

TEXT AMENDMENTS TO THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE (CDC):

- SECTION 3.4.30 MCAS AIRPORT OVERLAY (MCAS-AO) ZONE STANDARDS (ADDS NOTICE REQUIREMENTS IN COMPLIANCE WITH SECTION 6-29-1610 OF THE SOUTH CAROLINA CODE);
- SECTION 5.3.20 APPLICABILITY (ARCHITECTURAL STANDARDS AND GUIDELINES) (CLARIFIES THAT ARCHITECTURAL STANDARDS ONLY APPLY TO NON-RESIDENTIAL AND MULTI-FAMILY STRUCTURES THAT ARE WITHIN 500-FEET OF ARTERIAL AND MAJOR COLLECTOR ROADS IN CONVENTIONAL, PUD (PLANNED UNIT DEVELOPMENT), AND CP (COMMUNITY PRESERVATION) DISTRICTS);
- SECTION 5.8.20 APPLICABILITY (LANDSCAPING, BUFFERS, AND SCREENING STANDARDS) (ADDS TREE REQUIREMENTS FOR NEW SINGLE-FAMILY AND DUPLEX LOTS); AND
- SECTION 5.11.100.E TREE PROTECTION DURING CONSTRUCTION (SUBPARAGRAPH 4. PENALTY FOR DAMAGING OR CUTTING PROTECTED TREES) (INCREASES THE PENALTY/MITIGATION OF ILLEGALLY REMOVED TREES FROM 1.25 TIMES TO 2 TIMES THE CALIPER INCHES REMOVED).

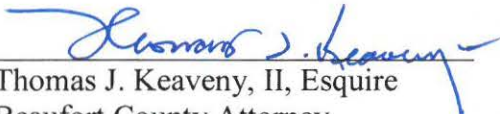
Whereas, amended text is highlighted in yellow, underscored for additions and struck through for deletions.

Adopted this 28<sup>th</sup> day of August, 2017.

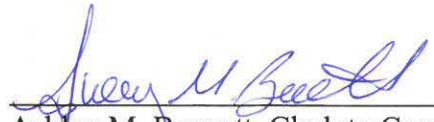
COUNTY COUNCIL OF BEAUFORT COUNTY

BY:   
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

  
Thomas J. Keaveny, II, Esquire  
Beaufort County Attorney

ATTEST:

  
\_\_\_\_\_  
Ashley M. Bennett, Clerk to Council

First Reading: June 26, 2017

Second Reading: July 24, 2017

Public Hearing: August 28, 2017

Third and Final Reading: August 28, 2017

Chronology

- Third and final reading approval occurred August 28, 2017 / Vote 10:1
- Public hearing occurred August 28, 2017
- Second reading approval occurred July 24, 2017 / Vote 9:0
- First reading approval occurred June 26, 2017 / Vote 7:0
- Natural Resources Committee discussion and recommendation to approve occurred June 19, 2017 / Vote 6:0

**MCAS Airport Overlay (MCAS-AO) Zone Standards.** This amendment implements a recommendation from the 2015 Joint Land Use Study (JLUS) for Marine Corps Air Station Beaufort to formally codify state law requires to notify local military installations prior to land use planning and zoning actions.

~~G. **Variiances.** The Beaufort County Zoning Board of Appeals (ZBOA) shall not act upon a request for a variance from this Section affecting lands within the MCAS AO Zone until they have received an advisory opinion from MCAS Beaufort. If an advisory opinion is not received within 30 days of notification, the ZBOA may proceed to act on the request without the opinion.~~

**G. Notice to Military Installations.**

1. Section 6-29-1610 et seq. of the South Carolina Code Ann. sets forth notice requirements pertaining to federal military installations. The provisions of Subsection G. shall apply to the following types of land use and zoning decisions when such decisions involve land located within an Accident Potential Zone or Noise Zone:
  - a. adoption of or amendment to the Beaufort County Comprehensive Plan;
  - b. amendment to the Official Zoning Map;
  - c. an appeal to the Beaufort County Zoning Board of Appeals (ZBOA);
  - d. a request to the ZBOA for a variance from the provisions of the Beaufort County Community Development Code; or
  - e. a request to the ZBOA for a Special Use Permit.
  
2. Pursuant to § 6-29-1610 et seq., S.C. Code Ann., for the proposed land use or zoning decisions identified in Subsection G, Division 1, the Beaufort County Community Development Department shall:
  - a. at least thirty days prior to any public hearing conduction in conjunction with any of the land use or zoning decision specified in Subsection G, Division 1, request from the base commander a written recommendation with supporting facts with regard to the matters specified in Subsection G, Division 4, relating to the use of the property which is the subject of review; and
  - b. upon receipt of the written recommendation from the base commander, the Community Development Department shall make the written recommendation a part of the public record, and in addition to any other duties with which the Community Development Department is charged by the local government, investigate and make recommendations of findings with respect to each of the matters enumerated in Subsection G, Division 4.
  
3. If the base commander does not submit a recommendation by the date of the public hearing, there is a presumption that the proposed land use or zoning decision does not have any adverse effect relative to the matters specified in Subsection G, Division 4.
  
4. The matters the Community Development Department and the base commander shall address in their investigation, recommendations, and findings must be:
  - a. whether the proposed land use or zoning decision will permit a use that is suitable in view of the fact that the property under review is within the MCAS-AO zone;

- b. whether the proposed land use or zoning decisions will adversely affect the existing use or usability of nearby property within the MCAS-AO zone;
- c. whether the property to be affected by the proposed land use or zoning decisions has a reasonable economic use as currently zoned;
- d. whether the proposed land use or zoning decision results in a use which causes or may cause a safety concern with respect to excessive or burdensome use of existing streets, transportation facilities, utilities, or schools where adjacent or nearby property is used as a federal military installation;
- e. whether the land use or zoning proposal is in conformity with the policy and intent of the Beaufort County Comprehensive Plan given the proximity of a federal military installation; and
- f. whether there are other existing or changing conditions affecting the use of the nearby property, such as the presence of a federal military installation, which give supporting grounds for either approval or disapproval of the proposed land use or zoning decision.

**5.3.20 Applicability (of Architectural Standards and Guidelines).** This amendment limits the applicability of architectural standards in conventional zones to development located within 500 feet of an arterial or major collector. This amendment also clarified existing PUDs are not exempt from architectural standards. A significant amount of commercial development along US 278 such as Moss Creek and Belfair is zoned PUD.

- B. **Within Conventional Zones, Existing PUDs, and Community Preservation Districts.** Within Conventional Zones, Existing PUDs, and Community Preservation Districts, all development located within 500 feet of the right-of-way of an arterial or major collector, with the exception of single-family and two-family residential, shall meet the standards in Section 5.3.3.30 (General Architectural Standards and Guidelines) and utilize Section 5.3.40 (Architectural Styles) as a “best practices manual” to achieve the standards in Section 5.3.30 (General Architectural Standards).

**5.8.20 Tree Planting Requirements for Single Family Residences and Duplexes.** This amendment requires that all new residential lots have at least two overstory trees with the exception of the T4 districts. Existing trees can count toward this requirement. In the T4 districts, at least one overstory tree is required.

B. **Exemptions: Requirements for Single-Family Residential and Duplex Lots.** New single-family residential and duplex lots that are 10,800 square feet or less shall require the planting or preservation of at least two overstory trees in all districts except T4. In the T4 districts, at least one overstory tree is required.

1. ~~Within Transect Zones: Single family residential and duplexes on individual lots are exempt from the requirement of this section within T1 Natural Preserve, T2 Rural, T2 Rural Neighborhood, T2 Rural Neighborhood Open, T2 Rural Center, T3 Edge, T3 Hamlet Neighborhood, and T3 Neighborhood.~~
2. ~~Within Conventional Zones and Community Preservation Districts: Single family residential and duplexes on individual lots are exempt.~~

**5.11.100.E Tree Protection During Construction.** This amendment increases the penalty for damaging or removing protected trees during construction. The current penalty requires the trees to be replaced by 1.25 times the diameter caliper inches of removed or damaged trees. The amendment would require that to be increased to 2 times the caliper inches.

4. **Penalty for Damaging or Cutting Protected Trees.** If trees are damaged or cut down as a result of the construction process, the mitigation shall be individual plantings of trees a minimum of 2.5 caliper inches with a total caliper equal to ~~1.25~~ **two (2)** times that of the DBH of the trees damaged or destroyed. Trees shall be planted within the disturbed area of the site. If all tree inches cannot be planted back on site due to site constraints, the remaining tree inches shall be subject to a general county reforestation fee; see Section 5.11.100.D.3 (Reforestation Fee).