

MARSHES of BATTERY CREEK

Salem Drive

- Phases 1,2,3
- Phases 4,5,6
- Phases 7,8,9,10

BATTERY POINT
Master Plan & Phasing



ORDINANCE

Q-36-02

AMENDING THE OFFICIAL BATTERY POINT PLANNED UNIT DEVELOPMENT ORDINANCE AND MASTER PLAN

WHEREAS, McNeal Land Development submitted an application to amend the Battery Point Planned Unit Development Ordinance; and

WHEREAS, this ordinance amendment has been presented to the City of Beaufort-Town of Port Royal Joint Municipal Planning Commission; and

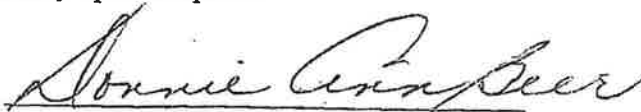
WHEREAS, a public hearing before the Beaufort City Council was held regarding this zoning ordinance amendment on Tuesday, September 24, 2002, with notice of the hearing published in *The Beaufort Gazette* on Monday, September 9, 2002;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority of same, pursuant to the power vested in the Council by Section 6-29-760, *Code of Laws of South Carolina, 1976* that the "Battery Point Planned Unit Development Official Master Plan" adopted on December 13, 1995 and revised on July 23, 1996 be amended to make a number of nonconforming lots and structures conforming. The revised planned unit development master plan is attached hereto as part of this ordinance.

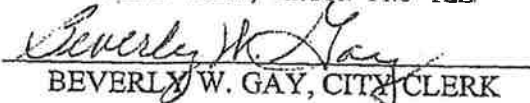
This ordinance shall become effective immediately upon adoption.

(SEAL)

Attest:



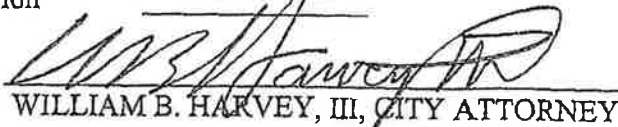
DONNIE ANN BEER, MAYOR PRO TEM


BEVERLY W. GAY, CITY CLERK

1st Reading October 8, 2002

2nd Reading & Adoption October 22, 2002

Reviewed by:


WILLIAM B. HARVEY, III, CITY ATTORNEY



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JOHN F. McDONOUGH
 City Manager

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BATTERY POINT
Planned Unit Development
Official Master Plan
Adopted December 13, 1995; revised 7/23/96; 10/22/02

Battery Point is a 99.87 acre site located on the west side of Battery Creek at the southern terminus of Salem Road in the City of Beaufort. The Planned Unit Development and the Official Master Plan were adopted by ordinance by Beaufort City Council at its regular meeting on Tuesday, December 12, 1995.

The following documents shall constitute the official battery Point Planned Unit Development Master Plan for the purposes of zoning and development regulatory requirements:

1. Battery Point Planned Unit Development Statement of Intent
2. The Battery Point Lot Layout drafted by Civil Site Environmental dated 9/6/95
3. Additions, modifications, and clarifications described immediately below *which shall supersede any described in the two documents referred to immediately above* (note that there are several discrepancies among the three documents)

Additions, modifications, and clarifications to documents (1) and (2) include the following:

1. To the extent that any use or parameter is not specified in these three documents the uses, parameters, and requirements of the City of Beaufort Code of Ordinances which would otherwise apply to development in the Residential-6 (R6) zoning district shall apply, except for the area designated multifamily in which the requirements of the General Residential (GR) district shall apply.
2. The minimum lot size and lot width shall be 6,000 square feet and 60 feet, respectively, except for:
 - a. Up to 15 lots fronting on the Avenue (Bryan Drive) which shall have a minimum lot size and lot width of 5,000 square feet and 50 feet, respectively; and

- b. The lots shown in Exhibit 1 which shall have the lot size and lot width noted (if known). Note that the dimensions shown are approximate. These lots shall be considered conforming to the lot area and lot width standards of the PUD ordinance and the City's zoning ordinance.
3. Front yard setbacks (from street right-of-way):
 - a. On waterfront and marshfront lots the minimum front yard setbacks shall be five feet for houses with front porches that extend at least 50% of the width of the front facade or for structures, including garages, that do not exceed 1-1/2 stories in height. For structures on other waterfront and marshfront lots the minimum front setback shall be 10 feet. The entrance door of all such garages shall be turned 90 degrees in order that the door not face the street. Otherwise, the garages shall be set back a minimum of 30 feet.
 - b. Among all other lots (that do not abut the waterfront or marshfront) the minimum front yard setback shall be five feet (excluding garages) if these lots incorporate front porches that extend at least 50% of the width of the front facade. Otherwise, there shall be a minimum front setback of ten feet for all of these lots. Regardless, all garages on these lots shall be set back a minimum of 30 feet.
 - c. Notwithstanding the provisions of paragraphs a and b above, the structures noted in Exhibit 1 that do not meet front setback requirements because of porch design, shall be considered conforming to the requirements of this PUD ordinance.
4. The minimum rear yard setback is 10 feet. The 40 foot setback from the critical line specified in the landscape ordinance shall in all events apply, however.
5. The minimum rear yard setback for garages and other outbuildings which are located adjacent to alleys and which do not exceed 1-1/2 stories shall be five feet.
6. The maximum building height is 40 feet above grade for houses which are located on lots located adjacent to the marsh and river. Where the building height exceeds 35 feet the side setbacks shall be at least 10 feet.
7. The side yard setbacks for all structures which do not exceed 35 feet in height is 5 feet.
8. The area designated multifamily is 4.2 acres and may be developed to a maximum of 15 units per net acre. This area shall not be developed for multifamily use - i.e., no certificate of occupancy shall be issued for multifamily use - unless and until a second paved two lane road, in addition to Salem Road, is established linking the site to SC 170. (It is expected that this secondary access will be along Old Salem Road and Jericho Road or Old Salem Road and Burton Hill Road Extension).

9. Alleys shall be required as depicted in the drawing and additional ones may be installed. Alleys may be eliminated or modified only if approved by the subdivision review team upon a finding that the intent and functionality of the PUD would not be impaired.
10. Sidewalks shall be installed on at least one side of the road along at least 90% of the length of the roads in the development. A minimum three foot wide lawn strip shall be established between the sidewalk and the curb.
11. A footpath including a provision for perpetual use by all members of the Battery Point community shall be established along at least 80% of the marsh/waterfront. The footpath shall not exceed six feet in width. Pedestrian accessways will be established on the south side of the major east-west road linking the footpath to the internal four roads which intersect the east-west road.
12. Open spaces with access to members of the community will be established in the areas depicted as "wetlands park", "recreational area", and "park" in the drawing.
13. Neighborhood Club House
 - a. The Neighborhood Club House will be located as shown on the plan at the southern terminus of the Avenue, at the entrance to the boat ramp. This lot shall be a minimum of 7,500 square feet. There will be a maximum 2,000 square foot building with permitted office and retail uses as specified in b) below. There will be no illuminated signage visible on the exterior of the structure. The structure shall be woodframe and incorporate a porch on at least one facade extending at least 1/2 the width of that facade. On site parking shall be provided at the rate of one space per 500 gross square feet of area. The remainder will be provided on street.
 - b. The Clubhouse may include one general store restricted to charge accounts by Battery Point residents and marketing and association offices for the development.
14. Any of the following shall be permitted by right and not require an amendment to the master plan:
 - a. an increase in lot sizes, widths, or setbacks provided that the build-to requirements are maintained
 - b. conversion of areas designated for multifamily, community buildings, or RV/Trailer parking to single family use
 - c. conversion of any residential or commercial area to open space
 - d. adjustments of lot lines on single family lots provided the overall layout is not changed and the overall number of lots is not increased (except for any multifamily or community buildings which might be designated for single family use)

- e. areas designated for open space may be relocated provided that the same amount of land is designated for open space and all such open space is located along wetlands, marsh, or waterfront.
15. Adjustments may be made in dimensions and layouts of roads, alleys, utilities, drainage systems, and other elements of infrastructure in conjunction with the subdivision review process if called for by subdivision, vehicle access, or dedication requirements, or if it is determined by the subdivision review team that the design can be enhanced without compromising the intent of the PUD.
16. All infrastructure improvements shall be installed and approved (or appropriate sureties may be established) prior to final approval of the subdivision including but not limited to all sidewalks, marsh/waterfront footpaths, and landscaped medians at the entrance and at the Avenue.
17. Where called for by specific health and safety requirements or any state and federal regulations the City may modify any provision of the Master Plan as needed.
18. Storage and parking
- a. Lot C25 and a portion of lot LS (subject to conditions in (b), below) are designated for storage of recreational vehicles, storage of boats, and temporary parking of boat trailers while a boat is in use. This site shall be buffered and screened from adjoining properties to the satisfaction of the Building Official and the Development Advisory Committee. This area is designated for storage and temporary parking only; persons may not reside in any vehicle overnight. In the event that there is insufficient space at this site for both parking of boat trailers and storage of vehicles arrangements shall be made to give first priority to use for boat trailers (in order to minimize/eliminate on street parking of boat trailers).
 - b. A portion of lot LS as shown on the master plan shall be dedicated to the City of Beaufort for the sewage lift station in accordance with the plans review conducted by the City of Beaufort Utilities Department dated August 23, 1995 and any other requirements imposed by that department. Any portion of this lot remaining after the dedication to the City may be used for the purpose stated in a), above, subject to approval of the site plan by the Utilities Department to assure proper access to and maintenance of the lot containing the lift station.
 - c. The developer may designate one or more alternate locations for the purposes stated in a), above, within the PUD at the subdivision review stage subject to approval of the subdivision review team. Any such alternate site(s) shall be located on the interior of the development, i.e., at least one lot and one road width away from the perimeter of the development, and may not be adjacent to a natural wetland area. The total land dedicated to these three purposes may not exceed one acre in size.

19. There shall be a maximum of 280 single family lots and 63 multifamily dwelling units. In the event that other uses are converted to single family use as provided for above then the number may increase accordingly.
20. The uses shall be allocated as shown below. These may be reallocated in accordance with provision herein and to allow for reasonable minor adjustments which are clearly in conformance with the intent of the PUD.

Single family	63.86%
Multifamily	4.30%
Neighborhood club	0.23%
RV/trailer parking	0.52%
Roads	8.31%
Alleys	2.41%
Parks	3.50%
Wetlands	7.08%
Retention ponds	2.67%
Buffer	5.20%
Waterfront sidewalk	1.92%

21. Guest houses or accessory dwelling units permitted on up to 25% of the single-family lots. A guest house is a suite of rooms with sleeping accommodations, a bathroom(s), and an entrance separate from the primary dwelling. Guest houses can be attached to or detached from the primary dwelling. If attached to the primary dwelling, guest houses will either have no access from the primary dwelling or access than can be strictly controlled (i.e., have doors that lock securely). Accessory dwelling units are guest houses with cooking facilities. Only one guest house or accessory dwelling unit is permitted per single-family lot. Guest houses and accessory dwelling units shall have no more than 550 square feet of heated space. No Certificate of Occupancy shall be issued for any guest house/accessory dwelling unit unless construction of the primary residence is underway.
22. Unless otherwise specified in this master plan buffers and screens shall be as provided in the City of Beaufort Landscaping and Tree Conservation Ordinance.
23. Final approval to record the subdivision plat and sell lots shall not be granted for any lots except for those which immediately abut the road running east-west alongside the marsh (tentatively named "Petigru Drive"), i.e., those lots labeled with an "A" (excluding A46), until a) the primary entrance road (extension of Salem Road, running north-south) is installed such that subsequent lots may be accessed via that road and b) the eastern end of that marsh road is permanently closed off from Salem Plantation and converted to a cul de sac. Independent of this restriction, the primary entrance road and the cul de sac, referred to immediately above, shall be completed by six months after the sale of the 60th lot in the development or by December 31, 1998, whichever comes first. The developer shall establish a bond, escrow, or collateral arrangement acceptable to the City Staff prior to final

subdivision approval of any lots within any phases of the development to insure construction of these elements.

24. All roads shall have a minimum right-of-way of 50 feet. Regardless of the size of the right-of-way all roads shall incorporate curb and gutter systems.
25. The buffer located around wetlands shall be at least 35 feet in width. Pedestrian access for residents of Battery Point shall be permitted in the buffer.
26. The 30 foot drainage easement and drainage ditch therein located within the Battery Point tract along the eastern boundary of the Battery Point tract shall be maintained in perpetuity by a property owner's association and legal provision shall be made for this perpetual maintenance. Alternatively, the easement and ditch may be maintained by the City of Beaufort (or another entity) if the easement and ditch are dedicated to the City of Beaufort (or another entity).
27. Vegetative buffer
 - a. A ten foot wide vegetated buffer shall be installed by the developer within that portion of the 30 foot drainage easement (referred to immediately above) which is located along the eastern boundary of the Battery Point tract and along the entire remainder of the eastern boundary of the Battery Point tract - where the drainage easement is not present - separating Battery Point from the Salem Point Plantation subdivision on lots B1 through B8, A72 through A75, A1, the park and drainage basin adjoining those lots, and any other portion of the PUD which may immediately adjoin Salem Point Plantation. The buffer shall be located, installed, and maintained in such a manner that it not interfere with proper operation and maintenance of the drainage ditch.
 - b. Evergreen plant materials shall be selected and installed in order that the buffer be reasonably projected to reach a height of 10 feet with a vertical capacity of 75% within two years of installation. The buffer shall be installed on all lots and lands within any development phase prior to final approval of any lots within that phase. The buffer shall be maintained in perpetuity by a property owners association or by the City of Beaufort (or another entity) if the buffer is dedicated to the City of Beaufort (or another entity). Appropriate legal provisions shall be made for this perpetual maintenance, with use of easements over private lots as necessary.

Revised Master Plan approved by City Council
First Reading: October 8, 2002
Second Reading and Adoption: October 22, 2002

EXHIBIT 1
LOTS SUBSTANDARD FOR LOT AREA
DEVELOPED LOTS

Lot #	Square Footage	Parcel #
A73	4,946	161
C4	5,663	169
96	5,642	228
104	5,699	240
103	5,700	239
102	5,590	238
135	5,999	267
134	5,999	266
133	5,999	265
132	5,999	264
131	5,999	263
130	5,999	262
129	5,999	261
147	5,400	371
148*	4,950	370
149*	4,950	369
150	5,400	368
151	5,400	367
152	5,523	366
176	5,700	380
177*	5,700	379
178	5,700	378
191	5,400	346
192	5,400	347
193*	4,950	348
194*	4,950	349
195	5,400	350
196	5,371	351
199	5,731	354
217*	5,500	312
<u>218*</u>	<u>5,515</u>	<u>313</u>
Subtotal		31

* also substandard for lot width

**LOTS SUBSTANDARD FOR LOT AREA
UNDEVELOPED LOTS**

LOTS THAT HAVE BEEN SOLD

Lot #	Square Footage	Parcel #
136	5,999*	268
175	5,700	381
<u>A72</u>	<u>5,798</u>	<u>160</u>
Subtotal		3

UNSOLD DEVELOPER LOTS

Lot #	Square Footage	Parcel #
137	5,999*	269
197	5,889	352
174**	5,148	382
173	5,319	383
172	5,400	384
<u>171</u>	<u>5,400</u>	<u>385</u>
Subtotal		6

* proposed to be addressed by recalculating surveyed area

** also substandard for lot width

LOTS SUBSTANDARD FOR LOT WIDTH

LOTS < 60' WIDE AT FRONT PROPERTY LINE BUT 60' WIDE IN OTHER AREAS

Lot #	Parcel #	Status
A38	211	Undeveloped
A39-1	210	Developed
A39-2	209	Undeveloped
A39-3	208	Undeveloped
A39-4	207	Undeveloped
A39-5	206	Undeveloped
B36	164	Developed
B37	165	Developed
B38	166	Developed
117	287	Developed
118	286	Undeveloped
119	295	Developed
153	365	Undeveloped
160	356	Developed
161	355	Undeveloped
198	353	Undeveloped
205	300	59.76'
206	301	Developed
207	302	Undeveloped
208	303	Undeveloped
215	310	Developed
216	311	Developed
298	303	Undeveloped
233	257	Undeveloped, developer-owned
235	255	Undeveloped, developer-owned
240	250	Undeveloped, developer-owned
242	248	Undeveloped, developer-owned
243	247	Undeveloped
<u>244</u>	<u>246</u>	<u>Undeveloped</u>
Subtotal	29	

**LOTS WITH STRUCTURES WHICH MAY BE NONCONFORMING FOR FRONT
SETBACK BASED ON PORCH DESIGN**

Lot #	Parcel #
A44	201
A56	145
B38	166
C8	173
C9	174
C11	176
C14	179
C15	180
C19	184
92	233
148	370
151	367
155	362
156	361
<u>217</u>	<u>312</u>
Subtotal	15