

COUNTY COUNCIL OF BEAUFORT COUNTY
 ADMINISTRATION BUILDING
 BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX
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D. PAUL SOMMERVILLE
 CHAIRMAN

GERALD W. STEWART
 VICE CHAIRMAN

COUNCIL MEMBERS

CYNTHIA M. BENSCH
 RICK CAPORALE
 GERALD DAWSON
 BRIAN E. FLEWELLING
 STEVEN G. FOBES
 ALICE G. HOWARD
 WILLIAM L. MCBRIDE
 STEWART H. RODMAN
 ROBERTS "TABOR" VAUX

GARY T. KUBIC
 COUNTY ADMINISTRATOR

JOSHUA A. GRUBER
 DEPUTY COUNTY ADMINISTRATOR
 SPECIAL COUNSEL

THOMAS J. KEAVENY, II
 COUNTY ATTORNEY

SUZANNE M. RAINEY
 CLERK TO COUNCIL

AGENDA
COUNTY COUNCIL OF BEAUFORT COUNTY

Monday, November 9, 2015

5:00 p.m.

Council Chambers, Administration Building
 Beaufort County Government Robert Smalls Complex
 100 Ribaut Road, Beaufort

Citizens may participate in the public comment periods and public hearings from telecast sites at Hilton Head Island Branch Library as well as Mary Field School, Daufuskie Island.

1. CALL TO ORDER - 5:00 P.M.
2. REGULAR MEETING
3. PLEDGE OF ALLEGIANCE
4. INVOCATION - Councilman Roberts "Tabor" Vaux
5. ADMINISTRATIVE CONSENT AGENDA
 - A. Approval of Minutes – October 26, 2015 [caucus](#) and October 26, 2015 [regular](#)
 - B. Committee Reports (next meeting)
 1. Community Services (November 30 at 2:00 p.m., ECR)
 - a. Minutes – October 26, 2015 ([backup](#))
 2. Executive (December 14 at 2:00 p.m., ECR)
 - a. Minutes – October 12, 2015 ([backup](#))
 3. Finance (November 16 at 2:00 p.m., BIV #3)
 - a. Minutes – October 19, 2015 ([backup](#))
 4. Governmental (December 7 at 4:00 p.m., ECR)
 5. Natural Resources (December 7 at 2:00 p.m., ECR)
 - a. Minutes – November 2, 2015 ([backup](#))
 6. Public Facilities (November 16 at 4:00 p.m., BIV #3)
 - C. Appointments to Boards and Commissions ([backup](#))
6. PROCLAMATION
 - A. Penn Center Heritage Days Celebration Week ([backup](#))
 Dr. Rodell Lawrence, Executive Director, Penn Center
7. INTRODUCTIONS
 - A. Gary James, County Assessor
 - B. Andrea Atherton, Construction Manager



8. PUBLIC COMMENT – Speaker sign-up encouraged no later than 4:45 p.m. day of the meeting.

9. CONSENT AGENDA

A. AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN EASEMENT ENCUMBERING PROPERTY OWNED BY BEAUFORT COUNTY, SOUTH CAROLINA (S.C. HIGHWAY 170 UTILITY EASEMENT FOR PALMETTO ELECTRIC COOPERATIVE, INC.) ([backup](#))

1. Consideration of second reading to occur November 9, 2015
2. Public hearing announcement – Monday, November 30, 2015 beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort
3. First reading approval occurred October 26, 2015 / Vote 10:0
4. Public Facilities Committee discussion and recommendation to grant a ten-foot utility easement to Palmetto Electric Cooperative, Inc. for the underground cables located on parcel R600 029 000 0126 000. Committee action occurred October 19, 2015 / Vote 7:0

B. TEXT AMENDMENT TO COMMUNITY DEVELOPMENT CODE (CDC) TABLE 3.1.60 CONSOLIDATED USE TABLE—OFFICES & SERVICES, #17. RESIDENTIAL STORAGE FACILITY, ADDING “C” (PERMITTED USE WITH CONDITIONS) TO T4-HC (HAMLET CENTER) ([backup](#))

1. Consideration of first reading to occur November 9, 2015
2. Natural Resources Committee discussion and recommendation to approve ordinance on first reading occurred November 2, 2015 / Vote 6:0

C. A RESOLUTION TO COMMISSION ANIMAL SERVICE OFFICER TO ENFORCE BEAUFORT COUNTY ANIMAL ORDINANCES FOR BEAUFORT COUNTY PURSUANT TO THE AUTHORITY GRANTED IN SECTION 4-9-145 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976 AS AMENDED ([backup](#))

1. Executive Committee discussion to occur November 9, 2015 beginning at 2:00 p.m. in the Executive Conference Room of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort

10. PUBLIC HEARINGS

A. TEXT AMENDMENTS TO THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE (CDC), ARTICLES 2, 3, 4, 5, 6, 7, AND 10 (TRANSECT ZONE AMENDMENTS; SIGN AMENDMENTS, DIVISION 5.6; USE AMENDMENTS: USE TABLE, SECTION 3.1.60, LAND USE DEFINITION TABLE, SECTION 3.1.70, AND SPECIFIC TO THE USE STANDARDS, DIVISION 4.1; CORRECTIONS, CLARIFICATIONS AND PROVISIONS FROM THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE) ([backup](#))

1. Consideration of third and final reading to occur November 9, 2015
2. Second reading approval occurred October 26, 2015 / Vote 10:0
3. First reading approval occurred October 12, 2015 / 10:0
4. Natural Resources Committee discussion and recommendation to approve ordinance on first reading occurred October 5, 2015 / Vote 6:0

B. TEXT AMENDMENTS TO THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE (CDC), SECTION 3.2.100.E (T4 HAMLET CENTER) AND SECTION 3.3.30.C (NEIGHBORHOOD MIX-USE (C3) ZONE) TO ESTABLISH A HEIGHT LIMIT OF 35 FEET FOR INSTITUTIONAL BUILDINGS ([backup](#))

1. Consideration of third and final reading to occur November 9, 2015
2. Second reading approval occurred October 26, 2015 / Vote 10:0
3. First reading approval occurred October 12, 2015 / 10:0
4. Natural Resources Committee discussion and recommendation to approve ordinance on first reading occurred October 5, 2015 / Vote 6:0

C. LADY'S ISLAND ZONING MAP AMENDMENT FOR R200 015 000 0165 0000, R200 015 000 0721 0000, R200 015 000 0820 0000, R200 015 000 0866 0000, R200 015 000 0867 0000, R200 015 000 0868 0000, R200 015 000 0869 0000, R200 015 000 0870 0000, R200 015 000 0871 0000, R200 015 000 0872 0000, R200 015 000 0873 0000, R200 015 000 0874 0000, R200 015 000 0875 0000 (13 PARCELS TOTALING 8.75 ACRES, SOUTH SIDE OF SEA ISLAND PARKWAY BETWEEN LADY'S ISLAND COMMONS AND YOUMANS ROAD) FROM T4-HC (HAMLET CENTER) TO T4-HCO (HAMLET CENTER OPEN) ([backup](#))

1. Consideration of third and final reading to occur November 9, 2015
2. Second reading approval occurred October 26, 2015 / Vote 10:0
3. First reading approval occurred October 12, 2015 / 10:0
4. Natural Resources Committee discussion and recommendation to approve ordinance on first reading occurred October 5, 2015 / Vote 6:0

D. LADY'S ISLAND ZONING MAP AMENDMENT FOR R200 015 000 111G 0000, R200 015 000 0114 0000, R200 015 000 114B 0000, R200 015 000 114C 0000, R200 015 000 114D 0000, AND R200 015 000 0638 0000 – NORTH OF SEA ISLAND PARKWAY; R200 018 00A 0147 0000, R200 018 00A 0148 0000, R200 018 00A 0149 0000, R200 018 00A 0150 0000, R200 018 00A 0161 0000, R200 018 00A 0162 0000, R200 018 00A 0163 0000, R200 018 00A 0192 0000, R200 018 00A 0193 0000, AND R200 018 00A 0248 0000 – SOUTH OF SEA ISLAND PARKWAY (16 PARCELS TOTALING 19 ACRES, NORTH AND SOUTH SEA ISLAND PARKWAY BETWEEN GAY DRIVE AND DOW ROAD) FROM T3-N (NEIGHBORHOOD) AND T3-HN (HAMLET NEIGHBORHOOD) TO T4-NC (NEIGHBORHOOD CENTER) AND T4-HCO (HAMLET CENTER OPEN) ([backup](#))

1. Consideration of third and final reading to occur November 9, 2015
2. Second reading approval occurred October 26, 2015 / 10:0
3. First reading approval occurred October 12, 2015 / 10:0
4. Natural Resources Committee discussion and recommendation to approve ordinance on first reading occurred October 5, 2015 / Vote 6:0

11. MATTERS ARISING OUT OF EXECUTIVE SESSION

12. PUBLIC COMMENT - Speaker sign-up encouraged.

13. ADJOURNMENT

Official Proceedings
County Council of Beaufort County
October 26, 2015

The electronic and print media duly notified in
accordance with the State Freedom of Information Act.

A caucus of the County Council of Beaufort County was held Monday, October 26, 2015 beginning at 4:00 p.m. in the large meeting room of the Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina.

ATTENDANCE

Chairman D. Paul Sommerville, Vice Chairman Gerald Stewart and Councilmen Cynthia Bensch, Rick Caporale, Gerald Dawson, Brian Flewelling, Steven Fobes, Alice Howard, Stewart Rodman and Roberts "Tabor" Vaux. William McBride absent.

RECEIPT OF COUNTY ADMINISTRATOR'S TWO-WEEK PROGRESS REPORT

Mr. Gary Kubic, County Administrator, presented his Two-Week Progress Report, which summarized his activities from October 12, 2015 through October 23, 2015.

RECEIPT OF DEPUTY COUNTY ADMINISTRATOR / SPECIAL COUNSEL'S TWO-WEEK PROGRESS REPORT

Mr. Joshua Gruber, Deputy County Administrator / Special Counsel, presented his Two-Week Progress Report, which summarized his activities from October 12, 2015 through October 23, 2015.

DISCUSSION ITEMS

Mr. Rodman offered his thoughts on Council's meeting start time, thereby making meetings more convenient for the public and not on any external pressure. He recommended the following schedule: executive session beginning at 5:00 p.m., caucus 5:30 p.m., regular 6:00 p.m., public hearings 7:00 p.m., and an 8:00 p.m. adjournment, unless extended.

Mr. Rodman commented on agenda item 10, an ordinance to amend the Beaufort County Ordinance number 2006-24 so as to provide for a discounted impact fee schedule for qualified affordable housing developments.

ADJOURNMENT

Council adjourned at 5:00 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

ATTEST:

Suzanne M. Rainey, Clerk to Council

Ratified:

DRAFT

Official Proceedings
County Council of Beaufort County
October 26, 2015

The electronic and print media duly notified in accordance with the State Freedom of Information Act.

The regular meeting of the County Council of Beaufort County was held Monday, October 26, 2015 beginning at 5:00 p.m. in the large meeting room of the Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina.

ATTENDANCE

Chairman D. Paul Sommerville, Vice Chairman Gerald Stewart and Councilmen Cynthia Bensch, Rick Caporale, Gerald Dawson, Brian Flewelling, Steven Fobes, Alice Howard, Stewart Rodman and Roberts "Tabor" Vaux. William McBride absent.

PLEDGE OF ALLEGIANCE

The Chairman led those present in the Pledge of Allegiance.

INVOCATION

Councilman Stu Rodman gave the Invocation.

The Chairman passed the gavel to the Vice Chairman in order to receive the Administrative Consent Agenda.

ADMINISTRATIVE CONSENT AGENDA

Review of the Proceedings of the Caucus held October 12, 2015

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council approve the minutes of the caucus held October 12, 2015. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mr. Flewelling, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Mr. McBride. The motion passed.

Review of the Proceedings of the Regular Meeting held October 12, 2015

This item comes before Council under the Administrative Consent Agenda.

It was moved by Mr. Flewelling, seconded by Mr. Dawson, that Council approve the minutes of the regular meeting held October 12, 2015. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mr. Flewelling, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Mr. McBride. The motion passed.

Committee Reports

Community Services Committee

Disabilities and Special Needs Board

Mr. Dawson, as Vice Chairman of the Community Services Committee nominated Mr. Caleb Brown to serve as a member of the Disabilities and Special Needs Board.

Mr. Stewart nominated Mrs. Ann Hamilton to serve as a member of the Disabilities and Special Needs Board.

Public Facilities Committee

County Transportation Committee

Mr. Dawson, as Chairman of the Public Facilities Committee, nominated Mr. Joe DeVito, representing Council District 4; Mr. Kraig Gordon, representing Council District 8; and Mr. Steve Wilson, representing Council District 11, to serve as members of the County Transportation Committee.

The Vice Chairman passed the gavel back to the Chairman in order to continue the meeting.

ANNOUNCEMENT / MS. JULIE BASCOM, RECIPIENT, 2015 PEGGY PARISH AWARD

The Chairman announced that Ms. Julie Bascom, Youth Services Manager for the Hilton Head Island Branch Library, received the 2015 Peggy Parish Award, which honors those who have made a personal impact that increases child literacy in South Carolina. The award was presented at the ninth annual School of Library and Information Science Literacy Leaders Awards event held September 8, 2015.

BOARD AND COMMISSION MEMBERS' PUBLIC SERVICE RECOGNITION

The Chairman recognized 26 individuals for their public service to County government: Jennifer Kovacs, Accommodations Tax (2%) State Board; Ronald Smetek, Airports Board; K. Z. Najaka, Alcohol and Drug Abuse Board; Ray Spellerberg, Alcohol and Drug Abuse Board; Terrence Reynolds, Bluffton Fire District Board; Thomas Dickinson, Daufuskie Island Fire District Board; Robert Collar, Disabilities and Special Needs Board; Dewayne Frederick, Disabilities and Special Needs Board; Jean Morgan, Library Board; Maureen Richards, Historic Preservation Review Board; David Tigges, Lowcountry Economic Alliance; John Michael Brock, Northern Corridor Review Board; Peter Brower, Northern Corridor Review Board; John R. Thomas, Planning Commission; James Livingston, Rural and Critical Lands Board; Ernest Marchetti, Rural and Critical Lands Board; Stephen G. Riley, Rural and Critical Lands Board, James C. Atkins, Southern Corridor Review Board; Sam Britt, Southern Corridor Review Board; Joseph K. Hall, Southern Corridor Review Board; Daniel Ogden, Southern Corridor Review Board; Ed Pinckney, Southern Corridor Review Board; Pearce Scott, Southern Corridor Review Board; Robert Arundell, Tax Equalization Board; Gloria Criscuolo, Tax Equalization Board; and Scott Kleinert, Tax Equalization Board.

PUBLIC COMMENT

The Chairman recognized Mr. Barry Johnson, legal counsel for the Graves Family, who asked Council to rezone Pepper Hall Plantation, as the Planning Commission has recommended with the development agreement encompassing the items that you have agreed to.

Mr. Edward McNair, a resident of Beaufort County, stated it is time to change the zoning of Pepper Hall Plantation in favor of the Graves Family.

Mr. Robert Graves, owner of Pepper Hall Plantation, asked Council to rezone Pepper Hall Plantation as recommended by the Planning Commission.

Mr. Claude McLeod, a resident of Seabrook, urged Council to grant Mr. Graves his zoning change.

AN ORDINANCE TO AMEND THE BEAUFORT COUNTY ORDINANCE NUMBER 2006-24 SO AS TO PROVIDE FOR A DISCOUNTED IMPACT FEE SCHEDULE FOR QUALIFIED AFFORDABLE HOUSING DEVELOPMENTS

It was moved by Mr. Rodman, as Chairman of the Governmental Committee (no second required), that Council approve on third and final reading an ordinance to amend the Beaufort County Ordinance Number 2006-24 so as to provide for a discounted impact fee schedule for qualified affordable housing developments. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mr. Flewelling, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Mr. McBride. The motion passed.

TEXT AMENDMENTS TO THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE (CDC), ARTICLES 2, 3, 4, 5, 6, 7 AND 10 (TRANSECT ZONE AMENDMENTS; SIGN AMENDMENTS, DIVISION 5.6; USE AMENDMENTS: USE TABLE, SECTION 3.1.60, LAND USE DEFINITION TABLE, SECTION 3.1.70, AND SPECIFIC TO THE USE STANDARDS, DIVISION 4.1; CORRECTIONS, CLARIFICATIONS AND PROVISIONS FROM THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE)

This item comes before Council under the Consent Agenda. Discussion occurred at the October 5, 2015 meeting of the Natural Resources Committee.

It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Council approve on second reading text amendments to the Beaufort County Community Development Code (CDC), Articles 2, 3, 4, 5, 6, 7 and 10 (Transect Zone Amendments; Sign Amendments, Division 5.6; Use Amendments: Use Table, Section 3.1.60, Land Use Definition Table, Section 3.1.70, and Specific to the Use Standards, Division 4.1; Corrections, Clarifications and Provisions from the Zoning and Development Standards Ordinance). The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mr. Flewelling, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Mr. McBride. The motion passed.

The Chairman announced a public hearing on Monday, November 9, 2015 beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort.

TEXT AMENDMENTS TO THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE (CDC), SECTION 3.2.100.E (T4 HAMLET CENTER) AND SECTION 3.3.30.C (NEIGHBORHOOD MIX-USE (C3) ZONE) TO ESTABLISH A HEIGHT LIMIT OF 35 FEET FOR INSTITUTIONAL BUILDINGS

This item comes before Council under the Consent Agenda. Discussion occurred at the October 5, 2015 meeting of the Natural Resources Committee.

It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Council approve on second reading text amendments to Section 3.2.100.E (T4 Hamlet Center) and Section 3.3.30C, (Neighborhood Mix-Use (C3) Zone) to establish a height limit of 35 feet for institutional buildings. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mr. Flewelling, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Mr. McBride. The motion passed.

The Chairman announced a public hearing on Monday, November 9, 2015 beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort.

LADY’S ISLAND ZONING MAP AMENDMENT FOR R200 015 000 0165 0000, R200 015 000 0721 0000, R200 015 000 0820 0000, R200 015 000 0866 0000, R200 015 000 0867 0000, R200 015 000 0868 0000, R200 015 000 0869 0000, R200 015 000 0870 0000, R200 015 000 0871 0000, R200 015 000 0872 0000, R200 015 000 0873 0000, R200 015 000 0874 0000, R200 015 000 0875 0000 (13 PARCELS TOTALING 8.75 ACRES, SOUTH SIDE OF SEA ISLAND PARKWAY BETWEEN LADY’S ISLAND COMMONS AND YOUMANS ROAD) FROM T4-HC (HAMLET CENTER) TO T4-HCO (HAMLET CENTER OPEN)

This item comes before Council under the Consent Agenda. Discussion occurred at the October 5, 2015 meeting of the Natural Resources Committee.

It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Council approve on second reading a Lady’s Island Zoning Map amendment for R200 015 000 0165 0000, R200 015 000 0721 0000, R200 015 000 0820 0000, R200 015 000 0866 0000, R200 015 000 0867 0000, R200 015 000 0868 0000, R200 015 000 0869 0000, R200 015 000 0870 0000, R200 015 000 0871 0000, R200 015 000 0872 0000, R200 015 000 0873 0000, R200 015 000 0874 0000, R200 015 000 0875 0000 (13 parcels totaling 8.75 acres, south side of Sea Island Parkway between Lady’s Island Commons and Youmans Road) from T4-HC (Hamlet Center) to T4-HCO (Hamlet Center Open). The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mr. Flewelling, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Mr. McBride. The motion passed.

The Chairman announced a public hearing on Monday, November 9, 2015 beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort.

LADY’S ISLAND ZONING MAP AMENDMENT FOR R200 015 000 111G 0000, R200 015 000 0114 0000, R200 015 000 114B 0000, R200 015 000 114C 0000, R200 015 000 114D 0000, AND R200 015 000 0638 0000 – NORTH OF SEA ISLAND PARKWAY; R200 018 00A 0147 0000, R200 018 00A 0148 0000, R200 018 00A 0149 0000, R200 018 00A 0150 0000, R200 018 00A 0161 0000, R200 018 00A 0162 0000, R200 018 00A 0163 0000, R200 018 00A 0192 0000, R200 018 00A 0193 0000, AND R200 018 00A 0248 0000 – SOUTH OF SEA ISLAND PARKWAY (16 PARCELS TOTALING 19 ACRES, NORTH AND SOUTH SEA ISLAND PARKWAY BETWEEN GAY DRIVE AND DOW ROAD) FROM T3-N (NEIGHBORHOOD) AND T3-HN (HAMLET NEIGHBORHOOD) TO T4-NC (NEIGHBORHOOD CENTER) AND T4-HCO (HAMLET CENTER OPEN)

This item comes before Council under the Consent Agenda. Discussion occurred at the October 5, 2015 meeting of the Natural Resources Committee.

It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Council approve on second reading a Lady’s Island Zoning Map amendment for R200 015 000 111G 0000, R200 015 000 0114 0000, R200 015 000 114B 0000, R200 015 000 114C 0000, R200 015 000 114D 0000, and R200 015 000 0638 0000 – North of Sea Island Parkway; R200 018 00A 0147 0000, R200 018 00A 0148 0000, R200 018 00A 0149 0000, R200 018 00A 0150 0000, R200 018 00A 0161

0000, R200 018 00A 0162 0000, R200 018 00A 0163 0000, R200 018 00A 0192 0000, R200 018 00A 0193 0000, and R200 018 00A 0248 0000 – south of Sea Island Parkway (16 parcels totaling 19 acres, north and south Sea Island Parkway between Gay Drive and Dow Road) from T3-N (Neighborhood) and T3-HN (Hamlet Neighborhood) to T4-NC (Neighborhood Center) and T4-HCO (Hamlet Center Open). The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mr. Flewelling, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Mr. McBride. The motion passed.

The Chairman announced a public hearing on Monday, November 9, 2015 beginning at 6:00 p.m. in Council Chambers of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort.

STATE (2%) ACCOMMODATIONS TAX BOARD FISCAL YEAR 2016 GRANT RECOMMENDATIONS TO TOURISM-RELATED ORGANIZATIONS IN THE CUMULATIVE AMOUNT OF \$500,500

This item comes before Council under the Consent Agenda. Discussion occurred at the October 19, 2015 meeting of the Finance Committee.

It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Council appropriate \$500,500 in accommodations tax (2% state) grant funds to 33 tourism-related organizations: Arts Center of Coastal Carolina \$11,250; Beaufort County Black Chamber of Commerce \$75,000; Beaufort Regional Chamber of Commerce \$75,000; Beaufort Film Society \$17,500; Beaufort History Museum \$10,000; Beaufort County Historical Society \$5,000; Bluffton Historical Preservation Society \$20,000; Coastal Discovery Museum \$20,000; Daufuskie Island Foundation \$6,000; Daufuskie Island Historical Foundation \$1,500; Exchange Club of Beaufort/CAPA \$500; Friends of Fort Fremont \$5,000; Gullah Festival, Inc. \$15,000; Heritage Library \$1,000; Hilton Head Island Choral Society \$3,000; Hilton Head Island Concours D'Elegance \$25,000; Hilton Head Food & Wine Festival \$2,000; Hilton Head Island Symphony Orchestra \$5,000; Hilton Head Island/Bluffton Chamber of Commerce \$20,000; Historic Beaufort Foundation \$3,500; Historic Bluffton Arts & Seafood Festival \$10,000; Lowcountry Golf Club Owners Association \$10,000; Main Street, USA \$20,000; Mitchelville Preservation Project \$25,000; My Medians Matter \$1,000; Native Island Business and Community Affairs Association \$20,000; Gullah Museum \$15,000; Penn Center \$30,000; Port Royal Sound Foundation \$3,750; Sandalwood Community Food Pantry \$500; The Sandbox \$2,000; Santa Elena Foundation \$10,000; and S.C. Lowcountry and Resort Tourism Commission \$32,000. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mr. Flewelling, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Mr. McBride. The motion passed.

A RESOLUTION AUTHORIZING THE PURCHASE OF FIDELITY BOND COVERING COUNTY OFFICIALS AND EMPLOYEES WHO ARE STATUTORILY REQUIRED TO BE BONDED

This item comes before Council under the Consent Agenda. Discussion occurred at the October 19, 2015 meeting of the Finance Committee.

It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Council adopt a resolution to authorize the purchase of a fidelity bond covering County officials and employees who are statutorily required to be bonded. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mr. Flewelling, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Mr. McBride. The motion passed.

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN EASEMENT ENCUMBERING PROPERTY OWNED BY BEAUFORT COUNTY, SOUTH CAROLINA (S.C. HIGHWAY 170 UTILITY EASEMENT FOR PALMETTO ELECTRIC COOPERATIVE, INC.)

This item comes before Council under the Consent Agenda. Discussion occurred at the October 19, 2015 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Council approve on first reading an ordinance to authorize the execution and delivery of a ten-foot utility easement to Palmetto Electric Cooperative, Inc. for the underground cables located on parcel R600 029 0000 0126 0000. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mr. Flewelling, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Mr. McBride. The motion passed.

PALMETTO ELECTRIC COOPERATIVE, INC. UTILITY RELOCATION FOR S.C. HIGHWAY 170 WIDENING

This item comes before Council under the Consent Agenda. Discussion occurred at the October 19, 2015 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Council authorize payment of the final Palmetto Electric Cooperative, Inc. relocation invoices in the amount of \$790,265.46 for the S.C. Highway 170 Widening Project. The source of funding is S.C. Highway 170 Widening Sales Tax Project Account #4701000014-54500. All utility relocation expenditures are reimbursable from the South Carolina State Infrastructure Bank Grant for this project in the amount of \$24.9 million. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mr. Flewelling, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Mr. McBride. The motion passed.

BLUFFTON PARKWAY 5A SEGMENT 2 ROADWAY AND BRIDGE CONSTRUCTION MANAGEMENT AND ENGINEERING INSPECTION SERVICES CONTRACT AMENDMENT

This item comes before Council under the Consent Agenda. Discussion occurred at the October 19, 2015 meeting of the Public Facilities Committee.

It was moved by Mr. Flewelling, seconded by Mrs. Howard, that Council approve an amendment to F&ME Consultants construction management and inspection services contract in the amount of \$1,060,000 in order to maintain the required construction oversight activities for the Bluffton Parkway Phase 5A Segment 2. The source of funding is Bluffton Parkway Phase 5A Segment 2 Sales Tax Account #47010012-54500 with an available budget balance of \$2,498,090. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mr. Flewelling, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Mr. McBride. The motion passed.

PUBLIC HEARINGS

PEPPER HALL PLANTATION PROPERTY / REQUEST TO CHANGE THE FUTURE LAND USE DESIGNATION AND TO REZONE PORTIONS OF AN ASSEMBLAGE OF 7 PARCELS EQUALING APPROXIMATELY 113 ACRES LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 278 BETWEEN THE OKATIE RIVER AND GRAVES ROAD FROM RURAL WITH TRANSITIONAL OVERLAY (APPROXIMATELY 33 ACRES FRONTING U.S. HIGHWAY 278) AND RURAL (80 ACRES OF THE REMAINDER OF THE PROPERTIES) TO COMMERCIAL REGIONAL (APPROXIMATELY 65 ACRES FRONTING U.S. HIGHWAY 278) AND SUBURBAN (APPROXIMATELY 48 ACRES AT THE REAR OF THE PROPERTIES)

Mr. Vaux recused himself, left the room, and was not present for any of the discussion. His law firm formerly represented the seller on this same matter.

The Chairman opened a public hearing beginning at 6:00 p.m. for the purpose of receiving public comment on the Pepper Hall Plantation property request to change the future land use designation and to rezone portions of an assemblage of 7 parcels equaling approximately 113 acres located on the north side of U.S. Highway 278 between the Okatie River and Graves Road from Rural with Transitional Overlay (approximately 33 acres fronting U.S. Highway 278) and Rural (80 acres of the remainder of the properties) to Commercial Regional (approximately 65 acres fronting U.S. Highway 278) and Suburban (approximately 48 acres at the rear of the properties). After calling once for public comment, the Chairman recognized Mr. Adrian Morris, General Manager and speaking on behalf of the residents and homeowners Berkeley Hall Plantation, who stated Berkeley Hall Plantation is the area most affected by the rezoning. He hopes to continue to be good neighbors with the Graves family and Pepper Hall Plantation, but has no choice but to absolutely object to any sort of change of zoning to commercial or any form of commercial to this piece of property.

After calling twice more for public comment and receiving none, the Chairman declared the hearing closed at 6:03 p.m.

Main motion: It was moved by Mr. Flewelling, as Chairman of the Natural Resources Committee (no second required), that Council deny the request to change the future land use designation and to rezone portions of an assemblage of 7 parcels equaling approximately 113 acres located on the north side of U.S. Highway 278 between the Okatie River and Graves Road from Rural with Transitional Overlay (approximately 33 acres fronting U.S. Highway 278) and Rural (80 acres of the remainder of the properties) to Commercial Regional (approximately 65 acres fronting U.S. Highway 278) and Suburban (approximately 48 acres at the rear of the properties).

Motion to postpone: It was moved by Mr. Rodman, seconded by Mr. Fobes, that Council postpone consideration of this item until its meeting of November 30, 2015.

First vote on the motion to postpone: YEAS – Mr. Caporale, Mr. Fobes, Mr. Rodman and Mr. Stewart. NAYS – Mr. Dawson, Mr. Flewelling, Mrs. Howard and Mr. Sommerville. ABSENT – Mr. McBride. RECUSAL - Mr. Vaux recused himself, left the room, and was not present for any of the discussion. His law firm formerly represented the seller on this same matter. NO VOTE – Mrs. Bensch. The motion failed.

Second vote on the motion to postpone: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Fobes, Mr. Rodman and Mr. Stewart. NAYS – Mr. Dawson, Mr. Flewelling, Mrs. Howard and Mr. Sommerville. ABSENT – Mr. McBride. RECUSAL - Mr. Vaux recused himself, left the room, and was not present for any of the discussion. His law firm formerly represented the seller on this same matter. The motion passed.

AN ORDINANCE TO APPROPRIATE \$64,600 FROM THE LOCAL (3%) ACCOMMODATIONS TAX FUND FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE DAUFUSKIE ISLAND PIER REHABILITATION PROJECT

The Chairman opened a public hearing beginning at 6:23 p.m. for the purpose of receiving public comment on an ordinance to appropriate \$64,600 from the local (3%) accommodations tax fund for construction management services for the Daufuskie Island Pier rehabilitation project. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:24 p.m.

It was moved by Mr. Dawson, as Chairman of the Public Facilities Committee (no second required), that Council approve on third and final reading an ordinance to appropriate \$64,600 from the local (3%) accommodations tax fund for construction management services for the Daufuskie Island Pier rehabilitation project. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Fobes, Mr. Flewelling, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Mr. McBride. The motion passed.

AN ORDINANCE TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A QUIT CLAIM DEED FOR A PORTION OF LOWEN DRIVE, PORT ROYAL ISLAND, SOUTH CAROLINA

The Chairman opened a public hearing beginning at 6:25 p.m. for the purpose of receiving public comment on an ordinance authorize the County Administrator to execute a quit claim deed for a portion of Lowen Drive, Port Royal Island, South Carolina. After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:26 p.m.

It was moved by Mr. Dawson, as Chairman of the Public Facilities Committee (no second required), that Council approve on third and final reading an ordinance to authorize the County Administrator to execute a quit claim deed for a portion of Lowen Drive, Port Royal Island, South Carolina. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Mr. McBride. The motion passed.

AN ORDINANCE TO ESTABLISH A NEW BEAUFORT COUNTY TRANSPORTATION COMMITTEE WITH MEMBERS BEING APPOINTED BY COUNTY COUNCIL (ON JUNE 29, 2015 THE COUNTY DELEGATION RESOLVED THAT, PURSUANT TO S.C. CODE ANN. §12-28-2740(O) AND AS OF THE EFFECTIVE DATE OF JANUARY 1, 2016 THE PRESENTLY CONSTITUTED CTC SHALL BE ABOLISHED AND ITS POWERS AND DUTIES DEVOLVED UPON THE BEAUFORT COUNTY COUNCIL SUBJECT TO CERTAIN STATED TERMS AND CONDITIONS)

The Chairman opened a public hearing beginning at 6:27 p.m. for the purpose of receiving public comment on an ordinance to establish a new Beaufort County Transportation Committee with members being appointed by County Council (on June 29, 2015 the County Delegation resolved that, pursuant to S.C. Code Ann. §12-28-2740(o) and as of the effective date of January 1, 2016 the presently constituted CTC shall be abolished and its powers and duties devolved upon the Beaufort County Council subject to certain stated terms and conditions). After calling three times for public comment and receiving none, the Chairman declared the hearing closed at 6:28 p.m.

It was moved by Mr. Dawson, as Chairman of the Public Facilities Committee (no second required), that Council approve on third and final reading an ordinance to establish a new Beaufort County Transportation Committee with members being appointed by County Council (on June 29, 2015 the County Delegation resolved that, pursuant to S.C. Code Ann. §12-28-2740(o) and as of the effective date of January 1, 2016 the presently constituted CTC shall be abolished and its powers and duties devolved upon the Beaufort County Council subject to certain stated terms and conditions). The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Mr. Vaux. ABSENT – Mr. McBride. The motion passed.

PUBLIC COMMENT

The Chairman recognized Dr. Skeet Burris, a resident of Beaufort, who requested Council to amend the Community Development Code (CDC) Table 3.1.60 Consolidate Use Table - Offices and Services, #17. Residential Storage Facility, adding “C” (Permitted Use with Conditions) to T4-HC (Hamlet Center).

ADJOURNMENT

Council adjourned at 6:40 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

ATTEST: _____
Suzanne M. Rainey, Clerk to Council

Ratified:

DRAFT

COMMUNITY SERVICES COMMITTEE

October 26, 2015

The electronic and print media duly notified in accordance with the State Freedom of Information Act.

The Community Services Committee met Monday, October 26, 2015 beginning at 2:30 p.m. in the Large Meeting Room, Hilton Head Island Branch Library, 11 Beach City Road, Hilton Head Island, South Carolina.

ATTENDANCE

Vice Chairman Gerald Dawson and Committee members Rick Caporale, Steven Fobes, Alice Howard and Tabor Vaux. Committee Chairman William McBride absent. Non-committee members Cynthia Bensch, Brian Flewelling, Stu Rodman, Paul Sommerville and Jerry Stewart present. (Paul Sommerville, as County Council Chairman, serves as an *ex-officio* member of each standing committee of Council and is entitled to vote.)

County staff: Allison Coppage, Assistant County Attorney; Tony Criscitiello, Planning Director; Joshua Gruber, Deputy County Administrator/Special Counsel; Tom Keaveny, County Attorney; Gary Kubic, County Administrator; Fred Leyda, Director, Human Services Alliance; Beth Odom, Early Intervention Supervisor, Disabilities and Special Needs; John Redmond, Computer Tech/Support Specialist, Information Technology; Monica Spells, Assistant County Administrator–Civic Engagement and Outreach; and Dave Thomas, Purchasing Director.

Public: Deborah Johnson, Lowcountry Affordable Housing Coalition Facilitator.

Councilman Dawson chaired the meeting.

ACTION ITEM

- 1. Consideration of Reappointments and Appointments**
 - Disabilities and Special Needs Board**

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Mrs. Howard nominated Mr. Caleb Brown to serve as a member of the Disabilities and Special Needs Board.

Mr. Vaux (on behalf of Mr. Stewart) nominated Ms. Ann Hamilton to serve as a member of the Disabilities and Special Needs Board.

Recommendation Council nominate Mr. Caleb Brown and Ms. Ann Hamilton to serve as members of the Disabilities and Special Needs Board.

INFORMATION ITEMS

2. Consideration of Contract Award / Lowcountry Regional Transportation Authority (d/b/a Palmetto Breeze) Contract for Disabilities and Special Needs' Consumer Passenger Routes North of the Board River

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mr. Dave Thomas, Purchasing Director, reviewed this item with the Committee. The Purchasing Department received a request from the Disabilities and Special Needs (DSN) Department to approve a sole source contract for transportation services provided the Lowcountry Regional Transportation Authority (LRTA and d/b/a Palmetto Breeze). The Lowcountry Council of Governments has supported and encouraged transportation collaboration efforts between DSN and LRTA, and they have been working together on two routes north of the Board River (Beaufort and St. Helena Island). These two routes were selected for the collaboration because the Beaufort route has the largest number of consumers and the St. Helena Island route takes the longest amount of time. This was seen as the most effective and efficient use of resources. For the past three years, the routes were paid as part of a grant from the South Carolina Department of Transportation (SCDOT) at 80% and Beaufort County DSN Special Revenue Funds at 20%. For Fiscal Year 2016 SCDOT is required to split the Section 5310 federal funds at 60% Urban, 20% Small Urban and 20% Rural projects. Because so many projects in South Carolina reclassified as rural, SCDOT has placed Beaufort County DSN on the "alternate" list for the rural north of Broad River funds and it may not receive SCDOT money, however, DSN received federal Medicaid money specifically for transportation and request to use those funds to continue the successful project routes. The total amount request of \$95,500 reflects the contract rate of \$1,900 for the first 3,500 miles and 0.39 cents for each mile thereafter on the Beaufort route and \$3,572 for the first 7,000 miles and 0.39 cents for each mile thereafter on the St. Helena Island route. Variations occur as passengers change or do not attend DSN program activities.

Motion: Committee award a contract to Lowcountry Regional Transportation Authority (d/b/a Palmetto Breeze) to provide transportation services for a total cost of \$95,500. Funding will come from Account 24420011-51230, Disabilities and Special Needs Adult Service – Transportation. The vote: YEAS –Mr. Caporale, Mr. Dawson, Mr. Fobes, Mrs. Howard and Mr. Vaux. ABSENT – Mr. McBride. The motion passed.

Status: Committee awarded a contract to Lowcountry Regional Transportation Authority (d/b/a Palmetto Breeze) to provide transportation services for a total cost of \$95,500. Funding will come from Account 24420011-51230, Disabilities and Special Needs Adult Service – Transportation.

3. Presentation / Lowcountry Affordable Housing Coalition

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Ms. Deborah Johnson, Lowcountry Affordable Housing Coalition Facilitator, provided the Committee with a PowerPoint presentation on the Lowcountry Affordable Housing Coalition. The presentation provided information on the following topics: local newspaper articles regarding the need for affordable housing, defining affordable housing, spectrum of needs, defining workforce housing, an overview of employment by industry within Beaufort County, housing stock, housing costs, the work of the Coalition, and Coalition members.

Status: Information only.

4. Consideration of Reappointments and Appointments

- Alcohol and Drug Abuse Board

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Status: No nominations were made.

5. Consideration of Reappointments and Appointments

- Children's Foster Care Review Board

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Status: No nominations were made.

6. Consideration of Reappointments and Appointments

- Library Board

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Status: No nominations were made.

EXECUTIVE COMMITTEE

October 12, 2015

The electronic and print media duly notified in accordance with the State Freedom of Information Act.

The Executive Committee met Monday, October 12, 2015 beginning at 2:00 p.m. in the Executive Conference Room of the Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Chairman Jerry Stewart and members Gerald Dawson, Brian Flewelling, William McBride and Stu Rodman. Non-Committee members Rick Caporale, Steven Fobes, Alice Howard, Paul Sommerville and Tabor Vaux present. (Paul Sommerville, as County Council Chairman, serves as an *ex-officio* member of each standing committee of Council and is entitled to vote.)

County staff: Allison Coppage, Assistant County Attorney; Anthony Criscitiello, Planning Director; Joshua Gruber, Assistant County Administrator/Special Counsel; Alicia Holland, Assistant County Administrator, Finance; Thomas Keaveny, County Attorney; Gary Kubic, County Administrator; and Monica Spells, Assistant County Administrator, Civic Engagement and Outreach.

Public: Reed Armstrong, South Coast Office Project Manager, Coastal Conservation League; Jocelyn Staigar, Government Affairs Director, Hilton Head Association of Realtors; and Frank Turano, Lowcountry Regional Manager, Alliance Consulting Engineers, Inc.

Media: Joe Croley, *Lowcountry Inside Track*; Zach Murdaugh, *The Beaufort Gazette/The Island Packet*; and Scott Thompson, *Bluffton Today*.

Councilman Jerry Stewart chaired the meeting.

INFORMATION ITEMS

1. Title VI Review as it Relates to the Demographics of Beaufort County Council Appointed Boards and Commissions

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Ms. Monica Spells, Assistant County Administrator, Civic Engagement and Outreach, provided an overview of Title VI as it relates to the demographics of Council appointed boards and commission. Title VI of the Civil Rights Act of 1964 requires local governments, a sub-recipient of federal financial assistance directly or through state agencies, to comply with Title VI. Financial assistance is not just dollars, but also services, land or real or personal property received

from the federal government. If a recipient of federal assistance is found to have discriminated (directly or indirectly) and voluntary compliance cannot be achieved, the agency providing the assistance should either initiate fund termination proceedings to refer the matter to the U.S. Department of Justice for legal action. Are we adhering to the law and operating in a way that supports the spirit of its intent?

A list of Title VI sample review questions follows:

- Describe how all of your stakeholders are afforded an opportunity to participate in local decision-making processes, to include minorities, those with low-incomes, the elderly, and persons with disabilities.
- Describe how meeting locations and format encourage participation by traditionally under-served populations.
- How do you select the time and location for public meetings?
- Do meeting times and locations attract the full range of stakeholders in your service area?
- Provide a copy of your policy and procedures to solicit diverse nominations for boards.
- List members of your elected body, as well as the agency's boards and commissions, by name, position, ethnicity, gender, date of election, terms of service and geographical area served.
- Describe the recruitment and election process for your boards.
- How do you ensure diversity on boards?
- What is your County's demographics/profile (service area)?
- Does each board reflect your service area?

Status: Staff was asked to provide: (i) a list of other counties of similar size, their 2014 population estimates and council meeting start times plus broadcasting features, and (ii) mileage reimbursement cost estimates for the approximately 182 board and commission appointees.

2. Status Reports / 2015 Strategic Plan Committee Assignments

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mr. Josh Gruber, Deputy County Administrator/Special Council, presented a FY 2015 2016 Mid-Year Performance Report on both the policy agenda and management agenda top and high priorities.

Policy Agenda – Top Priorities

- Sales Tax Referendum: Preparation
 - Status: In Process / Near Completion
 - Resolution adopted April 27, 2015 creating Sales Tax Commission.
 - Commission to hold first meeting on October 21, 2015.
 - Multiple discussions have occurred with municipalities regarding the direction of capital project sales tax or alternative sales and use taxes.

- Pepper Hall Site: Direction
Status: In Process
 - Ordinance authorizing borrowing of \$12.0 million to exercise purchase option failed 7:2.
 - Request to rezone the property will be heard by Council on October 26, 2015.
 - Natural Resources Committee recommended denial by vote of 6:0 with one abstention and one recusal.
- County Economic Development Policy Framework, Strategy and Action Plan
Status: In Process
 - Adoption of Resolution creating Economic Development Policy occurred June 8, 2015.
 - Adoption of Resolution authorizing the County Administrator to take action to create a nonprofit development corporation occurred July 27, 2015.
 - Governmental Committee requested that the CEO of the Beaufort Regional Chamber of Commerce act as the economic development representative until the corporation has fully formed and a director has been hired.
- Law Enforcement Center Study
Status: In Process
 - Request for Proposals issued on September 10, 2015.
 - Responses are required to be submitted by October 15, 2015.
 - Contract award will occur 30 to 45 days thereafter.
- Windmill Harbour Entrance Solutions and Funding
Status: In Process
 - Jenkins Island Access Management Project in process to identify a preferred traffic solution.
 - Several community and public meetings have been conducted to get feedback and disseminate information.
 - Completed study and recommendations should be received from the consultant in the next 30 days.
 - Funding or improvements has not yet been delineated, but could be funded from capital project sales tax.
- Long-term County Offices / Satellites Plan / Strategy
Status: In Process
 - Council renamed the main Beaufort campus to the Robert Smalls Complex on October 13, 2014. Sign installation ceremony held June 15, 2015.
 - Renovation of the third floor of the Myrtle Park building to create a One-Stop-Shop south of the Broad River to be completed by the end of October.
 - Council voted to acquire 15 and 18 John Galt Road to assist in relocation of staff from the Arthur Horne building.

- **Comprehensive Plan: Update**
Status: In Process / Nearing Completion
 - Multiple Planning Commission meetings have occurred to review, discuss, and modify the current Comprehensive Plan in order to ensure that it is up-to-date and appropriate to provide future guidance.
 - Planning Commission to meet in November to recommend adoption of updated Plan to Council.
 - Council adoption could occur by the end of January 2016.
- **Heritage / Historic Tourism Plan: Development, Action Plan**
Status: In Process
 - Santa Elena Foundation took occupancy of the old Federal Courthouse on October 1, 2015.
 - Several meetings regarding this matter have occurred outside of formal Council participation.
 - Discussion of possible funding and participation by the County is likely to occur before the end of the calendar year.
- **Bridge Replacement Plan**
Status: Slight Progress
 - Administrative staff has met with representatives from the Town of Hilton Head Island to discuss potential needs.
 - No currently identified funds for plan development or land acquisition. May be derived from capital project sales tax funding.
- **Stormwater Management and Rate Analysis**
Status: Completed
 - Rate Analysis report received by Council and adopted by Resolution on August 24, 2015.
 - Council adopted Ordinance to amend current rates on September 28, 2015.
 - MS4 Permit to be issued by SCDHEC on or before December 31, 2015.
- **Business License: Direction on Funding Source Economic Development**
Status: In Process
 - Business License revenue discussions are likely to occur during development of FY 2016 /2017 budget.
- **Library Operational Analysis and Master Plan (with Partners) including Upgrades**
Status: In Process
 - New Library Director hired May 4, 2015
 - Library Board to hold retreat on October 30, 2015.
 - Agenda items include Comprehensive Plan Update, Patron Profile Analysis, Facilities Renovations and Repair.

- Solid Waste Curbside Pick Up / Recycling
Status: In Process
 - New long-term solid waste disposal contract executed with Waste Management on August 1, 2015.
 - Provides disposal capabilities for next ten years and preferred national rates at future transfer center.
 - Convenience Center hours restored effective October 23, 2015.
- Sidewalks / Biking in Rural Acres Plan
Status: Slight Progress
 - Phase Four of Spanish Moss trail is currently underway and should be completed within the next 60 to 90 days.
 - No additional sources for this project have been identified at this time.
 - Projects could potentially qualify for capital project sales tax funding.

Management Agenda – Top Priorities

- Solid Waste: Short Term – Completed
- Comprehensive Financial Plan: Projections for Revenues/Expenditures – In Process
- Disabilities and Special Needs Day Program Facilities – In Process
- Daufuskie Island Ferry, Grant Application – Complete
- Comprehensive Study and Implementation – In Process

Management Agenda – High Priorities

- Arthur Horne Building – In Process
- Comprehensive Plan for County-Owned Land – In Process
- Parks and Leisure Services Transfer to Town of Hilton Head Island – In Process
- Countywide Information Technology Plan and Funding – In Process
- Community Development Code: Refinement – In Process

Status: Information only.

3. Continued Discussion / Capital Project Sales Tax

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mr. Gary Kubic, County Administrator, discussed how to approach a capital improvement projects and a sales tax referendum. The administrative staff has been in discussions with the School District regarding their potential bond referendum. After the County had an opportunity to review their building master plan, it was noted in that plan that the School District was looking at approximately \$204 million to construct three new schools south of the Broad River to match the growing student population. The purpose of the meeting was to provide an opportunity to share information--County and School District points of view—and to

coordinate, or at least understand, exactly what the two largest entities were proposing in terms how to raise money for each of the agencies and satisfy capital needs of both.

In that discussion the School District basically explained their bond referendum and their concept of a partnership under the umbrella of a sales tax penny referendum. And then we began to talk about the statutory provisions that are available to the School Board as well as the County and what provisions actually require from each separate entity. The County left that session with the idea that we were going to explore the concept of, perhaps, a partnership of projects under the umbrella of the sales tax penny referendum in November 2016. The bond referendum is subject to an election day as determined by the School District.

If the School District is going to proceed with a bond sale question (a preferred way to raise money for school development) before the voters, several questions need to be asked:

- How does a potential November ballot look if you had a sales tax referendum for the School District and a sales tax referendum for the County?
- Should the County then proceed with a traditional sales tax penny, which is the derivative from the process of using a Sales Tax Commission, to vet all of the potential projects and distill it into a product for Council consideration, and, ultimately, to be a choice of the voter?
- How many times can the public agree to a sales tax? There are only eight counties in the State of South Carolina that do not have any sales tax, and Beaufort County is one of them, in terms of the additional state imposed. The balance of them has two and some have three. It is not unusual to have multiple sales tax purposes.
- What might the ballot look like if, in fact, the School District decides to move forward with a referendum to raise funds?
- What about a local option sales tax as an option? How would the revenue play out over the future?
- Does the local option sales tax become the preferred method if, we understand, any revenue we received would be applied to the preventive maintenance, renovation/restoration of our existing buildings?
- Should we consider the possibilities of placing two sales tax issue referendum questions on the November 2016 ballot?

Status: Discussion only.

FINANCE COMMITTEE

October 19, 2015

The electronic and print media duly notified in accordance with the State Freedom of Information Act.

The Finance Committee met Monday, October 19, 2015 beginning at 2:00 p.m. in the Conference Room of Building 3, Beaufort Industrial Village, 104 Industrial Village Road, Beaufort, South Carolina.

ATTENDANCE

Chairman Jerry Stewart, Vice Chairman Steve Fobes and members Cynthia Bensch, Rick Caporale, Brian Flewelling, William McBride and Stu Rodman. Non-committee members Gerald Dawson, Alice Howard and Tabor Vaux present. (Paul Sommerville, as County Council Chairman, serves as an *ex-officio* member of each standing committee of Council and is entitled to vote.)

County staff: Allison Coppage, Assistant County Attorney; Joshua Gruber, Deputy County Administrator/Special Counsel; Tom Keaveny, County Attorney; Gary Kubic, County Administrator; and Chanel Lewis, Comptroller.

Media: Joe Croley, *Lowcountry Inside Track*; Bill Rowe, *Island News*; and Scott Thompson, *Bluffton Today*.

Public: Dr. Andy Beall, Executive Director, Santa Elena Foundation; Dick Farmer, Chairman, Accommodations (2% State) Tax Board; and Dr. Jeffrey Moss, Superintendent, Beaufort County School District.

Councilman Stewart chaired the meeting.

ACTION ITEMS

- 1. State 2% Accommodations Tax Board Fiscal Year 2016 Grant Recommendations to Tourism-Related Organizations in the Cumulative Amount of \$500,500**

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mr. Dick Farmer, Chairman, Accommodations (2% State) Board Chairman, spoke briefed the Committee on the Board's recommendations for funding in the total of \$500,500. The breakdown of funding is as follows:

Minutes - Finance Committee

October 19, 2015

Page 2 of 5

Organization	Event/Project	Amount Reqd	Amt Recomm.
Alljoy Preservation Society	Master plan	\$ 22,500	\$ -
Arts Center	Marketing	\$ 15,000	\$ 11,250
Artworks	ArtPOP	\$ 7,500	\$ -
Beaufort Black Chamber	Tourism marketing-Grouo and leisure	\$ 100,000	\$ 75,000
Beaufort Chamber	Tourism marketing	\$ 120,000	\$ 75,000
Beaufort Film Society	Int'l film festival	\$ 20,000	\$ 17,500
Beaufort History Museum	Reconstruction exhibit and website	\$ 31,355	\$ 10,000
Beaufort Historical Society	Conference Funding	\$ 11,000	\$ 5,000
Bfuffton Historical Preservation	Heyward House operations	\$ 20,000	\$ 20,000
Coastal Disc. Museum	Cultural and eco tourism	\$ 28,500	\$ 20,000
Daufuskie Island Council	Accessories for the park	\$ 33,100	\$ -
Daufuskie Island Foundation	Daufuski Day	\$ 12,000	\$ 6,000
Daufuskie Island Historical Foundation	Historical brochures	\$ 4,000	\$ 1,500
Exchange Club of Beaufort	Promote Ghost Tours	\$ 1,076	\$ 500
FirstShore	Billboard marketing	\$ 10,000	\$ -
Friends of Fort Fremont	Marketing and exhibit development	\$ 27,250	\$ 5,000
Friends of Spanish Moss Trail	Various additions to enhance the trail	\$ 33,615	\$ -
Gullah Festival	PR, marketing	\$ 25,000	\$ 15,000
Heritage Library	Zion Chapel of ease	\$ 6,160	\$ 1,000
HHI Choral Society	Promo/product of Memorial Day	\$ 17,000	\$ 3,000
HHI Concours	Extended market'g/PR	\$ 30,000	\$ 25,000
Hilton Head Food and Wine Festival	Extended market'g/PR	\$ 10,000	\$ 2,000
Hilton Head Land Trust	Art figures and ID signs Ft. Howell	\$ 10,490	\$ -
HHI Symphony	Partner with Sav A/P; Westin Hotel	\$ 10,000	\$ 5,000
HHI-Bluffton Chamber of Commerce	Bluffton video and Garden and Gun	\$ 29,000	\$ 20,000
Historic Beaufort Foundation	Tour of Homes; Verdier House	\$ 13,473	\$ 3,500
Historic Bluffton Arts and Seafood Fest	Advertising	\$ 10,000	\$ 10,000
L/C Golf Club Owners Assoc.	TV and XM radio spots	\$ 30,000	\$ 10,000
Main Street Beaufort	Non-event town marketing	\$ 27,054	\$ 20,000
Mitchelville Preservation Project	Dawn of Freedom exhibition	\$ 60,000	\$ 25,000
My Medians Matter	US 278 median planting	\$ 20,000	\$ 1,000
NIBCCA	Gullah Celebration	\$ 75,000	\$ 20,000
Gullah Museum	Expo & Gullah Days	\$ 50,000	\$ 15,000
Penn Center	Heritage Days + General marketing	\$ 60,000	\$ 30,000
Port Royal Sound Foundation	Online markt; signage;	\$ 25,350	\$ 3,750
Sandalwood Community Food Pantry	Run/Walk for Hunger	\$ 5,000	\$ 500
Sandbox	"Big Summer Blowout"	\$ 4,590	\$ 2,000
Santa Elena Foundation	Symposium and sponsorship for Marines	\$ 45,000	\$ 10,000
SC L/C and Resort Tourism Commission	Promotion/marketing	\$ 32,000	\$ 32,000
Totals:		\$ 1,092,013	\$ 500,500
Total Allowed:	\$ 500,500.00		
Total Remaining	\$ -		

Motion: It was moved by Mr. Caporale, seconded by Mr. Fobes, that Committee approve and recommend Council appropriate \$500,500 in accommodations tax (2% state) grant funds to 33 tourism-related organizations: Arts Center of Coastal Carolina \$11,250; Beaufort County Black Chamber of Commerce \$75,000; Beaufort Regional Chamber of Commerce \$75,000; Beaufort Film Society \$17,500; Beaufort History Museum \$10,000; Beaufort County Historical Society \$5,000; Bluffton Historical Preservation Society \$20,000; Coastal Discovery Museum \$20,000; Daufuskie Island Foundation \$6,000; Daufuskie Island Historical Foundation \$1,500; Exchange Club of Beaufort/CAPA \$500; Friends of Fort Fremont \$5,000; Gullah Festival, Inc. \$15,000; Heritage Library \$1,000; Hilton Head Island Choral Society \$3,000; Hilton Head Island Concours D'Elegance \$25,000; Hilton Head Food & Wine Festival \$2,000; Hilton Head Island Symphony Orchestra \$5,000; Hilton Head Island/Bluffton Chamber of Commerce \$20,000;

Historic Beaufort Foundation \$3,500; Historic Bluffton Arts & Seafood Festival \$10,000; Lowcountry Golf Club Owners Association \$10,000; Main Street, USA \$20,000; Mitchelville Preservation Project \$25,000; My Medians Matter \$1,000; Native Island Business and Community Affairs Association \$20,000; Gullah Museum \$15,000; Penn Center \$30,000; Port Royal Sound Foundation \$3,750; Sandalwood Community Food Pantry \$500; The Sandbox \$2,000; Santa Elena Foundation \$10,000; and S.C. Lowcountry and Resort Tourism Commission \$32,000. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, and Mr. Stewart. The motion passed.

Recommendation: Council appropriate \$500,500 in accommodations tax (2% state) grant funds to 33 tourism-related organizations: Arts Center of Coastal Carolina \$11,250; Beaufort County Black Chamber of Commerce \$75,000; Beaufort Regional Chamber of Commerce \$75,000; Beaufort Film Society \$17,500; Beaufort History Museum \$10,000; Beaufort County Historical Society \$5,000; Bluffton Historical Preservation Society \$20,000; Coastal Discovery Museum \$20,000; Daufuskie Island Foundation \$6,000; Daufuskie Island Historical Foundation \$1,500; Exchange Club of Beaufort/CAPA \$500; Friends of Fort Fremont \$5,000; Gullah Festival, Inc. \$15,000; Heritage Library \$1,000; Hilton Head Island Choral Society \$3,000; Hilton Head Island Concours D'Elegance \$25,000; Hilton Head Food & Wine Festival \$2,000; Hilton Head Island Symphony Orchestra \$5,000; Hilton Head Island/Bluffton Chamber of Commerce \$20,000; Historic Beaufort Foundation \$3,500; Historic Bluffton Arts & Seafood Festival \$10,000; Lowcountry Golf Club Owners Association \$10,000; Main Street, USA \$20,000; Mitchelville Preservation Project \$25,000; My Medians Matter \$1,000; Native Island Business and Community Affairs Association \$20,000; Gullah Museum \$15,000; Penn Center \$30,000; Port Royal Sound Foundation \$3,750; Sandalwood Community Food Pantry \$500; The Sandbox \$2,000; Santa Elena Foundation \$10,000; and S.C. Lowcountry and Resort Tourism Commission \$32,000.

2. A Resolution Authorizing the Purchase of Fidelity Bond Covering County Officials and Employees who are Statutorily required to be Bonded

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mr. Tom Keaveny, County Attorney, reviewed this item with the Committee. This resolution would authorize the purchase of a blanket bond to cover all county officials and employees requiring bonding, rather than individual bonds. This approach would save the County approximately \$5,000 annually.

Motion: It was moved by Mr. Flewelling, seconded by Mr. Rodman, that Committee approve and recommend Council adopt a resolution authorizing the purchase of fidelity bond covering county officials and employees who are statutorily required to be bonded. The vote: YEAS – Mrs. Bensch, Mr. Caporale, Mr. Flewelling, Mr. Fobes, Mr. McBride, Mr. Rodman, and Mr. Stewart. The motion passed.

Recommendation: Council adopt a resolution authorizing the purchase of fidelity bond covering county officials and employees who are statutorily required to be bonded

INFORMATION ITEM

3. Discussion / Capital Sales Tax and Other Related Referendum Issues

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Committee Chairman Jerry Stewart introduced this item to the Committee. At the October 12, 2015 meeting of the Executive Committee, members were informed of the Beaufort County School District's (District) consideration of a Local Option Sales Tax (LOST) referendum rather than Capital Improvement Projects (CIP) referendum. At the meeting staff was asked to look into LOST.

Mr. Gary Kubic, County Administrator, provided the Committee with an overview of the cause and effect of the District's referendum decision, as well as the decision of the County. Wednesday, October 21, 2015 is the first meeting of the Capital Project Sales Tax Commission, created by Council to consider proposals for funding capital projects in Beaufort County and to potentially formulate the referendum question to appear on the ballot in November 2016. Since the creation of the Commission, the District has been in discussions regarding a LOST referendum, rather than a CIP referendum. County Council would need to decide which of the two would serve the purpose best for Beaufort County moving forward. He provided the Committee with the statistics from other counties within the state. While initially he was in favor of CIP over LOST, he has changed his mind due to the opportunity to go forward in out years with LOST.

Ms. Chanel Lewis, Comptroller, provided the Committee with LOST projections. Dollars collected from LOST would be distributed as follows: 71% to reduce taxes and 29% would go to the County and municipalities. The distribution between the County and municipalities is based upon population and calculations of dollars collected within the municipalities. The projected breakdown follows: 54% Beaufort County and the remaining portion (46%) distributed 16% City of Beaufort, 15% Town of Port Royal, 17% Town of Bluffton, 50% Town of Hilton Head. 1% Town of Yemassee, and 0.127 City of Hardeeville.

Mr. Joshua Gruber, Deputy County Administrator / Special Counsel, spoke before the Committee. Before the Capital Project Sales Tax Commission begins the exercise of evaluating projects, Council needs to decide on a direction to head regarding the referendum issue. There could potentially be three referendums on the ballot: County LOST, School District LOST, and CIP.

Dr. Moss, School District Superintendent, informed the Committee that the District is currently discussing a potential Joint Sales Tax Program with the University of South Carolina Beaufort and Technical College of the Lowcountry and the placement of an Education Sales Tax

referendum question on the ballot. The District will continue discussions at its November 16, 2015 meeting of the Finance Committee and will begin discussions with USCB and TCL thereafter.

Committee discussions continued and each member of Council weighed in on their desires moving forward.

Mr. Rodman stated that including all three referendums on the ballot would ensure all three would fail. LOST will not pass.

Mr. Caporale stated it is appropriate to include all three referendums on the ballot and let the voters decide. He would like to move forward with LOST and CIP.

Mr. Flewelling prefers to include LOST on the ballot.

Mr. Fobes opposes taking CIP off of the table. He is not in favor of including the three referendum questions on the ballot. At this time he is not in favor of LOST.

Mr. McBride supports having one referendum question appear on the ballot rather than three. He prefers putting the Capital Project Sales Tax Commission on hold until a decision is made.

Mrs. Howard would like to move forward with LOST and put the Capital Project Sales Tax Commission on hold until a final decision is made.

Mrs. Bensch favors two referendum questions on the ballot.

Mr. Dawson stated if three referendums appear on the ballot, none would pass. He prefers CIP over LOST.

Mr. Vaux opposes including the three referendum questions on the ballot. He needs more time to analyze the two referendums before making a formal decision.

Status: Information only.

NATURAL RESOURCES COMMITTEE

November 2, 2015

The electronic and print media duly notified in accordance with the State Freedom of Information Act.

The Natural Resources Committee met Monday, November 2, 2015 beginning at 2:30 p.m., in the Executive Conference Room, Administration Building, Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Committee Chairman Brian Flewelling, Vice Chairman Alice Howard and members Gerald Dawson, Steven Fobes, William McBride and Jerry Stewart present. Committee member Tabor Vaux absent.

County Staff: Allison Coppage, Assistant County Attorney; Tony Criscitiello, Planning Director; and Thomas Keaveny, County Attorney.

Public: Reed Armstrong, South Coast Office Project Manager, Coastal Conservation League; Andy Burris, Ken Driggers, Rural and Critical Lands/Open Land Trust; April Turner, South Carolina Department of Natural Resources; and Andrew Tweel, South Carolina Department of Natural Resources.

Media: Scott Thompson, *Bluffton Today*.

Mr. Flewelling chaired the meeting.

ACTION ITEM

- 1. Text Amendment to Community Development Code (CDC) Table 3.1.60 Consolidated Use Table – Offices and Services, #17. Residential Storage Facility, Adding “C” (Permitted Use with Conditions) to T4-HC (Hamlet Center)**

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Motion: It was moved by Mrs. Howard, seconded by Mr. Dawson, that Natural Resources Committee approve and recommend Council approve on first reading a text amendment to the Community Development Code (CDC) Table 3.1.60 Consolidated Use Table - Offices and Services, #17. Residential Storage Facility, adding “C” (Permitted Use with Conditions) to T4-HC (Hamlet Center). The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride, and Mr. Stewart. ABSENT – Mr. Vaux. The motion passed.

Recommendation: Council approve on first reading a text amendment to the Community Development Code (CDC) Table 3.1.60 Consolidated Use Table - Offices and Services, #17.

Residential Storage Facility, adding “C” (Permitted Use with Conditions) to T4-HC (Hamlet Center).

INFORMATION ITEMS

2. Presentation / Volume Sensitive Waters Study (The Salinity Study)

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mr. Andrew Tweel, Assistant Marine Scientist, South Carolina Department of Natural Resources, provided the Committee with a PowerPoint presentation on Beaufort County Volume Sensitive Waters Study. The presentation provided an overview of the following topics:

- Objectives
- Methods
- Watershed Advisory Committee Members
- Data Preparation
- Visuals and data within the watershed
- Impacts on estuarine animals
- Summary

In summary, this means the following for Beaufort County:

- Potential for impacts to living resources
- Current on-site volume control is important
- Can predict potential volume changes within the development and changing rainfall
- Ability to understand the difference within watersheds based on physical characteristics
- Data available to inform management decisions
- Limited resources can be targeted to appropriate types of BMP's and Policy

Status: Information only.

3. Executive Session

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Motion: It was moved by Mr. McBride, seconded by Mr. Fobes, that Natural Resources Committee go immediately into executive session for discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property. The vote: YEAS – Mr. Dawson, Mr. Flewelling, Mr. Fobes, Mrs. Howard, Mr. McBride and Mr. Stewart. ABSENT – Mr. Vaux. The motion passed.

Status: Information only.

BOARDS AND COMMISSIONS

Reappointments and Appointments November 9, 2015

1. Community Services Committee

① Disabilities and Special Needs Board

NominateD	Name	Position/Area/Expertise	Reappoint/Appoint	Votes Required	Term/Years	Expiration
10.26.15	Caleb Brown	Countywide	Appoint	6/11	Partial term	2/19
10.26.15	Ann Hamilton	Countywide	Appoint	6/11	Partial term	2/17

2. Public Facilities Committee

① County Transportation Committee

NominateD	Name	Position/Area/Expertise	Reappoint/Appoint	Votes Required	Term/Years	Expiration
10.26.15	Joe Devito	Council District 4	Appoint	6/11	2	2/18
10.26.15	Kraig Gordon	Council District 8	Appoint	6/11	2	2/18
10.26.15	Steve Wilson	Council District 11	Appoint	6/11	2	2/18

Proclamation

WHEREAS, the idea of a Penn Center Heritage Days Celebration was born in August of 1981 because many individuals and institutions of Beaufort County's Sea Islands have been touched by the activities of Penn School, now Penn Center, and because Penn Center has been instrumental in preserving and strengthening the Sea Island culture; and

WHEREAS, the Penn Center Heritage Days Celebration is an effort to publicly recognize and further document and preserve the history of Penn School, the Sea Island culture, and the various Africanisms that still exist today; and

WHEREAS, the Penn Center Heritage Days Celebration is a gesture to reveal that Penn Center is a place where all people are always welcome and can learn about themselves and about the Sea Island culture; and

WHEREAS, in 1983, the Heritage Parade from St. Helena Elementary School to Penn's Historic District was established; and

WHEREAS, Penn Center's Heritage Days Celebration has become a significant event, drawing more than 20,000 visitors; and

WHEREAS, the Penn Center Heritage Days Celebration grew from a single day of events and cuisine to a week of festive songs, performances, displays and other merriments.

NOW, THEREFORE, Beaufort County Council; proclaims the week of November 12 through November 14, 2015 as

“Penn Center Heritage Days Celebration Week”

on the occasion of the 33rd Heritage Celebration and in recognition of its success through the years.

Dated this 9th day of November, 2015.



COUNTY COUNCIL OF BEAUFORT COUNTY

By:  _____

D. Paul Sommerville, Chairman

Ordinance No. 2015/_____

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN EASEMENT ENCUMBERING PROPERTY OWNED BY BEAUFORT COUNTY, SOUTH CAROLINA.

WHEREAS, Beaufort County owns real property located on S.C. Highway 170 known as Beaufort County parcel on the west side of S.C. Highway 170 near Sun City Hilton Head Entrance Gate and St. Luke’s Church; and

WHEREAS, due to the S.C. Highway 170 widening project, it is necessary for Palmetto Electric Cooperative, Inc., to relocate its existing electrical and communications systems that serve residents in the surrounding areas; and

WHEREAS, Palmetto Electric Cooperative, Inc. has requested that Beaufort County grant it a Utility Easement for constructing, reconstructing, operating and maintaining electrical and communication system overhead and/or underground across portions of the County’s property; and

WHEREAS, County staff has worked diligently with Palmetto Electric Cooperative, Inc. to develop a proposed easement path across the County’s property that ensures a minimal impact to the property itself; and

WHEREAS, Beaufort County Council has determined that it is in its best interests to authorize the execution and delivery of the requested Easement attached hereto and incorporated by reference as “Exhibit A”; and

WHEREAS, S.C. Code Ann. § 4-9-130 requires that the transfer of any interest in real property owned by the County must be authorized by the adoption of an Ordinance by Beaufort County Council.

NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL AS FOLLOWS:

(1) The County Administrator is hereby authorized to execute the Easement which is attached hereto as “Exhibit A”; and

(2) The County Administrator is hereby authorized to take all necessary actions as may be necessary to complete the conveyance of the Easement and ensure the construction and installation of the new power line occurs as agreed upon by the County and Palmetto Electric Cooperative, Inc.

DONE, this _____ day of _____, 2015.

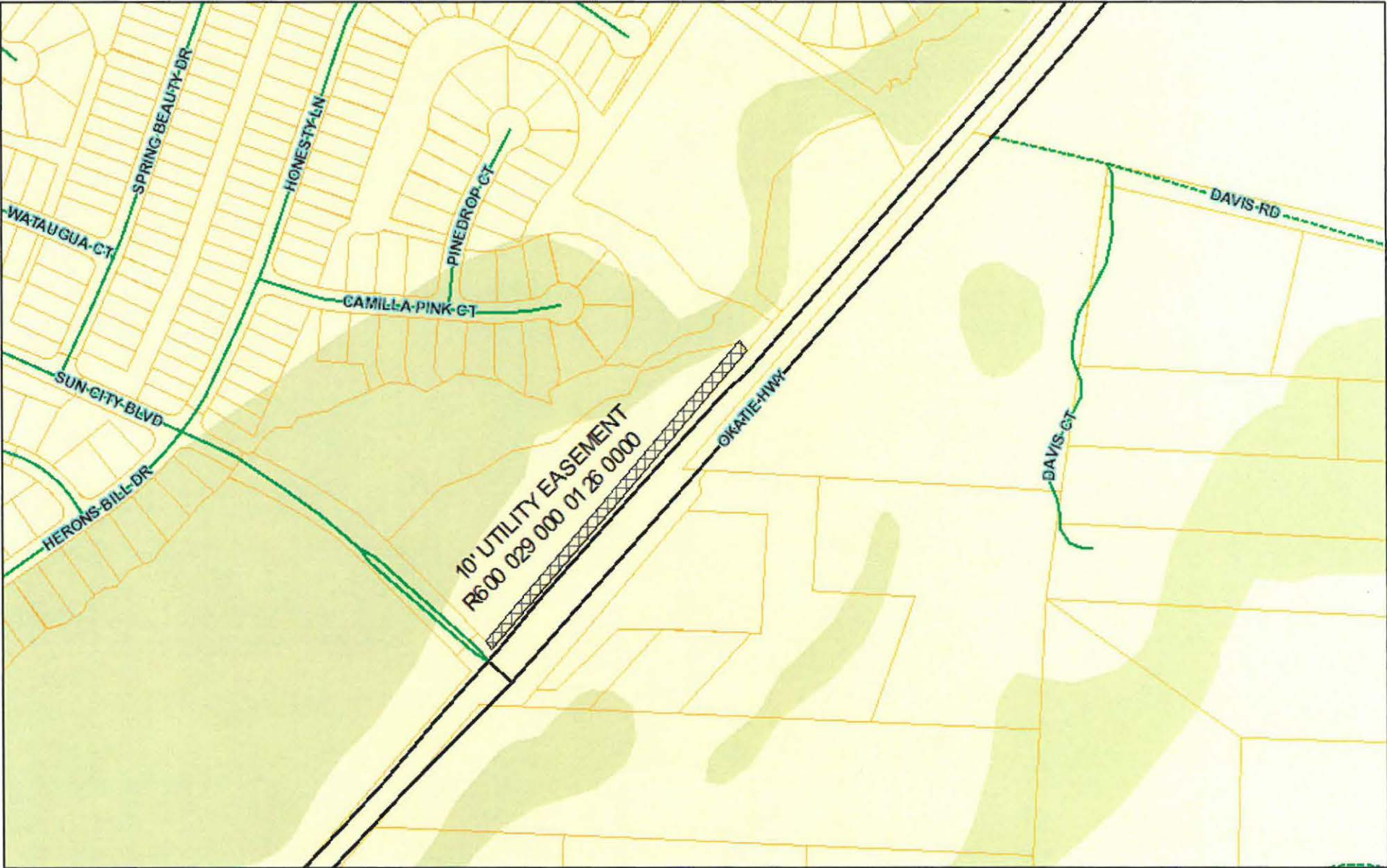
COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

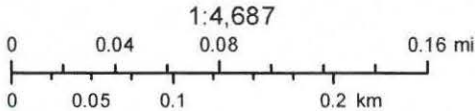
APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney
First Reading: October 26, 2015
Second Reading:
Public Hearing:
Third and Final Reading:

PROPOSED PALMETTO ELECTRIC CO-OP UTILITY ESMT



October 19, 2015



Beaufort County Hwy 170 Easement

Palmetto Electric Utility Easement



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2015 /

TEXT AMENDMENT TO COMMUNITY DEVELOPMENT CODE (CDC) TABLE 3.1.60 CONSOLIDATED USE TABLE—OFFICES & SERVICES, #17. RESIDENTIAL STORAGE FACILITY, ADDING “C” (PERMITTED USE WITH CONDITIONS) TO T4-HC (HAMLET CENTER)

Whereas, added text is highlighted in yellow.

Adopted this ____ day of _____, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading:

Second Reading:

Public Hearing:

Third and Final Reading:

Amend Table 3.1.60 as follows:

17. Residential Storage Facility	--	--	--	--	--	--	--	--	--	--	C	--	C	C	--	C	C	C
18. Vehicle Services: Minor Maintenance and Repair	--	--	--	--	--	C	--	--	--	--	--	C	C	C	--	C	C	--
19. Vehicle Services: Major Maintenance and Repair	--	--	--	--	--	C	--	--	--	--	--	--	C	C	--	C	C	C
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.

Amend Section 4.1.220 as follows:

“E. Residential Storage Facilities in T4 Hamlet Center, T4 Hamlet Center Open, and T4 Neighborhood Center: Residential storage facilities shall be sited so that storage buildings are located in the interior of the block and do not face a street. The site shall incorporate outparcels to screen and separate the storage buildings from the street. The leasing office and/or security quarters may face and address the street. In the T4 Hamlet Center District where and adaptive reuse of an existing building is sought to preserve commercial stability on a street, the building and parcel upon which it resides may be remodeled and converted into a residential storage facility.”

RESOLUTION 2015 /

A RESOLUTION TO COMMISSION ANIMAL SERVICE OFFICER TO ENFORCE BEAUFORT COUNTY ANIMAL ORDINANCES FOR BEAUFORT COUNTY PURSUANT TO THE AUTHORITY GRANTED IN SECTION 4-9-145 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED.

WHEREAS, Beaufort County Council may appoint and commission as many animal service officers as may be necessary for proper security, general welfare and convenience of the County; and

WHEREAS, each candidate for appointment as a Beaufort County Animal Service Officer has completed training and whatever certification may be necessary.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Beaufort County, South Carolina that:

1. County Council hereby appoints and commissions the following individual as Animal Service Officer for Beaufort County:

Jason Wingler, Beaufort County Animal Services Officer

2. Each Animal Service Officer shall present the appropriate certificate to the Beaufort County Magistrate's office prior to any official action as an Animal Service Officer.

Adopted this ___ day of _____, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

RESOLUTION 2015 /

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Adopted this ___ day of _____, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, Staff Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

2015 /

TEXT AMENDMENT TO THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE (CDC), ARTICLES 2, 3, 4, 5, 6, 7, AND 10 (TRANSECT ZONE AMENDMENTS; SIGN AMENDMENTS, DIVISION 5.6; USE AMENDMENTS: USE TABLE, SECTION 3.1.60, LAND USE DEFINITION TABLE, SECTION 3.1.70, AND SPECIFIC TO THE USE STANDARDS, DIVISION 4.1; CORRECTIONS, CLARIFICATIONS AND PROVISIONS FROM THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE).

Whereas, added text is highlighted in yellow.

Adopted this ____ day of _____, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: October 12, 2015

Second Reading: October 26, 2015

Public Hearing:

Third and Final Reading:

Transect Zone Amendments

1. Allowing Mobile Homes to be replaced without meeting Building Type and Public Frontage Standards:

This series of amendments is proposed to address an issue that has occurred in the enforcement of the Community Development Code. Some of the transect zones have Building Type and Public Frontage standards for single family dwellings that are difficult to meet for standard mobile homes. This has come up several times in the Alljoy/Brighton Beach Community, Land’s End and Shell Point. In order to prevent placing undue burden on property owners who are simply replacing an older mobile home with a newer unit, staff recommends the following amendment in T2 Rural Neighborhood Open (3.2.50), T2 Rural Center (3.2.60), T3 Hamlet Neighborhood (3.2.80), T3 Neighborhood (3.2.90), T4 Hamlet Center (3.2.100), and T4 Neighborhood Center (3.2.110). See sample table below from T2 Rural Neighborhood Open for the proposed amendment that will appear in the above sections.

A. Purpose

The Rural Neighborhood (T2RN) Zone protects the residential character of existing communities and neighborhoods in the rural area. The district is intended to minimize non-conforming lots and provide owners of small clustered rural lots flexibility in the use of their land. The districts are established by identifying areas with five contiguous lots of five or fewer acres. It permits subdivision of existing lots to a maximum of 1.2 units to one acre gross density, with DHEC approval, for wastewater treatment. The district is not intended to promote tract development or to encourage rezoning.

The T2 Rural Neighborhood (T2RN) Zone implements the Comprehensive Plan goals of preserving the rural character of portions of Beaufort County.

B. Subzones

T2 Rural Neighborhood Open

The T2 Rural Neighborhood Open (T2RNO) Subzone provides rural residential areas with limited retail and service uses in the scale and character of the T2RN zone.

C. Allowed Building Types

Building Type	Specific Regulations
Carriage House	5.1.40
Estate House	5.1.50
Village House	5.1.60

Miscellaneous

Building Type Standards only apply to T2 Rural Neighborhood Open

Existing manufactured homes that are being replaced with another manufactured home that does not exceed the size and/or setbacks of the existing unit are exempt from Building Type (Division 5.1) and Private Frontage (Division 5.2) Standards.

- 2. Facilitating Side-Parking in the T4 Transect Zones:** The T4 Hamlet Center, T4 Hamlet Center Open, and T4 Village Center Transect Zones are mixed use districts that promote pedestrian friendly development that is in close proximity to the street and sidewalk. Many of the areas of Beaufort County (e.g. Shell Point, Lady’s Island, Corners Community) that are zoned with these districts are in the process of transitioning from auto-oriented to pedestrian-friendly communities. During this transition, many businesses will resist having parking at the rear of the building when a majority of customers will access the business from the highway and want to park in front of the business. A good compromise is to allow parking at the side of the building with the entrance at the front corner. This orients the building both toward the sidewalk and the parking lot accommodating both modes of transportation. The rigid requirements in the T4 districts for the percentage of building façade within the façade zone, and the parking setbacks make it difficult to impossible to have parking at the side of the building. Therefore, staff proposes to allow a wall or decorative fence that screens side parking to count toward a percentage of the façade zone. Staff also recommends reducing the parking lot setback to align parking with the front façade of the building minus 5 feet to allow a fence or wall with landscaping (see tables on pages 4 and 5).
- 3. Making Allowances for Larger Buildings in the T4 Zones:** T4 Hamlet Center Open and T4 Village Center allow buildings of a size up to 50,000 square feet. T4 Neighborhood Center has no limit on the square footage of retail or service uses. However, there are other standards that make it difficult to site larger buildings in the T4 districts. Both districts have a maximum lot size and width

that is too small to accommodate larger buildings. In addition, the Building Types assigned to the T4 districts also limit the size of buildings. Therefore staff recommends the following amendments to accommodate the larger buildings that are already permitted in these districts:

- a. Providing for an exemption from the maximum lot sizes in the T4 Districts for larger buildings;
- b. Providing an exemption from the maximum building footprint width for larger buildings;
- c. Adding the Industrial/Agricultural building type to the T4 Districts; and
- d. Allowing for an exemption for larger buildings from the building size and massing requirements for the Industrial/Agricultural building type.

The tables below show the amendments required to allow side parking and to accommodate larger buildings in the T4 districts:

Section 3.2.100.C Amended to allow Industrial/Agricultural Building Type in T4HC, T4 HCO, and T4 VC

A. Purpose
 The Hamlet Center (T4HC) Zone is intended to integrate appropriate, medium-density residential building types, such as duplexes, townhouses, small courtyard housing, and mansion apartments in an environment conducive to walking and bicycling.

The T4 Hamlet Center is appropriate for more rural areas, implementing the Comprehensive Plan goals of creating areas of medium intensity residential in portions of Beaufort County, the City of Beaufort and Town of Port Royal.

B. Sub-Zones
T4HC-O (Open)

The intent of the T4HC-O Sub-Zone is to provide neighborhoods with a broader amount of retail and service uses in the scale and character of the T4HC zone.

T4VC (Village Center – St. Helena)

The Village Center (T4VC) Zone provides a tailored set of land uses for St. Helena Island.

C. Allowed Building Types

Building Type	Specific Regulations
Carriage House	5.1.40
Village House ¹	5.1.60
Small Lot House	5.1.70
Cottage Court	5.1.80
Duplex	5.1.90
Townhouse	5.1.100
Mansion Apartment	5.1.110
Apartment House	5.1.120
Industrial/Agricultural	5.1.140

Notes
¹The use of this building type is limited to non-residential uses

Section 3.2.100.D Amended to accommodate decorative fences and walls screening parking to count toward façade within façade zone requirement. Section 3.2.100.D also amended to exempt large buildings from maximum lot size requirements. Section 3.2.100.E amended to exempt large buildings from maximum building footprint width requirements.

D. Building Placement		
Setback (Distance from ROW/Property Line)		
Front	10' min., 25' max.	A
Side Street	10' min., 20' max.	B
Side:		
Side, Main Building	5' min.	C
Side, Ancillary Building	5' min.	
Rear	5' min.	D
Façade within Façade Zone ¹		
Front	75%	
Side Street	50%	

Notes

¹A Parking Lot Perimeter Strip (Section 5.8.80.C) utilizing a decorative fence or wall can substitute up to 50% of the required façade within the façade zone.

Lot Size (37,500 SF Maximum)		
Width	150 ft. max.	E
Depth	250 ft. max.	F

Miscellaneous

Where existing adjacent buildings are in front of the regulated BTL or front setback, the building may be set to align with the façade of the front-most immediately adjacent property.

Maximum lot size does not apply to Recreation, Education, Safety, Public Assembly uses, and buildings with a footprint exceeding 10,000 square feet.

E. Building Form		
Building Height		
Main Building	2.5 stories max.	G
Ancillary Building	2 stories max.	
Ground Floor Finish Level: ¹		
Residential	18" min.	H
Commercial (T4HC-O)	6" max.	
Ground Floor Ceiling:		
Commercial (T4HC-O)	10' min.	I
Upper Floor(s) Ceiling	8' min.	J
Ground Floor lobbies and Common areas in multi-unit buildings may have a 0" to 6" ground floor finish level. Within 25' of the rear property line, buildings may not be more than a half-story taller than the allowed height of adjacent buildings.		

Footprint

Width: Main Building	100' max. ²
All upper floors may have a primary entrance along the front. Loading docks, overhead doors, and other service entries may not be located on street-facing façades.	

Notes

¹Buildings located in a flood hazard zone will be required to be built above base flood elevation in accordance with Beaufort County Building Codes.

²Buildings with a footprint exceeding 15,000 square feet are exempt from the maximum building width requirement.

Section 3.2.100.G Amended to reduce parking lot setback to 5 feet behind the front façade line.

F. Encroachments and Frontage Types		
Encroachments		
Front	12' max.	L
Side Street	12' max.	M
Side	3' max.	N
Rear	3' max.	O
Encroachments are not allowed across a side or rear property line, or across a curb.		
See Division 5.2 (Private Frontage Standards) for further refinement of the allowed encroachments for frontage elements.		
Allowed Frontage Types		
Common Yard	Forecourt	
Porch: Projecting	Dooryard	
Porch: Engaged	Porch: Side Yard	
Stoop	Shopfront ¹	
Terrace ¹		

¹ Allowed in T4HC-O Sub-Zone only.

G. Parking		
Required Spaces: Residential Uses		
Single-family detached	2 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	
Required Spaces: Service 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 other uses see Table 5.5.40.B (Parking Space Requirements).		
Location (Setback from Property Line)		
Front	40' min. 5' behind front façade of main building	P
Side Street	15' min. 5' behind side façade of main building	O
Side	0' min.	R
Rear	5' min.	S
Miscellaneous		
Parking Driveway Width		T
40 spaces or less	14' max.	
Greater than 40 spaces	18' max.	

Section 3.2.110.B amended to allow Industrial/Agricultural Building Type in T4NC.

A. Purpose
The Neighborhood Center (T4NC) Zone is intended to integrate vibrant main-street commercial and retail environments into neighborhoods, providing access to day-to-day amenities within walking distance, creating potential for a transit stop, and serving as a focal point for the neighborhood.
The T4 Neighborhood Center Zone implements the Comprehensive Plan goals of creating areas of higher intensity residential and commercial uses in Beaufort County, the City of Beaufort and Town of Port Royal.

B. Allowed Building Types	
Building Type	Specific Regulations
Carriage House	5.1.40
Small Lot House	5.1.70
Cottage Court	5.1.80
Duplex	5.1.90
Townhouse	5.1.100
Mansion Apartment	5.1.110
Apartment House	5.1.120
Main Street Mixed Use	5.1.130
Industrial/Agricultural	5.1.140

Section 3.2.110.D amended to exempt large buildings from maximum lot size requirements in T4NC.

C. Building Placement		
Setback (Distance from ROW/Property Line)		
Front	0' min., 15' max.	A
Side Street	0' min., 10' max	B
Side:		C
Main Building	3' min., 6' max.	
Ancillary Building	0' or 3' min.	
Rear	5' min.	D
Façade within Façade Zone:		
Front	75%	
Side Street	50%	
Lot Size (62,500 SF Maximum)		
Width	250' max.	E
Depth	250' max.	F
Miscellaneous		
Where existing adjacent buildings are in front of the regulated BTL or front setback, the building may be set to align with the facade of the front-most immediately adjacent property.		
No planting strips are allowed between sidewalk and building.		
Maximum lot size does not apply to Recreation, Education, Safety, Public Assembly uses, and buildings with a footprint exceeding 20,000 square feet.		

D. Building Form		
Building Height		
Main Building	2 stories min., ¹	G
	4 stories max.	
Ancillary Building	2 stories max.	
Ground Floor Finish Level: ²		
Residential	18" min.	H
Commercial	6" max.	
Ground Floor Ceiling:		
Commercial	10' min.	I
Upper Floor(s) Ceiling		
	8' min.	I
Ground Floor lobbies and common areas in multi-unit buildings may have a 0" to 6" ground floor finish level.		
Within 25' of the rear property line, buildings may not be more than a half-story taller than the allowed height of adjacent buildings.		
Footprint		
Width: Main Building	250' max.	
Miscellaneous		
Distance Between Entries, to Upper Floor(s)	80'	
All upper floors must have a primary entrance along the front.		
Loading docks, overhead doors, and other service entries may not be located on street-facing facades.		
Notes		
¹ On Lady's Island, one-story buildings are permitted; multi-story buildings are recommended		
² Buildings located in a flood hazard zone will be required to be built above base flood elevation in accordance with Beaufort County Building Codes.		

Section 5.1.140.C amended to exempt larger buildings from the maximum dimensions for the Industrial/Agricultural building type.

B. Lot		
Lot Size		
Width	100 ft	A
Depth	200 ft	B
C. Building Size and Massing		
Height		
Per building form standards based on zone.		
Main Body ¹		
Width	100 ft. max.	C
Depth	150 ft. max.	D
Notes		
¹Buildings with a footprint exceeding 15,000 square feet may exceed main body maximum width and depth requirements provided that the building meets the standards in Division 5.3 (Architectural Standards and Guidelines) and the site planning standards of Division 2.6 (Commercial Oriented Communities).		

D. Allowed Frontages		
Porch: Projecting	Porch: Engaged	
Gallery	Arcade	
The porch, gallery, or arcade, shall extend along at least 75% of either the length or width of the building.		
E		
E. Pedestrian Access		
Main Entrance Location	Front or Side	F
F. Vehicle Access and Parking		
Parking may be accessed from the alley, side street, or front.		
Parking drives and access may be shared on adjacent lots.		
G. Private Open Space		
No private open space requirement.		

4. **Traditional Community Plans: Allowing Greater Flexibility in the Choice of Transect Zones:** The Traditional Community Plan (Division 2.3) is a good tool for promoting the development of mixed use walkable communities. In order to promote the use of the TCP, staff recommends having greater flexibility with the Neighborhood-Scale TCP which currently requires the assignment of three transect zones for a development as small as 40 acres. Staff recommends making the following amendment to Table 2.3.60.B to reduce the number of required transect zones for the Neighborhood-Scale TCP from 3 to 2:

Table 2.3.60.B Required Allocation Mix of Transect Zones		
Transect Zone	Percentage of Land Assigned to Zone	
Infill-Scale TCP		
T3 Edge (T3E)	No min.	25% max.
T3 Hamlet Neighborhood (T3HN)	25% min.	70% max.
T3 Neighborhood (T3N)	25% min.	50% max.
Neighborhood-Scale TCP		
T2 Rural (T2R)	No min.	50% max.
T3 Edge (T3E)	No min.	25% max.
T3 Hamlet Neighborhood (T3HN)	25% No min.	40% max.
T3 Neighborhood (T3N)	25% 60% min.	50% 90% max.
T4 Hamlet Center (T4HC)	10% min.	40% max.
Commercial Redevelopment TCP		
For Areas Zoned C4		
T3 Neighborhood (T3N)	No min.	100% max.
T4 Hamlet Center Open (T4HCO)	No min.	100% max.
For Areas Zoned C5		
T4 Hamlet Center Open (T4HCO)	No min.	100% max.
T4 Neighborhood Center (T4NC)	No min.	100% max.

5. **Place Type Overlay Zone: Greater Flexibility for Village Place Type (3.4.80.E):** The following amendment is proposed to allow greater flexibility of the allocation of transect zones in the Village Place Type provided that the regulating plan meets the objectives of the division and is the product of a multi-day charrette involving stakeholders and the public. The amended language reads as follows:

“E. Allocation of Transect Zones: Applications for a comprehensive amendment under the provisions of the Place Type Overlay (PTO) Zone shall assign and map transect zones to each pedestrian shed according to the percentages allocated in the Table 3.4.80.E. The Director may approve a variance for modulate up to 15% for the transect zone allocation within Table 3.4.80.E as long as the proposed regulating plan meets the objectives of this Division. Modulations greater than 15% of the transect zone allocation may be permitted for the Village Place Type, provided that the regulating plan meets the objectives of this Division and is the product of a multi-day charrette involving all affected stakeholders and the public.”

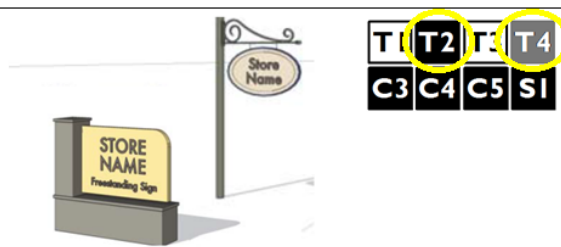
Sign Amendments

The following amendments are proposed for Division 5.6. The most common form of sign in auto-oriented areas is the freestanding sign which includes pole signs and monument signs designed to be seen from the highway by passing motorists. When the Community Development Code was adopted, Table 5.6.40.A allowed freestanding signs in each of the conventional zones, but none of the transect zones. The original purpose of prohibiting freestanding signs in T4 was that the T4 zones were meant to

create pedestrian oriented development. With buildings set at a close distance from the street, wall signs and projecting signs are easily visible from the street and are conducive to a pedestrian environment. However, this created a hardship for buildings that were unable to be sited close to the highway. Staff responded with an amendment allowing for freestanding signs in T4 when the building was sited 30 feet or greater from the front property line. After further analysis, staff has determined that neighboring jurisdictions permit freestanding signs in areas zoned for pedestrian friendly development. Therefore, staff is bringing forward the following amendment that would allow freestanding signs in T4, but at a scale that is more pedestrian-friendly, but still visible from the street. In addition, freestanding signs were prohibited in T2 districts in the Community Development Code. Staff believes that this was a mistake and is bringing forward as a correction to permit them in the T2 districts.

Table 5.6.40.A amended to allow for freestanding signs as permitted in T2 districts and as a conditional use in T4 districts:

Free Standing Signs: Free standing signs encompass a variety of signs that are not attached to a building and have an integral support structure. Three varieties include: Freestanding, Monument and Pole.



5.6.120

Section 5.6.120.B amended to provide conditions for freestanding signs in T4 districts:

A. Description			Location													
<p>Freestanding Signs encompass a variety of signs that are not attached to a building and have an integral support structure. Freestanding varieties include Monument and Pole Signs.</p> <p>A Pole Sign, usually double-faced, mounted on a single or pair of round poles, square tubes, or other fabricated members without any type of secondary support.</p> <p>A Monument Sign stands directly on the ground or ground level foundation and is often used to mark a place of significance or the entrance to a location.</p>			Signs per Highway Frontage:													
			Single Tenant	1 max.												
<p>B. Standards</p> <p>Size</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #4F7942; color: white;">Signable Area</th> <th style="background-color: #4F7942; color: white;">T4</th> <th style="background-color: #4F7942; color: white;">All Other Districts</th> </tr> </thead> <tbody> <tr> <td>Single Tenant</td> <td style="background-color: yellow;">24 SF max.</td> <td>40 SF max.</td> </tr> <tr> <td>Multiple Tenant with one highway frontage</td> <td style="background-color: yellow;">32 SF max.</td> <td>80 SF max.</td> </tr> <tr> <td>Multiple Tenant with two or more highway frontages</td> <td style="background-color: yellow;">32 SF per frontage</td> <td>80 SF per frontage</td> </tr> </tbody> </table>			Signable Area	T4	All Other Districts	Single Tenant	24 SF max.	40 SF max.	Multiple Tenant with one highway frontage	32 SF max.	80 SF max.	Multiple Tenant with two or more highway frontages	32 SF per frontage	80 SF per frontage	Multiple Tenant	
			Signable Area	T4	All Other Districts											
Single Tenant	24 SF max.	40 SF max.														
Multiple Tenant with one highway frontage	32 SF max.	80 SF max.														
Multiple Tenant with two or more highway frontages	32 SF per frontage	80 SF per frontage														
<p>Height</p> <p>Width</p>			10' max. (A)													
			15' max. (B)													
<p>Distance from ground to the base of the sign</p> <p>Setback within Corridor Overlay District</p>			4' max.													
			10' min.													
<p>Miscellaneous</p> <p>Freestanding signs are permitted in T4 zones in cases where the principal structure is located greater than 30 feet from the front property line.</p> <p>Changeable copy signs are allowed for gasoline price signs, houses of worship, schools, directory signs listing more than one tenant, and signs advertising restaurant food specials, films and live entertainment which change on a regular basis.</p>			<p>¹Individual tenants may not have a Freestanding Sign.</p> <p>²Frontages greater than 500 feet may include one additional freestanding sign not to exceed 80 SF in area and with a total allowable sign area not exceeding the maximum allowable sign area for the multiple tenant center.</p>													

Use Amendments

- Add Residential Storage Facility as a conditional use in T4 Hamlet Center Open and T4 Neighborhood Center.** The Community Development Code currently does not permit Residential Storage Facilities in any of the T4 districts. This was originally done because the T4 districts are meant to encourage pedestrian friendly development. However, two areas of the County (Shell Point and Lady’s Island) have T4 districts for the entirety of their commercial districts. With this particular use in high demand, especially in areas with small residential lots, staff is recommending adding residential storage facility as a conditional use in T4.

17. Residential Storage Facility	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	C	C	C
18. Vehicle Services: Minor Maintenance and Repair	--	--	--	--	--	C	--	--	--	--	--	--	C	C	C	--	C	C	--
19. Vehicle Services: Major Maintenance and Repair	--	--	--	--	--	C	--	--	--	--	--	--	C	C	--	C	C	C	C
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.

The following amendments are recommended to Section 4.1.220 for residential storage facility in T4. Provide an additional subsection “E” to address this use in T4 Hamlet Center Open:

E. Residential Storage Facilities in T4 Hamlet Center Open and T4 Neighborhood Center:
Residential storage facilities shall be sited so that storage buildings are located in the interior of the block and do not face a street. The site shall incorporate outparcels to screen and separate the storage buildings from the street. The leasing office and/or security quarters may face and address the street.

- Revising the Definition of Lodging:Inn:** Regulating the short-term rental (i.e., less than 30 days) of single-family homes as a commercial lodging use requires that the homes be renovated to commercial building code standards per the County Building Official. For this reason, staff recommends that the short-term rental of single-family homes be deleted from the definition of “Lodging: Inn.” Staff will be developing separate standards for this use for the Planning Commission’s future consideration. Revise Table 3.1.70 as follows:

OFFICES AND SERVICES	
This category is intended to encompass activities, without outdoor storage needs, that are primarily oriented towards office and service functions.	
Land Use Type	Definition
9. Lodging: Inn	A building or group of buildings used as a commercial lodging establishment having up to 24 guest rooms providing lodging accommodations to the general public. <u>This includes the use of any dwelling unit for lodging accommodations on a daily or weekly rate to the general public.</u>

Corrections, Clarifications, and provisions from the ZDSO

2.7.40.C: Family Compound Standards (Clarification). Edit as follows:

- C. **Property May Be Subdivided.** Family compounds shall be developed and the dwelling units built, or the family compound property may be subdivided and conveyed by the landowner to a family member to build a dwelling unit. Family compounds that are subdivided are limited to the maximum number of units without clustering shown in Table 2.7.40.A.

2.7.40.D: Family Compound Standards (from ZDSO). Add a new subsection that reads as follows:

- 5. **Family Compound Design.** Family compounds that are subdivided shall be accompanied by covenants and cross easements, or similar restrictions and reservations, guaranteeing essential infrastructure and 50 feet of vehicular access for each lot.

2.9.80.C: Minimum Construction Specifications for Unpaved Roads (Clarification). Edit item 2 as follows:

- 2. Minor subdivisions, as long as no more than four lots will be served by the proposed road, and rear lanes (see Table 2.9.90.E) may utilize a stabilized aggregate road, in accordance with the standards in this section.

2.9.80.C: Minimum Construction Specifications for Unpaved Roads (Correction). Delete item 6.

- 6. ~~The road shall consist of a 20-foot roadway with four-foot shoulders and roadside ditches.~~

2.9.9.F: Public Frontage Standards (Correction). Amend table to allow public frontage type “HW-RD-ST” which allows open swales in the T3 and C3 districts with approval by the director.

Table 2.9.90.F Public Frontage Standards				
This table assembles prescriptions and dimensions for the public frontage elements - curbs, walkways, and planters - relative to specific thoroughfare types within transect zones. The Assembly row assembles all of the elements for the various thoroughfare types.				
Transect Zone	T1 T2 T3 T4 C3 C4 C5 S1	T1 T2 T3 T4 C3 C4 C5 S1	T1 T2 T3 T4 C3 C4 C5 S1	T1 T2 T3 T4 C3 C4 C5 S1
Public Frontage Type*	HW-RD-ST	RD & ST	ST-DR-AV	ST-DR-AV-BV
Assembly: The principal variables are the type and dimension of curbs, walkways, planters and landscape.				
Total Width	13' – 22'	13' – 22'	10' – 17'	12' – 16'
Curb: The detailing of the edge of the vehicular pavement, incorporating drainage.				
Type	Rural (Open Swale)	Rolled Curb (Valley Gutter)	Raised Curb	Raised Curb
Radius	25'	10' – 30'	5' – 20'	5' – 20'

3.2.30.B T1 (Natural Preserve) Building Placement (from ZDSO). Amend table to establish a minimum lot width of 150 feet for this district (see Table below)

B. Building Placement		
Setback (Distance from ROW/Property Line)		
Front	50' min.	A
Side Street	50' min.	B
Side:		
Side, Main Building	50' min.	C
Side, Ancillary Building	20' min.	
Rear	100' min.	D
Lot Size (One Acre Minimum)		
Width	n/a 150' min.	E
Depth	n/a	F
Miscellaneous		
Where existing adjacent buildings are in front of the regulated BTL or front setback, the building may be set to align with the façade of the front-most immediately adjacent property.		

3.2.30.C: T2R (Rural) Building Placement (from ZDSO). Amend table to change side setbacks for residential uses from 50 feet to 18 feet to match what was in the ZDSO for the Rural district. Change site setbacks for ancillary uses from 20 feet to 10 feet. Establish a minimum lot width for Rural of 100 feet (see Table below).

C. Building Placement		
Setback (Distance from ROW/Property Line)		
Front	50' min.	A
Side Street	50' min.	B
Side:		
Side, Main Building	50' 18' min.	C
Side, Ancillary Building	20' 10' min.	
Rear	50' min.	D
Lot Size (Half Acre Minimum)		
Width	n/a 100' min	E
Depth	n/a	F
Miscellaneous		
Where existing adjacent buildings are in front of the regulated BTL or front setback, the building may be set to align with the facade of the front-most immediately adjacent property.		

3.2.80.C: T3HN (Hamlet Neighborhood) Building Placement: (Correction): Remove maximum side yard setback for main buildings (see table below).

C. Building Placement		
Setback (Distance from ROW/Property Line)		
Front	25' min., 35' max.	A
Side Street	15' min, 25' max.	B
Side:		
Side, Main Building	10' min, 15' max.	C
Side, Ancillary Building	5' min.	
Rear	15' min.	D
Lot Size (7,500 SF Minimum)		
Width	65' min.	E
Depth	100' min.	F
Miscellaneous		
Where existing adjacent buildings are in front of the regulated BTL or front setback, the building may be set to align with the façade of the front-most immediately adjacent property.		

3.2.110.C: T4NC (Neighborhood Center) Building Placement: (Correction): Remove maximum side yard setback for main buildings and ancillary buildings (see table below).

C. Building Placement		
Setback (Distance from ROW/Property Line)		
Front	0' min., 15' max.	A
Side Street	0' min., 10' max	B
Side:		C
Main Building	3' min., 6' max.	
Ancillary Building	0' or 3' min.	
Rear	5' min.	D
Façade within Façade Zone:		
Front	75%	
Side Street	50%	
Lot Size (62,500 SF Maximum)		
Width	250' max.	E
Depth	250' max.	F

3.4.30.D: MCAS Airport Overlay – Noise Reduction Requirement: (Correction). Amend note #2 to read as follows:

“Because manufactured homes are constructed to federal standards that may not meet the standards listed above for noise attenuation, all permit applications for the placement of manufactured homes within a noise zone 2a, 2b, or 3 shall be accompanied by the following disclosure statement:”

3.4.30.E: MCAS Airport Overlay – Notification: (Correction). Amend subsection 2 to read as follows:

“All prospective renters signing a commercial or residential lease shall be notified by the property owner through a written provision contained in the lease agreement if the leased property is located within the ZØ MCAS-AO Zone.”

4.1.120.C: General Retail: Specific to S1 District. [from ZDSO] This amendment to the ZDSO was approved by County Council in 2014 and is being recommended by staff to be carried over to the Community Development Code. Amend subsection C to read as follows:

1. Access shall be from the development’s internal streets.
2. The use shall not have direct access to arterial or collector streets.
3. General retail establishments may reuse developed sites that have been unoccupied by a light industrial business for more than two years provided the following standards are met:
 - a. Adequate parking in compliance with Division 5.5 (Off-Street Parking) shall be provided;
 - b. The site shall be located within 1,000 feet of an arterial road, and traffic impacts as measured by trips per day shall not exceed by more than 10% the traffic impact of the former permitted use on the site;
 - c. The proposed use shall meet the Land Use Compatibility Recommendations of the United States Navy for the Accident Potential Zones (APZs) or Noise Zones, if the site is within such a zone; and
 - d. No outside sales for an adaptive reuse shall be permitted with the APZs or Noise Zones, if the site is within such a zone.
 - e. Structural additions shall not increase the existing floor space by more than 15%; if more than a 15% increase is proposed, the application will be treated as a special use.”

4.2.20.E General Standards and Limitations: Standards for Freestanding Accessory Buildings/Structures: (Clarification) Amend subsection 1(2) to read as follows:

“ Except in T1, T2R, and T2RL zones, all river, marsh, and ocean waterfront lots, and water/marine-oriented facilities, no accessory structure shall project beyond the front building line of the principal structure.”

4.2.200.I: Private Fish Ponds: Fencing: (Correction) Delete subsection “I. Fencing”

5.3.20.2: Architectural Standards and Guidelines: Applicability: (Clarification) Amend subsection A(2) to read as follows:

“The T2RNO, T2RC, T3E, T3HN, T3HN, T3N, and T3NO-T2 and T3 Zones with the exception of agricultural, single-family and two-family residential uses.”

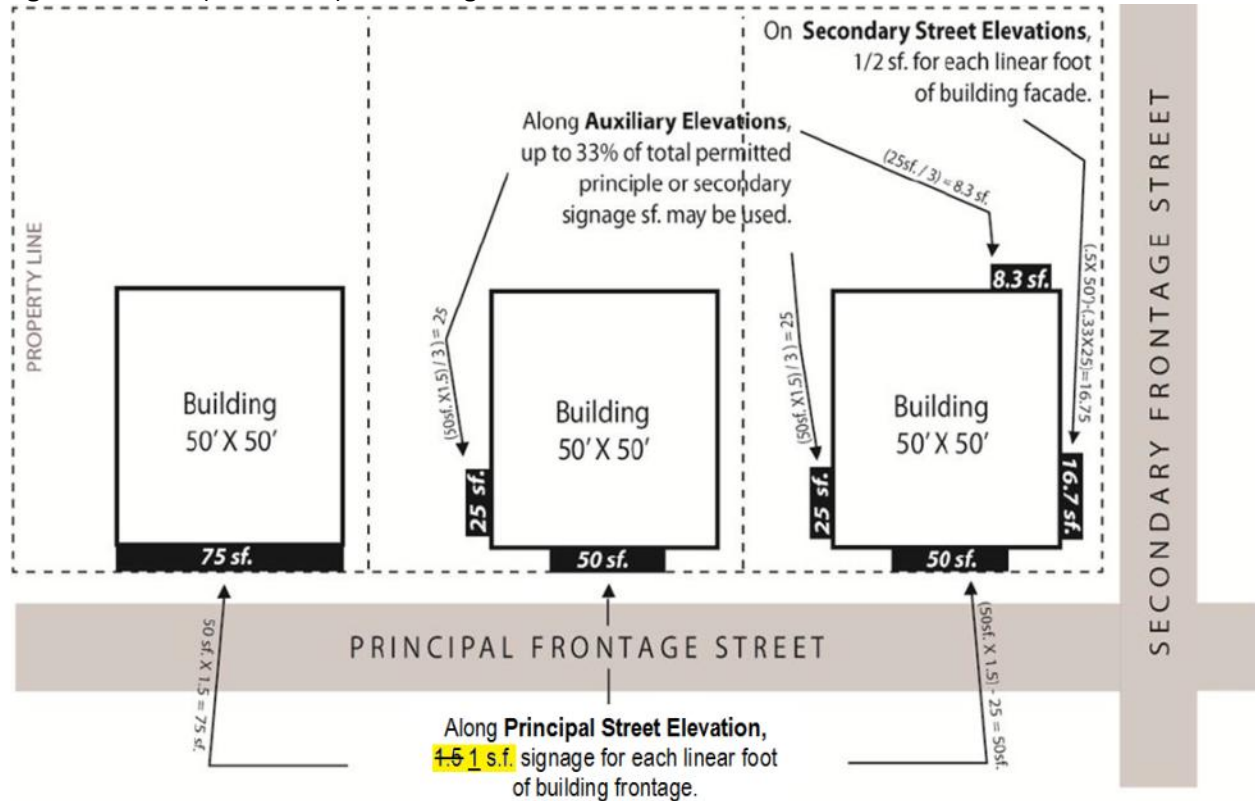
5.4.60.D: Design and Appearance: Landscape Screening: (Correction) Amend subsection to read as follows:

“All chain link fences and fences and walls exceeding four feet in height, if located within 15 feet of a public street right-of-way, shall be supplemented with landscape screening in accordance with the following standards, to soften the visual impact of the fence. These standards shall not apply to fences in the S Zone or single-family dwellings in the CS C3 Zone, unless they are located within 15 feet of the right-of-way of an arterial or collector street.”

5.6.30.F: General Sign Requirements: Sign Height Measurement: (Clarification) Amend Subsection F(2) to read as follows:

“Sign height is measured as the vertical distance from the average elevation between the highest point and the lowest point of finished grade at the base of a sign to the top of the sign. Refer to sections 5.6.80 – 5.6.190 for height measurements by type of sign.”

5.6.40.B: Permanent Sign Types for Buildings, Businesses and Communities: Figure 5.6.40.B Aggregate Sign Standards: (Correction) Amend Figure to read as follows:



5.7.50: Illumination of Outdoor Sports Fields and Performance Areas: (from ZDSO) Add the following subsections:

C. Height of Fixtures. Light fixtures shall not exceed a height of 80 feet.

D. Buffers Adjacent to Residential Properties. A landscaped buffer yard sufficient to prevent light and glare spillover to adjacent residential properties may be required by the Director.”

5.8.20.B Landscaping, Buffers, and Screening Standards: Applicability: Exemptions: (Clarification) Amend as follows:

1. **“Within Transect Zones:** Single-family residential and duplexes on individual lots are exempt from the requirements of this section within T1 Natural Preserve, T2 Rural, T2 Rural Neighborhood, T2 Rural Neighborhood Open, T2 Rural Center, T3 Edge, T3 Hamlet Neighborhood, and T3 Neighborhood.
2. **Within Conventional Zones and Community Preservation Districts:** Single-family residential and duplexes on individual lots are exempt.”

5.8.30.B: General Landscape Design Applicable to All Zones: Existing Landscape Preservation: (Clarification) Amend subsection 2 to read as follows:

“Trees 8 inches DBH and larger, and all dogwoods (*Cornus spp.*), reduds (*Cercis canadensis*), and magnolias (*Magnolia spp.*) four inches DBH and larger may not No vegetation may be removed from required buffers without approval of a re-vegetation plan unless dead, diseased, or listed as an invasive species in Table 5.11.100.C. of this ordinance.”

5.8.50.B: Thoroughfare Buffer: Applicability: (Clarification) Amend subsection “B” to read as follows:

“ A thoroughfare buffer is required along all collector and arterial roads within all conventional zones, community preservation districts, T2 Rural, T2 Rural Low, and T2 Rural Neighborhood.”

5.9.20: Neighborhood Compatibility Standards: Applicability: (Correction) Amend subsection as follows:

“Except where exempted in accordance with Section 5.9.30 (Exemptions), these neighborhood compatibility standards apply to all institutional, commercial, light industrial, mixed-use, townhouse, and multi-family development in the conventional, community preservation, T1, and T2 zones located on land abutting one side or across a street or alley with two or fewer lanes from existing single-family detached residential development.”

5.11.20.A: Resource Protection Standards: General: Applicability: (Clarification) amend subsection to read as follows:

“ These resource protection standards apply to all development property in the unincorporated County, unless expressly stated otherwise in this Division.”

5.11.60.A: River Buffer: River Buffer Setbacks: (Correction) Amend Table 5.11.60.A as follows:

Table 5.11.60.A: River Buffer Setbacks						
District	River Buffer	Single Family/ Duplex Setback	Other Residential Buildings and Nonresidential Buildings Setback	Parking Lots and Drives Setback	Septic Tank/ Tile Field Setback	Agriculture/ Golf Course Setback
T1 and T2	50 feet	60 feet	100 feet	100 feet	100 feet	150 feet
Conventional & CP Districts; PUDs	50 feet	60 feet	100 feet	100 feet	100 feet	150 feet
T3 Edge	40 feet	50 feet	75 feet	100 feet	100 feet ¹	150 feet
T3	25 feet	35 feet	35 feet	100 feet	100 feet ¹	150 feet
T4	20 feet	30 feet	30 feet	50 feet	100 feet ¹	150 feet

¹Or as approved by SCDHEC.

5.11.60.C: River Buffer: Uses Allowed Between Building Setback and River Buffer: (Clarification) Amend subsection C(1) to read as follows:

“Residential – playgrounds, fire pits, outdoor furniture, pervious hardscapes, uncovered decks, pools, etc.”

5.11.60.F: River Buffer: Buffer Disturbance (Clarification) Amend Subsection (2) to read as follows:

“Removal of Trees: Except for invasive species; see Section 5.11.100.G (Removal of Invasive Tree Species), removal of any tree within a river buffer shall require a tree removal permit; see section 7.2.50 (Tree Removal Permit). Removal of trees shall require plant back inch for inch (DBH) of trees removed, except in those instances in which a tree is dead, hollow, or has another condition that poses a hazard to people or structures on the property or adjoining property as determined in

writing by a certified arborist. In those cases, the tree shall be replaced with one 2.5 inch minimum caliper tree. If all tree inches cannot be planted back on site due to site constraints, the remaining tree inches shall be subject to a general county reforestation fee; see Section 5.11.100.D.3 (Reforestation Fee).”

5.11.60.K: River Buffer: Private Trails (Clarification) Amend Subsection to read as follows:

- K. **Private Trails.** Private Trails shall be permitted to cross the river buffer at reasonable intervals for access to the water. Horizontal trails through the river buffer, such as walking paths and bikeways, will be allowed with the following requirements:
1. Such trails shall be designed and constructed in a manner that does not result in them becoming channels for stormwater, that does not result in erosion, or that does not damage surrounding vegetation.
 2. The County may require trails to be of boardwalk construction, pervious paving systems, or stepping stones if needed to ensure meeting the objectives of the buffer, and for long term maintenance of the trail.
 3. The trails shall be no more than 5 feet wide.
 4. Such trails will be accessible to the public or residents of a private community.

5.11.100.D: Tree Protection: Tree Removal: (Clarification) Add a new subsection (3) to read as follows.

“ **3. Penalty for Removing Trees Prior to Permitting.** If trees are cut down prior to a development receiving all necessary permits from the County, the County shall not issue a permit to allow the development to occur within two years of the tree removal, unless the property owner provides mitigation for the trees removed. Mitigation shall involve the replanting of trees a minimum of 2.5 caliper inches with a total caliper equal to 1.25 times that of the DBH of the trees removed.” [Note: renumber **Reforestation Fee** to subsection 4.]

5.11.100.F: Tree Removal on Developed Properties: Single-Family Residential Lots: (Clarification)

Amend Subsection (1)(b) as follows:

- “b. **Tree Removal Permit Standards:** A tree removal permit will be issued to remove a grand tree from a residential lot if the tree is dead, diseased, hollow, or has another condition that poses a hazard to people or structures on the lot or adjoining lot as determined by a certified arborist. Upon removal, the tree shall be replaced with one 2.5 inch minimum caliper tree of the same species.”

5.11.110: Allowed Activities in Resource Protection Area: (Correction) Amend Table 5.11.110.A as follows:

Table 5.11.110.A: Activities in Resource Protection Areas							
	Activities						
	Water Dependent Uses	Trails	Bike-way	Picnic Area	Public Road/ Essential Access	Water Sewer Line	Additional Standards
Tidal Wetlands	C	--	--	--	--	--	Sec. 5.11.30
Non-Tidal Wetlands	--	C	C	--	S	S	Sec. 5.11.40
Beach-Dunes	--	C	--	--	--	--	Sec. 5.11.50
River Buffer	C	C	C	--	S	S	Sec. 5.11.60
Endangered Species Habitat	--	C	--	--	--	S	Sec. 5.11.70
Forests	--	C	C	--	--	--	Sec. 5.11.90

C = Conditional S = Special Use -- = Not Permitted

6.1.60.B: Subdivision and Land Development: Easements: (Clarification) Amend Subsection as follows:

“Width: Utility easements shall be a minimum of ten feet wide. Easements that fall on shared side or rear lot lines shall be divided equally, requiring five feet from each lot. Access easements shall meet the standards of Division 2.9 (Thoroughfare Standards) for a comparable roadway.”

Section 7.2.20.A: Procedures: Zoning Permit: Purpose: (Clarification) Amend Subsection as follows:

“Purpose: The purpose of a Zoning Permit is to ensure that proposed development and/or new land uses complies with all the requirements of this Development Code and has any required permits for access, potable water, sewer, and any other permits required under the Code of Ordinances and/or state or federal law prior to issuance of a Building Permit or Business License.”

Section 7.2.30.A Modulation Permit: Allowable Modulations (Correction): Amend Table 7.2.30.A as follows:

Table 7.2.30.A: Allowable Modulations		
Modulation	Required Findings	Maximum Modulation
Community Scale		
Block Face and Perimeter Length. See Section 2.2.40.A.2.	Natural resources limit the ability to create an interconnected network of streets and blocks.	20 percent
Dead-End Streets and Cul-de-Sacs See Section 2.2.30.E (Dead-End Streets and Cul-de-Sacs).	Existing site specific environmental feature(s) requires protection and/or preservation, and no alternative block structure is practicable.	Allowed
Building Placement		
Setbacks: A decrease of the minimum required setback areas (e.g., side, street side, and rear) for structures. See Article 3 (Specific to Zones).	Existing development on adjacent parcels on the same block face is less than the required setback; and The modulation will allow the proposed development to blend in with the adjacent development.	3 feet or 20 percent, whichever is greater. For lots of record created before 1999, no less than 10-ft side and rear setbacks to make lot buildable. ¹
Setbacks: Additions. Allowing any new addition to an existing structure to be located up to the furthest point of setback encroachment, subject to Fire Code regulations. See Article 3 (Specific to Zones).	New addition does not increase the non-conformity; and Addition to or new garage is not within 15 feet of a public right-of-way.	Up to existing encroachment. ¹
Build-to-Line: Front or Side. A relaxation of the specified build-to-line. See Article 3 (Specific to Zones).	Existing development on adjacent parcels on the same block face is set back less than the required setback; and The modulation will allow the proposed development to blend in with the adjacent development.	5 feet
Build-to-Line: Defined by an Existing Building. A relaxation of the specified build-to-line, defined by the building façade, for sites located within Transect Zones. See Article 3 (Specific to Zones).	Modulation will allow the proposed development to blend with the existing adjacent development.	10 percent
Facade within façade zone in Transect Zones. A relaxation of the specified front façade requirements for sites located within Transect Zones. See Article 3 (Specific to Zones).	Modulation will allow the proposed development to blend in with the adjacent development.	10 percent
Parcel dimensions (e.g., area , depth, or width). A decrease in the minimum required parcel area , parcel depth, or parcel width. See Article 3 (Specific to Zones).	An existing parcel can be developed following the intent of the zone; or The size of a new parcel is limited by natural resources.	10 percent

7.4.50.A: Public Hearing Scheduling and Notice: Required Public Hearings: (Correction) Amend Table 7.4.50.A as follows:

Development Application or Approval	Advisory or Decision-Making Bodies		
	County Council	Planning Commission	Zoning Board of Appeals (ZBOA)
Comprehensive Plan Amendment	X	X	
Text Amendment	X	X	
Zone Map Amendment	X	X	
Special Use Permit			X
Variance Permit			X
Plat Vacation	X		
Street Renaming		X	
Appeal to Planning Commission		X	
Appeal to Zoning Board of Appeals			X
Development Agreements	X		

7.4.130.B: Expiration of Development Approval: Exceptions: (Correction) Amend subsection to read as follows:

“**Exceptions:** Zoning map amendments, ~~plat vacations~~, and street ~~naming and~~ renaming, shall be exempt from the standard in Subsection 7.4.130.A, above.”

7.5.60.A: Department of Community Development and Director: Powers and Duties of Director: (Correction) Delete subsection 3(b)(6) as follows:

~~(6) Plat Vacations. See Section 7.2.70.L (Plat Vacation). [renumber remaining subsection].~~

7.5.70: Administrative Bodies and Staff: Development Review Responsibilities: (Correction) Amend Table 7.5.70.A as follows:

Table 7.5.70.A: Summary Table of Development Review Responsibilities						
D = Decision	R = Recommendation	A = Appeal	< > = Public Hearing			
Procedures	Director	Design Review Board (DB)	Historic Preservation Review Board (HPRB)	Zoning Board of appeals (ZBOA)	Planning Commission	County Council
Application Specific Review Procedures						
Zoning Permit	D	--	--	<A>	--	--
Modulation Permit	D	--	--	<A>	--	--
Sign Permit	D	--	--	<A>	--	--
Tree Removal Permit	D	--	--	<A>	--	--
Land Development Plan (Minor and Major)	D	--	--	--	<A>	--
Subdivision Plat (Minor and Major)	D	--	--	--	<A>	--
Traditional Community Plan (TCP)	D	--	--	--	<A>	--
Plat Vacation	R	--	--	--	--	A <D>
Street Renaming ¹	R	--	--	--	<D>	--
Certificate of Design Compliance	R	D	--	--	--	--
Certificate of Appropriateness	R	--	D	--	--	--
Special Use Permit	R	--	--	<D>	--	--
Variance Permit	R	--	--	<D>	--	--

10.1.160 : P Definitions: Amend definition for Passive Recreation as follows (direction from Natural Resources Committee)

“Passive Recreation. Recreation requiring little or no physical exertion focusing on the enjoyment of one’s natural surroundings. In determining appropriate recreational uses of passive parks, the promotion and development of resource-based activities such as fishing, camping, hunting, boating, gardening, bicycling, nature studies, horse-back riding, visiting historic sites, hiking, etc., shall be the predominate measure for passive park utilization. **However, use based activities such as target shooting or archery shall not be prohibited on passive park properties when site designs indicate compatibility of the proposed use with natural or cultural resources.”**

2015 /

TEXT AMENDMENTS TO THE BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE (CDC), SECTION 3.2.100.E (T4 HAMLET CENTER) AND SECTION 3.3.30.C (NEIGHBORHOOD MIX-USE (C3) ZONE) TO ESTABLISH A HEIGHT LIMIT OF 35 FEET FOR INSTITUTIONAL BUILDINGS.

Whereas, added text is highlighted in yellow.

Adopted this ____ day of _____, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: October 12, 2015

Second Reading: October 26, 2015

Public Hearing:

Third and Final Reading:

3.3.30 Neighborhood Mixed Use (C3) Zone Standards

A. Purpose

The Neighborhood Mixed Use (C3) Zone provides for high-quality, moderate-density (averaging under three dwelling units per acre) residential development, with denser areas of multi-family and mixed-use development to provide walkability and affordable housing options. The design requirements are intended to provide a suburban character and encourage pedestrian, as well as automobile, access. Open spaces shall be provided in sufficient quantity to ensure an open quality with a predominance of green space. Non-residential uses shall be limited to parcels having access to arterial or collector streets or within a Traditional Community Plan. This Zone provides for the lower densities of areas designated Neighborhood Mixed-Use in the Comprehensive Plan. It is intended to support the development of communities with a diverse range of housing types and uses.

B. Building Placement

Setback (Distance from ROW/Property Line)

Front	30' min. ¹
Side:	
Side, Main Building	10' min.
Side, Ancillary Building	10' min.
Rear	50' min.

¹The minimum front setback for mansion apartments in a Multi-family community on internal streets is 15 feet.

Lot Size

Lot Size	10,890 SF min.
Width	70' min.

Minimum Site Area

Single Family and Duplex	10,890 SF
Multi-Family	21,780 SF

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

Single Family and Duplex	2.5 stories max.
Multi-Family	2.5 stories max.
Non-Residential Buildings	2 stories max.
Institutional Buildings	35 Feet above grade
Ground Floor Finish Level	No minimum
Multi-Family housing shall utilize the Mansion Apartment Building Type requirements in 5.1.10.	

D. Gross Density¹ and Floor Area Ratio

Gross Density

Single Family Detached	2.6 d.u./acre
Two Family Unit	2.6 d.u./acre
Multi-Family Unit	12 d.u./acre, Maximum of 80 dwelling units
Traditional Community Plan	3.5 d.u./acre ²

²Subject to the requirements in Division 2.3

Floor Area Ratio

Non-residential buildings	0.18 max.
---------------------------	-----------

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

E. Parking

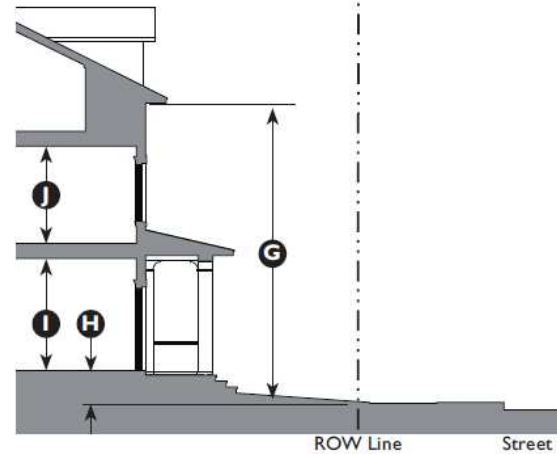
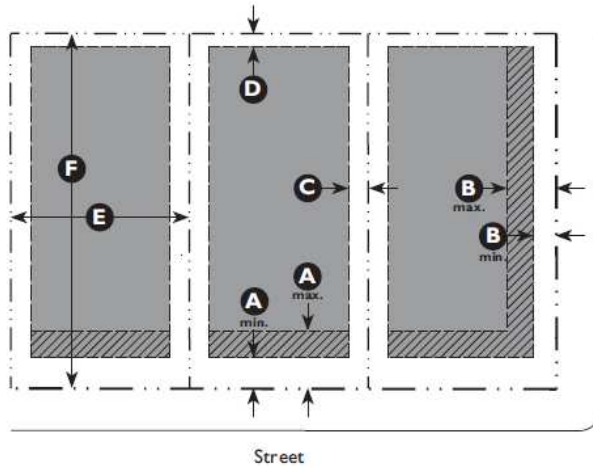
Required Spaces: Residential Uses

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: Service or Retail Uses

Retail, offices, services	1 per 300 GSF
Restaurant, Café, Coffee Shop	1 per 150 GSF
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

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



Key

- ROW / Property Line
- Setback Line
- Building Area
- ▨ Façade Zone

D. Building Placement

Setback (Distance from ROW/Property Line)

Front	10' min., 25' max.	A
Side Street	10' min., 20' max.	B
Side:		
Side, Main Building	5' min.	C
Side, Ancillary Building	5' min.	
Rear	5' min.	D
Façade within Façade Zone:		
Front	75%	
Side Street	50%	

Lot Size (37,500 SF Maximum)

Width	150 ft. max.	E
Depth	250 ft. max.	F

Miscellaneous

Where existing adjacent buildings are in front of the regulated BTL or front setback, the building may be set to align with the façade of the front-most immediately adjacent property.

Maximum lot size does not apply to Recreation, Education, Safety, Public Assembly uses

E. Building Form

Building Height

Main Building	2.5 stories max.	G
Ancillary Building	2 stories max.	
Ground Floor Finish Level: ²		H
Residential	18" min.	
Commercial (T4HC-O)	6" max.	
Ground Floor Ceiling:		I
Commercial (T4HC-O)	10' min.	
Upper Floor(s) Ceiling	8' min.	J

Ground Floor lobbies and Common areas in multi-unit buildings may have a 0" to 6" ground floor finish level.

Within 25' of the rear property line, buildings may not be more than a half-story taller than the allowed height of adjacent buildings.

Footprint

Width: Main Building	100' max.
----------------------	-----------

All upper floors may have a primary entrance along the front. Loading docks, overhead doors, and other service entries may not be located on street-facing fades.

Notes

Institutional buildings are exempt from this requirement provided that building height does not exceed 35 feet above grade.

²Buildings located in a flood hazard zone will be required to be built above base flood elevation in accordance with Beaufort County Building Codes.

2015 /

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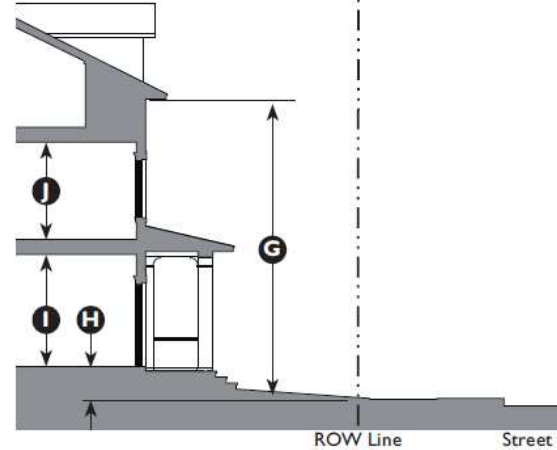
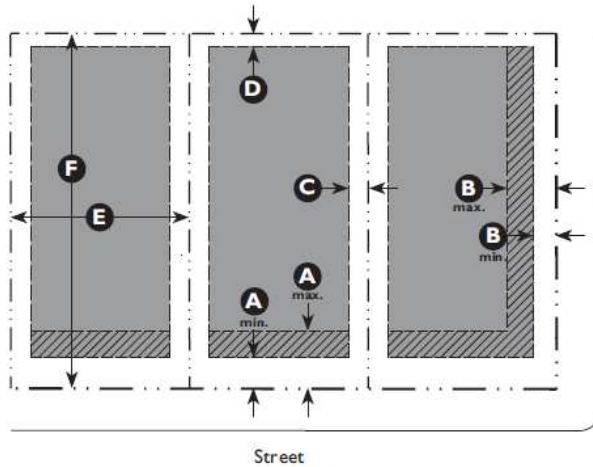
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Within 25' of the rear property line, buildings may not be more than a half-story taller than the allowed height of adjacent buildings.

Footprint

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----------------------	-----------

All upper floors may have a primary entrance along the front. Loading docks, overhead doors, and other service entries may not be located on street-facing fades.

Notes

¹Institutional buildings are exempt from this requirement provided that building height does not exceed 35 feet above grade.

²Buildings located in a flood hazard zone will be required to be built above base flood elevation in accordance with Beaufort County Building Codes.

2015 /

LADY'S ISLAND ZONING MAP AMENDMENT FOR R200 015 000 0165 0000, R200 015 000 0721 0000, R200 015 000 0820 0000, R200 015 000 0866 0000, R200 015 000 0867 0000, R200 015 000 0868 0000, R200 015 000 0869 0000, R200 015 000 0870 0000, R200 015 000 0871 0000, R200 015 000 0872 0000, R200 015 000 0873 0000, R200 015 000 0874 0000, R200 015 000 0875 0000 (13 PARCELS TOTALING 8.75 ACRES, SOUTH SIDE OF SEA ISLAND PARKWAY BETWEEN LADY'S ISLAND COMMONS AND YOUMANS ROAD) FROM T4-HC (HAMLET CENTER) TO T4-HCO (HAMLET CENTER OPEN).

Adopted this _____ day of _____, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

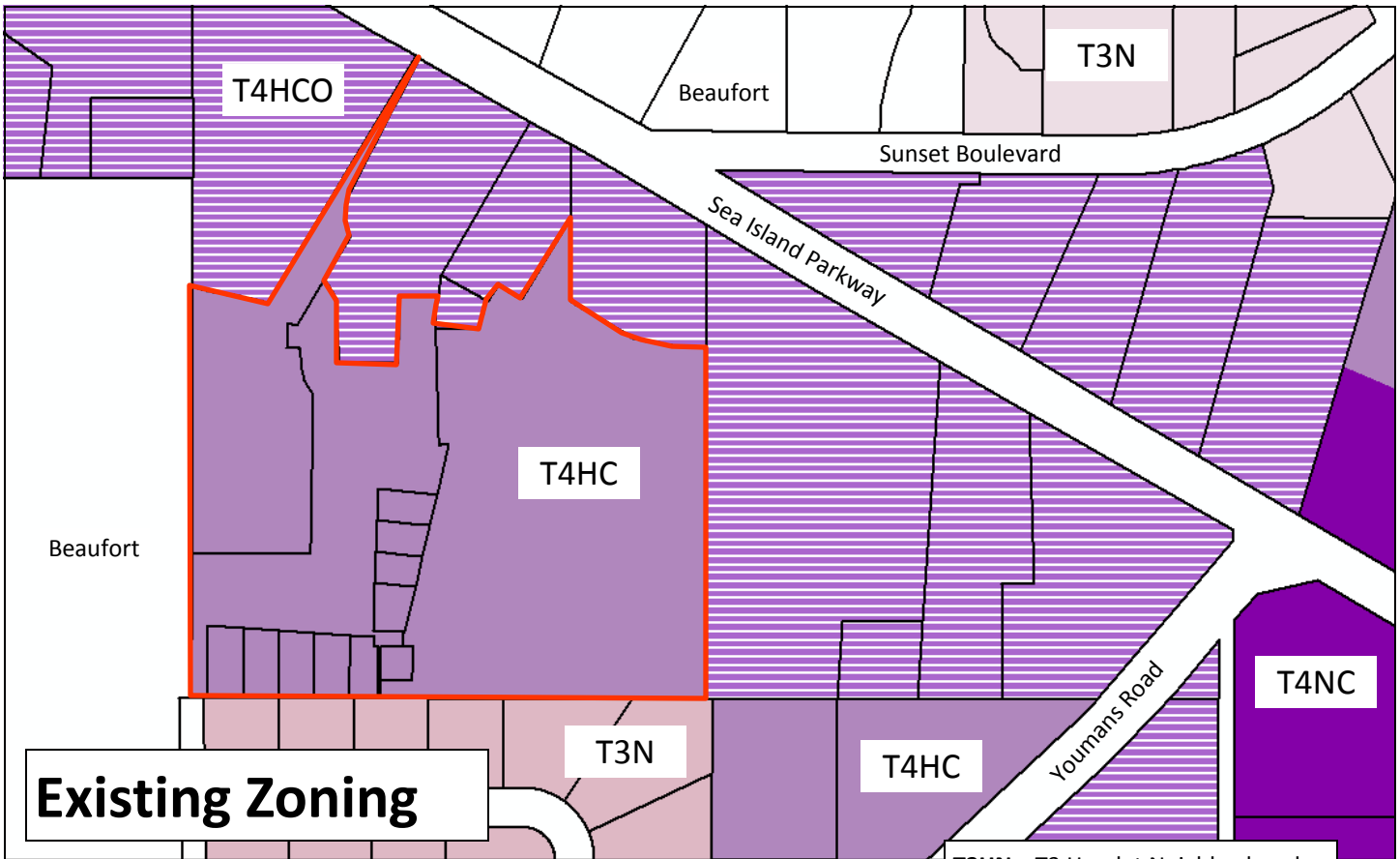
Suzanne M. Rainey, Clerk to Council

First Reading: October 12, 2015

Second Reading: October 26, 2015

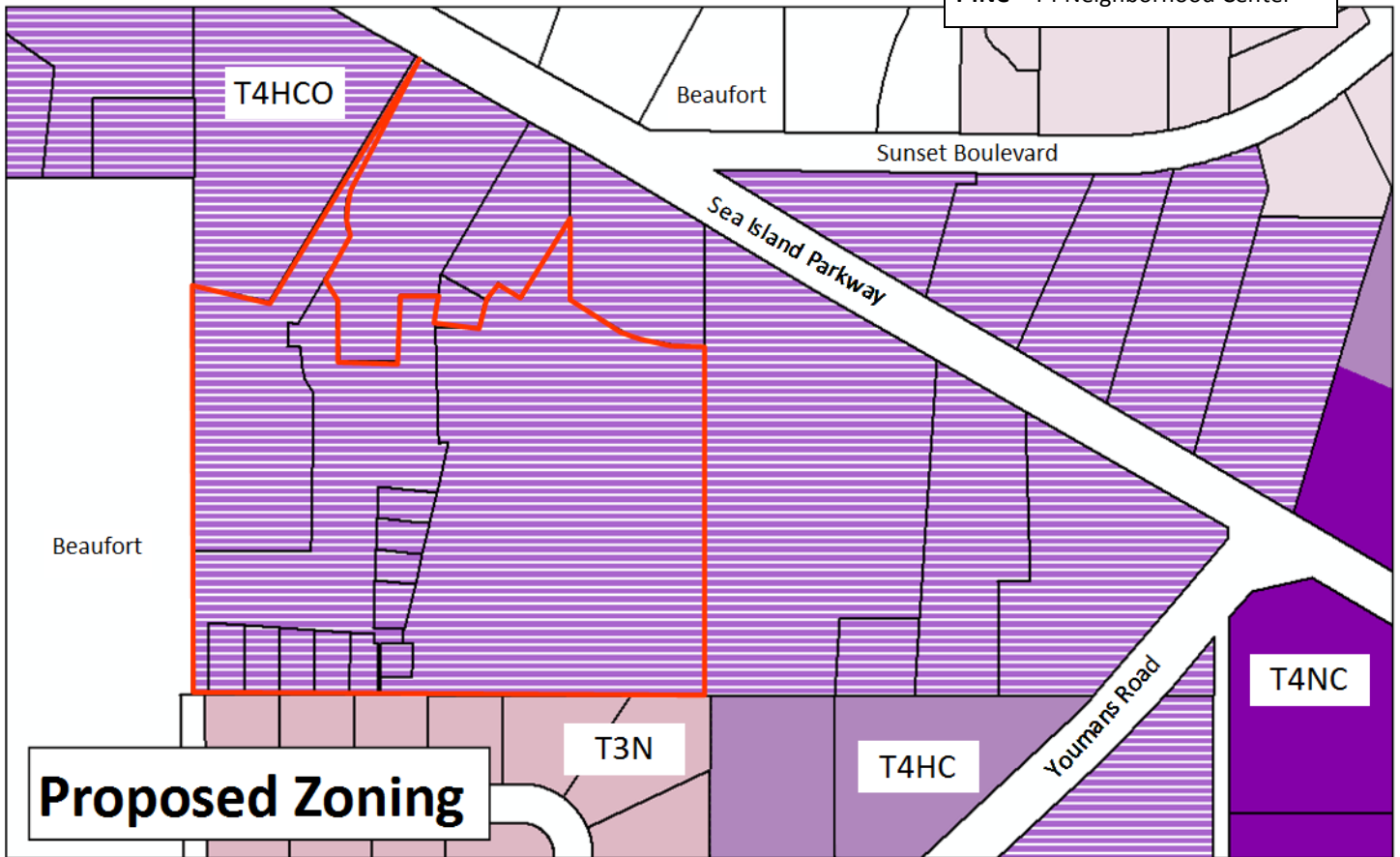
Public Hearing:

Third and Final Reading:



Existing Zoning

- T3HN**—T3 Hamlet Neighborhood
- T3N**—T3 Neighborhood
- T4HC**—T4 Hamlet Center
- T4HCO**—T4 Hamlet Center Open
- T4NC**—T4 Neighborhood Center



Proposed Zoning

2015 /

LADY’S ISLAND ZONING MAP AMENDMENT FOR R200 015 000 111G 0000, R200 015 000 0114 0000, R200 015 000 114B 0000, R200 015 000 114C 0000, R200 015 000 114D 0000, AND R200 015 000 0638 0000 – NORTH OF SEA ISLAND PARKWAY; R200 018 00A 0147 0000, R200 018 00A 0148 0000, R200 018 00A 0149 0000, R200 018 00A 0150 0000, R200 018 00A 0161 0000, R200 018 00A 0162 0000, R200 018 00A 0163 0000, R200 018 00A 0192 0000, R200 018 00A 0193 0000, AND R200 018 00A 0248 0000 – SOUTH OF SEA ISLAND PARKWAY (16 PARCELS TOTALING 19 ACRES, NORTH AND SOUTH SEA ISLAND PARKWAY BETWEEN GAY DRIVE AND DOW ROAD) FROM T3-N (NEIGHBORHOOD) AND T3-HN (HAMLET NEIGHBORHOOD) TO T4-NC (NEIGHBORHOOD CENTER) AND T4-HCO (HAMLET CENTER).

Adopted this _____ day of _____, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

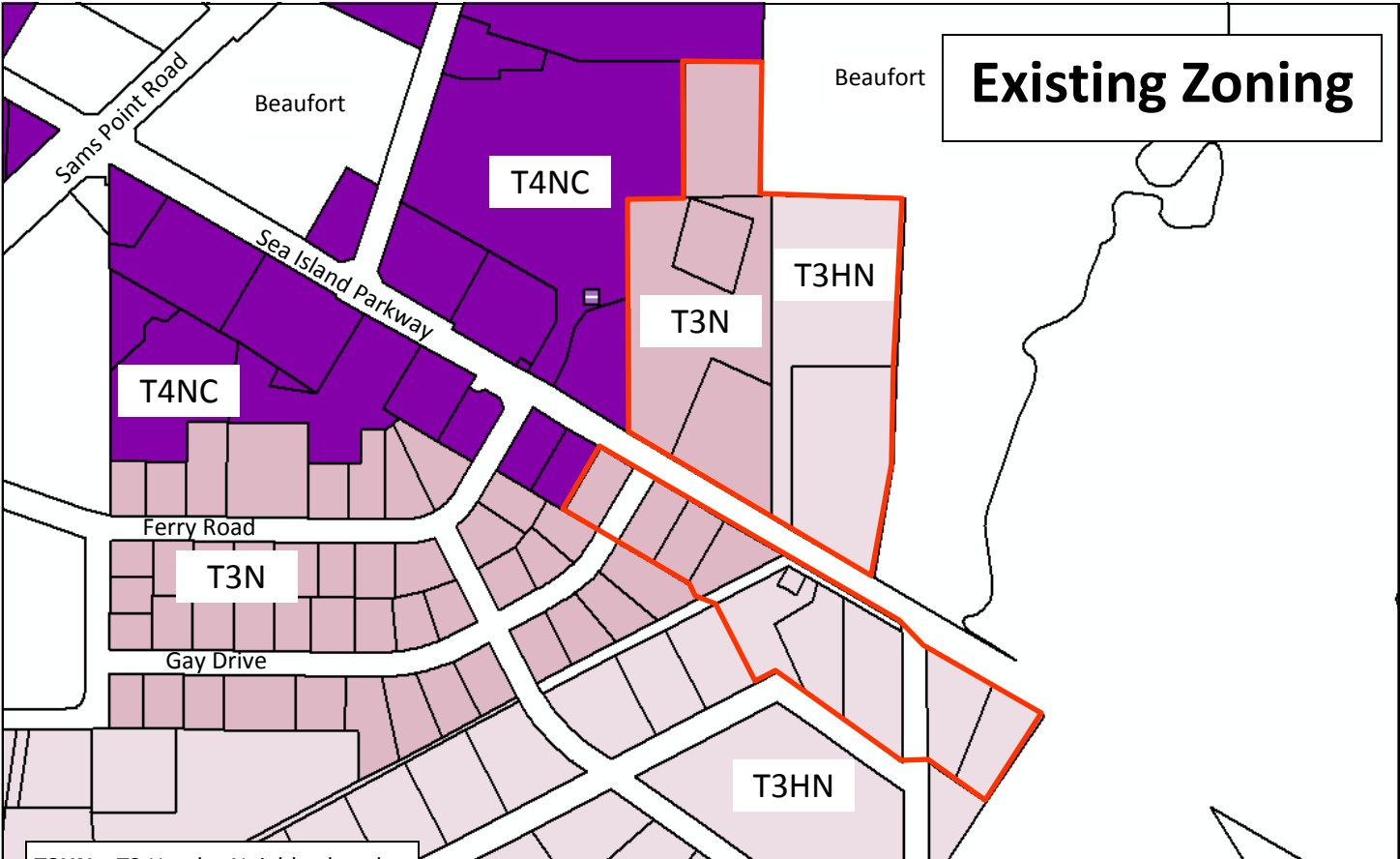
APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

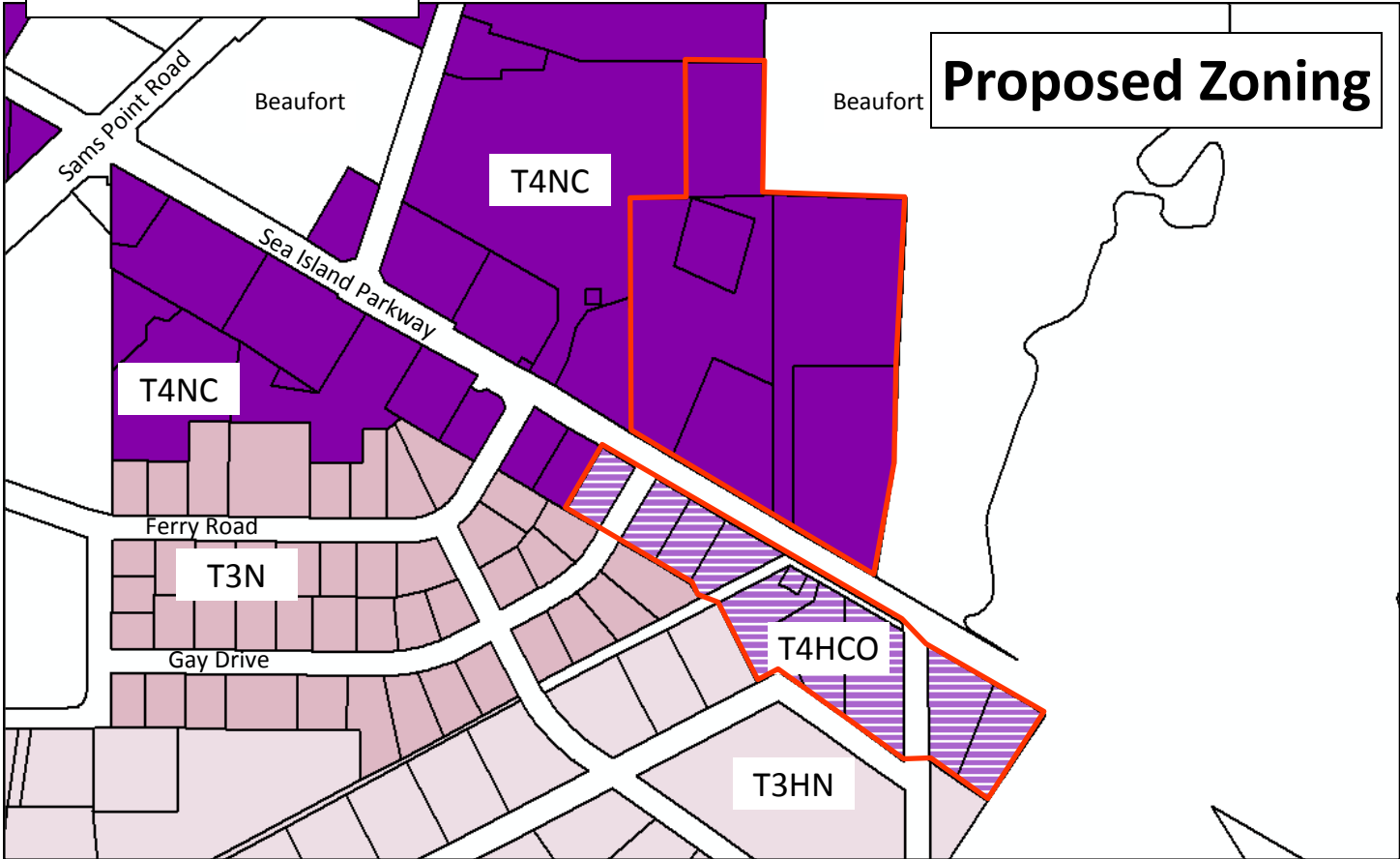
Suzanne M. Rainey, Clerk to Council

First Reading: October 12, 2015
Second Reading: October 26, 2015
Public Hearing:
Third and Final Reading:



Existing Zoning

T3HN—T3 Hamlet Neighborhood
T3N—T3 Neighborhood
T4HC—T4 Hamlet Center
T4HCO—T4 Hamlet Center Open
T4NC—T4 Neighborhood Center



Proposed Zoning

ADD-ONS

The document(s) herein were provided to Council for information and/or discussion after release of the official agenda and backup items.

Topic: Application for Rezonings (Pepper Hall Plantation)
Date Submitted: November 9, 2015
Submitted BY: Barry Johnson
Venue: County Council Meeting

JOHNSON & DAVIS, PA

ATTORNEYS AND COUNSELORS AT LAW

BARRY L. JOHNSON*
HUTSON S. DAVIS, JR. **

* Certified S.C. Mediator and Arbitrator
** Certified S.C. Mediator

THE VICTORIA BUILDING
SUITE 200
10 PINCKNEY COLONY ROAD
BLUFFTON, SC 29909

TELEPHONE (843) 815-7121
TELEFAX (843) 815-7122

BARRY L. JOHNSON
BARRY@JD-PA.COM

November 5, 2015

Via E-Mail Only

Thomas J. Keaveny, II, Esquire
Beaufort County
PO Box 1228
Beaufort, SC 29901

Re: Application for Rezoning (Pepper Hall Plantation) by Robert L. Graves,
John Tamplet Graves, Sr. and Paul B. Graves, Sr.
J&D, PA File No.: O15-6222

Dear Tom:

In supplementation of the materials, for the record, which I provided to you on Friday, October 23, 2015, I am providing this letter and its enclosures, also for the record. As part of the continuing dialogue requested by Council at the Meeting on October 26, 2015, please provide this letter and its enclosures to each Member of Council as part of their Agenda Packet for the Meeting of Council to be held on November 9, 2015.

First, I enclose a copy of a draft of the proposed Development Agreement to be added there as Tab 11A. Since, like you, I am something of a latecomer to the details of this process, I was not made aware of this later version until after the meeting on October 23, 2015. I express to you and Council my apologies for my misapprehension. Substantively, however, the proposed use and density limitations are the same as between the two documents, so this correction is more a matter of form than substance.

Second, since, as I am informed, some Members – maybe all Members – of Council have questions about the legal enforceability of an agreement with the Graves Families that would limit uses and densities below those otherwise allowed by the zoning changes to the Graves Families lands, as recommended by the Beaufort County Planning Commission, I am enclosing a letter I have prepared which addresses that set of questions, and dispels the myth that such an agreement cannot be made legally enforceable as to the County, the Graves and their successors and assigns.

Barry Johnson
November 9, 2015
Council Meeting

Thomas J. Keaveny, II, Esquire
November 5, 2015
Page Two

Third, I want to reiterate here that, incident to the Council's rezoning of the Graves Families lands, consistently with the recommendation of your Planning Commission, the Graves Families, and their successors and assigns, will be legally bound, as discussed in the memorandum mentioned in the above paragraph, to the agreed limitations, as recommended by your Planning Commission, as to uses and densities.

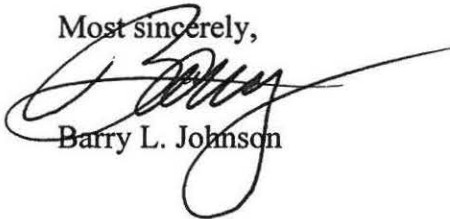
Fourth, again, those limitations as to uses and densities are as set out in the enclosed excerpt from the last (now, Tab 11A) version of the draft Development Agreement.

Fifth, representatives of the Graves Families are eager to meet with you and interested Members of the Council to discuss the matter, including the foregoing and the enclosures, to move to the rezoning of the Graves Families lands and the limitations on uses and densities.

Sixth, please explain, procedurally, the County's view of the status of the Graves Families Rezoning if Council votes against the recommendation of the Natural Resources Committee.

Thanking you, and with best personal regards, I am

Most sincerely,



Barry L. Johnson

BLJ:ger

cc: Robert L. Graves, Sr.

John Tamplet Graves, Sr.

Paul B. Graves, Sr.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

PEPPER HALL
DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is made and entered this _____ day of October, 2013 by and between Robert L. Graves, John Tamplet Graves, Sr. and Paul B. Graves, Sr. (Owner/Developer), and the governmental authority of Beaufort County, South Carolina ("County").

WHEREAS, the legislature of the State of South Carolina has enacted the "South Carolina Local Government Development Agreement Act, (the "Act"), as set forth in Sections 6-31-10 through 6-31-160 of the South Carolina Code of Laws (1976), as amended; and

WHEREAS, the Act recognizes that "The lack of certainty in the approval of development can result in a waste of economic and land resources, can discourage sound capital improvement planning and financing, can cause the cost of housing and development to escalate, and can discourage commitment to comprehensive planning." [Section 6-31-10 (B)(1)]; and

WHEREAS, the Act also states: "Development agreements will encourage the vesting of property rights by protecting such rights from the effect of subsequently enacted local legislation or from the effects of changing policies and procedures of local government agencies which may conflict with any term or provision of the Development Agreement or in any way hinder, restrict, or prevent the development of the project. Development Agreements will provide a reasonable certainty as to the lawful requirements that must be met in protecting vested property rights, while maintaining the authority and duty of government to enforce laws and regulations which promote

the public safety, health, and general welfare of the citizens of our State." [Section 6-31-10 (B)(6)]; and,

WHEREAS, the Act further authorizes local governments, including county governments, to enter Development Agreements with Owner/Developers to accomplish these and other goals as set forth in Section 6-31-10 of the Act; and,

WHEREAS, Beaufort County seeks to protect and preserve the natural environment and to secure for its citizens quality, well planned and designed development and a stable and viable tax base; and,

WHEREAS, Owner/Developer is the Owner/Developer of several tracts of land containing a total of approximately One Hundred Forty-Two (142)acres of highland and marsh areas adjacent to the Okatie River ("Property") located in Bluffton Township, Beaufort County, South Carolina, and as more particular described on Exhibit "A" attached hereto; and,

WHEREAS, Owner/Developer proposes to develop a mixed use community with regional and neighborhood commercial uses, medical facilities and residential areas and recreational opportunities on the Property; and

WHEREAS, Owner/Developer has prepared a Conceptual Plan (Exhibit "B" attached) for the Property and seeks to establish a prototype development that works toward the common goals of restoring the health of the Okatie River, balance environmental preservation with property rights and provides private sector solutions for environmentally responsive development.

WHEREAS, the County finds that the proposal for this property is consistent with the County's Comprehensive Plan, will further the health, safety, welfare and economic well-being of the County, and presents an unprecedented opportunity to secure quality planning and growth in an environmentally sensitive manner; and

WHEREAS, the County of Beaufort desires to protect the important natural environment of the area, while encouraging quality growth and economic opportunity for its citizens, and to do so in a manner which avoids adverse financial impact upon the County or its citizens; and,

WHEREAS, this Development Agreement is being made and entered between Owner/Developer and County, under the terms of the Act, for the purpose of providing assurances to Owner/Developer that it may proceed with the development of the Property in accordance with a Conceptual Plan under the terms hereof, as hereinafter defined, without encountering future changes of law which would materially affect the ability to develop or the cost of future development under the plan, and for the purpose of providing important protections to the natural environment and the financial stability of the County of Beaufort.

NOW THEREFORE, in consideration of the terms and conditions set forth herein, and other good and valuable consideration, including the potential economic benefits to both County and Owner/Developer by entering this Agreement, and to encourage well- planned development, the receipt and sufficiency of such consideration being hereby acknowledged, County and Owner/Developer hereby agree as follows:

I. INCORPORATION.

The above recitals are hereby incorporated into this Agreement.

II. DEFINITIONS.

As used herein, the following terms mean:

“Owner/Developer” means Robert L. Graves, John Tamplet Graves, Jr. and Paul B. Graves, Sr., individual residents of Beaufort and Charleston County, South Carolina.

Development Agreement

"Property" means that certain tract of land described on Exhibit A.

“Conceptual Plan” means the layout and development scheme contemplated for the Property, attached as Exhibit B, and as may be modified per the terms of this Agreement.

“Zoning Regulations" means the Zoning and Development Standards Ordinance (ZDSO) of Beaufort County, in effect at the time of the execution of this Agreement, as amended by this agreement by the Development Requirements set forth in Section V. As between the Zoning Regulations and the Development Requirements, the Development Requirements shall control. (a copy of the Beaufort County ZDSO is attached as Exhibit C)

"Secondary Owner/Developer" means any and all successors in title to Owner/Developer who or which undertake or cause to be undertaken vertical or horizontal construction on the Property. Should either Owner/Developer or Purchaser undertake or cause to be undertaken vertical construction on the Property, they shall also be deemed a Secondary Owner/Developer.

"Term" means the duration of this agreement as set forth in Section III hereof.

“Development” means the land distCommercial Regionalce of portions of the Property and/or vertical or horizontal construction of improvements thereon as contemplated by the Zoning Regulations.

“Development Rights” mean Development undertaken in accordance with the Zoning Regulations and this Development Agreement.

III. TERM.

The term of this Agreement shall commence on the date this Agreement is executed by the County, and terminate five (5) years thereafter; provided however, the term of this Agreement may be extended for six (6) successive five (5) year terms absent a material breach of any terms of this Agreement by Owner/Developer during the Term or any renewal Term, as applicable.

IV. DEVELOPMENT REQUIREMENTS AND DEVELOPMENT OF THE PROPERTY.

A. ZSDO Applicability. The Property shall be developed in accordance with the Zoning and Development Standards Ordinance (ZDSO) of Beaufort County, this Agreement, and the following Development Requirements:

B. Permitted Uses. Permitted uses on the Property include residential dwellings and accessory uses thereto, recreational uses such as parks, water-related amenities and the like, and commercial, office, medical and residential uses as shown and depicted on the Concept Plan that is attached as Exhibit B. No more than 480 dwellings units or the maximum number allowed under specific development provisions of the ZDSO, and no more than Seven Hundred Thousand (700,000) square feet of commercial square footage on the entire Property consisting of One Hundred Fourteen (114) acres..

Such Seven Hundred Thousand (700,000) square feet of Commercial- square footage allowed on the One Hundred Fourteen (114) acres shall be allocated as follows:

1. Forty-Five (45) acres of Commercial Regional Zoning District shall be allocated 586,000 commercial use of which 450,000 shall be dedicated to first floor ground area and 136,000 dedicated to second or third floor use.

2. Sixty-Eight (68) acres of Suburban Zoning District for which 113,900 square feet of commercial use shall be allowed of which 68,000 square feet shall be allocated to first floor ground area and 45,900 square feet to second and third floor use. The specific location of such commercial square footage shall be allocated at the time of development planning per standards of the ZDSO and as amended per this Development Agreement.

Owner/Developer herewith agrees to undertake a good faith and considerate effort to utilize a portion of the Commercial Regional Zoning District and Suburban Zoning District square footage in buildings having two or more floors as mixed-use areas in an effort to reduce the amount of "impervious surface area" upon the Property and to consider design standards, elements and uses found in the provisions of "Traditional Neighborhood Developments" ("TND"), "Commercial-Suburban" zoning areas and "Mixed-Use" ("Mixed-Use") developments in specific articles of the ZDSO. Further, in an effort to reduce the amount of "impervious surface area" building height may be increased to 60 feet upon the property.

Total Residential Development allotted to the Property designated as Commercial Regional zoning district (approximately 45 acres) shall be determined by using a conversion ratio of One (1) dwelling unit per 864 square feet of commercial area square footage when part of a Unified Development Plan.

The balance of the property comprised of approximately Sixty-Eight (68) acres depicted on the Conceptual Development Plan shall be designated as a Suburban zoning district and may contain both residential and non-residential uses in accordance with applicable standards of the Zoning Regulations identified herein. For purposes of further reducing impervious surfaces, using infrastructure resources responsibly and promoting the creation of complete and compact communities unused commercial square footage may be converted into single family attached and detached units at a conversion ratio of One (1) dwelling unit per 2400 square feet of commercial area square footage, In order to encourage a unified approach to site development, and to reduce impervious surfaces in Article XI of the ZDSO may be applied for the entire Property or any portion thereof when proposed as part of a Unified Development Plan or other such standards provided in future amendments to the Beaufort County Zoning and Development Standards Ordinance.

Notwithstanding anything herein set forth to the contrary, or as may be currently set forth in the ZDSO, Owner/Developer and County herewith understand, acknowledge and agree that the following additional, specific land uses (and associated specific Land Use Standards) be permitted in the Commercial Regional Zoning District under the provisions of the ZDSO shall be permitted uses within the 45 acre Commercial Regional Zoning District:

- RESIDENTIAL USES
- Apartments Buildings (Commercial Apartments, Multiplexes, Mansion Apartment Houses)
- Live/work dwellings
- Institutional Residential (Per ZDSO 106-1098)
- Traditional Neighborhood Development

NON RESIDENTIAL/COMMERCIAL USES

Educational Facilities

Colleges and professional schools
Charter Schools (public or private)
Parochial Schools

Lodging

Bed & Breakfast
Commercial Lodging (Hotel, Motel, Inn)
Resort

Specific Commercial and Retail Uses

Hardware Stores
Food & Beverage Stores
Boutiques (clothing, accessory, furniture, household items)
Gift Shops
Antique Shops
Liquor Stores
Bookstores
Drugstores/Pharmacy
Garden Centers
Variety Stores
Outfitters Shop & Boater's Supply Store
Animal/Pet Supply
Office Supply

Specific Conditions:

No single building larger than 75,000 sf (building footprint)
Grocery Stores – up to 55,000 sf (building footprint)
All other retail – up to 35,000 sf (building footprint)

Restaurants

Sit Down/Fine Dining Restaurant
Cafes and outdoor dining
Quick Service and Drive-through Restaurants
Specific Conditions: No restaurant larger than 10,000 sf

Office Uses (including corporate headquarter facilities) to include

Corporate Headquarters/R&D Campus
Finance, banks, trusts, savings and lending (NAICS 521, 522, 525)
Security, commodity brokers and investment services (NAICS 523)
Insurance carriers, agents, brokers, and services (NAICS 524)
Real estate services (NAICS 531)

Professional and technical services (NAICS 5411—5419)
Business services (NAICS 55, 5611—5616, 5619, 8139)
Health services (NAICS 621)
Social services (NAICS 624) (except care facilities)
Educational services, such as business schools (NAICS 6114), technological, and trade schools (excluding public and private schools defined as institutional) (NAICS 6115)
Civic and social organizations (NAICS 8132—8134)
Agricultural support and services (offices only) (NAICS 115)
Governmental offices (NAICS 92 excluding public service)
Parking lots (NAICS 81293)
Contractor's office without exterior storage (NAICS 233)
Service Uses to include
Educational services (NAICS 611 except 611512, 61162)
Social assistance (NAICS 624)
Hospitals and medical laboratories (NAICS 339116, 62151, 62211, 62221, 62231), including general medical and surgical hospitals, and specialty hospitals, except alcoholism, drug, rehabilitation.
Kennel service and domestic veterinary clinics (NAICS 11521)
Postal service buildings, except regional distribution centers, couriers and messengers (NAICS 491, 492)
Miscellaneous repair services and shops (NAICS 44311, 8112, 8113, 8114)
Health and exercise clubs; dance studios (NAICS 71394)
Parking lots (NAICS 81293)
Funeral homes (NAICS 81221)
Laundry services (NAICS 8123)
Personal services (NAICS 8121, 8129, except body branding, body piercing and tattoo facilities.)
Transit and ground passenger transportation (NAICS 485).
Specific conditions: May be oriented and accessed from internal streets in addition to Collectors, Major Collectors and Arterials

VEHICLE SALES, RENTALS AND SERVICE, GAS CONVENIENCE MARTS

Boutique automobile dealerships (i.e. Electric Vehicles, Golf Carts, Specialty cars)

Car Rental facility

Quick service oil, tuneup, brake and muffler shops

General auto repair and gasoline service stations with repair bays or facilities

Gas-convenience marts with no repair bays or facilities

Mixed use Developments per BCZDSO Sec. 106-1293 (SEE NOTE RE: Traditional

Neighborhood Development)

Boat sales and service – See Outfitters Shop

Specific conditions: limited to Shopfront building type. All storage indoors in rear yard of building lot. No more than 10 vehicles stored on site at any time.

RECREATION & AMUSEMENT

Commercial amusement, indoor
Commercial amusement, outdoor (limited to amphitheater, use of existing arena)
Indoor recreation
Outdoor recreation
Ecotourism
Miniature golf course
Recreational equipment rental

ASSEMBLY/INDUSTRIAL USES

Commercial communication towers
Artisan Assembly/Light industry to include artisan furniture/cabinet assembly, decorative ironwork, boat/canoe craftsman
Hi tech/medical research/other small business Incubator
Environmental Services (composting facility)

STORAGE

Residential storage facility

C. Development. The locations of permitted Commercial Regional zoning and usage districts are shown on the Conceptual Development Plan, and identified by their corresponding Beaufort County Zoning District designations on the Official Zoning Map of Beaufort County attached hereto as Exhibit D and Exhibit E and made a part hereof.

It is acknowledged that the Conceptual Development Plan (Exhibit B) does not represent a specific site development plan for the Property. Owner/Developer may materially deviate from the general orientation shown on the Conceptual Development Plan without the prior consent of County upon condition that such changes are in compliance with the applicable provisions of the Beaufort County Development Standards Ordinance.

All future development proposed as part of a specific development plan for the property must be in strict accordance with all applicable Federal, State and Local standards. Traffic access and

management shall meet the established Level of Service (LOS) standards based on the LOS standards and requirements established by Beaufort County at time of development permitting.

Stormwater management shall be subject to the applicable standards of State and Local permitting authorities required at time of development and shall at a minimum meet all State and County criteria for drainage including volume and velocity control, nutrient reduction, satisfy the published criteria for meeting the goals of the Okatie River TMDL.as established by SC DHEC and by using soil, storm water, and vegetative best management practices in accordance with approved and available technology.

D.

D.. Commercial and Residential Property. Owner/Developer agrees that the Property may contain no more than Seven Hundred Thousand (700,000) square feet of ground floor commercial use area and not more than 480 residential dwelling units.

I. RESTRICTIVE COVENANTS

Owner/Developer agrees to encumber the Property with Conditions, Covenants and Restrictions (CC&R) at the time of development to carry out the provisions of this Development

Agreement, which CC&R shall be subject to the reasonable approval of the County, such approval not to be unreasonably withheld

J. CHANGES TO DEVELOPMENT REGULATIONS.

Unless authorized by the Act or as set forth herein, the Zoning Regulations as applied to the Property shall not be amended or modified during the Term, without the express written consent of the Owner/Developer; provided however, the County may amend the Zoning Regulations as they pertain to procedures for processing land development applications and approvals, approvals of subdivision plats, or the issuance of building permits.

1. CHANGES TO THE ZDSO.

Any amendment or modification to the ZDSO relating to the Property shall not be applicable to the Property without the express written consent of Owner/Developer.

2. TRANSFER OF DEVELOPMENT RIGHTS

The Owner/Developer shall be required to notify Beaufort County, in writing, as and when Development Rights are transferred to any Developer. Such information shall include the identity and address of the acquiring party, a proper contact person, the location and number of acres of the Property for which the transfer applies. Subsequent Developers transferring Development Rights to any other party shall be subject to the same requirement of notification, and any entity acquiring Development Rights hereunder shall be subject to the requirements of this Agreement.

VI. EFFECT OF FUTURE LAWS.

As set forth in paragraph V (J) hereof, it is the intent of the parties that only the Beaufort County Zoning Regulations and any other laws, regulations and ordinances of the County applicable to the development of land in the County be vested for the Term, subject to the provisions of Section V hereof. All other laws, regulations and ordinances of the County, and those as may be enacted in the future, shall be applicable to the Owner/Developer, and his successors and assigns, so long as they do not conflict with the Zoning Regulations or interfere with the ability to utilize and develop the Property in accordance with any then applicable Conceptual Development Plan as shown on Exhibit B and amendments thereto.

It is specifically acknowledged that this Agreement shall not prohibit the application of any current or future building, housing, electrical, plumbing, gas, swimming pool or other standard codes of general application throughout the County, of any tax or fee of general application throughout the County, or of any law or ordinance of general application throughout the County found by the Beaufort County Council to be necessary to protect the health, safety and welfare of the citizens of County. Specifically, the County may apply subsequently enacted laws to the Property in accordance with Section 6-31-80(B) of the Act.

It is specifically acknowledged that nothing in this Agreement shall be deemed to exempt the Property from fees and taxes that may be imposed by governmental entities other than the County. Owner/Developer /Developer shall have vested rights to undertake Development of any portion or all of the Property in accordance with the ZDSO Ordinance. Future enactments of, or changes or amendments to Beaufort County ordinances, including the ZDSO, which conflict with the Development Agreement Ordinance shall not apply to the Property unless the same are

adopted in accordance with Article V of this Development Agreement or unless the Owner/Developer and any Developer(s) consent to such enactment, change or amendment.

Notwithstanding any term or condition herein set forth to the contrary, in the event County adopts a new "Community Development Code" to replace or supplement the existing ZDSO, Owner/Developer, upon mutual agreement with County, may elect to use the all or any applicable provisions of such Form-Based Code for the development of all or any portion of the Property.

VII. INFRASTRUCTURE AND SERVICES.

County and Owner/Developer recognize that services to the Property will be provided by the County and other governmental or quasi-governmental entities. For clarification, the parties make specific note and acknowledge the following:

A. Private Roads. All private roads within the Property, excluding the roads to the Public Park, shall be constructed by the Owner/Developer or third party purchasers designated by Owner/Developer, and maintained by it and/or a Commercial/ Home Owner/Developer' Association. The County shall not be responsible for the construction or maintenance of any private roads within the Property, and the Owner/Developer and/or Commercial/Home Owner/Developer Association shall continue the maintenance until such time as the roads are accepted for maintenance by an appropriate governmental body. The roads will be open to the public, provided however the Owner/Developer or an empowered Commercial/Home Owner/Developer Association may restrict public access between the hours of 8 pm and 8am daily.

Notwithstanding the provisions hereof, Owner/Developer and County agree to convey to

each other cross-easements for scenic view, pedestrian and vehicular ingress and egress over and across the private roadways for access to the 18.22 acre Regional Park together with view, utility installation and maintenance easements and such other use rights as may be reasonably required by either party.

County and Owner/Developer further agree to establish a cost-sharing agreement for the construction and maintenance of those roadways and utility easements that are constructed, maintained and located within the Property that serve the 17.91 acre Public Park adjacent to the Property.

B. Public Roads. The major public road that serves the Property is Highway 278 and is under the jurisdiction of the State of South Carolina regarding construction, improvements and maintenance. County shall not be responsible for construction, improvements or maintenance of this or any other public roads which now or hereafter serve the Property. It shall be the responsibility of the Owner/Developer to adhere to applicable state or county requirements regarding ingress and egress to Highway 278 or any other public roads that may serve the Property.

Owner/Developer herewith understands and agrees that all subsequent development upon the Property must meet the vehicular traffic ingress and egress “Level of Service” (“LOS”) requirements at the time of issuance of development permit(s) for the phased development of the Property as may be promulgated or established by the South Carolina Department of Transportation (“SCDOT”) and Beaufort County or such other federal or state governmental authority having jurisdiction over U. S. Highway 278.

C. Potable Water. Potable water will be supplied to the Property by Beaufort/Jasper

Water and Sewer Authority (BJWSA) . Owner/Developer will construct or cause to be constructed all necessary water service infrastructure within the Property intended to serve private uses, which will be maintained by them or the Authority or a Commercial/Home Owner/Developer Association. County shall not be responsible for any construction, treatment, maintenance or costs associated with water service intended for private uses on and to the Property other than those utility services required to serve the Regional Park. The Owner/Developer, and its successors and assigns, agree that all Development, with the exception of irrigation, existing wells for livestock and residential use and facilities existing at the date of this Agreement will continue until abandoned or decommissioned by Owner/Developer, as Owner/Developer, in its sole discretion, may deem appropriate. All new construction shall use water and sewer services provided by Beaufort Jasper Water and Sewer Authority. Owner/Developer shall be responsible for all financial arrangements with BJWSA.

D. Sewage Treatment and Disposal. Sewage collection, treatment and disposal will be provided by BJWSA. Owner/Developer or BJWSA will construct or cause to be constructed all necessary sewer service infrastructures within the Property, which will be maintained by BJWSA. County shall not be responsible for any construction, treatment, maintenance or costs associated with sewer service to the Property except for facilities intended for public use. The Owner/Developer, and its successors and assigns, agree that all Development, with the exception of facilities existing at the date of this Agreement, will be served by sewer prior to occupancy and that in the event Owner/Developer elects to demolish or renovate the existing buildings, all sewer disposal shall be through BJWSA. Owner/Developer shall be responsible for financial arrangements with BJWSP.

Owner/Developer further agrees that as water and sewer infrastructure are extended to those areas of the Property upon which there are existing structures Owner/Developer by Owner/Developer currently utilizing septic systems, such existing structures will be retrofitted to connect to the central water and sewer systems.

Notwithstanding the provisions herein set forth, County shall be solely responsible for all costs related to the construction and maintenance of all roadways, paths, docks, piers, interpretive signage, water and sewer services and all other costs directly related to the use and enjoyment of the 17.91 acre Regional Park by the general public.

E. Drainage System. All storm water runoff and drainage system improvements within the Property will be designed utilizing best management practices, will be constructed by Owner/Developer, and maintained by Owner/Developer and/or a Commercial/ Home Owner/Developer Association or BJWSA. The County of Beaufort will not be responsible for any construction or maintenance costs associated with the drainage system within the Property except where joint or dual use projects shall occur. Any costs incurred by the County in the review and implementation of the drainage/storm water system shall be paid by the applicant unless otherwise established at time of permitting.

It is the stated goal and objective of Owner/Developer to capture and contain all storm water runoff within the confines of the Property. County and Owner/Developer herewith agree to work cooperatively to achieve the goal of complete storm water containment upon the Property to ensure that storm water does not reach the adjacent Okatie River.

County herewith agrees to allocate and expend a portion of the “storm water impact fees” and funds from the “storm water utility Fees” generated from the development of the Property and other locations within the County to partially fund as a “shared cost” with Owner/Developer the construction, installation and maintenance of storm water systems and features that are designed and incorporate “green infrastructure technologies” and elements on, under or upon the Property.

County further agrees to designate a portion of the “storm water impact fees” generated from the development of the Property for ongoing water quality monitoring in the Okatie River Headwaters during and after development activities are completed upon the Property.

The Owner/Developer shall be required to abide by all provisions of federal and state laws and regulations, including those established by the Department of Health and Environmental Control, the Office of Ocean and Coastal Resource Management, and their successors, for the handling of storm water.

Owner/Developer and any Secondary Owner/Developers shall adhere to any and all future ordinances or regulations of the County (or portions thereof) governing detention, filtration, and treatment of storm water provided those ordinances and regulations apply County-wide, and are consistent with sound engineering practices. It is specifically agreed however, that any such future ordinances of the County that directly or indirectly affect the setback, buffer or open space requirements permitted pursuant to the Zoning Regulations will not be applicable to the Owner/Developer and any Secondary Owner/Developer within the Property without the Owner/Developer’s or any Secondary Owner/Developer’s express written consent thereto.

F. Solid Waste Collection. Solid waste collection will be provided by agreements with private companies. Solid waste collection shall be provided to the Property on the same basis

as is provided to other residents and businesses within the County.

G. Police Protection. The County shall provide police protection services to the Property on the same basis as is generally provided to other residents and businesses within the County.

H. Emergency Medical Services. Such services are now being provided by Beaufort County, and the County will continue to provide emergency Medical services to the Property on the same basis as is provided to other residents and businesses within the County.

I. Library Services. Such services are now provided by Beaufort County.

J. School Services. Such services are now provided by the Beaufort County School District and such service shall continue.

K. Recycling Services. The County of Beaufort shall not be obligated to provide recycling services to the Property, absent its election to provide such services on a County-wide basis.

Owner/Developer agrees to require its tenants, Purchasers, Developers or secondary Developers to institute or maintain a recycling program on the Property consistent with Beaufort County Ordinances and fees regarding recycling. Solid waste collection shall be provided to the Property on the same basis as is provided to other residents and businesses within the County.

M. Fire Services. Fire protection for the Property will be provided by the Bluffton Township Fire Department.

N. Subsequent Entities or Financing District. Nothing in this Agreement shall be

construed to prevent the establishment by the County, or other governmental entity, or some combination of entities, solely or in conjunction with each other, of a Tax Increment District, FILOT, Multi-County Business Park, or other special tax district or financing vehicle authorized by applicable provisions of the Code of Laws of South Carolina (1976 as amended), so long as such do not operate to increase the ad valorem taxes or assessments against the Property, unless applied to all properties located within the County.

O. **Tree Preservation.** After any harvesting or clearing of pine crop areas which may be allowed under Silva culture, the Owner/Developer will submit a survey or exhibit depicting all trees eight (8) inches diameter breast height (DBH) or greater within proposed development phase areas being submitted for development approval, and twenty-five (25) feet beyond. Hardwood trees in excess of eight (8) inches DBH will be described by their actual location.

Individual trees over 24 inches DBH or specimen trees (live oak, magnolia, dogwood, sycamore, walnut, hickory, pecan, white oak, or southern red oak) over 12 inches DBH that are to be removed shall be replaced with trees having an individual caliper measurement in excess of 2.5 inches DBH. Replacement trees shall meet or exceed the total DBH caliper inches removed. Surveyed preserved trees in excess of 2.5 caliper inches may be counted as replacement or post development trees. Total post development tree coverage shall equal 3 hardwood trees per lot on average throughout the community or 12 hardwoods per acre in the case of non-residential development. Owner/Developer will use its best efforts to preserve specimen trees.

P. **Graves Road Improvements.**

County and Owner/Developer herewith acknowledge that the existing Graves Road adjacent

to the Property is a public roadway currently maintained by the County as an unpaved dirt road.

In the event that future improvements are either required or necessitated for the future development of the Property, such improvements or upgrades will be undertaken on a cost-sharing basis between County, Owner/Developer and all other parties who utilize such roadway to access their respective properties.

In the event Owner/Developer elects or is asked by Beaufort County to fund all or any portion of the costs to widen, pave or otherwise improve Graves Road, Owner/Developer shall be entitled to a credit against present or future impact fees at the rate of One Dollars (\$1.00) Dollars credit against such impact fees for each dollar expended for such improvements.

Beaufort County shall be entitled to review and approve all such costs and improvements to Graves Road prior to Owner/Developer undertaking such improvements.

Q. ZONING & FUTURE LAND USE MAP AMENDMENTS.

County herewith agrees to promptly amend the existing, Official Zoning and Future Land Use Maps created by the County to correctly reflect the proper zoning and land use designations for the Graves, Faulkner, Harris Teeter/Kroger and other surrounding properties.

VIII. FEES AND RELATED AGREEMENTS

The County of Beaufort and Owner/Developer understand and agree that future development of the Property shall impose certain costs to the County. Eventually, property taxes collected from future development upon the Property are expected to meet or exceed the burdens placed upon the County, but certain initial costs and capital expenditures must be addressed in order to ensure that the present residents of the County are not called upon to pay higher taxes to accommodate the development of the Property. The following items

are hereby agreed upon to be provided by Owner/Developer to offset such future costs and expenditures:

A. Lot Fee for Administrative/Public Services. In order for the County to meet various expenses and obligations associated directly or indirectly with development of the Property, the parties agree that the various impact fees imposed by Beaufort County on other similar residential or commercial property in place at the time of the execution of this Agreement shall be payable by Owner/Developer as any other Owner/Developer of property would pay.

B. PERMITTING PROCEDURES.

1. Beaufort County agrees that the Owner/Developer shall have the unlimited right to phase the development of the Property as Owner/Developer deems appropriate.
2. Beaufort County agrees to use its best efforts to review in an expeditious manner all land use changes, land development applications, and plats in accordance with applicable ordinances as modified by this Agreement for the Property. Owner/Developer may submit these items for concurrent review with Beaufort County and other governmental authorities.
3. Signage for the Property shall be governed by the Beaufort County Sign Ordinance and the provisions of Paragraph VIII C (3) hereof.
4. Beaufort County agrees that the Property is approved and fully vested for intensity, density,

Development Fees, uses and height, setbacks and parking and shall not have any obligations for on or off site transportation or other facilities or improvements other than as specifically provided in this Agreement. Beaufort County shall not impose additional development obligations or regulations in connection with the development of the Property, except in accordance with the procedures and provisions of § 6-31-80 (B) of the Act, which the Owner/Developer shall have the right to challenge.

C. **OWNER/DEVELOPER ENTITLEMENTS.**

Beaufort County acknowledges that Owner/Developer is vested with the following

1. Setbacks and Buffers .. Beaufort County agrees that the Property is vested and that the Parcel lot lines, setbacks and buffers shown and described on the Concept Plan, as amended from time to time in accordance with this Agreement.
2. Access. Beaufort County agrees and shall provide a signalized curb and median cut for access to the Property from U.S. Highway 278 as shown the SCDOT plan for Hwy. 278 as dated October 10, 2010 a copy of which is attached hereto as Exhibit "G" .
3. Density. Not to exceed 480 residential dwelling units.
4. Land Uses. As amended per this agreement and permitted in the areas identified as Commercial Regional and Suburban zoning districts

5. Existing Signage/Billboard. Owner/Developer shall be entitled to retain the existing billboard on the Property until Owner/Developer, in its sole discretion, elects to remove, modify or replace such billboard during the term hereof.

B. Attorneys Fees. Each party to this Agreement agrees to pay their own fees and costs incurred by them.

IX. COMPLIANCE REVIEWS.

Owner/Developer, or its designee, shall meet with the County, or its designee, at least once per year in the month of January during the Term of this Agreement to review development completed in the prior year and the development anticipated to be commenced or completed in the ensuing year. The Owner/Developer, or its designee, shall be required to provide such information as may reasonably be requested, to include but not limited to, commercial square footage, acreage or lots of the Property sold in the prior year, commercial square footage, acreage or lots of the Property under contract, the number of certificates of occupancy anticipated to be issued in the ensuing year. The Owner/Developer, or its designee, shall be required to compile this information for its development and that of Secondary Owner/Developers. Reporting of such information to the County will be made upon such forms as the County and Owner/Developer may agree upon from time to time. This Compliance Review shall be in addition to, and not in lieu of, any other reporting or filing required by this Agreement.

X. DEFAULT.

The failure of the Owner/Developer or County to comply with the terms of this Agreement shall constitute a default, entitling the non-defaulting party to pursue such remedies as deemed appropriate, including specific performance and the termination of this Development Agreement in accordance with the Act; provided, however no termination of this Development Agreement may be declared by the County absent its according the Owner/Developer the notice, hearing and opportunity to cure in accordance with the Act; and provided further that nothing herein shall be deemed or construed to preclude the County or its designee from issuing stop work orders or voiding permits issued for development when such development contravenes the provisions of the Zoning Regulations or this Development Agreement.

Notwithstanding the foregoing, it is acknowledged by all persons, firms or entities claiming or accorded interests in this Development Agreement that the following events shall constitute an event of default, entitling the County to pursue the termination of this Development Agreement, in accordance with the Act:

1. The failure to timely remit payments required hereunder to the County per the terms of this Development Agreement;
2. If at any time during the Term, prior to the Owner/Developer having fulfilled any of their payment obligations there shall be filed by or against them in any court, pursuant to any state or federal statute, a petition in bankruptcy or insolvency, or for reorganization or appointment of a receiver or trustee of all or part of the assets of the Owner/Developer, or if it makes an assignment for the benefit of creditors.

XI. MODIFICATION OF AGREEMENT.

This Development Agreement may be modified or amended only by the written agreement of the County and the Owner/Developer. No statement, action or agreement hereafter made shall be effective to change, amend, waive, modify, discharge, terminate or effect an abandonment of this Agreement in whole or in part unless such statement, action or agreement is in writing and signed by the party against whom such change, amendment, waiver, modification, discharge, termination or abandonment is sought to be enforced. Any amendment to this Agreement shall comply with the provisions of Section 6-31-10, et seq. Any requirement of this Agreement requiring consent or approval of one of the parties shall not require amendment of this Agreement unless the text expressly requires amendment. Whenever such consent or approval is required, the same shall not unreasonably be withheld.

XII. NOTICES.

Any notice, demand, request, consent, approval or communication which a signatory party is required to or may give to another signatory party hereunder shall be in writing and shall be delivered or addressed to the other at the address below set forth or to such other addresses such party may from time to time direct by written notice given in the manner herein prescribed, and such notice or communication shall be deemed to have been given or made when communicated by personal delivery or by independent courier service or by facsimile or if by mail on the fifth (5th) business day after the deposit thereof in the United States Mail, postage prepaid, registered or certified, addressed as hereinafter provided. All notices, demands, requests, consents, approvals or communications to the County shall be addressed to:

The County of Beaufort
P.O. Box 1228
Beaufort, South Carolina 29901-1228

Attention: Gary Kubic
County Administrator

With Copy to: Joshua A. Gruber, Esquire
Staff Attorney
P.O. Box 1228
Beaufort, South Carolina 29901-1228

And to the Owner/Developer at: Robert L. Graves
Post Office Box 5818
Hilton Head Island, S.C. 29938

John Tamplet Graves, Jr.
26 Melon Hole Road
Okatie, S.C. 29909

Paul B. Graves, Sr.
1836 Omni Boulevard
Mt. Pleasant, S.C. 29466

With Copy to: James P. Scheider, Jr, Esquire
Vaux & Marscher, P.A.
Post Office Box 769
Bluffton, South Carolina 29910

XIII. ENFORCEMENT.

Any party hereto shall have the right to enforce the terms, provisions and conditions of this Agreement by any remedies available at law or in equity, including specific performance and the right of the prevailing party to recover attorney's fees and costs associated with said enforcement.

XIV. Commitment to Employment Opportunity for Residents.

Owner/Developer is an equal opportunity employer and demands the same from all its contractors. Owner/Developer also recognizes that it is important that citizens of County have opportunity for gainful employment and future advancement in the immediate County area.

XV. **GENERAL.**

A. **Subsequent Laws:** In the event state or federal laws or regulations are enacted after the execution of this Development Agreement or decisions are issued by a court of competent jurisdiction which prevent or preclude compliance with the Act or one or more provisions of this Agreement ("New Laws"), the provisions of this Agreement shall be modified or suspended as may be necessary to comply with such New Laws. Immediately after enactment of any such New Law, or court decision, a party designated by the Owner/Developer and the County shall meet and confer in good faith in order to agree upon such modification or suspension based on the effect that such New Law would have on the purposes and intent of this Agreement. During the time that these parties are conferring on such modification or suspension or challenging the New Laws, the County may take reasonable action to comply with such New Laws. Should these parties be unable to agree to a modification or suspension, either may petition a court of competent jurisdiction for an appropriate modification or suspension of this Agreement. In addition, the Owner/Developer and County each shall have the right to challenge the New Laws preventing compliance with the terms of this Agreement. In the event that such challenge is successful, this Agreement shall remain unmodified and in full force and effect.

B. **Estoppel Certificate:** The County and Owner/Developer may, at any time, and from time to time, deliver written notice to the other applicable party requesting such party to certify in writing:

1. That this Agreement is in full force and effect,
2. That this Agreement has not been amended or modified, or if so amended, identifying the amendments.

3. Whether, to the knowledge of such party, the requesting party is in default or claimed default in the performance of its obligations under this Agreement, and, if so, describing the nature and amount, if any, of any such default or claimed default, and
4. Whether, to the knowledge of such party, any event has occurred or failed to occur which, with the passage of time or the giving of notice, would constitute a default and, if so, specifying each such event.

C. **Entire Agreement**: This Agreement sets forth, and incorporates by reference, all of the agreements, conditions, and understandings among the County and the Owner/Developer relative to the Property and its development and there are no promises, agreements, conditions or understandings, oral or written, expressed or implied, among these parties relative to the matters addressed herein other than as set forth or as referred to herein.

D. **No Partnership or Joint Venture**: Nothing in this Agreement shall be deemed to create a partnership or joint venture between the County and Owner/Developer or to render such party liable in any manner for the debts or obligations of another party.

E. **Exhibits**: All exhibits attached hereto and/or referred to in this Agreement are incorporated herein as though set forth in full. The exhibits are initialed and dated by each Party to this Agreement.

F. **Construction**: The parties agree that each party and its counsel have reviewed and revised this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or

any amendments or exhibits hereto.

G. **Assignment:** The rights, obligations, duties or responsibilities under this Agreement of the Owner/Developer are assignable to any other person, firm, corporation or entity.

H. **Governing Law:** This Agreement shall be governed by the laws of the State of South Carolina.

I. **Counterparts:** This Agreement may be executed in several counterparts, each of which shall be deemed an original and such counterparts shall constitute but one and the same instrument.

J. **Agreement to Cooperate:** In the event of any legal action instituted by a third party or other governmental entity or official challenging the validity of any provision of this Agreement, the parties hereby agree to cooperate in defending such action; provided, however, each party shall retain the right to pursue its own independent legal defense.

K. **No Third Party Beneficiaries:** The provisions of this Agreement may be enforced only by the County and the Owner/Developer. No other persons shall have any rights hereunder.

L. **Successors and Assigns.**

(1) **Binding Effect:** This Agreement shall be binding upon the respective parties, their s successors and assigns in the Ownership or Development of any portion of the Property . Except for Owner/Developer's continuing obligation as specifically stated , a purchaser or a party acquiring title to any portion of the Property or a party to whom Owner/Developer assigns

Development Rights with respect to any portion of the Property (herein collectively referred to as a "Transferee") shall, during the Term of this Agreement, be solely responsible for the performance of the Owner/Developer's obligations under this Development Agreement applicable to the portion of the Property transferred, or for which Development Rights are transferred. Each Transferee shall be required to execute a written acknowledgement assuming Owner/Developer's obligations under this Agreement which are directly applicable to such portion of the Property. Such acknowledgment shall be in the form provided in Exhibit "H" attached hereto and made a part hereof (the "Notice of Transfer"), and provided to the County at the time of recording any instrument transferring title, and development rights, of the Property or any portion of the Property. This Subsection shall not be construed to prevent Owner/Developer from obtaining indemnification of liability to the County from Transferees. Except as specifically set forth herein, upon transfer to a Transferee, Owner/Developer shall be released of all obligations assumed by such Transferee.

(2) Transfer of all of the Property: Owner/Developer shall be entitled to transfer the Parent Parcel to a Transferee subject to the following requirements:

- a. Owner/Developer Obligations. Notwithstanding Owner/Developer's right to transfer title and development rights provided herein, Owner/Developer shall remain obligated to convey to the County the Right-of-Way Parcel in accordance with the terms hereof.
- b. Notification to County. When the Owner/Developer transfers the Parent Parcel to a

Transferee, the Owner/Developer shall be responsible for delivering, or causing to be delivered, to the County the Notice of Transfer together with the name, address, telephone number, facsimile number, and contact person for the Transferee.

c. Assignment of Development Rights. Any and all conveyances of the Parent Parcel to a Transferee shall be by a recordable instrument with a covenant running with the land expressly stating the precise number of commercial square footage being assigned to the Transferee.

(3) Transfer of any Portion of the Property: Owner/Developer shall have the right, and the obligation, to transfer the Right of Way Parcel in accordance with Article XI. A.. Further, Owner/Developer shall have the right to transfer any portion of the Property to a Transferee in accordance with Article XVIII. G.(1); provided however, upon any such transfer of a portion of the Property Owner/Developer shall (i) continue to be liable for the Owner/Developer's Obligations so long as Owner/Developer owns the Parent Parcel, (ii) delivers, or causes to be delivered, to County a Notice of Transfer together with the name, address, telephone number, facsimile number, and contact person for the Transferee, and (iii) the transfer to a Transferee shall be by a recordable instrument with a covenant running with the land expressly stating the precise number of commercial square footage being assigned to the Transferee, which assigned number shall reduce the Owner/Developer's number of commercial square footage provided for herein.

(4) Mortgage Lenders: Notwithstanding anything to the contrary contained herein, the requirements to transfer contained in Article XVIII. G. concerning successors and assigns shall

apply: (i) to any mortgage lender upon acquiring title to the Property or any portion thereof, either as a result of foreclosure of mortgage secured by any portion of the Property or to any other transfer in lieu of foreclosure; (ii) to any third-party purchaser at such foreclosure; or (iii) to any third-party purchaser of such mortgage lender's interest subsequent to the mortgage lender's acquiring Ownership of any portion of the Property as set forth above in subsection G. (3) (ii). Furthermore, nothing contained herein shall prevent, hinder, or delay any transfer of any portion of the Property to any such mortgage lender or subsequent purchaser.

XVI. STATEMENT OF REQUIRED PROVISIONS.

The Act requires that a development agreement must include certain mandatory provisions, pursuant to Section 6-31-60(A). Although certain of these items are addressed elsewhere in this Agreement, the following listing of the required provisions is set forth for convenient reference. The numbering below corresponds to the numbering utilized under Section 6-31-60(A) for the required items:

1. **Legal Description of Property and Legal and Equitable Owner/Developer/Owner/Developers.** The legal description of the Property is set forth in Exhibit A attached hereto. The present legal Owner/Developer/Owner/Developer of the Property : Robert L. Graves, John Tamplet Graves, Jr. and Paul B. Graves, Sr.
2. **Duration of Agreement.** The duration of this Agreement is five (5) years, unless extended per Article III hereof.
3. **Permitted Uses, Densities, Building Heights and Intensities.** A

complete listing and description of permitted uses, building intensities and heights, as well as other development – related standards, are contained in the Zoning and Development Standards Ordinance of Beaufort County and specific zoning districts are identified on the Conceptual Development Plan attached as Exhibit B. Exhibit F sets forth anticipated development of the Property at build out. Building heights will be limited to 40 feet, measured from the lowest adjacent ground level to the building (as measured for federal flood elevation certificates) to the highest point of the building (excluding chimneys, cupolas, and other such non-habitable spaces).

4. **Required Public Facilities.** The County will provide, or cause to be provided, police and fire services, as well as development application services to the Property. Beaufort Jasper Water and Sewer Authority will provide water to the Property. Mandatory provisions and procedures of the Zoning Regulations and this Agreement will ensure availability of roads and utilities to serve the residents on a timely basis.

5. **Dedication of Land and Provisions to Protect Environmentally Sensitive Areas.** The Zoning Regulations, described above and incorporated herein, contain numerous provisions for the protection of environmentally sensitive areas. All relevant state and federal laws will be fully complied with together with the provisions set forth in this Agreement.

6. **Local Development Permits.** Specific permits must be obtained prior to commencing development, consistent with the standards set forth in the Zoning Regulations. Building Permits must be obtained under County law for any vertical or horizontal construction, and appropriate permits must be obtained from the State of South

Carolina (OCRM) and the Army Corps of Engineers, when applicable, prior to any impact upon critical area or freshwater wetlands. Access to Highway 278 will be in accordance with permitting procedures of the South Carolina Department of Transportation. It is specifically understood that the failure of this Agreement to address a particular permit, condition, term or restriction does not relieve the Owner/Developer, and its successors and assigns, from the necessity of complying with the law governing the permitting requirements, conditions, terms or restrictions.

7. **Comprehensive Plan and Development Agreement.** The development permitted and proposed under the Zoning Regulations is consistent with the Comprehensive Plan and with current land use regulations of Beaufort, South Carolina, as amended.

8. **Terms for Public Health, Safety and Welfare.** The County Council finds that all issues relating to public health, safety and welfare have been adequately considered and appropriately dealt with under the terms of this Agreement, the Zoning Regulations and existing law.

9. **Historical Structures.** Any historical or archaeological issues will be addressed through the permitting process at the time of Development under the Zoning Regulations and no exception from any existing standard is hereby granted.

IN WITNESS WHEREOF, the parties hereby set their hands and seals,
effective the date first above written.

WITNESSES

Owner/Developer:

Robert L. Graves

-
John Tamplet Graves, Jr.

-
Paul B. Graves, Sr.

STATE OF SOUTH CAROLINA

)

COUNTY OF BEAUFORT

)

)

ACKNOWLEDGMENT

I HEREBY CERTIFY, that on this ____ day of _____, 2013. before me,
the undersigned Notary Public of the State and County aforesaid, personally appeared
_____, known to me (or satisfactorily proven) to be the person

whose name is subscribed to the within document and acknowledged the due execution of the foregoing document.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.

Notary Public for South Carolina
My Commission Expires: _____

SIGNATURES AND ACKNOWLEDGMENTS CONTINUE ON FOLLOWING PAGE

WITNESSES:

COUNTY OF BEAUFORT

Gary Kubic, County Administrator

Attest: _____
Sue Rainey
County Clerk - County of

Beaufort

This Development Agreement was prepared by James P. Scheider, Jr., Esquire,
Vaux & Marscher, P. A., Post Office Box 769, Bluffton, S.C. 29910 (843) 757-2888
jim.scheider@vaux-marscher.com

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

ACKNOWLEDGMENT

I HEREBY CERTIFY, that on this ___ day of _____, 2013 before me, the undersigned Notary Public of the state and County aforesaid, personally appeared known to me (or satisfactorily proven) to be the persons whose name is subscribed to the within document, who acknowledged the due execution of the foregoing Development Agreement.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.

Notary Public for South Carolina
My Commission Expires: _____

Exhibit A

Robert L. Graves Tract

Property Description

ALL that certain tract of land, consisting of those certain, pieces, parcels or lots of land, situate, lying and being in the Bluffton Township, Beaufort County, South Carolina having and containing 101.51 acres, more or less, and being shown and described as on a plat prepared for Robert L. Graves "A Boundary Survey of 101.51 Acres, A section of Okatie, Beaufort County, South Carolina", and all improvements thereon, said plat was prepared by Coastal Surveying Company, Inc., by Michael R. Dunigan, S.C.R.L.S. No. 11905, dated April 20, 2010 and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina in Plat Book 130 at Page 109. For a more detailed description as to location, metes, bounds, distances, direction, etc., reference may be had to said plat of record;

SAVE AND EXCEPT that certain piece, parcel or lot of land situate, lying and being in Bluffton Township, Beaufort County, South Carolina, having and containing 0.17 acres, being shown and described as Parcel A on a plat prepared for Sadie P. Graves, Verna G. Graves & Robert L. Graves "A Division of A Portion of The Estates of J. Wilton Graves, Bluffton Township, Beaufort County, South Carolina", said plat was prepared by T-Square Group, Inc., by Forest F. Baughman, PLS # 4922, dated January 18, 1996 and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina in Plat Book 55 at Page 82. For a more detailed description as to location, metes, bounds, distances, direction, etc., reference may be had to said plat of record; and

SAVE AND EXCEPT All that certain parcel or strip of land, in fee simple with improvements thereon, if any, containing 0.443 acres, more or less, owned by Robert L. Graves, shown as the "Area of Acquisition" on Exhibit A, attached to the Notice of Taking by South Carolina Department of Transportation VS Robert L. Graves, filed in the Office of the Court of Common Pleas for Beaufort County, South Carolina and referred to as CA No. 2010-CP-07-03654.

This is the same property conveyed to the mortgagor by Deed dated October 25, 1968 and recorded in Book 160 at Page 151, Deed dated June 30, 1997 and recorded in Book 955 at Page 452, Deed dated June 5, 1975 and recorded in Book 229 at Page 534, Deed dated September 27, 1961 and recorded in Book 110 at Page 154, Deed dated November 6, 1989 and recorded in Book 561 at Page 2161, Deed dated January 30, 1996 and recorded in Book 835 at Page 427 and by Deed dated July 14, 1967 and recorded in Book 147 at Page 29, and by Deed dated January 30, 1996 and recorded in Book 835 at Page 432.

This instrument was prepared in the Law Offices of Barry L. Johnson, PA 10 Pinckney Colony Road, Suite 200, Okatie, SC 29909 by Barry L. Johnson, Esquire.

JOHN T. GRAVES, JR TRACT

All that certain piece, parcel and tract of land situate in Bluffton Township, Beaufort County, South Carolina containing 19.38 acres, more or less, said parcel identified by Beaufort County Tax Map Reference as R600 021 000 0075 as shown in Plat Book 61 at Page 31 and in Plat Book 104 at Page 116 in the records of the Register of Deeds for Beaufort County, South Carolina.

PAUL B. GRAVES, SR. TRACT

All that certain piece, parcel and tract of land situate in Bluffton Township, Beaufort County, South Carolina containing 20.77 acres, more or less, said parcel identified by Beaufort County Tax Map Reference as R600 021 000 0000 as shown in Plat Book 61 at Page 31 in the records of the Register of Deeds for Beaufort County, South Carolina.

Exhibit B
Conceptual Development Plan

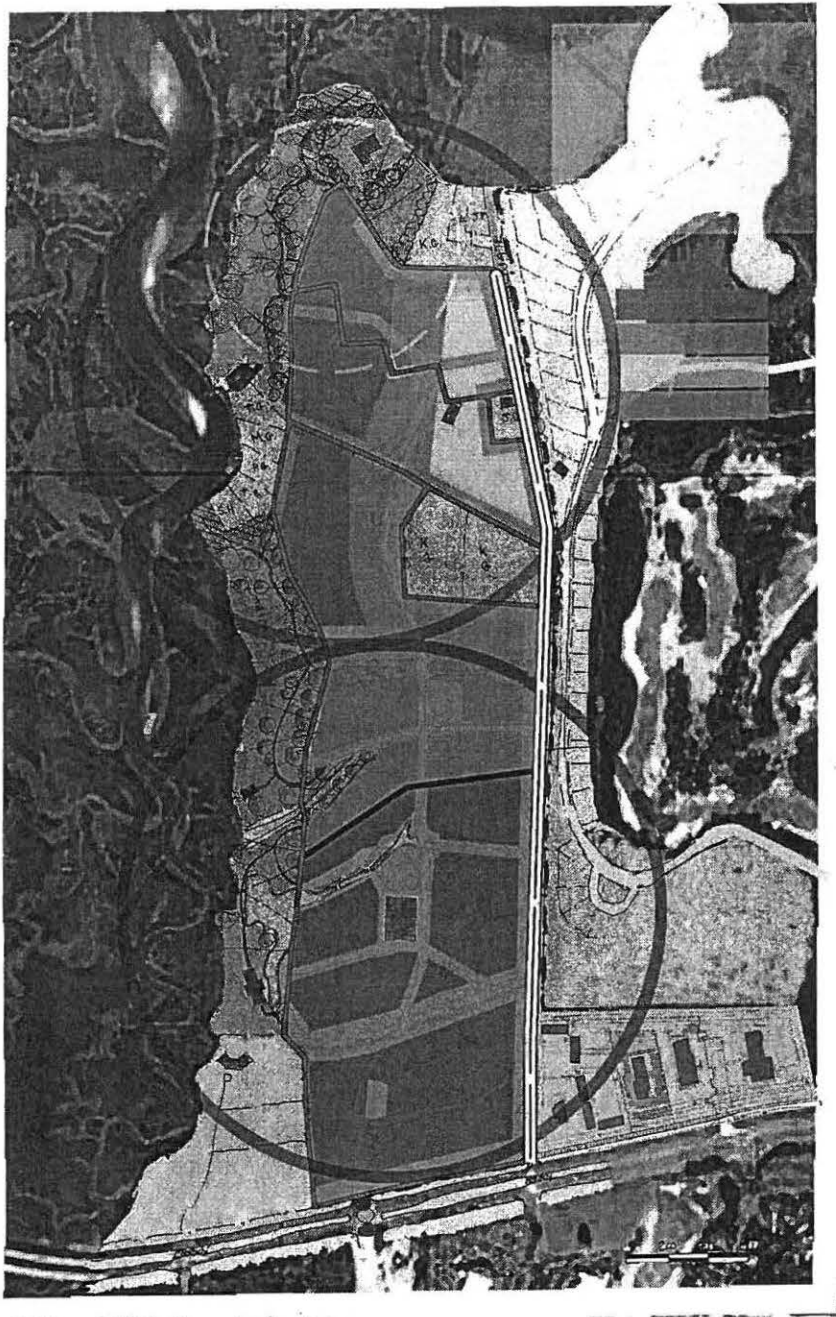


Exhibit C

Zoning Regulations

Current Zoning and Development Standards Ordinance (ZDSO) of Beaufort County

Exhibit D

Beaufort County Zoning and Land Use Map

Exhibit E

**Estimated Population at Build-out and
Development Schedule in five year increments**

2015-2020

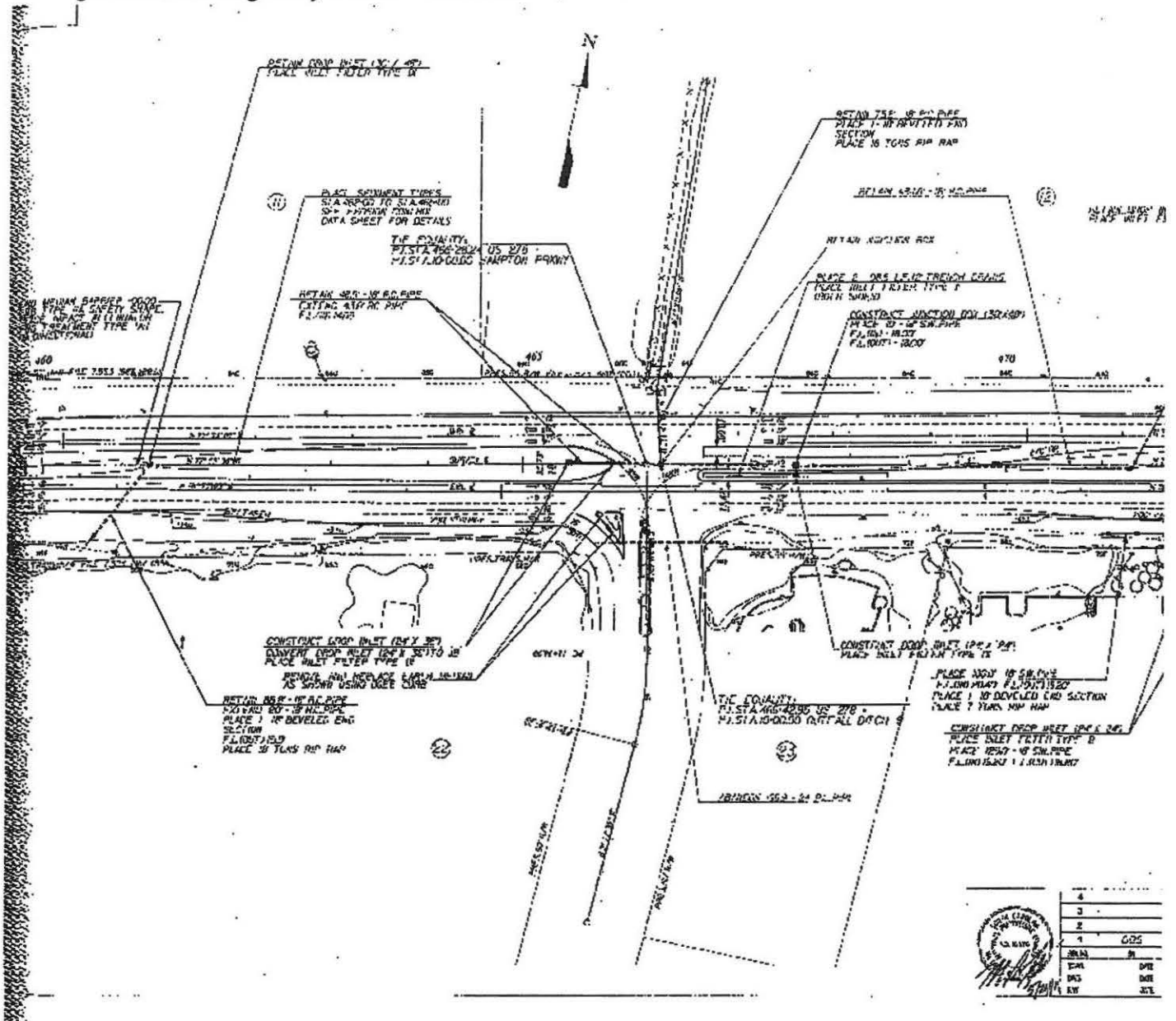
Pepper Hall Plantation Proposed Build-out/Phasing Schedule

	<u>Initial Phases</u>	<u>Later Phases</u>
Commercial Square Footage:	350,000 square feet	700,000 square feet
Residential Development:	240 dwelling units	480 dwelling units

Note: This Proposed Build-out/Phasing Schedule is based on estimates and may be adjusted per market conditions at time of development permit.

EXHIBIT "F"

South Carolina Department of Transportation (SCDOT) Widening Plan and Traffic Signal Configuration for Highway # 278 - October 10, 2010



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3	
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1	ODS
ENR	ENR
DES	DES
KW	KW

#2

JOHNSON & DAVIS, PA

ATTORNEYS AND COUNSELORS AT LAW

BARRY L. JOHNSON*
HUTSON S. DAVIS, JR. **

* Certified S.C. Mediator and Arbitrator
** Certified S.C. Mediator

THE VICTORIA BUILDING
SUITE 200
10 PINCKNEY COLONY ROAD
BLUFFTON, SC 29909

TELEPHONE (843) 815-7121
TELEFAX (843) 815-7122

BARRY L. JOHNSON
BARRY@JD-PA.COM

November 5, 2015

Via E-Mail and U.S. Mail

Thomas J. Keaveny, II, Esquire
Beaufort County
PO Box 1228
Beaufort, SC 29901

Re: Rezoning of Pepper Hall Plantation Property
J&D, PA File No.: O15-6222

Dear Tom:

**REZONING OF PEPPER HALL PLANTATION PROPERTY
RESTRICTING THE DENSITY AND INTENSITY OF THE DEVELOPMENT OF THE
PROPERTY**

QUESTION

The question has been raised that, if the Graves Families Pepper Hall Plantation property is rezoned, is there a way to limit density and intensity of what can be built on the property prior to the property actually entering the development approval process, and can those limitations bind subsequent purchasers?

ANSWER

The answer to those questions is YES, and Beaufort County has already had considerable experience dealing with these issues.

DISCUSSION

There are two ways under South Carolina law that landowners and local government work together in partnership to restrict the density and intensity of land development. One way is through the use of a Development Agreement, a process that provides safeguards for the public

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November 4, 2015
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and the landowner through both the dictates of State legislation, and the details of a Beaufort County Ordinance. Such an agreement can be recorded with the County real property records, and “run with the land” binding subsequent purchasers. The other way is through the statutorily-approved and traditional use of a recorded declaration of covenant obligations, restrictions and limitations that will “run with the land” and bind subsequent purchasers.

DEVELOPMENT AGREEMENT

Beaufort County staff and Council Members have had considerable experience with Development Agreements. Two recent Agreements are the Bluffton Gateway Project Development Agreement, approved in April 2014 and the Cherokee Farms Project, approved in December 2014. As County staff knows, once signed, these Development Agreements are recorded in the County real estate records and “run with the land”, meaning that the recorded Development Agreement is legally binding on the current and any and all future owners of the subject property for the full term of the Development Agreement and any extensions.

Guided by the State Statute and the Beaufort County Ordinance, a Development Agreement limits for a time certain, the use, density and intensity, surface coverage and other aspects of land development and building, on a specific site. The Development Agreement for the Bluffton Gateway Project is for five years with two possible, additional, five-year terms. The Development Agreement for the Cherokee Farms Project is for five years with three possible, additional, five-year terms.

The State of South Carolina recognizes the critical importance and utility of Development Agreements, noting that without them unpleasant and unwanted consequences occur (“The lack of certainty in the approval of development can result in a waste of economic and land resources, can discourage sound capital improvement planning and financing, can cause the cost of housing and development to escalate, and can discourage commitment to comprehensive planning.” S.C. Code of Laws § 6-31-10 (B)(1); see § 6-31-10 through -160). The State of South Carolina specifically authorizes its local governments (including Beaufort County) to enter Development Agreements with land owners and developers to accomplish these and other goals as set forth in S.C. Code of Laws § 6-31-10. And, Beaufort County itself in (YEAR?) by Ordinance, set up a specific procedure to meet these State goals and objectives by providing the process to protect both the Public and the landowner in the real estate development approval process.

The State of South Carolina under Section 6-31-40 of the Development Agreement Act limits the duration of a Development Agreement for highland property the size of the Graves Family’s Pepper Hall Plantation. Being under 250 acres, that Act limits the duration of the Development Agreement to five years (as the Beaufort County Council approved for the Bluffton Gateway and Cherokee Farms Development Agreements).

Thomas Keaveny
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Page 3

Given this very recent history of County experience with Development Agreements, it can easily be understood that the process of the rezoning and Development Agreement actions, taken concurrently, would address and satisfy concerns about binding the Graves Families and subsequent purchasers to the agreed-upon density and intensity of the development options for the Pepper Hall Plantation property. In addition, as the County staff and Council dealt with both the Bluffton Gateway and Cherokee Farms Development Agreements, it appears that no mention was made of any previous Development Agreements creating a problem of not being able to bind the owner or subsequent purchasers. And, this is likely so because these Agreements were filed with the County property records and “run with the land” to bind the owners and subsequent purchasers.

RECORDING A BINDING DECLARATION OF COVENANTS, RESTRICTIONS AND LIMITATIONS

In the alternative, or even in addition, to the use of a Development Agreement, there is the use of recorded restrictive covenants that can bind the current and future owners of the land to agreed-upon property use, density and intensity. Common in modern real estate development, and in many ways, enhanced by the local experience of the now-model restrictions put in place by Charles Fraser as he developed Sea Pines Plantation and other properties, is the use of declarations of covenants, restrictions, limitations, etc. to bind current and subsequent purchasers of land to a set of rules, in the form of covenant obligations, restrictions, limitations, etc., to govern aspects of land use and development almost in perpetuity. At least one of our Beaufort County Council Members is very familiar with this type of restriction. He is an abstractor of real estate titles. When researching land titles, it is crucial to understand how and to what extent a property is burdened by covenants, and to accurately report these covenant obligations, restrictions, limitations, etc. on the reports provided to lawyers, title insurance companies, lenders, etc.

The Graves Family, the current record title-holders of the land subject to the Rezoning request, are willing to execute and record in the Beaufort County real estate records a declaration of covenant obligations, restrictions, limitations, etc. incorporating the use, density and intensity limitations that are agreed upon as a condition of the rezoning. This can all be detailed in the Development Agreement and in addition to recording the Development Agreement, the exact terms can also be recorded as restrictions to “run with the land” and bind the Graves Families and subsequent purchasers. There is an existing draft Development Agreement and review of it was the basis of the recommendation of the Beaufort County Planning Commission on March 4, 2013 to approve the rezoning application. It should be noted that such restrictions would be recorded with two conditions: (1) the declaration would automatically terminate within “X” days after recording if, by then, the County did not record an authenticated record of the enactment of the necessary County ordinances to change the zoning map and rezone the lands of the Graves Families according to the recommendation of the Beaufort County Planning

Thomas Keaveny
November 4, 2015
Page 4

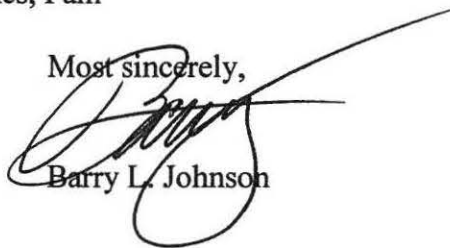
Commission made March 4, 2013; and (2) the declaration would automatically terminate upon the recording by the Graves Families of notice that the County down-zoned any of the Graves Families lands so as to make them non-conforming uses or to disallow uses and densities to a point(s) less than the levels allowed under such a recorded declaration.

CONCLUSION

Either a Development Agreement or a conditionally-binding recorded declaration of covenant obligations, restrictions and limitations can bind uses, density and intensity of the property. The Development Agreement can bind for a specified number of years, and the recorded declaration can bind nearly in perpetuity, as long as Beaufort County does not violate the conditions.

Thanking you, and with best wishes, I am

Most sincerely,



Barry L. Johnson

BLJ:ger

cc: Robert L. Graves, Sr.

John Tamplet Graves, Sr.

Paul B. Graves, Sr.

F:\WP\GRAVES\Okatie Study Group\Beaufort County\Rezoning\Memos\20151105_Ltr to T. Keaveny re Binding Contract Issues_V1_B LJ.docx

Excerpt from 20131002 (last) draft of proposed Development Agreement, regarding limitations on uses and densities:

“B. Permitted Uses. Permitted uses on the Property include residential dwellings and accessory uses thereto, recreational uses such as parks, water-related amenities and the like, and commercial, office, medical and residential uses as shown and depicted on the Concept Plan that is attached as Exhibit B. No more than 480 dwellings units or the maximum number allowed under specific development provisions of the ZDSO, and no more than Seven Hundred Thousand (700,000)square feet of commercial square footage on the entire Property consisting of One Hundred Fourteen (114) acres..

“Such Seven Hundred Thousand (700,000) square feet of Commercial- square footage allowed on the One Hundred Fourteen (114) acres shall be allocated as follows:

“1. Forty-Five (45) acres of Commercial Regional Zoning District shall be allocated 586,000 commercial use of which 450,000 shall be dedicated to first floor ground area and 136,000 dedicated to second or third floor use.

“2. Sixty-Eight (68) acres of Suburban Zoning District for which 113,900 square feet of commercial use shall be allowed of which 68,000 square feet shall be allocated to first floor ground area and 45,900 square feet to second and third floor use. The specific location of such commercial square footage shall be allocated at the time of development planning per standards of the ZDSO and as amended per this Development Agreement.

“Owner/Developer herewith agrees to undertake a good faith and considerate effort to utilize a portion of the Commercial Regional Zoning District and Suburban Zoning District square footage in buildings having two or more floors as mixed-use areas in an effort to reduce the amount of “impervious surface area” upon the Property and to consider design standards, elements and uses found in the provisions of “Traditional Neighborhood Developments” (“TND”), “Commercial-Suburban” zoning areas and “Mixed-Use” (“Mixed-Use”) developments in specific articles of the ZDSO. Further, in an effort to reduce the amount of “impervious surface area” building height may be increased to 60 feet upon the property.

“Total Residential Development allotted to the Property designated as Commercial Regional zoning district (approximately 45 acres) shall be determined by using a conversion ratio of One (1) dwelling unit per 864 square feet of commercial area square footage when part of a Unified Development Plan.

“The balance of the property comprised of approximately Sixty-Eight (68) acres depicted on the Conceptual Development Plan shall be designated as a Suburban zoning district and may contain both residential and non-residential uses in accordance with applicable standards of the Zoning Regulations identified herein. For purposes of further reducing impervious surfaces, using infrastructure resources responsibly and promoting the creation of complete and compact communities unused commercial square footage may be converted into single family attached and detached units at a conversion ratio of One (1) dwelling unit per 2400 square feet of commercial area square footage, In order to encourage a unified approach to site development, and to reduce impervious surfaces in Article XI of the ZDSO may be applied for the entire Property or any portion thereof when proposed as part of a Unified Development Plan or other such standards

provided in future amendments to the Beaufort County Zoning and Development Standards Ordinance.

“Notwithstanding anything herein set forth to the contrary, or as may be currently set forth in the ZDSO, Owner/Developer and County herewith understand, acknowledge and agree that the following additional, specific land uses (and associated specific Land Use Standards) be permitted in the Commercial Regional Zoning District under the provisions of the ZDSO shall be permitted uses within the 45 acre Commercial Regional Zoning District:

RESIDENTIAL USES

Apartments Buildings (Commercial Apartments, Multiplexes, Mansion Apartment Houses)
Live/work dwellings
Institutional Residential (Per ZDSO 106-1098)
Traditional Neighborhood Development

NON RESIDENTIAL/COMMERCIAL USES

Educational Facilities
Colleges and professional schools
Charter Schools (public or private)
Parochial Schools

Lodging
Bed & Breakfast
Commercial Lodging (Hotel, Motel, Inn)
Resort

Specific Commercial and Retail Uses
Hardware Stores
Food & Beverage Stores
Boutiques (clothing, accessory, furniture, household items)
Gift Shops
Antique Shops
Liquor Stores
Bookstores
Drugstores/Pharmacy
Garden Centers
Variety Stores
Outfitters Shop & Boater's Supply Store

Animal/Pet Supply

Office Supply

Specific Conditions:

No single building larger than 75,000 sf (building footprint)

Grocery Stores – up to 55,000 sf (building footprint)

All other retail – up to 35,000 sf (building footprint)

Restaurants

Sit Down/Fine Dining Restaurant

Cafes and outdoor dining

Quick Service and Drive-through Restaurants

Specific Conditions: No restaurant larger than 10,000 sf

Office Uses (including corporate headquarter facilities) to include

Corporate Headquarters/R&D Campus

Finance, banks, trusts, savings and lending (NAICS 521, 522, 525)

Security, commodity brokers and investment services (NAICS 523)

Insurance carriers, agents, brokers, and services (NAICS 524)

Real estate services (NAICS 531)

Professional and technical services (NAICS 5411—5419)

Business services (NAICS 55, 5611—5616, 5619, 8139)

Health services (NAICS 621)

Social services (NAICS 624) (except care facilities)

Educational services, such as business schools (NAICS 6114), technological, and trade schools (excluding public and private schools defined as institutional) (NAICS 6115)

Civic and social organizations (NAICS 8132—8134)

Agricultural support and services (offices only) (NAICS 115)

Governmental offices (NAICS 92 excluding public service)

Parking lots (NAICS 81293)

Contractor's office without exterior storage (NAICS 233)

Service Uses to include

Educational services (NAICS 611 except 611512, 61162)

Social assistance (NAICS 624)

Hospitals and medical laboratories (NAICS 339116, 62151, 62211, 62221, 62231), including general medical and surgical hospitals, and specialty hospitals, except alcoholism, drug, rehabilitation.

Kennel service and domestic veterinary clinics (NAICS 11521)

Postal service buildings, except regional distribution centers, couriers and messengers (NAICS 491, 492)

Miscellaneous repair services and shops (NAICS 44311, 8112, 8113, 8114)

Health and exercise clubs; dance studios (NAICS 71394)

Parking lots (NAICS 81293)

Funeral homes (NAICS 81221)

Laundry services (NAICS 8123)

Personal services (NAICS 8121, 8129, except body branding, body piercing and tattoo facilities.)

Transit and ground passenger transportation (NAICS 485).

Specific conditions: May be oriented and accessed from internal streets in addition to Collectors, Major Collectors and Arterials

VEHICLE SALES, RENTALS AND SERVICE, GAS CONVENIENCE MARTS

Boutique automobile dealerships (i.e. Electric Vehicles, Golf Carts, Specialty cars)

Car Rental facility

Quick service oil, tuneup, brake and muffler shops

General auto repair and gasoline service stations with repair bays or facilities

Gas-convenience marts with no repair bays or facilities

Mixed use Developments per BCZDSO Sec. 106-1293 (SEE NOTE RE: Traditional Neighborhood Development)

Boat sales and service – See Outfitters Shop

Specific conditions: limited to Shopfront building type. All storage indoors in rear yard of building lot. No more than 10 vehicles stored on site at any time.

RECREATION & AMUSEMENT

Commercial amusement, indoor

Commercial amusement, outdoor (limited to amphitheater, use of existing arena)

Indoor recreation

Outdoor recreation

Ecotourism

Miniature golf course

Recreational equipment rental

ASSEMBLY/INDUSTRIAL USES

Commercial communication towers

Artisan Assembly/Light industry to include artisan furniture/cabinet assembly, decorative ironwork, boat/canoe craftsman

Hi tech/medical research/other small business Incubator

Environmental Services (composting facility)

STORAGE

Residential storage facility”

Topic: Disposition of Unclaimed Human Remains
Date Submitted: November 9, 2015
Submitted By: Laura Von Harten
Venue: County Council Meeting

Laura Von Harten
240 Cedar Grove Circle | Beaufort, SC 29902
843-597-2134 | lauravonharten@gmail.com

Comments before County Council

Monday, November 9, 2015

Good evening... Mr. Chairman, ladies and gentlemen, I thank you for offering the opportunity to speak before you. My name is Laura Von Harten. I live in the City of Beaufort and I am a former County Council member.

First of all, I am here to correct a misperception. In our local papers yesterday there was an article about the disposition of unclaimed human remains. Our Coroner, the Honorable Ed Allen, was quoted as stating that a council member had implied that bodies should be fed to the sharks. "Oh my! I thought. Who could that be?"

Later in the article there was additional context -- an excerpt from committee meeting minutes in which I had begun to tell the story of my grandmother's being lost at sea. I mentioned the possibility she had been eaten by shark and that her molecules were now in the body of a Cuban. Unfortunately at that moment I was interrupted and another committee member suggested that we discuss the topic later. So no one got to hear the rest of the story and my final points. And I can assure you, the moral of the story was not, "Let's feed bodies to the sharks."

The rest of the story: One day, when I was in my 30s, I went to Philadelphia, the ancestral home of some of my mother's people. In a cemetery there was a marker memorializing the death of my grandmother. One of my great-uncles had very kindly paid for the marker and arranged to have it placed in our family plot. I was overwhelmed by emotion and still sometimes tear up when I think about that moment.

My point was that in order to be meaningful, a marker memorializing a precious human life does not necessarily need to be physically associated with the remains of that person.

At the time my other grave concern -- please pardon the pun -- is that Beaufort County was facing a fiscal crisis.

Tax revenues for FY 2010 were at least \$6 million less than projected. Hiring freezes were implemented across most departments. To top it off, South Carolina reduced our share of State Aid to Subdivisions by over \$1 million dollars. At the time we had no business taking on additional administrative burdens. I believe this is still the case.

I fully support the use of county property in order to spread the remains of people who have remained unclaimed in past decades. I support holding ceremonies when ashes are scattered, provided the services are non-creedal in nature.

However I do not think it is in the county's best interest to launch a county-owned cemetery. We need to focus our limited funding on the needs of the living.

Laura Von Harten
November 9, 2015
Council Meeting

Topic: Penn Center Heritage Days College Fair Event
Date Submitted: November 9, 2015
Submitted By: William Smith
Venue: County Council Meeting



PENN CENTER, INC., NATIONAL HISTORIC LANDMARK DISTRICT

Dear Friends:

The Penn Center Heritage Days Planning Committee would love to fellowship with you during the "**33rd Annual Penn Center Heritage Days Celebration.**" Please join us on Thursday, November 12, 2015 for the opening ceremony at Penn Center at 3 pm. We will then all come together at the "Taste of the Sea Islands" highlighting local Gullah/Geechee cuisine in the cafeteria on campus from 5:00 pm until 8:30 pm.

In order to fully celebrate our theme, "**Sea Island Roots: A Celebration of Reconnection,**" we are also returning to the location where Penn School began its classes, The *Brick Baptist Church*, for our traditional prayer service. This will also be held on Thursday, November 12th, 7:00 pm – 8:00 pm.

We will conclude the opening day with the "Artist of the Year" reception at the *York W. Bailey Museum* after the traditional prayer service. Our honored guest is St. Helena's own, Sandra Renee Smith. Her artwork and posters will be on sale throughout the evening and throughout the entire celebration.

Friday is now "Youth Education and Famlee Fun Day" which will include "De Gullah Roots Village," "Slave Artifacts Exhibition," and "The Lighthouse Theater Puppet Show" at Penn Center. The "Sea Island Scenes Film Festival" and the "Researching Gullah/Geechee Roots Genealogy Symposium" will be FREE at the St. Helena Branch Library. After enjoying all of these festivities, we look forward to the family coming together at the fish fry and other evening activities.

Highway 21 will be closed at 8 am on Saturday morning for the parade and will reopen at the closing of the parade. Dr. Martin Luther King Drive will close at 8 am and will remain closed until 1 pm. Free parking is available before the start of the parade at the Penn Center grounds, the St. Helena Branch Library, and the St. Helena Clinic.

In order to avoid the lines at the gate, advance tickets and VIP Passes can be obtained online by going to www.penncenter.com or you can email Heritage@penncenter.com for additional details.

We truly look forward to you being a part of "**Sea Island Roots: A Celebration of Reconnection!**"

Yours truly,

Dr. Rodell Lawrence
Executive Director

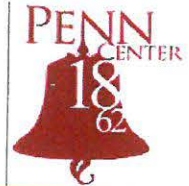
William Smith
November 9, 2015
Council Meeting

Heritage Days Featured Event:
College Fair

Friday, November 13 from 10:00 am- 2:00 pm

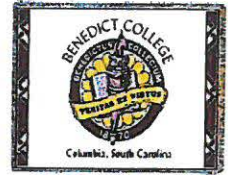
Over 15 colleges will be represented from throughout the southeast. Please encourage your families with middle to high school students to attend. Penn Center will provide school excuse verifications for attendance.

2nd ANNUAL
HERITAGE
COLLEGE FAIR



Friday, November 13, 2015

10 a.m. to 2 p.m. – Frissell Community Center
on the campus of Penn Center, Inc.



Make sure to come and visit all the college representatives!

College Fair Sponsored by
Sea Island Celebrations & More, LLC
843-790-8833

