

A Special Worksession of the Beaufort-Port Royal Metropolitan Planning Commission (MPC) was held on **May 23, 2018 at 2:00 p.m.** in the Beaufort Municipal Complex, 1911 Boundary Street. In attendance were Chairman Bill Harris, Commissioners Robert Semmler, Tim Rentz, and Jim Crower, and Lauren Kelly, City of Beaufort planning. Judy Alling and Caroline Fermin were absent.

In accordance with the South Carolina Code of Laws, 1976, Section 30-4-80(d) as amended, all local media were duly notified of the time, date, place, and agenda of this meeting.

Chairman Harris called the meeting to order at 2:27 p.m.

REVIEW AND DISCUSSION OF PROPOSED CHANGES TO THE BEAUFORT CODE

2.4.1.E – Driveway locations in T3-S and T3-N – Ms. Kelly said this clarifies that the driveway should be to the side of the house, not “straight up into the front yard.” There were no commissioner comments.

2.5.4.A & 2.5.4 – Locations for attached garages on waterfront lots – This provision says that other accessory structures could be placed in front of the primary building. Also, the code currently doesn’t speak to attached garages, Ms. Kelly said. It would still be undesirable to have an attached garage “projecting out in front of a house toward the street, unless there was something above it, like a habitable space” with a balcony “that overlooks and addresses the street,” for example.

Chairman Harris clarified that an attached garage with “doors flush with the front of the house” would be allowed. Ms. Kelly said if the house has an attached garage, with the door facing the street, the garage has to be set back at least 5’ from the front of the house. If an attached garage is in front of the house, the doors can’t face the street, and “that could only occur if there’s something above it.” There were no commissioner comments.

2.5.6.F – Steps’ encroachment into setbacks – Currently, steps can encroach into a street yard setback, Ms. Kelly said; this revision would also allow steps to encroach up to 5’ into a front yard or side yard setback. Covered porches, which she said would include a stoop, “can encroach up to 5’ into a front or street yard setback, and 6’ into an interior side or rear yard setback.” So, this says that if you have a 6’ encroachment with a stoop, she said, and you need to put in steps, the steps can continue into the setback area. This “doesn’t prescribe the amount of encroachment,” just that “you can go to within 5 feet of your property line,” Ms. Kelly told Chairman Harris.

There was a discussion about preventing people from taking advantage of this to the detriment of their neighbors, and its application to covered and uncovered stoops. Ms. Kelly said they could look at changing “the 6’ interior one” for porches, which is in the code now, “to ‘within 5 feet’.” Chairman Harris said he wonders “why you would still be

allowed to go into the setback” on the interior once it was covered. If the side setback were only 5’ or 6’, this could go right to the property line, he said.

Ms. Kelly said this is most likely to come into play in T3-S, which has a 10’ or 12’ side setback. Chairman Harris recommended adding that this is “applicable in T3-S.” Commissioner Rentz agreed about the covered porch; he “wouldn’t want my neighbor’s porch to come all the way over.” Ms. Kelly said she would look at rewording this.

2.5.6.H / 4.6.1 – Fence materials – Ms. Kelly said they’d found out that there are currently no restrictions on barbed wire and electric fences in residential areas. Proposed material standards would prohibit barbed wire except in Limited Industrial districts; an electric fence could be within a property’s boundaries, she said, but it cannot encroach into any front or side yard setback.

Ms. Kelly said 4.6.1 designates that chain-link fences can’t be used when it would be visible within the public right-of-way if the property is one that has to go through the design review process.

Commissioner Rentz asked, if someone has 20 – 30 acres with livestock, if they can use these types of fences. Ms. Kelly said there are no incidences of this in the city, but if there were, a variance could be obtained.

Bill Prokop, city manager, asked about barbed wire at the military base or the county jail. Ms. Kelly said the military base is zoned “MR” (Military Reserve), and no city standards apply there. The jail already has barbed wire, so it’s probably grandfathered in, but she would check on that.

Commissioner Rentz said if a chain-link fence can’t be visible from any public right-of-way, and it goes from the side of a house to the back, those driving down the road might be able to see it. The only place someone could put the fence would be in “a little cut-out place in the backyard,” he said. Chairman Harris suggested it could say that a chain-link fence is not allowed to go “past the front of the residence.” He noted that there are rules about fence height.

Ms. Kelly said she would change the language. There were no further commissioner comments.

2.7 – Overlay acknowledgment – This adds a section to say that if someone annexes into an overlay district, Ms. Kelly said, if the property’s status changes – as the result of annexation, for example – this would be a reminder that “You’re in the AICUZ.” To explain what an overlay acknowledgment is, she said that anyone who buys or builds a house in the AICUZ has to sign “an acknowledgment that the property is in the Noise Zone” from the realtor.

2.7.3.F – Bladen Street use standards – This applies to the Bladen Street Redevelopment District, Ms. Kelly said. In the Beaufort Code, the Boundary Street Redevelopment District has been adapted to the underlying zoning, so it’s all T5-UC with “a couple modifications because it’s in the redevelopment district.” One of those is “a use modification that says you can do single-family” residential “as long as you’re not on Boundary” Street or Robert Smalls Parkway.

With the Bladen Street Redevelopment District, there was not a “unit-number maximum for an inn or a hotel” in the UDO, Ms. Kelly said, but as it was moved into T4-N, “even with the retail overlay, it was restricted,” so this is “basically letting it be what it used to be in the redevelopment district.” This restriction was added unintentionally, she said. There were no commissioner comments.

2.7.4.D.1 – Adding a column to “Noise Reduction Requirements” – Ms. Kelly said this would match the county’s standards for construction in the AICUZ “Noise Zones.” There were no commissioner comments.

3.1 – Zoning water – In the old code, there was a clause describing the zoning of water, but that wasn’t carried into the new code, Ms. Kelly said. This clarifies that if something is attached to the land, the same zoning applies to the water. There were no commissioner comments.

3.2 – Live-aboard boats – Ms. Kelly said along the same lines, live-aboard boats were only permissible in T1; they need to be conditional in other zoning districts. There were no commissioner comments.

The next comments came from the development committee, which was reconvened for code review, Ms. Kelly said. The group assumed that when the city moved to form-based code, there would no longer be “uses,” which she said is a common misconception.

Staff looked at combining the following uses:

- **3.2/3.5.2.A** – “Group daycare home” and “commercial daycare center” have the same permissions in general, and this consolidates them into “group and commercial daycare” on the chart for clarity.
- **3.2/3.6.1.D, E, & F/3.6.2.D.2/3.6.2.D.3** – This combines “restaurant” and “retail sales and service” with 2 sub-groups under retail sales and service. The idea is that there is just one-use category for 4 lines that all have the same permissions, Ms. Kelly said.
- **3.2/3.7.1.C/3.7.2.B, D, & E** – This combines “major” and “minor” vehicle service and repair into “vehicle service and repair.”
- **3.2/3.8.1.C, D, & F/3.8.2.B, C, & D** – “Manufacturing production,” “warehousing,” “wholesaling and distribution” would be combined into “manufacturing, warehousing, and distribution.”

3.3.2.D.3.b.iii – This one is not included in the commissioners’ packets, Ms. Kelly said. It goes back to the arts overlay idea of encouraging arts and artisans to use accessory structures in the Northwest Quadrant to make and sell their art. There is still interest in this idea, so staff looked at what can and can’t be done under current home occupation standards. She said the biggest issue with regulating this concerned “displaying things for sale outside.” Staff is proposing that the display of art may occur on porches, Ms. Kelly said.

Sue Derrenbacher, a Northwest Quadrant resident, said it’s one thing for a homeowner to have some decorations on a porch, and another to have art – or whatever the home occupation makes in the home – on the porch, because that could be “a large number of items,” or items that are “large in size,” “not age-appropriate,” “political,” or “agenda-driven or cause-driven.” Ms. Derrenbacher’s suggestion is to “include something about those concerns” in this section of the code.

Ms. Derrenbacher said they should consider amending the code to limit the percentage of porch floor space for items to 25%, which is the same amount of space allowed inside a home for use by a home occupation for that purpose.

In regard to the individual sizes of the items for sale on a porch, Ms. Derrenbacher thinks a “mural-sized item” is inappropriate, so she suggested limiting art to 9’. She doesn’t think there should be things on the porch “that look like a sign” and draw attention to the house as a “retail business.”

Ms. Derrenbacher said she doesn’t “know how to control the other aspects that I’m concerned about.”

Chairman Harris said it seems that if someone has a house in this district, they could keep as much stuff on their porch as they like, but it’s different if those things are for sale. Ms. Kelly said people with a home occupation are already allowed to have a 1.5’ sign for their business. Ms. Derrenbacher said an artist’s metal sculpture could cover the front door, and that could “be seen as a sign, in my opinion.”

Chairman Harris said he doesn’t dislike the idea of using a percentage of the porch space for things that are being sold. He thinks there is likely already an ordinance about people having things on their porches that are offensive.

Commissioner Crower said the idea of allowing 25% of the porch for display is a good one. Chairman Harris asked what the percentage would be based on (i.e., the surface area? volume? etc.) Ms. Derrenbacher said the wall of the house that has the door on it is one wall, and the floor is another surface, so those might be what could be worked with.

Ms. Kelly said an outdoor display of merchandise must not “clutter the front of the property as determined by the administrator.” So, if someone thought a property was cluttered, but the homeowner didn’t agree, the matter would go to the HDRB. Mr. Prokop said there are more issues in the City of Beaufort with hoarders cluttering *all* parts of their property with stuff; he believes artists seeking to sell their work would be more likely to keep their porch looking nice.

Chairman Harris said when the MPC went through the code, they learned that “vague and unclear” is “usually trouble,” so he thinks the percentage of the porch for display matching the percentage used for the home occupation would be “a good first step.”

Ms. Derrenbacher said she fears a mural will be put on a front porch wall and will be “awful,” and “then [residents will] have to confront our neighbors.” Ms. Kelly said the first clause of the code states that, if art doesn’t align with the code, it could be brought up for review.

Ms. Kelly will look at legal language addressing the amount and contents of the porch. Commissioner Crower clarified that people are not allowed to display their work out in the yard if it is for sale. There were no further commissioner comments.

3.6.1.F.2.c – The proposal is to change this so that vehicle rentals are allowed as an accessory use with a self-service storage facility, Ms. Kelly said. The commissioners agreed.

3.6.1.F.3 – Dry boat storage as a standalone self-service storage use – Dry boat storage is listed as a primary use for marina and water-oriented facilities, Ms. Kelly said; staff proposes it could be a standalone use. There was a discussion about the requirements for a storage building in different districts.

Chairman Harris said there have to be places where someone could do “a big dumb building.” Commissioner Semmler said the industrial parks have been established for that. Chairman Harris said that’s where those buildings would go, and if they’re in another district, they would have to abide by the rules of the zone they’re in. Ms. Kelly said someone wanted to put a dry surface parking lot for boats next to a subdivision in T4-N; the city said it couldn’t be done there without a liner building that had windows and prevented this from being seen from the road. There were no further commissioner comments on this.

3.6.2.C.1.d – Clarify 500’ spacing of B&Bs – Ms. Kelly said bed & breakfasts (B&Bs) have a spacing requirement to keep them apart in a residential district, but in a mixed-use zoning district, the 500’ spacing would not apply. The idea of this is to clarify that the spacing applies to B&Bs in a T3 or T4-HN districts.

Chairman Harris asked if this would apply if it were an Airbnb, rather than a B&B. Ms.

Kelly said they're different; in an Airbnb, if 2 or more rooms are rented out, they have to be rented to the same party. If 2 or more rooms are rented to more than one party, it's a B&B.

3.6.2.C.1.g – Clarification of the resident manager requirement – A resident manager is required in a B&B, and this clarifies that this person actually lives at the B&B, Ms. Kelly said.

Short-term rentals – The Short-Term Rental Task Force recommended everything that's in the adopted version of the Beaufort Code but one thing, Ms. Kelly said: The only change has been the amendment of the cap on short-term rentals in a neighborhood from 8% to 6%.

These matters have come up about short-term rentals:

- **3.6.2.C.2** – Outside approvals – Where there is a property owners' association or in a multi-family dwelling with a property management group, those groups have to approve a short-term rental in the building.
- **3.6.2.C.2** – Trash facilities – Trash roll carts must be screened from the street with an enclosure.
- **3.6.2.C.2.c** – Short-term rentals on boats – Boats are allowed to be used for short-term rentals, but the owner needs to provide written permission from the marina manager, Ms. Kelly said. Also, boats have the same 6% cap per marina, regardless of the zoning district.
- **3.6.2.C.2.i** – Monitored fire alarms not required on boat short-term rentals – The fire marshal recommended requiring documentation that a Coast Guard Auxiliary Safety Vessel Check has been performed, Ms. Kelly said.
- **3.6.2.C.2.e.ii & iii** – Occupancy standards per room & per carriage house – For primary house rentals, there is language limiting the number of vehicles to one per bedroom and the number of adult guests to 2 per bedroom, Ms. Kelly said. For carriage houses, the number of vehicles is limited to two, and the number of adult guests to four.

Commissioner Crower asked about the 6% cap; Ms. Kelly explained that it caps short-term rentals at 6% of the residentially zoned lots in a particular neighborhood. There were no further commissioner comments.

3.7.1.A.4 – Ms. Kelly said this clarifies that boat parking is not commercial parking.

3.7.1.F.3 – Dry storage – This moves dry storage from a primary use to an accessory use, Ms. Kelly said, and permits it only in association with a marina.

3.7.2.A.1 – Limousine and taxi services in T5-UC should be associated with a building – Ms. Kelly said this came up with someone who was using a lot of parking, and no structure was associated with the business on-site, which was “becoming a nuisance.”

Limos and taxis would also have to be screened, as in a regular parking lot, she said.

3.7.2.D.6.a & 3.7.2.E.4.a – Major and minor vehicle service and repair – This combines major and minor vehicle service and repair and clarifies that only wrecked vehicles can be on a lot, Ms. Kelly said. They do not need to be stored in an enclosed building in T5-UC. There were no commissioner comments.

3.8.1.B.2, 3.8.1.C.2, & 3.8.1.F.2 – Ms. Kelly said this adds “retail” and “restaurants” as accessory uses, with warehousing and wholesaling, manufacturing and production.

3.8.2 – Clarify 25’ rear setback in T4-NA – For an industrial use in T4-NA (Neighborhood Artisan), which currently is Depot Road, this requires a 25’ rear setback if the use abuts residential. Ms. Kelly said staff has found that there are other areas of the city that may be appropriate for this zoning, so this clarifies that if a use doesn’t have a residence behind it, it doesn’t need the deep setback. There were no commissioner comments.

3.11.2 – Ms. Kelly said now there are numerous uses that are accessories to residential units: accessory dwellings, garages, carports, workshops, pool houses, etc. Different sizes of buildings are allowed based on their uses. If you could only have one structure, she asked, why couldn’t a workshop be the size of a garage? If you have a big lot, why not allow more accessory buildings on it? This standardizes the sizes of the buildings, and the overall number of structures allowed is 4. The lot-size requirements still need to be met (i.e., a small lot couldn't have 4 accessory structures on it).

Chairman Harris proposed waiting on this one, so the commissioners could all read the material in the mock-up.

3.12.2 – Proposed standards for farmers’ markets – There currently are none, Ms. Kelly said, so staff looked at other places’ regulations for farmers’ markets. The idea of this is “they’re permitted in certain places, and there needs to be a plan” for trailers, signs, trash, etc., she said. There is a concern about it being a flea market, so 75% of sales must be farm products sold “directly to the consumer,” and 25% of sales can be self-made foods.

Chairman Harris asked what this wouldn’t allow. Ms. Kelly said the signs and property couldn't be left out when the market wasn’t open, though picnic tables would probably be allowed there all week. The key is that “someone has to have a plan” for the farmers’ market, she said. Chairman Harris said he’s not opposed to rules. The lot the Beaufort farmers’ market is on belongs to the county, Ms. Kelly said.

The current farmers’ market is not “unsightly, but it’s not regulated,” Ms. Kelly said. Mr. Prokop suggested they could be handled like festivals are. Ms. Kelly said that could be done.

Commissioner Crower asked about the on-site manager. Ms. Kelly said if the city had a question, the manager would be “a point person” they could talk to. Chairman Harris said it seems like a good idea to have someone who could report to the city; it could be someone who is out there regularly, or it could be the property owner.

There would have to be a plan for the trash, Ms. Kelly said. Chairman Harris said as soon as there are regulations, there will be publicity that the city is “busting on the farmers.” He said there might be more participants from the Port Royal farmers’ market who want to be in the city one if there are regulations for it.

Commissioner Rentz said he likes the idea of it being a farmers’ market, “not a flea market.” Chairman Harris said he thinks it has “huge potential . . . to grow,” but he’s never thought about regulations for it. Ms. Kelly suggested that they go to visit the site when the farmers’ market is there and when it’s not there.

Mr. Prokop said when the city started a farmers’ market at Pigeon Point Park, it was managed by the owner of Island Meat Market on Lady’s Island, but his business is gone, and the farmers’ market has not had a manager since then, and it needs one. The manager could get a percentage from the participants, as they do at Port Royal’s farmers’ market. Ms. Kelly said before Pigeon Point Park, the farmers’ market was at Freedom Park, and Main Street Beaufort ran it.

Ms. Kelly said that week after next, she would like to have a special meeting, and there could be another meeting on June 4 at 2:00 p.m. to finish up these comments. The MPC could then meet on Thursday, June 7 at 2:00 p.m.

There being no further business to come before the commission, **Chairman Harris made a motion to adjourn**, and the MPC meeting ended at 4:11 p.m.