

**Real Property Committee**  
10:00 a.m., Monday, October 14, 2019  
City Hall  
1207 Palm Boulevard, Isle of Palms, South Carolina

**AGENDA**

1. **Call to order** and acknowledgement that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act.
2. **Approval of previous month's minutes**  
Regular meeting of September 4, 2019
3. **Citizens' Comments**
4. **Comments from Marina Tenants**
5. **Old Business**
  - A. Update on marina items:
    - i. Permitting – marina docks and Tidal Wave Watersports dock
    - ii. Leases – Council action
    - iii. Call for Offers for marina restaurant lease proposals
    - iv. Open items
  - B. Update on Public Safety Building rehabilitation project
  - C. Update on proposed hotel development at 1100 Palm Boulevard
  - D. Discussion of potential projects for Charleston County Greenbelt Program funding
6. **New Business**
  - A. Discussion of beach erosion at Breach Inlet and alternatives to address it
  - B. Update on recommendations from the Planning Commission regarding short term rentals
7. **Miscellaneous Business**  
Next Meeting Date: 9:00 a.m., Wednesday, November 6, 2019 in City Hall
8. **Executive Session – If needed**  
Upon returning to open session, the Committee may take action on matters discussed in Executive Session
9. **Adjournment**

**REAL PROPERTY COMMITTEE**  
**9:00am, Wednesday, September 18, 2019**  
**City Hall Council Chambers**  
**1207 Palm Boulevard, Isle of Palms, SC**

**MINUTES**

**1. Call to order**

Present: Council Member Bell (Chair), Council Member Ferencz, Council Member Ward

Staff Present: Administrator Fragoso, Director Kerr

**2. Approval of Previous Meeting's Minutes**

**MOTION: Council Member Ferencz made a motion to approve the minutes of the July 3, 2019 meeting, and Council Member Ward seconded the motion. The minutes passed unanimously.**

**3. Citizens' Comments – none**

**4. Comments from Marina Tenants – none**

**5. Old Business**

**A. Status of marina docks rehabilitation project and permitting process**

Mr. Kirby Marshall reported the regulatory permits for the project have been submitted to the Army Corps of Engineers and OCRM. No public comments have been received at this point. He said the permitting process is moving along smoothly and the design process is ongoing.

**B. Status of the Tidal Wave Watersports dock permitting process**

Mr. Marshall reported that the request for variance to leave the dock as it is has been verbally denied by the Corps. However, the move that needs to be made is one involving only carpentry work. He said they have worked a deal with the Corps "to transfer the existing permit for that dock into the City's name, apply for an amendment of permit to permit the dock in its current configuration but pulled back a few feet to get it out of the channel and to include the new future ADA gangway." No public notice will be required. He noted the OCRM process for this project is "stickier." OCRM has suggested the City apply for "an amendment to the existing permit just to pull the dock back" and not include the new gangway, which enables the City to move forward with pulling the dock back. The gangway will be addressed with OCRM after the dock has been pulled back. Administrator Fragoso pointed out that dealing with both State and Federal agencies may make this a longer process and does not expect it to be completed before Christmas.

**MOTION: Council Member Bell made a motion to suspend the rules of order and move Item D under New Business to this point in the meeting as it involved Mr.**

**Marshall. Council Member Ferencz seconded the motion. The motion passed unanimously.**

**6. D. Consideration of proposal from S&ME, Inc. in the amount of \$32,925 for the geotechnical investigation for the Isle of Palms Marina dock replacement project [FY20 Budget: Marina Fund - \$147,000]**

Administrator Fragoso stated City Staff and ATM evaluated the proposals received for this project and would like to make a recommendation for S&ME to go forward with the geotechnical investigation. Council Member Ferencz pointed out to Mr. Marshall that the incorrect picture was used in the proposal. He agreed, but noted the boring locations are still the same.

**MOTION: Council Member Bell made a motion to approve the recommendation, and Council Member Ferencz second the motion. The motion passed unanimously.**

**C. Status of Public Safety Building rehabilitation project**

Administrator Fragoso said drawings are in the final stages and all is going according to plan minus the two-week delay caused by Hurricane Dorian. She will have more updated information for City Council next week.

**D. Update on marina restaurant RFP process from Jon Chalfie of Lee & Associates**

Administrator Fragoso reported that the three proposals received were opened on August 30. She suggested a meeting on September 26 with City Council and all the bidders so they may give complete presentations of their proposals. When asked why more people did not bid on the project, Mr. Chalfie said there is a lot of money at stake and this sort of investment is “not for the faint of heart.” Council Member Bell expressed the need to move quickly on the process of getting full Council and public input. The need for an RFP that includes all of the marina site was briefly discussed. Mr. Chalfie reported he has begun creating financial models so the Committee can do lease comparisons and projections from those who answered the RFP.

**E. Status of Request for Information for municipal parking lot alternate uses**

Administrator Fragoso reported she will begin working on an RFI to get ideas for the parking lot. She noted there are restrictions and covenants on the lot that will require the site to continue to provide public parking for beach access no matter what is done with the property.

**6. New Business**

**A. Discussion of proposed development at 1100 Palm Boulevard**

A lengthy discussion between Committee members, City staff, builder, and the property owner ensued about the possibility of a boutique hotel at 1100 Palm Boulevard. Administrator Fragoso pointed out that a project such as this would require a definition of “boutique hotel” and a zoning change to make this an allowable use within the zoning district. She noted this is a unique opportunity for economic development on the island. A considerable part of the

conversation was spent discussing the parking requirements for the facility and what options for parking may or may not exist that will accommodate what is required of the builders and owner. Director Kerr and Council Member Ward stated that the first and biggest question that needed to be answered is if City Council would be willing to change the zoning to allow for the development. Administrator Fragoso pointed out that changing the zoning in this area from GC1 to GC3 will actually restrict similar development on other parts of the island. She also said parking options could be discussed in more depth on a staff level. Discussion also ensued about the timeline for approving the project and if that could be done before year's end. Council Member Ferencz said it would be vital to get the proper information out to educate the public on this development.

**B. Consideration of Ordinance 2019-17 – An ordinance to provide clarity to the rules of procedure during public meetings**

Administrator Fragoso stated this ordinance was developed at the request of the Mayor, passed First Reading at the August City Council meeting, and has been referred back to the Committee for changes and recommendation. Council Member Bell suggested a clearer definition of "Citizen's Comments." Administrator Fragoso reported the City Attorney said who addresses City Council should not be limited. After several concerns and options were discussed, Committee members agreed that Citizen's Comments should be limited to those items on that meeting's agenda. Council Member Ward indicated he would recommend an amendment to the ordinance reflecting their recommendation.

**C. Discussion of potential projects for Charleston County Greenbelt Funding Program**

Administrator Fragoso reported that the available greenbelt monies allocated for the City comes to \$103,613. She said staff will begin working on a list of project ideas which will be presented to the Committee next month for consideration. The deadline for project submission is at the end of February.

**7. Miscellaneous Business**

The next Committee meeting will be Wednesday, October 2, 2019 at 9:00am in Council Chambers.

**8. Executive Session – none needed**

**9. Adjournment**

Council Member Ferencz made a motion to adjourn and Council Member Ward seconded the motion. The meeting was adjourned at 10:40am.

Respectfully submitted,

Nicole DeNeane  
City Clerk















# CITY OF ISLE OF PALMS

South Carolina



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DEPARTMENT OF BUILDING, PLANNING AND LICENSING

## MEMORANDUM

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TO: Desirée Fragoso, City Administrator

FROM: Douglas Kerr, Director of Building and Planning *ADK*

RE: hotel approval action items for Real Property on September 4<sup>th</sup>, 2019

DATE: August 30, 2019

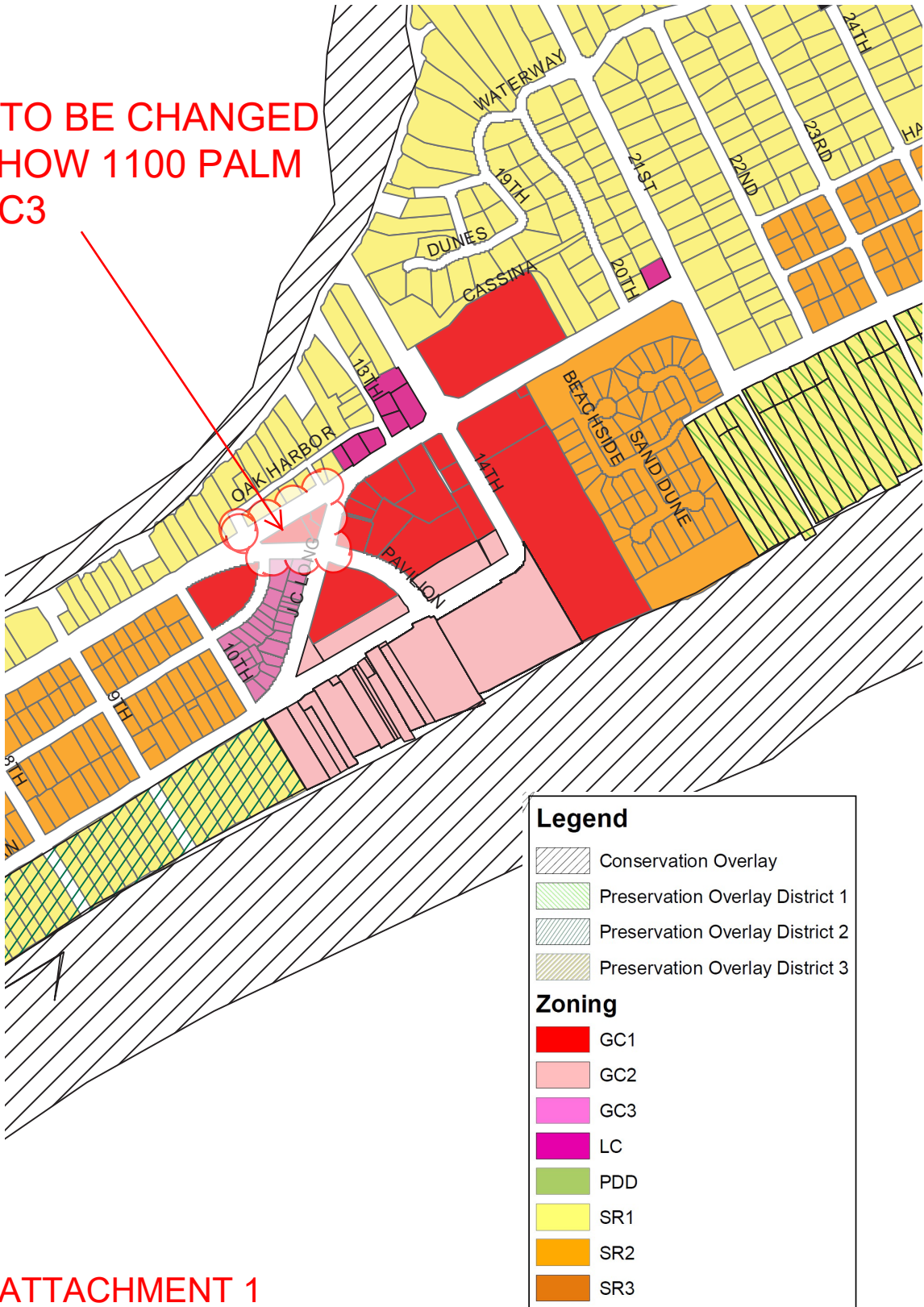
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At July's Council meeting, it was agreed to send the request to allow a boutique hotel at 1100 Palm Boulevard through various committees for consideration. The Real Property Committee should discuss and consider the following action items at their next meeting on September 4<sup>th</sup>, 2019.

1. Rezone 1100 Palm Boulevard from GC1 to GC3 (see attachment 1- requires Planning Commission recommendation, public hearing and two readings);
2. Provide a definition for boutique hotels and amend the table of permitted uses to allow boutique hotels in GC3 (see attachments 2 and 3- require Planning Commission recommendation, public hearing and two readings);
3. A resolution to allow the construction of on street, public parking spaces on Pavilion Drive that would be on a City right-of-way and open to the public, but be allowed to count towards meeting the minimum parking requirement pursuant to Sections 3-1-60 and 5-4-113 (h) (see attachments 4,5 and 6; requires approval by Council);
4. A lease, enacted by ordinance, from the City to allow construction of parking spaces on two City-owned parcels to be used and counted towards meeting the minimum parking requirement pursuant to the joint use parking provisions of Section 5-4-115 (see attachments 4, 7 and 8; Council must decide whether this lease is to be subject to the request for proposals method per Sec. 1-10-18(b)- ordinance will require two readings by Council)
5. Legal research to determine if the joint use parking language would require that the City create a covenant agreement to relinquish all development rights over the properties to be leased.



MAP TO BE CHANGED  
TO SHOW 1100 PALM  
AS GC3



ATTACHMENT 1



Sec. 5-4-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (5) *Boutique Hotel* means a building, or portions thereof, which contains a maximum of 25 units intended to provide sleeping accommodations for transient guests. A "boutique hotel" is generally intended to provide unique settings with upscale accommodations to tourists and guests; while also providing additional amenities such as meals prepared onsite, meeting rooms, banquet halls and recreation facilities.
- (124) *Dwelling* means a building or portion of a building used, arranged or designed to provide private human residential occupancy, excluding mobile homes and manufactured homes.
- a. *Dwelling, single-family*, means a detached dwelling designed for or occupied exclusively by one (1) family unit, and containing only one (1) kitchen.
  - b. *Dwelling, two-family*, means a detached or semi-detached building designed for or occupied exclusively by two (2) family units living independently of each other.
  - c. *Dwelling, group*, means a building or portion of a building occupied or intended for occupancy by several family units, but in which separate cooking facilities are not provided. The term "group dwelling" includes roominghouses, fraternity houses and sorority houses, but excludes hotels, motels or tourist homes.
  - d. *Dwelling, multifamily, apartment house or residential condominium*, means a dwelling other than a single-family dwelling, two-family dwelling, or group dwelling.
- (132) *Eating place, fast food*, means a business primarily engaged in the sale of ready-to-consume food or beverages for on or off-premises consumption. An eating place or restaurant shall be deemed a fast food eating place if:
- (1) It has a seating capacity of less than twenty (20) persons for service of meals;
  - (2) Most food items are already prepared or packaged before the customer places an order; and
  - (3) Food and beverages are served primarily with disposable containers and tableware.
- The term "fast food eating place" excludes retail grocery stores, convenience stores, delicatessens, or other businesses selling food or beverages as an accessory use or for off-premises preparation and consumption.
- (143) *Eating place, restaurant*, means a business primarily engaged in the preparation and sale of food to customers for on-premises consumption and having seating capacity for at least twenty (20) persons, including, but not limited to, cafes, lunch counters, cafeterias, eating and drinking establishments, or similar businesses, but excludes a fast food eating place or a drinking place. Any carryout service must be clearly subordinate to the principal business of serving prepared foods for on-premises consumption.
- (154) *Family unit* means one (1) person, or two (2) or more persons related by blood or marriage living together; or a group of not more than four persons, not related by blood or marriage but living together.
- (1622) *Hotel* means a building, or portions thereof, which contains multiple units intended to provide sleeping accommodations for transient guests. The term "hotel" also includes motel, tourist home, motor lodge, inn, bed and breakfast, tourist court and auto court. The following criteria shall be used to distinguish between a hotel and a multifamily dwelling:



- a. If any units have individual kitchen facilities, the building is deemed to be a multifamily dwelling.
- b. Temporary habitation by transient guests normally involves durations of less than ninety (90) days. If a majority of the facility's occupants reside for more than ninety (90) consecutive days, the facility is deemed to be a multifamily dwelling.

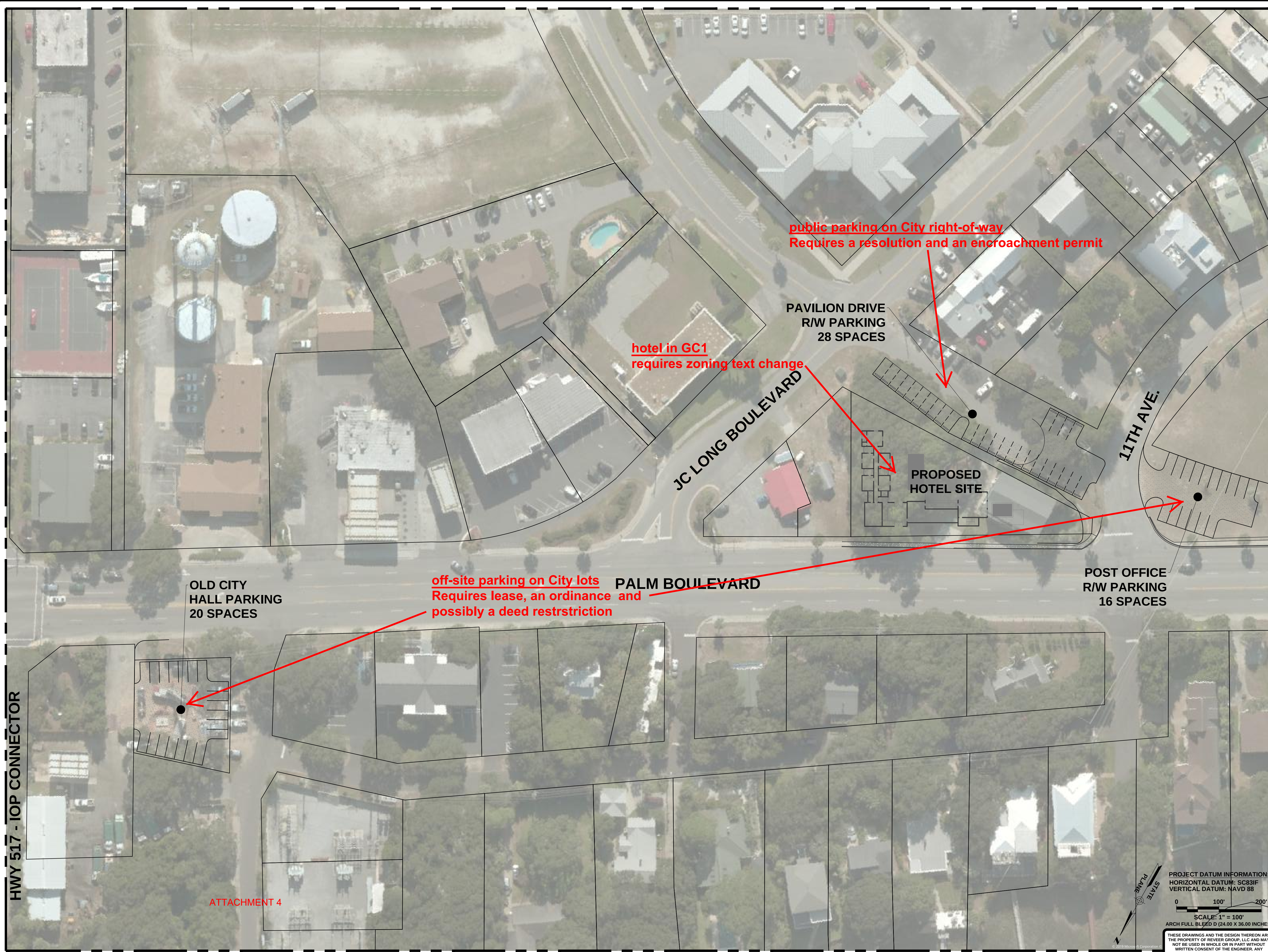
(Code 1994, § 5-4-2; Ord. No. 1999-14, § 1, 6-22-1999; Ord. No. 2002-6, § 1, 6-25-2002; Ord. 2002-13, §§ 1—3, 10-22-2002; Ord. No. 2002-17, § 1, 11-26-2002; Ord. No. 2002-19, § 1, 2-28-2003; Ord. No. 2007-12, § 1, 7-24-2007; Ord. No. 2013-08, § 1, 7-23-2013; Ord. No. 2013-10, § 1, 11-19-2013; Ord. No. 2015-06, § 1, 6-23-2015; Ord. No. 2018-13, § 1, 8-28-2018)



592	Liquor stores		x	x	x
593	Used merchandise stores		x	x	x
594	Miscellaneous shopping goods stores		x	x	x
5961	Mail order houses		x	x	x
5962	Automatic merchandising machine operators		x	x	x
598	Fuel and ice dealers		x		x
5992	Florists		x	x	x
5993	Tobacco stores and stands		x	x	x
5994	News dealers and stands		x	x	x
5995	Optical goods stores		x	x	x
5996	Bait and tackle stores		x		x
5999	Miscellaneous retail stores (section 5-4-38(2))		x	x	x
60	Banking, financial and investment services		x	x	x
62	Security and commodity brokers, dealers, exchanges and services	x	x	x	x
63	Insurance carriers	x	x	x	
64	Insurance agents, brokers and service	x	x	x	x
65	Real estate sales, rental or development		x	x	x
67	Holding and other investment offices		x	x	x
7011	Boutique hotels				x
7211	Power laundries		x	x	x



S:\100100.00\_Direct Project Marketing - Documents\04 PrivDev\000 Misc\Summary-1100 Palm Blvd\1100 Palm Blvd-Exhibit-20190603-Hotel Site Layout-Exhibit-For Owner.dwg, 6/3/2019, JESSICAMYERS



REVEER GROUP, LLC  
No. 5324  
SOUTH CAROLINA  
CERTIFICATE OF AUTHORIZATION

REVEER GROUP, LLC  
No. 5324  
SOUTH CAROLINA  
CERTIFICATE OF AUTHORIZATION

PROJECT OWNER:  
**HLM LEGACY, LLC**

PROJECT TITLE:  
**1100 PALM BOULEVARD**

PROJECT LOCATION:  
CITY OF ISLE OF PALMS

PROJECT NUMBER:  
**100100.00**

**1100 PALM BOULEVARD**

**OVERALL PARKING EXHIBIT**

ORIGINAL SUBMISSION:	
NO.	DATE
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

DRAWN BY:  
JSM

APPROVED BY:  
JRR

DATE:  
6/3/2019

**FOR REVIEW ONLY**

PROJECT DATUM INFORMATION:  
HORIZONTAL DATUM: SC83IF  
VERTICAL DATUM: NAVD 88

SCALE: 1" = 100'  
ARCH FULL BLEED D (24.00 X 36.00 INCHES)

THESE DRAWINGS AND THE DESIGN THEREON ARE THE PROPERTY OF REVEER GROUP, LLC AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT OF THE ENGINEER. ANY INFRINGEMENT WILL BE SUBJECT TO LEGAL ACTION.



**Sec. 3-1-60. - Permit required.**

It shall be unlawful for any person to construct any improvements upon or perform any excavation on any City or County right-of-way without first obtaining an encroachment permit for same as provided in this article.

(Ord. No. 2006-9, § 1(3-1-60), 8-22-2006)

**Sec. 3-1-61. - Application.**

- (a) A person seeking an encroachment permit shall file an application with the Building Official on a form provided by the Building Official.
- (b) The application shall be made on such form and shall contain such requirements and conditions as are approved by City Council by resolution from time to time.
- (c) For private driveway encroachment permit applications, a nonrefundable application fee of \$250.00 shall be paid by the applicant with the filing of the application to defray the costs to the City in processing the application.
- (d) General encroachment permits shall be issued annually by the Building Official to public and private utility companies to allow for connections to existing utility lines or conduits for service extensions or to perform maintenance or repairs to existing lines or conduits. Provided, however, that any such work extending along a line or conduit for fifty feet (50') or longer shall require a specific encroachment permit for the work.

(Ord. No. 2006-9, § 1(3-1-61), 8-22-2006)

**Sec. 3-1-62. - Standards for issuance.**

The Building Official shall issue general and specific encroachment permits as provided for in this article if, after consideration of the application and such other information deemed by the Building Official to be reasonable and reliable, the Building Official finds that:

- (a) The issuance of the permit will not substantially interfere with the safe and orderly movement of pedestrian and vehicular traffic;
- (b) Installation of the improvements requested in the application is not reasonably likely to cause injury to persons or property;
- (c) Reasonable access to adjacent properties is maintained; and
- (d) Proof of financial responsibility for the construction of the improvements reasonably deemed by the Building Official to be sufficient is provided.

(Ord. No. 2006-9, § 1(3-1-62), 8-22-2006)



Sec. 5-4-113. - Application of parking requirements.

- (a) Location of off-street parking areas. Except as provided in section 5-4-113(h) and section 5-4-115, all parking spaces required herein shall be located on the same lot with the principal building or use or uses served.
- (b) *Mixed uses.* Where more than one (1) principal or accessory use, whether with the same or different parking requirements, occupy the same building or premises or in the case of joint use of a building or premises, by more than one (1) use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- (c) *Change in use, alteration of use, or extension of use.* Off-street parking spaces shall be provided in accordance with these regulations whenever a building or use is changed, altered, or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise.
- (d) *Requirements for uses not specifically listed.* The parking space requirements for a use not specifically listed in section 5-4-112 shall be the same as for a listed use of similar characteristics of parking demand, as determined by the Zoning Administrator.
- (e) *Compilation of total employment.* Except as otherwise provided, the number of employees shall be determined based on the maximum number of employees at the premises at any one time on an average day or average night, whichever number is greater. Seasonal variations in employment may be considered in determining an average day.
- (f) *Fractional computation.* Where fractional spaces result, the parking spaces required shall be construed to be the next higher whole number.
- (g) *Requirements for GC-2 district.* Notwithstanding any other provision of this chapter to the contrary, off-street parking is permitted within the GC-2 district on any lot which contains at least one hundred twenty feet (120') of frontage on a public street. Any automobile parking pursuant to this section shall comply with the provisions of section 5-4-12(n) and (o). There shall be no off-street parking permitted for any lot within the GC-2 district which contains less than one hundred twenty feet (120') of frontage on a public street.
- (h) *Parking spaces in public right-of-way in commercial districts.* Notwithstanding any other provision of this chapter to the contrary, the calculation of the number of parking spaces required in the commercial districts pursuant to section 5-4-112 may include any parking spaces in the public right-of-way that are located on the same side of the street and contiguous to the lot with the principal building or use or uses served.

(Code 1994, § 5-4-113; Ord. No. 2015-11, § 3, 9-29-2015)

## ATTACHMENT 6

Sec. 5-4-115. - Joint use of off-street parking areas.

Two (2) or more principal uses may utilize a common area in order to comply with off-street parking requirements, provided that the total number of individual parking spaces available in such common area is not less than the sum of the parking spaces required for the individual uses as separately computed in accordance with the provisions of this section, and provided that where such space is not located on the same lot as the principal use or uses, the owner of such space relinquishes through a covenant agreement with the City his development rights over the property until such time as parking space is provided elsewhere or on the same premises as the principal use.

(Code 1994, § 5-4-115)



Sec. 1-10-18. - Real property transactions.

(a) The following rules shall apply to the purchase and sale of City-owned real property:

- (1) The City shall sell, contract to sell, acquire by purchase, exchange or gift, real property only upon approval of City Council. At least one (1) appraisal by a certified appraiser shall be received.
- (2) A public hearing may be held at the discretion of City Council, after reasonable public notice, prior to final Council action being taken to sell or contract to sell real property owned by the City. Sale of real property may not occur until approval of an ordinance upon second reading.
- (3) Subject to paragraph (5) below, the sale or other disposal of real property owned by the City shall be made pursuant to the request for proposals method.
- (4) Notwithstanding paragraph (1) above, the exchange of real property is to be permitted only after appraisal of both properties by two (2) certified appraisers, unless both the parties agree in writing to accept the appraisal results of one (1) certified appraiser.
- (5) City Council shall retain the authority to determine an appropriate alternative method for offering any City-owned real property for sale.

(b) The following rules shall apply to the lease of real property by the City:

- (1) Subject to paragraph (3) below, the City shall contract to lease or sublease real property, or contract to lease real property owned by the City, only upon approval of City Council.
- (2) The request for proposals method may be used for the lease of real property owned by the City if City Council determines it is in the best interests of the City; provided, however, that renewals or amendments of existing leases shall not be subject to the request for proposals method.
- (3) A public hearing may be held at the discretion of City Council, after reasonable public notice, prior to final Council action being taken to contract to lease real property owned by the City. Lease of City-owned real property may not occur until approval of an ordinance upon second reading.

(Ord. No. 2017-01, § 1, 2-28-2017)



## Charleston County Greenbelt Program Rural and Urban Grants Programs

### Application Instructions

Charleston County's Comprehensive Greenbelt Plan provides guidance for spending the greenbelt portion of the Transportation Sales Tax. The purpose of Urban and Rural Grants Programs is to distribute the greenbelt portion of the Transportation Sales Tax proceeds in an equitable manner for the conservation of greenspace throughout Charleston County. The plan assigns the Greenbelt Advisory Board (GAB) with the responsibility of administering both the Urban and Rural Grants Programs.

The instructions below should be adhered to in the completion of an application. Questions regarding the application process should be directed to Cathy L. Ruff, Greenbelt Programs Director at 843-202-7204 or [cruff@charlestoncounty.org](mailto:cruff@charlestoncounty.org).

#### I. Application Period

Applications for both the Rural and Urban Grants Programs may be submitted beginning Wednesday, November 7, 2018 and must be received by end of business on Thursday, February 2019. Applications will not be accepted after the deadline.

#### II. On-Line Application Submission

Applications **must** be submitted on-line. In order to access the on-line application, applicants must complete the Notice of Intent Form found on the Greenbelt website [greenbelt.charlestoncounty.org](http://greenbelt.charlestoncounty.org). The completed, signed form must be submitted via email to [cruff@charlestoncounty.org](mailto:cruff@charlestoncounty.org). Once your Notice of Intent Form is received, you will be emailed access to the on-line application form.

In addition to the on-line application, applicants must submit two paper copies of the full application packet via mail or in person to the following address:

Charleston County Greenbelt Programs  
Attn: Cathy L. Ruff  
4045 Bridge View Drive, Suite B238  
North Charleston, SC 29405

**Applications missing information or any of the required attachments may be deemed incomplete and deferred until the next funding cycle.**

#### III. Pre-Application Meetings

Pre-application meetings are **not** mandatory for the application process. However, if you should desire to meet regarding your project, or if you need technical assistance, please contact Cathy L. Ruff at 843-202-7204 or [cruff@charlestoncounty.org](mailto:cruff@charlestoncounty.org).

#### IV. Funds Available

Currently, \$12 million is available for rural projects. A total of \$8 million is available for urban projects.



## V. Rural/Urban Area Definition

Projects funded with Rural Program monies must occur in the Rural Area of Charleston County defined by the County's Comprehensive Plan as the municipalities and unincorporated areas that are located outside the Charleston County Urban Suburban Growth Boundary. These areas include the West St. Andrews area in West Ashley, Wadmalaw Island, Edisto Island, the St. Pauls area, Hollywood, Meggett, Ravenel, Rockville, Awendaw, McClellanville and portions of Johns Island, West Ashley and East Cooper.

Urban areas of Charleston County are defined by the Comprehensive Greenbelt Plan as the municipalities and unincorporated areas that are located within the Charleston County Urban Suburban Growth boundary, as defined within the Charleston County Comprehensive Plan.

The municipalities and unincorporated lands within this boundary include:

City of Charleston	Town of Mount Pleasant
City of Folly Beach	City of North Charleston
City of Isle of Palms	Town of Seabrook Island
Town of James Island	Town of Sullivan's Island
Town of Kiawah Island	Town of Summerville
Town of Lincolnville	Unincorporated

## VI. Urban Allocation of Funds

The urban allocation will be divided among the municipalities and unincorporated areas defined below, according to the population of each (per the 2010 U.S. Census\*). Unincorporated areas that are located within the Urban Area will apply for grant funding through the Urban Grants Program. All unincorporated areas will be considered as a single land area and their total population used to determine the amount of their allocation.

Below is a table of the allocation of urban funds:

2018 Funds on Hand Urban Allocation			
Municipality	Population (U.S. Census 2010)	Percent of Population	Urban Allocation
Charleston	120,083	37.63%	\$ 3,010,457
Folly Beach	2,617	0.82%	\$ 65,608
Isle of Palms	4,133	1.30%	\$ 103,613
James Island*	11,034	3.46%	\$ 276,620
Kiawah Island	1,626	0.51%	\$ 40,764
Lincolnville	1,139	0.36%	\$ 28,555
Mt. Pleasant	67,843	21.26%	\$ 1,700,811
N. Charleston	78,201	24.51%	\$ 1,960,484
Seabrook Island	1,714	0.54%	\$ 42,970
Sullivan's Island	1,791	0.56%	\$ 44,900
Summerville	998	0.31%	\$ 25,020
Unincorporated	27,930	8.75%	\$ 700,200
<b>Total</b>	<b>319,109</b>	<b>100%</b>	<b>\$ 8,000,000</b>

\*The Town of James Island was not incorporated in 2010. 2013 population data from the Berkeley Charleston Dorchester Council of Governments is used to determine the town's allocation.

## VII. Eligible Greenbelt Fund Recipients

Eligible Greenbelt Fund Recipient definition: Charleston County or a municipality in Charleston County; any agency, commission, or instrumentality of the County or municipality within Charleston

County; a not-for-profit charitable corporation or trust authorized to do business in this State and organized and operated for natural resource conservation, land conservation, or historic preservation purposes, and having tax-exempt status as a public charity under the Internal Revenue Code of 1986, and having the power to acquire, hold, and maintain interests in land for these purposes; an agency or instrumentality of the United States Government; and any other entities as may be approved at the discretion of County Council on a case-by-case basis.

#### **VIII. Allowable Costs**

In accordance with the Charleston County Comprehensive Greenbelt Plan, Charleston County will operate a rural grants program to promote rural land conservation, wetlands protection, historic and cultural preservation, parkland acquisition, greenway and trail acquisition, and waterway access acquisition. Except for the minor improvements stated below, rural funds can be used for the acquisition of land and/or purchase of development rights on property within the rural area.

Urban grants are to be used primarily for land conservation through acquisition or purchase of development rights on property within the urban area. However, some grant funds can be used to support the development of related minor improvements that in essence provide for public access and use of conservation lands.

Minor improvements that may be funded with Greenbelt funds will be limited to: boardwalks, foot bridges, unpaved trails, unpaved roadways, and unpaved small parking areas. The cost of these improvements must be included in the budget portion of the application form.

Beach municipalities (Folly Beach, Isle of Palms, Kiawah Island, Seabrook Island and Sullivan's Island) may submit applications to use their urban allocations to place allowable minor improvements on land they currently own. The municipality would have to agree to place the land under the same covenants and restrictions as all other lands protected with greenbelt funds. **The applications for minor improvements are limited to the beach communities listed above.**

In addition to the allowable minor improvements, funds from the Greenbelt Program may be used for administrative costs and expenses that are customary and reasonable to the acquisition of property.

#### **IX. Disallowable Costs**

Items that will **NOT** be funded with Greenbelt monies include, but are not limited to design fees, projects with **NO** endorsement from the appropriate municipality, and any other improvements outside the allowable minor improvements listed above. These other improvements may be included in a particular project but cannot be funded with Greenbelt proceeds.

#### **X. Applicant and Landowner Disclosures**

The application requests information from both the applicant and landowner. The applicant and landowner shall complete all information on the appropriate form. The landowner must sign the landowner disclosure form.

#### **XI. Program Requirements**

Rural Greenbelt Lands include "Resource Management Areas" that generally encompass undeveloped lands used for timber production, wildlife habitat, recreational and commercial fishing, and limited agriculture. According to the Charleston County Comprehensive Plan, rural areas also encompass significant acreage of fresh, brackish, and saltwater tidal marshes, as well as important habitat for non-game and endangered species. Typical uses for Rural Greenbelt Lands include rural parks, cultural/historic sites, productive lands, and water access.



Urban Greenbelt Lands contain the greatest population density and intensity of development, as well as the greatest concentration of jobs and economic activity. Conservation of greenspace for various uses will be crucial in offsetting the negative impacts of increased density. Typical uses for urban greenbelt lands include urban parks, cultural/historic sites, reclaimed greenspace, greenway corridors and water access.

- A. An Eligible Greenbelt Fund Recipient independently or in conjunction with the landowner may apply for a grant from the Greenbelt Fund to acquire an interest in land identified in its application. Within five business days of the applicant's submittal to the Greenbelt Bank, the **applicant** must notify in writing any adjacent landowners and other property owners within 300 feet of the proposed parcel of the applicant's submittal to participate in the Greenbelt program. Contiguous landowners and other interested parties may submit in writing to the board their views in support of or in opposition to the application. Based on a review of these submissions, or in any instance where the board determines the public interest so requires, it may hold a public hearing on the application at which the Eligible Greenbelt Fund Recipient, contiguous landowners, and other interested parties may be heard.
- B. Before an award to disburse greenbelt funds for the purchase of any interest in land, the Eligible Greenbelt Fund Recipient receiving the funds must notify the owner of the land, that is the subject of the Greenbelt Fund grant, of the following in writing:
  - 1. that interests in land purchased with greenbelt funds result in a permanent conveyance of such interests in land from the landowner to the Eligible Greenbelt Fund Recipient or its assigns; and
  - 2. that it may be in the landowner's interest to retain independent legal counsel, perform appraisals, create surveys, and seek other professional advice; and
  - 3. the application must contain an affirmation that the notice requirement of this subsection has been met.
- C. Urban municipalities may submit applications for projects within their jurisdiction. The projects will be funded in accordance with the municipality's allocation based on population (see above). Conservation organizations and other entities meeting the definition of an Eligible Greenbelt Fund Recipient may apply for funding within an urban municipality ONLY if the project is endorsed by the appropriate municipality. A resolution from the municipality endorsing the project and authorizing the application to the Urban Program must be attached to the completed application form. The resolution must explain the municipality's rationale for endorsing the specific project.
- D. All interests in lands acquired with Greenbelt Funds must be held by the Eligible Greenbelt Fund Recipient approved by the board to acquire the interest in land; except that an interest in land obtained with Greenbelt funds may be assigned from one Eligible Greenbelt Fund Recipient to another upon approval of all members of the Greenbelt Advisory Board by majority vote.
- E. Except as provided above, no interest in land acquired by an Eligible Greenbelt Fund Recipient with Greenbelt funds may be extinguished, sold, transferred, assigned, alienated, or converted to a purpose or use other than that set forth in the grant award, without securing a:
  - 1. majority vote of all members of the Greenbelt Advisory Board, following a finding of fact that the land no longer exhibits the characteristic that qualified it for acquisition with funds from the Greenbelt fund; and
  - 2. majority vote of all members of Charleston County Council.

- F. If any interests in lands, that have been acquired by an Eligible Greenbelt Fund Recipient with Greenbelt funds, are extinguished, sold, transferred, assigned, alienated, or converted pursuant to the above stipulations, the Eligible Greenbelt Fund Recipient extinguishing, selling, transferring, assigning, alienating, or converting the interests in land shall replace them with interests in land of substantially equal current fair market value, with any deficit being made up by contribution (cash or in-kind at the discretion of the board) to the Greenbelt fund. The replacement land must also exhibit characteristics that meet the criteria of this ordinance. The Greenbelt Advisory Board must verify that suitable replacement interests in lands have been identified and will be obtained before authorizing that any interest in land purchased with monies from the Greenbelt fund be extinguished, sold, transferred, assigned, alienated, or converted.
- G. Interests in land acquired with Greenbelt Funds must be managed and maintained in order to perpetuate the conservation, natural, historical, cultural, open space, and recreational uses or values for which they were originally acquired. Uses which are adverse to the original purposes for which the interests in land were acquired with Greenbelt funds are not permitted without securing a:
  - 1. majority vote of all members of the Greenbelt Advisory Board, following a finding of fact that the use is one that furthers the original purpose of the Greenbelt Plan; and
  - 2. majority vote of all the members of the Charleston County Council.
- H. Funds from the Greenbelt Program may not be used to acquire interests in lands or other interests in real property through the exercise of any power of eminent domain or condemnation proceeding that is contrary to the wishes of the landowner.

## **XII. Evaluating Applications**

The Greenbelt Advisory Board (GAB) has assembled a subcommittee to evaluate applications for both the Rural and Urban Programs. The subcommittee will review the applications using the program criteria and present findings to the full Greenbelt Advisory Board. In addition, each application will be reviewed for completeness and to ensure all required attachments are included. **Applications missing information or any of the required attachments may be deemed incomplete and deferred until the next funding cycle.** Based on the availability of funding and application scores, projects will be recommended to Charleston County Council for funding. Any application with a score under 50 may be deferred.

## **XIII. Award of Urban Grants**

Once applications are approved, grant agreements that outline the terms and conditions will be developed between the County and appropriate parties.

## **XIV. Distribution of Funds to Grant Recipients**

Upon completion of a project that has met all of the funding requirements, reimbursement in the specified grant amount will be provided to the applicant at the time of closing, when the property is acquired and the deed is recorded.

## **XV. Evaluation of Awarded Grants**

At least annually, County Greenbelt staff will conduct monitoring visits of Greenbelt properties to ensure compliance with all Greenbelt deed restrictions and program requirements.

**NOTE:** Charleston County and the Greenbelt Advisory Board(GAB) reserve the right to request additional information not included in the application or instructions. Additional appraisals, surveys, environmental assessments, etc. may be requested by Charleston County and/or the GAB. These Application Instructions may be revised or updated to correct errors, for clarification, and to reflect the GAB's and Charleston County's policies, conditions or requirements for Greenbelt Grants, or for other reasons that the GAB and Charleston County believes will best accomplish the mission of the Comprehensive Greenbelt Plan.