION:</b>
<i>To approve or deny the zoning amendment for 186 Cherokee Farms Road from T2 Rural to T4 Hamlet Center Open.</i>



## MEMORANDUM

**TO:** Mr. Robert Merchant  
**FROM:** Josh K. Tiller, PLA, ASLA  
**DATE:** December 14, 2021  
**SUBJ:** 186 Cherokee Farms Road re-zoning

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Mr. Merchant,

The attached emails include additional discussions regarding the zoning for 186 Cherokee Farms Road. We felt it would be important that this information be shared with the Metropolitan Planning Commission.

**Email #1 HABERSHAM COMPANIES SUPPORT FOR T4 HAMLET CENTER OPEN ZONING: “FW: 186 Cherokee Farms” (September 9, 2021):**

This email from Mr. Robert Turner and Patrick Kelly (of The Habersham Companies) outlines their initial support for the T4NC zoning. Following this email, in subsequent meeting with you and representatives of The Habersham Companies, it was determined that we would settle on the T4 Hamlet Center Open zoning.

**Email #2 MCAS SUPPORT FOR T4 HAMLET CENTER OPEN- CONCEPT PLAN A-2: “FW: Rezoning – 186 Cherokee Farms” (November 3, 2021):**

This email from Mr. David J. Trail, Community Plans and Liaison Offices MCAS, outlines his support for the T4 Hamlet Center Open if it excludes the assisted living use. It should be noted that this use would be severely limited with the AICUZ overlay district’s restrictions. In addition, Mr. Trail is working on a memorandum of understanding that would show our commitment to cooperating with any use opposed by the MCAS.

**(End of Memo)**

**From:** [Randy Mikals](#)  
**To:** [Josh Tiller](#)  
**Subject:** FW: 186 Cherokee Farms  
**Date:** Thursday, September 9, 2021 1:54:40 PM

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**From:** Robert Turner [mailto:rturner@habershams.com]  
**Sent:** Thursday, September 9, 2021 12:56 PM  
**To:** Jennifer Keenan <jennifer@dancingdolphinproperties.com>  
**Cc:** Patrick Kelly <pkelly@habershams.com>; Randym@greenlineforest.com Mikals <randym@greenlineforest.com>  
**Subject:** Re: 186 Cherokee Farms

Jennifer did you find out if you were required to have a 50' Buffer on the Cherokee farms side. Also if you can come up with the type uses you think would go on the site that would be helpful. We will talk with the architects about next week.



**Robert Turner**  
 President & Broker  
 The Habersham Companies  
 22 Market - Beaufort, SC 29906  
 (877) 542-2377 / [HabershamSC.com](http://HabershamSC.com)

On Thu, Sep 9, 2021 at 12:06 PM Jennifer Keenan <[jennifer@dancingdolphinproperties.com](mailto:jennifer@dancingdolphinproperties.com)> wrote:

Good morning Patrick,

Thank you. How are plans coming for the charette that was proposed when we met? Randy and I would love to get together and talk with both teams early next week if that works for you? Please let me have a date and time that works and I'll reach out to Josh Tiller & Jeff Ackerman. We are on a bit of a time constraint due to the county meetings and potential traffic study.

Kind regards,  
 Jennifer

On Sep 8, 2021, at 11:08 AM, Patrick Kelly <[pkelly@habershams.com](mailto:pkelly@habershams.com)> wrote:

Thank you Jennifer. Our support primarily is for a project with good planning and good architecture. Knowing that the T4NC encourages that is a positive thing in our view. We're ok with the email and appreciate you sending it to us

for review.

-Patrick

On Wed, Sep 8, 2021 at 7:58 AM Jennifer Keenan  
<[jennifer@dancingdolphinproperties.com](mailto:jennifer@dancingdolphinproperties.com)> wrote:

Good morning Bob & Patrick,

Thank you for taking the time to meet with us yesterday. We enjoyed meeting you both and look forward to developing a project we all can be proud of on the land at 186 Cherokee Farms Road, Below is the email we plan on sending Rob Merchant & Eric Greenway as discussed:-

Good morning Eric & Robert,

Per your suggestion Randy and I had an informative and productive introductory meeting with Bob Turner & Patrick Kelly at their offices in Habersham this afternoon. We discussed our desire to rezone 186 Cherokee Farms Road to T4NC and were delighted to receive their support in this endeavor. We discussed working closely with their Design and Review Board to align the project aesthetically with Habersham and to provide a development to service, support and enhance the lifestyle of the residents of Habersham and the surrounding communities. Bob and Patrick offered to host a round table discussion and brainstorming session with their architects and integral team members and us and our team including Josh Tiller of Tiller & Associates. & Jeff Ackerman of Carolina Engineering. We expect this meeting will take place within the next few days. Some initial ideas discussed today include an Assisted Living Facility, Animal Medical Services, Specialty Grocery store, Home Health Care, and a Brewery and/or Distillery.

Thank you again for the suggestion. If you have any questions please let us know.

Kind regards,  
Jennifer & Randy Mikals

[jennifer@dancingdolphinproperties.com](mailto:jennifer@dancingdolphinproperties.com)  
(843) 540 1449

**From:** [Trail CIV David J](#)  
**To:** [randym@greenlineforest.com](mailto:randym@greenlineforest.com)  
**Subject:** FW: Rezoning - 186 Cherokee Farms  
**Date:** Wednesday, November 3, 2021 9:26:08 AM

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Good Morning Sir,

It was a pleasure to meet you on Monday night. Below is the e-mail that was mentioned at the Planning Meeting. I wanted to make sure you have a copy so we're all on the same page. As discussed, I'll start working on an agreement that will sufficiently protect the Marine Corps' interests so that we can remove our objection from the rezoning. Please don't hesitate to reach out in the meantime.

Very Respectfully,

Dave

David J. Trail  
 Director, Government and External Relations (S-7) |  
 Community Plans and Liaison Officer  
 Marine Corps Air Station Beaufort, South Carolina  
 W: (843) 228-7119  
 C: (774) 509-3940  
[david.j.trail@usmc.mil](mailto:david.j.trail@usmc.mil)

---

**From:** Trail CIV David J  
**Sent:** Monday, November 1, 2021 3:24 PM  
**To:** Merchant, Robert <robm@bcgov.net>  
**Cc:** Krieger CIV Mary R <mary.krieger@usmc.mil>  
**Subject:** RE: Rezoning - 186 Cherokee Farms

Good Afternoon Sir,

Thanks for the notification on the rezoning proposal. The facts regarding the development proposal for 186 Cherokee Farms Rd (R100 027 000 0387 0000), as MCAS Beaufort knows them, are as follows:

The Property is:

- 6.26 acres (based on Beaufort County Property data),
- Currently zoned as T2 Rural Neighborhood (T2RN)
- in the MCAS Overlay District, and
- in the 65-70 decibel (dB) Day-Night Average Sound Level (DNL) noise contour

Request: Rezone the parcel as T4 Hamlet Center Open (T4HC-O). Based on the application, there are two conceptual plans for the Property, however those plans simply envision how the property *could* be used, and do not actually identify how the property will be used.

- According to the Beaufort County zone standards, the Hamlet Center (T4HC) Zone is intended to integrate appropriate, medium-density residential building types, such as duplexes, townhouses, small courtyard housing, and mansion apartments in an environment conducive to walking and bicycling. The T4 Hamlet Center is appropriate for more rural areas, implementing the Comprehensive Plan goals of creating areas of

medium intensity residential in portions of Beaufort County, the City of Beaufort and Town of Port Royal. The intent of the T4HC-O (Open) Sub-Zone is to provide neighborhoods with a broader amount of retail and service uses in the scale and character of the T4HC zone.

- In the interest of efficiency, we have analyzed the conceptual plans. If either of those plans end up being the final plan, without any changes, then the following analysis is valid. If the plans change in any way, then MCAS Beaufort objects until we have had sufficient time to review the plans and conduct analysis.

**Concept Plan A-2**

- o Medical Services Building (15,000SF)
- o Veterinary Clinic (7,500SF)
- o Retail (4,000SF)
- o Brewery (Repurposed Building, 12,000SF?)
- o Beer Garden
- o Tasting Room (4,000SF)

OR

**Concept Plan B**

- o Medical Services Building (15,000SF)
- o Veterinary Clinic (7,500SF)
- o Retail (4,000SF)
- o Retail (4,000SF)
- o Medical/Assisted Living (35,000SF)

In determining whether or not the proposal is compatible with MCAS Beaufort’s mission and operations, the proposal was evaluated with regards to airfield operations, noise standards, and potential compatibility problems as well as reviewed in the context of the following references:

- Air Installations Compatible Use Zone (AICUZ) Study, Marine Corps Air Station (MCAS) Beaufort, 2013
- Department of Defense Instruction 4165.57
- Chief of Naval Operations and the Commandant of the Marine Corps OPNAVINST 11010.36C/MCO 11010.16 (Joint Instruction)
- Standard Land Use Coding Manual; and
- Beaufort County Community Development Code.

Based on this review and information provided, MCAS Beaufort has determined the following:

- **Concept Plan A-2 – MCAS Beaufort does not object, with the following two caveats: (1) as long as noise mitigation measures are implemented and demonstrated prior to construction and (2) the plan does not deviate from this conceptual plan.**
  - **Brewery: compatible.**
  - **Beer Garden: compatible.**
  - **Tasting Room: compatible.**
  - **Medical Services: compatible; measures to achieve noise level reduction (NLR) of 25 must be incorporated into design and construction of structure.**
  - **Veterinary Clinic: compatible; measures to achieve NLR of 25 must be incorporated into design and construction of structure.**
  - **Retail (exact type undetermined): compatible.**
- **Concept Plan B - MCAS Beaufort Objects.**
  - **Assisted Living Facility: Incompatible.**
  - **Medical Services: compatible; measures to achieve noise level reduction (NLR) of 25 must be incorporated into design and construction of structure.**
  - **Veterinary Clinic: compatible; measures to achieve NLR of 25 must be incorporated into design and construction of structure.**
  - **Retail (exact type undetermined): compatible.**

Beaufort County Community Development Code. The Code requires measures to achieve noise level reduction (NLR) of 25 be incorporated into design and construction of structures within this zone.

Concept Plan A-2 – Based on the review and information provided, MCAS Beaufort does not object to the proposal to rezone the Tax parcel R100 027 000 0387 0000 from T2 Rural Neighborhood to T4 Hamlet Center Open, determined using the referenced Concept Plan A-2 with the caveat that the requirements listed are met. If any additional changes occur to the proposal and conceptual plans, please let us know. We may need to re-evaluate our analysis.

Concept Plan B – Based on the review and information provided, MCAS Beaufort objects to the proposal to rezone the Tax parcel R100 027 000 0387 0000 from T2 Rural Neighborhood to T4 Hamlet Center Open, determined using the referenced Concept Plan B.

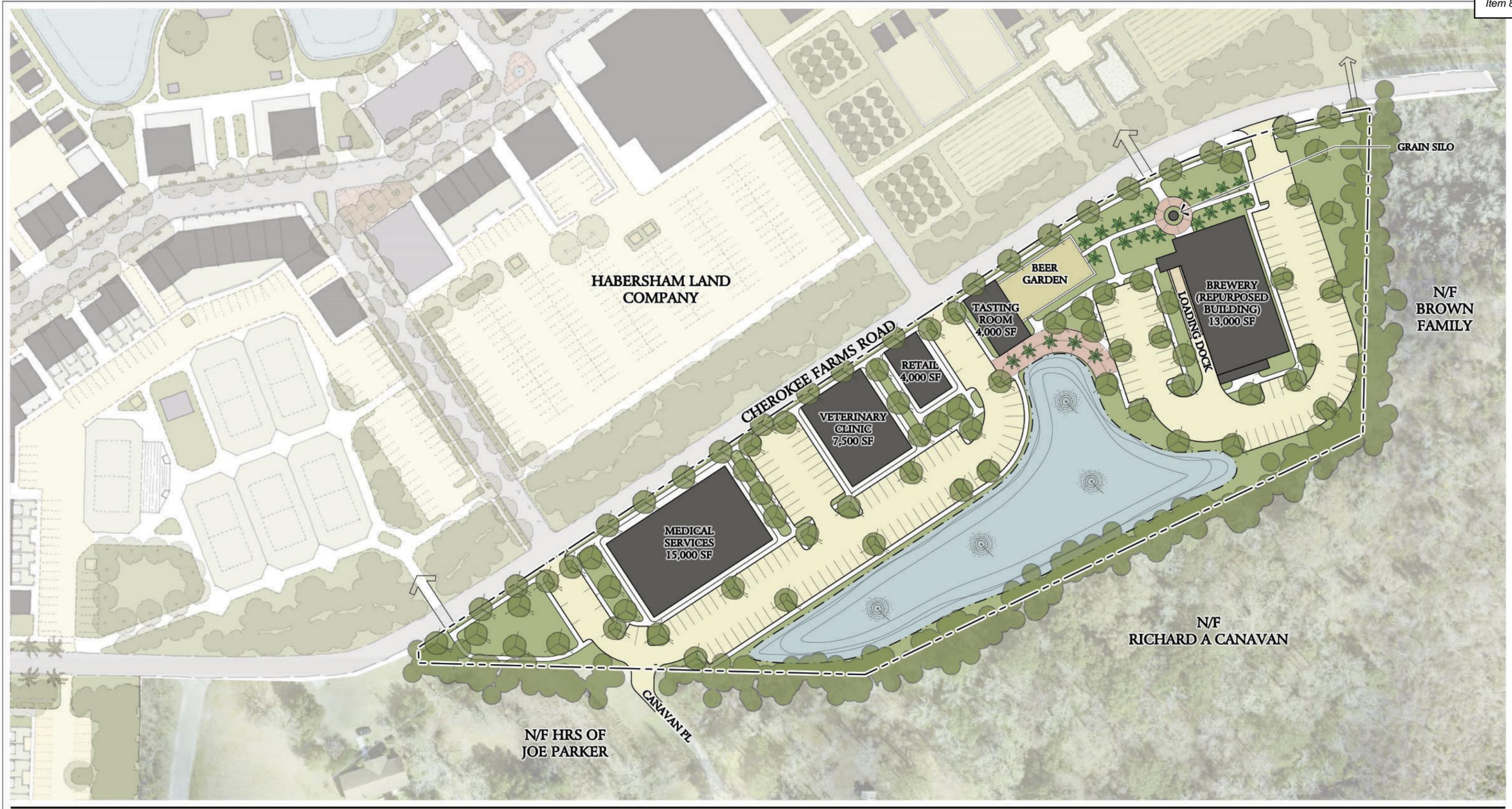
If you have any further questions please let me know.

Thank you!

David J. Trail  
Director, Government and External Relations (S-7) |  
Community Plans and Liaison Officer  
Marine Corps Air Station Beaufort, South Carolina  
W: (843) 228-7119  
C: (774) 509-3940  
[david.j.trail@usmc.mil](mailto:david.j.trail@usmc.mil)

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**From:** Merchant, Robert <[robm@bcgov.net](mailto:robm@bcgov.net)>  
**Sent:** Wednesday, October 27, 2021 11:50 AM  
**To:** Krieger CIV Mary R <[mary.krieger@usmc.mil](mailto:mary.krieger@usmc.mil)>  
**Cc:** Trail CIV David J <[david.j.trail@usmc.mil](mailto:david.j.trail@usmc.mil)>  
**Subject:** [Non-DoD Source] RE: Rezoning - 186 Cherokee Farms



PREPARED FOR:  
**FTB REAL ESTATE CO LLC**

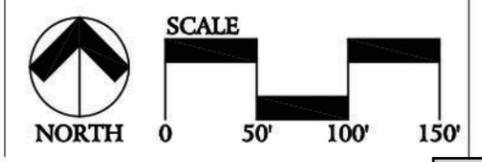
PREPARED BY:  
**J. K. TILLER ASSOCIATES, INC.**  
 LAND PLANNING LANDSCAPE ARCHITECTURE  
 181 BLUFFTON ROAD, SUITE F303 BLUFFTON, SC 29918  
 Phone 843.815.4000 jktiller@tiller.com Fax 843.815.4002

# 186 CHEROKEE FARMS RD

## T4 HAMLET CENTER OPEN CONCEPT PLAN A-2

BEAUFORT COUNTY, SOUTH CAROLINA

SEPTEMBER 24, 2021



THIS IS A CONCEPTUAL PLAN AND IS SUBJECT TO CHANGE. ALL SURVEY INFORMATION AND SITE BOUNDARIES WERE COMPILED FROM A VARIETY OF UNVERIFIED SOURCES AT VARIOUS TIMES AND AS SUCH ARE INTENDED TO BE USED ONLY AS A GUIDE. ALL PROPERTY LINES, TRACT DIMENSIONS AND NARRATIVE DESCRIPTIONS ARE FOR GRAPHIC REPRESENTATION ONLY, AS AN AID TO SITE LOCATION AND POTENTIAL LAND USE, AND ARE NOT LEGAL REPRESENTATIONS AS TO FUTURE USES OR LOCATIONS. J. K. TILLER ASSOCIATES, INC. ASSUMES NO LIABILITY FOR ITS ACCURACY OR STATE OF COMPLETION, OR FOR ANY DECISIONS (REQUIRING ACCURACY) WHICH THE USER MAY MAKE BASED ON THIS INFORMATION.

S:\Projects\2021\113-01\DWG\Concept 01.dwg, 11x17 land, 9/25/2021 7:51:31 AM

**ORDINANCE 2022/\_\_\_\_\_**

**AN ORDINANCE TO AMEND THE ZONING MAP OF BEAUFORT COUNTY TO CHANGE PARCEL ID NUMBER R100 027 000 0387 0000 FROM T2 RURAL TO T4 HAMLET CENTER OPEN**

**WHEREAS**, parcel ID number R100 027 000 0387 0000 is currently zoned as T2 Rural; and

**WHEREAS**, the owner of the parcel has requested to change the zoning from T2 Rural to T4 Hamlet Center Open; and

**WHEREAS**, the Beaufort County Planning Commission considered the request on November 1, 2021, and failed to pass a motion to recommend approval of the rezoning; and

**WHEREAS**, the Metropolitan Planning Commission considered the request on December 20, 2021 and recommend approval of the rezoning; and

**WHEREAS**, County Council now wishes to amend the zoning map to change the parcel’s zoning from T2 Rural to T4 Hamlet Center Open.

**NOW, THEREFORE** be it ordained by County Council in meeting duly assembled as follows:

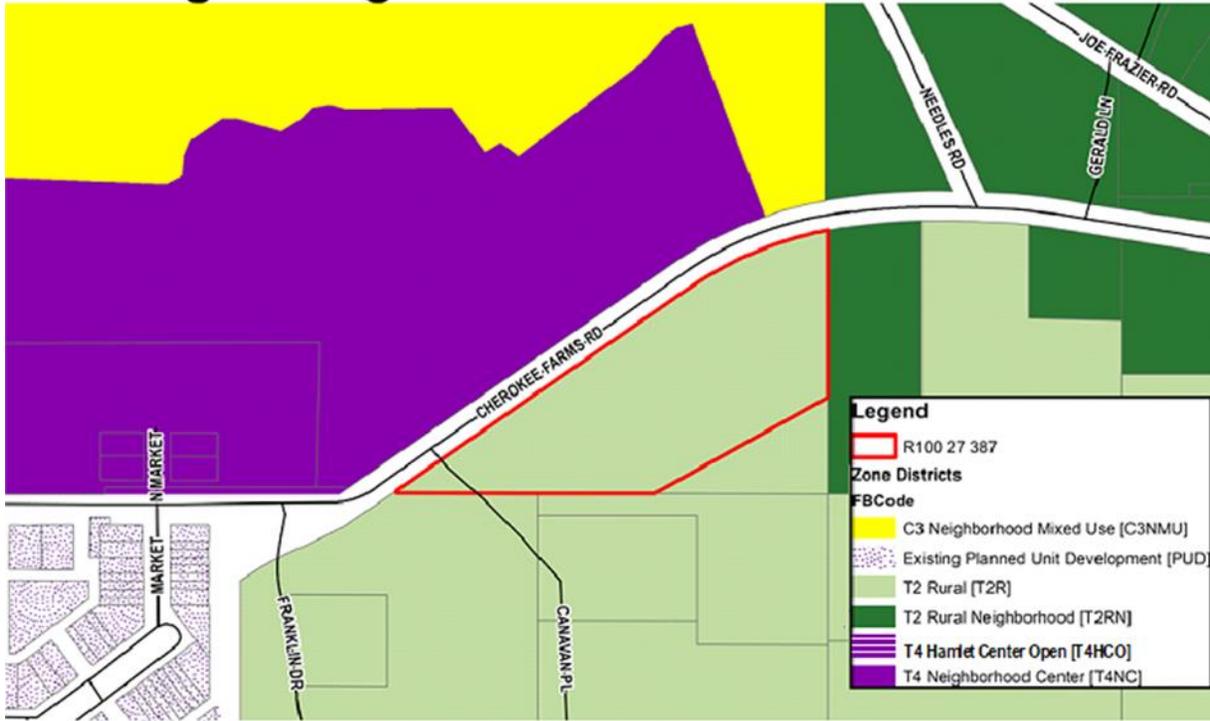
1. The zoning map of the County is hereby amended to reflect the zoning of Parcel ID Number R100 027 000 0387 0000 as T4 Hamlet Center Open.
2. Staff is directed to make the changes to the zoning map and to report to all persons necessary or helpful that the zoning has so changed.

Ordained this \_\_\_\_ day of \_\_\_\_\_, 2022

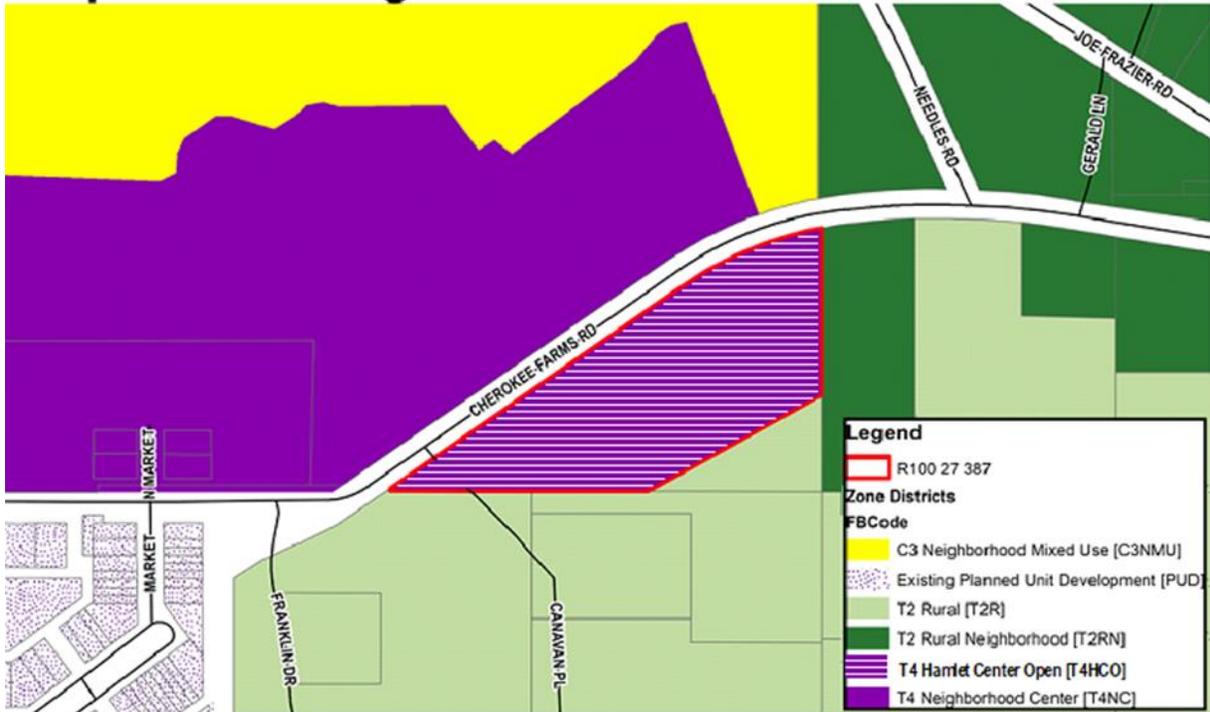
\_\_\_\_\_  
Joseph Passiment, Chairman

\_\_\_\_\_  
Sarah Brock, Clerk to Council

# Existing Zoning



# Proposed Zoning





# MEMORANDUM

**TO:** Natural Resources Committee of County Council

**FROM:** Robert Merchant, AICP, Director, Beaufort County Planning and Zoning Department

**DATE:** January 21, 2022

**SUBJECT:** Zoning Map Amendment Request for 6.26 Acres (R100 027 000 0387 0000) 186 Cherokee Farms Road from T2 Rural to T4 Hamlet Center Open; Applicant: Randall R. Mikals.

## A. BACKGROUND:

**Case No.** ZMA-2021-06

**Applicant/Owner:** FTB Real Estate Company, LLC (Randall R. Mikals)

**Property Location:** Located on Port Royal Island on the south side of Cherokee Farms Road approximately 600 feet from the entrance to Habersham.

**District/Map/Parcel:** R100 027 000 0387 0000

**Property Size:** 6.26 acres

**Future Land Use Designation:** Urban Mixed Use and Air Installation Compatible Use Zone (AICUZ)

**Current Zoning District:** T2 Rural

**Proposed Zoning District:** T4 Hamlet Center Open

## B. SUMMARY OF REQUEST:

The applicant is requesting to rezone approximately 6.26 acres of land located on Port Royal Island on the south side of Cherokee Farms Road 600 feet east of Habersham from T2 Rural to T4 Hamlet Center Open (See Attachment A). The property fronts approximately 1,100 feet along Cherokee Farms Road and contains a 12,000 square foot building that as recent as 2016 housed a landscaping business. The current property owner is interested in developing the site in a manner that is similar to neighboring Habersham and Cherokee Farms. The existing T2 Rural zoning limits residential development to 1 dwelling unit per three acres and allows for some limited non-residential uses, such as agricultural support services, meeting facilities and places of worship.

**Habersham/Cherokee Farms Community:** The proposed rezoning adjoins the Habersham/Cherokee Farms community, a 427 acre traditional neighborhood development approved for 1,437 residential units and 228,000 square feet of commercial (See Attachment B). At the center of the community is a main street business district made up of approximately 110,000 square feet of mixed use (retail, office, residential) along Market Street. This business district has the capacity to expand north of Cherokee Farms Road with an additional 150,000 square feet of commercial space approved as part of the Cherokee Farms development. This existing and future business district is thoroughly defined in the Habersham and Cherokee Farms master plans.

**Zoning Request Change:** The item was originally scheduled for the September 9 Beaufort County Planning Commission meeting. The applicant requested to pull the item from the agenda in order to have time to coordinate with the Habersham Land Company on a shared vision for the 6.26 acre parcel. The applicant met with Habersham on September 15 where they agreed to modify their request from T4 Neighborhood Center to T4 Hamlet Center Open. The main difference between the two districts is that T4NC allows 4 story buildings with no limitation on total square footage. T4HCO allows 2 ½ story buildings with a maximum square footage of 50,000 square feet per building. The applicant has provided two conceptual plans to show how the property could be developed with the T4HCO zoning (see attached). The applicant and Habersham also agreed that development along the 6.26 acre parcel should not compete with, but complement the existing Habersham “main street” along Market Street. Therefore, the concept plans show a mix of uses (large scale brewery and beer garden, medical office buildings, animal services) that may not be appropriate in a main street setting.

**MCAS Airport Overlay District:** The entire property is located within the MCAS Airport Overlay District (MCAS-AO). The overlay includes all lands underlying the noise zones of 65 DNL (day-night average sound level) and above, and accident potential zones as designated in the most recent Air Installations Compatible Use Zones (AICUZ) Report for MCAS-Beaufort as authorized for use by the Department of the Navy, and as adopted by the County Council of Beaufort County. This property’s location within noise zone 2a (65 to 70 DNL) limits gross residential density to 2 dwelling units per acre. MCAS Beaufort responded to the original zoning request to state that without a specific development proposal, they were unable to adequately evaluate the proposed zoning amendment. MCAS Beaufort has provided their official response in Appendix E of this report.

C. **ANALYSIS:** Section 7.3.40 of the Community Development Code states that a zoning map amendment may be approved if the proposed amendment:

1. *Is consistent with and furthers the goals and policies of the Comprehensive Plan and the purposes of this Development Code.*

The future land use plan of the Comprehensive Plan designates this property as Urban Mixed-Use which is anticipated to be similar to the type and mix of land use currently found in the municipalities. Commercial uses providing neighborhood retail and services are limited to collectors and arterials and within master planned mixed-use developments. This rezoning of this property to a mixed-use district meets the broader goals of the future land use plan, but it is important that any development on this property not compete with the existing Habersham/Cherokee Farms main street which has the capacity to grow by an additional 150,000 square feet.

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

This is addressed in the response to question 1.

3. *Addresses a demonstrated community need.*

This parcel has the potential to serve the Habersham/Cherokee Farms community with supporting businesses that may not be appropriate in the existing Market Street main street commercial district. This would be better achieved with a less-intense mixed-use zoning district, such as T2 Rural Center.

4. *Is required by changing conditions.*

Not applicable

5. *Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zone and uses for the land.*

North of the site is the Cherokee Farms community which is compatible with this rezoning, with the exception of the issues stated in question 1. To the south and east of the property is a rural residential community that is not comparable to the requested T4HCO district.

**6. *Would not adversely impact nearby lands.***

There is a rural residential community centered around Caravan Road and Franklin Drive that adjoin this site to the south and west. These communities have the potential to be adversely impacted by future development on this site, especially if it is built out at full capacity.

**7. *Would result in a logical and orderly development pattern.***

See discussion under items 5 and 6.

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

Environmental impacts are minimal. The proposed rezoning affects 6.26 acres, of which roughly 40% is already disturbed. Any future development would need meet the County’s natural resources protection and stormwater requirements.

**9. *Would result in development that is adequately served by public facilities (e.g. streets, potable water, sewerage, storm water management, solid waste collection and disposal, schools, parks, police, and fire and emergency facilities)***

The site is currently served by public sewer and water. The Burton Fire District Station #5 is located nearby at the entrance to Habersham. Since residential density is limited to two dwelling units per acre, impacts on the school district are minimal.

**D. STAFF RECOMMENDATION:**

Staff recommends approval. This parcel has the potential to serve the Habersham/Cherokee Farms community with supporting businesses that may not be appropriate in the existing Market Street main street commercial district.

**E. BEAUFORT COUNTY PLANNING COMMISSION RECOMMENDATION:**

The Beaufort County Planning Commission reviewed this rezoning at their November 1 meeting. At that time, a motion to recommend approval of the rezoning failed to pass with two voting for and three voting against.

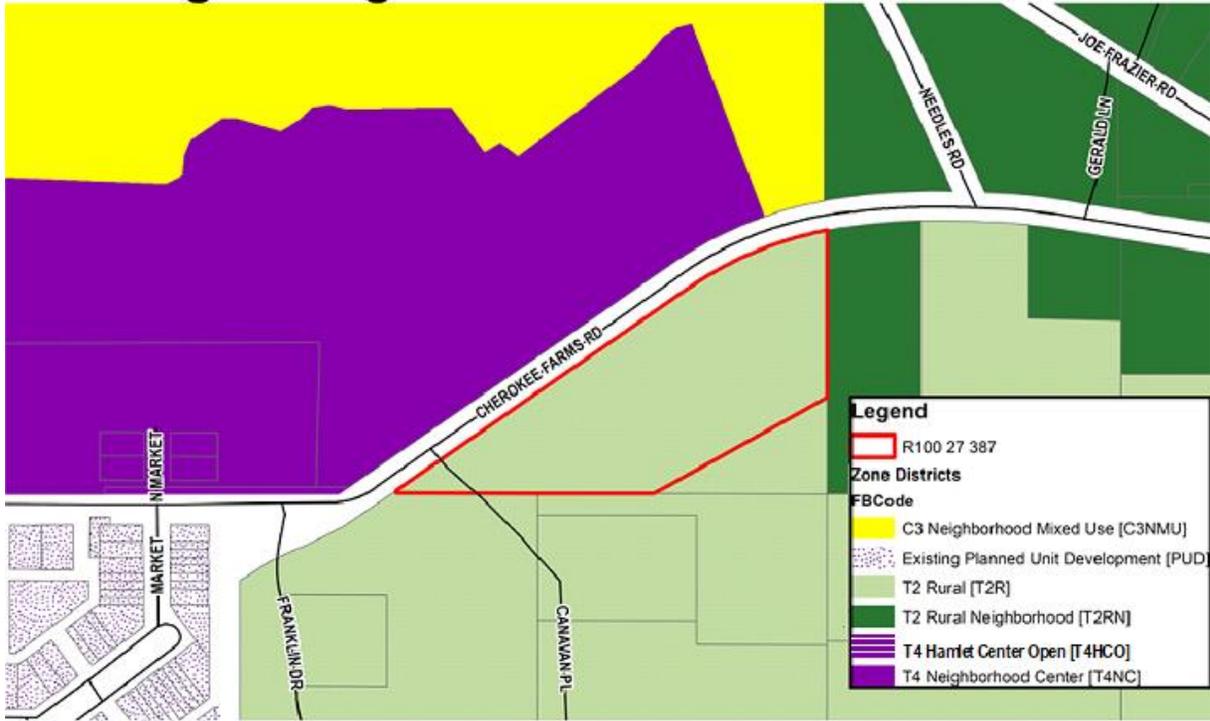
**F. METROPOLITAN PLANNING COMMISSION RECOMMENDATION:**

The Metropolitan Planning Commission reviewed this rezoning at their December 20 meeting. At that time they unanimously recommended approval of this rezoning.

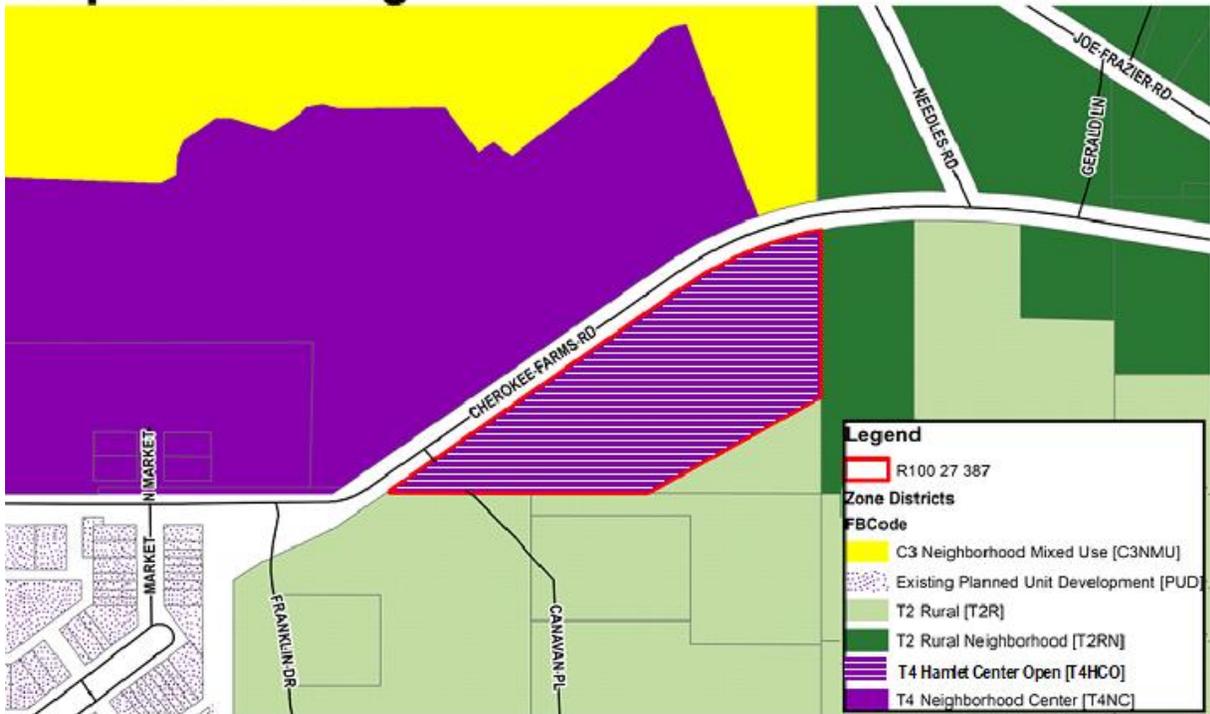
**G. ATTACHMENTS:**

- Attachment A: Existing and Proposed Zoning Map (ZDSO)
- Attachment B: Habersham/Cherokee Farms Community
- Attachment C: Concept Plan A
- Attachment D: Concept Plan B
- Attachment E: MCAS Beaufort Letter

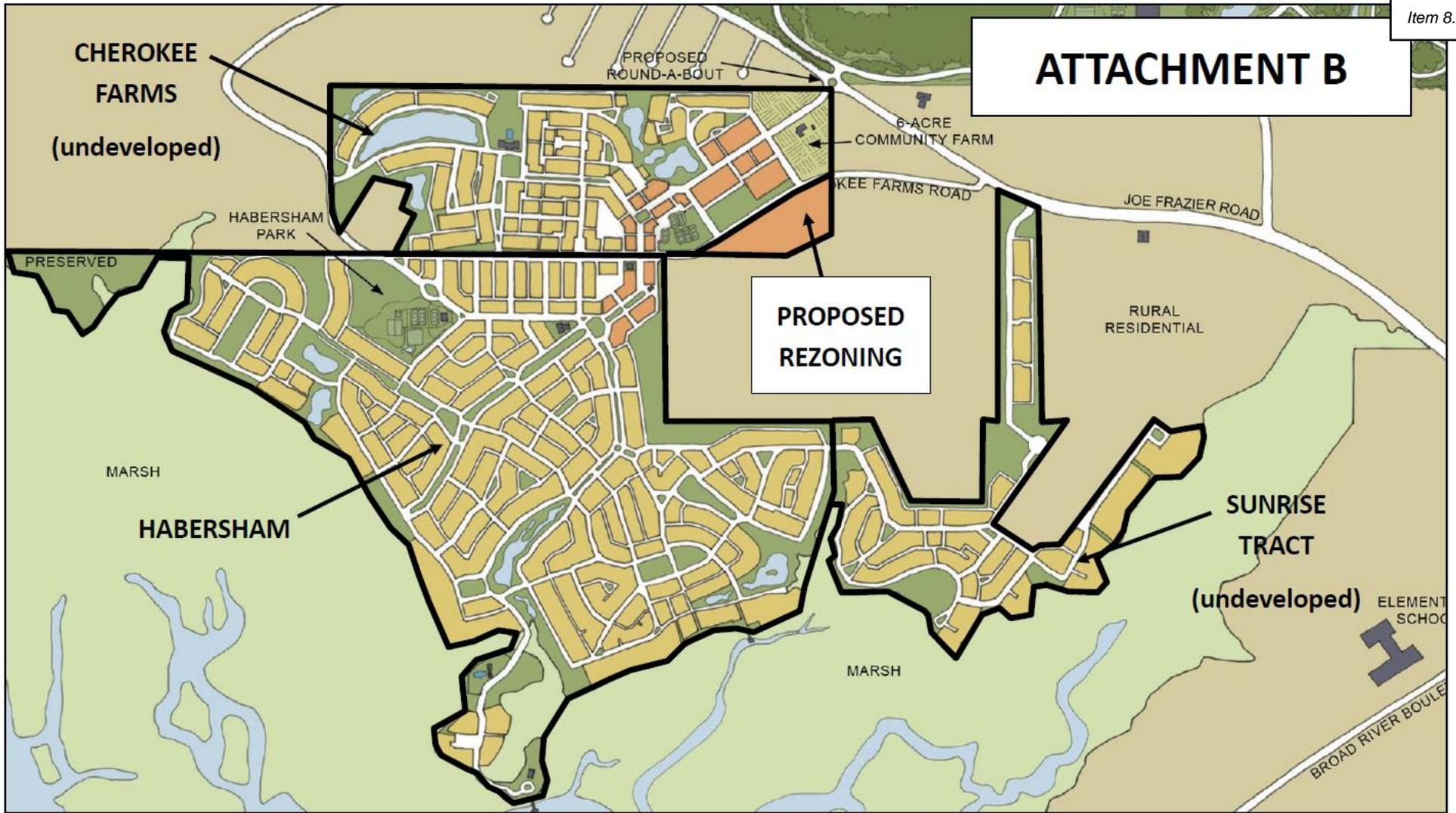
## Existing Zoning



## Proposed Zoning

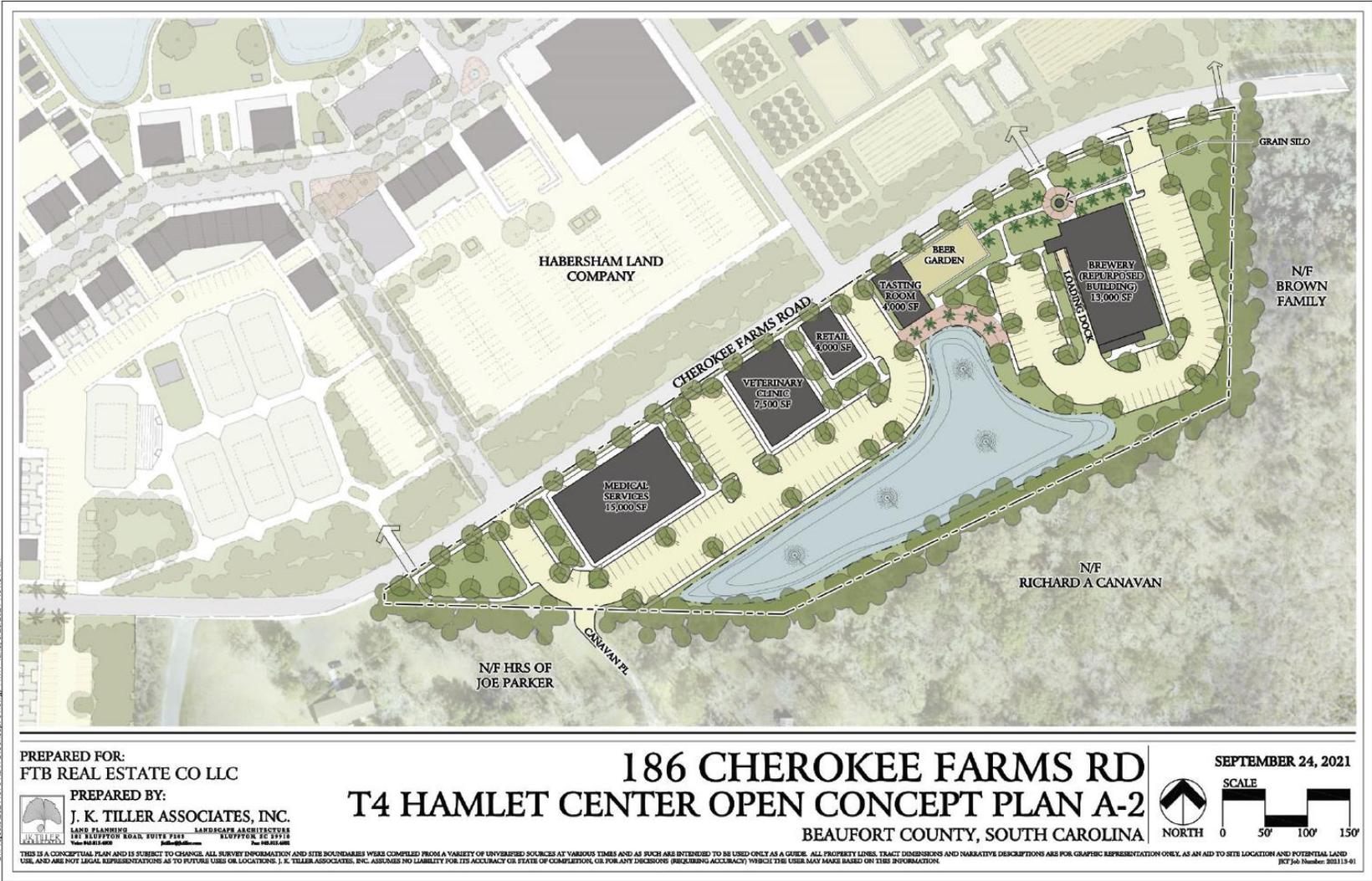


# ATTACHMENT B

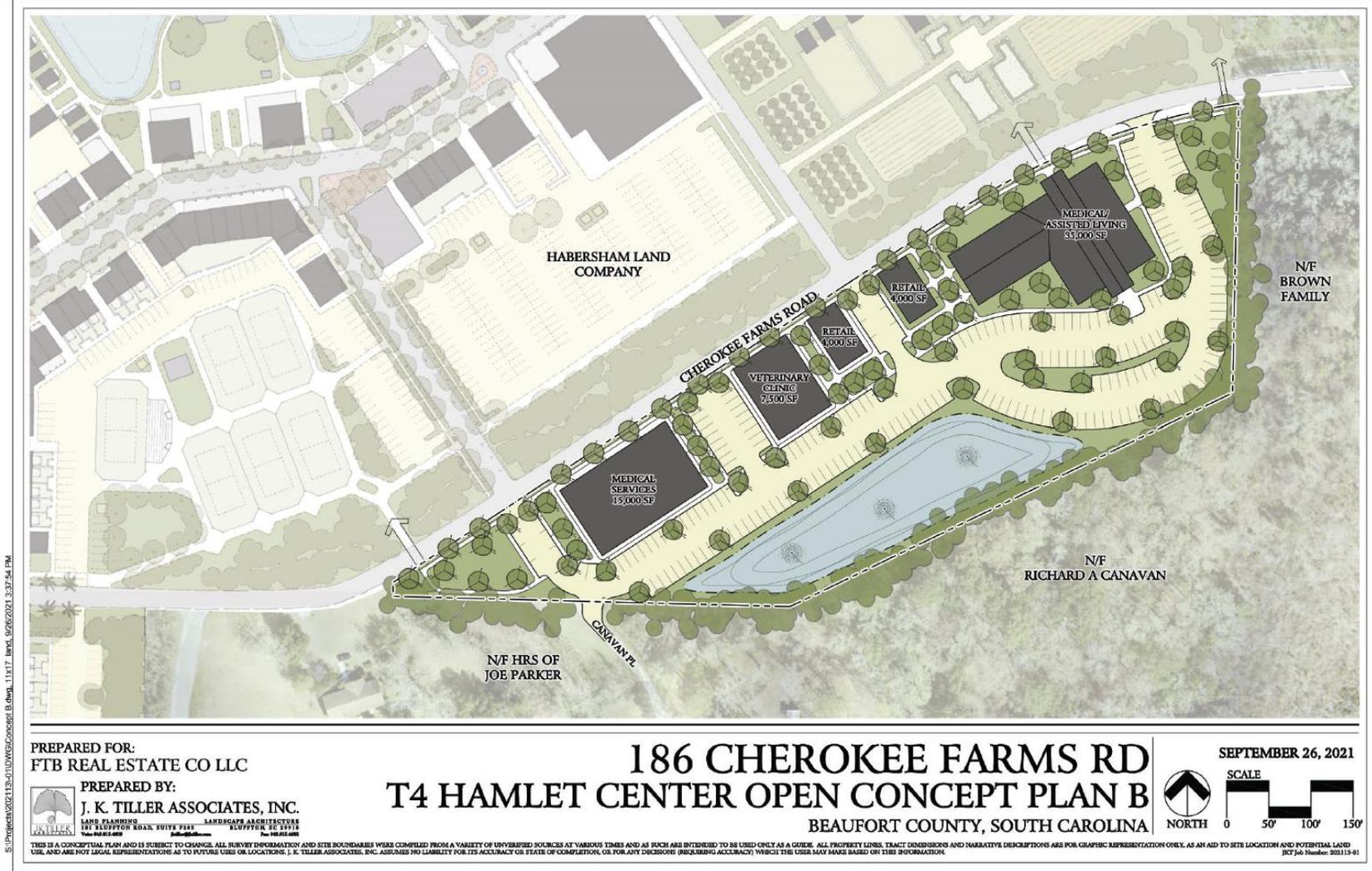


Development	Development Type	Area	Residential Units	Commercial SF
Habersham	Planned Unit Development (PUD) approved in 1996.	275 acres	1000	78,000
Sunrise Tract	Amendment to Habersham PUD approved in 2005.	47 acres	131	0
Cherokee Farms	Traditional Neighborhood Development approved under the ZDSO. Commercial portion rezoned to T4NC in 2015 to allow light industrial uses.	105 acres	306	150,000

# ATTACHMENT C



# ATTACHMENT D



S:\Projects\2021\186-Cherokee-Farms\Concept-Plan-B.dwg, 11x17, 9/26/2021, 3:37:54 PM

**From:** Trail CIV David J <david.j.trail@usmc.mil>  
**Sent:** Monday, November 1, 2021 3:24 PM  
**To:** Merchant, Robert  
**Cc:** Krieger CIV Mary R  
**Subject:** RE: Rezoning - 186 Cherokee Farms

Good Afternoon Sir,

Thanks for the notification on the rezoning proposal. The facts regarding the development proposal for 186 Cherokee Farms Rd (R100 027 000 0387 0000), as MCAS Beaufort knows them, are as follows:

The Property is:

- 6.26 acres (based on Beaufort County Property data),
- Currently zoned as T2 Rural Neighborhood (T2RN)
- in the MCAS Overlay District, and
- in the 65-70 decibel (dB) Day-Night Average Sound Level (DNL) noise contour

Request: Rezone the parcel as T4 Hamlet Center Open (T4HC-O). Based on the application, there are two conceptual plans for the Property, however those plans simply envision how the property *could* be used, and do not actually identify how the property will be used.

- According to the Beaufort County zone standards, the Hamlet Center (T4HC) Zone is intended to integrate appropriate, medium-density residential building types, such as duplexes, townhouses, small courtyard housing, and mansion apartments in an environment conducive to walking and bicycling. The T4 Hamlet Center is appropriate for more rural areas, implementing the Comprehensive Plan goals of creating areas of medium intensity residential in portions of Beaufort County, the City of Beaufort and Town of Port Royal. The intent of the T4HC-O (Open) Sub-Zone is to provide neighborhoods with a broader amount of retail and service uses in the scale and character of the T4HC zone.
- In the interest of efficiency, we have analyzed the conceptual plans. If either of those plans end up being the final plan, without any changes, then the following analysis is valid. If the plans change in any way, then MCAS Beaufort objects until we have had sufficient time to review the plans and conduct analysis.

- Concept Plan A-2
  - o Medical Services Building (15,000SF)
  - o Veterinary Clinic (7,500SF)
  - o Retail (4,000SF)
  - o Brewery (Repurposed Building, 12,000SF?)
  - o Beer Garden
  - o Tasting Room (4,000SF)

OR

- Concept Plan B
  - o Medical Services Building (15,000SF)
  - o Veterinary Clinic (7,500SF)
  - o Retail (4,000SF)
  - o Retail (4,000SF)
  - o Medical/Assisted Living (35,000SF)

In determining whether or not the proposal is compatible with MCAS Beaufort's mission and operations, the proposal was evaluated with regards to airfield operations, noise standards, and potential compatibility problems as well as reviewed in the context of the following references:

- Air Installations Compatible Use Zone (AICUZ) Study, Marine Corps Air Station (MCAS) Beaufort, 2013
- Department of Defense Instruction 4165.57
- Chief of Naval Operations and the Commandant of the Marine Corps OPNAVINST 11010.36C/MCO 11010.16 (Joint Instruction)
- Standard Land Use Coding Manual; and

- Beaufort County Community Development Code.

Based on this review and information provided, MCAS Beaufort has determined the following:

- Concept Plan A-2 – MCAS Beaufort does not object, with the following two caveats: (1) as long as noise mitigation measures are implemented and demonstrated prior to construction and (2) the plan does not deviate from this conceptual plan.
  - Brewery: compatible.
  - Beer Garden: compatible.
  - Tasting Room: compatible.
  - Medical Services: compatible; measures to achieve noise level reduction (NLR) of 25 must be incorporated into design and construction of structure.
  - Veterinary Clinic: compatible; measures to achieve NLR of 25 must be incorporated into design and construction of structure.
  - Retail (exact type undetermined): compatible.
- Concept Plan B - MCAS Beaufort Objects.
  - **Assisted Living Facility: Incompatible.**
  - Medical Services: compatible; measures to achieve noise level reduction (NLR) of 25 must be incorporated into design and construction of structure.
  - Veterinary Clinic: compatible; measures to achieve NLR of 25 must be incorporated into design and construction of structure.
  - Retail (exact type undetermined): compatible.

Beaufort County Community Development Code. The Code requires measures to achieve noise level reduction (NLR) of 25 be incorporated into design and construction of structures within this zone.

Concept Plan A-2 – Based on the review and information provided, MCAS Beaufort does not object to the proposal to rezone the Tax parcel R100 027 000 0387 0000 from T2 Rural Neighborhood to T4 Hamlet Center Open, determined using the referenced Concept Plan A-2 with the caveat that the requirements listed are met. If any additional changes occur to the proposal and conceptual plans, please let us know. We may need to re-evaluate our analysis.

Concept Plan B – Based on the review and information provided, MCAS Beaufort objects to the proposal to rezone the Tax parcel R100 027 000 0387 0000 from T2 Rural Neighborhood to T4 Hamlet Center Open, determined using the referenced Concept Plan B.

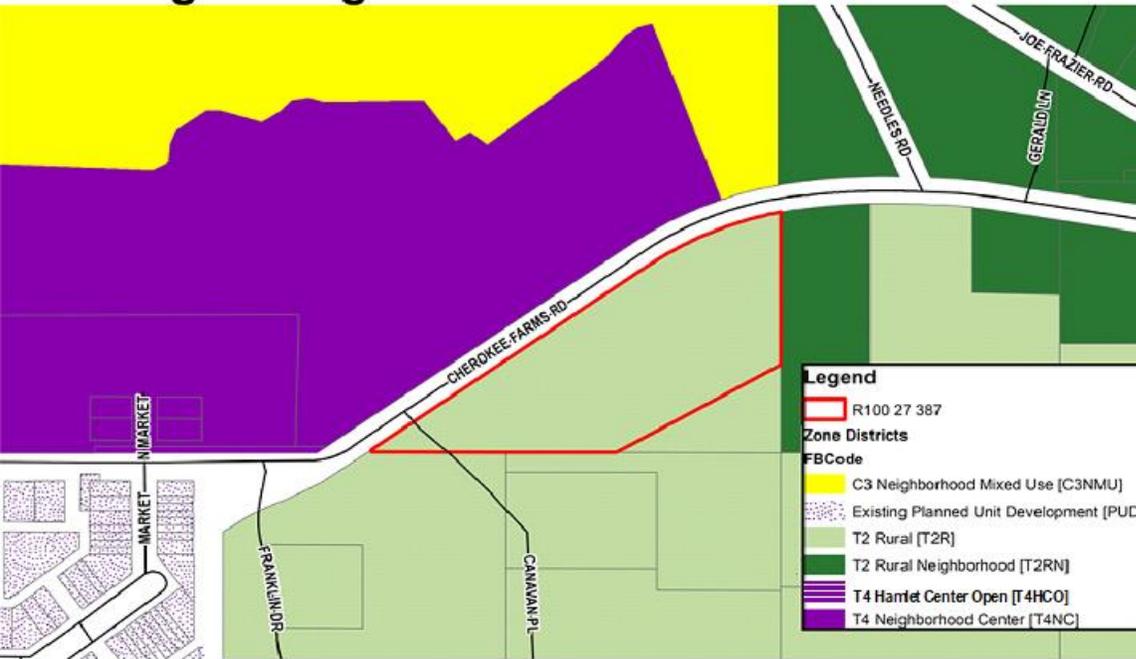
If you have any further questions please let me know.

Thank you!

David J. Trail  
 Director, Government and External Relations (S-7) |  
 Community Plans and Liaison Officer  
 Marine Corps Air Station Beaufort, South Carolina  
 W: (843) 228-7119  
 C: (774) 509-3940  
[david.j.trail@usmc.mil](mailto:david.j.trail@usmc.mil)

# Agenda Item 8 – Cherokee Farms Rezoning

### Existing Zoning

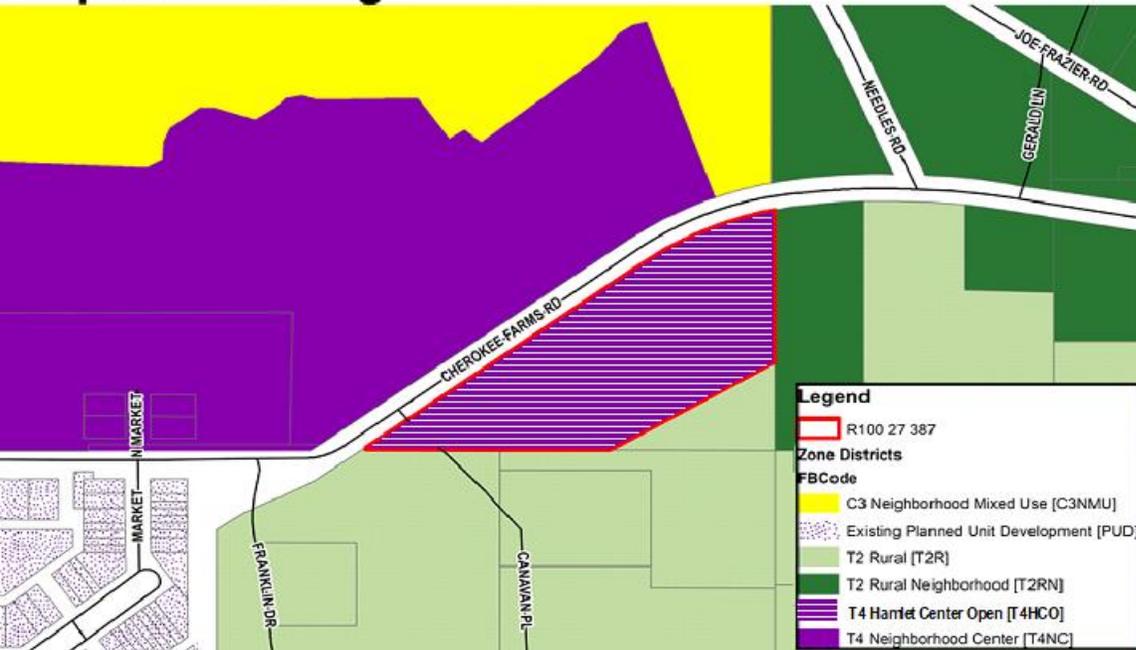


# Zoning Map Amendment Request for 6.26 Acres (R100 027 000 0387 0000) 186 Cherokee Farms Road from T2 Rural to T4 Neighborhood Center

**Owner/Applicant:**  
**Property Location:**

FTB Real Estate Co, LLC  
Cherokee Farms Road approx. 600 feet from the entrance of Habersham

### Proposed Zoning



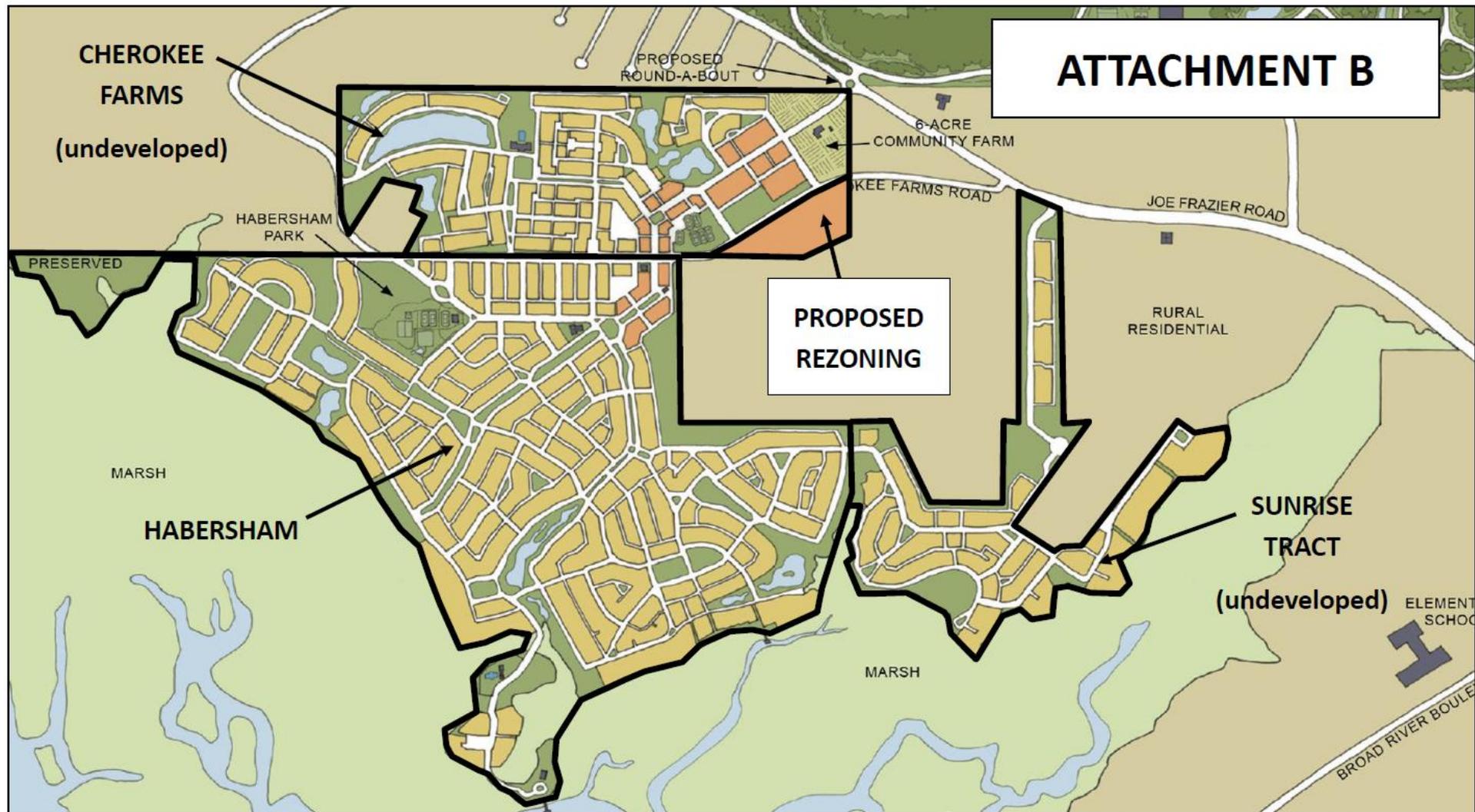
**District/Map/Parcel:**  
**Property Size:**  
**Current Future Land Use Designation:**  
**Current Zoning District:**  
**Proposed Zoning District:**

R100 027 000 0387 0000  
6.26 acres  
Urban Mixed-Use and AICUZ  
T2 Rural  
T4 Neighborhood Center (request changed by applicant to T4 Hamlet Center Open)

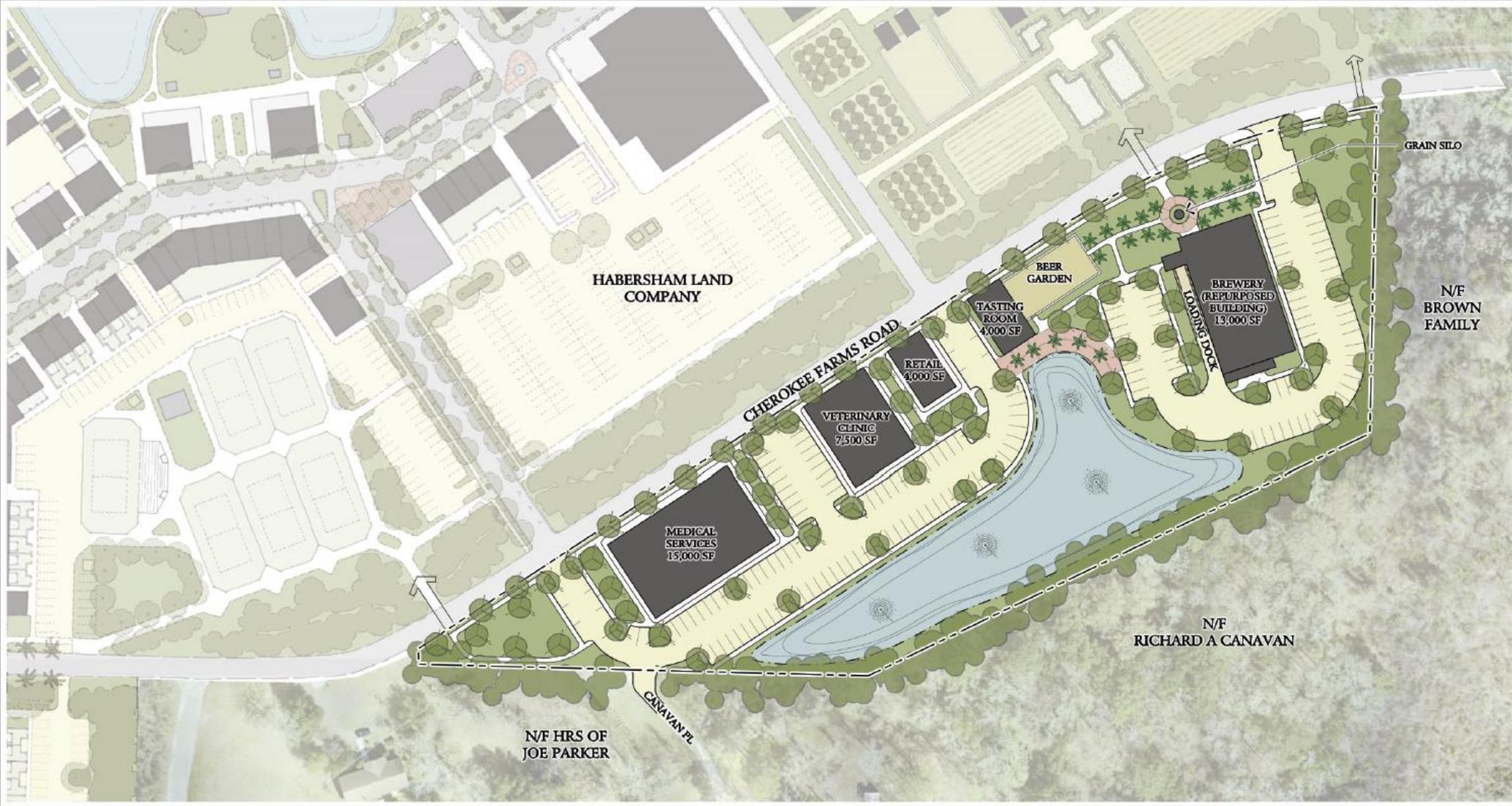


# ATTACHMENT B

Item 8.



Development	Development Type	Area	Residential Units	Commercial SF
Habersham	Planned Unit Development (PUD) approved in 1996.	275 acres	1000	78,000
Sunrise Tract	Amendment to Habersham PUD approved in 2005.	47 acres	131	0
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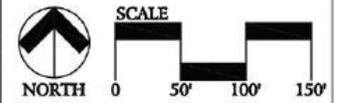
S:\Projects\2021\113-01\DWG\Concept\01.dwg, 11x17, land, 9/25/2021 7:51:31 AM

PREPARED FOR:  
FTB REAL ESTATE CO LLC

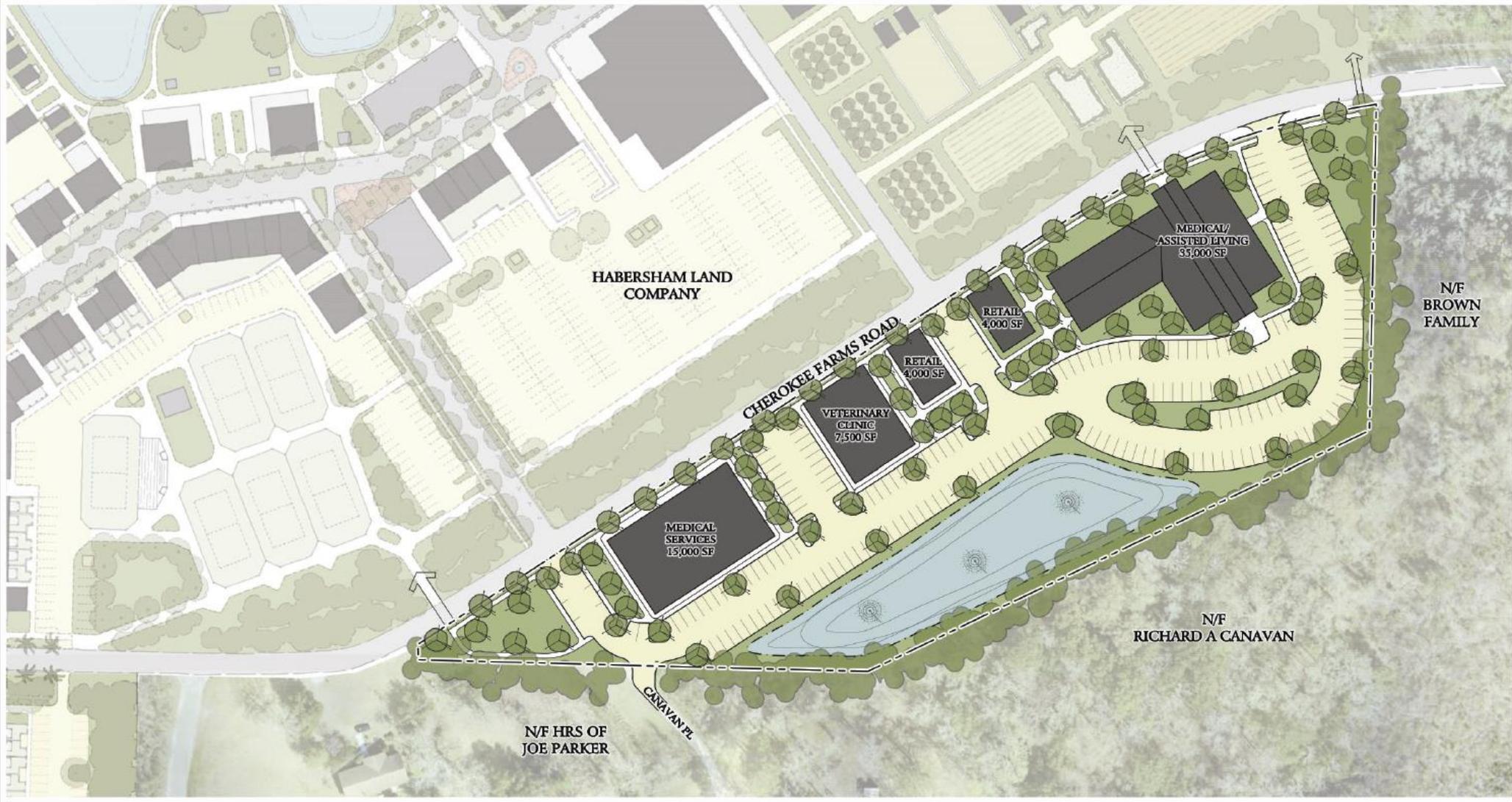
PREPARED BY:  
**J. K. TILLER ASSOCIATES, INC.**  
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**186 CHEROKEE FARMS RD**  
**T4 HAMLET CENTER OPEN CONCEPT PLAN A-2**  
 BEAUFORT COUNTY, SOUTH CAROLINA

SEPTEMBER 24, 2021



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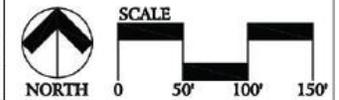
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**186 CHEROKEE FARMS RD**  
**T4 HAMLET CENTER OPEN CONCEPT PLAN B**  
 BEAUFORT COUNTY, SOUTH CAROLINA

SEPTEMBER 26, 2021

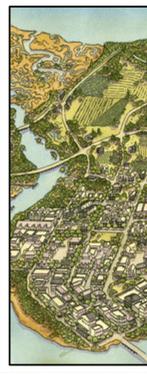


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# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

<b>ITEM TITLE:</b>
<i>Text Amendment to the Community Development Code (CDC): Sections A.2.40 (Permitted Activities), A.4.40 (Permitted Activities), and A.5.40 (Permitted Activities) to revise the Lady's Island Community Preservation, Lady's Island Neighborhood Activity Center, and Lady's Island Professional Office districts to include short-term rentals as a special use.</i>
<b>MEETING NAME AND DATE:</b>
<i>Natural Resources Committee Meeting, February 7, 2022</i>
<b>PRESENTER INFORMATION:</b>
<i>Robert Merchant, AICP, Director, Beaufort County Planning and Zoning (10 minutes needed for item discussion)</i>
<b>ITEM BACKGROUND:</b>
<i>This text amendment to the Lady's Island Community Preservation (LICP) district was considered by the Lady's Island Community Preservation Committee at their November 15, 2021 meeting. At that time, the Committee was not opposed to the amendment.</i>
<i>At their December 6, 2021 meeting, the Beaufort County Planning Commission voted seven (7) to two (2) to recommend approval of adding short-term rentals as a special use to the LICP, as well as adding the short-term rental special use to the two remaining Lady's Island CP districts, Lady's Island Neighborhood Activity Center (LINAC) and Lady's Island Professional Office (LIPO).</i>
<b>PROJECT / ITEM NARRATIVE:</b>
<i>The applicant seeks to revise the LICP, a Community Preservation district, to include short-term rentals as an allowable special use. The applicant owns 2 Blythewood Road, located in the LICP, and wishes to establish a short-term rental on the property. The property is currently residential.</i>
<b>FISCAL IMPACT:</b>
<i>Not applicable</i>
<b>STAFF RECOMMENDATIONS TO COUNCIL:</b>
<i>Staff recommends approval. Staff additionally recommends adding the short-term rental special use to the two remaining Lady's Island CP districts: LINAC and LIPO</i>
<b>OPTIONS FOR COUNCIL MOTION:</b>
<i>To approve or deny the proposed amendment to the Community Development Code (CDC): Sections A.2.40 (Permitted Activities), A.4.40 (Permitted Activities), and A.5.40 (Permitted Activities) to revise the Lady's Island Community Preservation, Lady's Island Neighborhood Activity Center, and Lady's Island Professional Office districts to include short-term rentals as a special use.</i>



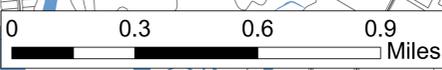
Beaufort County Development Code  
Adopted December 8, 2014

# Lady's Island Zoning Map

Prepared by Beaufort County GIS Division  
Map Generated January 5, 2021

**Zoning Districts**

FBCode	Description
[Light Blue Box]	Lady's Is. Community Preservation District [LICPD]
[Medium Blue Box]	Lady's Is. Expanded Home Business District [LIEHBD]
[Dark Blue Box]	Lady's Is. Neighborhood Activity Center [LINAC]
[Darkest Blue Box]	Lady's Is. Professional Office District [LIPOD]



The information and images contained on this map are for viewing and informational purposes only. Although much of the data is compiled from official sources, it is not intended to be used as such. Please contact the Beaufort County Planning Office for official information.



**To:** Beaufort County Natural Resources Committee

**From:** Juliana Smith, Long Range Planner, Planning and Zoning Department

**Subject:** Text Amendment to the Community Development Code (CDC): Sections A.2.40 (Permitted Activities), A.4.40 (Permitted Activities), and A.5.40 (Permitted Activities) to revise the Lady’s Island Community Preservation, Lady’s Island Neighborhood Activity Center, and Lady’s Island Professional Office districts to include short-term rentals as a special use.

**Date:** February 7, 2022

**STAFF REPORT:**

**Case No.** CDPA-000015-2021

**Owner/Applicant:** Ralph McCarter

**Proposed Text Change:** Text Amendment to the Community Development Code (CDC): Section A.2.40 (Permitted Activities) to revise the Lady’s Island Community Preservation district to include short-term rentals as a special use.

**A. SUMMARY OF APPLICANT’S REQUEST:** The applicant seeks to revise the Lady’s Island Community Preservation (LICP) district to include short-term rentals as an allowable special use. The applicant owns 2 Blythewood Road, located in the LICP, and wishes to establish a short-term rental on the property. The property is currently residential with a single-family detached dwelling on site.

**B. SUMMARY OF STAFF’S ADDITION:** During, the December 6, 2021 Beaufort County Planning Commission meeting, staff recommended short-term rentals also be added as a special use to the two remaining Lady’s Island Community Preservation districts: Lady’s Island Neighborhood Activity Center (LINAC) and the Lady’s Island Professional Office (LIPO). The LINAC and LIPO districts are the two least restrictive and most intensive Lady’s Island Community Preservation districts. Staff feels it is appropriate to add short-term rentals as a special use to these two additional districts if short-term rentals are added as a special use to the LIEHB and the LICP, which are the most restrictive Lady’s Island Community Preservation districts.

**C. SUMMARY OF PROPOSED AMENDMENT:** The applicant’s proposed amendment currently under consideration would permit short-term rentals as a special use in the LICP, LINAC, and LIPO. The purpose of the LICP, a residential district, is to maintain or improve the livability and character of existing residential neighborhoods. It is the express purpose of this district to exclude all commercial buildings and structures, whether operated for profit or otherwise, except home uses specifically provided for, if they conform with the provisions

provided in Section A.2.40, or commercial uses permitted in Traditional Community Plans. Currently, two lodging uses are allowed within Traditional Community Plans in the LICP: Bed and Breakfast (5 rooms or less) and Inn (up to 24 rooms).

The LICP is located only on Lady’s Island covering largely residential areas and neighborhoods including, but not limited to, Burckmeyer Beach, Captain Blythewood Landings, Tradewinds Plantation, the waterfront on Sunset Boulevard, Celadon, Brindlewood, Academy Estates, Magnolia Court, Deer Run, Royal Pines, Telfair, Christine Place, and Spanish Moss (see attached map). Current conditions in the LICP are primarily residential with the exception of the Beaufort Yacht Club, a veterinary clinic, Marsh Harbor Boat Works, and several home occupation businesses.

Per Ordinance 2020-32, robust short-term rental standards were established in the Community Development Code. At the time of adoption, the short-term rental use was added as a special use to all transect zones except T1 Natural Preserve. It is a permitted use in conventional zones except C3 Neighborhood Mixed Use, where it is a special use. It is not allowed in S1 Industrial. The special use was not added to any of the Community Preservation districts; however, it is being considered for the Lady’s Island Expanded Home Business District (LIEHB). The LICP district is similar to primarily residential transect zone districts, like T3 Edge, T3 Hamlet Neighborhood, and T3 Neighborhood, that allow short-term rentals.

Considering the intent of the LICP and its consistency with primarily residential transect zones that allow short-term rentals as a special use, the addition of a short-term rental special use to the LICP is appropriate.

During their November 15, 2021 meeting, the Lady’s Island Community Preservation Committee reviewed the proposed amendment to the LICP to include short-term rentals as a special use and were not opposed. If adopted, any property owner in the LICP seeking to use the short-term rental use will have to apply to the Zoning Board of Appeals for approval.

**D. TEXT AMENDMENT REVIEW STANDARDS:** In determining whether to adopt or deny a proposed Text Amendment, the County Council shall weigh the relevance of and consider whether, and the extent to which, the proposed amendment:

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

The proposed text amendment is consistent with the Comprehensive Plan, which envisions this district’s area to be Neighborhood Mixed Use.

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

The LICP is primarily a residential district with intentions of maintaining or improving the livability and character of existing residential neighborhoods, encouraging infill of available lands, providing a choice of housing types, and accommodating housing types which relate well with existing neighborhood character, scale, and density. Commercial buildings and structures are expressly excluded, except for some select home uses and for Traditional Community Plans. Only limited non-residential uses are allowed and are generally subject to the special use process. If adopted, the short-term rental use would only be allowed through a special use process.

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

Per Ordinance 2020-32, short-term rental standards were established as a special use in

the Community Development Code within transect and conventional zones. These standards were not added to Community Preservation Districts, though the Lady’s Island Expanded Home Business District is currently being considered for inclusion of the short-term rental use.

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

N/A

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

See 2 above.

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

As a special use, each applicant seeking to establish a short-term rental property in the LICP will be required to apply to the Zoning Board of Appeals for approval. Upon application, their property will be posted and neighboring property owners will be notified of the application so they may weigh in. In addition to typical considerations, the Zoning Board of Appeals (ZBOA) may also establish an appropriate rental limit as a condition of approval after conducting the public hearing and finding that conditions exist making such a limitation necessary for short-term rental applications.

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

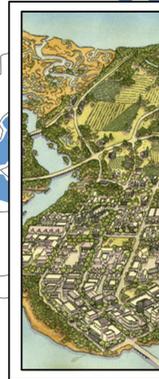
See 6 above.

**E. RECOMMENDATION:** Staff recommends approval. Staff also recommends that short-term rentals be added as a special use to the two remaining Lady’s Island Community Preservation districts, which are both mixed-use districts and are consistent with transect zones that already include the use: Lady’s Island Neighborhood Activity Center and Lady’s Island Professional Office

**F. BEAUFORT COUNTY PLANNING COMMISSION RECOMMENDATION:** At the December 6, 2021 meeting of the Beaufort County Planning Commission, the Commission voted seven (7) to two (2) to recommend approval of adding short-term rentals as a special use to the Lady’s Island Community Preservation, Lady’s Island Neighborhood Activity Center, and Lady’s Island Professional Office districts.

**G. ATTACHMENTS:**

- Map of LICP, LINAC, LIPO districts.
- Revised LICP, LINAC, LIPO district use tables.



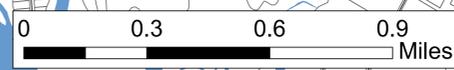
Beaufort County Development Code  
Adopted December 8, 2014

# Lady's Island Zoning Map

Prepared by Beaufort County GIS Division  
Map Generated January 5, 2021

**Zoning Districts**  
**FBCode**

	Lady's Is. Community Preservation District [LICPD]
	Lady's Is. Expanded Home Business District [LIEHBD]
	Lady's Is. Neighborhood Activity Center [LINAC]
	Lady's Is. Professional Office District [LIPOD]



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A.2.40 - Permitted Activities

The permitted uses are primarily residential. Limited nonresidential uses are allowed generally subject to the special use process. Uses not listed are prohibited. The following are descriptions of permitted uses, permitted accessory uses and structures for the LICP District:

Table A.2.40.A: Lady's Island Community Preservation Land Uses		
Land Use	Use Definition	Use Permission
<b>Residential</b>		
Single-family detached	Detached dwelling unit intended for only one family. Includes any one family dwelling unit, which complies with the Beaufort County Building Code.	C
Single-family cluster	Two or more single-family detached residential uses in a subdivision, or on an individual lot that include, as part of the subdivision or lot design, significant common open space that meets the standards in Article 2, Division 2.8.	C
Traditional Community Plan	See Article 2, Division 2.3 (Traditional Community Plans)	C
Multifamily	A building containing two or more dwelling units, specifically permitting duplexes, mansion apartments, and apartment houses.	C
Accessory dwelling unit	A second dwelling unit, clearly subordinate to the principal unit, either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete independent living facility. Maximum building size shall not exceed 50% of the principal unit's floor area.	C
Family compound	Form of traditional rural development which provides affordable housing for family members allowing additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years (see Article 2, Section 2.7.40).	C
Group home	Residential facility for nine or fewer mentally or physically handicapped persons providing care on a 24-hour basis and licensed by a state agency or department, or is under contract with a state agency or department, for that purpose.	C
Home occupation	A business, profession, occupation or trade located entirely within a residential dwelling, which does not change the essential character of the residential use.	C
Home business	A business operated out of a single-family residence and accessory structures that permits the employment of up to three unrelated individuals. This includes independent contractors operating from the facility. Farm workers are not included. Uses shall be limited to office and service types, carpentry, upholstery, woodworking, potteries, glasswork and other similar uses; wholesale or retail sales are prohibited on-premises.	C

Community Residence (dorms, convents, assisted living, temporary shelters)	See definition in Article 8, Table 3.1.70	S
<b>Offices and Services</b>		
Day care, family	A facility in a private home that is operated by one or more persons duly licensed or qualified to be licensed by the state for the purpose of providing child day care for one to not more than eight children at any one time, who are not relatives of the day care provider. (NAICS 62441)	P
<b>Lodging: Short-Term Housing Rental (STHR)</b>	<b>A property with a residential dwelling where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation with individual rental terms not exceeding 29 consecutive days. See specific use regulations in Article 4.1.360</b>	<b>S</b>
<b>Recreation, Education, Safety, Public Assembly</b>		
Public services	These uses include emergency service, buildings, or garages, (e.g., ambulance, fire, police, rescue, and public works) or other garages or areas where vehicles are stored and dispatched. (NAICS 62191, 92212, 92216, see "Office" uses, below)	P
Religious establishments (large)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with or without schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having 15,000 or greater square feet of floor area (NAICS 813110).	S
Religious establishments (small)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with no schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having less than 15,000 square feet of floor area.	S
Local utility	Utility substations or transmission and local distribution facilities, including telephone, and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, and landfills or mining operations. (NAICS 221122, 22121)	S
Outdoor recreation	<ol style="list-style-type: none"> <li>Active recreational activities and supporting services including, but not limited to: jogging, cycling, tot lots, playing fields, playgrounds, outdoor swimming pools, and tennis courts (NAICS 7113); fishing clubs; marinas.</li> <li>Passive recreational uses including, but not limited to: arboretums, wildlife sanctuaries, forests, areas for hiking, nature areas, and other passive recreation-oriented parks</li> <li>Picnic areas, garden plots, and beaches.</li> </ol>	C
Schools, neighborhood (elementary and middle school) and community (high schools)	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the county or the State of South Carolina. The definition includes nursery schools, kindergarten, elementary schools, middle schools, senior high schools or any special institution of learning under the jurisdiction of the state	S

	department of education catering to those age groups. This does not include charm schools, dancing schools, music schools or similar limited schools. (NAICS 6111)	
<b>Infrastructure, Transportation, Communications</b>		
Commercial communications towers	A tower, pole or similar structure, which supports a telecommunications antenna, operated for commercial purposes above ground in a fixed location, freestanding or guyed, or atop a structure. This does not include television antennas or satellite dishes. Towers for radio or television station use are regulated as regional utilities.	S
<b>Temporary Uses</b>		
Construction staging or plant	A concrete or asphalt batch plant, or metal forming and cutting facility assembled on the site or located no more than one mile from the site where the construction of a particular road, infrastructure or building is to take place. Such facilities shall be removed within one year.	S
Contractor's office	Security guard buildings and structures, construction equipment sheds, contractor's trailers and similar uses incidental to a construction project. Limited sleeping and/or cooking facilities may also be permitted.	P
Model homes sales office	A dwelling unit or modular unit in a subdivision used as a sales office for that subdivision.	P
<b>Traditional Community Plan Uses</b>		
Single-Family attached	A structure containing one dwelling unit on a single lot and connected along a property line to another dwelling unit on an adjoining lot by a common wall or other integral part of the principal building such as a breezeway or carport.	TCP
Live/Work	An integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes: complete kitchen, living, and sleeping space and sanitary facilities in compliance with the Building Code, and working space reserved for and regularly used by one or more occupants of the unit. Workspace is limited to a maximum fifty percent (50%) of the structure and located on the first floor with living space located to the rear or above. Activities are limited to those uses permitted in the underlying Zone in which the Live/Work unit is located.	TCP
General Retail 3,500 SF or less	Stores and shops that sell and/or rent goods and merchandise to the general public. This category does not include "Open Air Retail," "Vehicle Sales and Rental," or "Gas Stations/Fuel Sales."	TCP
Gas Stations/Fuel Sales	An establishment where petroleum products are dispensed for retail sale. This use may include a retail convenience store and/or a single bay carwash. It does not include towing, vehicle body or engine repair (see "Vehicle Services"), or overnight vehicle storage.	TCP
Restaurant, Café, Coffee Shop	A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption; and establishments	TCP

	where customers are served food at their tables for on-premise consumption, which may also provide food for take-out, but does not include drive-through services, which are separately defined and regulated. This use includes all mobile kitchens.	
General Offices & Services: 3,500 SF or less	<ol style="list-style-type: none"> <li>1. Bank/Financial Services. Financial institutions, including, but not limited to: banks, credit agencies, investment companies, security and commodity exchanges, ATM facilities.</li> <li>2. Business Services. Establishments providing direct services to consumers, including, but not limited to: employment agencies, insurance agent offices, real estate offices, travel agencies, landscaping and tree removal companies, exterminators, carpet cleaners, and contractors' offices without exterior storage.</li> <li>3. Business Support Services. Establishments providing services to other businesses, including, but not limited to: computer rental and repair, copying, quick printing, mailing and mailbox services.</li> <li>4. Personal Services. Establishments providing non-medical services to individuals, including, but not limited to: barber and beauty shops, dry cleaners, small appliance repair, laundromats, massage therapists, pet grooming with no boarding, shoe repair shops, tanning salons, funeral homes. These uses may include incidental retail sales related to the services they provide.</li> <li>5. Professional and Administrative Services. Office-type facilities occupied by businesses or agencies that provide professional or government services, or are engaged in the production of intellectual property.</li> </ol>	TCP
Animal Services: Clinic/Hospital	An establishment used by a veterinarian where animals are treated. This use may include boarding and grooming as accessory uses.	TCP
Day Care: Commercial Center (9 or more clients)	A state-licensed facility that provides non-medical care and supervision for more than 8 adults or children, typically for periods of less than 24 hours per day for any client. Facilities include, but are not limited to: nursery schools, preschools, after-school care facilities, and daycare centers.	TCP
Lodging: Bed & Breakfast (5 rooms or less)	The use of a single residential structure for commercial lodging purposes, with up to 5 guest rooms used for the lodging of transient guests and in which meals may be prepared for them, provided that no meals may be sold to persons other than such guests, and where the owner resides on the property as his/her principal place of residence.	TCP
Lodging: Bed & Breakfast (5 rooms or less)	The use of a single residential structure for commercial lodging purposes, with up to 5 guest rooms used for the purpose of lodging transient guests and in which meals may be prepared for them, provided that no meals may be sold to persons other than such guests, and where the owner resides on the property as his/her principal place of residence.	TCP
Lodging: Inn (up to 24 rooms)	A building or group of buildings used as a commercial lodging establishment having up to 24 guest rooms providing lodging accommodations to the general public. This includes the use of any dwelling unit for lodging accommodations on a daily or weekly rate to the general public.	TCP
Medical Service: Clinics/Offices	See definition in Article 8, Table 3.1.70	TCP

<p>Community Oriented Cultural Facility (less than 15,000 SF)</p>	<p>Public or non-profit facilities that provide educational and cultural experiences for the general public, examples of which include: aquariums, arboretums, art galleries, botanical gardens, libraries, museums, planetariums, civic centers and theaters predominantly used for live performances, and zoos. May also include accessory retail uses such as a gift/book shop, restaurant, etc.</p>	<p>TCP</p>
<p>Community Residence (dorms, convents, assisted living, temporary shelters)</p>	<p>See definition in Article 8, Table 3.1.70</p>	<p>TCP</p>
<p>"P" indicates a Use that is Permitted By Right.          "C" indicates a Use that is Permitted with Conditions.          "S" indicates a Use that is Permitted as a Special Use.          "TCP" indicates a Use that is permitted only as part of a Traditional Community Plan under the requirements in Division 2.3</p>		

A.4.40 - Permitted Activities

The permitted uses are listed in Table A.3.40. A use not listed in Table A.3.40 may be permitted by the Director provided it is determined to be substantially similar to a listed use and complies with the purpose established for the LINAC District. All other uses are prohibited.

Table A.4.40.A: Lady's Island Neighborhood Activity Center Land Uses		
Land Use	Use Definition	Use Permission
<b>Residential</b>		
Commercial Apartment	One to four dwelling units located above a nonresidential structure on the same lot.	P
Live/Work Unit	An integrated housing unit and working space, occupies by a single household. Commercial activities are limited to those listed in this table.	P
<b>Retail &amp; Restaurants</b>		
General Retail	Stores and shops that sell and/or rent goods and merchandise to the general public. Outdoor sales as a principal use is not permitted.	P
Delicatessens and restaurants	Establishment that serves food and beverages to persons seated within the building. Outside terrace or sidewalk seating is permitted subject to all other required codes. This use is limited to a seating capacity of 40 and does not include drive through service. Restaurants may have outdoor cafes on sidewalks or in courtyards.	C
Food stores	Establishments primarily engaged in retailing a general line of food, such as canned and frozen food; fresh fruits and vegetables; and fresh and prepared meats, fish, and poultry. Food stores are limited to 20,000 square feet.	C
Gas-convenience marts with no repair bays or facilities	There is no towing, vehicle body, engine repair, painting, or exterior overnight vehicle storage permitted with this use. Single-bay car washes associated with a gas convenience mart are permitted (NAICS 811191, 811192).	C
Retail plant nurseries	Establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of products they grow themselves. Outside storage is limited to plants (NAICS 444220).	P
<b>Offices &amp; Services</b>		
Animal Services	Establishments primarily engaged in providing grooming, boarding, and veterinarian services.	P
Banks	Establishments primarily engaged in accepting demand and other deposits and making commercial, industrial, and consumer loans.	P

Business and Professional services	This use encompasses activities, without outdoor storage needs, that provide office and service functions to customers and other businesses.	P
Day care, commercial	All day care facilities not classified as "day care, family" and including more than eight children (NAICS 62441).	P
<b>Lodging: Short-Term Housing Rental (STHR)</b>	<b>A property with a residential dwelling where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation with individual rental terms not exceeding 29 consecutive days. See specific use regulations in Article 4.1.360.</b>	<b>S</b>
Dry-cleaning and laundry services	Establishments primarily engaged in operating facilities with coin operated or similar self-service laundry and dry-cleaning equipment or establishments engaged in providing dry-cleaning services, except linen, uniform, carpets and upholstery (NAICS 812310 and 812320).	P
Personal service establishments	Establishments such as barber and beauty shops that provide appearance care services to individuals (NAICS 8121).	P
Quick service oil, tune-up, brake and muffler shops	Where maintenance repairs are made in fully enclosed bays, and where such repairs are typically completed in less than two hours.	C
<b>Recreation, Education, Safety, Public Assembly</b>		
Residential storage facility	A building or buildings consisting of individual, small, self-contained units that are leased or owned for the storage of household goods.	C
Government offices	This use is comprised of establishments primarily engaged in law enforcement, traffic safety, and fire protection (NAICS 92215 and 92216).	P
Religious establishments (small)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with no schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having less than 15,000 square feet of floor area.	C
<b>Industrial</b>		
Boat storage	This use is comprised of establishments primarily engaged in renting or leasing outdoor space for boat storage. These establishments provide secure space where clients can store and retrieve their boats.	C
Business storage	Any land or structure used for storage and holding of commercial business supplies, materials, equipment and products, that are necessary for conducting that business.	C
Light manufacturing, processing and packaging	A facility accommodating the assembly, fabrication, and conversion of already processed raw materials into products. Examples include artisan/craft product manufacturing, clothing and	C

	fabric product manufacturing, furniture and fixtures manufacturing, cabinet shops, media production, printing and publishing, and food preparation and packing.	
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"P" indicates a Use that is Permitted By Right.  
"C" indicates a Use that is Permitted with Conditions.  
"S" indicates a Use that is Permitted as a Special Use.

A.5.40 - Permitted Activities

The permitted uses are restricted to professional office, services, institutional and limited business uses. Uses not listed are prohibited. The following are descriptions of permitted uses, permitted accessory uses and structures for LIPO:

Table A.5.40: Lady's Island Professional Office District Land Use		
Land Use	Use Definition	Use Permission
<b>Residential</b>		
Family compound	Form of traditional rural development which provides affordable housing for family members allowing additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years.	P
Accessory dwelling unit	A second dwelling unit, clearly subordinate to the principal unit, either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility. Maximum building size shall not exceed 50% of the principal unit's floor area.	C
<b>Offices and Services</b>		
Office	<p>Building or buildings wherein operations are predominantly administrative, professional or clerical, and includes the following:</p> <ol style="list-style-type: none"> <li>1. Finance, banks, trusts, savings and lending. (NAICS 521, 522, 525, 533)</li> <li>2. Security, commodity brokers and investment services. (NAICS 523)</li> <li>3. Insurance carriers, agents, brokers, and services. (NAICS 524)</li> <li>4. Real estate services. (NAICS 531)</li> <li>5. Professional and technical services. (NAICS 5411-5419)</li> <li>6. Business services. (NAICS 55, 5611-5616, 5619, 8139)</li> <li>7. Health services. (NAICS 621)</li> <li>8. Social services. (NAICS 624) (except care facilities)</li> <li>9. Educational services, such as business schools (NAICS 6114), technological, and trade schools (excluding public and private schools defined as institutional).</li> <li>10. Civic and social organizations. (NAICS 8132-34)</li> <li>11. Agricultural support and services (offices only). (NAICS 115)</li> <li>12. Governmental offices (NAICS 92 excluding public service).</li> <li>13. Contractor's office without exterior storage.</li> </ol>	P
Services	<p>A wide variety of personal and commercial services including the following:</p> <ol style="list-style-type: none"> <li>1. Educational services. (NAICS 611 except 611512, 61162)</li> <li>2. Social assistance. (NAICS 624)</li> <li>3. Hospitals and medical laboratories (NAICS 339116, 62151, 62211, 62221, 62231), including general medical and surgical hospitals, and specialty hospitals, except alcoholism, drug, rehabilitation.</li> <li>4. Kennel service and domestic veterinary clinics. (NAICS 11521)</li> <li>5. Postal service buildings, except regional distribution centers, couriers and messengers. (NAICS 491, 492)</li> <li>6. Miscellaneous repair services and shops. (NAICS 44311, 8112, 8113, 8114)</li> </ol>	P

	<p>7. Health and exercise clubs; dance studios. (NAICS 71394, 71399)</p> <p>8. Funeral homes. (NAICS 81221)</p> <p>9. Laundry services. (NAICS 8123)</p> <p>10. Personal services. (NAICS 8121, 8129)</p>	
Day care, commercial	All day care facilities not classified as "day care, family" and including more than eight children. (NAICS 62441)	P
<b>Lodging: Short-Term Housing Rental (STHR)</b>	<b>A property with a residential dwelling where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation with individual rental terms not exceeding 29 consecutive days. See specific use regulations in Article 4.1.360.</b>	<b>S</b>
General auto repair & gasoline service stations w/ repair bays or facilities	Facilities where most types of servicing and repair can be performed on-site. Hand car wash/detailing businesses are permitted as part of, or separate from this use.	C
Government office	County, state, or federal office buildings or other facilities that are primarily devoted to public office uses or services. (NAICS 921, 92211, 92213, 923)	P
Quick service oil, tune-up, brake and muffler shops	Where maintenance repairs are made in fully enclosed bays, and where such repairs are typically completed in less than two hours.	C
<b>Recreation, Education, Safety, Public Assembly</b>		
Institutional Residential	<p>1. Convents or monasteries.</p> <p>2. Skilled nursing facility. Twenty-four hour care to ill persons in a controlled setting providing daily and medical care. Residents often have limited or no mobility. Requires licensing.</p> <p>3. Assisted living facility. Residential care facility catering to the frail elderly who require assistance with daily activities. Requires licensing.</p> <p>4. Independent living facility. Facility catering to more mobile, healthy senior adults. Individual living units may contain kitchens, while common dining is available. Planned recreation, housekeeping, transportation, etc may also be provided. Does not require licensing.</p> <p>5. Sheltered care facilities or group living facilities where the residents live in an institutional environment and are generally under the care or control of staff. All sheltered care, group care, and group homes, except emergency shelters and residential substance abuse facilities where total occupancy is more than eight, shall be considered institutional residential use. These residents would be members of an institution, have institutional care, or would be treated by staff in an institutional setting rather than living independently. (NAICS 623, 62422, 62423)</p> <p>6. Institutional housing where there is commercial rental or condominium ownership combined with any of the following: common food service, nursing, or health care. Assisted living facilities shall also be included. (NAISC 623311, 6239, 624229)</p> <p>7. Dormitories, fraternities, or sororities.</p> <p>8. Schools with live-in facilities on site, other than universities, colleges or preparatory schools. (NAICS 61111)</p>	C

Religious establishments (small)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with no schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having less than 15,000 square feet of floor area.	P
Religious establishments (large)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with or without schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having 15,000 or greater square feet of floor area. (NAICS 813110)	S
Recreational institutional	Nonprofit organizations chartered to provide community-based recreational services.	P
Commercial amusement, indoor	Includes, but is not limited to: bowling alleys, indoor sports arenas, movie theaters, performing arts companies, indoor skating rinks (ice or roller), amusement game machine complex, pool halls, and shooting arcades. (NAICS 512131, 7111, 7112 part, 7113, 712 part, 713 part)	C
Colleges and professional schools	Colleges, universities, and professional schools; other advanced education. (NAICS 6112, 6113)	C
Schools, neighborhood (elementary and middle school)	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the county or the State of South Carolina. The definition includes nursery schools, kindergarten, elementary schools, middle schools or any special institution of learning under the jurisdiction of the State Department of Education catering to those age groups. This does not include charm schools, dancing schools, music schools or similar limited schools.	C
Public services	These uses include emergency service, buildings, or garages, (e.g., ambulance, fire, police, rescue, and public works) or other garages or areas where vehicles are stored and dispatched. (NAICS 62191, 92212, 92216, see "Office" uses, below)	P
<b>Infrastructure, Transportation, Communications</b>		
Local utility	Utility substations or transmission and local distribution facilities, including telephone, and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, and landfills or mining operations. (NAICS 221122, 22121)	C
<b>Temporary Uses</b>		
Construction staging or plant	A concrete or asphalt batch plant, or metal forming and cutting facility assembled on the site or located no more than mile from the site where the construction of a particular road, infrastructure or building is to take place. Such facilities shall be removed within one year.	S
Contractor's office	Security guard buildings and structures, construction equipment sheds, contractor's trailers and similar uses incidental to a construction project. Limited sleeping and/or cooking facilities may also be permitted.	P

Roadside stands	Temporary structure used in the sale of agricultural produce, flowers or seafood. More than one vendor may sell at a single stand. All roadside stands must comply with the standards in Article 4, Section 4.3.100	C
<p>"P" indicates a Use that is Permitted By Right. "C" indicates a Use that is Permitted with Conditions. "S" indicates a Use that is Permitted as a Special Use.</p>		

ORDINANCE 2022/ \_\_\_\_\_

**TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC):  
SECTIONS A.2.40 (PERMITTED ACTIVITIES), A.4.40 (PERMITTED ACTIVITIES),  
A.5.40 (PERMITTED ACTIVITIES) TO REVISE THE LADY’S ISLAND COMMUNITY  
PRESERVATION, LADY’S ISLAND NEIGHBORHOOD ACTIVITY CENTER, AND  
LADY’S ISLAND PREOFSSIONAL OFFICE DISTRICTS TO INCLUDE SHORT-  
TERM RENTALS AS A SPECIAL USE.**

**WHEREAS**, the Lady’s Island Community Preservation District, the Lady’s Island Neighborhood Activity Center, and the Lady’s Island Professional Office District currently do not permit short-term rentals; and

**WHEREAS**, an applicant requested that the Lady’s Island Community Preservation District should allow short-term rentals as a special use; and staff recommended allowing short-term rentals as a special use in the Lady’s Island Neighborhood Activity Center and the Lady’s Island Professional Office District as well; and

**WHEREAS**, the Beaufort County Planning Commission considered the proposed amendments on December 6, 2021, voting to recommend that County Council approve the proposed amendments; and

**WHEREAS**, County Council now wishes to amend the Community Development Code to allow short-term rentals as a special use in the Lady’s Island Community Preservation District, the Lady’s Island Neighborhood Activity Center, and the Lady’s Island Professional Office District;

**NOW, THEREFORE** be it ordained by County Council in meeting duly assembled as follows:

1. The Community Development Code is amended to to allow short-term rentals as a special use in the Lady’s Island Community Preservation District, the Lady’s Island Neighborhood Activity Center, and the Lady’s Island Professional Office District;
2. Staff is directed to make the changes to the Community Development Code and to report to all persons necessary or helpful that the zoning has so changed.

Ordained this \_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
Joseph Passiment, Chairman

\_\_\_\_\_  
Sarah Brock, Clerk to Council

A.2.40 - Permitted Activities

The permitted uses are primarily residential. Limited nonresidential uses are allowed generally subject to the special use process. Uses not listed are prohibited. The following are descriptions of permitted uses, permitted accessory uses and structures for the LICP District:

Table A.2.40.A: Lady's Island Community Preservation Land Uses		
Land Use	Use Definition	Use Permission
<b>Residential</b>		
Single-family detached	Detached dwelling unit intended for only one family. Includes any one family dwelling unit, which complies with the Beaufort County Building Code.	C
Single-family cluster	Two or more single-family detached residential uses in a subdivision, or on an individual lot that include, as part of the subdivision or lot design, significant common open space that meets the standards in Article 2, Division 2.8.	C
Traditional Community Plan	See Article 2, Division 2.3 (Traditional Community Plans)	C
Multifamily	A building containing two or more dwelling units, specifically permitting duplexes, mansion apartments, and apartment houses.	C
Accessory dwelling unit	A second dwelling unit, clearly subordinate to the principal unit, either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete independent living facility. Maximum building size shall not exceed 50% of the principal unit's floor area.	C
Family compound	Form of traditional rural development which provides affordable housing for family members allowing additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years (see Article 2, Section 2.7.40).	C
Group home	Residential facility for nine or fewer mentally or physically handicapped persons providing care on a 24-hour basis and licensed by a state agency or department, or is under contract with a state agency or department, for that purpose.	C
Home occupation	A business, profession, occupation or trade located entirely within a residential dwelling, which does not change the essential character of the residential use.	C
Home business	A business operated out of a single-family residence and accessory structures that permits the employment of up to three unrelated individuals. This includes independent contractors operating from the facility. Farm workers are not included. Uses shall be limited to office and service types, carpentry, upholstery, woodworking, potteries, glasswork and other similar uses; wholesale or retail sales are prohibited on-premises.	C

Community Residence (dorms, convents, assisted living, temporary shelters)	See definition in Article 8, Table 3.1.70	S
<b>Offices and Services</b>		
Day care, family	A facility in a private home that is operated by one or more persons duly licensed or qualified to be licensed by the state for the purpose of providing child day care for one to not more than eight children at any one time, who are not relatives of the day care provider. (NAICS 62441)	P
<b>Lodging: Short-Term Housing Rental (STHR)</b>	<b>A property with a residential dwelling where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation with individual rental terms not exceeding 29 consecutive days. See specific use regulations in Article 4.1.360</b>	<b>S</b>
<b>Recreation, Education, Safety, Public Assembly</b>		
Public services	These uses include emergency service, buildings, or garages, (e.g., ambulance, fire, police, rescue, and public works) or other garages or areas where vehicles are stored and dispatched. (NAICS 62191, 92212, 92216, see "Office" uses, below)	P
Religious establishments (large)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with or without schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having 15,000 or greater square feet of floor area (NAICS 813110).	S
Religious establishments (small)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with no schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having less than 15,000 square feet of floor area.	S
Local utility	Utility substations or transmission and local distribution facilities, including telephone, and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, and landfills or mining operations. (NAICS 221122, 22121)	S
Outdoor recreation	1. Active recreational activities and supporting services including, but not limited to: jogging, cycling, tot lots, playing fields, playgrounds, outdoor swimming pools, and tennis courts (NAICS 7113); fishing clubs; marinas. 2. Passive recreational uses including, but not limited to: arboretums, wildlife sanctuaries, forests, areas for hiking, nature areas, and other passive recreation-oriented parks 3. Picnic areas, garden plots, and beaches.	C
Schools, neighborhood (elementary and middle school) and community (high schools)	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the county or the State of South Carolina. The definition includes nursery schools, kindergarten, elementary schools, middle schools, senior high schools or any special institution of learning under the jurisdiction of the state	S

	department of education catering to those age groups. This does not include charm schools, dancing schools, music schools or similar limited schools. (NAICS 6111)	
<b>Infrastructure, Transportation, Communications</b>		
Commercial communications towers	A tower, pole or similar structure, which supports a telecommunications antenna, operated for commercial purposes above ground in a fixed location, freestanding or guyed, or atop a structure. This does not include television antennas or satellite dishes. Towers for radio or television station use are regulated as regional utilities.	S
<b>Temporary Uses</b>		
Construction staging or plant	A concrete or asphalt batch plant, or metal forming and cutting facility assembled on the site or located no more than one mile from the site where the construction of a particular road, infrastructure or building is to take place. Such facilities shall be removed within one year.	S
Contractor's office	Security guard buildings and structures, construction equipment sheds, contractor's trailers and similar uses incidental to a construction project. Limited sleeping and/or cooking facilities may also be permitted.	P
Model homes sales office	A dwelling unit or modular unit in a subdivision used as a sales office for that subdivision.	P
<b>Traditional Community Plan Uses</b>		
Single-Family attached	A structure containing one dwelling unit on a single lot and connected along a property line to another dwelling unit on an adjoining lot by a common wall or other integral part of the principal building such as a breezeway or carport.	TCP
Live/Work	An integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes: complete kitchen, living, and sleeping space and sanitary facilities in compliance with the Building Code, and working space reserved for and regularly used by one or more occupants of the unit. Workspace is limited to a maximum fifty percent (50%) of the structure and located on the first floor with living space located to the rear or above. Activities are limited to those uses permitted in the underlying Zone in which the Live/Work unit is located.	TCP
General Retail 3,500 SF or less	Stores and shops that sell and/or rent goods and merchandise to the general public. This category does not include "Open Air Retail," "Vehicle Sales and Rental," or "Gas Stations/Fuel Sales."	TCP
Gas Stations/Fuel Sales	An establishment where petroleum products are dispensed for retail sale. This use may include a retail convenience store and/or a single bay carwash. It does not include towing, vehicle body or engine repair (see "Vehicle Services"), or overnight vehicle storage.	TCP
Restaurant, Café, Coffee Shop	A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption; and establishments	TCP

	where customers are served food at their tables for on-premise consumption, which may also provide food for take-out, but does not include drive-through services, which are separately defined and regulated. This use includes all mobile kitchens.	
General Offices & Services: 3,500 SF or less	<ol style="list-style-type: none"> <li>1. Bank/Financial Services. Financial institutions, including, but not limited to: banks, credit agencies, investment companies, security and commodity exchanges, ATM facilities.</li> <li>2. Business Services. Establishments providing direct services to consumers, including, but not limited to: employment agencies, insurance agent offices, real estate offices, travel agencies, landscaping and tree removal companies, exterminators, carpet cleaners, and contractors' offices without exterior storage.</li> <li>3. Business Support Services. Establishments providing services to other businesses, including, but not limited to: computer rental and repair, copying, quick printing, mailing and mailbox services.</li> <li>4. Personal Services. Establishments providing non-medical services to individuals, including, but not limited to: barber and beauty shops, dry cleaners, small appliance repair, laundromats, massage therapists, pet grooming with no boarding, shoe repair shops, tanning salons, funeral homes. These uses may include incidental retail sales related to the services they provide.</li> <li>5. Professional and Administrative Services. Office-type facilities occupied by businesses or agencies that provide professional or government services, or are engaged in the production of intellectual property.</li> </ol>	TCP
Animal Services: Clinic/Hospital	An establishment used by a veterinarian where animals are treated. This use may include boarding and grooming as accessory uses.	TCP
Day Care: Commercial Center (9 or more clients)	A state-licensed facility that provides non-medical care and supervision for more than 8 adults or children, typically for periods of less than 24 hours per day for any client. Facilities include, but are not limited to: nursery schools, preschools, after-school care facilities, and daycare centers.	TCP
Lodging: Bed & Breakfast (5 rooms or less)	The use of a single residential structure for commercial lodging purposes, with up to 5 guest rooms used for the lodging of transient guests and in which meals may be prepared for them, provided that no meals may be sold to persons other than such guests, and where the owner resides on the property as his/her principal place of residence.	TCP
Lodging: Bed & Breakfast (5 rooms or less)	The use of a single residential structure for commercial lodging purposes, with up to 5 guest rooms used for the purpose of lodging transient guests and in which meals may be prepared for them, provided that no meals may be sold to persons other than such guests, and where the owner resides on the property as his/her principal place of residence.	TCP
Lodging: Inn (up to 24 rooms)	A building or group of buildings used as a commercial lodging establishment having up to 24 guest rooms providing lodging accommodations to the general public. This includes the use of any dwelling unit for lodging accommodations on a daily or weekly rate to the general public.	TCP
Medical Service: Clinics/Offices	See definition in Article 8, Table 3.1.70	TCP

<p>Community Oriented Cultural Facility (less than 15,000 SF)</p>	<p>Public or non-profit facilities that provide educational and cultural experiences for the general public, examples of which include: aquariums, arboretums, art galleries, botanical gardens, libraries, museums, planetariums, civic centers and theaters predominantly used for live performances, and zoos. May also include accessory retail uses such as a gift/book shop, restaurant, etc.</p>	<p>TCP</p>
<p>Community Residence (dorms, convents, assisted living, temporary shelters)</p>	<p>See definition in Article 8, Table 3.1.70</p>	<p>TCP</p>
<p>"P" indicates a Use that is Permitted By Right.          "C" indicates a Use that is Permitted with Conditions.          "S" indicates a Use that is Permitted as a Special Use.          "TCP" indicates a Use that is permitted only as part of a Traditional Community Plan under the requirements in Division 2.3</p>		

A.4.40 - Permitted Activities

The permitted uses are listed in Table A.3.40. A use not listed in Table A.3.40 may be permitted by the Director provided it is determined to be substantially similar to a listed use and complies with the purpose established for the LINAC District. All other uses are prohibited.

Table A.4.40.A: Lady's Island Neighborhood Activity Center Land Uses		
Land Use	Use Definition	Use Permission
<b>Residential</b>		
Commercial Apartment	One to four dwelling units located above a nonresidential structure on the same lot.	P
Live/Work Unit	An integrated housing unit and working space, occupies by a single household. Commercial activities are limited to those listed in this table.	P
<b>Retail &amp; Restaurants</b>		
General Retail	Stores and shops that sell and/or rent goods and merchandise to the general public. Outdoor sales as a principal use is not permitted.	P
Delicatessens and restaurants	Establishment that serves food and beverages to persons seated within the building. Outside terrace or sidewalk seating is permitted subject to all other required codes. This use is limited to a seating capacity of 40 and does not include drive through service. Restaurants may have outdoor cafes on sidewalks or in courtyards.	C
Food stores	Establishments primarily engaged in retailing a general line of food, such as canned and frozen food; fresh fruits and vegetables; and fresh and prepared meats, fish, and poultry. Food stores are limited to 20,000 square feet.	C
Gas-convenience marts with no repair bays or facilities	There is no towing, vehicle body, engine repair, painting, or exterior overnight vehicle storage permitted with this use. Single-bay car washes associated with a gas convenience mart are permitted (NAICS 811191, 811192).	C
Retail plant nurseries	Establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of products they grow themselves. Outside storage is limited to plants (NAICS 444220).	P
<b>Offices &amp; Services</b>		
Animal Services	Establishments primarily engaged in providing grooming, boarding, and veterinarian services.	P
Banks	Establishments primarily engaged in accepting demand and other deposits and making commercial, industrial, and consumer loans.	P

Business and Professional services	This use encompasses activities, without outdoor storage needs, that provide office and service functions to customers and other businesses.	P
Day care, commercial	All day care facilities not classified as "day care, family" and including more than eight children (NAICS 62441).	P
Lodging: Short-Term Housing Rental (STHR)	A property with a residential dwelling where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation with individual rental terms not exceeding 29 consecutive days. See specific use regulations in Article 4.1.360.	S
Dry-cleaning and laundry services	Establishments primarily engaged in operating facilities with coin operated or similar self-service laundry and dry-cleaning equipment or establishments engaged in providing dry-cleaning services, except linen, uniform, carpets and upholstery (NAICS 812310 and 812320).	P
Personal service establishments	Establishments such as barber and beauty shops that provide appearance care services to individuals (NAICS 8121).	P
Quick service oil, tune-up, brake and muffler shops	Where maintenance repairs are made in fully enclosed bays, and where such repairs are typically completed in less than two hours.	C
<b>Recreation, Education, Safety, Public Assembly</b>		
Residential storage facility	A building or buildings consisting of individual, small, self-contained units that are leased or owned for the storage of household goods.	C
Government offices	This use is comprised of establishments primarily engaged in law enforcement, traffic safety, and fire protection (NAICS 92215 and 92216).	P
Religious establishments (small)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with no schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having less than 15,000 square feet of floor area.	C
<b>Industrial</b>		
Boat storage	This use is comprised of establishments primarily engaged in renting or leasing outdoor space for boat storage. These establishments provide secure space where clients can store and retrieve their boats.	C
Business storage	Any land or structure used for storage and holding of commercial business supplies, materials, equipment and products, that are necessary for conducting that business.	C
Light manufacturing, processing and packaging	A facility accommodating the assembly, fabrication, and conversion of already processed raw materials into products. Examples include artisan/craft product manufacturing, clothing and	C

	fabric product manufacturing, furniture and fixtures manufacturing, cabinet shops, media production, printing and publishing, and food preparation and packing.	
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"P" indicates a Use that is Permitted By Right.  
"C" indicates a Use that is Permitted with Conditions.  
"S" indicates a Use that is Permitted as a Special Use.

A.5.40 - Permitted Activities

The permitted uses are restricted to professional office, services, institutional and limited business uses. Uses not listed are prohibited. The following are descriptions of permitted uses, permitted accessory uses and structures for LIPO:

Table A.5.40: Lady's Island Professional Office District Land Use		
Land Use	Use Definition	Use Permission
<b>Residential</b>		
Family compound	Form of traditional rural development which provides affordable housing for family members allowing additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years.	P
Accessory dwelling unit	A second dwelling unit, clearly subordinate to the principal unit, either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility. Maximum building size shall not exceed 50% of the principal unit's floor area.	C
<b>Offices and Services</b>		
Office	<p>Building or buildings wherein operations are predominantly administrative, professional or clerical, and includes the following:</p> <ol style="list-style-type: none"> <li>1. Finance, banks, trusts, savings and lending. (NAICS 521, 522, 525, 533)</li> <li>2. Security, commodity brokers and investment services. (NAICS 523)</li> <li>3. Insurance carriers, agents, brokers, and services. (NAICS 524)</li> <li>4. Real estate services. (NAICS 531)</li> <li>5. Professional and technical services. (NAICS 5411-5419)</li> <li>6. Business services. (NAICS 55, 5611-5616, 5619, 8139)</li> <li>7. Health services. (NAICS 621)</li> <li>8. Social services. (NAICS 624) (except care facilities)</li> <li>9. Educational services, such as business schools (NAICS 6114), technological, and trade schools (excluding public and private schools defined as institutional).</li> <li>10. Civic and social organizations. (NAICS 8132-34)</li> <li>11. Agricultural support and services (offices only). (NAICS 115)</li> <li>12. Governmental offices (NAICS 92 excluding public service).</li> <li>13. Contractor's office without exterior storage.</li> </ol>	P
Services	<p>A wide variety of personal and commercial services including the following:</p> <ol style="list-style-type: none"> <li>1. Educational services. (NAICS 611 except 611512, 61162)</li> <li>2. Social assistance. (NAICS 624)</li> <li>3. Hospitals and medical laboratories (NAICS 339116, 62151, 62211, 62221, 62231), including general medical and surgical hospitals, and specialty hospitals, except alcoholism, drug, rehabilitation.</li> <li>4. Kennel service and domestic veterinary clinics. (NAICS 11521)</li> <li>5. Postal service buildings, except regional distribution centers, couriers and messengers. (NAICS 491, 492)</li> <li>6. Miscellaneous repair services and shops. (NAICS 44311, 8112, 8113, 8114)</li> </ol>	P

	<p>7. Health and exercise clubs; dance studios. (NAICS 71394, 71399)</p> <p>8. Funeral homes. (NAICS 81221)</p> <p>9. Laundry services. (NAICS 8123)</p> <p>10. Personal services. (NAICS 8121, 8129)</p>	
Day care, commercial	All day care facilities not classified as "day care, family" and including more than eight children. (NAICS 62441)	P
Lodging: Short-Term Housing Rental (STHR)	A property with a residential dwelling where lodging is offered, advertised, or provided to Short-Term Rental Tenants (excluding family members) for a fee or any form of compensation with individual rental terms not exceeding 29 consecutive days. See specific use regulations in Article 4.1.360.	S
General auto repair & gasoline service stations w/ repair bays or facilities	Facilities where most types of servicing and repair can be performed on-site. Hand car wash/detailing businesses are permitted as part of, or separate from this use.	C
Government office	County, state, or federal office buildings or other facilities that are primarily devoted to public office uses or services. (NAICS 921, 92211, 92213, 923)	P
Quick service oil, tune-up, brake and muffler shops	Where maintenance repairs are made in fully enclosed bays, and where such repairs are typically completed in less than two hours.	C
<b>Recreation, Education, Safety, Public Assembly</b>		
Institutional Residential	<p>1. Convents or monasteries.</p> <p>2. Skilled nursing facility. Twenty-four hour care to ill persons in a controlled setting providing daily and medical care. Residents often have limited or no mobility. Requires licensing.</p> <p>3. Assisted living facility. Residential care facility catering to the frail elderly who require assistance with daily activities. Requires licensing.</p> <p>4. Independent living facility. Facility catering to more mobile, healthy senior adults. Individual living units may contain kitchens, while common dining is available. Planned recreation, housekeeping, transportation, etc may also be provided. Does not require licensing.</p> <p>5. Sheltered care facilities or group living facilities where the residents live in an institutional environment and are generally under the care or control of staff. All sheltered care, group care, and group homes, except emergency shelters and residential substance abuse facilities where total occupancy is more than eight, shall be considered institutional residential use. These residents would be members of an institution, have institutional care, or would be treated by staff in an institutional setting rather than living independently. (NAICS 623, 62422, 62423)</p> <p>6. Institutional housing where there is commercial rental or condominium ownership combined with any of the following: common food service, nursing, or health care. Assisted living facilities shall also be included. (NAISC 623311, 6239, 624229)</p> <p>7. Dormitories, fraternities, or sororities.</p> <p>8. Schools with live-in facilities on site, other than universities, colleges or preparatory schools. (NAICS 61111)</p>	C

Religious establishments (small)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with no schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having less than 15,000 square feet of floor area.	P
Religious establishments (large)	Establishments engaged in operating religious organizations, such as churches, religious temples and /or establishments primarily engaged in administering an organized religion or promoting religious activities with or without schools (except Sunday schools occupying no more than 50% of the floor area) as part of the complex and having 15,000 or greater square feet of floor area. (NAICS 813110)	S
Recreational institutional	Nonprofit organizations chartered to provide community-based recreational services.	P
Commercial amusement, indoor	Includes, but is not limited to: bowling alleys, indoor sports arenas, movie theaters, performing arts companies, indoor skating rinks (ice or roller), amusement game machine complex, pool halls, and shooting arcades. (NAICS 512131, 7111, 7112 part, 7113, 712 part, 713 part)	C
Colleges and professional schools	Colleges, universities, and professional schools; other advanced education. (NAICS 6112, 6113)	C
Schools, neighborhood (elementary and middle school)	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the county or the State of South Carolina. The definition includes nursery schools, kindergarten, elementary schools, middle schools or any special institution of learning under the jurisdiction of the State Department of Education catering to those age groups. This does not include charm schools, dancing schools, music schools or similar limited schools.	C
Public services	These uses include emergency service, buildings, or garages, (e.g., ambulance, fire, police, rescue, and public works) or other garages or areas where vehicles are stored and dispatched. (NAICS 62191, 92212, 92216, see "Office" uses, below)	P
<b>Infrastructure, Transportation, Communications</b>		
Local utility	Utility substations or transmission and local distribution facilities, including telephone, and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, and landfills or mining operations. (NAICS 221122, 22121)	C
<b>Temporary Uses</b>		
Construction staging or plant	A concrete or asphalt batch plant, or metal forming and cutting facility assembled on the site or located no more than mile from the site where the construction of a particular road, infrastructure or building is to take place. Such facilities shall be removed within one year.	S
Contractor's office	Security guard buildings and structures, construction equipment sheds, contractor's trailers and similar uses incidental to a construction project. Limited sleeping and/or cooking facilities may also be permitted.	P

Roadside stands	Temporary structure used in the sale of agricultural produce, flowers or seafood. More than one vendor may sell at a single stand. All roadside stands must comply with the standards in Article 4, Section 4.3.100	C
<p>"P" indicates a Use that is Permitted By Right. "C" indicates a Use that is Permitted with Conditions. "S" indicates a Use that is Permitted as a Special Use.</p>		



# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

<b>ITEM TITLE:</b>
<i>Zoning Map Amendment/Rezoning Request for 6.55 acres (R600 041 000 0172 0000) at 28 Buckingham Plantation Drive from T4 Hamlet Center Open to T4 Neighborhood Center</i>
<b>MEETING NAME AND DATE:</b>
<i>Natural Resources Committee Meeting, February 7, 2022</i>
<b>PRESENTER INFORMATION:</b>
<i>Robert Merchant, AICP, Director, Beaufort County Planning and Zoning (10 minutes needed for item discussion)</i>
<b>ITEM BACKGROUND:</b>
<i>This rezoning application went before the Beaufort County Planning Commission at their December 6, 2021 meeting. At that time the Commission voted seven (7) to two (2) to recommend approval of the proposed amendment to County Council.</i>
<b>PROJECT / ITEM NARRATIVE:</b>
<i>The applicant seeks to change the zoning of a 6.55-acre lot at 28 Buckingham Plantation Drive from T4 Hamlet Center Open (T4HC-O) to T4 Neighborhood Center (T4NC) (see attached map). The property is undeveloped. The applicant also owns the adjacent property to the west, which is zoned T4NC. The applicant plans to develop a mixed-use community using both properties and is seeking consistent zoning to avoid a split-zoning.</i>
<b>FISCAL IMPACT:</b>
<i>Not applicable</i>
<b>STAFF RECOMMENDATIONS TO COUNCIL:</b>
<i>Staff recommends approval.</i>
<b>OPTIONS FOR COUNCIL MOTION:</b>
<i>To approve or deny the zoning amendment for 28 Buckingham Plantation Drive from T4 Hamlet Center Open to T4 Neighborhood Center.</i>



## MEMORANDUM

**TO:** Beaufort County Natural Resources Committee

**FROM:** Juliana Smith, Long Range Planner, Planning and Zoning Department

**DATE:** February 7, 2022

**SUBJECT:** Zoning Map Amendment/Rezoning Request for 6.55 acres (R600 041 000 0172 0000) at 28 Buckingham Plantation Drive from T4 Hamlet Center Open (T4HC-O) to T4 Neighborhood Center (T4NC); Applicant: Carmen Mihai

### STAFF REPORT:

#### A. BACKGROUND:

**Case No.** CDPA-000016-2021

**Owner/Applicant:** Carmen Mihai

**Property Location:** Located at 28 Buckingham Plantation Drive

**District/Map/Parcel:** R600 041 000 0172 0000

**Property Size:** 6.55 acres

**Current Future Land Use Designation:** Urban Mixed Use

**Current Zoning District:** T4 Hamlet Center Open

**Proposed Zoning District:** T4 Neighborhood Center

**B. SUMMARY OF REQUEST:** The applicant seeks to change the zoning of a 6.55-acre lot at 28 Buckingham Plantation Drive from T4 Hamlet Center Open (T4HC-O) to T4 Neighborhood Center (T4NC) (see attached map). The property is undeveloped and fronts Bluffton Parkway. The applicant also owns the neighboring 5.44-acre property (R600 040 000 0825 0000) to the northwest, which is zoned T4 Neighborhood Center. The applicant plans to develop a mixed-use community using both parcels and is seeking consistent zoning to avoid a split-zoning.

**C. EXISTING ZONING:** The lot is currently zoned T4HC-O, which is a Sub-Zone of T4 Hamlet Center. T4 Hamlet Center is intended to integrate appropriate, medium-density residential building types in an environment conducive to walking and bicycling. It is a zoning district that is appropriate for more rural areas. The T4HC-O Sub-Zone provides for neighborhoods with a broader amount of retail and service uses in the scale and character of the T4 Hamlet Center zone.

**D. PROPOSED ZONING:** The T4NC district is intended to integrate vibrant main-street commercial and retail environments into neighborhoods, providing access to day-to-day amenities within walking distance, creating potential for a transit stop, and serving as a focal point for the neighborhood. This district is intended to create areas of higher intensity residential and commercial uses.

**E. COMPREHENSIVE PLAN FUTURE LAND USE MAP:** This 6.55-acre lot is designated Urban Mixed Use on the Future Land Use Map. The Comprehensive Plan states that future development in Urban Mixed Use should be compatible with the type and mix of land use currently found in the municipalities with an emphasis on infill and redevelopment, as well as walkable, mixed-use communities. Gross residential densities are between two and four dwelling units per acre with some denser pockets of development.

**F. ZONING MAP AMENDMENT REVIEW STANDARDS:** In determining whether to adopt or deny a proposed Zoning Map Amendment, the County Council shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

- 1. **Is consistent with and furthers the goals and policies of the Comprehensive Plan, and the purposes of this Development Code;**

The 2040 Comprehensive Plan designates this area as Urban Mixed Use. The development concept proposed is consistent with this designation and achieves the comprehensive plan goal of infill and redevelopment within Urban Mixed Use areas.

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

The proposed rezoning is consistent with the neighboring parcel to the west, which is zoned T4 Neighborhood Center. The rezoning request is not in conflict with the Development Code or the Code of Ordinances.

- 3. **Addresses a demonstrated community need;**

N/A.

- 4. **Is required by changed conditions;**

N/A.

- 5. **Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zone and uses for the land;**

Overall, this portion of the Bluffton Parkway corridor is a mixed-use corridor including multifamily and commercial uses on the northern side of Bluffton parkway, and undeveloped land abutting the Old South PUD on the southern side of Bluffton parkway. The property to the south of the applicant’s property is the Old South golf course included in an existing PUD. The properties directly across Bluffton Parkway are primarily comprised of the Edgewater apartment complex, zoned T4 Hamlet Center Open. On either side of Edgewater are C5 Regional Center Mixed-Use zoning districts comprised of commercial uses such as Tanger Outlets to the west and

a variety of shops, restaurants, and services uses to the east. The proposed rezoning is consistent with the surrounding land.

**6. Would not adversely affect nearby lands;**

This rezoning would be consistent with the character of nearby lands and would not adversely affect them.

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

See 5 and 6 above.

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

Any development on the site would be required to adhere to the natural resource protection, tree protection, wetland protection, and stormwater standards in the Community Development Code and the Stormwater BMP Manual.

**9. Would result in development that is adequately served by public facilities (e.g. streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities):**

Water and sewer are available to service the property. Per the applicant’s narrative, the property will initially be served by septic systems with the intention to connect into sewer at “a future date to be determined.” However, the applicant reported during the December 6, 2021 Planning Commission meeting that the property would be directly connected to sewer without the use of septic systems. EMS and Fire facilities are located within a half-mile of the site.

**G. STAFF RECOMMENDATION:** The proposed zoning change from T4HCO to T4NC is consistent with the Future Land Uses laid out in the 2040 Comprehensive Plan and the surrounding character of the area. Staff recommends approval.

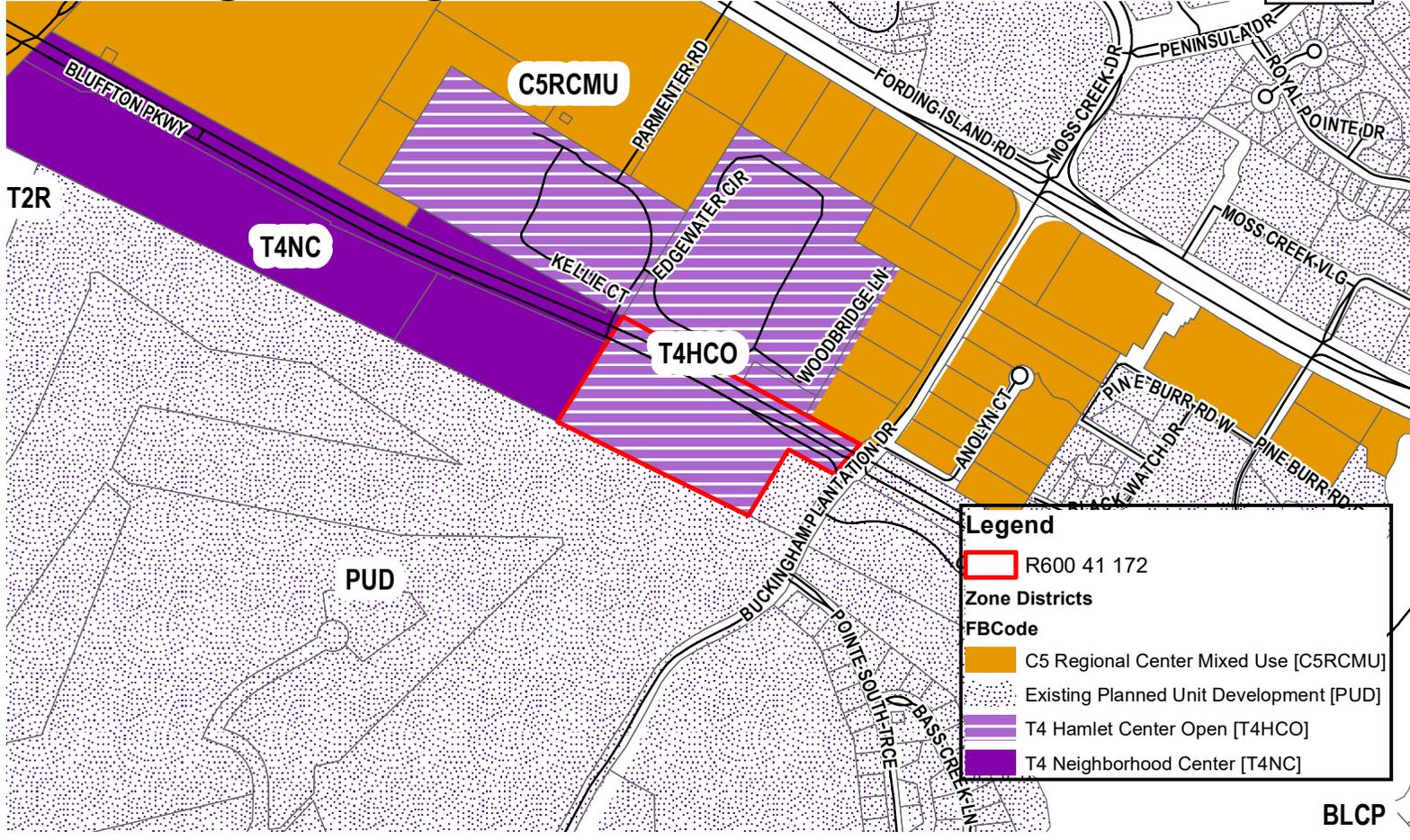
**H. BEAUFORT COUNTY PLANNING COMMISSION:** At the December 6, 2021 meeting of the Beaufort County Planning Commission, the Commission voted seven (7) to two (2) to recommend approval of the proposed zoning amendment.

**I. ATTACHMENTS**

- Zoning Map (existing and proposed)
- Location Map

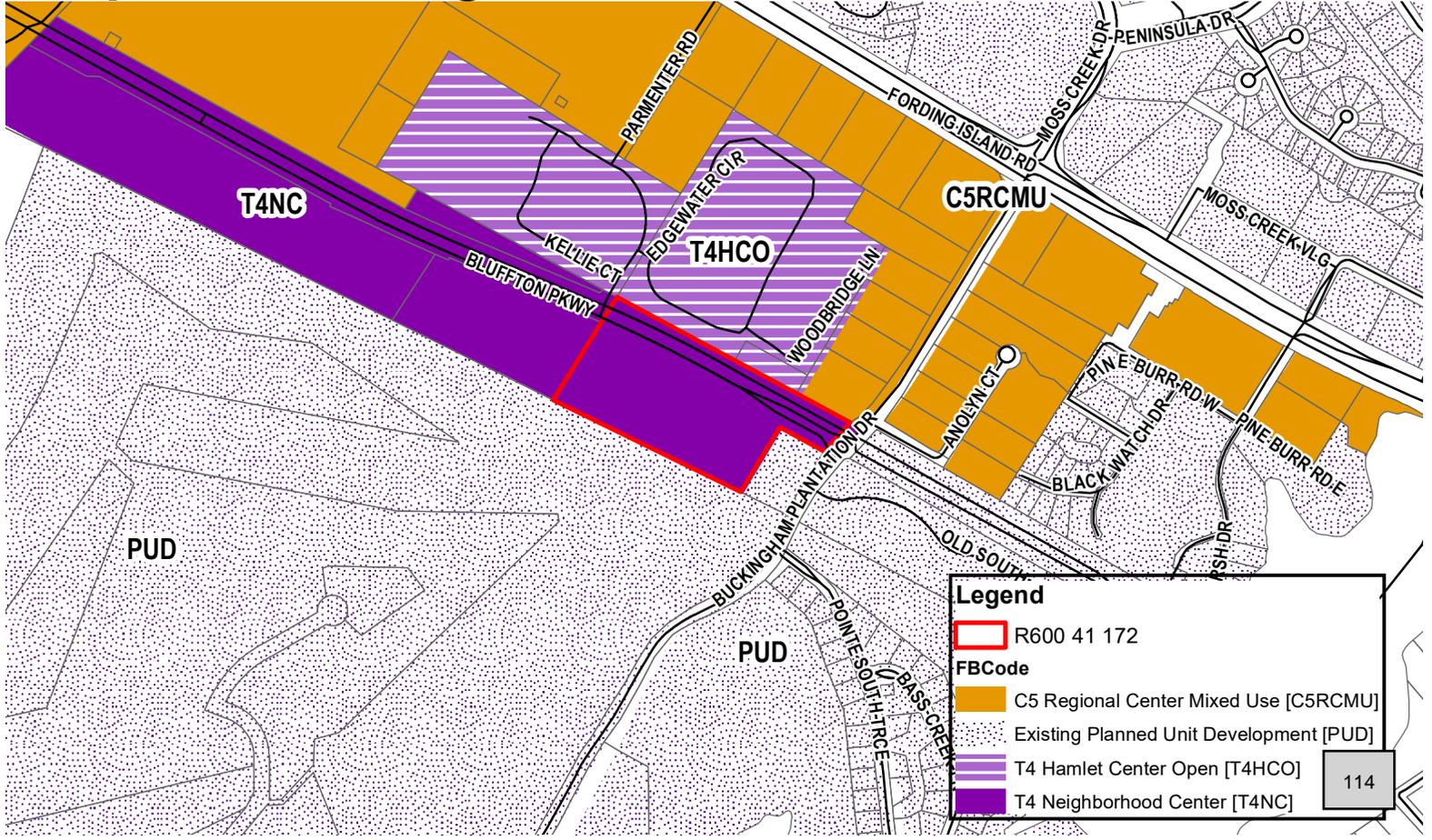
# Existing Zoning

Item 10.

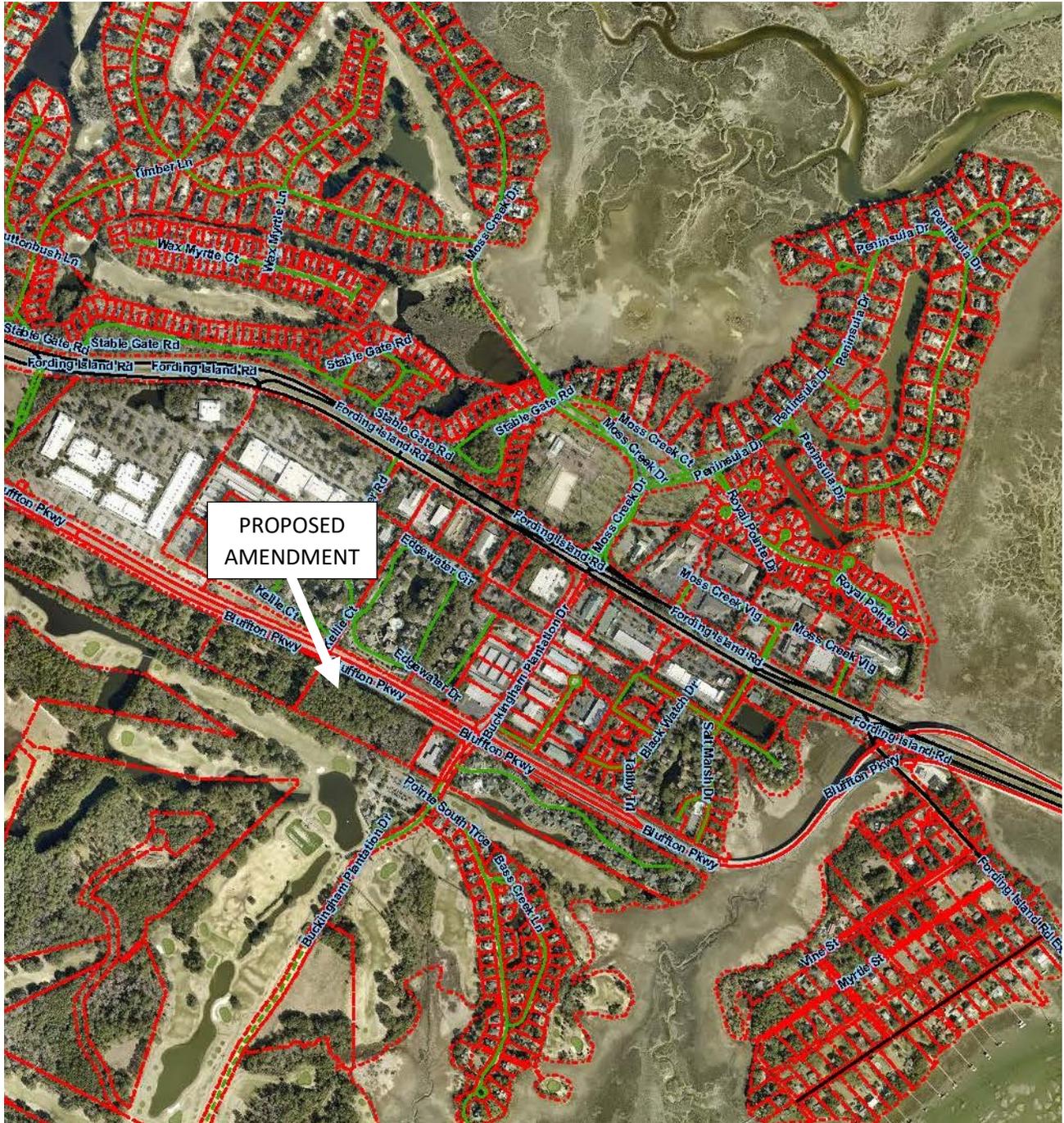


BLCP

# Proposed Zoning



### Location Map for 28 Buckingham Plantation Drive



**ORDINANCE 2022/\_\_\_\_\_**

**ZONING MAP AMENDMENT/REZONING REQUEST FOR 6.55 ACRES (R600 041 000 0172 0000) AT 28 BUCKINGHAM PLANTATION DRIVE FROM T4 HAMLET CENTER OPEN TO T4 NEIGHBORHOOD CENTER.**

**WHEREAS**, parcel ID number R600 041 000 0172 0000 is currently zoned as T4 Hamlet Center Open; and

**WHEREAS**, the owner of the parcel has requested to change the zoning from T4 Hamlet Center Open to T4 Neighborhood Center; and

**WHEREAS**, the Beaufort County Planning Commission considered the request on December 6, 2021, voting to recommend that County Council deny the request; and

**WHEREAS**, County Council now wishes to amend the zoning map to change the parcel’s zoning from T4 Hamlet Center Open to T4 Neighborhood Center.

**NOW, THEREFORE** be it ordained by County Council in meeting duly assembled as follows:

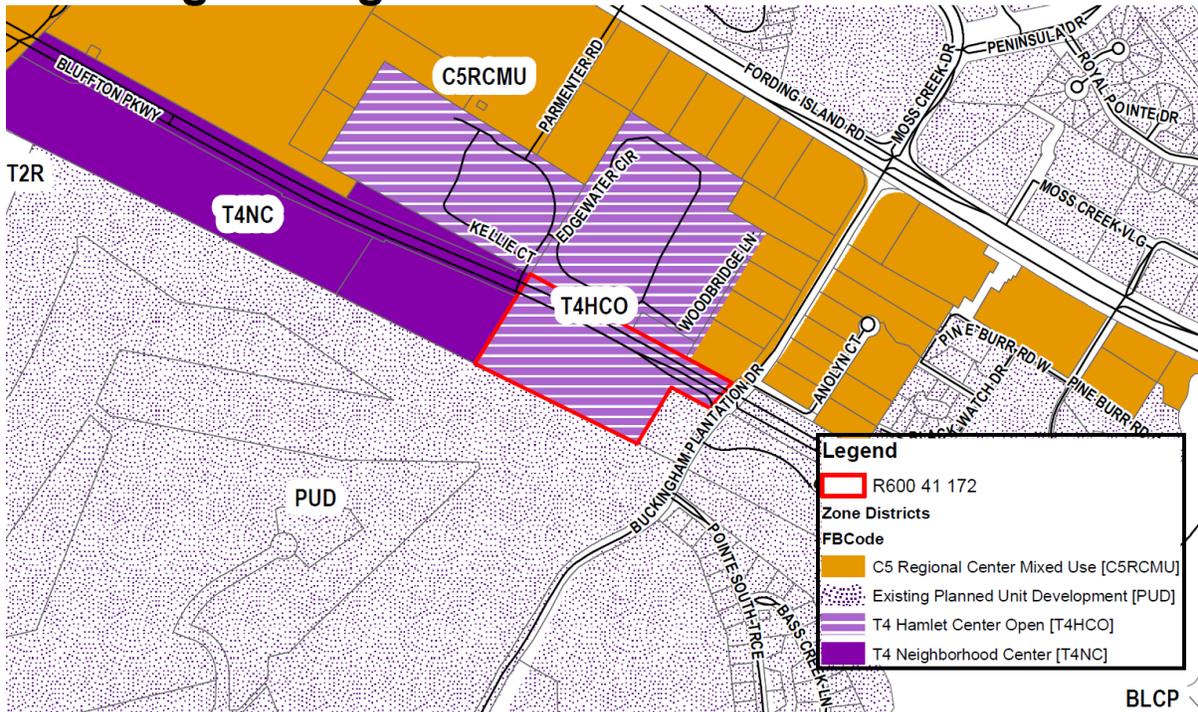
1. The zoning map of the County is hereby amended to reflect the zoning of Parcel ID Number R600 041 000 0172 0000 as T4 Neighborhood Center
2. Staff is directed to make the changes to the zoning map and to report to all persons necessary or helpful that the zoning has so changed.

Ordained this \_\_\_ day of \_\_\_\_\_, 2022

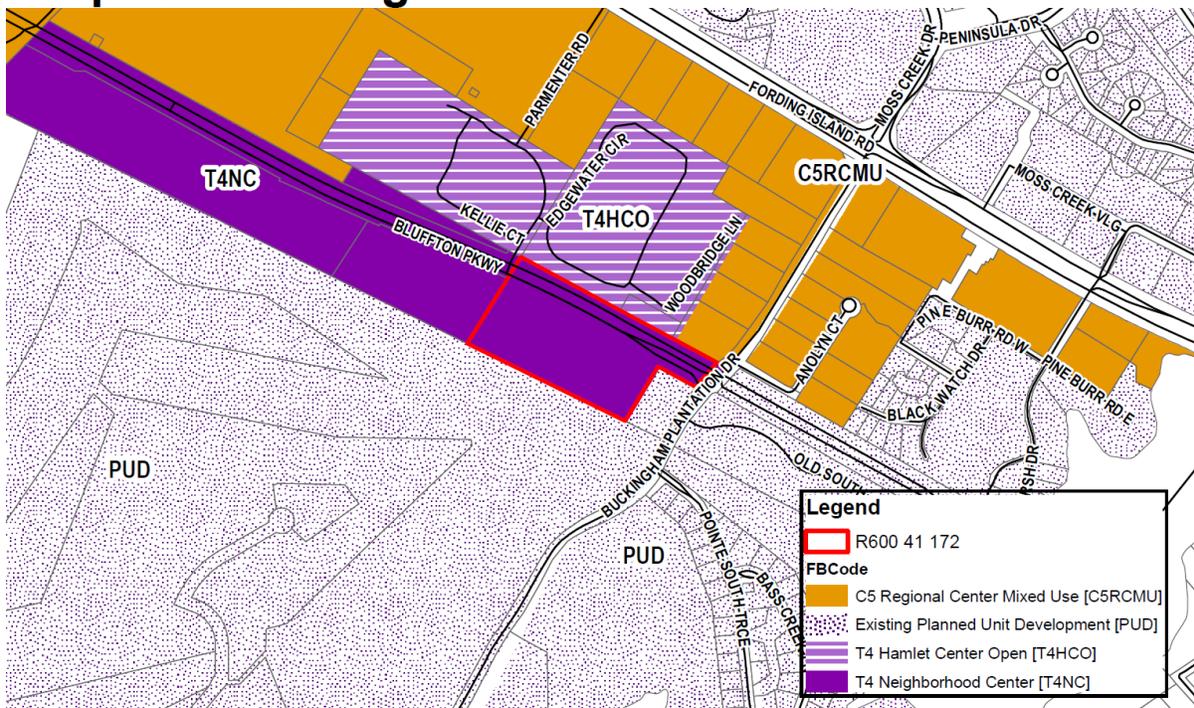
\_\_\_\_\_  
Joseph Passiment, Chairman

\_\_\_\_\_  
Sarah Brock, Clerk to Council

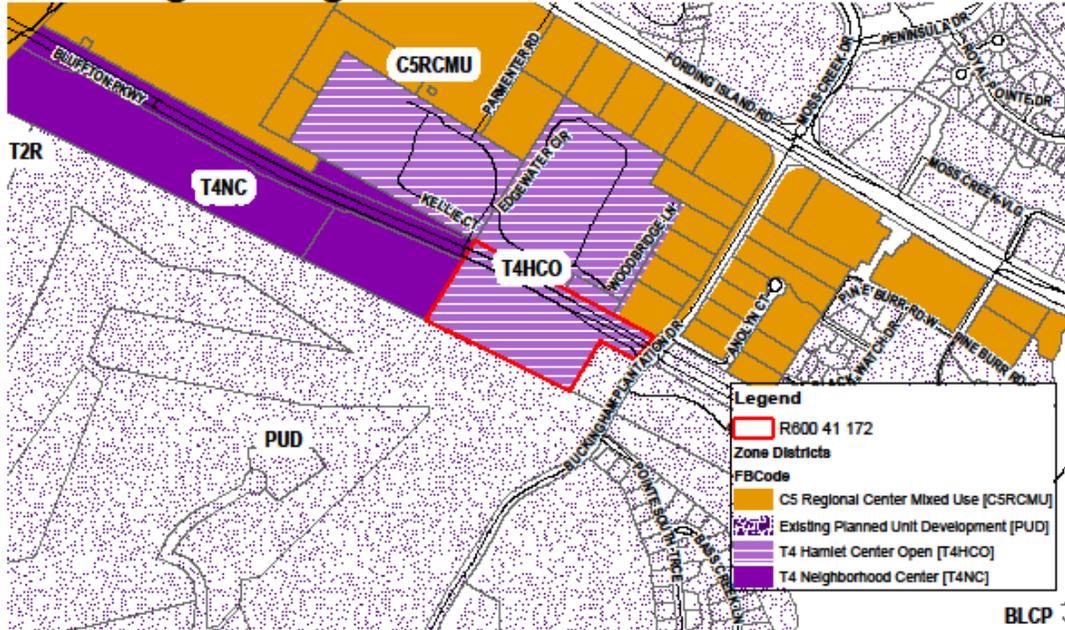
# Existing Zoning



# Proposed Zoning

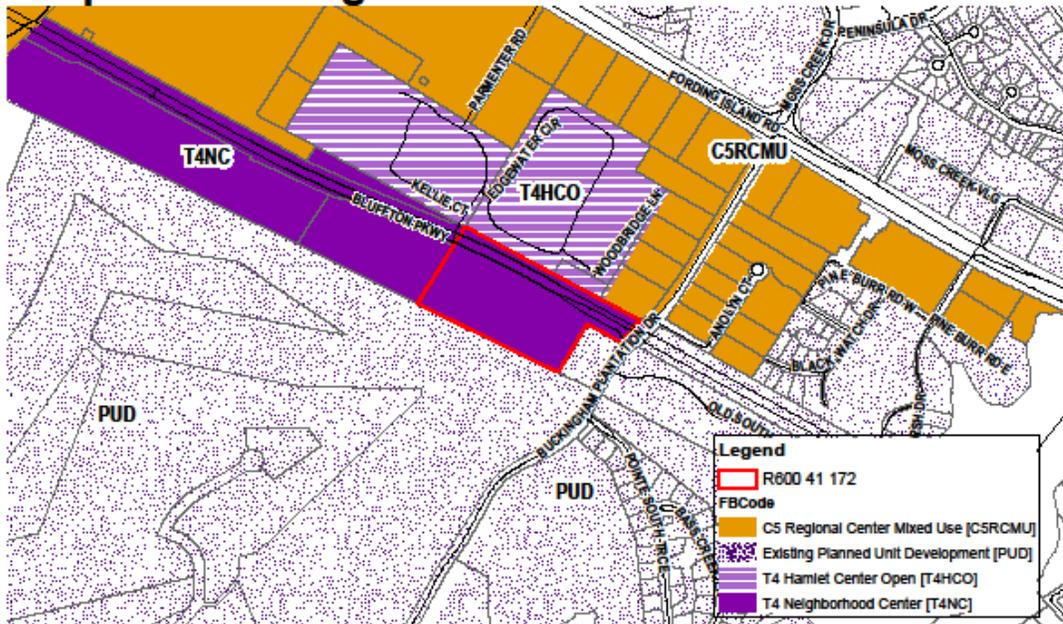


### Existing Zoning

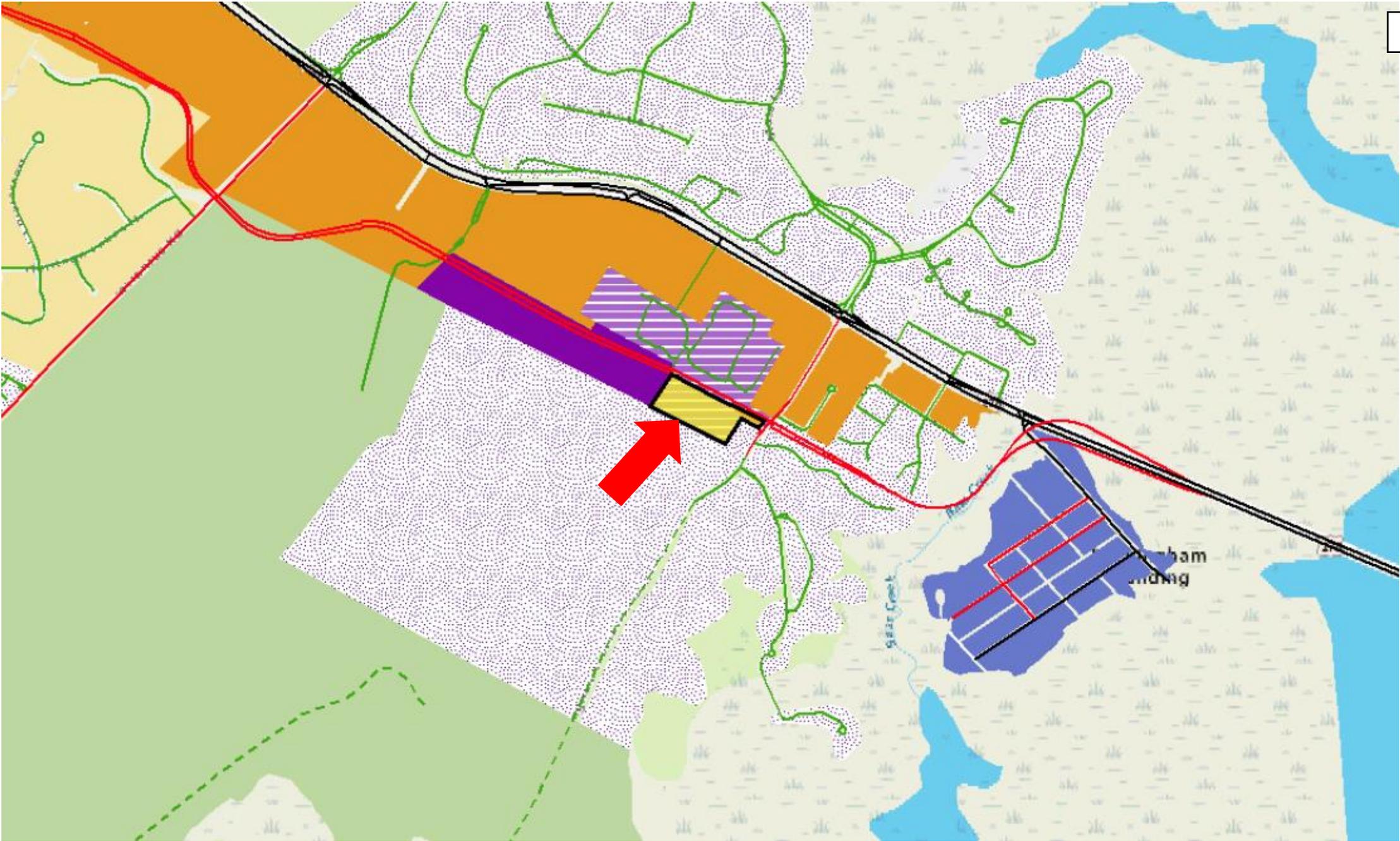


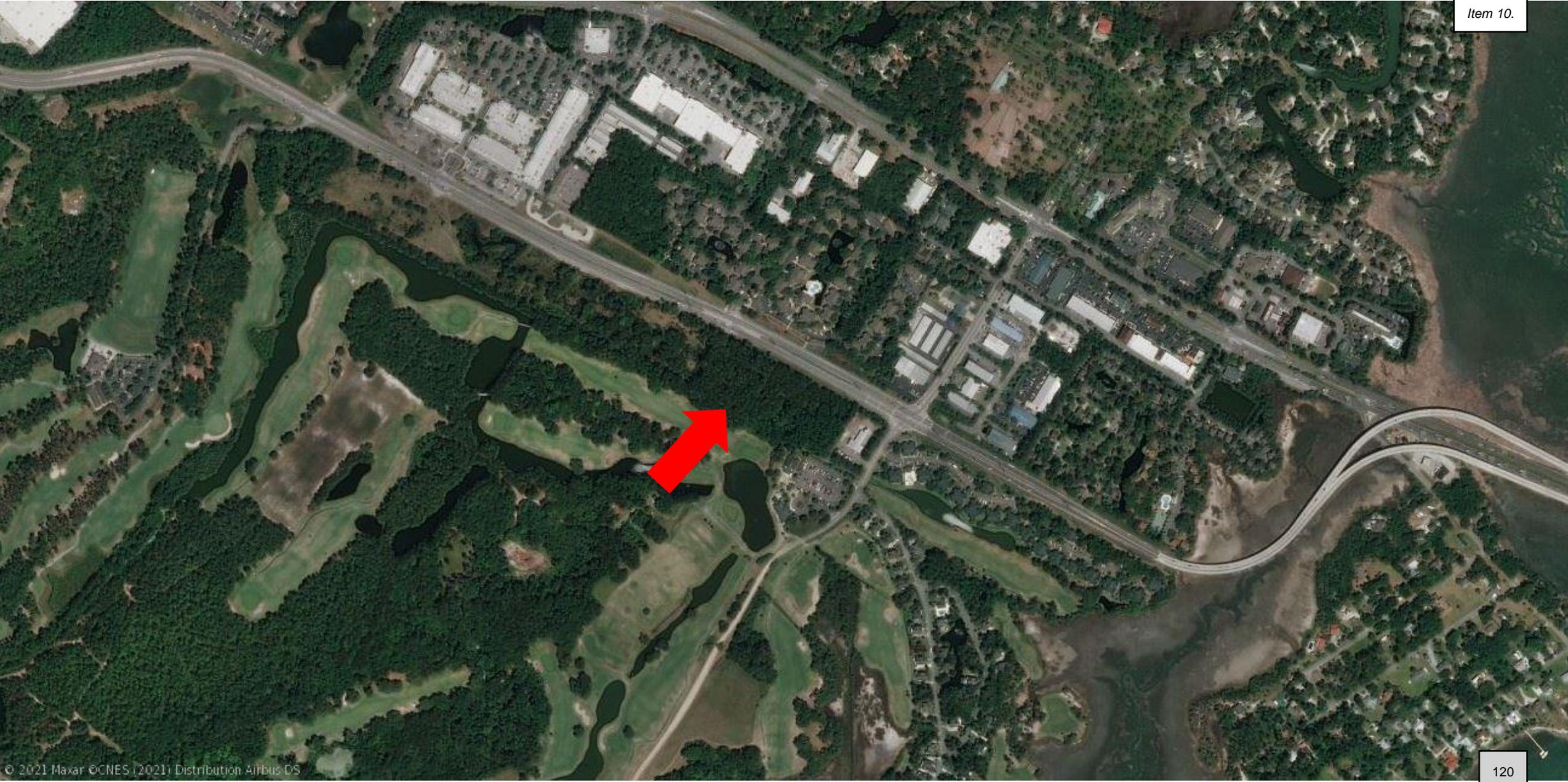
# Zoning Map Amendment/Rezoning Request for 6.55 acres (R600 041 000 0172 0000) at 28 Buckingham Plantation Drive from T4 Hamlet Center Open to T4 Neighborhood Center

### Proposed Zoning



**Owner/Applicant:** Carmen Mihai  
**Property Location:** 28 Buckingham Plantation Drive  
**District/Map/Parcel:** R600 041 000 0172 0000  
**Property Size:** 6.55 acres  
**Current Future Land Use Designation:** Urban Mixed Use  
**Current Zoning District:** T4 Hamlet Center Open  
**Proposed Zoning District:** T4 Neighborhood Center  
**Planning Commission:** Recommends Approval







02/21/2021

© All P





# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

<b>ITEM TITLE:</b>
<i>Osprey Point (Mailind Bluff) Planned Unit Development (PUD) Master Plan Amendment</i>
<b>MEETING NAME AND DATE:</b>
<i>Natural Resources Committee Meeting, February 7, 2022</i>
<b>PRESENTER INFORMATION:</b>
<i>Robert Merchant, AICP, Director, Beaufort County Planning and Zoning (10 minutes needed for item discussion)</i>
<b>ITEM BACKGROUND:</b>
<i>This rezoning application went before the Beaufort County Planning Commission at their January 3, 2022 meeting. At that time the Commission voted six (6) to one (1) to recommend denial of the proposed amendment to County Council.</i>
<b>PROJECT / ITEM NARRATIVE:</b>
<i>The applicant is requesting that a portion of the Osprey Point PUD master plan be amended. The current PUD as amended in 2019 consists of 345 single-family residential units and 207,700 square feet of commercial development.</i>
<b>FISCAL IMPACT:</b>
<i>Not applicable</i>
<b>STAFF RECOMMENDATIONS TO COUNCIL:</b>
<i>Staff recommends approval with the following conditions:</i> <ul style="list-style-type: none"><li><i>• The master plan should be revised to meet the Multi-Family Oriented Community standards in Article 2, Division 2.4 of the Community Development Code.</i></li><li><i>• The Osprey Point PUD document should be revised to require that all multi-family dwelling units are affordable to individuals and families earning 80% or less of county median income. The affordable housing units should be required to meet the Affordable Housing requirements found in Article 4, Section 4.1.350.G of the Community Development Code.</i></li><li><i>• The existing Osprey Point PUD required the developer to dedicate a 0.5 acre parcel for public safety (Sheriff, Fire, EMS). The amended master plan does not show any land dedicated for this use.</i></li><li><i>• The development agreement that accompanies the Osprey Point PUD needs to address the proposed changes to the master plan. The development agreement also needs to address any agreed upon affordable housing requirements.</i></li></ul>
<b>OPTIONS FOR COUNCIL MOTION:</b>
<i>To approve or deny the Osprey Point (Mailind Bluff) Planned Unit Development (PUD) Master Plan Amendment.</i>

**ORDINANCE 2022/\_\_\_\_\_**

**AN ORDINANCE TO AMEND THE OSPREY POINT (MAILIND BLUFF) PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN TO REPLACE 207,700 SQUARE FEET OF COMMERCIAL WITH 204 MULTI-FAMILY DWELLING UNITS.**

**WHEREAS**, the Osprey Point Planned Unit Development was approved by County Council on October 27, 2008, and amended in 2014 and 2019; and

**WHEREAS**, the owner of the parcel has requested to amend the PUD to replace 207,700 square feet of commercial with 204 multi-family dwelling units on a parcel (R600 013 000 0006 0000) within the PUD; and

**WHEREAS**, the Beaufort County Planning Commission considered the request on January 3, 2022, and recommend denial of the rezoning; and

**WHEREAS**, County Council now wishes to amend the PUD;

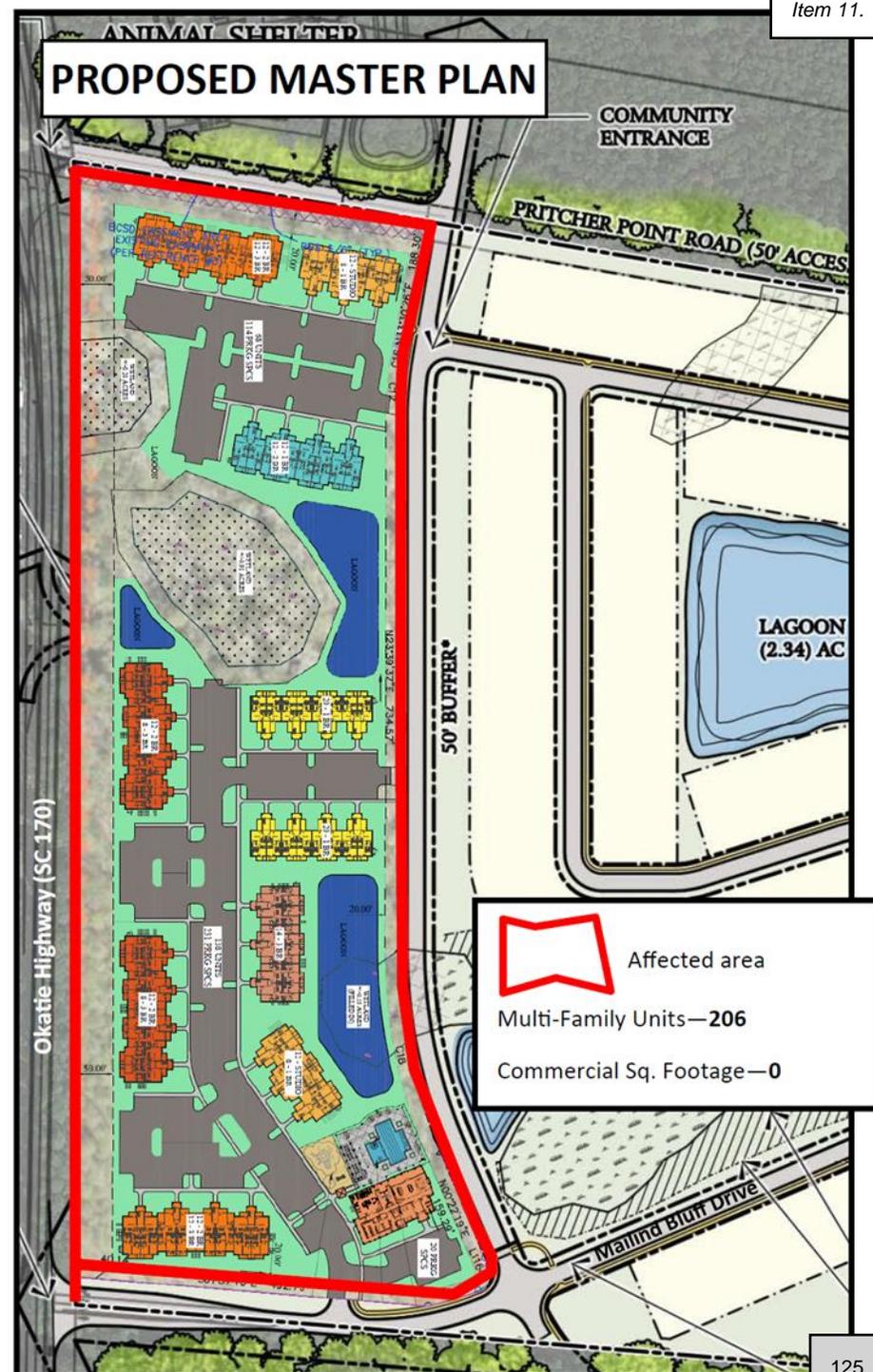
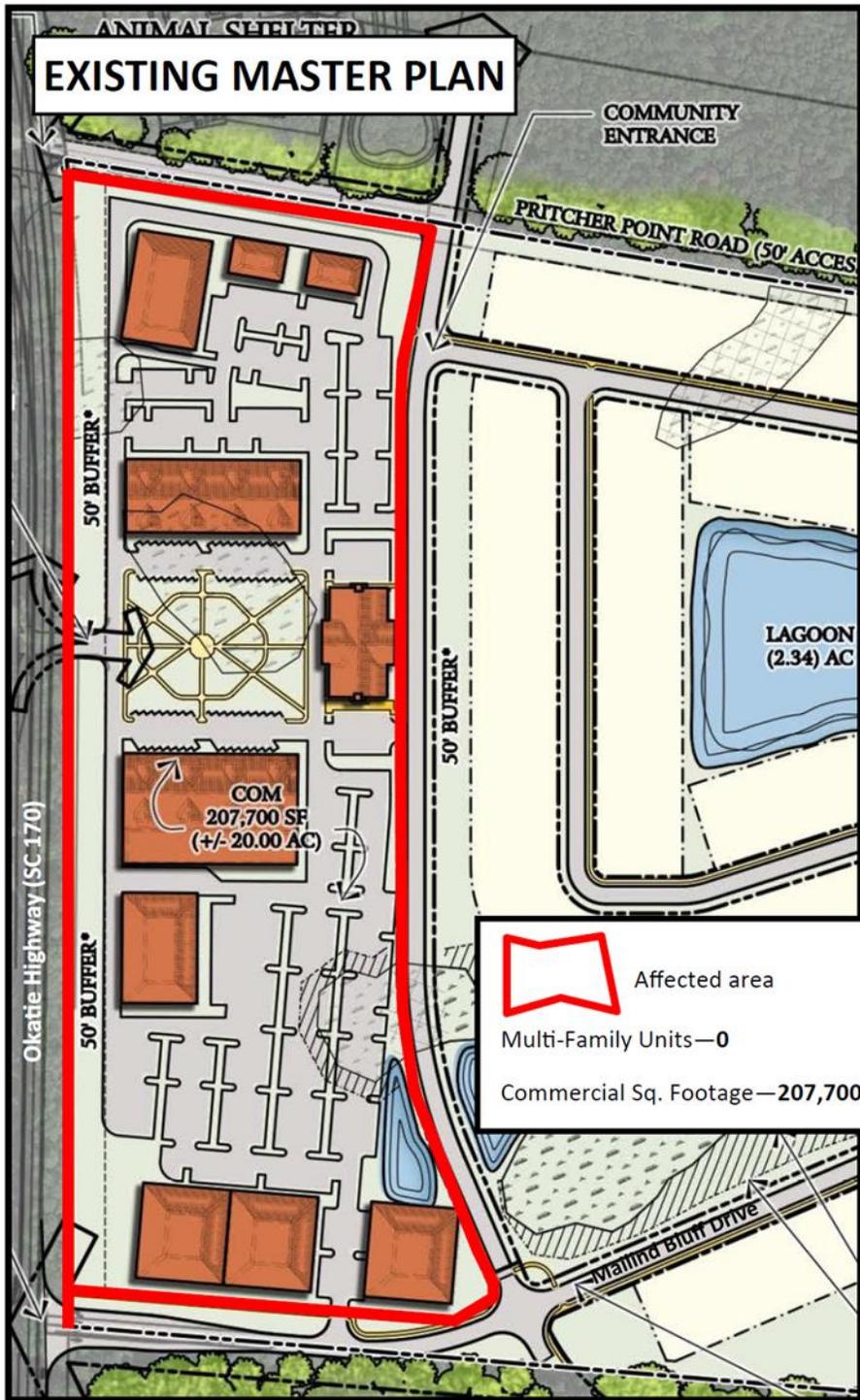
**NOW, THEREFORE** be it ordained by County Council in meeting duly assembled as follows:

1. The Osprey Point (Mailind Bluff) Planned Unit Development is amended to replace 207,700 square feet of commercial with 204 multi-family dwelling units on a parcel (R600 013 000 0006 0000) within the PUD; and
2. Staff is directed to make the changes to the zoning map and to report to all persons necessary or helpful that the zoning has so changed.

Ordained this \_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
Joseph Passiment, Chairman

\_\_\_\_\_  
Sarah Brock, Clerk to Council





COUNTY COUNCIL OF BEAUFORT COUNTY  
**Community Development Department**  
Beaufort County Government Robert Smalls Complex  
Administration Building, 100 Ribaut Road  
Post Office Drawer 1228, Beaufort, South Carolina 29901-1228

**TO:** Natural Resources Committee of County Council  
**FROM:** Robert Merchant, Beaufort County Planning and Zoning Director  
**DATE:** January 21, 2022  
**SUBJECT:** **Osprey Point (Mailind Bluff) Planned Unit Development (PUD) Master Plan Amendment**

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**A. BACKGROUND:**

**Owner:** LCP III, LLC (J. Nathan Duggins, III)  
**Applicant:** Joshua Tiller, J.K. Tiller and Associates  
**Property Location:** On the east side of Okatie Highway (SC 170) at the intersection of Pritcher Point Road.  
**District/Map/Parcel:** R600-013-000-0006-0000  
**Property Size:** 17.2 acres

**B. SUMMARY OF REQUEST:** The applicant is requesting that a portion of the Osprey Point PUD master plan be amended. The current PUD as amended in 2019 consists of 345 single-family residential units and 207,700 square feet of commercial development. The residential portion of the Osprey Point PUD is a Pulte Homes development called Mailind bluff and currently under construction. The applicant is proposing to amend the PUD master plan to replace the 207,000 square feet of commercial development that is proposed for the front 17.2 acres with 204 multi-family units.

**C. ACCESS AND TRANSPORTATION:**

- **Access:** The site is accessed off of SC 170 by Pritcher Point Road located off of Highway 170 across from Shortcut Road; and by Mailind Bluff Drive located across from Red Oaks Lane. A new road is proposed that runs parallel to SC 170 approximately 400 feet from the highway. That road is proposed to connect to Okatie Elementary located south of the site. The existing master plan shows a right-in/right-out intersection halfway between Pritcher Point and Mailind Bluff Roads. The revised master plan eliminates this access point.
- **Traffic Impacts:** This master plan amendment does not trigger the need for a Traffic Impact Analysis. The revised site plan would result in a reduction of estimated peak hour trips. A 207,700 would generate approximately 791 peak hour trips compare to 90 peak hour trips from 204 multi-family units. However, it is important to note removing the potential for commercial development would greatly reduce any internal trip capture for the 600+ homes in Mailind Bluff and River Oaks.

- D. SCHOOL IMPACTS:** The School District has been given a copy of this proposed master plan amendment. The School District does not have excess capacity to address the potential increase in the number of students in southern Beaufort County. In this immediate area, the District is already facing the need to absorb the students that will result from the 711 dwelling units in River Oaks and Mailand Bluff. However, because the proposal consists of Low Income Tax Credit housing, the Superintendent and the Vice-Chair of the School Board have indicated support for the project. Staff will provide additional input from the School District at the January 3 meeting.
- E. ZONING MAP AMENDMENT REVIEW STANDARDS:** In determining whether to adopt or deny a proposed Zone Map Amendment, the County Council shall weigh the relevance of and consider whether and the extent to which the proposed amendment:
1. **Is consistent with and furthers the goals, and policies of the Comprehensive Plan and the purposes of this Development Code:** This proposed master plan change would potentially result in the provision of 204 affordable housing units, which meets the Comprehensive Plan strategy to “aggressively pursue the development of affordable housing.” Staff recommends that the Osprey Point PUD and accompanying development agreement require all multi-family units to be affordable to individuals or families earning 80% or less of county median income.
  2. **Is not in conflict with any provision of this Development Code, or the Code of Ordinances;** The proposed master plan is not consistent with the Multi-Family Oriented Community standards found in Division 2.4 of the Community Development Code. These standards require multi-family developments to be oriented around a system of streets and blocks with parking located at the side or rear of buildings. While the Osprey Point PUD is currently not required to follow the development standards of Community Development Code, staff believes that any master plan amendment occurring after the adoption of the CDC should adhere to the standards of that ordinance to the greatest extent possible.
  3. **Addresses a demonstrated community need:** The applicant proposed to develop affordable housing on the site, which has been documented in the Comprehensive Plan and the Housing Needs Assessment to be a community need.
  4. **Is required by changed conditions;** N/A.
  5. **Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zone and uses for the land;** The proposed multi-family housing provides a better transition between Highway 170 and the single family development located at Mailind Bluff than 207,700 square feet of commercial development.
  6. **Would not adversely affect nearby lands:** See 5 above.
  7. **Would result in a logical and orderly development pattern;** See 5 and 6 above.
  8. **Would not result in adverse impacts on the natural environment – including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands,**

**and the natural functioning of the environment:** Any development on the site would be required to adhere to the natural resource protection, tree protection, wetland protection, and stormwater standards in the Community Development Code and the Stormwater BMP Manual. The amount of proposed impervious surface is comparable to what the proposed commercial development would have yielded.

9. **Would result in development that is adequately served by public facilities (e.g. streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities):** The site is in close proximity to public sewer and water, schools, fire and EMS. However, the nearest school, Okatie Elementary, is near capacity.

**F. STAFF RECOMMENDATION:** Staff recommends approval with the following conditions:

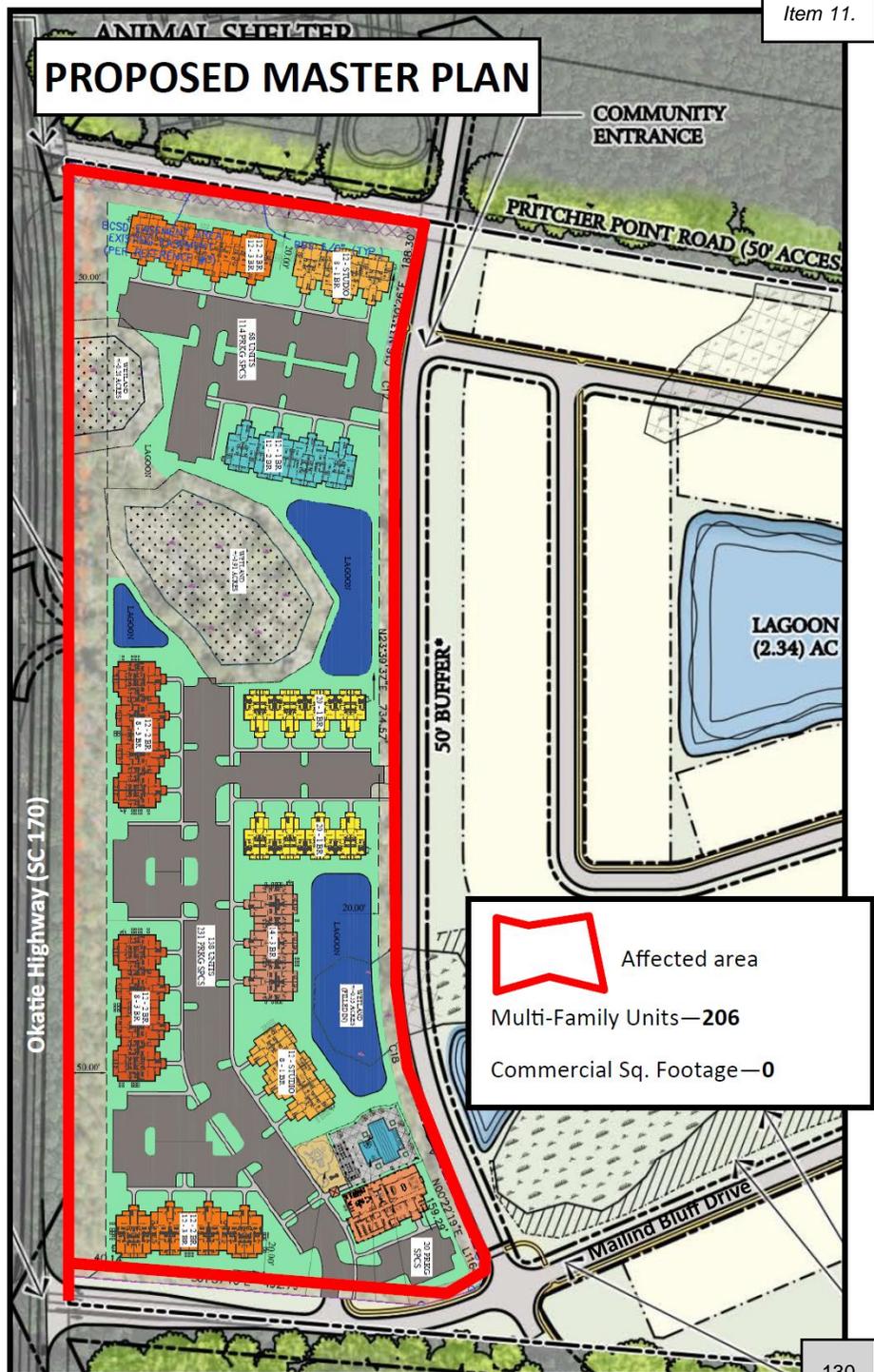
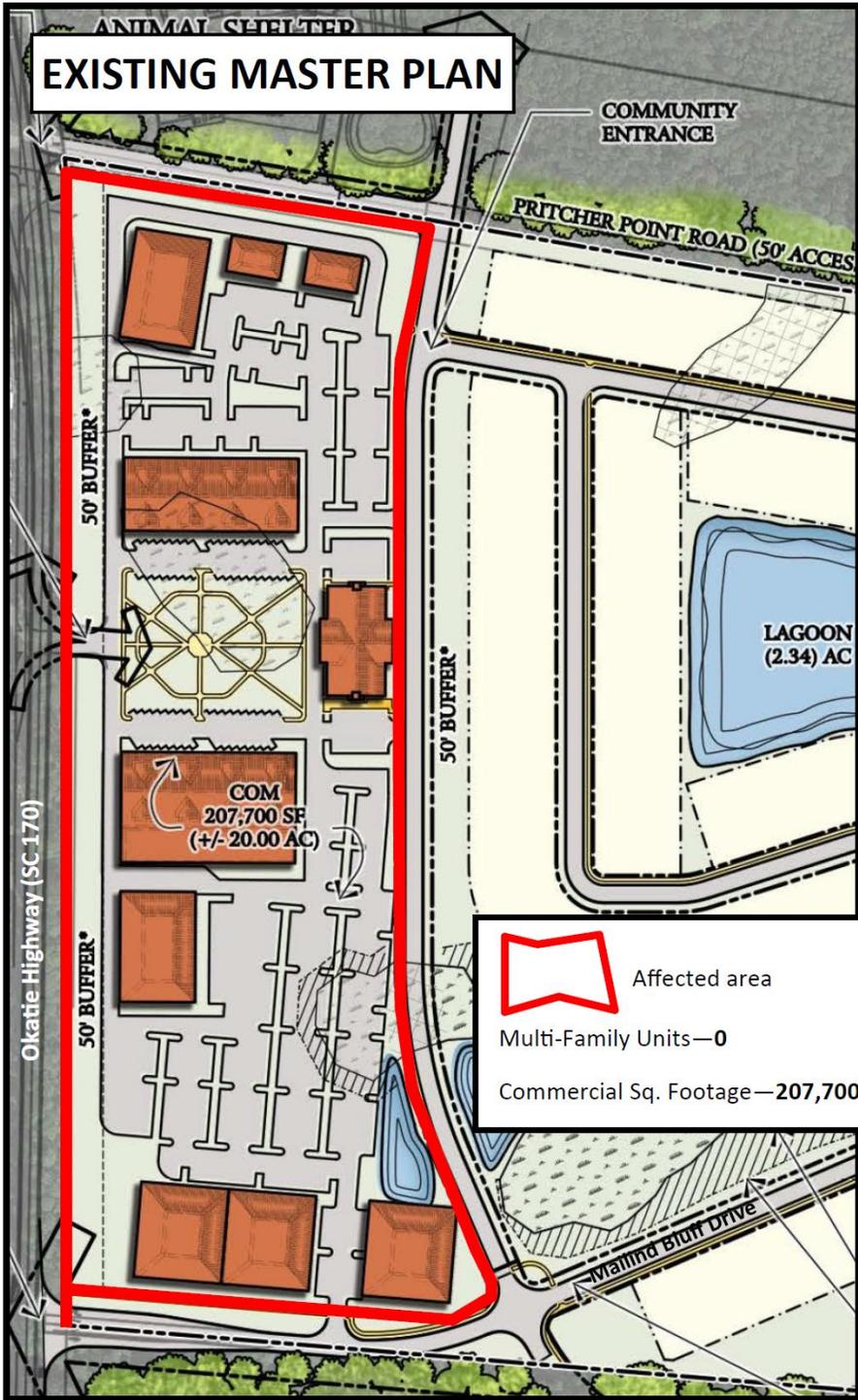
- The master plan should be revised to meet the Multi-Family Oriented Community standards in Article 2, Division 2.4 of the Community Development Code.
- The Osprey Point PUD document should be revised to require that all multi-family dwelling units are affordable to individuals and families earning 80% or less of county median income. The affordable housing units should be required to meet the Affordable Housing requirements found in Article 4, Section 4.1.350.G of the Community Development Code.
- The existing Osprey Point PUD required the developer to dedicate a 0.5 acre parcel for public safety (Sheriff, Fire, EMS). The amended master plan does not show any land dedicated for this use.
- The development agreement that accompanies the Osprey Point PUD needs to address the proposed changes to the master plan. The development agreement also needs to address any agreed upon affordable housing requirements.

- G. PLANNING COMMISSION RECOMMENDATION:** This PUD amendment was reviewed by the Beaufort County Planning Commission at their January 3, 2022 meeting. At that time, the Commission voted 6 to 1 to recommend denial of the PUD amendment.

**H. ATTACHMENTS:**

- Locational Map
- Existing and Proposed Master Plan Map
- Application







# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

<b>ITEM TITLE:</b>
<i>Zoning Map Amendment/Rezoning Request for 11.66 acres (R600 009 000 0030 0000) at 100 Rawstrom Drive from T2 Rural to T2 Rural Neighborhood</i>
<b>MEETING NAME AND DATE:</b>
<i>Natural Resources Committee Meeting, February 7, 2022</i>
<b>PRESENTER INFORMATION:</b>
<i>Robert Merchant, AICP, Director, Beaufort County Planning and Zoning (10 minutes needed for item discussion)</i>
<b>ITEM BACKGROUND:</b>
<i>This rezoning application went before the Beaufort County Planning Commission at their January 3, 2022 meeting. At that time the Commission voted six (6) to one (1) to recommend denial of the proposed amendment to County Council.</i>
<b>PROJECT / ITEM NARRATIVE:</b>
<i>The applicant seeks to change the zoning of an 11.66-acre lot at 100 Rawstrom Drive from T2 Rural (T2R) to T2 Rural Neighborhood (T2RN) (see attached map). The property is currently the site of a detached single family home. The application packet includes a conceptual plan that proposes sub-dividing the property into six lots.</i>
<b>FISCAL IMPACT:</b>
<i>Not applicable</i>
<b>STAFF RECOMMENDATIONS TO COUNCIL:</b>
<i>The proposed zoning change from T2R to T2RN is in conflict with the Future Land Use designation laid out in the 2040 Comprehensive Plan. It is also in direct conflict with the Community Development Code. What's more, if permitted, the proposed rezoning would create a precedent that is expressly in conflict with the code and would adversely affect any property in Beaufort County that is zoned T2R. Staff strongly recommends denial of the proposed zoning amendment.</i>
<b>OPTIONS FOR COUNCIL MOTION:</b>
<i>To approve or deny the zoning amendment for 100 Rawstrom Drive from T2 Rural to T2 Rural Neighborhood.</i>



# MEMORANDUM

**TO:** Beaufort County Natural Resources Committee

**FROM:** Juliana Smith, Beaufort County Planning and Zoning Department

**DATE:** February 7, 2022

**SUBJECT:** Zoning Map Amendment/Rezoning Request for 11.66 acres (R600 009 000 0030 0000) at 100 Rawstrom Drive from T2 Rural to T2 Rural Neighborhood; Applicant: Ben Kennedy

## STAFF REPORT:

### **A. BACKGROUND:**

**Case No.** CPDA-000018-2021

**Owner/Applicant:** Ben Kennedy

**Property Location:** Located at 100 Rawstrom Drive south of Okatie Highway

**District/Map/Parcel:** R600 009 000 0030 0000

**Property Size:** 11.66 acres

**Current Future Land Use Designation:** Rural

**Current Zoning District:** T2 Rural

**Proposed Zoning District:** T2 Rural Neighborhood

**B. SUMMARY OF REQUEST:** The applicant seeks to change the zoning of an 11.66-acre lot at 100 Rawstrom Drive from T2 Rural (T2R) to T2 Rural Neighborhood (T2RN) (see attached map). The property is currently the site of a detached single family home. The application packet includes a conceptual plan that proposes sub-dividing the property into six lots.

**C. EXISTING ZONING:** The lot is currently zoned T2R, which is intended to preserve the rural character of Beaufort County. This zone applies to areas that consist of sparsely settled lands in an open or cultivated state. It may include large lot residential, farms where animals are raised or crops are grown, parks, woodland, grasslands, trails, and open space areas. Residential development is permitted at a density of one (1) dwelling unit per three (3) acres. Under this zoning, three (3) dwelling units would be permitted on the applicant’s property. T2R also permits very limited non-residential uses.

**D. PROPOSED ZONING:** The T2 Rural Neighborhood (T2RN) district protects the residential character of existing communities and neighborhoods located in rural areas. It prevents existing clusters of communities and neighborhoods located in rural areas from becoming non-conforming, thereby giving rural small-lot property owners more flexibility with their land. Areas that are designated as T2RN consist of areas with five contiguous lots of five or fewer acres. This district is expressly not intended to promote tract development or to encourage rezoning.

T2RN permits 1.2 dwelling units per acre. Under the proposed T2RN re-zoning, 13 dwelling units would be permitted on the applicant’s property.

**E. COMPREHENSIVE PLAN FUTURE LAND USE MAP:** This 11.66-acre lot is designated Rural on the Future Land Use Map. The Comprehensive Plan states that these areas should retain their rural character with low-density residential development at one dwelling unit per three acres, while supporting small-scale commercial development and agricultural land uses.

**F. ZONING MAP AMENDMENT REVIEW STANDARDS:** In determining whether to adopt or deny a proposed Zone Map Amendment, the County Council shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

- 1. **Is consistent with and furthers the goals, and policies of the Comprehensive Plan and the purposes of this Development Code;**

The Land Use chapter of the 2040 Comprehensive Plan indicates this area as Rural. Rural areas should retain their rural character with a residential dwelling density of one unit per three acres. The proposed rezoning is not consistent with the future land use designation.

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

While the property is located adjacent to properties currently zoned T2RN, the proposed rezoning is directly in conflict with the intent of the T2RN zoning district. T2RN is not intended to encourage tract development or rezonings. Instead, the T2RN zoning district is intended to provide already existing clustered communities in rural areas with land use flexibility. Areas appropriate for the T2RN zoning district are those that contain five contiguous lots of five or fewer acres. This property does not meet the conditions of the T2RN zoning district.

- 3. **Addresses a demonstrated community need;**

N/A.

- 4. **Is required by changed conditions;**

N/A.

- 5. **Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zone and uses for the land;**

Current uses on surrounding properties are primarily rural residential and are zoned T2R and T2RN. The property also abuts the Rural and Critical Land property that protects the Altamaha Town Preserve Site, which is zoned T1NP. As a result, the proposed zoning would not conflict

with the character of the surrounding areas. It does, however, conflict directly with the intent of the district as defined in the Development Code.

**6. Would not adversely affect nearby lands;**

If permitted, the proposed rezoning would create a precedent that is expressly in conflict with the code. As a result, it stands to adversely affect any property in Beaufort County that is zoned T2R.

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

See 5 and 6 above.

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

See 6 above. If permitted, the proposed rezoning would set a precedent opening any T2R property to an optional three-fold density increase. While any future development would be required to adhere to the natural resource protections, tree protections, wetland protections, and stormwater standards in the Community Development Code and Stormwater BMP Manual, the very nature of the dramatic density increase would have adverse impacts on the character and environment of rural areas.

**9. Would result in development that is adequately served by public facilities (e.g. streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities):**

The property is not served by sewer. Water lines are nearby and would serve any future development. EMS and Fire services are located three (3) miles from the property.

**G. STAFF RECOMMENDATION:** The proposed zoning change from T2R to T2RN is in conflict with the Future Land Use designation laid out in the 2040 Comprehensive Plan. It is also in direct conflict with the Community Development Code. What's more, if permitted, the proposed rezoning would create a precedent that is expressly in conflict with the code and would adversely affect any property in Beaufort County that is zoned T2R.

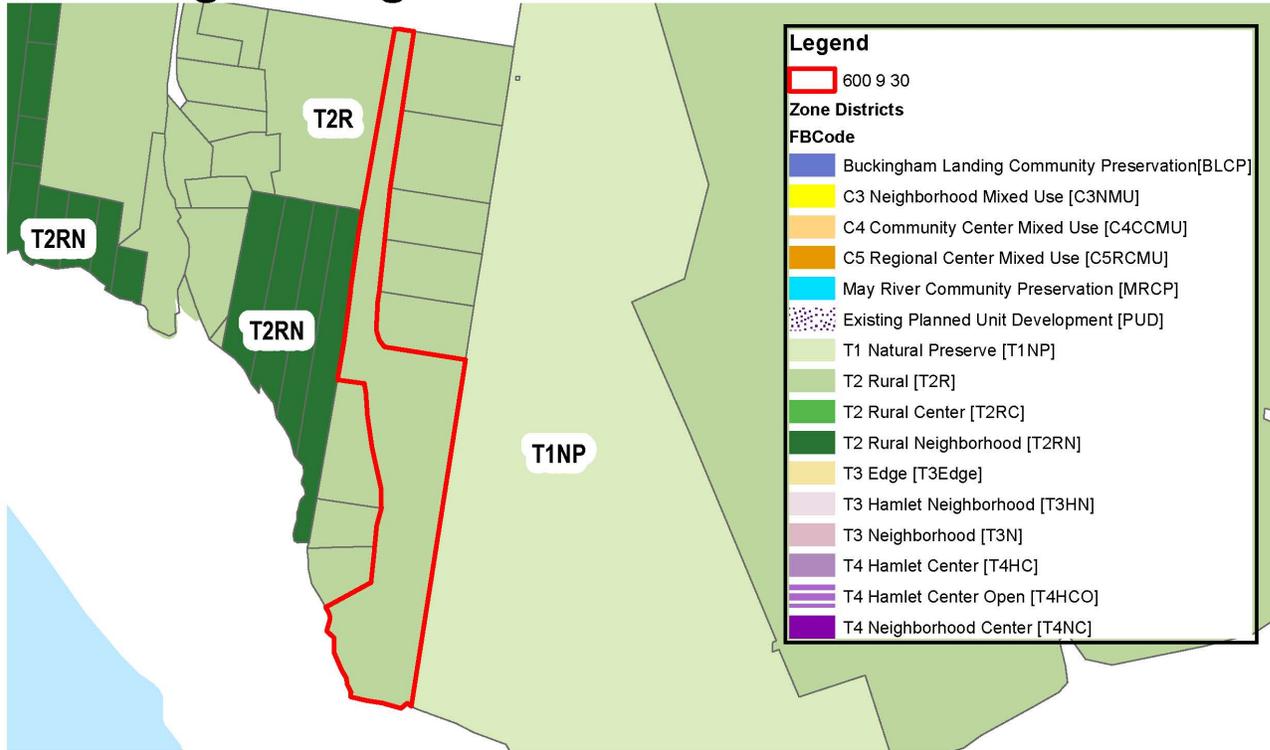
Staff recommends denial of the proposed zoning amendment.

**H. BEAUFORT COUNTY PLANNING COMMISSION:** At the January 3, 2022 meeting of the Beaufort County Planning Commission, the Commission voted six (6) to one (1) to recommend denial of the proposed zoning amendment.

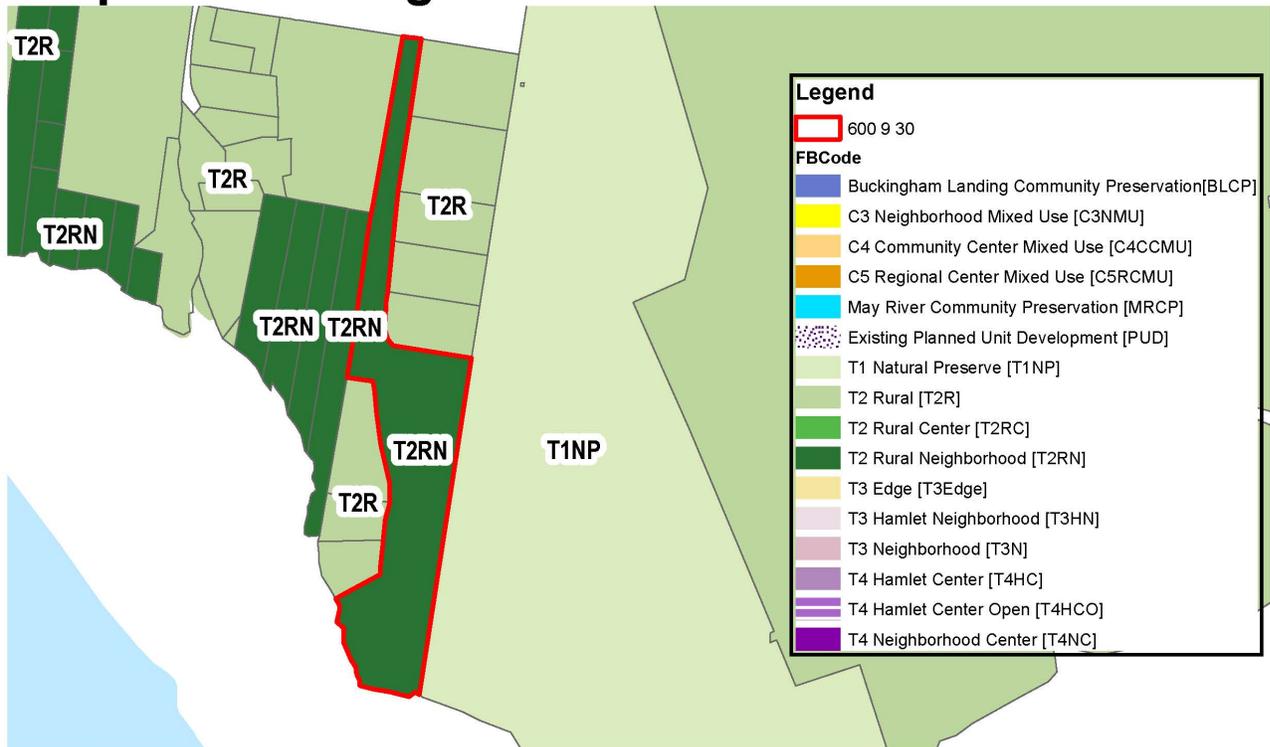
**I. ATTACHMENTS**

- Zoning Map (existing and proposed)
- Location Map

# Existing Zoning



# Proposed Zoning





**ORDINANCE 2022/\_\_\_\_\_**

**AN ORDINANCE TO AMEND THE ZONING MAP OF BEAUFORT COUNTY TO CHANGE PARCEL ID NUMBER R600 009 000 0030 0000 FROM T2 RURAL TO T2 RURAL NEIGHBORHOOD**

**WHEREAS**, parcel ID number R600 009 000 0030 0000 is currently zoned as T2 Rural; and

**WHEREAS**, the owner of the parcel has requested to change the zoning from T2 Rural to T2 Rural Neighborhood; and

**WHEREAS**, the Beaufort County Planning Commission considered the request on January 3, 2022, voting to recommend that County Council deny the request; and

**WHEREAS**, County Council now wishes to amend the zoning map to change the parcel’s zoning from T2 Rural to T2 Rural Neighborhood.

**NOW, THEREFORE** be it ordained by County Council in meeting duly assembled as follows:

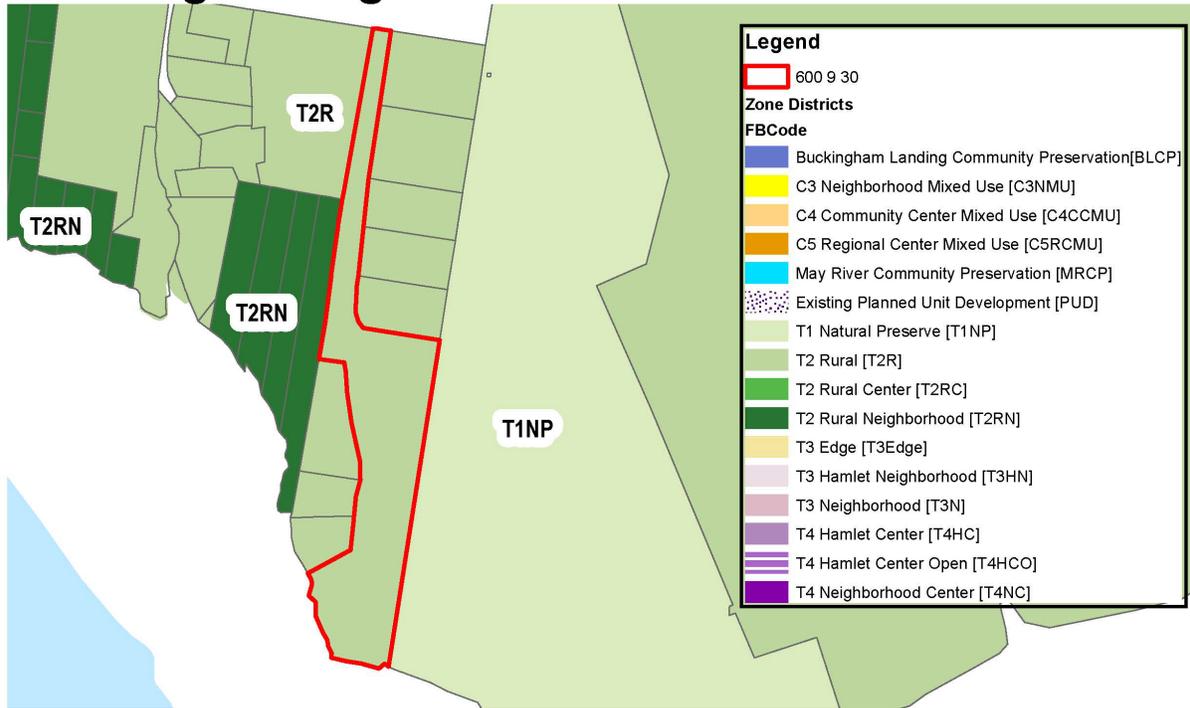
1. The zoning map of the County is hereby amended to reflect the zoning of Parcel ID Number R600 009 000 0030 0000 as T2 Rural Neighborhood
2. Staff is directed to make the changes to the zoning map and to report to all persons necessary or helpful that the zoning has so changed.

Ordained this \_\_\_ day of \_\_\_\_\_, 2022

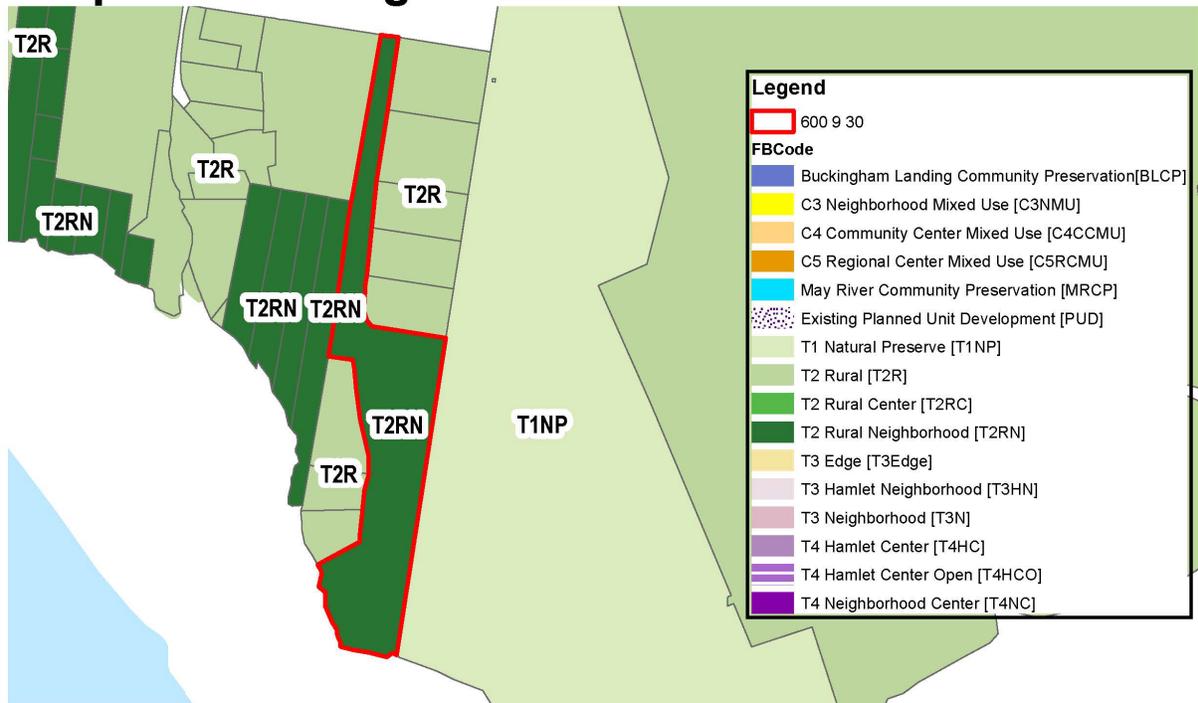
\_\_\_\_\_  
Joseph Passiment, Chairman

\_\_\_\_\_  
Sarah Brock, Clerk to Council

### Existing Zoning



### Proposed Zoning





# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

<b>ITEM TITLE:</b>
AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS TO CONVEY A PORTION OF PROPERTY OWNED BY BEAUFORT COUNTY WITH TMS NO. R200 010 000 0170 0000
<b>MEETING NAME AND DATE:</b>
Natural Resource Committee, February 7, 2022
<b>PRESENTER INFORMATION:</b>
Stefanie M. Nagid, Passive Parks Manager and Brittany Ward, Deputy County Attorney (5 minutes)
<b>ITEM BACKGROUND:</b>
New item for consideration
<b>PROJECT / ITEM NARRATIVE:</b>
At the time of acquisition, the Pineview property and the adjacent vacant private residence were sharing the entry access drive. In 2021, the private residence was purchased by a new homeowner, who has requested to purchase the entry access drive from the County. County staff are in favor of this request to minimize private/public user conflicts and due to the planned relocation of the public access drive for the passive park.
<b>FISCAL IMPACT:</b>
Revenue to the County to be determined based on survey of entry access drive.
<b>STAFF RECOMMENDATIONS TO COUNCIL:</b>
Approve the ordinance
<b>OPTIONS FOR COUNCIL MOTION:</b>
Motion to approve the ordinance as written. Motion to amend the ordinance. Motion to deny the ordinance.

**AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS TO CONVEY A PORTION OF PROPERTY OWNED BY BEAUFORT COUNTY WITH TMS NO. R200 010 000 0170 0000**

**WHEREAS**, Beaufort County (“County”) purchased real property and is the current fee simple owner of the real property known as Pineview Preserve with TMS No. R200 010 000 0170 0000 and being recorded in the Office of the Register of Deeds for Beaufort County, South Carolina on February 7, 2020, in Book 3835 Pages 926-935; hereinafter referred to as the “Property”; and

**WHEREAS**, the County purchased the Property through the Rural and Critical Lands Preservation Program for \$27,613.05 per acre and intends to develop a public passive park on the Property; and

**WHEREAS**, adjacent to the Property is the real property with TMS No. R200 010 000 0172 0000 and is currently owned by David and Anne Bukovich (“Residents”); hereinafter the “Adjacent Property”; and

**WHEREAS**, the County and Residents have been sharing an entry access drive, which is solely located on the Property, to both the Property and Adjacent Property; and

**WHEREAS**, the County desires to provide the citizens and visitors of Beaufort County with public access to the Property in the most direct and accessible manner possible with no potential user conflicts; and

**WHEREAS**, the Residents desire to purchase a portion of the Property to retain their existing private residence access to the Adjacent Property in the most direct and accessible manner possible with no potential user conflicts; and

**WHEREAS**, the Residents understand a survey will be used to determine the acreage of said entry access drive and the sale price will be proportional to the original per acre purchase price the County paid for the Property; and

**WHEREAS**, the County desires to convey the entry access drive to the Residents and retain temporary staff access until such time as the passive park is developed.

**NOW, THEREFORE BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL**, duly assembled, does hereby authorize the County Administrator to execute the necessary documents to convey a portion of property owned by Beaufort County with TMS No. R200 010 000 0170 0000 to David and Anne Bukovich, of which the proceeds will be returned to the Rural and Critical Lands Preservation Program land acquisition fund.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2022.

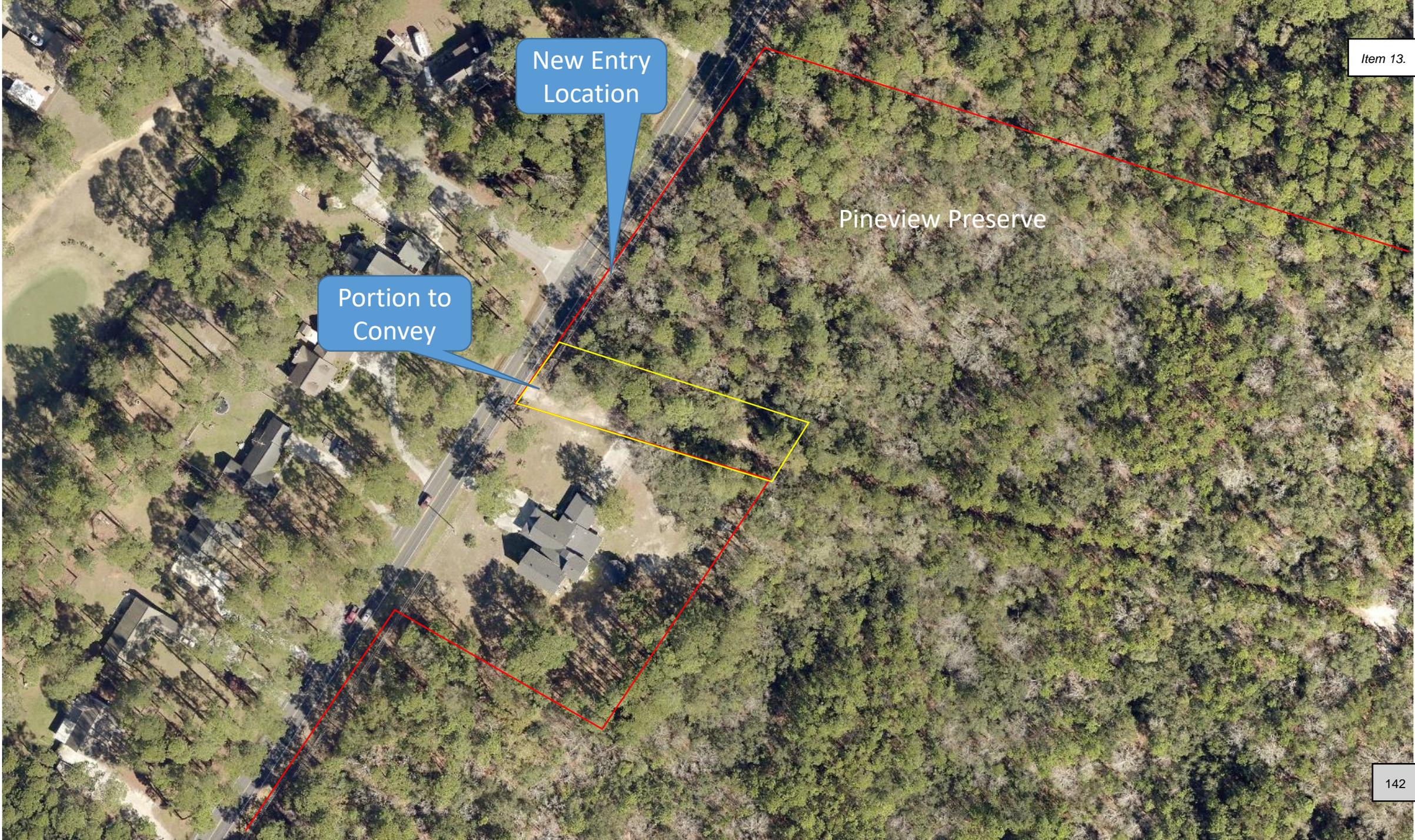
COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
Joseph Passiment, Chairman

ATTEST:

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Sarah Brock, Clerk to Council



New Entry Location

Portion to Convey

Pineview Preserve



# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

<b>ITEM TITLE:</b>
DISCUSSION OF STORMWATER UTILITY FEES AND INTERGOVERNMENTAL AGREEMENTS
<b>MEETING NAME AND DATE:</b>
Natural Resources Committee – February 7 <sup>th</sup> , 2022
<b>PRESENTER INFORMATION:</b>
Brittany Ward – Deputy County Attorney Neil Desai, P.E - Public Works Director ( <i>Alternate</i> ) (10 min)
<b>ITEM BACKGROUND:</b>
February 25 <sup>th</sup> , 2021 – City of Beaufort letter written March 3rd, 2021 – Town of Port Royal letter written
<b>PROJECT / ITEM NARRATIVE:</b>
Beaufort County Stormwater was contacted by the City of Beaufort and Town of Port Royal stating they were no longer interested in Beaufort County pursuing delinquent stormwater fees from the military installations. Public Works staff has been working internally with Legal and the County Administrator to discuss impacts and solutions between the Municipalities, the County, and the Military installations. In addition to amendments to the IGAs to adhere to MS4 Permit requirements, the County staff will need to amend IGAs with municipalities to update language clarifying the Utility will not seek delinquent fees specific to military installations.
<b>FISCAL IMPACT:</b>
For discussion only.
<b>STAFF RECOMMENDATIONS TO COUNCIL:</b>
For discussion only.
<b>OPTIONS FOR COUNCIL MOTION:</b>
For discussion only.

William A. Prokop  
CITY MANAGER  
843-525-7070  
FAX 843-525-7013



COUNCIL MEMBERS:  
Stephen Murray, Mayor  
Phillip Cromer, Mayor Pro Tem  
Harold "Mitch" Mitchell  
Neil Lipsitz

**CITY OF BEAUFORT**  
1911 Boundary Street  
BEAUFORT, SOUTH CAROLINA 29902

February 25th, 2021

The Honorable Joseph Passiment  
Chairman, Beaufort County Council  
100 Ribaut Rd  
Beaufort, SC 29902

Dear Chairman Passiment:

This letter is provided as requested by your Interim Administrator, Eric Greenway. As discussed last week, the City of Beaufort was recently made aware that Beaufort County Council has retained an out of state law firm to pursue the collection of stormwater fees from the Department of Defense. It is our understanding that Beaufort County Council is taking this action, ostensibly, on behalf of the City of Beaufort and the Town of Port Royal. The City of Beaufort does not support and does not desire to participate in any legal action against the Department of Defense.

The City of Beaufort adopts this position for two major reasons. First, the City possesses no evidence that any of the installation's stormwater adversely affects or exacerbates flooding in the community. As you know, approximately three years ago the local municipalities teamed up to identify multijurisdictional flooding issues, and the areas surrounding the bases have never been identified as troubled areas. Next, we enjoy an excellent relationship with each of the installations and believe that any challenges, either perceived or actual, may be resolved without leveraging attorneys and pursuing civil action against our military community.

Please let me know if you have questions or would like to discuss this matter further.

In Service,

Stephen D. Murray III, Mayor

Cc: Beaufort County Council & Eric Greenway, Interim Admin  
Port Royal Town Council & Van Willis, Manager  
Colonel Karl Arbogast, Commanding Officer MCAS Beaufort  
Kim Fleming, Deputy Director, Operations, Plans, and External Affairs MCAS Bft.



**Council**

Joe DeVito  
Mayor

Jerry Ashmore  
Mayor Pro Tempore

Mary Beth Heyward  
Darryl Owens  
Kevin Phillips

Van Willis  
Town Manager

T. Alan Beach  
Chief of Police

Jeffrey S. Coppinger  
Operations

Linda Bridges  
Planning

March 3rd, 2021

The Honorable Joseph Passiment  
Chairman, Beaufort County Council  
100 Ribaut Rd  
Beaufort, SC 29902

Dear Chairman Passiment:

The Town of Port Royal was recently made aware that Beaufort County Council has retained an out of state law firm to pursue the collection of stormwater fees from the Department of Defense. It is our understanding that Beaufort County Council is taking this action, superficially, on behalf of the City of Beaufort and the Town of Port Royal. The Town of Port Royal does not support and does not desire to participate in any legal action against the Department of Defense.

The Town of Port Royal adopts this position for two reasons. First, the Town possesses no evidence that any of the installation's stormwater adversely affects or exacerbates flooding in the community. Secondly, we do not understand what service we would be offering the installations.

We enjoy an excellent relationship with each of the installations and believe that any challenges, either perceived or actual, may be resolved without leveraging attorneys and pursuing civil action against our military community.

Please let me know if you have questions or would like to discuss this matter further.

*Joe DeVito*

Joe DeVito, Mayor

Cc: Beaufort City Council & Bill Prokop, City Manager  
Beaufort County Council & Eric Greenway, Interim Admin  
Colonel Ricco Player, Commanding Officer HQSVCBN & TF Commitment  
Kim Fleming, Deputy Director, Operations, Plans, and External Affairs MCAS Bft.  
Brigadier General Julie L. Nethercot, Commanding General, Marine Corps Recruit Depot Parris Island  
Captain Raymond R. Batz, Commanding Officer of Naval Hospital Beaufort

PO Drawer 9 • Port Royal, SC 29935-0009 • Telephone (843) 986-2200 • Fax (843) 986-2210  
[www.portroyal.org](http://www.portroyal.org)



# BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

<b>ITEM TITLE:</b>
Resolution authorizing the County Administrator to 25k will be applied to a multi-day planning charette to develop design drawings and standards for the development/redevelopment of Lady's Island .
<b>MEETING NAME AND DATE:</b>
Natural Resources Committee on February 7 <sup>th</sup> , 2022
<b>PRESENTER INFORMATION:</b>
County Administrator, Eric Greenway (10-15 min)
<b>ITEM BACKGROUND:</b>
IN 2019 the City and the County completed a land-use plan for Lady's Island that involved an extensive public input and engagement process that established growth management tools that will ensure Lady's Island develops appropriately if those tools are implemented and maintained in the future. This 2018 plan enhanced the previous investment that the County made into transportation planning for the island through two transportation studies conducted by Stantec. Recently, the Northern Regional Plan Implementation Committee has given ear to two individuals attempting to go around the County Administration to get more funding for another consultant and study for Lady's Island.
<b>PROJECT / ITEM NARRATIVE:</b>
The County Administrator requests that the Natural Resources Committee and the County Council support a resolution that will send a clear message that no more than an additional 25K will be allocated by the County. The 25k will be applied to a multi-day planning charette to develop design drawings and standards for the development/redevelopment of Lady's Island.
<b>FISCAL IMPACT:</b>
The proposed cost for the additional study will range from 25-50K depending on the level of participation from the City of Beaufort should this latest initiative be funded.
<b>STAFF RECOMMENDATIONS TO COUNCIL:</b>
Approve the resolution authorizing the County Administrator to approve 25k for a multi-day planning charette to develop design drawings and standards for the development/redevelopment of Lady's Island.
<b>OPTIONS FOR COUNCIL MOTION:</b>
Motion to approve the resolution authorizing the County Administrator to approve 25k for a multi-day planning charette to develop design drawings and standards for the development/redevelopment of Lady's Island.  Move forward to Council on February 14 <sup>th</sup> , 2022.

**RESOLUTION 2022 / \_\_**

**RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO LIMIT FUNDING REQUESTS FOR ADDITIONAL PLANNING INITIATIVES FOR LADY’S ISLAND.**

**WHEREAS**, in 2019 the City and the County completed an area plan for Lady’s Island that involved an extensive public input and engagement process that established growth management tools that will ensure Lady’s Island develops appropriately if those tools are implemented and maintained in the future; and

**WHEREAS**, the Lady’s Island Plan incorporated an impact fee funded traffic study conducted by Stantec that was completed in 2017 and updated in 2021; and

**WHEREAS**, a capital projects sales tax referendum was approved by voters in 2018 allocates \$30 million in transportation projects that implement the Lady’s Island Plan; and

**WHEREAS**, both Beaufort County and the City of Beaufort have form-based codes that create the appropriate regulatory environment to implement the vision for the Lady’s Island Village Center;

**NOW, THEREFORE LET IT BE RESOLVED**, the County Administrator is hereby authorized to provide funding not to exceed \$25,000 for a design planning charrette to develop design criteria and drawings to enhance the implementation of the Lady’s Island Plan.

Adopted this \_\_\_ day of \_\_\_\_\_ 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
Joseph Passiment, Chairman

ATTEST:

\_\_\_\_\_  
Sarah W. Brock, JD, Clerk to Council