

COUNTY COUNCIL OF BEAUFORT COUNTY
ADMINISTRATION BUILDING
BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX
100 RIBAUT ROAD
POST OFFICE DRAWER 1228
BEAUFORT, SOUTH CAROLINA 29901-1228
TELEPHONE: (843) 255-2180
www.bcgov.net

D. PAUL SOMMERVILLE
CHAIRMAN

GERALD W. STEWART
VICE CHAIRMAN

COUNCIL MEMBERS

RICK CAPORALE
MICHAEL E. COVERT
GERALD DAWSON
BRIAN E. FLEWELLING
STEVEN G. FOBES
YORK GLOVER, SR.
ALICE G. HOWARD
STEWART H. RODMAN
ROBERTS "TABOR" VAUX

JOSHUA A. GRUBER
INTERIM COUNTY ADMINISTRATOR

THOMAS J. KEAVENY, II
COUNTY ATTORNEY

AGENDA
NATURAL RESOURCES COMMITTEE

Monday, June 18, 2018

2:30 p.m. Time Change

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:

Eric Greenway, Community Development Director
Gary James, Assessor
Eric Larson, Division Director
Environmental Engineering
Dan Morgan, Mapping & Applications Director

1. CALL TO ORDER – **2:30 P.M. Time Change**
2. UPDATE / PREVIOUS PLANNING COMMISSION MEETING
 - A. ACTION OF NATURAL RESOURCE COMMITTEE/PLANNING COMMISSION ON AFFORDABLE HOUSING DEVELOPMENTS IN THE REGIONAL CENTER MIXED USE (C5) ZONE DISTRICT ([backup](#))
3. UPDATE / PREVIOUS SOUTHERN LOWCOUNTRY REGIONAL PLANNING COMMISSION (SOLOCO) MEETING
4. MAP AMENDMENT TO THE BEAUFORT COUNTY COMPREHENSIVE PLAN, CHAPTER 4: FUTURE LAND USE MAP 4-9 TO: REMOVE THE HAMLET PLACE TYPE ON THE BUCKINGHAM LANDING COMMUNITY AT THE FOOT OF THE BRIDGE TO HILTON HEAD ISLAND ([backup for Items 4 thru 7](#))
5. MAP AMENDMENT TO THE BEAUFORT COUNTY COMPREHENSIVE PLAN, CHAPTER 4: FUTURE LAND USE MAP 4-9 TO CHANGE THE VILLAGE PLACE TYPE THAT CORRESPONDS WITH THE HILTON HEAD NATIONAL PROPERTY AT THE CORNER OF BLUFFTON PARKWAY AND MALPHRUS ROAD TO A HAMLET PLACE TYPE
6. MAP AMENDMENT TO THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE, PREAMBLE, DIVISION P.20, PAGES P10 AND P-11 TO REMOVE THE HAMLET PLACE TYPE FROM THE BUCKINGHAM LANDING COMMUNITY AT THE FOOT OF THE BRIDGE TO HILTON HEAD ISLAND



7. MAP AMENDMENT TO THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE, PREAMBLE, DIVISION P.20, PAGES P10 AND P-11 TO CHANGE THE VILLAGE PLACE TYPE THAT CORRESPONDS WITH THE HILTON HEAD NATIONAL PROPERTY AT THE CORNER OF BLUFFTON PARKWAY AND MALPHRUS ROAD TO A HAMLET PLACE TYPE

8. ADJOURNMENT

2018 Strategic Plan Committee Assignments
Regional Stormwater Management
Comprehensive Impact Fees Update
Affordable Housing Strategy and Actions
County Stormwater Management Program

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

ATTEST:

Ashley Bennett, Clerk to Council

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
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").
9. Affordable Housing	See Section 4.1.350
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.



MEMORANDUM

To: Beaufort County Natural Resources Committee
From: Eric Greenway, Community Development Director
Subject: **Text Amendment to the Beaufort County 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 – amended to:
An Ordinance Establishing A Condition Use for Affordable Housing Developments in the Regional Center Mixed Use (C5) Zone District**
Date: June 12, 2018

PLANNING COMMISSION RECOMMENDATION from the excerpt of its June 4, 2018, draft minutes:

Mr. Christopher Inglese, County Assistant Staff Attorney, briefed the Commissioners. He showed a power point presentation and noted the history of the ordinance. He stated that County Council wanted assurances that the hotel conversions would be affordable to the workforce. He mentioned issues identified for affordable housing including school impact fees, an assurance for affordable rents, and parking. The landowner would elect to set aside a percentage of the units as affordable housing—20% for 25 years or 30% for 20 years.

Commission discussion included concern that the percentage appeared timid; querying whether input had been received from the Suburban Lodge owner or any other developers; a definition of affordable housing since the AMI for Beaufort was \$72,000.00; querying height restrictions, monitoring, and enforcement requirements; a reiteration of the parking analysis showing a deficit of 10 parking spaces; the suggested density reduction; noting the proposed ordinance being available to all C5 zoning; concern with the existing density; concern that developers will convert approved hotels to apartments to circumvent the intent of the Code; clarification on the County Council's process regarding the proposed ordinance; noting City of Charleston having a similar ordinance as the proposed ordinance; and querying if input had been received by the municipalities.

Public Comment: Ms. Deborah Johnson, a representative of the Lowcountry Affordable Housing Coalition, explained the membership of the Coalition. She explained that Mr. Robert Merchant had brought the ordinance to the Coalition for their input. Ms. Angela Childers, chairman of the Coalition, supports the proposed ordinance. The Housing Needs Assessment and an affordable housing coordinator are in place. She noted that most renter households are 1 or 2 persons, earning under \$50,000. Annually. More affordable housing tools are needed to alleviate the lack of such housing.

Further Commission discussion included

Motion: Mr. Kevin Hennelly made a motion, and Mr. Ed Pappas seconded the motion, to **recommend approval to County Council on the Text Amendment to the Beaufort County 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 – amended to: An Ordinance Establishing A Condition Use for Affordable Housing Developments in the Regional Center Mixed Use (C5) Zone District. No further discussion occurred. The motion carried (8:1--FOR: Chmelik, Fermin, Hennelly, Hincer, McMillan, Mitchell, Pappas, and Semmler; AGAINST: Stewart).

Mr. Semmler urged coordination with the municipalities regarding this and other amendments.

Attachments: Proposed changes to the CDC



MEMORANDUM

To: Natural Resources Committee of Beaufort County Council
From: Robert Merchant, Deputy Community Development Director
Date: June 12, 2018
Subject: Amendment to Chapter 4 (Future Land Use) of the Beaufort County Comprehensive Plan, Map 4-9 Place Type Overlay District – Southern Beaufort County
--AND--
Amendment to the Preamble to the Community Development Code (pages P-10 and P-11)

PLANNING COMMISSION RECOMMENDATION from the excerpt of its June 4, 2018, draft minutes:

Mr. Robert Merchant briefed the Commissioners on the map amendments. He stated substantive changes to both the Comprehensive Plan and the Community Development Code maps. He explained the rationale for the changes. He stated that not all walkable areas are equal. He noted a workshop where County Council asked for these amendments. He showed a power point presentation. He explained the elimination of the hamlet place type from the Buckingham Landing area limits future upzoning there. He then explained the reduction of the Hilton Head National area from hamlet to village place type.

Commission discussion included the on-going litigation and its impact on the action that the Commission may recommend (*Mr. Christopher Inglese, Assistant County Attorney, noted that the on-going litigation has no effect since the Commission is tasked to recommend future.*).

Applicant's Comment: None were provided, since the Staff is the applicant.

Public Comment: Mr. Evan Williams, representing Scratch Golf, the owner of Hilton Head National, objects to the County's proposal to downgrade the zoning of Hilton Head National. It is inappropriate to take action when there is an existing litigation against the County on the property. There is no rationale to take action. There is no sufficient basis for the downzoning. The County formulated the form-based code suitable for a mixed-use development on the property. The downzoning is an arbitrary and capricious act.

Further Commission discussion included non-support of the former rezoning request of Hilton Head National that would have too intense/inappropriate proposed uses such as a hotel and a water park; reiteration of the on-going litigation of the Hilton Head National property; noting that the Commission recommendation would not affect development of the property; querying the rationale for changing the Hilton Head National place type (Mr. Merchant noted the impact of the village place type could be out of character with the surrounding area and the strong

opposition from neighboring communities; clarifying the difference between the place types (commercial sizes differ, noting the Calhoun Street and Corner's Community developments); querying the number of village place types in Bluffton; clarifying the public outcry on village place types; clarifying the removal of the Buckingham Landing place type; querying whether input was received from the municipalities; agreeing to the Buckingham Landing change but not the Hilton Head National change; reiterating trusting the Code to create walkable places to schools, small shops, etc.; and not being in favor of the Hilton Head National change without input from the municipalities.

Motion: Ms. Diane Chmelik made a motion, and Mr. Harold Mitchell seconded the motion, to **recommend approval** to County Council on the Map Amendment to the Beaufort County Comprehensive Plan, Chapter 4: Future Land Use Map 4-9 to remove the Hamlet Place Type on the Buckingham Landing Community at the foot of the bridge to Hilton Head Island. No further discussion occurred. The motion **carried** (9:0--FOR: Chmelik, Fermin, Hennelly, Hinchler, McMillan, Mitchell, Pappas, Semmler, and Stewart).

Motion: Ms. Diane Chmelik made a motion, and Mr. Ed Pappas seconded the motion, to **recommend approval** to County Council on the Map Amendment to the Beaufort County Comprehensive Plan, Chapter 4: Future Land Use Map 4-9 to change the Village Place Type that corresponds with the Hilton Head National property at the corner of Bluffton Parkway and Malphrus Road to a Hamlet Place Type. No further discussion occurred. The motion **failed** (4:5--FOR: (FOR: Chmelik, Hennelly, Hinchler, Semmler); AGAINST: Fermin, McMillan, Mitchell, Pappas, and Stewart).

Motion: Mr. Ed Pappas made a motion, and Ms. Diane Chmelik seconded the motion, to **recommend approval** to County Council on the Map Amendment to The Beaufort County Community Development Code, Preamble, Division P.20, Pages P10 and P-11 to remove the Hamlet Place Type from the Buckingham Landing Community at the foot of the bridge to Hilton Head Island. No further discussion occurred. The motion **carried** (9:0--FOR: Chmelik, Fermin, Hennelly, Hinchler, McMillan, Mitchell, Pappas, Semmler, and Stewart).

Motion: Mr. Harold Mitchell made a motion, and Ms. Diane Chmelik seconded the motion, to **recommend approval** to County Council on the Map Amendment to The Beaufort County Community Development Code, Preamble, Division P.20, Pages P10 and P-11 Change the Village Place Type that corresponds with the Hilton Head National property at the corner of Bluffton Parkway and Malphrus Road to a Hamlet Place Type. No further discussion occurred. The motion **failed** (3:6--FOR: Chmelik, Hennelly, and Semmler; AGAINST: Fermin, Hinchler, McMillan, Mitchell, Pappas, and Stewart).

STAFF REPORT:

Summary of the Proposed Amendment to the Comprehensive Plan: The Future Land Use chapter of the Comprehensive Plan contains a special land use designation called the Place Type Overlay. The purpose of the Place Type Overlay is to identify locations in the County to promote appropriately scaled walkable environments with a mix of housing, civic, retail, and service choices. The overlay establishes five place types going from the most rural to the most

urban – rural crossroad, hamlet, village, town, and city (the Town and City Place Types are directed into the municipalities). The Beaufort County Community Development Code assists in the implementation of these place types through the use of the Transect Zones found in Article 3 of the code.

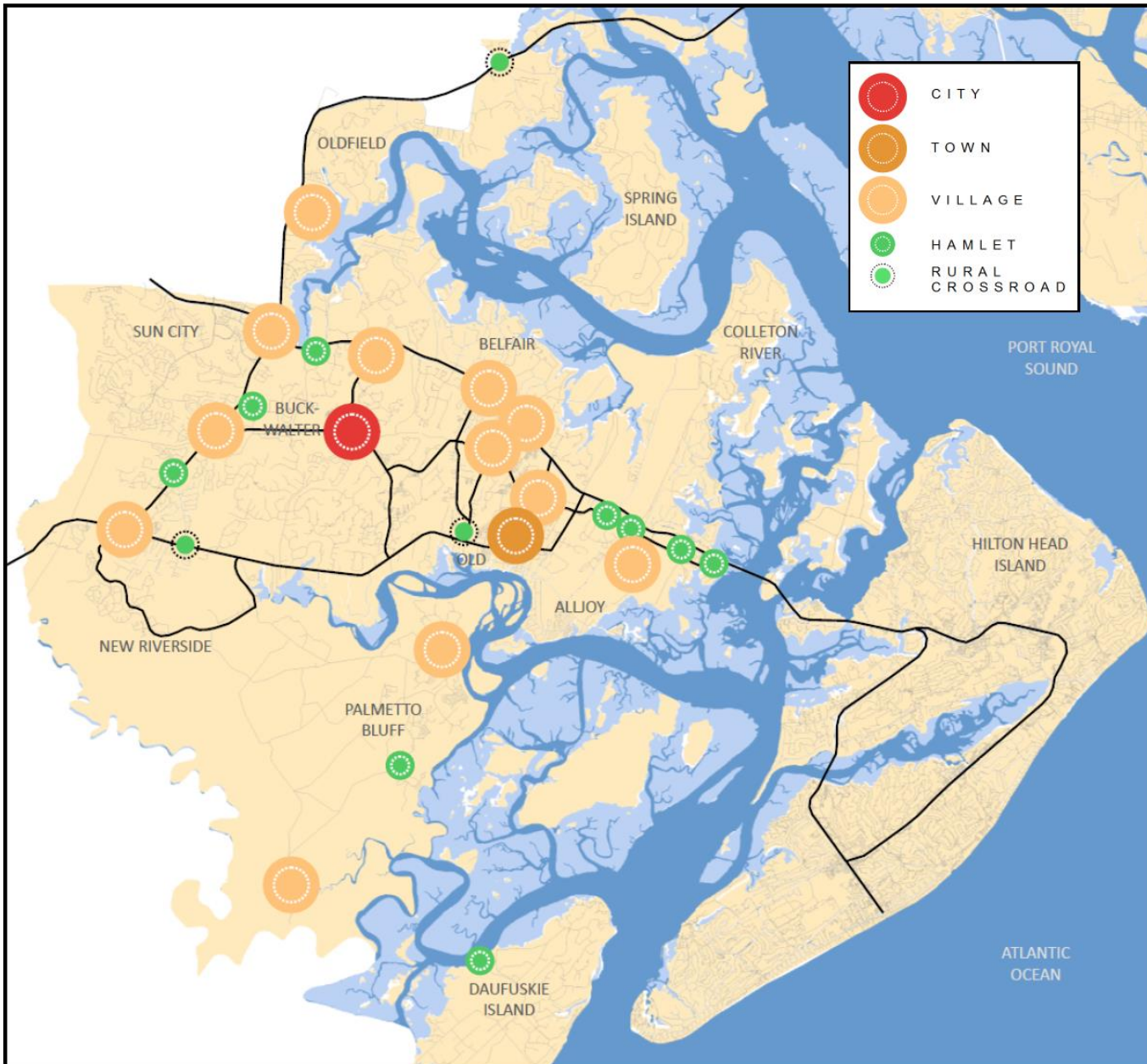
Members of Beaufort County Council expressed concern that some of the place types may be promoting too much residential and commercial development, having the potential to overload the road network and negatively impact existing neighborhoods. County Council held two workshops (January 25 and February 26) earlier this year to conduct an in-depth analysis of land use policy in southern Beaufort County. At the March 19 Natural Resources Committee meeting, the Committee discussed the following changes to the Place Type Map:

- Remove the Hamlet that corresponds with the Buckingham Landing Community.
- Evaluate the appropriateness of the Village Place Type at Hilton Head National.

Recommendation: Community Development Staff analyzed the two discussion items from the Natural Resource Committee and has the following recommendations:

- Remove the Hamlet Place Type from the Buckingham Landing Community: The Buckingham Landing Community has many qualities that make it a good candidate to develop into a mixed-use walkable neighborhood, specifically its gridded street network and water front location. However, the neighborhood has poor access, it is very low in elevation, and its residents have expressed a desire to preserve it as a single family neighborhood. For these reasons, Community Development Staff supports removing this place type from the Comprehensive Plan
- Change the place type at Bluffton Parkway and Malphrus Road from Village to Hamlet: During the review of the Hilton Head National development, many members of the public expressed concern about the magnitude and intensity of development that the village place type could potentially yield. In addition, the Hilton Head National development had the potential to create the need for \$12.6 million in offsite transportation improvements. Therefore, Community Development staff recommends changing the village to a hamlet place type.
- Amend pages P-10 and P-11 of the Preamble to the Community Development Code to match the revised maps from the Comprehensive Plan.

Proposed Amendments: See attached.

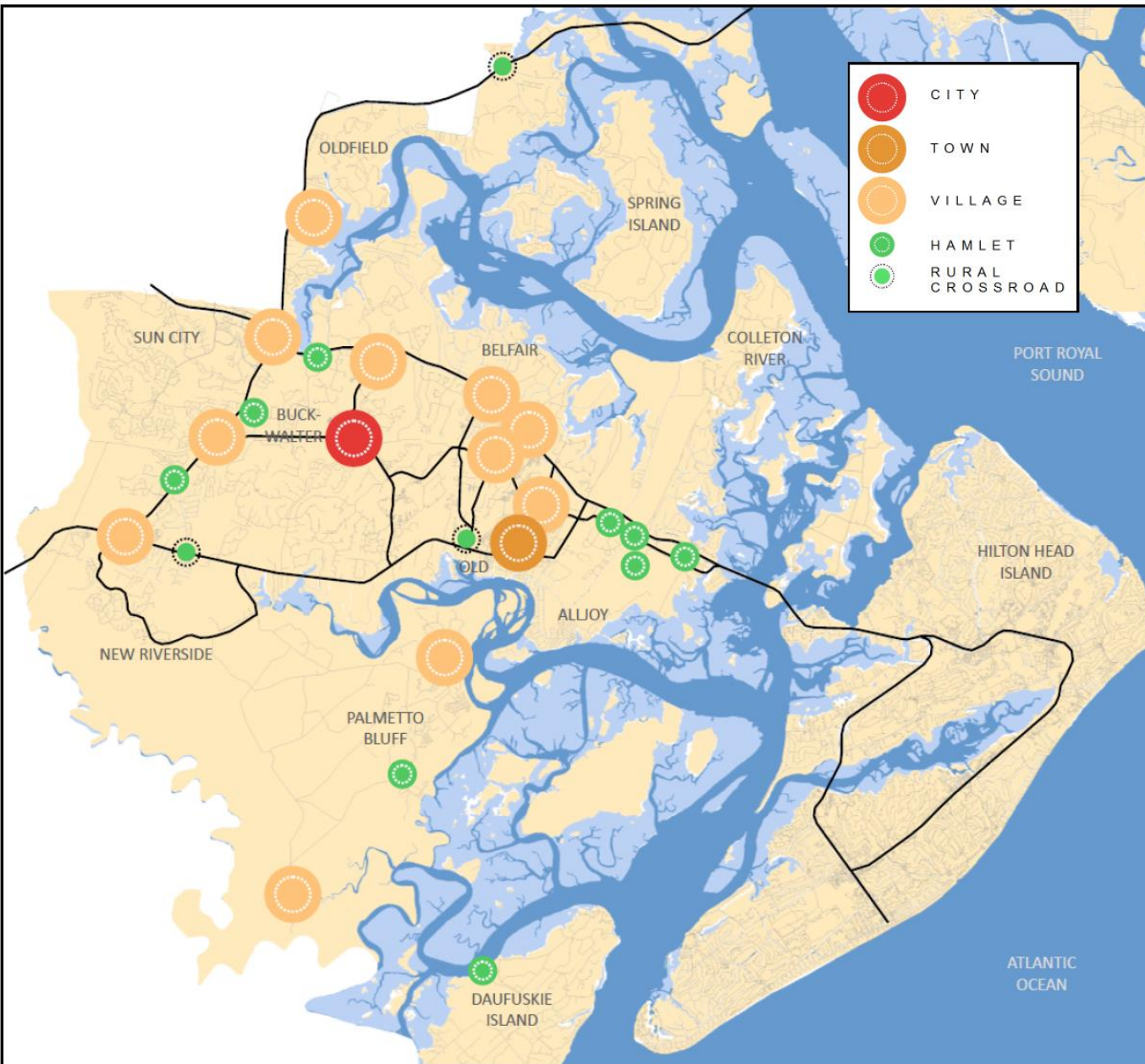


Chapter
4
Land Use

**Map 4-9:
Place Type
Overlay**
Southern
Beaufort County



2010 Beaufort County
Comprehensive Plan

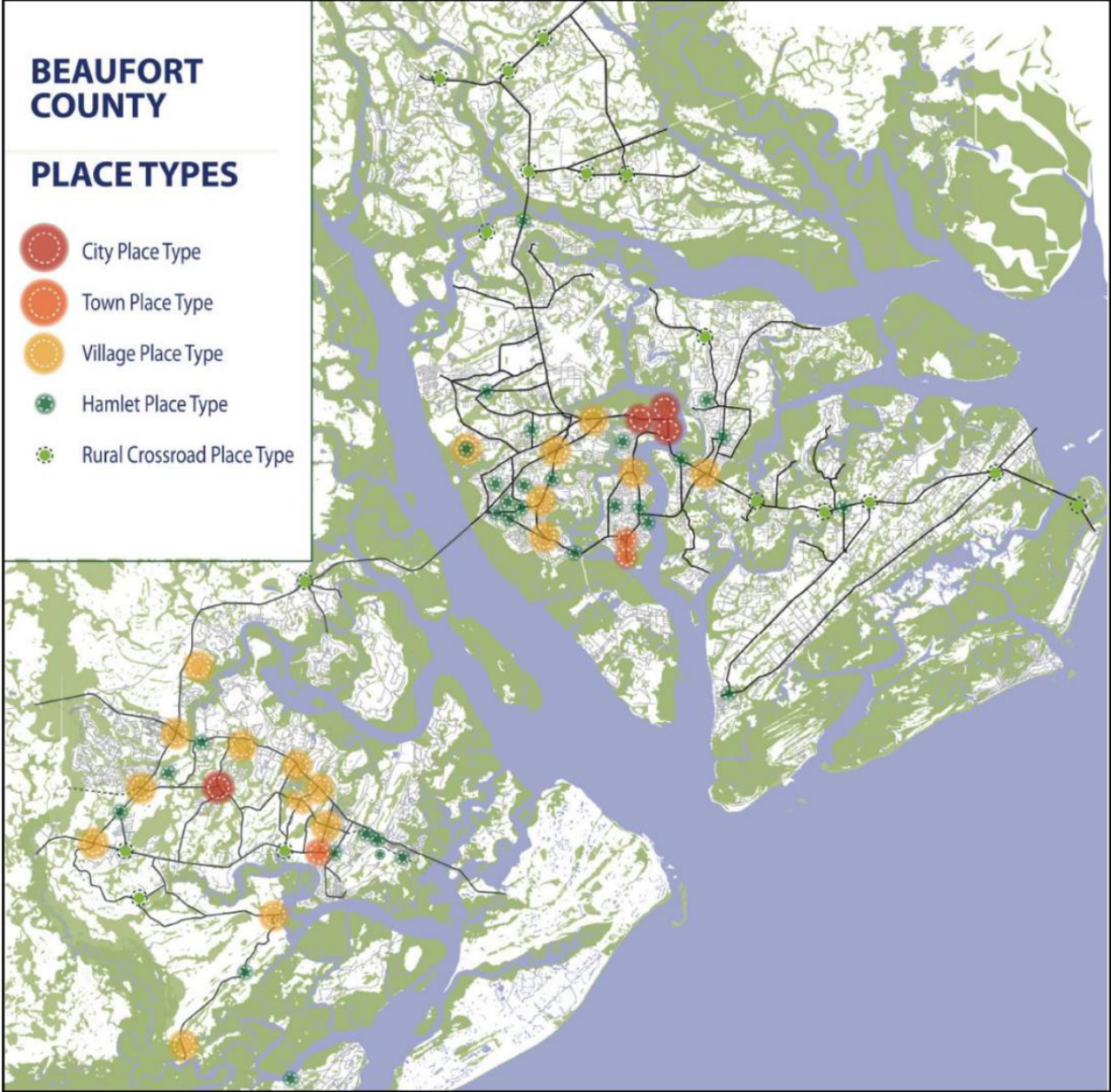


Chapter
4
Land Use

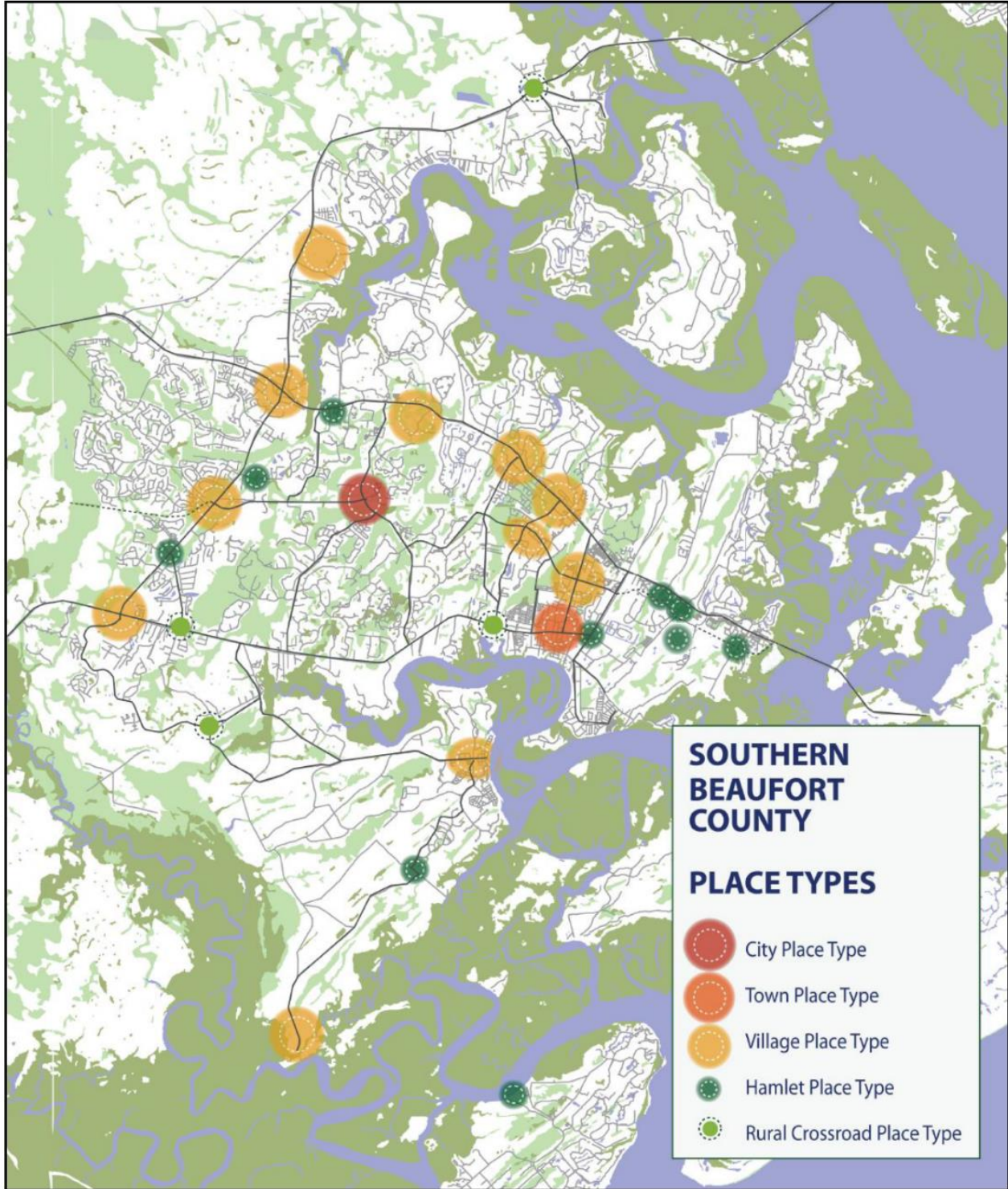
**Map 4-9:
Place Type
Overlay**
Southern
Beaufort County



2010 Beaufort County
Comprehensive Plan



Places in Beaufort County





MEMORANDUM

To: Beaufort County Planning Commission
From: Robert Merchant, Deputy Community Development Director
Date: June 4, 2018
Subject: Amendment to Chapter 4 (Future Land Use) of the Beaufort County Comprehensive Plan, Map 4-9 Place Type Overlay District – Southern Beaufort County
--AND--
Amendment to the Preamble to the Community Development Code (pages P-10 and P-11)

Summary of the Proposed Amendment to the Comprehensive Plan: The Future Land Use chapter of the Comprehensive Plan contains a special land use designation called the Place Type Overlay. The purpose of the Place Type Overlay is to identify locations in the County to promote appropriately scaled walkable environments with a mix of housing, civic, retail, and service choices. The overlay establishes five place types going from the most rural to the most urban – rural crossroad, hamlet, village, town, and city (the Town and City Place Types are directed into the municipalities). The Beaufort County Community Development Code assists in the implementation of these place types through the use of the Transect Zones found in Article 3 of the code.

Members of Beaufort County Council expressed concern that some of the place types may be promoting too much residential and commercial development, having the potential to overload the road network and negatively impact existing neighborhoods. County Council held two workshops (January 25 and February 26) earlier this year to conduct an in-depth analysis of land use policy in southern Beaufort County. At the March 19 Natural Resources Committee meeting, the Committee discussed the following changes to the Place Type Map:

- Remove the Hamlet that corresponds with the Buckingham Landing Community.
- Evaluate the appropriateness of the Village Place Type at Hilton Head National.

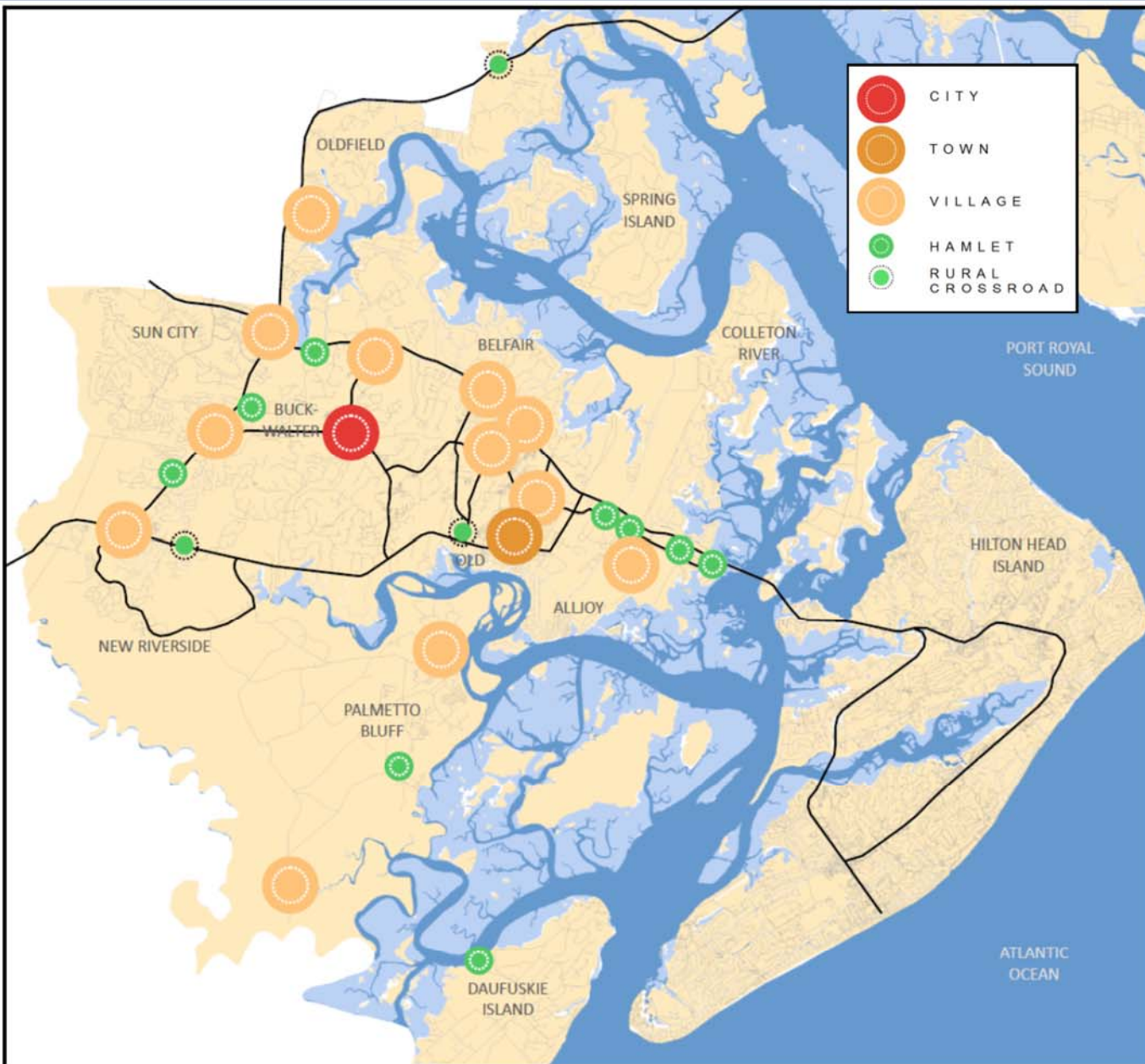
Recommendation: Community Development Staff analyzed the two discussion items from the Natural Resource Committee and has the following recommendations:

- Remove the Hamlet Place Type from the Buckingham Landing Community: The Buckingham Landing Community has many qualities that make it a good candidate to develop into a mixed-use walkable neighborhood, specifically its gridded street network and water front location. However, the neighborhood has poor access, it is very low in elevation, and its residents have expressed a desire to preserve it as a single family

neighborhood. For these reasons, Community Development Staff supports removing this place type from the Comprehensive Plan

- Change the place type at Bluffton Parkway and Malphrus Road from Village to Hamlet: During the review of the Hilton Head National development, many members of the public expressed concern about the magnitude and intensity of development that the village place type could potentially yield. In addition, the Hilton Head National development had the potential to create the need for \$12.6 million in offsite transportation improvements. Therefore, Community Development staff recommends changing the village to a hamlet place type.
- Amend pages P-10 and P-11 of the Preamble to the Community Development Code to match the revised maps from the Comprehensive Plan.

Proposed Amendments: See attached.



Chapter
4
Land Use

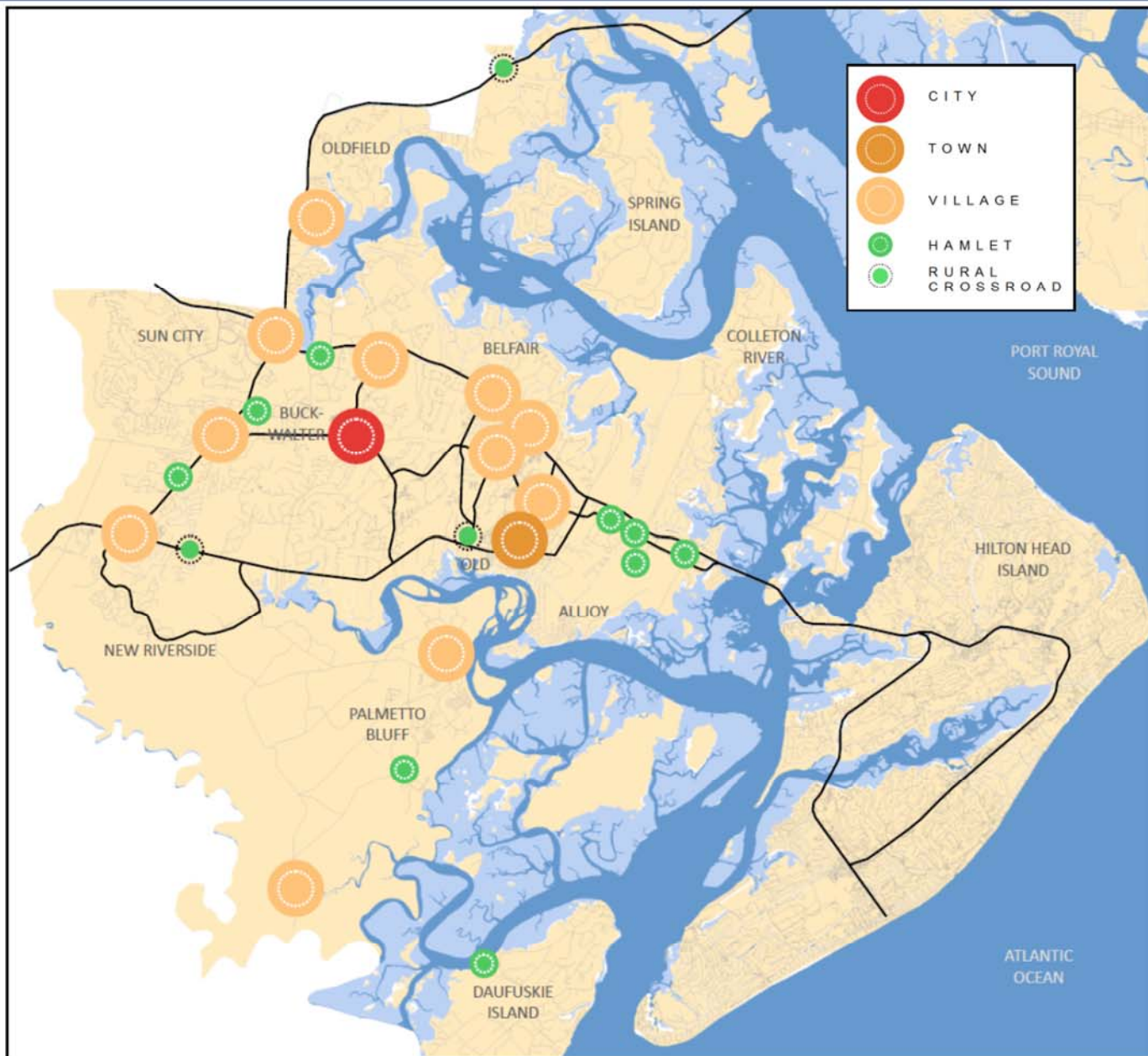
**Map 4-9:
Place Type
Overlay**
Southern
Beaufort County



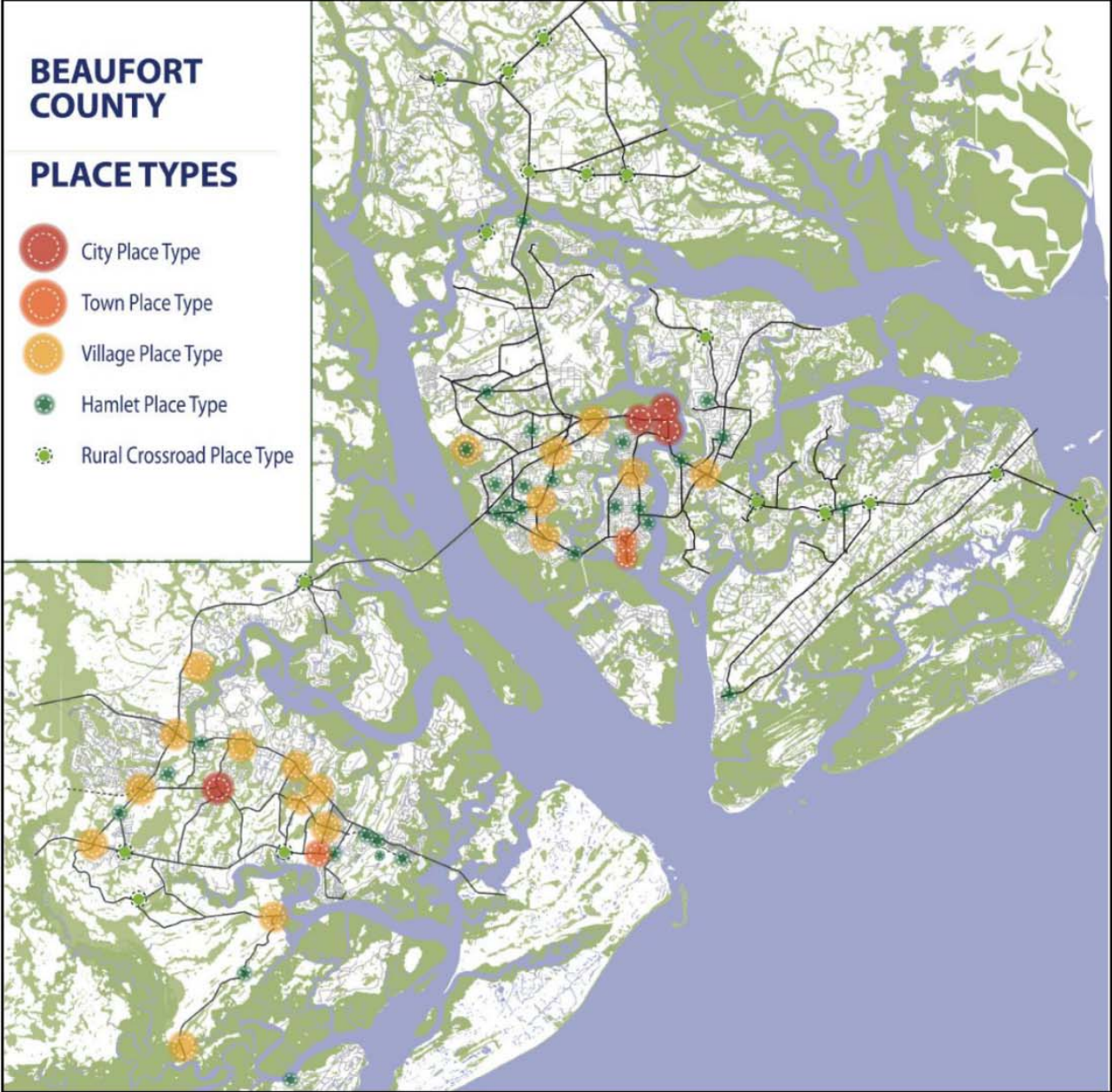
2010 Beaufort County
Comprehensive Plan

Chapter
4
Land Use

Map 4-9:
Place Type
Overlay
Southern
Beaufort County



2010 Beaufort County
Comprehensive Plan



Places in Beaufort County

