

COUNTY COUNCIL OF BEAUFORT COUNTY
ADMINISTRATION BUILDING
BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX
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INTERIM COUNTY ADMINISTRATOR

THOMAS J. KEAVENY, II
COUNTY ATTORNEY

AGENDA
NATURAL RESOURCES COMMITTEE

Monday, May 21, 2018

2:00 p.m.

Executive Conference Room, Administration Building
Beaufort County Government Robert Smalls Complex
100 Ribaut Road, Beaufort

Committee Members:

Brian Flewelling, Chairman
Roberts "Tabor" Vaux, Vice Chairman
Rick Caporale
Gerald Dawson
Steve Fobes
York Glover
Alice Howard

Staff Support:

Anthony Criscitiello, Planning Director
Gary James, Assessor
Eric Larson, Division Director
Environmental Engineering
Dan Morgan, Mapping & Applications Director

1. CALL TO ORDER – 2:00 P.M.
2. UPDATE / PREVIOUS PLANNING COMMISSION MEETING
3. UPDATE / PREVIOUS SOUTHERN LOWCOUNTRY REGIONAL PLANNING COMMISSION (SOLOCO) MEETING
4. TEXT AMENDMENT TO THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE (CDC), ARTICLE 3, SECTION 3.3.50 REGIONAL CENTER MIXED USE (C5) ZONE STANDARDS (TO ALLOW HOTEL TO APARTMENT CONVERSION ON UNIT-TO-UNIT BASIS) ([backup](#))
5. DISCUSSION OF PROPOSED VOLUNTARY INCLUSIONARY ZONING ORDINANCE PROVIDING INCENTIVES AND REGULATIONS FOR AFFORDABLE HOUSING PROJECTS IN THE C5 ZONE DISTRICT ([backup](#))
6. CONDEMNATION FOR EASEMENT / FOUR TRACTS ASSOCIATED WITH THE PINE GROVE ROAD, KATO LANE AND BURLINGTON CIRCLE ([backup](#))
7. CONDEMNATION FOR EASEMENT / JENKINS ROAD TRACT 15-103 ([backup](#))
8. EASEMENT ABANDONMENT / MULTIPLE TRACTS AT BESSIES LANE AND YOUNG CIRCLE ([backup](#))
9. DISCUSSION OF MEMORANDUM OF UNDERSTANDING BETWEEN BEAUFORT COUNTY AND ROBERT L. GRAVES ([backup](#))



10. CONSIDERATION OF REAPPOINTMENTS AND APPOINTMENTS

A. Beaufort/Jasper Water and Sewer Authority

11. EXECUTIVE SESSION

A. Discussion of negotiations incident to proposed contractual arrangements (Project Solar)

B. Discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property / Project 2018C

12. ADJOURNMENT

2018 /

TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): ARTICLE 3,
SECTION 3.3.50 REGIONAL CENTER MIXED-USE (TO PERMIT UNIT-PER-UNIT
CONVERSION OF LODGING TO MULTI-FAMILY RESIDENTIAL)

WHEREAS, added text is highlighted in yellow and deleted text is struck through.

Adopted this _____ day of _____, 2018.

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: March 26, 2018

Second Reading:

Public Hearing:

Third and Final Reading:

3.3.50 Regional Center Mixed Use (C5) Zone Standards

A. Purpose

The Regional Center Mixed Use (C5) Zone permits a full range of retail, service, and office uses. The Zone’s intensity accommodates regional and community commercial and business activities. Uses include large, commercial activities that serve the entire County and highway-oriented businesses that need to be located on major highways. While this use intends high-quality, commercial character, the setback or build-to-line, landscaping and other design requirements provide a uniform streetscape that makes provision for pedestrian and transit access. The Zone is intended to be more attractive than commercial areas in other counties to maintain the attractive tourist and business environment and have minimal impact on surrounding residential areas. The Zone is not intended to be a strip along all arterials and collectors. In developing areas, the minimum depth of a parcel along an arterial or collector shall be 600’. The minimum zone size shall be 20 acres. In the older, built-up areas, new uses shall have depths and areas equal to or greater than similar uses in the area. This Zone shall be located in areas designated “regional commercial” in the Comprehensive Plan.

B. Building Placement

Setback (Distance from ROW/Property Line)

Front	25’ min.
Side:	
Side, Main Building	15’ min.
Side, Ancillary Building	15’ min.
Rear	10’ min.

Lot Size

Lot Size	21,780 SF min.
Width	150’ min.

Note:

For development within a Traditional Community Plan meeting the requirements of Division 2.3, setback, minimum lot size and minimum site area requirements of the transect zone established and delineated on the regulating plan shall apply.

C. Building Form

Building Height

All Buildings	3 stories max.
Ground Floor Finish Level	No minimum

D. Gross Density¹ and Floor Area Ratio

Density	15.0 d.u./acre max. ²
Floor Area Ratio ²³	0.37 max.

¹Gross Density is the total number of dwelling units on a site divided by the Base Site Area (Division 6.1.40.F)

²Lodging that is converted unit per unit to multi-family residential may exceed maximum density with the following conditions:

1. The hotel shall have been in continuous operation for a minimum of five years.
2. To the greatest extent practicable, the site shall be revised to comply with the existing standards for multi-family residential.
3. The site shall meet the parking requirements for multi-family residential in Article 5, Division 5.5.

²³Requirement applies to non-residential buildings.

E. Parking

Required Spaces: Residential Uses

Single-family detached	3 per unit
Single-family attached/duplex	2 per unit
Multi-family units	1.25 per unit
Accessory dwelling unit	1 per unit
Community residence	1 per bedroom
Live/work	2 per unit plus 1 per 300 GSF of work area

Required Spaces: Services or Retail Uses

Retail, offices, services	1 per 300 GSF
Restaurant, café, coffee shop	1 per 150 GSF
Drive-through facility	Add 5 stacking spaces per drive-through
Gas station/fuel sales	1 per pump plus requirement for retail
Lodging: Bed and breakfast	2 spaces plus 1 per guest room
Lodging: Inn/hotel	1 per room

Required Spaces: Industrial Uses

Light manufacturing, processing and packaging	1 per 500 GSF
Warehousing/distribution	1 per 2,000 GSF

For parking requirements for all other allowed uses see Table 5.5.40.B (Parking Space Requirements).

ORDINANCE NO. 2018 / ____

AN ORDINANCE ESTABLISHING A CONDITION USE FOR AFFORDABLE HOUSING DEVELOPMENTS IN THE REGIONAL CENTER MIXED USE (C5) ZONE DISTRICT

BE IT ORDAINED that Beaufort County Community Development code is hereby amended to add the following underlined text as well as the **yellow highlighted text**.

DONE this ____ day of _____, 2018.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney



Beaufort County Proposed Affordable Housing Ordinance

Hotel conversion text amendment background:

- PC 2/5/2018- Vote 3-2 recommend approval w/ conditions
- NRC 3/19/18- Recommend approval.
- CC 3/26/2018 – 1st Reading approved
- CC 4/9/2018- referred back to NRC
- NRC 4/16/2018- deferred to 5/21 for staff recommendations



Beaufort County Proposed Affordable Housing Ordinance

3 ISSUES

1. Parking

1. 20% waiver available when supported by study
2. Potential design alternatives available
3. Convert some efficiencies to 1 bed

2. Assurances for affordable rents

1. See “nuts and bolts” and “monitoring and enforcement” below

3. School impact fee

1. No study
2. No D.A.
3. Fractional impact



Beaufort County Proposed Affordable Housing Ordinance

Nuts & Bolts of the Ordinance- Step 1

Landowner elects to set aside for affordable housing:

1. 20% of units for 25 years; or
2. 30% of units for 20 years



Beaufort County Proposed Affordable Housing Ordinance

Nuts & Bolts of the Ordinance- Step 2

Affordable housing means:

1. Rental affordable units- rent may not exceed 30% of 80% of AMI as defined by HUD annual report
2. Owner affordable units- aggregate household income not to exceed 100% of AMI



Beaufort County Proposed Affordable Housing Ordinance

Nuts & Bolts of the Ordinance- Step 3

Incentives for development:

1. Unlimited density bonus*
2. Waiver of impact fees for affordable units

All other C5 standards must be met

*site is constrained by setbacks, parking, height, buffers, stormwater etc. and is only available in the Regional Commercial C5 district.



Beaufort County Proposed Affordable Housing Ordinance

Monitoring and Enforcement:

1. Affordable Housing Coordinator position is budgeted and in process for hire
2. Applicant files deed restricted covenants
3. Applicant enters MOU w/ County identifying AU, rents, size, etc. MOU is filed w/ ROD
4. Annual reporting required; inspections available; submittal requirements
5. **County may revoke C.O. when found in non-compliance**



Beaufort County Proposed Affordable Housing Ordinance

Application of Ordinance

AMI Family of 4	\$72,200	
80% of AMI for 1 person/ 2 person	\$40,450/\$46,200	
30% household expense/ mo. w/o utilities-est.	\$1,011/\$1083* \$861/\$923	0BD/1BD

*includes utilities approx. \$150/\$160 0BD/1BD- U.S. Dept. HUD Beaufort Housing Authority



Beaufort County Proposed Affordable Housing Ordinance

Application of Ordinance to Suburban Lodge

149 Units (6 1BD)- Advertised rates= \$895-\$1450 (w/o utilities)

30% = 48 Units

20%= 30 Units



Beaufort County Proposed Affordable Housing Ordinance

Application of Ordinance to Suburban Lodge

149 Units (6 1BD)

Parking: 1.25 per 0BD; 1.5 per 1BD

Req'd parking $188 - 38^* = 150$

*20% waiver allowed when supported by a parking study.

140 stalls on site. Deficiency ± 10 assuming 20% is app'd



Beaufort County Proposed Affordable Housing Ordinance

Application of Ordinance to Suburban Lodge

Potential options available:

1. Parking study
2. Re-design parking to find more spaces
3. Land acquisition for parking/easement agreements w/ utility
4. Convert 0BD to 1BD

Hotel conversion text amendment included the same parking req't.



Beaufort County Proposed Affordable Housing Ordinance

CONCERNS/OPPORTUNITIES FOR FUTURE CONSIDERATION

1. Enforcement/Management
2. Effect on commercial district



Beaufort County Proposed Affordable Housing Ordinance

Questions

3.1.60 Consolidated Use Table

3.1.60 Consolidated Use Table

Table 3.1.60. Consolidated Use Table

Land Use Type	T1 N	T2R	T2 RL	T2 RN	T2 RNO	T2 RC	T3E	T3 HN	T3 N	T3 NO	T4 HC	T4 VC	T4 HCO	T4 NC	C3	C4	C5	SI
AGRICULTURE																		
1. Agriculture & Crop Harvesting	P	P	P	P	P	P	P	--	--	--	--	--	--	--	P	--	--	--
2. Aquaponics	S	S	S	S	S	S	S	--	--	--	--	--	--	--	S	--	--	--
3. Agricultural Support Services	--	P	P	P	P	P	--	--	--	--	P	P	P	--	TCP	P	P	P
4. Animal Production	--	C	--	C	C	C	--	--	--	--	--	--	--	--	--	--	--	--
5. Animal Production: Factory Farming	--	S	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
6. Seasonal Farmworker Housing	--	C	C	C	C	C	C	--	--	--	--	--	--	--	C	--	--	--
7. Forestry	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
8. Commercial Stables	--	C	C	C	C	C	--	--	--	--	--	--	--	--	C	--	--	--
RESIDENTIAL																		
1. Dwelling: Single Family Detached Unit	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	TCP	TCP	--
2. Dwelling: Single Family Attached Unit	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	TCP	TCP	--
3. Dwelling: Two Family Unit (Duplex)	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	TCP	TCP	--
4. Dwelling: Multi-Family Unit	--	--	--	--	--	--	--	--	P	P	P	P	P	P	C	P	P	--
5. Dwelling: Accessory Unit	--	C	C	C	C	C	C	C	C	C	C	C	C	C	C	TCP	TCP	--
6. Dwelling: Family Compound	--	C	C	C	C	C	C	C	--	--	--	C	--	--	C	C	C	C
7. Dwelling: Group Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	TCP	TCP	--
8. Affordable Housing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--
9. Community Residence (dorms, convents, assisted living, temporary shelters)	--	--	--	--	--	P	P	P	P	P	P	P	P	P	TCP	TCP	TCP	--
10. Home Office	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
11. Home Business	--	C	--	C	C	C	C	C	C	C	C	C	C	C	C	TCP	TCP	--
12. Cottage Industry	--	C	--	C	C	C	--	--	--	--	--	--	--	--	--	--	--	--
13. Live/Work	--	--	--	--	P	--	--	--	--	--	P	P	P	P	TCP	P	P	--
14. Manufactured Home Community	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--
RETAIL & RESTAURANTS																		
1. General Retail 3,500 SF or less	--	C	--	--	P	P	--	--	--	--	P	P	P	P	TCP	P	P	C
2. General Retail 10,000 SF or less	--	--	--	--	--	P	--	--	--	--	--	P	P	P	--	P	P	C
3. General Retail 25,000 SF or less	--	--	--	--	--	P	--	--	--	--	--	P	P	P	--	P	P	C
4. General Retail 50,000 SF or less	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	P	P	--
Land Use Type	T1 N	T2R	T2 RL	T2 RN	T2 RNO	T2 RC	T3E	T3 HN	T3 N	T3 NO	T4 HC	T4 VC	T4 HCO	T4 NC	C3	C4	C5	SI

“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

“--” indicates a Use that is not permitted.

3.1.70 Land Use Definitions

3.1.70 Land Use Definitions

Table 3.1.70 Land Use Definitions

RESIDENTIAL

Dwelling Unit – A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, designed to be occupied as a residence by one household.

Land Use Type	Definition
1. Dwelling: Single Family Detached Unit	A structure containing one dwelling unit on a single lot.
2. Dwelling: Single-Family Attached Unit	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.
3. Dwelling: Two Family Unit (Duplex)	A structure containing two dwelling units on a single lot.
4. Dwelling: Multi-Family Unit	A structure containing three or more dwelling units on a single lot.
5. Dwelling: Accessory Unit	An auxiliary dwelling unit, no larger than 800 SF attached to a principal dwelling unit or located within an accessory structure on the same lot.
6. Dwelling: Family Compound	A form of traditional rural development which provides for the placement of additional single-family detached dwelling units on, and/or subdivisions of, a single parcel of land owned by the same family for at least 50 years.
7. Dwelling: 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.
8. Community Residence	<ol style="list-style-type: none"> 1. Dormitory: A building, or portion thereof, which contains living quarters for five or more students, staff, or members of a college, university, primary or secondary boarding school, theological school, or other comparable organization, provided that such building is either owned or managed by such organization, or is under contract with such organization for that purpose. 2. Convent or Monastery. The living quarters or dwelling units for a religious order or for the congregation of persons under religious vows. 3. Assisted Living Facility: A state-licensed facility for long-term residence exclusively by seniors and persons with disabilities who require assistance with daily activities, and which may include, without limitation, common dining, social and recreational features, special safety and convenience features designed for the needs of the elderly or disabled, such as emergency call systems, grab bars and handrails, special door hardware, cabinets, appliances, passageways, and doorways designed to accommodate wheelchairs, and the provision of social services for residents which must include at least two of the following: meal services, transportation, housekeeping, linen, and organized social activities. May include an accessory skilled nursing component. 4. Group Home (more than 9 persons). A state-licensed residential facility for more than 9 mentally or physically handicapped persons providing care on a 24-hour basis. 5. Temporary Shelter: A supervised publicly or privately operated shelter and services designed to provide temporary living accommodations to individuals or families who lack a fixed, regular and adequate residence. This does not include residential substance abuse facilities or halfway houses (see "Community Care Facility").
<u>9. Affordable Housing</u>	<u>See Section 4.1.350</u>
10. Home Office	An office use carried out for gain by a resident and conducted entirely within the resident's home. This use permits the employment of one individual who does not live in the home.
11. Home Business	An office or service use carried out for gain by a resident and conducted entirely within the resident's home and/or accessory structures. This use permits the employment of up to three individuals who do not reside on the premises.

3.3.50 Regional Center Mixed Use (C5) Zone Standards

A. Purpose

The Regional Center Mixed Use (C5) Zone permits a full range of retail, service, and office uses. The Zone’s intensity accommodates regional and community commercial and business activities. Uses include large, commercial activities that serve the entire County and highway-oriented businesses that need to be located on major highways. While this use intends high-quality, commercial character, the setback or build-to-line, landscaping and other design requirements provide a uniform streetscape that makes provision for pedestrian and transit access. The Zone is intended to be more attractive than commercial areas in other counties to maintain the attractive tourist and business environment and have minimal impact on surrounding residential areas.

The Zone is not intended to be a strip along all arterials and collectors. In developing areas, the minimum depth of a parcel along an arterial or collector shall be 600’. The minimum zone size shall be 20 acres. In the older, built-up areas, new uses shall have depths and areas equal to or greater than similar uses in the area. This Zone shall be located in areas designated “regional commercial” in the Comprehensive Plan.

B. Building Placement

Setback (Distance from ROW/Property Line)

Front	25’ min.
Side:	
Side, Main Building	15’ min.
Side, Ancillary Building	15’ min.
Rear	10’ min.

Lot Size

Lot Size	21,780 SF min.
Width	150’ min.

Note:

For development within a Traditional Community Plan meeting the requirements of Division 2.3, setback, minimum lot size and minimum site area requirements of the transect zone established and delineated on the regulating plan shall apply.

C. Building Form

Building Height

All Buildings	3 stories max.
Ground Floor Finish Level	No minimum

D. Gross Density¹ and Floor Area Ratio

Density	15.0 d.u./acre max. ²
Floor Area Ratio ^{2,3}	0.37 max.

¹Gross Density is the total number of dwelling units on a site divided by the Base Site Area (Division 6.1.40.F)

²See Section 4.1.350 for Affordable Housing density bonuses

³Requirement applies to non-residential buildings.

E. Parking

Required Spaces: Residential Uses

Single-family detached	3 per unit
Single-family attached/duplex	2 per unit
Multi-family units	1.25 per unit
Accessory dwelling unit	1 per unit
Community residence	1 per bedroom
Live/work	2 per unit plus 1 per 300 GSF of work area

Required Spaces: Services or Retail Uses

Retail, offices, services	1 per 300 GSF
Restaurant, café, coffee shop	1 per 150 GSF
Drive-through facility	Add 5 stacking spaces per drive-through
Gas station/fuel sales	1 per pump plus requirement for retail
Lodging: Bed and breakfast	2 spaces plus 1 per guest room
Lodging: Inn/hotel	1 per room

Required Spaces: Industrial Uses

Light manufacturing, processing and packaging	1 per 500 GSF
Warehousing/distribution	1 per 2,000 GSF

For parking requirements for all other allowed uses see Table 5.5.40.B (Parking Space Requirements).

E. C5 Allowed Uses

Land Use Type ¹	Specific Use Regulations	C5
Agriculture		
Agricultural Support Services		P
Forestry		P
Residential		
Dwelling: Single-Family Detached Unit	2.3	TCP
Dwelling: Single-Family Attached Unit	2.3	TCP
Dwelling: Two Family Unit (Duplex)	2.3	TCP
Dwelling: Multi-Family Unit		P
Dwelling: Accessory Unit	2.3	TCP
Dwelling: Family Compound	2.7.40	C
Dwelling: Group Home	2.3	TCP
Community Residence (dorms, convents, assisted living, temporary shelters)	2.3	TCP
Affordable Housing	4.1.350	C
Home Office	4.2.90	C
Home Business	2.3	TCP
Live/Work		P
Retail & Restaurants		
General Retail		P
General Retail with Drive-Through Facilities	4.1.120 4.1.70	C
Bar, Tavern, Nightclub		P
Gas Station/Fuel Sales	4.1.100	C
Open Air Retail		P
Restaurant, Café, Coffee Shop		P
Restaurant, Café, Coffee Shop with Drive-Through Facilities	4.1.70	C
Vehicle Sales & Rental: Light	4.1.260	C

Land Use Type ¹	Specific Use Regulations	C5
Offices & Services		
General Offices & Services		P
General Offices & Services with Drive-Through Facilities	4.1.110 4.1.70	C
Animal Services: Clinic/Hospital		P
Animal Services: Kennel	4.1.40	C
Day Care: Family Home (up to 8 clients)	2.3	TCP
Day Care: Commercial Center (9 or more clients)	4.1.60	C
Lodging: Bed & Breakfast (5 rooms or less)	2.3	TCP
Lodging: Inn (up to 24 rooms)		P
Lodging: Hotel		P
Medical Services: Clinics/Offices		P
Residential Storage Facility	4.1.220	C
Vehicle Services: Minor Maintenance and Repair	4.1.270	C
Vehicle Services: Major Maintenance and Repair	4.1.270	C

Key

P	Permitted Use
C	Conditional Use
S	Special Use Permit Required
TCP	Permitted only as part of a Traditional Community Plan under the requirements in Division 2.3
---	Use Not Allowed

End Notes

¹ A definition of each listed use type is in Table 3.1.70 Land Use Definitions.

Division 4.1: Specific to Use

4.1.350 Affordable Housing

A. Findings. County Council finds that affordable housing is the essential foundation upon which to build a more sustainable future for Beaufort County and to grow a more competitive workforce to meet the challenges of our regional, state, and global economy. County Council finds that zoning regulations can be an effective tool for implementing the strategies to address the needs for affordable housing stock within Beaufort County. County Council finds that the Regional Center Mixed Use (C5) zone district is an appropriate place for certain incentives provided in this chapter for the development of affordable housing types.

B. Purpose. This chapter is intended to promote a diversity of housing stock by providing certain incentives and regulatory standards for the creation of affordable housing units in the C5 zone district.

C. Availability. The affordable housing incentives and regulations provided in this chapter are available to all landowners in the C5 zone district as a conditional use when an applicant has demonstrated compliance with the conditions provided herein.

D. Definitions. For the purpose of this chapter, the following terms shall mean:

- a. Owner occupied affordable housing unit: A dwelling unit where at least one occupant is an owner, and where all occupants have, in the aggregate, household income less than or equal to one-hundred (100%) percent of the area median income (AMI) for owner occupied units. Area median income (AMI) shall be determined annually by the United States Department of Housing and Urban Development (HUD) as adjusted by the Beaufort County Human Services Department or its successor.
- b. Rental affordable housing unit: A dwelling unit, where occupants have, in the aggregate, household income less than or equal to eighty (80%) percent of the area median income (AMI) for rental units. AMI shall be determined annually by HUD as adjusted by the Beaufort County Human Services Department or its successor.
- c. Qualified household: Households where occupants have, in the aggregate, a household income less than or equal to one-hundred (100%) percent of the AMI for owner occupied units, and a household income less than or equal to eighty (80%) percent of the AMI for rental units.
- d. Initial maximum allowable sales price: An amount equal to three (3) times one-hundred (100%) percent of the AMI plus any subsidy available to the buyer.

- e. Affordable rent: Affordable rent is based on an amount not to exceed thirty (30%) percent of eighty (80%) percent of the AMI as published annually by HUD based on household size, inclusive of a utility allowance. Utility allowances are as provided by HUD guidelines.
- f. Household income: All sources of financial support, both cash and in kind, of adult occupants of the housing unit, to include wages, salaries, tips commissions, all forms of self-employment income, interest, dividends, net rental income, income from estates or trusts, Social Security benefits, pension benefits, or any other sources of financial support.

E. Applicability. Any development or redevelopment within the Regional Center Mixed Use (C5) zone district that includes residential dwelling units may elect to develop the residential portion according to the standards in this chapter provided that the applicant demonstrates strict compliance with conditions stated herein.

F. Land Use Standards. A development or redevelopment within the Regional Center Mixed Use (C5) zone district may elect to provide for Affordable Housing units, in accordance with the following standards:

a. The number of owner occupied affordable housing units and/or rental affordable housing units per development shall be one of the following at the election of the applicant:

i. Thirty (30%) percent of the dwelling units, rounded up to the whole number, shall be restricted by deed as owner occupied affordable housing units and/or rental affordable housing units for a period of at least twenty (20) years; or

ii. Twenty (20%) percent of the dwelling units, rounded up to the whole number, shall be restricted by deed as owner occupied affordable housing units and/or rental affordable housing units for a period of at least twenty-five (25) years.

b. The affordable housing units shall be sized, in terms of square footage and number of bedrooms, comparable and proportional to the square footage and number of bedrooms of the market rate units in the development as a whole. The smallest affordable housing unit by bedroom count shall not be smaller than the smallest market rate unit with the same number of bedrooms. The affordable housing units shall be integrated and intermixed within the market rate units in a development and may not be clustered together or segregated from the market rate

units. When a development contains multiple buildings, it shall incorporate into each building, affordable housing units comparable and in proportion, to the number of market rate units in the building so that affordable housing units are disbursed proportionately throughout the development. Exterior finishes of affordable housing units shall be indistinguishable from exterior finishes of market rate units.

c. Density bonus. Housing developments or re-developments located within the Regional Center Mixed Use (C5) zone district may elect to development land in compliance with this chapter. As an incentive for development under this chapter, there shall be no maximum density or minimum lot size requirements.

d. Impact fees. Impact fees shall be reduced in proportion to the number of affordable housing units being provided in accordance with Beaufort County Code of Ordinances Section 82-32. A project approved under this chapter shall be determined to be a project that creates affordable housing for the purpose of exempting impact fees in proportion to the number of affordable housing units created.

e. All other land use and developments standards of the Regional Center Mixed Use (C5) zone district for multi-family development shall be provided, including but not limited to standards for height, area, setbacks, parking, and buffers.

f. For mixed use projects, the standards and incentives provided in this chapter shall apply only to the housing portions of the mixed use project.

G. Submittal Requirements, Procedures and Enforcement.

a. Prior to receiving a building permit for any portion of a development, the owner thereof shall provide, in writing, in the form of a Memorandum of Understanding to be filed with the Beaufort County Register of Deeds, to the satisfaction of the Beaufort County Human Services Department, or its successor, information identifying the total number of efficiency, one bedroom, two bedroom, etc. and the respective square footage of the same and provide a breakdown of the number, location, size, square footage, bedrooms etc. of the affordable housing units. Prior to the issuance of a certificate of occupancy for any portion of a development, the owner thereof shall identify, in writing, to the Beaufort County Human Services Department, or its successor, the units designated as owner occupied affordable housing units and/or rental affordable housing units. Affordable housing units shall not be changed, modified, or amended in location, size, square footage etc. without first notifying and receiving in writing, approval from Beaufort County Human Services Department.

b. Prior to the issuance of a certificate of occupancy for any portion of a development permitted pursuant to this chapter, the owner shall execute covenants satisfactory to the County that identifies the owner occupied affordable housing units and/or the rental affordable housing units. The executed covenants shall restrict such units to occupancy or ownership by qualified households for a period of twenty (20) years when thirty (30%) percent of the units are set aside as affordable housing units or twenty-five (25) years when twenty (20%) percent of the units are set aside as affordable housing units pursuant to Section 4.1.350(F)(a)(i-ii) above. The executed covenants shall be filed with the Register of Deeds prior to the issuance of a certificate of occupancy.

c. Prior to the issuance of a development permit, the owner shall submit plans in accordance with Article 7 of the Community Development Code. The plans shall demonstrate compliance with the standards provided in this chapter.

d. The covenants for affordable housing units shall provide:

i. For owner occupied affordable housing units, the covenants shall identify the maximum allowable sales price, and provide that the initial maximum allowable sale price may be adjusted annually for inflation based on the increase in the area median income (AMI) or Consumer Price Index, whichever is greater. Each owner of such units, prior to initial occupancy, shall be required to submit to the Beaufort County Human Services Department, or its successor, a verified income report of household income of all members of the household. The covenants shall require notice to the Beaufort County Human Services Department, or its successor, of any transfer of the owner occupied affordable housing units and verification that the purchaser is a qualified household. Owner occupied affordable housing units shall be subject to these resale restrictions for no fewer than the numbers of years elected by the developer provided for in Section 4.1.350(F)(a)(i-ii) above. Such restrictions shall be recorded as deed restrictions for the affordable housing unit identified in the memorandum of understanding executed pursuant to the requirements in this chapter.

ii. For rental affordable housing units, the covenants shall require the owner to provide proof to the Beaufort County Human Services Department, or its successor, at inception of every tenancy, and on an annual basis thereafter, that no more than affordable rent is being charged for the affordable housing units. The owner or licensed property manager acting on behalf of the owner, shall provide verified income reports of household income of all occupants of rental affordable housing units at the request of Beaufort County Human Services Department, or its successor. Rental affordable

housing units shall be subject to these restrictions for no fewer than the number of years elected by the developer provided for in subsections 4.1.350(F)(a)(i-ii) above.

iii. If an affordable housing unit is converted from rental occupied to owner occupied occupancy during the term of the covenants, the unit shall be subject to the owner occupied affordable housing unit requirements as set out in subsection 4.1.350(F)(d)(i) above (to include an Initial Maximum Sales Price) for a term of months equal to the number resulting when subtracting from 300 months, the number of months the unit has been subject to the rental affordable housing covenants.

iv. Conversion of an affordable housing unit from owner occupied to renter occupied occupancy shall not be permitted.

v. Covenants shall require written notice to the Beaufort County Human Services Department prior to any conversion taking place and shall require that the necessary covenant(s) and amendment(s) to the memorandum of understanding be filed with the Register of Deeds.

e. The covenants and memorandum of understanding shall accord to the Beaufort County Human Services Department, or its assignee, successor or agent, rights of enforcement by any legal and/or equitable means, including the revocation of a certificate of occupancy, and in all events, writings, agreements or understandings between the developer and Beaufort County, be subject to approval by the Beaufort County Attorney.

f. If the development is to be phased, each phase shall include affordable housing units concurrently with the market rate units in the particular phase in the same proportions in relations to the overall development requirements for affordable housing units. A phasing in plan must make the affordable housing units available concurrently with the market rates in proportions based on the overall percentages elected pursuant to this code.

g. Upkeep and maintenance of affordable housing rental units must be maintained at the same or better level provided to the market rate units.



BEAUFORT COUNTY STORMWATER UTILITY
120 Shanklin Road
Beaufort, South Carolina 29906
Voice (843) 255-2805 Facsimile (843) 255-9436
wstormwater@bcgov.net



M E M O R A N D U M

TO: Natural Resources Committee
Stormwater Utility Board

FROM: Eric W. Larson, PE, AICP, CPSWQ, CFM

DATE: April 25, 2018

SUBJECT: Condemnation for Easement – 4 tracts associated with the Pine Grove Road, Kato Lane & Burlington Circle

Condemnation for Easement – Jenkins Road tract 15-103

Easement abandonment – Multiple tracts @ Bessies Ln. & Young Cir.

The attached easement exhibits are being proposed by staff at the request of adjacent property owners and/or Councilmen Dawson and Flewelling to either begin formal condemnation procedures to acquire the easement, abandonment of existing easements, and/or cease easement acquisition. Multiple written, verbal and personal communications have resulted in unsuccessful voluntary easement acquisitions. Councilmen Dawson and Flewelling have been involved with the acquisition process and support further action.

Pine Grove Road, Kato Lane & Burlington Circle

The Stormwater Department often receives requests to maintain this regionally significant system due to flooding issues. The process to obtain easements needed for this ditch system formally began in January 2017. The County has received 20 unrecorded notarized easements out of the 24 requested easements. Three property owners consisting of four tracts (42B, 284, 285 & 287 as noted on the attached exhibit) have verbally denied granting easements. These property owners were contacted at least twice by letter, door hangers were left and personal contact was established. Councilman Dawson was instrumental in acquiring a couple unrecorded notarized easements, however, he is recommending board/committee review for condemnation and he will support their decision. Part of this drainage system affects constituents in Councilman Flewelling's district. Mr. Flewelling also supports further action.

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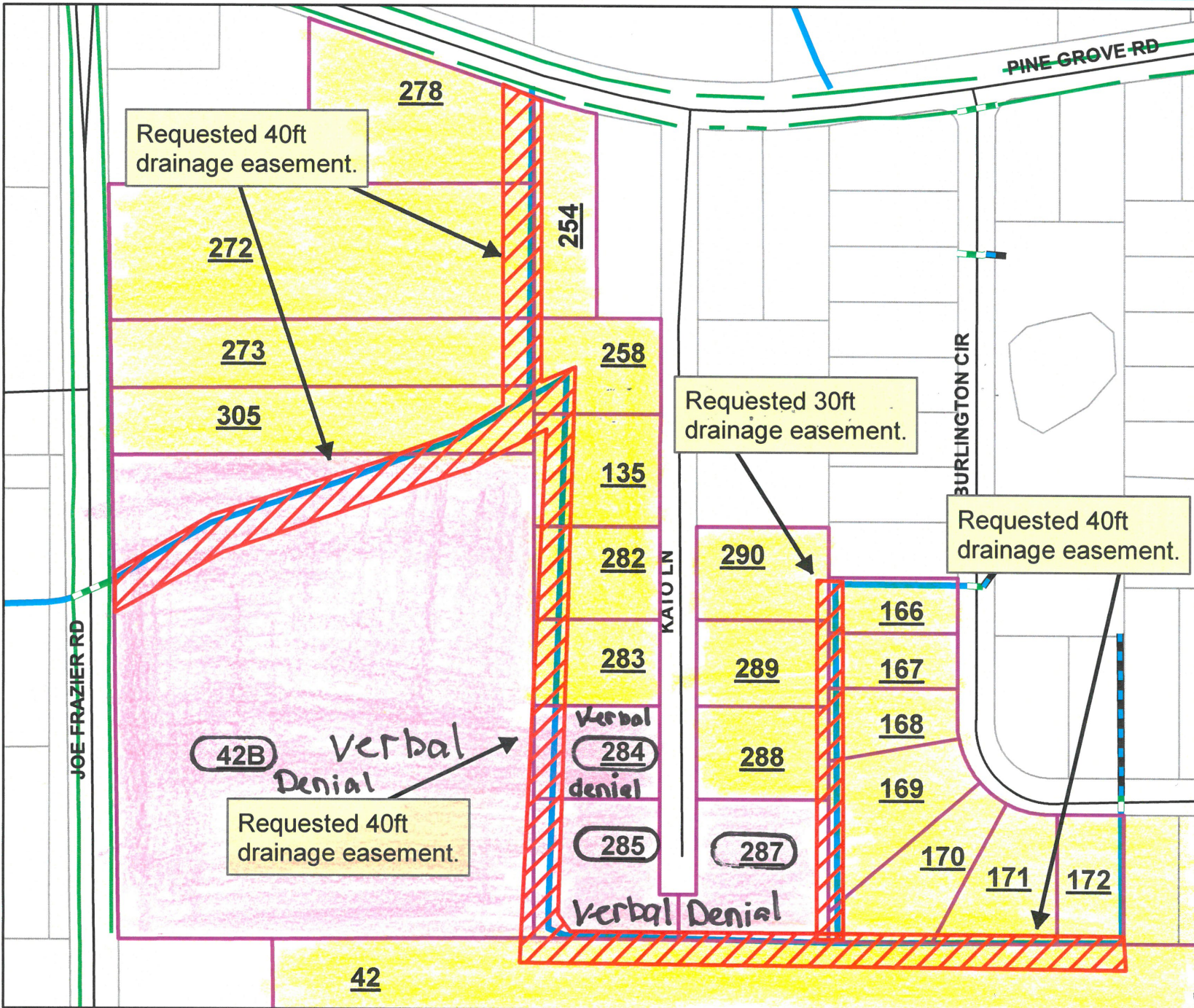
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(Exhibit "A")
R100-24
Pine Grove Road

Activity: Drainage Easement

Township: Port Royal Island



Legend

- Requested Esmt
- Drainage**
- River
- Creek/Stream
- River/Creek/Marsh BANK
- Channel (fka Outfall)
- Channel Pipe
- Roadside
- Roadside Pipe
- Road Pipe
- Crossline Pipe
- Driveway Pipe
- Lateral
- Lateral Pipe
- Access Pipe
- Bleeder Pipe

Notarized Easements

Verbal denial

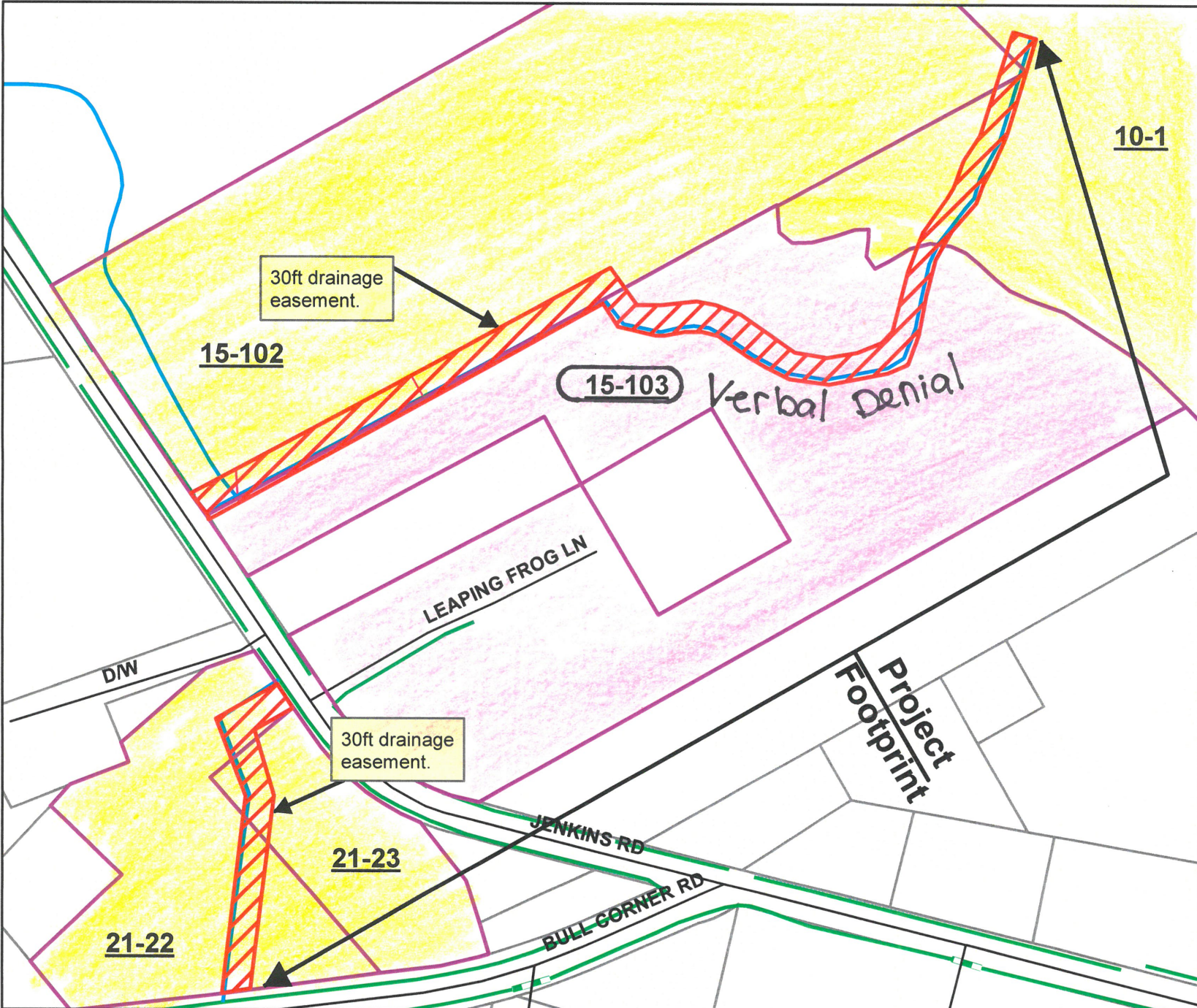


1 inch = 189 feet

(Exhibit "A")
**R700-
 Jenkins Road**

**Activity: Drainage
 Easement Request**

**Township:
 Sheldon**



Legend

- Requested Esmt
- Access Pipe
- Bleeder Pipe
- Channel Pipe
- Channel
- Crossline Pipe
- Lateral
- Lateral Pipe
- Road Pipe
- Roadside
- Roadside Pipe
- Parcels
- Easements

Notarized Easements

Verbal Denial

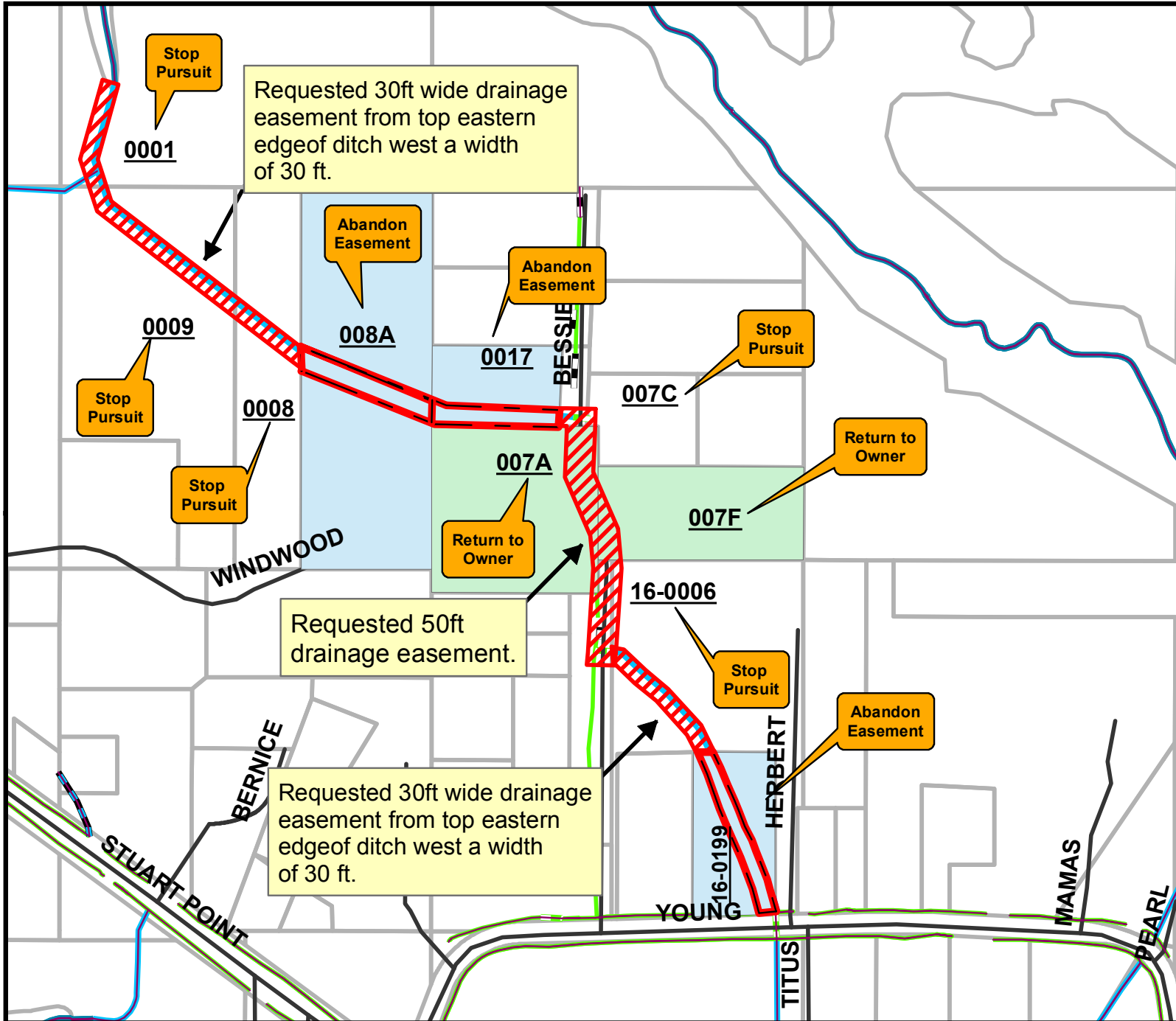


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(Exhibit "A")
 R100-13
 Young Circle &
 Bessies Lane

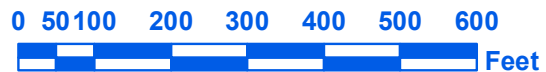
Activity: Drainage
 Easement Request

Township: Port
 Royal Island



Legend

- Requested Esmt
- Recorded Easements
- Notorized Easements
- Parcels
- Easements
- Ditch to be Constructed
- River
- Creek/Stream
- River/Creek/Marsh BANK
- Channel Pipe
- Roadside
- Roadside Pipe
- Road Pipe
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1 inch = 251 feet



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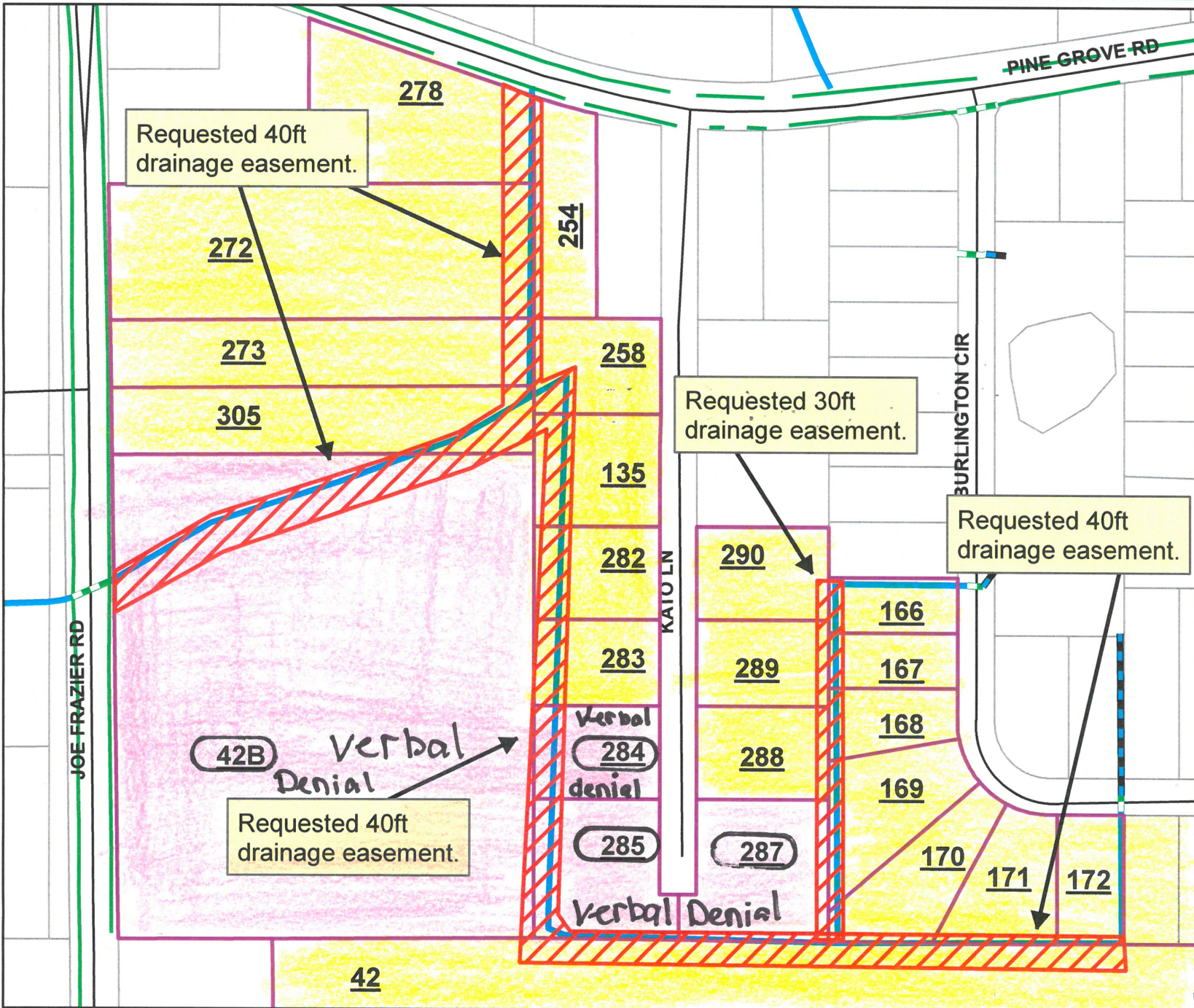
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R100-24
Pine Grove Road

Activity: Drainage Easement

Township: Port Royal Island



Legend

- Requested Esmt
- Drainage**
- River
- Creek/Stream
- River/Creek/Marsh BANK
- Channel (fka Outfall)
- Channel Pipe
- Roadside
- Roadside Pipe
- Road Pipe
- Crossline Pipe
- Driveway Pipe
- Lateral
- Lateral Pipe
- Access Pipe
- Bleeder Pipe

Requested 40ft drainage easement.

Requested 30ft drainage easement.

Requested 40ft drainage easement.

Requested 40ft drainage easement.

42B Verbal Denial

Verbal denial 284

Verbal Denial 287

Notarized Easements

Verbal denial

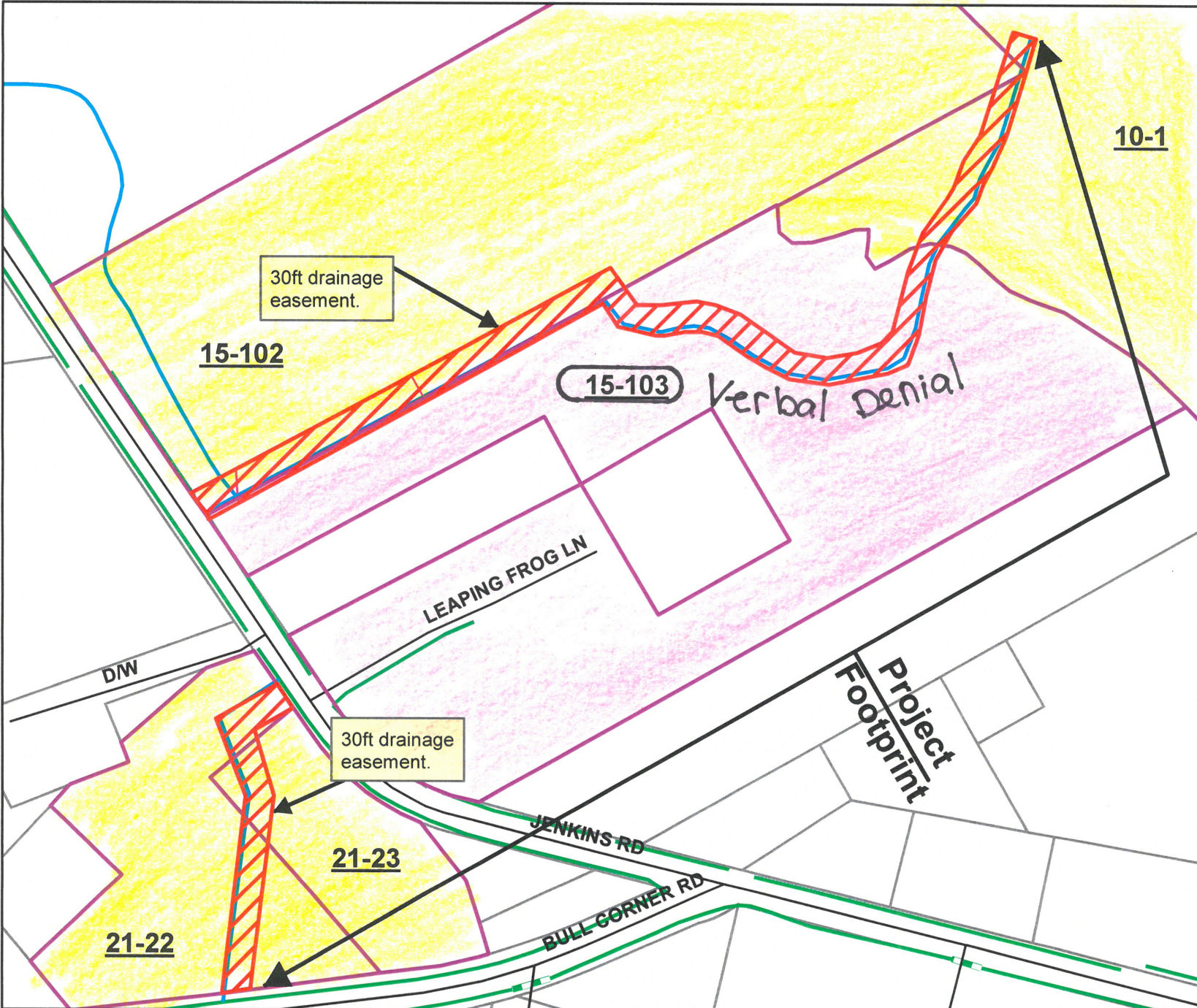


1 inch = 189 feet

(Exhibit "A")
**R700-
 Jenkins Road**

**Activity: Drainage
 Easement Request**

**Township:
 Sheldon**



Legend

- Requested Esmt
- Access Pipe
- Bleeder Pipe
- Channel Pipe
- Channel
- Crossline Pipe
- Lateral
- Lateral Pipe
- Road Pipe
- Roadside
- Roadside Pipe
- Parcels
- Easements

Notarized Easements

Verbal Denial

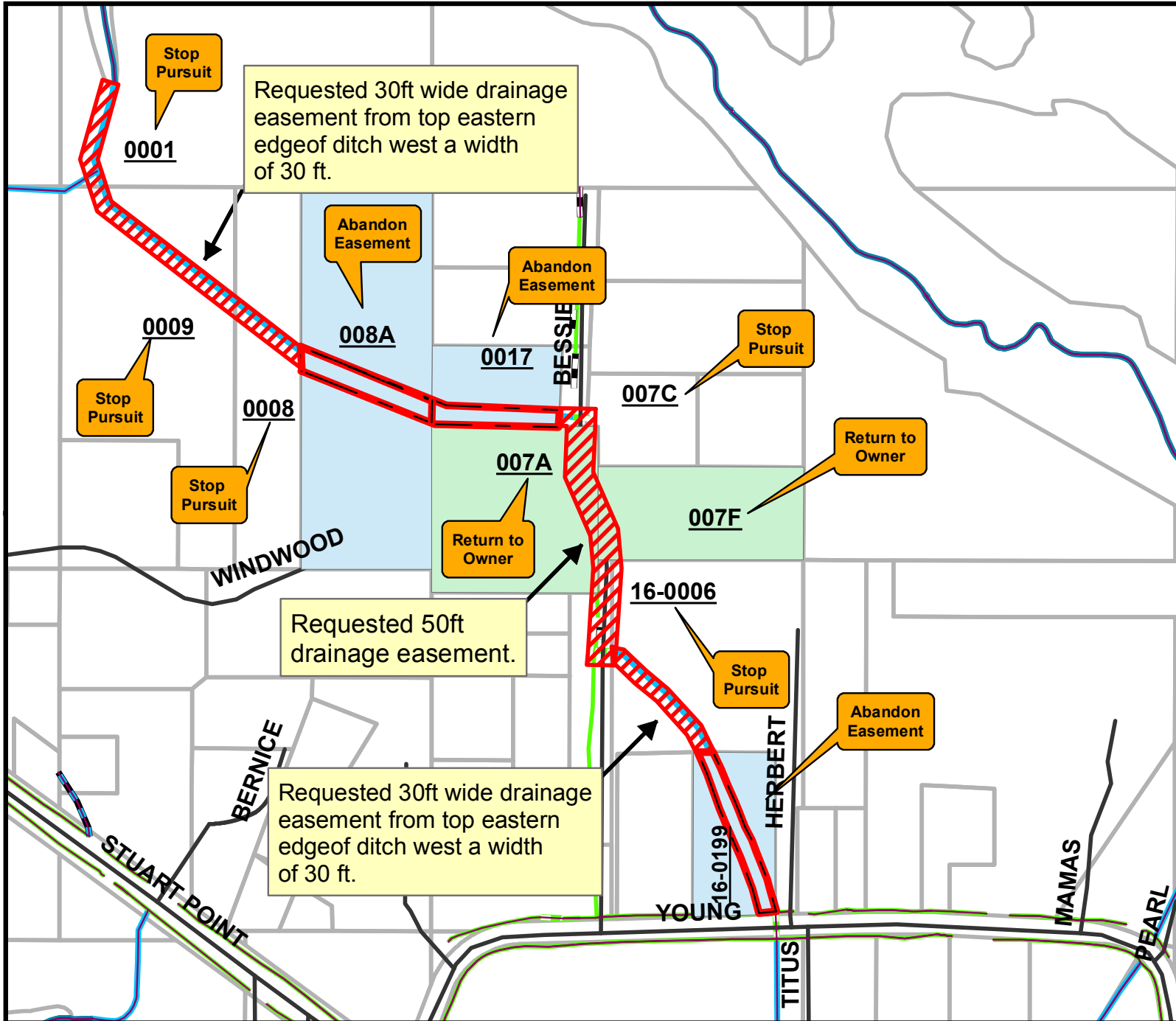


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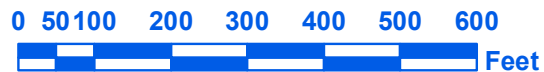
Activity: Drainage
 Easement Request

Township: Port
 Royal Island



Legend

- Requested Esmt
- Recorded Easements
- Notorized Easements
- Parcels
- Easements
- Ditch to be Constructed
- River
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- River/Creek/Marsh BANK
- Channel Pipe
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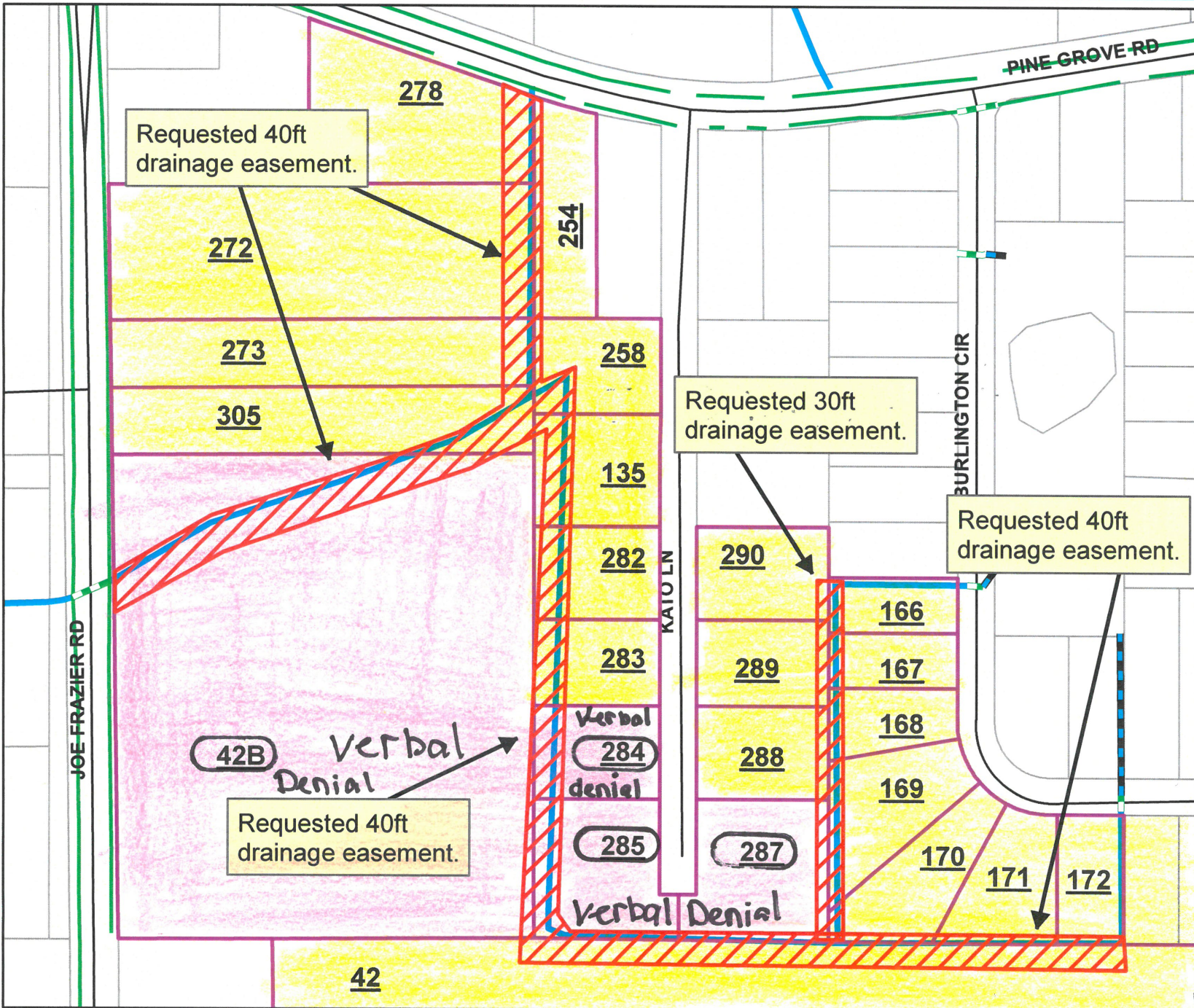
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(Exhibit "A")
R100-24
Pine Grove Road

Activity: Drainage Easement

Township: Port Royal Island



Legend

- Requested Esmt
- Drainage**
- River
- Creek/Stream
- River/Creek/Marsh BANK
- Channel (fka Outfall)
- Channel Pipe
- Roadside
- Roadside Pipe
- Road Pipe
- Crossline Pipe
- Driveway Pipe
- Lateral
- Lateral Pipe
- Access Pipe
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42B Verbal Denial

Verbal denial 284

Verbal Denial 287

Notarized Easements

Verbal denial

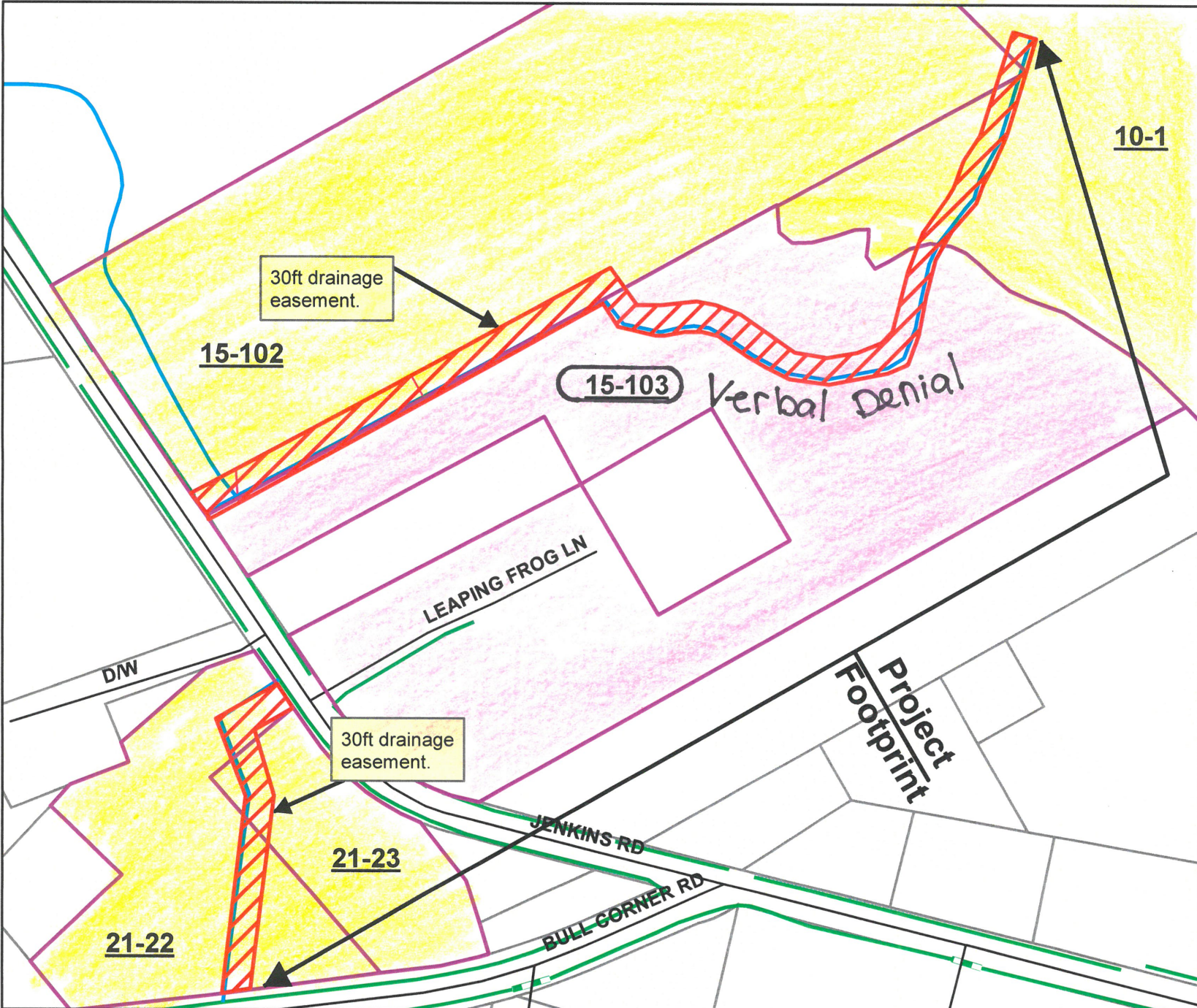


1 inch = 189 feet

(Exhibit "A")
**R700-
 Jenkins Road**

**Activity: Drainage
 Easement Request**

**Township:
 Sheldon**



Legend

	Requested Esmt
	Access Pipe
	Bleeder Pipe
	Channel Pipe
	Channel
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	Lateral
	Lateral Pipe
	Road Pipe
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	Parcels
	Easements

Notarized Easements

Verbal Denial



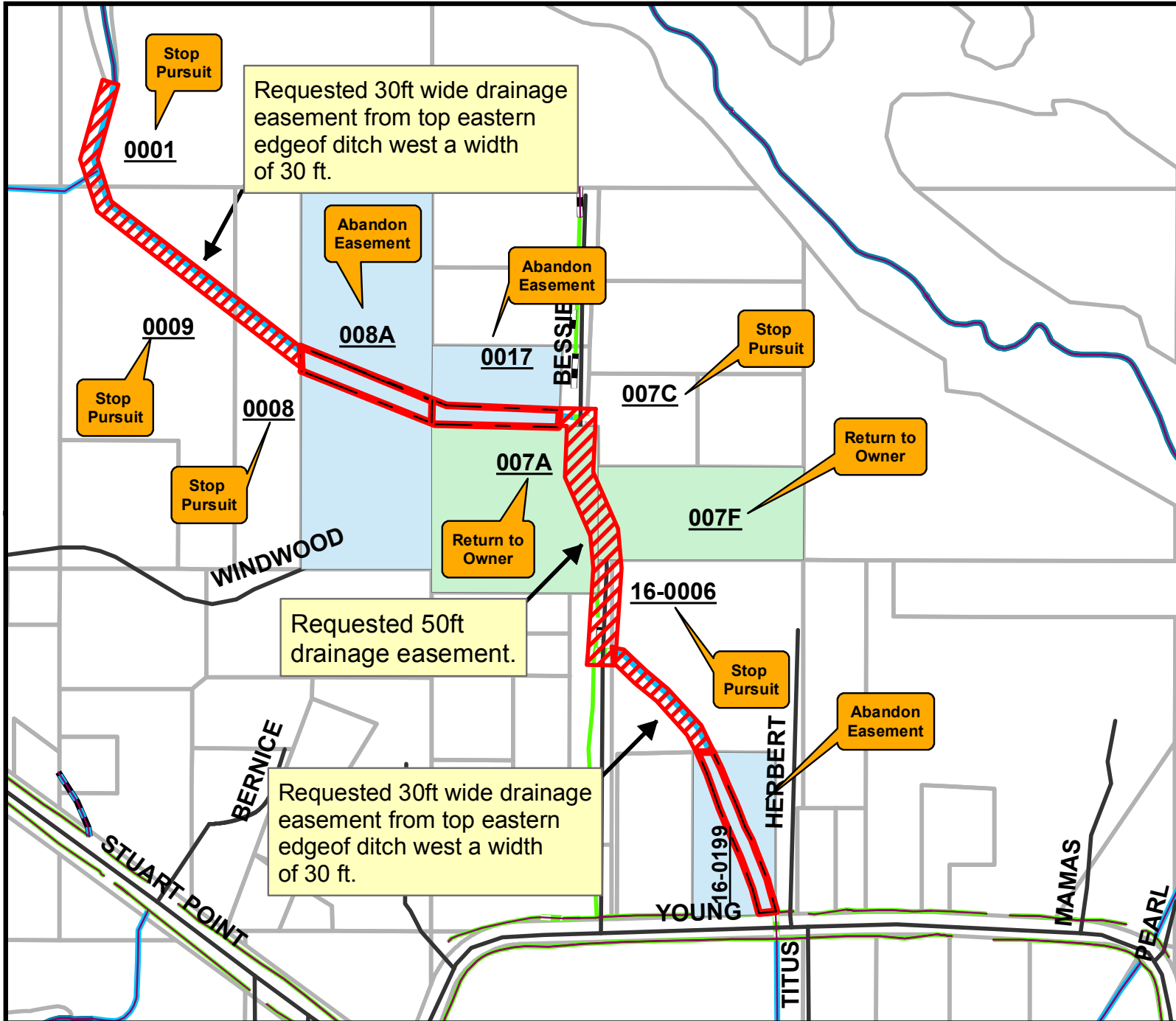
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Prepared By: Beaufort Co, Stormwater Management Utility
 Print Date: 3/9/17
 File - C:\Seth\2017 easement\R700 Jenkins Rd

(Exhibit "A")
 R100-13
 Young Circle &
 Bessies Lane

Activity: Drainage
 Easement Request

Township: Port
 Royal Island



Legend

- Requested Esmt
- Recorded Easements
- Notorized Easements
- Parcels
- Easements
- Ditch to be Constructed
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- Driveway Pipe
- Lateral
- Lateral Pipe
- Access Pipe
- Bleeder Pipe
- Channel (fka Outfall)
- To be Piped



1 inch = 251 feet

**CONFIDENTIAL, FOR DISCUSSION PURPOSES ONLY AND NOT
BINDING**

**MEMORANDUM OF UNDERSTANDING
BETWEEN BEAUFORT COUNTY
AND ROBERT L. GRAVES
AGREEMENT NO. 2018-**

THIS AGREEMENT is between Beaufort County (“County”) and Robert L. Graves (“Graves”), effective as of the last date signed below.

WHEREAS, it is a purpose of the County to manage its Passive Park Properties for the benefit, education and enjoyment of the citizens of the County; and

WHEREAS, the County owns Okatie River Park adjacent to property owned by Graves known as Pepper Hall; and

WHEREAS, the County desires to see that the Okatie River Park is designed, developed, operated and maintained as an element of the County’s Okatie River Park System, as a Passive Park; and

WHEREAS, the Okatie River Park is the site of various stormwater drainage collection, impoundment and outfall structures which are receiving stormwater drainage from nearby lands and improvements other than Pepper Hall; and

WHEREAS, Graves desires to develop Pepper Hall for residential and commercial uses; and

WHEREAS, the County and Graves have agreed to enter into a mutually-binding, public-private partnership, as contemplated by Beaufort County Council Resolution R-2012-3, and under the authority of the Beaufort County Community Development Code Division 3.1.60 Parks, Playgrounds and Outdoor Recreation Areas.

NOW, THEREFORE, the County and Graves document that their intent of this Memorandum of Understanding is to continue further discussion regarding the following, and upon their mutual agreement will develop a legal and binding Agreement among themselves around the following points:

1. The County will enter into discussions with Graves regarding design collaboration with Graves, his land planners, engineers, attorneys, and representatives to develop a mutually-agreeable plan to accommodate (a) improvement of the protection for the waters and estuaries of the Okatie River; (b) improvement of the carrying capacity, and of the integrity of the County’s stormwater system on-site at the Okatie River Park, and leading to the Graves property at Pepper Hall, as well as the improvement of the carrying capacity and the integrity of the Graves’ stormwater system elements on-site on Pepper Hall; (c) the design, development, operation and maintenance of the County’s Okatie River Park; and (d) a development plan and approval for Pepper Hall.
2. The County will consider making an initial investment from Rural & Critical Lands Funds for the capital improvements of the Okatie River Park, to be offset

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BINDING**

by certain contributions in kind or cash, of Graves and/or Pepper Hall (as to be developed in the future) for his/their *pro-rata* shares. In addition, this will also involve the consideration of an initial investment by the County, through its Stormwater Funds, also to be offset by certain contribution in kind or cash, of Graves and/or Pepper Hall (as to be developed in the future) for his/their *pro-rata* shares.

3. Okatie River Park will have full-time public access, a public way, a deeded non-exclusive access from a public way, and may include other facilities and amenities such as, but not limited to, parking, restroom facilities, passive recreational facilities including some form(s) of access to the Okatie River, in addition to enhancements of its current functions in stormwater management in that vicinity of Beaufort County, and therefore, the Pepper Hall development plan will not create a gated community or similar forms of controlled access and exclusion of the public, and such public access to the Okatie River Park shall be made inviolate.
4. Since the access to the Okatie River Park will be from Graves Road and/or US Hwy. 278, and through the roads of Pepper Hall, the County may facilitate acquisition of sufficient right-of-way for Graves Road to enable its use as a public road, and may share the costs thereof along with costs of access from US Hwy. 278, with Graves, and the County may accept dedication of the roads in Pepper Hall, including the access to the Okatie River Park, and Graves Road as public roads and may maintain the roads in Pepper Hall.
5. In regard to the Graves development plan for Pepper Hall, there will be reduced and modified buffers between the Okatie River Park and Pepper Hall and, consistently with the intent of building codes, the acreage of the Okatie River Park may be counted as part of the requirements under the CDC for Pepper Hall, such as: open space, pervious cover, forest preservation, and tree protection, to be mutually agreed upon by the County and Graves, which agreement will not be unreasonably withheld.
6. At the start of this public-private partnership, the County will be responsible for the operations and routine maintenance of the Okatie River Park. Over time, the Graves *pro-rata* share of the operations and routine maintenance of the Okatie River Park shall become conducted by a property owners' association to be formed for Pepper Hall once its development has gotten underway and will be funded by proceeds of the sales of properties within Pepper Hall and/or assessments from the property owners in Pepper Hall under plans to be mutually agreed upon by the County and Graves.
7. The future capital maintenance of the Passive Park elements of the Okatie River Park may be on a shared basis between the County and the Pepper Hall property

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owners' association, with ratios to be determined, and with the definitions, terms and conditions thereof to be agreed upon. The future capital maintenance of the stormwater drainage apparatus on-site at, and leading to, the Okatie River Park may be paid for between the County through its Stormwater Funds, and the Pepper Hall property owners association, with similar ratios, definitions, terms and conditions thereof to be agreed upon.

8. The County intends to arrange certain funding for the Okatie River Park through the "Neighborhood Improvement District" provisions of the SC Code found in the South Carolina Residential Improvement District Act, §§ 6-35-10 ff. If determined to be appropriate, Graves will record restrictive covenants applicable to Pepper Hall such that the financial responsibilities of the Pepper Hall property owners' association, set forth herein above, will be noticed and obligated prior to the sales to lot buyers.
9. The opening and closing hours of the Okatie River Park will be from dawn to dusk each day, and will be in accordance with hours approved by the Beaufort County Passive Park Manager. Handicapped visitors will have accessibility to the Okatie River Park. The County will provide security for the Okatie River Park by way of the Beaufort County Sheriff's Office unit currently called its Environmental Crimes Unit.

BEAUFORT COUNTY

ROBERT L. GRAVES

By: _____
Printed Name: _____ Date _____
Title: _____

By: _____
Robert L. Graves _____ Date _____

APPROVED AS TO FORM:

Thomas Keaveny, County Attorney