

2010 / 19

TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX R, MAY RIVER COMMUNITY PRESERVATION (CP) DISTRICT (ADDS NEW APPENDIX FOR DEVELOPMENT STANDARDS FOR THE MAY RIVER CP DISTRICT).

Adopted this 27<sup>th</sup> day of September, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY:



Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

  
Ladson F. Howell, Staff Attorney

ATTEST:

  
Suzanne M. Rainey, Clerk to Council

First Reading: August 23, 2010  
Second Reading: September 13, 2010  
Public Hearing: September 27, 2010  
Third and Final Reading: September 27, 2010

(Amending 99/12)

## APPENDIX R. MAY RIVER COMMUNITY PRESERVATION (CP) CODE

### DIVISION 1. MAY RIVER COMMUNITY PRESERVATION DISTRICT CODE

**Sec. 1.0. Purpose.**

The May River Community Preservation District (MRCPD) is intended to promote low intensity rural development patterns comprised primarily of residential uses; while encouraging and allowing more urban development to locate outside the District at either end of the corridor.

**Sec. 2.0. Applicability.**

The May River Community Preservation District requirements apply to all uses within the May River CP District boundaries. The Beaufort County Zoning and Development Standards Ordinance (ZDSO) shall apply to all development in this district, unless expressly exempted or otherwise provided for in this section. When in conflict, the development and architectural design standards of the District shall supersede the development standards of the ZDSO and the Corridor Overlay District.

**Sec. 3.0. District Boundaries.**

The delineation of areas that fall under the May River Community Preservation District zoning designation are outlined on the official zoning map of Beaufort County.

**Sec. 4.0. Permitted Activities.**

The permitted uses in the May River Community Preservation District are primarily residential. Table 1 includes descriptions of permitted uses for the CP District. Uses not listed in Table 1 are prohibited.

- (a) Uses permitted in the CP District are indicated in Table 1 with a "Y" in the "Permitted" column. These uses are permitted as a matter of right subject to all performance standards.
- (b) Limited uses ("L") are permitted only if all the "limiting" criteria for that use, as listed in Section 4.2 are met. The "limitations" listed in section 4.2 supersede any and all limitations for that use that are included in Article V Division 2. The Zoning and Development Administrator (ZDA), or, when applicable the Development Review Team (DRT) issue final approval of limited uses.
- (c) Special uses ("S") are permitted only by approval of the zoning board of appeals (ZBOA). A special use must conform to any limited use criteria listed for that use as well as the ZBOA review criteria included in sections 106-552.
- (d) Not all properties may meet the limited and/or special use requirements, thus sites upon which the use could be built may be limited.
- (e) If a limited or special use is proposed as part of a subdivision or land development, the site plan must designate their locations.

**Table 1. May River CP District Permitted Uses**

Land Use	Use Definition	Permitted
<b>AGRICULTURAL USES</b>		
Agriculture	Crop and animal production, plant nurseries, tree farms. (NAICS 111, 112)	Y
Forestry	Perpetual management, harvesting and enhancement of forest resources for ultimate sale or use of wood products, requiring replanting, and subject to S.C. Forestry Commission BMPs. (NAICS 113)	Y
Commercial stables	Stabling, training, feeding of horses, mules, donkeys, or ponies, or the provision of riding facilities for use other than by the resident of the property, including riding academies. Also includes any structure or place where such animals are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch or similar purpose.	L
<b>RESIDENTIAL USES</b>		
Single-family detached	An unattached (stand alone) dwelling unit intended for only one family.	Y
Single-family cluster	A traditional form of neighborhood development that preserves meaningful open spaces by requiring development to be grouped together using a grid or close pattern.	Y
Family compound	A traditional rural development that allows family members to place additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years. Family compound regulations in section 106-2105 apply.	Y
Outbuilding	A structure used for storage, detached garage, garage with second story residential dwelling, or accessory residential dwelling unit that is located on the same lot but clearly secondary to an existing single-family dwelling.	L
Guest House	A second dwelling unit, clearly subordinate and separate from the principal unit, but otherwise resembling a principle residential unit and functioning as a single family home. A Guest House is deemed to be a part of the main property owner's "compound" and is not intended to be subdivided for other uses. A Guest House is for use by the property owner and his/her family and guests only.	L
<b>HOME USES</b>		
Home occupation	A business, profession, occupation or trade located entirely within a residential dwelling, which does not change the essential character of the residential structure.	L

Land Use	Use Definition	Permitted
<b>COMMERCIAL USES</b>		
Bed and Breakfast	A lodging establishment in which there are no more than six guestrooms, or suites of rooms available for temporary occupancy for varying lengths of time by the general public with compensation to the owner. Meals may be prepared, provided that no meals are sold to persons other than guests. The establishment must be the owner's principal place of residence (NAICS 721191).	L
Roadside stand	A temporary or permanent structure used in the sale of agricultural produce, home made goods, seafood, and flowers. More than one vendor may sell at a single stand.	Y
<b>RECREATION USES</b>		
Outdoor recreation	Active recreational activities and supporting services limited to: jogging, cycling, tot lots, playgrounds, tennis courts, private docks, community docks and fishing clubs. Passive recreational uses including, but not limited to: wildlife sanctuaries, forests, and areas for hiking, nature areas. Includes picnic areas and garden plots (NAICS 71219).	S
<b>TEMPORARY USE</b>		
Model homes sales office	A dwelling unit or modular unit in a subdivision used as a sales office for that subdivision.	Y
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. This use must be removed upon project completion.	Y

Source: NAICS 2008

**Sec. 5.0 Limited and special use standards.**

This section describes the standards governing the limited and special uses designated in Table 1. These standards are in addition to other standards required elsewhere in the Beaufort County ZDSO, but supercede the limited and special use standards in Article V, Division 2 of the ZDSO. New uses within the MRCPD shall be consistent with surrounding neighborhood character in size, scale and architecture. Some of the uses listed below include the statement, "The ZDA and/or DRT may require one or more impacts analyses." These analyses include, but are not limited to: a community impact statement (CIS), an area impact assessment (AIA), an environmental impact assessment (EIA), a traffic impact assessment (TIA) and/or an archaeological and historic impact assessment (AHIA). The ZDA and/or DRT may also request additional data or reports from the applicant.

**(a) Commercial Stables**

- (1) Additional buffering shall be required whenever the use is within 100 feet of a developed residential lot. The buffer shall be increased to a minimum of 50% of the required setback.
- (2) The minimum site area shall be five acres.

- (3) A five-foot-high fence is required around paddock areas.
- (4) *Reports/studies required.* All applications for this use shall include an area impact assessment.
- (b) *Outbuildings (Residential and Non-Residential).*
  - (1) Residential Outbuildings:
    - A. Shall be permitted on the north side of May River Road only.
    - B. Front Setback: Minimum 20 feet behind front face of primary building.
    - C. Side Setback: 10 feet minimum.
    - D. Rear Setback: 3 feet minimum with rear access lane, 10 feet without.
    - E. Only one residential outbuilding may be created per principal dwelling.
    - F. The property owner for a lot with a Residential Outbuilding must hold title to, and occupy the principal unit as their permanent or seasonal residence.
    - G. The livable space of residential outbuildings (heated
    - H. Residential Outbuildings may be located no more than 50 feet from the principal dwelling unit.
    - I. Residential Outbuildings may be rented or leased and shall not count towards the density of the lot.
    - J. Usable space (heated space) shall not exceed 950 square feet or 35 percent of the principal dwelling's total floor area.
    - K. The Outbuilding shall be designed to maintain the architectural design, style, appearance and character of the principal dwelling as a single-family residence. The Outbuilding shall be consistent with the facade, roof pitch, siding and windows of the principal dwelling.
  - (2) Non-Residential Outbuildings:
    - A. Are permitted on both sides of May River Road.
    - B. Shall not exceed 35 percent of the principal dwelling's total floor area. However, outbuildings on lots of more than 2 acres whose main function involves the storage of goods shall not be limited by size.
    - C. Side Setback: 10 feet minimum.
    - D. Rear Setback: 10 feet minimum.
    - E. Front Setback: Minimum 20 feet behind front face of primary building.
    - F. The Outbuilding shall be designed to maintain the architectural design, style, appearance and character of the principal dwelling as a single-family residence. The Outbuilding shall be consistent with the facade, roof pitch, siding and windows of the principal dwelling.
- (c) *Guest Houses*
  - (1) Guest Houses shall be permitted South of May River Road.
  - (2) A Guest House shall be subordinate to the principal dwelling and be for use by the property owner and his/her guests only.
  - (3) A Guest House is deemed to be a part of the main property owner's "compound" and is not intended to be subdivided for other uses. They shall adhere to the front, rear, and side setbacks listed for the principle structure.

(4) A Guest House is for use by the property owner and his/her family and guests only. They shall not be leased or rented, and must gain their access from the driveway of the principal house.

(5) Existing lots of record that are 2 to 5 acres in size are permitted one guest house, not to exceed 2000 square feet. Lots created after the adoption of the May River CP District that are 5 acres or more in size are permitted one or more Guest Houses; however, the total square footage of all guest dwellings (houses) may not exceed 75% of the square footage of the principal house. Furthermore, the total square footage of all guest houses (when added together) may not exceed 5000 square feet.

(6) Nothing herein shall prevent the construction of a guest house prior to the construction of the principal dwelling.

(7) Manufactured (i.e., mobile) homes shall not be permitted to be used as guest houses.

(d) *Home occupation.*

(1) Home occupations shall be clearly incidental and secondary to the dwelling and shall not change its character or use as a residence.

(2) The owner of the home occupation shall reside on the property, in the residence.

(3) The maximum floor area permitted for home occupations shall be 25 percent of the finished floor area of the dwelling unit. This shall include any area used for indoor storage.

(4) There shall be no outside storage of goods, products, equipment, or other materials associated with the home occupation.

(5) No toxic, explosive, flammable, radioactive, or other hazardous materials shall be used or stored in conjunction with a home occupation.

(6) No outdoor trash receptacles or dumpsters over 55 gallons in capacity shall be permitted.

(7) Signage is limited to 10 square feet (see signage below).

(8) The type and volume of traffic generated by a home occupation shall be consistent with the traffic generation characteristics of other dwellings in the area. The home occupation shall not negatively affect the safety, ambience or character of the neighborhood in any way.

(9) Additional parking for a home occupation is limited to two parking spaces constructed of pervious materials.

(e) *Bed and breakfast.*

(1) The ZDA and/or DRT may require one or more impacts analyses.

(2) Bed and breakfast signs are limited to 10 square feet total sign area (See Signage below).

(3) Parking shall be off-street and located behind the principal structure. If a physical constraint prohibits rear-loaded parking for a structure that fronts an Arterial Road or Collector Road, the CRB/DRT may approve side loaded parking. If the structure fronts a Local Road, both side loaded and on-street parking shall be permitted if the design maintains the character of the area and safety is adequately addressed.

(4) Off-street parking must be screened from adjoining land uses by hedges and canopy trees.



(5) If newly constructed for use as a bed and breakfast, the building must be compatible with the neighborhood, preferably using traditional or "lowcountry" architectural design.

**Sec. 6.0 Development Standards.**

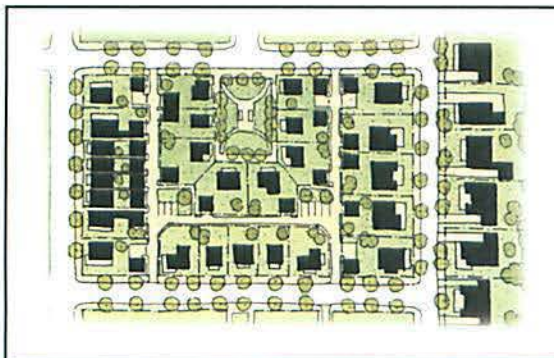
Development standards address how a land use is situated on a parcel. In addition to the following standards, the development standards of the Beaufort County ZDSO shall apply.

**Table 1 – Development Standards.**

Zoning District and Development Type	Min. OSR or LSR	Density		Sewer	Min. Lot Size	Min. Site Area (Acres)
		Max. Gross	Max. Net			
May River CPD – North Side of May River Road						
Single-Family	0.60	0.34	N/A	OS		6.0 ac.
Single-Family (Traditional Cluster)	0.80	0.50	N/A	P/CS		8.0 ac.
Family Compound	See ZDSO Sec. 106-2105					
Commercial Uses	0.60	N/A	N/A	OS		na
May River CPD – South Side of May River Road						
Single-Family	0.60	0.20	N/A	OS		10 ac.
Family Compound	See ZDSO Sec. 106-2105					
Commercial Uses	0.60	N/A	N/A	OS		na

Note: The Single Family Traditional Cluster shall allow for a development pattern know as a Rural Cottage Close. The Rural Cottage Close requires a minimum site of 8 acres with a minimum of four dwellings and maximum of six dwellings arranged in a traditional close pattern.

Note: A minimum of 50% of the required Open Space shall remain entirely undisturbed.



Diagrams a & b. The Single Family Traditional Cluster in the form of a traditional cottage close.

**Table 2 – Lot and Building Standards.**

	Minimum	Maximum
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District & Development Type	Lot Area (sq. ft.)	Lot Width (feet)	Front Setback (feet)	Side Yard (feet)	Rear Yard (feet)	Height (feet)
<b>May River CPD – North Side of May River Road</b>						
Single-Family	21,780 sq. ft.	<del>80 ft.</del> <u>100 ft.</u>	primary & secondary mass min 1/3 of lot depth	<del>30 ft.</del> <u>15 ft.</u>	30 ft.	**2.0 stories or 35 ft.  ^^Appurtenances 40 ft.



District & Development Type	Minimum					Maximum
	Lot Area (sq. ft.)	Lot Width (feet)	Front Setback (feet)	Side Yard (feet)	Rear Yard (feet)	Height (feet)
<b>May River CPD – North Side of May River Road (cont'd)</b>						
Single-Family (Traditional Cluster)	4,000 sq. ft.	40 ft.	18 ft. primary mass  8 ft. secondary mass*	10 ft.	10 ft.	**2.5 stories or 40 ft.  ^^Appurtenances 45 ft.
Family Compound	See ZDSO Sec. 106-2105					
Commercial Uses	10,890 sq. ft.	50 ft.	15 Arterial 15 Collector 50 Local	<del>18 ft.</del> 10 ft.	50 ft.	**2.0 stories or 35 ft.  ^^Appurtenances 40 ft.
<b>May River CPD – South Side of May River Road</b>						
Single-Family	1 ac.	250 ft.	primary & secondary mass min 1/3 of lot depth from front parcel line or from the OCRM critical line^	50 ft.	<del>400 ft.</del> 50 ft.	**2.5 stories or 40 ft.  ^^Appurtenances 45 ft
Family Compound	See ZDSO Sec. 106-2105					
Commercial Uses	21,780 sq. ft.	80 ft.	15 Arterial 15 Collector 50 Local	18 ft.	50 ft.	**2.0 stories or 35 ft.  ^^Appurtenances 40 ft.
<b>May River CPD – Scenic River Overlay^</b>						
Single-Family	<del>1 ac.</del>  21,780 sq. ft. with (CS) or (PS)	250 ft.	<del>Lots abutting the May River and tributaries primary &amp; secondary mass min 1/3 of remaining lot depth from OCRM Critical Line^</del>	18 ft.	50 ft.	<del>**2.5 stories or 40 ft.</del>  ^^Appurtenances 45 ft.

\* Secondary Mass - constitutes an open porch or two story porch without screening.

\*\* Building height shall be measured in number of Stories, excluding Attics Appurtenances and raised basements AND / OR the lowest ground elevation to the eave or roof deck. A Story constitutes the portion of a building or structure between the upper surface of a floor and the lower surface of the ceiling or exposed roof next above. Each mezzanine that exceeds the percentage of floor area for a mezzanine defined in the South Carolina Building Code is counted as a story for the purposes of measuring height. Each story used exclusively for parking vehicles is also counted as a story.

<sup>^</sup> Lots that abut the May River or tributaries shall be treated as if they front the River. In this case the setback from the OCRM Critical line shall be in addition to the front setback for the lot, and the Rear Setback from the rear lot line shall serve as the Rear Setback. In the case of conflict, the OCRM setback shall supersede any other setback, ensuring that every lot is buildable. The first 50 ft of the OCRM Critical Line setback shall remain in a natural state. If a lot extends from May River Road to the May River or tributaries then the principle structure may front whichever corridor is desired. If the principle structure fronts the river or a tidal creek, any Outbuildings or Guest Cottages shall locate on the landward side of the main residence.

<sup>^^</sup> Appurtenance – Architectural features not used for human occupancy, consisting of spires, belfries, cupolas or dormers; parapet walls, and cornices without windows; chimneys, ventilators, skylights, and antennas.

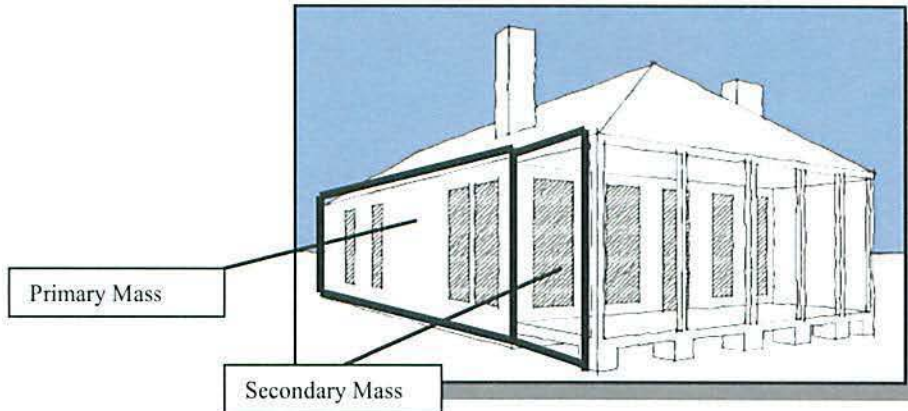


Diagram c. The Primary Mass (Principle Structure) and Secondary Mass (Porch).

**Table 3 – Setback, Buffer, and Tree Standards**

Zoning District and Development Type	Lot	Number of Landscaping Canopy or Existing Trees per:		Road Tree Spacing per:	Setback Depth (ft.), Buffer Depth (ft.), Adjoining Roads		
		Acre Open Space	Parking Spaces	Feet of ROW	Arterial	Collector	Local
May River CPD – North Side of May River Road							
Single-Family (Traditional Cluster)	2 trees per /du	10 trees	N/A	50 ft.	Setback 100 Buffer 75*	Setback 100 Buffer 75*	Setback 100 Buffer 75*
Single Family	2	5	N/A	N/A	Setback Min. 1/3 of lot  Buffer** Min. 1/2 of setback	Setback Min. 1/3 of lot  Buffer** Min. 1/2 of setback	Setback Min. 1/3 of lot  Buffer** Min. 1/2 of setback
Family Compound	See ZDSO Sec. 106-2105						
Commercial Uses	4	8	1/8	50	Setback Min. 50 Buffer**	Setback Min. 50 Buffer**	Setback Min. 50 Buffer**

Zoning District and Development Type	Lot	Number of Landscaping Canopy or Existing Trees per:		Road Tree Spacing per:	Setback Depth (ft.), Buffer Depth (ft.), Adjoining Roads		
		Acre Open Space	Parking Spaces	Feet of ROW	Arterial	Collector	Local
<b>May River CPD – South Side of May River Road</b>							
Single-Family	2	5	N/A	N/A	Setback Min. 1/3 of lot Buffer** Min. ½ of setback	Setback Min. 1/3 of lot Buffer** Min. ½ of setback	Setback- Min. 1/3 of lot Buffer** Min. ½ of setback
Family Compound	See ZDSO Sec. 106-2105						
Commercial Uses	4	10	1/8	50	Setback Min. 50 Buffer**	Setback Min. 50 Buffer**	Setback Min. 50 Buffer**

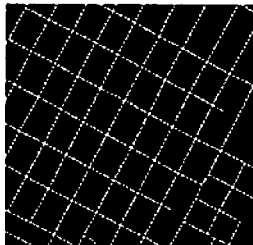
\* vegetated buffer with 80% opacity (overstory, understory, and shrubs), the majority of which is comprised of indigenous plantings that shall not require watering.

\*\* vegetated buffer at 30% opacity over ½ of the setback, the majority of which is comprised of indigenous plantings that shall not require watering.

**Sec. 7.0 Design Standards**

**(a) Block and Street Requirements**

On the North side of May River Road (Neighborhood and Traditional Cluster) the site shall be developed using a grid, modified grid, or cottage close pattern. Cul-de-sacs, pipe stems and dead ends shall not be permitted unless the natural conditions prohibit more traditional patterns and means of connectivity. Blocks shall be limited to a perimeter of 3500 feet in a Neighborhood and 2500 feet in a Traditional Cluster.



Diagrams d & e. The grid or modified grid and the cul de sac, and pipe stem.

(b) *Vehicular Access* (Single Family Subdivision and Single Family Traditional Cluster)

Garages shall be located to the side and rear or as part of an Outbuilding. The driveway access shall be no more than ten feet in width. At a min, 50% of the driveway shall be comprised of pervious surface. Front-loading garages shall be detached and set back a minimum of 20 feet behind the front face of the primary building.

(c) *New Streets*

New streets shall connect to existing streets wherever possible. Larger-scale developments (more than 10 units) are required to provide stub streets to adjacent undeveloped or underdeveloped sites. The DRT may adjust the road standards if such changes would allow for a more rural, narrow street character.

(d) *Open Space* (Single Family Subdivision and Single Family Traditional Cluster)

(1) A min. of 35 percent of the property required to meet the OSR shall be designed as contiguous **common space**. Such space may be passive or active and is intended to provide green infrastructure, serve as a gathering place, or provide agricultural resources for the larger community. The construction envelope modulation standards of section 106-3032 of the ZDSO may be utilized to further preserve natural resources and create varied lot sizes. The use of the construction envelope standards also gives more privacy on small clustered lots and helps to maintain the rural character.

(2) Where a Single Family Subdivision abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common open space.

(3) *Common Space Uses.*

The common open space shall be useable for low-intensity recreation (path or trail), gathering (fire pit, bench swing, playground), agriculture (community garden) or other passive outdoor living purposes and for preserving the natural features of the site. The uses permitted shall be in accordance with section 106-1876 of the ZDSO.

(e) *Lighting*

(1) Cutoff lighting fixtures are limited to a maximum lighting level of five foot-candles and a maximum mounting height of 20 feet. All other fixtures shall have a maximum lighting level of three foot-candles and a maximum mounting height of 15 feet.

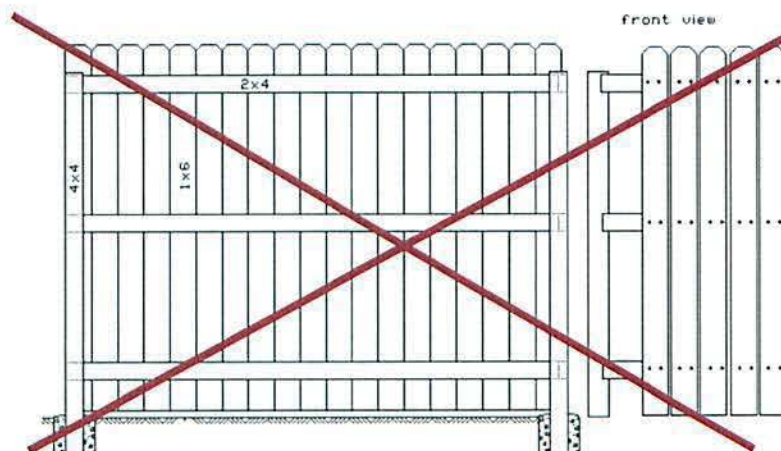
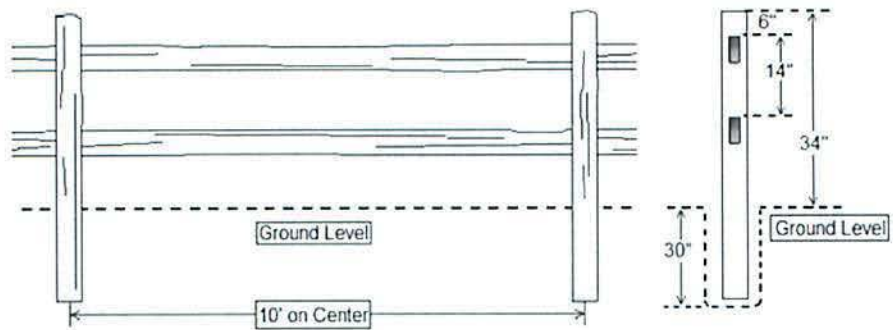
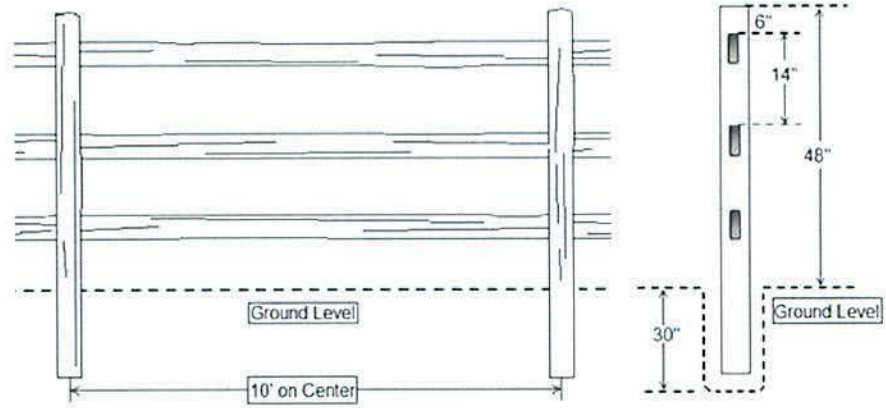
(f) *Signage*

(1) Standards are as follows:

A. Signage shall convey a rural character and be approved by the JCRB.

(g) *Fencing*

All fencing shall be split rail (2, 3, or 4 rails) and maintained in its natural condition, or painted white, Charleston green, or black (see below). Living fences composed of wood and wire shall be allowed and encouraged both in neighborhoods and in lieu of privacy fences. Chain link, metal, or so called "privacy" fences are prohibited. Picket fences, while filled with character, are more indicative of urban or sub-urban housing districts. They are prohibited in the May River Road Corridor Overlay. Fencing within the May River Road Corridor Overlay shall be split rail as approved by the JCRB.



**(h) Entry**

- (1) Private gatehouses or entryways shall be prohibited along May River Road, and all Collector and Local Roads. Entry shall be addressed via a break in the fencing or landscape, a small hanging sign, and possibly a light post.**
- (2) Those neighborhoods requesting additional entry ornamentation shall locate the ornamentation at least 150' from the centerline of the access road. All entry features shall be in keeping with the rural nature of the preservation district, and if located within the May River Road Corridor Overlay shall be approved as part of the JCRB process.**

**(i) Docks**

**Docks shall be permitted as specified in 106-1912.**